

PECATONICA RAIL TRANSIT COMMISSION

20 S Court Street • PO Box 262 • Platteville, Wisconsin 53818
 MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

1:00 PM • Friday, October 25, 2013 • Green Co. Courthouse, 2nd Floor Courtroom, 1016 16th Ave • Monroe, WI

1. 1:05 PM **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, PRTC Administrator*

Commissioners present for all or part of the meeting:

| Commissioner | | | Position | Present | Commissioner | | | Position | Present |
|--------------|-----------------|--|-----------|---------|--------------|--------------------|--|-------------------------------|---------|
| Green | Harvey W. Kubly | | Chair | x | Iowa | Charles Anderson | | Secretary | x |
| | Oscar Olson | | | x | | William G. Ladewig | | | Excused |
| | Ron Wolter | | Treasurer | x | | Philip Mrozinski | | | x |
| Lafayette | Leon Wolfe | | | x | Rock | Ben Coopman | | Alternate | |
| | Patrick Shea | | | Excused | | Wayne Gustina | | | Excused |
| | Gerald Heimann | | Alternate | | | Alan Sweeney | | 1st Vice Chair | Excused |
| | Ted Wiegel | | | | | Terry Thomas | | 2 nd Vice Chair | x |

Commission achieved quorum.

Other present for all or some of the meeting:

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| <ul style="list-style-type: none"> • Mary Penn, SWWRPC • Ken Lucht, WSOR • Troy Maggied, SWWRPC • David Pantzlaff, Ayres Associates • | <ul style="list-style-type: none"> • Eileen Brownlee, Kramer & Brownlee • Frank Huntington, Kim Tollers, WDOT • Jeff Wunschel, Green Co Hwy |
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3. Action Item. **Certification of Meeting's Public Notice** – *Noticed by Penn*
 - *Motion to approve notice of public meeting – Mrozinski/Thomas, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - *Motion to approve agenda – Olson/Wolfe, Passed Unanimously*
5. Action Item. **Approval of July 2013 meeting minutes** – *Prepared by Penn*
 - *Motion to approve July 2013 meeting minutes – Thomas/Olson, Passed Unanimously*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
 No public comments.
7. Updates. **Correspondence & Communications** – *Discussion may be limited by the Chair*
 No correspondence to report.

REPORTS & COMMISSION BUSINESS**8. PRTC Financial Report – Ron Wolter, SCWRTC Treasurer**

- October Treasurer's Report and Payment of Bills

Ron Wolter gave the financial report including revenue and bills paid in the past quarter. Oscar Olson asked about CD renewal and how it increased the value of the CD.

Bills included

- o SWWRPC Q3, 2013 - \$1,038.65
- o Johnson Block – \$1100.00
- o WSOR bridge F-84 - \$123,000.00

- *Motion to approve Treasurer's Report – Anderson/Wolfe, Passed Unanimously*
- *Motion to pay bills – Wolfe/Anderson, Passed Unanimously*

Olson asked whether the \$123,000.00 bill was the PRTC's contribution and Ken Lucht explained the match of the \$123,000.00 and confirmed that the Commission had paid it in full. In response to Wolter, Lucht confirmed that this was for all seven bridges.

9. WSOR Operation's Report – Ken Lucht, WSOR

- Update on Maintenance Activities
- Update on Capital Projects
- Report of Business Development
- Other Continuing Issues/Topics

Ken Lucht spoke about the maintenance of the line since July, including ties, also noting WSOR had run the detector car on the line. He said WSOR was now looking at vendors for brushing and spraying maintenance, saying that WSOR was working on their maintenance budget and it looked to be aggressive as opposed to the last few years, particularly on the Madison and Prairie subdivisions due to higher traffic, an increase of 10% in this year's budget.

In capital projects, WSOR was continuing to invest in bridges. Lucht said one had been completed and three had been awarded with another three being completed within the next year.

In Business Development, Lucht said sand had picked up dramatically on the Prairie sub with unit trains of grain (100 cars or more) also moving out of Avalon thru Janesville. He said lumber is picking up and plastics are moving well. From a revenue standpoint WSOR will be maintaining the status quo.

10. WisDOT Report – Staff may include Frank Huntingdon, Kim Tollers, Roger Larson

Frank Huntington said there was a lot of activity going on at WDOT, noting that with the budget adopted in July it had been approved at \$52M and while it was not what was requested it was a good increase from the past biennium. He said there were a number of projects going on including bridges (25 system wide) with most in the WSOR area as well as the NE corner of the state. Huntington said there was a pending application from WSOR for 65 bridges. He said that last February was the application deadline for the current budget and several projects had been put on hold until the Reedsburg acquisition was completed. He said progress was good but there was still work to do, including negotiating the price of the acquisition and once terms were agreed on it had to go to the Surface Transportation Board. Hopefully the acquisition would be done by the end of 2014.

In other projects there were some priority projects including the opening of the rail line between Madison and Oregon for the Lycon plant which would be under the WRRTC. He said that WSOR would be operating that line and hopefully

the work would get done by this spring. In another project, Huntington spoke of was the passing track of 8000' near Janesville, giving WSOR the ability to consolidate trains going to Chicago and to manage and maneuver cars.

In other projects, Huntington said there was work on the line between Janesville and the State line and this should begin next year. He also spoke of a project in the City of Baraboo for the City. There were other smaller projects as well but their priority would need to wait until the acquisition of the Reedsburg line from UP was completed.

In other parts of the state he said there are a couple of projects including service of a 1 mile line in Marinette for ship building; he said there were projects going on all over the state and WDOT was very busy.

11. Tri-County Trail Commission Report – Leon Wolfe

Leon Wolfe said the TCTC met the night before and discussed some flood damage that had occurred on the trail. He said that the WDNR had been prepared to approve \$24,000.00 but in fact approved about \$65,000.00. He said there was still work to be done but that the trail would be in pretty good shape.

Wolfe said that he had only three copies of the ATV survey left but they could be downloaded online. He said the trail was getting ready for winter, with brushing and grooming in progress and should be in good shape for the season. Harvey Kubly asked about the funding and Wolfe said he believed about 75% was from FEMA, 12.5% from Lafayette County, and 12.5% from TCTC.

In response to a question from Philip Mrozinski about the economic impact of the trail county-by-county, Wolfe said he did not believe it had been broken down to that level. He thought that it could be broken down like that but it had not been done in the study; he acknowledged it would be good information to know.

12. PRTC Administrator's Report –Mary Penn, PRTC Admin.

Mary Penn told the Commission she had completed the mailing of the final lease of Brewery Creek and asked Wolter to let her know when the lease check for same had been received. She then distributed the 2014 meeting dates to the Commission, reminding them that their second meeting was in May. Kubly reminded the Commission that that was to accommodate county elections and that the upcoming year would have them.

13. Discussion, commendations, and possible action, concerning Resolution to honor retiring Ben Meighan, WSOR – Harvey Kubly, Chair

Kubly spoke about Ben Meighan and his service to rail and Ken Lucht said that Ben had been one of the original 18 employees of WSOR, adding that Ben had worked for the Rock Island line before he went to WSOR and had brought tremendous value to railroads to the state. He said it had been Ben's idea to put welded rail on the PRTC sub. Lucht said that Ben was currently using his vacation, not working, and he said that Ben knew he was being recognized and said Ben had apologized for not being at the meeting and if the Commission wanted to recognize him he was very grateful. Kubly read a Resolution to the Commission honoring Ben Meighan's service.

- *Motion to approve Resolution honoring retiring Ben Meighan of WSOR- Thomas/Mrozinski, Passed Unanimously*

Charles Anderson volunteered to bring the Resolution to the November 2013 meeting and then he could present them both to Ben Meighan but Penn pointed out she could do that since she needed to frame them before presentation.

13. Discussion and Update regarding Patterson Road bridge – Jeff Wunschel, Green Co. Highway Dept., Kim Johnson – K. Johnson Engineers

Jeff Wunschel introduced himself and reminded the Commission of the last time they met in January and explained that Dave Pantzlaff of Ayeres Engineering would be presenting the work to date. Pantzlaff said this was an update on the

project and said there was a draft agreement that had been started. He explained the limits of the project and using a large map, showed the Commission the layout of the situation and explained that the bridge would be removed. He said the roadway would now be above trail grade which would require giving the trail a slight grade up, over the road, and down the other side. He said overall the design limit was about 1100'. He also showed a line drawing showing additional property along with the overlapping ROW's and pointed out a section that would need to be widened beyond the 66' and would be jointly owned. He said there would be a temporary easement in order to meet the needs of these overlaps and said the deadline was August of next year with a construction time of 2 to 2.5 months. Given the nature of the rock at the crossing, it was most likely that construction would be done in 2015. He said they would try to avoid Memorial Day, 4th of July, and Labor Day but the contract could be specific enough to allow traffic during holidays. Pantzlaff said their preferred construction time was early 2014. Wunschel said the contractor probably would not start until fall of 2014 and he asked the Commission if they thought the trail would be useable if it were covered with crushed rock during the winter. Wolfe said ATVs used the trail more than snowmobiles and Wunschel said users would have to run on gravel in the winter. Mrozinski asked if holding off would add to the cost of the project. Pantzlaff said there would be a December public information about the project. Wolfe asked about field access and would that possibly be a future roadway. Pantzlaff said that the project would not preclude a developer doing that but it would be dependent on the Town too. Wunschel said a developer would have to purchase a bit more of the ROW to get enough room. Wolter then asked about the drainage and Pantzlaff showed the line drawing, saying that drainage would move the general way it does now, to the east, but there would be some drainage towards the trail. He said the trail itself might dictate how or if there would be additional ditches. Overall, drainage would be pretty much in the same direction.

Wolfe said that October was about the 4th heaviest use time based on the survey and said starting in November would be preferable but Wunschel said that was not practical from a construction point. There was more discussion about the merits of doing the work in November. Pantzlaff said that perhaps spring of 2015 was the time to start and asked for confirmation of the busiest holiday. There was more discussion about the impact of construction during the summer and the summer holidays and Wunschel said it was inevitable there would be some downtime. Wolfe said they would need to get notification for the dates on when this would happen so the trail could be marked and users notified. There was more discussion about scheduling and how the contract might be modified to allow for certain dates. Wolfe explained that in Lafayette County each town would have to be notified with notification of a project like this; he reported that at the TCTC meeting last night used an approach of trying to develop access even with the construction. Pantzlaff said it sounded like October would need to be avoided but Wolfe said that if there were an alternate route set up they could get going in October. Pantzlaff said that at the December meeting they could ask for input.

Pantzlaff confirmed that Penn would be his contact to the PRTC and left copies of the draft agreement with the Commission and gave copies to Eileen Brownlee for her review. He asked for comments on the draft agreement by December. He said this was not a Section 4-F property, that is, recreational property, and because it might become a railroad in the future he said they might ask for a verification in the future on this as it related to environmental impacts. Huntington said that at this point neither WSOR nor WDOT had anything to contribute at this point and the Commission was the sole owner. Huntington said technically it was an active railroad and Kubly said the bottom line it was corridor for railroads.

14. Discussion and Possible Action regarding Five Corners bridge – Jeff Wunschel, Green Co. Highway Dept., Kim Johnson – K. Johnson Engineers

Wunschel reminded the Commission of the issue last talked about in January and their funding request for same. Brownlee said she had been asked if the Commission was allowed to use their resources for a project like this and the answer was yes. Wunschel said the design was nearing completion. Kim Johnson said Jewel was working on this project and primarily they had been going through alternatives solutions to the problem and found that the most cost effective solution to addressing the problem was a new bridge is the way to go. They type of bridge and how to pay for same was also being examined. Wunschel said they were looking at 2015 for beginning construction and asked that the Commission pay half of the local share which would be \$180,000.00. Kubly said that with the total local share of \$180,000.00 Wunschel was asking for \$90,000.00 with the other half split between the counties and the two towns the

bridge lies in. Wolter asked if the two townships would pay the local share. Wunschel said the typical share is ½ county, ½ town and therefore the towns would each pay 10% and the county the other 10%. The current price of replacement was \$900,000.00 with \$720,000 from the federal bridge fund. Wunschel asked that the PRTC pay half of the local share with the other half paid for by the towns with the understanding that in the future the towns would pay for the maintenance. Kubly asked why the Commission was being asked to pay so much and Wunschel said there had been some past history of other bridges over local roads. Johnson explained that this was a first for this RTC. Huntington elaborated on the issue and said that there are some other examples in the state of a situation like this. He said there were situations where railroad bridges were handling road traffic, most needed replacement and that they could be covered by the federal bridge replacement program. Huntington said they had not yet accomplished it yet but they were working to getting them done. He said the advantage to getting the bridge replaced would be to fix the problem and by paying it would get the PRTC and the railroad out of having to pay for bridge maintenance, and the communities would get a new bridge and the towns would pay to the maintenance in future. Kubly asked for confirmation as to whether possibly WSOR would be willing to contribute some of the local match. Huntington would not commit for WSOR but said that currently the railroad was responsible for the maintenance but since it was not used for railroad traffic it was not a railroad maintenance priority. Kubly asked Brownlee if it were allowable for the PRTC to contribute to this request and she said there was no legal obligation to contribute a specific amount, but that there was some advantage to the Commission in the project moving forward. Wolter asked about the two towns contributing and the breakdown. Mrozinski asked why was the RPTC being asked the "lions share" of the local contribution and Johnson said that in the past the owner and the railroad was the same entity. Lucht confirmed this and said that WSOR understood the benefit to this bridge replacement. He said in the past the railroad had been asked to pay the local match and agreed that doing this work was to the public benefit. He also agreed that the railroad would be released from their responsibility but would want that all stake holders contribute equally. Wolter brought up the question of the county contribution and Kubly said that only Green County's contribution was coming to the PRTC. He said he sensed that the PRTC was interested in contributing but suggested that it be a more equitable share. Wunschel said he understood and wanted to keep the ball moving and could get together again when the final design was done by Jewel. Kubly said the PRTC's primary source of funding was from the counties and it was tax payer money. Olson asked if the money already contributed to the WSOR had been paid for this bridge and Lucht said no, money had already been appropriated for railroad bridges, not those for highway traffic. Wunschel confirmed that an at grade rail crossing was not desirable and said all the alternatives were being looked at and they could have firmer numbers in time. Johnson said if the bridge went out it would lead to a 4-mi detour. Lucht asked Johnson about the sufficiency rating who said it was 19.9 and the ADT was not terribly high at 330. Lucht asked when applying for the federal money did the application consider the benefits. Johnson said that the ADT of this road was a major town road and said at grade was considerably more than a new bridge and therefore it was not a benefit/cost analysis but they were continuing to look at all alternatives.

15. Discussion and Possible Action regarding revised language to the PRTC/WSOR/WisDOT Grant and Operating Agreements – Frank Huntington, WDOT

Upon distribution of the draft language, Huntington explained the background on the issue and reminded the Commission that with WATCO the new owner of WSOR this was an effort to address some problems associated with reporting requirements. He said that there had been a number of substantial changes particularly as they related to the liability insurance. He noted that with WATCO the amounts were higher. He went through the document and noted that the changes in the dollars amount was due to WATCO's needs for greater insurance and therefore larger dollar amounts. Huntington said that in order to examine the financial stability of the railroad, the new language established a \$10M line of credit to cover the self-insured retention and there was also language that stated that if the line of credit was drawn down they would require a Letter of Credit for at least \$3M. He said that this gave them a reasonable amount of protection and also gave the railroad more protection in their financial reporting. Huntington continued to go through the draft language, pointing out changes and explaining them. He said they were not expecting action today but that this introduced the document to the Commission and they would like this to be on the agenda in future in order to have an action. Huntington said that this new agreement would allow the Commission and WDOT to review WSOR's financial records yet not reveal their financial situation to the public record. Brownlee said this was a work in progress and had been in progress for over a year. She said that this was getting close to a resolution and Huntington reminded

the Commission that in the acquisition of the Reedsburg line they were trying to get all the agreement language to be consistent for all the Commissions.

16. Consideration and Possible Action on 2014 PRTC draft Budget – Mary Penn, PRTC Admin.

Penn distributed the draft budget, noting that the draft budget included in the meeting packet had had an incorrect amount for the SWWRPC contract. She distributed the updated draft budget and explained the budget to the Commission.

- *Motion to approve 2014 draft PRTC budget – Wolter/Olson, Passed Unanimously*

17. Consideration and Possible Action on 2012 draft PRTC Audit with Johnson Block – Mary Penn, PRTC Admin.

Penn distributed the draft audit and explained that there were no recommendations other than that the Commission was so small there was a risk of mismanagement. Kubly pointed out that for some reason the SCWRPC Treasurer is bonded but the PRTC Treasurer was not. Penn asked if the Commission would want to discuss this at the January meeting and there was general agreement. Brownlee pointed out that the Charter required a bond. There was discussion about the history of the PRTC Treasurer and why there might never have been a bond.

- *Motion to approve the 2012 draft audit – Mrozinski/Wolfe, Passed Unanimously*

18. Consideration and Possible Action on 2014 Staff Services Agreement with SWWRPC – Mary Penn, PRTC Admin.

Penn gave Kubly the staff service agreement for 2014 and told him the amount noted from the budget needed to be panned in by him.

- *Motion to approve the 2014 staff services agreement with SWWRPC – Olson/Wolter, Passed Unanimously*

19. Action Item - Adjournment

- *Motion to adjourn at 2:47 PM – Wolfe/Thomas, Passed Unanimously*

DRAFT