Minutes of the East Wisconsin Counties Railroad Consortium Meeting of March 11, 2015

East Wisconsin Counties Railroad Consortium Meeting was called to order by Chairman Rick Gundrum on March 11, 2015, at 10:00 a.m., at the Columbia County Highway and Transportation Building, located at 303 Old Highway 16 West, Wyocena, Wisconsin.

Certification Of Public Notice: John F. Corey certified that the notice of this meeting complies with all applicable requirements of Wisconsin's open meetings law.

Roll call was taken.

Present: Kenneth Hutler and James E. Foley, Columbia County; Russell Kottke and Harold Johnson, Dodge County; Joseph Koch and Karen Madigan, Fond du Lac County; Rich Slate, Green Lake County; Thomas E. Winker, Ozaukee County; Richard Bemis and Mark Winkel, Sheboygan County; Rick Gundrum, Washington County; and Joel Rasmussen, Winnebago County.

Excused: Vicki Bernhagen, Green Lake County; Steve F. Taylor and Khalif Rainey, Milwaukee County; Donald Dohrwardt, Ozaukee County; Daniel Goetz, Washington County; and Ron Hardy, Winnebago County.

Others Present: Ken Lucht, WSOR; Marty Morin, WisDOT Bureau of Railroads and Harbors; Don Pohlman, Mayor for the City of Plymouth; Jerry Letcher, Spectator; Lisa Strahota, Badger Mining Corporation; Vern Gove, Columbia County Board Chairman; John F. Corey, Dodge County Corporation Counsel; and Kelly L. Lepple, Recording Secretary.

Public Comment: Columbia County Board Chairman, Vern Gove, welcomed everyone to Columbia County.

Approval of Minutes of November 5, 2014: Motion by Winkel/Hutler to approve the minutes of the November 5, 2014 meeting, as presented. Motion carried by unanimous vote.

Financial Report: Russell Kottke reported the following: The balance in the checkbook as of October 31, 2014, was \$1,000. Deposits were \$130,201.21. There were no expenditures. Transfers were \$5,201.21. As of February 28, 2015, the balance in the checkbook was \$126,000. Total EWCRC money on deposit in the Local Government Investment Pool as of February 28, 2015, is \$633,165.16. Motion by Bemis/Rasmussen to approve the Financial Report. Motion carried by unanimous vote.

Consider, discuss, approve, and authorize payment of invoice of Dodge County for services provided by the Dodge County Finance Department in 2014: There was consideration of and discussion about the statement for services that was presented for payment from Dodge County, in the amount of \$575, for services provided by the Dodge County Finance Director and staff, in recordkeeping, accounting assistance, and in preparing the EWCRC Annual Financial Report for 2014. Motion by Winkel/Winker to approve payment of this invoice and to authorize and direct the Office of Dodge County Corporation Counsel to send payment to Dodge County, in the amount of

\$575, for services provided by the Dodge County Finance Director and staff, in recordkeeping, accounting assistance, and in preparing the EWCRC Annual Financial Report for 2014. Motion carried by unanimous vote.

Consider, discuss, approve, and authorize payment of invoice of Dodge County for services provided by the Dodge County Corporation Counsel Office in 2014: There was consideration of and discussion about the statement for services that was presented for payment from Dodge County, in the amount of \$5,466.30, for services provided by the Dodge County Corporation Counsel and staff in 2014. John Corey reviewed and explained the invoice. Motion by Bemis/Slate to approve payment of this invoice and to authorize and direct the Office of Dodge County Corporation Counsel to send payment to Dodge County, in the amount of \$5,466.30, for services provided by the Dodge County Corporation Counsel and staff in 2014. Motion carried by unanimous vote.

Consider, discuss, and take action to send invoice to Winnebago County for its 2014 member county contribution: John Corey reported that Winnebago County paid its 2015 member county contribution but its 2014 member county contribution remains unpaid. Joel Rasmussen stated that the Winnebago County Executive has stated that he will not send Winnebago County's 2014 member county contribution to the EWCRC until such time as WSOR will work with Winnebago County to move a loading station used by WSOR and Oshkosh Truck to load motor vehicles onto railcars, from its current location in a residential district, to an industrial park in the City of Oshkosh. Joel Rasmussen further stated that Winnebago County's 2014 member county contribution of \$25,000 has been carried over by Winnebago County, and the County Executive has stated that he will contribute Winnebago County's 2014 member county contribution to the EWCRC when the loading station issues have been resolved. Ken Lucht stated that it will cost over \$2 million to relocate the loading station to the industrial park. Ken Lucht further stated that the City of Oshkosh is pursuing the option of applying for a T-Grant to help pay the costs to relocate the loading station to the industrial park, and that WSOR has made some operational changes with the result that WSOR is no longer loading trucks after 10:00 p.m. It was the consensus of the EWCRC to send an invoice to Winnebago County for its 2014 member county contribution.

Consider, discuss, and take action on Report of WisDOT, Bureau of Railroads and Harbors: Marty Morin reported that: The funding level for the Freight Railroad Preservation Program (FRPP) for the 2015-2017 biennial State Budget has been reduced to \$43 million, which is down from the \$52 million funding level for the 2013-2015 biennium. The Bureau of Railroads and Harbors usually receives approximately \$20 million in bonding authority per biennium but will likely receive no bonding authority in the 2015-2017 biennium. WisDOT is concerned about a lobby group that wants to change the FRPP from a fixed-asset type program to a rolling stock manufacturing and purchase program, wherein funds to pay for facilities to manufacture rail cars and to purchase rail cars will come from the FRPP budget, and WisDOT is opposed to this potential change to the FRPP. The name of this lobby group is Wisconsin Manufacturers & Commerce. WisDOT does not want to use FRPP money for the manufacturing and purchase of rail cars.

Consider, discuss, and take action to approve WSOR mainline relocation project in Cambria, Wisconsin: There was consideration of and discussion about the proposed WSOR mainline relocation project in Cambria, Wisconsin. This major project is in the planning stages. The purpose of this project is to better address the service needs and safety of WSOR's customers in Cambria. Section 8.4 — New Improved Property, of the Operating Agreement By and Between the EWCRC and WSOR, requires that WSOR seek approval from the EWCRC before WSOR can start building any

new improved property within the railroad right-of-way. Ken Lucht provided to all members of the EWCRC, a handout outlining Section 8.4 – New Improved Property, and a colored map which depicts various rail lines that are involved in the relocation project. Ken Lucht stated that Seneca Foods is located on the north side of the tracks and Didion Milling is located on the south side of the tracks. For the past two years, WSOR has had some capacity issues at this location. After WSOR delivers rail cars onto an industry track, WSOR leaves the location to which the rail cars were delivered. Then, the customers, themselves, maneuver and move the cars on their track and within the confines of their property. Both of these customers want to expand and want to grow, but they are landlocked. WSOR travels into this area from the east to drop off rail cars for both of these companies, and then WSOR leaves the area, and over the past couple of years, WSOR has leased track, in conformity with WSOR's operating agreement, to both of these companies, and one of the companies, just to the south, has leased a track from WSOR and the company has been doing very well, and the company has been accommodating their needs in a safe and efficient manner.

The Federal Bureau of Administration has contacted WSOR and stated that WSOR needs to do a long-term project in order for these customers to continue switching by themselves within the confines of their own facilities. WSOR has developed a long-term plan which also meets the needs of the Federal Railroad Administration. This long-term plan also meets the needs of both of WSOR's customers in this area. This plan calls for the installation of about 5,000 feet of new track, all of which will be located within the confines of the railroad right-of-way and will not require any type of acquisition. The project will not require any type of public grants. The customers will be paying for the costs of the implementation of this plan. WSOR will be sharing in those costs and Ken Lucht believes that the customers will pursue a loan through the State of Wisconsin Freight Railroad Infrastructure Improvement Program. There will be no public assistance related to this project.

WSOR's existing mainline will be converted into an old mainline that will be leased to Didion Milling for use within the confines of Didion Milling's facilities. This allows WSOR to travel to this area, drop off rail cars to Didion Milling, and also drop off rail cars for loading at Seneca Foods, and for WSOR not to interrupt any type of work that is being done at Didion Milling or Seneca Foods. This also allows Didion Milling to do the work that Didion Milling needs to do in a safe and efficient manner on a daily basis and to meet its customers' needs. The existing track will be shifted, to make sure that WSOR has a clear mainline, free of any type of obstructions, and Seneca Foods and Didion Milling will not have access to WSOR's mainline, and that is what the Federal Railroad Administration requires.

Points to take into consideration are that this planned relocation project will not increase business, it will not increase the frequency of switching, it enables both of WSOR's customers and WSOR to do what they need to do, respectively, without running into conflict with each other, and it preserves WSOR's mainline. According to the Federal Railroad Administration guidelines, industries cannot come onto the mainlines and perform switching or other work, because in the event that they do so, they are considered railroad companies, and are subject to many regulations. Currently WSOR is switching in the Village of Cambria every day and WSOR is performing three switches per week for free, just to meet the needs of WSOR's customers. It is a hardship for WSOR's customers to pay more for the service, so WSOR committed that, until this relocation project is completed, WSOR will give them three switches for free per week, and WSOR has been doing that since November of 2014. According to Section 8.4 – New Improved Property, of the Operating Agreement by and Between the EWCRC and WSOR, WSOR is required to seek approval from WisDOT. All the specifications for this project will meet WisDOT's specifications as

far as ties and quality and size of rail and of switches. This project will cost approximately \$700,000. Motion by Winker/Johnson to approve the WSOR mainline relocation project in Cambria, Wisconsin, contingent on WisDOT approval. Motion carried by unanimous vote. It was the consensus of the EWCRC to direct WSOR to fully inform all affected local governments about this mainline relocation project, and to keep all units of local government fully informed as the project progresses, until completion.

Consider, discuss, and take action on report of WSOR: Ken Lucht made the following report: Wisconsin Transportation Secretary Mark Gotlieb submitted his budget request to the Governor which included \$60 million for the Freight Railroad Preservation Program (FRPP) for the 2015-2017 Biennial State Budget. WSOR is very surprised that the Governor cut the current budget of \$52 million to \$43 million. This reduction amounts to a 30% decrease in the bonding authority for the FRPP, compared to the previous two State Budgets. WSOR found out that this \$43 million is not new bonding authority. It is unused bonding authority. So, basically, the Wisconsin State Legislators are shifting bonding authority from one program to the FRPP. WSOR has also learned that the FRPP was projected to be zero funded, but the legislators found this other \$43 million of unused bonding authority. WSOR supports the \$43 million budget amount. WSOR asks for support from the EWCRC in writing a letter to the Governor and to all members of the Wisconsin Legislature whose constituents reside in the EWCRC region, and to the Joint Committee on Finance, endorsing the \$43 million for the FRPP. Motion by Hutler/Koch to direct WSOR to work with the Office of Dodge County Corporation Counsel to draft a letter for the approval and signature of Chairman Gundrum, and to send to Governor Scott Walker, all members of the Wisconsin Legislature whose constituents reside in the EWCRC region, and to the Joint Committee on Finance, supporting the \$43 million appropriation for the Freight Rail Preservation Program, and to authorize and direct the Office of Dodge County Corporation Counsel to send the letter immediately after it has been approved and signed by Chairman Gundrum. Motion carried by unanimous vote.

The second part of WSOR's legislative agenda is to request the legislature to change the current law that prohibits the operator of a railroad from performing any part of a public railroad project that will cost more than \$25,000, to allow the operator of a railroad to perform any and all parts of a public railroad project that will cost more than \$25,000.

The third part is railroad crossing improvement funding. The Governor proposes that the levels of funding remain the same as they are in the current budget, approximately \$3.5 million of federal funding, and approximately \$2 million of state funding. WSOR has 4,000 at grade public crossings throughout the State of Wisconsin and every year the Office of Commissioner of Railroads investigates certain crossings, looks at train speed, looks at vehicular speeds, looks at commodities, looks at different safety issues, then, if a recommendation is made that instead of a stop sign, lights and gates be installed at the crossing, then this railroad crossing improvement fund will help pay for the purchase and installation of lights and gates.

WSOR is opposed to the Governor's proposal to reduce the staffing of the Office of the Commissioner of Railroads. The Office of the Commissioner of Railroads currently has 2 vacant positions. These positions have not been filled because of restraints exerted by the Legislature. The Office of the Commissioner of Railroads is funded by railroads. There are no taxpayer dollars that are used to fund the wages, salaries, or travel expenses for this agency. WSOR wants these vacant positions filled so that the Office of the Commissioner of Railroads can continue to reduce the backlog of public projects that are necessary to maintain safety at all of WSOR's crossings.

WSOR was awarded the Jake award. A Jake award is issued by the American Short Line and Regional Railroad Association, which is based in Washington, D.C., and the Jake award is presented to railroads which perform safely and end the year with a reportable injury frequency ratio below the national average. The national average for the reportable injury frequency ratio is 2.55, and WSOR came in below that average.

Ken Lucht made an oral report regarding FRPP funds that have been awarded to WSOR. Approximately \$7.1 million of FRPP funds that WSOR has received will be spent in the EWCRC area. \$2.1 million of that amount is for bridges on the Oshkosh Subdivision, specifically, two bridges in Fisk, in Winnebago County, two bridges near Ripon, in Fond du Lac County, and two bridges in Burnett, in Dodge County. WSOR will solicit bids for all of these bridge projects within the next 30 days. WSOR received official word from the Wisconsin Department of Administration that the bonding authority for the Markesan Subdivision rehabilitation project in Green Lake County will be approved. WSOR has solicited bids for this project. The Markesan Subdivision rehabilitation project is an approximately \$5 million rehabilitation project which will entail the removal of 7 miles of 75-pound jointed rail and its replacement with 7 miles of 115-pound continuous welded rail, the removal and replacement of 3,800 ties, the surfacing of the entire Subdivision by dumping 200 tons of ballast per mile, the upgrade of 6 switches to 115-pound continuous welded rail, and the reconstruction of 4 at grade road crossings.

WSOR has hired a contractor for the Sheboygan Falls to Plymouth rebuild project. WSOR is planning for a groundbreaking ceremony to take place in the next couple of weeks.

Date, time, and place of next meeting (May 13, 2015): The next regular EWCRC meeting will be held on May 13, 2015, at 10:00 a.m. Dodge County will host the meeting.

Motion by Winkel/Rasmussen to adjourn. Motion carried by unanimous vote.

Meeting adjourned at 11:09 a.m.

Respectfully submitted,	
Joseph W. Koch, Secretary	

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

EAST WISCONSIN COUNTIES RAILROAD CONSORTIUM FUNDS ON DEPOSIT AS OF JUNE 30, 2015

PREPARED FOR THE JULY 8, 2015 EWCRC MEETING LANDMARK CREDIT UNION – JUNEAU

CHECKING ACCOUNT

CHECKING ACCOUNT		
Date/Activity	Total Amount Of Income/ Expenditures/ Transfers	Balance
Balance as of February 28, 2015		\$ 126,000.00
		4 120,000,00
<u>DEPOSITS</u> :		
March 9, 2015 – Milwaukee and Washington County 2015 EWCRC Member County Contribution (\$25,000 from each county).	\$50,000.00	
March 19, 2015 – Green Lake County 2015 EWCRC Member County Contribution.	\$25,000.00	
March 19, 2015 – Transfer of Money from LGIP Investment Account to EWCRC Checking Account. (Payment of Invoice from Dodge County Finance Department for Services Rendered in 2014)	\$ 575.00	
March 19, 2015 – Transfer of Money from Interest Bearing Investment Account to EWCRC Checking Account. (Payment of Invoice from Dodge County Corporation Counsel Department for Services Rendered in 2014)	\$ 5,466.30	
May 11, 2015 – Sheboygan County 2015 EWCRC Member County Contribution and WSOR 2015 2 nd Quarter Rent	\$30,201.21	
TOTAL DEPOSITS	•••••	\$ 111,242.51
EXPENDITURES:		
March 19, 2015 – Invoice of Dodge County Finance Department for services in recordkeeping, account assistance in 2014 (Check No. 1130).	\$ 575.00	
March 19, 2015 – Invoice of Dodge County for Services Provided by the Corporation Counsel Office in 2014 (Check No. 1131).	\$ 5,466.30	
TOTAL EXPENDITURES	***************************************	\$ 6,041.30
TRANSFERS TO LOCAL GOVERNMENT INVESTMENT POOL:		
March 11, 2015 – Dodge, Ozaukee, and Columbia County 2015 EWCRC Member County Contributions (Check No. 1127)	\$ 75,000.00	

East Wisconsin Counties Railroad Consortium

Funds On Deposit – Landmark Credit Union – Juneau As of June 30, 2015 – Prepared for July 8, 2015 EWCRC Meeting Page 2 of 2

March 11, 2015 - Winnebago, Fond du Lac, Washington, and	\$100,000.00
Milwaukee County 2015 EWCRC Member County	
Contributions (Check No. 1128)	

March 19, 2015 – Green Lake County 2015 EWCRC Member \$ 25,000.00 County Contribution (Check No. 1129).

May 11, 2015 – Sheboygan County 2015 EWCRC Member County Contribution and WSOR 2015 2nd Quarter Rent (Check No. 1132)

\$30,201.21

TOTAL TRANSFERS	***************************************	\$	230,201.21
1 C III II	***************************************	~	

June 30, 2015 – BALANCE IN CHECKBOOK \$ 1,000.00

TOTAL EWCRC MONEY ON DEPOSIT IN LOCAL GOVERNMENT INVESTMENT POOL

\$781,638.53

(as of June 30, 2015)



EAST WISCONSIN COUNTIES RAILROAD CONSORTIUM

127 East Oak Street, Juneau, WI 53039-1329 Telephone: (920) 386-3592 – Fax: (920) 386-3596 John F. Corey
Dodge County Corporation Counsel
for Fast Wisconsin Counties Boileand Consortium

Attorney for East Wisconsin Counties Railroad Consortium

April 1, 2015

BOARD OF DIRECTORS

Columbia County: Kenneth Hutler James E. Foley

Dodge County: Russell Kottke, Treasurer Harold J. Johnson

Fond du Lac County: Joseph Koch, Secretary Karen Madigan

Green Lake County: Vicki Bernhagen Rich Slate

Milwaukee County: Steve F. Taylor Khalif Rainey

Ozaukee County: Thomas E. Winker Donald Dohrwardt

Sheboygan County: Richard Bemis Mark Winkel, Vice Chairman

Washington County: Rick Gundrum, Chairman Daniel Goetz

Winnebago County: Ron Hardy Joel Rasmussen Secretary Mark Gottlieb Wisconsin Department of Transportation 4802 Sheboygan Avenue Madison, WI 53707-7910

RE: SUPPORT \$43 Million Appropriation for Freight Rail Preservation Program (FRPP)

Dear Secretary Gottlieb:

Since 1980, the East Wisconsin Counties Railroad Consortium (EWCRC) has been actively involved in preservation and enhancement of freight railroad corridors throughout our state and within our communities. EWCRC's long standing partnership with the Wisconsin Department of Transportation and its nine member counties have resulted in a stronger freight rail system that strives to meet the continuing needs of our industrial and manufacturing economies.

The Freight Railroad Preservation Program (FRPP) is a catalyst for economic development opportunities at our local levels. Without this program, there would be widespread "disinvestment" in our rail corridors as many local projects would not be funded. I truly thank you for your on-going support for this tremendously successful program as we continue to attract commerce into Wisconsin.

At our March 11, 2015 meeting, our board was presented with Governor Walker's recommended funding of \$43 Million for FRPP. According to a recent study — "Economic Impact Study of the Publicly-Owned Railroad System in Wisconsin", as conducted by the University of Wisconsin-Extension, nearly 200 rail-dependent businesses employ more than 34,000 people across the state-owned rail system. The study also found these businesses generate approximately \$1.76 Billion in labor income and \$2.9 Billion in total income annually in order to keep their businesses functioning. More importantly, these rail-dependent businesses generate an additional \$290 Million in state and local government revenues each and every year.

At our March 11, 2015 meeting, the EWCRC Board gave its unanimous support of the recommended \$43 Million appropriation for the Freight Railroad Preservation Program (FRPP).

The EWCRC asks that you consider the real benefits of this program and support the \$43 Million appropriation for FRPP.

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Rick Gundram, Chairman

East Wisconsin Counties Railroad Consortium

RG:kl

cc: Wisconsin Governor Scott Walker Wisconsin Legislative Delegation

Members of the Joint Committee on Finance

Corey, John

From: Ken Lucht <klucht@watcocompanies.com>

Sent: Monday, June 15, 2015 7:51 AM

To: Donald Dohrwardt; Joel Rasmussen - Winnebago Co.; Corey, John; Johnson, Harold;

Karen Madigan - Fond du Lac Co.; Lepple, Kelly; Ken Hutler; Khalif Rainey; Kottke, Russell; Rick Gundrum; Ron Hardy - Winnebago Co.; Steve Taylor; Alan Sweeney; Ben Coopman; Charles Anderson; Mary Penn; Patrick Shea; Philip Mrozinski; Ron Wolter; Ted

Wiegel; Terry Thomas; Wayne Gustina; William G. Ladewig; Alan Anderson; Dick Whitehurst; Doug Rockett; elmer.j.ellis@rrd.com; Erik Johnson; Jenny Erickson; Marty Krueger; Richard Goddard; Tracey Taggart; Virgil Kasper; Augie Tietz; Carol Held; Christopher James; Dennis Polivka; Dick Mace; Gary Ranum; Gene Gray; Jack Demby; Jerry Grant; Jim Haefs-Flemming; John Miller; Karl Nilson; Laura Payne; Mo Hansen;

Richard Kuhnke; Rocky Rocksvold; Tom Cornford; Vern Lewison

Subject:

State Budget Deliberations FINAL Report Deller.pdf

Attachments:

Hello Everyone,

<u>Please contact your legislator today</u> and ask them to support the Governor's Recommendation of \$43M in funding for the Freight Railroad Preservation Program (FRPP). The program could be cut entirely – see story below.

Scott Walker would reluctantly sign budget with no road borrowing

By: Jason Stein | Milwaukee Journal Sentinel | June 5, 2015

Freight rail improvements could lose the entire \$43 million proposed over the next two years.

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From: Ken Lucht

Sent: Wednesday, April 22, 2015 3:44 PM

To: 'Donald Dohrwardt'; 'Joel Rasmussen - Winnebago Co.'; 'John Corey'; 'Johnson, Harold'; 'Karen Madigan - Fond du Lac Co.'; 'Kelly Lepple'; 'Ken Hutler'; 'Khalif Rainey'; 'Kottke, Russell'; 'Rick Gundrum'; 'Ron Hardy - Winnebago Co.'; 'Steve Taylor'; 'Alan Sweeney'; 'Ben Coopman'; 'Charles Anderson'; 'Mary Penn'; 'Patrick Shea'; 'Philip Mrozinski'; 'Ron Wolter'; 'Ted Wiegel'; 'Terry Thomas'; 'Wayne Gustina'; 'William G. Ladewig'; 'Alan Anderson'; 'Dick Whitehurst'; 'Doug Rockett'; 'elmer.j.ellis@rrd.com'; 'Erik Johnson'; 'Jenny Erickson'; 'Marty Krueger'; 'Richard Goddard'; 'Tracey Taggart'; 'Virgil Kasper'; 'Augie Tietz'; 'Carol Held'; 'Christopher James'; 'Dennis Polivka'; 'Dick Mace'; 'Gary Ranum'; 'Gene Gray'; 'Jack Demby'; 'Jerry Grant'; 'Jim Haefs-Flemming'; 'Jim Matzinger'; 'John Miller'; 'Karl Nilson'; 'Laura Payne'; 'Mo Hansen'; 'Richard Kuhnke'; 'Rocky Rocksvold'; 'Tom Cornford'; 'Vern Lewison'

Subject: FRPP LFB paper out

Hello everyone, thank you again for all your support for system-wide preservation and enhancement. As you know, the Wisconsin State Legislature is actively working to finalize the budget for the next biennium. The Joint Committee on Finance is expected to consider future funding levels for the Freight Railroad Preservation Program (FRPP) within the next couple weeks.

Just last week, the Legislative Fiscal Bureau released the white paper on FRPP, link is below. A few key points were left off the paper:

- No mention of WSOR's maintenance obligations for the system, which accounts for approximately \$8M each
 year.
- No mention of WSOR's growth projects such as Prairie du Chien and our Darien Siding Projects (both privately funded).
- No mention of the Economic Benefits of the State-Owned Rail System (see Deller Study attached).

http://legis.wisconsin.gov/lfb/publications/budget/2015-17%20Budget/Documents/Budget%20Papers/645.pdf

WSOR is advocating for Alternative #1. Please continue contacting your elected officials promoting the recommended level of funding of \$43M.

Thank you for all your support.

Ken