

**Minutes of the
East Wisconsin Counties Railroad Consortium
Meeting of November 13, 2019**

East Wisconsin Counties Railroad Consortium Meeting was called to order by Chairman Thomas Winker on November 13, 2019, at 10:00 a.m., in Meeting Rooms H and I, located on the first floor of the Dodge County Administration Building, located at 127 E. Oak Street, Juneau, Wisconsin.

Certification of Public Notice: Kimberly A. Nass certified that the notice of this meeting complies with all applicable requirements of Wisconsin's open meetings law.

Roll call was taken.

Present: James E. Foley, Columbia County; Russell Kottke, Dodge County; Joseph Koch and Karen Madigan, Fond du Lac County; Dennis Mulder, Green Lake County; Thomas E. Winker and Donald Dohrwardt, Ozaukee County; Roger Te Stroete and Jim Glavan, Sheboygan County; Jeff Schleif, Washington County; and, Larry Smith, Winnebago County.

Excused: Jeffrey Caine, Dodge County; Vicki Bernhagen, Green Lake County; Milwaukee County; Robert Hartwig, Washington County; and, Joel Rasmussen, Winnebago County.

Others Present: Ken Lucht, WSOR; Rich Kedzior and Edward Singer, WisDOT; Kimberly A. Nass, Dodge County Corporation Counsel; and, Kelly L. Lepple, Recording Secretary.

Public Comment: None.

Approval of Minutes of March 13, 2019: Motion by Glavan/Mulder to approve the minutes of the July 10, 2019 meeting, as presented. Motion carried by unanimous vote.

Financial Report: Russell Kottke reported the following: The balance in the checkbook as of June 30, 2019, was \$1,003.69. Deposits were \$224,998.33. Expenditures were \$225,000.00. There were no Transfers. Total EWCRC money on deposit in the Local Government Investment Pool as of October 31, 2019, is \$457,869.01. Motion by Dohrwardt/Smith to approve the Financial Report. Motion carried by unanimous vote.

Consider, discuss, and take action on EWCRC 2018 Financial Statements prepared by the Dodge County Finance Department: There was consideration of and discussion about the EWCRC annual Financial Statement for 2018 prepared by the Dodge County Finance Department. Motion by Smith/Mulder to approve the 2018 EWCRC annual Financial Statement as presented in written form. Motion carried by unanimous vote.

Consider, discuss, and take action on the level of funding by member counties for 2020: There was consideration of and discussion about the level of funding by member counties for 2020 and authorization of and direction to Kim Nass to send invoices in the amount of \$25,000, in January, 2020, to each member county of the EWCRC for its member county contribution for 2020. Motion by Foley/Schleif to authorize and direct Kim Nass to send invoices in the amount of \$25,000, in January of 2020, to each member county of the EWCRC for its member county contribution for 2020. Motion carried by unanimous vote.

Consider, discuss, and take action on Freight Rail Preservation Program Grant Application Instructions and Project Selection Procedure.: Ken Lucht reported the following: In October 2019, Rich Kedzior of WisDOT, provided to the members of the EWCRRC a set of Freight Railroad Preservation Program (FRPP) Application Instructions. The FRPP is a program that WSOR uses to fund its capital improvement projects. WisDOT made some changes to the FRPP application instructions that would make minor repairs of concrete piers and abutments, minor steel component repair or replacement, and installation of timber bridge components ineligible for rehabilitation assistance funding. WSOR has approximately 100 bridges on its network that have not been completely replaced. As the language in the instructions reads now, WSOR cannot repair specific components to extend the life of bridges for another 25 to 30 years. WSOR is concerned that if component repairs are not eligible for FRPP funding, that bridges will have to be taken out of service or remain a priority 2 until WSOR can completely replace the bridge, which will affect customer service. WSOR advises that WisDOT leave bridge components eligible for rehabilitation assistance funding.

There was also discussion about the possibility of using FRPP funds for repairs on privately owned rail lines. Concerns were raised with regard to jeopardizing state bonding or increasing the cost of bonding if public funds were allowed to be directed to projects on privately owned infrastructure on which private companies operate. Rich Kedzior stated that WisDOT is seeking feedback on the FRPP application instructions and written comments and suggestions are being accepted through Friday, November 29, 2019. Ken Lucht that WSOR will be sending a letter to WisDOT in the next week. Kim Nass stated that she would take notes on comments made by Consortium members and submit them to WisDOT.

Motion by Te Stroete/Mulder to instruct WSOR to draft a letter to WisDOT on behalf of the EWCRRC, with review by Tom Winker and Kim Nass, for Tom Winker's signature, addressing EWCRRC's feedback and suggestions to the current FRPP application instructions. Motion carried by unanimous vote.

Discussion – WisDOT Considering Sale of State Railroad Property at 241 S. Walker Street, Waupun, WI: There was consideration of and discussion about WisDOT selling some land that encroaches the railroad right-of-way to the homeowners who live at 241 S. Walker Street, Waupun, Wisconsin. Ed Singer stated that there are several property owners in this area that have encroachments on the railroad right-of-way. In December of 2018, WisDOT sent letters to the property owners, asking them to remove items such as gardens, benches, and fire pits. The homeowners that live at the 241 S. Walker Street address have a garage at the rear of the lot, which encroaches 86 square feet of the railroad right-of-way. WisDOT stated that moving the garage would be cost prohibitive to the property owner and would be willing to consider selling that part of the state land to the homeowners, or would be willing to enter into an Offer to Use agreement, essentially leasing the property. Pursuant to the Grant Agreement, WisDOT can, on its own initiative, sell property beyond 33 feet from center of track; however, WisDOT is required to consult with the commission and the rail operator and offer the property to them first. Motion by Mulder/Smith to postpone this matter to the next meeting of the EWCRRC.

Report of WisDOT, Railroads and Harbors: Rich Kedzior reported the following: WisDOT's Annual Freight Railroad Conference was held on November 12, 2019, and thanked all of those on the Consortium who attended the conference.

The Freight Railroad Preservation Program award recommendations for 2020 are in the process of being reviewed by the Wisconsin Department of Transportation Secretary, Craig Thompson and the Governor's Office.

WisDOT has a Freight Railroad Infrastructure Improvement Grant Program. For this biennium, the legislature approved up to \$1.5 million in grants for intermodal facility improvements and studies. The grant application instructions are posted on WisDOT's website and the application deadline is February 3, 2020.

WisDOT recently held two intermodal summit meetings, one in Milwaukee and one in Appleton. Both summit meetings were well attended. There is a high degree of interest in the shipper community to have a railroad construct or some investors construct a new intermodal facility on the east side of the state. There used to be an intermodal site at the Port of Milwaukee up until 2012, which Canadian Pacific operated. There has been a heightened interest in the Milwaukee intermodal facility since the Union Pacific closed its intermodal facility in Rochelle, IL. That intermodal facility was important for Wisconsin, as it was the closest intermodal facility for South Central and South Western Wisconsin, especially for Ag exporters.

Report of WSOR: Ken Lucht reported the following:

In 2019, WSOR has rebuilt two at grade crossings, one at Highway B1 in Burnett, and one at Columbus Street in Randolph, installed 13,000 ties on the Cambria Subdivision, and completed some brush cutting on the Plymouth Subdivision. In 2020, WSOR will install approximately 2,000 to 3,000 more ties on the Cambria Subdivision, will be replacing ties on the Horicon to Slinger rail line, and replacing approximately 1,000 ties on the Markesan Subdivision. WSOR applied for funding with WisDOT through the FRPP, a continuous welded rail rehabilitation project on the Oshkosh Subdivision, from Fisk to Oshkosh, which is a Phase 3 rehabilitation project. WSOR is hopeful that it will get approval for that project so it can start the continuous welded rail rehabilitation project in 2020. The continuous welded rail project between Ripon and Fisk that was approved last year, was completed about a week ago. WSOR has its 2020 calendars out for print and they should be ready for distribution by the EWCR's next meeting in January 2020. WSOR is working on scheduling a rail inspection tour of the Cambria Subdivision in the spring of 2020.

WSOR 2018 Carload Summary Report PowerPoint Presentation: Ken Lucht made a PowerPoint presentation of WSOR's 2018 Carload Summary Report. Per the Operating Agreement between the EWCR and WSOR, WSOR must provide a yearly carload summary report to the Consortium. The carload report was delayed due to its accounting and commercial people designing a new way of composing the annual report. The carload report consists of tracking the number of carloads by commodity, per subdivision, per year.

Date, time, and place of next meeting (January 8, 2020): The next regular EWCR meeting will be held on January 8, 2020, at 10:00 a.m. Columbia County will host the meeting.

Motion by Glavan/Schleif to adjourn. Motion carried by unanimous vote.

Meeting adjourned at 11:58 a.m.

Respectfully submitted,



Joseph W. Koch, Secretary

Disclaimer: These are draft minutes. These draft minutes may be approved, amended, or corrected at the next meeting of the East Wisconsin Counties Railroad Consortium.