

SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION

PO Box 262 • 20 S Court Street • Platteville, Wisconsin 53818
 Harvey Kubly, Chair • Commission Office Phone 608.342.1637 • Fax 608.342.1220
 MEMBER COUNTIES: DANE • GREEN

**Wednesday, October 23rd, 2019, 2:00 PM, Fitchburg DNR Facility,
 Raptor Conference Room, 3911 Fish Hatchery Rd, Fitchburg, WI 53571-5367**

1. **2:00 Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Matthew Honer, SCWRTC Administrator*

	Commission members present for all/part of meeting:		Others present for all/part of meeting:
Dane County	Jay Allen		<ul style="list-style-type: none"> Matthew Honer - Admin. Rich Kedzior, Lisa Stern, Kim Tollers, Ed Singer – WisDOT. Kathryn Gehrke, WIDNR
	Chris James	X	
	Roger Hillebrand, <i>Vice Chair</i>	X	
Green County	Harvey Kubly, <i>Chair</i>	X	
	Oscar Olson, <i>Secretary</i>	X	
	Paul Beach, <i>Treasurer</i>	X	

3. Action Item. **Certification of Meeting’s Public Notice** – *Prepared by Honer*
 Honer stated that the notice and agenda were sent to the counties and confirmation of posting was received.
 - Motion to approve certification of meeting – Beach/Olson. Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Honer*
 - Motion to approve amended agenda with WisDOT’s (Item #14 and #9) items moved ahead to following the public comment period. – James/Beach. Passed Unanimously*
5. Action Item. **Approval of draft July 2019 meeting minutes** – *Prepared by Honer.*
 - Motion to approve draft July 2019 minutes – James/Olson. Passed Unanimously*
6. Updates. **Announcements by Commissioners**
7. Updates. **Public Comment**

REPORTS & COMMISSION BUSINESS

8. **SCWRTC Financial Report** – *Beach, Treasurer.*
 Beach presented the modified July treasurer’s report. On the modified report the incorrect deposit of \$500 was removed, with new totals for receipts and balances.

Beach reported total receipts in the amount of \$677.10, and disbursements in the amount of \$1,432.19 for a total checking account balance of \$2,965.20. The total balance of checking and savings equaled \$147,965.20. Beach reported two checks for approval, one from the auditor for \$1,600 and another from SWWRPC, for Q3 in the amount of \$2892.51. Beach stated that the SWWRPC bill was high this quarter. Honer explained that it was due to the amount of file work that was done by SWWRPC’s office manager to bring order to the files that were gathered from Eileen Brownlee’s office last year. Tollers asked if those files will be uploaded to SharePoint. Honer stated that he had problems with uploading on SharePoint in the past but can look into doing it and making it part of the upcoming year’s work plan. Honer stated that he intends to introduce a records retention policy to the Commission for approval in 2020 and uploading the documents can be included in that work.

- Motion to approve the treasurers report and payment of the bills– Olson/Hillebrand. Passed Unanimously.*

9. WisDOT Report – Tollers, WisDOT.

Tollers stated that the City of Fitchburg voted last night on the agreement regarding the infrastructure (retaining wall) that will be placed on the right-of-way that crosses HWY PD/McKee Road. Tollers stated that the commission approved these plans at a previous meeting.

James asked if there are plans for the trestle crossing on the trail. James stated that Dane County is working on finalizing the RFP for the stormwater study and the question came up during that discussion. Tollers stated that WisDOT has not seen anything regarding plans.

10. WIDNR Report – Kathryn Gehrke

Gehrke stated that the unpaved sections of the trail have had a lot of erosion lately with the year's heavy rainfall. The WIDNR is looking at creating a long-term plan so that washouts are not reoccurring. There are also maintenance issues with the paved section.

Allen asked what options will be looked at for the unpaved sections. Gehrke stated that paving the trail is not the first option because of funding. Allen asked if paved sections have had washout issues underneath. Gehrke said no.

11. SCWRTC Administrator's Report – Honer, SCWRTC Admin.

Honer stated that SWWRPC has done a lot of work in organizing the files that were gathered from Eileen Brownlee's office. SCWRTC files were separated and organized. He will be working on a records retention file for the Commission in 2020.

Honer stated that following the July meeting, he reached out to WIDNR regarding grant funding for the Stewart Tunnel. He had a meeting with a WIDNR Grant Specialist. At that meeting it was learned that the tunnel is closed. Additional communication that took place since the last meeting was in relation to the Stewart Tunnel, the Audit, and the MOU with the City of Madison.

12. Discussion and Acknowledgement of the 2018 Audit – Kubly, Chair.

Kubly introduced the audit. Kubly stated that the audit looks similar to what it has in the past with no significant concerns.

- Motion to acknowledge the 2018 draft Audit – Hillebrand/Beach. Passed Unanimously.

13. Discussion and Possible Action on providing feedback to WisDOT regarding FRPP Application Instruction - WisDOT.

Kedzior stated that the item is not WisDOT's to present, and asked Honer to present the issue to the Commission. Kedzior stated that he can only take written comments regarding the instructions. Honer explained that the FRPP program is a grant program for track and infrastructure improvements on Freight Rail corridors that are specific to preserving freight rail. Honer stated that for the SCWRTC it is not currently relevant because the Commission does not currently have an active rail corridor or freight rail provider. Allen stated that the application process looks like a lot of work. Kedzior stated that the Commission should be looking at the potential for future rail when evaluating the instructions. Kubly asked what revisions are in the instructions from prior years. Kedzior responded that the revisions that were presented earlier in the year were abandoned so the instructions that everyone has are the same as they have been for many years. Kedzior stated that WisDOT is simply looking for feedback on the current instructions and the purpose of this is to evaluate the existing program. Stern stated that the instructions have been done "in-house" for years and the now abandoned revisions that took place in 2019 identified the need to seek stakeholder input in the process. Allen asked if the program can be used to purchase new property, Kedzior said no but it can be used to purchased abandoned rail property. Allen stated that it is difficult for him to evaluate the instructions and would suggest that WisDOT have more specifics in the instructions regarding what WisDOT is looking for. Kubly suggested that the commission authorize Honer to send a letter to WisDOT and that Commissioners should provide him with their comments by November 15th.

- Motion to authorize Honer to draft a letter to WisDOT with suggest revisions he receives from the Commission – Allen/Olson Passed Unanimously.

14. Discussion and Possible Action regarding MOU with WisDOT and City of Madison – Stern, WisDOT.

Stern stated that the purpose of the MOU is to continue the existing agreement between SCWRTC, WisDOT, and the City of Madison until some things can be worked out with the City of Madison. The MOU is for a period of one year. Tollers passed out photos of some of the encroachments that are currently on the trail to show the commission examples of what WisDOT is referring to. The encroachments are why the current agreement is being negotiated with the City of Madison. James asked if WisDOT is surprised by the encroachments. Stern stated she expects encroachments over time, but not to the extent they

currently exist. The negotiation is to determine the best way to manage the encroachments both existing and into the future. The current agreement is unclear whose responsibility it is to address the encroachment issues. Kubly asked why the issue has gone on so long without issues being addressed. Tollers stated that all parties have been asleep at the wheel regarding this issue, that doing nothing is not upholding the mission of SCWRTC and WisDOT to maintain the rail corridor, and that the extent of the encroachments could have implications. The agreement renewal is the perfect time to address these issues. Beach asked if there are any issues with encroachments that are over 20 years old. Tollers stated that is potentially an issue. Chris Petykowski, from the City of Madison, stated that any recent encroachments would not have any right but older encroachments might have issues and sending letters might agitate landowners. Tollers stated that WisDOT is interested in establishing that it is WisDOT's right-of-way. Kedzior stated that in the agreement it does state that the City of Madison is responsible for maintenance and public order, and he feels that the city has taken a hands-off approach that cannot be continued. Kedzior believes that there is no other state rail property with the same level amount encroachments and property issues.

Potter asked that WisDOT and the City of Madison keep the SCWRTC informed of negotiations and how they will be moving forward with the agreement and negotiations. Stern asked to what extent the Commission wishes to be involved in the negotiations. Kubly asked Potter if she has any comments. Potter stated that WisDOT and SCWRTC have similar interests in the corridor and can allow WisDOT and the City to take the lead on the agreement with final approval by Corp. Counsel.

- Motion to approve the MOU, in a form approved by Corp. Counsel, between the City of Madison, SCWRTC, and WisDOT for 1-year extension of the existing trail-use agreement. – Beach/Allen. Passed Unanimously.

15. Discussion and Possible Action to address the Stewart Tunnel – Honer, Admin.

Honer gave a background to the maintenance issues that the Tunnel is currently experiencing. Honer stated that John Arthur, the DNR property supervisor, stated that it would likely take over a \$1M in repairs before the tunnel can be reopened to the public. Honer stated that Brownlee and Potter suggested that the Commission send a letter to the WIDNR requesting the WIDNR's proposed recreational path and any agreements they have with the local township if township roads are used and to confirm that the Tunnel is not abandoned. Potter stated the commission's interest is to confirm that the DNR is not abandoning the property. Allen asked if there is a way around the trail for users. Gehrke stated that there are signs for trail users to go around. Gehrke stated that a 4 x 4 truck of the tunnel fell and that is what initiated the current closure. Gehrke stated that two inspections are done annually. Gehrke stated that the engineers went out with Arthur and they are intending to go out again for additional evaluation. Gehrke stated that the netting for the tunnel is not sufficient and is not working. It becomes harder to use netting as more material falls. Gehrke stated an engineer will be at the next meeting to discuss long term changes. Allen asked what is being done to stop people from access the property currently. Gehrke stated that there is signage and some barricades, but people could go through if they wanted.

Tollers stated that the UW Platteville Study looked at the cost of a cut if it was necessary. Tollers stated that a cut would need to happen for any rail reversion because the current tunnel is not sufficient for modern rail standards. Honer stated that the estimated cost was very high to make a cut and that a cut would be necessary if freight rail was to return. Honer stated that as part of the engineering analysis, they will need to look at what the material above the tunnel is made up of. It could be 3 inches of limestone or 3 ft of limestone, no one is sure. With the material that has fallen from the tunnel over the years the tunnel is no longer curved at the ceiling and now looks more like a tall rectangle. Allen asked if the adjacent land is privately owned, Honer confirmed and stated that the landowner allows snowmobile use on their property from the trail but uses the land for crops so does not extend that to trail users.

Beach asked what the UW-Platteville amount was for a cut. Honer said he believe it was over \$13M but is not sure without referencing the report. Gehrke stated that the engineers will be taking another look and will be in touch with the commission.

James asked if the WIDNR has considered placing box culverts within the tunnel. Gehrke stated it could be looked at.

Kubly stated that he feels that the Commission has not heard a lot about the condition of the Tunnel over the years and is rather surprised by the existing condition and was wondering why the tunnel was allowed to deteriorate to this level.

Honer stated that the response to the questions about why the tunnel has been allowed to deteriorate from Arthur was that it was similar to a landlord-tenant relationship where the property is not in good condition. Honer stated that the interim trail-use agreement is clear about maintenance responsibilities and WIDNR took those responsibilities when they took over the trail.

SCWRTC OCTOBER 2019 MINUTES - APPROVED

Beach asked if the tunnel is an attraction. Hillebrand stated that the tunnel is a major attraction, at least for Belleville.

James stated that due to rail-banking, does the potential fix to the tunnel require the fix to not be throw-away infrastructure. Stern stated that it is something to think about because it would add cost to a potential reversion and require a change to the agreement.

James asked who would be responsible for reverting the right-of-way back to rail use. Potter stated that it is a very interesting questions according to the existing agreement.

Allen requested that the letter ask for a plan of action by WIDNR.

- Motion to approve the letter to the WIDNR requesting information on the Stewart Tunnel - Hillebrand/Allen – Passed Unanimously.

16. Action Item - Adjournment

- *Motion to adjourn at 3:20 pm – Allen/Hillebrand. Passed Unanimously.*