

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, April 27, 2016, 2:00 PM, Fitchburg DNR Facility,
Raptor Conference Room, 3911 Fish Hatchery Rd, Fitchburg, WI 53571-5367**

1. **2:00 PM** **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, Administrator*

Commission members present for all/part of meeting:		Others present for all/part of meeting:
Jay Allen, Dane County	absent	<ul style="list-style-type: none"> • Mary Penn, Administrator • Kim Tollers, WisDOT • Brian Dunlop, JS Professional Services
Jim Flemming, Dane County	excused	
Paul Ziehli, Dane County, Vice Chair	x	
Harvey Kubly, Green County, Chair	x	
Oscar Olson, Green County	x	
Ron Wolter, Green County, Treasurer	x	

Commission achieved quorum.

3. Action Item. **Certification of Meeting’s Public Notice** – *Prepared by Penn*
 - *Motion to approve certification of meeting – Olson/Wolter, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - *Motion to approve agenda – Wolter/Ziehli, Passed Unanimously*
5. Action Item. **Approval of draft Minutes from April 2016 meeting** – *Prepared by Penn*
 - *Motion to approve April 2016 minutes – Wolter/Olson, Passed Unanimously*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
There were no public comments.
7. Updates. **Correspondence & Communications** – *Time for reports/discussion may be limited by the Chair*
Penn reported on the correspondence she had received and sent since the last meeting.

REPORTS & COMMISSION BUSINESS

8. **SCWRTC Financial Report** – *Ron Wolter, Treasurer*
Ron Wolter presented the Treasurer’s Report to the Commission, listing the accounts, their amounts and locations. He then presented a bill for payment, the SWWRPC’s Quarter 1 and 2 of 2016 for administrative services.
 - *Motion to approve Treasurer’s Report – Olson/Ziehli, Passed Unanimously*
 - *Motion to approve payment of bills – Ziehli/Olson, Passed Unanimously*

9. **WisDOT Report**– *Staff may include Kim Tollers, WDOT*
Kim Tollers reported that she had received the Sub Zero railroad crossing permit from the City of Fitchburg which had been approved and signed by the WDNR although WisDOT still needed to sign. She also reported that Roger Larson had retired last week.

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10. WDNR Report – Dana White-Quam, WDNR Regional Park Specialist

Dana White-Quam reported that things had been busy on the trail due to the recent weather. She said the ranger assigned to the trail had transferred to Blue Mounds and a ranger from Yellowstone had been temporarily assigned to the Green County Work Unit. She said it seemed like a lot was happening on the Badger Trail without notification so the DNR was scrambling to deal with the issues as they were made aware of them. She said there had been a lot of washout due to all the rain and also that a person eluding the police had hit a bridge and rolled down the bank so the bridge needed work. White-Quam also said a person tried to cross the Belleville Bridge with a forklift and some boards had been broken and needed replacement. Paul Ziehli asked about storm damage. She said lots of trees were down on the Badger and Sugar River trails.

11. SCWRTC Administrator's Report –Mary Penn, Admin.

Penn reported on her administrative duties since the last meeting, including forwarding the revenue sharing agreement to Frank Huntington as requested by SCWRTC for his review and preparing for today's meeting. She also asked if the Commission had any strong opinion on her posting draft meeting minutes. When informed that this was standard practice with the Pecatonica Rail Transit Commission, the Commissioners said they had no concerns and she could continue to post draft minutes. In regard to the website, White-Quam asked if it were possible to put the permit crossing application on the site, as well as have language that defined the RTC's responsibility as related to permitting. Penn explained the SWWRPC was getting a new website and the SCWRTC would have its own page on it and would include that information.

12. Discussion and Possible Action on concurrence with WisDOT for a multi-use trail linkage, crossing Badger State Trail, Village of Belleville – Bill Dunlop, JS Professional Services

Brian Dunlop presented the project to the Commission, saying Belleville had been working on the trail since 2012 and in doing received grants from Dane County and WDNR. He said the trail would link the Village's trail to the Badger State Trail. He explained the various possible connection scenarios they had gone through in the design process. He emphasized that this was a trail connection, not a crossing. He said the Village had worked with WDNR and WisDOT to obtain permits but had not been aware they needed approval from the SCWRTC but he was now seeking that concurrence to allow the connection.

Harvey Kubly asked where the connection was on the trail. Dunlop explained the location. Ziehli said he was strictly against the whole project. He explained his primary objection was to the grade leading away from the trail. Dunlop said it was a 5% grade, the maximum allowed by ADA. Ziehli also asked how users from Belleville would access it. Dunlop said it connected to the trail where the Village trail crosses the river. White-Quam said there were a couple of different connections. Ziehli expressed his reservations on the project, sharing some photos he had taken and explained how a safer, more appropriate connection could be made. White-Quam pointed out that more material would be going in to soften the grade and would accommodate the federal ADA regulations. She said railroad grades were usually much steeper than 5%.

Ziehli said the design was "not for the people of Belleville" and that basically "we were lied to". He said the river would flood again and asked how the Village would respond. Dunlop said the trail would be closed in the event of a flood. Dunlop said this had been discussed with the Village's Public Works and reiterated the various ways they had discussed the ways to cross Hwy 69 and the challenges related. Ziehli asked if there would be lighting, noting there was the possibility of citizen objections to the lighting. Dunlop said he was sure the Village would work to make the lighting appropriate. He said JS Professional Services was just putting the trail in to connect the two trails. He said the project had been run through the granting process and the permitting process, repeating they had been unaware of the necessity of getting concurrence from the SCWRTC. White-Quam asked if work on the retaining wall had begun and explained to the Commission how the wall would help in the event of a flood. She said the blocks were 60" and would not be moved by flooding. Dunlop expounded on the retaining wall and how it protected the Bridge. He said the design had been reviewed and approved by WisDOT. Ziehli again said he was against the whole project, particularly as it looked so steep. He said a flood would occur again and his biggest objection was the design and why the connection did not come down a driveway. Dunlop said the project was completed vetted by the Village Board and Staff and all done in a public setting and publicly noticed. White-Quam asked if the trail would be paved. Dunlop said it would be. White-Quam explained the difference between the railroad elevation and the road elevation.

Ziehli expressed his doubts as to what was proposed would be legal. Dunlop said it would abut the existing trail and then slope down. White-Quam said it would be relatively flat where it connected to the Badger Trail. She said it would be flared out at the sides so the 90 degree turn would not be so abrupt and said where the connection was made, the elevation would be closer to 1 or 2%. Tollers concurred.

Tollers said as far as the trail permitting process was concerned, it did not address plans per se but a provision that the Village would maintain it. She said WisDOT relied on the SCWRTC to be in compliance with ADA. She said WisDOT would not deny a permit if it were in concurrence with all laws, adding that it was not really WisDOT's place to object if all the applicable laws had been met. She said the Commission could have its own issues as to a permitting process, but WisDOT was applying the laws as necessary. Penn asked for confirmation that this was not a crossing and therefore no permit application nor fee was required from the SCWRTC. Tollers clarified that this was not a crossing. She said what was being asked today was the Commission to concur with the permit. She said Eileen Brownlee made her comments and changes and the permit was ready to go. Tollers said this was the same permit language as the WDNR had with the Village of Belleville.

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Ron Wolter asked if the fill would change the way the water shed off the trail. Dunlop pointed out a low spot where a small culvert would go. Wolters asked when the railroad was put back in would the Village be responsible for removing the connection. Tollers said this was not an easement, just a typical permit.

Ziehli repeated he had issues with it and reiterated those objections. Oscar Olson asked if there was a charge for this. Tollers said no, saying WisDOT did not charge the municipality for public use. White-Quam said the permit itself did not have a charge but trail use fees were another issue. Ziehli then asked if there was a permit for the crossing north of D but did not identify exactly where that crossing was. White-Quam asked if it were a private. If so, Tollers said, that was an encroachment. White-Quam said every one of their trails had encroachment issues.

Kubly said the Commission's job was to approve the permit to link this trail to the Badger State Trail with the design a Village of Belleville issue and perhaps that is where those concerns should be aired. All the SCWRTC was doing was approving a connection of the Village trail to the Badger Trail. Ziehli agreed that was correct.

- *Motion to concur with WisDOT for a multi-use trail linkage, crossing Badger State Trail, Village of Belleville, with modifications of design – Ziehli/Olson*

Kubly said he did not understand “modifications of design”. Ziehli then asked why the connection did not come off the street. White-Quam said from a trail management perspective it was not going to be safer if you had one trail next to another coming out on a roadway. She explained working with engineers on trail design and how they functioned in the real world. Ziehli said he was not convinced. He and White-Quam discussed various ways people could get on the trail in various locations.

Tollers said she did not think they had the ability to change designs via the permitting process if the permit complied with law. If it was designed with an unlawful hazard there might be a question but the Village had complied. It was not their job to affect design in permits. She said Rails and Harbors did not want to get into affecting design. Ziehli said the motion was in reference to the design. Tollers said the design had already been approved by WisDOT and gone through the regional planning and design approval so it was beyond that point.

Wolter said all they should be concerned with was the linkage. Kubly agreed. As he saw it, the Commission's job was pretty simple: to allow the trails to connect.

- *Motion to withdraw motion– Ziehli/Olson*

Tollers said the permitting process itself did not have the power to affect design. It was just about the connection itself. She said hazards according to the law are not applicable in this case. Kubly said according to Dunlop, everything had been done in the permitting and reviewed by WisDOT and WDNR. Wolter asked about bids. Dunlop said it was bid earlier in 2016, received and the Village had already awarded the contract. He said again they were not aware of the need of concurrence from the SCWRTC.

- *Motion to concur with WisDOT for a multi-use trail linkage, crossing Badger State Trail, Village of Belleville – Wolter/Olson; Ziehli Abstained; Passed*

13. Continued Discussion and Possible Action on Assessment Sharing Agreement – Mary Penn, Admin.

Penn explained the history on this item, saying the Commission had addressed this at their April meeting but had decided to table it until they had more information. She said the handout she'd given the Commissioners was a series of emails between herself and Frank Huntington discussing the issue (as the Commission had asked her at the April meeting). She said Huntington's observation was that the SCWRTC did not have rail projects and therefore did not need a county contribution as the WDNR did the trail management. Even if there were no income in the form of permit application fees, it would be 20 years before the SCWRTC's would exhaust their savings. Ziehli and Kubly discussed money the Commission had had years ago and Ziehli asked Penn if she knew of it but Penn said that was before she took over administration. Kubly said Green County had taken their money out after Dane County had taken theirs. Kubly said he thought this money had been some sort of contribution for a project that never happened. Olson said he believed that there had been \$400,000.00. Kubly said as a former SCWRTC Treasurer, he remembered there was big money in interest. Kubly suggested that since this issue was in a state of flux, if the issue were tabled, the Commission could always come back to it and pursue it. If not, the possibility could just sit and rest. Ziehli asked how this could be carried forward. Kubly said if something were tabled, “it's out there” to be brought back via Motion. Otherwise, it just sat there. He said it could be voted down but maybe someday the Commission might want it and if tabled, it would be at their hand if need be. Tollers agreed and did not see why the SCWRTC should need to participate. She said a contribution should not be made to the SCWRTC for rail use when their purview is a trail. Penn asked about the \$400,000.00. Ziehli said he remembered that Green County pulled about \$22,000.00 at that time. Kubly said back then in the audit, the auditors had pointed out that some dollars were Green's and Dane had pulled theirs some years before. Olson said the money had gone to Mike Doyle and was used for the PRTC contribution.

- *Motion to table Assessment Sharing Agreement – Ziehli/Wolter, Passed Unanimously*

14. Action Item – Adjournment

- *Motion to adjourn at 3:03 PM – Olson/Wolter, Passed Unanimously*