

SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION

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Harvey Kubly, Chair • Commission Office Phone 608.342.1637 • Fax 608.342.1220
MEMBER COUNTIES: DANE • GREEN

**Wednesday, October 28, 2015, 2:00 PM, Fitchburg DNR Facility,
Raptor Conference Room, 3911 Fish Hatchery Rd, Fitchburg, WI 53571-5367**

1. **2:01 PM** **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, SCWRTC Administrator*

Commission members present for all/part of meeting:		Others present for all/part of meeting:
Jay Allen, Dane Co.	absent	<ul style="list-style-type: none"> • Mary Penn, Administrator • Dana White-Quam, WDNR • Kim Tollers, Roger Larson, WDOT • Phis Rynish, UW Madison • Wade Thompson, City of Fitchburg
Jim Haefs-Flemming, Dane Co.	excused	
Paul Ziehli, Dane Co. Vice Chair	x	
Harvey Kubly, Green Co., Chair	x	
Oscar Olson, Green Co.	x	
Ron Wolter, Green Co. Treasurer	x	

Commission achieved quorum.

3. Action Item. **Certification of Meeting’s Public Notice** – *Prepared by Penn*
 - *Motion to approve certification of meeting – Wolter/Olson, 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 July 2014 meeting minutes** – *Prepared by Penn*
 - *Motion to approve July 2015 minutes – Wolter/Olson, Passed Unanimously*
6. Updates. **Public Comment**

Wade Thompson, City of Fitchburg Planner introduced himself and Phil Rynish of UW Madison Urban and Regional Planning and handed out a document outlining the Fitchburg Agricultural Route (FAR) project. He explained as a former town and now a city, Fitchburg has a lot of agricultural land that they are looking at to take advantage of local markets. He described the FAR area on distributed project map. He said at this point it was very conceptual, using the idea of an “agricultural main street”. Basically, all sorts of different agricultural related businesses and projects along the Badger State Trail. In terms of city planning, Thompson said this was a way to look at sustaining agricultural lands in the City. He emphasized that the project was at a very initial stage. He explained how Penn had suggested he and Rynish come to the meeting to give the Commission an update and explained what Rynish and the student group was working on. Thompson said Rynish’s group was preparing a study that will be completed in December and submitted to the City. He re-emphasized that this project was in the very early stages.

Kim Tollers asked if the question of what would happen if rail came back had been considered. Thompson said he would look at rail banking in general and the odds of rail returning but he thought that was an issue to address in the future and suggested they sit down with the Commission and examine that question. He asked if it were a rare occurrence to return to rail. Tollers said the whole purpose of preservation was to keep the property available for rail and if ever a rail operator was interested, it would return to rail. Thompson said if business models came out they would not be totally dependent on trail use and said the City would be exploring agricultural businesses. Tollers invited Thompson to discuss rail banking with her.

Harvey Kubly said he had the same question in regard to the trail returning to rail. He asked Thompson if the City had given any thought to designating everything to the west side of the trail. Thompson said at this point it was too early to say and the project would live or die with landowners and entrepreneurs. Kubly commented that even if the trail did not return to rail, if the FAR idea took off, the City could have issues with people wanting to cross from one side of the trail to another which could create issues. Thompson said Rynish's group was looking at that.

Dana White-Quam asked how this proposal would currently impact the trail corridor as it has a 100' wide corridor. Thompson said the only impact he saw at this point was additional, increased use of the trail. White-Quam asked if anything would happen within the ROW. Thompson said no private enterprises would be impacting state land. White-Quam told Thompson she was the trail coordinator and as the WDNR had the operating responsibility, the WDNR needed to be "on the front end" of the project. Thompson said their first step was to talk to landowners and they had gotten that hurdle out of the way and now it was time to do outreach to "you folks". He said information would be presented in December to the City Council. He reiterated that the project might not go anywhere after December. If it did, the City would be working with the SCWRTC.

White-Quam said from a trails perspective, crossings could be an issue as the WDNR did not issue a lot of crossing permits. She acknowledged that this project wholeheartedly supported the trail concept.

Thompson explained the FAR zone (within 1/2 mile of the trail) but said the trail could be used for short distances to access agricultural entrepreneurs.

Roger Larson commented on the ROW's 50' per side of the trail and potential impacts on that by the project. He also pointed out that people might be tempted to come out and do management work without permission. Thompson said that if the project went forward they would have to address those concerns. Thompson invited everyone to contact him if they had questions and he said he would keep them in the loop via Mary Penn.

7. Updates. **Correspondence & Communications**

Mary Penn noted the correspondence she had addressed or received in the past quarter.

REPORTS & COMMISSION BUSINESS

8. **SCWRTC Financial Report** – Ron Wolter, SCWRTC Treasurer

- *Motion to approve Treasurer's Report– Olson/Zhieli, Passed Unanimously*
- *Motion to approve payment of bills – Zhieli/Olson, Passed Unanimously*

Ron Wolter gave the Treasurer's Report to the Commission, including bills received, Commission savings, and disbursements.

9. **WisDOT Report**– Staff may include Kim Tollers, Roger Larson, WDOT

Kim Tollers reported that there has been no Marketplace Road closure yet as was discussed in July. She said the permit crossing process had not started yet. White-Quam said it looked like they were doing construction and the road would follow afterwards.

As far as State Highway (STH) 11 in Monroe, Tollers said Rails and Harbors was now in the discussion and they had suggested to the group the idea about bypassing the existing crossing and purchasing some ROW as the best solution (crossing under the highway). She said "we're further along and rails and trails is being better represented". She said they felt that Ron Wolter's suggestion was the best. Kubly said if rail came back it "won't be in the way". Tollers said they were involved as far as they were in the loop and encouraged Larson to send any information to her as it occurred. Kubly asked for a construction commencement date. White-Quam said it could be 2017 or later, as it was part of a STH 11 surfacing project and was not a high priority at this point and if it got pushed back, so would this project. Tollers said buying some ROW would also delay the project if it came to that. Larson confirmed it would be at least a two year time frame. Kubly said he thought it was more than resurfacing. White-Quam said for the box culvert, they would have to do more than resurfacing but the highway project was only for surfacing. Kubly said Jeff Wunschell had said survey work had been done and that suggested more than just resurfacing.

White-Quam said this had been on the radar for at least six years. She said when the Badger Trail was built it was said that the bike trail needed to be at grade. They came back later with an underpass proposal. She explained what had happened in the past and how they had come to this point: within the last 2-3 years, WisDOT had been "throwing plans at us". She said it was not until this year that there had been engineering plans made. She said WisDOT had said they would pay for the whole thing. Larson said he could dig through and send the plan to Penn. White-Quam said WDNR had met with WisDOT and their engineers and basically went over the proposals and said they had decreased the underpass to 9', using the 8th Street Bridge as a measure but that Bridge was less than that. White-Quam said 8th Street was not a standard as it had been screwed up and she said highway folks left the meeting with "if it comes down to it, it will remain an "at grade crossing" " and might not permit the crossing there at all. Right now, they were discussing what the WDNR's criteria were. She said Wolter's recommendation to

move it to one side was a good one and if done, “you would get more highway bank” and might provide some extra height for an underpass as well as leaving the corridor at grade for equipment to cross. She reminded the Commission of the size of the groomer and its limitations. She said having the ROW stay at grade helped everybody. She said they hoped for a minimum of 10’ for height. Between the two agencies the Secretaries might get involved on this issue. Tollers said if that was the case, then it would be done correctly and said she could almost guarantee that. She said they understood the importance of protecting the lines for future rail use.

Tollers said the region had completely disregarded Rails and Harbors as considering this a rail line. She said she would not have known about this issue if White-Quam had not brought it up at a SCWRTC meeting. White-Quam said they had had their one-on-one conversation with WisDOT and believed there would be some resolution as they moved forward.

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

Dana White-Quam said she did not have much more than what they had already discussed on the Hwy 11 project. She said WDNR were on the trail doing all the fall prep work before the snowmobiling season. She said she had been doing GPS work herself on the line in the past few weeks, getting data for signs, bridges, and planning for maintenance, including bridge inspections. She said WDNR does do bridge inspections about every 10 years.

She said the black top cracking issue had not yet been resolved but she believed they would be going forward with a porous asphalt product on the trail and do it as a trial. She said it had worked well in Middleton. Wolters asked if they had crack sealed first. White-Quam said lineal tracks were an issue with that but the tracks across the trail did not bother anyone but the linear ones were potentially dangerous and were the ones they were struggling with. Wolters spoke of crack sealing work in Green County and how it worked. He said Green County got their material from Sherwin in Milwaukee and it worked very well. White-Quam asked if it were rubbery. Wolters said it would bond and would not break. White-Quam said if it dried hard “that would be the ticket”. Wolters said it made it level. White-Quam said there was always that little bit of material that could grab narrow tires. She said if they put something down and someone got hurt, they would be liable. She said in spring the cracks could widen out to ¾ of an inch. She said they had been marking the cracks and trying to find a solution.

Paul Ziehli asked what would happen if they did nothing and the cracks remained. White-Quam said in that case it was recreational immunity and reiterated how WDNR was addressing the issue. Oscar Olson asked what the length was. White-Quam said the paved section was six miles long with a total of two miles cracked. White-Quam said it seemed to be where the gas line was buried but the gas company denied that was the case. There was discussion about the presence of the gas line and whether it could be causing the issue. White-Quam said it was hard to pinpoint where it began but since it ran with the gas line, it was hard to not pinpoint that. Wolters expressed doubt that the Commission had given permission for the gas line. White-Quam said in the past it had been under Trans 29. Tollers said the Commission would not have had authority under Trans 29. White-Quam said there was also a sewer line running parallel to the trail.

11. SCWRTC Administrator’s Report –Penn, SCWRTC Admin.

Penn reported on her administrative duties of the past quarter. Wolters said he had gotten no bill from Tri Insurance or Johnson Block. Kubly said they could be a little sloppy in sending that out but Johnson Block would not be received until the audit was approved and distributed.

12. Discussion and Possible Action on approval of 2014 SCWRTC audit – Mary Penn, SCWRTC Admin.

- *Motion to approve the 2014 SCWRTC audit – Ziehli/Wolter, Passed Unanimously*

Penn read the two conditions and the management responses to them found in the audit and explained they were due to the small size of the Commission and were noted every year.

Wolters asked Kubly if he had found out anything about the IRS issue. Kubly explained that the Greenway State Bank had contacted them with the information that the IRS had said the INS number the Commission used did not match. Kubly said those letters were “spit out” automatically but he said he had dug back to 1996 and older material and there was nothing wrong with the Commission’s ID number. He said if found nothing different, the Commission would have to write a letter to the IRS and explain the situation. He said he was not too concerned about the situation.

13. Action Item – Adjournment

- *Motion to adjourn at 2:52 PM – Olson/Wolter, Passed Unanimously*