

**Minutes of the
East Wisconsin Counties Railroad Consortium
Meeting of July 14, 2021**

East Wisconsin Counties Railroad Consortium Meeting was called to order by Chairman Thomas Winker on July 14, 2021, at approximately 10:00 a.m., at the Columbia County Administration Building, Meeting Rooms 113-115, 112 E. Edgewater Street, Portage, 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.

Present: Bob Koch and James E. Foley, Columbia County; Russell Kottke, Dodge County; Karen Madigan and John Zorn, Fond du Lac County; Dennis Mulder and David Abendroth (by Zoom), Green Lake County; Thomas E. Winker and Marty Wolf (by Zoom), Ozaukee County; Brian Gallitz (by Zoom), Washington County; and Donald Nussbaum, Winnebago County.

Excused: Jeffrey Caine, Dodge County; Milwaukee County; Roger TeStroete and Al Bosman, Sheboygan County; and, Jeff Schleif, Washington County.

Others Present: Vern Gove, Columbia County Board Chairman; Kyle Grahn, AF Gelhar; Ken Lucht, WSOR; Kimberly A. Nass, Dodge County Corporation Counsel; and Kelly Lepple, Dodge County Corporation Counsel Office.

Public Comment: Bob Koch, Jim Foley and Vern Gove welcomed everyone to Columbia County.

Approval of Minutes of May 12, 2021: Motion by Mulder/Madigan to approve the minutes of the May 12, 2021. Motion carried.

Financial Report: Russell Kottke reported for the period ending May 31, 2021. The balance in the checkbook as of March 31, 2021, was \$201,002.64. Deposits – \$30,202.98, Expenditures – None, and Transfers – None. Total EWCRC money on deposit in the Local Government Investment Pool as of May 31, 2021, is \$263,050.13. Motion by Foley/Zorn to approve the Financial Report. Motion carried.

Consider, discuss, and take action on Application for Rehabilitation of Janesville Bridges and Funding Commitment: Ken Lucht reported that approximately 7 years ago, the Union Pacific degraded five Janesville bridges. WSOR has a Trackage Rights Agreement with the Union Pacific railroad to use its main to move track traffic through Janesville. Because the bridges have been degraded for the past 3-4 years, WSOR is currently detoured around Janesville, which is costly to customers, as well as WSOR. WisDOT applied for an INFRA grant to help rehabilitate these bridges, but WisDOT was not awarded the grant. On July 12, 2021, WisDOT applied for a RAISE Grant and will find out in the next couple of months if the grant will be awarded to them.

WisDOT has committed about \$3.3 million toward this \$11 million bridge rehabilitation project, which is about a 30% match. WisDOT is hoping that 60% of the funding will come from the US DOT through the award of the RAISE Grant, and 10% of the funding will come from WSOR and its Rail Transit Commission partners. The Pecatonica Rail Transit Commission and the Wisconsin River Rail Transit Commission have dedicated its 2021 and 2022 member county contributions to help fund this project.

If awarded, the RAISE Grant will be used to upgrade Union Pacific bridges. After the bridges have been upgraded, those bridges would be transferred into half ownership between Union Pacific and by the State of Wisconsin and the Wisconsin River Rail Transit Commission. WSOR has asked the Union Pacific Railroad to install a new turn out on a siding that serves a local industry. WSOR asked for EWCRC's support of the bridge rehabilitation project, and to consider dedicating two years of its funding to this bridge rehabilitation project, contingent on the award of the RAISE Grant.

Mulder suggested a Motion to support the RAISE Grant and to contribute EWCRC's 2021 member county contribution of \$225,000 to the Janesville bridge rehabilitation project, and contingent on receipt of \$225,000 for its 2022 member county contributions, the EWCRC will contribute its 2022 member county contribution of \$225,000.

Members discussed conditioning the Motion on the actual receipt of 2022 member county contributions and also contingent on WisDOT being awarded the RAISE Grant.

A Motion was made by Mulder/Koch that the EWCRC will support the RAISE Grant to help fund the Janesville bridge rehabilitation project, and make a commitment to the RAISE Grant by contributing its 2021 member county contributions in the amount of \$225,000, and also its 2022 member county contributions, subject to the receipt of the member county contributions being made in 2022, and contingent upon WisDOT being awarded the RAISE Grant. Carried by unanimous vote.

Consider, discuss and take action on Mayville Fire Department use of Railroad Property: Ken Lucht gave an update on the Mayville Fire Department parking lot encroachment on track right-of-way. Ken Lucht provided a diagram of what WSOR and the City of Mayville have come to as a mutual agreement. The City of Mayville wants to enter into an agreement with WisDOT to use a portion of the right-of-way. WSOR is working out the details of the agreement between the City of Mayville and WisDOT. WSOR is requiring that the City of Mayville carry a \$3 million comprehensive liability insurance policy with an umbrella of another \$3 million. Once Mayville acquires this additional insurance, the right-of-way permit would be 12 feet from the track beyond, which the City of Mayville will use about 13 feet of the railroad right-of-way on the east side of the track with barriers placed at the right-of-way line. If this corridor became active, WisDOT would give the City of Mayville a 30-day notice terminating the agreement and the City of Mayville would have to remove the parking lot. WSOR asked the EWCRC for its consideration and approval of the proposed agreement between the City of Mayville, WisDOT, and WSOR. A Motion was made by Koch/Mulder to approve the proposed agreement between the City of Mayville, WisDOT, and WSOR, as presented and support WisDOT's permit subject to the City of Mayville acquiring additional insurance. Motion carried by unanimous vote.

Consider, Discuss and Take Action on WSOR Request to Reclaim Railroad Property for Railroad Uses in North Milwaukee Yard, West Cameron Avenue, now Leased to Beeline Properties:

WSOR is requesting from WisDOT the use of a portion of railroad right-of-way that is currently being leased to Beeline Properties, LLC, in Milwaukee, Wisconsin. Beeline Properties is using railroad right-of-way as a non-railroad user for a driveway, fencing, loading area and parking that adjoins WSOR's North Milwaukee railroad yard. WSOR would like to use the scale that is located on the right-of-way and the driveway approaches leading up to the scale for railroad purposes. Ken Lucht provided a drawing showing the area between the existing right-of-way line and the area that it requests to reclaim for railroad purposes. The WSOR has asked that WisDOT terminate this permit and allow WSOR access to its scale.

A Motion was made by Kottke/Zorn to have WisDOT reclaim the railroad right-of-way leased to Beeline Properties, LLC, and enter into a new agreement with Beeline Properties, LLC, to allow WSOR access to the scale and the driveway approaches leading up to the scale for railroad purposes. Motion carried by unanimous vote.

Report of WisDOT Railroads and Harbors: There were no representatives from WisDOT to make a report.

Report of WSOR: Ken Lucht reported the following:

On the Milwaukee Subdivision, between Hartford and Slinger, WSOR recently installed approximately 4,000 ties as part of its maintenance program. In 2021, WSOR replaced five crossings in the Northern Division. WSOR is in the process of weed spraying and brush cutting, conducting rail defect inspections, and conducting its annual bridge inspections. WSOR will start geometry testing this fall.

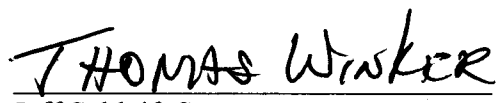
WisDOT recently appropriated \$20 million in the 2020-2021 biennial budget for the Freight Railroad Preservation Program. The trespass repeal bill did not survive and will not be included in the budget. Another threat to freight rail in the budget process, that did not survive, was the proposal to allow communities to exercise eminent domain to take property rights away from individuals and railroads for non-motorized bike paths.

WATCO and Canadian National, the former WCL, have come to terms on acquiring approximately 650 miles of branch lines in northern Wisconsin as well as the Upper Peninsula of Michigan, and approximately 250 miles of branch lines in Ontario, Canada. Ken Lucht provided a map showing the CN sale of rail lines to WATCO in Wisconsin and Michigan. WSOR will run these lines as a short line and regional railroad model instead of a Class 1 railroad model. WSOR will be adding three segments to the WSOR network. The branch line from North Milwaukee to Saukville, the branch line from Milwaukee to West Bend, and the branch line from Fond du Lac to Eden, will not be part of the EWCRC's jurisdiction because the State does not own them. The other branch lines acquired by WATCO will become a new railroad called Fox Valley and Lake Superior Rail System (FOXIE). WSOR has petitioned the Surface Transportation Board and is waiting for approval.

Date, time, and place of next meeting (September 8, 2021): The next regular EWCRC meeting will be held on September 8, 2021, at 10:00 a.m. Fond du Lac County will host the meeting.

Motion by Koch/Madigan to adjourn. Motion carried by unanimous vote. Meeting adjourned at 11:11 a.m.

Respectfully submitted,


Jeff Schleif, Secretary **CHAIR**

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.