

**Minutes of the
East Wisconsin Counties Railroad Consortium
Meeting of November 9, 2022**

East Wisconsin Counties Railroad Consortium Meeting was called to order by Chairman Thomas Winker on November 9, 2022, at approximately 10:00 a.m., at the Dodge County Administration Building Auditorium, 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.

Present: Char Holtan, Columbia County; Dave Frohling and Jeffrey Caine, Dodge County; John Zorn and Karen Madigan, Fond du Lac County; Dennis Mulder and Charlie Wielgosh, Green Lake County; Thomas E. Winker, Ozaukee County; Jeff Schleif and Robert Hartwig, Washington County; and, Donald Nussbaum and Howard Miller, Winnebago County.

Excused: Adam Hahn, Columbia County; Milwaukee County; Marty Wolf, Ozaukee County; and, Roger TeStroete and Al Bosman, Sheboygan County.

Others Present: Matt Belling, Didion, Inc.; Ken Lucht, WSOR, Leann Schultz, Kimberly A. Nass, Dodge County Corporation Counsel; and Kelly Lepple, Dodge County Corporation Counsel Office.

Chairman Winker asked that the Pledge of Allegiance be added to all future agendas of the EWCRC and asked that all members rise and recite the Pledge of Allegiance.

Public Comment: Matt Belling from Didion, Inc., expressed his concerns about the impending rail strike as Class 1 rail workers express concern over their existing labor contracts.

Dennis Mulder stated that Gelhar Trucking Company in Markesan is having issues with the pick up and delivery of its cars. Ken Lucht stated that WSOR is about 20 people down in terms of labor and that presents issues for its customer service for moving trains, picking up cars, and delivering cars. Ken Lucht further stated that some of the cars need repairs and there is a 4-5 day lag period before the car gets delivered to a customer. Ken Lucht stated that he will follow up with WSOR's operations team as well as the commercial team, and will get back to Dennis Mulder regarding this matter.

Approval of Draft Minutes of September 14, 2022: Motion by Miller/Mulder to approve the draft minutes of September 14, 2022. Motion carried by unanimous vote.

Financial Report: Jeff Caine reported for the period ending October 31, 2022. The balance in the checkbook as of August 31, 2022, was \$1,000.04. Deposits – None. Expenditures – None. Transfers – None. Total EWCRC money on deposit in the Local Government Investment Pool as of October 31, 2022, is \$740,551.35. Motion by Schleif/Frohling to approve the Financial Report. Motion carried by unanimous vote.

Consider, discuss and take action on Glendale Yard – Beeline scale, fence and right-of-way: Ken Lucht reported the following:

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.

On November 4, 2022, he attended a meeting on site with Mike Lindholm, the owner of Beeline, and Mr. Lindholm's attorney, Christopher Schmidt. Ken Lucht stated that he painted some lines on the pavement showing them where the fence needs to be relocated. Mike Lindholm and his attorney stated that because winter is coming, they would not be able to relocate the fence until spring.

Ken Lucht requests that the Consortium write a letter to Beeline, including WisDOT, giving them 30 days to relocate the fence or ask for a definitive plan with timeframes and performance measures. It is costing WSOR money and business not having access to the scale.

Kim Nass stated that the EWCRC should send another letter to Beeline stating they have 30 days to relocate the fence and if they do not comply, the EWCRC will take whatever legal recourse it has in terms of deeming the fence abandoned and remove the fence. Kim further stated that there is going to be a cost to do that and that the EWCRC should have another meeting with WisDOT regarding this matter.

A Motion was made by Nussbaum/Caine to authorize Kim Nass and the Chairman of the EWCRC to draft and send a letter to Beeline, and send a copy of the letter to WisDOT, indicating that if the fence is not relocated or removed within 30 days of the date of the letter, the EWCRC will consider it abandoned and will contract for its removal as an exercise of the EWCRC maintenance responsibilities under the Land Use Agreement and to return the leased land to productive railroad use. Motion carried by unanimous vote.

Consider, discuss and take action on Leann Schultz acquiring adjacent corridor lands at 126 Wisconsin Street, Beaver Dam, Wisconsin: **Consider, discuss and take action on Leann Schultz acquiring adjacent corridor lands at 126 Wisconsin Street, Beaver Dam, Wisconsin:** Leann Schultz is requesting to purchase surplus land from WisDOT. Ken Lucht stated that he would like to review the diagram depicting the land Ms. Schultz would like to purchase to make sure that the area subject to the sale is not within 50 feet of the centerline of the track and make sure that the rail line is abandoned.

Kim stated that she received an email from Lisa Stern on September 14, 2022, answering Ken Lucht's question as to whether or not the previous line that goes to the south, which would have run through Ms. Schultz's backyard, could be reestablished or if it has been abandoned. Lisa stated that that portion of railroad corridor has been disconnected from the national network due to previous property sales to adjacent landowners, and the old rail line that curves to the south is considered abandoned.

A motion by Mulder/Caine to approve the release of the right-of-way to the Schultz Property contingent on the written approval of WisDOT and WSOR. Motion carried by unanimous vote.

Ken Lucht stated that he will drive by the property after the meeting to inspect it and will provide feedback

of his findings by the end of the week. Leann Schultz will need to contact WisDOT to establish a sale price and coordinate surveying that portion of the right-of-way to ensure that the appropriate portion of the right-of-way is sectioned off to complete the transaction.

Consider, discuss and take action on potential closure of Sunny Knoll Road rail grade crossing located in the Town of Metomen, Fond du Lac, County, Wisconsin: Ken Lucht stated that he received an email from the Town of Metomen stating that they would propose the following changes to the railroad crossing to improve safety to allow Sunny Knoll Road crossing to remain open: The Town will repaint all pavement markings at the crossing, lower the speed limit to 45 MPH, update all signage, have the clearing site distance excavated on the southwest and on the southeast quadrants, and have the northwest quadrant corner site distance cleared of brush and trees. The Town understands that the clearing of the corner site distance on the northeast quadrant is acceptable but if it is not, they will clear that as well. The township does not have the funding to correct the corner site distances from the Southwest quadrant and the Southeast quadrant, which would require removal of approximately 16,000 yards or more of dirt plus purchase of land from adjoining landowners to the railroad tracks. The Office of Commissioner of Railroads stated that they will table this matter until the work has been completed.

Report of WisDOT Railroads and Harbors: No Report.

Reminder of the 23rd Annual Freight Railroad Conference scheduled for November 15, 2022: Tom Winker stated that the 23rd Annual Freight Railroad Conference will be held on November 15, 2022, at the Madison Marriott West Conference Center, located in Middleton, Wisconsin.

Report of WSOR: Ken Lucht reported the following: WSOR is currently testing all of its continuous welded rail and jointed rail on its entire network for defects. WSOR will have the results back in the next couple of months. WSOR is getting ready for winter making sure there are no tripping hazards in its yards as well as on the main lines. WSOR will start maintenance work on its maintenance of way machines this winter.

WSOR is not working on any capital projects at this time. WSOR is working on its maintenance plan for next year, which will require more public at grade crossing upgrades.

Ken Lucht handed out an updated map of the WSOR System. The West Bend Subdivision, between Germantown and West Bend, and the Saukville Subdivision, between North Milwaukee and Saukville, are the newest additions to the WSOR system. WSOR is getting to know its customer base in these areas. The track conditions are considered class one, which is the lowest level condition of track. WSOR will have to put some investment into these Subdivisions in the next 5 to 10 years.

WSOR received a \$6.7 million federal grant for the Janesville bridge project. The bridges have been derated to 263,000 pounds, which means customers have to light load its cars. WSOR is working with the Union Pacific Railroad to figure out a plan to either have the State own these bridges, or the Commission or WSOR lease these bridges, so WSOR can accept the federal grant and upgrade all five bridges to 286,000 pounds. There is a timeframe established by the FRA that says that the bridges must be completed by 2026. Negotiations with the Union Pacific Railroad are still ongoing.

The Merrimac Bridge, located in Merrimac Wisconsin, is owned by the Wisconsin River Rail Transit Commission. WSOR operates on that bridge. WSOR was given a federal grant in 2020 to upgrade the bridge. It has taken two years to get a grant agreement with the FRA, and in that two years, inflation has happened. There is a supply chain issue and prices have greatly increased. When WSOR bid this bridge out, the lowest bidder was \$8 million above its budget. WSOR has 60 days to reject or accept the bid. WSOR is working on a public/private partnership with the State, a number of counties and the rail transit commission who have some money to cover the \$8 million gap. If the bridge does not get upgraded, it will be taken out of service and will effect approximately 13 businesses.

The 2023 calendars will be ready in December of 2022, and will have them for the January 2023 meeting.

On October 6, 2022, Ken Lucht and Tom Winker attended the Wisconsin Railroad Association Freight Rail Day, which was held in Superior, Wisconsin. This event is presented by BNSF Railway, CN, WSOR, and CP.

Date, time, and place of next meeting (January 11, 2023): The next regular EWCRC meeting will be held on January 11, 2023, at 10:00 a.m. Dodge County will host the meeting, to be held at the Dodge County Administration Building, located in Juneau, Wisconsin.

Motion by Mulder/Madigan to adjourn. Motion carried by unanimous vote. Meeting adjourned at 11:13 a.m.

Respectfully submitted,

John Zorn, 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.