

**Minutes of the
East Wisconsin Counties Railroad Consortium
Meeting of September 9, 2009**

East Wisconsin Counties Railroad Consortium Meeting was called to order by Vice Chairman Stan Kline on September 9, 2009, at 10:00 a.m., at the Bublitz's Family Restaurant, 580 East Avenue, Lomira, Wisconsin.

Certification Of Public Notice: John F. Corey certified that the notice of this meeting complies with all applicable requirements of Wisconsin's open meetings law.

Welcome to Dodge County: Russell Kottke, Chairman of the Dodge County Board of Supervisors, welcomed everyone to Dodge County.

Roll call was taken.

Present: Kenneth Hutler and Vern Gove, Columbia County; Russell Kottke and Edwin J. Qualmann, Dodge County; Joseph Koch and Robert Fox, Fond du Lac County; Eugene Henke and Alma Hedberg, Green Lake County; Rose Hass Leider and Robert Walerstein, Ozaukee County; Duffy Reimer, Sheboygan County; Daniel Goetz, Washington County; and Stan Kline and Jef Hall, Winnebago County.

Excused: Jerald Holub, Sheboygan County and Brian Bausch, Washington County.

Others Present: Rick Gundrum, Washington County Supervisor; Dan Amato, Representative of Columbia County Economic Development; Sandy Mahlich, Plymouth, Wisconsin; Mary Ann Bernauer, Plymouth, Wisconsin; Charles Beck, Citizen; Jerry Thompson, Railroad Services Coordinator for the City of Plymouth; Don Pohlman, Mayor for the City of Plymouth; Jim Sedlacek, Councilman for the City of Plymouth; John Rogers, Business Development Director of the Sheboygan County Chamber of Commerce; Joseph J. Klein, Concerned Citizen; Ken Hypki; Roger Breske, Commissioner of Railroads; Paul Lohmiller, Graef Engineers; Bill Gardner and Ken Lucht, WSOR; Roger Larson and Frank Huntington, WisDOT Bureau of Railroads and Harbors; John F. Corey, Dodge County Corporation Counsel; and Kelly L. Lepple, Recording Secretary.

Public Comment: Rose Hass Leider shared a photograph of a train that ran on the rail corridor located near her home. Rose Hass Leider stated that her granddaughter entered the photograph in the Ozaukee County Fair and received a blue ribbon. Stan Kline stated that Milwaukee County is a member of the EWCRC, however, Milwaukee County has not named any representatives to the EWCRC and no one is present today to represent Milwaukee County. Don Pohlman, Mayor of the City of Plymouth, thanked the EWCRC for its support prior to Sheboygan County becoming a part of the EWCRC and stated that the City of Plymouth supports the activities of the EWCRC.

Approval of Minutes of July 8, 2009: Motion by Walerstein/Hutler to approve the minutes of the July 8, 2009, meeting, as presented. Motion carried by unanimous vote.

Financial Report: Ed Qualmann: The balance in the checkbook as of August 30, 2009, was \$1,000.00. There were no deposits. There were no expenditures. There were no transfers to the AIM Investment Account. As of August 30, 2009, the balance in the checkbook was \$1,000.00. Total EWCRC Money on Deposit in the AIM investment account as of August 30, 2009, is \$257,164.84. Motion by Koch/Leider to approve the financial report. Motion carried by unanimous vote.

Consider, Discuss, and Take Action on Rehabilitation of the Plymouth to Sheboygan Falls Rail Line: There was consideration of and discussion about the rehabilitation of the Plymouth to Sheboygan Falls rail line. Bill Gardner reported that bids were received for brush cutting. Bill Gardner stated that the WSOR is in the process of determining whether or not the company which submitted the lowest bid for brush cutting has the appropriate equipment, and, if WSOR determines that the company, in fact, has the appropriate equipment, brush cutting will start this Fall. Ken Lucht reported the following: WSOR has also received bids from contractors for the preliminary design and engineering for this project. WSOR has been working with officials from WisDOT to rank each contractor for the preliminary design and engineering work and for the brush cutting work. WSOR is waiting for WisDOT to announce funding for 2009. WSOR is working with the City of Plymouth to fund the local match. Don Pohlman reported that he anticipates that at the October 1, 2009, meeting of the Plan Commission, initial steps will be taken to amend the TIF project to include the \$3 million local match. Bill Gardner stated that various customers are inquiring about when this rail line will be up and running.

Consider, Discuss, and Take Action on Formation of Stakeholder Group for Rail Line from Plymouth to Sheboygan Falls: There was consideration of and discussion about the stakeholder group for the rail line from Plymouth to Sheboygan Falls. There was discussion about adding a homeowners' association or a Realtors' group to the stakeholder group to represent the homeowners located along the rail line. Mayor Pohlman stated that the City of Plymouth has held several public forum informational meetings for the public to attend and ask questions and make comments about the rail line. Mayor Pohlman also stated that the City of Plymouth has inquired about installing quiet zones in various locations in the City, and that quiet zones cost approximately \$270,000 each. The City of Plymouth is willing to accommodate its citizens and construct and equip three to five quiet zone crossings so that the residents of the community will not be disturbed. Ken Lucht reported the following: Quiet zones are not necessarily quiet at all times. WSOR is very supportive of quiet zones. WSOR will coordinate with the Federal government, FRA, and local municipalities in developing quiet zones so that WSOR's locomotive engineers do not blow the horn all of the time. There are a number of communities that are inquiring about the development of quiet zones. In accordance with applicable Federal regulations, locomotive engineers are allowed to blow the horn in quiet zones when they sense danger in the crossing. There are several communities that have parks, schools, municipal parking lots, bike paths, and pedestrian crossings along rail corridors, and if either the conductor or the engineer determines that there is danger in the crossing, they can blow the horn.

Consider, Discuss, and Take Action on Rehabilitation Projects for 2009 to be Funded in Part by EWCRC: There was consideration of and discussion about the rehabilitation projects for 2009 to be funded in part by the EWCRC. Ken Lucht reported that the EWCRC took action on the rehabilitation projects for 2009 to be funded in part by the EWCRC. John Corey stated that he will determine when the EWCRC took action on these matters, and will report back to the EWCRC at its next meeting. Ken Lucht further reported that the rehabilitation project to be funded in part by the EWCRC in 2009 will be a Phase I project between North Milwaukee and Slinger. This project will consist of reconstruction of several public at-grade railroad crossings and the installation of numerous switches. This rehabilitation project will be funded at a level of \$1 million because of a lack of additional available funding. WSOR and the EWCRC will jointly contribute a total of 20% of the cost and WisDOT will contribute 80% of the cost.

Consider, Discuss, and Take Action on Rehabilitation Projects for 2010 to be Funded in Part by EWCRC: There was consideration of and discussion about the rehabilitation projects for 2010 to be funded in part by the EWCRC. Ken Lucht reported the following: That WSOR has not been awarded any funding for 2009 and that WSOR's choice of 2010 projects will depend on the amount of funds that will be awarded to WSOR in 2009. WSOR will have more information regarding its 2010 projects at the November meeting of the EWCRC. It is very likely that WSOR will rehabilitate crossings and switches on the Milwaukee to Slinger Subdivision. WSOR will start discussions about installing continuous welded rail in this entire Subdivision. These projects are two of WSOR's largest capital projects in the EWCRC area for 2010. There was discussion about EWCRC member county contributions for 2010. It was requested that all members of the Board of Directors of the EWCRC appear before their respective county committees and request that each county budget \$25,000 for the 2010 member county contribution to the EWCRC. This matter will be put on the agenda for the November, 2009, meeting so that each respective member county can report its contribution level for 2010.

Update from WisDOT on the State Budget and on Projects Planned in Wisconsin: Frank Huntington reported the following: The 2007-2009 State Budget provided \$22 million for the biennium (\$11 million per year) to the Freight Railroad Preservation Program. The new State Budget has \$60 million for the biennium (\$30 million per year). The rehabilitation projects that WisDOT will fund in part in the Northern Subdivision include the Plymouth to Kohler rail line, which is a reintroduction or re-establishment of an old rail line that has been idle for a number of years, and the North Milwaukee to Slinger rail line. Rehabilitation of the North Milwaukee to Slinger rail line will cost approximately \$2.2 million. In 2009, WisDOT will fund \$1.2 million of the approximate \$2.2 million total cost of rehabilitation. Rehabilitation projects in the Southern Subdivision include the Madison to Milton Junction rail line, at a total project cost of approximately \$20 million. A tie replacement project on the rail line between Janesville and Monroe is another rehabilitation project that is being funded in part by WisDOT. WisDOT is also considering making repairs to certain bridges on the Southern Subdivision, which will cost a total of approximately \$3 to \$4 million. WisDOT has other rehabilitation projects currently pending in the Northwest corner of the State, in Barron County and Chippewa County. Funds available to WisDOT for rehabilitation projects have increased significantly, but funds are insufficient to pay for all proposed rehabilitation projects.

Consider, Discuss, and Take Action on Report of WSOR: Bill Gardner reported the following: WSOR is currently working with a prospective new shipper in the Iron Ridge area. In Gaylor, Green Lake County, Wisconsin, the sand shipper, located on CTH S, is shipping approximately 20 cars of sand per week to Texas. AMG Resources Midwest Corporation, a new customer which is located in the Town of Granville, has plans to ship approximately 20 cars of metal scrap outbound in the next 2 months. A new customer which bought the old Mead Container facility located on Good Hope Road at approximately 79th Street in Milwaukee, will be installing a switch on the rail line and will be receiving liquid which will be used in some type of chemical process. U.S. Oil, a shipper that is located outside of the EWCRC area, is shipping approximately 8 cars of gasoline per day from Madison to Canada. Another shipper, Menasha Packaging of Hartford, which has not used rail service for the past 10 years, has put its track back into service and is shipping corrugated cardboard into Hartford for processing. WSOR is shipping a lot of ethanol from Didion in Cambria, and will ship approximately 1,200 cars of ethanol in 2009. Ken Lucht reported the following: During the past several months WSOR has installed approximately 8,300 ties on the Plymouth Subdivision, between Saukville and Plymouth. WSOR recently installed approximately 4,500 ties on the Markesan rail line between Iron Ridge and Markesan. WSOR recently installed approximately 6,600 ties on the Cambria Subdivision. WSOR recently cut the brush along the Markesan Subdivision to open up the corridor and increase the effective life of the ties. WSOR performed tamping and surfacing operations on the Oshkosh Subdivision which were required because of the large amounts of ethanol that WSOR is hauling outbound from Utica Energies near Oshkosh. In August WSOR completed substantial repair work to a ballast deck bridge near Quad Graphics in Hartford. WSOR worked with WisDOT to rebuild a crossing on STH 33 in Horicon. Badger Mining Corporation invited people to its facility to educate them on the importance of industrial sand in everyday use. There were a number of educational activities, demonstrations and games, designed around its production plants. WSOR participated in Adventure Day by giving free train rides between the two Badger Mining facilities located in Green Lake County. Approximately 3,000 to 4,000 individuals received a train ride.

Consider, Discuss, and Take Action on Re-Regulation of Railroads: Ken Lucht reported the following: Despite WSOR's attempts to reach out to the members of Congress, H.R. 233 has been considered by committees and will soon go to the full House of Representatives for approval. In the event that H.R. 233 becomes law, it will have a large negative impact on the manner in which WSOR does business in Wisconsin and the manner in which railroads do business in all parts of the United States. In the event that H.R. 233 becomes law, it will seriously affect WSOR because interchange traffic represents 61% of WSOR's entire business. The United States Senate is working on a more reasonable version of H.R. 233, which includes a compromise between the rail industry and rail customers.

Ken Lucht reported the following on Assembly Bill 314, Use of Herbicides by Wisconsin Railroads: Assembly Bill 314 went to a public hearing at the beginning of August of 2009, and then it went to a vote by the Assembly Committee on Natural Resources. The version of Assembly Bill 314 that was voted on by the Assembly Committee on Natural Resources was significantly different from the original Assembly Bill 314 that was initially presented. In essence, the Assembly Committee of Natural Resources made many, significant changes to the original Assembly Bill 314. The re-entry restrictions that were included in the original Bill were

removed. WSOR continues to be seriously concerned about the public notification and employee training provisions in Assembly Bill 314. WSOR thanked the EWCRC and Winnebago County for sending letters in opposition to Assembly Bill 314 to Members of the Assembly Committee on Natural Resources.

Time, date, and place of next meeting (November 11, 2009): The next regular EWCRC meeting will be held on Wednesday, November 11, 2009, at 10:00 o'clock a.m. Winnebago County will host the meeting.

Motion by Reimer/Leider to adjourn. Motion carried by unanimous vote.

Meeting adjourned at 11:04 a.m.

Respectfully submitted,

Jef Hall, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.