

SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION

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MEMBER COUNTIES: DANE • GREEN

**Wednesday October 24, 2012, 2:00pm, Fitchburg DNR Facilities, 3911 Fish Hatchery Road,
Fitchburg, WI**

- 1) Paul Ziehli, Vice Chair, called the meeting to order at 2:21 pm. (Meeting was delayed as Jay Allen was late and was necessary for quorum.)

2) **Roll Call / Establishment of Quorum:**

Commission members present for all/part of meeting:		Others present for all/part of meeting:
Jay Allen, Dane Co.	x	Mary Penn, Administrator
Jim Haefs-Flemming, Dane Co.	excused	Frank Huntingdon, Kim Tollers, WDOT
Paul Ziehli, Dane Co. Vice Chair	x	Dana White-Quam, Brad Bates, WDNR
Harvey Kubly, Green Co., Chair	excused	
Oscar Olson, Green Co.	x	
Ron Wolter, Green Co. Treasurer	x	

1. 2:21 PM **Call to Order** – Paul Ziehli, Vice-Chair
2. Roll Call. **Establishment of Quorum** – Mary Penn, SCWRTC Administrator
3. Action Item. **Certification of Meeting’s Public Notice** – Prepared by Penn
4. Action Item. **Approval of Agenda** – Prepared by Penn

Before a vote could be made, Penn said that Item #12 needed to be amended to identify it as an action item which she had forgotten to add initially. Ziehli said that an amendment was not necessary, only a correction to the agenda need be made.

- Motion to approve agenda – Olson/Wolter, Passed Unanimously

5. **Approval of draft Minutes from April (July mtg cancelled) meeting** – Prepared by Penn

- Motion to approve draft April Minutes – Olson/Wolter, Passed Unanimously

6. **Public Comment** – There were no public comments.

7. **Correspondence & Communications** – There was no correspondence or communications.

8. SCWRTC Financial Report – Ron Wolter, SCWRTC Treasurer

Ron Wolter gave the Treasurer's Report.

- Motion to approve the Treasurer's Report – Olson/Allen, Passed Unanimously.
- Motion to approve Bills – Allen/Wolter, Passed Unanimously

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

Penn distributed materials including the adopted fee schedule, a railroad map showing the extent of the SCWRTC's trail, and a 2013 meeting schedule for the Commission. Dana White-Quam said that the McGuire crossing was "really bad" (she had visited it on 9/13) and that to date she had received nothing from him and that something has to happen to correct the situation: there has been encroachment on the trail. Penn said that she had received payment from McGuire and a signed permit but because the signature was not witnessed, had sent it back with instructions for witnesses to sign and return the permit to her. At the same time, Penn had instructed McGuire to send his crossing plan to White-Quam, WDNR, as it was DNR standards the crossing had to meet. Penn said that after that communication was sent to McGuire she had not heard from him. Jay Allen said that since the permit was never witnessed and DNR received no crossing information McGuire does not have a valid permit. White-Quam said there are some "major safety issues" and if they are not corrected the DNR will have to take some legal action. She did not say SCWRTC could not take action; just that DNR may, due to safety issues.

Returned to Item 8 upon reminder from Wolter that payment of bills had not been made. Bill payment was approved then the Commission returned to Item 10.

10. WisDOT – Staff may include Frank Huntingdon, Roger Larson, WDOT

Frank Huntingdon had nothing specific for the Commission but gave a general update on transportation action in the southern part of WI. He said that funding for projects has been ongoing but with some delay due to WATCO's acquisition of WSOR. Apparently there will be more bridges and a side track project. WATCO will be working on a section between Janesville and the State line. The PRTC line is currently having some work completed from past projects. Allen asked about the siding and whether it was in the existing ROW and Huntingdon concurred. This is a new track in a more useful location rather than a rehabilitation. Huntingdon said that he hoped the budget would be adopted next summer. He believed funding would be at least continuing at the same level and not be dropped. Wolter said a crossing had been replaced on County. T and was "very nice". Huntingdon said WSOR has been putting a lot of their own money into projects. There was more discussion about other crossing projects with Allen giving some personal information related to his experience as Mayor and crossing work, particularly in regard to Lacey Road. Oscar Olson asked if WSOR had closed 3 crossings in Madison. Huntingdon said that 2 were closed and 1 remained open but it appears it will be challenged in court by the city.

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

White-Quam passed around handouts relating to a number of encroachment issues. Brad Bates and she toured the corridor looking for encroachments; some were simple (mowing, gardens), others were quite major (driveways, buildings, stairways, etc.). She highlighted the McGuire crossing with photos showing before and after (crossing work) illustrating the driveway and the trail. Bates clarified the photos, explaining where he was when the photos were taken. White-Quam said that the driveway had been improperly put in 12" higher. Among other things, they tore up the vegetation along the trail, and used a skidsteer that "bulldozed everything" resulting in a large bump in the corridor which it quite elevated. She said WDNR needs to get back out there to work with them to correct the problem because trail safety is at issue. Allen reiterated that there is no valid permit but Penn reminded the Commission that there was approval by the Commission in April; the permit was approved, signed but not witnessed so the permit was sent back to the McGuires. Penn explained what happened in April during the meeting; and White-Quam said she had never received any crossing plan from them (as required) for WDNR approval.

ADOPTED SCWRTC OCTOBER MINUTES

There was discussion on the fact that McGuire did what was most good for them rather than following the rules. Allen asked how much bike traffic does the trail get and she said that there were some bikes and walkers but actually there were more snowmobiles. She then presented another situation where a staircase had been put in with the trail at the bottom of the cut. Allen asked if there was ROW signage. He said that many people don't know their property line; she said some of these stairs were 30 to 40' into the ROW, adding that in some areas there will be some boundary signage put in but they can't put it up everywhere due to lack of funding. There was more discussion about the issue of fence lines and the assumption that some landowners are using old lines (woodlots, etc.) for property markers. Olson asked if how far they could go in. White-Quam said the ROW is 300' due to the deep cut in this part of the trail. She was getting more information on the correct ROW width for the various examples shown in the handout, but did not know if WDOT or SCWRTC had liability issues for things like the staircases. Huntington said that WDNR is the land manager; White-Quam said WDOT is the landowner. Allan said that if someone were to be hurt on the steps the WDNR might be found negligent if the stairs were not removed. If there is knowledge about the issue, then liability is involved. He suggested sending a letter to the property owners to remind them. Huntington said that he understands that WDNR is responsible for management. WDOT and SCWRTC does retain final authority in issues of buying and selling. White-Quam said that in cases like mowing and gardening within the ROW they typically enter in a land use agreement with the property owner. Huntington did not know if WDNR had authority to enter into agreements but they did have authority to manage. Allan said that the solution is to tell the property owners to pull the staircases (and other encroachments) or WDNR will remove them for them. White-Quam said that for the gardening and mowing issues, (in one community there were 4 to 5 gardens) they were told to stop gardening. Due to complaints, the WDNR employee who reported the encroachment was disciplined for enforcing the boundary. For that reason WDNR is in a catch 22 situation. Huntington said WDOT would look into the issue more as to who has authority to act in these situations but White-Quam reiterated that WDNR was in somewhat of a dilemma. Huntington said that this issue would perhaps need to be on the next agenda following a question from Ziehli asking what WDNR needed from SCWRTC. Allen asked how far the road was from the trail (in the McGuire situation) and if it were long enough to accommodate cars before entering the trail. Olson asked about a mowing situation in Monroe and why that was a problem. White-Quam said that if the WDNR doesn't enter into a land use agreement, after a number of years, the landowner could possibly claim a right to use the land or even in some cases, earn possession. White-Quam said that WDNR has lost land due to squatters ("adverse position") in other situations. There was more discussion on adverse possession and some of the ins and outs on and that WDNR has been advised to enter into formal land use agreements to protect the WDNR and have the neighboring properties acknowledge they are not the landowners. She said the whole point of the land use agreements is to make sure the land owners understand what they own. Bates said that this has been occurring more and more and seems to have been spiking in recent years.

White-Quam next updated the Commission on cracking along a paved section of the corridor. Monday (10/22/12) there had been some testing where the cracking was occurring and nothing indicated that the utility gas line was causing the cracking so they still don't know what is causing it and will work on other possibilities.

An underpass on HWY 11 in Monroe is being proposed for the bike trail which must be big enough to allow grooming equipment to pass. Allan asked why the underpass is being proposed and White-Quam said because it is at grade and therefore not very safe; an underpass would make it safer for cyclists.

Olson asked about the bridge issue (being too small to allow equipment to pass through) and White-Quam did not know if there had been a final decision made. She said it seems likely the snowmobiling clubs will use their own grooming equipment but as far as she knew, the height would not be corrected, due to the cost. Since the company admitted it made the error, the WDNR has decided that it will not pursue disciplinary action and not force the issue of a re-do or replacement of the structure. She said that there are some alternatives including the WDNR getting

different equipment and working with the City to maintain that section with their equipment. The WDNR is still working on possible solutions to the problem.

12. Consideration and possible approval of draft 2011 SCWRTC Audit with Johnson Block – Mary Penn, Admin

Penn distributed the draft audit. She explained that Johnson Block had sent a sign-off letter to Chair Harvey Kubly and that presumably he had signed and returned it. All the Commission needed to do was approve the draft audit.

Prior to voting, Allan recommended that there should be a document outlining the financial management and controls for the Commission.

- Motion to approve the draft audit pending Harvey Kubly's review and approval –Olson/Wolter, Passed Unanimously

13. Proposed trailhead development on the Badger State Trail in Monroe – WDNR Representative

White-Quam distributed a handout with an air photo and schematic outlining the area saying that a group of groups and individuals, including the City of Monroe, want to put in a trail head including a shelter and a parking lot for the trail near Twining Park. All that has been proposed so far would be within the ROW but the track itself would not be impacted. The distributed schematic showed the location of the permanent structures proposed. Ziehli asked if this came under the same agreement that dictated terms if the track goes back to rail. Huntington said WDOT would ordinarily issue a permit for the project but because a permanent structure is involved, WDOT believes that a formal permit needs to be done. White-Quam said WDNR had given them (the group) a grant for site work which has not yet been done. This group has also received another grant (both were 50/50 match grants) to do the work. Kim Tollers asked how wide the ROW is. White-Quam said the schematic did not show everything as easily. The group tried to identify the ROW lines. Tollers said she wanted to know if phase 2 and 3 would impact the ROW. Allan said to him it looks like a bigger park project and the shelter looks to be only one piece of it. He said that if he were planning it, it would be done in phases to create some kind of tourist area/trail user destination. White-Quam said she would look into what the groups are planning for the future and also to identify the actual width of ROW for the proposed location. There was more discussion about the layout of the site and its elevation. Olson said there used to be quite a few buildings in this area. Ziehli asked about Mike's Bike Haus because it is not on the air photo but is on the schematic and also asked where people parked to get to the trail now. White-Quam said that part of the proposal includes parking. There was additional discussion about the layout in regard to access and parking for cars. Allan said that more planning information was needed to try to identify what the group is planning for Phase 2 and 3. Huntington said that any permit would include the information that the trail is in Rails to Trails Program and if rail comes back, it will come out of trail. Ziehli asked when they wanted to start work. White-Quam said they wanted to start this fall and Phase 2 and 3 were not being permitted at this time, only Phase 1. Allan said that if the group is only bringing the plan piece-meal, it is better to know the whole plan before committing themselves. Allan asked if the city were doing the project and White-Quam said yes. Ziehli asked if the group had done any grading yet and they have not. White-Quam asked Huntington that since this is a recreational improvement, would a permit be necessary. She pointed out that you don't want to slow down the enthusiasm of volunteer groups and this group really wants to get going and January, when the RTC next meets, would not allow them to do the grading work they want to do this fall. Allan said he didn't think the RTC can make a decision without knowing the full extent of what the overall project is, pointing out that schematic is hard to read and doesn't answer questions about locations and ROW (among other things). Ziehli asked Olson what he thought about the project and Olson said he thought it was a good idea as it would develop an area that hasn't seen much work in the past but because he didn't know the footages and distances he couldn't really say. Wolter said that if rail ever came back they'd have to tear everything out. Allen said he didn't have enough information to approve at this point, wanting to see things in the big picture saying architectural drawings or things like that would have been

helpful. White-Quam said she did not recall the group discussing Phase 2 and Phase 3. Tollers pointed out that the ROW was unknown for Phase 2 and 3. Allan said that if they didn't know everything, they couldn't make a decision. Ziehli said he believed they should table it until the RTC has more information. Tollers pointed out that there seems to be some significant grading work to be done based on the schematic and White-Quam said the city engineer is looking at the project but Tollers reiterated she wants to know what the plan really is so she has all the information. There was more discussion about the information the Commission does not know since it was not included in the handout. Bates said the shelter would provide kiosks, toilets, and a water fountain within the shelter and it would be a "Welcome Center to Wisconsin". Parking would be across trail and behind Mike's Bike Haus. The intention is to establish a center of information for bike enthusiasts. Ziehli said he thought it a great idea but because there isn't enough information, he suggested a motion to table until the next meeting.

- Motion to table this item until the next meeting – Allen/Olson, Passed Unanimously

Prior to voting Olson asked Bates to give more information on how the shelter would be in essence the "welcome center" for biking in Monroe and also the State in general. Since this location is only 10 miles from the state line, lots of bike tourists would use this. Additional discussion ensued about the layout of the Badger Trail and where it lay and how it provided a gateway to the state.

14. Adjournment

- Motion to adjourn at 4:02 PM - Allen/Olson, Passed Unanimously