

Wisconsin River Rail Transit Commission
Commission Meeting - Friday, FEBRUARY 10th, 2017 @ 10am
Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI

1. 10: 04 AM **Call to Order** – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum** – Troy Maggied

Crawford	Tom Cornford, <i>2nd Vice Chair</i>	x	Rock		
	Rocky Rocksford	excused		Wayne Gustina	x
	Derek Flansburgh	excused		Alan Sweeney, <i>Chair</i>	x
Dane	Gene Gray, <i>Treasurer</i>	x	Sauk	Terry Thomas	x
	Jim Flemming	excused		Marty Krueger, <i>Alternate</i>	x
	Chris James, <i>Vice Secretary</i>	x		Chuck Spencer	x
Grant	Gary Ranum	excused	Walworth	Craig Braunschweig	x
	Mike Lieurance	x		Dave Riek, <i>3rd Vice Treasurer</i>	x
	Robert Scallon, <i>1st Vice Chair</i>	excused		Eric Nitschke	x
Iowa	Charles Anderson, <i>Secretary</i>	excused	Waukesha	Richard Kuhnke, <i>2nd Vice Treasurer</i>	excused
	William G Ladewig	x		Allan Polyock	excused
	Jack Demby	x		Karl Nilson, <i>4th Vice Chair</i>	x
Jefferson	Jeni Quimby	excused		Dick Mace	x
	Gary Kutz	x		Richard Morris	excused
	Augie Tietz, <i>3rd Vice Chair</i>	x			

Commission met quorum.

Others present for all or some of the meeting:

• Troy Maggied, WRRTC Administrator • Ken Lucht, Dave Bierman, WSOR • Alan Anderson, Pink Lady RTC • Andrew Brantmeyer, Sauk County resident • Marty Krueger, Sauk County/Great Sauk Trail	• Kim Tollers, Rich Kedzior, Dave Simon, Teri Beckman, WisDOT • Dana White-Quam, DNR • Eileen Brownlee, Julia Potter, Boardman & Clark • Jim Matzinger, Dane County
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3. Action Item. **Certification of Meeting's Public Notice** – Noticed by Maggied
 - Motion to approve the meeting's public notice – Laedwig/Thomas Passed Unanimously
4. Action Item. **Approval of Agenda** – Prepared by Maggied
 - Motion to approve February agenda – Cornford/Nitschke Passed Unanimously
5. Action Item. **Approval of draft January 2017 Meeting Minutes**– Prepared by Maggied
 - Motion to approve January 2017 meeting minutes with minor corrections – Mace/Tietz Passed Unanimously
 Mace provided Maggied with minor editorial corrections for inclusion to the minutes.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair
 There was no public comment.

7. Updates. **Announcements by Commissioners** – No Discussion Permitted
 Nilson announced on the MadCity model railroad show will be held on February 18th and 19th at Alliant Energy Center.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – Jim Matzinger, Accountant
 Matzinger provided the December Treasurer's Report to the Commissioners. There were four pieces to the report: The December 2016 financials, January 2017 financials, cash disbursements, and the budget sheets. Page 1 of the report shows the rail projects for 2015 are paid for and closed out. WRRTC has approximately \$8,000 in cash on hand. Page 2 is the income statement, which shows the total revenues meeting the projected budget. Expenses are over budget with a deficit for 2016. The bill from the auditors was paid, and is

the final bill for the year. The total projected loss for 2016 is \$35,000. Page 3 shows all counties have been billed, with two checks in already. Total revenue will be \$252,000 and will increase cash on hand until the Commission has to pay WSOR for projects. Page 4 is the income statement through January. Expenses related to the Sauk bridge are in the second column. A new fund has been added for the rails to trails expenses and shows the \$15,000 salvage on Sauk rail as a segregated fund to allow separate tracking of this money and related Sauk bridge expenses including warning signs, inspections, etc. There is an unbudgeted revenue of \$15,000 to feed into the budget discussion. Under the 2017 budget, Matzinger noted that the Commission is now budgeted to break even, with \$309,000 in projected revenue and expenditures. He will suggest to change this in order to cover the 2016 deficit.

Sweeney asked if the \$21,860 in expenses related to underwater inspection can be taken out of its current line item and put into the fund that tracks expenses related to the rails to trails. Matzinger said the salvage will come in 2017, but these expenses were in 2016 and can't be split out into the new fund, but that he might be able to set up a retroactive rails to trails fund in 2016 and carry it forward.

Page 6 projects the \$35,000 shortfall in 2016. The 2017 budget is in place and this can't be recovered since revenue can't be increased in 2017. Recovery of this funding will need to start in 2018. He noted there is also the anticipated \$15,000 from the rail salvage to apply to this overage. Matzinger's revised proposed 2018 budget shows an increase in county contributions from \$28,000 per county to \$31,000. This will raise an additional \$27,000. Legal expenses are expected to increase from \$4,000 to \$10,000. Matzinger said the Commission will need to reduce contributions to WSOR by \$4,800. These changes will make up the \$35,000 through a surplus generated across two years. In 2019 and beyond the Commission will still be collecting the increased county contribution amount raised in 2018.

Sweeney stated that he thought the audit expenses are high compared to PRTC and SCWRTC. PRTC's audit bill is \$1,800, and WRRTC's bill is \$5,100. The audit engagement letter for 2016 is on the agenda for signature today. The previously signed management letter was for the 2015 audit. The engagement letter to commit to this expense is not yet signed for 2016. Sweeney said he would like to put it out to bid and see what prices they can get. Brownlee said there is no need to bid this or put out a request for proposals. Instead, the Commission could make calls and get a couple of quotes. Otherwise the Commission could just call the current auditor and ask them to negotiate. Matzinger said the auditor's services haven't been bid since he's been there. Brownlee said the PRTC and SCWRTC contact the auditor and discuss the fee prior to signing. Lucht noted that Johnson and Block is also the auditor for the PRTC and EWCRC. Matzinger will contact the auditor and ask them to negotiate the price. Nilson questioned the value of the audit. Brownlee said the Commission's charter may require an annual audit.

Mace asked when the last county contribution was raised, and it was reported this went from \$26,805 in 2013 to the current \$28,000. It was \$25,000 before that for many years. Tietz said the Commission should reduce spending instead of increasing revenue from counties. Spencer said if the legal representation is increased the Commission is still short. The Commission agreed that 2016 is an outlier in terms of legal expenses. Brownlee said last time legal fees were this high was in 2000. Ladewig said a plan to address shortfall is necessary, but a letter should go to member counties to inform them of the situation, how expenses have been reduced, and that some increase in revenue is the only way to proceed. Nilson agreed with this process and asked if the increase in county contributions could be lowered and extended across three years to lower expenses, then be dropped back to current levels once the overages from 2016 are recovered. Matzinger will bring alternative scenarios to the next meeting for discussion. Nitschke said all issues should be on the table for this discussion, and all parties including WSOR should be included. He's taken time already to discuss this internally at Walworth County since he's seen it coming.

Matzinger said the new fund is set up for the rails-to-trails project and to make room for the future bridge expenses. Raising dues may be necessary to cover future bridge expenses, but he needs numbers for projected expenses to maintain bridges over long term. Ladewig said the current political climate may be against raising funds, and asked if federal funds would potentially be available in the future. Nitschke said the Commission should come to a conclusion by summer, and certainly no later than August 1. Sweeney said July 1 is better. Tietz said he is confused with the bridge and rails-to-trails component. Sweeney said revenue from the salvage of rail steel during the conversion to trail has value, this value is coming back to the Commission for use in rehabilitation of the bridge and therefore kept in the column tracking rehabilitation expenses. Simon said these funds will be used for rail removal, and any funds left over would be used on system. Once the bridge is in rails-to-trails, the responsibility for maintenance will be different.

Kutz asked Lucht if the majority of bridges on the system go over Wisconsin River. Lucht said that the majority of the cost to maintain bridges will be spent on those crossing the Wisconsin River, however the majority of the bridges themselves are not crossing the Wisconsin. Bierman concurred. There are three big bridges crossing the Wisconsin, located at Spring Green, Wauzeeka, and Merrimac. This is just a small number of the total bridges in the system, but large in the total expenses. The rest of the bridges are scattered across the various subdivisions and are maintained based on priority of their condition. Nilson asked about the rail in Janesville near the GM plant. Bierman said there are six bridges there and all are recently rehabbed and in good shape.

Nilson asked for a three-year scenario to try to stay below a \$30,000 county request. Krueger encouraged commissioners to have beginning conversations with their counties to discuss this potential increase. He said that one of his county board chair counterparts informed him that he had to fight like hell to keep the WRRTC in his budget, and that it does no good for the rest of the commission members to increase fees if they lose one county. He said each county has different view of the value of the RTC – some are located right on the track and recognize the value, others are further removed. Sauk County funding comes through the economic development committee.

Sweeney asked Tietz if lowering costs as well as a smaller contribution increase would be acceptable to his county. Tietz said this would be a good step in the right direction, and that maybe the amount going to WSOR needs reduced rather than to risk losing counties. Spencer said this would show good faith to the counties. Ladewig agreed with this and likes the sunset provision set for three or four years out. Sweeney said this could come into one of the scenarios.

- *Motion to approve the Treasurer Report as presented – Thomas/Gray, Passed Unanimously*

Matzinger said page 5 shows cash disbursements of \$2,000 to Johnson and Block for the audit, \$296 for accounting, and the final bill to SWWRPC for administration.

- *Motion to approve the payment of bills – Nilson/Ladewig, Passed Unanimously*

9. Discussion and Possible Action on Amending 2017 and 2018 WRRTC Budget – Jim Matzinger, WRRTC Accountant
Discussion on the budget was included in Agenda Item 8. Matzinger will come to the March meeting with new budget scenarios for 2017 and 2018.

10. Wisconsin & Southern Railroad's Report on Operations – WSOR

Lucht reported WSOR is very busy working on installing new rail on the island at Prairie du Chien going to Wauzeeka. Bids are due on February 23 for new rail and a turnout at this location. Two tie projects are out for bid for rail on the Waukesha and Sun Prairie subdivisions. WSOR just accepted bids for three bridge replacements in Madison, and the Fox Lake subdivision rail project just received a grant to install 115 pound CWR. Another round of grant applications are due to WisDOT for 2018 bridge replacement projects. This application will be for \$21 million, including \$14 million for the Merrimac bridge over the Wisconsin River. The application for preliminary engineering was awarded, and WSOR will perform this work this year. Construction to replace the pier superstructure will occur between 2018 and 2020. WSOR is gearing up for major bridge replacements on the Wisconsin River and will be working on the Spring Green and Wauzeeka crossings in the future.

Gray asked for a report on where maintenance is taking place, saying it would be helpful to know from one month to another where spending is occurring. Lucht says this information is provided in the annual report, but he'll see if this can be done quarterly in the future. The Annual Report typically comes out in February or March and reports on productivity for the previous year. Nilson asked about the 13 engines that were reported as out of commission at the January meeting. Lucht reported they are now operating. WSOR received a federal grant from to provide heaters in all engines, which may allow them to be shut down in the winter.

11. WisDOT Report – Kim Tollers, Rich Kedzior, WisDOT

Simon said this is an exciting time for railroad and Commission with regard to projects, including major bridge rehabilitation and reconstruction and installation of CWR throughout the system. There is good state funding to support this drive, and WSOR is stepping up and doing a fantastic job on these projects. Simon believes the Commission will look back at this time and note all the progress being made. Mace offered gratitude to the state for making this funding available.

Simon reported that Governor Walker's budget, released Wednesday, included \$12 million for freight rail preservation. This was not as high as in the past, but it was what the secretary proposed and there were no shocks. The budget is now being reviewed by the Joint Finance Committee with a target date for approval of July 1st. The reduction in the amount of available funding is something WisDOT is accustomed to lately, but lots of major project funding is in place and projects are proceeding and there is funding for most projects. Funding for the Wauzeeka bridge is the next big challenge, but once those projects are done the major projects will be complete and the Commission will move on to funding rehabilitation of rail on the rest of the system.

12. WRRTC Correspondence/Communications and Administrator's Report – Maggied, Admin.

Maggied reported on email correspondence from Andrew Brantmeyer, who wrote wondering about the "abandoned and falling train bridge in Sauk City." Mr. Brantmeyer said that he thought it looked worse and was wondering who was responsible for the structural integrity or dismantling of the bridge. Maggied informed him that the WRRTC is aware of the issue and working to address it, and that it will be the topic of an agenda item at today's meeting. He provided the time and location of the WRRTC meeting to Mr.

Brantmeyer. Mr. Brantmeyer asked if there was someone he could contact locally, and Maggied replied that he could talk more after Friday's meeting when more information is available.

Maggied reported that the terms for Charles Anderson, Jenifer Quimby, Wayne Gustina, Richard Kuhnke, and Richard Morris are scheduled to expire in 2017, and asked these Commissioners to submit documentation and dates of their reappointments when they have them.

13. Discussion and Possible Action on 2016 audit engagement letter – Sweeney, WRRTC Chair

Sweeney stated the Commission will wait on this item until Matzinger can communicate with the auditors, as reported in agenda item 8 above.

14. Discussion and Possible Action on Revenue Memorandum of Understanding By and Between the PRTC and the WRRTC –Sweeney, WRRTC Chair

Sweeney and Brownlee presented the revised MOU for discussion. Sweeney said this MOU cements the process currently in place, in which Rock and Iowa counties pay to the WRRTC and Green County pays \$26,500 to the PRTC. Brownlee stated there were minor changes to the previous version. Ladewig thanked her for the effort and asked if an issue is created by the PRTC paying less than the counties contributing to the WRRTC. Brownlee stated this is the way it's always been.

- *Motion to Approve the Revenue Memorandum of Understanding By and Between the PRTC and the WRRTC as presented – Ladewig/Spencer. Discussion:*

Nilson said price differential issue is a good point and asked if this could be postponed until the next meeting. It was reported that the PRTC doesn't meet again until May

- *Motion to table – Nilson. Discussion:*

Brownlee said there is no urgency to this issue, and that it just addresses the reality as it exists. Nilson said the proposed increases change the relative strengths of the RTCs. Ladewig stated the MOU is between the two commissions, not between counties. Brownlee said this MOU is the only thing "lurking in the weeds" with regards to Green County's consideration of joining the WRRTC. In the absence of an approved MOU, Green County won't be joining the WRRTC. Sweeney said the longer this issue is before the Green County Board, the better. Nitschke asked if there is a reason the term is set to 20 years. Brownlee stated the duration of the MOU is standard. Sweeney said there are no guarantees this will get Green County to join. Nitschke asked if the Commission could move the term to 10 years instead of 20 years.

Nilson withdrew his motion to table.

- *Motion to Approve the Revenue Memorandum of Understanding By and Between the PRTC and the WRRTC with the amendment of the duration from 20 years to 10 years – Nitschke/Tietz. Passed unanimously.*

15. Discussion and Possible Action for scope of work and application for FRPP funding for stabilization of bridge A-428, and rails to trails conversion north of MP 7.97 –Sweeney, WRRTC Chair

Sweeney put together the letter attached to the meeting packet and provided to the Commissioners. Bierman provided a background on the options for this bridge, stating it is failing per the Westbrook report. The river is very dynamic here, and causing scouring of piers in the river. WSOR provided five scenarios for addressing the failing bridge, and have developed cost scenarios for each. A summary was provided in the meeting packet. Bierman provided the following comments on these scenarios:

- Scenario 1 – puts the bridge back in alignment through stabilization. The scenario requires lots of work and has a high cost.
- Scenario 2 – removes spans 2 and 3 and removes the danger of collapsing steel. The pier 2 would remain. This is a feasible project for a contractor, and WSOR has costs estimates that are fairly close to actual costs.
- Scenario 3 – removes span 2 and 3 and pier 2, which has scouring underscoring its foundation.
- Scenario 4 – this larger scenario removes almost all the steel from the bridge and removes the concrete superstructure in the river. Any portion of the steel superstructure that could fall over would be removed.
- Scenario 5 – removes all spans, including the span near Water Street. Also removes all steel and substructure. All that would remain are the two shoreline abutments.

Bierman shared some caveats for this work, such as the permitting needed by the DNR. Based on historic similar work, he believes the DNR would go along with this operation. Access is assumed to be from a ramp through the river bottom. It is assumed that all demolition would be done by blasting. Bierman noted that the scrap value of superstructure is minimal, since there is not a lot of

weight and the present devaluation of scrap steel. Span 3 has approximately 85 tons of steel. The cost of labor to remove and the low price of scrap steel reduces the value. Lucht said the scopes provided in these scenarios were driven by the Westbrook report. As an operator with extensive experience in stabilization and rehabilitation, WSOR sees these as having value. It all depends on what the Commission is looking to do, and there could be other scenarios. WSOR has good estimators who have worked out real-world estimates they could use if they applied for a grant.

Simon recommended a potential scenario 6, which would remove spans 1, 2 and 3 and piers 1, 2, and 3. Bierman said the removal of spans 5 and 6 and pier 5 add lots of cost. Pier 5 was rebuilt and is now out of the river and on the shore due to this past rehabilitation. Removal would involve lots of sheet steel and concrete. Spans 5 and 6 are the most durable portions of the bridge, and there are no safety concerns with this falling or any clearance issues. Nilson asked for the value of scrap steel, which was reported at \$235 per ton. Ladewig asked about permitting by the Army Corps of Engineers, and Bierman said this would probably fall under a general permit by WDNR. Ladewig asked about federal funding, and Bierman said he doesn't know of any. Lucht said this scenario only addresses the west channel structure. The east channel structure is stable.

In response to questions by Nilson, Bierman confirmed that scenario 4 leaves what's left of the piers below water, and that the cost of salvaging the steel is approximately \$20-25 thousand.

Nitschke stated that if the Commission moves ahead with this project, but only takes the steel decking and not piers, there is a possibility that it won't get permitted since structures will be left within the river. If a structure is left in the river and comes down, the Commission could incur two mobilization costs, one for the steel and one for the pier. If the Commission is required to remove the entire bridge, scenario 6 would address these issues. Sweeney asked White-Quam to comment. She said she could not since it wasn't her department. Demby said that if the Commission doesn't remove all of the unstable parts, they are just kicking the can down the road. Bierman confirmed the scour and destabilization will continue.

Sweeney asked Simon to report on any possible future use of these structures. Simon stated that WisDOT engineers looked at the Westbrook report and saw pier 1 had approximately 6 feet of scour. They believe this will continue to erode and continue to be less stable in the future. WisDOT has no confidence in piers 1, 2, or 3 to hold any structure of any type, including recreational. James asked Simon if the piers could stay in the water and be reconstructed just for recreation and not rail. Simon said that if a structure were built, it would need to be constructed so that at some future time it could accommodate freight rail. To do other than this would be considered "throwaway infrastructure" by the WisDOT, and therefore not funded. Kedzior clarified further by saying that this depends on whose money is being used. Freight Rail Preservation Program (FRPP) bond funds cannot be used for bridge or track removal without a railroad replacement. FRPP cannot be used for trail infrastructure. WisDOT views this effort as the joint responsibility of the RTC and the railroad. It is not a WisDOT bridge. The future owner of the bridge would be responsible for any trail structure if it is converted to trail. In rails-to-trails it would be considered rail without track, and would need to be managed with the future possibility of rail coming back. Any trail structure should be off the current alignment if a recreation bridge is constructed. Simon said WisDOT is not turning its back on the project, and is here to assist – possibly financially if they can. They are partners as well. Simon stated that Kedzior's statement is accurate, but the funding issues needed clarifying. He also said WisDOT has accepted Sweeney's letter of intent.

Ladewig asked Brownlee what the implications might be for abandoning the property if the funding cannot be raised to demolish the structure. Brownlee said she didn't know of a legal mechanism to do this, and that the Commission cannot simply abandon a problem and say that they have no responsibility for it as a corporate entity. She hasn't encountered this area of the law. The courts would ultimately say the Commission is responsible, and she anticipates many state and federal agencies would preclude the Commission from walking away. Tollers said that even if there was the potential for the Commission to walk away from the bridge, WisDOT would still own corridor. The agreements around corridor still obligates the Commission.

Nilson said the Chair is correct to focus on the safety aspect, and that he likes the idea of getting the steel down. James asked Kedzior to clarify that any recreational structures would need to be constructed parallel to the existing structure. Kedzior said WisDOT would push for this, and that WisDOT would only want to pay for one mobilization.

Sweeney said that an off-set recreational trail doesn't sound like a solution. Bierman stated that most river traffic moves through the opening beneath spans 1, 2, and 3 and a bit of 4. The river wants to take boats through spans 1 and 2. The east channel is silted in with sand and impassable. Kutz noted that the safest option seems to be removal of spans 1, 2, and 3 and piers 1, 2, and 3 but there is no cost scenario for this. Sweeney stated this was the potential scenario 6 for a cost between \$700 and \$800 thousand. Kedzior said that if WisDOT is involved, the project needs to remove piers 1-3 and spans 1-3. The funding would use the FRPP process as a mechanism to cover WisDOT participation, but the funds would not be FRPP bond funds. The application process would be used to access these funds since it's the only process they have. Because WisDOT has no confidence in the future use of these piers for any use, their

position is that they will assist with funding for one mobilization to take care of what's left of the bridge. Nitchke appreciated the clarification on WisDOT's position and asked when they can get input on permitting and more assurance of WisDOT's financial assistance. Kedzior said they will have a better understanding once the salvage operation is complete, since it will tell how much money comes in from the salvage proceeds, if any. The level of difficulty internally at WisDOT is determined by how much money is coming from the salvage. WisDOT also wants to know the level of participation from WSOR and the Commission. Sweeney suggested they look at the list and determine which scenarios are not viable.

- *Motion for scenario 6 to be the option of choice, at a cost of between \$700 and \$800 thousand – Tietz/Mace. Discussion:*

Nilson said he doesn't think the decision should be made today. Kedzior is comfortable with leaving piers 5 and spans 5 and 6. Mace said he is not comfortable with this since they cantilever over the river. Nilson would prefer scenario 6 say removal of spans 1-3 and removal of piers 1 and 2, but not 3. Simon said pier 3 is undermined and should be removed. Bierman said the removal of timber piles is relatively cheap and the operation is similar to cutting trees. The piling is cut at the waterline, and there is not a lot of labor involved. The pile is removed with a backhoe and the stumps are pulled out. Cost to demolish timber piers is quite low, at a cost of approximately \$50 thousand or less. Concrete piers are harder to take out and usually are blasted.

- *Motion to table the existing motion to accept scenario 6 – Nilson/Mace. Motion overruled by the Chair.*

Passing the motion to accept scenario 6 is committing the Commission to send it to WisDOT. James stated that if a recreation bridge is off-set, there is no land to build this and the bridge length and cost would be considerably larger. White-Quam stated this is a separate issue. James agreed, but stated that if total removal goes forth it eliminates the potential to use piers 1-3. Simon said pier 4 was removed in 1997, and pier 2 was removed last September. It is only a matter of time before pier 1 or 3 collapse. WisDOT does not want to spend money on repairs. Thomas said scenario 6 does the most good and is the cheapest option that takes care of all the safety issues. Krueger said the thought of using the exact same path to get across the river for recreation is not doable. Building for recreation or rehabbing for recreation is investing in throw away infrastructure. The reality is the trail will be off-set. If he was voting he would have no problem supporting scenario 6.

- *Motion to accept scenario 6 which includes removal of spans 1, 2 and 3 and piers 1, 2, and 3 – Tietz/Mace. Sweeney requested a roll call*
 - *Votes in favor of approving: Cornford, Rocksford, Gray, James, Lieurance, Ladewig, Demby, Kutz, Tietz, Gustina, Sweeney, Thomas, Spencer, Braunschweig, Riek, Kuhnke, Mace.*
 - *Votes in opposition of accepting: Nilson*
- *Motion passes*

Sweeney stated he would work with Lucht, WisDOT, and Krueger on this, and thanked Bierman for his work and input.

16. Discussion on the Duties of the WRRTC Administrator's Position – Sweeney, WRRTC Chair

Sweeney stated that Penn's departure provides an opportunity to explore the duties of the administrator position. For review, Maggied distributed a position description for the administrator's position from 2003 and a summary of current tasks. Sweeney noted that the finance work is now being performed by Dane County. Sweeney said the Commission could contact him or Maggied with suggestions on the duties.

17. Adoption of a Resolution thanking Mary Penn for her service to the WRRTC – Sweeney, WRRTC Chair

- *Motion to adopt the resolution thanking Mary Penn for her service to the WRRTC – Nilson/Ladewig, Passed Unanimously*

18. Adjournment

- *Motion to Adjourn – Cornford/Gustina, Passed Unanimously*