

**MINUTES FROM THE OHIO RAIL DEVELOPMENT COMMISSION
REGULAR BI-MONTHLY MEETING
MARCH 18, 2020**

CALL TO ORDER

Vice Chairman Jackson called the meeting of the Ohio Rail Development Commission to order at 11:07 a.m. on Wednesday, March 18, 2020.

MEMBERS PRESENT

Director Jack Marchbanks (ODOT) and Eric Richter were present in person.

MEMBERS PRESENT VIA TELECONFERENCE

Vice Chairman Solomon Jackson, Commissioners Allen Biehl, Tom Zitter, Rachel Near (DSA), Bill Lozier and Mark Johnson were present via teleconference. As part of the official meeting minutes please see attached Governor Mike DeWine's Executive Order 2020-01D Declaring a State of Emergency which permits the suspension or adoption of temporary rules within an agency's authority to prevent or alleviate the spread of COVID-19.

There were 8 voting members present, therefore a quorum was obtained.

APPROVAL OF THE MINUTES OF THE NOVEMBER MEETING

Vice Chairman Jackson asked for a motion to approve the minutes of the November 20, 2019 meeting. Commissioner Johnson moved to approve the minutes and Commissioner Biehl seconded the motion. Roll call was taken and the minutes were approved with 8 votes in the affirmative.

NOTE: the January Commission Meeting was canceled so there are no minutes to approve from that meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Dietrich presented his report to the Commissioners, which can be found on page 8 of the Commission packet. Executive Director Dietrich spoke about the U.S. DOT's award of a federal Consolidated Rail Infrastructure and Safety Improvement (CRISI) award of \$1.7 million to the Ohio Rail Development Commission as the recipient to support the Village of Greenfield's Rail Line Rehabilitation project. This project will repair and rehabilitate 29.5 miles of track from Midland to Greenfield, Ohio.

Commissioner Lozier asked whether ORDC's proposed transload study could lead to a priority program. Executive Director Dietrich confirmed that could be an outcome of the study.

FINANCE REPORT

Megan McClory, Secretary-Treasurer, presented the Finance Report to the Commissioners, which can be found on page 11 of the commission packet. Ms. McClory reported that the current projects on the agenda account for all funding allocated in fiscal year 20. Ms. McClory

reported that ORDC recently went through an Administrative Rules Review but no changes were made to ORDC's existing Rules. Lastly, Ms. McClory indicated that staff is working with the City of Jackson to transfer ownership of the city-owned Jackson Rail Line. That deal should be finalized shortly. She also mentioned that most of ORDC staff is working remotely at this time in response to the Governor's executive order. She stated that all ORDC members will be available and responsive to our project partners during this time.

Prior to the Commissioners hearing the Project Briefing for Church & Dwight, Vice Chairman Jackson recused himself at 11:22 a.m. due to a potential conflict and requested that the commissioners appoint a Presiding Officer for this recusal and any others that may arise during this meeting.

Executive Director Dietrich suggested to the commissioners that due to the current circumstances it would be best to nominate a commissioner who is present at the meeting and suggested that Director Marchbanks be selected for this role. Commissioner Lozier moved to approve Director Marchbanks as Presiding Officer and Commissioner Richter seconded the motion. Roll call was taken and the motion was approved with seven votes in the affirmative.

Director Marchbanks addressed the commissioners stating it was an honor to serve in this capacity and asked that Tom Burns go forward with presenting the project for Church & Dwight.

PROJECT BRIEFING – Church & Dwight

ORDC staff member Tom Burns presented the project which can be found on page 30 of the commission packet. Mr. Burns stated that this project is for a product expansion line of a project previously supported by ORDC back in 2016 and it is exciting to see the company continue to grow. This project is part of a \$38 million investment by Church & Dwight and involves a \$75,000 grant request to help streamline their current rail infrastructure.

Mr. Burns stated he would be happy to answer any questions the commissioners may have. The representative from Church & Dwight was not able to call in to participate in the presentation. There were no questions asked.

Vice Chairman Jackson returned to the meeting at 11:24 a.m.

PROJECT BRIEFING – United Freezer and Storage Company

ORDC staff member Tom Burns presented the United Freezer and Storage Company's project which can be found on page 33 of the commission packet. Mr. Burns reported that this is an excellent project for the company. The ORDC grant of \$21,000 will assist United Freezer and Storage in reconfiguring their rail spur to reduce a curvature in the spur. Mr. Burns introduced Mr. John Pendel and Kerry Sahli from the company, who were present via teleconference, and asked if they would like to say a few words about their project. Mr. Pendel expressed his appreciation of ORDC's support and reported that this grant will assist them in better responding to their customer's needs and help them to remain competitive.

Vice Chairman Jackson asked if anyone had any questions regarding this project. There were no questions asked.

RESOLUTION 20-01 – Ashland Railway Mansfield Yard Expansion and Willard Line Defect Remediation

ORDC staff member Tim Brown presented Resolution 20-01 to the commissioners. This project can be found on page 36 of the commission packet. Mr. Brown reported there are two components to this particular project: Mansfield Yard Expansion and Willard Line Defect Remediation. Mr. Brown reported that the improvements to Mansfield Yard will result in nearly 3000 feet of new track and the installation of seven turnouts. The second portion of the project involves the ultrasonic Rail Flaw Detection which will be conducted on 23 miles of the Willard Line and replacement of rail as identified by the test.

Mr. Brown asked if the commissioners had any questions for him or for Bob Thompson with Ashland Railway. There were no questions asked so Vice Chairman Jackson asked for a motion to approve Resolution 20-01. Director Marchbanks moved to approve the motion and Commissioner Johnson seconded the motion. Roll call was taken with eight votes in the affirmative.

Due to the nature of the next project on the agenda, Vice Chairman Jackson recused himself from discussion at 11:32 a.m. and asked that the Presiding Officer, Director Marchbanks, conduct commission business. Director Marchbanks called upon ORDC staff member Tom Burns to present the Cincinnati Eastern Railroad Stone Transload Facilities project to the commissioners.

RESOLUTION 20-02 – Cincinnati Eastern Railroad Stone Transload Facilities

ORDC staff member Tom Burns presented Resolution 20-02 to the commissioners which can be found on page 41 of the commission packet. Mr. Burns spoke about Cincinnati Eastern Railroad's (CCET) project to establish two transload locations on the Peavine in order to move stone from the east side of the line to the west side. Mr. Burns reported that CCET partnered with Hanson Aggregates to do this project. Once complete nearly 12,000 trucks annually will be diverted from State Route 32. CCET is investing \$2 million in this project and is requesting a \$200,000 grant and a \$500,000 loan from the Commission.

Mr. Burns introduced Mr. Chris Whitley from CCET and Mr. Dennis Mount from Hanson Aggregates who were present via teleconference to speak about their project. Mr. Whitley thanked the commissioners for their support of this project which has been in the works for nearly two years now. Mr. Whitley stated this project will allow them to purchase ten acres of land and be able to provide additional services to their customers. Dennis Mount reiterated Mr. Whitley's comments and thanked the commission for their support. This project will help them meet the needs of their customers and expand business in the Cincinnati market. It will help them alleviate a shortage of truck drivers in the region.

Director Marchbanks asked if there were any questions for commissioners on the CCET project. Hearing none he asked for a motion to approve Resolution 20-02. Commissioner Richter moved to approve the Resolution and Commissioner Johnson seconded the motion. Roll call was taken and the motion was approved with seven votes in the affirmative.

Vice Chairman Jackson returned to the meeting at 11:36 a.m.

RESOLUTION 20-03 – Fulton Railway Company

ORDC staff member Tom Burns presented Resolution 20-03 to the commissioners which can be found on page 46 of the commission packet. Mr. Burns reported this project is being done by Fulton Railway Company to assist Cincinnati Barge and Rail Terminal (CB&RT) with on-site rail movement services. CB&RT is located in Cincinnati. The company provides warehouse and outdoor storage of cargo. Mr. Burns stated the company regularly handles pig iron products for a steel mill in the state. This project will assist Fulton Railway Company in their purchase of a replacement front loader which will assist in loading rail cars. The front loader will have a scale within the machinery to ensure accurate rail car weights.

Mr. Burns introduced Mr. Jeff Stewart from Fulton Railway who was present via teleconference to speak about their project details and answer any questions the commissioners may have. Mr. Stewart expressed his appreciation of ORDC's loan assistance and spoke about how this will assist their company in serving their customers. He offered to answer any questions. There were no questions asked so Vice Chairman Jackson asked for a motion to approve Resolution 20-03. Commissioner Johnson moved to approve the Resolution and Commissioner Biehl seconded the motion. Roll call was taken and the motion was approved with eight votes in the affirmative.

RESOLUTION 20-04 – Wheeling & Lake Erie Railway Oneida Bridge Repair

ORDC staff member Tom Burns presented Resolution 20-04 to the commissioners. This project can be found on page 51 of the commission packet. Mr. Burns reported this project involves a grant of \$235,225 to rehabilitate and repair a bridge in Oneida, Ohio. The current bridge is in critical need of repair which will allow for continued service to an area customer on the line, Griffeth & Son.

Mr. Burns introduced Kasey O'Connor and Jeff Sunderland who were present via teleconference to speak about their project and answer any questions the commissioners may have. Mr. Sunderland spoke on behalf of the railroad and reiterated the importance of that bridge along the line as it serves several of their customers.

Vice Chairman Jackson asked if the commissioners had any questions for the project representatives. Hearing none Vice Chairman Jackson asked for a motion to approve Resolution 20-04. Commissioner Biehl moved to approve the Resolution and Commissioner Johnson seconded the motion. Roll call was taken with eight votes in the affirmative.

RESOLUTION 20-05 – Greenfield Line CRISI Grant Funding and Bridge Project

ORDC staff member Tom Burns presented Resolution 20-05 to the commissioners. Details of this project can be found on page 56 of the commission packet. This project is as a result of a \$1.7 million grant award from the U.S. Department of Transportation to assist with the rehabilitation of the Greenfield Line. Mr. Burns reported this project will result in the installation of 20,000 rail ties and more than 1,200 jobs will be retained. Mr. Burns mentioned the many state partners that were involved in making this grant award a reality. In addition to the rehabilitation of the line which will improve the line to Class II condition, ORDC will fund a separate project which will include the repair of nine bridges along the line. This project is estimated at \$659,000 and once completed will ensure safety along all 29.5 miles of track.

Mr. Burns introduced Mr. Todd Wilkin, City Manager for the Village of Greenfield who was present via teleconference. Mr. Wilkin thanked ORDC staff for their involvement. The customers along the line are major employers in the area and one of the employers, Candle-Lite, will be adding an additional shift as a result. Mr. Wilkin stated he is very thankful for this opportunity and reiterated how excited they are to be able to complete this project.

Vice Chairman Jackson asked for motion to approve Resolution 20-05. Commissioner Johnson moved to approve the Resolution and Director Marchbanks seconded the motion. Roll call was taken and the motion was approved with eight votes in the affirmative.

RESOLUTION 20-06 – Conservation Easement for Gates on Abandoned Tunnels

Vice Chairman Jackson asked Executive Director Matt Dietrich to give some background on this project. Executive Director Dietrich spoke about efforts being taken to preserve bat habitats in abandoned tunnels along ORDC-owned land in eastern Ohio. He stated it was his understanding that commissioners had received some communication the day prior from the Jefferson Soil and Water Conservation District regarding this project. Executive Director Dietrich also reported he had a conversation with Mark Nelson of Jefferson Soil and Water and that Mr. Nelson indicated he had never received a letter from ORDC that was sent to him in November of 2019 which addressed the concerns with the habitats. Given the above circumstances, Executive Director Dietrich stated he thinks this Resolution should be tabled until Mr. Nelson has an opportunity to review the November letter from ORDC. He reported that Matt Raymond, Ecological Program Manager from ODOT's Office of Environmental Services, was present via teleconference to speak about the bat habitats and the conservation efforts being taken and asked that Mr. Raymond be given an opportunity to present his information to the commissioners. Mr. Raymond spoke about the efforts being taken to protect the bat habitats. Specifically, he reported on the Bat Mitigation Credits that were approved by the U.S. Fish and Wildlife Service for preserving bat habitats. He spoke about the success of the bat gate for Tunnel 9 that was installed in 2018 and reported that bat populations increased the following winter. The bats were not disturbed since the tunnel was gated off from trespassers.

For clarity, Commissioner Zitter asked if these gates were necessary only for the bats to be able to weather the winter months and not be woken up from people disturbing their habitats. Mr.

Raymond stated yes, that was the case. In the summer the bats roost in the trees. The gates are necessary for the bats to be able to survive the winter.

Vice Chairman Jackson responded that he felt it was in the best interest of the project to delay voting until a later date. Vice Chairman Jackson made a motion to table the project until the next Commission meeting in May and Commissioner Zitter seconded the motion. Roll call was taken and the motion to table the project until the May meeting was approved with eight votes in the affirmative.

COMMITTEE REPORTS

The Administrative and Policy Committees did not meet in March.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

Vice Chairman Jackson announced the phone number available for any members of the public who were viewing the livestream and wished to make a comment that they were able to call in and make a comment if they would like.

Doug Shevelow, Legal Counsel for Jefferson Soil and Water Conservation District, was present at the meeting and asked to make a comment. Mr. Shevelow stated that their concerns are the awards of the bat mitigation credits and that they believe there are no endangered species of bat utilizing the tunnels as their habitat. He also challenges the effectiveness of the bat gates.

ADJOURN

Vice Chairman Jackson adjourned the meeting at 12:20 p.m.