

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

CALL TO ORDER

Chairman Scott Corbitt called the meeting of the Ohio Rail Development Commission to order at 11:03 a.m. on Wednesday, November 18, 2020. The meeting was held virtually via GoToWebinar. Chairman Corbitt introduced Jacque Annarino from ODOT's Office of Environmental Services who was present to moderate the meeting. Ms. Annarino provided the Commissioners and members of the public with an overview of instructions on how to participate in the webinar.

MEMBERS PRESENT VIA GOTOWEBINAR

Chairman Corbitt, Commissioners Allen Biehl, Solomon Jackson, Bill Lozier, Director Jack Marchbanks (ODOT), Jonathan Gormley (DSA), Eric Richter, and Tom Zitter were present via GoToWebinar. Roll call was taken. There were eight voting members present, therefore a quorum was obtained. Representative Michael Sheehy was present via GoToWebinar; Representative James Hoops and Senators Nathan Manning and Vernon Sykes were unable to attend.

APPROVAL OF THE MINUTES OF THE SEPTEMBER MEETING

Chairman Corbitt asked for a motion to approve the minutes of the September 16, 2020 meeting. Commissioner Richter moved to approve the minutes of the September meeting and Commissioner Jackson seconded the motion. Roll call was taken. The minutes of the September 16, 2020 Commission meeting were approved with eight votes in the affirmative.

NEW COMMISSIONERS AND COMMISSION CHANGES

Before hearing staff reports and the projects coming before the Commission, Chairman Corbitt took a few moments to introduce himself as the new Chair of the Ohio Rail Development Commission. He spoke about his professional experience and noted he was very happy to be a part of this Commission. Chairman Corbitt also noted some additional changes that have recently occurred. He stated Commissioner Mark Johnson recently resigned his seat on the Commission as a result of his election to the Ohio House of Representatives, 92<sup>nd</sup> District. In addition, Commissioner Rachel Johanson recently accepted a new position with the Governor's Office, therefore Jonathan Gormley has been appointed as the Ohio Development Services designee for Director Lydia Mihalik.

RESOLUTION 20-10 – Appreciation of Service of Former Chairman Mark Policinski

Secretary-Treasurer Megan McClory presented Resolution 20-10, honoring the service of former Chairman Mark Policinski, to the Commission. Chairman Corbitt asked for a motion to approve Resolution 20-10. Director Marchbanks moved to approve the Resolution and Commissioner Biehl seconded the motion. Roll call was taken with eight votes in the affirmative. Chairman Corbitt offered Mr. Policinski an opportunity to address the Commission. Due to technical difficulties, Mr. Policinski was unable to do so but will be offered an opportunity to speak to the Commission and attendees at its next Commission meeting scheduled in January 2021.

## EXECUTIVE DIRECTOR'S REPORT

Executive Director Dietrich presented his report to the Commissioners, which can be found on page 9 of the Commission packet. Executive Director Dietrich welcomed Chairman Corbitt and Jonathan Gormley to the Commission and thanked former Chairman Mark Policinski, Mark Johnson and Rachel Johanson for their years of service to the Commission.

Executive Director Dietrich spoke about the pending retirement of Catherine Stout, ORDC Safety Programs Manager. ORDC is taking appropriate steps to fulfill the duties of this critical position and thanked ODOT's Brian Brown for his guidance and assistance with the transition.

In other changes, Executive Director Dietrich announced some ownership changes with railroads that have occurred. Midwest & Bluegrass Rail, LLC recently purchased the Youngstown & Southeastern Railroad in Mahoning and Columbiana Counties and the Camp Chase Railway in western Franklin and eastern Madison Counties. In addition, the Marion Industrial Center has recently been acquired by Jaguar Transport Holdings and renamed "Marion Industrial Rail Park." Executive Director Dietrich stated recent reports are indicating increased rail traffic at the Rail Park.

Previously awarded ORDC applications for four Federal Railroad Administration CRISI Grants have received approval from the Ohio Governor's Office to accept this federal funding and administer the projects. Executive Director Dietrich noted the Resolutions on today's agenda are the final step in securing necessary approvals and funding to proceed with all four projects.

Executive Director Dietrich reported other existing federal awards that staff continues to work on that were previously approved are as follows: Norfolk Southern River Line INFRA Grant, I&O Delta Yard CRISI Grant and the Village of Greenfield CRISI Grant.

The Adaptive Capacity Study Meeting held its final stakeholder meeting on September 17<sup>th</sup>. Executive Director Dietrich noted the final report and user manual for the evaluation tool is in the process of being finalized. He also stated that the Transportation Research Board accepted this study as a session for their annual meeting and he thanked Director Marchbanks for his support as well as the contribution of ODOT's Scott Phinney for his work on the study.

Executive Director Dietrich reported Ethics Training will follow this Commission Meeting at 12:30 p.m. and indicated if any Commissioner has recently completed Ethics training through the Ohio Ethics Commission they are welcome to provide a copy of their certificate to ORDC staff and would therefore be excused from additional training as this would fulfill their annual requirement.

Chairman Corbitt thanked Executive Director Dietrich for his report and asked the Commissioners if there were any questions. Commissioner Lozier commented on the CRISI investment amount from ORDC versus the federal investment that was awarded and commended the staff on the return on investment with these important projects.

Next, Commissioner Lozier inquired about a passenger rail initiative he noted in the Executive Director's Report and asked if this is a planning study and whether the proposal includes the use

of freight lines. Executive Director Dietrich responded that effort is a high-level high-speed passenger rail study and any assumed use of freight corridors is premature.

### FINANCE REPORT

Secretary-Treasurer Megan McClory presented the Finance Report to the Commissioners. The report can be found on page 12 of the commission packet. Secretary-Treasurer McClory reported ORDC has four loans currently in repayment and all four loans remain in good standing. Secretary-Treasurer McClory stated the Fiscal Year 2021 remains unchanged from her report at the September meeting. While the hiring freeze and controls on spending continue, she reported ORDC is still able to fund projects and operations.

Secretary-Treasurer McClory stated ORDC submitted its budget request to the Office of Budget Management as part of the Governor's proposal which will be introduced to the legislature in February of 2021 and will take effect on July 1, 2021.

Lastly, Secretary-Treasurer McClory announced the 2021 Commission Meeting Calendar has been established and the dates are included in the meeting packet as well as having been posted on ORDC's website. She encouraged the Commissioners to review the dates and notify ORDC of any potential conflicts.

RESOLUTION 20-11 – Chicago, Fort Wayne & Eastern Railroad “Linking Lima” CRISI Grant  
ORDC staff member Tom Burns presented Resolution 20-11 to the Commissioners which can be found on page 24 of the commission packet. Mr. Burns reported ORDC was awarded \$4.5 million in CRISI funding for this project and introduced Mr. Charles Hunter, Assistant VP of Government Affairs, Genesee & Wyoming (G&W), who was present to introduce the project. Mr. Hunter thanked ORDC staff for helping G&W to get this application submitted and commended the partnership with Ohio and ORDC to get these projects done.

Mr. Hunter reported there are two elements to this project. He stated that more than 50 percent of the railroad's traffic flows in and out of Lima Yard and reported they have several safety concerns in the yard which this project will address. He also indicated this project will replace eight switches in the yard as well as thousands of ties and approximately four tons of ballast. In addition, the second portion of the project involves the installation of nearly 11 miles of continuous welded rail which will increase train speeds allowing for safer, faster and more efficient train movements.

Chairman Corbitt asked if there were any questions. Hearing none, Chairman Corbitt asked for a motion to approve Resolution 20-11. Commissioner Richter moved to approve the Resolution and Commissioner Jackson seconded the motion. Roll call was taken. The motion was approved with eight votes in the affirmative.

RESOLUTION 20-12 – Napoleon, Defiance & Western Railroad “Critical Safety Upgrades”  
CRISI Grant

ORDC Staff member Tom Burns presented Resolution 20-12 to the Commissioners which can be found on page 29 of the Commission packet. Mr. Burns introduced Todd Marklin, VP Engineering, Pioneer Rail Corp and ND&W; Jamie Caton, VP Government Relations; and Adam Nordstrom, ND&W Consultant who were all present to discuss their project. Mr. Marklin thanked ORDC staff for their support and assistance with this important project. Mr. Marklin reported the safety concerns with the ND&W became a top priority for the new owners in August of 2019. This project will consist of tie replacement and rail upgrades to approximately 10 miles of track. He stated the project will upgrade track from 80-lb. rail to 132-lb. rail and reported the company will invest nearly \$4 million in addition to the \$4.1 million CRISI award to improve the track to Class I condition.

Chairman Corbitt asked for a motion to approve Resolution 20-12. Commissioner Biehl moved to approve the motion and Director Marchbanks seconded the motion. Roll call was taken with eight votes in the affirmative. Resolution 20-12 is approved.

RESOLUTION 20-13 – RJ Corman Western Ohio Lines and Cleveland Line “Keep Ohio Moving” CRISI Grant

ORDC staff member Tom Burns presented Resolution 20-13 to the commissioners which can be found on page 34 of the commission packet. Mr. Burns reported William Downey, Director of Government Affairs, RJ Corman, was present to introduce the project to the Commissioners.

Prior to hearing the project details, Commissioner Jackson recused himself from the meeting at 11:40 a.m. due to “the nature of this request.”

Mr. Downey thanked the Commission for its assistance and reported this project will focus on numerous rural counties within Ohio which will help with the removal of slow orders to ensure safe and reliable service to their customers such as Frito-Lay and Versa Pak, among others. Mr. Downey stated the project will also involve the installation of more than 20,000 ties as well as replace switch ties and perform needed surface work to 28 miles of track.

Chairman Corbitt asked if there were any questions for Mr. Downey. Hearing none, Chairman Corbitt asked for a motion to approve Resolution 20-13. Commissioner Richter moved to approve the motion and Commissioner Lozier seconded the motion. Roll call was taken with seven votes in the affirmative, one recused.

Commissioner Jackson returned to the meeting at 11:45 a.m.

#### RESOLUTION 20-14 – Youngstown & Southeastern Railroad CRISI Grant

ORDC staff member Tom Burns presented Resolution 20-14 to the commissioners which can be found on page 39 of the commission packet. Mr. Burns introduced Brendan Keener, Manager, Business Development & Government Affairs, Midwest & Bluegrass Rail, who was available to present their project to the commissioners.

Mr. Keener reported their railroad is a 40-mile shortline located in northeast Ohio. He stated this project consists of 25-miles of track that has fallen behind in necessary track maintenance, putting the railroad at continued risk for derailment. Mr. Keener reported this project will consist of the installation of more than 10,000 ties and will perform necessary surfacing along the line. As part of this project, six at-grade crossing surfaces will be repaired. Mr. Keener thanked ORDC for its continued support and stated this project will assist the railroad in lifting slow orders as well as continuing to serve customers along the line such as a landfill as well as other commodities. Mr. Keener asked if anyone had any questions for him regarding his project. There were no questions.

Chairman Corbitt asked for a motion to approve Resolution 20-14. Director Marchbanks moved to approve the Resolution and Commissioner Richter seconded the motion. Roll call was taken with eight votes in the affirmative. Resolution 20-14 is approved.

Prior to moving on to the next project Chairman Corbitt took a moment to echo the comments made earlier by Commissioner Lozier; stating these projects represent a \$1.5 million investment by ORDC leveraging \$9 million in private funding and \$11.5 million in federal funding which is a 13 to 1 ratio. Chair Corbitt reported these types of projects are exactly what Governor DeWine wants to see as these projects help to increase safety to all citizens traveling in the State of Ohio.

#### RESOLUTION 20-15 – Approval of AEP Easement for Grade Crossing Safety Project

Secretary-Treasurer Megan McClory presented Resolution 20-15 to the Commissioners which can be found on page 44 of the commission packet. Secretary-Treasurer McClory indicated this project is a property-related request rather than a project-related request. She stated this project will grant an easement to AEP to provide electric service from the County Road 254 grade crossing to the Township Road 255 grade crossing. Secretary-Treasurer McClory reported this easement is necessary due to a grade crossing warning device installation project located at the Township Road 255 crossing where electrical service is not available. Using the state-owned rail right-of-way is the best way to get service to the crossing.

Secretary-Treasurer reported this project is coming before the Commission because it is the longstanding policy that any permanent encumbrances to Commission-owned real estate would come before the commission for formal approval. Staff is requesting approval to enter into this easement to move the project forward.

Director Marchbanks inquired as to the benefit to local residents for this project. Secretary-Treasurer McClory responded she is not aware of any plans by AEP to utilize the electrical service for area residents as the purpose of the project is solely for service to the active warning devices, but stated this question would be clarified in the agreement between ORDC and AEP.

Chairman Corbitt asked for a motion to approve Resolution 20-15. Commissioner Lozier moved to approve the Resolution and Commissioner Richter seconded the motion. Roll call was taken and the motion was approved with eight votes in the affirmative.

#### RESOLUTION 20-16 – Approval of Updated By-Laws

Commissioner Jackson spoke about the Administrative Policy Committee's work to update some of the archaic language still found in the Commission's by-laws and stated the update was necessary to reflect current practices. Commissioner Jackson reported that Secretary-Treasurer McClory has been involved with this process and asked her to provide additional comments to the Commission.

Secretary-Treasurer McClory reported this exercise was important to modernize the by-laws and make clarification on some of the practices of the Commission such as the selection of a presiding officer in the absence of a Chair and Vice-Chair as well as updates like the Rail Commission's physical office address. She stated the by-laws have not been updated since the Rail Commission's inception in the 1990s.

Secretary-Treasurer McClory reported that an addition was made to the by-laws which adds the *requirement* that the Commission approve any encumbrance on state-owned property moving forward versus a *common practice* by Commission staff to bring it before the Commission to do so. She also reported updates were made to the equal employment opportunity and non-discrimination language to match current state law and executive orders. A complete list of updates can be found on page 48 of the commission packet.

Chairman Corbitt asked if the updates were in response to Executive Orders signed by Governor DeWine soon after entering office. Secretary-Treasurer McClory responded that it was.

Commissioner Marchbanks asked if the Records Retention schedule was approved and up to date. Secretary-Treasurer McClory responded ORDC has been working closely with ODOT's Legal Office to update the Retention schedules and has included the updates made to the by-laws.

Chairman Corbitt asked for a motion to approve Resolution 20-16. Commissioner Jackson moved to approve Resolution 20-16 and Commissioner Marchbanks seconded the motion. Roll call was taken with eight votes in the affirmative. The motion is approved.

#### PROJECT BRIEFING – International Cushioning Company

ORDC staff member Tom Burns stated ORDC worked with the Regional Growth Partnership in Northwest Ohio on this project which can be found on page 69 of the commission packet. Mr Burns introduced Mr. Terry Nielsen, Vice President of Operations, International Cushioning Company (ICC) who was present to discuss the project.

Mr. Nielsen reported ICC had just purchased the former Fremont Plastics facility in Fremont, Ohio, a 100,000 s.f. facility, and stated the company plans to invest \$3.6 million at the site and will create 75 new jobs. He reported the facility is already in operation with 20 employees and 1/3 of their proposed equipment.

ICC manufactures bubble wrap as well as polyethylene foam and paper products. Mr. Nielsen stated one of the reasons ICC chose the Fremont site was the rail siding that runs the length of the facility. This grant will assist with the rehabilitation of that rail spur and they expect their first rail car delivery as early as the following week. Mr. Nielsen stated a large portion of their shipping will be via rail.

Chairman Corbitt asked if there were any questions for Mr. Nielsen. There were none.

#### COMMITTEE REPORTS

None. Neither the Administrative Committee nor the Policy Committee met so there are no Committee Reports.

#### NEW BUSINESS

Chairman Corbitt asked if there was any New Business to be considered by the Commission. There was no New Business.

#### OLD BUSINESS

Chairman Corbitt asked if there was any Old Business to tend to. There was none.

#### PUBLIC COMMENT

Chairman Corbitt requested Jacque Annarino remind the participants of the meeting how to ask questions if anyone wanted to. Ms. Annarino reviewed the instructions with attendees and reported that there were no questions from the public in the chat.

Ms. Annarino reiterated how to contact ORDC (via email to Wende Jourdan) should there be any questions after the meeting adjourns.

#### ADJOURN

Chairman Corbitt adjourned the meeting of the Ohio Rail Development Commission at 12:08 p.m.