

**MINUTES OF THE OHIO RAIL DEVELOPMENT COMMISSION  
REGULAR BI-MONTHLY MEETING  
SEPTEMBER 10, 2009**

**CALL TO ORDER**

The meeting of the Ohio Rail Development Commission was called to order by Acting Chairman Thomas McOwen at 10:10 a.m. on Thursday, September 10, 2009.

**MEMBERS PRESENT**

Members present included: Acting Chairman Tom McOwen, Commissioners Solomon Jackson, Herk Wolfe, Rob Greenlese, Barbara Bennett, Bill Lozier, Jolene Molitoris, Larry Sowers, William Murdock and Jordan Plottner for Representative Robert Hagan and Kim Wheeler for Senator Steve Buehrer. Members absent included Senator Jason Wilson and Representative Terry Boose. There were nine voting members present therefore a quorum was obtained.

**APPROVAL OF THE MINUTES OF THE JULY MEETING**

Chairman McOwen asked for a motion to approve the minutes of the July 9, 2009 meeting. Commissioner Molitoris moved to approve the minutes and Commissioner Bennett seconded the motion. Roll call was taken. The minutes were approved as presented with nine votes in the affirmative.

**ACKNOWLEDGEMENT OF EFFORTS WITH 3C QUICKSTART APPLICATION**

Vice Chairman McOwen acknowledged the efforts of staff from both ORDC and ODOT with respect to the application for stimulus funding for the 3C QuickStart passenger rail service. He thanked ODOT for contributing their resources and assisting ORDC with this immense task.

Commissioner Molitoris echoed Chairman McOwen's comments and added how pleased she was that the Rail Commission has physically joined ODOT in the building, effective this past June. Commissioner Molitoris commented that ORDC's move is "a great role model" for working together as a team and that the President, Secretary of Transportation, and several members of Congress who approved the stimulus bill have finally set in motion 30 years of studies of passenger rail. She emphasized the importance of working as a team to help ensure Ohio's success with the plan.

NOTE: Chairman McOwen requested the order of the agenda be modified slightly to accommodate a commissioner's schedule; therefore Projects will be reviewed first with the Executive Director's Report and Finance Report to immediately follow.

**PROJECTS**

**Resolution 09-17 – Lease Agreement with the Newark, Heath & Buckeye Scenic Railway for use of the Glass Rock Branch**

Megan McClory, Secretary-Treasurer for ORDC, presented Resolution 09-17 to the commissioners. Ms. McClory indicated the briefing and resolution could be found on page 53 of the commission packet. She reported the Newark, Heath & Buckeye Scenic Railway is now doing business as the Zanesville and Western Scenic Railroad. Ms. McClory stated that last year ORDC's Executive Director entered into a one-year agreement with the railroad for the purpose of clearing the line of brush to make it accessible for rail and bridge inspectors. The Zanesville & Western Scenic Railroad (Z&WSR) is now interested in a two year lease for the purpose of clearing the line, storing rail equipment and making repairs to the rail property in order to begin passenger excursions.

The proposed agreement requires ORDC to grant prior approval to the railroad for most activities on the line. The agreement does not, however, include any provisions for the operation of excursion service (the proposed agreement is included in the commission packet for review). Ms. McClory stated Mr. Vince Arnold was present to answer any questions. Mr. Arnold addressed the commissioners and thanked them for their consideration of this project. Mr. Arnold expressed the railroad's desire to continue partnering with ORDC in this endeavor.

Commissioner Sowers moved to approve Resolution 09-17 and Commissioner Greenlese seconded the motion. Roll call was taken with nine votes in the affirmative.

### **Resolution 09-18 – Ohio Basic Minerals**

Lou Jannazo, ORDC's Chief of Project Development, presented Resolution 09-18 to the commissioners. Mr. Jannazo indicated the project briefing could be found on page 68 of the commission packet. Mr. Jannazo reported this company is preparing to invest \$6.9 million toward the expansion of their operations. The company has requested a grant of \$30,000 and a loan of up to \$120,000 to assist with the costs associated with the installation of active warning devices at the Beaver Pike crossing. This crossing will be owned and maintained by Ohio Basic Minerals however US Rail will assist the company in obtaining bids for the project and will oversee the construction. Mr. Jannazo introduced Mike Chalcraft from Ohio Basic Minerals to respond to any questions.

Commissioner Jackson inquired whether safety funds could be used to cover the costs of this installation so the company did not have to request a grant and loan. Susan Kirkland, ORDC's Manager of Safety Projects, responded that federal regulation prohibits the use of safety funds on new or modified crossings without closures being pursued. Commissioner Jackson further inquired whether there is an inconsistency on how safety funds and state funding is being used. Director Dietrich responded that ORDC's different funding mechanisms have different requirements. The safety funds are made up of different funds and historically ORDC has followed a strict policy with respect to the use of those funds. Commissioner Greenlese confirmed that the parties to the loan will be ORDC and Ohio Basic Minerals.

Commissioner Bennett moved to approve Resolution 09-18 and Commissioner Murdock seconded to the motion. Roll call was taken with nine votes in the affirmative.

### **Resolution 09-19 – Approval of TIGER Grant Application for CSX National Gateway Project**

Director Dietrich presented Resolution 09-19 to the commissioners. Director Dietrich indicated the project briefing could be found on page 75 of the commission packet. He reported this Resolution grants the authority to ORDC to become the public sponsor for the entire National Gateway project. Director Dietrich stated this project spans from North Carolina to North Baltimore in Ohio. Several states have been very heavily involved with this project but a TIGER grant requires a public sponsor before being considered. As Ohio is the largest recipient of benefits with respect to this project, Director Dietrich indicated it makes sense for ORDC to be the formal sponsor of CSX's application of \$258 million in grant funding. Of this amount \$30 million will be spent in Ohio on double stack clearance projects. The remaining funds will be divided amongst the remaining states associated with this project.

Director Dietrich introduced Rusty Orben, Director of Public Affairs for CSX, who addressed the commissioners and thanked them for their consideration of this very important project. Mr. Orben expressed that the initial completion date for the project was expected to be 2015 but with the award of the TIGER grant it will assist in clearing a large portion of the network by 2012 – a full three years sooner than expected.

Commissioner Molitoris inquired about adding another “whereas” to the resolution that states the total TIGER request of \$258 million rather than only identifying the \$30 million for Ohio. Commissioner Molitoris also reiterated the Governor’s commitment to this project and reported the Governor attended the groundbreaking ceremony in North Baltimore. Director Dietrich responded by stating he did not have any issues with adding another statement to the resolution should that be the desire of the commissioners.

Commissioner Sowers moved to approve Resolution 09-19 with the inclusion of “entire \$258 million grant” in the second Whereas clause. Commissioner Molitoris seconded the motion. Chairman McOwen reiterated that what the commission is approving is the submission of an application and being a sponsor of the grant; not the administrator of the project.

Commissioner Bennett inquired if an administrative fee was possible? Director Dietrich indicated that it is not possible at this point in time. Mr. Orben stated that CSX is pursuing Federal Highway Administration oversight of funds if successful so that the funds would not need to flow through Ohio/ORDC/ODOT.

Commissioner Lozier cautioned ORDC staff to be mindful of any potential “pitfalls” in the agreements (i.e., possibility of unforeseen expenditures) and confirmed ORDC’s role. Director Dietrich stated that staff will be signing applications and making sure the right steps are followed. He stated that he would like to pursue an arrangement like that used to construct the Norfolk Southern Heartland Corridor project. Commissioner Jackson commented that the Heartland Corridor will be completed next year and that NS is excited about the trucks that will be moved off the highway and about NS’s ability to provide a reliable, time-sensitive product. There are a lot of parallels between the Heartland Corridor and National Gateway and the project administration blueprint should work extremely well.

Ms. McClory re-read the resolution for further clarification of the motion prior to calling the roll. Roll call was taken with nine votes in the affirmative.

**Resolution 09-20 – America Recovery & Reinvestment Act (ARRA) Funding Award Administration Modification (Supplemental Resolution to 09-13)**

Ms. McClory presented Resolution 09-20 to the commissioners. The briefing can be found on page 79 of the commission packet. Ms. McClory reported the previous 21 rail-related projects approved at the commission meeting in May of 2009 have had some changes and two additional projects added. She reported this Resolution will grant staff the ability to add the two projects to the list of projects ORDC will administer. Ms. McClory further stated this Resolution grants ORDC the ability to add any additional projects that come before the commission prior to the March 2010 filing deadline.

Commissioner Greenlese moved to approve the resolution and Commissioner Molitoris seconded the motion. Discussion took place with Commissioner Jackson inquiring about the verbiage

“any and all necessary action” identified in the resolution’s heading. He was uncomfortable with the use of this language (i.e., too broad). Director Dietrich responded by reporting that the commission and ODOT often assume different roles and the use of this language encompasses whatever direction a project may take. Commissioner Greenlese inquired about the second use of the word “necessary” in the heading.

Commissioner Molitoris offered a revision to the previous motion and moved to “remove ‘any and all’ from the resolution’s heading” so that it will now read “A RESOLUTION TO AUTHORIZE STAFF TO TAKE ~~ANY AND ALL NECESSARY ACTION~~ NECESSARY TO ADMINISTER ARRA AWARDS UNDER CHAPTER 4981 OF THE OHIO REVISED CODE. Commissioner Sowers seconded the motion. Roll call was taken with nine votes in the affirmative.

**Resolution 09-21 – Approval of Application for Federal Railroad Administration ARRA Funding for 3C “QuickStart” Project**

NOTE: Commissioner Jackson recused himself from the discussion and vote on Resolution 09-21.

The briefing can be found on page 83 of the commission packet. Director Dietrich presented Resolution 09-21 to the commissioners. Director Dietrich reported ORDC staff is requesting “formal support and signature authority for the 3C Quick Start Passenger Plan application to the Federal Railroad Administration (FRA) for the High-Speed Intercity Passenger Rail (HSIPR) program. In addition, ORDC Staff requests approval to administer such funds should Ohio’s application be selected for funding. Director Dietrich reported the application is due to the Federal Railroad Administration by October 2<sup>nd</sup>. He gave background information on what Ohio’s application means for passenger rail in our state. Director Dietrich indicated Ohio’s 3C “QuickStart” Service is a candidate for funding under the FRA’s Track 2 process. He encouraged commentary (in writing) from any and all who wish to do so; indicating this commentary is necessary for the environmental process.

Additional background and discussion followed with Commissioner Lozier moving to approve Resolution 09-21 and Commissioner Bennett seconding the motion. Commissioner Molitoris requested a revision to the resolution in the final line to state... “Now, Therefore, Be It Resolved, that the ORDC hereby supports and authorizes the ORDC to submit an application and, *in partnership with the Ohio Department of Transportation*, to serve as recipient and administrator of the above-described grant.”

Commissioner Molitoris moved to amend the resolution as previously stated and Commissioner Sowers seconded the amendment. Roll call was taken with eight votes in the affirmative; one recused. Commissioner Bennett then moved to approve the resolution and Commissioner Wolfe seconded the motion. Roll call was taken with eight votes in the affirmative; one recused.

**Resolution 09-22 – Approval of 2009 Rail Rehabilitation Program Project Selections**

Mr. Jannazo indicated there are 5 projects up for consideration of Rehabilitation Program grants and introduced the representatives of each company who were available for questions. Each project has its own briefing in the meeting packet and there is a single resolution and exhibit for the entire set of projects. There were no questions.

Commissioner Greenlese moved to approve Resolution 09-22 and Commissioner Bennett seconded the motion. Roll call was taken with nine votes in the affirmative.

**Resolution 09-23 – Approval of US Railcar’s TIGER Application**

NOTE: Commissioners Murdock and Jackson recused themselves from the discussion. This project was moved from “New Business” on the agenda to “Projects.”

Director Dietrich gave a brief background on US Railcar, LLC. He reported this project establishes a rail car manufacturer in the United States for the first time since the 1980s. This project will employ 162 people within the first three years of the project at an average hourly wage of \$22. Director Dietrich reported that after Colorado Rail Car closed due to management and financial difficulties in late 2008, Value Recovery Group, Inc. acquired its assets and re-named the company US Railcar, LLC. US Railcar is seeking funding to establish railcar manufacturing in the City of Gahanna on a brownfield site. ORDC will be the public sponsor of this project for the TIGER grant and will administer the award if the project is selected for funding. Barry Fromm, Chairman and CEO of Value Recovery Group, was present for questions. Mr. Fromm spoke of the enormous opportunity this project is to bring railcar manufacturing back to the US. Commissioner Molitoris pointed out that this is an opportunity to bring not just the only domestic DMU manufacturer to Ohio but the only domestic passenger car manufacturer to Ohio.

Commissioner Wolfe moved to approve Resolution 09-23 and Commissioner Greenlese seconded the motion. Roll call was taken with seven votes in the affirmative; two recused.

Note: Commissioner Sowers departed at 11:18 a.m.

**EXECUTIVE DIRECTOR’S REPORT**

Director Dietrich presented the Executive Director’s Report on page 11 of the meeting packet. He observed that the Commission is somewhat caught in the middle between the opportunities presented by the availability of federal funding and the constraints of the agency’s resources. He recognized Commissioner Molitoris and several ODOT staff, Mandy Bishop, Leonard Evans, and Tim Hill, for their contributions to the 3C project and the FRA application. The project has been an opportunity to explore what being an independent commission with representation from the departments of transportation and development, and it has been a successful effort. He would not want to take away from the work of the staff: Megan on contracts, Lou on projects, Don on passenger, but ORDC has also had a great deal of help in making things happen. He asked that Commissioner Molitoris continue to provide this assistance in seeing projects through to fruition. Staff has been talking about a way for ORDC to capture the value being added to these projects, but unfortunately the stimulus funds do not present us an opportunity to try these approaches.

Activities are moving as planned with the Columbiana County Port Authority. ORDC is receiving payment as promised and staff anticipates presenting a work-out to the Commission at the November meeting.

The first notice to proceed has been given for a freight stimulus project funded under the ARRA, and three of the safety projects are already underway.

A quiet zone ribbon-cutting ceremony was held in Springfield, with Commissioners McOwen and Wolfe in attendance. Commissioner McOwen served as emcee for the event. Norfolk Southern, ORDC staff, and the City of Springfield provided significant assistance in making the project happen. A lot of people need to come to the table to make a quiet zone happen and there is a delicate balancing act. Director Dietrich said he hopes that other communities considering quiet zones look to Springfield as a model for how to advance a project.

Funding for the Programmatic Environmental Impact Statement (PEIS), the environmental work for the Ohio Hub, has been approved. A two-tiered approach is planned for the environmental clearance of the project, and this is the first step toward development of the Ohio Hub and a high-speed passenger rail network. ODOT had previously identified \$7 million in federal American Reinvestment and Recovery Act funds for the PEIS work, but after conversation with FHWA, those dollars and about \$50 million in other ODOT project planning commitments were shifted to construction activities. Director Dietrich had the opportunity to present to the TRAC, the Transportation Review Advisory Council, and that body approved \$7 million in funding for the PEIS. This continues our two-track process to developing passenger rail in Ohio. We look forward to working with our freight partners as we have in development of the 3C project to make sure everyone benefits.

Commissioner Greenlese thanked Director Dietrich for his efforts and restated his view of the Ohio Hub as the “brass ring” and the 3C as the first step. We have to keep a broad approach to this, we are not just building passenger service through the middle of the state but moving Ohio to a whole different level of passenger service all over the state. This is a great effort.

Commissioner Molitoris stated that it may not be understood what a major action the TRAC took. She would like to recognize Assistant Director Steve Campbell, who went to great lengths to provide information and to prepare the way for the presentation to the TRAC. She was gratified by their action and their comments, as the TRAC is another independent body and they recognize the value of multimodal investments to truly bring jobs and economic development to our state. She thinks it was not only important but historic and she would like to recognize the members of the TRAC for their commitment and their strong statements that they personally made about the importance of this action.

Acting Chairman McOwen indicated that there is much more to the application than just filling out the forms. Support is needed from the public and from the Commissioners, and appealed to anyone who knows someone in a position of influence to ask them to tell those individuals how important this application and this project are to the state of Ohio.

Commissioner Molitoris observed that across the country there is a coalescing of citizens, leaders, developers, and private business who recognize that this is a historic, unique, maybe once in a lifetime opportunity for 100% money to invest in this kind of down payment, as the President called it, toward developing high speed and intercity passenger rail in our country. She is gratified by the response to the 3C is Me website and all of the Ohioans who have decided to comment on this project. ODOT is inviting anyone attending and anyone who wishes to share their views to contact leadership, the Ohio Congressional delegation, the Secretary of Transportation. Commissioner Molitoris returned from a meeting yesterday regarding the preliminary national rail plan, which could be similar in scope to the interstate highway system begun under President Eisenhower, but more complicated because of the private infrastructure.

The meeting lasted all day and one of the things she heard is that FRA is gratified by the rallying of leadership, business, citizenry, labor, manufacturing, everyone who realizes what a big step this is going to be. The freight railroads have been very supportive, and Ed Hamburger, head of the American Association of Railroads, said that we have the best freight system in the world and there is no reason we cannot have the best passenger system. Everyone that Director Dietrich mentioned should be recognized, including the whole Commission and the Chairman in terms of his leadership on equipment and the application. She invited anyone who would like to support or to comment to join in the effort.

Stu Nicholson mentioned that a letter had come in this morning from Greater Ohio, who wrote a letter to Secretary LaHood and the FRA Administrator in support of Ohio's 3C Quick Start program. Chairman McOwen stated that we need these kinds of things to show how important this project is to our citizens. He invited Gene Krebs of Greater Ohio to speak. Greater Ohio thinks it is time to be about moving people, not just automobiles. Chairman McOwen asked if there is information on the website for these various contacts – the Secretary of Transportation, the FRA Administrator. Mr. Nicholson responded that it will be posted if it is not and also mentioned that there have been close to 5,000 public responses to the survey on the 3cisme.ohio.gov website, with support running between 90-95%.

Chairman McOwen mentioned that there have been a lot of naysayers and questions about whether people will ride, and he has had a peek at some ridership estimates that are beyond our wildest dreams. He thinks that doubts about the success of passenger service should be long gone and appealed to the audience for their support to make it happen.

### **FINANCE REPORT**

Megan McClory, ORDC's Secretary-Treasurer, presented the Finance Report to the Commissioners. Megan's report can be found on page 8 of the commission packet. Ms. McClory reported that financial statements were provided at the start of today's meeting. The FY 2010-2011 budget has been finalized and while about as bad as expected, fortunately it was not worse. ORDC's loan and safety funds were appropriated as requested and so will continue at their historic levels. The general fund appropriations total about \$2.2 million per year, down from about \$3.7 million at the start of last year. Staff has been able to address a number of rehabilitation needs with the federal stimulus funds allocated by ODOT. Staff is also looking at reducing operating costs and reallocating some costs to other funds in order to maximize the funds available for the grant program.

Staff authorized the first ARRA-funded rehabilitation project to start work and expect to authorize two more yet this week.

For several meetings, there has been an item in the finance reports about the selection of a passenger rail expert to assist with specific aspects of the FRA application. Staff has been able to select a firm and identify funding, and now have RL Banks & Associates under contract, with Burgess & Niple locally. A task of assessing the potential 3C station sites and providing cost estimates has been assigned, and the consultants are in the field this week.

The Fiscal Section has been providing staff support to the Human Resources Committee. Ms. McClory would like to recognize Gloria Howard for her assistance and research in putting materials together and presenting them to the Committee.

### **APPROVED PROJECT BRIEFINGS**

**RL Banks & Associates:** Chairman McOwen asked for comments on the RL Banks & Associates briefing, which was discussed during the finance report. There were no questions.

**Bellaire Harbor Services:** Mr. Jannazo presented the Bellaire Harbor Services project, which is on page 126 of the packet. Bellaire Harbor Services is on the Ohio River and has had a barge operation for years. The Wheeling & Lake Erie Railway serves the facility with its River Line and the terminal has been using rail very sparingly. The \$80,000 award will help BHS rehabilitate and relocate a mile-long track to allow them to use rail. It will add a very helpful rail component to the truck and barge operations already there. They already have stone and salt customers and this project will help increase the rail usage. There were no questions.

### **JOBS AND CARLOADS REPORT**

Beverly Lee of the ORDC's Planning Section presented the 2008 report on companies that have received grants from ORDC. The report is on page 131 of the packet. Of the 16 companies reporting, by no means is this as great a report as it has been in the past in terms of generation of jobs and carloads given the economy. ORDC continues to work with the companies to review their progress and see what the commission can do to be helpful. There were no questions.

### **PANHANDLE LONG-TERM LEASE COMMITTEE REPORT**

Committee Chairman Tom McOwen reported that the Commission has been busy and this Committee has not been able to meet for some time. He has had some conversations with the Genesee & Wyoming staff and apologizes for not getting a meeting scheduled. He expects to, in the next 30 days, schedule a meeting to get that project back on track.

### **STANDING COMMITTEE REPORTS**

#### **Human Resources – Chairman Jackson**

Committee Chairman Solomon Jackson reported that the committee has done a lot of work. He has long been concerned about making sure there is in-depth inspection of the work that freight project dollars have gone out for. He knows there has been inspection but doesn't think it is the kind of coverage that is needed. Those in the safety section have done an admirable job but he wants comfort that there is someone looking out for the taxpayers' dollars. He pointed out page 50 of the packet, item number 2, where there is a call on the safety side for inspection. He wants to make sure there is someone on the freight side day in and day out looking at projects.

He has talked to Director Dietrich, and Ms. McClory has put together a draft position description. He indicated that he can't say enough about Gloria Howard. In addition to her regular duties, she has elevated the discussion by looking at other similar states, Indiana, Pennsylvania, and Michigan, that put rail first as well.

Ms. Howard reported that she contacted Indiana, Illinois, and Pennsylvania to learn how they put together their projects. All had similar components in that they have an engineer, as did Ohio's rail agency at one time. Staff relied on the engineers for track, structures, and grade crossings. ORDC's last inspector retired in 2004, so now inspection is done upon project completion. Other states' engineers do a pre-construction meeting, a cost estimate, and a cost-benefit analysis. They do the cost-benefit analysis to determine if projects are feasible, and the agency relies on them to put the packet together. They have someone on the project from start to end

and also use photographs to document the work. From her research, she recommends someone with an engineering background, though not necessarily a P.E., so that there is an engineering component to the cost and benefit analysis. She has talked with Commissioner Sowers, who is also strongly in favor of creating this position.

Chairman McOwen commented that he remembers when there were more than 30 people on staff, and we are down to 16. In this era of rail rejuvenation and rebirth, having someone to justify and verify what is going on in the field is absolutely essential.

Commissioner Lozier recalls there was an engineer in the rail division when Commissioner Molitoris was the deputy director. He suggested that it would be helpful when ORDC applies for grants to seek funds for construction engineering (inspection). He also suggested that the type of position be considered in terms of funding eligibility – i.e. construction engineering funds might require work to be done by a P.E. Commissioner Jackson indicated that there is work to be done on the position and encouraged Commissioners to share their ideas.

Commissioner Bennett asked how many projects might run concurrently. Director Dietrich suggested that six to twelve could be under construction at one time. He also pointed out that the letter to which Commissioner Jackson referred was a FHWA Quality Assurance Review, an opportunity to review Ohio's best practices to make improvements. One recommendation was to develop specific procedures to document the inspection work being done. Because of Ohio's good safety project work, ORDC has a good model for this position that we can sync up. We can also look to the federal procedures for guidance. He indicated that internally ORDC can consider set-asides as funding sources. As other funds become available, staff will need to take a hard look at the expectations that come with project sponsorships/acceptances, and the limitations of funding. Unfortunately the ARRA funds have very tight limitations regarding staffing resources.

Ms. Howard pointed out that there are 52 bridges on state-owned lines and tunnels.

Commissioner Wolfe suggested assistance from AREMA in getting the word out about this position. They have an extensive membership roster and could be a good resource. Commissioner Bennett observed that a P.E. may be in order for the position and that a P.E. may be obtainable at this time given this job market.

Art Arnold of the Ohio Railroad Association indicated that railroads said over the summer there were ARRA projects being delayed because there was not an inspector available for those projects. Railroads are concerned about losing this construction season. His question is the timetable for the hiring and whether projects have been delayed because an inspector was not available. Director Dietrich responded that there were issues related to inspection but not related to this position. Under ARRA there are additional requirements such as FHWA's selection of projects for full oversight, which is outside of ORDC's regular project process. There were other issues related to the establishment of DBE goals on projects, but those have been resolved. On certain projects ORDC has been able to follow standard procedures, but for full oversight, the projects require outside inspection services. Those issues have been resolved through work with ODOT's Office of Contracts.

Commissioner Jackson made a motion to support a new project manager position to provide

improved oversight of the state's investments in rail infrastructure projects and to direct staff to seek the approvals necessary to create, fund, post, and fill such a position. Commissioner Wolfe seconded the motion.

Commissioner Lozier asked whether the P.E. issue had been resolved. Commissioner Jackson expects that once the motion is successful, the Human Resources Committee will begin the heavy lifting and in that session, address that issue. He would like for both Commissioner Lozier and Commissioner Bennett to provide input and feedback.

Roll call was taken with eight votes in the affirmative.

Commissioner Jackson reported that the Committee is just beginning its work. It is apparent just how much work the staff is doing from his view as chairman of the committee. The committee next intends to review the staff workload, and particularly to look at the staffing in the Planning Section. Mr. Jannazo's work is the lifeblood of ORDC's work and Commissioner Jackson wants to provide as much support as possible.

#### **Economic Development and Strategic Planning Committee – Chairwoman Bennett**

Committee Chairwoman Barbara Bennett provided an update on the state rail plan. In July, there was a kickoff meeting with the consultant, Wilbur Smith, and attendees from ODOT and ORDC (staff and Commissioners Lozier and Bennett) and MORPC. The goal was to get everyone on the same page as to where the project will go. After discussion, they determined that a rail plan that meets the minimum requirements for FRA funds is the best place to start. That does not mean it can't be augmented afterwards with more modeling or other work. At the kickoff, the attendees also discussed reports that have been done previously, mapping, and resources available from ODOT to bring Wilbur Smith up to speed. Wilbur Smith has since proposed a scope of services, and Leonard Evans of ODOT is working with them. At the October retreat, the Commission will have a chance to discuss the rail plan. One topic will be the base criteria for how we select projects for funding. The consultants will also be doing public outreach, and perhaps the Commission can help with contacts and resources who have an interest in Ohio's rail.

Mr. Evans thanked Commissioners Bennett and Lozier for their input to the project. States are taking different approaches to the state rail plans, with some spending \$1 million for major undertakings. Ohio has done a lot of planning and studies in the past, and Mr. Evans intends to leverage that work to put together the plan. The plan is required to qualify for future federal funding outside of the ARRA stimulus dollars. They are working on a "light" version of a rail plan, which will also play a role in the statewide Transportation Futures Plan. It is critical for the Commission to have an active role in the project, through engaging stakeholders and evaluating criteria for future decision-making. He encouraged commissioner involvement and looks forward to discussion at the October retreat, and thanked ORDC staff for their work.

#### **Budget & Finance Committee – Chairman Tom McOwen**

No report.

#### **Legislative Committee – Commissioner Molitoris**

No report.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

The ORDC fall retreat will be October 19 at the Spring Hollow Lodge at Sharon Woods Metropark in Westerville. Staff will provide further details shortly. The agenda is expected to include discussion of the state rail plan and the completed FRA application. Director Dietrich invited Commissioner comments and input to the agenda.

Commissioner Lozier asked if ORDC is sponsoring or attending the Toledo Metropolitan Area Council of Government's Ohio Conference on Freight. Director Dietrich responded that ORDC is not sponsoring the conference this year, nor is staff attending, but if commissioners would like to attend, we can work out the budgeting. Commissioner Wolfe stated that he will be attending the conference.

Chairman McOwen stated that the Governor has selected a new chair for the Commission. He is James Bradley, a former CEO of Wheeling-Pitt Steel. An announcement from the Governor is expected shortly.

Commissioner Jackson asked if there is any news on the manufacturing representative to be appointed to the commission. Chairman McOwen indicated the Governor's office is working on it but there is no announcement yet.

### **PUBLIC COMMENT**

Larry Robertson, an Upper Arlington resident and member of All Aboard Ohio (AAO), indicated that AAO's members have been very active supporting passenger rail. He is very pleased to know Ohio is close to real results. He is trying to resurrect the Red Door Tavern meetings of the past and get a steady core group going. They believe they can help publicize Ohio's efforts and spread the word. He attends ORDC meetings out of personal interest. As a citizen, he believes railroads offer a lot of promise for the future, for both freight and passenger service. He supports both and is proud to have a group like ORDC.

Ryan Ratledge, General Manager of the Indiana & Ohio Railway, thanked the Commission for its approval of two I&O rehabilitation projects.

Art Arnold of the Ohio Railroad Association said that based on his work on the 21<sup>st</sup> Century Transportation Priorities Task Force and working the halls of the Statehouse, the idea of passenger rail is almost palpable. Also palpable is the opposition to passenger rail from a few groups around the state. He received notice yesterday of an effort by the Ohio Trucking Association and the Ohio Petroleum Marketers Association, groups with statehouse clout, to try and derail support for the passenger rail effort within the General Assembly. He wanted the Commissioners and members of the public to be aware that the earlier request for support for passenger rail is important to share, not just with other members of the public or with state legislators, but with media outlets and other groups. He thinks there is going to be a clash in the General Assembly and in state government later this year, as the funding and the idea of realizing passenger rail becomes more real. His industry is going to keep an eye out for their concerns. NS and CSX and other railroads will look out for their interests and try to be good partners with the state, but as far as the leadership role on passenger rail in the state, it will be the

people in this room and the people upstairs in this building. There are groups out there “very committed to trying to deny you the goal that you seek.”

Commissioner Molitoris saluted Mr. Arnold. She said he probably would not have expected five years ago to represent Ohio on the States for Passenger Rail Coalition. She believes there is a win-win partnership for everyone and appreciates his role on the Task Force. The message of passenger rail and economic development and mobility it brings will reach those who are wary. She wants to continue to bring the facts of the message, economic development, mobility, revitalization of cities, green transportation to support a good business decision by the state of Ohio.

Mr. Jannazo asked for thoughts on the meeting location. The commissioners and members of the public attending agreed that meeting at the ODOT Headquarters building is a good location.

Daniel van Epps, Executive Director of the Conotton-Sandy-Tuscarawas Valley Community Improvement Corporation, shared concerns about abandoned rail lines being severed by road and highway fills to eliminate overhead bridges. He provided staff with an article which says ODOT will eliminate a number of bridges that may be along the Cadiz Branch in Harrison County. Prior articles have said these are eliminations are bridges over abandoned rail lines. His organization proposes to restore a 3.45 mile line and they are facing a 40’ fill to go through with a bridge, tunnel, or culvert, which will cost millions of dollars. He stated that several meetings ago, Commissioner Wolfe brought up a resolution supporting the preservation of rights of way, and if so, we need to work together with industry, county engineers and ODOT to keep the rights of way open, even if they are abandoned.

### **ADJOURNMENT**

Chairman McOwen called the meeting of the Ohio Rail Development Commission adjourned at 12:35 p.m.