



**PRESERVING  
RAIL FREIGHT  
SERVICE**

**SEDA-COG JOINT RAIL AUTHORITY MEETING**  
**Wednesday, January 13, 2021**  
**Virtual Meeting via Teleconference – 1:00 p.m.**

**AUTHORITY MEMBERS**

Frank Dombroski, Montour County  
Russ Graham, Centre County  
John Gummo, Clinton County  
Scott Harvey, Lycoming County  
Lisa Hoover, Northumberland County  
Bob Hormell, Northumberland County  
Rick Jenkins, Columbia County  
Brent Jones, Clinton County  
Michael Krentzman, Mifflin County  
Dave Park, Columbia County  
Rob Postal, Mifflin County  
David Schultz, Lycoming County  
John Showers, Union County  
John Spychalski, Centre County  
Jennifer Wakeman, Montour County  
Eric Winslow, Union County

**JRA OPERATOR**

Tom Avery, Director of Operations  
Jeb Stotter, President & CEO  
Diana Williams, Treasurer/Controller

**GUESTS**

Erik Bergenthal, Esq., Houston Harbaugh (for Carload Express)  
Alex Lang, Carload Express  
Robert Ralston, Esq. Houston Harbaugh (for Carload Express)  
Mark Rosner, Carload Express  
Ed Sigl, First National Bank of Pennsylvania

**LEGAL COUNSEL**

John Bee, Esq., McQuaide Blasko  
Michael Crotty, Esq., Siana, Bellwoar & McAndrew (for executive session)  
Tom Schrack, Esq., McQuaide Blasko

Affiliated with  
SEDA Council of Governments



## **JRA CONSULTING PROFESSIONALS**

Dan Mazur, Operating Agreement Consultant

Jason Shura, P.E., Stiffler McGraw

## **JRA STAFF**

Kay Aikey, Program Assistant

Kyle Postupack, Property & Maintenance of Way Manager

Jeff Stover, Executive Director

## **CALL TO ORDER**

### **Call to Order**

The Chairman called the meeting to order at 1:04 p.m.

### **Pledge of Allegiance**

The Chairman led the Pledge of Allegiance.

### **Welcome – Chairman’s Statements**

The Chairman stated that the use of audio or video recording devices at the public meeting is permitted. The Authority does not require pre-registration for recording purposes; however, any individual intending to record all or any part of the meeting must notify the Chairman or the Executive Director in advance of such recording. If the Authority recesses to Executive Session, no recording of that session shall be permitted.

### **Public Forum**

The Chairman asked if there is any public comment to come before the Board. Mr. Rosner was recognized by the Chairman and stated that Carload Express remains excited about the opportunity to work with the JRA to provide first class rail service to the region. However, it has now been 15 weeks and this is the fourth board meeting since the Supreme Court ruled without any movement by the JRA regarding the transition planning process. Mr. Rosner stated he understands this process has been long and arduous, but the time has come to move forward. The JRA has seen Carload regularly at these meetings and knows that Carload cares about the JRA’s mission to preserve and foster rail service in Central Pennsylvania and everyone at Carload Express is excited about rail and the opportunity to work with the JRA. To that end, Carload Express is hopeful that today the JRA will take the important step of setting up a timeline and a process to coordinate the transition to Carload Express and to also take action to allow Carload Express to inspect the JRA tracks, communicate with the JRA’s

customers and commence transition discussions with JRA's existing operator. As you are aware, these transitions are complex and take time. Carload Express wants to do this right and looks forward to having partnership with the JRA and customers in Central Pennsylvania.

## ADMINISTRATIVE ITEMS

### Approval of the December 9, 2020 JRA Meeting Minutes

*Dr. Spsychalski made a motion for the Board to approve the December 9, 2020 JRA Meeting Minutes; Mr. Postal seconded the motion; motion carried.*

### Nominating Committee Report and Recommendations & Election of Officers

Committee Chair Eric Winslow gave a report from the Nominating Committee relative to election of 2021 JRA officers.

The proposed slate of officers for 2021 was as follows:

Chairman: John Showers	Treasurer: Scott Harvey
Vice-Chairman: Dave Park	Assistant Secretary: Russ Graham
Secretary: Michael Krentzman	Assistant Treasurer: Jennifer Wakeman

Attorney Schrack stated the requested action is a motion to accept and approve the slate of proposed officers to serve as officers for the 2021 Joint Rail Authority year.

*Mr. Winslow made a motion for the Board to accept and approve the slate of officers for 2021 as presented; Mr. Hormell seconded the motion; motion carried.*

### Appointment of 2021 Committees

Chairman Showers stated that he is reappointing all standing committees as they have been comprised the past year. (A copy of the current 2021 JRA committees to the Board was provided via email to Board members.) The appointment of committee members is at the discretion of the Chairman under the JRA's Bylaws, so no Board action was required.

Chairman Showers stated there is one exception to the committee listing. He stated that in the past there was an Operating Agreement Committee, but it has not met for five years during which the JRA has been in litigation regarding the RFP. Chairman Showers stated that he is not reappointing the Operating Agreement Committee.

Chairman Showers noted that since the last board meeting following the discussion of the Board he took upon himself as Chair to appoint a working group to convene and begin to study the issues facing the Joint Rail Authority as it looks towards a new operating agreement.

Chairman Showers stated that he is formally appointing the group as an Operations Committee, with Scott Harvey as Chair, and Dr. John Spsychalski, Dave Park, and Bob Hormell as members. Chairman Showers stated that JRA Staff, Dan Mazur and legal counsel will be working with the Committee and have met with the group. Chairman Showers stated that he has not appointed himself as a member.

Attorney Schrack stated that there were two executive session calls that were held with the Operating Working Committee on December 17<sup>th</sup> and January 12<sup>th</sup>. These were remote sessions.

### Treasurer's Report

Mr. Harvey presented the Treasurer's Report for the month of December 2020, as well as the JRA's loan summary, the JRA Money Market Account Financial Statement and the JRA's detailed accounting associated with the operating fees paid by the Operator.

Dr. Spsychalski noted two minor typographical corrections to the Financial Statement:

- Diamondback Signal (Grade Crossing "Improements" should be "Improvements")
- First "Nation" Bank should be First "National" Bank

*Mr. Graham made a motion for the Board to accept the Treasurer's Report with noted corrections for the month of December 2020 and file for audit; Mr. Jones seconded the motion; motion carried.*

### Presentation of 2021 JRA Budget

A copy of the final draft of the 2021 JRA Budget was emailed to Board members prior to the meeting. Mr. Stover reviewed the 2021 JRA Budget and highlighted some of the items on the e budget.

Mr. Stover noted that an expense line item was included for the local share of the RTAP that was recently awarded. This is for reconstruction of portions of the JVRR West Park Track.

*Mr. Park made a motion for the full Board to approve the 2021 JRA Budget as presented; Mr. Harvey seconded the motion; motion carried.*

### Staff Report and Events Calendar

Mr. Stover summarized the status of various construction projects and calendar highlights.

### Operator's Status Report

The Operator's Status Report was provided to Board members prior to the meeting. Mr. Stotter stated that in February the operator will be putting together the plan with the JRA's consultant and staff for 2021. The operator has a robust plan in initial stages for the Nittany/Bald Eagle Main.

### OLD BUSINESS

#### Bridge Engineer's Report

The Bridge Engineer's Report was included in the meeting packet. Mr. Shura provided the following updates:

- The Bridge Engineer is working on the 2015 RTAP projects and continuing to move those projects forward.
- SVRR Bridge 14.93 (Shamokin) preconstruction meeting held on 10/28/2020. Bids were opened in the summer. Waiting on two items from the contractor to issue the notice to proceed. Expect the field work to commence likely in April 2021. Project in good shape to be completed in the spring.
- NBER Bridge 33.84 (Curtin Bridge) Rehabilitation (RTAP Project) plans and bidding documents were sent to the Bureau of Rail freight on June 12, 2020. Review comments were received on January 6, 2021. Advertisement and bid opening dates can be finalized for resubmission to the Bureau. Hoping to advertise this at the end of January.
- LVRR Antlers IT Bridge 179.44 (Iron Bridge) Rehabilitation Project bidding documents submitted to the Bureau of Rail Freight on 9/4/2020. Review comments were received on January 6, 2021. Advertisement and bid opening dates can be finalized for resubmission to the Bureau. This bridge may be pushed to 2022.
- NSHR Bridge 195.10 2015 RTAP Project (Bear Camp Bridge) plans and specifications are complete and pending submission to the Bureau of Rail Freight. GP-11 permit application is underway. Intent to advertise and open bids in the spring with construction in the summer or fall of 2021. On track to get the project done by the end of the year.
- The 2020 bridge safety inspections are complete and the inspection reports for all five railroads have been submitted to the JRA and the railroad.
- PSU Altoona bridge Instrumentation Plan – PSU Altoona is proposing instrumentation of 2-3 bridges on JRA lines as part of student research. PSU staff asked for a list of bridges that could be instrumented for this purpose. A list of bridges was provided on 11/4/2020 and response from PSU was received. Site visits will be coordinated with JRA and NSHR. A conference call was recently held with Penn State Altoona and they are looking at five bridges from the original list provided in November. A field meeting is going to be held with JRA staff and the railroad to discuss these bridges. The

instrumentation will look at steel bridges only for now and could be expanded depending on funding and what the JRA and railroad would like to do. This will provide some real time monitoring of these five bridges and the data from the monitoring will be available to JRA and the railroad on a real time basis. It will be a web-based application. This is funded through the FRA and is a good opportunity.

- Newberry Yard, Office Parking Lot Survey and Building Electric Plan – the draft parking lot plan is complete. The revised plan is ready to go. Working with a local contractor to get an estimate prior to putting that project on the street.

### Property Management Committee

#### The Good Samaritan Mission Easement (NSHR – Danville)

Mr. Postupack stated that the Good Samaritan Mission has approached staff seeking an easement for a portion of JRA property along DL&W Avenue in Danville. The Good Samaritan Mission is a faith-based organization that works with disadvantaged residents in Montour County to provide clothing, food, and financial assistance.

The non-profit organization recently purchased the building at the corner of Ferry Street and DL&W Avenue and would like to make improvements to the alley and side of the building to include parking and a better entrance for customers.

The Good Samaritan Mission is currently conducting a survey of the property. JRA staff is waiting for the survey maps to review the property lines before an agreement is brought before the Board for approval.

Mr. Postupack shared the following slides:

- Location of The Good Samaritan Mission easement location in Danville
- Good Samaritan existing conditions and design development Round 2
- Good Samaritan Exterior Views

Mr. Postupack stated that this property has an ongoing survey, so he feels it is best to wait until the survey is complete before an easement agreement is proposed. More information will be provided at the February JRA meeting. No action is needed at this time.

#### Danville Borough Easement (NSHR – Danville)

Mr. Postupack stated that the Danville Borough requested a drainage easement 25' long and 15' wide on JRA property approximately 550' NNW of the Wall Street railroad crossing in Danville. The proposal includes construction of new townhouses east of the track on Alton Street which will include stormwater management facilities.

After the plans were reviewed by staff and Jason Shura, P.E., it was determined that stormwater runoff will not be made worse by the proposed work. The drainage facilities on JRA property will include an outlet pipe with a R-4 rock apron.

The Borough will be responsible for all maintenance of the facility.

An \$800 application fee and a \$400 annual fee will be assessed and will be subject to CPI increases.

Mr. Postupack shared the following slides:

- Danville Borough Drainage Easement for the future site of Alton Street Townhouses at Milepost 201.12 in Danville.
- Site plan for Alton Street Townhouses.

*Ms. Wakeman made a motion for the full Board to approve this easement agreement and authorize its execution by the Authority's officers; Mr. Dombroski seconded the motion; motion carried.*

#### Greek Development LLC Land Lease (NSHR – Bloomsburg)

Mr. Postupack stated that Greek Development LLC approached staff about leasing a JRA property along the NSHR east of the East Street railroad crossing in Bloomsburg. Greek Development LLC purchased the property this summer and razed the old building on the site to construct a new commercial building. The boundary of the land lease is 12' from centerline of track on the south side.

The lessee will be required to construct a barrier on the boundary of the leased area to protect the track and JRA property.

The land lease is for a 3-year term. An \$800 application fee as well as an annual fee of \$3,500, subject to CPI increases, will be assessed.

Mr. Postupack shared the following slides:

- Proposed area of land lease
- East Street & US 11 Sketch Plan
- East Street railroad crossing in Bloomsburg

Mr. Stover stated that the JRA needs to make sure that no construction is in that 13' area. It is just a buffer space and nothing permanent should be placed in that area.

Ms. Wakeman commented that she is not comfortable with this without knowing what the JRA is agreeing to. She would like to know what the terms are and why Greek Development wants this property.

Mr. Postupack stated it is for commercial development and everything would have to be approved by the JRA. They are not constructing anything on JRA property. They are using it to expand whether it be for parking or just a buffer and nothing will be built there. The JRA needs to approve anything that is going to be done on JRA property.

Mr. Hormell commented that it may be that the zoning district in the Town of Bloomsburg has a zero setback requirement.

*Mr. Hormell made a motion for the full Board to approve this land lease with Greek Development LLC based on the board discussion and authorize execution by the Chair and Secretary; Dr. Spsychalski seconded the motion.*

Mr. Stover asked that Mr. Postupack get something in writing from Greek Development that they cannot do anything without the JRA approval and to also know why they want this property.

*Motion carried.*

#### **ZITO Media Communications, LLC (NSHR – Northumberland)**

Mr. Postupack stated that ZITO Media Communications, LLC approached staff about the installation of an overhead fiber line on the NSHR on Orange Street in the Borough of Northumberland. The fiber line is wholly within the public right-of-way. All plans have been reviewed and approved. An application fee of \$800 will be assessed for the facility.

Mr. Postupack shared the following slides:

- ZITO Media Communications, LLC location of the fiber optic cable at MP 213.08
- ZITO Media proposed railroad crossing

*Mr. Graham made a motion for the full Board to approve this license and authorize execution by the Chair and Secretary; Ms. Wakeman seconded the motion; motion carried.*

#### **East 6<sup>th</sup> Street Parking Issues (NSHR – Bloomsburg)**

Mr. Postupack stated that the JRA's right-of-way on the north side of the track in Bloomsburg is 15' from centerline between Catherine Street and East Street.

There have been multiple issues with vehicles fouling the track along East 6<sup>th</sup> Street and forcing the train to stop and wait for vehicles to be towed. There have also been several instances where vehicles have been clipped by the passing train.



In December, the Operator notified JRA staff about a vehicle fouling. The JRA was then notified two additional times about vehicles fouling the track in the same location which is a total of three separate incidences in a month.

In response, a meeting was held Monday, January 11, 2021 on-site with the Bloomsburg Police Chief Roger Van Loan and Sergeant Michael Fosse; the Head of Public Works, John Fritz; and the Head of Codes, Ken Roberts, and NSHR employees and JRA staff.

NSHR and the JRA discussed the on-going parking issues and told all in attendance that all vehicles will be posted, notifying the vehicle owners that they will have until Friday, January 15<sup>th</sup>, to move their vehicles. After that time, the vehicles will be towed.

No Parking signs will be posted, and concrete blocks will be placed by NSHR M&W crews at all curb cuts to block vehicles from entering onto the JRA right-of-way and blocking any vehicles that were not moved.

Additionally, the Town of Bloomsburg gave JRA written permission to place the blocks on Town property beyond the 15' JRA right-of-way.

JRA staff will keep the Board notified of the situation as it moves along.

Mr. Postupack shared the following slides:

- Aerial showing the Bloomsburg parking issues at East 6th Street.
- Vehicles parking on the JRA right-of-way by the track
- East 6<sup>th</sup> Street Curb Cut Concept showing no parking sign and concrete blocks

## LEGAL

### Legal Issues

Attorney Schrack stated there is nothing for public session at this time. The Board will recess into executive session to discuss the RFP litigation. Attorney Schrack stated he anticipate there will be one action item in public session after the executive session.

Chairman Showers recessed the regular meeting at 2:39 p.m. to convene into executive session at 2:50 p.m.

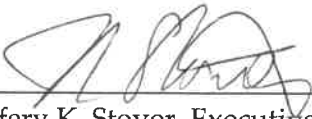
Chairman Showers reconvened the regular meeting at 3:40 p.m.

Attorney Bee stated that the Authority Board held discussion with its solicitor regarding the ongoing RFP litigation and there is one item which requires action. He sought a motion appointing Attorney Peter Pfohl as special transportation counsel for the JRA.

*Mr. Krentzman made a motion to engage Attorney Peter Pfohl as special transportation counsel for the Authority; Mr. Harvey seconded the motion; motion carried.*

With there being no further business to come before the JRA Board, Chairman Showers adjourned the meeting at 3:41 p.m.

Respectfully submitted,



Jeffery K. Stover, Executive Director

I hereby certify these minutes were approved by the SEDA-COG Joint Rail Authority Board of Directors on February 10, 2021.



Secretary/Assistant Secretary