



**PRESERVING  
RAIL FREIGHT  
SERVICE**

**SEDA-COG JOINT RAIL AUTHORITY MEETING**  
**Wednesday, September 8, 2021**  
**Union County Government Center, Lewisburg, PA**  
**12:30 p.m.**

**AUTHORITY MEMBERS**

Russ Graham, Centre County  
John Gummo, Clinton County  
Scott Harvey, Lycoming County (via teleconference)  
Lisa Hoover, Northumberland County  
Bob Hormell, Northumberland County  
Rick Jenkins, Columbia County (via teleconference)  
Brent Jones, Clinton County  
Rob Postal, Mifflin County (via teleconference)  
David Schultz, Lycoming County  
John Spsychalski, Centre County (via teleconference)  
Jennifer Wakeman, Montour County  
Matt Weigle, Columbia County (via teleconference)  
Eric Winslow, Union County

**JRA OPERATOR**

Jeb Stotter, President & CEO  
Diana Williams, Treasurer/Controller

**GUESTS**

Mark Rosner, Carload Express

**LEGAL COUNSEL**

John Bee, Esq., McQuaide Blasko  
Tom Schrack, Esq., McQuaide Blasko

**JRA CONSULTING PROFESSIONALS**

Dan Mazur, Operating Agreement Consultant

**JRA STAFF**

Kay Aikey, Program Assistant  
Kyle Postupack, Property & Maintenance of Way Manager  
Jeff Stover, Executive Director

Affiliated with  
SEDA Council of Governments



## CALL TO ORDER

### Call to Order

The Vice-Chairman (in absence of the Chairman) called the meeting to order at 12:34 p.m.

### Pledge of Allegiance

The Vice-Chairman led the Pledge of Allegiance.

### Welcome – Vice-Chairman’s Statements

The Vice-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 Vice-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 Vice-Chairman asked if there is any public comment to come before the Board. Mr. Rosner was recognized by the Vice Chairman and stated that in four weeks it will be a year since the Supreme Court ruled that the 7-3 vote did, in fact, award the agreement to Carload Express. Mr. Rosner stated that shortly after the Supreme Court’s decision last October Carload Express sent a list of request to the JRA along with a request to meet with customers and Carload Express is still interested in getting responses to the request for information on the list. Carload Express would still like to get permission to meet with customers and would like the JRA to provide answers to the questions that were on the list as well as to give permission to speak with customers.

## ADMINISTRATIVE ITEMS

### Approval of the August 11, 2021, JRA Meeting Minutes

*Dr. Spychalski made a motion for the Board to approve the August 11, 2021, JRA Meeting Minutes; Mr. Winslow seconded the motion; motion carried.*

### Treasurer’s Report

Mr. Harvey presented the Treasurer’s Report for the month of August 2021, as well as the JRA’s loan summary, the JRA Money Market Account Financial Statement, the PIB Loan Financial

Statement, and the JRA's detailed accounting associated with the operating fees paid by the Operator.

*Mr. Hormell made a motion for the Board to accept the Treasurer's Report for the month of September 2021 and file for audit; Mr. Schultz seconded the motion; motion carried.*

### Staff Report and Events Calendar

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

Mr. Stover stated that last year the JRA was involved with Focus Central PA and the Central PA Livability 2.0 which is an initiative that the state has partnered with Livability.Com to promote livability in the state and how it relates to economic development. Ms. Wakeman was asked by Mr. Stover to provide further details regarding this economic development initiative. The JRA is a board level member of Focus Central PA and this year the JRA's contribution for the Livability 2.0 will be \$530.

Mr. Stover stated that on July 14, 2021, the Board approved a commitment of \$30,000 toward the local share for the Port Matilda Multimodal application. The final budget itself was going to require \$20,750. One of the partners that committed to the money was the Nittany & Bald Eagle Railroad for that same amount. Together, the two railroad contributions totaled \$41,500. DCED is asking for the financials from all the entities contributing; the other contributor is Centre County at \$55,000. There is not an issue with getting the financials from the JRA or Centre County, but the Nittany & Bald Eagle Railroad is a private company and is more reluctant to give out their financials to the State.

Mr. Stover asked the Board to increase the JRA's contribution from \$30,000 to \$41,500 if the project is funded. The Nittany & Bald Eagle Railroad has already done some in-kind contributions through ditching upgrades in that area.

*Ms. Wakeman made a motion for the full Board to increase the JRA's local share commitment to \$41,500 for the Port Matilda multimodal project and to provide the financials to DCED; Mr. Gummo seconded the motion; motion carried.*

### Operator's Status Report

A copy of the Operator's Report was provided to Board members. Mr. Stotter reported that as of the end of July, freight volume is up 7% from the same time period as last year. The Maintenance of Way program is still on schedule.

### **OLD BUSINESS**

### Bridge Engineer's Report

## OLD BUSINESS

### Bridge Engineer's Report

The Bridge Engineer's Report dated September 2, 2021, was included in the meeting packet.

Mr. Shura provided the following updates:

- SVRR Bridge 14.93 (RTAP15 Project) – the contractor is working on upstream channel upgrades and has installed temporary stream crossing and crane pads. First track outage is planned for September 20, 2021.
- NBER Bridge 33.94 at Curtin (RTAP15 Project) – continuing to review contractor's submissions.
- NSHR Bridge 195.10 at Bear Camp (RTAP15 Project)– project has been awarded to Lycoming Supply. The notice to proceed was issued July 13, 2021. Work is planned for November 2021.
- Poppy Road Bridge over SVRR – field work by Kevin E. Raker Construction began on September 2, 2021. Anticipated completion on September 10, 2021.
- Bridge Safety Inspections – Field work has been completed. All reports have been drafted. NBER, LVRR and JVRR reports have been reviewed and signed by Bridge Engineer. SVRR and NSHR reviews are pending.
- NBER – Tyrone Drainage at Lincoln Avenue and 23<sup>rd</sup> Street – site meeting was held with NBER and JRA on March 31, 2021, and with Borough personnel on April 2, 2021. A cost estimate for the total project is being prepared.
- RTAP/RFAP 2021 – Assisting JRA staff with these projects. Will be participating with JRA staff with presentations to the Bureau of Rail Freight on September 16, 2021.

### Underwater Bridge Inspections RFP – Review of Proposals

Mr. Shura stated that on September 1, 2021, the JRA received six proposals for underwater bridge inspections.

The following proposals were received:

- |   |              |
|---|--------------|
| - Marine Solutions                      | \$ 65,200.00 |
| - WJ Castle                             | \$ 86,450.00 |
| - Pennoni                               | \$ 97,915.27 |
| - Greenman-Pederson, Inc. (GPI)         | \$108,100.00 |
| - MidAtlantic Engineering Partners, LLC | \$119,080.00 |
| - Pickering, Corts & Summerson (PCS)    | \$123,250.00 |

Mr. Shura stated that based on his review of the proposals he is recommending that the underwater bridge inspection contract be awarded to Marine Solutions in the amount of \$65,200.00.

Mr. Gummo asked for the number of bridges included in the project and what the timeframe is for completion of the project. Mr. Shura replied there are 19 bridges included in the scope of work and the field inspection are to be completed in the fall of 2021. In their proposal, Marine Solutions is planning on performing that work in October and November with the goal being to get it done before winter.

*Mr. Postal made a motion for the full Board to award the Underwater Bridge Inspections project of 19 bridges to Marine Solutions in the amount of \$65,200; Mr. Gummo seconded the motion; motion carried.*

Mr. Postupack shared the slide which showed the locations of the 2021 Underwater Bridge Inspections.

### Ratification of PennDOT Rail Grant Applications

Mr. Stover stated that on August 20<sup>th</sup>, JRA staff submitted two applications for PennDOT rail grants, one a RFAP and the other a RTAP. The RFAP relates to the NBER Bellefonte Yard and NBER Main switch to Hilex Poly. Total cost of \$694,000. If approved, both the north and south entrances to the Bellefonte Yard will be rebuilt to correct legacy alignment and configuration issues. Annual maintenance keeps the tracks usable but cannot correct the current geometry. Included in the proposal is the replacement of the #8 Hilex Poly switch with a #10 plus other related track improvements.

Local share is \$208,000 with the NBER contributing some cash and related crosstie renewals.

The second application is for the RTAP (aka "PA Capital Budget") competition. This year's application is for nine bridges which Jason Shura has recommended for upgrades. Total cost of the "RTAP 21 Bridges" is \$2,142,858. Local share is \$640,000 which can be spread over three years.

Mr. Postupack shared the following slides:

- Capital Track and Turnout Improvements on the NBER (RFAP 2021)
- Regional Bridge Upgrades - RTAP 2021

Mr. Shura stated he reviewed the list of high priority bridges and there are 41 bridges that are on the list and being monitored. There are three bridges that the railroad is monitoring. Mr. Shura stated he is identifying some of the bridges that are requiring the most attention whether it is inspected by the JRA or by the railroad or other frequent maintenance and to address those to eliminate some of the costs that are associated with the more frequent inspections and attention that some of the bridges require. Many of the bridges are relatively low cost projects. There are three bridges on the NBER, three on the JVRR, two on the LVRR and one on the NSHR.

*Mr. Jenkins made a motion for the Board to ratify the application for the Rail Freight Assistance Program (RFAP) for the NBER yard capital improvements for a total cost of \$694,000; Mr. Harvey seconded the motion; motion carried.*

*Dr. Spychalski made a motion for the Board to ratify the application for the Rail Transportation Assistance Program (RTAP) 2021 bridge program for a total cost of \$2,142,858 which would upgrade nine bridges on four of the JRA's lines; Mr. Schultz seconded the motion; motion carried.*

## NEW BUSINESS

### Consideration of 2021-2024 Staff Services Agreement

Mr. Stover stated this item will be discussed in Executive Session.

## PROPERTY MANAGEMENT COMMITTEE

### Section 130 Agreement Amendment – Juniata Street (JVRR – Lewistown)

Mr. Postupack stated that the Juniata Street grade crossing in Lewistown will be upgraded with a new surface and signals this year. Diamondback Signals submitted a change order requesting an extra \$40,000 citing the increase costs of materials.

PennDOT District 2-0 requested the JRA submit a letter signed by the JRA which asks for additional money and for the original project costs to be increased. The original agreement will be amended to reflect the increased project total.

The JRA will not incur any additional costs due to the increased project costs.

Mr. Postal asked if anyone checked on the price changes. Mr. Postupack stated that the reason for the increase in cost was due to not being able to get electric cable.

Mr. Stover stated that Diamondback Signals has been the JRA's long time signal contractor and he is not sure that they have ever requested a change order for additional costs on any project. Mr. Stover stated that the only thing that was bid was the crossing surface work which was done by CTW. The signal work was not a bid project as Diamondback has been the sole provider under contract to the JRA which is supported by PennDOT. This was not a bid project for the signals, it was only for the crossing signal work.

*Mr. Winslow made a motion for the full Board to ratify the letter signed by Chairman Showers and submitted by JRA staff to PennDOT requesting the additional funds from PennDOT; Mr. Hormell seconded the motion; motion carried.*

*Dr. Spychalski made a motion for the full Board to ratify the amendment to the original agreement to increase the overall project budget of \$40,000 that Diamondback Signals will be charging; Mr. Postal seconded the motion; motion carried.*

### Section 130 Agreement Amendment – Signal Upgrades (NBER, LVRR)

Mr. Postupack stated that five grade crossings on the NBER and the LVRR received signal upgrades this summer.

- Transfer Road (NBER – College Township)
- Front Street #1 (NBER – Milesburg)
- Front Street #2 (NBER – Milesburg)
- Trenton Avenue #1 (LVRR – Newberry)
- Trenton Avenue #2 (LVRR – Newberry)

An amendment to the original agreement is needed to increase the cost of the overall project by approximately \$22,000. The JRA will not have to contribute any additional money for this signal upgrade project.

*Ms. Wakeman made a motion for the full board to ratify the amendment to Section 130 Agreement #034729 to increase the project budget by \$22,000 for the signal upgrades from Diamondback Signals; Mr. Harvey seconded the motion; motion carried.*

### LVRR Parking Lot & Office Building Update

Mr. Postupack stated that JRA staff has been working with Stiffler McGraw to upgrade the stormwater issues as well as repave the parking lot.

Two bids were received from contractors on August 10<sup>th</sup>:

- Gutelius Excavating: \$183,655.35
- Glenn O. Hawbaker: \$208,421.00

There was a discrepancy between quantities of asphalt and how the contractors calculated asphalt costs. It was decided to reject the bids due to it being later in the paving season and readvertise in late winter or early spring of 2022.

This fall, however, staff will seek price quotes to replace the several HVAC units that were identified for replacement.

*Mr. Postal made a motion for the full Board to reject the bids for paving of the parking lot at the Newberry Yard; Mr. Jones seconded the motion; motion carried.*

LEGAL

Vice-Chairman Graham recessed the regular meeting at 1:31 p.m. to convene into executive session at 1:40 p.m.

Vice-Chairman Graham reconvened the regular meeting at 3:08 p.m.

Attorney Schrack stated that the Authority Board held an executive session to discuss a personnel matter regarding the Staff Services Agreement. There will be an action item on that discussion. Attorney Schrack stated that a confidential property transaction was also discussed in executive session along with the pending RFP litigation. No action was taken in executive session.

*Ms. Wakeman made a motion for the full Board to accept the Staff Services budget as proposed for the period of October 1, 2021, to September 30, 2022, of \$434,031, and to also sign a three-year agreement with SEDA-COG to provide staff services to the Joint Rail Authority; Mr. Winslow seconded the motion; motion carried.*

With there being no further business to come before the JRA Board, Vice-Chairman Graham adjourned the meeting at 3:10 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 October 13, 2021.



Secretary/Assistant Secretary