

PANHANDLE ADVISORY COMMITTEE MEETING JANUARY 3, 2008

Panhandle Committee members met on Thursday, January 3, 2008 at the offices of the Ohio Rail Development Commission. Chairman McOwen called the meeting to order at 11:15 a.m. Members present were as follows: Commissioners Solomon Jackson and Kimberly Gibson; Commissioner and Committee Chairman Tom McOwen; ORDC Staff Matt Dietrich, Lou Jannazo, Megan McClory and Stu Nicholson and ORDC Counsel Alan Klodell. Commissioner Jim Hartung was unable to attend the meeting. Several members of the public were in attendance as well.

Chairman McOwen made a motion to approve the minutes of the November 28, 2007 committee meeting. Commissioner Jackson seconded the motion. The minutes were approved as presented.

Matt Dietrich, ORDC Executive Director, reviewed the Letters from Interested Parties and ORDC's response regarding the long term lease issue. Everyone present received copies of the letters. Director Dietrich reported ORDC developed a response letter to all who submitted correspondence. He indicated shippers were responsible for many of the letters and most were supportive of the service they are currently receiving from Ohio Central.

Chairman McOwen inquired if any of the letters were not typical of the types of support letters we have been receiving. Director Dietrich indicated Dennison Depot's letter offers the construction of additional track to run excursion services as a solution. Discussion followed.

Stu Nicholson, ORDC's Public Information Officer, reported on the railroad liability issue meeting which took place December 20th at ORDC's offices. He reported there seems to be general agreement among stakeholders that the issue of liability relative to railroad corridors is having a significant impact across a broad range of activities (rail tourism, rail trail development, commuter and passenger rail development) and the subsequent economic, environmental and mobility benefits that result from these activities. In some cases, it appears the issue can be a significant impediment to the operation and/or expansion of these activities and that this issue is definitely a statewide concern.

Mr. Nicholson indicated Alan Klodell reviewed the liability limitations of all fifty states with the group. Mr. Klodell reported Maine has the highest limitation of liability at \$75 million.

Mr. Nicholson reported the group is looking at whether there is a reasonable legislative solution to this issue. He announced several of the stakeholders present expressed support of pursuing legislative input. Mr. Nicholson announced the group intends to get together again in January to review the liability issue and decide what the next steps should be for Ohio.

Chairman McOwen inquired whether a Liability Task Force should be formed to address this issue. Discussion followed with the group deciding there should be a Task Force with ORDC leading the charge. Chairman McOwen asked if Commissioners Jackson and Gibson would be prepared with language for a motion at the next Commission meeting instructing staff on its participation in the Task Force. Both Commissioners Jackson and Gibson agreed to do so.

Chairman McOwen then asked Director Dietrich to lead the discussion on the draft lease agreement. Director Dietrich indicated he, Lou and Alan had reviewed the latest draft in detail. He asked that any new comments on this latest draft be submitted to ORDC as quickly as possible so any revisions can be incorporated prior to the next meeting.

Extensive discussion took place with Director Dietrich reiterating this draft was for discussion purposes only and that nothing is permanently set. The committee members and staff reviewed the lease line by line and discussed all aspects.

Another draft of the lease based on comments received and comments by the subcommittee members at the meeting will be added and submitted to interested parties (i.e., current operator and Panhandle Committee members) by January 9th. Lou Jannazo agreed to make any requested revisions to the draft. (Note: the latest revision was distributed by Lou via e-mail on January 11, 2008).

It was decided the next meeting of the Panhandle Committee will take place on Wednesday, January 23rd at 11:00 a.m. at ORDC's offices. (Note: the meeting was subsequently changed to Friday, January 25th at 11:00 a.m.)

The meeting adjourned at 1:55 p.m.