

**THE NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
MINUTES OF THE RAILROAD COMMITTEE MEETING
THURSDAY, DECEMBER 16, 2021**

A MEETING OF THE RAILROAD COMMITTEE OF THE NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION FOR THE PORT OF NEW ORLEANS, HELD IN THE PRESENTATION ROOM ON THE FOURTH FLOOR AT THE PORT OF NEW ORLEANS' OFFICES LOCATED AT 1350 PORT OF NEW ORLEANS PLACE, NEW ORLEANS, LOUISIANA, WAS CALLED TO ORDER BY COMMITTEE CHAIRMAN CHARLES H. PONSTEIN, AT 1:36 P.M. ON THURSDAY, DECEMBER 16, 2021.

COMMITTEE MEMBERS PRESENT: Charles H. Ponstein, Committee Chairman
William H. Langenstein, III, Member
Joseph F. Toomy, Member
Walter J. Leger, Jr., Member
James J. Carter, Jr., Member

COMMITTEE MEMBER ABSENT: Darryl D. Berger, Member

STAFF: B. Christian, Chief Executive Officer
J. Escudier, Executive Counsel
M. Scelson, General Counsel

GUESTS: R. Wendel, Port of New Orleans
R. Aragon Dolese, Port of New Orleans
M. Gresham, Port of New Orleans
M. Verderame, Port of New Orleans
L. Mellem, Port of New Orleans
M. Singley, Port of New Orleans

I. Determination of Quorum and Call to Order

Committee Chairman Ponstein confirmed a quorum and called the meeting to order at 1:36 p.m.

II. Public Comment

Committee Chairman Ponstein called for public comment but there was none.

III. Closed Executive Session to Discuss the Matter of *Southeast Louisiana Flood Protection Authority-East, Orleans Levee District v. New Orleans Public Belt Railroad Commission for the Port of New Orleans.* (convened in accordance with La R.S. 42:17A(2))

Committee Chairman Ponstein read the agenda item aloud and called for a motion to enter into a closed executive session, in accordance with La. R.S. 42:17A(2), to discuss the matter of *Southeast Louisiana Flood Protection Authority-East, Orleans Levee District v. New Orleans Public Belt Railroad Commission for the Port of New Orleans*.

Commissioner Langenstein moved to enter into a closed executive session and Commissioner Toomy seconded. The **MOTION CARRIED UNANIMOUSLY** and the Committee entered into a closed session.

Following the conclusion of the discussion, Commissioner Langenstein moved to end the closed executive session and return to the open meeting. Commissioner Leger seconded. The **MOTION CARRIED UNANIMOUSLY** and the closed executive session concluded.

IV. Adjournment

There being no further business to come before the Committee, Committee Chairman Ponstein called for a motion to adjourn. Commissioner Langenstein so moved, and Commissioner Leger seconded. The **MOTION CARRIED UNANIMOUSLY** and the meeting was adjourned at 1:40 p.m.

**THE NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
MINUTES OF THE REGULAR BOARD MEETING
THURSDAY, DECEMBER 16, 2021**

A REGULAR MEETING OF THE NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION FOR THE PORT OF NEW ORLEANS, HELD IN THE FIRST FLOOR AUDITORIUM OF THE PORT OF NEW ORLEANS' OFFICES, LOCATED AT 1350 PORT OF NEW ORLEANS PLACE, NEW ORLEANS, LOUISIANA, WAS CALLED TO ORDER BY CHAIRMAN WILLIAM H. LANGENSTEIN, III, AT 3:04 P.M. ON THURSDAY, DECEMBER 16, 2021.

MEMBERS PRESENT: William H. Langenstein, III, Chairman
Charles H. Ponstein, Vice-Chairman
Joseph F. Toomy, Member
Walter J. Leger, Jr., Member
James J. Carter, Jr., Member

MEMBER ABSENT: Darryl D. Berger, Secretary-Treasurer

STAFF: B. Christian, Chief Executive Officer
M. Stolzman, General Manager
C. Kocur, Vice President, Engineering
J. Oldham, Vice President, Transportation
I. McPherson, Superintendent, Transportation
A. Ferrand-Rodgers, Director, Organizational Development
T. Bryant, Manager, Marketing and Sales
J. Escudier, Executive Counsel
M. Scelson, General Counsel

GUESTS: R. Wendel, Port of New Orleans
A. Evett, Port of New Orleans
T. Rives, Port of New Orleans
R. Aragon Dolese, Port of New Orleans
M. Gresham, Port of New Orleans
E. Pansano, Port of New Orleans
B. McManus, Port of New Orleans
G. Palermo, Port of New Orleans
C. Gilmore, Port of New Orleans
J. Mansour, Port of New Orleans
M. Verderame, Port of New Orleans
L. Lofton, Port of New Orleans
G. Brown, Port of New Orleans
C. Labat, Port of New Orleans
G. Rose, Port of New Orleans
L. Mellem, Port of New Orleans

C. Alfonso, Port of New Orleans
J. Ragusa, Port of New Orleans
A. Taylor, Port of New Orleans
K. Howells, Port of New Orleans
M. Singley, Port of New Orleans
Captain M. Montroll, Harbor Police Department
Lieutenant C. Clark, Harbor Police Department
D. Boudreaux, ILA/ITF
R. Junius, Linfield, Hunter & Junius
J. Nee, Moran Towing
K. Price, New Orleans Terminal LLC
D. Richardson, Intertek-PSI
W. Roesch, ILA 2036
B. Boyd, ILA

I. Roll Call & Determination of Quorum

Following a roll call of Commission members, Chairman Langenstein confirmed a quorum and called the meeting to order at 3:04 p.m.

II. Approval of Meeting Minutes for November 2021

Chairman Langenstein called for a motion to approve the public meeting minutes for November 2021, as previously circulated.

Commissioner Leger moved to approve the minutes and Commissioner Toomy seconded.
MOTION CARRIED UNANIMOUSLY

III. Public Comment

Chairman Langenstein provided an overview of the process for submitting public comment. He then called for any general or agenda-related public comment, but there was none.

IV. Action Items:

A. Acceptance of the Financial Statement for November 2021

Mr. Wendel presented the Commission's November financial statement, a copy of which is made a part of these minutes. He provided an overview of the monthly and fiscal year-to-date revenues and expenses for the period ending November 30, 2021. He reported operating revenues \$110,000 over budget for the month, thanks to strong switching revenues. Labor expenses remained controlled and were \$92,000 under budget for the month. Mr. Wendel stated that capital allocations and insurance expenses were above November projections, but qualified this excess as a timing occurrence. Overall revenues were \$46,000 above budget projections for the month and \$1.4 million over last year's income at this time.

Commissioner Toomy moved to accept the financial statement and Commissioner Leger seconded. **MOTION CARRIED UNANIMOUSLY**

B. Consider Approval of a Resolution Awarding a Contract to A & K Railroad Materials, Inc. for 10 Pieces of 1,600-foot 115-pound Rail in the Amount of \$921,109.89.

Mr. Kocur presented and recommended approval of the resolution. He first provided an overview of the segments of the Huey P. Long Bridge where the rail was going to be replaced. He advised that the purchased rail will be delivered on the bridge by train and installed by NOPB forces. In response to an invitation to bid, two (2) bids were received and A & K Railroad Materials, Inc. was the lowest responsive bidder. Funding is allocated in the Planning and Operational Budget, and approximately 97% of the cost will be reimbursed by other railroads under a Joint Maintenance Agreement.

Commissioner Leger moved to approve the resolution and Commissioner Ponstein seconded. **MOTION CARRIED UNANIMOUSLY**

C. Consider Approval of a Resolution Authorizing the Chief Executive Officer to Enter into a Settlement Agreement in the Matter of: *Southeast Louisiana Flood Protection Authority-East, Orleans Levee District v. New Orleans Public Belt Railroad Commission for the Port of New Orleans.*

Ms. Scelson presented and recommended approval of the resolution.

Commissioner Leger moved to approve the resolution and Commissioner Carter seconded. **MOTION CARRIED UNANIMOUSLY**

D. Consider Approval of a Resolution Authorizing the Chairman to Certify to the Appointment of and to Appoint Vice-Chairman Charles H. Ponstein as the Commission's Temporary Secretary for the Purpose of Certifying Any Actions Taken by Resolution at this Meeting in the Absence of Secretary-Treasurer Darryl D. Berger.

Mr. Escudier presented and recommended approval of the resolution. He stated that, in the absence of the Commission's designated Secretary-Treasurer, Mr. Darryl D. Berger, this resolution authorizes the Chairman to appoint Vice-Chairman Charles H. Ponstein as the Commission's temporary Secretary, in order to certify the actions taken by the Commission during today's meeting only. Vice-Chairman Ponstein accepted the appointment.

Commissioner Leger moved to approve the resolution and Commissioner Toomy seconded. **MOTION CARRIED UNANIMOUSLY**

V. Report of the General Manager

Mr. Stolzman presented the General Manager's Report. He stated that local customer switching volume remained strong with a 27% increase compared to the previous month. He noted a resurgence of new customers, primarily in the petroleum market. Class I switching volume remains steady despite some congestion issues attributed to labor

shortages. Although railcar storage volume dropped slightly in November, it is expected that the volumes will increase and then remain consistent in the upcoming year as customers continue to increase their demand for storage space. Intermodal volumes were stable and average dwell time for the month remained close to 11 hours.

Maintenance productivity for cross tie replacements, track surfacing, and tie mill production was still hindered by supply shortages. Car shop activity slightly increased in November.

VI. Election for Board Officer Vacancy

Chairman Langenstein announced that per Article VII(i) of the Commission's Bylaws, and subsequent to the election of officers at today's Board of Commissioners of the Port of New Orleans' Regular Board Meeting, the Commission must elect a commissioner to fill the vacancy for the position of Vice-Chairman. This officer would serve as Vice-Chairman solely for the New Orleans Public Belt Railroad Commission, effective at the conclusion of this meeting through September 2022. Chairman Langenstein opened the floor for nominations.

Vice-Chairman Ponstein moved to elect outgoing Chairman Langenstein to fill the vacancy as the Commission's Vice-Chairman, noting that Mr. Langenstein's experience and leadership will be an invaluable contribution to this next officer term. Mr. Langenstein accepted the nomination. Commissioner Toomy seconded. **MOTION CARRIED UNANIMOUSLY**

VII. Adjournment

There being no further business to come before the Commission, newly-elected Chairman Ponstein called for a motion to adjourn. Commissioner Langenstein moved and Commissioner Leger seconded. **MOTION CARRIED UNANIMOUSLY** and Chairman Ponstein adjourned the meeting at 3:22 p.m.