

**RESOLUTION NO. 2019-12 OF THE BOARD OF THE
LA PORTE COUNTY COMMISSIONERS
ENDORING LOCAL CONTROL/PROFESSIONAL
ADMINISTRATION OF THE SOUTH SHORE RAILROAD
AND ENGAGING COUNSEL TO CONSIDER RIGHTS
AND REMEDIES TO PRESERVE LOCAL GOVERNANCE
OF NICTD BOARD**

WHEREAS, the Northern Indiana Commuter Transportation District (NICTD) has had a local governance structure in place for forty two (42) years that provides for elected representatives of the County Commissions and County Councils of each of the four counties in which the South Shore Railroad operates to appoint members to NICTD's Board of Trustees, and

WHEREAS, previous changes to that governance structure have only occurred after proper public debate, deliberation and consideration including bills introduced in the Indiana legislature that provided for addition of both a representative to the board from one of the unions representing rail employees and a passenger representative, in addition to a representative from the Governor's office thereby constituting an eleven member board, and

WHEREAS, under the able and accountable leadership of such Board, outstanding rail professionals such as former Manager Jerry Hanas (and his successor Mike Noland) and former CFO John Parsons ensured that the railroad was not only run with full transparency and accountability with regard to contracts, procurement and operations, but that the railroad developed a reputation nationally as among the best-run interurban commuter lines in the nation, and

WHEREAS, this body and other governmental bodies across Northern Indiana strongly support the Double-tracking project and

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believe that it will bring new jobs and new economic development to our area, and

WHEREAS, the Federal Transit Administration (FTA) while considering the application of the South Shore Railroad for federal funding has signaled that it may require additional state or local funds as a match, however the application's success is far from assured, and

WHEREAS, there is absolutely no evidence to suggest the FTA requested or desired a governance change with NICTD, a governance structure that has been in place for forty two years and met with continued approval by federal funding sources, and

WHEREAS, legislative leaders in both the Indiana House and Senate kept hidden from our region's state representatives and senators a plan to suddenly shift all control of the South Shore Railroad to the Governor's office and inserted - less than 24 hours before approval - into the state budget bill legislation that would not only dismantle the successful local governance of the railroad but put the railroad under the direction of the Indiana Department of Transportation that has no experience or success with running commuter railroads, and

WHEREAS, while any new infusion of state government funds is welcome and needed to aid the DoubleTracking project, there is no legal or ethical justification for having stripped the South Shore Railroad of local control that has successfully positioned it nationally as a model of regional cooperation for four decades, and

WHEREAS, the undersigned are concerned that with INDOT having to be so focused on considerable road building and maintenance under the Next Level programs, it will be extraordinarily difficult to expect that agency to also have to administer projects like the West Lake Corridor project or

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Doubletracking projects that need and deserve a high degree of local input as well as the professionalism that trained rail professionals can offer, and

WHEREAS, the undersigned wish to determine if any legal remedies exist to retain the existing governance structure and local control of the South Shore as well as retain the independence of a nationally regarded interurban rail service with trained rail professionals and a locally appointed board running the organization from this region and continuing to administer this successful multi-county interurban rail service,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LA PORTE COUNTY that we hereby retain the Indianapolis law firm of Cohen & Malad, LLP to explore any legal rights and remedies that may exist and will request that our fellow counties that are members of NICTD consider joining this effort to retain local control and professional operation of the South Shore Railroad.

All of which is resolved this 1st day of May, 2019

BOARD OF COUNTY COMMISSIONERS

Vladya Icar

Julia Madis

Attest:

Aileen Wisniewski
LaPorte County Auditor

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