

**Central Florida Commuter Rail Commission
Governing Board
Meeting Minutes**

MEETING NOTICE

Date: Friday, December 14, 2007
Time: 2:00 p.m.
Location: Metroplan Orlando
Board Room
One Landmark Center
315 East Robinson Street, Suite 355
Orlando, Florida 32801
Members Present: Chairman Frank Bruno
Mayor Richard Crotty
Mayor Buddy Dyer
Chairman Carlton Henley
Commissioner Bill Lane

CALL TO ORDER

- Call to Order – Chairman Dyer called meeting to order at 2:05 P.M.
- Mayor Crotty led the Pledge of Allegiance.
- Confirmation of Quorum – All members present
- Chairman Dyer introduced Joyce Rose, senior staff director of the House Transportation and Infrastructure Committee, and U.S. Rep. John Mica. Chairman Dyer thanked Rep. Mica for everything he has done to advance the project. Rep. Mica hopes to protect some of those earmarks that get some bad write-ups but are so important to efforts across the country. When he took over the Republican side of the committee in January, he tried to make certain that all of our earmarks are publicly vetted and the press has full access – that none are “air-dropped” at the last minute, so we’re not subject to the criticism of the past. Rep. Mica was pleased that the CFCRT Commission has convened and stated that the state has done an excellent job being in the right place at the right time in putting all this together. He thanked Commission members for the leadership they have demonstrated. Rep. Mica said that the commission’s agreements have moved the project dramatically forward and that the federal government is committed as a partner. Rep. Mica then discussed some of the challenges facing the Central Florida Commuter Rail project.
 - a. There are a total of 117 new starts and small starts projects competing for funding in this next fiscal year. Because of the timing of some of the requirements and the stages that we’re at, we are in sort of a limbo period as far as moving the Central Florida Commuter Rail project forward from the federal perspective. Rep. Mica didn’t believe there should be any delay in getting us into the final design phase. He said all additional information required has been submitted to the Federal Transit Administration and that we should have this project moving forward one way or another. He said the project came in a little bit after the deadline for inclusion in the

President's budget, but he's hoping to find a category either within the budget or outside the budget to make certain we stay there. Rep. Mica said the project is something everyone here has achieved and that is the reason why we have been successful now as opposed to past attempts. He reiterated that there is quite a bit of competition for federal support of the project, and admitted that there will be some hiccups along the way, which is natural with any project. Rep. Mica then introduced Joyce Rose from the Transportation and Infrastructure committee. Ms. Rose has been on the Hill 20 years, and is probably the most experienced person on transit projects in the Congress and has been helping us along the way. Ms. Rose reviews projects across the country and knows what we're competing against and what hurdles we have to make. Rep. Mica reiterated his enthusiasm for the project, and said he believes that the heaviest lifting has been done with the project. He also thanked Metroplan Orlando for taking action to approve future connections to the Commuter Rail project – an east-west light rail connector. He said it was not unusual to start planning for connections and cited Chicago's advanced rail system as an example. Rep. Mica also thanked Linda Watson of Lynx and Lois Bollenback of Votran for interconnecting with Commuter Rail and making it work for people who don't have other means of transportation to easily access public transportation. The region's economic future depends on our ability to build this infrastructure. Chairman Dyer thanked Rep. Mica for attending and acknowledged that his hard work made way for the creation of this Commission and provided the opportunity to build the commuter rail project. Rep. Mica agreed to stay for the remainder of the meeting and moved to a seat at the dais. Rep. Mica's message to the commission is that we are on track and we will stay on track. It is not uncommon to hit a few bumps in the road. Commissioner Lane mentioned that we didn't want to have bumps that derail the project and Rep. Mica gave his word on it.

AGENDA REVIEW

FDOT District 5 Secretary Noranne Downs presented the agenda review. She thanked commission members and staff for their hard work. A lot of accomplishments have been made since the Commission last met. Secretary Downs then reviewed the agenda.

At the conclusion of the agenda review, Chairman Dyer asked Secretary Downs to brief Commissioners on several meetings that recently had taken place in Lakeland and Tallahassee. Secretary Downs said there was a meeting hosted by the City of Lakeland on Friday, December 7 that was attended by FDOT Secretary Stephanie C. Kopelousos and other FDOT officials. She said that some in Lakeland feel that they're getting the short end of the stick with increased freight but are generally supportive of Commuter Rail in Central Florida. They are glad for us to have the project, but just are not happy for themselves. Secretary Downs said she felt that many who attended didn't have accurate information about freight relocation and

mitigation efforts. She also explained that Commuter Rail and freight relocation are two independently run projects and that many were confused about that. Commuter Rail is one project, and the state also is investing into the movement of goods with CSX Transportation as another statewide initiative. Both are happening at the same time.

State lawmakers also met last week and several asked for similar clarification of the issues. Secretary Downs said that several people from Lakeland attended the meeting and spoke, but the short meeting notice precluded Central Florida supporters of Commuter Rail from also attending. She said that Rep. Randolph noted that it was a very successful project in Central Florida, and that Sen. Webster and Rep. Precourt also expressed support for the Commuter Rail project. Because of the state's investment in the project, Secretary Downs said she expected some would have questions. She said that the Florida Department of Transportation will answer any and all questions, but that she didn't view any of the concerns expressed as a "show-stopper."

Mayor Dyer asked whether the Legislature could "upset the apple cart." Secretary Downs said that legislative approval is needed to approve insurance limits and future marketing efforts, and noted that the Legislature also approves the department's work program budget.

ACTION ITEMS

1. Adoption of Aug. 29, 2007 meeting minutes
 - a. Motion was made and seconded to adopt minutes and was unanimously approved.

DISCUSSION ITEMS

1. Project update – CFCRT Project Manager Tawny Olore, P.E.
 - a. Procurement activities
 - i. On August 29th, FDOT advertised a \$158 million Design/Build/Maintain contract. Six responses were received, and three will be short-listed on Monday, Dec. 17. The RFP for that contract includes all the 30 percent design plans, agreements and criteria, and will be distributed on Monday. The contract will be awarded in May. The project scheduled approved by the Federal Transit Administration calls for us to be into Final Design by April 10. There also is an advertisement out on the street for a Chief Operating Officer. FDOT will be contracting with a firm or individual to head up all the maintenance when we close on the corridor. The COO would be responsible for that. COO responses are due in January and the contract will be awarded prior to construction. We are also working on contracts for rail cars.

Several cars already have been purchased and are in service in South Florida. More will be added. That contract should be advertised at the beginning of next year. FDOT also is buying “long-lead” items, and a contract for construction oversight in the second quarter of 2008. Ms. Olore also said that project staff have been working with local government officials on station designs.

- b. CSX Transportation contracts
 - i. Ms. Olore said a significant achievement was reached with the November signing of three agreements with CSXT. The first was a contract of sale agreement, which allows for the FDOT purchase of the 61.5 mile corridor for \$150 million. That agreement set provisions on how the infrastructure will be turned over to the FDOT. FDOT expects to close on the railroad within a year. The Central Florida Operating and Management Agreement (CFOMA) was signed. That details maintenance and operations within the corridor once FDOT begins Commuter Rail service, as well as per car mile charges and the establishment of operating hours. The agreement also addresses the need for legislation for \$200 million in liability insurance for the system. The sale and CFOMA documents were attachments to the Interlocal Agreement and approved by local governments. Those were drafts, and final versions have been forwarded to local government lawyers for review. The third document signed was a Transition Agreement that details operations during the two years of Commuter Rail construction. It sets forth times when contractors can be out there shutting down the railroad so that the contractor can work.
- c. Amtrak contracts
 - i. Ms. Olore said that FDOT has worked through a memorandum of understanding with Amtrak, stipulating that CRT will use the Sanford Autotrain facility near the Sanford Amtrak station. Amtrak’s facility is currently underutilized, and co-locating heavy maintenance for CRT trains at the site saves the project \$20 million to \$30 million. Agreements also were worked out at Winter Park and Orlando Amtrak stations for platform designs. We also have agreed on construction schedules and that CRT will provide “bus bridges” for Amtrak during some construction periods.
- d. Bus feeder agreements.
 - i. Ms. Olore thanked Votran and Lynx for their help in developing agreements required by the Federal Transit Administration. The letters were signed Nov. 30th and forwarded to FTA for their review.
- e. Federal Transit Administration
 - i. Full Funding Grant Agreement status
 - 1. Sent a letter to the FTA on Nov. 30th that the project had completed the 30 percent design phase. FTA risk

assessment for the project is scheduled for the beginning of January.

- f. Right-of-Way Acquisition
 - i. All the park and ride stations do have parcels that need to be purchased. FTA has given the project approval to begin acquiring right-of-way. Local governments have paid their 25 percent share, and FDOT is now negotiating and making offers.
- g. Station design and location
 - i. Ms. Olore said project staff are working with local jurisdictions on station design and location issues. She applauded Orlando for being a little further ahead than other jurisdictions, and presented some three-dimensional draft imaging completed by project architects for the four Orlando stations.

2. Technical Advisory Committee – TAC Chairman Roger Neiswender

- a. Mr. Neiswender reviewed the TAC membership list and said the committee had met twice since August. Meetings have been scheduled monthly. He said TAC members are reviewing operating plans, policy items, budgets and financial issues. Mr. Neiswender said that he was elected Chairman of the group, Jim Harrison was elected vice chairman, and Jerry McCollum was elected Secretary Treasurer. All positions will rotate on an annual basis and no member can serve two consecutive terms in a particular office. Mr. Neiswender thanked Ms. Olore for providing thorough and detailed briefings to TAC members.
 - i. At the committee's first meeting, stations were the primary focus. Mr. Neiswender reported that FDOT is moving forward with their responsibility to organize and build a railroad and move toward final approvals.
 - ii. At the committee's second meeting, members reviewed each station, shared information and talked about Amtrak involvement at several stations and the opportunity to co-locate with Amtrak at the Sanford site. TAC members also discussed bus feeder plans, and committed to help FDOT with land-use planning around stations. Discussions also involved track operations and the potential for quiet zones and other noise mitigation.
 - iii. Mr. Neiswender also clarified the Committee's responsibilities relative to procurement. He said that FDOT will follow its procurement processes, and that while FDOT has been providing a great deal of information regarding procurement issues to the TAC, stating that is was not a role of the TAC committee to provide recommendations or have direct input into the FDOT procurement process.
 - iv. Mr. Neiswender also said that TAC members had considerable discussion about appointing voting alternates. The committee unanimously felt that it may be better served by having not only a designated representative, but another alternate person from the

entity to allow continuity and allow the business of the committee to progress in an orderly fashion. He asked the Commission to support designation of TAC alternates by the CEO of each jurisdiction. Commissioner Bruno said he supported the idea. Mayor Crotty said he felt there was consensus to do that. Chairman Dyer, Commissioner Henley and Commissioner Lane concurred. No formal vote was taken.

Chairman Dyer asked if anyone had any questions. Rep. Mica asked whether project plans still called for the use of Diesel Multiple Unit trains. He said one of the reasons he got involved in the project because he felt it was important from a national and Florida perspective to have a project that has a very positive environmental impact. Ms. Olore said the plan is to use ADA-compliant low-floor DMU vehicles and that three companies have indicated an ability to manufacture such a vehicle. Rep. Mica said he thought the use of DMU vehicles was vitally important so it could become the most green transit project in the United States using any kind of a diesel powered unit. He said that someone had questioned him recently about whether the DMU technology met EPA Clean Air rules. He said that DMUs fall under another EPA Clean Air rule category than traditional diesel locomotives because they have far less horsepower than traditional diesel locomotives. Rep. Mica said that on a per-horsepower basis, the DMUs will be 80 percent cleaner than diesel locomotives. One of Rep. Mica's interests in this project is to demonstrate the very latest in environmentally friendly technology. Central Florida could potentially have the greenest transit project in the nation, which could lead to others in the country to follow our example.

- b. Commissioner Henley asked Mr. Neiswender about double-tracking constraints along the proposed CRT route and whether the double-tracking will be accomplished within the FDOT budget. Mr. Neiswender said that most of the conditions were known and identified, and that single-tracking will occur on the bridge over U.S. Highway 17-92 in the Maitland area and the bridge over the St. Johns River. There has been no proposal to change those restrictions. Mr. Neiswender said that the project has a 30 percent contingency, and that it is possible that the cost of steel and concrete could drop. Until the project gets into final engineering and design, it would be premature to speculate on actual cost impacts. Commissioner Henley asked about updated land costs. Ms. Olore said there are some confidentiality requirements associated with providing updates, but that the TAC receives monthly reports. She said that the recent Design/Build/Maintain contract does contain a maximum bid price that is within the project budget, but while the cost of acquiring residential properties has dropped somewhat, commercial properties are increasing, but not as quickly as before. Commissioner Henley said he didn't want to face any surprises particularly in light of local government budget constraints.

3. Independent counsel for Central Florida Commuter Rail Commission – Chairman Dyer
 - a. Chairman Dyer asked commissioners if they thought the board needed to hire independent counsel. He feels the governing board is more of an advisory board and that each member has his own counsel to give advice. As such, he wasn't persuaded that the board needed independent counsel. Commissioner Henley said he understood that attorneys for each county and the city of Orlando were working together to iron out any issues. Chairman Bruno said he didn't think independent counsel was needed as long as the cooperation continues. Chairman Dyer said that FDOT lawyers said they could not provide counsel to the board. FDOT District 5 General Counsel Fred Loose confirmed that was correct. Mayor Crotty agreed that counsel was not needed at present, but said that could be an option the board could revisit in the future.

4. Washington, D.C. fly-in for Commission members – Chairman Dyer
 - a. Date assignment
 - i. Chairman Dyer asked Rep. Mica whether it would be wise for the group to visit Washington D.C. to help move things along. Rep. Mica said the new appropriations process would begin around mid-February, and urged local government officials to coordinate the submission of financial requests and grant money by January. He said that requests should be distributed among the Central Florida Congressional delegation. He said that requests for Commuter Rail money would not compete with road money and that bus money would complement the project. He said the deadline for submissions is usually mid-February. Rep. Mica and Ms. Rose said the best time for CFCRT Commission members to visit Washington would be in March, and again in April. He reiterated that Central Florida is competing with 117 other requests for transit funding in the nation and that he was interested in securing additional money for additional elements that will enhance the project, improve bus services and so forth. Commuter Rail is the spine and we need “the ribs” to make it work. Chairman Dyer said that his office will coordinate schedules among board members and will advise Rep. Mica and Ms. Rose of possible dates in March and April. Chairman Bruno said that many county executives will be in Washington March 2-6, 2008 for the Florida Association of Counties, and perhaps could schedule meetings to coincide with that visit. Mayor Dyer reiterated his desire to schedule two visits to Washington D.C.

BOARD MEMBER COMMENTS

1. Board member comments

- a. Commissioner Henly said he was very pleased with what's been happening and the progress that FDOT is making. Commissioner Lane thanked Rep. Mica and Ms. Rose for attending, and told Mr. Neiswender that he believed the TAC will be very helpful.

PUBLIC COMMENTS

1. Public comments
 - a. Former Winter Park Mayor Joe Terranova complimented the commission for its work, which he feels is very important and needs the support of all our communities. Mr. Terranova served on Winter Park's Commuter Rail Task force, which he said was very difficult because there are a lot of naysayers in Winter Park. He believes that in order for Commuter Rail and other complementary transit projects to succeed, we need to have a dedicated funding source. He felt that a dedicated funding source is very important in order for the system to thrive. He urged Commission members to look at available options and to look at those that are the most politically viable to support and move forward in that direction.

NEXT MEETING

1. Review of meeting dates, times and location
 - a. Mayor Dyer said the next meeting would be held at the Metroplan Orlando Board room, but because of the Washington D.C. fly-in, it would probably be scheduled toward the end of March. Commission members said that Fridays seemed to work best. Mayor Dyer's office will coordinate schedules. Mr. Neiswender also reminder commission members that the TAC meets every month to keep apprised of details.

ADJOURNMENT

The meeting was adjourned at 3:02 p.m.