

Central Florida Commuter Rail Commission  
Governing Board

**MEETING MINUTES**

**DATE:** Friday, December 18, 2009

**TIME:** 1:30 p.m.

**LOCATION:** Metroplan Orlando Board Room

One Landmark Center

315 East Robinson Street, Suite 355

Orlando, Florida 32801

- Call to Order – Chairman Dyer
  - a. Chairman Dyer called the meeting to order at 1:40 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
  - a. All members were in attendance
    - 1) Chairman Buddy Dyer – Mayor, City of Orlando
    - 2) Vice Chairman Richard Crotty – Mayor, Orange County
    - 3) Secretary Carlton Henley – Commissioner, Seminole County
    - 4) Commissioner Frank Bruno – Chairman, Volusia County Council
    - 5) Commissioner Brandon Arrington – Commissioner, Osceola County
- Chairman Dyer started the meeting with a toast, noting that U.S. Reps. Corinne Brown and John Mica were expected to join the meeting in progress. Chairman Dyer proposed a toast, and asked everyone to stand. Being a Gator, one of our sayings is that in all kinds of weather we all stick together. And I think that this community, through all kinds of adversity, has stuck together over the last couple of years to be successful with the SunRail project. Mayor Crotty and I talked a lot about partnership and cooperation and collaboration and Secretary Downs and I were talking about there's probably no better model in the entire country than what we've been able to carry out with SunRail. It's been an experience. We've had help from the federal government, the state government, all of our local governments, our state agencies, the DOT, MetroPlan – it's been a great community-wide effort. A wise legislator once said that the strength of the wolf... is in the pack. So here's to SunRail!
- Agenda Review – FDOT District 5 Secretary Noranne Downs provided the agenda review.
- Chairman Dyer welcomed U.S. Rep. Corinne Brown, who received a standing ovation from those in attendance as she made her way to the dais. Chairman Dyer said he had just proposed a toast, but would wait until Rep. Mica arrived to include both members of Congress in a second toast. Chairman Dyer did note that he had said earlier that the strength of the wolf is in the pack, and Rep. Brown enthusiastically agreed.
- Chairman Dyer noted that for each of the commission members and some staff, the city put together a collage of newspaper headlines from the day after the passage of the legislation. He said the collage and frames were produced in-house at a nominal cost.

## ACTION ITEMS

1. Adoption of November 13, 2009 meeting minutes – Chairman Dyer
  - a. The meeting minutes were unanimously adopted.
2. Adoption of Second Amendment to Interlocal Agreement – Chairman Dyer
  - a. Chairman Dyer said he understood that all the funding partners had approved the second amendment to the Interlocal Agreement at their respective commission meetings. Volusia was the last jurisdiction to do so, at a meeting a day earlier.
  - b. A motion was made and seconded to adopt the second amendment to the Interlocal Agreement, and was approved unanimously.

## DISCUSSION ITEMS

1. Chairman's Report – Chairman Dyer
  - a. Tallahassee Update
    - i. Chairman Dyer said that the Legislature came into Special Session and it was a fairly quick Special Session, interestingly enough. We can't give enough credit to the members of our legislative delegation, but not just the Central Florida delegation. The South Florida delegation, the Tampa delegation came together. It was easy in the House, just like it has been in the past. They did a second reading on Friday and passed the bill out to the Senate on Monday morning. And the real action then started taking place in the Senate. The Senate's approach was to put together a comprehensive piece of rail legislation that dealt not only with SunRail and Tri-Rail, but set up a statewide framework that will enable us to be successful in putting together a statewide rail system and putting us in a good position when the feds make decisions on high speed rail. They created something called the Florida Rail Enterprise, which is responsible for passenger rail systems, including high speed rail, throughout the state. And that is modeled after the Turnpike Enterprise. They created a statewide passenger rail commission, which will advise the DOT on designing, building and operating and maintaining passenger rail systems. They passed the liability indemnification provisions that we have discussed, largely modeled after the Massachusetts provisions. That was the last piece we needed to move SunRail forward. They also, within the bill, set up an escrow closing system under which we can move forward with closing on the SunRail corridor, and hold the disbursement pending the Full Funding Grant Agreement with the FTA. There's a provision that requires DOT to identify and address the impacts of freight traffic throughout the state of Florida. And the final two pieces were funding: They set up a dedicated funding source for Tri-Rail, which was not the rental car surcharge but will come out of existing additional revenues that the FDOT had in largely the gas tax money; and then dedicated funding to passenger rail through the Rail Enterprise.
    - ii. The Senate was a little bit trickier to get through than the House was. We had a one-vote margin in every one of the committees that it went through – Transportation, Judiciary and TED Appropriations. And when we got to the floor, there were still discussions going on with the folks representing labor. And the Secretary, with the help of Sen. Atwater, was able to reach a resolution that will address the 8 signal workers in our corridor, and then addresses workers that

were to be transferred at some point from CSX to Tri-Rail/DOT in South Florida. That process was put on hold subject to some negotiations. And that brought most of the reluctant Democrats on board. We ended up passing it out of the Senate, it was actually 28-11. It says 27-10 on the vote total, but Sen. Deutch and Sen. Justice paired a yes and no, so it made it 28-11. And that big margin of victory I think spoke very well to the federal government. I spoke with Administrator Rogoff that night and both he and Secretary LaHood were keeping a very close watch on what was happening in Tallahassee. And they both had extremely positive things to say. When Mr. Mica comes here, we'll let him talk about further discussions with him.

- iii. Chairman Dyer asked if there were any questions. There were none.
- iv. Chairman Dyer also said that the Governor signed the bill on Wednesday of this week, and had a ceremonial signing on Church Street.

## 2. Project update

- a. Project Timeline – Secretary Downs
  - i. Secretary Downs offered a special thank you to Congresswoman Brown. She said that Congresswoman Brown led support for SunRail and was extremely tenacious. She said she believed that everyone in the room was grateful for Ms. Brown's efforts, as was the Florida Department of Transportation.
  - ii. Secretary Downs said that FDOT is finishing details required by the Full Funding Grant Agreement process. She said she had a recent phone conversation with the FTA Regional Administrator. Secretary Downs said that FDOT also is working to finish buying right-of-way for the project, which was put on hold, and that must now be completed for stations. FDOT also is looking to move forward with contracts and finish up environmental work on the corridor.
- b. Chairman Dyer introduced U.S. Rep. John Mica, who also received a standing ovation as he made his way to the dais.
- c. Chairman Dyer also introduced Sen. Lee Constantine, who provided an update of the legislative process.
  - i. Senator Constantine noted that he was on his way to the UCF game in St. Petersburg. He said it has been a wonderful roller coaster ride, bolstered all along the way by our Congressman and Congresswoman. It wouldn't have happened without you. And the constant support from both Mayor Dyer and Mayor Crotty, all of the county commissions in Seminole, Orange, Osceola and Volusia. Sen. Constantine said that it was one thing after another of all you working together, cooperating – the business community, the citizens of Central Florida, all working together for a common good that sincerely, not only for all of us here in Central Florida, but statewide, is going to be transformational. I think they finally got what we've seen for a long, long time up in Tallahassee. That was the vision – the vision of not just SunRail today but a transformational transportation system which includes rail, high speed, local, commuter, as well as light rail, throughout the state of Florida. And we're just very pleased with the great help of the President of the Senate, who really engaged and put forth the bigger picture. And our many legislators, those who helped sponsor the bill, whether they be Democrats from South Florida, Republicans from North Florida, or all throughout the state, Republicans and Democrats. The 27-10, which if everyone was there would have been 29-11, was the final vote in the Senate.

But once again, I want to tell you all, this was something I was so proud to be a part of – part of the team – because this was a bipartisan, long term, continuing effort from all forms of government – city, county, state and federal. Thank you very much for allowing me to be a part of it, and for sticking with it. Because we all know the Senate was the one that had to finally come through. And it took us a long time until members I'm very proud to call my colleagues finally came through and saw the big picture. But we saw it first! Thank you very much.

- d. Chairman Dyer thanked Sen. Constantine for all of his efforts.
- e. Chairman Dyer said that our two Washington stars had arrived to help the Commission celebrate. I know that you've had some health care deliberations, but all along they've been our champs. And as Sen. Constantine mentioned, there's no better bipartisan team – a Republican and Democrat – working together over the course of 17 years on transportation issues. There's been a lot of long, hard work. We've had Republican Presidents, we've had Democratic Presidents during that time frame. And I know it's been a dream of both of you to have commuter rail, or light rail, in Central Florida. We didn't get light rail, but I think we're even better off with Commuter Rail.
- f. Rep. Brown proposed a toast.
- g. Chairman Dyer added that the toast should be made to our two great Congressional leaders.
- h. Rep. Mica also toasted our great local and state leaders.
- i. Rep. Brown said it was one team, one fight. We all did this together. She said she was extremely excited about where we are as a state. When the Secretary came down and made quite clear, it was like the federal government was building a new highway system and Florida said we don't want to be a part of it. And I have been so impressed from the very beginning with local government, and the support that we had from local governments. And in my opinion, the federal government was never in question. We just needed our state partners, and all of the stakeholders. During the month of August, Ms. Brown said she traveled throughout the state, including South Florida, and rode on Tri-Rail, and met with the different Chambers of Commerce. And when we brought in the Secretary of Transportation, that was it. Because he told Florida that we're going to make a decision about where we're going to go with high speed rail in this country, and we will make that decision the first of January. And that Florida, if they're interested, I want to say this nicely, they need to get on board. And I have to tell you, that kick started everyone in Tallahassee to understand that the President put \$8 billion into a bill for high speed rail, and we're going to put another \$4 billion in, and in the reauthorization, we're looking at \$50 billion. We're going to have high speed rail in this country. And you have to have those partners. The idea that you think you can just go from no step to the ultimate step and not have that interconnected piece, it doesn't exist. So I am just so happy that we are ready. They've made some decisions, we don't know what. But we talked to the Secretary afterward, and we're in good shape now. And so I'm just very grateful that we pulled together as a community. You talk about bipartisan. There's no difference between Mr. Mica and me as to how we feel about rail. I can speak for both of us on that.
- j. Rep. Mica thanked Rep. Brown, and said he couldn't have a better partner than Corinne Brown. And sometimes the good Lord puts us all in the right place at the right time. And he put us together 17 years ago. Who would have known that two people who represent parallel constituents on opposite sides of the aisle – she chairs the Rail Subcommittee and I got to be the leader of the full Transportation Committee at the

same time. That's very fortunate for us and for the people that we represent. But we couldn't do this – this wasn't a question of us doing it at the federal level. It was you all, Mayor Dyer, Rich Crotty, Commissioner Henley, Chairman Bruno, Commissioner Arrington, the local partners here fighting this day in and day out, and getting nearly unanimous votes in all of those entities is unprecedented. We watch these battles across the country and this is fairly uncommon. The presentation you made when we had the then-FTA Administrator in Winter Park, and everyone who is building their own stations in their community, part of this plan so impressed the federal government. And then the state Legislature. The Governor got fully engaged, the President, Lee Constantine, Sen. Gardiner – all of those folks, you have to give great credit. Let me tell you, too. We look at the models of what states do. And here we were in a state of confusion for many years, and bickering about what we were going to do. Most of our issues here dealt with one system locally, and the issues that we had. The state Legislature took that local dispute, some of it involving liability, labor and other issues. They took our one dispute and turned our problem into a masterpiece of legislation. They set the blueprint for every other commuter rail system that's developed. They went beyond that, and formulated a plan for high speed rail, so that we're in the race, rather than looking at it from the outside. They took a funding mechanism, not raising taxes, but taking funds from an existing revenue source, and backed the system. They made us eligible for inter-city expanded service. They set one of the finest models for transportation for the future – out of what started out as trying to solve a regional transportation problem. So from this, you all have done so much for the state of Florida. In a few minutes, I just got access a few minutes ago to some exciting news that most folks don't know. I haven't even shared it with Ms. Brown yet – but we'll be competing not only for commuter rail, inter-city passenger rail service, but other services as well, and I will share that in a few minutes with the media, when we conclude your historic efforts here. So my hats off to you. Now the real work starts. We have to get this to the next phase. The pressure's on. Ms. Brown and I have to do our work to keep everything on track. We need to build light rail, or an extension of high speed rail – whatever is going to serve our tourism corridor. We've got to make that a priority. Otherwise this area, that has the golden egg – we'll crack it if we don't come up with transportation for that corridor. People cannot arrive in Central Florida and not be able to get around. We have one of the best lines from the airport to the tourism area as far as funding and operations, so that's our next challenge. High speed rail and connecting systems, helping Tampa, Jacksonville and Miami finish its job. So we have to roll up our sleeves and redouble our efforts. And there are going to be some bumps in the road, so be prepared for that. But what we've done together so far sets such a successful pattern, that we can't help but be successful in the future. So I thank Ms. Brown, each and every one of you. Thank you so much. Without Secretary Downs and all of the others, we couldn't have made this happen. So thank you.

- k. Chairman Dyer also mentioned that Usha Tewari was at the meeting, representing Sen. Bill Nelson. And just as we had a bipartisan effort in the House, we had a bipartisan set of Senators who were instrumental in helping us behind the scenes get a lot of this done. Please convey our thanks to Sen. Nelson, and we'll convey our thanks to Sen. LeMeiux, as well. Both worked very hard to change a few of those votes in the Florida Senate.

- l. Environmental Update – Tawny Olore, SunRail Project Manager

- i. Ms. Olore said that the critical path right now is the Supplemental EA. Due to federal requirements for getting notices out and public comments, FDOT is actually sending that document up to FTA next week. We are also picking up all of our plans, dusting them off, updating them, and submitting them to FTA. So January will be a very busy month for us in terms of technical issues. We'll also be working on contracts, as Secretary Downs said. And we look forward to closing on the corridor. We look to get the Full Funding Grant Agreement this summer and actually open up for operations in 2012. So it's a realistic goal for us, and we're moving forward on all aspects of the project at this point.
  - ii. Chairman Dyer said that some of the review periods that are built into the federal process may not allow us to tighten up the schedule.
  - iii. Mr. Mica said that he and Ms. Brown can assure you that we will be putting a full court press on the agencies to shorten the approval time on each of these requirements.
  - iv. Chairman Dyer said that he was looking forward to a nice ceremony for the Full Funding Grant Agreement, and cutting the ribbon on the first train.
3. Technical Advisory Committee – TAC Vice Chairman Jim Harrison
  - i. Mr. Harrison provided highlights of the November 18, 2009 TAC meeting. He said the highlights from the November meeting were probably a little anti-climactic given recent legislative action. TAC members spent most of their time in the meeting discussing things that the TAC members could do to support the Commission and its efforts to move SunRail forward. TAC members reviewed the jobs and economic impact reports; visits from the FTA hosted by FDOT; the revised schedule based on the pending legislation; and the Supplemental Environmental Assessment document.
  - ii. Chairman Dyer acknowledged that Orange County Commissioner and Metroplan Orlando Chairman Bill Segal was in attendance, as was Carmen Dominguez, vice chairman of the Transportation Committee for the Central Florida Partnership.

### **BOARD MEMBER COMMENTS**

1. Commissioner Bruno thanked Mayor Dyer for all the hard work that he has done on behalf of the Commission. I can't thank you enough. I know that you worked diligently every day to make this happen. I saw you up there in Tallahassee, and you gave me incentive to keep going all the way. Commissioner Bruno also thanked the Volusia County Council for their support. He also told Rep. Mica that Jack Hayman made the motion at the Council meeting the night before to extend the interlocal agreement. And he said it was unanimous up to the last resolution, when Jack Hayman was the only one to go against it the last time. But yet he supported it and made the motion yesterday. We still had a 6-1, because we have a new member on the County Council, Jack Wagner, who was not a part of the original partnership and he just had a lot of concerns and did not support it. But it was darn close to being unanimous, and I thought you would like to know that. He also thanked both Reps. Brown and Mica for all the work that you have done up in Washington and said he was looking forward to great things.
2. Secretary Henley echoed Commissioner Bruno's remarks regarding thanks to Chairman Dyer for his hard work. He said that Chairman Dyer went over and beyond the call of duty to make

SunRail a reality. As Congressman Mica said, I thought back to the first meeting that we held in 1998, when I first was elected chairman of the Seminole County Commission. He called a meeting of myself and then Orange County Chairman Mel Martinez and the Chair of Volusia County and high level CSX officials in DeLand. Needless to say, CSX was not too thrilled about the vision that the Congressman laid out. In his very diplomatic voice, he said, you will do it. It will happen. And with the help of Congresswoman Brown, it's become a reality. But I think sometimes when you work so hard, and generate so much energy to accomplish something, once the first step is taken and the legislation has been passed, we may spend too much time celebrating rather than reenergizing to make the complete vision become a reality. Because I think this legislation can change the game in the state of Florida. And I think a lot of people have made this happen. But I think it's important for the local governments all up and down the line to make sure that we take whatever steps are necessary for private business to be able to come in there and make this vision a reality. Because without action, that vision is nothing but a dream. And we need jobs in this community. And I think the people in our partnership have already started thinking about transportation oriented development all along that line. That's important to this community. And we need to make sure that we don't lose sight of the type of development that we want along that line, so that it's developed properly. At the same time, we also have to get out of the way and let private industry to the things that they do best. I want to thank the Mayor, he's been a great partner, as well as DOT. It's been a joy working with the group here. We sit with each other in many different venues, but it's always been what's good for the people of Central Florida. And I hope that will continue.

3. Vice Chairman Crotty congratulated the two Congressional representatives. He thanked them for their vision, support and encouragement along the way. He also thanked Governor Crist, and the FDOT, and an endless list of legislators, many of whom had to be persuaded to change their minds. Vice Chairman Crotty also thanked the members of this rail commission, and the chairman, and all of our partners across the board, but probably most importantly, to the citizens of this region, who really I think have gotten on board and supported us in supporting this project. And I think that's been very helpful. I will tell you that the first year that I ever worked with John Mica, he was fighting for an interchange in front of Orlando International Airport in the 1979 session of the Florida Legislature. He's been this way ever since! He said he would be glad when the board comments and public comments are done and our next meeting is announced, because he was looking forward to hearing Rep. Mica's announcement.
4. Commissioner Arrington echoed the sentiments of others, and said he was excited for Osceola County, even though stations are planned for Phase II, because this is an opportunity to reshape transportation not only in Central Florida, but the state of Florida. It's a wonderful day and a wonderful event. I haven't had the pleasure of working as long as you all have, or as hard as you all have on this project. But we're very, very excited about the opportunities it will bring.

#### **PUBLIC COMMENTS**

1. Joanne Counellis, of Lake Mary, said she was very excited the legislation passed. She thanked folks very much for working so hard and wished everyone a Merry Christmas and Happy New Year. She urged the commission to not give up and to not let Paula Dockery take it away.
2. Mark Wylie, representing Associated Builders and Contractors of Central Florida, said he represents over 7,500 commercial construction contractors in five Central Florida counties. We are very pleased to see this come to fruition. He said he was grateful for the mayor and Commission's hard work on the project, as well as efforts by Reps. Brown and Mica. He said that

his organization stands ready to help get information out about the project, working with the Florida Department of Transportation, to help contractors understand the opportunities here in Central Florida. Lord knows the construction industry needs the jobs.

- a. Congresswoman Brown asked Mr. Wylie whether he had an estimate of how many jobs this will generate. Mr. Wylie said he did not because it's spread out over time. Chairman Dyer said that the immediate impact would be 8,000 to 10,000 construction jobs; long-term there would be significantly more with development and ancillary jobs. Mr. Wylie said that the development around stations will involve construction activity, but it will happen over a period of years. He said he looked at statistics from 2006 to 2009 and the construction industry went from about 92,000 workers to 56,000 or 57,000 workers – shedding about 40 percent of the workforce in Central Florida (residential and commercial) with about a 19 to 20 percent unemployment rate right now. So this is a great time for you all to start getting into some construction activity right now. He said that construction prices are coming in anywhere from 25 to 35 percent of what budget estimates are. So that people are getting a really good bang for their buck, and it's a good time to move forward.
3. Arnold Gibbs, President of the National Association of Industrial and Office Properties with six chapters in the state of Florida, all of which were 100 percent in support of this. Our membership is looking forward to bringing that development that Commissioner Henley talked about around your stations. Fortunately, we're looking forward to high speed rail. I met with Vice President Biden in Miami last month, and his comment to me was, I like Florida's chances for high speed rail. So I think we have a great shot, and I know that Vice President Biden is paying attention to this issue, and I know that Congresswoman Brown and Congressman Mica will definitely put it over the top for us. He also congratulated Chairman Dyer, for all the work that he has done, and Sen. Constantine and Sen. Gardiner.
4. Sharon Carter, of Orlando, also thanked the Commission from the bottom of her heart for all their work and efforts. She invited others who were not in attendance to write or call Commissioners and thank them for all of their efforts. She asked that everyone agree now that commuter rail and high speed rail are moving forward, and that everyone become engaged in advancing those efforts.

#### **NEXT MEETING**

1. Chairman Dyer said that he definitely felt a lot better than he did last May, at the end of the last legislative session. He said that his office will be in contact with commissioners about the next meeting date. He said he couldn't think of a better way to end the year, and wished everyone and Merry Christmas and happy holidays.

#### **ADJOURNMENT**

1. Chairman Dyer adjourned the meeting at 2:20 p.m.