

Central Florida Commuter Rail Commission
Governing Board

MEETING MINUTES

Date: Friday, May 9, 2008

Time: 2 p.m.

Location: Metroplan Orlando

Board Room

One Landmark Center

315 East Robinson Street, Suite 355

Orlando, Florida 32801

- Call to Order
 - Chairman Dyer called the meeting to order at 2:04 p.m.
- Commissioner Lane led the Pledge of Allegiance.
- Confirmation of Quorum
 - In attendance:
 - Chairman/Orlando Mayor Buddy Dyer
 - Vice Chairman/Orange County Mayor Rich Crotty
 - Osceola Commissioner Bill Lane
 - Volusia County Chairman Frank Bruno
 - Not in attendance:
 - Seminole County Commissioner Carlton Henley. Seminole County Chairman Brenda Carey attended for Commissioner Henley.
- Chairman's Report – Chairman Dyer
 - Mayor Dyer said there had been quite a bit of activity since the Commission last met, in both Tallahassee and Washington D.C. Unanimous support of Commuter Rail represents an historic partnership in this region for local governments in the region, as well as business interests and the private sector. Mayor Dyer said the project was absolutely essential not only for Central Florida, but for the entire state. Two requests were made of state lawmakers during the just-completed legislative session: to secure the CSXT rail line in Central Florida and to obtain statutory authority for liability insurance to implement the agreement between the state of Florida and CSXT. Mayor Dyer said that state money to fund the state's share of the project was approved, but that liability provisions were not approved. He said that contracts between the state and local governments are valid until June 30, 2009, and that obtaining liability insurance could wait until the next legislative session, or perhaps a special session. He said the "most important thing is that we have the local commitment to fund it; we have the state commitment to fund it; and the federal commitment to fund it." He said that U.S. Rep. John Mica would be phoning in to the meeting to speak more about the federal commitment to Commuter Rail. Mayor Dyer thanked those from

the business community, specifically the Central Florida Partnership and the Economic Development Commission, and others who traveled to Tallahassee to support the state's investment in Commuter Rail.

- Agenda Review – FDOT District 5 Secretary Noranne Downs, P.E. provided the agenda review.

ACTION ITEMS

1. Adoption of meeting minutes from December 14, 2007 meeting
 - a. Mayor Crotty moved adoption of the minutes; Commissioner Lane seconded; unanimous approval

DISCUSSION ITEMS

1. Legislative update – Secretary Downs/Chairman Dyer
 - a. 2008 Legislative Session
 - i. Mayor Dyer said that the FDOT work plan was approved by lawmakers, which contained money to move the Commuter Rail project forward. He said that liability provisions encountered some opposition from the trial lawyer and organized labor lobbies, as well as some state Senators representing the Lakeland area combined with some other political allegiances in the Senate. The liability legislation passed the House but it ran out of time in the Senate. The Florida Department of Transportation (FDOT) was seeking to extend sovereign immunity to a third party contractor to construct improvements and eventually operate the Commuter Rail system; as well as provide liability insurance. Trial lawyers objected to the extension of sovereign immunity to third-party contractors. A labor union also expressed concerns over 8 to 10 signalman who currently work for CSXT and could be relocated by the project. In addition, a group from Lakeland was concerned about freight traffic being routed through downtown Lakeland. Mayor Dyer said he didn't realize that the number of freight trains would increase from 16 to 20 in Lakeland and that 21 freight trains currently run through downtown Orlando. It was not quite as onerous as it was made out to be during the legislative session. The mayor expressed confidence that those objections could be negotiated. We learned a lot during this legislative session and had we been able to get up there earlier, before the last couple of days, we could have gotten it through.
 - ii. Secretary Downs said that FDOT remains committed to this project as its number one regional priority. She said FDOT knows there are issues to work out and will continue to work out the details. We will continue to work with our local partners. We remain committed and at your service to get this done.

iii. Mayor Crotty spoke about the importance of this project and the importance of the partnership that elected officials throughout the region have put together. Commuter Rail provides important environmental, economic and transportation benefits to the region. Commuter rail is a key piece to a big puzzle. He spoke of the importance of upgrading Interstate 4 and completing the Wekiva Parkway to provide a beltway around the Orlando urban area. I-4 is the spine of transportation system in Central Florida and commuter rail is a part of the opportunity that may exist to upgrade I-4. Mayor Crotty feels that it is vitally important to get other agencies involved like the Expressway Authority and the Turnpike Enterprise, to engage with DOT to look at this big picture for commuter rail together. As a region, we need to be able to take advantage of all the technologies that are out there like the rest of the country enjoys in terms of upgrading I-4 as we go parallel with commuter rail. The other big project that will give a lot of relief in addition to commuter rail and upgrading I-4 is completing the beltway, and the Wekiva Parkway will certainly help with that. Mayor Crotty encouraged the commission to look at the big picture as it's so much more than one project. He said Orange County is not only in full support of Commuter Rail, but that they are also in support of what it means in the bigger picture.

b. Congressional Activity

- i. Cost-effectiveness index exemption
- ii. Secretary Downs said that Congress just passed a technical corrections bill to federal transportation legislation that includes an exemption for the Central Florida Commuter Rail project to meet cost-effectiveness thresholds set by the Federal Transit Administration. The legislation was expected to become law today. Secretary Downs said that the project's ridership numbers are good and true and that most Commuter Rail projects require the exemption due to quirks in federal ridership calculation formulas.

2. Project Update – FDOT CFCRT Project Manager Tawny Olore, P.E.

a. Procurement activities

- i. Ms. Olore said that FDOT is reviewing the schedule in light of the legislative session, and should have more information in the upcoming weeks. There could be a bit of a delay on construction work within the CSX Transportation right-of-way.
- ii. Ms. Olore said that FDOT interviewed three good candidates for the position of Chief Operating Officer and hopes to have a winning bidder on board by the beginning of August.

- iii. Ms. Olore said the construction oversight contract will not be advertised until the construction contract for work within the right-of-way is complete.
- iv. Ms. Olore said that schedules for a long lead items contract is under review.
- v. Ms. Olore said that the contract to buy rail vehicles for the project is moving ahead. The sole bidder, Colorado Rail Car, should be under contract by the end of August.
- vi. Ms. Olore said that the schedule for an operations and maintenance contractor is under review, as well.
- b. CSX Transportation contracts
 - i. Ms. Olore said that FDOT is meeting monthly with CSXT on transition agreements to take over the railroad. She said it was a phenomenal effort, from changing out hundreds of signs, to having personnel properly trained ready to work safely in the corridor in accordance with Federal Railroad Administration requirements.
- c. Amtrak contracts
 - i. Two stations in Phase I will co-locate with Amtrak, in Winter Park and Orlando Amtrak. Because Commuter Rail and Amtrak platforms will be at different heights, Federal Railroad Administration approval was required. That was obtained last month, she said, adding that it delayed a similar project in Utah by 6-9 months. FDOT is reviewing a memorandum of understanding with Amtrak and hopes to settle on an operations and maintenance contract within the next few months.
- d. Federal Transit Administration
 - i. Full Funding Grant Agreement status
 - 1. Because CSXT has elected to move 8-9 trains over to the alternate S-Line, the Federal Transit Administration asked FDOT to perform a general analysis of noise and vibration and grade-crossing delays and include the results in the project's supplemental environmental assessment. That work is complete, and was approved yesterday by the FTA. Public hearings will be held June 12 in Maitland and Sanford and an S-Line workshop will be held June 4 in Ocala. The supplemental environmental assessment involves moving the DeBary station from Saxon Blvd. to Ft. Florida Road, reconfiguring parking lots in Longwood and adding Maitland to the initial operating segment. Approval is expected by the end of July. FDOT met with the FTA on May 6 and is finishing work to enter into Final Design by the end of July.
- e. Right-of-Way acquisition for station parking lots
 - i. FDOT has closed on 4-5 parcels with several more pending. That has been a big effort from the Department side to get that right-of-way acquired.

- f. Station design and location
 - i. FDOT is working with local partners on station designs to finalize canopy designs, platform amenities, and so forth. FDOT also is finalizing land-use agreements at several stations.
- 3. Administrator Simpson visit
 - a. Ms. Olore said that FTA Administrator James Simpson's April 4 visit was a huge success. I-4 was predictably jammed, and the Administrator was a half-hour late meeting Mayor Crotty at the Sand Lake Road station. Ms. Olore said that the Administrator was very impressed with this project and all the support that we have locally. She said he was amazed by the regional cooperation and noted that most projects don't have unanimous regional consensus. Ms. Olore thanked everyone, including the business community, for their participation in the event and presented Commission members with books of station designs that were reviewed by Administrator Simpson.
- 4. Technical Advisory Committee – TAC Chairman Roger Neiswender
 - a. Mr. Neiswender said that things are going very well with the TAC. We deal with engineering, right-of-way issues, easements and additional items of importance. The TAC receives in-depth briefings every month, provides input to FDOT, and defers to the commission for policy direction. He said TAC members work closely with FDOT's Debbie Lynch on right-of-way issues, and spend quite a bit of time helping to resolve anything we can.
 - b. Ms. Neiswender said that one entire meeting was devoted to a discussion of local permitting concerns and that there is a lot of give and take between FDOT and local jurisdictions. Some of the station sites are outside of the DOT right-of-way, adjacent to it, and may not be in the hands of a funding partner or another municipality. FDOT is working closely with the locals to make sure what is needed is communicated so there are no surprises. The vehicle storage and maintenance facility is being negotiated for location at the Rand Yard in Sanford. The TAC also talks a lot about procurements and schedules, as well as the need to obtain several letters of no prejudice from the Federal Transit Administration to keep the project on schedule. In order to continue making progress, at some point, the committee may need to be able to make decisions ahead of the actual award of the full funding grant agreement. Under normal federal process, everything spent before the full funding grant agreement is approved is not eligible for reimbursement or credited as the local share. The committee is being very careful to make sure everything done is something in a creditable status and does count and work well for the community.
 - c. The TAC Committee instituted voting alternates, which has worked out extremely well, with most meetings posting in excess of 90 percent attendance with the 19 municipalities represented. The TAC also has

discussed the potential for additional funding for additional improvements at different stations. The source of that federal funding, bus and bus replacement earmarks, raised a concern whether pursuit of that money for the transit stations would compete with bus replacement needs for Lynx and Votran. The answer we got back is that there may be a larger pot of money available that would allow for station improvements. Therefore many agencies have turned in requests, with assurances it would not detract from bus and bus replacement funding. The TAC also participated fully in Administrator Simpsons' visit manning information boards for each station site.

- d. The TAC plans to look closely at the interrelationships between I-4 and commuter rail. The reconstruction plans for I-4 anticipated that a certain level of rail transit would be available in the community. Should commuter rail fail, we need to understand the implications as commuter rail was the maintenance of traffic solution. Commuter rail would be the viable alternative while I-4 is under construction to give people a means to move. Even if commuter rail is running, we would be fortunate to move 80% of the capacity of that road, perhaps less. It is a critical component and the TAC committee will closely review it.

5. Discussion of Alternate CFCRC Board members – Chairman Dyer

- a. Commissioner Lane said he thought the designation of alternates was a good idea as long as it's another elected official who knows the process.
- b. Mayor Crotty asked whether it would it make sense to have a motion, because of the importance of this issue, to make the designated alternate the vice chairman of the local commission.
- c. Seminole County Chairman Brenda Carey said that each commission designates a member to the Central Florida Commuter Rail Commission differently. In Seminole, Commissioner Henley was selected because of his expertise in transportation issues and his appointment to the Lynx board of directors and Chairman of Metroplan Orlando. Seminole tries to match appointments to individual commissioners' areas of expertise. She said it was the chairman's prerogative in Seminole County to make those appointments.
- d. Commissioner Lane said he could make alternate appointments in Osceola County.
- e. Chairman Bruno said the alternate appointment would require an amendment to the interlocal agreement.
- f. Mayor Dyer said he expected that approval of an amendment to the interlocal agreement would not be a problem if it was the will of the board. He said that there was a motion to allow an alternate selected by whatever method the individual government decides is appropriate to do it.
- g. The motion was seconded and carried unanimously.

6. Chairman Dyer then introduced U.S. Rep. John Mica, who called the meeting from Washington. He thanked Mr. Mica for his leadership.
 - a. Mr. Mica said he appreciated everyone's help, and introduced Joyce Rose, staff for the House Transportation and Infrastructure Committee. Mr. Mica said that Ms. Rose reviewed the liability request involved in the Central Florida Commuter Rail project and compared it with Tri-Rail's liability. Ms. Rose said the provisions were almost exactly the same. Mr. Mica felt that a lot of what was said or intimated during the session was not correct. We need to get that information out, as far as liability. He said that failure to obtain this liability insurance would severely affect Jacksonville, other parts of the state interested in Commuter Rail, and the extension of Tri-Rail in South Florida. The Tampa Bay Partnership is visiting him in Washington next week, and he was committed to building strong support for the project throughout the state so that everyone understands the importance of the liability provision before the issue is brought up again.
 - b. Mayor Dyer said that the Central Florida Partnership also will be traveling to Washington next week, and that Chairman Bruno will be a part of that group. He said the group looks forward to thanking Mr. Mica personally. The group also plans to meet with the FTA, and would appreciate Mr. Mica's direction.
 - c. Secretary Downs said that the last Quarterly Review meeting on Tuesday with the Federal Transit Administration in Orlando went extremely well. The regional director of the FTA, Yvette Taylor, was very pleased with the progress. FDOT reviewed legislative issues and FTA understood. They also understand the statewide significance of the issue, as other communities vie for federal support of rail systems. FTA approved FDOT to move forward with the public hearings on the Supplemental Environmental Assessment and a public workshop on the S-Line assessment.
 - d. Mr. Mica said he had spoke with Administrator Simpson after the legislative session concluded, and did not get any indication that there would be any problems at the federal level. He also checked with CSX and had a very positive statement issued by Michael Ward, not only on our project but also on his other project, which is construction of an Integrated Logistics Center on the S-Line. All commitments will remain in place. If we start final design by August, we will be eligible to be listed as a new start project and that no matter who becomes president, we would be part of the federal budget. The only thing that may happen is that we wind up getting more in sync with the federal funding sequence. This could possibly delay our start date with this new schedule from October 2010 to March/April 2011. Mr. Mica said that Tuesday's quarterly meeting with FTA was critical and that meeting went well. Joyce Rose stated that this project has strong support from the FTA and Chief Administrator Simpson.

- e. Joyce Rose said that since Congress approved a cost-effectiveness exemption for the project, the project is rated medium-high and should be able to move into final design without any further impediment.
- f. Mr. Mica said he sent a letter to more than 100 supporters to give them a project update. He also lauded U.S. Rep. Corrine Brown as a great partner who is committed to do whatever needs to be done. Both U.S. Senators from Florida also support the project. He said the project hinges only on the liability issue and if we get that resolved, we can move forward.
- g. Commissioner Carey said that Seminole County Commissioners talked about Commuter Rail Tuesday and the board is fully on board for this project. She asked that the board and Con. Mica let her know if there was anything else she could do help see this project move forward.
- h. Mayor Dyer said he has reviewed the interlocal agreements and does not feel they require any modification to move forward.
- i. Commissioner Lane said that he attended a news conference earlier this week with Mr. Mica and wanted to reiterate that Osceola County is fully on board. We just can't keep widening roads. We need to have this Commuter Rail big time. He added one more comment: "There's still some folks out there writing that this is a dead issue. ... so if we can do something with the media to get out that this commuter rail is alive and well, that would be a big hit out there, because there's still some negative press out there."
- j. Mr. Mica said he appreciated efforts to get the word out that the project is moving forward, because there is a misunderstanding about where we are.
- k. Chairman Bruno said that we're all trying to get the word out and that we're all back on track with this. He is looking forward to meeting Mr. Mica and working with him next week.
- l. Mr. Mica said there was a great show of support from Seminole, Volusia and Osceola counties. There is a strong showing of support and Mr. Mica appreciates it.
- m. Mayor Dyer noted that Orange County Mayor Crotty gave a statement of support earlier. And just in case there's any question, the city of Orlando continues to be very supportive.

PUBLIC COMMENTS

1. Maitland Mayor Doug Kinson said he was addressing the board on behalf of Metroplan Orlando's Municipal Advisory Committee, made up of mayors and commissions throughout Central Florida. The committee met last Thursday and directed staff to create a resolution in support of Commuter Rail, send it to every municipality, and have them adopt it. If they haven't done so already, the municipalities should re-adopt their support. Their full expectation is to have every municipality adopt a resolution in support of the project because it does affect all of us. Mayor Kinson asked for everyone's support to help get those resolutions in place by June 4.

2. Mayor Dyer thanked Mayor Kinson for his leadership.
3. Joanie Schirm spoke not only as a citizen volunteer, but a long-time supporter of a well balanced transportation system. She had the opportunity to go to Tallahassee and was prepared to speak on behalf of the League of Women Voters not only for Central Florida, but the whole state of Florida. She also serves as chairman of city of Orlando for the Interstate 4 design review committee. All of it is a system. She reminded the commission that there is great strength in talking regularly with everyone all along that corridor. She believes that everyone should work together and talk, talk, talk through differences, especially with Lakeland.
4. Joanne Cornelis of Lake Mary said she was fighting for the commuter rail and also fighting for 24-hour bus service for all of Central Florida. She didn't want to see anyone stranded, not only during the day but at night.
5. Louis Fazio, Jr. echoed his support of this project. He is the vice chairman of the Disability Advisory Board for Orange County. Transportation for the disabled is very tenuous at times, and Commuter Rail will allow us to transport the disabled community in a more efficient and cost-effective way. He supports the project and hopes that the word gets out that commuter rail is not dead and is still alive so that we can move this process forward.
6. Sharon Carter owns land across the street from the Orange County Sand Lake Road station. She is working diligently to see how she can develop the property in a way to help this project.
7. Charles Gray commended the commission for their hard work. When we had the chance for light rail, we didn't get a second chance there. We have a second chance this time. The entire corridor has to be looked at, with opportunities to extend it onto Lakeland and Tampa. We need to emphasize that this is the beginning of what will be a wonderful thing for this entire corridor. Lakeland wants us to have this, but they've got a situation that they are very concerned about, and they see that additional trains will create a problem for them. It would be wise to include a recognition of their situation and help them solve their situation and lend some of our muscle to that effort, as well.
8. Lynx Executive Director Linda Watson said that the Orlando area was recently ranked the number two most congested community in a Forbes Magazine poll, and it's obvious that our community is ready for a balanced transportation system. Lynx's ridership has increased dramatically over the last few months, and that's after implementing a fare increase. She feels the community is ready for more transit. CRT is very important to this community. In the last few weeks, Ms. Watson has made many phone calls and written very many letters. Lynx is supporting the project.
9. Lennon Moore said she was speaking as a citizen and recent retiree. This is something that is a statewide issue. With the price of gas, people in her age cohort reaching their retirement years don't want to drive automobiles. People need an alternative to cars to get around. Ms. Moore supports all of the points that have been made. We need to bring everyone to the table, bring our concerns onto the table and move forward.

BOARD MEMBER COMMENTS

Chairman Bruno said the project was so important for every disabled organization, and most have given support for Commuter Rail, as well as environmental organizations. Chairman Bruno is just happy that we're moving ahead on this. In Volusia County, between 30,000 to 50,000 people leave daily for employment in Orange and Seminole county. We have to have other options for those people. As Mayor Crotty mentioned, this is a big first step, but it's an essential first step. We will not be able to have Commuter Rail statewide if this project fails. This is the first step.

Mayor Crotty asked whether a future meeting of the commission could include an agenda item that addresses financial constraints imposed upon localities by the Legislature, so that we are able to get this done.

Mayor Dyer said the item would be included on the next agenda.

Commissioner Lane said that Osceola County considers Commuter Rail as a future economic development project. With the price of gas, we need to do something. We either need to do Commuter Rail or we need to get back to horse and buggy. Again, we support this project 110 percent.

Commissioner Carey said that Seminole County remains committed. We do look at this as a great economic opportunity for Seminole county. With four stations, we have been working diligently on development codes to make sure that we're ready for this. We need this in Central Florida, and having sat on transportation committees in this community for 20 years, she's seen a lot of projects come and go. If we let this opportunity pass by, it will probably be 20 years before we have an opportunity to discuss this again and she predicts that federal funding would probably not be at 50% at that time.

Secretary Downs said the project was worth doing for the region. But it's not just about Central Florida – it's important for the whole state. The whole state needs multimodal transportation. All the District Secretaries and Tallahassee will work hard on the project not only for Central Florida, but for the rest of the state. Our project will be the spine and all the other projects will grow from that spine. She said the project involves quite a bit of work, and thanked commission members and members of the audience for all their efforts.

Mayor Dyer summarized the comments. He said the Commission has heard from our local funding partners, FDOT, the FTA, Rep. Mica, CSXT – and they're fully committed. The only issue that's outstanding is the liability issue, and we didn't ask for anything differently than they have for Tri-Rail. But if we have to fashion something different, we will do that. He said the commission stands ready to also work with Polk County and the city of Lakeland to make sure that everybody benefits on a regional basis.

NEXT MEETING

1. The next meeting will be organized by Mayor Dyer's office

ADJOURNMENT

2. The meeting was adjourned at 3:12 p.m.