

**Central Florida Commuter Rail Commission
Technical Advisory Committee
Meeting Minutes**

Date: Wednesday, December 5, 2007

Time: 1:30 p.m.

Location: Florida Department of Transportation Urban Office
133 South Semoran Boulevard
Orlando, Florida 32807

- Call to Order – TAC Chairman Roger Neiswender
 - Chairman Neiswender called the meeting to order at approximately 1:35 p.m. and thanked participants for attending.
- Pledge of Allegiance – led by Chairman Neiswender
- Confirmation of Quorum – A quorum was present
- Introductions – Mr. Neiswender led introductions
 - Members in attendance were:
 - Tawny Olore, Florida Department of Transportation
 - George Lovett, FDOT Director of Transportation Development
 - Maryann Courson, City of DeBary
 - Jerry McCollum, Seminole County
 - John Omana, City of Lake Mary
 - Charlie Wallace, City of Maitland
 - Don Marcotte, City of Winter Park
 - Roger Neiswender, City of Orlando
 - Ronald A. Hearst, Osceola County
 - Barry Campbell, City of Kissimmee
 - Lisa Darnall, Lynx
 - Lois Bollenback, VoTran
 - Dave Grovdahl, Metroplan Orlando
 - Karl Welzenbach, Volusia County MPO
 - Jim Harrison, Orange County (late arrival)
 - Members not in attendance were:
 - Mike Abels, City of DeLand
 - Sherman Yehl, City of Sanford
 - Frank Martz, City of Altamonte Springs
 - Ryan Spinella, City of Longwood
- Agenda Review – FDOT/CFCRT Project Manager Tawny Olore, P.E.
 - Mr. Neiswender asked if any board members had anything to add to the published meeting agenda. Mr. McCollum requested that a discussion item be added to the agenda to consider whether to rotate meeting location sites between the different jurisdictions. Mr. Neiswender concurred.
 - Ms. Olore provided the agenda review

ACTION ITEMS

1. Adoption of meeting minutes from November 7, 2007 meeting
 - a. Approval moved by Mr. Welzenbach; seconded by Mr. Grovdahl. All concurred.

DISCUSSION ITEMS

1. Project update – FDOT CFCRT Project Manager Tawny Olore, P.E.
 - a. Ms. Olore informed TAC members that Sandra Gutierrez P.E., CFCRT Assistant Project Manager, was not present as she was having her third child, and would be starting a three-month maternity leave. Ms. Olore thanked Ms. Gutierrez for her tremendous service to the project, and told the group, “I don’t know where this project would be without her.” CFCRT Public Liaison Marianne Gurnee will help out in Ms. Gutierrez’s absence.
 - b. Ms. Olore also introduced Tom Keane, who was recently hired as the project’s new Safety Engineer. Mr. Keane is with Parsons Brinkerhoff and has worked at the Federal Railway Administration and the Transportation Security Administration. He is tasked with ensuring that all safety and security plans for the project are coordinated with state, local and federal partners. As the project progresses, Mr. Keane will be meeting with local government officials to coordinate safety and security issues.
 - c. Procurement activities
 - i. Ms. Olore said that Letters of Interest for the CFCRT Design/Build/Maintain contract were due back Dec. 3 and that project managers were “very, very pleased” that six “very strong” teams responded. FDOT will review those letters of interest and select three, or possibly four, firms by Dec. 17th. The contract is scheduled to be awarded in the second quarter of 2008.
 - ii. FDOT also is putting together an Invitation to Negotiate for a Chief Operating Officer for the system, which also is scheduled to be awarded in the second quarter of 2008.
 1. Mr. Welzenbach asked if FDOT would introduce three final candidates for the COO job to the TAC and/or the Central Florida Commuter Rail Commission. Ms. Olore said that the terms of the interlocal agreements signed by local funding partners provide for the COO to be a contract employee of FDOT for the first seven years that FDOT operates the commuter rail system. After the first seven years of operation, when operation and maintenance of the project reverts to local control, the TAC and the Commission could decide whether to extend FDOT operations and personnel contracts. TAC and Commission review of the COO has not been discussed by FDOT. Mr.

Lovett said the interlocal agreements provide for TAC and Commission input after the first seven years of operation. Mr. Welzenbach clarified that he was not requesting TAC or Commission approval, but was interested in meeting applicants “so the board might know what to expect.” Mr. Lovett agreed to examine whether that would be feasible within the constraints of the project timetable and agreements. Mr. McCollum asked who would make the final decision on hiring a COO. Mr. Lovett explained that decision would be made by FDOT District 5. Mr. Neiswender added that the FDOT District 5 Secretary would serve as Chief Executive Officer of the project for the first seven years of operation by FDOT.

d. CSX Transportation contracts

- i. Ms. Olore said that FDOT District 5 Secretary Noranne Downs executed the Central Florida Operating and Management Agreement; the Contract of Sale; and the Transition Agreement between FDOT and CSX Transportation on Nov. 30, 2007. Those documents are now posted on the project website, www.cfrail.com and were e-mailed to local partners. In response to queries by some local government partners, FDOT will put together a document detailing how the final contracts differ from those reviewed by local government partners earlier in 2007.

e. Amtrak contracts

- i. Ms. Olore said that FDOT has agreed to a Memorandum of Understanding with Amtrak, which was provided to TAC members in their packets. FDOT has received a letter from senior Amtrak staff indicating that they have agreed to the contents and that the Amtrak President is expected to sign the document in mid-December, 2007. The Amtrak Board is expected to consider approval of the documents in January, 2008. The agreement addresses co-location with Amtrak at two Commuter Rail stations in Phase I of construction; details Amtrak operations during Commuter Rail construction if there are service cancellations; and allows the department to enter into a contractual services agreement with Amtrak for use of the AutoTrain maintenance facility in Sanford.

1. Mr. Neiswender asked about the frequency of Amtrak trains. Ms. Olore said that there were four trains daily – two northbound and two southbound. She said that buses would be used to ferry Amtrak passengers only if those trains are cancelled due to construction. Ms. Olore said that the CSXT agreement allows FDOT to close the tracks for 12 to 54 hours to meet construction needs. Mr. Neiswender asked if CRT vehicle maintenance would be performed by Amtrak. Ms. Olore said the agreement says that FDOT will

enter into contractual services with Amtrak to use their facilities for vehicle maintenance. She explained that Amtrak will perform heavy maintenance at their facility. A third-party Operations and Maintenance contractor yet to be hired by FDOT will perform light maintenance at an adjacent 10-acre vehicle storage facility, where the project control center also will be located.

f. Federal Transit Administration

i. Full Funding Grant Agreement status:

1. Ms. Olore said that the project team is “working through the process” with FTA and has initiated Final Design review activities. She said that FDOT sent a letter Nov. 30th with a series of required studies and analyses. Additional submittals are required between now and Dec. 14. Ms. Olore said the “process is an extremely tough process. Not many systems get through it.” She said that FDOT is working through the process but would appreciate the help of local government partners. She hopes to discuss with the CFCRT Commission on Dec. 14th a Washington D.C. fly-in in February 2008 for Commission members to speak with federal funding officials about local support and the need for Commuter Rail in Central Florida.

g. Right-of-Way acquisition

- i. Ms. Olore said that FDOT was “making great progress” on right-of-way acquisition needed to build parking lots at some station stops. She explained that any land acquisitions valued in excess of \$1 million need to be approved by the Federal Transit Administration and, so far, the FTA has cleared four parcels for continued acquisition negotiation. In response to a question by Mr. Welzenbach, Mr. Lovett explained that appraisals are reviewed internally by FDOT, but that FTA must concur with any appraisal of more than \$1 million. Mr. McCollum asked for more specific information about individual appraisals to track whether initial budget estimates were high or low. Mr. Lovett said that appraisal figures are confidential, but will discuss with FDOT right-of-way managers an appropriate format to provide verbal information on right-of-way appraisals to TAC members. Mr. McCollum said that information providing “an aggregate impact on the budget” would suffice. Ms. Olore said that the four parcels cleared by the FTA for negotiation included two in Altamonte Springs, one at the Sand Lake Road station and one in Sanford. The current focus now is on Phase I of the project, but quickly will be followed by Phase II.

h. System-wide station design meeting Nov. 28

- i. Ms. Olore reviewed the station workshop design meeting held on Nov. 28 with local funding partners. Mr. Neiswender concurred that the session was well-received and “a lot of information was

passed back and forth.” Mr. McCollum said it was “very helpful to see what the other counties and cities are doing.” Mr. McCollum asked for an electronic version of the presentation, which Ms. Olore said will be posted on the www.cfrail.com website.

- i. Bus Feeder Agreements
 - i. Ms. Olore said that Letters of Understanding with Lynx and Votran for bus feeder plans were signed Nov. 30th, posted on the www.cfrail.com website and forwarded for review to the Federal Transit Administration. She thanked leaders from both agencies for their help in completing the agreements.
 - j. Upcoming schedule of public presentations
 - i. Marianne Gurnee, FDOT/CRT Public Liaison, advised committee members of upcoming project presentations to local groups for the month of January. Presentations are scheduled for the Winter Park Breakfast Rotary; Kissimmee Chamber of Commerce; Meadow Woods Homeowners Association; Peppermill Homeowners Association; Casselberry Rotary Club. Several additional requests are pending confirmation.
2. Track improvement plans – George Gault, P.E. Earth Tech
- a. Track improvements
 - i. Utilizing a visual map of the 61.5 miles of Commuter Rail track, Mr. Gault detailed areas that will be double-tracked for the project. Areas that will not be double-tracked in Phase I of the project include the existing railroad bridge over the St. Johns River and track in Maitland (including the 17-92 bridge) because of CSXT right-of-way limitations. Mr. Gault also explained how tracks will be realigned to access and egress the planned maintenance and storage facilities in Sanford. The project includes building tracks to the existing Amtrak car wash and repair shops, where heavy maintenance on Commuter Rail vehicles will be performed. In response to a question by Mr. Welzenbach, Mr. Gault said that Commuter Rail project managers are exploring the feasibility of using above-ground fueling facilities in the Sanford yard now used by Amtrak. He said double-tracking in Lake Mary was “a little complicated” because of right-of-way restrictions in the CSXT corridor and required some track realignment. Mr. Gault also detailed where track “cross-overs” would be located every four-to-five-miles to provide train location and maintenance flexibility. He said that the new signalization system is based on a “block” system that automatically prohibits dispatchers from moving trains into a new block without getting the right signal. Longwood also required some track realignment within the right-of-way. Existing double-tracks will remain in Winter Park, but be realigned at the existing Amtrak station to remove the existing center platform in favor of two side platforms to provide for better track maintenance access.

The Orlando Amtrak station also requires three tracks, as that is a main passenger hub for Amtrak. An existing center platform also will be removed and the tracks realigned to build a new center platform. Similarly, a third track was acquired in the Taft Yard for midday storage of perhaps two Commuter Rail train sets, providing more system efficiency and saving fuel costs.

b. Signal upgrades

- i. Mr. Gault said that the signalization will be replaced for the entire line, as it varies in age and style and some is 30 or 40 years old. He said the system is set up for freight rail operations. Blocks are much longer because they're controlled by the distance needed for trains to brake. Mr. Gault said that freight traffic will be slowed in the corridor so that the blocks can be shortened, allowing for a greater interval of commuter rail traffic.

c. Crossings

- i. Mr. Gault said that there are 126 at-grade crossings on the 61 miles; 94 in the planned Initial Operating Segment. A few roads that are candidates to be closed won't be included in grade-crossing improvements. Generally, there are 42 at-grade crossings that need to be improved due to construction of a second track. At stations lacking pedestrian access, pedestrian crossings will be added. And some "silver houses" located near crossings will be replaced and/or upgraded with signalization improvements.
- ii. Mr. Neiswender asked which crossings would get quad gates. Mr. Gault said that is currently under review, but that budget constraints preclude the inclusion of most quad gates. He said the Design/Build/Maintain contractor will conduct proper due diligence and make recommendations based on FDOT and Federal Railway Administration guidelines. Mr. Neiswender asked about Quiet Zones and other noise-control proposals. Ms. Olore said the Environmental Assessment proposed placing horns on Commuter Rail trains on the bottom, equipped with horn shrouds, to mitigate noise impacts and better direct horn noise to the oncoming intersection. Mr. Welzenbach said he knew of a study where horns were placed on the gates. Mr. Gault said that trains are required by the Federal Railroad Administration to blow horns at 96 decibels, 100 feet in front of the train before a grade-crossing. Freight trains typically exceed that minimum. Gate horns also are more expensive than train-mounted horns, and impact people who live near intersections. Mr. Welzenbach asked whether it is possible to double-track over the St. Johns River Bridge. Mr. Gault said that the operational plan allows for a train to potentially run every 8 minutes without double-tracks over the St. Johns. "We have tremendous capacity, so we're not looking to do that," Mr. Gault said, particularly because only two stations are planned north of the bridge.

3. Independent counsel for Central Florida Commuter Rail Commission – Chairman Neiswender
 - a. Mr. Neiswender said that some members of the Central Florida Commuter Rail Commission had expressed an interest in obtaining independent legal counsel. He said he was not aware of any funding provision available for the commission to pay for independent counsel. He said that legal counsel for the jurisdictions had discussed the issue and “it appears that any one of us who offers our (government) counsel to the Commission would have a conflict of interest.” He asked TAC members to express his or her individual opinion to respective Commission members by the next planned Commission meeting on Dec. 14, 2007. Mr. McCollum said that based on Metroplan Orlando’s experience, independent counsel would likely cost the CFCRT Commission about \$25,000 to \$30,000 annually. Mr. Dinneen asked whether the TAC should make a recommendation to the Commission. Mr. McCollum said he believed that county and city attorneys had discussed the issue. Mr. Welzenbach said it had been raised at a previous Point of Contact group meeting by the attorneys and they were concerned about a potential conflict of interest. Tura Schnebly, Volusia County attorney’s office, said that an e-mail was sent out suggesting that each County Attorney could sit if the others signed off, because most issues would involve Sunshine Law questions and the like during the FDOT operating period. George Nickerson, Osceola County Attorney’s office, said that several felt “uncomfortable with the conflict” of interest potential. Seminole suggested that the counsel stay with whomever was chair of the Commission, but the city was uncomfortable with that arrangement. Other problems included the lack of a contract for an equal share contribution to pay for independent counsel. Also, since FDOT will not “write a check” for the independent counsel, the Commission would have to establish a bank account, which would require audits and so forth. “So those issues have to be resolved, as well,” Mr. Nickerson said. No vote was taken.

4. Definition of a quorum – Chairman Neiswender
 - a. Mr. Neiswender said that a “quorum” was defined in interlocal agreements to be a majority of the voting members. Since there are 19 voting members on the TAC, it would take 10 votes to pass something. Mr. Neiswender asked whether TAC Committee members want to allow others to vote in their stead. As it is, only TAC members can vote. Mr. Dinneen said he thought that was a “good process but it’s important that we have a member and an alternate – not two votes.” Mr. Harrison said that since TAC members were appointed by the Mayor or managers in each jurisdiction, it would be “appropriate” to “use the same process to designate an alternate.” Mr. Neiswender said he believed any alternate designation would require Commission affirmation at the Dec. 14 Commission meeting, so that alternates would be able to attend the next TAC meeting

on Jan. 9. He said that TAC members would be responsible for notifying alternates of meeting dates and locations.

i. Mr. Harrison moved the motion. Mr. Dinneen seconded.

1. Mr. McCollum said that since Commission Chairman Buddy Dyer sent out the original letters to designees requesting TAC appointments, the same process should be followed for TAC alternates. He also agreed that the procedure should be approved by the Commission. Mr. Neiswender said that the recommendation will be to advise the appointing authority of the need to also appoint a voting alternate.

ii. All concurred.

5. Creation of subcommittees – Chairman Neiswender

a. Mr. Neiswender said that since the TAC is not involved in procurement issues during the first seven years of operation, he would like a further discussion at the next meeting on the need for subcommittees. Mr. McCollum said he believed the TAC could get into very technical issues, such as indemnification and legal issues that might be better suited for a subcommittee. Mr. Dinneen said that subcommittee participation might be a good role for alternate TAC designees to assume. He asked whether FDOT anticipated that local governments would play a role in right-of-way acquisitions. Mr. Lovett said that FDOT is working with the cities and counties “to make sure we’re not overlooking issues” and will continue to do so. Mr. McCollum said that counties often examine potential non-conforming uses or code violations when considering right-of-way acquisitions. Mr. Lovett said that local government input could be particularly useful in “partial takes” of property and if local government support is needed, “We won’t be shy to ask.” Ms. Olore also noted that FDOT’s limited staff on the project may not be available to support TAC subcommittee meetings.

6. Other committee issues

- a. Mr. Neiswender asked Committee members to think about rotating meeting locations to different jurisdictions. “The more we get out, the more we see each others situations, the easier it is to be more empathetic to grappling with one another’s issues,” Mr. Neiswender said.
- b. Mr. Neiswender also addressed his desire to build consensus opinion on the TAC, noting that the TAC was formed following unanimous local votes in support of the project. “It’s one of the unique things we have going for us,” he said. Lacking unanimous consensus, “I hope we strive for very strong consensus of direction. But I, for one, would like us to commit to one another that we will work towards strong consensus – if not unanimous action – in the things we do.”
- c. Ms. Olore also mentioned that the DRAFT Request for Proposals and related documents for the Design/Build/Maintain contract have been

posted on the www.cfrail.com website for industry review, and asked any and all attendees to review the documents and comment on potential flaws.

- d. Mr. Omana said the city has received numerous calls about the project, and asked if it was possible to post updates on the website. Ms. Gurnee said that there is an “Updates and Documents” page on the website that regularly reflects project progress. Mr. Welzenbach urged members to put links on municipal and county websites to the www.cfrail.com project website. Mr. McCollum suggested that a quick summary of “where we’re at” and other significant milestones be posted on the home page of the www.cfrail.com website.

COMMITTEE MEMBER COMMENTS

1. Committee member comments
 - a. None

PUBLIC COMMENTS

1. Public comments
 - a. None

NEXT MEETING

1. Review of meeting dates, times and location
 - a. The next meeting of the Technical Advisory Committee was set for Wednesday, Jan. 9th, at 1:30 p.m. at the FDOT Orlando Urban office, 133 S. Semoran Blvd., Orlando.

ADJOURNMENT

1. The meeting was adjourned at approximately 3 p.m.