

Central Florida Commuter Rail Commission
Technical Advisory Committee
Meeting Minutes

MEETING MINUTES

Date: Wednesday, February 6, 2008

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 called the meeting to order at 1:42 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
 - George Lovett, FDOT Director of Transportation Development
 - Maryann Courson, City of DeBary
 - Jerry McCollum, Seminole County
 - Jim Harrison, Orange County
 - James Dinneen, Volusia County
 - Charlie Wallace, City of Maitland
 - Don Marcotte, City of Winter Park
 - Roger Neiswender, City of Orlando
 - Ronald A. Hearst, Osceola County
 - Jim Arsenault, City of Kissimmee
 - Lisa Darnall, Lynx
 - Dave Grovdahl, Metroplan Orlando
 - Karl Welzenbach, Volusia County MPO
 - Ryan Spinella, City of Longwood
 - Mike Abels, City of DeLand
 - Lois Bollenback, VoTran (arrived late)
 - Kristi Aday, deputy Sanford city manager, for Sherman Yehl
 - Tom Connelly for John Omana, City of Lake Mary
- Members not in attendance were:
 - Sherman Yehl, City of Sanford (represented by Kristi Aday, deputy Sanford City Manager)
 - John Omana, City of Lake Mary, (represented by Tom Connelly)
 - Tawny Olore, FDOT
 - Frank Martz, Altamonte Springs
- Agenda Review – Mr. Neiswender presented the agenda review. Mr. Neiswender informed committee members that George Gault of Earth Tech would present project update information as Project Manager Tawny Olore was in Tallahassee.

ACTION ITEMS

1. Adoption of meeting minutes from January 9, 2007 meeting
 - a. Mr. McCollum moved approval; Ms. Darnall seconded. Unanimously approval.
 - i. It was later noted that the minutes from the Jan. 9, 2008 meeting failed to note that Volusia County representative, James T. Dinneen, was present. The minutes have been corrected.

DISCUSSION ITEMS

1. Monthly project update – George Gault, P.E. Earth Tech
 - a. Mr. Gault explained packet materials, and requested that representatives from Maitland, Orange County and the city of Orlando stay after the meeting to discuss local station design issues.
 - b. Procurement
 - i. Mr. Gault said that the construction contract for work within the CSXT right-of-way has three short-listed bidders; FDOT is responding to questions in the RFP, which is now under review. FDOT is very encouraged by the quality of questions.
 - ii. The COO contract is currently being advertised.
 - iii. FDOT will work with DBM contractor to finalize long-lead items, as market conditions allow.
 - iv. Station construction is scheduled to begin February 2009.
 - v. Rail car contract is advancing and will be advertised in February
 - vi. Bid documents for operations and maintenance are expected to be ready in late 2008-09
 - c. CSXT/Amtrak contracts
 - i. Amtrak board has approved memorandum of understanding for co-location and other CRT issues. Negotiations are ongoing for track closure schedules, the Commuter Rail maintenance facility and co-location agreements at four CRT stations.
 - d. FTA update
 - i. Quarterly meeting held in Atlanta; FTA pleased with the supplemental Environmental Assessment. Public Hearings will be required for additions/changes to original EA (e.g. addition of Maitland station; change of location of Volusia station to Ft. Florida Rd.) Details are pending.
 - ii. Received FTA approval to continue beyond 30 percent preliminary engineering for station sites, up to 60 percent to get a better price put together for station capital costs.
 - iii. Completed three-day FTA risk assessment in January with FTA oversight consultant. FDOT had completed an internal risk assessment prior to the meeting, which identified and mitigated most of the potential risk items. Oversight consultants said there were “no deal breakers” and the project was in “good shape.”

Continuing challenges to obtain a full funding grant agreement with FTA. Plan to be accepted into final design in summer 2008.

1. Mr. Welzenbach asked whether the operating agreement with Amtrak had been signed. Mr. Gault said the memorandum of understanding has been agreed to, but that operating details still are the subject of ongoing negotiation.
2. Mr. Welzenbach noted that the FTA recently halted the Dulles transit project and asked whether that was a “trend” with the FTA. Mr. Gault said the Dulles project was a very complex, \$5 billion project with tunnels and major risk that has been worked on for decades. Mr. Gault said he didn’t believe it was a “trend”, but rather a project the size of Dulles would expect to demand additional oversight and review to reduce risks.

iv. Right of Way acquisition

1. Acquisition has progressed according to schedule. FDOT’s right-of-way Manager Debbie Lynch said that FTA’s oversight group thought that the acquisition schedule was on target and moving along as planned.

v. Station Design and Location

1. Meetings are ongoing. Final addendum to the RFP for work within the CSXT right-of-way is expected to be issued Feb. 22, and three short-listed contractors should have a completed map with all title work by that date, with a few exceptions.

2. FTA/PMOC Risk Assessment – Mr. Gault

- a. Mr. Gault said that it was a “very good” three-day session and that meetings were ongoing to discuss project progress. PMOC felt that project’s 24 percent contingency was more than adequate given the fairly routine nature of the project design along existing tracks.

3. Washington fly-in – Chairman Neiswender

- a. Mr. Neiswender said that city staff has had difficulty finding an agreeable date for Central Florida Commuter Rail Commission members to meet with Congressional leaders and the Federal Transit Administration in Washington. A date of March 5 has been set. The intent is to hit as many of the direct key funding partners and any other members of Congress whose district is impacted by the facility to solicit project support.

4. Local permitting issues – Mr. Lovett

- a. Mr. Lovett noted that Mr. Martz had asked about local permitting at the previous TAC meeting for station construction. FDOT will move ahead with construction of station stops as it has with other FDOT construction projects. Mr. Lovett asked each local government partner to take the lead

on permitting issues within their respective jurisdictions and said that FDOT will work with local jurisdictions to provide necessary information. FDOT would assume a “support role” for local jurisdictions to navigate local permitting issues, if any. The FDOT CRT project team also would be available to meet with individual jurisdictions to discuss permitting issues.

- i. Ms. Courson asked for clarification on the Florida statute that governs FDOT building projects and Mr. Lovett said he would provide that information.
- ii. Mr. McCollum asked about federal building code requirements for structures. Mr. Lovett said that FDOT will work with county and local officials on building plans to ensure that building codes were adhered to. Mr. Lovett clarified permitting, and explained it dealt more with replatting and abandonment issues that would need to be resolved by local officials, not the FDOT. Mr. Lovett stressed coordination between local governments and the CRT team during development of station designs, and said that FDOT would like local support on administrative land-use regulations and similar issues.
- iii. Mr. Loose said that FDOT already is working with local government officials to secure demolition permits where needed.
- iv. Mr. Lovett reiterated FDOT’s plans to continue coordinating with local government jurisdictions.
- v. Mr. Neiswender asked local government officials to let FDOT know if and when any issues arise with station designs that would create a construction issue. He also requested that local governments send FDOT a “positive affirmation” if there are no local issues.
- vi. Mr. McCollum asked when final answers were required for parking lot locations and platform structures. Mr. Gault said that March “would be ideal”.
- vii. Mr. Spinella asked about station costs. CRT Public Liaison Marianne Gurnee said that information was distributed at the Station Workshop and will forward that information again electronically.
- viii. Mr. Marcotte said that Winter Park expects to finalize its platform designs following a public hearing in March, and asked whether April would meet the FDOT time-line. Mr. Gault agreed.

5. Legislative action

- a. Mr. Neiswender told committee members that two issues related to Central Florida Commuter Rail require legislative action this session and requested that TAC members review “talking points” provided in packets to be prepared to answer questions about marketing legislation and \$200 million in liability insurance. He explained that freight railroads are generally exempt from passenger rail liability insurance and that CRT would “introduce passengers in a significant way onto a system where

they operate freight.” He explained that the insurance was required as part of agreements with CSXT. He said similar agreements were approved for Tri-Rail in South Florida, and requested that TAC members “need to continue to reinforce” the need for CRT liability insurance “in a positive way with our delegation.”

- i. Mr. Welzenbach requested draft legislation. Ms. Gurnee said the proposed legislation is posted on the project website at www.cfrail.com and will also forward to TAC members via e-mail. Mr. Welzenbach also asked whether the liability provisions will be transferred to the Central Florida Commuter Rail Commission in year 8 of operations, and Mr. Loose said that the commission is included in the legislation.
- b. Mr. Neiswender said the marketing legislation also is needed. He said it seems “self-evident” that “if you could build and run a rail system, you can also market the service. But that is not the case.” He said the legislation is needed to promote, manage, target markets, optimize ridership, adjust fares and so forth. He requested TAC help with that piece of legislation, as well.
 - i. Mr. McCollum asked that the Talking Points be clarified to say that the liability insurance request is not precedent setting.

6. Other Committee issues

- a. Mr. Marcotte asked about the schedule for applying for additional federal earmarks. He provided a scope of work for Winter Park for FDOT to process, as well as access grant money already approved.
- b. Mr. Harrison said that Orange County will coordinate grant applications for locales within its jurisdiction.
- c. Mr. Marcotte asked whether requests would be handled by Orange County or FDOT.
- d. Mr. McCollum said he was told by Rep. Mica’s office representative, Dick Harkey, that cities should go ahead and submit applications directly to Rep. Mica’s office. With the exception of Altamonte, most Seminole County cities have applied for additional federal funds for station enhancements.
- e. Mr. Harrison asked whether the cities were coordinating with Seminole County and Mr. McCollum said that city applications were submitted directly to Rep. Mica’s office.
- f. Mr. Nickerson said it may be more effective to package requests together.
- g. Mr. McCollum said that Mr. Harkey told him to have cities submit directly to the Congressman’s office, but also to let counties know.
- h. Ms. Darnall said that money local government officials were seeking (Bus Facilities 5309 funds) are the same funds that Lynx and Votran request for bus money.
- i. Mr. Neiswender asked whether the additional local requests would be in direct conflict for expansion of fixed-route bus service.

- j. Ms. Darnall said the money was “the same dollars that we go after every year for bus and bus facilities.”
 - k. FDOT’s Karen Adamson said that local requests for station enhancements out of the Bus Facilities money “decreases the overall pot and decreases the amount of funding that transit agencies can receive.”
 - l. Mr. Neiswender said he was unaware of the conflict, and said it would be “very difficult” to justify since the region’s bus transit systems are “substantially underfunded” at present. He said he was unaware the money would conflict with bus needs.
 - m. Mr. Harrison said that issue needed to be further explored.
 - n. Mr. McCollum said that Lynx Executive Director Linda Watson told him yesterday that she was going to speak with Mr. Harkey about the potential conflict. Ms. Darnall said it was a direct conflict.
 - o. Mr. Neiswender said that information “sheds a whole different light on the pursuit” of federal funding for station enhancements.
 - p. Mr. McCollum asked if anyone knew how much money was available, and no one was able to respond.
 - q. Mr. Lovett said he felt it would be more effective to coordinate all local requests and submit as a single regional funding request to the federal government. It would allow FDOT to more effectively identify alternative grant opportunities.
 - r. Mr. Harrison noted the short time-frame of mid-February for submission of grant applications.
 - s. Mr. Neiswender said he believed that Lynx “should be at the table for discussions” if the station enhancements will compete “head-to-head against long-standing regional priorities.” He said he would work with FDOT to determine specific funding requests from Mr. Mica’s office and urged TAC members to view station enhancement requests “from a bigger perspective” keeping bus transit needs in mind. Mr. Neiswender said he would communicate with TAC members as he gets more information.
- 7. Mr. Neiswender urged committee members to ensure that principals appoint an alternate representative to TAC meetings, as determined by the Central Florida Commuter Rail Commission.
 - 8. Mr. Neiswender said that his staff is working on setting up the next Central Florida Commuter Rail Commission meeting, likely in late March or early April.
 - 9. Ms. Bollenback asked for clarification on what approach the TAC will take regarding federal funding coordination.
 - a. Mr. Neiswender said the first direction was for municipalities to work through counties. Mr. McCollum received amended direction from Rep. Mica’s local staff for cities to turn in requests directly. And TAC members learned today that available federal funding is “also the same bucket of money that funds Lynx and Votran.” He said the question is whether to promote those federal funds as “a reasonable source” of funding for station enhancements, or whether “it might negatively impact our standing bus allowance”.
 - b. Ms. Bollenback asked what was decided.

- c. Mr. Neiswender said he will confirm with FDOT whether it is the same pot of money, and let TAC members know.
- d. Mr. Harrison asked that Winter Park, Maitland and Orange County submit their requests together. He asked that Mr. Neiswender also follow-up with Rep. Mica's office to get clarification on the submission process.
- e. Ms. Bollenback asked Mr. Neiswender to also ask the Congressman's office about the apparent conflict in direction.
- f. Mr. Neiswender said he would call Rep. Mica's office and get clarification as to whether or not the funding requests will be considered "direct competition" to the standing requests of transit agencies, and will advise TAC members.

COMMITTEE MEMBER COMMENTS

1. Committee member comments
 - a. No committee member comments

PUBLIC COMMENTS

1. Public comments
 - a. No public comments

NEXT MEETING

1. Review of meeting dates, times and location
 - a. The next meeting was set for Wednesday, March 12th at 1:30 p.m. at the FDOT Orlando Urban Offices, 133 S. Semoran Blvd., Orlando

ADJOURNMENT

Mr. Harrison moved to adjourn the meeting. Mr. Spinella seconded the motion. The meeting was adjourned at 3:30 p.m.