

Central Florida Commuter Rail Commission
Technical Advisory Committee

MEETING MINUTES

Date: Wednesday, June 11, 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
 - Mr. Neiswender called the meeting to order at 1:41 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
 - A quorum was present
 - Members in attendance were:
 - George Lovett, FDOT
 - Tawny Olore, CFCRT Project Manager, FDOT
 - Roger Neiswender, City of Orlando
 - Jim Harrison, Orange County
 - Jerry McCollum, Seminole County
 - James Dinneen, Volusia County
 - Charlie Wallace, City of Maitland
 - Jim Arsenault, City of Kissimmee
 - Dave Grovdahl, Metroplan Orlando
 - Karl Welzenbach, Volusia County MPO
 - William Wharton, for Frank Martz, Altamonte Springs
 - Anthony Gonzalez, Assistant City Manager for Mary Ann Courson, City of DeBary
 - Mike Abels, city of DeLand
 - Lisa Darnall for Lynx
 - Kristi Aday, deputy Sanford city manager, for Sherman Yehl
 - Ryan Spinella, City of Longwood
 - John Omana, City of Lake Mary
 - Members represented by non-designated alternates were:
 - Joseph Serrano for Don Marcotte, City of Winter Park
 - Dan Hiden for Bob Zaitooni, Osceola County
 - Members not in attendance were:
 - Lois Bollenback, VoTran
- Agenda Review – FDOT/CFCRT Project Manager Tawny Olore, P.E.
 - Mr. Neiswender asked folks in the front of the room to speak up so that people in the back could hear. Ms. Olore presented the agenda review.

ACTION ITEMS

1. Adoption of meeting minutes from May 14, 2008 meeting
 - a. Mr. McCollum moved adoption of the minutes; Mr. Harrison seconded; unanimous adoption.

DISCUSSION ITEMS

1. Public Hearings and Workshop – Tawny Olore
 - a. Review of Ocala Workshop on S-Line Assessment
 - i. Ms. Olore said the workshop and public hearings were required due to a change in the location of the DeBary station; reconfiguration of the Longwood station parking lots and the addition of a Maitland station. FDOT also performed an S-Line general assessment for noise, vibration and grade-crossing impacts. FDOT will present the results of this analysis on June 12 at two simultaneous public hearings. The informal part of the program will be from 6 p.m. to 7 p.m. and a formal presentation will commence at 7 p.m. FDOT is encouraging everyone who can to come out and show support to attend either Public Hearing in Maitland or Sanford. If people can't make the meeting, the public comment period will be open until June 23. Comments also can be made electronically at the www.cfrail.com website.
 - ii. Last week, FDOT held a public workshop over in Ocala. More people drove over from the Orlando area than people who came out in Ocala. Four comments were generally supportive. The noise analysis revealed a 0.8 to 1.4 decible noise increase over a 24 hour period. The S-Line is a highly impacted corridor today. They have an average of 28 trains, so CSXT's plans to add 8 to 9 trains did not have a big cumulative impact to the corridor. With vibration, there were no increased impacts. For grade crossing delay times, according to CSXT's operating plans, in Bradford County there was a 3.6 minute increase over a two-hour peak period (two trains) and in Marion county about 1.8 minutes (1 train) and in Polk County, no increase because trains didn't go through there during peak times. It was a pretty detailed general analysis. FDOT expects that once the public hearings have concluded, environmental clearances will be received by the beginning of July, which will allow FDOT to start acquiring land at the Fort Florida Road and Longwood stations.
 - iii. Visitor Joanne Cornellis said she really wants commuter rail. It almost makes her cry because she hears the trains every night and there's currently no passenger rail service.
 - iv. Mr. Neiswender detailed the locations for both public hearings.

2. Myths and Facts – Ms. Olore

- a. Mr. Neiswender said that the TAC discussed last month what an interesting experience our legislative efforts had been and how effective some people had been spinning and delivering different takes on the facts. As a result, FDOT analyzed those pieces of information and grouped them together to present a story of the real facts. It's important we be thoroughly knowledgeable on each of the points, because media is picking up information that others have spun, even though it's incorrect.
- b. What's fact; what's fiction
- c. Ms. Olore highlighted a few areas. The first is the "Secret Deal" that has existed between FDOT and CSXT. Agreements were signed in 2005 to protect CSXT's proprietary company information. All information was publicly released except for litigation documents, in accordance with state public records law. An agreement in principle between FDOT and CSXT was announced on August 2, 2006, and the terms of that agreement were posted on the website and formed the basis for our contract negotiations, which were completed and publicly released in 2007. FDOT actually had more than 345 public meetings to discuss the terms of the CSXT agreement in principle and the final contract documents, including 15 meetings in Marion County and 35 meetings in Polk County.
- d. Liability insurance: Myths include that CSXT is not liable for anything they do in the corridor. And the facts are that CSXT is not immune to liability – CSX and DOT will share liability on a no-fault basis. It's the same liability insurance that's in place for the Tri-Rail system and is in place for 23 systems elsewhere in the country. Rep. Mica actually released a study about liability insurance provisions around the nation, and FDOT is seeking the same provisions for the Central Florida Commuter Rail project.
- e. Costs: FDOT put together a cheat sheet, which shows our capital costs for commuter rail and the CSXT agreements for Commuter Rail. Media has reported that the CSXT deal exceeds \$1.2 billion, which includes \$150 million for purchase of row and \$440 million to double-track (excluding estimates for signalmen, etc.) All of those are falsehoods. The payments to CSXT total \$432 million – which is unchanged since August of 2006. That includes \$198 million for S-line improvements; \$52 million for other freight rail capacity improvements; \$9 million for road improvements around CSXT's Integrated Logistics Center in Winter Haven; \$150 million for purchase of the tracks in Central Florida and \$23 million for relocation of freight from the Taft Yard. The Agreement in Principle also included \$59 million for grade crossings in Alachua, Sumter and Marion counties. Those five grade crossings will cost in excess of \$200 million – but CSXT doesn't receive a dime. FDOT will provide the grade crossings no matter what. The status of those grade crossings is that one is already under construction; one is built and two are being let in December. The

final one is in PE. These are for motorist enhancements – they have nothing to do with CSXT.

- f. Costs in terms of capital costs for the Central Florida Commuter Rail project are \$615 million, consistent with our interlocal agreements. This includes \$65 million for double-tracking portions of the corridor for passenger operations. Not \$441 million. It's \$65 million. That's part of the \$615, which also includes vehicles, signals and the Vehicle Storage and Maintenance Facility – all split 50 percent feds; 25 local; 25 state. Nothing has changed.
- g. Operations and maintenance cost for the Central Florida Commuter Rail project are provided to the Federal Transit Administration every six months. FDOT couldn't do this project without anticipating operations and maintenance costs, as some have erroneously suggested.
- h. Federal Funds: We've heard that no federal funding has been committed to the Central Florida Commuter Rail project. Again, that is a complete falsehood. About \$24 million has already been provided; and once we move into final design, we are eligible for additional funds. We are expected and are in the pipeline to get a full funding grant agreement next year.
- i. It also has been reported that FTA rates the project low due to the fact that FDOT is paying too much for the tracks. Again, an absolute and complete falsehood. The overall ranking of this project is a medium high. That is an above average rating for a project of this type.
- j. Media reports also have said that there is no ridership study associated with the Central Florida Commuter Rail project. Again, that is a falsehood. We've spent almost \$1 million in state money on ridership studies, and we have to update them every 6 months for the FTA. We did get ranked as a medium low on our cost-effectiveness number, which FTA ranks us for ridership. But every other commuter rail project in this country has been unable to achieve a medium ranking, as well. FTA understands that is a problem in Washington, and FTA is looking to change that policy. But what other projects have done and what we have done is seek an exemption. The cost-effectiveness exemption for the Central Florida Commuter Rail project was signed into law on June 6 by President Bush. Minneapolis, Dallas – there's a lot of other projects that haven't been able to achieve a medium ranking.
- k. TAC packets also included a letter sent to Sen. Dockery indicating where ridership numbers are available on the www.cfrail.com website and where they can be downloaded.
- l. Amtrak can run commuter rail. The facts are that Amtrak does not have any right to impose its will on any private railroad, including CSXT. They do have some rights to operate inter-city rail service, but no such rights exist for Amtrak to operate commuter rail trains. They could contract to operate it, but they have no statutory right to come in here and run Commuter Rail trains. The right to access is provided as long as Amtrak doesn't cause undue hardship; and Amtrak may be required to provide

additional capacity to satisfy that undue hardship threshold. Amtrak must negotiate and execute agreements with rail owners before it can operate any rail service. Amtrak can bid on FDOT's operations and maintenance contracts for the project, but FDOT cannot give a sole source contract to Amtrak to operate this system. Amtrak would have to do exactly what FDOT and Central Florida partners already have accomplished in terms of contract negotiations, etc.

- m. Rerouting of trains: Some reports suggest up to 54-56 additional trains would be rerouted through Lakeland. CSXT has said they will be routing 8-9 daily trains to the S-Line, but only four through Lakeland. CSXT can reroute their trains anywhere as they see fit. They are a private railroad with certain rights that FDOT does not control, including the company's long-term strategic deployment of freight.
- n. Mr. Neiswender said that the 56 trains was actually a theoretical maximum given the configuration of track that would ever be considered for the S-Line. Mr. Neiswender said he reviewed information over 30 years and discovered that the number of trains currently operating in Central Florida today is the same number we had 30 years ago. The facts are, that over 30 years during a period of tremendous growth in Central Florida, no new trains were added. There's a huge difference between the theoretical maximum and the practical maximum – and what is needed to support the level of business that is sustained by rail. Nobody supports the theoretical maximum. He asked that if anyone has any questions or hears any additional misinformation, to let Ms. Olore know.
- o. Ms. Olore also noted that Rep. Mica and Rep. Brown have distributed a liability insurance study that details what other rail projects in the country have in terms of liability insurance.

3. Monthly project update – Ms. Olore

- a. Procurement activities
 - i. The DBM contract has been put on hold because the Legislature did not approve liability insurance for the project. FDOT has reanalyzed the contract, and may have a notice to proceed in February, 2008. In the meantime, FDOT will be looking at those items that cause risk to the DBM contract. That includes finalizing boundary survey maps; making sure that all contamination is wrapped up; getting a better idea of grade crossing requirements for Phase I. FDOT hopes to start construction on June 30 next year.
 - ii. Mr. Neiswender explained that now that we have extra time, FDOT can tighten up details, augment information and give more certainty to the bidder because they have real facts rather than generalized assumptions. It will help control costs even more. He said it was an excellent use of time.
 - iii. Mr. McCollum asked whether the 60 days prior to a notice to proceed is when counties and cities are required to provide remaining funds. Ms. Olore said that was correct. Mr. McCollum

asked if there was some “wobble room” in that date, given that the legislative session may not be completed 60-days prior to June. Ms. Olore said that FDOT hopes the liability issue is one of the first items that lawmakers will take up in the session, so the payment dates for local governments are not affected.

- iv. COO – FDOT is negotiating with Pete Turrell from PB Americas to assume the COO duties for the Central Florida Commuter Rail project. Mr. Turrell has about 35 years of experience, and was an employee of Illinois Central and ran the railroad around Chicago. He also worked for Amtrak and was in charge of 114 trains coming in and out of New York City. He also spent a lot of time overseas implementing passenger rail service. So his experience is well-rounded for this type of project, which was important for FDOT so that when we take over this railroad, all of our people are trained appropriately and we can run the system more effectively. Once contract negotiations are complete, FDOT will invite Mr. Turrell to a TAC meeting.
 - v. Mr. Lovett said that FDOT feels very fortunate to have someone with freight rail and commuter rail experience.
 - vi. CEI: FDOT is reanalyzing the schedule for awarding the construction oversight contract.
 - vii. Long lead items: The schedule for procuring long-lead items are under review, as well.
 - viii. DMUs: FDOT is proceeding with a vehicle contract with Colorado Rail Car. We need to get them under contract to start the design of our new vehicle.
 - ix. O&M contractor: Should be on board about a year prior to the start of operations.
- b. CSX Transportation contracts
 - i. FDOT has formed a transition team to take over the corridor, which meets monthly. A subcommittee for the safety integration plan also was formed as there is a lot of training that has to happen for our workers and safety is the number one priority.
 - c. Amtrak contracts
 - i. FDOT is still working with Amtrak on an operating agreement and the procurement of services for vehicles at their auto train facility.
 - d. Federal Transit Administration
 - i. Status of Supplemental EA
 - 1. FDOT initiated final design activities on Nov. 30, and is now preparing a formal request to enter into Final Design, which is pegged to public hearings and environmental review. FDOT will be submitting a formal package to FTA and hope to get into final design by July. That process includes the submission of O&M costs, Capital Costs and ridership information – all the things we supposedly don’t

know. This month we will be submitting that formal package.

- e. Right-of-Way acquisition
 - i. FDOT is chipping away at right of way agreements and has closed two more deals. Only one parcel is left for acquisition in Lake Mary. In Sanford, FDOT is working on joint use agreement for a pond at the station site; In Altamonte, FDOT hopes to have an additional agreement any day. At Sand Lake, FDOT is actively negotiating. FDOT also has identified 9 additional parcels required for construction – 4 of which belong to state and local governments and 5 of which belong to individuals. They're low value parcels. Ms. Olore said that CSXT's top real estate person reviewed FDOT's boundary survey and was surprised to learn what they owned and what they didn't own. For example, a residence is located within the CSXT right of way.
 - f. Audience member Joanne Cornellis asked whether the project still contemplates a train stop in Lake Mary, as she lives in Lake Mary and didn't want to walk a long way to the train stop. Ms. Olore said that Lake Mary will have a station.
 - g. Station design and location
 - i. FDOT continues to coordinate station design. Ms. Gutierrez said that FDOT has been meeting with all local governments with stations in Phase I to refine platform costs. As FDOT moves through those hurdles, we will meet to refine parking lots. That's our next big focus.
 - ii. Mr. McCollum said that Seminole even discussed colors for canopies and trash cans and that FDOT's consultant is expected to provide renderings. Ms. Gutierrez said that FDOT is first finalizing cost estimates, and then will produce renderings.
 - h. Upcoming schedule of public presentations
 - i. Ms. Gurnee said that several upcoming presentations were being coordinated with groups outside the immediate Central Florida area, to provide other jurisdictions with accurate project details. She asked that TAC members let her know if any groups within their jurisdictions would benefit from briefings, as well.
- 4. Other Committee issues
 - a. None stated

COMMITTEE MEMBER COMMENTS

- 1. Committee member comments
 - a. Mr. Abels said that at the last TAC meeting there was discussion of an amendment or modification of proposed liability legislation that may

allow some acceptance and get people supportive. Mr. Neiswender said it was still unknown whether the issue will be reconsidered at a special session or during the next regularly scheduled legislative session. He said he believed the preference is to get it done as soon as we can get it done. The value of a special session would be a more constrained agenda, so our hope is that it would be a single purpose or very narrow list of items that really are not tied or capable of being tied to the liability issue. But he said that nothing has been scheduled thus far. Mr. Neiswender said that Metroplan Orlando is very involved in helping plan strategies; lobbyists are participating; and Mayor Dyer has contacted several other groups – including trial attorneys and labor unions – to see what remained of their issues. Some of the opposition was a result of alliances formed during the last legislative session that had nothing to do with this issue.

PUBLIC COMMENTS

1. Public comments
 - a. Joanne Cornellis said she would like to have Commuter Rail as soon as possible, and said that the region needs 24-hour service for buses, as well. She thanked Ms. Darnall.

NEXT MEETING

1. Review of meeting dates, times and location
 - a. Mr. Neiswender suggested that the July meeting be cancelled unless there's a pending special session.
 - b. Mr. Dinneen asked when the next Central Florida Commuter Rail Commission will be held. Ms. Olore said she believed that dates in August or September are under consideration. Mr. Dinneen said that attorneys need to get together before then. Mr. Neiswender explained that at the last Central Florida Commuter Rail Commission meeting, commissioners unanimously said that they would prefer to have designated voting alternates for each of the members in the event that representatives would not attend. He said that changes the interlocal agreements and would require an amendment. At the same time, Mr. Neiswender said, the TAC implemented approval for this committee to have voting alternates, so I think we'll clean up both of those items. As a result, we need to convene the attorneys, have them draft up a proposed agreement and have that ready to go at the next commission meeting in August or September.
 - c. Mr. McCollum moved that the July 2008 TAC meeting be cancelled and the next meeting be scheduled for the first Wednesday in August unless there is some special session activity that would require a meeting. Mr. Welzenbach seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Neiswender adjourned the meeting at 2:33 p.m.