

Central Florida Commuter Rail Commission  
Technical Advisory Committee

**Meeting Minutes**

Date: Wednesday, June 3, 2009

Time: 1:30 p.m.

Location: Lynx Central Station

455 North Garland Avenue

Orlando, Florida 32801

- Call to Order – TAC Vice Chairman Jim Harrison called the meeting to order at 1:34 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
  - Introductions
  - Members in attendance were:
    - George Lovett, FDOT
    - F.J. Flynn for Roger Neiswender, City of Orlando
    - Jim Harrison, Orange County
    - Allison Stettner for Jerry McCollum, Seminole County
    - Bill Wharton for Frank Martz, City of Altamonte Springs
    - John Omana, City of Lake Mary
    - Ryan Spinella, City of Longwood
    - Charlie Wallace, City of Maitland
    - Don Marcotte, City of Winter Park
    - Tiffany Homler, Osceola County
    - Jim Arsenault, City of Kissimmee
    - Lisa Darnall, Lynx
    - Tura Schnebly for James Dinneen, Volusia County
    - Ken Fischer, VoTran
    - Dale Arrington, City of DeLand
    - Anthony Gonzalez, City of DeBary
    - Karl Welzenbach, Volusia County MPO
    - Sherman Yehl, City of Sanford
    - David Grovdahl, Metroplan Orlando
  - Members not in attendance were:
    - Tawny Olore, Florida Department of Transportation
- Agenda Review – SunRail Assistant Project Manager Sandra Gutierrez, P.E. provided the agenda review.

**ACTION ITEMS**

1. Adoption of minutes from March 4, 2009 meeting

- a. The minutes were unanimously adopted on a motion by Allison Stettner; seconded by F.J. Flynn.

### **DISCUSSION ITEMS**

1. Legislative Update – Ms. Christine Kefauver, City of Orlando
  - a. Ms. Kefauver said that Mayor Dyer, chairman of the Central Florida Commuter Rail Commission, had asked her to provide TAC members with an update of the recently concluded session of the Florida Legislature. On May 1, the senate failed to pass the insurance and indemnification liability insurance that the Project needed to be able to move forward on SunRail and to close on the corridor with CSXT. She said the agreement with CSXT stands in place until June 30 of this month. Since the legislation failed, many people from throughout the region have contacted Mayor Dyer’s office and urged that the Project continue to move forward, as it is important to the urban form, comprehensive land-use plans rely on the SunRail project, and it provides mitigation to I-4 congestion. At the end of the session, President Obama also talked about high speed rail, including a proposal that is active here in Florida, that would benefit from SunRail as a feeder system. Ms. Kefauver said that each committee hearing was a bit challenging in Tallahassee; a lot of information was shared with lawmakers; and some people didn’t like the deal – though the only thing lawmakers were asked to approve was the liability legislation.
  - b. Ms. Kefauver said that Rep. John Mica, Rep. Corinne Brown, Senate President Jeff Atwater, Sen. Lee Constantine and Mayor Dyer – as well as all of the local jurisdictions (including the Volusia MPO, METROPLAN ORLANDO, Seminole County, Orange County, Osceola County, and the City of Orlando) have all passed letters of support or resolutions of support for this project to move forward.
  - c. Ms. Kefauver said that our window of opportunity with CSX allows them to terminate the contract past June 30, but that CSX is open to continuing conversations. The city is discussing options with CSX and hopefully we will have something by the end of the month much more solid to announce. The city also is working with FDOT to fully understand how and whether the recently passed state budget might affect SunRail and other projects throughout the state. She said that Rep. Mica has been quite generous with what he would like to do for this region.
  - d. Regardless, Ms. Kefauver said, we are looking at a six month set back, perhaps up to a year. There is a possibility of obtaining 4 percent loan for 35 years at the federal level for acquisition of the corridor, as well. We’re looking at fixing different pieces within the same puzzle. We’re all disappointed that we have to reshuffle the deck, but nonetheless there are many options and we’re very positive this project will move forward.
  - e. Mr. Harrison asked how TAC members could be of assistance.

- f. Ms. Kefauver said that many in the room have done great things, writing letters of support and keeping the dialogue open. She said that it's an extremely different fiscal picture than it was five years ago, and requested that local government partners hold tight with revenues dedicated to SunRail and have patience. She also asked that TAC members thank Sen. Atwater, Sen. Constantine and Rep. Dean Cannon. We should know something within the next four to six weeks as to what might be an alternative solution.
- g. Mr. Harrison asked whether all jurisdictions passed resolutions of support.
- h. Ms. Kefauver said that the Volusia MPO passed a resolution of support (which includes five of the six Volusia County Council members), but was unsure whether the Volusia County Council passed a resolution.
- i. Ms. Schnebly said that the county has not.
- j. Ms. Kefauver said that METROPLAN ORLANDO summarized votes in the Senate by region and party affiliation that was available for review if anyone was interested. She also said that she attended a Tri-Rail Board meeting about a week and a half ago, and they had received correspondence from Federal Transit Administration about potentially being in default with their Full Funding Grant Agreement. Tri-Rail was pretty certain they could fill a \$10 million funding gap. But she noted that the SunRail bill that just failed in the Legislature also allowed for a rental car surcharge that didn't have to go to referendum until 2014. At the end of the day, she noted, two of the no votes were from that very area, and I think they've heard quite a bit from some of their own constituents. There were statewide politics involved, and sometimes it was about our Project and some of it had nothing to do with our Project.
- k. Mr. Harrison thanked Ms. Kefauver for her hard work and leadership and asked her to pass on the TAC's thanks onto Mayor Dyer.

## 2. Monthly Project Update – Ms. Gutierrez

### a. Procurement Activities

#### i. DBM

- 1. Ms. Gutierrez said that a contract was awarded Feb. 27<sup>th</sup> to Archer Western and Railworks. Due to the legislative action, the contract has not been executed. That remains status quo.

#### ii. Vehicle Contracts

- 1. FDOT has decided to move forward with the coaches and cab car contracts, ranking Bombardier first. FDOT is proceeding with those negotiations. Three firms were short-listed for locomotives and FDOT is picking up those negotiations, as well.

#### iii. CEI Schedule

- 1. HNTB was selected as the first short-listed firm on May 11, but that contract has not moved forward as yet.

#### iv. Long lead items (including Ticket Vending Machines)

1. That contract was to include the purchase of the rail, ties and Ticket Vending Machines. A preliminary draft contract was developed but has not yet been advertised.
- v. Public Involvement
  1. That contract includes marketing, Operation Lifesaver, construction, and advertising, but the procurement has not yet been advertised.
- vi. Operations and Maintenance
  1. That contract will be developed about a year prior to the start of SunRail operations.
- vii. Mr. Grovdahl asked whether the DBM contract would have to be rebid if the project moves forward.
- viii. Mr. Lovett said that FDOT anticipates that the contractor would be willing to extend the contract or assign it to another party if necessary. But it's a little premature. There is no escalation clause in the contract that anticipated this potential delay.
- b. CSX Transportation
  - i. FDOT is continuing to have monthly meetings with CSXT on the transition side.
- c. Amtrak
  - i. FDOT has a draft operating agreement with Amtrak that is under review, as well as a scope for a contractual services agreement that is also under review.
- d. Federal Transit Administration
  - i. FDOT is continuing to talk to the FTA on a biweekly basis. On April 23, FDOT submitted attachments to the FFGA application, as required in the FTA checklist.
  - ii. Ms. Gutierrez also said that FDOT is working with the FTA on a vibration analysis for the locomotives, which may require a Supplemental Environmental Assessment. FDOT also may include additional property required for Phase II in the Supplemental EA.
- e. Federal Railroad Administration
  - i. FDOT submitted all of the Project documentation for FRA review.
- f. Right-of-Way Acquisition
  - i. To date, about \$18 million has been spent on right of way acquisition. 18 remaining parcels are required for the Initial Operating Segment.
- g. Station design and location
  - i. FDOT continues to move forward, finishing up station design plans. FDOT did submit 100 percent design plans for review, and we are moving forward with obtaining the St. Johns River Water Management District permits for the stations. Of the six outstanding permits required, five are in hand and one is pending. FDOT is also drafting joint use agreements that are currently under FDOT review.

3. Other Committee issues
  - a. There were no additional issues raised by the committee.

### **COMMITTEE MEMBER COMMENTS**

1. Committee comments
  - a. There were no additional committee member comments.

### **PUBLIC COMMENTS**

1. Public comments

Joanne Cornellis of Lake Mary said that she would like for SunRail to start back up again. “Don’t let the legislators stop us from doing it,” she said. “Go SunRail!”

Mike Leech said he has lived in Orange County for 20 years and works for Orange County government. He said he built a home in Longwood in 1963, so in order to get back and forth, I always thought it would be nice to get back and forth to work with the convenience of rail. I’ve long been a proponent of it. Right now I’m having financial problems and my car isn’t working, so I’m relying on the bus. It took me a little over an hour to get down here. I was a little surprised by the Legislature, especially in light of the administration in Washington. It just seemed to be a tremendous rationale to move forward with rail. Back in 1999, I believe, they voted against light rail. Again, it just seems to me it would have been a happy ending. Hopefully, people now have a more balanced approach to consider all the people in this community and this area. Rail is really essential to our future, in light of the environment and the cost of gas.

Mr. Harrison noted that one of the most amazing things we’ve seen come out of this project is the amazing support for the alignment of SunRail.

Sharon Carter of Orange County thanked everyone who worked so hard, and are continuing to work so hard, to keep this Project moving forward. I, too, believe in this Project. I can’t imagine how difficult it must be for you given all you’ve done to be in this position. I’m a believer in positive energy, and I’ve seen how that energy makes a difference.

Mr. Harrison said that everyone’s efforts toward making SunRail succeed are tremendously helpful.

### **NEXT MEETING**

1. Review of next meeting date
  - a. Don Marcotte asked Ms. Kefauver about funding options, given that the state’s agreement with CSX expires June 30. He asked whether the state will be pursuing a grant.

- b. Ms. Kefauver said that the agreement with CSXT allows CSXT to terminate after June 30. The agreement doesn't automatically expire, but CSXT does have the option to opt out.
- c. Mr. Marcotte asked if CSX does quit, what are the options? Is partnering with Amtrak an option?
- d. Mr. Harrison said that there are many different avenues that are being pursued. There's a lot of information being digested right now, and perhaps about a half dozen options that are being thought about.
- e. Ms. Kefauver said that Rep. Mica has staff people looking at how other urban areas satisfied some of these challenges. And Amtrak does operate commuter rail systems elsewhere in the country, in Virginia and Maryland for example. So you look at everything associated with that path, including whether the state's transportation trust fund can be back-filled in Washington. In short, we face a two-part challenge: Where are we financially, and what other partners can we bring to the table or utilize with our existing partners. If it could work out, Amtrak may be willing to have a conversation. But CSX is still wanting to be indemnified. In addition, CSX has conveyed to the Jacksonville area and to the Tampa Bay area that they are not going to discuss passenger rail service on corridors in those areas until statewide passenger rail liability is available. Whatever people think of what happened with SunRail and the negotiations associated with purchasing the right-of-way, CSX was raked over the coals for purchase of their corridor, and they're not sure they want to face that with any other region, any time soon. I think there are so many options out there, as things get a little more solid as to what can and cannot happen, if we get to something solid that can stick, we'll be out here as soon as possible asking for a TAC meeting to talk about it.

The next meeting was set for July 1, 2009 at 1:30 p.m. at the Florida Department of Transportation's Orlando Urban office, 133 S. Semoran Blvd., Orlando.

### **ADJOURNMENT**

The meeting was adjourned at 2:05 p.m. on a motion by Ms. Stettner, seconded by Mr. Flynn.