

Central Florida Commuter Rail Commission
Technical Advisory Committee

MEETING MINUTES

Date: Wednesday, May 14, 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 1:41 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
 - Introductions
 - 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
 - Don Marcotte, City of Winter Park
 - Jim Arsenault, City of Kissimmee
 - John Omana, City of Lake Mary
 - Dave Grovdahl, Metroplan Orlando
 - Karl Welzenbach, Volusia County MPO
 - Lois Bollenback, VoTran
 - William Wharton, for Frank Martz, Altamonte Springs
 - Mary Ann Courson, city of DeBary
 - Mike Abels, city of DeLand
 - Jennifer Stults, for Lisa Darnall, Lynx
 - Members not in attendance were:
 - Kristi Aday, deputy Sanford city manager, for Sherman Yehl
 - Ryan Spinella, City of Longwood
 - Bob Zaitooni, Osceola County
- Agenda Review – FDOT/CFCRT Project Manager Tawny Olore, P.E. presented the agenda review.

ACTION ITEMS

1. Adoption of meeting minutes from April 2, 2008 meeting
Mr. Harrison moved adoption of the meeting minutes; Mr. McCollum seconded the motion; unanimous adoption.

DISCUSSION ITEMS

1. Update of legislative session issues – George Lovett, Tawny Olore
 - a. Mr. Lovett said that the Commuter Rail project required some authorizing language that was approved in the Florida House, but ran into a problem getting necessary votes in the Florida Senate by the end of session. He said that FDOT has been working with TAC members, the Federal Transit Administration and others and is proceeding ahead with the project on our regular schedule. There likely will be a delay in opening the project, but right-of-way acquisition, due diligence, contamination and survey remain on the same schedule. FDOT has talked some with lobbyists that were plugged into the session and everybody is very optimistic about our ability to address the issues that were raised. The liability issue was the language that we had talked about relating to extending agent of the state and sovereign immunity status of the state to contractors and subcontractors who will be helping us operate and maintain the Central Florida Commuter Rail project. Mr. Lovett said the state does have some flexibility. But we need to circle the wagons and develop some strategies as how to respond the next legislative session. We also should be prepared in the event we have a special session this year. There is a fair chance that we'll have a special session to deal with budget issues, and there will be an opportunity, if we're ready, to have the legislation heard. In the interim, FDOT is talking about how to make the best use of the additional delay and will put that time to good use. He said the good news is that state money for the project was not altered, and remains in FDOT's work program. So we feel that was a success. He said that some folks felt that money could be redistributed to other areas, and I think we communicated to folks that wasn't the case. We will be focusing on talking to folks about how they benefit from the success of Central Florida project, the opportunities for expansion and so forth. We're going to get out and make sure that we don't just communicate that to our local legislators, we're going to make sure that the folks in Tampa, Jacksonville and Southeast Florida understand how important this project is to statewide transportation issues. We'll be trying to do that in a very inclusive way. The real message is full speed ahead on the project, and we are prepared to move forward.
 - b. Mr. Neiswender said there was a lot of intrigue and a lot of disappointment during the legislative session, but we are resolved that this has to happen for a lot of reasons, in addition to the maintenance of traffic incorporated into the early I-4 plans. It spills over to the entire strategy and concept of I-4. He said that no one is letting go, no one is backing away we just have to step back and clean up some issues that obviously were of

concern. Some issues were communicated properly and others not communicated properly from our perspective. And we feel we have to do a better job of that. Mr. Neiswender thanked everyone who was involved in traveling to Tallahassee during the session to discuss Central Florida's investment in the project. He said lawmakers were quite impressed by our ability to bring community leaders to bear on the problem, and that made a very positive impression on the Legislature. We'll have to do that again, a little earlier and a little more orchestrated. We all learned a lot about the process, and we'll do a better job next time.

2. Update on Congressional "glitch" bill – Ms. Olore
 - a. Ms. Olore said that CSXT agreements are valid until June 30, 2009, so we can go through two legislative sessions knowing that first time around it may or may not happen in an election year. We are moving onward with CSXT with regard to transition negotiations.
 - b. Ms. Olore also said that TAC members were provided in packets a breakdown of what has been spent on the project, broken down between state and local funds. She said that FDOT has received money for design and Right-of-Way acquisition from the local government funding partners and no additional money is needed until prior to construction. The funding requirements will be the same as currently described in interlocal agreements, with the next payment due 60 days prior to the start of construction.
 - c. Mr. Welzenbach asked about the original schedule for construction. Ms. Olore said the project anticipates about a six month delay in construction, which was scheduled to start at the end of this year.
 - d. Ms. Olore said that project managers received good news Friday. FTA has a procedure where projects must meet a medium rating for cost-effectiveness to be recommended for funding. She said that FDOT has been in talks with FTA for a number of months, because there's not a project in this country that can meet that requirement. As a result, a number of projects get exempted from FTA's policy. Once you get exempted, you can get your Full Funding Grant Agreement. The Central Florida Commuter Rail project was exempted from that policy as of last Friday.
3. Central Florida Commuter Rail Commission – Mr. Neiswender
 - a. Briefing on May 9, 2008 meeting
 - i. Mr. Neiswender said that the TAC meeting was postponed to get public policy guidance from the Commission with regard to the Central Florida Commuter Rail project. At the commission meeting, the major thrust of discussion was to determine the commitment of each of the agencies to proceed forward. And every agency was represented and every agency reaffirmed their commitment to the project. We have received a commitment to go forward. Everyone is moving forward. Obviously we have to do

revisions to schedules, and we still have to get the indemnification insurance resolved. We're entertaining creative ideas from anybody who has an idea to get around that. But so far, it appears legislative action will be required.

- ii. The Commission also discussed the appointment of Board alternates as Commissioner Henley was not able to attend the last Commission meeting. Current policies only allow for the appointed member to cast a vote at meetings. So that raised the question as to whether or not voting alternates was a good idea. The commission decided it was a good idea, and the point was raised by Volusia County that it would appear to require an amendment to the local agreements. We'll probably ask for our attorneys to draft a proposed amendment for commission authorization at the next quarterly meeting.
- iii. Mr. McCollum noted that U.S. Rep. John Mica attended the commission meeting via teleconference and expressed strong federal support for the project.
- iv. Mr. Neiswender added that Joyce Rose of the House Transportation and Infrastructure Committee joined Mr. Mica on the teleconference, and reported that FTA Administrator James Simpson was very impressed by the presentation prepared by locals at the Winter Park Welcome Center. He said he was told that the Administrator's visit was the first time ever that he participated in any public discussion or preview of a project that has not already obtained a Full Funding Grant Agreement. And so I think that bodes well for us. Mr. Neiswender said that Mr. Simpson spoke very favorably of the project, and was impressed by how so much information was imparted so quickly. We had the overview of the system, the objectives, and a station board for each one of the stations, and so the Administrator and regional administrator were able to sweep around the room and get a thumbnail presentation about what was going on and how important it was to the community. He was impressed by the process and the information and left with a very good view of what we're trying to do and will work with us to accomplish that goal.

4. Monthly project update – Ms. Olore

a. Procurement activities

- i. Ms. Olore said that the \$158 million DBM contract for all the construction within the CSXT right of way, for double tracking, signalization, etc., is being looked at in terms of the impact to the dates. Originally, FDOT hoped to have the winning bidder under contract by the end of July to start design activities and start construction by the end of this year. Due to the legislative session, we are looking at that and we could have a six month delay. In the interim, FDOT may look at some provisions within that contract,

get some more clarification and reduce risk to get an even better cost on that project. DOT is evaluating right now and should have some more information that will be posted on the website regarding when we expect to have them under contract.

- ii. Mr. Welzenbach asked whether the DBM contract should be awarded before the legislative session next year. Mr. Lovett said the NTPs will be staggered to authorize only design and not construction, pending resolution. He said that contributions already made to the project include funds for design. Mr. McCollum said all of the right-of-way needed for the project should be in hand by then, as well. Mr. Lovett said that the schedule has been driving all these procurements, and we had a very aggressive product delivery schedule here. So essentially in the DBM we went to procurement when we were still doing some of our due diligence activities. Because of the delay, FDOT will now work very aggressively to get as many uncertainties resolved as possible. FDOT has been working with CSXT and environmental staff on how to deal with contamination; FDOT is looking at a diagnostic review for grade-crossings so that when we proceed toward procurement, much of the previous risk to the DBM contractor will be answered. That includes permitting, contamination and right-of-way acquisition. He said that FDOT will not proceed with all of the design, but will identify areas that if we proceed forward will reduce risk to the contractor and get us a better price. Think we'll have a cleaner and more cost-effective procurement. We think by the end of the summer we'll be past the goal line.
 - iii. Mr. Dinneen asked how that schedule dovetails with the actual purchase of the rail bed. Mr. Lovett said that FDOT has a closing date with CSX that is set on certain contingencies. It assumes we'll have a Full Funding Grant Agreement, local commitments and have completed the due diligence and appraisals. That was always a floating date. Our agreement gives us the flexibility to acquire the corridor after the next legislative session. When we become the owner of the corridor, we take over for dispatch, and that's always been recognized as something that could move out without being a problem for us to complete the transaction.
 - iv. Mr. Dinneen asked whether that would allow FDOT to trigger the purchase after the next legislative session. Mr. Lovett said yes.
 - v. Mr. McCollum said that the method of payment to CSXT may change, as well.
- b. COO procurement
- i. Ms. Olore said that FDOT is moving forward with hiring a COO. Representatives from Parsons Brinkerhoff, Wilbur Smith and Systra are the three short-listed firms/individuals for that work. FDOT conducted a question and answer session last week, and looks to have someone on board by the end of July. Ms. Olore said

it is important to keep moving forward because there's a number of issues that the FDOT must resolve to take over the rail corridor, such as implementation plans for safety, maintenance of way, training, padlocks must be changed out, signs changed out. It's a huge task, and it hasn't been done by a state agency in this state before. This will allow us to get this expert on board by the end of July to help with that implementation and transition plan.

- c. CEI procurement
 - i. The CEI contract is dependent on bringing the DBM contractor on board. That schedule is under evaluation based on the revised DBM schedule.
- d. Long-lead items procurement
 - i. Ms. Olore said the same thing was true for long-lead items.
- e. DMU contract
 - i. Ms. Olore said the contract for vehicles will move forward. We actually have to design a new ADA compliant rail car with 18-inch floor heights, so we feel that this extra time will allow us to get the design and prototype in place, as well as meet FRA requirements. FDOT did receive a solicitation for this work from Colorado Rail Car and hopes to have them in place by September.
- f. Operations and maintenance contract
 - i. Due to the Legislature's action, the opening date for the project is now expected around mid-2011. The O&M contractor will be in place about a year prior to operations.
- g. Questions:
 - i. Mr. Dinneen asked whether capital purchases are contingent upon a successful legislative session next year. If that is the case, aside from money already put up, does FDOT anticipate any additional up front or engineering design costs from local government funding partners? Ms. Olore said no. The interlocal agreement set forth when FDOT required payment, and the next payment is due just prior to the start of construction. Once as firm up those dates, we'll send bills around, but it will be after the legislative session.
 - ii. Mr. Welzenbach asked whether the interlocal agreements need to be extended. Ms. Olore said that some dates may need to be reviewed by lawyers, because when we did the original agreements, the final agreements with CSX weren't in hand. So there are some dates that need to be matched up.
 - iii. Mr. Welzenbach asked what U.S. Rep. John Mica was talking about when he spoke about agreements that expire in 2009. Ms. Olore said that the CSXT agreements are valid until June 2009.
 - iv. Mr. Dinneen suggested that when attorneys draft changes on alternates for the Central Florida Commuter Rail Commission that the date language also be modified. I don't think they're difficult to do, he said, and suggested they be wrapped up all at one time.
- h. CSX Transportation contracts

- i. FDOT is meeting monthly with CSXT and has a transition team in place, including discussions about potential contamination issues on the corridor. The biggest thing that we're dealing with out there is arsenic, from weed-killing 40 years ago. So we're actually meeting with CSX to talk about our plan to move forward and will meet with DEP regarding that. We have not found any other significant contamination, but we want to put a bow on it, and work on the safety integration issues.
- i. Amtrak contracts
 - i. In Phase I, we coexist with Amtrak at the Winter Park and Orlando stations. Amtrak's platforms are 8-inch, and our platforms are 15-inches. FRA wants Amtrak to raise their platforms to 15 inches. But their platforms are about 1,000 feet long, and FDOT's are about 300 feet long. FDOT's plans for the two co-location sites were recently approved by the FRA. Ms. Olore noted that Utah spent 9 months figuring that out. FDOT's letter of compliance from the FRA was received last month. FDOT also has an MOU with Amtrak that has been signed by Amtrak and is currently under internal review by FDOT.
- j. Federal Transit Administration
 - i. Status of Supplemental EA
 - ii. Ms. Olore said that FDOT has completed the general analysis on the S-Line, noise and vibration and grade-crossing delays, and the Supplemental EA has been approved. That assessment has held up approval for changes at the DeBary, Longwood and Maitland stations. FTA has now signed that document, and we'll be uploading those documents to our website tomorrow. Public hearings on the documents will be held June 12 at Homewood suites in Maitland and at City Hall in Sanford. We also will be giving a general analysis update June 4 in Ocala. Generally, there were no vibration impacts, and the noise analysis showed there would be an increase of .8 decibels to 1.4 decibels over a 24-hour period. FDOT also did the grade crossing delay impact analysis and looked at CSX's operations, and there's an impact of about 3.6 minutes in Bradford County; 1.4 minutes in Marion and no impact in Polk County because those trains don't reach those areas during peak travel times. We hope to have environmental clearance for the Longwood and DeBary stations by the end of July so that we can start acquiring right-of-way.
- k. Right-of-Way acquisition
 - i. FDOT has added several small parcels to the right-of-way acquisition list. These are hiatus parcels or parcels we need for construction. There are several other parcels that we need to acquire because of title issues from municipalities, or get quit claim deeds. Most have to do with streets crossing the railroad corridor. FDOT filed suits for two Lake Mary parcels, and has

started demolition on one Lake Mary parcel. All offers are out in Altamonte Springs. Sand Lake Road will likely culminate in a lawsuit. FDOT will void one parcel and perhaps add another in Sanford because of relocation of a retention pond.

- ii. In response to a question by Mr. Marcotte, FDOT's Debbie Mott said there were many public right-of-ways that CSX does not own clear title to, so we need to address those title issues on the mainline corridor. The extent of those issues and how to resolve them won't be clear until the end of the summer.
- iii. Mr. Lovett said FDOT has anticipated most of these problems. We may have some cities where the railroad existed prior to the roads, and we're strategizing on what nature of interest FDOT needs to clear title. We're trying to figure out what the facts are and then fashion a solution that really fits the issues. So don't get too excited yet. As we go through due diligence, there's just a lot of issues coming up.
- iv. Mr. McCollum suggested that fee title ownership of the parcels would be best because ultimately, the corridor will be turned over to the commission. Mr. Lovett said there are pros and cons to fee ownership that will be discussed with everyone at the table. Mr. McCollum said the transactions could get complicated with utility easements. Ms. Mott said FDOT would like to achieve some consistency as to the way these issues are resolved.
- v. Mr. McCollum asked FDOT's Debbie Lynch about right-of-way acquisition procedures, as one property owner in Altamonte Springs had inquired about the status of acquisitions. Ms. Lynch said that agents are very aggressive about contacting property owners and are required to submit contact sheets which are checked every two weeks. Mr. Lovett said that agents are expected to be out there routinely talking to the landowners. If you're hearing issues or complaints or questions, please call Debbie Lynch and we'll give you a parcel specific status. We're happy to answer those questions.

1. Station design and location

- i. FDOT Assistant CRT Project Manager Sandra Gutierrez said that FDOT is meeting with all jurisdictions to finalize platform options. She said the June 1 deadline for platform options is fast approaching and asked TAC members to please communicate station amenity preferences. FDOT will be continuing contact with local station designees.
- ii. Mr. Marcotte asked whether revised, final updated costs for individual stations are needed. Ms. Gutierrez said yes, that FDOT was looking to finalize cost estimates on individual stations. Winter Park, for instance, has a different design for its canopy, but FDOT needs cost estimates.

- m. Mr. McCollum said that Seminole County had a good meeting with FDOT a week or so ago and established the base of what the county will pay for at individual station stops, defining canopy choices, platform finishes such as pavers or concrete and even deciding the color and type of trash cans and seating finishes. He said that decisions about the canopy were particularly important because of footing designs required for platform construction. Ms. Gutierrez said that was correct.
- n. Mr. Neiswender asked whether anything else was required of local governments, and how these decisions should be confirmed with FDOT. Ms. Gutierrez said that FDOT is refining all the costs for prototypical station designs and will set up another meeting with the city of Orlando prior to June 1. Mr. Neiswender said the city just wants to make sure that we know exactly what and how we're supposed to be communicating with FDOT. I don't think we've been compiling a list of everything under discussion. Mr. Neiswender also asked how many TAC communities have submitted, directly or indirectly, additional funding requests for stations to Rep. Mica. He said it was important to know whether any additional enhancement money for stations would be available before local governments decide on ultimate designs. Nobody said they had heard anything back from Washington. Mr. Neiswender said he would contact Mr. Mica's office on behalf of the group and find out if there's any further information about the status of our requests, so that we can report that out. As soon as I get it, I'll let everyone know.
- o. Mr. Harrison said asked whether the additional money could be affected by the six-month delay. FDOT's grant specialist Diane Poitras said that once the earmarks are received, they are good for three years. Mr. Harrison asked what would happen if the earmarks are awarded after the June 1 deadline and communities then want to enhance their station stops. Ms. Gutierrez said adjustments would be accommodated.
- p. Mr. Omana said that Lake Mary did contact Rep. Mica's office and was told it was highly unlikely that we will get any additional money for our station. The Lake Mary Commission wants an enclosed facility at its station stop, but Rep. Mica's office said it was highly unlikely that we will get that. Mr. Omana asked whether the deadline for ultimate station designs could be extended to the end of the year. Ms. Olore said that FDOT will continue refining costs for basic station designs. If additional money is available sometime in the future, FDOT can construct platforms for a functioning station. It would be up to communities to add to the basic design at a later date. Mr. Omana said that what FDOT needs is a baseline for platform construction. He said he will advise his commissioner that if a private-partnership does not work out, the city may not have a choice but to pursue some form of a baseline canopy and station design.
- q. Mr. Lovett said there could be some additions that come through later on, and to the extent that FDOT can get them into the design-build contract gracefully they could be incorporated. But he said that FDOT really wants to go ahead and get an understanding of what we're going to build at each

of the station sites so that we can have properly refined cost estimates moving forward.

- r. Mr. Arsenault said that since there is a lot of different potential for designs, is there a possibility of notifying the contractor that changes may be possible? Ms. Olore said that FDOT would like to finish the design for each station and bid that package out to the Design Bid Build contractor, so that's why we need the finished designs from the municipalities. As designs develop there are some things we can add to the stations, but to keep that procurement on schedule, we need to have those decisions made as soon as possible. Ms. Olore said that if some stations are ready to go, FDOT can build those first as part of the contract. But she warned TAC members that if someone comes in later and says they want 8-feet between canopy posts, those design elements cannot be changed. FDOT cannot have a whole redesign of the system. She also said that certain things may be very expensive to change.
 - s. Mr. McCollum said that the design of footers to accept certain column types, as well as finishes, were key decisions that must be made now. Ms. Olore said that FDOT wants to compile by June 1 individual station designs and determine how much it is going to cost, assess those costs against the base station design costs and determine what extra amenities may be subject to local funding.
 - t. Mr. Neiswender said that local officials all knew when we started off we had basic platforms, the same fixtures and set up. We call that a base and we have price. We incorporated that into our estimates and told them what we were in for. Since then, we've had a lot of tweaking to fit local conditions. And some of us made decisions we might need more canopy here, or change the look, and we'll pay the upgraded price. To the degree we can keep the base prices comparable, then we can determine how much of the rest of the stuff we think we can bite off.
5. Upcoming schedule of public presentations
- a. FDOT CRT Public Liaison Marianne Gurnee presented information on upcoming presentations.
6. Other Committee issues
- a. Mr. Neiswender asked for information about the upcoming Supplemental Environmental Assessment hearings. Ms. Olore said the Public Hearings will focus on the reconfiguration of Longwood parking lots, the addition of a Maitland station; relocating the DeBary station from Saxon Blvd. to Ft. Florida Road; and the S-Line assessments required by the FTA. She asked that representatives from each of the station locations be in attendance, as well as county representatives and anyone else who wants to come and help.
 - b. Mr. Marcotte asked about the station platform agreements with Amtrak, which took Utah nine months to negotiate. Ms. Olore said that the plans stay the same as presented on Winter Park's site plan, transitioning from 8

inches for Amtrak to 15 inches for the Commuter Rail platform. It didn't change. Mr. Marcotte said that was good.

COMMITTEE MEMBER COMMENTS

1. Committee member comments

PUBLIC COMMENTS

1. Public comments

NEXT MEETING

1. Review of meeting dates, times and location
 - a. Ms. Olore asked whether the next TAC meeting could be scheduled for June 11 at 1:30 p.m. at the FDOT Urban Office because FDOT has scheduled a workshop on the S-Line Assessment in Ocala on June 4. Hearing no objections, the next TAC meeting was scheduled for June 11 at 1:30 p.m. at the FDOT Orlando Urban Office.

ADJOURNMENT

Mr. Neiswender adjourned the meeting at 2:40 p.m.