

Central Florida Commuter Rail Commission
Governing Board

MEETING MINUTES

DATE: Friday, February 26, 2010

TIME: 1:30 p.m.

LOCATION: Metroplan Orlando
Board Room
One Landmark Center
315 East Robinson Street, Suite 355
Orlando, Florida 32801

- Call to Order – Chairman Dyer called the meeting to order at 1:37 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
 - All members were in attendance
 - Chairman Buddy Dyer – Mayor, City of Orlando
 - Vice Chairman Richard Crotty – Mayor, Orange County
 - Secretary Carlton Henley – Commissioner, Seminole County
 - Commissioner Frank Bruno – Chairman, Volusia County Council
 - Commissioner Brandon Arrington – Commissioner, Osceola County
- Chairman’s Report – Chairman Dyer
 - Chairman Dyer said that it had been an exciting two months since the Commission last met. President Obama in the State of the Union address moved forward with High Speed Rail and traveled to Tampa on January 28 to announce that the Tampa to Orlando route will be one of the very first high speed rail routes in the country to receive federal stimulus dollars. Chairman Dyer said that he attended a U.S. Conference of Mayors meeting the week before the announcement, and U.S. Transportation Secretary Raymond LaHood had specifically called out Florida as one of the states that had been proactive in showing interest in High Speed Rail and had been proactive in passing legislation in December to advance rail projects. Chairman Dyer said that Secretary LaHood pulled him aside privately and said that the legislative action had really enhanced the state’s chances to land a High Speed Rail grant. So the work that the Commission did with the Legislature certainly helped the state get High Speed Rail funding, Chairman Dyer observed. Chairman Bruno joined Chairman Dyer in Tampa, as did many others. That included several candidates for Orange County Mayor, including MPO Chairman Bill Segal, who was called upon by the President to ask a question. Chairman Dyer said that

Florida was among the top three projects funded with the High Speed Rail stimulus dollars. No one got all of what they were requesting, but Florida received 50 percent of its funding request, and it appears as though Florida will be one of the very first projects actually under construction. Chairman Dyer said that the Federal Railroad Administration also suggested that the \$1.25 billion is in fact a down payment for High Speed Rail, and they will make sure that the state gets full funding for the project.

- Chairman Dyer said that Mayor Crotty recently wrote a letter to FDOT Secretary Stephanie Kopelousos highlighting the importance of connecting SunRail to High Speed Rail. He said there were at least three or four different options under consideration and asked Secretary Downs to address that issue during her comments. Chairman Dyer asked Mayor Crotty to take the lead on pursuing connectivity options. Mayor Crotty agreed.
- Chairman Dyer said that the Florida Rail Enterprise has come into existence based on the legislation passed in December, and that Kevin Thibault, the deputy secretary of DOT, was named interim Executive Director. Nazih Haddad was named the COO. As such, Chairman Dyer said, we know that we have some good capable folks in charge of the High Speed Rail efforts. Chairman Dyer said that to his knowledge, appointments to the Governing Board for the new Rail enterprise – three by the governor, three by the House Speaker, and three by the Senate President – have not been made.
- Chairman Dyer said that Commission members received language this week from FDOT to amend the Interlocal Funding and Interlocal Operating agreements. Those agreements must first be approved by each local funding partner, and then be adopted at the next Commission meeting, Chairman Dyer said.
- Agenda Review – FDOT District 5 Secretary Noranne Downs provided the agenda review.
- Chairman Dyer introduced the Mayor of DeBary, Mayor Bob Garcia, who was in attendance at the meeting. He said that Mayor Garcia has been working very hard to marshal the forces in DeBary.
 - Mayor Garcia said that the city is supporting the commuter rail station in the City of DeBary, and thanked the Commission and partners who have worked hard on SunRail. He said he was proud to be a part of the project and predicted it would have a big impact not only in DeBary, but throughout Central Florida. He said the project was badly needed, and would help create jobs. He thanked the Commission for including DeBary in the first phase of operations. He also offered to help out in any way possible.
 - Chairman Bruno said he understood that DeBary elected officials voted on SunRail and asked Mayor Garcia about the outcome.
 - Mayor Garcia said that was correct, and that the vote was unanimous in support of SunRail. He also said the City Council has started work on the city's comprehensive plan to ensure that Commuter Rail is included. In

addition, he said the city is working on identifying economic development opportunities for areas surrounding the DeBary station stop.

ACTION ITEMS

1. Adoption of December 18, 2009 meeting minutes
 - o The minutes were unanimously adopted.

DISCUSSION ITEMS

1. High Speed Rail
 - a. Secretary Downs provided a project overview. Secretary Downs said the project required Federal Railroad Administration approval, versus approvals required for SunRail by the Federal Transit Administration. Phase I of High Speed Rail will operate between Tampa and Orlando. She said that High Speed Rail has been studied extensively by the state for many years, and that planning and engineering studies coordinated by the former High Speed Rail Authority were a tremendous help in advancing the environmental process required to qualify for federal stimulus dollars. She said that Florida was an attractive candidate for High Speed Rail money because the project is very close to construction, and Florida has relatively flat terrain, limited room for highways and a commitment to develop intermodal systems. Florida also attracts millions of visitors every year who are used to taking trains, and has an aging population facing mobility challenges. High Speed Rail also generates new opportunities for smart growth to help future generations, and is an environmentally friendly transportation alternative.
 - b. Secretary Downs said that the state's application for High Speed Rail stimulus money included not only the Tampa to Orlando route, but Orlando to Miami, as well. The chosen route was the Tampa to Orlando route, which is just about ready for construction. The Orlando to Miami route still needs to go through a Project Development and Environment (PD&E) study, and two possible routes are being considered. Florida was notified by the FRA on Jan. 28 that the route between Orlando and Tampa would receive \$1.25 billion in stimulus funds, which we were very fortunate to obtain. That project will likely be the first high speed rail express system built in the United States, at speeds of up to 150 mph. Because the Department had the vision to preserve a corridor for High Speed Rail within the I-4 right-of-way, construction should be able to begin in a very short time, resulting in the creation of badly needed jobs. She thanked the Legislature for passing legislation that allowed High Speed Rail to advance, and the Commission for working tirelessly on behalf of the legislation. In addition, she said, there was tremendous grass roots support for High Speed Rail, which was very important and immensely helpful. She thanked the Central Florida Partnership, the

Tampa Bay Partnership, elected officials in cities in counties along the High Speed Rail alignment, individuals and Connect Us for their support. Phase I of the project will run from a multi-modal station in downtown Tampa to Lakeland, at a station site that has yet to be identified. The next stop will be near Walt Disney World, which has donated \$25 million for a station site and supports the project. High Speed Rail also will stop at the Orange County Convention Center, one of the top three convention centers in the nation, before terminating at an intermodal hub at Orlando International Airport.

- c. Secretary Downs said that OIA was visionary in securing right-of-way for rail beneath taxiways and remains very supportive of the project. FDOT also reserved right-of-way within I-4 – which accounts for 92 percent of the right-of-way needed for Phase I of High Speed Rail, or a \$560 million in-kind contribution. Those investments were included in the application to the FRA, which the FRA found very attractive. In 2002, the state also performed an investment grade ridership study to support the service. That study anticipated that High Speed Rail could carry 2 million passengers, excluding captive ridership from Disney. Hourly service is contemplated, with additional frequencies available. Total trip time between Orlando and downtown Tampa is expected to be about 64 minutes, compared to more than 1.5 hours by auto during peak hours.
- d. Chairman Dyer asked whether the 64-minute travel time includes stops. Secretary Downs said she assumed that was the case.
- e. Secretary Downs said that in order for High Speed Rail to succeed, it also must connect with other modes of transportation. For example, the Tampa Bay Regional Transit Authority is in the process of doing a multi-modal study that includes light rail and bus connections throughout the region. FDOT is also examining bus and rail connectivity options between SunRail and High Speed Rail. Metroplan Orlando's vision is for east-west light rail corridors.
- f. Secretary Downs also noted that Kevin Thibault, FDOT's assistant secretary of operations, is the interim executive director of the new Florida Rail Enterprise and Nazih Haddad was appointed the chief operating officer to oversee High Speed Rail. In addition, a consultant team is on board, as well as legal and financial advisors. A Program Manager is yet to be appointed. Discussions are also being held with FRA to develop implementation plans and the specifics of next steps. The design-build award should be completed by early 2011 (which includes all the civil components). FDOT is also looking to enter into a public-private partnership for track systems, electrification, maintenance facilities, station finishes, rolling stock and long-term operations and maintenance.
- g. Secretary Downs again thanked everyone for supporting the High Speed Rail effort. It takes a city to raise a child, and it takes a state to raise a train, she said. As the governor stated in his application, Florida is a state that can turn imagination into a reality with world class high speed rail

faster than anyone else in the nation. We've been fortunate to be chosen. We get a two-for one with all the patience we've demonstrated.

- h. Commissioner Arrington asked whether the Osceola Parkway link will be considered for connecting Disney to SunRail's Osceola Parkway station. We already have the right of way in our possession and I just want to make sure that option is also being looked at.
- i. Secretary Downs said that FDOT is in the process of looking at all the past studies that have been done for connectivity, and is examining all options. The first step is to perform an Alternatives Analysis of all the options in coordination with local partners.
- j. Chairman Dyer asked Secretary Downs to clarify whether the state is going to move forward with the entire High Speed Rail network and not just the part that's going to be built with the \$1.25 billion.
- k. Secretary Downs said that she is not the High Speed Rail Project Manager, but understands that FDOT is in negotiations with the FRA with regard to moving forward with the entire project.
- l. Chairman Dyer said it was his understanding that the entire project is moving forward, not just a High Speed Rail link from Orlando International Airport to Disney.
- m. Secretary Downs said that was her understanding, as well.
- n. Mayor Crotty asked how long studies will take to complete for the Miami to Orlando leg.
- o. Secretary Downs said that if the study starts now, it will probably be about three years before the project moves into the preliminary design phase.
- p. Mayor Crotty said there's been a lot of talk about regionalism in Central Florida. And when you look at the value of this region, Orlando International Airport and the Seaport at Port Canaveral, those are two real transportation hubs. He said he would hope that route would be given a real close look in terms of the potential for selecting the Port Canaveral and the I-95 route for the Orlando-Miami High Speed Rail leg.
- q. Secretary Downs said she understands that both sites are important hubs, and expected that both will be highly considered as the study process moves forward.
- r. Chairman Dyer asked if Mr. Thibault or Mr. Haddad could address the next Commission meeting.
- s. Chairman Bruno said that the Alternatives Analysis for the Orlando to Miami leg will likely examine a couple of different alignments – one potentially coming from the center of the state and one going down the east coast. How is that in conflict, or is it in conflict, with what Amtrak is trying to do coming down the East Coast?
- t. Secretary Downs said she did not believe that one project would conflict with the other.
- u. Chairman Bruno asked whether they would be connected.
- v. Secretary Downs said the Alternatives Analysis will look at every potential route and connectivity options, and then be narrowed down with input from all of the stakeholders.

2. Agreement Amendments

- a. Secretary Downs said that amendments to the Interlocal Agreements were sent out yesterday to all of the local partners, and that meetings are planned to work out details. FDOT hopes that we all agree to the same language and that it would go to all of your commissions, with the same language, and be voted on in March. I know it's pushing it, but we're working with your staff to see if it will work out.
- b. Chairman Dyer asked Secretary Downs to explain the changes to the Interlocal Funding Agreement. He noted that FDOT has found some additional money to purchase the right of way for SunRail without issuing any bonds. So that means the local governments won't be picking up the debt service originally anticipated for purchase of the corridor.
- c. Secretary Downs said that bonding planned for acquisition of the SunRail corridor did not happen, pending legislative resolution of liability issues last year. In the interim, she said, FDOT applied to the FRA for \$270 million in stimulus money for corridor enhancements. Since then, money was found in the FDOT work program to address transportation priorities, which negated the need to issue bonds for SunRail corridor acquisition. That amounts to a savings of \$237 million for local government partners.
- d. Chairman Bruno asked if all the revised agreements had been transmitted, as staff wanted to know if any more were coming in.
- e. Mr. Lovette said that they have all been transmitted.
- f. Chairman Bruno asked if local governments will have updated financial projections, as well.
- g. Secretary Downs said that FDOT is working on the updated financial projections for SunRail and hopes to get them out shortly.
- h. Chairman Bruno asked whether it was imperative to have the agreements approved in March, as he may have to call a special meeting of the County Council to comply.
- i. Ms. Olore said that the project has to go before the Surface Transportation Board for approval of FDOT's purchase of the SunRail corridor, which has been extended to March 31 to get all the required paperwork in order. Part of that extension was to resolve outstanding issues with the local agreements and that is why FDOT has requested approvals by March 31. What you received is the changes to the Central Florida Operating and Management Agreements, and the Contract of Sale, which were attachment appendices to the Interlocal Agreements, as well as proposed amendments to the Interlocal Agreements. You have not received all exhibits to the Contract of Sale because those are still being worked on. But local governments did not have those previously when Interlocal Agreements were unanimously approved. A large portion of that document is very technical with deeds, boundary surveys, tangibles and intangibles. The reason we changed some of the items in the Interlocal Agreements is because FDOT is attempting to rectify some issues that the FTA raised with regard to the Full Funding Grant Agreement.

- j. Commissioner Henley said that many questions and comments have colored his lack of trust with regard to what happens in Tallahassee, particularly in the Legislature. He said that SunRail is a partnership of four counties, and the city, federal and state governments. We've worked hard in order to get the legislation passed. That's done. Now the implementation stage is starting. Apparently that will be solely at the discretion of Tallahassee. The thing that bothers me – let me tell you first what I like about it: The state will pick up operations and maintenance for the first seven years. And that's still there. But at the end of that time, what kind of monster will be created when the locals are going to have to pick up the operations and maintenance and is that going to be something that we can handle? Because apparently, we will have very little or no influence or impact during the implementation stages regarding equipment, facilities, personnel, salaries, etc., that apparently we will have to pick up with operations and maintenance. So this bothers me a great deal, for us to be on the receiving end of somebody else's doing, without any influence or any input. And I was hoping somewhere along the line that there would be some recognition that we have to be involved in the developmental stage here. I don't want to see this Commission go into hibernation for seven years. That's what concerns me. I would certainly like for the state to find some way where we would have some input into what they are doing since ultimately we will have that significant responsibility.
- k. Secretary Downs said that FDOT is very interested in obtaining as much input as possible between the agency and local governments. We're all in a partnership with this. We're coming up with the best numbers we can right now, and we are the ones that will have a track record for you for the first seven years of SunRail operations.
- l. Commissioner Henley asked how much influence FDOT District 5 will have in the process.
- m. Secretary Downs said that we are one DOT and that she was on the phone with Tallahassee every day.
- n. Commissioner Henley said he may be the only one concerned.
- o. Secretary Downs said that the Commissioner's concerns are DOT's concerns – in Tallahassee and in District 5. She offered to meet with Commissioner Henley, and to set up meetings with Tallahassee FDOT officials, as well.
- p. Mr. Lovett said that many decisions that frame the issues and the cost of the project are being handled in the district, such as procurements, negotiations with the contractors, the management and administration of contracts, the selection of firms that are going to run the trains and operate SunRail, the acquisition of the materials and the rolling stock. It is going to be something that is going to happen in Central Florida with the Technical Advisory Committee's support. While I understand there's been some frustration with a lot of things happening very quickly, a number of things that are really going to create the system and develop the character

of the system that we're all going to enjoy beyond the 7 years, will be local decisions. As Secretary Downs said, FDOT would welcome any input from the TAC, as well as any other opportunity for meetings or individual briefings. We'd love to do that, because it is going to be Central Florida's system and we're all going to have a responsibility short term and long term.

- q. Commissioner Henley said he appreciated Mr. Lovett's remarks, but wanted to get it on the record that there were concerns.
 - r. Mr. Lovett thanked Commissioner Henley for expressing his concerns, and he said that if Commissioner Henley was not satisfied with the level of local involvement, FDOT needs to go back and do that.
 - s. Mr. Neiswender said that the TAC does engage in very extensive discussions with FDOT for each one of the procurements. He said there is a balance to walk, as well, because FDOT has very strict guidelines about how exactly the procurement discussions and negotiations take place. So we do have an understanding that it clearly is FDOT's selection process, but they've been very open in sharing with us what the issues are and how things are going, and what they're trying to accomplish. And while we are not technically in control, and must be careful not to mess things up, we do get as much information as we want or as we can have. They have been pretty forthcoming from my observation.
 - t. Commissioner Henley said he was simply concerned about being able to have some influence locally about what the local governments are ultimately going to receive.
 - u. Secretary Downs said that FDOT will work with Commissioner Henley and local officials, as we have over the past many years.
3. Project update –Todd Hammerle, P.E./Tawny Olore, P.E.
- a. Tawny introduced Todd Hammerle as the District 5 Project Manager who will see the project through operations and work closely with Ms. Olore.
 - b. Updated Schedule
 - i. Ms. Olore said that FDOT is presently working on schedule revisions. Plans currently are to close on the corridor in escrow by the end of July, obtain an FFGA and close fully on the corridor in the November time frame. After that, FDOT plans a window of about 60 days to operate on the corridor before bringing in heavy construction vehicles to make sure that safety measures are fully operational. Construction is expected to begin around January of 2011. Construction will take about two years, so FDOT anticipates starting operations at the beginning of 2013, at which time construction will immediately begin on Phase II.
 - c. Procurement activities
 - i. Mr. Hammerle said that design build maintain contract for construction is under review while FDOT examines legislative impacts as it relates to signalmen, and what separate procurement

needs to accommodate signalmen will be required before finalizing negotiations with Archer Western.

- ii. FDOT is finalizing the RFP for a Public Involvement/Marketing contract, and hopes to advertise in late summer.
- iii. Best and Final Offers were received for locomotives last week and FDOT hopes to finalize the selection a week from Monday.
- iv. FDOT is finalizing some questions from Coaches and Cab Car vendors and anticipates receiving Best and Final Offers within the next week.
- v. Details of an Invitation to Negotiate for Ticket Vending Machines, also known as the fare collection systems, are being finalized and advertisements are expected at the end of March.
- vi. Chairman Bruno asked whether ticket vending machines be cashless at the train stations.
- vii. Mr. Hammerle said that FDOT is looking at a cashless system for SunRail.
- viii. The Design-Bid-Build contract for station finishes should be advertised later this year, and the contractor is expected to be on board shortly after construction begins on the railroad right-of-way. Station plans are 100 percent complete and are undergoing an internal FDOT review.

4. Federal Transit Administration

- a. Mr. Hammerle said that FDOT continues to work with the FTA and is currently waiting for comments from FTA on the Supplemental Environmental Assessment. FDOT is also continuing to revise documents in anticipation of submission for an FFGA in the Fall.

5. CSX Transportation

- a. Mr. Hammerle said that FDOT met with CSXT Tuesday, to discuss details of the contract of sale, right of way issues, engineering issues, and so forth. FDOT is also bringing new personnel at CSXT up to speed about the project.

6. Amtrak

- a. Secretary Downs said that Amtrak liability issues are being worked out between Amtrak and CSXT, with FDOT as a facilitator. FDOT doesn't see any outstanding issues.
- b. Mayor Dyer said that he talked to Mr. Thibault and was told that Amtrak wanted to make sure that it could continue to operate under the CSX liability umbrella, and that liability would be taken care of by CSX. He said that the so-called "impediment" raised by Amtrak looked a little more interesting than it was. But I think we're in good shape with that. Secretary Downs concurred.
- c. Federal Railroad Administration
 - i. Mr. Hammerle said that FDOT is coordinating with FRA in anticipation of taking over the corridor in the fall. A meeting is scheduled for next Tuesday with FRA Regional Administrator

Patrick Plumb and key staff. The objectives are to let FRA know what FDOT's plans are to take over the corridor, as well as get lessons learned from FRA with regard to similar corridors.

- d. Right-of-Way Acquisition
 - i. Mr. Hammerle said that FDOT is moving full steam ahead on right-of-way acquisition, and hopes to have all right-of-way in hand for Phase I of SunRail operations by late Fall.
 - e. Coordination with VoTran and LYNX
 - i. FDOT continues to meet with Votran and LYNX representatives, and both agencies are actively involved in the fare collection system procurement. Mr. Hammerle said that coordination was important because FDOT is looking at a seamless transition between the different types of transit modes.
7. Technical Advisory Committee – TAC Chairman Roger Neiswender
- i. Mr. Neiswender said that the TAC met January 6 and February 3. At the January 6 meeting, TAC members were briefed about details in the recently passed legislation. We were quite pleased to see the state took a much broader, robust view of transit systems statewide than just piecemeal solutions to existing and new systems. Much of the meeting was largely spent re-energizing and redirecting, picking up where we left off having been on hiatus for several months. TAC members talked about schedules and generally the stations status, as well as acquisition of the corridor. I think it's fair to say that we were also interested in seeing the new financial lay of the land.
 - ii. At the Feb. 3 meeting, Mr. Neiswender said that TAC members were briefed on procurements, where they are, what they are, and if anyone had any issues, they could weigh in on that. TAC members were also briefed about the FDOT acquisition of the corridor, and that local governments would be relieved of a big piece of extended debt service. That obviously was a tremendous financial relief, and we were very happy with that. But we also were very interested in seeing revised financial documents. TAC members also talked about high speed rail coordination, and potential connectivity, as well as a general schedule for SunRail. Quite a bit of time was spent discussing the critical nature of the interface of our system with both the LYNX and Votran systems. There are some new buses that come with different phases and activities. And there are a number of opportunities to rethink and re-orient existing bus routes to feed people to SunRail station stops. FDOT indicated that they are working very closely with the two primary bus operators to make sure those interfaces are as smooth as possible.

BOARD MEMBER COMMENTS

1. Board member comments
 - a. Chairman Bruno said that Chairman Dyer had done an outstanding job going to the Legislature to get SunRail approved, and said he believed that the upcoming year would be just as critical a period for SunRail – especially in terms of what Commissioner Henley just brought up. Chairman Bruno said he thought the Commission needs to have somebody that stays on as Chairman at least until 2010 to make sure we have funding and oversight of what’s going on in Tallahassee. As such, Chairman Bruno made a motion to amend section 3.04 of the Governance Agreement to allow the Chairman of the Central Florida Commuter Rail Commission to serve until 2010 and propose elections on an annual basis starting next year in 2011, on a rotation basis, in accordance with the original agreement. Commissioner Henley seconded the motion and it was unanimously approved.
 - i. Chairman Dyer noted that the motion must now be ratified by each local funding partner, and thanked Chairman Bruno for his confidence.
 - b. Commissioner Henley said he assumed that somewhere down the line, an effort will be made to come up with a dedicated funding source between now and 7 years from now, when local government pick up the operations costs of SunRail. It’s very important to all the locals to have a dedicated funding source, he said.
 - c. Chairman Dyer concurred, and noted that he was sworn in as mayor seven years ago today, and that seven years passes fairly quickly.
 - d. Commissioner Arrington said that he wanted to ensure that, with all the talk of connectivity between SunRail and High Speed Rail, Phase II of SunRail operations would advance on schedule.

PUBLIC COMMENTS

1. Public comments
 - a. Joanne Counellis of Lake Mary said that SunRail was very important and needed so that she didn’t have to walk as much. We need more bus service too and Sundays and holidays, too. And we need SunRail, too.

NEXT MEETING

The next meeting was scheduled for June 25, 2010

ADJOURNMENT

The meeting was adjourned at 2:27 p.m.