

Central Florida Commuter Rail Commission
Technical Advisory Committee
MEETING MINUTES

Date: Wednesday, March 4, 2009

Time: 1:30 p.m.

Location: Florida Department of Transportation Urban Office
133 South Semoran Boulevard
Orlando, Florida 32807

- i. Call to Order – TAC Chairman Roger Neiswender called the meeting to order at 1:38 p.m.
- ii. Pledge of Allegiance
- iii. Confirmation of Quorum
 - o Introductions
 - o Members in attendance were:
 - George Lovett, FDOT
 - Tawny Olore, FDOT
 - Roger Neiswender, City of Orlando
 - Jim Harrison, Orange County
 - 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
 - James Dinneen, Volusia County
 - Lois Bollenback, VoTran
 - o Members not in attendance were:
 - Dale Arrington, City of DeLand
 - Anthony Gonzalez, City of DeBary
 - Karl Welzenbach, Volusia County MPO
 - Sherman Yehl, City of Sanford
 - David Grovdahl, Metroplan Orlando
- iv. Agenda Review – SunRail Project Manager Tawny Olore presented the agenda review.

ACTION ITEMS

1. Adoption of minutes from February 11, 2009 meeting
 - a. Mr. McCollum moved adoption of the meeting minutes; Mr. Harrison seconded. Motion passed unanimously.

2. Adoption of amended meeting minutes from December 3, 2008 meeting
 - a. Mr. Neiswender noted that the minutes as amended were approved at the Feb. 11, 2009 meeting

DISCUSSION ITEMS

1. Monthly Project Update – Ms. Olore
 - a. Procurement Activities
 - i. DBM
 1. Ms. Olore said that FDOT has awarded the DBM contract for construction within the CSXT right-of-way to a consortium led by Archer Western/RailWorks. Originally, FDOT did not get any maximum price bids for the work, so revised the scope and received three bids. The base bid came in at \$163 million. While it was a bit over the original max price bid, it was within the budget of the project. Ms. Olore said the contract contains three notices to proceed. The first NTP is April 2 to do final design and maintenance mobilization activities. The contractors are not authorized for construction because the project does not have the Full Funding Grant Agreement. FDOT must train crews to work in the right-of-way. The next NTP will be for maintenance activities, and that will occur at closing, now scheduled for June 30, 2009. The third NTP will be by Sept. 30 for construction, which will be upon receipt of the Full Funding Grant Agreement. As such, the bill for local funding partners will be sent out 60 days prior to construction, as detailed in the Interlocal agreements. By that time, it is expected that FDOT will have closed on the corridor, secured necessary liability legislation and will be in that 60-day hold point for our Full Funding Grant Agreement.
 2. Mr. McCollum noted that September 30 is the start of the fiscal year for most local governments. As such, he asked when to expect the bill and when it was due. Ms. Olore said that for Final Design and Right of Way bills, FDOT sent invoices 60 days prior and local governments were required to pay it 30 days prior. Mr. McCollum asked whether Sept. 1 should be considered the payment date. Ms. Olore said that would be the case, assuming the current schedule.
 3. Mr. Dinneen asked about total budget numbers. Ms. Olore said the budgeted amount for the Full Funding Grant Agreement as stated in the Final Design Letter from the Federal Transit Administration is \$357.4 million for Phase I. She said the Interlocal agreements include a table for a

\$362 million budget for phase I. But at present, the budget is tracking at \$357.4 million

4. Mr. McCollum asked what the \$363 million includes. Ms. Olore said it includes Preliminary Engineering; right-of-way acquisition, Final Design and construction. Mr. McCollum asked whether the figure includes station costs. Ms. Olore said that it does. Mr. McCollum asked whether we were still within budget now. Ms. Olore said yes.
5. Ms. Olore said that FDOT was pleased with the bids. Archer Western not only submitted the lowest bid, they received the highest score on the technical side. Between now and April 2, a lot of activity will take place to get the Archer Western team under contract, get their troops primed and ready to start training to take over the corridor.

ii. Vehicle Contracts

1. FDOT re-advertised the coaches and cab cars on Feb. 18th and looks to get price proposals in on April 17th. One manufacturer submitted their qualifications statement on time. Two were sent after the deadlines. As such, FDOT felt it was in the best interest of the department and the project to re-advertise the contract.
2. Four manufacturers were short-listed for the locomotives contract. Technical and price proposals were scheduled for Feb. 25th, but were postponed until March 5th to allow more time for subcontractors to respond.

iii. CEI Schedule

1. The Construction, Engineering and Oversight contractor has been of big interest to the consulting community. That was advertised on March 2, so FDOT personnel are now precluded from discussing the contract. The contract has been posted on the www.sunrail.com website.
 - a. Mr. Neiswender asked when technical proposals on the CEI contract are due. Ms. Olore said the technical proposals are due April 16th and the CEI is expected to be under contract June 26th.

iv. Long lead items (including Ticket Vending Machines)

1. Ms. Olore said FDOT has submitted a Letter of No Prejudice to the Federal Transit Administration to move forward with the Ticket Vending Machine contract, which is expected in April. Advertisements are expected to go out in mid-March. FDOT has been talking to different transit agencies, who say that typically ticket vending machines become critical path items. In a recent meeting with Utah transit executives, FDOT learned that the New Mexico system opened and allowed free ridership for several months because the ticket vending machines had not yet

arrived. FDOT also indicated in the DBM contract that FDOT would provide some seed materials with rails and ties, so those also are included in the contract. That commodity purchase should go out for advertising the end of March.

v. Public Involvement

1. The Public Involvement contract is expected to be advertised in March. Ms. Olore said that was an important contract because it will include public involvement for construction activities; educating the public on Operation Lifesaver; marketing and working with businesses to promote the system. The contract should be in place by June.

vi. Operations and maintenance contract

1. Ms. Olore said that the operations and maintenance contract will be out by the end of the year, so that a contractor can be in place about a year prior to the start of operations and assist with vehicle delivery.
2. Mr. McCollum asked whether some railroad crossing upgrades were deleted in the DBM contract. Ms. Olore said that grade crossing changes were listed in Addendum 14 to the DBM contract. FDOT has listed grade crossings by priority 1, 2 and 3. Priority 2s and 3s are options for the contract now. Because FDOT is still running numbers on vehicles and stations, FDOT may include those grade crossings as part of a supplemental. Mr. McCollum asked whether that was allowed in the DBM contract. Ms. Olore said it was. FDOT is still running the numbers right now, but hopes to include all of the identified grade crossings as part of the project.
3. Mr. Neiswender said jurisdictions may want to meet with FDOT to work through which of the grade crossing improvements stay in to have the option of paying for upgrades locally.
4. Mr. Dinneen asked about the previous maximum bid on the \$164 million DBM contract. Ms. Olore said it was a very complicated process. FTA requires that projects carrying a 30 percent allocated contingency during Preliminary Engineering and a set amount of unallocated contingency. In Final Design, allocated contingency drops to 20 percent. Now that the project is preparing for a Full Funding Grant Agreement, contingency will drop even further. Because it's a design build contract, the contingency doesn't necessarily have to be 15 percent, it could be 5-10. So it frees up capital money to put back into the capital program.

5. Mr. Dinneen asked whether there was a maximum price bid for the DBM contract. Ms. Olore said that the FDOT District 5 Secretary had set the maximum price at the bid opening at \$175 million.
- b. CSX Transportation
 - i. Ms. Olore said as FDOT gets closer to the closing date of June 30, the project is moving into an even more increased flurry of activity. FDOT is working on exhibits for closing documents, finishing boundary survey, clearing up excess title issues; examining legal, tangible, intangible and other documents; joint use agreements have begun, and efforts will continue through June 30. FDOT also must be ready to take over the corridor, and COO Pete Turrell has been working with CSXT extensively on maintenance plans, as well as a train the trainer course. CSXT will train upper managers on the DBM contract and they will go ahead and train other folks who will be on the corridor.
 - ii. Mr. McCollum asked about the intangibles agreements. Ms. Olore said that there were about 1,400 such agreements. Mr. McCollum asked if there was a master list, as the Central Florida Commuter Rail Commission ultimately will be bound by the agreements. Ms. Olore said that FDOT actually started to compile a list of intangible agreements in 2006, and when fully complete, will be able to be sorted in several different ways, such as by owner, or permit, or mile-post location, etc. DOT will be able to manage it, as well. That list will be made available to the CFCRC.
 - c. Amtrak
 - i. FDOT has an operating agreement with Amtrak and a scope of work for the contractual services agreement to do vehicle overhauls. FDOT's legal team is working with Amtrak to set up negotiations. Because Amtrak will be on our corridor, we need to have those agreements in place. Mr. Neiswender asked whether the agreements cover the stations where Amtrak will co-locate. Ms. Olore said that they would.
 - d. Federal Transit Administration
 - i. Ms. Olore said that plan submissions remain on schedule. Another risk assessment (one was held during preliminary engineering) is planned for Final Design on March 25. There's probably a four-page checklist that FDOT will provide to FTA's consultant to prepare for the risk assessment. FDOT has also been sending station drawings. Having a fixed price contract for the DBM really reduces a lot of the project risk. The FTA's consultants were pretty excited about us getting that bid and where it came in.
 - ii. Ms. Olore also called attention to new releases from Reps. Corrine Brown and John Mica regarding the stimulus package. The project received another \$13 million earmark, which is part of our Full Funding Grant Agreement. However, it gives the project money

prior to award of a Full Funding Grant Agreement to use for Right-of-Way acquisition and Final Design activities. Ms. Olore also said the project received some bus and bus facilities money that amounts to about \$1.425 million. Mr. McCollum asked whether FDOT will meet with local government officials to work through details of how to spend the stimulus money, as he has received questions about amenities. Ms. Olore said that FDOT is at 90 percent plus plans for station designs, so does not have a lot of time to dilly-dally around with wholesale station redesigns. Some meetings will begin as soon as today.

- iii. Ms. Homler asked whether the \$13 million earmarked for construction will replace anticipated funds in the Full Funding Grant Agreement. Ms. Olore said the earmark is actually part of the Full Funding Grant Agreement. FDOT has received two earmarks already: one for \$11 million during preliminary engineering and now \$13 million. So the money is not outside the Full Funding Grant Agreement and is only for Phase I. The \$1.45 million in bus and bus facilities money is outside the FFGA.
 - iv. Mr. Dinneen asked for clarification whether the \$13 million is or is not additional money. Ms. Olore said it is not, rather it is an advance on the FFGA amount. Mr. Dinneen said that some people felt it was extra money. Ms. Olore said she checked with the U.S. House Transportation and Infrastructure Committee, who said that it was “new starts” money that will be counted within the FFGA. Mr. Dinneen said it was just an advance, then. Ms. Olore said that was correct.
 - v. Joanne Cornellis of Lake Mary, a member of the audience, asked whether the Lake Mary station was still in first place (for Phase I). Ms. Olore said it was.
- e. Federal Railroad Administration
- i. Plan submissions remain on schedule. SunRail COO Peter Turrell said that remaining plan submissions will be forwarded to the Federal Railroad Administration by April 1 to ensure that there is sufficient time to modify the documents if required.
- f. Right-of-Way Acquisition
- i. Right-of-Way acquisition is nearing completion. Debbie Lynch, of FDOT’s right-of-way office, said FDOT has made offers on all properties, including the McDonald’s on Sand Lake Road. A conference is scheduled for the DeBary station at the end of the month. Sanford is still working on a joint pond agreement; Lake Mary and Altamonte have outstanding street abandonment issues that are being worked through. Two of seven parcels have been acquired in Longwood; there are two outstanding parcels for the Church Street station; court hearings are planned for 10 parcels;

and FDOT is working with Kissimmee to obtain a CSXT parcel, which has a gentleman's agreement on price.

- ii. Mr. McCollum asked if an order of taking has been scheduled for the 10 outstanding parcels. Ms. Lynch said that one has been scheduled for May 19th in Seminole County and the rest will be scheduled according to court calendars.

g. Station design and location

- i. Sandra Gutierrez, assistant SunRail project manager, said that FDOT is currently finalizing station plans and is at about 90 percent design with most. Signed and sealed plans are expected in May. Ms. Gutierrez said FDOT plans to split the DBB contract for station finishes into two because of potential delays at the Sand Lake Road, DeBary and Longwood stations. The production date for the Phase II contract will be Sept. 30th of this year.
- ii. Ms. Olore said that local government officials will probably "hear us saying no a lot" to meet scheduled production dates. She said that FDOT will make every effort to accommodate individual requests for station modifications, but plans to move forward with the scheduled production date.

h. Public involvement

- i. Marianne Gurnee, SunRail public liaison, said that FDOT plans to move forward with a Public Involvement contract that should be executed this summer. She said that myregion.org has maintained a brisk schedule of presentations. She requested that any TAC members who know or hear of groups interested in a SunRail presentation should contact her directly.
- ii. Shelley Lawton of myregion.org said that presentation feedback in all four counties has been "incredible." Most people are excited and want to know when the train will begin service. She said that myregion.org is documenting some very specific concerns expressed by some and will present a synopsis to the TAC summarizing myregion's activities on behalf of SunRail.

2. Legislative Update – Mr. Neiswender

- a. Senate Transportation Committee March 4
- b. Senate Judiciary Committee March 11
- c. Mr. Neiswender said that the Central Florida Commuter Rail Commission successfully presented at the House Council on Economic Development and Transportation in December and the liability legislation was approved for a vote on the House floor. He said that House members are waiting for the Senate bill to be approved and sent over to the House for action. The plan is for both chambers to work off the same version of the bill. The Senate has four stops in its committee structure. The first stop was in the Transportation Committee, where Sen. Paula Dockery offered 11 amendments. All amendments failed and the bill was reported out by a 6-3 vote. Next week, on Wednesday, it goes to the Judiciary Committee,

chaired by Sen. Lee Constantine. Mr. Neiswender said that he anticipates two additional stops – Ways and Means and Transportation Economic Development. The President of the Senate can amend that and send it to any, all or none of those committees. So we're not sure exactly where it goes. But Judiciary is a very big effort. Both Orange County Mayor Rich Crotty and Orlando Mayor Buddy Dyer spoke at the Senate Transportation committee hearing. We've had support from leaders in each of the counties. And we have to do it again at each committee because committee membership changes. He asked TAC members to be on short notice to put some citizens and business leaders within their community at upcoming committee hearings.

3. Other Committee issues

- a. Mr. Spinella asked whether the TAC was going to elect a chairman. Mr. Neiswender said the new elections were deferred to coincide with the Central Florida Commuter Rail Commission elections. He said it was valuable because the Chairman of the Central Florida Commuter Rail Commission looks to staff to coordinate efforts.
- b. Mr. Arsenault said that a very negative article appeared in the Osceola News-Gazette quoting only Senator Dockery. The article did not reflect an accurate understanding of the project. Mr. Neiswender said he anticipated that Senator Dockery would continue to oppose the project.
- c. Mr. Marcotte said that he anticipates the Winter Park City Commission will want to enhance the Amtrak building in downtown Winter Park with additional earmark funds secured by Rep. Mica. He requested coordination with FDOT architects to work on potential designs. Ms. Olore said that FDOT would be happy to coordinate with Winter Park. Mr. Lovett agreed.

COMMITTEE MEMBER COMMENTS

1. Committee comments

- a. There were no committee member comments

PUBLIC COMMENTS

1. Public comments

- a. Joanne Cornellis of Lake Mary said that FDOT needs to get the commuter rail done for 2011. Mr. Neiswender said that the TAC is moving the project forward, but needs legislative help. Ms. Cornellis asked when the Legislature would act. Mr. Neiswender said he hoped the Legislature would act early in the session, but that most energy right now is focused on getting the deal done. Ms. Cornellis said that President Obama is promising money in the economic stimulus package.
- b. Randy Schrader of Kissimmee asked when Kissimmee will have to decide station design issues. Mr. Neiswender said that Kissimmee should first get its site worked out, and then work with FDOT and the community on

station concepts. That effort will begin once designs are finalized for Phase I. Ms. Olore said that FDOT hopes to start work on Phase II stations within the next couple of months. FDOT has done some preliminary work to make sure the layout is what the local jurisdictions want, and has a pretty good feel for parking arrangements for the Osceola and DeLand stations in Phase II. She said it would be about a six-month process that will begin this summer. Next year will mainly be spent on preliminary engineering and final design for Phase II. FDOT looks to start construction on Phase II stations in 2011 and open up for passenger service in 2013.

NEXT MEETING

1. Review of meeting dates, times and location
 - a. The next meeting of the Technical Advisory Committee was set for April 1, 2009 at 1:30 p.m.
 - b. Mr. Neiswender asked whether a date had been set for the next Central Florida Commuter Rail Commission. Ms. Olore said she would check with Christine Kefauver in Mayor Dyer's office, who schedules Commission meetings.

ADJOURNMENT

Mr. Harrison made a motion to adjourn the meeting; Mr. McCollum seconded. The meeting was adjourned at 2:34 p.m.