

Central Florida Commuter Rail Commission
Technical Advisory Committee
Meeting Minutes

Date: Wednesday, March 12, 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 1:40 p.m.
- Pledge of Allegiance
- Confirmation of Quorum
 - Tawny Olore, CFCRT Project Manager, FDOT
 - Jerry McCollum, Seminole County
 - Jim Harrison, Orange County
 - Tura Schnebly for James Dinneen, Volusia County
 - Charlie Wallace, City of Maitland
 - Don Marcotte, City of Winter Park
 - Roger Neiswender, City of Orlando
 - Ronald A. Hearst, Osceola County
 - Jim Arsenault, City of Kissimmee
 - John Omana, City of Lake Mary
 - Lisa Darnall, Lynx
 - Harry Barley for Dave Grovdahl, Metroplan Orlando
 - Karl Welzenbach, Volusia County MPO
 - Ryan Spinella, City of Longwood
 - Lois Bollenback, VoTran
 - Kristi Aday, deputy Sanford city manager, for Sherman Yehl
 - William Wharton, principal planner, for Frank Martz, Altamonte Springs
- Members not in attendance were:
 - Mary Ann Courson, city of DeBary
 - Mike Abels, city of DeLand
- Agenda Review – FDOT/CFCRT Project Manager Tawny Olore, P.E.

ACTION ITEMS

1. Adoption of meeting minutes from February 6, 2008 meeting
 - a. Moved by Mr. Welzenbach; seconded by Mr. Arsenault; unanimously adopted

DISCUSSION ITEMS

1. Monthly project update – FDOT CFCRT Project Manager Tawny Olore, P.E.
 - a. Procurement activities
 - i. Ms. Olore reported that three bidders for the Design/Build/Maintain contract are now reviewing the RFP. The bidders have posed 200 to 300 questions that the CFCRT project team is currently answering. Technical proposals will be due in April; price proposals in May and award of the contract scheduled for June. Will assess long-lead items once DBM contractor is selected.
 - ii. Five letters of interest were received on ad responses for the Chief Operating Officer. The procurement process is underway.
 - iii. CEI (oversight contract) will be advertised in April or May.
 - iv. DMU contract for rolling stock is on the street.
 - v. Operations and Maintenance contract expected by the Q4 2008.
 - b. CSX Transportation contracts
 - i. Negotiations are nearly complete and CRT Team now moving toward implementation of contract items. FDOT met with CSXT last week and is setting up an implementation team to meet monthly to discuss implementation issues. Mr. Welzenbach asked what the time frame was for execution of the contract. Ms. Olore said that the contracts will be executed at closing on the corridor later this year.
 - c. Amtrak contracts
 - i. FDOT working with Amtrak on operating agreements. Once those are finalized, work will begin on the contractual services agreement for use of the Sanford Auto Train facility for heavy maintenance on CRT vehicles.
 - d. Federal Transit Administration
 - i. Changes to station locations in Longwood and Fort Florida were submitted to the FTA in the Supplemental Environmental Assessment. FDOT awaiting FTA's final approval of scope for S-Line assessment. Public Hearings likely will be scheduled in the May-June time frame. FDOT also initiated entry into Final Design in November. The project received an overall rating of Medium-High, which Ms. Olore said was "extraordinary" for a commuter rail project. She noted that the FTA only requires an overall "medium" rating to approve a project for entry into Final Design. Ms. Olore said the project has completed Preliminary Engineering requirements, and agreed with the FTA's project management oversight team to a price for Phase I, as well as a revenue operation date.
 - ii. Mr. Neiswender wanted to clarify that the Supplemental Environmental Assessment involved minor relocations of the stations and parking lots at the request of the jurisdiction who are

home to those particular stations. He said that the Supplemental Environmental Assessment was required only because the locations had changed. “It was just the fact that by virtue of that move, you had to step back and catch those two sites fully up to standards to move forward,” Mr. Neiswender said. Ms. Olore agreed. She said that frequently happens with roadway projects when alignments and/or retention pond locations change.

iii. Ms. Olore also said that the original Environmental Assessment had cleared land for the project’s Vehicle Storage and Maintenance Facility in Rand Yard. Project managers subsequently examined an adjacent 10-acre property, which was included in the Supplemental Environmental Assessment. Upon re-examination and further discussions with CSXT, it was decided to move forward with the original location in Rand Yard. The 10-acre parcel will not be removed from the Supplemental Environmental Assessment.

e. Right-of-Way acquisition

i. FDOT’s Right-of-Way Acquisition manager Debbie Lynch said that FDOT has made offers on all station sites that have EA clearance for Phase I. One agreement is closed; another is pending within 30 days. Once survey maps are complete, FDOT is prepared to file condemnation lawsuits, but will continue active negotiations with property owners. The Property Management crew also is reviewing encroachments on CSXT right-of-way. Crews and contractors are also pricing potential demolition. Ms. Olore said ROW team also is now looking at Phase II, examining potential site changes at Osceola Parkway and Downtown Kissimmee parking lots.

f. Station design and location

i. CFCRT Team has continued to meet with jurisdictions on permitting and station design issues. Station design will proceed to 60 percent preliminary engineering pending entrance into Final Design, including platform vertical structures.

ii. Mr. McCollum asked whether the Design, Build contract for the station platforms could be bid to have the canopies shown as option A or Option B. And could the local jurisdictions then have the option to decide between the two prototypical canopy designs once contractors develop specific price differentials between the two canopy options. FDOT District 5 Counsel Fred Loose said that might be possible.

g. Upcoming schedule of public presentations was included in packet information distributed at the meeting.

2. S-Line studies – Ms. Olore

a. Objectives

i. Ms. Olore said that the FTA sent the FDOT a letter asking the department to do a general analysis of CSXT’s plan to move some

freight onto the alternate S-Line west of Orlando. Ms. Olore said she wanted to make clear that the FTA acknowledged that “the movement of freight is an independent project from Commuter Rail and that it is CSXT’s decision whether or not they move the freight over.” However, she said, due to some misstatements and misrepresentations in the media, FTA would like FDOT to do “a generalized assessment of noise vibration and grade crossing delays on the S-line to inform the public of the potential impacts of moving the freight.” Because the FTA does not have jurisdiction, FDOT is not required to propose any mitigation that may or may not be required due to those impacts. FTA and FDOT have agreed to a scope of work regarding “a general assessment of noise vibration and grade crossings,” Ms. Olore said. FTA approved a six to eight week schedule for that assessment, which FTA has now started. The information will be included in the Supplemental Environmental Assessment and presented at public hearings that FDOT will hold for the Supplemental Environmental Assessment. The S-Line assessment should be forwarded to the FTA about April 21 for review and comment, with Public Hearings on the Supplemental Environmental Assessment scheduled for late May/early June.

- a. Mr. McCollum asked whether the assessment will be performed all along the S-Line corridor, and Ms. Olore said the assessment would be done sporadically along the entire corridor. She said there were 126 grade-crossings on the 61.5 miles of track that FDOT planned to purchase in Central Florida, compared to about 200 grade-crossings on 200 miles of track along the S-Line. Ms. Olore reiterated that the redeployment of freight is a CSXT decision.

3. Review of legislative session issues – Ms. Olore

- a. Ms. Olore said that she wanted to bring TAC members up to speed with some concerns expressed by state lawmakers about the project and the CSXT redeployment of freight traffic. She referred TAC members to fact sheets about the project contained in distributed meeting materials.
 - i. Ms. Olore explained FDOT’s commitment to rail and all manner of transportation, including seaports, airports, roads and strategic intermodal systems. The movement of freight by rail is a long-term strategic investment by the state. FDOT also needs to provide mobility options to move goods and services, as well as people. To move freight, we need rail, seaports and airports, as well as roads. It all works together.
 - ii. Ms. Olore said that the rail cars that the Central Florida Commuter Rail project are expected to use are called Diesel Multiple Units – an eco-friendly transportation system that use 1/3 of the fuel of a normal locomotive and are very eco-friendly. Mr. McCollum also

mentioned that trains are more beneficial to air quality than automobiles. Ms. Olore said the DMUS are three times cleaner than trucks on a per-ton basis. Ms. Olore said that DOT also performed an independent peer review of the agreement between CSXT and FDOT and found that the public will receive \$2.90 in benefits for every dollar invested in statewide rail initiatives. Over 30 years, the return on investment increase to more than \$3.50.

iii. Commuter Rail facts:

1. The five local funding partners (Orange, Seminole, Volusia and Osceola counties, as well as the City of Orlando) voted unanimously to fund their 25 percent of Commuter Rail capital costs. The project still is scheduled to open by 2010 for Phase I and 2013 by Phase II. Ms. Olore said that ridership numbers are difficult to calculate. Utilizing FTA formulas, Central Florida ridership is expected to have 14,500 trips per day by 2030. However, Ms. Olore noted that most systems when they open up beat those 20 year projections within the first 6 years. She said the FTA requires conservative ridership projections “because we are competing with systems across the country.” But, she said, many systems are beating those projections within the first 6 years. The Central Florida project also has the capability of moving as many people as I-4 during peak travel times. FDOT will fund operations and maintenance costs for the first seven years, and the Central Florida Commuter Rail Commission will assume any operating deficit in year 8 of operations. FDOT also will control dispatch and operations along 61.5 mile corridor. FDOT also secured a per-car charge from CSX trains that utilize the 61.5 mile long corridor to help offset costs.
2. Ms. Schnebly asked about insurance charges and costs. Ms. Olore said that CSX will maintain their own insurance policy, as spelled out in the agreements.

iv. Liability issues: Ms. Olore explained liability issues to TAC members as follows: FDOT and CSX have maintained a no fault contractual allocation of liability and up to \$125 million in coverage in South Florida on the TriRail system since 1988. FDOT seeks to do the same thing in Central Florida. This is consistent with national standards dealing with liability in a shared rail corridor.

1. The TriRail agreement from 1988 and the Central Florida agreement from 2007 provide a contractual allocation of liability, irrespective of fault, as follows:
2. If only a CSX freight train is involved in an accident, then CSX pays 100% of injury or damage (except for any passengers or invitees in the corridor)

3. If only a Commuter train is involved in an accident, then FDOT pays 100% of injury or damage.
 4. If both a CSX train and a Commuter train collide, then CSX pays 100% of all freight damage including any people on its trains, FDOT pays for 100% of the commuter train and passenger damage including people within the corridor, and CSX and FDOT each pay 50% of any third party damage resulting outside the corridor.
- v. FDOT maintains \$5 million self insurance retention and \$120 million of excess insurance in South Florida, inclusive of punitive damages. The agreements provide for adding Central Florida to the insurance and increasing the coverage to \$200 million (nationally coverages range from \$200-\$500 million for similar transit).
- i. Legislation is needed to:
 1. Authorize FDOT to allocate liability by contract in Central Florida, just like we've done in SoFla;
 2. Establish a self insurance fund for Central Florida, just like we've done in South Florida;
 3. Authorize FDOT to purchase \$200 million of coverage, just like we bought \$125m in South Florida;
 4. Grant sovereign immunity to Central Florida dispatchers, maintenance workers, signalmen, and security services working under contract with FDOT, just like we have in South Florida (presently, AmTrak provides dispatch on the New River Bridge and is covered by sovereign immunity for those services provided under TriRail's contract);
 5. Authorize FDOT to commercially develop the corridor to generate revenue and maximize the corridor's value to the traveling public, which includes authority to include additional insureds under FDOT's insurance (e.g. retail at platforms, light rail connections, bus services);
 6. Authorize FDOT to market the commuter rail service;
 7. Authorize FDOT to allocate liability by contract with other operators within the corridors, e.g. other passenger or freight operators; and
 8. Establish a framework for FDOT to contractually address liability on future rail corridors.
 - ii. Mr. McCollum asked what passengers and invitees in the corridor mean. Ms. Olore and Mr. Loose explained that if passengers are sitting at a station and a CSXT freight train derails, for example, DOT would cover liability for the passenger. She explained that "but for FDOT inviting that passenger into corridor with commuter rail, they would not have been there." Ms. Olore said that CSX would not get sovereign immunity. She said that a similar agreement is in place for Tri-Rail in South Florida and that other

corridors that come on-line in the future also would be covered by the agreements. Mr. Neiswender asked whether it covers extensions to the Central Florida system, and Mr. Loose said it would.

b. Labor Agreements

- i. Ms. Olore said CSX maintains collective bargaining agreements with its union labor and will provide all labor protection, relocation, and other benefits to affected CSX employees under its collective bargaining agreements. FDOT is not a party to, nor does it have control over, the terms of collective bargaining agreements.
- ii. Union labor seems to be asking for a sole source contract to provide the state with dispatch, and track and signal maintenance on the Central Florida commuter rail line. The state must competitively procure these services in an open and fair manner. Union labor will not be excluded from applying for employment with the construction and operation contractors to be selected through the competitive bidding process.
- iii. Rail labor and transit labor are two different things. No public transit work is provided by rail labor today, since there is no available transit work on the proposed commuter line. Rail workers have no legal entitlement to work on transit. Commuter rail is a transit project and rail workers have no legal entitlement to work on the commuter line. Thus, the unions working on freight rail have no entitlement to jobs on the new commuter line. They are not, however, excluded from applying for the work. Bottom line, commuter rail brings more job opportunities to the region.
- iv. Mr. Welzenbach asked whether CSXT will double-track the Commuter Rail project. Ms. Olore said that they will not. When FDOT closes on the corridor, FDOT will hire through the procurement process a third-party contractor to operate and maintain the corridor. Mr. McCollum noted that issue was addressed in the second bullet point.

c. Lakeland concerns

- i. Ms. Olore said that since 2004, CSXT's strategic master plan has considered the relocation of some of its freight from the A-line to the S-line as part of its long range strategic plan. As part of their new strategy, Lakeland would see a net increase in rail traffic of 4 trains. They currently have 16 trains per day, which would increase to 20 trains a day. This movement can happen regardless of whether commuter rail happens. That is a private-sector decision made by CSXT and is not subject to FDOT's approval. However, FDOT recognizes the potential impact on Lakeland, as well as Ocala and other communities. To address those concerns FDOT is working on a study to address the potential for long-term relocation of freight traffic; short-term possibilities of mitigating

freight traffic; evaluation of passenger rail service in Polk County; and CSXT has committed to quiet zones in Lakeland.

- ii. Ms. Olore said the benefits of the current system include the potential of connecting rail transit between Tampa and Orlando through Lakeland and Polk County. If the Central Florida project is not successful, the prospects of getting future federal support and funding for similar commuter rail projects in the state will be difficult.
 - iii. Mr. McCollum asked whether CSXT's planned construction of a new Integrated Logistics Center in the Winter Haven area takes into account any of these points. Ms. Olore said that if the CSXT agreements with FDOT are not ratified, CSXT has told FDOT that they will move forward with construction of their ILC and long-range strategic plan for the redeployment of freight traffic in the state.
- a. Work program: Ms. Olore explained details of the \$491 million agreement announced in 2006 between CSXT and FDOT.
 - b. If this project does not move forward, then:
 - i. Bonds: \$173 million in fixed guideway bonds will not be issued.
 - ii. District 5 Funds: \$51 million would revert to District 5 for use in other projects within the District.
 - iii. Growth Management Strategic Intermodal System (GMSIS) Funds: \$263.5 million would be redistributed for other statewide transportation projects within the 5 year work program. \$3.5 million already has been spent on S-Line studies.
 - c. Mr. McCollum noted that if the project is not successful, Florida also will lose more than \$300 million in federal funds that are anticipated to fund 50 percent of the capital costs of the Central Florida Commuter Rail project. Mr. Arsenault noted that commuter rail systems around the country not only generate state revenues, but jobs for people who live and work in the area, as well as other benefits. Mr. Neiswender said he believed the briefing information was very helpful to clarify issues about what Central Florida hopes to accomplish versus "some of the commonly perceived stories that are floating around."
4. Washington D.C. fly-in review – Vice Chairman Harrison
 - a. Mr. Harrison said that a small delegation of the Central Florida Commuter Rail Commission traveled to Washington D.C. last Wednesday and had "a very productive day" meeting with Reps. Mica, Brown and Sen. Nelson, as well as key aides to Reps. Feeney and Keller and Sens. Martinez and

Nelson. Mr. Mica told the group that if for some reason this project does not go forward, it'll tough for any other project to ever move forward. The group also met with FTA Administrator James Simpson and his staff for a "very productive, informative and positive" meeting. Mr. Harrison said that the FTA "seems committed to working with us on this project" and he left with the impression that FTA "was committed to helping us overcome challenges and move this project forward." Sen. Nelson said that the group was "not preaching to the choir, you're preaching to the preacher" about the Central Florida Commuter Rail project. Mr. Harrison did say that all representatives and staff expressed "a healthy respect for the folks in Polk County and Lakeland and an understanding of their concerns, and a desire to work with them." Mr. Harrison said a delegation from West Central Florida already had traveled to Washington to discuss their concerns. Ms. Olore said all were "very gracious and very positive and realize the importance of this project to Central Florida. Rep. Brown is a true champion, as well as Congressman Mica."

5. Ms. Olore explained that the project did receive a medium-low cost-effectiveness rating from the FTA – though the project's overall rating was a medium-high. During the meeting with Administrator Simpson, Ms. Olore said that he recognized the FTA has "an issue with procedures" used to develop the cost-effectiveness threshold. Mr. Simpson said that every Commuter Rail Transit project in the country is struggling with the FTA's cost-effectiveness procedures and that the FTA is addressing the problem. Mr. Neiswender said that Mr. Simpson's statements were consistent with models that don't reflect differences in the way different rail systems operate. The Central Florida project operates much like a hybrid system, with inner-city stops that are normally not included in traditional Commuter Rail projects. Secondly, Mr. Neiswender said, Central Florida's system will include bi-directional travel, which doesn't fit into the FTA model. In addition, Central Florida's growth is not accounted for. "If we ever clear the hurdle from a technical standpoint," Mr. Neiswender said, "We have good reason to believe the system will perform better than what's shown."
6. Ms. Olore said that the Central Florida Partnership annual fly-in to Tallahassee was scheduled for yesterday and today, and that the Commuter Rail project was their number one priority. She said the group had a press conference with Gov. Charlie Crist, who spoke kind words about the project and said it was "forward thinking." Other local officials are meeting with Tallahassee representatives in coming days and weeks. She encouraged local officials to continue speaking with state lawmakers or write letters to "let them know how important this project is to this community."
7. Mr. Barley also said that a recent transportation forum hosted by Rep. Corrine Brown had "great turnout" and was important to advance the project. The Tampa Bay Partnership and Central Florida Partnership also held a forum a week earlier to discuss the project and concerns that some in Lakeland have expressed.
 - a. Mr. Neiswender said that Lakeland Mayor Buddy Fletcher and the city manager made a thorough presentation at the Partnership meeting, and it was helpful to understand their concerns. He said that FDOT has worked

very cooperatively and “everyone saw that there are some steps that need to be taken longer term with freight and passenger rail service in Florida.” Mayor Fletcher did say that he supports the Central Florida Commuter Rail project. Mr. Neiswender said local officials are committed to addressing Lakeland’s concerns, but “must go forward” with the Central Florida project in the interim. “We’re not in position to stop years of study to determine what their solution ultimately might be,” Mr. Neiswender said.

8. Mr. Neiswender updated TAC members about requesting federal funds for enhancements to station stops and whether those federal dollars would compete with local bus operators for bus funds. Rep. Mica’s office told Mr. Neiswender that while the funds do come from the same federal pot of money, there is the possibility for additional money that would not detract from bus commitments for Lynx or Votran .
9. Ms. Olore said that FTA Administrator Simpson was coming to Orlando on Friday, April 4, and agreed to meet with local officials from 3 p.m. to 6 p.m. FDOT is coordinating his itinerary with Reps. Mica and Brown. The plan is to provide the Administrator with a corridor tour and then host a reception that will allow local officials to talk about individual stations. FDOT will notify officials of specifics as they become available.
 - a. Mr. Marcotte said that Winter Park would be interested in hosting a reception for the Administrator.

COMMITTEE MEMBER COMMENTS

1. Committee member comments

PUBLIC COMMENTS

1. Public comments
 - a. Ms. Joanne Cornelis said she supported Commuter Rail and would like it run on weekends and holidays, as well. She also requested expanded 24-hour public bus service.

NEXT MEETING

1. The next meeting was set for April 2, 2008

ADJOURNMENT

1. The meeting was adjourned at 3:01 p.m.