

**Florida High Speed Rail Authority Board Meeting
Thursday, December 9, 2004**

FDOT Auditorium, Tallahassee, Florida

Draft Meeting Minutes

1. Welcome and Chairman's remarks.

Chairman Dudley began the meeting at 9:00 A.M. by welcoming all of the Authority members and the audience. Present at the meeting were members: Mr. Michael Harrell, Mr. John Larkin, Mr. Bill Pitman and Chairman Dudley. Mr. Doc Dockery joined the meeting by teleconference. Mr. Browning joined the meeting by teleconference and subsequently in person. A quorum was called with the members present. Also present was Authority Staff Director, Mr. Nazih Haddad and Legal Counsel, Mr. John Bottcher.

The Chairman welcomed Mr. Larkin to the Authority acknowledging that he was present by phone at the previous meeting.

Chairman Dudley stated to the members that he had spoken to Mr. Denver Stutler, of the Governor's office, regarding the letter sent by Gov. Jeb Bush to the Authority members on November 8, 2004. Chairman Dudley indicated to Mr. Stutler that he felt that the Authority needed to go forward with the Annual Report and await further direction from the Legislature. He also stated that he had mentioned to Mr. Stutler that he didn't intend for the Authority to hold another meeting until after the Legislative Session was complete. He also felt that at the time it wasn't appropriate to assign the Authority's contracts to the Florida Department of Transportation until after the Legislative Session and then only if the Legislature repealed the Florida High Speed Rail Authority Act.

2. Review and corrections/approval of November 10, 2004 meeting minutes.

Chairman Dudley called for a review of the minutes from the meeting of November 10, 2004. Mr. Harrell moved approval of the minutes, and the motion was seconded by Mr. Dockery. The motion carried unanimously.

3. Review of the Authority's draft annual report to the Governor and Legislature.

Chairman Dudley called Mr. Tom Biggs with HNTB, to the podium to lead the Authority through a review of the Draft Report to the Legislature and Governor. Mr. Biggs noted that the Draft dated December 1, 2004 was provided to the Authority members, for review by Mr. Haddad, one week prior to the meeting.

Because the first several pages of the report were a summary of previous year's reports, the Chairman directed that Mr. Biggs start with page 3 and include any comments from the Consultants and interested parties where appropriate throughout the report.

Mr. Biggs noted that the format of the report was similar to previous years. He began the discussion by reviewing each action, finding and recommendation.

Mr. Biggs reviewed the remainder of the Draft Annual Report with the Authority paragraph by paragraph. Members provided comments to the report and Mr. Biggs provided comments that he had received previously. Chairman Dudley called for a motion for approval of the report, as revised, with the understanding that within 7 days the Authority may suggest other changes to Mr. Haddad.

Mr. Harrell made the motion to approve the report, seconded by Mr. Larkin. The motion passed unanimously.

4. Presentation by Global Rail Consortium (If Desired).

Ms. Kathie Beck, GRC Managing Member, addressed the Authority. She commented that the report had been very well written, but the Authority's decision to move to the Beeline Route, meant that they do not have the most up-to-date information to provide the Legislature. She noted that GRC has asked to be included in the negotiations as the second ranked Proposer so that the Authority can provide the Legislature with the best information with regard to cost, design and implementation. Ms. Beck noted that GRC again requested that the Authority consider entering into simultaneous negotiations with the two Proposers.

5. Presentation by Fluor-Bombardier (If Desired).

Fluor-Bombardier did not make a presentation.

6. Discussion on future Board meetings.

Mr. Harrell suggested that the members discuss the form that the Authority should take, moving forward. He indicated that given the outcome of the November election, the Authority's function should be

moved to the FDOT as requested by the Governor. Mr. Harrell noted his desire to bring this issue to the Authority for discussion.

Chairman Dudley acknowledged that it was his intention that the Authority not hold any meetings until after the Legislative Session. He also suggested that if a majority of the members wanted to have a meeting then he would hold a meeting.

Mr. Browning agreed with the Chairman but suggested that the Authority should turn over to the Department all of the necessary contracts and decision making authority to continue the efforts of the Authority until the Legislature makes a decision regarding the future of the project. He noted that this would allow the process to move forward so that the work isn't lost due to the debate in the Legislature.

Mr. Harrell noted rhetorically that if the contracts were transferred to FDOT, would not the studies continue to move forward as they would under the Authority?

Mr. Pitman agreed with the Chairman who had stated that the Authority should adopt a motion indicating there would be no more meetings until the 2005 Legislative Session is complete.

Mr. Dockery agreed with the Chairman that there was no need for another meeting until the Legislative Session is over. He also acknowledged that it doesn't mean that any of the Consultant's work should stop and he noted that he is against transferring the contracts to FDOT in any way or form. He recalled that the Florida High Speed Rail Statutes do not give the right to the Authority to transfer its responsibilities to another agency. Mr. Dockery indicated that he did not see that anything is to be gained from transferring the contracts to anyone else and that the Authority should continue in its mission in accordance with the Florida High Speed Rail Authority Act.

Mr. Browning clarified that it was his intention that the duties are assigned to the Department until the Legislature met, so whatever they saw fit to do or not to do wouldn't change anything.

Mr. Harrell moved that the contracts of this Authority be assigned to the Florida Department of Transportation. The motion was seconded by Mr. Browning.

During discussion on the motion, Mr. Dockery questioned what would be accomplished if the contracts were transferred to the FDOT. He questioned whether the contracts were being transferred to FDOT for supervision or for FDOT to complete the work. He stated his belief that

if it was for FDOT to complete the work it would be a violation of the Statute.

Mr. Harrell stated his belief that FDOT could decide to continue the work or end it after the contracts are assigned to them. He stated he believes that the second option is what concerns Mr. Dockery.

Chairman Dudley summarized the discussion by saying that presently, if the Authority does nothing, the contracts would continue within the specifications set at the last meeting, resulting in a ROD [Record of Decision] as anticipated. He went further to say, if the contracts are assigned to FDOT, they could do nothing (the work would go forward to the ROD) or they could terminate the contracts (effectively ending the work). Effectively FDOT would stand in the shoes of the Authority and would have the same options that the Authority does with regard to the contracts.

Mr. Larkin noted that the Authority was appointed by the Governor and the Legislature to do a job, and now, [after the repeal of the High Speed Rail Amendment], the Authority needs additional information to determine what the job actually entails. Mr. Larkin went on to say that the Authority has also signed contracts with specific dollar amounts. He doesn't see the need to let someone else look over what has already been done. He stated that as the Chairman noted, the Chairman does have the responsibility to address any issues that would require the Board's input and noted that in such a case, a meeting would need to be called. He suggested that the Authority continue with the direction it is currently taking, and have no further meetings until the close of the Legislative Session at which time the Authority will have a clearer future path.

Mr. Pitman expressed agreement with Mr. Larkin.

Mr. Browning noted that he feels that the work needs to continue and the process needs to be completed. But he feels also that the motion would allow for the work to continue if the [future status of the] Authority is held up in the Legislative Session.

Mr. Dockery reminded the Authority that a lawsuit was pending in the 1st Circuit Court regarding the validity of the petitions which allowed for the Amendment to be on the ballot in November 2004. He stated that based on the opinion of the courts the vote repealing the amendment could be invalidated.

Discussion was closed on the motion, which failed when the vote was taken. Members voting against the motion were Mr. Pitman, Mr.

Larkin, Mr. Dockery, and Chairman Dudley. Members voting for the motion were Mr. Browning and Mr. Harrell.

Chairman Dudley reminded the Authority that he will not call another meeting until the close of the Legislative Session, unless emergency need were to arise and that in such case, a telephonic meeting could be appropriate.

7. New Business

Mr. Haddad stated that the contract with HNTB expires June 30. However, the Parsons contract needs to be extended as it ends in December. He also requested that all existing task orders be extended through June 30.

Mr. Harrell moved that all contracts and existing task orders be extended through June 2005, seconded by Mr. Larkin. There was no discussion and the motion passed unanimously.

8. Public comments (speaker cards must be submitted to Authority staff).

Mr. Travis Duncan acknowledged his support of the high speed rail program and noted that he will be very supportive of the Authority's efforts as well as the efforts of the FDOT and the Florida Transportation Commission.

9. Adjourn.

With no other business Chairman Dudley adjourned the meeting at 11:20am.