

**Florida High Speed Rail Authority
Meeting Minutes
February 5 & 6, 2002
Raymond Sittig Hall, Kleman Plaza
301 S. Bronough Street, Tallahassee Florida**

Call to Order: Chairman Frederick Dudley called the meeting of the Florida High Speed Rail Authority (FHSRA) to Order at 9:02 a.m. Members in attendance were: John P. Browning, Jr., Vice Chairman; Norm Mansour, Secretary; Lee Chira, Treasurer (arrived 9:45 a.m.); Heidi Eddins (arrived 9:30 a.m.); C.C. “Doc” Dockery (arrived 9:15 a.m.); William Dunn, P.E.; Skip Fowler, Esq.; and Leila Nodarse, P.E. (arrived 9:55 a.m.)

1. Welcome and Introductions:

Chairman Dudley welcomed all attendees and then explained that he had been called to testify at the Capitol and therefore must excuse himself from this meeting until approximately 11:00 a.m. Chairman Dudley apologized for his departure and suggested that discussion regarding agenda item 3.a., the Invitation to Prequalify (ITP), be delayed until his return. The Authority members present agreed to his request and a brief discussion followed regarding parliamentary procedures and quorums. At this point, Chairman Dudley turned the meeting over to Vice Chairman Browning.

2. Meeting Minutes from January 11, 2002:

The meeting minutes from the previous meeting, held on January 11, 2002 were reviewed. A motion made and unanimously seconded, that the minutes were approved without correction.

3. Old Business:

A. Invitation to Prequalify (ITP):

Discussion delayed until the return of Chairman Dudley.

B. Pending Agenda Item on the Miami-Orlando Study Activity:

Nazih Haddad directed the FHSRA member’s attention to the information included under Tab 5 of the handout regarding this topic.

Mr. Dunn explained that action on this item was suspended during the previous meeting because many of the Authority members were not present and this important topic will consider the potential reallocation of funding. He went on to suggest that a delay might also be appropriate at present to allow for the arrival of more members. The Authority members present agreed with Mr. Dunn’s suggestion.

4. Report on Recent Meetings and Discussions with the FRA and FHWA:

Nazih Haddad began the discussion by informing Authority members about two meetings that occurred recently. The first meeting occurred on January 25, 2002 in Washington D.C. and included the Federal Railroad Administration (FRA) and HNTB Corporation. Mr. Haddad stated that the emphasis of this meeting was to discuss the rule making process. The second meeting was held on January 29, 2002 in Tallahassee and involved representatives from HNTB, Parsons Transportation Group (PTG), the Florida Department of Transportation (FDOT), the FRA, and Federal Highway Administration (FHWA). Mr. Haddad stated that the focus of the second meeting was to gather the lead agencies together to discuss the NEPA review process. He went on to emphasize the importance of these discussions on the work being performed by the FHSRA Board.

Mr. Dunn also commented about the importance of these meetings and suggested that the Authority postpone discussion on this topic until later in the day.

Mr. Dockery shared information with the members regarding the inception of the FHSRA. He stated that he had attended meetings last year in Washington with Peter Peyser, Senator Bill Nelson, a representative from Senator Bob Graham's office, Congressman John Mica, and Congresswoman Corrine Brown regarding funding for for this high speed rail project. Mr. Dockery expressed his thanks for their support and made a motion that this group adopt a formal resolution expressing appreciation to the Congressional Delegation for their efforts in securing federal funds to support the establishment of the Florida High Speed Rail Authority (FHSRA). The motion was seconded by Mr. Dunn and passed unanimously. Vice Chairman Browning directed staff to develop the resolution and encouraged Mr. Dockery to coordinate the content of the resolution with Chairman Dudley.

Vice Chairman Browning directed staff, in the interest of time, to continue with agenda item 4. Mr. Haddad began by describing that the first meeting was with the FRA technology group and was attended by Mr. Dunn. He then requested that Mr. Dunn lead the discussion regarding this meeting.

Mr. Dunn explained that the main purpose of the meeting was to determine whether the FRA was going to require a Rule of Particular Applicability (RPA) for building a system in a highway median or in an existing rail corridor. He stated that there are safety concerns with these alternatives; however, early indications were that an RPA would not be necessary Tier 1 compliant vehicles. Mr. Dunn went on to state that several of the technologies being considered would require special rule making by the FRA, introducing additional limitations to this effort. Mr. Dunn deferred to Mr. Charlie Quandel of HNTB for the details on this topic.

Mr. Quandel re-stated the list of participants for the January 25, 2002 meeting and explained that the purpose of the meeting was to discuss safety issues related to high speed rail operations in the I-4 median and in the right-of-way, parallel to existing CSX track. He stated that three key points were stressed by FRA:

1. FRA has responsibility for high speed ground (including both rail and maglev systems) transportation safety. The existing regulations provide guidelines and limits for rail

technologies through 150 mph. For operations above 150 mph or for Maglev technology, he stated that there is a need for special rule making.

2. FRA has jurisdiction for the Florida High Speed rail system, whether it operates in a highway median or an existing rail alignment. FRA jurisdiction does not extend to urban rapid transit systems; however, it does include inter-city systems similar to what is being proposed here in Florida.
3. FRA will provide guidance regarding safety issues affecting the FHSRA program to allow the design development in the event of special rule making.

Mr. Quandel went on to recap the specific technologies that were discussed. He stated that an RPA is not needed for operations along the I-4 corridor for Tier 1 compliant technologies with speeds less than 125 mph and selected 150 mph technologies, such as the ACELA and the Bombardier diesel turbine. For TGV and ICE technologies, rules are currently not in place and an RPA may be required for complete implementation. FRA indicated that a waiver could be granted in lieu of an RPA to permit operation of this technology within the median. For magnetic levitation technology, an RPA will be required and will take 3 to 5 years at a minimum to complete for mature technologies, such as Transrapid. Other maglev technologies would require 5 to 10 years for an RPA. Regarding parallel operations, the FRA does not currently have any guidelines indicating track separation requirements for such an operation; however, CSX is indicating that they will require a 25-foot separation. For non-compliant steel-wheel, steel-rail technology, a special rule making may be required for operations in the CSX right-of-way. Also, CSX has indicated that they do not support the introduction of Maglev technology into their right-of-way.

Mr. Dunn asked for further details regarding the steel-wheel, steel-rail technology. Mr. Quandel explained that the existing regulations provide guidelines and limits for rail technologies through 150 mph for compliant technology. Non-compliant technologies include those that do not have sufficient crash worthiness as required by FRA. This includes steel-wheel, steel-rail operations above 150 mph. In reference to the FOX project, Mr. Quandel stated that FRA had issued a notice of proposed rule making for an RPA in 1997 for the FOX program to address track and equipment standards, since such standards did not exist. Since that time, FRA developed new rules for track standards up to 200 mph and equipment standards up to 150 mph. If the selected technology complies with the established rules, no RPA will be required. Variances may be granted for equipment that does not meet the standards, particularly where the equipment operates on dedicated track, separate from the general railroad system. Mr. Quandel continued by explaining that the next steps required are for the general consultants to continue developing guidelines for median operations and varying technologies. HNTB and PTG will develop standard cross-sections for approval by FRA. He stated that they would design the Tampa-Orlando corridor for the highest attainable speed for steel-wheel, steel rail technology. He explained that there is a 44-foot wide median in which the standard cross section for each technology must fit.

Vice Chairman Browning asked Mr. Quandel if he was indicating that steel-wheel, steel-rail technology must be used in future designs. Mr. Quandel replied that FRA was indicating that it would be difficult to complete an RPA for the Maglev technology by the November 2003

deadline. He went on to say that FRA stated definitively that it (RPA) will not be done by that date.

Mr. Fowler asked Mr. Quandel if it is correct that the TGV technologies were approved to be used as long as speeds stay below 150 mph, and if so, could Maglev be approved using the same rationale? Mr. Dunn responded that there are currently no applicable track standards for a Maglev guideway and developing these may take from two to five years depending on the technology. Discussion continued among members regarding the RPA development process. Mr. Quandel explained that an RPA cannot be written until a technology has been selected and funded, which has not yet occurred. Mr. Dunn explained further that the schedule being used in this state is much faster than ordinary and the process (RPA) is not set up for such an accelerated pace.

Vice Chairman Browning stated that high speed rail had been studied in this state many times in the past. Mr. Dockery detailed this further by explaining that Transrapid technology was first studied in 1987 and 1988 between Disney and the Orlando International Airport. Mr. Browning questioned why FRA did not continue working on rules for this technology knowing that there was interest in developing a system. Mr. Haddad explained that FRA has completed a great deal of work on Transrapid and is better positioned to move forward with this technology than any others.

Mr. Adrian Share from HNTB interjected that he did not believe that the 2-year deadline should be considered a deal killer. Rather, the group should focus on selecting the technology and beginning construction by November 2003 with operations beginning in 2007. In that context, he said, we have time to get the details in order. Mr. Fowler asked that with that thinking, could Maglev be considered? Mr. Quandel responded that in his opinion, with time requirements in the current process, it would be difficult to give a DBOM award to Maglev. He stated that he believed it would take some pressure by the Maglev industry to change this timeframe.

Mr. Dunn further explained the FRA approval process and suggested that this body request some changes to the process to allow more rapid advancement of new technologies. Vice Chairman Browning suggested writing a letter requesting that FRA start the rule making process for Maglev. Mr. Haddad questioned which technology. Discussion continued regarding the content of this proposed letter. Mr. Dunn stated that it would be more appropriate for this group to ask FRA to open the application process for RPA's to the manufacturer.

Mr. Mansour commented on the immediate harm caused by the current rule making process to the manufacturing industry and the potentially negative impact industry response to the bidding process. He offered an alternative option for the group to open this inquiry to the industry representatives to express their point of view on the DBOM proposal process. Mr. Mansour offered a motion that this board ask the FRA to consider modifying the rule making procedure for approving the development of rules that would facilitate the development of high speed rail by allowing requests from the manufacturing industry or from a body such as the FHSRA without requiring the selection and funding of a specific project. Mr. Dunn seconded the motion. Mr. Mansour offered a second part to this motion that would require the Request for

Qualification (RFQ) be expanded to specifically solicit input from the Maglev industry on their interpretation of the current rule making process. Mr. Dunn seconded this as well.

Ms. Eddins questioned how much of an impediment the current rule making process actually is and asked if the FHSRA Board could request representatives from the FRA to appear before them at an upcoming meeting. She also questioned whether or not this group should alert the legislature of this issue. Mr. Haddad stated that they could invite representatives to the March 14, 2002 meeting in Orlando.

Mr. Dunn commented that the Maglev industry would be the appropriate group to respond to the problems inherent in the rule making process. He further suggested that if a Maglev proposal was received and considered to be attractive, the Authority might find it necessary to face the consequences of missing the November 2003 deadline. Mr. Fowler responded by asking to consider what would happen if the FHSRA followed that course and then the FRA did not issue an RPA?

Mr. Chira joined the discussion and requested a restatement of the motion. Vice Chairman Browning asked Mr. Mansour to restate his motion and a vote was taken. The motion passed unanimously.

Mr. Haddad stated that the next issue under agenda item 4 concerns the results of the January 29, 2002 meeting in Tallahassee involving multiple agencies. Mr. Quandel explained that the purpose of the meeting was to discuss lead/joint agency participation among FDOT, FRA and FHWA for the PD&E process. Mr. Quandel commented that the results of the meeting concluded that FHWA will consider serving as a co-lead and that a final decision will be made in the near future. FDOT will not have implementation responsibility and that FDOT will not be responsible for reviewing the environmental documents prior to submission to FHWA. Mr. Haddad stated that HNTB is charged with the responsibility to review the environmental documents to ensure that these documents comply with all regulations. Mr. Quandel further stated that an issue yet to be resolved is the impact of FHWA regulations on the implementation schedule. This will be addressed at an upcoming workshop scheduled on Wednesday, February 6, 2002. Other issues to be resolved include schedule of other agency meetings and review, project compliance with the long-range plans of MPO's and a formal Joint Agency Participation (JPA) agreement between FRA and FHWA.

5. Staff Report:

A. Status Report on Authority's Expenditures:

Mr. Haddad called attention to the budget information as of January 31, 2002 included in tab 7 of the handout. He stated that most of the travel expenditures were not yet expended for this category and he reminded the membership of the possibility of reallocating these funds for other uses. He stated there is also a surplus of funds remaining from the Amtrak consultant services, which is available for other uses. Furthermore he stated that under the General Consultant category, Task Order 1 to generate the FHSR report for the legislature and Governor, has been completed. Mr. Haddad also stated that Task Order 2, oversight of the PD&E activities, is

roughly 50% complete, and Task Order 3, additional consultant support has roughly 12% of the funds expended. He went on to discuss the PD&E Consultant activities for Task Order 1, the review of existing technical reports and data, which is almost complete and Task Order 2, the PD&E activity, which is just getting underway.

Mr. Haddad briefed the Authority members about the requirement for beginning the Investment Grade Ridership Study. He stated that while an additional \$3 million in federal funding appears probable in the budget appropriations for next year, it is not currently available to start this activity. This would require a budget amendment by the state. He explained that if the Authority desired, some of the excess funding in the current budget could be reallocated to initiate the Ridership Study while waiting for the additional funding to become available.

Mr. Dockery asked if a resolution was needed by this Authority to initiate the budget amendment requesting the \$3 million. Mr. Haddad replied affirmatively. Mr. Dockery moved to request that the FHSR Authority request a legislative budget amendment to appropriate the \$3 million in federal funding into the state budget. Mr. Fowler seconded the motion. The motion passed unanimously.

Mr. Mansour revisited Mr. Haddad's suggestion that the excess funding available in the Authority's current budget be reallocated to initiate the Investment Grade Ridership Study. Mr. Mansour made a motion that the uncommitted dollars previously allocated to travel and staff, be utilized to initiate the Investment Grade Ridership Study. The motion was seconded by Ms. Eddins; however, Mr. Dunn quickly stated that he believed this motion was out of order because there is a pending agenda item under section 3.b. Old Business. Mr. Dunn expressed his belief that this topic should be discussed first. Mr. Browning agreed to revisit item 3.b. at this time.

3. Old Business (continued):

B. Pending Agenda Item on the Miami-Orlando Study Activity:

Mr. Dunn expressed his support for high speed rail between Miami and Orlando, and also expressed that support for the project exists from Representative Carlos A. Lacasa, District 117. Mr. Mansour stated that reallocating the funds to initiate the St. Petersburg-Orlando study does not diminish the endorsement of any other segments; it just allows work to be expedited on a segment that has been identified as the priority project.

Ms. Eddins questioned whether it is wise to start a study that cannot be fully funded. Mr. Haddad said much of the groundwork would be laid. Mr. Haddad went on to offer another option to use some funding from the PD&E portion of the budget to begin the ridership study.

Mr. Browning asked what would happen if the Authority did not reallocate any funding at the present time. Mr. Haddad responded that it would slow down the process and further jeopardize the chance of meeting the November 2003 deadline. Mr. Browning cautioned against allocating all of the funding.

Mr. Mansour expressed his support of allocating funds towards projects that yield hard data, such as a ridership study. Mr. Dockery stated that we are operating with a budget shortfall and doing the best we can to allocate funds in ways that will yield the most meaningful results. Mr. Dunn agreed that the budget is not adequate for the work required. He went on to state that proposals were initially expected to respond with technologies appropriate for the development of a larger system, not just the Tampa-Orlando leg. Ms. Eddins agreed with Mr. Dunn and asked that the Authority continue investigating the possibility of using some of the PD&E funds to support other work.

Mr. Dunn offered a motion to transfer \$100,000 out of the travel expense section of the current budget and \$100,000 out of the staff budget to provide some preliminary engineering and planning level ridership level work including assembling previously generated data. Ms. Eddins seconded the motion with the clarification that cost estimates would be included in this work.

Ms. Nodarse requested clarification that there would be no new work conducted under this task order, just a repackaging of existing data. Mr. Dunn stated that this is correct.

Mr. Share and Mr. Haddad pointed out the pertinent information shown in tab 5 of the handout includes a list of previous studies and proposed scope. Discussion continued regarding the proposed scope of work. Mr. Browning called for a vote to Mr. Dunn's motion and it passed unanimously.

Mr. Mansour re-emphasized the motion he put forth earlier to expedite the start of the Investment Grade Ridership Study for the St. Petersburg-Tampa-Orlando. He offered a revised version of that motion to direct staff to develop a task order to begin an Investment Grade Ridership Study for the St. Petersburg-Tampa-Orlando route using funding available from the PD&E portion of the current budget. Ms. Eddins seconded the motion.

Mr. Share introduced Mr. Tom Biggs from HNTB and stated that Mr. Biggs was prepared to provide details regarding the proposed work plan (*see agenda item 5.b.*) for this topic.

Mr. Fowler questioned the proposed timeline and the potential for expediting work with a change that will fund the first phase of the study. Mr. Dockery followed up by asking for an explanation of the first phase. Mr. Biggs provided a presentation on the work that would be performed in the proposed ridership studies. He explained that there would be two independent forecasts of ridership developed, based on a set of common assumptions. The firms that would complete the forecasts are AECOM Consultants and Wilbur Smith. The work would be monitored by an advisory committee whose membership would include a representative from the general consulting firm, the Center for Urban Transportation Research (CUTR), FDOT, Dr. Alex Metcalf, a board member liaison, and others as needed. Phase one would develop and conduct a data collection program including a demographic survey, an origin and destination survey and a stated preference survey. He stated that it would also develop a common modeling forecast framework including estimates of population, employment, tourism, and estimated demand in the corridor. Mr. Biggs went on to explain phase two as well.

Mr. Biggs explained that with board approval today, the consultant would be able to develop a detailed scope of work for presentation in March, and a notice to proceed could be issued in April. This would allow project to collect data during the summer of 2002 with results being completed in late 2002. Ms. Eddins asked if Amtrak was considered for inclusion on the advisory committee. Mr. Biggs explained that they would be consulted, but were not included on the advisory committee.

Mr. Dockery made a motion that the FHSR Authority re-allocate \$1,000,000 in PD&E funds from the current budget to support the completion of the Investment Grade Ridership Study from St. Petersburg to Tampa to Orlando. Mr. Fowler seconded the motion.

Mr. Share explained that the PD&E process is critical and he cautioned the membership against transferring the entire \$1,000,000 at this time. He emphasized that only \$400,000 is needed to complete phase one of the study.

Mr. Dockery amended his motion to transfer only \$400,000 of the PD&E funding. Mr. Fowler seconded this change. Mr. Mansour stated that in lieu of this action, he would withdraw his earlier motion of the same nature.

Mr. Chira questioned why St. Petersburg is being included in this study. Mr. Share explained that including the St. Petersburg to Tampa leg was a commitment made previously by this board. He went on to explain that the incremental cost of this segment would be relatively small, while the benefit of including it in political terms may be significant. The motion passed unanimously.

5. Staff Report (continued):

B. Federal Funding:

Mr. Haddad called board members' attention to the letter from Secretary Barry to the FRA included in tab 8.

C. Letter from Coast to Coast Rail:

Mr. Haddad called the board members attention to a letter from Coast to Coast Rail to Mr. Dudley, and stated that a representative from this consortium was in attendance and would like to address the board. Vice Chairman Browning indicated that this could be done at a later time.

D. Future Meetings Schedule:

Mr. Haddad reviewed the upcoming FSHR Authority meeting schedule included under tab 10. Vice Chairman Browning commented that there was a request to change the location of a future meeting to Port Canaveral. Dixie Sansom, Director of Government Affairs and Community Relations, addressed the board and invited them to schedule a future meeting at Port Canaveral. Mr. Dockery offered a motion to change the location of the June 6, 2002 FHSR Authority meeting from Lakeland to Port Canaveral. Mr. Fowler seconded the motion. The motion was approved unanimously.

6. General Consultant Activities:

A. Final Technical Report:

Mr. Charlie Quandel informed the board members that the consultant has received comments on the final report and are compiling these for review by the board and that the final technical report would be presented to the Authority before the close of this board meeting.

B. Summary of January Meetings:

Mr. Haddad informed the board that he is compiling a list of all meeting activity at the request of Ms. Nodarse. Vice Chairman Browning also requested that members be informed of upcoming meetings so that they may participate if they choose to. Ms. Nodarse commented that that was a part of her original request. Mr. Haddad pointed out that some of this information is included under tab 7 of the handout. Mr. Chira added that each board member has been assigned a specific area of responsibility and both board members and staff should make a particular effort to be aware of the activities relating to the members' area of responsibility. Several other administrative points were discussed regarding the format of future handouts.

C. Proposed Legislation:

Mr. Haddad reminded the board of a discussion that occurred at the previous meeting regarding the proposed Florida High Speed Rail Authority legislation. Members were asked to review this legislation and provide recommended changes to staff. Mr. Haddad stated that comments were received from Ms. Eddins and also from John Bottcher, legal council. In addition to these comments, Mr. Haddad called the board members' attention to a copy of the legislation introduced by Senator Laurent included in tab 12. Several board members asked questions regarding the proposed legislation and a discussion took place regarding the appropriate ways to recommend changes at this point in the process. Mr. Dockery responded by stating that this bill reflects the wishes of Senator Laurent, last year's sponsor and stated that it would be difficult to introduce changes at this time.

Given that several board members continued to express concerns about the language of this document, Mr. Chira asked Mr. Dockery how this board could propose changes to the legislation at this point in the process and he also asked him to comment on whether or not these efforts should be pursued. Mr. Dockery stated that anyone can appear before a legislative committee to offer testimony about a bill and solicit a committee member to make an amendment. However it would be unwise, he continued, to do this without the concurrence of the introducer of the legislation, in this case Senator Laurent. Mr. Chira followed up by asking if there were any changes that seemed imperative to offer as a body. Mr. Dockery said no, he didn't believe there were. He commented that he believes recommending changes at this time may be counterproductive to the goals of this board.

Ms. Eddins stated that she was still concerned about the pre-emptive language in the bill and that she would investigate other ways to let her concerns be known. Vice Chairman Browning

acknowledged that it would not be appropriate for this Authority to recommend any changes to the legislation that has been introduced.

D. Work Plan for Investment Grade Ridership Study:

This agenda item was accomplished earlier in the meeting.

7. PD&E Consultant Report on Task Order 1 Activities (Parsons Transportation Group):

Mr. Howard Newman from the Parsons Transportation Group (PTG) stated that Task Order 1 has been completed and Task Order 2 is currently underway. He went on to detail the work being accomplished under Task Order 2 including the engineering data collection, engineering analysis, environmental data collection, public involvement, and agency coordination. He entertained questions from the board; however, none were offered.

8. Public Comments:

Mr. Browning invited public comments. Mr. Howard Glassman, Executive Director of the Metropolitan Planning Organization Advisory Council (MPOAC) addressed the board regarding the inclusion of high speed rail in the MPO's long range planning process. Mr. Glassman stated that in his opinion, introducing high speed rail into the MPO planning process would be beneficial in generating additional support for this effort. He went on to offer assistance to the board in drafting legislation or providing technical assistance where appropriate.

Mr. Fowler asked Mr. Newman if PTG has scheduled presentations with any of the MPO's in the Tampa-Orlando corridor. Mr. Newman said this was planned, but not yet completed. He went on to say that it takes some time to get on an MPO agenda. Mr. Glassman stated that the MPOAC has been in contact with Mr. Haddad and that they have been informed about the activities as they occur.

A. Transrapid International-USA:

Mr. Larry Blow from Transrapid International-USA addressed the board to discuss safety issues. He stated that this has been the soft underbelly of the Maglev technology for years. He stated that safety has been imperative for Transrapid and to this end, they have worked with the German government and the U.S. government to address safety and environmental issues in Transrapid technology. He believes this work will help Transrapid technology be accepted more quickly than others. He confirmed that the rule making process with FRA is tedious and that it would be difficult to receive a rule making from FRA within two years. He stated that Transrapid has presented much information to the FRA and that FRA has information developed for the Pittsburgh Mag lev project.

Vice-Chairman Browning turned the meeting back over to Chairman Dudley who had returned from his absence. Chairman Dudley welcomed the board members and the audience to Tallahassee and then proceeded to give an update of his activities since the last meeting. He

stated that his main concern regards the Authorities' \$4.5 million budget, most of which has been committed at this time. He went on to state that an additional \$2.6 to \$3 million in federal funds are expected to be made available; however, this money will be subject to legislative oversight. Chairman Dudley estimates that the Authority will require an additional \$4.5 million from the state to complete the PD&E work that has been initiated. Chairman Dudley continued by stating that when he found out that there was no funding allocated for this program in the proposed budget, he called the Governor's office and asked if they were looking for his resignation. Discussions with the Governor's office continued and Chairman Dudley and Nazih Haddad met with the Governors Chief of Staff. The outcome of this meeting was that Governor Bush is looking for more information regarding the overall costs of implementing a high speed rail system. While Chairman Dudley stated that he understands the difficulty this presents to the private sector, he appealed to the manufacturing community present to help the FHSRA Board get this information to appease the Governor's request. He went on to explain that he understands that not only is it difficult, but it may impossible, for a firm to provide detailed bid information at this point because there are so many assumptions and unknowns. Chairman Dudley then opened the floor for discussion.

Mr. Dockery explained that although last year was a difficult one for high speed rail, the legislature and governor did support the continued work of the Authority. Through continued efforts to educate house and senate members about the FHSRA, he believes that high speed rail has stronger support today than in previous years. Mr. Dockery commented on two bills that have been offered on this topic: 1) SB 2174, sponsored by Senator Laurent; and 2) a house bill co-sponsored by Representative Ross and 19 other members including Representative Lacasa. Mr. Dockery went on to state that he believes the Governor will let this expenditure stand if it is included in the budget offered by the legislature. A brief discussion occurred regarding legislative procedure and committee.

Vice Chairman Browning expressed his thanks to Chairman Dudley for his efforts. He also offered a suggestion that the board members be made aware of future meetings in advance so that they may provide input or offer suggestions on how a matter is handled. Chairman Dudley concurred. Mr. Mansour echoed Mr. Browning's sentiments. Mr. Chira also expressed his appreciation and reminded everyone that the purpose of this committee is to do the work of the people of Florida. Chairman Dudley stated that in light of the discussion that has just occurred, he would like to suggest an open microphone format for the afternoon session to solicit input from those manufacturers who may have a vested interest in the Invitation to Prequalify (ITP).

Ms. Eddins stated that the issue is not really about the \$4.5 million dollars to fund a PD&E, but rather to help the legislature and the governor understand what role the private sector may or may not play in the development of this project. She continued by stating that this is an information gathering exercise. Chairman Dudley compared the legislative timeline with the information gathering process and expressed his opinion that the \$4.5 million in additional funding is essential to reaching the answers that this body needs to reach.

Mr. Dunn recognized the persuasive nature of the Governor; however, he continued that the FHSRA was created by the legislature, not by the Governor's office. Therefore, he does not feel that the Governor should have undue influence over the process. Mr. Dunn went on to say that

while he understands the need to recognize the Governor's request for information, this Authority is responsible to the people of Florida. Mr. Dunn stated that he is prepared to discuss changes to the ITP at this point.

Chairman Dudley proposed re-convening at 2:30 p.m., with an open forum to solicit input from the private sector regarding the ITP. The board members can then deliberate on these suggestions overnight, staff can summarize the issues and discussion on the ITP can resume tomorrow. Mr. Dudley also suggested distributing Mr. Dunn's proposed changes to be available for review in the afternoon.

The group broke for lunch at 11:50 a.m. Interested members attended the Florida Senate Transportation Committee meeting at 1:30 p.m., and Chairman Dudley addressed the committee at that time.

The FHSRA Board meeting reconvened at 2:33 p.m., and Chairman Dudley began by addressing some administrative details such as the next day's schedule. He also explained that Mr. Fowler was called away due to an emergency. Some discussion occurred regarding an upcoming Euro-Rail convention scheduled for this Fall in Madrid. Mr. Haddad was directed to gather the details and distribute information about this event to board members. Chairman Dudley then opened the floor to comments regarding the ITP.

B. Washington Group:

Mr. Ron Chance from the Washington Group recommended that the board select a firm first and then the firm, together with the board, can choose a technology at a later date, based on the data collection and analysis. He stated that based on the current ITP, their firm estimates that technology will comprise approximately 20% of the total installed cost. Mr. Dunn asked if Mr. Chance was suggesting that they make a selection of the DBOM contractor as a qualification based selection. Mr. Chance stated that he believed that using a progressive design build format, which is a qualifications based selection, would be the best choice.

Mr. Dunn expressed his concern with selecting a sole source contractor and then attempting to negotiate a price later. He stated that this removes the forces of competition even though it may have some other appealing aspects. Mr. Chance stated that based on the responses he saw from other firms, the current ITP might have a similar effect in limiting competition by firms who are reluctant to participate in the prequalification. Ms. Eddins asked if he had specific changes to offer. Mr. Chance stated that he would submit that information in writing by tomorrow.

C. Amtrak:

Mr. David Carol from Amtrak stated that he respectfully suggests that the request for information seems to be premature at this time. He said given that the wide range of assumptions that may be made with this ITP, firms may potentially submit totally different

proposals. The political implication for this is that decision makers will be stuck comparing apples to oranges. Amtrak has found that even a minor variation in an assumption can have a huge influence on the final outcome. He also expressed doubt in the value of the information that would be provided by firms at this time. Ms. Eddins asked Mr. Carol how the board could obtain the information they need from the private sector. Mr. Carol responded by indicating that the board must provide more detail regarding what they want, a more unified vision.

D. Arcadis:

Mr. Ralph Mervin from Arcadis stated that his company has already submitted their questions regarding the ITP, but they are ready to provide suggestions to the board if needed. Mr. Mervin questioned whether they would be able to modify their assumptions as the project moves forward. He also questioned whether they would be able to submit questions of a proprietary nature without having those released to the public. Mr. Bottcher stated that questions received would be subject to the public records clause, and as such they would be available for review by all of the competing firms.

E. Korean High Speed Rail:

Ms. Catherine Beck addressed the board on behalf of Korean High Speed Rail stating that the boards ITP is considered to be vague and does require too many assumptions. They are very interested in this project, however they feel that it would a waste the boards time to accept a proposal that is prepared based on the limited data available at present.

The board continued with a brief discussion regarding the ITP. Mr. Chira asked if any information included in a proposal would be binding. Chairman Dudley explained that this board has no authority to accept a proposal. Mr. Chira followed up by asking if a firm does not respond to the request for information (RFI), can they submit a request for qualification (RFQ). Mr. Bottcher said that yes, they can; however they should reply to both in order to be considered responsive.

F. Siemens Transportation Systems:

Matteus Loman from Siemens Transportation Systems stated that while that they are prepared to express their interest in this project and therefore prequalify, they are not prepared to provide all the information the board is requesting at this point in time. Mr. Loman stated that since they currently utilize all four technologies, they feel they are well positioned to compete. However, since a technology has not been determined Siemens is in the awkward position of potentially competing with themselves in the proposal process. Mr. Loman stated that they would be better prepared to make a sincere proposal after they see the results of the ridership study and other data.

Mr. Haddad clarified the content of section 4.3 of the ITP, which calls for a “best effort” from the consultant. This allows a firm to forego submitting detailed information, provided they explain why the RFI cannot be accomplished.

Mr. Share reminded the board of the previous discussion regarding the ITP and emphasized the two substantive changes that have occurred. First, he said that item 4 has been added. Secondly, the date for responses has been accelerated. Based on the discussion thus far, he recommended eliminating item 4 from the ITP and questioned the value of any information that may be received from this request. Ms. Eddins questioned how the board might be able to ask private sector firms to articulate what circumstances would exist for them to consider some level of private sector financing. Mr. Share recommended that they add a statement to that effect. Lengthy discussion continued regarding the essence of the ITP item 4. Mr. Share reaffirmed his opinion that the information received at this time would be of little value to the board.

Mr. Dockery stated that there is always a need for more information, but that he agreed with Mr. Share's assessment of the value of the information that will be obtained. Mr. Dunn explained that his proposal was an effort to balance the need for gathering information with the desire to get responses from the private sector. Ms. Eddins expressed her inclination to leave a modified version of this section in the document. She stated that they have a great need to gather information and this may be the only way to get it. Mr. Chira agreed that it would be difficult to get worthwhile information from the private sector in the time frame required in the ITP. He went on to state that he would not penalize a firm due to a lack of response to this request. Ms. Nodarse asked Mr. Share how many responses could be expected if the proposer would be required to select a technology and provide detailed financial information. Mr. Share replied, possibly six. Discussion continued.

Mr. Dudley opened discussion regarding the timeline proposed in the ITP. Mr. Browning offered a motion to accept the timeline proposed by Mr. Dunn with changes to deadlines for the Final RFP of December 1, 2002, and Submittal of proposals by February 14, 2003. Mr. Chira seconded the motion. Mr. Share commented that the dates would not be in sync with the legislative session. Mr. Dunn said he was not considering the legislative session when he picked these dates. Mr. Chira commented that the board should consider the Governor's schedule more than the legislators since he is the one looking for the detailed information. Lengthy discussion continued regarding the timetable.

Mr. Chira suggested adding verbiage to item 4 requesting that firms include financial information from a previous project that would assist the authority in their quest for information. Mr. Share interjected that if the board is going to keep item 4 of the ITP then he recommends the board reconsider Ms. Eddins' suggestion to greatly simplify the information being requested in order to increase the chances of getting some responses. Mr. Dudley directed staff to work on several alternative versions for section 4 to be reviewed during the following day's session.

Mr. Dudley revisited the discussion regarding an accelerated timetable. Mr. Dudley proposed striking the mandatory briefing. Mr. Dunn questioned whether the board should strike the briefing, and the board continued refining the timetable. Mr. Share emphasized the intent of the briefing to stimulate worldwide interest and response to the RFQ. Mr. Haddad stated that the response already received suggests that the project already has worldwide attention. Mr. Dunn stated that due to the magnitude of this project, the board should reconsider compressing the timeline. The board settled on the following changes to the schedule:

Issue revised Invitation to Prequalify	February 8, 2002
Mandatory Briefing	March 1, 2002
Written Questions Due	March 8, 2002
Authority Meeting (review of questions)	March 14, 2002
Responses Posted	March 15, 2002
Authority Meeting (first review of responses)	To Be Determined
Announcement of Qualified Applicants	To Be Determined
Draft Request for Proposals Issued	July 2002
Comments on the Draft RFP	August 2002
Final RFP Issued	December 2002
Submittal of Proposals by Qualified Applicants	February 14, 2003

Chairman Dudley stated that a revised version of the ITP including this new timetable would be distributed at the next day's meeting for review by the board. Ms. Nodarse requested an overview of the following days schedule. Chairman Dudley provided this.

The meeting was recessed at 4:30 p.m. and was scheduled to reconvene at 12:00 noon the following day.

Continuation of the Florida High Speed Rail Authority Meeting, February 6, 2002

Note: The purpose of convening for a second day is for the FHSRA to continue discussion and development of the Invitation to Prequalify (ITP).

Chairman Dudley called the meeting of the Florida High Speed Rail Authority (FHSRA) to order at 12:40 p.m. Members in attendance were: John P. Browning, Jr., Vice Chairman; Lee Chira, Treasurer; Heidi Eddins; C.C. "Doc" Dockery; William Dunn, P.E.; and Leila Nodarse, P.E.

Mr. Haddad distributed the revised version of the ITP, based on Mr. Dunn's suggested changes and the additional comments made by the FHSRA Board yesterday. He specifically stated that the information on page 3 included language that responds to the addition to a prequalification conference. Additionally, he commented on a change to section 5.1.b. allowing changes in technology as the process moved forward. Mr. Haddad also reviewed the updated timetable in section 7. Mr. Haddad then called attention to a one-page insert, titled insert A, which has been offered by Mr. Share. He explained that this language was being suggested to address additional concerns of several board members as well as private firms.

Mr. Dudley asked for an explanation of the differences between section 4.5 of the ITP and the insert being offered. Mr. Share explained that he was attempting to craft language in response to Ms. Eddins' suggestion to simplify the response requirement yet still gather meaningful information.

Mr. Dudley asked for comments by board members in support of the insert.

Ms. Eddins commented that section b of the insert does not reflect the entire wishes of the board as discussed previously. She went on to say that it should include a request for information from

firms who have been involved in previous high speed rail projects regarding the extent of their involvement and how the project was financed.

Mr. Dudley offered the following language to address this: Prospective providers shall provide information on previous projects in which it or a key member of its team participated in high speed rail systems or other significant transportation project, including information pertaining to the type and level of financing with a breakdown of the public and private contribution.

Ms. Eddins suggested reconciling the two versions of section 4.5 by keeping in the original 4.5 a., parts 1, 2, 5 and 6 and qualifying that section with a statement “to the maximum extent feasible provide this information.” She then suggested adding the inserted information to that. Discussion continued regarding the detail of this language.

Chairman Dudley asked that the record show this to be accepted without exception and then directed Mr. Haddad to reconcile the language as necessary.

Chairman Dudley called attention to a fax that had been received from the Washington Group suggesting a change to sections 2.3 and 5.2.d. Chairman Dudley stated that this required choosing a firm prior to choosing a technology, which was not in keeping with the wishes of the FHSRA Board. Brief discussion continued; however, no action was taken on this item.

Vice Chairman Browning offered a motion to change the timetable in section 7 to eliminate the mandatory pre-response conference, move the written questions to February 15, 2002, change the Authority meeting to March 5, 2002 in Tallahassee, change the answers posted to March 6, 2002 and move the responses due to the Authority to March 20, 2002. Mr. Chira seconded this motion. Lengthy discussion continued regarding the need for a mandatory briefing as a way to reach out to a worldwide audience.

Mr. Share stated that this is often a way for smaller firms to become involved in the process. Mr. Dunn responded to that by stating that the added language that permits changes to the make-up of a team will allow for smaller firms to join the process as it evolves.

Mr. Chira again questioned whether there are many firms that have not already been reached. Mr. Share stated that he believed that there were.

Ms. Eddins expressed her support for the acceleration of the schedule. Mr. Dudley asked if there is a way to accelerate the schedule, yet still reach out to firms. The general feeling expressed by members is that it could be accomplished.

Chairman Dudley asked for a re-stating of the motion. Vice Chairman Browning re-stated his motion and Mr. Chira seconded it with an additional suggestion to change to the Written Questions Due from February 15, 2002 to March 1, 2002. The amended timetable was approved unanimously and stands as follows:

Issue revised Invitation to Prequalify
Written Questions Due

February 8, 2002
March 1, 2002

Authority Meeting (review of questions)	March 5, 2002
Responses Posted	March 6, 2002
Responses Due to the Authority	March 20, 2002
Authority Meeting (first review of responses)	To Be Determined
Announcement of Qualified Applicants	To Be Determined
Draft Request for Proposals Issued	July 2002
Comments on the Draft RFP	August 2002
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Chairman Dudley expressed his desire to continue discussions regarding section 4.5 of the ITP. Ms. Eddins reiterated her preference to have language added to request specific information from firms responding to the ITP. Mr. Dudley asked what specifically should be added to the latest version. Ms. Eddins stated that the insert addresses the financing issue only; however, the original version covers the financing as well as the costs for construction, ridership forecasts and what the operating and maintenance costs might be. Mr. Share stated that these are the issues that firms might be reluctant to offer. Ms. Nodarse stated that she believes the insert does cover this as well.

Chairman Dudley asked how additional questions regarding the ITP could be addressed. Mr. Bottcher responded by stating that the document must be able to stand alone. Mr. Chira asked about the possibility of allowing a question period as long as the questions and responses were posted. Mr. Bottcher replied that a clear process must be established to ensure that all correspondence is available to the public.

Mr. Dockery asked Mr. Share that if he were responding to this request for information knowing that he was going to bid on the project later, how much information would he be willing to provide. Mr. Share replied that he would share very little information or possibly provide misleading information.

Mr. Chira stated that the change to adopt the insert might require a change to section 3.1. Chairman Dudley directed the staff to handle this. He stated additionally, that the second sentence in the first paragraph of section 9 should be changed from the "Authority will conduct..." to the "Authority may conduct" and expressed that this is meant to be a motion to change the document accordingly. Mr. Dunn seconded the motion.

Ms. Eddins commented on her continued concern over the wording included in insert A. She stated this insert does not include any information about the conclusions of the responder with respect to estimated construction, operating and maintenance costs and revenue sources. She stated that it only asks about their participation financially. She motioned that it be changed to include language that requests this information be provided to the maximum extent feasible. The motion was seconded by Mr. Chira and approved without exception. Chairman Dudley directed staff to incorporate all changes as approved and to correct all inconsistencies that may exist in the document.

Mr. Dunn commented that this project is following a tight time schedule and it seems that the FHSRA may want to have some latitude in considering a potential late entry to the process. Chairman Dudley replied that it would be appropriate to include this in the Bill. Mr. Chira stated that this is already addressed in the proposed legislation.

Mr. Dunn motioned to approve the amended ITP based on the discussions that occurred today. Mr. Chira seconded the motion and it was approved unanimously.

Chairman Dudley stated that the last order of business, in addition to stating that the next meeting will be on March 5, 2002 in Tallahassee, is to recognize a letter from the U.S. Senate. Chairman Dudley directed the board members' attention to the third paragraph of the letter, which stated that they were pleased to provide financial support for this effort, and that the program from which these funds flow can be a source of funding for additional studies in the future. Chairman Dudley stated that he was directing Mr. Haddad to draft a response to this letter. In this response, Chairman Dudley will ask the Senate to assist the FHSRA in securing the balance of funding necessary to support the Authority through this time next year.

Mr. Dockery encouraged Chairman Dudley to request matching funds to support future work that is needed. Mr. Chira stated that he believes the board supports the Chairman's negotiating skills in drafting this response.

Chairman Dudley asked for further comments.

Mr. Share suggested the March 5, 2002 meeting time be set for 10:00 a.m. to allow for those who travel. The members supported this suggestion.

Mr. Chira asked if members have given Mr. Haddad a list of their key legislative contacts. Mr. Haddad replied that he had only received a few responses. Mr. Chira encouraged members to complete this action item. Discussion continued regarding legislative contacts.

A brief discussion occurred regarding the schedule of upcoming FHSRA Board meetings; however, Chairman Dudley tabled this until the next meeting.

Hearing no further business, Chairman Dudley adjourned the meeting at 1:30 p.m.