

Florida High Speed Rail Authority
Meeting Minutes
March 5, 2002
Florida Department of Transportation (FDOT) Auditorium
605 Suwannee Street, Tallahassee Florida

Call to Order: Secretary Norm Mansour called the meeting of the Florida High Speed Rail Authority (FHSRA) to Order at 10:08 a.m. Members in attendance were: Lee Chira, Treasurer; Heidi Eddins; C.C. "Doc" Dockery; William Dunn, P.E.; Skip Fowler, Esq. (via telephone); Leila Nodarse, P.E. and Transportation Secretary Tom Barry. Frederick Dudley, Chairman and John P. Browning, Jr., Vice Chairman were absent until later in the meeting.

1. Welcome and Introductions:

Secretary Mansour welcomed all attendees and explained that Chairman Dudley and Vice Chairman Browning had each been delayed and would be joining the group later in the day. Due to their absence, Secretary Mansour stated that he would Chair the meeting until their arrival. He further suggested the agenda be adjusted awaiting the arrival of Chairman Dudley and Vice Chairman Browning. Board members agreed to the suggestion without objection.

2. Meeting Minutes from January 11, 2002:

The minutes from the previous meeting, held on February 5 & 6, 2002 were reviewed. On a motion made by Ms. Eddins and seconded by Mr. Chira, the meeting minutes were approved unanimously and without correction.

6. General Consultant Report

Mr. Adrian Share called the Board members attention to the information included under tab 6 of the meeting handout. Mr. Charlie Quandel then addressed the Board regarding recent and upcoming meetings involving the Federal Rail Administration (FRA) and Federal Highway Authority (FHWA). He stated that a meeting with the FRA and FHWA occurred on February 6, 2002 to address two specific issues including: 1) the impact of FRA regulations on the implementation schedule; and 2) the memorandum of understanding (MOU) for the co-lead responsibilities between FRA and FHWA. Mr. Quandel stated that FRA and FHWA expressed a desire to have the FHSRA as a signator on the MOU. He went on to state that discussions regarding these topics are ongoing and will be addressed at the next meeting scheduled for March 6 and 7, 2002, which will be attended by FRA, FHWA, HNTB staff, and FHSRA representatives including Mr. Dunn and Mr. Haddad.

Mr. Quandel also stated that a meeting is scheduled with the FRA for March 8, 2002 in Washington DC to discuss design guidelines and corridor cross-sections. He explained

that these discussions would include a review of high speed rail options for the I-4 corridor as well as using existing CSX right-of-way. Mr. Quandel stated that HNTB has also been involved in oversight of the PD&E work being completed by Parsons Transportation Group (PTG). He mentioned that PTG has prepared an upcoming schedule of agency meetings, including public involvement meetings with local MPO's, and they are continuing their investigation of the alignment along the I-4 median.

Mr. Fowler asked what meetings, if any, have occurred with CSX representatives regarding the use of ROW. Mr. Quandel stated that one meeting has occurred and communications have been ongoing to secure valuation maps of the corridor from Tampa to Orlando. Mr. Fowler followed up by asking if they expressed interest in selling or leasing the use of this corridor. Mr. Quandel explained that the Operations section would permit co-mingling up to 90 mph, however the real estate department has stated they would not permit co-mingling above 79 mph. Mr. Fowler commented that neither of these would fit the constitutional mandate. Mr. Quandel stated that CSX has expressed a willingness to consider selling a portion of the ROW for construction of a dedicated track, providing that it will not interfere with current freight operations in any way. This dedicated track would permit speeds that conform to the requirements of the constitutional amendment.

Mr. Fowler suggested that the FHSRA obtain a written position statement from CSX outlining this information. Mr. Share added that it would be appropriate for this letter to be sent from the Board and offered to draft the solicitation request.

8. Legislative Report

Mr. Haddad called the Board members attention to the proposed legislation included under tab 8 of the meeting handout. He discussed Senate Bill (SB) 2174, Relating to High Speed Rail Authority Act offered by Senator Laurent and House Bill (HB) 1515 to give the Board additional authority and provides \$4.5 million in funding for the next year. Mr. Haddad continued by explaining that meetings during the previous week with Senator Sebesta and Representative Russell indicated that there might be an additional \$1.2 million available to replace funds that were taken out of the FHSRA budget this year. Mr. Haddad added that there summaries of the proposed legislation are also provided in the handout.

Mr. Haddad also pointed out information regarding SB 1348 proposed by Senator Klein and HB 1617 proposed by Representative Bucher, which include language to repeal the constitutional amendment for high speed rail. He went on to state that these bills had been filed, but had not made it to committee at this point in time. Mr. Haddad also reviewed SB 1992 filed by Senator Sebesta, which supports the high speed rail project, however he pointed out that the bill is still being developed.

Mr. Chira recapped a meeting he had with Senator Randy Johnson where the Senator expressed his objections to the proposed legislation and the recent activities of the FHSRA Board, believing that the group has been "overstepping" it's mandate. Mr. Chira

commented that he believed that Senator Johnson's harsh criticism was the result of influence by party leadership as well as from the Governors office. He requested that Mr. Dockery comment on the current political atmosphere.

Mr. Mansour stated that the legislative recommendation from the previous year specifically directed the Board to provide recommendations to the legislature about changes in existing statutes. He went on to say that the Board clearly understands that these are simply recommendations to the bills and that ultimate decision-making rests with the legislators.

Mr. Dockery stated that the mood of legislators' sometime change and that this is a part of the political process. He further commented that, in his opinion, the bill would have a difficult time passing through the House and the Senate. However, he further commented that he did believe that it will ultimately prevail.

9. Washington Update

Mr. Haddad called the Board's attention to a summary from Peter Peyser included under tab 9 of the meeting handout. Mr. Haddad discussed the Amtrak Reform Council and two separate bills offered by Senators John McCain and Phil Graham regarding the restructuring of Amtrak. Mr. Haddad commented that Amtrak is required to provide a 6-month notification for any terminations to long distance service, such as the Silver Service, which runs from New York to Florida.

Mr. Haddad went on to discuss a bipartisan attempt to create legislation to encourage the development of high speed rail corridors nationally. He stated that there is an ongoing effort to merge the tax credit bonding proposal with the High-Speed Rail Investment Act. He commented that the proposal would allow bonds to be issued by the states rather than by Amtrak and that the repayment obligation for the states would include the principal only. He stated that the interest would be funded federally. Mr. Haddad stated that this would result in approximately a split of 70% federal funding and 30% state.

Mr. Mansour interjected that the DOT and the Florida Transportation Commission are planning a TEA 21 Reauthorization Summit to develop a unified vision with respect to transportation legislation. He commented that the FHSRA should be included in these sessions and that information would be forthcoming. Mr. Mansour then recognized the arrival of Senator Sebesta and invited him to address the Board.

Senator Sebesta stated that the Senate Transportation Committee will be "putting into play" the high speed rail bill later in the day. He stated that the bill merges language from Senator Laurent's bill with comments received at a recent meeting that included Senator Sebesta, FDOT representatives, Mr. Haddad, Senator Klein, Representative Russell and Representative Ross. He stated that it is similar to the House bill being offered and that a copy will be forwarded to this Board.

Senator Sebesta went on to express his strong support of developing high speed rail in Florida. He commented further that there are many people who would like to see these

efforts fail and he urged the Board members to actively promote the program over the next several weeks. Senator Sebesta reiterated his support for high speed rail as an economic development tool, but cautioned the Board that the program is at a crossroads due to funding. He stated that he is convinced that unless financial support is provided by the private sector, the program will be jeopardized. Senator Sebesta closed by thanking the Board for their hard work.

Senator Sebesta informed the Board of recent activities demonstrating support for the high speed rail project. The first he said was a meeting he organized to inform local area Chambers of Commerce about the project. Senator Sebesta said that they seemed very supportive of the project. He also challenged various agencies for contributions to the program. He stated that this challenge resulted in the donation of 50 acres of right-of-way by Pinellas County near the St Petersburg/Clearwater Airport. He estimated the value of this at approximately \$3 million.

Mr. Mansour thanked the Senator for his support and encouragement.

10. PD&E Consultant Report

Mr. Howard Newman from Parsons Transportation Group (PTG) addressed the Board regarding the PD&E process. Mr. Newman provided an update of the engineering data collection including alignment work for the I-4 and CSX corridors and the collection of permitting data. He also discussed recent engineering analysis work including the development of typical sections, design criteria, initial alignments and identifying preliminary station locations.

Mr. Dockery commented that he has received comments of support from the Mayor of Lakeland and stated that they are considering a donation of land in Polk County similar to that offered by Pinellas County. Mr. Newman replied that any such offers would be incorporated into the data collection and analysis. He went on to state that the environmental data collection is complete and public involvement efforts are underway. A calendar of meetings scheduled for March was provided. Mr. Haddad directed the members' attention to tab 7.C, which also included a list of upcoming meetings. Mr. Newman stated that the March 11, 2002 meeting with the City of Tampa and Hillsborough County will be the next key meeting.

Mr. Mansour suggested that future listings include information about the lead agency hosting the meeting as well as including more detail in the meeting description relative to the FHSRA members assigned areas of responsibility so that these members will be alerted of upcoming activity.

Ms. Eddins commented that the study area map indicates that the entire corridor is not within the existing CSX corridor. She questioned the NEPA implications of this. Mr. Newman replied that this has been addressed in several meetings with FRA and FHWA and that he is confident that the NEPA process will be followed by incorporating information from previous studies that have been well documented.

Mr. Chira also suggested expanding the study area map to include St. Petersburg.

Ms. Nodarse asked what types of responses have been received from the initial meetings with MPO's. Mr. Newman introduced Laurie Potier-Brown who explained that people have conveyed interest in the project and have specifically asked about anticipated ridership levels and station locations. Ms. Nodarse also requested that meeting minutes or summaries be posted for Board member review. Mr. Newman stated that they will be e-mailed to members and posted on the Internet exchange as well.

Mr. Dunn asked what the attendance figures have been like at these meetings and what if anything has been done to promote the meetings. Mr. Newman replied that the meetings have included the standard committee membership ranging from 10 to 20 participants. He stated that a more aggressive outreach effort including four public meetings is expected to occur in April or May. Mr. Dunn also recommended Public Service Announcements (PSA) as an effective tool.

Mr. Mansour recognized the arrival of Vice Chairman Browning at 11:00 a.m. and recommended a short break.

3. Invitation to Prequalify

A. Governor's Staff Comments and Concerns

Mr. Haddad called the Board members attention to tab 3.A, which included e-mail correspondence between Mr. Haddad, the Governor's Deputy Chief of staff, Frank Jimenez and Mr. Dunn. Mr. Haddad explained that the Governor has expressed two basic concerns regarding the project. He stated the first concern is with the timing of the ITP and whether the time for solicitation is adequate for the legislature to react during this session. Mr. Haddad stated that the second concern regarded the type of information being requested in the ITP. He stated that they were concerned that the financial information being requested was not a mandatory component of the ITP.

Vice Chairman Browning questioned whether the ITP could be changed at this time and whether we could provide some latitude and guidance for developing assumptions. Mr. Dockery requested that the consultant respond.

Mr. Share cautioned that by providing any level of specific assumption circumvents the PD&E process and should not be attempted. Ms. Nodarse commented that the intent was to provide the proposers with the option to develop the assumptions that they feel are appropriate.

Mr. Bottcher explained that the ITP does not require detailed financial information to be provided, in the sense that a firm will not be penalized for omitting it, but it does request the information be provided. He went on to state that the ITP can be withdrawn or

modified, or the request can be re-emphasized in the public responses that are provided by the Board.

Mr. Chira agreed that the Board is asking for information prior to the completion of a ridership study or a PD&E analysis, which is premature. He went on to say that it is likely that the Board will get little useful information from the responders, however he does not support making any changes to the ITP at this time.

Ms. Eddins commented that in her estimation, completion of the ridership study is the primary importance and the committee should focus its attentions toward getting this process underway. She also stated that the responses are due in 2 to 3 weeks and the Board can react based on the information received at that point. She further suggested that the Board has heard a significant amount of testimony on this subject. Ms. Eddins suggested that this information be packaged together and summarized for review by the Board.

Mr. Mansour commented that it is in the best interest of the private sector to provide the information being requested in the ITP to move this process forward.

Mr. Dunn re-stated Mr. Bottcher's previous comments that the responses provided by the Board could emphasize the need for information.

B. ITP Advertisement and Other Solicitation Efforts

Mr. Haddad explained that the ITP has been posted on the FDOT web page, letters of notification were mailed to the original responders as well as the 23 largest firms in the industry, and an advertisement has been placed in the February edition of the Engineering News Record.

C. ITP Initial Questions and Responses

Mr. Haddad stated that the questions received have been summarized and included in the handout along with the proposed responses offered by staff. Vice Chairman Browning suggested that the Board members take some time to review this information prior to providing comments or taking any action.

After reviewing the material, Ms. Nodarse asked for comments from the general consultant regarding possible objection or comments to the proposed responses. Mr. Share replied that they are reviewing these for the first time as well and have no comments at the present time.

Vice Chairman Browning suggested that the Board visit each question and comment as necessary. He began with the questions from and responses to American Maglev.

Question #1 – Mr. Dunn commented that American Maglev should be considered as an alternative proposal and that this response should reflect that. Mr. Share stated that he

believes the question is slightly misleading. Mr. Bottcher agreed and clarified his interpretation to the question.

Mr. Quandel identified two questions that should be addressed during the next meeting with FRA and FHWA. He stated the first regards logical termini and independent utility on the segment from Tampa to Orlando. He believes that the requirement provided in the responses may be counter to current FRA and FHWA regulations regarding participation. Mr. Bottcher stated that a reply could defer to the RFP phase. Ms. Nodarse supported the response as written but encouraged adding language that gives as much flexibility to the proposers as possible. Mr. Dunn agreed that the private sector should not be limited, but should be encouraged to participate. He commented further that a deferral would not help increase the chances of getting information during this phase.

Vice Chairman Browning suggested deleting the second sentence entirely and the Board approved the amended response without objection.

Question #2 – Ms. Eddins questioned if this response was driven by law? Mr. Bottcher replied that it is partly driven by law and partly by policy. The Board approved the response without objection.

Vice Chairman Browning asked for comments regarding the responses provided to questions received from Connex North America. No comments were offered and the Board approved the responses without objection.

Vice Chairman Browning asked for comments regarding the responses provided to questions 1 through 7 received from Magnetic Force. No comments were offered and the Board approved the responses without objection.

Mr. Quandel stated that they would like to review this response in reference to the issues of logical termini and independent utility that he mentioned previously. Ms. Eddins suggested added language that states “subject to the applicable regulations.” Mr. Quandel stated that he believes this clarification would constitute an amendment to the ITP. Mr. Dunn stated that the ITP addresses this by allowing the selection of a different contractor in later phases and recommended that the Board respond with a simple yes to this question. Vice Chairman Browning asked for further comments. None were offered and the Board approved the response recommended by Mr Dunn without objection.

Question # 9 was approved without comment.

Question #10 – Ms. Eddins asked that the response be clarified by stating, “at this time, there are no identified state or federal funding sources to support this project.” The Board approved this response as amended.

Question #11 – Mr. Share cautioned against using the word “yes.” The Board approved the response as amended.

The Board approved the responses to question #1 and #2 submitted by Flour Daniel and Bombardier Transit.

4. Discussion on Authority's Budget

A. Authority's Two-year Budget

Mr. Haddad explained that the information provided has been updated to include the changes approved at the February FHSRA meeting. This includes moving \$100,000 from the travel expenses and \$25,000 from the Amtrak work to the general consultant category to initiate the investment grade ridership study. Mr. Haddad went on to explain that the overall budget is premised on the assumption that the NEPA review process will result in a Finding of No Significant Impact (FONSI) being issued. If this does not happen, Mr. Haddad explained that the budget will need to be increased.

Vice Chairman Browning made a motion for the Board to ask the Chair and the Co-Chair of the Legislative Budget Committee to immediately meet and allow the FHSRA to draw down the available federal money. Mr. Dockery seconded the motion and it was approved unanimously.

Vice Chairman Browning questioned whether the Board can task the Investment Grade Ridership Study at this meeting. Mr. Bottcher stated that money must be encumbered before a contract is signed. Mr. Dunn commented that this does not prevent the Chairman from entering into a contract until such time that the funds are available. Vice Chairman Browning stated that he would be reluctant to ask the Chairman to obligate himself, however he suggested that the Board should make their intentions clear.

Mr. Haddad stated that approval is needed by April to get results by the end of the calendar year. Vice Chairman Browning stated that the Board should reach a consensus at today's meeting. He went on to state that he is concerned about getting the Chairman of the Legislative Budget Commission and the Governors office to work together to allow us to start drawing down the federal money available. He directed staff to coordinate this meeting.

Vice Chairman Browning also questioned whether starting the ridership study in April will be early enough. Mr. Haddad replied affirmatively, but continued to say that they are ready to start as soon as possible. Vice Chairman Browning also suggested that the results should be provided to the Board within 6 months. Mr. Share stated that would not be possible.

5. Other Old Business

A. Investment Grade Ridership Study

Mr. Share presented the proposed Scope of Services for the Investment Grade Ridership Study, Phase 1. He explained that the scope includes assembling a steering committee,

consisting of a Board representative if desired, a representative from FDOT, the General Consultant, the PD&E Consultant, CUTR, Amtrak, FRA, and Ridership Consultants. He continued outlining the development of the independent ridership forecasts including the participation of two consultants to develop the work. He explained that these firms will identify additional surveys that will be needed and develop a common model structure to use for the forecasting. Mr. Share stated that Phase 1, Part 1 will include the segment from Tampa to Orlando and will conclude with a technical report of the study findings. Mr. Share reviewed the project schedule based on a notice to proceed being issued in April 2002, a data collection program being developed in July and collection activities occurring in July and August 2002.

Mr. Dunn asked if the data collection effort was the critical path item and if so, would a delay in decision making until April hinder this effort. Mr. Share replied that there is preparatory work that must be performed, but that a decision at the April meeting would not adversely affect this task. He stated that it would require a compression of activities.

Ms. Eddins stated that she is concerned that this analysis be truly independent and not just a review of existing data. She also questioned whether the study would include a review of other studies performed throughout the nation. Mr. Share replied that the review of existing data would definitely include studies completed elsewhere, such as the mid-west corridor.

Vice Chairman Browning asked for clarification that this study would be completed by the end of the year. Mr. Share responded that that is the goal. Vice Chairman Browning commented that the work would only be tasked until that time.

4. Discussion on Authority's Budget

B. Reversion of \$1.2 million in State Funds

Mr. Haddad called the Board members' attention to a table outlining the impact of the \$1.2 million reversion of funds. He indicated that because of this reversion, the Authority does not have any funds for travel and other expenses for the remainder of the current fiscal year. He informed the members that the Department has agreed to pay for these costs until that time. Vice Chairman Browning requested clarification regarding whether the money advanced by FDOT would have to be paid back. He stated that it was his understanding that these funds did not have to be repaid.

C. Federal Funding

Mr. Haddad briefly reviewed a letter written by Chairman Dudley to the Governor's Office of Planning and Budgeting requesting budget authority for \$3 million of Federal funds earmarked by Congress for the Florida High Speed Rail project. He indicated that the Governor's office has approved this request and forwarded it to the Legislative Budget Commission for their consideration and approval. He reviewed a second letter signed by Chairman Dudley to the FRA requesting \$3 million of planning funds for the

study and design of high speed rail service in Florida. Mr. Haddad pointed out that a Scope of Work was included with this request that outlined the proposed activities of the FHSRA. He further indicated that an agreement will have to be executed between the Authority and the FRA before these funds could be expended. This agreement will be finalized by the next Authority meeting in April.

5. Other Old Business (continued)

B. Miami-Orlando Study Draft Scope

Mr. Share provided the members with a brief overview of the proposed Scope of Services for the Planning Level Study for Orlando to Miami. He discussed the key objectives of the study including maximizing the use of existing data, comparing route alternatives, evaluating ridership for four different technologies, and estimating incremental ridership on the Phase 1 route from St. Petersburg to Orlando with the addition of service to Miami.

Mr. Share outlined Task #1 which includes evaluating three route options between Orlando and Miami. He stated that these corridors include following existing CSX routes, Florida's Turnpike, or I-95. He explained that Task #2 would involve developing a planning level ridership estimate for one of these routes and Task #3 would include documenting the results in a report similar in quality and content to the 2002 Report to the Legislature.

Mr. Dunn made a motion to authorize the consultant to begin the work outlined in the Scope of Services of Task Order #4 and #5 subject to the authorization of funding and to authorize the Chairman to sign the contract when appropriate. Mr. Chira seconded the motion.

Chairman Dudley asked for some guidance on the schedule. Mr. Dunn amended his motion to state that both studies would be completed by December 31, 2002. Mr. Chira seconded the change as well and the motion was approved unanimously.

7. Staff Report

A. Status Report on the Authority's Expenditures

Mr. Haddad called the Board members attention to the expenditures sheet included under tab 7.A in the meeting handout.

B. Future Board Meetings Schedule

Mr. Haddad briefed members on the meeting schedule included in the handout and pointed out that the location of the next meeting scheduled for April 4, 2002 at 9:00 a.m. in St. Petersburg/Clearwater will be adjacent to the land being offered by Pinellas County for the high speed rail project.

Vice Chairman Browning commented that Chairman Dudley has made a request to move the April 4, 2002 meeting date to April 2nd. Brief discussion occurred regarding potential alternate dates, however a consensus was not reached. Vice Chairman Browning asked Mr. Haddad to continue investigating the possibility of changing the meeting date.

Vice Chairman Browning asked for any suggestions regarding the location for the July 11, 2002 meeting. A brief discussion occurred and Board members agreed that Lakeland would be a suitable location.

C. Other HSR Related Meetings

Mr. Haddad informed members about the 19th Annual High Speed Ground Transportation Association Conference and Expo scheduled for May 21st to May 24th in Orlando and the 4th World Congress on High Speed Rail scheduled for October 23rd to the 25th in Madrid Spain.

Mr. Dockery made a motion that the FHSRA Board request that the Florida Legislative Delegation secure federal matching funds for whatever the appropriation level is for this year to allow the Authority to continue its work. The motion was seconded by Mr. Chira and approved unanimously.

11. Public Comments

Chairman Dudley stated that Senators Sebesta and Klein shared with him their recent consideration for requesting an extension to the construction deadline for the high speed rail project. Chairman Dudley commented that the difficulty of passing some type of amendment is so great, that it is unlikely to be successful.

Mr. Chira asked Chairman Dudley to provide an assessment of the Governors' Office with respect to high speed rail at this point. Chairman Dudley replied that he did not have much insight to share at present. He continued to say that he believes the Governor wants to keep a tight reign on the Authority, which is reasonable and expected.

Vice Chairman Browning asked for additional comments and hearing no further business, adjourned the meeting at 1:55 p.m.