

**Florida High Speed Rail Authority Meeting  
Thursday, May 14, 2009, 11:00 a.m.**

**Greater Orlando Aviation Authority Board Room  
Orlando, Florida  
DRAFT Meeting Minutes**

**Members in Attendance**

Lee Chira, Chairman  
John P. Browning, Jr. - Vice-Chairman  
E.H. "Bill" Pitman, P.E.  
Leila Nodarse, P.E – Treasurer  
John Larkin  
Debbie Hunt, FDOT, Representing Secretary Kopelousos

**1. Welcome and Chairman's remarks**

Chairman Chira discussed a meeting that the Federal Rail Authority (FRA) will be hosting on May 21, 2009. This will be an information gathering meeting for FRA to gain knowledge of where Florida stands in moving forward with high speed rail. The Chairman called the Authority Meeting to order at 11:30 a.m.

**2. Review and corrections/approval of April 2, 2009 minutes**

After the April 2, 2008 meeting, Ms. Nodarse submitted Form 8A, Memorandum of Voting Conflict for State Officers, relative to the vote on the SunRail resolution. As required by state law, this form is attached to the meeting minutes and Mr. Nazih Haddad read the form. Following minor corrections suggested by Ms. Nodarse, Mr. Larkin made a motion to accept the minutes. Ms. Nodarse seconded the motion and the motion was unanimously approved.

**3. FDOT Update and Progress Report**

Ms. Debbie Hunt, Assistant Secretary for Intermodal System Development provided a status report regarding work activities regarding the high speed rail project. She indicated that the Department submitted a request to the Federal Railroad Administration for release of \$4 million in federal funds earmarked by Congress for the Florida HSR project in 2003. The Department also negotiated a task order agreement with the Authority's PD&E, Parsons Transportation to begin the reevaluation of the Final Environmental Impact Statement (FEIS) for the Orlando-Tampa project. The Department also negotiated a task order assignment with the Authority's General Consultant, HNTB, to provide general support services to the Authority.

Ms. Hunt also stated the Department is preparing for the FRA meeting on May 21, 2009 and Secretary Kopelousos will be giving the presentation.

#### **4. President Obama's Strategic HSR Vision Plan**

Mr. Adrian Share played the video of President Obama's speech on the Vision of High Speed Rail in America that was given in a press conference on April 19, 2009. Mr. Share then gave a brief presentation on where Florida fits into the American Recovery and Reinvestment (ARRA) funding, quoting USDOT Secretary Ray LaHood in saying "California and Florida are way ahead of the curve".

Mr. Share gave a summary of the guidelines for the application requirements and selection criteria. The detailed application criteria will be available on June 17, 2009. Mr. Share's presentation defined Express, Regional and Emerging HSR with Florida meeting the HSR Express definition of frequent express service, 200-600 miles, few stops/stations, and top speeds at least 150 mph. There are three funding tracks, with Florida being in Track 2, which includes a corridor program with a prioritized list of projects, advanced environmental work completed, milestone achievement based funding. Track 2 has higher federal scrutiny than other ARRA programs and no match is required. Mr. Share stated that Florida is the only corridor that could have a "shovel ready" segment for HSR Express System.

The timeline for Track 2 consists of the detailed criteria being released on June 17, 2009, applications are due in September 2009 and selection will be made in December 2009. The prerequisites for ARRA Track 2 include demonstration of independent utility of projects in the corridor, stakeholder agreements in place; have a financial plan and a risk management plan. A partnership with FDOT makes sense because the stimulus reporting methods are in place. The selection process for ARRA includes timeliness of achieving benefits, sufficiency of the reporting and management approach and completeness and quality of the application.

Mr. Share provided other recommendations which included, branding and educational materials, presentations and outreach, station development, procurement plan and process for private sector and agency/public sector coordination.

Mr. Jim Anglin continued with a presentation on Florida's competitive assessment, reviewing other systems around the Country. Mr. Anglin summarized by saying the Florida has made large investments in the I-4 corridor to accommodate high speed rail and should request and adequate amount of the federal monies.

Ms. Nodarse questioned why Jacksonville wasn't shown in the corridor. Chairman Chira stated that the Jacksonville corridor was not designated by the Feds and it's not in the HSR Master Plan. Mr. Haddad stated that the Miami-Orlando-Tampa corridor received designation in the early 1990's. The

Authority/FDOT could request the FRA to add the Jacksonville segment to the designated corridor. A formal request from the Governor is required.

**5. Discussion – FHSRA DBOM&F Procurement**

Mr. John Bottcher, Legal Council, gave a summary of the procurement process to date. The Authority issued a RFP for the DBOM&F in 2002. Four proposals were received in 2003 and two were selected, Fluor Bombardier and Global Rail Consortium. The two selected proposals were ranked with Fluor Bombardier receiving first ranking and Global Rail being second. Mr. Bottcher presented three options to continue; 1) close the RFP process and start a new competitive process; 2) move forward with negotiations with the selected proposers and issue a contract under 2002 RFP; and 3) Continue with the 2002 procurement process but open it up to new bids in addition to the selected Fluor Bombardier and the Global Rail proposals. Mr. Bottcher expressed his legal opinion that the Authority must initiate a new competitive procurement process since so many conditions have changed since the original procurement was started in 2002. He suggested the Authority adopt either options one or two described above.

There was a lengthy discussion on the procurement process and how to move forward, with all options presented by Mr. Bottcher. This discussion included changes since the original RFP, the impact of the passage of time, potential legal issues and if the addition of federal funding changes the proposals.

The Chairman directed FDOT to review the RFP and give DOT's opinion of what has changed and if they feel it's substantial.

Ms. Hunt indicated that given the legal review provided by Mr. Bottcher and the changes of conditions that have occurred since the issuance of the original RFP in 2002, the Department believes that a new procurement process will be required.

Ms. Nodarse requested that the Authority members receive a copy of the prior RFP.

**6. Outside Council Contract**

No discussion on this topic.

**7. Authority's budget forecast and funding status**

Motion was made by Mr. Browning to give the Chairman the authority to work with Department on behalf of the Authority and to do whatever is necessary to advance the project forward until the next meeting. The motion was seconded by Ms. Nodarse and unanimously approved.

**8. Extension of the FHSRA consultant contracts**

Motion was made by Mr. Larkin that the board give the Chairman the authority to, at his discretion, extend the Authority's consultant contracts and take necessary

actions to allow the consultants to proceed with work necessary to advance the project. The motion was seconded by Mr. Pittman and was unanimously approved.

#### **9. Future meetings**

The next meeting will be determined and published at a later date.

#### **10. Public Comments**

Members of the general public addressed the Authority as follows:

Tom Gustafson (FIU Lehman Center for Transportation Research) discussed the RFP process and suggested that the Authority review other HSR financials from around the world.

Kathy Beck (Global Rail Consortium) commented that both proposers have treated the RFP as a living document and requested that ability to meet and negotiate.

Keith Barksdale (Fluor) stated that Fluor is committed to the state and that they would partner with the Authority to fill in the federal funding gap.

Daryl Oster (ET3) stated that they intend to renew their proposal if a new RFP is advertised.

Senator George Stuart encouraged the use of leadership to keep moving forward and staying ahead.

Norman Forde (STV, Inv.) suggested that the Authority ask the FRA what the procurement requirements will be.

Thornton Williams stated that the FHSRA has the authority to have independent or simultaneous negotiations with the two proposers and that the Authority can decide what has changed.

#### **11. Adjourn**

Mr. Browning made a motion to adjourn which was seconded by Mr. Larkin and approved unanimously. The meeting adjourned at 1:55 p.m.