

East Corridor Oversight Committee
Tuesday, September 28, 2004, 10:00 a.m.
MTA Conference Room, Nestor Street
Nashville, Tennessee

MINUTES

THOSE IN ATTENDANCE:

Jim Ladiou	TDOT
Deb Varallo	NS / BAH / VPR
Jeff Baines	City of Lebanon
John Kennedy	Metro Legal Counsel
Paul Ballard	MTA
Randall Dunn	MDHA
Rob Shearer	City of Mt. Juliet
Gene Turnage	NERC
Eric Bischoff	RTA – NS/BAH
Tom Brashear	Wilson County
Allyson Shumate	RTA
Kevin Walker	RTA – NS/BAH
Hanne Flippen	RTA
Paul Price	RTA – NS/BAH

CALL TO ORDER

Mr. Ballard called the meeting to order at approximately 10:00 on Tuesday, September 28, 2004.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES – SEPTEMBER 14, 2004

Mr. Ballard called for approval of the minutes from the September 14, 2004 meeting. Rob Shearer made a motion to approve the minutes. Tom Brashear seconded and the motion passed unanimously.

ENVIRONMENTAL REVIEW STATUS AND ACTION PLAN

RTA staff briefed the committee on the status of the Supplemental Environmental Review. The permit for the Phase II Archeological Investigation was approved by the Corps of Engineers. RTA staff has been working with Metro Purchasing to process a purchase order for the demolition contractor. Mobilization and excavation will begin next week.

PROJECT STATUS REPORT

• Review Management Action Plan -

Paul Price reviewed with the committee the items added as a result of the peer review. The self insurance retention fund is the biggest issue and needs to be defined and coordinated with the legislature this session. It was recommended by the committee to have Sam Edwards draft the language and then we can begin looking for a sponsor. Paul Price will make a recommendation of the amount and a strategy to obtain broad support. It was discussed that the Memphis Transit Authority may be interested in this retention fund to assist with the tort liability.

Because the other transit agencies in the state are covered by the tort liability, their exposure is much less than what the RTA's is due to contract operations as well as the Nashville and Eastern Railroad Corporation. Mr. Paul Price explained that maintenance of way, maintenance of equipment, and dispatching are the biggest risk items for commuter rail. Paul Ballard believes that the other systems may want to take advantage of the benefits of such a fund. Kevin Walker mentioned that the short line alliance may be the best way to ensure statewide support. Paul Price and Allyson Shumate will discuss this issue with Sam Edwards and report back to the committee at the next meeting.

Backup power is another issue that was raised by the peer review panel. Mr. Price explained to the committee there will be occasions when the RTA will need a backup locomotive for service. He explained that the RTA would need an older, used locomotive for backup purposes to save on maintenance, etc. The plan is to purchase a spare locomotive to be kept in the Lebanon Yard for any in-bound service need, and to have a lease agreement with the museum for the use of an additional locomotive for out-bound service needs should they arise.

Mr. Ballard asked when about the last time this locomotive was used. He wanted the NERC to ensure the unit is in good running order. Mr. Ballard stated that backup power was a critical issue and was glad the staff had made progress in this area.

The question of whether these units will pass the FRA inspections was asked and Mr. Paul Price believes they would. Mr. Price is proposing not to paint the spare locomotive which would be under lease agreement with the museum.

Mr. Ballard asked if this was a recommendation from the staff to which Mr. Price stated that it was. Staff would like the ECOC concurrence on this plan before proceeding with negotiating the lease agreement and acquisition of the unit from the NERC and the TC Museum. This item will come back before the ECOC when finalized for approval and recommendation to the full RTA board. Rob Shearer made a motion for the ECOC to approve staff to negotiate the lease and purchase the spare locomotive. Tom Brashear seconded the motion. The motion passed unanimously.

- **Construction Status Update**

Kevin Walker briefed the committee on the three contracts underway. The purchase order for rail and tie plates has been issued and is in production. Notices To Proceed for the signal and track contracts will be issued this week. Mr. Rob Shearer asked that coordination be made with the improvements at the Mt. Juliet Road signal.

Mr. Walker mentioned that coordination with other projects is going smoothly with regard to the Briley Parkway Realignment as well as the Metro project at Stewarts Ferry. The three grade crossings funded by TDOT will need additional coordination due to personnel changes. Jim Ladieu offered assistance with this effort.

The grade separation and widening of HWY 109 is behind schedule and could pose a problem. Mr. Kevin Walker asked for the ECOC's assistance in finding resolve to this issue. Rob Shearer stated the project is scheduled for construction next year. A work around plan needs to be developed for the interim operations. Mr. Shearer stated that there are serious traffic problems at this crossing and that this crossing does not have gates. Mr. Ballard suggested a flag-person or Police Officer directing traffic at the crossing for the interim. Mr. Price stated that passenger train queues will not cause a big impact on traffic.

The crossing at Mr. Perry's property needs to be decided on in about three to four months.

- **Status of Peer Review Final Report**

Paul Price stated that he expects to receive comments from the Altamont Commuter Express Representative that was not available to attend. After these comments are received, a final report will be compiled and actions added to the action item list.

- **Status of FY 2004 Funds**

The TIP amendment has been approved and the request to transfer the funds from FHWA to FTA is being prepared by TDOT. The grant amendment is ready to process to draw the funds down.

APPROVE ADA COMPLAINT PROCEDURE

Hanne Flippen requested the ECOC make a motion to adopt these procedures. She explained that the procedure was developed using current MTA procedures for AccessRide and comments from the Metro ADA Compliance Office. Jeff Baines motioned to recommend the RTA Board adopt the procedure. Rob Shearer seconded and the motion passed unanimously.

MARKETING UPDATE

Hanne Flippen briefed the committee on the approval of the logo. The logo has been graphically overlaid on a photo of the vehicles and we are in the process of developing one to be placed on the first car. The same process is being considered for the locomotive.

Mr. Ballard asked about the media event being discussed to coincide with the alignment tour of October 27, 2004 with the FTA. Mrs. Flippen stated that we are still discussing to determine if this is the best way to handle it. The alignment tour and FTA Quarterly Meeting is still on schedule for the morning of October 27, 2004.

OTHER BUSINESS

Rob Shearer mentioned that the International Council of Shopping Centers is holding an event at the Hermitage Hotel on October 19, 2004 and one of the major topics will be Transit Oriented Development. Rob is encouraging attendance. Attendees from the private sector will be developers from the middle TN area. The site selection manager for Target is coming into town for this event.

Rob Shearer stated that he wants to lay the ground work to ask the committee for a motion to work with people who are interested in the development opportunities at the stations. He stated that he has received serious inquiries on leasing station property and it could assist in the operations and maintenance costs. He asked if the development could proceed concurrently with the station construction. RTA staff mentioned that this issue was brought before the committee at the last meeting which Mr. Shearer was unable to attend and everyone agreed that we do not currently have a plan, and we need a policy and a plan for this issue. Paul Price stated that he had success in San Diego by hiring a commercial real estate broker with both an hourly fee schedule and a right of way fee schedule. Mr. Price further stated that if this is the desired path of the ECOC and the Board, he recommends this approach. The development would be shared parking, etc. Mr. Ballard suggested that RTA staff develop an RFP for these types of services so the issues can be identified and worked through. Mr. Paul Price will provide a copy of the RFP that San Diego used for the broker.

Rob Shearer asked the committee to consider wireless internet access on the train cars. RTA staff mentioned that they had previously met with one provider to get details and would like to get more information from Altamont Commuter Express on lessons learned and actual cost information of a system of this type. Paul Price will assist staff in obtaining this information from ACE.

Tom Brashear mentioned that the MPO UPWP has funds available for a 20% local match to hold seminars on Transit Oriented Development. The local governments need to work together with the MPO to schedule these seminars. This should also be coordinated with the area Chambers for educational awareness and marketing for the Music City Star East Corridor Commuter Rail project. Tom Brashear will continue to coordinate this effort.

Mr. Ballard asked for an update on the RFP for Operating and Maintenance. The schedule has changed and will be reflected in the next revision. Comments are being incorporated. Mr. Price explained that this process is difficult because the RTA is trying to get a long term contract for the amortization of the mobilization costs. The issue is trying to merge a lump sum for the first five years with a CPI for the second five years to keep the costs fair and reasonable. The second issue is the liability and indemnification language. The language in the RFP is standard for the industry, but the RTA will have to insure our contractor. We need one policy for the insurance and cross indemnification. The insurance is being crafted on the same basis as the agreement with NERA and NERC. Mr. John Kennedy of Metro Legal will review the document for the indemnification language.

Mr. Price stated that he will issue a Notification of Availability (of the RFP) in Passenger Transport. Mr. Ballard stated that this is a time-critical issue.

Mr. Ballard briefed the committee on the applications received for the new Commuter Rail Director position advertised. There are several qualified applicants. The MTA HR department is preparing a matrix with the applicants and their respective qualifications.

The meeting was adjourned at approximately 11:30 a.m.