



501 Union Street, 6<sup>th</sup> Floor  
Nashville, Tennessee 37219-1705



**East Corridor Oversight Committee**  
Tuesday, November 16, 2004 10:00 a.m.  
Adventure Science Center

**MINUTES**

**THOSE IN ATTENDANCE:**

Diane Davidson	TDOT
Don Fox	City of Lebanon
Jeff Baines	City of Lebanon
Diane Thorne	Metro
Rob Shearer	City of Mt. Juliet
Paul Ballard	MTA
Gene Turnage	NERC
Bill Drunic	NERC
Jeff Wilson	NERC
John Kennedy	Metro
Tom Brashear	Wilson County
Deb Varallo	RTA – NS/BAH
Eric C. Beyer	RTA
Noel Peck	RTA – NS/BAH
Randall Dunn	MDHA
Joseph Perry	Citizen
Tom Brashear	Wilson County
Allyson Shumate	RTA
Kevin Walker	RTA – NS/BAH
Hanne Flippen	RTA
Eric Bischoff	RTA – NS /BAH
Paul Price	RTA – NS/BAH

**CALL TO ORDER**

Mr. Paul Ballard called the meeting to order at approximately 10:00 on Tuesday, November 16, 2004. Mr. Paul Ballard announced that he has been appointed to the RTA Board of Directors. Other appointees are Debbie Franks, Kathy Atkins, Roger Farley and Jim Cote.

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF MINUTES – October 26, 2004**

Mr. Ballard called for approval of the minutes from the October 26, 2004 meeting. Jeff Baines 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 Phase II archeological investigation at Riverfront has been completed. A letter has been received by the State Historic Preservation Office (SHPO) that nothing of significance was discovered and the project can proceed.

The Supplemental Environmental Assessment has been revised and provided to FTA for review prior to public comment. A public hearing will be scheduled. After the public hearing, a Supplemental Finding of No Significant Impact (FONSI) is expected from the FTA.

**Motion: Tom Brashear motioned for the ECOC to recommend the RTA Board approve the release of the Supplemental Environmental Assessment for a 45 day public and review period. Rob Shearer seconded and the motion passed unanimously.**

## PROJECT STATUS REPORT

### • **Management Action Plan**

Paul Price reviewed the Management Action Plan. Many items have been completed. One item that is being worked on is the Operations and Maintenance RFP. There are three to four proposers. The due date has been extended to December 8, 2004. Mr. Price stated that he believed this will insure more competition and enable the new Commuter Rail Director to have input into the process. Paul Ballard has sent the committee the detailed schedule of the RFP process. We also want to ensure that the locomotives are equipped in winter with oil, lube heaters for quick starts in winter. This will be included in an addendum going out today or tomorrow.

### • **Construction Status Update**

Mr. Kevin Walker briefed the committee on the status of the construction status. Construction is well underway with the arrival of the rail train. This train is bringing eighty thousand feet of rail to the Lebanon yard to be distributed this week between Mt. Juliet and Lebanon. The contractors are finalizing their schedules and completing the required safety training. Submittals are being sent for materials, etc. and tie replacement will begin within the next couple of weeks.

Mayor Fox asked if a public relations event had been scheduled. Mrs. Hanne Flippen mentioned that a press release is being developed announcing the rail delivery and off-loading happening this week, and for the tie replacement work beginning within the next couple of weeks. Mr. Rob Shearer asked how the weather might affect the construction. Mr. Walker stated that the tie change out should not be affected and the rail can be heated if necessary. The main affect is on the crossings for paving. The contractor believes this will not be a problem.

Before the bid process on signals, TDOT requested the Automatic Block Signal System be added as an option. The option was included and the cost was very low. The issue now is the option was a design/build option, and a change order is needed to produce a stamped set of plans.

This option will upgrade the signal system for the train and train operations. This system will include switches on the system and notification if a train is on the line or if there is a break in the rail. This adds a level of safety to the operations and flexibility of the operation. The reason this is a no cost bid option is that it is more sophisticated equipment, but not as many individual signals. This includes the bonding of rail.

**Tom Brashear made a motion to approve the ABS Signal Option as a change order for \$27,700, with a request for periodic updates on contingency and if it is sufficient for the stage of the project. . Jeff Baines seconded. The motion passed unanimously.**

### • **Spare Locomotive**

Paul Price mentioned that the RTA has negotiated with the NERC to purchase a spare locomotive for \$65,000. This would provide back up power on the east end of the corridor. The RTA is working on a lease with the Tennessee Central Rail Museum for the use of a Nashville based spare. This will be a pay as it is used lease, with a monthly charge to have the

power available and ready. This lease agreement will be drafted and a proposal taken to the full RTA Board for a total concept and approval. Paul Ballard stated that he believed this is a very good option to cover the issue of back up power.

- **Marketing Update**

Mrs. Hanne Flippen provided a marketing update. The ECOC meeting was held here (at the Adventure Science Center) today or a reason, to view the scale model of the Music City Star train. The rail delivery and off-loading between Mt. Juliet and Lebanon will be issued in a press release. The RTA is also working on a staged photo opportunity for construction. Volume two of the Music City Star newsletter is being developed. Mr. Ballard asked the status of logos. Mrs. Flippen stated that this is still being looked at and the details of the logo placement and color gradation, etc. are being explored.

## **OTHER BUSINESS**

- **Status of Commuter Rail Director:**

Mr. Ballard stated that the committee began with thirty seven applicants. After telephone interviews, it has been narrowed down to four face to face interviews. The interviews are being held on November 29, and 30th. The applicants come from four different states. One is from Pennsylvania and operated the Trans Hudson and worked for the Philadelphia Port Authority. The second candidate is from Atlanta and has a strong background in capital improvements and also worked in New York. The third is the Chief Operating Officer for Trinity Rail Express and interviewed very well. The final candidate is from Los Angeles and is currently with Amtrak. Travel arrangements have been finalized. Tom Brashear stated that this process has provided insight to him on the type of issues this person will be dealing with.

- **Operations and Maintenance RFP:**

Proposals from contractors are due. Committee members interested in being on the selection panel should let Paul Ballard know.

- **Miscellaneous:**

Paul Price mentioned that there was an article in USA today which discussed the renaissance of transportation corridors in the US. The article also discusses the public support of transportation sales taxes initiatives across the nation. Mayor Fox stated that this information should be used to promote the East Corridor and being to build the foundation for funding for transit.

Tom Brashear mentioned the option of having TVs on the train that run CNN muted or other news. What are the cost estimates for this type of service? Direct TV has a mobile network. Is there a chance for a corporate sponsor? Diane Davidson mentioned that a new board member is from Toshiba, and that may be a potential sponsor. Mrs. Diane Davidson suggested RTA staff approach TDOT for assistance on this type of project. Paul Price and Hanne Flippen will research this and prepare a briefing package for the ECOC.

Diane Davidson mentioned a workshop with Bill Millar of American Public Transportation Association (APTA) on dedicated funding. TDOT is working on the development of generic and specialized Public Service Announcements for the transit agencies in the state. A Transit Oriented Development study has been initiated to develop best practices, etc. Mrs. Davidson further stated that in terms of the Director search, Paul Ballard has done an excellent job. She feels that any of the four candidates will meet the directive in the Business Plan. TDOT is also working to assign an engineer to assist in the field as needed. The commuter rail assistance passed through the budget process.

Mr. Eric Beyer reminded the committee that this is the only meeting for the month of November for the ECOC. Public will be notified accordingly. The next meeting is Tuesday, Dec. 14, 2004 at MTA.

Mrs. Diane Thorne wanted to let everyone know that the Howard School is under construction and the meters will be bagged for the RTA Board and the MPO Board to park for the meetings on Weds. November 17, 2004.

### **Legislation:**

RTA staff passed out a draft briefing of the legislation needed for this session. Comments are needed by the end of the week. A strategy session will be held before the December meeting.

# Legislation Briefing for East Corridor Oversight Committee

\*\*\*draft\*\*\*

## 1 – Authority of conductors to issue citations

Tickets will be checked on a random basis; the conductor does not "collect or validate" each ticket. This means that all passengers must have in their possession proof that they have a valid ticket when, and if, they are checked. This method of payment is gaining wide acceptance throughout the Transit industry. Barrier Fare Systems (BART, WMATA, New York, etc.) have fare evasion rates of about 2-6%. This high rate is in conjunction with a very high capital and operating cost associated with procuring and maintaining a Barrier system. Conversely, "Proof of payment" system across North America has shown fare evasion rates of less than 1%. This, in addition to the lack of capital and maintenance cost, has driven most new rail systems to a barrier free, proof of payment methodology (Sounder, Coaster, ACE, TRE).

The goal of giving the conductor the ability to issue citations is to cut down on the fare evasion rate. Once the passengers know they can be cited, it acts as a deterrent to attempting to get away without paying. You can liken it to knowing if you park in a No Parking area or let your parking meter expire, you may be ticketed. Once a conductor has encountered a person without a ticket, especially if it is a repeat offender, they must have the necessary authority to enforce the Board's adopted fare policy, which basically is you must have a ticket to ride. Having this authority reduces the potential of a confrontation over a fare dispute. It is not feasible, nor would RTA want, to call a law enforcement officer to arbitrate each time there is an issue of invalid fares. Unlike a bus route which has multiple options, it is also not feasible to eject a passenger far from any other means of transportation. The ability to issue citations provides commuter rail conductors the 'back-up' tool they need to appropriately check fares, enforce policy, educate the public and maintain an orderly commute trip.

Other points:

RTA derives no income from the citations, but rather the citations are written under the appropriate civil or municipal codes and the fees collected are treated the same as other code violations.

There is an appeal process, similar to parking tickets, should someone feel they have been unjustly ticketed.

Conductors will receive training in how to administer the Board policy and how to recognize honest mistakes on the part of the riding public. They will have the ability to issue warnings instead of citations when the situation warrants. Not every policy violation will automatically receive a citation. The citation is the ultimate recourse to deal with blatant attempts to rip off the system.

**Status: Draft language has been provide to Sam Edwards, Legal counsel**

**Who May Oppose this Legislation? ??????????**

## 2 – Self Insurance Retention Fund

The self insurance retention fund is needed to insure for commuter rail operation claims between \$1.00 and \$2,000,000. This will enable the RTA to purchase coverage for \$2,000,000 to \$200,000,000. This fund will be held in escrow and used to cover claims outside of the larger policy. The administration of this fund will be either through an independent "Broker and Claims Adjuster" hired by the RTA or through a State Administered Plan for claims adjustment, as the legislature may decide. In the Rail Insurance market, the most expensive and difficult layer of insurance to obtain and afford is that layer between \$0-2,000,000. By creating a Statewide Pool for all potential rail operators, that expense and exposure can be shared. This should reduce cost and create a Statewide procurement benefiting all intra-state operators, that both public transit and short line freight could pay into annually. The administration and claims payments could be an annual fee based remuneration based on claims against any particular property.

**Status: Draft language has been provide to Sam Edwards, Legal counsel**

**Who May Oppose this Legislation?**

## 3 – Revise the RTA powers to include the ability to borrow money and collateralize assets –

Operating transit agencies need the ability to borrow funds to keep service going until formula funds and grants begin flowing to the agency. All operating agencies have this ability. The RTA realized the necessity for this when it learned it could not apply for a bridge loan to cover capital improvements.

**Status: Draft language from short line alliance should be used**

**Who May Oppose this Legislation?????????**