

SOUTH FLORIDA
REGIONAL TRANSPORTATION
AUTHORITY
GOVERNING BOARD

REGULAR MEETING AGENDA
MARCH 27, 2009
9:30 a.m.

South Florida Regional Transportation Authority
Board Room
800 NW 33rd Street
Suite 100
Pompano Beach, FL 33064

SFRTA BOARD MEETINGS ARE SCHEDULED ON THE FOURTH FRIDAY OF EACH MONTH AT 9:30 A.M. FOR FURTHER INFORMATION CALL (954)942-RAIL (7245). TIME OF MEETINGS SUBJECT TO CHANGE.

SFRTA Board Members

Commissioner Bruno Barreiro
Alice N. Bravo
James A. Cummings

Commissioner Josephus Eggleton, Chair
Marie Horenburger
Commissioner Jeff Koons

Felix M. Lasarte
George Morgan, Jr.
F. Martin Perry

Executive Director

Joseph Giulietti

GOVERNING BOARD REGULAR MEETING
OF MARCH 27, 2009

The meeting will convene at 9:30 a.m., and will be held in the Board Room of the South Florida Regional Transportation Authority, Administrative Offices, 800 NW 33rd Street, Suite 100, Pompano Beach, Florida 33064.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL – Additions, Deletions, Revisions

DISCUSSION ITEMS

1. SFRTA Legal Representation

MATTERS BY THE PUBLIC – Persons wishing to address the Board are requested to complete an “Appearance Card” and will be limited to three (3) minutes. Please see the Minutes Clerk prior to the meeting.

PUBLIC HEARING -1

ADVERTISED PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT at the Board Meeting of March 27, 2009, the Governing Board for the South Florida Regional Transportation Authority (SFRTA) will hold a Public Hearing at 9:30 A.M. to receive public input on the SFRTA’s intent to file Section 5307 and Section 5309 Grant Applications with the Federal Transit Administration (FTA) in the amount of \$42,835,214. All interested individuals and/or groups are invited to attend this meeting and will have an opportunity to present their views and comments, or by responding in writing to the South Florida Regional Transportation Authority at 800 NW 33rd Street, Suite 100, Pompano Beach, FL 33064. Persons wishing to address the Board are requested to complete an “Appearance Card” and will be limited to three (3) minute. Please see the Minutes Clerk prior to the meeting.

PH1 – FY 2008 -2009 grant applications to the Federal Transit Administration

1. Open Public Hearing
2. Close Public Hearing
3. **MOTION TO APPROVE:** Resolution No. 09-01, permitting staff to submit FY 2008-09 grant applications to the Federal Transit Administration (FTA) in order to secure \$42,835,214 in capital and planning funds to support the South Florida Regional Transportation Authority (SFRTA) Program of Projects.

Department: Finance & Information Technology
Project Manager: Carla D. McKeever

Department Director: Edward T. Woods
Procurement Director: N/A

CONSENT AGENDA

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion in the form listed below. If discussion is desired by any Board Member, however, that item may be removed from the Consent Agenda and considered separately.

C1. MOTION TO APPROVE: Minutes of Governing Board's Regular Meeting February 27, 2009.

C2. MOTION TO APPROVE: The following business travel for the Governing Board and/or the Executive Director for calendar year 2009:

Meeting with Insurance Underwriters – Bermuda/London

APTA Conferences: Transit CEO's Seminar
Legislative Conference
Commuter Rail/Rail Transit Conference
Annual Meeting

FPTA: Florida Public Transportation Association's Annual Conference

<u>Department:</u>	Executive	<u>Department Director:</u>	Joseph Giulietti
<u>Project Manager:</u>	N/A	<u>Procurement Director:</u>	N/A

REGULAR AGENDA

Those matters included under the Regular Agenda differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion, if so desired.

R1. MOTION TO APPROVE: First Amendment to Agreement No. 06-101, between the South Florida Regional Transportation Authority (SFRTA) and National Railroad Passenger Corporation (AMTRAK) for Transition, Dispatching, Train Control and Yard Services for the South Florida Rail Corridor to reduce the staffing levels, including reduction in compensation, for dispatching over the New River Bridge Corridor.

<u>Department:</u> Operations	<u>Department Director:</u> Bradley Barkman
<u>Project Manager:</u> Bradley Barkman	<u>Procurement Director:</u> Christopher Bross

R2. MOTION TO APPROVE: The second renewal to Agreement No. 04-285, between the South Florida Regional Transportation Authority and Gilly Vending, Inc., for vending machine services, exercising the second of two (2) one (1) year renewal options, extending the term through April 29, 2010.

<u>Department:</u> Marketing	<u>Department Director:</u> Bonnie Arnold
<u>Project Manager:</u> Steve Rosenberg	<u>Procurement Director:</u> Christopher Bross

R3. MOTION TO APPROVE: Settlement Agreement with Westchester Fire Insurance Company.

Department: Executive
Project Manager: N/A

Department Director: Joseph Giulietti
Procurement Director: N./A

R4.

- A. **MOTION TO APPROVE:** An Interlocal Agreement between the South Florida Regional Transportation Authority (SFRTA) and Palm Beach County (County) to fund the construction of a parking lot to serve the West Palm Beach Tri-Rail Station through a change order to County's contract for the West Palm Beach Intermodal Transit Facility (Palm Tran) Project No. 93222 with Catalfumo Construction, Ltd., in the maximum amount of \$1,006,446.88.
- B. **MOTION TO APPROVE:** An Easement Agreement between SFRTA and County that grants SFRTA the right to use the unused portion of the County Property (Easement Premises) for a shared employee parking and public parking for patrons of the Tri-Rail Station.
- C. **MOTION TO APPROVE:** A License Agreement between SFRTA and County to allow County employees working within the Intermodal Facility to use SFRTA restroom facilities.

Department: Planning & Capital Development
Project Manager: William L. Cross, P.E.

Department Director: Daniel R. Mazza, P.E.
Procurement Director: Christopher Cross

R5. MOTION TO APPROVE: The holding of a public hearing for discussion of alternatives for the proposed new Tri-Rail fare structure and for a recommended new fare structure to be presented to the Governing Board for consideration at its next board meeting (which will occur immediately following the public hearing).

Department: Executive
Project Manager: Renee Matthews

Department Director: Jack Stephens
Procurement Director: Christopher Cross

INFORMATION / PRESENTATION ITEMS

Action not required, provided for information purposes only. If discussion is desired by any Board Member, however, that item may be considered separately.

I-1 INFORMATION – Proposed Scheduled Enhancements

COMMITTEE REPORTS / MINUTES

Action not required, provided for information purposes only. If discussion is desired by any Board Member, however, that item may be considered separately.

- A. PROPERTY TASK FORCE
- B. CONSTRUCTION OVERSIGHT COMMITTEE
- C. PLANNING TECHNICAL ADVISORY COMMITTEE
- D. MARKETING COMMITTEE
- E. OPERATIONS TECHNICAL COMMITTEE
- F. CITIZENS ADVISORY COMMITTEE

- G. AUDIT COMMITTEE
- H. LEGISLATIVE COMMITTEE
- I. ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

MONTHLY REPORTS

Action not required, provided for information purposes only. If discussion is desired by any Board Member, however, that item may be considered separately.

- A. ENGINEERING & CONSTRUCTION MONTHLY PROGRESS REPORTS – All projects are completed
- B. RIDERSHIP GRAPHS – February
- C. ON-TIME PERFORMANCE GRAPHS – February
- D. MARKETING MONTHLY SUMMARY – February
- E. BUDGETED INCOME STATEMENT – February
- F. PAYMENTS OVER \$2,500.00 – February
- G. REVENUE AND FARE EVASION REPORTS – February
- H. SOLICITATION SCHEDULE – February
- I. CONTRACT ACTIONS EXECUTED UNDER THE EXECUTIVE DIRECTOR'S AUTHORITY - February
- J. CONTRACT ACTIONS EXECUTED UNDER THE CONSTRUCTION OVERSIGHT COMMITTEE – February
- K. PROPERTY COMMITTEE – PROJECT SCHEDULE - Current
- L. SECURITY REPORT - February

OTHER BUSINESS

EXECUTIVE DIRECTOR REPORTS/COMMENTS

LEGAL COUNSEL COMMENTS

CHAIR COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to the Executive Office at 800 NW 33rd Street, Suite 100, Pompano Beach, Florida, or telephone (954) 942-RAIL (7245) for assistance; if hearing impaired, telephone (800) 273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Governing Board of the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons wishing to address the Board are requested to complete an "Appearance Card" and will be limited to three (3) minutes. Please see the Minutes Clerk prior to the meeting.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
GOVERNING BOARD MEETING: MARCH 27, 2009

AGENDA ITEM REPORT

Consent Regular

AUTHORIZING RESOLUTION NO. 09-01
THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
FY 2008-09 PROGRAM OF PROJECTS

REQUESTED ACTION:

MOTION TO APPROVE: Resolution No. 09-01, permitting staff to submit FY 2008-09 grant applications to the Federal Transit Administration (FTA) in order to secure \$42,835,214 in capital and planning funds to support the South Florida Regional Transportation Authority (SFRTA) Program of Projects.

SUMMARY EXPLANATION AND BACKGROUND:

SFRTA is requesting authorization to submit the following to the FTA:

- FTA Capital Assistance Section 5307 and Section 5309 in the estimated amount of \$26,776,000;
- American Recovery Reinvestment Act of 2009 Section 5307 and Section 5309 in the estimated amount of \$16,059,214.

These funds will be utilized to financially support the following SFRTA Program of Projects:

- GPS Tracking System;
- Preventive Maintenance;
- New Rail Cars;
- Ticket Vending Machines; and
- Planning/Project Administration.

A public hearing for the SFRTA FY 2008-09 Program of Projects will be held at the March 27, 2009, SFRTA Governing Board meeting. A Notice of Public Hearing for the SFRTA FY 2008-09 Program of Projects and of SFRTA's Intent to File Grant Applications with the FTA was advertised in the local newspapers in each county during March 2009.

Department: Finance & Information Technology
Project Manager: Carla D. McKeever

Department Director: Edward T. Woods
Procurement Director: N/A

FISCAL IMPACT: The SFRTA FY 2008-09 Capital Budget incorporates these federal funds.

EXHIBITS ATTACHED: Exhibit 1- Authorizing Resolution No. 09-01
Exhibit 2- Public Hearing Notice

AUTHORIZING RESOLUTION NO. 09-01
THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
FY 2008-09 PROGRAM OF PROJECTS

Recommended by: *C. T. Wachs* 3-19-09
Department Director Date

Approved by: *CLC* 3/19/09
Procurement Director Date

Authorized by: *J. M. Smith* 3-19-09
Executive Director Date

Approved as to Form by: _____
General Counsel Date

Board Action:

Approved: Yes No

Vote: Unanimous

Amended Motion:

Commissioner Bruno Barreiro Yes No
Alice N. Bravo Yes No
James A. Cummings Yes No
Commissioner Josephus Eggelletion Yes No
Marie Horenburger Yes No

Commissioner Jeff Koons Yes No
Felix M. Lasarte Yes No
George A. Morgan, Jr. Yes No
F. Martin Perry Yes No

Tracking No. 03270917
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AGENDA ITEM NO. PH 3

AUTHORIZING RESOLUTION NO. 09-01
THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
FY 2008-09 PROGRAM OF PROJECTS

Recommended by: _____
Department Director Date

Approved by: _____
Contracts Director Date

Authorized by: _____
Executive Director Date

Approved as to Form _____ 3/18/09
General Counsel Date

Board Action:

Approved: Yes No

Vote: Unanimous

Amended Motion:

Commissioner Bruno Barreiro	<input type="checkbox"/> Yes <input type="checkbox"/> No
Alice N. Bravo	<input type="checkbox"/> Yes <input type="checkbox"/> No
James A. Cummings	<input type="checkbox"/> Yes <input type="checkbox"/> No
Commissioner Josephus Eggelton	<input type="checkbox"/> Yes <input type="checkbox"/> No
Marie Horenburger	<input type="checkbox"/> Yes <input type="checkbox"/> No

Commissioner Jeff Koons	<input type="checkbox"/> Yes <input type="checkbox"/> No
Felix M. Lasarte	<input type="checkbox"/> Yes <input type="checkbox"/> No
George A. Morgan, Jr.	<input type="checkbox"/> Yes <input type="checkbox"/> No
F. Martin Perry	<input type="checkbox"/> Yes <input type="checkbox"/> No

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

RESOLUTION NO. 09-01

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23, UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Federal Transit Administration has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon South Florida Regional Transportation Authority (“SFRTA”) and may require SFRTA to provide the local share of the project cost; and

WHEREAS, SFRTA has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY THAT:

Section 1. The recitals contained in the preamble to this Resolution are correct and incorporated by reference herein.

Section 2. SFRTA’s Executive Director, or Executive Director Designee, is authorized to execute and file the application for Federal assistance on behalf of SFRTA with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

Section 3. SFRTA’s Program of Projects includes the following: GPS Tracking System; Preventive Maintenance; New Rail Cars, Ticket Vending Machines; and Planning/Project Administration.

Section 4. SFRTA’s Program of Projects is estimated to cost \$42,835,214 in federal funding.

Section 5. The Executive Director, or Executive Director Designee, is authorized to execute and file with its application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.

Section 6. SFRTA's Executive Director, or Executive Director Designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of SFRTA.

Section 7. SEVERABILITY.

If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 8. CERTIFICATION.

The undersigned duly qualified Executive Director, or Executive Director Designee, acting on behalf of the South Florida Regional Transportation Authority, certifies that the forgoing is a true and correct copy of a resolution adopted at a legally convened meeting of the South Florida Regional Transportation Authority Board of Directors held on March 27, 2009.

Section 9. EFFECTIVE DATE.

This Resolution shall become effective upon its adoption, and any provision of any previous resolutions in conflict with the provisions herein are hereby superseded.

The foregoing resolution was offered by Board Member _____, who moved its adoption. The motion was seconded by Board Member _____, and upon being put to vote, the votes were as follows:

- Member
- Member
- Member
- Member
- Member
- Member
- Member
- Member
- Member
- Member
- Chair

The Chair thereupon declared the resolution duly passed and adopted this _____ day of March, 2009.

ATTEST

South Florida Regional Transportation Authority

BY _____
Joseph Giuliatti
Executive Director

BY _____
Commissioner Josephus Eggelletion, Jr.
Chair

_____ day of March, 2009.

(SFRTA seal)

Approved as to form and legal sufficiency by:

Teresa J. Moore
General Counsel, SFRTA
Greenburg Traurig, PA
777 S. Flagler Drive, Ste 300E
West Palm Beach, Florida 33401
(561) 650-7963

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
NOTICE OF PUBLIC HEARING AND INTENT TO FILE SECTION 5307 AND
SECTION 5309 GRANT APPLICATIONS WITH THE FEDERAL TRANSIT
ADMINISTRATION IN THE ESTIMATED AMOUNT OF \$ 42,835,214

NOTICE IS HEREBY GIVEN THAT at the Board Meeting of March 27, 2009, the Governing Board for the South Florida Regional Transportation Authority (SFRTA) will hold a Public Hearing at 9:30 A.M. to receive public input on the SFRTA's intent to file Section 5307 and Section 5309 Grant Applications with the Federal Transit Administration (FTA) in the amount of \$42,835,214. All interested individuals and/or groups are invited to attend this meeting and will have an opportunity to present their views and comments, or by responding in writing to the South Florida Regional Transportation Authority at 800 NW 33rd Street, Suite 100, Pompano Beach, FL 33064. The following represents SFRTA's Program of Projects:

Urbanized Area:	Miami, Florida
Federal Transit Administration Apportionment:	\$42,835,214
Total Funds Available:	\$42,835,214
Designated Recipient:	South Florida Regional Transportation Authority

PROGRAM OF PROJECTS

GPS Tracking System	1,600,000
General Engineering Consultants	500,000
Program Support	1,000,000
General Planning, Capital Development & Planning Studies	3,375,000
Preventative Maintenance	10,139,000
Hialeah Yard Layover track	500,000
New Rail Cars	3,000,000
Coach Wraps	850,000
Ticket Vending Machines	3,000,000
In-Board Hot Box Detectors	1,000,000
Dynamic Stabilizer	850,000
Smart Card	445,000
West Palm Beach Intermodal	517,000
Locomotive Acquisition*	8,029,607
Rolling Stock*	8,029,607
TOTAL PROJECT	\$42,835,214

FUNDING SOURCES

FTA Capital Assistance	\$26,776,000
American Recovery Reinvestment Act of 2009/FTA	\$16,059,214*
TOTAL PROJECTS	\$42,835,214

Total Request	\$42,835,214
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These improvements will enhance significantly the service reliability of passenger and freight service in the rail corridor owned by the Florida Department of Transportation.

Those wishing to review or obtain a copy of any materials pertaining to this public hearing may contact Carla D. McKeever at telephone (954)788-7953; if hearing impaired, telephone (800)273-7545 (TTY) for assistance. All written comments will be entered into the official records of the public hearing. Persons wishing to address the Board are requested to complete an "Appearance Card" and will be limited to three (3) minutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding must, at least 48 hours prior to the meeting, provide a written request directed to the Executive Office at 800 NW 33rd Street, Suite 100, Pompano Beach, FL 33064, or telephone (954) 942-7245 for assistance; if hearing impaired, telephone (800) 273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors for the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Unless amended, this notice will serve as the final Program of Projects for Fiscal Year 2009 for the South Florida Regional Transportation Authority.

MINUTES
SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
GOVERNING BOARD REGULAR MEETING
OF FEBRUARY 27, 2009

The regular meeting of the South Florida Regional Transportation Authority Governing Board was held at 9:30 a.m. on Friday, February 27, 2009 in the South Florida Regional Transportation Authority Board Room, 800 Northwest 33rd Street, Suite 100, Pompano Beach, Florida 33064.

BOARD MEMBERS PRESENT:

Bruno Barreiro, Miami-Dade County Commissioner - *arrived at 9:58 a.m.*
 Alice N. Bravo, Florida Department of Transportation, District VI - *arrived at 10:09 a.m.*
 James A. Cummings, Citizen Representative, Broward County – *via teleconference*
 Josephus Eggelletion, Jr., Chair – Broward County Commissioner
 Marie Horenburger, Citizen Representative, Palm Beach County
 Jeff Koons, Vice-Chair, Palm Beach County Commissioner
 Felix M. Lasarte, Citizens Representative, Miami-Dade County – *arrived at 10:15 a.m.*
 George Morgan, Governor’s Appointee

BOARD MEMBERS ABSENT:

F. Martin Perry, Governor’s Appointee

ALSO PRESENT:

Joseph Giulietti, Executive Director, SFRTA
 Jack Stephens, Deputy Executive Director, SFRTA
 Bonnie Arnold, Director of Marketing, SFRTA
 Brad Barkman, Director of Operations, SFRTA
 Chris Bross, Director of Procurement, SFRTA
 Diane Hernandez Del Calvo, Director of Administration, SFRTA
 Mary Jane Lear, Director of Human Resources, SFRTA
 Renee Matthews, Special Projects Manager, SFRTA
 Dan Mazza, Director of Engineering and Construction, SFRTA
 Teresa Moore, General Counsel, SFRTA
 Jeffrey Olson, Staff Counsel, SFRTA
 Edward Woods, Director of Finance & IT, SFRTA
 Sandra Thompson, Executive Administrative Coordinator, SFRTA

CALL TO ORDER

The Chair called the meeting to order at 9:42 a.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

While awaiting a quorum, the Chair requested Information Item I-2, Fare Study to be addressed.

I-2 **PRESENTATION** – Fare Study

Ms. Renee Matthews, Special Projects Manager, SFRTA addressed the Board. Ms. Matthews stated that the SFRTA has had the same fare policy since 1995. In consideration of the current economic environment the SFRTA has decided to revisit the fare structure policy. Ms. Matthews introduced Mr. John Lafferty of P.B. America, Inc.

Mr. John Lafferty stated that P.B. America, Inc. is reviewing the existing fare policy and formulating ways to maximize revenues and improve fare box recovery. He gave an overview of the current fare structure and policy, farebox technology, and the existing ticket vending machines (TVM). In evaluating these areas, Mr. Lafferty stated that future capabilities from TVM, fare structure, rider discounts, purchase methods and transfer guidelines are being studied. He also stated that peer group research and focus group interviews are being conducted. A comparative analysis with final recommendations will be presented to the SFRTA Board in May 2009.

The Chair recognized Commissioner Koons for questions.

Commissioner Koons commented that fare adjustments are needed. He inquired about public hearing requirements to implement a new fare schedule.

Ms. Renee Matthews stated that there is a 30 day notice for advertising a Public Hearing. A Public Hearing would take place and then suggestions would be presented to the Governing Board for approval. The earliest implementation of a new fare schedule would be June 2009.

Commissioner Koons stated that he would personally become involved with the transfer strategy to ensure a consistent seamless regional system.

Board Member Horenburger inquired as to the legal requirements of the details and speeding up the advertising.

Ms. Teresa Moore, General Counsel, SFRTA replied that the advertising has to state the intent of the action and a detailed listing needs to be shown.

The Chair stated that the Board needs to look at a fare structure change, a fare increase is imminent and that all three counties need to come in line with transfer policies.

Board Member Morgan commented that in looking at the Operations Report, usage by county ridership is 38% coming from Broward County; 36% is coming from Palm Beach County and 26% from Miami-Dade County.

Mr. Giuliatti responded that all three counties have implemented fare increases. The Board had previously made a decision not to increase fares. Miami-Dade County has increased its fares, and this increase has a direct affect on the relationship of the transfer policy between SFRTA and Miami-Dade Transit (MDT). MDT is looking to have a fare policy in place and new equipment

installed by June 2009. SFRTA requires the time to come back to the Board with a plan for this timeframe implementation. Mr. Giulietti related that Board Member Perry had met with Palm Beach Chamber of Commerce and that the Chamber had stated that the SFRTA needs to reconsider its fare policy.

Board Member Morgan commented that SFRTA is providing more service and that the people understand having to pay for the increase in service. He continued that Tri-Rail's on-time performance has declined and therefore the quality of service is not being provided. It is hard to ask the people to pay more for a poor quality service and asked, what is being done to improve the service?

Mr. Giulietti responded that much of the on-time performance decline is due to mechanical breakdowns. New cars are coming in and new locomotives are on order. He stated that next month, staff will be coming to the Board with a minor schedule change. This change is to provide additional time to turn the trains thus preventing losing multiple trains due to delays.

The Chair announced that at 9:58 a.m. a quorum had been reached and continued on with the agenda.

AGENDA APPROVAL – Additions, Deletions, Revisions

Mr. Giulietti requested the following changes to the Agenda.

ADDITION:

R4. Exhibit 1 Added. First Amendment to Funding Agreement between SFRTA and Board of County Commissioners of Palm Beach County, Florida.

DELETION:

R5. MOTION TO APPROVE: First Amendment to Agreement No. 06-101, between the South Florida Regional Transportation Authority (SFRTA) and National Railroad Passenger Corporation (AMTRAK) for Transition, Dispatching, Train Control and Yard Services for the South Florida Rail Corridor to reduce the staffing levels, including reduction in compensation, for dispatching over the New River Bridge Corridor.

R7. MOTION TO APPROVE: Funding Agreement between the South Florida Regional Transportation Authority (SFRTA) and Palm Beach County to fund the construction of a parking lot to serve the West Palm Beach Tri-Rail Station through a change order to Palm Beach County's contract for the West Palm Beach Intermodal Transit Facility (Palm Tran) Project No. 93222 with Catalfumo Construction, Ltd., in the maximum amount of \$1,006,446.88.

Board Member Marie Horenburger moved to approve revised Agenda. The motion was seconded by Commissioner Jeff Koons.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

DISCUSSION ITEMS

MATTERS BY THE PUBLIC

Mr. Tomas Boiton representing Citizens for Improved Transit addressed the Board. Mr. Boiton complimented SFRTA on the Summit that was held Saturday, February 21, 2009. He stated that the speaker on “Smart Growth” was an excellent choice in thinking outside the box and that SFRTA needs to think beyond Tri-Rail. He added that he sits on the Palm Beach MPO Citizens Advisory Board and Palm Tran Service Board and that public input on fare structure increases would be more beneficial at these types of meetings, where the citizen can be heard for more than a few minutes and discussion made. These committees can report back to the SFRTA Governing Board with the comments.

Mr. Joseph A. Stanecki representing the National Association of Rail Road Passengers addressed the Board. Mr. Stanecki commented on the DMU use and that there is no drinking water provided on board. He commented that he overheard rude comments and behavior coming from some crew members. At the Transportation Summit he noted that the additional drawbridge over the Miami canal is perplexing and inquired if it is needed.

Commissioner Barreiro commented that several properties past the drawbridge utilize the waterway and have rights to use the drawbridge.

CONSENT AGENDA

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion in the form listed below. If discussion is desired by any Board Member, however, that item may be removed from the Consent Agenda and considered separately.

C1. MOTION TO APPROVE: Minutes of Governing Board's Regular Meeting of January 23, 2009.

Board Member Marie Horenburger moved to approve the Consent Agenda. The motion was seconded by Commissioner Jeff Koons.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

REGULAR AGENDA

Those matters included under the Regular Agenda differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion, if so desired.

R1. MOTION TO APPROVE: Third Amendment to the South Florida Regional Transportation Authority (SFRTA) FY 2008-2009 Operating Budget, increasing the Budget by \$250,000 to cover the additional cost of credit card processing fees due to increased TVM ticket sales and increased processing costs. The total Budget for FY 2008-2009 is \$61,802,647 (see Exhibit 1).

The Chair commented that he is aware that negotiations are ongoing with Miami-Dade County and requested expedition of these negotiations.

Mr. Giulietti responded that Miami-Dade Transit (MDT) has accelerated their schedule and that the machines will be in place in June. There are problems with the integration in that the MDT machines are based on a single fare source and that the SFRTA machines need a multiple fare source and the machines will take 8 to 9 months to manufacture.

Ms. Matthews clarified that MDT will be administering the back office process. A participation agreement was approved by the Board last month and that this agreement is going through the MDT process prior to SFRTA signing a contract with CUBIC. MDT is on schedule to be finished in June 2009. This switch over to the "Easy Card" program will disallow Tri-Rail, Palm Tran and BCT a seamless transfer to the MDT system. Commuters will need to become participants in the "Easy Card" program. SFRTA is currently in talks with MDT to create a transition plan to gain access to the MDT system. SFRTA's schedule is to bring a contract back to the Board in April and once a contract is approved, it will take 9 months to manufacture the equipment.

Commissioner Barreiro stated that he will encourage expediency of these negotiations.

The Chair stated that this timing is unacceptable. These issues were known since last October and installation of the fare boxes is a critical issue with Broward County. The Broward County Commission will hold SFRTA accountable come budget time. SFRTA will need to figure out how to transfer these commuters from October through December 2009.

Commissioner Koons commented that he would like to have a monthly report update on this process.

Commissioner Bruno Barreiro moved for approval. The motion was seconded by Board Member Marie Horenburger.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

R2. MOTION TO APPROVE: Joint Participation Agreement (JPA) Supplemental No. 7 between the South Florida Regional Transportation Authority (SFRTA) and the Florida Department of Transportation (FDOT) for feeder service funding in the amount of \$333,333, bringing the total agreement to \$12,948,665.

Board Member George Morgan moved for approval. The motion was seconded by Board Member Marie Horenburger.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

R3. MOTION TO APPROVE: Funding Agreement between the South Florida Regional Transportation Authority (SFRTA) and the City of Boca Raton, a political subdivision of the State of Florida, in the amount of not to exceed \$161,719.00 for Palm Tran to provide shuttle bus service between the Boca Raton Tri- Rail Station, Florida Atlantic University (FAU) and Palm Beach Community College (PBCC) campuses and Federal Highway.

Board Member Marie Horenburger moved for approval. The motion was seconded by Commissioner Jeff Koons.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

R4. MOTION TO APPROVE: Exercising the first of two one year options to the Funding Agreement between the South Florida Regional Transportation Authority (SFRTA) and the Board of County Commissioners of Palm Beach County Florida, for Palm Tran to provide shuttle bus service between the Boca Raton Tri- Rail Station, Florida Atlantic University (FAU) and Palm Beach Community College (PBCC) campuses and Federal Highway, in the not to exceed amount of \$161,719.00.

Board Member Marie Horenburger moved for approval. The motion was seconded by Board Member George Morgan.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

R5. DELETED

R6. MOTION TO APPROVE: Modification to Purchase Order No. 09-000063, between the South Florida Regional Transportation Authority (SFRTA) and Rail Tech Consultants Inc., for repairs of the existing Passenger Information System components at SFRTA stations, increasing the purchase order by the not-to-exceed amount of \$15,500, for a total purchase order not-to-exceed amount of \$39,050.

Board Member Marie Horenburger moved for approval. The motion was seconded by Board Member George Morgan.

The Chair called for further discussion and/or opposition to the motion. Upon hearing none, the Chair declared the motion carried unanimously.

R7. DELETED

INFORMATION / PRESENTATION ITEMS

Action not required, provided for information purposes only. If discussion is desired by any Board Member, however, that item may be considered separately.

I-1. INFORMATION – Planning Technical Advisory Committee Report

No comments

I-2. INFORMATION - I-2. Fare Study

Addressed prior

COMMITTEE REPORTS / MINUTES

Action not required, provided for information purposes only. If discussion is desired by any Board Member, however, that item may be considered separately.

- A. PROPERTY TASK FORCE
- B. CONSTRUCTION OVERSIGHT COMMITTEE
- C. PLANNING TECHNICAL ADVISORY COMMITTEE
- D. MARKETING COMMITTEE
- E. OPERATIONS TECHNICAL COMMITTEE
- F. CITIZENS ADVISORY COMMITTEE
- G. AUDIT COMMITTEE
- H. LEGISLATIVE COMMITTEE
- I. ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

MONTHLY REPORTS

Action not required, provided for information purposes only. If discussion is desired by any Board Member, however, that item may be considered separately.

- A. ENGINEERING & CONSTRUCTION MONTHLY PROGRESS REPORTS – All projects are completed
- B. RIDERSHIP GRAPHS – January

Mr. Giulietti stated that ridership
- C. ON-TIME PERFORMANCE GRAPHS – January
- D. MARKETING MONTHLY SUMMARY – January
- E. BUDGETED INCOME STATEMENT – January
- F. PAYMENTS OVER \$2,500.00 – January

- G. REVENUE AND FARE EVASION REPORTS – January
- H. SOLICITATION SCHEDULE – January
- I. CONTRACT ACTIONS EXECUTED UNDER THE EXECUTIVE DIRECTOR'S AUTHORITY - January
- J. CONTRACT ACTIONS EXECUTED UNDER THE CONSTRUCTION OVERSIGHT COMMITTEE – January
- K. PROPERTY COMMITTEE – PROJECT SCHEDULE - Current

OTHER BUSINESS

The Chair called Mr. Dave Ericks of Ericks Consulting to give a state legislative update.

Mr. Ericks commented that Miami-Dade County had passed a resolution in support of an additional \$2 to the car rental fee. The additional fee is being looked at by Broward and Palm Beach counties and it looks as if their support will be unanimous. Mr. Ericks stated that currently in Tallahassee, the CSXT/Orlando deal is being addressed. He explained that there are several transportation bills to utilize as a vehicle for the \$2 additional fee. This will be presented as a fee increase, since the original fee has not been increased since 1989.

Commissioner Koons stated that the Palm Beach Commission had approved the \$2 Resolution. The Commissioner inquired as to what kind of an agreement FDOT would be agreeable to match the statutory minimum from the counties and how would the new \$2 fee reach the SFRTA.

Mr. Ericks commented that the additional \$2 fee is the path of least resistance since it will lower FDOT's and the counties contributions and allow for expansion of the system.

Board Member Bravo commented that FDOT is an important partner with SFRTA and wants to ensure the success of the SFRTA for the future.

Board Member Morgan commented on transparency in government. He stated that this new \$2 fee should be supported by FDOT since it is not taking FDOT money. FDOT should be a strong supporter and an advocate of this and yet, the Secretary of Transportation has not weighed-in and has not agreed that this is a good idea. This is the same person that was opposed to us taking the existing \$2. One would think that this individual would weigh-in in supporting the new \$2 fee. There is still not a plan that the head of FDOT can support. This is a lack of transparency. SFRTA needs to make sure that the public and the legislature know that the counties and SFRTA are going hand in hand for this money. Board Member Morgan continued that it is incredulous that SFRTA is going into a session without a bill or amendment that is sponsored, and hoping to try to secure something at the last minute to be passed. This lack of transparency is a sad state of affairs and that funding for this Agency is left to back room negotiating without the support of FDOT and the up-front support of the counties.

The Chair clarified that the counties are mandated to support SFRTA funding and that the counties cannot be excused of this obligation. As of this moment, SFRTA does not have a bill and sometime during the legislative process, an SFRTA Amendment needs to be attached to a transportation bill.

Commissioner Barreiro commented that the 60 day legislative session is a small window to operate. He encourages the state to support the SFRTA amendment. The Tri-County delegation should understand not to sign on any fee increases unless we get support from the state.

Board Member Morgan asked for the language for the amendment.

Mr. Ericks stated that he believes a draft has been done. He continued that the Urban Coalition has come on board and this can be accomplished in 45 days.

Commissioner Barreiro stated that he returned from Washington, DC, where he had a meeting with Congressman Mica. The Congressman wants SFRTA to succeed in order for SunRail to succeed.

The Chair directed that the language be set, the vehicle be indentified and get a meeting set between the Secretary and the Chair. The Chair will also meet with the Senate President, the Speaker and the Governor's office. SFRTA needs to get everyone in line and to identify who will oppose the increase in the fee. Last year the rental car and travel/tourist industry were in opposition.

EXECUTIVE DIRECTOR REPORTS/COMMENTS

Mr. Giulietti called upon Ms. Lashon Johnson to approach the dais. He announced that the American Public Transportation Association (APTA) ran a national campaign competition on excellence in customer service. After several rounds of competition, Ms. Johnson qualified as one of seven finalists to participate in the annual "The Call Center Challenge." Ms. Johnson competed in San Francisco and demonstrated her talents as one of the top customer service representatives in the industry. Ms. Johnson has been providing exemplary customer service to Tri-Rail passengers for four years. The SFRTA is proud of Ms. Johnson and grateful to her for her dedication and professionalism to the Tri-rail riders.

Mr. Giulietti stated that he will be visiting with John Cline of C2 Group in Washington, D.C. and federal monthly reports will be forward to the Board Members as they come in.

LEGAL COUNSEL COMMENTS

CHAIR COMMENTS

BOARD MEMBER COMMENTS

Commissioner Barreiro requested research and updates on high-speed rail.

Board Member Horenburger referred to Mr. Stanecki's comments on the rude behavior of the crew and called for a representative of Veolia to address the issue.

Mr. Sid Burkett, General Manager of Veolia Transportation addressed the Board. Mr. Burkett stated a program is in place and that he will talk to Mr. Stanecki to get the details and address the issue.

Board Member Horenburger commented on Mr. Giulietti's time and travel for agenda reviews and asked that Board Members be considerate of Mr. Giulietti's time and travel requirements.

Board Member Bravo stated that she had met with the Executive Director and FDOT District 4 staff in November regarding budget questions. Considering the economic state of affairs, it is important that the budget process goes through the highest level of screening to see where reductions can be made. Board Member Bravo suggested a budget, finance or operations committee be formed to include Board representation to review the budget.

Mr. Giulietti responded that the SFRTA Board has been provided with a budget showing \$2.7 million worth of cuts and still able to operate the 50 trains. The budget process cycle is coming up and staff will meet with each Board Member to review all aspects of the budget. The SFRTA has an Audit Committee and the SFRTA went through three separate audits last year.

Board Member Bravo suggested that a committee staffed with Board Members, in order that budgetary issues could be discussed and presented to the full Board. She would like to see in addition to the Income Statement, Item E, a statement to the balance of all accounts so an increase or decrease in revenue can show an effect on the SFRTA's overall standing.

The Chair stated that this would be taken into consideration and that it would be reviewed at the next meeting.

Board Member Morgan stated that at the last meeting the Board discussed the stimulus package and staff identified the projects that could be implemented. Board Member Morgan inquired as to which projects were chosen.

Mr. Jack Stephens, Deputy Executive Director, SFRTA responded that there is a very tight timeline requirement of 180 days to get these funds out to the street. Under the advice of FDOT and the FTA, SFRTA is looking at purchasing 3 to 5 locomotives, depending on what the stimulus money will provide. There are also ten rolling stock cars that can be obtained within the timeline.

Board Member Morgan inquired about station improvements.

Mr. Stephens responded that the problem is the timeline requirement. On several of the improvements, funding has been secured and funding cannot be swapped out. On other projects, procurement bids will take SFRTA past the 180 day requirement.

Board Member Bravo added that to her understanding of the requirements, through the 5307 Program, the SFRTA will receive approximately \$12-14 million. Through the 5309 Program the SFRTA can receive \$1.5 to 2 million. The fundamental requirement for these funds is that the money be obligated in 180 days.

Commissioner Koons commented that in terms of the stimulus package funds, the default mechanism is that if the project defaults, the money goes back to FDOT. At the Summit, Ms. Yvette Taylor, FTA District IV Administrator, mentioned that the FTA has \$20 million available to Florida.

Commissioner Barreiro stated that Miami Dade Earlington Height MIC connector is being funded with local money and is shovel ready. MD did their homework and obtained the funding and now cannot access federal funds.

Mr. Giulietti commented that the locomotives and procurement of additional cars will meet the stimulus package requirements.

Board Member Morgan commented on the need for security cameras for the stations and stated that if you have a plan in place, the money will come.

Board Member Bravo commented on the stimulus funds and that after the 120 days for highways and the 180 days for transit, the USDOT Secretary will look at each state as a whole and note that 50% is obligated or the States is at risk of losing the money.

Commissioner Koons commented that he will be in Tallahassee next week and be fighting for the SFRTA additional \$2 or this will be the end for the SFRTA.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:13 a.m.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
GOVERNING BOARD MEETING: MARCH 27, 2009

AGENDA ITEM REPORT

Consent Regular Public Hearing

BUSINESS TRAVEL

REQUESTED ACTION:

MOTION TO APPROVE: The following business travel for the Governing Board and/or the Executive Director for calendar year 2009:

Meeting with Insurance Underwriters – Bermuda/London

APTA Conferences: Transit CEO’s Seminar
 Legislative Conference
 Commuter Rail/Rail Transit Conference
 Annual Meeting

FPTA: Florida Public Transportation Association’s Annual Conference

SUMMARY EXPLANATION AND BACKGROUND:

This travel will provide an opportunity for public transportation board members and management to attend educational seminars and workshops, as well as meet with similar personnel from other organizations to share information, discuss common concerns, and keep abreast of the latest developments in transportation.

<u>Department:</u>	Executive	<u>Department Director:</u>	Joseph Giulietti
<u>Project Manager:</u>	N/A	<u>Procurement Director:</u>	N/A

FISCAL IMPACT: Funding for these travel expenses will be available in the FY 2008-09 and 2009-10 Operating Budget Travel Line Item.

EXHIBITS ATTACHED: None

BUSINESS TRAVEL

Recommended by: _____
Department Director Date

Approved by: _____
Procurement Director Date

Authorized by:  3/19/09
Executive Director Date

Approved as to Form by: _____
General Counsel Date

Board Action:

Approved: ___ Yes ___ No

Vote: ___ Unanimous

Amended Motion:

Commissioner Bruno Barreiro ___ Yes ___ No

James A. Cummings ___ Yes ___ No

Commissioner Josephus Eggelletion ___ Yes ___ No

Marie Horenburger ___ Yes ___ No

Commissioner Jeff Koons ___ Yes ___ No

Felix Lasarte ___ Yes ___ No

George Morgan ___ Yes ___ No

F. Martin Perry ___ Yes ___ No

Tracking No. 03270918

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BUSINESS TRAVEL

Recommended by: _____
Department Director Date

Approved by: _____
Procurement Director Date

Authorized by: _____
Executive Director Date

Approved as to Form by  _____
General Counsel Date 3/18/09

Board Action:

Approved: Yes No

Vote: Unanimous

Amended Motion:

Commissioner Bruno Barreiro Yes No
James A. Cummings Yes No
Commissioner Josephus Eggelieton Yes No
Marie Horenburger Yes No

Commissioner Jeff Koons Yes No
Felix Lasarte Yes No
George Morgan Yes No
F. Martin Perry Yes No

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
GOVERNING BOARD MEETING: MARCH 27, 2009

AGENDA ITEM REPORT

Consent Regular Public Hearing

FIRST AMENDMENT TO AGREEMENT NO. 06-101
NATIONAL RAILROAD PASSENGER CORP. (AMTRAK) FOR
TRANSITION, DISPATCHING, TRAIN CONTROL AND YARD SERVICES

REQUESTED ACTION:

MOTION TO APPROVE: First Amendment to Agreement No. 06-101, between the South Florida Regional Transportation Authority (SFRTA) and National Railroad Passenger Corporation (AMTRAK) for Transition, Dispatching, Train Control and Yard Services for dispatching over the New River Bridge Corridor on the South Florida Rail Corridor, to reduce the staffing levels and to reduce the compensation accordingly.

SUMMARY EXPLANATION AND BACKGROUND:

On January 26, 2007, the SFRTA Governing Board approved a five year Agreement with Amtrak in the total not-to-exceed amount of \$15,809,293.00. In April 2007 the Contractor commenced dispatching services over the New River Bridge Corridor (Phase 1). Currently the Contractor is still performing Phase 1 dispatch services and can successfully perform the work with less staff positions than originally anticipated. As a result, staff recommends the approval of the First Amendment to the Agreement to reflect a reduction in the Phase 1 staffing levels required by the contract and also to reflect a corresponding reduction in compensation. The estimated cost savings to SFRTA will be \$490,608.00 per year while Phase 1 services are being performed.

FISCAL IMPACT: Annual estimated budget savings of approximately \$490,608.00 during performance of Phase 1 services.

Department: Operations
Project Manager: Bradley Barkman

Department Director: Bradley Barkman
Procurement Director: Christopher Bross

EXHIBITS ATTACHED: Exhibit 1 – First Amendment to Agreement No. 06-101

FIRST AMENDMENT TO AGREEMENT NO. 06-101
NATIONAL RAILROAD PASSENGER CORP. (AMTRAK) FOR
TRANSITION, DISPATCHING, TRAIN CONTROL AND YARD SERVICES

Recommended by: Boral Am 3/19/09 Approved CLZ 3/19/09
Department Director Date Contracts Director Date

Authorized by: J. G. S. G. S. 3/19/09 Approved as to Form by: _____
Executive Director Date General Counsel Date

Board Action:

Approved: Yes No

Vote: Unanimous

Amended Motion:

- | | | | |
|-----------------------------------|--|-------------------------|--|
| Commissioner Bruno Barreiro | <input type="checkbox"/> Yes <input type="checkbox"/> No | Commissioner Jeff Koons | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Alice N. Bravo | <input type="checkbox"/> Yes <input type="checkbox"/> No | Felix M. Lasarte | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| James A. Cummings | <input type="checkbox"/> Yes <input type="checkbox"/> No | George A. Morgan, Jr. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Commissioner Josephus Eggelletion | <input type="checkbox"/> Yes <input type="checkbox"/> No | F. Martin Perry | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Marie Horenburger | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |

Tracking No. 03270919

AGENDA ITEM NO. R1

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FIRST AMENDMENT TO AGREEMENT NO. 06-101
NATIONAL RAILROAD PASSENGER CORP. (AMTRAK) FOR
TRANSITION, DISPATCHING, TRAIN CONTROL AND YARD SERVICES

Recommended by: _____
Department Director Date

Approved _____
Contracts Director Date

Authorized by: _____
Executive Director Date

Approved as to Form _____ 3/17/09
General Counsel Date

Board Action:

Approved: _____ Yes _____ No

Vote: _____ Unanimous

Amended Motion:

Commissioner Bruno Barreiro _____ Yes _____ No

Commissioner Jeff Koons _____ Yes _____ No

Alice N. Bravo _____ Yes _____ No

Felix M. Lasarte _____ Yes _____ No

James A. Cummings _____ Yes _____ No

George A. Morgan, Jr. _____ Yes _____ No

Commissioner Josephus Eggelieton _____ Yes _____ No

F. Martin Perry _____ Yes _____ No

Marie Horenburger _____ Yes _____ No



FIRST AMENDMENT TO AGREEMENT NO. 06-101

BETWEEN

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

AND

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
FOR

TRANSITION, DISPATCHING, TRAIN CONTROL
AND YARD SERVICES

FIRST AMENDMENT TO AGREEMENT NO. 06-101

BETWEEN

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

AND

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

FOR

TRANSITION, DISPATCHING, TRAIN CONTROL AND YARD SERVICES

This First Amendment to the Agreement for Transition, Dispatching, Train Control and Yard Services, between **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY**, an agency of the State of Florida, hereinafter referred to as “**SFRTA**” and **NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)**, hereinafter referred to as “**CONTRACTOR**”.

WHEREAS, on January 26, 2007, **CONTRACTOR** and **SFRTA** entered into a five year Agreement hereinafter referred to as “Agreement” in the total not-to-exceed amount of \$15,809,293.00; and

WHEREAS, as a result of **CONTRACTOR** currently performing only Phase 1 train traffic control services over the New River Bridge Corridor, both parties wish to amend the Agreement to reflect a reduction in the Phase 1 staffing levels required to perform the work and also to reflect a reduction in compensation regarding the reduction in staff;

NOW THEREFORE:

IN CONSIDERATION of the promises, mutual covenants and obligations herein contained, and subject to the terms and conditions hereinafter stated, the parties hereto agree to amend the Agreement as follows:

1. During Phase 1 Services only, Paragraph 3 of **Section 4.3.1 of the Scope of Services, “Staffing for Contract Services”** is amended as follows:

The Contractor shall provide one (1) additional person, ~~during all hours that Commuter trains are operating in revenue service~~ on non-holiday weekdays between the hours of 6:30 a.m. and 10:30 p.m., or other hours as may be mutually agreed to by the parties.

2. During Phase 1 Services only, **Section 4.1.1 of the Contractor's Technical Proposal** is amended to reduce the number of Supervisor, Commuter Operations positions from 10 to 8.

3. **Section 3.2.4 of the Special Terms and Conditions, "Payment"** is amended to include the following:

During Phase 1 Services the monthly invoice amount will be adjusted to reflect the reduction in the number of Supervisor, Commuter Operations positions. Line item (a) "Monthly Dispatcher 24/7 coverage costs" will be reduced proportional to the reduction in the number of Supervisor, Commuter Operations positions.

4. During Phase 1 Services only, Paragraph 2 of **Section 3.11.7 of the Special Terms and Conditions, "Management Penalties"** is amended as follows:

If SFRTA determines to assess a penalty, Contractor's invoice payment will be reduced by \$500.00 per shift per day for failure to provide ~~two people~~, a Train Dispatcher and a Yardmaster/Supervisor, as detailed in the Scope of Services.

5. Paragraph 5 of **Section 4.1 of the Scope of Services, "General"** is amended as follows:

It is anticipated that the Contractor shall have three (3) months from Notice to Proceed to the Full Service Phase for Transition Phase 1 Services. Service under the Dispatching, Train Traffic Control and Yard Agreement will follow immediately. SFRTA will provide the Contractor a minimum of ten (10) months notice prior to proceeding with full dispatching services in order to allow the Contractor sufficient time to mobilize additional staff.

Except to the extent modified by this First Amendment, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this First Amendment to the Agreement and the Agreement, the parties hereby agree that this First Amendment to the Agreement shall control.

IN WITNESS WHEREOF, the parties have made and executed this First Amendment to the Agreement on the respective date under each signature: **NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)**, signing by and through its _____, duly authorized to execute same and **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY**, signing by and through its Chair, authorized to execute same by Board action on the ____ day of _____, 2009.

SFRTA

ATTEST:

SOUTH FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

JOSEPH GIULIETTI
EXECUTIVE DIRECTOR

By _____
JOSEPHUS EGGELETION, JR., CHAIR

_____ DAY OF _____, 2009

(SFRTA SEAL)

Approved as to form by:

CHRIS BROSS, Director
Procurement

GREENBERG TRAUIG, P.A.
General Counsel, SFRTA

ATTEST:

NATIONAL RAILROAD PASSENGER CORP.
(AMTRAK)

WITNESS

PRESIDENT OR VICE-PRESIDENT

_____ DAY OF _____, 2009

(Corporate Seal)

Approved as to form by:

Amtrak Law Department