

## **Minutes**

### **Rail Advisory Board Meeting Science Museum of Virginia 2500 W. Broad St. Richmond, VA**

**March 9, 2006**

#### **Members present:**

Sharon Bulova, Chair  
Richard L. Beadles  
Trenton Crewe  
Wiley F. Mitchell, Jr.  
Hunter R. Watson

David A. Brown II  
Dwight L. Farmer  
Peter J. Shudtz

The meeting was called to order at 10:14 a.m. by Sharon Bulova, chair.

Prior to addressing agenda items, Sharon Bulova let the Board know that Jack Quinn would not be attending the meeting and that Trenton Crew would be attending the meeting but was running late.

Ms. Bulova also introduced the new Acting Director for DRPT, Corey Hill. She discussed her history with Mr. Hill indicating that he was an integral part of the formation of the Virginia Railway Express (VRE).

Ms Bulova also recognized the work of the previous director and asked that the staff prepare a plaque indicating the appreciation of the Board for her service. She went on to say that she appreciated the dedication of Ms. Rae and the plans that were put into place that will benefit the rail community. Wiley Mitchell said that he would like to see a railroad car or something that would be a desk piece vs. a plaque.

Mr. Hill concurred with the suggestion; he went on to say that the Governor and Secretary has charged him with ensuring that projects move forward in alignment with the six year plan.

Ms. Bulova recognized Deputy Secretary, Ralph Davis; Deputy Secretary Scott Kasproicz; and Assistant Secretary Jim Carr. She indicated that she appreciated their attendance and welcomed any input during the meeting from their perspective.

### **Adoption of Meeting Agenda**

A motion to accept the agenda of the March 9, 2006 meeting was made by Dick Beadles seconded by David Brown and was unanimously approved by the Rail Advisory Board members.

### **Adoption of Minutes**

A motion to accept the minutes of the January 12, 2006 meeting was made by David Brown seconded by Hunter Watson and was unanimously approved by the RAB members.

### **RAB Member Disclosure/Conflict of Interest**

Ms. Bulova until the passage of the bill that is currently in the General Assembly, the Board would be required to disclose possible conflicts of interest.

Hunter Watson indicated that he has no conflicts. Trenton Crewe indicated that he has no conflicts. Ms. Bulova indicated that she has no conflict as a VRE – OPS Board member because she receives no compensation or salary. Dick Beadles said that he is a CSX retiree that receives more than \$10,000 in retirement payments and stock interest but has no conflicts. Mr. Mitchell indicated that he is retired from NS, has more than \$10,000 in common stock, and that he and his partners provide legal services to NS and other Class I railroads. David Brown said that he is a NS employee and receives more than \$10,000 in compensation. Mr. Shudtz said that he is a CSX employee and receives more than \$10,000 in compensation. David Brown said that he is a NS employee and receives more than \$10,000 in compensation. Dwight Farmer was not available for this portion of the meeting.

### **Public Comments:**

A public comment via e mail was made to the Board by Gregory Lance Marston. Mr. Marston requested that the Board honor all current labor agreements that receive state funds. He also indicated that he felt the 30% match was not a high enough threshold for the railroads to meet.

Jerry Deily signed up for public comment to the Board. Mr. Deily told the Board that he was from Charlottesville, that he is a registered engineer and a Board member of Alliance for Community Choice in Transportation and Virginians for High Speed Rail (HSR). He went on to say that he is retired from the US Department of Transportation; however, he was speaking as a private citizen to the Board about long term energy issues. Mr. Deily requested that the Board

keep long term energy issues at the forefront of their process when addressing rail concerns for the Commonwealth. He emphasized that there should be better and increased utilization of rail. He also recommended a book to the Board on the issue by "The Long Emergency", by James Howard Kunstler.

### **Legislative Update: Status Update on Bills of Interest to the Board**

Charles Badger, Director of Public Transportation updated the Board members on legislation of interest to the Board. Mr. Badger indicated that he had talked to Secretary of Transportation, Pierce Homer and that the Secretary would attend the meeting. Mr. Badger went on to say that the Secretary requested the Chairman's' indulgence when he did arrive so that he could update the Board on the most current legislative information he had available to him. Mr. Badger discussed SB198 first as this is the bill that will exempt the Board members from making individual disclosures at every meeting. Ms. Bulova said that the Board would still have to notify the public during the voting process when projects are being considered. Wiley Mitchell inserted that the Board would still be required to submit disclosure form as a yearly requirement that remains on file with the Secretary of the Commonwealth but not have to recuse themselves if there is a direct benefit. Mr. Badger provided comparison information on the proposals currently before the General Assembly and discussed the differences between the Governors', Senate and House proposals. Mr. Badger went on to discuss other bills that directly impact DRPT and the current status. A report was provided to the Board with the specific bills. After the presentation there was a brief Q&A of Mr. Badger by the members of the RAB. Ms. Bulova wanted to know about the source for the Senate provision for an additional \$45M. Mr. Badger indicated that the source is not from the General Fund however a dedicated source of revenue had not been identified as of yet but it was in the proposed transportation fund. Mr. Mitchell asked for clarification on the appropriation funding. Mr. Badger indicated that appropriations are subject to re-evaluation every two years.

### **Presentation: Virginia State Rail Plan and Virginians for High Speed Rail Plan**

Corey Hill gave an overview of plans which compared the Virginians for High Speed Rail Plan and the State Rail Plan. Mr. Hill recognized and thanked Mr. Beadles and Mr. Testerman for assisting with the presentation preparation. Mr. Hill compared plans by identifying similarities and recommendations. He wrapped up with indicating the need to define the strategic corridors in the Rail Action Plan (RAP). Discussion ensued about the plans that were presented. Mr. Mitchell asked for clarification as to the need of updating the RAP and added that the Board needs to consider corridor preservation, priorities based on public interest and look at proposal(s) independently. Mr. Hill responded by indicated there is a need to update the two plans and pull information from them while

utilizing and incorporating the corridor approach. Mr. Mitchell pointed out the VRE would not exist if it were not for non-Class I proposals. Mr. Hill agreed that passenger rail needs and equity should be in the RAP. Ms. Bulova recommended that the Board not consider reviewing proposals for Spring 2006 but instead focus on the RAP. Mr. Hill reiterated that the focus should be on the RAP because the application process could be chaotic if attempted at this time.

### **Preliminary Rail Action Plan Development: Appointment of Subcommittee**

Ms. Bulova moved onto Rail Action Plan information for discussion on the appointment of the subcommittee to look at supplementing the information that has been provided in the existing Va. State Rail Plan and the Virginian for High Speed Rail Plan. Ms. Bulova went on to recommend that Dick Beadles and Dwight Farmer meet with the DRPT staff to help develop the RAP. Mr. Hill supported the recommendations. Mr. Farmer encouraged the DRPT's staff consider the MPO long range plans on the federal side given that the shelf life is 20 years. Mr. Hill concurred and added that the plan needs to address the methodology for which the Board considers projects in addition to identifying priority corridors to advance projects and applications. Mr. Shutz indicated that CSX and NS would like to participate in the process and provide any assistance that was needed. Mr. Hill explained that there was an intense process which included a public comment period in addition to the stakeholder involvement. Mr. Farmer wanted it to be put on record that he does not want to prioritize projects. Ms. Bulova indicated that she understood his concerns but stressed that the subcommittee would help prioritize the corridors. Mr. Hill reminded the Board of the original policy and procedures adopted by the Board addressed the concerns voiced by Mr. Farmer and allowed for input in various areas to ensure that the recommendations made would move Virginia rail forward. Mr. Hill also let the Board know that the RAP will not "scrap" the existing plan but will assist with strategic collaboration, add preferred policy as an enhancement and make updates to the existing document. The Board also discussed how strategic investments, alternatives that could be included in the RAP in addition to how to handle subsequent submittals for the Rail Enhancement Funds. Ms. Bulova also indicated that if the existing schedule did not provide the Board with enough time to review any proposals, there was room to add other meetings – possibly June or even an October meeting. Mr. Hill concurred that DRPT would schedule additional meetings if needed. Ms. Bulova asked the Board if the two individuals suggested for the subcommittee met with the Board approval, there was a consensus that the Board utilizes the skills of the members suggested in addition to the DRPT staff to move the RAP forward.

### **Discussion and Adoption of Strategic Calendar**

Ms. Bulova proceeded to discuss the Strategic Calendar, the RAP, and how the Board's activities will be incorporated into the Six Year Plan. She acknowledged

the interest and offer by CSX and NS to assist the Board during the creation of the RAP. It was clarified that Kevin Page and Alan Tobias would take the lead in the formation of the RAP. Mr. Hill pledged that we will meet the schedule that was presented.

### **Pierce Homer, Sec. of Transportation: General Assembly (GA) Follow up**

Mr. Homer discussed briefly the concerns and challenges facing the GA. He reinforced comments made earlier about the status of bills that were of interest to the Board. Mr. Homer gave a thumbnail review of the budget based on the Governor's, Senate and House proposals. Mr. Homer indicated that it has been 20 years since Transportation funding has been discussed by the GA. He explained what the mechanisms which were available if the GA does not resolve the budget issues by the scheduled Sine Die. Ms. Bulova thanked the Secretary for stopping by the meeting knowing that during this time his schedule was pressing.

### **DRPT Support Materials**

This agenda item was not taken up by the Board at this time.

### **Other Items**

Ms. Bulova took a moment to clarify why the subcommittee of two was being utilized for the RAP. She explained that it would maximize the ability to schedule meeting in addition to providing vital information to the Board. Ms. Bulova indicated that the Board would put off the new proposals/application so that the emphasis can be put on the plan and have the timing in sync with the six year plan. Ms. Bulova also emphasized that until the GA makes funding available it would be difficult to move forward. Mr. Beadles asked that the current project that had been approved be used as a baseline and be conveniently assessable so that progress can be viewed by the public.

### **Possible Agenda Items**

Ms. Bulova asked if the items listed on the agenda as items to be discussed were acceptable by the Board. Mr. Farmer asked that the APM project briefing be done as this project was having a significant impact in the area. He specifically wanted the DRPT staff to address if there was a mismatch of funds and what happens during any subsequent realignment. Mr. Farmer also wanted a realistic timeline for the project completion. Mr. Hill agreed that this request would be addressed.

Also included on the May agenda would be the Preliminary Rail Action Plan progress report, an overview of SYIP and Rail Enhancement Fund integration and budget update for existing projects in the Six-Year Improvement Plan along with the status of existing REF projects. There will also be a presentation from NC on passenger rail/ state ownership

The meeting was adjourned at 1:03pm.