



Austin-San Antonio Intermunicipal Commuter Rail District

Board Meeting
Friday, April 7, 2006

10:00 a.m.

CAPCOG Board Room

2520 S IH-35

Austin, Texas

1. Call to Order

Notice was duly posted and a meeting of the Austin-San Antonio Intermunicipal Commuter Rail District was held on Friday, April 7, 2006. Chairman Covington called the meeting to order at approximately 10:10 a.m.

Participants:

Sid Covington, Chairman

Tullos Wells, Vice-Chairman

Gonzalo Barrientos

Lisa Birkman

Mary Briseño

Mariano Camarillo

Gerald Daugherty

Betty Dunkerley

Patty Eason

Fred Harless

Dave Marsh

Al Notzon

Richard Perez

Carroll Schubert

John Thomaides

Other participants included Ross Milloy, Bill Bingham, Clif Davis, Tom Shelton and Alison Schulze.

2. Chairman and Member Comments

Chairman Covington welcomed new Board member Mary Briseño, representing VIA Metropolitan Transit Board of Trustees. Mr. Covington mentioned that Ms. Briseño attended the Rail District's New Member workshop on March 3rd, which also included new members Betty Dunkerley, Patty Eason, Richard Perez, and John Thomaides as well as Chairman Covington, Board member Dave Marsh, Rail District staff and consultants. Mr. Covington noted the workshop was a beneficial and informative way to bring new members up to speed on both the Rail District and the commuter rail project.

Chairman Covington reported that Mario Medina, former director of TxDOT's Multimodal Section, was named District Engineer for TxDOT's Laredo District. He commended Mr. Medina for his contribution and assistance to the Rail District, and reported that Peggy Thurin will serve as the

interim Director of the Multimodal Section until a permanent replacement is named. Wilda Won, Railway Planning Supervisor in TxDOT's Multimodal Section introduced Mark Werner, a new rail engineer in the Multimodal Section.

3. **Report on Status of Appointments to the Board and Administration of Oath of Office to Newly Appointed Board Members**

Bill Bingham reported that new Board Member Mary Briseño had taken and signed the Oath of Office. (Oath, statement, and VIA resolution are attached to meeting minutes.)

4. **Consider Approval of February 3 Board Meeting Minutes**

Upon a motion by Richard Perez and second by Tullos Wells, the members unanimously approved the February 3, 2006 meeting minutes.

5. **Consider and Take Appropriate Action on Appointment of Executive Committee**

In accordance with the District's bylaws, Chairman Covington recommended the Executive Committee include Chairman Covington, Vice-Chair Tullos Wells, Mariano Camarillo, Betty Dunkerley, Al Notzon and Richard Perez. Mr. Covington directed the Board's attention to the staff memo in the agenda packet that described the Executive Committee's powers and duties. Fred Harless moved to approve the Chairman's recommendation and Patty Eason seconded the motion, which was approved unanimously. Chairman Covington also noted that he had appointed Mary Briseño to the Finance Committee.

6. **Committee Reports**

A. **Program Management Oversight (PMO) Committee Meeting February 1, 2006**

Mariano Camarillo, Chair of the Program Management Oversight Committee, reported that he had given a verbal report of the February 1st PMO actions and recommendations to the Board at the February 3rd Board meeting. The agenda packet includes a written summary of the PMO meeting for the Board's information.

B. **PMO Committee Meeting March 23, 2006**

Mariano Camarillo asked Clif Davis, Project Director for the Planning & Preliminary Engineering Team, to report on the P&PE items presented at the March 23rd PMO Committee meeting. Mr. Davis stated that the P&PE Team has completed the conceptual engineering drawings and the *Station Design Report*, and nearly completed the 15 economic impact analyses on the preliminary station locations. The Team is working to complete the New Starts application by June 30, with efforts focused on two key activities.

The first key task is ridership modeling. Mr. Davis reported that AECOM is wrapping up the Phase 2 model and has reached agreement with TxDOT on the methodology. The next steps for the Phase 2 model are meetings with the two MPOs and FTA approval of the methodology. Phase 2 model results will be complete by June and submitted with the New Starts application. Mr. Davis also gave a progress report on the Phase 3 ridership modeling, which is based on higher-density land use—referred to as transit-oriented development (TOD)—around rail stations. AECOM is working with Capital Market Research to translate the data from the 15 station economic impact analyses into ridership data. Upon completion, the District will seek approval from the Austin and San Antonio MPOs on the TOD-based model. The P&PE team will report on the model results in late May or early June.

The second key task is the financial plan. Mr. Davis reported that Public Financial Management (PFM) is focusing on local funding and AECOM is focusing on federal funding. PFM presented an interim report to the PMO Committee on local financing strategies. PFM is identifying annual funding requirements for the project, developing funding options based on varying degrees of federal and state participation, and developing methods to allocate the local share of the project cost. Local costs could be allocated based on assigned percentages or projected boardings or population or some other method approved by the District. PFM will present its study results in May and, at that time, the P&PE Team will ask the Board to make a policy decision on the preferred method to allocate local costs and a local funding strategy. AECOM is focused on federal funding and will present their study results in June. The ridership reports and the financial plans are key elements of the New Starts application, which is scheduled for completion by June 30.

Mr. Davis also reported on the Seaholm Station Location Study. Carter-Burgess met with Rail District, City of Austin, and Capital Metro staff to present alternative station layouts, and the final report should be complete in May.

Mr. Camarillo asked Ross Milloy to report on the potential funding strategy he outlined for the PMO Committee on March 23. Mr. Milloy reported that the New Starts process might not be the best avenue for the Rail District, and he is exploring alternative methods to access federal funding including the Federal Railroad Administration (FRA). Given the fierce competition for New Starts funding, working with FRA could potentially advance the project more quickly and could help facilitate both Union Pacific's relocation and upgrading the rail right-of-way to accommodate both freight and passenger service during UP's transition. Mr. Milloy will continue to investigate the feasibility of working through FRA and report back to the Board.

C. Rules and Procedures Committee Meeting February 27, 2006

Al Notzon, Chair of the Rules and Procedures Committee, reported that the Committee held the District's first teleconference meeting, which allowed Committee members to attend in either Austin or San Antonio. The Committee reviewed, discussed and revised the District's

procurement policy, and unanimously approved the policy as amended. The Committee recommended that the Board approve the revised procurement policy. Mr. Notzon asked Bill Bingham, legal counsel for the Rail District, to present the policy recommended by the Committee (see agenda item 7).

7. Consider and Take Appropriate Action on Revised Procurement Policy

Bill Bingham presented the revised procurement policy, noting that the new policy is more comprehensive and is modeled on TxDOT's policy and the policies of regional mobility authorities. Mr. Bingham explained that the policy includes many of the general principles and language from the current policy, but the revised policy includes provisions for noncompetitive procurement in 12 limited situations, a process for receiving unsolicited proposals, and a competitive procurement process for exclusive development agreements.

Al Notzon moved for adoption of the procurement policy as recommended by the Rules and Procedures Committee. Chairman Covington noted that, because the motion was based on the recommendation of a standing committee, no second was required. The Board unanimously adopted the procurement policy. Mr. Notzon thanked Mr. Bingham for his work on drafting the new policy.

8. Status Report on Four Recommended Alternatives to Test for Federally Funded New Starts Project

Tom Shelton, Project Manager for the Planning & Preliminary Engineering Team, gave a progress report on the four alternatives under consideration for the federal New Starts application. The P&PE Team will evaluate and compare the four alternatives based on FTA's established criteria, recommend one alternative as the federally funded New Starts project, and present the results to the Board in June 2006. The four alternatives approved by the PMO Committee on March 23rd:

- Austin CBD to San Antonio CBD
- Round Rock to San Marcos
- San Marcos to San Antonio CBD
- Georgetown to KellyUSA

Chairman Covington noted that the PMO Committee thoroughly discussed the alternatives and, even though the District may decide not to submit a New Starts application, the evaluation will yield valuable information. The status report was presented as an information item and no action was required.

9. Presentation on Final Draft *Station Design Report*

Tom Shelton presented the final draft of the *Station Design Report*, emphasizing that the proposed station locations are preliminary locations for the purpose of the Alternatives Analysis and are subject to refinement in subsequent design phases of the project. Chairman Covington reiterated

that the station locations are moving targets and that the 15 locations shown in the report are preliminary and subject to change. Tullos Wells commended the report and recommended that additional copies of the report be made available. Alison Schulze, Rail District staff, suggested the *Station Design Report* be made available on CD, upon request. Chairman Covington concurred, citing cost effectiveness.

10. **Financial Report**

Ross Milloy provided two financial reports for the Board's information:

- 2006 First Quarter Statement of Billable Expenses
- Reconciliation Detail: Checking Account, Period Ending 3/31/06

11. **Legislative Update**

Bill Bingham reported that currently there is no rail business anticipated to come before the State Legislature in the April special session. Chairman Covington reported that the State Senate Committee on Transportation and Homeland Security will meet on April 18 to discuss the rail relocation fund and TxDOT funding of rail improvements.

12. **Other Business**

Ross Milloy reported that Cintra-Zachry presented an unsolicited proposal to TxDOT to construct new freight rail lines in the Trans Texas Corridor east of I-35, but details have not been forthcoming beyond the initial press release by TxDOT. A brief discussion ensued on the proposed 600-mile rail corridor that would stretch from Laredo to the Oklahoma border.

John Thomaides reported that City of San Marcos representatives traveled to Washington DC to meet with the Texas congressional delegation to discuss rail improvement issues. Councilman Thomaides reported that the response was very positive and supportive of the Rail District's efforts.

Ross Milloy reported on the Greater Austin Chamber of Commerce trip to DC, and concurred with Mr. Thomaides' assessment of the positive attitude of the congressional delegation. Mr. Milloy reported that in his meeting with Senator Hutchinson, she specifically mentioned the Austin-San Antonio commuter rail project and said she was happy she was able to help secure funding for the Rail District.

13. **Public Comment**

There were no comments from the public.

14. **Adjourn**

Chairman Covington thanked the members and the audience for their attendance and participation. Upon a motion by Fred Harless and a second by Al Notzon, the meeting adjourned at 11:15 a.m.

Austin-San Antonio Intermunicipal Commuter Rail District
The State of Texas
OATH OF OFFICE

I, Mary Briseno, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Director of the Austin-San Antonio Intermunicipal Commuter Rail District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

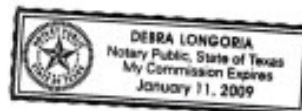

Mary Briseno

SWORN TO and Subscribed before me by Mary Briseno on this 20th day of March 2006.


Signature of Person Administering Oath

Debra Longoria
Printed Name

Board Support Specialist
Title



STATEMENT OF ELECTED/APPOINTED OFFICER
Pursuant to Tex. Const. art. XVI, § 1(b), amended 2001)

I, Mary Briseno, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value or promise any public office or employment for giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

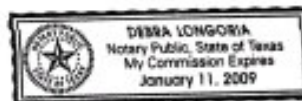
3/28/06
Date

Mary Briseno
Affiant's Signature

Director of the Austin-San Antonio
Intermunicipal Commuter Rail District
Position to Which Elected/Appointed

SWORN TO and subscribed before me by affiant on this 28th day of March, 2006.

Debra Longoria
Signature of Person Administering Oath
Paratransit Support Specialist
Title



03/10/2006 08:00 FAX 2103622572

VIA METROPOLITAN

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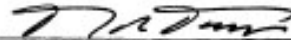
2-28-06

Date

Board of Directors
VIA Metropolitan Transportation Authority

I hereby resign as director of the Austin San Antonio Intermunicipal Commuter Rail District.

Sincerely yours,



Timothy N. Tuggey

03/08/06 THU 17:17 [TX/RX NO 7292]



RESOLUTION: 02-28-06-05

SUBJECT: ADMINISTRATION - Board of Trustee Appointment to Austin-San Antonio Intermunicipal Commuter Rail District Board

WHEREAS, the VIA Metropolitan Transit Board of Trustees are authorized to appoint one person to serve on the Board of Directors of the Intermunicipal Commuter Rail District to serve a two year term; and

WHEREAS, the Board's previous appointee has completed his term and a new appointment is now necessary; and

WHEREAS, the Board finds that its Board Member, Mary Briseño, is capable, willing and able to perform as a Director of the Austin-San Antonio Intermunicipal Commuter Rail District Board of Directors;

NOW, THEREFORE BE IT RESOLVED, that the VIA Metropolitan Transit Board of Trustees hereby appoints Mary Briseño to the Board of Directors of the Austin-San Antonio Intermunicipal Commuter Rail District under the authority granted by the Texas Legislature in Article 6550c-1 of Vernon's Annotated Texas Statutes, as amended.

RESOLVED FURTHER, that this resolution supersedes resolution 11-19-02-02, Administration – VIA Board of Trustees Appointee to Austin-San Antonio Intermunicipal Commuter Rail District Board of Directors.

I, the undersigned officer of VIA Metropolitan Transit, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted at a meeting of the VIA Metropolitan Transit Board of Trustees on February 28, 2006.



Leo T. Lopez, Secretary