
Agenda

Regional Rail Right-of-Way Company
Tuesday, November 10, 2020 12:00 p.m.
DART Conference Room C – 1st Floor
1401 Pacific Ave., Dallas, Texas 75202
[Estimated Meeting Time: 30 minutes]

Due to the COVID-19 virus and current extension of the Disaster Declaration issued by the Governor, all DART Board Meetings and Public Hearings are closed to the public. All meetings will take place by videoconference and will be available at <https://www.dart.org/about/board/boardvideo.asp>.

1. Roll Call
2. Approval of Minutes: August 11, 2020
3. Approval of Transitional Operations Agreement Between DART, Regional Rail Right-of-Way and Dallas, Garland & Northeastern Railroad, Inc. (Paul N. Wageman/Tim McKay) *[15 minutes]*
4. *Briefing on Transitional Operations Agreement Between DART, Regional Rail Right-of-Way and The Kansas City Southern Railway Company (Paul N. Wageman/Tim McKay) *[15 minutes]*
5. Identification of Future Agenda Items
6. Adjournment

***This Is A Briefing Item Only**

The Regional Rail Right-of-Way Company may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues, or under Section 551.072 for Real Estate issues, arising or regarding any item listed on this Agenda.

This facility is wheelchair accessible. For accommodations for the hearing impaired, sign interpretation is available. Please contact Community Affairs at 214-749-2543, 48 hours in advance.

Chair – Paul N. Wageman
Member – Michele Wong Krause, and Gary Thomas

Officers – Tim McKay, President
Bonnie Murphy, Vice President
Katy Galindo, Treasurer
Joseph Costello, Assistant Treasurer
Vacant, Secretary

MINUTES
Regional Rail Right-of-Way (RRROW) Company
August 11, 2020

Due to the COVID-19 virus, DART Board meeting rooms were closed to the public. All meetings took place by videoconference and are available at <https://www.dart.org/about/board/boardvideo.asp>.

The **Regional Rail Right-of-Way Company** meeting came to order at 11:05 a.m., on Tuesday, August 11, 2020, at DART Headquarters, 1401 Pacific Avenue, Dallas, with Chair Wageman presiding.

The following Members were present: Paul N. Wageman, and Michele Wong Krause.

The following Officers were present: Tim McKay, Bonnie Murphy, Katy Galindo, and Joseph Costello.

The following DART Board Members were present: Amanda Moreno-Lake.

Others present: Gene Gamez, Matt Lannon, David Schulze, Edie Diaz, Donna Johnson, Darryl Spencer, Donna Henry, Nancy Johnson, and Josefina Chavira, DART Staff.

1. Roll Call

Chair Wageman took Roll Call, confirming a quorum was present.

Chair Wageman stated the Committee would conduct the actions of the meeting by Roll Call vote. He then provided voting instructions prior to continuing with the agenda items.

2. Approval of Minutes: **May 12, 2020**

Ms. Wong Krause moved to approve the May 12, 2020, Regional Rail Right-of-Way Company' Minutes, as written.

The motion was seconded.

Chair Wageman took a Roll Call vote, and the motion was approved unanimously.

3. *Report on FY 2020 Third Quarter Freight Operations

Mr. Matt Lannon, DART Senior Manager of Railroad Management, briefed the Committee (handout on file with the Office of Board Support) as follows:

- Report on FY 2020 Third Quarter Freight Operations

Ms. Moreno-Lake entered the meeting at 11:09 a.m.

4. ***Review of FY 2020 Third Quarter Financial Report**

Ms. Galindo briefed the Committee (handout on file with the Office of Board Support) as follows:

- FY 2020 Third Quarter Financial Report

5. **Identification of Future Agenda Items**

There were no additional future agenda items identified for this committee.

6. **Adjournment**

There being no further business to discuss, the meeting was adjourned at 11:14 a.m.


Josefina Chavira, CAP
Board Committee Secretary

/jc

* Briefing Item

Agenda Report

Regional Rail Right-of-Way Company

Voting Requirements: Majority
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DATE: November 10, 2020

SUBJECT: Approval of Transitional Operations Agreement Between DART, Regional Rail Right-of-Way and Dallas, Garland & Northeastern Railroad, Inc.

RECOMMENDATION

Approval of a resolution authorizing the President/Executive Director or his designee to execute, subject to legal review, the Transitional Operations Agreement, and necessary related documentation, between DART, Regional Rail Right-of-Way Company (RRROW) and Dallas, Garland & Northeastern Railroad, Inc. (DGNO).

BUSINESS PURPOSE

- RRROW is a non-profit corporation organized for the purpose of acquiring, owning, holding, selling, leasing and financing real or personal property for the benefit of DART. In 1990 RRROW acquired from the former St. Louis Southwestern Railway, a 52-mile line of railroad between Wylie and Fort Worth, known as the Cotton Belt Line.
- Pursuant to a Trackage Rights Agreement (TRA) between DART, RRROW, Union Pacific Railroad Company (UPRR) and DGNO dated January 29, 1999, DGNO was granted operating rights on various DART-owned corridors, one of which is the Cotton Belt rail line between Milepost 603.5 (Southbound frontage road of IH-35E, Carrollton, TX) and Milepost 597.77 (Knoll Trail Drive, Dallas/Addison, TX).
- The purpose of this item is to approve execution of transitional operations agreement with DGNO and RRROW during design and construction of the Silver Line.
- Approval of this item will help achieve DART Board Strategic Priority 5: Enhance DART's role as a recognized local, regional and national transportation leader.
- The Transitional Operations Agreement addresses/defines the following:
 - Term – Coterminous with TRA and in effect as long as TRA remains in effect
 - Phases: Design, Construction, Testing, Operational Control & Maintenance
 - DGNO Review Process
 - Operational Clearances
 - Grade Crossings
 - Moving of Mercer Yard
 - Moving of Mercer Yard Engine Shop
 - DART Contribution to DGNO for Mercer Yard mechanical facilities move
 - Construction of a holding track between Cotton Belt and the Madill Line

- Relocation of DGNO transload track in Carrollton to Mockingbird Yard
- Flagging procedures
- Temporary suspension of DGNO service procedures
- Operational Control Transfer – Dispatch
- Positive Train Control (“PTC”)
- Procedures for Equipment Malfunctions
- Operations and Right-of-Way Maintenance Responsibilities
- Emergency Procedures
- Liability
- Insurance
- Other General Provisions

LEGAL CONSIDERATIONS

Section 452.056 of the Texas Transportation Code authorizes DART to construct, develop, plan, own, operate, and maintain a public transportation system.

DRAFT

RESOLUTION

of the

**REGIONAL RAIL RIGHT-OF-WAY COMPANY
BOARD OF DIRECTORS**

Approval of Transitional Operations Agreement Between DART, Regional Rail Right-of-Way (RRROW) and Dallas, Garland & Northeastern Railroad, Inc. (DGNO)

WHEREAS, RRROW is a non-profit corporation organized for the purpose of acquiring, owning, holding, selling, leasing and financing real or personal property for the benefit of DART; and

WHEREAS, in 1990 RRROW acquired from the former St. Louis Southwestern Railway, a 52-mile line of railroad between Wylie and Fort Worth, known as the Cotton Belt Line with the intent to construct, own, operate and maintain a public transportation system, which systems include shared corridor operations with DGNO; and

WHEREAS, RRROW holds an exclusive, perpetual freight rail operating easement on all active DART-owned railroad corridors; and

WHEREAS, DART, RRROW, DGNO and Union Pacific Railroad Company (“UPRR”), entered into a Trackage Rights Agreement dated January 29, 1999 (as amended from time-to-time, the “TRA”), which among other things, provides terms under which DGNO provides freight service to rail customers on various DART-owned corridors, one of which is the Cotton Belt rail line between Milepost 603.5 (Southbound frontage road of IH-35E, Carrollton, TX) and Milepost 597.77 (Knoll Trail Drive, Dallas/Addison, TX); and

WHEREAS, an agreement is necessary that governs during the design and construction of the Silver Line, as well as future DGNO freight operations and DART’s Commuter Rail operations and transfer of operational control including, but not limited to, dispatch, maintenance of way, and maintenance of signal and systems.

NOW, THEREFORE, BE IT RESOLVED that the President/Executive Director or his designee is authorized to execute, subject to legal review, the Transitional Operations Agreement Between DART, Regional Rail Right-of-Way Company and Dallas, Garland & Northeastern Railroad, Inc., and necessary related documentation which is required for the future Silver Line.

DIRECTORS:

Paul N. Wageman

Michele Wong Krause

Gary C. Thomas

Agenda Report

Regional Rail Right-of-Way Company

DATE: November 10, 2020

SUBJECT: Briefing on Transitional Operations Agreement Between DART, Regional Rail Right-of-Way and The Kansas City Southern Railway Company

RECOMMENDATION

This is a briefing item. No action is required at this time.

BUSINESS PURPOSE

- RRROW is a non-profit corporation organized for the purpose of acquiring, owning, holding, selling, leasing and financing real or personal property for the benefit of DART. In 1990 RRROW acquired from the former St. Louis Southwestern Railway, a 52-mile line of railroad between Wylie and Fort Worth, known as the Cotton Belt Line.
- Pursuant to a Trackage Rights Agreement (TRA) between Dallas Area Rapid Transit Property Acquisition Corporation (DART), The Atchison Topeka and Santa Fe Railway Company, and The Kansas City Southern Railway Company (KCS) dated July 31, 1995, KCS was granted operating rights on the DART-owned Cotton Belt rail line between Milepost 592.80 (Synergy Park Blvd, Richardson, TX) and Milepost 580.4 (Cotton Belt Ave., Wylie, TX) among other things.
- The purpose of this item is to brief the Regional Rail Right of Way Board on the execution of Transitional Operations Agreement with KCS and DART during design and construction of the Silver Line.
- The discussion of this item will help achieve DART Board Strategic Priority 5: Enhance DART's role as a recognized local, regional and national transportation leader.
- The Transitional Operations Agreement addresses/defines the following:
 - Term – Coterminous with TRA and in effect as long as TRA remains in effect
 - Phases: Design, Construction, Testing, Operational Control & Maintenance
 - KCS Review Process
 - Operational Clearances
 - Grade Crossings
 - Operating Speeds
 - Reroute of KCS trains during construction
 - Signal systems
 - Moving of Plano Siding

- Temporary suspension of KCS service procedures
- Operational Control Transfer – Dispatch
- Positive Train Control (“PTC”)
- Procedures for Equipment Malfunctions
- Operations and Right-of-Way Maintenance Responsibilities
- Emergency Procedures
- Liability
- Insurance
- Other General Provisions