

SECTION 305 NGEN

Executive Board Conference Call Meeting

MINUTES

OCTOBER 29, 2013 11:30AM EASTERN

CONFERENCE CALL

FACILITATOR	<i>Bill Bronte, Chair, S305 NGEN Executive Board</i>
ATTENDEES	Executive Board Members: <i>Bill Bronte, Mario Bergeron, Dan Black, Eric Curtit, Paul Nissenbaum, Kevin Lawson, Tammy Nicholson, (Tammy also as proxy for John Oimoen – IDOT) Ray Hessinger, Paul Worley, Ron Pate, Tim Hoeffner, Arun Rao as proxy for LeAnna Wall</i> Support: <i>Mike Jenkins, Shayne Gill, Andy House, Steve Hewitt, John Tunna, Chad Edison, Nico Lindenau, Sara Sarkhili, Vincent Brotski, Patrick Centolanzi, Larry Salci</i>
ABSENTEES	Board Members: <i>John Oimoen, LeAnna Wall, Johnson Bridgewater</i> Support: <i>Jason Biggs, Allan Paul, David Ewing, Kevin Kesler, Jeff Gordon, Ashok Sundararajan, Dale Engelhardt, Dave Warner, Brian Beeler II, Martin Schroeder, Darrell Smith</i>

WELCOME/ROLL CALL/ACTION ITEMS REVIEW

1.

Opening – Bill Bronte – Chair:

Chairman Bronte opened this conference call meeting of the NGEN Executive Board and asked Steve Hewitt to call the roll.

2.

Roll Call – Steve Hewitt, Manager, S305 NGEN Support Services:

Steve Hewitt called the roll and confirmed the presence of a quorum.

3.

Action Item Review –Steve Hewitt:

Review of Open Action Items

The locomotive procurement remains as a standing agenda item to keep the Board updated as to its progress. **IDOT** is responsible for providing bi-weekly updates. The RFP is moving along actively with confidential discussions with vendors scheduled to take place next week. After these are concluded, there will be an addendum – likely in early November, 2013, with final proposals due November 27, 2013. The goal continues to be to have a contract executed by the end of February, 2014. **Status: An update will be provided under agenda item 11.**

Jeff Gordon will continue to provide the AASHTO. Amtrak and FRA public affairs officers with email notifications of NGEN activities. (ongoing)

The Future of the NGEN working group efforts: It was agreed on September 26, 2013 that the NGEN Future working group will be re-constituted and re-convened after the first of the year (January, 2014) and will then resume its work. Until then it will lag behind the 305/209 capital plan working group's efforts, as it is expected that those efforts will serve as an early example of the need for the "new" entity. **Status: There is nothing new to report.**

Darrell Smith provided a report on the status of current expenses, and anticipated expenses to be incurred through March 31, 2014. He also reported on potential savings anticipated, and gave an updated balance remaining and ongoing run rate. (see the report as included in the minutes under agenda item 6) In giving his report, Darrell noted that the assumptions are based on current activities and do not include a budget or SOW for the newly created 305/209 working group. The budget and SOW for this group, when approved, will be included in a revised SOW and budget request to be submitted through Amtrak with a request to FRA for a grant agreement extension. Any other new activities will also need to be budgeted and submitted as part of the new SOW.

Bill Bronte, at the September 26, 2013 meeting, agreed to "pull out a list of tasks and add budget to it" and will send it to Darrell Smith to help facilitate the revised SOW. The list of tasks will include an initial cut of short term

vs. long term NGEN activities. The list will be provided to Darrell in advance of the October 29, 2013 Board call. Ron Pate and the 305/209 working group will develop its work plan and funds needed for inclusion in the revised NGEN SOW in advance of the next Board call.

Darrell Smith will try to have an SOW ready by the next Executive Board call – (November 12, 2013) and, once the Board approves the SOW and budget, he will take the "re-draft of the SOW to the Amtrak grants people, and they will finalize it and submit it to FRA for approval.

Status: These items are under development – a reminder was sent out to the chairs of the various subcommittees and task forces and the 305-209 working group requesting budget and SOW items be submitted to Darrell Smith by November 7th. Dan Black will provide a brief update on what is needed to prepare a revised SOW for a grant agreement extension.

Steve Hewitt will re-send the revised Accessibility Accommodations and Recommendations presentation to the Technical subcommittee following today's call, and will ask that members review the document for technical feasibility. Steve will note that there will be a two week turnaround for the review beginning with the October 24, 2013 Technical subcommittee call.

Status: Steve completed this action and a discussion is planned for today's call under agenda item #10.

Review of Trainset specification Rev A: Status: Larry Salci has completed his review of Revision A and prepared a draft report to present to the Review Panel. A Review Panel meeting (conference call) will be scheduled once the FRA has returned from furlough.

Status: The furlough has ended and Steve Hewitt and Larry Salci will set a date for a Review Panel call and Larry will provide the draft report to Review panel members.

Recruiting additional state members for the NGEN: Ray Hessinger, NYSDOT, will reach out to Pennsylvania (and possibly Connecticut) to get a sense of their interest in participating in the activities of the NGEN. (Connecticut is currently participating on the Technical subcommittee). The point should be made that a state does not need to be a member of the Executive Board to be a part of the NGEN and to participate as a voting member on any of the subcommittees or task forces. **Status: Ray Hessinger reported that CtDOT has named a representative to the 305-209 Working Group.**

In regard to the status of the Section 6/deployment project: Task 1 was submitted by the contractor and has been reviewed thoroughly by a core team and by the full SFTF membership. Many comments have been submitted and a task force comprised of Eric Curtit, Chad Edison, Ron Pate and Darrell Smith compiled the comments, sent them to the contractor and is holding weekly conference calls with them. Eric will continue to update the Board as progress is made.

Status: This topic will be discussed under agenda item # 9

Requests for copies of the updated Backgrounder or the new one pager should be submitted to Steve Hewitt along with the number requested and an address to send them to. Steve Hewitt has sent some edits to AASHTO to update the new document and the original Backgrounder. Shayne Gill will check on the status of the updates to the documents.

Status: Shayne Gill sent Steve Hewitt a revised version with the changes Steve had suggested. FRA had requested that they have a chance to review and comment on the new document. Steve sent it to Nico Lindenau on October 21st and has not received any comments yet. No states have commented on the version distributed at the September 26, 2013 Board meeting. It is important that the NGEN remain visible – so we should try to get this finalized and out asap. No formal vote is required, members are simply asked to review the content and message and provide any input they may have.

Chairman Bronte asked Steve Hewitt to re-send the latest version to all Board members for additional review and comment. Members are asked to send any comments they may have to Steve Hewitt by COB on November 1, 2013.

4.

Approval of the Minutes from the face to face Board meeting held on September 26, 2013 and the conference call minutes from October 15, 2013 – Bill Bronte:

It was agreed that the two sets of minutes would be considered for approval separately.

On a motion by Bill Bronte, Caltrans, and a second by Eric Curtit, Missouri DOT, the minutes from the 9-26-13 face to face meeting were approved without objection.

On a motion by Tim Hoeffner, Michigan DOT, and a second by Ray Hessinger, NYSDOT, the minutes from the 10-15-13 conference call meeting were approved without objection.

5.

Annual Meeting – general information and items that may need consideration – Steve Hewitt/Eric Curtit:

Steve Hewitt reported that the Annual meeting is scheduled for Friday, February 21, 2014 at the Hyatt Regency Hotel on Capitol Hill. Hotel information will be forthcoming late this week for the Board members to give them ample time to reserve their hotel room. A few weeks later information will be made to public to the broader group.

Steve also noted that the Annual Meeting this year will include election of officers. The Executive Board chair needs to appoint a nominating committee not less than two months prior to the Annual Meeting consisting of three voting members of the Committee. The nominating committee is responsible for presenting a list of **state** representatives selected to serve as members of the Executive Board. These members are elected by the full committee. Following the election of the Board, the new Board will elect its officers.

The by-laws have certain requirements when it comes to Board members – two consecutive two year terms etc. In the case of this Board, there are few members who have served the full two terms – probably only Bill Bronte, Tammy Nicholson, Kevin Lawson, and Mario Bergeron. A review of the length of service will need to take place to see who is still eligible for a new term – or make a change to the by-laws to allow for a third term, understanding that members have been hard to come by.

Steve noted also, that, in general, the Annual meeting presents an opportunity to make revisions to the by-laws (It is not required that the Annual Meeting be the venue for by-law changes, but it is a good time to do it). In that regard. The ATF is the body that should review the by-laws and make recommendations to the Board for any amendments that may be needed. Amendments to the by-laws must be submitted to the Executive Board Chair and distributed to Board members 30 days prior to the meeting at which the proposed amendments are to be considered.

Since the by-laws have not been revised since September of 2011, there should be a complete review to see if changes are warranted. Steve suggests that the by-laws do need some revising if only to bring them up to date as to the actual functioning of the committee.

There may be other issues which need to be addressed by this body in advance of the Annual Meeting, but, for now it was Steve's intention to get the ATF thinking about what needs to be done. Steve will raise these Annual Meeting items on the Board call as well, next Tuesday.

On the last ATF call, new chair Eric Curtit suggested that he and Steve Hewitt talk in the next week or so and take a look at the state members currently, as well as all states with passenger rail service that may be recruited for membership. Eric and Steve will also talk about potential by-law revisions with the sense of direction of the future entity in mind. Eric and Steve will then put something together before the next ATF call (November 22, 2013) to help facilitate the discussion as we move towards the Annual meeting.

Ultimately, the ATF will make recommendations to the Executive Board in advance to fit into the required timelines.

Eric Curtit added that it was his intent to "keep ahead of the curve- timing wise" in advance of the Annual Meeting.

Bill Bronte asked to be included in the discussion with Eric and Steve. A call to discuss the Annual Meeting, membership, by-laws etc. will be scheduled over the next week or so.

6.

Status: Budget and revised SOW/Grant Agreement Extension request – steps – Dan Black:

Dan Black, Amtrak, reported that he had spoken to Darrell Smith and learned that he has not received input from any of the chairs as of yet. Noting the due date is November 7, 2013, Dan reminded all chairs to get in as soon as possible. Dan noted that the overview of what was needed that was sent out by Steve Hewitt last week was right on point, and should be followed. He also recommended that the chairs use as an example the current SOW, also sent by Steve Hewitt, which has each task force or subcommittee's SOW in it from the last time. The chairs should replicate that effort and update it as needed.

7.

Status Update: 305-209 Working Group – Ron Pate:

Ron Pate reported that the group was meeting on a regular basis. The group has approved a draft charge statement which had previously been sent to the Executive Board. A revised version of the charge statement, which simply changes one word in the charge statement, was sent out this morning by Steve Hewitt. Ron was unsure if the Board was to consider approval of the charge. Steve Hewitt noted that the fact that the Board had established the 305-209 Working Group and had directed that a charge be developed. For these reasons and the precedent set with other task forces or working groups established by the Board indicated it should consider for the charge statement for approval.

Ron also reported that the group, in adhering to confidentiality and issues of proprietary information, had agreed that it would not produce formal minutes, but would track and monitor action items.

The working group expects to have its budget estimate and SOW work submitted on time to meet the November 7th deadline.

A tour of Amtrak maintenance facilities has been proposed, but Ron reported that it is thought that an alternate plan may be needed. He suggested that it may be better to have the tour take place after the SCORT meeting in February, 2014, so the working group can focus its time in getting what it needs to have done this January (2014).

Ron also reported that Amtrak had developed a proposed governance document. Ron noted that he had "assumed we were under NGECC...he governance document does not seem to say that, and I need to be clear in order to respond to the states."

A draft non-disclosure agreement has also been developed by Amtrak, and is under review by the states now. "There are challenges with it" for some of the states. "We need a response from Amtrak...because without changes to the NDA we will have significant challenges" going forward.

Ron also noted that Darrell Smith had "worked hard to get in the capital plans" and they are under review now.

In response to Ron's question about the Board's approval of the Charge statement, Steve Hewitt noted that the fact that the Board had established the 305-209 Working Group and had directed that a charge be developed, as well as the fact that precedents had been set with other task forces or working groups established by the Board, indicated it is the Board's responsibility to the Charge statement for approval.

After minimal discussion revolving around understanding which version was the final draft, it was agreed to vote for approval of the Charge Statement as distributed earlier today.

8.

Consideration of Approval: 305-209 Charge Statement – Bill Bronte:

A motion to approve was offered by Tim Hoeffner, Michigan DOT, and a seconded by Eric Curtit, Missouri DOT.

Chairman Bronte asked Steve Hewitt to poll the voting members of the Board:

Bill Bronte, Caltrans – in favor
Mario Bergeron, Amtrak – in favor
Eric Curtit, Missouri DOT – in favor
Dan Black, Amtrak – in favor
Paul Nissenbaum, FRA – in favor
Kevin Lawson, Louisiana DOT – in favor
Tammy Nicholson, Iowa DOT – in favor
Tammy Nicholson as proxy for Illinois DOT – in favor
Ray Hessinger, NYSDOT – in favor
Paul Worley, NCDOT – in favor
Ron Pate, Washington State DOT – in favor
Arun Rao, Wisconsin DOT, for LeAnna Wall – in favor
Tim Hoeffner, Michigan DOT – in favor

With a quorum having been established and all members present voting in favor, Chairman Bronte determined that consensus has been achieved and the Charge Statement is approved.

At the conclusion of the vote there was a fairly extensive discussion about the possibility of proprietary information inferred within the details of the Charge, and concern over posting the Charge on the website, or making it public. The need for an approved and signed non-disclosure agreement (NDA) was stressed as well.

Bill Bronte, echoing a question offered by Shayne Gill, AASHTO, commented "we (NGEC) created the working group, how do we involve states who are not in the NGEC so they get the information within the bounds of confidentiality." Bill went on to say, in regard to the Charge statement "this document, I think, is very public already as much of it is contained in the agreements."

Ron Pate asked if Mario Bergeron or Vince Brotski could look into whether or not the Charge statement is public, and/or "how we can disseminate the information to the other states."

Bill Bronte agreed that Amtrak should check into this.

Tim Hoeffner, Michigan DOT, stressed that if competition is introduced, Amtrak would hold the edge if the document is not shared. "It needs to be public."

Tim went on to ask "how do you expect a state that is bound to comply to do so, if it doesn't have full access to the document?"

Ron Pate stressed the need to get the NDA approved first.

Paul Nissenbaum, FRA, noted a couple of items:

"First, the working group is open to non 305 members as well as 305 members...so any 209 state needs to be aware of this process."

"Second, as for the NDA issue – the NEC commission working on cost allocation struggled but got through developing and agreeing to a NDA...we need to get through it here and move on to planning."

Vincent Brotski, Amtrak legal, asked if someone had a copy of it and could send it to him. Maybe it would help in addressing the 305-209 NDA.

It was mentioned that NY and Connecticut are part of the NEC Commission and had signed it, and that Amtrak also has it.

Bill Bronte stated "we will get Vince a copy of the NEC NDA, and all of the states should review and comment on it."

Ron Pate noted that "this is all a work in progress, a challenge definitely, but one we need to get through."

Ultimately it was also agreed that Amtrak would see if there is anything in the Charge that would be considered problematic if it is posted to the website. Until further notice, the Charge will be distributed to the Executive Board members after today's call, by Steve Hewitt, with a note that it is a confidential document and

not to be shared. It will not be posted to the website until the potential proprietary concerns, raised by Amtrak, have been addressed.

9.

Status Update: SFTF Section 6/fleet deployment project – task 1 – Eric Curtit:

Eric Curtit reported that "we had a deadline for a new draft of task 1 and the contractor has complied, doing a great job of addressing our comments and making it a more concise and accurate document. There are a few more comments that we will be forwarding to them to tighten it up a bit more...once that has been done the full SFTF will review the new task 1, and if approved it will be sent to the Board for its review and consideration." Eric continued "today I am meeting with FRA to review the additional comments and take them to the SFTF working group and then to the contractor." In the end, Eric believes "we will have a useable and helpful document."

10.

Status: FRA Accessibility Accommodations Presentation for Access Board – Mario Bergeron:

Mario Bergeron provided an overview of the various steps in the process of reviewing and revising the FRA's presentation to the Access Board as it begins its update of passenger rail vehicle accessibility requirements.

The Board had begun an electronic vote in early October on a revised version of the presentation which included changes made by the Accessibility Policy Group. Before that vote was complete, the federal government shutdown and FRA's furlough had occurred. Eventually the vote was put on hold.

In the meantime, after reviewing the changes and recognizing that they were technical in nature, the Executive Board, on October 15th sent the presentation back to the Technical subcommittee for its' review.

Mario pointed out that the initial version of this presentation had been distributed to the Technical subcommittee as more of a courtesy review but not for a formal vote.

On October 24, 2013, the Technical subcommittee had a long and very productive discussion about the presentation, its purpose, and its contents. The subcommittee discussion brought about recommendations for clarifying the document to make sure that the Access Board knows what it is and what it is not. It is a presentation by FRA which describes some of the accomplishments in the area of accessibility by the NGEC and identifies other areas that are at the early stages of consideration, and presents a sort of "wish list" for the Access Board to be made aware of.

As a result of this discussion, clarifications were agreed to and a revised presentation was prepared by Melissa Shurland and distributed to the Executive Board in advance of today's call.

Mario noted that the Technical subcommittee agreed that it was not its place to vote on the presentation. It is an FRA presentation that (with the clarifications) accurately highlights NGEC efforts in this area, and it should simply be sent on to the Executive Board and to the Access Board in time to meet its deadlines.

Mario suggested that the Executive Board should not vote on the presentation either, as it is now more clear as to exactly what it is and what it is not meant to be.

Steve Hewitt weighed in to say that he believes Mario's assessment is correct, and that this presentation probably should never have been presented for an Executive Board vote. In essence, because it is FRA's presentation, it is very similar to other presentations that members of the NGEC have put together from time to time, and asked for a courtesy review from the Board or from the Chair to make sure the message is consistent and accurate with regard to statements pertaining to the NGEC. Steve said the Board should simply thank FRA for the courtesy of having been able to review it, and submit clarifications, and tell them to "go forth".

Bill Bronte agreed with Steve and Mario, and said it was time that it did 'go forth' to the Access Board.

Mario noted that following this call, he was going to provide Melissa Shurland with some additional clarifying language, consistent with the subcommittee discussions.

Ultimately, when the presentation is in final form, it will be distributed to Board members and the full Technical subcommittee for their information.

11.

Status Update: Diesel-Electric Locomotive Procurement – John Oimoen:

With the absence of John Oimoen, IDOT, there was no update provided for today’s call.

**12.
Adjourn:**

With no other business to come before the Executive Board today, the chair adjourned this conference call meeting at approximately 12:25pm EDT.

The next Executive Board conference call is November 12, 2013

Decisions/Action Items

The locomotive procurement remains as a standing agenda item to keep the Board updated as to its progress. **IDOT** is responsible for providing bi-weekly updates. As of the last Executive Board call – 10-15-13 - the RFP was moving along actively with confidential discussions with vendors taking place the following. After these were concluded, there was to be an addendum – likely in early November, 2013, with final proposals due November 27, 2013. The goal continues to be to have a contract executed by the end of February, 2014.

Jeff Gordon will continue to provide the AASHTO. Amtrak and FRA public affairs officers with email notifications of NGECC activities. (ongoing)

The Future of the NGECC working group efforts: It was agreed on September 26, 2013 that the NGECC Future working group will be re-constituted and re-convened after the first of the year (January, 2014) and will then resume its work. Until then it will lag behind the 305/209 capital plan working group’s efforts, as it is expected that those efforts will serve as an early example of the need for the “new” entity.

Dan Black, Amtrak, reminded all subcommittee, task force and working group chairs to get their budget requests and SOW in to Darrell Smith as soon as possible. (due date is November 7th) Dan noted that the overview of what was needed that was sent out by Steve Hewitt last week and was right on point, and should be followed. He also recommended that the chairs use as an example the current SOW, also sent by Steve Hewitt, which has each task force or subcommittee’s SOW in it from the last time. The chairs should replicate that effort and update it as needed.

Ron Pate and the 305/209 working group are developing its work plan and budget for inclusion in the revised NGECC SOW and expect to meet the November 7th timeline.

Darrell Smith expects to have an SOW ready by the next Executive Board (November 12, 2013) and, once the Board approves the SOW and budget, he will take the “re-draft of the SOW to the Amtrak grants people, and they will finalize it and submit it to FRA for approval.

Review of Trainset specification Rev A: Status: Larry Salci has completed his review of Revision A and prepared a draft report to present to the Review Panel. With the FRA furlough over, Steve Hewitt and Larry will discuss scheduling a call of the Review Panel in the coming weeks.

In regard to the status of the Section 6/deployment project: A revised Task 1 was submitted by the contractor reflecting the comments provided by the SFTF and its working group. A few additional comments will be sent to the contractor and, once the “new” task 1 document is complete the full SFTF will review it and consider it for approval. It will then be sent to the Board for its consideration.

The 305/209 working group Charge statement has been approved by the Executive Board. The working group will continue to develop its SOW and budget for submittal to Darrell Smith for inclusion in the NGECC revised SOW.

A copy of the NEC NDA will be provided to Vincent Brotski for review in potentially revising the proposed 305-209 NDA.

Amtrak will ask legal to review the approved Charge statement to see if it can be posted publicly or determine if it presents potential problems with confidentiality.

The 305-209 working group will review and work through the proposed governance document and keep the Board apprised of its progress.

Recruiting additional state members for the NGEC: Ray Hessinger, NYSDOT, will reach out to Pennsylvania and Connecticut to encourage their participation in the activities of the NGEC. Ray reported that Connecticut, which is already participating on the Technical subcommittee, has now also joined the 305-209 working group.

The point should continue to be made that a state does not need to be a member of the Executive Board to be a part of the NGEC and to participate as a voting member on any of the subcommittees or task forces. It is noted that the ATF is in need of additional state members as it has three at the moment and would like to have at least five state members.

Mario Bergeron will provide Melissa Shurland with additional clarification language for the FRA's presentation to the Access Board. Once finalized it will be sent to the access Board and also distributed to the Executive Board and the Technical subcommittee as an FYI.

Bill Bronte, Eric Curtit, and Steve Hewitt will hold a conference call to discuss upcoming activities that will be required in preparation for the NGEC 2014 Annual Meeting. The ATF will ultimately make recommendations to the Board in regard to By-law changes and what other steps are required, and Chairman Bronte will need to appoint a nominating committee in preparation for the election of state members of the NGEC Board.

Steve Hewitt will re-send the new one page/condensed "backgrounder" for comments by Board members and support staff. Comments are due by COB on November 1st to Steve Hewitt.

ATTACHMENTS

Next Generation
Equipment Committee



The NGEC will provide national leadership in standardization, acquisition, financing and management of passenger rail equipment.

**S305 NGEC Executive Board Conference Call
October 29, 2013**

11:30 AM – 12:30 PM EDT
Call in number: 866 299 7945 passcode: 1601544#
Agenda

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| 1. Welcome and Open the Meeting | Bill Bronte |
| 2. Roll Call | Steve Hewitt |
| 3. Action Items Review | Steve Hewitt |
| 4. Approval of Minutes from September 26 th and October 15 th , 2013 | Bill Bronte |
| 5. Annual Meeting – general information and items that may need consideration | Steve Hewitt/ Eric Curtit |
| 6. Status: Budget and Revised SOW/Grant Agreement Extension request –steps | Dan Black |
| 7. Status Update: 305– 209 Working Group | Ron Pate |
| 8. Consideration: Approval of NGEN 305 – 209 working group proposed charge | Bill Bronte |
| 9. Status Update: SFTF Section 6/fleet deployment project – task 1 | Eric Curtit |
| 10. Status: FRA Accessibility Accommodations Presentation to Access Board | Mario Bergeron |
| 11. Status Update: IDOT Diesel Electric Locomotive Procurement | John Oimoen |
| 12. Other | All |

Next Call: November 12, 2013