

SECTION 305 NGEC Executive Board

MINUTES

APRIL 14, 2015

11:30 EASTERN

CONFERENCE CALL

FACILITATOR	<i>Eric Curtit, Chair, S305 NGEC Executive Board</i>
ATTENDEES	Board Members: <i>Eric Curtit, Mario Bergeron, Ray Hessinger, Darrell Smith, Michael Lestingi, Arun Rao, Arun Rao also as proxy for John Oimoen, Tammy Nicholson, Paul Worley, Michael Jenkins, Sharon Beasley for Stan Hunter, Jeremy Jewkes for Ron Pate, Brian Beeler II</i> Support Staff: <i>Steve Hewitt, Shayne Gill, Nico Lindenau, Larry Salci, Jeff Gordon, Vincent Brotski, Dave Warner, Tammy Krause</i>
ABSENTEES	Board Members, <i>Tim Hoeffner, John Oimoen, Ron Pate, John Rosacker, Stan Hunter</i> Support: <i>Jason Biggs, Allan Paul, Strat Cavros, Martin Schroeder, Sal D'Angelo, Patrick Centolanzi, Bryan Hong, Dale Engelhardt,</i>

DECISIONS MADE

1. Welcome – Eric Curtit, Chair, S305 NGEC Executive Board:

Chairman Curtit opened today's meeting and asked Steve Hewitt to call the roll.

2. Roll Call –Steve Hewitt, Manager, S305 NGEC Support Services:

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

3. Review of Action Items – Steve Hewitt:

Action Items Status Update

Mid-west States – Section 6 progress report: This remains as an ongoing agenda item. The RFP for a Fleet Manager is close to being approved. It is currently being reviewed by the Illinois Governor's office. The Mid-West group continues to work on developing a governance and ownership model. They have a concept document and are in the process of developing a draft MOU and the RFI for a Fleet Maintainer was successful with a number of responses. Michigan is now in the process of drafting an RFP.

Agenda item 5

514 Subcommittee update: Ron Pate was unavailable for the 3-31-14 call, but noted (via email) that he "did talk with the mid-west states about pooling opportunities. We are working on a straw dog to discuss areas of opportunity". Darrell Smith, Amtrak, added that during the last 514 meeting, Amtrak provided its minor update table to the members of 514 and "they are all digesting it".

Agenda item 6

Design of safety cards for insertion in seatbacks of the new bi-level cars: The Board approved a designation for inclusion on the safety seat card: the NGEC logo along with: multi-state passenger cars. AASHTO will be sending the artwork for the NGEC logo to Caltrans.

Status: On April 9th Sharon Beasley provided the proposed safety seat card to Steve Hewitt for distribution to the NGEC members. The file was too big for some of the email addresses to accept, so a compressed file was sent and that too was too big for some. The seat card as proposed incorporates the NGEC Logo on it.

Host Railroad Blessing of NGEC equipment: Criteria for new equipment has been developed by the locomotive committee. The committee will brief Jim Grady, AAR on the criteria. Following this – a subgroup will be formed to work with the NGEC after the beginning of the new year. Jeff Gordon reported on the last call that he has coordinated with TPCI's David Cackovic, and it has been determined that, for AAR, its Standards Development Committee is the vehicle for this effort. Jeff will coordinate with David as to who the NGEC will

participate. Jeff is looking to identify NGECC members. (ongoing)

Status: Jeff Gordon reported that this effort is progressing. AAR is creating a committee to address this from the AAR side and Jeff will augment the member list with state representatives from Caltrans, IDOT, WSDOT and any other states that are interested in participating. FRA Office of Safety representatives and Jeff Gordon will also participate. AAR has developed a proposal for a kick off meeting (webinar/conference call/face to face – TBD). They will be going over the proposal on Thursday of this week 4-16-15 prior to arranging the meeting.

Jeff will be approaching states to determine their interest in participating and to get names of possible representatives. Once he has the states and representatives he will coordinate with AAR on the meeting.

Jeff suggested that the best way to approach getting state representation is through the Technical subcommittee rather than the Board. Executive Board Chairman Curtit agreed with Jeff's suggestion and asked him to proceed accordingly.

NGECC States Letter to the FRA, House and Senate Appropriations: The FRA version has been sent – the House and Senate versions have not. House Majority policy has changed and they are not accepting outside testimony but will accept letters from organizations with a specific request. Steve Hewitt will provide Eric with the contact info for the House letter.

Submitting the revised SOW for a no-cost grant agreement through 9-30-17:

On the FASC call on April 9th, Darrell Smith reported that the SOW has been submitted by Amtrak Grants to FRA Grants. Michael Lestingi reported that no issues are anticipated and FRA should be signing the agreement soon.

See agenda item 10

NGECC Future and Funding Options recommendations: The Finance and Administrative subcommittee has begun its efforts to make funding option recommendations to the Board for its consideration in October, 2015.

Agenda item 10 – a status update will be provided by Darrell Smith.

Developing a policy for public access to NGECC Specs and/or reference documents and drawings: Vincent Brotski will do some research and come back to the Board with his findings as to whether or not there is a reason that the NGECC cannot restrict public access to these documents. At that point the Board may wish to take action on developing a policy and revising the statement that goes out with the automatic email response to limit distribution to only those with legitimate use for the specs.

Status Update: Agenda item 9

NGECC Specification Use Requirements when requesting funding or financing: The Board will consider whether or not it believes it would be useful to have a requirement for future funding or financing requests that the NGECC specs are to be used. If the Board feels it would be useful to add some language to that effect, Michael Lestingi would be willing to seeing if there was buy in at FRA to do it.

Backgrounder educational piece: This item is now available in hard copy. Anyone who would like hard copies let Steve Hewitt know how many and where to send them.

New NGECC Call-in number: AASHTO has secured a new conference call service – thus the NGECC number has changed. Steve sent a new calendar appointment with the new call in info.

4.

Approval of the Minutes from the 3-31-15 conference call meeting – Eric Curtit:

On a motion by Darrell Smith, Amtrak, and seconds by Michael Jenkins, Oregon and Tammy Nicholson, Iowa, the minutes from the March 31, 2015 Executive Board conference call were approved without exception.

5.

Progress Report – Mid-West States – Section 6 – Arun Rao for John Oimoen:

Arun Rao reported that this week's report is similar to the last one.

The group has a conceptual approval on governance. Draft agreements have been developed and are under review by the individual states legal departments.

Michigan is developing the RFP for the Fleet Maintainer

The RFP for a Fleet Manager is still under review by the Illinois Governor's office.

States beyond only those in the Mid-West are coordinating with each other on potential pooling opportunities in an effort to create economies of scale. Ron Pate, WSDOT, is developing a straw man proposal.

6.

Status Update: Diesel-Electric Locomotive Procurement – Arun Rao for John Oimoen:

Arun Rao provided an update on the D/E locomotive procurement on behalf of John Oimoen, IDOT:

The option orders for 12 additional locomotives for the Mid-West were executed on 3-31-15.

Milestone C and D for Intermediate Design Review and Mock Up Review respectively are in process.

Final Design Review has been completed.

70 requests for clarification have been identified and will lead to 12 draft DCRs to be submitted through the NGEC process.

Jennifer Bastian, IDOT, is chairing the Technical subcommittee's Diesel Exhaust Fluid (DEF) / UREA Working Group. They held the "kickoff" meeting of the group on 3-23-15, and the next meeting is scheduled for April 20, 2015.

The locomotive weight is holding at 270,000lbs and P2 Force remains within specified limits.

7.

Status Update: Bi-Level Car Procurement – Sharon Beasley:

The weight "letter" was submitted to the NGEC through its DCR process – and Caltrans awaits its status.

The draft safety seat card and graphics was distributed to all members of the NGEC for the purpose of showing that the NGEC logo and the name - "multi state passenger rail cars" - has been incorporated onto the card.

11 First Article Inspections (FAI's) are complete.

9 more are scheduled for May and 2 more for April.

105 DR items remain open – to be closed with the FAIs.

The monthly progress report from IDOT and Caltrans is being prepared and will be submitted to FRA.

The carbuilders monthly progress report was received Friday (4-10-15) and has been sent to FRA.

8.

Status Update – 514 Subcommittee – Jeremy Jewkes for Ron Pate:

The 514 subcommittee met last week with a focus on the minor updates provided by Amtrak and they discussed the implications of discrepancies and adjustments.

They are looking through the three main drivers which are identified as:

An accelerated NPCU repair schedule.

Locomotive work for P42s has increased.

New overhead costs were added in – he states are sending a letter to Amtrak – as they are not in a position to absorb the additional costs. – This is an ongoing discussion.

9.

Status: Developing a policy for public access to NGEC Specs and/or reference docs & drawings -Vincent

Brotski:

Vincent Brotski reported that he does not yet have an answer on this issue, and is not sure there will be one. To be thorough, he has assigned a law clerk to look into the legislative history to see if there is any. He expects to get answers on the research in the next couple of days.

Dave Warner has provided some revised language that could be inserted onto the web page informing requesters that their request may not be approved.

He believes we are on legally sound footing to not leave these specifications and drawings open to all, but will be wants to complete the legislative history research. Once complete, he will report back to the Board with a recommendation on how to proceed.

Michael Lestingi asked if it would not make sense to broaden the scope to include the related issue of the legality of the NGEC to assess a user fee and to collect that fee.

Darrel Smith noted that that issue is a part of the responsibility of the newly established task force within the Finance and Administrative Subcommittee.

10.

Status Report from the Finance and Admn Subcommittee (FASC) on NGEC Future Activities - Darrell Smith:

Darrell Smith provided a brief update on the activities of the Finance and Administrative Subcommittee .

Two primary activities:

1. Filing the grant agreement extension:

Amtrak has filed for the grant agreement extension through 9-30-15. It is now under review by the FRA.
2. How to fund the NGEC after the grant agreement extension runs out.
This item has two components.
 - a. Obtaining a new federal grant
 - b. Charging a specification user fee

In order to address the issue of collecting a user fee, the FASC has established a task force to be chaired by Brent Thompson, WSDOT (co Vice Chair of the Subcommittee).

The members of the task force are:

Brent Thompson, Washington State DOT, Chair
Eric Curtit, Missouri DOT
Ray Hessinger, NYSDOT
Darrell Smith, Amtrak
Michael Lestingi, FRA
Jeff Gordon, FRA
Sal DeAngelo, FRA
Shayne Gill, AASHTO
Steve Hewitt, NGEC

The charges to the task force are:

1. Determine whether or not a fee can be charged – determine how to do it and how much to charge.
2. If a fee is to be charged - how does the NGEC accept receipt of those funds?

The first meeting of the task force is scheduled for 4-22-15 at 10:00AM Eastern.

The full subcommittee continues to talk about item a. – Obtaining a new federal grant. Some of the questions to be answered:

How would the NGEC get an additional grant, and what would be the functions of the NGEC going forward? Would they be the same as they are now or will they be expanded? If functions are expanded – what is the NGEC future organizational structure?

Adjourn:

With no other business forthcoming today, Chairman Curtit adjourned the call at approximately 11:25 AM Eastern.

The next call is April 28, 2015

Decisions/Action Items

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514 Subcommittee update: The 514 subcommittee met last week with a focus on the minor updates provided by Amtrak and they discussed the implications of discrepancies and adjustments. (Ongoing)

Submitting the revised SOW for a no-cost grant agreement through 9-30-17: The extension has been filed by Amtrak and is under FRA review.

Host Railroad Blessing of NGEC equipment: Criteria for new equipment has been developed by the locomotive committee. AAR is creating a committee to address this from the AAR side, and Jeff will augment the member list with state representatives from Caltrans, IDOT, WSDOT and any other states that are interested in participating. FRA Office of Safety representatives, and Jeff Gordon will also participate. AAR has developed a proposal for a kick off meeting (webinar/conference call/face to face – TBD). They will be going over the proposal on Thursday of this week 4-16-15 prior to arranging the meeting.

Jeff will be approaching states through the NGEC Technical subcommittee to determine their interest in participating, and to get names of possible representatives. Once he has the states and representatives he will coordinate with AAR on the meeting. (ongoing)

NGEC States Letter to the FRA, House and Senate Appropriations: The FRA version has been sent – the House and Senate versions have not. House Majority policy has changed and they are not accepting outside testimony but will accept letters from organizations with a specific request. Steve Hewitt will provide Eric with the contact info for the House letter.

Developing a policy for public access to NGEC Specs and/or reference documents and drawings: Vincent Brotski continues to research this issue and has assigned a law clerk to see if there is a legislative history. He expects to have answers in the next few days. He anticipates that there is no prohibition to the NGEC developing a policy that restricts the distribution of the specifications and drawings as appropriate. He will come back to the Board with a recommendation.

The Finance and Administrative subcommittee has begun developing a proposal for potential funding options to present to the Board for its consideration by October, 2015:

The FASC began discussions on this activity on January 14th. Members of the FASC have been asked to bring ideas to the table for discussion.

On its last call, (4-8-15) the FASC has created a task force to explore the viability of assessing a specification user fee.

NGEC Specification Use Requirements when requesting funding or financing: The Board will consider whether or not it believes it would be useful to have a requirement for future funding or financing requests that the NGEC specs are to be used. If the Board feels it would be useful to add some language to that effect, Michael Lestingi would be willing to seeing if there was buy in at FRA to do it. (ongoing – open item – to be addressed)

ATTACHMENTS



**S305 NGEC Executive Board Conference Call
April 14, 2015
11:30 AM – 12:30 PM Eastern
Call in number: 888 585-9008 conference access: 559-120-127**

Agenda

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| 1. Welcome and Open the Meeting | Eric Curtit |
| 2. Roll Call | Steve Hewitt |
| 3. Action Items Status Review | Steve Hewitt |
| 4. Approval of Minutes from the March 31, 2015 Call | Eric Curtit |
| 5. Progress Report: Mid-West States – Section 6 | Tim Hoeffner |
| 6. Status Update: Diesel-Electric Locomotive Procurement | John Oimoen |

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| 7. Status Update: Bi-Level Car Procurement | Sharon Beasley |
| 8. Status Update: 514 subcommittee | Ron Pate |
| 9. Status: Developing a policy for public access to NGEC Specs and/or reference docs & drawings | Vincent Brotski |
| 10. Status Report from the Finance and Admn Subcommittee (FASC) on NGEC Future Activities | Darrell Smith |
| 11. Other | All |

Next Call: April 28, 2015