

# SECTION 305 NGEC Executive Board

MINUTES

MAY 12, 2015

11:30 EASTERN

CONFERENCE CALL

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

**Status Update: Agenda item 8**

**The Finance and Administrative subcommittee activities related to funding options:**

The subcommittee has formed a task force to look at the mechanics and viability of charging a specification use fee.

The subcommittee has been tracking the progress of the Amended Grant Agreement submitted by Amtrak to FRA.

**Status updates: Agenda item 9.**

**Host Railroad Blessing of NGEC equipment:** AAR has created a committee to address issues related to the introduction of new equipment into service. Jeff Gordon is coordinating the effort from the NGEC. A meeting has been set for June 4<sup>th</sup> in Washington, DC. Jeff Gordon has asked for interested states representatives from the Technical subcommittee to contact him if they would like to participate [Jeffrey.gordon@dot.gov](mailto:Jeffrey.gordon@dot.gov). This announcement was made on the 4-23-15 and on the 5-7-15 Technical subcommittee calls.

**Status:** On the 5-7-15 Technical subcommittee call, Jeff Gordon reported that he has received confirmation from Caltrans and IDOT that they will have representation at the AAR meeting to be held in DC on June 4<sup>th</sup>. It is anticipated

that Rich Stegner will represent IDOT. Michael Burshtin will attend on behalf of Amtrak.

On today's call – Ron Pate reported that Washington State will be represented by Rob Edgcombe and Sharon Beasley reported that Caltrans will be represented by Momoko Tamaoki.

**Backgrounder educational piece:** The updated Backgrounder is available now – for copies please contact Steve Hewitt with the number of copies requested and an address to send them to.

**Status:** Steve Hewitt reported that he sent 50 copies of the "Backgrounder" to David Ewing who had agreed to distribute them on the Hill – copies were given to majority and minority staff – Senate Commerce.

**Developing a policy for public access to NGEN Specs and/or reference documents and drawings:**

Eric Curtit agreed to draft a "memo to file" to provide documentation/rationale for restricting access to reference specs and drawings. The Board will review the memo and make a decision on the proposed language for the website.

**Agenda item 10.**

**Industry requests for copies of the CIP:** Several requests have come in from members of the industry for copies of the CIP. Before considering releasing this document Steve Hewitt has asked the Board to determine if this is an internal document or if it is something that can be released and posted to the web site. The general view of the Board members is that Amtrak needs to make this determination.

The Board will wait until Amtrak has weighed in and make a determination (hopefully) by the next call – 5-12-15.

**Agenda item 11.**

**4.**

**Approval of the Minutes from the 4-28-15 conference call meeting – Eric Curtit:**

On a motion by Ron Pate, WSDOT, and a second by Darrell Smith, Amtrak, the minutes from the 4-28-15 Executive Board conference call were approved without exception.

**5.**

**Progress Report – Mid-West States – Section 6 –Arun Rao, Wisconsin DOT:**

Arun Rao reported that progress continues on the key work streams.

A draft agreement to oversee the Fleet manager and Fleet Maintainer (governance arrangement) is under review.

The RFP for a Fleet Maintainer will be forthcoming.

The RFP for a Fleet Manager remains under review with the Illinois Governor's office, and John Oimoen reported that he is hopeful it will be approved soon for posting.

**6.**

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

John Oimoen reported that "things are going real well". The engineering phase of the procurement continues to trend about two months ahead of schedule.

Final Design Review is complete. There are a few open action items to be resolved – but it is expected that they will be closed out by June, 2015.

FAIs of the PTC system took place last week and went well.

IDOT continues to facilitate the Diesel Exhaust Fluid (DEF) working group established within the NGEN Technical subcommittee, and progress is ongoing with regular calls taking place.

The locomotive's weight is at 270,000 pounds and "holding steady" and the P2 Force remains in compliance.

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**7.**

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

Sharon Beasley, Caltrans provided a brief update on the status of the Bi-Level Car procurement:

8 FAIs will take place in May, 2015.

21 RFC's remain open.

Out of 2007 FDR action items – 96 remain open. They are resolving about 15-20 per week.

1905 drawings have been submitted – 1484 have been approved.

9 change orders are outstanding – (all from IDOT) 6 are close to being signed.

A great workshop was held by FRA last week. FRA has been understanding of the contract difficulties with the NGEC spec, CEM, and Buy America complexities.

Larry Salci advised that the weight variance request needs to be "kept in front of us". Sharon Beasley commented that one car is "iffy", but the others are all under the NGEC requirements.

Tammy Krause confirmed that the document change request had been signed – and unless a letter was needed, Sharon could move forward using the signed change request document.

**8.**

**Status Update – 514 Subcommittee – Ron Pate:**

Ron Pate reported that the subcommittee continues to work on redoing the capital investment minor updates for concurrence on cost increases.

Discussions continue on issues that have caused the cost increases.

They are down to 5-6% of what the work tasks were.

All in all Ron noted that he is pleased with the partnership and looks forward to the next meeting (next Monday).

A good foundation is being built and the effort is moving forward.

**9.**

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

- a. Progress: Funding Options Task Force - Brent Thompson:

Brent Thompson, WSDOT, provided an update on the Funding Options Task Force activities.

The Task Force is looking at ways to monitor and track access to the PRIIA specifications and are looking at potential revisions to the specification utilization form.

Discussions continue with regard to what kind of entity the NGEC would need to become if it begins to assess fees.

The next call of the Task Force is tomorrow (5-13-15)

The work of the Task Force is progressing as planned.

Ron Pate asked what type of entity is the Task Force thinking about – "Is it a 5013C or something similar?"

Brent responded yes, but added that there are issues to consider such as the additional costs associated with establishing and running a corporation. He also noted that part of the discussion includes trying to determine what the impacts would be on the NGEC's ability to obtain federal grants if it was

incorporated.

b. Status: Amended Grant Agreement - Darrell Smith/Mike Lestingi:

Darrell Smith reported that he has still heard nothing new with regard to the status of the amended Grant Agreement which is under the review of the FRA Grants Office.

Michael Lestingi, FRA asked "So, you have received no official blessing from us yet?" Darrell noted that as of this morning he had checked with Amtrak Grants – and they had not heard anything new.

Michael agreed to "ping" FRA Grants again to try to get it out.

c. Strategies for educating the Hill on NGEC - Darrell Smith:

Darrell Smith reported that the Subcommittee continues to discuss strategies for educating the Hill on the NGEC.

Members were assigned "homework" on the last call – "we keep hitting the chicken and egg issue of what is it we want to be and what is it we want to ask for?"

Darrell added that Tim Hoeffner, Michigan DOT, had raised an interesting point – from the perspective of a Member of Congress –not seeing equipment acquisition money available for ordering new equipment – what are the needs? What is in the pipeline?

Darrell asked that members of the Board think about what the message to Congress should be and who would deliver it?

In the meantime, the Subcommittee is looking at re-tooling the "Backgrounder" document to be a look ahead as well as a progress report. Steve Hewitt has agreed to draft an outline for this revised educational piece.

**10.**

**Discussion: proposed revised language and procedure for web site - Eric Curtit:**

Review and discussion: "memo to file" documentation/rationale for restricting access to reference specs and drawings.

Eric Curtit asked for comments on the "memo to file" that he had drafted and which had been distributed to all members of the Board in advance of today's call.

The memo was drafted as a result of discussion on the last Executive Board call during which it was agreed that there would need to be a record of the background and rationale for restricting general public access to the NGEC reference specs and drawings.

Eric added that he had expanded the memo and his recommendations to include vehicle specifications as a part of the restricted or limited access policy along with the reference specs and drawings. He believes that the same rationale should apply to those specifications as well.

Steve Hewitt commented that the action to be taken, if the recommendations are accepted, would be to move the vehicle specifications to the restricted access section of the website where the reference documents reside, and to add the proposed revised language at the access point that generates an automatic email to Steve Hewitt with information provided by the requester.

Proposed revised language for the website:

*The documents and drawings below are available upon request to contracted vehicle builders and associated suppliers only. To request one of the following documents, click on the document name. A pre-addressed email-box will open. Then please provide your name, phone number, email address, company affiliation and reason for requesting the document. The Chairman of the NGEC 305 Next Generation Equipment Committee reserves the right to reject a request.*

Eric called for a motion to accept the memo and the recommendations contained therein.

A motion was offered by Darrell Smith, Amtrak, and seconded by John Oimoen, IDOT, to accept the recommendations of the chair as described in the memo.

With no further discussion, the Chair asked Steve Hewitt to call the roll:

Eric Curtit, Missouri DOT – aye  
Eric Curtit for Ray Hessinger, NYSDOT – aye  
Eric Curtit for Tim Hoeffner – aye  
Tammy Krause for Mario Bergeron, Amtrak – aye  
Darrell Smith, Amtrak – aye  
Michael Lestingi, FRA – aye  
Tammy Nicholson, Iowa DOT – aye  
John Oimoen, Illinois DOT – aye  
Ron Pate, Washington State DOT – aye  
Arun Rao, Wisconsin DOT – aye  
Sharon Beasley, Caltrans – aye  
Michael Jenkins, Oregon – aye  
Brian Beeler, NNEPR, for Maine – aye

**11.**

**Discussion: Industry requests for the CIP – Eric Curtit:**

Steve Hewitt noted that there had been a discussion on the last Executive Board call after he had noted that several requests had come in from members of the industry for copies of the CIP. Before considering releasing this document Steve Hewitt had asked the Board to determine if this is an internal document or is it something that can be released and posted to the web site. The general view of the Board members was that Amtrak needs to make this determination.

Darrell Smith had reached out initially to Mario Bergeron to get his view. Steve was not sure if Darrell had received a response. Steve emphasized that the CIP that Darrell had provided him with was a document considered to have high level content, and not anything that would be considered confidential between the states and Amtrak.

Steve also noted that Jeremy Jewkes, Washington State DOT, had stated on the last call that he wanted to check with its Executive Board member – Ron Pate, Chair of the 514 Subcommittee, before proceeding with making the CIP public.

Ron Pate commented that he was fine with the idea of releasing the document. That it was meant, in his opinion, to be a public document. Only items contained within the non-disclosure agreements would be considered confidential and they are not a part of the CIP document.

Darrell Smith agreed that the CIP should be considered a public document, and that he did not feel that Mario would have a problem with its release or posting it to the NGEC website.

The general consensus of the Board was in agreement with this assessment, but it was agreed that Darrell would first check with Mario Bergeron and then let Steve Hewitt know.

If Mario agrees, then Steve will send the CIP to AASHTO for posting to the website and distribute it to the industry members who have requested it.

**Adjourn:**

With no other business forthcoming today, Chairman Curtit adjourned the call at approximately 12:01PM Eastern.

**The next call is May 26, 2015**

**Decisions/Action Items**

**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 still being reviewed by the Illinois Governor's office, but expected to be posted soon. The Mid-West group continues to work on developing a governance and ownership model. . A draft agreement to oversee the Fleet manager and Fleet Maintainer (governance arrangement) is under review. Michigan continues to be in the process of finalizing an RFP for a Fleet Maintainer

**514 Subcommittee update:** Ron Pate reported that the subcommittee continues to work on redoing the capital investment minor updates for concurrence on cost increases. The 514 subcommittee will meet again on 5-18-15. (Ongoing)

**Executing a no-cost amended grant agreement through 9-30-17:** The extension has been filed by Amtrak and is under FRA review. Amtrak is waiting on a reply from FRA to execute the amended agreement. Michael Lestingi, FRA, will, again, follow up with FRA Grants Office to see what the status is and see about getting the agreement out.

**Host Railroad Blessing of NGEC equipment:** AAR has created a committee to address issues related to the introduction of new equipment into service. Jeff Gordon is coordinating the effort from the NGEC. A meeting has been set for June 4<sup>th</sup> in Washington, DC. Jeff Gordon has asked for interested states representatives from the Technical subcommittee to contact him if they would like to participate [Jeffrey.gordon@dot.gov](mailto:Jeffrey.gordon@dot.gov) This announcement was made on the 4-23-15 and on the 5-7-15 Technical subcommittee calls.

**Status:** On the 5-7-15 Technical subcommittee call, Jeff Gordon reported that he has received confirmation from Caltrans and IDOT that they will have representation at the AAR meeting to be held in DC on June 4<sup>th</sup>. It is anticipated that Rich Stegner will represent IDOT. Michael Burshtin will attend on behalf of Amtrak.

On today's call – Ron Pate reported that Washington State will be represented by Rob Edgcumbe and Sharon Beasley reported that Caltrans will be represented by Momoko Tamaoki.

**Developing a policy for public access to NGEC Specs and/or reference documents and drawings:**

**The Executive Board approved the following revised language for the website and agreed to include vehicle specifications along with reference specifications and drawings as NGEC restricted access items, and to move them to that section of the website:**

*The documents and drawings below are available upon request to contracted vehicle builders and associated suppliers only. To request one of the following documents, click on the document name. A pre-addressed email-box will open. Then please provide your name, phone number, email address, company affiliation and reason for requesting the document. The Chairman of the NGEC 305 Next Generation Equipment Committee reserves the right to reject a request.*

The "memo to file" (attached) was also accepted and will be posted on the website on the Executive Board page.

**The Finance and Administrative subcommittee continues to look at potential funding options and strategies for the future of the NGEC:** (ongoing)

FASC Chair Darrell Smith will continue to keep the Board apprised of the progress being made. All Board members are asked to provide their thoughts or views on what the message should be to the Hill, and how would it be delivered.

**Industry requests for the CIP:** Several requests have come in from members of the industry for copies of the CIP. Before considering releasing this document Steve Hewitt has asked the Board to determine if this is an internal document or if it is something that can be released and posted to the web site. The general view of the Board members is that Amtrak needs to make this determination.

Darrell would first check with Mario Bergeron and then let Steve Hewitt know. If Mario agrees, then Steve will send the CIP to AASHTO for posting to the website and distribute it to the industry members who have requested it.

**ATTACHMENTS**



**S305 NGEC Executive Board Conference Call**  
**May 12, 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 April 28, 2015 Call  | Eric Curtit                 |
| 5. Progress Report: Mid-West States – Section 6  | Tim Hoeffner                |
| 6. Status Update: Diesel-Electric Locomotive Procurement   | John Oimoen                 |
| 7. Status Update: Bi-Level Car Procurement   | Sharon Beasley              |
| 8. Status Update: 514 subcommittee   | Ron Pate                    |
| 9. Status Report from the Finance and Admn Subcommittee (FASC) on NGEC Future Activities         |                             |
| d. Progress: Funding Options Task Force  | Brent Thompson              |
| e. Status: Amended Grant Agreement   | Darrell Smith/Mike Lestingi |
| f. Strategies for educating the Hill on NGEC   | Darrell Smith               |
| 10. Discussion: proposed revised language and procedure for web site                             | Eric Curtit                 |
| a. "memo to file" documentation/rationale for restricting access to reference specs and drawings |                             |
| 11. Discussion: Industry requests for the CIP  | Eric Curtit                 |
| 12. Other  | All                         |

**Next Call: May 26, 2015**

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## Memorandum

**To: NGEC Executive Board**  
**CC: Steven Hewitt, NGEC Manager**  
**From: Eric Curtit, NGEC Executive Board Chairman**

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**Date: May 12, 2015**

**RE: Requests for NGEC reference specifications and drawings**

**Issue:**

Recently, the NGEC has received several requests for reference specifications from non - passenger car related interests. Most recently a private citizen requested drawings for door assembly. The reason for the request is not known and was not provided.

The reference specifications and drawings have been posted as a courtesy for NGEC members and members of the rail industry to use. The information contained in these documents was never intended for general public access, and a message directing the requester to provide contact information, and the reason for the request through an automated email to the NGEC Manager, has been in existence from the outset.

However, there is currently no clear policy in place to guide NGEC decision making about to who and when NGEC reference specifications and drawings should be released, nor is there a clear policy restricting or prohibiting access to NGEC documents.

As a result, the Executive Board asked Amtrak legal to research legislative history to ascertain whether or not there is anything that would prohibit the NGEC from limiting access to these documents. Upon concluding this research it was determined that there is no such prohibition.

Further, it is clear that in other circumstances within the transportation industry there are examples where public access to a variety of documents (such as state bridge plans, etc.) is restricted, or limited.

With an understanding that the information contained in the reference specifications and drawings is proprietary in nature, and the fact that the intent has always been to provide access to NGEC members and those of the industry, with a stated reason for the request, it is my recommendation that the language on the NGEC website governing access be changed from:

**Current language:**

*NOTE: To request one of the following documents, click on the document name. A pre-addressed email box will open in which you must list your name, phone number, email address, company affiliation, and a reason for requesting the document.*

To:

**Proposed revised language:**

*NOTE: The documents and drawings below are available upon request to contracted vehicle builders and associated suppliers only. To request one of the following documents, click on the document name. A pre-addressed email-box will open. Then please provide your name, phone number, email address, company affiliation and reason for requesting the document. The Chairman of the NGEC 305 Next Generation Equipment Committee reserves the right to reject a request.*

Further, I suggest this desk procedure for answering non-industry related requests for vehicle specifications as well. When the request comes in, the requestor must indicate who they represent and how they will use the specification. They must also share contact information which should be verifiable by the NGEC manager. If a request is made by anyone or entity not involved in intercity passenger rail equipment production, whether direct or indirect, the request will be denied.

The NGEC was charged with efficiently creating and maintaining standardized intercity passenger rail equipment for the use of industry, states and Amtrak. Therefore, for security reasons and to minimize extra expenses which would be incurred by filling non industry requests, the NGEC will only release its vehicle specifications and reference documents to those for whom they have been developed.