

SECTION 305 NGEN

Executive Board Conference Call Meeting

MINUTES

JANUARY 7, 2014 11:30AM EASTERN

CONFERENCE CALL

FACILITATOR	<i>Mario Bergeron, Chair, S305 NGEN Executive Board</i>
ATTENDEES	Executive Board Members: Mario Bergeron, Eric Curtit, Darrell Smith for Gerald Sokol, Paul Nissenbaum, Tammy Nicholson, Leanna Wall, LeAnna Wall for John Oimoen, Ray Hessinger, Ron Pate, Kellette Wade for Paul Worley, Tim Hoeffner, Stan Hunter Support: Jason Biggs, Mike Jenkins, Steve Hewitt, Shayne Gill, Strat Cavros, Larry Salci, Kevin Kesler, Nico Lindenau, Sara Sarkhili, Ashok Sundararajan, Dale Engelhardt, Dave Warner, Patrick Centolanzzi, Martin Schroeder
ABSENTEES	Board Members: John Oimoen, Paul Worley, Kevin Lawson, Support: Jason Biggs, Allan Paul, Kerri Woehler, Arun Rao, Andy House, David Ewing, John Tunna, Jeff Gordon, Vincent Brotski, Brian Beeler II

WELCOME/ROLL CALL/ACTION ITEMS REVIEW

1.

Opening – Mario Bergeron – Chair:

Chairman Bergeron opened this conference call meeting of the NGEN Executive Board and noted that, due to Mr. Bronte’s retirement on December 31, 2013, he would “take the lead for the Board between now and the Annual Meeting” and that he is “pleased to do so, and I only hope to do as well as Mr. Bronte who we continue to miss.”

Chairman Bergeron 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: In the time since the last Executive Board call, IDOT announced that Siemens Industry is the Pre-award recommendation and the evaluation sheet was posted. **A status update is to be provided under agenda item #13.**

Public Affairs notification: Jeff Gordon notified the AASHTO, Amtrak, and FRA public affairs officers of the IDOT announcement on the pre-ward recommendation.

The NGEN Future working group efforts: This working group will be reconstituted and reconvened after the first of the year (2014). **An action to reconstitute the working group should be considered early in the new year.**

Budget and SOW for a grant extension revision request: The Executive Board approved the SOW as submitted and presented on today’s conference call. The Board also approved the budget accompanying the revised SOW, pending FRA review of supporting details. The FRA anticipates completing the review by the January 7, 2014 Executive Board conference call. **A status update in regard to the FRA review is to be provided under agenda item #9; with a discussion of next steps for making the formal request of the FRA for a grant agreement extension covered under agenda item #10.**

Status of the Section 6/deployment project: A revised Task 1 is under review by the full SFTF with all comments due by COB December 16, 2013. The target for consideration by the Executive Board is January 7, 2014. **Eric Curtit will report on the status of task 1 under agenda item #12**

The 305/209 working group: The group is progressing well and states that have signed NDA's are working with Amtrak gathering information and asking questions. Progress towards completing the working group's charge is being made. **A status update will be provided under agenda item #11**

By-law revisions: The ATF submitted proposed By-Law revisions to the Board on November 25, 2013. ATF chair Eric Curtit and 305 support services manager Steve Hewitt reviewed those changes on today's call. The general "sense of the room" was that the by-law changes are acceptable, and a formal vote will take place on the January 7th, 2014 Board conference call. **Under agenda item #8, it is anticipated that the Chair will call for a motion to approve the by-law revisions as proposed by the ATF in writing on November 25, 2013, and discussed on the December 10, 2013 Executive Board conference call.**

NGEC Educational documents: The new single page two-sided NGEC Backgrounders are available. All Board members received an initial a distribution of five copies for their use to start. Additional copies can be requested by contacting Steve Hewitt. **Note: With the recent changes to the Board, AASHTO reflected those changes in a new printing of the backgrounder – a limited number were printed as the Board will change again at the Annual Meeting.**

Appointing a nominating committee: On the December 10, 2013 Executive Board conference call, chairman Bronte appointed Eric Curtit, Missouri DOT; Ron Pate, Washington State DOT; and Ray Hessinger, NYSDOT to the nominating committee. All three accepted the appointment. The committee is charged with bringing forward a slate of state representatives to be considered for election to the Executive Board at the Annual Meeting on February 21, 2014. The other Board positions (Amtrak CMO, Amtrak CFO, and FRA) are automatic. **It is anticipated that the committee will reach out to states to get a sense of their interest and report back to the Board at the Annual Meeting with a proposed slate of state representatives for consideration as members of the Executive Board.**

Recruiting additional state members for the NGEC: Ongoing.

Note: Ron Pate, Chair of the 305-209 working group, noted that he would need to leave the call at 11:45 (EST) and asked the Chair if it would be possible to move up the agenda item pertaining to the 305-209 status update. The Chair agreed and agenda item #11 was taken up in advance of item #4. For purposes of this document, it remains as item #11.

4.

Review: NGEC leadership changes (Chair-vice chair-Tech subcommittee acting chair) – Mario Bergeron:

Chairman Bergeron updated the Board on the changes in leadership as of January 1, 2014. In accordance with the NGEC by-laws, Mr. Bergeron ascended to the chair, effective January 1, 2014, to fill the vacancy created by former Chairman Bill Bronte's retirement from state service. Also on January 1, 2014, and in accordance with the by-laws, Chairman Bergeron appointed Eric Curtit, Missouri DOT, to fill the vacant vice chair position. A letter from Chairman Bergeron, announcing the appointment was sent by Steve Hewitt to all Board members on January 1, 2014. Today, Chairman Bergeron also informed the Board that he has asked Dale Engelhardt, Amtrak, to serve as acting chair of the Technical subcommittee during the same period of time as he serves as Executive Board chair.

Each of these leadership changes are in effect from January 1, 2014 through the NGEC Annual Meeting scheduled for February 21, 2014. At the Annual Meeting election of Board representatives will take place, and the new Board will elect its officers.

5. Approval of the Minutes from December 10, 2013 – Mario Bergeron:

On a motion by Eric Curtit, Missouri DOT, and a second by LeAnna Wall, Wisconsin DOT, the minutes from the 12-10-2013 conference call meeting were approved without objection.

6. Status: ATF electronic vote – re: bringing existing/continuing contracts into compliance with OIG recommendations – Eric Curtit:

Eric Curtit reported on the recent action taken up initially by the Finance subcommittee and continued through the Administrative task force to bring existing/continuing contracts into compliance with the new NGENC procedures by "grandfathering" them in. He noted that Steve Hewitt had distributed the "rather extensive" motion that had been approved – first by the Finance subcommittee and then by the ATF – to the Executive Board members in advance of today's call. Eric noted that it is his intent that the Board consider the motion and approve it on today's call.

Darrell Smith, Amtrak, explained the history and intent of the motion noting that "the OIG audit was revisited" and the OIG was pleased that "we had developed contract support procedures as called for in the audit, but asked that past agreements also be brought up to par". These would include existing and ongoing contracts including the one for support services between Amtrak and AASHTO as well as the subcontracts with AASHTO such as the Ewing and Hewitt (policy advisor and program support services manager) contracts, Larry Salci (consultant to the Review Panels)c contract and the technical specification writing contract (Camren Cordell).

Darrell added that this motion is intended to "kill two birds with one stone by approving the past agreements, and, contingent upon FRA approval of the grant agreement extension, to allow AASHTO to continue its contract with Amtrak and also the contracts with those continuing/ongoing subcontractors through the end of the grant agreement extension end date of June 30, 2015" in accordance with the revised SOW and budget.

Eric reiterated that the motion had already been approved by the Finance subcommittee and the ATF and that, as chair of the ATF it is his intent to offer the motion for Board consideration.

7. Consideration of Approval – motion to "grandfather in" existing/continuing contracts to comply with OIG recommendations – Mario Bergeron:

Chairman Bergeron asked if there were any questions or comments, hearing none, he asked Eric Curtit to read the proposed motion.

Eric read the following:

"As was intended in past NGENC budget approvals and to ensure compliance with the Audit of Grant Agreement of March 27, 2013, and the NGENC's updated Procedure of Establishing Contract Support adopted August 6, 2013, the NGENC authorizes Amtrak to contract with AASHTO for administrative support services as well as subsequent sub-contracts with the Ewing-Hewitt Alliance for Manager of Support Services and Policy Analysis Consultant and with SalciConsult for Specification Consultant services. In addition, contingent on the Federal Railroad Administration's approval of the NGENC's Supplemental Statement of Work and related budget extension through June 30, 2015, Amtrak is authorized to extend its agreement with AASHTO and AASHTO's sub-consultants in accordance with the Statement of Work."

Eric Curtit, Missouri DOT formally offered the motion for consideration of approval.

Chairman Bergeron asked if there were any questions or comments, and again, hearing none, asked if there was a second to the motion.

Tim Hoeffner, Michigan DOT, seconded the motion.

Chairman Bergeron asked Steve Hewitt to poll the voting members:

Mario Bergeron, Amtrak – in favor
Eric Curtit, Missouri DOT – in favor
Paul Nissenbaum, FRA – in favor
Darrell Smith for Gerald Sokol, Amtrak – in favor

Tammy Nicholson, Iowa DOT – in favor
LeAnna Wall, Wisconsin DOT – in favor
LeAnna Wall as proxy for John Oimoen, IDOT – in favor
Ray Hessinger, NYSDOT – in favor
Kелlette Wade, as representative for Paul Worley, NCDOT – in favor
Tim Hoeffner, Michigan DOT – in favor
Stan Hunter, Caltrans – in favor

With the presence of a quorum having been confirmed, and all votes cast in the affirmative, Chairman Bergeron determined that consensus had been achieved and the motion is approved.

**8.
Consideration of Approval: By-Law Revisions submitted to the Board on 11-25-13 – Mario Bergeron:**

Chairman Bergeron provided an overview of the history of the proposed by-law revisions. He noted that the by-law revisions were initially submitted to the Executive Board through the Administrative task force (ATF) on November 25, 2013. The proposed changes were discussed thoroughly by the Executive Board during its December 10, 2013 conference call. A primary intent of the changes is to open up the NGEC Board to additional states rather than limiting participation to 9 or 11 as is stated currently. The general sense of the Board on December 10th was that there were no objections to the proposed changes. It was agreed, at that time, to formally consider the changes on the January 7, 2014 Board call. This would allow ample time to fully comply with the 30 days advance notice requirement for changes to be made to the by-laws.

Chairman Bergeron asked if there were any questions or comments, and, hearing none, called for a motion to approve.

Eric Curtit, Missouri DOT, offered a motion "to approve the By-Law Revisions as submitted to the Board by the ATF on 11-25-13 and as discussed by the Board on its call of December 10, 2013".

Tammy Nicholson, Iowa DOT, seconded the motion and Chairman Bergeron asked Steve Hewitt to poll the voting members:

Mario Bergeron, Amtrak – in favor
Eric Curtit, Missouri DOT – in favor
Paul Nissenbaum, FRA – in favor
Darrell Smith for Gerald Sokol, Amtrak – in favor
Tammy Nicholson, Iowa DOT – in favor
LeAnna Wall, Wisconsin DOT – in favor
LeAnna Wall as proxy for John Oimoen, IDOT – in favor
Ray Hessinger, NYSDOT – in favor
Kелlette Wade, for Paul Worley, NCDOT – in favor
Tim Hoeffner, Michigan DOT – in favor
Stan Hunter, Caltrans – in favor

With the presence of a quorum having been confirmed, and all votes cast in the affirmative, Chairman Bergeron determined that consensus had been achieved and the motion is approved.

Steve Hewitt noted that he would make the changes to the by-laws, as approved, and send the revised version with date of approval to AASHTO for posting. He also noted that he would insert the sections with the changes into the minutes of today's call as he did on December 10, 2013.

Chairman Bergeron asked Mr. Hewitt to also send the by-laws, as revised, to all Board members for their files. Steve agreed that he would do so.

Approved by-law revisions noted in red:

ARTICLE V – EXECUTIVE BOARD

5.1 Number and Qualifications

The business and affairs of the Committee shall be managed by an Executive Board which shall consist of no less than twelve (12) members (The line "and no more than fourteen (14) is stricken) of the Committee. The Executive Board shall be comprised of the following individuals or their representatives: the FRA Administrator, the Amtrak Chief Financial Officer, the Amtrak Chief Mechanical Officer and the (stricken here is

"nine (9) or eleven (11)" participating State representatives.

5.2 State Representation on Executive Board

The States shall determine their representation on the Executive Board based on such factors as geographic diversity, technical expertise, procurement and operational experience including experience with different types of equipment. States will endeavor to obtain a balance of representation on the Executive Board. Each representative may have an alternate person designated to participate and vote in meetings in the absence of the designated representative.

It is recommended that state representatives be familiar with the day-to-day and longer term financial challenges of developing and/or operating a corridor route.

5.3 Term of Office

The Executive Board members shall hold office until their successors shall have been selected. With the exception of the FRA Representative, the Amtrak Chief Financial Officer and the Amtrak Chief Mechanical Officer who are not limited to specific terms, all Executive Board members shall serve terms of two (2) years ~~(stricken here is "and are eligible to serve two (2) consecutive terms.")~~. Terms may be staggered.

5.8 Quorum and Voting

No less than two-thirds of the members of the Executive Board in office, including at least one representative from Amtrak and the representative from FRA, shall constitute a quorum for the transaction of business of the Executive Board.

Decisions of the Executive Board shall be made consensus as determined by the Chair. Where there is lack of consensus, a decision will be made by a majority of the following votes:

~~[stricken here "nine (9) or eleven (11)]~~ votes cast individually by each State representatives of the Executive Board;

~~[stricken here "nine (9) or eleven (11) and added is: "the same number as the number of state representatives of the Executive Board"]~~ votes en bloc by Amtrak; and

~~[stricken here is nine (9) or eleven (11) and added is: "the same number as the number of state representatives of the Executive Board"]~~ votes en bloc by the FRA Administrator or designee.]

Note that the number of votes cast will depend on the number of state representatives present on the Executive Board at the time a vote is taken.

Footnote to be added to the by-laws: In the event of a deadlock within the states bloc, the chair or highest ranking officer in the state bloc will cast the tiebreaking vote.

9.

Status: FRA Review of Budget supporting documentation – Paul Nissenbaum:

Paul Nissenbaum, FRA, reported that "we received the draft SOW and budget, and had comments. Our comments were included, and turned around very quickly by Darrell Smith (Amtrak). We reviewed them this morning and we are comfortable with the changes, and are ready to go forward with the SOW for the grant agreement extension."

Chairman Bergeron asked Darrell Smith to provide an overview of the changes requested (and included) in the revised version which was distributed this morning to all Board members by Steve Hewitt.

Darrell explained that the FRA had three comments in total, and all were included in the revised version. The largest change was to breakdown the budget more clearly in the spreadsheet by showing the budget through March 31, 2014, and also from April 1, 2014 through June 30, 2015. "We have done this by adding two columns to the spreadsheet." Also added was a summary of "actual" expenditures (page 16) through September, 2013.

The second change requested by FRA was to eliminate the word "contingency". This has been done throughout the document by using the word "reserve".

Darrell also noted that there are "no more reserves or contingencies in the budget. They have been zeroed out and put into the subcommittees, task forces or working group budgets - all \$4 million is now budgeted."

The third requested change made by FRA was to provide additional detail on the travel budget "with more

specificity". This change has also been incorporated in the new version.

Darrell recommended that the Board consider the budget, as revised, along with the previously approved SOW for formal submittal to the FRA as a grant agreement extension request.

By way of adding clarification, Darrell emphasized that "nothing has changed – numbers wise – in the budget – just more detail."

Paul Nissenbaum, FRA, asked if it was reasonable for the FRA to abstain from voting due to the fact that it is the grantor and will be reviewing and, ultimately approving the grant extension request. He emphasized that he "is comfortable with the SOW and budget as presented" and his abstention should not be construed as a no vote. It is simply meant to avoid a potential or perceived conflict of interest.

Steve Hewitt responded that there is a precedent for the FRA abstaining in matters pertaining to the grant agreement which it ultimately approves as the grantor, and this should not be a problem. Steve added that he would emphasize in the minutes that the FRA is comfortable with the SOW and budget, and the abstention should not be perceived as registering a no vote.

Paul Nissenbaum agreed that this would be fine by him and that it captured his intent correctly.

With no other comments forthcoming, Chairman Bergeron called for a motion to approve the Budget and SOW as revised and presented today, and to request that Amtrak formally submit a request for the grant agreement extension as described in the SOW and budget.

LeAnna Wall, Wisconsin DOT, offered the motion to approve. Darrell Smith, Amtrak, seconded the motion.

Chairman Bergeron asked Steve Hewitt to poll the voting members:

Mario Bergeron, Amtrak – in favor
Eric Curtit, Missouri DOT – in favor
Paul Nissenbaum, FRA – abstain
Darrell Smith for Gerald Sokol, Amtrak – in favor
Tammy Nicholson, Iowa DOT – in favor
LeAnna Wall, Wisconsin DOT – in favor
LeAnna Wall as proxy for John Oimoen, IDOT – in favor
Ray Hessinger, NYSDOT – in favor
Kелlette Wade, for Paul Worley, NCDOT – in favor
Tim Hoeffner, Michigan DOT – in favor
Stan Hunter, Caltrans – in favor

With the presence of a quorum having been confirmed, and all votes cast in the affirmative except for the FRA which abstained due to a potential or perceived conflict of interest as the grantor, Chairman Bergeron determined that consensus had been achieved and the motion is approved.

Asked about the next steps and timelines, Darrell Smith noted that he would submit the approved SOW and budget to the Amtrak grants office today and ask that they submit the formal request to the FRA grants office. He anticipated that Amtrak "will be ready to go today".

Paul Nissenbaum, FRA responded that he believed FRA would provide a "prompt turnaround because it has almost been pre-cleared" by the fact that FRA grants has been involved in the review up to this point and has had its requested changes incorporated in this latest version.

It was agreed that a status update of grant approval would be a standing agenda item on Board calls until the agreement is finalized and executed.

10.

Next Steps: Revised Budget and SOW – formal request for grant extension – Darrell Smith:

In regard to the next steps and timelines, Darrell Smith noted that he would submit the approved SOW and budget to the Amtrak grants office today and ask that they submit the formal request to the FRA grants office. He anticipated that Amtrak "will be ready to go today".

Paul Nissenbaum, FRA responded that he believed FRA would provide a "prompt turnaround because it has almost been pre-cleared" by the fact that FRA grants has been involved in the review up to this point and has had its requested changes incorporated in this latest version.

It was agreed that a status update of grant approval would be a standing agenda item on Board calls until the agreement is finalized and executed.

11.

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

Ron Pate, Washington State DOT, reported that, up to this point, the working group has developed its charge, and a draft work plan and the process of nondisclosure agreements.

The group is now working on the work plan – “lots of information has been shared such as levels of overhauls, units used, budgets, etc.” There is still “more to do.”

Ron also noted that the next call will take place on Wednesday, January 8, 2014, and the intent is to “go over a gap analysis – where we are at; what remains to be done; and to give an idea of what is to be accomplished by January 31, 2014”. Ron added that this is “a big challenge...but good progress is being made.” He noted that “there will be more work to do beyond January 31st and part of Wednesday’s discussion will be developing a schedule and strategy for beyond January 31 to help us complete our charge...”

Ron also expressed special thanks to Ashok Sundararajan, FRA consultant, for his work in helping the group move forward.

12.

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

Eric Curtit reported that task 1 of the Section 6/Fleet management project has been revised dramatically from the initial version. It has gone through several reviews by the core team of the SFTF, and is currently under review by the full SFTF. Comments were due by COB on December 16, 2013. Only a few comments have been received. Eric expects to call for an electronic vote by SFTF members and if approved submit it to the Board for consideration.

After some discussion around timeline for getting Board consideration, the general sense is that the SFTF electronic vote will be called for at some point this week, and, if approved, there should be time to send it to the Board for its review in advance of the January 21, 2014 conference call.

13.

Status update: Diesel Electric Locomotive procurement:

In the absence of John Oimoen, IDOT, Stan Hunter, Caltrans reported that Siemens Industries has been selected “as the apparent successful bidder”. He added that the Buy America audit is to begin this week, and there are no issues anticipated. Many of the issues related to Buy America have already been pre-cleared through the bi-level car procurement process. Stan stated that it is anticipated that a Notice to Proceed (NTP) could be issued sometime in February 2014.

Stan added that he is “excited to be partnering” with IDOT and the other mid-west states and with Siemens and “I expect a great locomotive” will be the result.

Chairman Bergeron thanked Stan for the update and noted that this is truly “a milestone event”...and is bringing us even closer to “going from paper to steel”.

Paul Nissenbaum commented on behalf of FRA “we are very pleased on how the process has gone with IDOT in the lead...the process has been smooth and is moving well. We (FRA) will keep watching.” He also commented on the fact that the bi-level procurement is progressing well also, stating “there are lots of good things still going on with the bi-level”.

Stan also noted that Siemens not only had the highest scored technical proposal, but also the lowest cost. This is a significant accomplishment.

Chairman Bergeron asked Stan Hunter “How is the bi-level going?”

Stan replied that “it is moving along well, a little behind schedule on the engineering side, but we are working closely with IDOT and Sumitomo and expect another update in a few weeks.”

He also noted that “final car shell design review could happen around mid-March, 2014.”

Chairman Bergeron asked if Stan would be willing to provide a status update on the bi-level cars as a standing agenda item on the bi-weekly Executive Board calls. Stan replied that he would be happy to do so.

Steve Hewitt will add this as a standing agenda item beginning with the next Board call.

14.

Preparing for the Annual Meeting – timelines – actions – Steve Hewitt:

Steve Hewitt reminded all Board members and support staff to register for the Annual Meeting by sending an email to him so that he has a correct head count, and can monitor the fact that a quorum will be present.

Steve also reminded members that the Hotel room block rate ends January 15, 2014, so all should reserve their room as soon as possible. The rate is \$184.00. The NGECE will pay for state Board representatives travel expenses to and from the meeting and hotel costs for up to two nights stay (specifically those on the west coast) and direct cost expenses incurred in accordance with our travel reimbursement instructions found on the travel reimbursement form.

Steve also reviewed the status of timelines and actions required by the by-laws "as a sort of check list" in preparation for the Annual Meeting:

ARTICLE III – OFFICERS

3.3 Terms of Office

Each Officer shall serve a term of two (2) years and thereafter until his/her replacement is selected. [There is no officer term limit – no action needed – officers will be elected by the new Board during the Annual Meeting – February 21, 2014.](#)

3.4 Vacancies

In the event the Office of Chair becomes vacant prior to the end of the term, the Vice Chair shall ascend to that office for the remainder of the term. In such case, the ascending Chair will appoint a new Vice-Chair for the remainder of the term.

[As Chairman Bronte has left state service and resigned from the NGECE effective December 31, 2013, Mario Bergeron, current vice chair, became the NGECE Executive Board chair, effective January 1, 2014, to the end of the current term \(February 21, 2014 – NGECE Annual Meeting\).](#)

In the event the Office of Vice-Chair becomes vacant prior to the end of the term, the Chair shall appoint a new Vice Chair for the remainder of the term.

[This occurred on January 1, 2014 – Eric Curtit was appointed by Chairman Bergeron, and a letter went out to all Board members on January 1, 2014.](#)

3.5 Nomination and Election of Officers

The Chair shall appoint, not less than two months prior to the Annual Meeting, a Nominating Committee consisting of three (3) voting members of the Committee, which shall be responsible for presenting a list of the state representatives selected to serve as members of the Executive Board, to be elected at the Annual Meeting. Following election of the Executive Board, the members of the Executive Board will elect the Officers of the Executive Board.

[On December 10, 2013 – Eric Curtit, Ron Pate and Ray Hessinger were appointed to the nominating committee by Chairman Bronte.](#)

Newly elected Officers shall assume office at the conclusion of the Annual Meeting at which they are elected.

ARTICLE IV – MEETINGS AND VOTING

4.2 Annual Meeting

An Annual Meeting of all of the members of the Committee shall be at such time and place as the Chair shall determine. The agenda for the annual meeting shall be established by the Chair.

[The meeting date, time and location has been set. An agenda will be forthcoming.](#)

4.5 Notice and Conduct of Meetings

Notice of the Annual Meeting of the Committee shall be prepared by the Chair and sent out (by mail, fax or email) to the participating Committee members no less than fourteen calendar (14) days prior to the meeting.

This task is complete – notice went out on November 29, 2013 to the full NGEC email list in early December. Location – Hyatt Regency Hotel on Capitol Hill Washington, DC. The room block rate information was sent out as well.

15.

Other:

Chairman Bergeron stated that it is his intent to begin the process of developing the Annual Meeting Agenda and to provide a draft for review by Board members.

Adjourn:

With no additional business to come before the Executive Board today, Chairman Bergeron adjourned this conference call meeting at approximately 12:35pm Eastern.

The next Executive Board conference call is January 21, 2014

Decisions/Action Items

The locomotive procurement: Siemens Industries has been selected as the apparent successful bidder. The Buy America audit is to begin this week with no issues anticipated. Many of the issues related to Buy America have already been pre-cleared through the bi-level car procurement process. Stan Hunter, Caltrans, reported that it is anticipated that a Notice to Proceed (NTP) could be issued sometime in February 2014.

Public Affairs notification: Jeff Gordon will continue to provide the AASHTO, Amtrak and FRA public affairs officers with email notifications of NGEC activities. (ongoing)

The NGEC Future working group efforts: This working group will be reconstituted and reconvened after the first of the year (2014) (ongoing)

Budget and SOW for a grant extension revision request: The Executive Board approved a revised budget and SOW as presented on today's conference call. The revised version incorporates all requested changes provided by the FRA in its review of the supporting documentation. Amtrak grants will submit the formal request for a grant agreement extension and approval of the revised SOW and budget as early as today (1-7-14). FRA anticipates a prompt turnaround since it has been involved in the process and has "almost pre-cleared" the request by its review of the SOW and Budget and the inclusion of its comments in the document.

A status update will be added as a standing agenda item to all future Executive Board calls until the grant extension has been executed.

By-law revisions: The Executive Board unanimously approved the by-law changes as submitted by the ATF on November 25, 2013. Steve Hewitt will incorporate the changes into an updated version of the by-laws and ask AASHTO to post them to the website. Steve will also distribute the updated by-laws to all Board members for their files.

Status of the Section 6/deployment project: A revised Task 1 is under review by the full SFTF with all comments due by COB December 16, 2013. The SFTF is expected to consider approval of task 1 over the next week or so through an electronic vote, and if approved, it will be submitted to the Executive Board for consideration. The intent is to try to accomplish this in advance of the Board call scheduled for January 21, 2014.

The 305/209 working group: The group is progressing well and states that have signed NDA's are working with Amtrak gathering information and asking questions. Progress towards completing the working group's charge is being made. A call is scheduled for January 8, 2014 to go over a gap analysis to determine "where we are at; what remains to be done; and to give an idea of what is to be accomplished by January 31, 2014".

Recruiting additional state members for the NGEC: Ongoing.

NGEC Educational documents: The new single page two-sided NGEC Backgrounders are ready to go. All Board members will receive a distribution of five copies for their use to start. Additional copies can be requested by contacting Steve Hewitt.

The Executive Board unanimously approved the following motion: *"As was intended in past NGEC budget approvals and to ensure compliance with the Audit of Grant Agreement of March 27, 2013, and the NGEC's updated Procedure of Establishing Contract Support adopted August 6, 2013, the NGEC authorizes Amtrak to contract with AASHTO for administrative support services as well as subsequent sub-contracts with the Ewing-Hewitt Alliance for Manager of Support Services and Policy Analysis Consultant and with SalciConsult for Specification Consultant services. In addition, contingent on the Federal Railroad Administration's approval of the NGEC's Supplemental Statement of Work and related budget extension through June 30, 2015, Amtrak is authorized to extend its agreement with AASHTO and AASHTO's sub-consultants in accordance with the Statement of Work."*

A status update on the bi-level cars procurement will be added as a standing agenda item on Board calls beginning January 21, 2014. Stan Hunter, Caltrans will provide the updates.

ATTACHMENTS



**S305 NGEC Executive Board Conference Call
January 7, 2014
11:30 AM – 12:30 PM Eastern
Call in number: 866 299 7945 passcode: 1601544#
Agenda**

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| 1. Welcome and Open the Meeting | Mario Bergeron |
| 2. Roll Call | Steve Hewitt |
| 3. Action Items Review | Steve Hewitt |

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| 4. Review: NGEN leadership changes (Chair –vice chair – Tech SC acting chair) | Mario Bergeron |
| 5. Approval of Minutes from December 10, 2013 | Mario Bergeron |
| 6. Status: ATF electronic vote – bringing existing/continuing contracts into compliance with OIG Audit recommendations | Eric Curtit |
| 7. Consideration of approval - motion to “grandfather in” existing/continuing contracts to comply with OIG audit recommendations | Mario Bergeron |
| 8. Consideration of approval - By-Law Revisions submitted to the Board 11-25-13 | Mario Bergeron |
| 9. Status: FRA Review of Budget supporting documentation | Paul Nissenbaum |
| 10. Next Steps: Revised Budget and SOW – formal request for grant extension | Mario Bergeron/Darrell Smith |
| 11. Status Update: 305– 209 Working Group | Ron Pate |
| 12. Status Update: SFTF Section 6/fleet deployment project – task 1 | Eric Curtit |
| 13. Status update: Diesel Electric Locomotive procurement | John Oimoen |
| 14. Preparing for the NGEN Annual Meeting – timelines – actions | Steve Hewitt |
| 15. Other | All |

Next Call: January 21, 2014