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# SECTION 305 NGEC

## Executive Board Conference Call Meeting

MINUTES

MARCH 19, 2013 11:30AM EASTERN

CONFERENCE CALL

<b>FACILITATOR</b>	<i>Bill Bronte, Chair, S305 NGEC Executive Board</i>
<b>ATTENDEES</b>	<b>Executive Board Members:</b> <i>Bill Bronte, Mario Bergeron, Gordon Hutchinson, Paul Nissenbaum, Al Ware, John Oimoen, Eric Curtit, Ray Hessinger, Ron Pate, Allan Paul for Paul Worley, Ron Adams, Support Staff:</i> <i>Leo Penne, Steve Hewitt, John Tunna, Kevin Kesler, Nico Lindenau, Ryan Swick, Ashok Sundararajan, Dave Warner, Darrell Smith</i>
<b>ABSENTEES</b>	<b>Board Members:</b> <i>Kevin Lawson, Tammy Nicholson, Paul Worley, Support Staff:</i> <i>Shayne Gill, David Ewing Tim Hoeffner, Jason Biggs, Andy House, Larry Salci, Whitney Phend, Chad Edison, Jeff Gordon, Dale Engelhardt, Vincent Brotski,</i>

### WELCOME/ROLL CALL/MINUTES

1.

**Opening – Bill Bronte-chair:**

Chairman Bill Bronte opened the conference call and asked Steve Hewitt to call the roll.

2.

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

Steve Hewitt took a roll of Executive Board members, and a quorum was confirmed with 11 of 14 voting members present.

3.

**Chairman’s Overview – 3<sup>rd</sup> Annual NGEC Meeting – Bill Bronte:**

Bill Bronte provided a brief overview of some of the key items coming out of the February 21, 2013 Annual Meeting of the NGEC.

Bill described the meeting as “Highly successful and a good opportunity to raise issues”. He was also pleased with the fact that so many members of the Board were able to participate in the facilitated workshop and discuss the vision and future of the NGEC. He was also pleased that the NGEC members attending the Annual Meeting finally had a chance to celebrate “the accomplishments of the last three years.”

Bill especially wanted to express his appreciation to Paul Nissenbaum and his FRA team for getting Administrator Szabo to the meeting. “He brings a great deal of energy and enthusiasm with him...and it was infectious to us all.”

Paul Nissenbaum noted “He (Joe Szabo) did not hesitate – he is proud of the accomplishments of the group;” Paul added, “I will pass your message back to him.”

Bill continued by exclaiming that, overall, it was a good meeting – very worthwhile and full of enthusiasm.

Bill also expressed his thanks to AASHTO, particularly Leo Penne and his team, for all the work they put into the development of the Backgrounder. He commented that, as he understands it, the Backgrounder is now going into its third printing already. This is extremely positive. The Backgrounder has served as an invaluable educational tool on the Hill and within the states.

Bill also noted that AASHTO has identified the NGEC as one of their reauthorization principles, and it appears that APTA is including it in their reauthorization principles as well. This is all very positive for the continuation of the NGEC.

Bill added that David Kutrosky and David Ewing had distributed Backgrounders on the Hill and, in particular, with the Chair of the Railroad Subcommittee, and a number of members of the California delegation, to “bring them up

to speed on 305”.

Bill closed his comments by stating that the Annual Meeting and its follow-ups were very positive, he and asked if anyone else had comments to offer.

Ron Pate, Washington State DOT, mentioned that he has used the Backgrounder “extensively here in Washington (state)” adding that it was most useful in helping to inform our new Secretary of Transportation of what the NGEN is, what it has accomplished, and what it hopes to accomplish going forward.

Bill thanked Ron for his input and reminded those on the call that “we do need to discuss further how we grab hold of the momentum we have created and move us forward.”

#### 4.

##### **Approval of the Minutes from the February 21, 2013 NGEN Annual Meeting:**

Chairman Bill Bronte asked for a motion to accept the “extensive” minutes of the February 21, 2013 NGEN Annual Meeting as drafted by Steve Hewitt.

On a motion by Allan Paul, NCDOT, and a second by Ron Adams, Wisconsin DOT, the minutes of the February 21, 2013 NGEN Annual Meeting were approved without objection or exception.

#### 5.

##### **Decisions/Status of Open Action Items as of 3-18-2013**

The locomotive procurement status will remain as an agenda item to keep the Board updated as to its progress. (ongoing) – **Status: IDOT has been named as the lead state – Jim Lindsay has been named as IDOT’s project manager for this procurement. An update is scheduled as agenda item #9 for today.**

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

**Note: Following the Annual Meeting, the AASHTO Journal published a report on the meeting. Copies were distributed by Steve Hewitt to Board members and the industry. Last week Transportation TV aired the interview of FRA Administrator Joe Szabo which took place during the Annual Meeting. AASHTO put out a release notice of the interview as well. The link for Transportation TV was provided to all members on March 15<sup>th</sup> by Steve Hewitt.**

By the next Executive Board call, Jeff Gordon, FRA, will provide contact information to Steve Hewitt for an FTA representative(s) to listen in to NGEN Executive Board calls. **Status: This remains an open item.**

All members of the Accessibility Policy Group have now been named. They are: Bill Bronte, Caltrans, Ron Pate, Washington State DOT, Eric Curtit, Missouri DOT, Calvin Gibson, FRA, and Gary Talbot, Amtrak. **Status: nothing new to report – there will only be meetings of this group when a DCR requires a policy review.**

Modification of the Grant Agreement SOW reflecting the Board approvals of December 11, 2012 and January 8, 2013: The Amtrak grants office has submitted the formal request to FRA (on February 4, 2013) and will report back once FRA has responded. On the March 13, 2103 Finance subcommittee call Darrell Smith reported that a revised grant agreement SOW (including adjustments approved by the Board on February 21, 2013) was submitted to FRA on March 11, 2013. **Status: Paul Nissenbaum provided a status update, noting that the FRA letter “is coming out of the grants office today (March 19, 2013), and within a day or two it should be sent back to Amtrak.”**

The NGEN Audit is about wrapped up and a report should be in the hands of the Finance subcommittee in time for it to take action on February 13<sup>th</sup> and to provide a recommendation to the Board prior to the Annual meeting. **Status: The Finance subcommittee has accepted/endorsed the Audit report and Amtrak’s DRAFT response to it. The Board has asked for more time to review both the report and response. Last week AASHTO and Amtrak met to discuss concerns that AASHTO had over some of the wording. Having come to an understanding, the path has been cleared for the Board to take action on the report and Amtrak’s Draft response to it. On March 13, 2013, the Finance subcommittee requested**

**that Chairman Bronte include this as an agenda item for March 19, 2013. Bill agreed and the item is on this agenda as item #6.**

The Backgrounder is completed and has gone to print. 20 copies for each Board member and David Ewing and Steve Hewitt will be sent out today or tomorrow (February 5 or 6). A PDF version of the Backgrounder will be sent through Steve Hewitt to all Board members following today's call. Input on a shorter version with more pictures and less words and on a one page fast facts document, should be submitted to Leo Penne, AASHTO. Additional copies of the Backgrounder can be requested – contact Leo Penne. **Status: The Backgrounders were available at the Annual meeting. They have been sent (PDF) to the full Technical subcommittee and industry membership as well as the Executive Board. (All Board members also received an initial distribution of 20 hard copies each). Anyone who wants additional copies should provide Steve Hewitt with the number requested and a mailing address. Steve will, in turn, make the request of AASHTO through Leo Penne. David Ewing and Shayne Gill distributed copies during California's Railroad Day on the Hill. Other Hill distributions have been made on a regular basis by Ewing and AASHTO. Former Washington State DOT Secretary Hammond also included information from the Backgrounder as part of her presentation, and discussion, at the recent House Rail subcommittee hearing. The Backgrounder is now in its 3<sup>rd</sup> printing – the first two printings were for 500 copies each. Leo Penne has agreed to work with AASHTO design to develop two additional items – a trifold and a one page fact sheet. These will be ready for ATF review by next week. The plan is to use the strategy of saying what you want to say as many times as you can, and in as many ways as you can.**

The Annual Meeting agenda will be finalized by February 11<sup>th</sup> and submitted to AASHTO for printing. Any changes to the agenda should be sent to Steve Hewitt by COB on February 10, 2013. **Status: The Annual Meeting was held on February 21, 2013 with approximately 100 attendees. Task Complete.**

Annual Meeting presentations should be sent to Steve Hewitt by COB on February 15, 2013 for downloading to one thumb drive prior to the Annual meeting. **Status: All presentations have been posted on line and were emailed to all Board members and all Technical subcommittee and industry members. The presentations can now be found in two locations on the web site -in the Executive Board section and as a stand-alone tab for the 2013 Annual meeting.**

The facilitated workshop may or may not include a presentation from the contractor on the Section 6 effort. Eric Curtit to discuss with the facilitator during the pre-meeting interview. **Status: The workshop did include a brief report from PB. A general discussion of the workshop has been included in today's agenda as item #7.**

Discussion/review of the current task forces and subcommittees will be an agenda item for the March 5, 2013 Executive Board conference call. **Status: This is an agenda item for today. To this point, Chairman Bronte has postponed JPTF calls until a time when it is determined that this group should be reconvened (or not).**

AASHTO is preparing proposed principles for the reauthorization of PRIIA and will include approximately three bullets in regard to the NGEC. The draft NGEC principles will be distributed to Board members for review as to consistency and accuracy. **Status: At the AASHTO Legislative conference, held recently in DC, the AASHTO Action items were approved, and do include the NGEC as part of the list of AASHTO actions for the coming legislative year. Steve Hewitt provided this information to all Board members and to the industry members as well. AASHTO and APTA are also including the NGEC in their respective Principles for Reauthorization.**

FRA will assist in organizing a Hill staff briefing on the NGEC – what it is and what it has accomplished, and hopes to accomplish going forward. **Status: There is a strategy discussion included on today's agenda – this should be one of the items discussed under item #11.**

The February 19<sup>th</sup> Executive Board conference call is canceled in deference to the NGEC Annual meeting on February 21, 2013. The March 5, 2013 conference call of the Board was canceled due to schedule conflicts, and the next conference call was set for March 19, 2013 – **Task complete**



**6.**

**Executive Board consideration of the NGEN Audit and Amtrak's Draft Response to it – Bill Bronte:**

Bill Bronte commented on the fact that the Board had, as Steve Hewitt reported, asked for additional time to review the NGEN Audit Report and Amtrak's Draft response to it, and it would appear that the time is right to consider it now.

Bill Asked Gordon Hutchinson or Darrell Smith to "introduce the topic".

Darrell Smith explained that the Board members have received (from Steve Hewitt) two documents: the draft Audit report and Amtrak's draft response to it. Darrell explained that there were "no findings" as it was a "clean audit". There were only some "recommendations" that came out of the Audit report.

Darrell has met with AASHTO and "we (AASHTO and Amtrak) agree" that we will follow the recommendations in the report.

One item that was raised in the audit was that there were "undocumented costs" in the amount of \$11,000. Leo Penne, AASHTO clarified this item by noting that in regard to the "\$11,000 in undocumented costs, these will be documented costs." The costs pertained to the first two invoices at the beginning of the NGEN (dating back to 2010) and, at the time of the auditor's visit to AASHTO, the documentation was stored in off sight archives". Leo emphasized that they will be brought forward and the costs will then be documented.

Bill Bronte asked, "do we need a separate action by the Board in regard to the clarification that was raised, or do we leave it and go forward?"

Darrell Smith commented that "AASHTO and Amtrak met on the documentation, and we feel confident that they will get all of the documentation to us."

With that, Bill Bronte asked, "As a group, are we comfortable (in going forward)?"

With no further comments offered, Bill called for a motion to accept the NGEN Audit Report and Amtrak's response to it.

Al Ware, Georgia DOT, offered a motion to accept, and was seconded by Ray Hessinger, NYSDOT.

Chairman Bronte asked Steve Hewitt to call the roll:

Bill Bronte, Caltrans – aye

Mario Bergeron, Amtrak – aye

Gordon Hutchinson, Amtrak – aye

Al Ware, Georgia DOT – aye

Paul Nissenbaum, FRA – abstain

Note: The FRA abstained due to a conflict between its role as grantor and as one of the committee members representing the grantee. Paul commented that the abstention should not imply a no vote or a yes vote, it is simply an abstention due to the reasons noted.

Eric Curtit, Missouri DOT – aye

John Oimoen, IDOT – aye

Ray Hessinger, NYSDOT – aye

Allan Paul, NCDOT – aye

Ron Pate, Washington State DOT – aye

Ron Adams, Wisconsin DOT – aye

With a quorum having been established and all state members present voting in favor and with the Amtrak members voting in favor, the motion has carried.

Bill Bronte expressed special thanks to Gordon Hutchinson and Darrell Smith for the great improvements that have been made and a special thanks to Leo Penne and AASHTO for all their hard work put in along with Amtrak

in improving the process.

Bill then segued into the issue of abstentions and noted that the Administrative task force (ATF) is currently looking at abstentions with an intent to clarify their use. Bill noted that others have, at times, had to abstain in previous votes, for reasons other than a no or yes opinion.

Bill asked Al Ware, chair of the ATF, to explain what they are looking at with regard to this issue.

Al explained that on the last ATF call (Friday, March 15, 2013) Steve Hewitt raised the notion that the Administrative task force has not looked at the by-laws since 2011, and should do a review of them each year to see if there are changes that need to be made or if anything in the by-laws is out dated or no longer relevant. In regard to the specific issue of abstentions from votes, Al noted that Steve had suggested that there was no clear direction in the by-laws with regard to abstentions, and, as part of the ATF review this issue should be looked at as well. Al described the process as "in its early stages".

Steve Hewitt affirmed Al's comments and added that Chad Edison, FRA, had approached him about asking the ATF to look into the various circumstances that may arise in which the FRA will need to abstain because of its status as the grantor. Steve noted that there may well be times when Amtrak or even a state may need to abstain for a specific reason unrelated to its opinion of the motion, and so it certainly makes sense to clarify the handling of abstentions.

Ray Hessinger, NYSDOT, asked what would happen if both Amtrak and FRA had to abstain from a vote, could it be approved via block vote. Steve said, technically no, because there would only be one of the three blocks voting. However, the fact that neither abstention is meant to express a no vote, it should not prevent a motion from being approved. While this situation is not will likely to occur, it reinforces the need to add something to the by-laws or NGEC policies that will provide clarification.

The ATF has agreed that Steve Hewitt and Al Ware will have a discussion about abstentions and will come back to the ATF for development of a policy. For the larger issue of by-law review, the ATF members have been asked to review the by-laws and submit any proposed changes to Al and Steve over the next two weeks. They will then discuss the proposed changes submitted, present them to the full ATF for input and establish a timeline and process for addressing them.

## **7.**

### **February 20, 2013 Workshop Meeting Follow Ups – Bill Bronte:**

Refining/Tweaking the vision statement:

Bill Bronte summarized the workshop discussion in regard to developing an NGEC vision statement and noted that the group had come to general agreement on one which was "pretty close to final", but needed a few "tweaks".

The statement, as agreed to in principle, is:

"The NGEC is a national leader in standardization, acquisition, financing, and management of passenger rail."

There were a number of tweaks discussed at the workshop, but not acted on. For one, Tim Hoeffner, Michigan DOT, suggested that the phrase "is a national leader" be changed to "will provide leadership" and a second "tweak" was suggested by a participant that the tense of the statement be changed from present to future – or – "is" to "will be".

Since Tim Hoeffner was unavailable today due to a death in the family, Bill Bronte asked the Board to wait until the next call to finalize the statement.

It was agreed that the final statement would be considered on the next call (April 2, 2013), but that a draft revised statement with the proposed "tweaks" addressed in it, be presented to members for consideration in advance of the call.

Review/Comment Facilitator's Report:

Bill Bronte noted that he had not had a lot of time to thoroughly review the Facilitator's report, but felt that Paul Cooper (the facilitator) had done quite well in identifying the key NGECC future activities/tasks that members had considered during the workshop. Mr. Cooper had taken many suggested activities and condensed them down while also putting them into categories.

Bill asked that all members of the Board review the facilitator's report and, if they see any duplication, or missed items in the categories identified, they should send their thoughts to Bill Bronte and Steve Hewitt.

Ray Hessinger, NYSDOT, commented that he had reviewed the report, and felt that the facilitator had done a "good first cut" of the various tasks. Ray added "I have begun to reorganize it", but "I am only about half way through".

Ultimately, it was agreed that Ray would complete his reorganization of the tasks, and share it with the task force members assigned to take them and develop strategic goals.

Working Group update: developing strategic goals:

The working group or task force named during the workshop to develop proposed strategic goals is:

Bill Bronte, Caltrans  
Ray Hessinger, NYSDOT  
Eric Curtit, Missouri  
Paul Nissenbaum, FRA  
Dave Warner, Amtrak

This group has not met yet. It was agreed that they will meet following the next Board conference call (April 2, 2013) and begin to determine a process and timeframe, as well as begin a review of Ray Hessinger's comments.

**Mario Bergeron, Amtrak, asked that Darrell Smith, Amtrak Finance, be added to the task force as a second member from Amtrak. Bill Bronte agreed and Darrell was added to the group.**

Leo Penne noted that the task force could utilize the facilitator if need be, as only about half of the approved budget for a facilitator was used thus far.

It was agreed that Leo Penne should contact Paul Cooper to get his input as to whether a facilitated Skype or web conference could work, and report back to the Board on the next call. The thought is that the task force, as it gets close to developing the strategic goals, may be well served to have a facilitated discussion to come to terms on those goals before presenting them to the full Board for consideration.

## **8.**

### **Status Update: Structure and Finance Task Force (SFTF) – Eric Curtit:**

Eric Curtit reported that the contractor working on the section 6/deployment project has named a new project manager (at Eric's request) and they have finally delivered a schedule. The schedule calls for a draft of task 1 by the end of April, 2013, with a first draft having been reviewed and commented on by the SFTF working group prior to that.

Eric closed his report by saying "we still have no product and no invoice."

Bill Bronte, noted the length of time that has passed since the contract was signed (September, 2012) and asked how comfortable Eric was with the progress to date. Eric did not express great comfort; but stated that he is willing to give the new contractor team a chance to produce.

Eric stated that he wants "to see where we end up in the next 2-4 weeks" and then determine if further action needs to be taken.

Eric also emphasized that he has had frank discussions with the contractor, and has made it very clear that "we need product and we need an extraordinary effort to get it going forward."

Eric added, in reference to the contract timeframe, "we will need an extension with some things clearly laid out in

it". Eric will draft a proposed extension with those items identified, and will share it with Bill Bronte before moving on it.

**9.**

**Status Update – Locomotive Procurement – FRA:**

John Oimoen, Illinois DOT, provided a brief overview of the progress that has been made on the Diesel-electric locomotive procurement:

IDOT has its team in place and has identified state leads on the technical and legal side.

The other states involved in the procurement have also identified their representatives.

About three weeks ago IDOT held a kick-off meeting with FRA. John described it as a "productive day".

A draft schedule has been put together, but, as a draft, it is not ready for public dissemination.

A proposed procurement process has been developed utilizing much of the process developed for the bi-level car procurement.

Jim Lindsay has been named project manager, and brings a wealth of experience with him as well as a strong reputation.

The team is developing evaluation criteria, and asking states about their level of involvement in that process.

They are working on state agreements and should have them put together in a month or so.

Paul Nissenbaum, FRA, expressed his thanks to John Oimoen, Joe Schacter and the entire IDOT leadership. He also noted that "We appreciate the effort, and are pleased with the other state partners as well."

At this point, Bill Bronte asked if the smaller version of the Joint Procurement Task Force should be resurrected, adding that "we found it valuable in going through our process."

Paul Nissenbaum suggested that updates continue to be provided to the Executive Board on the bi-weekly conference calls. He noted that IDOT is working with each of the partners, and getting confidentiality agreements in place, and, he believes it will help to get it up and running in this way.

Bill Bronte stated that he understood, and added "I just want to be sure that everyone has a chance to know what is going on, and I would only want calls if they were necessary."

**10.**

**Discussion/Review of the current task forces and subcommittees – Bill Bronte:**

Bill Bronte re-introduced the topic of taking a look at subcommittees and task forces to see if any should be changed or eliminated. He noted that there are a lot of calls on the schedule, so many that "I think Steve Hewitt spends forty hours a week on conference calls!"

Steve acknowledged that there are a lot of calls, and some weeks 40 hours would be an accurate estimate.

Bill asked that all members take a good look at the subcommittees and task forces to see "if any have out lived their usefulness" adding "we will resurrect this discussion on our next call". Bill also emphasized that the "frequency of the various calls" should also be looked at closely.

**11.**

**Ongoing Strategic Discussion – FY 2014 Appropriations – NGEC – Bill Bronte:**







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The Vision statement will be a topic for consideration on the April 2, 2013 Executive Board call. A revised draft statement with the proposed tweaks incorporated into it will be developed in advance of the Board call to assist in coming to closure on this item.

**ATTACHMENTS**



**S305 NGEC Executive Board Conference Call  
March 19, 2013  
11:30 AM – 1:00 PM EDT  
Call in number: 866 299 7945 passcode: 1601544#**

**Agenda**

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|---|-----------------|
| 1. Open the Meeting   | Bill Bronte     |
| 2. Roll Call  | Steve Hewitt    |
| 3. Chairman's overview: 3 <sup>rd</sup> NGEC Annual Meeting   | Bill Bronte     |
| 4. Approval of Minutes from February 21, 2013 NGEC Annual Meeting   | Bill Bronte     |
| 5. Action Items Review  | Steve Hewitt    |
| 6. Executive Board consideration of NGEC Audit and Amtrak's draft response  | Bill Bronte     |
| 7. Workshop Meeting Follow ups<br>Refining/tweaking vision statement<br>Review/comment Facilitator's report<br>Working group update: developing strategic goals | Bill Bronte     |
| 8. Status Update: Structure and Finance Task Force  | Eric Curtit     |
| 9. Status Update: Locomotive procurement  | Paul Nissenbaum |
| 10. Discussion/review of the current task forces and subcommittees  | Bill Bronte     |
| 11. Ongoing Strategic Discussion: FY2014 Appropriations – NGEC  | Bill Bronte     |
| 12. Other   | All             |