

# SECTION 305 FINANCE and ADMINISTRATIVE SUB COMMITTEE

MINUTES

DECEMBER 8,  
2021

3:00PM EASTERN

WEBEX MEETING

<b>FACILITATOR</b>	<i>Tim Ziethen, Chair of the S305 Finance and Administrative Subcommittee (FASC)</i>
<b>ATTENDEES</b>	<i>Tim Ziethen, Jeff Gordon, Brian Beeler II, Ray Hessinger, Amanda Martin, Arun Rao, Strat Cavros, Mike Murray, Rebecca Anger, Steve Hewitt</i>
<b>ABSENTEES</b>	<i>John Oimoen, Jason Biggs, Troy Hughes, Shayne Gill, Larry Salci,</i>

## DECISIONS MADE

### 1. Welcome and Open Meeting – Tim Ziethen, Amtrak:

Subcommittee Chair, Tim Ziethen, Amtrak, opened the conference call meeting and asked Steve Hewitt to call the roll.

### 2. Roll Call – Steve Hewitt:

After calling the roll, Steve Hewitt confirmed the presence of a quorum.

### 3.

#### Approval of Minutes from the 10-13-21 and 11-10-21 conference calls– Tim Ziethen, Amtrak:

On a motion by Arun Rao, WisDOT, and a second by Ray Hessinger NYSDOT, the minutes from 10-13-21 and 11-10-21 were approved as submitted.

The approved minutes will be distributed to all FASC members and to AASHTO for posting.

### 4.

#### Treasurer’s Update – Tim Ziethen:

Tim Ziethen provided the following Treasurer’s update which was unchanged since the last update):

Balance/ Spend Rate:

Total Initial Grant Amount: \$1,250,000.

Amount Spent through September 2021: \$834,812.51

Balance remaining: \$ 415,187.49

Estimated spend at current rate for the remaining grant period (through 9-30-23): \$333,925.00

Current Spend Rate per month (as info and used in calculating): \$13,913.54

Estimated Balance at the end of the Extension Period (Contingency): \$81,262.49

Strat Cavros let Tim Ziethen know that he sent him an email that noted that the October expenses were about \$15,000.

### 5.

#### NGEC By-Laws Revisions as recommended by the FASC Adopted by the NGEC Executive Board – Steve Hewitt:

Steve Hewitt reported that on 11-30-21, the Executive Board adopted the By-Laws revisions as recommended by the FASC on 10-13-21. The By-Laws as revised have been finalized by Steve Hewitt and were distributed to all Board members and to AASHTO for posting to the NGEC website.

### 6.

#### Finalizing the 2022 NGEC two-pager/comments received - Tim/Steve:

Steve Hewitt walked through the proposed changes which were discussed on the 10-13-21 FASC call and the 11-10-21

FASC call, no additional changes were recommended. It was intended that the changes to the 2021 two-pager that would be updated to a 2022 version would be considered for approval during the 11-10-21 call.

Due to the lack of a quorum, the consideration of approval was tabled.

As a result of consideration of approval was tabled on 11-10-21, the intent was to consider the changes on this call (12-8-21) and submit them, if approved by FASC, on to the NGEN Executive Board for its review on 12-14-21.

Please note, on 11-30-21, Steve Hewitt did preview the proposed changes to the Executive Board and noted that a lack of a quorum of the FASC members on 11-10-21 had delayed its consideration of those changes. Steve did advise the Board of the next steps as noted above.

On 12-8-21, Steve briefly reviewed the changes that had previously been reviewed with no additional comments and he reported updated numbers for inclusion in the page 1 timeline column to show Charger Locomotives in service and coach cars delivered.

Summary of proposed changes discussed on 10-13-21, 11-10-21 (FASC) and 11-30-21 (Executive Board).

Proposed changes:

**On the front page:**

- Change the date to 2022
- Add the NGEN website information on the top of page 1 in the green area ([www.305ngec.org](http://www.305ngec.org)).
- Insert a new picture to the front page. The picture is to be selected from those provided by IDOT with a credit to Art Peterson who took the photos.
- Update the Timeline column to include the TSSSA document released in September 2021 and update the DMU Revision A date to December 2021 and the Trainset Specification update to Spring 2022.
- Update the page 1 Timeline with the number of Charger Locomotives placed in service since the initial Charger was delivered in 2017 – the number is 65.
- Update the single level coach cars delivered to date - the Midwest states number is 42. (need to obtain Caltrans number).

**On page 2**

- On the third set of Results change the first bullet to say:  
*"Standardized specifications ensure rolling stock designs suited for use across North America."*
- On the second bullet add a period (.) to the end of the sentence.

**Historical/context Note:** *On the 10-13-21 FASC call, Jeff Gordon, FRA, suggested the use of a picture of the VIA Rail Trainset that has just been delivered (VIA Rail used NGEN specs as the base spec and is an NGEN Tech subcommittee member.*

*Over the last two months several NGEN members raised a concern with having the VIA Rail photo on the front page rather than a photo of equipment in service in the US.*

*On the 11-30-21 Executive Board call, this point was discussed, and the Board members agreed that using a picture of the Charger Locomotive or a new single level coach car (s) in service in the US would be more appropriate.*

*During the 11-10-21 FASC call and the 11-30-21 Executive Board call Steve Hewitt reported that Dave Warner reached out to IDOT for some photos of the Charger and rail coach cars and received several. Those photos were sent to the FASC members prior to the 11-10-21 call, after Steve Hewitt obtained permission to use the pictures from John Oimoen and Jennifer Bastian of IDOT. On that call, the consensus was to definitely use one of those pictures on the front page of the 2022 two-pager.*

*On 11-10-21, members of the FASC were asked to comment on the pictures and let Steve Hewitt and Tim Ziethen know which picture would be preferred. No comments have been received.*

**Discussion:**

Today, 12-8-21, as Steve Hewitt presented the overview, he was asked if he could show the changes in a mock-up of the two-pager. Steve noted that he does not have the software to make the changes and, as he did last year, his plan is to annotate the changes (once approved by the FASC and the Executive Board) in an email to MODOT along with notes made on a copy of the PDF version of the two-pager. This was the process in previous years and MODOT was fine with it. They were able to make the changes in a mock-up and send to the Board for its review.

Tim Ziethen acknowledged that this was the intent, and it was the way it was previously done.

Steve Hewitt reiterated that the FASC has reviewed the changes over the past three months and is already a month behind in considering approval of those changes. This has slowed the process down.

Ray Hessinger suggested that the changes be provided to MODOT and that a mock-up be provided to the Executive Board by MODOT.

Steve Hewitt stressed that the FASC must approve the changes first – hopefully today (12-8-21) and the next step would be for the Board to agree to those changes so that MODOT could be asked to make them.

Ray Hessinger stressed the short timeline for reaching the goal of having the new two-pager ready for release at the NGEAC Annual meeting in February 2022.

Steve Hewitt noted that MODOT had stated that they could turn it around quickly, but Steve agreed that they should be provided with the changes soon, and that nothing can happen until the FASC moves them out of the subcommittee.

Ultimately, it was agreed that the FASC should consider the changes today (12-8-21) and Steve Hewitt should send the marked up two-pager and annotation to MODOT and the Board at the same time – asking MODOT to try to provide a mock-up with the updates by the 12-28-21 Executive Board meeting.

**FASC Consideration of the proposed changes for submittal to the Executive Board:**

Tim Ziethen called for a motion to approve the proposed changes for submittal to the Executive Board and to send to MODOT with a request to prepare a mock-up for Board final approval.

A motion was offered by Brian Beeler II, for Maine DOT. A second was offered by Arun Rao, WisDOT.

With no further discussion forthcoming, Tim Ziethen asked Steve to conduct a roll call vote on the motion:

Roll call vote:

Tim Ziethen, Amtrak – aye  
Brian Beeler II for Maine DOT – aye  
Ray Hessinger, NYSDOT – aye  
Arun Rao, WisDOT – aye  
Amanda Martin, Iowa DOT – aye  
Jeff Gordon, FRA – aye

With a quorum having been confirmed and all voting members present voting in the affirmative, Tim Ziethen determined that consensus has been achieved and the motion is approved.

Steve Hewitt will send a marked-up pdf of the two-pager with the changes noted, as well as a list of those changes to MODOT and to the Executive Board.

Tim Ziethen will provide the Board with the status as a part of a FASC report to the Executive Board on the 12-14-21 call.

**6.****Follow ups on developing a plan to increase NGEAC awareness – Tim:**

Tim Ziethen had a discussion with Amtrak Senior Associate Counsel about what the NGEAC could do, legally, to increase the general awareness of the NGEAC. Tim asked whether the NGEAC could legally issue press releases; be proactive with congress by providing staff with periodic updates on NGEAC activities - unsolicited; and potentially attend trade shows or advertise in trade publications.

The Senior Associate Counsel reviewed the By-Laws and noted that currently authority to do so is not spelled out in the

NGEC By-Laws. He suggested that the Committee could amend the By-Laws to allow for such outreach. He also noted that in most cases material is submitted to congress upon request – normally it is not sent unsolicited.

Tim Ziethen noted that he expects to receive the recommendations in writing from Amtrak counsel and suggested that, even though the By-Laws have just been revised/updated; he (Tim) and Steve Hewitt could draft a paragraph that for consideration that would amend the By-Laws to allow for activities that will increase awareness of the NGEC activities.

Steve pointed out that an amendment or revision to the By-Laws can be proposed any time by any member of the Board, however, by NGEC procedures, such an amendment would go first to the FASC and once approved by that body, would be required to be provided to the Executive Board in writing. The proposed amendment would have to be in the hands of the Board members in writing for 30 days before the Board could vote on it.

Steve suggested that Tim report on this during his FASC update to the Executive Board on 12-14-21.

Tim agreed and will raise the issue with the Board on 12-14-21.

The next step would be to draft the proposed paragraph to be submitted as a revision to the By-Laws and include it on the agenda of the next FASC call 1-5-22. If approved there it could go to the Executive Board and be in its possession for 30 days and be considered for approval on the Executive Board call on 2-8-22. This would be ample time to have the latest By-Laws revision included in the meeting materials for the Annual meeting of the NGEC on 2-25-22.

On another note, Steve reported that he would be on a call with AASHTO to discuss the NGEC Annual Meeting and coordination among all of the organizations meeting the week of February 21, 2022, in conjunction with AASHTO's CORT meeting in Washington, DC.

**Adjourn:**

With no other business forthcoming, Chairman Ziethen adjourned the call at around 3:45pm Eastern.

**By Computer:** <https://stephenhewittconsulting.my.webex.com/meet/shewitt109>

**by phone:** 1-415-655-0001

**Access code:** 126-073-1531

**Next call – 1-5-21**

**Decisions - Action Items**

**Treasurer's Report – 12-8-21:**

Balance/ Spend Rate:

Total Initial Grant Amount: \$1,250,000.

Amount Spent through September 2021: \$834,812.51

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AASHTO reported that the expenses for October were around \$15,000. S

**Exploring/confirming funding options beyond 9-30-2023: (From the Executive Board call of 10-5-21)**

On 10-5-21, Mike Murray, FRA, reported that the FRA is looking at options and briefing leadership in the Office of Railroad Policy and Development. This will take a couple of months and Mike suggested that the Board not carry this as an agenda item for the bi-weekly meetings as it will take time. When he has more information, he will let the Board know.

Tim Ziethen reported that he has reached out to Ken Altman, Amtrak Government Affairs to follow-up with him on

previous discussions that an option could be Amtrak funding the NGEC through its grant. It was the general thinking that this would be a possibility as the NGEC was included as a potential type of recipient in the overall Amtrak grant request. Tim will report back once he hears from Ken Altman.

**Decisions/Actions:**

Ray Hessinger suggested that the FASC follow these issues and keep this on their monthly agenda, and report back to the NGEC Executive Board as more information is forthcoming.

The NGEC will explore potential grant opportunities and potential appropriations requests for funding beyond 2023.

**Developing a plan to increase NGEC awareness as of 12-8-21:**

Tim Ziethen had a discussion with Amtrak Senior Associate Counsel about what the NGEC could do, legally, to increase the general awareness of the NGEC. Tim asked whether the NGEC could legally issue press releases; be proactive with congress by providing staff with periodic updates on NGEC activities - unsolicited; and potentially attend trade shows or advertise in trade publications.

The Senior Associate Counsel reviewed the By-Laws and noted that currently authority to do so is not spelled out in the NGEC By-Laws. He suggested that the Committee could amend the By-Laws to allow for such outreach. He also noted that in most cases material is submitted to congress upon request – normally it is not sent unsolicited.

**Action:**

Once the counsel has provided his recommendation in writing to Tim Ziethen. Steve Hewitt and Tim will develop a proposed paragraph for consideration by the FASC as a revision to the NGEC By-Laws. This will then follow the NGEC process for revising the By-Laws with a goal of having the update adopted by the NGEC Annual meeting (2-25-22).

**2021 NGEC two-page handout:**

2021 NGEC two-page educational document:

615 of these documents have been distributed electronically.

**Developing the 2022 NGEC two-pager/comments received:**

On 12-8-21, the Finance and Administrative subcommittee approved the following updates for the 2022 version of the NGEC two-pager:

Proposed changes:

**On the front page:**

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**On page 2**

- On the third set of Results change the first bullet to say:

*"Standardized specifications ensure rolling stock designs suited for use across North America."*

- On the second bullet add a period (.) to the end of the sentence.

**Action:**

Steve Hewitt will send a marked-up pdf of the two-pager with the changes noted, as well as a list of those changes to both MODOT and the Executive Board.

Tim Ziethen will provide the Board with the status as a part of a FASC report to the Executive Board on the 12-14-21 call.

**Quarterly Grant Progress Report to FRA:**

The Quarterly Report for the period ending 9-30-21 was submitted on time on 10-30-21 to FRA and was distributed to all Board members by Steve Hewitt.

**The next Quarterly Report to FRA for the period ending 12-31-21 will be due to FRA on 1-31-22.**

**Annual By-Laws Review:**

Steve Hewitt reported that on 11-30-21, the Executive Board adopted the By-Laws revisions as recommended by the FASC on 10-13-21. The By-Laws as revised have been finalized by Steve Hewitt and were distributed to all Board members and to AASHTO for posting to the NGEN website.

This task (annual By-law's review) is complete for 2021.

Additional revisions may be made over the next several months as noted in the discussion held today (12-8-21).

**Preparing the FASC presentation for the 2022 NGEN Annual meeting:**

Tim Ziethen will have a draft presentation ready for FASC review on the 1-5-22 FASC call.

By Computer: <https://stephenhewitthewittconsulting.my.webex.com/meet/shewitt109>

by phone: 1-415-655-0001

Access code: 126-073-1531

**Next Call -1-5-22**

**ATTACHMENTS**



*Our Vision: The NGEN will provide national leadership in standardization, acquisition, and management of passenger rail equipment.*

**SECTION 305 NGEN Finance and Administrative Subcommittee (FASC)**

**Web Ex video/audio information:**

By Computer: <https://stephenhewitthewittconsulting.my.webex.com/meet/shewitt109>

by phone: 1-415-655-0001

Access code: 126-073-1531

**AGENDA**

**12-8-21**

- |   |              |
|---|--------------|
| 1. Welcome/Open   | Tim Ziethen  |
| 2. Roll Call  | Steve Hewitt |
| 3. Approval of the Minutes from 10-13-21 and 11-10-21   | Tim Ziethen  |
| 4. Treasurer's Update   | Tim Ziethen  |
| a. Balance-Spend Rate   |              |
| 5. NGEC By-Law Revisions Adopted by the Executive Board 11-30-21                                | Steve        |
| 6. Finalizing the 2022 NGEC two-pager recommendations   | Tim/Steve    |
| 7. Consider FASC Approval of the 2022 NGEC two-pager for submittal to the Executive Board       | Tim          |
| 8. Follow-ups on developing a plan to increase NGEC awareness                                   | Tim          |
| 9. Establishing a timeline for preparation and review of DRAFT FASC Annual Meeting presentation | Tim          |
| 10. Other Issues/questions  | All          |

**Next Call 1-5-21**