

# SECTION 305 FINANCE SUB COMM

MINUTES

AUGUST 24, 2011

3:00 PM EST

CONFERENCE CALL

<b>FACILITATOR</b>	<i>DJ Stadler, Treasurer S305 NGECE Committee Executive Board, and Chair of the S305 Finance Subcommittee</i>
<b>ATTENDEES</b>	<i>DJ Stadler, Brent Thompson, Jim Donlin, Steve Hewitt, Jeannie Beckett, Metron Lee, Shayne Gill</i>
<b>ABSENTEES</b>	<i>Paul Nissenbaum, Whitney Phend, Juli Salvi, Amy Arnis, Chad Edison, Leo Penne, David Ewing, Bill Bronte, Ken Uznanski, Nancy Greene</i>

## DISCUSSION AND DECISIONS MADE

DJ Stadler called the meeting of the Finance subcommittee to order and the roll call was taken.

On a motion by Brent Thompson, and a second by Jim Donlin, the minutes of the July 27, 2011 conference call were approved without objection.

Agenda items:

1. Status of Letter to Appropriators re: NGECE funding FY2012 – DJ Stadler
2. Update: Rob Edgcumbe – contract status – DJ Stadler
3. Update: Structure and Finance Working Group Status – DJ Stadler
4. Update/Status: Current Grant Agreement modification – DJ Stadler
5. Other – All

### **Item 1 - Status of Letter to Appropriators re: NGECE funding FY2012 – DJ Stadler:**

DJ reported that the letter was sent this morning to Executive Board members for review and signature. Steve Hewitt reported that he had received sign offs from 4 Board members thus far.

Steve asked the Washington State DOT members if they knew who Washington DOT intended to appoint to the Board now that Scott Witt has left the DOT. Jeannie Beckett responded that the acting Director for Rail in WSDOT is John Sibold, and she would recommend that he be appointed to replace Scott Witt on the Board. Steve asked that she confirm this, and reminded her that the most pressing action is to ask John to sign the 305 Appropriations letter if he approves of it.

Jeannie agreed to get confirmation and bring the letter to John's attention.

**Item 2 – Update: Rob Edgumbe’s contract status – DJ Stadler:**

DJ reported that Rob Edgumbe had been contracted to Amtrak prior to the establishment of the S305 NGEC, and had been providing support to the Technical subcommittee and other facets of the NGEC since its inception. On July 31, 2011, Rob’s contract with Amtrak expired and due to an Amtrak two year limitation rule, Rob’s Amtrak contract could not be extended.

The Technical subcommittee would like to procure Rob’s services under a Section 305 NGEC procurement contract. DJ reported that he checked with Amtrak’s lawyers to see if this was ok to do, and they said that it was. DJ stated that there were a few minor issues that had to be agreed to by Rob in order to allow for the 305 procurement contract to be executed. The legal issues involved confidentiality type agreements that Rob would be asked to sign as a former contractor to Amtrak.

Once DJ has talked to Rob and explained what action is required, he anticipates that Rob will agree and his services will be procured by the 305 NGEC, primarily as support for the Technical subcommittee. Rob will, at that point, also be able to continue the work he has been doing with the Structure and Finance Working Group.

DJ anticipates that the contractual matters will be resolved by the next Executive Board meeting and Rob will be back “on board” again.

**Item 3 – Report from the Structure and Finance Working Group (SFWG) – DJ Stadler:**

DJ asked if any Finance subcommittee members had anything to report on in regards to the SFWG. Steve Hewitt reported that the document prepared by Rob Edgumbe and modified/approved by the subcommittee previously, had been transmitted to the Executive Board prior to its last call (August 16, 2011). The item was not on the agenda for that call, as Rob’s status was not yet determined.

We will ask Rob to provide an update once his services have been retained.

**Item 4 – Status of the Current Grant Agreement Modification – DJ Stadler:**

DJ Stadler reported that the current grant agreement modification had been approved and signed by Amtrak and FRA. It continues funding the work of the NGEC through March 31, 2012. DJ noted that the hope is that the Committee will receive additional funding in the FY 2012 appropriations to continue the work of the NGEC beyond March 31, 2012.

Steve Hewitt asked what the significance was of the areas in the agreement highlighted in yellow. DJ responded that the highlighted areas were the changes to the agreement.

**Item 5 – Other – All:**

On behalf of David Ewing, who was unable to make today’s call, Steve Hewitt asked DJ if he had received an answer from Amtrak’s lawyers in regards to sending David a copy of the Amtrak RRIF loan. DJ said that Amtrak was ok with the request, but was now checking with FRA.

Steve clarified that David was really only interested in the methodology that was used to demonstrate the revenue stream.

DJ recalled that he had agreed previously to send that specific information to David, and will do so today.


**Action Items Update**

**Carryover Action Item:** Leo Penne, AASHTO, has sent out a request for states to provide contact information of state attorneys who work with their state’s rail program. Purpose is to establish a states legal pool as a resource to the Committee. Leo will provide a list of the 20 states that have responded and send it to Steve Hewitt for distribution.

**Carryover Action Item:** Nancy Greene to provide DJ Stadtler with proposed voting procedures for the Finance subcommittee to consider. (It will be based on the procedures adopted by the Technical subcommittee)

**Action Item:** DJ Stadtler to provide subcommittee members and Board members with the draft Appropriations request letter prior to the August 2, 2011 webinar/conference call meeting of the Board –**Task Completed.**

**Action Item:** Rob Edgcumbe will revise the SFWG report and provide it to Steve Hewitt for distribution to the Finance subcommittee members by the end of the week. The intent is to take it to the Board by August 16, 2011. – **Task Completed.**

**Action Item:** DJ Stadtler to check with FRA on the status of the current grant agreement modification in advance of the August 2, 2011 Board call. – **Task Completed**

**New Action Item:** Jeannie Beckett to check with Washington DOT acting Rail Director, John Sibold to confirm who Washington’s representative will be on the Executive Board in place of Scott Witt. Jeannie will also check into getting a Washington State DOT (most likely John Sibold’s) signature on the appropriations letter.

**New Action Item:** DJ Stadtler will provide David Ewing with information in regards to the methodology used by Amtrak in its RRIF loan to demonstrate the revenue stream.

**Agenda**

July 27, 2011

1. Status of Letter to Appropriators re: NGEC funding FY2012 – DJ Stadtler
2. Update: Rob Edgcumbe contract status – DJ Stadtler
3. Update: Structure and Finance Working Group Report- DJ Stadtler
4. Update/Status Current Grant Agreement Modification – DJ Stadtler
5. Other discussions - All

**Next Finance subcommittee conference call: September 7, 2011 at 3:00pm Eastern  
866 209 1307 access code: 8597804#**