

# SECTION 305 FINANCE and ADMINISTRATIVE SUB COMMITTEE

MINUTES

JANUARY 5, 2022

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, John Oimoen, Ray Hessinger, Troy Hughes, Amanda Martin, Arun Rao, Rebecca Anger, Steve Hewitt</i>
<b>ABSENTEES</b>	<i>Jason Biggs, Strat Cavros, Shayne Gill, Larry Salci, Mike Murray</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 12-8-21 conference call– Tim Ziethen, Amtrak:**

On a motion by Arun Rao, Wisconsin DOT, and a second by Amanda Martin, Iowa DOT, the minutes from 12-8-21 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:

Balance/ Spend Rate:

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

Amount Spent through October 2021: \$850,314.73

Balance remaining: \$ 399,685.27

Estimated spend at current rate for the remaining grant period (through 9-30-23): \$320,610.47

Current Spend Rate per month (as info and used in calculating): \$13,939.59

Estimated Balance at the end of the Extension Period (Contingency): \$79,074 (this would carry the NGEC about 5 months beyond the end of the grant period)

**5.**

**Follow ups on developing a plan to increase NGEC awareness – Tim:**

Tim Ziethen reported that he has had 1 follow-up conversation with the Amtrak Deputy General Counsel and has exchanged emails with him as recently as 1-5-22.

The Counsel intends to send a guidance memo to Tim Ziethen on recommendations of what can be done.

It is anticipated that the guidance memo will reaffirm what has been discussed previously that the NGEC Executive Board can/should update its By-Laws consistent with its mission and statute to include activities that will increase awareness of the NGEC.

Tim also noted that it would be reasonable to include activities like issuing press releases, attending events or trade shows would be well within the scope of the NGEC.

Tim pointed out that the counsel has noted that corresponding with Congress should be done only when requested.

Tim asked Steve Hewitt of the timeline for making any such changes to the By-Laws. Steve said that if the guidance comes out in advance of the 2-2-22 FASC call, they could be discussed, and proposed changes could be developed. Once the FASC approves proposed Bi-Laws revisions, they would be submitted to the Executive Board. The Board would have to have the proposed changes in writing for 30 days before considering them for adoption. This timeline would likely take adoption into the month of March or April 2022.

**6.  
DRAFT FASC and Treasurer's Report – Annual meeting – Tim:**

Tim Ziethen walked through the DRAFT Annual meeting FASC and Treasurer's Report presentation.

A few minor changes were proposed, and Tim will provide an updated DRAFT to Steve Hewitt following the call.

Steve will transmit the updated presentation to the FASC members along with the minutes from the 1-5-22 call.

During the discussion of the presentation, Steve Hewitt interjected that he and Jeff Gordon, FRA, had received the following update from Mike Murray, FRA, on the status of his efforts related to FRA providing future funding for the NGECC:

*As an update, I am still trying to get time in front of decision makers on future funding for NGECC. Hoping to have an update in the next few weeks.*

**Other:**

During the FASC call, Steve Hewitt reported on the status of the w2022 two-page educational document:

On 12-28-21, the Executive Board reviewed the DRAFT mock-up prepared by Missouri DOT's graphic arts (Laura Seabaugh) and requested a number of changes.

Steve Hewitt sent the changes to Laura on 1-4-22 and received an updated version within a few hours. The updated version was sent to all NGECC Board members (which includes the members of the FASC as well).

Steve anticipates that the Executive Board will discuss and likely approve the 2022 two-pager on its next call (1-11-22). If additional changes are requested, approval would likely come on 1-25-22. Either way, the document should be finalized and ready for printing by the end of January and ready for distribution at the Annual meeting on 2-25-22.

**Adjourn:**

With no other business forthcoming, Chairman Ziethen adjourned the call at around 3:25pm Eastern.

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

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

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

**Next call – 2-2-21**

**Decisions - Action Items**

**Treasurer's Report – 1-5-22:**

Balance/ Spend Rate:

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

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**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.

**Status Update – 1-5-22 from Mike Murray, FRA:**

*As an update, I am still trying to get time in front of decision makers on future funding for NGEC. Hoping to have an update in the next few weeks.*

**Developing a plan to increase NGEC awareness as of 1-5-22:**

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).

**Status Update as of 1-5-22:**

Tim Ziethen reported that he has had 1 follow-up conversation with the Amtrak Deputy General Counsel and has exchanged emails with him as recently as 1-4-22.

The Counsel intends to send a guidance memo to Tim Ziethen on recommendations of what can be done.

It is anticipated that the guidance memo will reaffirm what has been discussed previously that the NGEC Executive Board can/should update its By-Laws consistent with its mission and statute to include activities that will increase awareness of the NGEC.

Tim also noted that it would be reasonable to include activities like issuing press releases, attending events or trade shows would be well within the scope of the NGEC.

Tim pointed out that the counsel has noted that corresponding with Congress should be done only when requested.

**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:**

A mock-up of the 2022 Two-Pager was developed by MODOT Graphic Arts. On 12-28-21, the NGEC Executive Board reviewed the mock-up and asked for additional changes. On 1-4-22, MODOT Graphic Arts completed the revised mark-up and Steve Hewitt sent it to The Board members for consideration on the 1-11-22 meeting of the Board.

**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 NGEC 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 on increasing NGEC awareness.

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

On 1-5-22, Tim Ziethen provided an overview of the DRAFT Annual meeting presentation. Several changes were suggested. An updated version is provided with the distribution of these minutes.

**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 NGEC will provide national leadership in standardization, acquisition, and management of passenger rail equipment.*

**SECTION 305 NGEC 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**

**1-5-22**

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| 1. Welcome/Open  | Tim Ziethen  |
| 2. Roll Call   | Steve Hewitt |
| 3. Approval of the Minutes from 12-8-21                        | Tim Ziethen  |
| 4. Treasurer's Update  | Tim Ziethen  |
| a. Balance-Spend Rate  |              |
| 5. Follow-ups on developing a plan to increase NGECC awareness | Tim          |
| 6. Status: DRAFT FASC Annual Meeting presentation              | Tim          |
| 7. Other Issues/questions                                      | All          |

**Next Call 2-2-22**