

SECTION 305 NGENC

Executive Board Conference Call Meeting

MINUTES

OCTOBER 15, 2013 11:30AM EASTERN

CONFERENCE CALL

FACILITATOR	<i>Mario Bergeron, Vice Chair, S305 NGENC Executive Board</i>
ATTENDEES	Executive Board Members: <i>Mario Bergeron, Dan Black, LeAnna Wall, Ray Hessinger, John Oimoen Allan Paul, Ron Pate</i> Support: <i>Shayne Gill, David Ewing, Steve Hewitt, Nico Lindenau, Sara Sarkhili, Ashok Sundararajan, Dave Warner, Darrell Smith, Vincent Brotski, Larry Salci</i>
ABSENTEES	Board Members: <i>Bill Bronte, Paul Nissenbaum, Eric Curtit, Kevin Lawson, Tammy Nicholson, Paul Worley, Johnson Bridgwater, Tim Hoeffner, Jason Biggs, Arun Rao, Michael Jenkins</i> Support: <i>John Tunna, Kevin Kesler, Chad Edison, Jeff Gordon, Melissa Shurland, Dale Engelhardt, Patrick Centolanzi, Brian Beeler II, Martin Schroeder</i>

WELCOME/ROLL CALL/ACTION ITEMS REVIEW

1.

Opening – Mario Bergeron-vice chair:

Vice Chairman Bergeron opened this conference call meeting of the NGENC Executive Board and asked Steve Hewitt to call the roll.

2.

Roll Call – Steve Hewitt, Manager, S305 NGENC Support Services:

After the call of the roll, it was determined that a quorum could not be established due to the federal government partial shutdown and the resulting furloughs of FRA staff. Steve Hewitt recommended that the meeting be held to continue moving the committee activities forward, but that no votes will be taken, and the September 26, 2013 minutes be considered for approval on a future conference call when a quorum can be established.

3.

Review Meeting Agenda – Mario Bergeron:

Mario Bergeron provided a brief overview of today's meeting agenda.

4.

Action Item Review –Steve Hewitt:

Review of Open Action Items

The locomotive procurement remains as a standing agenda item to keep the Board updated as to its progress. **IDOT** is responsible for providing bi-weekly updates. The RFP has been released (August 8, 2013), a pre-proposal conference call was held on August 22, 2013. September 12, 2013 was the last day for questions to be submitted. Offers are due on October 3rd, 2013; November 27, 2013 – Final proposals are due and on December 16, 2013 - Evaluation and winner will be announced. During the period from December 16, 2013 through January, 2014 Buy America pre-award review will be conducted. A Notice to Proceed (NTP) is anticipated for February, 2014.

Status: Agenda item 12 will address the current status.

Jeff Gordon will continue to provide the AASHTO. Amtrak and FRA public affairs officers with email notifications of NGENC activities. (ongoing)

The Future of the NGENC working group efforts: The NGENC Future working group will be re-constituted and re-convened after the first of the year (January, 2014) and will then resume its work. Until then it will lag behind the 305/209 capital plan working group's efforts, as it is expected that those efforts will serve as an early example of the need for the "new" entity.

It was also agreed that the revised SOW for the grant agreement would include tasks related to the development of a plan for creating an entity moving forward. Bill Bronte agreed to "pull out a list of tasks and add budget to it" and will send it to Darrell Smith to help facilitate the SOW. The list of tasks will include an initial cut of short term vs. long term NGENC activities. The list will be provided to Darrell in advance of the October 29, 2013 Board call. Bill will copy Steve Hewitt on what he sends to Darrell.

Darrell Smith presented a full Treasurer's report at the September 26, 2013 Executive Board meeting. At the conclusion of the report, it was agreed that Darrell will present the Board with a timeline of what needs to happen when to advance a revised SOW and a request for a grant extension.

It was agreed, that based on the anticipated funds that will remain at the end of the current agreement, the Board will request that Amtrak ask FRA to extend the grant agreement through June 30, 2015.

Darrell Smith will meet with Amtrak staff and with AASHTO staff to get a clearer picture of what their actual expenses and pending obligate expenses will be over the rest of the current agreement and what, if any, anticipated savings will be. Once this information is gathered, Darrell will present the Board with a clear picture of what will be available for the extended agreement and develop a budget and SOW for Board consideration.

It is anticipated that the Executive Board will need to approve the new SOW in December, 2013 at a regular conference call meeting of the Board in order to allow time for a grant extension agreement to be approved by FRA.

Budget and the revised SOW status updates will be a standing agenda item on all Board calls until the final approval.

The first update will be provided by Darrell Smith to the Board on October 15, 2013.

Status: Agenda item 6 will cover these action items

In regard to the status of the Section 6/deployment project: Task 1 was submitted by the contractor and has been reviewed thoroughly by a core team and by the full SFTF membership. Many comments have been submitted and a task force comprised of Eric Curtit, Chad Edison, Ron Pate and Darrell Smith compiled the comments, sent them to the contractor and is holding weekly conference calls with them. Eric will continue to update the Board as progress is made.

Status: This will be discussed under agenda item 10

Bill Bronte appointed Eric Curtit, Missouri DOT, to serve as Secretary of the NGEC, whose primary responsibility is to chair the Administrative task force. Eric will serve in this capacity through the Annual Meeting and elections scheduled for February, 2014. Eric will also remain as the chair of the SFTF during this time.

Recruiting additional state members for the NGEC: Ray Hessinger, NYSDOT, will reach out to Pennsylvania and Connecticut to see of their interest in getting active in the NGEC in some capacity. **Status: Ray Hessinger reported that he had understood that his outreach was to be to fill the vacant Executive Board seat (filled since by Tim Hoeffner). Steve Hewitt encouraged additional outreach for these and other states to join the NGEC and participate as active members of subcommittees or task force; and stressed that a state does not have to be a member of the Executive Board to participate in NFEC activities, or to be a member of the NGEC.**

Review of Trainset specification Rev A: Status: Larry Salci has just about completed his review and draft report, and will contact Steve Hewitt to make arrangements for a review panel conference call.

Status: Larry Salci has completed his review of Revision A and prepared a draft report to present to the Review Panel. A Review Panel meeting (conference call) will be scheduled once the FRA has returned from furlough.

Requests for copies of the updated Backgrounder or the new one pager should be submitted to Steve Hewitt along with the number requested and an address to send them to. The new document is under review by Board members and once comments are received (if there are any) the document will be finalized and sent to print.

Status: These two items are being updated and will be sent to print soon. Shayne Gill, AASHTO, will check on the status of the updates.

Vincent Brotski provided an overview of issues related to Intellectual property to the Executive Board. This presentation will be posted on line along with other presentations from today's meeting. Questions or comments on this topic should be sent to Vincent.

The Board established a 305/209 Capital Access Plan working Group and appointed Ron Pate, Washington State DOT, as its chair.

Ron will develop the charge for the group and a work plan. The charge will be sent to members of the working group in advance of the first call. It is expected that the group will make several on-site visits to Amtrak facilities and work closely with Amtrak CMO Mario Bergeron, and Dale Engelhardt and the Amtrak Rolling Stock team.

The working group will hold regularly scheduled conference calls and provide bi-weekly updates to the executive Board

as a standing agenda item on Board conference calls.

All members of the working group will be required to sign non-disclosure agreements. Vincent Brotski will develop the nondisclosure agreement and send it to Steve Hewitt for distribution to Ron Pate and the working group.

Status: Agenda items 7-9 will address these action items

The APG will hold an electronic vote the week of September 30, 2013 to approve the Accessibility Accommodations and Recommendations presentation, as revised during their September 17th conference call. Following the APG vote (if approved) Steve Hewitt will send the presentation to the Executive Board voting members with a request that they vote on approval to send the presentation to the Access Board as it begins its update.

Status: The Board has not completed the electronic vote. To date, 7 state members have cast votes - all in favor. 4 states have not yet voted. Amtrak continues its review and has not yet cast a vote. FRA – on furlough has not been available to cast its vote.

An issue has been raised as to whether or not the proposed revisions made by the APG will need to go back to the Technical subcommittee for a feasibility review before final Board approval.

Issues related to this effort will be discussed under agenda item 10.

5. Approval of the Minutes from the face to face Board meeting held on September 26, 2013 – Mario Bergeron:

As noted above, due to the lack of a quorum, approval of the minutes from the face to face Board meeting held on September 26, 2013 will be considered on the next call of the Executive Board in which a quorum is established.

6. Report: Budget and Revised SOW/Grant Agreement Extension request -Darrell Smith:

Darrell Smith provided a report (below) on the status of current expenses, and anticipated expenses to be incurred through March 31, 2014. He also reported on potential savings anticipated, and gave an updated balance remaining and ongoing run rate. In giving his report, Darrell noted that the assumptions are based on current activities and do not include a budget or SOW for the newly created 305/209 working group. The budget and SOW for this group, when approved, will be included in a revised SOW and budget request to be submitted through Amtrak with a request to FRA for a grant agreement extension. Any other new activities will also need to be budgeted and submitted as part of the new SOW.

Darrell noted that in preparing this report, he had met with AASHTO staff and Amtrak staff and believes he has "a good handle on what money will be left over and what is needed to keep going."

In concluding the report, Darrell noted that "anything above and beyond" current activities would need to be added to the new SOW, such as anything that the 305/209 working group's work plan includes. It is up to that group to determine what goes into the SOW.

Mario Bergeron commented that there will be some "coming over from 305/209 and it will be clarified going forward."

When asked what needs to happen next, Darrell responded "we need to revise the SOW for a grant agreement extension and we need FRA back to work." Darrell noted that he will try to have an SOW ready by the next Executive Board and, once the Board approves the SOW and budget, he will take the "re-draft of the SOW to the Amtrak grants people, and they will finalize it and submit it to FRA for approval."

Below is the Finance Status as of 9-24-13 with forecast continuing run rate provided to the Board just prior to today's conference call:

**PRIIA 305 Next Generation Equipment Committee
Finance Status, 9/24/2013
with Forecast Continuing Run Rate**

Updated 10/14/2013

		Forecast		
		Expenditures Anticipated by 3/31/2014	Amount Remaining 4/1/2014	Monthly Continuing
Total FRA Grant Funds	\$4,000,000.00			
Amtrak Invoiced to FRA through 7-2-13				
01/01/10 - 09/30/10	\$132,112.00			
10/01/10 - 12/31/10	19,125.00			
01/01/11 - 03/31/11	0.00			
12/01/10 - 06/30/11	193,914.85			
07/01/11 - 09/30/11	115,539.89			
10/01/11 - 12/31/11	38,456.65			
01/01/12 - 03/31/12	168,098.46			
04/01/12 - 06/30/12	49,891.26			
07/1/12 - 09/30/12	329,318.20			
10/1/12 - 12/31/12	236,625.48			
01/1/13 - 03/31/13	92,297.65			
04/1/13 - 06/30/13	200,736.32			
Amtrak Invoiced to Date	\$1,576,115.76			
Expenses to be Invoiced				
AASHTO (4/1-6/30/2013) Amtrak Labor	\$301,746.43			
(7/1-8/31/2013)	21,080.86			
Sub-Total Expenses to be Invoiced	\$322,827.29			
Pending/Obligated Expenses				
Amtrak OIG Audit	\$50,000.00	\$50,000.00	\$0.00	\$ 0.00
Remainder of EOMM Consultant (PB) AASHTO	205,086.35	205,086.35	0.00	0.00
Staff (remainder)	164,823.38	72,000.00	92,823.38	8,000.00
AASHTO Mgr/Policy Consultants (remain	144,545.00	130,500.00	14,045.00	14,500.00
AASHTO Travel (remainder) AASHTO Meetings	187,463.41	20,000.00	167,463.41	3,333.33
(remainder) Specification Consultant	42,497.83	10,000.00	32,497.83	1,666.67
Face-2-Face Consultant	2,737.50	2,737.50	0.00	0.00
Amtrak Labor	5,050.00	2,660.00	2,390.00	0.00
Amtrak Travel	337,925.77	319,035.33	18,890.44	0.00
Technical Specification Consultant	25,141.71	5,175.00	19,966.71	37,790.69
ATF Webinars (RR101)	47,685.00	47,685.00	0.00	575.00
	21,421.00	21,421.00	0.00	0.00
				0.00
Sub-Total Pending / Obligated	\$1,234,376.95	\$886,300.18	\$348,076.77	\$65,865.69
Total Expended & Committed	\$3,133,320.00	\$886,300.18	\$348,076.77	\$65,865.69
Contingency / On Hold / Dormant				
Contingency	\$290,850.00	\$0.00	\$290,850.00	\$ 0.00
Executive Board Consultant Finance Sub	171,042.00	0.00	171,042.00	0.00
Consultant SFTF Consultant	100,000.00	0.00	100,000.00	0.00
ATF Additional Webinars (RR201) AASHTO	100,000.00	0.00	100,000.00	0.00
Conference Calls	21,500.00	10,000.00	11,500.00	0.00
Section 305 NGEN web site	4,800.00	4,800.00	0.00	0.00
Audit 2	7,200.00		7,200.00	0.00
	50,000.00	50,000.00	0.00	0.00
Sub-Total Contingency / On Hold	\$745,392.00	\$64,800.00	\$680,592.00	\$0.00
	\$3,878,712.00	\$951,100.18	\$1,028,668.77	\$65,865.69

Total All Expense Categories		\$121,288.01	
<i>Difference from Grant</i>		\$1,149,956.77	
Forecast Remaining on 4/1/2014	\$65,865.69		17

Financial Analysis
 s Line Planning and Strategy

djs:/NGEC/ngec_funds_20131014.xlsx

7.

Status: Status Update: NGEC 305/209 Working Group – Ron Pate:

Ron Pate, Washington State DOT, the chair of the 305/209 Working group established during the NGEC Executive Board meeting in Columbus, Ohio (9-26-13), provided a brief overview of the initial activities of the working group.

The working group had developed three draft documents which were distributed to all Board members by Steve Hewitt late last week. The documents included a Draft Charge statement; draft Work Plan; and a draft Task outline.

Ron noted that the group had held its first conference call which he described as "very productive". He had submitted the Charge statement "with hopes of having a vote" by the Executive Board to formally approve the Charge. With a quorum not being established, there was no possibility of a vote today, so Ron asked that Board members take the time to review the Charge and send any comments to him. He hopes that by the next Executive Board call there will be an end to the FRA furlough and a vote can be taken to approve the Charge statement.

Ron noted that there is a very "short deliverable time" for the working group, and added that "AASHTO is helping support the group and is taking notes" on the calls. He also notes that out of the draft work plan the group will "build our SOW with funding" expectations. There will be a call tomorrow (10-16-13) with the intent "to break down the tasks" that have been included in the task outline prepared by Nico Lindenau and Ashok Sundararajan "to determine what work needs to be done and what funds will be needed moving forward."

Ron closed his report by noting, again, that there will be no vote taken today, and asking that Board members "look at the Charge and see if it is ok" and hopefully "we can vote during the next meeting of the Board." In the meantime the working group will continue moving ahead and will report out to the Board "as needed."

Mario Bergeron commented that, although he missed the call last week (of the working group) he had a discussion about it with Darrell Smith. Mario added "we will be inserting those calls into the calendar and I will be available." He added that he is still "reviewing the documents" that have been distributed. He noted that it is important that much of the work of this group is being "done in the background" and that due to the confidential nature of the information to be provided, it will need to be handled similar to the way the Joint Procurement Task Force was – with only high level reports to the Board.

Mario noted that Amtrak will be putting forth recommendations for "governance of the group". One of the key issues will be to "discuss the concept of voting...within the NGEC as the states and Amtrak are the principals". In the normal course of NGEC business votes are taken with the inclusion of the states, Amtrak and FRA. This group may need to have a different process in place. The process should be developed "off line".

Mario continued clarifying "there is concern with voting in the context of 305 where FRA, Amtrak and the states vote...we will need to context this differently in a way similar to how the Joint Procurement Task Force handled its voting and its' reporting."

Ron Pate agreed "yes, we will keep it tight...we need to leverage the process to move it forward."

Steve Hewitt summed up the discussion and actions noting that the working group was officially created by the Executive Board on September 26, 2013, and that it should continue to progress its work – "keep moving forward and the Board will take up the Charge statement when it meets again with a quorum". Steve recommended that the group "not wait on the Board's approval of the Charge to continue its activities in developing the work plan and budget for inclusion in the revised SOW for a grant agreement extension".

8.

Consideration: Approval of NGEN 3095/209 Working Group's proposed Charge – Mario Bergeron:

As noted previously, due to the lack of a quorum, this item will be table until such time as the Board meets with the presence of a quorum having been established.

9.

Status: Non-disclosure Agreements for 305/209 Working Group participants – Vincent Brotski:

Vincent Brotski, Amtrak Legal, reported that he had prepared a draft non-disclosure statement which is being reviewed internally at Amtrak, and he expects to "get out soon" to members of the working group.

10.

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

Eric Curtit was unavailable for today's call, so this status update was tabled until the next Executive Board call.

11.

Status: Accessibility Accommodations and Recommendations for Access Board – Mario Bergeron:

Mario Bergeron reported on the status of the Accessibility Accommodations and Recommendations for the Access Board providing a brief overview of the steps taken by the APG. "The APG reviewed and updated the presentation with comments in red in the presentation." The red identifies "new wording from the APG" and, as Steve Hewitt noted in the action item review there is a question – "should it go back to the Technical subcommittee". The thought is that if the changes to the presentation are technical in nature then it needs to go back to the Technical subcommittee. In reviewing the document "I found a number of technical changes in there."

Mario also noted that the Board is undertaking an electronic vote on the presentation, as revised, but, so far Amtrak has not voted "as we are reviewing it for alignment". He noted that FRA is on furlough and has not voted as of yet either. Steve Hewitt reported under action items status that thus far 7 states had cast a vote – all 7 in favor – and 4 states have not voted yet.

Mario added, "I would offer that the technical subcommittee should look at the document while all of the above is happening." (meaning the fact that the voting is incomplete and the FRA is on furlough, and Amtrak is reviewing the document)

Steve Hewitt noted that "while everything is sort of on hold, now is a good time to have the Technical subcommittee take a look at the document for technical feasibility." He commented that the Access Board had requested that all presentations be submitted by October 10, 2013, in advance of the October 15-16 accessibility requirements update meeting, but the government shutdown has delayed some of these things so there seems to be an opportunity for the subcommittee to "take a look and provide its comments on the technical aspects of the APG's changes." Steve also noted that the Technical subcommittee members had been provided with the presentation as revised at the same time as the Board began its consideration of approval.

Mario Bergeron asked that Steve Hewitt "send it to the Technical subcommittee members again, just in case, and officially ask the Technical subcommittee to review the document"...He also asked that Steve Hewitt notify the subcommittee members that it will have a "two week turnaround" effective beginning with the next subcommittee conference call – October 24, 2013. Mario noted that "given the situation we're in this should not impact the timeline".

Steve agreed to send the presentation document out with the request for review following today's call.

12.

Status Update: Diesel-Electric Locomotive Procurement – John Oimoen:

John Oimoen, IDOT, reported on the status of the diesel-electric locomotive noting that the RFP is moving along actively with confidential discussions with vendors scheduled to take place next week. After these are concluded, there will be an addendum – likely in early November, 2013, with final proposals due November 27, 2013. The goal continues to be to have a contract executed by the end of February, 2014.

13.

Adjourn:

With no other business to come before the Executive Board today, the chair adjourned this conference call meeting at approximately 12:10 pm EDT.

and is holding weekly conference calls with them. Eric will continue to update the Board as progress is made.

Requests for copies of the updated Backgrounder or the new one pager should be submitted to Steve Hewitt along with the number requested and an address to send them to. Steve Hewitt has sent some edits to AASHTO to update the new document and the original Backgrounder. Shayne Gill will check on the status of the updates to the documents.

Recruiting additional state members for the NGEC: Ray Hessinger, NYSDOT, will reach out to Pennsylvania (and possibly Connecticut) to get a sense of their interest in participating in the activities of the NGEC. (Connecticut is currently participating on the Technical subcommittee). The point should be made that a state does not need to be a member of the Executive Board to be a part of the NGEC and to participate as a voting member on any of the subcommittees or task forces.

The 305/209 working group will continue to move forward with developing its work plan and tasks, as well as its budget request for inclusion in the revised NGEC SOW. The Board members are asked to review the draft Charge statement and send any comments to Ron Pate. On the next Board call where a quorum is confirmed to be present, the Board will consider approval of the Charge statement.

ATTACHMENTS



**S305 NGEC Executive Board Conference Call
October 15, 2013
11:30 AM – 1:00 PM EDT
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. Review meeting agenda | Mario Bergeron |
| 4. Action Items Review | Steve Hewitt |

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| 5. Approval of Minutes from September 26, 2013 | Mario Bergeron |
| 6. Report: Budget and Revised SOW/Grant Agreement Extension request | Darrell Smith |
| a. Timeline – dates for what is needed and when. | |
| b. Update – Amtrak – current budget run rate, what has yet to be done; potential savings | |
| c. Update – AASHTO NGEC support current budget run rate and anticipated savings | |
| d. Status: revising the SOW for a grant agreement extension | |
| 7. Status Update: 305 NGEC – 209 Working Group | Ron Pate |
| 8. Consideration: Approval of NGEC 305 – 209 working group proposed charge | Mario Bergeron |
| 9. Status: Nondisclosure Agreements for 305-209 Working Group participants | Vincent Brotski |
| 10. Status Update: SFTF Section 6/fleet deployment project – task 1 | Eric Curtit |
| 11. Status: Accessibility Accommodations and Recommendations for Access Board | Mario Bergeron |
| 12. Status Update: IDOT Diesel Electric Locomotive Procurement | John Oimoen |
| 13. Other | All |