

# SECTION 305 NGENC Executive Board

MINUTES

JANUARY 28, 2011

3:00PM EST

CONFERENCE CALL

<b>FACILITATOR</b>	<i>Bill Bronte, Chair, S305 NGENC Executive Board</i>
<b>ATTENDEES</b>	<b>Board Members:</b> <i>Bill Bronte, Mario Bergeron, Rod Massman, DJ Stadtler, John Tunna (for Mark Yachmetz), Alan Ware, Kevin Lawson, Ron Adams proxy for Tammy Nicholson, Caitlin Hughes Rayman, Ray Hessinger, (Bill Bronte proxy for Scott Witt), Ron Adams, Jouhn Dougherty (for Joe Kyle – voting proxy to Bill Bronte)</i> <b>Support Staff/Observers:</b> <i>Leo Penne, Shayne Gill, Steve Hewitt, David Ewing, Kevin Kesler, Ken Uznanski, Dale Engelhardt, Nancy Greene, Rob Edgcumbe</i>
<b>ABSENTEES</b>	<b>Board Members:</b> <i>Pat Simmons (others noted above having provided their proxies)</i> <b>Support Staff/Observers:</b> <i>Paul Nissenbaum, Marvin Winston, Drew Galloway, John Bennett, Robin McCarthy, Rich Slattery</i>

## DECISIONS MADE

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

At the request of Chairman Bill Bronte, roll call was taken by NGENC Support Services Manager, Steve Hewitt, and it was determined that, as noted above, all members of the Executive Board other than Pat Simmons, North Carolina, were either present on the call, or had assigned their proxy to another state. It was, therefore, determined that a quorum was present.

**Opening Remarks – Welcome – Bill Bronte, NGENC Executive Board Chair:**

Bill Bronte welcomed the Board Members, support staff, and observers attending the call; and thanked all for their willingness to take time out of their busy schedules to participate.

Bill gave a brief overview of the purpose of the call, describing it as a meeting to help the Board prepare for its upcoming (February 15, 2011) Annual Meeting to be held in Washington, DC at USDOT facilities. Bill emphasized the importance of finalizing the draft agenda, establishing work plans and budgets, and for the Board to be as coordinated and united, as possible, in advance of the Annual Meeting.

He noted that the agenda for today, although fairly informal, was a busy one.

He also noted that it had been important to determine the presence of a quorum as there may be one item that the Board will vote on today: the Procurement Approval Process Matrix . The matrix has been under development for months, and was most recently approved by the Administrative Task Force and the Finance subcommittee. Steve Hewitt had distributed the matrix to all Board Members on January 27, 2011 and it was to be presented today for Board consideration, and possible approval.

**Finalize Draft Agenda for the February 15, 2011 Annual Meeting - Bill Bronte:**

After some discussion and suggestions of minor modifications, the draft agenda, as presented by Steve Hewitt, was approved to go forward as the Final Draft Agenda. (Final Draft with agreed changes attached)

It was also agreed that all presentations are to be submitted to Steve Hewitt by no later than February 11, 2011. Steve will provide them to Kevin Kesler, FRA. Kevin will provide a computer for projecting the presentations at the Annual Meeting. Steve Hewitt will send a presentation template (developed by Rob Edgcumbe) to all presenters and ask that they use this template for their Annual Meeting presentations.

**Trainsets specification development discussion – Mario Bergeron, NGENC Vice Chair and Chair of the Technical subcommittee:**

Mario Bergeron informed the Board members that, unlike the previous three specifications developed by the Technical subcommittee, the current specification under development (single level trainsets) was facing some challenging issues which had become somewhat contentious. He noted that it was proving to be difficult to develop a specification for which there does not appear to be much of a market. Mario noted that he expected to get the issues resolved, within the subcommittee, prior to the February 15, 2011 Annual Meeting, and that the

specification would go forward.

#### **Discussion of revised Scopes of Work/Work Plans and Budgets – Bill Bronte/Ken Uznanski**

Bill Bronte noted that the Chairs of the subcommittees and the Administrative Task Force had submitted their proposed Work Plans and Budgets for the upcoming year (April 1, 2011 through March 31, 2012). He emphasized that what he was hoping to see in the submittals was a look ahead at the 305 Committee as an entity that is going to continue - long term. The subcommittees and task force should be developing their plans with menus for moving forward. It is important to recognize that the interests of the states are not all the same. Where the states are in progressing their rail plans and/or in their experience levels vary greatly. The work plans should help define what the options are, and provide answers to the question of what 305 can do to meet the needs and demands of the future. Bill also noted that he had reviewed the Finance subcommittee submittal and felt it was headed in the right direction. He had just received the others, and would begin reviewing those as well. He asked all Board members to do the same and to provide any comments they may have to himself and the subcommittee s and task force Chairs as soon as possible.

Steve Hewitt confirmed that he had received and distributed, to all Board members, the proposed work plans and budgets earlier in the day. Steve noted that the estimated budget for AASHTO support services was to be forthcoming.

Mario Bergeron noted that the Technical subcommittee, in preparing its work plan and budget, had taken a look ahead, and developed a scope of work that looks beyond specification development and "is in line with Bill's request to look at what we want to be".

John Tunna, FRA, noted that the Technical subcommittee's budget, as presented, called for \$200,000 for consultants. He believed that, as he looks ahead at the scope of work, this number may be too low. He recommended that the subcommittee be aggressive with its budget and scope of work, and should look ahead to developing a robust program. Bill Bronte asked Mario Bergeron and Rob Edgcumbe to work with John Tunna to look into increasing the subcommittee's scope and budget.

Leo Penne, AASHTO, gave a brief overview of the anticipated estimate for support services for the period from April 1, 2011 through March 31, 2012, and committed to providing a draft estimate to Steve Hewitt for distribution by Monday, January 31, 2011. Mr. Penne commented that he only needed to "double "check with AASHTO on indirect costs of labor to finalize the estimate. He also reminded the Board that AASHTO support services were a "function of the Executive Board, its subcommittees and the task force", and thus, he developed his estimate based on assumptions of the activities/work plans anticipated. He stated that the initial "rough" estimate for AASHTO support services for the period under discussion; is approximately \$384,000.00, and is based on the experience of the actual expenses incurred during the first 15 months of the NGEC's existence. Leo also noted that he anticipates that AASHTO support services for those first 15 months was going to come in at about \$180,000 under budget.

After continued discussion revolving around establishing a process for finalizing the budgets and work plans, it was agreed that Ken Uznanski (Amtrak's 305 project manager), will contact each of the subcommittee chairs and the task force chair, as well as Leo Penne, early next week. He will review their proposed work plans and budgets and then overlay all of them and perform a cross check on the budgets and scopes. It was agreed that after he had reconciled the budgets and work plans, Ken would put together a summary and provide it to the subcommittees and task force Chairs (and Bill Bronte) via email for their review and comment. It was agreed that Ken would provide the summary by Wednesday, February 2, 2011.

It was also agreed that the Executive Board would plan to hold another conference call at 4:00pm Eastern time on February 10, 2011. The purpose will be to finalize plans for the Annual Meeting, and to continue any needed deliberations on the budgets and work plans in preparation for an approval vote at the Annual Meeting

**Developing Consensus as to the next sets of specifications to be developed (if any) – Board Members:**

A long discussion among the Board members ensued in regards to possible future specifications to be developed. Mario Bergeron pointed out that the Technical subcommittee is progressing towards completion of the four specifications mandated by the Board for development. He also reiterated the fact that the development of the last of those original 4 specifications, single level trainsets, is facing some significant issues – “a wide range of difficulties” –including the issue of market demand for the trainsets, as well as issues concerning PRIIA funding requirements.

Rob Edgcumbe gave a brief overview of a “white” paper he had prepared at the request of the Administrative Task Force, and that was now under review for comment within the Technical subcommittee. The paper, “Next Steps for NGEN Specification Development”, takes a look at the fact that although there are some future specifications to be explored and potentially developed; there does not seem to be a great deal of demand for any of those additional types of equipment identified at this point. Rob noted that the benefit of developing additional specifications is that it keeps the well established group of industry participants together, but the downside is that if there is no demand for a particular specification, you may have a hard time keeping them working on something for which there is no real demand.

It was also noted that, since Rob’s document had first been circulated to members of the subcommittee, New York State DOT had expressed interest in having the subcommittee develop a Dual-Mode variant Locomotive specification. Ray Hessinger, New York State DOT, described the need for upgrading their dual mode locomotives in the future for the Empire Service, as well as the Maple Leaf, and that, although New York is not looking immediately to purchase Dual Mode variant Locomotives, they are working closely with Vermont to progress service plans that will not work without Dual mode locomotives.

Ray also pointed out that it was his understanding that in order for New York to purchase Dual Mode variant Locomotives in the future, they would have to be 305 compliant (a PRIIA 305 Specification) in order to spend federal HSIPR money to procure them.

The issue of demand, beyond Amtrak, New York, and possibly Vermont, was raised. New York had commented previously, that Metro North currently uses the same P32 Dual Mode locomotives for access to the NY tunnels as New York and Amtrak does; and, could well be interested in future purchases of new Dual Mode variant Locomotives. This raised the issue of commuter versus intercity passenger rail and PRIIA requirements. Essentially, New York would need to purchase 305 compliant locomotives, but, would consult Metro North, even though it is not eligible for HSIPR funds, in the development of the spec in order to ensure that it would be viable for their service. Even though Metro North is not required to purchase 305 compliant equipment; they do use the same locomotives and face the same restrictions/requirements for entering NY City tunnels, therefore, developing a spec that Metro North could also use for procuring future Locomotives would be prudent in developing a larger market.

The discussion then centered on the need for 305 compliant specifications in order to purchase equipment with HSIPR funds. Most comments from the Board members expressed the view that the PRIIA statute calls for equipment purchases with HSIPR funds to be 305 compliant.

John Tunna will look into this further within FRA, and bring his findings back to the Board at the February 15, 2011 Annual Meeting.

As additional issues with regard to “very high speed rail” requirements also arose during the discussion, John Tunna agreed that he would look into those issues, as well, with respect to where such projects fit into the 305 compliance picture.

**Scheduling more regular meetings of the NGEN Executive Board (conference calls/webinars) moving forward – Bill Bronte:**

Bill Bronte expressed the view that it may be necessary for Executive Board members to talk more frequently. He noted that today’s discussions had been extremely helpful, and such discussions should occur more often. Bill felt that the NGEN needs to shape its future and in order to effectively do so, the Board need to talk among themselves on a regular basis.

The general sense of the Board members was that it would be of great benefit to hold more frequent conference calls or webinar meetings of the Board, but that they should be shorter than this call, and some of the other calls the Board has held throughout the year. It was thought that, if calls are held on a more regular basis, not as much rehashing and/or catching up each time would be necessary, so meetings could be shorter.

Bill asked that Board members provide himself and Steve Hewitt with their thoughts on holding more calls and/or webinars in the future and suggest a frequency.

Bill proposed a once a month call, and Mario Bergeron commented that, "we owe it to ourselves to meet more – maybe monthly".

No final decisions were made, and it was left with the members having the action to provide recommendations to Bill and Steve.

**Procurement Approval Process Matrix – Caitlin Hughes Rayman/Rod Massman/DJ Stadler:**

Caitlin Hughes Rayman, Maryland DOT was asked to provide an overview of the proposed Procurement Approval Process Matrix that had been developed and revised over several months in a joint effort of the Finance subcommittee and the Administrative Task Force. Caitlin gave an overview of the "final" draft of the matrix that had been approved by the Finance subcommittee and the Administrative Task Force.

Discussion ensued, with some suggestions for perfecting or clarifying language, but no substantive revisions.

After members agreed to the minor modifications and asked Steve Hewitt to revise the matrix, accordingly, Bill Bronte asked for a motion to approve. DJ Stadler made a motion to approve the Procurements Approval Process matrix with the changes, as discussed. The motion was seconded by Ron Adams, Wisconsin DOT. After asking if there were any objections, and hearing none, Chairman Bronte determined that consensus had been achieved and the motion had passed.

**Summation – Bill Bronte:**

Bill summarized what had been agreed to on the call and the concurrence that there would be another Executive Board call at 4:00pm Eastern on February 10, 2011, to finalize plans for the February 15, 2011 Annual Meeting.

He noted that some of the decisions made and follow up actions assigned were:

1. The agenda for February 15, 2011 Annual Meeting has been finalized (as a final draft) and will be circulated by Steve Hewitt
2. There was a general consensus to further explore the possibility of Dual Mode variant Locomotives as the next specification to be developed.
3. There were questions to be raised to the FRA in regards to HSIPR funding and 305 compliance. FRA's John Tunna will look into the issues related to this topic; including the issue of very high speed rail as it relates to 305, as well as the general view that HSIPR funds cannot be spent on new equipment purchases unless that equipment is 305 compliant.

**Other items for discussion – All:**

Ray Hessinger raised the issue of adding language to the Diesel-electric specification in regards to retrofitting dual mode locomotives. This led to the discussion of making changes to specifications already approved. It was generally agreed that any specification is subject to future improvements. It was agreed that inserting language in regards to retrofitting dual modes could be used as a platform and starting point for developing a dual mode specification if it is decided that that is what the Committee wants to do.

Ron Adams made a final point of clarification in regards to the future demand for trainsets. He pointed out that the Mid West Regional Rail Plan (9 states) calls for 66 trainsets – this has not changed at this point. The plan calls for 66 trainsets over the next 10 years. Ron agreed to provide Mario Bergeron with the Mid West Regional Rail Plan report immediately following today's call

On a motion by DJ Stadler and a second by Rod Massman, and no objections, the January 28, 2011 conference call meeting of the NGECE Executive Board was adjourned.

**Action Items**

**Agenda for Annual Meeting** – Steve Hewitt to finalize and distribute the "final" draft agenda with the minor modifications as agreed

**AASHTO Support Services Budget estimate for April 1, 2011 through March 31, 2012** – Leo Penne, AASHTO, will provide Steve Hewitt with a proposed support services estimate by COB on Monday January 31, 2011, for distribution to Ken Uznanski and Board members.

**Work Plan and Budget development** – Ken Uznanski to contact the Finance and Technical subcommittee Chairs and the Administrative Task Force Chair, and Leo Penne, AASHTO to discuss the work plans and budgets. By Wednesday, February 2, 2011, Ken will provide the Chairs (and Bill Bronte) with a summary of the work plans and budget.

<p><b>Questions for FRA</b> –John Tunna will explore some of the questions raised in regards to 305 compliance and bring his findings back to the Board at the next conference call meeting – February 10, 2011.</p>
<p><b>Holding more frequent meetings of the Executive Board (conference calls and/or webinars)</b> –All members are asked to provide their recommendations and suggestions for holding more frequent call/webinars of the Executive Board to Bill Bronte and Steve Hewitt prior to the February 10, 2011 call.</p>
<p><b>Annual Meeting presentations</b> –Steve Hewitt will send out a presentation template to all Annual Meetings presenters to use for their presentations. Steve will also request that all presentations be submitted to Steve by February 11, 2011. Steve will provide them to Kevin Kessler who will provide a computer for the Annual Meeting.</p>
<p><b>Next Call: 2-10-2011 – 4:00pm Eastern – call in number: 866 299 7945 passcode: 5884801#</b></p>

**ATTACHEMENTS**



PRIAA Section 305 Next Generation Equipment Pool Committee (NGEC)

**Annual Meeting  
And  
Executive Board Business Session**

**Final Draft** (approved – 1-28-2011)

**February 15, 2011**

USDOT  
1200 New Jersey Avenue SE  
Washington, DC 20590

8:00 - 8:30 am	Registration
8:30 – 8:40 am	<b>Welcome and Introductions-Convene Annual Meeting</b> - Bill Bronte, NGEC Executive Board Chair
8:40 – 9:00 am	Welcoming/Opening Remarks – Secretary LaHood (Invited)
9:00 – 9:05 am	Roll call of NGEC members present for Annual Meeting (Executive Board & non-Board member states) – Steve Hewitt, NGEC Support Services Manager
9:05 – 9:20 am	Chairman’s Report – Bill Bronte
9:20 – 9:35 am	Treasurers Report – DJ Stadtler, NGEC Treasurer and Chair, Finance Subcommittee
9:35 – 9:50 am	Report from the FRA – Mark Yachmetz
9:50 –10:05 am 10:05 – 10:30am	Report from Amtrak – Stephen Gardner Industry Input
10:30 – 10:45 am	Break
10:45 – 11:00 am	Proposed By-law changes – Rod Massman, NGEC Secretary, and Chair, Administrative Task Force
11:00 – 11:15 am	Vote on Proposed By-Law Changes
11:15 – 11:20 am	<b>Convene Executive Board Business Session</b> – Bill Bronte
11:20 – 11:25 am	Roll Call of Voting members of the Executive Board – confirm presence of a quorum– Steve Hewitt
11:25 – 11:40 am	Approval of the Meeting Summary/Minutes of the 11/18/2010 Webinar meeting, January 28, 2011 and February 10, 2011 Conference Call meetings of the Executive Board – Bill Bronte
11:40 –12:20 pm	Review Panel Reports: Larry Salci, Consultant 1.) Single Level Standalone Cars Specifications 2.) Diesel-Electric Locomotive Specifications
12:20 – 12:40 pm	Discussion/vote: 1.) Single Level Standalone Cars Specifications 2.) Diesel-Electric Locomotive Specifications
12:40 - 1:30 pm	Lunch Break
1:30 – 2:15 pm	Report from Technical Subcommittee –Mario Bergeron, NGEC Vice Chair and Chair, Technical Subcommittee

- 1.) Review of Achievements To Date and a Look Ahead – Mario Bergeron
    - a. Discussion/presentation on Next Steps for NGEC Specification Development – Rob Edgcumbe
    - b. Presentation on Systems Engineering – Kevin Kesler
- 2:15 – 2:25 pm Break
- 2:25 – 2:45 pm Standardization – Rob Edgcumbe
- 2:45 – 3:30 pm Report from Administrative Task Force –Overview - Rod Massman
  - 1.) Discussion of Liability/Indemnification Policy – Rod Massman
  - 2.) Copyright Specification Issues – Rod Massman
  - 3.) Proposed Budget –Work Plan for 4-1-2011 through 3-31-2012 – Rod Massman
- 3:30 – 4:15 pm Report from the Finance Subcommittee – Overview - DJ Stadtler
  - 1.) Discussion of Issues of Incorporation
    - a. Report on Survey/Poll results – Rob Edgcumbe
  - 2.) Proposed Budget – Work Plan for 4-1-2011 through 3-31-2012 – DJ Stadtler
- 4:15 – 4:45 pm Strategy discussion/review of draft Exec Board Work Plan, Budget and Grant Agreement Modification – Bill Bronte/Ken Uznanski
- 4:45 – 5:00 pm Discussion/Vote on NGEC Work Plan, Budget and Grant Agreement Modification – Bill Bronte
- 5:00 – 5:20 pm Comments/Discussion – All Attendees
- 5:20 – 5:30 pm Review of Next Steps and new Action Items – Bill Bronte/Steve Hewitt
- 5:30 pm Adjournment

