

SECTION 305 NGENC Executive Board

MINUTES

JANUARY 3, 2012

NOON EASTERN

CONFERENCE CALL

FACILITATOR	<i>Bill Bronte, Chair, S305 NGENC Executive Board</i>
ATTENDEES	Board Members: <i>Bill Bronte, Mario Bergeron, Alan Ware, DJ Stadler, John Tunna for FRA, Eric Curtit, Kevin Lawson, Tammy Nicholson, George Weber, Ray Hessinger, Ron Pate for John Sibold, Pat Simmons, Joe Kyle, Tammy Nicholson as proxy for Ron Adams</i> Support Staff: <i>Steve Hewitt, Leo Penne, David Ewing, Jeff Gordon, Kevin Kesler, Dale Engelhardt, Nancy Greene, Nico Lindenau, Ryan Swick, Ken Uznanski</i>
ABSENTEES	Board Members: <i>John Sibold, Ron Adams (as noted above, John Sibold and Ron Adams had designated proxies for this call)</i> Support Staff/Observers: <i>Paul Nissenbaum, Whitney Phend, Chad Edison, Drew Galloway, Gordon Hutchinson, Robin McCarthy, Rich Slattery, Shayne Gill, Andy House, Tim Hoeffner,</i>

DECISIONS MADE

Welcome – Bill Bronte, Chair, S305 NGENC Executive Board:

Chairman Bronte welcomed those on the call and thanked everyone for their participation and wished everyone a Happy New Year.

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

Steve Hewitt took the roll of Board members and support staff. After calling the roll, it was determined that a quorum was present with all Executive Board members represented.

Approval of the Minutes of the December 20, 2011 Executive Board Conference Call– Bill Bronte:

On a motion by Pat Simmons, NCDOT, and a second by Eric Curtit, Missouri DOT, the Minutes from the December 20, 2011 Executive Board call were approved without objection.

Agenda Items

Review of Action Item – Steve Hewitt:

Steve Hewitt reviewed the status of action items from the December 20, 2011 Board call. All members received the update in advance of the call, and they are attached to these minutes. Most were to be addressed during the call as agenda items. Some of the items not addressed as part of the agenda:

The Executive Board approved the procedures for contracting with consultants as presented by the administrative task force. Steve Hewitt to provide the final document, as approved, to all Board members. – **Task complete**

FRA Counsel has approved the Talgo and Progress Rail response letters with minor edits. Chad Edison to provide the edited versions to Bill Bronte (cc to Steve Hewitt) **Task complete**

Members agreed that a process needs to be developed to track and monitor contracts. Outlook and Microsoft Project were mentioned as possible tools to utilize for tracking, but nothing definite was decided at this point. This will be an agenda item for the Board to consider at some point. Most likely, a recommendation should come through the Administrative Task Force and the Finance subcommittee. (**carryover item**)

The ADA WG has changed its name to the accessibility working group. The working group will continue to review its recommendation document and present it to the Technical subcommittee and the Board upon completion. (**carryover item**)

AASHTO is in the process of finalizing a contract, on behalf of the NGENC, with Larry Salci for assessing the Standardization Pilot. The contract should be ready for signatures by December 21 or 22, 2011. DJ Stadler will talk with Ken Uznanski in regards to the need for Amtrak to authorize the spending. DJ to inform Leo Penne and the Board of the decision asap – prior to execution of the contract. **Status? Leo Penne, AASHTO, reported that the contract has been executed. Task complete.**

Review of Revisions and Modifications to the current grant agreement – Ken Uznanski:

Ken Uznanski reviewed the spreadsheet showing the budget modifications to be made to the current grant agreement. The modifications include utilizing existing budget to pay for the Amtrak NGENC Project Manager position for the period beginning in November, 2011 through March 31, 2012. (This position is also to be paid by NGENC in the April 1, 2012 through March 31, 2013 time period as well – and is covered in the spreadsheet for that proposed budget).

Ken noted that Chad Edison, FRA, asked Ken to ensure that there is no “double counting” with this position in the grant. Ken has agreed to provide documentation assuring that this is the case.

In the Technical subcommittee current budget for consultant services approximately \$140,000 has been spent out of a total of \$200,000. Ken has left in the budgeted amount attributed to the proposed work plan for technical consulting (previously performed by Rob Edgcumbe) which the FRA has asked be put out to competitive bid. As this work plan and budget proposed for this item is for services to be rendered to the Technical subcommittee and the Finance subcommittee and Administrative task force, Ken asked for an updated budget amount for the consultant item for the Technical subcommittee. Mario Bergeron said “make it \$175,000.00” for the current grant period.

Ken also noted that the work plan and budget –not yet approved for the “Rob Edgcumbe” proposal - is the amount he used “as a placeholder” to conduct the Rail 101 program for the Administrative task force, as well as work for the Finance subcommittee for the SFWG.

Bill Bronte asked Ken to begin providing a periodic report on the status of expenditures to the budget.

Ron Pate, Washington State, asked if a year- end report was to be provided. Ken acknowledged that as part of the current grant agreement with FRA, the last quarterly report for the period ending March 31, 2012 will be provided to the FRA by the end of April 2012 and will be made available to the Board. There will also be a “Treasurer’s report” during the February 23, 2012 NGENC Annual Meeting. This report will be prepared by Ken and DJ Stadler.

Presentation of NGENC Budget and Work Plans 4-1-12 through 3-31-13 – Ken Uznanski:

Ken reviewed the proposed budget spreadsheet for the period from April 1, 2012 through March 31, 2013. He noted that he had received AASHTO’s work plan and budget and included it in the spreadsheet.

Ken noted that he has a column to track the Joint Procurement Task Force separately in this spreadsheet, but has left it blank for now.

For the Technical and Finance subcommittee and the Administrative task force there are “placeholders” for consultant services based on their submittals and including the elements of the Rob Edgcumbe proposal as submitted. He again noted that the “FRA wants the larger tasks to go out to bid.”

In the Administrative task force budget the Amtrak NGENC Project Manager position is fully loaded for the entire year.

While AASHTO has submitted its work plan and budget for this time period, Ken noted that there needs to be a placeholder for potential costs if the Executive Board asks AASHTO to execute additional consulting contracts on behalf of the Committee.

John Tunna, FRA, addressed the issue of competitive bids. He emphasized that the “Statement of Work should be written by the subcommittees” requesting the work, and should include “deliverables and milestones.”

Ken Uznanski also noted that all travel reimbursement for states must follow approved federal travel guidelines and must have receipts accompanying the request. He also noted that the FRA looks carefully at airfare costs and asks for justification for any travel that is not utilizing “discount airfare”.

It was agreed that Ken will work with FRA to get a definition of discount airfare and provide it to Leo Penne, AASHTO.

Bill Bronte asked if the “AASHTO overhead issue is resolved.” Ken responded that it was.

Bill asked John Tunna, “how much more detail do you need for us to get our grant agreement” in place for the 2012-2013 period.

John responded that for professional services and consultants “there needs to be more backing documentation”

such as what, when, deliverables, approvals etc..."and there is the need to follow the procedures adopted by the Board on December 20, 2011."

Bill noted "the subcommittee and task force chairs must develop the necessary information" He elaborated, "we need, from the chairs, a general description of the services required including deliverables and a guesstimate of costs."

Ken Uznanski, when asked about the timing, reminded the Board that some of the details will not be available. "As time goes on" and we follow the procedures for bringing in consultants, we'll have a better understanding of the true costs – "but some we will not know yet."

Bill Bronte emphasized, "we need to get this together. We do not want to be seen as inadequately managed."

Ken added, "If the chairs know they have consulting work upcoming they should get it to me prior to the next call." Ken stressed the importance of having a finalized budget agreed to prior to the February 23, 2012 Annual Meeting, so that a budget vote is "pro forma by then."

Ken agreed to pull together a brief outline of material needed and provide it to Steve Hewitt and Bill Bronte so that they can "nudge" the chairs.

In regards to the current grant agreement modifications, John Tunna commented that "it would be nice to see a statement of what has been spent to date." He added, "we need to know what is available over the last three months – otherwise we do not have a complete story."

Ken stated that this would be difficult to do because invoices do not come in right away, and many will "hang out Beyond March 31, 2012." He cited the example of AASHTO invoices having a considerable lag time. Once received, each one is scrutinized to ensure compliance with the grant agreement. This all takes time.

In response to a question of whether or not the Board needs to vote to approve the current grant agreement modifications, John Tunna responded, "I don't see what has been presented as anything more than an overview, and I do not think it needs to be voted on."

Bill Bronte closed the discussion by asking that all chairs get their information into Ken with "estimates going forward of expenditures and deliverables" so that Ken and DJ can provide a financial report on February 23, 2012.

Consider for approval: Elevation of the SFWG to a task force – Al Ware:

Al Ware asked the Board for consideration of the resolution previously presented to the Board (December 20, 2011) to elevate the Structure and Finance Working Group (SFWG) to that of a Task Force reporting directly to the Board.

Al asked David Ewing to provide an overview of the proposal.

David stated, "on December 16, 2011, the Administrative task force voted unanimously to move the resolution to the Board for its consideration." He noted that the Board had its first reading of the proposal on December 20, 2011, and asked for more time to review it. David added that it was anticipated that the Board would act on it during this call.

David added that the proposal is "consistent with earlier conversations about the budget. The task force would work with Ken Uznanski on the budget and deliverables".

David also noted that "the voting procedures for the proposed task force are identical to all of the other NGEC subcommittees and task forces."

He emphasized that he would like to see this "move forward because of the short timelines ahead."

Bill Bronte commented that "I appreciate the work that has been done on this in helping to frame the item" and he believes it is necessary to raise the working group to a task force as it will produce the NGEC's "legacy document".

Bill called for a motion to adopt the proposed resolution elevating the SFWG to a task force.

The motion was offered by Al Ware, Georgia DOT, and seconded by Eric Curtit, Missouri DOT, and Pat Simmons, NCDOT.

Steve Hewitt polled the Board voting members:

Bill Bronte –Aye
Mario Bergeron – Aye
Alan Ware – Aye
DJ Stadler – Aye
John Tunna – Aye
Eric Curtit – Aye
Kevin Lawson – Aye
Tammy Nicholson – Aye
Tammy Nicholson for Ron Adams – Aye
George Weber – Aye
Ray Hessinger – Aye
Pat Simmons – Aye
Joe Kyle – Aye
Ron Pate for John Sibold – Aye

With all members voting in the affirmative, Chairman Bronte determined that consensus had been achieved and the motion is approved.

Bill then reminded the Board that we will need a chair of the new task force and he was looking for volunteers. Steve Hewitt noted that the Administrative task force, in submitting the proposal, also recommended that the Board temporarily appoint Al Ware as chair until a more permanent one can be found.

Bill Bronte thanked Al for accepting this additional responsibility, and emphasized that he wants a volunteer to come forward in time for the February 23, 2012 Annual Meeting.

John Tunna asked that a new column for the Structure and Finance Task Force (SFTF) be added to the budget work sheet.

Kevin Kesler asked Al Ware to begin scheduling weekly calls "as time is running short".

Al said he will "talk with Hewitt about scheduling conference calls with those who had served on the SFWG initially and get their input."

Kevin again emphasized, "we need a call soon."

David Ewing asked Kevin Kesler if it is "your view that refinement of the work plan for the task force and focusing on the competitive process is the first priority?"

Kevin responded, "it's important to get back to the original challenge." The agenda for the first call should include; "what is the desired outcome and how to do it – including getting support for it."

Kevin added, "before we decide on an entity we should go back and define the tasks for stewardship of the fleet."

Bill Bronte noted that he sees the importance of "the issue of Section 6 and the role of FRA vis a vis the states and who owns the equipment and what role it will play in the overall effort."

Kevin agreed and David Ewing responded, "this is all consistent with the resolution that the Board just adopted."

Consideration for Approval: Administrative task force proposed disclaimer statement – Al Ware:

Al Ware presented the disclaimer statement that had been prepared by the Administrative task force at the request of the Locomotive Technology Task Force (LTF) of the Technical subcommittee. The disclaimer basically protects the companies or agencies that members work for in regard to opinions expressed by those who wrote the LTF report.

Some discussion ensued and clarification was provided. Kevin Kesler asked that a motion include the explanation that the "key distinction" should be that this disclaimer is meant for reports that are not voted on in the various subcommittees through their process, but rather what is available as information from the Committee.

Steve Hewitt clarified that it was meant to cover "opinion reports or documents", and not meant to modify or change any approval processes already in place in the subcommittees for specifications or requirements documents etc.

Kevin reiterated that it was for the purpose of "capturing and making available on the website as information."

He then added, the "application of this is for documents shared with the NGE, but not subject to a vote in the subcommittee." Kevin asked that "instructions following the disclaimer statement be attached to all documents to be shared with the Committee, but not voted on by the Board or subcommittee."

With a general agreement on the use of the disclaimer, Kevin Kesler made a motion, seconded by Pat Simmons, to adopt the disclaimer statement as follows:

(Proposed Disclaimer Statement – approved by the Administrative Task Force – December 2, 2011):

"The views, opinions, conclusions, recommendations expressed in this report are those of the authors themselves and do not represent the policy or position of their respective employers or the Section 305 Next Generation Corridor Equipment Pool Committee (NGEC) or any of its officers or members".

***N.B.** "Obviously, on a case by case basis, authors may wish to consult their own attorneys on use of this type of language. They may also wish to modify it for their own circumstances. For instance, "document" may be better than "report". Also, authors should be particularly careful to give proper attribution to other authors whose work they might be quoting or paraphrasing, and should be careful to get their permission if they want to use charts or photos that are in other reports".*

Steve Hewitt polled the Board voting members:

Bill Bronte –Aye
Mario Bergeron – Aye
Alan Ware – Aye
DJ Stadler – Aye
John Tunna – Aye
Eric Curtit – Aye
Kevin Lawson – Aye
Tammy Nicholson – Aye
Tammy Nicholson for Ron Adams – Aye
George Weber – Aye
Ray Hessinger – Aye
Pat Simmons – Aye
Joe Kyle – Aye
Ron Pate for John Sibold – Aye

With all members voting in the affirmative, Chairman Bronte determined that consensus had been achieved and the motion is approved.

Status: AASHTO contract with Larry Salci for Standardization assessment – Leo Penne:

As noted in the action item review, this contract has been executed.

Status: Change Management during Procurement – Caltrans response to the revised report – Bill Bronte:

Bill Bronte reported that this report continues to be under review by Caltrans legal and asked that it be continued as a carryover action item.

Update: Joint Procurement Task Force(JPTF) Activities – Bill Bronte:

Bill provided a brief overview of the activities of the JPTF. He described it as "moving forward." There is a face to face meeting scheduled for January 17 and 18, 2012 in Chicago, Illinois. The first day will address the larger overarching issues and the second day will look at the "knits and grit of the RFP and the Joint procurement document." He added that the FRA (Chad Edison and Paul Nissenbaum) are working on a draft agenda for the meeting and will present it during the JPTF conference call scheduled for January 4, 2012.

Update: Revision B – Mario Bergeron/Dale Engelhardt:

Dale Engelhardt reported to the Board that, after the approval of Revision B it was discovered that Amtrak had a confidentiality agreement with the supplier of Wi-Fi equipment included in Chapter 12. Amtrak has Dave Warner and Tammy Krause redrafting the chapter to exclude items that are considered confidential, and Dale has asked Steve Hewitt not to publish Revision B on the website until this issue has been resolved.

Once the changes have been made, it will be brought back to the Executive Board for its consideration for

The next call is: January 24, 2012 at 11:30am Eastern

Decisions/Action Items – 1-3-12 Executive Board Conference Call

Budget items for 2012-2013 and the 2011-12 grant agreement modifications will continue to be an agenda item until resolved. All chairs are to provide Ken Uznanski with further information describing proposed consultant work plans and cost estimates with deliverables included. Ken will provide Bill Bronte and Steve Hewitt with the material he needs to complete the budget. Steve and Bill will "nudge" the chairs. The intent is to have a budget complete and finalized in advance of the February 23, 2012 NGEC Annual Meeting.

Board members are asked to consider volunteering for the chairmanship of the SFTF. Al Ware will be temporary chair until February 23, 2012, providing a more permanent chair can be found.

Members agreed that a process needs to be developed to track and monitor contracts. Outlook and Microsoft Project were mentioned as possible tools to utilize for tracking, but nothing definite was decided at this point. This will be an agenda item for the Board to consider at some point. Most likely, a recommendation should come through the Administrative Task Force and the Finance subcommittee. **(carryover item)**

Revision B, Chapter 12 will be revised to remove any items considered to be confidential. The revised version will be submitted to the Board for consideration for approval within the next few weeks. Revision B will not be posted to the website until revised and approved.

The revised preliminary report on change management during procurement is being reviewed by Caltrans legal and procurement offices. Bill Bronte to check with Stan Hunter on the status. **(carryover item)**

The Administrative task force will develop a recommended framework to address industry letters, requests to meet with the Executive Board etc. Kevin Kesler will provide Alan Ware (and Steve Hewitt) with proposed language for addressing industry approaches to individual states. **(carryover item)**

Board members and support staff are asked to notify Steve Hewitt of their intentions of attending the NGEC Annual Meeting. Board members and staff are also reminded to reserve a room at the conference hotel by January 9, 2012 in order to receive the block rate.

Al Ware and Steve Hewitt will discuss a schedule and membership for the SFTF. Meetings will likely be scheduled weekly.

Ken Uznanski and FRA will provide AASHTO with a description or definition of "discount airfare" for the purpose of providing better clarification of guidelines for state reimbursement for travel.

Subcommittee and task force chairs are to provide ken Uznanski with estimates of expenses anticipated for the remainder of this budget period to help Ken and DJ Stadtler in preparing a financial report for the February 23, 2012 NGEC Annual meeting.

The Executive Board will change its call schedule to alternating Tuesdays to not conflict with the S4PRC calls. The next meeting will be January 24, 2012 and every other Tuesday going forward. The time will remain 11:30am Eastern. Subcommittees and task forces may revise their schedules as well to not meet on the same week as the Board.

The Disclaimer statement for "opinion" reports was approved and will be provided to Dave Warner and all chairs for use as appropriate.

ATTACHMENTS



S305 NGEC Executive Board Conference Call
January 3, 2012
Noon - 1:00pm Eastern
Call in number: 866 299 7945 passcode: 1601544#
Agenda

- | | |
|---|--------------|
| 1. Welcome | Bill Bronte |
| 2. Roll Call | Steve Hewitt |
| 3. Approval of Minutes from December 20, 2011 | Bill Bronte |
| 4. Review of Action Items | Steve Hewitt |
| 5. Presentation of NGEC Budget and Work Plans for 4-1-12 through 3-31-13 | Ken Uznanski |
| 6. Review of Revisions and Modifications to the current grant agreement | Ken Uznanski |
| 7. Consider for approval: Elevation of SFWG to task force | Al Ware |
| 8. Consider for approval: Admin. TF proposed disclaimer statement | Al Ware |
| 9. Status: AASHTO Contract with Larry Salci for Standardization assessment | Leo Penne |
| 10. Status: Change Management during Procurement – Caltrans response to the revised report and proposed process | Bill Bronte |
| 11. Update: Joint Procurement Task Force activities | Bill Bronte |
| 12. Update: Revision B | Mario/Dale |
| 13. Registering for the Feb 23, 2012 NGEC Annual Mtg and room reservations | Steve Hewitt |
| 14. Revising Executive Board call schedule for 2012 | Bill Bronte |
| 15. Other | All |

Decisions/Action Items – 12-20-11 Executive Board Conference Call
Budget items for 2012-2013 and the 2011-12 grant agreement modifications will be an agenda item for January 3, 2012 so that Ken Uznanski can walk the Board through the spreadsheets.
The ADA WG has changed its name to the accessibility working group. The working group will continue to review its recommendation document and present it to the Technical subcommittee and the Board upon completion.
Members agreed that a process needs to be developed to track and monitor contracts. Outlook and Microsoft Project were mentioned as possible tools to utilize for tracking, but nothing definite was decided at this point. This will be an agenda item for the Board to consider at some point. Most likely, a recommendation should come through the Administrative Task Force and the Finance subcommittee. (carryover item)
The Executive Board approved the procedures for contracting with consultants as presented by the administrative task force. Steve Hewitt to provide the final document, as approved, to all Board members. – Task complete
The revised preliminary report on change management during procurement is being reviewed by Caltrans legal and procurement offices. Bill Bronte to check with Stan Hunter on the status. (carryover item)
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The Administrative task force will develop a recommended framework to address industry letters, requests to meet with the Executive Board etc. Kevin Kesler will provide Alan Ware (and Steve Hewitt) with proposed language for addressing industry approaches to individual states. (carryover item)
Revision B was adopted by the Executive Board on December 20, 2011. Task complete
By early January 2012, the Administrative task force will present a disclaimer statement as requested by the LTF to the Board for consideration. On agenda
The Board will keep to its current schedule of bi-weekly conference calls throughout 2012. The first call of the new year will be January 3, 2012. The January 17, 2012 call will be cancelled due to the JPTF meeting in Chicago. On agenda – currently conflicting with S4PRC calls – may need to change the dates or the times
Board members and support staff are asked to notify Steve Hewitt of their intentions of attending the NGEC Annual Meeting. Board members and staff are also reminded to reserve a room at the conference hotel by January 9, 2012 in order to receive the block rate. On agenda – only a few people have told me they are attending



Proposed Disclaimer Statement – approved by the Administrative Task Force – December 2, 2011 and Adopted by the Executive Board – January 3, 2012:

The views, opinions, conclusions, recommendations expressed in this report are those of the authors themselves and do not represent the policy or position of their respective employers or the Section 305 Next Generation Corridor Equipment Pool Committee (NGEC) or any of its officers or members.

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