

Jon S. Corzine  
Governor

Kris Kolluri, Esq.  
Board Chairman

George D. Warrington  
Executive Director

**NJ TRANSIT**  
One Penn Plaza East  
Newark, New Jersey 07105-2246  
973-491-7000



November 10, 2006

Dear Governor Corzine:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the regularly scheduled meetings of the New Jersey Transit Corporation, NJ Transit Rail Operations, Inc., NJ Transit Bus Operations, Inc., and NJ Transit Mercer, Inc. Board of Directors held on Wednesday, November 8, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Gwen A. Watson", with a long horizontal flourish extending to the right.

Gwen A. Watson  
Board Secretary

Enclosures

Honorable Jon Corzine  
Governor, State of New Jersey  
State House  
Trenton, NJ 08625

(NJT BOARD –11/08/2006)

Minutes of the actions taken at the Open Session of the regularly scheduled Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Wednesday, November 8, 2006.

**Present:**

Kris Kolluri, Esq., Chairman  
Patrick W. Parkinson  
Kenneth E. Pringle  
A. Matthew Boxer, Governor's Representative

George D. Warrington, Executive Director  
Lynn Bowersox, Assistant Executive Director, Corporate Commun. & External Affairs  
James Gigantino, Acting Vice President & General Manager, Bus Operations  
Charles Prehm, Acting Vice President & General Manager, Rail Operations  
Mark Holmes, Deputy Attorney General  
Vincent Soleo, Assistant Executive Director, Procurement & Support Services  
James Redeker, Assistant Executive Director, Policy, Technology & Customer Services  
Richard Sarles, Assistant Executive Director, Capital Planning and Programs  
H. Charles Wedel, Chief Financial Officer & Treasurer  
Alma Scott-Buczak, Assistant Executive Director, Human Resources  
Jan Walden, Assistant Executive Director, Diversity  
Gwen A. Watson, Board Secretary  
Robert Guarnieri, Auditor General

Chairman Kris Kolluri convened the Open Session at 9:35 am in accordance with the Open Public Meetings Act and asked for a motion to enter Executive Session to discuss litigation matters and contract negotiations. A motion was made by Patrick W. Parkinson, seconded by Kenneth E. Pringle and unanimously adopted.

Chairman Kris Kolluri reconvened the Open Session at 10:35 am and asked for a motion to adopt the minutes of the October 11, 2006 meeting. A motion was made by Patrick W. Parkinson, seconded by A. Matthew Boxer and unanimously adopted.

Executive Director George Warrington highlighted the following from his monthly business report.

Executive Director Warrington said with fall underway, one of NJ TRANSIT's success stories in combating the historic, seasonal challenge of slippery rails caused by wet leaves, is the Aqua Track.

NJ TRANSIT introduced this high-pressure rail washing system in 2003 as part of an effort to keep the rails clear of the oily residue that often results in train delays from wheel-slip conditions.

(NJT BOARD –11/08/2006)

Aqua Track will be used this year, primarily on the Morris & Essex and Montclair-Boonton lines, where the 1.5 percent grade at Summit Hill and 1.3 percent grade at Glen Ridge have historically led to wheel-slip problems, as well as the Pascack Valley Line and others as needed.

This season, NJ TRANSIT began operating the high-pressure washer six days a week starting on October 16, 2006.

Executive Director Warrington said when he first arrived in 2002, NJ TRANSIT had 226 delays caused by slippery rail conditions. Since using Aqua Track, slippery rail delays have been reduced by more than 80 percent.

Another measure of Aqua Track's success is the fact that other regional railroads have come to NJ TRANSIT to explore the system for their own use, among them SEPTA, the Long Island Railroad and the MBTA.

Executive Director Warrington thanked Glenn Sullivan and his team for their efforts in developing this system, which has made a substantial improvement in rail service for customers.

Executive Director Warrington said NJ TRANSIT is looking ahead to the winter months, with rail, bus and light rail operations gearing up to ensure that service is as weather-proof as possible.

Each year, NJ TRANSIT begins preparing in advance, so that the "winterization" process is complete long before the first snowflakes hit the ground.

As part of the preventive maintenance program, NJ TRANSIT has already begun the process of inspecting more than 750 switches and switch heaters, as well as 841 rail cars and 159 locomotives.

On the bus side, maintenance personnel are checking to make sure that the fleet of 2,111 buses are ready, from the heating and airbrake systems to the engine fluids, tires, windshield wipers and doors.

In addition, NJ TRANSIT is equipped with two jet-engine powered snow blowers to clear train tracks and switches of ice and snow, particularly in rail yards, as well as snowplows on diesel locomotives and snow-fighting equipment for the bus facilities.

Executive Director Warrington thanked Assemblyman John Wisniewski and Mayor John O'Leary for their continued support. He said NJ TRANSIT recently made significant upgrades at South Amboy Station with an eye toward safety, convenience and accessibility, including a new pedestrian overpass and plaza that opened last year, a new grade crossing at O'Leary Boulevard, and the closure of the Augusta Street grade crossing.

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He said NJ TRANSIT will advance to the next round of what has been a comprehensive improvement plan to benefit the more than 1,200 customers that use the station.

Executive Director Warrington said the contracts before the Board today will prepare the South Amboy site for construction of a new center island high-level platform, which requires new foundations and support poles for the railroad's overhead catenary power system so that the track may be relocated.

When completed, the new high-level platforms will complement the other recent capital investments NJ TRANSIT has made to improve pedestrian and customer safety at this station.

NJ TRANSIT is also in the early stages of working with South Amboy to add parking capacity at the station. The concept for the project will be completed next spring, with design and construction slated to begin next fall, and overall completion by the end of 2009.

Executive Director Warrington said before the Board today is an item that will provide New York customers with convenient, efficient access to NJ TRANSIT trains via a new, enclosed entrance along 31<sup>st</sup> Street and 7<sup>th</sup> Avenue in New York.

The new entrance will provide direct access to the 7<sup>th</sup> Avenue Concourse, giving customers an alternative to the congested main entrance to the entire Penn Station complex. This entrance will not only enhance the functionality of the concourse, which serves about 70 percent of the customers traveling into New York, but has also been designed to complement planned projects in and near New York Penn Station to further accommodate growing ridership, like THE Tunnel project.

Executive Director Warrington said next week he will be joining Chairman Kolluri at the Atlantic City Rail Terminal for a display of the new multi-level vehicle. The training and testing is going well and delivery remains on-track to roll out the first multi-level consist December 11, 2006 on the Northeast Corridor.

He said since the last Board Meeting 11,000 additional miles have been tested on the cars and clearance testing was successfully completed on NJ TRANSIT and Amtrak lines at yards and at stations and terminals.

Suzanne Mack presented the Advisory Committee report to the Board. Ms. Mack thanked Governor Corzine for the public question on the ballot to dedicate money to the transportation system and said the Advisory Committee is pleased that the Governor is committed to public transit.

Ms. Mack said there were two presentations made at the Advisory Committee. She said Project Manager William Wong gave an outstanding presentation on South Amboy Station High Level Platforms that is on the Board agenda today. Ms. Mack said the second presentation was on Ridgewood Station-Americans with Disabilities Act (ADA)

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requirements. She said this project has been ongoing for many years and Ridgewood Station was designated as a key station for ADA compliance. Ms. Mack said the Advisory Committee is very pleased that Ridgewood Station has been approved and this issue has been settled.

Ms. Mack said the next Advisory Committee meeting is scheduled for December 7, 2006 and a marketing presentation is on the agenda. She said the Advisory Committee is looking forward to this presentation and the opportunity to provide feedback on the marketing program since it is important for customers to experience promotional programs.

There were no public comments on agenda items.

Executive Director Warrington presented the following Action Items for approval:

0611-71: PENN STATION NEW YORK 31<sup>ST</sup> STREET ENTRANCE:  
CONSTRUCTION CONTRACT AWARD

This item requests a contract with Yonkers Contracting Company Incorporated to build a new street level entry enclosure at New York Penn Station's 7<sup>th</sup> Avenue Concourse at 31<sup>st</sup> Street. This new entrance will allow passengers to bypass the congested main entrance to the station on 7<sup>th</sup> Avenue and 32<sup>nd</sup> Street and will give customers a direct link to the concourse and improve pedestrian circulation within the station. The proposed contract will not exceed \$12.3 million. Authorization is requested to approve a contract amendment with Jacobs Civil Incorporated for construction assistance during this project in an amount not to exceed \$200,000 plus five percent for contingencies.

Patrick W. Parkinson moved the resolution, A. Matthew Boxer seconded it and it was unanimously adopted.

0611-72: SOUTH ABMOY STATION HIGH-LEVEL PLATFORMS – CONTRACT 1:  
CONSTRUCTION CONTRACT AWARD AND CONTRACT AMENDMENT  
FOR CONSTRUCTION ASSISTANCE SERVICES

NJ TRANSIT's South Amboy train station serves more than 1300 daily customers and, over the past several years, NJ TRANSIT has made a series of improvements, including a new pedestrian overpass and elimination of a grade crossing at the station. The next phase in an effort to improve the station and make it ADA accessible will be to construct a new high level center island platform transforming the station into a modern transportation hub. Authorization is requested to contract to construct catenary structures and foundations and to begin relocating track for the new platforms. The contract is with Northeast Remsco Construction Company at a cost not to exceed \$4.4 million. Authorization

is also requested to fund the next phase of construction assistance for this project with Vollmer Associates in an amount not to exceed \$139,679 plus five percent for contingencies.

A. Matthew Boxer moved the resolution, Kenneth E. Pringle seconded it and it was unanimously adopted.

0611-73: MEADOWS MAINTENANCE COMPLEX (MMC) TRACK 8 EXTENSION: CONSTRUCTION CONTRACT AWARD AND CONTRACT AMENDMENT FOR CONSTRUCTION MANAGEMENT SERVICES

NJ TRANSIT is in the midst of a capacity expansion project at its central repair facility, the Meadows Maintenance Complex. The upgrades will relieve shop congestion and accommodate the growing fleet, and includes a yard expansion, an inspection pit and new train washer. One element of the expansion project is the extension of Track 8 at the facility through the east end of the locomotive building with a new interior maintenance platform and two bridge cranes for improved maintenance access to equipment. A connection to Track 7 will also be constructed and storm sewers will be relocated. Authorization is requested to contract with DMR Construction Services Inc. for this Track 8 extension and connection at a cost not to exceed \$4,457,000 plus five percent for contingencies as well as a contract amendment with Tishman Construction Inc. for continued construction management services relating to the project at a cost not to exceed \$649,800 plus five percent for contingencies. This project is scheduled for completion early in 2008.

Patrick W. Parkinson moved the resolution, A. Matthew Boxer seconded it and it was unanimously adopted.

0611-74: LIBERTY STATE PARK SERVICE, MORRIS COUNTY LOCAL BUS SERVICE AND PASSAIC COUNTY LOCAL BUS SERVICE

NJ TRANSIT is seeking additional funding to continue operation of 21 local bus routes operated under three private carrier agreements which serve Liberty State Park, Morris County and Passaic County. The routes have a combined ridership of over 3.6 million and annual revenue of more than \$3.8 million. The Board authorized contracts with these carriers at various times during the past several years. Since those authorizations, additional service, routes and vehicles as well as the unanticipated escalation of fuel prices necessitate additional funding to carry these contracts through their expiration dates. Authorization is requested to amend the existing agreement with Seven Bus Corporation to operate Liberty State Park Service by increasing the first and second option periods of the contract by \$46,373 and \$273,994, respectively, plus 10 percent for contingencies. Authorization is also requested for an

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extension of this contract for ten months so that its expiration will coincide with the termination of other minibus agreements allowing NJ TRANSIT to issue a single RFP for all minibus regular route services. Authorization is also requested to amend the existing agreement with Pabco Transit Inc. in Morris County by increasing the funding of the base and option periods by \$252,619 and \$804,210, plus five percent for contingencies. Authorization is also requested to amend the current Community Transportation Inc. agreement for local Passaic County bus service to increase the base and first option periods by \$559,252 and \$2,492,383 respectively, plus five percent for contingencies. Combined, these actions will allow NJ TRANSIT to continue to meet the increased demand for service through the expiration dates of these contracts.

Kenneth E. Pringle moved the resolution, Patrick W. Parkinson seconded it and it was unanimously adopted.

Executive Director Warrington presented the following Consent Items for approval:

0611-75: TRAIN PLAN SOFTWARE UPGRADE

Authorization to amend the licensing, maintenance and support agreement with Vossloh Information Technologies York LTD, UK to upgrade NJ TRANSIT's Train Plan Software at a cost not to exceed \$595,000 and to provide one year of maintenance and product support at a cost not to exceed \$97,000, for a total cost not to exceed \$692,000, plus five percent for contingencies, subject to the availability of funds.

0611-76: AMENDMENT OF BOARD ITEM 0603-4 THAT AUTHORIZED EXECUTION OF A PROPERTY CONVEYANCE AGREEMENT AND ALL OTHER NECESSARY LEGAL DOCUMENTS FOR "TRANSIT VILLAGE" DEVELOPMENT AT MORRISTOWN STATION

Amends Board Item 0603-4 to approve the modified consideration outlined herein and authorizes staff to proceed accordingly with the property conveyance agreement and all other necessary legal documents with Rosewood Lafayette Commons, LLC for the Morristown Station Transit Oriented Development.

0611-77 REGULATIONS: READOPTION WITH AMENDMENTS TO N.J.A.C. 16:79 BACKGROUND CHECKS FOR NON-CRIMINAL MATTERS

Authorization to take all actions necessary to readopt with amendments the regulations, N.J.A.C. 16:79 et seq., Background Checks for Non-Criminal Matters, consistent with this Board item and exhibits, put the regulations in the appropriate format and take all other actions necessary

to effectuate the final readoption and promulgation of NJ TRANSIT's Background Checks for Non-Criminal Matters.

The Consent Calendar was moved in its entirety by A. Matthew Boxer, seconded by Kenneth E. Pringle and unanimously adopted.

There were two public comments on non-agenda items.

Rose Heck on behalf of the New Jersey Association of Railroad Passengers said at the October 2006 Board meeting she asked several questions about the use of light rail vs. diesel multiple units in eastern Bergen County and did not receive answers to her questions. Ms. Heck gave the Board Secretary a copy of the statement she made at the October 11, 2006 Board Meeting and requested a response.

Ms. Heck said that light rail is in use throughout the nation. She is waiting to see NJ TRANSIT's numbers on light rail but was told that transfers are not included in ridership counts. She has also received passenger complaints from light rail users that some passengers are not paying fares. She said there are no checks and balances being made on light rail and it is an honor system. She also received reports that fares are not collected on heavy rail as well.

Chairman Kolluri thanked Ms. Heck for bringing this matter to the Board's attention. Ms. Heck said there should be a check about how the light rail numbers are counted.

Executive Director Warrington commented that regular fare collection audits are conducted on rail, South Jersey Light Rail and the Hudson Bergen Light Rail lines. He said NJ TRANSIT's Internal Auditor has done extensive reviews on fare collection procedures. He said the overall system appears to be working well.

Al Cafiero, on behalf of Senator Cardinale's Office, distributed to the Board Members a Resolution that the Board adopted in December 2005 that referenced the Hudson Bergen Light Rail going west to Secaucus in the Benefits and Fiscal Impacts sections. He said the Resolution's main concern addressed the completion of two primary phases of the Hudson Bergen Light Rail project through final project closeout and does not mean the Board gave authorization to divert the extension of Hudson Bergen Light Rail from Eastern Bergen to Secaucus.

Mr. Cafiero said the 2006 TIP indicated that the Hudson Bergen Light Rail would extend to Tenafly on the Northern Branch. However, in the 2007 revision the Northern Branch was followed by diesel multiple unit and two phases have been added: Hudson Bergen Light Rail Extension to Secaucus and Hudson Bergen Light Rail Secaucus-Meadowlands Connector.

Mr. Cafiero said instead of a light rail line relieving traffic where residents must struggle in an area, more money will be spent in Secaucus building the light rail line along one of the widest highways in New Jersey.

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Mr. Cafiero said NJ TRANSIT claims the Tenafly Hudson Bergen Light Rail extension would be twice as costly to build than the diesel multiple unit vehicles because of the added electrification and the need for a separate track to accommodate the one weekday CSX freight train. Mr. Cafiero said that half of the cost savings claimed result from the much lower passenger capacity needed to build for the shuttle. He said the lower capacity will be adequate because of the low ridership resulting with people not having a one seat ride directly to the ferries, Hoboken Terminal and PATH in Jersey City. He said with the low ridership, NJ TRANSIT will need only one third as many diesel multiple unit vehicles and only one quarter as many parking spaces and shorter platforms.

Mr. Cafiero said Executive Director Warrington stated that the light rail vehicles would not be able to use THE Tunnel but heavy rail diesel multiple unit vehicles can. Mr. Cafiero said that is half true because electric light rail on the Northern Branch could easily be converted to electric heavy rail by replacing cars and upgrading catenary wires.

Mr. Cafiero said NJ TRANSIT claims that nearly all of the elected officials in Eastern Bergen County want the diesel multiple unit vehicles. He said many of the same elected officials told Mr. Cafiero they would prefer light rail but Executive Director Warrington told them if they don't accept the diesel multiple unit vehicles, it would be impossible to give them any rail service at all.

Mr. Cafiero said he does not understand why NJ TRANSIT feels the need to abandon the light rail project through eastern Bergen County and asked if it is feasible to extend the Hudson Bergen Light Rail from Tonnelle to both Tenafly and Secaucus.

Since there were no further comments or business, the Chairman called for adjournment and a motion to adjourn was made by Patrick W. Parkinson, seconded by Kenneth E. Pringle and unanimously adopted.

The meeting was adjourned at approximately 11:00 am.

**NEW JERSEY TRANSIT CORPORATION  
 NJ TRANSIT BUS OPERATIONS, INC.  
 NJ TRANSIT RAIL OPERATIONS, INC.  
 NJ TRANSIT MERCER, INC.  
 REGULARLY SCHEDULED BOARD OF DIRECTORS MEETING**

**NOVEMBER 8, 2006**

**MINUTES**

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**ACTION ITEMS**

0611-71	PENN STATION NEW YORK 31 <sup>st</sup> STREET ENTRANCE: CONSTRUCTION CONTRACT AWARD	37985
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Authorization to contract (No. 07-015X) with Yonkers Contracting Company, Incorporated of Yonkers, New York to add construction of the Penn Station New York 31<sup>st</sup> Street Entrance at a cost not to exceed \$11,771,500, plus five percent for contingencies, subject to the availability of funds.

Also authorization to amend the contract with Jacobs Civil Incorporated of Iselin, New Jersey (formerly Sverdrup and Parcel Consultants, Inc.) for construction assistance services in the amount of \$200,000, plus five percent for contingencies, for a total contract authorization of \$19,025,389, subject to the availability of funds.

NEW JERSEY TRANSIT CORPORATION  
NJ TRANSIT BUS OPERATIONS INC.  
NJ TRANSIT RAIL OPERATIONS INC.  
NJ TRANSIT MERCER INC.  
REGULARLY SCHEDULED BOARD OF DIRECTORS MEETING  
NOVEMBER 8, 2006  
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- 0611-72 SOUTH AMBOY STATION HIGH-LEVEL PLATFORMS – 37988  
CONTRACT 1: CONSTRUCTION CONTRACT AWARD  
AND CONTRACT AMENDMENT FOR CONSTRUCTION  
ASSISTANCE SERVICES

Staff seeks authorization to contract (No. 07-007X) with Northeast Remsco of Toms River, NJ for the construction of catenary foundations and structures at South Amboy Station on the North Jersey Coast Line at a cost not exceed \$4,223,450, plus five percent for contingencies, subject to the availability of funds.

Staff also seeks authorization to fund Phase 3 (Construction Assistance) of a professional services contract (No. 92CM0063) with Vollmer Associates of New York City, NY for construction assistance services related to the construction contract in the amount of \$139,679 plus five percent of contingencies for a total contract authorization of \$7,016,832, subject to the availability of funds.

- 0611-73 MEADOWS MAINTENANCE COMPLEX (MMC) TRACK 8 37991  
EXTENSION: CONSTRUCTION CONTRACT AWARD  
AND CONTRACT AMENDMENT FOR CONSTRUCTION  
MANAGEMENT SERVICES

Authorization to contract (No.07-011X) with DMR Construction Services, Inc. of Waldwick, New Jersey, for the construction of the Track 8 Extension located at the Meadows Maintenance Complex (MMC) in Kearny, NJ at a cost not to exceed \$4,457,000, plus five percent for contingencies, for a total authorization of \$4,679,850.

Also authorization to amend professional services contract (No. 99CA074) with Tishman Construction, Inc. of Newark, New Jersey, for construction management services for the Track 8 extension and MMC Facility Expansion projects in the amount of \$649,800, plus five percent for contingencies, for a total contract authorization of \$8,875,440.

NEW JERSEY TRANSIT CORPORATION  
NJ TRANSIT BUS OPERATIONS INC.  
NJ TRANSIT RAIL OPERATIONS INC.  
NJ TRANSIT MERCER INC.  
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0611-74 LIBERTY STATE PARK SERVICE, MORRIS COUNTY LOCAL BUS SERVICE, AND PASSAIC COUNTY LOCAL BUS SERVICE 37994

Authorization to amend the existing agreement with Seven Bus Corp. for the operation of Liberty State Park Service, as set forth in Exhibit A, to increase the amount of the first and second option periods of the contract by \$46,373 and \$273,794, respectively, plus ten percent for contingencies, and authorization to extend the contract for the ten-month period from December 1, 2007 through October 4, 2008 at a cost not to exceed \$618,606, plus ten percent for contingencies.

Authorization to amend the existing agreement with Pabco Transit, Inc. for the operation of Morris County local and rural bus service, as set forth in Exhibit A, to increase the amount of the base and option periods of the contract by \$252,619 and \$804,210, respectively, plus five percent for contingencies.

Authorization to amend the existing agreement with Community Transportation, Inc. for the operation of Passaic County local bus service, as set forth in Exhibit A, to increase the amount of the base and first option periods of the contract by \$559,252 and \$2,492,383, respectively, plus five percent for contingencies.

#### **CONSENT CALENDAR**

0611-75 TRAIN PLAN SOFTWARE UPGRADE 38002

Authorization to amend its licensing, maintenance and support agreement with Vossloh Information Technologies York LTD, UK to upgrade NJ TRANSIT's Train Plan software at a cost not to exceed \$595,000 and to provide one year of maintenance and product support at a cost not to exceed \$97,000, for a total cost not to exceed \$692,000, plus five percent for contingencies, subject to the availability of funds.

NEW JERSEY TRANSIT CORPORATION  
NJ TRANSIT BUS OPERATIONS INC.  
NJ TRANSIT RAIL OPERATIONS INC.  
NJ TRANSIT MERCER INC.  
REGULARLY SCHEDULED BOARD OF DIRECTORS MEETING  
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0611-76 AMENDMENT OF BOARD ITEM 0603-4 THAT 38005  
AUTHORIZED EXECUTION OF A PROPERTY  
CONVEYANCE AGREEMENT AND ALL OTHER  
NECESSARY LEGAL DOCUMENTS FOR "TRANSIT  
VILLAGE" DEVELOPMENT AT MORRISTOWN STATION

Amends Board Item 0603-4 to approve the modified consideration outlined herein and authorizes staff to proceed accordingly with the property conveyance agreement and all other necessary legal documents with Rosewood Lafayette Commons, LLC for the Morristown Station Transit Oriented Development.

0611-77 REGULATIONS: READOPTION WITH AMENDMENTS 38008  
TO N.J.A.C. 16:79 BACKGROUND CHECKS FOR NON-  
CRIMINAL MATTERS

Authorization to take all actions necessary to readopt with amendments the regulations, N.J.A.C. 16:79 et seq., Background Checks for Non-Criminal Matters, consistent with this Board item and exhibits, put the regulations in the appropriate format and take all other actions necessary to effectuate the final readoption and promulgation of NJ TRANSIT's Background Checks for Non-Criminal Matters.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

**EXECUTIVE SESSION AUTHORIZATION**

**BE IT HEREBY RESOLVED** pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss litigation matters and contract negotiations; and

**BE IT FURTHER RESOLVED** that it is expected that discussions undertaken at this executive session could be made public at the conclusion of these matters as appropriate.

## APPROVAL OF MINUTES

**WHEREAS**, the By-Laws provide that the minutes of actions taken at meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. Board of Directors be approved by the Board; and

**WHEREAS**, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the October 11, 2006 Board meeting of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc. and NJ TRANSIT Mercer, Inc. were forwarded to the Governor on October 13, 2006;

**NOW, THEREFORE, BE IT RESOLVED** that the minutes of actions taken at the October 11, 2006 New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. Board of Directors' meetings are hereby approved.

Jon S. Corzine  
Governor

Kris Kolluri, Esq.  
Board Chairman

George D. Warrington  
Executive Director

**NJ TRANSIT**  
One Penn Plaza East  
Newark, New Jersey 07105-2246  
973-491-7000



**TO:** BOARD OF DIRECTORS  
**FROM:** GEORGE D. WARRINGTON  
**DATE:** NOVEMBER 8, 2006  
**SUBJECT:** EXECUTIVE DIRECTOR'S REPORT – NOVEMBER 2006

With fall underway, one of our success stories in combating the historic, seasonal challenge of slippery rails caused by wet leaves is the Aqua Track. We introduced this high-pressure rail washing system in 2003 as part of our effort to keep the rails clear of the oily residue that often results in train delays from wheel-slip conditions.

This season, we began operating the Aqua Track six days a week starting on October 16, primarily on the Morris & Essex and Montclair-Boonton lines—where steeper grades have historically led to wheel-slip problems—as well as the Pascack Valley Line and others as needed. Since we began using the high-pressure washer, slippery rail delays have been reduced by more than 80 percent, from 226 the year before Aqua Track, down to 51 delays in 2003, 26 delays in 2004, 53 last year and 65 so far this year.

On a related note, we are looking ahead to the winter months, with our rail, bus and light rail operations gearing up to ensure that service is as weather-proof as possible. As part of our preventive maintenance program, we have already begun the process of inspecting more than 750 switches and switch heaters, as well as 841 rail cars and 159 locomotives. On the bus side, maintenance personnel are checking to make sure that our fleet of 2,111 buses is ready—from the heating and airbrake systems, to the engine fluids, tires, windshield wipers and doors. In addition, we are equipped with two jet-engine powered snow blowers to clear our train tracks and switches of ice and snow, particularly in rail yards, as well as snowplows on diesel locomotives and snow-fighting equipment for our bus facilities.

As you know—thanks to Assemblyman John Wisniewski and Mayor John O’Leary’s continued support—we recently made significant upgrades at South Amboy Station with an eye toward safety, convenience and accessibility, including a new pedestrian overpass and plaza that opened last year, a new grade crossing at O’Leary Boulevard, and the closure of the Augusta Street grade crossing. Today, the Board will consider approval of the latest in a series of enhancements to make South Amboy Station a modern transportation hub. The contracts before the Board today will prepare the South Amboy site for construction of a new center island high-level platform to make the station fully accessible to customers with disabilities and more convenient for all customers.

Also before the Board today is an item that will provide our New York customers with direct access to the NJ TRANSIT concourse via a new, enclosed entrance along 31<sup>st</sup> Street and 7<sup>th</sup> Avenue in New York, giving customers an alternative to the congested main entrance to the entire Penn Station complex. This entrance will not only enhance the functionality of the concourse—which serves about 70 percent of our customers traveling into New York—but it has been designed to complement planned projects in and near New York Penn Station to further accommodate our growing ridership, like THE Tunnel project.

As the busy holiday season draws near, we again have a number of initiatives to encourage people to board our trains, buses and light rail vehicles instead of driving, including a number of partner discounts for our customers to take advantage of entertainment in New Jersey and New York City. We are also offering 16 weekend “Holiday Express” trains on the Northeast Corridor and Morris & Essex Lines through January for the benefit of leisure travelers, as well as early getaway rail and bus service for the upcoming holiday on Wednesday, November 22 and Friday, November 24.

Finally, I would like to thank the thousands of NJ TRANSIT employees who will be working this upcoming holiday to keep our public transportation system up and running. We wish them all a Happy Thanksgiving.

# **EXECUTIVE DIRECTOR'S MONTHLY REPORT NOVEMBER 2006**

- 1. HIGHLIGHTS**
- 2. CUSTOMER AND COMMUNITY INITIATIVES**
- 3. EMPLOYEE RECOGNITION**
- 4. DBE/MBE PROGRAM**
- 5. PERFORMANCE MEASURES**

# HIGHLIGHTS

### **Multilevel rail cars to debut on the Northeast Corridor**

After months of extensive testing, NJ TRANSIT will place the first multilevel train into service on December 11 for customers on the Northeast Corridor between Trenton and New York.

In December, NJ TRANSIT will have nine multilevel cars available for service. The delivery schedule calls for the manufacturer, Bombardier Transportation, to produce seven cars per month from February 2007 until July 2007 and 10 cars per month thereafter until all 234 are on the property. As they are delivered and tested, the new cars will replace single-level cars where they are needed most—on NJ TRANSIT's busiest rail lines: the Northeast Corridor, the North Jersey Coast Line and MidTOWN DIRECT service.

#### **A new level of input**

At every phase, customers participated in the design of the new rail cars. A Customer Design Team, composed of 14 NJ TRANSIT commuters from across the system, worked with the manufacturer to provide feedback on interior design, onboard amenities, seat design, and color and fabric selection. Their participation included a September 2003 trip to a Montreal manufacturing plant for a firsthand inspection of a mock-up of the car.

More than any other feature, the cars' seats received considerable attention from the Customer Design Team, which recommended modifications to improve comfort and lumbar support. In the end, the manufacturer redesigned the seats to be more comfortable, providing generous amounts of legroom without reducing capacity.

#### **A new level of capacity**

The fleet of 234 multilevel rail cars offers 15-20 percent more seating capacity than single-level cars, providing additional seats for customers on NJ TRANSIT's busiest rail lines. A typical 10-car multilevel train will provide 225 more seats than a 10-car train using single-level Comet V cars.

The 234 multilevel car order consists of:

- 86 coach cars (with ADA restrooms) with 132 seats
- 33 cab cars (with ADA restrooms) with 127 seats
- 115 coach cars (without restrooms) with 142 seats

**A new level of testing and quality**

Before the first customer steps aboard, each multilevel car will be subjected to a rigorous testing process, including 51 qualification tests on everything from doors, communication equipment, noise, vibration and clearance. The first four prototype cars each logged approximately 10,000 miles at speeds of up to 135 mph at the Transportation Technology Center test track in Pueblo, Colorado. Sandbags and water barrels have been positioned inside the first multilevel test cars in New Jersey to match or exceed the weight of a full load of passengers for brake, power and ride-quality testing under real-world conditions.

**A new level of comfort and convenience**

Designed for customers *by customers* who worked with engineers for the rail cars' manufacturer, the multilevel cars provide 25.27 inches of knee room—a full inch more than Comet V single-level cars—and 2.2 inches more seat width than Comet V seats.

The cars' interior design features large tinted windows, indirect ceiling lighting and soothing blue tones to produce a restful and spacious passenger environment. Each car features an upper and lower seating level, as well as an open, intermediate "mezzanine" level at each end of the car—making the cars truly "multilevel." The mezzanine features plenty of space for customers who opt to stand—complete with padded leaning stations—as well as areas for wheelchairs, carts, strollers and luggage. Fully accessible restrooms are found in this area on more than half of the cars and feature refined finishes and a generous amount of space.

On the upper and lower levels, seats are arranged in a two-by-two configuration—meaning that every seat is either a "window" or an "aisle." This design ensures that 100 percent of car's seats are usable. The two-by-two configuration also results in wider aisles that facilitate passenger boarding and alighting, while making it easier for customers and crewmembers to move about the train. Four doors on each side of the car will further expedite the boarding process.

Each car features high-tech automated public address systems and LED destination screens to keep customers informed. Unlike existing rail cars, the multilevels feature external public address speakers, enabling conductors to make announcements to customers on the platform. Emergency intercoms are available throughout the car—including a call-for-assistance button in the restrooms—and improved anti-skid flooring is featured in the vestibules and restrooms to prevent slips.

The 68-ton stainless steel cars, which fully conform to all federal safety standards, are capable of being used anywhere on the NJ TRANSIT system and were custom designed to match the profile of the 100-year-old Amtrak-owned Hudson River tunnels. The cars are able to serve both high-level and low-level platform stations.

As the multilevel fleet enters revenue service, NJ TRANSIT will reassign modern Comet IV and V equipment to replace many 34-year-old Comet I-series cars, the oldest in the fleet. Currently, Comet I cars are used on the Main, Bergen County, Pascack Valley, Montclair-Boonton and Morristown lines.

### **A new level of training**

Extensive training of engineers and maintenance personnel has been underway at NJ TRANSIT's Meadows Maintenance Complex in Kearny since the spring, including classroom and hands-on instruction in the operation and maintenance of the cars. Conductors, assistant conductors and ticket collectors will receive training over the next several weeks, including familiarization with the multilevel cars' onboard safety and communication systems, as well as ticket collection. Onboard crews also will participate during the dynamic testing phase to gain experience with onboard systems and door operation.

### **NJ TRANSIT approves one-year bus camera pilot program**

On October 11, the NJ TRANSIT Board of Directors approved a pilot program to install video cameras on 74 buses to enhance the overall safety and security of both customers and bus operators.

The \$424,000 pilot includes the installation of on-board camera systems on NJ TRANSIT's Big Tree Garage bus fleet in Nutley, which serves routes in Essex, Passaic, Bergen and Union counties, as well as cameras on 48 supervisor vehicles. The contract with DriveCam of San Diego, CA includes the necessary hardware, servers and support infrastructure, as well as one year of managed services.

Unlike a conventional camera system, DriveCam records data when triggered by the operator or when triggered by a significant sudden change in "g-force" such as an accident or high-speed maneuver, capturing occurrences both inside and outside the bus. The system offers a

considerable cost savings to conventional on-board camera systems and reduces the amount of data that must be stored.

Each time the bus returns into the garage, events recorded by the system are automatically downloaded through a wireless network to a computer server. The pilot program includes one year of managed service by the vendor who will review, prioritize and send back video data on a daily basis.

NJ TRANSIT will begin the one-year DriveCam pilot program in January to evaluate the system's benefits to operator safety, customer safety and the unique ability to reconstruct incidents before proceeding with future installations.

# **CUSTOMER AND COMMUNITY INITIATIVES**

**NJ TRANSIT advances train station safety program**

NJ TRANSIT Board Member and Belmar Mayor Ken Pringle joined NJ TRANSIT Executive Director George D. Warrington at the Belmar train station on November 2, to give a progress report on a program to upgrade safety at nearly three dozen train stations across the system.

The Customer Safety Fencing Program is an effort to reduce incidents of passengers crossing the tracks behind a train as it pulls out of the station. Accidents and fatalities have occurred when pedestrians failed to obey the gates and flashing lights, which may also be activated for a second train approaching on the opposite track.

The safety enhancements, which include supplemental fencing, pylons and signage, are intended to reduce the ability of pedestrians to cross the tracks until the gates rise by channeling arriving passengers off the platform directly in front of the crossing protection—the gates, bells and flashing lights.

Since late July, NJ TRANSIT personnel have evaluated the configuration of 59 stations served by two or more tracks with a road crossing adjacent to the platform. The review identified 33 stations that will undergo safety upgrades through the program.

To date, work has been completed or is nearly complete at 12 stations, and engineering is underway at another four. As part of the effort, existing crossing gates will be relocated at some stations, while other stations will receive new gates.

The safety enhancements are expected to be completed at all 33 stations by the end of 2007 at a cost of approximately \$3 million.

**Stations where work is completed:**

- Belmar
- Ramsey
- Dover
- Aberdeen/Matawan
- Asbury Park
- Hazlet
- Manasquan
- Middletown
- Point Pleasant
- Red Bank (additional signage to be installed soon)
- South Amboy
- Montclair-Bay Street

**Stations where work is in progress:**

- Convent
- Montclair Heights
- Upper Montclair
- Walnut Street

**Stations where work is planned:**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Ho-Ho-Kus</li> <li>• Glen Rock (Boro Hall)</li> <li>• Glen Rock (Main Line)</li> <li>• Denville</li> <li>• Mount Tabor</li> <li>• Little Silver</li> <li>• Allenhurst</li> <li>• Radburn (Fairlawn)</li> <li>• Plauderville (Garfield)</li> </ul> | <ul style="list-style-type: none"> <li>• Garfield</li> <li>• Rutherford</li> <li>• Bradley Beach</li> <li>• Monmouth Park</li> <li>• Bay Head</li> <li>• Mountain Avenue</li> <li>• Raritan</li> <li>• Spring Lake</li> </ul> |
|--|---|

**New rail schedules provide more seats to meet ridership demand**

Customers across the NJ TRANSIT rail system now benefit from an additional 4,000 seats in the peak period as a result of new rail timetables that took effect October 29.

Service improvement highlights include the addition of two new early morning express trains on the Northeast Corridor, as well as a new morning express train and a new morning local train on the North Jersey Coast Line. On the Morris & Essex Lines, an evening peak-period train has been restored, and on the Main/Bergen Line a new early morning peak train fills a gap in service of more than 70 minutes.

Adapting to changing ridership patterns, NJ TRANSIT now provides better, earlier service for the Northeast Corridor's "outer-zone," with two new early morning express trains for customers boarding at Trenton, Hamilton and Princeton Junction stations. The new trains also benefit middle-zone customers by making more seats available on existing trains for customers boarding at Jersey Avenue, New Brunswick, Edison, Metuchen and Metropark stations. In addition, NJ TRANSIT has added a new morning reverse-peak train from New York to Trenton.

North Jersey Coast Line (NJCL) customers benefit from a new morning express train to New York in the peak period, as well as a new local train from South Amboy. The new South Amboy local serves the NJCL's "inner zone"—South Amboy, Perth Amboy, Woodbridge and Avenel—as well as the Northeast Corridor's inner-zone stations—Rahway, Linden, Elizabeth and North Elizabeth.

NJ TRANSIT has also extended a train to Hoboken that previously terminated in Newark, providing an earlier Hoboken arrival without the need to transfer. Added stops on a morning peak train provide Little Silver and Red Bank station customers with more travel options.

In addition, we are again offering 16 "Holiday Express" trains on the Northeast Corridor and Morris & Essex Lines through January for the benefit of customers taking advantage of shopping and entertainment in New Jersey and New York City this holiday season.

### **NJ TRANSIT celebrates Hispanic Heritage Month**

After a successful effort to collect books for New Jersey hospitals, shelters and community centers, NJ TRANSIT—together with event sponsor, Berkeley College—presented more than 5,000 donated books to selected organizations on October 12 at our Hispanic Heritage Month festival at Newark Broad Street Station.

Children from Newark-area after-school programs affiliated with Hispanic Youth groups—including The Newark Literacy Campaign and ASPIRA—as well as Broad Street Station customers were treated to a multicultural celebration complete with live entertainment, food and fun activities highlighting Latino culture.

Members of Flamenco Si—presented by Teatro Sí, a Hispanic theater arts company—treated on-lookers to a demonstration of Spanish Flamenco dance, while Café & Orquidea performed traditional South American dance.

In the "Kids Zone," children engaged in face painting, trivia, safety demonstrations and a lesson from Batman himself, Newark Police Detective Genaro Ortiz, Jr. of the DARE Program, who arrived in his Batmobile.

In addition to presenting the collected books, NJ TRANSIT recognized organizations and individuals that contributed a substantial number of books during the drive, including:

- Troop Leader Liz Cooner of the Fair Haven Girl Scout Troop
- The Organization of Latin Americans (at Fairleigh Dickinson University)
- Lambda Theta Alpha Sorority, Inc. Eta Chapter (at Fairleigh Dickinson University)
- William "Chip" Madsen, Deputy Executive Director of the Protestant Community Centers, Inc. (Newark Reading is Fundamental)
- Karen O'Brien-Le Blanc of Gallagher Re, Inc. (Jersey City)

Representatives from local venues and organizations were on-hand with information and giveaways, including the Cuban American Council, Verizon's Hispanic Support Organization and the National Latino Peace Officers Association. Other participating partners included IDT's Hispanic Leadership Council, YMCA of Newark, New Jersey Performing Arts Center, the New Jersey chapter of the Conference of Minority Transportation Officials (COMTO), Mompou Tapas, The Newark Bears, The Newark Museum, Newark Public Library and the New Jersey Symphony Orchestra.

### **Hackensack Bus Terminal improvement project begins**

NJ TRANSIT made minor adjustments to bus routes and boarding locations at Hackensack Bus Terminal beginning Thursday, October 19, to accommodate construction work that will provide customers with a renovated facility—equipped with a new waiting area, ADA-compliant restrooms and a modern heating and air conditioning system—when work is completed next year.

During construction, the bus stops at the terminal will be temporarily relocated. NJ TRANSIT has adjusted bus routes around the station building accordingly and will update customers as the project progresses via customer notices at boarding areas and [www.njtransit.com](http://www.njtransit.com).

The terminal building will close beginning in November, at which time the restrooms, concession stand, ticket vendor and waiting area will be temporarily relocated to a trailer outside the building.

In March, the NJ TRANSIT Board of Directors approved a \$1.6 million contract with RML Construction of Hasbrouck Heights for the renovation of the Hackensack Bus Terminal that will provide enhanced customer comfort and security.

NJ TRANSIT worked closely with the City of Hackensack on the scope of the project, which will produce a completely renovated interior space at the facility by reconfiguring the passenger waiting area and concession space. Exterior improvements will be performed as well, including the replacement of the building roof and facade.

Construction on the project is expected to take approximately one year to complete.

### **NJ TRANSIT offers extra Gladstone Branch trains for Steeplechase**

On Saturday, October 28, NJ TRANSIT offered extra train service between New York, Hoboken and Far Hills to accommodate the thousands of spectators who turned out for the 86<sup>th</sup> annual Far Hills Steeplechase at Mooreland Farms, located across the street from the Far Hills Station on the Morris & Essex Lines.

To accommodate special Steeplechase service, substitute bus service was provided for customers traveling from Far Hills to Summit in the morning and from Summit to Far Hills Station in the late afternoon and early evening. Substitute bus service was also provided between Far Hills and Gladstone stations from 8 a.m. to 8 p.m. NJ TRANSIT customer service representatives were on hand to assist with the bus operation.

# **EMPLOYEE RECOGNITION**

**NJ TRANSIT employees bid farewell after outstanding careers**

Three NJ TRANSIT employees retired in October with careers ranging from 14 to 30 years of service:

1. Michael P. McGinnis (Brick) Howell Garage Depot Master – 30 years
2. Russell Dinger (Sewell) Newton Avenue Garage Information Clerk – 22 years
3. Ludmila Shmuler (Matawan) Ferry Street Senior Engineer – 14 years

# **DBE/MBE PROGRAM**

**NJ TRANSIT – Office of Business Diversity DBE/SBE Participation**

**Federally Funded Contracts**

There were no federal funds awarded during October of FY 07. \* Disadvantaged Business Enterprises (DBEs) did not receive any federal-funded contract dollars during this period from either race conscious or race neutral awards.

**State Funded Contracts**

\$109,863,584 in state-funded contract dollars was awarded during July thru September FY 07. \*\* Of that total, Small Business Enterprises (SBEs) received \$7,912,015 or 7.2 percent. Category 1 SBEs received \$4,606,964 or 4.2 percent. Category 2 SBEs received \$1,993,651 or 1.8 percent. Category 4 SBEs received \$1,311,400 or 1.2 percent. \*\*\*

**Federal & State Contracts Total**

\$109,863,584 in federal and state contract dollars were awarded by NJ TRANSIT during this reporting period. Of that total, \$7,912,015 or 7.2 percent of federal and state contract dollars was won by DBEs and SBEs.

**Hudson-Bergen Light Rail Transit System Project**

Of \$1,433,024,411 in contract dollars awarded for the Hudson-Bergen Light Rail Transit System project\*\*\*\*, \$180,729,496 or 12.6 percent has been received by DBEs. Of the \$180,729,496, 6 percent or \$86,823,647 has been won by Women Business Enterprises (WBEs) who are classified as DBEs.

\*Fiscal year beginning October 1, 2006

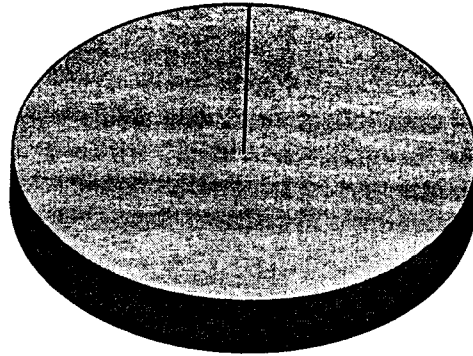
\*\*Fiscal year beginning July 1, 2006

\*\*\*Cat 1-Less than \$500,000 gross revenues, Cat 2-Less than \$5 million, Cat 3-Less than \$12 million, Cat 4 (construction)-Less than \$1 million, Cat 5 (construction)-Less than \$17,420,000

\*\*\*\*This YTD figure reflects federal dollars expended on an annual basis; including change orders, for the period from December, 1996 through April 2005.

**DBE PARTICIPATION  
FEDERAL CONTRACTS  
FEDERAL FYTD (THRU OCTOBER 2006)\***

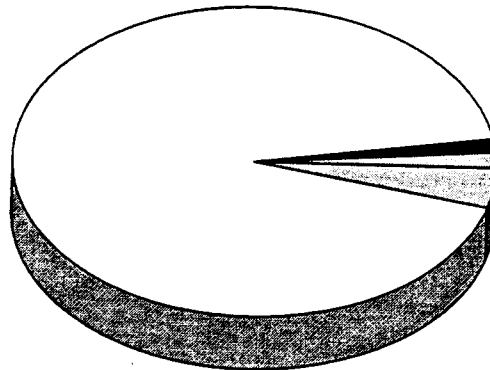
NON-DBE  
FEDERAL  
\$0  
0%



DBE RACE  
NEUTRAL &  
RACE  
CONSCIOUS  
\$0  
0%

**SBE PARTICIPATION  
STATE CONTRACTS  
STATE FYTD (THRU OCTOBER 2006)\*\***

NON-SBE STATE  
\$101,951,569  
92.8%



SBE-4  
\$1,311,400  
1.2%

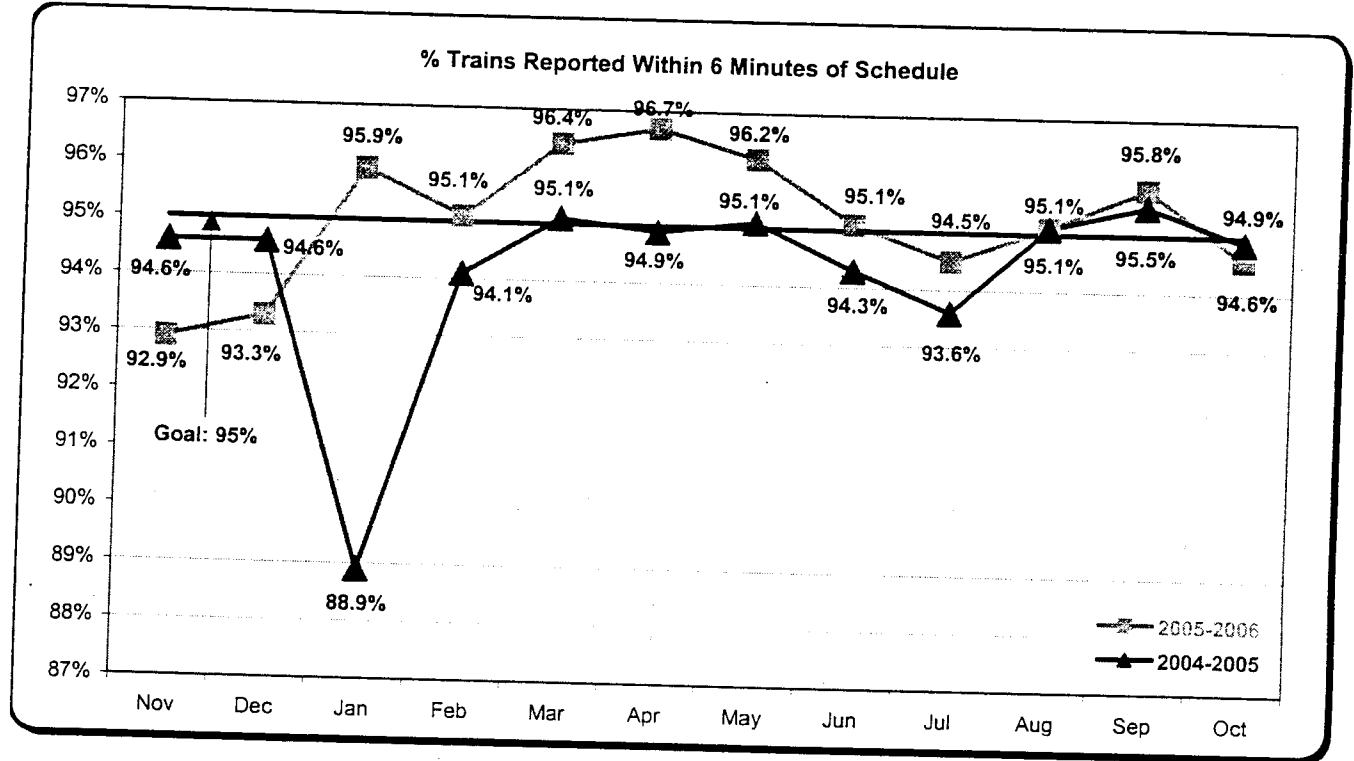
SBE-2  
\$1,993,651  
1.8%

SBE-1  
\$4,606,964  
4.2%

**Fiscal Year Beginning October 1, 2006\***  
**Fiscal Year Beginning July 1, 2006\*\***

# **PERFORMANCE MEASURES**

# NJ TRANSIT ON-TIME PERFORMANCE RAIL NOVEMBER 2004 - OCTOBER 2006



	2005	2006	# Change
October Comparison	94.9%	94.6%	-0.3%

	2004-2005	2005-2006	# Change
12-Month Average November - October	94.2%	95.1%	0.9%

**Analysis:**

Rail On-Time Performance for October 2006 was 94.6%. Of the 19,140 trains that were scheduled to operate, 18,112 were on time, while 1,028 trains (or 5.4%) were delayed. Causes of delay included:

Loss of power to overhead wires between Trenton and New York during the morning rush hour on October 3rd;

Loss of power to an NJ TRANSIT train near Broad Street Station on October 12th;

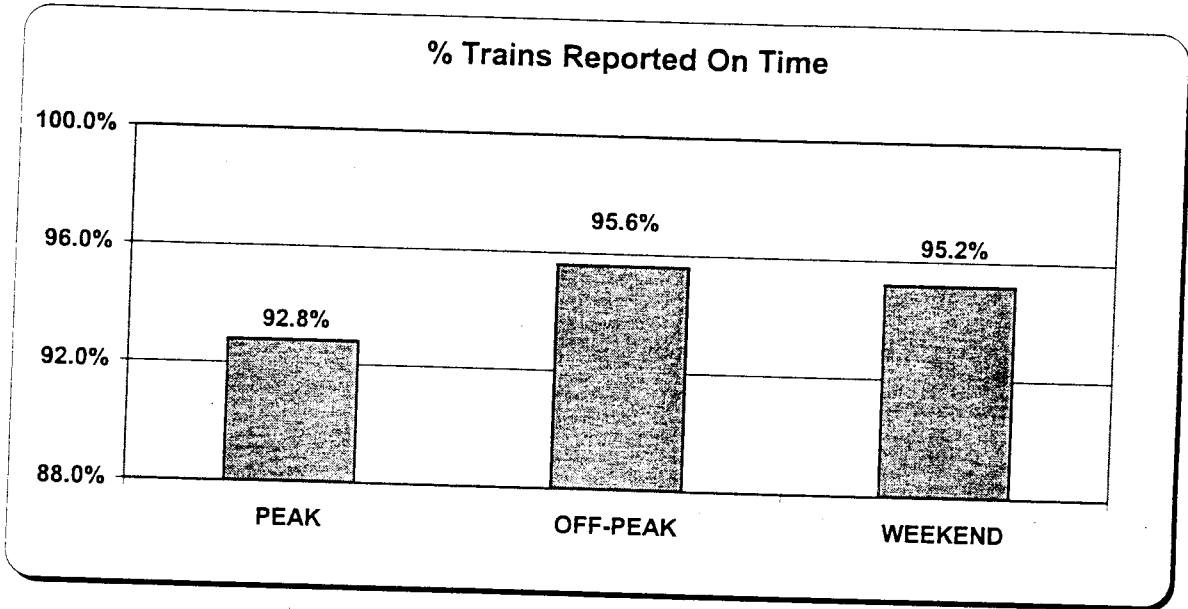
Slippery rail conditions near Summit Station on October 20th; and

Mechanical failure of an NJ TRANSIT train near Newark Penn Station on October 30th.

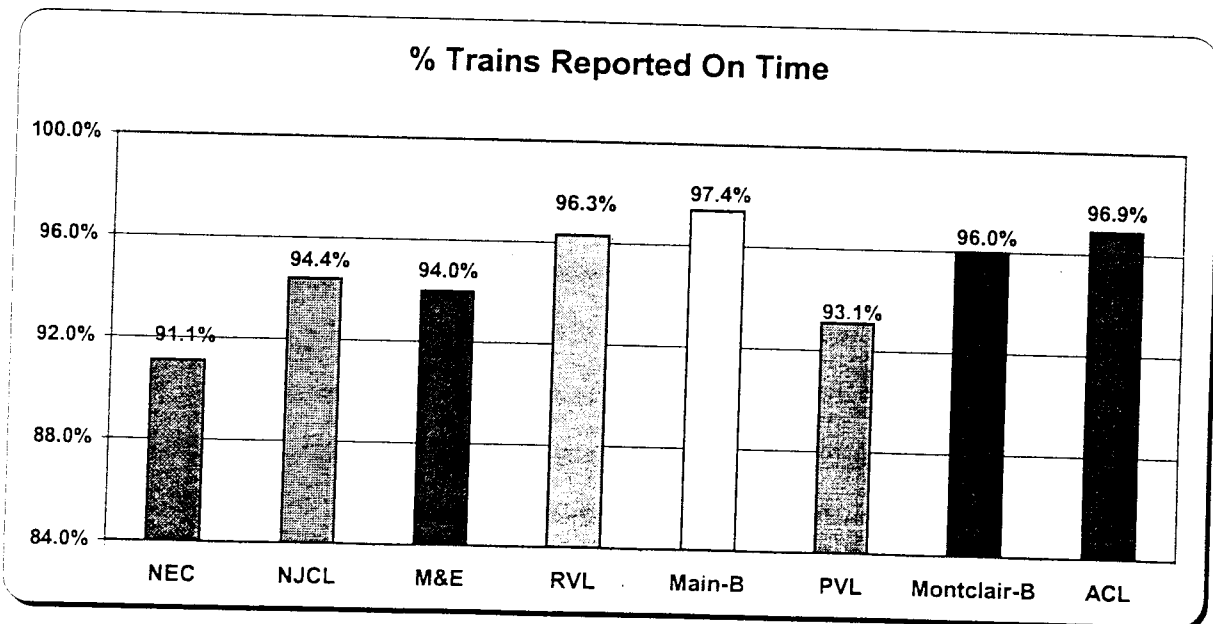
The 12-month average for Rail On-Time Performance systemwide for November 2005 - October 2006 was 95.1%, above the goal of 95.0% as well as the average for the previous 12-month period.

# ON-TIME PERFORMANCE RAIL

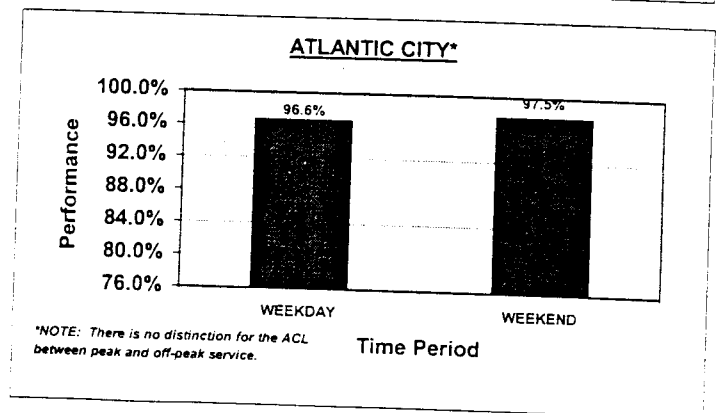
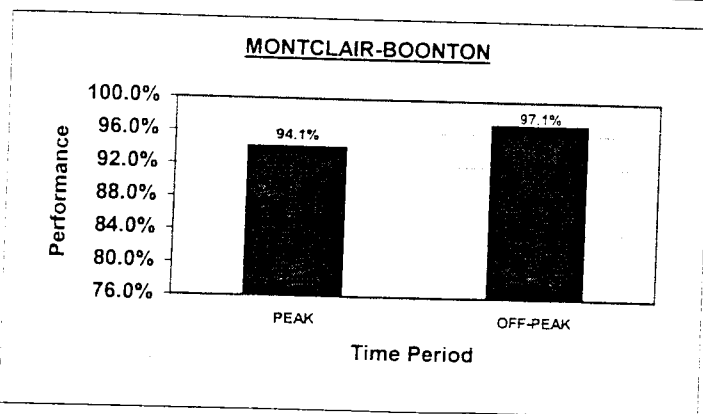
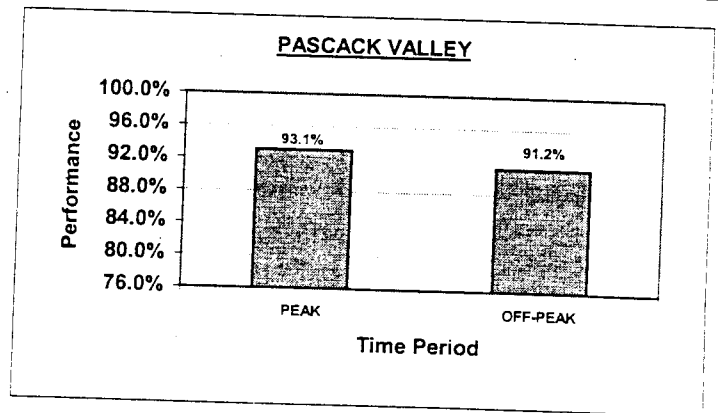
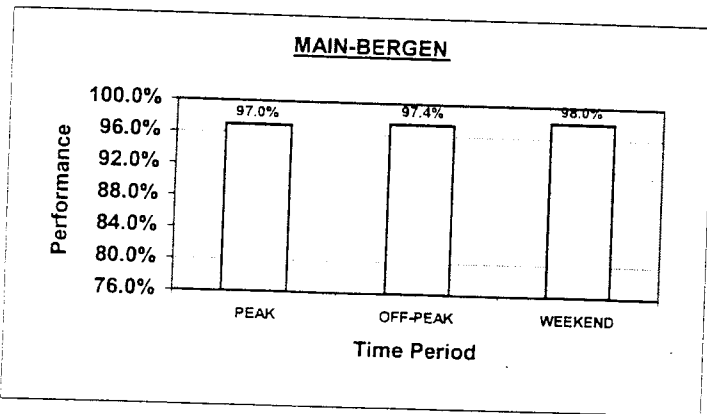
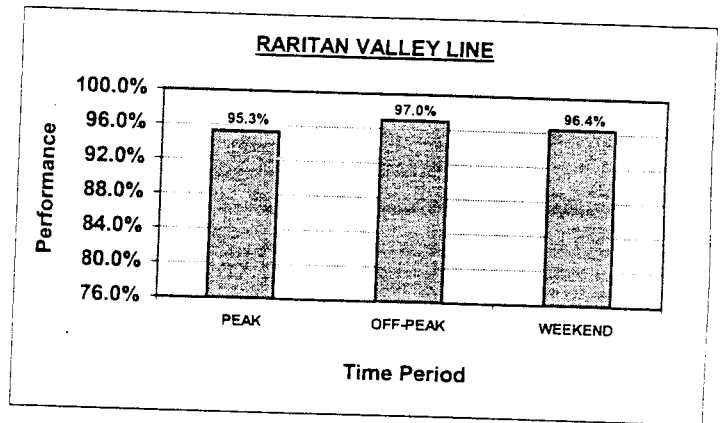
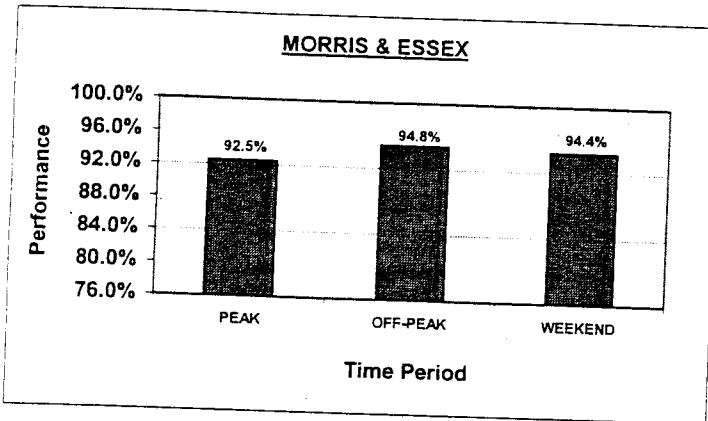
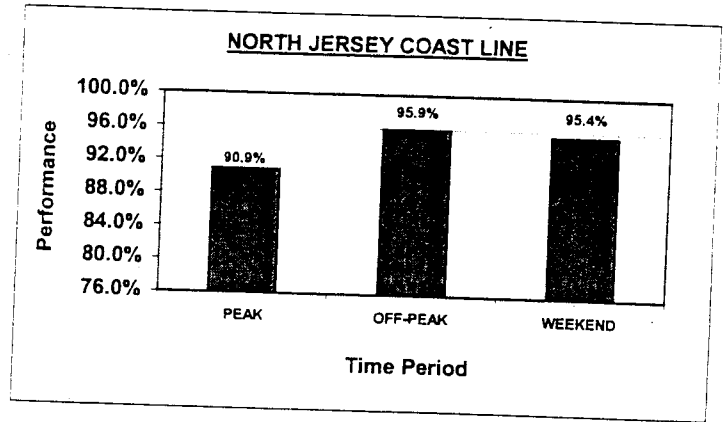
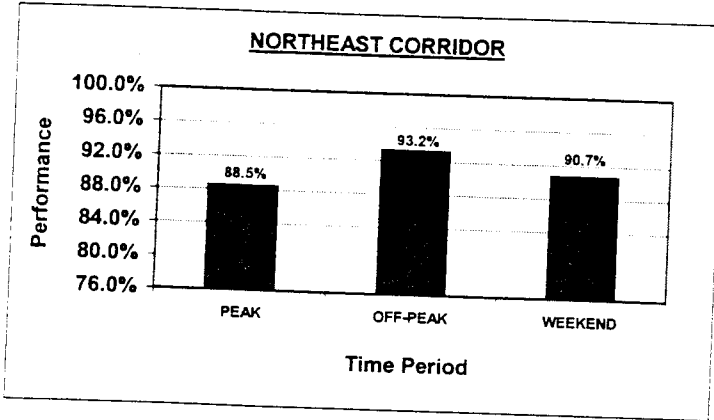
## SUMMARY BY TIME PERIOD OCTOBER 2006



## SUMMARY BY LINE OCTOBER 2006



# ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD OCTOBER 2006



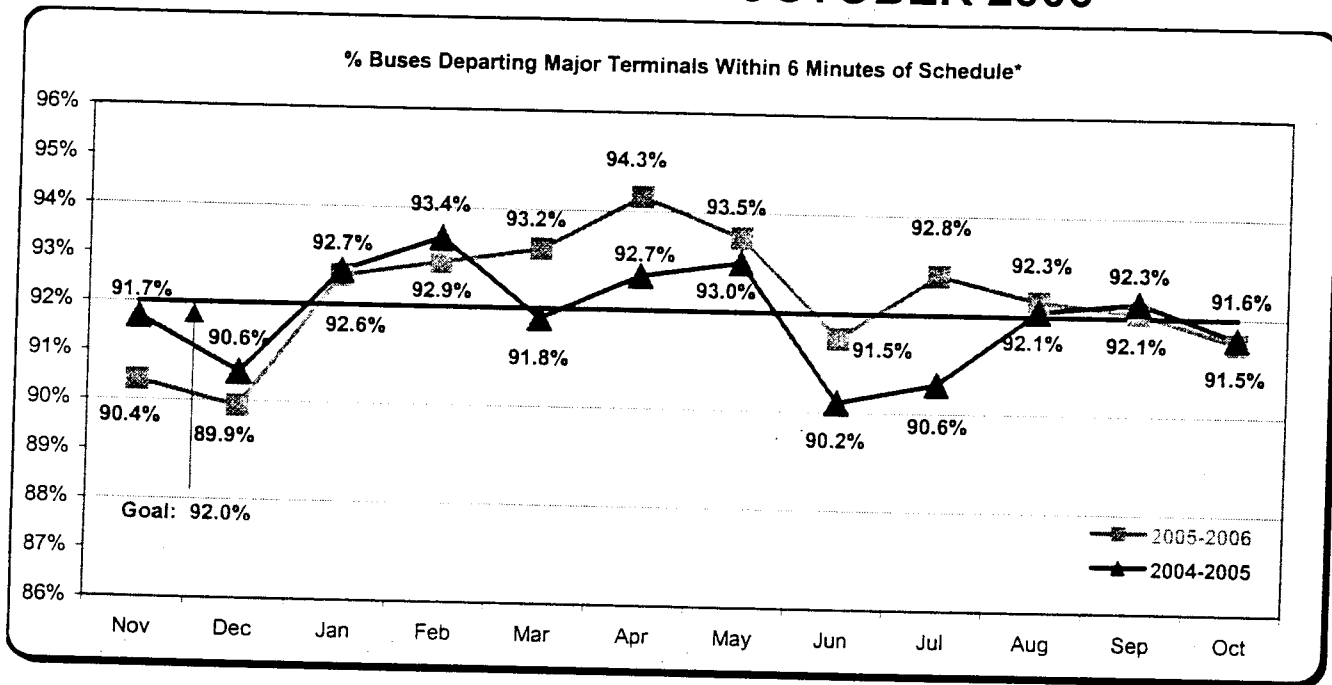
\*NOTE: There is no distinction for the ACL between peak and off-peak service.

# NJ TRANSIT

## ON-TIME PERFORMANCE

### BUS

### NOVEMBER 2004 - OCTOBER 2006



\*Note: Includes the Walter Rand Transportation Center, Atlantic City Bus Terminal, Port Authority Bus Terminal and Newark Penn Station

	2005	2006	# Change
October Comparison	91.6%	91.5%	-0.1%

	2004-2005	2005-2006	# Change
12-Month Average November - October	91.9%	92.3%	0.4%

**Analysis:**

Bus On-Time Performance for October 2006 was 91.5%. Of the 32,332 monitored departures, 2,755 (or 8.5%) experienced delays. Key sources of delay included:

Heavy traffic in Deptford Township and an accident on the Ben Franklin Bridge near the Walter Rand Transportation Center on October 2nd;

A vehicle fire on Route 495 West and a breakdown in the north tube near the Port Authority Bus Terminal on October 11th;

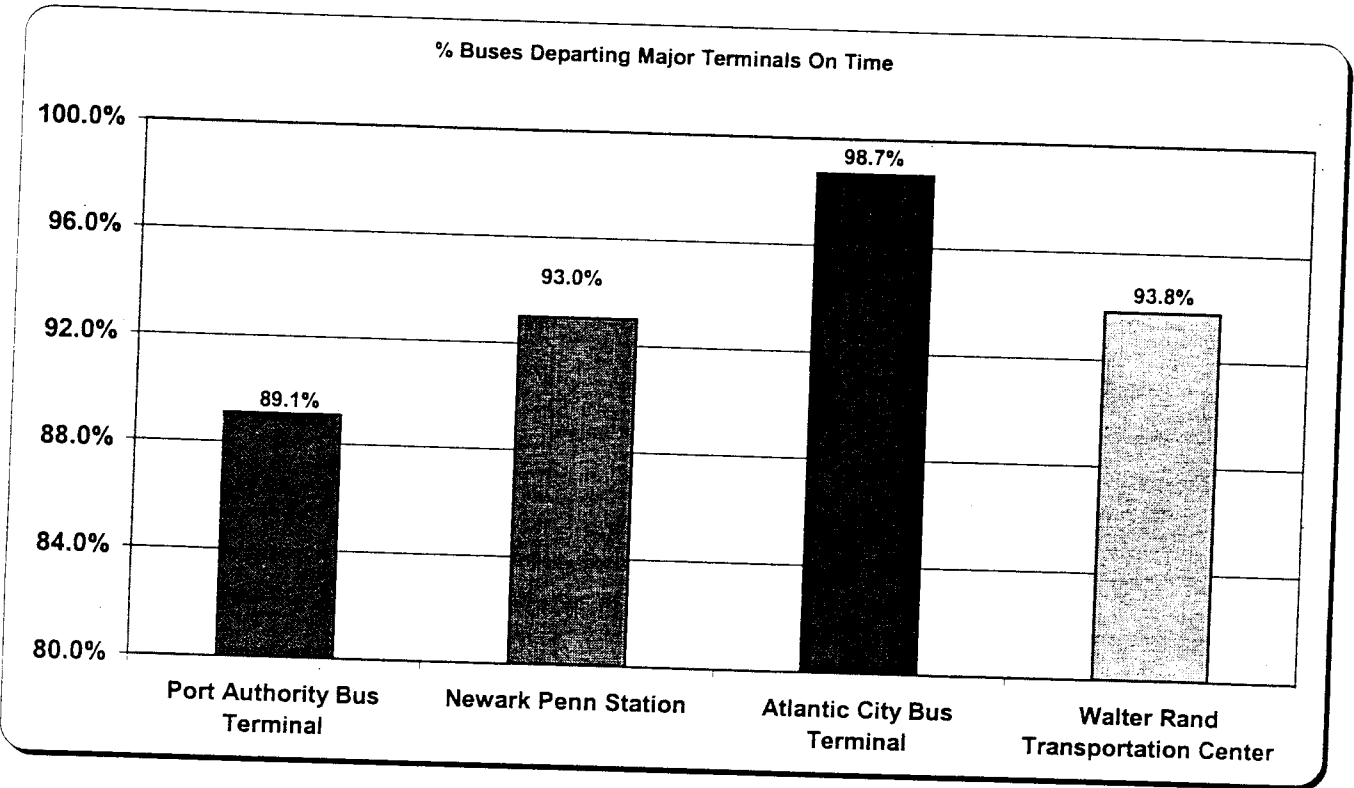
Traffic and heavy rains near the Walter Rand Transportation Center, on October 17th; and

An oversized truck in the north tube of the Lincoln Tunnel as well as gridlock near the Port Authority Bus Terminal on October 25th.

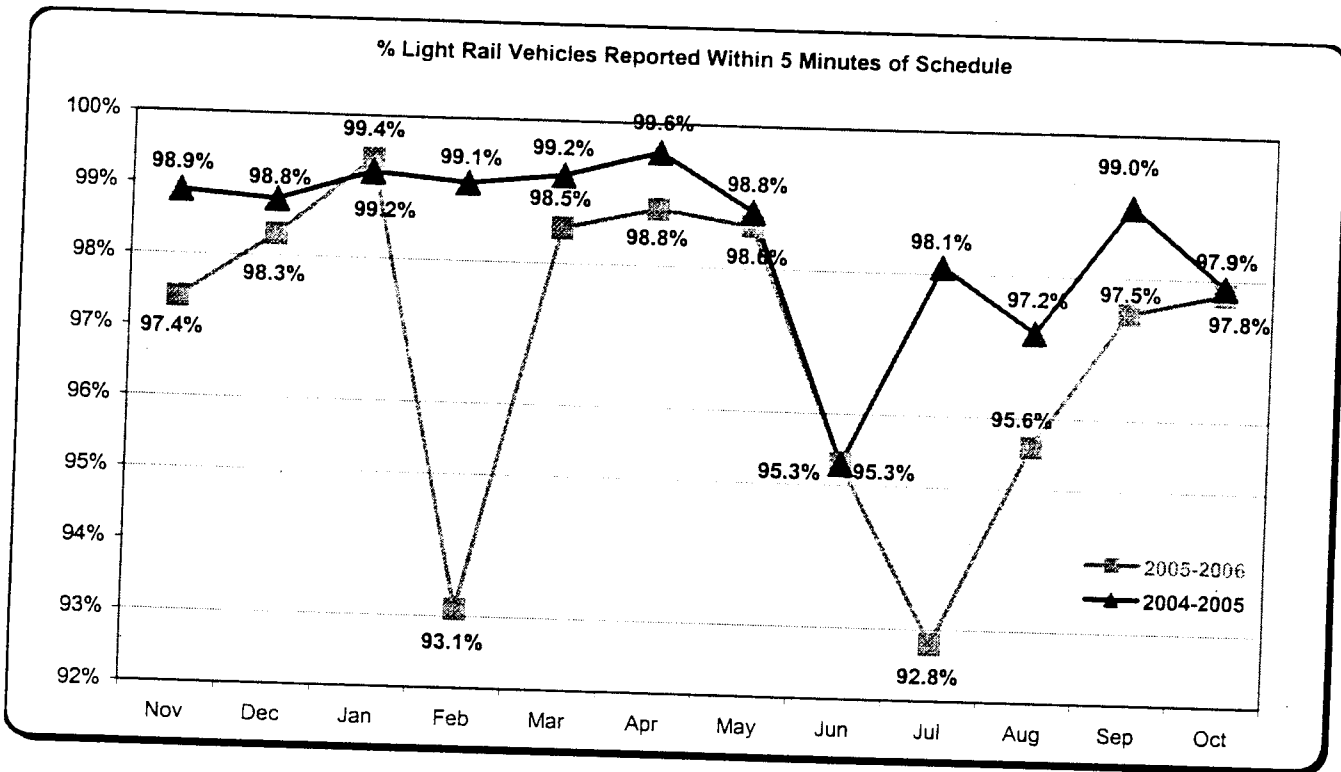
The 12-month average for Bus On-Time Performance for November 2005 - October 2006 was 92.3%, surpassing the performance goal of 92.0%.

# ON-TIME PERFORMANCE BUS

## SUMMARY BY TERMINAL OCTOBER 2006



# NJ TRANSIT ON-TIME PERFORMANCE HUDSON-BERGEN LIGHT RAIL NOVEMBER 2004 - OCTOBER 2006



	2005	2006	# Change
October Comparison	97.9%	97.8%	-0.1%

	2004-2005	2005-2006	# Change
12-Month Average November - October	98.4%	96.9%	-1.5%

**Analysis:**

Hudson-Bergen Light Rail (HBLR) On-Time Performance for October 2006 was 97.8%. Of the 17,344 scheduled trips for the month, 362 (or 2.2%) were delayed. Causes of delay included:

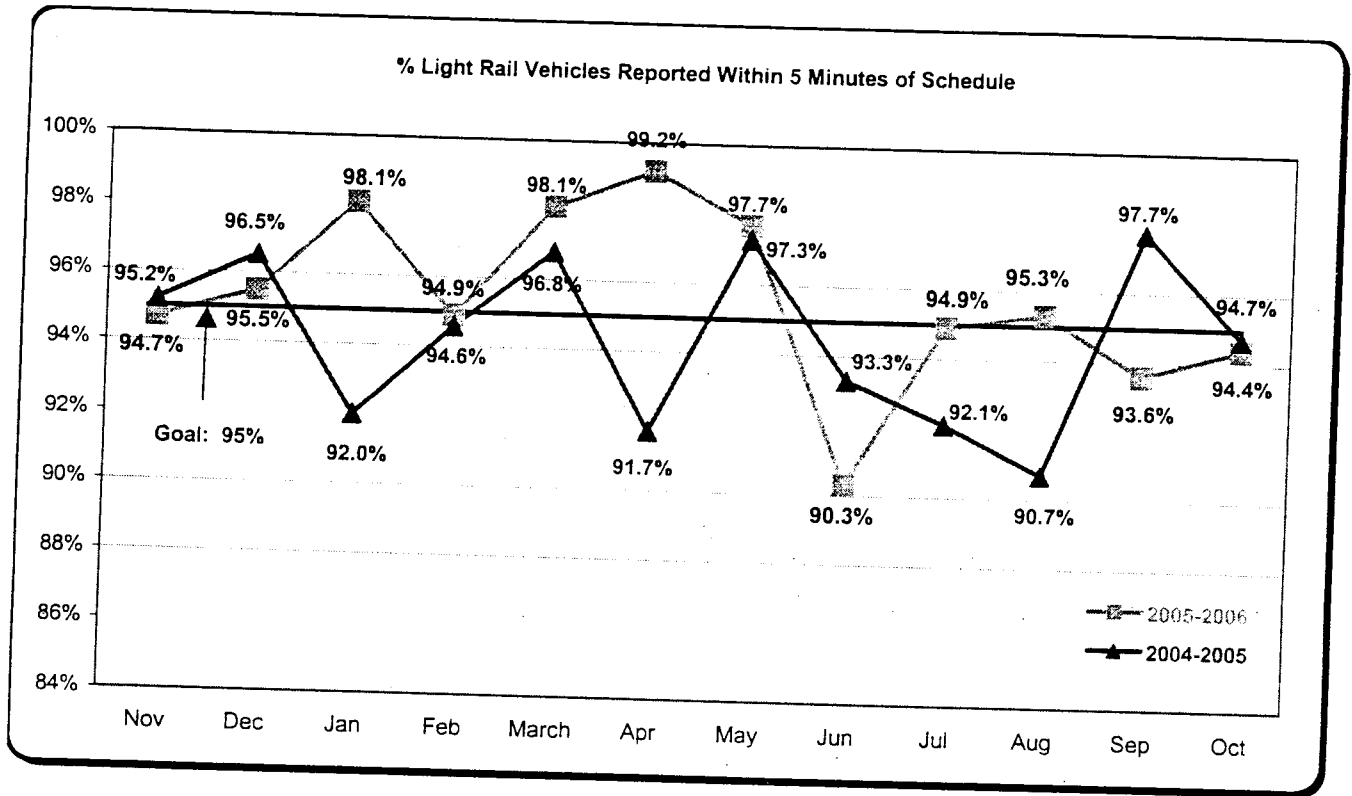
Problems with vehicle doors on October 12th;

Programmed maintenance on October 15th; and

Increased traffic on Essex Street due to construction debris on adjacent roadways on October 20th.

The 12-month average for HBLR On-Time Performance for November 2005 - October 2006 was 96.9%, 1.5 percentage points below the average of the previous 12-month period.

# NJ TRANSIT ON-TIME PERFORMANCE River LINE NOVEMBER 2004 - OCTOBER 2006



	2005	2006	# Change
October Comparison	94.7%	94.4%	-0.3%

	2004-2005	2005-2006	# Change
12-Month Average November - October	94.4%	95.6%	1.2%

**Analysis:**

River LINE On-Time Performance for October 2006 was 94.4%. Of the 3,027 trips scheduled for the month, 169 (or 5.6%) were delayed. Causes of delay included:

Automobiles on the tracks at two separate locations on October 2nd;

A vehicle failure and flooded streets in Camden on October 11th;

A switch failure on October 21st; and

Signal failures on October 24th and 25th.

The 12-month average for River LINE On-Time Performance for November 2005 - October 2006 was 95.6%, an increase over the performance of the previous 12-month period.

# **ACTION ITEMS**

**ITEM 0611-71: PENN STATION NEW YORK 31<sup>st</sup> STREET ENTRANCE:  
CONSTRUCTION CONTRACT AWARD**

**BENEFITS**

In September 2002, NJ TRANSIT opened the 7<sup>th</sup> Avenue Concourse in Penn Station New York providing NJ TRANSIT customers with new waiting areas, restrooms, ticketing, and other amenities. Today, approximately 70 percent of NJ TRANSIT customers using Penn Station New York board trains using the 7<sup>th</sup> Avenue concourse. The 31<sup>st</sup> Street entrance will give customers a direct link to the concourse from street level and will improve pedestrian circulation within the station complex. This is especially important when other station entrances and exits are closed temporarily for construction or security reasons.

This investment continues NJ TRANSIT's long-term strategy for Penn Station New York to expand the existing station capacity, while continuing to plan for new capacity at Moynihan Station and the new 34<sup>th</sup> Street Station, a component of THE Tunnel project.

**PURPOSE**

The proposed contract will allow for construction of a new entry enclosure at street level, connections to the existing 7<sup>th</sup> Avenue Concourse, elevators, escalators and stairs, and all associated architectural, mechanical, and electrical work required. The new entrance will be fully accessible and comply with the Americans with Disabilities Act. A contract amendment will provide consultant engineering support during construction.

**ACTION (Justification: Core capacity)**

Staff seeks authorization to contract (No. 07-015X) with Yonkers Contracting Company, Incorporated of Yonkers, New York for construction of the Penn Station New York 31<sup>st</sup> Street Entrance at a cost not to exceed \$11,771,500, plus five percent for contingencies, for a total contract authorization of \$12,360,075, subject to the availability of funds.

Staff also seeks authorization to amend the contract with Jacobs Civil Incorporated of Iselin, New Jersey (formerly Sverdrup and Parcel Consultants, Inc.) for construction assistance services in the amount of \$200,000, plus five percent for contingencies, for a total contract authorization of \$19,025,389, subject to the availability of funds.

This item has been reviewed and recommended by the Board Administration Committee and the Board Capital Planning, Policy and Privatization Committee.

**FISCAL IMPACTS**

**Requested Authorization:** \$11,771,500 + 5% for contingencies  
For construction services

\$200,000 + 5% for contingencies. For  
construction assistance services

**Total Project Cost:** \$13,750,000

**Projected Date of Completion:** June 2008

**Anticipated Source of Funds:** TTF

**Diversity Goals:** SBE 20%

**Related/Future Authorizations:** None

## RESOLUTION

**WHEREAS**, NJ TRANSIT seeks to expand the capacity of the existing Penn Station New York while continuing to plan for new capacity at Moynihan Station and the new 34<sup>th</sup> Street Station, a component of THE Tunnel Project; and

**WHEREAS**, the new Penn Station New York 31<sup>st</sup> Street Entrance will provide customers with a direct, fully accessible connection from street level to the 7<sup>th</sup> Avenue Concourse; and

**WHEREAS**, upon completion of a competitive procurement process, it was determined that Yonkers Contracting Company, Incorporated of Yonkers, New York was the lowest responsive, responsible bidder; and

**WHEREAS**, NJ TRANSIT previously selected Jacobs Civil Incorporated of Iselin, New Jersey by a competitive procurement process;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director is authorized to contract (No. 07-015X) with Yonkers Contracting Company, Incorporated of Yonkers, New York, for construction of the Penn Station New York 31<sup>st</sup> Street Entrance at a cost not to exceed \$11,771,500, plus five percent for contingencies, for a total contract authorization of \$12,360,075, subject to the availability of funds; and

**BE IT FURTHER RESOLVED** that the Chairman or Executive Director is authorized to amend the contract with Jacobs Civil Incorporated of Iselin, New Jersey (formerly Sverdrup and Parcel Consultants, Inc.) for construction assistance services in the amount of \$200,000, plus five percent for contingencies, for a total contract authorization of \$19,025,389, subject to the availability of funds.

**ITEM 0611-72: SOUTH AMBOY STATION HIGH-LEVEL PLATFORMS  
– CONTRACT 1: CONSTRUCTION CONTRACT  
AWARD AND CONTRACT AMENDMENT FOR  
CONSTRUCTION ASSISTANCE SERVICES**

**BENEFITS**

The new center island high-level platform at South Amboy Station on the North Jersey Coast Line will transform the station into a modern, customer-friendly transportation hub providing customers with level boarding to North Jersey Coast Line trains. The high-level platforms will also enhance service reliability as customers will be able to board trains more quickly. These upgrades also will make the station fully accessible for all customers in compliance with the Americans with Disabilities Act (ADA).

This project will complement other recent capital investments aimed at improving pedestrian and customer safety including the new pedestrian overpass, a new grade crossing at John T. O’Leary Boulevard, and closure of the Augusta Street grade crossing. South Amboy Station serves approximately 1,300 customers per day.

**PURPOSE**

This contract will authorize construction of new catenary foundations and poles at South Amboy Station to prepare the site for subsequent construction of a new center island platform.

The original procurement process for the consultant services contract included three tasks: Phase 1, Preliminary Engineering; Phase 2 – Final Design and Phase 3 – Construction Assistance. Phases 1 and 2 are complete and phase 3 will provide construction assistance services to support construction of the high-level platforms. Construction assistance includes preparation of responses to bidder questions during the bid process, shop drawing and material submittal review and approval, response to design related questions and evaluation of requests for approval of alternative products and methods.

**ACTION (Justification: Customer accessibility)**

Staff seeks authorization to contract (No. 07-007X) with Northeast Remsco Construction Company of Toms River, NJ for the construction of catenary foundations and structures at South Amboy Station on the North Jersey Coast Line at a cost not exceed \$4,223,450, plus five percent for contingencies for a total contract authorization of \$4,434,623, subject to the availability of funds.

Staff also seeks authorization to fund Phase 3 (Construction Assistance) of a professional services contract (No. 92CM0063) with Vollmer Associates of New York City, NY for construction assistance services related to the construction

contract in the amount of \$139,679 plus five percent of contingencies for a total contract authorization of \$7,016,832, subject to the availability of funds.

This item has been reviewed and recommended by the Board Capital Planning, Policy and Privatization Committee.

### **FISCAL IMPACTS**

**Requested Authorization:** \$4,223,450 + 5% for contingencies (construction) for a total contract authorization of \$4,434,623

\$139,679 + 5% for contingencies (construction assistance) for a total contract of \$7,016,832

**Total Project Cost:** \$41,888,000

**Projected Date of Completion:** September 2007 (Full project complete – January 2009)

**Anticipated Source of Funds:** Federal Transit Administration  
Transportation Trust Fund

**Diversity Goal:** Construction: DBE 25%  
Construction Assistance: DBE 0%

**Future/Related Authorizations:** Platform and station construction

## RESOLUTION

**WHEREAS**, NJ TRANSIT seeks to enhance the capacity, and accessibility of its facilities and services; and

**WHEREAS**, the center island high-level platform will enhance rail service accessibility for all customers at South Amboy Station; and

**WHEREAS**, upon completion of a competitive procurement process, Northeast Remsco of Toms River, New Jersey was determined to be the lowest responsive, responsible bidder; and

**WHEREAS**, NJ TRANSIT previously selected Vollmer Associates, Inc. through a competitive procurement process for design services and construction assistance for Newark Division high-level platform projects;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director is authorized to contract with Northeast Remsco Construction Company of Toms River, New Jersey for the construction of catenary foundations and structures at South Amboy Station on the North Jersey Coast Line at a cost not exceed \$4,223,450, plus five percent for contingencies, for a total contract authorization of \$4,434,623, subject to the availability of funds; and

**BE IT FURTHER RESOLVED** that the Chairman or Executive Director is authorized to fund Phase III of the professional services contract with Vollmer Associates of New York City, New York for construction assistance services related to the construction contract in the amount of \$139,679, plus five percent of contingencies, for a total contract authorization of \$7,016,832, subject to the availability of funds.

**ITEM 0611-73: MEADOWS MAINTENANCE COMPLEX (MMC) TRACK 8  
EXTENSION: CONSTRUCTION CONTRACT AWARD AND  
CONTRACT AMENDMENT FOR CONSTRUCTION  
MANAGEMENT SERVICES**

**BENEFITS**

NJ TRANSIT is in the process of procuring new multilevel vehicles, electric locomotives, diesel-electric locomotives, and diesel multiple unit rail cars to accommodate increased ridership demands and new services. The expanded, technologically advanced fleet of rolling stock and new regulatory requirements for vehicle inspections will place additional demands on the Meadows Maintenance Complex (MMC).

The track 8 extension will relieve shop congestion by enabling the eastward through travel of locomotives and accommodating an additional maintenance platform in the locomotive shop.

**PURPOSE**

The construction contract will authorize construction of an extension to Track 8 at the Meadows Maintenance Complex (MMC) in Kearny, New Jersey. The scope of work includes extending Track 8 through the east end of the locomotive shop beyond the existing drop table, the purchase and installation of two bridge cranes and the installation of an NJ TRANSIT purchased axle lathe.

The construction management services contract amendment will provide field support for construction of the Track 8 extension and the MMC Facility Expansion.

**ACTION (Justification: System Capacity)**

Staff seeks authorization to contract (No.07-011X) with DMR Construction Services, Inc. of Waldwick, New Jersey, for the construction of the Track 8 Extension located at the Meadows Maintenance Complex (MMC) in Kearny, NJ at a cost not to exceed \$4,457,000, plus five percent for contingencies, for a total authorization of \$4,679,850.

Staff also seeks authorization to amend professional services contract (No. 99CA074) with Tishman Construction, Inc. of Newark, New Jersey, for construction management services for the Track 8 extension and MMC Facility Expansion projects in the amount of \$649,800, plus five percent for contingencies, for a total contract authorization of \$8,875,440.

This item has been reviewed and recommended by the Board Capital Planning, Policy and Privatization Committee.

**FISCAL IMPACTS**

**Requested Authorizations:** Construction - \$4,457,000 + 5% for contingencies, for a total contract authorization of \$4,679,850

Construction Management - \$649,800 + 5% for contingencies for a total contract authorization of \$8,875,440

**Total Project Cost:** \$6,276,000

**Projected Date of Completion:** March 2008

**Anticipated Source of Funds:** TTF

**Diversity Goal:** SBE 25%

**Future Related Authorizations:** None

## RESOLUTION

**WHEREAS**, NJ TRANSIT is purchasing new multilevel vehicles, electric locomotives, diesel-electric locomotives, and diesel multiple unit rail cars to accommodate increased ridership demands and new services; and

**WHEREAS**, the expanded fleet and new regulatory requirements will place additional demands on the Meadows Maintenance Complex (MMC); and

**WHEREAS**, Track 8 extension will relieve shop congestion and serve an expanded fleet by enabling the eastward through travel of locomotives and increased locomotive maintenance capacity at the Meadows Maintenance Complex; and

**WHEREAS**, upon completion of a competitive procurement process, it was determined that DMR Construction Services, Inc. of Waldwick, New Jersey was the lowest responsive, responsible bidder; and

**WHEREAS**, NJ TRANSIT previously selected Tishman Construction, Inc. through a competitive procurement process;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director is authorized to contract (No. 07-011X) with DMR Construction Services, Inc. of Waldwick, New Jersey for the construction of the Track 8 extension located at the Meadows Maintenance Complex in Kearny, NJ at a cost not to exceed \$4,457,000, plus five percent for contingencies, for a total contract authorization of \$4,679,850, subject to the availability of funds; and

**BE IT FURTHER RESOLVED** that the Chairman or Executive Director is authorized to amend the existing professional services contract (No. 99CA074) with Tishman Construction, Inc. of Newark, New Jersey, for construction management services for the Track 8 extension and MMC Facility Expansion projects in the amount of \$649,800, plus five percent for contingencies, for a total contract authorization of \$8,875,440, subject to the availability of funds.

**ITEM 0611-74: LIBERTY STATE PARK SERVICE, MORRIS COUNTY LOCAL BUS SERVICE, AND PASSAIC COUNTY LOCAL BUS SERVICE****BENEFITS**

This authorization will provide for the continued operation of bus service under three agreements, including twenty-one local routes, serving Liberty State Park, Morris County, and Passaic County (Exhibit A). These routes have a combined annual ridership of 3,672,000 passengers and annual cash fares of \$3,880,000.

**PURPOSE**

Authorization will continue local bus service in Hudson, Morris, and Passaic Counties which staff has identified as appropriate service that might be operated more economically by seeking competitive bids for its performance. The carriers will comply with New Jersey's Conscientious Employee Protection Act.

Staff has identified the need for authorization of additional funds for the following three bus service agreements due to cost increases resulting from significant service changes and unanticipated fuel cost increases.

- **Liberty State Park Service - Seven Bus Corp. (Coach USA)**

This agreement was authorized by the Board in May 2000 and provides for the carrier to provide minibus regular route service for a five-year period from May 27, 2000 through November 25, 2005 and for two one-year option periods that will end November 30, 2007. An additional route and two additional vehicles were added to this agreement in January 2006 to serve several major company locations in the Port Liberte area of Jersey City.

- **Morris County Local Service - Pabco Transit, Inc.**

This agreement was authorized by the Board in June 2005 and provides for the carrier to provide regular route service for a three-year period from August 21, 2005 through August 30, 2008 and for one two-year option period that will end August 28, 2010. Service changes implemented in July 2006 added significant contract hours and miles to the existing routes and required that an additional vehicle be added to this agreement.

- **Passaic County Local Service - Community Transportation, Inc. (Coach USA)**

This agreement was authorized by the Board in June 2003 and provides for the carrier to provide regular route service for a three-year period from August 31, 2003 through September 2, 2006 and for the first two-year option period that will end August 30, 2008. An additional two routes and six additional vehicles were added to this agreement in May 2005 in order to serve various business park locations in the Bergen and Passaic County area. Community Transportation, Inc. had previously operated the two additional routes under a prior competitively awarded agreement

and NJ TRANSIT Bus Operations subsequently operated the routes on an experimental basis for a short period until May 2005.

To date, the cost increases described above have been paid for utilizing the funds authorized by the Board for these contracts, including the contingency amounts. However, the amounts previously authorized are not sufficient to fund the cost of these contracts through their expiration dates.

NJ TRANSIT has five agreements with private motorbus carriers for the operation of minibus regular route service. With the exception of the Liberty State Park Service, these agreements consist of a three-year base contract period plus one two-year option period that will end October 4, 2008. Staff requests authorization to extend the agreement with Seven Bus Corp. for the Liberty State Park Service for a ten-month period, from December 1, 2007 through October 4, 2008, in order for the termination of this agreement to coincide with the termination of the other minibus agreements. This change will enable NJ TRANSIT to issue a single Request for Proposals (RFP) for all of the minibus regular route services.

#### **ACTION (Justification: Cost Efficiencies)**

Staff seeks authorization to amend the existing agreement with Seven Bus Corp. for the operation of Liberty State Park Service, as set forth in Exhibit A, to increase the amount of the first and second option periods of the contract by \$46,373 and \$273,794, respectively, plus ten percent for contingencies, and authorization to extend the contract for the ten-month period from December 1, 2007 through October 4, 2008 at a cost not to exceed \$618,606, plus ten percent for contingencies.

Staff also seeks authorization to amend the existing agreement with Pabco Transit, Inc. for the operation of Morris County local and rural bus service, as set forth in Exhibit A, to increase the amount of the base and option periods of the contract by \$252,619 and \$804,210, respectively, plus five percent for contingencies.

Staff also seeks authorization to amend the existing agreement with Community Transportation, Inc. for the operation of Passaic County local bus service, as set forth in Exhibit A, to increase the amount of the base and first option periods of the contract by \$559,252 and \$2,492,383, respectively, plus five percent for contingencies.

This item has been reviewed and recommended by the Board Administration Committee.

#### **FISCAL IMPACTS**

<b>Requested Authorizations:</b>	\$938,773 plus 10% for contingencies, for Liberty State Park Service
	\$1,056,829 plus 5% for contingencies, for Morris County local and rural bus service

\$3,051,635 plus 5% for contingencies, for Passaic County local bus service

**Total Project Costs:**

N/A

**Projected Date of Completion:**

August 28, 2010

**Anticipated Source of Funds:**

Fiscal Years 2007 - 2011 Operating Budgets

**DBE Goal/Participation:**

Carriers are required to make a good faith effort to expend five percent of the value of the contract (excluding wages) on goods/services provided by Disadvantaged business Enterprises

**Related/Future Authorizations:**

N/A

## RESOLUTION

**WHEREAS**, staff has determined that it is appropriate to provide local bus service in Hudson, Morris, and Passaic Counties; and

**WHEREAS**, in May 2000 the Board of Directors authorized a contract with Seven Bus Corp. for the operation of Liberty State Park Service for a period of 90 months ending November 30, 2007; and

**WHEREAS**, in June 2005 the Board of Directors authorized a contract with Pabco Transit, Inc. for the operation of local bus service in Morris County for a period of 60 months ending August 28, 2010; and

**WHEREAS**, in June 2003 the Board of Directors authorized a contract with Community Transportation, Inc. for the operation of local bus service in Passaic County for a period of 60 months ending August 30, 2008; and

**WHEREAS**, staff has identified the need for authorization of additional funds for the above three bus service agreements due to cost increases resulting from significant service changes and unanticipated fuel cost increases;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director is hereby authorized to amend the existing agreement with Seven Bus Corp. for the operation of Liberty State Park Service, as set forth in Exhibit A, to increase the amount of the first and second option periods of the contract by \$46,373 and \$273,794, respectively, plus ten percent for contingencies; and

**BE IT FURTHER RESOLVED** that the Chairman or Executive Director is hereby authorized to amend the existing agreement with Seven Bus Corp. for the operation of Liberty State Park Service, as set forth in Exhibit A, to extend the contract for the ten-month period from December 1, 2007 through October 4, 2008 at a cost not to exceed \$618,606, plus ten percent for contingencies; and

**BE IT FURTHER RESOLVED** that the Chairman or Executive Director is hereby authorized to amend the existing agreement with Pabco Transit, Inc. for the operation

of Morris County local and rural bus service, as set forth in Exhibit A, to increase the amount of the base and option periods of the contract by \$252,619 and \$804,210, respectively, plus five percent for contingencies; and

**BE IT FURTHER RESOLVED** that the Chairman or Executive Director is hereby authorized to amend the existing agreement with Community Transportation, Inc. for the operation of Passaic County local bus service, as set forth in Exhibit A, to increase the amount of the base and first option periods of the contract by \$559,252 and \$2,492,383, respectively, plus five percent for contingencies; and

**BE IT FURTHER RESOLVED** that funding of these agreements shall be subject to the availability of funds and Board approval of NJ TRANSIT's subsequent operating budgets; and

**BE IT FURTHER RESOLVED** that the carriers shall comply, as a condition of the present and future contracts, with New Jersey's Conscientious Employee Protection Act.

**EXHIBIT A**  
**Page 1 of 2**

**LIST OF ROUTES**

**LIBERTY STATE PARK SERVICE**

<b><u>Route No.</u></b>	<b><u>Description</u></b>	<b><u>Days Operated</u></b>
305	Liberty State Park Shuttle Service	Monday- Sunday
981	Port Liberte – Grove Street	Monday- Friday

**MORRIS COUNTY LOCAL AND RURAL BUS SERVICE**

<b><u>Route No.</u></b>	<b><u>Description</u></b>	<b><u>Days Operated</u></b>
<b><u>Local Routes</u></b>		
871(MCM 1)	Morristown – Boonton	Monday – Saturday
872 (MCM 2)	Morristown – Morris County College	Monday – Friday
873 (MCM 3)	Morristown – Livingston Mall	Monday – Saturday
880 (MCM10)	Morristown – Rockaway Mall	Monday - Saturday
<b><u>Rural Routes (Section 5311 Program)</u></b>		
MCM 4	Dover – Honeywell	Monday – Friday
MCM 5	Morristown – Rockaway Mall	Monday and Wednesday
MCM 7	Milton – K Mart Plaza	Tuesday and Friday

**EXHIBIT A**  
**Page 2 of 2**

**LIST OF ROUTES**

**PASSAIC COUNTY LOCAL BUS SERVICE**

<b><u>Route No.</u></b>	<b><u>Description</u></b>	<b><u>Days Operated</u></b>
702	Paterson – Elmwood Park	Monday-Saturday
705	Passaic – Willowbrook Mall	Monday-Saturday
707	Paterson – Saddle Brook	Monday-Saturday
709	Bloomfield - Paramus	Monday-Saturday
722	Paterson - Paramus Park	Monday-Saturday
742	Paterson – Greystone Park	Saturday Only
744	Passaic – Wayne	Monday-Saturday
746	Ridgewood – Paterson	Monday-Saturday
748	Paterson – Wayne – Willowbrook Mall	Monday - Saturday
758	Passaic – Paramus Park	Monday – Saturday
970	Passaic-Clifton-Totowa-Wayne	Monday – Friday
971	Paterson – Totowa – Wayne	Monday – Friday

# **CONSENT CALENDAR**

**ITEM 0611-75: TRAIN PLAN SOFTWARE UPGRADE****BENEFITS:**

NJ TRANSIT's Train Plan software is designed to allow upgrades that will enable staff to more efficiently schedule train crews and equipment. The software upgrade being sought is fully integrated with Train Plan, which will ensure data integrity. Changes to a train schedule are immediately highlighted within the relevant crew and equipment schedules and a suggested alternative is provided. This will allow staff to respond in a timely manner to the rapidly changing ridership pattern.

Further, as an integrated component of Train Plan the crew and equipment software module has the same look and feel that is familiar to NJ TRANSIT users and is based upon the same database as Train Plan. Accordingly, the users of this module within NJ TRANSIT will have a reduced learning curve to utilize the system.

A third-party economic analysis of our train crew scheduling and assignment practices identified that implementation of this software upgrade will maximize the utilization of two principal resources, crews and equipment. It is anticipated that with full implementation, overtime expenses will be reduced with a projected savings of \$1,000,000 on an annual basis.

**PURPOSE**

NJ TRANSIT awarded Contract No. 96ET-408 to Parsons Brinckeroff Quade & Douglas, Inc. (PBQ&D) of Newark NJ in collaboration with Vossloh Information Technologies York LTD, United Kingdom (formerly Comreco) to customize and implement train scheduling software, Train Plan. Vossloh is the sole proprietor of the software which was successfully implemented in February 2000.

NJ TRANSIT presently maintains a licensing, maintenance and support agreement with Vossloh Information Technologies York LTD, United Kingdom, to operate the Train Plan software that is utilized to develop and deploy train schedules governing the movement of trains. Train Plan allows for software upgrades that will analyze the effect of a proposed rail service schedule on existing train crew and equipment schedules. The software will outline discrepancies between the schedule and assignments and provide more efficient alternatives. The recommended software upgrade will enable NJTRANSIT to maximize the utilization of Train Plan to improve the overall efficiency of rail operations.

**ACTION (Justification: Business Efficiencies)**

Staff seeks authorization to amend its licensing, maintenance and support agreement with Vossloh Information Technologies York LTD, UK to upgrade NJ TRANSIT's Train Plan software at a cost not to exceed \$595,000 and to provide one year of maintenance

and product support at a cost not to exceed \$97,000, for a total cost not to exceed \$692,000, plus five percent for contingencies, subject to the availability of funds.

This item has been reviewed and recommended by the Board Administration Committee.

**FISCAL IMPACTS**

<b>Requested Authorization:</b>	\$692,000 + 5% for contingencies
<b>Total Project Estimated Cost:</b>	\$1,692,180
<b>Projected Date of Completion:</b>	June 2008
<b>Anticipated Source of Funds:</b>	FY '06 Capital
<b>DBE Goals:</b>	None
<b>Related/Future Authorization:</b>	Annual Maintenance Contract

## RESOLUTION

**WHEREAS**, NJ TRANSIT is licensed by Vossloh Information Technologies York LTD to operate the Train Plan software that is utilized to develop and deploy train schedules governing the movement of trains; and

**WHEREAS**, the Train Plan software is designed to allow upgrades that will enable staff to more efficiently utilize train crews and equipment; and

**WHEREAS**, Train Plan allows for software upgrades that will analyze the effect of a proposed rail service schedule on existing train crew and equipment assignments;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director is authorized to amend its licensing, maintenance and support agreement with Vossloh Information Technologies York LTD, UK to upgrade NJ TRANSIT's Train Plan software at a cost not to exceed \$595,000, and to provide one year of maintenance and product support at a cost not to exceed \$97,000 for a total cost not to exceed \$692,000, plus five percent for contingencies, subject to the availability of funds.

**ITEM 0611-76: AMENDMENT OF BOARD ITEM 0603-4 THAT AUTHORIZED EXECUTION OF A PROPERTY CONVEYANCE AGREEMENT AND ALL OTHER NECESSARY LEGAL DOCUMENTS FOR “TRANSIT VILLAGE” DEVELOPMENT AT MORRISTOWN STATION**

**BENEFITS**

The proposed modification results in the same benefits to NJ TRANSIT for use of its property for Transit Oriented Development (TOD): (1) expanded commuter parking; (2) a mixed-use project of residential and retail development; (3) increased rail ridership with associated farebox revenue; (4) enhanced station area with public pedestrian access directly to the station platforms; (5) a new tax ratable for the Town of Morristown; and (6) increased non-farebox revenue from commuter parking revenues. In addition, modified terms eliminate the NJ TRANSIT requirement to contribute capital to the project.

**PURPOSE**

Board Item 0603-4 dated March 2, 2006 authorized an amendment to Board Item 0010-110 and authorized staff to convey fee simple title to Block 3605, Lot 1 and a portion of Block 301, Lot 5 and enter into all other necessary legal documents with Rosewood Lafayette Commons, LLC (Rosewood) for the Morristown Station Transit Oriented Development, including a lease with the Town of Morristown for an interim parking lot. As a result of continuing increases in construction costs associated with the project and the NJ TRANSIT parking unit, Rosewood is absorbing an estimated additional \$2,000,000 to \$3,000,000 of construction costs related to NJ TRANSIT's parking unit and requested relief to make the project feasible and produce an adequate return on its investment.

NJ TRANSIT and Rosewood subsequently renegotiated a restructuring of the terms of the land conveyance as follows. Rosewood will be responsible for constructing the NJ TRANSIT parking unit at its own cost and expense. In exchange for the elimination of the previously required \$1,750,000 capital contribution by NJ TRANSIT and Rosewood's increased contribution and absorption of costs, NJ TRANSIT will reduce its participation in the proceeds from the future sale of the residential/retail development project. In addition, NJ TRANSIT will have the right to implement a shared parking program utilizing available retail and residential parking for commuter use, thereby potentially increasing the amount of commuter parking at the Morristown deck beyond 415 spaces. The other terms and conditions approved in Board Item 0603-4 allowing conveyance of the property remain the same.

**ACTION (Justification: Business Efficiencies, Cost Effectiveness, and Economic Benefit)**

This Item amends Board Item 0603-4 to approve the modified consideration outlined herein and authorizes staff to proceed accordingly with the property conveyance agreement and all other necessary legal documents with Rosewood Lafayette Commons, LLC for the Morristown Station Transit Oriented Development.

This item has been reviewed and recommended by the Board Capital Planning, Policy and Privatization Committee.

**FISCAL IMPACTS**

<b>Requested Authorization:</b>	Approve modification of transaction terms to Board Item 0603-04 and proceed to execute a property conveyance and related documents to support the proposed project.
<b>Total Project Cost:</b>	\$0
<b>Projected Date of Completion:</b>	Fall 2008
<b>Anticipated Source of Funds:</b>	N/A
<b>DBE Goal:</b>	N/A
<b>Related/Future Authorizations:</b>	N/A

## RESOLUTION

**WHEREAS**, a Board resolution dated March 2, 2006 (Board Item 0603-4) authorized amendment to Board Item 0010-110 and authorized the Chairman or Executive Director to enter into a property conveyance agreement and all other necessary legal documents with Rosewood Lafayette Commons, LLC for the Morristown Station Transit Oriented Development under modified terms including conveyance of fee simple title of the project site to Rosewood Lafayette Commons, LLC for said project; and

**WHEREAS**, continuing increases in construction costs challenge the feasibility and financing of the project under the terms approved in Board Item 0603-4, resulting in the need for Rosewood Lafayette Commons, LLC to absorb an estimated \$2,000,000 to \$3,000,000 in additional construction costs related to NJ TRANSIT's parking unit; and

**WHEREAS**, NJ TRANSIT will no longer be obligated to fund \$1,750,000 in capital towards the cost of the parking unit; and

**WHEREAS**, Rosewood will now be responsible for constructing the NJ TRANSIT parking unit at its own cost and expense; and

**WHEREAS**, in exchange for the elimination of NJ TRANSIT's \$1,750,000 capital contribution, NJ TRANSIT's right to implement a shared parking program utilizing developer-owned retail and residential parking spaces, and Rosewood's increased contribution and absorption of costs, NJ TRANSIT will reduce its participation in the proceeds from the future sale of the entire residential and retail development project, to again make the project feasible and to move the project forward;

**NOW, THEREFORE, BE IT RESOLVED** that Board Item 0603-4 is hereby amended to approve the modified consideration outlined herein and the Chairman or Executive Director is authorized to proceed accordingly with the property conveyance agreement and all other necessary legal documents with Rosewood Lafayette Commons, LLC for the Morristown Station Transit Oriented Development.

**ITEM 0611-77: REGULATIONS: READOPTION WITH AMENDMENTS TO N.J.A.C. 16:79 BACKGROUND CHECKS FOR NON-CRIMINAL MATTERS**

**BENEFITS**

NJ TRANSIT and its subsidiaries are responsible for the provision of rail, bus, and light rail services in the State of New Jersey. In providing these services, it is necessary to employ personnel, and to contract with individuals in positions of trust, such as bus drivers, conductors, ticket sellers, commissioned ticket agents and numerous other positions, which require contact with the riding public or are financial in nature. In order to ensure that only trustworthy individuals are hired or contracted with for these positions, it is appropriate to request a criminal history record background check prior to hiring, or contracting with, such individuals.

**PURPOSE**

On October 20, 1986, NJ TRANSIT adopted rules establishing procedures for background checks for non-criminal matters. Pursuant to N.J.S.A. 52:14B-5.1c, N.J.A.C. 16:79, Background Checks for Non-Criminal Matters, expires on January 12, 2007 (Exhibit A). NJ TRANSIT proposes to readopt with amendments N.J.A.C. 16:79, which set forth NJ TRANSIT's procedures to ensure it hires or contracts with trustworthy persons.

Staff has reviewed the regulations and determined that the rules are necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were originally promulgated, with the exception of a few minor amendments.

The proposed readoption with amendments was published in the New Jersey Register on July 3, 2006 (Exhibit B) and described in the summary (Exhibit C). The comment period expired on September 8, 2006, and no comments were received.

**ACTION**

Staff seeks authorization to take all actions necessary to readopt with amendments the regulations, N.J.A.C. 16:79 et seq., Background Checks for Non-Criminal Matters, consistent with this Board item and exhibits, put the regulations in the appropriate format and take all other actions necessary to effectuate the final readoption and promulgation of NJ TRANSIT's Background Checks for Non-Criminal Matters.

This item has been reviewed and recommended by the Board Administration Committee

**FISCAL IMPACTS**

**Requested Authorization:** Readopt the regulations N.J.A.C. 16:79 et seq. Background Checks for Non-Criminal Matters

<b>Total Project Cost:</b>	N/A
<b>Projected Date of Completion:</b>	N/A
<b>Anticipated Source of Funds:</b>	N/A
<b>DBE Goal:</b>	N/A – No goods or services to be procured.
<b>Related/Future Authorizations:</b>	N/A

## RESOLUTION

**WHEREAS**, in accordance with N.J.S.A. 52:14B-5.1c, the rules at N.J.A.C. 16:79 will expire January 12, 2007 (Exhibit A); and

**WHEREAS**, in providing public transportation services, it is necessary to employ personnel, and to contract with individuals in positions of trust, such as bus drivers, conductors, ticket sellers, commissioned ticket agents and numerous other positions, which are financial in nature or require contact with the riding public; and

**WHEREAS**, in order to ensure that only trustworthy individuals are hired or contracted with for these positions, it is appropriate to request a criminal history record background check prior to hiring, or contracting with, such individuals; and

**WHEREAS**, staff reviewed the regulations and determined that the rules are necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were originally promulgated, with the exception of a few minor amendments; and

**WHEREAS**, the proposed readoption with amendments was published in the New Jersey Register on July 3, 2006 (Exhibit B) and described in the summary (Exhibit C). The comment period expired on September 8, 2006, and no comments were received;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director or his designee is hereby authorized to take all actions necessary to readopt N.J.A.C. 16:79 et seq. consistent with this Board item and exhibits, put the regulations in the appropriate format, and to take all other actions necessary to effectuate the final readoption and promulgation of NJ TRANSIT's Background Checks for Non-Criminal Matters.

BACKGROUND CHECKS—NON-CRIMINAL MATTERS

16:79-2.1

CHAPTER 79

BACKGROUND CHECKS FOR NON-CRIMINAL MATTERS

Authority

N.J.S.A. 27:25-5(e) and 5(f); 27:25-15.

Source and Effective Date

R.2001 d.276, effective July 16, 2001. See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 79, Background Checks for Non-Criminal Matters, expires on January 12, 2007. See: 38 N.J.R. 2792(a).

Chapter Historical Note

Chapter 79, Background Checks for Non-Criminal Matters, was adopted as R.1986 d.453, effective October 20, 1986. See: 18 N.J.R. 1635(a), 18 N.J.R. 2134(a).

Pursuant to Executive Order No. 66(1978), Chapter 79, Background Checks for Non-Criminal Matters, was readopted as R.1991 d.495, effective September 12, 1991. See: 23 N.J.R. 1775(a), 23 N.J.R. 3038(b). Pursuant to Executive Order No. 66(1978), Chapter 79, Background Checks for Non-Criminal Matters, expired on September 12, 1996.

Chapter 79, Background Checks for Non-Criminal Matters, was adopted as new rules by R.1996 d.506, effective November 4, 1996. See: 28 N.J.R. 3547(a), 28 N.J.R. 4794(b).

Chapter 79, Background Checks for Non-Criminal Matters, was readopted as R.2001 d.276, effective July 16, 2001. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 2. PROCEDURES

- 16:79-2.1 Employment applications
- 16:79-2.2 Request for criminal history record background checks for non-criminal justice purpose

SUBCHAPTER 1. GENERAL PROVISIONS

16:79-1.1 Purpose

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. In providing these services, it is necessary to employ personnel, and to contract with individuals, in positions of trust such as bus drivers, conductors, ticket sellers, commission ticket agents and numerous other positions which are financial in nature or require contact with the riding public. In order to ensure that only trustworthy individuals are hired or contracted with for

these positions, NJ TRANSIT feels it may be appropriate to request from the State of New Jersey's Bureau of Identification a criminal history record background check prior to hiring or contracting with such individuals.

Amended by R.2001 d.276, effective August 6, 2001. See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b). Rewrote the section.

16:79-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Executive Director" means the Executive Director of NJ TRANSIT or the President of any NJ TRANSIT subsidiary or their designees.

"Fee" means that cost established by law for processing all criminal history record requests for authorized requesters for non-criminal justice purposes, including licensing and/or employment.

"NJ TRANSIT" means the New Jersey Transit Corporation or any of its subsidiaries.

"Non-criminal justice purpose" means any purpose, other than administration of criminal justice or criminal justice purpose, including employment and licensing, for which applicant fingerprints or name search requests are submitted by authorized requesters, as required or permitted by a Federal or State statute, rule or regulation, executive order, Administrative Code provision, local ordinance, resolution or by this chapter, to the State Bureau of Identification for the dissemination of criminal history record information.

"Processing criminal history record background checks" means the process whereby the State Bureau of Identification compares a set of classifiable fingerprints or conducts a name search request to determine if a New Jersey criminal history record exists for the person identified by the request.

"State Bureau of Identification (S.B.I.)" means the State Bureau of Identification as created by P.L. 1930, c.65 as a bureau within the Division of State Police.

Amended by R.2001 d.276, effective August 6, 2001. See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

Rewrote "Fee"; added "Non-criminal justice purpose"; in "State Bureau of Identification" substituted "P.L. 1930" for "L. 1930".

SUBCHAPTER 2. PROCEDURES

16:79-2.1 Employment applications

(a) NJ TRANSIT may require as a condition of employment or contract execution that its prospective employees or agents complete an application in which they are asked to

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state whether they have ever been convicted of a criminal offense.

(b) NJ TRANSIT may require as a condition of application for commission ticket agent that all prospective agents complete an application in which they are asked to state whether they have ever been convicted of a criminal offense.

(c) In order to ensure that trustworthy individuals are employed by or contract with NJ TRANSIT, it is imperative that NJ TRANSIT be able to confirm that prospective employees or agents are truthful on their applications when responding to an inquiry of any past criminal record.

(d) Applicants who falsify their application for employment, licensing, or commission will not be hired by NJ TRANSIT or if hired prior to such determination will be subject to dismissal.

Amended by R.2001 d.276, effective August 6, 2001.  
See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).  
Rewrote the section.

16:79-2.2 Request for criminal history record background checks for non-criminal justice purpose

(a) The Executive Director shall, when appropriate, request a criminal history record background check in conjunction with the prospective employment of, or contract with, an applicant or commission for ticket agent with NJ TRANSIT.

(b) The Executive Director shall file with the State Bureau of Identification the appropriate forms and fees all in accordance with N.J.A.C. 13:59-1.

Amended by R.2001 d.276, effective August 6, 2001.  
See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

In (a), added "or contract with," preceding "an applicant"; substituted "or commission for ticket agent with NJ TRANSIT" for "in NJ TRANSIT" following "an applicant".

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION  
Background Checks for Non-Criminal Matters  
Proposed Readoption with Amendments: N.J.A.C.  
16:79

Authorized By: New Jersey Transit Corporation, George D. Warrington, Executive Director.

Authority: N.J.S.A. 27:25-5(a) and 5(f) and 27:25-15.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-215.

Submit comments by September 1, 2006 to:

Joyce J. Zuczek

New Jersey Transit Corporation

One Penn Plaza East

Newark, NJ 07105-2246

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:4B-5.1c, N.J.A.C. 16:79, Background Checks for Non-Criminal Matters, expires on January 12, 2007. The New Jersey Transit Corporation (NJ TRANSIT) has reviewed these rules, which were first adopted effective October 20, 1986, and has determined that they are necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were originally promulgated, with the exception of a few minor amendments. NJ TRANSIT and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. In providing these services, it is necessary to employ personnel, and to contract with individuals in positions of trust, such as bus drivers, conductors, ticket sellers, commissioned ticket agents and numerous other positions, which are financial in nature or require contact with the riding public. In order to ensure that only trustworthy individuals are hired or contracted with for these positions, NJ TRANSIT feels it is appropriate to request a criminal history record background check prior to hiring, or contracting with, such individuals. NJ TRANSIT, therefore, proposes to readopt with amendment N.J.A.C. 16:79, which shall set forth NJ TRANSIT's procedures to ensure it hires or contracts with trustworthy persons.

A summative review of each of the subchapters follows:

Subchapter 1, General Provisions, describes the purpose and definitions.

Subchapter 2, Procedures, describes the procedures NJ TRANSIT follows to ensure it hires or contracts with trustworthy persons.

The rules proposed for readoption at N.J.A.C. 16:79 are proposed for amendment as follows.

N.J.A.C. 16:79-1.1 has been amended to delete "NJ TRANSIT" since it is not used in this section, and add light rail services to the list of services NJ TRANSIT provides. The last sentence has been amended to delete "NJ TRANSIT feels" and "from the State of New Jersey's Bureau of Identification." "NJ TRANSIT feels" was deleted for grammatical reasons and reference to the State of New Jersey Bureau of Identification was added to make the language more inclusive so that the criminal history record background checks not only include those done by the State of New Jersey Bureau of Identification, but also include those done by specialized firms that NJ TRANSIT contracts with to conduct background checks.

The definition of "commissioned ticket agent" or "agent" has been added to clarify the meaning of both throughout the rules.

The definition of "non-criminal justice purpose" in N.J.A.C. 16:79-1.2 has been amended to delete "administration of criminal justice or" and add "a" before criminal justice purpose in the first sentence to avoid redundancies. It has also been amended to delete "local ordinance, resolution" from the list of legal sources that require or permit applicant fingerprint or name search requests, because they do not apply to NJ TRANSIT.

The definition of "State Bureau of Identification" has been amended to delete "S.B.I." since the acronym is not used in the rules.

N.J.A.C. 16:79-2.1(a) has been amended to add "commissioned ticket agent" before "agents" for clarification purposes since this is the first reference to commissioned ticket agents.

N.J.A.C. 16:79-2.1(b) has been amended to change "commission ticket agent" to "commissioned ticket agent" to provide consistency throughout the rules.

N.J.A.C. 16:79-2.1(d) is amended to delete ", licensing," from in between "application for employment" and "or commission" to clarify that the subsection relates to applicants who falsify their application for employment or commission, not application for licensing. Applicants do not apply for licensing by NJ TRANSIT but rather include their licensing information on their application.

N.J.A.C. 16:79-2.2(a) has been amended to delete ", or contract with," after "the prospective employment of" and "commission for" after "an applicant or." The phrase "contract with a commissioned" has been added before "ticket agent" and "with NJ TRANSIT" has been deleted from the end of the sentence. The amendments have been incorporated to clarify the meaning of the subsection.

N.J.A.C. 16:79-2.2(b) has been amended to add ", and/or contract with a firm that specializes in conducting comprehensive background checks to perform the background checks efficiently and in accordance with applicable laws and regulations" to clarify that NJ TRANSIT may have the background checks performed by the State Bureau of Identification, and/or a private firm that NJ TRANSIT has contracted with to perform those services.

The Department has determined that the comment period for this proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)15, this proposal is exempted from the rulemaking calendar requirement.

Social Impact

Prospective NJ TRANSIT employees and commissioned ticket agents may be required to complete an application in which they are asked to state whether they have ever been convicted of a criminal offense, and may be subject to comprehensive background checks prior to being hired by or contracting with NJ TRANSIT. The readoption of these rules with amendments will allow management to ensure that an employee's response to this request is accurate prior to hiring the individual, and that the prospective commissioned ticket agent is trustworthy prior to contracting with them. This is especially important where the individual is being contracted for a financial position or one that requires contact with the public.

Economic Impact

The readoption of these rules with amendments will allow NJ TRANSIT to ensure that employees in sensitive positions or commissioned ticket agents have not been convicted of a crime or if they have such a conviction, have been truthful on their application. The readoption of these rules with amendments, of course, will have negative economic impact on a prospective employee or commissioned ticket agent who fails to complete his or her application truthfully as it is expected that such an applicant will not be hired or approved for commissioned ticket agent. Employees who were hired and were not truthful on the employee application will also experience a negative economic impact when they are terminated from their job.

Federal Standards Statement

A Federal standards analysis is not required because the requirements of this rulemaking are governed by N.J.S.A. 27:25-11 and are not subject to any Federal regulations or standards.

Jobs Impact

The rules proposed for readoption with amendments will not result in the creation or loss of jobs.

Agriculture Impact Statement

The rules proposed for readoption with amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption with amendments do not impose any recordkeeping, reporting or compliance requirements on small

PROPOSALS

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business is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-15 et seq. The rules impact on prospective employees of NJ TRANSIT and have no effect on small businesses.

Smart Growth Impact

The rules proposed for readoption with amendments have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:79.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets thus):

SUBCHAPTER 1. GENERAL PROVISIONS

16:79-1.1 Purpose

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail, [and] bus, and light rail services in the State of New Jersey. In providing these services, it is necessary to employ personnel, and to contract with individuals, in positions of trust such as bus drivers, conductors, ticket sellers, commission ticket agents and numerous other positions which are essential in nature or require contact with the riding public. In order to ensure that only trustworthy individuals are hired or contracted with for these positions, [NJ TRANSIT feels] it may be appropriate to request [from the State of New Jersey's Bureau of Identification] a criminal history record background check prior to hiring or contracting with such individuals.

16:79-1.2 Definitions

The following word and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Commissioned ticket agent" or "agent" means an individual that sells bus tickets or passes on NJ TRANSIT's behalf.

"Non-criminal justice purpose" means any purpose, other than [administration of criminal justice or] a criminal justice purpose, including employment and licensing, for which applicant fingerprints or name search requests are submitted by authorized requesters, as required or permitted by a Federal or State statute, rule or regulation, executive order, Administrative Code provision, [local ordinance, resolution] or by this chapter, to the State Bureau of Identification for the dissemination of criminal history record information.

"State Bureau of Identification [(S.B.I.)]" means the State Bureau of Identification as created by P.L. 1930, [c.65] c. 65 as a bureau within the Division of State Police.

16:79-2.1 Employment applications

(a) NJ TRANSIT may require as a condition of employment or contract execution that its prospective employees or commissioned ticket agents complete an application in which they are asked to state whether they have ever been convicted of a criminal offense.

(b) NJ TRANSIT may require as a condition of application for commissioned ticket agent that all prospective agents complete an application in which they are asked to state whether they have ever been convicted of a criminal offense.

(c) (No change.)

(d) Applicants who falsify their application for employment[, licensing,] or commission will not be hired by NJ TRANSIT or if hired prior to such determination will be subject to dismissal.

16:79-2.2 Request for criminal history record background checks for noncriminal justice purpose.

(a) The Executive Director shall, when appropriate, request a criminal history record background check in conjunction with the prospective employment of, or contract with, an applicant or [commission for] contract with a commissioned ticket agent [with NJ TRANSIT].

(b) The Executive Director shall file with the State Bureau of Identification the appropriate forms and fees all in accordance with N.J.A.C. 16:59-1, and/or contract with a firm that specializes in

conducting comprehensive background checks to perform the background checks efficiently and in accordance with applicable laws and regulations.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Persons Doing Business with Casino Licensees

Proposed Readoption: N.J.A.C. 19:51

Authorized By: Casino Control Commission, Linda M. Kaszekun, Chair.

Authority: N.J.S.A. 5:12-63c, 69a, 70a, 70b, 70i, 92 and 94.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number PRN 2006-223.

Submit written comments by September 1, 2006 to:

Sandra DeLina, Legal Support Specialist  
Casino Control Commission  
Tennessee and Boardwalk  
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

N.J.A.C. 19:51, Casino Control Commission (Commission) rules concerning Persons Doing Business with Casino Licensees, is scheduled to expire on August 10, 2006 pursuant to N.J.A.C. 1:30-6.4. By filing this notice of proposed readoption prior to August 10, 2006, the chapter expiration date has been extended for 180 days to February 6, 2007. See N.J.A.C. 1:30-6.4(f). This notice of proposed readoption is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided. See N.J.A.C. 1:30-3.3(a), 5.

The rules in Chapter 51 set forth the license requirements for enterprises that conduct business with casino licensees and applicants. The rules also identify the individuals and enterprises required to establish their qualifications by virtue of their association with a casino service industry (CSI) enterprise or junior enterprise. In addition, the chapter sets forth recordkeeping and advertising requirements applicable to CSI enterprises.

The chapter was originally adopted by the Casino Control Commission (Commission) in 1978 as N.J.A.C. 19:45, Casino Service Industries (see 10 N.J.R. 4(b) and 123(c)), and was readopted in 1984. In 1989, the Commission readopted the chapter with amendments to conform with amendments to the Casino Control Act ("the Act"), N.J.S.A. 5:12-1 et seq. In 1992 the rules were retitled and redefined as N.J.A.C. 19:51. See 24 N.J.R. 3725(a) and 4563(a). Chapter 51 was readopted without amendment in 1994. Thereafter, in late 1994, new rules N.J.A.C. 19:51-1.3A and 1.3B were adopted to set forth the various forms, documents and fees required to be filed by applicants seeking to obtain or renew a CSI license, 26 N.J.R. 2886(a) and 4100(a). In 1995, N.J.A.C. 19:51-1.1 was amended to clarify the definition of "gaming equipment service or repair," that adoption also revised the criteria for gaming-related CSI licensure by addressing enterprises which manufacture, supply or distribute devices, equipment, machines, items or articles that have the capacity to affect the calculation, storage, collection or control of gross revenue, 27 N.J.R. 1571(a) and 2704(a). Chapter 51 was readopted without amendment in 1996. Subsequently, in late 1996, N.J.A.C. 19:51-1.4, Gaming Schools, and 19:51-1.4, Persons Required to be Qualified, were repealed. In addition, new rules N.J.A.C. 19:51-1 and amendments to N.J.A.C. 19:51-1.1, 1.2B, 1.3, 1.3B, 1.1D and 1.1A were adopted to conform with amendments to the Act and to reflect changes in Commission policies and procedures regarding the regulation of gaming schools. See 28 N.J.R. 4570(a) and 29 N.J.R. 1571(a). N.J.A.C. 19:51 was readopted without amendment in 2001, 33 N.J.R. 2860(a) and 5039(a).

The Commission has promulgated several new rules and amendments since the most recent adoption, in October 2001, N.J.A.C. 19:51-1.14 was

EXHIBIT C

REGULATIONS: READOPTION WITH AMENDMENTS OF N.J.A.C. 16:79  
BACKGROUND CHECKS FOR NON-CRIMINAL MATTERS

The rules proposed for re-adoption at N.J.A.C. 16:79 are proposed for amendment as follows:

N.J.A.C. 16:79-1.1 has been amended to delete "NJ TRANSIT" since it is not used in this section, and add light rail services to the list of services NJ TRANSIT provides. The last sentence has been amended to delete "NJ TRANSIT feels" and "from the State of New Jersey's Bureau of Identification." "NJ TRANSIT feels" was deleted for grammatical reasons and reference to the State of New Jersey Bureau of Identification was deleted to make the language more inclusive so that the criminal history record background checks not only include those done by the State of New Jersey Bureau of Identification, but also include those done by specialized firms that NJ TRANSIT contracts with to conduct background checks.

The definition of "commissioned ticket agent" or "agent" has been added to clarify the meaning of both throughout the rules.

The definition of "non-criminal justice purpose" in N.J.A.C. 16:79-1.2 has been amended to delete "administration of criminal justice or" and add "a" before criminal justice purpose in the first sentence to avoid redundancies. It has also been amended to delete "local ordinance, resolution" from the list of legal sources that require or permit applicant fingerprint or name search requests, because they do not apply to NJ TRANSIT.

The definition of "State Bureau of Identification" has been amended to delete "S.B.I." since the acronym is not used in the rules.

N.J.A.C. 16:79-2.1(a) has been amended to add "commissioned ticket" before "agents" for clarification purposes since this is the first reference to commissioned ticket agents.

N.J.A.C. 16:79-2.1(b) has been amended to change "commission ticket agent" to "commissioned ticket agent" to provide consistency throughout the rules.

N.J.A.C. 16:79-2.1(d) is amended to delete ", licensing," from in between "application for employment" and "or commission" to clarify that the subsection relates to applicants who falsify their application for employment or commission, not application for licensing. Applicants do not apply for licensing by NJ TRANSIT but rather include their licensing information on their application.

N.J.A.C. 16:79-2.2(a) has been amended to delete ", or contract with," after "the prospective employment of" and "commission for" after "an applicant or." The phrase "contract with a commissioned" has been added before "ticket agent" and "with NJ TRANSIT" has been deleted from the end of the sentence. The amendments have been incorporated to clarify the meaning of the subsection.

EXHIBIT C

N.J.A.C. 16:79-2.2(b) has been amended to add ", and/or contract with a firm that specializes in conducting comprehensive background checks to perform the background checks efficiently and in accordance with applicable laws and regulations" to clarify that NJ TRANSIT may have the background checks performed by the State Bureau of Identification, and/or a private firm that NJ TRANSIT has contracted with to perform those services.