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1983

PUBLIC HEARING

before

SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE

on

SENATE BILL 1865

(which proposes to amend the "County Transportation Authorities Act"
regarding certain powers of the Atlantic County Transportation Authority)

Held:
February 16, 1983
Convention Hall
Atlantic City, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Walter Rand, Chairman
Senator Francis McManimon, Vice Chairman
Senator S. Thomas Gagliano

ALSO PRESENT:

Senator William L. Gormley
District 2

Peter R. Manoogian, Research Assistant
Office of Legislative Services
Aide, Senate Transportation and
Communications Committee

New Jersey State Library

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SENATE, No. 1865

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

By Senator GORMLEY

Referred to Committee on Transportation and Communications

AN ACT to amend the "County Transportation Authorities Act,"
approved June 23, 1980 (P. L. 1980, c. 44).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1980, c. 44 (C. 40:35B-2) is amended to
2 read as follows:

3 2. The Legislature finds and declares that, as a result of the
4 "Casino Control Act" (P. L. 1977, c. 110; C. 5:12-1 et seq.) and
5 the introduction and development of legalized casino gaming in
6 Atlantic City, intense demands have been placed upon the citizens
7 of the Atlantic county region for the development and provision
8 of integrated and adequate transportation systems. The Legisla-
9 ture finds that the orderly planning, development, construction,
10 acquisition, financing and operation of modern transportation sys-
11 tems on a countywide basis in that region, *and the control and man-*
12 *agement of the flow of motorbus charter service and paratransit ser-*
13 *vice into and through the Atlantic county region,* will benefit resi-
14 dents of, and visitors to, this State, promote the economic vitality
15 of the region and the State, avoid the evils of haphazard growth
16 and land-use development, and advance the efficient use of energy
17 and other resources. The Legislature further finds that the present
18 and future need for regional planning and development of trans-
19 portation systems in Atlantic county is a wholly exceptional situa-
20 tion, no parallel to which exists, or is likely to exist in the near
21 future, anywhere in the State.

22 The Legislature, therefore, declares that it is in the public in-
23 terest of the citizens of this State to foster and promote by all

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *thus* is new matter.

24 reasonable means the *orderly flow of motorbus charter service and*
 25 *paratransit service into and through the Atlantic county region*
 26 *and the provision of modern transportation and parking facilities*
 27 *in the Atlantic county region, and that the best means to accomplish*
 28 *this purpose is to authorize the creation of an appropriate region-*
 29 *ally-oriented instrumentality in the county which will permit the*
 30 *most direct and immediate attention to the particular transporta-*
 31 *tion needs of the Atlantic county region consistent with the need*
 32 *for, and procedures and structures established with respect to,*
 33 *efficient and convenient Statewide transportation systems.*

1 2. Section 3 of P. L. 1980, c. 44 (C. 40:35B-3) is amended to read
 2 as follows:

1 3. As used in this act:

2 a. "Authority" means a county transportation authority created
 3 pursuant to section 4 of this act;

4 b. "Bonds" means any bonds, notes or other evidence of finan-
 5 cial indebtedness issued by an authority pursuant to this act;

6 c. "Cost" means, in addition to the usual connotations thereof,
 7 the cost of acquisition or construction of all or any property, rights,
 8 easements and franchises deemed by an authority to be necessary
 9 or useful and convenient therefor, including interest or discount on
 10 bonds to finance such cost, engineering and inspection costs and
 11 legal expenses, the cost of financial, professional and other advice,
 12 and the cost of issuance of the bonds;

13 d. "Construction" means the planning, designing, construction,
 14 reconstruction, replacement, extension, enlargement, improvement
 15 and betterment of parking and transportation facilities, and in-
 16 cludes the demolition, clearance and removal of buildings or
 17 structures on land acquired, held, leased or used for that facility;

18 e. "District" means the area within the boundaries of the county
 19 which created the authority;

20 f. "Parking facility" means any area or place, garage, building,
 21 or other improvement or structure for the parking or storage of
 22 motor or other vehicles, including, without limitation: all real and
 23 personal property, driveways, roads and other structures or areas
 24 necessary or useful or convenient for access to a facility from a
 25 public street, road or highway, or from any transportation facility;
 26 meters, mechanical equipment necessary or useful, or convenient for
 27 or in connection with that parking or storage; and any structures,
 28 buildings, space or accommodations, whether constructed by an
 29 authority or by the lessee, to be leased for any business, commercial
 30 or other use, including the sale of gasoline or accessories for, or the
 31 repair or other servicing of automobiles and other motor vehicles,

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32 if, in the opinion of an authority, the inclusion, provision and leas-
33 ing is necessary to assist in defraying the expenses of the authority
34 and make possible the operation of the parking facility at reason-
35 able rates, but the authority shall not itself engage in the sale of
36 gasoline or accessories for, or in the repair or other serving of,
37 automobiles or other motor vehicles except in emergency, nor in
38 the sale of any service or commodity of trade or commerce;

39 g. "Transportation facility" means any area, place, building,
40 or other structure designed to provide rail passenger service,
41 motorbus regular route service, paratransit service, motorbus
42 charter service, air passenger service, or marine passenger ser-
43 vice, or any two or more of these services, to the public, and in-
44 cludes passenger stations, shelters and terminals, air passenger
45 terminals, hangars, heliports, docking and launching facilities, park-
46 ing facilities, ramps, track connections, signal systems, power sys-
47 tems, information and communication systems, roadbeds, transit
48 lanes or rights of way, equipment storage and servicing facilities,
49 bridges, grade crossings, rail cars, locomotives, motorbus and other
50 motor vehicles, boats and other marine vehicles, aircraft, mainte-
51 nance and garage facilities, revenue handling equipment and any
52 other equipment, facility or property useful for or related to the
53 provisions of these services;

54 h. "Motorbus regular route service" means the operation of any
55 motorbus or motorbuses on streets, public highways or other
56 facilities, over a fixed route and between fixed termini on a regular
57 schedule for the purpose of carrying passengers, for hire or other-
58 wise, within the district or between points within the district and
59 points without the district;

60 i. "Paratransit service" means any service, other than motorbus
61 regular route service and charter service, including but not limited
62 to, dial-a-ride, nonregular route, jitney or community minibus, and
63 shared-ride services such as vanpools, limousines or taxicabs which
64 are regularly available to the public. Paratransit services shall
65 not include limousine or taxicab service reserved for the private
66 and exclusive use of individual passengers;

67 j. "Motorbus charter service" means subscription, tour and
68 other special motorbus services;

69 k. "Rail passenger service" means the operation of railroad,
70 subway, or light rail systems including fixed and automated guide-
71 way systems for the purpose of carrying passengers in the district
72 or between points within the district and points without the district;

73 l. "Air passenger service" means any service which involves
74 the carriage of persons for compensation or hire by aircraft;

75 m. "Marine passenger service" means any service which in-
 76 volves the carriage of persons for compensation or hire by water-
 77 borne craft;

78 n. "Parking service" means any service which involves the park-
 79 ing or storage of motor or other vehicles;

80 [n.] o. "Transportation system" means all parking and trans-
 81 portation facilities, *including, without limitation, all routes, sched-*
 82 *ules, personnel, equipment and other elements associated therewith,*
 83 acquired, constructed, leased or operated by a county transporta-
 84 tion authority for the purpose of providing to the public motorbus
 85 regular route service, *parking service*, paratransit service, motor-
 86 bus charter service, rail passenger service, air passenger service,
 87 marine passenger service and any other service necessary for the
 88 fulfillment of the purposes of this act; and,

89 [o.] p. "Public transportation or public transportation service"
 90 means motorbus regular route service, paratransit service, motor-
 91 bus charter service, rail passenger service, air passenger service,
 92 and marine passenger service.

1 3. Section 6 of P. L. 1980, c. 44 (C. 40:35B-6) is amended to read
 2 as follows:

3 6. a. No county which shall create an authority pursuant to
 4 this act shall thereafter create any other county transportation
 5 authority, or utilize any other law for the provision of public trans-
 6 portation services which can be provided pursuant to this act, or
 7 create or join in the creation of any county parking authority pur-
 8 suant to the "Parking Authority Law," P. L. 1948, c. 198 (C.
 9 40:11A-1 et seq.) or P. L. 1972, c. 83 (C. 40:34A-1 et seq.), or
 10 any other law. No municipality or any other governmental entity
 11 within a county which shall create an authority pursuant to this
 12 act shall thereafter utilize, *except with the written agreement of*
 13 *the authority*, any other law for the provision of public transporta-
 14 tion services which can be provided pursuant to this act, nor create
 15 or join in the creation of any municipal parking authority pursuant
 16 to the "Parking Authority Law" or any other law.

17 b. If a county, or a municipality within a county which creates
 18 a county transportation authority pursuant to this act, shall have
 19 previously created a parking authority pursuant to the "Parking
 20 Authority Law" P. L. 1948, c. 198 (C. 40:11A-1 et seq.), P. L. 1972,
 21 c. 83 (C. 40:34A-1 et seq.), or any other law, that county or munic-
 22 ipality shall provide, by ordinance or resolution, as appropriate,
 23 for the dissolution of the parking authority upon the effective date
 24 of the creation of the county transportation authority and for the
 25 transfer of the indebtedness and other obligations, and, except as

herein provided, the property and assets of the parking authority to the county transportation authority. Any cash surplus accumulated by a municipal parking authority, not used in or necessary to the operations of the properties and projects of the parking authority, shall be transferred to the governing body of the municipality which established the parking authority.

The terms of office of any members appointed to the parking authority shall terminate immediately upon such effective date. The officer having custody of the funds of the parking authority shall deliver all funds in his possession into the custody of the municipal or county finance officer, who shall deliver all such funds, except any portion representing an accumulated cash surplus not used in or necessary to the operations and projects of the parking authority, into the custody of the proper fiscal officer of the county transportation authority. The municipal finance officer shall cause that portion of any funds received from the parking authority which represents an accumulated cash surplus to be deposited in the general fund of the municipality to be used for local purposes. The county transportation authority shall have the power to complete any work, service or improvement, and to confirm and collect previously levied assessments, rates, and other charges, of the parking authority, which are incomplete, unconfirmed or uncollected on the effective date.

4. Section 13 of P. L. 1980, c. 44 (C. 40:35B-13) is amended to read as follows:

13. The purpose of a county transportation authority shall be the improvement, establishment and development of parking and transportation facilities by or through the planning, design, acquisition, construction, improvement, maintenance or operation of **[any and all]** projects and facilities for the improvement and development of a modern, efficient and integrated transportation system, or directly related thereto, either directly or by agreement with any county, municipality or person, or in any other manner, which in the judgment of the authority will provide an effective and satisfactory method for promoting its purposes. *Nothing herein shall be construed to diminish, circumvent or usurp powers of the Department of Transportation or the New Jersey Transit Corporation in any manner whatsoever.*

5. Section 15 of P. L. 1980, c. 44 (C. 40:35B-15) is amended to read as follows:

15. In addition to the powers and duties conferred upon it elsewhere in this act, the authority may do all acts necessary and

5 reasonably incident to carrying out the objectives of this act, in-
6 cluding, but not limited to, the following:

7 a. To adopt and have a common seal and to alter it at pleasure;

8 b. To sue and be sued;

9 c. To acquire, hold, use and dispose of its charges and other
10 revenues and other moneys in its own name;

11 d. In its own name, but for the county, to acquire, rent, hold, use
12 and dispose of other personal property for the purposes of the
13 authority, and to acquire by purchase, gift, condemnation or other-
14 wise, or lease as lessee, real property and easements therein,
15 necessary or useful and convenient for the purposes of the au-
16 thority, whether subject to mortgages, deeds of trust or other liens,
17 or otherwise, and to hold and to use the same, and to dispose of
18 property so acquired no longer necessary for the purposes of the
19 authority;

20 e. To grant by franchise, lease or otherwise, the use of any
21 project, facilities or property owned and controlled by it to any
22 person for such consideration and for such period or periods of
23 time and upon such other terms and conditions as it may fix and
24 agree upon, including, but not limited to, the condition that the
25 user shall or may construct or provide any buildings or structures
26 or improvements on the project, facilities or property, or portions
27 thereof;

28 f. To provide for and secure the payment of any bonds and the
29 rights of the holders thereof, and to purchase, hold and dispose
30 of any bonds;

31 g. To determine the exact location, type and character of and all
32 matters in connection with all or any part of the transportation
33 system which it is authorized to own, construct, establish, effectu-
34 ate, operate, or control and to enter on any lands, waters or
35 premises for the purpose of making such surveys, diagrams, maps
36 or plans or for the purpose of making such soundings or borings
37 as it deems necessary or convenient;

38 h. To *make, adopt, amend, repeal* and enforce bylaws or rules and
39 regulations for the management and regulation of its business
40 and affairs and for the use, maintenance and operation of the
41 transportation system and any other of its properties, and to
42 *[amend the same] provide for a coordinated regional system of*
43 *transportation by the coordination and resolution of conflicts*
44 *among competing methods of transportation, and to provide for the*
45 *control and management of the flow of motorbus charter and para-*
46 *transit service into and through Atlantic county, and such other*
47 *rules and regulations as it may deem necessary to effectuate the*

48 purposes of this act; it shall publish the same and file them in ac-
49 cordance with the "Administrative Procedure Act," P. L. 1968,
50 c. 410 (C. 52:14B-1 et seq.) with the Director of the Office of Ad-
51 ministrative Law. *All rules and regulations shall be submitted to*
52 *the Commissioner of Transportation by the authority for his re-*
53 *view prior to adoption by the authority. The commissioner shall*
54 *have 20 business days to approve or reject such rules and regula-*
55 *tions. If the commissioner rejects the rules and regulations, they*
56 *shall not be adopted. If the commissioner approves the rules and*
57 *regulations or fails to act within 20 business days after submission,*
58 *then the authority may adopt such rules and regulations. Such*
59 *rules may provide for a schedule of reasonable fees payable to the*
60 *authority to be assessed for the costs associated with the manage-*
61 *ment of the aforementioned motorbus charter and paratransit ser-*
62 *vices or for the right to park any motorbus at locations specified by*
63 *the authority, and may provide for assessment of penalties for*
64 *violation of any rule so adopted. The rules may additionally provide*
65 *for the imposition of a fine not to exceed \$50.00 for the first offense*
66 *and \$100.00 for any offense thereafter, for any violation. Any viola-*
67 *tion of a rule so adopted shall be prosecuted by the municipality*
68 *wherein the violation occurred; provided, however, that if, in the*
69 *judgment of the Commissioner of Transportation, any municipality*
70 *shall fail to enforce adequately the provisions of the rules, proceed-*
71 *ings to enforce rules in that municipality shall be prosecuted by the*
72 *authority. Proceedings under this subsection may be instituted on*
73 *any day of the week and the institution of proceedings on a Sunday*
74 *or holiday shall be no bar to the successful prosecution thereof.*
75 *Any process served on a Sunday or holiday shall be as valid as if*
76 *served on any other day of the week;*

77 i. To acquire, purchase, construct, lease, operate, maintain and
78 undertake any parking or transportation facility and to make
79 service charges for the use thereof;

80 j. To call to its assistance and avail itself of the services of any
81 employees of any federal, State, county or municipal department,
82 authority or other agency as it may require and as may be available
83 to it for its purposes;

84 k. To plan, design, construct, equip, operate, improve and main-
85 tain, either directly or by contract with any public or private
86 entity, public transportation services, parking and transportation
87 facilities or any parts or functions thereof, and other transporta-
88 tion projects, or any parts or functions thereof;

89 l. To apply for, accept and expend money from any federal,
90 State or county or municipal agency or instrumentality, and from

91 any private source; comply with federal and State statutes, rules
92 and regulations; and qualify for and receive all forms of financial
93 assistance available under federal law to assure the continuance
94 of, or for the support or improvement of public transportation, and
95 as may be necessary for that purpose to enter into agreements,
96 including federally required labor protective agreements;

97 m. To restrict the rights of persons to enter upon or construct
98 any works in or upon any property owned or leased by the au-
99 thority, except under such terms as the authority may prescribe,
100 perform or contract for the performance of all acts necessary for
101 the management, maintenance and repair of real or personal prop-
102 erty leased or otherwise used or occupied pursuant to this act;

103 n. To set and collect fares and determine levels of service for
104 service provided by the authority either directly or by contract,
105 including, but not limited to, such reduced fare programs as deemed
106 appropriate by the authority. Revenues derived from this service
107 may be collected by the authority and shall be available to the au-
108 thority for use in furtherance of any of the purposes of this act;

109 o. To set and collect rentals, fees, charges or other payments
110 from the lease, use, occupancy or disposition of properties owned
111 or leased by the authority. Such revenues shall be available to the
112 authority for use in furtherance of any of the purposes of this act;

113 p. To deposit authority revenues in interest bearing accounts
114 or in the State of New Jersey Cash Management Fund established
115 pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A-90.4);

116 q. To procure and enter into contracts for any type of insurance
117 and indemnify against loss or damage to property from any cause,
118 including loss of use and occupancy, against death or injury of any
119 person, against employees' liability, against any act of any member,
120 officer, employee or servant of the authority, whether part-time,
121 full-time, compensated or noncompensated, in the performance of
122 the duties of his office or employment, or any other insurable risk.

123 In addition, the authority may carry its own liability insurance;

124 r. To promote the use of authority services, coordinate ticket
125 sales and passenger information and sell, lease or otherwise con-
126 tract for advertising in or on the equipment or facilities of the
127 authority;

128 s. To adopt and maintain employee benefit programs for em-
129 ployees of the authority including, but not limited to, pension,
130 deferred compensation, medical, disability, and death benefits, and
131 which programs may utilize insurance contracts, trust funds, and
132 any other appropriate means of providing the stipulated benefits,
133 and may involve new plans or the continuation of plans previously
134 established by entities acquired by the authority;

135 t. To own, vote, and exercise all other rights incidental to the
 136 ownership of shares of the capital stock of any incorporated entity
 137 acquired by the authority pursuant to the powers granted by this
 138 act;

139 u. To apply for and accept, from appropriate regulatory
 140 bodies, authority to operate public transportation services where
 141 necessary;

142 v. To delegate to subordinate officers of the authority such
 143 powers and duties as the authority shall deem necessary and proper
 144 to carry out the purposes of this act; [and,]

145 w. To enter into any contracts, execute any instruments, and do
 146 and perform any acts or things necessary, convenient or desirable
 147 for the purposes of the authority or to carry out any power
 148 expressly given in this act, subject to sections 16 and 17 of this act;
 149 and,

150 x. *To enter into an agreement with the governing body of any*
 151 *municipality wherein a transportation facility is located to provide*
 152 *for reimbursement to the municipality for municipal services pro-*
 153 *vided to the transportation facility.*

1 6. This act shall take effect immediately.

STATEMENT

This bill amends the "County Transportation Authorities Act," P. L. 1980, c. 44 (C. 40:35B-1 et seq.), under which the Atlantic County Transportation Authority was established, to clarify the powers of the authority to control and manage motorbus charter and paratransit service into and through Atlantic county. It would allow the authority to adopt rules governing the control and management of motorbus charter and paratransit service into and through Atlantic county and to assess fees for the enforcement of such rules and for the right to park any motorbus at locations specified by the authority. These rules could also include provisions for the assessment of penalties for any violations thereof. Under this bill, the Commissioner of Transportation would have approval power over all rules and regulations promulgated by the authority. This bill would also allow the authority to reimburse municipalities for municipal services to authority transportation facilities.

Nothing in this bill shall be construed to give the authority any powers over the flow of motorbus charter and paratransit service outside the authority's district. Neither shall anything in this bill be construed to diminish, circumvent or usurp powers of the Department of Transportation or the New Jersey Transit Corporation in any manner whatsoever.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1865

AN ACT to amend the "County Transportation Authorities Act," approved June 23, 1980 (P.L. 1980, c.44)

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 15 of P.L. 1980, c.44 (C: 35 B-15) is amended to read as follows:

15. In addition to the powers and duties conferred upon it elsewhere in this act, the authority may do all acts necessary and reasonably incident to carrying out the objectives of this act, including, but not limited to, the following:
- a. To adopt and have a common seal and to alter it at pleasure;
 - b. To sue and be sued;
 - c. To acquire, hold, use and dispose of its charges and other revenues and other moneys in its own name;
 - d. In its own name, but for the county, to acquire, rent, hold, use and dispose of other personal property for the purposes of the authority, and to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;
 - e. To grant by franchise, lease or otherwise, the use of any project, facilities or property owned and controlled by it to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon, including, but not limited to, the condition that the user shall or may construct or provide any buildings or structures or improvements on the project, facilities or property, or portions thereof;
 - f. To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;
 - g. To determine the exact location, type and character of and all matters in connection with all or any part of the transportation system which it is authorized to own, construct, establish, effectuate, operate, or control and to enter on any lands, waters or premises for the purpose of making such surveys, diagrams, maps or plans or for the purpose of making such soundings or borings as it deems necessary or convenient;
 - h. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the transportation system and any other of its properties, and to amend the same; it shall publish the same and file them in accordance with the "Administrative Procedure Act", P.L.1968, c. 410 (C. 52:14B-1 et seq.) with the Director of the Office of Administrative Law;
 - i. To acquire, purchase, construct, lease, operate, maintain and undertake any parking or transportation facility and to make service charges for the use thereof;

j. To call to its assistance and avail itself of the service of any employees of any Federal, State, county or municipal department, authority or other agency as it may require and as may be available to it for its purposes;

k. To plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, public transportation services, parking and transportation facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof;

l. To apply for, accept and expend money from any Federal, State or county or municipal agency or instrumentality, and from any private source; comply with Federal and State statutes, rules and regulations; and qualify for and receive all forms of financial assistance available under Federal law to assure the continuance of, or for the support or improvement of public transportation, and as may be necessary for that purpose to enter into agreements, including Federally required labor protective agreements;

m. To restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the authority, except under such terms as the authority may prescribe, perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

n. To set and collect fares and determine levels of service for service provided by the authority either directly or by contract, including, but not limited to, such reduced fare programs as deemed appropriate by the authority. Revenues derived from this service may be collected by the authority and shall be available to the authority for use in furtherance of any of the purposes of this act;

o. To set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the authority. Such revenues shall be available to the authority for use in furtherance of any of the purposes of this act;

p. To deposit authority revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c. 26 (C. 52:18A-90.4);

q. To procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the authority, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment or any other insurable risk. In addition, the authority may carry its own liability insurance;

r. To promote the use of authority services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the authority;

s. To adopt and maintain employee benefit programs for employees of the authority including, but not limited to, pension, deferred compensation, medical,

cal, disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the benefits; and may involve new plans or the continuation of plans previously established by entities acquired by the authority;

t. To own, vote, and exercise all other rights incidental to the ownership of shares of the capital stock of any incorporated entity acquired by the authority pursuant to the powers granted by this act;

u. To apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

v. To delegate to subordinate officers of the authority such powers and duties as the authority shall deem necessary and proper to carry out the purposes of this act; and,

w. To enter into any contracts, execute any instruments, and do and perform any acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act, subject to sections 16 and 17 of this act.

and

x. To establish and implement by rules and regulations, promulgated in accordance with the "Administrative Procedure Act" P.L. 1960 c.410 (C.52:14B -1 et seq.) a plan for the regulation, control and management of the operation and flow of motorbus regular route and motorbus charter services except such of those services as are subsidized pursuant to "the New Jersey Public Transportation Act of 1979", P.L. 1979, C. 150, Section 1 et seq. Such rules and regulations may provide for (i) designated routes upon which such motorbus regular route and charter services may travel, and (ii) the interception and dispatching of buses to ultimate points of passenger loading and unloading in order to prevent disruption of vehicle traffic, and (iii) a schedule of reasonable fees payable to the authority in connection therewith (iv) the assessment of penalties for violation of any such rules and regulations in any amount not to exceed \$500.00 for any single violation.

All rules and regulations promulgated under this subsection shall be submitted to the Commissioner of Transportation by the authority for his review prior to adoption by the authority and the Commissioner shall have 20 business days to approve or reject such rules and regulations. If the Commissioner rejects the rules and regulations they shall not be approved. If the Commissioner approves the rules and regulations or fails to act within 20 business days after submission, then the authority may adopt such rules and regulations.

The authority shall provide adequate notice to and request consent from any municipality affected by the rules and regulations promulgated under this subsection. Any violation of a rule so adopted shall be prosecuted by the municipality wherein the violation occurred; provided however, that if, in the judgment of the Commissioner of Transportation, any municipality shall fail to

enforce adequately the provisions of the rules, proceedings to enforce the rules in that municipality shall be prosecuted by the authority. Proceedings under this subsection may be instituted on any day of the week and the institution of proceedings on a Sunday or a holiday shall be no barr to the successful prosecution thereof. Any process served on a Sunday or holiday shall be valid as if served on any other day of the week.

2. This act shall take effect immediately.

STATEMENT

Senate Committee Substitute for Senate Bill 1865

The purpose of these amendments is to allow the Atlantic County Transportation Authority to regulate bus traffic in the Atlantic City area. In order to accomplish this purpose, the authority is authorized to designate bus routes, provide for bus dispatching, charge fees, and enforce penalties for any violations of the authority's regulations.

Rules and regulations issued by the authority pursuant to this section are to be submitted to the Commissioner of Transportation for his approval. In addition, the transportation authority is required to provide notice and a comment period to any municipality which may be affected by such rules and regulations.

Buses which receive subsidies from New Jersey Transit are excluded from the provisions of this bill.

SENATOR WALTER RAND (Chairman): Good morning, ladies and gentlemen. My name is Senator Walter Rand and I am Chairman of the Senate Transportation and Communications Committee. I would like to welcome you here this morning. At this time I would like to introduce the other members of our Committee, Senator S. Thomas Gagliano, from Monmouth County, and on my right is Dr. Peter Manoogian, who is the Senate Aide to the Transportation Committee.

I am calling this public hearing to order for the purpose of considering S-1865, sponsored by Senator Gormley, which proposes to amend the "County Transportation Authorities Act" regarding certain powers of the Atlantic County Transportation Authority.

The bill originally provided for the granting of new powers to the Atlantic County Transportation Authority to deal with motorbus charter and regular route service in the Atlantic County area. There were also provisions dealing with parking facilities for buses and other motor vehicles. Finally, the bill provided for fees to be imposed in relation to motorbus service and parking.

Senator Gormley has proposed a Senate Committee Substitute for S-1865. The substitute bill permits ACTA to establish a plan for the regulation, control and management of motorbus regular route and motorbus charter services, except those subsidized by New Jersey Transit. The plan would provide for routing, and for the interception and dispatching of buses to loading and unloading points. It would also provide for a schedule of reasonable fees in connection therewith payable to the Authority. The Commissioner of Transportation may disapprove rules and regulations establishing the plan.

What Senator Gormley proposes is a narrowing down of the original bill to a bus regulatory bill which does three things: manages, is able to park, and is able to establish fees for the control and routes of these buses.

We look forward to the presentations to be given here today to deal with the problems of transportation in the Atlantic County area and to suggest solutions which might be enacted into law.

Our first person to testify is Senator Gormley. Before you start, Senator, I would just ask if there are any other persons after Senator Gormley testifies, just come up and speak to Dr. Manoogian and he will take your name and put you on the list. We will go until one o'clock and handle as many as we can. We will then come back and reconvene at two o'clock to listen to the balance. We have some twenty or twenty-five people who are testifying, and we are hoping to finish sometime late this afternoon. Senator Gormley, it's all yours.

SENATOR WILLIAM L. GORMLEY: Thank you very much, Senator.

SENATOR RAND: Would you wait just one moment, and I apologize. Senator Gagliano has a statement to make, also, and I do apologize.

SENATOR GAGLIANO: I apologize too, Senator Gormley. I am Tom Gagliano; I'm Senator Rand's assistant. I wouldn't want to not make a statement before Bill Gormley, because I don't get that opportunity very often.

As you all know, our concern here today is to hear your presentations concerning transportation problems in Atlantic City and Atlantic County. As we all know, the large number of charter buses coming into Atlantic City has caused problems of congestion and pollution. In addition, the increase in the number of people who commute to Atlantic City, including people who commute from my county by the way, from outside the immediate area, I know, adds to this transportation problem. Dr. Manoogian has given us some statistics with respect to the number of buses, and cars,

and, in fact, the number of people who come in by airplane to Atlantic City to attend the casinos. The statistic that was most interesting to me is that during the month of October, 1982, there were 31,277 buses, or bus trips I guess this is, into Atlantic City, and there were 1,006,061 passengers on those buses. I'm sure this is an estimate, but that comes up to about 1,000 buses per day on average.

We, just last month, a month or two ago, had hearings on the possibility of renewing rail transportation to Atlantic City, and it may possibly be the case that rail transportation will some day come about to the Atlantic City area, and I think a lot of us would be excited about that prospect. However, at this point, it appears that the major mass transit facility is the bus, and we are here today to learn as much as we can, so that we can assist Senator Gormley in coming up with the best bill possible which will help Atlantic City and Atlantic County, and the entire State. Thank you very much, Mr. Chairman.

SENATOR RAND: Thank you, Senator Gagliano. Senator Gormley, the amenities have now been cleared, and you're on.

SENATOR GORMLEY: Okay, thank you very much. First of all, Senator Rand, I want to thank you on behalf of the citizens of Atlantic City and Atlantic County for giving such personal attention to the Committee to have a hearing of this nature in Atlantic City. I think, not only is it a sign of your interest, but it is a sign that the State of New Jersey is interested in the problems of Atlantic City, because it is not just a town of casinos, it is a town of neighborhoods, and, basically, that is what this bill is about. It is not regulation for the sake of regulation. It is a circumstance where you have laws and you have statutes passed, and regulations passed, when there appears to be, or has been the potential for a social problem. We have a potential for that, not because a lot of people are out to hurt individuals, but because oftentimes they lose sight of the fact that Atlantic City is still a town of neighborhoods. It is a town of people, many of whom have lived here long before casino gaming, and they want to see the aspects of their community that caused them to live here before casinos to be preserved, the neighborhoods, shall we say, as best as possible, the peace and quiet, with the least amount of smoke possible.

We have a circumstance where buses mean a lot to the economy of our area. It is good for the bus carriers, it's good for the casinos, and it's good for the people who work in the casinos. We do not want to offset that economic benefit. However, what we are trying to do with this bill is merely delegate the prerogative of the State Department of Transportation to the County Transportation Authority, for the purpose of regulating bus traffic, and not merely to regulate for the sake of regulation, but to have a coordinated system in order to protect the City of Atlantic City as we know it. You know, to the residents who live down here, it is not a Monopoly game, it is a real town with real people. We have a unique potential crisis on our hands. A thousand buses a day, by the numbers given by Senator Gagliano, and it will be two thousand buses a day in a couple of years. It makes money. We wanted casinos down here, and we're glad to see that profit. But, what we have to do is make sure that those bus routes don't run through our neighborhoods. We have to make sure that people living on the side streets, and not on the main arteries into the City, do not have their life styles thrown into confusion by constant running back and forth of buses, and that is what this is all about.

The way we have done this is, we had the original bill and there was some confusion, and, through the suggestions made by the Committee at the initial session we had, and through working with Councilman Whelan and Mayor Matthews, and getting input from all sectors of the community, we have tried

to put together a bill that people could understand. Occasionally we get a little excited; we get these bills that cross-reference so much that some people were afraid we were going to regulate rickshaws in Hong Kong, but we did not intend to extend it that far.

What the bill does is provide the County Transportation Authority to designate routes upon which motorbuses will travel within the region of control of the Transportation Authority. We think this is just Atlantic City, but it would effect Atlantic County. And, this is necessary. If you are going to have any kind of system regulating it, obviously you have to regulate the routes.

In addition to that, it would have the interception and dispatching of the buses. This is already done voluntarily by the casinos. There has been a voluntary system in effect in which the casinos have been most cooperative, and have been funding the program up until now, in which there are station areas in which the buses are held so that we do not have a backlog. As we all know, when you look at the streets here, all bordered by the boardwalk at the end, you can understand the potential in times of emergencies, or in very crowded times when you have six or seven buses backing up into Pacific Avenue off a side street, you could have severe problems. So, it is essential that you have a staging area, a dispatching area that releases the buses to go into the various casinos to leave people off. Then we provide that reasonable fees would be charged. By reasonable fees, the Case law -- the entire body of law in this area is it. As is well known, we are talking about fees related to the cost of managing this system. We are not talking about making it a big money raiser over and above what is to be done under Section "x" of the bill, and that is all we are doing. The Committee Substitute that I have proposed, with the exception of Paragraph "x", there is no change, and all that we have provided is for a delegation of prerogative from the State DOT down to the county. However, the State Commissioner of Transportation has twenty days to review any regulations. We have tried to simplify it; we have tried to make it a system that is easily understandable.

The bill affords a new cause for confusion; I regret that, but no one has ever doubted the need for us to address the bus situation in Atlantic City. There have been numerous crisis situations. We were on Florida Avenue this summer when there was a problem. The residents of Brighton Avenue and other areas of the City have become very stressed because of bus traffic on these side streets. The routes have to be regulated; the dispatching of buses has to be regulated, because casino gaming has been a boom to the area economically, but we are only an island. We do not have that many acres and, unless you have a coordinated system of staging, you are going to have chaos, and that chaos destroys the neighborhood. The intent of the Casino Control Act, the intent of casinos, was to rebuild this City, and not to have anything attendant to those casinos work to the detriment of the City even though it may not be intentional by the people in the bus business. We are trying to protect against that. We are trying to do it in the most reasonable manner feasible, and we think that this particular proposal accomplishes that, and we think it is very fair.

There is one thing I would like to mention. Section 4 provides for the assessment of penalties for any single violation and, just for the record, there would be a minor amendment added to that at the suggestion of the Mayor, and that would provide that those fines would all be paid to the municipality in which the violation was committed. So, if the circumstance arose where the fine would be assessed in the City of Atlantic City, which would happen 99% of the time, that fine would be paid directly to Atlantic

City. We do not want to see the burden of enforcement placed on the City of Atlantic City, as the Mayor brought out, and to have a circumstance where the City would not be reimbursed through those fines for their costs of policing such a program. So, that money would go to the City of Atlantic City. We do not want any confusion on that.

We have also been working closely with DOT on this. We have had their encouragement on this particular measure. We have been in contact with Commissioner Sheridan and his staff. They favor ACTA handling this particular phase of transportation. They think you need a regional approach, and ACTA is a local body that can handle it. Also, we have found in dealing with DOT that their major thing is that they have that review process. It is their prerogative they are giving up, but they are not giving it up because we have provided, pursuant to negotiations with the Commissioner, that there would be the review by the Commissioner with twenty days, of these regs. So, hopefully, we have been able to coordinate the concerns of those who fear that we might be overreaching the concerns of the State with regard to protecting the prerogative of the State, the concerns of the neighborhoods, that we provide something to protect the neighborhoods and, merging all those together, I would encourage whatever you can do so that we can get a speedy passage of this bill.

Again, I want to thank you for coming down. I want you to know that from one to two o'clock, I am going to promise you a gourmet meal at the White House Sub Shop, which is probably one of our major -- it is one of those special parts of our neighborhoods of Atlantic City, and it's one of those things we had here before casino gaming, and it will be here long after casino gaming. Thanks again for coming down.

SENATOR GAGLIANO: Apparently the bus drivers found it too, because I saw that in one of the articles in the newspaper that the buses were parked outside the White House Sub Shop.

SENATOR GORMLEY: Well, Tom, you know those Italian sub shops, they're popular.

SENATOR GAGLIANO: No question about that. Do they have pizza?

SENATOR GORMLEY: Oh, no. Are there any questions?

SENATOR RAND: Senator Gagliano has a question.

SENATOR GAGLIANO: I have a question, Senator Gormley. I have had five years' experience on this Committee and, before that, some experience as a municipal attorney, and I don't know that the Commissioner of Transportation and his staff can do anything in twenty days. I am not really being that critical, it's just the way it is. Twenty business days would be about what, close to a month? I realize that there might be emergency circumstances where you would want action by the Commissioner more quickly than that, but in a usual situation, if you are going to install regulations, I just don't see how you could get a review in twenty days, and they might be rejected, rather than having them go into effect prior to review.

SENATOR GORMLEY: Well, that is something that we are obviously able to work with the Commissioner on, if we want it to be expanded. It should be noted that there is an appointment by the Commissioner on the ACTA Board. It's Mr. Havchek, right?

FROM AUDIENCE: Right.

SENATOR GORMLEY: So, there is a direct liaison while the regulations are being done, and I can't conceive of a circumstance where Mr. Havchek, his direct deputy, would not have signed off on that before it would be forwarded to him. So, you do have a unique coordination advantage over any other entity, because you do have his representative right there on the Board to review it. But, obviously, if the Commissioner wanted an adjustment, I think we could work that out.

SENATOR GAGLIANO: Okay, thank you.

SENATOR GORMLEY: We are going to draw upon your expertise anyway when we make it twenty-one days.

SENATOR GAGLIANO: This is off the bill just a bit, Senator Gormley, but I was attracted by your remark which referred to the Casino Control bill or law in the first place. The intent of it was to help Atlantic City in a revitalization or rebirth. Is there anything that we can look toward which would help the transportation infrastructure in terms of people arriving in the City and having a central location or a newer central transportation center? Is there anything that is contemplated or that has been discussed, because we are not familiar with it, and I was wondering if ACTA had been talking about this sort of thing?

SENATOR GORMLEY: Well, I think, if I can talk generally, and there are general discussions going on right now, I think a lot of good things are happening right now. You have what could be the most dynamic transportation corridor in the world from the base of the Expressway to the Convention Center. You have the potential to make a landmark area that will last for a long time. We have a new Convention Center Authority. We have the cooperation of the Expressway; we have the cooperation of this Committee, the Transportation Authority and the City of Atlantic City. There has been a lot of talk, a lot of discussion, and you also have the interest of the Department of Environmental Protection, of Commissioner Hughey, in the overall planning of that area. I think, in the next few months, and also with the cooperation of Chuck Worthington, the County Executive, we are going to be working together, because we have a lot of good people with a lot of interest to make sure that that area is developed correctly, if I might bring a point out. But, right now, we are initiating the architectural planning for the Convention Center, a building which offers year-round economic vitality to our area.

The manner in which we deal with transportation entering the City directly affects what front door you are going to use to this Convention Center, and that is what we are working on right now. We have Cambridge Seven as the architects working on it. They are working on transportation problems, and what we are doing now is, we're getting all these entities working together and, hopefully, in the next couple of months, or sooner, we are going to conceptually have an idea where we are going, and I'll tell you why we have to know where we're going. We have to know where the front door of Convention Hall is going to be after you get off the Expressway. But, you need a coordinated system from the base of that Expressway and, one thing that I brought up before, and now that we're somewhat in doubt as to whether the President is going to leave the thirty million dollars for the rail line, is the use of Expressway surplus for the high-speed line. Since they are both in the same transportation corridor, it is a natural supplement to the rail line that the Expressway funds be considered for that purpose, but between the Expressway and the Convention Center, that four-block area, you could have a multi-million dollar construction area, but, if it is not done correctly, it would be a burden. It can either be the greatest blessing for a four-block area of this City, the county and the State for many years to come, or it can be a burden, and I'm betting that it is going to be a blessing, because we have a lot of quality people who have a common concern in making it a very special section of this City, and of this State.

SENATOR GAGLIANO: I guess one of the questions I have because you are an island is, when the Authority says to bus companies and to the casinos that may charter them, "You will come into Atlantic City and you will use a certain route to your casino," I am presuming they could almost say, "You will have ten minutes to off-load, and you will then remove that bus from,"

let's say, "the boardwalk area and you will go to "X," wherever that spot may be. Knowing that Atlantic City is an island and is limited, is it anticipated that some of the buses would go off-island during the waiting time, if they are waiting?

SENATOR GORMLEY: I would not want to say definitely that they would not or that they would. That is one reason why you have to have the County Authority do it, because you might, because of the island and limited ground area, need to have a staging area, on the Expressway, for example.

SENATOR GAGLIANO: Such as the parking in--

SENATOR GORMLEY: (interrupting) Such as the parking on the Expressway. It is my sincere belief that in the outlying areas of the City, and when I say outlying I do not mean near the neighborhoods or near anyone's home, there would be an effort by the Transportation Authority, as there already has been at the Two Guys' parking area, or shopping area, as you come into Atlantic City. That is where they are parking buses at this time. So, they would try to do it at the outskirts of the City, so as not to affect the neighborhoods. I think the ideal situation would be the peripheral lots, not lots located in the middle of neighborhoods, not in the middle of where people live, and not in the middle of what we are trying to make a revitalized commercial district.

SENATOR GAGLIANO: Thank you, Mr. Chairman, and thank you, Senator Gormley.

SENATOR RAND: Thank you very much, Senator Gormley. In reply to you, Senator Gagliano, I would hope that when the master plan is presented to the Commissioner with all the rules and regulations, that a copy of that would be forwarded to this Committee. I know we do not have any more right for legislative oversight, but, certainly, I would hope that we would be able to review it.

SENATOR GAGLIANO: Senator, the next time they wanted a bill they wouldn't get it.

SENATOR GORMLEY: Well, let's not talk that way.

SENATOR RAND: Senator Gormley, if I may ask you, in Section 10 there is -- and, again, this is only for technicalities that we may have to amend, or we may have to clarify-- Do you have the bill in front of you, Page 3?

SENATOR GORMLEY: Page 3, okay.

SENATOR RAND: Pardon me, Section "X," the sixth line, "services as are subsidized pursuant to 'the New Jersey Public Transportation Act of 1979,'"-- We have tried to interpret that, and we are going to have to clarify it, but we would like to know what you mean. Does that mean those buses that are subsidized outside New Jersey Transit's own operating system? Because technically, New Jersey Transit would not be a subsidized carrier, except in relation to the amount of money that the State gives. Therefore, it has been interpreted by our legal people--

SENATOR GORMLEY: It includes New Jersey Transit.

SENATOR RAND: It includes New Jersey Transit, okay.

SENATOR GORMLEY: This was at the request of the Commissioner.

SENATOR RAND: Fine, so then New Jersey Transit is a subsidized carrier.

SENATOR GAGLIANO: Doesn't this intend to say, for example, senior citizen and student fare types of things are exempt? Those are services that are subsidized.

SENATOR RAND: No, it just says exactly what it says here, Senator Gagliano, "except such of those services as are subsidized pursuant to 'the New Jersey Public Transportation Act of 1979.'" Now, we may have to clarify that to make sure that you include New Jersey Transit, because there was a

question in our minds as we read the bill as to whether New Jersey Transit itself was included. Evidently, the response is yes, they were meant to be included, and we would have to clarify some of the things.

When you speak, Senator Gormley, of a fee or a tariff, I recognize a fee to be that imposed on a parking situation in the regulatory control of the buses. A tariff is a different thing, meaning the entrance into the island and, of course, it says, "a schedule of reasonable fees." I would assume that when you say "reasonable fees payable to the Authority in connection therewith," you're talking about--

SENATOR GORMLEY: I am talking about the functions under "X." In other words, what is attendant to the administrative costs of managing the operation and flow of motorbuses and, under that, managing and setting up the designated routes and handling the interception and dispatching of buses. There is, obviously, going to be a cost attendant to that.

SENATOR RAND: Then, I could interpret that as a fee?

SENATOR GORMLEY: Yes, that is correct.

SENATOR RAND: Thank you very much. Senator Gagliano, do you have anything else?

SENATOR GAGLIANO: I have no more questions. Thank you.

SENATOR RAND: Senator Gormley, we deeply appreciate your coming before us and giving us your views. Thank you very, very much.

SENATOR GORMLEY: I enjoyed it very much, and thank you.

SENATOR RAND: Are there any additional witnesses that want to appear today? If so, will you please come up and give your names to Dr. Manoogian and you will be heard sometime today. We will try to reach everyone before the day is over, and everyone will be given the opportunity to be heard. By the way, if there is anyone with a typed statement, it may be presented to the Committee. Just give it to Dr. Manoogian, and he will see that the Committee gets it.

The next witness will be The Honorable Michael J. Matthews, Mayor of Atlantic City, and member of the General Assembly. Good morning, Mike -- excuse me, Mayor Matthews. How are you?

MAYOR MICHAEL J. MATTHEWS: I want to compliment the courtesy of the Senators to each other. When you leave the Assembly, do you get a course on that, because that doesn't seem to happen in the Assembly?

Well, we have been working with ACTA AND WITH BILL GORMLEY -- the City of Atlantic City, that is -- and there has been a lot of interest flying back and forth. What I want to say, is that the last amendments I received were on 2/10/83, which was last Thursday. Basically, they were what Senator Gormley talked about. The City agrees with ACTA in principle on these amendments to ensure the continued operation of the viable Transportation Authority. We feel that this gives ACTA the necessary power to control and manage regularly scheduled charter buses, without infringing on the home rule prerogative of any municipality.

The other point that I was going to make is that they work quickly, because I talked to Mr. Labov of ACTA last night regarding my concerns about the fines, because when I read Section 4 of the new amendments, I wanted to clarify, you know, who did the policing, who did the fines, like the prosecution, etc., but Senator Gormley, by his statement, assured me that that problem is going to be rectified. The municipalities giving the tickets will do the prosecuting and will collect the fines, and will save us a lot of other paperwork.

So, with these amendments-- I don't know if the general public has copies of these new amendments. It might not be a bad idea if, after this meeting, someone reads what the new amendments are to the bill, because I know we have been working for two weeks. As each new amendment came in, we

had to scratch whatever else we were doing, and some people may be under the impression that the bill still affects parking lots and other things, which it does not do with these present amendments for the Committee Substitute. So, I think, so that the Committee does not waste its time, nor the people's time, it would be better if the people knew exactly what these new amendments are. I only make that as a point of suggestion.

With that, since the amendments have changed so drastically, I do not have too much to say, except that we see no problems with the bill with these new amendments to it. Are there any questions you would like to ask?

SENATOR RAND: Senator Gagliano?

SENATOR GAGLIANO: Mayor, the only question I have is with respect to the basic relationship between ACTA and the municipal corporation which you head.

MAYOR MATTHEWS: The municipal what?

SENATOR GAGLIANO: The municipal corporation of Atlantic City. Do you feel that with the approval of this type of legislation, and the governance of the charter bus traffic by the Atlantic County Transportation Authority, that we will have a smooth situation and it will be the type of thing that will be beneficial, not only to Atlantic City, but to the county as a whole?

MAYOR MATTHEWS: Yes. Before, the State was doing the regulating and, with all due respect, they are not here on a daily basis, whereas ACTA is located right in Atlantic City and they are well aware of the county and I think at firsthand they would be able to have a smoother flow of buses, know the routes better, and work in conjunction with the City, with our Traffic Division, to make sure of a smooth flow on a daily basis. So, I think it certainly should -- in fact, I never understood why, in 1972, it left the municipalities and went to the State. But, I think this goes a long way toward rectifying that. I really think we should do it locally, as opposed to the State doing it, because they have a lot of other things to do.

SENATOR GAGLIANO: Thank you very much, Mayor. That's all I have.

SENATOR RAND: Thank you very much, Senator Gagliano. Mayor Matthews, what I am going to do is, we have a copy of the new bill, or the Senate Substitute bill, and I am going to repeat what I did at the beginning of this session as to what the bill does. It is a very narrow bill, but I will repeat again, for the edification of those people who did not hear it.

Let me just ask you a couple of questions, if I might. The parking and bus parking mercantile license, are you going to continue those, or are they being phased out?

MAYOR MATTHEWS: Well, what we did, last year I introduced an ordinance, I think it was sometime in early December, and then a lot of people had invested sums of money either going before (inaudible) or going before DEP acquiring land, so what we did was, we modified the ordinance to say that if anyone did any of this work, and could demonstrate the ability that they had done these things, then we would hold off until December 31. That is the ordinance that is presently in effect, so we will not approve any more bus parking lots at this point in time. So, we have a "CAP" on this since the middle of December.

SENATOR RAND: For my own clarification then, you are saying to me that you will continue past December 31, 1983--

MAYOR MATTHEWS: (interrupting) No, I'm sorry.

SENATOR RAND: Yes, that is what I want to clarify in my mind.

MAYOR MATTHEWS: It was December 31, 1981.

SENATOR RAND: '81.

MAYOR MATTHEWS: So, as of December 31, 1981, no other licenses have been issued, unless they demonstrated some ability, and they had to apply for a license prior to December 31, 1981.

SENATOR RAND: And, you will continue the present method of the lots being in operation to continue to be licensed?

MAYOR MATTHEWS: Yes.

SENATOR RAND: What we have is a situation now, and I don't want to get into a situation of the county versus the municipality, but what we have is a situation here in which we would like the -- we are hopeful that ACTA will set up some type of parameter parking. But, if you begin to have competition, I begin to see some problems in the formulation of the bill, so to speak, which I for one, and I'm sure Senator Gagliano and the other members of this Committee, do not want to participate in.

MAYOR MATTHEWS: Right. Now, we've been working with ACTA with the mercantile licenses. If we start taking away the licenses, we could get ourselves in litigation, and things of this nature. But, what we have been doing, we have offered ACTA -- because the City was going to do it first-- Out on the Expressway, the City owns thirty-some acres of land, which we will make available to ACTA, which we have talked about. Some of the problems we have are capital problems to where we have to find out how we can do the capital construction in the most economical fashion. Our first estimate was a million dollars, and I think CAFRA came down, or DEP came down, so we had to make some other changes. Now, we have made it ten million dollar, so it gave us some problems. But, the competition-- I know right now that ACTA is not making too much money, because the competition is fierce.

SENATOR RAND: Mayor, I wasn't trying to throw my weight on either side of the issue. I was probing only for clarification as we structure this bill. I want the Committee to know what we are going to do, and that is the only reason I asked you, and you have clarified it for me. What we are going to have is a double structure, or a two-tier structure on parking, which is okay with me. I am not here to arbitrate any situations; I'm here to try to structure a bill which is satisfactory to ACTA and certainly to the people of this community, and certainly to the municipality. So, if I probe with any depth, it is for that particular reason.

MAYOR MATTHEWS: Fine.

SENATOR RAND: The schedule of the fees, could this Committee have a schedule of the fees as far as violation of any rules and what is the highest amount? I don't know whether ACTA intends to create a structure of fines itself, or whether they are going to conform to the municipalities. I would assume that if you are going to do the ticketing, and you are going to collect the fines, it would be subject, of course, to your ordinances. We would like to have a copy if we could obtain that.

MAYOR MATTHEWS: Certainly; I will see to that.

SENATOR RAND: Thank you very much. I think that is about all. Mayor, thank you very much. We appreciate your time, and if at any time you want to get in touch with this Committee, you just let us know. The amendments we did not know about, we are getting now, so we really can't announce the amendments. The first amendment we got was when Senator Gormley told us to amend it that Atlantic City will be the recipient of the fines. We certainly are going to do that. The amendment is in here to clarify the issue of New Jersey Public Transit; we are going to do that. And, as we get the input, we will begin to continue to get the amendments, and we certainly will make you aware of what is going on.

MAYOR MATTHEWS: All right. Thank you very much, Senator.

SENATOR RAND: Thank you very much. The copies of the substitute bill are on the front desk. What it is, it is more conventional than it was formerly. The substitute bill permits ACTA to establish a plan for the regulation, the control and the management of motorbus regular routes and motorbus charter services, except those subsidized by New Jersey Transit,

which means the operating New Jersey Transit also. The plan will provide for routing for the interception and dispatching of buses to loading and unloading points. It will also provide for a schedule of reasonable fees in connection therein, payable to the Authority. The Commissioner of Transportation may disapprove the rules and regulations established in the plan, and the question is as to the amount of time that this Committee will put into the bill and the amount of time we think he ought to have.

It appears to me, after listening to Mayor Matthews, that there will be a two-tier structure. Those parking lots which are in existence to the time that the mayor indicated will continue, and ACTA, of course, will have its own parking lot. I am only saying that is what I am aware of as of right now. What will result later, I do not know, but that is what has come out so far from the two witnesses who have testified, Senator Gormley and Mayor Matthews.

May we hear from the County Executive, The Honorable Charles Worthington? Good morning.

CHARLES WORTHINGTON: Good morning, Senator Rand and Senator Gagliano. Thank you very much for coming down here and bringing the sunshine with you. Senator Gormley asked me to make an announcement for him. He invited you to lunch at the White House, and I reminded him of his bad manners that he didn't invite everyone here. (laughter) Everyone is going to have lunch on Senator Gormley at the White House.

SENATOR RAND: He is the only guy I know who can afford it.

MR. WORTHINGTON: I'm sure he will agree to that; he is a very generous fellow. He certainly has been generous with his time with ACTA, and with his time spent in helping us solve some very serious problems incident to county government and incident to the relationships with authorities. You gentlemen are the bulwarks of the Transportation Committee in the Senate, and you are certainly familiar, not only with the amendments, but you are familiar with the original active bill. I don't know of any bill that promised so much to a region of a community in terms of broad regulatory powers in transportation, and I think a quick perusal or reading of the active bill, and the kind of media coverage that that bill received, would lead the local communities to feel that ACTA had very, very substantial powers, and yet, a fine analysis of the bill, and a realistic reading, indicate that the powers to implement are certainly lacking. So, on one hand, you have an Authority created that has absolutely no funding mechanism, no stabilized funding source.

The people in this community feel that ACTA has, and it does have, statutory responsibility for getting involved and trying to control and regulate, and (inaudible) transportation-related problems, and yet, it doesn't have the wherewithal to keep them in the bill for them.

I'm here to support this legislation. Walter, we have talked many times about this bill. I see Senator McManimon is joining us. It's very nice to see you, Franny. So, I'm supporting this because I think this is a move in that direction. I think there are a lot of valid reasons why -- political, State politics, local politics, etc. -- there are not more teeth to the ACTA bill. Nevertheless, on the one hand, the appearance is there of great powers of regulation, but, frankly, the powers are not there. It is a nice statement in generalized philosophy, but in terms of specificity, it is quite lacking.

The mayor talked about the thirty-acre parcel for parking adjacent to the Expressway, and we have been giving that a lot of thought and a lot of discussion. We have had considerable discussion with Commissioner Hughey, and I think we have been able to solve many of the CAFRA-related problems and will be able to work those problems out. One of the problems that I have

just solved with the mayor this morning is that there is an expiration date of March 1 on the City's offer, and the mayor agreed to extend that offer indefinitely. I think that is certainly a move in the right direction, and I am thankful to the mayor for doing that.

Senator Rand, I think you put your finger on the heart of the problems, one of competition and one of jurisdiction, in terms of regulating and controlling parking, and I trust that those problems will work themselves out in the future. I am hopeful that, with your cooperation, and with the cooperation of the mayor and the council, and with the active participation of ACTA, working together and earning each other's trust, a lot of these problems will fall by the wayside in the near future.

I want to bring to your attention, Senator, the fact that we already have-- ACTA has already negotiated a pact with the City in terms of bus parking, on a shared-revenue basis. So, anything that ACTA would do in an ACTA lot in Atlantic City, the City would share a percent of the revenues generated by parking. So, many agreements have been struck, and we haven't been able to solve all of our problems, but, with the attention of a capable Senate Transportation Committee, Walter, such as you command, I'm sure you are going to help us work out solutions to our problems.

Thanks for getting up early, Franny, and joining us. (laughter) I am at your service, Senator.

SENATOR RAND: Okay. Thank you very much, Chuck. We do appreciate it. By the way, it was the Office of Administrative Law that said that the Legislature had to enact specifically, so that we could give you that power. We thought we had given it to you, you were right.

MR. WORTHINGTON: I agree, and I think we are moving in the right direction.

SENATOR RAND: What we are trying to do is certainly put it back into your hands.

MR. WORTHINGTON: Thank you for your help.

SENATOR RAND: We have been joined by Senator Francis McManimon of Mercer County, and part of Somerset County, and we are glad to have him with us. Would you like to say anything before we begin to question Mr. Worthington?

SENATOR McMANIMON: No, I am just going to sit in and really listen. I'm sorry I'm late, but I had a previous meeting at eight this morning.

SENATOR RAND: So that I show no favoritism, Franny, I want you to know I allow Senator Gagliano to have the first question. Senator Gagliano?

SENATOR GAGLIANO: Mr. Worthington, I guess this is in the same line as it was with the mayor. Do you feel that with the passage of this bill, ACTA, the county and the City of Atlantic City will be able to work things out with respect to the operation of buses, not just for now where we might be seeing 800 or 900 buses a day, but in the event that there are additional casinos and additional businesses, and the bus traffic rises to 1,500 or 1,600 buses per day? Do you feel confident that this legislation will be helpful?

MR. WORTHINGTON: Senator, let me just quote you a few statistics. In 1978, when Resorts opened, there were 1,900 charter bus trips into the City. In 1981, that number swelled to approximately a hundred and eighty-some thousand. We expected that by 1982 we would realize perhaps 250,000 casino bus trips a year. We hit 250,000 by sometime in October, and we went way over the 300,000 mark last year, as you correctly pointed out. This is not only a burden on Atlantic City, and everybody keeps referring to Atlantic City as being an island, and we have a lot of transportation-related problems here in terms of our circulation patterns, the cul-de-sac dead-end

streets, but they are worse than cul-de-sacs, because they really don't even present turn-arounds--

SENATOR GAGLIANO: Turn-arounds, that's right.

MR. WORTHINGTON: In the audience here, ready to testify, are many councilmen and mayors of communities on the mainland. Atlantic City is serviced, practically, by car or bus. There are only three ways in and three ways out. Those transit lines go through all of our communities, so it is a tremendous concern, this great inconvenience and disruption, not only to the people of Atlantic City, but to the people of Atlantic County. That is one of the reasons why I feel it is necessary for a governmental agency or a regional agency to get a handle on the transportation problem. Specifically, if I had my druthers, I would like to see parking included, but I'm sure that if that were possible at this time, it would have been included in the bill. I just do not think that politically we can put that together at the present time. Maybe a little bit later, we can solve some of our own problems and work out solutions so that we can come to you with an agreed upon political package of bills, which would make your job a lot easier as well.

SENATOR GAGLIANO: Well, with reference to the parking lots, the mayor has testified that no new parking lot permits are being issued as of this time, and I think he has indicated that will be the case unless ACTA agrees, and the municipal government agrees, that there will be additional parking lots, and where they will be located.

MR. WORTHINGTON: Well, you see, you've asked a question that I think is rather shortsighted. I think parking is a generator of dollars, even at a minimal rate. I testified earlier that Atlantic City, under an agreement that we had negotiated early on, would share in any of the parking revenues on an equal basis with ACTA. So, it is absolutely to Atlantic City's advantage, as a governmental corporation, as well as to the best advantage, I think, of the neighborhood associations, to see that the bus parking is pushed to the parameter and properly controlled by an upper governmental agency. I feel that the City is losing revenues that they could easily share in.

SENATOR GAGLIANO: Okay.

MR. WORTHINGTON: You asked.

SENATOR GAGLIANO: I asked, and I think I heard Senator Rand say we didn't want to get in the middle of that. You're testifying that we need additional parking, and I think we recognize that. The mayor has indicated that there will be no additional parking, at least for some period of time, and there haven't been any additional parking lot permits issued.

MR. WORTHINGTON: There are so many transportation problems, and there are no funding sources to fund any of the work that ACTA does.

SENATOR GAGLIANO: Do you feel that the so-called "reasonable fees" under this bill would be sufficient to establish a funding base upon which ACTA could react, and maybe borrow money over a long term?

MR. WORTHINGTON: No, I think a reasonable fee as outlined by the law, and as described by Senator Gormley, is a narrowly construed fee for a particular service that is rendered, and there would be little, if any, excess revenues to do anything else but run a particular bus-monitoring program. A parking fee is something entirely different. A reasonable fee for parking would produce some excess revenues that could be utilized--

SENATOR GAGLIANO: (interrupting) So that you don't ask the State Legislature to try to decide this one, couldn't ACTA, -- and maybe we will hear more about this later -- do what authorities do generally? In other words, let's say they acquire a site that is four or five acres on the outskirts of a municipality, but in the municipality, where they could park 200 buses. Wouldn't ACTA have the power to acquire that, and then issue

revenue bonds, maybe even guaranteed by the county, in order to make the payments on the bonds for the acquisition and improvement of the parking lots--

MR. WORTHINGTON: (interrupting) Yes, Senator, but what is the stream of revenues that is going to be used to pay off the revenue bonds, the parking fee?

SENATOR GAGLIANO: Presumably a parking fee, right.

MR. WORTHINGTON: Yes, you could do that, but you have seventeen or nineteen parking facilities that are regulated by the municipality, by mercantile license fees, in the City already, not outside the City, so why wouldn't the bus operator choose to park in the neighborhood, rather than in that remote location? Therefore, you couldn't guarantee any revenues, meaning you couldn't sell the revenue bonds. Without some kind of regulatory power here, it would be difficult to do that. See, we do not have a revenue source. With a revenue source, we could do what you are suggesting.

SENATOR GAGLIANO: Okay, thank you. I would like to hear from other witnesses on that issue later. Thank you very much.

MR. WORTHINGTON: Thank you.

SENATOR RAND: Mr. Worthington, of course, I was going to tell Senator Gagliano that we could pass S-895, which is over languishing in the Assembly, which would 45% of that money of surplus funds to ACTA, but that is still in abeyance. What I gathered here today is that there are a lot of good things coming out here. I will follow up on Senator Gagliano's question. I see that we are going to have a two-tier system, and I have no argument with that. Those parking lots which the municipality has ordained, so to speak, will remain, and there will be no growth. I think that is good, because I think ground is too valuable in this community to allow the expansion of parking lots. I recognized that from what Mayor Matthews just said a few moments ago. I foresee that the bus industry will grow, and I foresee that you have no place to put them in Atlantic City. I can also foresee that you certainly have to have some parameter parking area. Maybe out of all this, we will be able to structure a bill that will satisfy all the elements. You know, a bill is usually a consensus; nobody is completely satisfied with it. But, if we can get the industry, and if we can get labor, and if we can get government together, then we have accomplished a great deal.

MR. WORTHINGTON: Senator, that is exactly why I came here today supporting this bill and the hard work of Senator Gormley in helping us to get this far, even though for my own purposes, it didn't suit all my requirements and needs.

SENATOR RAND: No, I understand that.

MR. WORTHINGTON: I am supportive of this bill, and I am thankful that the Senator is here working with us to help us out.

SENATOR RAND: Senator McManimon?

SENATOR McMANIMON: I am going to reserve any questions until later, Mr. Chairman.

SENATOR RAND: Mr. Worthington, thank you very much.

MR. WORTHINGTON: Thank you. I'll see you all at the White House.

SENATOR RAND: Mr. John Gaffney, Board of Chosen Freeholders of Atlantic County? Mr. Gaffney? (no response) Lillian Bryan, Board of Chosen Freeholders of Atlantic County? (no response) Mr. Stephen Labov, Chairman of the Atlantic County Transportation Authority. Good morning.

STEPHEN LABOV: Good morning, Senator. My name is Stephen Labov. I have been Chairman of the Atlantic County Transportation Authority since its inception in 1980. I reside and have my business here in Atlantic City.

At its earliest meetings, ACTA projected the impact of casino bus traffic to be the most immediate transportation problem facing this region. As a result, the design of a workable bus program has been our highest priority. From the beginning, ACTA has been on public record as favoring the role of bus industry in providing the necessary patrons to fuel the economic vitality of the casino industry. A plan for the orderly management of this traffic is necessary in order to ensure the continued ability of the bus industry to serve Atlantic City. Such a plan is also necessary to protect the residents and businesses of this county from unwarranted and unnecessary intrusion of buses into the safety and health of their daily lives.

Problems from uncontrolled bus traffic reached crisis proportion in the summer of 1981 and, without an implementable solution for this summer, we expect the situation to deteriorate even further. With the approval of these legislative amendments, ACTA would be able and ready to implement a bus management program which we have developed over the last year. This plan was evolved with substantial involvement from the public and private sectors, and is consistent with our State-approved master plan. The City of Atlantic City, Atlantic County municipalities, the Casino Hotel Association, the Atlantic City Bus Operators' Association, the Atlantic City Chamber of Commerce, and numerous community and neighborhood groups have participated in designing this program.

ACTA staff, under a voluntary program funded by the casinos, has hired a nationally-respected consulting firm to help in developing a program of bus solutions. I publicly congratulate all those who have voluntarily participated in this process.

John Sheridan, Commissioner of the New Jersey Department of Transportation, personally reviewed the bus problem and neighborhood complaints last summer, and called for a regional, comprehensive solution. ACTA has responded to this call, and prepared such an approach, which I feel satisfies the needs of all involved, the casinos, the bus companies, the citizens whose lives have been altered by bus traffic, and those concerned with ensuring traffic safety. These amendments will ensure that ACTA has the tools to deal adequately with this unique problem. We have received a Department of Transportation commitment that they will work with us to implement a local bus control program, with regulatory powers normally withheld from counties and municipalities in New Jersey.

Time is short; we need a bus program backed by the force of regulation to avoid traffic chaos this summer. I personally thank the Chairman and members of the Senate Transportation and Communications Committee for taking the time to come to Atlantic City today to hear what the residents of this community have to say. I would like to personally thank Senator Rand for all of his help in Atlantic County with all of our transportation problems.

SENATOR RAND: Thank you, Mr. Labov. Senator Gagliano?

SENATOR GAGLIANO: Mr. Labov, I have only one question. Would you supply the Committee with whatever plans you have, if they are not too tremendous -- the master plan, or whatever else you have supplied to the Department of Transportation? We would like copies of that to sort of look at it--

MR. LABOV: We will get that to you before you leave.

SENATOR GAGLIANO: Thank you. I have no other questions.

SENATOR RAND: Senator McManimon?

SENATOR McMANIMON: I am going to reserve questions.

SENATOR RAND: Okay. Thank you very much.

MR. LABOV: Thank you, Senator.

SENATOR RAND: May we have the Vice Chairman of the Atlantic County Transportation Authority? Would you give us your name, please?

P A X S O N K E A T E S : My name is Paxson Keates.

SENATOR RAND: Thank you very much, Mr. Keates. Is that like the poet?

MR. KEATES: The last name is K e a t e s.

SENATOR RAND: That is like the poet.

MR. KEATES: Similar to the poet; the poet has no "e."

SENATOR RAND: Oh, no "e," okay. Good morning.

MR. KEATES: Good morning, how are you this morning?

Despite a broad mandate and general set of responsibilities to coordinate all elements of the regional transportation system, the present act of legislation provides for direct control only over that which ACTA owns, operates or contracts with. Therefore, with the powers that this agency has in place today, we can plan for casino bus solutions, but we cannot implement one with the assurance that it is backed by the necessary strength of regulation. This is a severe limitation. If there is agreement among the State Department of Transportation, the municipalities of Atlantic County and the casinos that a regional approach is necessary through the auspices of ACTA, then additional powers need to be granted in order to implement such a program. It is such a specific authority over the flow and management of bus traffic that we are asking for today. We do not seek additional powers over any other element of the transportation system; we do not seek to take from the powers of any municipality. We understand the bus routing authority to be a State responsibility, but with these amendments, the powers we seek need to be constrained, constrained by the criteria of reasonable length, and by the potential of the DOT Commissioner's veto. However, the absence of these amendments that would bring together State, county and municipal attention to a distinct and growing problem, would cause the issue to go unresolved at a substantially-yielded and economic cost.

SENATOR RAND: Senator Gagliano?

SENATOR GAGLIANO: I have no questions; thank you.

SENATOR RAND: Senator McManimon?

SENATOR McMANIMON: Do you feel that the Authority should take over private as well as municipal-owned parking facilities?

MR. KEATES: Are we talking about the bus, or are we talking about--

SENATOR McMANIMON: Both.

MR. KEATES: Both. I would like to think that the problem of bus parking could be best managed by ACTA, but certainly not automobile parking.

SENATOR McMANIMON: I just wanted to see how positive you were.

MR. KEATES: Okay.

SENATOR RAND: Thank you very much.

MR. KEATES: You're welcome.

SENATOR RAND: Mr. Ian Jerome, Executive Director of the Atlantic County Transportation Authority?

I A N P. J E R O M E : Good morning. My name is Ian P. Jerome; I am the Executive Director of the Atlantic County Transportation Authority.

ACTA was created approximately two and a half years ago to coordinate the orderly development of transportation services in this county as a result of casino gaming. What we are seeking today is a tool to achieve a portion of that mandate, as it relates to the management of casino bus traffic.

Atlantic City is one of the principal bus destinations in the United States. In 1980, approximately 90,000 buses came to the resort, a dramatic increase over the previous years. In 1981, the number had increased to 190,000. Last year, more than 300,000 buses brought approximately ten million people, or 40% of all the visitors that came to Atlantic City. Buses

are one of the principal reasons why Atlantic City has become the premier resort city in this country. On a peak summer day in 1982, 1,100 buses arrived in Atlantic City.

To accurately understand their full impact on this island community with limited access, narrow roads, short blocks, and casinos on dead-end streets, one must multiply total buses by a factor of four to indicate the number of trips between a bus arriving, parking, loading, and leaving. Residents on some narrow approach streets saw approximately 900 bus movements pass their homes on an average summer day in 1982. Congestion, noise, fumes and vibrations have become part of their daily existence.

Approximately one year ago, ACTA attempted a bus management program. This was an early attempt to achieve a compromise between the necessity for continued and improved bus access, and the mitigation of their negative environmental impacts. This program was built upon an agreement between Atlantic City and ACTA of March, 1981, which granted ACTA exclusive rights to regulate and manage bus traffic within the boundaries of this City.

Following a public hearing and, as required by law, this proposed program was advertised in the New Jersey Register. The Division of Administrative Law indicated weaknesses in our ability to implement such a program under the terms and powers of our enabling legislation. At this point, ACTA withdrew the plan. Without an adopted program there were severe neighborhood congestion problems in Atlantic City during the summer of 1982.

The public outcry for a solution was answered in two ways: Atlantic City sought to ban traffic on a block-by-block basis. Two such streets were approved by the DOT, with the understanding that an alternate and comprehensive solution would be prepared.

Secondly, ACTA worked with the Casino Hotel Association to implement immediate solutions and develop a comprehensive regional plan. ACTA, with UMTA and Casino Hotel Association funding, has developed such a bus management plan.

Commissioner Sheridan indicated that he would support the implementation by ACTA of a reasonable program that managed the routing, staging and flow of bus traffic. It is the power to implement such a program that we are seeking through Senator Gormley's amendment to our Act.

Without such an amendment, and even with the continued cooperation of the Casino Hotel Association, ACTA cannot ensure the safe and orderly flow of bus traffic this summer.

SENATOR RAND: Thank you very much. Senator Gagliano?

SENATOR GAGLIANO: Mr. Jerome, one of the first problems that I see here is a matter of timing that is not your doing, but the Legislature's timing. Presuming we report out a bill, this Committee, and I think we will as quickly as possible knowing the urgency of the situation, and after we make whatever amendments are appropriate -- we report out a bill at our next session -- we will not have too many Senate sessions for the next month or so because of the appropriations process where the Joint Appropriations Committee meets three and four times a week, and that is twenty-some members of the Legislature. We will not have too many sessions. I am just telling you this because I hear what you are saying about next summer. Then, it would have to pass the Senate and go to the Assembly. If, at that point, the bill is referred to Committee and the Assembly Transportation and Communications Committee determines that it should hold further hearings as testimony on the bill, it may be that you won't have a bill by summertime. I'm mentioning that-- I think Senator Gormley certainly knows our schedule as well as anybody, but I thought I better say that publicly. You will get our full cooperation, but what I'm saying is, we are not going to be in session that many times, and then when it goes to the Assembly, if it goes to

Committee in the Assembly, that will take some extra time too, and we'll be darn close to the summer at that point.

So, I want to point that out to everyone here so you understand the time constraints we have. We will work to ameliorate them, but we do have them.

The other thing that I wanted to discuss just briefly is, if you had a peak summer day bus traffic of 1,100 buses in 1982, what kind of an increase would you anticipate for 1983? The number of casinos remains the same, is that correct?

MR. JEROME: That is correct. We do not anticipate another casino opening until early in 1984.

SENATOR GAGLIANO: So, what would you expect, maybe a 10% increase over the 1,100 on any max day next summer?

MR. JEROME: It has been a very difficult problem to project casino bus traffic. I think the numbers for the last three years, even though there has been a slowing down of casino openings, have maintained a very healthy growth rate. We would anticipate that that growth rate would continue. I think we are seeing, though, that there is a point of saturation in terms of the ability of some casinos to handle buses. So, I do not think in 1983 we are going to see the growth that occurred in 1982.

SENATOR GAGLIANO: So, if it was, say 10% or 12%, we would be talking about 1,220 or 1,230 buses on a maximum peak day?

MR. JEROME: I think that would be a reasonable projection.

SENATOR GAGLIANO: Now, if that occurs, do you feel-- Let me put it this way, if the legislation is not in place, and your plan is not in place, what do you envision if we do get, say two or three Saturdays where we have 1,200 or 1,300 buses in one day, chaos?

MR. JEROME: I think there is a distinct likelihood that that could happen. Where we have received a substantial amount of cooperation in solving problems on a voluntary basis is in the areas surrounding the casino sites, and with the casinos and the management of their buses. Where the program weakens is where those buses leave the casino site and proceed to park in any one of the many lots that are available, and perhaps those buses are also used for purposes other than parking, as they have been seen in shopping centers and restaurants throughout the eastern portion of the county.

What I am saying is that we lack control over that portion of the flow of buses, and I think it is that portion that will be chaotic this summer.

SENATOR GAGLIANO: Has anyone considered the possibility of tram access to the city? I may be ahead of myself, or I may be all wet, but is there any possibility that someday there would be tram access? Has anyone thought about that? For example, a bus would arrive at a certain location, off-load, and then have people brought into the city by tram or some other vehicle.

MR. JEROME: There have been a number of suggestions as to how the bus patrons might be intercepted, whether on a rail line, tram line, light rail or people of the system. I think one of the reasons why we have such an aggressive bus industry here is that, for very reasonable rates, they are able to market door-to-door service almost, and access to the casino site has been an advantage that the casinos and the bus companies would like to retain. I think if the numbers continue to grow beyond the level that we have right now, then I think there are some questions about whether door-to-door, portal-to-portal access can reasonably continue.

SENATOR GAGLIANO: Would ACTA have jurisdiction under its current law to make a determination with respect to whether or not there would be off-load access, in your opinion, or in the opinion of your counsel?

MR. JEROME: I defer to legal counsel on that question. Our approach to date has been to try and cooperate with the casino industry as much as possible in the marketing programs they have established, and to that end I think we have been able to show that a reduction in bus traffic door-to-door has been effective for them, I think, with some reevaluation of the whole value of the bus program to some casinos. We have seen some casinos phase back to the bus program in times when the City is generally congested, such as Labor Day and weekends in the summer.

SENATOR GAGLIANO: You mean, the people are here anyhow, and they don't need another fifty people coming per bus each few minutes?

MR. JEROME: That is correct. What I am trying to portray is an approach that we have had with the industry which has been to try to mutually work out these problems, without imposing an intercept regulation on the patrons. We have intercepted the buses, and now have a metering system whereby those buses are dispatched to the site, when the site can handle that. That has been a voluntary program with the casinos' cooperation. Five of the nine casinos now participate in that intercept program for the buses. The buses will wait with patrons on board in these lots close to the casinos until the casinos have ability to process those patrons. That has helped. I think that, for now, is an adequate solution. If the numbers dramatically increase over present levels, then I think we may have to look at some off-site unloading, and perhaps shuffling, although the shuffling system for the number of people involved, is going to have to be a very high capacity system and, therefore, very expensive.

SENATOR GAGLIANO: Thank you very much. I have no other questions.

SENATOR RAND: I think, Senator Gagliano, that it is worth comment that the bus industry provided a very affordable commodity to people to get down here, and that is why they are so successful. You know, ten dollars to come from Philadelphia or so down here-- The projection for the Atlantic City Railroad was, if I remember from a hearing we had, \$36.00, is that correct?

SENATOR GAGLIANO: Yes, it was quite a bit of money.

SENATOR RAND: So, you can see the differential. If you offer people something of value, they naturally accept it. Let me ask you a question. Your figures are very impressive when you tell me 1,100 buses on a single day in 1982 at its peak. Maybe it is premature for me to ask, but do you have a long-term solution or a parking or staging area in mind that you would be able to say to the bus operators, "We have a place for you to be put. You don't have to worry we're going to move next month, or the week afterward?" I know you have a staging area now which is a leased staging area, am I correct?

MR. JEROME: That is correct.

SENATOR RAND: I don't know how long you are going to have that, and I don't know how long that valuable piece of ground can be rented, but is there something in the foreseeable future that you could announce that will at least make it interesting for the bus people to cooperate?

MR. JEROME: The solution has been mentioned before in the two previous testimonies and that is, in my mind, the thirty-three acre piece of property that is three-quarters of a mile out of Atlantic City up the north side of the Expressway. There, within reasonable driving distance to the City, and away from residential areas, with close access to the Expressway which carries about 65% of all buses, is an ideal site that is not being put to any other purpose. The fact that we have leased access to that site for fifty years, I think -- in my mind -- indicates that that is the most preferred site for parking and storing buses we have in the region, be it public or private lots.

SENATOR RAND: How many buses would that hold if you used it to stage or to park there?

MR. JEROME: If you were going to use the sum total of thirty-three acres of back-grade parking, you would place somewhere in the area of 1,000 to 1,100 buses on that site, calculated roughly at forty-five buses per acre.

SENATOR RAND: Is it common knowledge that that is the area you anticipate using?

MR. JEROME: That is correct. We have involved the Atlantic City bus operators in the process of determining the type of facility that should be developed at that site, along with the Atlantic City Expressway, which has indicated that there are access solutions off the Expressway to that site.

SENATOR RAND: Thank you very much. Senator McManimon?

SENATOR McMANIMON: I am going to reserve any further questions.

SENATOR RAND: Okay. Thank you very much, Mr. Jerome. Mr. Walter Cherwony, Consultant to the Atlantic County Transportation Authority.

MR. JEROME: If I might, Senator, I would like to introduce Mr. Cherwony, as he may not be willing to tout his own qualifications as much as I would. Mr. Cherwony is a partner in the firm of Cherwony and Abrams in Philadelphia. He is a nationally-respected consultant in the area of bus traffic. He was hired under an agreement with the Casino Hotel Association to study the problems of bus circulation in Atlantic City, and is in the process of completing that study right now.

SENATOR RAND: Good morning

WALTER CHERWONY: Good morning. After that introduction, I don't know if I should say anything else, or just quit while I am ahead.

SENATOR RAND: At least spell your name before you go.

MR. CHERWONY: Okay, it's C h e r w o n y. As Mr. Jerome indicated, our firm was retained by the Authority as part of the voluntary program to develop the Casino Bus Enactment Program. We explored two issues related to that. Number one was the routings of buses to Atlantic City, to the casinos, and then back out of town later that evening. We tried to balance off the ability of the streets to accommodate buses, as well as the fact that, given the large volume of buses, the considerable potential for neighborhood intrusion. We tried to develop a routing plan which would be satisfactory, and we have, at this point, provided ACTA with that plan.

The second phase of the study looked at the casino sites themselves, what operating procedures or physical changes could be made at the casinos to expedite the safe movement of buses, so that congestion caused by the backup of buses on city streets would not occur. At this time we provided the Authority a two-volume course which we think represents a very viable plan for accommodating the large bus volumes, which were mentioned before by the previous speakers. I think that is only a plan, unless there is a mechanism to implement it.

One of the recommendations we had after doing the development of the routing plan, was that there must be a means to monitor bus movements, as well as a forced routing plan. There has to be a bridge built from a technical report that looks at problems and develops solutions, to take that the next step further which is to actually implement that plan. That is one reason why we feel that perhaps this legislation is necessary.

A number of the previous speakers have cited large numbers in terms of bus lines and passengers, and I certainly do not want to repeat that. One way, though, to get a feel for the numbers-- Mr. Jerome cited the 1,100 buses a day, and that was a typical weekday. That is not, you know, what a peak would be. That is a very common occurrence, that during the summer you have 1,100 buses. I might also add that, on a daily basis, in the fall and the winter, the buses might drop maybe 15% to 20%, but in the peak periods,

from eleven to one when the buses are coming down to Atlantic City, and from about five to seven in the evening when the buses are returning homeward with passengers, the number of buses in those four hours is only 5% to 10% less in the winter today, versus what they were in the summer. So, it is not just a summer problem; it is a continuing, ongoing problem for the entire twelve months a year.

In order to give you some handle on the volume of buses, what I did was, I checked the number of buses New Jersey Transit operates in the peak periods, in the morning and evening rush hours, and you come up with a number somewhere around 1,200 buses as a peak vehicle requirement. That compares favorably, or compares very closely to what we are seeing in Atlantic City on a typical weekday in the summer. So, if you could imagine that you have all the New Jersey Transit buses in the State sort of converging on Atlantic City twice, once in the morning when people are coming in, and then leaving town converging again to pick up passengers to take them back, you would have some idea of the magnitude of the problem of the volume of buses which is comparable to the entire fleet that New Jersey Transit is operating. At the same time, the limited area of the island, and the fact that you have dead-end streets, plus the fact that people do live along many of these streets, I think, should give you some feel of the dimensions of the computation of supply and demand.

When we looked at the current situation, in many ways it worked well, but yet there were a number of problems it incurred. In fact, this past summer, some of the problems reached the boiling point, with people demonstrating in the streets. We think we have developed a plan that will alleviate many of the problems which have occurred in the past, as well as provide a framework for solving problems that will come in the future as the bus lines increase and as new casinos come on line. There is every expectation that new casinos will have buses as a marketing program for people coming down to Atlantic City.

Some of the problems which occurred during the past summer, in our view, could have been solved in a more timely fashion with this kind of legislation, as opposed to the limitations of a voluntary program. The other thing I think is appropriate is that many of the problems that did occur could have been avoided if the ability of the Authority was there to regulate the movement and flow of buses. We think you can solve problems as they occur more timely and, at the same time, and more importantly, you can avoid problems from occurring.

Those are some of the points that I wanted to make. I think the important thing is that the problem is here today and it will get worse this summer. The fact is, there really is a need for a solution now. We think the report we have developed is the plan to effectively permit buses to come into Atlantic City and serve a variety of interests, but at the same time not cause problems of congestion, as well as intrusion into residential neighborhoods, as has occurred in the past.

We see that this legislation is the bridge, and that the technical report is the next step and the logical step, which is the implementation of (inaudible). That concludes my remarks. I would be happy to answer any questions you might have.

SENATOR RAND: Mr. Cherwony, are there any amendments to this bill you would suggest as a bus consultant?

MR. CHERWONY: Well, I think, as I pointed out, there is a very narrow scope as to what this bill allows the Authority to do. As Mr. Jerome indicated, some of the problems which have occurred are not caused by the buses coming into Atlantic City and the casinos, and then later that evening leaving the casinos with their passengers and returning. You also have the

movement of buses from the casinos to the parking lots and returning again. Obviously, another area that conceivably could be regulated would be the location of the parking lots.

In developing our plan, we have provided a network of routes that would permit the bus operators to proceed from the casinos to the parking areas that presently exist, and then return again later that evening. So, what we have controlled is the movement of buses. Another area that conceivably could be regulated would be the location of the parking areas. We are concerned about the residential intrusion of buses traveling on city streets. An equal concern would be the potential intrusion of parking lots in residential areas.

SENATOR RAND: I guess the question is, do you agree that, from a political standpoint, it would be very difficult for us to get involved in the so-called "two-tier system" that Chairman Labov talked about?

MR. CHERWONY: Fortunately, I'm an engineer, not a politician. Unfortunately--

SENATOR RAND: But, you've been here long enough, I think, to probably catch the drift of what seems to be happening in Atlantic County. The idea of the two-tiered system, I guess, would be that whatever exists now exists, and may exist as long as the mayor and council of the City of Atlantic City deem that to be the case. The second tier would be whether or not we could assist, and if we should, in helping you establish parking areas in the outlying portions of the City, which would then, therefore, have much less impact upon the residents and the local businesses.

MR. CHERWONY: In developing our analysis, we did assume that those lots that were in existence would continue. That would be the private lots under the mercantile license, as well as the lots outside the City of Atlantic City and those operated by ACTA. From an engineering standpoint, it is not just the movement of buses back and forth, there is also the environmental consequences in residential areas. We have developed criteria that we feel is appropriate to look at routing. We also think there are criteria that should look at the location of parking lots and their proximity to residential areas, which really has no bearing as to who owns and operates the lot. The lot is intrusive to a neighborhood; whether that lot would be operated by a private operator or a public agency, it is still intrusive.

We have looked at the impact on residential areas, as well as movement on adjacent streets adequate to accommodate buses coming into and out of a parking lot. So, we have not addressed necessarily who best would be able to provide these parking areas, although we have indicated criteria which should be used as to whether a site is, in fact, appropriate. I think though, in fairness, that if you control the routings, you know, another potential area to more effectively control the situation would be the parking lots, because they are also another element of the plan that is subject to public concerns and, once again, we want to reflect the sensitivity of the people who live in Atlantic City.

SENATOR GAGLIANO: As an engineer, supposing there was an amendment proposed -- and I'm not saying there will be -- suppose there was an amendment proposed which allowed you as part of your active plan, in a situation where provided you did not interfere with those lots which exist, in other words, a grandfather-type situation under the law, that you did not interfere with those lots that exist, or contracts, leases or whatever have been signed, and uses have been established that future parking would be under the control of the overall plan, as an engineer, would you think that would be a step in the right direction?

MR. CHERWONY: Yes, I think that would be beneficial.

SENATOR GAGLIANO: I won't ask you from what other standpoints you might look at it. Thank you; I have no other questions.

SENATOR RAND: Just one moment.

MR. CHERWONY: Oh, I'm sorry.

SENATOR RAND: I take the position that Mr. Worthington took. I do not think that you are going to have an increase -- and maybe I'm wrong, maybe I am getting the tenor of this wrong -- in parking lots in Atlantic City. I think as the economic climate clears, you are going to have a diminishment of the parking lots, and that is why the bill becomes important. If you are going to have a pyramiding of parking lots, then there is something wrong. But, I look maybe down the line two or three years, that you are going to have a reduction in those lots, and there you are going to have the squeeze, as those lots are being reduced and they find that they can build on those lots, or they be utilized for some economic redevelopment. Then you are going to find that that is when you need some type of staging area, or some type of really regulatory control to find places for these buses, because I see that in five years, in inner Atlantic City, unless I have my facts wrong, there are just not going to be places to park in this City, with redevelopment occurring, etc. and so forth. Is that correct?

MR. CHERWONY: Well, I think it really depends on the availability of land at that time. I understand your point.

SENATOR RAND: It is an island; there is just no more land.

MR. CHERWONY: There is a higher and better use for that land than parking buses.

SENATOR RAND: Absolutely.

MR. CHERWONY: I certainly would go along with that. I think what also happens is that, as the bus lines build, there is going to be, as you were saying, increasing pressure to park those buses, and I think we will have to be looking for new sites for expansion of certain existing sites, in which case--

SENATOR RAND: Within the City?

MR. CHERWONY: I think it depends on what the future bonds would be and the availability of land. Very conceivably, these sites would have to be on the parameter and, as Mr. Jerome indicated, the site off the Expressway which could park conceivably a thousand buses is outside the City.

SENATOR RAND: I have no problem with that. Senator McManimon?

SENATOR McMANIMON: Do you know what concerns me with this whole concept? It is the fact that even though it is here primarily to handle the flow of traffic and the parking facilities, the major concern is with the casino industry. I have yet to hear a directive about the center of Atlantic City, and how the hell are you going to revitalize that? From your statements, Mr. Chairman -- correct me if I am wrong -- shall I conclude that you feel there will be a diminishing of the present parking facilities in Atlantic City, in the City proper? You know, when I sat on the State Government Committee and we adopted the rules and regulations for casinos, one of our major concerns was for the redevelopment of Atlantic City as a whole, and not just the casino industry. I hope and pray that we do not become short-sighted and lose sight of that.

SENATOR RAND: We're talking about buses, Senator McManimon, not about cars.

SENATOR McMANIMON: We're talking about buses right at the present time, but there have been no specific conclusions with respect to the private concept, or the Authority control. It seems that if we keep emphasizing buses-- I wonder if we shouldn't consider the whole. People do not just come to Atlantic City on buses; they come in cars as well.

SENATOR RAND: Well, I think Senator Gagliano did refer to some type of terminus, or terminal, in his opening before you got here. I do not know what the Atlantic County Transportation Authority is going to do on

that; I do not know what the City is going to do on that. We are merely faced with the problem that is before us on the regulation and control of charter buses that come in and create a problem with respect to parking, traffic flow, air quality and--

SENATOR McMANIMON: That is why I asked the question earlier, Mr. Chairman, is it the intent of the Authority to take over private, as well as municipal parking facilities? I am afraid that if you deemphasize center City and put everything in the outlying areas, then what really happens to center City for the present businesses which are up and down the strip?

SENATOR RAND: Well, what was answered by Mayor Matthews, Senator, and you--

SENATOR McMANIMON: I'm sorry I wasn't here at that point.

SENATOR RAND: That's all right. Mayor Matthews said that the present mercantile licenses would still exist, but there would be a freeze on any new licenses. It is my understanding that ACTA is going to implement-- Is this plan public knowledge, or is it still a report?

SENATOR McMANIMON: They don't know; they haven't released it yet.

MR. CHERWONY: The report we prepared for ACTA, which is two volumes, did not get involved in the development of a parking program.

SENATOR RAND: No, I wasn't interested in that. What you did get involved in, is recognizing that there are parking lots in existence, and you are going to have traffic control.

MR. CHERWONY: What we did is, we developed a plan that reflected that entire situation.

SENATOR RAND: Yes, that's it. So, evidently, Senator McManimon, the only way that it could diminish, from the viewpoint that I see it, is that as the ground becomes more valuable they are going to use it, not for parking lots, but they are going to use it to build something on it. That would be my reflection of anything. As it becomes more valuable, that is what you are going to utilize it for. It may not come to pass; I think it will. But, we are faced primarily, Senator McManimon, with this bill that is concerned merely with the traffic flow, the control and the parking of charter buses.

SENATOR GAGLIANO: Not parking?

SENATOR RAND: Well, yes, parking too -- a staging area. Parking is in it, absolutely. Parking is a major thing. They have a big parking area now at Two Guys from Windsor. Is that right? (no response) They have a major parking staging area that is utilized very heavily; at least every time I come by it is pretty packed. So, that is one of the questions I asked, do they anticipate having a permanent staging area? They said, "Yes, the thirty-three acres which is adjacent to the Atlantic City Expressway." I am very familiar with the Expressway, and I would urge, if they are going to utilize that, that the Atlantic City Expressway certainly give them ingress and egress out of there at the Atlantic City Expressway's expense, rather than at ACTA's expense, because they do not have any money at this particular moment, and I don't think they ought to be burdened with that type of expense.

SENATOR GAGLIANO: Mr. Chairman, I need a point of clarification.

SENATOR RAND: Yes.

SENATOR GAGLIANO: I don't know if Senator Gormley is in the room at this time, but it is my understanding that this bill will not directly allow the ACTA organization to become involved in the assignment of parking spaces for these buses.

SENATOR RAND: They do now.

SENATOR GAGLIANO: Well, only in the sense that they route them, and they know who comes in and goes out of the City.

SENATOR McMANIMON: They don't in center City.

SENATOR GAGLIANO: They don't?

SENATOR RAND: That is correct. And, they will still stay in existence, but they have a staging area to which they assign buses now.

SENATOR GAGLIANO: Assigning a bus to a staging area and saying when a bus may make a movement into a casino and out again is one thing, but assigning a parking area is another thing. I don't think this bill addresses that. I would like to know, because I don't think it does.

SENATOR RAND: It says, "A plan for the regulation, control and management of the operation and flow of motorbus regular route and motorbus charter services..."

SENATOR GAGLIANO: That is not parking, I don't think; we ought to clarify that. That is the reason I was asking the Executive Director about whether or not we would have this so-called "two-tier" system you're talking about, whether the bill would address that, so we could leave Atlantic City bus parking the way it is for those licenses already out, and whether we would install an amendment which would allow for jurisdiction and control over new areas of parking.

SENATOR RAND: Senator Gagliano, for your purposes I would assume, and I would assume correctly, that we would have to put amendatory language in here which would clarify it, for the general purpose of the broad objectivity of the bill.

SENATOR GAGLIANO: Okay.

SENATOR RAND: Mr. Labov, do you want to comment?

MR. LABOV: Yes. It is not the intent of that piece of legislation for the Transportation Authority to control or assign individual parking spaces to buses. The Transportation Authority is in a competitive parking business, with seventeen mercantile lots in the City.

SENATOR RAND: Oh, I realize that.

MR. LABOV: It is not our intention to close those facilities. I think it was, in many areas, very perceptive of the three Senators individually. One reason is, there are higher and better uses for that land. We would hope to sit down and negotiate with those landowners and the City over a period time, that those lots would no longer park buses. That would allow us a long-term solution to bring that full thirty-three acres into parking. But, that bill does not give us the authority to close those lots. We have not sought that authority, and we are not going to do that.

SENATOR RAND: You are not going to do that.

MR. LABOV: The other two things that I think are very critical, to answer, Senator McManimon, some of your comments-- The Transportation Authority does have a plan to use transportation to help revitalize the downtown section of Atlantic City. You do not see any of it before you today, because it is not part of those amendments, but we will deliver to you today our full master plan on all of the work we have done. There are some very heavy things that we would like to do in downtown Atlantic City which would do just what you are saying. We've done that work.

SENATOR McMANIMON: I have a specific question. If the Authority, under this bill-- This bill gives ACTA the authority to regulate the movement and the flow, but not where they want to park -- with respect to buses?

MR. LABOV: We will regulate the flow of the existing lots. We have all agreed here today that there will be no new lots, no proliferation of lots in Atlantic City.

SENATOR McMANIMON: But, you are going to regulate the flow and movement?

MR. LABOV: That's right.

SENATOR McMANIMON: Does that mean you are going to designate where they will park and where they won't park with respect to present facilities in center City, and with respect to parking facilities that will be in the outlying areas?

MR. LABOV: No.

SENATOR McMANIMON: I think that is a very important matter that has to be clarified.

MR. LABOV: It is not part of that legislation.

SENATOR McMANIMON: Okay.

SENATOR GAGLIANO: That is what I said. In other words, that is my understanding.

SENATOR RAND: Well, since that has been opened up, turn to Page 3 of the Senate Committee Substitute for Senate Bill No. 1865, x.(ii). I mean, if we are going to clarify this, we are going to clarify it. It says, "the interception and dispatching of buses to ultimate points of passenger loading and unloading in order to prevent disruption of vehicle traffic." What we have to do is clarify that also, that you are in the same competitive spirit with private lots. Am I correct?

MR. LABOV: Yes.

SENATOR RAND: Then, if you have answered both questions that both Senators have asked you, this bill will not permit you to walk into any bus company and say, "You must go there." Is that correct?

MR. LABOV: That is correct. We would like, outside of this bill, to be able to sit with the various lot owners and maybe clip some of their customers, so as to better serve the traffic of Atlantic City, and we think we will be able to negotiate that.

SENATOR RAND: We have no problem with that.

MR. LABOV: But, we are not asking for that as a peace--

SENATOR RAND: I understand, but I want to make it clear then, that you have answered the questions of the two Senators, and for my clarification, that you in no way can mandate any carrier that comes into Atlantic City that he must park at the Atlantic City Expressway.

MR. LABOV: That is correct.

SENATOR RAND: Unless he runs out of his lease, and he has no place else to go?

MR. LABOV: Unless there are other lawfully operating lots which he chooses to make a lease with.

SENATOR RAND: Right, okay, and you compete on the same level.

MR. LABOV: We are.

SENATOR RAND: Is that clear, Senator McManimon?

SENATOR McMANIMON: Yes, it is.

SENATOR RAND: Senator Gagliano?

SENATOR GAGLIANO: It's clear, Mr. Chairman. The other part of my question, though, was whether or not anyone here is seeking legislation which would say that, plus or however, any expansion of parking for buses would take place under the jurisdiction of ACTA, and ACTA would set the standards for those and who would park there, and the fees to be set.

MR. LABOV: They haven't come to that yet.

SENATOR GAGLIANO: Okay. It doesn't matter to me whether you do or not. I am just saying that if we are envisioning problems down the road, there will be more casinos, I think everybody is concerned about the proliferation of parking lots, where they probably should not be, from the standpoint of the total environment of Atlantic City. Then, are we saying -- maybe it is premature -- should we say whether or not we want to have ACTA have jurisdiction over lots in the outlying areas, so that if a new casino opens up next door, and they are going to have fifty buses come in, rather

than have them look to local areas inside Atlantic City, should we have them call ACTA and say, "We will have fifty buses coming next Saturday, where should we park them?" That's what I'm saying; it doesn't matter to me.

SENATOR RAND: They have that privilege today, or they can go to a local lot which is in business and park there. The point is, they do not have that jurisdiction today, and they won't have.

MR. LABOV: Senators, it has taken ACTA a long time to get this far. We would very much like what you are suggesting, but we are--

SENATOR RAND: Senator Gormley doesn't want to go that way.

MR. LABOV: We are an entity that does not control what goes in these bills. If that is doable by all the agencies and municipalities, we would love to see it.

SENATOR RAND: I think Senator Gormley's position is that he will take one small step and, if he can accomplish this, then he will be willing to go from there.

MR. LABOV: Senator Gormley has been an incredible worker--

SENATOR RAND: I think I concur with him on this particular issue. I think if you are going to make a step, even though the step is a small one, it will be a giant step.

SENATOR McMANIMON: Well, if we are going to do it, let's do it right.

SENATOR RAND: Thank you very much. The next witness will be Councilman James Whelan, Chairman, City Council Transportation Committee.

COUNCILMAN JAMES WHELAN: I want to first thank the Committee for having this hearing here in Atlantic City, where not only local officials like myself and representatives of ACTA will get to testify, but some of the residents who have actually lived the nightmare of casino buses will get a chance. You will hear from them directly about the negative impact the buses have had on their lives.

I think the problem of casino buses is not just a city problem, but a countywide problem. I see there are speakers from some of the outlying communities present and you will hear from them in terms of the impact this has had, and not just within the City.

I think there has been a good description of the problem from Director Jerome and from the other speakers, so I do not feel a need to go into that. I would just like to go over some of the background and some of the discussions that we have had as a Committee Chairperson of the Atlantic City City Council, on the earlier versions of this bill, and how it got to the present form, which I think you will all agree is vastly different from what was first proposed.

Myself, as an individual councilman, and the council as a whole, and the mayor, I think, and various business interests within the City, have expressed concern over some of the issues which were raised in your earlier versions. One that has been talked about at length already is the bus lines. We felt that the mercantile licenses which exist should remain the domain of the City. My own personal feeling is that we would like to see -- and I think some of the Senators are getting to this point -- those bus lots phased out over a period of time. The bus lots in particular that are offensive to individual residential neighborhoods, perhaps should be done away with when their mercantile licenses are up on July 1. The others should be phased out over a period of time, but I think that that prerogative should remain with the City on the existing mercantile lots.

The other point as to the expansion, I would have no problem personally grandfathering in the lots that exist today, and have no further mercantile bus lots issued by the City. There may be some differences of opinion on that within the council--

SENATOR GAGLIANO: We understand that.

MR. WHELAN: --and from various segments of the business community, but that is my personal opinion.

Some of the other concerns that we brought before Senator Gormley and representatives of ACTA were sections that involved paratransit. As you may know, we have an extensive jitney service here in Atlantic City, and we are concerned about what controls may happen there, references to aeropassenger service, rail passenger service, and these kinds of things.

A final point was the opportunity for the City to have some input, so that ACTA could not act without notifying the City. Let me say that that has not been the case with ACTA. I think, I hope anyway, that the City under the present Administration, and thus far I have been acting as the City representative to ACTA, has started a good relationship, but I may not be in council forever, and the present ACTA board may change in the future, and we want to memorialize the opportunity for input, rather than just leave it out of the bill.

After those discussions, and I have to congratulate Senator Gormley and the ACTA Board for those reasons, and perhaps some others, and discussions with other people, including some of the comments made by some members of the Committee, they went back to the drawing board with the intention of focusing the bill on casino buses and casino bus routes. I think there is a strong need for this legislation. I think ACTA is the proper agency to do something at the countywide level, and I would strongly urge that this Committee recommend passage of this bill in the Senate, and hopefully in the Assembly, so that we can have it by law.

If I may, in the discussions that were brought up, there were a few points that I might be able to clarify in anticipation of some questions. There was a hearing in council chambers on the report that Cherwony and Abrams brought forth, and the residents came and had a chance to react to that and provide some input toward it. I would assume that once this legislation is adopted, that would be an ongoing process, where community representatives and city council representatives would be able to have some input into where the final lines on the map would go, and say, "This street is a casino route, and this street is not a casino route."

I think the point of redevelopment is well taken but, Senator McManimon, if I may, the downtown business community has not been helped at all by the buses, and to bring buses in to drop the patrons off at the door and then go park on Atlantic Avenue is not helping. I think your point with regard to passenger car parking lots is well taken, but to have the casino bus parking lots proliferating throughout the City on the basis that it is helping the downtown community -- it really hasn't. In fact, it may have probably been somewhat detrimental in terms of the congestion which exists due to them. But, you know, I wanted to make mention of that.

I would also say that many of the people in Atlantic City-- I think Senator Gagliano asked this question, what would happen without the legislation? Many of the people in Atlantic City, and you will hear it from them, have been extremely patient on this issue. They have been patient; I know that I personally have asked many of them for their patience, and I know that other members of city council and the ACTA board have also. What we have told them is, "There is legislation pending in Trenton; please give the Legislature a chance to get this bill through." We are now in February, looking at another springtime and another summer when people will want to sit outside. It is bad enough in the winter, because the buses literally rattle people when they are in their homes. But, it is that much worse in the summer when people want to have their windows open and sit on their porches. I do not know how much longer many of these people will be patient. I think there was a particular street last year, Florida Avenue, where the residents

literally had 800 buses, 200 buses times four, 800 buses, going back and forth in front of their properties, and there were civil disturbances. We on the council then took some action based on health and public safety. I do not think that is the answer to the bus situation, piecemeal legislation by us for civil disturbances in the street.

So, anything you can do to expedite this matter prior to the summer will be greatly appreciated because, as I say, our people have been extremely patient, and I do not want to be the one, quite frankly, to go to them this summer and tell them, "Well, you only have one more summer to put up with this." I will be happy to answer any questions.

SENATOR GAGLIANO: I just have one question. Councilman Whelan, you suggested that you wanted to have notice of any rules and regulations that were going to be promulgated by ACTA under the terms of the bill. On Page 3, in the last paragraph, it says, "The Authority (meaning ACTA) shall provide adequate notice to and request comment from any municipality affected by the rules and regulations promulgated under this subsection." As a member of the council, I would like to ask you, but I feel that a definite time period should be established, because "adequate" is too vague and would only create a situation where members of the council, or any municipality actually which would be getting notice-- Suppose they got six days' notice; they could say, "Well, gee, we didn't have a meeting. We don't have another meeting for another ten days so, therefore, we couldn't react to it," and it sat on the clerk's desk or something.

MR. WHELAN: I would have no problem with anything like that.

SENATOR GAGLIANO: Would you suggest that fifteen days would be enough?

MR. WHELAN: I do not see fifteen days as being a problem.

SENATOR GAGLIANO: That's two weeks, and generally any municipality would have at least one meeting during that period of time, I would think. So, I would like to suggest, Mr. Chairman, that we consider an amendment to that, because "adequate" will only cause litigation. One person will say it was adequate, the other person will say it was not, and the court will say, "Well, we'll have to fix a reasonable time."

MR. WHELAN: I would think that fifteen days would be a reasonable time. As I say, this section-- I don't want you to think that this hasn't been happening. It has been happening.

SENATOR GAGLIANO: I understand.

MR. WHELAN: We just want to be sure that it continues to happen--

SENATOR GAGLIANO: But, you raised the question, and when I read the section you were obviously referring to, I realized we should have a set period of time. I would also suggest, Mr. Chairman, that we could provide for personal service upon the clerk of the municipality, or certified mail, return receipt requested. That way we would know that notification had taken place. Thank you, Councilman.

SENATOR RAND: Councilman, let me just ask you a question. Do you have a local carrier?

MR. WHELAN: A local bus system?

SENATOR RAND: Yes.

MR. WHELAN: Yes, under New Jersey Transit, called Atlantic City Transportation.

SENATOR RAND: Is that subsidized by New Jersey Transit?

MR. WHELAN: Yes.

SENATOR RAND: Fine, then it would come under the purview of the New Jersey Public Transportation Act. Okay. I just wanted to make sure that we didn't have a problem in that situation.

MR. WHELAN: That would be outside the realm of the statute.

SENATOR RAND: Fine. Thank you very much. Senator McManimon?

SENATOR McMANIMON: I have no questions.

SENATOR RAND: Okay. Thank you very much, Councilman. Now, Mr. John Gaffney. Good afternoon.

JOHN F. GAFFNEY: Good afternoon, Mr. Chairman. I apologize for being late. I tried to get here at eleven, but obviously I didn't make it. I think I will just read from my testimony, and then if you have any questions I'll answer them. I think that will speed it up a little.

Just for clarification, I am the Chairman of the Freeholders' Transportation Committee. As such, I am the liaison between county government and the Authority.

Gentlemen, as Chairman of the Freeholders' Transportation Committee, I bring to you that Committee's unanimous endorsement of Senate Bill 1865, as amended.

The casino industry in Atlantic County, and I emphasize Atlantic County, is now, and will be for a long time to come, a day tripper, bus-oriented industry. Regional bus management by ACTA is absolutely critical now, and will also be for a long time to come. Any Federal or State transportation funds that may be available to upgrade transportation facilities in our area will be contingent upon a regional plan.

I urge you not to get caught up in the "home rule" syndrome here. As a former mayor, I am fully aware of the need for a municipality to have a voice in its destiny. But, when that destiny affects the other 150,000 people in the county, "home rule" becomes "county rule."

My committee also recognizes the feeling that you and your colleagues in Trenton must have every time you get these constant requests for help since the beginning of casino gaming in Atlantic City. All we are proposing here is for the Legislature to give us the power to help ourselves.

This next part goes along with what Councilman Whelan was just talking about. It's too bad that this hearing couldn't have been scheduled for a hot day in July. You could then step out of this building and witness the results of nonexistent bus management on Florida and Georgia Avenues. Gentlemen, it is not a pretty sight. But, it's also not a pretty sight in the other municipalities that border the two major State highways in Atlantic City. You would see buses parked in every vacant lot and produce stand along the highway.

In summary, and in this instance I am speaking just for myself as one Freeholder, I recognize the basic right of free enterprise that the operators of private bus parking lots feel should allow them to gain income from the casino buses. I also recognize the desires of Atlantic City officials to keep the revenues produced by the mercantile licenses of those parking lots. However, if this amendment to S-1865 has any shortcomings, I feel it should include giving ACTA the power to regulate the bus parking lots. Without that power, you will only be solving half the problem, and I urge you to work with the sponsor to include that addition to this amendment. Thank you. Are there any questions?

SENATOR RAND: I'm sure we have some, Freeholder. Senator Gagliano?

SENATOR GAGLIANO: Mr. Gaffney, regarding your last comment, would it be helpful if we tried to establish the two-tier system and we somehow amended the bill -- if we could, and I'm not sure we can -- to provide for ACTA to have jurisdiction over any new parking lots other than those that would be grandfathered? Would that be a step in the right direction?

MR. GAFFNEY: That would definitely be a step in the right direction. As I say, as it stands now, I realize the realities of politics, and I'm sure the Senator would love to have a few more things in here. But,

if you do not get the second half, you are only getting halfway. It is an absolute necessity as far as I am concerned.

SENATOR GAGLIANO: Thank you very much.

SENATOR RAND: I have just one more question, Mr. Freeholder. I have enjoyed coming down here for a number of years, and I have enjoyed especially today coming down here -- extra special -- because we did not get caught up in that home rule syndrome. I am delighted that at least we are reaching what I think is beginning to take shape as a consensus between the local government and the county. If Senator Gormley has any more amendments, as sponsor of the bill, he can give us as many amendments as he would like, and we would certainly welcome them. But, we came down here in the spirit that we certainly would want, rather than have an adversarial position between the county and the municipality, we would rather have a partnership, and that is what we hope to evolve here, not only a partnership with the municipality and the county, but also a partnership with the bus industry, which we hope will also help to formulate some ideas, so we can have a working-together group that will help the municipality, that will help the industry, and that will help the economic situation here, and will solve some of the problems before they become problems we cannot solve.

So, I express, and I think the Committee would also express the same opinion, that we are delighted to see the reaching of some conclusions here. Thank you very much for your testimony. Senator McManimon?

SENATOR McMANIMON: We are all very happy to hear Mr. Gaffney say he has no problems with grandfathering, and Mr. Whelan has also made the same statement. I think that puts us in the position of being very positive, and so forth. I think we are on the right track.

MR. GAFFNEY: I think so. I think there should be no concern on your part about protecting the existing lots for private owners, as you mentioned earlier because, as ACTA testified, that is one of their complaints.

SENATOR RAND: Freeholder Lillian Bryan. Good afternoon.

LILLIAN BRYAN: I just have a couple of comments in support of S-1865 for consideration, for the sponsor, as well as for the Committee. Let me explain my area of representation to you. I represent the first four wards of Atlantic City and all of Pleasantville for the First Freeholder District. Therefore, I have within my Freeholder District at least six of the existing casinos, and most of the travel comes through my district. With Pleasantville being the next largest community, the residents there also experience problems with regard to transportation.

With regard to the amendment as it has been produced today, I have no problems. I would support Freeholder Gaffney, and the comments you heard earlier, with regard to perhaps looking at the parking and the parking lots -- whether or not to grandfather the existing lots. But, I think there needs to be a total addressing, a coordinating entity, and that was supposed to be the initiation for the creation of the Atlantic County Transportation Authority. Part of the major problem that exists with the creation and operation of the Transportation Authority is the misinformation that has been dispersed, not the law, but the misinformation that has been dispersed as to the action of the Transportation Authority. That, perhaps, would fall within the purview of some of us who live in the City of Atlantic City. The former Parking Authority, the former regulating of the cabs, the jitneys, and all that, were within the City, and there was a feeling that they were taking jurisdiction and authority away from the municipality.

But, since we are talking about regionalization and the servicing of a large area, I am supporting, and the residents of my district support, the Transportation Authority. I think that perhaps we need to look forward,

and perhaps consider enlarging the Authority so that we could allow at least two more Atlantic City residents. We have one Atlantic City resident on there; however, it is not dictated in the legislation. Perhaps if we consider the inclusion of two more Atlantic City residents, not employees of the City, to be members on the Authority, that would then allow the City-created Department of Transportation to act as technical assistant in coordination with the Transportation Authority. Perhaps then we could start to eliminate some of the misinformation and misnomers that are circulating continually as long as you say "Atlantic County Transportation Authority."

I would support the amendment as it is now. It has been noted that the sponsor has eaten a lot, and has given out a lot, but this is the end result that we are addressing today, and I would like you to remember these factors for future consideration. Are there any questions?

SENATOR GAGLIANO: No questions, thank you.

SENATOR RAND: Thank you very much, Freeholder. Senator McManimon, do you have any questions?

SENATOR McMANIMON: No.

SENATOR RAND: Councilman Gene Dorn please. How many members are there on the Atlantic County Transportation Authority, five?

DR. MANOOGIAN: Seven.

SENATOR RAND: Good morning, Councilman Dorn.

G E N E D O R N: Good morning, gentlemen. I am Councilman Gene Dorn from the Third Ward of Atlantic City. My thoughts come from the consideration that will be paid strictly to the bus routes that are established. I would like it in the law somewhere where the people who live on the direct route could be looked out for.

As we know, for each bus coming into Atlantic City, when you multiply that by four, you come up with the actual number of times that one vehicle will travel that route throughout the course of that one day. Consideration for maintenance of those routes should be taken into account right now while this bill is being considered. Now we have buses that rumble and tumble homes; the foundations of the homes are cracking, and the walls are cracking on the interiors. We have a tremendous amount of broken pipes in the streets. The City is having a very tough time keeping up with maintenance of the streets right now, and once the routes are established, these direct routes will receive a considerable amount of more traffic and, therefore, expenditures will be considerably greater.

So, I would like to ask that the State, along with ACTA, take into consideration the financing for maintenance of these routes. That is basically the crux of what I have to say. I would also like to say that I would feel more comfortable with ACTA receiving the power to govern these routes, because I think ACTA is a lot closer to home rule than is the State of New Jersey. I feel that the City government would have an easier time having input into what goes on in the governing of these routes more so with the county, than it would with the State. That's it, thank you.

SENATOR RAND: Thank you very much. Do you have any questions, Senator Gagliano?

SENATOR GAGLIANO: I do not have any questions. The only comment I have is that, on Page 3, I think it is clear that the routes will be under the jurisdiction of ACTA under this bill.

MR. DORN: If the routes will be under the jurisdiction, does that also govern maintenance? That is my thought right there.

SENATOR GAGLIANO: Maintenance is a whole new ball game; that has not been considered, I don't think, in this bill. I think that really is something between the City of Atlantic City and ACTA. I do not know how we can help, but if you want to make a suggestion to the Committee, or to the sponsor of the bill, we will look at it.

MR. DORN: My suggestion is that when consideration is given to fees charged, maintenance should also be included in that, because I feel that if it is not established now, the City is going to have a hard, hard time getting any consideration later on. It is the people who live on these routes who are going to suffer the most, and we are going to have people from the county governing how they live. They are going to have to receive consideration.

SENATOR GAGLIANO: Well, Councilman, I raised that question before about the fees. I asked what they would cover, and I think it was made clear by, I forget who, that the fees would just cover the operation of the system. There wasn't any discussion with respect to the maintenance of roads, parking lots or anything else.

MR. DORN: That is why I have the fear. If there is no consideration given to that right now, how is ACTA going to be able to afford to give the City something later, if that is not established within the fees themselves?

SENATOR GAGLIANO: I think that is a good point, Mr. Chairman; I appreciate it.

SENATOR RAND: Thank you very much. Mr. George Dix, Mayor of Pleasantville.

MAYOR GEORGE DIX: Good morning, gentlemen. I am George Dix, the Mayor of Pleasantville. Pleasantville is probably the closest community to Atlantic City. Of the three routes that enter Atlantic City, all three come through the City of Pleasantville.

We have no problem with the buses going through our community in terms of buses going in and buses going out; they are through traffic. Our problem is, which this amendment does not cover really, is the parking of buses. Now, the buses come into Atlantic City, drop their passengers, and we have a large number of buses that come offshore with just the driver, and they wander aimlessly up and down the streets of our community, which are residential. Our city is completely residential, and the streets were never made for bus traffic. And, if it is only a bus and a driver, as I testified before, I have no idea what these drivers are looking for, whether they have a girlfriend in the area -- and I have nothing against girls -- but at least park your bus somewhere and come by taxicab, and we would be glad to have them.

This amendment does not cover telling the buses that they have to park somewhere and get off the street. We have passed several ordinances in the City of Pleasantville. In fact, we have sent two solicitors, probably with gray hair, out of the City figuring out ways to keep the buses off our streets. But, I would just like to comment that possibly we could make an amendment that the buses do have to park somewhere on a lot, and not wander around in different areas. I feel that probably this is the biggest problem offshore. I know most of the other communities have no problem with the buses coming through or going out, but it is the stopping and lingering and wandering aimlessly around residential streets. Rather than park the bus, they go for a joy ride.

SENATOR GAGLIANO: Well, wouldn't they be prevented from doing that in Atlantic County anywhere? If we adopt this law as a law, and ACTA adopts their master plan and they give bus routes, then it seems to me they can't aimlessly wander through anyplace in Atlantic County. That would be in violation, and Pleasantville could ticket them.

SENATOR RAND: They can ticket them now.

SENATOR GAGLIANO: I suppose they could ticket them now, but you could ticket them, and any fines you collected would stay in Pleasantville. I mean, that is the way I see it.

MAYOR DIX: We would be glad to do that, but the way I understood your comment earlier, Senator, there is no way to force the buses, after they drop their passengers, to drive to a parking lot.

SENATOR GAGLIANO: Well, the bill does not provide a forced parking, but theoretically they could be told where they could run while they are not parked, and that could prevent them from going on residential streets in Pleasantville or Ventnor, or anyplace else.

MAYOR DIX: That is our concern. We are in favor of the amendment, and we feel that probably what has been done here is they have created an Authority to regulate bus traffic and responsibility, but they do not have the authority. Probably, this amendment would give them the authority to regulate this bus traffic.

SENATOR GORMLEY: May I make a comment?

SENATOR RAND: Go ahead.

SENATOR GORMLEY: If there is a set route, the only way for that bus, if the parking lot is not on the route, to get there and not be subject to a fine, is to fly. If that parking lot is not on that route, as far as I am concerned, there is a fine. That is the intent of the law, and I think that is the Committee's intent also as they review the law.

So, if you have a set route, and if it is even one block off that route, there is a fine.

MAYOR DIX: We would be happy with that. That would eliminate our problem completely.

SENATOR GAGLIANO: I think as a practical matter the end result will be, I hope, that ACTA, in establishing certain routes for certain buses, would have a termination of that route which would be the assigned parking area, or one or two assigned parking areas. I would presume that as ACTA gains some experience, that buses would not be permitted to off-load unless they have a legal terminus wherein they will wait until it is time to pick up their passengers. I am assuming maybe too much, but I would think that ACTA would have to do that.

MAYOR DIX: Well, I came here today with that idea, but after hearing the mention about not being able to control where the buses were going to go, that is where I became confused.

SENATOR GAGLIANO: Well, no. The point that I was making was that ACTA under this bill could not say-- Let's say you have a large parking lot on Pacific Avenue -- I'm just picking a street out -- and those buses want to park there. Let's say ACTA says, "Well, you've already got a dozen buses parking there and that is too many, because that is right next to an apartment house. The noise and pollution are too much. You will limit that to twelve buses, and from then on, buses thirteen through twenty, will go to another lot." We cannot do that in this bill, the way it is currently written, and that is what I was trying to say. I was trying to ask the question of whether or not a further amendment would be appropriate which would say, when you got to the point where the local lots were full, whether ACTA would have jurisdiction as to where they would go from there, into new areas, presumably away from the residences.

SENATOR RAND: But, your point of roaming is a very valid point, and that we ought to address somehow. Whatever other else, the point of roaming around, I understand, is a very valid point. They ought to be going somewhere, dropping people off, and then going to a point and waiting to pick those people up. They ought not to be romancing in neighborhoods. There is no question about that. Thank you, Mayor, very much.

SENATOR GAGLIANO: Mr. Chairman?

SENATOR RAND: Yes.

SENATOR GAGLIANO: Following up on what the Mayor was saying, maybe on Page 3, x.(i), "designated routes upon which such motorbus regular route and charter services may travel," I suppose we could consider "and terminate," or language along those lines -- "terminate while on their run," or whatever we want to call it. I do not know the technical words, but incidental to their business with a particular casino. So, we would go one step further. Instead of just saying-- We know that they are going to go from, say, the Expressway to a casino and then take a particular route to a parking lot, we might as well ask them which parking lot. Then there would be no meandering; they would have to have a designated parking lot to which to go. We will consider that to see if it works.

SENATOR RAND: Thank you very much, Mayor. Mayor Orvis Leopardi from Absecon. Good afternoon.

RICHARD MULVIHILL: Good afternoon. I am Officer Richard Mulvihill from the Absecon Police Department. Unfortunately, Mayor Leopardi could not attend. I have a statement to read on his behalf.

We feel the bus parking problem, a direct result of the casino industry in Atlantic City, needs a better solution than has been found to date.

The influx of buses parking in the City of Absecon at restaurants, motels and haphazard locations within the City has caused serious problems for the residents of the City, basically in noise, pollution and traffic congestion.

Since the problem has become not a one or two or three city problem, but is regional throughout a large portion of Atlantic County, we feel the controls and solutions can best be worked out satisfactorily by the Atlantic County Transportation Authority if they have the regulatory powers they need to plan the solutions necessary.

The City of Absecon, basically a residential bedroom home type community, does not seem to have the areas needed for large bus parking lots, whereas such areas seem to exist within the five-mile radius of Atlantic City. We strongly recommend that serious consideration be given to Senator Gormley's bill.

That is signed by Mayor Leopardi, and I will provide copies. I would like to make a comment, however, about the one thing the bill does not address, and that is where the buses can park and cannot park, and I understand that. We in particular in Absecon have a problem with motels along U.S. 30 which, of course, would probably be a designated route, so it is unlike Mayor Dix's solution where you will not have buses roaming around. Our problem is with the parking at motels. They park there, saying they are using the motel rooms, when in fact we know they are not. I do not see this bill as helping us, and I think we ought to realize that. I feel this is going to continue because, in fact, they undercut the prices of the parking lots within the City, the ones regulated by the City of Atlantic City, and I am sure they will probably undercut the one ACTA proposes, so we will continue to have the buses. I know this bill does not address that, and I would just like the Committee to know that. I would like to leave a set of photographs which will show you this problem, one motel having up to ninety buses parked on the lawns, the driveways, and so forth. We have no way of regulating that because they claim they are all roomers and are, therefore, entitled to park their vehicles there while using the rooms.

SENATOR RAND: Do you have any questions, Senator Gagliano?

SENATOR GAGLIANO: Yes. The Chairman just mentioned that there is a legal issue there as to whether or not you would be able, through local ordinance, to prevent the use of the motel parking lots by the buses. Obviously, we have not researched that, and I would recommend to your local City attorney that that be done.

OFFICER MULVIHILL: We have researched that, and found that if they are renting a room, which is apparently the method they are using to circumvent us doing anything about it, they are actually registering for a room, whether they use it or not, they are entitled to park the vehicle which got them to that motel, and in fact, they are roomers of the motel and, therefore, just as the family with the station wagon, they have the right to park at the motel.

SENATOR RAND: That is a very interesting point.

SENATOR GAGLIANO: You see, that's private enterprise.

SENATOR RAND: Thank you very much. We are now at about a quarter to one. The next gentleman would be Mr. Bade and, if he wants to testify now -- or would you rather wait until we get back?

MR. BADE: I would rather testify now.

SENATOR RAND: Fine, we have fifteen minutes.

NICHOLAS BADE: Thank you. Mr. Chairman, distinguished members of the Committee, ladies and gentlemen of the public: My name is Nick Bade; I am Vice President of Trailways Bus Company. I am also Vice President of what is called the Atlantic City Bus Operators' Association. We bring about 80%, or maybe 90% of the buses that come into Atlantic City, so yes, today, at least in the short perspective, that makes me kind of a villain. I would like to suggest, though, that what we are talking about today really the four "C's." We're talking about the community, the casinos, representatives of which are conspicuously absent today, and we're talking about us, the bus carriers. I think under those three legs we have to come up with a fourth "C," what I call "consensus." That is an agreement of what is best for everybody.

I think our first starting point-- I, as a resident of this county, I live in this area and I have an office in Atlantic City, so I can share from a personal perspective all of the comments I have heard today. But, my first concern as a carrier, and as a resident of this community, is the people who live in Atlantic City. Now, as a representative of Trailways, and as a representative of the bus carriers, I am saying to you the community, and to you the Committee, that, one, we are in favor of control over buses. We are not the end; we are a means to an end. The casinos are the end. The people are going to these casinos, they are coming from other communities into your community, but we are in favor of control. We agree that a governmental agency -- we think ACTA is a good governmental agency for that purpose -- should designate what routes we should follow. We as a business have to know what streets we can run over, just like a car, a truck, or anything else. So, we are in favor of ACTA designating routes.

Number two, we are in favor of ACTA controlling parking. I agree with Mayor Dix, for example, and the Mayor of Absecon. I have seen the problem; I have seen buses in my neighborhood out where I live in Egg Harbor Township, and I don't want it. I can share the feeling of the community. I think if there is a defect in the amendment, it is the fact that there is not a control over where buses will park. I think that should be remedied. I think at the same time the comments regarding grandfathering were very appropriate. Those businesses which have invested in appropriate bus parking facilities should continue to do so, and at the same time the community can shut off future problems and stop it in its tracks.

Now, where do we differ then with ACTA? The basic difference between us, the bus carriers, and ACTA, is that we feel the traffic management fee, so-called, is discriminatory. We say discriminatory because it is a fee for a traffic problem which is levied only against one particular form of transportation. In reality, the situation on the city streets has many components, buses, trucks that are delivering supplies, trucks that are

passing through the area, cars that are driven by residents, cars that are driven by people shopping in the area, cars driven by people going to the casinos, and cars that are just sightseeing. So, the point is, you just can't take the buses and say, "They are the source of the problem." They are all the problem. We're big; we're forty feet long, we're twelve feet high, we're colorful in many cases and, if it is a Trailways bus, it makes you see red, because it is red. So, the point is, we are an easy, visible target, but don't think that just by laying everything on the bus industry you will solve your particular problem. You won't. The problem will remain, because once you designate routes, the noise is still going to be there, albeit on those routes. The traffic is still going to be there, albeit on those routes, and the drivers, as the mayor mentioned, are still going to be going out in the suburbs and meeting their girlfriends. So, in that regard, we as carriers are in favor of strong local enforcement. When a Trailways bus is out in Pleasantville at the Shore Mall where he doesn't belong, I want that man to get a ticket. I cannot watch that driver twenty-four hours a day, and we have tried. I want you to know that we have people down here in Atlantic City on a twenty-four hour basis watching our buses. We work with the other carriers in the same way, but we cannot be everywhere at all times, just like you as a parent can't watch your children at all times. That is why we need strong local enforcement. If a bus is out in Pleasantville where it doesn't belong, give him a ticket. If a bus is on a nondesignated bus route, give him a ticket. If a bus is idling too long -- the law says five minutes -- if it has been parked in front of the Whitehouse Sub Shop, give him a ticket. He doesn't belong there. If you give a \$500 fine, forget it. No cop would ever -- let's be realistic -- give another working man a \$500 fine. It is inhuman. But, if you give him a \$50 fine, and it comes out of his pocket, it won't happen a second time, but more importantly, the bus driver grapevine will have that word around to every driver in a week, and you will see the problem diminish sharply. It won't go away completely, let's not be naive, but it can be controlled to where it is bearable, and that is what we are talking about, restoring the quality of life in this community for the people who live here.

To conclude my remarks, again, we are in favor of regulation of the buses. We will cooperate whether it is mandatory, voluntary, you name it. We are in favor of it. We want bus routes designated; we need maps; we want signs that say, "No Buses or Trucks," so we know where our drivers can go, so a driver who comes into Atlantic City on an emergency lot will know where he belongs, and where he doesn't. At the same time, we are opposed to the fee. We feel it is discriminatory because it only deals with us, and puts the full financial burden on us. As an alternative, we have suggested in the past, we have worked with ACTA on this in the past, and we, the industry, have expressed a willingness to park in the ACTA lot at a reasonable bus parking charge. That is a big difference from a mandatory traffic management fee. We are willing to park in the lot; the industry is doing that. We admit that more carriers, including mine, could be and should be in that lot. I think that is where the logical compromise comes from. Thank you; I appreciate it. Are there any questions?

SENATOR RAND: Senator Gagliano.

SENATOR GAGLIANO: We have heard from Mr. Bade before. I have no questions now, Mr. Bade; thank you.

SENATOR RAND: Mr. Bade, I would say this, that we are closer at least to some agreement on the bill than we have been before, and it has taken a lot of hard work by Senator Gormley, by ACTA, and by municipal officials. I think that when we finally pound out a bill, and we'll hammer it out, we'll have an agreement on a bill that I think will be, if not 100%

satisfactory to most people, it will be 90%. Nothing is going to satisfy anybody completely.

MR. BADE: Yes. The community has been very patient. I, as one resident -- my office is down on Brighton Avenue, and the situation of buses lumbering by, to use the Tropicana as an illustration, I think as one of the residents of Brighton Avenue we can share that. I spent quite a bit of time myself calling various carriers and saying, "Look, your buses cannot go down Arctic and Brighton because there is a residential school and a grade school there. They belong on Atlantic Avenue." But, the point is, everytime I have talked to those carriers it got back to the same issue. "What is the route?" "Who shall designate it and cite for when we have spare or substitute drivers?" Again, it is unfortunate that the casino representatives are not here today. We are going to have a greater involvement, more than we already have by the casinos.

SENATOR RAND: We are going to have a representative of the casinos.

MR. BADE: That would be good, because you will find that the casinos -- they have expressed this to us repeatedly -- do want to cooperate, but, again, we are looking for a leadership catalyst to bring it all together.

SENATOR RAND: Why I said that to you, and why I am happy that we are reaching some type of an agreement, is because, very frankly, the people of Atlantic City deserve some type of an agreement.

MR. BADE: There is no question about that.

SENATOR RAND: In response to Senator Gagliano's fear that we wouldn't have this legislation ready in time for summer, I would say to you, that as we reach a consensus, the odds are that we will have it in time. It is only if we don't reach a consensus of opinion that we won't have it in time. The closer we are to an agreement between the respective parties, the easier it is to push a piece of legislation through both houses and get the Governor's signature. The reason we are down here is not because we want to cosmetically compliment somebody; that is not our purpose. Our purpose of coming down here was to pound out any information we can get, so we can structure a bill and go back and pass it from the Senate, and get twenty-one votes, and pass it through the Assembly with forty-one votes, and then have the Governor sign it. That is the purpose of the entire thing.

MR. BADE: Well, there is no question that as a carrier we want to see a solution before summer. Again, the residents should know that we, of course, are in business to make money, a reasonable profit, and anything that hurts the community ultimately is going to hurt us, because it is going to make it a less desirable place in which to visit, but more importantly, it brings the community to the point where, for survival purposes, there will be no buses. So, we want to work with the community, but again, with that caveat, we cannot be the one that gets the full burden of defeat. The casino business is highly competitive. There are hundreds of carriers operating to the casinos and, as a consequence, fares are very low. They are much lower than they should be and could be, so profits now are very marginal at best in many cases. That is the perspective that I would offer to Senator Gormley and the members of the Committee.

SENATOR RAND: I said you were an affordable commodity, which is why it is being taken so--

MR. BADE: We are also a disposable commodity. Thank you very much.

SENATOR RAND: Let me say this to you very publicly. You certainly have been a help to Camden. We are an urban area, and you have over a multimillion dollar investment there, and we want to see you continue it. We

also are very happy that you are reaching a concurring situation here, and a consensus situation, because it is important to at least bring the parties together, and that was our aim. Senator McManimon, do you have anything to address to Mr. Bade before we adjourn. It is exactly two minutes to one.

SENATOR McMANIMON: No questions.

SENATOR GAGLIANO: As long as we are adjourning, Mr. Bade--

SENATOR RAND: Do you want to speak first?

SENATOR GAGLIANO: I just wanted to raise one point with respect to the fees. You have indicated that, "We will park there, but don't charge us fees," or "don't charge us maintenance," or whatever the--

MR. BADE: It's two different issues. I'm sorry; perhaps I didn't clarify that. If we park in a lot run by ACTA, or anybody else, obviously we are partaking of a service for which we should pay. It's a parking charge. A lot of the costs to us for the parking space, of course, are determined for snow removal -- we've had a lot of that lately -- or whatever it is, but the point is, we will pay a reasonable charge for that privilege. What we as an industry are opposed to is something entirely different, and that is the so-called "bus traffic management fee," whether to pay for ACTA, to pay for the programs, or to pay for the parking garage, or other problems, we pay for every bus that comes into the City. You have, in fact, double taxation. On one hand you have a fee for the privilege of just coming into the community, which is not levied on cars and trucks and things at the bottom of the Expressway, and on the other hand, you have a fee in addition for the place where you park. You can't have both, from our viewpoint, it is one or the other. Here we have both.

SENATOR GAGLIANO: I don't think from the standpoint of -- looking at it from a governmental side, if I may, I don't think that delivery trucks have the same impact as you do. Also, I do not feel that people in private personal vehicles have the same impact and, of course, nor do they create the pollution and the weight upon the streets, nor take up as much space. So, I hear you, and basically I'm fairly conservative, but I have a problem with what you are saying.

MR. BADE: I think at first glance what you say makes sense and, if I may pursue it further, buses bring about 42% of the people into this community. That was the figure that came out a couple of weeks ago. Our share of the traffic is about 42%. Our load factor is about thirty-three or thirty-four people per bus. For a car, the load factor is about two or two point one. So, when you assume that more than half the people are coming to the City by car, you obviously have far more cars coming into this community, with far more pollution being emitted, and what not. The bus, of course, unfortunately because it is so big, is very visible, but if you took those thirty-five or forty people off the bus and put them into individual cars, you would suddenly see a far greater mass of pollution, vehicles and congestion than that one bus. If you think it's bad now with five buses running down the street carrying two hundred or three hundred people, think about if you had 600 cars in that space.

SENATOR GAGLIANO: Oh, I know exactly what you're saying. I think for years all of the members of the Committee have been mass transit advocates. We're not saying that, but this is a particularly centralized issue in a small place on an island, where you are bringing in 42% of the people and, theoretically at least, the end result is that the casinos are making a lot of money. And, if they are making a lot of money, we have to recognize that that privilege has some responsibilities attached to it which include, I think, the vehicle that gets the people there which brings about the profits.

MR. BADE: I think the casinos pay taxes.

SENATOR GAGLIANO: Oh, I know they pay taxes, but many of us are very concerned that not enough is being done for Atlantic City, and I only come here once or twice a year.

MR. BADE: You should come down more often.

SENATOR GAGLIANO: Not like you, Mr. Chairman, I understand you are a regular here. But, I do think that has to be taken into consideration. I hear what you're saying, but I have a problem with it.

MR. BADE: Yes, I can appreciate your viewpoint, and I thank you for listening to ours. Thank you.

SENATOR RAND: Thank you, Mr. Bade.

MR. BADE: And thank you, ladies and gentlemen.

SENATOR RAND: Mr. Joseph Katz, who will be our last speaker.

JOSEPH KATZ: Thank you. I know you are all hungry, and so am I, so I won't take up much of your time, Mr. Chairman and members of the Committee.

I am here representing the New Jersey Motorbus Association, which is the private, unsubsidized, taxpaying bus industry in New Jersey. As you know, we have appeared before you on many other issues. We just received a copy of this Senate Committee Substitute Bill the day before yesterday. Peter Manoogian was good enough to give it to us. I have circulated it among our leadership and our council, and they will have a more detailed analysis for you when they have considered it further. I want to make one or two points--

SENATOR RAND: Fine, they can start at 2:30, when we get back.

MR. KATZ: Mr. Bade touched on one major concern we have, this special fee. I want to talk about a more far-reaching discriminatory aspect of this bill, and that is the specific exclusion of the largest carrier in the State of New Jersey, under the ramifications of this bill. I think the New Jersey Transit buses rattle windows as much as Trailways, or anybody else. Our safeguard against arbitrary action or unreasonable fees is the Commissioner of Transportation, and the Commissioner of Transportation is the Chairman of New Jersey Transit. Now, he might be a better safeguard for us if some of his buses were in here he is going to say that we are in competition with him. You've read the articles in the papers over the last few days. Many of our companies, not necessarily those coming into Atlantic City, are in mortal fear of being swallowed up or put out of business by this giant you have created. Here, they are given the power to say whether or not our fees are reasonable and insist the fees do not apply to them. What we think is unreasonable may seem very reasonable to them, since it can perhaps bankrupt us or cut down on our ability to function.

Now, ACTA is going to be given the authority to intercept buses by this legislation, to say, "You can't go here at such and such a time, and you can't go there." But, a New Jersey Transit bus can come down, and it can just drive right around that block, or whatever they have set up, can go to the hotel, can offer door-to-door service without any limitation that we might face.

SENATOR RAND: Joe, I can say this to you. I am not going to start pursuing the questioning now, because you have entered into a point which is a very important point, and we are going to take it up when we come back.

MR. KATZ: I'll be back.

SENATOR RAND: It's a very interesting point. I do not anticipate that I, for one, can answer this, and I am certainly very cognizant of New Jersey Transit. I don't believe that they ought to be allowed to roam, while nobody else is allowed to roam. I mean, there are questions that I want to ask, but, very frankly, I am not going to pursue them now.

MR. KATZ: I'll be back.

SENATOR GAGLIANO: Mr. Chairman, if I may, I have to apologize to the people here. I have further transportation matters in Monmouth County at three o'clock. I'm going to have a sandwich and I am going to have to head back, so I won't be here this afternoon. I will review the transcript when it is ready and I certainly will cooperate with the Chairman and the sponsor of the bill, Senator Gormley, in helping to see this legislation come about. While Mr. Katz is here, I just want to raise one last point. I do not believe that charter service by New Jersey Transit, which I consider unsubsidized by the people, should be eliminated from this bill. In other words, the way I read it when I first saw it, I thought they were talking about the services that are given to the City of Atlantic City in connection with the local transportation. But, if they are bringing in charters, I think New Jersey Transit should be under this bill just like anybody else.

MR. KATZ: Senator Gagliano, I want to clarify that.

SENATOR RAND: We are getting into a discussion here which we--

MR. KATZ: Just let me make my point.

SENATOR RAND: We will be back here at exactly 2:15.

(RECESS)

AFTERNOON SESSION

SENATOR RAND: Mr. Katz, if you just go to the microphone to answer just a couple of questions, we can finish with you and then we can proceed.

MR. KATZ: Thank you, Mr. Chairman. I pretty much completed what I have to say before, so I will answer your questions.

SENATOR RAND: I think you bring up a very interesting point in the fact that certainly New Jersey Transit charter buses ought to also have an appropriate place to park, rather than roam. I am concerned about buses not being allocated to spots, rather than traveling around, whether it be Atlantic City, or whatever neighboring community is involved.

MR. KATZ: Mr. Chairman, I would like to make a distinction. Most of us seem to think that these buses that come down to the casinos are all chartered buses. I think a great majority of them -- it is my understanding -- are regular route services buses. They have rights to pick up in certain towns at certain spots. I would say a large percentage, I think the majority, a vast majority, are not chartered. They are regular route service.

SENATOR RAND: Regular route service buses? All right. Senator McManimon, do you have anything to ask Mr. Katz?

SENATOR McMANIMON: No.

SENATOR RAND: Mr. Katz, thank you very much.

MR. KATZ: Thank you. I would like to take one second.

SENATOR RAND: You have one second.

MR. KATZ: There are consequences, not just for Atlantic City, but there are consequences throughout the State, with regard to the New Jersey bus companies which serve everyone in the City, because when they come down here, and this is an opportunity for them to make a profit, those profits do not offset our fare increases or even the losses on other regular route services that they render elsewhere in the State. We should bear in mind that, if there is an unreasonable charge, or a special charge that cuts into those earnings, that can bring down the disadvantage of commuters throughout New Jersey. We will have more to say on that as we study this bill. Thank you very much.

SENATOR RAND: Thank you very much. Mr. Donald Vass, President of the Atlantic County Mayors' Association.

D O N A L D B. V A S S: Thank you, Senator Rand. I appreciate the fact that you have come quite a distance to address a problem which, I think, can be solved here in this room and, hopefully, with the outstanding work that Senator Gormley has done.

I think we have a cancer amongst us that has been operated on with the amendments that are presented to you today. A great deal of effort, obviously, has come forth from Senator Gormley, and they will enable us to do a couple of things. One is, to bring ACTA and Atlantic City together. From a brief history of it, we have had situations in the past where Atlantic City and ACTA were at odds. The situation which is taking place now is this cancer is being operated on, but not with a Band-Aid approach. The Atlantic County Mayors' Association has addressed ACTA's concerns since its inception. We know that we represent twenty-three municipalities in Atlantic County, and Atlantic City is just one municipality. However, we cannot let it pass that the legislative body is not aware of the problems that the individuals in Atlantic City have.

I relate to a problem that happened two years ago in the State of New Jersey where there was a water problem. There was a lack of water because of a drought situation. When we have a drought here; we have a drought with pollution and we have a drought with too many buses coming into Atlantic City. I think it is indicative of this Committee to recognize that we need the same action that was taken with the drought situation two years ago in the Legislature in Trenton. We need that same kind of action here in Atlantic City relating to the buses.

It is a cancer; it's growing, and the only way it is going to stop is if this surgery that is taking place today is not done from a vantage approach, but done with the consensus of everybody who is sitting in this room. We from the Atlantic County Mayors' Association fully endorse the amendments that have taken place, and compliment Senator Gormley for bringing this package together.

The second hat I wear is the Atlantic City Expressway, as a Commissioner. I think it is important also that the Expressway will be able to give you vital input as to things we have, plans for the future that we are discussing with ACTA, such as the parking lot at Mile Post 4. I can assure you with post haste that the same effort as Senator Gormley, ACTA and Atlantic City are putting in, the Atlantic City Expressway Authority will make that same effort, and present it to you within a relatively short period of time.

I can only implore this Committee or this body, and your Chairmanship, your leadership, will also take back to Trenton that everything that is going on in this room has to be exercised immediately. We can't wait until after the summer. These people are not going to live with this situation in Atlantic City. Thank you.

SENATOR RAND: Thank you very much, Mr Vass. Senator McManimon, do you have anything?

SENATOR McMANIMON: No, that pretty well sums it up for me. We are just as much concerned as you are about expediting this.

SENATOR RAND: Mr. Charles Coyle, Chairman of the Transportation Committee, Greater Atlantic City Chamber of Commerce. Good afternoon.

C H A R L E S C O Y L E: Senator Rand, members of the Transportation Committee: My name is Charles Coyle. I'm Vice President and General Manager of Goul Fuel Company. Although I do wear two hats, in that capacity I am responsible for moving thirty vehicles through the traffic flow of this community, ranging in size from automobiles to service vans, and from tank

trucks to tractor-trailers. I am also Transportation Chairman for the Greater Atlantic City Chamber of Commerce. I am here today to present the position of the Chamber of Commerce, which is in support of the current bill. I would like to do that in two steps. I would like first to read into the record our resolution and, second, to offer some clarifying background. The resolution from the Chamber of Commerce is:

WHEREAS, Senate Bill No. 1865 provides extensive and detailed powers to the Atlantic County Transportation Authority; and,

WHEREAS, Approximately one thousand buses impact Atlantic City center city traffic daily from three highways to nine casinos, discharge their passengers, move to parking areas for a few hours, and then reenter center city traffic to pick up passengers for the return trip. This activity dictates a comprehensive plan of controlled routes and dispatch, as the only reasonable alternative to dangerous traffic congestion and concentrated noxious fumes; and,

WHEREAS, The Greater Atlantic City Chamber of Commerce desires to support a strong and efficient Atlantic County Transportation Authority which acts in concert with the existing privately owned and operated transportation system; and, -- you will note I made a change in this paragraph --

WHEREAS, The October 1982 language of Senate Bill No. 1865 creates a concern for the future of the private enterprise system; now, therefore,

BE IT RESOLVED that the Greater Atlantic City Chamber of Commerce supports the thrust of Senate Bill No. 1865, insofar as it refers to the control of bus traffic flow; and,

BE IT FURTHER RESOLVED that the Authority shall promote and encourage the continuation of the private enterprise transportation system as the most efficient means of providing transportation services; and shall not engage in predatory business practices detrimental to the private sector. The Authority shall rather supplement the efforts of the private sector by providing those services which are necessary, but which are not being adequately provided by the private sector.

Gentlemen, that is the resolution that was the result of -- if I put it in terms of manhours -- perhaps 150 manhours of committee work studying the October 1982 version of Senate Bill No. 1865.

Like the Commission, the Chamber of Commerce is composed of merchants. We provide goods and services that the consumers want and need in this area. Now, we want to perform our function in a healthy commercial climate. For many decades, Atlantic City has experienced all the problems of a major resort community, transportation and parking -- many decades. We remember when on Easter Sunday the traffic backed up from the Albany Avenue Circle into West Atlantic City, back in the 50's. We have, therefore, an extensive private enterprise transportation system that is already in place. It includes things like our unique jitney service, our taxicab service and our privately owned and operated parking lots. They have been there, and they have been doing a job.

Now, the County Transportation Authority Act of 1980 provides for an Authority which will view the transportation problems in the broadest perspective -- the whole picture -- but the language severely limits the Authority's powers to act and regulate. However, with minor language changes, this broad perspective could also become broad powers to regulate. This is a manner of no small concern. We were very concerned over the October 1982 version, but with the version that is laying on the table before you now, our concerns have been put to rest.

We would be more comfortable if there was more specific language limiting the Authority's scope, and directing the Authority to encourage the development of the private enterprise system. However, public hearings such

as this do provide the private enterprise system with the opportunity to make input and to make comments, and I think it is being proven here today that democracy does work, that the system does work.

We would like to take this opportunity to thank you, Senator Rand, for bringing your Committee to Atlantic City to hear everyone who is here today, and we would like to specifically thank Senator Gormley for the yeoman job he has done in bringing all these diverse interests together on something that we can all stand together on. Accordingly, the Atlantic City Chamber of Commerce is pleased to support the legislation as it lies on the table today. Thank you.

SENATOR RAND: Thank you, Mr. Coyle. There is just one question from me. You have heard some of the amendments that have been projected. Do you concur with most of what you have heard today?

MR. COYLE: I concur with the fines to the City, yes; the fifteen days, yes. I think that's all, isn't it?

SENATOR RAND: There are some other concerns about New Jersey Transit, where they are going to park their charter buses and this, of course, is just the skeleton of the bill, what you see before us. Whatever amendatory language has to be made, with the concurrence of Senator Gormley-- We are going to see if we can construct a bill that will what we call "fly."

MR. COYLE: We love and trust our Senator. He'll take care of us.

SENATOR RAND: Okay.

SENATOR McMANIMON: One other area of major concern too, is the concept of (inaudible) fees and parking fees. The statement in the bounds of the Constitution might be discriminatory.

MR. COYLE: You are going to hear at least two sides of that one, of course.

SENATOR McMANIMON: We are going to have to.

MR. COYLE: The bottom line to all of these things is that the consumer is going to pay. The person getting on that bus and riding down to the casino is going to pay for everything. He is going to pay for the free bus; he is going to pay for the free meal; and, he is going to pay for the free rate. He is going to pay through the management fee. Now, where it gets levied along the line, whether it gets levied on the bus company, or whether it gets levied on property taxes and the casino pays it that way, it is still going to come out of the pocket of that person who rode down on the bus. Don't you agree on that?

SENATOR McMANIMON: Right, but another aftermath to that too, is the fact that it is the subsidized versus the unsubsidized. The philosophy is projected from that, who is going to be accountable, and who is not.

MR. COYLE: I have to say to you that the Transportation Committee has not addressed that in the Chamber of Commerce's perspective, and I do not feel competent to address it either.

SENATOR RAND: Thank you very much, Mr. Coyle. Nathan Malat of the Atlantic City Parking Lot Association. Good afternoon.

NATHAN MALAT: Good afternoon, sir. I represent the Atlantic City Parking Lot Association. Our president was here for the first half of the day, but he couldn't make it now. We were concerned, and we were told, and we just weren't aware of it, where it says, "The provisions dealing with parking facilities for buses and other motor vehicles--" -- on the first page, at the bottom line almost--

SENATOR RAND: At the bottom of the first page, the last three lines?

MR. MALAT: Yes, sir.

SENATOR RAND: "1. To acquire, purchase, construct, lease, operate, maintain and undertake any parking or transportation facility and to

make service charges for the use thereof." That is part of the law right now.

MR. MALAT: No, sir.

SENATOR RAND: That is not the one?

MR. MALAT: No, sir. (Mr. Malat walks up to Committee table and points out section of the bill he is talking about.) This one here.

SENATOR RAND: That is the original bill. The new bill is this. (Senator Rand shows the two different bills to the witness.) That bill was the bill of October 1982.

MR. MALAT: I understand.

SENATOR RAND: The new bill is summarized in this statement right here. This is now Senator Gormley's bill, who has substituted for that bill.

MR. MALAT: Okay, that means -- we understand the new Authority will just regulate the buses.

SENATOR RAND: Let me just go back, even though it will be a repetition. It says, "The substitute bill permits ACTA to establish a plan for the regulation, control and management of motorbus regular route and motorbus charter services, except those subsidized by New Jersey Transit." The plan would "provide for routing, and for the interception and dispatching of buses to loading and unloading points." It would also provide "for a schedule of reasonable fees in connection therewith payable to the Authority." That is the totality of the bill.

MR. MALAT: Okay, thank you, sir.

SENATOR RAND: You're welcome.

MR. MALAT: We just were not aware, and wanted to make sure.

SENATOR RAND: What Senator Gormley has done is narrow the bill in its concept. It is not as broad as it was before.

MR. MALAT: Thank you.

SENATOR RAND: You're welcome.

MR. MALAT: I know he is efficient.

SENATOR GORMLEY: And, because I am efficient, I want to go over one point with you. The testimony as it has come out today-- I want it understood by members of the Committee, with regard to bus parking lots, that this is not by Bill Gormley having talked to the members, but by testimony and by the reaction I've seen, specifically from Senator Gagliano. I don't want you to think that you can leave and that the question of bus parking lots is laid to rest. If I were the City of Atlantic City, I would not have given a single mercantile license last year for a bus parking lot. Okay? That is home rule. All right? And, that is going to continue to be monitored, so I don't want you to think -- because that is one thing, I think I am very straight about these things -- it is not in the bill that I have presented. But, the Committee has shown an interest as I have seen it with regard to bus parking, and so have many of the people who have spoken today seen an interest in it. But, I just want you to know that, even though the bill I have in today -- the proposal I have in today -- does not address it, there does seem to be some interest in addressing the issue of bus parking. That is just so you don't say, "Oh, my God, they changed it tomorrow." I just want you to know that is something that is going to be under continual review, because if it gets out of hand, or if we feel it is necessary at this time, there could be action taken on it. I want to be very clear on that.

The bill that was presented today does not include bus parking. However, there is the potential that there could be some control over bus parking. That still exists and, given the testimony today, there are many people who are asking for it. I did not go over their testimony in advance. I do not want you to think that it won't be brought up again.

SENATOR RAND: I think it ought to be made very clear also, that the Committee recognizes from the testimony given here today by municipal officials, that we are going to leave those lots that have been given a license up to this point. But, very frankly, I as a member of this Committee, would look very adversely if it were expanded. I will be very truthful with you. I do not see the future of Atlantic City to be gained in any way by the expanding of any more physical lots in this particular City. What is, is. I will not argue about that, but to say that the future of Atlantic City depends upon the enlargement of inner city parking lots does not represent the answer to my voting for casino gambling, which I did some seven years ago. Senator McManimon?

SENATOR McMANIMON: The only further emphasis on your statement is the fact that Councilman Whelan, as well as Freeholder Gaffney, have emphasized the fact also that they have no qualms about the grandfather clause, specifically to protect those who are presently in business. I think that further endorses Senator Rand's position.

MR. MALAT: Our being here is just to verify that you people will just regulate the buses, and all the other trucks, cars and parking will be left the way it is.

SENATOR RAND: We are doing just exactly what that second page says.

MR. MALAT: Thank you, sir.

SENATOR RAND: You're welcome.

SENATOR McMANIMON: There may be a question asked in Committee, though, just how many tractor-trailers do come in and go out of Atlantic City throughout the course of a day. That is pertinent information that we ought to have on hand, because there is a lot of damage being done to the roads, and we want to know where, why, and what to attribute it to. I think that is information we are going to have to have.

SENATOR RAND: In answer to Senator McManimon, and also one thing-- This Committee does not preclude itself from handling any other problems that might occur in the very near future, as well as this problem.

MR. MALAT: I understand.

SENATOR RAND: Mr. Bennett from the Atlantic City Bus Parkers' Association.

B U R T O N B E N N E T T: Good afternoon, and thank you for the opportunity to speak today. I don't think it was fair letting me have lunch first and mellowing, but a lot of the presentation I had to make was answered by the Committee questions. I do appreciate your concern, members of the Committee and other people here, about private enterprise parking.

First, let me say that there are currently only seven bus parking lots that are operating, not seventeen. I believe there are seventeen mercantiles out, but there are only seven that are currently operating in the City. I wanted to get that out as clearly as possible.

SENATOR RAND: May I interject and ask you how many buses those seven can handle?

MR. BENNETT: I can tell you that they handle somewhat less than 500 buses a day, because that was part of my presentation. There are 500 or better buses out there for ACTA. My main concern has been the presentations by a lot of people who are in governmental positions, talking about the need of ACTA for funds. We know that they need funds, but the out-and-out statement that they would like to see the private enterprise lots closed down leads me to believe that there is a money motive in there, and I don't blame them. They need the money to operate. However, we are private enterprise, and we are not in the bus parking business because we wish to be. We are

people who pay approximately a half a million dollars a year in property tax, who have open lot facilities that could not make it any other way.

My personal lot was an automobile parking lot. I don't know who we can blame for the proliferation of parking lots in the City, but when we started to operate our lots there were seventy-eight freestanding parking lots in the City, and today there are in excess of 450 freestanding parking lots. Obviously, we are all aware that the casinos are private enterprise, and take it upon themselves to offer free parking to automobiles, which is our problem, not yours. This has created the necessity for us to continue parking buses.

Of the seven lots right now, you have Captain Starn's, Ruffu Ford-- There are several that are in the central area. We have created no problems that I know of. We will be the first to say -- the Atlantic City Bus Parkers' Association will be the first to say that if there are violations on our lots, or if we are harming individuals who live in the area, certainly something should be done about it.

I think it is imperative that ACTA monitor these lots. They have been doing it; they have been doing a good job, because I don't think they have come up with too much against us at this point. But, we're asking you to recognize, and I'm certain you do from what you have said so far, Senators, the need for free enterprise to continue, as long as we are not hurting anyone.

As far as routing is concerned, buses can conveniently be routed to all the existing lots not too far off the path. I might add that for a bus that goes to the Sands, or to the Claridge, or to Resorts, I must feel it is much better for the City as a whole to have that bus turn down and park on my particular lot on Tennessee Avenue, two to three blocks away, shut off their engines, and get out of the buses and not leave until the time is set for them to leave, than for them to continue to travel through the City to some outside lot at this point. I do not think we are harming the traffic situation. I have some suggestions for traffic, very small, minor changes, that I think would alleviate a lot of the bus turning problem. One is the enforcement by the City of the ten feet from the intersection parking regulation. I do believe the City of Atlantic City still has meters that are within four to five feet of a corner and, of course, that would come under the Department of Transportation, I'm certain, for changes there, but that would alleviate a lot of the problems of turning down some of the narrower streets.

The seven lots, as I said, park less than 500 buses a day, currently leaving 500 plus for ACTA, and I cannot see anything but the demise of many of our lots as soon as we can do something that is of better use on these properties. Unfortunately, we are jammed into a situation with the economy today where taxes are high and income is low, and where interest rates are high, and there is not much we can do about construction on our properties. We are pleased that you recognize our plight, and we hope that City Council and the mayor, who has already stated that he will not remove the mercantiles, follow through on what they stated.

As a final statement, we totally support ACTA in their attempt to make certain that things go better with buses here in Atlantic City. We will do everything we can on our own personal lots. We give out a little note to every bus driver telling him he has five minutes to warm up the engine, and if he doesn't, we are going to throw him off the lot, and that's it. In most instances, and I don't care what anybody says, it doesn't take five minutes for a bus to warm up. Actually, they can get off in two to three minutes, or four minutes at the most. I thank you very much for the opportunity to speak.

SENATOR RAND: Senator McManimon, any questions?

SENATOR McMANIMON: No.

SENATOR RAND: Senator Gormley?

SENATOR GORMLEY: What is the assessed value of the properties on the seven lots?

MR. BENNETT: I do not have those figures, Senator. I can tell you that the assessed value on my property is somewhere in the vicinity of \$350,000. I can tell you that the taxes on my own property are somewhere in the vicinity of \$29,300.

SENATOR McMANIMON: How much have they increased in the last three years?

MR. BENNETT: We are about five times, five times-- This is pretty common throughout the City; I am not complaining about my property personally.

SENATOR GORMLEY: Before it was a bus parking lot, was it just a parking lot?

MR. BENNETT: Yes, we were probably one of the first lots in town.

SENATOR GORMLEY: To be quite frank, I think as long as there is a profit incentive in bus parking lots, I just think you are going to have a circumstance, or you had a circumstance -- that is why I am glad they are going out-- As it appears they are going to be cut off, I'm glad, because you do have a circumstance where you have a minimal investment, as compared to building a building, or a rateable. You do have a minimal investment there and, when you have that minimal investment and the unique opportunity because of the bus situation, no one would -- it's human nature -- be less likely to get into a construction financing, even if they could, while there is a steady cash flow. I mean, it's just human nature. If you are making money without taking on another note, or another mortgage, it is less likely that one would be apt to look to the alternative uses of the ground.

MR. BENNETT: Well, if you want to pursue that a little bit, let's talk about \$28,000 in taxes before we get out of bed in the morning to start, Senator, and then you talk in terms of having to refinance, because for the past three years taxes have been high and we were not able to make anything until the beginning of last year. It is unusual for our parking lot, parking cars, to park more than five or six cars in a day's time. In the middle of the summer, you might park twenty cars at a \$2.00 rate. I don't know what is going to happen with all the casinos giving away free parking. So, pursuing what you are saying, refinancing requires 16% to 18% refinance money. So, when you think about us making money, we are breaking even and hoping to pay taxes that we were unable to pay for the two years prior to this.

SENATOR GORMLEY: Was this a parking lot before gaming?

MR. BENNETT: Absolutely. It was a successful parking lot before gaming, which supplemented our hotel, which is no longer there.

SENATOR RAND: Thank you very much. Mr. Klein, President of the Atlantic City Merchants' Association. So that we can attempt to get everybody in this afternoon, and for nonrepetitious purposes, it has been established firmly that we recognize Atlantic City's right to have the mercantile license, and we are recognizing that. The bill recognizes that. We would hope, and we would look very unkindly if they tried to expand that. We would hope, in fact we make it very plain as a Committee, that it would be phased out, so that, as repeated before, if a property is sold for another use, it will not be transferred. The Committee, I am sure, expressed its purpose that it cannot be transferred to another place. So, from the seven lots, we would hope that there would be, and we anticipate that there would be a reduction as the economic air clears, and as the interest rates maybe decline, so that you can use your lots for other purposes.

SENATOR GORMLEY: Maybe it could also be a recommendation that as eleven of them are not being used right now, since there has not been that use of the particular mercantile license, that they revoke those eleven licenses July 1 because they are not being used. If they are not being used, what is the sense of having them continue.

SENATOR McMANIMON: That may be a question for debate. You're dealing with a private structure that already presently has a license.

SENATOR GORMLEY: I think we're basically talking-- We're not talking high-rise parking; we're talking--

SENATOR McMANIMON: I'm talking about the other eleven vacant spots out of the seventeen that are located in the City.

SENATOR GORMLEY: What I am saying is, these are eleven mercantile licenses that are not being used. If they are not being used right now, before one goes out and uses them and sets up something to make use of them, if they were sent out notices now that on July 1 they would not be renewed-- I mean, obviously the seven that are functioning are the seven you want to protect, because they already have an income, and they have already made their capital investment in them. But, if the other eleven are not being used, why let them exist?

SENATOR McMANIMON: May I revert back to one question, Mr. Bennett, please, if you don't mind, sir? Those that are not presently being used, are they used seasonally?

MR. BENNETT: No. You know, we don't know where the seventeen mercantiles came from. I can only relate to those and, by the way, I'm sorry, there is an eighth. I won't get up to seventeen--

SENATOR GORMLEY: Whether it's seven, or eight, or nine, or ten, whatever their actual use is. There are eight active?

MR. BENNETT: There are currently eight active lots.

SENATOR RAND: Where buses now park?

MR. BENNETT: Where buses now park.

SENATOR RAND: That has been that way for the past how long, a year, a year and a half, two years?

MR. BENNETT: About a year and a half.

SENATOR RAND: Fine.

MR. BENNETT: And, there were about three or four that have been in excess of a year and a half.

SENATOR RAND: Okay.

MR. BENNETT: Now, we do not know where those mercantiles stand. I did not do the research on it. I think some may be attached to hotels that have special mercantiles to park the buses that they bring in. I think ACTA would probably know.

SENATOR RAND: But, there are eight lots now of private enterprise bus parking.

MR. BENNETT: Private enterprise bus parking, yes.

SENATOR RAND: Okay. Senator McManimon, you may continue.

SENATOR McMANIMON: What concerns me is there are eight presently in operation--

MR. BENNETT: That is correct.

SENATOR McMANIMON: --but apparently there are seventeen that are paying fees to have these mercantile licenses.

SENATOR RAND: Well, they may be attached to casinos, as this gentleman just pointed out.

MR. BENNETT: I really don't know if seventeen--

SENATOR McMANIMON: I am just wondering, do we have a right to turn around and revoke these licenses.

SENATOR GORMLEY: No, we're talking about renewal; July 1 is the renewal date. We are talking about not renewing, but giving them notice now before they make a capital investment, that's all.

SENATOR McMANIMON: I would have to have a report as to whether they are associated with any of the casinos, or any of the hotels.

MR. BENNETT: I would have to think that they are associated with existing hotels that bring bus trips in. That is the only thing I can think of. They are not actively operating as "pay" lots.

SENATOR RAND: On the basis of that, as an individual member of this Committee -- only as an individual member -- my recommendation to the total of this Committee would be to grandfather those operating lots. I do not look for this Committee to be a vehicle for the expansion of any more lots. I think I have made it crystal clear here today that that is not the purpose of this Committee. The purpose of the Committee is to rather limit to what is, is. I said that. We are not here to destroy private enterprise, but we are not here to foster it either, because in my opinion, it is a problem for the Atlantic City people themselves. I want to make that very clear.

MR. BENNETT: I think my presentation spelled out that all we are trying to do is survive until. Unfortunately, "until" is a long time, much longer than I would hope, unless Senator Gormley--

SENATOR RAND: I understand that.

SENATOR McMANIMON: Mr. Chairman?

SENATOR RAND: Yes, Senator McManimon.

SENATOR McMANIMON: On that particular issue then, I would have to request that you, as Chairman of the Committee, see that we get a report on the seventeen licenses that are presently issued, and those that are not in operation, why they are not operating, and, if they are affiliated with the hotels or any of the casinos. I think we should have that before any decision is made.

SENATOR RAND: I will ask somebody from ACTA. Is there somebody from ACTA here?

SENATOR McMANIMON: Yes, they're in the back.

SENATOR RAND: Would you be able to obtain for this Committee, the names of the operators of the eight lots that are in operation now -- physically now, and have been -- and those mercantile licenses that are not in use for bus parking?

MR. JEROME: Sure.

SENATOR RAND: Do you follow the point we are trying to arrive at? I think Senator Gormley brings up a very, very interesting point, and it is certainly worthwhile to discuss it. We may have people on our Committee who will agree with me, or some who may not agree with me, but I think that it is something you have to lay out on the table.

SENATOR McMANIMON: Walter, those that are not in use, what are they being used for, and what association?

SENATOR RAND: Can we get that, Mr. Jerome?

MR. JEROME: Yes.

SENATOR RAND: Thank you very much. Sir, I'm sorry that we interrupted you, but now you can make your presentation, Mr. Klein.

FREDERICK KLEIN: That's all right; it is such an important subject.

Senator Rand, members of the Senate Transportation and Communications Committee, Senator Gormley: I am Fred Klein, President of the Atlantic City Merchants' Association. Initially, I would like to compliment Senator Gormley on the foresight of his plan, and, also, compliment ACTA on their professionalism with their limited resources. They have demonstrated a

sensitivity to the public's problems, which have been caused by the bus problems in Atlantic City.

I have a brief presentation that I made before when ACTA presented their bus management plan. I have altered it somewhat to facilitate my comments, and to make them more appropriate to this type of a hearing, if I may be at liberty to read it to you because I did make some changes.

SENATOR RAND: Go right ahead.

MR. KLEIN: A casino bus management program is an absolute necessity, and must be supported and enforceable as soon as possible for several reasons. The negative perceptions of our City are being magnified to epidemic proportions, partly because of the lack of action to resolve real problems which are within our power to rectify. A new investment is the only way to provide the impetus that will reconstitute our residential and business space, and cause to happen what the casino referendum was supposed to do, save Atlantic City.

However, to attract investors during the present economic climate, we must provide incentives, rather than disincentives that the buses in Atlantic City do. The vehicular traffic paralyzing the City is such a negative input, and the perception of such a problem is as damaging as the real thing. Allowing the buses unrestrained usage of city streets can lead to an uncontrollable proliferation, with attendant destruction of streets, a significant lowering of air quality, and increased safety hazards. As the number of casinos grows and traffic increases, it makes the plan more difficult to implement. Also, how long will the State stand by before they mandate some action to resolve the problem without our input being considered? It is conceivable they would say, "No more casinos until the bus problem is solved." A bill conceived in haste would probably be more detrimental than the bill before you now.

We are not attempting to impugn the integrity or ability of ACTA, but we are concerned that future bills might grant legislative, executive and enforcement powers to a single entity. Even allowing for public input, there are few assurances that private enterprise will be adequately considered prior to the implementation of ACTA's future proposals.

I support ACTA as the office of responsibility for control of service transportation, particularly the charter buses. However, I feel that the law should be enacted where they affect the areas, city or county, mayor, council or freeholders. Recommendations and enforcement should be ACTA's responsibility. It would be naive of us not to recognize the contributions casinos have made to our economy. We are also aware of how important the buses are as a mode of transportation to the casinos and the City. Development of the community, both business and residential, is predicated upon orderly controls. Input from all segments of the economy will provide the overall picture of development, and will contribute significantly to ACTA's value as a servant of our City, county and State.

As part of my public input, I have submitted ten copies of a proposal which addresses the parking and bus traffic problems, and recommends a viable solution to the problem that this legislation would allow ACTA to implement. The central business district has been adversely affected by many negative influences, such as urban decay, which is a national economic problem, and local influences, such as the bad perceptions of parking shortages and traffic congestion, particularly bus problems.

Gentlemen, it has been my personal observation that buses, once they even leave these lots, are not controlled. They cause queuing up at the casinos, in that it takes twenty-five minutes by average to load these buses. They are not properly dispatched to these areas. They cannot be when they are not controlled through a central location, or a central organization,

such as ACTA could provide. The drivers have used their vehicles as private and personal conveyances. They have used them for their own personal conveniences. ACTA, with proper legislative enforcement powers, and with proper legislation provided to them, could significantly control these situations.

SENATOR RAND: Thank you very much, Mr. Klein. Mr. William Downney, Executive Director of the Atlantic City Casino Hotel Association.

DAVID GARDNER: Thank you, Senator. I am not William Downney. He sends his regrets; he is ill today and asked me to read this statement to you. My name is David Gardner, and I am Assistant Director of the Casino Hotel Association.

In the summer of 1982, the Atlantic City Casino Hotel Association and the Atlantic County Transportation Authority entered into an agreement which provided for the development and implementation of a voluntary bus management plan. As part of that plan, which the Association paid for, an interim bus management study has been completed which documents the need for the establishment and enforcement of a designated system of casino bus routes within Atlantic City. We have been assured by ACTA that since the present voluntary casino bus intercept program is working satisfactorily -- I believe four or five of the casino hotels do use that intercept lot at the present time -- that they have no intention of suggesting a mandatory casino bus intercept program, until such time as our Association, ACTA and the City would agree that such a program was necessary.

We have also received assurances from ACTA that any fees established to carry out the bus management program will be reasonable -- and someone mentioned that earlier -- and would not exceed, or should not exceed the parking fees presently being paid by buses today.

Based on these facts and these assurances, and our understanding that your substitute bill for 1865 will simply transfer powers normally held by the New Jersey Department of Transportation to ACTA without usurping power from the City or the county, we are supporting the adoption of the substitute bill.

SENATOR RAND: Senator McManimon, do you have any questions?

SENATOR McMANIMON: No questions.

SENATOR RAND: Senator Gormley?

SENATOR GORMLEY: No questions.

SENATOR RAND: Thank you very much.

MR. GARDNER: Thank you.

SENATOR RAND: Mr. Robert Wilson of Atlantic City.

ROBERT WILSON: Senators, thank you for your time. I represent a very small part of this whole problem. I am a resident of Atlantic City, a taxpayer, who lives within arms' reach of the buses that park on satellite parking lots within Atlantic City. We are the ones, myself and my family, who have to inhale the fumes, have our houses rattled, and listen to the noises, fourteen or sixteen hours of the day. I want you to imagine, if you would, your own homes, and all of a sudden you wake up one morning and there are twenty-five to fifty buses parked within arms' reach of your house.

I'm a little bit nervous about this. We have been working on this for seven months. We're breathing this air, you know. This is rattling our houses; there are only eight of them. My neighbors and I pay a hell of a lot more taxes than the people who have these lots. That is to be considered too. We pay rentals; we pay taxes; and, we are hard-working people, and we have to put up with this. We have these exhaust pipes in our mouths. We need help. Atlantic City Transportation can do nothing; they have a new department. ACTA has been in effect for two and a half years. They can do nothing without you gentlemen. I would like to invite Mr. Bennett to my

house, to sit in my back yard, any day of the year, especially in the summertime, to inhale these fumes. I have also had my fence knocked down. It disrupts your entire life; it affects your nervous system; it affects you emotionally.

Now, we're talking about 240 people in my neighborhood. There are just one or two properties that are so-called "A" parking lots. Two hundred and forty people signed a petition requesting City Council not to renew the licenses of these operators. They pay \$1,500 a year. If these buses could be put on an ACTA lot, ten to twenty buses a day, \$48.00 a day, the City would derive a heck of a lot more money than they do from these licenses, or something like that.

This is affecting all of my neighbors. They call me; they cry on the phone. It is affecting me now; I am very, very nervous. I'm usually a calm guy. But, it seems as though we are isolated, we're alone, we're the residents. We are the people who have to live with this. You know, we didn't do anything wrong. Why should we have to live with this? Why should 240 people have to suffer so that one or two can make some money? I don't understand it, I really don't. I don't want to get upset.

SENATOR RAND: No, no. Mr. Wilson, you just keep calm; it's all right. Mr. Wilson, we're down here in an attempt to try to solve a problem.

MR. WILSON: I know you are.

SENATOR RAND: Let me say this to you, but I don't want to sweet-talk you into a sense that we can solve the overall problem. We can give some legislative relief, in the sense that we can give ACTA some of the regulatory powers they want. But, there are some things that we cannot do, and we won't do. We cannot come in and tell Atlantic City how to run its government. That is an internal matter with you. I have repeated this, but I feel very sure that I was on solid ground when I said that this Committee would look very disparagingly on the enlargement, or the increase, of any more parking lots in the City of Atlantic City. But, as to the problem of those you have now, the only hope I could have would be that they be phased out as quickly as possible. The way that has to be done is through the City, through ACTA and through some private citizen participation. We cannot wave a magic wand -- I must be very honest with you -- and say, "You're out of business." I do not think it would be constitutionally sound; I do not think it would be proper. What we can do is try to give the instruments to ACTA to try to do some type of a job that will begin to address this. Maybe we should have addressed this two or three years ago. We hope we are not too late.

MR. WILSON: Now is the time.

SENATOR RAND: That is correct, and that is what we are going to try to address.

MR. WILSON: If powers are given to ACTA, and I think you are going to give them-- These contracts that the City made with these eight parking lots that are affecting hundreds and hundreds of lives, and much more monies than the parking lots provide-- I like to see everybody make a living, but that doesn't mean I want them to build a refinery or a junkyard next to my house, things that will disrupt your life.

If they would shut the eight parking lots we're talking about, if they would just not renew their licenses, let them run out-- Today it was mentioned several times about grandfathering in additional years of these parking lots being in existence. For example, we have put up with it for seven months. They say, "Mr. Wilson," or Mrs. Ehrenberg, or Ted Potts, or whatever your name is, the people who are really mainly concerned here, "just put up with it until July 1." Now we are hearing grandfathering so-and-so in, so now we are talking about an additional year of the license, and

possibly two, and possibly the rest of your life. It seems like they are saying, "We know it bothers you that your house is rattling, and you can't open your kitchen window, or your bedroom window, or your living room window. You can't listen to the T.V.; you can't hold a conversation in your own home, but just put up with it for another year, or two years, or for the rest of your life." For what?

SENATOR RAND: Senator McManimon, do you have any questions?

SENATOR McMANIMON: Well, he touched some very sensitive areas, and we as members of the Committee, what we are attempting to do-- If you will notice, Senator Rand and I will disagree, and before we really finalize this bill we will go at it head to head on many issues pertaining to the--

MR. WILSON: I know you are concerned, because all of you asked questions along these lines. You are all concerned with this problem, but I am the one who brought the residency problem to you. I am the first one who breathes this, and there are a few people in the room.

SENATOR McMANIMON: May I ask a specific question of you?

MR. WILSON: Yes.

SENATOR McMANIMON: How long has this parking facility been there?

MR. WILSON: Seven months.

SENATOR McMANIMON: It's been there seven months.

MR. WILSON: Seven months. Before that it was just a parking lot, and before that there were hotels that were torn down. It sounds like it is not set in concrete, Senator, the fact that a license was issued. It was issued for one year. There are a lot of people whose health is being affected by this. It affects the whole area.

You are trying to move buses outside the inner city. That is also a concern here. I mean, this is just a one-year approval. You pay \$1,500, and they give you a license from now until July 1. Why not just end at July 1, and let them go back to business as usual?

SENATOR RAND: Mr. Wilson, we are going to take this under consideration.

MR. WILSON: I know you will.

SENATOR RAND: And, we are going to make some recommendations.

MR. WILSON: Senator, I feel very strongly that you are going to do something. I just had to mention our plight.

SENATOR RAND: We were very happy to have you here today, and we are very happy that you made your comments.

MR. WILSON: I appreciate it.

SENATOR GORMLEY: It was the best testimony of the day. You are not a professional, and it was the best testimony. (applause) Well, I don't want to knock you guys; you'll be good too.

SENATOR McMANIMON: Before Mr. Wilson leaves, I would like to let it be known here in this audience that, unless we know specifically how long the parking lot has been in operation-- That too has a tremendous bearing on what action we are going to take.

SENATOR RAND: We would ask ACTA to submit that information to us. Okay, we are going to get that.

MR. WILSON: It was a parking lot for cars prior to this, but that didn't involve anything.

SENATOR RAND: We are going to get that information.

MR. WILSON: Senators, thank you.

MR. BENNETT: Could I just make a comment to that?

SENATOR RAND: We don't want a cross debate, that we do not. I will allow you to make one comment.

MR. BENNETT: I would like to say that we are in total agreement with him. We are not defending the local parking lots in town. We are a

group of five. If there is a parking lot which parks buses that do not abide by the City regulation, we will be the first to say, "Take it out." We are with you.

SENATOR RAND: Thank you very much. Mr. Kaleem Shabazz of Atlantic City. In deference to the speakers, may I ask please-- I know you are enthused over some speakers, and you are not enthused over some of the others, but give everybody the same courtesy. We would appreciate it if you would hold your applause and everything else. We are trying to be as objective as possible here.

K A L E E M S H A B A Z Z: Chairman Rand, Senator Gormley and the panel: I have a prepared statement I would like to read, but before I do that, I have a few statements. Most of them are in line with what Mr. Wilson just brought to your attention. I think what Mr. Wilson said, as Senator Gormley has indicated, is a very unique testimony today, because besides the political and governmental aspects of the bus problem in Atlantic City, there is the very human element and, being a resident of Atlantic City, and also one who is concerned with proper governmental procedure, I just want to echo Mr. Wilson's sentiments. I think he speaks for many in Atlantic City who are affected by the bus problem, on Georgia Avenue, Illinois Avenue, and many other local streets which you gentlemen may not be familiar with, but which indicate very clearly the human element here.

I would just like to say that I think it is a very legitimate and proper role for this Committee to consider and to push this legislation as soon as possible. It is something that protects the well-being and safety of the residents. Also, I think, as the Chairman indicated, this may be action that is long overdue. I think you gentlemen are aware of the fact that many residents of Atlantic City believe, with some substantial evidence, that casinos have not brought the kind of benefits that they thought they would receive. Many of the bounties of casino gambling have turned to negatives for residents, and I will submit to you, without taking an adversary position, that the bus situation, quite properly, could be put in that area of something that should be of benefit to citizens, but which has been quite adverse to many citizens.

This is my prepared text. Last summer, the volume of casino bus traffic on our City streets and in our neighborhoods reached such unacceptable levels that residents were driven to physically blocking the streets in order to call attention to the problems -- traffic congestion, noise, noxious fumes, dirt and constant vibrations in homes. At that point, the Atlantic City Transportation Authority became involved, in cooperation with several City councilmen, on behalf of the residents.

With ACTA's help, residents in the affected neighborhoods had the opportunity to explain their problems, and some relief measures were worked out to curb bus traffic in the neighborhoods.

It is apparent from this brief description of the events which took place in Atlantic City during the summer of 1982, that ACTA and its professional staff have the knowledge and ability to deal with the many problems which result from the uncontrolled proliferation of casino bus traffic here. Fortunately, the problems which arose last summer were resolved to the general satisfaction of all parties involved.

But, last summer's actions were really just stopgap measures to neutralize a potentially explosive problem. Atlantic City still must come to grips with the scope of the bus problems and take concrete steps to deal with the realities of effectively controlling and regulating casino bus traffic in the City.

ACTA has already proven that it has the interest and ability to devise a traffic management plan. But, ACTA presently does not have the

power to enforce its decisions. Approval of the proposed amendments would give ACTA this power.

There is no question that Atlantic City needs a bus control program now. Summer 1983 is approaching rapidly, and all indications are that the City will have to deal with even more bus traffic than last year. And, with new casinos under construction or planned for the Boardwalk, the problem clogging our streets and choking our neighborhoods will only get worse if we do not take immediate action.

ACTA is the logical agency to handle the problem. ACTA already has the operating framework and professional staff required to develop a bus traffic management plan. ACTA has proven that it can work with the community and the bus operators. Now we must give ACTA the power and authority to enforce a workable traffic management plan for Atlantic City that takes into account the needs and lives of our citizens.

Bus traffic management is one of the most serious and potentially damaging problems facing Atlantic City today. It requires immediate attention. It is too important to get lost in the maze of petty political infighting which characterizes many events in the City. Local, county and State leaders must set aside their differences on other issues and take immediate action to give ACTA the green light.

Casino bus traffic in Atlantic City poses a serious threat to health, welfare and public safety of City residents. I urge you to help the citizens who are affected so negatively and unfairly, by taking the necessary steps to give ACTA the power to exercise its expertise to control bus traffic in Atlantic City.

Gentlemen, I would just like to say in conclusion, I think Senator Gormley is to be commended for his leadership in this effort. I think you have probably gotten some indication of some of the political problems we have had in Atlantic City in enacting this kind of a program. I would just like to say, at the risk of being dramatic, that to a very real extent, the quality of life in many of the neighborhoods in Atlantic City depends on the action that this Committee takes. I would urge you to take affirmative action, as speedily as possible. Thank you very much.

SENATOR RAND: Thank you very much. Ms. Nan Ehrenberg.

NAN EHRENBURG: My name is Nan Ehrenberg, and I live at Community Haven on Virginia Avenue. I am here to represent the people of Community Haven, and the best of life.

We are going through a tremendous thing right now with the buses and with the parking lots. They have put all the buses on Virginia Avenue that go to the casinos. We are not trying to hurt the casinos, because we like them. I like to gamble myself. But, we are having a terrible problem with the buses. I know that I have to run out at night -- twelve, one o'clock, three o'clock in the morning. I call Mr. Wilson to please come walk up to the Boardwalk with me. Walk over with me to where the motel is. They have a parking lot there, I believe it is the International, and they park about thirty or forty buses there, and they stay there at night, until the morning, and then they pick up people in the morning.

I don't sleep; I don't know what sleep is anymore. I have a heart condition, and everybody calls me from the other apartment houses, and we are about 700 people between us. Then there are another hundred people, the people having businesses across the street, and another apartment house on the corner of Atlantic and Virginia Avenues. I'm a little nervous.

I don't know what to do anymore. I have been calling ACTA. I call the police every night. They must think I'm crazy. I have them come out to go to the different lots to see if they are idling. The idling is terrible. The other night I had Mr. Wilson take me over to the lot at the Boardwalk;

there were two buses idling. We took their numbers; we did not have their names. They were sleeping, and we could not get them up off the bus. Now, it is possible that they were over at the casino and the buses were idling. They left them idling.

We went to City Hall, and I was there until three o'clock in the morning. Now, where do I come to be up until three o'clock running, when I have to be up early in the morning to go to school and be with children? I'm a nervous wreck; I'm sick. If I didn't have cancer, I have it now. I can't open my windows. I live on the eleventh floor, and the building is doing this, and I'm doing that, (witness demonstrates shaking of building) in bed. And, when you hear that (witness demonstrates the noises that the buses make), your heart skips a beat. Your heart skips a beat every time you hear that, and I'm up all night.

They were not bad when they were just running, but the staying there and parking on those lots is terrible. I want to live. I want to live yet. If the Good Lord gives me time to live, I want to live. I don't want to die because of them, because they have to make a living. I can't help that, but my life is something too. My life is worth more than what the lots are. Something has to be done; those lots must get off of Virginia Avenue. We have all the traffic. They moved them from New Jersey Avenue and put them up on Virginia Avenue, because the people could not stand them over there. So, we had to take them. But, how much can we take? I know my nervous system is shot, and I was as strong as a bull, but I don't think I am now, because my nervous system is shot. Something has to be done with those lots. They have to stop idling while they are there. This has to be done as soon as possible.

SENATOR RAND: Thank you very much.

MS. EHRENBURG: Thank you.

SENATOR RAND: Mary Tintenfass. Good afternoon.

MARY TINTENFASS: Good afternoon. My name is Mary Tintenfass. I am a business person here; I own the St. Moritz Motel on Virginia Avenue. Also, I reside in Atlantic City.

I hate it when people say, "Thank God, I work in Atlantic City, but I don't have to live here." I do not like people only working here; I want them also to take care of Atlantic City, like Senator Gormley takes an interest, and other people take an interest, like Mr. Whelan and Mr. Dorn. There were two people listening today, transportation people; when we had a meeting there were five councilmen and the mayor of this City, and nobody listens to all these problems. Those lots which sprung up seven months ago were slipped in. Now, we did not elect our officials to help private enterprise, only to speak for the people, and for the City, and to care. We do not want to be called the "other Atlantic City." We have one Atlantic City. We are thankful that the casinos are here. We know that this is business, and the buses are the lifeline of the business. But, the lots have to be designated and ordinances have to be put in. We need ACTA to get a hold of one place, and designate that the buses use that one place, because if you put buses on those private lots, they idle, forty buses in one day. I call the police, and forty minutes later when the police come, there isn't even one bus on the lot. Now, this is a joke, but this is not living. Eight hundred people live on Virginia Avenue, the older citizens, and they have their rights. All right, the buses have to pass by; we do not want to stop the progress of this City. We have to have those buses bringing in the people, but there are taxis, there are jitneys and there are shuttle buses. They can bring the people from Two Guys, and they can make a living too. The business people do not see the bus people, because Atlantic City is in such a big turmoil. Why are the streets corroded, and nobody fixes them? Because

those buses have to give money to the City. Are they being taxed as we are being taxed on our properties? I am taxed on a million dollar property, and I'm paying on a million dollar property, and I do not have any peace in my office because five feet away stands a bus. How can you conduct a business? How can you live? There should be a place like the airport. You bring in the people to the airport, and then you disperse them. It's as simple as that.

I do not think we should allow private sector people, each one who is in business, or the one who is at the top giving out the licenses-- If John Smith comes in and wants a license, and he is a good buddy, he is going to give it to him. That is not right. There should be a law, and when an ordinance is put in it should be designated, and it should be fulfilled. An ordinance in Atlantic City -- I don't recall which one, eighty-three, I think -- states that each bus should pay \$55.00. The buses should be placed on a municipal lot, and the City would have the revenue from that. I am for the City having their own buses, and taking the revenue to fix Atlantic City up a little bit. I live on Virginia Avenue, and across the street from me you have the Morton, which is supposed to be a historical place, but it is all boarded up. It is a menace; it is an eyesore. Next to me on the other side is a boarded up building, so why do I pay taxes, when nothing has moved in five years? Nothing has improved, but my taxes have gone up three times -- and the sewer, and the water, and everything.

So, I would just like to thank you gentlemen for being here and lending a helping ear, and helping us in Atlantic City to care for Atlantic City, because we have a great commodity here, the casinos, and the City should not be in the disaster it is. Thank you.

SENATOR RAND: Thank you very much. Victoria Kusnell, is that correct?

MS. KUSNELL: That's right.

SENATOR RAND: How about that, one for my side.

V I C T O R I A K U S N E L L: Gentlemen, I am Victoria Kusnell from 17 S. Brighton Avenue, Atlantic City. I have prepared a statement, but I am not going to read it to you. I will just reiterate what Mr. Whelan said, and what Mr. Wilson said, and what Mr. Shabazz said about the disaster of the buses. My street right now is one of the streets that gets the 900 buses in a twenty-hour period. One thing about ACTA, one thing they did do, was to set up a "hot line," and we used it. But, one of my really serious concerns is safety. Without a really regulated program-- The buses come in, and as long as they are regulated, they come in fine. Then, all of a sudden, if they start piling up at the Tropicana, in case of an emergency at the Tropicana, or at our place -- we are only 200 feet away -- nothing could get through. I have seen ambulances stuck in traffic; fire trucks couldn't get through; and, the police had to move bicycles at one point. They just can't get through. The buses have to be regulated, and I mean this sincerely. We must have something right here in Atlantic City, where we can get to a phone, make a phone call, and have someone come out right that minute. We can't wait, because these situations develop much too quickly. They pile up, and unless they have the authority-- I mean they try, Ms. Schultz, Ian Jerome -- they are all very helpful -- but without teeth, there is not much they can do. They can just be solicitous, and do as much as they can.

So, I really feel that it should be based in Atlantic City. There should be someplace where, if we see something developing, we can get to them, and we can get someone to come out and assist us immediately. You know, we say, "We are going to have to live with buses." They are going to stay, and I hope we are, but right now we have our doubts. So, thank you for your concern.

SENATOR RAND: Thank you very much.

SENATOR GORMLEY: Thank you; that was good testimony.

SENATOR McMANIMON: Mr. Chairman?

SENATOR RAND: Yes.

SENATOR McMANIMON: I have a question I would like to ask Senator Gormley. Has Atlantic City updated its master plan in the last five years since the inception of the casinos?

SENATOR RAND: Don't embarrass Senator Gormley.

SENATOR GORMLEY: No, it doesn't embarrass me. The thing is, they paid about a million dollars--

FROM AUDIENCE: It is due for upgrading very shortly.

SENATOR GORMLEY: They had done a master plan and one of the issues, for example, that will be coming up is the Inlet Section of Atlantic City again, to zone or rezone, or whatever they are going to do. But, they had a very expensive and a very comprehensive master plan done, yes. Very expensive, a million dollar master plan.

SENATOR McMANIMON: We are going to have to have a conversation.

SENATOR GORMLEY: Yes, the master plan is a good ten-day conversation.

SENATOR RAND: Mr. Joseph Welsh from Atlantic City.

J O S E P H W E L S H: My name is Joe Welsh, and I live at 26 North Hartford Avenue. My walls are cracked, my windows rattle, and the whole street is broken up. I'm waiting for the bridge to go down, because that was built in 1927, and it wasn't built to hold all that heavy weight. Now, I have to thank Diane Schultz and her staff, and Nick Bade from Trailways, Mr. Strobe from Transportation, and also Jean Grace from the Golden Nugget. I have been in front of my house from May until October, and every time a bus would go by I would call up each one of these bus companies, or Transportation. I would also call the Golden Nugget, and I have not seen a bus on my street now since October 25, until last night, and I saw two on my street last night -- thanks to those people.

It is about time something is going to be done about this. They should be given more power, because the buses are wrecking our streets, and who is going to pay to have them paved? The taxpayers. Our taxes are going to go up more. That is all I can say. Thanks a lot.

SENATOR RAND: Thank you very much; that's very good. Mr. Attilio Sinagra, a member of the Fine Arts Commission.

A T T I L I O S I N A G R A: Mr. Chairman, Senator Walter Rand, and gentlemen of the Senate Transportation and Communications Committee: As a native and lifetime resident of Atlantic City and part of a family of property taxpayers since the year 1920, and as a former member and Vice Chairman of the Atlantic City Fine Arts Commission for twelve years since its inception in 1970, I would like to express my serious concern about the competence of the county agency to which this bill, No. 1865, grants the enormous power and jurisdiction without the slightest regard nor specific designation in the bill to the municipal agencies which are responsible for the well-being of the City in the various matters of order, regulation, tranquility and aesthetic environment.

I refer specifically to the long studies that this agency (ACTA) has already carried out through the employment of two professional out-of-town firms, at taxpayers' expense I presume -- or subsidized, or whatever -- which produced an ACTA-recommended Casino Bus Network Plan that is catastrophic in nature and abusive to the central business district, which is in dire need of revitalization.

It is also a plan that is disruptive to years of planning by the Fine Arts Commission in maintaining a pedestrian atmosphere in and around Brighton Park, which was deeded to the City in May, A.D., 1922, as a "park forever."

I don't believe I need to reiterate the destructive and ecologically damaging effect of lumbering buses in the neighborhoods and on the streets. Others have testified to that.

Said recommended plan is practically a facsimile of the existing casino bus arrival and departure routes, and continues the present "circus condition" that is disruptive to the most prominent and beautifully located park in our City, adjacent to the Boardwalk at Park Place. This insensitivity does not augur confidence in any agency that would be given complete control over municipal historic and aesthetic amenities, let alone the nature of residential, civic, recreational and a resort-oriented environment.

I refer also to the last paragraph on Page 3, which states, "The Authority shall provide adequate notice to and request comment from any municipality affected by the rules and regulations promulgated under this subsection." I candidly believe this to be insufficient, merely to notify and solicit comments. The municipality deserves some authoritative input.

This bill has already been riddled with amendments and counter amendments, but, may I respectfully suggest that this document should contain a mandatory phrase to extend approval authority to any City agency which it could affect in an adverse manner -- which has happened. What I am suggesting is that the bill should also protect, in definitive language, the rights and privileges of municipal citizens through elected and appointed municipal agencies. In short, home rule is paramount in every form of legislation.

And, in addition, the destiny of a City should not be subjected to any infringement whatsoever upon the rights of private enterprise for the sake of the solvency of an Authority whose civic duty is to promote tranquility in the community over and above any other contingency.

Lastly, I remain fearful of the bureaucratic language of this bill, No. 1865.

I might add, you can say I'm worried about "Big Brother." We have a "Big Brother" in Trenton; now, we are going to have another brother in the county..

SENATOR RAND: Well, a little brother.

MR. SINAGRA: A little brother?

SENATOR RAND: That's right. Would you like to have a "Big Brother," instead of a little brother?

MR. SINAGRA: I am concerned only with government agencies that are not familiar with local problems. We have many, as you know, because the people have been telling you about them. We also have other problems. In my case, with the Fine Arts Commission, it is an aesthetic problem. We had the problem back through time. The New Jersey Department of Transportation, or DOT, gave us a lot of problems around the monument, and they mutilated the monument. That was another pride and joy of the community.

So I am, as you can see, a little bit worried about any authority that doesn't take in local input from even agencies, for instance, the Fine Arts Commission, that could be affected adversely by any law that is put on the books. What is going to help one situation, may hurt another situation.

SENATOR RAND: Thank you, Mr. Sinagra.

MR. SINAGRA: Thank you.

SENATOR RAND: Senator McManimon?

SENATOR McMANIMON: I think there was a recommendation earlier today with respect to consideration to enlarge the present Authority. In fact, one recommendation was to look for a couple more representatives from Atlantic City.

MR. SINAGRA: I heard that, and I was very pleased that someone brought that up, because that is where you might get some familiarity with the local problems.

SENATOR McMANIMON: I also have to tell you, that there are twenty-three municipalities involved. Where do you draw the line, and how do you establish priorities? These are areas that are going to have to be studied.

MR. SINAGRA: I purposely didn't say just Atlantic City; I'm saying municipality authorities. Thank you very much.

SENATOR RAND: Just one moment, sir. Senator Gormley, did you have any questions?

SENATOR GORMLEY: You were talking about City agencies. I guess you were referring specifically to the Fine Arts Commission.

MR. SINAGRA: Yes, in this case I am referring to the Fine Arts Commission as the Commission. And, there are other boards in the City--

SENATOR GORMLEY: You have to understand that all that is being done by the bill is the delegation of DOT prerogative to ACTA, period. They are not taking any home rule and, given the testimony of the people who have their homes here, apparently they want this action taken by ACTA.

MR. SINAGRA: Yes.

SENATOR GORMLEY: Just so I clear that up. No prerogative is being taken from the Zoning Board, Planning Board, or municipal government of the City of Atlantic City by this. It is only a delegation of the prerogative of DOT to the county, to bring it to a closer level. I just want that made clear. We are not taking any prerogative from the City, no prerogative by the--

MR. SINAGRA: No, but are you consulting, or not?

SENATOR GORMLEY: Well, I'll tell you this. Every citizen who came up who is affected by the buses knows Diane Schultz better than they know any of the councilmen.

MR. SINAGRA: I know.

SENATOR GORMLEY: Well, I guess they are being consulted.

MR. SINAGRA: Well, we have tried to have some input too.

SENATOR GORMLEY: Well, all of the people who are bothered with the fumes are talking to them.

MR. SINAGRA: Well, at least you are closer to home, but I hope you will come in and look around a little bit, and answer questions.

SENATOR RAND: The bill will be so framed that there will be some input -- some citizen input -- and there will be some municipal input in the bill.

MR. SINAGRA: Municipal input?

SENATOR RAND: Yes, there will be some. I do want to tell you, in response also to what Senator Gormley said, if there was not an ACTA, I can tell you that DOT could walk in and do the very thing that we have to put legislation in to allow ACTA to do without legislation. If ACTA was not in existence today, DOT could walk in tomorrow and do the very thing that this bill is trying to do without any legislation. They have the prerogative to come in here and detail bus regulations. No problem.

SENATOR GORMLEY: And, also, the Chairman of ACTA is from Atlantic City, so I mean it's--

SENATOR RAND: I understand there is someone else on ACTA from Atlantic City. Is that right?

FROM AUDIENCE: Two.

SENATOR RAND: Two. I was under the impression there was one, so I am glad that has been clarified.

MR. SINAGRA: I just can't get over the insensitivity about the park, because that is a horrendous situation. There was no reason for it. On one of the boulevards, they can load and unload. They are loading and unloading in the streets. I don't think DOT is doing its job, actually.

SENATOR RAND: You have the two greatest natural resources in the world, the sand and the ocean.

MR. SINAGRA: Yes.

SENATOR RAND: We want to preserve them.

MR. SINAGRA: We want to keep them in view too, in the City.

SENATOR RAND: Thank you, Mr. Sinagra. Ms. Maropolis. Go right ahead.

M S. M A R O P O L I S: I am not used to public speaking, so I am a little nervous.

SENATOR RAND: Don't be nervous; just relax. Senator McManimon is a charmer. Just talk to him.

MS. MAROPOLIS: Senator, one of the lots they were talking about on Virginia Avenue is my father's. He isn't here today because of the fact that he cannot be away from the lot. You know, he's there all the time, day and night. Of course, someone is always there. Our buses do not idle. We are there to make sure that they don't idle, and when they start they leave right away. Five minutes is the most by law, and some leave before that. Most of them leave before that. I don't know where all the problems come from. If you look at the violations, if we have any violations, they are clear. You will be able to see them; all you have to do is check on them. And, there aren't any violations with our lot.

Mr. Wilson is from Presbyterian Avenue, the other side of Virginia Avenue. It's the street on the other side of Virginia Avenue.

FROM AUDIENCE: May I--

SENATOR RAND: No, no. We'll get to you. We are going to get to everybody. Please--

MR. WILSON: I just want to answer her.

SENATOR RAND: No, no, please let the lady finish. We'll hear everybody; everybody will be given an opportunity. You finish, young lady.

MS. MAROPOLIS: Mr. Wilson is the only person against us on that side of the street. He's there all the time; you can't turn around that he's not there -- all the time. He is looking to see what he can find, if he can find something wrong, and so far he hasn't, because there isn't anything wrong. We are there to see that there is nothing wrong.

SENATOR RAND: Is there anything else, young lady?

MS. MAROPOLIS: Anything else?

SENATOR RAND: Anything else for the record?

MS. MAROPOLIS: It's just that, we are taxpayers too, and it is very expensive today. The properties are for sale, but no one is buying anything. We have to make expenses. If we do not have any income coming in, we'll be out.

SENATOR RAND: Okay, thank you very much. Mr. Harold Corry, President of the Chelsea Neighborhood Association.

We give everybody an opportunity to speak. Everybody will be given an opportunity, I promise you that, if we have to stay here until six o'clock.

FROM AUDIENCE: How about seven?

SENATOR RAND: Well, I wouldn't like to stay until seven, but I have stayed until seven many times. I have stayed until seven o'clock in the morning in many sessions.

SENATOR GORMLEY: We did that December 31, didn't we? (laughter)

SENATOR RAND: Go right ahead, sir.

H A R O L D C O R R Y: My name is Harold Corry; I am President of the Chelsea Neighborhood Association. The Chelsea Neighborhood Association extends from Arkansas Avenue to Jackson Avenue. We have the largest lump of casinos in the City within our area.

I attended many of these meetings with ACTA, especially the one last April or May at the Masonic Temple. I am sorry you gentlemen were not there at that time, because maybe we wouldn't have this problem now. At that time, the buses and casinos were given voluntary control. I am not going to discuss the whole City; I am just going to discuss the two casinos within the two-block area of my own property, and also the entrance to Albany Avenue.

I live at 5 North Sovereign Avenue, which is just around the corner from the Golden Nugget, and, also, a three-block area away from the Tropicana. My business is located on Atlantic Avenue, and I see, I would say, close to 40% or 50% of the buses that come in and go out of Atlantic City. One of our biggest problems is the control of the buses. I was for control eight months ago, ten months ago, when it first started. At that time, they were given what they call "voluntary control." Tropicana tries to adhere to it; Golden Nugget has gone out of it, and won't have anything to do with it.

At this time, I want to relate an incident with Golden Nugget, when I, myself, was a passenger on a bus trip from Atlantic City. It started at the Seashore Garden, which is approximately four blocks away from the Golden Nugget. Our time pickup was at six-fifteen; we were due at the Golden Nugget, the way we understood it, at six-thirty. We arrived at six-twenty, and our bus driver was scolded by the woman in charge because we were there too early. Whoever scheduled that didn't know what they were doing, because it doesn't take fifteen minutes from Seashore Garden to go to the Golden Nugget. It only takes five minutes.

When we did get in there, we had to sit in the bus until they were ready, which was approximately a half hour. Upon leaving the bus, I had forgotten something at home, which was just around the corner, and this is very important. I went to my home and, as I was going back to the Golden Nugget down Boston Avenue, I could not cross the driveway of Golden Nugget. I'm sorry Mr. Wilson isn't here at this time, but I did relate this to him. A bus was parked in the driveway of Golden Nugget; there were two buses on Boston Avenue to Pacific, and there was a fourth bus trying to make a left turn into the Golden Nugget parking lot. It created a situation where there was no traffic on Pacific Avenue, there was no traffic on Boston Avenue, but pedestrians couldn't even cross the street. The reason I'm telling you this, incidentally, is the necessity of having this bill put into effect, tomorrow if possible. It has been long due, because different casinos are not adhering to it. They are supposed to be calling the buses in when they have parking for these buses, and they don't. They are backed up. Many times I can see two and three buses heading toward Pacific Avenue from Atlantic Avenue, because there is no room, and they park there. We do not have many houses left on Boston Avenue; we have exactly six, but the few we have are where people cannot sit on their porches. I do get the calls, since I am president of the local association.

On Brighton Avenue, where a few of our members live, the same thing happens with the Tropicana. There definitely has to be formal control of the buses entering and exiting from the City of Atlantic City. I was for it ten months ago, and I am still for it. I mean control in exiting, and in coming to pick up passengers. At one trip to the Tropicana, I saw five buses being dispatched at one time from their loading zone. That meant that five buses would be waiting for the light at Atlantic Avenue, emitting their fumes for two or three minutes, and that is what happened to the people on Brighton

Avenue. They get the fumes; they can't sit on their porches. They have rooming houses, but they cannot rent rooms because their guests do not want to be asphyxiated by the fumes of the buses.

Right now it is wintertime, and it is not quite as bad, but summer is just around the corner. Gentlemen, I urge you at this time to speed up the process. We need it very badly. You have to pass the law; ACTA has to start working on it, and has to give the other communities the rights to do certain things.

Now, there is only one more point that I would like to bring out, and that is the monument on the Parkway, at Ventnor Avenue and Albany Avenue. With ACTA's strength in controlling, you can control the buses that come around the monument. Many people have seen that, many times, now even in the wintertime when traffic isn't really heavy, and the bridge does not open as often as it does in the spring and the summer, we have six and seven buses trying to get around that monument. It's impossible. If you have six cars make that turnaround, you're lucky. And, of course then, there is the turn at Winchester Avenue and Albany Avenue. You can't blame some of the out-of-town buses for using that turn, because there are no signs. This was brought up ten months ago; it was brought up at council meetings and other meetings, and no one has put up a sign yet that coming down Albany Avenue into Atlantic City, there is no bus traffic allowed to make a left turn on Winchester Avenue. Two blocks prior to the bridge, if you gentlemen came in that way, you would see signs saying, "To Bally," "To Harrah's," and you would see everyone else make the left turn on Winchester. You can't always blame the bus drivers, and I heard a lot of people blame all the bus drivers. A lot of them are new to Atlantic City; there are substitute bus drivers. In that respect, you can't blame them. You have to educate them, and the only way you are going to educate them, is if you do give the teeth to ACTA to have a central place that all buses have to come into before they enter Atlantic City. Thank you, gentlemen.

SENATOR RAND: Thank you very much; thank you for your time. Mr. Frank Schipani?

FRANK SCHIPANI: Mr. Chairman, members of the Committee, Senator Gormley: I would like to make a few statements here to bring to the attention of the Committee some adverse conditions concerning busing and where the unloading points and the loading points are covered under the act. Now, the point that I would like to bring out is, the routing of the buses does not eliminate the level of impact at the points of loading and unloading. The route doesn't eliminate it, because they have to go to the place of designation, more or less as home plate on a baseball field. The routing or regulating -- do you know what I mean -- does not eliminate that problem which I am concerned with. I live at 100 South Bellevue Avenue. I am here speaking on behalf of approximately one hundred of the residents of that area.

Now, the point that I am trying to bring out is that you can have the buses lining up, and they must go to that designated area to load and unload. The quality of air that is there between ten o'clock in the morning and three or four in the morning -- it's three or four when they leave, and that is approximately fourteen hours -- that quality of air may be satisfactory in a commercial area. Now, is that a satisfactory level, that air quality, right there where people reside adjacent to the casinos in this area, 100 South Florida Avenue and Bellevue Avenue? Now, that quality of air right there is what we have to live in, on a continuous basis. And, this business of a voluntary basis when coming in is purely, you know, "Yes, we have it in the law that we are going to volunteer it, but whether we do it is another question."

I agree with the point that Senator Gormley made that the primary issue should be the life style, the good and welfare of the citizens of Atlantic City. He stated the "life style," and when these people come in and put their businesses there, and our life style is as such, and then they put all this adverse impact upon us, the citizens, right there, we have no alternative but to stay there and just breathe that air in. Now, you say, "Well, this problem is a real problem. How does it go away? What do we do? Do we jeopardize the life style, the good and welfare of the citizen for the good of the casinos?" You made a statement earlier that maybe we ought to set up a permanent staging area. Look at this; look at all the problems that would be resolved if we had a permanent staging area. First of all, we're talking about 1,100 buses a day. I would like to know of any city, any municipality, with public transportation that has that many buses coming into their city, even New York, at one time.

The point that I am trying to bring out is that it has to be covered under the act, the loading and the unloading, and I think that somewhere along the line you could possibly add it into the act. I used the example of the baseball field, using home plate as the home site of the casinos. We have three ways to come into Atlantic City, first, second and third base. How to get to home plate with the least adverse affect to the citizens, whether it be the route, or whatever. Draw a picture of a baseball field. Do we come through center field to get to home plate, or do we come from in back of home plate to get into the City? Now, we have the structure and we can set it in there. When the casino act was put into effect, we did not foresee the busing problem. That was something that ultimately came and we got it, and it's a good thing. It's good for the City, and it's good for the casinos. The only thing is, that where they are being used has an adverse affect on the citizens.

You have to recognize one fact. You can control charter buses. If those charter buses get out of hand -- or could it come under public transportation? It is no different that the year one. When I wanted to come to Atlantic City, I got to the train station or the bus station, and then I walked wherever I wanted to go. Now, if we can stage some areas where these buses could come into Atlantic City within a reasonable walking distance of these casinos-- There are only three ways to come into Atlantic City. Somewhere along the line, when ACTA is up there, or even the master plan, they could say, "Maybe we could use monies for reinvestment to accomplish this." I think this is so long-range that we have to see that we pacify the problem today, because it is going to be here tomorrow and the next day.

But, what you said, "permanent staging area," that is what we have to look at and crank into law, not how many parking lots we have in Atlantic City, because, sure, the one who has the parking lot, that is to his best interest. But, is it to the best interest of the man who lives next door? You have to look at the overall picture, for the good and welfare of the citizens of Atlantic City who have to live here and breathe this stuff.

Then, another thing, the State should take steps to monitor the air in these areas. Just monitor the air and see if it is at a safe level for the residents to live in. I am not talking about commercial areas. I'm talking about people who stay in these areas for twelve or fourteen hours a day, who live right next door to these parking lots.

Before I go any further here, I want to show the Committee the situation we went through where buses were loading right in front of our houses. (Witness walks to Committee table to show pictures to Senators.) These are pictures of buses loading right in front of our houses. One day three hundred buses came in there -- three hundred buses. That is one of the areas of loading and unloading.

SENATOR McMANIMON: That is one block from the casinos, correct?

MR. SCHIPANI: Pardon?

SENATOR McMANIMON: One block from the casino?

MR. SCHIPANI: No, the casino is right there. It is right in the same block. That is the situation in which we have to live. And, where can we go to air out our problems? What vehicle? Who do we call on? Who do we register to? I think if it is cranked into the act and looked at -- because this is a long-range thing that is going to be for the benefit of Atlantic City -- to have permanent staging areas, no different than the municipal bus station. I feel that the good Senators, before they make it, could possibly crank this into the act. There are areas we could use. Once you get this out, you know, into the outlying areas of the City, they won't even be traveling the routes. The regulating could be eliminated. I mean, look how many problems you could eliminate by looking into this. You have the facility, if you treat it as such, as public transportation, wouldn't they have to go to a municipal bus station to load and unload?

Now, the mere problem that they want to have the charters come to their doors-- If they want to have the charters come to their doors at the expense of the citizens, then that is not right.

SENATOR RAND: Thank you very much, Mr. Schipani. Mr. Harold Abrams.

HAROLD P. ABRAMS: I know it has been a long day, so I will make it as quick as I can. I turned in a copy of my statement, so I hope you still have it.

Senator Rand, I want to thank you for bringing the Committee here to the people of Atlantic City. My name is Harold Abrams. I am an environmental consultant planner. I have been a member of the Atlantic County Citizens' Council on Environment since 1970. I have served as President of this Council since 1975. I have also served, for the past two years, with a task force on transportation for the Atlantic City Chamber of Commerce.

I would simply ask this Committee to solicit input to this proposed bill from the office of the New Jersey Public Advocate, the Commissioner of Environmental Protection, and other public health agencies in this State. I am very surprised that no one-- There was a lot of emotion shown at this microphone today, and I am very surprised that this hasn't been brought up by some of these people, who are really there to look after the lives of the people in the State of New Jersey, that their health and welfare, and the public best be served. I feel your bill would not properly safeguard the rights of the general public without the input and expertise these agencies could provide. I strongly urge you to solicit their consultation.

In my personal opinion, I am very much in favor of Senator Gormley's bill, and I am very much in favor of giving the authority to Steve Labov and Ian Jerome, and the people at ACTA, who I think are doing an outstanding job. I want to congratulate Senator Gormley for his outstanding efforts in trying to resolve some very difficult problems. I have been here since ten o'clock this morning, and I was very heartened on the other hand to see the mayor of Atlantic City and the county executive, and a lot of elected officials, showing a spirit of cooperation. I hope this is a forerunner and that this can be resolved, as some of the many other things have been which affect our entire City.

I thank you again for bringing this Committee to our City.

SENATOR RAND: Mr. Abrams, thank you very, very much, and I thank you and all the other people who sat through a very long day and waited to be heard. We are very appreciative of your comments.

SENATOR GORMLEY: If I may, I would like to make a suggestion, even though I am not a member of the Committee. Could the Committee review a

potential suggestion in the bus area that could be coordinated with the Department of Environmental Protection? There is currently in DEP regulations the requirement that CAFRA only controls parking lots with three hundred cars or more. Is that correct, Harold? (response cannot be heard) I think we might ask the Commissioner to review the potential to exempt that three hundred number in the case of bus parking, and not have a number requirement, just that bus parking in of itself would be subject to CAFRA review, which would give it the type of environmental review I think we are looking for with regard to bus parking. I think you will find that the lots in question could just get mercantile licenses, and this is not to cast aspersions on any particular lot, but they were not subject to environmental review when they made that change of use, because they were a parking lot under three hundred cars, going to a facility that obviously could not house three hundred buses. But, if that were subject to CAFRA review, that would throw, I think, a reasonable level of environmental review over what is perceived, and correctly so, as a potential environmental problem.

So, I ask the Committee to review that potential as a potential recommendation from the Committee to CAFRA.

SENATOR RAND: Thank you very much, Senator Gormley. Mr. John Scarselletti. I told you we would get to everybody.

JOHN SCARSELLETTI: Gentlemen, I came in late because I was at the Planning Board this morning, but there is a question before I make my presentation for you. There is a question here about the parking lots, the bus parking lots-- What is the relationship between the grandfather lots and the bus lots which were recently granted? You see, to me there really is no relationship, because there are grandfather lots, but these were just permitted recently for the busing department. They shouldn't be going into a grandfather--

SENATOR RAND: When we speak about grandfathering, we exempt those lots that are in existence.

MR. SCARSELLETTI: Right.

SENATOR RAND: That doesn't say that we are going to exempt all these lots. We have asked ACTA for a full report on the lots that have been in existence, how long they have been in existence, when they came into existence, and when the mercantile licenses were given, so that this Committee can be made aware of the background of the entire bus parking situation in Atlantic City.

MR. SCARSELLETTI: All right.

SENATOR RAND: Unless we are privy to that information, we cannot honestly make a decision.

MR. SCARSELLETTI: No, the reason I said that is because there has been legislation in the City with reference to grandfather lots. As a matter of fact, as Senator Gormley pointed out, on July 1, all the lots are going to be reviewed. It was put in the ordinance that way, to just do exactly what you are saying, to weed them out, because there have been some bus lots close due to the people's--

SENATOR McMANIMON: Due to the demands of the people.

MR. SCARSELLETTI: Right.

SENATOR RAND: Let me interrupt, and tell you again that if Atlantic City were not to renew any licenses on July 1, 1983, that would be none of our business and we would have no comment. That is the prerogative of the municipality. We do not believe they should enlarge it, we believe they should lessen it. But, again, that is the prerogative of the municipality; it is not the State's prerogative.

MR. SCARSELLETTI: All right. Well then, there is another thing in reference to that same subject. There was an ordinance as to the

proliferation of parking lots. It is presently in the process of being rewritten. So, that problem has been addressed.

Now, with reference to the buses and people complaining about the fumes, there also is an ordinance requiring that the buses be shut off in five minutes. The problem is, it is not being enforced. However, that is a police power, and they have all kinds of excuses.

Something was said with reference to the master plan. The master plan cost close to \$3 million to \$5 million, and it has been changed to accommodate self-interest groups. It is presently being considered for alteration again to accommodate another new project, which has already become a controversial issue for which a meeting is being held tonight at the Arcade Building, with a representative from the Casino Control Commission.

Now, gentlemen, I know you have been hearing flowery speeches all day -- that is why these actions are going to help -- but you have heard all association community people coming in here on behalf of this bill. If you came here last week, you would have heard a complete reversal.

First, let me introduce myself. My name is John Scarselletti.

SENATOR McMANIMON: Spell your last name.

MR. SCARSELLETTI: Scarselletti -- S c a r s e l l e t t i. Now, as Senator Gormley can verify, I have been referred to as the "Hawker of the Hall," due to the fact that I have attended all the council meetings, all the Planning Board meetings, all the Zoning Board meetings, and all public meetings such as what you are having here today, pertaining to the matters of the people of Atlantic City and the governing body. You could say I am a self-appointed public advocate. In the February issue of the Atlantic City Magazine there is an article entitled, "City Council Wars," which gives a brief description of the new nine councilmen, and I got an honorable mention as a skeptic. I was the only outsider mentioned in the article, and for good reason.

Over the years I have seen things done that should not have taken place, principally because there was no one there to stop what was going on. Well, gentlemen, S-1865, the transportation act, is the reason for this hearing, and it is a disgrace in a lot of ways. You are now looking at a watered-down version of amendments, but what you should be looking at is what they tried to do with the original amendments. They expanded the power to the authorities to include every mode of transportation except one, and that was the trams on the Boardwalk. And, gentlemen, that form of transportation was a matter, I believe, that was to be decided in court, because they said it was amusement. But, the City backed down.

The transportation act was a bad instrument right from the start. It was initiated, passed and signed into law in three days, at a time when no support could be mustered to object to it. It was the in-between time of Christmas and New Year's. The commissioner did make an attempt to stop this bill by sending a bus load of people to Trenton to protest the passage of the bill. I was one of the protesters on the bus. But, it was a matter of too little, too late for this legislation. Verbal promises were made to the City with regard to the transfer of parking facilities, etc., and the City had to fight to get theirs -- I've said that many times -- because it was not in writing, nor was it made part of the bill. Now, we have these amendments.

Gentlemen, do not look at what is before you, but at what they tried to do, to strip this City clean of anything and all authority over all modes of transportation. This City has literally been raped of all its constitutional rights of self-determination and home rule. I do not feel these watered-down amendments are necessary, because they are already covered in the bill itself. What really happened here, is that ACTA was supported and tried to, once again, rape this City of what authority it had left,

essentially a takeover of all modes of transportation, especially the airport, the only moneymaker the City has left.

It is no secret that ACTA needs money to survive, but I didn't think an Authority was in business to make money, especially at the expense of the municipality from which it would be taken. Gentlemen, ACTA was able to get away with the amendments they first proposed. Then there was a question under 3, Section 6 of P.L. 1980, c.44 (C.40:35B-6) as amended to read -- Line 3 starts with 6.a., "The newly created Department of Transportation of Atlantic City may be illegal and questionable under this Act." So you see, gentlemen, there are many ramifications of the original Act, not only with the amendments, because there are provisions in the Act concerning the Authority having power in that domain. I really was opposed to the passage of this bill. I feel that a closer look at the whole situation should be considered by the Legislature, even considering rescinding this bill and abolishing the Authority, and returning it to Atlantic City where it belongs, because actually, gentlemen, what you are dealing with is transportation in Atlantic City. That is the whole ball of wax. You can say you have thirty-four other municipalities, but Atlantic City is where the action is, and is where the buses come in.

Now, because the Act was solely passed to regulate Atlantic City charter buses, and not the county or the State, Atlantic City now has a transportation department under a new form of government, that has an experienced person as its director who uses his expertise as a former commissioner who was involved in formulating and setting policies and procedures for all modes of transportation for Atlantic City. As I said at the beginning, I am characterized as a skeptic, which I am, due to my experience before the council and the various boards. Therefore, I proposed to the council that we have a lobbyist in Trenton to protect the people of Atlantic City, to act as a public advocate for Atlantic City.

When you leave here and go back to Trenton, we have no guarantee as to what is going to happen to these amendments, which I feel are not necessary in their present form because S-1865 covers these amendments. It will not be the first time, or the last time, that a bill and the amendments were changed at a last meeting, or even while the bill is on the legislative board for consideration. It has been said that the bill and amendments could even die in committee. But, the only problem there is the fact that all legislators are up for reelection this year, due to the fact that some were serving out unfinished terms, and there is a good possibility that the ones who do not seek reelection may be reelected. So, again, the people have no guarantee or assurance of what is going to happen here with the bill because, as I have said before, you may leave here with a watered-down, unnecessary amendment, but when it gets to Trenton it may be a different story.

Gentlemen, we do not like to request outsiders to protect the people of Atlantic City, but under the present situation we are making a very real request until such time as we have a lobbyist, or a public advocate, who will protect their interests, because this City has been raped and, again, its constitutional right to self-determination and home rule has been denied. Gentlemen, do not be fooled by what you presently see before you, and what could have been if the people of Atlantic City did not rise up to the occasion. The people of Atlantic City are finally taking note, and realizing what has happened to them as a result of casino gambling and, from here on it, anyone who is considering or contemplating to fool, trick or scheme anything that is detrimental to the people of Atlantic City, beware, because the Hawker is watching, and the people of Atlantic City have had enough. Thank you.

SENATOR GORMLEY: Excuse me, Hawker. First of all, this bill was in existence seven months before it originally passed. There was a meeting at the Linwood City Hall on November 23, 1979, where I outlined the transportation authority bill. It was eventually passed July 1 of the following year. As a matter of fact, I believe you-- I don't know if you carried the Perskie placard, or the Gormley placard, outside the Seaside Hotel.

MR. SCARSELLETTI: I was not there.

SENATOR GORMLEY: You weren't there for that. Well, there was a public meeting there. There were seven or eight public meetings, and this bill had seven months of public debate, not three days, when it originally--

MR. SCARSELLETTI: Well, no--

SENATOR GORMLEY: Well, you're talking about another bill.

MR. SCARSELLETTI: Which other bill are we talking about?

SENATOR GORMLEY: I don't know what you are talking about, but you're not--

MR. SCARSELLETTI: At that particular time, they were fighting Ordinance 79.

SENATOR GORMLEY: You can talk about Ordinance 79 all you want, but this bill had seven months of public debate when it originally passed. Three days is incredibly inaccurate.

MR. SCARSELLETTI: When was it passed, in June or July, two and a half years ago?

SENATOR GORMLEY: It was passed in June or July of 1980, and the first public meeting I had on it was immediately after the election in 1979. I had a public meeting on it two months before the bill was even introduced, because it was introduced on February 23.

MR. SCARSELLETTI: February 23, 1980.

SENATOR GORMLEY: Okay, fine. The first public meeting was in the Linwood City Hall with every city in Atlantic County invited, including the City of Atlantic City, and Commissioner Roth was there on that date. So, it was seven months, Hawk. You know, you're making a lot of quotes.

MR. SCARSELLETTI: I know we went to Trenton on the deal, and it was at Christmas when we went.

SENATOR GORMLEY: No.

MR. SCARSELLETTI: Or, after Christmas, it was in-between.

SENATOR GORMLEY: Well, it was 364 days after Christmas.

MR. SCARSELLETTI: No, no, it was in-between.

SENATOR McMANIMON: We did not meet between Christmas and New Year's; we met almost practically up through Christmas. It wasn't between Christmas and New Year's.

SENATOR GORMLEY: Anyway, the Transportation Authority Bill, creating a transportation authority, as you correctly related, was signed in June, or in the summer of 1980.

MR. SCARSELLETTI: Right.

SENATOR GORMLEY: It was originally brought up in 1979. I would like Senator Rand to relate, or anybody, including Councilman Whelan-- The original amendments caused some confusion, and you can draw any conclusion you like, but I will go on my public creditability of what I say I am going to do, and what I mean. I never intended to, I never wanted to, and always stated that I didn't want to take over the airport. No one is sneaking or maneuvering behind anybody's back, because you don't have public hearings when you are sneaking and maneuvering behind people's backs.

MR. SCARSELLETTI: Yes, but between last week and this week, there has been a drastic turnaround and change with reference to these amendments.

SENATOR GORMLEY: Exactly, exactly, and no one was ever trying to take anything over. No one was trying to do any snooker playing whatsoever. There was no midnight legislation passed in the middle of the evening. There has been a public hearing scheduled for a few weeks on this. What we did was, we sat down and we went over every possible question, and any potential confusion. I met with Councilman Whelan for six hours about ten days ago, before there was any public comment on this, and I specifically told him, "I do not want to take anything from the City of Atlantic City. All we want to do is delegate the authority from DOT to the City." This has been my stance with the mayor, and with anybody else.

And, if you want to be very frank, it's really a shame that there is a wasted department in the City of Atlantic City that is a total waste of money.

MR. SCARSELLETTI: Well, that is a question that I raised here.

SENATOR GORMLEY: Well, you do have a waste of money. You have a transportation department in the City of Atlantic City; that is a total waste of money. It has been created, probably, just to file suit against this agency.

MR. SCARSELLETTI: What it was created for, I don't know; that is the present Administration.

SENATOR RAND: Let me just clear the air, if I might. I don't know if I can speak for Assemblyman Gorman at that time, but I know I do speak for Senator Perskie at that time. When the bill was introduced creating ACTA back in early 1980, or back in 1979, what it did, very frankly, was to preserve some home rule, because there were those of us who thought there should not be an ACTA, and there should not be an Atlantic City Transportation Authority; there should be a State regional concept, the same as the Meadowlands. There were those of us who went along because Senator Perskie and Assemblyman Gorman, at that time, prevailed on us to go back to the conception of home rule, so that we did not take it away from Atlantic City.

Very frankly, if I may address you, and maybe my mind has-- I don't know if my mind has completely changed. I do know we are faced with the reality that ACTA is a creation of the Legislature.

MR. SCARSELLETTI: Right.

SENATOR RAND: And, I will address anything that is a creation of the Legislature within its proper scope. My initial reaction was always that there should be, not "little brother," but there should be "big brother," because I think it could have been handled on a State scale with some influx of money, with some total control of not just one county, but maybe of three counties, because Atlantic City gambling, or casino gambling, was never meant just for Atlantic City itself. It is not Atlantic City, United States; it is Atlantic City, New Jersey, and the money that we put into Atlantic City not only affects Atlantic City, but it affects the entire State. The State of New Jersey has poured a tremendous amount of money into this community, and rightfully so.

Now, let me get to the second thing. The point that we bring up about this bill, which I refer to as an original act of legislation which was a creation of the Legislature -- and there is no question about that -- is that we try to handle this, and this, by the way, has been kicked around I want to tell you, not for two weeks, not for three weeks, but we have been kicking this around for some six months. Oh, more than that. This came in with Senator Perskie before he left, and then Senator Gormley took over and began to process it.

What we have done is, we have attempted to at least preserve some home rule, because, very frankly, if Senator Gormley was not interested in

preserving home rule for Atlantic City, he could have left the original bill go. And, do you want to know something? We would have structured a bill that would not have tinkered one damn about Atlantic City, but rather might have just helped the people, without thinking of the municipality. But, I think that Senator Gormley was very, very broad-minded. I think what he tried to do, very frankly, before the Committee or anybody else came to that conclusion, he moved in a direction to try to bring a consensus together, and I'm sorry that you weren't here today, because I think you would have seen that type of consensus by the bus people -- and there wasn't total agreement on everything -- the county people, the municipal people, the mayor, the council people and ACTA, and I was very pleasantly surprised. I have to say that to you. I came down here anticipating the worst, and I leave here tonight a much more relieved individual, not because everybody was so gracious and threw flowers, because I don't particularly request that, but because I think we have the ability now to structure a bill for the good of Atlantic City, for the good of the people, and for the good of the county. And, that is what it is all about.

I admit that we will not be able to make everybody happy. There is no question about that.

MR. SCARSELLETTI: That's obvious.

SENATOR RAND: But, we are going to do our damndest to make a bill, to structure a bill, with the guts in there that will make it work. Senator McManimon?

SENATOR McMANIMON: Well, Walter, I have no doubt within myself that my sole purpose and concern here is what is for the good of Atlantic County, not just Atlantic City. I would more or less have to disagree with Senator Gormley, whom I happen to respect very much, but I disagree with him with respect to the fact that he projected a concept on the duplication of services and expenditures because Atlantic City professes to have its own transportation department. I sincerely feel that because of the unique make-up of Atlantic City, and the resort and recreational concept it is projecting, that Atlantic City is going to have to have its own transportation department to accommodate the specialties that are here. So, that is an area where we would have a difference of opinion. Yet, the spin-off effect of casinos definitely requires a regional concept because of the twenty-three municipalities involved. ACTA is the proper mechanism to really resolve these problems. You have heard people here today-- You have heard business people take a personal affront because they feel they are being infringed upon. You have heard residents take a personal affront because they feel -- you mentioned it yourself -- an environmental impact, and they can't sit on their front porches.

So, now it is no longer just a parochial problem, it becomes a regional problem. Yet, at the same time, I know where you're coming from with respect to the home rule philosophy. There are 567 individual municipalities in this State, and each has its right to function as they so see need. But, when it projects an ultraregional aspect, then we cannot close the door on that. We have to embrace that.

What has happened here today, is that you had the county executive, you had the mayor, you had members of the council, and you had members of the Board of Freeholders, collectively saying, "Let's do something together, and get done what is best for all." I concur with that philosophy 100%, but I would never agree with Senator Gormley. Atlantic City, because of its uniqueness now, would naturally want its own transportation department.

SENATOR GORMLEY: I will review the history of the agency with you another time.

SENATOR McMANIMON: You have the "little brother" and the "big brother." Now, let's quit kidding one another.

SENATOR GORMLEY: I'll review the "little brother" concept with this agency with you.

SENATOR RAND: We thank you very much. Mr. Scarselletti was the last person we had on the list. If there is anyone we have missed, we would be very happy to hear from you. Is there anyone who wishes to testify before we adjourn this meeting? (no response) What is the old expression, "Speak now, or forever hold your piece?" If we have missed anybody, or if anybody has come in since we called their names-- If not, let me further thank Senator Gormley, and let me thank ACTA. I would like to thank Mayor Matthews and City council for presenting us with this very beautiful room, and for having us down here today. For the lunch, Senator Gormley, we send our thanks to you, and we thank everyone for their attendance. This meeting is now adjourned.

(HEARING CONCLUDED)



MERCHANTS ASSOCIATION
atlantic city, new jersey 08401

Barbara Holtz
Executive Secretary
607 N. Clermont Avenue
Margate, New Jersey 08402
Phone: 609 822-9778
Pager: 609 653-7917

February 7, 1983

Position Paper: Transportation Problems Facing Atlantic City

The following concept, which addresses the Transportation, Business and Parking problems of Atlantic City, is intended as a point of departure rather than as a proposal. Input from all involved segments of the community is required and complete cooperation is necessary if such a program is to be implemented. The principals integral to a viable plan of this nature must include, but are not limited to the: City of Atlantic City; Atlantic County Transportation Authority; Atlantic City Expressway Authority; Atlantic City Casino Hotel Association; Atlantic City Merchants Association; and Parking Association of Atlantic City; Jitneyman's Association of Atlantic City; Taxi Association and Greater Atlantic City Chamber of Commerce. Additional assistance will be required from New Jersey Department of Environmental Protection, CAFRA, ACBOA, New Jersey DOT, etc.

The purpose of the plan will be to address the needs of the Community, and the burgeoning problems of Bus traffic as well as the impact of intercept parking on the Business District, the casino employee and the private citizenry. It is important that the interim nature of the solution be understood as the problem itself is temporary and will be alleviated by future development of the area. Grand ideas of sophisticated "people movers" and integrated parking systems are solutions of the future and must be considered impractical today due to the lack of funding and a less than perfect transportation infrastructure. Furthermore, until the ultimate needs are firmly established, (i.e., the form of development the City will take as to Casinos, housing, business) we cannot implement a permanent transportation system.

The ensuing subjective outline is intended to indicate the overall picture and how each action interrelates with the others. Also, it attempts to reflect how each proposal would benefit the activity involved as well as those subordinate to it.

1. The Casino employees parking on the intercept parking facilities will be removed from those facilities.
 - A. Most find such parking inconvenient and would prefer to park closer to work.
 - B. Shuttling is expensive and time consuming.
 - C. Employee mobility is sharply curtailed before and after working hours.

2. Private and ACTA parking lots located in a consolidated area, which is close to the casino operations, would allocate sufficient parking spaces on upgraded facilities (to comply with City ordinances) for employee parking. The cost to the casino's using the facilities would cover the parking space, security, and transportation to and from each lot and casino.
 - A. Private and ACTA lots would be assured year-round revenues.
 - B. Most lots in question are not presently used to capacity.
 - C. Shuttle service would be operated by whoever manages the parking system and only one service would be needed for all participating casino operations.
3. Buses now being parked in the City on ACTA and private lots would be removed to the Expressway intercept facility under the control of ACTA. All buses heading into the City would be metered through this facility or substations located at strategic areas to control the flow. After discharging passengers at designated locations within the City, buses would return to intercept lot to be parked. When passengers are ready to be picked up, the same process would be integrated into the flow.
 - A. Buses would be removed from parking facilities in the City resolving one of the major complaints by the public.
 - B. Buses being used for personal conveniences, such as sightseeing, air conditioning/heating, or going to eat, would be eliminated.
 - C. The number of buses on the streets approaching casinos would be controlled.
 - D. Fumes, noise, and congestion attendant to buses would be reduced.
 - E. Drivers would be given a central location and provided with centralized facilities as well as transportation to and from the City, thus providing better control.
4. Either ACTA or a designated private form of transportation would be dedicated to provide security and transportation services for casino employees from the parking facilities to work.
 - A. With parking, security, and shuttle service all managed through a single entity, the costs to the users will be significantly reduced primarily by elimination of duplication of services.
 - B. Employees would still have the option as to modes of travel to and from work. Because their vehicles are nearer to work, they could walk when they desire to shop along the way.
 - C. The shuttles could also have a limited number of stops in the business district which would add further convenience to the employee and contribute greatly to Atlantic City's Central Business District and be a factor towards its revitalization.

5. Those lots, in and around the Central Business District, which are owned, leased, or controlled by the Casinos and restrict parking only to their patrons or executives, must allow a specified number of parking spaces in designated lots to the Atlantic City Merchants Association "Park and Shop" program.
- A. This will allow more parking for shoppers in closer proximity to the stores.
 - B. The system will provide convenience to the employee by making the CBD more accessible to them while going to or from work.
 - C. The shopping area will be in direct line with their traffic pattern as they come or go to work and they can stop - free of charge - to shop without having to go a circuitous and time consuming route that is at the same time expensive and contributes to traffic congestion.
 - D. Participating merchants reimburse the parking lot owners based on current Park and Shop rates and usage.



Fredric Klein, President

FK/bh

Victoria Kusnell
17 S. Brighton Ave.
Atlantic City, N.J. 08401

State of New Jersey
Senate Hearing No. 1865
Atlantic City Convention Hall
Wednesday, February 16, 1983

Ladies and Gentlemen:

The matter under consideration here is the struggle between the Atlantic City residents on one side and the very powerful Motorbus Lobby on the other.

Needless to say, the Bus Companies would like nothing better than to remove anyone or thing that impedes them. They are perfectly aware of the fact that no one has any jurisdiction over them.

Just one in a series of incidents occurred when I was first in a line of cars, facing north at Brighton and Atlantic Aves., waiting for the light to change. A charter bus, coming to the Tropicana Hotel, traveling east on Atlantic Ave, tried to beat the light. He made such a fast, wide swing into Brighton Ave. that his left side of his bus was so far into my lane I could not move. He then proceeded to get out of his bus, walk south on Brighton Ave. and order all the cars to back up until he had enough room to turn. Had we refused to move, the police could have ticketed us, but could do nothing to

the bus driver and the driver knew it.

600 to 800 buses can pass our house in a given 18 hour period and, at this time, no one has the authority to regulate them.

There are times too numerous to mention, when, if there were a real or impending disaster at the Tropicana or any nearby facility, the only thing that could get through would be prayers. We have seen ambulances stuck in this traffic. This also concerns us on a personal level because we have difficulty getting into or out of our driveway, and once out, it has taken us forty-five minutes to drive ten blocks.

I DO NOT EXAGGERATE! We have seen the Tropicana valet parkers get so frustrated by the constant line of buses that they drive into the oncoming traffic lane to get to Pacific Ave. to make their left turns. One of these days, one is going to miss the miss and get the hit. It is bound to happen. The Tropicana has had 200 buses in a single day. Since each bus comes in, discharges, leaves, then returns, picks up and leaves, that relates to 800 buses in 20 hours, which averages out to 40 buses an hour, which means a bus almost every minute. Given the traffic pattern, there are buses on the street constantly.

If each of the 8 existing casinos in Atlantic City proper schedule 150 buses, that means 1200 buses descend upon Atlantic City. They use multi-lane highways to get here. The Garden State Parkway, White Horse Pike, Atlantic City Expressway, Black Horse Pike and numerous smaller roads and they converge upon an area 20 blocks long and one block wide. This is really mass transit confusion.

Another concern is: when there are 6 or 8 fully loaded buses moving over the street at the same time, what is happening to the substructure of the roadbed, and what effect will this have on the sewer and gas lines? God forbid that there is a gas explosion in the offing!

Another vital concern is the bus driver. He is a person responsible for the well-being of thousands of people. ACTA should be sure that not just adequate, but very comfortable facilities are provided for them. There should be relaxing rest areas and good food provided whether by restaurant, vendor carts or the like. Rested, well-fed drivers are much safer on the road than hungry ill-tempered ones.

Thank you.