

Jon S. Corzine
Governor

Stephen Dilts
Board Chairman

Richard R. Sarles
Executive Director

N TRANSIT
One Penn Plaza East
Newark, New Jersey 07105-2248
973-481-7000



December 11, 2009

Dear Governor Corzine:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the regularly scheduled meetings of the New Jersey Transit Corporation, NJ Transit Rail Operations, Inc., NJ Transit Bus Operations, Inc., and NJ Transit Mercer, Inc., Board of Directors held on Tuesday, December 9, 2009.

Sincerely,

Gwen A. Watson
Board Secretary

Enclosures

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

December 11, 2009

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Sincerely,

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

Gwen A. Watson
Board Secretary

Enclosures

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

**NJ TRANSIT BOARD MEETING
NARRATIVE
OPEN SESSION
12/9/09**

(NJT Board – 12/09/2009)

Minutes of the actions taken at the Open Session of the regularly scheduled Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Wednesday, December 9, 2009.

Present:

Stephen Dilts, Chairman
Myron P. Shevell, Vice Chairman
James A. Carey, Jr., Governor's Representative
R. David Rousseau, State Treasurer
Flora Castillo
Kenneth E. Pringle

Richard R. Sarles, Executive Director
Gwen A. Watson, Board Secretary
Lynn Bowersox, Assistant Executive Director, Communications & Customer Service
James Gigantino, Vice President & General Manager, Bus Operations
William Duggan, Acting Vice President & General Manager, Rail Operations
Kim Vaccari, Chief Financial Officer & Treasurer
Steve Santoro, Assistant Executive Director, Capital Planning and Programs
Alma Scott-Buczak, Assistant Executive Director, Human Resources
Leotis Sanders, Vice President, Diversity
Warren A. Hersh, Auditor General
Kenneth Worton, Deputy Attorney General

Chairman Stephen Dilts convened the Open Session at 9:05 a.m. in accordance with the Open Public Meetings Act and asked for a motion to enter Executive Session to discuss contract negotiations, attorney-client litigation and personnel matters. A motion was made by Kenneth E. Pringle, seconded by Flora Castillo and unanimously adopted.

Chairman Dilts reconvened the Open Session at 9:59 a.m. and asked for a motion to adopt the minutes of the November 10, 2009 meeting. A motion was made by Myron P. Shevell and seconded by Kenneth E. Pringle and adopted.

Executive Director Richard R. Sarles highlighted the following from his monthly business report.

THE Tunnel

Executive Director Sarles welcomed everyone to the last meeting of the calendar year and said this past summer, NJ TRANSIT broke ground on the single most important project in the history of NJ TRANSIT, THE Tunnel, and the project again comes to the Board's attention in the form of a milestone construction contract. This largest public transportation project in the nation will double commuter rail capacity between New Jersey and New York with two side-by-side, single-track tunnels under the Hudson River. It is already providing economic benefits by creating jobs for the construction and related industries. It will create or sustain 6,000 jobs during construction and 44,000 permanent jobs afterwards. This project is really about the grandchildren who are the beneficiaries and who will be looking back and thanking the Governor, Senators Lautenberg and Menendez and countless others whose support advanced it. The Board

will be asked to approve a construction contract for the first of three tunnel segments. A model of a tunnel-boring machine is just outside the meeting room. Two of them will be used on the Manhattan segment.

Executive Director Sarles said that he would deviate from the normal agenda procedure and would first ask the Board to consider the Manhattan Tunnel contract. He asked for public comments on that item.

Public Comments on the Manhattan Tunnel Contract

There were 10 public comments on the Manhattan Tunnel contract.

Jim Kirkos, Meadowlands Regional Chamber of Commerce, said he came to share two experiences in support of NJ TRANSIT taking action on this tunnel contract. The Access to the Region's Core project means everything to advancing the economy in the North Jersey economic region. North Jersey's top three priority issues for the next 25 years are issues surrounding the sports complex, Meadowlands Commission and the master plan and transportation infrastructure projects. Mr. Kirkos advocates the tunnel project. Mr. Kirkos said the Chamber of Commerce traveled to China with 66 members and, while traveling through Shanghai, noted that through entire length of the trip there were infrastructure projects. It was remarkable and told his associates that this is what New Jersey is doing, advancing visionary projects for the future. Mr. Kirkos, along with members of the Chamber of Commerce, strongly urged NJ TRANSIT to advance this project.

David Peter Alan, Lackawanna Coalition, said the Coalition is non-partisan and does not endorse candidates for election to office. The same is true of the New Jersey Association of Railroad Passengers and the Sierra Club and other organizations which join in objecting to the proposed deep cavern terminal far under Manhattan and unnecessary expenses concerning the Portal Bridge project. Governor-elect Chris Christie ran on a platform of getting New Jersey's budget under control by curbing excessive spending. It is especially shameful that three lame-duck appointees who will probably be replaced by the next Board Meeting are being asked to commit to over one billion dollars on THE Tunnel and Portal Bridge projects. He said this Board has never demonstrated the independent thought or will power required to deny management anything it requests.

Mr. Alan said the entire agenda is a shameful exercise in spending tremendous amounts of scarce money before the current Governor leaves office. The voters of New Jersey did not vote for a change in Trenton so public agencies could pay high priced consultants huge sums of money for jobs whose requirements are not disclosed to the taxpayers who must ultimately pay these bills.

Mr. Alan said the worst offender by far is the proposed contract for tunnel construction under Manhattan as part of the Access to the Region's Core project. Not only will this item commit over one billion dollars, but it will set an alignment that will forever preclude the far less expensive and more useful Penn Station First plan which has been endorsed by the rail advocacy community across the nation and the allies in the environmental movement. This item is an offense against New Jersey's rail riders who

will be denied access to the existing Penn Station, especially riders on the Morris & Essex and Montclair-Boonton Lines, who would lose much of what they gained with Midtown Direct service and be forced into the proposed dead-end terminal. It is also offensive to the taxpayers of New Jersey who would be forced to pay at least three billion dollars for the deep cavern terminal that they do not need.

The contract at issue is a job creation project, but only for New York workers and not for New Jersey workers. Mr. Alan said projects are needed that will expand the transit network in New Jersey, which can be built for far less money.

Mr. Alan called upon the four members of the Board who do not represent the Governor directly to defeat this spending spree, especially the Tunnel and Portal Bridge issues, so that the entire tunnel project can be revisited under the Christie administration. This would require a measure of courage, independent thought and loyalty to New Jersey's taxpayers that is rarely seen in this Board, but he remains confident that they are capable of such a courageous act.

Dan O'Connell, United Transportation Union, who represents train and engine employees, said he looks forward to the day trains run through the new tunnel which will serve two purposes. It will put people to work and it will set the table for New Jersey so when the economy turns around, the infrastructure will be in place to move people and goods. Mr. O'Connell congratulated NJ TRANSIT for moving this project forward.

James T. Raleigh said he is in favor of more rail capacity but many people have serious reservations about the money being spent in New York City without a coordinated regional plan. Many people feel strongly that some of the money saved in New York can be used to help develop transportation coordination in New Jersey. Spending money in New York is for only half of the New Jersey rail commuters. Mr. Raleigh mentioned his concerns that he has repeated in the past about THE Tunnel project. He said the connection of the tunnel with the existing New York Penn Station is quicker and less costly than the implementation NJ TRANSIT is considering. The connections between Amtrak's Newark and New York stations have less costly alternatives for New Jersey, the region and Amtrak with the ongoing use of the three track Lower Hackensack River Bridge and more serious consideration of a Hoboken connection for the new tunnel. The release of the Access to the Region's Core Major Investment Study has still not been released and may show more significant alternatives. With the changes in the economy, the use of such large sums of New Jersey's taxpayer money could be better used for more rail commuter services. Rather than providing more buses on overcrowded highways, more options and more frequent service for commuter and regional rail passengers appears to be a better use of limited funds today and in the future.

Joseph M. Clift, Regional Rail Working Group, said he experienced a 40 minute train delay on his way to the meeting and that will not change after billions of dollars are spent. He said there is a base reliability problem. Other speakers talked about jobs, but Manhattan is in New York and 99 percent of the jobs are in New York and there is very little economic benefit in New Jersey. He said that \$728.3 million will be approved today for the tunnel contract and Portal Bridge. Mr. Clift had the following questions: 1) Can the \$728.3 million in funding required to cover today's authorizations be specifically

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identified? 2) Are these funds legally available today? 3) How do these project awards and amendments compare to budgeted amounts? Should the current Access to the Region's Core \$8.7 billion price tag be increased? The Manhattan Tunnels contract is the first major opportunity to examine construction budget estimates. 4) Is the current \$10.4 billion price tag for Access to the Region's Core and Portal Bridge affordable, given the realities of 2010 New Jersey? Mr. Clift said he does not believe the Board can answer these questions and, if that is the case, the Board should not vote on this today. He said the Board should question spending this amount of money.

Samuel Foley, Associate Attorney from the Minority Business Enterprise Legal Defense and Education Fund and Construction Committee Chairman for the National Black Chamber of Commerce, said from the inception of THE Tunnel project, those organizations have monitored NJ TRANSIT's approach to the inclusion of minority contractors. The two most important observations about the process are 1) a lack of transparency in goal setting methodology, leading to artificially low goals and 2) a failure to be innovative in designing a program to facilitate disadvantaged business enterprise capacity development. Nothing this Board has said or done thus far would lead a fair-minded observer to conclude that NJ TRANSIT seeks to maximize minority participation. Quite the contrary, the expressed participation goals and obscure goal setting methodology lead to two conclusions: NJ TRANSIT lacks the experience, knowledge and creativity needed to fashion and execute an aggressive and successful minority participation program or that it lacks the will to do so. In either case, Mr. Foley said he is here to help and offered a carrot or a stick. He said the carrot is the assembled resources of national and local organizations and institutions with the expertise to help NJ TRANSIT implement a minority inclusion program that honors both the letter and the spirit of its obligations under Title VI of the Civil Rights Act of 1964. Mr. Foley said if NJ TRANSIT refuses the carrot, it can expect the stick which is a full blown review of the Title VI compliance efforts by Congress and the Department of Transportation.

Mr. Foley said months have been spent in preparation for both possibilities and he has already presented the case to Congress and the Obama Administration and believes that they will insist on full compliance with the law. Mr. Foley is prepared to place at NJ TRANSIT's disposal resources that will enable a quick change of course and implement a minority inclusion program that is worthy of the largest construction project in the nation. Mr. Foley implored NJ TRANSIT to keep in mind that it is not in the best interests of those it serves to continue on a course that invites dissension, legal conflict and the waste of human and financial resources and asked NJ TRANSIT to take the carrot and be creative, be inclusive and use the best practices available to comply fully with the Department of Transportation's Disadvantaged Business Enterprise Regulations and the requirements of the Federal Transit Administration's Master Agreement.

Mr. Foley respectfully recommended that NJ TRANSIT begin authorizing the following actions: 1) describe and disclose the methodology used to establish the base figure for Disadvantaged Business Enterprise participation and the evidence used for those calculations; 2) Detail the adjustments made to the base figure and the evidence used for the adjustments; and 3) Develop both race-neutral and race-conscious projections with supporting documentation as required by law.

Zoe Baldwin, Tri-State Transportation Campaign, said "build it and they will come". Transit riders are here now and packed into trains. She said THE Tunnel project will benefit New Jersey and the entire region to make it more livable and reduce car emissions. THE Tunnel project is a sound investment and she looks forward to this visionary project. Ms. Baldwin thanked Chairman Dilts, Executive Director Sarles and THE Tunnel team.

Mary Kay Murphy, Executive Director, North Jersey Transportation Planning Authority has long supported THE Tunnel project. Their long range transportation plan states that completion of THE Tunnel is the region's highest priority to meet transit demands. There will be improved travel and riders will no longer have to transfer at Newark or Secaucus and there will be more and better service throughout the system and more capacity on the existing system.

Ms. Murphy said grandchildren will benefit from the construction of this project and the increased capacity will be critical if the system is expanded. There are benefits to the environment by getting cars off the road and a positive impact on the region's overall rail quality. THE Tunnel project is the single most important transportation investment in the region today and she thanked the Board and NJ TRANSIT.

David Barren, on behalf of Freeholder Peter Palmer, said as stated earlier, THE Tunnel project is an investment in the region's future and all funding comes from federal sources. That may change if the project is delayed, so it is important to complete this important investment for the future. He said many states would jump at the chance to get federal funding so it is important to remain committed to this project. The project will generate jobs in 2010 and it is projected 6000 jobs will be created over the next several years. Mr. Barren said New York City remains a regional, national and global economic engine and New Jersey residents will bring home wages from New York for many years. It is critical to note that any delay will make this project more expensive. Labor and material costs are low at this time and this project should move forward.

Chairman Dilts said it has been a privilege to serve in the cabinet of the Governor Jon Corzine and said the Governor is committed to the infrastructure investment for today. Chairman Dilts said he was honored to introduce Governor Corzine.

Governor Corzine thanked Chairman Dilts and congratulated the Board, NJ TRANSIT staff and all of the people who worked so hard to make this project possible. Over a long period of time, presentations and arguments were made to every conceivable stakeholder including the federal government, state and Port Authority and other entities and all have brought this project to a place where digging is taking place and linking the tunnels along the seaboard. This is a fundamental element in driving the economic success of the region and taking this step is even more vital for today and long into the future.

Governor Corzine thanked everyone who worked hard to stay the course to make this possible and for their vision, tenacity and effort to bring it about. This project will be an engine of growth today and tomorrow. This project improves the quality of life, improves congestion, air quality and the quality of the environment. It is an enormous and

positive contribution. Jobs will contribute to the turnaround in the economy. Governor Corzine congratulated everyone for all of the work that has been done and that will be done to complete this project and he is hopeful that he will be one of those riders on the trains.

Executive Director Sarles asked Samuel Foley to talk to Leo Sanders after the meeting to address his concerns.

Executive Director Sarles presented the following Action Item for approval:

0912-85: MASS TRANSIT TUNNEL/ACCESS TO THE REGION'S CORE: MANHATTAN TUNNELS – CONSTRUCTION CONTRACT AWARD, CONSTRUCTION MANAGEMENT SERVICES AND CONSTRUCTION ASSISTANCE SERVICES

The Mass Transit Tunnel item has been anticipated for a long time. Approval of this item will mark the beginning of a project to double the current rail capacity into New York with more direct and express train service from stations throughout the system. The Mass Transit Tunnel will provide a transfer-free, one seat ride to and from New York for Main, Bergen, Pascack Valley, Raritan Valley, North Jersey Coast Line and other riders. The project will create more than 6000 construction jobs annually and 44,000 permanent jobs upon completion. There are three elements to today's request. The first is a contract to award the first design-build construction contract, for the Manhattan Tunnels between 12th Avenue and Sixth Avenue in New York City, to Barnard of New Jersey and Judlau Contracting Inc. at a cost not to exceed \$583,000,000 million plus five percent for contingencies. From 12th Avenue and West 28th Street, two hard rock tunnel boring machines will be launched, with all of the necessary electrical equipment, pumps, communications gear and materials. These machines will create four bores through hard rock, creating more than 16,500 feet of tunnels. Coupled with the construction contract, authorization is requested to approve an amendment to the existing construction management services contract with THE CM Consortium, a joint venture of Tishman Construction, Parsons Transportation and Arup in an amount not to exceed \$18.5 million plus five percent, and an amended contract for construction assistance design services with THE Partnership, a joint venture of Parsons Brinckerhoff, Inc., STV Inc. and AECOM at a cost not to exceed \$4,349,401 plus five percent for contingencies.

Myron P. Shevell moved the resolution, Kenneth E. Pringle seconded it and it was unanimously adopted.

Executive Director Sarles resumed his monthly business report.

Portal Bridge

Executive Director Sarles said advancing the Portal Bridge Capacity Enhancement project complements THE Tunnel. The item for the Board's consideration is to enter into final engineering and design, and to retain a construction management consultant. Working jointly with Amtrak to replace Amtrak's Portal Bridge over the Hackensack River, the agency aims to eliminate a bottleneck on the Northeast Corridor. The current 99-year-old-bridge is functionally obsolete and expensive to maintain. It provides only two tracks for hundreds of trains heading to or from New York every day. Customers know too well it is a movable bridge that swings open to allow marine traffic to pass, and too many times customers have to endure the resulting delays.

Jersey Shore-Newark Airport Service

Executive Director Sarles said with the Board approval, NJ TRANSIT will be providing a new transportation option for Jersey Shore residents who work at Newark Liberty International Airport, as well as for air travelers. The Newark Bus Study identified the importance of Newark Liberty Airport as a job growth center which is under-served by public transportation, especially for workers. The airport is a strong player in Newark's job market, providing about 20 percent of all jobs in the city. From 2000 to 2008, when the number of jobs dipped slightly in the city's central business district, employment at the airport increased to 28,000 jobs. In order to help connect people to jobs where opportunities exist in this tough market, NJ TRANSIT decided to implement this service on a demonstration basis. Starting next month, there will be about three dozen trips daily serving park and ride lots along the Parkway corridor from Toms River to South Amboy to the airport. Service will be coordinated with employee work shifts. The new service will be the No. 60 route, the Toms River-Newark Airport route. The projected ridership is more than 900 passengers per day.

Timetable Changes/Ridership

Executive Director Sarles said NJ TRANSIT had a very good Thanksgiving weekend in terms of rail ridership, up seven percent compared to last year's totals, nearly 25,000 more passenger trips than last year. About half of those additional trips involved football fans taking the new Meadowlands rail service. Not counting those customers, NJ TRANSIT still saw a three percent growth in rail ridership. Unfortunately, the broader ridership picture shows some retrenchment, the result of a weakened regional employment market and significantly lower gasoline prices compared to a year ago. In the first quarter of Fiscal Year 2010 (July-September, 2009), systemwide ridership was down about five to six percent compared to the same three months a year ago. The demand for bus and rail service to Manhattan declined at a slower rate than intrastate ridership. The steepest declines were in intrastate service, particularly riders bound for Newark and Hoboken. As NJ TRANSIT watched the demand, it responded. Next month NJ TRANSIT will adjust the rail schedules, as it does several times a year, to remain efficient and to match service in reaction to demand. There are a handful of changes on each line affecting individual trains, as well as more general adjustments that reflect the fact that Amtrak is wrapping up its tie-replacement project on the Northeast Corridor.

Executive Director Sarles urged all to pick up a timetable in the coming weeks and check for any changes that might affect their trips.

Positive Train Control

Executive Director Sarles said there has been recent news nationally about train safety technology. NJ TRANSIT already has a fully-operational Automatic Train Control System on all commuter rail lines. When activated, this system takes control of trains traveling at speeds of more than 20 mph and brings them to a stop. Under a new Federal law, NJ TRANSIT will be enhancing that control system. New safety systems, called Positive Train Control, are required to be in place on all commuter and freight railroads by the end of 2015. When activated, the system will be able to bring a train to a complete stop from any speed, even those traveling less than 20 mph. To move ahead with the development and implementation of the Positive Train Control system, the Board will consider a consulting contract with a team led by HNTB for technical support of this effort. This consulting contract covers the first three project phases, development of a Positive Train Control system and creating a prototype and real-world demonstration of functionality. The first step will be to submit a Positive Train Control Implementation Plan to the Federal Railroad Administration by the April 16 deadline.

South Jersey Projects

Executive Director Sarles said several items on the agenda for the Board's consideration involve bus, rail and light rail service in South Jersey. Executive Director Sarles said on the Atlantic City Rail Line, the construction of transfer station in Pennsauken is moving forward. He said it is a perfect time to do operational analysis for potential future expansion.

Gloucester/Camden Bus Rapid Transit

Executive Director Sarles said as part of Delaware River Port Authority's vision, a Bus Rapid Transit corridor will be studied and NJ TRANSIT has agreed to fund the study.

Camden to Glassboro Diesel Light Rail Extension

Executive Director Sarles said the Board will be asked to approve an agreement with the Delaware River Port Authority, under which NJ TRANSIT would provide funding to advance the Delaware River Port Authority's Environmental Impact Statement for a diesel light rail service from Camden to Glassboro. Both agencies recognize the need for compatibility between the proposed service and the River Line, the diesel light rail service from Camden to Trenton. The proposed service would operate from the Walter Rand Transportation Center in Camden and serve 13 new stations to Glassboro.

Walter Rand Transportation Center Bus Loading Area

Executive Director Sarles said the agency is also looking to improve the functionality of the multimodal Walter Rand Transportation Center, which is served by 25 local and regional bus lines, PATCO trains and the River Line. Under an agreement for the Board's consideration, the Delaware River Port Authority will provide \$3 million to fund

the design and construction of a new loading area for NJ TRANSIT buses as well as improved connectivity to other transit options at the center and streetscape improvements on Broadway. NJ TRANSIT is coordinating the design with the City of Camden and expects to advertise for construction in the summer 2010.

NJ TRANSIT 30th Anniversary

Executive Director Sarles said Friday marks the 30th anniversary of the first NJ TRANSIT Board meeting. Over the years, many men and women have served on this Corporation's Board, building a proud tradition that weaves together complementary traits of careful study and bold action, both of which are essential qualities of effective management. Executive Director Sarles said without hesitation the current members uphold this tradition and have tackled their jobs with passion and dedication. Happy 30th birthday to NJ TRANSIT.

Advisory Committee

Suzanne Mack presented the Advisory Committee report. Ms. Mack congratulated NJ TRANSIT on its 30th birthday and said she appreciated all of the remarks made by Mary Kay Murphy of the North Jersey Transportation Planning Authority and Freeholder Peter Palmer. She said transportation issues are resolved by debate and consensus but, at the end of the day, there is a bi-partisan agreement in the interest of the public that makes all of the great achievements of NJ TRANSIT occur. Ms. Mack said she has been here for many major milestones and all of those are achieved because government and the public leave partisanship at the door and spend countless hours in the interest of the public to come up with plans that the excellent staff at NJ TRANSIT can bring to the Board.

Ms. Mack said 30 years ago NJ TRANSIT was a thought and 30 years later NJ TRANSIT is a reality. She said the Board and NJ TRANSIT staff should be proud that many people in the riding community appreciate the efforts.

Ms. Mack said the nation is in trouble with the economy and, as the President and Governor have said, one goal is to stimulate the economy and NJ TRANSIT has done just that. Ms. Mack thanked the Board and NJ TRANSIT staff for all of the amazing work they have accomplished. NJ TRANSIT has a dedicated team of people and she thanked them for all of their efforts.

Ms. Mack said the joint Advisory Committee meeting is in two weeks and part of the discussion will be about federal funding.

Board Committee Reports

Board Member Kenneth E. Pringle presented the Capital Planning, Policy and Privatization Committee report to the Board. At this month's meeting, the Committee discussed several items including the Manhattan Tunnels contract and the procurement process leading up to the successful proposer which will be considered today, the progress of the Northern Branch Rail corridor preliminary engineering and reviewed the plans for the Portal Bridge capacity enhancement project. The committee also

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discussed the proposed Jersey Shore-Garden State Parkway-Newark Airport employment center service.

Board Member Flora Castillo presented the Administration Committee report to the Board. The Committee discussed the need to upgrade the statewide microwave communications network to provide a long term, stable platform for the delivery of advanced communication services. In addition, the Committee reviewed the adoption of the Proof of Payment regulations which governs the method that fares are paid by riders of rail passenger services operated by or under contract with NJ TRANSIT and received a briefing on the draft fiscal year 2011 capital plan.

Public Comments on Agenda Items

There were four public comments on agenda items. Board Secretary Watson announced a three minute time limit for speakers.

Jerry Keenan, Alliance for Action, congratulated NJ TRANSIT on a fantastic day with the approval of the Manhattan Tunnel project. He said children will read about this day in history books and on the computer. It is a major step for children, grandchildren and their children to move around the region in an efficient way. Looking back on the construction of the George Washington Bridge, Holland Tunnel and Lincoln Tunnel, Mr. Keenan noted this is the day to look forward to tunneling and contracts. He said it will be a tremendous boon for the industry with the creation of new jobs and he cannot wait to take the train. He said this is a giant step to make it easier to get around the region and will bring people from New York into New Jersey. Mr. Keenan said this is the best way to improve the economy and commended the Board and NJ TRANSIT.

Freeholder Peter Palmer apologized for his lateness and said it is a happy day and congratulations on THE Tunnel project. He added that he is Chairman of the Raritan Valley Rail Coalition and he and other transit advocates are happy to see this move forward. Freeholder Palmer said Chairman Dilts has done a fantastic job as Chairman of NJ TRANSIT Board and Commissioner of Transportation.

Joseph M. Clift spoke again and asked if anyone knows where the money is coming from for the Portal Bridge. Executive Director Sarles said staff will follow up with a response.

Edward Chiles, Hudson County Contractor Training, said he is president of a local training program in Jersey City where THE Tunnel project is taking place. He asked NJ TRANSIT to consider using the residents of Hudson County on this project. It is very important to Jersey City to be able to have its residents employed on this project. His program trains men and women in trades such as electrical, plumbing, carpentry, masonry and environmental protection technicians. Due to the economy, city youth are being left out. Mr. Chiles looks forward to doing business with NJ TRANSIT.

Executive Director Sarles presented the following Action Items for approval:

0912-86: NORTHERN BRANCH RAIL CORRIDOR: CONTRACT AMENDMENT FOR PRELIMINARY ENGINEERING CONSULTANT SERVICES

NJ TRANSIT is in the midst of an environmental analysis for the Northern Branch Rail Corridor which would reintroduce rail service in eastern Bergen County and provide congestion relief on local and county roads overburdened with daily commuter traffic. The analysis addresses impacts of a No Build Alternative and four build alternatives. Last summer, NJ TRANSIT announced that the preferred alternative was electric light rail service to Tenafly, an extension of the existing Hudson-Bergen Light Rail system. Authorization is requested to amend an existing contract with Gannett Fleming/HNTB, a Joint Venture Partnership, for preliminary engineering of the common infrastructure elements for all four of the Build alternatives at a cost not to exceed \$7.5 million plus five percent for contingencies.

Myron P. Shevell moved the resolution, Flora Castillo seconded it and it was unanimously adopted.

0912-87: PORTAL BRIDGE CAPACITY ENHANCEMENT PROJECT: CONTRACT AMENDMENT FOR FINAL ENGINEERING AND DESIGN CONSULTANT SERVICES AND CONTRACT AWARD FOR CONSTRUCTION MANAGEMENT CONSULTANT SERVICES FOR EARLY ACTION CONSTRUCTION ELEMENTS

Portal Bridge, which spans the Hackensack River with a two track operation, was placed in service in 1910. Portal is nearing the end of its functional life, with inadequate clearances for marine traffic and open/close reliability problems which disrupt train traffic resulting in recurring delays for commuters. The bridge, which is owned by Amtrak, carries over 350 trains daily. Amtrak and NJ TRANSIT have agreed to a joint replacement project, which will also greatly expand capacity in this busy corridor, to construct two new parallel spans north and south of the existing structure. This project has been approved by the Federal Railroad Administration, and authorization is requested to amend a contract with Portal Partners for final engineering and design at a cost not to exceed \$69,703,200 plus five percent for contingencies. Authorization is also requested to enter into a contract with AECOM-STV Joint Venture for construction management services for the early action construction elements of this Portal Bridge Capacity Enhancement project at a cost not to exceed \$18 million plus five percent for contingencies.

Kenneth E. Pringle moved the resolution, Myron P. Shevell seconded it and it was unanimously adopted.

0912-88: BERGEN COUNTY LOCAL BUS SERVICE

Since 1994, NJ TRANSIT has contracted with private carriers to operate service on eight bus routes in Bergen County with a combined annual ridership of close to 2.5 million. After a competitive process for continuation of this service for a 36 month period, with two option periods of two years each, authorization is requested to award that contract to Community Transportation Inc. at a cost not to exceed \$39,370,785 plus five percent for contingencies.

Myron P. Shevell moved the resolution, R. David Rousseau seconded it and it was unanimously adopted.

0912-89: JERSEY SHORE GARDEN STATE PARKWAY – NEWARK LIBERTY INTERNATIONAL AIRPORT SERVICE

Newark Liberty International Airport has become a major employment center for residents from many regions of the state and NJ TRANSIT has identified a market for commuter bus service to the Airport from Toms River and South Amboy which could carry as many as 900 passengers each day. A new bus route #60 from those two cities will travel up the Garden State Parkway and into the Airport. This service will be implemented in January on an experimental basis for a 30 month period at which time NJ TRANSIT will determine whether to return to the Board and continue the service. The successful proposer was Academy Lines LLC at a cost not to exceed \$10,054,515 plus five percent for contingencies.

Flora Castillo moved the resolution, Kenneth E. Pringle seconded it and it was unanimously adopted.

0912-90: POSITIVE TRAIN CONTROL IMPLEMENTATION: CONTRACT AWARD FOR ENGINEERING SUPPORT SERVICES

With safety as a number one priority, NJ TRANSIT has invested in cab signaling on all of the commuter rail lines. Recently, the Rail Safety Improvement Act of 2008 became law. This legislation mandates the implementation of a Positive Train Control, or PTC, system on all rail lines by the end of December 2015. PTC will extend that protection which prevents train-to-train collisions at speeds lower than 20 mph and will automate functions that are currently completed manually. NJ TRANSIT will be required to implement PTC on all of its commuter rail lines. Authorization is requested to contract with HNTB for technical support services for the PTC Project Phases I, II and III at a cost not to exceed \$3,400,000, plus five percent for contingencies.

Myron P. Shevell moved the resolution, Flora Castillo seconded it and it was unanimously adopted.

**0912-91: HUDSON-BERGEN LIGHT RAIL LITIGATION SUPPORT:
COMPENSATION OF EXPERT CONSULTANT (TRAUNER
CONSULTING SERVICES, INC.)**

Continuing litigation regarding the Hudson Bergen Light Rail line and 21st Century Rail/Frontier Kemper requires authorization for \$2 million in additional funding for Trauner Consulting Services Inc. The Trauner firm specializes in construction claims litigation.

James A. Carey, Jr. moved the resolution, Kenneth E. Pringle seconded it and it was unanimously adopted.

**0912-92: LEASE ADMINISTRATION AND MANAGEMENT SERVICES FOR
TENANT AND PARKING OPERATING AGREEMENTS: CONSULTANT
SUPPORT**

NJ TRANSIT oversees more than 450 commercial tenant leases, licenses and parking operator agreements which require efficient management, inspection, compliance monitoring and tracking. Five years ago, NJ TRANSIT selected Greystone Corporate Realty Services to provide this support and, during that time, 50 new or renewed leases have been negotiated with a net revenue increase of \$3.5 million. Following a new competitive procurement, authorization is requested to award this contract to Greystone at a cost of \$515,000 per year for a five year term. This contract also includes an incentive payment based on increased revenues generated by Greystone over the first three years, which is capped at \$95,000.

Kenneth E. Pringle moved the resolution, Myron P. Shevell seconded it and it was unanimously adopted.

0912-93: STATEWIDE MICROWAVE COMMUNICATIONS NETWORK

An upgrade to NJ TRANSIT's Statewide Microwave Communications Backbone System is recommended. Authorization is requested to replace an obsolete and unsupportable 20 year old statewide microwave backbone system to provide connectivity for remote radio base stations for radio communications to various NJ TRANSIT locations and external contract bus carriers. Replacing the existing analog system with a modern digital microwave system will provide a long-term and stable platform for the delivery of advanced communication services. This is also required as a first step to support the planned replacement of aging land mobile radio infrastructure used by the police and many of the operating units. Through a cooperative purchasing alliance with the Western States Contracting Alliance, authorization is requested to purchase fixed price microwave radio equipment, software, three years of warranty and engineering installation services from Alcatel-Lucent USA, Inc. at a cost

not to exceed \$6 million and an additional \$2 million for potential structural modifications to communications tower facilities.

Flora Castillo moved the resolution, Myron P. Shevell seconded it and it was unanimously adopted.

0912-94: CAMDEN TO GLASSBORO LIGHT RAIL SYSTEM: AGREEMENT WITH DELAWARE RIVER PORT AUTHORITY (DRPA)

Several years ago, the Delaware River Port Authority (DRPA), completed a study identifying the needs and potential transit improvements for a study area that included Gloucester and Camden counties in New Jersey. A number of potential improvements were identified and authorization is requested to enter into an agreement with the DRPA and NJ TRANSIT by which NJ TRANSIT will fund up to \$8,945,000 for preparation of an Environmental Impact Statement for a light rail system between Camden and Glassboro. The DRPA has retained a planning firm to complete this federally required document, and will provide day to day project management.

Kenneth E. Pringle moved the resolution, R. David Rousseau seconded it and it was unanimously adopted.

0912-95: WALTER RAND TRANSPORTATION CENTER BUS LOADING AREA: AGREEMENT WITH DELAWARE RIVER PORT AUTHORITY

This item involves the Delaware River Port Authority (DRPA) and the Walter Rand Transportation Center. This Camden facility is a multi-modal facility for transit and auto commuters who transfer among 25 local and regional bus lines, the RiverLine and PATCO. About 24,000 weekday customers travel through the Center. To improve this transit integration, some facility improvements have been designed which will be paid for by the Delaware River Port Authority. They include sawtooth bus bays for better circulation, canopies, lighting and street repaving. Authorization is requested to enter into an agreement with the Delaware River Port Authority by which it will fund the \$3 million for design and construction of this project, which NJ TRANSIT will oversee.

Flora Castillo moved the resolution, Myron P. Shevell seconded it and it was unanimously adopted.

Executive Director Sarles presented the following Consent Calendar for approval:

0912-96: ATLANTIC CITY RAIL LINE: CONTRACT AWARD FOR CONSULTANT SERVICES FOR OPERATIONS ANALYSIS STUDY

Authorization to enter into a contract (No. 10-028) with LTK Engineering Services of New York, New York, for consultant services in support of the Atlantic City Rail Line Operations Analysis at a cost not to exceed

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\$734,824, plus five percent for contingencies, subject to the availability of funds.

0912-97: GLOUCESTER/CAMDEN BUS RAPID TRANSIT: CONTRACT AWARD FOR CONSULTANT SERVICES FOR ALTERNATIVES ANALYSIS

Authorization to enter into a contract (No. 10-027) with AECOM USA Inc. of Newark, New Jersey, for consultant services in support of the Gloucester/Camden Bus Rapid Transit Alternatives Analysis at a cost not to exceed \$749,587, plus five percent for contingencies, subject to the availability of funds.

0912-98: ADOPTION OF REGULATIONS: PROOF OF PAYMENT

Authorization to adopt the regulation N.J.A.C. 16:87 et seq., Proof of Payment, and to take all actions necessary to effectuate the final adoption and re-promulgation of the regulation.

The Consent Calendar was moved in its entirety by Myron P. Shevell, seconded by Flora Castillo and unanimously adopted.

Public Comments on Non-Agenda Items

There were five public comments on non-agenda items. Board Secretary Watson announced a three minute time limit for speakers.

Pat Reilly, General Chairman, United Transportation Union, said it is a great day for the passage of the Manhattan Tunnels contract and congratulated the Board on a job well done. He said the Board has been supportive of transportation which makes NJ TRANSIT one of the premiere transit agencies in the United States. Mr. Reilly also congratulated Governor Corzine and commended him on his action to support the Mass Transit Tunnel project. In 1971, the railroad had faltering tracks and poor equipment and with the investment in transportation, it is a different world coming to work today. The rolling stock, tracks, signal system and stations are in very good shape. Mr. Reilly thanked Governor Corzine and his staff for supporting the future of transportation in this state and urged the incoming Governor to keep NJ TRANSIT on track for the future as it is a gem in the transit industry.

David Peter Alan, Lackawanna Coalition, said as change takes place in Trenton, it is time to say goodbye to Governor Corzine's appointees to the Board and expressed best wishes to Governor-elect Christie's new appointees. He hopes that they can help steer the Board and the management at NJ TRANSIT toward a new orientation toward the transit riders of the state, an orientation where service comes first.

Mr. Alan had the pleasure of riding the new weekend trains to Montclair. The Lackawanna Coalition, along with their colleagues at the New Jersey Association of Railroad Passengers, advocated for this service for many years and he is glad to see it as are the riders of the communities it serves. Many of the riders said that they would

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like to see hourly service and see it extended to Montclair State and he received similar reports from his colleagues at the New Jersey Association of Railroad Passengers. Unfortunately, this management is too cheap to hire the crews to run the hourly and extended service that the public wants, just as they have cut service for the past several years on the Morris & Essex Lines because they did not want to pay crews to run the level of service that they enjoyed for decades.

Mr. Alan said this management is prepared to commit New Jersey's taxpayers to spending billions of dollars on mega-projects like their version of Access to the Region's Core, but they refuse to spend the money required to actually deliver a useful level of service to several communities of riders. This makes absolutely no sense. It is time for management to demonstrate that service, including offpeak service, is more important than huge holes in the ground.

Mr. Alan and his colleagues are aware of the difference between capital and operating funds. Over the past year, he has campaigned in Washington and elsewhere for Federal operating assistance for transit in the eventual re-authorization of the TEA-LU statute. He asked the Board and management to join him in this effort and, so far, nobody has come forward to support this initiative. This lack of support demonstrates indifference to the very lack of operating funds that management uses as an excuse to either cut service or refuse to restore service that was cut over the past three years.

Mr. Alan said many big names and expensive contractors will enjoy a very merry Christmas at the expense of New Jersey's taxpayers and many New York construction workers will have some good years also at New Jersey's expense. Mr. Alan expects that the incoming Christie administration will review every contract approved today for cost-effectiveness to New Jersey's taxpayers. If rescission or reformation of these contracts is needed, this should be done. Mr. Alan said he does not have the power to effectuate this sort of change, but the contractors who have been promised a feeding frenzy at the public trough should certainly be on notice that New Jersey's voters have called for change in the State's spending policies. Mr. Alan hopes that a small amount of cost-effective spending on actually running transit will replace massive spending on questionable mega-projects as NJ TRANSIT's top priority.

Philip G. Craig, private citizen, said he is also a member of the New Jersey Association of Railroad Passengers. The North Jersey Transportation Planning Authority, the metropolitan planning organization for northern New Jersey, held a Transportation Infrastructure Summit on December 3, 2009. While the focus of the meeting was heavily oriented towards the needs of motor vehicle transportation, attention was also given to the various modes of public transportation that serves the state including passenger and freight railroads. Mr. Craig was an attendee and noted the presentation made by Richard Hammer, Assistant Commissioner of Capital Program Management of the New Jersey Department of Transportation, who assured the attendees that there is no immediate safety risk to railroad bridges. Mr. Hammer stated that 27 of the 107 railroad bridges in the state are structurally deficient and that at 25.2 percent, this is the highest percentage of all types of bridges in the state found by the New Jersey Department of Transportation inspections to be in that condition.

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Mr. Craig said Mr. Hammer's presentation confirmed an observation that he has made that certain bridges that carry railroad lines over highways are not receiving proper maintenance. In many cases, he believes the maintenance responsibility for these bridges lies with the New Jersey Department of Transportation or the New Jersey Turnpike Authority and not with NJ TRANSIT. The reason for his conclusion is that inasmuch as the railroad lines were in place decades before the construction of the highways involved, these bridges do not perform a railroad function. Rather, their construction occurred as part of building the highways they cross. Therefore, these bridges have a motor vehicle related purpose, not a railroad operational need, which places the onus for their proper maintenance on the state agency responsible for the roadway involved and their construction.

Mr. Craig provided two examples: The Montclair-Boonton Line's single track plate girder bridge in Wayne over the intersection of Interstate 80, US Route 46 and NJ Route 23 shows significant rusting on its side plates. Rust on steel is a cancer that ultimately will destroy such a bridge. This one appears not have been painted in decades, with more than half of its surface heavily oxidized. The only new paint on it appears to be the recent work of graffiti vandals. This bridge currently carries eight eastbound and 12 westbound passenger trains on weekdays. In addition, the Norfolk Southern Railways has operating rights for its freight trains over it. This railroad line dates from 1872. In contrast, the related segment of Interstate 80 was opened almost a century later in 1969.

The next example is the Bergen County Line's double tracked bridge over the Garden State Parkway located in Saddle Brook which is in a similar condition, with rust highly visible from the roadway. This bridge carries 37 eastbound and 34 westbound passenger trains on weekdays plus several freight trains of the Norfolk Southern Railway. Again, the railroad, which dates from 1881, was there first. This portion of the Garden State Parkway, in contrast, was constructed between 1953 and 1955, three-quarters of a century later.

Mr. Craig has the impression that the highway oriented state agencies that should be involved view the maintenance of the railroad bridges that they or their predecessors constructed as "not our problem". No doubt, they are reluctant to expend the funds available to their agencies for what they perceive as not a highway related need. They are reluctant to inconvenience motorists with lane closings that may be required for railroad bridges to be painted or maintained.

Mr. Craig urged Chairman Dilts to look into this matter as part of his legacy and see to it that the conditions described by Mr. Hammer and which Mr. Craig observed are addressed by the state agencies. Doing so now would be a very good use of Federal stimulus funds. He urged the Commissioner not to wait until the day when the cumulative effects of deferred or neglected railroad bridge maintenance forces a future management of NJ TRANSIT to suspend operations on one or more of its railroad lines in the interest of public safety.

Chairman Dilts agreed with Mr. Craig and said there has been increased funding for bridges. Since September 2009, the Department of Transportation has done 50 percent

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more work on bridges. He said the Department of Transportation's highest priority is to make the bridges safe for the public.

James T. Raleigh said he was on the North Jersey Coast Line train and looked at New Jersey's priorities. He said the Garden State Parkway was increased from five to seven lanes. The major investment study for an exclusive bus lane has not been implemented. The Victory Bridge was replaced with four lanes on Route 35 and the Edison Bridge was replaced with eight lanes on Route 9. Mr. Raleigh said it is a bad balance of highway construction compared to passenger rail. Mr. Raleigh is concerned that bus service is more important than rail service and hopes there are no rail service cuts in the future.

Mr. Raleigh said when NJ TRANSIT's budget was presented, he raised concerns about Monmouth-Ocean-Middlesex draft environmental impact statement and no work has been done. He said Monmouth-Ocean counties are served by a single bridge, the same caliber as Portal Bridge and he thinks NJ TRANSIT has a serious problem.

In the Access to the Region's Core draft environmental impact statement, a number of concerns were discussed on the New York Penn Station connection and suggestions for mitigation were proposed. Rather than consider these mitigations, they were avoided by dropping the connection and the supplemental draft environmental impact statement was prepared and the Record of Decision was issued for the impact in Hudson County. The final environmental impact statement did not address the impacts of short term mitigations. Mr. Raleigh said there will be implementation problems with Monmouth-Ocean and Access to the Region's Core.

Joseph Clift thanked Chairman Dilts for his courtesy and positive perspective. Mr. Clift said Mr. Palmer's statement said money is coming from the federal government for THE Mass Transit Tunnel project. Mr. Clift said the fact is, a third is from the federal government and two-thirds of the money is from local sources. Mr. Clift said there are major problems in New Jersey's budget. He noticed there is a notation on all agenda items that states "as funds are available". Mr. Clift thinks it is more incumbent on the Board next year to determine what funds will be available and for what projects.

James A. Carey, Jr., Board Member, said as the Governor's representative, this will be his last meeting. He thanked all the Board Members and said it was a pleasure to serve with them and took the opportunity to thank and commend the 11,000 employees of NJ TRANSIT. NJ TRANSIT employees have done a tremendous job for this state and this Board and they are owed gratitude. Mr. Carey said the Board has never acted as a rubber stamp and Executive Director Sarles, Mr. Santoro and Mr. Wedel can attest to that as he and his staff have asked countless questions. He said staff has always handled their assignments with grace, tact and intelligence and always came out with a great result. Mr. Carey said he is a resident of Hoboken and will be a regular customer on NJ TRANSIT buses and trains and he can always rely on safe, reliable transportation. He said it has been a great honor and pleasure to serve on this Board and with its employees.

Myron P. Shevell, Board Member, said he is honored to be the senior member on the Board and has served for the past 16 years. He said NJ TRANSIT is run by diligent,

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hardworking and smart people. Mr. Shevell said anyone who makes the remark that the Board is a 'rubber stamp' is wrong. The Board spends time and energy at their own expense and takes this job very seriously and no one on the Board rubber stamps decisions. Mr. Shevell said he was born and raised in New Jersey and he represents transit and the State of New Jersey and he expects to be back in 2010 to continue to accomplish the mission. Mr. Shevell said he is humbled and honored to serve this great state and he wished everyone happy holidays, Merry Christmas, Happy Hanukkah as well as a happy and safe New Year.

Kenneth E. Pringle said he was appointed by Acting Governor Codey and his term is expiring. He thanked NJ TRANSIT staff and said their work is absolutely phenomenal and said it was a great experience in his life to have had the opportunity to work with NJ TRANSIT. He thinks New Jerseyans would be amazed and proud of the level of talent at NJ TRANSIT. It never ceases to impress him with the talent, confidence and passion staff has for their jobs and thanked everyone for their support.

Chairman Dilts expects this to be his last meeting and said former Chairman Lou Gambaccini told him this would be the best job he ever had and Chairman Dilts said he was absolutely correct. Chairman Dilts said he leaves with mixed emotions and is humbled to have had the opportunity to work with his fellow Board members. Their sense of public purpose transcends partisan politics and brings a passion to the workplace, to the state and to the riding public. Chairman Dilts thanked NJ TRANSIT staff for all of their hard work and was pleased to get to know the employees and said this is a very special place after 30 years. He also thanked the rail advocates for their dialogue and active participation and said everyone strives for the very best mass transit services. Chairman Dilts said it was a privilege and honor to serve on this Board and wished everyone Happy Holidays.

Adjournment

Since there were no further comments or business, Chairman Dilts called for adjournment and a motion to adjourn was made by Myron P. Shevell seconded by Flora Castillo and unanimously adopted. The meeting was adjourned at approximately 11:30 a.m.

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 NJ TRANSIT MERCER, INC.
 REGULARLY SCHEDULED BOARD OF DIRECTORS MEETING**

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ACTION ITEMS

0912-85:	MASS TRANSIT TUNNEL/ACCESS TO THE REGION'S CORE: MANHATTAN TUNNELS – CONSTRUCTION CONTRACT AWARD, CONSTRUCTION MANAGEMENT SERVICES, AND CONSTRUCTION ASSISTANCE SERVICES	41810
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Authorization to award a contract to Barnard of New Jersey and Judlau Contracting Inc., Joint Venture of College Point, New York for construction of the Manhattan Tunnels between Twelfth Avenue and Sixth Avenue, and related work at a cost not to exceed \$583,000,000, plus five percent for contingencies, for a total contract authorization of \$612,150,000, subject to the availability of funds.

Authorization to amend the contract (No. 06-111) with THE CM Consortium, a joint venture of Tishman Construction Corp., Parsons Transportation Group of New York and Arup for construction management services for the Manhattan Tunnels construction contract at a cost not to exceed \$18,500,000, plus five percent for contingencies, for a revised total contract authorization of \$71,400,000, subject to the availability of funds.

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Authorization to amend the contract (No. 06-046) with THE Partnership, a joint venture of Parsons Brinckerhoff, Inc., STV Inc., and AECOM of Newark, New Jersey, for construction assistance design services for the Manhattan Tunnels construction contract at a cost not to exceed \$4,349,401, plus five percent for contingencies, for a revised total contract authorization of \$230,425,933, subject to the availability of funds.

0912-86: NORTHERN BRANCH RAIL CORRIDOR: CONTRACT AMENDMENT FOR PRELIMINARY ENGINEERING CONSULTANT SERVICES 41815

Authorization to amend the professional services contract (No. 07-005) with Gannett Fleming/HNTB, a Joint Venture Partnership, of Newark, New Jersey, for preliminary engineering of the Northern Branch Rail Corridor common infrastructure elements for all four Build Alternatives at a cost not to exceed \$7,500,000 plus five percent for contingencies, for a total contract authorization of \$11,025,000, subject to the availability of funds.

0912-87: PORTAL BRIDGE CAPACITY ENHANCEMENT PROJECT: CONTRACT AMENDMENT FOR FINAL ENGINEERING AND DESIGN CONSULTANT SERVICES AND CONTRACT AWARD FOR CONSTRUCTION MANAGEMENT CONSULTANT SERVICES FOR EARLY ACTION CONSTRUCTION ELEMENTS 41818

Authorization to amend the professional services contract (No. 08-042) with Portal Partners, Inc. of Audubon, Pennsylvania, for final engineering and design consultant services in support of the Portal Bridge Capacity Enhancement project at a cost not to exceed \$69,703,200, plus five percent for contingencies, for a total contract authorization of \$123,950,274, subject to the availability of funds.

Authorization to enter into a contract (No. 10-025) with AECOM-STV Joint Venture of Newark, New Jersey, for construction management consultant services in support of the early action construction elements Portal Bridge Capacity Enhancement project at a cost not to exceed \$18,000,000, plus five percent for contingencies, subject to the availability of funds.

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0912-88: BERGEN COUNTY LOCAL BUS SERVICE 41821

Authorization to enter into a contract with Community Transportation, Inc. of Paramus, New Jersey, to operate eight routes in the Bergen County Area for a 36-month base contract term, with two additional two-year option periods, for a total of 84 months from January 31, 2010 through January 28, 2017, at a total cost not to exceed \$39,370,785, plus five percent for contingencies, subject to the availability of funds.

0912-89: JERSEY SHORE – GARDEN STATE PARKWAY – NEWARK LIBERTY INTERNATIONAL AIRPORT SERVICE 41823

Authorization to enter into a contract with Academy Lines, LLC of Hoboken, New Jersey, for the operation of the Route 60 – Toms River – Newark Airport regular route service for a 30-month base contract period from January 1, 2010 through June 30, 2012 at a total cost of \$10,054,515, plus five percent for contingencies, subject to the availability of funds.

0912-90: POSITIVE TRAIN CONTROL IMPLEMENTATION: CONTRACT AWARD FOR ENGINEERING SUPPORT SERVICES 41826

Authorization to contract (No. 10-010) with HNTB of New York, New York, for technical support consulting services for the PTC Project Phases I, II and III at a cost not to exceed \$3,400,000, plus five percent for contingencies, subject to the availability of funds.

0912-91: HUDSON-BERGEN LIGHT RAIL LITIGATION SUPPORT: COMPENSATION OF EXPERT CONSULTANT (TRAUNER CONSULTING SERVICES, INC.) 41829

Authorization to reimburse Trauner Consulting Services Inc., of Philadelphia, Pennsylvania, for expert consultant services in the amount of \$2,000,000, for a total authorization of \$5,000,000, subject to the availability of funds.

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0912-92: LEASE ADMINISTRATION AND MANAGEMENT SERVICES FOR TENANT AND PARKING OPERATING AGREEMENTS: CONSULTANT SUPPORT 41831

Authorization to award a contract to Greystone Corporate Realty Services, a Division of Greystone & Company, of New York, NY to provide administration and management services for tenant and parking operator agreements at a cost of \$515,000, plus five percent for contingencies per year for a total cost of \$2,575,000, plus five percent for contingencies for the five-year contract term.

In addition, during the first three years of the contract, Greystone will receive eight percent of the increased revenue from renewed leases not to exceed a total of \$95,000 for the three-year period.

The funding of this agreement shall be subject to the availability of funds and Board approval of NJ TRANSIT's Operating Budget.

0912-93: STATEWIDE MICROWAVE COMMUNICATIONS NETWORK 41834

Authorization to enter into a fixed-price contract to purchase replacement microwave radio equipment, software, three years of warranty and associated engineering and installation services, from a Murray Hill, New Jersey company, Alcatel-Lucent USA, Inc., through the WSCA contract for a total cost not to exceed \$6,000,000, subject to the availability of funds. Staff seeks additional authorization, not to exceed \$2,000,000, as an allowance under the proposed contract, for probable structural modifications to communications tower facilities. Alcatel-Lucent will competitively bid subcontracts for any required structural modifications.

0912-94: CAMDEN TO GLASSBORO LIGHT RAIL SYSTEM: AGREEMENT WITH DELAWARE RIVER PORT AUTHORITY (DRPA) 41837

Authorization to enter into an agreement with the Delaware River Port Authority (DRPA) by which NJ TRANSIT will fund a not-to-exceed amount of \$8,954,000 for the preparation of the Environmental Impact Statement for a light rail system between Camden and Glassboro.

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- 0912-95: WALTER RAND TRANSPORTATION CENTER BUS LOADING AREA: AGREEMENT WITH DELAWARE RIVER PORT AUTHORITY (DRPA) 41840**

Authorization to enter into an agreement with the Delaware River Port Authority (DRPA) by which DRPA will fund \$3,000,000 for the design and construction of a bus loading area for NJ TRANSIT buses on the west side of Broadway across from the Walter Rand Transportation Center in Camden.

CONSENT CALENDAR

- 0912-96: ATLANTIC CITY RAIL LINE: CONTRACT AWARD FOR CONSULTANT SERVICES FOR OPERATIONS ANALYSIS STUDY 41844**

Authorization to enter into a contract (No. 10-028) with LTK Engineering Services of New York, New York, for consultant services in support of the Atlantic City Rail Line Operations Analysis at a cost not to exceed \$734,824, plus five percent for contingencies, subject to the availability of funds.

- 0912-97: GLOUCESTER/CAMDEN BUS RAPID TRANSIT: CONTRACT AWARD FOR CONSULTANT SERVICES FOR ALTERNATIVES ANALYSIS 41847**

Authorization to enter into a contract (No. 10-027) with AECOM USA Inc. of Newark, New Jersey, for consultant services in support of the Gloucester/Camden Bus Rapid Transit Alternatives Analysis at a cost not to exceed \$749,587, plus five percent for contingencies, subject to the availability of funds.

- 0912-98: ADOPTION OF REGULATIONS: PROOF OF PAYMENT 41850**

Authorization to adopt the regulation N.J.A.C. 16:87 et seq., Proof of Payment, and to take all actions necessary to effectuate the final adoption and re-promulgation of the regulation.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

EXECUTIVE SESSION AUTHORIZATION

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

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

APPROVAL OF MINUTES

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

WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the November 10, 2009, Board meetings of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc. and NJ TRANSIT Mercer, Inc. were forwarded to the Governor on November 11, 2009;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the November 10, 2009 New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. Board of Directors' meetings are hereby approved.

Jon S. Corzine
Governor

Stephen Dilts
Board Chairman

Richard R. Sarles
Executive Director

N TRANSIT
One Penn Plaza East
Newark, New Jersey 07105-2248
973-481-7000



TO: BOARD OF DIRECTORS
FROM: RICHARD R. SARLES *Richard Sarles*
DATE: DECEMBER 9, 2009
SUBJECT: EXECUTIVE DIRECTOR'S REPORT – DECEMBER 2009

Today the Board will consider a major construction contract for the Mass Transit Tunnel, a project that will provide the rail capacity needed to meet ridership demand for generations to come, while at the same time, attract new businesses. We are seeking approval for construction of the first of three tunnel segments—the Manhattan portion, from 12th Avenue along the Hudson River to an expanded Penn Station under 34th Street between 8th and 6th avenues. Under a \$583 million contract, a total of 16,500 feet of tunnels will be constructed in this segment. The largest transit project in the nation, the Mass Transit Tunnel will provide economic benefits by creating or sustaining 6,000 jobs during construction and 44,000 permanent jobs afterwards.

Also before the Board is a project that complements the Mass Transit Tunnel—the Portal Bridge Capacity Enhancement project. We are working jointly with Amtrak to replace its Portal Bridge, a 99-year-old low-level moveable bridge over the Hackensack River that is functionally obsolete and expensive to maintain. The project will replace the existing two-track bridge with two-fixed bridges that will have a total of five tracks, eliminating the bottleneck on the Northeast Corridor for hundreds of trains operating to or from New York every day and improving the reliability of train operations. Today's Board action will allow for final engineering and design, as well as a construction management consultant. A new, expanded Portal Bridge will build the capacity needed to take advantage of the opportunities for more service into and out of New York that the Mass Transit Tunnel will provide.

Another agenda item will provide a new transportation option for Jersey Shore residents who work at Newark Liberty International Airport that also benefits air travelers. The airport is a vital employer in Newark's job market, accounting for 20 percent of all jobs in the city. To help connect people where opportunities exist in this tough job market, we will implement the new No. 60 Toms River-Newark Airport bus service on a demonstration basis. After a competitive procurement, we have selected Academy Lines to operate the service, which will provide about three dozen daily trips between Toms River and the airport, serving park and ride lots along the Parkway starting next month. Schedules will be coordinated with employee work shifts.

Turning to recent national news that has covered train safety technology, as you know, NJ TRANSIT already has a fully operational Automatic Train Control system on all commuter rail lines. When activated, this system takes control of trains traveling at speeds of more than 20 mph and brings them to a stop if a violation occurs. Under new federal guidelines, we will be enhancing that control system with Positive Train Control (PTC), which is required to be in place on all commuter and freight railroads by the end of 2015. When activated, the system will be able to bring a train to a complete stop from any speed, even those traveling less than 20 mph. To advance the development and implementation of our PTC system, the Board will consider a consulting contract to cover the first three project phases—development of a PTC system, creation of a prototype and a real-world demonstration of functionality.

There are several items on the agenda today to advance transportation initiatives involving all three NJ TRANSIT travel modes in southern New Jersey. These include a study to evaluate improvements to the Atlantic City Rail Line and an agreement with the Delaware River Port Authority (DRPA) that will provide funding for a study of the proposed extension of light rail to Glassboro. In addition, NJ TRANSIT is taking the lead on a Camden-area Bus Rapid Transit (BRT) study to examine the congested corridor southeast of Camden along routes 55, 42 and 676. The agency is also partnering with the DRPA for the design and construction of a new NJ TRANSIT bus loading area across from the Walter Rand Transportation Center.

Finally, Friday marks the 30th anniversary of the first NJ TRANSIT Board meeting. Over the years, many men and women have served on the Board, building a proud tradition that weaves together careful study and bold action, both of which are essential for effective management. Thanks to the current members, who uphold this tradition and have tackled their jobs here with passion and dedication.

EXECUTIVE DIRECTOR'S MONTHLY REPORT DECEMBER 2009

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

CUSTOMER AND COMMUNITY INITIATIVES

NJ TRANSIT offers extra rail and bus service for Thanksgiving holiday weekend

To ensure that customers' travel plans went smoothly over the Thanksgiving holiday weekend, NJ TRANSIT deployed scores of customer service representatives and volunteers at major facilities to assist customers throughout the holiday period and offered extra rail and bus service match Thanksgiving travel patterns.

This year, NJ TRANSIT once again offered "early getaway" rail and bus service on Wednesday, November 25, for the benefit of customers leaving work early, and to provide additional capacity for customers traveling to Newark Liberty International Airport. The Wednesday before Thanksgiving is typically the airport rail station's busiest day of the year, with ridership levels about twice that of a typical weekday.

On Thanksgiving Day, NJ TRANSIT added extra trains and buses to the schedule in the late morning hours to accommodate customers traveling to the Macy's Thanksgiving Day Parade.

Then on Friday, November 27, traditionally the busiest shopping day of the year, enhanced bus service was offered to shopping centers throughout New Jersey and additional trains operated to and from New York.

Through December 23, NJ TRANSIT is offering additional bus service to major New Jersey shopping destinations to accommodate extended store hours and busy shopping times throughout the day. Throughout the holiday shopping season, extra trips or expanded service will be offered on 13 bus routes serving 11 malls and shopping centers throughout the state, including Elizabeth Center at 13A (IKEA), Garden State Plaza, IKEA Paramus, Jersey Gardens, Livingston Mall, Harmon Meadow/Mill Creek in Secaucus, The Mall at Short Hills, Willowbrook Mall, Wayne Towne Center Mall and West Belt Mall.

For the Thanksgiving holiday, NJ TRANSIT's Family Super Saver Fare, which allows up to two children 11 and younger to travel free with each fare-paying adult, remained in effect from 7 p.m. Wednesday, November 25 until 6 a.m. Monday, November 30. In addition, discounted off-peak roundtrip tickets were valid anytime during this period.

NJ TRANSIT train stations host Thanksgiving food drive

NJ TRANSIT helped the Community FoodBank of New Jersey secure food donations this Thanksgiving to make the holiday season brighter for those in need. Customers were able to donate non-perishable food items at select train stations from November 17 through 19.

Collection bins were available at the following locations:

- Atlantic City Rail Terminal
- Cranford Station
- Denville Station
- Egg Harbor City Station
- Hoboken Terminal
- Millburn Station
- Morristown Station
- Mountain Lakes Station
- Summit Station
- Wayne/Route 23 Transit Center
- Westfield Station

About Community FoodBank of New Jersey

The Community FoodBank of New Jersey's mission is to fight hunger and poverty in New Jersey by assisting those in need and seeking long-term solutions. It distributes more than 28 million pounds of food and groceries a year, ultimately serving more than 1,600 non-profit programs. Through their combined efforts, they help to feed more than 900,000 low-income people in 18 of New Jersey's 21 counties each month.

EMPLOYEE RECOGNITION

NJ TRANSIT celebrates winners of 2010 Bus Roadeo contest

NJ TRANSIT Bus Operations held its annual New Jersey Bus Roadeo Contest last month and winners were announced at a special awards ceremony on Wednesday, November 11.

Bus operators from northern, central and southern New Jersey garages participated. The Southern Division competition was held at the River Line Florence Park-and-Ride lot. The Northern and Central Division competition was held in Giant's Stadium parking lot. The competition produced one winner from each participating garage location, and a first, second, and third-place winner from each division.

Garage winners included:

Northern Division

- Fermonides Fernandez - Fairview
- Thomas Simmons – Market Street
- Oswald Findlay – Oradell
- Francisco Vides – Meadowlands
- Joseph Grandioso – Wayne

Central Division

- Edwin Negron – Big Tree
- Marvin Isaac – Hilton
- Anthony Wosniak – Howell
- Daniel Pryor – Ironbound
- Deborah Milewski – Orange

Southern Division

- Dan Bruey - Egg Harbor
- Luis Rivera - Newton Avenue
- George John Sharp - Washington Township

First place winners:

- Southern Division - Dan Bruey - Egg Harbor Garage
- Northern Division - Thomas Simmons - Market Street Garage
- Central Division - Edwin Negron - Big Tree Garage

Second place winners:

- Southern Division - Luis Rivera - Newton Avenue Garage
- Northern Division - Francisco Vides - Meadowlands Garage
- Central Division - Anthony Wosniak - Howell Garage

Third place winners:

- Southern Division - George Sharp - Washington Twp. Garage
- Northern Division - Joseph Grandioso - Wayne Bus Facility
- Central Division - Dan Pryor - Ironbound Garage

NJ TRANSIT employees bid farewell after outstanding careers

Two NJ TRANSIT employees retired in November with careers of 15 and 25 years of service:

1. Joseph North (Westfield) General Manager/Light Rail, Penn Plaza – 25 years
2. John Mathis (Willingboro) Bus Operator, Newton Avenue – 15 years

DBE/MBE PROGRAM

NJ TRANSIT – Office of Business Diversity DBE/SBE Participation

Federally Funded Contracts

\$54,458,916 in federal funds were awarded during October through November of FY 10.* Disadvantaged Business Enterprises (DBEs) were awarded \$8,699,442 or 16 percent, which includes both race conscious and race neutral awards.

State Funded Contracts

\$20,384,770 in state-funded contract dollars were awarded during July through November FY 10. ** Of that total, Small Business Enterprises (SBEs) received \$7,694,334 or 37.7 percent. Category 1 SBEs received \$703,750 or 3.5 percent. Category 2 SBEs received \$539,386 or 2.6 percent. Category 3 SBEs received \$202,584 or 1 percent. Category 4 SBEs received \$1,500,000 or 7.4 percent. Category 5 SBEs received \$4,713,614 or 23.1 percent. Category 6 SBEs received \$35,000 or 0.1 percent.***

Federal & State Contracts Total

\$74,843,686 in federal and state contract dollars were awarded by NJ TRANSIT during this reporting period. Of that total, \$16,393,776 or 21.9 percent of federal and state contract dollars was won by DBEs and SBEs.

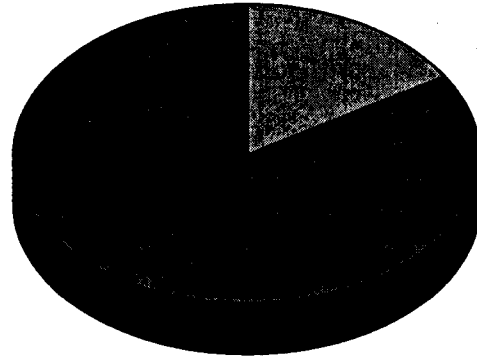
*Fiscal year beginning October 1, 2009

**Fiscal year beginning July 1, 2009

***Cat 1-Less than \$500,000 gross revenues, Cat 2-Less than \$5 million, Cat 3-Less than \$12 million, Cat 4 (construction)-Less than \$1 million, Cat 5 (construction)-Less than \$17,420,000, Cat 6 (construction)-Up to \$33.5 million

**DBE PARTICIPATION
FEDERAL CONTRACTS
FEDERAL FYTD (THROUGH NOVEMBER FY10)***

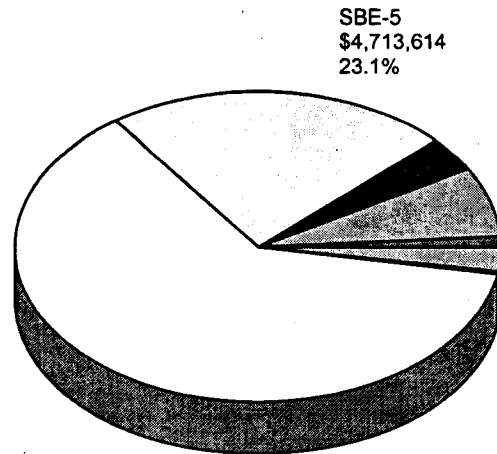
NON-DBE
FEDERAL
\$45,759,474
84%



DBE RACE
NEUTRAL & RACE
CONSCIOUS
\$8,699,442
16%

**SBE PARTICIPATION
STATE CONTRACTS
STATE FYTD (THROUGH NOVEMBER FY10)****

NON-SBE STATE
\$12,690,436
62.3%



SBE-5
\$4,713,614
23.1%

SBE-1
\$703,750
3.5%

SBE-4
\$1,500,000
7.4%

SBE-3
\$202,584
1%

SBE-2
\$539,386
2.6%

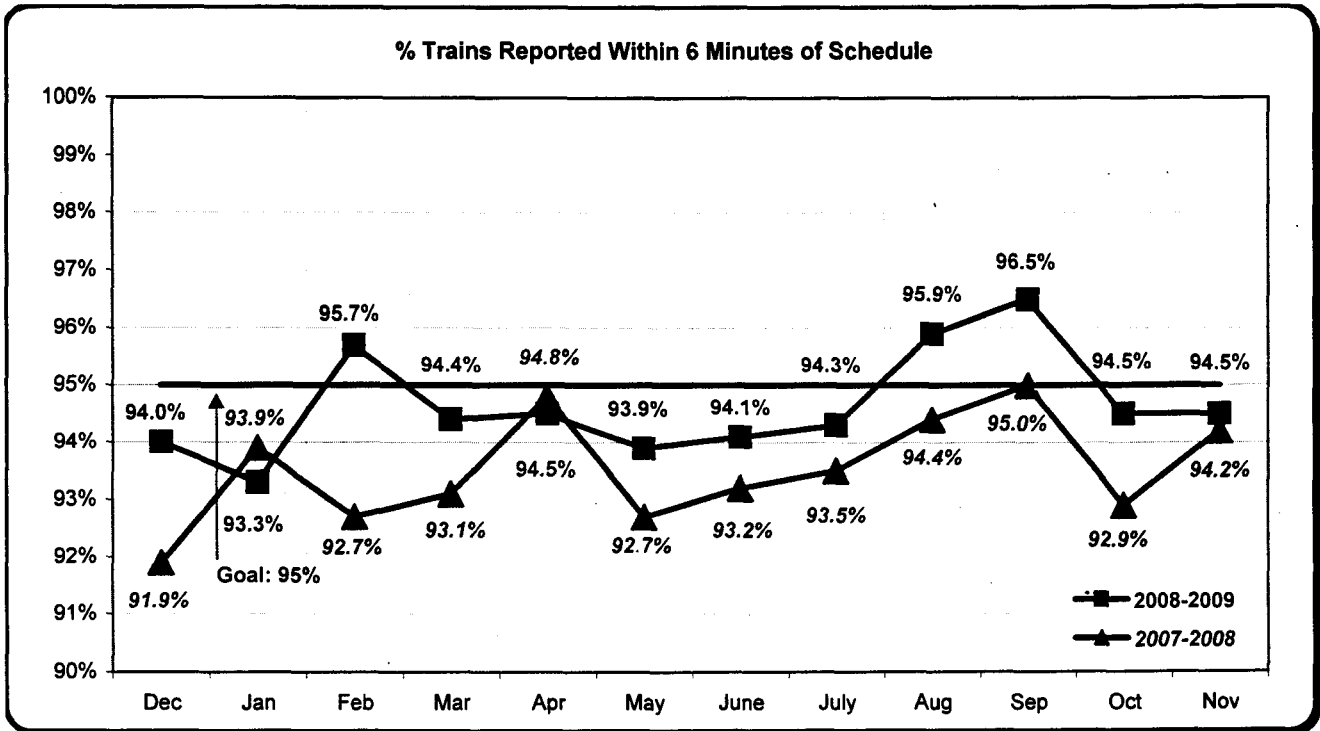
SBE-6
\$35,000
0.1%

Fiscal Year Beginning October 1, 2009*
Fiscal Year Beginning July 1, 2009**
(This report covers contracts above \$29,000)

PERFORMANCE MEASURES

ON-TIME PERFORMANCE
RAIL

DECEMBER 2007 - NOVEMBER 2009



	2008	2009	# Change
November Comparison	94.2%	94.5%	0.3%

	2007-2008	2008-2009	# Change
12-Month Average December - November	93.5%	94.6%	1.1%

Analysis:

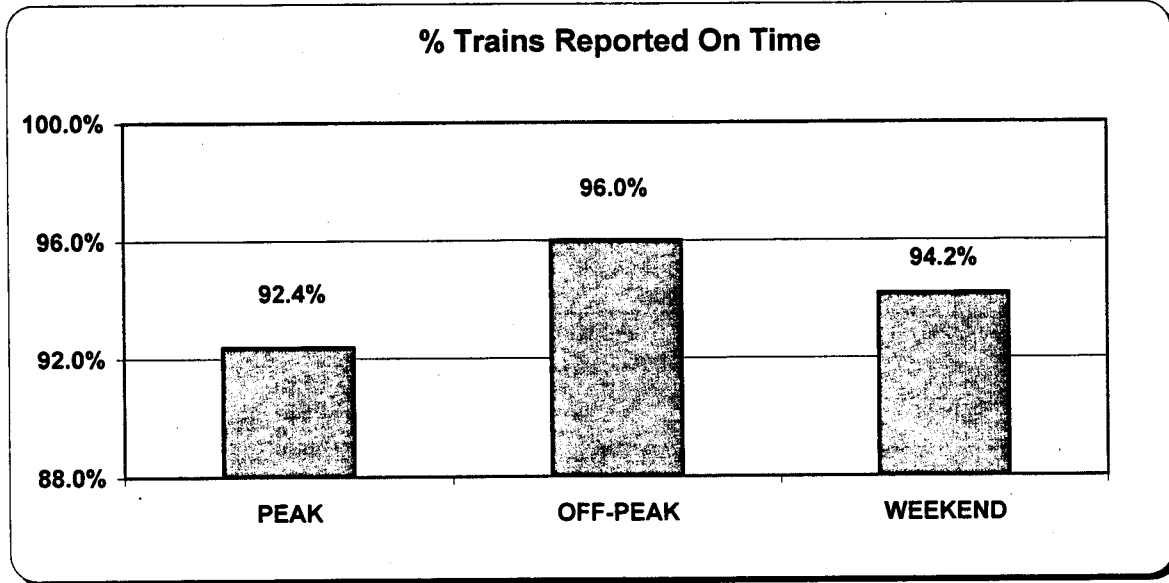
Rail On-Time Performance was 94.5% for November 2009. Of the 18,559 trains that were scheduled to operate, 17,541 were on time, while 1018 trains (or 5.5%) were delayed. Key causes included:

- Slippery rail conditions throughout the month.
- A special event and an Amtrak switch failure affecting service on November 1.
- A failure of Amtrak overhead wires between Newark and New York on November 5.

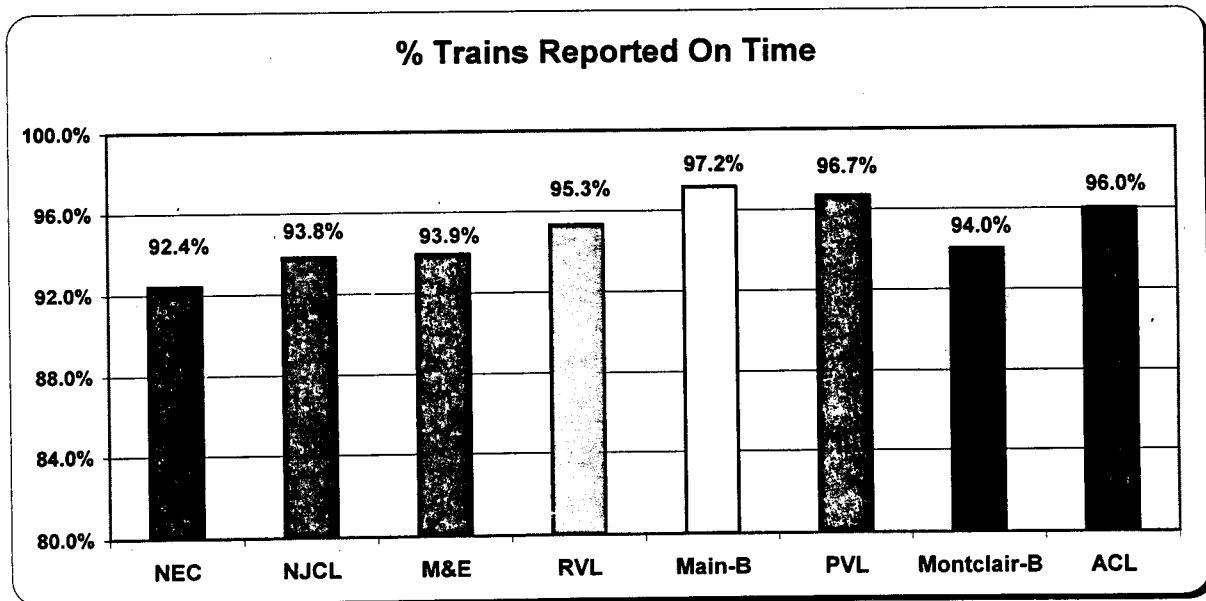
The 12-month average for Rail On-Time Performance for December 2008 - November 2009 was 94.6%.

ON-TIME PERFORMANCE RAIL

SUMMARY BY TIME PERIOD NOVEMBER 2009

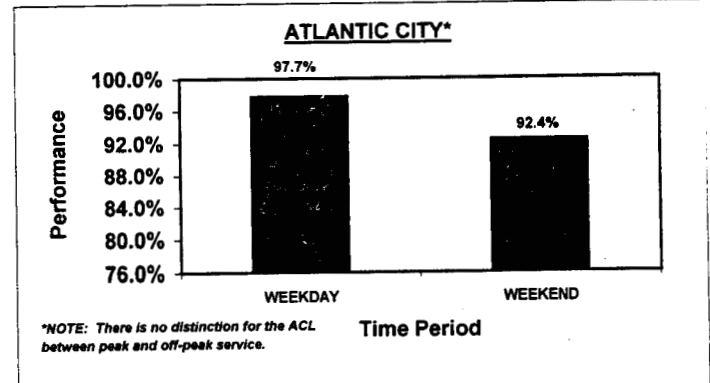
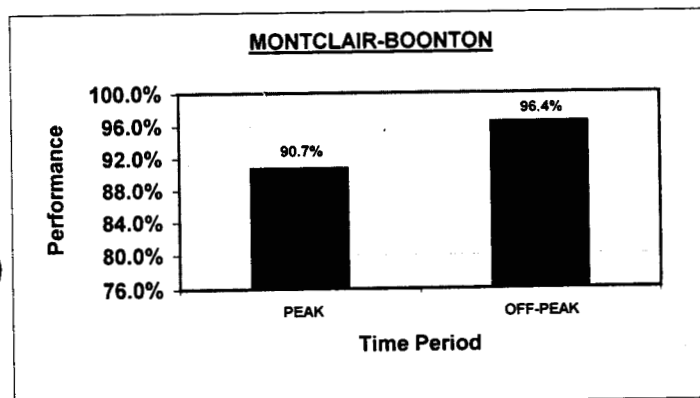
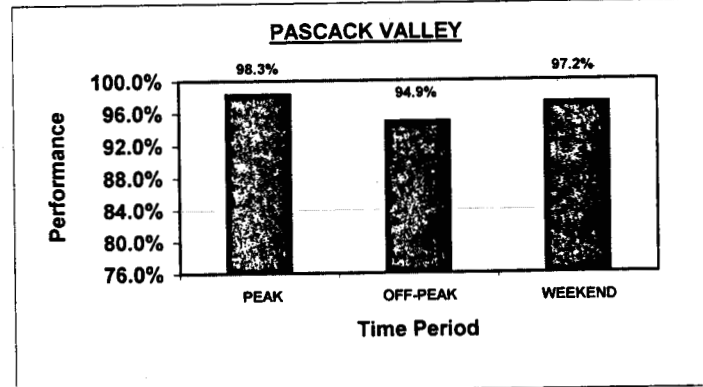
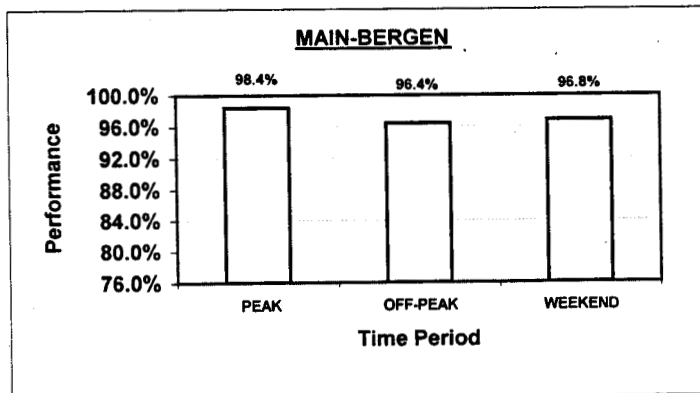
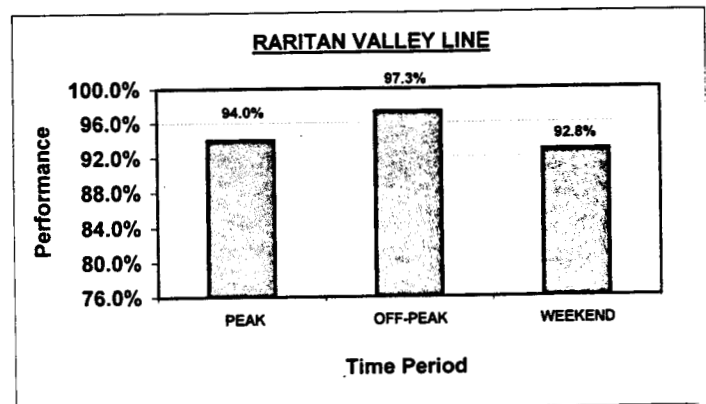
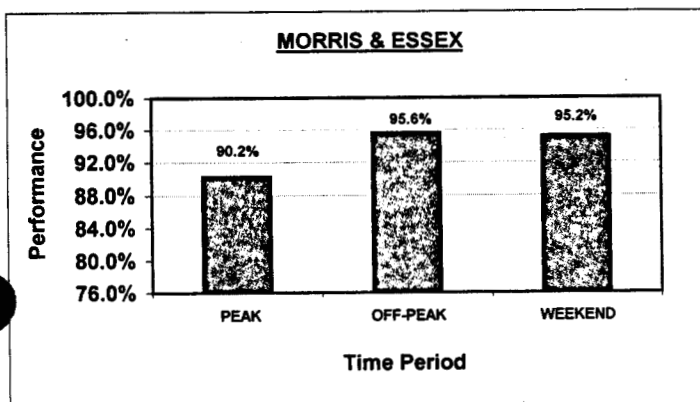
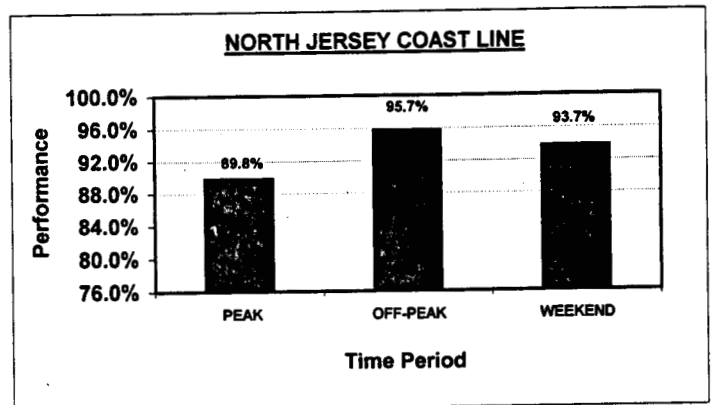
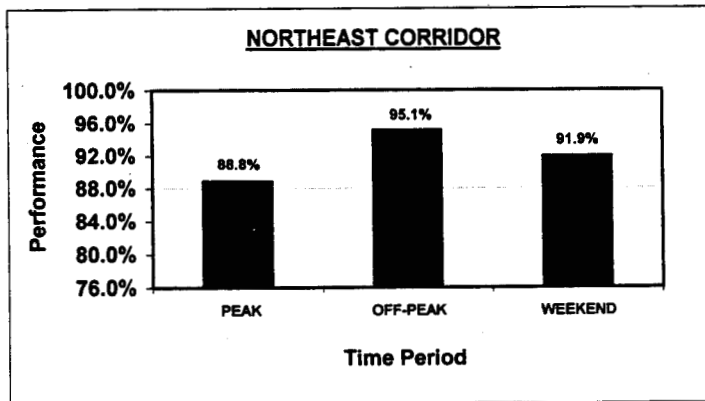


SUMMARY BY LINE NOVEMBER 2009



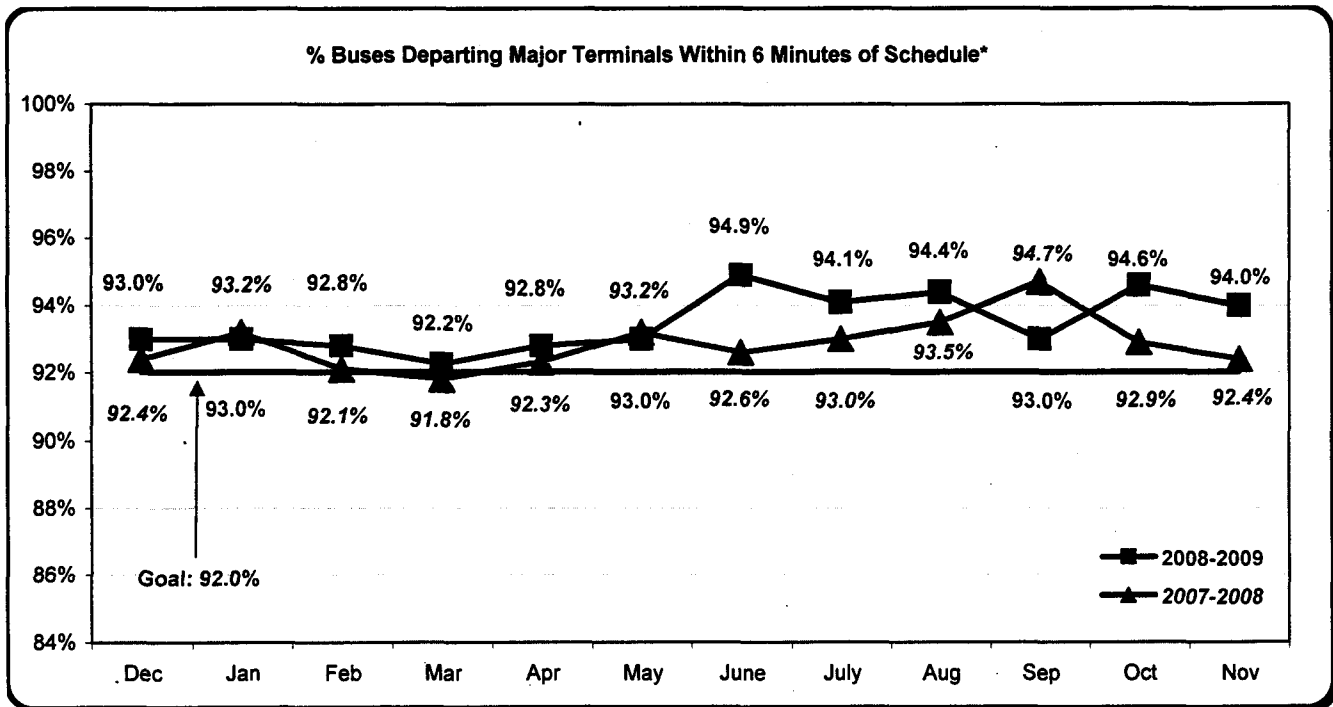
ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD NOVEMBER 2009

41804



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

ON-TIME PERFORMANCE BUS DECEMBER 2007 - NOVEMBER 2009



*Note: Includes the Walter Rand Transportation Center, Atlantic City Bus Terminal, Port Authority Bus Terminal, Newark Penn Station, and, as of July, 2008, Hoboken Terminal.

	2008	2009	% Change
November Comparison	92.4%	94.0%	1.6%

	2007-2008	2008-2009	% Change
12-Month Average November - October	92.9%	93.5%	0.6%

Analysis:

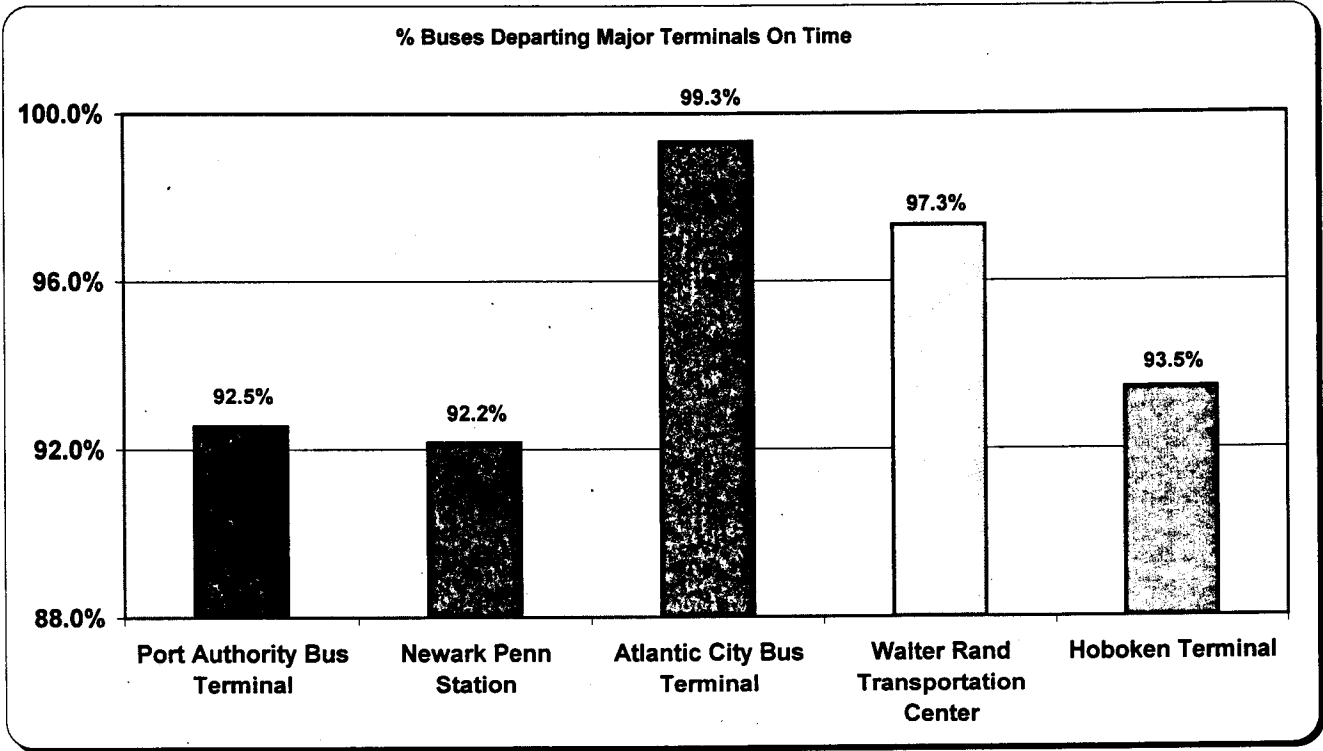
Bus On-Time Performance was 94% for November 2009. Of the 31,922 monitored departures, 1,900 (or 6%) experienced delays. Key causes included:

- Mechanical issues and traffic accidents affecting Newark Penn Station buses on November 24.
- Detours due to a parade in Atlantic City affecting Atlantic City Terminal buses on November 28.
- Heavy traffic on the Ben Franklin Bridge and on Broad and Vine Streets in Philadelphia delaying Walter Rand Transit Center buses on November 3.
- Road construction in Jersey City and holiday traffic affecting Hoboken buses on November 25.

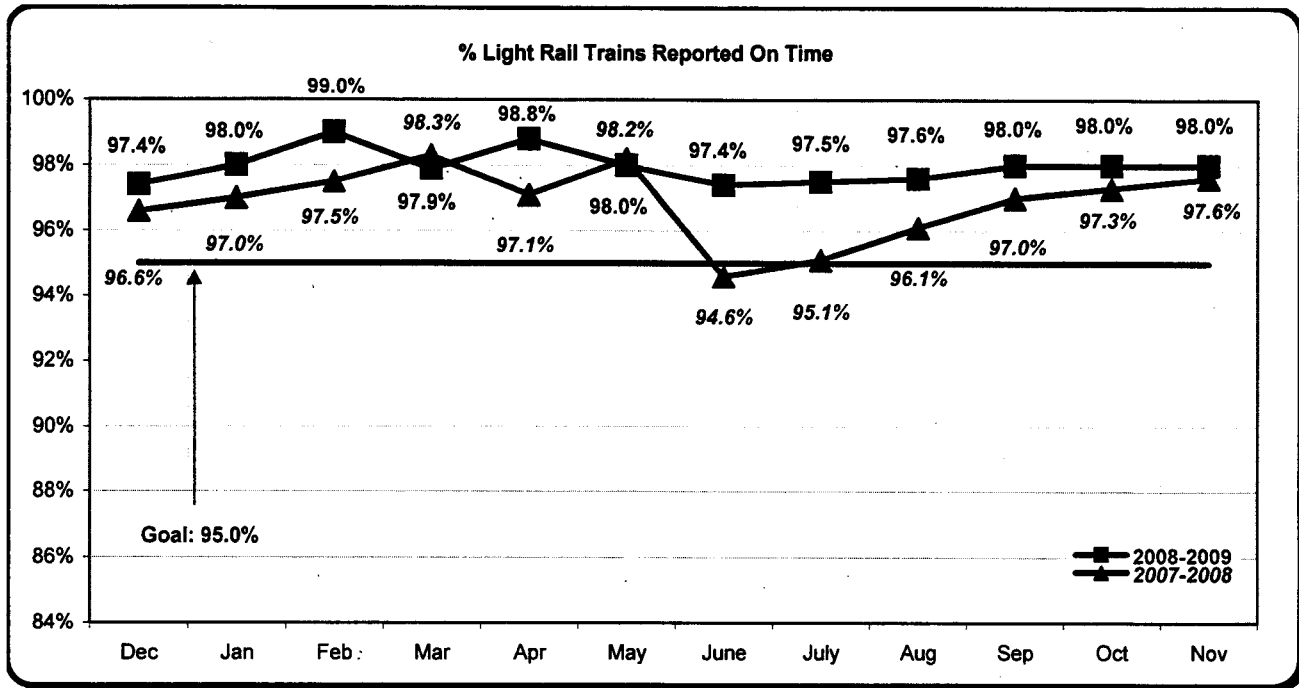
The 12-month average for Bus On-Time Performance for December 2008 - November 2009 was 93.5%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL NOVEMBER 2009



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL - SYSTEMWIDE DECEMBER 2007- NOVEMBER 2009



*Note: Starting May 2007

	2008	2009	# Change
November Comparison	97.6%	98.1%	0.5%

	2007-2008	2008-2009	# Change
12-Month Average December - November	96.8%	98.0%	1.1%

Analysis:

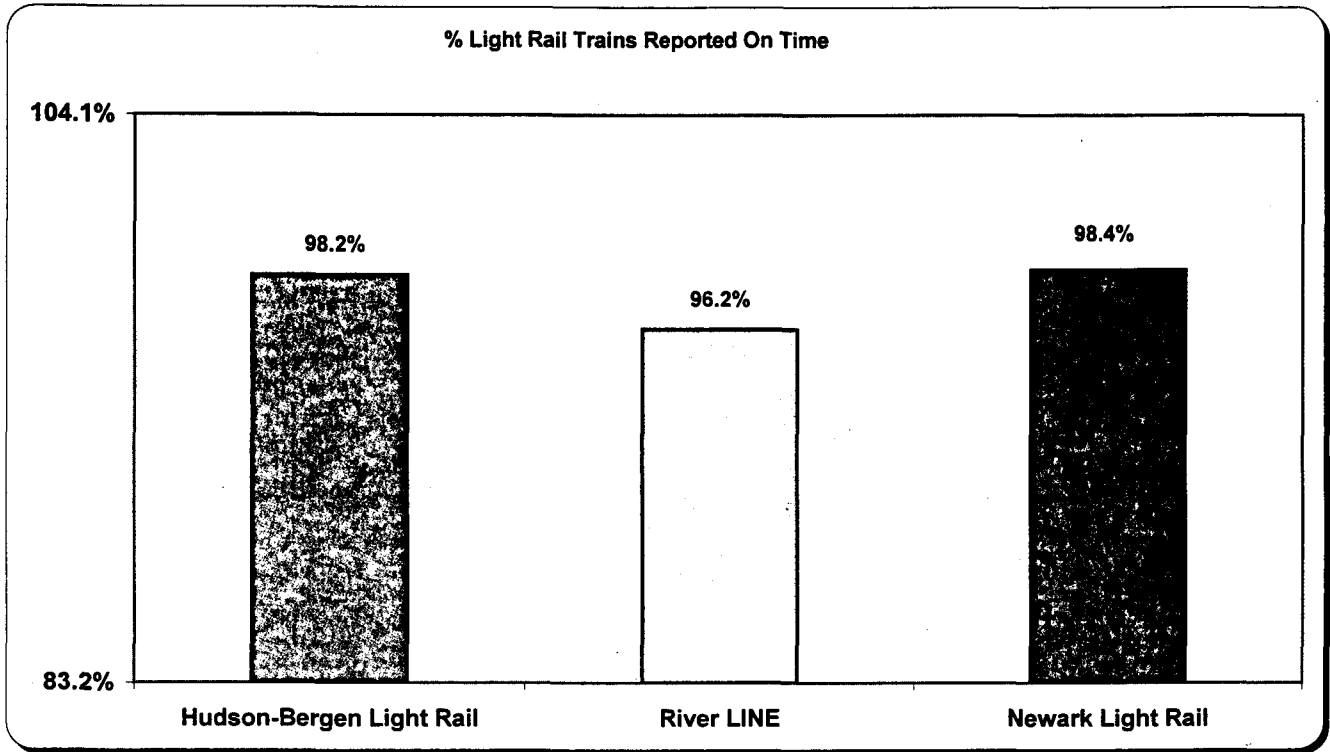
Light Rail On-Time Performance systemwide was 98.1% for the month of November 2009. Of the 28,897 scheduled trains, 545 (or 1.9%) experienced delays. Key causes included:

- Equipment failure affecting HBLR trains on November 24.
- A special event in Camden affecting River LINE service on November 1.
- Scheduled track outages for construction impacting Newark Light Rail on November 28.

The 12-month average for Light Rail On-Time Performance for December 2008 - November 2009 was 98%.

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE NOVEMBER 2009



ACTION ITEMS

**ITEM 0912-85: MASS TRANSIT TUNNEL/ACCESS TO THE REGION'S CORE:
MANHATTAN TUNNELS – CONSTRUCTION CONTRACT
AWARD, CONSTRUCTION MANAGEMENT SERVICES, AND
CONSTRUCTION ASSISTANCE SERVICES**

BENEFITS

In August 2009, NJ TRANSIT received an Early Systems Work Agreement from the Federal Transit Administration which provides nearly \$400 million in federal New Starts funding for the Manhattan Tunnels contract, the first major tunneling contract on the Mass Transit Tunnel project. The Federal Transit Administration has ultimately pledged \$3 billion to the overall project. The Manhattan Tunnels contract will create or maintain a significant number of jobs and have an immediate positive impact on the local and regional economy. Ultimately the overall project will generate 6,000 construction jobs annually and 44,000 permanent jobs once the project is completed.

Upon completion, the Mass Transit Tunnel project will double the existing rail capacity of the century-old trans-Hudson rail infrastructure, to meet the region's growing demand for commuter rail services. The Mass Transit Tunnel project will be constructed through the Meadowlands, under the New Jersey Palisades and Hudson River, to an expansion of Penn Station under 34th Street in New York City. The project is being advanced in partnership with The Port Authority of New York and New Jersey.

The project will break the region's trans-Hudson bottleneck by providing more commuter rail service with more direct trains and express service from stations throughout the entire system. The project will provide a transfer free, one seat ride to and from New York City for passengers on the Main, Bergen, Pascack Valley, Raritan Valley, North Jersey Coast Line, and other portions of the NJ TRANSIT system. The project will improve the region's environment, economy, and quality of life.

PURPOSE

The Manhattan Tunnels portion of the Mass Transit Tunnel project will span a distance of nearly one mile from Twelfth Avenue and West 28th Street in Manhattan to the end of the planned station cavern just west of Sixth Avenue.

The design-build construction contract includes the final design of the elements to be constructed, the construction of a new large-diameter shaft at Twelfth Avenue between West 28th and West 29th Street from which tunnel boring machines will be launched. The contractor will use two hard rock tunnel boring machines and all the necessary electrical equipment, pumps, guidance and communications gear, materials and supplies for the work. These tunnel boring machines will create four bores through hard rock some of which will later be excavated to form caverns for railroad interlockings and an expansion of Penn Station under 34th Street. More than 16,500 feet of tunnels will be created by this contract.

Other key items in this construction contract include installation of a new construction power substation which will provide the necessary electrical services to power the tunnel boring machines, construction of three cross passages between the new tunnels and ground stabilization at various locations along the tunnel alignment to reinforce zones of fractured rock and areas with potential water infiltration.

The construction management services will include inspection and quality assurance of all work incorporated into the project, coordination with utility providers, site safety and security; all in compliance with contract documents. These activities are in addition to tasks the construction management team currently performs, such as cost and schedule monitoring and risk evaluation and monitoring work.

The construction assistance services will include review of contractor's design, review of shop drawings, resolution of unforeseen design issues, responses to requests for information from the contractor and underground construction field services.

ACTION (Justification: Core System Capacity)

Staff seeks authorization to award a contract to Barnard of New Jersey and Judlau Contracting Inc., Joint Venture of College Point, New York for construction of the Manhattan Tunnels between Twelfth Avenue and Sixth Avenue, and related work at a cost not to exceed \$583,000,000, plus five percent for contingencies, for a total contract authorization of \$612,150,000, subject to the availability of funds.

Staff seeks authorization to amend the contract (No. 06-111) with THE CM Consortium, a joint venture of Tishman Construction Corp., Parsons Transportation Group of New York and Arup for construction management services for the Manhattan Tunnels construction contract at a cost not to exceed \$18,500,000, plus five percent for contingencies, for a revised total contract authorization of \$71,400,000, subject to the availability of funds.

Staff seeks authorization to amend the contract (No. 06-046) with THE Partnership, a joint venture of Parsons Brinckerhoff, Inc., STV Inc., and AECOM of Newark, New Jersey, for construction assistance design services for the Manhattan Tunnels construction contract at a cost not to exceed \$4,349,401, plus five percent for contingencies, for a revised total contract authorization of \$230,425,933, subject to the availability of funds.

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

FISCAL IMPACTS

Requested Authorizations:	\$583,000,000 + 5% contingencies for construction services for a total contract authorization of \$612,150,000
	\$18,500,000 + 5% contingencies for construction management services for a revised total contract authorization of \$71,400,000
	\$4,349,401 + 5% contingencies for construction assistance design services for a revised total contract authorization of \$230,425,933
Total Project Cost:	\$658,585,000 (Manhattan Tunnels contract)
	\$8,700,000,000 (Overall project - year of expenditure)
Projected Date of Completion:	2014 (Manhattan Tunnels contract)
	2017 (Overall project)
Anticipated Source of Funds:	Federal Transit Administration New Starts, American Recovery & Reinvestment Act, CMAQ, TTF, NJ Turnpike, PANYNJ
Diversity Goals:	DBE – 6 percent for Manhattan Tunnels construction contract DBE – 25 percent for construction management services DBE – 21.5 percent for construction assistance services
Related/Future Authorizations:	N/A
Impacts on Subsequent Operating Budgets:	TBD

RESOLUTION

WHEREAS, the Mass Transit Tunnel project will break the region's trans-Hudson bottleneck by providing more commuter rail service, more express service, and more direct service from stations throughout the entire system; and

WHEREAS, NJ TRANSIT has received an Early Systems Work Agreement from the Federal Transit Administration which includes nearly \$400 million in federal New Starts funding for the Manhattan Tunnels contract; and

WHEREAS, the Manhattan Tunnels contract includes the construction of a new large-diameter shaft, more than 16,500 feet of tunnels, development of a new construction power substation, and construction of three tunnel cross passages; and

WHEREAS, the selection of the construction services contractor followed a competitive procurement process which resulted in the selection of the lowest responsive and responsible bidder; and

WHEREAS, the construction management contract for the Mass Transit Tunnel project was previously awarded by a competitive procurement process and included a contract option to provide project controls and construction management services during construction; and

WHEREAS, the design services contract for the Mass Transit Tunnel project was previously awarded by a competitive procurement process and included a contract option for construction assistance services during construction;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to award a contract to Barnard of New Jersey and Judlau Contracting Inc., Joint Venture of College Point, New York for construction of the Manhattan Tunnels between Twelfth Avenue and Sixth Avenue, and related work at a cost not to exceed

\$583,000,000, plus five percent for contingencies, for a total contract authorization of \$612,150,000, subject to the availability of funds; and

BE IT ALSO RESOLVED that the Chairman or Executive Director is authorized to amend the contract (No. 06-111) with THE CM Consortium, a joint venture of Tishman Corporation, Parsons Corporation and Arup of Newark, New Jersey, for construction management services for the Manhattan Tunnels construction contract at a cost not to exceed \$18,500,000, plus five percent for contingencies, for a revised total contract authorization of \$71,400,000, subject to the availability of funds;

BE IT ALSO RESOLVED that the Chairman or Executive Director is authorized to amend the contract (No. 06-046) with THE Partnership, a joint venture of Parsons Brinckerhoff, Inc., STV Inc., and AECOM of Newark, New Jersey, for construction assistance design services for the Manhattan Tunnels construction contract at a cost not to exceed \$4,349,401, plus five percent for contingencies, for a revised total contract authorization of \$230,425,933, subject to the availability of funds.

**ITEM 0912-86: NORTHERN BRANCH RAIL CORRIDOR: CONTRACT
 AMENDMENT FOR PRELIMINARY ENGINEERING
 CONSULTANT SERVICES**

BENEFITS

The Northern Branch Rail corridor will reintroduce rail service in eastern Bergen County to improve regional mobility, mitigate traffic congestion, and foster economic investment. The reintroduction of rail transit service will provide congestion relief on local and county roads burdened by daily commuter traffic. The restoration of Northern Branch passenger rail service will provide a public transit alternative in areas underserved by the roadway network.

NJ TRANSIT is currently working with the Federal Transit Administration (FTA) to complete the National Environmental Policy Act (NEPA) process and obtain a Record of Decision from the FTA. The Draft Environmental Impact Statement (DEIS) contains an analysis of the environmental impacts of a No Build Alternative and four Build Alternatives – Diesel Multiple Unit technology to Tenafly or to Englewood Route 4 and Electric Light Rail technology to Tenafly or to Englewood Route 4.

PURPOSE

Amendment of the professional services contract with Gannett Fleming/HNTB will provide for the advancement of the preliminary design of the common infrastructure elements for all four Build Alternatives north of 83rd Street in North Bergen to design/build packages. Preliminary design will include track alignment; utility identification and relocation plans; property acquisition plans; drainage design; geotechnical and environmental testing; permitting; and railroad coordination. Gannett Fleming/HNTB was previously selected through a competitive procurement process to provide preliminary design and engineering for the Northern Branch project.

ACTION (Justification: System Expansion)

Staff seeks authorization to amend the professional services contract (No. 07-005) with Gannett Fleming/HNTB, a Joint Venture Partnership, of Newark, New Jersey, for preliminary engineering of the Northern Branch Rail Corridor common infrastructure elements for all four Build Alternatives at a cost not to exceed \$7,500,000 plus five percent for contingencies, for a total contract authorization of \$11,025,000, subject to the availability of funds.

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

FISCAL IMPACTS**Requested Authorization:**

Preliminary Engineering This Authorization \$ 7,500,000 + 5% contingency
Total Authorization \$ 11,025,000

Total Project Cost: TBD

Projected Completion Date: Environmental Impact Statement 2010
Revenue Ready Service 2014

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

Diversity Goal: 30% DBE

***NJ Build* Amount:** NA

Related/Future Authorizations: Balance of preliminary engineering
DEIS/FEIS
Design/build contracts
Construction assistance
Construction management
Property acquisition
Vehicle procurement
OCIP

**Impacts on Subsequent
Operating Budgets:** None

RESOLUTION

WHEREAS, NJ TRANSIT is working to improve the quality and expand the availability of the public transit system; and

WHEREAS, the Northern Branch Rail Corridor project will re-introduce rail service in eastern Bergen County to improve regional mobility, mitigate traffic congestion, and foster economic investment; and

WHEREAS, the environmental impact analysis is evaluating the use of two modes on the Northern Branch: Federal Railroad Administration-compliant diesel multiple unit rail cars and Hudson-Bergen light rail cars; and

WHEREAS, NJ TRANSIT anticipates advancing the common infrastructure elements for all four Build Alternatives north of 83rd Street through preliminary engineering; and

WHEREAS, NJ TRANSIT previously selected Gannett Fleming/HNTB through a competitive procurement process to undertake preliminary design and engineering for the Northern Branch project;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to amend the professional services contract (No. 07-005) with Gannett Fleming/HNTB, a Joint Venture Partnership, of Newark, New Jersey, for preliminary engineering of the Northern Branch Rail Corridor infrastructure elements common to all four alternatives at a cost not to exceed \$7,500,000, plus five percent for contingencies, for a total contract authorization of \$11,025,000, subject to the availability of funds.

**ITEM 0912-87: PORTAL BRIDGE CAPACITY ENHANCEMENT PROJECT:
CONTRACT AMENDMENT FOR FINAL ENGINEERING AND
DESIGN CONSULTANT SERVICES AND CONTRACT AWARD
FOR CONSTRUCTION MANAGEMENT CONSULTANT
SERVICES FOR EARLY ACTION CONSTRUCTION ELEMENTS**

BENEFITS

The Portal Bridge is a nearly 100-year-old two-track moveable swing span railroad bridge over the Hackensack River. The bridge, owned by Amtrak, is a critical link on the Northeast Corridor. Each day, NJ TRANSIT carries 150,000 average weekday passenger trips over the Portal Bridge on approximately 350 trains, and Amtrak carries an additional 30,000 passengers over the bridge. The existing bridge is functionally obsolete, expensive to maintain, and suffers frequent problems that disrupt both rail and marine traffic, resulting in recurring delays for rail riders.

The Federal Railroad Administration (FRA) has approved a project to both replace the existing bridge and expand capacity in the corridor by constructing two new parallel spans north and south of the existing structure. Once both spans are completed, the existing bridge would be demolished. The project will greatly improve service reliability for Amtrak and NJ TRANSIT trains. NJ TRANSIT and Amtrak will jointly be responsible for project design and construction efforts.

PURPOSE

Authorization of this contract amendment with Portal Partners, Inc. will provide professional services for engineering and design assistance in the development of construction bid packages as well as for construction bid support for the Portal Bridge Capacity Enhancement project.

Authorization of a construction management contract with AECOM-STV Joint Venture will allow for construction management services for the early action construction elements.

ACTION (Capital Program Justification: New System Start)

Staff seeks authorization to amend the professional services contract (No. 08-042) with Portal Partners, Inc. of Audubon, Pennsylvania, for final engineering and design consultant services in support of the Portal Bridge Capacity Enhancement project at a cost not to exceed \$69,703,200, plus five percent for contingencies, for a total contract authorization of \$123,950,274, subject to the availability of funds.

Staff also seeks authorization to enter into a contract (No. 10-025) with AECOM-STV Joint Venture of Newark, New Jersey, for construction management consultant services in support of the early action construction elements Portal Bridge Capacity Enhancement project at a cost not to exceed \$18,000,000, plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACT

Requested Authorization:

Portal Partners, Inc.

This Authorization	\$ 69,703,200 + 5% contingency
Total Authorization	\$ 123,950,274

AECOM-STV Joint Venture	\$ 18,000,000 + 5% contingency
-------------------------	--------------------------------

Total Project Cost: \$1.5 to 1.8 billion (YOE \$)

Projected Date of Completion: 2017

Anticipated Source of Funds: Transportation Trust Fund
Federal Stimulus Funds
Other (TBD)

Diversity Goal:

Engineering & Design	22% DBE
Construction Management	25% DBE

NJ Build Amount: None

Future Related Authorizations: Balance of Construction Management Services
Construction Assistance Services
Construction
Property Acquisition

Impact on Future Operating Budgets: NA

RESOLUTION

WHEREAS, NJ TRANSIT seeks to replace the aging Portal Bridge across the Hackensack River, expand capacity on the Northeast Corridor, reduce conflicts between rail and marine traffic, and decrease rail service interruptions; and

WHEREAS, replacing the Portal Bridge includes constructing two new bridges – a two-track bridge and a three-track bridge – as well as improvements to the approaches; and

WHEREAS, Portal Partners, Inc. was previously selected through a competitive process to provide design and engineering consultant services for the Portal Bridge Capacity Enhancement Project; and

WHEREAS, upon completion of a competitive procurement process for construction management consultant services it was determined that AECOM-STV Joint Venture submitted the proposal that provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to amend the professional services contract (No. 08-042) with Portal Partners, Inc. of Audubon, Pennsylvania, for final engineering and design consultant services in support of the Portal Bridge Capacity Enhancement project at a cost not to exceed \$69,703,200, plus five percent for contingencies, for a total contract authorization of \$123,950,274, subject to the availability of funds; and

BE IT FURTHER RESOLVED that the Chairman or Executive Director is hereby authorized to enter into a contract (No. 10-025) with AECOM-STV Joint Venture of Newark, New Jersey, for construction management consultant services in support of the early action construction elements Portal Bridge Capacity Enhancement project at a cost not to exceed \$18,000,000, plus five percent for contingencies, subject to the availability of funds.

ITEM 0912-88: BERGEN COUNTY LOCAL BUS SERVICE

BENEFITS

This contract will provide for the operation of local bus service in the Bergen County area on Routes 751, 752, 753, 755, 756, 762, 772, and 780. In Fiscal Year 2009, these eight routes comprising this service served a combined ridership of 2,362,008 annual passenger trips. Staff has identified these routes as appropriate service to be operated more economically by seeking competitive bids for its performance.

PURPOSE

Authorization of this contract will continue local bus service on these eight routes in Bergen County.

ACTION (Justification: Cost Efficiencies)

Staff seeks authorization to enter into a contract with Community Transportation, Inc. of Paramus, New Jersey, to operate eight routes in the Bergen County Area for a 36-month base contract term, with two additional two-year option periods, for a total of 84 months from January 31, 2010 through January 28, 2017, at a total cost not to exceed \$39,370,785, plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACTS

Requested Authorization: \$ 39,370,785 + 5% contingency

Total Project Cost: \$ 41,339,435

Projected Date of Completion: January 2017

Anticipated Source of Funds:	FY10 (5 months)	\$ 2,289,830
	FY11	\$ 5,672,700
	FY12	\$ 5,792,315
	FY13	\$ 5,949,800
	FY14	\$ 5,891,220
	FY15	\$ 5,928,470
	FY16	\$ 6,185,650
	FY17 (7 months)	\$ 3,629,450

Diversity Goal: 5% DBE

NJ BUILD Amount: N/A

Impact on Subsequent Operating Budgets: \$ 12,331,873 savings over contract life

RESOLUTION

WHEREAS, staff has determined that it is appropriate to provide local bus service in Bergen County; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Community Transportation, Inc. submitted the proposal that provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to contract with Community Transportation, Inc. of Paramus, New Jersey, to operate eight routes in the Bergen County Area for a 36-month base contract term, with two additional two-year option periods, for a total of 84 months from January 31, 2010 through January 28, 2017, at a total cost not to exceed \$39,370,785, plus five percent for contingencies, subject to the availability of funds.

ITEM 0912-89: JERSEY SHORE – GARDEN STATE PARKWAY – NEWARK LIBERTY INTERNATIONAL AIRPORT SERVICE

BENEFITS

NJ TRANSIT market research has identified a demand for commuter bus service from several areas of New Jersey for employees working at the Newark Liberty International Airport complex whose public transportation needs are not currently being met. The Garden State Parkway corridor between Toms River and South Amboy is one such area with a large number of airport workers. The Jersey Shore – Garden State Parkway – Newark Liberty International Airport Service (designated as Route 60 – Toms River – Newark Airport) is being implemented on an experimental basis to serve the commuting needs of those employees as well as airport patrons. The projected ridership for the new service exceeds 900 passengers per day.

PURPOSE

Authorization will provide for the implementation of the new NJ TRANSIT Route 60 – Toms River – Newark Airport regular route commuter bus service for a 30-month base contract period. The contract also provides for two three-year option periods. Authorization for the option periods will be requested at a later date.

ACTION (Justification: Cost Efficiencies)

Staff seeks authorization to enter into a contract with Academy Lines, LLC of Hoboken, New Jersey, for the operation of the Route 60 – Toms River – Newark Airport regular route service for a 30-month base contract period from January 1, 2010 through June 30, 2012 at a total cost of \$10,054,515, plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACTS

Requested Authorization: \$ 10,054,515 + 5% for contingencies

Total Project Cost: N/A

Projected Date of Completion: June 30, 2012

Anticipated Source of Funds: Operating Budget

Diversity Goal/Participation: Carriers are required to make a good faith effort to expend 5% of the value of the contract (excluding wages) on goods/services provided by Small Business Enterprises

NJ Build Amount: NA

Related/Future Authorizations: N/A

Impacts on Subsequent Operating Budgets:	FY10 (6 months)	\$ 1,599,505
	FY11	\$ 4,373,855
	FY12	\$ 4,583,885

Above impacts exclude farebox revenue

RESOLUTION

WHEREAS, staff has determined that it is appropriate to implement the Jersey Shore – Garden State Parkway – Newark Liberty International Airport Service, NJ TRANSIT Route 60 – Toms River – Newark Airport, a new regular route commuter bus service; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Academy Lines, LLC submitted the proposal that provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to enter into a contract with Academy Lines, LLC of Hoboken, New Jersey, for the operation of the Route 60 – Toms River – Newark Airport regular route service for a 30-month base contract period from January 1, 2010 through June 30, 2012 at a total cost of \$10,054,515, plus five percent for contingencies, subject to the availability of funds.

**ITEM 0912-90: POSITIVE TRAIN CONTROL IMPLEMENTATION: CONTRACT
AWARD FOR ENGINEERING SUPPORT SERVICES**

BENEFITS

With safety as a number one priority, NJ TRANSIT has invested in cab signaling, which has been implemented on all NJ TRANSIT's commuter lines. Recently, the Rail Safety Improvement Act of 2008 (RSIA 2008) became law. This legislation mandates the implementation of a Positive Train Control (PTC) system on all rail lines by the end of December 2015.

The Federal Railroad Administration (FRA) is working to develop a new performance-based regulation to address the various statutory requirements of the RSIA and to better support railroads that must install PTC systems. NJ TRANSIT will be required to implement PTC on all of its commuter rail lines as well as the River LINE system.

PURPOSE

The first step in this critical effort to comply with the legislation is to retain consulting engineering services to assist NJ TRANSIT with the submission of the PTC Implementation Plan by the April 16, 2010 deadline. Consultant support will also include the preparation of freight PTC interoperability agreements, PTC system engineering, prototype development, and demonstration testing that are essential to the program.

The authorization of this contract will provide technical support consulting services for PTC Phase I (Development Phase), Phase II (PTC Prototype Program), and Phase III (PTC Demonstration Program).

Future phases of this contract may include technical support consulting services for Phase IV (System-wide Installation) and Phase V (Project Completion and Close-out).

ACTION (Justification: Mandate)

Staff requests authorization to contract (No. 10-010) with HNTB of New York, New York, for technical support consulting services for the PTC Project Phases I, II and III at a cost not to exceed \$3,400,000, plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACTS

Requested Authorization: \$ 3,400,000 + 5% contingency

Total Project Cost: \$ 26,500,000 (through Demonstration)

Projected Date of Completion: December 2016

Anticipated Source of Funds: Transportation Trust Fund

Diversity Goal: 19% SBE

***NJ Build* Amount:** NA

Future/Related Authorizations: Technical Support Services for Phases IV and V
Implementation Phase I – Prototype Development
Implementation Phase II – Demonstration
Implementation Phase III – Systemwide Installation

**Impact on Subsequent
Operating Budget:** TBD

RESOLUTION

WHEREAS, the Rail Safety Improvement Act of 2008 (RSIA 2008) mandates the implementation of a Positive Train Control (PTC) system on all rail lines by the end of December 2015; and

WHEREAS, NJ TRANSIT has identified the technical support consulting services for the PTC Implementation Project as essential to complying with this requirement; and

WHEREAS, after the completion of a competitive procurement process, it was determined that the consultant team led by HNTB submitted the proposal for technical support consulting services for the PTC system that provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract (No. 10-010) with HNTB of New York, New York, for technical support consulting services for the PTC Implementation Project Phases I, II and III at a cost not to exceed \$3,400,000, plus five percent for contingencies, subject to the availability of funds.

ITEM 0912-91: HUDSON-BERGEN LIGHT RAIL LITIGATION SUPPORT: COMPENSATION OF EXPERT CONSULTANT (TRAUNER CONSULTING SERVICES, INC.)

BENEFITS

Trauner Consulting Services, Inc. is an established firm providing comprehensive construction claims consulting. The retention of Trauner Consulting Services, Inc. will provide NJ TRANSIT with additional resources and expertise in the defense of a major construction litigation.

PURPOSE

At its May 2009 meeting, the Board of Directors authorized the reimbursement of Trauner Consulting Service, Inc. for expert consulting services through the end of 2009. Staff has determined that additional funding will be required for Trauner Consulting Service, Inc. to support the litigation through September 2010.

ACTION (Justification: Legal Defense)

Staff seeks authorization to reimburse Trauner Consulting Services Inc., of Philadelphia, Pennsylvania, for expert consultant services in the amount of \$2,000,000, for a total authorization of \$5,000,000, subject to the availability of funds.

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

FISCAL IMPACTS

Requested Authorization	This Authorization	\$ 2,000,000
	Total Authorization	\$ 5,000,000

Total Project Cost: TBD

Projected Date of Completion: TBD

Anticipated Source of Funds: Transportation Trust Fund

Diversity Goal: NA

NJ Build Amount: NA

Related/Future Authorizations: Settlement of claim
Additional expert consultant services

Impacts on Subsequent Operating Budgets: N/A

RESOLUTION

WHEREAS, NJ TRANSIT requires additional resources and construction claims expertise in conjunction with defending a lawsuit filed by Twenty-First Century Rail Corporation, the Design-Build-Operate-Maintain (DBOM) contractor for the Hudson-Bergen Light Rail project and its subcontractor; and

WHEREAS, the New Jersey Office of the Attorney General Division of Law (DOL) has retained Trauner Consulting Services, Inc., to provide expert consultant services to assist NJ TRANSIT in this matter; and

WHEREAS, the Division of Law has requested that NJ TRANSIT reimburse Trauner Consulting Services, Inc. directly; and

WHEREAS, NJ TRANSIT's Board of Directors approved payments to Trauner Consulting Services, Inc. at its May 2009 meeting and additional effort is required;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to reimburse Trauner Consulting Services, Inc., of Philadelphia, Pennsylvania, for expert consultant services in the amount of \$2,000,000, for a total authorization of \$5,000,000, subject to the availability of funds.

**ITEM 0912-92: LEASE ADMINISTRATION AND MANAGEMENT SERVICES FOR
TENANT AND PARKING OPERATING AGREEMENTS:
CONSULTANT SUPPORT**

BENEFITS

In support of NJ TRANSIT'S objective to improve business efficiencies and increase non-farebox revenue, staff is recommending continuing the engagement of a real estate management firm to assist in the administration and management of tenant and parking operator agreements and leases. For the past five years, NJ TRANSIT has engaged the services of a lease management firm and revenue has increased significantly from these assets. Staff believes that these services will continue to enhance the management and administration of NJ TRANSIT real estate assets and the revenue produced by these assets.

PURPOSE

NJ TRANSIT owns and operates a variety of properties and manages a portfolio of approximately 450 commercial tenant leases, licenses and parking operator agreements. Efficient management, inspection, leasing, compliance monitoring, and tracking of these agreements require considerable manpower for efficient operation. In addition, timely renewal of leases to market rate rents ensures that NJ TRANSIT maximizes non-farebox revenue. The selected firm will support Real Estate in the performance of these tasks and assist in the implementation of new initiatives to improve the overall management of NJ TRANSIT's real estate portfolio.

ACTION (Justification: Business Efficiencies)

After a competitive process, staff seeks authorization to award a contract to Greystone Corporate Realty Services, a Division of Greystone & Company, of New York, NY to provide administration and management services for tenant and parking operator agreements at a cost of \$515,000, plus five percent for contingencies per year for a total cost of \$2,575,000, plus five percent for contingencies for the five-year contract term.

In addition, during the first three years of the contract, Greystone will receive eight percent of the increased revenue from renewed leases not to exceed a total of \$95,000 for the three-year period.

The funding of this agreement shall be subject to the availability of funds and Board approval of NJ TRANSIT's Operating Budget.

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

FISCAL IMPACTS

Requested Authorization: \$2,575,000 + 5% contingency (one five-year term) and 8% of incremental lease renewal revenue not to exceed \$95,000 over first three years

Total Project Cost: Not to exceed \$2,798,750

Projected Date of Completion: December 31, 2014

Anticipated Source of Funds: Operating Budget

Diversity Goal/Participation: None

Related/Future Authorizations: N/A

Impact on Subsequent Operating Budgets:	FY2011	\$540,750
	FY12	\$540,750
	FY13	\$540,750
	FY14	\$635,750
	FY15	\$540,750

RESOLUTION

WHEREAS, NJ TRANSIT owns and operates a variety of properties and manages a portfolio of approximately 450 commercial tenant leases, licensees and parking operator accounts; and

WHEREAS, in support of NJ TRANSIT'S objective to increase business efficiencies and increase non-farebox revenue, staff is recommending continuing the engagement of a real estate management firm to assist in the administration and management of tenant and parking operator agreements; and

WHEREAS, following the completion of a competitive procurement process, Greystone Corporate Realty Services was determined to be the highest ranked proposer; and

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract with Greystone Corporate Realty Services, a Division of Greystone & Company, of New York, NY to assist in the administration and management of NJ TRANSIT's tenant and parking operator agreements at a total cost \$2,575,000, plus five percent for contingencies and additional compensation through an incentive payment from increased lease renewal revenue consisting of eight percent of the revenue increase from lease renewals not to exceed \$95,000 for the first three-year period; and

BE IT FURTHER RESOLVED that funding of these agreements shall be subject to the availability of funds and Board approval of NJ TRANSIT's Operating Budget.

ITEM 0912-93: STATEWIDE MICROWAVE COMMUNICATIONS NETWORK**BENEFITS**

In support of NJ TRANSIT's objective to maintain a state of good repair, staff is recommending an upgrade to NJ TRANSIT's Statewide Microwave Communications Backbone System.

PURPOSE

This project replaces an obsolete and unsupportable statewide microwave backbone system originally placed into operation over twenty years ago that currently provides connectivity for remote radio base stations used to provide radio communications to various entities within NJ TRANSIT and external contract bus carriers. Replacing the existing analog system with a modern digital microwave system will provide a long-term and stable platform for the delivery of advanced communication services.

The bus microwave system replacement is also required as a first step to support NJ TRANSIT's planned replacement of its aging land mobile radio infrastructure currently utilized by NJ TRANSIT Bus Operations, NJ TRANSIT Police Department, NJ TRANSIT Light Rail Operations, NJ TRANSIT non-revenue departments, and NJ TRANSIT contract bus carriers.

ACTION (Justification: Customer Service and State of Good Repair)

The Western States Contracting Alliance (WSCA) is a cooperative purchasing alliance between 15 western States, including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Minnesota, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah and Washington. WSCA uses a "lead State" approach where an individual State conducts a competitive bidding process on behalf of all of the States and manages the contract. The contract is then available for use by each participating State as well as other governmental entities, including NJ TRANSIT. WSCA Contract No. 02702, Public Safety Communications Equipment and Service Contract, includes Category 5, "Microwave". Category 5 was awarded to Alcatel-Lucent USA ("Alcatel") by low bid on November 25, 2003 and the contract included extensions through 2013. NJ TRANSIT subsequently executed a Participating Addendum in March of 2007 with the State of Washington and is now eligible to participate in WSCA Contract No. 02702. This contracting approach is in accordance with Executive Order No. 37 and NJ TRANSIT Procurement Regulations (N.J.A.C. 16:72-1.5).

Staff seeks authorization to enter into a fixed-price contract to purchase replacement microwave radio equipment, software, three years of warranty and associated engineering and installation services, from a Murray Hill, New Jersey company, Alcatel-Lucent USA, Inc., through the WSCA contract for a total cost not to exceed \$6,000,000, subject to the availability of funds. Staff seeks additional authorization, not to exceed

\$2,000,000, as an allowance under the proposed contract, for probable structural modifications to communications tower facilities. Alcatel-Lucent will competitively bid subcontracts for any required structural modifications.

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

FISCAL IMPACTS

Requested Authorization:	\$6,000,000 Alcatel-Lucent \$2,000,000 Contingency
Total Project Cost:	\$8,000,000
Projected Date of Completion:	April 2011
Anticipated Source of Funds:	Transportation Trust Fund
Diversity Goals:	None
Related/Future Authorization:	None
Impacts of Subsequent Operating Budgets:	FY2015 \$400,000

RESOLUTION

WHEREAS, NJ TRANSIT's existing microwave system is unsupported and presents a risk to continued communications; and

WHEREAS, NJ TRANSIT requires a digital microwave system to support the planned replacement radio system and to deliver advanced communications services to remote NJ TRANSIT business locations; and

WHEREAS, NJ TRANSIT Capital Plans and Programs has identified and allocated funding necessary to purchase a new digital microwave system to replace the existing legacy system; and

WHEREAS, the Western States Contracting Alliance ("WSCA") consists of fifteen (15) western states and NJ TRANSIT is eligible to purchase microwave equipment and services through a competitively-procured WSCA contract;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to enter into a procurement-by-exception fixed-price contract for replacement microwave radio equipment, software, three years of warranty, and associated engineering and installation services, with Alcatel-Lucent USA, Inc. from Murray Hill, NJ, for a total cost not to exceed \$6,000,000, plus an allowance not to exceed \$2,000,000 for any necessary structural improvements to microwave towers, subject to the availability of funds.

ITEM 0912-94: CAMDEN TO GLASSBORO LIGHT RAIL SYSTEM: AGREEMENT WITH DELAWARE RIVER PORT AUTHORITY (DRPA)

BENEFITS

In May 2009, the DRPA presented its recommendation to expand transit service in Southern New Jersey. DRPA has recommended that Diesel Light Rail service be advanced from Camden to Glassboro within the existing right-of-way.

The implementation of a light rail systems from the Walter Rand Transportation Center in Camden to downtown Glassboro would use the existing rail right-of-way and serve numerous communities along the route. This project presents an opportunity for development and re-development and was determined to have the highest ridership of the alternatives under study. The project would construct 13 new stations between Camden and Glassboro and is anticipated to serve 18,600 daily passenger trips.

PURPOSE

The Delaware River Port Authority (DRPA) has retained the services of a planning and engineering consultant to complete an Environmental Impact Statement (EIS) for the implementation of a light rail system from Camden to Glassboro consistent with the Federal Transit Administration (FTA) requirements.

The execution of an agreement between NJ TRANSIT and DRPA will provide for the funding of the Environmental Impact Statement for the Camden to Glassboro light rail system. The DRPA will have the responsibility for providing the day-to-day project management of the EIS, including all required interface with the FTA. NJ TRANSIT will participate in the review of the scope of work, including the methodologies and data preparation, conceptual design, and the operating plan for the project.

ACTION (Justification: System Expansion)

Staff seeks authorization to enter into an agreement with the Delaware River Port Authority (DRPA) by which NJ TRANSIT will fund a not-to-exceed amount of \$8,954,000 for the preparation of the Environmental Impact Statement for a light rail system between Camden and Glassboro.

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

FISCAL IMPACTS

Requested Authorization: Authorization to execute agreement with DRPA

Total Project Cost: \$ 8,954,000

Projected Date of Completion: TBD

Anticipated Source of Funds: Transportation Trust Fund

Diversity Goal: N/A

***NJ BUILD* Amount:** N/A

**Impact on Subsequent
Operating Budgets:** None

RESOLUTION

WHEREAS, the Delaware River Port Authority (DRPA) has retained the services of a planning and engineering consultant to complete an Environmental Impact Statement (EIS) for the implementation of a light rail system from Camden to Glassboro consistent with the Federal Transit Administration (FTA) requirements; and

WHEREAS, the DRPA will have the responsibility for providing the day-to-day project management of the EIS, including all required interface with the FTA; and

WHEREAS, NJ TRANSIT will participate in the review of the scope of work, including the methodologies and data preparation, conceptual design, and the operating plan for the project;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into an agreement with the Delaware River Port Authority (DRPA) by which NJ TRANSIT will fund a not-to-exceed amount of \$8,954,000 for the preparation of the Environmental Impact Statement for a light rail system between Camden and Glassboro.

ITEM 0912-95: WALTER RAND TRANSPORTATION CENTER BUS LOADING AREA: AGREEMENT WITH DELAWARE RIVER PORT AUTHORITY (DRPA)

BENEFITS

The Walter Rand Transportation Center is a multi-modal facility for transit passengers and automobile commuters to transfer among 25 local and regional bus lines, the River LINE light rail service, and the Port Authority Transit Corporation (PATCO) High Speed Line to Philadelphia. Approximately 24,000 weekday passenger trips occur at the Center.

The design and construction of a new bus loading area will include a continuous canopy with lighting, repaving of South Broadway, and streetscape improvements. The configuration will improve pedestrian safety, permit efficient board/deboarding, and allow buses to exit the bus lane without backing out. Passenger amenity enhancements will include a new continuous canopy, lighting, CCTV, public address system and signage. Streetscape improvements will enhance the aesthetics on Broadway (including adjacent plaza areas). The project will also improve connectivity between the Walter Rand Transportation Center, DRPA's PATCO line, and NJ TRANSIT's River LINE.

PURPOSE

The execution of the agreement between NJ TRANSIT and DRPA will provide for the funding of design and construction of the bus loading area improvements.

ACTION (Justification: Customer Service)

Staff seeks authorization to enter into an agreement with the Delaware River Port Authority (DRPA) by which DRPA will fund \$3,000,000 for the design and construction of a bus loading area for NJ TRANSIT buses on the west side of Broadway across from the Walter Rand Transportation Center in Camden.

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

FISCAL IMPACTS

Requested Authorization: Authorization to execute agreement with DRPA

Total Project Cost: \$ 3,000,000

Projected Date of Completion: 2011

Anticipated Source of Funds: Delaware River Port Authority

Diversity Goal: N/A

***NJ BUILD* Amount:** N/A

**Impact on Subsequent
Operating Budgets:** None

RESOLUTION

WHEREAS, the Walter Rand Transportation Center is a multi-modal facility for passengers and auto commuters to transfer among 25 local and regional bus lines, the River INE light rail service, and the Port Authority Transit Corporation (PATCO) High Speed Line to Philadelphia; and

WHEREAS, the Delaware River Port Authority has agreed to fund the design and construction of the bus loading area improvements;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into an agreement with the Delaware River Port Authority (DRPA) by which DRPA will fund \$3,000,000 for the design and construction of a bus loading area for NJ TRANSIT buses on the west side of Broadway across from the Walter Rand Transportation Center in Camden.

CONSENT CALENDAR

ITEM 0912-96: ATLANTIC CITY RAIL LINE: CONTRACT AWARD FOR CONSULTANT SERVICES FOR OPERATIONS ANALYSIS STUDY

BENEFITS

The Atlantic City Rail Line is a 67.5-mile corridor providing service between Atlantic City and Philadelphia, serving eight stations in two counties and two states. In FY2009, the Atlantic City Rail Line served approximately 3,600 average weekday passenger trips. Three new stations have recently been proposed – Pennsauken, which is now under construction; Woodcrest; and the Atlantic City Airport. The Atlantic City Rail Line is primarily a single track with a limited number of passing sidings. This study will review the needs for infrastructure improvements to the Atlantic City Rail Line in order to accommodate future potential service expansions, including increased frequency to meet customer demands, with the proposed additional station locations.

This study is part of a broader analysis of transportation improvements advance by the Delaware River Port Authority (DRPA) in 2008.

PURPOSE

The authorization of this contract will provide professional services for an operations analysis for several improved service scenarios for the Atlantic City Rail Line. The study will include operational analyses; a feasibility assessment of new infrastructure required to support various operations plans; development of capital, train operating and maintenance costs; and, at NJ TRANSIT's option, an environmental screening. The Atlantic City Line operations study is expected to culminate in the identification and conceptual plans of a list of rail infrastructure improvement projects.

ACTION (Capital Program Justification: Service Enhancement)

Staff seeks authorization to enter into a contract (No. 10-028) with LTK Engineering Services of New York, New York, for consultant services in support of the Atlantic City Rail Line Operations Analysis at a cost not to exceed \$734,824, plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACT

Requested Authorization: \$ 734,824 + 5% contingency

Total Project Cost: \$ 931,000 (Operations Study)

Projected Date of Completion: 2010 (Operations Study)

Anticipated Source of Funds: Transportation Trust Fund

Diversity Goal: 15% SBE

***NJ Build* Amount:** None

Future Related Authorizations: TBD

Impact on Future Operating Budgets: None

RESOLUTION

WHEREAS, the Atlantic City Line is a 67.5-mile corridor between Philadelphia and Atlantic City serving eight stations in two counties and two states; and

WHEREAS, three additional stations have been proposed for the Atlantic City Line at Pennsauken, which is currently under construction; Woodcrest; and the Atlantic City Airport, and provision of rail service to these stations will impact the operating plans on the single track line; and

WHEREAS, NJ TRANSIT seeks to conduct a study for this corridor to determine how best to address the impacts of adding these three stations as well as understand the implications of future service improvements such as more frequent and faster train service; and

WHEREAS, upon completion of a competitive procurement process it was determined that LTK Engineering Services submitted the proposal that provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into a contract (No. 10-028) with LTK Engineering Services of New York, New York, for consultant services in support of the Atlantic City Rail Line Operations Analysis at a cost not to exceed \$734,824, plus five percent for contingencies, subject to the availability of funds.

ITEM 0912-97: GLOUCESTER/CAMDEN BUS RAPID TRANSIT: CONTRACT AWARD FOR CONSULTANT SERVICES FOR ALTERNATIVES ANALYSIS

BENEFITS

The Route 55/42/676 highway corridor is a significant commuting corridor connecting suburban Camden and Gloucester Counties with the City of Camden and Philadelphia. The approximately 20-mile corridor is subject to significant traffic congestion and travel delays during peak periods. NJ TRANSIT currently provides bus service in this general travel corridor on seven commuter bus routes. This project will study the utility and effectiveness of developing a Bus Rapid Transit system including bus priority treatments to improve the quality and reliability of bus service in the corridor and to meet future demand for efficient and effective transit service

This study is part of a broader analysis of transportation improvements advanced by the Delaware River Port Authority (DRPA) in 2008.

PURPOSE

The authorization of this contract will provide professional services for Federal Transit Administration (FTA)-compliant Alternatives Analysis (AA) for bus improvements in southern New Jersey in the vicinity of Routes 55/42/676. The consultant will identify and evaluate a range of capital and operating bus improvement options to allow for more enhanced reliable bus service between this part of New Jersey and Camden and Philadelphia. Activities under this contract will include the development of the Problem Statement, Development of Alternatives, Analysis and Integration with Bus and Rail operations, Capital and Operating & Maintenance cost estimation, Travel Demand Forecasting and Estimation of Benefits, Analysis of Transportation, Social and Environmental Impacts, Public Involvement, Evaluation of the Alternatives and an optional task to assist NJ TRANSIT in the identification of a Locally Preferred Alternative.

ACTION (Capital Program Justification: New System Start)

Staff seeks authorization to enter into a contract (No. 10-027) with AECOM USA Inc. of Newark, New Jersey, for consultant services in support of the Gloucester/Camden Bus Rapid Transit Alternatives Analysis at a cost not to exceed \$749,587, plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACT

Requested Authorization: \$ 749,587 + 5% contingency

Total Project Cost: \$ 1,826,000 (Alternatives Analysis)

Projected Date of Completion: 2011 (Alternatives Analysis)

Anticipated Source of Funds: Transportation Trust Fund

Diversity Goal: 15% SBE

***NJ Build* Amount:** None

Future Related Authorizations: Environmental Impact Statement

Impact on Future Operating Budgets: None

RESOLUTION

WHEREAS, the Route 55/42/676 corridor is a significant commuting corridor serving Camden and Philadelphia and is subject to traffic congestion and delays during peak travel periods; and

WHEREAS, NJ TRANSIT seeks to conduct an Alternatives Analysis for Bus Rapid Transit on this corridor as part of the federal environmental process; and

WHEREAS, upon completion of a competitive procurement process it was determined that AECOM USA Inc. submitted the proposal that provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to contract (No. 10-027) with AECOM USA Inc. of Newark, New Jersey, for consultant services in support of the Gloucester/Camden Bus Rapid Transit Alternatives Analysis at a cost not to exceed \$749,587, plus five percent for contingencies, subject to the availability of funds.

ITEM 0912-98: ADOPTION OF REGULATIONS: PROOF OF PAYMENT

BENEFITS

Re-promulgate regulations governing proof of payment in order to maintain an effective and efficient method of ensuring that fares are paid by riders of rail passenger services operated by or under contract with NJ TRANSIT.

PURPOSE

NJ TRANSIT and its subsidiaries are responsible for the provision of rail, light rail and bus services in the State of New Jersey. NJ TRANSIT is authorized to set and collect fares for the services it or its contractors provide to the riding public.

In order to provide NJ TRANSIT with a more effective and efficient way of ensuring that NJ TRANSIT fares are paid by its riders of rail services, P.L. 1997, c.357 (N.J.S.A. 27:25-5.6 et seq.) authorized NJ TRANSIT to implement a proof of payment fare collection policy for its rail passenger service. This law remains in effect. NJ TRANSIT uses its proof of payment on its light rail services where the riders are required to purchase their monthly pass or ticket prior to boarding the vehicle or entering a designated pre-paid area. If a person fails to purchase and/or properly validate a ticket, they could be issued a Special Complaint Summons, which carries with it a maximum fine (\$100). Assuming most offenders will pay the fine, there is less need for fare enforcement employees to appear in court. The process is also designed to give light rail riders an incentive to purchase and validate their ticket ahead of time as required.

Continued use of proof of payment is required for NJ TRANSIT's light rail systems and Newark City Subway because they do not lend themselves to other more conventional approaches to fare collection. The reasons are:

1. Light rail vehicles have multiple sets of doors to expedite boarding and exiting for high volumes of riders. The doors are located in portions of the vehicle not adjacent to the operator. Consequently, the operator will not be able to collect fares as passengers enter or exit; and
2. Light rail stations have curb-level platforms and several are located in street rights-of-way, which preclude the use of gated platforms and turnstiles; and
3. Light rail stations are spaced closely together so on-board conductors would not have the ability to check tickets and collect cash fares on board. "Smart cards" are also not an option.

The Proof of Payment regulation, codified in the New Jersey Administrative Code Title 16, Chapter 87, expires on January 15, 2010 (Exhibit A). Staff and the Office of the

Attorney General researched the Proof of Payment process and determined that this regulation is responsive to the purpose for which it was originally promulgated, with minor amendments. This readoption includes five (5) minor changes for grammatical and/or clarification.

The proposed readoption, with amendments, was published in the New Jersey Register on August 17, 2009 (Exhibit B) and the comment period expired October 16, 2009. No comments were received. Exhibit C lists the agency-initiated changes and reasons for the agency-initiated changes between proposal and adoption.

ACTION (Justification: Business Efficiencies)

Staff seeks authorization to adopt the regulation N.J.A.C. 16:87 et seq., Proof of Payment, and to take all actions necessary to effectuate the final adoption and re-promulgation of the regulation.

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

FISCAL IMPACTS

Requested Authorization:	Effectuate the final adoption and promulgation of the regulations <u>N.J.A.C. 16:87 et seq.</u> , Proof of Payment
Projected Completion Date:	January 2010
Anticipated Source of Funds:	N/A
Diversity Goals:	N/A

RESOLUTION

WHEREAS, NJ TRANSIT is authorized to set and collect fares for the services it or its contractors provide to the riding public; and

WHEREAS, in order to continue to provide NJ TRANSIT with an effective and efficient method of ensuring that NJ TRANSIT fares are paid by its riders of light rail services, P.L. 1997, c.357, (N.J.S.A. 27:25-5.6 et seq.) establishes a specific statutory framework for dealing with fare evasion on rail passenger services operated by or under contract with NJ TRANSIT; and

WHEREAS, the Proof of Payment regulation, codified in the New Jersey Administrative Code Title 16, Chapter 87, was expires on January 15, 2010 (Exhibit A). Staff and the Office of the Attorney General researched the Proof of Payment process and determined that this regulation is responsive to the purpose for which it was originally promulgated, with minor amendments. This readoption includes five (5) minor changes for grammatical and/or clarification; and

WHEREAS, the proposed readoption, with amendments, was published in the New Jersey Register on August 17, 2009 (Exhibit B) and the comment period expired October 16, 2009. No comments were received. Exhibit C lists the agency-initiated changes and reasons for the agency-initiated changes between proposal and adoption.

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director or his designee is authorized to take all actions necessary to adopt the regulation consistent with this Board item and exhibits, put the regulation in the appropriate format and to take all other actions necessary to effectuate the final adoption and re-promulgation of N.J.A.C. 16:87, Proof of Payment.

EXHIBIT A

PROOF OF PAYMENT

16:87-1.2

CHAPTER 87
PROOF OF PAYMENT

Authority

N.J.S.A. 27:24-5(e) and (n), 27:25-15.1 and 15.1(a).

Source and Effective Date

R.2004 d.274, effective July 19, 2004.
See: 36 N.J.R. 617(c), 36 N.J.R. 3412(a).

Chapter Expiration Date

Chapter 87, Proof of Payment, expires on July 19, 2009.

Chapter Historical Note

Chapter 87, Proof of Payment, was adopted as R.1998 d.508, effective October 19, 1998. See: 30 N.J.R. 2605(a), 30 N.J.R. 3854(n). Chapter 87, Proof of Payment, expired on October 19, 2008.

Chapter 87, Proof of Payment, was adopted as new rules by R.2004 d.274, effective July 19, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:87-1.1 Purpose

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. NJ TRANSIT, pursuant to N.J.S.A. 27:25-5(n), is authorized to set and collect fares for the services it or its contractors provide to the riding public. Prior to the enactment of N.J.S.A. 27:25-5.6 et seq. and promulgation of this chapter, if a rider refused to pay the proper fare, the only recourse NJ TRANSIT has had was to eject the person from the rail car and/or file a municipal court complaint alleging theft of services in violation of Title 2C of the New Jersey Criminal Code. This process was expensive and time consuming requiring the

arresting officer and/or the conductor to appear in court over a dispute involving a small amount of money. In order to provide NJ TRANSIT with a more effective and efficient way of ensuring that NJ TRANSIT fares are paid by its riders of rail services, P.L. 1997, c.357 (N.J.S.A. 27:25-5.6 et seq.) was signed into law on January 15, 1998 by Governor Whitman. P.L. 1997, c.357 establishes a specific statutory framework for dealing with fare evasion on rail passenger services operated by or under contract with NJ TRANSIT. The purpose of this chapter is to effectuate the purposes of the Act.

16:87-1.2 Definitions

The following words and terms as used in this chapter shall have the following meanings:

"Act" means the provisions of P.L. 1997, c.357 (N.J.S.A. 27:25-5.6 et seq.).

"Authorized employee" means an employee of a provider of rail passenger service authorized by the provider of rail passenger service to request and inspect proof of payment of the prescribed fare from persons using rail passenger service.

"Fare enforcement officer" means an employee of NJ TRANSIT, appointed pursuant to section 7 of the Act (N.J.S.A. 27:25-5.12), authorized to enforce the provisions of the Act and this chapter by requesting and inspecting proof of payment of the prescribed fare from persons using rail passenger services when proof of payment is required, and by signing and issuing a complaint and a summons to any person for a violation of the provisions of the Act, or this chapter, regardless of whether the rail passenger service is operated by the corporation or by a public or private entity under contract to NJ TRANSIT. A fare enforcement officer shall include a transit or other police officer, or a conductor or trainman so authorized.

"NJ TRANSIT" means the New Jersey Transit Corporation.

"Pre-paid fare area" means an area designated by a provider of rail passenger service where payment of the prescribed fare is required before entering the area.

"Proof of payment" means a ticket, pass, receipt or other article designated by a provider of rail passenger service to indicate that a passenger has paid for the use of rail passenger service.

"Provider of rail passenger service" means NJ TRANSIT or a public or private entity under contract to NJ TRANSIT to provide rail passenger service.

"Rail passenger service" means and includes the operations of a railroad, subway, street, traction or electric railway

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for the purpose of carrying passengers in New Jersey or between points in New Jersey and points in other states.

"Single use ticket" means all one-way full and reduced fare tickets.

"Use of rail passenger service" means the boarding, occupying, riding in, or otherwise utilizing rail passenger service for conveyance.

"Validate" means having a single use ticket electronically time-stamped by an appropriately designated machine.

SUBCHAPTER 2. PAYMENT OF FARE AND VIOLATIONS

16:87-2.1 Payment of fare

The use of a rail passenger service by a person shall constitute an agreement by the person to pay the prescribed fare for the service. A person who has paid the prescribed fare for a rail passenger service and who has been issued proof of payment therefor shall retain that proof of payment while in a pre-paid fare area or in on designated rail passenger facilities or vehicles. In addition, single use tickets and transfers must be properly validated in order to constitute proof of payment. Validated tickets are good until the expiration of the time imprinted on them by the validator. Single use tickets which have not been validated, have an improper date, or are time expired do not constitute proof of payment.

16:87-2.2 Violations

(a) It shall be a violation of the Act and this chapter for any person to use or attempt to use rail passenger service or enter a pre-paid fare area and to:

1. Fail or refuse to pay the prescribed fare;
2. Fail to properly validate the proof of payment receipt by date and time-stamping any single use ticket;
3. Evade or attempt to evade payment of the prescribed fare;
4. Fail to display proof of fare payment immediately upon request of an authorized employee or fare enforcement officer; or
5. Fail to cooperate in the issuance of a Special Complaint Summons by providing the person's name and address as well as written verification thereof. The following forms of written identification are acceptable: driver's license, student identification card, passport, military identification card, birth certificate or Medicare card.

(b) A person who uses public transportation service for which payment is required in advance or who enters a pre-paid fare area and who fails to exhibit proof of fare payment upon request shall be in violation of the Act and this chapter and shall be subject to the issuance of a Special Complaint Summons by a fare enforcement officer.

SUBCHAPTER 3. PENALTIES

16:87-3.1 Civil penalties

A violation of the provisions of the Act or this chapter shall be punishable by a civil penalty not exceeding \$100.00, in addition to court costs, enforced in a summary proceeding pursuant to "the penalty enforcement law." N.J.S.A. 2A:58-1 et seq. The Rules Governing the Courts of the State of New Jersey shall govern the practice and procedure in such proceedings. Notwithstanding any other law to the contrary, the court shall remit 50 percent of any civil penalty imposed to NJ TRANSIT for use in furtherance of any of the purposes of the Act and 50 percent shall be forwarded to the proper financial officer of the local government entity in which the municipal or central court has been established to be used by the local government entity to defray the cost of operating the court and for general government use.

16:87-3.2 Suspension of driving privileges

Any person who violates the provisions of the Act or this chapter and who fails to appear at any scheduled court proceeding after written notice has been given to said person pursuant to the Rules Governing the Courts of the State of New Jersey, may have his or her driving privileges suspended to the extent prescribed by N.J.S.A. 2B:12-31.

SUBCHAPTER 4. VENUE

16:87-4.1 Venue

A complaint for a violation of any of the provisions of the Act or this chapter may be filed with a court having jurisdiction, at any time within one year after the commission of the violation. When a person has been charged with a violation of the Act or this chapter and summoned to appear, upon failure to appear, in addition to any other provisions of law or the Rules Governing the Courts of the State of New Jersey, a warrant for the arrest of the person may be issued. All proceedings shall be venued before a municipal or central municipal court having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a moving conveyance operated by NJ TRANSIT or one of its contractors through two or more municipalities, then the proceeding may be brought before the court having jurisdiction in any one of the municipalities through which the conveyance has traversed.

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operating a bus with a bus safety out-of service violation(s). When a violation is found, a summons and complaint are issued by the Commission to the bus operator returnable in a municipal court or other court of competent jurisdiction.

Although Federal regulation authorizes the imposition of fines for out-of-service violations, the Federal government does not impose direct monetary civil penalties on bus operators for operation of a bus with bus safety out-of service violations that are consistent with those violations established by the FHWA and the CVSA. New Jersey's Bus Safety Compliance Act and the rules proposed for re-adoption herein were the first law and regulation in the United States to impose specific monetary civil penalties directly on bus operators for operating with bus safety out-of-service violations. The amounts of the direct penalties imposed are within the limits set by the Legislature at N.J.S.A. 48:4-2.1.

Jobs Impact

The rules proposed for re-adoption have a positive impact on jobs in that the bus industry must employ mechanical and inspection personnel in order to comply with the safety standards set forth in applicable Federal and State laws and regulations. Commission investigative personnel are required to administer and enforce the bus out-of-service safety criteria. The proposed amendments are anticipated to reduce jobs slightly, due to the deletion of safety standards that were stricter than the Federal standards.

Agriculture Industry Impact

The rules proposed for re-adoption with amendments will have no impact on the agriculture industry in the State of New Jersey.

Regulatory Flexibility Statement

The rules proposed for re-adoption have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-15 et seq. There are approximately 700 businesses that operate buses in New Jersey pursuant to either State or Federal authority. Many of these businesses qualify as small businesses under the New Jersey Regulatory Flexibility Act. The rules impose no additional reporting, recordkeeping or other compliance requirements on operators of buses designed to transport 16 or more passengers, including the driver, beyond those already contained in the FMCSR at 49 CFR §§396.11 and 396.13 and in the New Jersey Motor Carrier Safety Regulations at N.J.A.C. 13:60. Thus, the reporting, recordkeeping and compliance requirements imposed by the rules already have been applied to operators of buses designed to transport 16 or more passengers, including the driver. The rules impose the same reporting, recordkeeping and compliance requirements upon operators of all other buses used in intrastate commerce. These requirements pertain to the identification of bus mechanical defects or deficiencies and to their subsequent remediation by the operator's maintenance staff or repair facilities. As such, these requirements directly involve and positively affect bus safety. Thus, balanced against the benefits to the public safety and interest, the reporting, recordkeeping and compliance requirements impose only a minimal burden upon small businesses.

Compliance with the reporting and recordkeeping provisions of the rules does not require the use of traditional professional services (such as licensed engineers, attorneys or accountants) but does require bus mechanics and technicians, maintenance managers and supervisors.

Smart Growth Impact

It is not anticipated that the rules proposed for re-adoption with amendments will have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan within the meaning of Executive Order No. 4 (2002).

Housing Affordability Impact

It is not anticipated that the rules proposed for re-adoption with amendment will have any impact on housing costs because the scope of the rules, inasmuch as they apply only to autobus safety violations, is minimal, and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing.

Smart Growth Development Impact

It is anticipated that the rules proposed for re-adoption with amendments will have only an insignificant impact, if any, on any new construction. Moreover, because the rules apply only to autobus safety

violations, the rules do not apply to housing units at all. Thus, the scope of the rules is minimal and there is an extreme unlikelihood that the rules will evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:53A.

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

SUBCHAPTER 3. SCHEDULE OF VIOLATIONS AND APPLICABLE PENALTIES**16:53A-3.2 Brake system**

(a) The number of defective brakes is equal to or greater than 20 percent of brakes on the vehicle or combination[, provided, however, on a three axle bus, one defective brake shall constitute a violation]. Steering axle brakes are to be included in the 20 percent criterion. A defective brake includes any brake that meets one of the following criteria:

- 1.-7. (No change.)
- (b)-(1) (No change.)

16:53A-3.4 Frame

(a) The following are the violations, categories and penalties pertaining to frame members:

- 1.-5. (No change.)
- 6. Any cracked, loose, sagging or broken frame siderail, resulting from a preexisting rust, corrosion or other deteriorating condition[, or improperly welded frame member, which either permits shifting of the body onto moving parts or other condition indicating an imminent collapse of the frame, or affects support of functional components such as steering gear, engine, transmission, body parts and suspension]. Parts and accessories shall not be welded to the frame nor shall repair of the frame be welded other than in accordance with the vehicle manufacturer's recommendation. This is a category 1 violation. The penalty for this violation shall be \$1,000.

- (b) (No change.)

16:53A-3.5 Fuel system

(a) (No change.)

(b) A fuel tank not securely attached to the vehicle in a workmanlike manner. [Some fuel tanks use spring or rubber bushings to permit movement.] This is a category 2 violation. The penalty for this violation shall be \$500.00.

[(c) A fuel tank improperly attached to the vehicle by use of bailing wire, coat hanger type wire or other like material is a category 1 violation. The penalty for this violation shall be \$3,000.]

(a)

NEW JERSEY TRANSIT CORPORATION**Proof of Payment****Proposed Re-adoption with Amendments: N.J.A.C. 16:87**

Authorized By: New Jersey Transit Corporation, Richard R. Sarles, Executive Director.

Authority: N.J.S.A. 27:24-5(e) and (n); and 27:25-15.1 and 15.1(a).

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

Proposal Number: PRN 2009-241.

Submit comments by October 16, 2009 to:

Joyce J. Zuczek
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246

The agency proposal follows:

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Summary

In October 1998, the New Jersey Transit Corporation (NJ TRANSIT) adopted rules on proof of payment. NJ TRANSIT, pursuant to N.J.S.A. 27:25-5(n), is authorized to set and collect fares for the services it or its contractors provide to the riding public. NJ TRANSIT Fare Enforcement Officers have been issuing citations since December 20, 1999. These rules are scheduled to expire on December 16, 2009, pursuant to N.J.S.A. 52:14B-5.1c. NJ TRANSIT has reviewed these rules and has determined that they are necessary, reasonable, adequate, efficient, understandable and responsive to the purpose for which they were originally promulgated, with the exception of a few minor amendments.

A summary review of each of the subchapters of N.J.A.C. 16:87 follows:

Subchapter 1 contains the purpose of the rules and sets forth definitions of terms used in the rules.

Subchapter 2 contains the process of payment of fares and violations.

Subchapter 3 contains the description of penalties, which includes civil penalties, and suspension of driving privileges.

Subchapter 4 contains a description of venue.

The proposed amendments to N.J.A.C. 16:87 are as follows:

At N.J.A.C. 16:87-1.1, "NJ TRANSIT's" is amended for grammatical reasons. The text "P.L. 1997, c.357" was deleted because it was repetitive. The term "That statute" is added and the term "statutory" was changed to "legal" for grammatical reasons, including eliminating a run on sentence. The term "the act" is changed to "said statute" for grammatical reasons.

At N.J.A.C. 16:87-1.2, the definition of "fare enforcement officer" is amended to add "who" is authorized for clarification purposes and to change the reference to "the Corporation" to the more accurate "NJ TRANSIT."

N.J.A.C. 16:87-2.2(a)5 is amended to delete "in the issuance of," add "when a fare enforcement officer issues or attempts to issue," and add "failing or refusing to do such things, as."

N.J.A.C. 16:87-2.2(b) is amended to replace "public" transportation service with "rail" transportation service to clarify that this subsection is specific to rail service and to delete "by a fare enforcement officer" from paragraph (b)5, as any officer can issue a Special Complaint Summons.

In N.J.A.C. 16:87-3.2 the term "violates" is replaced with "is charged with a violation of" for clarification purposes.

As NJ TRANSIT has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for re adoption with amendments provide an effective and efficient way for NJ TRANSIT to ensure that all of its users are paying the correct fare for the transportation provided. This system treats users appropriately and provides incentives (fines, court costs, contempt, arrest, loss of driver's license) to purchase the appropriate ticket for the correct price. Only persons who choose to use rail service without paying the appropriate fare feel the negative impacts of the rules.

Economic Impact

The rules proposed for re adoption with amendments will not increase the fares of users of rail passenger services. Therefore, there will be no economic impact on NJ TRANSIT users who pay the appropriate fare. There will be a negative economic impact on persons who choose not to pay their fares prior to or upon boarding certain rail services. Because of increased activity in certain municipal courts, their cost of operation may be increased. However, NJ TRANSIT estimates that court costs and the municipality's share of the revenue from the fines (50 percent) should be more than adequate to defray any additional costs.

Federal Standards Statement

The rules proposed for re adoption with amendments is not subject to any Federal standards and, therefore, a Federal standards analysis is not required for this rulemaking.

Job Impact

The rules proposed for re adoption with amendments will not affect the creation or loss of jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for re adoption with amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules affect NJ TRANSIT, subject individuals and courts and will not apply to any small businesses.

Smart Growth Impact

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

Housing Affordability Impact

The rules proposed for re adoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to proof of payment for NJ TRANSIT.

Smart Growth Development Impact

The rules proposed for re adoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules pertain to proof of payment for NJ TRANSIT.

Full text of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:87.

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

SUBCHAPTER 1. GENERAL PROVISIONS

16:87-1.1 Purpose

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. NJ TRANSIT, pursuant to N.J.S.A. 27:25-5(n), is authorized to set and collect fares for the services it or its contractors provide to the riding public. Prior to the enactment of N.J.S.A. 27:25-5.6 et seq., and promulgation of this chapter, if a rider refused to pay the proper fare, [the] NJ TRANSIT's only recourse [NJ TRANSIT has had] was to eject the person from the rail car and/or file a municipal court complaint alleging theft of services in violation of Title 2C of the New Jersey Criminal Code. That process was expensive and time consuming; [requiring] it required the arresting officer and/or the conductor to appear in court over a dispute involving a small amount of money. In order to provide NJ TRANSIT with a more effective and efficient way of ensuring that NJ TRANSIT fares are paid by its [riders of] rail service[s] riders, P.L. 1997, [c.357] c. 357 (N.J.S.A. 27:25-5.6 et seq.) was signed into law on January 15, 1998 by Governor Whitman, P.L. 1997, c.357. That statute establishes a specific [statutory] legal framework for dealing with fare evasion on rail passenger services operated by or under contract with NJ TRANSIT. The purpose of this chapter is to effectuate the purposes of [the act] said statute.

16:87-1.2 Definitions

The following words and terms as used in this chapter shall have the following meanings:

"Fare enforcement officer" means an employee of NJ TRANSIT, appointed pursuant to section 7 of the Act (N.J.S.A. 27:25-5.12), who is authorized to enforce the provisions of the Act and this chapter by requesting and inspecting proof of payment of the prescribed fare from the persons using rail passenger services when proof of payment is required, and by signing and issuing a complaint and a summons to any person for a violation of the provisions of the Act, or this chapter, regardless of whether the rail passenger service is operated by [the

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corporation) NJ TRANSIT or by a public or private entity under contract to NJ TRANSIT. A fare enforcement officer shall include a transit or other police officer, or a conductor or trainman so authorized.

SUBCHAPTER 2. PAYMENT OF FARE AND VIOLATIONS

16:87-2.2 Violations

(a) It shall be a violation of the Act and this chapter for any person to use or attempt to use rail passenger service or enter a pre-paid fare area and to:

1.-4. (No change.)

5. Fail to cooperate, [in the issuance of] when a fare enforcement officer issues or attempts to issue a Special Complaint Summons, by failing or refusing to do such things, as providing the person's name and address, as well as written verification thereof. The following forms of written identification are acceptable: driver's license, student identification card, passport, military identification card, birth certificate or Medicare card.

(b) A person who uses [public] rail transportation service for which payment is required in advance or who enters a pre-paid fare area and who fails to exhibit proof of fare payment upon request shall be in violation of the Act and this chapter and shall be subject to the issuance of a Special Complaint Summons [by a fare enforcement officer].

SUBCHAPTER 3. PENALTIES

16:87-3.2 Suspension of driving privileges

Any person who [violates] is charged with a violation of the provisions of the Act or this chapter and who fails to appear at any scheduled court proceeding after written notice has been given to said person pursuant to the Rules Governing the Courts of the State of New Jersey, may have his or her driving privileges suspended to the extent prescribed by N.J.S.A. 2B:12-31.

TREASURY GENERAL

(a)

DIVISION OF PENSIONS AND BENEFITS

Public Employees' Retirement System

Prosecutors Part

Proposed Amendment: N.J.A.C. 17:2-8.3

Authorized By: Public Employees' Retirement System Board of Trustees, Kathleen Coates, Board Secretary.

Authority: N.J.S.A. 43:15A-17.

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

Proposal Number: PRN 2009-239.

Submit comments by October 16, 2009 to: Susanne Culliton, Administrative Practice Officer, Division of Pensions and Benefits, PO Box 295, Trenton, NJ 08625-0295

The agency proposal follows:

Summary

P.L. 2001, c. 366, which became law on January 7, 2002, established a separate part of the Public Employees' Retirement System (PERS), which has specific retirement benefits for prosecutors.

Chapter 366 established within the PERS a special Prosecutors Part for any county prosecutor, first assistant county prosecutor or assistant county prosecutor; the Director of the Division of Criminal Justice in the Department of the Law and Public Safety, any assistant director, deputy director, assistant attorney general or deputy attorney general employed by the Department of Law and Public Safety and assigned to the Division of Criminal Justice; and any criminal investigator in the Division of

Criminal Justice ineligible for enrollment in the Police and Firemen's Retirement System (FFRS). These positions are defined as prosecutors for the purpose of this law. The prosecutors must serve as a prosecutor on or after the effective date of the law to be eligible in the Prosecutors Part.

P.L. 2001, c. 366, §3 provides that "prosecutors shall contribute at a rate established by the board..." this grants the Board the statutory authority to establish member contribution rates. Further, N.J.S.A. 43:15A-19, provides that at "least once in every 3-year period, the actuary shall make an actuarial investigation... and shall make a valuation of the assets and liability of the various funds created by this act." On December 18, 2002 the Board of Trustees established the initial contribution rate at 7.5 percent based on the recommendations of the Fund's actuary. The rate was effective January 7, 2002, the date Prosecutors Part was established.

N.J.A.C. 17:2-8, Prosecutors Part, was effective January 24, 2005 and will expire on January 24, 2010. The rate provisions were promulgated as part of these implementing rules for the Prosecutors Part and published as N.J.A.C. 17:2-8.3. The existing rule confirmed the rate of contribution that was previously established by the Board of Trustees and provided that the rate shall be reviewed by the System's actuaries and adjusted by the Board of Trustees as necessary.

The proposed amendments to N.J.A.C. 17:2-8.3, Contribution rate, amend subsections (a) and (b) to bring greater clarity to the procedure for review and adjustment of the contribution rate for Prosecutors Part. The proposed amendment to Existing subsection (a) deletes the 7.5 percent rate of contribution and provides that the Board shall establish the rate upon recommendation of the actuary using consistent and generally-accepted actuarial standards, as established by the Governmental Accounting Standards Board. This is the procedure that was initially used to establish the rate at 7.5 percent and is the procedure under which the current rate of 8.5 percent was established. This actuarial standard is required by law pursuant to N.J.S.A. 43:3C-13. Under the proposed amendment, the percentage rate established by the Board of Trustees is not set forth the rule.

Further, existing subsection (b) states that the rate of contribution shall be reviewed by the System's actuaries periodically and adjusted by the Board as necessary. The amendment to subsection (b) provides that the Board of Trustees will review the contribution rate at every three-year period as part of the valuation by the PERS's actuary and whenever the PERS, PFRS, Teachers' Pension and Annuity Fund (TPAF) or State Police Retirement System (SPRS) rate is adjusted by the Legislature. The proposed amendment provides that adjustments shall be made as necessary by the Board and that notice of any change in the rate shall be published through Notice in the New Jersey Register and shall become effective on the date authorized by the Board. This amendment provides additional notice to the public and affected employees of a contribution rate adjustment. Heretofore, notice of proposed changes in the rate is provided by the Board through action taken at its open public meeting and publication of its agenda in advance of its meetings. This provision will provide additional notice through publication of notice in the New Jersey Register. The change in rate will be effective at the date authorized by the Board.

A 60-day comment period is provided for this notice of proposal and, therefore, pursuant to N.J.A.C. 17:2-3.3(a)5, this notice is not subject to the provision of N.J.A.C. 17:2-3.1 and 3.2 governing rulemaking calendars.

Social Impact

The proposed amendment to N.J.A.C. 17:2-8.3 will provide those eligible for the Prosecutors Part with clarification of contribution rates since they will be provide notice in the New Jersey Register of any changes to the rate and its effective date, rather than a fixed rule (for example, 7.5 percent) limited to N.J.A.C. 17:2-8.3(a).

The Board is not aware of any provisions in the proposed amendment that would impose any hardship or costs on the members of the State-administered retirement system in New Jersey or on the public in general.

Economic Impact

The proposed amendment provides an economic benefit by clarifying and detailing how the member contribution rate is established. Pursuant to the proposed amendment, the 7.5 percent as set forth in the rule

EXHIBIT C

ADOPTION OF REGULATIONS: PROOF OF PAYMENT

SUMMARY OF AGENCY-INITIATED CHANGES

The Proposed amendments to N.J.A.C. 16:87 are as follows:

At N.J.A.C. 16:87-1.1, "NJ TRANSIT's" is amended for grammatical reasons. The text "P.L. 1997, c.357" was deleted because it was repetitive. The term "That statute" is added and the term "statutory" was changed to "legal" for grammatical reasons, including eliminating a run on sentence. The term "the act" is changed to "said statute" for grammatical reasons.

At N.J.A.C. 16:87-1.2, the definition of "fare enforcement officer" is amended to add "who" is authorized for clarification purposes and to change the reference to "the Corporation" to the more accurate "NJ TRANSIT."

N.J.A.C. 16:87-2.2(a) 5 is amended to delete "in the issuance of," add "when a fare enforcement officer issues or attempts to issue," and add "failing or refusing to do such things, as."

N.J.A.C. 16:87-2.2(b) is amended to replace "public" transportation services with "rail" transportation service to clarify that this subsection is specific to rail service and to delete "by a fare enforcement officer" from paragraph (b) 5, as any officer can issue a Special Complaint Summons.

In N.J.A.C. 16:87-3.2 the term "violates" is replaced with "is charged with a violation of" for clarification purposes.