

Richard J. Codey
Acting Governor

Jack Lettiere
Board Chairman

George D. Warrington
Executive Director

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



November 22, 2005

Dear Governor Codey:

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 Monday, November 22, 2005.

Sincerely,

Gwen A. Watson
Board Secretary

Enclosures

Honorable Richard J. Codey
Acting Governor, State of New Jersey
State House
Trenton, NJ 08625

Minutes of the actions taken at the Open Session of the re-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 Monday, November 21, 2005.

Present:

Jack Lettiere, Chairman
Samuel Stanton, Governor's Representative
Patrick W. Parkinson
Robert Smartt

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

Chairman Jack Lettiere convened the Open Session at 9:56 am in accordance with the Open Public Meetings Act and asked for a motion to adopt the minutes of the October 12, 2005 meeting. A motion was made by Patrick W. Parkinson, seconded by Robert Smartt and unanimously adopted.

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

Executive Director Warrington said the busy holiday season is approaching and NJ TRANSIT has a number of initiatives to encourage people to get out of their cars and step onto the trains, buses and light rail vehicles.

He said that during the holidays, New York City designates a number of gridlock alert days given the extraordinary traffic into and out of Manhattan between Thanksgiving and New Year's Day. In fact, during this holiday season, there will be nine gridlock alert days including this Wednesday, the day before Thanksgiving; Wednesday, November 30th the tree lighting ceremony in Rockefeller Center; and Friday, December 16, which, historically, is a popular shopping day. Executive Director Warrington said that in anticipation of this, NJ TRANSIT has made a number of adjustments to both bus and rail schedules for leisure travel into New York.

Beyond the new weekday trains, NJ TRANSIT will have trains on "stand by" in the event that there is heavier than anticipated travel into the city. In fact, NJ TRANSIT also will have unscheduled trains that will run ahead of the regularly scheduled trains on certain days, in particular on Wednesdays when ridership increases for matinees, for example.

Executive Director Warrington encouraged leisure customers to travel during the off-peak periods, to take advantage of the 15 percent discount on roundtrip tickets. To accommodate people who want to leave work early during the week, NJ TRANSIT is offering early getaway service from Penn Station New York, Hoboken Terminal, and the Port Authority Bus Terminal on the Wednesday before Thanksgiving, the Friday before Christmas and the Friday before New Year's. On the weekends, NJ TRANSIT is offering 16 holiday express trains, and adding more bus service to 17 area malls on 25 routes. Executive Director Warrington reminded customers that NJ TRANSIT also offers a family supersaver program where children ride free with adults on weekends and holidays.

Executive Director Warrington discussed the overall ridership trend line and the significant adjustments made to the rail schedules in connection with those trends. He said NJ TRANSIT has been working very hard to increase bus capacity, consistent with the demand. NJ TRANSIT has and will continue to adjust schedules to bus routes around the State including in Hudson, Essex, Bergen, Passaic and Union counties; along the substantially constrained Route 9 corridor; as well as routes in Atlantic City and in South Jersey. Executive Director Warrington said in order to effectively respond to the demand curves and market forecasts, NJ TRANSIT is seeking approval to lease up to 20 cruiser buses and to purchase an additional 53 more. He said this will give NJ TRANSIT the ability to add trips on 31 routes including the 167 in Bergen County, the 113 line in Union County and the 505 line in Atlantic City. Also, it gives the operational flexibility to take vehicles out of service to upgrade the onboard fare collection equipment planned for next year. Executive Director Warrington said NJ TRANSIT has an opportunity to take advantage of a price that reflects economies of scale on parts and materials.

By adding the same type of cruisers to the existing fleet, NJ TRANSIT won't incur the cost of having to retrain operators or mechanics. He said the parts and inventory would remain the same and there would not be a need to retrofit the existing maintenance shop to maintain a different-style bus.

Executive Director Warrington said the other good news is that the price NJ TRANSIT negotiated is very attractive when considering general inflation, higher steel prices and new Americans with Disabilities Act (ADA) mandates. As a result, the cost of the new buses is comparable to the price per vehicle paid by NJ TRANSIT during the procurement of more than 1,000 buses in 2000.

Executive Director Warrington said five months ago, the Board of Directors authorized an extension of a contract with ASCOM of Somerset County to support the point of sale and fare collection network.

Over the last five months and, in fact, for 18 years, NJ TRANSIT has been working hard with ASCOM to deliver a host of needs related to these machines including speed and ease of use. He said the first contract between NJ TRANSIT and Ascom dates back to 1987 when machines took only cash and coins. Since that time, the Company's commitment has grown substantially, in particular, following a competitive bid process in 1994.

Executive Director Warrington said more importantly, Ascom has made a substantial investment in these machines and infrastructure to ensure that the point of sales equipment is as customer-convenient and efficient as possible. In fact, all of the machines around the system, including ticket office machines, have a 98 percent reliability rate.

He said ASCOM has also met all of the deadlines associated with the new start up projects, like MidTOWN Direct, Secaucus Junction, Newark Airport Station, River Line and the Hudson-Bergen Light rail. ASCOM also supports many back office applications like programming, hardware and software repairs, providing customer service staff at Secaucus Junction and Newark Airport.

Executive Director Warrington said ASCOM was recently acquired by ACS, a well-known industry leader in electronic fare processing. ACS has field offices around the state with a major complex in Newark, employing more than 2000 people in New Jersey. Both companies are fully committed to meet the needs and have demonstrated a commitment to NJ TRANSIT's standards and the ability to deliver new technology and regional fare media.

He said the fare collection system is the workhorse of the revenue stream, producing about \$525 million dollars in ticket sales through nearly 40 million tickets annually. By using these machines, it saves NJ TRANSIT back-office costs and avoids time-consuming cash sales on trains and buses.

The new contract to maintain and improve the reliability of the existing 543 Ticket Vending Machines, 150 Ticket Office Machines, 60 fare gates and 170 proof-of-payment validators, along with the acquisition of 157 new ones, gives NJ TRANSIT the same level of effort and customer benefit, but with a much better product.

This builds on more than a decade of investment in the fare collection equipment and infrastructure, while enabling NJ TRANSIT to move to next-generation technology. Upgrades to the existing and new TVMs will include: larger screens with ATM-like interface; faster bill acceptance; quicker transaction processing; voice activated audio that meets federal ADA requirements; expanded text with three languages in addition to the existing English/Spanish options; and the machines will store information entered by monthly pass users, which reduces the amount of information customers will have to re-enter. All of these upgrades are being done with an eye toward making the machines more user-friendly.

The TVMs will also be compatible with smart card technology currently in development at PATCO and PATH which is a first step toward regional integration.

Executive Director Warrington said that customers will begin seeing the new and upgraded machines next summer with about 100 of them being installed throughout the system over the course of a year. Executive Director Warrington invited everyone to try out a demo of the new TVM on display.

An item before the Board today is a critical component of the overall plan to expand trans-Hudson capacity and improve the commute to Manhattan. He said more than 43,000 New Jersey commuters travel in and out of Midtown Manhattan during the morning peak period on the Northeast Corridor and NJ TRANSIT has reached practical capacity for Penn Station New York. By 2025, projected demand for travel into Midtown Manhattan during the peak period will increase to 86,000 people.

Executive Director Warrington said this Board has made preparing for that demand a top priority of the capital program and NJ TRANSIT is continuing to advance the critical components of the Access to the Region's Core program. The centerpiece of that program, THE Tunnel Project, will move forward in the coming weeks with approval expected from the FTA to proceed with preliminary engineering and to hold public hearings on the Draft Environmental Impact Statement, which are expected to begin early next year.

Together with the Port Authority, NJ TRANSIT is progressing ARC's early action items, including the extension of platforms under the existing Penn Station to accommodate more and longer trains, including new multilevel rail cars. The extended platforms also create the opportunity to develop better vertical access to improve pedestrian flow and provide customers with better street level access.

He said that improved flow and street access lays the foundation for the Board item presented today, specifically a Memorandum of Understanding with the Empire State Development Corporation for NJ TRANSIT to become the anchor rail tenant for the new Moynihan Rail Station, which is part of the Farley Post Office Building redevelopment project.

The MOU establishes NJ TRANSIT's intent to negotiate a lease agreement that would give NJ TRANSIT 35,000 square feet of exclusive space in the new station, with access to and from the new station from the extended platforms that currently serve Penn Station on the opposite side of Eighth Avenue.

Becoming the anchor rail tenant in the new station will ensure that customers benefit from expanded customer service, retail and restaurant amenities, as well as relief from overcrowding in the current Penn Station, which is the most heavily trafficked rail hub in North America.

Executive Director Warrington said that in addition to the new rail passenger facilities, Farley/Moynihan station project would create 850,000 square feet of commercial and retail space including 300,000 square feet for the station.

The station plans also envision two potential large-scale retail centers, with a proposed boutique hotel and conference facility. The plan put forward by ESDC with designated developers Related Companies and Vornado Realty Trust, creates a very attractive destination that incorporates the best of transit-oriented development while providing an anchor and catalyst for planned Midtown and West side development.

Executive Director Warrington said that as the Regional Plan Association said in its report last week, Moynihan Station represents the "last frontier" in the Manhattan Central Business District and provides a portal to blocks west of Ninth Avenue and the type of landmark, central gathering place, and commuter hub that can anchor new activity, and serve as a renewed gateway to area residential, retail, cultural and entertainment opportunities.

Executive Director Warrington said that NJ TRANSIT has and will continue to work cooperatively with Mayor Bloomberg and his team, Related Companies and Vornado, Ambassador Gargano and the staff at ESDC. Executive Director Warrington thanked Maura Moynihan, daughter of the late Senator Patrick Moynihan, who has kept his dream alive for many years.

Executive Director Warrington said he was pleased that, together with the regional partners, NJ TRANSIT is advancing improvements that will benefit commuters, the economy and the regional mobility.

William Wright presented the Advisory Committee report to the Board. Mr. Wright said the Advisory Committee received a good briefing regarding THE Tunnel and the condition of the Portal Bridge and West End Loop. Mr. Wright said that after 9/11 redundancy is necessary. Mr. Wright said the Committee is concerned that the Transportation Trust Fund will run out of money. Mr. Wright said transit fares increased three times and there has not been a gas tax increase at all. He said the Transportation Trust Fund should be funded through an increase in the gas tax.

There was one public comment on agenda items.

Albert Cafiero, on behalf of Senator Cardinale's office, commented on the item Preliminary Engineering for Passaic-Bergen Rail Service: Contract Award. Mr. Cafiero said that there is approximately \$9 million allocated for this project but that is not enough. He said this is not a good deal for NJ TRANSIT. Mr. Cafiero said there will be an annual operating cost of approximately \$13 million. Mr. Cafiero said that NJ TRANSIT should be insulated from political agendas and move forward with only viable projects for New Jersey.

Board Member Parkinson requested that all Board Members be provided with a system map of the Passaic-Bergen project as well as projected ridership and revenue.

Executive Director Warrington said that the Board item is seeking approval for conceptual design and preliminary engineering for Passaic-Bergen rail service between Hawthorne and Hackensack. Looking to the future, this project will also preserve the ability to operate Passaic-Bergen trains to New York City using THE Tunnel.

Executive Director Warrington presented the following Action Items for approval:

0511-98: MOYNIHAN TRAIN STATION – NEW YORK MEMORANDUM OF UNDERSTANDING

Authorization is requested to enter into a non-binding Memorandum of Understanding (MOU) with the Moynihan Station Development Corporation. The MOU outlines the business terms and conditions pertaining to NJ TRANSIT's lease of space as anchor tenant in the new Moynihan Train Station on 8th Avenue between 31st and 33rd Streets in Manhattan. The MOU lays out the capital improvements required for access to the existing Penn Station as well as a connection to the West End Concourse. The MOU will set forth the maintenance and operating costs as well as rent, security costs and allocated common costs. It is expected that, by spring of 2006, NJ TRANSIT will return to the Board for approval of long term leases for this key component of the Access to the Region's Core project.

Patrick W. Parkinson moved the resolution, Sam Stanton seconded it and it was unanimously adopted.

0511-99: LEASE/PURCHASE OF CRUISER BUSES

Due to ridership trends and the need to have 'floater' buses or flexibility, authorization is requested to lease up to 20 cruiser buses for a two-year period from Motor Coach Industries at cost not to exceed \$1,896,000 as well as purchase up to 53 new cruiser buses from Motor Coach Industries at a cost not to exceed \$24,542,657 plus five percent for contingencies. The leased buses will begin arriving early next year and the new cruiser buses will begin arriving on the property early next spring.

Sam Stanton moved the resolution, Patrick W. Parkinson seconded it and it was unanimously adopted.

Chairman Lettiere said that the Treasurer's representative, Robert Smartt, would recuse himself from the next Action Item on the agenda. Chairman Lettiere asked Board Secretary Watson to get a quorum for the vote on the next item. Board Secretary

Watson contacted Board Member Kenneth Pringle and he joined the meeting by telephone.

0511-100: EXTENSION AND AMENDMENT OF CONTRACTS WITH ASCOM TRANSPORT SYSTEMS, CUBIC TRANSPORTATION SYSTEMS, AND CTR SYSTEMS FOR THE ENHANCEMENT, MAINTENANCE AND SUPPORT OF PASSENGER TICKETING AND FARE COLLECTION SYSTEMS AND NETWORKS.

Upgrades are planned to the existing and new Ticket Office Machines, Ticket Vending Machines, Fare Gates, Validators and the central management system. To accomplish these improvements and maintain the existing and new equipment, an amendment is sought to an existing Maintenance and Support contract with Ascom Transport Systems for five years, with seven additional one-year options and to purchase 157 additional TVMs at a cost not to exceed \$80.5 million for five years. Staff is seeking an extension of the contract with Cubic Transportation Systems through December 30, 2007 for enhanced reporting capabilities for the existing garage computer system and for a pilot to test new fare registers. The cost will not exceed \$1,243,235 plus five percent for contingencies. Approval is requested to extend an existing Maintenance and Support contract with CTR Systems for five years for maintenance of the garage computer systems at garage locations as well as at contract and private carrier garage locations. The cost will not exceed \$875,763 plus five percent for contingencies.

Sam Stanton moved the resolution, Patrick W. Parkinson seconded it and it was unanimously adopted.

At this point, Kenneth Pringle left the Board Meeting and Robert Smartt rejoined the Board Meeting.

0511-101: AMENDED BOARD ITEM NUMBER 0210-117 FOR THE SETTLEMENT OF CONDEMNATION LAWSUITS REGARDING THE ACQUISITION OF PROPERTIES FROM NEWARK URBAN RENEWAL AND THE MONROE/P&L REALTY COMPANIES FOR THE NEWARK CITY SUBWAY EXTENSION

Approval is requested to amend two property purchase items which were approved at the October, 2002 meeting. The first requests an increase in the amount paid to Newark Urban Renewal for a lot in Newark required for the Newark City Subway extension, from \$82,000 to \$140,000. This additional \$58,000 payment is the result of a settlement in accordance with a Court Order. The second action requests an amendment to an item purchasing another lot in Newark for the subway project. The property is owned by Monroe/P&L Realty Companies and the earlier authorization

was for \$1,351,000 covering partial acquisition of the land. Authorization is requested for an additional \$1,499,000 for the entire amount of property necessary for the extension.

Patrick W. Parkinson moved the resolution, Robert Smartt seconded it and it was unanimously adopted.

0511-102: GENERAL GEOGRAPHIC INFORMATION SYSTEMS (GIS) SERVICES

Approval is requested to contract with several firms to continue to provide support for NJ TRANSIT's Geographic Information Services (GIS) which includes Access Link, Bus Stop Inventory, Run Cutting and Police/Crime Analysis. Although NJ TRANSIT operates an efficient core GIS system to provide these services, periodic and specific outside professional services are necessary to supplement and develop the core system. Examples include statewide digital aerial photography, surveying services for bus stop locations, GPS services for the Bus Surveillance Project and geocode-mapping of transit routes. The proposed contracts are with Gannett Fleming, Intergraph, Michael Baker, Jr., DMJM+Harris, BET Consultants, Two Twelve Associates and Michael Hertz of New York. The total for all contracts will not exceed \$2 million with a per task limit of \$250,000.

Robert Smartt moved the resolution, Patrick W. Parkinson seconded it and it was unanimously adopted.

0511-103: PRELIMINARY ENGINEERING FOR PASSAIC-BERGEN RAIL SERVICE: CONTRACT AWARD

In 2004, NJ TRANSIT developed the Passaic-Bergen Rail Project, a component of the Tri-County Rail Plan, to respond to the growing needs of Passaic, Bergen and Hudson counties. It is a mix of existing rail infrastructure with new construction to provide an integrated passenger rail network for this densely population region. The plan envisions passenger rail service between Hawthorne and Hackensack serving up to 12 new stations with possible connections to other commuter rail service. To further explore the feasibility of this project, approval is requested to contract with Transit Link Consultants, a joint venture of Parsons Brinckerhoff and SYSTRA, to develop conceptual design and preliminary engineering for this proposed service at a cost not to exceed \$5.5 million plus five percent for contingencies.

Sam Stanton moved the resolution, Robert Smartt seconded it and it was unanimously adopted.

Executive Director Warrington presented the following Consent Items for approval:

0511-104: CUSTOMER RELATIONSHIP MANAGEMENT SOFTWARE LICENSE UPGRADE

Authorize the Chairman or Executive Director to amend the June 2005 authorization (#0506-40) with Salesforce.com of San Francisco, CA for an additional third year at a cost not to exceed \$149,000 for a total authorization for three years of \$556,000 subject to the availability of funds and the approval of subsequent operating budgets.

0511-105: REGULATION: ADOPTION OF N.J.A.C. 16:84 NOTICE OF NON-DISCRIMINATION BASED ON DISABILITY POLICY, COMPLAINT PROCEDURES AND COORDINATORS

Authorize the Chairman or Executive Director authorization to take all actions necessary to adopt the regulation, N.J.A.C. 16:84 et seq., Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators.

The Consent Calendar was moved in its entirety by Patrick W. Parkinson, seconded by Robert Smartt and unanimously adopted.

There were no public comments on non-agenda items.

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

The meeting was adjourned at approximately 10:30 am.

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

NOVEMBER 21, 2005

MINUTES

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ACTION ITEMS

0511-98	MOYNIHAN TRAIN STATION – NEW YORK: MEMORANDUM OF UNDERSTANDING	36907
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Authorize the Chairman or Executive Director to enter into a non-binding Memorandum of Understanding with the Moynihan Station Development Corporation which will outline certain business terms and conditions pertaining to NJ TRANSIT's lease of space in the new Moynihan Train Station and establish a framework for joint planning and design efforts pertaining to the proposed new Moynihan Train Station in New York.

0511-99	LEASE/PURCHASE OF CRUISER BUSES	36910
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Authorize the Chairman or Executive Director to enter into a procurement by exception contract with Motor Coach Industries, Inc. of Schaumburg, IL for the short-term lease of up to 20 used cruiser buses for two years at a cost not to exceed \$1,896,000 plus five percent for contingencies.

Staff also seeks authorization to enter into a procurement by exception contract with Motor Coach Industries, Inc. of Schaumburg, IL for up to 53 new cruiser buses at a cost not to exceed \$24,542,657 plus five percent for contingencies.

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS INC.
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NJ TRANSIT MERCER INC.
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- 0511-100 EXTENSION AND AMENDMENT OF CONTRACTS WITH 36913
ASCOT TRANSPORT SYSTEMS, CUBIC
TRANSPORTATION SYSTEMS, AND CTR SYSTEMS
FOR THE ENHANCEMENT, MAINTENANCE AND
SUPPORT OF PASSENGER TICKETING AND FARE
COLLECTION SYSTEMS AND NETWORKS

Authorize the Chairman or Executive Director to amend and extend the existing Maintenance and Support contract (No. 99-CT-028) with Ascom Transport Systems of Norcross, GA for five years, with seven additional one-year options, purchase 157 additional TVM's and peripheral equipment, at a cost of \$198,665,415, plus five percent for contingencies for a total authorization of \$300,285,014.

Further, to amend and extend the contract (No. 03-028) with Cubic Transportation Systems of Tullahoma, TN until December 30, 2007 at a cost of \$1,243,235 plus five percent for contingencies for a total authorization of \$8,521,844. Included in this contract extension are additional duties, enhanced reporting capabilities for the existing garage computer system, and a pilot to test new fare registers.

Additionally, to extend the existing Maintenance and Support contract (No.98-CW-115) with CTR Systems of Warrendale, PA for five years at a cost of \$875,763 plus five percent for contingencies for a total Board authorization of \$3,918,174.

- 0511-101 AMENDED BOARD ITEM NUMBER 0210-117 FOR THE 36918
SETTLEMENT OF CONDEMNATION LAWSUITS
REGARDING THE ACQUISITION OF PROPERTIES
FROM NEWARK URBAN RENEWAL AND THE
MONROE/P&L REALTY COMPANIES FOR THE NEWARK
CITY SUBWAY EXTENSION

Authorize the Chairman or Executive Director to amend the October 9, 2002 Board Item #0210-117 which authorized payment of \$82,000, for the acquisition of Lot 1, Block 142, Newark, Essex County, New Jersey which amount was deposited with the Superior Court of New Jersey as a result of a condemnation lawsuit. The prior Board authorization

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS INC.
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will be increased for an additional amount of \$58,000, totaling \$140,000, to acquire the property. This will allow for the acquisition of the property from Newark Urban Renewal L.P. for \$140,000 in accordance with a Consent Order to be entered in the Superior Court of New Jersey as a result of a settlement of this matter. The settlement amount of \$140,000 is inclusive of interest plus three percent for closing costs and requires NJ TRANSIT to pay an additional \$58,000 to seller's attorney.

Authorization to amend the October 9, 2002 Board Item which authorized payment of \$1,351,000 for the partial acquisition of Block 14, Lots 20-25, 26, 27 and 60, Newark, Essex County, New Jersey. The prior Board authorization will be increased for an additional amount of \$1,499,000, totaling \$2,850,000 to acquire the entire property known as Block 14, Lots 20-25, 26, 27 and 60, Newark, Essex County, New Jersey which NJ TRANSIT appraised for \$2,211,000. As a result of a condemnation lawsuit, \$2,211,000 was previously deposited with the Superior Court of New Jersey. Authorization is sought to acquire the entire the property from The Monroe/P&L Realty Companies for an agreed upon amount of \$2,850,000 in accordance with a Consent Order to be entered in the Superior Court of New Jersey as a result of an October 11, 2005 settlement of this matter. The settlement amount of \$2,850,000 is inclusive of interest plus three percent for closing costs and requires NJ TRANSIT to pay an additional \$639,000 to seller's attorney.

0511-102 GENERAL GEOGRAPHIC INFORMATION SYSTEMS
(GIS) SERVICES

36922

Authorize the Chairman or Executive Director to contract with Gannett Fleming of Harrisburg, PA; Intergraph of Farmington Hills, MI; Michael Baker Jr., Inc., of Newark, NJ; DMJM+HARRIS of Iselin, NJ; BET Consultants of East Hanover, NJ; Two Twelve Associates of New York, NY and Michael Hertz Associates of New York, NY to procure the necessary products and services for the purpose of advancing agency GIS capabilities at a cost not to exceed \$2,000,000, with a maximum limit of \$250,000 per individual task assignment.

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS INC.
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- 0511-103 PRELIMINARY ENGINEERING FOR PASSAIC-BERGEN 36925
RAIL SERVICE: CONTRACT AWARD

Authorize the Chairman or Executive Director to contract (No. 05-117) with Transit Link Consultants of Bloomfield, New Jersey, a joint venture of Parsons Brinckerhoff of Newark, NJ and SYSTRA Consulting of Bloomfield, NJ, for professional services for conceptual design and preliminary engineering for Passaic-Bergen rail service between Hawthorne and Hackensack at a cost not to exceed \$5,500,000, plus five percent for contingencies.

CONSENT CALENDAR

- 0511-104 CUSTOMER RELATIONSHIP MANAGEMENT 36929
SOFTWARE LICENSE UPGRADE

Authorize the Chairman or Executive Director to amend the June 2005 authorization (#0506-40) with Salesforce.com of San Francisco, CA for an additional third year at a cost not to exceed \$149,000 for a total authorization for three years of \$556,000 subject to the availability of funds and the approval of subsequent operating budgets.

- 0511-105 REGULATION: ADOPTION OF N.J.A.C. 16:84 NOTICE 36932
OF NON-DISCRIMINATION BASED ON DISABILITY
POLICY, COMPLAINT PROCEDURES AND
COORDINATORS

Authorize the Chairman or Executive Director authorization to take all actions necessary to adopt the regulation, N.J.A.C. 16:84 et seq., Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

APPROVAL OF MINUTES

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

WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the October 12, 2005 Board meeting of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc. and NJ TRANSIT Mercer, Inc. were forwarded to the Governor on October 13, 2005;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the October 12, 2005 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.

Richard J. Codey
Acting Governor

Jack Lettiere
Board Chairman

George D. Warrington
Executive Director

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

TO: BOARD OF DIRECTORS
FROM: GEORGE D. WARRINGTON 
DATE: NOVEMBER 21, 2005
SUBJECT: EXECUTIVE DIRECTOR'S REPORT – NOVEMBER 2005

Last month, we made significant adjustments to our rail schedules consistent with overall ridership trends. On the bus side, we have been working very hard to increase bus capacity in response to similar growth trends by adjusting schedules to bus routes in Hudson, Essex, Bergen, Passaic and Union counties; along the substantially constrained Route 9 corridor; and in Atlantic City and South Jersey.

In order to effectively respond to demand curves and market forecasts, today the Board will consider approval for the lease of up to 20 cruiser buses and the purchase of an additional 53, which will give us the ability to add trips on 31 routes. The additional fleet also gives us a margin of operational flexibility to remove vehicles from service to upgrade their onboard fare collection equipment, planned for next year. The addition of the same type of cruisers to our existing fleet proves both cost-effective and efficient in terms of maintenance and materials.

Another item before the Board today builds upon our need to expand trans-Hudson passenger rail capacity and allows us to become the anchor transportation tenant in the new Moynihan Train Station on 8th Avenue in New York. We have been working with the Empire State Development Corporation on a Memorandum of Understanding to lease 35,000 square feet of exclusive space in the new Moynihan Train Station. This new area, coupled with the planned 34th Street underground station associated with THE Tunnel Project, will give us room to accommodate forecasted ridership growth and give New Jersey commuters better access to train platforms and the street.

The Board will also consider a new five-year contract with Ascom that would provide maintenance and support services for our point-of-sale and fare collection network. The contract value is roughly the same amount as we currently pay to support the ticket vending machines and ticket office machines that account for approximately \$525 million in annual revenue. Approval of this contract will enable us to overhaul and upgrade our fleet of 543 ticket vending machines to make them faster and easier for our customers to use. In fact, next summer, we will begin to install new and upgraded machines throughout the system, with a planned roll-out of approximately 100 over the course of a year. Upgrades geared toward speed and ease of use include larger screens with ATM-like interface; faster bill acceptance; quicker transaction processing; voice-activated audio that meets federal ADA requirements; expanded text with three other languages in addition to the existing English/Spanish options; and storage of information for our monthly pass users. The TVM's will also be compatible with smart card technology currently in development at PATCO and PATH – a step toward regional integration.

As we enter the busy holiday season, we have a number of initiatives to encourage people to get out of their cars and to board our trains, buses, and light rail vehicles. We have made a number of adjustments to both our bus and rail schedules for leisure travel into New York, including the addition of 16 weekend "Holiday Express" trains on the Northeast Corridor and Morris & Essex Lines, as well as early getaway rail and bus service for the upcoming holiday on Wednesday, Nov. 23 and Friday, Nov. 25. On Thanksgiving Day, November 24, we will add 18 trains on the Northeast Corridor, Morris & Essex, Raritan Valley, and North Jersey Coast lines for the benefit of customers traveling to and from the Macy's Thanksgiving Day Parade, as well as those traveling to New Jersey to visit family and friends.

Finally, I would like to extend my gratitude to the thousands of NJ TRANSIT employees who will be spending part of the upcoming holiday away from their families to keep our public transportation system up and running. We wish them all a Happy Thanksgiving.

EXECUTIVE DIRECTOR'S MONTHLY REPORT NOVEMBER 2005

- 1. HIGHLIGHTS**
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HIGHLIGHTS

Hudson-Bergen Light Rail arrives at Port Imperial Station

On Saturday, October 29, Hudson-Bergen Light Rail service began at Weehawken's Port Imperial Station. To mark the occasion, NJ TRANSIT held an event on Monday, October 24 at Port Imperial to announce the extended service, joined by Senator Frank R. Lautenberg, U.S. Representative Robert Menendez, Assembly Speaker Albio Sires, Transportation Commissioner Jack Lettiere, Bergen County Executive Dennis McNerney, Weehawken Mayor Richard Turner, and other state and local elected officials.

From the podium, the officials highlighted the benefits of the service expansion, including improved connectivity and access to more trans-Hudson travel options for customers in time for the holiday shopping season. Port Imperial is the first HBLR station to open since last September when service was launched to 2nd Street and 9th Street stations in Hoboken and Lincoln Harbor Station in Weehawken.

Weekend service operates every 15 minutes between Port Imperial and Hoboken Terminal, where customers can make connections to NJ TRANSIT trains and buses, PATH trains and ferries. Customers can also connect at Hoboken Terminal to HBLR service to downtown Jersey City, Liberty State Park, West Side Avenue and Bayonne.

From Port Imperial Station, customers may connect to NY Waterway ferry services and NJ TRANSIT buses. Eventually, a pedestrian walkway will connect the light rail station with a new ferry terminal on the opposite side of Port Imperial Blvd. that is expected to open in the spring.

Construction work on the light rail system will continue on weekdays in advance of the opening of two new stations this winter—Bergenline Avenue in Union City and Tonnelle Avenue in North Bergen—as well as the start of weekday service from Port Imperial.

Port Imperial Station is located along a 6.5-mile segment of the line that extends the light rail system north from Hoboken Terminal to Tonnelle Avenue in North Bergen.

NJ TRANSIT awards mini-buses to 12 communities

On November 14, NJ TRANSIT announced that twelve communities will receive 18-passenger mini-buses—leased at no charge—to operate commuter shuttles to train stations and bus corridors during peak hours. The mini-buses were awarded under NJ TRANSIT's Community Shuttle Program, a creative approach to improving passenger access to public transportation in New Jersey.

The 12 community recipients are:

- | | |
|------------------------------------|----------------------------|
| ▪ Township of Bernards | ▪ Township of Bloomfield |
| ▪ Township of Edison | ▪ Borough of Highland Park |
| ▪ Township of Irvington | ▪ Mercer County TRADE |
| ▪ Township of North Bergen | ▪ Township of Nutley |
| ▪ Borough of Princeton | ▪ Borough of Roselle Park |
| ▪ Township of South Orange Village | ▪ Township of West Orange |

New Jersey Congressmen William J. Pascrell, Jr. and Donald M. Payne secured federal funding through the Transportation Equity Act of the 21st Century (TEA-21) for two previous rounds of the Community Shuttle Program. Funding for the vehicles awarded in Round 3 was provided through Congestion Mitigation and Air Quality (CMAQ) program funds.

The mini-buses are scheduled to arrive by late 2007. The vehicles, which cost approximately \$60,000 to \$65,000 each, include a wheelchair lift and two wheelchair securements, heating and air conditioning systems, reading lamps, and overhead package racks.

Once communities begin providing service, they are eligible for up to \$60,000 in start-ups costs for the first three years of service. During off-peak hours and on weekends, the program recipients may use the vehicles for other community-based transportation services such as senior citizen or recreational transportation.

Applicants are eligible for the program based on their ability to operate the service, access to NJ TRANSIT train stations and bus stops, opportunities to connect rail stations with work sites, and demonstration of local support. Currently, 22 towns operate community shuttles, received in the first and second rounds of the program.

NJ TRANSIT names LCOR 'Master Planner and Developer' for 65-acre Hoboken Terminal property

On October 12, NJ TRANSIT's Board of Directors selected LCOR to produce a master plan that will serve as a blueprint for transit-oriented development at its 65-acre Hoboken Terminal and Yard complex.

The selection of LCOR after a competitive process signals NJ TRANSIT's intention to create a facility that can both serve as an integrated multimodal transit center and a gateway befitting the Hudson waterfront for more than 50,000 commuters and residents who use the complex daily.

LCOR will develop a master plan at its own expense and will serve as master planner and developer for the site. For the master planning process, LCOR has assembled a well-known team that has unique experience in transit-oriented development including projects such as JFK International Arrivals Terminal, Grand Central Terminal and Washington Union Station. The team includes the firm of Skidmore, Owings & Merrill LLP, Williams Jackson Ewing, Inc., DMJM + Harris and Langan Engineering.

In beginning the master plan process, NJ TRANSIT is seeking to:

- Improve intermodal functionality to enhance the NJ TRANSIT customer experience and operational efficiency between rail, light rail, bus, PATH and ferry.
- Maximize economic return from an underutilized real estate asset through transit-oriented development.
- Reactivate the historic terminal as a waterfront gateway that serves as a well-conceived transportation terminal and a mixed-use community hub.
- Promote economic development and capitalize on public investment in the terminal building.

Improving intermodal connections

When Hoboken Terminal was designed and constructed one hundred years ago, most customers used it exclusively as a transfer point between trains and trans-Hudson ferries. The City of Hoboken existed primarily as a seaport and railroad town.

Today, in addition to trains and ferries, Hoboken Terminal customers make connections between commuter rail, buses, PATH, light rail vehicles, ferries and other modes as well as

using the terminal to access the City of Hoboken, which has become a destination in its own right.

One of the goals of the Master Development Plan will be to improve Hoboken Terminal by creating a more customer-friendly layout that better integrates the various travel modes and provides seamless passenger and pedestrian flow as well as enhanced amenities for commuters.

Hoboken Ferry Terminal rehabilitation moves forward

Also on October 12, the NJ TRANSIT Board of Directors approved a \$53.9 million contract for the second phase of a rehabilitation project that will return a portion of Hoboken Terminal to its original design, ultimately restoring permanent ferry service to the historic building and creating a new ferry waiting area for customers.

The construction contract award to Hall Construction Co., Inc. of Howell, New Jersey will allow for marine construction of five of the original six ferry slips, as well as restoration of the exterior copper facade and lighting on the river side of the terminal, structural repairs, roof repairs, and demolition of the finger piers and wooden fenders. In addition, NJ TRANSIT plans to build a replica of the clock tower that originally stood on top of the building. The clock tower will mimic the original 1907 design by artist Kenneth Murchinson.

The second phase of construction is expected to begin at the end of this year and finish in 2008. The project's first phase, which began last year and was completed in September 2005, included repairs to the terminal's substructure and superstructure.

Early design work for the third and final phase is anticipated within the next few months.

The overall project aims to rehabilitate and restore the historic Hoboken Terminal Complex for customer convenience and operational reliability, while protecting and enhancing the historic assets of the terminal. At the project's completion, the restoration of ferry service into the original slips will allow for expansion of ferry service and greater flexibility in providing commuter service to Manhattan.

NJ TRANSIT reports continued ridership growth in first quarter

Preliminary ridership results for the first quarter of FY 06 show a continuing trend of ridership growth on NJ TRANSIT trains, buses, and light rail services, with systemwide ridership up five percent for the three-month period ending September 30.

Bus ridership rose about three percent for all services, with the largest gains posted on New York-bound routes—up more than six percent. Rail ridership increased by more than seven percent overall, with lines serving New York up between five and seven percent.

Light rail services continue to experience double-digit growth, with Hudson-Bergen Light Rail up nearly 25 percent and River LINE ridership increasing 18 percent.

In September, NJ TRANSIT reported record FY 05 ridership across virtually all of its services, for the first time exceeding 800,000 trips on an average business day.

NJ TRANSIT celebrates completion of Ramsey Station

The Borough of Ramsey received a new centerpiece for its downtown area with NJ TRANSIT's completion of work on a major restoration project at the Ramsey Main Street Station on the Main Line. NJ TRANSIT and the Borough marked the occasion with a plaque dedication ceremony at the newly restored station on October 26.

The project, funded by the Transportation Trust Fund, called for a number of improvements to the century-old station, including:

- Removal of damaged slate roof tiles and wood sheathing
- Installation of new roof sheathing, ice shield, and roofing tiles
- Restoration or replacement of wood fascias, soffits, copper gutters and leaders, wood windows and doors, and stucco trim
- Painting of all wood members in the roof superstructure and building facade
- Restoration and repair of interior wood surfaces and replacement of concrete flooring in waiting room
- Renovation of existing bathroom facility, and
- Upgrades to the electrical and HVAC systems.

In addition, the project included a structural investigation of the building foundations, which called for the following necessary repairs:

- Replacement of the gas-fired ceiling-suspended unit heaters and venting with an up-to-date heating system
- Removal of the single air-conditioning unit servicing the ticket office and installation of an air-conditioning system capable of cooling the entire station
- Replacement of the exhaust system for the restroom with a new system that exhausts from the roof
- Addition of an area drain to the bottom of the exterior stairway leading to the basement
- Replacement of the hose bib on the exterior wall with a non-freeze wall hydrant that will prevent pipes from freezing during the winter, and
- Upgrades to interior and exterior lighting with new efficient period fixtures that will provide the recommended lighting levels.

CUSTOMER AND COMMUNITY INITIATIVES

NJ TRANSIT offers ways to avoid holiday gridlock

On November 16, with less than 48 hours until New York's first "gridlock alert" day of the holiday season, NJ TRANSIT advised travelers to take full advantage of its 5,288 daily trains and buses into and out of Manhattan and offered several incentives for visitors to avoid city gridlock this holiday season.

To encourage travelers to get out of their cars, NJ TRANSIT distributed "free ride" certificates at a Gridlock Alert awareness event at Hoboken Terminal. The certificates are redeemable for free rail travel between Ramsey Route 17 or Montclair State University (MSU) stations and New York on the first gridlock alert day of the season, Friday, November 18.

Customers taking advantage of the free round trip on Friday get up to a \$17 value from Ramsey or a \$10.50 value from MSU and need only pay for parking. Downloadable certificates are available online at www.njtransit.com.

Due to record high ridership levels, leisure travelers this holiday season are advised to select trains and buses outside of the peak periods of 6-10 a.m. and 4-8 p.m., if possible. A 15-percent discount applies to roundtrip travel on off-peak and weekend trains.

Aside from avoiding city traffic, weekend travelers will have another incentive to leave their cars behind: free parking. Now through January 16, NJ TRANSIT customers can take advantage of free parking on weekends at Ramsey Route 17 Station—from 7 p.m. Fridays through 5 a.m. Mondays. For maximum savings, families can combine the free parking offer with NJ TRANSIT's Family Supersaver fare, which enables up to two kids (ages 11 and under) to travel free with each fare-paying adult on weekends and holidays.

A "gridlock alert" is issued by the New York City Department of Transportation on the busiest traffic days of the year. On these days especially, visitors are encouraged to leave their cars at home and use public transportation.

In addition to Friday, Nov. 18, the other designated gridlock alert days for 2005 are: Wednesday, Nov. 23 (day before Thanksgiving); Wednesday, Nov. 30 (tree lighting at Rockefeller Center); Friday, Dec. 9 (popular shopping day); Thursday, Dec. 15 (popular shopping day); Friday, Dec. 16 (popular shopping day); Wednesday, Dec. 21 (matinee day at Broadway theaters/popular shopping day); Thursday, Dec. 22 (popular shopping day); and Friday, Dec. 23 (day before Christmas Eve).

For the benefit of travelers this holiday season:

- On Saturdays and Sundays through January 14 except Christmas Day and New Year's Day, NJ TRANSIT is offering 16 weekend "Holiday Express" trains on the Northeast Corridor and Morris & Essex Lines. The trains shave 10-15 minutes off the regular (local) travel time in each direction, making them a great option for NYC visitors. The trains will also operate on Monday, December 26 and Monday, January 2.
 - **Northeast Corridor:** From Trenton, four New York-bound express trains depart at 8:23 a.m., 9:23 a.m., 10:23 a.m. and 11:23 a.m. with stops at Hamilton, Princeton Junction, New Brunswick, Metropark, Newark Airport, Newark Penn Station, and Secaucus. In the evening, four Trenton-bound express trains depart New York at 4:09 p.m., 5:09 p.m., 6:09 p.m. and 7:09 p.m., making the same station stops.
 - **Morris & Essex Lines:** From Dover, four New York-bound express trains depart at 8:36 a.m., 9:36 a.m., 10:36 a.m. and 11:36 a.m. with stops at Denville, Mount Tabor, Morris Plains, Morristown, Convent Station, Madison, Chatham, Summit and Newark Broad Street stations. In the evening, four Dover-bound express trains depart New York at 4:03 p.m., 5:03 p.m., 6:03 p.m. and 7:03 p.m., making the same station stops.
- On Wednesday, November 23, NJ TRANSIT will offer special "early getaway" rail service from New York Penn Station and Hoboken Terminal starting at noon for the benefit of commuters leaving work early. In addition, extra bus service will be offered from the Port Authority Bus Terminal starting at noon.
- On Thanksgiving Day, November 24, NJ TRANSIT will add 18 trains on the Northeast Corridor, Morris & Essex, Raritan Valley, and North Jersey Coast lines for the benefit of customers traveling to and from the Macy's Thanksgiving Day Parade, as well as those traveling to New Jersey to visit family and friends.
- On Friday, November 25 (one of the busiest shopping days of the year), NJ TRANSIT will operate special "early getaway" trains from New York Penn Station starting at noon. Additional bus service will be offered on more than a dozen lines to major New Jersey

shopping centers, including Bergen Mall, Elizabeth Center, Garden State Plaza, Jersey Gardens, Livingston Mall, Newport Centre Mall, Paramus Park Mall, The Mall at Short Hills, The Mall at Mill Creek, Harmon Meadow, Willowbrook Mall, Woodbridge Center Mall, Cherry Hill Mall, Hamilton Mall, Moorestown Mall, Quaker Bridge Mall and Shore Mall. Bus customers should check their timetables and notices on buses for holiday service information.

- NJ TRANSIT's Family Super Saver Fare, which enables up to two children 11 and under to travel free with each fare-paying adult, will be in effect from 7 p.m. Wednesday, November 23 until 6 a.m. Monday, November 28. Senior citizen and roundtrip excursion tickets will be valid without restriction throughout this period.
- NJ TRANSIT has teamed up with Radio City Entertainment to offer customers \$10 off admission to select performances of the Radio City Christmas Spectacular featuring the world-famous Rockettes. Customers should mention code "JERSEY10" when purchasing tickets at the Radio City Box Office, or by calling the Ticketmaster Christmas Hotline at (212) 307-1000. Families may combine this discount with the NJ TRANSIT Family Supersaver (kids ride free) offer for maximum savings.

Student art unveiled at Trenton Station

NJ TRANSIT Assistant Executive Director Lynn Bowersox joined Trenton Mayor Douglas H. Palmer and representatives from the Trenton Department of Education and School Board on October 21 to unveil artwork created by Trenton public school students that will line the construction site for the Trenton Station rehabilitation project.

This summer, NJ TRANSIT called upon high school art students from Trenton's Daylight/Twilight, Trenton Central, and Trenton Central West high schools to decorate the exterior construction barricades and the interiors of the passageways with colorful artwork. Guided by their art teachers, 60 students were invited to design murals that create the illusion of movement and illustrate motion through nature and technology.

In May, the NJ TRANSIT Board of Directors approved a \$53.2 million contract for the rehabilitation and expansion of Trenton Station that will give the city a landmark building representative of the state capital. Work on the advance construction contract was completed

at the end of July, and construction of the station building began this month, preceded by the installation of temporary construction barricades and customer passageways.

NJTPD takes lead on transit security conference

From October 12-13, 2005, the NJ TRANSIT Police Department participated in the I-95 Domestic Security Preparedness Conference on Transit Security—"Lessons Learned from the London Attacks"—sponsored by the New Jersey Office of the Attorney General, the Police Institute at Rutgers-Newark, the Bureau of Justice Assistance, the Massachusetts Executive Office of Public Safety, and the Manhattan Institute for Policy Research. The conference is part of an ongoing series held since 9/11 as a forum for East Coast states, providing an opportunity for public safety and homeland security agencies to meet and share best practices on the most effective ways to prevent terrorist attacks.

NJ TRANSIT co-sponsored—along with Amtrak, New York MTA, Massachusetts Bay Transit Authority, Port Authority of NY & NJ, Washington Metro Area Transit Authority, and SEPTA—and took the lead on the event held in Princeton. Topic highlights included the evolving challenges in protecting transport and use of new technologies in security, as well as a roundtable discussion on strategic steps for improving prevention and response.

The conference drew attendees from up and down the East Coast and across the Atlantic. Among the 80 high-level law enforcement officials in attendance were New Jersey Attorney General Peter C. Harvey, Chief Constable of the British Transport Ian Johnston, Director of Transport for London Jeroen Weimar, and Executive Director of the Police Institute at Rutgers-Newark Michael L. Wagers. Police chiefs from transit agencies from Georgia to Massachusetts joined the event, and three dignitaries from the United Kingdom attended and gave presentations with respect to the July 7 and 21 bombings.

NJ TRANSIT Police Chief Joseph C. Bober was a key speaker at the event. Earlier in October, Chief Bober and Captain Alphonsus M. Stiehler, along with New Jersey State Police Major Drew Lieb and Lieutenant Daniel J. Cosgrove, traveled to London, England, where they spent seven days with the British law enforcement community to discuss lessons learned from this summer's London attacks.

NJ TRANSIT adds more capacity, express service with October 30 timetable change

Customers on the Northeast Corridor will now find more frequent peak-period service and more seating capacity as a result of a new timetable that took effect October 30. The new rail schedule added four express trains to replace Amtrak *Clockers* trains and provides more service at several fast-growing Northeast Corridor stations.

In addition, NJ TRANSIT added 16 "Holiday Express" trains on the Northeast Corridor and Morris & Essex Lines, introduced weekend service at Plauderville Station and added a new early morning train from Montclair.

On the Northeast Corridor, most train departure times changed by a couple of minutes to enable NJ TRANSIT to add trains during the busy morning and evening peak periods. In the morning, NJ TRANSIT added five trains—including two express trains to replace discontinued Amtrak *Clockers* service—contributing to an additional 3,000 peak-period seats for New York-bound services. Two additional trains are offered in the evening.

NJ TRANSIT express trains replace discontinued Amtrak *Clockers*

Beginning Monday, October 31, NJ TRANSIT added four express trains to provide replacement service for Amtrak *Clockers*, which was discontinued on October 28. The NJ TRANSIT express trains offer more seating capacity than the *Clockers*, and add a station stop at Hamilton, providing customers there with even more express options. Unlike *Clockers*, the new trains accept NJ TRANSIT single-trip tickets, in addition to NJ TRANSIT weekly and monthly passes.

More frequent service at "middle-zone" stations

NJ TRANSIT made significant schedule adjustments to provide more frequent service and more capacity at some of the system's busiest stations. The "middle-zone" of the Northeast Corridor—Jersey Avenue, New Brunswick, Edison, Metuchen and Metropark—accounts for approximately 20,000 boardings per day and is the heaviest segment of the busy Northeast Corridor. Customers boarding at these stations will now find more peak-period trains to accommodate increased ridership demand.

The average interval between trains during the peak period for middle zone customers was reduced from 20 minutes to 12 minutes at Edison, Metuchen and Metropark and from 17 minutes to 12 minutes at New Brunswick. At Jersey Avenue, where customers currently have

departures spaced an average of 30 minutes apart, the new schedule offers departures at 22-minute intervals.

Each of the five middle-zone stations also saw a net increase in the number of trains—three more trains at Jersey Avenue, five more trains at New Brunswick, and four more trains at Edison, Metuchen and Metropark.

Weekend "Holiday Express" trains added on Northeast Corridor

Northeast Corridor rail customers also received enhanced weekend service this holiday season, as the eight "Holiday Express" trains to and from New York introduced last year on Saturdays, Sundays and holidays return this season, with a new stop in Metropark in each direction. The trains shave 10-15 minutes off the regular (local) travel time.

- In the morning, Holiday Express trains depart Trenton at 8:23 a.m., 9:23 a.m., 10:23 a.m. and 11:23 a.m. The trains run express from New Brunswick to Metropark, and from Metropark to Newark Airport, making stops at Newark Penn Station and Secaucus Junction before arriving in New York.
- For return trips, Holiday Express trains depart New York at 4:09 p.m., 5:09 p.m., 6:09 p.m. and 7:09 p.m., stopping at Newark Penn Station and Newark Airport before expressing to Metropark and New Brunswick, followed by all westbound stops to Trenton.

Weekend "Holiday Express" trains added on Morris & Essex Lines

NJ TRANSIT also offers weekend Holiday Express trains on the Morris & Essex Lines that shave about 18 minutes off the typical weekend Dover-New York trip:

- New York-bound Holiday Express trains depart Dover at 8:36 a.m., 9:36 a.m., 10:36 a.m. and 11:36 a.m. and arrive in New York at 48 minutes after the hour, beginning at 9:48 a.m. Each train makes local stops from Dover to Summit, then operates express to Newark Broad Street and New York.
- In the evening, Holiday Express trains depart New York at 4:03 p.m., 5:03 p.m., 6:03 p.m. and 7:03 p.m., stopping at Newark Broad Street and operating express to Summit before making all stops to Dover.

Montclair-Boonton Line

NJ TRANSIT added a new early morning MidTOWN DIRECT train to its Montclair-Boonton Line service:

- New train 6200 departs Montclair State University Station at Little Falls at 4:57 a.m. and makes stops at Walnut Street, Bay Street, Bloomfield, and Newark Broad Street before arriving in New York at 5:40 a.m. Hoboken-bound customers may connect at Newark Broad Street to train 602, arriving in Hoboken at 5:43 a.m.
- To accommodate this new train, current trains 6200 and 6202 were renumbered 6202 and 6204, respectively.
- NJ TRANSIT combined trains 294 and 1002 to make better use of equipment. The new train, which operates as #1002 on its existing time, makes the Watchung Avenue and Bay Street stops formerly made by train 294.

New weekend service at Plauderville Station on the Bergen County Line

NJ TRANSIT now offers weekend service to and from Plauderville Station on 32 Bergen County Line trains.

EMPLOYEE RECOGNITION

NJTPD officers complete HazMat Tech Training

On October 28, eleven officers from the NJ TRANSIT Police Department completed Hazardous Materials Technician Training at the Middlesex County Fire Academy. The training consisted of two weeks of classroom presentation and practical training exercises.

The eleven officers will join five officers who previously completed training to form the NJTPD HazMat/WMD Response Team. The team was created to provide NJ TRANSIT with the ability to provide an increased level of security for passengers and employees and to quickly mitigate an incident allowing swift restoration of service. Today, HazMat/WMD responses are handled by local or regional teams, which sometimes take more than an hour to respond. Having a team readily available will give NJ TRANSIT Police the means to quickly assess an incident and begin mitigation.

Sergeant Brian Armbruster, Detective Miguel Validó, and police officers Mark Colon, Jason Conrad, Matthew Coyle, Robert Gatchell, Frank Gregory, Allan Lee, Anthony Molinaro, John Sullivan, and Jose Tirado successfully completed this training.

On October 29, five NJ TRANSIT Police officers graduated from the Essex County Police Academy. The graduates are: Joseph Ciaravino, Anthony Dipopolo, Stephen Flores, Ryan Fraser, and Roger Ingraham.

NJ TRANSIT Bus & Light Rail select Distinguished Award Winners

NJ TRANSIT recently presented 40 Bus and Light Rail Operations with the Distinguished Service Award for performance above and beyond the call of duty.

The winners needed to meet at least one of the following criteria:

- Use knowledge and expertise to quickly solve problems relative to service
- Act as team player and encourage teamwork
- Exhibit high degree of professionalism to customers
- Perform duties above and beyond expectations
- Play a key role in remedying an extraordinary situation
- Provide service outside the scope of normal work duties
- Complete a challenging task with little supervision that advances the company's mission
- Display exemplary leadership qualities in delivery of service

This year's recipients are as follows:

- Michael Barnes, Bus Operator, Big Tree Garage
- Lester Bishop, Repairman, Big Tree Garage
- James Boyle, Mechanic, Central Maintenance Facility
- Reginald Branch, Cleaner, Big Tree Garage
- Alfonso Brown, Starter, Atlantic City Terminal
- Marion Brown, Bus Operator, Hamilton Twp. Garage
- Sonia Caldwell, Cleaner, Oradell Garage
- Chris Corasio, Prin. Tech. Spec., Maintenance Support
- Antonio Costa, Superintendent, Central Maintenance Facility
- James Devaney, Bus Operator, Oradell Garage
- Vance Dixon, Bus Operator, Newton Avenue Garage
- Craig Ellison, Spec. Maintenance Man, Central Maintenance Facility
- Ed Erm, Superintendent, Big Tree Garage
- Xiomara Gavilan, Bus Operator, Fairview Garage
- Gene Hertler, Regional Supervisor, Service Supervision – South
- Richard Horton, Depot Master, Newton Avenue Garage
- Ramon Javier, Bus Operator, Washington Twp. Garage
- Frey Jefferson, Bus Operator, Meadowlands Garage
- Easter Jones, Starter, PABT – New York
- Harry Jones, Bus Operator, Meadowlands Garage
- Vendietta Jones, Bus Operator, Hilton Garage
- Mike Klepchick, Prin. Tech. Spec., Maintenance Support
- Roseann Laddy, Bus Operator, Howell Garage
- William Lapp, Bus Operator, Oradell Garage
- Kathleen Lascio, Bus Operator, Newton Avenue Garage
- Ira Lingo, Mechanic, Egg Harbor Twp. Garage
- Joe Marrocco, Aux. Instructor, Operational Training
- Charles Newman, Bus Operator, Big Tree Garage
- Nels Petersen, Mechanic, Egg Harbor Twp. Garage
- Cecil Pitt, Bus Operator, Hilton Garage
- Marion Racine, Asst. Supervisor, Light Rail Operations
- Bridgemohan Ramdeen, Bus Operator, Oradell Garage
- Shelley Scales, Bus Operator, Egg Harbor Twp. Garage
- Gabe Sullivan, Ticket Agent, WRTC – Camden

- Ed Sweeney, Regional Supervisor, Service Supervision – South
- B. Kevin Thomas, Bus Operator, Orange Garage
- Joseph Tomaskovic, Lot Attendant, PABT – New York
- Michael Webb, Starter, Hilton Garage
- Arthur Williams, Starter, PABT – New York
- Josephus Wilson, Bus Operator, Hilton Garage

Rail Operations honors Employee-of-the-Month award recipients

Rail Operations hosted a luncheon November 4 to honor their Employee-of-the-Month award recipients from March through September 2005. The Employee of the Month award recognizes employees who exemplify NJ TRANSIT's mission of putting the customer first, whether internally or externally. Every month, one employee each from the Transportation, Infrastructure Engineering, and Mechanical departments is chosen for the award by a selection committee, based on a set of criteria the employee must meet.

The recipients from March through September are as follows:

	<u>Transportation</u>	<u>Infrastructure Engineering</u>	<u>Mechanical</u>
March	Kenneth Banta Conductor	Patrick Sawey ARASA Supervisor	Richard Barber Electrician
April	John Williams Locomotive Engineer	Joe Abrantes ARASA Supervisor	Jason Laing Car Appearance Maintainer
May	Shaketa Brown Ticket Agent	Walt Marston (retired) Signal Inspector	Roberto Ortiz Electrician
June	Eric Rockson Conductor	Frank Caulkin Class I Operator	Patria Rosario Car Appearance Maintainer
July	John Calia Locomotive Engineer	Luis dos Reis Electrical Specialist	Richard Manderson Car Appearance Maintainer
August	Robert Blackwell Conductor	Rodney Brown ARASA Supervisor	Dennis Mullen Machinist
September	Michael Iacovino Yard Master	Robert Jackson ARASA Supervisor	Leonard Lewis Car Inspector

NJ TRANSIT employees bid farewell after outstanding careers

Nine NJ TRANSIT employees retired in October with careers ranging from 13 to 31 years of service:

1. James S. Fulton (Willingboro) Hamilton Garage Bus Operator – 31 years
2. Jean F. Massenat (Trenton) Hamilton Garage Repairman - 31 years
3. Donald M. Thomas (Paterson) Market Street Garage Bus Operator – 27 years
4. Eddie O. Barnwell (Willingboro) Hamilton Garage Depot Master – 26 years
5. Curly C. Anderson (Toms River) Camden Transportation Center Instructor – 25 years
6. Luis G. Quinonez (Palmerton, PA) City Subway Bus Operator – 25 years
7. Andrew J. White (Mays Landing) Egg Harbor Township Garage Repairman – 25 years
8. Richard Sommers (Waretown) Penn Plaza Supervisor of Facility Security – 23 years
9. Emma M. Petitt (Maple Shade) Newton Avenue Garage Bus Operator – 13 years

Six NJ TRANSIT employees retired in November with careers ranging from 15 to 40 years of service:

1. Lonnie J. Williams (East Orange) Market Street Garage Mechanic "A" – 40 years
2. Paul A. Hraska (Pearl River, NY) MMC Manager – Rules Department – 33 years
3. Robert C. Winkler (Point Pleasant Beach) Fairview Garage Foreman II – 30 years
4. Everett Roemer (Toms River) Revenue Agent – 25 years
5. Edmund Kusmar (Yardley, PA) Penn Plaza Principal Contract Specialist – 19 years
6. Margaret T. Garner (Orange) Orange Garage Bus Operator – 15 years

DBE/MBE PROGRAM

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

\$244,792 in federal funds were awarded during October of FY 06*. Disadvantaged Business Enterprises (DBEs) did not receive any federal-funded contract dollars during this period from either race conscious or race neutral awards.

State Funded Contracts

\$159,371,766 in state-funded contract dollars was awarded during July thru October FY 06. ** Of that total, Small Business Enterprises (SBEs) received \$19,093,983 or 12 percent. Category 1 SBEs received \$2,748,091 or 1.7 percent. Category 2 SBEs received \$0. Category 3 SBEs received \$8,124,302 or 5.1 percent. Category 4 SBEs received \$3,820,245 or 2.4 percent. Category 5 SBEs received \$4,401,345 or 2.8 percent. ***

Federal & State Contracts Total

\$159,616,558 in federal and state contract dollars was awarded by NJ TRANSIT during this reporting period. Of that total, \$19,093,983 or 12 percent of federal and state contract dollars was won by SBEs.

Hudson-Bergen Light Rail Transit System Project

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

* Fiscal year beginning October 1, 2005

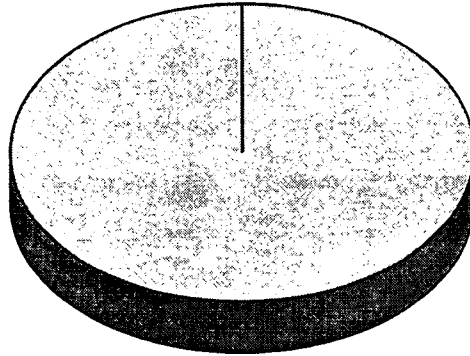
** Fiscal year beginning July 1, 2005

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

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

**DBE PARTICIPATION
FEDERAL CONTRACTS
FEDERAL FYTD (THRU OCTOBER 2005)**

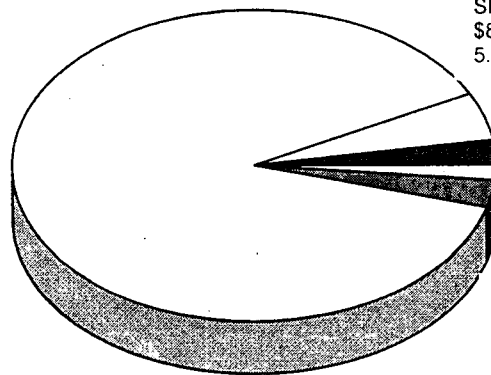
NON-DBE
FEDERAL
\$244,792
100%



DBE RACE
NEUTRAL &
RACE
CONSCIOUS
\$0
0%

**SBE PARTICIPATION
STATE CONTRACTS
STATE FYTD (THRU OCTOBER 2005)**

NON-SBE STATE
\$140,227,783
88%



SBE-3
\$8,124,302
5.1%

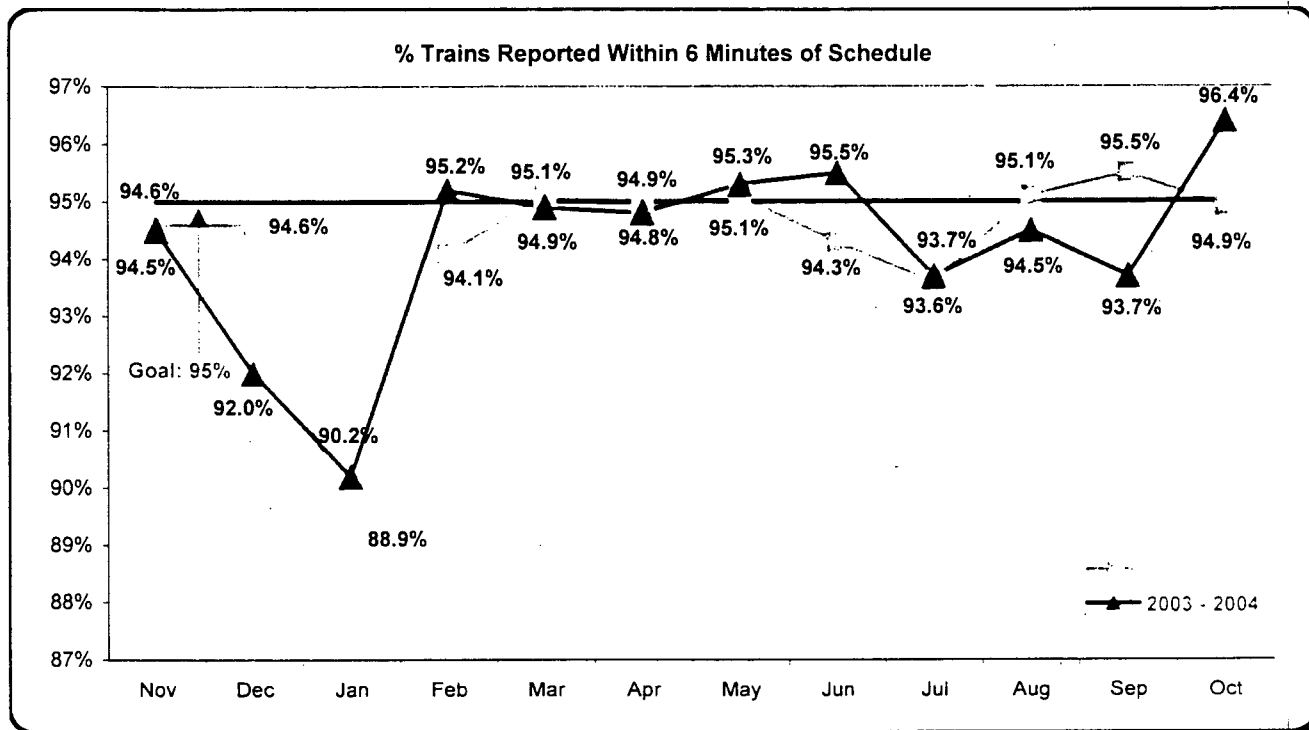
SBE-4
\$3,820,245
2.4%

SBE-1
\$2,748,091
1.7%

SBE-5
\$4,401,345
2.8%

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL NOVEMBER 2003 - OCTOBER 2005



	2004	2005	# Change
October Comparison	96.4%	94.9%	-1.5%

	2003 - 2004	2004 - 2005	# Change
12-Month Average November - October	94.2%	94.2%	0.0%

Analysis:

Systemwide, Rail On-Time Performance for October 2005 was 94.9%, just below the goal of 95%. Of the 18,867 trains that were scheduled to operate, 17,915 were on time, while 972 trains (or 5.1%) were delayed.

Causes of delay included:

A train departing Penn Station New York that blocked access to several tracks in the station on October 12th.

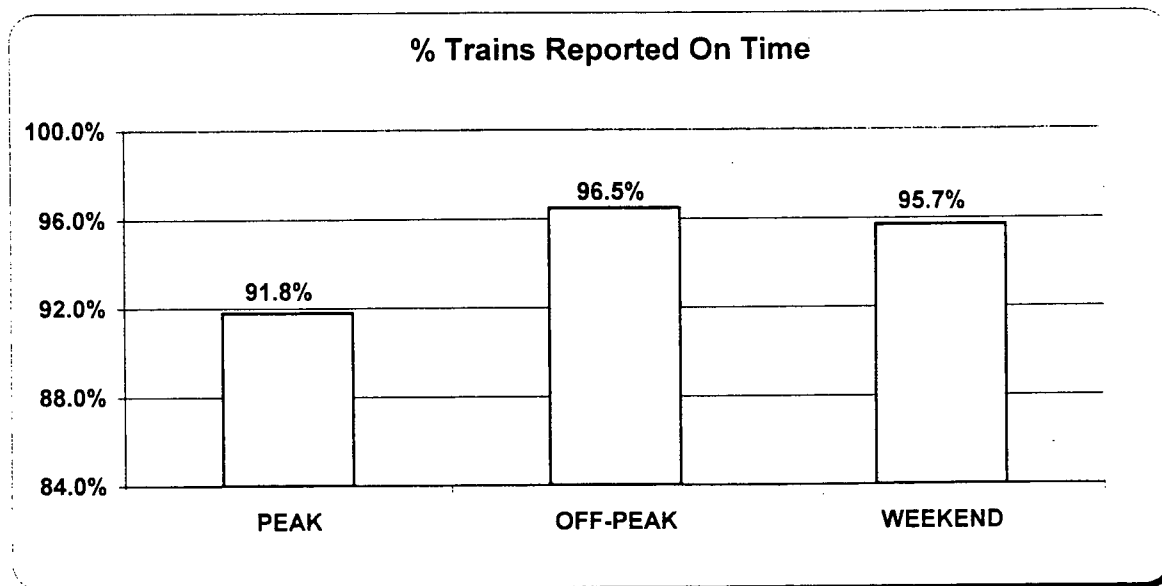
A crew member's illness, which required medical attention by emergency personnel on October 27th; this train also required a police response, as there was a report of a suspicious package on board.

Downed overhead wires near Matawan Station, also on October 27th.

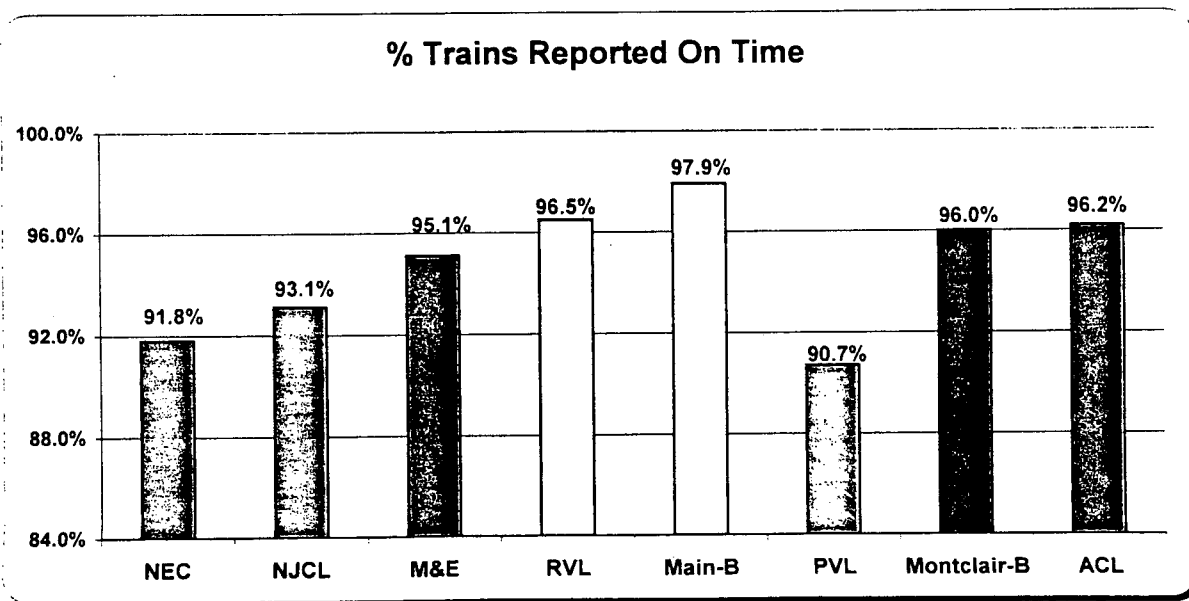
The 12-month average for Rail On-Time Performance systemwide for November 2004 - October 2005 was 94.2%, identical to the average for the previous 12-month period.

ON-TIME PERFORMANCE RAIL

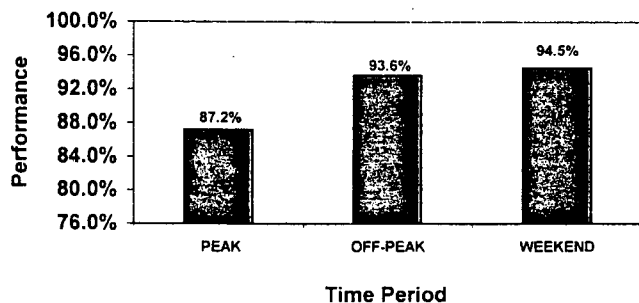
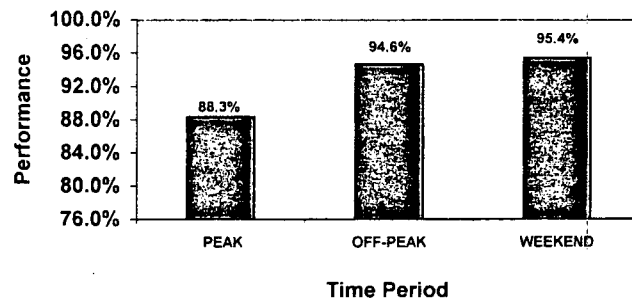
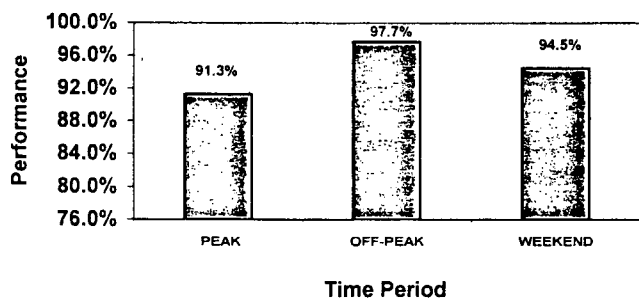
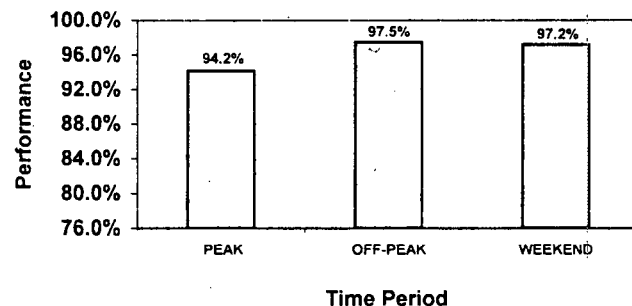
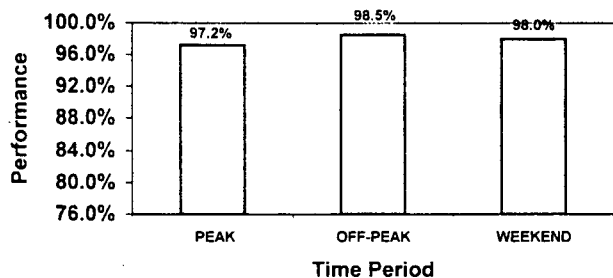
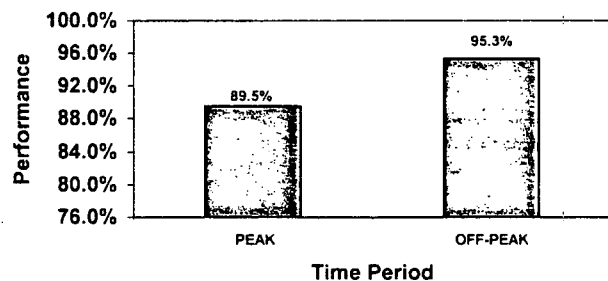
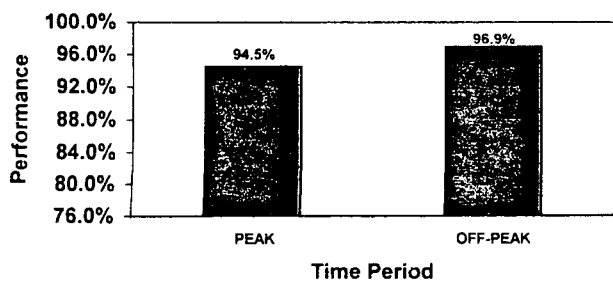
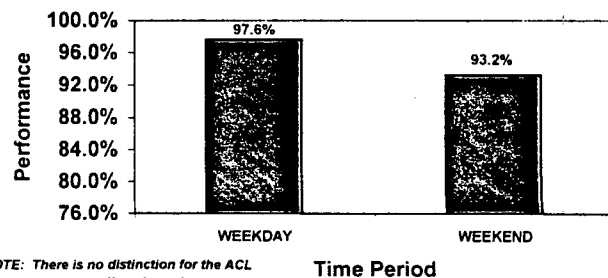
SUMMARY BY TIME PERIOD OCTOBER 2005



SUMMARY BY LINE OCTOBER 2005

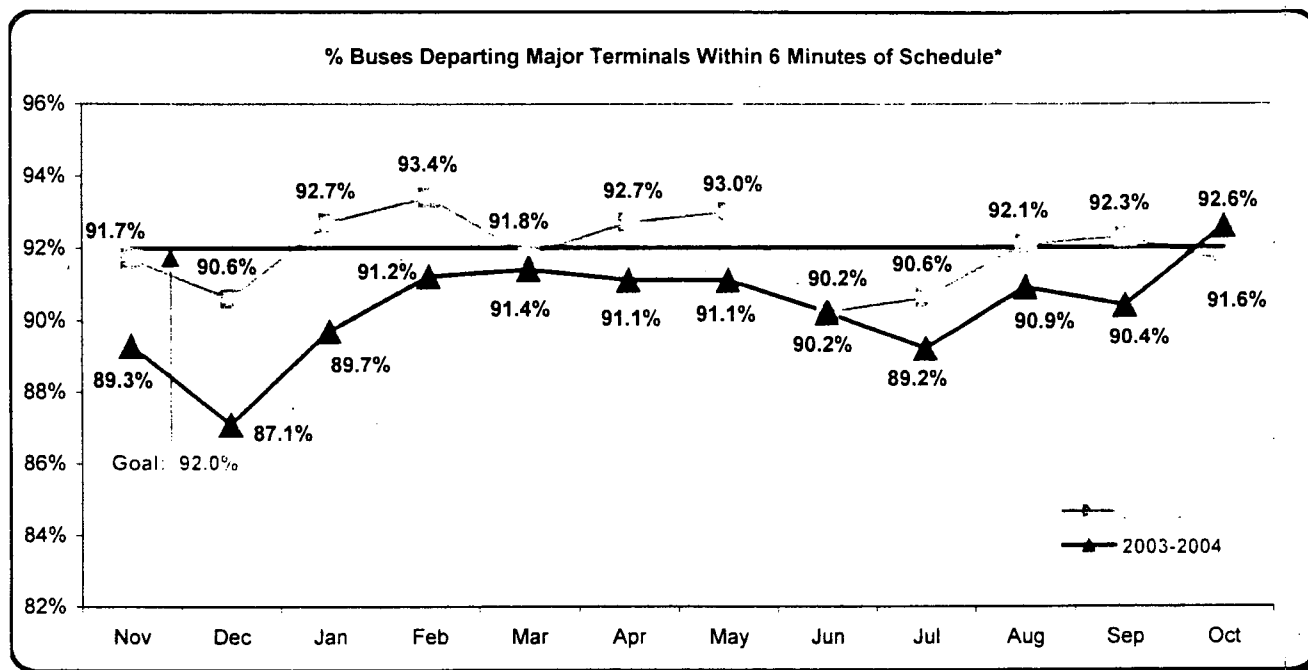


ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD OCTOBER 2005

NORTHEAST CORRIDORNORTH JERSEY COAST LINEMORRIS & ESSEXRARITAN VALLEY LINEMAIN-BERGENPASCACK VALLEYMONTCLAIR-BOONTONATLANTIC CITY*

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

NJ TRANSIT ON-TIME PERFORMANCE BUS NOVEMBER 2003 - OCTOBER 2005



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

	2004	2005	# Change
October Comparison	92.6%	91.6%	-1.0%

	2003-2004	2004-2005	# Change
12-Month Average November - October	90.4%	92.0%	1.6%

Analysis:

Bus On-Time Performance for October 2005 was 91.6%, just below the goal of 92%. Of the 30,795 departures, 2,595 (or 8.4%) experienced delays. Key sources of delay included:

Heavy traffic in Center City, Philadelphia and Deptford Township, which resulted in delays near the Walter Rand Transportation Center on October 6th.

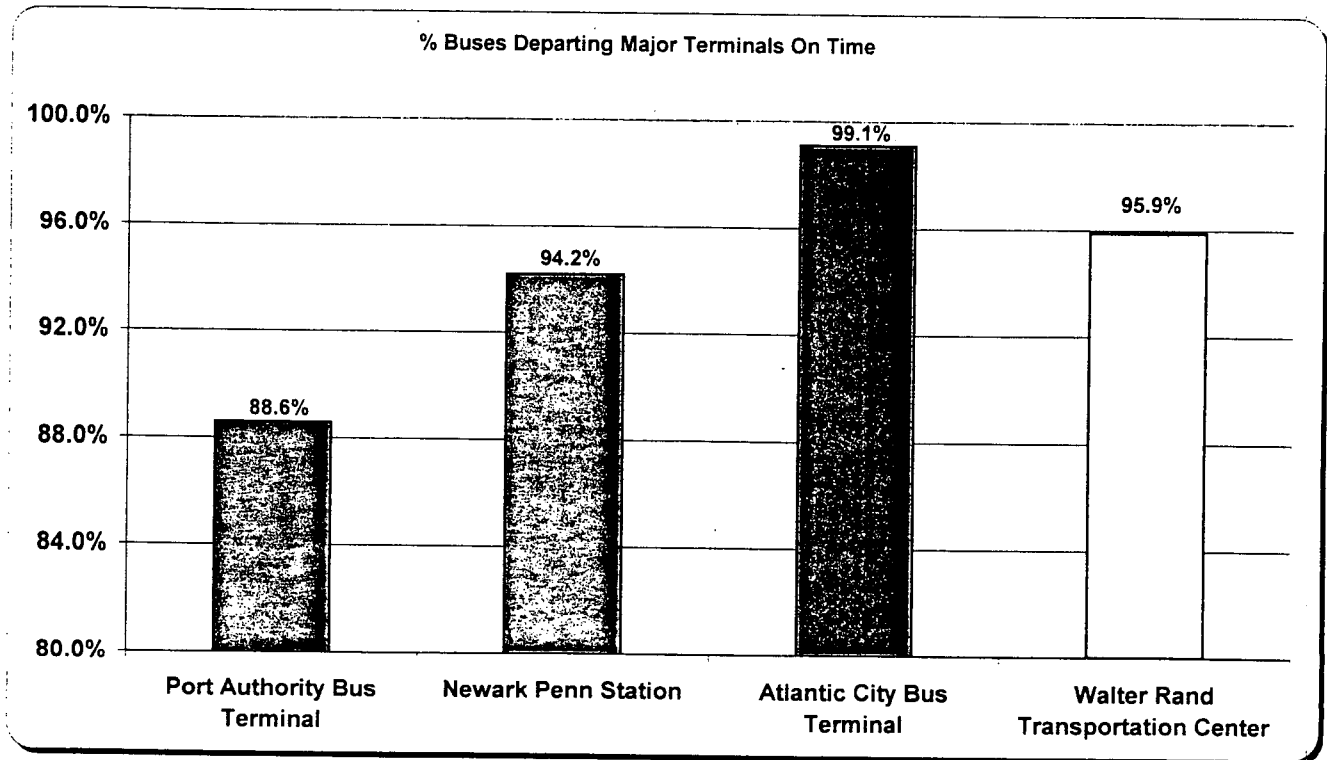
Inclement weather, which caused heavy traffic volumes near the Port Authority Bus Terminal during the afternoon rush hours on October 14th and 24th.

Flooding conditions near the Atlantic City Bus Terminal resulting in delays during the middle of the month.

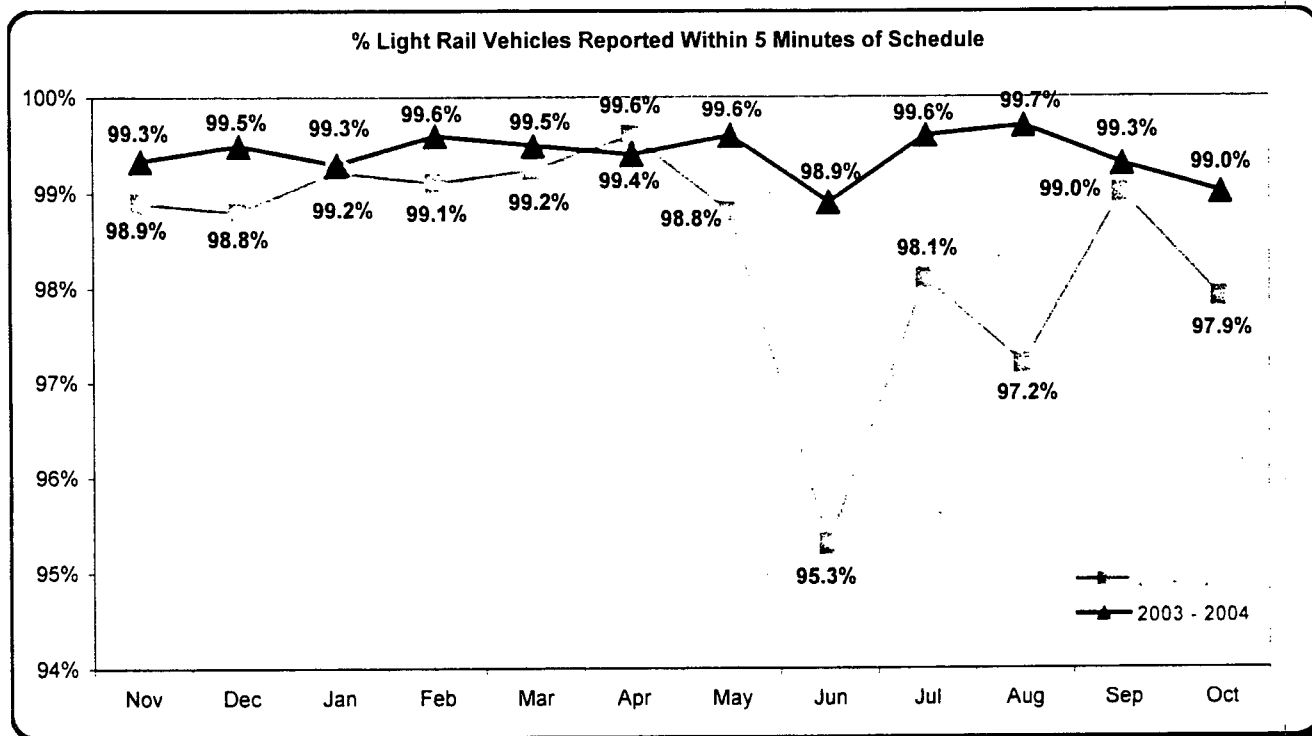
The 12-month average for Bus On-Time Performance for November 2004 - October 2005 was 92.0%, 1.6 percentage points above the average for the previous 12-month period.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL OCTOBER 2005



NJ TRANSIT ON-TIME PERFORMANCE HUDSON-BERGEN LIGHT RAIL NOVEMBER 2003 - OCTOBER 2005



	2004	2005	# Change
October Comparison	99.0%	97.9%	-1.1%

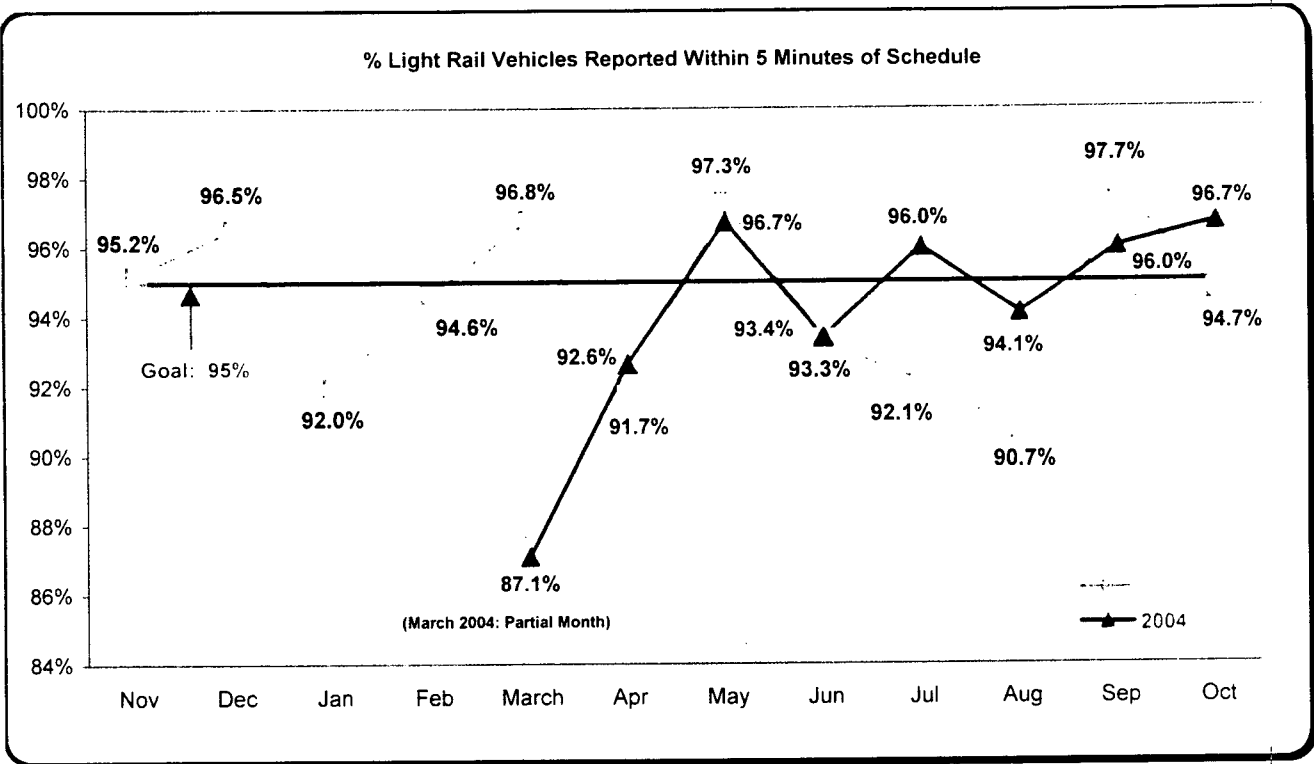
	2003 - 2004	2004 - 2005	# Change
12-Month Average November - October	99.4%	98.4%	-1.0%

Analysis:

Hudson-Bergen Light Rail (HBLR) On-Time Performance for October 2005 was 97.9%. Of the 16,371 scheduled trips for the month, 349 (or 2.1%) were delayed. The primary cause of delay during the month was the conclusion of scheduled infrastructure maintenance on October 15th.

The 12-month average for HBLR On-Time Performance for November 2004 - October 2005 was 98.4%, one percentage point below the average for the previous 12-month period.

NJ TRANSIT ON-TIME PERFORMANCE River LINE MARCH 2004 - OCTOBER 2005



	2004	2005	# Change
October Comparison	96.7%	94.7%	-2.0%

	2004	2004 - 2005	# Change
12-Month Average November - October	N/A	94.4%	N/A

Analysis:

River LINE On-Time Performance for October 2005 was 94.7%, just below the goal of 95.0%. Of the 2,975 trips scheduled for the month, 158 (5.3%) were delayed. Major causes of delay included:

High water in Camden streets on October 8th and 24th.

A stalled vehicle on the tracks on October 15th.

Problems with the Control Center computer system on October 9th, 20th, 24th, and 27th.

The 12-month average for River LINE On-Time Performance for November 2004 - October 2005 was 94.4%.

ACTION ITEMS

ITEM 0511-98: MOYNIHAN TRAIN STATION – NEW YORK: MEMORANDUM OF UNDERSTANDING

BENEFITS

NJ TRANSIT's use of the proposed new Moynihan Train Station, adjacent to the existing Penn Station New York, will ensure that NJ TRANSIT has adequate and modern station facilities in New York to meet its growing customer service needs resulting from the new Trans-Hudson Express (THE) Tunnel/Access to the Region's Core Project (ARC), as well as increased ridership on its existing commuter rail system.

NJ TRANSIT's use of the Moynihan Train Station facilities is a key component of the ARC Program. It provides the critically needed pedestrian access capacity to the NJ TRANSIT platforms at Penn Station New York to accommodate significantly increased numbers of New Jersey commuters arriving on more and longer trains as part of the ARC Program. It also provides expanded customer service and support facilities to match the growth in commuters and train service enabled by ARC.

PURPOSE

Moynihan Station Development Corporation (MSDC), a subsidiary of the Empire State Development Corporation of New York State, and NJ TRANSIT have negotiated a Memorandum of Understanding (MOU) that will serve as the basis of a long-term lease agreement with respect to NJ TRANSIT's occupancy and use of the proposed new train station. This new train station is being developed by MSDC to provide improved rail access with state-of-the-art facilities using the old Farley Post Office Building on 8th Avenue between 31st-33rd Streets. This train station will serve as a major intermodal transportation facility and commercial center.

NJ TRANSIT, under the terms of the MOU, will be designated as the "anchor transportation tenant" of the new Moynihan Train Station. A designation of NJ TRANSIT as the anchor tenant provides NJ TRANSIT the opportunity to integrate this facility with existing operations at Penn Station New York, and the operations at the proposed new 34th Street Station. NJ TRANSIT's existing facilities at its 7th Avenue Concourse, as well as Amtrak-owned facilities at the existing Penn Station New York, will be supplemented with the new facilities at the Moynihan Train Station.

Pursuant to this MOU, the parties will endeavor to execute a 99-year lease for NJ TRANSIT space at Moynihan Train Station by March 15, 2006. The lease will specify the detailed financial and operational obligations of both parties. Board approval will be sought at a subsequent date on the terms and conditions of the long-term lease with MSDC.

The MOU provides NJ TRANSIT with both public and employee space for transportation use. The employee facilities at Moynihan Train Station will allow NJ TRANSIT to consolidate its employee facilities in New York.

The Attorney General has selected the law firm of Dickstein, Shapiro, Morin & Oshinsky, LLP to act as special counsel for the Moynihan Train Station transactions.

ACTION (Justification: Capacity)

Staff seeks Board approval to enter into a non-binding Memorandum of Understanding with the Moynihan Station Development Corporation which will outline certain business terms and conditions pertaining to NJ TRANSIT's lease of space in the new Moynihan Train Station and establish a framework for joint planning and design efforts pertaining to the proposed new Moynihan Train Station in New York.

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

FISCAL IMPACTS

Requested Authorization: Approval of Memorandum of Understanding

Total Project Cost: N/A

Projected Date of Completion: Long term lease – March 15, 2006

Anticipated Source of Funds: N/A

DBE Goal: N/A

Related/Future Authorizations: Approval of long term lease

Impact on Subsequent Operating Budgets: Fixed annual rent of \$2.3 million and a cap of \$2.5 million annually for common area maintenance and capital repair and replacement costs, subject to escalation.

RESOLUTION

WHEREAS, NJ TRANSIT requires additional station capacity in New York to support existing and projected demand to serve its rail customers; and

WHEREAS, Moynihan Station Development Corporation (MSDC) or a related entity will acquire the old Farley Post Office Building and redevelop it, in part, as a train station with a combination of transportation, public, and commercial facilities; and

WHEREAS, NJ TRANSIT will benefit if it provides passenger rail service to the contemplated Moynihan Train Station; and

WHEREAS, the States of New York and New Jersey desire to support the redevelopment of midtown Manhattan through the development of the Moynihan Train Station Project and through the Access to the Region's Core Project; and

WHEREAS, MSDC and NJ TRANSIT desire that NJ TRANSIT be the "anchor transportation tenant" of the Moynihan Train Station;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into a non-binding Memorandum of Understanding with the Moynihan Station Development Corporation which will outline certain business terms and conditions pertaining to NJ TRANSIT's lease of space in the new Moynihan Train Station and establish a framework for joint planning and design efforts pertaining to the proposed new Moynihan Train Station in New York.

ITEM 0511-99: LEASE/PURCHASE OF CRUISER BUSES**BENEFITS**

Authorization of this action will allow for the lease of up to 20 used cruiser buses and purchase of 53 new cruiser buses to meet anticipated ridership trends, needed service adjustments, and operational flexibility relative to the current bus rolling stock plan.

PURPOSE

Authorization to acquire this additional equipment will allow NJ TRANSIT to meet anticipated ridership growth, and implement schedule adjustments that address traffic congestion and the planned major highway construction over the next two years.

NJ TRANSIT staff has completed an analysis of the overall bus rolling stock plan relative to recent ridership trends and anticipated ridership. This study has identified the need to add equipment for increased ridership, as well as the need to adjust schedules to reflect the impact of traffic congestion on service quality. Further, staff has identified the need for additional operational flexibility as NJ TRANSIT prepares to implement its planned system-wide fare equipment upgrade and phase out its Metro B fleet between 2006 and 2007.

Staff work has concluded that the most effective way to augment the bus fleet is through a combination of a short-term lease of up to 20 used cruiser buses for up to two years and procurement of up to 53 new cruiser buses. The immediate lease of cruiser buses will allow service adjustments to begin with the next major schedule change in January.

To ensure consistency with nearly 900 cruiser buses currently in operation, staff recommends a procurement by exception with Motor Coach Industries, Inc., of Schaumburg, IL, for this equipment. The cost of this procurement compares favorably with NJ TRANSIT's last cruiser bus procurement when taking into account general inflation, higher steel prices, engine upgrades for environmental compliance, and design changes to the current bus model for compatibility with the existing bus fleet. In addition to fleet compatibility, this action will allow for cost avoidance in the areas of operator and maintenance training, parts inventory costs and availability, as well as special shop equipment needed to maintain a different style cruiser bus.

ACTION (Capital Program Justification: Efficiencies)

Staff seeks authorization to enter into a procurement by exception contract with Motor Coach Industries, Inc. of Schaumburg, IL for the short-term lease of up to 20 used cruiser buses for two years at a cost not to exceed \$1,896,000 plus five percent for contingencies.

Staff also seeks authorization to enter into a procurement by exception contract with Motor Coach Industries, Inc. of Schaumburg, IL for up to 53 new cruiser buses at a cost not to exceed \$24,542,657 plus five percent for contingencies.

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

FISCAL IMPACTS

Requested Authorizations: \$1,896,000 + 5% for contingencies for the lease of up to 20 cruiser buses

\$24,542,657 + 5% for contingencies for the purchase of up to 53 cruiser buses

Total Project Cost: \$25,769,790

Projected Date of Completion: December 31, 2007

Anticipated Source of Funds: Transportation Trust Fund

DBE Goal: None

Future Related Authorizations: None

**Impacts on Subsequent
Operating Budgets:**

The additional buses will enable NJ TRANSIT to increase service to improve service reliability and accommodate ridership growth, resulting in additional operating expenses and offsetting passenger revenue in future years.

RESOLUTION

WHEREAS, NJ TRANSIT has reviewed its bus fleet plan relative to current and anticipated ridership and determined that additional cruiser buses are needed; and

WHEREAS, staff has identified an opportunity to lease up to 20 cruiser buses for immediate deployment; and

WHEREAS, staff has also identified an opportunity to purchase up to 53 new cruiser buses that are manufactured in accordance with the specifications similar to NJ TRANSIT's bus purchase during 2000-2002; and

WHEREAS, funding is available from the Transportation Trust Fund for the purchase of buses;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into a contract with Motor Coach Industries, Inc. of Schaumburg, IL for the short-term lease of up to 20 used cruiser buses for two years at a cost not to exceed \$1,896,000 plus five percent for contingencies to the lowest responsive and responsible bidder, subject to the availability of funds and approval of subsequent budgets; and

BE IT FURTHER RESOLVED that the Chairman or Executive Director is hereby authorized to contract with Motor Coach Industries, Inc. of Schaumburg, IL for up to 53 new cruiser buses at a cost not to exceed \$24,542,657 plus five percent for contingencies, subject to the availability of funds, and approval of subsequent operating budgets.

ITEM 0511-100: EXTENSION AND AMENDMENT OF CONTRACTS WITH ASCOM TRANSPORT SYSTEMS, CUBIC TRANSPORTATION SYSTEMS, AND CTR SYSTEMS FOR THE ENHANCMENT, MAINTENANCE AND SUPPORT OF PASSENGER TICKETING AND FARE COLLECTION SYSTEMS AND NETWORKS

BENEFITS

NJ TRANSIT utilizes Ascom Transport Systems (ATS) of Norcross, GA to support and maintain Ticket Office Machines (TOMs), Ticket Vending Machines (TVMs), Faregates, Validators, and the Central Management System (CMS). NJ TRANSIT has contracted with ATS since 1987. This equipment and systems sell and process passenger tickets for NJ TRANSIT Rail, Bus and Light Rail Operations. In addition, NJ TRANSIT utilizes the same equipment to sell and process tickets for PATH, SEPTA, Metro-North, The Port Authority of NY and NJ, and NY Waterway. Further, ATS provides staffing support to assist customers at the Newark Liberty International Airport and Secaucus Junction Stations. Presently, this equipment and its associated software networks and systems are selling approximately 38,600,000 passenger tickets, accounting for sales of \$525,000,000 annually. Affiliated Computer Services, Inc. (ACS) of Dallas, TX has purchased ATS. The acquisition of ATS by ACS is expected to be completed in December 2005.

NJ TRANSIT contracts with Cubic Transportation Systems (CTS) of Tullahoma, TN to collect and process passenger revenue utilizing fareboxes, fare registers, garage computer systems, revenue collection and accounting equipment, supplied by CTS. Presently, this system collects bus on-board passenger revenues of approximately \$80,000,000 annually. Additionally, NJ TRANSIT also provides private sector bus operators with CTS fare collection equipment. NJ TRANSIT has been under contract with Cubic Transportation Systems since 1987 for on-board bus passenger fare collection systems.

NJ TRANSIT contracts with CTR Systems of Warrendale, PA for the maintenance of parking and ticketing systems at the North Bergen and Vince Lombardi Park & Ride Lots, and Montclair State University and Ramsey/Route 17 Parking Decks. In the past 12 months, total revenue collected from these facilities was approximately \$3,500,000. NJ TRANSIT has contracted with CTR Systems since 1999 to support and maintain parking and passenger ticketing equipment, software and network systems.

PURPOSE

Presently, NJ TRANSIT is under a one-year contract extension with ATS for \$12,600,000 annually. NJ TRANSIT and ATS have negotiated a five-year maintenance and support contract extension with seven one-year options. The five-year base maintenance contract is approximately \$68,000,000. Additionally, included in this contract is the purchase of 157 new TVMs at a cost of \$10,291,976, with additional options to purchase 200 additional TVMs at the same unit price of the 157 TVMs if exercised by December 2008. Staff will seek Board Authorization to purchase the

additional 200 TVMs. Also included are the purchase of 543 new LED displays for customer information at \$497,633, 36 validators for light rail at \$320,952 and an upgrade of 43 Cashless TVMs at a cost of \$1,554,853. Included in the contract extension is a customer enhancement program for the existing 543 TVM fleet. ATS will finance the TVM customer enhancement program through economies realized in the maintenance and support functions. These cost reductions will be accomplished by upgrading the component parts of TVMs allowing for reduced service calls. In order for these economies to be realized, a long-term contract commitment and the purchase of 157 TVMs and peripheral equipment are also required. In the optional out years of the proposed contract extension, years six through 12, the aggregate cost of maintenance and support of approximately \$118,000,000 reflects annual cost reductions beginning in calendar year 2010. Additionally, all TVMs will be upgraded with smart card technology allowing for regional participation in PATH and PATCO smart card programs. Future NJ TRANSIT customer smart card initiatives can be supported with this smart card technology enhancement.

NJ TRANSIT and CTS have negotiated additional responsibilities to maintain and support the existing garage computer systems at NJ TRANSIT, Contract Carriers, and the Private Bus Carriers for the two years of the remaining five-year contract. The existing contract expires on September 30, 2007, and staff seeks to extend the existing contract three months until December 31, 2007. Further, NJ TRANSIT has negotiated with CTS new enhanced garage computer system reports. NJ TRANSIT has also negotiated a pilot program to evaluate new farebox registers. This pilot program will demonstrate the integration of the new registers into the existing garage computer systems and networks. NJ TRANSIT and CTS are negotiating a system-wide fare register replacement program, a new Bus garage computer systems replacement program, and a new back office accounting system. It is expected, that this program may be presented to the Board for approval by the second quarter of CY 2006.

NJ TRANSIT and CTR Systems have negotiated an extension of the existing five-year maintenance and support contract for parking and ticketing systems beginning January 1, 2006.

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

Staff seeks authorization to amend and extend the existing Maintenance and Support contract (No. 99-CT-028) with Ascom Transport Systems of Norcross, GA for five years, with seven additional one-year options, purchase 157 additional TVM's and peripheral equipment, at a cost of \$198,665,415, plus five percent for contingencies for a total authorization of \$300,285,014.

Further, staff seeks to amend and extend the contract (No. 03-028) with Cubic Transportation Systems of Tullahoma, TN until December 30, 2007 at a cost of \$1,243,235 plus five percent for contingencies for a total authorization of \$8,521,844. Included in this contract extension are additional duties, enhanced reporting capabilities for the existing garage computer system, and a pilot to test new fare registers.

Additionally, staff seeks to extend the existing Maintenance and Support contract (No.98-CW-115) with CTR Systems of Warrendale, PA for five years at a cost of \$875,763 plus five percent for contingencies for a total Board authorization of \$3,918,174.

The Board Administration Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorization:	Ascom Transport Systems \$198,665,415 + 5% contingency (Increase)\$300,285,014 (Total Contract) Cubic Transportation Systems \$1,243,235 + 5% contingency (Increase)\$8,521,844 (Total Contract) CTR Systems \$875,763 + 5% contingency (Increase)\$3,918,174 (Total Contract)
Total Project Cost:	\$312,725,032
Project Date of Completion:	December 31, 2017
Anticipated Source of Funds:	FY 2006, 2007, 2008, 2009, 2010 Operating & Capital Budgets, Option Years 2011 through 2018 Operating and Capital Budgets
DBE Goal:	5%
Related/Future Authorizations:	TBD
Impacts on Subsequent Operating Budgets:	TBD

RESOLUTION

WHEREAS, NJ TRANSIT has contracted with Ascom Transport Systems of Norcross, GA since 1987, and with Cubic Transportation Systems of Tullahoma, TN, also since 1987 and CTR Systems of Warrendale, PA beginning in 1999 to provide hardware, software, and staffing support for customer ticket sales and fare collection systems, and associated networks; and

WHEREAS, NJ TRANSIT and Ascom Transport Systems have negotiated a five year extension to the existing contract (No. 99-CT-028) and seven one-year options that include new customer enhancements for the existing 543 Ticket Vending Machine Fleet funded by Ascom Transport Systems, the purchase of 157 additional TVMs and peripheral equipment, and an options to purchase 200 additional TVMs at the same unit price, if exercised by December 2008, subject to future Board authorization; and

WHEREAS, NJ TRANSIT and Cubic Transportation Systems have negotiated additional duties and a contract extension to maintain and support the existing garage computer systems in the contract (No. 03-028) which supports on-board bus passenger fare collections and conduct a pilot to test new fare registers, and will develop and negotiate with Cubic Transportation Systems a new fare collection system for Bus Operations and the Private and Contract Carriers; and

WHEREAS, NJ TRANSIT and CTR Systems have negotiated an extension of the maintenance and support contract (No. 98-CW-115) for a five-year period beginning January 1, 2006;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to amend and extend the contract (No. 99-CT-028) with Ascom Transport Systems of Norcross, GA for five years with seven one-year options for maintenance and support of hardware, software and staff support, and the purchase of 157 new TVMs and peripheral equipment at an amount not to exceed \$198,665,415 plus five percent for contingencies, for a total contact authorization of \$300,285,014, subject to the availability of funds, and approval of subsequent operating budgets; and

BE IT FURTHER RESOLVED that the Chairman or Executive Director is authorized to amend and extend the contract (No. 030-028) with Cubic Transportation Systems of Tullahoma, TN for additional duties and responsibilities to maintain and support the existing garage computer systems utilized to support on-board Bus passenger fare collection systems, develop new reports utilizing the existing garage computer system, and conduct a pilot with Cubic Transportation Systems to determine if new fare registers are compatible with NJ TRANSIT fare collection requirements, at a cost of \$1,243,235 plus five per cent for contingencies for a total authorization of \$8,521,844, subject to the availability of funds, and approval of subsequent operating budgets; and

BE IT FURTHER RESOLVED that the Chairman or Executive Director is authorized to amend and extend contract (No.98-CW-115) for a five-year period beginning January 2006 with CTR Systems of Warrendale, PA at a cost of \$875,763 plus five per cent for contingencies for a total authorization of \$3,918,174, subject to availability of funds and approval of subsequent operating budgets.

ITEM 0511-101: AMENDED BOARD ITEM #0210-117 FOR THE SETTLEMENT OF CONDEMNATION LAWSUITS FOR THE ACQUISITION OF PROPERTIES FROM NEWARK URBAN RENEWAL AND THE MONROE/P&L REALTY COMPANIES FOR THE NEWARK CITY SUBWAY EXTENSION

BENEFITS

The acquisition of properties from Newark Urban Renewal L. P. known as Lot 1, Block 142, and The Monroe/P&L Realty Companies known as Block 14, Lots 20-25, 26, 27 and 60, City of Newark, Essex County, New Jersey are required for a portion of the alignment for the Newark City Subway Extension project which will connect Newark Penn Station to Broad Street Station.

PURPOSE

Amend the previous Board Item #0210-117 dated October 9, 2002 to finalize settlement of the condemnation court actions in order to acquire properties from Newark Urban Renewal L.P. and The Monroe/P&L Realty Companies for the Newark City Subway Extension.

ACTION (Justification: System Expansion)

Staff seeks authorization to amend the October 9, 2002 Board Item #0210-117 which authorized payment of \$82,000, for the acquisition of Lot 1, Block 142, Newark, Essex County, New Jersey which amount was deposited with the Superior Court of New Jersey as a result of a condemnation lawsuit. The prior Board authorization will be increased for an additional amount of \$58,000, totaling \$140,000, to acquire the property. This will allow for the acquisition of the property from Newark Urban Renewal L. P. for \$140,000 in accordance with a Consent Order to be entered in the Superior Court of New Jersey as a result of a settlement of this matter. The settlement amount of \$140,000 is inclusive of interest plus three percent for closing costs and requires NJ TRANSIT to pay an additional \$58,000 to seller's attorney.

Staff also seeks authorization to amend the October 9, 2002 Board Item which authorized payment of \$1,351,000 for the partial acquisition of Block 14, Lots 20-25, 26, 27 and 60, Newark, Essex County, New Jersey. The prior Board authorization will be increased for an additional amount of \$1,499,000, totaling \$2,850,000 to acquire the entire property known as Block 14, Lots 20-25, 26, 27 and 60, Newark, Essex County, New Jersey which NJ TRANSIT appraised for \$2,211,000. As a result of a condemnation lawsuit, \$2,211,000 was previously deposited with the Superior Court of New Jersey. Authorization is sought to acquire the entire the property from The Monroe/P&L Realty Companies for an agreed upon amount of \$2,850,000 in accordance with a Consent Order to be entered in the Superior Court of New Jersey as a result of an October 11, 2005 settlement of this matter. The settlement amount of

\$2,850,000 is inclusive of interest plus three percent for closing costs and requires NJ TRANSIT to pay an additional \$639,000 to seller's attorney.

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

FISCAL IMPACTS

Requested Authorization:	\$140,000 purchase price and 3 percent for closing costs for Block 142, Lot 1, Newark, Essex County, New Jersey and \$2,850,000 purchase price plus 3 percent for closing costs for Lots 20-25, 26, 27 and 60 in Block 14, Newark, Essex County, New Jersey
Total Project Cost:	N/A
Projected Date of Completion:	June 2006
Anticipated Source of Funds:	FTA
DBE Goal:	N/A
Related/Future Authorization:	N/A
Impacts on Subsequent Operating Budgets:	None

RESOLUTION

WHEREAS, the New Jersey Public Transportation Act of 1979, P.L. 1979, c. 150, authorizes NJ TRANSIT to lease, purchase and sell or otherwise dispose of, on terms which NJ TRANSIT may prescribe, real and personal property; and

WHEREAS, an October 9, 2002 Board item, #0210-117, authorized the acquisition of property from Newark Urban Renewal L.P. known as Lot 1, Block 142, City of Newark, Essex County, New Jersey for \$82,000; and

WHEREAS, a September 26, 2005 settlement reached in the Superior Court of New Jersey in a condemnation lawsuit requires NJ TRANSIT to pay an additional \$58,000, for a total of \$140,000 for the acquisition of the property; and

WHEREAS, the October 9, 2002 Board item also authorized the partial acquisition of property from The Monroe/P&L Realty Companies known as Block 14, Lots 20-25, 26, 27 and 60, City of Newark, Essex County, New Jersey for \$1,351,000; and

WHEREAS, it was determined that it was necessary to acquire the entire property known as Block 14, Lots 20-25, 26, 27 and 60, City of Newark, Essex County, New Jersey appraised by NJ TRANSIT at \$2,211,000; and

WHEREAS, an October 11, 2005 settlement reached with The Monroe/P&L Realty Companies while an action was pending in the Superior Court of New Jersey in a condemnation lawsuit requires NJ TRANSIT to pay, in addition to the \$2,211,000 previously deposited with the Superior Court of New Jersey, an additional amount of \$639,000 for a total of \$2,850,000 for the acquisition of the entire property;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to pay to seller's attorney an additional amount of \$58,000 for acquisition of property from Newark Urban Renewal L.P. known as Lot 1, Block 142, City of Newark, Essex County, New Jersey in accordance with a September 26, 2005 settlement reached in the Superior Court of New Jersey

condemnation lawsuit for a total of \$140,000 inclusive of interest, plus three percent for closing costs, subject to availability of funds; and

BE IT FURTHER RESOLVED that the Chairman or Executive Director is authorized to amend the October 9, 2002 Board Item (#0210-117) which authorized payment of \$1,351,000 for the partial acquisition of Lots 20-25, 26, 27 and 60 in Block 14, Newark, Essex County, New Jersey for an additional amount of \$1,499,000, totaling \$2,850,000 to acquire the entire property known as Lots 20-25, 26, 27 and 60 in Block 14, Newark, Essex County and is also authorized to pay to seller's attorney the balance of \$639,000 for the acquisition of the entire property from The Monroe/P&L Realty Companies known as Block 14, Lots 20-25, 26, 27 and 60, City of Newark, Essex County, New Jersey, in accordance with an October 11, 2005 settlement reached in the Superior Court of New Jersey condemnation lawsuit for a total of \$2,850,000 inclusive of interest, plus three percent for closing costs, subject to the availability of funds.

ITEM 0511-102: GENERAL GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES**BENEFITS**

NJ TRANSIT's Geographic Information System (GIS) program provides essential data required for several computer systems, including Access Link/PASS, ATIS, Bus Stop Inventory, Run Cutting, and Police/Crime Analysis. NJ TRANSIT operates an efficient, "core" GIS system to support these business applications. The program also provides GIS applications agency-wide, map and graphics development, and other analytical and technical services in support of agency initiatives. As the GIS program has evolved, specific types of outside professional services have been obtained to assist in developing the core system, and also to help meet demands for products, services, and data. Examples of this type of work include an application for generating bus stopping sequences required for ATIS and Run Cutting; another application provides statewide digital aerial photography to agency CADD users; surveying services to locate bus stops via GPS for the Bus Surveillance Project and Bus Stop Inventory; and graphics services to develop advanced transportation graphics and color coding carried on rail terminal signage, timetables, and maps.

PURPOSE

The purpose of today's investment is to obtain commonly and frequently required professional services relating to corporate-wide GIS activities. The Executive Director has identified as a target area the assurance that public resources be managed as efficiently as possible. This general contract seeks to consolidate professional services typically required. For the purposes of this general contract, professional services have been categorized into the following four areas:

- GIS Applications Development – to create and enhance production applications and end-user interfaces;
- Transportation Data Production – to supplement staff efforts on geocode-mapping of transit routes and data integration;
- Surveying Services – required to map physical infrastructure and incorporate into the GIS database; and
- Graphics Development – cartographic and graphic design services for the development of maps and transportation graphics for publication and web display.

ACTION (Justification: Cost Efficiencies and Customer Service)

Staff seeks authorization to contract with Gannett Fleming of Harrisburg, PA; Intergraph of Farmington Hills, MI; Michael Baker Jr., Inc., of Newark, NJ; DMJM+HARRIS of Iselin, NJ; BET Consultants of East Hanover, NJ; Two Twelve Associates of New York, NY and Michael Hertz Associates of New York, NY to procure the necessary products and services for the purpose of advancing agency GIS capabilities at a cost not to exceed \$2,000,000, with a maximum limit of \$250,000 per individual task assignment.

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

FISCAL IMPACTS

Requested Authorization:	\$250,000 (individual task assignment) \$2,000,000 (Total)
Total Project Cost:	\$2,000,000
Projected Date of Completion:	November 2009
Anticipated Source of Funds:	TTF
DBE Goal:	10%
Related/Future Authorizations:	Rail GIS project (\$4.5M authorized) depends on core GIS capabilities sustained by this program
Impacts on Subsequent Operating Budgets:	n/a

RESOLUTION

WHEREAS, the Executive Director has identified as a target area the assurance that public resources be managed as efficiently as possible; and

WHEREAS, Graphic Information System-generated information is required for the operation of multiple agency computer applications, and GIS capabilities are required to satisfy multiple agency demands and initiatives; and

WHEREAS, a single, integrated system of GIS data and capabilities can most cost-effectively meet such demands; and

WHEREAS, upon completion of a competitive procurement process, Gannett Fleming, Intergraph, Michael Baker Jr., Inc., DMJM+HARRIS, BET Consultants, Two Twelve Associates and Michael Hertz Associates were determined to be the highest ranked proposers;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract with Gannett Fleming of Harrisburg, PA; Intergraph of Farmington Hills, MI; Michael Baker Jr., Inc., of Newark, NJ; DMJM+HARRIS of Iselin, NJ; BET Consultants of East Hanover, NJ; Two Twelve Associates of New York, NY and Michael Hertz Associates of New York, NY to procure the necessary products and services for the purpose of advancing agency GIS capabilities at a cost not to exceed \$2,000,000, with a maximum limit of \$250,000 per individual task assignment, subject to the availability of funds.

**ITEM 0511-103: PRELIMINARY ENGINEERING FOR PASSAIC-BERGEN
RAIL SERVICE: CONTRACT AWARD****BENEFITS**

The Passaic-Bergen Rail Project is a component of the Tri-County Rail Plan that NJ TRANSIT developed in 2004 in response to the growing transportation needs of the Passaic, Bergen and Hudson county region. The plan leverages existing rail infrastructure with new construction to create an integrated passenger rail network for New Jersey's most populated communities. The expanded rail network will provide travel alternatives to congested roadways and improve access to employment and recreational destinations. Congressman Pascrell, Congressman Frelinghuysen, and Congressman Rothman have secured federal earmarks for the State of New Jersey that will enable the project to advance to conceptual design and preliminary engineering.

The service will be operated with diesel multiple-unit (DMU) rail cars compliant with Federal Railroad Administration standards that allow the vehicles to share the railroad tracks with freight trains. The choice of DMU rail cars avoids the development of costly independent track and signal systems for the new service. The project will also preserve the ability to operate Passaic-Bergen trains to New York City using the proposed Trans-Hudson Express Tunnel.

PURPOSE

The proposed contract will authorize the conceptual design and preliminary engineering for Passaic-Bergen rail service.

ACTION (Capital Program Justification: New System Start)

Staff seeks authorization to contract (No. 05-117) with Transit Link Consultants of Bloomfield, New Jersey, a joint venture of Parsons Brinckerhoff of Newark, NJ and SYSTRA Consulting of Bloomfield, NJ, for professional services for conceptual design and preliminary engineering for Passaic-Bergen rail service between Hawthorne and Hackensack at a cost not to exceed \$5,500,000, plus five percent for contingencies.

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

FISCAL IMPACTS

Requested Authorization: \$5,500,000 + 5% for contingency

Total Project Cost: \$139,100,000

Projected Date of Completion: 2007

Anticipated Source of Funds: Transportation Trust Fund (These TTF funds are available as a result of federal earmarks in the FY05 Federal Appropriations Act, SAFETEA-LU and local match)

DBE Goal: 20%

Future Related Authorizations: Final Engineering & Design;
Construction Support

Impact on Subsequent Operating Budgets: TBD

RESOLUTION

WHEREAS, the Passaic-Bergen rail project is a component of an expanded rail network proposed by NJ TRANSIT's Tri-County Rail Plan; and

WHEREAS, upon completion of a competitive procurement process, Transit Link Consultants of Bloomfield, NJ was determined to be the highest ranked proposer;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract (No. 05-117) with Transit Link Consultants of Bloomfield, NJ, a joint venture of Parsons Brinckerhoff of Newark, NJ and SYSTRA Consulting of Bloomfield, NJ, for professional services for conceptual design and preliminary engineering for Passaic-Bergen rail service between Hawthorne and Hackensack at a cost not to exceed \$5,500,000, plus five percent for contingencies, subject to the availability of funds.

CONSENT CALENDAR

**ITEM 0511-104: CUSTOMER RELATIONSHIP MANAGEMENT SOFTWARE
LICENSE UPGRADE****BENEFITS**

In support of NJ TRANSIT's objective to improve customer service, staff is recommending a licensing upgrade to NJ TRANSIT's customer relationship management software provided by Salesforce.com.

PURPOSE

At it's June 2005 meeting, the Board of Directors authorized (#0506-40) a two-year pilot program with Salesforce.com. The pilot program consisted of using the system to capture information from customer service, outreach, the 800 telephone service, our website, e-mail and written correspondence.

Using this single system across multiple divisions, staff has determined that the system saves time and improves staff's abilities to coordinate and respond to customer recommendations, concerns, complaints, commendations and questions. The integration of all customer feedback into one system has significantly enhanced reporting capabilities, allowed staff to more readily identify trends and provide consistent responses to customer service concerns.

Based upon the success of the pilot and the improvements to quality, staff has aggressively negotiated an improved pricing structure contingent upon a commitment of three years instead of two, as originally authorized by the Board of Directors.

ACTION (Justification: Customer Service)

Staff seeks to amend the June 2005 authorization (#0506-40) with Salesforce.com of San Francisco, CA for an additional third year at a cost not to exceed \$149,000 for a total authorization for three years of \$556,000 subject to the availability of funds and the approval of subsequent operating budgets.

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

FISCAL IMPACTS

Requested Authorization:	\$149,000 (Additional third year license)
	\$556,000 (Total contract)

Projected Date of Completion:	December 1, 2008
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Anticipated Source of Funds:	TTF
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DBE Goal: N/A

Future/Related Authorization: N/A

**Impacts on Subsequent
Operating Budgets:** FY09 - \$250,000
FY10 - \$262,000

RESOLUTION

WHEREAS, at its June 2005 meeting, the Board of Directors authorized (#0506-40) a two-year pilot program with Salesforce.com; and

WHEREAS, staff has determined that the pilot program has been successful and provides for an improved and centralized management of customer information; and

WHEREAS, staff has negotiated an improved pricing structure with Salesforce.com contingent upon a three-year, rather than a two-year, pilot program;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to amend the June 2005 authorization (#0506-40) with Salesforce.com of San Francisco, CA for an additional third year at a cost not to exceed \$149,000 for a total authorization for three years of \$556,000 subject to the availability of funds and the approval of subsequent operating budgets.

ITEM 0511-105: REGULATION: ADOPTION OF N.J.A.C. 16:84 NOTICE OF NON-DISCRIMINATION BASED ON DISABILITY POLICY, COMPLAINT PROCEDURES AND COORDINATORS

BENEFITS

The promulgation of this regulation will satisfy the requirements of the Americans with Disabilities Act (ADA) and regulations promulgated pursuant thereto, 28 C.F.R. § 35.107 and 49 C.F.R. § 27:13-15.

PURPOSE

NJ TRANSIT's rules establishing procedures regarding the Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators (formerly known as Disability Discrimination Complaint Procedure) were adopted in 1993 (Exhibit A). The Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators regulations were reviewed by staff in compliance with Executive Order No. 66 and were found to be necessary, reasonable, adequate, efficient, understandable and responsive to the purpose for which it was originally promulgated with minor amendments as more fully described in the summary (Exhibit B). The regulations were published in the New Jersey Register on March 7, 2005 (Exhibit C). The comment period expired on May 6, 2005 and comments were received from New Jersey Protection and Advocacy, Inc. (Exhibit D). NJ TRANSIT's responses are set forth in Exhibit E.

The purpose of these rules are:

1. To notify participants, beneficiaries, applicants and employees of NJ TRANSIT's policy of non-discrimination based on disability in accordance with the ADA, the Vocational Rehabilitation Act and the New Jersey Law Against Discrimination (NJLAD);
2. To establish a designated coordinator whose duties shall include ensuring that the Agency complies with and carries out its responsibilities under the ADA, the Vocational Rehabilitation Act and the NJLAD; and
3. To notify participants, beneficiaries, applicants and employees of NJ TRANSIT's internal procedures for resolving disability-related disputes or issues that are alleged to be in non-compliance with the ADA, the Vocational Rehabilitation Act or the NJLAD.

Staff is recommending that the Board authorize the adoption of the regulations regarding the Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators (formerly known as Disability Discrimination Complaint Procedure).

ACTION

Staff seeks authorization to take all actions necessary to adopt the regulation, N.J.A.C. 16:84 et seq., Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators.

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

Requested Authorization: Adopt the regulation N.J.A.C. 16:84 et seq. Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators

Previous Authorization: January 1999

Anticipated Source of Funds: N/A

Projected Date of Completion: December 2005

DBE Goals/Participation: N/A – No services provided.

RESOLUTION

WHEREAS, NJ TRANSIT's rules establishing procedures regarding the Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators were adopted in 1993 (Exhibit A); and

WHEREAS, the regulation was reviewed by staff in compliance with Executive Order No. 66 and was found to be necessary, reasonable, adequate, efficient, understandable and responsive to the purpose for which they were originally promulgated with minor amendments as more fully described in the summary (Exhibit B); and

WHEREAS, the regulation was published in the New Jersey Register on March 7, 2005 (Exhibit C) and the comment period expired on May 6, 2005. Comments were received from New Jersey Protection and Advocacy, Inc. (Exhibit D); and

WHEREAS, these comments have been reviewed and for the reasons set forth in Exhibit E are not recommended for adoption in this regulation;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director or his designee is hereby authorized to take all actions necessary to adopt the regulation, N.J.A.C. 16:84 et seq., Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators.

DISABILITY NON-DISCRIMINATION POLICY

16:84-2.2

CHAPTER 84

NOTICE OF NON-DISCRIMINATION BASED
UPON DISABILITY POLICY, COMPLAINT
PROCEDURES AND COORDINATORS

Authority

N.J.S.A. 27:25-5(e); 42 U.S.C. § 12101 et seq.; 28
C.F.R. § 35.107; and 49 C.F.R. § 27.13-15.

Source and Effective Date

R.1999 d.54, effective February 16, 1999.
See: 30 N.J.R. 4140(a), 31 N.J.R. 548(a).

Executive Order No. 66(1978) Expiration Date

Chapter 84, Notice of Non-Discrimination Based Upon Disability
Policy, Complaint Procedures and Coordinators, expires on February
16, 2004.

Chapter Historical Note

Chapter 84, Disability Discrimination Complaint Procedure, was
adopted as R.1993 d.530, effective November 1, 1993. See: 25 N.J.R.
3445(b), 25 N.J.R. 4921(a). Pursuant to Executive Order No. 66(1978),
Chapter 84 expired on November 1, 1998.

Chapter 84, Notice of Non-Discrimination Based Upon Disability
Policy, Complaint Procedures and Coordinators, was adopted as new
rules by R.1999 d.54, effective February 16, 1999. See: Source and
Effective Date.

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SUBCHAPTER 1. DEFINITIONS

16:84-1.1 Definitions

As used in this chapter, the following terms have the
indicated meanings:

"ADA" means the Americans with Disabilities Act, 42
U.S.C.A. § 12101 et seq.

"Agency" means the New Jersey Transit Corporation and
its operating divisions, NJ TRANSIT Bus Operations, Inc.;
NJ TRANSIT Rail Operations, Inc.; and NJ TRANSIT
Mercer, Inc.

"Executive Director" means the Executive Director or his
or her designee.

SUBCHAPTER 2. GENERAL PROVISIONS

16:84-2.1 Purpose

(a) These rules are adopted by the Agency in satisfaction
of the requirements of the ADA and regulations promulgat-
ed pursuant thereto, 28 C.F.R. § 35.107 and 49 C.F.R.
§ 27.13-15.

(b) The purposes of these rules are:

1. To notify participants, beneficiaries, applicants and
employees of NJ TRANSIT's policy of non-discrimination
based on disability in accordance with the ADA, the
Vocational Rehabilitation Act and the New Jersey Law
Against Discrimination (NJLAD);

2. To establish a designated coordinator whose duties
shall include ensuring that the Agency complies with and
carries out its responsibilities under the ADA, the Voca-
tional Rehabilitation Act and the NJLAD; and

3. To notify participants, beneficiaries, applicants and
employees of NJ TRANSIT's internal procedures for
resolving disability-related disputes or issues that are al-
leged to be in non-compliance with the ADA, the Voca-
tional Rehabilitation Act or the NJLAD.

16:84-2.2 Agency notice of non-discrimination based on
disability policy

(a) NJ TRANSIT has adopted and promulgated a policy
of non-discrimination on the basis of disability in the provid-
ing of transportation services, employment and other related
programs and activities including access to service and facili-
ties, treatment of customers and employees and individuals
seeking employment or the use of transit services.

(b) Anyone seeking information or assistance with re-
spect to accessibility of service or facilities should contact:

David Rishel
Director, Special Services/ADA
NJ TRANSIT
One Penn Plaza East
Newark, NJ 07105-2246
Phone: (973) 491-7554

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(c) Anyone seeking information or assistance with respect to reasonable accommodation related to employment, including the employment process, should contact:

John Murgolo

----- Director, Human Resources Planning/Administration

NJ TRANSIT

One Penn Plaza East

Newark, NJ 07105-2246

Phone: (973) 491-8045

(d) In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the Agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the Agency.

AGENCY NOTICE OF DISABILITY

DISCRIMINATION COMPLAINT PROCEDURE

The Agency has adopted an internal procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal procedure can be found in the New Jersey Administrative Code, N.J.A.C. 16:84-4.1 et seq. Complaints should be addressed to:

Manager, EO/AA and Diversity Programs

NJ TRANSIT Headquarters

One Penn Plaza East

Newark, NJ 07105-2246

Phone: 973-491-8052

1. The Agency's company procedure does not preclude individuals from reporting incidents orally or in writing to a responsible company official in an effort to resolve a matter to the mutual satisfaction of all parties without resorting to the filing of a complaint.

2. A complaint should be filed in writing and contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated Manager, EO/AA and Diversity Programs.

3. A complaint should be filed promptly within 30 days by the complainant after the incident or action being reported. (Processing of allegations of discrimination which occurred before this complaint procedure was in place will be considered on a case-by-case basis).

4. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the Agency's designated Manager, EO/AA and Diversity Programs. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

5. In most cases, a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the "Executive Director" and/or his or her designee and a copy forwarded to the complainant no later than 60 days after its filing with the Manager, EO/AA and Diversity Programs.

6. The Manager, EO/AA and Diversity Programs will maintain the files and records of the Agency relating to the complaints filed.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency of the New Jersey Division of Civil Rights. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

8. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Agency complies with the ADA and implementing Federal rules.

SUBCHAPTER 3. DESIGNATED COORDINATORS

16:84-3.1 Designated coordinators

The designated coordinators for the Agency are as listed in N.J.A.C. 16:84-2.2.

SUBCHAPTER 4. DISABILITY DISCRIMINATION COMPLAINT PROCEDURES

16:84-4.1 Procedure

A complaint alleging that the Agency has failed to comply with the ADA, the Vocational Rehabilitation Act of 1973, or the NJLAD or has acted in a way that is prohibited by the ADA, the Vocational Rehabilitation Act of 1973, or the NJLAD should be submitted in writing to the designated coordinator identified in N.J.A.C. 16:84-2.2.

DISABILITY NON-DISCRIMINATION POLICY**16:84-4.4****16:84-4.2 Complaint contents**

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 16:84-4.3.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;
2. The address and telephone number of the complainant or alternate contact person; and
3. A description of manner in which the ADA, the Vocational Rehabilitation Act of 1973 or the NJLAD has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

16:84-4.3 Complaint form

Appendix A to this chapter contains the form that may be utilized for the submission of a complaint pursuant to this subchapter. A copy of the form may be obtained by

contacting the designated coordinator identified at N.J.A.C. 16:84-2.2 with responsibility for handling complaints.

16:84-4.4 Investigation

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 60 days from the date of receipt of the complaint by the coordinator, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated coordinator shall prepare a report for review by the Executive Director or his or her designee for the Agency. The Executive Director or his or her designee shall render a written decision within 60 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.

16:84 App. A

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APPENDIX A

NJ TRANSIT

DISABILITY DISCRIMINATION COMPLAINT FORM

INFORMATION PROVIDED IS MAINTAINED IN CONFIDENCE AND DIVULGED ONLY TO THE EXTENT
NECESSARY TO CONDUCT A COMPREHENSIVE AND THOROUGH INVESTIGATION.

NAME:		
ADDRESS:		
PHONE NUMBERS: Work () Home ()		
NAME, ADDRESS & TELEPHONE # OF ALTERNATE CONTACT PERSON:		
NJ TRANSIT EMPLOYEES ONLY		
POSITION:	DEPARTMENT:	LOCATION:
SUPERVISOR:		
DATE OF HIRE:	EMPLOYEE #:	SOCIAL SECURITY #:
DISABILITY OF COMPLAINANT		
Agency alleged to have denied access:		
Department:	Division:	
Bureau/Office:	Location:	
Incident or Barrier:		
Please describe the particular way in which you believe you have been denied the benefit of any service, program of activity or have otherwise been subject to discrimination. Please specify dates, times and places, incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. (Attached additional pages if necessary.)		
Proposed access or accommodation:		
If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access:		
DATE OF ALLEGED DISCRIMINATION:		
Earliest / /	Latest / /	☐ Continuing Action

DISABILITY NON-DISCRIMINATION POLICY

16:84 App. A

Name of Witness:		Address/Work Location:	
Name of Witness:		Address/Work Location:	
Name of Witness:		Address/Work Location:	
Has the problem been reported to any other person? ☐ Yes ☐ No			
If yes, with whom did you speak?			
Name:		Date:	Position:
What was the result of your conversation with that person?			
(NJ TRANSIT Employees Only)			
Have you sought assistance about the action you think was discriminatory from your supervisor, union rep., or from any other person? ☐ Yes ☐ No			
(If the answer is yes, complete below):			
Name of Person:		Position:	Date Assistance Sought: / /
RESULTS (IF ANY):			
Have you filed a complaint in the past? ☐ YES ☐ NO (If the answer is yes, complete below):			
Approximate Date(s) Filed:		Person(s)	
SIGNATURE OF COMPLAINANT: _____ DATE: _____			
FOR EO/AA Department Use Only			
ACTION: _____ (Termination, Discipline, Promotion, Accommodation, Access, Etc.)		Complaint #:	Date Filed: / / Date Closed: / /
DIVISION: ☐ Bus ☐ Rail ☐ Administrative Support		DEPARTMENT:	
Investigator Assigned _____ Date _____		BASIS (Physical, Mental, Perception, Drug, Alcohol, etc.):	
Manager EO/AA & Diversity Programs _____ Date _____ (Signature)			

EXHIBIT B

**REGULATIONS: ADOPTION OF REGULATIONS N.J.A.C. 16:84
NOTICE OF NON-DISCRIMINATION BASED ON DISABILITY POLICY,
COMPLAINT PROCEDURES AND COORDINATORS
PROPOSED AMENDMENTS**

A review of each of the revisions to the expired rules in N.J.A.C. 16:84 follows:

N.J.A.C. 16:84-1.1 is amended to define the abbreviation "Rehab Act."

N.J.A.C. 16:84-2.1(b)1 has been amended to allow a shortened reference to the Vocational Rehabilitation Act.

N.J.A.C. 16:84-2.2(b) has been amended to reflect the appropriate contact person's title and phone number.

N.J.A.C. 16:84-2.2(c) has been amended to reflect the appropriate contact person's title and phone number.

N.J.A.C. 16:84-2.2(d) has been amended to reflect the appropriate contact person's title. This reoccurs throughout this chapter.

N.J.A.C. 16:84-2.2(d)1 has been amended to reflect grammatical changes.

N.J.A.C. 16:84-2.2(d)3 has been amended to reflect grammatical changes. The last sentence, "Processing of allegations of discrimination which occurred before this complaint procedure was in place will be considered on a case-by-case basis," has been deleted because it is no longer applicable since the regulation has existed for five years.

N.J.A.C. 16:84-4.1 has been amended to reflect the shortened reference to the Vocational Rehabilitation Act. This reoccurs throughout the chapter.

N.J.A.C. 16:84-4.4(a) has been amended to explain that a complainant will be notified of the receipt of his or her complaint within five business days. This section has also been grammatically amended.

N.J.A.C. 16:84 Appendix A has been amended to make the complaint form easier to understand and updated to include the various NJ TRANSIT divisions.

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION

Notice of Non-Discrimination Based on Disability
Policy, Complaint Procedures and Coordinators

Proposed New Rules: N.J.A.C. 16:84

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

Authority: N.J.S.A. 27:25-5(e); 42 U.S.C. §§12101 et seq.; 28 C.F.R.
§35.107; and 49 C.F.R. §27.13-15.

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

Proposal Number: PRN 2005-79.

Submit comments by May 6, 2005 to:

Joyce J. Zuczek

New Jersey Transit Corporation

One Penn Plaza East

Newark, NJ 07105-2246

The agency proposal follows:

Summary

The proposed new rules re-promulgate an expired procedure for NJ TRANSIT to follow when someone such as a patron, employee, or applicant wishes to complain that the agency has done something that violates the Americans with Disabilities Act, also known as ADA (42 U.S.C. §§12101 et seq.). The ADA prohibits a public entity, including NJ TRANSIT, from discriminating against a qualified individual with a disability, or from excluding that person from participation in, or denying the person the benefits of, the services, programs or activities of the Agency. Regulations of the United States Justice Department (found at 28 C.F.R. Part 35) require that such governmental agencies maintain and publish a procedure to be followed when someone wishes to complain of a violation of the law. Under this procedure anyone, including an employee or applicant for employment, who believes he or she has been discriminated against in any program, service or activity of NJ TRANSIT, may require the Agency to review and, if appropriate, to investigate the complaint. These rules set a 60-day objective for the completion of the inquiry by the agency and the issuance of a written determination by the head of the agency or a designee; they also set a 30-day limit following the incident complained of in which the individual may file a complaint. The rules also identify by title, with address and telephone number, the ADA coordinator of the agency who will be the person to receive the complaint in the first instance. These rules also contain a form for filing a complaint and a Notice of ADA Procedure, a copy of which will be made available to interested persons.

In accordance with the sunset provisions of Executive Order No. 66(1978), NJ TRANSIT has evaluated the rules at N.J.A.C. 16:84, Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators, that expired on February 16, 2004, to determine their continuing usefulness. NJ TRANSIT has reviewed N.J.A.C. 16:84 and determined that these rules are necessary, reasonable, adequate, efficient, understandable and responsive to the purpose for which they were originally promulgated. In accordance with N.J.A.C. 1:30-4.4(g), the expired rules are proposed herein as new rules.

A review of each of the sections of N.J.A.C. 16:84 follows:

N.J.A.C. 16:84-1.1 contains the definitions of words and terms used in the rules so that the meanings designated by NJ TRANSIT may be commonly understood by the public.

N.J.A.C. 16:84-2.1 contains the purpose and scope of the rules.

N.J.A.C. 16:84-2.2 contains the information and procedures regarding the Agency notice of non-discrimination based on disability policy.

N.J.A.C. 16:84-3.1 contains the information regarding the designated coordinators for the Agency.

N.J.A.C. 16:84-4.1 contains the disability discrimination complaint procedures.

N.J.A.C. 16:84-4.2 contains the disability discrimination complaint contents.

N.J.A.C. 16:84-4.3 contains a description of the disability discrimination complaint form.

N.J.A.C. 16:84-4.4 contains a description of investigation procedures.

A review of each of the revisions to the expired rules in N.J.A.C. 16:84 follows:

N.J.A.C. 16:84-1.1 is amended to define the abbreviation "Rehab Act."

N.J.A.C. 16:84-2.1(b)1 has been amended to allow a shortened reference to the Vocational Rehabilitation Act.

N.J.A.C. 16:84-2.2(b) has been amended to reflect the appropriate contact person's title and phone number.

N.J.A.C. 16:84-2.2(c) has been amended to reflect the appropriate contact person's title and phone number.

N.J.A.C. 16:84-2.2(d) has been amended to reflect the appropriate contact person's title. This reoccurs throughout this chapter.

N.J.A.C. 16:84-2.2(d)1 has been amended to reflect grammatical changes.

N.J.A.C. 16:84-2.2(d)3 has been amended to reflect grammatical changes. The last sentence, "Processing of allegations of discrimination which occurred before this complaint procedure was in place will be considered on a case-by-case basis," has been deleted because it is no longer applicable since the regulation has existed for five years.

N.J.A.C. 16:84-4.1 has been amended to reflect the shortened reference to the Vocational Rehabilitation Act. This reoccurs throughout the chapter.

N.J.A.C. 16:84-4.4(a) has been amended to explain that a complainant will be notified of the receipt of his or her complaint within five business days. This section has also been grammatically amended.

N.J.A.C. 16:84 Appendix A has been amended to make the complaint form easier to understand and updated to include the various NJ TRANSIT divisions.

The Department has determined that the comment period for this proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this proposal is excepted from the rulemaking calendar requirement.

Social Impact

The social impact of the rules has not changed since the expired rules were first adopted in 1999. Because the injustice of discrimination continues to be visited upon members of our society with disabilities solely on account of their disabilities, Congress passed the ADA, which attacks the injustice on many fronts and with many methods. One of these fronts is public entities and one of the methods is the requirement that such public entities undertake an examination of complaints that they have violated the substantive provisions of the ADA. People with disabilities are sometimes excluded from the programs, services or activities of government agencies out of ignorance and sometimes out of lack of an available established mechanism whereby those barriers to participation or enjoyment of benefits can be removed. This proposed complaint procedure will provide people with disabilities one means to correct such lingering discrimination to eliminate persisting barriers. The procedure will also assist NJ TRANSIT in eliminating such discrimination by bringing to the Agency's attention instances where such discrimination continues to exist and providing the Agency the necessary insight and opportunity to correct them. The society at large including people with disabilities, and the government in particular, will benefit from the enactment of this rule, as barriers to access are removed and the programs, services and activities of NJ TRANSIT are made available in a non-discriminatory manner, thereby enabling people with disabilities the opportunity to a fuller and more equal participation in all aspects of life. It is in the nature of the proposed procedure that it be informal and expeditious, but still effective; thus, the remediation of discriminatory conditions will be facilitated quickly and without the cumbersome and sometimes counterproductive formalities of other methods of complaint resolution. Additionally, this procedure does not preclude individuals from reporting incidents orally or in writing to a responsible company official in an effort to resolve the matter to the mutual satisfaction of all parties without resorting to the filing of a complaint.

Economic Impact

The economic impact of the rules has not changed since the expired rules were first adopted in 1999. Although the proposed complaint procedure will result in some minor additional expense to the Agency, the result of the inquiries and investigations precipitated by the use of the procedure may have significant economic impact, both as additional expenses are incurred by the Agency in remediating instances of discrimination or eliminating barriers, and as the resulting nondiscriminatory access to the Agency's programs, services and activities result in additional gains for the disabled that have economic value to them.

Federal Standards Statement

The proposed new rules do not impose any standards that exceed those contained in any Federal law or regulation now in effect, as cited in the notice Authority above.

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Jobs Impact

The proposed new rules will have no effect in either increasing or decreasing jobs in the State.

Agriculture Industry Impact

The proposed new rules have no effect on the agriculture industry.

Regulatory Flexibility Analysis

The regulatory flexibility analysis of the rules has not changed since the expired rules were first adopted in 1999. The proposed new rules do not impose reporting, recordkeeping or compliance requirement on small businesses, as the rules are applicable only to NJ TRANSIT. Therefore, no regulatory flexibility analysis is required.

Smart Growth Impact

The proposed new rules have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposed new rules follows:

CHAPTER 84

NOTICE OF NON-DISCRIMINATION BASED UPON DISABILITY POLICY, COMPLAINT PROCEDURES AND COORDINATORS

SUBCHAPTER 1. DEFINITIONS

16:84-1.1 Definitions

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

"ADA" means the Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.

"Agency" means the New Jersey Transit Corporation and its operating divisions, NJ TRANSIT Bus Operations, Inc.; NJ TRANSIT Rail Operations, Inc.; and NJ TRANSIT Mercer, Inc.

"Executive Director" means the Executive Director or his or her designee.

"Rehab Act" means the Vocational Rehabilitation Act, N.J.S.A. 34:16-20 et seq.

SUBCHAPTER 2. GENERAL PROVISIONS

16:84-2.1 Purpose

(a) These rules are adopted by the Agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. §35.107 and 49 C.F.R. §27.13-15.

(b) The purposes of these rules are:

1. To notify participants, beneficiaries, applicants and employees of NJ TRANSIT's policy of non-discrimination based on disability in accordance with the ADA, the Vocational Rehabilitation Act (Rehab Act) and the New Jersey Law Against Discrimination (NJLAD);

2. To establish a designated coordinator whose duties shall include ensuring that the Agency complies with and carries out its responsibilities under the ADA, the Rehab Act and the NJLAD; and

3. To notify participants, beneficiaries, applicants and employees of NJ TRANSIT's internal procedures for resolving disability-related disputes or issues that are alleged to be in non-compliance with the ADA, the Rehab Act or the NJLAD.

16:84-2.2 Agency notice of non-discrimination based on disability policy

(a) NJ TRANSIT has adopted and promulgated a policy of non-discrimination on the basis of disability in the providing of transportation services, employment and other related programs and activities including access to service and facilities, treatment of customers and employees and individuals seeking employment or the use of transit services.

(b) Anyone seeking information or assistance with respect to accessibility of service or facilities should contact:

Director, ADA Services
NJ TRANSIT
One Penn Plaza East
Newark, NJ 07105-2246
Phone: (973) 491-7242

(c) Anyone seeking information or assistance with respect to reasonable accommodation related to employment, including the employment process, should contact:

Director, Human Resources Strategy & Policy
NJ TRANSIT
One Penn Plaza East
Newark, NJ 07105-2246
Phone: (973) 491-8543

(d) In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the Agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the Agency.

AGENCY NOTICE OF DISABILITY DISCRIMINATION COMPLAINT PROCEDURE

The Agency has adopted an internal procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal procedure can be found in the New Jersey Administrative Code, N.J.A.C. 16:84-4.1 et seq. Complaints should be addressed to:

Director, EO/AA and Diversity Programs
NJ TRANSIT Headquarters
One Penn Plaza East
Newark, NJ 07105-2246
Phone: (973) 491-8052

1. The Agency's procedure does not preclude individuals from reporting incidents, orally or in writing, to a responsible NJ TRANSIT official in an effort to resolve a matter to the mutual satisfaction of all parties without resorting to the filing of a complaint.

2. A complaint should be filed in writing and contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the Director, EO/AA and Diversity Programs.

3. A complaint should be filed by the complainant promptly within 30 days after the incident or action being reported.

4. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the Agency's Director, EO/AA and Diversity Programs. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

5. In most cases, a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Executive Director and/or his or her designee and a copy forwarded to the complainant no later than 60 days after its filing with the Director, EO/AA and Diversity Programs.

6. The Director, EO/AA and Diversity Programs will maintain the files and records of the Agency relating to the complaints filed.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency of the New Jersey Division of Civil Rights. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

8. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Agency complies with the ADA and implementing Federal rules.

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SUBCHAPTER 3. DESIGNATED COORDINATORS

16:84-3.1 Designated coordinators

The designated coordinators for the Agency are as listed in N.J.A.C. 16:84-2.2.

SUBCHAPTER 4. DISABILITY DISCRIMINATION COMPLAINT PROCEDURES

16:84-4.1 Procedure

A complaint alleging that the Agency has failed to comply with the ADA, the Rehab Act of 1973, or the NJLAD or has acted in a way that is prohibited by the ADA, the Rehab Act, or the NJLAD should be submitted in writing to the designated coordinator identified in N.J.A.C. 16:84-2.2.

16:84-4.2 Complaint contents

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 16:84-4.3.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;
2. The address and telephone number of the complainant or alternate contact person; and
3. A description of manner in which the ADA, the Rehab Act or the NJLAD has not been complied with or has been violated, including times and locations of events and names of witnesses, if appropriate.

16:84-4.3 Complaint form

Appendix A to this chapter contains the form that may be utilized for the submission of a complaint pursuant to this subchapter. A copy of the form may be contained by contacting the designated coordinator identified at N.J.A.C. 16:84-2.2 with responsibility for handling complaints.

16:84-4.4 Investigation

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated coordinator will notify the complainant within five business days of the receipt of the complaint and the initiation of an investigation into the matter. The designated coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 60 days from the date of receipt of the complaint by the coordinator, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated coordinator shall prepare a report for review by the Executive Director or his or her designee for the Agency. The Executive Director or his or her designee shall render a written decision within 60 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.

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APPENDIX A

NJ TRANSIT

DISABILITY DISCRIMINATION COMPLAINT FORM

INFORMATION PROVIDED IS MAINTAINED IN CONFIDENCE AND DIVULGED ONLY TO THE
EXTENT NECESSARY TO CONDUCT A COMPREHENSIVE AND THOROUGH
INVESTIGATION

NAME:		
ADDRESS:		
PHONE NUMBERS: Work () Home ()		
NAME, ADDRESS & TELEPHONE # OF ALTERNATE CONTACT PERSON:		
NJ TRANSIT EMPLOYEES ONLY		
POSITION:	DEPARTMENT:	LOCATION:
SUPERVISOR:		
DATE OF HIRE:	EMPLOYEE #:	[SOCIAL SECURITY #:]
DESCRIPTION OF COMPLAINT		
Alleged Incident or Barrier:		
Date:	Time:	
Employee Involved:	Location:	
Witnesses:		
Please described the particular way in which you believe you have been denied the benefit of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places, incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. (Attach additional pages if necessary.)		

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Proposed access or accommodation (describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access):

DATE OF ALLEGED DISCRIMINATION:

Earliest / / Latest / / [] Continuing Action

Name of Witness:

Address/Work Location:

Name of Witness:

Address/Work Location:

Name of Witness:

Address/Work Location:

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Has the problem been reported to any other person? ☐ Yes ☐ No			
If yes, with whom did you communicate?			
Name:		Date:	Position:
What was the result of your communication with that person?			
Have you filed a complaint in the past? ☐ Yes ☐ No (If [the answer is] yes, complete below):			
Approximate Date(s) Filed:		Person(s)	
NJ TRANSIT EMPLOYEES ONLY			
Have you sought assistance about the action you think was discriminatory from your supervisor, union representative, or from any other person? ☐ Yes ☐ No			
(If [the answer is] yes, complete below):			
Name of Person:		Position:	Date Assistance Sought / /
RESULTS, IF ANY:			
SIGNATURE OF COMPLAINANT:		DATE:	
FOR EO/AA Department Use Only			
ACTION: _____ (Termination, Discipline, Promotion, Accommodation, Access, Etc.)		Complaint #:	Date Filed: / / Date Closed: / /
DIVISION: ☐ Bus ☐ Rail ☐ Light Rail ☐ ADA Services ☐ Administrative Support		DEPARTMENT:	
Investigator Assigned _____ Date _____		LEGAL BASIS (Disability, Perception, Drug, Alcohol, etc.):	
Director EO/AA & Diversity Programs (Signature) _____ Date _____			

EXHIBIT D



New Jersey Protection and Advocacy, Inc.
210 South Broad Street • 3rd Floor • Trenton, New Jersey 08608

Advocating and advancing the human, civil and legal rights of persons with disabilities

Sarah W. Mitchell, R.N., M.S.W., J.D.
Executive Director

(800) 922-7233 (VOICE-New Jersey Only)
(609) 292-9742 (VOICE); (609) 777-0187 (FAX)
(609) 633-7106 (TTY); Dial "711" for Relay
www.njpanda.org

April 19, 2005

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

**Re: Comments on Proposed New Rules: N.J.A.C. 16:84
Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and
Coordinators
Proposal Number: PRN-2005079**

Dear Ms. Zuczek:

The following comments on the Proposed New Rules, "Notice of Non-Discrimination Based on Disability Policy, Complaint Procedures and Coordinators," are submitted by New Jersey Protection & Advocacy, Inc., the designated protection and advocacy system for individuals with disabilities in New Jersey, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 5041 to 15045; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. §§ 10801 to 10807; the Client Assistance Program of the Rehabilitation Act, 29 U.S.C. § 732; the Protection and Advocacy for Individual Rights Program of the Rehabilitation Act, 29 U.S.C. § 794(e); and the Technology Related Assistance for Individuals with Disabilities, 29 U.S.C. § 2201.

The Americans with Disabilities Act (ADA) specifically protects the rights of citizens with disabilities to file complaints regarding illegal discrimination by state entities. The policy developed by New Jersey Transit prohibits such discrimination, and sets forth a complaint process with reasonable timelines for responses. However, there are four areas where NJ Transit should take aggressive, proactive steps to ensure that its services are fully accessible for all people with disabilities.

1. Prohibit Retaliation

NJ Transit should expand the proposed rules to prohibit retaliation against people with disabilities who file complaints. The ADA specifically prohibits state entities from retaliating against people who file ADA complaints. Because of the importance of transportation to the independence of people with disabilities across New Jersey, the proposed rules should include a statement that NJ Transit will not retaliate against people with disabilities who file complaints regarding accessibility. Such a policy will help protect the civil rights of people with disabilities who file complaints.

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April 19, 2005
Ms. Zuczek

2. Confidentiality Requirements

NJ Transit should include confidentiality requirements in the proposed rules to protect the identity of individuals with disabilities who file complaints. This should also include a means for individuals to submit a complaint anonymously. Disability is still a potent stigma in this society, and many people with disabilities may choose not to file complaints if their identity will become known. Including specific confidentiality requirements, or allowing for anonymous complaints, will likely result in passengers filing more complaints, thereby allowing NJ Transit to address specific issues that result in discrimination.

3. Dissemination of Antidiscrimination Policy

NJ Transit should amend the proposed rules to include requirements regarding the dissemination of its antidiscrimination policy to employees, passengers, and other interested parties. The proposed rules should provide for the communication of the policy to all NJ Transit employees, preferably through the training process. The proposed rules should require that the complaint forms should be available at all NJ Transit stations and offices for individuals with disabilities to complete if they encounter discrimination. NJ Transit should also consider ways to disseminate this policy to passengers, through public service announcements, the NJ Transit website, or other accessible means.

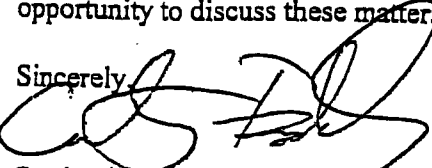
4. Accessibility Concerns of the Complaint Process

NJ Transit should address accessibility concerns in the complaint process. Many individuals with disabilities may have difficulty filing complaints with NJ Transit. For example, people who are blind or have low vision may have difficulty completing the form. People with mobility limitations may not be able to complete the form in a legible manner. People with cognitive disabilities may have difficulty completing the form independently. To address this issue, NJ Transit should consider these items, which should be addressed in the rulemaking process:

- Making the complaint form available in alternate formats.
- Allowing passengers to complete an accessible complaint form on the NJ Transit Internet site.
- Requiring NJ Transit employees to assist individuals with disabilities in completing the complaint form, if requested as an accommodation.

Thank you for the opportunity to comment on these proposed regulations. NJP&A would welcome the opportunity to discuss these matters further.

Sincerely,



Curtis D. Edmonds
Assistive Technology Advocate

CDE/mv

EXHIBIT E**SUMMARY OF PUBLIC COMMENTS AND AGENCY RESPONSES**

Comments were received from New Jersey Protection and Advocacy, Inc. A summary of their written comments/issues and NJ TRANSIT's responses follow:

COMMENT/ISSUE: Retaliation

NJ TRANSIT should expand the proposed rules to prohibit retaliation against people with disabilities who file complaints regarding accessibility and state that NJ TRANSIT will not retaliate against people who file complaints regarding accessibility. The ADA specifically prohibits state entities from retaliating.

RESPONSE: The above comment is already addressed by the regulation's references to the New Jersey Law Against Discrimination and the Americans with Disabilities Act.

COMMENT/ISSUE: Confidentiality Requirements

NJ TRANSIT should include confidentiality requirements in the proposed rules to protect the identity of individuals with disabilities who file complaints, including allowing anonymous complaints.

RESPONSE: To the maximum extent practicable all discrimination complaints, including disability complaints, are kept confidential. All such complaints, including anonymous complaints, are investigated. However, a full, fair and effective investigation must include an assessment of the reliability and credibility of the complaining party. Anonymous complaints may often present impediments to these assessments. Additionally, the ability of NJ TRANSIT to substantiate the complaint and sustain any disciplinary charges against an offending employee may be compromised where there is no ability to question the complaining party. Thus, it is not practical to include any explicit rule to either guarantee confidentiality or to encourage anonymous complaints given that such rules may undermine sound investigation, disciplinary and labor relations processes.

COMMENT/ISSUE: Dissemination of Antidiscrimination Policy

NJ TRANSIT should amend the proposed rules to include requirements regarding the dissemination of its antidiscrimination policy to employees, passengers and other interested parties. NJ TRANSIT should provide for communication of the policy to all NJ TRANSIT employees, preferably through the training process. The proposed rules should require the complaint forms be available at all stations and offices. NJ TRANSIT should consider ways to disseminate the policy to passengers, through public service announcements, the NJ TRANSIT website, or other accessible means.

RESPONSE: The proposed rules are not the appropriate place to incorporate these comments. NJ TRANSIT already disseminates the antidiscrimination policy to all NJ

EXHIBIT E

TRANSIT employees annually. Additionally, NJ TRANSIT's website provides information about filing a complaint.

COMMENT/ISSUE: Accessibility to the Complaint Process

NJ TRANSIT should address the accessibility concerns in the complaint process. NJ TRANSIT should make the complaint form available in alternate formats, allow completion on the NJ TRANSIT website and require NJ TRANSIT employees to assist individuals with disabilities in completing the complaint form, if requested as an accommodation.

RESPONSE: NJ TRANSIT is already required to provide accessible formats. If an accommodation is requested, NJ TRANSIT employees provide the necessary assistance to meet the individual's need. For example, NJ TRANSIT's customer service representatives will help individuals complete the complaint form. This may include reading the form to the requestor, or completing the form as directed by the complainant.

SUMMARY OF AGENCY-INITIATED CHANGES

Appendix A has been amended to delete the space requesting an NJ TRANSIT employee's social security number because NJ TRANSIT determined that this additional information is not necessary. The appendix has three other amendments to make grammatical and clarifying changes to the language.