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# Committee Meeting

of  
ASSEMBLY TRANSPORTATION, PUBLIC WORKS, AND INDEPENDENT  
AUTHORITIES COMMITTEE

Assembly Bill No. 1486

*(De-designates portions of Route 24)*

Assembly Bill No. 3737

*(Concerns occupational safety and health for public employees of certain interstate authorities)*

Assembly Bill No. 3789

*(Designates State Highway Route 53 as "Alex DeCroce Memorial Highway")*

Assembly Bill No. 3993

*(Increases insurance requirements on operators of autobuses; requires driver of autobus to possess commercial drivers license)*

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**LOCATION:** Stevens Institute of Technology  
Hoboken, New Jersey

**DATE:** September 23, 2013  
10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman John S. Wisniewski, Chair  
Assemblywoman Linda D. Stender, Vice Chair  
Assemblywoman Marlene Caride  
Assemblyman Upendra J. Chivukula  
Assemblyman Thomas P. Giblin  
Assemblyman Charles Mainor  
Assemblywoman Angelica M. Jimenez  
Assemblyman Ruben J. Ramos Jr.  
Assemblyman John F. Amodeo  
Assemblyman Michael Patrick Carroll  
Assemblyman Scott T. Rumana  
Assemblyman Brian E. Rumpf



**ALSO PRESENT:**

Charles A. Buono Jr.  
Patrick Brennan  
*Office of Legislative Services  
Committee Aides*

Jillian Dempsey  
*Assembly Majority  
Committee Aide*

Glen Beebe  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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JOHN S. WISNIEWSKI  
*Chair*

LINDA D. STENDER  
*Vice-Chair*

MARLENE CARIDE  
UPENDRA J. CHIVUKULA  
THOMAS P. GIBLIN  
CHARLES S. MAINOR  
RUBEN J. RAMOS, JR.  
CELESTE M. RILEY  
JOHN F. AMODEO  
SCOTT RUDDER  
BRIAN E. RUMPF  
DAVID W. WOLFE



**New Jersey State Legislature**  
**ASSEMBLY TRANSPORTATION, PUBLIC WORKS**  
**AND INDEPENDENT AUTHORITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.  
PATRICK BRENNAN  
*Office of Legislative Services*  
*Co-Committee Aides*  
(609) 847-3840  
(609) 292-0561 fax

**COMMITTEE NOTICE**

**TO:** MEMBERS OF THE ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

**FROM:** ASSEMBLYMAN JOHN S. WISNIEWSKI, CHAIRMAN

**SUBJECT:** COMMITTEE MEETING - SEPTEMBER 23, 2013

*The public may address comments and questions to Charles A. Buono, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideATR@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**The Assembly Transportation, Public Works and Independent Authorities Committee will meet on Monday, September 23, 2013 at 10:00 am at Stevens Institute of Technology, Howe Center, 1 Castle Point Terrace, Bissenger Room, 4<sup>th</sup> Floor, Hoboken, New Jersey 07030.**

**The committee will take testimony from invited guests and the public concerning the regulation, operation, safety, and enforcement of certain passenger transportation vehicles, commonly known as jitneys, in light of recent reports that these vehicles have been operating unsafely.**

The following bills will be considered:

A-1486 Carroll/Bucco/Chiusano/ McHose	Dedesignates portions of Route 24.
A-3737 Giblin/Wisniewski	Concerns occupational safety and health for public employees of certain interstate authorities.
A-3789 Webber/Oliver/Bramnick/ Bucco/Carroll/Rumana	Designates State Highway Route 53 as "Alex DeCrocce Memorial Highway."

(OVER)



**ASSEMBLY, No. 1486**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman MICHAEL PATRICK CARROLL**

**District 25 (Morris and Somerset)**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Assemblyman GARY R. CHIUSANO**

**District 24 (Morris, Sussex and Warren)**

**Assemblywoman ALISON LITTELL MCHOSE**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblyman DeCroce and Assemblywoman B.DeCroce**

**SYNOPSIS**

Dedesignates portions of Route 24.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel

**(Sponsorship Updated As Of: 3/13/2012)**

1 AN ACT concerning the State Highway System, dedesignating a  
2 portion of State Highway Route No. 24 and repealing P.L.1938,  
3 c.85.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. State Highway Route No. 24 and S-24, as established and  
9 described in R.S.27:6-1, is redesignated to consist of and be  
10 described as follows:

11 ROUTE NO. 24 and S-24. Newark to **[Phillipsburg]** Hanover.  
12 Beginning in Newark by connections with Route No. 25 and with  
13 the New Jersey Turnpike, and crossing Broad Street, Newark, in the  
14 vicinity of Lincoln Park, and thence generally along the direction of  
15 and in the vicinity of Springfield Avenue by way of Irvington,  
16 Maplewood, Springfield **[, Morristown]** and Hanover, **[Chester,**  
17 Long Valley, Washington and Phillipsburg, with a spur to  
18 Hackettstown connecting Route No. 24 with Route No. 6 between  
19 these points and **]** with a spur from Springfield along Morris  
20 Avenue to Route No. 25 at Elizabeth, and with another spur  
21 commencing near Spruce Street and running in a generally  
22 northerly direction in the vicinity of Belmont Avenue and Norfolk  
23 Street in the City of Newark to connect with the route established  
24 by section three of this act.  
25 (cf: P.L.1952, c.289, s.4)  
26

27 2. P.L.1938, c.85 (C.27:6-1) is repealed.  
28

29 3. This act shall take effect immediately.  
30  
31

32 STATEMENT  
33

34 This bill dedesignates the portion of Route 24 located west of  
35 Hanover as a State highway. Route 24 under State jurisdiction  
36 connects I-287 and I-78. The dedesignation of the portion of what  
37 would be a continuation of Route 24 under State jurisdiction will  
38 make the earmarked land available for other purposes, including  
39 open space preservation. The bill also repeals the statutes  
40 establishing Route 24N west of Phillipsburg.

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

Matter underlined thus is new matter.

**ASSEMBLY, No. 3737**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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INTRODUCED FEBRUARY 7, 2013

**Sponsored by:**

**Assemblyman THOMAS P. GIBLIN**  
**District 34 (Essex and Passaic)**  
**Assemblyman JOHN S. WISNIEWSKI**  
**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Diegnan and Assemblywoman Caride**

**SYNOPSIS**

Concerns occupational safety and health for public employees of certain interstate authorities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/8/2013)**

1 AN ACT concerning occupational safety and health for certain  
2 public employees, amending P.L.1983, c.516, and supplementing  
3 various parts of the statutory law to amend the compacts and  
4 agreements concerning certain interstate authorities.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 3 of P.L.1983, c.**[561]** 516 (C.34:6A-27) is  
10 amended to read as follows:

11 3. As used in **[this act]** P.L.1983, c.516 (C.34:6A-25 et seq.):

12 a. "Advisory board" means the Public Employees'  
13 Occupational Safety and Health Advisory Board created by section  
14 4 of **[this act]** P.L.1983, c.516 (C.34:6A-28);

15 b. "Commissioner" means the Commissioner of Labor and  
16 Workforce Development or **[his]** the commissioner's designee;

17 c. "Employer" means public employer and shall include any  
18 person acting directly on behalf of, or with the knowledge and  
19 ratification of: (1) the State, or any department, division, bureau,  
20 board, council, agency, or authority of the State **[**, except any bi-  
21 state agency; or **]**; (2) any county, municipality, or any department,  
22 division, bureau, board, council, agency, or authority of any county  
23 or municipality, or of any school district or special purpose district  
24 created pursuant to law; or (3) any interstate authority utilizing its  
25 own police officers or firefighters;

26 d. "Employee" means any public employee, any person holding  
27 a position by appointment or employment in the service of an  
28 "employer" as that term is used in **[this act]** P.L.1983, c.516  
29 (C.34:6A-25 et seq.) and shall include any individual whose work  
30 has ceased as a consequence of, or in connection with, any  
31 administrative or judicial action instituted under **[this act]**  
32 P.L.1983, c.516 (C.34:6A-25 et seq.); provided, however, that  
33 elected officials, members of boards and commissions, and  
34 managerial executives as defined in the "New Jersey Employer-  
35 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.)  
36 shall be excluded from the coverage of **[this act]** P.L.1983, c.516  
37 (C.34:6A-25 et seq.);

38 e. "Employee representative" means a "representative" as that  
39 term is defined in the "New Jersey Employer-Employee Relations  
40 Act," P.L.1941, c.100 (C.34:13A-1 et seq.);

41 f. "Review commission" means the Occupational Safety and  
42 Health Review Commission created by section 18 of **[this act]**  
43 P.L.1983, c.516 (C.34:6A-42);

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

Matter underlined thus is new matter.

1 g. "Secretary" means the Secretary of the United States  
2 Department of Labor;

3 h. "Workplace" means a place where public employees are  
4 assigned to work;

5 i. "Interstate authority" means a public bi-state or multi-state  
6 authority, commission, or corporation, created by compact or  
7 agreement between the State of New Jersey and another state,  
8 whether or not the existence of that interstate authority required the  
9 approval of Congress, including, but not limited to: the Port  
10 Authority of New York and New Jersey; the Delaware River Joint  
11 Commission, known as the Delaware River Port Authority; the  
12 Delaware River and Bay Authority; the Delaware River Joint Toll  
13 Bridge Commission; the Palisades Interstate Park Commission; and  
14 the Waterfront Commission of New York Harbor.

15 (cf: P.L.1983, c.516, s.3)

16  
17 2. (New section) a. The Governor is authorized to enter into a  
18 supplemental compact or agreement, on behalf of the State of New  
19 Jersey, with the State of New York amending the compact of April  
20 30, 1921, between the states of New York and New Jersey, as  
21 amended and supplemented, creating the Port Authority of New  
22 York and New Jersey to effectuate the provisions of P.L. , c. (C. )  
23 (pending before the Legislature as this bill).

24 b. The Governor is authorized to apply, on behalf of the State  
25 of New Jersey, to the Congress of the United States for its consent  
26 and approval to such supplemental compact or agreement, but in the  
27 absence of such consent and approval, the Port Authority of New  
28 York and New Jersey referred to in such supplemental compact or  
29 agreement shall have all of the powers which the State of New York  
30 and the State of New Jersey may confer upon it without the consent  
31 and approval of Congress.

32 c. The compact of April 30, 1921, between the states of New  
33 York and New Jersey, as amended and supplemented, creating the  
34 Port Authority of New York and New Jersey as heretofore amended  
35 and supplemented, is amended and supplemented by adding thereto,  
36 as a part thereof, a new provision reading as follows:

37 The Port Authority of New York and New Jersey is an employer  
38 as defined under section 3 of P.L.1983, c.516 (C.34:6A-27) and its  
39 employees shall be subject to the provisions of the "New Jersey  
40 Public Employees' Occupational Safety and Health Act," P.L.1983,  
41 c.516 (C.34:6A-25 et seq.) or a substantially similar law of the State  
42 of New York, as appropriate.

43  
44 3. (New section) a. The Governor is authorized to enter into a  
45 supplemental compact or agreement, on behalf of the State of New  
46 Jersey, with the Commonwealth of Pennsylvania supplementing the  
47 compact or agreement between the Commonwealth of Pennsylvania  
48 and the State of New Jersey entitled "Agreement Between the

1 Commonwealth of Pennsylvania and the State of New Jersey  
2 creating the Delaware River Joint Commission as a body corporate  
3 and politic and defining its powers and duties,” to effectuate the  
4 purposes of P.L. , c. (C. ) (pending before the Legislature as  
5 this bill).

6 b. The Governor is authorized to apply, on behalf of the State  
7 of New Jersey, to the Congress of the United States for its consent  
8 and approval to such supplemental compact or agreement, but in the  
9 absence of such consent and approval, the commission referred to in  
10 such supplemental compact or agreement shall have all of the  
11 powers which the Commonwealth of Pennsylvania and the State of  
12 New Jersey may confer upon it without the consent and approval of  
13 Congress.

14 c. The "Agreement between the Commonwealth of  
15 Pennsylvania and the State of New Jersey creating the Delaware  
16 River Joint Commission as a body corporate and politic and  
17 defining its powers and duties,” as heretofore amended and  
18 supplemented is amended and supplemented by adding thereto, as a  
19 part thereof, a new provision reading as follows:

20 The Delaware River Joint Commission is an employer as defined  
21 under section 3 of P.L.1983, c.516 (C.34:6A-27) and its employees  
22 shall be subject to the provisions of the "New Jersey Public  
23 Employees' Occupational Safety and Health Act," P.L.1983, c.516  
24 (C.34:6A-25 et seq.) or a substantially similar law of the  
25 Commonwealth of Pennsylvania, as appropriate.

26  
27 4. (New section) a. The Governor is authorized to enter into a  
28 supplemental compact or agreement, on behalf of the State of New  
29 Jersey, with the Commonwealth of Pennsylvania amending the  
30 compact or agreement between the Commonwealth of Pennsylvania  
31 and the State of New Jersey entitled “Agreement between the State  
32 of New Jersey and the Commonwealth of Pennsylvania creating the  
33 Delaware River Joint Toll Bridge Commission as a body corporate  
34 and politic and defining its powers and duties,” to effectuate of  
35 purposes of P.L. , c. (C. ) (pending before the Legislature as  
36 this bill).

37 b. The Governor is authorized to apply, on behalf of the State  
38 of New Jersey, to the Congress of the United States for its consent  
39 and approval to such supplemental compact or agreement, but in the  
40 absence of such consent and approval, the commission referred to in  
41 such supplemental compact or agreement shall have all of the  
42 powers which the Commonwealth of Pennsylvania and the State of  
43 New Jersey may confer upon it without the consent and approval of  
44 Congress.

45 c. The "Agreement between the Commonwealth of  
46 Pennsylvania and the State of New Jersey creating the Delaware  
47 River Joint Toll Bridge Commission as a body corporate and politic  
48 and defining its powers and duties,” as heretofore amended and

1 supplemented, is amended and supplemented by adding thereto, as a  
2 part thereof, a new provision reading as follows:

3 The Delaware River Joint Toll Bridge Commission is an  
4 employer as defined under section 3 of P.L.1983, c.516 (C.34:6A-  
5 27) and its employees shall be subject to the provisions of the "New  
6 Jersey Public Employees' Occupational Safety and Health Act,"  
7 P.L.1983, c.516 (C.34:6A-25 et seq.) or a substantially similar law  
8 of the Commonwealth of Pennsylvania, as appropriate.  
9

10 5. (New section) a. The Governor is authorized to enter into a  
11 supplemental compact or agreement, on behalf of the State of New  
12 Jersey, with the State of Delaware amending the compact or  
13 agreement between the State of Delaware and the State of New  
14 Jersey known as the "Delaware-New Jersey Compact," to effectuate  
15 the provisions of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill).

17 b. The Governor is authorized to apply, on behalf of the State  
18 of New Jersey, to the Congress of the United States for its consent  
19 and approval to such supplemental compact or agreement, but in the  
20 absence of such consent and approval, the Delaware River and Bay  
21 Authority referred to in such supplemental compact or agreement  
22 shall have all of the powers which the State of Delaware and the  
23 State of New Jersey may confer upon it without the consent and  
24 approval of Congress.

25 c. The "Delaware-New Jersey Compact" as heretofore  
26 amended and supplemented, is amended and supplemented by  
27 adding thereto, as a part thereof, a new provision reading as  
28 follows:

29 The Delaware River and Bay Authority is an employer as  
30 defined under section 3 of P.L.1983, c.516 (C.34:6A-27) and its  
31 employees shall be subject to the provisions of the "New Jersey  
32 Public Employees' Occupational Safety and Health Act," P.L.1983,  
33 c.516 (C.34:6A-25 et seq.) or a substantially similar law of the State  
34 of Delaware, as appropriate.  
35

36 6. (New section) The compact of June 2, 1937, creating the  
37 Palisades Interstate Park Commission, as heretofor amended and  
38 supplemented, is amended and supplemented by adding thereto, as a  
39 part thereof, a new provision reading as follows:

40 The Palisades Interstate Park Commission, with respect to its  
41 jurisdiction within those portions of the Palisades Interstate Park  
42 within the State of New Jersey, is an employer as defined under  
43 section 3 of P.L.1983, c.516 (C.34:6A-27) and its employees,  
44 employed with respect to the commission's jurisdiction within those  
45 portions of the Palisades Interstate Park within the State of New  
46 Jersey, shall be subject to the provisions of the "New Jersey Public  
47 Employees' Occupational Safety and Health Act," P.L.1983, c.516  
48 (C.34:6A-25 et seq.), as appropriate.



1 “employer” includes any interstate authority that utilizes its own  
2 police officers or firefighters.

3 The bill also adds a definition of “interstate authority” for the  
4 purposes of the “New Jersey Public Employees’ Occupational  
5 Safety and Health Act.” The bill defines “interstate authority” as a  
6 public bi-state or multi-state authority, commission, or corporation,  
7 created by compact or agreement between the State of New Jersey  
8 and another state.

9 Currently, the definition of “employer” in the “New Jersey  
10 Public Employees’ Occupational Safety and Health Act”  
11 specifically excludes any bi-state agency; this bill removes the  
12 exclusion of bi-state agencies from the definition and adds any  
13 interstate authority utilizing its own police or firefighters to the  
14 definition. This bill will provide that workers employed by an  
15 interstate authority that utilizes its own police officers and  
16 firefighters will be subject to the protections afforded under the  
17 “New Jersey Public Employees’ Occupational Safety and Health  
18 Act.”

19 The bill also authorizes the Governor to enter into supplemental  
20 compacts or agreements, on behalf of the State of New Jersey, with  
21 the States of New York, and Delaware, and the Commonwealth of  
22 Pennsylvania, as necessary, to amend the compacts formed with  
23 those states, which govern the interstate authorities which New  
24 Jersey and those states compacted to form, to provide that those  
25 entities shall be subject to the provisions of the “New Jersey Public  
26 Employees’ Occupational Safety and Health Act.” The authorities  
27 include:

- 28 • Port Authority of New York and New Jersey;
- 29 • Delaware River Port Authority;
- 30 • Delaware River Joint Toll Bridge Commission;
- 31 • Delaware River and Bay Authority; and
- 32 • Waterfront Commission of New York Harbor.

33 With respect to the interstate authorities, the bill’s provisions are  
34 inoperative until the passage of concurrent legislation by the other  
35 compacting states, and approval of Congress, except that in the  
36 absence of concurrent legislation, the authority may confer the  
37 application of the bill’s provisions to the extent the Governors and  
38 commissioners are able to do so.

39 The bill also amends the compact which formed the Palisades  
40 Interstate Park Commission to provide that those employees serving  
41 the New Jersey portion of the Palisades Interstate Park are subject  
42 to the provisions of the “New Jersey Public Employees’  
43 Occupational Safety and Health Act.”

**ASSEMBLY, No. 3737**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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INTRODUCED FEBRUARY 7, 2013

**Sponsored by:**

**Assemblyman THOMAS P. GIBLIN**  
**District 34 (Essex and Passaic)**  
**Assemblyman JOHN S. WISNIEWSKI**  
**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Diegnan and Assemblywoman Caride**

**SYNOPSIS**

Concerns occupational safety and health for public employees of certain interstate authorities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/8/2013)**

1 **AN ACT** concerning occupational safety and health for certain  
2 public employees, amending P.L.1983, c.516, and supplementing  
3 various parts of the statutory law to amend the compacts and  
4 agreements concerning certain interstate authorities.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 3 of P.L.1983, c.~~561~~ 516 (C.34:6A-27) is  
10 amended to read as follows:

11 3. As used in **[this act]** P.L.1983, c.516 (C.34:6A-25 et seq.):

12 a. "Advisory board" means the Public Employees'  
13 Occupational Safety and Health Advisory Board created by section  
14 4 of **[this act]** P.L.1983, c.516 (C.34:6A-28);

15 b. "Commissioner" means the Commissioner of Labor and  
16 Workforce Development or **[his]** the commissioner's designee;

17 c. "Employer" means public employer and shall include any  
18 person acting directly on behalf of, or with the knowledge and  
19 ratification of: (1) the State, or any department, division, bureau,  
20 board, council, agency, or authority of the State **[**, except any bi-  
21 state agency; or **]** ; (2) any county, municipality, or any department,  
22 division, bureau, board, council, agency, or authority of any county  
23 or municipality, or of any school district or special purpose district  
24 created pursuant to law; or (3) any interstate authority utilizing its  
25 own police officers or firefighters;

26 d. "Employee" means any public employee, any person holding  
27 a position by appointment or employment in the service of an  
28 "employer" as that term is used in **[this act]** P.L.1983, c.516  
29 (C.34:6A-25 et seq.) and shall include any individual whose work  
30 has ceased as a consequence of, or in connection with, any  
31 administrative or judicial action instituted under **[this act]**  
32 P.L.1983, c.516 (C.34:6A-25 et seq.); provided, however, that  
33 elected officials, members of boards and commissions, and  
34 managerial executives as defined in the "New Jersey Employer-  
35 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.)  
36 shall be excluded from the coverage of **[this act]** P.L.1983, c.516  
37 (C.34:6A-25 et seq.);

38 e. "Employee representative" means a "representative" as that  
39 term is defined in the "New Jersey Employer-Employee Relations  
40 Act," P.L.1941, c.100 (C.34:13A-1 et seq.);

41 f. "Review commission" means the Occupational Safety and  
42 Health Review Commission created by section 18 of **[this act]**  
43 P.L.1983, c.516 (C.34:6A-42);

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

Matter underlined thus is new matter.

1 g. "Secretary" means the Secretary of the United States  
2 Department of Labor;

3 h. "Workplace" means a place where public employees are  
4 assigned to work;

5 i. "Interstate authority" means a public bi-state or multi-state  
6 authority, commission, or corporation, created by compact or  
7 agreement between the State of New Jersey and another state,  
8 whether or not the existence of that interstate authority required the  
9 approval of Congress, including, but not limited to: the Port  
10 Authority of New York and New Jersey; the Delaware River Joint  
11 Commission, known as the Delaware River Port Authority; the  
12 Delaware River and Bay Authority; the Delaware River Joint Toll  
13 Bridge Commission; the Palisades Interstate Park Commission; and  
14 the Waterfront Commission of New York Harbor.

15 (cf: P.L.1983, c.516, s.3)

16  
17 2. (New section) a. The Governor is authorized to enter into a  
18 supplemental compact or agreement, on behalf of the State of New  
19 Jersey, with the State of New York amending the compact of April  
20 30, 1921, between the states of New York and New Jersey, as  
21 amended and supplemented, creating the Port Authority of New  
22 York and New Jersey to effectuate the provisions of P.L. , c. (C. )  
23 (pending before the Legislature as this bill).

24 b. The Governor is authorized to apply, on behalf of the State  
25 of New Jersey, to the Congress of the United States for its consent  
26 and approval to such supplemental compact or agreement, but in the  
27 absence of such consent and approval, the Port Authority of New  
28 York and New Jersey referred to in such supplemental compact or  
29 agreement shall have all of the powers which the State of New York  
30 and the State of New Jersey may confer upon it without the consent  
31 and approval of Congress.

32 c. The compact of April 30, 1921, between the states of New  
33 York and New Jersey, as amended and supplemented, creating the  
34 Port Authority of New York and New Jersey as heretofore amended  
35 and supplemented, is amended and supplemented by adding thereto,  
36 as a part thereof, a new provision reading as follows:

37 The Port Authority of New York and New Jersey is an employer  
38 as defined under section 3 of P.L.1983, c.516 (C.34:6A-27) and its  
39 employees shall be subject to the provisions of the "New Jersey  
40 Public Employees' Occupational Safety and Health Act," P.L.1983,  
41 c.516 (C.34:6A-25 et seq.) or a substantially similar law of the State  
42 of New York, as appropriate.

43  
44 3. (New section) a. The Governor is authorized to enter into a  
45 supplemental compact or agreement, on behalf of the State of New  
46 Jersey, with the Commonwealth of Pennsylvania supplementing the  
47 compact or agreement between the Commonwealth of Pennsylvania  
48 and the State of New Jersey entitled "Agreement Between the

1 Commonwealth of Pennsylvania and the State of New Jersey  
2 creating the Delaware River Joint Commission as a body corporate  
3 and politic and defining its powers and duties,” to effectuate the  
4 purposes of P.L. , c. (C. ) (pending before the Legislature as  
5 this bill).

6 b. The Governor is authorized to apply, on behalf of the State  
7 of New Jersey, to the Congress of the United States for its consent  
8 and approval to such supplemental compact or agreement, but in the  
9 absence of such consent and approval, the commission referred to in  
10 such supplemental compact or agreement shall have all of the  
11 powers which the Commonwealth of Pennsylvania and the State of  
12 New Jersey may confer upon it without the consent and approval of  
13 Congress.

14 c. The "Agreement between the Commonwealth of  
15 Pennsylvania and the State of New Jersey creating the Delaware  
16 River Joint Commission as a body corporate and politic and  
17 defining its powers and duties,” as heretofore amended and  
18 supplemented is amended and supplemented by adding thereto, as a  
19 part thereof, a new provision reading as follows:

20 The Delaware River Joint Commission is an employer as defined  
21 under section 3 of P.L.1983, c.516 (C.34:6A-27) and its employees  
22 shall be subject to the provisions of the "New Jersey Public  
23 Employees' Occupational Safety and Health Act," P.L.1983, c.516  
24 (C.34:6A-25 et seq.) or a substantially similar law of the  
25 Commonwealth of Pennsylvania, as appropriate.

26  
27 4. (New section) a. The Governor is authorized to enter into a  
28 supplemental compact or agreement, on behalf of the State of New  
29 Jersey, with the Commonwealth of Pennsylvania amending the  
30 compact or agreement between the Commonwealth of Pennsylvania  
31 and the State of New Jersey entitled “Agreement between the State  
32 of New Jersey and the Commonwealth of Pennsylvania creating the  
33 Delaware River Joint Toll Bridge Commission as a body corporate  
34 and politic and defining its powers and duties,” to effectuate of  
35 purposes of P.L. , c. (C. ) (pending before the Legislature as  
36 this bill).

37 b. The Governor is authorized to apply, on behalf of the State  
38 of New Jersey, to the Congress of the United States for its consent  
39 and approval to such supplemental compact or agreement, but in the  
40 absence of such consent and approval, the commission referred to in  
41 such supplemental compact or agreement shall have all of the  
42 powers which the Commonwealth of Pennsylvania and the State of  
43 New Jersey may confer upon it without the consent and approval of  
44 Congress.

45 c. The "Agreement between the Commonwealth of  
46 Pennsylvania and the State of New Jersey creating the Delaware  
47 River Joint Toll Bridge Commission as a body corporate and politic  
48 and defining its powers and duties,” as heretofore amended and

1 supplemented, is amended and supplemented by adding thereto, as a  
2 part thereof, a new provision reading as follows:

3 The Delaware River Joint Toll Bridge Commission is an  
4 employer as defined under section 3 of P.L.1983, c.516 (C.34:6A-  
5 27) and its employees shall be subject to the provisions of the "New  
6 Jersey Public Employees' Occupational Safety and Health Act,"  
7 P.L.1983, c.516 (C.34:6A-25 et seq.) or a substantially similar law  
8 of the Commonwealth of Pennsylvania, as appropriate.  
9

10 5. (New section) a. The Governor is authorized to enter into a  
11 supplemental compact or agreement, on behalf of the State of New  
12 Jersey, with the State of Delaware amending the compact or  
13 agreement between the State of Delaware and the State of New  
14 Jersey known as the "Delaware-New Jersey Compact," to effectuate  
15 the provisions of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill).

17 b. The Governor is authorized to apply, on behalf of the State  
18 of New Jersey, to the Congress of the United States for its consent  
19 and approval to such supplemental compact or agreement, but in the  
20 absence of such consent and approval, the Delaware River and Bay  
21 Authority referred to in such supplemental compact or agreement  
22 shall have all of the powers which the State of Delaware and the  
23 State of New Jersey may confer upon it without the consent and  
24 approval of Congress.

25 c. The "Delaware-New Jersey Compact" as heretofore  
26 amended and supplemented, is amended and supplemented by  
27 adding thereto, as a part thereof, a new provision reading as  
28 follows:

29 The Delaware River and Bay Authority is an employer as  
30 defined under section 3 of P.L.1983, c.516 (C.34:6A-27) and its  
31 employees shall be subject to the provisions of the "New Jersey  
32 Public Employees' Occupational Safety and Health Act," P.L.1983,  
33 c.516 (C.34:6A-25 et seq.) or a substantially similar law of the State  
34 of Delaware, as appropriate.  
35

36 6. (New section) The compact of June 2, 1937, creating the  
37 Palisades Interstate Park Commission, as heretofore amended and  
38 supplemented, is amended and supplemented by adding thereto, as a  
39 part thereof, a new provision reading as follows:

40 The Palisades Interstate Park Commission, with respect to its  
41 jurisdiction within those portions of the Palisades Interstate Park  
42 within the State of New Jersey, is an employer as defined under  
43 section 3 of P.L.1983, c.516 (C.34:6A-27) and its employees,  
44 employed with respect to the commission's jurisdiction within those  
45 portions of the Palisades Interstate Park within the State of New  
46 Jersey, shall be subject to the provisions of the "New Jersey Public  
47 Employees' Occupational Safety and Health Act," P.L.1983, c.516  
48 (C.34:6A-25 et seq.), as appropriate.



1 “employer” includes any interstate authority that utilizes its own  
2 police officers or firefighters.

3 The bill also adds a definition of “interstate authority” for the  
4 purposes of the “New Jersey Public Employees’ Occupational  
5 Safety and Health Act.” The bill defines “interstate authority” as a  
6 public bi-state or multi-state authority, commission, or corporation,  
7 created by compact or agreement between the State of New Jersey  
8 and another state.

9 Currently, the definition of “employer” in the “New Jersey  
10 Public Employees’ Occupational Safety and Health Act”  
11 specifically excludes any bi-state agency; this bill removes the  
12 exclusion of bi-state agencies from the definition and adds any  
13 interstate authority utilizing its own police or firefighters to the  
14 definition. This bill will provide that workers employed by an  
15 interstate authority that utilizes its own police officers and  
16 firefighters will be subject to the protections afforded under the  
17 “New Jersey Public Employees’ Occupational Safety and Health  
18 Act.”

19 The bill also authorizes the Governor to enter into supplemental  
20 compacts or agreements, on behalf of the State of New Jersey, with  
21 the States of New York, and Delaware, and the Commonwealth of  
22 Pennsylvania, as necessary, to amend the compacts formed with  
23 those states, which govern the interstate authorities which New  
24 Jersey and those states compacted to form, to provide that those  
25 entities shall be subject to the provisions of the “New Jersey Public  
26 Employees’ Occupational Safety and Health Act.” The authorities  
27 include:

- 28 • Port Authority of New York and New Jersey;
- 29 • Delaware River Port Authority;
- 30 • Delaware River Joint Toll Bridge Commission;
- 31 • Delaware River and Bay Authority; and
- 32 • Waterfront Commission of New York Harbor.

33 With respect to the interstate authorities, the bill’s provisions are  
34 inoperative until the passage of concurrent legislation by the other  
35 compacting states, and approval of Congress, except that in the  
36 absence of concurrent legislation, the authority may confer the  
37 application of the bill’s provisions to the extent the Governors and  
38 commissioners are able to do so.

39 The bill also amends the compact which formed the Palisades  
40 Interstate Park Commission to provide that those employees serving  
41 the New Jersey portion of the Palisades Interstate Park are subject  
42 to the provisions of the “New Jersey Public Employees’  
43 Occupational Safety and Health Act.”

**ASSEMBLY, No. 3789**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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INTRODUCED FEBRUARY 7, 2013

**Sponsored by:**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Morris, Somerset and Union)**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Assemblyman MICHAEL PATRICK CARROLL**

**District 25 (Morris and Somerset)**

**Assemblyman SCOTT T. RUMANA**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Co-Sponsored by:**

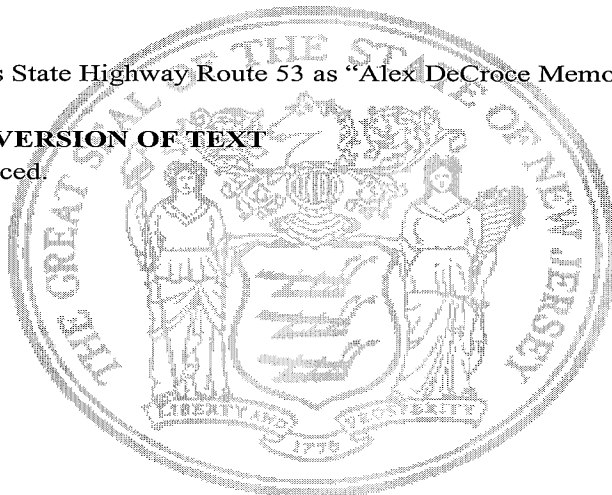
**Assemblywoman McHose**

**SYNOPSIS**

Designates State Highway Route 53 as "Alex DeCroce Memorial Highway."

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/21/2013)

1 AN ACT designating State Highway Route No. 53 as “Alex  
2 DeCroce Memorial Highway.”

3  
4 WHEREAS, The Honorable Alex DeCroce, born June 10, 1936 in  
5 Morristown, New Jersey, was a life-long New Jersey resident who  
6 grew up in Morris County and attended Boonton High School and  
7 Seton Hall University; and

8 WHEREAS, As a pillar of the community in Morris County, Alex  
9 DeCroce served in numerous public offices, including the County  
10 College of Morris Board of Trustees, the Morris County Board of  
11 Elections, the Morris County Board of Taxation, the Morris County  
12 Republican Committee, the Morris County Board of Chosen  
13 Freeholders, and the New Jersey General Assembly; and

14 WHEREAS, Assemblyman DeCroce was sworn into the General  
15 Assembly on January 26, 1989, and, prior to his death, was the  
16 longest serving member of the General Assembly, representing the  
17 26th Legislative District for 23 years; and

18 WHEREAS, As the Republican Leader in the General Assembly,  
19 Assemblyman DeCroce also served as the Deputy Speaker to the  
20 General Assembly, the Republican Conference Leader, the Co-  
21 Chairman to the Bipartisan Leadership Committee, and was a  
22 member of the Legislative Services Commission; and

23 WHEREAS, While in the General Assembly, Assemblyman DeCroce  
24 sponsored numerous pieces of legislation that improved the quality  
25 of life enjoyed by the citizens of this State, such as legislation to  
26 strengthen the rights of crime victims, reward special needs  
27 students, renew the State Transportation Trust Fund, and dedicate  
28 the Motor Fuel Tax for transportation infrastructure projects; and

29 WHEREAS, Following the final voting session of the 214th Legislature,  
30 Assemblyman Alex DeCroce passed away on January 9, 2012; and

31 WHEREAS, With an unwavering devotion to the people of Morris  
32 County and the State of New Jersey, it is fitting and proper for the  
33 Legislature of the State of the New Jersey to honor the memory of  
34 Assemblyman Alex DeCroce for his many contributions to the  
35 General Assembly and to the State by designating the entire length  
36 of State Highway Route No. 53 as the “Alex DeCroce Memorial  
37 Highway;” now, therefore,

38  
39 **BE IT ENACTED** by the Senate and General Assembly of the State  
40 of New Jersey:

41  
42 1. The Commissioner of Transportation shall designate the  
43 entire length of State Highway Route No. 53 as the “Alex DeCroce  
44 Memorial Highway” and erect appropriate signs bearing this  
45 designation and dedication.

46  
47 2. No State or other public funds shall be used for producing,  
48 purchasing, or erecting signs pursuant to section 1 of this act. The

A3789 WEBBER, OLIVER

3

1 Commissioner of Transportation is authorized to receive gifts,  
2 grants, or other financial aid in any form from any private source  
3 for the purpose of funding the costs associated with producing,  
4 purchasing, and erecting signs pursuant to section 1 of this act

5

6 3. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill designates State Highway Route No. 53 as the “Alex  
12 DeCroce Memorial Highway” to honor the memory of  
13 Assemblyman Alex DeCroce. Assemblyman DeCroce was a pillar  
14 of the community in Morris County serving in numerous public  
15 offices. Assemblyman DeCroce represented the 26th Legislative  
16 District for 23 years and upon his death was the longest serving  
17 member of the General Assembly. As a leader in the General  
18 Assembly, Assemblyman DeCroce served in key leadership roles  
19 and had numerous legislative achievements, including sponsoring  
20 legislation that improved the quality of life for citizens of New  
21 Jersey. The Legislature honors the late Assemblymen DeCroce,  
22 who passed away on January 9, 2012, for his service to the General  
23 Assembly and his dedication to the people of Morris County and the  
24 State of New Jersey.

**ASSEMBLY, No. 3993**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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INTRODUCED APRIL 4, 2013

**Sponsored by:**

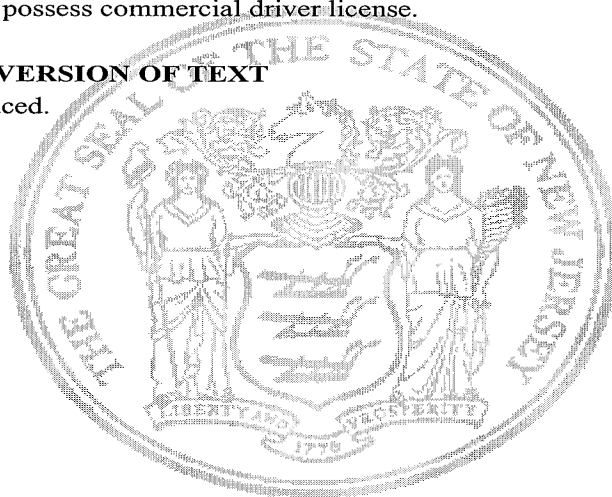
**Assemblyman CHARLES MAINOR**  
**District 31 (Hudson)**  
**Assemblywoman ANGELICA M. JIMENEZ**  
**District 32 (Bergen and Hudson)**  
**Assemblywoman MARLENE CARIDE**  
**District 36 (Bergen and Passaic)**  
**Assemblyman SCOTT RUDDER**  
**District 8 (Atlantic, Burlington and Camden)**  
**Assemblyman VINCENT PRIETO**  
**District 32 (Bergen and Hudson)**  
**Assemblyman BENJIE E. WIMBERLY**  
**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Increases insurance requirements on operators of autobuses; requires driver of autobus to possess commercial driver license.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 9/10/2013)

1 AN ACT concerning the regulation of autobuses, amending  
2 P.L.1990, c.103 and R.S.48:16-24, and supplementing chapter 16  
3 of Title 48 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 3 of P.L.1990, c.103 (C.39:3-10.11) is amended to  
9 read as follows:

10 3. For purposes of **[this act]** P.L.1990, c.103 (C.39:3-10.9 et  
11 seq.), a term shall have the meaning set forth in R.S.39:1-1 unless  
12 another meaning for the term is set forth in this act, or unless  
13 another meaning is clearly apparent from the language or context of  
14 this act, or unless the meaning for the term set forth in R.S.39:1-1 is  
15 inconsistent with the manifest intent of the Legislature in **[this act]**  
16 P.L.1990, c.103 (C.39:3-10.9 et seq.).

17 For purposes of **[this act]** P.L.1990, c.103 (C.39:3-10.9 et seq.):  
18 "Alcohol concentration" means:

19 a. The number of grams of alcohol per 100 milliliters of blood;  
20 or

21 b. The number of grams of alcohol per 210 liters of breath.

22 "Commercial driver license" or "CDL" means a license issued in  
23 accordance with **[this act]** P.L.1990, c.103 (C.39:3-10.9 et seq.) to  
24 a person authorizing the person to operate a certain class of  
25 commercial motor vehicle.

26 "Commercial Driver License Information System" or "CDLIS"  
27 means the information system established pursuant to the federal  
28 "Commercial Motor Vehicle Safety **[Act of 1986,** Pub.L.99-570  
29 (49U.S.C. s.2701 et seq.)] Act" (49U.S.C. s.31301 et seq.) to serve  
30 as a clearinghouse for locating information related to the licensing  
31 and identification of commercial motor vehicle drivers.

32 "Commercial motor vehicle" or "CMV" means a motor vehicle  
33 or combination of motor vehicles used or designed to transport  
34 passengers or property:

35 a. If the vehicle has a gross vehicle weight rating of 26,001 or  
36 more pounds or displays a gross vehicle weight rating of 26,001 or  
37 more pounds;

38 b. If the vehicle has a gross combination weight rating of  
39 26,001 or more pounds inclusive of a towed unit with a gross  
40 vehicle weight rating of more than 10,000 pounds;

41 c. If the vehicle is designed to transport 16 or more passengers  
42 including the driver;

43 d. If the vehicle is designed to transport eight or more but less  
44 than 16 persons, including the driver, and is used to transport such  
45 persons for hire on a daily basis to and from places of employment;

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

**Matter underlined thus is new matter.**

1 e. If the vehicle is transporting or used in the transportation of  
2 hazardous materials and is required to be placarded in accordance  
3 with Subpart F. of 49 C.F.R. s.172, or the vehicle displays a  
4 hazardous material placard; **or**

5 f. If the vehicle is operated by, or under contract with, a public  
6 or governmental agency, or religious or other charitable  
7 organization or corporation, or is privately operated, and is used for  
8 the transportation of children to or from a school, school connected  
9 activity, day camp, summer day camp, summer residence camp,  
10 nursery school, child care center, preschool center, or other similar  
11 places of education; or

12 g. (1) If the vehicle is designed to transport not more than 13  
13 passengers and is operated pursuant to municipal consent upon a  
14 route established wholly within the limits of that municipality; or

15 (2) If the vehicle is designed to transport not more than 20  
16 passengers and is operated under municipal consent upon a route  
17 established wholly within the limits of not more than four  
18 contiguous municipalities within any county of the fifth or sixth  
19 class.

20 The chief administrator may, by regulation, include within this  
21 definition such other motor vehicles or combination of motor  
22 vehicles as **he** the chief administrator deems appropriate.

23 This term shall not include recreation vehicles.

24 This term shall not include motor vehicles designed to transport  
25 eight or more but less than **sixteen** 16 persons, including the  
26 driver, which are owned and operated directly by businesses  
27 engaged in the practice of mortuary science when those vehicles are  
28 used exclusively for providing transportation related to the  
29 provision of funeral services and which shall not be used in that  
30 capacity at any time to pick up or discharge passengers to any  
31 airline terminal, train station or other transportation center, or for  
32 any purpose not directly related to the provision of funeral services.

33 "Controlled substance" means any substance so classified under  
34 subsection (6) of section 102 of the "Controlled Substances Act"  
35 (21 U.S.C. s.802), and includes all substances listed on Schedules I  
36 through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1  
37 et seq.) as they may be revised from time to time. The term,  
38 wherever it appears in **this act** P.L.1990, c.103 (C.39:3-10.9 et  
39 seq.) or administrative regulation promulgated pursuant to **this**  
40 **act** P.L.1990, c.103 (C.39:3-10.9 et seq.), shall include controlled  
41 substance analogs.

42 "Controlled substance analog" means a substance that has a  
43 chemical structure substantially similar to that of a controlled  
44 dangerous substance and that was specifically designed to produce  
45 an effect substantially similar to that of a controlled dangerous  
46 substance. The term shall not include a substance manufactured or  
47 distributed in conformance with the provisions of an approved new

1 drug application or an exemption for investigational use within the  
2 meaning of section 505 of the Federal Food, Drug and Cosmetic  
3 Act (21 U.S.C. s.355).

4 "Conviction" means a final adjudication that a violation has  
5 occurred, a final judgment on a verdict, a finding of guilt in a  
6 tribunal of original jurisdiction, or a conviction following a plea of  
7 guilty, non vult or nolo contendere accepted by a court. It also  
8 includes an unvacated forfeiture of bail, bond, or collateral  
9 deposited to secure the person's appearance in court, or the payment  
10 of a fine or court costs, or violation of a condition of release  
11 without bail, regardless of whether the penalty is rebated,  
12 suspended, or probated.

13 "Disqualification" means either:

14 a. The suspension, revocation, cancellation, or any other  
15 withdrawal by a state of a person's privilege to operate a  
16 commercial motor vehicle;

17 b. A determination by the Federal Motor Carrier Safety  
18 Administration under the rules of practice for motor carrier safety  
19 contained in 49 C.F.R. s.386, that a person is no longer qualified to  
20 operate a commercial motor vehicle under 49 C.F.R. s.391; or

21 c. The loss of qualification which automatically follows  
22 conviction of an offense listed in 49 C.F.R. s.383.51.

23 "Domicile" means that state where a person has a true, fixed, and  
24 permanent home and principal residence and to which the person  
25 intends to return whenever the person is absent.

26 "Driver license" means a license issued by this State or any other  
27 jurisdiction to a person authorizing the person to operate a motor  
28 vehicle.

29 "Endorsement" means an authorization to a commercial driver  
30 license required to permit the holder of the license to operate certain  
31 types of commercial motor vehicles.

32 "Felony" means any offense under any federal law or the law of  
33 a state, including this State, that is punishable by death or  
34 imprisonment for a term exceeding one year. The term includes,  
35 but is not limited to, "crimes" as that term is defined in N.J.S.2C:1-  
36 1 et seq.

37 "Foreign jurisdiction" means any jurisdiction other than a state of  
38 the United States.

39 "Gross vehicle weight rating" or "GVWR" means the value  
40 specified by a manufacturer as the loaded weight of a single or a  
41 combination (articulated) vehicle, or the registered gross weight,  
42 whichever is greater. The GVWR of a combination (articulated)  
43 vehicle, commonly referred to as the "gross combination weight  
44 rating" or "GCWR," is the GVWR of the power unit plus the  
45 GVWR of the towed unit or units. In the absence of a value  
46 specified for the towed unit or units by the manufacturer, the  
47 GVWR of a combination (articulated) vehicle is the GVWR of the

1 power unit plus the total weight of the towed unit, including the  
2 loads on them.

3 "Hazardous material" means a substance or material determined  
4 by the Secretary of the United States Department of Transportation  
5 to be capable of posing an unreasonable risk to health, safety, and  
6 property when transported in commerce and so designated pursuant  
7 to the provisions of the "Hazardous Materials Transportation Act"  
8 (49U.S.C. [s.1801] s.5101 et seq.).

9 "Motor vehicle" includes all vehicles propelled otherwise than by  
10 muscular power, except such vehicles as run only upon rails or  
11 tracks. The term "motor vehicle" includes motorized bicycles.

12 "Non-commercial motor vehicle" means a motor vehicle or  
13 combination of motor vehicles other than a "commercial motor  
14 vehicle" as defined in this section.

15 "Out-of-service order" means a declaration by an authorized  
16 enforcement officer of a federal, state, Canadian, Mexican, or local  
17 jurisdiction that a driver, a commercial motor vehicle, or a motor  
18 carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72,  
19 392.5, 395.13, 396.9, or any compatible law or the North American  
20 Uniform Out-of-Service Criteria.

21 "Recreation vehicle" means a self-propelled or towed vehicle  
22 equipped to serve as temporary living quarters for recreational,  
23 camping, or travel purposes and is used solely as a family or  
24 personal conveyance.

25 "Representative vehicle" means a motor vehicle which represents  
26 the type of motor vehicle that a commercial driver license applicant  
27 operates or expects to operate.

28 "Serious traffic violation" means conviction for one of the  
29 following offenses committed while operating a commercial motor  
30 vehicle:

31 a. Excessive speeding, involving any single offense for a speed  
32 of 15 miles per hour or more above the speed limit;

33 b. Reckless driving, as defined by state or local law or  
34 regulation, including, but not limited to, offenses of driving a  
35 commercial motor vehicle in willful or wanton disregard of the  
36 safety of persons or property, including violations of R.S.39:4-96;

37 c. Improper or erratic traffic lane changes;

38 d. Following a vehicle ahead too closely, including violations  
39 of R.S.39:4-89;

40 e. A violation, arising in connection with a fatal accident, of  
41 state or local law relating to motor vehicle traffic control, other than  
42 a parking violation;

43 f. Any other violation of a state or local law relating to motor  
44 vehicle traffic control determined by the Secretary of the United  
45 States Department of Transportation in 49 C.F.R. s.383.5 to be a  
46 serious traffic violation;

47 g. Driving a commercial motor vehicle without a commercial  
48 driver license in the driver's possession; or

1 h. Driving a commercial motor vehicle without the proper class  
2 of commercial driver license or endorsements for the specific  
3 vehicle group being operated or for the passengers or type of cargo  
4 being transported.

5 This term shall not include vehicle weight or defect violations.

6 "State" means a state of the United States or the District of  
7 Columbia.

8 "Tank vehicle" means any commercial motor vehicle that is  
9 designed to transport any liquid or gaseous material within a tank  
10 that is either permanently or temporarily attached to the vehicle or  
11 the chassis. Such vehicles include, but are not limited to, cargo  
12 tanks and portable tanks as defined by the chief administrator.  
13 However, this definition does not include portable tanks having a  
14 rated capacity under 1,000 gallons.

15 "Vehicle group" means a class or type of vehicle with certain  
16 operating characteristics.

17 (cf: P.L.2009, c.271, s.1)

18  
19 2. R.S.48:16-24 is amended to read as follows:

20 48:16-24. No autobus as defined herein shall be operated wholly  
21 or partly along any street in any city until the owner or owners  
22 thereof shall obtain the consent of the board or body having control  
23 of public streets in such city for the operation of such autobus and  
24 the use of any street or streets of said city.

25 No such consent shall become effective and no such operation  
26 shall be permitted until the owner of such autobus ~~[(1), including,~~  
27 for purposes of this section, autobusses with carrying capacity of  
28 not more than 20 passengers ~~)]~~, in any city shall have filed with the  
29 chief fiscal officer of the city in which said autobus shall be  
30 licensed and operated an insurance policy of a company duly  
31 licensed to transact business under the insurance laws of this State  
32 in the sum of ~~[\$10,000.00]~~ \$1,500,000 against loss from the  
33 liability imposed by law upon the autobus owner for damages on  
34 account of bodily injury or death suffered by any ~~[one]~~ person  
35 ~~[and in the sum of \$100,000.00 on account of bodily injury or death~~  
36 suffered by more than one person, and in the sum of \$5,000.00  
37 against loss on account of property damage suffered by any person  
38 or persons~~]~~ as a result of an accident occurring by reason of the  
39 ownership, maintenance, or use of such autobus upon the public  
40 streets of such city, and such consent shall continue effective and  
41 such operation be permitted only so long as such insurance to the  
42 full and collectible amount ~~[of \$10,000.00 for one person and~~  
43 \$100,000.00 for more than one person for bodily injuries or death  
44 and \$5,000.00 for property damage~~]~~ shall remain in force, during  
45 the entire term of the policy. Such insurance policy shall provide  
46 for the payment of any final judgment recovered by any person on  
47 account of the ownership, maintenance, and use of such autobus or

1 any fault in respect thereto and shall be for the benefit of any person  
2 suffering loss, damage or injury as aforesaid.

3 A power of attorney shall be executed and delivered to such  
4 fiscal officer concurrently with the filing of a policy hereinbefore  
5 referred to, wherein and whereby the said owner shall nominate,  
6 constitute, and appoint such fiscal officer **[his]** the owner's true  
7 and lawful attorney for the purpose of acknowledging service of any  
8 process out of a court of competent jurisdiction to be served against  
9 the insured by virtue of the indemnity granted under the insurance  
10 policy filed.

11 Any such consent may be revoked by the board or body of the  
12 municipality granting the same after notice and hearing whenever it  
13 shall appear that the person to whom such consent was granted has  
14 failed to furnish and keep in force the insurance and the power of  
15 attorney herein required, or to comply with any terms or conditions  
16 imposed by the board or body granting such consent or any law of  
17 this State.

18 A driver or operator of an autobus shall possess a commercial  
19 driver license with passenger endorsement, pursuant to the  
20 provisions of P.L.1990, c.103 (C.39:3-10.9 et seq.).

21 (cf: P.L.1971, c.16, s.5)

22  
23 3. (New section) a. Any person who owns an autobus shall  
24 require an applicant for employment as an autobus operator or  
25 driver to be tested, at the applicant's expense, for controlled  
26 dangerous substances as defined in N.J.S.2C:35-2.

27 b. The Chief Administrator of the New Jersey Motor Vehicle  
28 Commission shall adopt regulations, pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.), for the testing of applicants for employment as autobus  
31 operators or drivers.

32  
33 4. This act shall take effect immediately.

34  
35  
36 STATEMENT

37  
38 This bill increases the amount of insurance that a jitney must  
39 carry, from \$10,000 against loss for damages on account of bodily  
40 injury or death suffered by one person and \$100,000 on account of  
41 bodily injury or death suffered by more than one person, to a  
42 blanket policy requirement of \$1,500,000. The bill also requires  
43 that a driver or operator of an autobus possess a commercial driver  
44 license and undergo a drug test, at the driver or operator's expense,  
45 prior to beginning employment as a driver or operator of an  
46 autobus.

## TABLE OF CONTENTS

	<u>Page</u>
Nariman Farvardin, Ph.D. President Stevens Institute of Technology	1
Paul Nunziato President Port Authority Police Benevolent Association	10
Mark S. Quirk Legislative Liaison Local 1400 Transport Workers Union of America	15
Jeff Shanker Secretary and Legislative Chair Limousine Association of New Jersey	36
James Moseley Vice President Limousine Association of New Jersey	39
Thomas Woodruff President Atlantic City Jitney Association	56
Christopher Rotondo New Jersey Division Administrator Federal Motor Carrier Safety Administration United States Department of Transportation	83
Carol Katz Representing Bus Association of New Jersey	99
Mary Beth Callahan Representing Bus Association of New Jersey	102

## TABLE OF CONTENTS (continued)

	<b><u>Page</u></b>
Franco Esposito Private Citizen	107
Elvin Dominici President Hispanic Political Action Committee	108
Ebelio Silva President Bergenline United Drivers Association	110
Carmen Urteaga Representing Spanish Transportation Service Organization	131
<b>APPENDIX:</b>	
Testimony submitted by Nariman Farvardin, Ph.D.	1x
Testimony submitted by Paul Nunziato	2x
Letter addressed to Assemblyman John S. Wisniewski from Raymond P. Martinez Chairman and Chief Administrator New Jersey Motor Vehicle Commission	4x
rs: 1-107 pnf: 108-137	

**ASSEMBLYMAN JOHN S. WISNIEWSKI (Chair):** Good morning, ladies and gentlemen. Welcome to this meeting of the Assembly Transportation and Independent Authorities Committee.

We are here in Hoboken, New Jersey, and we are anxious to start the process by taking testimony in this wonderful facility provided by Stevens Institute of Technology.

A couple of housekeeping details: We have microphones in front of us. One set of microphones is for record-keeping purposes, so the Office of Legislative Services can maintain a record of this hearing; the other is for amplification. And so it's important that you speak into both for your testimony. If you have a cell phone, pager, anything that emits a chirp, a sound, a whistle, or bell -- if you'd put it on silent so that we don't disturb either those who are testifying or the members of the Committee who are listening to the testimony.

The agenda you see today has three bills listed -- four bills listed. We'll be considering three of them, and we will -- the fourth one we will be discussing for testimony only, recognizing that this is an issue that requires a considerable amount of input. And we are at the beginning of the process, not the end.

But as I said earlier, we are in one of my favorite spots in Hoboken. I've done a couple of meetings and public hearings in this very room. And I'm not sure if I were a student here I would have the ability to focus on my studies and not watch the scenery. But I do want to recognize, and have come up to address us for a welcome, President Farvardin of the Stevens Institute of Technology. (applause)

**NARIMAN FARVARDIN, Ph.D.:** Thank you.

Mr. Chairman and members of the Committee, on behalf of Stevens Institute of Technology, I am delighted and honored to welcome all of you to our campus.

I am Nariman Farvardin, President of Stevens, and I would like to take just a few moments to say a few words about our institution.

Founded in 1870, Stevens is the home to over 6,200 undergraduate and graduate students, 60 percent of whom are from the State of New Jersey -- residents who collaborate with more than 350 faculty members in an interdisciplinary, student-centric, entrepreneurial environment to advance the frontiers of science and leverage technology to confront global challenges. Stevens is home to three national research centers of excellence, as well as joint research programs focused on critical industries such as health care, energy, finance, defense, STEM education, and coastal sustainability.

Last year, we completed an ambitious 10-year strategic plan called *The Future. Ours to Create*. The plan charts a bold and ambitious course to increase our footprint and increase our impact in New Jersey and globally in areas of great societal need such as health care and medicine, financial systems, sustainable energy, and defense and security.

Earlier this month, Stevens welcomed our most academically talented and most diverse freshman class in our 143-year history. A record number of 719 freshmen undergraduates from 29 states and 13 countries, and approximately 1,000 new graduate students representing 31 countries from around the globe joined the Stevens family.

Recently, Stevens was ranked number three in the nation, and first in New Jersey, in Payscale.com's mid-career salary rankings of

graduates. Stevens also placed ninth in the nation among more than 1,500 universities for return on investment of a college education, also first in New Jersey.

Last year, *U.S. News & World Report* named Stevens seventh in the nation, also first in New Jersey, in the percentage of science, technology, engineering, and mathematics degrees awarded.

Our Athletic program won the Josten's Eastern College Athletic Conference *Institution of the Year* award, one of only three colleges -- along with Princeton and Williams College -- to win more than once. The winner of this award is the college or university that best exemplifies the highest standards of collegiate academics and athletic performance. Stevens was selected from more than 300 Division I, II and III programs that make up the largest athletic conference in the nation.

And, last week, we were informed that Stevens won the Collegiate Athletic Administrators of New Jersey Cup for NCAA Division III institutions for the third year in a row.

It has been my honor to serve Stevens as its seventh President for just over two years. During this time, I have gotten to know Stevens, our faculty and students, our rich history of innovation dating back to the days of the Stevens founders and continuing to this day, and the tremendous contribution this university has made to New Jersey and the nation in its 143-year history.

I thank you for holding this important Committee hearing here on campus, and I welcome you to Stevens. I hope that you will enjoy your time here, and I invite you to come back anytime to join us for a closer look at Stevens.

Thank you, again.

ASSEMBLYMAN WISNIEWSKI: President Farvardin, thank you very much. And, again, thank you for your hospitality in welcoming the Committee here and opening up this wonderful room to us. I think all of our institutions of higher education in New Jersey can play a vital role in helping the Legislature make the state a better place. You possess the academic and technical understanding; we possess the ability to enact laws. We ought to be working together more closely to make sure New Jersey is a better place for all our residents.

Thank you for your service.

DR. FARVARDIN: Thank you very much. I look forward to working with you more closely.

ASSEMBLYMAN WISNIEWSKI: A couple of other housekeeping details: We have a couple of substitutes today on our Committee. I have a letter from the Speaker indicating that Assemblyman Michael Patrick Carroll--

ASSEMBLYMAN CARROLL: On your right. (laughter)

ASSEMBLYMAN WISNIEWSKI: You would be no place else but on my right. (laughter)

He's replacing Assemblyman Scott Rudder.

Assemblyman Scott Rumana is substituting in for Assemblyman Wolfe, and Assemblywoman Jimenez is substituting in for Assemblywoman Riley.

Thank you all for joining us this morning, including you, Michael. I appreciate it.

We also have our host Assemblyman with us -- a member of the Committee -- Assemblyman Ramos, with a few words of welcome.

ASSEMBLYMAN RAMOS: Thank you, Chairman.

I'd also like to thank President Farvardin for opening up this wonderful room, this wonderful institution for us here today to host this hearing. It's a room I've spent much time in, in my 14 years as an elected official in Hoboken and the State Legislature, as well as a town that I grew up in my entire life. I spent a lot of time here, obviously. So I had the easiest commute to work today. I definitely appreciate that I was able to walk to the hearing this morning.

But obviously we're here to discuss a very serious matter this morning as far as the jitney buses and the jitney concerns within Hudson County, our urban centers, and other parts of our state as well.

But I just wanted to mention this is not a new issue for us here. This is an issue that was brought up in the spring, as well, by Assemblyman Mainor. So I definitely want to give a lot of credit and adulation to Assemblyman Mainor, Assemblywoman Jimenez, and the Chairman for allowing that hearing to take place in the springtime to basically educate other members as to what our concerns were in Hudson County regarding jitney buses -- and to other parts in the state. So this isn't a new issue for us to deal with, but it's something we're going to deal with -- the first time with legislation for that. I give credit to the Assemblyman to my right.

But, again, I welcome everyone here to this wonderful institution, our wonderful town. If you're here a little bit longer, please don't hesitate to visit our shops and restaurants. We have wonderful restaurants and shops in our town. So enjoy your day here. Hopefully you

found parking a little bit easy -- when you leave here with no boot on your vehicle, we hope.

But, again, welcome.

And thank you, Chairman, for hosting this hearing here today.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

And the Assemblyman assured me that if there is a boot on your vehicle you could see him at the end of the meeting. (laughter)

ASSEMBLYMAN RAMOS: Or we'll have a new Mayor in 50 days. (laughter)

ASSEMBLYMAN WISNIEWSKI: Any other members wish to say anything to start? (no response)

Let me just take the prerogative of the Chair and make some brief opening remarks.

As I said, we have three bills that I intend to address first, that I think we will be able to get through in short order. But the significant reason for the Assembly Transportation Committee to meet off-site -- and generally we meet in the State House Annex in Trenton. We wanted to be up here in Hudson County, which is the site of a tragic accident earlier this year in which a young child lost their life, in my opinion, as the result of our inadequate state of regulation on jitney service.

I'm very frustrated by the issue, as Chairman of this Committee, because we've sat and discussed this very issue previously. We did pass laws that we thought would help address the situation. My Vice Chair and I convened a hearing on this very topic in Perth Amboy some years back, and we did manage to get some legislation passed that increased

some oversight, that increased some regulation. But in light of what we've seen recently, clearly that's not enough. Clearly it's not sufficient.

I'm also mindful of many people who had spoken at those hearings and, since then, had offered their opinions -- that these jitney services provide a valuable service to members of an underserved community; many people who might not have any other way to get to and from work or wherever they need to go. And I'm aware of that. But as a people, as a state, we have to ask ourselves: Is the convenience that these jitneys provide worth the risk that we put people in every day? I mean, this was a situation where this wasn't even a passenger on a jitney. This was not somebody who volunteered to get on one of these vehicles and was injured in the process of using the service. This was somebody on the street. That means that every single one of us are at risk. That means anybody who we know -- our friends and family -- are at risk. And it's our job as a Legislature to look at these situations, as horrible as they may be, to find what went wrong with the legislative scheme we have now, the regulatory scheme. Where are the gaps? How can we fill those gaps? How can we make the rules stronger and tougher? We don't want to see a situation like this happen again. We certainly don't want to put jitneys out of business. We understand they provide a service. But we have to make sure that the providers of those services are meeting the same standards that other common carriers in the State of New Jersey are expected to meet every single day.

It sounds like a simple task, but it's not. It sounds like it should be easy and straightforward, but it's difficult. And I assure you that the members are here today, first and foremost, because we understand that

we need to address this. I don't believe any of us up here profess to be experts in the field. And so we are anxious to hear the testimony from all of you who are assembled to give us guidance, to give us your perspective, to give us the information we need to move forward to improve the legislation that I know Assemblyman Mainor has worked so hard on with so many other people; but, most importantly, to make sure we make New Jersey a safer state for all of our residents.

And with that, I'd like to have the roll call so we can begin the official part of the proceedings.

MR. BUONO (Committee Aide): Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Present.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Here.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Here.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Here.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Present.

MR. BUONO: Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Present.

MR. BUONO: Assemblywoman Jimenez.

ASSEMBLYWOMAN JIMENEZ: Here.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Here.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Here.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Present.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Present.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Here.

We have a quorum.

So our first order of business will be to address three bills that are up for consideration. The first bill that I would like to consider is sponsored by Assemblyman Tom Giblin. It's Assembly Bill 3737, concerning the occupational safety and health to public employees.

Would you please read the bill statement?

MR. BUONO: This bill provides that workers employed by an interstate authority that utilizes its own police force and firefighters will be afforded the protections under the New Jersey Public Employees Occupational Safety and Health Act.

The definition of *employer* in the Act currently specifically includes bi-state agencies. The bill defines *interstate authority* to include public bi-state or multi-state authorities, commissions, or corporations created by compacts or agreement between the State of New Jersey and another state.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Mr. Chairman, the purpose of this bill is to kind of correct an inequity as far as safety and health laws. Most

people would think that the people who work for the Port of New York and New Jersey Authority would be covered under safety regulations. Unfortunately, this fell through the cracks some years back. First of all, we have a Federal law that established the Occupational Safety and Health Act that covers many of the people in the private sector. And then the State of New Jersey also developed their own safety and health regs that cover local, county, and State employees. But because the Port Authority is a bi-state agency, they are not covered. And we've been presented with many situations where there has been inadequate equipment, unsafe conditions at work sites throughout the region that encompasses the Port of New York and New Jersey Authority. I think it's good legislation and something that should be moved forward. The Senate recently went along and endorsed this legislation, and it has been signed into law on the New York side of the equation as far as the Port Authority is concerned. So I would recommend this for consideration by my colleagues today.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

We have two individuals who have signed up to testify. I'd like them to come up.

Paul Nunziato, Port Authority Police Benevolent Association; and Mark Quirk, Port Authority Local 1400.

Paul, you may begin.

**P A U L N U N Z I A T O:** Good morning, Chairman, Vice Chair Stender, and all the esteemed members of the Assembly.

My name is Paul Nunziato. I am President of the Port Authority Police Benevolent Association and have been a police officer with the Port Authority Police Department since 1987.

Assembly Bill 3737 addresses an unfortunate loophole in workplace health and safety laws affecting the members of my department. Under Federal law, all private employers must follow the Federal Occupational Safety and Health Act. States may, at their own discretion, elect coverage under the Federal law administered by the Occupational Safety and Health Administration -- OSHA -- or create a State agency equivalent to OSHA covering public employees of the State, county and municipal employers.

In total, 26 states have covered public workers under OSHA's jurisdiction or created state agencies to enforce OSHA standards in the public sector. The state of New York elected to create such a law in 1970, and New Jersey followed suit in 1984. Because the Port Authority of New York and New Jersey is a bi-state public agency, however, employees of the Port Authority were not covered by either law. The state bodies enforcing health and safety regulations for public safety (*sic*) workplaces have no jurisdiction over the Port Authority.

To our knowledge, the Port Authority of New York and New Jersey is the largest employer in the United States not subject to Federal OSHA standards. It is certainly the largest employer -- public or private -- in the State of New Jersey who has no oversight to ensure that it meets basic health and safety standards.

This is more than a mere technical loophole in the law. In recent years, my members have been subjected to any number of safety violations by the Port Authority of New York and New Jersey. For example, members of my department responsible for Aircraft Rescue and Firefighting were forced to wear expired proximity gear to fight aircraft rescue fires for a

period of years because the Port Authority did not want to pay the expense of ordering new gear. Similarly, my members have been forced to wear expired ballistic vests, including the body armor worn by the members of our Emergency Services Unit tasked with some of the most dangerous functions of the agency. At another command, half a dozen of my members were diagnosed with MRSA and the Port Authority Office of Medical Services refused to treat them or take steps to sterilize the facility.

The members of this Committee should be under no illusion that the Port Authority is a safe employer and does not need this oversight. On behalf of the members of the Port Authority of New York and New Jersey Police Department, and all employees of the Port Authority, I request that you bring the Port Authority of New York and New Jersey into compliance with basic safety laws which exist in all other workplaces in both New York and New Jersey.

The state of New York has already acted to amend New York law to achieve this result. Passage of this simple amendment into law will ensure that appropriate oversight of the agency's operations will be granted to protect the safety of all employees.

Thank you for your time.

ASSEMBLYMAN WISNIEWSKI: Thank you, Paul.

As I understand it from Assemblyman Giblin's comments, identical legislation in both states is needed, and New York state has already done that.

MR. NUNZIATO: Yes, sir. New York passed it with zero nay votes, and the Governor signed that into law.

ASSEMBLYMAN WISNIEWSKI: So they're just waiting on us.

MR. NUNZIATO: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: Does anyone have any questions?

ASSEMBLYWOMAN STENDER: I just want to say that I am signing on as a co-sponsor, because I think it's really infuriating to know that expired equipment is being used for people who are putting their lives on the line to protect the rest of us who come in and out of the Port Authority. And when I think about some of the salary levels that I know are paid at the Port Authority versus being told that they can't be bothered or won't pay for proper equipment, that has to stop. And if this does that, I'm happy to support it and look forward to a quick passage.

MR. NUNZIATO: Thank you, Vice Chair.

ASSEMBLYMAN WISNIEWSKI: You'd think with all the toll increases they could afford the equipment. (laughter)

Assemblyman Mainor.

ASSEMBLYMAN MAINOR: I just want to say that I will be supporting this bill. As a police officer who just retired, I know how dangerous our job is. And to have a job such as ours with faulty equipment, it makes it even worse. So I'm happy to support this bill.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Thank you, Chairman.

I think my question is: Why did it take so long? I mean, Federal law has been there for a long time. And it's a safety issue, especially

when there are police officers in the line of duty who put their lives at stake. And I'm just curious why it took so long.

MR. NUNZIATO: Anyone who deals with the Port Authority, sir-- I've been here 26 years as a police officer. The Port Authority is slow to react to safety conditions, and they have the loophole capability of blaming the state of New York, blaming the State of New Jersey, or blaming the Federal government. And as a union leader, every time we go into a court of law or a jurisdiction, they claim that jurisdiction has no oversight and they refer them to another jurisdiction. But when they go to that jurisdiction, they tell them they don't have the oversight, the other jurisdiction does. It's been a long struggle to try to bring them into compliance, and with your help today we think we can finally do that.

ASSEMBLYMAN CHIVUKULA: I want to congratulate you for your effort. You stuck to it and are getting it done.

MR. NUNZIATO: Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: What is the approximate number of your membership?

MR. NUNZIATO: Right now there is approximately 1,300, with another 209 in the police academy. So we're over 1,500 members.

ASSEMBLYMAN RUMPF: For approximately 30 years you have been operating without the benefit of the OSHA compliance. Do you have your own safety controls in place which have governed the atmosphere for the past 30 years?

MR. NUNZIATO: The Port Authority has a risk management which tries to comply. Our contract calls for the Port Authority to try to-- They say they will attempt to meet OSHA standards.

I know everyone knows what bunker gear is -- which firemen wear. We wear a higher level suit -- it's called proximity gear -- due to the extreme heat of an aircraft fire. That gear has been expired, along with our ballistic vests, our radio communications -- MRSA problems. So while I'll say they attempt to comply with OSHA, they fail to comply with OSHA on numerous occasions.

ASSEMBLYMAN RUMPF: So this bill will ensure that they comply with those.

MR. NUNZIATO: Yes, sir.

ASSEMBLYMAN RUMPF: Thank you.

MR. NUNZIATO: Thank you, sir.

ASSEMBLYMAN WISNIEWSKI: Anyone else? (no response)  
Thank you, Paul. Just sit tight.

MR. NUNZIATO: Thank you, sir.

ASSEMBLYMAN WISNIEWSKI: Mr. Quirk, do you have anything you'd like to add?

**MARK S. QUIRK:** Yes.

ASSEMBLYMAN WISNIEWSKI: Sure.

MR. QUIRK: Thank you, Chairman Wisniewski, Chairwoman Stender, esteemed members of this Committee.

My name is Mark Quirk. I'm a 28-year employee of the Port Authority of New York and New Jersey. I'm the Legislative Liaison of the Transport Workers Union Local 1400. We're the largest civilian union in

the Port Authority of New York and New Jersey. We have members who work at all airports, bus terminals, tunnels, bridges, and terminals.

My specific job is: I'm a tunnel and bridge agent for the Port Authority. And my job is -- our particular job is, we respond to all emergencies at the Holland Tunnel, the Lincoln Tunnel, and the George Washington Bridge. So I am at the Holland Tunnel. It's nice to be above ground. I thank you for that. (laughter)

Our primary job is: We fight fires, we do extrications, we handle hazmat situations, anything covering somebody running out of gas to multi-vehicle accidents with a fire inside the Tunnel and on the GWB. We average, between the three facilities, 12,000 to 15,000 calls a year. And I concur with everything Paul was saying. We are not covered. There was a loophole when that law was signed into law in 1984. That law actually stemmed from a young lady in an office building in New Jersey who actually opened a file cabinet and it fell on top of her. And that's how the PEOSH law came into effect. But there was one caveat. They left out bi-state agencies. We are a bi-state agency, and unfortunately we fell through the cracks.

And again, yes, we do have a risk management team. My bunker gear is probably five years out of date. And believe it or not, there are quite a few fires and incidents that do happen in the tunnels besides bus, truck, vehicular fires. There are also gutter fires that we respond to and a plethora of other problems.

So I just-- Please, if you could, vote on this today and move this forward. It would help not only us, but I think it also helps the

millions of people who utilize our facilities every year who travel in and out of the region.

Thank you for your time.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mark.

Questions, comments?

Yes, Assemblywoman.

ASSEMBLYWOMAN CARIDE: Just real quick, you made a comment about how the Port Authority is slow to react. I just want to correct on that -- the Port Authority administration is slow to react. I've seen the Port Authority officers and firemen react very quickly. I was up here in 2001 for 9/11. I know you guys react quickly and you deserve the equipment that is proper and up-to-date.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

MR. QUIRK: Thank you.

MR. NUNZIATO: Thank you.

ASSEMBLYMAN WISNIEWSKI: Seeing no other comments, and nobody else signed up to testify, it would be appropriate for a motion.

ASSEMBLYMAN GIBLIN: I move it, Mr. Chairman.

ASSEMBLYWOMAN STENDER: Second.

ASSEMBLYMAN WISNIEWSKI: Moved and seconded.

May we have a roll call?

MR. BUONO: To release A-3737, Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Yes.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BUONO: Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Yes.

MR. BUONO: Assemblywoman Jimenez.

ASSEMBLYWOMAN JIMENEZ: Yes.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The bill is released.

Thank you.

MR. NUNZIATO: Thank you very much.

MR. QUIRK: Thank you.

ASSEMBLYMAN WISNIEWSKI: Next, we will consider  
Assembly Bill 1486 sponsored by Assemblyman Carroll.

Will you please read the bill statement?

MR. BRENNAN (Committee Aide): The proposed substitute for Assembly Bill 1486 de-designates certain land located in Essex, Morris, and Union County previously allocated for Route 24 and no longer needed for transportation purposes. The de-designation will make easements owned by the Department of Transportation available for other purposes, including open space preservation.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Carroll, could you explain what this does?

ASSEMBLYMAN CARROLL: Yes, Mr. Chairman.

This is among the first bills I introduced back in our first term back when we were bright-eyed and bushy-tailed. At the time I represented Hanover. And Hanover had brought to my attention that much of the land that was originally purchased and designated for the route of Route 24 would no longer be necessary for that highway, given that it is no longer anticipated to be built west of its present terminus. The present bill was reviewed by the Department of Transportation. And it, in effect, eliminates the restrictions on the land that -- I guess it's about 670 acres or so -- in many towns, which is no longer going to be necessary for that highway. And it begins the process by which that land could be declared surplus or have it given to counties, municipalities, or private entities and turned into a purpose other than for Route 24.

ASSEMBLYMAN WISNIEWSKI: This bill doesn't address giving the land to anybody, it just--

ASSEMBLYMAN CARROLL: It does not.

ASSEMBLYMAN WISNIEWSKI: It just takes away an official designation.

ASSEMBLYMAN CARROLL: It's the first step in the process.

My understanding from discussion with staff is that if the State now declares it surplus, it would then go to -- be offered to perhaps the county, perhaps the municipality, perhaps private owners. It's a hierarchy of methods of determining the property is no longer necessary for State purposes. But this would do nothing more than start that process.

ASSEMBLYMAN WISNIEWSKI: Anyone have any questions?

Assemblywoman Vice Chair Stender?

ASSEMBLYWOMAN STENDER: Thank you very much, Mr. Chairman.

Assemblyman, by de-designating the -- that sounds like a lot of space -- 670 acres which are currently just opened and not being used. But so they exist, essentially, as open space.

ASSEMBLYMAN CARROLL: Correct.

As some of this land-- Actually, the interesting part about it is that it goes about 200 feet away from my house. Much of the land toward the west-- The original Route 24 was supposed to go from its present termination at Route 287 all the way through Mendham. And the State bought up the property for that. Much of that property is very environmentally sensitive, especially out toward Washington Valley and such. That will never be used for anything other than open space. There are other spaces which have resulted in sort of quirky development. For example, there is an apartment complex not too far away from my house

where there is this big hole in the middle of it because that's where the Route 24 route goes. That is not really useful for open space and could potentially be used by the Town of Morristown, in that case, for a park if they wanted to, or could be used for building more apartments there. It depends on the circumstance.

ASSEMBLYWOMAN STENDER: But I guess my question is: Right now-- I mean, given the fact that we do not have any future funding for open space preservation, and this land is essentially sitting as open space, by de-designating it are we going to be facing a situation where now somebody can come in and buy it, and then they're going to come back to the State and ask us to pay for it to preserve it as open space?

ASSEMBLYMAN CARROLL: Well, it would have to be-- If the county or the locality wants to preserve it as open space-- My understanding of the hierarchy is that it gets offered to them first. So if they wish to retain that as open space, they can do so. I would certainly be more than willing to-- In fact, originally when I wanted to do this bill, it was to give it to the towns for nothing and let them do with it what they saw fit. But that obviously doesn't work.

So the answer to the question is: The State won't have any-- There's no downside to the State. But if at some point or another the municipality wants to retain this property, or the county wants to retain the property as open space, it's within the right of them to do so. Again, this property-- Like I said, this is not just Morris, it's also Essex and Union counties. They both have pieces of it which were once affiliated with the right-of-way. I think there may even be pieces in Newark, although I'm not sure about that.

ASSEMBLYWOMAN STENDER: So if the State owns it though, and they decide they want to sell it--

ASSEMBLYMAN CARROLL: Correct.

ASSEMBLYWOMAN STENDER: I guess I'm concerned about how this actually unfolds. Because if you're telling me that it should be de-designated as a right-of-way, and it's going to be preserved or is going to move into a preserved designation, that makes sense to me.

ASSEMBLYMAN CARROLL: Not necessarily.

ASSEMBLYWOMAN STENDER: But I am concerned about how this is going to go forward so that we are not, at some point, given back -- that there is this--

ASSEMBLYMAN CARROLL: Like any other piece of surplus property, Madam Vice Chairwoman, it's my understanding that you have a piece of State-owned property that is no longer necessary -- or the State considers it no longer necessary for whatever purpose to which it was-- I think there were State hospitals and other places where we had similar circumstances. We get another shot at it, because if they want to sell it, it goes to the State House Commission. And as I understand it, we then have to approve whatever the State House Commission decides it wants to do with it.

ASSEMBLYWOMAN STENDER: Okay. Thank you.

ASSEMBLYMAN WISNIEWSKI: Just to follow up, I think those are excellent points, Madam Vice Chair.

Any property that the State owns that they want disposed of has to go through the State House Commission. I served some time on that. And then if it exceeds a certain dollar value -- even though it goes

through the State House Commission -- it has to come to us as the Legislature to dispose of the property. So as I understand it, the 600 or so acres, through a variety of sources, had all previously been deeded to the State to build the road. But because the road is designated, nothing else can be done with it. It has to be held for the road purpose. By de-designating it, it can-- For instance, the State House Commission could act to turn it over as parkland or whatever restriction the State wanted to put on it in turning it over to a municipality -- they could place those restrictions on it.

ASSEMBLYWOMAN STENDER: What I would be more comfortable with, frankly, is if there was some kind of notation that the environmentally sensitive lands would be turned over to the DEP or will be used or preserved as open space, as opposed to being made available otherwise.

ASSEMBLYMAN WISNIEWSKI: Why don't we add that to the Committee statement?

ASSEMBLYWOMAN STENDER: If the sponsor would be willing to.

ASSEMBLYMAN CARROLL: No objection whatsoever.

And again, Madam Vice Chair, there are places, especially toward the west -- Mendham, Morris Township, places like that -- where it's just simply impossible to put anything -- whether it's wetlands. This road was plotted in the days before they cared about such things. And there is simply no doubt that much of the land, especially toward the west, will never be used for anything except open space.

ASSEMBLYWOMAN STENDER: I wish I shared your confidence about it never being used for anything else, because I think we have both been at this long enough to see that there have, indeed, been plenty of cases where things that should not have been used in such a way have been. So I appreciate your accommodation.

ASSEMBLYMAN CARROLL: A lack of faith in the beneficence and confidence of government, Madam Vice Chair?

ASSEMBLYMAN GIBLIN: Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Yes, Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: One thing for my edification: The breakdown by municipality -- the 650 acres -- if it's possible. I'm going to vote yes on it today, but I'd just be curious-- I didn't think Route 24 was in Essex County. I guess maybe Short Hills or--

ASSEMBLYMAN CARROLL: Millburn.

ASSEMBLYMAN GIBLIN: Millburn? Okay. Well, I'd just be curious as to how much land is in the respective areas.

ASSEMBLYMAN CARROLL: I've asked--

ASSEMBLYMAN WISNIEWSKI: Assemblyman, we have a breakdown town by town.

ASSEMBLYMAN GIBLIN: You do have it.

ASSEMBLYMAN WISNIEWSKI: It doesn't have area by town, but it has a breakdown town by town.

ASSEMBLYMAN CARROLL: I've also asked, Mr. Chairman, for a map to be drawn up. It has not yet been done. But I think that is an appropriate question.

My understanding of the place in Essex County is that there was a-- Originally, Route 24 was supposed to connect through to Eisenhower Parkway. And if you drive Route 24, you'll find that there is a derelict or nonused cloverleaf in Chatham. And some of the land that is now being de-designated would have served to connect Eisenhower Parkway with Route 24.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: I just wanted to know -- the Highlands-- What percent of the land is in the Highlands region? Maybe we can highlight that also.

ASSEMBLYMAN CARROLL: Assemblyman, I don't think any. I don't think it goes that far west.

ASSEMBLYMAN CHIVUKULA: Okay. I just wanted to know. Thanks.

ASSEMBLYMAN CARROLL: Certainly none in the preservation area.

ASSEMBLYMAN WISNIEWSKI: I'm sorry. Assemblyman Chivukula, was your question answered?

ASSEMBLYMAN CHIVUKULA: I said maybe-- My question was: What percent of this land was in the Highlands preservation area? And that answer was none.

ASSEMBLYMAN WISNIEWSKI: We'll have a map put together. So prior to it reaching the floor, we'll make sure all the members have that information.

ASSEMBLYMAN CHIVUKULA: Okay. Thank you, sir.

ASSEMBLYWOMAN STENDER: I will-- I see that parts of Union County are affected as well. And while they're not in my district, I would like to know what the municipalities that are affected -- where their position is -- what their position is on de-designating.

ASSEMBLYMAN WISNIEWSKI: Isn't it on the list?

ASSEMBLYWOMAN STENDER: It is on the list. I mean, it lists the towns, but--

ASSEMBLYMAN WISNIEWSKI: How much in each town.

ASSEMBLYWOMAN STENDER: It doesn't say how much in each town. And frankly I think that the towns probably are unaware. And before we just de-designate and create something, I would like them to be aware of what this change will mean to their communities.

ASSEMBLYMAN WISNIEWSKI: Any other questions?

ASSEMBLYMAN CARROLL: Just anticipating that particular question, I had asked Assemblywoman Munoz, who represents Summit, to review it. She has asked to sign on as a co-sponsor, so I know she was checking on the opinion of the City of Summit on that issue.

ASSEMBLYWOMAN STENDER: Well, that's one out of three, but I'd still like to know what Springfield and Union--

ASSEMBLYMAN CARROLL: Springfield as well.

ASSEMBLYMAN WISNIEWSKI: Why don't we do this? We're going to amend the bill statement to include the reference to the Department of Environmental Protection.

And, Assemblyman, prior to this reaching the floor, you'll make a commitment to make sure that the members have a detailed breakdown of

the acreage in each of the municipalities so that they can contact their respective local officials.

ASSEMBLYMAN CARROLL: Absolutely.

ASSEMBLYMAN WISNIEWSKI: Any other discussion on this? (no response)

Do we have a motion?

ASSEMBLYMAN MAINOR: I make a motion.

ASSEMBLYMAN WISNIEWSKI: It's a motion on a Committee substitute as I'm told, because the Department had some changes -- the Department of Transportation had requested some changes.

ASSEMBLYMAN CARROLL: Yes. As we originally drafted the bill, it would have de-designated the highway itself, and that was not exactly what I had in mind. (laughter)

ASSEMBLYMAN WISNIEWSKI: Okay. We have a motion. Do we have a second?

ASSEMBLYWOMAN JIMENEZ: Second.

ASSEMBLYMAN WISNIEWSKI: May I have a roll call, please?

MR. BRENNAN: To release A-1486 as substitute, Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes.

MR. BRENNAN: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BRENNAN: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BRENNAN: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Yes.

MR. BRENNAN: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BRENNAN: Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Yes.

MR. BRENNAN: Assemblywoman Jimenez.

ASSEMBLYWOMAN JIMENEZ: Yes.

MR. BRENNAN: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BRENNAN: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BRENNAN: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BRENNAN: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BRENNAN: And Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The substitute is released.

The final bill we'll vote on this morning is Assembly Bill 3789, sponsored by Assemblyman Weber and Speaker Oliver. It is named after an event we all lived through in January of 2012, with the passing of the Minority Leader immediately after our last session of that legislative term. It caught us all by surprise. Despite whatever partisan differences we have on a daily basis, I think it's fair to say that Alex was a friend to each of us. I know that as a freshman member of the Legislature back when Michael and I first started, my first assignment was the Assembly Transportation

Committee, which he chaired at that time. And so this legislation will designate a portion of State Highway Route 53 as the Alex DeCroce Memorial Highway.

I think I just read the statement.

Do any members of the Committee have any comments?

Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Chairman, thank you.

It's very appropriate for us today to especially honor Alex in a way of naming a road -- based on the fact that it was his involvement both in the community and as a leader in his community, and being a member of the Assembly for 23 years and an advocate for transportation throughout the State of New Jersey and, as you stated, being Chair of this Committee for many years. I know his family are totally honored. It will be a great thing for his family and his grandchildren to be able to know that his memory is etched in history here in the State of New Jersey with Route 53 being named after him.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

Anyone else?

Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: I think all of us on both sides of the aisle respected the strong leadership of Assemblyman DeCroce. I think it's kind of appropriate because he was viewed as a leader in transportation issues affecting the state. In fact, at one time he was under consideration as the Commissioner of Transportation. And I know it was a loss for the

family individually, but all of us in the Legislature lost a great friend and a great advocate for our state. So this is a fitting tribute.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.  
Assemblyman.

ASSEMBLYMAN RUMANA: Mr. Chairman, I would like to just add my comments too. Alex was a very dear friend. Transportation brought us together. I served on the North Jersey Transportation Planning Authority as a Freeholder in Passaic County at the time when he was Chairman of the Transportation Committee in the Assembly. And that mutual love of this area of government-- And we worked so well together for the years. And then to end up in the Assembly ultimately with Alex and to serve with him side-by-side here was just an unbelievable experience. And a guy who was a complete mentor to me personally and to the people of the State of New Jersey who did so much-- He did so much for advancing transportation causes.

It really is a great thing that this is listed today on this agenda, Mr. Chairman. I want to thank you for that. And I certainly look forward to seeing this come to the floor for a vote by the full Assembly.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.  
Anyone else? (no response)

I want to thank all the members for their participation in this.

I know that there are some amendments that need to be made that are technical in nature. Could you just describe them please?

MR. BRENNAN: Yes. The amendments just basically clarify that work on the signs cannot proceed and funding from DOT cannot be accepted until an agreement is reached between DOT and the responsible

party for paying for the cost associated with producing, purchasing, erecting, and maintaining signs. It's the standard language we use for all naming bills.

ASSEMBLYMAN WISNIEWSKI: Okay.

A motion to release as amended?

ASSEMBLYMAN RUMANA: So moved.

ASSEMBLYMAN GIBLIN: Second.

ASSEMBLYMAN WISNIEWSKI: Moved and seconded.

Roll call, please

MR. BRENNAN: To release Assembly 3789 as amended,  
Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes.

MR. BRENNAN: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BRENNAN: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BRENNAN: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Yes.

MR. BRENNAN: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BRENNAN: Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Yes.

MR. BRENNAN: Assemblywoman Jimenez.

ASSEMBLYWOMAN JIMENEZ: Yes.

MR. BRENNAN: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BRENNAN: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BRENNAN: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BRENNAN: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BRENNAN: And Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes. The bill is released.

Thank you all.

Next, we'll start our discussion on Assembly Bill 3993, by Assemblyman Mainor.

Would you read the statement, please?

MR. BUONO: This bill increases the amount of insurance that a jitney must carry -- from \$10,000 against loss for damages on account of bodily injury or death suffered by one person and \$100,000 on account of bodily injury or death suffered by more than one person -- to a blanket policy requirement of \$1.5 million.

The bill also requires that a driver or operator of an autobus possess a commercial driver's license and undergo a drug test at the driver's or operator's expense prior to beginning employment as a driver or operator of that autobus.

This bill makes reference to statutorily authorized jitneys which are the jitneys that currently operate in Atlantic City.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Let me start by first saying, Chairman, I want to thank you for allowing the discussion here, especially having it done in Hudson County.

I'd like to say that this bill was created in the early part of this year. And it was looked at because of the unsafe ways that a lot of the jitneys in Hudson County were being run, along with the problems that we were having with jitneys in Atlantic City. We were just trying to level the playing field and bring about some type of safety measure to make everyone on the same board.

Unfortunately, at this time we have lost a baby. We've lost one of our own angels right here in Hudson County, which makes this bill even more powerful now. It makes it more urgent to get it done to make sure that everyone who rides a jitney understands that there are safety measures that are in place, that they understand that the people who are driving these buses have the proper insurance, the proper credentials to actually move forward and drive these vehicles.

Do we have a problem? Yes, we have a problem. But I want to thank all of my colleagues today for coming out, and all of the people who came here to see -- so that we can discuss and take a good bill and make it better; so we can discuss and make sure that we create a bill that is not going to put a business out of business, but is going to make them fall in line and follow the rules and regulations so that all of our constituents in the State of New Jersey are safe.

Again, Chairman, I thank you for the opportunity.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

Just so the record is clear -- and I mentioned it earlier in my opening remarks -- Assemblywoman Vice Chair Stender, you have been on the Committee with me a long time.

ASSEMBLYWOMAN STENDER: Yes.

ASSEMBLYMAN WISNIEWSKI: You recall that it was in March of 2005 when this Committee last held hearings on jitneys and the concern about the safety of operations. And we took lots of testimony. We heard a lot of concern about how far this body would go in instituting stronger regulations. And one of the concerns was that the Legislature would make it difficult for them to continue to operate.

Clearly, what we did, did not make it difficult for them to continue to operate because they still operate. But also, clearly, what we did was not enough, because the type of situation that happened here in Hudson County where we lost a young child was one of the things that we wanted to try to prevent. Certainly that's not something that we thought was an acceptable consequence.

And so our work is cut out for us. I think that the work that Assemblyman Mainor has done on this bill is commendable. And I think that we have a lot of education for ourselves to undertake, but also a lot of listening from the stakeholders.

Any of the members of the Committee have anything they want to say at the outset?

Assemblyman Amodeo, and then Assemblyman Chivukula.

ASSEMBLYMAN AMODEO: Mr. Chairman, thank you. And I, too, want to applaud Assemblyman Mainor for his work in understanding the issues that have been faced up here in the northern part of our state.

And as the Committee is aware, we have an organization in the southern part of the State that I believe is a model; and has led and has a safe record through their own personal regulation and understanding of what they had to do to put a safe product on the street to serve the people on an assigned route.

I think the issue that we're faced with here is, we have to solve a problem without putting at stake a venue that has existed on a safe record in over 100 years. It never had an insurance claim of over \$100,000. And I think it was one claim that went to that mark. So I think, through the testimony, we'll be able to hear from both sides. We'll have an understanding that there is an organization in South Jersey known as the Atlantic City Jitneymens Association that have set their standards very high. They've put a good product on the street, a safe product on the street. And I just want the Committee to be able to understand that regulations that might affect them might hurt them in their business venture. And we don't want to do that.

Thank you, Chairman.

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Thank you, Chairman.

I think one of the things, as I was looking at this legislation-- With respect to that particular child being killed, was that cell phone usage while driving -- was the cause of it? What was the cause of that accident? And it simply (indiscernible) changing it from -- to commercial license. Will that solve that problem? Because I know a lot of truck drivers, a lot of bus drivers -- they all use cell phones. And I do understand the intent of

the legislation, but we also, at the same time, have to be conscious of the fact that we don't want to kill small businesses. A jitney is a small business. We want to make sure that the safe operation of the vehicle is required. At the same time, we don't want to put an enormous burden on them so they go out of business, thereby causing people who are using those jitneys -- they don't have any other means of transportation -- creating problems for them.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

We have a number of people signed up to testify. I'm going to call them to come up.

If you have written testimony, I'd appreciate it if you would share it with the Committee. I would offer you one caveat. We have close to a dozen people who have signed up to testify. I think we're pretty good readers, so don't give your testimony verbatim if you have written testimony. We can read it. If you could synopsise, summarize it, it would be helpful so as to allow everybody else to have an opportunity.

I'd like to start with Jeff Shanker and Jim Moseley, Limousine Association of New Jersey.

Please begin.

**J E F F S H A N K E R:** Good morning, Chairman, Vice Chair, esteemed members.

My name is Jeff Shanker. I'm the Executive Vice President of A-1 Limousine, and I also serve as the Secretary and Legislative Chair for the Limousine Association of New Jersey. Some of you are familiar with us. We actually came to this Committee back in 1999 to act in a proactive

manner to actually enact and enforce the limousine laws for the State of New Jersey.

We then came back to this Committee in the late '90s to amend those laws because we recognized -- again in a proactive manner -- that what we were doing could still be better. So I don't think you have too many private-industry corporations that are coming to the State saying, "Please regulate us, and let's work together with you."

What we're in favor of here is implementing the law A-3993 -- we've worked very closely with the Assembly folks here -- that will bring it in line with similarities of the limousine law: making sure they have insurance of at least \$1.5 million for doing work within the State of New Jersey; and if they're crossing state borders, in line with not just the State of New Jersey, but also the United States Department of Transportation with \$5 million in coverage.

There is a fine structure that has been set up by the limousine law so that we already have the regulations in there which we'll be able to enforce. Also, to have enforcement by local, county, and State law enforcement officers utilizing probable cause-- So for the law enforcement officers who are on the street, this is not something new to them. They would clearly be familiar with the process.

Questions about commercial driver's licenses-- We certainly are in concurrence with this because we would like to see the commercial driver's license so that they are able to prove they can handle a larger vehicle. And the cargo that's being carried is not that of heads of lettuce, but it's heads of people. So they have a certification that attests that they have the knowledge and capabilities of handling the larger vehicles.

They should all have U.S. DOT and FMCSA -- which is Federal Motor Carrier Safety Association -- approval to conduct interstate -- and be properly licensed and labeled, with a \$5,000 fine for false labeling of U.S. DOT numbers. Vehicles should have a biannual safety inspection as with the rest of the transportation industry. All of our buses are required to have biannual inspections by the New Jersey Motor Vehicle Commission.

If the jitney bus is omni-plated or leased, the owner should be required to pay the same fines as the offending party. Really what we're looking at here is that we're trying to promote safety within the state. Unfortunately, we did have the devastating effects of a loss of a very young life a couple of months ago. And we certainly would like to be at the forefront of doing this. We will tell you, from a national level, the Limousine Association of New Jersey has been recognized routinely as being one of the most proactive associations in the entire country by both the National Limousine Association and the trade publications. They understand that we are here. We are interested in safety of the passenger (indiscernible) public.

ASSEMBLYMAN WISNIEWSKI: Thank you.

And I understand-- Believe me, the problem that we face is not by organized groups of people willfully disobeying the law or suggesting that they ought to find a way to do things that are not safe. But we know that in every organization, in every group of people undertaking a business, there are going to be so many who do it right and a couple who do it wrong.

MR. SHANKER: That's correct.

ASSEMBLYMAN WISNIEWSKI: And the trick that we have, as a Legislature, is creating a system of regulation and oversight that helps weed out those who do it wrong.

To Assemblyman Chivukula's point, what I've read is that the accident in question was caused by inattentive driving. I'm not sure-- We've tried legislation on a State level that tries to get people not to text and drive. You all watched as you were driving up here today -- I'm sure you saw that *nobody* was texting and driving. And so we have our work cut out for us just when we're talking about dealing with ordinary citizens.

But I think that when we talk about a public conveyance where there is a heightened obligation on the part of the providers, our expectation is that your organization, as a trade association -- that people involved in it are going to take it to a higher level. We want to work with you. We're not looking to make this any more difficult than necessary, but we want to make sure folks are safe.

MR. SHANKER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Jim.

**J A M E S M O S E L E Y:** I think the Chairman will remember that when we came to the State of New Jersey and said, "We want to do something about the limo law in New Jersey," the insurance requirement for us was \$50,000, not the \$1.5 million that we helped create as a requirement for us. We sat and realized that we were at extreme risk taking six and eight people in a limousine to a party, or crossing a bridge, or driving the Turnpike and risking their lives and our futures.

We don't want to be that negative that people think we're doing this to hurt anybody. We want to protect the end user of these

vehicles. Adequate insurance, adequate licensing of the driver and the company will help assure that. Nothing is going to guarantee it. But if they don't -- if the jitney industry does not have this, they are going to be faced with that \$100,000 worth of insurance as opposed to a \$5 million policy -- claim.

And just as an aside, I would like to say that I sat on the North Bergen Avenue -- Bergenline and watched the jitneys go by with up to 25 passengers. They have 25 seats. The State limit is 20. It really bothered me to see that and to see them racing corner to corner. I'm very concerned for the safety of the people who are on them.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Questions?

Assemblyman Mainor, sponsor.

ASSEMBLYMAN MAINOR: First, I'd just like to say that I actually took a ride on a jitney, and it was a 25-passenger jitney. My office is located on Kennedy Boulevard, and there are jitneys that come by with 35 seats on it.

I think the problem that we're having is that a lot of the municipalities do not understand what laws a jitney falls under. Because these jitneys are falling under -- using the title *jitney* -- which is, if I'm not mistaken, 20 and under -- no one knows that they're supposed to be 20 and under, so nothing is being enforced.

Have we dropped the ball? Maybe some municipalities have. But you have to understand that right now jitneys are only really running in Atlantic City, Hudson County, and I believe Passaic County. Am I correct?

MR. SHANKER: If I may, there are actually jitneys running in central New Jersey through Mercer County, and Princeton, and also East Windsor -- in the Middlesex and Monmouth area.

ASSEMBLYMAN MAINOR: So it's a lot bigger than what I thought.

What I'm saying-- What we have to do is-- This bill, like I said, was created so that we could try to get everybody on the same line. The difference with the laws of a limo driver and a jitney driver-- Is it the insurance, and is it the type of license that they have to have?

MR. MOSELEY: Yes. The jitney drivers do not need a commercial driver's license, they do not have to go through a background check.

MR. SHANKER: There is no drug testing.

MR. MOSELEY: No drug test, no annual inspections.

One of our goals is -- or hopes is that by bringing it under the State, that all of a sudden New Jersey DOT will be the responsible agency for inspecting, just as they are with us. We submit to inspections -- full inspections every year of both our drivers and our vehicles.

ASSEMBLYMAN MAINOR: The largest amount of people that can come into a limo -- passengers -- is how many?

MR. MOSELEY: Well, a limousine can be rated up to a bus. We could have 50 people in one of our buses.

ASSEMBLYMAN MAINOR: In one of your party buses. Is that still classified as a limo?

MR. MOSELEY: As a limousine company. But as a limousine--

MR. SHANKER: That's licensed as a bus, as a limousine company; with an OL license plate, where they're allowed to have the vehicle stretched.

ASSEMBLYMAN MAINOR: So my question is: A limousine, is it 8 passengers, 10?

MR. SHANKER: Ten at most.

ASSEMBLYMAN MAINOR: Ten.

What is the insurance that you have to carry?

MR. SHANKER: It's \$1.5 million.

ASSEMBLYMAN MAINOR: You're not chartered. Is that correct? I mean, you can't be going on roads and just picking up passengers.

MR. SHANKER: No, a standard line run or fly down. No, a charter must be a prearranged trip.

ASSEMBLYMAN MAINOR: And the insurance for a jitney right now is -- do you know?

MR. SHANKER: I believe it's \$35,000.

ASSEMBLYMAN MAINOR: Thirty-five thousand?

MR. SHANKER: I believe.

ASSEMBLYMAN WISNIEWSKI: But that's in Atlantic City. That's not up here.

MR. MOSELEY: Right, and \$100,000, I believe, up here.

The way the law is written is, it's \$35,000 -- or \$50,000, I think, if you're in one community. If you're in four communities, which allows you to raise your vehicle from 13 to 20 passengers, it's \$100,000 with a limit -- this I found confusing -- of only \$5,000 for property damage.

So if one of these jitneys takes your \$40,000 vehicle out of service, you're only going to get \$5,000 of that reimbursed.

ASSEMBLYMAN MAINOR: And I have one more question, through the Chair.

ASSEMBLYMAN WISNIEWSKI: Sure.

ASSEMBLYMAN MAINOR: What is the difference between the Atlantic City jitneys and the jitneys that we have here, which would allow them to have \$35,000 and we have \$100,000 insurance.

MR. MOSELEY: I think their law was written in 1934 and updated in 1972, and it didn't specifically mention the communities up here. I don't know where your insurance regulations came from.

ASSEMBLYMAN MAINOR: Thank you, Chair.

ASSEMBLYMAN WISNIEWSKI: I just wanted to jump in. I know there are other members who have questions. It's becoming clear, just at this very early stage, that it really goes to something that's uniquely New Jersey. Why do we have a law that deals with jitneys in one part of the state, and those laws don't apply to the jitneys in this part of the state?

Assemblyman Amodeo, I think that the requirement for insurance for jitneys is \$1.5 million, and then \$5 million.

ASSEMBLYMAN AMODEO: No. In Atlantic City, it's regulated through a city ordinance because they're on an assigned route. They have an assigned route which really doesn't interfere with New Jersey Transit. There are no New Jersey Transit buses on Pacific Avenue. By law, by ordinance I believe -- and I could be corrected -- \$35,000 is what you need by Atlantic City ordinance for insurance.

UNIDENTIFIED SPEAKER FROM AUDIENCE: State statute is \$35,000 across the state. Atlantic City imposed is \$500,000, and we hold ourselves liable--

ASSEMBLYMAN WISNIEWSKI: My point is that we don't have an infinite number of people whose job it is to enforce the rules. So we've created a crazy patchwork of rules that-- "If I only operate in this town, I need so much insurance. But if I operate in this town, plus two others, I need a different amount of insurance." And that's all fine if somebody is willing to check and make sure everybody is playing by the same set of rules. But if you operate in a couple more towns, somebody has to actually stop and check to make sure you have the right level of insurance. And from my perspective -- just putting my attorney's hat on -- the liability potential is not a function of how many towns you're in. The same amount of liability can attach by going one block through Hoboken as it can going from Hoboken to Phillipsburg. And so having differing levels of liability based on the number of towns you're in, and only \$5,000 in property damage-- If that jitney were to just knock over one utility pole anywhere in the State of New Jersey, there is not enough coverage to even pay for the replacement of the utility pole. So there is just--

And I understand a lot of the reasons that these laws get enacted is because we are trying to be business friendly and we're saying to businesses, "We don't want to make it difficult for you to operate," but by the same token we're making it difficult to enforce. We're creating a situation where the rules are enforced only in the breach, and people are put at risk.

I know we have other members.

MR. MOSELEY: May I make one more statement before -- a brief one?

ASSEMBLYMAN WISNIEWSKI: Let me just get to the members.

MR. MOSELEY: Okay.

ASSEMBLYMAN WISNIEWSKI: Vice Chair Stender, you had something.

ASSEMBLYWOMAN STENDER: Yes. Thank you, Mr. Chairman.

Good morning and welcome.

I have a couple of questions. I think we all do. I will just go with the issue of-- You mentioned that limousine drivers currently -- that there are background checks, and drug testing, and a CDL driver's license. Is there any oversight on safety record? Because I thought -- in my memory -- that one of the issues that was part of the recent tragedy that happened up here was that that driver was not only on a cell phone, but that there had been -- he had other violations and was still driving. So my question is about checking the oversight of the record.

MR. SHANKER: On a statewide level, (indiscernible) we police ourselves. There are Federal regulations for our bus drivers which fall under CFR 392 through the Federal register, through the U.S. DOT, where there are specific safety regulations that must be abided by and adhered to. The vast majority of our membership adhere to those regardless of whether they're a 3-car operator or a 200-car operator. The majority of our clients happen to be Fortune 500 corporate America. They would not stand -- they would not allow us to be anything but 100 percent safety oriented.

ASSEMBLYWOMAN STENDER: So I guess my concern is that part of what we're also dealing with is that many good people are going to follow the rules and follow the law, but then there are going to be those who are going to choose not to, and that the repeat offenders -- that there is currently no provision to say, "If you've had three violations or five violations, or you've had a fatal incident, you can't do this anymore."

MR. SHANKER: Actually, through the New Jersey limo law, the State Police and local police now do have authority, under probable cause, to come in and inspect the operation.

ASSEMBLYWOMAN STENDER: But how often does that happen?

MR. SHANKER: If they have probable cause-- I can't tell you that there has been one yet.

MR. MOSELEY: And also the New Jersey DOT has the right to inspect our limousines for safety violations.

ASSEMBLYWOMAN STENDER: The other piece of my question is about the issue of training. We have a requirement for a certain level of license, and we have the insurance level. Those are good parameters. What we're trying to do is create structured, well-defined boundaries within which businesses can operate, and provide a service, and move people safely.

But my understanding is that with bus drivers and anybody who is operating moving equipment -- that what is so very important is not just the certification to get you into the position, but then there is a continued training level to refresh and remind people, especially on these issues of what you're doing when you're driving.

MR. SHANKER: There are many commercial driving schools out there. We do have some of our employees who start as chauffeurs in cars and then choose to move up to driving vans, shuttle buses, and buses, which we then do the internal training on.

It is prudent of us and the company, and through the commercial driver's license program, to go through all of that training. Through the U.S. DOT, again, we have to -- the company has to recertify that driver every two years on all of the equipment they drive.

ASSEMBLYWOMAN STENDER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Giblin, then Assemblyman Chivukula.

ASSEMBLYMAN GIBLIN: With the cost of insurance -- the standard that you're looking to impose on jitneys -- what would that cost per annum? I know it's probably rated a little bit different depending on areas of the state. Do you have any idea in your head what that would cost?

MR. SHANKER: Unfortunately, Assemblyman, I can't speak on that. I'm not an insurance agent, I'm not an insurance company. I can tell you that rates have stabilized over the last couple of years.

ASSEMBLYMAN GIBLIN: You have no ballpark number?

MR. SHANKER: No, unfortunately not.

ASSEMBLYMAN GIBLIN: The jitney drivers -- I know in Atlantic City most of them are full-timers. In northern New Jersey, are these drivers full-time, or are they mostly part-time looking to supplement income?

MR. MOSELEY: It is my understanding that the majority rent their bus for the day. And I guess the industry can comment on that when they come up here. But it's my understanding that the driver rents the bus for the day, so he's treated as an independent contractor/operator.

ASSEMBLYMAN GIBLIN: So that's why they race for the fares, so to speak, to-- The more they make, the better it is as far as the bottom line is concerned.

Are there any issues of language as far as the drivers and the passengers -- or understanding the laws that we should know about?

MR. SHANKER: Not that we're aware of. I couldn't speak on that either way.

ASSEMBLYMAN GIBLIN: So a typical person goes in and leases the vehicle for the day, and they have to pay a certain amount, I guess, back to the owner. Do you have any idea what that would be?

MR. SHANKER: Unfortunately, no, I do not and I don't think Jim does, as we don't provide this type of service. Just to tell you, I have seen the jitney buses up in the northern area doing what I'll call a *leap frog* operation, because they're trying to expeditiously get to the next stop to pick up more fares, and pass one that may be picking up two or three passengers which, of course, creates a dynamic, incredible safety issue.

ASSEMBLYMAN GIBLIN: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Thank you, Chairman.

A couple of questions. My understanding is that just like taxis, cities come up with the ordinance, and then they license the jitneys. Is that correct?

MR. SHANKER: Taxis are--

ASSEMBLYMAN CHIVUKULA: Atlantic City has their own ordinance. I'm sure Jersey City, Hoboken -- they may have their own ordinance.

ASSEMBLYMAN RAMOS: No, jitneys aren't allowed in Hoboken at all.

ASSEMBLYMAN CHIVUKULA: They're not allowed.

Based on your statements-- You are comparing a limousine with a jitney. What is the minimum you charge on a limousine as opposed to what they charge on a jitney?

MR. SHANKER: As a limousine or a van, or as a small -- as a shuttle bus? Because, really, they're small shuttle buses, and that's where--

ASSEMBLYMAN CHIVUKULA: They are shuttle buses.

MR. SHANKER: They are shuttle buses. And we certainly have a number of shuttle buses in our fleet. And they get charged out at different hourly rates for where they could potentially be going and on the size of the vehicle. So a 22-passenger shuttle bus may go out at \$55 an hour, but that's a charter. We're going to go pick up a group at Point A, take them to Point B, stop at Point C, and then bring them back to Point A.

ASSEMBLYMAN CHIVUKULA: So basically you go from Point A to Point B.

MR. SHANKER: Correct.

ASSEMBLYMAN CHIVUKULA: You don't really pick up passengers along the way.

MR. SHANKER: No, limousine services are all prearranged.

ASSEMBLYMAN CHIVUKULA: Also, you carry alcohol in limousines.

MR. SHANKER: Alcohol is permitted in a limousine on an OL license.

ASSEMBLYMAN CHIVUKULA: I don't think jitneys have an alcohol permit, right?

MR. MOSELEY: May I clarify that? The client can bring alcohol into our vehicles. For us to sell it or to provide it, we have to get a State liquor license, which we can, but our insurance goes up by about \$10,000.

ASSEMBLYMAN CHIVUKULA: So there are differences. That's all I wanted to know.

MR. SHANKER: Yes.

And actually, the thing about townships-- One of the things I don't think has been mentioned up here-- The jitneys up here are going to New York City. That actually puts them under the purview of the Interstate Commerce Commission -- well U.S. DOT -- and they would have to have a commercial driver's license and the vehicle subject to inspection by the U.S. DOT, which in the State of New Jersey is delegated to the State DOT.

MR. MOSELEY: It's actually New Jersey Motor Vehicles.

MR. SHANKER: I'm sorry, New Jersey Motor Vehicles.

ASSEMBLYMAN CHIVUKULA: Not all jitneys go into New York City. Is that correct?

MR. SHANKER: There are some jitneys -- no, they do not. Some jitneys go into New York, some jitneys go into Pennsylvania. And once they cross that state line--

ASSEMBLYMAN WISNIEWSKI: Well, one of the problems is that you're right, Assemblyman, not all jitneys go into New York, but they all say they do. So they say, "Well, we're under Federal regulation," and therein lies the problem.

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes, just a few comments, Mr. Chairman. Thank you for bringing this issue to the attention of the Committee.

I did read the Hudson County's jitney study final report, and it's alarming, to say the least, about the conduct that many of the jitney operators in Hudson County-- It's truly not a safe situation.

It seems that Atlantic City has done it correctly in terms of policing its jitney drivers. You don't hear the same kind of stories coming out of Atlantic City.

My question, Mr. Chairman, is: The proposed bill essentially does two things. It increases the insurance, and it requires a CDL license. I don't know if that is, alone, going to get at the root of the problem -- the leap-frogging that we see, the reckless operation of these vehicles -- seven traffic violations in two years for the driver who caused that particular tragedy. It would appear to me that something more would need to be done to control the situation that we find becoming an epidemic here in the northern part of the state. Certainly I think we'd all be happy to work on a solution to those problems.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.  
Assemblyman Amodeo, then Assemblyman Ramos.

ASSEMBLYMAN AMODEO: Thank you, Mr. Chairman.

Mr. Shanker, just a quick question. You mentioned at the beginning of your testimony that if you cross -- a limousine crosses state borders, there is a \$5 million policy that you have to take on.

MR. SHANKER: Interstate commerce. The limousine is \$1.5 million if it's over 15 passengers; and a bus.

ASSEMBLYMAN AMODEO: Okay. That's the clarification. If it's over 15 passengers, you need \$5 million.

MR. SHANKER: Yes.

ASSEMBLYMAN AMODEO: Thank you. That answers my question.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: I think we're almost comparing apples and oranges to the jitney situation in Atlantic City to what we have here in Hudson County. How many individual operators are running the jitneys in Atlantic City? I'm sure there are a number of them. Are there a number of them?

MR. SHANKER: I believe there to be a couple hundred.

ASSEMBLYMAN RAMOS: And what's the volume of passengers per day?

MR. SHANKER: Unfortunately, I do not have any information. I would defer to Atlantic City.

ASSEMBLYMAN WISNIEWSKI: And we have them here to testify next.

ASSEMBLYMAN RAMOS: Okay. I think the volume of passengers we're dealing with in our corridor up here is about 300,000 individuals using this service a day, which is a large number. So obviously there is a huge need for it.

However, the one thing that concerns all of us here from our region -- the north region -- is the lack of scheduling consistency and, as well, of passing people over again and again. So that's all part of the safety concern. There is no coordination of services. So I'm curious to hear how they coordinate services among the individual operators in Atlantic City. And if we could try and put that into the legislation here -- for a coordination of services in our region for the number of individual jitney operators that are operating -- but yet having consistency that someone is picking up at 7:03 a.m., someone is picking up at 7:08 a.m., someone is picking up at 7:15 a.m. I was at the bus stop this morning at 9th and Clinton Street, and it's almost like clockwork how the New Jersey Transit buses come up. And when the line is full, there are two buses coming up. And no one is jostling from one to another. Two buses come up on a consistent basis. But it's safe. There are children walking the street. There are no real issues there. And on Bergenline Avenue, Summit Avenue you see the two buses coming up, and a jitney is pulling around a little bit wider to try and get at that same bus stop as well.

So I think we really need to try and coordinate our services a little bit better to where other individuals are-- Maybe Atlantic City is doing it. I'm not sure the volume they're using in Atlantic City is the same

volume we're using here in our northeast region. But I think we also need to have recognized, consistent routes for individuals. Because I think when someone is on -- someone from Paterson is going to the GWB-- They hit traffic on there -- I know the New Jersey Transit bus is staying on Route 4 -- maybe they're going off Route 4 and taking local streets where there is no recognized route, and it's dropping people off individually through there. So I think if we could designate drop-off locations and pick-up locations, it would make it a lot safer for everyone as they're going forward. So I'm curious to hear from Atlantic City -- and their operation -- for our next individuals.

I appreciate it.

Thank you, Chairman.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Vice Chair Stender, do you have a question?

ASSEMBLYWOMAN STENDER: Yes, thank you, Mr. Chairman.

Could you just clarify for me this issue of the passenger limit? Because that's one of the things that keeps-- I mean, I have a certain image in my mind of what I think of as a limo. And not too long ago I had this -- it makes me think of the super tankers. We've got these limos now that are like a city block long. I don't know how they -- a stretch Hummer.

MR. SHANKER: A stretch Hummer would have to be registered in New Jersey as a bus.

MR. MOSELEY: And they are.

MR. SHANKER: In 2009, when we reworked the limousine law, we explained that-- What we brought forth to you is that a limousine

could be stretched no more past your capacity -- no more than four to what the original manufacturer considered the safe operating limit.

ASSEMBLYWOMAN STENDER: Okay.

MR. SHANKER: So, for instance, a Hummer -- or if we use a Suburban, which could have nine people in it -- when they stretch that, no more than four -- so nine plus four is 13. It still falls under the limousine law, because you have the driver in there also, that's 14. If you were to stretch it beyond that, it would have to be registered as a bus.

ASSEMBLYWOMAN STENDER: Once it crosses that threshold. But yet in the jitney, which has crossed that threshold, it's kind of got this weird carve out that's all over -- that varies from place to place. Is that correct?

MR. SHANKER: That's correct.

ASSEMBLYWOMAN STENDER: I just wanted to have a better understanding, because I think that's one of the issues for us in terms of how we define this.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Any other questions for these gentlemen? (no response)

Thank you both for your testimony. We appreciate it.

MR. MOSELEY: Thank you.

MR. SHANKER: Thank you very much.

ASSEMBLYMAN WISNIEWSKI: I'd next like to call up Thomas Woodruff, Atlantic City Jitney Association, who can answer our jitney questions.

Mr. Woodruff, welcome.

**THOMAS WOODRUFF:** Thank you.

And thank you for allowing me to be a part of this hearing.

I'd like to start off by saying that we certainly support safety in New Jersey. We support the efforts of this Committee. And I'd like to also specifically mention Assemblyman Mainor who reached out to me over a year ago to address this very issue.

I think it's relevant to these proceedings that I give you a little history of the Jitney Association, because our start is similar to what is happening here. In 1915, there was a trolley strike in Atlantic City, and two enterprising individuals began picking up people along the streets in open cars, charging a nickel -- a jitney. The word *jitney* is an old English term for a nickel. That's the only relevance to the bus.

Soon other people caught on, and they started racing around the streets, jockeying for a position, which necessitated regulation. And that's how the Atlantic City Jitney Association was formed. They had to have internal regulations. And we've been in operation now for 98 years. In 2015 it will be 100 years.

Over that period of time, the Association has evolved. We have a set of rules in place internally that governs how jitneys operate on the street. We also have our own traffic court where we issue fines and drivers can issue tickets. In fact, a lot of times the police will defer to the Association because our fines and penalties are more strict than that of the police. It's proven to be successful.

The Atlantic City Jitney Association, unlike the jitneys in North Jersey, operate along a fixed route. But additionally, they're also the evacuation team for the City of Atlantic City. We moved over 10,000

people -- evacuated 10,000 from Atlantic City during Hurricane Sandy and the prior hurricane. We moved senior citizens around, school children. We do these things for free as part of our community service. I think it's safe to say that the Atlantic City Jitney Association is a template on how jitneys should operate in this state.

It's also my understanding, according to the division of Motor Vehicles, that jitneys are only allowed on Class 6 municipalities -- that's any municipality that is bordered by the Atlantic Ocean. So that would be from Monmouth County on down. I'm not quite sure that up the Hudson River qualifies as the Atlantic Ocean, but that's part of the jitney history.

I've heard some statements today about insurance, state lines, CDL licenses, background checks. I just want to clarify some of that for the members of this panel. We have 190 members in the Atlantic City Jitney Association, all of whom have to undergo background checks and possess a commercial driver's license. Each one of our jitneys is 13 passengers. It can't be any larger. The insurance requirement for the State of New Jersey for both jitneys and taxi cabs is \$35,000, but the municipalities have the authority to regulate that. In Atlantic City, it's \$500,000 for jitneys. Some drivers have taken that to another level and have \$1 million in insurance; and some have even gone further and have established themselves with U.S. DOT numbers, which requires \$1.5 million. Any time a jitney crosses state lines, you have to have \$1.5 million. If the vehicle is more than 15 passengers, then it's \$5 million. If you have a fleet of buses, and some are 13 passengers, and some are 16 passengers -- or limos -- then you must have \$5 million for the entire fleet. But, again, we hold ourselves to a higher standard.

We talked about safety issues. The Atlantic City Jitney Association recently purchased a fleet of 190 vehicles. We were fortunate to get a grant for part of it, but the majority came from the drivers themselves who made payments on their buses. They're all owner-operators. They're not allowed to lease the buses out. Only they can drive the bus. And there are certain days of the week, certain hours of the day. And that's regulated by the Jitney Association itself.

The buses undergo an annual check by the division of Motor Vehicles. They come down to Atlantic City, they set up shop in the Convention Center, and all 190 jitneys must undergo a very thorough inspection. In addition to that, we conduct monthly inspections at random on our own. And we issue tickets for unclean buses, the appearance of the drivers, and maintenance issues. We even went as far as to establish our own maintenance facility, which I'm pleased to say has helped a lot in making sure the buses do, indeed, operate safely.

I looked at the bill, and I certainly agree -- and I'm sure the members of the Jitney Association agree that the top priority here needs to be public safety. Interestingly, the Taxi Association supports this bill, but they don't support the same insurance requirements for themselves. In Atlantic City, a taxi, by law, is only supposed to have four people. They put as many as seven. In fact, some taxis are now minivans that carry nine. Thirty-five thousand dollars in a major accident divided by the seven people is nothing. And the person who is going to get sued is the municipality. I would suggest to this Committee that if we are going to change insurance regulations, then we all should be on the same level playing field in the interest of competition and that of public safety.

I think I've covered everything on my end, and so now I'm going to field questions.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony. We appreciate it.

Assemblyman Amodeo?

ASSEMBLYMAN AMODEO: No questions.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Vice Chair Stender, and then Assemblyman Mainor.

ASSEMBLYWOMAN STENDER: Thank you.

This issue of capacity-- It strikes me as the numbers -- I keep hearing all these different numbers. Now, you're very clear that it's a limit of 13. So you don't have any vehicles that are operating with 20 or 25, as I hear--

MR. WOODRUFF: No, we do not.

ASSEMBLYWOMAN STENDER: Because they are not part of the Association, they can't get their route. It's because it's so tightly regulated that that doesn't happen.

MR. WOODRUFF: That's correct. There is a limited number of licenses. There are 190 licenses, and that's been in effect since 1915. That was another way for the City to regulate jitneys; because the licenses were open, and they had as many as 500 cars traveling around the streets picking up people.

ASSEMBLYWOMAN STENDER: And again, just say again the geographic limits that governs -- that that is applied to.

MR. WOODRUFF: Well, up until recently, we service Atlantic City. We now service-- Last year we ventured out into Sea Isle City, small

barrier island. And this year it's Avalon and Stone Harbor. We also service the Atlantic City Airport. We act as the official ground transportation.

ASSEMBLYWOMAN STENDER: And that number of operating vehicles hasn't changed even though you have--

MR. WOODRUFF: It hasn't changed since 1915.

ASSEMBLYWOMAN STENDER: Interesting. But how far out can you go? I mean, what's the limit?

MR. WOODRUFF: As far as driving or as far as licensing?

ASSEMBLYWOMAN STENDER: What's the limit of your distance you can travel -- that you govern, that you provide oversight to?

MR. WOODRUFF: Again, jitneys are owner-operated, so there are some jitney drivers, for example -- as I mentioned earlier -- who have a U.S. DOT number. Jitneys only work 15 days out of the month, so every day half the fleet is off. Those drivers own those buses. That's their business. Some are private shuttles -- bachelor parties, weddings. As a matter of fact, we teamed up with the Hero Campaign. Our motto is, "You drink, we drive." We posted pictures on our website. It's our feeling we would rather have people inside the bus who are intoxicated rather than behind the wheel of a car. That's proved to be very successful. In fact, I'm told that in Avalon and Stone Harbor, the drunk driving convictions have decreased by more than 70 percent as a result of the jitneys.

ASSEMBLYMAN WISNIEWSKI: If I could just jump in, I think what Assemblywoman Vice Chair Stender is getting at is, could a jitney operator run a service between Atlantic City and Hoboken?

MR. WOODRUFF: No.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. WOODRUFF: I mean, they could take people as a charter. I mean, it wouldn't be cost-effective. I guess they could if they petitioned for that.

ASSEMBLYMAN WISNIEWSKI: As a charter as opposed-- I thought the statute said they could operate in four contiguous municipalities.

MR. WOODRUFF: They can.

ASSEMBLYMAN WISNIEWSKI: That's the limit of their jurisdiction currently.

MR. WOODRUFF: For a fixed route, yes.

ASSEMBLYMAN WISNIEWSKI: For a fixed route. Beyond that it's a charter.

MR. WOODRUFF: Correct. And that all came about with New Jersey Transit. New Jersey Transit threatened to strike. New Jersey Transit service is Long Port, Margate, and Ventnor, and Atlantic City -- four continuous (*sic*) municipalities. And because of that strike, a law was passed that the jitneys were allowed to cover those areas as well.

ASSEMBLYMAN WISNIEWSKI: Does that answer your question?

ASSEMBLYWOMAN STENDER: Yes. But once you're on a charter, it's still the same oversight, it's still the same limitations.

MR. WOODRUFF: Exactly.

ASSEMBLYWOMAN STENDER: But because you're providing such tight governance or enforcement, they're captured in a different way than somebody who is just up here operating freely.

MR. WOODRUFF: Correct. Exactly.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Mainor, then Assemblyman Giblin, then Assemblywoman Jimenez.

ASSEMBLYMAN MAINOR: You said that a jitney has a fixed route. Is that correct?

MR. WOODRUFF: Correct.

ASSEMBLYMAN MAINOR: And for 15 days they're on that fixed route.

MR. WOODRUFF: Correct.

ASSEMBLYMAN MAINOR: The next 15 days they can become charters.

MR. WOODRUFF: If they so desire.

ASSEMBLYMAN MAINOR: But they're still going to operate under the same type of insurance, and rules and regulations of a jitney, which means that the insurance is going to be the same. But they'll be as a charter, similar to like what limos are doing.

MR. WOODRUFF: Not necessarily. Again, \$500,000 is the minimum requirement for insurance. Someone who wants to take a group of people to an Eagles game on their day off-- If they have the U.S. DOT number, and if they have the \$1.5 million insurance, they can do so.

ASSEMBLYMAN MAINOR: If they don't?

MR. WOODRUFF: They can't do it.

ASSEMBLYMAN MAINOR: But are they doing it?

MR. WOODRUFF: The ones with the \$1.5 million are.

ASSEMBLYMAN MAINOR: Because we've been shown pictures of jitneys without that U.S. DOT number doing charters. And the problem we have here with people in our area is that they're going over to

New York. The problem we're having with the people in South Jersey is they're going over to Philly. So they're still hiding under the same loophole we're doing here. And all I'm saying to you is that the jitneys in Atlantic City are doing charters. They're working as a limo, but they're not going under the same rules and regulations as a limo. And that was the beginning and the start of this entire bill. And so I'm not quite sure-- And by you saying they only work 15 days as a jitney -- for the other 15 they're doing charters.

MR. WOODRUFF: If they'd like to, yes, they can do that. And that's not against the law.

ASSEMBLYMAN MAINOR: I understand that.

MR. WOODRUFF: They have omnibus plates.

ASSEMBLYMAN MAINOR: But isn't it against the law if they're falling under the rules and regulations of a jitney and not the rules and regulations of a limo?

MR. WOODRUFF: Not necessarily. Jitney is just a name. If you look at the statute, it's an autobus.

ASSEMBLYMAN MAINOR: Okay. So what we need to do-- That's just another (indiscernible) we need to put in here -- for the next 15 days -- that if those guys are not as a jitney and are doing the work as a limo, they need to fall under the rules and regulations of a limo. So we need to look at that also.

MR. WOODRUFF: I think the Motor Vehicles Commission has solved that problem for you. Effective January of this year-- The problem has been omniplates. And jitneys are omniplates, ambulances are omniplates, fire trucks, Access Link, rest homes. Nobody knew just what an

omnibus was. So they have changed the omnibus rule -- and there is Omnibus 1 now, Omnibus 2. There is a special jitney plate for jitneys that is going to be issued for 13 passengers or less, as well as some other changes.

But in addition, even though your primary registration is jitney, for example, you can be dual registered. So you can register as a limo, a taxi, whatever, as long as you meet the requirements.

ASSEMBLYMAN MAINOR: And that will also govern the type of insurance you must have. Is that correct?

MR. WOODRUFF: Correct.

ASSEMBLYMAN MAINOR: Okay.

ASSEMBLYMAN WISNIEWSKI: But the vehicles up here can't apply for a jitney plate.

MR. WOODRUFF: If they're established as jitneys. I mean, right now it's my understanding there is no rule in place. They're just calling themselves jitneys.

ASSEMBLYMAN WISNIEWSKI: My understanding is that those plates would only apply to vehicles that your Association represents.

MR. WOODRUFF: That's correct. That's my understanding as well, right now.

ASSEMBLYMAN MAINOR: And, through the Chair, that's something we must address in here. Because that's, again, giving two different rules and regulations. And we need to make sure we--

ASSEMBLYMAN WISNIEWSKI: Assemblyman, the list is getting longer and longer.

Assemblyman Giblin, and then Assemblywoman.

ASSEMBLYMAN GIBLIN: Question: What's a new jitney business cost?

MR. WOODRUFF: It depends. Our buses -- we led the way in this state with compressed natural gas. About five years ago we had the first spike in gas prices where it was projected to go to \$5 a gallon. At that price, we wouldn't be in business. We simply couldn't afford it. It was time for a new fleet, and we started looking at different ways to save money. If you can't make it on the street, you have to generate revenue some other ways. We looked at compressed natural gas. It's half the price of gasoline and it's environmentally friendly.

ASSEMBLYMAN GIBLIN: I'm talking about the actual cost of the vehicle.

MR. WOODRUFF: I'm getting to that.

ASSEMBLYMAN GIBLIN: Okay.

MR. WOODRUFF: Because of that, that's an added cost on top of the jitney. So if you were to take a 13-passenger shuttle bus and buy it new, you're probably looking at about \$60,000. If you add to it compressed natural gas conversion, you're looking at \$88,000 to \$90,000.

ASSEMBLYMAN GIBLIN: So listening carefully to what you said about the 15 days on and 15 days off, what does the typical jitney driver make in the greater Atlantic City area in the course of a year with your vehicle investment, your fuel, your insurance? I'm just curious what they would have to generate to make it worthwhile.

MR. WOODRUFF: Again, they're all independent owner-operators. They keep their fares. So there is really no way to tell. Some people work minute to minute, some people work a couple of hours a day,

some people work a couple of days a month, so it all depends. I can only say that we've never had a jitney go bankrupt in 98 years.

ASSEMBLYMAN GIBLIN: What about the insurance question I raised before? You get feedback. Do you work with a certain company that provides the insurance for the fleet owner-operators?

MR. WOODRUFF: Well, jitneys used to be into the assigned risk plan. But given our stellar run-loss ratio, we managed to find a company that would insure the jitneys out of that plan. Right now, \$1.5 million insurance is about \$6,000 a year. If a jitney was placed into the assigned risk, you're probably looking at about \$10,000 a year. I can tell you that the Atlantic City jitney operators couldn't afford that amount of money.

ASSEMBLYMAN GIBLIN: With the downturn in gamblers, has that impacted the jitney operation?

MR. WOODRUFF: Absolutely. We went from a town that was second to Las Vegas, and we've lost the convenience gambler. Atlantic City now is a weekend town, and that's one of the reasons why we ventured out of Atlantic City for the first time in its 98-year history. We have to try to stay in business.

ASSEMBLYMAN GIBLIN: Could you reveal to me what's involved with getting the CDL license? I'm talking about the number of hours in the course, the fee, what options there are about language?

MR. WOODRUFF: Well, there are different classes of CDL licenses.

ASSEMBLYMAN GIBLIN: Well, what's needed here with the jitney buses?

MR. WOODRUFF: With the jitney bus, it's just a matter of taking a written test and a driving test, along with a background check.

ASSEMBLYMAN GIBLIN: Is there a course on that with the CDL license?

MR. WOODRUFF: No.

ASSEMBLYMAN GIBLIN: So they can just go in and if they have the skill, they can pass the test and they're okay.

MR. WOODRUFF: That's correct.

ASSEMBLYMAN GIBLIN: What's the fee on that?

MR. WOODRUFF: Internally, we conduct the tests ourselves.

ASSEMBLYMAN GIBLIN: As far as-- I know there is a big push now about trying to find employment for people who are getting out of prison. How far do you go as far as a background check? In other words, if somebody might have done something when they were younger, do they get a second chance, so to speak, to become a jitney driver?

MR. WOODRUFF: To be honest with you, I don't know that process. I do know that it's handled by the State Police. And recently -- as a matter of fact, just last week we were the official transportation providers for the Miss America Pageant for 13 days. Homeland Security stepped in, along with the FBI, and did a thorough background check.

ASSEMBLYMAN GIBLIN: So to the best of your knowledge, all of the jitney drivers don't have a record of any sort?

MR. WOODRUFF: None.

ASSEMBLYMAN GIBLIN: Okay. Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN JIMENEZ: Thank you.

You're speaking on behalf of the Atlantic City Jitney Association, correct?

MR. WOODRUFF: Correct.

ASSEMBLYWOMAN JIMENEZ: And over in Atlantic City, the jitneys -- technically they're up to 13 people that you transport.

MR. WOODRUFF: Right.

ASSEMBLYWOMAN JIMENEZ: Now, from what you've seen in this area-- Have you seen-- Have you gone by our streets?

MR. WOODRUFF: I have not. I have spoken to people, and I've been online. I think I'm kind of familiar with the operation.

ASSEMBLYWOMAN JIMENEZ: Technically, really, these are minibuses, because they do transport more than 15 people. Have you seen that?

MR. WOODRUFF: In your area.

ASSEMBLYWOMAN JIMENEZ: In our area, yes.

MR. WOODRUFF: Some are more, some are less.

ASSEMBLYWOMAN JIMENEZ: Most are more.

MR. WOODRUFF: Most are more.

ASSEMBLYWOMAN JIMENEZ: Yes.

Now, you were discussing about the plates -- the jitney plates in Atlantic City -- in that neck of the woods. The jitneys-- If they were jitneys in this area -- which I don't think they are really jitneys, they're more like minibuses -- they would not be eligible for those plates in this area, correct?

MR. WOODRUFF: Unless there was some sort of administrative oversight or approval from the municipality.

ASSEMBLYWOMAN JIMENEZ: So they don't-- I mean, the ones here don't have-- I mean, from what-- My understanding, from what you explained to me -- the whole history of the Jitney Association, so on and so forth -- we're basically, in my neck of the woods here in Hudson County -- we're working under 1950s rule. Is that what you would--

MR. WOODRUFF: That's the way I see it.

ASSEMBLYWOMAN JIMENEZ: That's the way you see. We really don't have any oversight organization or anybody that really oversees the owners and the drivers. Because from my understanding in our area, the owners rent the vans or the buses to somebody for \$150 to \$200. Everything else they make on a route is for their pocket. That is my understanding. And maybe if somebody else wants to speak about it-- But that is my understanding of how they work in this area. That's not how it works in Atlantic City?

MR. WOODRUFF: No. And I think part of the problem is the very fact that people buy the buses and rent them out. So once they get their money, they have no stake or no care as to how people operate them unless they're getting paid. In Atlantic City, the fact that you're an owner-operator, you have a vested interest in the business. And if there are fines, you're out of business. So you need to be mindful of your surroundings, you need to be mindful of the community, the traffic laws. I certainly think that helps.

ASSEMBLYWOMAN JIMENEZ: Another question: With respect to the CDL license, in the State of New Jersey, what language do we take it in -- English, Spanish, multiple language? A CDL license can be taken in what language?

MR. WOODRUFF: That's a good question. One of the things that we do in the Association -- any time-- The only way you can purchase a jitney is if someone sells out, retires, or just wants to get out of the business, because there is a limited number of franchises. But before anyone buys into the Association, they have to be approved by the President. And one of the things that we make sure of is that everyone speaks English. And that's important in case you have an emergency situation, for example. All of our jitneys are equipped with CB radios so they can communicate amongst each other. If there is an emergency, and someone can't understand or can't speak English, that's problematic.

ASSEMBLYWOMAN JIMENEZ: You'll have to educate me on this because I don't have a CDL license. But I thought a license -- when I got my license, I got it with Motor Vehicles, and I had to take it in English. I don't know if that's changed over the years. But the CDL license is-- You guys offer it to your drivers? It's not a Motor Vehicles issue?

MR. WOODRUFF: I don't know. It certainly would make sense.

ASSEMBLYMAN WISNIEWSKI: The CDL license comes from the State. Your Association doesn't grant the CDL license.

MR. WOODRUFF: No, we have nothing to do with that.

ASSEMBLYWOMAN JIMENEZ: Okay. And the test is taken in what language?

MR. WOODRUFF: I'm going to assume it's English. I mean, commonsense would dictate that.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, I'm just looking at a report that was in our packet here. It says that under the

Federal regulations, the requirements are that the person be at least 21, can read and speak English sufficiently to converse with the general public to understand highway traffic signs and signals in the English language. If they have that kind of specific written requirement about English -- I don't know for a fact -- it would be surprising that they offer it in a different language.

ASSEMBLYWOMAN JIMENEZ: I'm curious if anybody did know what language, because I don't know. I was told in the state of New York you can take it in multiple languages. In the State of New Jersey, it's English and Spanish. I don't know if that's a fact. But I would like somebody--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Mr. Chairman, if I may, it is given in English and Spanish.

ASSEMBLYMAN WISNIEWSKI: Okay.

ASSEMBLYWOMAN JIMENEZ: It is in English and Spanish. So if somebody took it in Spanish--

MR. WOODRUFF: They would still have to speak English to be a member of the Association.

ASSEMBLYWOMAN JIMENEZ: But like you said, here in the Hudson area--

In Atlantic City, do you guys have a route? Do you have a set amount of-- You said you have a certain route. Do you limit how many vans or buses are--

MR. WOODRUFF: We do. To give you a quick overview, there are 190 drivers. We divide them into seven groups. Each group has someone they elect to lead that group. The times are-- The way it works is

there are three shifts. So each group gets to work one of those shifts. They work Monday, Tuesday, Saturday, Sunday. But then the following week they work Wednesday, Thursday, Friday. And let's say they start on the night shift, the next week they would do the same thing on the middle shift, and the next week they would do it on the morning shift. This way it ensures that everybody gets the same amount of days, the same days of the week, and they all get an equal number of weekends. So it's regulated.

ASSEMBLYWOMAN JIMENEZ: So it is regulated in Atlantic City. So like you said, here in Hudson County we're--

MR. WOODRUFF: It's a free-for-all.

ASSEMBLYWOMAN JIMENEZ: It's a free-for-all, technically. That's it. Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Thank you, Chairman.

Just to clarify, Mr. Woodruff, one point you brought up earlier that I want my Committee members to understand: As we spoke about the privately owned jitneys doing charter work on their own -- not as part of your organization, on their own -- because they're owner-operators, they do adhere to Federal, State, and local laws as far as when you go over a border; you have your DOT certification, your DOT Federal number on the bus when you travel into Philadelphia, or if you were to go to New York, or Maryland. And they do carry the required amount of insurance crossing the border, at \$1.5 million.

MR. WOODRUFF: That would be correct.

ASSEMBLYMAN AMODEO: I just wanted my Committee members to understand that.

MR. WOODRUFF: And, in fact, let me just elaborate on that. I mentioned earlier about the Miss America Pageant. One of the things we did was we picked up-- The Pageant, as a matter of security, insisted that the same drivers be used for the entire 13 days. They had bomb-sniffing dogs. It was very intense. One of the things was that we had to pick up at the Philadelphia International Airport, and we used seven jitneys for that. A couple of the jitneys didn't have the \$1.5 million, so we got a rider for the \$1.5 million to cover the period of time.

ASSEMBLYMAN AMODEO: And the Federal government granted that.

MR. WOODRUFF: That's correct. Because if you have a-- If one person has a DOT number, others can work under that number as long as they have the proper insurance.

ASSEMBLYMAN AMODEO: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Thank you, Chairman.

My question-- I have to go right back to the license plates that are going to be given out. The way I'm hearing this is that because Atlantic City has an Association, 9 times out of 10, every one of your members will get that license plate.

MR. WOODRUFF: They would have to, everyone.

ASSEMBLYMAN MAINOR: They would have to. But the problem is that up here, with our jitney drivers who are legit -- they may not be able to get it, number one, maybe because they don't have an

association. Number two, you said that in order to get it, you have to get the permission from the municipality.

MR. WOODRUFF: Correct.

ASSEMBLYMAN MAINOR: What municipality are you getting it from? Just Atlantic City?

MR. WOODRUFF: Atlantic City, Sea Isle, Avalon, Stone Harbor.

ASSEMBLYMAN MAINOR: See, that's information I believe might be a problem for the drivers in this area. And what is going to happen is, everyone in Atlantic City is going to have the actual jitney plate and everyone up here is going to be in violation. Again, it's two worlds.

ASSEMBLYMAN WISNIEWSKI: Assemblyman, I just want to jump in. I think if you look at the statute, the statute for the jitney plates uses the same language that establishes the jitney authority in Atlantic City, and that refers to counties of a certain class bordered by the Atlantic Ocean. I'm not sure, unless the tide rises really high, that this is ever going to be an Atlantic Ocean-bordered area. So, in my opinion, I don't think anybody up here is ever going to be able to get those jitney plates the way the law is currently written.

ASSEMBLYMAN MAINOR: Exactly. And I think that's the issue. What we're doing is creating plates for Atlantic City.

MR. WOODRUFF: But, again, we have a group of people calling this service a *jitney*, but it really hasn't been established as a jitney service by anyone.

ASSEMBLYMAN WISNIEWSKI: You're right.

ASSEMBLYMAN MAINOR: Well, we're working on that today.

ASSEMBLYMAN WISNIEWSKI: There are a lot of terms used that don't apply.

I'm sorry, Assemblyman.

ASSEMBLYMAN MAINOR: No, I'm sorry Chairman. We're working on that today.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Just a few questions based on what I've been hearing this morning. How many passengers do your drivers pretty much transport throughout the year in Atlantic City? It sounds like it's a small number confined in a small area.

MR. WOODRUFF: It's about 3.5 million.

ASSEMBLYWOMAN CARIDE: A year. But it's all confined to the Atlantic City area.

MR. WOODRUFF: That's just Atlantic City.

ASSEMBLYWOMAN CARIDE: Now, you were talking about how you would have to get oversight from your municipality -- Atlantic City. Do your drivers, when they drive into those three or four other towns that you've taken that route now because of the decline in the casino-- Do they have to also get anything from those municipalities to be able to drive through those towns?

MR. WOODRUFF: No, only if they're operating in those municipalities.

ASSEMBLYWOMAN CARIDE: So if they're dropping off and picking up in those municipalities, do they have to get permission from those municipalities?

MR. WOODRUFF: No, they can pick up-- I mean, they can drop off, but they can't pick up. That's my understanding.

Are you talking about the regular route?

ASSEMBLYWOMAN CARIDE: Right. You're telling me that they've now expanded their route from--

MR. WOODRUFF: The (indiscernible) municipality law. Is that what you're talking about, or are you talking about the charter service?

ASSEMBLYWOMAN CARIDE: No, no, I'm talking about the actual -- not the charter, the actual jitney drivers who pick up and drop off. They have their route in Atlantic City. You mentioned that because of the decline in the casino industry, they've now expanded to three other towns. So they can pick up and drop off in those other towns, correct?

MR. WOODRUFF: Well, they can, but they have to be approved by those towns.

ASSEMBLYWOMAN CARIDE: That's what I wanted to know.

MR. WOODRUFF: Again, there is the Atlantic City Jitney Association that concentrates in Atlantic City. And then when they're not working in Atlantic City, they can work in Sea Isle, and that's a separate municipality with approvals and the same background checks. And it's the same thing with Avalon and Stone Harbor. They have to go through a licensing process and a background check.

ASSEMBLYWOMAN CARIDE: So then all of your drivers who drive in those different towns have to go through the same procedure three or four times, which is not something that is happening up here in North Jersey.

MR. WOODRUFF: Correct. They're not thrilled about that.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Assemblyman Ramos, I think you made the statement about 300,000 passengers a day.

ASSEMBLYMAN RAMOS: A day.

ASSEMBLYMAN WISNIEWSKI: So let's compare apples to apples. You said 3.5 million passengers a year for the Atlantic City Jitney Association. My failing math skills would tell me that's about 10,000 a day, roughly, versus 300,000 a day here.

So probably the one thing that we're looking at is a problem of scale. It would seem to me that it's probably easier to regulate an association or industry that does 10,000 transactions a day than one that does 300,000 transactions a day.

ASSEMBLYMAN RAMOS: And that's what I was trying to get out, Chairman. Thank you for bringing that point up again. We're dealing with a large volume of individuals using this service in this area. So it just says either New Jersey Transit needs to do a better job of providing a service for these individuals or we need to do a better job regulating this service.

MR. WOODRUFF: With that many people you definitely need regulation.

ASSEMBLYMAN WISNIEWSKI: Anyone else?

ASSEMBLYMAN RAMOS: I'm sorry, if I may, Chair.

ASSEMBLYMAN WISNIEWSKI: Sure.

ASSEMBLYMAN RAMOS: To Assemblywoman Jimenez's point, we don't understand the basic operational functions of how these jitneys are operating in our area -- paying a fee for a day to ride (*sic*) the bus, and whatever you make over that is your profit for the day, which is not the best business practice for us; which is why we see the Wild West goose chasing to pick up fares throughout the day, which is why we see the drag race-like atmosphere on Bergenline Avenue, on Boulevard East, on Summit Avenue, on Palisades Avenue taking place throughout our roads in Hudson County. And that's something that needs to be addressed. It's not just how we regulate them, but it's their business practices and how the drivers profit or do not profit from their operation -- the operators.

MR. WOODRUFF: The lost revenue for the municipality-- If you're doing 300,000 in the amount of jitneys you have, think of the revenue you're losing by not licensing these people or not selling franchises. It's huge.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Vice Chair Stender, then Assemblywoman Caride.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

Let's go back to the issue of alcohol. You were talking about the use of -- jitney-- Is alcohol allowed on the jitneys?

MR. WOODRUFF: Yes.

ASSEMBLYWOMAN STENDER: It is.

MR. WOODRUFF: We can't sell it.

ASSEMBLYWOMAN STENDER: So if you bring your own--

MR. WOODRUFF: If you're of age.

ASSEMBLYWOMAN STENDER: And that is because you're 13 and under. Do you know whether a minibus--

MR. WOODRUFF: I mean, if someone rides in a limo, they're certainly allowed to drink. I mean, they can't serve it. And the same thing applies if you're on the Great American Trolley or whatever the case may be.

ASSEMBLYWOMAN STENDER: And does that affect the insurance requirement? (negative response) So the insurance requirement of \$1.5 million--

MR. WOODRUFF: It's not affecting the driver. He is not part of the party.

ASSEMBLYMAN WISNIEWSKI: You would hope.

MR. WOODRUFF: We would hope, yes, right -- unless we have a problem.

ASSEMBLYWOMAN STENDER: And is there a partition between the passengers.

MR. WOODRUFF: Yes, there is between the driver and the passengers.

ASSEMBLYWOMAN STENDER: So there is a partition. That's why the alcohol is then allowed to be brought on board.

MR. WOODRUFF: I don't know the reasoning. I just know that's a State law.

ASSEMBLYWOMAN STENDER: Okay. The other question I had is: You said you have 190 jitneys.

MR. WOODRUFF: Correct.

ASSEMBLYWOMAN STENDER: Who decides who gets those jitney licenses -- operator.

MR. WOODRUFF: It's like a liquor license.

ASSEMBLYWOMAN STENDER: It is like a liquor license.

MR. WOODRUFF: It's limited to 190. It's been that way since 1915. They don't issue any more; they don't take any away. And if you want to buy into the Association, the only way you can come in is if someone is selling out, or someone dies, or--

ASSEMBLYWOMAN STENDER: I'm just curious, somebody dies, and now there is one of the 190 -- which isn't a lot, and we've expanded the area. So I would think there is a lot of competition for those 190 operating licenses like there is competition for--

MR. WOODRUFF: We would hope so, but that's not always the case.

ASSEMBLYWOMAN STENDER: So people sell them? (affirmative response) So because they're individually owned and operated, they can sell their route or their certificate to the next person.

MR. WOODRUFF: Their franchise. We call them *franchises*.

ASSEMBLYWOMAN STENDER: Franchises. And what do those sell for?

MR. WOODRUFF: It depends. They were as little as 105, they were as high as 190.

ASSEMBLYWOMAN STENDER: And the only other thing I was curious about was -- you talked about the -- that some of your operators work a couple of hours a day, some work a lot more, and there is no

requirement from the Association for them to put in a certain amount of time.

MR. WOODRUFF: No. For example, I bought my franchise as a semi-retirement, and then I-- Unfortunately, I became President, and now my part-time job has become more than a full-time job. (laughter)

ASSEMBLYMAN WISNIEWSKI: How is that retirement going? (laughter)

ASSEMBLYWOMAN STENDER: Thank you very much.

MR. WOODRUFF: You're welcome.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Something that the Vice Chair brought up -- it's almost like an ABC license, I guess. You have to buy it. Your organization doesn't allow for outside competition then, right? Either you're a part of the Association or you don't drive a jitney bus in Atlantic City. Is that pretty much?

MR. WOODRUFF: That's correct. We are listed as the official transportation provider for Atlantic City.

ASSEMBLYWOMAN CARIDE: So it's almost like a monopoly.

MR. WOODRUFF: Yes, and we like it that way.

ASSEMBLYWOMAN CARIDE: Real quick -- curiosity. When you were saying you had to get the oversight from the different towns that the drivers go through-- More or less, how many drivers do you know of that have actually gone to those towns and gotten the approvals to drive through those towns? I'm just thinking about up here in North Jersey, how

taxing it would be for the municipalities that they drive through to provide them with permission to go through. I'm just wondering--

MR. WOODRUFF: Again, we have 190 members. People join the Association and drive jitneys for different reasons. Some only want to work a couple days a week, some want to supplement their retirement. Out of 190, I would say about 140 to 150 have chosen to work the Sea Isle routes, the Avalon and Stone Harbor routes.

ASSEMBLYWOMAN CARIDE: So then we would have to do something up here where we wouldn't be taxing on the -- it wouldn't be too taxing for the towns.

ASSEMBLYMAN WISNIEWSKI: Any other questions?

ASSEMBLYWOMAN CARIDE: I'm fine.

ASSEMBLYMAN MAINOR: Chairman, I just wanted to ask my colleagues, and ask your permission, if we could take a moment of silence and recognize that in the audience we do have the parents of the little angel we lost not too long ago because of a jitney accident. I would like to know if we can have a moment of silence and recognize the parents of Angelie Paredes.

ASSEMBLYMAN WISNIEWSKI: Let's have a moment of silence. (moment of silence)

Thank you.

ASSEMBLYMAN MAINOR: Thank you, Chairman.

ASSEMBLYMAN WISNIEWSKI: Let's dedicate our work to her memory.

Thank you for your testimony. I don't have any further questions.

MR. WOODRUFF: If I may, just in closing--

ASSEMBLYMAN WISNIEWSKI: Please.

MR. WOODRUFF: We have an established business model. If we can share that with anyone on this Committee, we'd be more than happy to do that. I'd be proud to be part of any task force that could help regulate and make this a safer environment.

ASSEMBLYMAN WISNIEWSKI: You can count on us giving you more work in your retirement. (laughter)

MR. WOODRUFF: I've given Assemblyman Mainor my business card.

ASSEMBLYMAN WISNIEWSKI: Thank you.

MR. WOODRUFF: Thank you.

ASSEMBLYMAN WISNIEWSKI: Next, I'd like to call Chris Rotondo, Federal Motor Carrier Safety Administration. And then after that, when Chris is done, we'll call up Carol Katz and Mary Beth Callahan, Bus Association of New Jersey.

Mr. Rotondo, thank you for coming.

**C H R I S T O P H E R R O T O N D O:** Thank you.

Good morning.

I'd like to thank the New Jersey State Legislature; Assembly Transportation, Public Works, and Independent Authorities Committee members; Chairman Wisniewski; panel members; honored guests; and the Stevens Institute of Technology.

I am Christopher Rotondo, Division Administrator, United States Department of Transportation Federal Motor Carrier Safety Administration. I am here today as a result of the tragic, fatal bus crash

that killed an 8-month-old baby on July 30, 2013, and to work with this Committee and all of our partners and stakeholders to ensure that this tragic loss never occurs again.

In President Obama's Administration, under Secretary of Transportation Foxx's Department, safety is our number one priority; nothing else comes close. Safety is the first thing we think about in the morning so that the 750 million bus passengers don't have to think about it each year, and the 300,000 out of this county don't have to think about it each day. This is what keeps me awake at night.

In recent years, bus travel has become increasingly popular across the country. In fact, Americans take 15 percent more trips on motor coaches than on airlines, and daily commuters on buses remain the most utilized form of mass transportation. In the past four years the United States Department of Transportation has carried out a series of strategies and programs to improve bus safety and oversight. Many of these strategies can be found in the Motor Coach Safety Action Plan.

The Federal Motor Carrier Safety Administration, under Administrator Anne Ferro, has led the charge for motor coach safety with strategic and innovative leadership. The Federal Motor Carrier Safety Administration team took on the challenge of bus safety, including taking swift action against 26 bus companies and shutting them down on one single day last May. These companies represent the three major rings of unsafe operators who routinely ignored safety rules, cut corners, and neglected passenger transportation safety.

Since then, the Federal Motor Carrier Safety Administration has implemented a quick strike passenger transportation safety initiative

targeting over 200 bus companies to assess their safety compliance and operating behavior. And while this safety initiative is still in progress, early statistics show noncompliance and enforcement rates are at an above-normal level. The United States Department of Transportation will not sit still for this.

Recent bus crashes in Oregon, California, and now New Jersey are unacceptable and highlight why we are here today and why we must all work together to ensure that safety is our number one priority. Each of us has an obligation to answer this call to action.

The Federal Motor Carrier Safety Administration welcomes this hearing today so that we can all remain active participants in our enhanced safety initiatives. This will assist us in gaining very valuable data and feedback, educate the bus industry itself on the safety rules and regulations; and assist our law enforcement partners, both local, State, and Federal, to continue the emphasis on high-risk driving and unsafe driving behavior so that they may stop these coaches, buses, or passenger vehicles when they are operating in an unsafe manner.

We know that today's oversight structure for buses does not mirror that type of strong safety that we have in the airline passenger aviation business. Today I'm here to represent the Federal Motor Carrier Safety Administration and to brief you on what is being done and what we can do together to make sure that safety remains our number one priority. The bottom line is that the American people have entrusted us with the responsibility to get them safely to and from their destinations. That is a challenge we can and must meet together. Strong partnerships with our State and local partners, and police agencies and law enforcement

organizations, as well as our investigative agencies exist today, but more needs to be done. We must continue to work closely to educate the drivers, the carriers, and the industry itself.

A business model that places strong emphasis on the bottom line of financial gains rather than the safe operation of these coaches or passenger transportation vehicles is always unacceptable. The Federal Motor Carrier Safety Administration will continue to identify these types of motor carriers, operators, and businesses; and we will continue to enforce the rules and regulations.

There is much more that needs to be done. More needs to be done here in the state, more needs to be done nationally. I am here at this Committee to tell you that we are here to do what it takes and what you ask to help you in this endeavor.

I wish to thank the Committee members, Chairman Wisniewski, panel representatives, and all guests for allowing me to speak with you here today. I look forward to working closely with all of our partners and stakeholders to ensure the safe transportation of passengers throughout the state.

I'd be happy to answer any questions you may have at this time.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Let me start off by asking, I think, what is the most obvious question. Because as we've gone through this discussion on a various number of occasions, the question always comes up: Well, because they're engaged in interstate commerce, or because they go to an intermodal hub,

they are beyond the scope of regulation by the State of New Jersey. Can you address that?

MR. ROTONDO: I can. A carrier operation that transports passengers, if they cross state lines, comes under the full scope of the Federal Motor Carrier Safety rules and regulations. That does not prevent them, and that does not negate the fact that they still must comply with New Jersey rules and regulations. The State of New Jersey has very vigorous rules and regulations in place. Together we're going to work to ensure that all carriers and all coach companies that operate in this model strictly adhere to these rules and regulations.

ASSEMBLYMAN WISNIEWSKI: But this is not an area where we are outside our jurisdiction.

MR. ROTONDO: You are not outside your jurisdiction at all.

ASSEMBLYMAN WISNIEWSKI: Committee members?

Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

Thank you, and good afternoon at this point.

One of the things I've been struggling with as we were listening to all this is the issue of nomenclature. How do we designate -- what do we call these vehicles that are operating somewhere between a 13-passenger either limousine -- which we've seen designated -- or the jitney, which apparently only applies if they're a part of this organization in Atlantic City, even though everybody is calling other vehicles that, that are transporting somewhere between 13 and 25 or maybe more. I'm not sure at what point it crosses into actually being a bus.

So as we're trying to figure out how to regulate, it seems to me that we're looking for guidance on what you call -- how you name these different *motor carriers*, as you call them?

MR. ROTONDO: If you don't mind, for lack of a better term, the word *jitney* refers to a smaller passenger transportation type of vehicle -- it's actually codified in New Jersey State regulation -- that transports passengers under the guise of a local municipality or township, typically under Motor Vehicle Commission rules in the four counties bordering the Atlantic Ocean.

ASSEMBLYWOMAN STENDER: And that's it.

MR. ROTONDO: And that's it.

ASSEMBLYWOMAN STENDER: And that's what we've heard already.

MR. ROTONDO: Exactly. So for the United States Department of Transportation -- the Federal Motor Carrier Safety Administration -- these are for-hire commercial buses. That's the answer. They are commercial buses, and they are fully responsible to adhere to the rules and regulations of both the United States Department of Transportation and the State of New Jersey, where applicable.

The nomenclature we talk about -- the seating capacity -- is really the starting point for most agencies. A commercial, for-hire operation that uses 9 or more passengers -- up to 15 -- is regulated by the Federal U.S. Department of Transportation Federal Motor Carrier Safety Administration, but only in regard to commercial license, insurance, and operating behavior.

ASSEMBLYWOMAN STENDER: And what do you call that?

MR. ROTONDO: We call it a *bus company*.

ASSEMBLYWOMAN STENDER: Nine to 15--

MR. ROTONDO: Nine to 15 passenger -- commercial bus company, correct.

ASSEMBLYWOMAN STENDER: It's a commercial bus company.

MR. ROTONDO: Correct. At 16 or more passengers seating capacity -- to include the driver -- 16 or more -- the full scope of the Federal rules and regulations are to be adhered to by this carrier. That includes drug and alcohol testing, that includes the full CDL license, that includes all of the safety rules and regulations as well.

ASSEMBLYWOMAN STENDER: What about training?

MR. ROTONDO: There is some training. Moving Ahead for Progress -- MAP-21 -- in the 21st Century has some very specific -- that's the reauthorization of the United States Department of Transportation -- has some very specific training requirements that the U.S. Department of Transportation is looking to initiate. That, right now, is being developed. Training for drivers-- There are specific rules and regulations to get a commercial driver's license to operate a bus. And at a certain level you have to have the endorsements to operate passenger transportation. And that training is done by -- or the adherence of that is done by the New Jersey Motor Vehicle Commission.

ASSEMBLYWOMAN STENDER: So what you're telling me is that anything that carries more than eight passengers, from the Federal government's point of view, is a bus.

MR. ROTONDO: Correct.

ASSEMBLYWOMAN STENDER: Thank you.

Assemblywoman.

ASSEMBLYWOMAN CARIDE: Good afternoon.

I saw that you were quoted in an article in the *Record* with regard to your agency investigating the bus companies, their reports, safety. And something you stated in here is that it's kind of -- I guess I'm pulling out of it that it was kind of difficult to be able to provide safety checks for those smaller companies here in our area because your office is small in manpower. Is that correct?

MR. ROTONDO: That's probably paraphrasing something. Let me clarify it, if I may. Transportation safety, again, is paramount. We all believe in it; we all have a stake in this. What was probably said was -- I believe it was in answer to a question about, can we do more to stop and inspect these vehicles on the highways and on our roads, in our towns, counties, and streets? The answer is, yes we can. And my answer to that question posed by the reporter was -- what more could be done. And I had to say that we need to find safe locations, understanding that to pull a commercial bus over -- whether we're going to use the term *jitney* or we're going to use *commercial bus* -- is still done on the highway. It is still done on an active roadway where passenger vehicles and other buses are transporting folks right next to us. So for the New Jersey State Police officers, the Hudson County and local -- and Jersey City and local police officers who do this work, as well as my Federal agents, it is -- we must maintain their safety and their security.

It is a tough endeavor. I believe I heard 300,000 daily commuters being transported on these jitneys through a very large and

urban environment. It's not very easy to stop these vehicles in the middle of a city off to the side of the road safely to do the complete safety checks. So we continuously look for locations. And I will tell you there are a number of safety initiatives and blitzes that have occurred already and will continue to.

ASSEMBLYWOMAN CARIDE: On that point: With regard to the safety investigations or the safety checks, I'm not familiar with the rules and regulations. Is that something that the local police department and the county sheriffs are supposed to do, or is that something that the State Department is supposed to do or the State Police? And the reason I ask that is because a lot of municipalities right now are having financial crunches. The police departments are getting smaller. So this would be an added burden to everything else they have to do besides trying to protect and take care of the residents of their towns. So I'm just wondering if that's something that falls under their purview from the very beginning or is it that they just kind of adopted into that.

MR. ROTONDO: We all own safety, every one of us. One of our basic rights is to leave our house, our place of business and get there safely and return home safely. Everyone has a stake in this. Resources are not getting better. I wish I could come here and tell you there is going to be more money and a lot more enforcement officers out here. But we can work smarter, and we can work quicker, and we can work together. And that's the most important thing. So yes.

Is it a tough drain on local municipalities who also have law enforcement duties in their towns and counties? The answer is yes. But highway safety and traffic safety, and looking for unsafe behavior and speed

is something our partners do very well. They are outstanding at this. All of our law enforcement -- and I'm going to speak specifically now in the northern region here -- are outstanding. The State Police have a huge role in this as well. I'm sure they will tell you that they are very active in this. They are one of our partners and a grantee of the Federal Motor Carrier Safety Administration. We do continuous motor coach -- and inspections of vehicles throughout the state, as does the New Jersey Motor Vehicle Commission, who does this as well.

I hope that answers--

ASSEMBLYWOMAN CARIDE: I understand your answer, and I agree with you that our local police is probably the best individual to stop a vehicle who is speeding. They know their streets better than anybody else. But with regard to having to do the safety check, does that fall under their purview, or is it something that they've just pretty much inherited?

MR. ROTONDO: I believe the question is: Can they do a routine, random, commercial motor vehicle inspection on a bus? The answer is no, they cannot.

ASSEMBLYWOMAN CARIDE: Thank you.

MR. ROTONDO: State rule and regulation only authorizes State agencies to do that, which would be the Port Authority Police, Delaware Joint -- Delaware River down south, as well as the State of New Jersey State Police and Port Authority Police, for the routine random. But they can do traffic enforcement.

ASSEMBLYWOMAN CARIDE: Oh, absolutely.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN JIMENEZ: From your opinion, from what you've seen and the reports, do you feel that up in our area in Hudson County we have a serious issue with the conduct of these minibuses, omnibuses, jitneys -- whatever they want to be called -- based on what the reports and based on-- We need some sort of agency maybe. We need some sort of overhaul, technically -- some sort of regulation. Because I had asked the gentleman from Atlantic City -- that there were-- You know, Atlantic City has an Association that takes care of their area. Technically we're not jitneys because we don't border the Atlantic Ocean. We are minibuses. So based on what you've seen and what you've heard -- the reports -- what is your take on this? Because I know what my take is. But we need something done. Do you feel -- or is it unfair--

MR. ROTONDO: I think it's a very fair question. What I will tell you is that passenger transportation safety is paramount through all enforcement agencies, all investigative agencies. There is a significant difference between the southern portion of this state, and the transportation needs and services to the northern region where it is a very highly urban area with daily commuters in the millions into and out of New York City. So when the number 300,000 -- which may be accurate, it might be a little less -- comes up, I will tell you that we have enough agencies, we just need to figure out how to work smarter together. They're doing yeomen's work -- these men and women, these police agencies, the state organizations. But we need to do more.

ASSEMBLYWOMAN JIMENEZ: The report that we have-- I mean, just looking at the picture, I was going to say it would have been nice if we were up in my area -- and on one block, five minibuses. But the

picture itself on this -- you can really count how many. So it's funny that you say-- I mean, 300,000 is accurate, if not maybe more, because they do transport-- But our biggest concern is the safety not only of the passengers, but of the pedestrians, of the drivers who are driving around who have had issues with these buses. And basically that's pretty much--

MR. ROTONDO: If I may, this is a business model-- What we're seeing in North Jersey, this business model is somewhat reversed from most organized businesses. It strictly rewards the maximum amount of passengers on a transportation vehicle in a cash-run business. I can't say it any clearer than that. The enforcement and safety does not mean cash. The enforcement and safety end is not mitigated because it's a cash-run business or we don't have the right amount of space or the safe part of the highway. I still have full ownership of that, and I need to do a better job, as do my partners.

ASSEMBLYWOMAN CARIDE: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: I have a question. If anyone here wanted to start a jitney service tomorrow, how do we go about this in northern New Jersey?

ASSEMBLYMAN WISNIEWSKI: Not an Atlantic City jitney.

ASSEMBLYMAN RAMOS: No, no, no, we'd have to call Nucky Thompson for that, I know. The monopoly, the whole -- 1924, we're there. We're good. (laughter) That's covered. But in our area -- I just go tomorrow and just buy a small bus and start running it?

MR. ROTONDO: It's not as easy as that, but -- and getting a lot tougher. I mean, the most important thing that we -- and we continue

to say -- is, we are raising the bar to enter into the transportation safety world, to enter into transportation. Raising the bar means that they must first apply through the U.S. Department -- if you're going to be going interstate. If you're going to cross into another state, then you come within the full scope of my authority.

ASSEMBLYMAN WISNIEWSKI: Let's answer the question from the context that there are probably operators who are saying, "I don't go interstate. I never do that."

MR. ROTONDO: Correct.

ASSEMBLYMAN WISNIEWSKI: So what do they have to do?

ASSEMBLYMAN RAMOS: I'll give you an example: Galaxy Towers, Inc. How did they start their business? Where did they go and get paperwork, and say, "I'm going to now start this business. I'm a jitney between Bergenline Avenue to Bayonne"?

MR. ROTONDO: Well, they didn't do that. But a company like Galaxy--

ASSEMBLYMAN RAMOS: That's the problem.

MR. ROTONDO: Right. A company like Galaxy, or many others like them, start off getting a bus, and they say, "We'd like to-- This is a good, lucrative business. I think I could make a living in this." And they start off. And then they have to call and they have to speak to other folks in the industry. Typically they start off as drivers for a former company. They know the business, they're comfortable with the business, and they want to get a bus themselves. And what they end up doing is they need to go to the State. And the State regulates them. If you are domiciled

in the State of New Jersey -- again, I can only speak in generalities for the State rules; I don't enforce the State rules and regulations -- you go to the New Jersey Motor Vehicle Commission, and then you apply. And you have to produce documentation that you're domiciled in the state. You have to pass a safety inspection. The actual inspectors will come out -- the commercial bus inspectors will come to your premises and they will do inspections. That is required twice a year by State rule and regulation.

If you are going to cross state lines, then you come under-- If you do not, if you tell us you don't and you're caught crossing state lines, you no longer -- you don't have the authority to do that. At this point, that is a \$10,000 penalty. The Federal rules and regulations have gone up dramatically. MAP-21 has now given a lot more enforcement to this. And all motor coach, all passenger transportation entities entering into this business who apply for a U.S. DOT number must first be vetted through our agency. That is something that occurred about two-and-a-half years ago. The vetting process requires a very stringent background. I wish we could do it for all companies. There are over 585,000 transportation entities in the nation that we regulate. But we're looking strictly at the passenger transportation.

So, Assemblyman, the question is: What do they need to do? They must file a lot of paperwork with the State, then they must file a lot of paperwork with us and pass our vetting. They must be vetted. If there is any association with an out-of-service carrier or poor behavior, we deny their application, and they are not permitted to run.

ASSEMBLYMAN RAMOS: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman.

ASSEMBLYMAN MAINOR: I'll be real quick, Chairman, I promise.

I understand what you're saying. But in this area it's not being done that way. They go to a bus company. They pay, they get the bus, they pay the \$200, and whatever they make afterward is their money. So right away the State is not getting any type of tax money on that deal. That's number one.

Number two is, what has happened today has opened up a whole new meaning of which way we need to go. The first thing we have to do is change the definition of *jitney*. Because if we don't do that, the people -- the drivers in this area who are trying to do the right thing will be left out. And it's unfortunate that that could have happened if this didn't take place.

So, Chairman, I thank you for not only having the hearing but for inviting the right people to feed us the information we need.

So after that is changed, then we could move in the direction of leveling the playing field for all jitneys, not just for any jitneys by the Atlantic Ocean.

And I do understand what you're saying, but the information you're giving us -- it's only for those who need that DOT number, and a lot of our jitneys don't need them -- are not utilizing them. But you are correct, and I thank you for that information.

MR. ROTONDO: And I appreciate that comment. And the point is well taken to the U.S. Department of Transportation. I will tell you though that it doesn't take much in today's day and age for us to now know who the carriers are who are crossing the river. And once we get that information, that is an automatic penalty if you do not have the proper

authority -- civil penalty, which then would result in forfeiture and closing of the operation. That's what we talk about -- an imminent hazard or closedown of the operation.

ASSEMBLYMAN MAINOR: Thank you.

ASSEMBLYMAN WISNIEWSKI: Seeing no further questions, thank you for your testimony.

MR. ROTONDO: Thank you very much.

ASSEMBLYMAN WISNIEWSKI: I'd like to next call up Carol Katz and Mary Beth Callahan, from the Bus Association of New Jersey.

While they're coming up, I just want to make the observation that when we started out this hearing -- and, in fact, when we had our prior hearing, the concern had always been that we have to be mindful of the regulations we place on this industry. We don't want to make it too expensive. This is a valuable service. So let's do the math. Assemblyman Ramos said there is about 300,000 trips a day. I'm sure there are not 300,000 trips a day for 365 days, but if you take the weekends out, it's probably 250 days. So that's 75 million passenger trips a year in this end of the state. The average fare I'm told is \$3. That's \$225 million a year that's being paid for a service that we all agree is not as safe, not as well-run as we'd like it to be. Compare that to what we heard in the testimony from Atlantic City -- which doesn't have numbers anywhere near that, that has a whole different scheme of regulations. So I think one take-away from this for me is that the regulations that we can impose are certainly not going to impose that kind of financial burden that is going to make it impossible to operate. And there is a lot of money in these buses, and that explains why they're operated the way they are.

Carol.

**C A R O L K A T Z:** Thank you very much, Mr. Chairman and members of the Committee.

I am Carol Katz, from Katz Government Affairs, and I am here today on behalf of the Bus Association of New Jersey. We're happy to support this bill and actually ask you to take it even a little bit further.

We are the operators of the larger buses, the Transit buses. We are, along with New Jersey Transit, the transportation that is already there operating now. We estimate that we carry 25 percent of the scheduled bus transportation in New Jersey. And I say "scheduled." We receive DOT operating authority, we apply for and get Certificate of Public Convenience and Necessity, we have regular routes, we operate on a schedule, we don't just operate at rush hour. We are the private providers of public transportation. And so we think this is an important issue that you're looking at, and we thank you for doing so.

I would also say that that operating authority -- that Certificate of Public Convenience and Necessity -- in response to -- I think it was your question, Assemblyman Ramos -- is the way that we do coordinate services. Because if you have a CPCN, then if somebody is going to operate over that, they need to make sure they're not running a destructive competition, because otherwise the route is not -- if a route can't be operated economically, then the private provider of public transportation can't continue to operate. The CPCN is the method for coordinating services.

With me is Mary Beth Callahan. I should have said that first. She is the President and third generation owner of ANC Bus right here in Jersey City. I thought I would just sort of give this overview, and then she'll

tell you what it's like on the ground. But the reason I thought of that is many of our -- some of our companies are family owned companies. They provide good jobs. Many of our drivers operate under a union contract. So these are important businesses too that are right now, frankly, struggling in the face of some of the practices from some of the minibuses -- I like that term -- operators.

We are heavily regulated, and we are happy about that. We willingly accept-- We have a \$5 million insurance requirement.

ASSEMBLYMAN WISNIEWSKI: You're happy about it?

MS. KATZ: Well, we're not happy about it, but we're willingly-- We understand the purpose of it, and we're subject to it, and we-- So we have a \$5 million insurance contract. We're regularly inspected, we're subject to random inspections -- correct me if I'm saying any of this wrong -- we have security costs. Our drivers have CDLs, they have background checks, drug and alcohol checks, training, etc.

We also have a regulation that we're not too happy about, but we do have -- and I think the minibuses may technically be subject to this too -- which is the personal injury protection -- it's called *medical expense benefits*. We have to carry \$250,000 like your -- like PIP used to be -- per passenger on our buses. I just looked at the statute while I was sitting here, and I think it applies to -- I think the way *omnibus* is defined, it would apply to anybody carrying passengers for hire other than maybe the Atlantic City -- other than, I think, Atlantic City jitneys. So that's a huge cost that we have.

So the implication of all that is that there are jitneys that, when they run over our routes -- and often -- not always, but often -- in a

dangerous fashion, as has been noted-- And if they're operating at peak times -- and not at those times at 2:00 in the afternoon when somebody really needs service, but there is not a lot of people there -- the problem is that -- the important safety issues. But also, if we can't operate a route economically -- and we really struggle to continue our routes, even when they're losing money, frankly, for months on end. But there have been cases where we just couldn't do it anymore. And the ironic result of that is, if a private operator like us has to pull out of a route because we just can't make a go of it because of the competition at rush hour, at peak hours, because of the extra costs that we have -- that some of the minibuses don't incur -- then either the service disappears and those people who were depending on the buses don't have it anymore, or if there is a public policy decision made that there needs to be service there, sometimes New Jersey Transit has to step in and either operate the service at a loss and a cost to the taxpayer, or, ironically, put it out to bid to one of our companies who will pick it up and be subsidized -- run it with a subsidy from New Jersey Transit at a cost to the taxpayer. When we're operating it, we are paying taxes and we are providing good jobs. And so there is a cost issue here to the taxpayer, as well as a safety issue.

So we support the bill. We would love to see a \$5 million insurance requirement. And we look forward to working with you to sort of figure out a lot of the issues that have come up -- obviously deserve further conversation. And we look forward to being part of that.

And with that, you can correct everything I said wrong, and talk about your individual experience. (laughter)

MARY BETH CALLAHAN: No, everything was correct that Carol said.

I am third-generation. My grandfather, my father -- and I took over the business in 1999 with my sister.

ASSEMBLYMAN WISNIEWSKI: What's your business?

MS. CALLAHAN: ANC Bus. I currently run five lines in Jersey City. I run the Bergen Avenue, the Society Hill, the 440 Shopper, the 4, and Montgomery and West Side Newport line.

About three years ago we were actually thinking of giving up the lines because we only had three lines at that time. And we were basically going under. And I'm born and raised in Jersey City, and I have great pride in Hudson County. I'm going to speak from my heart.

I watched my grandfather and my father put their blood, sweat, and tears into the business. And hopefully I'm making them proud. But three years ago we were just ready to go under. Probably by the grace of God the Bergen Avenue line was abandoned, and we took on the Bergen Avenue line, and that was our savior. And then, low and behold, a few months later the 4 line was abandoned, and we took that on. And I have to say that we're solid -- as of today we're pretty solid.

I think there is a place for the jitneys. But after the tragedy to that family, something must be done -- not just talk about it. We have to take action. And there are a lot of loopholes in some of the laws that the jitneys know how to get around much better than you or I, and I'm in the industry. They run at the peak hours, and they cherry pick. My drivers come in the office sometimes so frustrated with tears, "I almost had an accident. The jitney cut me off. The jitney hit me, and when I went out to

call the police, the jitney took off.” I’m like, “Well, take a picture of the license, get something.” But some of these jitneys don’t have any identification, no phone numbers, nothing. And they’re just running around like the wild, wild west.

There needs to be -- maybe use Atlantic City as an example. But we also need to incorporate enforcement, which Bayonne, New Jersey-- Because after us almost going under, I was having a problem with the jitneys, and I still am. And I called Bayonne, because we had met with some officials on the county level, I believe.

MS. KATZ: Yes, we have.

MS. CALLAHAN: And they weren’t quite sure how to handle it. And they said, “Go and research it.” I said, “Okay. I’m going to call Bayonne, because they have it under control.” And they do random spot checks. They make sure they have their insurance and whatever the jitneys have now -- although you need to up it. You certainly need to up it to what we have to carry. The random drug testing -- not just upon hire, but there is a random drug test that needs to be done. We have guidelines in the industry as far as accidents. If they have two preventable accidents within three years, they have to be terminated because we can’t get insured. If we’re allowing these drivers to have preventable accidents and continue to drive we can’t get insurance. But if the jitney doesn’t have to comply with insurance, then, again, they’re under the radar.

I would certainly be more than happy to work with anybody on these issues and make transportation in Hudson County safe.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Members of the Committee, any questions?

Vice Chair Stender.

ASSEMBLYWOMAN STENDER: I do.

Thank you very much, Mr. Chairman.

Thank you, good afternoon, and welcome.

MS. CALLAHAN: Thank you.

ASSEMBLYWOMAN STENDER: Thank you for your hard work and hanging in there and keeping the business going. I'm sure your father and grandfather are proud.

So your vehicles carry how many people?

MS. CALLAHAN: Forty-five with standing room.

ASSEMBLYWOMAN STENDER: And is that sort of the standard for a bus? I mean, when we see these buses, what do they range in capacity from? I really have no idea.

MS. CALLAHAN: Ours are 40-footers or 30-footers. Most of our Transit buses are 40-footers, which carry about 45 passengers.

ASSEMBLYWOMAN STENDER: The 30-footer carry how many?

MS. CALLAHAN: About 30, 35.

ASSEMBLYWOMAN STENDER: And what's the maximum that a bus carries? I mean, when we think of a bus, what are we -- do you know?

MS. CALLAHAN: You don't go over 48 -- the white line is the safety line on a bus.

ASSEMBLYWOMAN STENDER: Okay.

MS. KATZ: I'm sorry, those are Transit buses. I think the commuter buses might be slightly different. We're talking about the buses that are operating on Bergenline Avenue, etc.

ASSEMBLYWOMAN STENDER: So where we're trying to get to is anything that is carrying people between 13 and 30.

MS. CALLAHAN: Correct.

ASSEMBLYWOMAN STENDER: That's sort of that--

I mean, there seems to be, depending on who you talk to and listen to -- there are all kinds of versions out there depending on the need and--

You talked about the fact that you're enforcing, that you're overseeing. So this issue of insurance helps to drive the fact that if somebody has had a preventable accident or has had a string of motor vehicle violations while driving one of your -- operating one of your vehicles, you're backtracking and taking care of that so that somebody with seven violations or somebody who has been caught driving with a cell phone in their hand is no longer operating one of your buses.

MS. CALLAHAN: Correct.

ASSEMBLYWOMAN STENDER: Okay. What else is done in terms of training? I am curious. Do you have regular training for your operators for safety?

MS. CALLAHAN: Yes, I do a mandatory safety meeting twice a year. We are DOT-inspected twice a year; once as a self-inspection. DOT comes in and then there is another DOT inspection. We also are required to have A, B, and C checkups on all of the buses by our mechanics -- that also their paperwork has to be in order for DOT inspections. Otherwise,

they will pull the bus and you cannot put that bus on the road. The fees are exorbitant.

As far as driver training, they have to have two years of minimum experience, 23 and over, no more than three points upon being hired. I can send you the list of the guidelines that we have to follow, but it's tough. And I have a CDL license, and it's not easy to pass that CDL test. So I think the jitney drivers should be required to take a CDL. They are carrying passengers.

ASSEMBLYWOMAN STENDER: I thank you for that, because I think that as we're trying to figure out how we're going to govern or regulate this service, which is meeting a need -- I mean, somehow there has to be a way-- Because you talk about abandoning routes. Well, maybe a 30-passenger bus or a 40-passenger bus isn't really the right answer, but that's where a 15- or 25-passenger vehicle can meet a need or should be meeting a need to move passengers around, because that means there are that many less cars on the road and that much less congestion and interaction.

MS. CALLAHAN: Yes, but they have to be regulated because they are not regulated.

ASSEMBLYWOMAN STENDER: They have to be regulated.

MS. KATZ: And I would say the enforcement aspect that Mary Beth brought up is key too, because there are things now that we could enforce that, when enforced, do address some of those issues.

ASSEMBLYWOMAN STENDER: But they're not being enforced. That's always an issue. It's the enforcement. But first you have to have the regulation.

MS. CALLAHAN: Correct.

ASSEMBLYWOMAN STENDER: So we have this giant gap that we need to--

And it would seem to me, Mr. Chairman, that -- I mean, from what I've been hearing and learning today -- that what we're going to be moving toward is taking what is working and trying to make it -- to overlay it in a sensible way to reflect a smaller capacity vehicle so that -- to prevent the kinds of tragedies that occurred here.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Other questions for the Committee?

Carol and Mary Beth, thank you very much for your testimony.

MS. CALLAHAN: Thank you.

MS. KATZ: Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Then we have four jitney operators -- although I don't think they're from Atlantic City, so I think they're the Hudson variety of jitney. Mr. Esposito, if you would come up; Mr. Dominici; Mr. Silva; and Mr. Obispo. And we'll get an extra chair.

**F R A N C O E S P O S I T O:** Excuse me, Chairman. I'm not a jitney operator, I'm a charter operator.

ASSEMBLYMAN WISNIEWSKI: Okay. It was written down here as jitney operator, but you can clarify that.

MR. ESPOSITO: Well, I'm not a jitney operator.

ASSEMBLYMAN WISNIEWSKI: Is there one more?

UNIDENTIFIED MEMBER OF AUDIENCE: Yes.

ASSEMBLYMAN WISNIEWSKI: He's out there, right?

Why don't you begin -- just state your name again.

MR. ESPOSITO: Well, we'll have these gentlemen speak for themselves first because, honestly, Mr. Chairman, I'm against what they do.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ESPOSITO: So I would rather not even sit up here with them.

ASSEMBLYMAN WISNIEWSKI: Fine, okay.

MR. ESPOSITO: And then you can question me later.

ASSEMBLYMAN WISNIEWSKI: I thought you were all the same.

MR. ESPOSITO: No, we're charter carriers.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ESPOSITO: I'm a charter carrier.

ASSEMBLYMAN WISNIEWSKI: We'll get back to you, then. Go ahead; please start.

**ELVIN DOMINICI:** Mr. Chairman, good afternoon, members of the Committee. My name is Elvin Dominici and I am the President of the Hispanic Political Action Committee. I'm here on behalf of the Bergenline United Drivers Association -- basically, as an advisor, somebody who wants to be a bridge between what's going on and provide information to the team.

We are here today because we also are in favor to make this regulation a reality in New Jersey. We strongly believe that it's very sad that it has to come to the death of a little girl. We're fathers, we're sons -- we don't want to see our family members be in this type of tragedy. We want to give our heart out to the family members who are here.

But we believe that it's very important that you take into consideration what we have to say and what are the issues that these small buses -- mini-buses-- I don't believe that the term *jitney* applies to exactly what that they do, because most of these buses have more than 20, 25 passengers. Regulations must be established. And the way to do it is -- it has to be done in different demographics. The issues that people have in Atlantic City are not the same issues that the people have here in Hudson County. And what is more important that we believe is that you allow people from different parts of the state to be part of the (indiscernible) so we can share with you the problems that each part of the state, each city, each corporation are facing.

Number one, here in Hudson County there are too many buses -- too many people trying to outreach to the customers who are out there. So what happens? It's basically survival in the jungle. People go and try to run over another person or another bus just to catch the next dollar. And basically, this is the challenge as a community, as a State that we need to face.

We believe that the Department of Transportation needs to be involved in this -- specifically because we don't know how many people today can say, "You know what? We want to start a corporation of small buses today in Hudson County," and they just can go out there and start doing business. We believe that the Department of Transportation-- They need to certify these buses -- meaning, they need to go and get training about safety. Not necessarily if you get a commercial driver's license it's going to teach you how to manage or how to drive people around the cities.

So we believe that the Department of Transportation needs to be part of this and provide certification and training to these people.

Also, increasing the amount of insurance -- that's fine. But we don't believe necessarily the different municipalities throughout Hudson County are able or capable to regulate or to maintain these types of small businesses that are happening right now.

Right now, to my right, I have Mr. Ebelio Silva who is part of the Bergenline United Drivers Association, and he wants to give you his point of view of what's happening with the transportation service here in Hudson County.

Mr. Silva, go ahead.

ASSEMBLYMAN WISNIEWSKI: Please. Just move that microphone over.

**E B E L I O S I L V A:** Buenos tarde.

MR. DOMINICI: Good afternoon.

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: (translating) It is a pleasure to be here to elaborate with you about this issue regarding the Bergenline. I am the President of the Bergenline United Drivers Association. We have been working for over 20 years. And it is a pleasure to meet you and to share my thoughts on this matter.

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He wants to inform you that they have about 500 drivers, and 90 percent of them are American citizens and 10 percent are legal residents. They fulfill the mission to transport people between different cities, going from Jersey City, Union City, Guttenberg,

Fairview -- all the way to the George Washington Bridge, to New York and coming back. Basically he's saying that they try to fulfill this mission as safely as possible and they are here just to be part of the solution.

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He is saying that he applauds the initiative to start these meetings -- these public meetings -- so you, the Mayor, the top of the State can actually hear exactly what are the main issues and the problems that the north side -- north Hudson minibuses, transportation services are facing. He believes it is so important that you also allow small businesses, small corporations, drivers, and minibus owners to be part of the process so they can give you the side of what's going on exactly with these issues here in North Jersey.

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: In conclusion, there is high stress to older drivers to drive -- safety is the main thing. And even when they have seminars, and even when they have their meetings, that's one of the main things that they actually communicate to the people who are part of their teams. And he congratulates you one more time for having this meeting and letting the people who own these businesses be part of the process.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

MR. DOMINICI: Any questions?

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

Mr. Silva, thank you for being here.

I wanted to hear from the drivers themselves, as well, with regards to this process. You stated that you have about 500 members in Bergenline United Drivers Association.

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said yes.

ASSEMBLYWOMAN CARIDE: I know -- yes.

MR. DOMINICI: Because I know you understand Spanish, but the rest do not understand.

ASSEMBLYMAN RAMOS: You can't have a private conversation. (laughter)

ASSEMBLYWOMAN CARIDE: My apologies.

ASSEMBLYMAN WISNIEWSKI: You're a little ahead of us, Assemblywoman.

ASSEMBLYWOMAN CARIDE: I am, I am -- my apologies.

MR. DOMINICI: He says yes, we have about 500 drivers who participate in North Hudson in the public transportation system.

ASSEMBLYWOMAN CARIDE: Now, of the 500 members that you have, how many of those members own the actual bus?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He says that out of the 500, 30 percent are owners; most of them are people who rent and work under the corporations and they provide the services.

ASSEMBLYWOMAN CARIDE: Now, the majority of your members are renters, correct?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: They rent.

ASSEMBLYWOMAN CARIDE: Do you rent per day, per week, per month, or per year?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He says that if they rent it daily, they take the buses, they work eight hours a day. At the end of the day, they go and pay the fees or whatever are the amounts that they are supposed to pay to the corporation.

ASSEMBLYWOMAN CARIDE: What kind of rent are we talking about? The amount?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He says that the corporations, there are so many. They all have their own rules and prices. It can change depending on the owner of the corporation. However, in the one that he participates, he says it is only \$110 per day that a driver needs to pay to the corporation after eight hours of work.

ASSEMBLYWOMAN CARIDE: Who registers the bus and who pays for the gasoline?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said the owner of the corporation gives the bus with a tank full of gas. So the person, when they pick it up in the

morning, they take the minibus with the tank full. So they need to give it back exactly how it was, and give also the payment or whatever the rate that these owners of corporations charge.

ASSEMBLYWOMAN CARIDE: For the gasoline?

MR. DOMINICI: For the gasoline, yes.

ASSEMBLYWOMAN CARIDE: Now, who registers the bus with the State, and who does the safety checks to make sure it passes inspections?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He is saying that the buses and the minibuses' owners are the ones who are responsible to bring the buses to the State, to make sure that the buses are in condition to be out there working, providing the service. They do this twice a year. Also he said that the drivers, basically, what they do is pick up the car in the condition that it is. Usually the representative for the DOT comes to the corporation and they inspect all the different buses that they have there. And the drivers just use them whenever they have it available.

ASSEMBLYWOMAN CARIDE: Do the chauffeurs or the bus drivers have to pay any portion of whatever costs the owner has for the inspections or the maintenance of the bus?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that only the corporation owners are the ones who are responsible to ensure that the buses are in good

standing to provide service. The drivers only take the buses in good condition and provide the service to the community.

ASSEMBLYWOMAN CARIDE: And I'm sorry, Chairman -- who pays for the insurance on these buses?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that the fee that they paid -- the \$110 -- it covers everything as far as insurance, making sure that the minibuses have all the different inspections from the DOT. Usually it is done by the owner of the bus or the corporation that the bus is part of.

ASSEMBLYWOMAN CARIDE: Who tells him what route to drive?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He says that usually the driver chooses what route he wants to work. There are different routes: there is one for Kennedy to Bayonne, Kennedy to North Bergen. The route that they work is the route on Bergenline which is the more, I guess-- There are more customers and passengers. And usually that's also part of the problem because all these drivers say, "You know what? This is the route that I want to work." So we get an overflow of different buses that are working at the same time trying to catch the same amount of passengers.

ASSEMBLYWOMAN CARIDE: Do you regulate amongst yourselves your routes? Like, for example, Bergenline United Drivers Association -- you have 500 members. Do you say, "Okay, Monday through Friday -- John, you're going to be driving the Bergenline route from

Jersey City to Guttenberg,” or “Jose, you’re going to be driving the route from Jersey City, Palisade Avenue from Jersey City up to North Bergen.” Or do you just randomly get into your bus and then you just drive and go where you want to go?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He is saying that he’s talking on behalf of the drivers on the Bergenline -- different people do it differently. What they used to do is, depending on the time that the driver arrives at a certain point, they will go first. They were doing that for, like, 18 years. So what is happening lately is, that because there are so many buses for so many different corporations that it’s chaos, it’s mayhem. Everybody get’s there and starts working anytime -- whatever they want. Basically, that’s what he’s saying.

ASSEMBLYWOMAN CARIDE: So amongst yourselves you haven’t been able to police yourselves in order to prevent--

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said right now they have a major meeting scheduled for October 2, where they are calling out all the different corporations, and business owners, and drivers of the routes on the Bergenline. Basically, they have no control over it. It’s mayhem, and they are trying to come together so they can provide a solution to this problem.

ASSEMBLYMAN WISNIEWSKI: You okay?

ASSEMBLYWOMAN CARIDE: Thank you, thank you, Mr. Chair.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN JIMENEZ: Buenas.

So this Bergenline United Drivers Association has been around, you said, for how many years? When was it created? (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

ASSEMBLYWOMAN JIMENEZ: So this organization was just-- Bergenline United Drivers Association was just created a month ago, yes?

MR. DOMINICI: Yes. He's saying that-- Let me elaborate on that.

These people came together and reached out to us because--

ASSEMBLYWOMAN JIMENEZ: A month ago.

MR. DOMINICI: Yes, because they are part of the people who are doing things right. They have the papers, they have the buses in good order, and they want to make sure that they get an opportunity to provide to the family and friends. They believe that what happened with this little baby back in the summer is horrible. And it is something that I wouldn't want to see in my family and no wants to see. So they want to make sure that they step forward. Instead of being in the shadows and not doing anything, they want to have an opportunity to say exactly what's going on and what are the problems on the Bergenline. That's why they came to us to be their advisors on this issue.

ASSEMBLYWOMAN JIMENEZ: So it was the-- The association was a month ago -- just created a month ago -- in light of what happened, unfortunately.

MR. DOMINICI: Exactly.

ASSEMBLYWOMAN JIMENEZ: (speaks in Spanish)

MR. DOMINICI: Yes.

ASSEMBLYWOMAN JIMENEZ: (speaks in Spanish)

Since a month, you have 500 members -- chauffeur members? You have a list of 500 people who are members of this association? In a month?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

ASSEMBLYWOMAN JIMENEZ: You can translate it; go ahead.

MR. DOMINICI: Okay. He said that, basically, after this was established, they tried to call out to all the different members, some of them have been working for 10, 15, 20 years. Right now they are not all part of the organization that they just established, but they are trying to work their way to get most of them. The bigger numbers they can get, the better.

ASSEMBLYWOMAN JIMENEZ: So correct me if I'm wrong, technically you don't know if you have 500 members -- chauffeurs as members. I'm used to associations, and I have a list of people who were members. You don't have a list of people who are members, technically. Is that what you're telling me?

MR. DOMINICI: (speaks in Spanish)

ASSEMBLYWOMAN JIMENEZ: (speaks in Spanish). You could also tell me -- that have-- Because you said before that your association -- they were all CDL-licensed and so on and so forth. So I just want to make sure that I'm understanding correctly that your members-- Really, you're giving me a number, you're giving us a number of 500, but

you don't really know if that's for sure -- or you don't have a list of them. You don't have a list of them. And do you have a list of whether they really have the CDL license and everything is in order?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

ASSEMBLYWOMAN JIMENEZ: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that he wants to assure you that all the drivers who are part of our association or a corporation -- they are either American citizens, they have the CDL seal of commercial driver license. Right now, because of the issue-- Many people since last year -- they are coming in illegally. So they don't have control over that. But whoever is part of an association or corporation, they have the papers.

ASSEMBLYMAN WISNIEWSKI: Let me just ask a question.

MR. DOMINICI: Yes.

ASSEMBLYMAN WISNIEWSKI: You said that-- The testimony is that the members of the association have a CDL, and a vast number are citizens. How do you know that? Do you have a list?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that he can assure you that because all the corporations that they have on the Bergenline -- between 20 and 30 -- they never dare to give a key to a driver who doesn't have the requirements to be working as a driver on the Bergenline. That is what he is saying.

ASSEMBLYMAN WISNIEWSKI: So there is no list that has any proof that these drivers all have commercial driver's licenses and there is no list that really substantiates any of the other testimony that we're talking about today. It's an assumption on his part.

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that Hudson County and Bergen County -- he wants them to emphasize whoever is driving out there to have the documentation. But he can assure you that out there, whatever corporation -- they are established; they would never dare to give a key to a person who does not have the license, or doesn't have--

Okay, go ahead.

ASSEMBLYWOMAN JIMENEZ: I'm sorry.

ASSEMBLYMAN WISNIEWSKI: No, no -- finish your statement.

ASSEMBLYWOMAN JIMENEZ: Please.

ASSEMBLYMAN WISNIEWSKI: Finish your translation.

MR. DOMINICI: He said that they wouldn't dare to give a key to somebody who does not have a license or does not have the right certification to drive.

ASSEMBLYMAN WISNIEWSKI: I guess the point we're trying to make is that he's not at every transaction when a key is handed out.

MR. DOMINICI: No, no he's not.

ASSEMBLYMAN WISNIEWSKI: So is it possible that people are given keys who don't have CDLs?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that there wouldn't be corporations out there that would dare to do that -- to actually give a key to a person who is not complying with the law as far as license and insurance. He's not sure 100 percent that all of them are doing it, but he said that he wouldn't think that they would dare to do something like that -- which is reckless, basically.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, and then I know Assemblyman Mainor has a question.

ASSEMBLYWOMAN JIMENEZ: What you had said before, though, that you would assume -- you translated that you would assume that-- He said that the municipalities would be in charge of enforcing-- That the municipalities of Bergen and Hudson would be in charge of enforcing and making sure that these drivers were, you know, able -- CDL, had a clean driving record, so on and so forth. Am I wrong--

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that he believes that the corporations are the ones that are responsible to ensure that their drivers -- whoever is driving out there have the papers and the accreditation that they require; that he doesn't believe that they would dare let a person go without these documents, because they could be stopped by the police and, more than likely, this corporation would be sued or they will be terminated because they are not following the rules that are established by the State.

ASSEMBLYWOMAN JIMENEZ: Another question. You said that this Bergenline United Drivers Association just came about a month ago. How many meetings have you had, and do you have the minutes of those meetings, and your members?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said that this Bergenline United Drivers Association came up basically to organize. And all the different drivers in the association -- they have only Bergenline Avenue. They don't provide keys of buses to the drivers as of right now, and they don't want to do that. What they want to do is basically regulate and ensure that every person can go to different areas at certain times, and organize more what is the transit service that is provided to the community.

ASSEMBLYWOMAN JIMENEZ: So you haven't had a meeting yet?

MR. DOMINICI: Yes.

ASSEMBLYWOMAN JIMENEZ: I meant--

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: They are getting together a meeting every Tuesday. They're working-- There is a committee that is working on the bylaws and getting people together, hopefully October 2, so they can have a big meeting and decide who is going to be the authority and the President of this association. Basically, what they want to do is provide control and regulation on the buses that are working on the Bergenline.

ASSEMBLYWOMAN JIMENEZ: So you're technically not an association as of yet? You're just in the process of, hopefully, becoming an association; but you're not an association yet.

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

ASSEMBLYWOMAN JIMENEZ: Thank you, Chair. Thank you.

MR. DOMINICI: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Mainor, you have a question.

ASSEMBLYMAN MAINOR: Thank you, Chairman.

How many associations are out there right now?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

ASSEMBLYMAN MAINOR: Okay. So it's three different associations--

MR. DOMINICI: Three associations.

ASSEMBLYMAN MAINOR: Okay. The problem I have with the association is, because Community Van Lines -- they have the buses that they rent out. They rent out 60 buses a day.

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: Are you asking about corporations, or are you asking about--

ASSEMBLYMAN MAINOR: Who are members? Just the drivers are members of his association?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said yes. The association that they have, they have both owners and drivers.

ASSEMBLYMAN MAINOR: Okay. My problem is this. They rent the buses for \$110 a day.

MR. DOMINICI: Yes.

ASSEMBLYMAN MAINOR: They pay the money back to the corporation that they rent the bus from.

MR. DOMINICI: Yes.

ASSEMBLYMAN MAINOR: Okay -- plus gas. The monies that they have, they keep in their pocket. Are there any taxes being paid?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said they declare the taxes individually. Each driver goes directly and fills out their taxes individually. They don't do it as a corporation.

ASSEMBLYMAN MAINOR: So we have no way of documentation of what was made for that day; it's whatever they put down.

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: He said all corporations have their own controls. And they basically regulate whatever they do individually.

ASSEMBLYMAN MAINOR: Do they pay dues to be a part of his association?

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: No.

ASSEMBLYMAN MAINOR: And that's a real association?

(laughter)

MR. DOMINICI: (speaks in Spanish)

ASSEMBLYMAN MAINOR: With no money.

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: (speaks in Spanish)

MR. DOMINICI: (speaks in Spanish)

MR. SILVA: No, no.

MR. DOMINICI: No.

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike)

(speaks in Spanish)

ASSEMBLYMAN WISNIEWSKI: All right. We can only have testimony from the witness table.

MR. DOMINICI: No. He said they don't buy membership.

ASSEMBLYMAN MAINOR: Thank you.

ASSEMBLYMAN WISNIEWSKI: Any other questions? (no response)

Thank you, gentlemen, for your testimony. We appreciate it.

MR. DOMINICI: Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. Esposito.

MR. ESPOSITO: Good day, Chairman, and members of the Committee.

ASSEMBLYMAN WISNIEWSKI: Just speak up a little so everybody can hear you.

MR. ESPOSITO: Good day, Chairman, and members of the Committee. I'm here because--

ASSEMBLYMAN WISNIEWSKI: Please begin.

MR. ESPOSITO: I'm an owner/operator, and I live right on the borderline of Bergen County/Hudson County by Fairview -- North Bergen area.

ASSEMBLYMAN WISNIEWSKI: Your name for the record.

MR. ESPOSITO: Frank Esposito.

And growing up I watched these dollar vans, dollar buses, minibuses run up and down Bergenline Avenue, Kennedy Boulevard, Palisades Avenue. At times, I had problems with them in my coaches, as I'm going to New York, where they believe I'm trying to pick up fares when I'm just deadheading into the city (indiscernible) up a group, and I get cut off; I get blocked in for 5, 10 minutes at a time right by Hudson County Park. And they start playing their little games. Well, it's coming to the point -- as an owner/operator with ICC and DOT, which I do carry the \$5 million insurance policy -- that it has to stop. We've been getting hit in the bus industry as far as coaches having accidents -- major accidents -- for having unskilled drivers, whereas people just give buses to people.

A few weeks ago I walked into one of these minibus companies in the area and asked for a job just to see what their requirements are. Because I know what my requirements are based upon my drivers, at Academy, and New Jersey Transit. I know what we follow. And the only thing I was asked: "Do you have a license?" I was not asked about a CDL, my experience, or (indiscernible). "Do you have a license?" "Yes." "Do you

want to rent or work?” I said, “What’s the difference?” “If you rent, you have to pay \$150 a day; if you work, you get \$9 an hour.”

So not for nothing, to have to see that happen, it does concern me a lot because I have a 7-year-old who plays in Hudson County Park. And the things that occur are amazing.

ASSEMBLYMAN WISNIEWSKI: Mr. Esposito, so just give us a sense on how-- You call yourself an owner/operator. So do you operate with a corporate name or a business entity?

MR. ESPOSITO: Yes.

ASSEMBLYMAN WISNIEWSKI: And what’s that?

MR. ESPOSITO: Adventure Charter and Tours, LLC.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ESPOSITO: That’s our corporation name.

ASSEMBLYMAN WISNIEWSKI: And are you the only person who works in that corporation or do you have other drivers?

MR. ESPOSITO: The corporation is run by my mother; I am operations manager; also the operations manager at TNT Transportation of Staten island. We have drivers, we have office personnel, we have mechanics who follow the guidelines.

ASSEMBLYMAN WISNIEWSKI: How many vehicles do you have?

MR. ESPOSITO: Adventure Charter and Tours has four, and TNT Transportation has five.

ASSEMBLYMAN WISNIEWSKI: And for those four and five, you hire drivers?

MR. ESPOSITO: That’s correct.

ASSEMBLYMAN WISNIEWSKI: And what do you-- When you advertise for drivers, when people respond to the ad, what do you ask them?

MR. ESPOSITO: First I ask if they have a minimum of five year's experience in charter or line carrier -- that's the first thing I ask.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ESPOSITO: And they fill out the application, and what I do is I run a background check on them. The hiring process could take up to two weeks by the time I get medical back, physical, drug and alcohol tests. I'm not even allowed to put them behind the wheel for a road test unless I have a drug and alcohol test.

ASSEMBLYMAN WISNIEWSKI: And you do all those things because the law requires it?

MR. ESPOSITO: Correct.

ASSEMBLYMAN WISNIEWSKI: And you have how much insurance?

MR. ESPOSITO: We carry \$5 million liability insurance alone.

ASSEMBLYMAN WISNIEWSKI: And you mentioned Staten Island. Let's talk about the routes you run in Hudson County or operate in Hudson County. What's the average fare?

MR. ESPOSITO: Well, we don't do that line carrier thing like the \$2 to New York or \$1 to Journal Square. We don't do that. We provide service to the Board of Education of North Bergen. I do basically, I would say, 90 percent of all their trips that involve coaches where we take the children out-of-state. I do supply them with-- I am the number one driver who drives for them. They do have my insurance on file. If they

need my maintenance records-- As far as driver training, we follow everything according to the letter of the law -- what the Federal government has put out for us.

ASSEMBLYMAN WISNIEWSKI: But you don't provide the same service that they provide?

MR. ESPOSITO: I don't provide that service for many reasons.

ASSEMBLYMAN WISNIEWSKI: I just want to be clear.

MR. ESPOSITO: No, I do not provide that service. It's not feasible for us.

ASSEMBLYMAN WISNIEWSKI: Okay, just looking at the numbers -- 300,000 trips, 250 days a year -- there is a lot of money in those trips.

MR. ESPOSITO: Well, it's 300,000 trips a day.

ASSEMBLYMAN RAMOS: It's riders.

MR. ESPOSITO: That's ridership.

ASSEMBLYMAN WISNIEWSKI: Three hundred thousand riders, okay.

MR. ESPOSITO: Okay, but here's the thing--

ASSEMBLYMAN WISNIEWSKI: Isn't each rider a trip?

MR. ESPOSITO: No, it's a passenger. And the thing is, as the gentleman who sat up here today stated, the jitney and the mini-- There are minibuses that carry-- They have a minimum of 25 passengers -- that's what they start off at.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ESPOSITO: Up to about 8 or 10 years ago they weren't even coming into Bergen County. They would stop right there at 90th

Street and turn around and go back, all right? You know, I've seen where they do get put out of service, and the State Department of Transportation inspectors and the police, they're doing a great job of trying to stay on top of it. But when they get the vehicle impounded, they take it to the tow yard. As long as they tow it back out again to their place-- They can tow it to their place, they fix whatever, supposedly -- if they do, they don't, I'm not aware; most of the time I just see them, "How can it be within an hour that you did a brake job and put this same vehicle back on the road?" They peel the sticker off and they're back on the road.

ASSEMBLYMAN WISNIEWSKI: So if you were to provide this Committee with advice on how we can improve the service that we've been talking about--

MR. ESPOSITO: Yes.

ASSEMBLYMAN WISNIEWSKI: Obviously you provide a different service.

MR. ESPOSITO: Yes.

ASSEMBLYMAN WISNIEWSKI: What would your advice to this Committee be?

MR. ESPOSITO: My advice would be to speak with New Jersey Transit to see if they would allow procurement contracts just like they do at Academy. Academy has buses from New Jersey Transit that say, "Owned by New Jersey Transit, operated by 22 Hillside Association," that run up and down, through Hoboken and Bergenline, even though they have Transit paint jobs on them. Or start a committee where if you want to be running Hudson County runs into New York, then become part of an association that's made by the county. Like the gentlemen said in Atlantic

City -- that was perfect -- and have your routes set up. Because I don't think it's right also that they stop, they get out, they start fighting each other in the middle of the street over a \$2 fare. Over a \$2 fare a child's life was lost. It's not appropriate.

And the other thing too is the training. Send the drivers to proper training. You know, you go to the driving schools in our area and they'll give you the answers to your CDL test. You study the answers with the questions and go to Motor Vehicle and take the test. Now, when it comes to driving, as long as you take it with a school bus-- That's another thing -- their equipment. The equipment is so outdated that they use, they just throw a paint job on it and the next thing you know they're back on the road. And the next guy buys it and runs it. It's not appropriate.

ASSEMBLYMAN WISNIEWSKI: Questions from the Committee? (no response)

Do you have anything you'd like to add?

MR. ESPOSITO: That's it.

ASSEMBLYMAN WISNIEWSKI: I appreciate your testimony. Thank you.

We don't have any other individuals signed up to testify.

I want to--

CARMEN URTEAGA: (off mike) I didn't sign up. May I testify, or not?

ASSEMBLYMAN WISNIEWSKI: Sure, come on up.

Just, when you're done, fill out a slip so that we can give it to OLS. But start testifying; when you're done, you can fill out the slip.

MS. URTEAGA: My name is Carmen Urteaga and I represent the company Spanish Transportation Service Corporation. We operate from Paterson to New York. We have been in the business for over 12 years.

I'm standing here telling you that there are other companies that are doing the right thing. It's a lot of stuff to become a driver in the bus company. It's not just to show your license. Our company keeps files on all the drivers. We require the drivers to do a pre-employment test. We are required to do an MVR -- which is a Motor Vehicle Record -- we run it and make sure that the driver doesn't have a lot of accidents, DWIs -- all that stuff. And we also require the driver to be registered under Article 19(8), which is in New York, which evaluates the driver and advises you in case of a driver getting their license suspended or violations or anything. They have to pay \$10 to New York, and that's for a year.

And we also require the driver to have a medical certificate from the city where their driver's license is issued.

We have been audited twice -- in 2010, and we also had an audit in 2011 -- certificatory audits. And we have the driver files complete. We have histories of the drivers. The drivers do speak English, because in order to obtain the driver's license for the passenger endorsement the driver's test is in English, not in Spanish.

Ms. (indiscernible) here -- she's in charge of all the vehicle filings, and also the drivers' files. And we maintain a record of all the drivers with the bus lot. Every time they pick up a vehicle, they write the time they're going in, how many hours of driving daily, if the vehicle is in good standing. They give us that form every day.

ASSEMBLYMAN WISNIEWSKI: Does your company lease out vehicles by the day?

MS. URTEAGA: Yes, yes we do. We have 98 owner/operators, and we have over 100 vehicles owned by our company.

ASSEMBLYMAN WISNIEWSKI: So somebody can come in and say, "I want to lease one of your vehicles for the day," and drive it?

MS. URTEAGA: It has to go through a different process before we can give you the vehicle.

ASSEMBLYMAN WISNIEWSKI: How long does that process take?

MS. URTEAGA: Usually more than a week.

ASSEMBLYMAN WISNIEWSKI: Okay.

MS. URTEAGA: First--

ASSEMBLYMAN WISNIEWSKI: You can't come in the same day and lease a vehicle and go out and drive it?

MS. URTEAGA: No. We have to submit your Motor Vehicle records to the insurance and they have to approve it first, and then continue to do the other stuff.

ASSEMBLYMAN WISNIEWSKI: Let me ask you this question, though. And I think this runs to the heart of being able to lease out a vehicle. If a person comes in and they want to lease your vehicle for the day, it's not their vehicle, it's not their insurance. What do they care how careful they are, because at the end of the day when that day's over, they turn the vehicle back in. They have no responsibility.

MS. URTEAGA: In order to become part of our company you need to be a (indiscernible). We need to have everything on file. So

usually our drivers, they're mostly people who have been driving for many years -- and they bring their families onboard: their children, their cousins. So mostly they're not new drivers. They are the same people always. So we don't just rent to anyone. We need to make sure that it's approved and we have the correct paperwork in order to go from there.

ASSEMBLYMAN WISNIEWSKI: Okay.

Questions?

Yes, Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: When you rent the vehicle for the day, how much do you charge the driver?

MS. URTEAGA: It depends. We have part time and full time. Full time is \$200,; and the part time is like \$100 or \$80, depending on the day.

ASSEMBLYWOMAN CARIDE: And then you mentioned that you had 98 -- I may have gotten the numbers wrong -- owner/operators?

MS. URTEAGA: Correct.

ASSEMBLYWOMAN CARIDE: But they fall under your company?

MS. URTEAGA: Correct. We are in charge of them. All the drivers, even owner/operators -- we are in charge of them. We make sure that they follow the company rules and the DOT regulations.

ASSEMBLYWOMAN CARIDE: But who pays the insurance for that owner/operator?

MS. URTEAGA: The owner/operator pays us, and we then pay the insurance and everything.

ASSEMBLYWOMAN CARIDE: So he owns the vehicle, but is under your insurance.

MS. URTEAGA: Correct. All the owner/operators have their own company. So when they purchase the vehicle -- they purchase the vehicle through the company. And they only use our operating authority, which is the company's DOT number.

ASSEMBLYWOMAN CARIDE: So who pays the insurance?

MS. URTEAGA: The owners.

ASSEMBLYMAN RAMOS: To them.

ASSEMBLYWOMAN CARIDE: To you?

MS. URTEAGA: Yes.

ASSEMBLYWOMAN CARIDE: So your company provides insurance for the owner/operators?

MS. URTEAGA: Correct -- the insurance and DOT inspections.

ASSEMBLYWOMAN CARIDE: So if you're an owner/operator you're not renting, and so you don't have to pay a rental fee.

MS. URTEAGA: No.

ASSEMBLYWOMAN CARIDE: But you have to pay a fee--

MS. URTEAGA: You pay a monthly fee -- a monthly fee.

ASSEMBLYWOMAN CARIDE: A monthly fee. How much is that?

MS. URTEAGA: We issue-- I don't have the price for that -- that's accounting.

ASSEMBLYWOMAN CARIDE: A range -- high and low?

MS. URTEAGA: I don't have-- That's accounting, but we make sure we only issue (indiscernible). So that way we control that the drivers provide us with all the records of the vehicle maintenance for every month, and then we give them the insurance ID.

ASSEMBLYMAN WISNIEWSKI: Any other questions?

ASSEMBLYWOMAN CARIDE: You said that it was-- In order to find out what you charge monthly, you said it was an accounting issue or it depends on the county?

MS. URTEAGA: Yes. No, the person in charge is not here. I'm not in charge. I'm in charge of everything operations, insurance; I'm in charge of everything that has to do with accident filings, DOT. Every time an owner/operator-- For example, the route is not for sale -- it's just the vehicle. This question was asked before and I gave-- I own a vehicle. I don't want to do this business anymore. I want to give it to somebody else, so I go ahead and I make this agreement, which is sent to Trenton in a lease cancellation. So Trenton approves that lease agreement, and then from there I present my bus to the DOT inspector who inspects my bus thoroughly and completely.

ASSEMBLYWOMAN CARIDE: I'm sorry, Chairman.

ASSEMBLYMAN WISNIEWSKI: Go ahead.

ASSEMBLYWOMAN CARIDE: You were saying that you sent the lease to Trenton?

MS. URTEAGA: Correct, with a \$25 money order.

ASSEMBLYWOMAN CARIDE: So your-- The drivers who rent from you -- the bus -- do you have a rental agreement with them?

MS. URTEAGA: Yes, we have a lease agreement.

ASSEMBLYWOMAN CARIDE: And you send that to Trenton?

MS. URTEAGA: No, not that. Only owner/operators, not the regular renters. The vehicles we own we don't have to send to Trenton.

ASSEMBLYWOMAN CARIDE: Okay, all right. Thank you.

MS. URTEAGA: And I also want to mention that all the vehicles have tri-cam that records everything, so we kind of monitor that the drivers are doing the right thing on the road.

ASSEMBLYMAN WISNIEWSKI: Any other questions from the Committee? (no response)

Thank you for your testimony. Please make sure you fill out a slip and give it to OLS so that they have a record that you testified.

Okay, now seeing nobody else left to testify, I just want to make it clear that this is the beginning of the process for this Committee on this issue. We took testimony; I think many of us were enlightened by facts that we -- or at least I -- were not aware of prior to today. It gives us a lot to think about, plenty to work on. And we will continue to look at this issue as a Committee, and hopefully move legislation before the end of this year so we can address what I think is a very unworkable situation.

If there are no other comments from the Committee, we are adjourned.

**(MEETING CONCLUDED)**

**APPENDIX**

**Remarks of Dr. Nariman Farvardin  
President, Stevens Institute of Technology  
Assembly Transportation, Public Works & Independent Authorities Committee  
September 23, 2013**

Chairman Wisniewski (WIZ-NE-SKI) and members of the Committee, on behalf of Stevens Institute of Technology, I am delighted and honored to welcome you to our campus.

I am Nariman Farvardin, President of Stevens Institute of Technology. I would like to take a brief moment to tell you about Stevens.

Founded in 1870, Stevens is the home to over 6,200 undergraduate and graduate students, 60% of which are New Jersey residents, who collaborate with more than 350 faculty members in an interdisciplinary, student-centric, entrepreneurial environment to advance the frontiers of science and leverage technology to confront global challenges. Stevens is home to three national research centers of excellence, as well as joint research programs focused on critical industries such as healthcare, energy, finance, defense, STEM education and coastal sustainability. Last year, we completed an ambitious 10-year Strategic Plan called, *The Future. Ours to Create*. The Plan charts a bold and ambitious course to increase our footprint and increase our impact in New Jersey and globally in areas of great societal need such as healthcare and medicine, financial systems, sustainable energy, and defense and security.

Earlier this month, Stevens welcomed our most academically talented and most diverse freshman class in our 143-year history. A record number of 719 freshmen undergraduates from 29 states and 13 countries and approximately 1000 new graduate students representing 31 countries from around the globe joined the Stevens family. Recently, Stevens was ranked #3 in the nation, and first in New Jersey, in Payscale.com's 2013 mid-career salary rankings. Stevens also placed 9<sup>th</sup> in the nation for return on investment of a college education, also first in New Jersey. Last year, U.S. News & World Report named Stevens 7<sup>th</sup> in the nation (also first in New Jersey) in the percentage of science, technology, engineering, and mathematics (STEM) degrees awarded. Our Athletic program won the Josten's Eastern College Athletic Conference *Institution of the Year* award—one of only three colleges (along with Princeton University and Williams College) to win more than once. The winner of this award is the college or university that best exemplifies the highest standards of collegiate academics and athletic performance. Stevens was selected from more than 300 Division I, II and III programs that make up the largest athletic conference in the nation. And, last week, we were informed that Stevens won the Collegiate Athletic Administrators of New Jersey Cup (2012-2013) for NCAA Division III institutions for the third straight year.

It has been my honor to serve Stevens as its seventh President for just over two years. During this time, I have gotten to know Stevens, our faculty and students, our rich history of innovation dating back to the days of the Stevens founders, and continuing to this day, and the tremendous contribution this university has made to New Jersey and the nation over its 143 year history.

I thank you for holding this important committee hearing here on the campus of Stevens Institute of Technology. Welcome to Stevens. I hope that you will enjoy your time here, and I invite you to come back anytime to join us for a closer look at Stevens.



**PORT AUTHORITY POLICE BENEVOLENT ASSOCIATION, INC.**

611 Palisade Avenue, Englewood Cliffs, N.J. 07632-1805

Telephones: 201-871-2100 or 212-947-3754

Facsimile: 201-871-2343 www.papba.org



PAUL NUNZIATO PRESIDENT

Good morning, my name is Paul Nunziato. I am President of the Port Authority Police Benevolent Association and have been a police officer with the Port Authority Police Department since 1987. Assembly Bill 3737 addresses an unfortunate loophole in workplace health and safety laws affecting the members of my Department.

Under Federal law, all private employers must follow the Federal Occupational Safety and Health Act. States may, at their discretion, elect coverage under the federal law administered by the Occupational Safety and Health Administration (OSHA) or create a state agency equivalent to OSHA covering public employees of the state, county and municipal employers. In total, 26 states have covered public workers under OSHA's jurisdiction or created state agencies to enforce OSHA standards in the public sector. The State of New York elected to create such a state law in 1970 and New Jersey followed suit in 1984. Because the Port Authority of New York & New Jersey is a bi-state public agency, however, employees of the Port Authority were not covered by either law. The state bodies enforcing health and safety regulations for public sector workplaces have no jurisdiction over the Port Authority.

To our knowledge, the Port Authority of New York & New Jersey is the largest employer in the United States not subject to Federal OSHA or a state equivalent. It is certainly the largest employer, public or private in the State of New Jersey who has no oversight to ensure that it meets basic health and safety standards.

UNION OF PROFESSIONAL POLICE OFFICERS

Affiliations: Police Conference of New York, Inc., New York State Association of PBA's, Inc., National Association of Police Organizations, Inc., New Jersey State Policemen's Benevolent Association, Inc., New York State Public Employee Conference, Inc.

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This is more than a mere technical loophole in the law. In recent years, my members have been subjected to any number of safety violations by the Port Authority of New York & New Jersey. For example, members of my department responsible for Aircraft Rescue and Firefighting were forced to wear expired proximity gear to fight aircraft fires for a period of years because the Port Authority did not want to pay the expense of ordering new gear. Similarly, my members have been forced to wear expired ballistic vests, including the body armor worn by the members of our Emergency Services Unit tasked with some of the most dangerous functions of the agency. At another command, half a dozen of my members were diagnosed with MRSA and the Port Authority Office of Medical Services refused to treat them or take steps to sterilize the facility.

The members of this committee should be under no illusion that the Port Authority is a safe employer and does not need this oversight. On behalf of the members of the Port Authority of New York & New Jersey Police Department and the other employees of my agency, I request that you bring the Port Authority of New York & New Jersey into compliance with basic safety laws which exist in all other workplaces in both New York and New Jersey. The State of New York has already acted to amend New York law to achieve this result. Passage of this simple amendment into law will insure that appropriate oversight of the agency's operations will be granted to protect the safety of all employees.

Thank you.



# New Jersey Motor Vehicle Commission

P.O. Box 160  
Trenton, New Jersey 08666-0160

STATE OF NEW JERSEY

**Chris Christie**  
Governor

**Kim Guadagno**  
Lt. Governor

**Raymond P. Martinez**  
Chairman and Chief Administrator

September 23, 2013

Honorable John S. Wisniewski, Chairman  
Assembly Transportation, Public Works  
and Independent Authorities Committee  
State House Annex  
P.O. Box 068  
Trenton, New Jersey 08625-0068

Dear Chairman Wisniewski:

Thank you for your kind invitation to testify today before the Assembly Transportation, Public Works and Independent Authorities Committee regarding the regulation, operation, safety, and enforcement of certain passenger transportation vehicles, *sometimes* referred to as jitneys, in light of recent reports that these vehicles have been operating in an unsafe manner. I regret not being able to attend today due to a previous commitment, and I respectfully request that you accept this letter for introduction into the record of the meeting.

I would like to express that I truly share the grief and concern of all the citizens of New Jersey with respect to the recent tragedy that resulted in the death of an infant in West New York, and of all those affected by the crash.

For context, your invitation refers to jitneys, and I offer that jitneys, as defined in New Jersey statute, refer to the vehicles which operate in and around Atlantic City. You are likely referring to the vehicles which operate in and around Hudson County. Generally, the vehicles that in fact operate in areas such as Hudson County are, under the law, defined as buses of various passenger capacities.

First, I would like to focus for a moment on those buses operating in Hudson County. A review of the Motor Vehicle Commission's (MVC) inspection records indicate that there are 63 bus companies located in Hudson County. Many of these bus companies operating in Hudson County provide interstate transportation to their passengers and have federal authorization through the United States Department of Transportation (US DOT) to operate in or out of the State. Thus, the State of New Jersey does not have jurisdiction over such providers for purposes of enforcement.

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42

A bus company in possession of US DOT authority to operate is not obligated to obtain State of New Jersey authority which is issued in the form of a Certificate of Public Convenience and Necessity (CPCN). In other words, only bus companies performing exclusively intrastate "regular route" (open to the public) operations in New Jersey are required to obtain a New Jersey CPCN.

Of the 63 bus companies located in Hudson County, 26 have intrastate route operations and have been issued CPCN's. However, not all of the 26 bus companies provide "regular route" operation services on the streets of Hudson County; some simply provide intrastate charter and employee shuttle "closed door" operations.

There are other bus companies located in neighboring counties that may also be providing route operation services in Hudson County with US DOT authority and because they have US DOT authority, the need to obtain a CPCN issued by the State of New Jersey is obviated.

To round out the types of bus companies operating in Hudson County, it is possible that there are transportation providers operating that have failed to obtain operating authority, whether State or federal. Appropriate enforcement authority is a much needed component of this issue, and requires action by law enforcement agencies at the county and municipal levels.

Second, I would like to focus on MVC regulation of bus companies operating in Hudson County, and throughout the State. The MVC regulates driving privileges for individuals, as well as operating authority for commercial buses engaged in intrastate transportation of passengers. However, with the exception of certain inspection operations as mentioned below, MVC roadside enforcement authority is limited to the inspection of the **equipment** pursuant to both State and federal regulations.

Maintaining the operating integrity of the equipment is of critical importance in our collective efforts to promote safety. Inspectors from the MVC perform regularly scheduled safety inspections twice a year on buses registered in New Jersey. The inspections include an examination of maintenance records that are mandated to be kept on file at the bus terminals. Further, buses are subjected to safety inspections under the direction of the federal Motor Carrier Safety Administration (FMCSA), through its Motor Carrier Safety Assistance Program (MCSAP). MCSAP inspections are conducted by inspectors from New York City, New York State, the MVC, New Jersey State Police and the Port Authority of New York and New Jersey.

Notwithstanding such stringent standards as to equipment safety, the drivers of the buses operating in Hudson County must possess a Commercial Drivers License (CDL) with a passenger endorsement, as per both federal and State requirements.

For all of these reasons, any proposed legislation that would make the MVC's statutory definition of "Commercial Motor Vehicle" inconsistent with FMCSA's definition would create confusion, pose enforcement issues, could result in decreased federal funding, and lead to potential legal liability.

It is important to note that buses found with serious defects resulting from a MCSAP inspection are immediately rendered "out of service" and removed from the road. Improperly/unlicensed drivers or those with suspended licenses are similarly removed from the buses. Buses federally flagged as "Not Allowed to Operate – Authority Revoked" are also removed from the road.

Third, I wish to point out that, in stark contrast to the MVC's proactive efforts to detect equipment related safety problems, the grossly negligent behavior of any driver poses a very different challenge.

Crashes such as those caused by cell phone usage while driving have prompted the enactment of many laws prohibiting their use while operating a motor vehicle, as well as numerous proposed items of legislation in New Jersey and throughout the country. Without question, such reckless and dangerous practices as that which occurred in West New York (as well as the many other traffic offenses committed by bus drivers) must be deterred by enforcing our existing traffic laws to the fullest extent possible.

Appropriate enforcement -- by vigorously utilizing the spectrum of already existing statutes and regulations -- has always been, and remains the essential component of this issue, and requires action by law enforcement agencies at the State, county and municipal levels on the respective roadways that they patrol.

On a daily basis throughout the course of each year, the MVC routinely processes violations that have been docketed in the municipal courts from all over New Jersey to facilitate the transmission and sharing of such information with our motor vehicle counterparts, whether in neighboring states that are contiguous to New Jersey or across the country. The number of records accurately and timely transmitted is in the millions annually.

I assure you that the MVC stands united with our federal, State, bi-state and local law enforcement, and DMV partners in continuing to effectively execute all applicable traffic safety laws and initiatives.

Thank you.

Sincerely,



Raymond P. Martinez  
Chairman and Chief Administrator

RPM/JD/rmg

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