

Philip D. Murphy, Governor
Tahesha L. Way, Lieutenant Governor
Diane Gutierrez-Scaccetti, Commissioner
Kevin S. Corbett, President & CEO

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September 22, 2023

Honorable Philip D. Murphy
Governor, State of New Jersey
State House
Trenton, NJ 08625

Dear Governor Murphy:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc., Board of Directors held on Thursday, September 14, 2023.

Sincerely,

Meghan Clark Umukoro

Meghan Clark Umukoro
Board Secretary

Enclosures

Open Session Minutes of the actions taken at the Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Thursday, September 14, 2023. The meetings occurred concurrently.

Board Members

Diane Gutierrez-Scaccetti, Chair
Kiabi D. Carson, Vice Chair
Aaron J. Creuz, Governor's Representative
Michael Kanef, Treasurer's Representative
Sangeeta P. Doshi, Board Member – Absent
Bob Gordon, Board Member
Richard A. Maroko, Board Member
Carlos A. Medina, Board Member
Shanti Narra, Board Member – Absent
Evan S. Weiss, Board Member– Absent
Rashonda A. Brown, Board Member (Non-Voting)
Karen Thomas, Board Member (Non-Voting)

Staff

Kevin S. Corbett, President & Chief Executive Officer (CEO)
Meghan Clark Umukoro, Board Secretary
Brian T. Wilton, Senior Vice President, Chief Legal Officer & General Counsel
Justin Davis, Senior Vice President, Regulatory and Government Affairs, Chief of Staff
Michael Kilcoyne, Senior Vice President, Surface Transit, General Manager, Bus Ops.
Richard Schaefer, Senior Vice President, Capital Programs
Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer & Treasurer
Christopher Trucillo, Senior Vice President, Chief of Police, Office of Emergency Mgmt.

Chair Gutierrez-Scaccetti convened the Open Session at 10:03 a.m. in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling legislation. Board Secretary Umukoro asked everyone to mute their phones and turn their attention to the Public Safety Announcement. The pledge of allegiance to the flag was recited.

Board Secretary Umukoro conducted Roll Call. Chair Gutierrez-Scaccetti noted she needed to leave the meetings at noon, would then join virtually, and Board Member Kanef would run the meetings. Board Secretary Umukoro noted Vice Chair Carson and Board Members Maroko and Medina were participating remotely, Board Member Narra would join later, and Board Members Doshi and Weiss were absent.

Board Secretary Umukoro announced that adequate notice of the meetings of the Board of Directors of the New Jersey Transit Corporation and its affiliates and subsidiaries was provided in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling

legislation. Notices were filed on September 8, 2023 with the Secretary of State, sent to newspapers of general distribution, posted in the main entrance of NJ TRANSIT headquarters, published on the corporation’s website, and sent to each individual, agency, and organization that requested such notice.

Approval of Minutes

Chair Gutierrez-Scaccetti asked for a motion to approve the minutes of the July 19, 2023 Board meetings. Board Member Michael Kanef made the motion and Board Member Bob Gordon seconded the motion. The minutes were adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Abstain

President & CEO’s Monthly Report

President & CEO Corbett said instead of beginning with ridership as usual, he would briefly highlight a significant organizational achievement since the last Board meetings in July, that most have probably already heard about. Last month, NJ TRANSIT received what is arguably the most coveted award in public transit, the American Public Transportation Association’s 2023 Outstanding Public Transportation System award, the highest accolade among North America’s largest public transportation systems, as voted on by their peers. President & CEO Corbett said the last time NJ TRANSIT received this distinction was 23 years ago, in the year 2000. On a personal note, President & CEO Corbett was truly honored and humbled to be the head of such an awesome team of nearly 12,000 employees, whose hard work and commitment was responsible for earning this recognition.

President & CEO Corbett said on ridership, overall weekday rail ridership was between 65 to 75 percent of pre-COVID levels, with mid-week at approximately 80 percent, and many peak hour trains at or above pre-COVID levels. Overall weekend rail ridership remained at approximately 95 percent of pre-COVID levels.

Overall bus ridership systemwide remained at approximately 85 percent of pre-COVID levels, with interstate ridership into New York at approximately 80 percent of pre-COVID levels, and intrastate bus ridership at approximately 90 percent of pre-COVID levels.

President & CEO Corbett said although NJ TRANSIT ridership remained relatively steady over the summer, anecdotally while speaking with some of their train crews, they were noting how much fuller their parking lots and trains seemed to be over the past few weeks and looked forward to seeing what September numbers looked like. He said while many

people may be reluctant to go to work five days a week, they were enjoying being out and active in their personal lives.

NJ TRANSIT also successfully moved more than 175,000 people on their BetMGM Rail Line to and from MetLife Stadium, since the last Board meetings, for more than a dozen major concerts and sporting events, including three Bruce Springsteen concerts. President & CEO Corbett said it has been gratifying to see NJ TRANSIT become a significant aspect of the fan experience for many of the concerts they serviced, a trend picked up by news outlets, including *Good Morning America* and *The New York Times* in their Style section.

Beyond the fan experience, an analysis conducted by Streetlight Data of vehicular traffic around Taylor Swift Concert venues across the country this past summer, gave New Jersey and NJ TRANSIT extremely high marks for their emphasis on public transit options. Thanks to NJ TRANSIT service, the study noted that MetLife Stadium was the only stadium where vehicular traffic, measured as Vehicular Hours of Delay, or VHD, actually decreased. Calling New Jersey a “real standout” while referring to MetLife’s location as the most populous region of the country, VHD decreased 19 percent on average around the stadium over the course of the three nights, as compared to normal traffic around the venue.

Other cities with far less robust transit options to Taylor Swift shows, including Glendale, Houston, Arlington, Nashville, Tampa, Atlanta, and Las Vegas all saw significant traffic increases around their stadiums, averaging a 90 percent increase in vehicular traffic, and one saw an increase as high as 847 percent. President & CEO Corbett said that meant that NJ TRANSIT service not only allowed concertgoers to have a fun and positive pre- and post-show experience, but were also reducing their carbon footprint in the process. In addition, he said their success at these events clearly demonstrated their preparedness and ability to tackle the ultimate challenge in 2026, when New Jersey proudly serves as host city for the 2026 FIFA World Cup.

As service such a MetLife helps spur economic growth in the state, they were also investing in targeted, community-focused improvements to ensure that every New Jersey resident has access to efficient and effective public transportation. Toward that end, President & CEO Corbett was pleased to note that NJ TRANSIT received a competitive grant from the Federal Transit Administration for \$600,000 to redesign bus routes in Paterson and Passaic. The grant was part of the nationwide Areas of Persistent Poverty program, designed to improve or start transit programs for residents with limited or no transportation options.

To further enhance and promote access to public transit for students attending partner colleges and universities, NJ TRANSIT was proud to bring back their popular “Buy 3 Months, Get 1 Free Month Free” promotion for students. They buy September, October, and November passes and receive a free monthly pass for December. Through this promotion, with the 25 percent discount on monthly passes, students can save more than 60 percent off transportation purchasing one-way transportation. For more details on this

program, and to learn how colleges and universities can participate, please visit njtransit.com/studentpass.

President & CEO Corbett said they had another busy agenda that morning, with 16 items up for Board consideration, and briefly highlighted two of the more notable items. First, the Board would consider a contract that would move them into Phase Two, which includes 30 percent design, for a new facility to replace Walter Rand Transportation Center in Camden. This project supported by a significant investment commitment from the Murphy Administration would modernize and expand this vital transportation hub to better connect South Jersey rail and bus service, and provide improved connectivity to Camden's growing medical, education, and industrial development areas.

The Board would also consider a contract to begin NJ TRANSIT's NewBus Hudson bus redesign initiative, which would leverage CRRSAA funding along with a discretionary grant they received for this initiative last year in July. NewBus Hudson will allow for a comprehensive review for the local bus network in Hudson County, help identify emerging market needs, and develop recommendations that maximize system efficiency. NJ TRANSIT is already working closely with local Hudson County officials, who are eager to maximize growth in the County, and take advantage of new development and employment patterns. As NJ TRANSIT works behind the scenes on an immediate emergency service plan in light of A&C's recent and disappointing decision to cease bus operations in Jersey City later this fall, NewBus Hudson is a necessary and timely study that supports a longer-term, holistic, and strategic public transit vision needed for the County.

Turning to infrastructure, President & CEO Corbett said on September 6, 2023, he was pleased to join Governor Murphy and Commissioner Gutierrez-Scaccetti, along with Congressman Frank Pallone, Assemblyman Daniel Benson, and Long Branch Mayor John Pallone at their Long Branch Station to celebrate a significant funding increase for NJ TRANSIT, which would advance infrastructure projects across the system. He said Commissioner and Board Chair Gutierrez-Scaccetti deserved extraordinary credit for facilitating the allocation of approximately \$425 million in federal funding for New Jersey's transportation system. President & CEO Corbett noted \$315 million of which was coming to NJ TRANSIT, funding 15 important capital projects, including the new pedestrian tunnel at Long Branch connecting the east and west sides of the city and improving safety and accessibility.

Some of the other projects included: accessibility upgrades at the Roselle Park and Bloomfield's Watsessing Avenue stations; bus electrification upgrades at Hilton Bus Garage in Maplewood; the Delco Lead Storage and Inspection Facility, which would improve service by enabling NJ TRANSIT to quickly return rail cars back into service following extreme weather; and the repair or replacement of bridges and decks throughout the system, which will reduce delays and improve safety. President & CEO Corbett said these were just a few examples of the 15 projects that would be funded, thanks to the Commissioner's swift action.

President & CEO Corbett said NJ TRANSIT celebrated another infrastructure milestone on September 12, 2023, when he joined Elizabeth Mayor Chris Bollwage, Senator Joe Cryan, Assemblywoman Annette Quijano, and Assemblyman Reginald Atkins at the Elizabeth Station to mark the opening of the new station building and platform on the eastbound, or New York-bound side of the station. There, they all greeted customers and welcomed them to the station building, complete with a new elevator and new platform, with two soon-to-be opened climate-controlled waiting areas that significantly enhance the customer experience for more than 2,700 customers who use that station every weekday. They expect the entire project to be completed this winter.

President & CEO Corbett was pleased to note that the Portal North Bridge Replacement Project, which was the single largest construction award in their agency's history, has reached a major milestone. Last month, they achieved 25 percent completion on the new bridge, which was advancing at a furious pace. As a reminder, anyone interested in checking in on their progress can do so by visiting njtransit.com/portal to view a daily project snapshot, and some great timelapse video.

President & CEO Corbett said on the technology front, last month they released a new version of their highly rated NJ TRANSIT mobile app, which currently boasts a 4.8 star rating on the Apple App Store, with over 188,000 reviews, adding some great new features and updates. Leveraging Departure Vision data, a new "View Next Train" feature displays the next train available at a customer's location, after they buy a ticket. Similarly, a new feature called "Nearby" within MyBus section of the App, displays bus stops near a customer's current location. This latest version adds many other improvements as well, too numerous to detail today, but suffice it to say they will benefit millions of customers, who are using the mobile app in higher and higher percentages every month. In the past month, 1.2 million customers have used the mobile app, which was up two percent from the previous month. Also, in the past year, 4 million customers have used the NJ TRANSIT app, up more than 40 percent from the previous year.

President & CEO said their focus was not only on customer-facing improvements, but they were also equally focused on internal company resource optimization, to ensure they remain on their path to becoming a world-class transit agency. He was pleased to share three significant personnel announcements at NJ TRANSIT. President & CEO Corbett welcomed Binu Thomas to the team, as their new Senior Vice President & Chief Administrative Officer. In this role, Binu is responsible for Procurement, Human Resources, Civil Rights and Diversity, and Information Technology. Binu brings a wealth of knowledge and expertise with over 15 years of experience at the MTA, in progressively responsible administrative and operational roles. They were also pleased to add to the leadership team Jim Keane, as new Senior Vice President & Chief Safety Officer. Jim comes to NJ TRANSIT from The Port Authority of New York and New Jersey with more than 40 years of safety experience, and he most recently served as their General Manager of Operations Safety. Lastly, it was President & CEO Corbett's pleasure to announce the promotion of Rich Schaefer, who was promoted permanently to the position of Senior Vice President of Capital Programs. In his time as Acting Senior Vice President of Capital Programs, Rich has continued to advance NJ TRANSIT's \$17 billion Capital

Plan, and prior to that, as Chief Engineer, he led the development and release of their first-ever Five-Year Capital Plan. President & CEO Corbett asked that everyone join him in extending a warm welcome to Binu and Jim, and a hearty congratulations to Rich on his promotion.

President & CEO Corbett said that Jim Keane was joining NJ TRANSIT just in time for Rail Safety Week, which begins on Monday, September 18, 2023. Aligned with Rail Safety Week, NJ TRANSIT is again rolling out two innovative safety programs for students, Special Safety Education Awareness Training, or Special SEAT, and Protecting Our Pedestrians, or POP. For more information on these programs, please visit njtransit.com/seat or njtransit.com/pop.

In addition, to NJ TRANSIT's distinction as APTA's Outstanding Transit System this year, President & CEO Corbett was pleased to note that NJ TRANSIT has once again been recognized by Forbes as one of America's Best-in-State Employers for 2023, for a third consecutive year. This year, they ranked fifth among the 89 New Jersey employers included in the rankings, up from last year's ranking of seventh, and were ranked first in the Transportation and Logistics category.

President & CEO Corbett said as many of them may know, 2023 was the 40th anniversary of NJ TRANSIT Rail Operations, and to celebrate, they have planned a number of special events this year. Most notably, on the weekend of September 30, 2023, NJ TRANSIT and the United Railroad Historical Society of New Jersey are partnering to operate a special excursion train named the 40th Anniversary Express between New York and Bay Head. They were thrilled that tickets for this excursion were extremely popular and sold out online in just eight minutes. The following day, October 1, 2023, from 10:00 a.m. to 4:00 p.m. all members of the public are invited to their historic Hoboken Terminal for a special display of NJ TRANSIT's heritage decorated locomotives. They also have something special planned for today's Board meetings.

This morning, they have invited several employees who have been with NJ TRANSIT Rail Operations since its founding in 1983, which was 40 years or more, including those who came to NJ TRANSIT through predecessor railroads, to be recognized in a photo and with a ceremonial proclamation. Their commitment and dedication has been instrumental to the success of NJ TRANSIT Rail Operations over the past 40 years. President & CEO Corbett asked all of the employees there who have been serving NJ TRANSIT Rail Operations and NJ TRANSIT rail customers for 40 years or more to please stand. They received a round of applause for their dedicated public service. They were also asked to join the Board and NJ TRANSIT staff for a group photo at the dais. President & CEO said they would have a Certificate of Appreciation for all the employees at the reception desk, which they could pick up as they left.

Chair Gutierrez-Scaccetti thanked everyone for their patience while they recognized such an important part of their organization.

Chair Gutierrez-Scaccetti asked Board Secretary Umukoro if there were any comments from the public. Board Secretary Umukoro said there were four in-person speakers and four pre-registered telephone speakers.

Board Secretary Umukoro said in order to give everyone an opportunity to be heard, comments would be limited to three minutes. Priority access would be given to pre-registered in-person speakers, followed by any additional in-person speakers. They would then take comments from pre-registered telephone speakers, followed by any additional telephone participants queued to speak.

Board Secretary Umukoro instructed those participating by telephone, if they had not already done so, please press *1 on their telephone keypad to enter the queue to speak. They would hear a brief tone to indicate they have successfully entered the queue.

Public Comments

David Peter Alan, Chair of the Senior Citizens and Disabled Residents Transportation Advisory Committee (SCDRTAC), provided a report from their committee. Mr. Alan said after their semi-annual Summary Report in July, they were returning to their shorter format. He said that did not mean that their members have not been busy during the past two months. They were planning for the near future, from preparing to hear presentations from most of the county providers, to looking toward better service on Access Link, to preparing for 2024, which will be a big year for them.

Mr. Alan said next year would mark the 45th Anniversary of the start of NJ TRANSIT, and they look forward to participating in the celebrations. In addition, the Senior Citizens and Disabled Residents Transportation Assistance Act of 1983, the statute that established their Committee and the SCDRTAP grant program for counties and other providers of transportation for seniors and persons with disabilities, took effect on January 17, 1984. They are planning to commemorate their 40th Anniversary at their January meeting, which is scheduled for January 22, 2024. They welcomed Board members and senior managers to join them to commemorate their founding, and they will have more to report about on plans as they go along.

Mr. Alan said the season for hearing presentations from the county transportation providers was now in full swing, this interaction was an important part of their statutory mandate, and would pay special attention to innovative practices. They include operations designs, like route deviation services, working with shared-ride taxi companies, innovative funding initiatives, and coordination with other counties and organizations, such as non-profits. Mr. Alan said as stated before they are deeply concerned about the fiscal cliff that is looming for NJ TRANSIT and all other transit providers, when the money from the COVID-19 relief funding runs out. He said there was already a great deal of pressure on county providers, and it could become worse if this happens, because of increased demand due to anticipated cuts in fixed-route service, even though their SCDRTAP formula and other grants are safe.

Lastly, Mr. Alan said they were still concerned about service on Access Link, which was vital for persons whose disabilities hinder them in their efforts to use fixed-route buses or rail transit. One of the most prominent issues was that pick-up times were not well-coordinated for riders who need to be somewhere at a specific time, a problem that their own members face when they use Access Link. They suggest using a destination-based scheduling system that would set pick-up times that would get riders to their destinations in time for their appointments. They welcome any suggestions that relate to transportation for seniors or persons with disabilities.

Aleta Dupree said for the record her pronouns were she and her. Ms. Dupree said this was her first time at the meetings and that she had called in a few times. She said she was an ordinary user of NJ TRANSIT and had been using NJ TRANSIT's buses and rail since 1980. Ms. Dupree said she liked using the bus and rail system and used the train today to commute to the meetings. She said the train was a little late due to signaling issues, but she believed that was an Amtrak issue. She said generally things were okay and that NJTRANSIT was doing okay. Ms. Dupree asked how they could build the best NJ TRANSIT. She uses the NJ TRANSIT app to pay for her ticket, which only costs \$2.45, and believes that is a good deal. Ms. Dupree said over the years she has written letters and talked to people about the new features added to the app.

Ms. Dupree said she was able to see the Portal North Bridge on her commute in and felt that they were making progress. She said sometimes she is afraid to use the train because of the signaling and power concerns in the tunnel, which she believed are Amtrak issues. She said she does not want to be afraid to use the trains. When she thinks about resiliency, she thinks about how trains can run on electricity. Ms. Dupree would like NJ TRANSIT to have a renewable electric powered railway and is hopeful that they will have electric buses on the roads soon because she does not want that to be a novelty. She said the Bay Area Rapid Transportation (BART) in California was an electrified railroad that was pretty much greenhouse gas free. Ms. Dupree said overall she has been using NJ TRANSIT for 43 years and it was one of the things she looks forward to when she comes to the area, and it was good to be in person with the Board.

Paula Rogovin, member of Don't Gas the Meadowlands Coalition, said she thought President & CEO Corbett would announce the bidders for the TRANSITGRID project but again there was another delay. Ms. Rogovin said there was no transparency with the public regarding the cause of the delay. She urged the Board to take a stand, cancel the proposed gas plant, and pivot to the renewable energy microgrid as they promised in 2020. Ms. Rogovin said the Strategen report said a TRANSITGRID with renewable energy would be cleaner, less expensive, and better for public health, especially communities like Kearny, which are environmental justice communities. She said a renewable energy source would ward off climate change. Ms. Rogovin said she was pleading with the Board to be responsible official public commissioners.

Ms. Rogovin said Governor Murphy's executive orders in 2018 and 2023 called on every department and commission throughout the state to do everything possible to protect

environmental justice communities. She said a gas plant would hurt people's health, especially in communities already overburdened by pollution. Ms. Rogovin said that meant it was the Board's responsibility. She knew it was difficult to speak out and risk criticism from the public and the media. Ms. Rogovin said some Board members might worry that they will not be reappointed to the NJ TRANSIT Board if they speak up because it has happened before, but they have a responsibility to the public. She told them to demand NJ TRANSIT cancel the current RFP for the gas plant, immediately pivot to a renewable energy microgrid from the start, and not a transition in 2035. Ms. Rogovin said they should provide support to bidders for locating sites for solar panels. She said in 2014 FEMA warned against using gas plants for power because during storms the source of the gas is often cut off. Ms. Rogovin said on Sunday, September 17, 2023, thousands of people would march to end the use of fossil fuels.

Timothy Sevenser, Board member of New Jersey Association of Rail Passengers, from the Transit Village of Mount Taber, said he supports a solar renewable energy source with battery backup and some on demand only natural gas for the TRANSITGRID project. Mr. Sevenser said this would be an excellent opportunity to be the first solar rail. He said PATCO has 50 percent power solar rail.

Ms. Sevenser said he just barely got to the meetings because the New York bound train was cancelled and earlier that week trains were once again redirected to Hoboken. He said this begs the question they have been asking for 15 years, which is when they would be getting back the Hoboken trains that they lost on various lines as well as adding PATH service as an option. Mr. Sevenser said Hoboken Station has 30 tracks but does not have the same issues that New York Penn Station tunnel has. He said although they were building the Gateway tunnel, it would take 10 years to complete. Mr. Sevenser asked what they were to do in the meantime. He said Morristown, Maplewood, and other trains stops have lost 10 trains in each direction solely to Hoboken. He said he did not understand why they were not utilizing their resources.

Mr. Sevenser said meanwhile he saw in the budget that they redirected funds from the rail rolling stock to buses which is good to do for buses, but they should be leveraging their rail. He said electric rail is the most energy efficient land transportation there is. Mr. Sevenser said according to the International Energy Agency, the way to the future and to reduce greenhouse emissions, is to get people out of cars, electric cars included, and onto electric rail. He said in the last week, because NJ TRANSIT has dallied for a decade to extend the Hudson Bergen Light Rail, they have come to a halt and were being asked for a new Environmental Impact Statement (EIS). Mr. Sevenser asked when they were going to build the Hudson Bergen Light Rail extension.

Sally Jane Gellert, Chairperson for the Lackawanna Coalition, said they have been disturbed about the demise of DeCamp and Coach USA bus companies ending Sunday and evening service on certain Essex County lines, and now it was worse because the service lines were scheduled to be closed completely. Ms. Gellert said A&C Bus Corporation was dropping routes in Jersey City and residents in those areas would also be abandoned. She said because NJ TRANSIT did not share COVID-19 relief funds with private carriers

they were obligated to pick up the routes from the companies who could not maintain service without it. Ms. Gellert said residents of those communities deserve to have service maintained at the previous level and not at a skeleton level.

Ms. Gellert said they continued to support the call for a solar TRANSITGRID. They urged them to think in terms of one and done, not stopgap today, solar tomorrow. She said many environmentalists would be joining the march mentioned by Ms. Rogovin. Ms. Gellert said Coalition members would be at some stations to help people navigate senior fares, ticket vending machines, and apps, with advice on getting through Secaucus Junction and New York Penn Station for people who were not familiar with NJ TRANSIT trains. She said when new riders have a good experience, they are more likely to come back, and they were glad to support NJ TRANSIT putting its best foot forward in handling the more than originally expected crowds.

Ms. Gellert read a message from Coalition member Joseph Clift, a warning to NJ TRANSIT Board members if they did not demand that New Jersey's three Gateway Development Commission (GDC) members object now to the current design of GDC's Palisades Tunnel section of the \$16 billion Hudson Tunnel Project slated to move forward later this year. He said a completed new tunnel would provide zero additional morning peak train capacity into Manhattan, the main objective of Gateway, until the entire \$40 billion Gateway Program is built, which might not happen for decades, if ever. The design must be changed to follow the original Access to the Region's Core plan and bring the new Northern track under the existing Northeast Corridor (NEC) tracks, where it can merge with the north, outbound track. Mr. Clift believes this will result in trains coming from Manhattan being able to use the new tunnel to get on the outbound track of the NEC without conflicting with inbound trains, making it possible to immediately increase the current peak capacity of 24 trains per hours into Manhattan, to 30, an increase of six trains without any additional spending on Gateway.

Ms. Gellert said members have mentioned that the MyTransit mobile application does not sell transfers, though it easily could. She said there have been occasions when bus drivers would not sell a transfer for cash to a rider boarding with an electronic ticket. She said riders with monthly rail passes can use them on buses and asked why that was not true for those with monthly bus passes. Ms. Gellert's full written statement was shared with the Board.

Board Secretary Umukoro said they would now open the floor for public comments by telephone participants.

The Operator said as a reminder, if you have not already done so, please press *1 on your telephone keypad to enter to queue to speak. You will hear a brief tone to indicate you have successfully entered the queue. Each speaker would be given three (3) minutes for their public comment. A warning would be provided with 1-minute remaining and again with 15 seconds remaining. The Operator said there were nine participants in the queue to speak.

Andy Weiss asked where the Customer Advocate was. Mr. Weiss said the Customer Advocate was a position mandated by the law. He said they were going on years of not having the position filled. Mr. Weiss said another issue that he wanted to speak about was the NJ TRANSIT Hudson Bergen Light Rail debacle to Bergen County. He said it was unacceptable for them to fund electric bus initiatives and other garbage when they need the Hudson Bergen Light Rail extended to Bergen County as soon as possible. Mr. Weiss suggested they get funding from the transportation trust fund, stating that this is a top priority project. He said riders had been waiting 20 years for the extension and said NJ TRANSIT keeps messing up with the Environmental Impact Statements. Mr. Weiss said he had never seen an agency this incompetent before.

Mr. Weiss said the privatization of NJ TRANSIT bus service to all these terrible private bus operators was an awful decision by NJ TRANSIT, like so many other terrible decisions. He said all of the private carriers are going bankrupt, and they provide terrible service. Mr. Weiss said the private carriers rely on profit and that was the problem. He said public transportation is a government function and should remain as such. Mr. Weiss said they should stop outsourcing and privatizing NJ TRANSIT.

Matthew Buchys said on July 25, 2023, he spoke at a New Jersey Turnpike meeting considering a possible bus route with NJ TRANSIT from New York Port Authority Bus Terminal to the Turnpike Headquarters. Mr. Buchys said for people who live in New York, they would have to go to Woodbridge Station and then take a ride share service to their final destination. He said next year when considering the budget, they should work with the Turnpike Authority and possibly the Port Authority of New York to come up with a possible bus route from the bus terminal to the headquarters building or a shuttle from Woodbridge Station to the Turnpike. Mr. Buchys said he was aware that Chair Gutierrez-Scaccetti also chairs the Transportation Authority Commission.

Adam Reich said he was happy to hear about NJ TRANSIT's partnership with the United Railroad Historical Society of New Jersey on the 40th anniversary excursion. Mr. Reich said due to health considerations he was precluded from the excursion but that he would be able to participate in photo stops. He asked if NJ TRANSIT staff could work with him to get an accommodation because the excursion was being held throughout NJ TRANSIT facilities, and the event was open to the general public. Mr. Reich said it was ultimately NJ TRANSIT's responsibility to ensure accessibility, and assistance would be appreciated.

Mr. Reich asked if someone could ensure that Board Member Narra provided an update on the Customer Advocate position and where they were in the hiring process. He said any specificity would be appreciated.

Mr. Reich said regarding the ABC Campaign, he would stress that when the campaign launched it was a good resource for the public. He said the map showed much of the rail system but not all of it. Noticeably, the map did not show stations past Jersey Avenue on the NEC. Mr. Reich said this was significant because three of NJ TRANSIT's top 10 ridership stations, including Trenton, Hamilton, and Princeton Junction were not shown. He said even

if the intent of the campaign was to solely target New York riders, leaving out three of their top 10 stations in this resource was a deficiency that was glaring.

Mr. Reich said he did not believe this would have occurred if they utilized the Customer Advisory Board. He said they could follow up on the campaign and that there were ways to improve it. Mr. Reich said this week they announced availability of stations between 8:00 am and 10:00 am, which does not line up with rider's commute time if they have to be at their desk in New York by 9:00 am.

Mr. Reich thought it was great that NJ TRANSIT had been working with the Railroad Historical Society and he would ask regarding the Customer Advisory Board that they put a fraction of that energy into reaching out and engaging with Advisory members in some way. He suggested they have an informal call until the Customer Advocate position is filled or invite the Customer Advisory Board to NJ TRANSIT's Family & Friends Day event as a way to build goodwill and acknowledge their presence.

Mr. Reich said lastly regarding service delays, specifically disruption on the rail lines, he suggests staff report from both endpoints. He said staff acknowledged the 90-minute delay out of New York on July 3, 2023, but did not mention the five-hour delay out of Trenton at the last Operations & Customer Service Committee meeting. Mr. Reich said even if NJ TRANSIT could not do anything in that moment, it was material information that should be acknowledged. He said there were certainly ways the experience could have been improved upon and fixed in the future. Mr. Reich said if staff could not help reverse-peak riders, that was another reason to use a resource like the Customer Advisory Board. He said they could work together to make things better for all of their stakeholders, especially riders.

Mira Prinz-Arey said she was the Ward B Councilwoman representing the West Side of Jersey City, which is directly impacted by the closure of A&C Bus Company. Ms. Prinz-Arey said last month, she and her fellow elected officials, and most importantly residents that are going to be directly impacted by the closure of these lines, called into the meetings. She said she was cautiously optimistic that their voices were being heard with Governor Murphy intimating that there may be short-term funding through the Economic Development Corporation. Ms. Prinz-Arey said she heard that morning that there would be studies on long-term solutions for the A&C Bus Company closures. She said they wanted to make sure that they have good service while they look at short-term and long-term solutions for the residents of the city. Ms. Prinz-Arey said she was speaking today to let the Board know that she was committed to working with the NJ TRANSIT Board and Hudson County delegation. She said she is in regular conversation with Assemblywoman Angela V. Knight and Commissioner William O'Dea on how they can all work together to make sure that they are supporting the needs of the residents of the West Side of the city, and Jersey City in general. Ms. Prinz-Arey thanked the Board for their time and said that she was there to help and work with the Board to ensure that vital service remained. She said no city or region can thrive without good public transportation.

Christian Nowell, resident of Fort Lee, said he wanted to comment on the TRANSITGRID project. Mr. Nowell said they tried appealing to the Board using different tactics, yet they continued to pursue a fossil fuel driven option for the TRANSITGRID. He said they were not going to stop because they could not let NJ TRANSIT build a gas plant. Mr. Nowell said he was running out of ideas. Although he felt like they had tried every tactic, they were not going away, and he wanted the Board to know that.

Mr. Nowell referenced the book, *How to Be an Antiracist*, by Ibram X. Kendi, stating you are either part of the problem or you are part of the solution. Mr. Nowell said he could see that applying to the TRANSITGRID project. He said an individual could either be pro-fossil fuels or working to end new fossil fuel infrastructure. Mr. Nowell said if someone was not working to end it then they were complicit in the development of new fossil fuel projects. He said the Board was in a position of power to have something to say about this and that is significant. Mr. Nowell said Governor Murphy likes to say New Jersey is number one and that they deserve first prize in environmentalism, but that will not matter when the world is on fire or under water. He said he was calling on the Board to not allow a fossil fuel driven solution for the TRANSITGRID project. Mr. Nowell said no more excuses or deflection, they must prioritize a renewable alternative.

William O'Dea, County Commissioner for District 2 of Hudson County, said he serves as a representative for the area impacted by A&C Bus Company, which will be out of business in 45 days. Mr. O'Dea said he was happy to hear some comments earlier about a short-term plan to address the issue. He emphasized the critical nature of getting a plan together for the public, sooner rather than later. Mr. O'Dea said all the elected officials were united in helping to make sure that the state identifies and finds the funding to be able to implement a plan.

Mr. O'Dea said timing was of the essence and that they could not wait until the 11th hour. He said the areas impacted by the bus closure were low-and moderate-income neighborhoods and were isolated. Mr. O'Dea said there were two public housing sites along the bus route that will be totally isolated from any form of transit. He said residents cannot afford ride share services and so they were literally put in a no-win situation unless the bus lines continue to operate at the same level of service they had been. Mr. O'Dea urged the Board to continue to get the plan done and make the public aware because every day public officials were receiving calls asking what is going to happen after October 29, 2023.

Mr. O'Dea said he appreciated the fact that there seemed to be a positive movement, but he urged them to let the information get out to the public because people are worried and concerned. He said senior citizens, public housing residents, and individuals on a fixed income could not wait until the end of October to find out if they were going to have a way to get to work and to the grocery store. Mr. O'Dea said these residents live in a food desert and public transportation is a lifeline for them to be able to get to the supermarket to buy food for their families.

Elizabeth Ndoye, resident of Hoboken, said she had spoken to the Board regarding the proposed gas fire plant in Kearny many times but this time she wanted to get personal about

the issue. Ms. Ndoye said she was at an age where surprising to herself, she wished for grandchildren. She said she was literally, physically craving the possibility of having a baby in her life, but unfortunately, this would never happen for her because her incredibly intelligent daughter-in-law refuses to have children in the face of a future in which the planet is burning. Ms. Ndoye said her daughter-in-law sees no rational reason to try and raise a child in an environment that will not provide him or her with enough clean air, water, or healthy food to sustain a life worth living. She said sadly she had no argument to refute her daughter-in-law's sound logic, so as a woman facing the end of her life, she would be deprived the joy of watching her offspring grow and mature. Ms. Ndoye said she knew they could probably care less about her and asked, what about their children, families, and neighbors.

Ms. Ndoye asked how they could continue to support a plan that could only work with a dirty frack gas source of energy. She said the Kearny power plant plan was an ill-conceived idea that will be outdated before it is built and waste New Jersey taxpayer's money, but most horribly further pollute the already polluted air they breathe in Essex and Hudson County. Ms. Ndoye said the Strategen report they gave to the Board, demonstrated that a renewable energy-based solution for the microgrid, consisting of solar battery storage and a small-scale emergency use only gas turbine, was technically feasible, far more resilient, more economical, and better for public health and the climate. She said she did not want to wake up tomorrow morning as a statistic like the survivors of the wildfires in Maui or the victims of the most recent climate horror with the massive flooding in Libya. Ms. Ndoye told the Board to protect their children and grandchildren's' future and the people of New Jersey. She said to pull the RFP for the power plant, tell Governor Murphy to stop this project, and look for renewable sources.

Ken Dolsky, member of Don't Gas the Meadowlands Coalition, said their coalition recently sent the Board a letter describing the many risks NJ TRANSIT faces with its current plan to build a gas power plant for its TRANSITGRID project. Mr. Dolsky said he had two more risks to add. He referenced a study entitled Private Equity in PJM: Growing Financial Risks from the Energy Economics and Financial Analysis. Mr. Dolsky said the first risk in the study identified the recent drop in capacity prices. He said the study examined the rising financial risks now facing private equity and other private firms, risk that contract sharply with the previous strong, steady growth of the 2010s. Mr. Dolsky read an excerpt from the study and said this would be a major issue for any entity trying to sell power back to the grid.

Mr. Dolsky said the second risk identified in the report was that the single largest cause of PJM outages during Winter Storm Elliott in 2022, which was the failure of gas supply. He said FEMA has warned that gas should not be relied on as a fuel for backup power. Mr. Dolsky said the whole purpose of TRANSITGRID was to provide power during storms, which was precisely when gas power was most at risk of being unavailable. He said this was the biggest flaw in the TRANSITGRID plan.

Mr. Dolsky wanted to mention the letter Senator Gordon Jordan sent to President & CEO Corbett on September 8, 2023. He read excerpts from the Senator's letter, expressing his

support for a power plant that utilizes clean, renewable energy. Mr. Dolsky's full written statement was shared with the Board.

Kaley McCallister said it was appalling the way private bus carriers are abandoning bus service with little notice to the riding public and in some cases just a few weeks. Ms. McCallister said while everyone understands the financial pressures that have resulted following the pandemic, the companies had to know months before that they would be stopping service and to give customers such short notice to find other travel options was just wrong on every level. Ms. McCallister said she hoped the Board would find a way to hold them accountable.

Ms. McCallister said she would close by saying she did not know how Board members could take the nasty and insulting comments from Mr. Weiss. Ms. McCallister said Mr. Weiss should get it together, stop whining, and get a job. She said month after month, the repetitive and self-serving comments from Mr. Reich on the Customer Advocate position they keep talking about is the biggest waste of taxpayer money and would be totally ineffective.

Public Comments Submitted in Lieu of Speaking

Bob Cecere stated the pre-recorded onboard station announcements were ridiculously loud, especially on early morning trains (5:00 AM). He does not understand why he has to hear 22 ridiculously loud station announcements daily. The same announcements over and over that don't apply to him. He used to be able to sleep, but no more. He said he has submitted dozens and dozens of online complaints, and nothing has been done. There can be no reasonable justification for these quite intrusive announcements to what would otherwise be a quiet, peaceful, and restful trip! Why? This is something new. He has been a train traveler for many years.

Murray Bodin wrote there was absolutely no reason for him to call today. They will not listen to what he has to say, no matter how relevant. This is 2023 with problems unknown to this generation. They live by a rule book written for a generation that no longer exists. Safety is his concern. He learned from Maui that officials who do not act when warned of danger must be replaced. He has warned of the confusion of red flashing lights at railroad crossings. Mr. Bodin said they do not get it. His recommendation was that President & CEO Corbett retire and let someone else of a younger generation take over. In Westchester restaurants, they do not get straws with a glass of water unless they ask. It is a small item, but an important one. His generation is on their way out. He gave his best wishes to all the wonderful people he has met at NJ TRANSIT. He has not been successfully appearing at meetings. A different way of dealing with problems has to be used.

Board Comments

Board Member Gordon thanked all the speakers who made comments, and stated he would like to respond on a couple of points. He particularly wanted to thank Commissioner O'Dea and Hudson County officials for speaking. Board Member Gordon said he knew they were all troubled by the bus cancellations in Hudson County, however, was confident

that staff was hard at work on that, and hoped at some point staff could report back to the Board on what the current situation was, and their plans for addressing the problems before the deadline.

Secondly, he wanted to pick-up on comments made by Tim Sevenser and Andy Weiss on the Hudson Bergen Light Rail. Board Member Gordon was personally outraged that the federal government, not NJ TRANSIT, decided that there were additional bureaucratic hurdles that needed to be climbed, causing what could be two more years of delay in the initiation of the Hudson Bergen Light Rail Project. Board Member Gordon said this project was critical to eastern Bergen County, and urged federal officials and the New Jersey delegation to do whatever they can to get this project underway.

Advisory Committee Report

Anna Marie Gonnella Rosato thanked everyone for allowing her to speak. She said the North and South Jersey Passenger Advisory Committee met jointly and virtually on September 8, 2023. They began their meeting with a moment of silence in shared memory of the late Ronald Monaco, Vice Chair of the North Jersey Passenger Advisory Committee whose career spanned across 35 years. They also received a presentation on Autonomous Vehicle Assessment Testing and Research Pilot Program from Jack Dean, Senior Program Director of Research & Community Services. The Passenger Advisory Board was also given an update on state legislation and local government affairs from the Government and Community Relations team. NJ TRANSIT continued to offer the popular season pass discount program to students from participating colleges and universities to receive 25 percent off monthly passes, and can buy a three month pass and get one month free.

As President & CEO Corbett mentioned NJ TRANSIT is partnering with the United Railroad Historical Society of New Jersey to operate a special excursion train called the 40th Anniversary Express on September 30, 2023, in celebration of 40 years of Rail Operation, and will display NJ TRANSIT's heritage locomotives at Hoboken Terminal on October 1, 2023. Ms. Gonnella-Rosato said NJ TRANSIT was also awarded by APTA as Outstanding Public Transportation System of 2023, and for the third straight year *Forbes* has named NJ TRANSIT one of America's Best-in-State Employers for 2023. NJ TRANSIT offered rail service to MetLife Stadium to concerts and pre-season football games in August and September. Beginning September 10, 2023, NJ TRANSIT will offer service to every Jets and Giants home football game. In South Jersey Transit is launching a discount program to Philadelphia beginning October 1, 2023 running through October 31, 2023. She noted the launching of a new page on the website providing integrated travel instructions njtransit.com/southphilly. Additional discounts and services were also being offered on the Atlantic City Rail Line and discounts were offered to the Atlantic City Air Show held in August. Ms. Gonnella-Rosato said she recently attended a NJ TRANSIT forum on Access Link and the purpose was to develop new policies regarding on-time performance, scheduling, and efficiencies, onboard times, and complaints.

The Passenger Advisory Committee supports four resolutions on the agenda, 2309-54, 2309-64, 2309-65, and 2309-66. Lastly, the next Passenger Advisory Committee meeting is October 20, 2023.

Board Operations and Customer Service Committee Report

Board Member Creuz presented the report for the Operations and Customer Service Committee. The Operations and Customer Service Committee received an update on trends, and analysis, and actions for rail, bus, light rail, and Access Link. The Committee also received an update on the Cost of Service.

Board Administration Committee Report

Board Member Maroko presented the report for the Administration Committee. The Administration Committee received a Financial Update. This included a summary of operating results compared to previous year's comparable period and Fiscal Year 2024 Budget, 12-month farebox revenue compared to pre-COVID, major balance sheet items and Federal COVID-19 relief grant drawdown summary. Additional information was provided as part of the agenda materials, including the cost-of-service key performance indicators, twelve-month farebox recovery, history of vacancies, attrition and hires, ridership and revenue, and a monthly budget-to-actual comparison for July 2023. The Committee also received updates from Human Resources and Equal Employment Opportunity and Affirmative Action.

Board Capital Planning, Policy, and Privatization Committee Report

Board Member Creuz presented the report for the Capital Planning, Policy, and Privatization Committee. The Capital Planning, Policy, and Privatization Committee discussed the Board Items for the: Mahwah Station Roof Repairs; Conceptual, Preliminary and Final Engineering Services and Construction Assistance Services for the Walter Rand Transportation Center Improvement Project – Initiate Phase 2; Amendment to the 2016 Task Order Consultant Contract No. 16-037c to Increase Task Limit; Disposition of NJ TRANSIT-Owned Excess Property to Advance a Transit-Oriented Development Project at Bound Brook Station; Amendment to the Declaration of Covenants Conditions and Restrictions between NJ TRANSIT and Somerset Development, LLC, to Advance Phase 2 of the Transit-Oriented Development Project at Somerville Station; Information Technology: Award of Contract to Dell, Inc. for Microsoft Enterprise Agreement for Office Computing; Information Technology: Award of Contract to Mvation Worldwide, Inc. for a Subscription License for Veritas Vault Cloud Advanced E-Discovery Suite; Contracting Out – Salem County Local Bus Service; Monmouth County Area Local Bus Service; Bus Network Redesign – Hudson County; and FY2024-2029 Replica Travel Data for Ridership and Financial Planning.

Energy and Sustainability Policy Committee Report

Board Member Gordon presented the report for the Energy and Sustainability Policy Committee. The Committee received updates on a number of topics including: Education, Outreach and Development Activities; a report on Tier 4 Locomotives, which uses technology to minimize environmental impact; an update on the Sustainability Plan; and a report on efforts by NJ TRANSIT to explore opportunities for solar energy on NJ TRANSIT properties. Board Member Gordon said they were all excited to hear opportunities surrounding utilizing their real estate assets for solar projects, which would generate additional sources of income for the organization.

Action Items

2309-53: MAHWAH STATION ROOF REPAIRS

President & CEO Corbett introduced Richard Schaefer, Senior Vice President, Capital Programs, to present Action Item #2309-53. Richard Schaefer presented for approval Action Item #2309-53: Mahwah Station Roof Repairs.

Board Member Michael Kanef made a motion, Board Member Bob Gordon seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Board Secretary Umukoro noted Board Member Medina was recused from Item #2309-54 and would not vote or comment on the item.

2309-54: CONCEPTUAL, PRELIMINARY AND FINAL ENGINEERING SERVICES AND CONSTRUCTION ASSISTANCE SERVICES FOR THE WALTER RAND TRANSPORTATION CENTER IMPROVEMENT PROJECT – INITIATE PHASE 2

President & CEO Corbett introduced Richard Schaefer, Senior Vice President, Capital Programs, to present Action Item #2309-54. Richard Schaefer presented for approval Action Item #2309-54: Conceptual Preliminary and Final Engineering Services and Construction Assistance Services for the Walter Rand Transportation Center Improvement Project – Initiate Phase 2.

Board Member Michael Kanef made a motion, Board Member Bob Gordon seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Recused	Absent	Absent	Yes	Yes	Yes	Yes

Board Secretary Umukoro noted Board Member Medina was recused from Item #2309-55 and would not vote or comment on the item.

2309-55: AMENDMENT TO THE 2016 TASK ORDER CONSULTANT CONTRACT NO. 16-037C TO INCREASE TASK LIMIT

President & CEO Corbett introduced, Richard Schaefer, Senior Vice President, Capital Programs, to present Action Item #2309-55. Richard Schaefer presented for approval Action Item #2309-55: Amendment to the 2016 Task Order Consultant Contract No. 16-037c to Increase Task Limit.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Recused	Absent	Absent	Yes	Yes	Yes	Yes

2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2309-56. Jacqueline Stamford presented for approval Action Item #2309-56: Disposition of NJ TRANSIT-Owned Excess Property to Advance a Transit-Oriented Development Project at Bound Brook Station.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-57: AMENDMENT OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BETWEEN NJ TRANSIT AND SOMERSET DEVELOPMENT PROJECT AT SOMERVILLE STATION

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2309-57. Jacqueline Stamford presented for approval Action Item #2309-57: Amendment of the Declaration of Covenants, Conditions and Restrictions Between NJ TRANSIT and Somerset Development Project at Somerville Station.

Board Member Michael Kanef made a motion, Board Member Bob Gordon seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-58: INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO DELL, INC. FOR MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE COMPUTING

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2309-58. Jacqueline Stamford presented for approval Action Item #2309-58: Information Technology: Award of Contract to Dell, Inc. for Microsoft Enterprise Agreement for Office Computing.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-59: INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO MVATION WORLDWIDE, INC. FOR A SUBSCRIPTION LICENSE FOR VERITAS VAULT CLOUD ADVANCED E-DISCOVERY SUITE

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2309-59. Jacqueline Stamford presented for approval Action Item #2309-59: Information Technology: Award of Contract to Mvation Worldwide, Inc. for a Subscription License for Veritas Vault Cloud Advanced E-Discovery Suite.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Giblin	Creuz	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-60: REGULATIONS: PROPOSED INITIATION OF THE RULEMAKING PROCESS FOR ADOPTION OF N.J.A.C. 16:77 USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2309-60. Jacqueline Stamford presented for approval Action Item #2309-60: Regulations: Proposed Initiation of the Rulemaking Process for Adoption of N.J.A.C.16:77 Use or Occupancy of NJ TRANSIT-Owned Property.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Board Secretary Umukoro noted Board Members Brown and Thomas were recused from the next three items #2309-61, 2309-62, and 2309-63 and would not comment on the items.

2309-61: PERSONAL INJURY CLAIM OF CEASAR ARCE

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer to present Action Item #2309-61. Jacqueline Stamford presented for approval Action Item #2309-61: Personal Injury Claim of Ceasar Arce.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-62: PERSONAL INJURY CLAIM OF SURANGA JAYATHUNGA

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer to present Action Item #2309-62. Jacqueline presented for approval Action Item #2309-62: Personal Injury Claim of Suranga Jayathunga.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-63: PERSONAL INJURY CLAIM OF OMASH RAGHUNANDAN

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer to present Action Item #2309-63. Jacqueline presented for approval Action Item #2309-63: Personal Injury Claim of Omash Raghunandan.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-64: CONTRACTING OUT – SALEM COUNTY LOCAL BUS SERVICE

President & CEO Corbett introduced Michael Kilcoyne, Senior Vice President, Surface Transit and General Manager, Bus Operations, to present Action Item #2309-64. Michael Kilcoyne presented for approval Action Item #2309-64: Contracting Out – Salem County Local Bus Service

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Chair Gutierrez-Scaccetti left the meetings to take a telephone call.

2309-65: MONMOUTH COUNTY AREA LOCAL BUS SERVICE

President & CEO Corbett introduced Michael Kilcoyne, Senior Vice President, Surface Transit and General Manager, Bus Operations to present Action Item #2309-65. Michael Kilcoyne presented for approval Action Item #2309-65: Monmouth County Area Local Bus Service.

Board Member Aaron Creuz made a motion, Board Member Bob Gordon seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Absent

Board Secretary Umukoro noted Board Member Medina was recused from Item #2309-66 and would not vote or comment on the item.

Chair Gutierrez-Scaccetti returned to the meetings.

2309-66: BUS NETWORK REDESIGN – HUDSON COUNTY

President & CEO Corbett introduced Michael Kilcoyne, Senior Vice President, Surface Transit and General Manager, Bus Operations, to present Action Item #2309-66. Michael Kilcoyne presented for approval Action Item #2309-66: Bus Network Redesign – Hudson County.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Recused	Absent	Absent	Yes	Yes	Yes	Yes

2309-67: FY2024-2029 REPLICA TRAVEL DATA FOR RIDERSHIP AND FINANCIAL PLANNING

President & CEO Corbett introduced Justin Davis, Senior Vice President, Regulatory and Government Affairs and Chief of Staff, to present Action Item #2309-67. Justin Davis presented for approval Action Item #2309-67: FY2024-2029 Replica Travel Data for Ridership and Financial Planning.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-68: NJ TRANSIT TITLE VI PROGRAM SUBMISSION FFY 2024-2026

President & CEO Corbett introduced Justin Davis, Senior Vice President, Regulatory and Government Affairs and Chief of Staff, to present Action Item #2309-68. Justin Davis presented for approval Action Item #2309-68: NJ TRANSIT Title VI Program Submission FFY 2024-2026.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2309-69: REGULATIONS: PROPOSED INITIATION OF THE RULE-MAKING PROCESS FOR READOPTION WITH AMENDMENTS OF N.J.A.C. 16:83, CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF NJ TRANSIT EQUIPMENT AND FACILITIES

President & CEO Corbett introduced Christopher Trucillo, Senior Vice President, Chief of Police and Office of Emergency Management, to present Action Item #2309-69. Christopher Trucillo presented for approval Action Item #2309-69: Regulations: Proposed Initiation of the Rule-Making Process for Readoption with Amendments of N.J.A.C. 16:83, Conduct and Safety of the Public in the use of NJ TRANSIT Equipment and Facilities.

Board Member Gordon made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Executive Session Authorization

Chair Gutierrez-Scaccetti noted they would adjourn to Executive Session, would return only to adjourn the meetings, and no further business would be conducted.

Chair Gutierrez-Scaccetti asked for a motion to enter Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of the Estate of Raffaele Carfi.

Board Member Bob Gordon made a motion, Board Member Michael Kanef seconded the motion, and it was adopted. At approximately 11:40 a.m., the Board adjourned to Executive Session.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Absent	Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Return to Open Session

Board Member Michael Kanef reconvened Open Session at 12:26 p.m. and asked Board Secretary Umukoro to take Roll Call.

Board Secretary Umukoro conducted a Roll Call. All Board Members, except, Chair Gutierrez-Scaccetti, and Board Members Brown and Thomas, returned to Open Session.

Adjournment

Since there was no further business, a motion was made by Board Member Bob Gordon, and seconded by Board Member Aaron Cruz, and the motion was adopted.

The meetings were adjourned at approximately 12:27 p.m.

**NEW JERSEY TRANSIT CORPORATION
 NJ TRANSIT BUS OPERATIONS, INC.
 NJ TRANSIT RAIL OPERATIONS, INC.
 NJ TRANSIT MERCER, INC.
 NJ TRANSIT MORRIS, INC.
 BOARD OF DIRECTORS' MEETINGS**

SEPTEMBER 14, 2023

MINUTES

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➤ CALL TO ORDER	-
➤ APPROVAL OF MINUTES OF PREVIOUS MEETINGS	65804
➤ PRESIDENT & CEO'S MONTHLY REPORT	65805
➤ PUBLIC COMMENTS	-
➤ ADVISORY COMMITTEE REPORT	-
➤ BOARD COMMITTEE REPORTS	-

ACTION ITEMS

2309-53	MAHWAH STATION ROOF REPAIRS – Authorization to enter into NJ TRANSIT Contract No. 0000014 with DMR Construction Services, Inc. of Waldwick, New Jersey, to provide construction services for the Mahwah Station Roof Repairs, in an amount not to exceed \$2,464,464.93, plus five percent for contingencies, subject to the availability of funds.	65843
2309-54	CONCEPTUAL, PRELIMINARY AND FINAL ENGINEERING SERVICES AND CONSTRUCTION ASSISTANCE SERVICES FOR THE WALTER RAND TRANSPORTATION CENTER IMPROVEMENT PROJECT – INITIATE PHASE 2 – Authorization to continue to Phase 2 of Contract No. 21-014 with HNTB of New York, New York, and authorize the amount not to exceed \$6,997,707.94, plus five percent for contingencies, subject to availability of funds, for services for the Walter Rand Transportation Center (WRTC) Improvement Project.	65844
2309-55	AMENDMENT TO THE 2016 TASK ORDER CONSULTANT CONTRACT NO. 16-037C TO INCREASE TASK LIMIT – Authorization to increase the Individual Task Limit for NJ TRANSIT Contract No. 16-037C with Gannett Fleming Inc. of Newark, New Jersey, from \$500,000 by an additional \$750,000, for a total Individual Task Limit authorization of \$1,250,000.	65846

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT RAIL OPERATIONS, INC.
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- 2309-56 DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION** – Authorization to take all necessary actions to advance and execute a disposition of the NJ TRANSIT-owned Property in order to realize a Transit-Oriented Development project at NJ TRANSIT’s Bound Brook Station. **65847**
- 2309-57 AMENDMENT OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BETWEEN NJ TRANSIT AND SOMERSET DEVELOPMENT, LLC, TO ADVANCE PHASE 2 OF THE TRANSIT-ORIENTED DEVELOPMENT PROJECT AT SOMERVILLE STATION** – Authorization to take all necessary actions to amend the Declaration of Covenants, Conditions and Restrictions between NJ TRANSIT and Somerset, and all other necessary agreements to advance Phase 2 of the Transit-Oriented Development project at Somerville Station. **65853**
- 2309-58 INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO DELL, INC. FOR MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE COMPUTING** – Authorization to issue a payment to Dell Inc. of Round Rock, Texas for the period of November 1, 2023 through October 31, 2026, in an amount not to exceed \$14,013,878.17, plus five percent for contingencies, subject to the availability of funds. **65855**
- 2309-59 INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO MVATION WORLDWIDE, INC. FOR A SUBSCRIPTION LICENSE FOR VERITAS VAULT CLOUD ADVANCED E-DISCOVERY SUITE** – Authorization to award a contract to Mvation Worldwide, Inc. of Glen Cove, New York, for a 36-month period, in an amount not to exceed \$1,015,080.00, plus five percent for contingencies, subject to the availability of funds. **65856**
- 2309-60 REGULATIONS: PROPOSED INITIATION OF THE RULEMAKING PROCESS FOR ADOPTION OF N.J.A.C. 16:77 USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY** – Authorization to take all actions necessary to initiate the rule-making process as a step toward effectuating the adoption of N.J.A.C. 16:77 et seq., Use or Occupancy of NJ TRANSIT-Owned Property, consistent with this Board item and corresponding Exhibit. **65857**
- 2309-61 PERSONAL INJURY CLAIM OF CEASAR ARCE** – Authorization to settle the claim of Ceasar Arce through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **65904**

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- 2309-62 PERSONAL INJURY CLAIM OF SURANGA JAYATHUNGA** – Authorization to settle the claim of Suranga Jayathunga through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **65905**
- 2309-63 PERSONAL INJURY CLAIM OF OMASH RAGHUNANDAN** – Authorization to settle the claim of Omash Raghunandan through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **65906**
- 2309-64 CONTRACTING OUT – SALEM COUNTY LOCAL BUS SERVICE** – **65907**
Authorization to enter into an inter-agency agreement with the County of Salem for a five-year period from January 1, 2024 through December 31, 2028, for the operation of the Salem County Local Bus Service at a cost not to exceed \$9,570,881, plus five percent for contingencies, for a total contract authorization of \$10,049,425, subject to the availability of funds and Board approval of NJ TRANSIT’s operating budget.
- 2309-65 MONMOUTH COUNTY AREA LOCAL BUS SERVICE** – Authorization to amend the purposes of NJ TRANSIT Mercer, Inc., to include the establishing, acquiring, effectuating, maintaining, developing, promoting, operating, and improving bus service in Monmouth County and its surrounding communities. **65908**
- Authorization to take all actions reasonably necessary for NJ TRANSIT Mercer, Inc., to operate the Monmouth County Local Bus Service, subject to the availability of funds.
- Authorization to negotiate and execute, on behalf of NJ TRANSIT Mercer, Inc., any labor agreements deemed necessary and appropriate by the Chair or President & CEO.
- 2309-66 BUS NETWORK REDESIGN – HUDSON COUNTY** – Authorization to enter into NJ TRANSIT Contract No. 0000007 with Sam Schwartz Engineering, of Jersey City, New Jersey for a 24-month contract period of November 1, 2023, through November 1, 2025, in the amount not to exceed \$1,102,522, plus five percent for contingencies, subject to the availability of funds. **65910**
- 2309-67 FY2024-2029 REPLICA TRAVEL DATA FOR RIDERSHIP AND FINANCIAL PLANNING** – Authorization enter into a 60-month contract with Replica, Inc. of Leawood, Kansas for the period of October 1, 2023, through October 1, 2028, in the amount of \$3,000,000, or \$600,000 per fiscal year, subject to the availability of funds. **65915**

NEW JERSEY TRANSIT CORPORATION
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2309-68 NJ TRANSIT TITLE VI PROGRAM SUBMISSION FFY 2024-2026 – 65916
Authorization to approve the results of NJ TRANSIT's monitoring of its service to ensure the service is provided equitably in minority and non-minority areas.

Authorization to approve NJ TRANSIT's Title VI Program Submission FFY 2024-2026 for submission to the Federal Transit Administration.

2309-69 REGULATIONS: PROPOSED INITIATION OF THE RULE-MAKING PROCESS FOR READOPTION WITH AMENDMENTS OF N.J.A.C. 16:83, CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF NJ TRANSIT EQUIPMENT AND FACILITIES – 65917
Authorization to take all actions necessary to initiate the rule-making process for the re adoption of the regulations, N.J.A.C. 16:83 et seq., Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, consistent with this Board item and corresponding Exhibit.

➤ **EXECUTIVE SESSION AUTHORIZATION 65918**

➤ **ADJOURNMENT**

APPROVAL OF MINUTES

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

WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the July 19, 2023 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. were forwarded to the Governor on July 25, 2023;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the July 19, 2023 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. Board of Directors' meetings are hereby approved.

(NJT Board - 09/14/2023)

Philip D. Murphy, Governor

Tahesha L. Way, Lieutenant Governor

Diane Gutierrez-Scaccetti, Commissioner

Kevin S. Corbett, President & CEO

65805

ONE PENN PLAZA EAST

NEWARK, NJ 07105-2246

973-491-7000



TO: BOARD OF DIRECTORS
FROM: KEVIN S. CORBETT
DATE: SEPTEMBER 14, 2023
SUBJECT: PRESIDENT & CEO'S REPORT – SEPTEMBER 2023

A handwritten signature in black ink, appearing to read 'K. S. Corbett'.

Beginning this month with a significant organizational achievement, we are extremely honored that NJ TRANSIT has received the American Public Transportation Association's (APTA's) 2023 Outstanding Public Transportation System award – the highest accolade among North America's largest public transportation systems, as voted on by our peers. It's been 23 years since NJ TRANSIT last received this coveted distinction in 2000.

As the MetLife Stadium concert and sporting event schedule ramped up this summer, NJ TRANSIT successfully moved more than 175,000 people to and from MetLife Stadium since our last Board meeting, for more than a dozen major concerts and sporting events. We are especially pleased to see NJ TRANSIT become a significant aspect of the fan experience for many of the concertgoers, a trend picked up by both Good Morning America and The New York Times Style Editor.

As services such as MetLife helps spur economic growth in the state, we are also investing in targeted, community-focused improvements to ensure that every New Jersey resident has access to efficient and effective public transportation. Toward that end, I am pleased to note that NJ TRANSIT has received a competitive grant from the Federal Transit Administration for \$600,000 to redesign bus routes in Paterson and Passaic. The grant is part of the nationwide Areas of Persistent Poverty program, designed to improve or start transit programs for residents with limited or no transportation options.

Infrastructure projects are also an important component generating significant economic activity in the state. Toward that end, on September 6th I was pleased to join Governor Murphy and Commissioner Gutierrez-Scaccetti and other federal, state and local officials to celebrate a significant funding boost for NJ TRANSIT. Our Commissioner and Board Chair deserves extraordinary credit for facilitating the allocation of approximately \$425 million in additional federal funding for New Jersey's transportation system – \$315 million of which is coming to NJ TRANSIT to fund 15 important capital projects across our system. I was also pleased to join Elizabeth Mayor Chris Bollwage, NJ State Senator Joe Cryan, NJ Assemblywoman Annette Quijano and NJ Assemblyman Reginald Atkins on September 12th at our Elizabeth Station to mark the opening of the new station building and platform on the eastbound side of the station. There, we greeted customers as we welcomed them to the new station building, new elevator, and new platform – all significantly enhancing the customer experience for more than 2,700 customers who use the station every weekday.

On the technology front, we've added some great new features and updates for our customers on our mobile app, which has a rating of 4.8 stars out of 5 on Apple's App Store with 189,000 reviews. For example, by leveraging DepartureVision data, a new "View Next Train" feature displays the next train available at a customer's location, after they buy a ticket. Similarly, a new feature called "Nearby" within MyBus displays bus stops near a customer's current location. This latest version adds many other improvements, as well, which will benefit the millions of customers who have downloaded our mobile app.

As we continue to advance all of these customer-facing improvements, we are equally focused on internal company resource optimization to ensure we remain on our path to becoming a world-class transit agency. Toward that end, we welcome to our team Binu Thomas as our new SVP & Chief Administrative Officer. Binu is responsible for Procurement, HR, Civil Rights and Diversity, and IT, and comes to us with over 15 years of experience at the MTA. We also welcome Jim Keane as our new SVP & Chief Safety Officer. Jim comes to us from the Port Authority, with more than 40 years of safety experience, where he most recently served as their General Manager of Operations Safety. It is also my pleasure to announce the promotion of Rich Schaefer, who was promoted permanently to the position of SVP of Capital Programs.

Lastly, I am pleased to note that NJ TRANSIT has once again been recognized by Forbes as one of America's Best-in-State Employers for 2023 – for a third consecutive year! This year, we ranked fifth among the 89 New Jersey employers included in the rankings, up from last year's ranking of seventh, and we're ranked first in the "Transportation and Logistics" category.



PRESIDENT & CEO'S MONTHLY REPORT

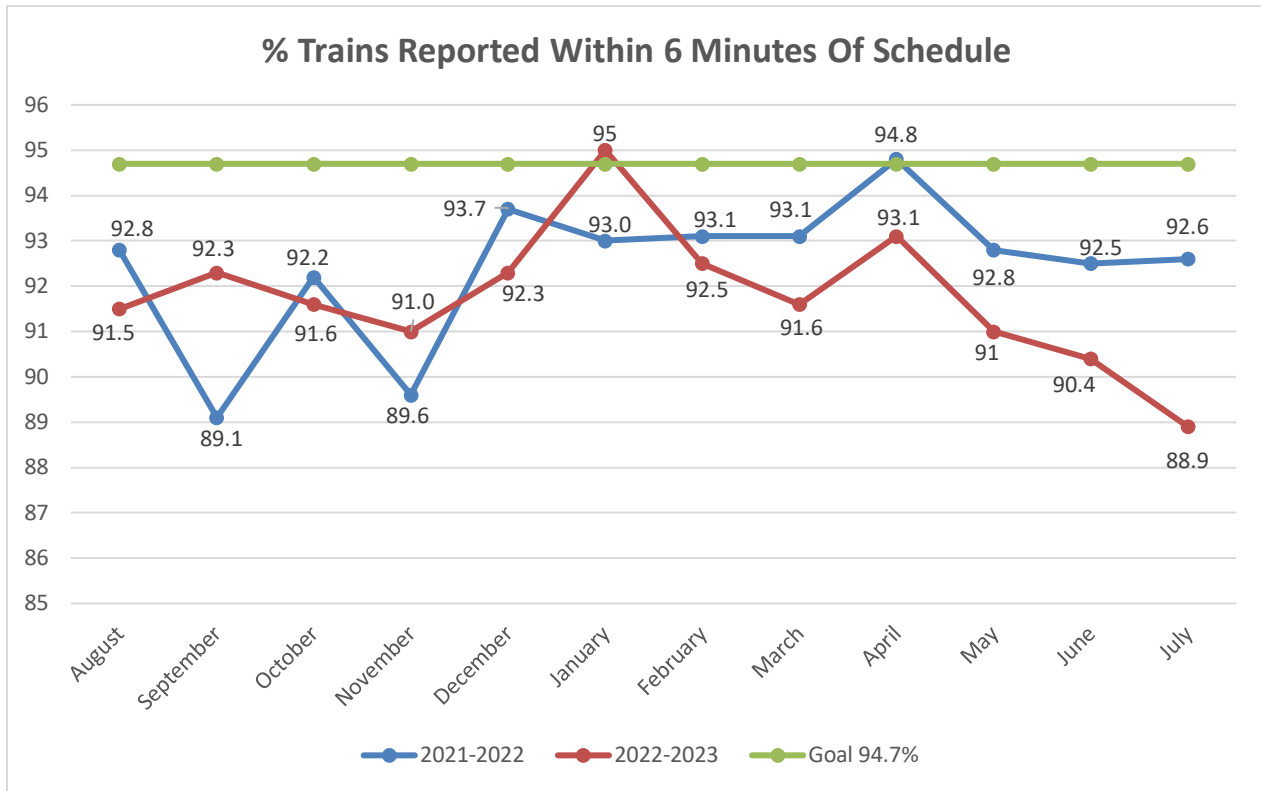
September 14, 2023

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- 1. PERFORMANCE MEASURES**
- 2. MEAN DISTANCE BETWEEN FAILURES**
- 3. DBE/SBE PROGRAM**
- 4. EMPLOYEE RECOGNITION**

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL AUGUST 2021 – JULY 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
July Comparison	92.6%	88.9%	-3.7%
12-Month Average Aug 2022 – July 2023	92.5%	91.8%	-0.7%

Analysis:

Rail On-time Performance was 88.9% for the month of July 2023. Of the 18,171 trains scheduled to operate, 16,163 were on time, while 2,008 trains (or 11.1%) were delayed.

Key Causes included:

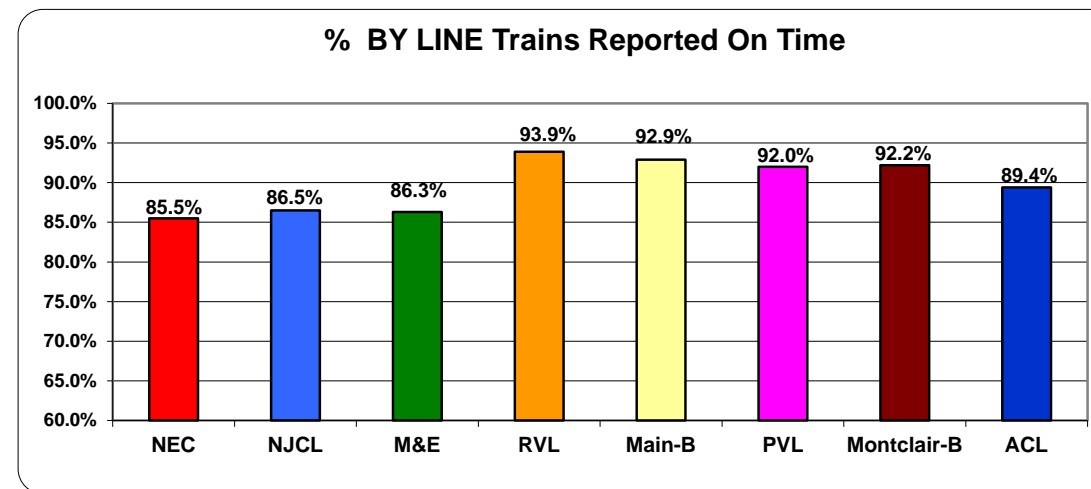
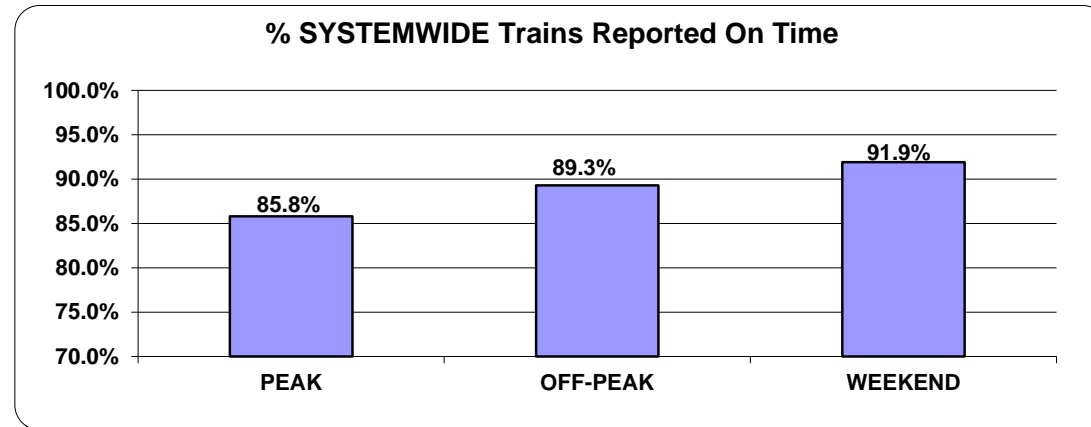
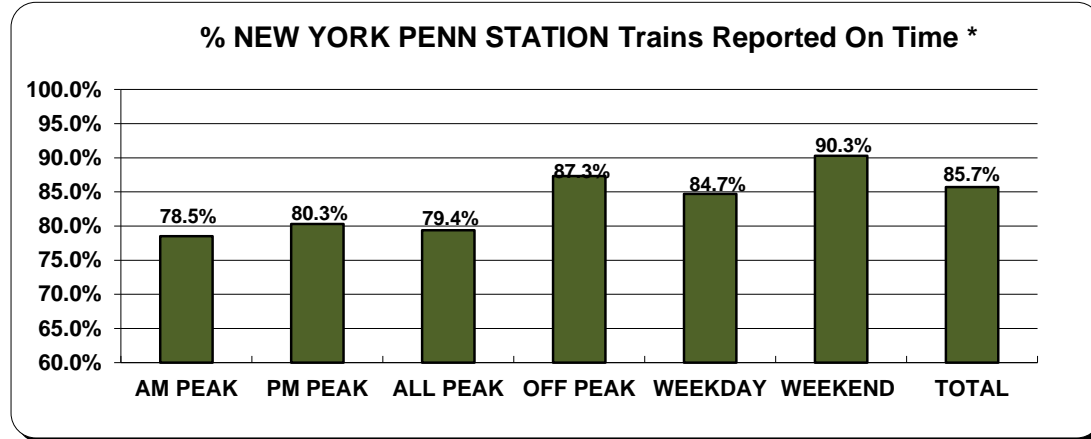
- Amtrak signal issue, NJT diesel issue and trackside interference contributed 177 delays on July 3.
- NJT diesel issue, catenary issue, PTC mechanical and electric locomotive contributed 119 delays on July 5.
- Amtrak and NJT catenary issues, trackside interference/catenary and signal issue contributed 202 delays on July 7.

The 12-month Average for Rail On-Time Performance was 91.8%.

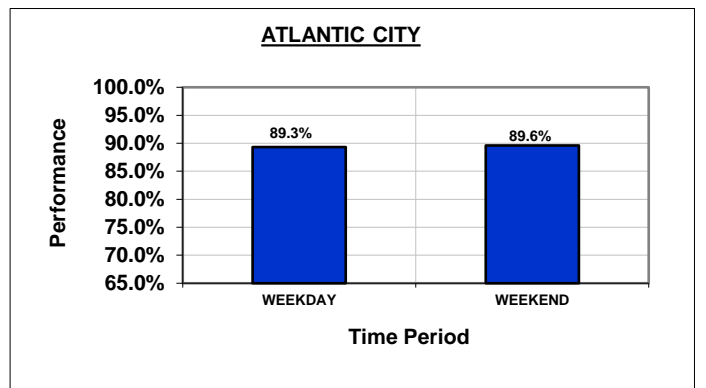
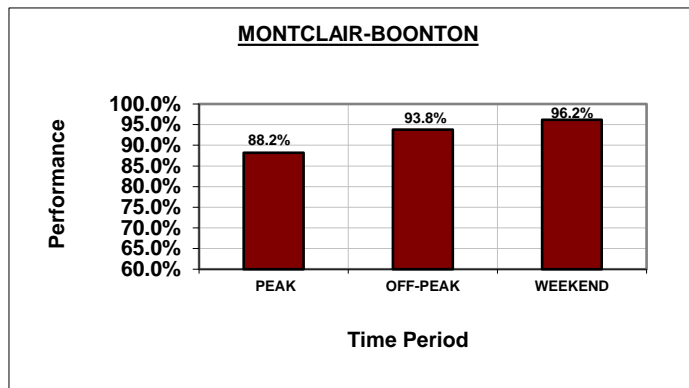
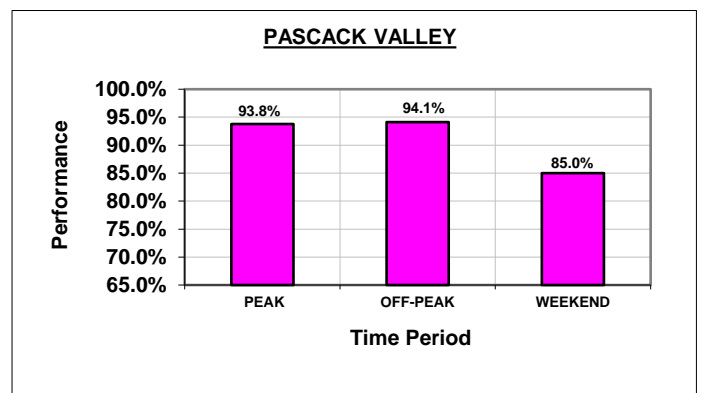
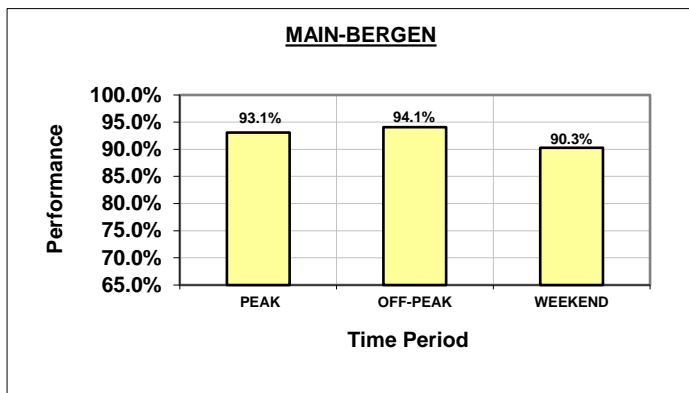
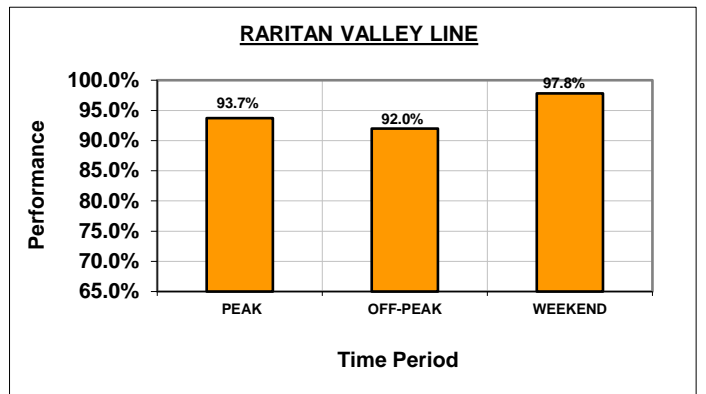
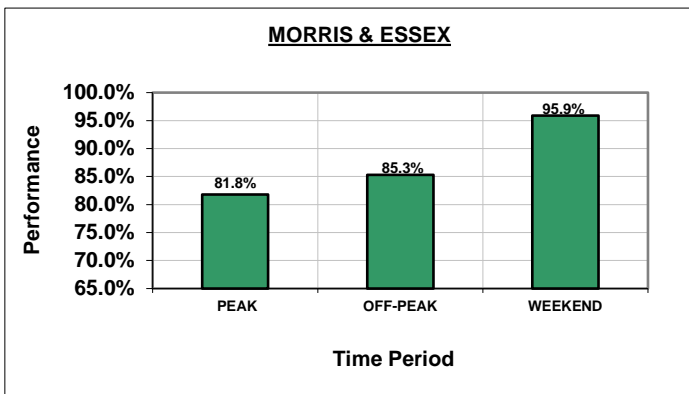
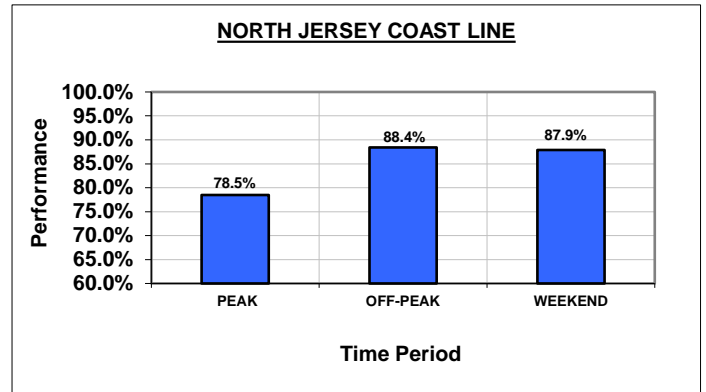
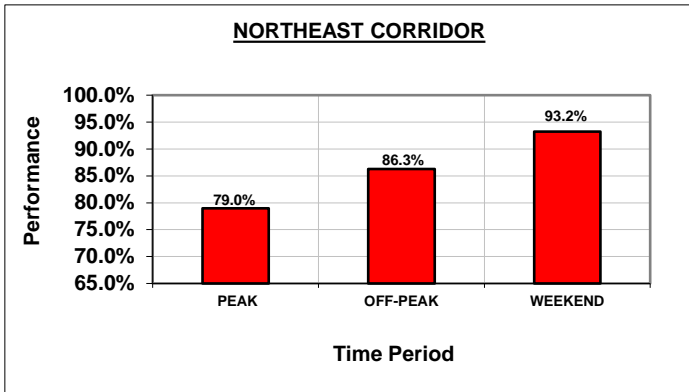
ON-TIME PERFORMANCE RAIL

SUMMARY BY TIME PERIOD July 2023

* NOTE: A train is reported late if it arrives at its final station stop more than 5:59 minutes later than the advertised schedule.



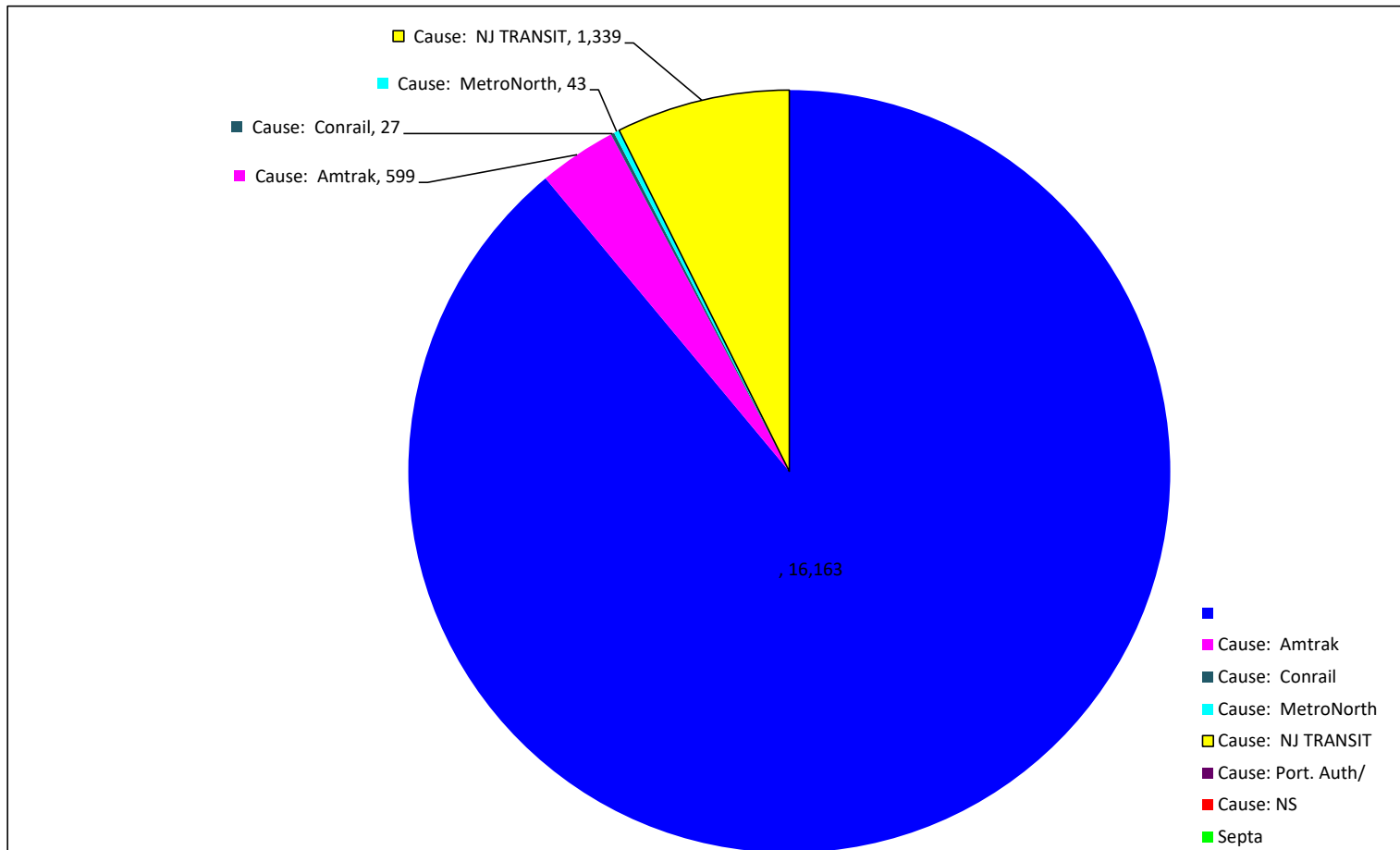
ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD July 2023



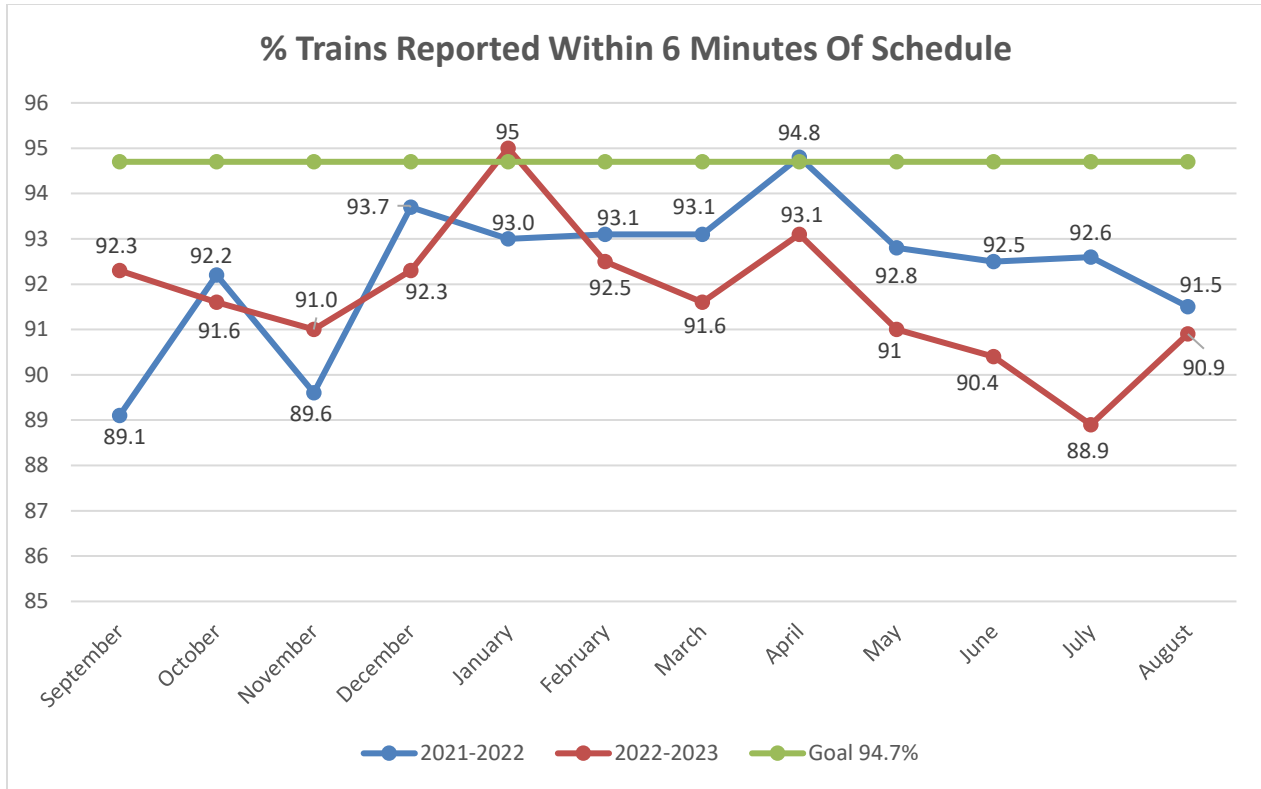
NJ TRANSIT Performance - July 2023

Late NJ TRANSIT Trains

		Cause: Amtrak	Cause: Conrail	Cause: MetroNorth	Cause: NJ TRANSIT	Cause: Port. Auth/	Cause: NS	Septa
# of Trains On Time	16,163	599	27	43	1,339			
# of Late Trains	2,008	3.30%	0.15%	0.24%	7.37%	0.00%	0.00%	0.00%
Total # of Trains	18,171							
Percentage On Time	88.9%							



NJ TRANSIT ON-TIME PERFORMANCE RAIL SEPTEMBER 2021 – AUGUST 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
August Comparison	91.5%	90.9%	-0.6%
12-Month Average Sept 2022 – Aug 2023	92.4%	91.7%	-0.7%

Analysis:

Rail On-time Performance was 90.9% for the month of August 2023. Of the 18,983 trains scheduled to operate, 17,251 were on time, while 1,732 trains (or 9.1%) were delayed.

Key Causes included:

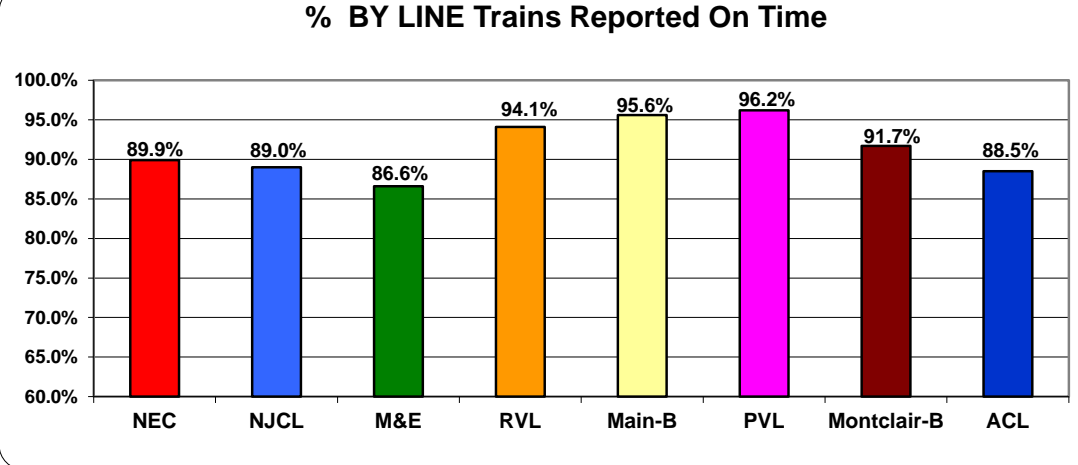
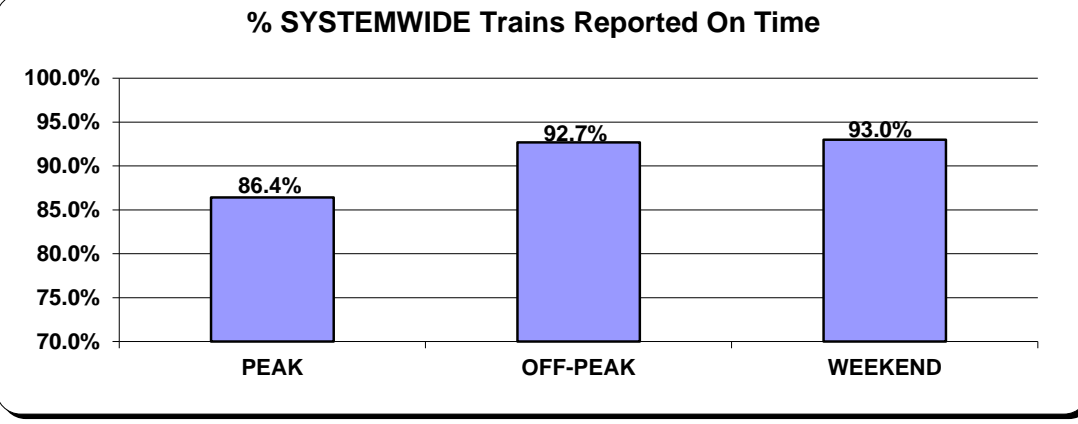
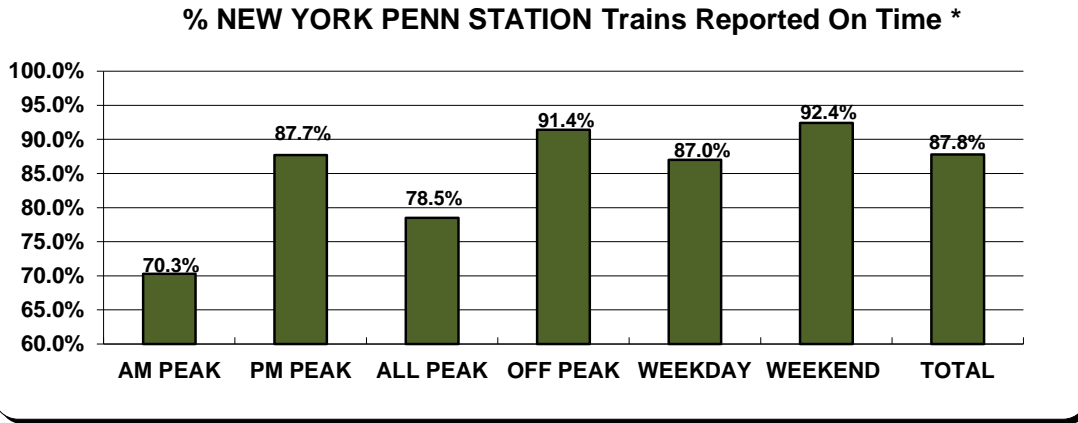
- Amtrak bridge strike, Acela, NJT PTC mechanical, police action and a trespasser contributed 78 delays on August 4.
- NJT trackside interference contributed 78 delays on August 13.
- NJT trackside interference contributed 86 delays on August 14.

The 12-month Average for Rail On-Time Performance was 91.7%.

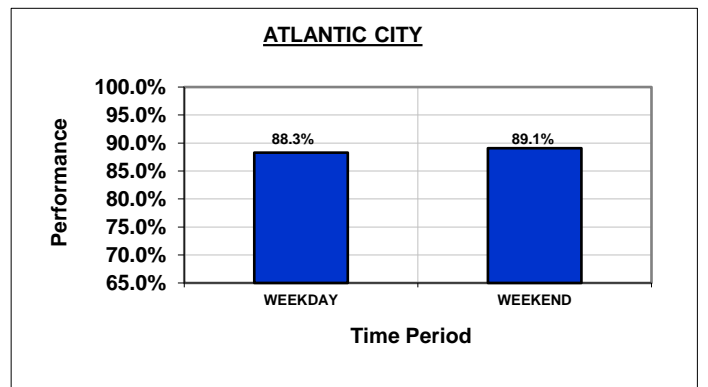
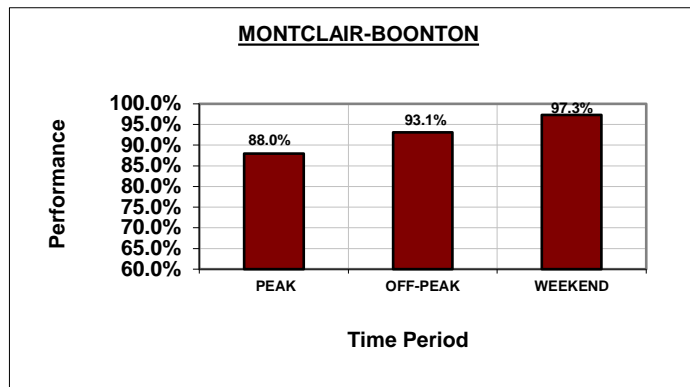
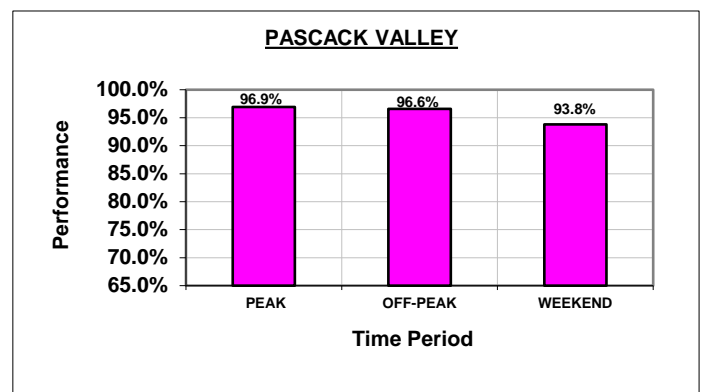
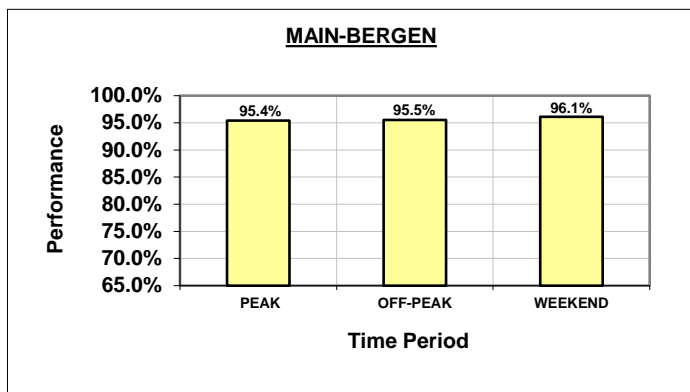
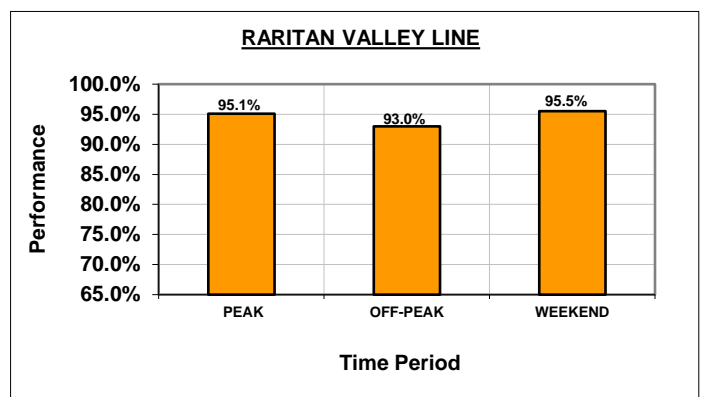
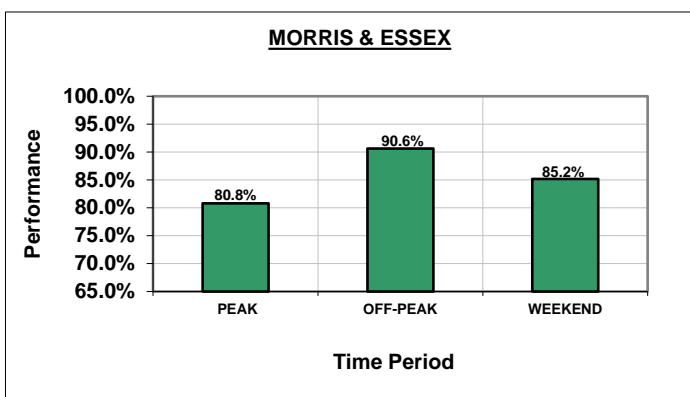
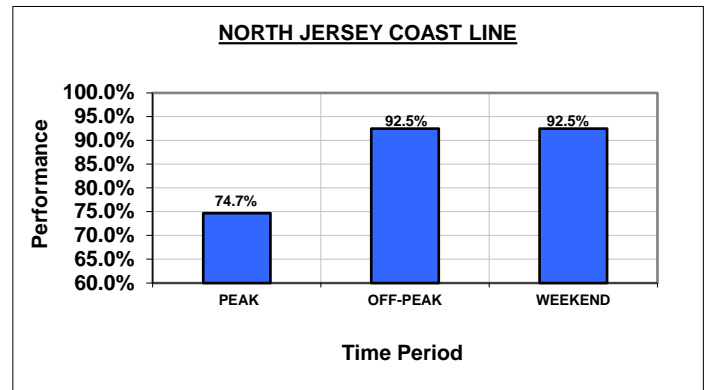
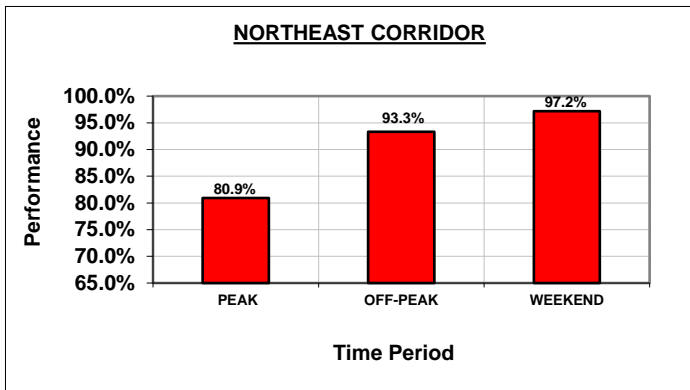
ON-TIME PERFORMANCE RAIL

SUMMARY BY TIME PERIOD August 2023

* NOTE: A train is reported late if it arrives at its final station stop more than 5:59 minutes later than the advertised schedule.



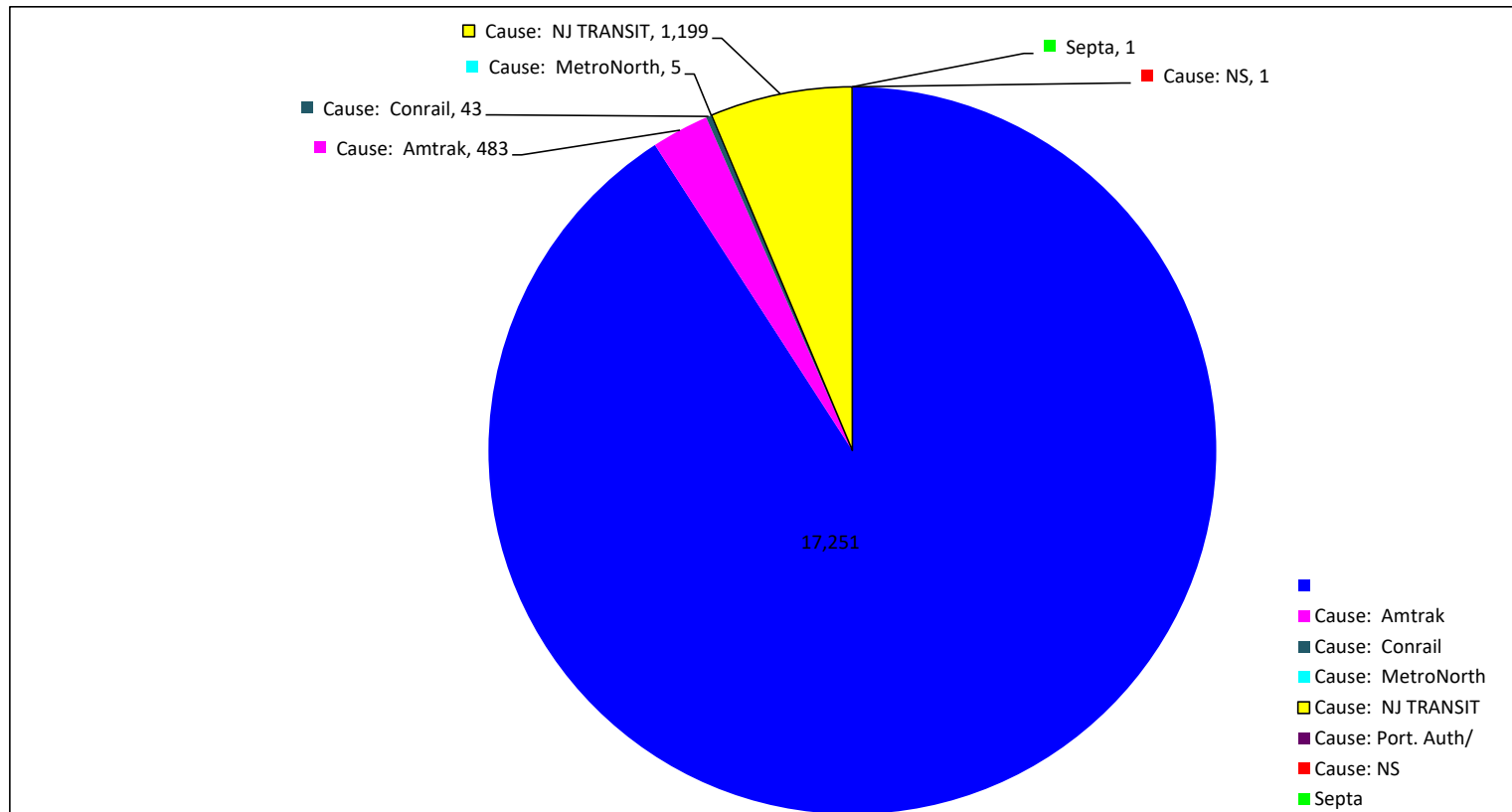
ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD August 2023



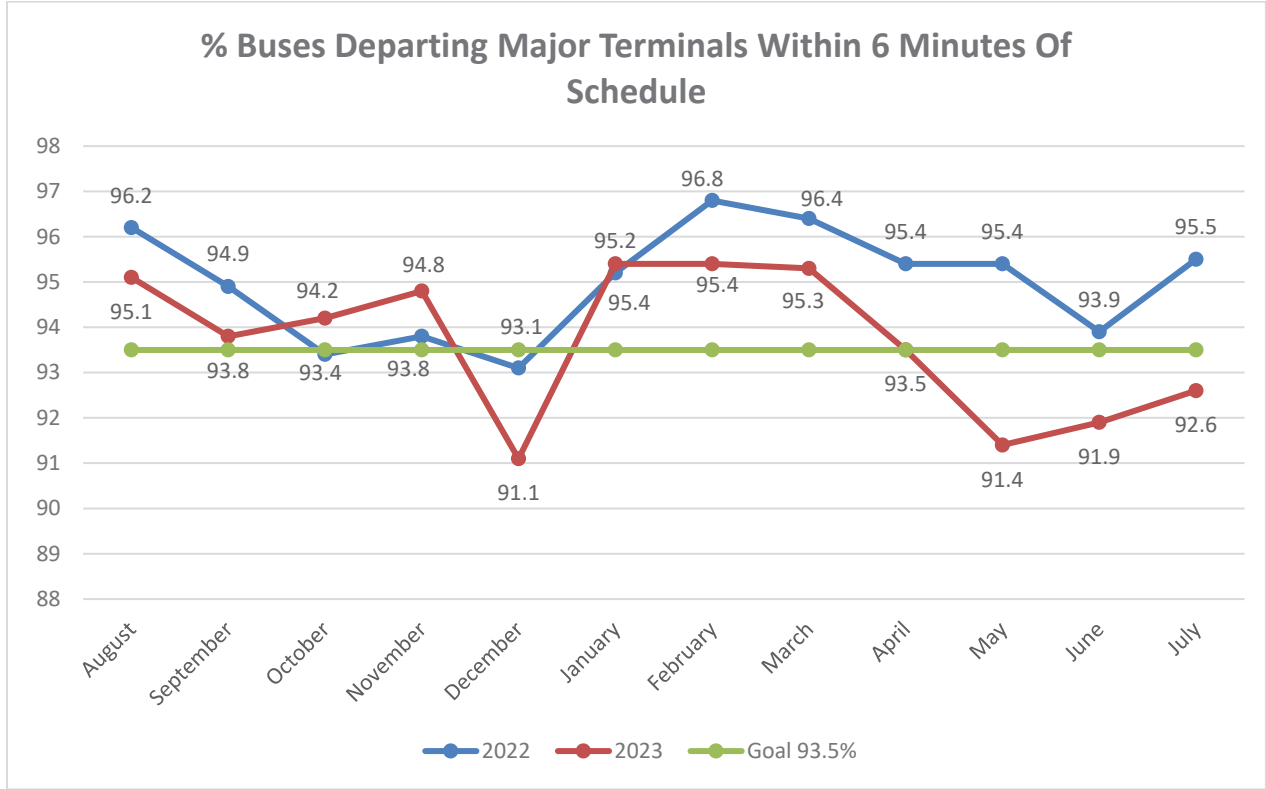
NJ TRANSIT Performance - August 2023

Late NJ TRANSIT Trains

# of Trains On Time	17,251	Cause: Amtrak 483 2.54%	Cause: Conrail 43 0.23%	Cause: MetroNorth 5 0.03%	Cause: NJ TRANSIT 1,199 6.32%	Cause: Port. Auth/ 0.00%	Cause: NS 1 0.01%	Septa 1 0.01%
# of Late Trains	1,732							
Total # of Trains	18,983							
Percentage On Time	90.9%							



NJ TRANSIT ON-TIME PERFORMANCE BUS August 2021 – July 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
July Comparison	95.5%	92.6%	-2.9%
12-Month Average Aug 2022 – July 2023	95.0%	93.7%	-1.3%

Analysis*:

Bus On-Time Performance systemwide was 92.6% for the month of July 2023. Of the 44,514 monitored departures, 3,315 experienced delays.

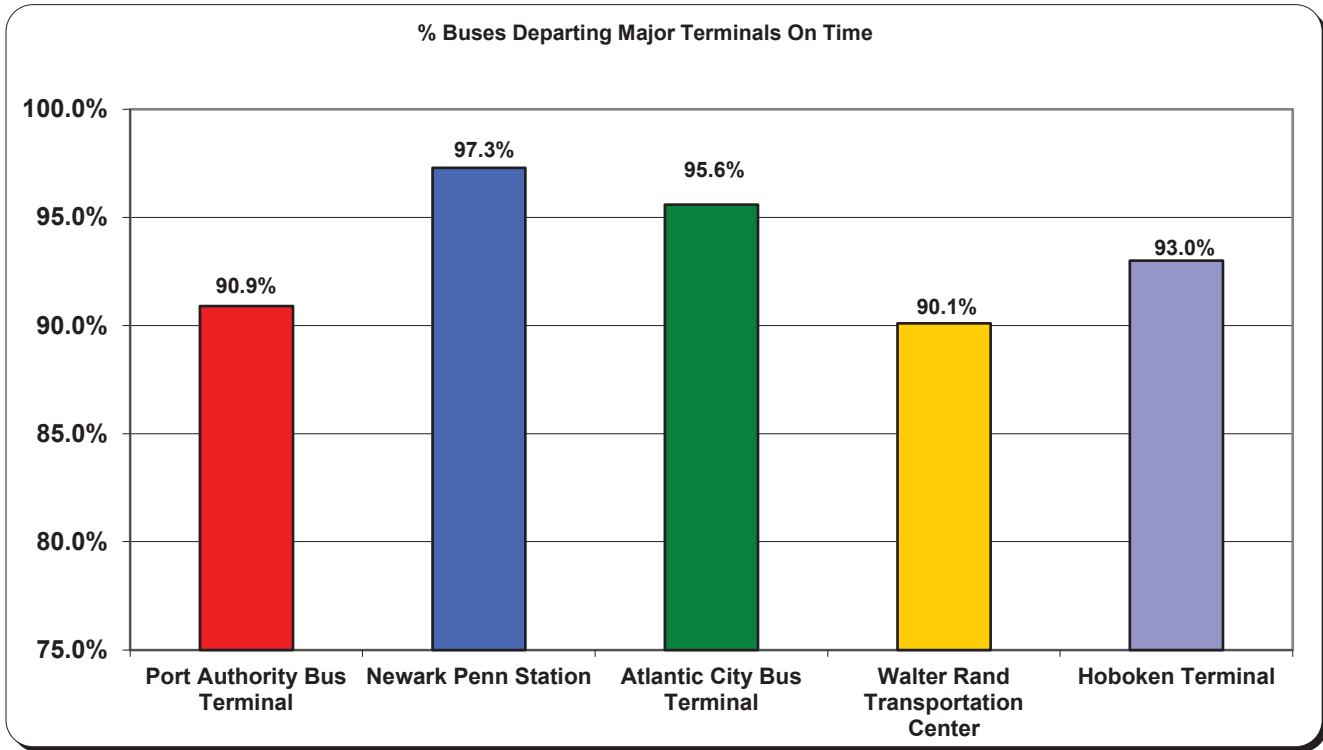
Key Causes included:

- At PABT, On the 7th, Heavy traffic tcaused delays up to 15 mins. On the 12th disabled abandoned car in the South tube caused delays. On 14th & 21st, heavy traffic caused delays. On 26th, collapse of a construction crane near PABT caused delays.
- At Newark Penn, On the 7th, mechanical issues, detours on local roads and road construction caused delays. On the 17th, mechanical issues, customer injury, road closures, construction, and paving work caused delays. On the 20th, police activity, mechanical issues, detours for construction, utility work contributed to delays.
- For various other locations, minor delays were caused due to weather, detours, traffic, and road construction on various days.

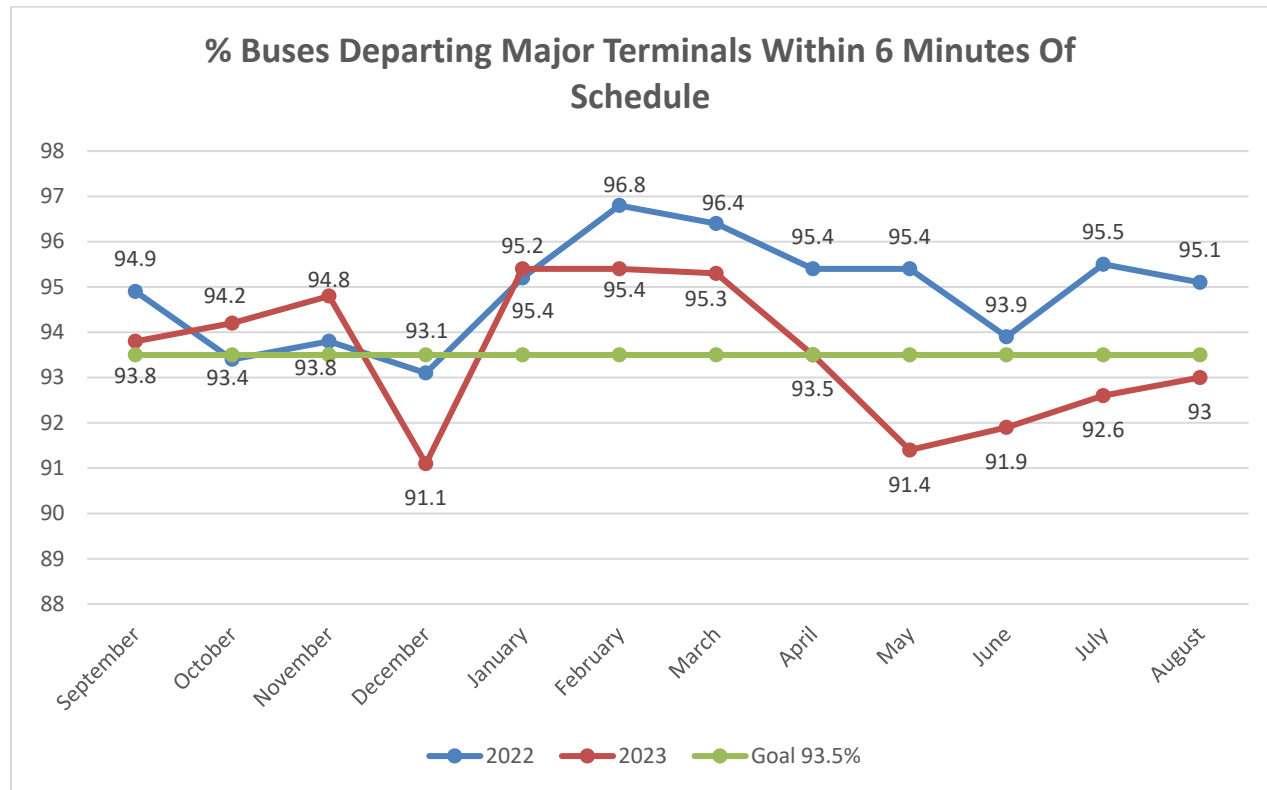
The 12-month average for Bus On-Time Performance was 93.7%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE BUS Sept 2021 – Aug 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
August Comparison	95.1%	93.0%	-2.1%
12-Month Average Sept 2022 – Aug 2023	94.9%	93.5%	-1.4%

Analysis*:

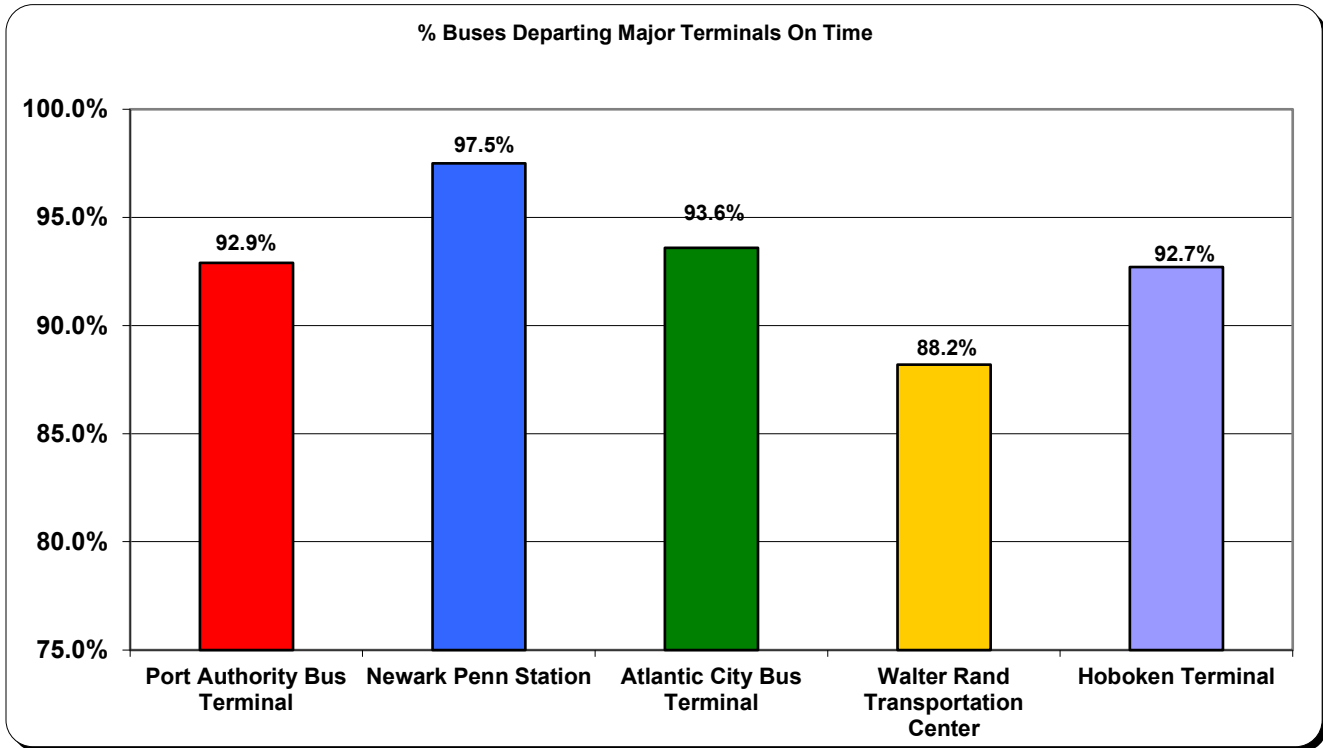
Bus On-Time Performance systemwide was 93% for the month of August 2023. Of the 50,647 monitored departures, 3,546 experienced delays.

Key Causes included:

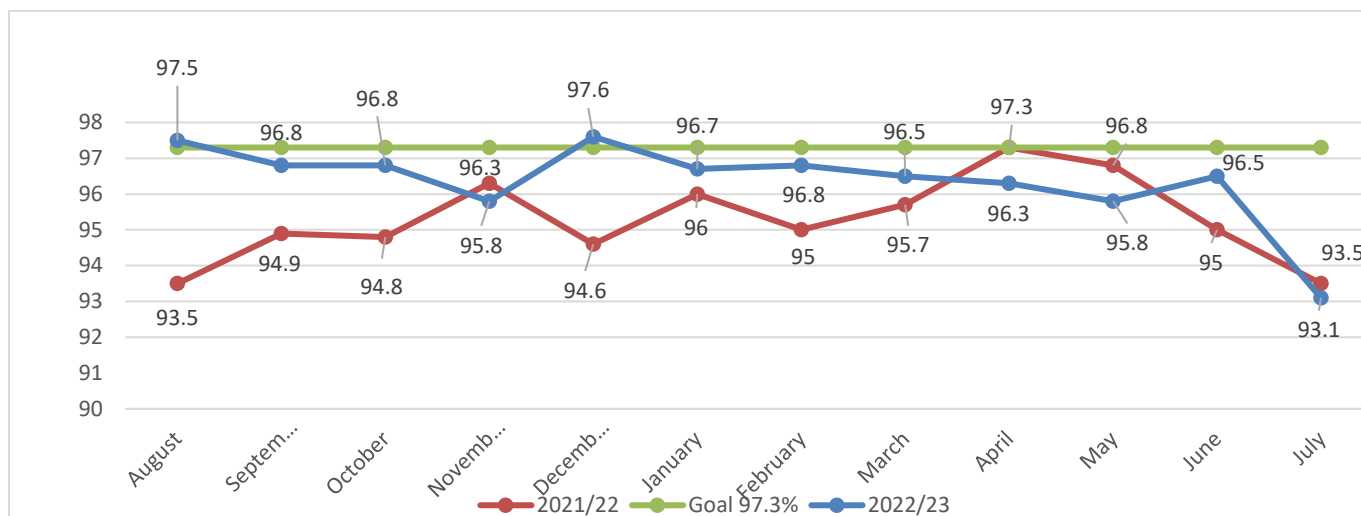
- At PABT, On the 8th, disabled bus caused delays. On the 11th, heavy traffic caused delays. On the 18th, car on fire in the North tube caused 30 min delays. On the 21st & 23rd, disabled vehicle in South tube caused delays. On the 24th & 25th, minor accidents in the South tube and heavy traffic contributed to delays. On the 31st, 30 min delays due to volume.
- At Newark Penn, On the 1st, mechanical issues, customer assistance, detours on local roads caused delays. On the 4th, customer in need of assistance, road closures caused delays. On the 17th, customers in need of assistance and detours contributed to delays.
- For various other locations, minor delays were caused due to weather, detours, traffic, and road construction on various days.
- The 12-month average for Bus On-Time Performance was 93.5%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL August 2021 – July 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
July Comparison	93.5%	93.1%	-0.4%
12-Month Average August 2022 – July 2023	96.0%	95.5%	-0.5%

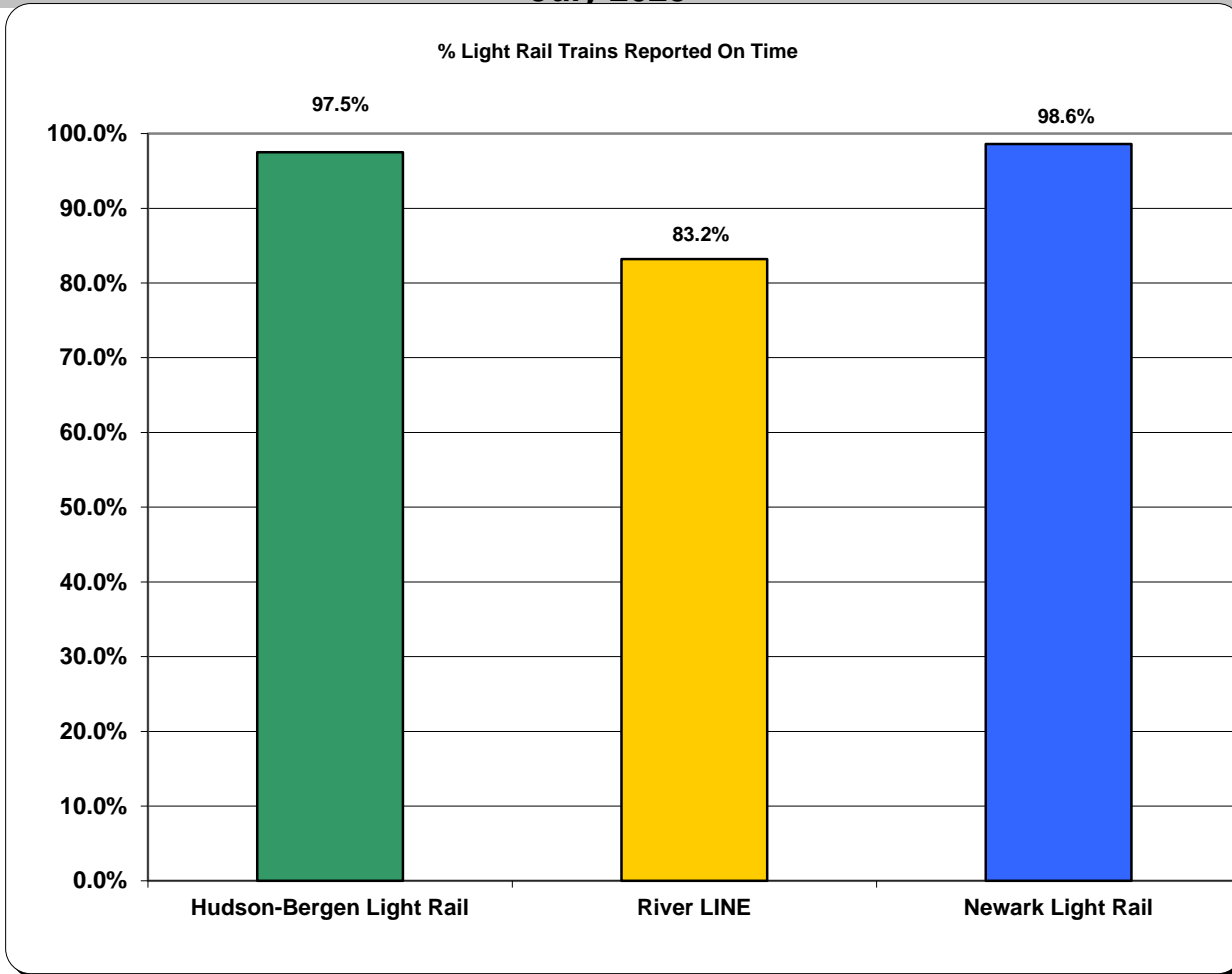
Analysis: Light Rail On-Time Performance system wide was 93.1% for the month of July. Of the 26,584 scheduled departures, 1,161 experienced delays.

Key Causes included:

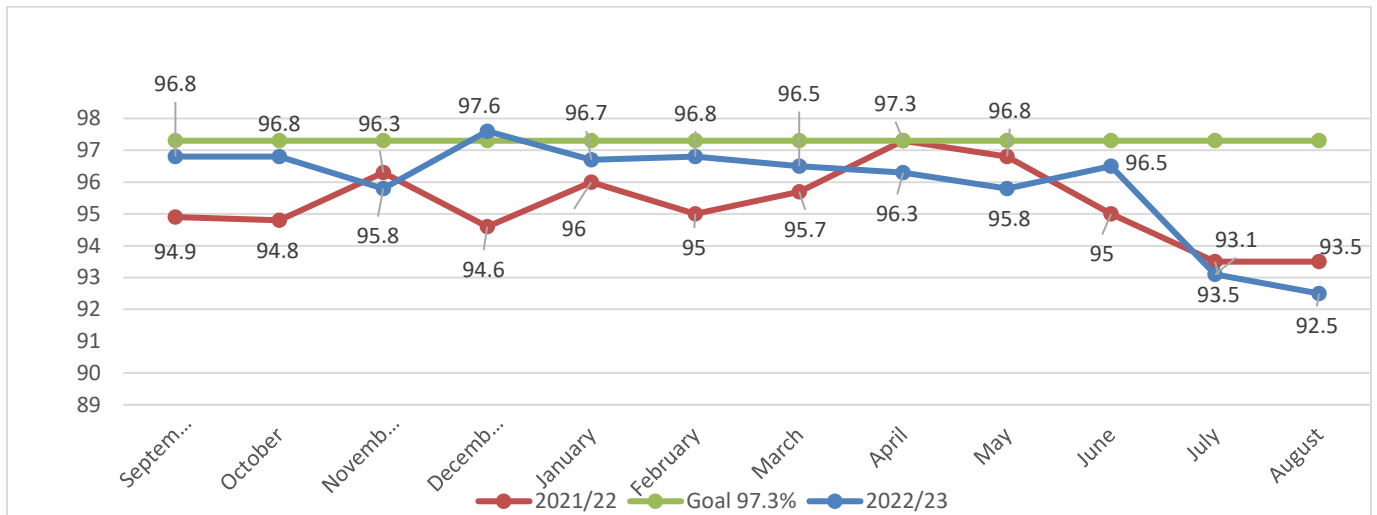
- **Newark Light Rail** – General maintenance such as door, power, brake, and propulsion issues taking place throughout the month.
- **RiverLINE** – Incidents involving general maintenance of LRV/equipment issues taking place across multiple dates, including engine, door, signal, and brake issues. Increased engine, HVAC, and operator incidents resulted in increased delays/annulments. Police activity on 7/7, 7/16, 7/22, 7/29 and 7/30 resulted in 7 delays. External passenger incidents on 7/3, 7/6, 7/23, 7/25, and 7/31 impacted 8 trains.
- **HBLR** – Incidents involving general maintenance of LRV taking place across multiple dates, including door malfunctions, power/propulsion issues, brakes, and other issues. Police activity throughout the month affected 108 trains (general police activity, security initiatives). Motor vehicle on tracks of street-running operations on 7/25 impacted 8 trains. External passenger incidents, including 4th of July festivities on 7/4, 7/5, 7/7, 7/12, 7/18, and 7/25 affected 112 trains. LRV pantograph issue on 7/12 impacted 93 trains.
- The 12-month Average for Light Rail On-Time Performance is 95.5%

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE July 2023



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL September 2021 – August 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
August Comparison	93.5%	92.5%	-1.0%
12-Month Average September 2022 – August 2023	95.7%	95.4%	-0.3%

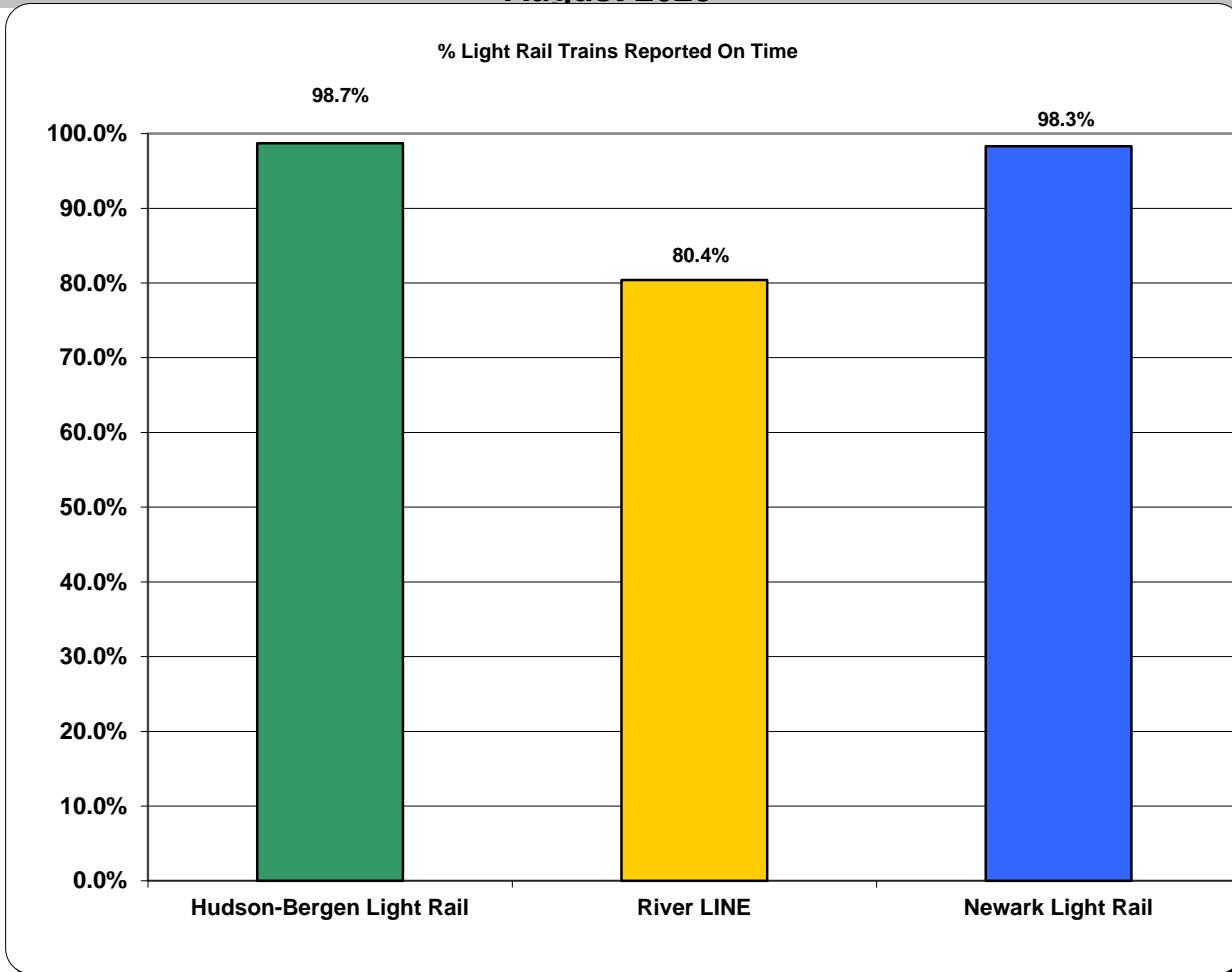
Analysis: Light Rail On-Time Performance system wide was 92.5% for the month of August. Of the 27,904 scheduled departures, 1,010 experienced delays.

Key Causes included:

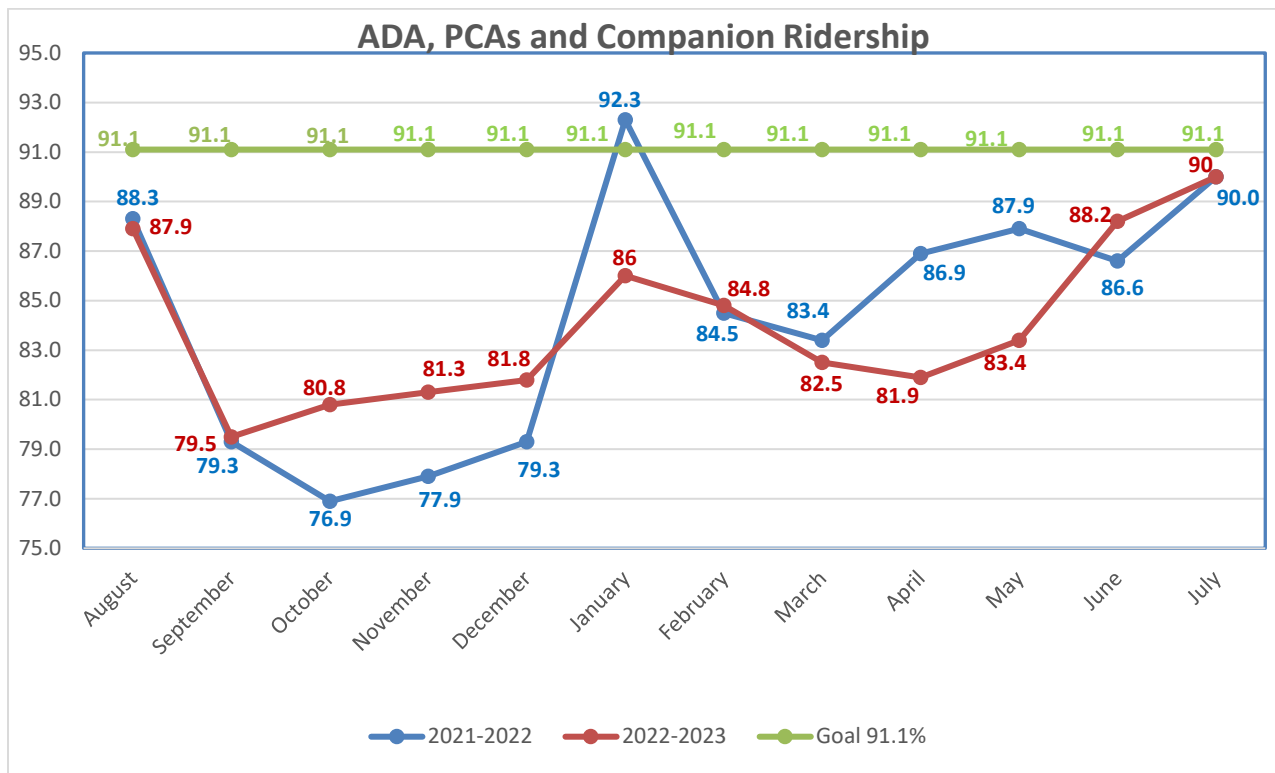
- **Newark Light Rail** – General maintenance for LRVs such as door, power, brake, and propulsion issues taking place throughout the month. Downed tree on tracks on 8/7 and 8/8 affected 163 trains.
- **River LINE** – Incidents involving general maintenance of LRV taking place across multiple dates, including engine, door, signal, and brake issues. Increased engine, HVAC, and operator incidents resulted in increased delays/annulments. Passenger incidents on 8/2, 8/4, 8/7, 8/14, 8/15, 8/19 and 8/25 impacted 20 trains. Trespasser incidents on 8/5, 8/9, 8/10, and 8/22 affected 13 trains.
- **HBLR** – Incidents involving general maintenance of LRV taking place across multiple dates, including door, power/propulsion issues, brakes, and other issues. Police activity throughout the month impacted 97 trains (general police activity, security initiatives). Motor vehicle on tracks of street-running operations on 8/11, 8/16, 8/23, 8/30 and 8/31 affected 16 trains. External passenger incidents on 8/1, 8/13, 8/22, 8/26 and 8/31 impacted 25 trains.
- The 12-month Average for Light Rail On-Time Performance is 95.4%

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE August 2023



NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK AUGUST 2021–JULY 2023



	<u>2022</u>	<u>2023</u>	<u>% Change</u>
July Comparison	90.0%	90.0%	0.0%
July Ridership	107,518	115,129	7,611
12-Month Average August 2022–July 2023	84.4%	84.0%	-0.4%

Analysis:

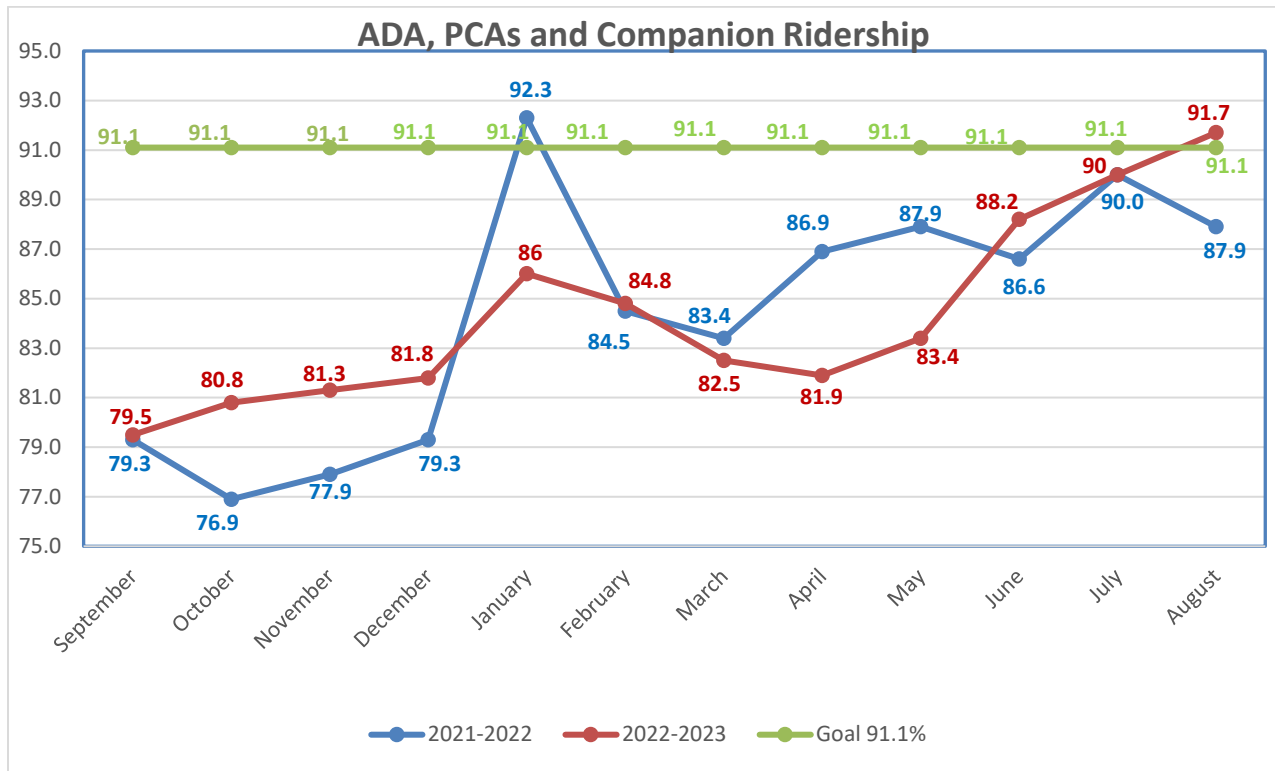
Access Link On-Time Performance was 90.0% for July 2023. In serving 127,772 total customers, for 115,129 ADA customer trips, 11,520 or (10.0%) experienced delays.

Key Causes included:

- Increased traffic volume including seasonal congestion in southern regions.
- (Statewide) service delays due to network outage on July 11th
- Customer cancellations and no-shows

The 12-month Average for Access Link On-Time Performance was 84.0%.

NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK SEPTEMBER 2021–AUGUST 2023



	<u>2022</u>	<u>2023</u>	<u>% Change</u>
August Comparison	87.9%	91.7%	3.8%
August Ridership	114,262	124,689	10,427
12-Month Average September 2022–August 2023	84.4%	84.3%	-0.1%

Analysis:

Access Link On-Time Performance was 91.7% for August 2023. In serving 138,411 total customers, for 124,689 ADA customer trips, 10,328 or (8.3%) experienced delays.

Key Causes included:

- Delays due to operator availability
- Increased traffic volume including seasonal congestion in southern regions
- Customer cancellations and no-shows

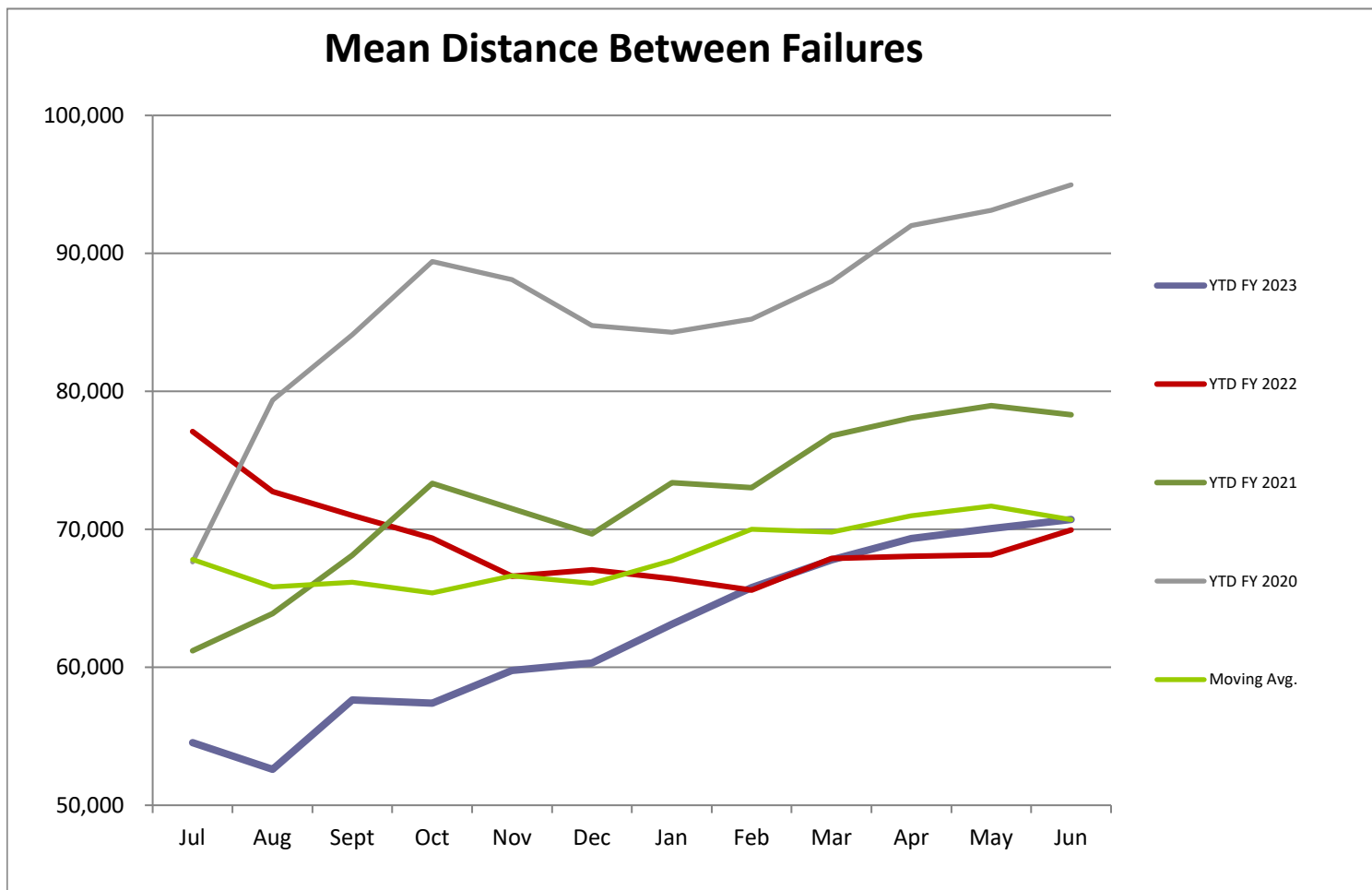
The 12-month Average for Access Link On-Time Performance was 84.3%.

MEAN DISTANCE BETWEEN FAILURES

June 2023

NJ TRANSIT Rail Operations
Mean Distance Between Failures

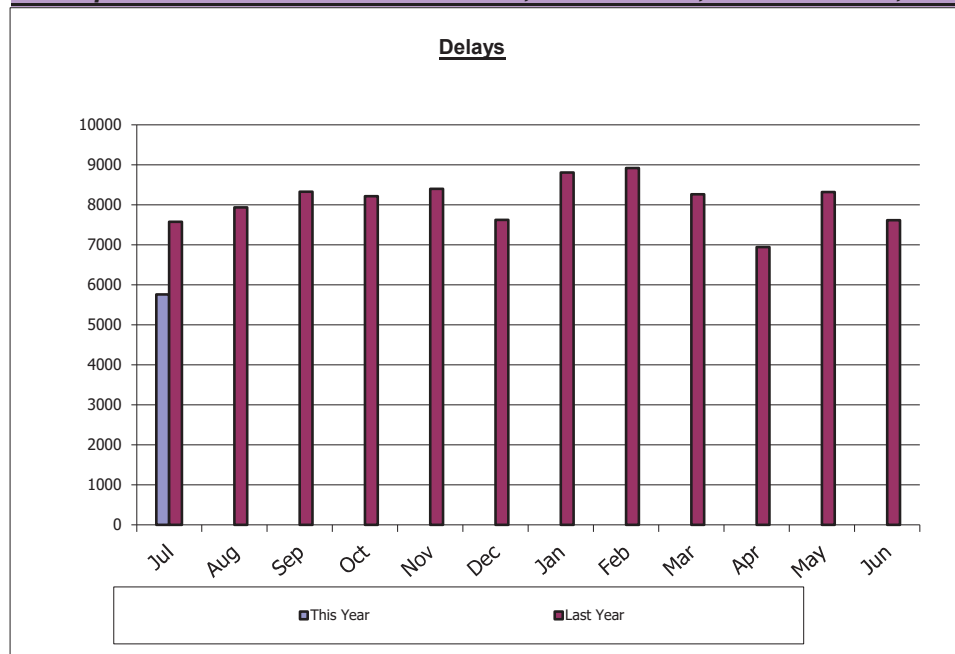
Month	YTD FY 2023	YTD FY 2022	YTD FY 2021	YTD FY 2020	12 Month Moving Avg.
Jul	54,531	77,087	61,198	67,634	67,808
Aug	52,602	72,743	63,891	79,350	65,832
Sept	57,623	71,005	68,109	84,111	66,170
Oct	57,410	69,368	73,320	89,410	65,389
Nov	59,761	66,597	71,498	88,101	66,636
Dec	60,315	67,060	69,664	84,773	66,090
Jan	63,121	66,433	73,392	84,273	67,726
Feb	65,780	65,594	73,030	85,233	69,991
Mar	67,778	67,894	76,790	87,973	69,800
Apr	69,327	68,050	78,072	92,007	70,994
May	70,045	68,153	78,962	93,119	71,685
Jun	70,712	69,949	78,300	94,969	70,712



Garage Performance Parameters

July 2023

Location	Miles Between In-Service Delays			
	FY2024 Goal	This Month	FY2024 YTD	FY2023 YTD
Fairview	6,500	4,328	4,328	7,391
Market Street	6,500	3,120	3,120	3,421
Meadowlands	8,500	3,674	3,674	4,095
Oradell	16,000	9,433	9,433	9,943
Wayne	12,000	5,410	5,410	9,505
WestWood	20,000	16,417	16,417	-
Northern Division	-	4,907	4,907	6,066
Big Tree	7,500	4,620	4,620	5,010
Greenville	6,000	4,051	4,051	6,221
Hilton	8,500	5,845	5,845	6,585
Howell	17,500	19,770	19,770	22,299
Ironbound	8,000	5,150	5,150	7,293
Orange	7,800	1,998	1,998	2,986
Morris	10,500	12,265	12,265	24,731
Central Division	-	5,099	5,099	6,824
Egg Harbor	12,000	8,640	8,640	10,992
Hamilton	9,000	8,510	8,510	10,561
Newton Avenue	1,100	8,020	8,020	14,220
Washington Twp.	16,000	10,173	10,173	14,767
Southern Division	-	8,948	8,948	12,641
Bus Operations	-	5,759	5,759	8,035

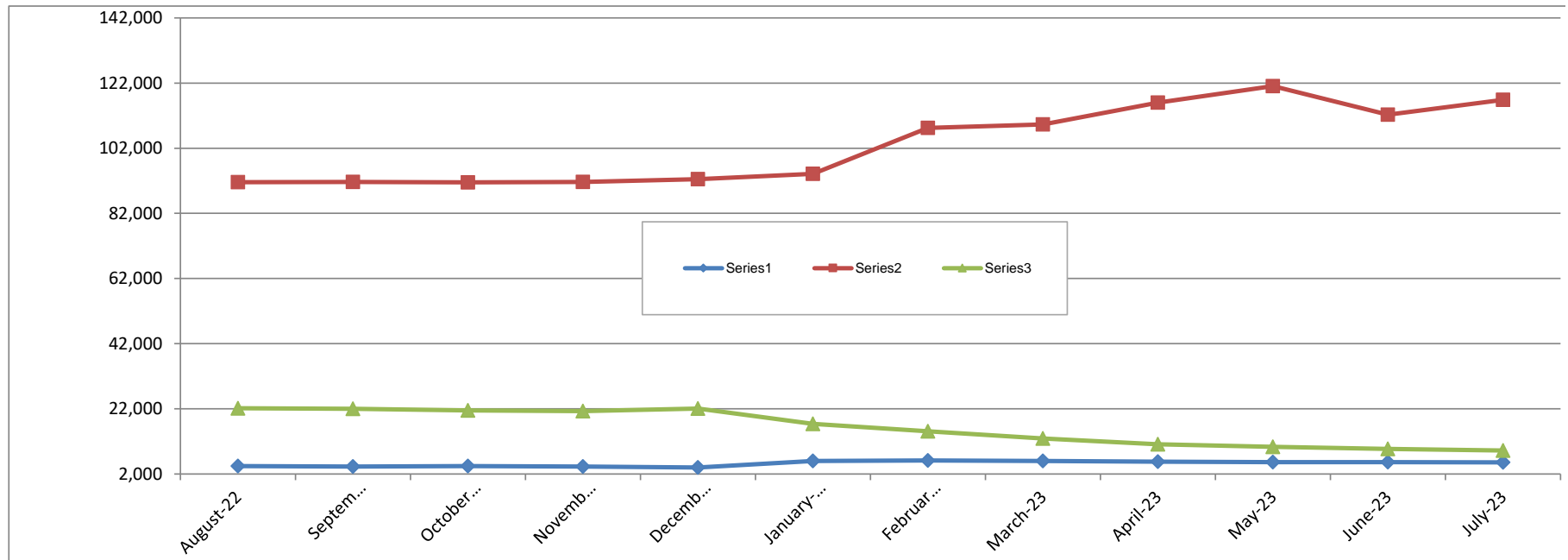


NJ TRANSIT - LIGHT RAIL, July 2023

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF * July 2023	MDBSF * June 2023
Newark Light Rail	5,583	5,630
Hudson Bergen	116,852	112,318
River LINE	9,214	9,692

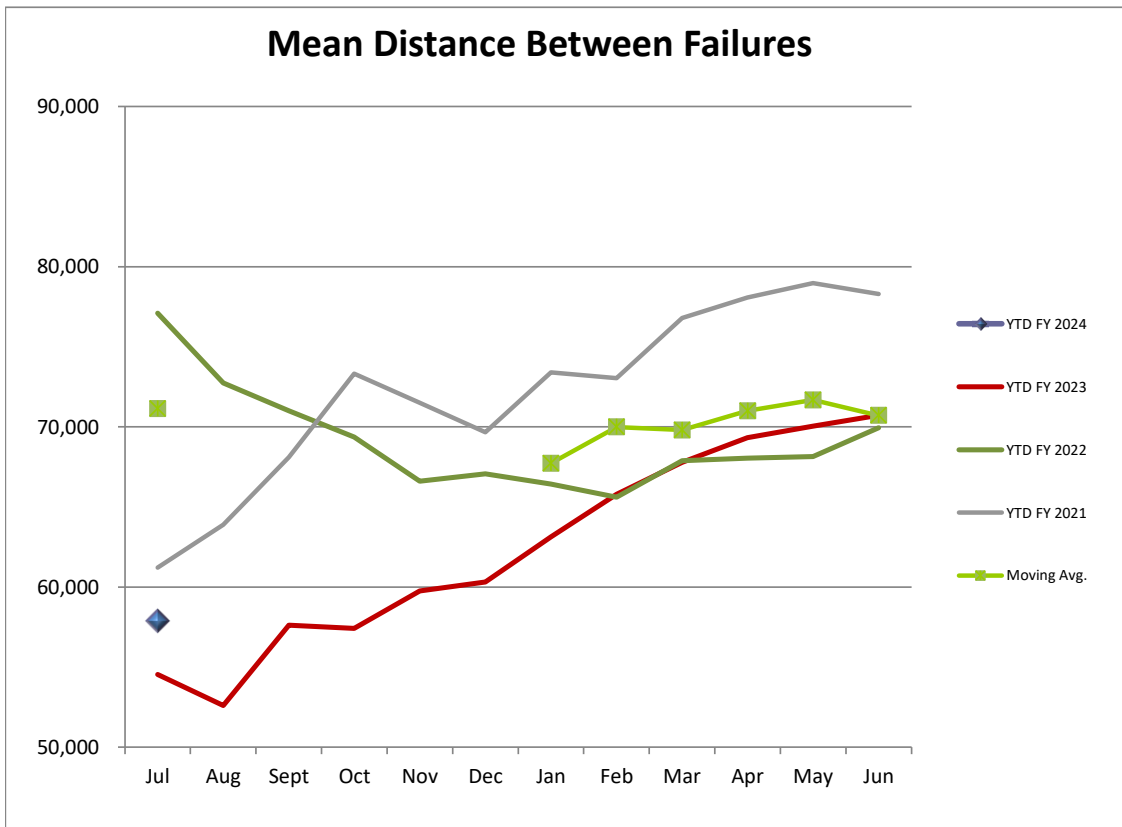
AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



July 2023

NJ TRANSIT Rail Operations
Mean Distance Between Failures

Month	YTD FY 2024	YTD FY 2023	YTD FY 2022	YTD FY 2021	12 Month Moving Avg.
Jul	57,875	54,531	77,087	61,198	71,148
Aug	-	52,602	72,743	63,891	-
Sept	-	57,623	71,005	68,109	-
Oct	-	57,410	69,368	73,320	-
Nov	-	59,761	66,597	71,498	-
Dec	-	60,315	67,060	69,664	-
Jan	-	63,121	66,433	73,392	67,726
Feb	-	65,780	65,594	73,030	69,991
Mar	-	67,778	67,894	76,790	69,800
Apr	-	69,327	68,050	78,072	70,994
May	-	70,045	68,153	78,962	71,685
Jun	-	70,712	69,949	78,300	70,712

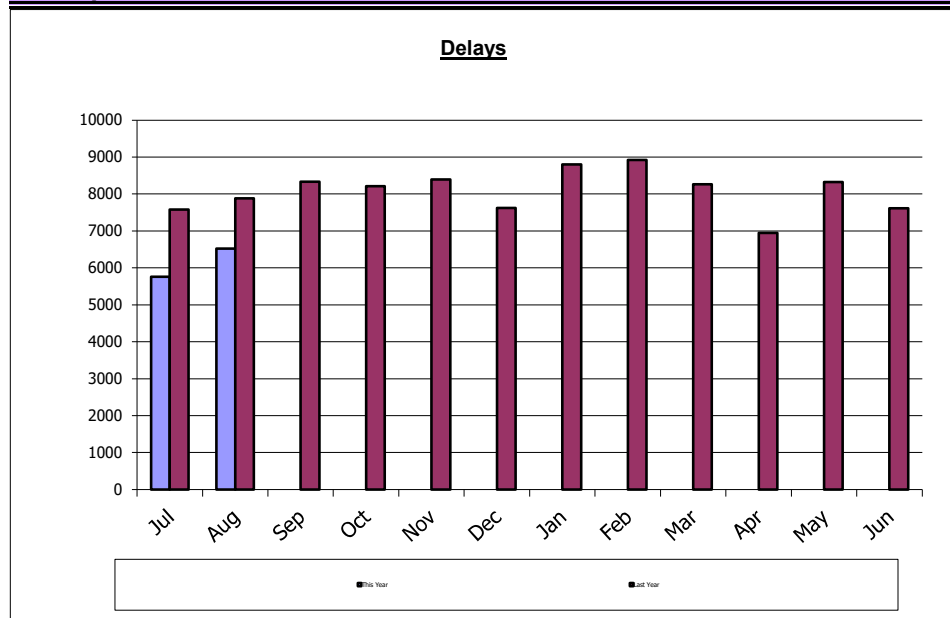


*FY2024 Numbers reflect start of FY2024

Garage Performance Parameters

August 2023

Location	Miles Between In-Service Delays			
	FY2024 Goal	This Month	FY2024 YTD	FY2023 YTD
Fairview	6,500	8,532	5,790	9,149
Market Street	6,500	3,498	3,302	3,592
Meadowlands	8,500	3,598	3,635	4,231
Oradell	16,000	14,418	11,469	11,269
Wayne	12,000	6,360	5,903	10,254
WestWood	20,000	41,537	23,953	-
Northern Division	-	5,927	5,394	6,580
Big Tree	7,500	4,704	4,663	5,248
Greenville	6,000	5,580	5,702	6,221
Hilton	8,500	5,576	5,702	6,266
Howell	17,500	18,156	18,909	22,187
Ironbound	8,000	5,403	5,276	7,495
Orange	7,800	2,471	2,223	3,131
Morris	10,500	52,608	20,334	34,252
Central Division	-	5,553	5,349	7,095
Egg Harbor	12,000	10,668	9,534	10,685
Hamilton	9,000	6,862	7,590	9,541
Newton Avenue	1,100	9,418	8,663	11,623
Washington Twp.	16,000	13,183	11,469	13,933
Southern Division	-	10,346	9,592	11,601
Bus Operations	-	6,520	6,126	7,732

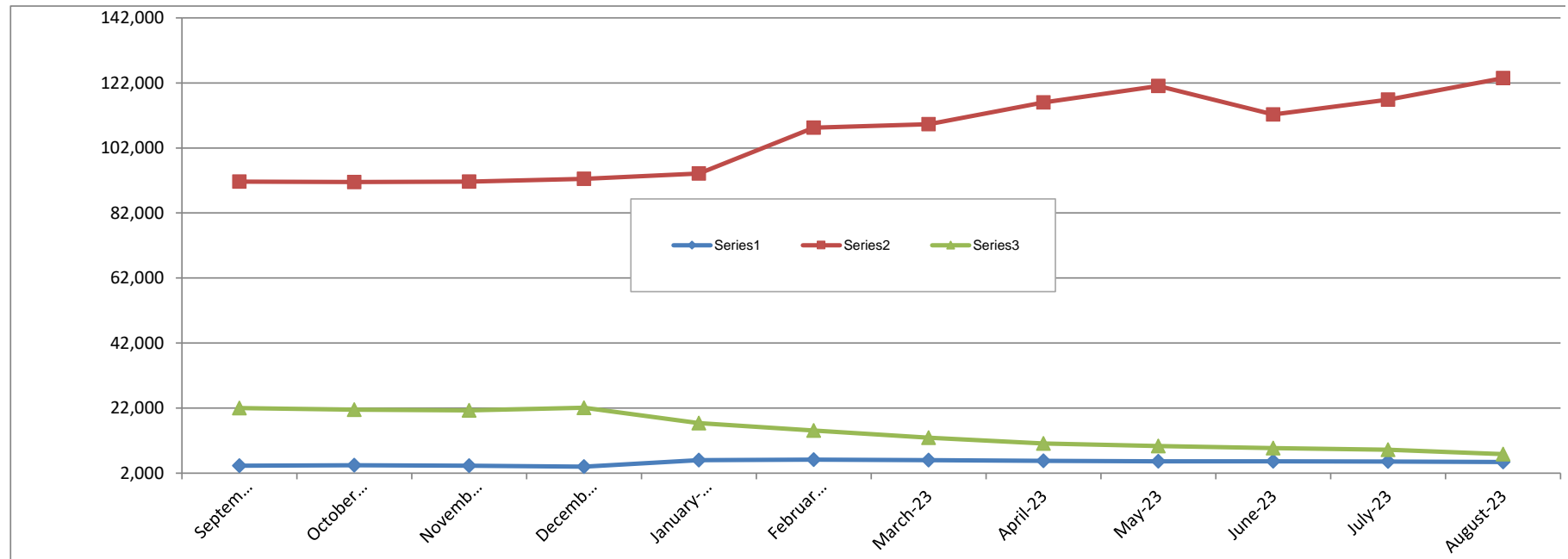


NJ TRANSIT - LIGHT RAIL, August 2023

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF *	MDBSF *
	August 2023	July 2023
Newark Light Rail	5,428	5,583
Hudson Bergen	123,473	116,852
River LINE	7,856	9,214

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



DBE/SBE PROGRAM

NJ TRANSIT - DBE/SBE Participation for July 2023

State Funded Contracts

State Fiscal Year 2023 - July 1, 2023, through June 30, 2024

During the month of July 2023, NJ TRANSIT awarded \$7,608,700.50 in state-funded contracts; of that total, Small Business Enterprises (SBEs) received \$0.00 or 0%.

State Fiscal Year 2024 YTD (July 1, 2023, through June 30, 2024) NJ TRANSIT awarded \$7,608,700.50 in state-funded contracts. Of that total, SBEs received \$0.00, or 0%.

Note: The above reflects the Procurement Report of Awards received on August 4, 2023.

SBE Goal Attainment from July 1, 2023, through June 30, 2024 (SFY 2024)

Category 1 SBEs	\$0.00	0.00%
Category 2 SBEs	\$0.00	0.00%
Category 3 SBEs	\$0.00	0.00%
Category 4 SBEs	\$0.00	0.00%
Category 5 SBEs	\$0.00	0.00%
Category 6 SBEs	\$0.00	0.00%

FTA Funded Contracts (Updated on a quarterly basis– next update will occur October 2023)

Federal Fiscal Year (FFY) 2023 - October 1, 2022, through September 30, 2023

During the 3rd Quarter (April 1, 2023 – June 30, 2023), the FTA-funded share of NJ TRANSIT’s federal contracts awarded was \$1,805,805.43. Of that total, Disadvantaged Business Enterprises (DBEs) received \$0.00 or 0.00%

FFY 2023 through FFY 2025 Q3 (October 1, 2023 – September 30, 2025) NJ TRANSIT awarded \$25,374,773.43** in federally funded contracts. Of that total, DBEs received \$8,642,888.06, or 34.06%.

*Numbers reflect federal share

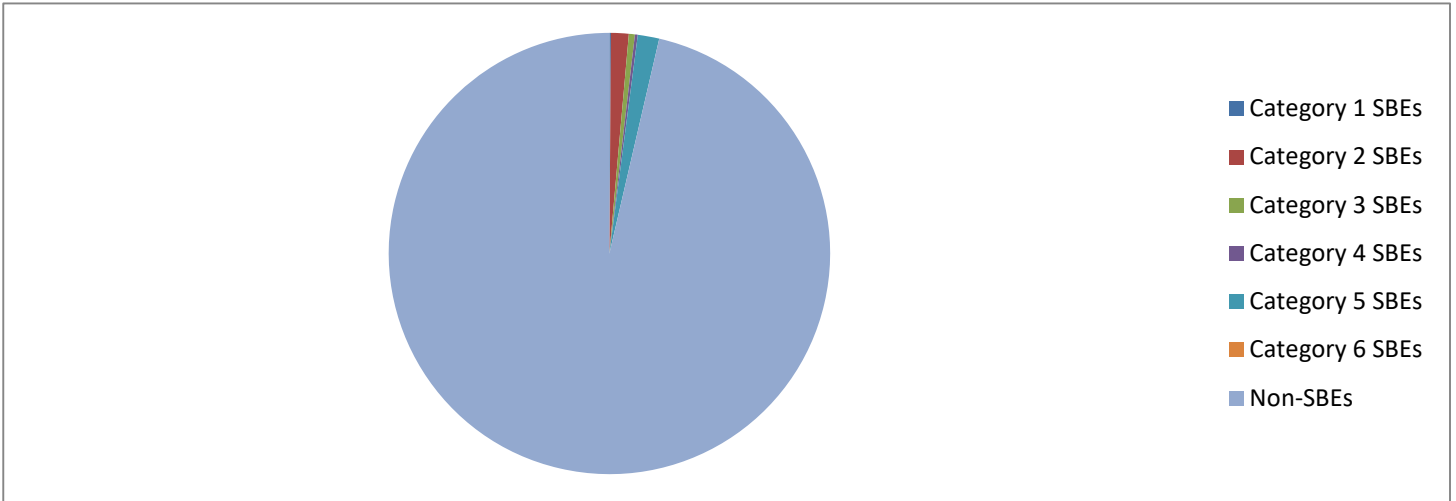
** Number includes subrecipient awards

Transit Vehicle Manufacturer (TVM)¹ Awards (Next update will occur in October 2023)

¹ Transit Vehicle Manufacturers (TVMs) will be reported to the President and CEO on a quarterly basis in the same manner that FTA-funded contracts are currently reported. TVMs are manufacturers whose primary business purpose is to build vehicles specifically for public mass transportation. The “TVM” designation indicates that the intended contract recipient/awardee has submitted to the Federal Transit Administration a plan to utilize Disadvantaged Business Enterprises on their contracts. NJ TRANSIT does not place a separate goal on Transit Vehicle Manufacturers.

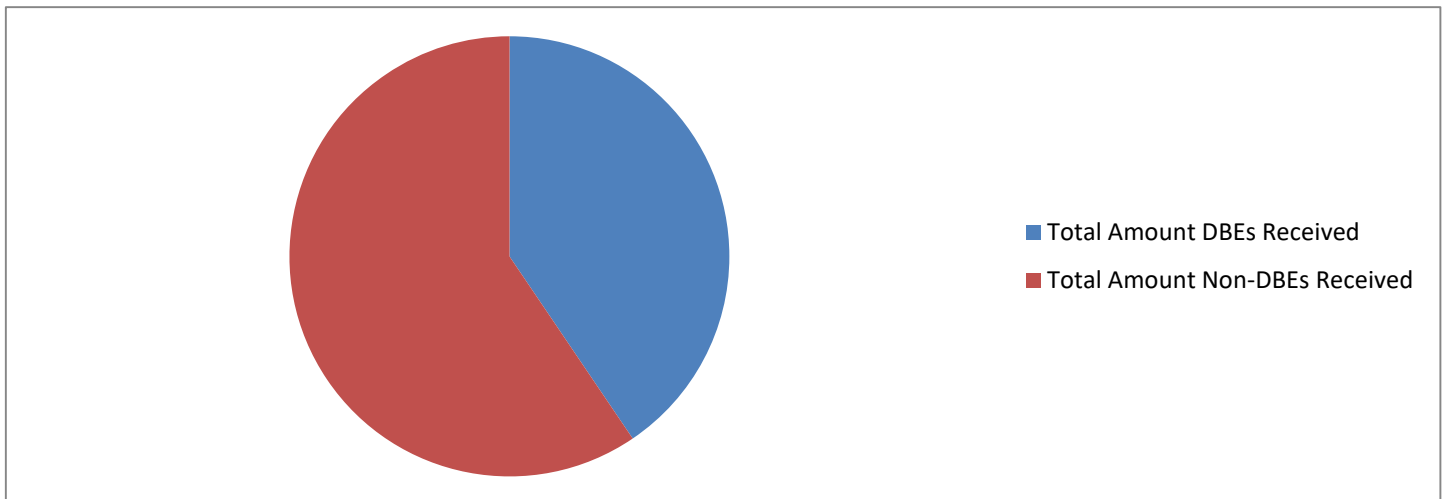
STATE CONTRACTS
STATE FYTD 2024

<i>Category 1 SBEs</i>	\$0.00	0.00%
<i>Category 2 SBEs</i>	\$0.00	0.00%
<i>Category 3 SBEs</i>	\$0.00	0.00%
<i>Category 4 SBEs</i>	\$0.00	0.00%
<i>Category 5 SBEs</i>	\$0.00	0.00%
<i>Category 6 SBEs</i>	\$0.00	0.00%
<i>Non-SBEs</i>	\$7,608,700.50	100.00%



DBE PARTICIPATION
FEDERAL CONTRACTS
CUMULATIVE FEDERAL FY 2023-2025

Total Amount DBEs Received	\$8,642,888.06	34.06%
Total Amount Non-DBEs Received	\$16,731,885.37	65.94%



NJ TRANSIT - DBE/SBE Participation for August 2023

State Funded Contracts

State Fiscal Year 2023 - July 1, 2023, through June 30, 2024

During the month of August 2023, NJ TRANSIT awarded \$886,575.75 in state-funded contracts; of that total, Small Business Enterprises (SBEs) received \$0.00 or 0%.

State Fiscal Year 2024 YTD (July 1, 2023, through June 30, 2024) NJ TRANSIT awarded \$8,495,276.25 in state-funded contracts. Of that total, SBEs received \$0.00, or 0%.

Note: The above reflects the Procurement Report of Awards received on August 4, 2023.

SBE Goal Attainment from July 1, 2023, through June 30, 2024 (SFY 2024)

Category 1 SBEs	\$0.00	0.00%
Category 2 SBEs	\$0.00	0.00%
Category 3 SBEs	\$0.00	0.00%
Category 4 SBEs	\$0.00	0.00%
Category 5 SBEs	\$0.00	0.00%
Category 6 SBEs	\$0.00	0.00%

FTA Funded Contracts (Updated on a quarterly basis– next update will occur October 2023)

Federal Fiscal Year (FFY) 2023 - October 1, 2022, through September 30, 2023

During the 3rd Quarter (April 1, 2023 – June 30, 2023), the FTA-funded share of NJ TRANSIT’s federal contracts awarded was \$1,805,805.43. Of that total, Disadvantaged Business Enterprises (DBEs) received \$0.00 or 0.00%

FFY 2023 through FFY 2025 Q3 (October 1, 2023 – September 30, 2025) NJ TRANSIT awarded \$25,374,773.43** in federally funded contracts. Of that total, DBEs received \$8,642,888.06, or 34.06%.

*Numbers reflect federal share

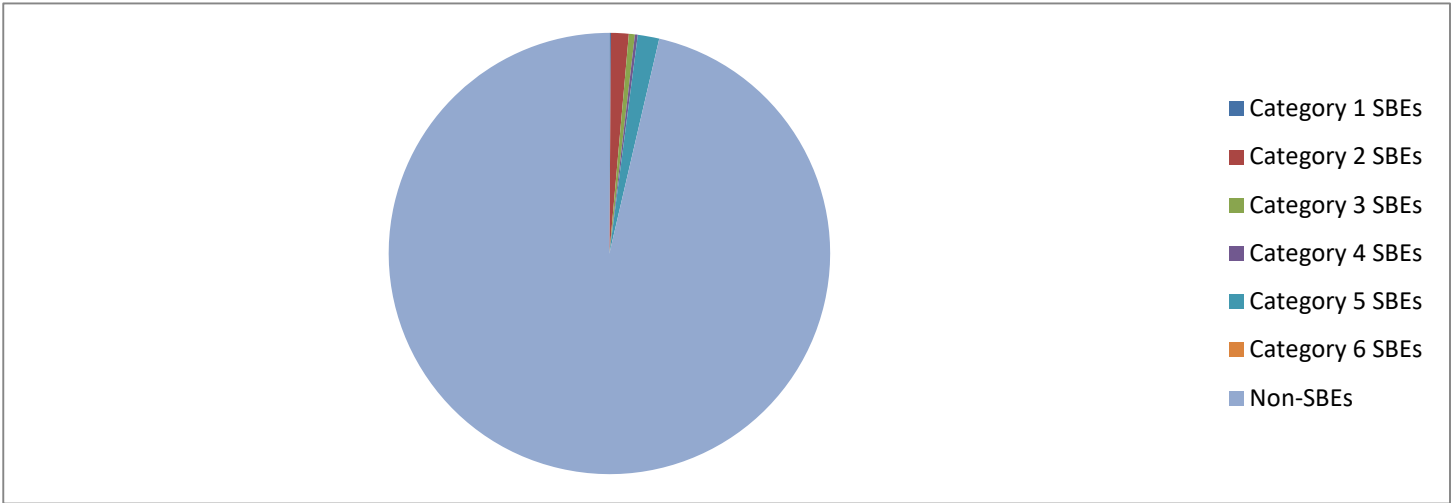
** Number includes subrecipient awards

Transit Vehicle Manufacturer (TVM)¹ Awards (Next update will occur in October 2023)

¹ Transit Vehicle Manufacturers (TVMs) will be reported to the President and CEO on a quarterly basis in the same manner that FTA-funded contracts are currently reported. TVMs are manufacturers whose primary business purpose is to build vehicles specifically for public mass transportation. The “TVM” designation indicates that the intended contract recipient/awardee has submitted to the Federal Transit Administration a plan to utilize Disadvantaged Business Enterprises on their contracts. NJ TRANSIT does not place a separate goal on Transit Vehicle Manufacturers.

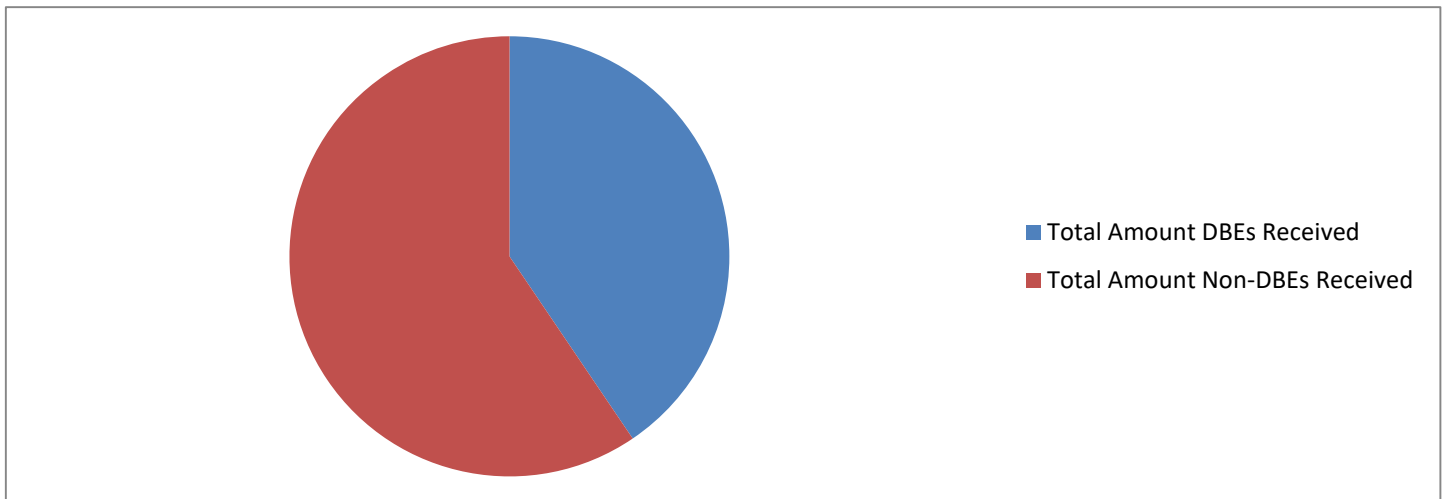
STATE CONTRACTS
STATE FYTD 2024

<i>Category 1 SBEs</i>	\$0.00	0.00%
<i>Category 2 SBEs</i>	\$0.00	0.00%
<i>Category 3 SBEs</i>	\$0.00	0.00%
<i>Category 4 SBEs</i>	\$0.00	0.00%
<i>Category 5 SBEs</i>	\$0.00	0.00%
<i>Category 6 SBEs</i>	\$0.00	0.00%
<i>Non-SBEs</i>	\$8,495,276.25	100.00%



DBE PARTICIPATION
FEDERAL CONTRACTS
CUMULATIVE FEDERAL FY 2023-2025

Total Amount DBEs Received	\$8,642,888.06	34.06%
Total Amount Non-DBEs Received	\$16,731,885.37	65.94%



EMPLOYEE RECOGNITION

NJ TRANSIT employees bid farewell after outstanding careers

49 NJ TRANSIT employees retired recently:

1. Ercilia Alberto, Station Attendant -- Newark Penn -- 23 years
2. Charles Bennett, Tech -- MMC -- 35 years
3. John Boyington, Block Operator -- Morgan -- 55 years
4. Sam Caucci, Assistant Conductor -- Various -- 14 years
5. Doug Cunningham, Conductor -- Various -- 34 years
6. Barry Davis, Car Appearance Maintainer -- Dover -- 25 years
7. David Dennis, General foreman -- Dover -- 21 years
8. Ruben Galapon, Machinist -- Hoboken -- 18 years
9. Salvador Garcia, Machinist -- MMC -- 23 years
10. David Mihalinec, Car Appearance Maintainer, Hoboken -- 39 years
11. Joseph Minniti, Maintainer -- Hoboken -- 17 years
12. Antonino Polizzi, Supervisor Structures -- Summit -- 36 years
13. Isabel Castillo, Cleaner -- Market St -- 17 years
14. Retheena Goodwin, Operator -- Oradell -- 25 years
15. Angel Peguero, Operator -- Fairview -- 19 years
16. Owusu Poku, Elec Tech Bus -- Newark -- 16 years
17. Samji Samuel, Starter -- PABT -- 18 years
18. Angel Santana, Operator -- Market St -- 18 years
19. Mark Stokes, Operator -- Big Tree -- 17 years
20. Anthony Tran, Spec Mech Wld -- Newark -- 16 years
21. Doward Williams, Inspector B -- Washington Twp -- 19 years
22. Anthony Wozniak, Operator -- Howell -- 27 years
23. Joseph Guarneri, Maintainer A -- Newton Ave -- 28 years
24. Thomas Havelka, Spec Mech Wld - Newark -- 33 years
25. Michelle Herald-Johnson, Depot Master C -- Ironbound -- 27 years
26. Nesta Jenkins, Operator -- Big Tree -- 9 years
27. Thomas Mondello, Operator -- Howell -- 17 years
28. Daisy Patterson, Operator -- Hamilton -- 34 years
29. David Sims, Operator -- Newton Ave -- 10 years
30. David Smith, Operator -- Newton Ave -- 15 years
31. Vincent Torgbor, Operator -- Orange -- 17 years
32. Alma Williams, Operator -- Big Tree -- 29 years
33. Carl Bryant, Princ Network Engineer -- HQ -- 17 years
34. Arthur Cushmeyer, Manager Finance Operation -- HQ -- 43 years
35. William Veniscofski, Quality Assurance Specialist -- HQ -- 26 years

36. Donald Bogen, Plumber Foreman -- MMC -- 40 years
37. Brian Bucciarelli, Lead Tech -- MMC -- 37 years
38. Sergio DeMusso, Foreman -- Wood-Ridge -- 27 years
39. Lauren DeShong, Sr. Chief Clerk -- Newark Penn -- 40 years
40. Sean Dolan, Chief of Staff/Ops Strategic Support -- HQ -- 32 years
41. Thomas Eriksen, Boilermaker -- MMC -- 20 years
42. Rosalind Evans, Lead Clerk -- Newark Penn -- 40 years
43. Fred Faber, Assistant Conductor -- Various -- 19 years
44. John Knights, Lead Maintainer -- Mountain Station -- 26 years
45. Jeffery Ryan, Conductor -- Various -- 30 years
46. John Siclari, Section Storekeeper -- ROC/MMC -- 36 years
47. Mark Thompson, Machinist -- MMC -- 14 years
48. Robert Timmerman, Lead Tech -- MMC -- 39 years
49. Edward Van Pelt, Lead Maintainer -- Hammonton -- 27 years

ACTION ITEMS

ITEM 2309-53: MAHWAH STATION ROOF REPAIRS

WHEREAS, NJ TRANSIT's Mahwah Station is serving the Main and Bergen County Line transportation to Hoboken station in New Jersey and is an important connection point on the Northeast Corridor and within, Bergen and Passaic County, New Jersey; and

WHEREAS, Mahwah station is eligible for listing on the NJ Register and is important in contributing to the Erie Railroad Main Line Historic District; and

WHEREAS, the goal of this project is to enhance customer safety and experience by addressing identified items deemed to not be in an acceptable state of good repair per the Federal Transit Administration's (FTA) Transit Asset Management (TAM) Guidelines; and

WHEREAS, the scope of work is to rehabilitate the roof of the main station building and all the associated components to protect the historic district and to prevent further deterioration from the natural elements; and

WHEREAS, an Information for Bid (IFB) was advertised on March 22, 2023 and four bids were opened on May 23, 2023; and

WHEREAS, DMR Construction Services, Inc., Waldwick, NJ bid was received on May 23, 2023 and was awarded as the lowest responsive bidder; and

WHEREAS, the approved lowest responsive bid price of \$2,464,464.93, is deemed to be both fair and reasonable to provide construction services commencing in November 2023; and

WHEREAS, a 10 percent Category 6 SBE Goal was established for this contract; and

WHEREAS, the State of New Jersey TTF Fund is the anticipated source of funding for this procurement;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO are authorized to enter into NJ TRANSIT Contract No. 0000014 with DMR Construction Services, Inc. of Waldwick, New Jersey, to provide construction services for the Mahwah Station Roof Repairs, in an amount not to exceed \$2,464,464.93, plus five percent for contingencies, subject to the availability of funds.

ITEM 2309-54: CONCEPTUAL, PRELIMINARY AND FINAL ENGINEERING SERVICES AND CONSTRUCTION ASSISTANCE SERVICES FOR THE WALTER RAND TRANSPORTATION CENTER IMPROVEMENT PROJECT – INITIATE PHASE 2

WHEREAS, the Walter Rand Transportation Center (WRTC) is the main intermodal transportation facility for the City of Camden.; and

WHEREAS, the WRTC, constructed in 1989 and owned by NJ TRANSIT, is the largest transportation hub in the City of Camden.; and

WHEREAS, the WRTC currently houses services for twenty-six NJ TRANSIT bus lines, a station of the NJ TRANSIT River LINE light rail, a station of the Port Authority Transit Corporation (PATCO) Speedline subway, a stop for intercity Greyhound Bus services and a stop for the South Jersey Transportation Authority (SJTA); and

WHEREAS, the present facility is undersized, aging, and maintenance intensive; and

WHEREAS, the WRTC Improvement project would replace the existing facility with an expanded multi-purpose transit center that would integrate the existing services under a single roof, enhancing the experience for transit riders and improving intermodal connections in Camden. The improvement would also include additional parking and administrative offices, providing opportunities for local development while accommodating future ridership expansion; and

WHEREAS, this project was identified as a capital need in late 2020; and

WHEREAS, the City is currently undergoing a development renaissance. With the emergence of a burgeoning educational and healthcare corridor in the downtown area and surrounding vicinity, a proposed multi-million-dollar redevelopment of the nearby waterfront to the west of downtown and the headquarters for both the Campbell Soup Company and Subaru of America to the east, Camden is poised for a dynamic and exciting future ahead; and

WHEREAS, an agreement between NJ TRANSIT and the County of Camden for the design and engineering to be procured and managed by Camden which was approved by the NJ TRANSIT Board of Directors in January 2018; and

WHEREAS, the County requested NJ TRANSIT to manage this project in May 2020; and

WHEREAS, NJ TRANSIT developed this initiative intending to enter into this Contract with a phased approach and will divide the service requirements into various phases; and

WHEREAS, on October 20, 2021, the Board authorized Staff to enter into contract with HNTB of New York, New York, for the Conceptual, Preliminary and Final Engineering Services and Construction Assistance Services; and authorized the amount not to exceed \$4,351,635.44, plus five percent for contingencies, subject to availability of funds, for the Phase 1 to provide Conceptual Development services for the WRTC Improvement Project; and

WHEREAS, HNTB has effectively completed Phase 1 work for the WRTC; and

WHEREAS, the start of the Phase 2 work, as outlined in the original RFP and modified for inclusion of Bid/Support services, is the next logical step in the Project; and

WHEREAS, HNTB was requested to provide a Cost proposal for said Phase 2 work on April 28, 2023; and

WHEREAS, HNTB provided a Cost proposal in the amount of \$6,997,707.94 on August 15, 2023 after negotiations;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO are authorized to continue to Phase 2 of Contract No. 21-014 with HNTB of New York, New York, and authorize the amount not to exceed \$6,997,707.94, plus five percent for contingencies, subject to availability of funds, for services for the Walter Rand Transportation Center (WRTC) Improvement Project.

ITEM 2309-55: AMENDMENT TO THE 2016 TASK ORDER CONSULTANT CONTRACT NO. 16-037C TO INCREASE TASK LIMIT

WHEREAS, NJ TRANSIT originally engaged Gannett Fleming via a directed Task Order Assignment through NJ TRANSIT Contract No. 16-037C to assist with Architectural and Engineering services related to two Substations Replacement projects, namely Bay Head Substation (NJT00768) and the MMC/ROC Unit Substation (NJT01113); and

WHEREAS, as previously reported to the Board of Directors, these projects encountered various delays, including unanticipated additional environmental requirements, design revisions, and supply chain issues; and

WHEREAS, these delays contributed to increased project costs during the construction of the remaining work, and

WHEREAS, NJ TRANSIT prefers to retain Gannett Fleming's services to maintain continuity of operations and to bring these two projects to completion and close-out; and

WHEREAS, NJ TRANSIT Contract No. 16-037C limits individual task assignments to a value of \$500,000 and the unanticipated additional costs for these projects will require the associated task assignment to exceed the \$500,000 limit;

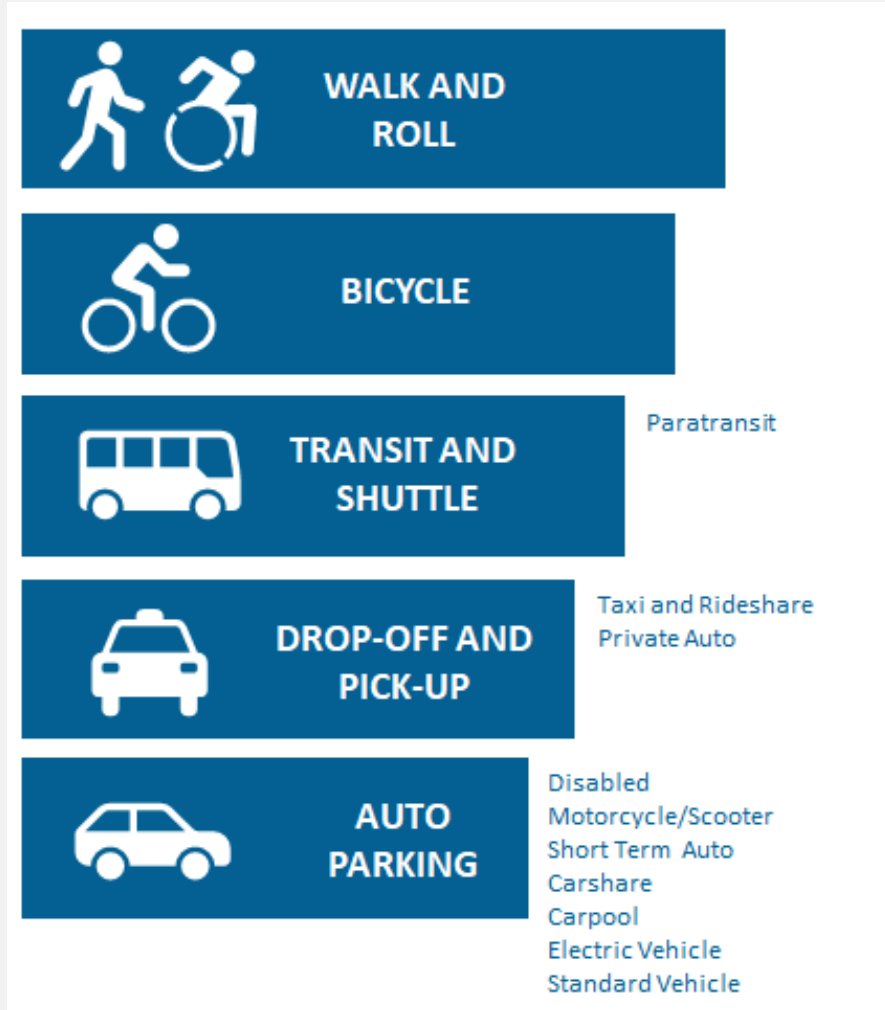
NOW, THEREFORE, BE IT RESOLVED that the Chair or President and CEO is authorized to increase the Individual Task Limit for NJ TRANSIT Contract No. 16-037C with Gannett Fleming Inc. of Newark, New Jersey, from \$500,000 by an additional \$750,000, for a total Individual Task Limit authorization of \$1,250,000.

ITEM 2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION



ITEM 2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION

STATION ACCESS HIERARCHY



TOD GOALS

- Increase **RIDERSHIP**.
- Create and capture **VALUE** around stations.
- Attract transit-supportive **DENSITY**.
- Promote **WALKABLE** communities.
- Expand **ACCESS** to transit and multimodal travel.
- Promote job and housing **EQUITY**.
- Enhance **RESILIENCY** by making mobility accessible.
- Expand **AGING-IN-PLACE** opportunities.
- **REDUCE** vehicle-miles traveled and emissions.
- Increase **SUSTAINABILITY** throughout New Jersey.

ITEM 2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION

BACKGROUND

Procurement Process

June 2022

Exclusive Negotiation Agreement

August 2022

Local Redevelopment Plan Adoption

February 2023

Board Consideration

September 2023

ITEM 2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION

DEVELOPMENT PROGRAM

- Residential, Retail & Supporting Parking

BENEFITS

- \$1.875m non-farebox revenue to NJ TRANSIT
- Housing, Access, Environmental, & Economic Development Improvements
- Affordable housing

ASSEMBLAGE DISPOSITION STRATEGY

- Fee Simple Transaction vs. Ground Lease
 - Mitigates for legal & project risk considerations
 - Eliminates asset management responsibilities & administrative costs for small parcel conveyance
 - Greater value than NPV of long-term lease



ITEM 2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE 65851 A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION

NEXT STEPS

- Site Plan and Governmental Approvals and Building Permits
- Construction Planning & Coordination

PROSPECTIVE PROJECT SCHEDULE

- Final approvals and permits, Q4 2023
- Closing of NJT-owned property, Q1 2024
- Project Construction: 18-24 months duration, Q2 2024 start

ITEM 2309-56: DISPOSITION OF NJ TRANSIT-OWNED EXCESS PROPERTY TO ADVANCE A TRANSIT-ORIENTED DEVELOPMENT PROJECT AT BOUND BROOK STATION

WHEREAS, consistent with the NJT2030 Strategic Plan and statewide policy objectives, NJ TRANSIT supports Transit-Oriented Development (“TOD”) land use patterns centered at its facilities to support economic development, housing diversity and affordability; grow transit ridership; enhance multimodal access to the transportation system; contribute to environmental sustainability; and maximize the value of its real estate assets; and

WHEREAS, in response to an Unsolicited Request for Development proposal submitted by Capodagli Property Company, LLC (“CPC”), and following issuance of Public Notice No. RE22-953 regarding NJ TRANSIT’s interest in pursuing the proposal, NJ TRANSIT and CPC previously executed an Exclusive Negotiation Agreement to advance a prospective project at the Bound Brook Station (the “Station”), adjacent to the Raritan Valley Line; and

WHEREAS, the proposed TOD project contemplates assemblage of two adjacent parcels to realize improvements consisting of 218 apartment homes, 10 of which will be designated affordable housing, common area amenity space built over ground floor retail, and, structured parking to support the infill development centered at the Station (the “Project”); and

WHEREAS, the NJ TRANSIT-owned property is located at Block 1, Lot 68.031, which is approximately 17,798 square feet (0.41 acres), constituting a small portion of the existing commuter parking lot adjacent to the Station (the “Property”), and the CPC-owned adjacent property is located at Block 1, Lot 42.01, and is approximately 51,192 square feet (1.18 acres); and

WHEREAS, consistent with an MAI appraisal and supporting market analysis, CPC will pay NJ TRANSIT a purchase price of \$1,875,000.00 for the Property; and

WHEREAS, execution of the sale will further support advancement of a Project that stands to support economic development, housing diversity and affordability; grow transit ridership; improve multimodal access to the transportation system; maximize the value of NJ TRANSIT’s real estate assets; contribute to environmental sustainability; and produce multiple benefits for NJ TRANSIT’s customers and the broader region consistent with the NJT2030 Strategic Plan;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to take all necessary actions to advance and execute a disposition of the NJ TRANSIT-owned Property in order to realize a Transit-Oriented Development project at NJ TRANSIT’s Bound Brook Station.

ITEM 2309-57: AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BETWEEN NJ TRANSIT AND SOMERSET DEVELOPMENT, LLC, TO ADVANCE PHASE 2 OF THE TRANSIT-ORIENTED DEVELOPMENT PROJECT AT SOMERVILLE STATION

WHEREAS, consistent with the NJT2030 Strategic Plan and statewide policy objectives, NJ TRANSIT supports Transit-Oriented Development (“TOD”) land use patterns centered at its facilities to support economic development, housing diversity and affordability; grow transit ridership; enhance multimodal access to the transportation system; contribute to environmental sustainability; and maximize the value of its real estate assets; and

WHEREAS, in 2019, NJ TRANSIT sold approximately 23 acres of largely vacant land adjacent to Somerville Station on the Raritan Valley Line in the Borough of Somerville, Somerset County, NJ (the “Station”), to Somerset Development, LLC, of Lakewood, New Jersey (“Somerset”), to implement a phased TOD project consisting of mixed-use, transit-village style development to include an initial phase of approximately 530 residential units, ground floor retail, a public plaza and a new commuter pick-up/drop-off area (“Phase 1”); and

WHEREAS, as part of Phase 1, NJ TRANSIT also leased a subdivided land area to Somerset to construct, operate and manage a 543-space structured, shared commuter parking facility with 325 dedicated priority commuter spaces, which was completed in April 2022 and is currently operational; and

WHEREAS, Somerset, and its development partners, AvalonBay Communities and Pulte Homes, will substantially complete Phase 1 of the TOD project in Q3 2023; and

WHEREAS, consistent with the locally adopted Redevelopment Plan, Somerset seeks to advance the second phase of development at the Station, anticipated to consist of a five-story, approximately 140-unit residential building, structured parking, and related uses (“Phase 2”) on a portion of the previously purchased land; and

WHEREAS, NJ TRANSIT previously reserved conditional rights to require future phases of the project to accommodate construction of additional commuter parking spaces (“Retained Parking Interests”), to be implemented at NJ TRANSIT’s cost in collaboration with Somerset; and

WHEREAS, given current and projected ridership and parking demand at the Station, as well as capacity at the newly operational parking facility, NJ TRANSIT seeks to receive cash consideration to extinguish the Retained Parking Interests and facilitate timely construction of Phase 2 of the TOD project; and

WHEREAS, consistent with a third-party appraisal and supporting market analysis, NJ TRANSIT will receive consideration of \$1,475,000.00 to extinguish the Retained Parking Interests; and

WHEREAS, amending the Declaration of Covenants, Conditions and Restrictions will further support advancement of a Project that stands to support economic development, housing diversity and affordability; grow transit ridership; improve multimodal access to the transportation system; maximize the value of NJ TRANSIT's real estate assets; contribute to environmental sustainability; and, produce multiple benefits for NJ TRANSIT's customers and the broader region consistent with the NJT2030 Strategic Plan;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to take all necessary actions to amend the Declaration of Covenants, Conditions and Restrictions between NJ TRANSIT and Somerset, and all other necessary agreements to advance Phase 2 of the Transit-Oriented Development project at Somerville Station.

ITEM 2309-58: INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO DELL, INC. FOR MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE COMPUTING

WHEREAS, NJ TRANSIT utilizes Microsoft products for office computing; and

WHEREAS, all 12,000 NJ TRANSIT employees utilize Microsoft Exchange Online for email, which is a critical tool for communication, particularly during the pandemic; and

WHEREAS, all NJ TRANSIT documents are stored in the cloud on the Microsoft OneDrive, which has replaced the legacy shared drives that were on premises; and

WHEREAS, based on job function and need, NJ TRANSIT employees also use Microsoft applications for video conferencing, document preparation, data analysis and reporting, project management, and other key functions; and

WHEREAS, as proprietary software, Microsoft requires payments for software licenses on an annual basis; and

WHEREAS, NJ TRANSIT competitively procured a Microsoft Enterprise Agreement utilizing NJ State Contract NJ State Contract 20-TELE-0150 T3121 for which Dell is a qualified vendor;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to issue a payment to Dell Inc. of Round Rock, Texas for the period of November 1, 2023 through October 31, 2026, in an amount not to exceed \$14,013,878.17, plus five percent for contingencies, subject to the availability of funds.

ITEM 2309-59: INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO MVIATION WORLDWIDE, INC. FOR A SUBSCRIPTION LICENSE FOR VERITAS ENTERPRISE VAULT CLOUD ADVANCED E-DISCOVERY SUITE

WHEREAS, email is a critical tool for communication across NJ TRANSIT and provides an important record of NJ TRANSIT's activity; and

WHEREAS, NJ TRANSIT has been using Veritas Enterprise Vault to archive email and support litigation cases since 2002; and

WHEREAS, the current Veritas Enterprise Vault product, Version 12.2, reached its end of life in July 2023; and

WHEREAS, the current Veritas license is for 3,300 mailboxes, which does not reflect the addition of email for front-line employees for a total of 11,000 active mailboxes; and

WHEREAS, staff assessed options and determined that the Veritas Enterprise Vault Cloud product would best meet NJ TRANSIT's current and future needs by providing a seamless transition to state-of-the-art, scalable, cloud-based technology, while also preserving our journaled data, historical data, litigation holds, and case information; and

WHEREAS, NJ TRANSIT conducted a competitive procurement of a Subscription License for Veritas Enterprise Vault Cloud Advanced eDiscovery Suite utilizing Federal GSA Contract# 47QTCA18D009F for a 36-month term;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to award a contract to Mvation Worldwide, Inc. of Glen Cove, New York, for a 36-month period, in an amount not to exceed \$1,015,080.00, plus five percent for contingencies, subject to the availability of funds.

ITEM 2309-60: REGULATIONS: PROPOSED INITIATION OF THE RULEMAKING PROCESS FOR ADOPTION OF N.J.A.C. 16:77 USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY

WHEREAS, staff seeks authorization to take all actions necessary to initiate the rule-making process for N.J.A.C. 16:77 et seq. Use or Occupancy of NJ TRANSIT-owned Property; and

WHEREAS, the New Jersey Transit Corporation (“NJ TRANSIT”) was established by the New Jersey Public Transportation Act of 1979 “the Act” (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State of New Jersey to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner; and

WHEREAS, in accordance with N.J.S.A. 27:25-5(e), N.J.S.A. 27:25-11(f) and N.J.S.A. 27:25-32(a), NJ TRANSIT has the statutory authority to promulgate rules and regulations; and

WHEREAS, one of the programs by which NJ TRANSIT has fulfilled this responsibility is through the issuance of permits for certain fees to use its property for various types of occupancies. Permits are license agreements for the use and occupancy of property by a utility, municipality, county, or private entity. The proposed new rules primarily relate to reasonable permit fees which are consistent with industry standards; and

WHEREAS, the rules establishing guidelines, procedures, and fees for Use or Occupancy of NJ TRANSIT-Owned Property have been in effect since 1985 and expired in 2018; and

WHEREAS, staff reviewed the proposed rules and determined them to be necessary, adequate, reasonable, efficient, and responsive to the purposes for which they should be repromulgated and initiate the rulemaking process for the proposed rules to be adopted as new rules; and

NOW, THEREFORE, BE IT RESOLVED that the Chair or the President & CEO, or the appropriate designee, is hereby authorized to take all actions necessary to initiate the rule-making process as a step toward effectuating the adoption of N.J.A.C. 16:77 et seq., Use or Occupancy of NJ TRANSIT-Owned Property, consistent with this Board item and corresponding Exhibit.

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TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Use or Occupancy of NJ TRANSIT-Owned Property for Utility Facilities

Proposed New Rules: N.J.A.C. 16:77

Authorized By: New Jersey Transit Corporation, Kevin S. Corbett, President and CEO

Authority: N.J.S.A. 27:25-5.e, h and k and 27:25-7.b.

Calendar Reference: See summary below for explanation to calendar requirement.

Proposal Number: PRN2023-

Submit comments by November ____, 2023 to:

Adam Phelps

New Jersey Transit Corporation

One Penn Plaza East

Newark, NJ 07105-2246

Email: commentsuseandoccupancyrules@njtransit.com

The agency proposal follows:

Summary

The New Jersey Transit Corporation (hereinafter “NJ TRANSIT” or “Corporation”) was established by the New Jersey Public Transportation Act of 1979 (the “Act”), (N.J.S.A. 27:25-1 et seq.) as an instrumentality of the State government responsible to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. One of the programs by which NJ TRANSIT has fulfilled this responsibility was through the issuance of permits for certain fees to use its property for various types of

EXHIBIT A

occupancies. Permits are license agreements for the use and occupancy of property by a utility, municipality, county, or private entity. In accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 16:77, Use or Occupancy of NJ TRANSIT Owned Property expired on February 15, 2018, and, therefore, NJ TRANSIT proposes this chapter as new rules.

N.J.A.C. 16:77 establishes guidelines, procedures, and fees pursuant to which NJ TRANSIT will operate its use or occupancy program. They have been in effect in essentially their present form since 1985. The primary changes to the proposed rules from the expired rules relate to a 33 percent increase for annual permit fees. This represents a reasonable increase in fees, which have not been increased since 2011. A survey of use and occupancy programs for similar agencies provided to NJ TRANSIT by its Property Management Consultant indicates that the proposed increase would maintain NJ TRANSIT's fees consistent with industry standards and is similar to the most recent increases in permit fees of 20 percent in both 2005 and 2011.

A review of each of the proposed new subchapters of N.J.A.C. 16:77 follows:

N.J.A.C. 16:77-1.1 Definitions – sets forth the definitions of words and terms used in the regulations so that the meanings designated by NJ TRANSIT may be commonly understood by the public.

N.J.A.C. 16:77-1.2 Permit applications - sets forth the procedure for the application of permits.

N.J.A.C. 16:77-1.3 Permit conditions - sets forth the permit conditions.

N.J.A.C. 16:77-1.4 Administrative fees - sets forth the description of the administrative fees.

N.J.A.C. 16:77-1.5 Permit fees; general conditions - sets forth the description of the permit fees for general conditions.

EXHIBIT A

N.J.A.C. 16:77-1.6 Permit fees; transverse occupation - sets forth the description of the permit fees for transverse occupations.

N.J.A.C. 16:77-1.7 Permit fees: longitudinal occupations - sets forth the description of the permit fees for longitudinal occupations.

N.J.A.C. 16:77-1.8 Other provisions - authorizes permanent occupancy permits for low-value occupancies for those applicants with a large number of occupancy permits.

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

A review of each of the proposed new rules with amendments follows:

At N.J.A.C. 16:77-1.1 Definitions – The following changes will be made:

“Cable” – No Change.

“Coaxial television cable” – No Change.

“Communication wires” – No Change.

“Composite coaxial cable” – No Change.

“Individual service” – No Change.

“Involved jurisdiction” – The definition of the term “involved jurisdiction” has been changed to include NJ TRANSIT’s agent(s), designee(s), bus operations and light rail system. The word “operator” was deleted for clarity.

“Lightfiber, fiberoptic and glassfiber cable” – The phrase “including optical ground wire, which has the capability to serve as both a ground wire and for data transmission.” has been added to

EXHIBIT A

the definition of the term “Lightfiber, fiber optic and glassfiber cable” to include optical ground wires, which are fiber optic cables that serve the dual purpose as an electrical ground wire and for data transmission.

“Longitudinal occupation” – No Change.

“Messenger wires” – No Change.

“Municipality” – No Change.

“NJ TRANSIT-owned property” – The definition of the term “NJ TRANSIT-owned property” was changed to include all of NJ TRANSIT property, in addition to “railroad” property.

“Permit” – The definition of the term “Permit” was changed to include “monopoles or metal poles with engineered foundations”.

“Permittee” – No Change.

“Power wires” – No Change.

“Transverse occupation” – No Change.

“Wire” – No Change.

At N.J.A.C. 16:77-1.2 Permit Applications – The following changes will be made:

- (a) The phrase “with equipment, utilities or facilities such as utility equipment or facilities such as electrical and communications wires, sewer and water pipes, and various types of infrastructure related thereto” and the sentence “The permits as defined herein do not apply to occupancy of NJ TRANSIT property for other uses.” were added to clarify that the regulations apply only to the occupancy of NJ TRANSIT property by utility equipment or facilities such as electrical and communications wires, sewer and water pipes, and various types of infrastructure

EXHIBIT A

related thereto. The permits as defined herein do not apply to occupancy of NJ TRANSIT property for other uses. The phrase “in accordance with NJ TRANSIT’s Guidelines for Working within or in the Vicinity of NJ TRANSIT’s Right-of-Way or applicable documents in effect at the time of the application, which shall govern the use of NJ TRANSIT-owned property for which a permit is issued” was added to streamline the application process and to clarify that the permittee must adhere to NJ TRANSIT’s then-current standards as a condition of the occupation.

(b) The \$300.00 application fee has been increased to \$350.00 in accordance with NJ TRANSIT’s recommended fee increases.

(c) The term “Involved Jurisdiction” was changed to lower case for consistency.

(d) No Change.

(e) The phrase, “which shall be made in its sole and absolute discretion” was added to clarify that NJ TRANSIT has the right to deny any request for a permit. The second sentence in the paragraph was changed to read “No permit shall be issued nor shall a permittee enter upon NJ TRANSIT’s property unless the permit is fully executed and all designated fee(s), including application fee, administrative fee, review fee(s) and at least the first year’s occupancy fee have been paid.” to clarify that all fees must be paid before access to NJ TRANSIT’s property is permitted. The term “involved jurisdiction” was deleted for clarity.

(f) The words “or amended” were added to clarify that new permits do not necessarily need to be issued when facilities are changed but that the existing permits may be amended instead.

(g) No Change.

At N.J.A.C. 16:77-1.3 Permit conditions – The following changes will be made:

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(a) The word “as” and the phrase “which is subject to change from time to time” were added to clarify that the permittee is responsible for any required changes in the insurance coverage requirements.

(a) 1. The words “New Jersey Transit Corporation, Inc., NJ Transit Rail Operations, Inc., NJ Transit Bus Operations, Inc.” and “the State of New Jersey” were added to clarify the full legal entities being indemnified. The words, “NJ TRANSIT”, “NJ TRANSIT”, “RAIL OPERATIONS” and “NJ TRANSIT’S” were deleted for clarity.

2. The words “The Railroad” were deleted and the word “Operations” was capitalized to clarify that the regulations will apply to all of NJ TRANSIT’s properties.

(b) through (e) No Change.

(f) The words “the”, “of the trains”, and “railroad” were deleted. A “,” after the word “subcontractors” and the phrase “, bus or light rail”, and the word “or” were added to clarify that the regulations no longer apply only to railroad properties but to all NJ TRANSIT properties.

(g) and (h) – No Change.

(i) A new section (i) was added to specify that permittees are responsible for complying with all relevant environmental laws, rules, and regulations at their own cost and to indemnify NJ TRANSIT against all losses claims and expenses related to contamination caused or exacerbated by the permittee. NJ TRANSIT also reserves the right to impose additional environmental and/or safety requirements as a condition of granting the permit.

(j) through (q) the paragraph references were changed to reflect the inclusion of paragraph (i) to the section.

(j) No Change.

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(k) The sentence “The permittee is responsible for all costs incurred for repair, maintenance, or replacement” was included at the end of the section for clarity.

(l) The number “1.” was deleted and replaced with an (l) to create a separate subsection. The remaining subsections were renumbered accordingly. The word “of” was deleted and replaced with the word “from” for clarity.

(m) The words “enough money” were deleted and replaced with “sufficient funds” for clarity and the words “as determined by NJ TRANSIT” were added to the end of this section to clarify that NJ TRANSIT is solely responsible for determining the costs of work required to be reimbursed.

(n) The word “or” was added for clarity.

(o) The words “unless otherwise authorized by NJ TRANSIT” were added to clarify that some facilities may be abandoned in place when a permit is terminated.

(p) No Change.

(q) The words “use or” were added for clarity.

N.J.A.C. 16:77-1.4 Administrative fees – The following changes will be made:

(a) The word “charges” was deleted and replaced with the words “fees described” for clarity.

(b) 1.through 4. – One-time initial administrative fees were increased in varying amounts to make them consistent with industry standards. Most of these fees were significantly low relative to industry standards. Therefore, increases to these one-time fees reflect varied percentage increases, which were generally greater than the 33 percent increase to the on-going annual fees.

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5. i The words “NJ TRANSIT Rail Operations” were deleted and replaced with “the involved jurisdiction” for clarity.

ii No Change.

iii The one-time administrative Fee was increased for consistency with industry standards.

N.J.A.C. 16:77-1.5 Permit fees; general conditions – The following changes will be made:

(a) 1. The words “multiplied by the duration of occupancy in years, not to exceed 20 years and no less than one year unless otherwise” were deleted to clarify that the stated fees are annual.

2. Fee increased 33 percent in accordance with the proposed general increase.

3. through 5. – No Change.

6. The words “with respect to” and “the fee” were added and the phrase “Over 700 LF: NJ TRANSIT reserves the right to negotiate fee(s)” was moved to the end of the section for clarity.

7. through 9. – No Change.

(b) and (c) Fees increased by 33 percent in accordance with the proposed general increase.

(d) No Change.

(e) Fees increased by 33 percent in accordance with the proposed general increase and the words “NJ TRANSIT’s subsidiaries or” were deleted and the word “the” was added before “involved jurisdiction” for clarity. The word “jurisdictions” was changed to singular “jurisdiction” for clarity.

(f) and (g) – No Change.

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- (h) 2. NJ TRANSIT is proposing a general fee increase of 33 percent.
- 3. The word “permit” was added for clarity.
- 4. through 6. – No Change.
- (i) The words “or county” were added for clarity.

At N.J.A.C. 16:77 – 1.6 Permit fees; transverse occupation – The following changes will be made:

(a) The phrase, “based on a minimum right of way width of 30 feet with a fee” were deleted and the words “right of way” were added to clarify that fees for crossings are applicable up to a 200 foot width even if the right of way is less than 30 feet.

(b) 1.i.-viii. Fees increased 33 percent in accordance with the proposed general increase.

In the “Note” beneath 1. viii. The words “of railroad” were deleted and replaced with “NJ TRANSIT”.

2. i-iii. Fees increased 33 percent in accordance with the proposed general increase.

3. The phrase “fees will be charged as follows” was added to clarify the new rate structure.

i. The phrase “used for long distance telephone and data transmission and for retail distribution to more than 500 households and/or retail businesses” was deleted to remove the discounted rate for fiberoptic cable crossings used for less than 500 households and retail businesses. Fees were increased by 33 percent in accordance with the proposed general increase. The reference number “i” was deleted because the deletion of subsection “ii” makes it unnecessary.

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ii. This section was deleted to remove the discounted rate for fiberoptic cable crossing used for less than 500 households and/or retail businesses.

(c) 1.- 4. Fees were increased by 33 percent in accordance with the proposed general increase.

5. This subsection was deleted to allow for the negotiation of fees for towers with the remaining subsection numbers updated accordingly.

5. and 6. Fees were increased by 33 percent in accordance with the proposed general increase.

7. – No change.

8. The sentence “Fees for towers and monopoles or metal poles with engineered foundations will be arrived at through negotiations” was added for clarity.

(d) 1. i through iv. Fees increased 33 percent in accordance with the proposed general increase.

v. The word “-owned” was added after NJ TRANSIT for clarity.

2. i – iv. Fees increased 33 percent in accordance with the proposed general increase.

3. i – iv. Fees increased 33 percent in accordance with the proposed general increase.

4. through 6. - No Change.

7. Fees increased 33 percent in accordance with the proposed general increase.

8. The word “the” was deleted for clarity.

9. - No Change.

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N.J.A.C. 16:77-1.7 Permit fees; longitudinal occupations – The following changes will be made:

(a) The word “forth” and the sentence “NJ TRANSIT reserves the right to negotiate all longitudinal fees.” were added to clarify that longitudinal fees in this section are minimums and that all longitudinal fees are subject to negotiation.

(b) The word “minimum” and the phrase “as set forth in Paragraph (c) of this section” were added for clarity. The phrase “for any wire cable, duct or pipe occupation” was deleted for clarity.

(c) The words “minimum annual” and the phrase “subject to special consideration” were added and the phrases “the complete transmission line”, “and additional charges are not to be made unless there are attachments to NJ TRANSIT-owned facilities”, “For the purpose of determining voltage”, and “considered as zero voltage. All other conductors shall be rated at voltage to other conductors, whichever is higher” were deleted for clarity and consistency.

1. i.-iv. Fees increased 33 percent in accordance with the proposed general increase.

2. i. No Change

ii. (1) – (4). Fees increased 33 percent in accordance with the proposed general increase.

iii. – v. Fees increased 33 percent in accordance with the proposed general increase.

vi.-vii. – No Change.

(d) No Change.

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- (e) The words “are” and “etc” were deleted and the phrases “include, but are not limited to” and “and monopoles or metal poles with engineered foundations” were added for clarity.
- (f) 1. – 3. – Fees increased 33 percent in accordance with the proposed general increase.
4. – 5. No Change.

Under N.J.A.C. 16:77-1.8 Other provisions – The following changes will be made:

- (a) The words, “the Corporation” in the first sentence were deleted for clarity. The threshold annual occupancy fee of \$360.00 was increased to \$436.00 where NJ TRANSIT reserves the right to negotiate permanent occupancy permits for applicants having over 200 permits. The word “does” was deleted and replaced with the word “shall” in the last sentence for clarity.
- (b) The threshold annual occupancy fee for permits that NJ TRANSIT reserves the right to negotiate a permanent occupancy was increased from \$360.00 to \$436.00 for applicants having 200 occupancy permits.

Social Impact

The proposed new rules with amendments will have a minimal social impact on the citizens of New Jersey as a whole but will specifically impact the permittees who presently, or may in the future, occupy and use NJ TRANSIT property. Those parties affected will have to pay the fees set forth in the chapter, as increased by the proposed new rules with amendments.

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Economic Impact

The proposed new rules with amendments to increase fees will have a positive impact on NJ TRANSIT. The proposal will increase the amount of non-farebox revenue to NJ TRANSIT available to pay the administrative costs to NJ TRANSIT of requests for occupancies and other operational costs. The proposed fees are consistent with industry standards and similar to the last increase eight years ago. In addition, the impact on the users, especially the major utility companies, is considered minimal and it is anticipated that it can be borne by the parties in the ordinary course of business. In addition to the administrative and permit fees, the costs of application and meeting the permit conditions must be borne by the applicant/permittee. These costs vary based upon the nature of the use or occupancy of NJ TRANSIT-owned property.

Federal Standards Statement

The proposed new rules with amendments are not subject to any Federal Standards and therefore, a Federal standards analysis is not applicable.

Job Impact

The proposed new rules with amendments will not affect the creation or loss of jobs.

Agriculture Industry Impact

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

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Regulatory Flexibility Analysis

Based on review of NJ TRANSIT's current permits, very few small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., will be impacted by the proposed new rules with amendments. If any are affected, the compliance requirements consist of applying for a permit under N.J.A.C. 16:77-1.2, meeting the N.J.A.C. 16:77-1.3 permit conditions, and payment of the appropriate administrative and permit fees. Compliance with the permit conditions will involve both capital costs and, possibly, the engaging of professional services such as engineers and attorneys. The amount of such costs depends upon the nature of the project and the permittee's internal staff resources. Given the historic lack of small business applicants/permittees, NJ TRANSIT has not provided different requirements for such entities. The need for compliance with this chapter to ensure the safe and proper use of NJ TRANSIT-owned property requires uniform application, regardless of the business size of the applicant/permittee.

Housing Affordability Impact

NJ TRANSIT does not anticipate any impact on affordability of housing as a result of the proposed new rules with amendments. The proposed new rules with amendments establish guidelines, procedures and fees pursuant to which NJ TRANSIT will operate its use or occupancy program. As such, the proposed new rules with amendments will have no effect on housing units or on the average cost of housing.

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Smart Growth Development Impact

NJ TRANSIT does not anticipate any impact upon smart growth or the implementation of the State Development and Redevelopment Plan as a result of the proposed new rules with amendments. The proposed new rules with amendments establish guidelines, procedures and fees pursuant to which NJ TRANSIT will operate its use or occupancy program. The proposed new rules with amendments will have no effect on new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

NJ TRANSIT has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules may be found in the New Jersey Administrative Code at N.J.A.C. 16:77.

Full text of the proposed new rules with amendments follows (additions indicated in boldface **thus** deletions indicated brackets [thus]):

CHAPTER 77

USE OR OCCUPANCY OF NJ TRANSIT OWNED PROPERTY FOR UTILITY FACILITIES

SUBCHAPTER 1. PERMITS AND CONDITIONS

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16:77-1.1 Definitions

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

“Cable” consists of more than two conductors insulated from each other, with or without a protective covering, either self-supporting or having a common support.

“Coaxial television cable” means a transmission line cable having an inner conductor surrounded by insulation and an outer sheath serving as the second conductor.

“Communication wires” means wires used for telephone, fire alarm, police and signal circuits, for public or private communication of signal service, which operate at a voltage not exceeding 400 volts to ground or 750 volts, between any two points of the circuit and transmitted power that does not exceed 150 watts.

“Composite coaxial cable” means a cable made up of one or more transmission lines in which one conductor is centered inside a metallic tube that serves as the second conductor. Other standard insulated conductors may be included in the same overall sheath.

“Individual service” means a service to a single individual building.

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1. “Involved jurisdiction” means the New Jersey Transit Corporation (NJ TRANSIT), its authorized representative(s), **agent(s) or designee(s)**, NJ TRANSIT’s authorized railroad, **bus operations or light rail system**, and any railroad operating on NJ TRANSIT-owned property, where appropriate.

“Lightfiber, fiberoptic and glassfiber cable” means any cable using light as a transmitter and receiver and a glass or plastic fiber as the transmission medium[.] **including optical ground wire, which has the capability to serve as both a ground wire and for data transmission.**

“Longitudinal occupation” means any occupation of NJ TRANSIT-owned property other than a transverse occupation as defined in this section.

“Messenger wires” means any support wire that carries no current, signal or communication transmission and has a specific purpose to assist in installing, servicing and replacing overhead occupancies. Messenger wires shall be considered as part of the wires or cables supported and no charge shall be assessed therefor.

“Municipality” means a local governing body such as a borough, township, city or village.

“NJ TRANSIT-owned property” means [railroad] property in the States of New Jersey, New York and Pennsylvania owned **by NJ TRANSIT** [and/] or operated **on** by NJ TRANSIT,

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regardless of the operating agent or active status of the [railroad] **property**.

“Permit” means the written permission to use or occupy NJ TRANSIT-owned property.

Uses or occupancies of NJ TRANSIT-owned property shall include, but not be limited to:

1. Transverse or longitudinal crossings on, over, or under NJ TRANSIT-owned property:

i. Aerial or underground wires and cables (communications and power);

ii. Poles, towers, guys, [and] anchors **and monopoles or metal poles with engineered foundations;**

iii. Pipes and sewers;

iv. Uses for overhead or underground conveyors, pipe bridges, pedestrian tunnels, or any other facility NJ TRANSIT determines a permit is required.

2. Uses or occupancies for short term activities, of less than one-year duration.

“Permittee” means the owner of a facility that is to be constructed, installed or maintained on NJ TRANSIT-owned property, or a user of said property for a fixed term.

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“Power wires” means all wires used for transmitting a supply of electrical energy except those defined as “communication wires” above.

“Transverse occupation” means that part of any overhead or under-grade line that crosses a track or tracks or any NJ TRANSIT-owned right-of-way.

“Wire” means a solid or stranded single conductor, either bare or insulated.

16:77–1.2 Permit applications

(a) No person, company, corporation, business, governmental agency or other entity may use or occupy NJ TRANSIT-owned property **with equipment, utilities and/or facilities, including but not limited to electrical and communications wires, sewer and water pipes, and various types of infrastructure related thereto** without obtaining a permit from NJ TRANSIT. **The permits as defined herein do not apply to occupancy of NJ TRANSIT property for other uses.** All requests for permits shall be submitted in writing **in accordance with NJ TRANSIT’s Guidelines for Working within or in vicinity of NJ TRANSIT’s Right-of-Way or applicable document in effect at the time of application, which shall govern the use of NJ TRANSIT-owned property for which a permit is issued.** Written requests for permits shall be addressed to:

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NJ TRANSIT

Real Estate Division

Manager, Property Management—Permits

One Penn Plaza East

Newark, New Jersey 07105–2246

(b) Once a request for a permit has been received, the applicant shall be responsible to NJ TRANSIT for application fees, regardless of permit completion. The application fee will be [\$300] **\$350.00** for each permit.

(c) Once stamped drawings have been entered into the review process, the applicant shall be responsible to the involved jurisdiction for the applicable review fees, regardless of permit completion.

(d) No refund of any fees shall be made after an application for a permit has been submitted.

(e) NJ TRANSIT will notify the applicant of its decision, **which may be made in its sole and absolute discretion**, regarding the issuance of a permit. If NJ TRANSIT approves the application, after being reviewed by the involved jurisdiction, a permit will be sent to the applicant for completion. It shall be the applicant's responsibility to complete the permit and return it to NJ TRANSIT with the designated fee(s). No permit shall be issued **nor shall a**

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permittee enter upon NJ TRANSIT's property unless the permit is fully executed and all designated fee(s), including application fee, administrative fee, review fee(s) and at least the first year's occupancy fee have been paid [to the involved jurisdiction].

(f) If at any time the permittee seeks to modify its use or occupancy of the NJ TRANSIT-owned property, the permittee shall be required to apply for a new **or amended** permit according to the provisions of this section.

(g) Upon expiration of a permit, NJ TRANSIT may issue a new permit without requiring the permittee to submit a new application. A new occupancy fee will be assessed in accordance with the fee schedule rates in effect at the time.

16:77-1.3 Permit conditions

(a) The permittee shall provide the indemnification and insurance coverage as required by NJ TRANSIT, **which may be updated from time to time in accordance with State and Federal law, regulations, policy, and as best practices may require.**

1. The permittee shall indemnify, defend, keep and save harmless **New Jersey Transit Corporation, Inc., [NJ TRANSIT, NJ TRANSIT] NJ Transit Rail Operations, Inc., NJ Transit Bus Operations, Inc., [RAIL OPERATIONS], the State of New Jersey, and their [NJ TRANSIT'S]** contractors, operators and other railroad(s)

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operating on the affected property, their successors, assigns, contractors, agents, employees, servants or officials, and each and every one of them or any other designee of NJ TRANSIT, (the “indemnified parties.”) against all claims, just or unjust, made against the indemnified parties on account of injuries, deaths, losses of any kind whatsoever; damages, suits, liabilities, judgments, claims for infringement of patent, trademark or copyright, cost and expenses that may in anyway accrue against the indemnified parties in consequence of the granting of a permit or that may in anyway result therefrom; and whether or not it shall be alleged or determined that the cause thereof was the negligent acts or omissions of the indemnified parties and the permittee shall appear, defend and pay, as its own expense, all costs, including counsel fees, arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the indemnified parties in any such action, the permittee shall, at its own expense, satisfy, and discharge the same.

2. [The railroad o]Operations at or near the facilities involve some risk, and the permittee, as part of the consideration for a permit, and with full knowledge and appreciation of such risk, shall release and waive any right to ask for or demand any special, direct, incidental, indirect, punitive, reliance or consequential damages, whether foreseeable or not, for or on account of any loss or injury to any property of the permittee and its employees, including property in the care, custody, and control of the permittee, and to the facilities and contents thereof that are over, under, upon, or in the property of NJ TRANSIT, including loss of, or interference with, service or use thereof, or loss of profits or revenue, cost of capital, cost of replacement services, claims of customers or

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third parties, whether or not it shall be alleged or determined that the cause thereof was breach of contract, breach of warranty, negligent acts or omissions of the indemnified parties or the permittee, their successors, assigns, contractors, agents, employees, servants and officials or of other persons.

(b) The permittee shall properly safeguard all work performed under the conditions of the permit. If considered necessary by the involved jurisdiction, the permittee will be required to employ additional safety devices including uniformed traffic directors.

(c) Upon approval of a permit, the permittee shall give notice in writing to the involved jurisdiction [at least 14 days prior to use, work, or occupancy of NJ TRANSIT-owned property].

(d) Construction work materials and workmanship shall conform to NJ TRANSIT specifications.

(e) Work or occupancy shall not begin until a formal written notice to proceed **or a temporary access permit** is issued to the permittee by NJ TRANSIT.

(f) All uses, work or occupancy within NJ TRANSIT-owned property shall be subject to the review by the involved jurisdiction affecting [the] safety and operations [of the trains]. The safety and continuity of [railroad] operation shall be of the first importance and shall be at all times protected and safeguarded, and the permittee, and the permittee's contractor and/or

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subcontractors, shall perform and arrange all use, work, and occupancy accordingly. All use and work shall be performed carefully and shall be regulated so as to avoid interruption and interference of train, **bus or light rail** movements and damage to the tracks [and all] **or** other facilities and appurtenances.

(g) Upon completion of installation or vacation of the site, the permittee shall restore the affected area to the satisfaction of NJ TRANSIT and/or involved jurisdiction.

(h) NJ TRANSIT assumes no obligations whatsoever in connection with the use, work, and/or occupancy by the permittee and is not obligated to make any repairs to the property or furnish people, equipment or materials in connection with use, work and/or occupancy by the permittee. The use, work, and/or occupancy provided for by the permit shall be performed at no cost to the involved jurisdiction.

(i) **The permittee is responsible for compliance with all applicable environmental laws/regulations including, but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (“CERCLA”), the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq., the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. (the “Spill Act”), the Brownfield and Contaminated Site**

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Remediation Act, N.J.S.A. 58:10B-1 et seq., the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. and the Underground Storage Tank Act, N.J.S.A. 58:10A-21 et seq., and all regulations promulgated under such laws to the extent applicable. Any costs associated with contamination and/or pollution caused by permittee is the responsibility of the permittee. Permittee is also required to indemnify NJ TRANSIT against any losses or expenses relating to any third party claims arising from any pollution and/or contamination caused by the Permittee; against any losses, claims and expenses relating to exacerbation of existing pollution and/or contaminants caused by the permittee. The act of discovery by permittee of contamination and/or pollution at the property not caused by the permittee is not deemed exacerbation of environmental conditions. Activities that allow discovered contamination and/or pollution to migrate, spill, release or discharge are not considered ‘discovery’ but exacerbation of existing conditions and therefore the responsibility of the Permittee. In addition to the aforementioned requirements, NJ TRANSIT reserves the right to impose additional environmental and/or safety requirements and conditions on any permit application that it decides to approve.

[(i)] (j) The permittee shall reimburse the involved jurisdiction for all actual costs incurred by the involved jurisdiction as a result of the permit project, which shall include, but not

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be limited to, inspectors, watchmen, operators, flagmen, and other personnel. All costs will be billed at the then current billing rates, which are subject to revision. The permittee shall remit payment to NJ TRANSIT within 30 days after receipt of an invoice. The permittee shall pay NJ TRANSIT a late charge of three percent of the total unpaid invoice amount for every month any invoice is owed and outstanding until the invoice is paid in full.

[(j)] **(k)** The permittee shall have the responsibility during the term of the permit to maintain its facility in a safe and proper manner, to the satisfaction of the involved jurisdiction. If repair or maintenance of the permittee's facility is required, the permittee must notify NJ TRANSIT in writing and request permission to perform the repair or to maintain such facility. The permittee may not begin such work without prior written approval from NJ TRANSIT. **The permittee is responsible for all costs incurred for repair, maintenance or replacement the permittee's equipment.**

[1]l. In the event of an emergency, the permittee shall take immediate corrective action upon notification [of] **from** the involved jurisdiction.

[(k)] **(m)** If it is deemed necessary by NJ TRANSIT, the permittee shall be required to submit a deposit in an amount sufficient to guarantee that, should the permittee fail to restore the disturbed area in a safe and proper manner, there will be [enough money] **sufficient funds** to pay for the cost of any work performed by the involved jurisdiction in consequence of that failure. This guarantee shall not operate to waive the permittee's complete responsibility with regard to

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restoring the affected area. When NJ TRANSIT deems it necessary to demand a deposit pursuant to this subsection, NJ TRANSIT will return to the permittee any unused funds upon the completion of the approved corrective measures. The deposit will be reduced by costs incurred by NJ TRANSIT including, but not limited to, administrative fees, personnel, equipment and damages[.], **as determined by NJ TRANSIT.**

[1] (n) When occupations require movement or relocation of facilities by NJ TRANSIT, [NJ TRANSIT and/or] the appropriate involved jurisdiction shall prepare an estimate of cost. Using this estimate, NJ TRANSIT shall request as a condition in granting the permit, a written agreement by the permittee, stating that the permittee shall assume all expenses involved in the movement or relocation of facilities and any expenses for additional facilities necessitated by the move. Upon the written request of NJ TRANSIT, the permittee shall promptly change the location of its facilities, or any of them, at the sole expense of the permittee and within 30 days after such request is made, so as to enable NJ TRANSIT to make any alterations or improvements upon its property and/or any changes in or additions to its facilities that it may deem necessary or advisable at any time, and nothing shall in any way be so construed as to limit NJ TRANSIT in the full and free use and occupation of the full width of its right-of-way and property at the location.

[(m)] (o) Upon the termination of the permit, the permittee, subject to the review and approval by NJ TRANSIT, shall remove all permit-related facilities, **unless otherwise authorized by NJ TRANSIT**, and shall restore the affected area to the satisfaction of

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NJ TRANSIT. The permittee is responsible for all costs incurred for restoring the affected area.

[(n)] **(p)** The involved jurisdiction reserves the right to impose special conditions in appropriate cases, as required at its sole discretion.

[(o)] **(q)** The fees set forth within this chapter for transverse and longitudinal occupations are minimums. NJ TRANSIT reserves the right to negotiate higher fees for any **use or** occupation in order to accommodate circumstances and conditions specific to individual applications.

16:77-1.4 Administrative fees

(a) The [charges] **fees described** in this section are intended to cover the cost of processing of papers and other incidental expenses incurred by NJ TRANSIT, and are in addition to the application fee and the occupation fees in this chapter.

(b) Administrative fees will be charged as follows:

1. Wire and cable crossings and longitudinal occupations over or under NJ TRANSIT-owned property:

i. All transverse crossings not exceeding 300 volts to one individual service: [\$238.00] **\$300.00**.

ii. All other transverse crossings: [\$490.00] **\$500.00**.

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- iii. All longitudinal occupations and any other agreement not already identified in this section, regardless of voltage: [\$994.00] **\$1,500.00.**
- 2. Pipe, sewer crossings, surface drainage and longitudinal occupations over or under NJ TRANSIT-owned property:
 - i. Pipe not exceeding three inches inside diameter to one individual service:[\$238.00] **\$300.00.**
 - ii. All other transverse crossing: [\$490.00] **\$750.00.**
 - iii. All longitudinal occupations and any other agreement not already identified in this section, regardless of pipe contents: [\$994.00] **\$1,500.00.**
- 3. All surface drainage not contained within a pipe and occupying NJ TRANSIT property: [\$972.00] **\$1,500.00.**
- 4. Any application for any type of permit by a municipality or county: [\$238.00] **\$300.00.**
- 5. Additional fees:
 - i. All occupations requiring engineering reviews will be assessed an additional fee as compensation to [NJ TRANSIT Rail Operations] **the involved jurisdiction.**
 - ii. In addition, when railroad personnel or services are utilized by the permittee, reimbursement to NJ TRANSIT Rail Operations or other involved jurisdictions will be made within 30 days of receipt of billing.
 - iii. Any longitudinal or transverse occupation, regardless of the size of the facility, requiring more than one field excursion by NJ TRANSIT personnel shall

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be charged an additional [\$144.00] **\$400.00** for every outing beyond the single outing allotted each application.

16:77-1.5 Permit fees; general conditions

(a) Use or occupancy permit fees are subject to the following conditions:

1. The permit fee equals the annual occupancy rate [multiplied by the estimated duration of occupancy in years, not to exceed 20 years and no less than one year unless otherwise.] described within this schedule.

2. The minimum annual permit fee under any application shall be [\$238.00] **\$317.00**

3. Should the facility be terminated at any time less than the estimated years of occupancy, the permit fees collected are not subject to a refund.

4. NJ TRANSIT reserves the right to consider additional fees for crossings in excess of 200 feet. When increased preparation costs are incurred, the increases will be passed on to the permittee.

5. Any occupation of NJ TRANSIT property other than transverse track crossings

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will be charged as a longitudinal crossing based on the lineal foot of the occupation.

6. Fees are [based on a minimum right of way width of 30 feet with the] **an** annual rate applicable up to a 200-foot width. For all crossings in excess of 200 linear feet, and no more than 700 linear feet, the facility will be calculated as a longitudinal occupation. **With respect to** any facility crossing exceeding 700 linear feet, NJ TRANSIT reserves the right to negotiate **the fee**. The formula for a transverse occupation over 200 feet is as follows:

First 200 LF: $.x = \text{base rate.}$

200 LF to 700 LF: $y = \text{longitudinal fee divided by four.}$

[Over 700 LF: NJ TRANSIT reserves the right to negotiate fee(s)]

Add all components $(x + y)$ to establish the annual fee.

Over 700 LF: NJ TRANSIT reserves the right to negotiate fee(s).

7. All fees for occupancies encased as a group or otherwise bundled or joined together will be calculated as if they were individual occupations.

8. Should the facility be modified during the term of the permit, during the processing of a new permit, or there is a supplement to an existing permit, the associated increase in fees will be charged. If a new permit is approved, an amount proportionate to the time remaining on the superseded permit will be credited toward the new fee.

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9. In the event the facility goes beyond its paid estimated life, a new fee will be assessed in accordance with the fee schedule rates in effect at that time.

(b) An annual occupancy fee for attachments will be charged as follows when higher rates are not fixed:

1. Attachments of aerial wires and cables to poles and other structures of NJ TRANSIT-owned facilities used in wire line construction:

i. Up to and including 32,500 volts for each attachment to NJ TRANSIT-owned cross-arms or brackets: [~~\$13.00~~] **\$17.00**.

ii. Up to and including 32,500 volts for each attachment to permittee's cross-arms or brackets when those brackets are attached to a NJ TRANSIT-owned facility: [~~\$10.00~~] **\$13.00**.

iii. Wires over 32,500 volts attached to the NJ TRANSIT-owned cross-arms or brackets: [~~\$23.00~~] **\$31.00** per attachment.

iv. Wires over 32,500 volts and attached to permittee's cross-arms or brackets when those brackets are attached to NJ TRANSIT-owned facilities: [~~\$20.00~~] **\$27.00** per attachment.

2. Attachments of aerial wires and cables to buildings or other structures:

i. Each wire or cable attached to NJ TRANSIT'S bridges or structures, including railroad or highway bridges: [~~\$23.00~~] **\$31.00** per attachment.

3. Attachments of cable terminals to poles, buildings or structures, including highway bridges and railroad bridges owned by NJ TRANSIT:

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i. Each cable terminal, loading coil, transformer or like device is subject to special consideration in each case, but not less than [~~\$86.00~~] **\$114.00**.

4. Charges for attachment(s) of pipelines carried along NJ TRANSIT-owned property on bridges or other supports are subject to special consideration in each case if permitted by current New Jersey Department of Transportation specifications.

5. Charges for attachments of pipes to bridges, buildings, or structures of the NJ TRANSIT-owned property are subject to special consideration in each case.

(c) An annual occupancy fee for guy wire crossings and overhanging cross-arms and power wires and cables of transmission lines outside of NJ TRANSIT-owned right-of-way will be calculated as follows:

1. Each guy wire crossing NJ TRANSIT-owned property but not anchored thereon:~~[\$13.00]~~ **\$17.00**.

2. Cross-arms overhanging NJ TRANSIT-owned property from poles located outside thereof, one or more cross-arms on any pole: [~~\$10.00~~] **\$13.00**.

3. Power wires and cables overhanging NJ TRANSIT-owned property from poles located outside thereof shall be calculated at the rates specified in N.J.A.C. 16:77-1.6(b) and (c) "Permit fees: transverse occupations" and on a pro-rated basis, depending upon the number of overhanging wires, excluding the neutral, ground static or lighting wires.

(d) Occupation charges for overhead or underground conveyors, pipe bridges, pedestrian tunnels, or any other facilities not covered by this section will be subject to special consideration.

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(e) The minimum permit fee under any agreement where a miscellaneous use of occupancy is involved, not previously defined, shall be [\$238.00] **\$317.00**. The applicant may be subject to possible charges, which may result from expenses incurred by [NJ TRANSIT'S subsidiaries or] **the** involved jurisdiction[s]. (NOTE: Permit fees for miscellaneous use or occupancy of NJ TRANSIT-owned property will be determined and charged on an individual basis because of the various types of requests.)

(f) A Permit will be issued at no charge where a facility is relocated, upon NJ TRANSIT'S written request, to NJ TRANSIT-owned property from a public thoroughfare.

(g) All permits will be charged a fee in accordance with this section; however, at no time shall any fee for an existing occupancy be less than the fee established by the previous owner(s) unless there has been a significant reduction in the occupancy. The discount in the fee shall be calculated as a ratio between the old occupancy and fee to the new configuration and fee. Any increase in occupancy shall warrant an increase in the existing fee.

(h) Short-term use or occupancy fees are subject to the following conditions:

1. The permit fee equals the annual occupancy rate pro-rated for the estimated duration of occupancy.

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2. The minimum permit fee under any application shall be [~~\$238.00~~] **\$317.00**.

3. Should the facility be terminated at any time less than the estimated period of occupancy, the **permit** fees collected are not subject to a refund.

4. At no time shall a short-term use and/or occupancy fee be less than the estimated annual fee for the same use covered under the long-term fee schedule.

5. Should the facility be modified during the term of the permit, a new permit and fee will be required. If a new permit is approved, an amount proportionate to the time remaining on the superseded permit will be credited toward the new fee.

6. In the event the facility goes beyond its paid estimated life, a new fee will be assessed in accordance with the fee schedule rates in effect at that time.

(i) NJ TRANSIT may negotiate lower permit fees when requested to do so by any municipal **or county** applicant acting on its own behalf.

16:77–1.6 Permit fees; transverse occupation

(a) All fees in this section are [based on a minimum right of way width of 30 feet with a fee.] applicable for **rights of-way** up to a 200 foot width. For all crossings in excess of 200 feet,

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an adjustment in the annual fee will be assessed and calculated in accordance with the example contained within this schedule under N.J.A.C. 16:77-1.5(a)6.

(b) Aerial and underground wire (power and communication) crossings not exceeding 200 feet in length will be charged an annual occupancy fee as follows:

1. Power:

- i. All crossings up to but not exceeding 6,900 volts: [\$238.00] **\$317.00.**
- ii. Over 6,900 volts but not exceeding 32,500 volts: [\$438.00] **\$583.00.**
- iii. Over 32,500 volts but not exceeding 50,000 volts: [\$728.00] **\$968.00.**
- iv. Over 50,000 volts but not exceeding 345,000 volts: [\$972.00] **\$1,293.00.**
- vi. Over 345,000 volts but not exceeding 500,000 volts: [\$1,462.00] **\$1,944.00.**
- vi. Over 500,000 volts: [\$1,944.00] **\$2,586.00.**
- vii. Ducts or pipes carrying conductors: NO CHARGE.
- viii. Manholes (each): [\$124.00] **\$165.00.**

(NOTE: Attachments of wires, cables, etc. to bridges, buildings, poles or structures [of railroad] **to NJ TRANSIT-owned property** are subject to special consideration in each case. Crossings of right-of-way by pipe type cable consisting of one or more high voltage cables encased in a steel pipe, under inert oil pressure and/or further encased in a larger steel pipe and

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the space between the pipes filled with compacted or thermal sand will be subject to special consideration and each case will be handled individually.)

2. Communication:

i. Telephone and other communication cables (not including composite coaxial cables or fiber optic cables):

(1) Cable containing not more than 500 pairs: [~~\$238.00~~] **\$317.00.**

(2) Cable containing 501 to 1,100 pairs: [~~\$422.00~~] **\$561.00.**

(3) Cable containing 1,101 to 1,800 pairs: [~~\$612.00~~] **\$814.00.**

(4) Cable containing over 1,800 pairs: [~~\$977.00~~] **\$1,299.00.**

ii. Composite coaxial cables and coaxial television cables containing not more than four conductors: [~~\$355.00~~] **\$472.00.**

iii. All cables containing over four conductors shall be at a rate of [~~\$51.00~~] **\$68.00** for each additional conductor.

3. Fiberoptic[s]:

[i]. Fiberoptic cable crossings [used for long distance telephone and data transmission and for retail distribution to more than 500 households and/or retail businesses]: [~~\$2484.00~~] **\$3,304.00.**

[ii. Fiberoptic cable crossings used for retail distribution to 500 or less than 500 households and/or retail businesses: [~~\$1,325.00~~] **\$1,762.00.**

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(c) Poles, towers, guys and anchors and spare ducts or pipes will be charged an annual fee as follows:

1. Single wooden pole (per pole): [~~\$58.00~~] **\$77.00.**

2. All other supporting structures other than the auxiliary facilities and appurtenances listed in (c)3, 4, 5, 6 and 7 below: [~~\$115.00~~] **\$153.00.**

3. Each brace, stub, pole or anchor: [~~\$58.00~~] **\$77.00.**

4. Each guy anchored on or crossing NJ TRANSIT-owned property: [~~\$12.00~~] **\$16.00.**

[~~5~~] 5. All towers, if not included in a longitudinal occupation shall be assessed per tower leg at: [~~\$74.00~~] **\$98.00**

[~~6~~] 6. Each span guy wire crossing: [~~\$74.00~~] **\$98.00.**

[~~7~~] 7. Spare or unoccupied ducts or pipes, each (when the duct shall be occupied in the future by a cable, the annual fee for the facility occupying the duct shall govern and the [~~\$58.00~~] **\$77.00** charge cease): [~~\$58.00~~] **\$77.00**

[~~8~~] 8. Guys, stubs, anchors, and push or pull braces required by specification for the support of a crossing pole on NJ TRANSIT-owned right-of-way and at the request of NJ TRANSIT shall be considered as part of the crossing pole and no charge will be made therefor.

8. Fees for towers and monopoles or metal poles with engineered foundations will be arrived at through negotiations.

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(NOTE: The above charges in (c)1-8 are in addition to the wire and cable occupation charges provided in (b)1-3 above.)

(d) Annual permit occupancy fees for pipes and sewer crossings not exceeding 200 feet in length will be calculated as follows:

1. Circular lines carrying no pressure:

i. Pipes up to and including 12 inches ID: [~~\$238.00~~] **\$317.00.**

ii. Pipes over 12 inches and not exceeding 24 inches ID: [~~\$331.00~~]
\$440.00.

iii. Pipes over 24 inches and not exceeding 60 inches ID will be charged at a rate of [~~\$8.00~~] **\$11.00** per inch of ID over the first 24 inches. This rate is in addition to a minimum fee of: [~~\$335.00~~] **\$446.00.**

iv. Pipes over 60 inches ID will be charged at a rate of [~~\$5.00~~] **\$7.00** per inch of ID over the first 60 inches. This rate is in addition to a minimum fee of: [~~\$728.00~~] **\$968.00.**

v. All surface drainage not contained within a pipe and occupying NJ TRANSIT-**owned** property: [~~\$972.00~~] **\$1,293.00**

2. Circular lines under pressure and carrying non-flammable, non-explosive or non-combustible supporting materials, except coal and water slurry:

i. Pipes up to and including 12 inches ID: [~~\$288.00~~] **\$383.00.**

ii. Pipes over 12 inches but not exceeding 24 inches ID: [~~\$365.00~~]

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\$485.00.

iii. Pipes over 24 inches ID and not exceeding 60 inches ID will be charged at a rate of [~~\$13.00~~] **\$17.00** per inch of ID over the first 24 inches. This rate is in addition to the minimum fee of: [~~\$365.00~~] **\$85.00.**

iv. Pipes over 60 inches ID will be charged at a rate of [~~\$10.00~~] **\$13.00** per inch of ID over the first 60 inches. This rate is in addition to the minimum fee of: [~~\$778.00~~] **\$1,035.00.00**

3. Circular lines under pressure and carrying flammable, explosive or combustible supporting materials, except coal and water slurry:

i. Pipes not exceeding three inches inside nominal diameter--minimum charge for any one crossing: [~~\$355.00~~] **\$472.00.**

ii. Pipes over three inches inside nominal diameter and not exceeding 12 inches inside diameter--minimum charge for any one crossing: [~~\$490.00~~] **\$652.00.**

iii. Pipes over 12 inches inside diameter and not exceeding 24 inches inside diameter shall be charged at a rate of [~~\$23.00~~] **\$31.00** per inch of ID over the first 12 inches. This rate is in addition to a minimum charge for any one crossing of: [~~\$490.00~~] **\$652.00.**

iv. Pipes exceeding 24 inches in inside diameter shall be charged at a rate of [~~\$22.00~~] **\$29.00** per inch of ID over the first 24 inches. This is in addition to a minimum charge for any one crossing of: [~~\$778.00~~] **\$1,035.00.**

4. Charges for non-circular pipes shall be determined by the diameter of a circular pipe having an equivalent cross-sectional area.

EXHIBIT A

5. Charges for pipe tunnels or other special underground construction shall be subject to special consideration.

6. Pipe lines carried over NJ TRANSIT-owned property or other support structures are subject to special consideration in each case if permitted by NJ TRANSIT current specifications.

7. Manholes (each): [\$116.00] **\$154.00.**

8. Charges for attachments of pipes to bridges, buildings, or structures of [the] NJ TRANSIT-owned property are subject to special consideration in each case.

9. Where pipe or pipes are encased in a protective pipe of larger diameter, no charge shall be made for the protective encasement.

16:77-1.7 Permit fees; longitudinal occupations

(a) Recognizing the many variables and intangibles involved in each longitudinal occupation of NJ TRANSIT-owned property, each application shall be considered on its own merits, with minimum permit fee per year of occupancy being applied as set **forth** below.

NJ TRANSIT reserves the right to negotiate all longitudinal fees.

(b) For occupations less than one mile in length, the **minimum** charge, **as set forth in paragraph (c) of this section**, shall be a proportionate amount of the rates calculated to the nearest dollar but no fee [for any wire cable, duct, or pipe occupation] shall be less than the charge for one-quarter mile of such occupation.

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(c) The following **minimum annual** charges cover [the complete transmission line] **longitudinal** occupations. [and additional charges are not to be made unless there are attachments to NJ TRANSIT-owned facilities. For the purpose of determining voltage,] Guy wires, messengers and grounded conductors shall be **subject to special consideration**. [considered as zero voltage. All other conductors shall be rated at voltage to other conductors, whichever is higher].

1. Aerial wires:

i. Transmission line, highest voltage not exceeding 6,900 volts: [\$2,426] **\$3,227.00** per circuit per mile.

ii. Transmission line over 6,900 volts up to, but not including, 32,500 volts: [\$4,372.00] **\$5,815.00** per circuit per mile.

iii. Transmission line 32,500 volts, up to and including 50,000: [\$6,077] **\$8,082.00** per circuit mile.

iv. Transmission line 50,000 volts and over. The fee will be negotiated.

2. Aerial and underground cables:

i. All longitudinal fiberoptic facility occupancy fees will be arrived at through negotiations.

ii. Telephone communication cables (not including composite coaxial cables):

(1) Cable containing not more than 1,100 pairs: [\$2426.00]

EXHIBIT A

\$3,227.00 per cable per mile.

(2) Cable containing 1,101 to 1,800 pairs: [~~\$4,372.00~~] **\$5,815.00** per cable per mile.

(3) Cable containing over 1,800 pairs: The fee will be negotiated at a rate not less than [~~\$4,372.00~~] **\$5,815.00** per cable per mile.

(4) For underground communication cables, the minimum charge is [~~\$4,860.00~~] **\$6,464.00** per cable per mile.

iii. Composite coaxial cable and coaxial television cables subject to negotiation but not less than: [~~\$5,911.00~~] **\$7,862.00** per cable mile.

iv. Underground power cables:

(1) When a cable is buried in an open trench and covered with soil: [~~\$3,502.00~~] **\$4,658.00** per circuit per mile.

(2) When a cable is buried in an open trench and surrounded with from six to 12 inches of thermal sand: [~~\$6,077.00~~] **\$8,082.00** per circuit per mile.

(3) When a cable is encased in a steel pipe under inert oil pressure and/or further encased in a larger steel pipe and the space between the pipes filled with compacted sand: [~~\$6,077.00~~] **\$8,082.00** per mile or [~~\$13.00~~] **\$17.00** per inch of nominal diameter of the largest pipe per 100 feet of occupation or fraction thereof, whichever is greater.

v. Spare or unoccupied ducts or pipes, each per mile: [~~\$728.00~~] **\$968.00**

vi. Manholes, splicing chambers or pull boxes, each when these structures

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are necessary for longitudinal occupation: No Charge

vii. An additional charge shall be made for use of NJ TRANSIT-owned property duct lines based on the negotiated value of the facility.

(NOTE: Charges shown under (c)2.v, vi and vii above are in addition to the charges shown under (c)2.ii. to iv. inclusive.)

(d) All manholes necessary for periodic inspection, cleaning and maintenance will be covered under the longitudinal pipeline fee. On transverse occupations all manholes will be charged in excess of the transverse facilities occupancy fee.

(e) Fees for all structures other than manholes will be arrived at through negotiations. Examples of these structures [are] **include, but are not limited to**, meter chambers, siphon chambers, substations, pump stations, well sites, towers, **and monopoles or metal poles with engineered foundations.** [etc]

(f) An annual occupancy fee for pipes and sewers will be charged as follows:

1. Circular lines carrying no pressure: [~~\$6.00~~] **\$8.00** per inch of inside nominal diameter or fraction thereof per 100 feet of occupation or fraction thereof.

2. Circular lines under pressure and carrying non-flammable, non-explosive and

EXHIBIT A

non-combustible supporting materials, except coal and water slurry: [~~\$6.00~~] **\$8.00** per inch of inside nominal diameter per 100 feet of occupation or fraction thereof.

3. Circular lines under pressure and carrying flammable, explosive and combustible supporting materials, and coal and water slurry: [~~\$13.00~~] **\$17.00** per inch of inside nominal diameter per 100 feet of occupation or fraction thereof.

4. Charges of non-circular pipes shall be determined by the diameter of a circular pipe having an equivalent cross-sectional area.

5. Charges for pipe tunnels or other special underground construction shall be subject to special consideration.

16:77-1.8 Other provisions

(a) For those applicants having over 200 occupancy permits with NJ TRANSIT, [the Corporation] reserves the right to negotiate permanent occupancy permits for any occupancy having an annual fee of [~~\$360.00~~] **\$479.00** or less at the time of application. The permittee shall pay to NJ TRANSIT a lump sum, which will be equivalent to 20 times the annual rate that will satisfy the annual fee for the life of the facility occupation so long as it remains unchanged. No refunds will be given for any facility that is terminated, cancelled, removed or abandoned. Permittees who qualify for this option, request such option and are accepted by NJ TRANSIT,

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will receive a single “blanket agreement” with an attachment containing a list of the affected occupancies covered under individual permits. Acceptance of any request for a blanket agreement and lump sum payment will be at the sole discretion of NJ TRANSIT, which shall not be unreasonably exercised. The existence of this option [does] **shall** not obligate NJ TRANSIT to enter into a blanket agreement with any permittee.

(b) Any facility that is altered in such a manner so as to increase the annual fee beyond the original [\$360.00] **\$479.00** limit will result in that permit being extracted from the blanket agreement and a new annual fee will be calculated, based on the existing fee schedule, and assessed annually thereafter. Monetary credit will be allocated to the new facility fee based on the unused portion of the initial 20 year period. No credit will be given for any facility requiring reassessment which has exceeded the initial 20 years of occupancy.

DATE: _____

Kevin Corbett, President and CEO
New Jersey Transit Corporation

ITEM 2309-61: PERSONAL INJURY CLAIM OF CEASAR ARCE

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Ceasar Arce has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Ceasar Arce through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2309-62: PERSONAL INJURY CLAIM OF SURANGA JAYATHUNGA

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Suranga Jayathunga has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Suranga Jayathunga through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2309-63: PERSONAL INJURY CLAIM OF OMASH RAGHUNANDAN

WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of \$500,000; and

WHEREAS, Omash Raghunandan has presented a claim with a probable settlement cost greater than \$500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Omash Raghunandan through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

ITEM 2309-64: CONTRACTING OUT – SALEM COUNTY LOCAL BUS SERVICE

WHEREAS, staff has determined it is essential and appropriate to continue to provide regular route service in the Salem County service area on Route 468 serving Penns Grove, Carney's Point, Deepwater, Pennsville, Salem, Mannington, Pilesgrove, and Woodstown; and

WHEREAS, this service is currently the only public transportation option for the communities it services to link residents to local employers, senior centers, shopping districts, medical services government buildings, and educational institutions; and

WHEREAS, the County of Salem has operated this service successfully for NJ TRANSIT for over 30 years for successive five-year contract terms congruent with the calendar year; and

WHEREAS, as an inter-agency agreement with a county government entity, an SBE goal was not assigned to this agreement; and

WHEREAS, the County of Salem will contribute 20 percent of the total cost of the service; and

WHEREAS, a cost proposal was requested from the County of Salem for an inter-agency agreement between NJ TRANSIT and the County of Salem, which details the County's total cost to operate the service less the County contribution share of 20 percent of the total cost of the service; and

WHEREAS, NJ TRANSIT, Bus Operations presented an estimate for the cost of the service for comparison; and

WHEREAS, upon comparison of the County's proposal to NJ TRANSIT's estimate, it was determined the proposal submitted by the County was lower than the estimate; and

WHEREAS, the operation of the service by the County of Salem provides the best value and is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into an inter-agency agreement with the County of Salem for a five-year period from January 1, 2024 through December 31, 2028, for the operation of the Salem County Local Bus Service at a cost not to exceed \$9,570,881, plus five percent for contingencies, for a total contract authorization of \$10,049,425, subject to the availability of funds and Board approval of NJ TRANSIT's operating budget.

ITEM 2309-65: MONMOUTH COUNTY AREA LOCAL BUS SERVICE

WHEREAS, Transdev Services, Inc. (“Transdev”), a private motor bus carrier, entered into an agreement with NJ TRANSIT dated March 20, 2021 (the “Agreement”), to provide motor bus regular route services in the Monmouth County service area on Routes 830, 831, 832, 834, 836, 837 and 838 (the “Monmouth County Area Local Bus Service”), through March 23, 2024; and

WHEREAS, on March 31, 2023, Transdev notified NJ TRANSIT that it was exercising its contractual right to terminate its Agreement with NJ TRANSIT to operate the Monmouth County Area Local Bus Service for convenience on 90 days’ notice due to ongoing contractual losses which Transdev has attributed to significant increases in fuel costs and a labor shortage; and

WHEREAS, these routes collectively constitute approximately one million miles per year, with a current annual ridership of approximately 500,000 passengers and a pre-COVID annual ridership of over 800,000 passengers; and

WHEREAS, staff has determined it is essential and appropriate to continue to provide Monmouth County Area Local Bus Service; and

WHEREAS, staff has negotiated with Transdev an extension of its termination date through September 30, 2023 to provide for continuity of service for the riding public; and

WHEREAS, the Monmouth County Area Local Bus Service has traditionally been operated by private motor bus carriers through NJ TRANSIT’s public bidding process that requires substantially more time than the time afforded by Transdev’s termination of its Agreement; and

WHEREAS, NJ TRANSIT has determined that the most beneficial, effective, and efficient manner in which to continue operating the Monmouth County Area Local Bus Service, effective October 1, 2023, while preserving NJ TRANSIT’s ability to solicit bids for the operation of the service in the future, is through the utilization of NJ TRANSIT Mercer, Inc. (“NJTMercer”), a subsidiary of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED, the purposes of NJ TRANSIT Mercer, Inc., are hereby amended to include the establishing, acquiring, effectuating, maintaining, developing, promoting, operating, and improving bus service in Monmouth County and its surrounding communities; and

BE IT FURTHER RESOLVED, the Chair or President & CEO is authorized to take all actions reasonably necessary for NJ TRANSIT Mercer, Inc., to operate the Monmouth County Local Bus Service, subject to the availability of funds; and

BE IT FURTHER RESOLVED, the Chair or President & CEO is authorized to negotiate and execute, on behalf of NJ TRANSIT Mercer, Inc., any labor agreements deemed necessary and appropriate by the Chair or President & CEO.

ITEM 2309-66: BUS NETWORK REDESIGN: HUDSON COUNTY

The Bus Network Redesign Contract will evaluate and restructure the local bus system in **Hudson County and the immediately adjacent communities** to help meet growing demand and improving service quality. Hudson County will be the third installment in the NewBus Redesign program

The **NJT2030 A 10-Year Strategic Plan** identified Bus System Redesign as a key strategy to support *“Goal 3: Power a stronger and fairer New Jersey for all communities”*

Seeking authorization to enter into NJ TRANSIT Contract No. 0000007 with **Sam Schwartz Engineering** for the execution of the Bus System Design in the amount not to exceed **\$1,102,522.00**, plus five percent for contingencies, subject to the availability of funds



ITEM 2309-66: BUS NETWORK REDESIGN: HUDSON COUNTY

This project seeks to address the following issues:



Shifting ridership indicates the local bus system may not be fully serving our customers' needs



A legacy system combined with incremental route adjustments made over time has resulted in network inefficiencies



Changes in development and employment patterns have resulted in changing travel patterns



Changes in travel patterns due to COVID 19 and other factors such as commuting habits

ITEM 2309-66: BUS NETWORK REDESIGN: HUDSON COUNTY

The goal of this project is to restructure the local bus system to be more attractive to current, former, and future customers. Additional project expectations include:

- Detailed analysis of how well the existing system meets the needs of customers
- A robust outreach effort that engages the public and stakeholders
- Service recommendations that are implementable and do not require significant capital investment
- Opportunities to partner with municipalities and counties
- Key benefits include:
 - Expanded travel options
 - Streamlined, easier to understand bus routes
 - Connecting growing population to economic opportunities



ITEM 2309-66: BUS NETWORK REDESIGN: HUDSON COUNTY

Procurement

- RFP was issued in February 2023
- 5 bidders responded
- Winning proposal was selected in June 2023
- The Office of Business Development approved 27.7% DBE utilization commitment identified by the consultant
- Project funding sources are:
 - CRRSAA funding
 - Discretionary route planning grant
 - TTF match
- Estimated project duration is 24 months from Notice to Proceed



ITEM 2309-66: BUS NETWORK REDESIGN – HUDSON REGION

WHEREAS, NJ TRANSIT provides its customers with regular route bus service throughout New Jersey and to New York City and Philadelphia which carries 204.0 million annual passenger trips (based on FY2020 data); and

WHEREAS, recent ridership pattern changes on the intrastate bus network indicate that NJ TRANSIT should evaluate and redesign its local bus system to better align with customer needs and identify efficiencies; and

WHEREAS, the extensive reach of NJ TRANSIT's system necessitates that the evaluation and redesign of routes occur in geo graphic phases; and

WHEREAS, staff determined it appropriate to initiate redesign efforts within the Newark region due to the regional importance of bus transit in this area; and

WHEREAS, NJ TRANSIT received a \$514,045 federal grant provided through FTA's Route Planning Restoration Program to support this important planning initiative; and

WHEREAS, a Request for Proposal (RFP 0000007) was issued to seek competitive proposals from qualified consultants to provide these services; and

WHEREAS, NJ TRANSIT's Technical Evaluation Committee has reviewed and determined Sam Schwartz Engineering (SSE) proposal meets the requirements set forth in RFP 0000007; and

WHEREAS, the cost proposal submitted by the proposer has been evaluated against the internal cost estimate developed by NJ TRANSIT Planning; and

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

WHEREAS, NJ TRANSIT's Office of Business Development assigned a 20 percent DBE goal to this study; and

WHEREAS, SSE, Inc.'s proposal includes a commitment of 27.7 percent DBE participation, although on review, the actual commitment is 27.7 percent. The Office of Business Development accepted this as a good faith effort submission and gave approval to award this contract at 27.7 percent DBE utilization commitment;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 0000007 with Sam Schwartz Engineering, of Jersey City, New Jersey for a 24-month contract period of November 1, 2023, through November 1, 2025, in the amount not to exceed \$1,102,522, plus five percent for contingencies, subject to the availability of funds.

ITEM 2309-67: FY2024-2029 REPLICA TRAVEL DATA FOR RIDERSHIP AND FINANCIAL PLANNING

WHEREAS, it is to NJ TRANSIT's benefit to understand both its ridership and larger regional travel trends; and

WHEREAS, since COVID, previously normal travel patterns have changed, both on the NJ TRANSIT system and throughout the region; and

WHEREAS, updated travel data is required by FTA to provide background, analysis, and forecasts for Capital Improvement Grant (CIG) applications; and

WHEREAS, NJ TRANSIT has utilized data from Replica, Inc. data since 2020 to understand regional travel patterns, demographics, and economic data; and

WHEREAS, staff determined it appropriate to commit to a five-year contract with Replica, and by doing so be offered a 25 percent discount; and

WHEREAS, a procurement by exception was sought, as Replica, Inc. is the only firm who provides this data in the format that NJ TRANSIT utilizes;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into a 60-month contract with Replica, Inc. of Leawood, Kansas for the period of October 1, 2023, through October 1, 2028, in the amount of \$3,000,000, or \$600,000 per fiscal year, subject to the availability of funds.

ITEM 2309-68: NJ TRANSIT TITLE VI PROGRAM SUBMISSION FFY 2024-2026

WHEREAS, NJ TRANSIT, as a recipient of federal funds, must submit a Title VI Program to the Federal Transit Administration (FTA) once every three years; and

WHEREAS, NJ TRANSIT submitted to the Board in 2014 the NJ TRANSIT Title VI Plan for FFY 2015-2017 with a Major Service Change Policy; Disparate Impact and Disproportionate Burden Policies; Systemwide Service Standards and Policies; and Equity Analysis Procedures that was approved on October 8, 2014; and

WHEREAS, NJ TRANSIT has developed the NJ TRANSIT Title VI Program for FFY 2024-2026 that maintains unchanged the policies and procedures of NJ TRANSIT's 2014 Title VI Plan submission (also carried over from submission to FTA in 2018); and

WHEREAS, the NJ TRANSIT's Title VI Program for FFY 2024-2026 has been updated in compliance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients (Circular); and

WHEREAS, the Circular requires that the NJ TRANSIT's Board of Directors approves NJ TRANSIT's Title VI Program FFY 2024-2026 prior to submission to FTA; and

WHEREAS, the Circular also requires that NJ TRANSIT monitor its service against FTA approved service standards and policies to ensure that service is provided equitably in minority and non-minority areas; and

WHEREAS, the Circular also requires the NJ TRANSIT Board of Directors be aware of, and approve, the service monitoring results;

NOW, THEREFORE, BE IT RESOLVED that the NJ TRANSIT Board of Directors has considered, is aware of, and approves the results of NJ TRANSIT's monitoring of its service to ensure the service is provided equitably in minority and non-minority areas; and

BE IT FURTHER RESOLVED that the NJ TRANSIT Board of Directors approves NJ TRANSIT's Title VI Program Submission FFY 2024-2026 for submission to the FTA.

ITEM 2309-69: REGULATIONS: PROPOSED INITIATION OF THE RULE-MAKING PROCESS FOR READOPTION WITH AMENDMENTS OF N.J.A.C. 16:83, CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF NJ TRANSIT EQUIPMENT AND FACILITIES

WHEREAS, the New Jersey Transit Corporation (“NJ TRANSIT”) was established by the New Jersey Public Transportation Act of 1979 “the Act” (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State of New Jersey to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner; and

WHEREAS, NJ TRANSIT determined that it is necessary to establish standards for the conduct and safety of the public in the use of NJ TRANSIT equipment and facilities; and

WHEREAS, NJ TRANSIT determined that the issuance of regulations pertaining to the conduct and safety of the public in the use of NJ TRANSIT equipment and facilities will benefit the public by providing uniform, statewide standards and a clear means of understanding those regulations; and

WHEREAS, the Conduct and Safety Rules were readopted by NJ TRANSIT at its April 14, 2016, Board Meeting, and the rules became effective on October 4, 2016; and

WHEREAS, in accordance with N.J. Stat. § 52:14B-5.1(b), every rule adopted on or after the effective date of P.L.2001,c.5 (C.52:14B-4.1a et al.) shall expire seven years following the effective date of the rule; and

WHEREAS, N.J.A.C. 16:83 et seq., Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities expires on October 4, 2023 and must be readopted to ensure continuous conduct and safety standards enforcement; and

WHEREAS, staff reviewed the current regulation and determined that the rules are necessary, adequate, reasonable, efficient, and responsible to the purposes for which they were originally promulgated, and should be readopted with amendments;

NOW, THEREFORE, BE IT RESOLVED that the Chair or the President & CEO, or the appropriate designee, is hereby authorized to take all actions necessary to initiate the rule-making process for the readoption of the regulations, N.J.A.C. 16:83 et seq., Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, consistent with this Board item and corresponding Exhibit.

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TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Conduct and Safety of the Public in The Use of NJ TRANSIT Equipment and Facilities

Proposed Readoption with Amendments: N.J.A.C. 16:83-1.1, et seq.

Authorized By: New Jersey Transit Corporation, Kevin S. Corbett, President and Chief Executive Officer

Authority: N.J.S.A. 27:25-5.e, .k, and .l.

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

Proposal Number: PRN 2023-____.

Submit comments by _____, to:

Compliance Department

New Jersey Transit Corporation

One Penn Plaza East, 8th Floor

Newark, NJ 07105-2246

E-mail: njtconductandsafety@njtransit.com

The agency proposal follows:

Summary

The New Jersey Transit Corporation (“NJ TRANSIT”) and its subsidiaries are responsible for the provision of public mass transit services in the State of New Jersey. NJ TRANSIT owns, controls, and operates equipment (such as railcars and buses),

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yards, and facilities including major stations and terminals that are centers of activity through which many people pass each day.

Effective January 19, 1993, NJ TRANSIT adopted N.J.A.C. 16:83 to ensure the safe and efficient passage of large numbers of people through the transit system and at the same time allow the public to use part of the facilities as a forum to exercise their constitutional rights of expression. Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 16:83 is set to expire on October 4, 2023.

The proposed readopted rules with amendments readopt the existing conduct and safety rules, including the recent rules adopted by NJ TRANSIT allowing the Corporation to suspend ridership privileges for riders who engage in certain enumerated offenses. The proposed readopted rules with amendments make cosmetic changes to the existing rules, for example by accounting for changes in job titles, updating gendered language, and updating Corporation contact information for applicants seeking certificates of registration and banner permits.

A brief review of each of the subchapters of N.J.A.C. 16:83 follows:

Subchapter 1 sets forth the general provisions, including the purpose, scope, definitions, rules for commercial and non-commercial expression, and an enforcement provision. Subchapter 2 sets forth criteria for obtaining a Certificate of Registration or Bridge Banner Permit for non-commercial expression. Subchapter 3 lists the activities that are prohibited in or on NJ TRANSIT facilities and equipment.

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

Social Impact

The rules proposed for readoption will have a positive social impact on riders, NJ TRANSIT employees, and the State of New Jersey, by continuing an administrative process to address behavior by riders, such as assaults on operators, that impact the safe operation of NJ TRANSIT vehicles and rolling stock. The proposed rulemaking provides a disincentive for riders to engage in such behavior and allows NJ TRANSIT to protect its customers and employees from riders who engage in such behavior. The public benefit of these changes is substantial because they will result in a safer transportation network for both transit employees and the riding public.

Economic Impact

NJ TRANSIT does not anticipate that these rules proposed for readoption will result in any significant economic impact in the State, and any impact would be as a result of the enabling statute, not the rules.

Federal Standards Statement

A Federal standards analysis is not required because the requirements of the readopted rules are governed by State statute and not subject to any Federal standards

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or requirements. The readopted rules incorporate and comply with the federal Infrastructure Investment and Jobs Act of 2021 (IIJA), which defines assault on a transit worker broadly, as occurring when “an individual knowingly...interferes with, disables or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.” The Motorbus and Passenger Rail Service Employee Violence Prevention Act, P.L. 2021, c. 352 (VPA) defines assault more narrowly, as “any attempt to cause or purposely, knowingly, or recklessly cause bodily injury to an operator of a motorbus, or any employee of rail passenger service while clearly identifiable as being engaged in the performance of their duties.” The IIJA does not specify any penalties arising from an assault, while the VPA allows NJ TRANSIT to prohibit any person who assaults a Corporation employee within the meaning of the statute from using transportation services for up to one calendar year. If the individual uses a deadly weapon during the commission of the assault, the VPA allows NJ TRANSIT to prohibit that person from accessing transportation services for life.

Jobs Impact

The rules proposed for readoption will not affect the creation or loss of jobs.

Agriculture Industry Impact

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

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Regulatory Flexibility Analysis

The rules proposed for readoption does not impose reporting, recordkeeping, or other compliance requirements on small businesses. While this rulemaking does not directly affect small businesses, NJ TRANSIT has commercial tenants operating within its facilities. Some of these entities may be small businesses, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and their operations will undoubtedly benefit from safe and orderly NJ TRANSIT facilities.

Housing Affordability Impact Analysis

The rules proposed for readoption will not have any impact on the affordability of housing. The rules inform and instruct how members of the public can exercise their constitutional rights of expression, and the standards of behavior to be followed, in or on NJ TRANSIT facilities and equipment. As such, the rules will have no effect on housing units or on the average cost of housing.

Smart Growth Development Impact Analysis

The rules proposed for readoption will not have any impact on the implementation of the State Development and Redevelopment Plan. The rules inform and instruct how members of the public can exercise their constitutional rights of expression, and the standards of behavior to be followed, in or on NJ TRANSIT facilities and equipment. The rules will have no effect on new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

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Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for re adoption do not implicate criminal law or procedure and therefore, NJ TRANSIT does not anticipate any impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State.

Full text of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:83.

Full text of the rules proposed for re adoption follows (additions indicated in boldface; thus, deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

16:83-1.1 Purpose; scope

The New Jersey Transit Corporation and its subsidiaries (NJ TRANSIT) are responsible for the provision of public mass transit services in the State of New Jersey. NJ TRANSIT owns, controls, and operates equipment (such as railcars and buses), yards and facilities. The facilities include, but are not limited to, rail and bus stations and terminals and are instrumental to NJ TRANSIT's mission to provide and safely manage mass transit services in New Jersey. NJ TRANSIT's stations and terminals are centers of activity in their respective communities through which many people pass each day. From time to time, NJ TRANSIT receives requests from members of the public for permission to exercise their constitutional rights of expression at such stations and terminals. NJ TRANSIT, through this chapter, informs and instructs the public how it can exercise its rights on or about NJ TRANSIT facilities and the procedures to be followed in

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exercising such rights. NJ TRANSIT also sets forth, in this chapter, the standards of behavior to be followed in or on NJ TRANSIT facilities or equipment. Finally, NJ TRANSIT sets forth, in this chapter, procedures to be followed to obtain authorization to use certain railroad bridges to advertise non-commercial community special events. It is NJ TRANSIT's objective and intent that any and all applicable provisions of the New Jersey Code of Criminal Justice (Title 2C) [or] the motor vehicle and traffic laws of New Jersey (Title 39), as well as any other applicable statutes of this State shall continue in full force and effect. NJ TRANSIT reserves the right to reject any applications for commercial or non-commercial speech or expression at NJ TRANSIT facilities where such conduct will impair NJ TRANSIT's ability to conduct its mass transit related business or where such expression gives rise to a credible public safety concern.

16:83-1.2 Definitions

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

“Assault” means: any attempt to cause or purposely, knowingly, or recklessly, cause bodily injury to an operator of a motorbus, or any employee of rail passenger service while clearly identifiable as being engaged in the performance of their duties, as defined at N.J.S.A. 2C:12-1; and/or when an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard of the safety of human life, interferes with, disables, or

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incapacitates a transit worker while the transit worker is engaged in the performance of their duties, as defined at 49 U.S.C. § 5302(1).

"Block" means to hinder or interfere with free passage or usage, so as to deny free access, movement, availability, or purpose of any portion of NJ TRANSIT facilities or equipment.

"Bridge banner" means a temporary sign affixed to an approved NJ TRANSIT railroad bridge displaying advertisements for non-commercial community special events.

"Bridge Banner Permit" or "Banner Permit" means the document authorized by a designated NJ TRANSIT official which authorizes the display of a bridge banner.

"Certificate of Registration" means the document authorized by a designated NJ TRANSIT official, which delineates the restrictions as to specific times, specific locations, and certain conditions under which a person may carry on non-commercial, public expression at a specified NJ TRANSIT facility.

"Certificate of Registration holder" means a person who holds a valid daily Certificate of Registration.

"Deadly weapon" means the same as that term is defined at N.J.S.A. 2C:11-1.

"Disrupt" means to act to hinder, interfere, upset, impede, or otherwise oppose the orderly accomplishment or pursuit of a task, duty, or objective, or to interrupt the proper and normal course of any independent lawful activity.

"Equipment" means any NJ TRANSIT locomotive, engine, passenger car, coach, trolley, street railway car, light rail vehicle, bus, motorcoach, van, ferry, piece of equipment, or emergency device, or passenger conveyance. Additionally, "equipment" as

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used in this chapter, unless a different meaning is clearly applicable, means and includes any NJ TRANSIT “Motor Vehicle” as defined [under] at Title 39, Motor Vehicle and Traffic Laws of New Jersey.

“Expressive area” means designated portions of specific NJ TRANSIT facilities where a Certificate of Registration holder may locate and may exercise non-commercial public expression.

“Facilities” means all stations and terminals owned or operated by NJ TRANSIT [under] pursuant to contract, lease, or other agreements or arrangements, including joint service arrangements. NJ TRANSIT facilities are open to the public only at NJ TRANSIT’s discretion and NJ TRANSIT retains all rights of ownership in its facilities. Further, the term “facilities” shall mean [rights of way] rights-of-way and related trackage and sidings, rails, catenary systems, depots, yards, tunnels, bridges, structures, storage areas, parking areas, offices, buildings, signal and communications systems and networks, dispensing machines, signal power, power plants, emergency exits, stairways, ventilation systems, signage, lighting, repair and maintenance shops, and other property, and all things used, owned, leased, held, or occupied by NJ TRANSIT for or incidental to the operation, rehabilitation, or improvement of rail, light rail, and/or bus operations in the State of New Jersey and other jurisdictions where NJ TRANSIT operates to and from.

“Harassing behavior” means any of the behaviors defined as harassment at N.J.S.A. 2C:33-4.

“Lewd behavior” means any of the behaviors defined as lewdness at N.J.S.A. 2C:14-4.

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"Non-commercial community special event" means any non-commercial event open to the public, conducted and/or sponsored by a governmental, educational, charitable, religious, or any other non-profit organization. This definition is not intended to apply, and does not apply to, activities that are conducted on a continual, ongoing basis. Non-commercial community special events are those activities conducted on a one-time, annual, monthly, or seasonal basis on specific calendar dates.

"Non-commercial expression" means the public exercise of free speech rights in or on NJ TRANSIT facilities or equipment, which concern political, social, religious, or other issues to the extent that such free speech expression is protected by the United States or State Constitutions, as applicable. Non-commercial public expression includes, but is not limited to, leafleting, public speaking, solicitation of signatures and comments, and solicitation of contributions, but not sales transactions, for religious, political, or charitable causes. This definition is not intended to apply, and does not apply to, talking, reading, wearing political buttons, or other forms of private individualized expressions, which are permitted throughout the public areas of facilities and equipment. Any advertisement, activity, or solicitation that materially proposes a commercial transaction is expressly excluded.

"Obstruct" means to walk, run, stand, sit, lie, drive, or place an object in such a manner as to block and/or hinder passage by another person or by a vehicle or to require another person or vehicle to take evasive action to avoid physical contact.

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"Official" means any person or persons designated by NJ TRANSIT to have supervisory and/or operational authority and responsibility for NJ TRANSIT facilities and/or equipment, or any portion thereof.

"Operational employees" mean persons who are employees of NJ TRANSIT, who are protected by the enhanced penalties provided by the Motorbus and Passenger Rail Service Employee Violence Prevention Act (VPA), as codified at P.L. 2021 c. 352 (N.J.S.A. 2C:12-1b(5)(g)), including, but not limited to, any operator of a motorbus, light rail vehicle operators, railroad engineers, and conductors, while clearly identifiable as being engaged in the performance of their official duties, or because of their status as an employee.

"Person" means any natural person, individual or group of individuals, corporation, society, organization, company, association, partnership, firm, or other entity.

"Personal notice" means an oral or written communication directed to an individual or a group of individuals from an NJ TRANSIT official.

"Police officer" means any member of the NJ TRANSIT Police Department, or any other law enforcement officer who has jurisdiction in, on, or adjacent to the NJ TRANSIT equipment or facility. "Possess" means to have or to exercise control or command over any item, device, tool, product, or matter.

"Possess" means to have or to exercise control or command over any item, device, tool, product, or matter.

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"Public area" means such portions of NJ TRANSIT facilities and equipment, which are routinely and normally accessible to members of the public and are adapted to provide for the convenience of persons utilizing the services of NJ TRANSIT.

"Purposely" means intentionally, deliberately, or with the objective, design, or plan to participate in such conduct, which is known or expected to or is likely to cause a certain or specific result.

"Restrict" means to confine or set limits or to hold within bounds and limitations. Additionally, the term "restrict" shall include the exclusion of designated persons or groups.

"Restricted area" means such portions or portion of NJ TRANSIT facilities and equipment, which are separately secured, locked, fenced, posted, or otherwise adapted so as to put persons on notice that unauthorized entry is not permitted. Additionally, "restricted area" shall include portions of NJ TRANSIT facilities which are the subject of notification by personal communication, public announcement, or appropriate signs that such areas are temporarily not to be entered and/or remained upon.

"Rider" means any person riding, boarding, or alighting an NJ TRANSIT vehicle used in revenue service, or any person present in any and all NJ TRANSIT stations, facilities, or equipment.

"Ridership Appeal Board" means the entity constituted by NJ TRANSIT to review a rider's appealed suspension or revocation of riding privileges.

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“Serious bodily injury” means bodily injury that creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss, or impairment of the function of any bodily member or organ.

16:83-1.3 Commercial expression

(a) A contract with NJ TRANSIT shall be required of any person seeking to engage in any public expressive conduct that materially proposes a commercial transaction (commercial expression) including, but not limited to, the sale, offer, promotion, peddling, vending, advertisement or display of goods and/or services at or on any facility or equipment or to display any commercial advertisement at or on any NJ TRANSIT facility or equipment.

(b) Information concerning contracts for commercial expression is available by contacting the following:

NJ TRANSIT

Real Estate Department

One Penn Plaza East

Newark, New Jersey 07105-2246

Telephone: (973) 491-7451 or (973) 491-8078

Fax: (973) 491-7331

(c) Nothing in this chapter shall be construed as impairing or expanding any right which NJ TRANSIT lessees or licensees may otherwise have to regulate access to those areas under their control by virtue of their interest in the premises.

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16:83-1.4 Non-commercial expression

(a) NJ TRANSIT, in this chapter, hereby sets forth limitations on the times, places and manner of non-commercial expression in or on NJ TRANSIT facilities or equipment to ensure that the orderly and safe flow of people and vehicles is not obstructed and that the normal operations of business are not unduly disrupted. These limitations are not intended to apply, nor do they apply to, talking, reading, wearing political buttons or other similar private forms of expression, all of which are permitted throughout the public areas of NJ TRANSIT facilities and equipment.

(b) NJ TRANSIT will not permit the distribution of products or services at any NJ TRANSIT facility, regardless of whether a contribution is solicited or not, if in NJ TRANSIT's sole opinion, the product or service competes with, or conflicts with, the sale of products or services by NJ TRANSIT tenants, lessees, or licensees at that location.

(c) NJ TRANSIT contracts for the display of paid advertising on, within and about NJ TRANSIT facilities as a vital component of its program to generate revenues in support of its mass transit operations. From time to time, at its sole discretion, NJ TRANSIT makes available Bridge Banner Permits, which are issued to organizations for the purpose of advertising non-commercial community special events. NJ TRANSIT reserves the right to use any railroad bridge or other facility for commercial advertising and may discontinue the use of any railroad bridge or other facility for the advertisement of non-commercial community special events at any time. Banners hung without NJ TRANSIT permission will be removed.

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16:83-1.5 NJ TRANSIT disclaimer

NJ TRANSIT shall not be responsible for the views and ideas expressed by a person holding a Certificate of Registration. Through signs, public announcements and/or personal communication, NJ TRANSIT may advise the public of the presence of a person and may disclaim responsibility for, and/or sponsorship of, that person's cause.

16:83-1.6 Enforcement

If NJ TRANSIT determines that any person's conduct violates any of these rules, that person shall be subject to such sanctions as deemed appropriate including ejection from the premises, arrest, pursuant to the applicable laws.

SUBCHAPTER 2. CERTIFICATE OF REGISTRATION AND BRIDGE BANNER PERMIT FOR NON-COMMERCIAL EXPRESSION

16:83-2.1 Non-commercial speech and expression; generally

(a) To accommodate persons who desire to engage in non-commercial expression at specified NJ TRANSIT facilities, the Senior Director, Real Estate and Economic Development **and/or highest ranked equivalent**, or [his or her] **their** designee will issue, subject to terms and conditions set forth in these rules, a Certificate of Registration (Certificate) on a first-come, first-served basis, to permit conduct of noncommercial expression in a specified location (as designated on the map or rider attached to the Certificate) at a particular NJ TRANSIT facility. An application must be completed in its entirety. The application must state the number of persons expected to be in attendance.

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The Certificate will be issued without charge and, consistent with these rules, shall be subject to availability and limitations of space and conditions. The completed application must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the Certificate is to be effective. Upon application in person, or upon receipt of the original completed application by postal mail, electronic mail, or telefax, the approved Certificate will be issued within 10 business days after receipt of the completed application. Applications that have not been completed in their entirety shall be subject to being declared as incomplete and will be returned to the applicant.

(b) The Senior Director, Real Estate & Economic Development **and/or highest ranked equivalent**, or [his or her] **their** designee may issue Bridge Banner Permits, subject to terms and conditions set forth in this chapter, including, but not limited to N.J.A.C. 16:83-1.4, on a first-come, first-served basis, to permit display of the advertisement on a specified railroad bridge. Bridge Banner applications that are completed in their entirety, including the verbatim text and graphics to be used in the advertisement, will be considered successfully completed. The completed application must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the permit is to be effective. Upon application in person, or upon receipt of the original completed application by postal mail, electronic mail, or telefax, the approved Banner Permit will be issued within 10 business days after receipt of the completed application.

(c) Applications for Certificates of Registration and Banner Permits may be obtained on weekdays between 9:00 A.M. to 5:00 P.M. by contacting:

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Real Estate and Economic Development

One Penn Plaza East

Newark, NJ 07105-2246

Telephone: (973) 491-7451 or (973) 491-8078

Fax: (973) 491-7331

Email: CertificateOfRegistration@njtransit.com

Applications can be sent to the requester by postal mail, electronic mail, or telefax.

16:83-2.2 Application for Certificates of Registration

(a) The application for a Certificate of Registration, signed by the applicant, shall contain the following:

1. The applicant's name. At the option of the applicant, the applicant's address and/or telephone number may be listed on the application, but no applicant shall be required to list either an address or telephone number on an application for a Certificate of Registration;

2. If applicable, the name of the organization which the applicant represents;

3. The name(s) and title(s) of the individual(s) who will have supervision of and responsibility for the non-commercial expressive conduct at the specified facility during the term of the Certificate; and

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4. If applicable, a statement that the proposed solicitation or sale of printed matter is for a non-commercial purpose, that is, for contributions, which will be used:

i. By a religious group;

ii. By a political organization;

iii. By an organization that has received an Internal Revenue Service determination that it is tax exempt under 26 U.S.C. § 501(c)(3) or a successor provision, or any organization with a similar tax exemption; or

iv. By an organization duly registered with the State of New Jersey as a charitable organization, in accordance with N.J.S.A. 45:17A-1 et seq.

16:83-2.3 Validity of Certificates of Registration

(a) Each Certificate of Registration (Certificate) shall be valid for the date(s) and time(s) appearing on the approved Certificate. A Certificate shall be valid for up to, but not more than, five days. A Certificate shall not be valid prior to 6:00 A.M. or after the closing time of the facility. If the facility does not close, the Certificate shall be valid only until 10:00 P.M. of the date(s) appearing on the Certificate.

(b) Each Certificate shall be valid only for the person(s) designated by NJ TRANSIT on that Certificate. Certificates are not transferable.

(c) NJ TRANSIT may limit the number of valid Certificates to the maximum number of individuals established for the particular facility, as indicated on the map or rider

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attached to each Certificate, taking into account the public transportation purposes and staffing levels of the facility.

(d) Certificates shall be valid only at the facility or facilities specified on the Certificate.

16:83-2.4 Application for Banner Permit

(a) The application for a Banner Permit, signed by the applicant, shall contain the following:

1. The applicant's name, title, address, and telephone number and the name of the organization, which the applicant represents;
2. The name(s) and contact information of the banner-hanging organization that will have supervision of and responsibility for placement, installation, and maintenance and removal of the banner during the term of the Banner Permit;
3. A statement that the proposed advertisement is for a non-commercial community special event, is open to the public, and includes specific calendar dates on which the activity will take place;
4. The verbatim text and graphics to be used in the banner; and
5. If requested by NJ TRANSIT, the Banner Permit holder shall supply a list of credible professional references who can attest to the qualifications of the banner-hanging company.

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16:83-2.5 Validity of Banner Permit

A Bridge Banner Permit is valid for up to, but not more than, 14 days. The bridge banner shall be removed no later than noon following the final date appearing on the Banner Permit.

16:83-2.6 Disposition of application; appeal of denial

(a) If NJ TRANSIT denies an application for a Certificate of Registration or Banner Permit, the denial shall be in writing and state the reasons for the denial.

(b) The applicant may appeal this denial in writing by contacting the Assistant Executive Director (AED), Communications and Customer Service, New Jersey Transit Corporation, One Penn Plaza East, Newark, NJ 07105-2246, and shall include a statement describing the nature of the appeal and what factual issues, if any, shall be in dispute. If any factual dispute is alleged, the AED, Communications and Customer Service **and/or highest ranked equivalent**, or [his or her] **their** designee shall conduct a review on the papers and render a decision, within 15 days after receipt of such appeal. The decision shall be made in writing and shall set forth the basis for the decision. Where an applicant wishes to contest this decision, the applicant may, within 30 days, request a contested case hearing and the matter shall be forwarded to the Office of Administrative Law for fact finding before an Administrative Law Judge (ALJ), pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The ALJ shall issue an initial

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decision, which shall be returned to the NJ TRANSIT Board of Directors for a final agency decision.

16:83-2.7 Limitation of Certificate or Banner Permit

NJ TRANSIT may cancel, temporarily defer, or modify the Certificate or Banner Permit for emergent public health, welfare, or safety reasons, including extraordinary weather, power failures, accidents, terrorism, disasters, strikes, riot, fire, civil disorder, service disruptions, special NJ TRANSIT-sponsored customer service events or other events, which create an unsafe condition in the relevant expressive area or which substantially interfere with the transportation related activities of the facility. NJ TRANSIT may revoke or suspend any Certificate or Banner Permit where it has concluded that the Certificate or Banner Permit holder has violated the requirements of the Certificate or Banner Permit, these rules, or both.

16:83-2.8 Noise

Certificate of Registration holders shall at no time shout, make outcries or use devices for voice and/or sound amplification or use other devices that disrupt transportation-related activities.

16:83-2.9 Placards

Only placards made of cloth, heavy paper, cardboard, or similar lightweight materials shall be used by Certificate holders. Such placards shall be no larger than 48

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inches by 24 inches. Placards shall be exhibited no higher than nine feet from the floor and shall not be affixed to any wall, door, window, canopy or any other interior or exterior portion of the facility. Placards shall not be affixed to a stick, pole or post made of any material.

16:83-2.10 Tables

No Certificate of Registration holder shall use a table, unless the map attached to the Certificate expressly provides for this use in the designated expressive area.

16:83-2.11 Maintenance of area

Certificate of Registration holders shall not leave materials unattended and shall remove the same at the end of each daily session. Certificate of Registration holders shall at all times keep the area in a reasonably clean, neat, and uncluttered condition.

16:83-2.12 Banner installation, maintenance, and removal

(a) All banners must be hung by a municipal organization or company properly equipped and qualified to hang banners over roadways. The banner must be hung safely from the road by the qualified party without access to the railroad right of way.

(b) The size of the banner shall not exceed 15 feet wide x 3 feet high. Banners shall be constructed of heavy-duty canvas or vinyl and must contain grommets (reinforced eyelet or ring) in each corner to facilitate hanging and must include cording or ropes to properly secure the banner. NJ TRANSIT reserves the right to review and reject, in its

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sole discretion, methods of attachment, construction details and materials and installation procedures prior to hanging.

(c) If access to the track is requested for any reason, and the request is granted, an NJ TRANSIT railroad protective flagman is required, and the Banner Permit holder shall be liable for all associated labor and administrative costs.

(d) The Banner Permit holder is responsible for obtaining any and all necessary additional permits and approvals, as well as coordination with local, county or State bodies that may be required, including police, public works and/or other governmental representatives.

16:83-2.13 Inspection of Certificate

A Certificate of Registration holder shall have the Certificate of Registration available at all times, on [his or her] **their** person, for inspection by an authorized NJ TRANSIT representative or local official.

16:83-2.14 Liability

Certificate of Registration and Banner Permit holders assume all liability for any and all damage or injury arising out of the Certificate/Permit holder's use, occupancy, non-commercial speech or expressive activity, on or about NJ TRANSIT's facilities or equipment, and, by accepting the Certificate of Registration or Banner Permit, agree to release the State of New Jersey, NJ TRANSIT, its directors and its subsidiaries, and servants, employees and agents from any and all liability or damage resulting from the

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Certificate/Permit holder's use or occupancy of NJ TRANSIT's facilities or equipment in connection with the Certificate of Registration or Banner Permit. NJ TRANSIT shall not be responsible for the security and/or safeguarding of any funds collected by a Certificate of Registration holder.

SUBCHAPTER 3. RESTRICTIONS AND PROHIBITIONS FOR ALL NJ TRANSIT FACILITIES AND EQUIPMENT

16:83-3.1 Prohibited acts

(a) Except as otherwise provided for in this chapter, the following conduct is prohibited in or on NJ TRANSIT facilities or equipment, as set forth below:

1. No person shall disrupt or obstruct passage to or from a loading area, information booth, emergency or fire exit, restroom, hallway, stair, staircase, landing, escalator, elevator, ticket machine, ticket counter, concession counter, store, bench, seat, chair, platform, door or other walkway of a facility or equipment. No person shall occupy more than one seat in or on any NJ TRANSIT facility or equipment.

2. No person shall enter or remain in any area of a NJ TRANSIT facility or equipment upon oral or written notification from an authorized NJ TRANSIT employee, public announcement, or sign that access to such area is conditional unless such person complies with the specified condition(s).

3. No person shall throw, drop, shoot, project, propel, cast, or otherwise strike in, into or place upon any facility or equipment any projectile, stick, pole, stone or other foreign matter or object. No person shall carry such foreign matter or objects

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into NJ Transit facilities or equipment if the matter or objects represent a safety hazard.

4. No person shall dump, discard, unload, eject, throw out, scrap, abandon, dispose or otherwise rid themselves of any junk, refuse, trash, rubbish, waste, garbage, rubble, debris or other litter and unused matter into or upon any NJ TRANSIT facility or equipment without the authorization of NJ TRANSIT. This prohibition does not apply to refuse incidental to normal and routine usage of the facilities and equipment.

5. No person shall climb or attempt to climb into or upon any NJ TRANSIT facility or equipment without the express authority of NJ TRANSIT.

6. No person may consume or possess any alcoholic beverage, distilled spirits, wine, beer or malt nor shall any person possess an open, unsealed container of these beverages within the confine of NJ TRANSIT facilities or equipment except in such areas and at such times as designated by NJ TRANSIT as permitting the sale and/or consumption of these beverages.

7. No person shall ride, roll, skate, or coast upon any bicycle, skates, skateboard, roller blades, scooter or other personal motive device propelled by physical exertion or mechanical means within NJ TRANSIT facilities or equipment with the exception of mobility devices utilized by persons with disabilities.

8. No person shall ignite, light, kindle or otherwise create, burn, maintain, preserve, or sustain any fire except where expressly authorized by NJ TRANSIT.

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9. No person shall light, smoke, or carry any lighted tobacco or tobacco product in any area of NJ TRANSIT facilities or equipment with the exception of those portions thereof designated and specially marked by NJ TRANSIT for smoking and using tobacco products.

10. No person, without an appropriate license from NJ TRANSIT or without prior agreement with NJ TRANSIT, may offer or agree to carry baggage, parcels, or belongings of others for personal pecuniary gain.

11. No person without an appropriate license from NJ TRANSIT and other appropriate authority, shall hire, attempt to hire, flag, hawk or otherwise provide cab services for personal pecuniary gain.

12. No person shall engage in, attempt to engage in or participate in any conduct, which purposely and unlawfully disrupts, interferes with or otherwise interrupts the commercial activities and pursuits of lessees, tenants and customers operating within NJ TRANSIT facilities or equipment and which serves no legitimate purpose of the person.

13. No person shall subject other persons, patrons, employees, tenants, or tenants' employees to any or all of the following unlawful conduct:

- i. Engaging in, or threatening, fighting or other violent or tumultuous behavior;
- ii. Creating a hazardous or physically dangerous condition;
- iii. Subjecting another to striking, kicking, shoving, spitting, punching or other offensive touching, or threatening to do so; or

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iv. Engaging in any course of alarming conduct or of repeatedly committed acts with the purpose to alarm or seriously annoy such other person.

14. No person shall cause damage, injury or harm by vandalizing, defacing, marking, marring, scratching, gouging, tearing, burning, moving, altering, or writing upon NJ TRANSIT facilities and equipment.

15. No person shall, while in or about NJ TRANSIT facilities or equipment, create, cause, maintain or sustain any noise that disrupts the operations of the facility or equipment.

16. No person shall solicit funds without first obtaining a Certificate of Registration in accordance with the requirements of this chapter or shall panhandle or beg within the confines of NJ TRANSIT facilities or equipment for any reason whatsoever.

17. No person shall spit in or on any facility or equipment.

18. No person shall urinate or defecate in any public or non-public area other than in urinals or toilets expressly provided for that purpose.

19. No person shall jointly occupy with one or more individuals any single urinal, toilet booth or stall with the exception of those individuals providing assistance to persons with disabilities or to individuals needing assistance.

20. No person shall utilize public restrooms for the purpose of bathing, changing clothes, laundering clothes or personal belongings, and all washing activities shall be limited to the immediate needs of personal hygiene.

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21. No person shall refuse to tender or display compensation in the form of fare, currency, ticket, token or pass for the available transportation services, nor shall any person take actions with the purpose of avoiding this obligation.

22. No person shall bring, escort, carry or otherwise accompany any animal except guide dogs or any other service animals, appropriately controlled, or other domestic animals restrained in appropriate carriers.

23. No person may engage in non-commercial expression without complying with the terms and conditions of a valid Certificate of Registration.

24. No person shall be allowed access to any NJ TRANSIT equipment, whether stationary or mobile, for the purpose of conducting any non-commercial expression.

25. No person shall erect any permanent or temporary structure in or on NJ TRANSIT facilities or equipment without the authorization of NJ TRANSIT.

26. No person shall operate any vehicle, nor shall any vehicle be parked upon NJ TRANSIT facilities in such a manner as is in violation of the provisions of Title

39, Motor Vehicle and Traffic Laws of New Jersey.

16:83-3.2 Access during emergency

NJ TRANSIT may temporarily grant or restrict public access to its facilities and equipment, or to portions thereof, at its sole discretion for emergent public health, safety, or welfare reasons without prior notice. When there is a threat to the public health, safety

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or welfare, NJ TRANSIT facilities and equipment, or portions thereof, may be closed by any NJ TRANSIT official who has the authority to do so upon personal communication, public announcement or conspicuous signage.

16:83-3.3 Rider conduct

(a) When a rider's conduct impedes or threatens the safe operation of NJ TRANSIT equipment or the transit system, the disruptive rider's privilege to ride on NJ TRANSIT's system may be suspended. Such conduct that impedes or threatens the safe operation of NJ TRANSIT equipment includes:

1. Acts of assault on operational employees as defined pursuant to the VPA, at N.J.S.A. 2C:12-1b(5)(g);
2. Acts of assault on a transit worker as defined by IIJA, codified at 49 U.S.C. § 5302(1);
3. Any other activity prohibited by Federal law and/or regulation, State law, and/or rule, or local ordinance that interferes, impedes, or threatens the safe operation of NJ TRANSIT equipment; and/or
4. Lewd and/or harassing behavior that is so disruptive that it threatens the welfare and/or safety of operational employees and/or riders.

16:83-3.4 Suspension of ridership privileges

(a) In addition to the immediate removal from NJ TRANSIT facilities or equipment, along with any such other actions or remedies that may be available pursuant to law or

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equity, riders who are found to have engaged in prohibited acts pursuant to N.J.A.C. 16:83-3.3, as a result of a first offense, may have their ridership privileges on NJ TRANSIT's system suspended for a period not to exceed three calendar months. If the rider engages in a second offense, ridership privileges may be suspended for a period not to exceed six calendar months. Ridership privileges may be suspended for up to one calendar year if a third or subsequent offense occurs. In exceptional circumstances, such as an injury sustained by a rider or operational employee as a result of prohibited behavior, a rider's privileges may be suspended for up to one calendar year, regardless of the number of offenses committed.

(b) If a rider uses a deadly weapon during the commission of an assault, NJ TRANSIT may, at its own discretion, prohibit that rider from accessing its transportation services for life.

16:83-3.5 Process for suspension of ridership privileges

(a) Notice of a suspension shall be, in writing, state the reason for the suspension and the time period of the suspension, and contain a hearing date and location for a ridership suspension hearing, which may be telephonic and/or electronic through a video hosting platform, such as Zoom, Skype, and/or Teams, at which time the rider may appear to oppose the suspension.

(b) The notice of suspension shall be by email with the consent of the rider, and a valid email address provided by the rider, or by personal service, hand delivery, or through regular and/or certified mail. A rider who refuses to provide information sufficient to allow

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for service of the notice of suspension, or who provides false information to NJ TRANSIT, preventing NJ TRANSIT from serving a notice of suspension, shall be deemed to have waived service.

(c) NJ TRANSIT shall bear the burden of proving, by a preponderance of the evidence, both the prohibited behavior alleged and that the sanction it has imposed is consistent with the applicable law. Conformance to legal rules of evidence is not necessary, and NJ TRANSIT shall consider the relevancy and materiality of the evidence offered. In the event the rider does not appear for the hearing, after verifying that NJ TRANSIT sent proper notice pursuant to this section, and/or that proper notice to the rider was not possible due to the rider's failure or refusal to provide information sufficient to allow for service of the notice of suspension, or due to the rider's provision of false information to NJ TRANSIT, NJ TRANSIT will proceed with the hearing based upon the relevant evidence in its possession.

(d) The ridership suspension hearing shall be presided over by a hearing officer.

1. The hearing officer for a ridership suspension hearing shall consist of an NJ TRANSIT non-agreement employee designated by the senior vice president, general manager, and/or highest ranked equivalent, of the applicable operational unit where the alleged offense occurred.

2. It shall be the duty of the ridership suspension hearing officer to preside over the matter, allowing all parties an opportunity to present relevant evidence, including development of a record as to the facts and circumstances of the issues before the hearing officer.

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(e) NJ TRANSIT shall determine whether to suspend the ridership privileges of the rider, and the duration of the suspension, within 10 calendar days of the hearing. NJ TRANSIT's notice of determination shall be provided to the rider by email with the consent of the rider, and a valid email address provided by the rider, or by personal service, or through regular and certified mail to the rider. NJ TRANSIT shall also provide the rider with information regarding the process for filing an appeal of suspension of ridership privileges.

(f) For assaults involving exceptional circumstances and assault with a deadly weapon, as defined at N.J.A.C. 16:83-3.4, NJ TRANSIT may suspend the ridership privileges of the rider prior to the outcome of any hearing held pursuant to this section. Any pre-hearing suspension shall be credited as time served for any suspension levied after a hearing.

(g) NJ TRANSIT shall issue further internal procedures governing the conduct of ridership suspension hearings, as necessary, consistent with this chapter.

16:83-3.6 Violations of a suspension

If a rider continues to access the NJ TRANSIT system while suspended, such act shall constitute an additional and separate offense pursuant to this chapter. After the applicable hearing process has been held, an additional and separate suspension, to run consecutively, may be assessed in accordance with this chapter.

16:83-3.7 Appeal of suspension of ridership privileges

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(a) A rider has the right to appeal any determination made pursuant to this chapter, in accordance with (b) below. A rider also has the right to request that any suspension be tolled while such an appeal is pending.

(b) A rider with suspended ridership privileges may appeal their suspension by filing a notice of appeal with NJ TRANSIT, One Penn Plaza East, Newark, NJ 07105, within 10 calendar days of NJ TRANSIT's notice of determination.

(c) Upon a rider's filing of an appeal, NJ TRANSIT shall appoint a Ridership Appeal Board (Board), which will review the suspension of ridership privileges, including, but not limited to, that the rider did not engage in the prohibited behavior pursuant to this chapter, as well as the basis and length of the suspension, before issuing a determination on the appeal. All appeals must be received by NJ TRANSIT within 10 calendar days from the date NJ TRANSIT's decision was rendered.

(d) It shall be the duty of the Ridership Appeal Board to act as a final appeals board in hearing and deciding ridership suspension cases. The Ridership Appeal Board shall consist of three members, and act by majority rule.

1. The chairperson of the Ridership Appeal Board shall preside at all meetings of the Ridership Appeal Board. The chairperson shall be the Chief of the NJ TRANSIT Police Department, or their designee.

2. The vice-chairperson shall perform the duties of the chairperson during any period of the latter's absence or incapacity. The vice-chairperson shall be appointed by the Chief Compliance Officer, upon the recommendation of the labor organization representing the impacted operational employee(s). If the applicable

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labor organization fails to recommend a vice-chairperson, the vice-chairperson shall be the Chief Compliance Officer, or their designee.

3. The executive secretary shall keep a record of proceedings of appeals heard by the Ridership Appeal Board and shall prepare minutes to record all actions of the Board during an appeal. The executive secretary shall be the senior vice president, general manager, and/or highest ranked equivalent, of the applicable operational unit where the alleged offense occurred, or their designee, however, such designee may not also have served as the hearing officer in the matter before the Ridership Appeal Board.

4. The chairperson of the Ridership Appeal Board, may issue subpoenas and shall sign all orders and other official documents issued in the name of the Ridership Appeal Board, and shall certify its decisions. The executive secretary shall be charged with the supervision of all administrative work of the Ridership Appeal Board.

(e) The Ridership Appeal Board shall respond to any request to toll the suspension of ridership privileges pending appeal within five business days of receipt of such request. The request to toll such a suspension shall be granted or denied at the discretion of the Ridership Appeal Board. The Ridership Appeal Board shall issue a final ruling with respect to an appeal within 30 days of receipt of a notice of appeal, though the time for a final ruling may be extended for good cause.

(f) If a rider successfully appeals a suspension pursuant to the procedures set forth in this chapter, the rider may continue to use the NJ TRANSIT system.

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16:83-3.8 Dispute resolution

NJ TRANSIT is an entity of the State of New Jersey. Upon a final determination by the Ridership Appeal Board that a rider's privileges have been suspended, the rider may seek judicial review of the final agency action of NJ TRANSIT by filing the appropriate appeal with the Superior Court of New Jersey, Appellate Division, as provided by R. 2:2-3(a)(2).

16:83-3.9 (Reserved)

16:83-3.10 Reservation of rights

This chapter shall not impact, bar, or limit the ability of NJ TRANSIT, any law enforcement agency, or any affected individual, from pursuing such other criminal and/or civil remedies as may be available to them at law and/or equity arising from a rider's actions. A rider's failure to abide by this chapter may result in NJ TRANSIT seeking additional relief at law and/or equity.

EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including, but not limited to the Personal Injury Claim of the Estate of Raffaele Carfi.

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