

**APPENDIX**

## Testimony of Sheldon M. Kest

New Jersey Senate Legislative Oversight and Assembly Judiciary Joint Meeting  
February 23, 2017

Chairs and Members, good afternoon, and thank you for this opportunity to testify and share my story – my nightmare – as you work to improve NJT safety for all riders for years to come. I am Sheldon M. Kest and I am honored to appear with my wife, Lynda, by my side. I am a very lucky man, not just to be married to Lynda for more than 40 years, but lucky to be alive having survived the horrifying, senseless September 29, 2016 New Jersey Transit Hoboken commuter rail crash.

As you can see, a portion of my finger on my right hand – my dominant hand - was amputated in the crash, and this has resulted in constant, throbbing pain. I also suffered a concussion and deep cuts to my head and face. I continue to undergo various types of therapies – including physical and occupational - several times a week, and this greatly limits my ability to return to work full time. But those and other wounds – physical and psychological - tell only part of the story, and merely underscore the many questions that months later still haunt me and no doubt this committee, starting with: *“Why did it happen? How did it happen? And who should be held accountable so that it never ever happens again?”* Briefly, here’s my recollection of that morning.

I was a regular passenger over five years on the Pascack Valley Line, boarding near my Tenafly home at New Bridge Landing for my trip to Hoboken, on my way to work in Jersey City as an IT Project Manager. I was sitting in the middle of the first car, on the aisle, which is the seat I preferred having recently undergone major surgery on my right knee to repair ruptured quad tendons. My ride was uneventful until suddenly the lights in the car went dark and the roof of the car started to cave in. That’s when I realized that we had crashed. I vividly remember seeing debris strewn in the aisle. Given my rehabbing knee (I was receiving physical therapy at the time of the crash), that meant I had no chance of escaping through the door at the rear of the car. (>)

Testimony of Sheldon M. Kest

Luckily, the young woman sitting by the window in my row managed to open it jump out. I made it to the window and repeatedly shouted, "*Somebody please help me. I just had knee surgery.*" And that's when two men – total strangers to this day - helped me as I climbed out. I think of them daily and wish I could personally thank them.

Lynda and I also spend a lot of time thinking about the family that lost a loved one – a wife and mother - that was just standing on the platform when the train crashed, and all the others that were injured and survived. You are never the same after such an ordeal. Having grown up in Brooklyn I've been riding trains and other forms of public transportation for more than 50 years – frankly, at this point I don't know when I'll be able to board a train again.

Thank you again for the opportunity to share my story and for your service and efforts to ensure a safe ride for all NJT passengers.

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Thank you for the opportunity to testify today. I am Mark Lohbauer, the Director for New Jersey programs at the Regional Plan Association. We are an urban research and advocacy organization that works to improve mobility, economic opportunity and sustainability in the New York City metropolitan region, which covers the 13 northern counties of New Jersey.

A good transportation system is the most basic of tasks that a state must provide its citizens. New Jersey's economy depends on an effective operation that will get workers to their jobs, and consumers to their markets quickly, efficiently, safely and reliably. That system must also be affordable, practical, and convenient, or else we will not be able to equitably convey all New Jerseyans of all income levels where they need to go everyday. If we fail in that basic task, it is our State economy that suffers. NJ becomes less competitive, and risks losing employers, employees, and consumers to other states.

By all objective measures, we are failing in this task. It is also clear that the failure is not the fault of the people at NJ Transit. We have charged them to do a complex job that increases in responsibility every year, yet we also require them to do that job with resources that decline every year. These two factors: increasing ridership, and declining funding, have held true for the past 15 years.

- Data shows that funding of transit has been declining steadily. The State's subsidy to NJ Transit has dropped 90% over the past 8 years, and this loss was partially made up by fare increases, service reductions, or other cuts<sup>1</sup>.
- Lack of funding results in deferred capital improvements, and dropped maintenance. Less maintenance leads to more frequent delays, which cost an incalculable value in loss of productivity.
- NJ Transit operates the 3<sup>rd</sup> busiest transit system in the country<sup>2</sup>, yet it is the least well-maintained in our region. Breakdowns are rising: after improving a miserable record of one failure every 27,000 miles in 2002 to a level of one failure every 120,000 miles in 2012, the record has declined again. NJ Transit now experiences one breakdown of the rail system every 85,000 miles. Contrast that with the records of Metro North at 403,000 miles per failure, and the Long Island RR at 701,000 miles per failure<sup>3</sup>. The *New York Times* reported that New Jersey Transit also experienced more major mechanical failures: 213 in 2014, compared with 89 for the Long Island Rail Road and 169 for Metro-North.<sup>4</sup> Major train delays are now about one every two days.

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<sup>1</sup> "New Jersey Transit, A Cautionary Tale of Neglect," Emma G. Fitzsimmons and Patrick MacGeehan, *New York Times*, October 13, 2016.

<sup>2</sup> "New Jersey Transit, A Cautionary Tale of Neglect," Emma G. Fitzsimmons and Patrick MacGeehan, *New York Times*, October 13, 2016.

<sup>3</sup> 2014 date, reported in "Stuck At The Station," by Ryan R. Hall, Staff Analyst for the Tri-State Transportation Campaign, and published on the New Jersey For Transit website.

<sup>4</sup> "New Jersey Transit, A Cautionary Tale of Neglect," op.cit.



Could things be any worse?

Yes, in fact—they could.

There is a well-documented and continuing trend of younger New Jerseyans to migrate back to our cities. The State of NJ has done a linear regression to project future population, and it has forecast an increase above the 2010 Census of nearly 1 million more residents by 2025, and another 625,000 more by 2034. That represents a population increase of nearly 20% over the next 17 years. With sufficient housing and infrastructure capacity for that growing population, the region could gain even more - an estimated 1.9 million more jobs by 2040, more than twice what is likely under existing trends, adding \$760 billion to the region's economy.

But this growth in jobs and population is only possible with good transit service. Without an investment that not only catches us up to current demand, but also anticipates the coming ridership increases over the next 15 years, our problems will only grow. If we do nothing to change this formula, we must expect more delays, more service interruptions, and quite possibly more tragic accidents.

What is needed is nothing less than a Renaissance of Rail in New Jersey, complemented by enhanced inter-city bus service, and a better way to cover the final mile. Here is what RPA proposes that we should do:

- 1) *GET BACK UP TO SPEED: Increase funding to NJ Transit that will make up for 15 years of declining investment:* If we consider the year 2002 as a baseline year in which we had a competitive level of investment in relation to ridership, then we have a more than 20% funding gap currently to make up.
- 2) *DON'T ROB PETER TO PAY PAUL:* We need to create a truly dedicated budget for operating expenses that would be not only separate from the capital budget, but untouchable for non-operating purposes. Of course, for this to be effective, the capital budget must be sufficient to sustain ongoing capital needs, so that the operating budget is not plundered for capital purposes.
- 3) *ENHANCE BUS SERVICE:* Make the shift away from diesel-fueled behemoths to a completely electric and/or propane-fueled fleet; adopt a "proximity pass" fare collection system, provide more "real-time" bus information screens at major terminals, hubs and stops; and implement "true" bus rapid transit lanes (Really GO Buses) to allow NJ Transit buses to act more like light rail lines for faster connections in corridors that can support it.
- 4) *COVER THE LAST MILE MORE EFFECTIVELY:* As we get better at making public transit more convenient to use, more people will use. Developments like Transportation Network Companies (TNC's—think Uber and Lyft), more safe bike lanes and bicycle



## Regional Plan Association

rental programs; more drop-off/pick-up locations at transit stations; and more local shuttle bus service connections all work to make public transit more effective.

- 5) *GET TO THE HEART*: There should be more direct trains from major population centers in New Jersey that carry to Manhattan, the heart of the region. For example, the Gateway Tunnel project is vital. We also believe that the City of Paterson should have a direct line to Newark/NYC, which would support more jobs growth and residential growth in Paterson.
- 6) *PLAN FOR THE FUTURE*: In addition to raising the budget to where it should be to better accommodate today's riders, expand the capital budget still further in order to enable work to be done now to accommodate the growing ridership of the future. We would do well to emulate the practice of the Metropolitan Transit Authority of NY, which follows a 5-year capital planning cycle in order to do a better job of meeting future demand, and adjusting their data regularly to be sure they remain on target.
- 7) *KNOW THAT RAIL INVESTMENT MAKES HOME VALUES RISE*: In a report that RPA prepared in 2010, we showed that NJ Transit's investment in 3 rail projects yielded substantial returns in property values, increased local tax revenues, and the attraction of new residents. Price modeling of 45,000 home sales within two miles of train stations shows that three improvements to the NJ TRANSIT rail system – Midtown Direct Service on the Morris & Essex Line, the Montclair Connection for the Montclair-Boonton Line and Secaucus Junction for the Pascack Valley and Main/ Bergen/Port Jervis Lines – increased the value of nearby homes by an average of nearly **\$23,000** per home (in 2009 dollars). Homes within walking distance of train stations gained the most value – up to **\$34,000**. Cumulatively, the value of all homes within two miles of all train stations that benefited from the projects is estimated to be \$11.1 billion. At 2009 property tax levels, that represents an additional \$250 million a year in property tax revenue for all municipalities affected

So, let's bring on a rail Renaissance, and fuel our economy at the same time!

Thank you very much for inviting RPA to share our thoughts with you today.



# **New Jersey Association of Railroad Passengers**

P.O. Box 68 Chatham, NJ 07928 Web: [www.nj-arp.org](http://www.nj-arp.org)

## NJ Transit Hearing- Hackensack

Good afternoon distinguished members of the Panel. My name is Len Resto and I am President of the NJARP, the oldest and largest statewide rail advocacy group. We have been in existence since 1980 and have seen both bad and good. We thank you for giving us the opportunity to appear before you and provide our testimony.

You will hear up until 9:00 P.M. from riders and commuters what they experience each and every day. The complaints we believe you will hear the most should coincide with what NJ-ARP sees on its Facebook page they are:

1. Delays- Passengers cannot rely that their rail service will be on-time. I know in my case, when I had to be at a Borough Council meeting, I never took a chance at catching a 6:05 P.M. Express, I would leave to catch the 4:50 P.M. express as I never knew what delay might await me. My story is not limited to me. We see this happen on every rail line. I co-chair the Gen Y Job Networking Group, helping recent college graduates find their first job. If they land an interview in the City, my advice to them is to catch a train one or two trains earlier than what they would normally take to be on the safe side. These delays have become much more pronounced over the past 5 years.
2. Poor Communication. Since the birth of NJ Transit in 1979, there has been one constant for 48 years- poor communication. This happens in several modes:
  - a. On-board announcement of stations is hit or miss. While regular riders know their stations; the discretionary rider, those you are trying to attract are left with a bad impression. Particularly bad are the announcements "those in the last 2 cars move forward and those in the 1<sup>st</sup> two cars move backwards". Rail vets like myself know where we are. Discretionary riders have no clue. Some conductors are very good at this announcing the car number AND telling riders where the car number can be found.
  - b. Delay announcements- while the automated "your train will be 10 minutes late" at various stations has improved, it would be nice to know the reason. Knowing the reason gives a passenger the option of heading back home to get their car or work from home or waiting at the station. It's the not knowing that produces anxiety.
    - i. Related to this is the often "disappearance of the train crew" when the issue is on one's train or the train ahead of us. Granted, train crews can only relay information given to them; but, it is comforting in this age of terrorism to know what is going on and how long the crew thinks it will take for a train to be

moving again. Again, not all crews are guilty of this; some are very good; but, on balance, this is handled poorly.

- ii. I have arrived at Penn Station NY to find hordes waiting which signals a problem. Announcements are that there are delays. Duh, I can see that. What is not announced are alternate means of transportation. If at NY Penn, the announcer can say, commuters headed to NJ can walk one block east to PATH and take it to Hoboken or Newark for connections to NJT that is an actionable thing. I know that because that was my old commute. New people have no clue.
- c. Side Destination Signs- I have seen trains, especially on weekends arrive at Chatham Station with the side destination signs reading "Long Branch". That's just laziness.
3. High Step Up/Step Down at Low Platform Stations: At Chatham, many of my constituents have complained of the high step to get onto and off a train. Now that I'm in my 64<sup>th</sup> year and my knees creak every once in a while, I see what they mean. I used to ride the old Edison Electrics and distinctly remember the conductors putting out step stools for passengers alighting from trains. Why did that practice go away?
4. FRA Rules- NJT follows FRA rules. It was an incredible revelation to me that an individual with a revoked driver's license due to multiple DWI's could be allowed to drive a locomotive; yet, the FRA said that was perfectly legal and acceptable. Sometimes, you have to do things that are the right thing to do. In this case the FRA rule was just plain dumb. As is the FRA's jurisdiction over PATH, a subway system; but, I digress.
5. Ticket Collection: I had meant to bring the 17 tickets I have at home which I've collected over the past month of travel. They are 17 tickets that have gone UNCOLLECTED. In other words, I have received 17 free rides on NJT. Thank you. If we are counting every penny of revenue, we must collect tickets. We must also use technology to get away from the 19<sup>th</sup> Century practice of punching paper tickets as they did when the first train came through Chatham in 1837.
6. Restrooms at Penn Station: Disgrace, disgusting, horrendous, third-world are just a few words that come to mind when describing the NJT restrooms at Penn Station NY. Doesn't anyone from NJT ever go into those restrooms for a look? How could such high ridership result in a men's room with 4 urinals and 3 toilets? How is that possible? You need to do what was done in Hoboken and keep it as clean as Hoboken.
7. Although we are a rail association, we have long advocated for bus maps that show surrounding areas so riders will have an idea where they could possibly get a bus instead of guessing. I recently found out that bus #76 Hackensack is 3 blocks from Fairleigh Dickinson where I go to school. Had I known.....

Now, let me get to the root of all these problems. Delays happen because of equipment failure, infrastructure failure, sometimes due to Amtrak, sometimes not. Equipment and infrastructure failure happens because of lack of proper maintenance. Communications involves training. Training costs money. Restroom fixes require frequent maintenance and that requires money. So, you've heard the word MONEY mentioned several times.

*where does it*  
MONEY is what keeps a well-oiled machine going. For NJ Transit, passenger fares are among the highest, if not THE highest in the nation. Passenger fares recover approximately half of NJ Transit's operating costs. However; NJ Transit has the balance of its Operating costs and its Capital costs? *Trenton* Where do they turn to for MONEY? Trenton. The Governor's office and the State Legislature.

*now*  
In the first decade of the 2000's, NJ Transit was subsidized in the Governor's budget upwards of \$250 Million annually. In fact, in 2009, NJ Transit's subsidy was a record \$348 Million. It became known nationwide as a "best practices" railroad. As New Jersey's economy tanked, so did NJ Transit's subsidy. Last year, NJ Transit's subsidy was a paltry \$40 Million. That's right, \$40 Million. \$308 Million less than in 2009. NO AGENCY, NO MATTER WHAT THEY DO, can make something out of nothing. NJ Transit had to do what others do, which doesn't make it right, they borrow from capital to plug operating. That's wrong; yet, accepted and the Governor and Legislature knows it and tolerates it.

*By NJ Board whose chair is not comm. members can be voted by Gov.*  
With the TTF finally getting placed on some form of steady footing, NJ Transit must be granted a realistic capital budget for new equipment, increased safety initiatives, streamlined ticket collection, training of employees and many other necessary items to bring them back to a "best practices" railroad.

MORE IMPORTANTLY, the Governor and Legislature must develop a mechanism by which NJ Transit has a stable Operating Budget subsidy so it can plan in advance instead of going to Trenton each year "hat in hand" to get the crumbs falling from the table of Lazarus.

I am convinced that former ED Ronnie Hakim moved to the MTA because she wanted to do good things at NJT without any money. You cannot make silk out of a sow's ear. At the MTA, she had \$80 Million at her IMMEDIATE disposal to phase in improvements. Big difference. Many months went by before a potential new ED could be found in Bill Crosbie. Alas, he peeked under the hood, saw much to be fixed, opened the cookie jar and saw nothing in it. He said "No, thanks." We then tell Steve Santoro, an experienced railhand and a friend to report on NJ Transit's problems and make recommendations.

Well, I can make ONE recommendation: FUND THE RAILROAD AS YOU WOULD FUND ROADS AND YOU MIGHT BECOME THE SAFEST RAILROAD ON THE PLANET.

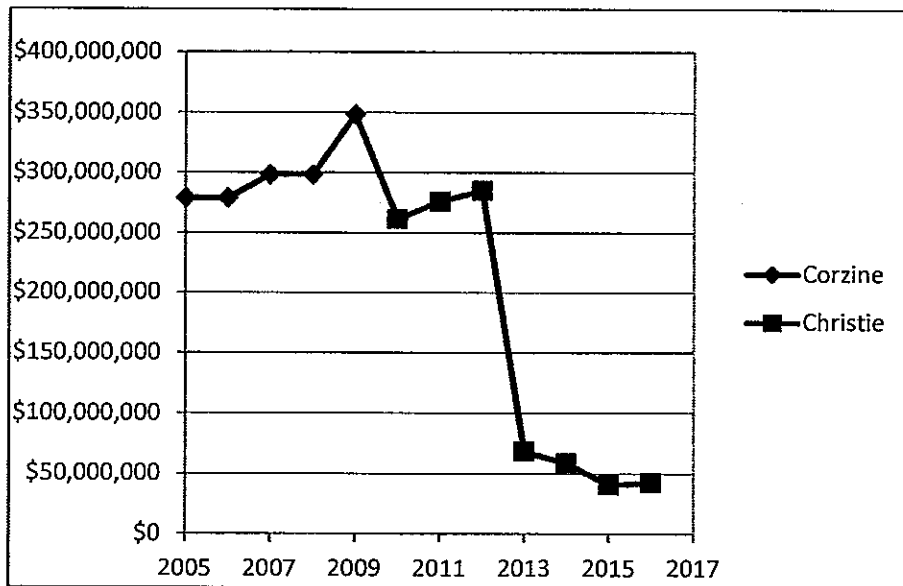
Thank you,

Len Resto  
President  
NJ-ARP

*8x*

**Operating Subsidy Appropriation sourced from General Fund  
Annual Report**

Year	Consolidated Statement page	Non-Operating Revenue
2005	in 2006 Report	\$278,700,000
2006	31	\$278,700,000
2007	34	\$298,200,000
2008	47	\$298,200,000
2009	43	\$348,200,000
2010	41	\$261,500,000
2011	47	\$276,200,000
2012	55	\$285,027,000
2013	53	\$68,173,000
2014	51	\$58,373,000
2015	55	\$40,284,000
2016	<a href="http://www.njtransit.com/pdf/FY2016_PrelBudgetRec.pdf">www.njtransit.com/pdf/FY2016_PrelBudgetRec.pdf</a> (2% of 2,120.2 million)	\$42,404,000



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LACKAWANNA COALITION STATEMENT TO SENATE OVERSIGHT COMMITTEE AND ASSEMBLY  
JUDICIARY COMMITTEE, 2-23-17

The Lackawanna Coalition began advocating for better rail service on the Morris & Essex, Montclair and Gladstone lines in 1979, shortly before New Jersey Transit was founded. Over time, our purview has expanded, and now it includes all transit that connects with our primary lines of interest. That includes the lines that serve Bergen County. Later, you will hear from Sally Jane Gellert, our new Legislative Director, who will address you in her personal capacity, as a resident of Woodcliff Lake, on the Pascack Valley Line.

I came here on the Pascack Valley line today. I took the Morris & Essex Line to Hoboken and changed there for the Pascack. Because of the schedule, I will not be able to go home that way. There are no trains to Hoboken from Essex Street between 4:33 this afternoon and 9:57 tonight. Fortunately for me, I can take the #76 bus to Newark. People living further north do not have so many options on NJ Transit when there is no train. There are few NJ Transit buses north of Hackensack and none north of Westwood; only Coach USA's Rockland Coaches.

At one time, the Pascack Valley Line was known as the New Jersey & New York Railroad, and its parent company was the Erie Railroad. Until 78 years ago, the line ran a full-service schedule, but from 1939 until 2007, it ran only during peak-commuting hours. Service outside peak-commuting hours, including on week-ends, was restored in 2007, and we join with the line's riders in commending NJ Transit's management at the time for restoring these "off-peak" trains. We at the Lackawanna Coalition advocated strongly for these service improvements, along with our colleagues at the New Jersey Association of Railroad Passengers (NJ-ARP).

Service on the Pascack Valley Line is better now than it was for the 68 years when it ran only during peak-commuting hours, but there is much more to be done before it can become a truly full-service line. The solutions lie both along the line and in Hoboken, on both the capital and operating sides of NJ Transit, and in the political realm, as well.

Hoboken Terminal has been neglected during the past decade. There is no longer week-end service on the Morris & Essex Line to and from Hoboken. Weekday service has been cut to where it runs only a few minutes ahead of or behind Penn Station trains. Week-end service between Hoboken and Montclair, which connects with the Morris & Essex Line, does not run every hour, but only every two hours or less. Yet we all learned about the true importance of Hoboken and the trains that go there in the wake of the tragic wreck of Train #1614 as it came into Hoboken from the Pascack Valley Line last September 29<sup>th</sup>. Hoboken Terminal was shut down for 11 days, and ran only partial service for one week after that. We commend NJ Transit's managers and other employees for getting Hoboken back into service as quickly as they did. We hope that NJ Transit will now realize how important Hoboken Terminal is for mobility in the region.

Except for St. George Terminal at the Staten Island end of the ferry, Hoboken is the only terminal station in the region that has plenty of available capacity at peak-commuting hours. We have proposed for many years that NJ Transit offer lower fares for Hoboken commuters, so it would be less-expensive for them to commute to Hoboken and then use PATH to get to New York City, than to commute to Penn Station and add to the stress on that station's capacity. We have also called for the return of discounted "off-peak" fares outside peak-commuting hours, to encourage riders to take the train when there is plenty of room for them. We believe that these changes will prove to be a bargain, compared to the billions of dollars it would take to add peak-hour infrastructure to Penn Station. If enough riders could be persuaded to ride outside peak-commuting hours or commute through Hoboken, it would liberate space at Penn Station and buy time until more tunnels can be funded and built. We are not convinced that all of Amtrak's Gateway Project will be built, given recent changes in Washington. New tunnels will benefit NJ Transit riders far more than Amtrak riders, and New Jersey must take the lead in developing new capacity at Penn Station, New York.

When NJ Transit was improving the Pascack Valley Line for the return of "off-peak" service in 2003, they planned to build five passing tracks. We submit a copy of the track map, which I obtained from NJ Transit, as Exhibit "A". Three were actually built: Sack near Teterboro, Cole near New Bridge Landing, and Pond, between Pearl River and Nanuet in Rockland County. These three sidings allow the current level of service;

better than peak-hour-only, but retaining large service gaps. There were two others planned: Golf near Oradel and Vale near Park Ridge, which were never built. NJ Transit says that, even with those two additional tracks, they could not run the level of service we have on other lines. They say that would require double-tracking long stretches of the line, if that is even possible. In any event, it would be expensive, and it is up to you to decide if the benefits justify the investment. It does not look like there will be any added service in the foreseeable future.

We call on this Legislature to provide funding for capital improvements like these planned sidings, which would improve ridership and, thus, the utilization of your rail line. We also call on this Legislature to push for significant improvements in operating support for NJ Transit. In FY 2016, it had been reduced to 10% of the 2008 level, although it has increased somewhat since then. It will take a massive commitment to our transit by you elected officials to permit our mobility to recover. Today, NJ Transit management's "standard" answer to the expression of the need for more service, even one additional train, is "we can't afford it."

To make matters worse, last year, this Legislature struck a massive blow against transit riders, especially those who, including me, depend on transit for all of our mobility. Assembly bill A-227 and Senate bill S-331, passed as P.L. 2016, c.52, now gives NJ Transit the authority to cut service at any time, by up to two hours, without any notice whatsoever to the riding public. We submit a copy of this statute as Exhibit "B" and our report concerning it in the September-October, 2016 issue of our newsletter, the *Railgram*, as Exhibit "C". This infamous legislation began as a requirement that NJ Transit notify the riding public and hold hearings before cutting service, to avoid the situation that riders faced in September, 2015, when the last trains on several lines were eliminated, without advance notice. Riders could not protest because we were not warned, we could not mobilize support for funding in an effort to save the trains we lost, and a statute that was designed to protect us has instead left us more open to abuse than we had been before. Before this change was enacted, we could argue that a service cut amounted to a "substantial curtailment" of service, in violation of *N.J.S.A. §27:25(8)(c)*. Now we can no longer make this argument, even if we lose two hours of mobility with every schedule change, and service ends when peak-commuting hours end. It is our top legislative priority that this travesty be repealed. We will not rest until it is. It is bad enough that NJ Transit is so starved for operating funds that its management resorts to curtailing our mobility. It is far worse that they can now cut our mobility in secret and reveal these acts to us only when new schedules are released, as an unpleasant surprise.

We understand that a statute of this sort causes far more damage to the mobility of persons who depend on NJ Transit for their mobility than it does to motorists, and we understand that essentially all legislators are motorists. There are more reasons to have a strong transit network with frequent service throughout a long service day than only fairness and equity for transit-dependent persons. Transit is good for the environment, it carries many people efficiently, it saves energy, and it helps New Jersey compete effectively with Long Island and the northern suburbs served by Metro-North, where trains run later than on NJ Transit. APTA, the American Public Transportation Association, says "Transit means business!" They are correct.\*

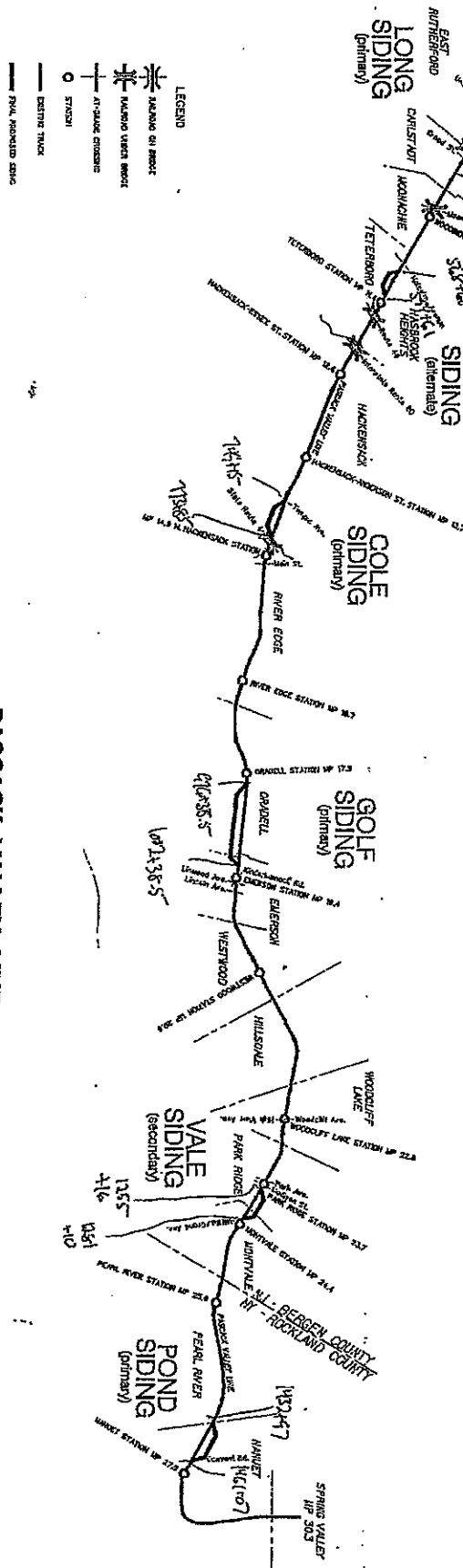
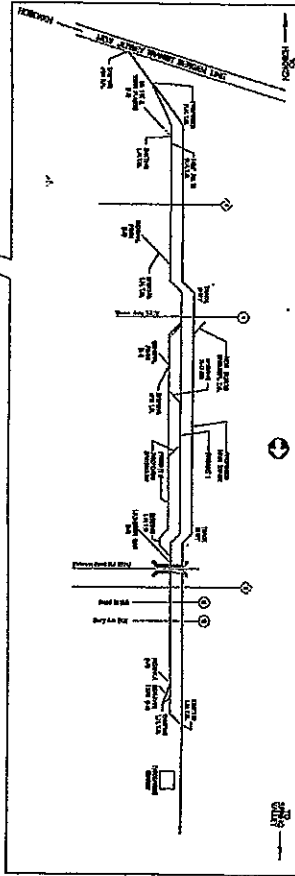
We, as the representatives of the riding public, want to demonstrate to you how we are forced to live under the current situation, and we want to work with you toward reversing it, for the sake of your constituents' mobility and New Jersey's economic well-being. To do that, we must be respected and taken seriously. On behalf of my colleagues at the Lackawanna Coalition, I express our thanks to you for inviting us to appear at this hearing, and at the one held in Bergenfield last month. May these occasions be the start of a dialog that results in the level of transit service that New Jersey's transit riders truly deserve.

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\* We also comment on safety, infrastructure and cost of projects in the current issue of the *Railgram*, annexed as Exhibit "D".

# MAIN & PASCACK VALLEY LINE R-O-W IMPROVEMENTS



PASCACK VALLEY LINE  
R-O-W IMPROVEMENTS



Exhibit "A"

CHAPTER 52

AN ACT concerning the curtailment of certain bus and rail services and amending P.L.1979, c.150.

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

1. Section 8 of P.L.1979, c.150 (C.27:25-8) is amended to read as follows:

C.27:25-8 Corporation not public utility, authority relative to fares, services; notice, public hearing.

8. a. The corporation or any subsidiary thereof shall not be considered a public utility as defined in R.S.48:2-13, and except with regard to subsection c. of this section, subsection b. of R.S.48:3-38, section 2 of P.L.1989, c.291 (C.27:25-15.1), and R.S.48:12-152, the provisions of Title 48 of the Revised Statutes shall not apply to the corporation or any subsidiary thereof.

b. The authority hereby given to the corporation pursuant to section 6 of P.L.1979, c.150 (C.27:25-6) with respect to fares and service, shall be exercised without regard or reference to the jurisdiction formerly vested in the Department of Transportation regarding rates and rate schedules under R.S.48:2-21; discontinuance, curtailment, or abandonment of service under R.S.48:2-24; and the issuance of a certificate of public convenience and necessity under R.S.48:4-3, and transferred to the New Jersey Motor Vehicle Commission by P.L.2003, c.13 (C.39:2A-1 et al.). The New Jersey Motor Vehicle Commission shall resume jurisdiction over service and fares upon the termination and discontinuance of a contractual relationship between the corporation and a private or public entity relating to the provision of public transportation services operated under the authority of certificates of public convenience and necessity previously issued by the New Jersey Motor Vehicle Commission or its predecessors; provided, however, that a private entity shall not be required to restore any service discontinued or any fare changed during the existence of a contractual relationship with the corporation, unless the New Jersey Motor Vehicle Commission shall determine, after notice and hearing, that the service or fare is required by public convenience and necessity.

c. Notwithstanding any other provisions of P.L.1979, c.150 (C.27:25-1 et seq.), all vehicles used by any public or private entity pursuant to contract authorized by P.L.1979, c.150 (C.27:25-1 et seq.), and all vehicles operated by the corporation directly, shall be subject to the jurisdiction of the department with respect to maintenance, specifications, and safety to the same extent that jurisdiction is conferred upon the department by Title 48 of the Revised Statutes.

d. Before implementing any fare increase for any motorbus regular route or rail passenger services, or any curtailment or abandonment of those services, the corporation shall hold a public hearing in the area affected during evening hours, except that the corporation shall not be required to hold a public hearing for a change in service that does not: (1) increase fares; (2) eliminate a current motorbus regular route or any rail passenger service; or (3) change the time of a motorbus regular route or rail passenger service by more than two hours from the corporation's currently adopted schedule or timetable so long as these services are provided at least three

Exhibit B

P.L.2016, CHAPTER 52

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2. This act shall take effect immediately.

Approved September 14, 2016.

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Lackawanna  
Coalition

September/October 2016

...An independent organization  
advocating for better transit

# RAILGRAM

## New Law Allows NJT To Cut Service By Two Hours Without Notice to the Public

By DAVID PETER ALAN

When NJT eliminated the last trains on the Morris & Essex and Gladstone lines last year, we complained to the media and to our elected officials. We argued that eliminating the last train of the night constituted a "substantial curtailment" of service, which would have required notice to the public and a hearing. While NJT claimed that they could cut service on any line by up to two hours without telling anybody in advance, we managed to convince them to give us some of that time back.

Now, by law, we can no longer make the "substantial curtailment" argument. Assembly Bill 227 was recently enacted, and it allows NJT to cut service by up to two hours on any line without notice to the public. The bill was originally written to require notice and a hearing for any service cut. It was changed to allow NJT to cut service by one hour without notice, and then changed again to allow a cut of up to two hours without notice. It passed by wide margins; 78-2 in the Assembly and 38-0 in the Senate; the latter action took place on August 1.

We can no longer argue on your behalf, as transit riders and our constituents, that NJT cannot make the sort of cuts that they made last year. Even the elimination of the 1:00 train from New York on part of the North Jersey Coast Line, which makes the last train now 11:18, can be forced onto the public by surprise. If they wish, NJT can now eliminate the 11:56 and 12:56 trains and send the last M&E train out from Penn Station as early as 10:56.

This constitutes a severe setback in our campaign to move NJT toward being more transparent and responsive to the needs of transit riders. We are deeply concerned that our elected officials have given NJT such blanket permission to cut service without notice, and without consulting us or other representatives of the riding public. It is doubtful that these elected officials will lose any of their mobility, but we who depend on NJT can lose some of ours.

We consider it totally unacceptable that our mobility can be curtailed at any time, and without prior notice. We urge you to join the Lackawanna Coalition, so we can fight more effectively for new rules that will strengthen our position as transit riders, not weaken it.

Coalition members expressed their deep concern over the new rule in statements made on internal forums. One member, Sally Jane Gellert of Woodcliff Lake, who uses the Pascack Valley Line and lost her last evening train last year, said: "this actually removes rights of citizens to have input into a public agency's actions; it further

centralizes our transportation governance in the hands of unelected bureaucrats who may or may not use the service and are insulated from public displeasure by virtue of not needing to run for election." We also note that it is elected officials who gave these "unelected bureaucrats" at NJT that authority.

## Report From The Chair

By DAVID PETER ALAN, Chair

At a recent meeting of New Jersey Transit's Board of Directors, a Board member apologized for being late, blaming highway traffic for the delay. The following month, a member of the advocacy community living on the same rail line chided him for not taking the train, which got the advocate to the meeting on time and would have done the same for the Board member.

The Board member's reply was that our transit is not very good, so you need a car to get around.

If there was ever a statement that summarized the plight of unfortunate New Jerseyans who must depend on NJ Transit for all of their mobility, that was it. It also summarized the most basic and far-reaching defect in New Jersey Transit's governing structure.

If an ordinary motorist disparaged the level of service available on NJ Transit, that would come as no surprise. Some schedules (including on the Morris & Essex Line) force riders to miss connections, there is little attention paid to New Jerseyans who wish to travel within their own state. The past decade has seen a number of service cuts on NJ Transit, even though other transit providers are increasing their levels of service.

The person who disparaged our transit was not an ordinary motorist, but a member of the NJ Transit Board, which is charged by statute with the responsibility to govern the agency that provides all the mobility that many Garden State residents have. Under sound principles of governance, it would stand to reason that Board members would fight to improve the organization and to serve the people who need the service which the organization provides. That means NJ Transit's riders.

That does not happen here. Not a single member of the NJ Transit board depends on transit to get around. We do not know of a single voting member of the Board who, despite being licensed as a motorist, chooses to use transit on a regular basis. As far as we know, and we would like to be corrected if we are wrong, every voting member of the NJT Board rides NJT only occasionally, or not at all.

It is difficult to fathom how a person who never uses an agency's services can effectively govern that agency. That person can impose service reductions and higher fares on the agency's powerless riders with impunity. In short, members of the NJT Board are not required to live by the rules they impose on persons who are less powerful and less politically-connected.

*(Article continues on reverse side)*

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*Exhibit C*

## Report From The Chair *(Continued from reverse side)*

It is time for major governance reform at NJT, which we know would require a change in the governing statute. The Board should have genuine rider-representatives; independent advocates who have established their credibility with significant experience fighting for better transit, regardless of the political fallout that could result and regardless of their own political connections or lack thereof.

In the meantime, it is essential that all NJT Board members use transit when they travel to NJT Board meetings and other NJT-related activities, at a minimum. If that were required, the members of the Board would at least know what it feels like to use transit from time to time, and the particular Board member who disparaged our transit would have arrived at the meeting on time.

## Summer Retrospective: Delays and Frustration, But NJ Transit Survives the Heat

By DONALD WINSHIP

Summer heat tends to be a major stressor for New Jersey Transit's infrastructure, but despite facing one of the worst heat waves in recent memory, the carrier got through the season relatively unscathed. Commuters and other NJT-watchers will recall that last summer (2015) was punctuated by a particularly brutal week from July 20-24, where problems in Penn Station, in the tunnels under the Hudson, and beyond caused major rush-hour delays four out of the five days. While our riders were spared any meltdowns of that magnitude this year, there is still ample reason for concern going forward.

A couple of statistics concern the Coalition particularly. The first is mechanical reliability, as measured by Mean Distance Between Failure (on average, how many miles do trains run between breakdowns). While the latest numbers are a slight improvement over the last couple of years, as Bloomberg reporter Elise Young has highlighted, they are still far below the numbers from New York area neighbors Metro-North and the Long Island Rail Road.

The second metric is customer satisfaction. While the latest ScoreCARD survey again showed a slight improvement over last year, Larry Higgs of NJ.com and the *Star-Ledger* reports that Morris & Essex Lines had the lowest overall satisfaction, with the Montclair-Boonton toward the back of the pack as well.

## A Transit Anniversary that Got Lost in the Shuffle

By DAVID PETER ALAN

This year, the Lackawanna Coalition has been celebrating the twentieth anniversary of Midtown Direct service into Penn Station New York. As our former Chair, Albert L. Papp, notes, the service has been far more successful than New Jersey Transit had expected, even though the Coalition expected that level of success.

Ten years later, on July 17, 2006, the one-mile extension of the Newark Light Rail line (formerly the Newark City Subway) between Penn Station and Broad Street Station opened for service. According to NJ Transit, the project cost \$207.7 million. When the new segment opened, service ran every 10 minutes during peak-commuting hours, every 15 minutes during mid-day and most of the evening on weekdays, and every 20 minutes on weekends.

A news release recently issued by NJ Transit claimed that service on the extension was "thriving" and quoted Executive Director Dennis Martin as saying: "The Extension provides a faster, more convenient commuting option for the thousands who are going to downtown Newark or points beyond." Today's level of service on

on the line renders Martin's claim questionable. Since 2010, the line runs only every 15 minutes during peak-commuting times and every half-hour at other times on weekdays. Cars still run every 20 minutes on Saturdays, but only every 25 minutes on Sundays. The result is that riders who wish to connect between Morris & Essex Line trains at Broad Street Station and Trenton or Raritan trains at Penn Station on a Sunday can only make those connection once every five hours without needing an additional 60 minutes to make their trip.

The Lackawanna Coalition has called for NJ Transit to restore former service levels on the Extension, so riders will again have the connectivity that the line's original schedule promised. We have also called on NJT to establish a special fare for riders using the Extension between the two train stations. Current fare rules do not allow riders to use the line between the two stations in Newark for train connections at each end, unless they pay a Secaucus fare, which is the same as a New York fare.

### Railgram

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## Remembering Bill Wright (1930-2016)

By DAVID PETER ALAN

New Jersey has lost one of its strongest voices for better transit. After more than 60 years of fighting for transit, William R. Wright of Cranford left us earlier this summer. He was not a member of the Lackawanna Coalition, but he belonged to many other organizations: the North Jersey Transportation Advisory Committee, the Senior Citizens and Disabled Residents Transportation Advisory Committee, the Union County Transportation Advisory Board, the New Jersey Association of Railroad Passengers (NJ-ARP), the Raritan Valley Rail Coalition, a group interested in railroad history and the local Railroad Retirement Board. He started his career 65 years ago with the Atlantic Coast Line, promoting the company's crack trains to Florida like the *Champion* and the *Florida Special*.

Until recently, Bill sent letters to elected officials, accusing them of complicity with the highway, oil and automobile industries, which limited mobility for Americans who did not have an automobile. He always sent copies of those letters, typed on an old manual typewriter and replete with typing errors, to his colleagues in the advocacy community, including this writer.

Bill's fame did not spread beyond New Jersey, but he will always be remembered for his sayings. He said: "Not all tourists drive, but all tourists spend money" and "A fare increase is a tax increase!" Bill's best-known saying was "If you don't drive, you don't count!" Nobody has summarized the plight of the American non-motorist more succinctly.

### Coming Attractions for Meeting Presentations

Our Sept. 26 meeting will feature a very timely topic. Our presenter will be Daniel J. O'Connell, Legislative Director for SMART, the union which represents NJT train crews. He will share his thoughts on what can be done to reverse the harmful effects of the new law that gives NJT expanded authority to cut service. On Oct. 23, our Vice-Chair Stephen E. Thorpe will present an overview of the Senior Citizens and Disabled Residents Transportation Advisory Committee (SCDRTAC) at NJT. Steve is completing his term as Chair, and will describe their goals, and how they might fit in with ours.

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It appears that even the most advanced safety system, Positive Train Control, mandated by federal rules and due to be installed everywhere by the end of next year, may be powerless to stop a train accurately at the end of its run. So the danger of a bumper block crash may always be present. Can anything be done to lessen the danger and assure passengers of a completely safe ride? Probably not, although seat belts and prohibiting passengers from

crowding the aisle until the train has come to a complete stop would certainly lessen any injuries. But would passengers be willing to put up with the inconvenience in the name of safety?

*John Bobsin is a contributor to online news posts of the Coalition's website, www.lackawannacoalition.org.*

## A Better Way to Think of The Cost of a Project

OPINION by JESSE GRIBIN

*Publisher's Note: At our December meeting, Jesse looked at the cost of proposed projects, often in the billions of dollars over several years, and broke them down to amounts that a person or family would actually pay out of pocket for these projects. Here, he presents a summary of his talk.*

It is common when government officials render large numbers to represent the cost of a project in a soundbite. For example: the cost of the Hudson Tunnel Project, which will take roughly 14 years to complete, at a preliminary cost of \$7.7 billion. This is not a "dishonest" number *per se*, if the project does have that timeframe and overall cost. Similarly, a "two trillion dollar tax cut over 10 years" is not, *per se*, dishonest either.

That is like saying you have a project to provide cable TV for yourself at a cost of \$60,000. That is not dishonest... \$60,000? That amounts to \$100 a month for 50 years, it's true. I'll bet you never realized that you spent more than a median American yearly household income on cable! We don't think of our cable bill that way. We think of our cable as costing us personally about \$100 a month, or about \$1,200 a year.

We should think of a Two-Trillion-Dollar Tax Cut (over 10 years) as \$200 billion a year, or a cut of \$781 off your household's yearly tax contribution (\$65/month). \$781 per year or \$65 per month is how you account for things in your budget. So look at what they propose to cut, and wonder if what you lose is more or less than a couple's extra night out each month.

Likewise, the Hudson Tunnel Project will cost \$7.7 billion, or \$550 million a year. Since project funding is generally 50/50 federal/state, and since 50% of taxes are paid by the top 1% of income-earners, the project will cost the average New Jersey household \$18.56 a year in tax, or \$1.54 a month. So if you were ever wondering, that is what a 50% matching \$7.7 billion, 14-year project adds to your household budget costs.

When we as advocates ask for a project to be funded, we need to keep in mind that to the average citizen, a \$7.7 billion bill for a project makes as much sense as a \$60,000 bill for cable.

*Jesse Gribin recently completed his term as Technical Director of the Coalition.*

*(Newsletter continues on reverse side)*

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Exhibit "D"

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# Report From The Chair

By DAVID PETER ALAN, Chair

The last decade has been a challenging one for transit in New Jersey. New Jersey Transit has cut service, while funding from the New Jersey Legislature was cut by 90% from the 2008 level to the 2016 level. There has been some improvement this year, but it is almost impossible to recover from such a deep funding reduction. NJT has found other sources of funds to keep going, but much more must be done. Funding for county-sponsored and town-sponsored community transportation has also been cut in half since 2010, because it depends on revenue from Atlantic City's floundering casinos. We are a non-political and non-partisan organization, but we expect change in Trenton by this time next year. We hope this means an increased commitment from New Jersey's elected leaders to our transit, which has been starved for the past several years.

Even if a new governor and legislature increase support for the operating side of transit, the capital side may be in trouble, with that trouble coming from Washington. NJT's new Executive Director, Steve Santoro, was in charge of Capital Planning and Development before he was promoted, and we know that he will bring in as much of the needed capital funding as he can. Still, we do not know what Donald Trump will do about transit after he takes office, or what direction the U.S. Department of Transportation and its agencies will take under his leadership. He has called for increased investment in "infrastructure" (whatever that means). We hope it means more infrastructure devoted to public transportation, like new passenger-rail projects, but we cannot count on that.

For many years, the Lackawanna Coalition has advocated vigorously and relentlessly for more tunnels into New York's Penn Station, to allow more trains into that facility, so more New Jersey riders can get there. We understand that new tunnels must go to Penn Station and not take our constituents to an inconvenient or unsafe place. We have not endorsed Amtrak's Gateway Project in its entirety, but we have always stressed the need for more tunnels.

With the new changes in Washington, we cannot be sure that the federal government will chip in \$12 billion (half of the estimated \$24 billion cost of the entire Gateway project) toward rail facilities that will benefit New York City and northern New Jersey. The Republican Party will control both the Administration and both houses of Congress, and most of the people who live in our area are Democrats. Whether we like it or not, partisan politics often determines how and where government money is spent. For one third of the cost of all of Gateway, we can have two new tunnels into Penn Station and one new span to replace (and perhaps augment, instead) the aging Portal Bridge. We need to advocate strongly for the basics: two new tunnels and a new bridge. Unless there is a huge and pleasant surprise coming from Washington, we will be doing well to get that.

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By ALBERT L. PAPP, JR.

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passengers, compounded by the rapid rise of automobile usage. This increase was generated by the opening of the Holland Tunnel in 1927, the George Washington Bridge in 1931 (with the lower level added in 1962), and the Lincoln Tunnel. The first tube was opened in 1937, the second tube in 1945 and the third and final one in 1957.

Only the onset of World War II, which restricted the use of the private automobile, returned the railroads to a time of prior glory (and profitability), especially those which terminated on the west bank of the Hudson River. That growing usage, propelled by the war and business activity, planted a kernel in the minds of many legislators for another tunnel that could be used by the rail lines to access Manhattan. Decades earlier, prior to construction of the Pennsylvania Railroad's Hudson River Tunnels in 1910, plans were mooted for a bridge that would be used by all rail lines terminating on the Hudson's western shore. Quarrels between competing lines put an end to that proposal along with the outbreak of World War I, and the Navy Department's immediate concerns that a bridge could impede warship and commercial shipping movements. Nearly ninety years later, and fifty years after the end of WWII, direct rail service between the Morris & Essex Lines and New York City finally began.

## Remembering Phil Craig (1937-2016)

By DAVID PETER ALAN

Philip G. Craig of Montclair died on Dec. 8. He was 79. Phil was a strong advocate for better rail service, especially in Montclair, and he enjoyed a long and distinguished career as an engineer and builder of transit systems in this country and abroad.

Although he was not a member of the Lackawanna Coalition, Phil was an active member of the New Jersey Association of Railroad Passengers (NJ-ARP) and several groups concerned with the historic and technical aspects of rail transit. Phil and fellow Montclair resident Jack May fought to prevent NJ Transit from shortening the "Dinky" shuttle between Princeton Junction and Princeton, but that effort failed in court. He was more successful in advocating for weekend service on the Montclair portion of the Montclair-Boonton Line, which currently runs between Hoboken and Bay Street Station every two hours. Phil demonstrated that the train set which was running as a shuttle between Newark and Hoboken could use otherwise-idle time to run between Montclair and Hoboken on the same two-hour frequency.

We will miss Phil's strong advocacy, and we will continue to push for better service on the Montclair-Boonton Line, through our Montclair-Boonton Line Task Force.

## Coming Attractions for Meeting Presentations

Please join us on the fourth Monday of the month at 7:00 at Millburn Town Hall for our monthly meetings. On Jan. 23, Chair David Peter Alan will outline his view of the Coalition's goals and plans for this year, to kick off an ongoing discussion on the subject. Our presenters on Feb. 27 will be David Behrend, Department Director, Communications & Government Affairs and Ted Ritter, Special Projects Manager, External Affairs, both from the North Jersey Transportation Planning Authority (NJTPA). Their presentation will be: The NJTPA and Plan 2045 - Connecting North Jersey.

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The genesis of direct rail service to New York City began well before World War II, when the Depression Era saw a marked retrenchment in business growth and a consequent reduction in rail

passengers, compounded by the rapid rise of automobile usage. This increase was generated by the opening of the Holland Tunnel in 1927, the George Washington Bridge in 1931 (with the lower level added in 1962), and the Lincoln Tunnel. The first tube was opened in 1937, the second tube in 1945 and the third and final one in 1957.

Only the onset of World War II, which restricted the use of the private automobile, returned the railroads to a time of prior glory (and profitability), especially those which terminated on the west bank of the Hudson River. That growing usage, propelled by the war and business activity, planted a kernel in the minds of many legislators for another tunnel that could be used by the rail lines to access Manhattan. Decades earlier, prior to construction of the Pennsylvania Railroad's Hudson River Tunnels in 1910, plans were mooted for a bridge that would be used by all rail lines terminating on the Hudson's western shore. Quarrels between competing lines put an end to that proposal along with the outbreak of World War I, and the Navy Department's immediate concerns that a bridge could impede warship and commercial shipping movements. Nearly ninety years later, and fifty years after the end of WWII, direct rail service between the Morris & Essex Lines and New York City finally began.

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## Remembering Phil Craig (1937-2016)

By **DAVID PETER ALAN**

Philip G. Craig of Montclair died on Dec. 8. He was 79. Phil was a strong advocate for better rail service, especially in Montclair, and he enjoyed a long and distinguished career as an engineer and builder of transit systems in this country and abroad.

Although he was not a member of the Lackawanna Coalition, Phil was an active member of the New Jersey Association of Railroad Passengers (NJ-ARP) and several groups concerned with the historic and technical aspects of rail transit. Phil and fellow Montclair resident Jack May fought to prevent NJ Transit from shortening the "Dinky" shuttle between Princeton Junction and Princeton, but that effort failed in court. He was more successful in advocating for weekend service on the Montclair portion of the Montclair-Boonton Line, which currently runs between Hoboken and Bay Street Station every two hours. Phil demonstrated that the train set which was running as a shuttle between Newark and Hoboken could use otherwise-idle time to run between Montclair and Hoboken on the same two-hour frequency.

We will miss Phil's strong advocacy, and we will continue to push for better service on the Montclair-Boonton Line, through our Montclair-Boonton Line Task Force.

### Coming Attractions for Meeting Presentations

Please join us on the fourth Monday of the month at 7:00 at Millburn Town Hall for our monthly meetings. On Jan. 23, Chair David Peter Alan will outline his view of the Coalition's goals and plans for this year, to kick off an ongoing discussion on the subject. Our presenters on Feb. 27 will be David Behrend, Department Director, Communications & Government Affairs and Ted Ritter, Special Projects Manager, External Affairs, both from the North Jersey Transportation Planning Authority (NJTPA). Their presentation will be: The NJTPA and Plan 2045 - Connecting North Jersey.

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## Operational Brief:

22 Nov. 2016

### (OPL) Operation Path to Life / 2009 - 2017

Code Name: [R-4] Rapid-Rail-Response & Rescue

To All Concerned:

Leaders' - as members of the NJ State Legislature, I'm writing to you, regarding my concerns of what I see as a "real lack" of our state-wide preparedness, respective to [R-4]: Rapid-Rail-Response & Rescue. In addressing my concerns, I have here within, proposed a **CONOP** *Concept of Operation* for your consideration and review.

Further - though, my many attempts (over many months) in contacting a variance of NJ: Local, Municipal / State Legislative Offices' and R/R Agencies, has generally "fallen-on-deaf-ears" - I hope that you gentlemen, (though in the Minority) might see the merit, inherent within OPL and support in some manner the undertaking of said CONOP.

#### a.) Origin of Operation (OPL):

Having worked (though retiring in 2014) as a PAPD NY/NJ Police Officer for nearly, twenty-three-years to include eight-years as a PAPD - (ESU) Emergency Service Unit Officer & a 9-11 Ground Zero Responder during all (3) stages of on site: Rescue, Recovery & Post Recovery Operations and finally - serving in Afghanistan as a Combat Infantry Officer ['05-'06] - I've had my fill of both death and destruction, yet I learned along the way of the On-the-Ground necessity of "*Targeted Planning & Preparedness.*"

During my many years' of police & military involvement, I was tasked (at times) to plan, organize and lead (LSO)'s Logistical Support Operations to meet the demands and necessity of Mission Accomplishment.

In ('07-'08) - having partaken in two Port Authority of NY/NJ - (PATH) Port Authority Trans. Hudson command related Rescue Drills, both of which, were abject "joint organizational failures," I saw the "real need" to implement a **Plan of Action**, regarding Rail Response to "best protect & support" not only the PATH Command and all PA personnel, but specifically the over **65 Million** - PATH System Commuters at that time, riding the rails between Penn Station, Newark, NJ & 33rd. Street, NYC, NY on a yearly basis.

**Note:** Today, ridership within the PATH System has climbed above **75 Million Commuters**, annually.

In ('09) - I was given a window of opportunity and task by PA Police Headquarters to Plan-Out & Logistically Supply a Joint NYC / PAPD Operational Exercise, involving the NYC, (WTC) World Trade Center & PATH Commands,' that would eventually become in a short few weeks: (OPL) Operation Path to Life.

This Port Authority of NY / NJ Joint Operational Drill, held on 17 September 2009 at the WTC-PATH Station was "the initial strategic planning step" in the OPL process and was upon its conclusion - rated by many First Responder personnel / supervisors from all agencies in attendance (albeit quietly) - a **Major Success**.

One of the "greatest strengths" of OPL- 2009 was more profoundly demonstrated in its **Logistical Storage Cabinet**, which not only "cached the principle equipment, within the Subway System" but saved precious time and the necessity of Responders to: 1.) stack; 2.) load; 3.) carry; 4.) unload; & 5.) deploy a vast majority of equipment, to the scene - while in-turn, affording them a **TOC of ICS / C2** - Command & Control.

The prototype Cabinet was built to specific design measurements, so as to provide Responders' the targeted spectrum of [R-4] component planning & equipment they needed to get the **Job Done!**

Sadly, given the bureaucracy and the indifference of many, within the PA's, varied levels of leadership, my numerous attempts to further this OPL CONOP and "modernize its functionality of response," so as to meet the future needs of Our: Post 9-11 World were ignored.

I.) Port Authority NY / NJ Joint Operational Drill - 17 September 2009 at the WTC:

[http://www.nj.com/news/index.ssf/2009/05/world\\_trade\\_center\\_emergency\\_d.html](http://www.nj.com/news/index.ssf/2009/05/world_trade_center_emergency_d.html)

[http://gothamist.com/2009/05/18/emergency\\_response\\_drill\\_at\\_wtc\\_pat.php?gallery0Pic=8#photo-8](http://gothamist.com/2009/05/18/emergency_response_drill_at_wtc_pat.php?gallery0Pic=8#photo-8)

II.) WAMATA Train Incident: 12 Jan. 2015

[https://www.washingtonpost.com/local/trafficandcommuting/dc-police-officer-recounts-the-lenfant-plaza-metro-rescue-operation/2015/01/19/0bc983e8-9ffc-11e4-903f-9f2faf7cd9fe\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/dc-police-officer-recounts-the-lenfant-plaza-metro-rescue-operation/2015/01/19/0bc983e8-9ffc-11e4-903f-9f2faf7cd9fe_story.html)

b.) My Company in 2017:

**KJO Rapid-Rail-Response & Emergency Preparedness, LLC**

In the years, that followed - I decided to start my own company and have been attempting to explain to a variance of people in positions of leadership and authority, throughout the U.S., that Our Nation – lacks a “*real plan*” of what I call: [R-4] *Rapid-Rail-Response & Rescue*.

Sadly, I have continuously found, that the vast majority of local, municipal, state & regional authorities, (throughout our Nation), that I've contacted to share my concerns, regarding this lack of [R-4] preparedness, ignore / dismiss this reality and in doing so – severely jeopardize the Lives' & Safety of Millions of American Citizens' traveling on the Mass-Transit R/R's and / or living near major Rail Lines, respective to the transport of HAZMAT (type) Cargo containers.

\*\*\*The WAMATA incident (*link above*) is unfortunately, just one of many examples of a lack of [R-4] Planning.

\*\*\*The recent NJ Transit (Crash) in Hoboken is another example of an incident, without a “Known Plan.”

c.) My CONOP:

***Operation Path to Life – 2017***

The OPL / 2017 CONOP is tied together with a non-static Event Type: [12 Point Plan] of Operational / Logistical Support Cabinets; Specially Built & Outfitted Response Carts and specifically chosen Equipment, that would enable a Passenger and/or Rail Freight Transit System & follow-on Joint Response: Operational Forces the *on-scene utilization and durational capability to immediately* safeguard and/or move to and in-turn {quickly adjust}' to best attrite and respond to R/R Events, requiring **IMMEDIATE**:

- 1.) Strategic, Operational & Tactical – [R-4] Response & Database Matrix Support
- 2.) Low to Medium to High: Level Incident Capability Response – Station to Station (Overlapping Support)
- 3.) Medical Emergency: M.C.I. / S.T.A.R.T. - Triage, Transport / Notification and Event Chrono
- 4.) Security Sweeps' / (CTI) - Counter Terrorism Initiatives'
- 5.) Threat Assessment of Unknown Conditions,' i.e. (suspicious packages, possible suspects on tracks)...
- 6.) Response to Known Threats,' i.e. (suspect-at-large / R/R system damage, fire, flood)...
- 7.) Riot / Crowd Control
- 8.) Environmental Event / Disaster & Sustainment Response Ops.
- 9.) Structural Disaster Mitigation Response in-conjunction with (USAR / UASI / OEM / FD / EMS / PD...) Units
- 10.) Active Shooter (Station, Rail, Tunnel)
- 11.) Terrorist Threat – (C2) Stand-by Alert Response, QRF's, Vetting Suspects & Mobility
- 12.) ***Terrorist Attacks (IMMEDIATE!*** - Singular or Multiple Response Capability)

ENDSTATE: Comprehensive R/R Security & continued Targeted Oversight – Business Continuity Planning.

That said gentlemen - the **Main Mission** of OPL-2017 is to **Save Lives!!**

**d.) In Summation (for now):**

I hope you found this short Brief on **OPL-2017 [R-4]** to have been of interest to you, not only as NJ State Representatives but as men and women, who have a sworn duty and moral responsibility to protect the citizens' of NJ and for that matter, wherein a connection to NJ exists – the Tri-State Area as a whole.

Further - the **OPL [12 Point Plan]** would significantly add, to enhancing any / all existing Transit Systems, with a grounded **Policy & Doctrine**, which in-turn would solidify for First Responders the immediate **(C2) Command & Control** of an "Event Type" at a given R/R location; greatly reduce ever increasing issues,' respective to NJ: City, County and State, Risk Management concerns / insurance costs, & **OPL**, would notably enhance the State's Legal Defense, against multi-million dollar R/R related transportation lawsuits.'

**OPL-TIMELINE: The build-out of the above OPL-CONP is "presently underway" and I have targeted a time of NLT this March / April 2017 (given Holidays) for the completion of the [Prototype System] as described, within my - Twelve Point Plan for a trial demonstration of its capabilities at a time & Rail location, yet TBD.**

Leaders' - I seek no financial support nor favor from any State / local Agency, but only the chance to prove **OPL**, worthy of consideration and implementation to directly "protect & support" Our State's – Rail Systems.'

**Out-Front:** I look forward to speaking with you further on this and some other CONOPS,' I have sought to develop throughout the years,' - if you'd be interested:

- **Operation Alert & Defend:** (Internal / External - Departmental & Bi-State Comm. Planning)
- **Operation P-F-E-O / M:** (Police-Fire-EMS-OEM / Military - Joint Operational Planning)
- **Operation Rolling Thunder:** (Radio Communications Planning)
- **Operation Re-Vamp:** (Unit Re-alignment Planning)
- **Operation CONEX:** (Facility / Transportation Extrication Systems & Logistical Support Planning)
- **Operation Center-Mass:** (Uniformed - Departmental / Centralization Planning)
- **Operation Airlift:** (Joint-County & Regional Response to Environmental Disasters)
- **Operation Enduring Legacy:** (Post 9-11 Care for PAPD / WTC Responders)

Respectfully,

*Karl J. Olszewski*

Karl J. Olszewski

**\*\*9-11 NEVER FORGET 9-11\*\***

**Retired & Disabled:**

\*Port Authority Police Dept. - PAPD NY/NJ Police Officer / ESU-Emergency Service Unit

\*9-11 WTC: Rescue, Recovery & Post- Recovery: Operations & Logistics Officer

\*U.S Army Combat Veteran - Infantry / Chemical Officer - Afghanistan

Owner: KJO Rapid-Rail-Response & Emergency Preparedness LLC.

NJ Business ID No: 0400-2355-12

D&B No: 079113583

Cell: 201-241-1957

**"The line between disorder and order lies in logistics..."**

**- Sun Tzu**

Sent: Thursday, February 23, 2017 5:58 PM

To: OLSaideSLO; Fletcher, Sarah A.

Cc: Kate Wood

Subject: Written Testimony Submission - Public Hearing on NJ Transit 2/23/17

Thank you for giving commuters the opportunity to provide feedback on a service that many spend hours per day using. I take the train every day from Glen Rock or Clifton to Hoboken, traveling on the Main or Bergen Line. I appreciate having this mass transit option. The conductors on Train 1208 to Hoboken and Train 1225 from Hoboken are very friendly and add a smile to commuter's faces.

Here are five areas that I believe need improvement. Some require investment and time, others simple fixes. All would make a massive difference.

1- Ensure Positive Train Control is in place before or by the December 2018 deadline. It's a shame that it took this long and wrong that it took the death of a person before there was enough attention to get this going. Don't delay further.

2- Similarly, keep the pressure up on moving the Gateway Project forward. Don't let politics put people's lives at risk.

3- Improve communication across the board. More messages over the intercomm on trains. Any communication at stations, particularly Hoboken (I have had whole trains disappear from the board without track ever being called or announcement of cancellation - sent in complaint with online form when that happened). And please put a big track board in Hoboken station waiting area - it is nearly impossible to read the TV unless right in front of it. This causes even more congestion and frustration during rush hour.

4- If the NJ transit website directs people to take a specific train from NY Penn Station to a connection in Secaucus and the train from Penn Station is running a few minutes late, have the connecting train wait for those passengers. This is done occasionally but not consistently.

5- The trains are consistently late. Please study the reasons for delays. Some of it HAS to be capable of prediction. And for the reasons that are not capable of prediction, pad time into the leg from Secaucus to Hoboken or NY Penn and increase the estimated trip time. Assume there will be some delays and just add that to the total trip time. People would rather be pleasantly surprised at being a few minutes early than consistently arriving later than the schedule says.

6- Don't make the conductors check tickets from NY Penn Station to Secaucus. It's almost always incredibly crowded and the conductors can barely squeeze through. Plus in order to exit the Secaucus station, to the parking lot or to a connecting train, you need a ticket! Stop wasting their time.

Thank you for this opportunity to voice our thoughts. I only hope politics and bureaucracy don't trample safety and common sense.

Kate Wood

24x

**NJ Transit Customer**

Bruce DeBon [Bruce.DeBon@kratospss.com]

Sent: Wednesday, February 22, 2017 8:42 AM

To: OLSaideSLO

Since the subject of tonight's meeting is to let "legislators know what New Jersey Transit should do to improve the reliability and safety of its service" I am writing this email. I ride the Pascack Valley line every workday, twice a day. My concern is not so much reliability but I am very concerned about safety. On many occasions the train arrives to my origin at Westwood at least one car short, sometimes two. By the time we reach River Edge NJ Transit passengers are having a hard time finding a seat and by the time we reach New Bridge Landing all passengers are forced to stand in the aisle. With four stops to go before we reach Secaucus the train is packed and those forced to stand in the aisle cannot even move. On many occasions the conductors stop collecting fares as they cannot move through the aisle. This also causes a severe safety condition in the event passengers had to be evacuated from the train or get thrown around when the train brakes hard or goes around a curve at a high speed. This causes a concern for everyone riding in these conditions. I am simply requesting NJ Transit to be proactive in sending out trains with the proper number of cars from its origin. All too many times we hear about bureaucracies only concerning themselves with safety reactively after something bad happens. I truly believe this is a matter of safety.

Regards,

Bruce L. DeBon  
Managing Director  
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17 Battery Place  
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(O) 212 240 9500  
(M) 201 522 8377

**Fletcher, Sarah A.**

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**From:** devonpro@gmail.com  
**Sent:** Tuesday, February 21, 2017 4:44 PM  
**To:** Fletcher, Sarah A.  
**Subject:** Joint a Public Hearing

Would insist NJT repair the escalators at Secaucus Junction

One lower level escalator - Track E/F has been out for over two months.

This is inexcusable.

John Popolizio  
201 889 6722

o/x