

Jon S. Corzine
Governor

Kris Kolluri, Esq.
Board Chairman

George D. Warrington
Executive Director

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



April 14, 2006

Dear Governor Corzine:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the regularly scheduled meetings of the New Jersey Transit Corporation, NJ Transit Rail Operations, Inc., NJ Transit Bus Operations, Inc., and NJ Transit Mercer, Inc. Board of Directors held on Wednesday, April 12, 2006.

Sincerely,



Gwen A. Watson
Board Secretary

Enclosures

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

(NJ BOARD (04/12/06))

Minutes of the actions taken at the Open Session of the regularly scheduled Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Wednesday, April 12, 2006.

Present:

Kris Kolluri, Chairman
Myron P. Shevell, Vice Chairman
A. Matthew Boxer, Governor's Representative
Michael Lihvarcik, Treasurer's Representative
Kenneth E. Pringle
Flora Castillo
Patrick W. Parkinson

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

Chairman Kris Kolluri convened the Open Session at 9:10 am in accordance with the Open Public Meetings Act and asked for a motion to enter Executive Session to discuss litigation matters and contract negotiations. A motion was made by Myron P. Shevell, seconded by Patrick W. Parkinson and unanimously adopted.

Chairman Kris Kolluri reconvened the Open Session at 10:00 am and asked for a motion to adopt the minutes of the March 2, 2006 meeting. A motion was made by Myron P. Shevell, seconded by Flora Castillo and unanimously adopted.

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

Executive Director Warrington said an item before the Board today advances a critical component of the overall plan to expand trans-Hudson capacity and improve the commute to Manhattan. He said every day, more than 43,000 New Jersey commuters travel in and out of Midtown Manhattan during the morning peak period on the Northeast Corridor and NJ TRANSIT has reached its practical capacity limit in Penn

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Station New York. Over the next 10 to 20 years forecasted peak period demand to Midtown Manhattan will more than double and swell to 86,000 people daily.

Executive Director Warrington said Governor Corzine and this Board have made preparing for that demand a top priority and, accordingly, NJ TRANSIT is continuing to advance the critical components of the Access to the Region's Core (ARC) program. The centerpiece of that program, THE Tunnel Project, is moving forward with preliminary engineering, as well as public hearings on the Draft Environmental Impact Statement this summer.

He said together with the Port Authority, and the Board of Directors' approval today, NJ TRANSIT will begin ARC's early action items, which include creating a new concourse to connect to the Moynihan Station and Long Island Railroad's Eighth Avenue Concourse, and extending platforms serving tracks 1 through 4 under the existing Penn Station to accommodate more and longer trains. The extended platforms offer more, better and faster vertical access to and from platforms and trains, and enable the operation of three to four more trains per hour when completed. He said that improved flow and street access lays the foundation for NJ TRANSIT's role as the anchor tenant in the new station, which is part of the Farley Post Office Building redevelopment project.

Executive Director Warrington said that as the primary tenant, NJ TRANSIT would occupy 35,000 square feet of exclusive space, with substantially improved and faster access to and from the facility utilizing the extended platforms that currently serve Penn Station on the opposite side of Eighth Avenue.

He said becoming the anchor rail tenant will ensure that customers benefit from expanded customer service, retail and restaurant amenities and, most importantly, relief from overcrowding on platforms in the current Penn Station, which is the busiest rail terminal in North America.

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

Executive Director Warrington was pleased that, together with regional partners, NJ TRANSIT would advance improvements to benefit commuters, the economy and the regional mobility.

He said while NJ TRANSIT works to advance THE Tunnel and improve customers' experience at the current Penn Station, it will provide additional near-term capacity later this year with the introduction of the first multi-level rail cars.

Executive Director Warrington said that NJ TRANSIT and Bombardier have four cars at the Federal Railroad's national test track (TTCI) in Pueblo, Colorado, undergoing

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extensive dynamic testing. The cars have logged nearly 6,000 miles each, with a goal of 7,500 miles before leaving the facility, while every aspect of the cars' performance is being monitored, from the braking systems, door operations, and revenue service simulation, to instrumented wheel/truck set testing.

Executive Director Warrington said Richard Sarles and his staff, as well as members of the Brotherhood of Locomotive Engineers (BLE) have been to Pueblo to get a first hand look at the vehicles. The BLE has been instrumental throughout this process and they were able to provide valuable input while in Colorado, particularly in the area of cab layout. He said that all reports so far indicate that the cars are performing well under the test track conditions. Testing across NJ TRANSIT's railroad system within the next month through the summer will follow this testing. The cars will undergo a thorough evaluation and an extensive shakedown with plans for final acceptance and placement into revenue service later this year.

Executive Director Warrington said while the tunnel project and the multi-level cars will aid NJ TRANSIT in responding to demand over the long-to-mid-term, it will continue to adjust consist assignments on the 700-plus daily trains to respond to demand, and to make sure it is utilizing to the greatest extent possible, car length to passenger demand. He said later this month NJ TRANSIT would add two cars to four afternoon peak trains from New York on the Northeast Corridor to make a few more seats available. NJ TRANSIT is also redistributing cars from select trains on other lines, which allows it to better match ridership trends and address overcrowding on specific trains.

Executive Director Warrington said that at last month's meeting, the Board approved a contract to begin construction on the "passing tracks" near the White House Station, which will enable NJ TRANSIT to provide more service at stations west of Raritan including North Branch, White House, Lebanon, Annandale and High Bridge. He said he expects a ground breaking on the project next month. Currently, NJ TRANSIT has a single-track operation west of Raritan Station, which limits the number of trains operated between Raritan and High Bridge. As a result of the new passing track, coupled with utilization of existing equipment and crews, NJ TRANSIT will be able to extend service west of Raritan and provide eight additional trains during weekdays for west-of-Raritan customers, including two new morning peak period departures from High Bridge. He said in order to continue to move this project forward, there is an item before the Board today to purchase track turnouts and crossovers allowing trains to move from one track to another.

Executive Director Warrington said that the Hudson-Bergen Light Rail (HBLR) continues to write its own success story, both in terms of serving as an engine for economic development along the alignment and achieving steady growth in ridership. The HBLR provides more than 29,000 passenger trips on an average weekday.

The Bergenline Avenue and Tonnelle Avenue stations, the newest on the line, have become very popular for residents in Union City and North Bergen since they opened on February 25.

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Prior to the opening of the new stations, the light rail system was averaging 23,400 weekday passenger trips. Since their opening, ridership has reached an average of 29,234 which is an increase of nearly 6,000 trips per day, almost 25 percent.

Weekend gains in ridership have been even more impressive. Saturdays have averaged 14,350 trips, up from 9,400, an increase of more than 50 percent, while Sundays have averaged 12,600 trips, up from 7,300, an increase of more than 70 percent.

Executive Director Warrington believes that most of the increase in trips on the system can be directly attributed to the opening of Bergenline and Tonnelles Avenue stations. The most recent passenger counts show weekday boardings at 522 at Tonnelles Avenue and 1,165 at Bergenline Avenue. The majority of Bergenline and Tonnelles Avenue station customers are destined to downtown Jersey City stations including Newport, Harsimus, Harborside and Exchange Place, where passenger boardings have increased by nearly 22 percent. To encourage customers to try Tonnelles Avenue Station, NJ TRANSIT is offering free parking at the 730-space park-and-ride through next month.

Executive Director Warrington said the Board approved the engineering, replacement and rehabilitation of the oldest cars in the fleet. Recognizing this is a multi-year process and that many of the cars are looking their age, NJ TRANSIT recently elected to make some low-cost, high-impact improvements to the cars' interiors.

With respect to the Comet I cars, which are nearly 35-years-old, the team at the Meadows Maintenance Complex (MMC) is replacing every light in every car and cleaning every light fixture, as well as cleaning and treating every seat with Armour All to make the interiors of the cars brighter and more attractive.

By the end of this year, NJ TRANSIT also plans to replace the seats on the Comet cars. Once this work is done, over the next several months or so, NJ TRANSIT will begin work on the 30-year-old Arrow III equipment.

Executive Director Warrington said NJ TRANSIT has worked hard over the last several years to increase the number of daily trains by placing quicker turns on the equipment. That means that NJ TRANSIT has less time at terminals to clean them. As part of the effort to improve the attractiveness of the fleet, NJ TRANSIT will ask customers for a little help by reminding them to take their cups and newspapers when leaving trains. To accommodate that request, NJ TRANSIT installed more receptacles and recycling bins in Newark, Hoboken and in New York. As part of the reminder, NJ TRANSIT designed a poster to go on board trains.

No Advisory Committee report was presented at this meeting.

There were no public comments on agenda items.

Executive Director Warrington presented the following Action Items for approval:

**0604-17: PENN STATION NEW YORK – 8TH AVENUE CONCOURSE:
ENGINEERING DESIGN**

Authorization is requested to continue the momentum for NJ TRANSIT to occupy the new Moynihan Station on Eighth Avenue in New York City as the lead tenant. Among the capacity improvements, the existing Penn Station augments both the Moynihan Station and Trans Hudson Express Tunnel projects, to lengthen tracks 1 through 4 and to connect these and other platforms on the south half of the station to a new concourse with access to Moynihan Station. This will allow longer, speedier and more frequent train movement through the station, and faster customer access and egress from trains and platforms to the street. Authorization is requested to amend an existing contract with Transit Link Consultants, A joint venture of Parsons Brinckerhoff and Systra Consulting, for preliminary design of this extension program to the 8th Avenue Concourse and the Moynihan Station in an amount not to exceed \$5,303,635 plus five percent for contingencies.

Myron P. Shevell moved the resolution, Patrick W. Parkinson seconded it and it was unanimously adopted.

**0604-18: MORGAN DRAWBRIDGE OVER CHEESEQUAKE
CREEK, SAYREVILLE, NJ: REHABILITATION OF THE
ROLLING GIRDERS**

The Morgan Drawbridge over Cheesequake Creek in Sayreville carries 74 weekday passenger trains. The bridge was built in 1912 and is in need of superstructure and substructure repairs to correct cracks, corrosion, concrete spalls and bearing deterioration. Authorization is requested to contract with Kiska Construction Inc. to rehabilitate the mechanism for opening and closing the drawbridge and other structural improvements, to ensure the continued service life for another 94 years. The contract cost will not exceed \$4,712,000 plus five percent for contingencies.

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

0604-19: MOUNT ARLINGTON STATION: CONSTRUCTION CONTRACT AWARD

In 2003, the New Jersey Department of Transportation (NJDOT) constructed a 228 car bus park ride and carpool lot at the Howard Boulevard Interchange of Route 80 in Mount Arlington, in anticipation of eventual rail service from that location. A new station is proposed on the

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Montclair Boonton Line in Mount Arlington which will divert traffic from the congested I-80 corridor and will also create an opportunity for a future transit village. Congressman Rodney Frelinghuysen secured a federal earmark for the project and NJ TRANSIT envisions two high level platforms with canopies, heated waiting shelters and windscreens. There will be a pedestrian underpass, a new elevator and the station will be fully accessible. There will also be a gain of 57 spaces in the parking lot. Authorization is requested to contract with Terminal Construction Corporation to build this new station at a cost not to exceed \$12,180,000 plus five percent for contingencies.

Patrick W. Parkinson moved the resolution, Flora Castillo seconded it and it was unanimously adopted.

0604-20: AMENDED BOARD ITEM #0510-94 ACCESS LINK SERVICE PROVIDER CONTRACT FOR REGIONS 5 AND 6, NEW JERSEY: AMENDMENT TO REGION 6

In October 2005, the Board approved Access Link service provider contracts for Regions 5 and 6 to MV Transportation, following a competitive procurement. Region 5, which includes Union, Essex and Hudson counties, was executed first and the contractor experienced startup and performance problems which would be exacerbated by implementing the Region 6 contract. Although MV's performance improved in Region 5, NJ TRANSIT is not confident that it has demonstrated the capability to extend its operation to Region 6 smoothly, which includes Bergen, Hudson and Passaic counties. Authorization is requested to contract with Laidlaw Transit Services to provide Region 6 service for a seven year term with a three year base period and two two-year options at a cost not to exceed \$44,000,000, plus five percent for contingencies.

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

0604-21: TRAIN MANAGEMENT AND CONTROL SYSTEM ANNUAL MAINTENANCE CONTRACT

NJ TRANSIT Rail Operations' Train Management and Control System (TMAC) provides the tools to move trains on 11 rail lines through the dispatcher's direct control of railroad switches and signals. TMAC also provides control for the high voltage electric motive power for electric trains on 194 miles of electrified track. TMAC also provides real-time automated passenger information to 152 rail stations and can remotely control moveable bridges. The manufacturer of this software is ARINC, and NJ TRANSIT holds licenses for use of its software to operate the

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system. ARINC also provides annual maintenance of the system and authorization is requested to enter into a procurement-by-exception for another one-year maintenance contact plus four option years at a cost not to exceed \$1,657,690 plus five percent for contingencies.

Myron P. Shevell moved the resolution, Patrick W. Parkinson seconded it and it was unanimously adopted.

0604-22: MIDDLESEX AND MONMOUTH COUNTY LOCAL BUS SERVICE AND PURCHASE OF TRANSIT BUSES

Contract carriers have historically operated local bus service for Middlesex and Monmouth counties. Authorization is requested for the approval of two four year contracts with one 38 month option period. Middlesex local service consists of 14 routes with an annual ridership of 3.1 million and annual cash fares of \$3.1 million. Additionally, authorization is requested to contract with Academy Express LLC for the initial four year period not to exceed \$23,322,416 plus five percent for contingencies and approval is requested to exercise the 38 month option at a cost not to exceed \$23,627,623.

Monmouth service consists of eight routes with an estimated ridership of 1.5 passengers annually and cash fares of \$1.5 million. Authorization is requested to approve a four-year contract with Connex Transit Inc. for the Monmouth County local bus service, at a cost not to exceed \$16,742,735 plus five percent for contingencies and approval to exercise the option for 38 additional months at a cost not to exceed \$14,757,265.

Additionally, in order to meet anticipated ridership growth, implement schedule adjustments and provide operational flexibility, authorization is requested to purchase up to 13 used transit buses through a procurement by exception with Number 22 Hillside LLC, an affiliate of Academy Express LLC, at a cost not to exceed \$2,220,000. This negotiated cost is reasonable based on original cost, condition and useful life of the buses and the fact that these used buses are 2000-2001 Nova B transit buses that were manufactured to NJ TRANSIT's specifications during the original Nova B bus purchase. This purchase will reduce costs for operator and maintenance training, parts inventory and shop equipment.

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

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Executive Director Warrington presented the following Consent Items for approval:

**0604-23 WHITEHOUSE SIDING ON THE RARITAN VALLEY LINE:
CONTRACT AMENDMENT FOR TRACK MATERIAL
PROCUREMENT**

Authorization to amend the contract (No. 05-0627) with VAE Nortrak of Birmingham, AL for the purchase of track material for the Whitehouse Siding project at a cost not to exceed \$350,000, plus five percent for contingencies for a total contract authorization of \$3,563,104 subject to the availability of funds.

**0604-24 AMENDMENT TO HAMILTON STATION PARKING DECK
GROUND LEASE**

Authorization to (1) to take all necessary actions to amend Lease #L1137-5337-03 with Hamilton Station Park & Ride, LLC, to obligate Hamilton Station Park & Ride LLC to design and build, at a cost not to exceed \$750,000 to be paid from NJ TRANSIT's share of net revenue from the parking deck and pursuant to NJ TRANSIT's approval, an extension of NJ TRANSIT's existing eastbound platform canopy to connect with the Hamilton Station commuter parking deck, and (2) to spend up to \$175,000 from the capital program for force-account work and track outages required for construction of the canopy extension.

0604-25 BANKING SERVICES

Authorization to contract (No. 06-028) with Bank of America to provide banking services for a period of three years with two one-year options at a cost not to exceed \$480,000 plus five percent for contingencies, subject to the availability of funds

**0604-26 REGULATION: ADOPTION OF REGULATION N.J.A.C.
16:73 REDUCED FARE TRANSPORTATION PORGRAM
FOR SENIOR CITIZENS AND PEOPLE WITH
DISABILITIES**

Authorization to take all actions necessary to adopt the regulation, N.J.A.C. 16:73 et seq., Reduced Fare Transportation Program for Senior Citizens and People with Disabilities, consistent with this Board item and exhibits, put the regulation in the appropriate format and take all other

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actions necessary to effectuate the final adoption and promulgation of NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities.

Chairman Kris Kolluri and Board Member Myron P. Shevell recused themselves from voting on Item #0604-25, Banking Services.

Due to the recusals, a motion was made by Kenneth E. Pringle, seconded by Patrick W. Parkinson and adopted, to remove Item #0604-25, Banking Services from the Consent Calendar and to vote on this item separately.

The Consent Calendar, as amended, was moved in its entirety by Kenneth E. Pringle, seconded by Myron P. Shevell and it was unanimously adopted.

Patrick W. Parkinson moved the resolution on Item #0604-25, Banking Services, seconded by Kenneth E. Pringle and it was unanimously adopted.

There were two public comments on non-agenda items.

Marguerite Anne Petrillo commented on the police facilities contract at Newark Penn Station. Ms. Petrillo said her questions have been answered since she received the contract today even though she asked Steve Santoro to mail it to her. Ms. Petrillo said she asked Pete Garino when the work would begin in Newark Penn Station and he told her it begun in January 2006. She said she did not see any work being done.

Al Cafiero, on behalf of Senator Cardinale, said Rose Heck could not attend the Board Meeting because she is attending the Transaction Conference. Mr. Cafiero said he attended a liaison meeting in New York City at the South Street Seaport. He said the meeting should have been near New York Penn Station since it was an inconvenient commute. Mr. Cafiero said a dike would be built around the entrance of the Tunnel and asked how high the dike would be and how much water could it contain. Richard Sarles said during the engineering phase the flood level would be explored but the plan is for it to be able to handle an extreme major storm. Mr. Cafiero asked Mr. Sarles for a copy of a map that Mr. Sarles presented at a meeting recently held to discuss the Northern Branch.

Chairman Kolluri congratulated Board Member Flora Castillo for being recognized as one of the "40 under 40" business executives.

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

The meeting was adjourned at approximately 10:25 am.

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ACTION ITEMS

0604-17 PENN STATION NEW YORK – 8th AVENUE 37235
 CONCOURSE: ENGINEERING DESIGN

Authorization to amend the contract (No. 03-118) with Transit Link Consultants, a Joint Venture of Parsons Brinckerhoff of Newark, NJ and Systra Consulting, Inc. of Bloomfield, NJ for the preliminary design of the extension of the 8th Avenue Concourse and associated capacity enhancements at Penn Station New York and preparation of specifications for long lead items at a cost not to exceed \$5,303,635, plus five percent for contingencies for a total contract authorization of \$27,723,816, subject to the availability of funds.

0604-18 MORGAN DRAWBRIDGE OVER CHEESEQUAKE 37238
 CREEK, SAYREVILLE, NJ: REHABILITATION OF THE
 ROLLING GIRDERS

Authorization to contract (IFB No. 06-054XR) with Kiska Construction Inc. of Long Island City, NY for the Rehabilitation of the Rolling Girders on Morgan Drawbridge over Cheesequake Creek on the North Jersey Coast Line in

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Sayreville, NJ, at a cost not to exceed \$4,712,000, plus five percent for contingencies, subject to the availability of funds.

**0604-19 MOUNT ARLINGTON STATION: CONSTRUCTION 37241
CONTRACT AWARD**

Authorization to contract (No. IFB 06-059X) with Terminal Construction Corporation of Wood-Ridge NJ for the construction of the new Mount Arlington Station and associated improvements at a cost not to exceed \$12,180,000 plus five percent for contingencies, subject to the availability of funds.

**0604-20 AMENDED BOARD ITEM #0510-94 ACCESS LINK 37244
SERVICE PROVIDER CONTRACT FOR REGIONS 5 AND
6, NEW JERSEY: AMENDMENT TO REGION 6**

Authorization to amend the October 12, 2005 Board Item #0510-94 and contract with Laidlaw Transit Services of Overland Park, KS for the continued provision of ADA paratransit service in Region 6, Bergen, Hudson and Passaic counties, at a cost not to exceed \$44,000,000, plus five percent for contingencies for a contract term of seven years with a three-year base period and two two-year options effective June 10, 2006 through June 7, 2013, subject to the availability of funds.

**0604-21 TRAIN MANAGEMENT AND CONTROL SYSTEM 37247
ANNUAL MAINTENANCE CONTRACT**

Authorization to contract on a procurement-by-exception basis with ARINC, Incorporated of Annapolis Maryland to provide services to maintain NJ TRANSIT's Train Management and Control software and associated services for a period of one year plus four option years at a cost not to exceed \$1,657,690 plus five percent for contingencies subject to the availability of funds.

**0604-22 MIDDLESEX AND MONMOUTH COUNTY LOCAL BUS 37250
SERVICE AND PURCHASE OF TRANSIT BUSES**

Authorization to contract with Academy Express, LLC to

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operate Middlesex County local bus service for 45 months, from October 1, 2006 through June 30, 2010, at a cost not to exceed \$23,322,416, plus five percent for contingencies, and authorization to exercise an option to extend this contract for an additional 38 months, in accordance with the RFP and the carrier's proposal, at a cost not to exceed \$23,627,623, plus five percent for contingencies.

Staff also seeks authorization to contract with Connex Transit, Inc. to operate Monmouth County local bus service for 48 months, from July 2, 2006 through June 30, 2010 at a cost not to exceed \$16,742,735, plus five percent for contingencies and authorization to exercise an option to extend this contract for an additional 38 months, in accordance with the RFP and the carrier's proposal, at a cost not to exceed \$14,757,265, plus five percent for contingencies.

Staff also seeks authorization to enter into a procurement-by-exception contract with Number 22 Hillside, LLC, an affiliate of Academy Express, LLC, for the purchase of up to 13 used transit buses at a cost not to exceed \$2,220,000.

CONSENT CALENDAR

**0604-23 WHITEHOUSE SIDING ON THE RARITAN VALLEY LINE: 37257
CONTRACT AMENDMENT FOR TRACK MATERIAL
PROCUREMENT**

Authorization to amend the contract (No. 05-0627) with VAE Nortrak of Birmingham, AL for the purchase of track material for the Whitehouse Siding project at a cost not to exceed \$350,000, plus five percent for contingencies for a total contract authorization of \$3,563,104 subject to the availability of funds.

**0604-24 AMENDMENT TO HAMILTON STATION PARKING DECK 37260
GROUND LEASE**

Authorization to (1) to take all necessary actions to amend Lease #L1137-5337-03 with Hamilton Station Park & Ride, LLC, to obligate Hamilton Station Park & Ride LLC to

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design and build -- at a cost not to exceed \$750,000 to be paid from NJ TRANSIT's share of net revenue from the parking deck and pursuant to NJ TRANSIT's approval -- an extension of NJ TRANSIT's existing eastbound platform canopy to connect with the Hamilton Station commuter parking deck, and (2) to spend up to \$175,000 from the capital program for force-account work and track outages required for construction of the canopy extension.

0604-25 BANKING SERVICES 37263

Authorization to contract (No. 06-028) with Bank of America to provide banking services for a period of three years with two one-year options at a cost not to exceed \$480,000 plus five percent for contingencies, subject to the availability of funds.

0604-26 REGULATION: ADOPTION OF REGULATION N.J.A.C. 16:73 REDUCED FARE TRANSPORTATION PROGRAM FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES 37265

Authorization to take all actions necessary to adopt the regulation, N.J.A.C. 16:73 et seq., Reduced Fare Transportation Program for Senior Citizens and People with Disabilities, consistent with this Board item and exhibits, put the regulation in the appropriate format and take all other actions necessary to effectuate the final adoption and promulgation of NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

EXECUTIVE SESSION AUTHORIZATION

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

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

APPROVAL OF MINUTES

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

WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the March 2, 2006 Board meeting of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc. and NJ TRANSIT Mercer, Inc. were forwarded to the Governor on March 7, 2006;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the March 2, 2006 New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc. and NJ TRANSIT Mercer, Inc. Board of Directors' meetings are hereby approved.


Jon S. Corzine
Governor

Kris Kolluri, Esq.
Board Chairman

George D. Warrington
Executive Director

NJ TRANSIT
One Penn Plaza East
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973-491-7000



TO: BOARD OF DIRECTORS
FROM: GEORGE D. WARRINGTON 
DATE: APRIL 12, 2006
SUBJECT: EXECUTIVE DIRECTOR'S REPORT – APRIL 2006

Today the Board will consider approval for an item that will advance a critical component of our overall plan to expand trans-Hudson capacity and improve the commute to Manhattan for our customers. We are continuing to advance the critical components of the Access to the Region's Core program, with the centerpiece—THE Tunnel Project—moving forward with preliminary engineering, as well as public hearings on the Draft Environmental Impact Statement this summer.

The Board's approval will allow us to begin ARC's early action items, which include creating a new concourse to connect to the Moynihan Station and Long Island Railroad's 8th Avenue Concourse, and extending platforms serving tracks one through four under the existing Penn Station to accommodate more and longer trains. The project is a key component of NJ TRANSIT's plans for Moynihan Station and expanded rail service, helping to provide our customers with a vital and effective commuter gateway into Manhattan, complementing both the existing Penn Station and the proposed 34th Street Station that is part of THE Tunnel project.

While we work to advance THE Tunnel and improve our customers' experience at the current Penn Station, we will provide additional near-term capacity later this year with the introduction of our first multi-level rail cars. NJ TRANSIT and Bombardier currently have four cars at the Federal Railroad's national test track (TTCI) in Pueblo, Colorado, undergoing extensive dynamic testing to monitor every aspect of the cars' performance. This testing will be followed by testing across our railroad system through the summer and a thorough evaluation, with plans for final acceptance and placement into revenue service later this year.

Meanwhile, we continue to manipulate equipment and adjust rail schedules to respond to immediate demand, making sure we are linking to the greatest extent possible train length to passenger demand. Later this month we are adding two cars to four afternoon peak trains out of New York on the Northeast Corridor, as well as redistributing cars from select trains on other lines to better match ridership trends and address demand on specific trains.

Last month the Board approved a contract to begin construction on "passing tracks" near the White House Station, which will enable us to provide more service at stations west of Raritan, including North Branch, White House, Lebanon, Annandale and High Bridge. To continue to move this project forward, today the Board will consider an item to purchase track turnouts and crossovers—which allow trains to move from one track to another. We expect to break ground on the project next month.

In an effort to make immediate improvements for rail customers, we recently elected to make some low-cost, high-impact improvements to the interiors of the oldest cars in our fleet, recognizing that the Board-approved engineering, replacement and rehabilitation of these cars is a multi-year process. These improvements include replacing lights, cleaning light fixtures, cleaning and treating rail seats, and ultimately replacing seats by the end of this year.

EXECUTIVE DIRECTOR'S MONTHLY REPORT APRIL 2006

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

HIGHLIGHTS

Raritan Valley Line improvements approved by NJ TRANSIT Board

Customers on the Raritan Valley Line (RVL) will soon enjoy more service and easier transfers at Newark Penn Station, thanks to two items approved March 2 by the NJ TRANSIT Board of Directors.

The Board approved construction of a quarter-mile-long passing track in Readington Township near White House Station along the RVL that will enable NJ TRANSIT to increase service by 60 percent at stations west of Raritan, including North Branch, White House, Lebanon, Annandale and High Bridge. Once the passing track is constructed, weekday service west of Raritan Station will increase by eight trains—four in each direction—including two new morning peak-period departures from High Bridge Station, two midday roundtrips and two new evening trains to High Bridge Station.

West of Raritan, the RVL is a single-track railroad, limiting trains to operating in one direction at a time. In the morning, most RVL trains operate east and most evening trains operate west due to the limitations of a single track. The White House passing track will allow trains to pass each other on a short stretch of double track to support bi-directional traffic on the line.

The Board awarded the \$1.54 million civil construction contract to Holmdel-based EE Cruz & Company for right-of-way improvements. The EE Cruz work is expected to be complete by October 2006, when NJ TRANSIT crews will begin installing the track, signals and switches. The total project is expected to cost about \$13 million.

Customers west of Raritan Station can expect to see additional service in mid-2007.

Also March 2, the Board approved the redesign of an interlocking near Newark Penn Station that will enable all RVL trains to use the same platforms as New York-bound trains, providing customers with consistent same-platform transfer opportunities. Currently, many Raritan Valley customers must navigate two sets of stairs and the concourse level to reach New York connecting service. (RVL customers currently enjoy same-platform transfers at Newark Penn Station on weekend, off-peak and selected peak-period arrivals.) RVL customers can expect regular, same-platform transfers by mid-2008.

(NJT Board-4/12/06)

The Board amended its contract with SYSTRA Consulting Inc. of Bloomfield to complete final design for Amtrak's Hudson Interlocking, located on the Northeast Corridor east of Newark Penn Station, for \$525,000.

The Hudson Interlocking project will realign track to increase operating speeds, replace slow-speed interlocking switches and upgrade the existing signal system.

Board approves agreement for Morristown transit-oriented development project

The NJ TRANSIT Board of Directors approved on March 2 the terms of an amended agreement to advance the Morristown Station Transit-Oriented Development project, which is expected to generate incremental ridership while yielding cost savings for the Corporation.

The project will include the construction of 218 residential units, a 780-space parking deck—including 415 spaces designated for commuters—and 8,000 square feet of retail space on property presently owned by NJ TRANSIT and used for commuter parking. The development will increase commuter parking at the site by almost 40 percent, provide retail amenities to commuters, enhance the station area with distinctive housing adjacent to Morristown Station and increase fare-box revenues.

Under the amended agreement, the developer, Rosewood Lafayette Commons LLC, will provide the majority of the funding for the new weather-protected parking facility adjacent to the train station that will help NJ TRANSIT accommodate growing ridership demand. NJ TRANSIT will avoid costs associated with financing the commuter parking that was originally contemplated. In addition, NJ TRANSIT will benefit from fare revenue generated by new riders, as well as a portion of revenue generated when the development is sold or refinanced.

Under the modified terms:

- NJ TRANSIT will sell the property at Lafayette Avenue and Morris Street across from the Morristown rail station to Rosewood.
- Rosewood will construct and contribute at least \$7 million toward the cost of a 780-space parking deck. NJ TRANSIT will contribute \$1.75 million, and Rosewood will be responsible for any additional costs in excess of the estimated \$8.75 million budget. In addition, Rosewood will operate and manage the NJ TRANSIT-approved, interim

commuter-parking plan during the construction period.

- NJ TRANSIT will receive six percent of the gross proceeds from the future sale or refinancing of the entire residential and retail components of the development project.
- NJ TRANSIT will own, operate and retain revenue from 415 designated commuter parking spaces, and will retain all necessary easements on the property for the commuter parking, access for right-of-way maintenance and public access to the station platforms.

Construction of the residential, retail and parking components is expected to begin by early summer.

Morristown Station Roof Rehabilitation

Also March 2, the Board also approved a \$2.3 million contract to DMR Construction Services of River Edge to rehabilitate the roof at Morristown Station, which includes the main building, the shelter house building and the platform canopy. The work, which is expected to begin in the spring, is scheduled to be complete by year's end.

Improvements on the way for Hackensack Bus Terminal

Customers who use the Hackensack Bus Terminal will benefit next year from a renovated facility—equipped with a new waiting area, ADA-compliant restrooms and a modern heating and air conditioning system—as a result of action taken March 2 by NJ TRANSIT's Board of Directors.

The Board approved a \$1.6 million contract with RML Construction of Hasbrouck Heights for the renovation of the Hackensack Bus Terminal that will provide enhanced customer comfort and security.

Constructed in the 1970's, Hackensack Bus Terminal is a significant transportation hub serving approximately 3,400 passengers daily.

NJ TRANSIT worked closely with the City of Hackensack on the scope of the project, which will produce a completely renovated interior space at the facility by reconfiguring the passenger waiting area and concession space. In addition, the terminal will receive ADA-compliant restrooms, new lighting, security upgrades and a modern heating and air conditioning system.

Exterior improvements will be performed as well, including the replacement of the building roof and facade.

Construction is expected to begin this spring with anticipated completion in summer 2007. A temporary passenger boarding and discharging area will be in place for the duration of the project, as the terminal building will be closed during construction.

Overhead wire testing begins for Newark City Subway extension

NJ TRANSIT reached another milestone of the Newark City Subway extension project on Wednesday, March 15, as newly installed overhead wires that power rail cars were energized for the first time between Newark Penn Station and Broad Street Station.

In advance of the electrification, NJ TRANSIT reminded the public to exercise extreme caution around the subway extension project, which includes tracks that run along McCarter Highway (Route 21) through Atlantic Street to Broad Street Station and through Lombardy Street along Broad Street to Broad Street Station. All overhead wires should be considered live at all times.

NJ TRANSIT has issued the following safety precautions:

- Cross rail tracks only at designated areas such as sidewalk or street crossings.
- Do not use the tracks as a shortcut.
- Do not place foreign objects on the tracks or in the overhead wires.
- Stay away from the overhead wires and support poles.
- Stay away from substations and fences.
- Observe all traffic signals and grade-crossing, protection devices at street intersections.
- Obey all signs.
- Pedestrians, cyclists, and motorists must be careful when approaching intersections crossed by the subway extension.
- Contractors working near the alignment also must make sure to operate cranes and other heavy equipment at least 10 feet away from high voltage lines.

The one-mile subway extension, which is scheduled to open this summer, will connect two of NJ TRANSIT's busiest train stations — Newark Penn Station and Newark Broad Street Station — and support Newark's economic rebirth along the waterfront and Broad Street. The project includes five new stations that will serve the New Jersey Performing Arts Center, Newark Bears & Eagles Riverfront Stadium, The Newark Museum and the Broad Street commercial district.

North Jersey Coast Line service adjustment allows for state-of-good-repair work to key drawbridge

As part of NJ TRANSIT's state-of-good-repair initiative, track components on the Shark River Drawbridge were replaced to improve reliability and service. To allow for this work, North Jersey Coast Line service was modified on Saturday, March 11 and Sunday, March 12, affecting service frequency and boarding locations at stations from Bay Head to Elberon.

Secaucus Junction sets all-time ridership record

St. Patrick's Day proved a busy one for the Frank R. Lautenberg Rail Station at Secaucus Junction—ridership this March 17 reached an all-time record of nearly 13,000 trips. Since the start of Fiscal Year 2006, average weekday ridership at the station has increased by nearly 25 percent. In the same period, average Saturday trips and average Sunday trips have increased by about 30 percent and 25 percent, respectively. The station currently serves a weekday average of approximately 11,000 trips.

NJ TRANSIT partners with American Express

As part of its ongoing effort to generate non-farebox revenue, NJ TRANSIT has partnered with American Express in a one-year, \$150,000 marketing deal that will promote the American Express brand on rail posters, signs, point-of-purchase displays, banners and customer invoices.

In addition, online branding will include NJ TRANSIT's website, www.njtransit.com, as well as the Corporation's secondary sites, RiverLINE.com and MyLightRail.com. NJ TRANSIT will encourage customers to use the American Express card when purchasing monthly passes online through Quik-Tik.

The campaign is expected to launch this month.

CUSTOMER AND COMMUNITY INITIATIVES

Spring bus service adjustments better serve customers

NJ TRANSIT adjusted bus routes on April 8 to better serve customer needs, meet ridership demand and accommodate changing travel conditions. In South Jersey, some routes were modified in response to the closure of the Route 52 Causeway and 9th Street Bridge to buses between Somers Point and Ocean City.

Changes in North Jersey included a simplified route structure in Hudson County following the opening of light rail service at two new stations. The adjustments make more efficient use of equipment and take advantage of the light rail's reliability and convenience.

Starting April 8, three Hudson County bus routes were modified to originate and terminate most of their trips at the new Bergenline Avenue light rail station in Union City. The station features a plaza designed for easy transfers between buses and the light rail system, with dedicated departure locations for each bus route. Three express elevators provide access to the platforms for frequent light rail service to North Bergen, Weehawken, Hoboken, Jersey City and Bayonne.

Under the new route structure, many customers now experience faster trips because the light rail system is not subject to traffic or weather impacts.

In addition, some customers are able to take advantage of cost savings thanks to NJ TRANSIT's fare policy, which enables customers to use their bus passes of two zones or more on the light rail system at no additional charge. For example, a customer who previously commuted on the 181 bus from Hoboken Terminal to the George Washington Bridge Bus Terminal paid \$111 for a four-zone monthly pass. With the service changes, the customer may now take light rail from Hoboken Terminal to Bergenline Avenue Station, where the 181 bus originates. Because the Bergenline-GWB trip is only two zones, the customer can purchase a \$71 bus pass (saving \$40 per month) and may use that pass on the light rail at no additional charge. (The travel time is the same, even allowing nine minutes for the transfer at Bergenline Avenue Station.)

As a result of the modified route structure, some customers now have a new bus route serving their stop, and some customers now transfer between bus and light rail or between two bus routes for certain trips.

The April 8 bus route changes provide more reliable service to thousands of North Jersey customers. As part of an extensive outreach program, NJ TRANSIT communicated the changes through its website, customer information seat drops, new schedules, customer forums and posters on-board buses and at boarding locations to minimize inconvenience during the transition.

Public, private agencies offer 'on-the-spot' purchasing at procurement fair, a first for small business owners

Several private and public entities – including NJ TRANSIT – will offer on-the-spot purchasing opportunities for small, minority and women-owned businesses at the upcoming NJ Competitive Purchases "Avenues of Opportunity For Small Businesses" procurement fair. The event will be held on Wednesday, April 12 from 8:30 a.m. to 2 p.m. at the Robert Meyner Reception Center, part of the PNC Arts Center, in Holmdel.

Attendees will be able to submit price quotes on products and services, ranging from janitorial supplies to printing services. To submit quotes, firms must have one of the following credentials: a Small Business Enterprise (SBE) registration, a Disadvantaged Business Enterprise (DBE) certification, or a Minority/Women Business Enterprise (M/WBE) certification.

The following eight sponsors will provide purchasing opportunities at the event:

NJ TRANSIT, New Jersey Sports & Exposition Authority, The Port Authority of N.Y. & N.J., South Jersey Transportation Authority, Delaware River Port Authority, Rutgers – The State University of New Jersey, New Jersey Turnpike Authority and the Delaware River Joint Toll Bridge Commission.

Six other sponsors will be on hand to provide information: N.J. Department of Transportation, Newark Public Schools, County of Essex, New Jersey Small Business Development Centers, New York & New Jersey Minority Supplier Development Council Inc., and New Jersey Commerce, Economic Growth & Tourism Commission, which will be available to provide on-site registration to small businesses.

NJ TRANSIT operates extra buses for St. Patrick's Day Parade in NYC

NJ TRANSIT operated extra bus service to the Port Authority Bus Terminal (PABT) on Friday, March 17 to accommodate customers attending New York City's St. Patrick's Day Parade. The

extra PABT-bound service was offered on selected routes between 9:30 a.m. and 10:45 a.m. Additional return trips were offered throughout the afternoon, based on passenger demand.

EMPLOYEE RECOGNITION

Nine employees honored at Women's History Month celebration

Nine employees received merit awards on March 31 at headquarters during the Women's History Month celebration, which was sponsored by NJ TRANSIT and the Conference of Minority Transportation Officials (COMTO).

Board member Flora Castillo served as moderator of the interactive roundtable discussion, "Working Women: Challenges and Strategies for Success." The panelists included Camille Crichton-Sumners, manager, Bureau of Research and Demonstration (NJDOT); Sonia Illescas, senior director of Strategic Staffing; Rosalyn West, acting director of Labor Relations; Cherie Fernandez, lead signal maintainer; and Elaine Donadio, police officer.

The award winners included:

- **Phyllis Calabrese** (Administration): Phyllis called NJ TRANSIT Police and helped a female customer who was being harassed by an intoxicated male in Newark Penn Station.
- **Mary McGeady** (Administration): Mary is part of the Ambassador Program for the Hudson-Bergen Light Rail, who is often one of the first to respond to a service incident.
- **Marie Sotiriou** (Administration): Marie provided exceptional customer service as an ERT member in Fiscal Year 2006.
- **Doris Bowers** (Bus Operations): Doris holds the Northern Division together; she always knows who to call when the field needs help.
- **Rene Leggett** (Bus Operations): Rene was extremely helpful in training other clerks and foreman in Aura Payroll System and other office duties.
- **Beatrice Richardson** (Bus Operations): Beatrice is a magnet for other operators as she helps spread the word on important safety topics.
- **Lorna Day** (Rail Operations): Lorna was the first women to be employed by Conrail Eastern Division as a signal maintainer; her skills in electronics and signal maintenance have led her to a manager's position.
- **Pat Canfield** (Rail Operations): Pat is responsible for direct supervision of student engineers participating in NJ TRANSIT Locomotive Engineer Training Program; under her guidance, 127 students have been promoted to a Locomotive Engineer.
- **Milena Orland** (Rail Operations): Milena has an excellent working-knowledge of various types of NJ TRANSIT equipment; she works closely with mechanics of all crafts as she learned about the intricacies of the main engine.

NJ TRANSIT Police hosts Hazmat drill

On Wednesday, March 15, NJ TRANSIT Police hosted a Hazmat drill at the Meadows Maintenance Complex for the New Jersey National Guard 21st Civil Support Unit. Based out of Fort Dix, this unit is currently working toward becoming a full-time weapons of mass destruction response unit with responsibilities that include working in or around New Jersey's transportation system.

The NJTPD Hazmat Team participated in the drill to help familiarize the National Guard 21st Civil Support Unit with NJ TRANSIT's rail and bus equipment. NJ TRANSIT provided three train cars and one bus for the drill, which allowed the NJTPD to simulate the release of a chemical substance in a true-to-life setting.

The drill provided an important opportunity for the 18 members of NJTPD's Hazmat Team and the 16 members of the National Guard 21st Civil Support Unit to meet one another and coordinate on potential response strategies.

Four NJ TRANSIT Police Officers graduate from academy

NJ TRANSIT Police Officers Stephen McGee, Felix Osorio, David Vazquez and Daniel Whartnaby graduated from Essex County College Police Academy on Tuesday, March 14.

NJ TRANSIT employees bid farewell after outstanding careers

Twenty-six NJ TRANSIT employees retired in March with careers ranging from 10 to 40 years of service:

1. Stanley P. Liszewski (Clementon) Washington Township Garage Mechanic – 40 years
2. Bernest R. Davis (East Orange) Hilton Garage Bus Operator – 39 years
3. Wilbur F. Hancock. (Jersey City) Meadowlands Garage Serviceman – 38 years
4. Helena B. Vertorano (Kearny) Doremus Avenue Warranty Clerk – 36 years
5. Gordon J. Davenport (Vernon) Wayne Garage Bus Operator – 33 years
6. Albert J. Bonavita, Jr. (Toms River) Central Maintenance Facility Special Mechanic – 32 years
7. Arnold Davis (Willingboro) Newton Avenue Bus Operator – 32 years
8. John E. Drum (Parlin) Central Stores Stock Specialist – 32 years
9. Willie Brown (Newark) Orange Garage Bus Operator – 31 years

10. Glen R. Shaw (Lincoln Park) Hilton Garage Repairman "A" – 31 years
11. Thomas D. Bramante (Erial) Newton Avenue Garage Director of Maintenance – 29 years
12. Luther M. Corson, Jr. (Browns Mill) Hamilton Garage Repairman – 27 years
13. Rustem Kucevic (Lake Hopatcong) Fairview Garage Repairman "A" – 27 years
14. Kenneth A. Wilmot (Glassboro) Washington Township Garage Foreman I – 27 years
15. Howard W. Withers (Kearny) Hilton Garage Maintenance Man "A" – 27 years
16. Clyde W. Edwards (East Orange) Orange Garage Bus Operator – 25 years
17. Aida L. Baez (Union City) Meadowlands Garage Cleaner – 23 years
18. Bernard G. Lynch (Paramus) General Office Building Senior Investigator – 23 years
19. Juan E. Moran (Jersey City) Greenville Garage Bus Operator – 23 years
20. Tyrone Wallace (Jersey City) Fairview Garage Bus Operator – 23 years
21. John T. Daniels (Newark) Orange Garage Cleaner – 21 years
22. James E. Hobbs (Hillside) Orange Garage Repairman "A" – 21 years
23. Loretta T. Sweeney (Bellmawr) Newton Avenue Garage Senior Claims Investigator – 19 years
24. Harry L. Roundtree (Piscataway) Ironbound Garage Bus Operator – 18 years
25. Lelan Porter (Hackensack) Oradell Garage Bus Operator – 16 years
26. Robert S. Dickerson (Newark) Orange Garage Bus Operator – 10 years

DBE/MBE PROGRAM

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

\$155,943,347 in federal funds was awarded during October thru March of FY 06*. Disadvantaged Business Enterprises (DBEs) were awarded \$36,322,190 or 23.3 percent, which includes both race conscious and race neutral awards.

State Funded Contracts

\$246,293,517 in state-funded contract dollars was awarded during July thru March FY 06. ** Of that total, Small Business Enterprises (SBEs) received \$34,971,531 or 14.2 percent. Category 1 SBEs received \$4,563,356 or 1.8 percent. Category 2 SBEs received \$10,769,734 or 4.4 percent. Category 3 SBEs received \$8,124,302 or 3.3 percent. Category 4 SBEs received \$5,923,344 or 2.4 percent. Category 5 SBEs received \$5,590,795 or 2.3 percent. ***

Federal & State Contracts Total

\$402,236,864 in federal and state contract dollars was awarded by NJ TRANSIT during this reporting period. Of that total, \$71,293,721 or 17.7 percent of federal and state contract dollars was won by DBEs and SBEs.

Hudson-Bergen Light Rail Transit System Project

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

*Fiscal year beginning October 1, 2005

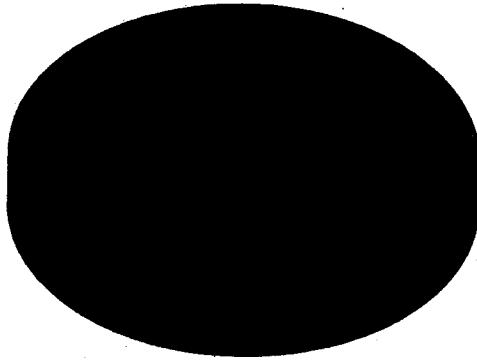
**Fiscal year beginning July 1, 2005

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

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

**DBE PARTICIPATION
FEDERAL CONTRACTS
FEDERAL FYTD (THRU MARCH 2006)**

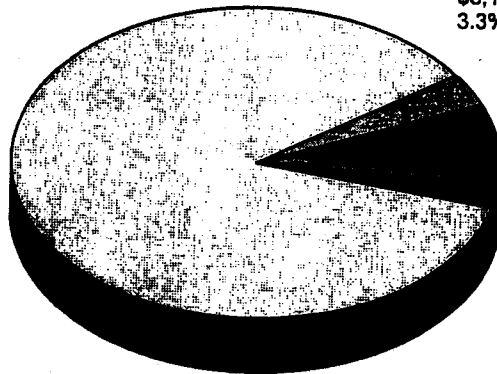
NON-DBE
FEDERAL
\$119,621,157
76.7%



DBE RACE
NEUTRAL &
RACE
CONSCIOUS
\$36,322,190
23.3%

**SBE PARTICIPATION
STATE CONTRACTS
STATE FYTD (THRU MARCH 2006)**

NON-SBE STATE
\$211,321,986
85.8%



SBE-3
\$8,124,302
3.3%

SBE-4
\$5,923,344
2.4%

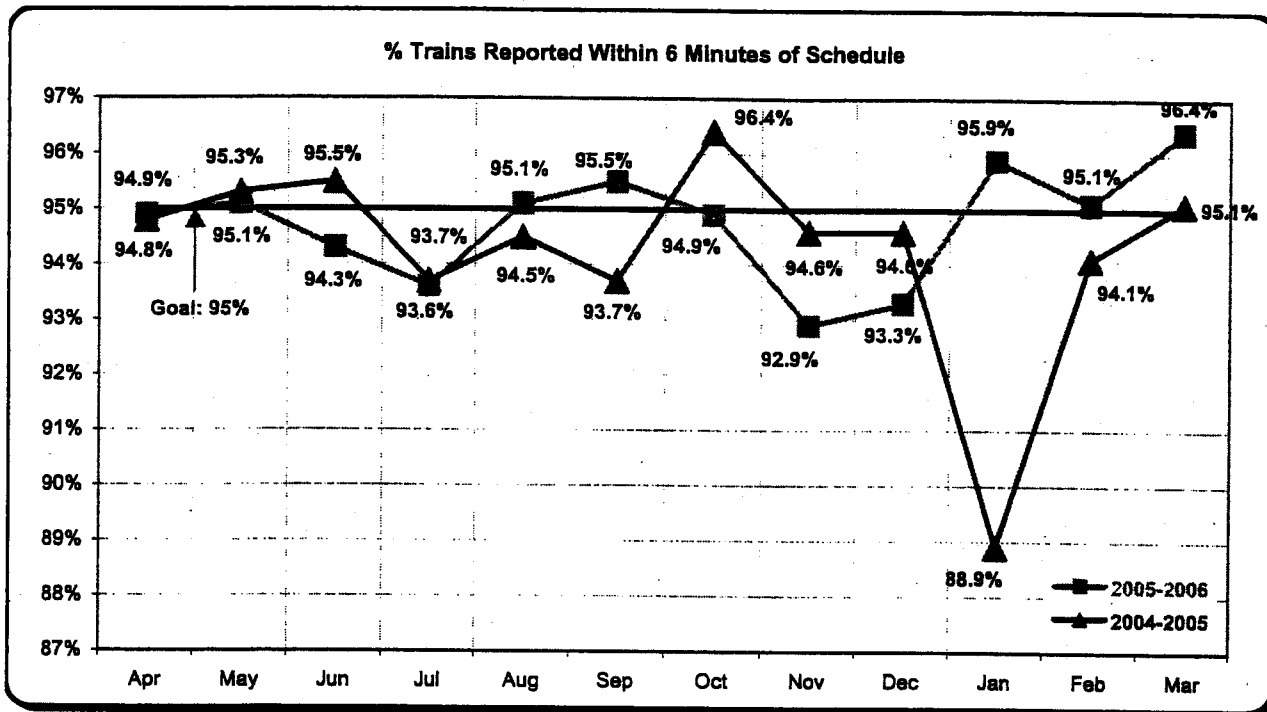
SBE-2
\$10,769,734
4.4%

SBE-1
\$4,563,356
1.8%

SBE-5
5,590,795
2.3%

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL APRIL 2004 - MARCH 2006



	2005	2006	# Change
March Comparison	95.1%	96.4%	1.3%

	2004-2005	2005-2006	# Change
12-Month Average April - March	94.3%	94.8%	0.5%

Analysis:

Systemwide, Rail On-Time Performance for March 2006 was 96.4%, exceeding the goal of 95.0%. Of the 19,730 trains that were scheduled to operate, 19,022 were on time, while 708 trains (or 3.6%) were delayed. Causes of delay included:

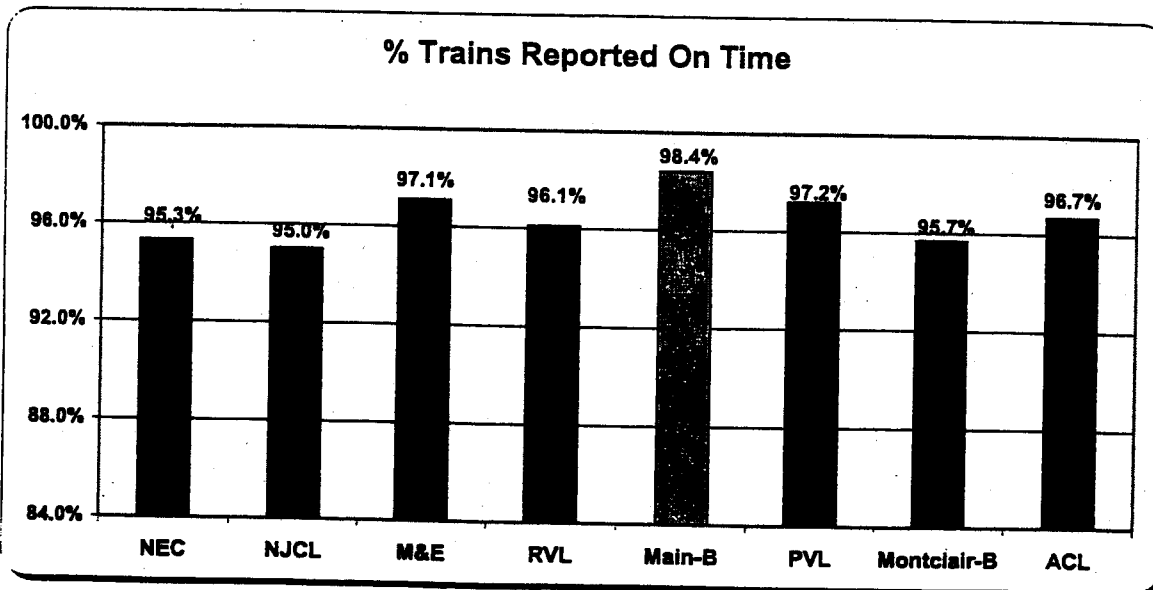
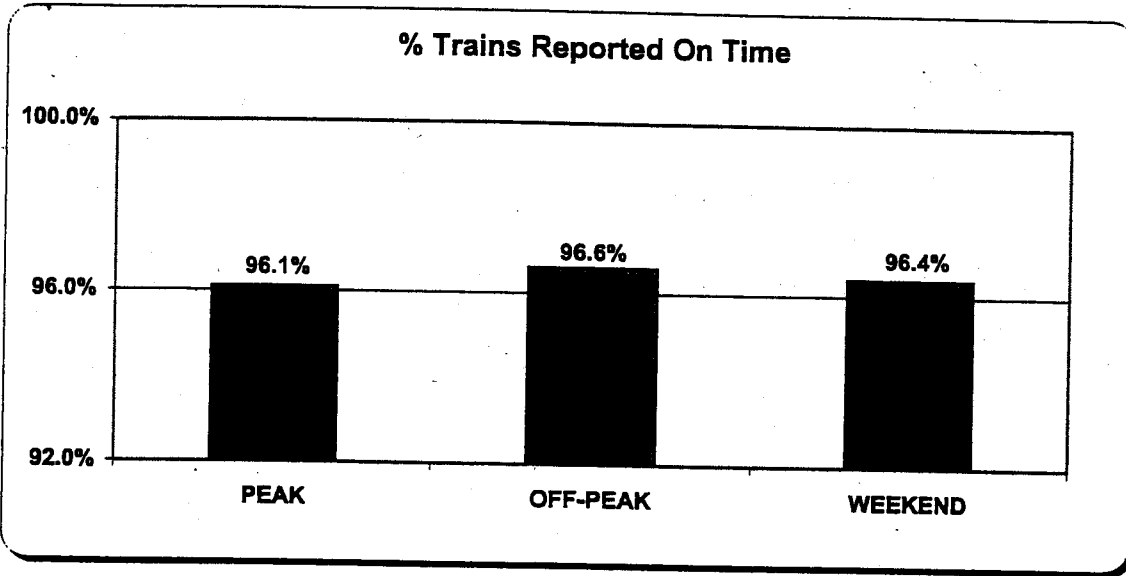
Two separate fatal accidents, one occurring on March 3rd and the second on March 9th;

A brush fire between Newark and Secaucus on March 10th; and

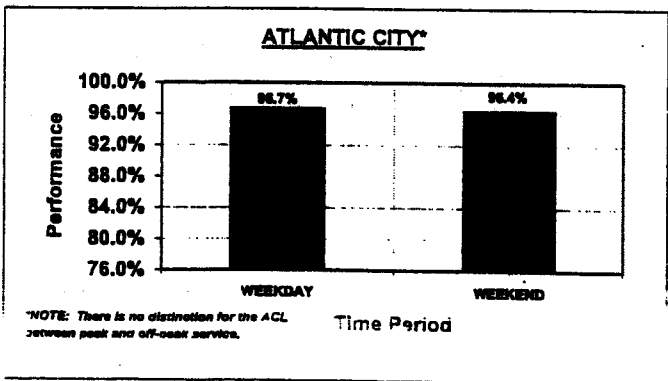
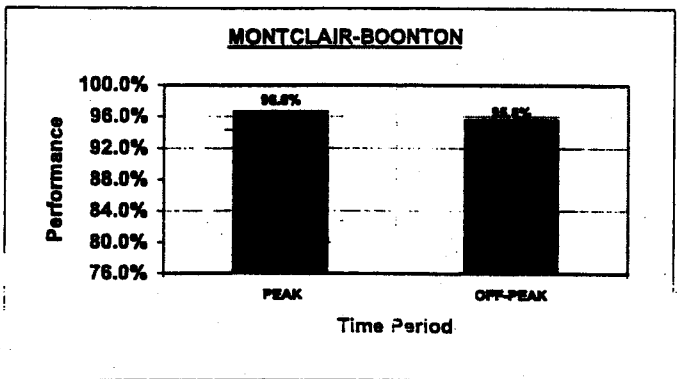
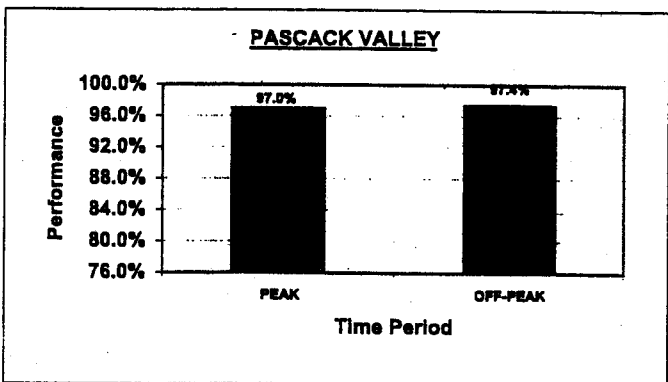
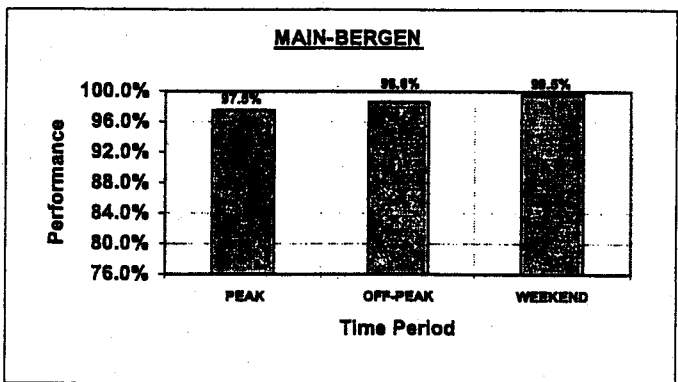
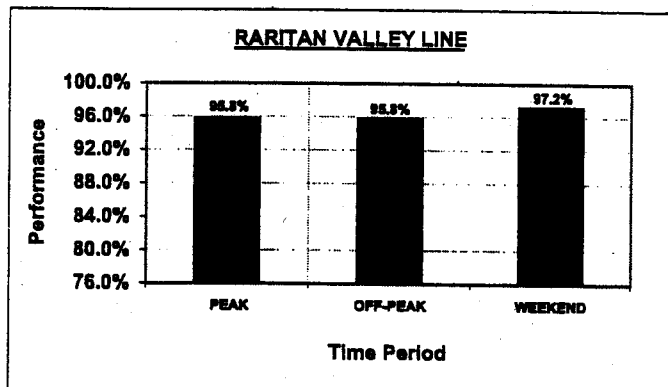
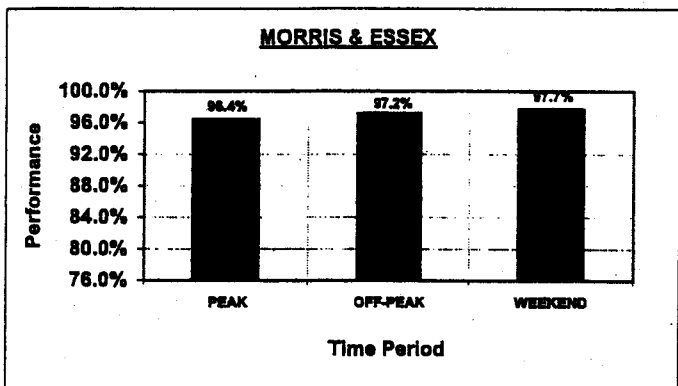
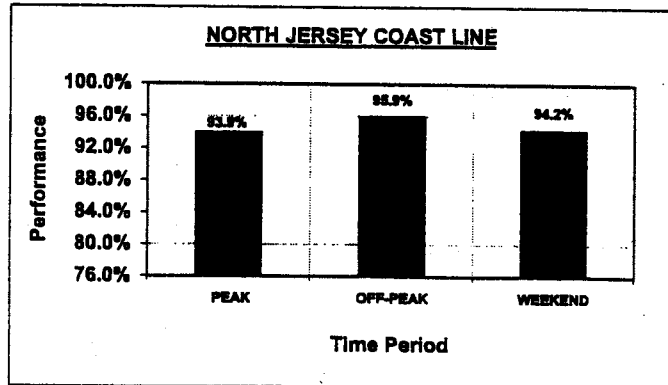
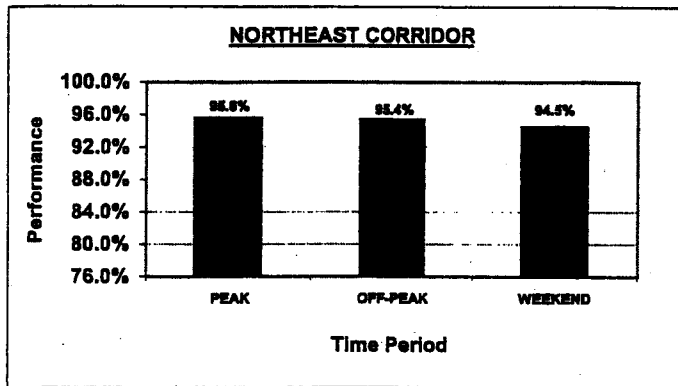
A loss of signal power on the North Jersey Coast Line on March 31st, and an incident on the same day involving a trespasser on the tracks near North Elizabeth.

The 12-month average for Rail On-Time Performance systemwide for April 2005 - March 2006 was 94.8%, above the average for the previous 12-month period.

ON-TIME PERFORMANCE RAIL

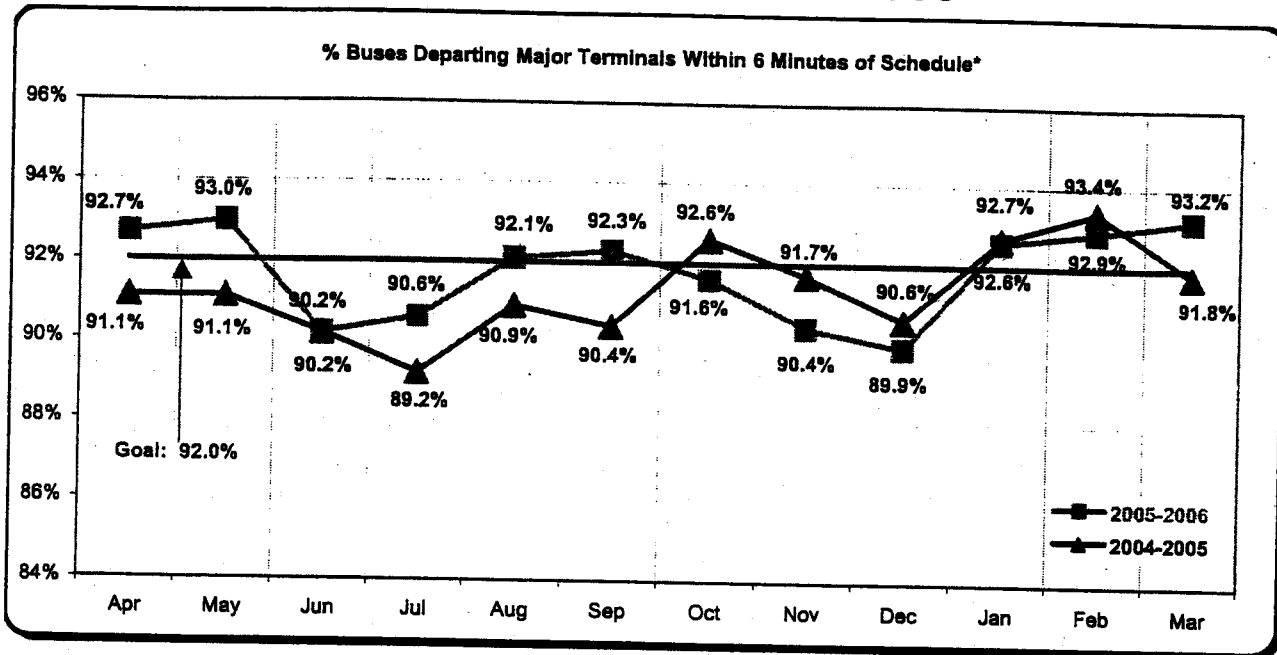


ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD MARCH 2006



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

NJ TRANSIT ON-TIME PERFORMANCE BUS APRIL 2004 - MARCH 2006



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

	2005	2006	# Change
March Comparison	91.8%	93.2%	1.4%

	2004-2005	2005-2006	# Change
12-Month Average April - March	91.3%	91.8%	0.5%

Analysis:

Bus On-Time Performance for March 2006 was 93.2%, exceeding the goal of 92.0%. Of the 33,331 monitored departures, 2,257 (or 6.8%) experienced delays. Key sources of delay included:

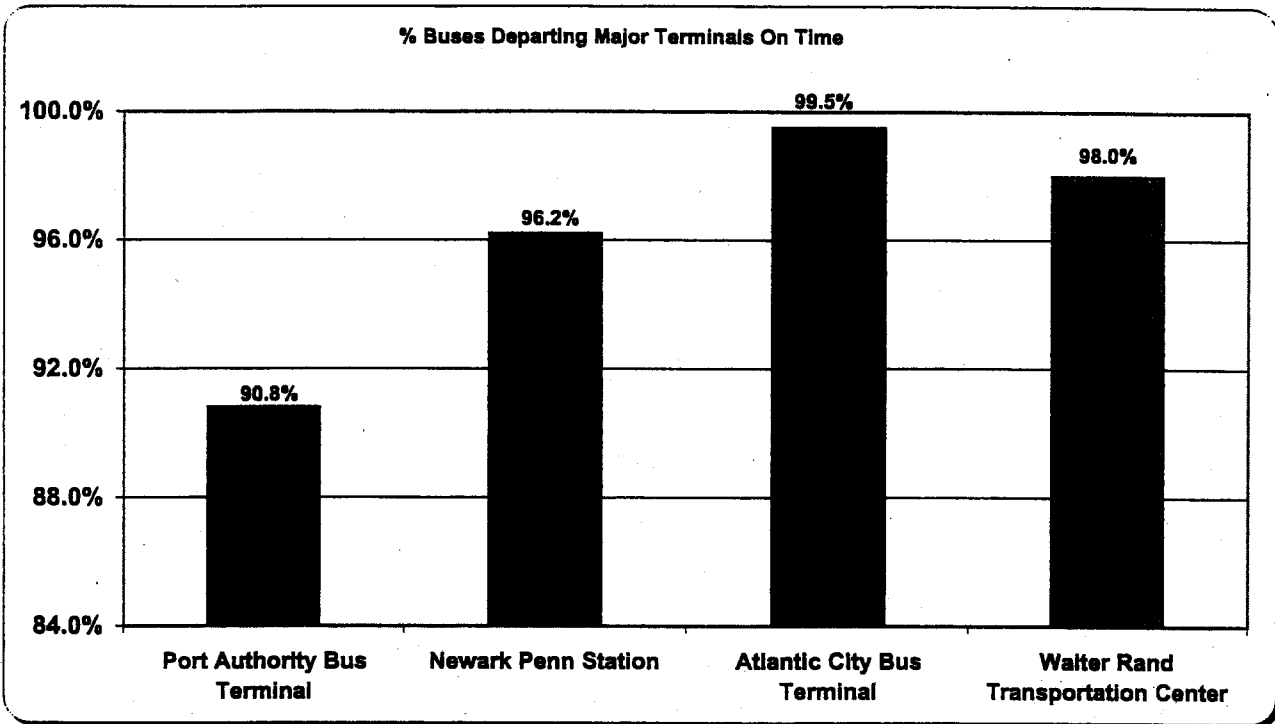
Heavy inbound traffic near the Port Authority Bus Terminal on March 1st;

An accident on the Ben Franklin Bridge near the Walter Rand Transportation Center during the morning rush hour on March 1st, and another accident on the Ben Franklin Bridge during the evening rush hour on March 17th; and

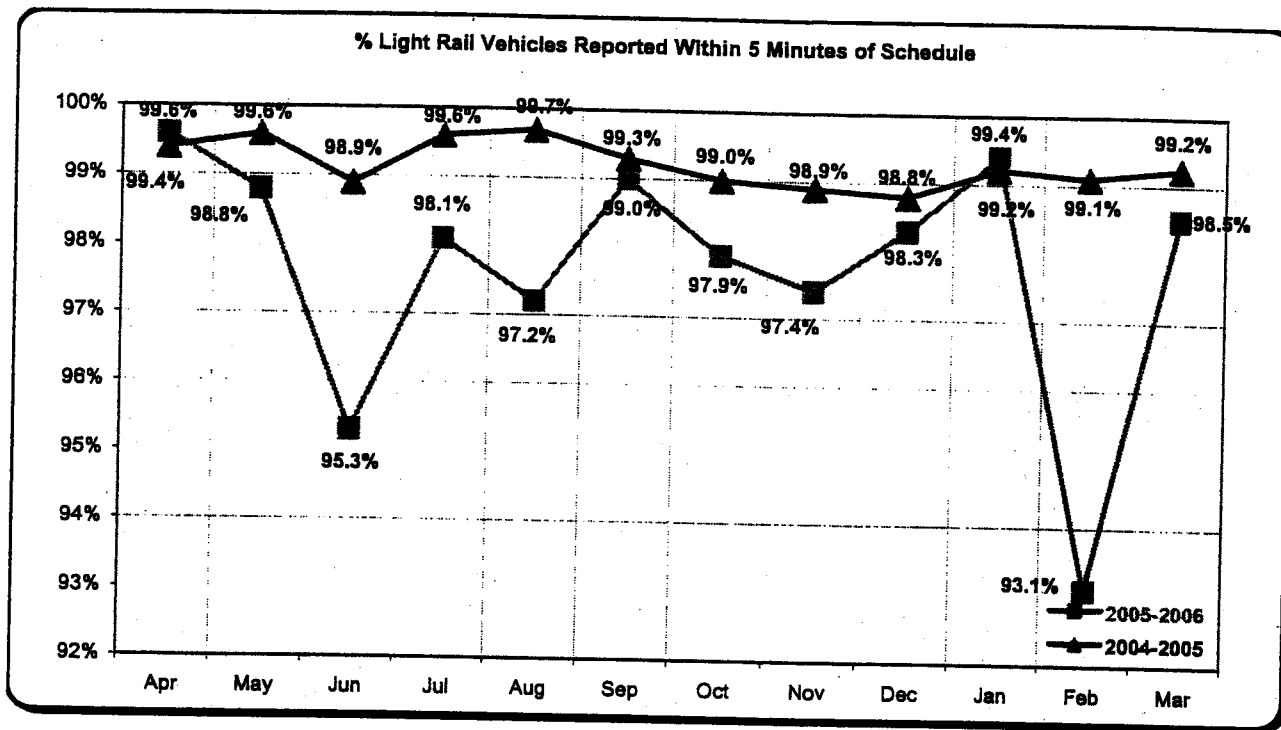
A mid-month snowfall, which caused the suspension of all service for approximately nine hours near the Atlantic City Bus Terminal.

The 12-month average for Bus On-Time Performance for April 2005 - March 2006 was 91.8%, 0.5 percentage points above the average for the previous 12-month period.

ON-TIME PERFORMANCE BUS



NJ TRANSIT ON-TIME PERFORMANCE HUDSON-BERGEN LIGHT RAIL APRIL 2004 - MARCH 2006



	2005	2006	# Change
March Comparison	99.2%	98.5%	-0.7%

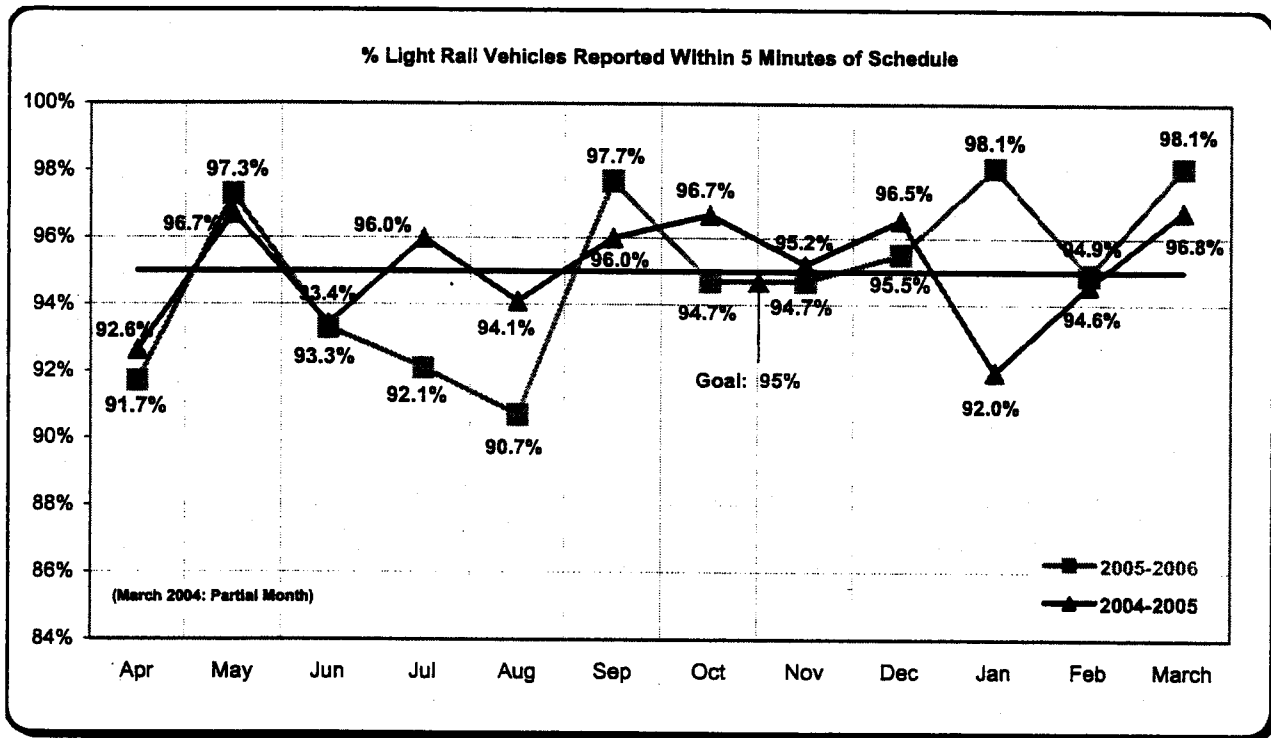
	2004-2005	2005-2006	# Change
12-Month Average April - March	99.2%	97.7%	-1.5%

Analysis:

Hudson-Bergen Light Rail (HBLR) On-Time Performance for March 2006 was 98.5%. Of the 17,532 scheduled trips for the month, 263 (or 1.5%) were delayed. There were no major causes of delays for the month.

The 12-month average for HBLR On-Time Performance for April 2005 - March 2006 was 97.7%, 1.6 percentage points below the average of the previous 12-month period.

NJ TRANSIT ON-TIME PERFORMANCE River LINE APRIL 2004 - MARCH 2006



	2005	2006	# Change
March Comparison	96.8%	98.1%	1.3%

	2004-2005	2005-2006	# Change
12-Month Average April - March	95.1%	94.9%	-0.2%

Analysis:

River LINE On-Time Performance for March 2006 was 98.1%, above the performance achieved during the same month one year previously. Of the 3,031 trips scheduled for the month, 57 (or 1.9%) were delayed. Major causes of delay included:

- A vehicle failure on March 13th;
- A switch failure on March 14th; and
- A signal failure on March 15th.

The 12-month average for River LINE On-Time Performance for April 2005 - March 2006 was 94.9%, a slight decrease from the performance of the previous 12-month period.

ACTION ITEMS

**ITEM 0604-17: PENN STATION NEW YORK – 8th AVENUE
CONCOURSE: ENGINEERING DESIGN**

BENEFITS

NJ TRANSIT has initiated a series of capacity improvements to the existing Penn Station New York to augment the Moynihan Station and the Trans-Hudson Express (THE) Tunnel projects. These capacity enhancements are designed to accommodate longer trains and speed customer travel through the station. The proposed expansion of the 8th Avenue Concourse and lengthening of the platforms serving tracks 1 through 4 are two of these station capacity projects.

NJ TRANSIT has executed a Memorandum of Understanding (MOU) with the Moynihan Station Development Corporation (MSDC) for the purpose of having NJ TRANSIT become the lead tenant in the new Moynihan Station, currently the United States Postal Service's Farley Building. Moynihan Station will provide NJ TRANSIT customers with a vital and effective commuter gateway into Manhattan and complement both the existing Penn Station and the proposed 34th Street Station that is a part of THE Tunnel project scope. Specifically, Moynihan Station will provide an alternate means for customers to access the boarding platforms of Penn Station and as result, improve the effective passenger moving capacity of the station complex. With the additional customer capacity, the platforms serving tracks 1 through 4 will be lengthened on both ends to accommodate longer trains.

The developer's Moynihan Station design is currently in progress. By utilizing Transit Link Consultants (TLC) the design consultant now under contract to NJ TRANSIT for THE Tunnel project, NJ TRANSIT can ensure that the proposed extension of the 8th Avenue Concourse is well integrated and advanced on a schedule that is compatible with the Moynihan Station and THE Tunnel project scope improvements.

PURPOSE

The proposed contract amendment with Transit Link Consultants will authorize the preliminary design of the NJ TRANSIT portion of the 8th Avenue Concourse, extension of the platforms serving tracks 1 through 4, and a new concourse level pedestrian connection between Penn Station and the 8th Avenue Concourse.

ACTION (Capital Program Justification: New Station)

Staff seeks authorization to amend the contract (No. 03-118) with Transit Link Consultants, a Joint Venture of Parsons Brinckerhoff of Newark, NJ and Systra Consulting, Inc. of Bloomfield, NJ for the preliminary design of the extension of the 8th Avenue Concourse and associated capacity enhancements at Penn Station New York and preparation of specifications for long lead items at a cost

not to exceed \$5,303,635, plus five percent for contingencies for a total contract authorization of \$27,723,816, subject to the availability of funds.

The Board Capital Planning, Policy and Privatization Committee has reviewed and recommended this item.

FISCAL IMPACT

Requested Authorization: \$5,303,635 +5% for contingencies for a total contract authorization of \$27,723,816

Total Project Cost: \$260,000,000 (includes 8th Avenue Concourse, platform extensions, and related Penn Station New York capacity enhancements)

Projected Date of Completion: 2010

Anticipated Source of Funds: Port Authority of New York and New Jersey

DBE Goal: 20%

Future Related Authorizations: Construction and Construction Support

Impact on Future Operating Budgets: TBD

RESOLUTION

WHEREAS, NJ TRANSIT has authorized Transit Link Consultants to perform engineering services in association with the Trans-Hudson-Express Tunnel project which includes improvements at Penn Station New York; and

WHEREAS, the 8th Avenue Concourse extension, platform extensions and a new concourse level pedestrian connection between Penn Station and Moynihan Station will provide NJ TRANSIT customers with a vital and effective commuter gateway into Manhattan complementing both the existing Penn Station and the proposed 34th Street Station which is a part of THE Tunnel project; and

WHEREAS, extension of the 8th Avenue Concourse and associated capacity improvements are a key component of NJ TRANSIT's Moynihan Station plans and plans for expanded rail service; and

WHEREAS, by utilizing Transit Link Consultants, the design consultant now under contract to NJ TRANSIT for THE Tunnel project, NJ TRANSIT can ensure that the proposed extension of the 8th Avenue Concourse is well integrated and advanced on a schedule that is compatible with the Moynihan Station improvements and THE Tunnel project;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to amend the contract (No. 03-118) with Transit Link Consultants, a Joint Venture of Parsons Brinckerhoff of Newark, NJ and Systra Consulting, Inc. of Bloomfield, NJ for the preliminary design of the extension of the 8th Avenue Concourse and associated capacity enhancements at Penn Station New York and preparation of specifications for long lead items at a cost not to exceed \$5,303,635, plus five percent for contingencies for a total contract authorization of \$27,723,816, subject to the availability of funds.

ITEM 0604-18: MORGAN DRAWBRIDGE OVER CHEESEQUAKE CREEK, SAYREVILLE, NJ: REHABILITATION OF THE ROLLING GIRDERS

BENEFITS

The rehabilitation of the rolling girders, including replacement of the track girders, tread plates, fixed bearings at Piers 1 and 5, and the rack, pinion, and pinion shaft of Morgan Drawbridge on the North Jersey Coast Line, will restore the bridge to a "state-of-good-repair," extend its useful life and reliable operation, and maintain railroad commuter services, as well as marine traffic.

PURPOSE

Authorization to award a construction contract for the rehabilitation of the rolling girders on Morgan Drawbridge is necessary to meet "state-of-good-repair" initiatives and to ensure the continued service life of the drawbridge crossing for many years to come. The Morgan Drawbridge is a moveable bridge constructed in 1912, located over the Cheesequake Creek in Sayreville, New Jersey on the North Jersey Coast Line. Each weekday a total of 74 passenger trains operate over the bridge.

ACTION (Justification: State of Good Repair)

Staff seeks authorization to contract (IFB No. 06-054XR) with Kiska Construction Inc. of Long Island City, NY for the Rehabilitation of the Rolling Girders on Morgan Drawbridge over Cheesequake Creek on the North Jersey Coast Line in Sayreville, NJ, at a cost not to exceed \$4,712,000, plus five percent for contingencies, subject to the availability of funds.

The Board Capital Planning, Policy and Privatization Committee has reviewed and recommended this item.

FISCAL IMPACT

Requested Contract Authorization:	\$4,712,000 + 5% contingency
Total Project Cost:	\$6,000,000
Anticipated Contract Start:	May 5, 2006
Projected Date of Completion:	July 29, 2007
Anticipated Source of Funds:	STATE 2006-2007

SBE Goal: 25%

Future/Related Authorization: None

RESOLUTION

WHEREAS, NJ TRANSIT owns and maintains the Morgan railroad drawbridge on its North Jersey Coast Line, over Cheesequake Creek in Sayreville, New Jersey; and

WHEREAS, rehabilitation of the rolling girders, including replacement of the track girders, tread plates, fixed bearings at Piers 1 and 5, and the rack, pinion, and pinion shaft, will extend the useful life of the bridge, increase its reliable operation, and preserve railroad commuter services and marine traffic; and

WHEREAS, following a competitive procurement process, it was determined that Kiska Construction Inc. of Long Island City, NY was the lowest responsive, responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract (IFB No. 06-054XR) with Kiska Construction Inc. of Long Island City, NY for the Rehabilitation of the Rolling Girders on Morgan Drawbridge over Cheesequake Creek on the North Jersey Coast Line in Sayreville, New Jersey, at a cost not to exceed \$4,712,000, plus five percent for contingencies, subject to the availability of funds.

ITEM 0604-19: MOUNT ARLINGTON STATION: CONSTRUCTION CONTRACT AWARD

BENEFITS

The new Mount Arlington Station will be located on the Montclair-Boonton Line at the Howard Boulevard Interchange of Interstate 80. The new station will be well positioned to divert traffic from the heavily congested I-80 corridor to NJ TRANSIT trains and private carrier buses. The New Jersey Department of Transportation constructed a bus park & ride facility at the location in 2003 and this project will transform the park & ride into a multi-modal transportation hub, offering commuters bus, rail, and carpool options. Congressman Frelinghuysen secured a federal earmark for this project to reduce roadway congestion in the I-80 corridor and improve regional transit accessibility.

The Mount Arlington Station location is further enhanced by the redevelopment potential of the adjacent former Hercules munitions site. Construction of a station at this location presents opportunities for future transit related development consistent with the New Jersey State Development & Redevelopment Plan.

The new fully accessible facility will feature two high level platforms, a pedestrian underpass and expand the park & ride capacity to 285 spaces. Other customer amenities include ramps, elevators, platform canopies, an enclosed waiting shelter on the boarding platform, public address and passenger communications systems.

PURPOSE

Authorization of this contract will allow the construction of a new rail station and associated improvements on the Montclair-Boonton Line adjacent to the Howard Boulevard Interchange of Route 80.

ACTION (Justification: Customer Service)

Staff seeks authorization to contract (No. IFB 06-059X) with Terminal Construction Corporation of Wood-Ridge NJ for the construction of the new Mount Arlington Station and associated improvements at a cost not to exceed \$12,180,000 plus five percent for contingencies, subject to the availability of funds.

The Board Capital Planning, Policy and Privatization Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorization:	\$12,180,000	+	5%	contingencies
	(Construction)			
Total Project Cost:	\$16,126,000			

Projected Date of Completion: Fall 2007

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

DBE Goal: 20%

Future Related Authorizations: None

**Impacts on Subsequent
Operating Budgets:** \$200,000 annually for maintenance of station
and parking lot

RESOLUTION

WHEREAS, NJ TRANSIT seeks to improve and expand its transportation facilities to encourage the use of public transportation; and

WHEREAS, the new Mount Arlington Station will transform the existing park & ride at Howard Boulevard into a multi-modal transportation hub; and

WHEREAS, the new Mount Arlington Station will present opportunities for future transit related development consistent with the New Jersey State Development & Redevelopment Plan; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Terminal Construction Corporation of Wood-Ridge NJ was the lowest responsive, responsible bidder;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman or Executive Director is authorized to contract (No. IFB 06-059X) with Terminal Construction Corporation of Wood-Ridge NJ for the construction of the new Mount Arlington Station and associated improvements at a cost not to exceed \$12,180,000 plus five percent for contingencies, subject to the availability of funds.

ITEM 0604-20: AMENDED BOARD ITEM #0510-94 ACCESS LINK SERVICE PROVIDER CONTRACT FOR REGIONS 5 AND 6, NEW JERSEY: AMENDMENT TO REGION 6

BENEFITS

Authorization of this contract will ensure that NJ TRANSIT remains in compliance with its federal obligation to provide the Americans with Disabilities Act (ADA) paratransit service to residents and visitors.

PURPOSE

Following a competitive procurement process in 2005, MV Transportation was selected to provide Access Link Services in Regions 5 and 6. The contract for service in Region 5 was executed first. Due to significant performance problems in the current Region 5 contract, staff has rescinded the award of the contract to MV for Access Link service in Region 6. Laidlaw Transit Services, Inc. provided the second best proposal for the ADA paratransit service in Region 6, and is the recommended firm for this contract.

ACTION (Justification: Mandate)

Staff seeks authorization to amend the October 12, 2005 Board Item #0510-94 and contract with Laidlaw Transit Services of Overland Park, KS for the continued provision of ADA paratransit service in Region 6, Bergen, Hudson and Passaic counties, at a cost not to exceed \$44,000,000, plus five percent for contingencies for a contract term of seven years with a three-year base period and two two-year options effective June 10, 2006 through June 7, 2013, subject to the availability of funds.

The Board Administration Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorization:	Not to exceed \$44,000,000 + 5% contingency
Total Project Cost:	Not to exceed \$44,000,000 + 5% contingency
Projected Date of Completion:	Project is ongoing.
Anticipated Source of Funds:	Operating Budget
DBE Goal:	5%

Related/Future Authorization:

In FY 05, \$1,400,000 has been provided to bring the Access Link Computer system in-house to the NJ TRANSIT Data Center. This authorization will also maintain the computer system and support its growth. The total estimated cost of the new computer system is \$14,300,000, authorized by the Board in March 2000.

In FY 2006, \$2,000,000 is authorized for the statewide purchase of 32 vehicles (sedans and vans) for fleet expansion and vehicle replacement.

RESOLUTION

WHEREAS, NJ TRANSIT has a federal obligation to provide the Americans with Disabilities Act (ADA) paratransit service to residents and visitors; and

WHEREAS, upon completion of a competitive procurement process, MV Contract Transportation, Inc. provided the most advantageous proposal for Region 6, Bergen, Hudson and Passaic counties and Laidlaw Transit Services, Inc. provided the second best proposal; and

WHEREAS, on October 12, 2005, Board Item #0510-94 authorized a contract with MV Contract Transportation Inc. for ADA paratransit service in Region 6, Bergen, Hudson and Passaic counties; and

WHEREAS, MV Contract Transportation, Inc. has experienced performance difficulties in Region 5, Essex, Union, Somerset and Morris counties, the communities of East Newark, Harrison and Kearny in Hudson county, Lyndhurst and North Arlington in Bergen county; and

WHEREAS, NJ TRANSIT seeks to contract with Laidlaw Transit Services, who provided the second best proposal for the ADA paratransit service in Region 6, Bergen, Hudson and Passaic counties;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to amend the October 12, 2005 Board Item #0510-94 and contract with Laidlaw Transit Services of Overland Park, KS, for the continued provision of ADA paratransit service in Region 6, Bergen, Hudson and Passaic Counties, at a cost not to exceed \$44,000,000 plus five percent for contingencies for a contract term of seven years with a three-year base period and two two-year options effective June 10, 2006 through June 7, 2013, subject to the availability of funds.

ITEM 0604-21: TRAIN MANAGEMENT AND CONTROL SYSTEM ANNUAL MAINTENANCE CONTRACT

BENEFITS

An annual contract will ensure proper software maintenance support of the Train Management and Control (TMAC) system that provides Rail Operations the tools to control the movement of trains on NJ TRANSIT's eleven rail lines via the train dispatcher's direct control of railroad switches and signals. Additionally, TMAC provides control of high voltage electric motive power for electric trains that operate on 194 miles of NJ TRANSIT-owned, electrified track. The system can provide real time automated passenger information to the 152 rail stations. TMAC also has the ability to remotely control moveable bridges and currently does so for two of NJ TRANSIT's ten moveable bridges. In addition, TMAC provides voice communications to trains and on-track personnel. Annual maintenance responsibilities include the correction of all latent defects, real-time response to trouble with the TMAC control system and engineering support for system improvements when needed.

The TMAC system is required to operate at 100 percent availability for the train and power dispatchers. The TMAC system has performed to date at close to 99.99 percent availability. The maintenance agreement this item seeks will allow continuation of support services that have yielded these results.

PURPOSE

NJ TRANSIT holds licenses with ARINC Incorporated for the use of its software to operate the TMAC system, providing train movement management and the control of high voltage catenary power distribution. ARINC Incorporated also provides annual maintenance of the system. Renewal of the maintenance contract will ensure the proper maintenance support and continued correction of latent defects and miscellaneous minor improvements as circumstances dictate.

ACTION (Justification: Safety, Customer Service and Business Efficiency)

Staff seeks authorization to contract on a procurement-by-exception basis with ARINC, Incorporated of Annapolis Maryland to provide services to maintain NJ TRANSIT's TMAC software and associated services for a period of one year plus four option years at a cost not to exceed \$1,657,690 plus five percent for contingencies subject to the availability of funds.

The Board Administration Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorization:	\$300,000.00 + 5% contingency	FY06
	\$315,000.00 + 5% contingency	FY07

\$330,750.00 + 5% contingency	FY08
\$347,288.00 + 5% contingency	FY09
\$364,652.00 + 5% contingency	FY10.

Projected Date of Completion: N/A

Anticipated Source of Funds: FY06 – FY10 Operating

DBE Goals: None

RESOLUTION

WHEREAS, Rail Operations currently utilizes the Transit Management and Control (TMAC) system, which provides centralized train traffic control, high voltage power distribution control, remote operation of movable span bridges and automated customer information distribution; and

WHEREAS, NJ TRANSIT holds licenses with ARINC Incorporated for the use of its software to operate the TMAC system; and

WHEREAS, renewal of the maintenance contract with ARINC, Incorporated will ensure the proper maintenance support and continued correction of latent defects and miscellaneous minor improvements as circumstances dictate;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract on a procurement-by-exception basis with ARINC Incorporated of Annapolis, Maryland for professional services to maintain NJ TRANSIT's TMAC product for a period of one year plus four option years at a cost not to exceed \$1,657,690 plus five percent for contingencies, subject to the availability of funds.

ITEM 0604- 22: MIDDLESEX AND MONMOUTH COUNTY LOCAL BUS SERVICE AND PURCHASE OF TRANSIT BUSES

BENEFITS

These contracts will provide for the operation of bus service in the Middlesex and Monmouth County areas (Exhibit A) for a base contract period of approximately four years and for an additional 38-month option period under each contract. The new Middlesex County Local Service contract will combine the current Middlesex County Local Service contract and the Plainfield Local Service contract and includes 14 routes with a combined annual ridership of 3,100,000 passengers and annual cash fares of \$3,100,000. The Monmouth County Local Service contract includes eight routes with a combined estimated annual ridership of 1,500,000 passengers and annual cash fares of \$1,500,000. The proposed purchase of up to 13 used transit buses will allow the implementation of needed service adjustments and provide operational flexibility relative to the current bus rolling stock plan.

PURPOSE

Authorization will continue local bus service in Middlesex and Monmouth Counties which staff has identified as appropriate service that might be operated more economically by seeking competitive bids for its performance. The carriers will comply with New Jersey's Conscientious Employee Protection Act.

A single Request for Proposals (RFP) was issued to request proposals from private motorbus carriers to provide bus service in Middlesex and Monmouth Counties for an initial contract period of approximately four years and for two option periods under separate contracts for each service. The RFP required prospective carriers to provide a proposed price for both the base contract period and the 38-month first option period under each service contract that may be exercised solely at the discretion of NJ TRANSIT. Costs for a second option period of 36 months, should NJ TRANSIT choose to renew the contracts further, would be negotiated between NJ TRANSIT and the respective carriers and would be subject to Board approval at that time. Only one private carrier proposal was received for each service and NJ TRANSIT Bus Operations established the benchmark cost for the operation of each service.

Authorization to acquire additional transit buses will allow NJ TRANSIT to meet anticipated ridership growth and implement schedule adjustments. This equipment will also provide additional operational flexibility as NJ TRANSIT prepares to implement its planned system-wide fare equipment upgrade and phase out its Metro B fleet over the next two years. The proposed buses are used 2000 – 2001 Nova B transit buses that were manufactured in accordance with NJ TRANSIT's Nova B bus purchase during that time period. Thus, the proposed purchase ensures fleet compatibility and provides cost avoidance in the areas of operator and maintenance training, parts inventory, and shop equipment for costs that would be associated with the operation and maintenance of a different style or vintage transit bus.

ACTION (Justification: Cost Efficiencies)

Staff seeks authorization to contract with Academy Express, LLC to operate Middlesex County local bus service for 45 months, from October 1, 2006 through June 30, 2010, at a cost not to exceed \$23,322,416, plus five percent for contingencies, and authorization to exercise an option to extend this contract for an additional 38 months, in accordance with the RFP and the carrier's proposal, at a cost not to exceed \$23,627,623, plus five percent for contingencies.

Staff also seeks authorization to contract with Connex Transit, Inc. to operate Monmouth County local bus service for 48 months, from July 2, 2006 through June 30, 2010 at a cost not to exceed \$16,742,735, plus five percent for contingencies and authorization to exercise an option to extend this contract for an additional 38 months, in accordance with the RFP and the carrier's proposal, at a cost not to exceed \$14,757,265, plus five percent for contingencies.

Staff also seeks authorization to enter into a procurement by exception contract with Number 22 Hillside, LLC, an affiliate of Academy Express, LLC, for the purchase of up to 13 used transit buses at a cost not to exceed \$2,220,000.

FISCAL IMPACTS:

Requested Authorization:	\$46,950,039 (83-month operations), plus 5% for contingencies, for Middlesex County service
	\$31,500,000 (86-month operations), plus 5% for contingencies, for Monmouth County service
	\$2,220,000 for purchase of up to 13 transit buses
Total Project Cost:	\$2,220,000 for purchase of transit buses
Projected Date of Completion:	August 31, 2013 for the base contract periods plus the 38-month option periods for Middlesex and Monmouth County bus service
	August 31, 2006 for purchase of transit buses
Anticipated Source of Funds:	Fiscal Year 2007 - 2014 Operating Budgets Transportation Trust Fund
DBE Goals/Participation:	Carrier is required to make a good faith effort to expend 5% of the value of the contract

(excluding wages) on goods/services provided by Disadvantaged Business Enterprises

Related/Future Authorizations:

None

Impact on Subsequent Operating Budgets:

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

RESOLUTION

WHEREAS, staff has determined that it is appropriate to provide bus service in Middlesex and Monmouth Counties and a Request for Proposals (RFP) was issued to seek competitive proposals from private motorbus carriers to provide the service under each contract; and

WHEREAS, NJ TRANSIT's Selection Committee has reviewed the private carrier proposals received for the operation of Middlesex County and Monmouth County local bus service, as well as the NJ TRANSIT Bus Operations benchmark cost for each service; and

WHEREAS, NJ TRANSIT's Selection Committee has determined the proposal from Academy Express, LLC to be advantageous to NJ TRANSIT and recommends that Academy Express, LLC operate the Middlesex County local bus service; and

WHEREAS, NJ TRANSIT's Selection Committee has determined the proposal from Connex Transit, Inc. to be advantageous to NJ TRANSIT and recommends that Connex Transit, Inc. operate the Monmouth County local bus service; and

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

WHEREAS, staff has identified an opportunity to purchase up to 13 used transit buses that were manufactured in accordance with the specifications from NJ TRANSIT's transit bus purchase during 1999 – 2001; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to execute all agreements and to take all other actions necessary and consistent with this Board action to contract with Academy Express, LLC to operate Middlesex County local bus service, as set forth in Exhibit A, for 45 months, at a cost not to exceed \$23,322,416, plus five percent for contingencies;

BE IT FURTHER RESOLVED that the Chairman or Executive Director is hereby authorized to exercise the option to extend the contract with Academy Express, LLC for the operation of Middlesex County local bus service for an additional 38 months at a cost not to exceed \$23,627,623, plus five percent for contingencies;

BE IT FURTHER RESOLVED that the Chairman or Executive Director is hereby authorized to execute all agreements and to take all other actions necessary and consistent with this Board action to contract with Connex Transit, Inc. to operate Monmouth County local bus service, as set forth in Exhibit A, for 48 months, at a cost not to exceed \$16,742,735, plus five percent for contingencies;

BE IT FURTHER RESOLVED that the Chairman or Executive Director is hereby authorized to exercise the option to extend the contract with Connex Transit, Inc. for the operation of Monmouth County local bus service for an additional 38 months at a cost not to exceed \$14,757,265, plus five percent for contingencies;

BE IT FURTHER RESOLVED that the Chairman or Executive Director is hereby authorized to enter into a procurement by exception contract with Number 22 Hillside, LLC for the purchase of up to 13 used transit buses at a cost not to exceed \$2,220,000;

BE IT FURTHER RESOLVED that funding of these agreements shall be subject to the availability of funds and Board approval of NJ TRANSIT's operating budgets;

BE IT FURTHER RESOLVED that the carriers shall comply, as a condition of the present or future contracts, and continued receipt of funds and subsidies, with New Jersey's Conscientious Employee Protection Act.

LIST OF ROUTES**MIDDLESEX COUNTY LOCAL BUS SERVICE**

<u>Route No.</u>	<u>Description</u>	<u>Days Operated</u>
801 – 805	Metro Park Loop	Monday – Friday
810	New Brunswick – Woodbridge Center	Monday – Sunday
811	New Brunswick – South River	Monday – Friday
813	Perth Amboy – Middlesex County College	Monday – Saturday
814	North Brunswick – New Brunswick – Middlesex County College	Monday – Saturday
815	New Brunswick – East Brunswick – Woodbridge Center	Monday – Sunday
817	Perth Amboy – Campbell's Junction	Monday – Saturday
818	New Brunswick – Old Bridge	Monday – Sunday
819	Piscataway – Plainfield – Metuchen – Middlesex Mall	Monday – Saturday
822	Plainfield – North Plainfield	Monday – Saturday

MONMOUTH COUNTY LOCAL BUS SERVICE

<u>Route No.</u>	<u>Description</u>	<u>Days Operated</u>
830	Asbury Park – Point Pleasant Beach	Monday – Saturday
831	Red Bank – Long Branch	Monday – Sunday
832	Asbury Park – Monmouth Mall – Red Bank	Monday – Sunday
833	Red Bank - Freehold Raceway Mall	Monday – Friday
834	Red Bank – Highlands	Monday – Saturday
835	Red Bank – Sea Bright	Monday – Saturday
836	Asbury Park – Freehold – Raceway Mall	Monday – Sunday
837	Long Branch – Asbury Park- Seaview Square	Monday -Saturday

CONSENT CALENDAR

**ITEM 0604-23: WHITEHOUSE SIDING ON THE RARITAN VALLEY LINE:
CONTRACT AMENDMENT FOR TRACK MATERIAL
PROCUREMENT**

BENEFITS

Whitehouse Siding is part of a series of Raritan Valley Line upgrades that will improve rail service for customers. At the March 2006 NJ TRANSIT Board Meeting, authorization was received to enter into a contract with EE Cruz of Holmdel, NJ, to provide all necessary site work for this new passing siding in Readington Township, Hunterdon County. When completed the siding track will permit service west of Raritan Station to be expanded, including starting service at High Bridge on two (2) am peak period trains and extending service to High Bridge on two (2) mid-day and two (2) evening trains that currently end at Raritan. The siding will allow trains to pass each other in the otherwise single-track territory

PURPOSE

This authorization will amend the existing Pascack Valley Line track material procurement contract with VAE Nortrak of Birmingham, Al, for the purchase of track turnouts and crossovers that will be installed on the Raritan Valley Line as part of the Whitehouse Siding project. The track turnouts and crossovers allow trains to move from one track to another. NJ TRANSIT labor forces will install the track, turnouts, and crossovers.

ACTION (Capital Program Justification: Capacity)

Staff seeks authorization to amend the contract (No. 05-0627) with VAE Nortrak of Birmingham, AL for the purchase of track material for the Whitehouse Siding project at a cost not to exceed \$350,000, plus five percent for contingencies for a total contract authorization of \$3,563,104 subject to the availability of funds.

The Board Capital Planning, Policy and Privatization Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorizations: \$ 350,000 + 5% for contingency

Total Project Cost: \$13,295,000

Projected Date of Completion: Construction Completion: August 2006
Force Account Completion: June 2007

Anticipated Source of Funds: TTF

SBE Goals: 21%

Future Related Authorizations: None

**Impacts on Subsequent
Operating Budgets:** \$ 83,504 (Annual Switch/Signal Maintenance)

RESOLUTION

WHEREAS, NJ TRANSIT seeks to improve and expand its transportation services; and

WHEREAS, the NJ TRANSIT Raritan Valley Line is a single-track rail line west of Raritan Station that has limited capacity for expanded rail service; and

WHEREAS, the construction of a passing siding near Whitehouse Station will allow NJ TRANSIT to operate more frequent service west of Raritan Station on the Raritan Valley Line; and

WHEREAS, upon completion of a competitive procurement process, it was determined that VAE Nortrak of Birmingham, AL was the lowest responsive, responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to amend the contract (No. 05-0627) with VAE Nortrak of Birmingham, AL for the purchase of track material for the Whitehouse Siding project at a cost not to exceed \$350,000, plus five percent for contingencies, for a total contract authorization of \$3,563,104, subject to the availability of funds.

**ITEM 0604-24: AMENDMENT TO HAMILTON STATION PARKING DECK
GROUND LEASE**

BENEFITS

Approval of this item will enable NJ TRANSIT to cost-effectively construct an extension of the eastbound platform canopy at Hamilton Station to accommodate new on-site paths of travel and provide weather protection for customers using the Hamilton Station commuter parking deck now under construction.

PURPOSE

Amending the existing ground-lease agreement with an affiliate of Nexus Properties, Inc., of Lawrenceville, New Jersey, Hamilton Station Park and Ride, LLC, ("Nexus") will obligate Nexus, in connection with the Hamilton commuter parking deck construction project, to extend the existing eastbound platform canopy approximately 200 feet east to connect with the 2,000-space Hamilton Station commuter parking deck that Nexus expects to complete by the end of 2006. Amending the ground lease agreement with Nexus, which currently is constructing the parking deck on the site, will enable NJ TRANSIT to provide the benefit of a fully covered path of travel for rail customers in a cost-efficient, timely manner with minimal inconvenience to customers. Nexus will perform the work at a cost not to exceed \$750,000 subject to NJ TRANSIT's review and approval and will be paid from NJ TRANSIT's share of net proceeds from operations at the parking deck. NJ TRANSIT will pay Amtrak up to \$175,000 for force-account work and track outages.

In 2004, at the conclusion of a competitive request-for-proposals, NJ TRANSIT selected and authorized Nexus to ground lease 2½ acres of NJ TRANSIT's existing surface commuter parking lot at Hamilton Station for the purpose of designing, financing, building, operating and maintaining a 2,000-space parking lot, with NJ TRANSIT and Nexus sharing parking net revenue for 37½ years.

ACTION (Justification: Customer Service)

Authorize the Chairman or Executive Director (1) to take all necessary actions to amend Lease #L1137-5337-03 with Hamilton Station Park & Ride, LLC, to obligate Hamilton Station Park & Ride LLC to design and build -- at a cost not to exceed \$750,000 to be paid from NJ TRANSIT's share of net revenue from the parking deck and pursuant to NJ TRANSIT's approval -- an extension of NJ TRANSIT's existing eastbound platform canopy to connect with the Hamilton Station commuter parking deck, and (2) to spend up to \$175,000 from the capital program for force-account work and track outages required for construction of the canopy extension.

The Board's Capital Planning, Policy and Privatization Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorization

Amend existing ground lease and authorize capital spending

Total Project Cost:

Cost not to exceed \$925,000 (contractor not to exceed \$750,000; NJ TRANSIT not to exceed additional \$175,000 from capital program)

Projected Date of Completion:

November, 2006

Anticipated Source of Funds:

Hamilton Station parking net revenues

SBE Goal:

Varies

Related/Future Authorizations:

None

**Impacts on Subsequent
Operating Budgets**

Reduction of Hamilton Station parking net revenues until pay-off of canopy construction cost.

RESOLUTION

WHEREAS, NJ TRANSIT in 2004, at the conclusion of a competitive request-for-proposals process, selected and authorized Hamilton Station Park & Ride, LLC, an affiliate of Nexus Properties, of Lawrenceville, New Jersey, to lease 2½ acres of NJ TRANSIT's existing surface commuter parking lot at Hamilton Station for the purpose of designing, financing, building, operating and maintaining a 2,000-space commuter parking deck (to be completed by the end of 2006), with NJ TRANSIT and Nexus sharing parking net revenue for 37½ years; and

WHEREAS, the location of the deck in relationship to the station will require extension of the eastbound platform canopy to accommodate new pedestrian paths of travel on the site; and

WHEREAS, Hamilton Station Park & Ride, LLC is qualified to design and construct an extension of the eastbound platform canopy to NJ TRANSIT's specifications and standards and its team is mobilized on the site; and

WHEREAS, NJ TRANSIT can minimize customer inconvenience and construction cost and time by engaging Hamilton Station Park & Ride, LLC to extend NJ TRANSIT's platform canopy simultaneously with Hamilton Station Park & Ride, LLC's construction of the parking deck;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman or Executive Director is authorized (1) to take all necessary actions to amend Lease #L1137-5337-03 with Hamilton Station Park & Ride, LLC, to obligate Hamilton Station Park & Ride LLC to design and build -- at a cost not to exceed \$750,000 to be paid from NJ TRANSIT's share of net revenue from the parking deck and pursuant to NJ TRANSIT's approval -- an extension of NJ TRANSIT's existing eastbound platform canopy to connect with the Hamilton Station commuter parking deck, and (2) to spend up to \$175,000 from the capital program for force-account work and track outages required for construction of the canopy extension.

ITEM 0604-25: BANKING SERVICES

BENEFITS

This authorization will enable NJ TRANSIT to reduce costs through improved processes and technology while enhancing customer service to NJ TRANSIT and its employees.

PURPOSE

Article IX of NJ TRANSIT's By-Laws requires Board authorization to obtain a new or sever an existing financial relationship. This authorization will allow NJ TRANSIT to enter into an agreement to provide collection, disbursement, check cashing and other banking services to NJ TRANSIT and its employees.

ACTION (Justification: Business Efficiencies)

Staff seeks authorization to contract (No. 06-028) with Bank of America to provide banking services for a period of three years with two one-year options at a cost not to exceed \$480,000 plus five percent for contingencies, subject to the availability of funds.

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

FISCAL IMPACTS

Requested Authorization:	Contract for banking services at a cost not to exceed \$480,000 + 5% for contingencies for the five-year period
Total Project Cost:	\$480,000 + 5% for contingencies
Projected Date of Completion:	June 30, 2011
Anticipated Source of Funds:	Operating Budget
DBE Goals:	N/A
Related/Future Authorizations:	N/A

RESOLUTION

WHEREAS, Article IX of the By-Laws requires Board authorization to obtain a new or sever an existing financial relationship; and

WHEREAS, NJ TRANSIT staff has identified an opportunity to reduce the cost of banking services; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Bank of America submitted the most advantageous proposal that provided the best value to NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to contract (No. 06-028) with Bank of America to provide banking services for a period of three years with two one-year options at a cost not to exceed \$480,000 plus five percent for contingencies, subject to the availability of funds.

**ITEM 0604-26: REGULATION: ADOPTION OF REGULATION N.J.A.C. 16:73
REDUCED FARE TRANSPORTATION PROGRAM FOR SENIOR
CITIZENS AND PEOPLE WITH DISABILITIES**

BENEFITS

To re-promulgate expired rules governing the Reduced Fare Transportation Program for Senior Citizens and People with Disabilities. The new rules reflect NJ TRANSIT's expansion of the Reduced Fare Transportation Program.

PURPOSE

NJ TRANSIT's rules establishing procedures regarding the Reduced Fare Transportation Program for Senior Citizens and People with Disabilities have been in effect since 1973 (formerly known as Reduced Fare Transportation Program for the Elderly and Handicapped). The Reduced Fare Transportation Program was designed to provide intrastate and interstate autobus and rail passenger service for senior citizens or people with disabilities during off peak times on regular routes of the participating carriers at one half of the regular adult one way fare.

In 1999 the Reduced Fare Transportation Program was modified to provide intrastate and interstate autobus and rail passenger service for senior citizens age 65 and over and people with disabilities at all times (except certain rush hour trains) on regular routes of the participating carriers at one half of the regular adult one way fare as set forth in the tariffs of the carrier.

In 2004, NJ TRANSIT expanded the Reduced Fare Transportation Program to provide intrastate and interstate autobus, light rail and rail passenger service for senior citizens age 62 and over and people with disabilities at all times on regular routes of the participating carriers at one half of the regular adult one way fare or less as set forth in the tariffs of the carrier. The expired regulation was reviewed by staff and revised to reflect NJ TRANSIT's expanded Reduced Fare Transportation Program.

The proposed rules were published in the New Jersey Register on July 5, 2005 (Exhibit A). The comment period expired on September 3, 2005, and comments were received from New Jersey Protection and Advocacy, Inc. (Exhibit B). A summary of the public comments and NJ TRANSIT's responses are set forth in Exhibit C. In response to the public comments, NJ TRANSIT recommends the amendments set forth in Exhibit D be incorporated into the final adoption of this regulation.

ACTION

Staff seeks authorization to take all actions necessary to adopt the regulation, N.J.A.C. 16:73 et seq., Reduced Fare Transportation Program for Senior Citizens and People with Disabilities, consistent with this Board item and exhibits, put the regulation in the appropriate format and take all other actions necessary to effectuate the final adoption

and promulgation of NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities.

The Board Administration Committee has reviewed and recommended this item.

FISCAL IMPACTS

Requested Authorization:	Adopt the regulation <u>N.J.A.C.</u> 16:73 et seq. Reduced Fare Transportation Program for Senior Citizens and People with Disabilities
Total Project Cost:	N/A
Projected Date of Completion:	N/A
Anticipated Source of Funds:	Operating Budget
DBE Goal:	N/A – No goods or services to be procured.
Related /Future Authorizations:	N/A

RESOLUTION

WHEREAS, staff seeks authorization to take all actions necessary to adopt the regulation N.J.A.C. 16:73 et seq., Reduced Fare Transportation Program for Senior Citizens and People with Disabilities; and

WHEREAS, NJ TRANSIT's rules establishing procedures regarding the Reduced Fare Transportation Program have been in effect since 1973; and

WHEREAS, the regulation expired, was reviewed by staff and revised to expand NJ TRANSIT's Reduced Fare Transportation Program. The expanded program provides intrastate and interstate autobus, light rail and rail passenger service for senior citizens age 62 and over and people with disabilities at all times on regular routes of the participating carriers at one half of the regular adult one way fare or less as set forth in the tariffs of the carrier; and

WHEREAS, the regulation was published in the New Jersey Register on July 5, 2005 (Exhibit A) and the comment period expired on September 3, 2005. Comments were received from New Jersey Protection and Advocacy, Inc. (Exhibit B); and

WHEREAS, NJ TRANSIT reviewed these public comments and for the reasons set forth in Exhibit C, NJ TRANSIT recommends the amendments set forth in Exhibit D be incorporated into the final adoption of this regulation;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director or his designee is hereby authorized to take all actions necessary to adopt N.J.A.C. 16:73 et seq. consistent with this Board item and exhibits, put the regulation in the appropriate format, and to take all other actions necessary to effectuate the final adoption and promulgation of NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities.

LABOR AND WORKFORCE DEVELOPMENT

EXHIBIT A PROPOSALS

N.J.A.C. 12:196-1.13 and 1.14 set forth conduct which is considered a violation of the Retail Gasoline Dispensing Safety Act (Act), N.J.S.A. 34:3A-4 et seq., and codify existing procedures whereby retail gasoline station owners/operators in violation of the Act can request and receive hearings concerning violations found by the Department. Administrative penalties of \$50.00 to \$500.00 may be assessed.

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

Social Impact

The rules proposed for re-adoption with amendments will have a positive social impact. By providing reasonable standards for the dispensing of retail gasoline, these rules protect the health, safety and welfare of the general public.

Economic Impact

The rules proposed for re-adoption with amendments will have minimal, if any, economic impact on retail gasoline operators governed by these rules, since the majority of them have already established the procedures necessary to comply with the requirements for safe dispensing of retail gasoline. New retail gasoline operators will incur the costs associated with ensuring that their employees are trained and certified, installing safety signs and equipment and establishing safety procedures as required by these rules. However, the cost of implementing these requirements is minimal and is outweighed by the need to protect the health, safety and welfare of the general public. In addition, the Department will not incur any additional costs as a result of the rules proposed for re-adoption.

Federal Standards Statement

No Federal standards or requirements are applicable to the subject matter of this rulemaking. The rules set forth at N.J.A.C. 12:196 provide reasonable standards for the safe dispensing of retail gasoline as required by N.J.S.A. 34:3A-4 et seq. As a result, a Federal standards analysis is not required.

Jobs Impact

The rules proposed for re-adoption with amendments will not have an impact on jobs. The Department does not anticipate an increase or decrease in jobs as a result of the rules proposed for re-adoption.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

The rules proposed for re-adoption with amendments maintain established standards for the safe dispensing of retail gasoline. As noted above, most existing retail gasoline operators have already complied with these requirements. However, retail gasoline operators seeking to commence operations in the State, including those that are small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., will incur costs associated with employee training and certification, installation of safety signs and equipment and the establishment of safety procedures. These costs, however, are far outweighed by the need to provide a healthy and safe environment for the general public. The Department makes no exception in its application of these standards for small businesses, but rather limits exemptions to those listed at N.J.A.C. 12:196-1.1(e). No professional services will be required to comply with the standards for the safe dispensing of retail gasoline.

Smart Growth Impact

The rules proposed for re-adoption with amendments will not have an impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:196.

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

SUBCHAPTER 1. REQUIREMENTS

12:196-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Commissioner" means the Commissioner, New Jersey Department, of Labor and Workforce Development, or his or her designee.

12:196-1.9 Fire control

The station owner shall insure that [there is] at least one [listed] portable fire extinguisher [having a minimum classification of 20 B:C located so that there is an extinguisher within 100 feet (30 meters) of each pump, dispenser, underground fill pipe opening, and lubrication or service room] with a minimum 2-A:40-B:C rating shall be located within 30 feet (9,144 mm) of travel distance in all service stations as required by the New Jersey Uniform Fire Code, N.J.A.C. [5:18] 5:70.

12:196-1.12 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Public Safety and Occupational Safety and Health between the hours of 9:00 A.M. and 4:00 P.M. on normal working days.

New Jersey Department of Labor and Workforce Development
Division of Public Safety and Occupational Safety and Health
Office of Public Safety Compliance
[225 East State Street] 1 John Fitch Plaza
PO Box 386
Trenton, New Jersey 08625-0386

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION
Reduced Fare Transportation Program for Senior
Citizens and People with Disabilities
Proposed New Rules: N.J.A.C. 16:73

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

Authority: N.J.S.A. 27:25-5(e) and 27:1A-68.

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

Proposal Number: PRN 2005-230.

Submit comments by September 3, 2005 to:

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

The agency proposal follows:

Summary

The proposed new rules re-promulgate expired rules governing the Reduced Fare Transportation Program for Senior Citizens and People with Disabilities. In accordance with the sunset provisions of Executive Order No. 66(1978), N.J.A.C. 16:73 expired on January 20, 2003 and, therefore, the New Jersey Transit Corporation (NJ TRANSIT) is proposing this chapter as new rules. The provisions of Executive Order No. 66(1978) require that NJ TRANSIT review periodically its rules to determine their continuing usefulness. Accordingly, NJ TRANSIT has reviewed the expired rules and determined that the rules require revision to reflect NJ TRANSIT's policy changes that expand the Reduced Fare Transportation Program.

A summative review of each of the subchapters follows:

Subchapter 1, Introduction, includes the definitions, purpose and exclusion sections of the chapter.

Subchapter 2, Identification and Registration, describes the procedure to obtain Reduced Fare Identification Cards.

Subchapter 3, Agreements with Carriers for Services and Payments, describes the contractual agreements with carriers that desire to participate in the Program.

The proposed new rules as compared to the expired rules formerly at N.J.A.C. 16:73 are as follows:

N.J.A.C. 16:73-1.1 has had a number of definitional changes:

PROPOSALS

TRANSPORTATION

"Carrier" has been revised to clarify that the state referenced is New Jersey, and light rail has been added to rail passenger service.

"Commissioner" has been revised to clarify that this references the New Jersey Commissioner of Transportation.

A definition of "demand responsive" has been added.

"Established routes" has been revised to reflect the Office of Regulatory Affairs is now part of the New Jersey Motor Vehicle Commission; NJ TRANSIT does not authorize routes; and the Interstate Commerce Commission was replaced by the Surface Transportation Board.

"Interstate" has been revised for grammatical purposes.

"Intrastate" has been revised to avoid redundancies.

"NJ TRANSIT" has been revised to clarify that this means the New Jersey Transit Corporation.

The definition of "NJ TRANSIT Reduced Fare Identification Card" has been added to clarify the term's use within the chapter.

The definition of "off-peak times" from the former rules is not proposed because it is no longer relevant since NJ TRANSIT has broadened its program to accept the reduced fare at all times.

"Person with a disability" has been revised to also define "people with disabilities."

"Reduced fare" has been revised to reflect that the fare may be no more than one half the regular adult fare, and there is a grammatical change. It has also been revised to delete the listing of the agencies the tariffs are filed with since the agencies and the requirements for filing of tariffs have changed. These revisions occur throughout the new rules.

The definition of "round trip excursion fare" from the former rules is not proposed because it is no longer relevant or referenced.

The definition of "senior citizen age 65 and over" from the former rules is not proposed because this distinction with seniors 62 or older is no longer necessary as the reduced fare program has been expanded.

The definition of "tariff" has been added to clarify the term's use within the chapter.

N.J.A.C. 16:73-1.2(a) has been revised to add commuter and light rail passenger service and add people with disabilities to reflect NJ TRANSIT's expanded Reduced Fare Transportation Program.

N.J.A.C. 16:73-1.2(b) and (c) from the former rules are not proposed because the age distinction is no longer relevant since the reduced fare program has been expanded to provide the reduced fare to seniors 62 and older at all times.

N.J.A.C. 16:73-1.3 has been revised for grammatical and clarification purposes. The term "demand activated" has been changed to "demand responsive" to reflect statutory language, and commuter and light rail have been added to motor bus passenger service.

N.J.A.C. 16:73-2.1(a) from the former rules is not proposed because there are now more acceptable types of identification than the ones listed in that subsection.

N.J.A.C. 16:73-2.1(b) has been revised to delete the first sentence because there are now more acceptable types of identification than the ones listed in this sentence. The section has also been revised to reflect grammatical changes. The last paragraph of the section has been revised to reflect the locations where an application can be obtained, and delete reference to "people with disabilities" because the procedure for these individuals is covered in the next section. The availability of NJ TRANSIT ID card applications has been changed from "most" to "some" banks.

N.J.A.C. 16:73-2.2(a) from the former rules is not proposed because it is redundant. The former subsections have, therefore, been recodified. New subsection (a) (previously subsection (b)) has been revised to reflect grammatical changes.

N.J.A.C. 16:73-2.2(b) has been revised to eliminate the redundant reference to "doctor of osteopathy" and provide grammatical clarification.

N.J.A.C. 16:73-2.2(c) has been revised to clarify that the identification card may be valid for a shorter period of time if the temporary disability is less than four years.

The section heading to N.J.A.C. 16:73-2.3 has been changed to "identification requirements" to reflect the acceptance of other forms of identification than those previously in the heading.

N.J.A.C. 16:73-2.3(a) has been revised to reflect the acceptance of other forms of identification issued by a government, social service or public transportation agency with printed name and date of birth from senior citizens given to a bus operator, rail conductor or fare enforcement officer, and the addition of light rail service.

N.J.A.C. 16:73-2.3(b) has been revised for clarification purposes.

N.J.A.C. 16:73-2.3(c) has been revised for grammatical purposes.

The section heading of N.J.A.C. 16:73-2.4 has been revised to add "purchase of" to "reduced fare tickets," and the section codified into subsections for clarification purposes.

N.J.A.C. 16:73-2.4(a) has been revised to add rail or light rail passenger service and provided grammatical changes for clarification purposes. In addition, reduced fare tickets may now be purchased on the bus or train and the surcharge will be waived.

N.J.A.C. 16:73-2.4(b) has been revised to reflect grammatical changes, and clarify that special voucher booklets are for senior citizens.

N.J.A.C. 16:73-2.4(c), that allows the Atlantic City Jitney Association to sell ticket books to senior citizens and people with disabilities at a reduced rate, has been grammatically revised.

N.J.A.C. 16:73-3.1(a) has been grammatically changed.

N.J.A.C. 16:73-3.2 has been revised to reflect grammatical changes and avoid redundancies. The last sentence in the former rule, describing how eligible trips for rail service is determined, is not proposed because it is incorrect.

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

Social Impact

The proposed new rules provide a reduced fare transportation program to eligible senior citizens and people with disabilities. For senior citizens 62 and over and people with disabilities, the proposed new rules provide an expanded reduced fare program that provides a reduced fare no more than one half the regular adult fare at all times. Additionally, NJ TRANSIT will accept more types of identification from senior citizens than previously listed in the rules. The proposed rules facilitate use of mass transit by senior citizens and people with disabilities by making the fare more economically affordable.

Economic Impact

The proposed new rules will enable eligible senior citizens and people with disabilities to continue to pay reduced fares for bus and rail/light rail transportation. For people with disabilities and senior citizens 62 and over, the public transportation available at the deeply discounted rate is greatly expanded.

Federal Standards Statement

Section 5307(d)(1)(D) of the Federal transit laws (49 U.S.C. §§5301 et seq.) requires NJ TRANSIT, in order to be eligible for the receipt of Federal transit funds, to certify that the fares charged senior citizens and people with disabilities in off-peak hours not exceed one half of the fares generally applicable to other persons at peak hours. NJ TRANSIT's program complies with this requirement.

Jobs Impact

NJ TRANSIT does not anticipate that implementation of these proposed new rules will result in the creation or loss of jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed new rules do not impose recordkeeping, reporting or compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules set forth the procedures for senior citizens or people with disabilities to follow to purchase reduced fare tickets under the program. Carriers participating in the program do so pursuant to a contractual agreement with NJ TRANSIT which specifies their responsibilities. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Impact

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

TRANSPORTATION

PROPOSALS

Full text of the proposed new rules follows:

CHAPTER 73
REDUCED FARE TRANSPORTATION PROGRAM FOR
SENIOR CITIZENS AND PEOPLE WITH DISABILITIES

SUBCHAPTER 1. INTRODUCTION

16:73-1.1 Definitions

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

"Carrier" means any individual, partnership, association, corporation, joint stock company, public agency or public authority, trustee or receiver operating or controlling motor buses or rail/light rail passenger service on established routes within the State of New Jersey (State) or between points in the State and points in adjacent states.

"Commissioner" means the New Jersey Commissioner of Transportation, or his or her designee.

"Demand responsive" means surface transportation that is not operated on a fixed route system.

"Established routes" means all regular intrastate routes of the participating carriers authorized by the Office of Regulatory Affairs of the New Jersey Motor Vehicle Commission, municipality, or any other regulatory agency, and interstate routes authorized by the Surface Transportation Board (or its predecessor, the Interstate Commerce Commission), or any other regulatory agency. "Established routes" does not include those trips to and from Atlantic City locations when the passenger receives from any source, money or other gratuities in addition to the transportation purchased.

"Interstate" means between points in the State and points in adjacent states.

"Intrastate" means points within the State.

"Motor bus" means "autobus" as defined in N.J.S.A. 48:4-1, and includes those autobuses, commonly called jitneys, as described in N.J.S.A. 48:16-23.

"NJ TRANSIT" means the New Jersey Transit Corporation.

"NJ TRANSIT Reduced Fare Identification Card (NJ TRANSIT ID Card)" means an identification card issued by NJ TRANSIT that can be used as proof of eligibility for participation in NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities.

"NJ TRANSIT Reduced Fare Program" means NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities.

"Person with a disability" or "people with disabilities" means any individual(s) who, by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity of disability, is/are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

"Reduced fare" means no more than one half, rounded down to the nearest nickel, of the regular adult one way fare as set forth in the carrier's tariffs.

"Senior citizen" means any individual 62 years of age or over regardless of residence.

"Tariff" means the document setting forth the fares, rates, charges, and other provisions pertaining to the public transportation services furnished by the carrier. Tariff includes the documents maintained by NJ TRANSIT setting forth the fares for the public transportation services operated directly by NJ TRANSIT or operated for NJ TRANSIT by third party contractors.

16:73-1.2 Purpose

The NJ TRANSIT Reduced Fare Program is designed to provide intrastate and interstate autobus and commuter rail and light rail passenger service for senior citizens and people with disabilities on regular routes of the participating carriers at no more than one half of the regular adult one way fare as set forth in the carrier's tariffs.

16:73-1.3 Exclusions

Senior citizens and people with disabilities are not permitted to ride at a reduced fare on intrastate and interstate school, charter, demand responsive or special motor bus and commuter rail and light rail passenger service, and trips to or from Atlantic City locations when the user receives, from any source, money or other gratuities in addition to the transportation purchased.

SUBCHAPTER 2. IDENTIFICATION AND REGISTRATION

16:73-2.1 Registration of senior citizens for NJ TRANSIT Reduced Fare Identification Card

(a) Individuals may obtain an NJ TRANSIT ID Card application by writing or calling the NJ TRANSIT Reduced Fare Program at:

NJ TRANSIT Reduced Fare Program
180 Boyden Avenue
Maplewood, NJ 07040
Phone: 973-378-6401

Applications for the NJ TRANSIT ID Card are available at some banks, savings and loan associations, County Offices on Aging and State offices providing services for senior citizens. The applicant should bring proof of age to these application centers. Any valid legal document will serve as proof of age. Examples are: driver's license, birth certificate, passport, military discharge papers (DD214), etc.

(b) Authorized personnel of the application centers will examine the required documents and application. The application centers will then forward the completed application to NJ TRANSIT for processing.

(c) NJ TRANSIT shall issue an NJ TRANSIT ID Card to each qualified applicant. The NJ TRANSIT ID Card shall be valid until age 65, at which time most individuals receive a Medicare Card. NJ TRANSIT will not establish an automatic renewal procedure. If a senior citizen does not hold a Medicare Card and wishes to renew the NJ TRANSIT ID Card, he or she may contact the NJ TRANSIT Reduced Fare Program or complete a new application at one of the locations listed in (a) above.

16:73-2.2 Registration of people with disabilities for NJ TRANSIT Reduced Fare Identification Card

(a) Individuals may obtain an application for an NJ TRANSIT ID Card by writing or calling the NJ TRANSIT Reduced Fare Program at:

NJ TRANSIT Reduced Fare Program
180 Boyden Avenue
Maplewood, NJ 07040
Phone: 973-378-6401

(b) Applicants will complete the first part of the application form and give it to a registered physician or other designee of NJ TRANSIT who will complete and mail the application to NJ TRANSIT. The final decision on eligibility will be made by NJ TRANSIT.

(c) NJ TRANSIT will process the application, and mail an NJ TRANSIT ID Card to the person with a disability. The NJ TRANSIT ID Card will be valid for four years from date of issue, unless it has been determined that the applicant has a temporary disability in which case the Identification Card's validity will be for a period of time that is commensurate with the duration of the temporary disability.

(d) NJ TRANSIT will establish an automatic renewal system for NJ TRANSIT ID Cards issued to permanently disabled persons.

16:73-2.3 Identification requirements

(a) Senior citizens must present an NJ TRANSIT ID Card, a properly validated Medicare Card or other NJ TRANSIT approved form of identification issued by a government, social service or public transportation agency, and printed with the individual's name and date of birth, to the bus operator, rail conductor, ticket agent or fare enforcement officer as proof of being qualified to participate in the NJ TRANSIT Reduced Fare Program.

(b) People with disabilities must present an NJ TRANSIT ID Card or a properly validated Medicare Card to obtain a reduced fare.

PROPOSALS

OTHER AGENCIES

(c) The NJ TRANSIT ID Card, which is not transferable, must be used only by the person to whom it is issued, and must be kept in that person's possession during the entire ride.

(d) If the NJ TRANSIT ID Card is lost or stolen, an application for a replacement card may be made as prescribed in N.J.A.C. 16:73-2.1 and 2.2.

16:73-2.4 Purchase of reduced fare tickets

(a) NJ TRANSIT does not sell books of reduced fare tickets. Senior citizens or people with disabilities who want to utilize NJ TRANSIT bus, rail or light rail transportation may purchase one way reduced fare tickets prior to their travel at NJ TRANSIT ticket windows or ticket vending machines or from commissioned ticket agents (who are contracted by NJ TRANSIT to sell NJ TRANSIT tickets). Reduced fare tickets for bus or rail transportation may also be purchased on the bus or train and the surcharge will be waived.

(b) For reduced fare interstate travel on lines operated by private bus carriers, NJ TRANSIT makes special voucher booklets available at banks, County Offices on Aging, and State offices that provide services for senior citizens. In addition to paying a reduced cash fare, senior citizens may be required to present a "voucher" removed from these booklets along with such person's appropriate identification.

(c) The Atlantic City Jimmy Association does sell ticket books that may be purchased by senior citizens and people with disabilities at a reduced rate.

SUBCHAPTER 3. AGREEMENTS WITH CARRIERS FOR SERVICES AND PAYMENTS

16:73-3.1 Agreements with carriers

(a) NJ TRANSIT may enter into contractual agreements with a carrier that desires to participate in the NJ TRANSIT Reduced Fare Program. Each contract shall contain conditions, terms and provisions as NJ TRANSIT may require, including but not limited to, provisions permitting or relating to:

1. Terms and method of payment;
2. Auditing and settlement of payments;
3. Data and recordkeeping;
4. Service to be performed pursuant to the contract;
5. Applicable tariffs and schedules; and
6. Any such other matters as NJ TRANSIT deems to be in the public interest.

16:73-3.2 Method of payment to carriers

Reimbursement to the participating carriers shall be an amount equal to the senior citizens or people with disabilities reduced fare, multiplied by the number of eligible trips by senior citizens or people with disabilities participating in the NJ TRANSIT Reduced Fare Program, provided that the total payments to all carriers do not exceed the budget of NJ TRANSIT for this program. In cases where the carrier has rounded down the reduced fare to the nearest nickel, NJ TRANSIT shall reimburse an additional nickel per each qualified person. For bus service, eligible trips may be determined by the number of reduced fare tickets submitted by bus carriers, or such other reasonable method as shall be determined by NJ TRANSIT.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION
Accounting and Internal Controls
Gaming Equipment
Rules of the Games
Texas Hold 'Em Bonus Poker

Proposed Amendments: N.J.A.C. 19:40-1.2; and
19:46-1.17, 1.18 and 1.19

Proposed New Rules: N.J.A.C. 19:46-1.13Q and
19:47-28

Authorized By: Casino Control Commission, Linda M. Kaszekert, Chair.
Authority: N.J.S.A. 5:12-5, 69a, 70f, 99a and 100.

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

Proposal Number: PRN 2005-232.

Submit written comments by September 3, 2005 to:

Lou E. Mamolen, Senior Counsel
Casino Control Commission
Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, NJ 08401

The agency proposal follows:

Summary

The proposed new rules and amendments govern the implementation of the game of Texas hold 'em bonus poker in Atlantic City casinos. The actual rules of the game are set forth in proposed N.J.A.C. 19:47-28.1 through 28.13.

Texas hold 'em bonus poker is a variation of poker played against the dealer which is derived from the authorized game of hold 'em poker, which pits players against each other. Texas hold 'em bonus poker is played using a standard 52-card deck and a layout similar to a Caribbean stud poker table. The object of the game is for a player to make a better five-card poker hand than the dealer where both use a combination of an individual two-card hand and five community cards.

To start the game, each player must place a wager in the designated area at the player's betting position for his or her ante. At this time players also have an option to place a supplemental bonus wager, independent of the main game, based on the player's two cards against a posted pay table. Each player, as well as the dealer, is then dealt two cards face down.

After receiving two cards dealt face down, each player evaluates his or her cards and decides whether to fold the hand or place a second (flop) wager. If a player elects to fold, the player's ante shall be forfeited. Any bonus wager placed by the player shall remain unresolved until the end of the round of play. If a player elects to continue play, the player is required to place a flop wager, which must be twice the amount of the ante wager on the betting area designated "flop."

Once all players have either folded or placed a flop wager on the flop betting area, the dealer shall "burn" a card (see definition at N.J.A.C. 19:47-28.1). The dealer shall turn over the next three cards in the deck, known in hold 'em parlance as the "flop," and arrange them in the designated central area of the layout. The flop cards are community cards for use by all players and the dealer to complete their respective hands. Then, starting from the dealer's left, the dealer shall proceed in a clockwise manner and ask each remaining player if he or she desires to place a third (turn) wager prior to dealing the fourth community card. If a player chooses to bet, he or she must bet an amount equal to the amount of the player's ante wager on the betting area designated "turn." A player may decline to bet, and still remain in the round of play.

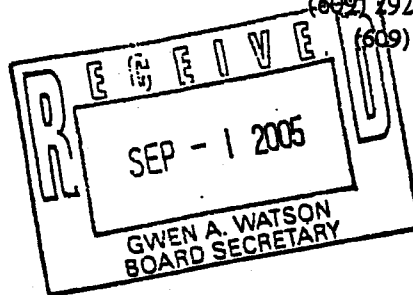


New Jersey Protection and Advocacy, Inc.
210 South Broad Street • 3rd Floor • Trenton, New Jersey 08608

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

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

(800) 922-7233 (VOICE-New Jersey Only)
(609) 792-9742 (VOICE); (609) 777-0187 (FAX)
(609) 633-7106 (TTY); Dial "711" for Relay
www.njpanda.org



August 29, 2005

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

Re: Proposed New Rules: N.J.A.C. 16:73 (Reduced Fare Transportation Program)

Dear Ms. Zuczek:

The following comments on the proposed regulations "Proposed New Rules N.J.A.C. 16:73" are submitted by New Jersey Protection & Advocacy, Inc., the designated protection and advocacy system for individuals with disabilities in New Jersey, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 5041 to 15045; the Protection and Advocacy for Mentally Ill Individuals, 42 U.S.C. §§ 10801 to 10807, the Client Assistance Program of the Rehabilitation Act, 29 U.S.C. § 732; the Protection and Advocacy for Individual Rights of the Rehabilitation Act, 29 U.S.C. § 794e; and the Technology Related Assistance for Individuals with Disabilities, 29 U.S.C. § 2201.

N.J.A.C. 16:73-1.1 Definitions

NJP&A is concerned that the definition used for person with a disability or "people with disabilities" is not appropriate under the law. New Jersey Transit is recommending that the following definition be used:

"Person with a disability" or "people with disabilities" means any individual(s) who, by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability, is/are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

(NJT Board-4/12/06)

Joyce J. Zuczek
August 29, 2005
Page Two

NJP&A recommends that New Jersey Transit use the following definition for "person with a disability" which is consistent with the language used in the American with Disabilities Act:

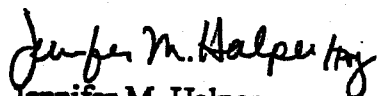
Person with a disability or people with disabilities is an individual(s) who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment and is/are unable to utilize mass transportation services as effectively as persons without disabilities.

N.J.A.C. 16:73-2.2 Registration of People with Disabilities for NJ Transit Reduced Fare Identification Card

NJP&A is concerned that the final decision on eligibility is made by New Jersey Transit and there are no appeal rights given to the individual. New Jersey Transit should ensure that there is an independent body available to handle disputes regarding eligibility for reduced fare.

NJP&A appreciates the opportunity to comment on these proposed regulations and welcomes the opportunity to discuss our concerns further.

Sincerely,



Jennifer M. Halper
Staff Attorney/Legislative Coordinator

JMH/ptz

(NJT Board-4/12/06)

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

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

COMMENT/ISSUE: Definition of "person with a disability"

NJ TRANSIT should use an NJP&A recommended definition for "person with a disability" which is consistent with the Americans with Disabilities Act language.

RESPONSE: NJ TRANSIT agreed with the recommendation and the proposed rule has been revised to incorporate the definition provided by NJP&A. The new definition includes the persons covered by the definition, as originally proposed, but it is easier to understand, broader and consistent with the Americans with Disabilities Act. The revised definition does not put any further burden on the public. Any additional burden is only imposed on NJ TRANSIT.

COMMENT/ISSUE: Appeal of Eligibility

NJP&A expressed concern that there are no appeal rights given to the individual that applies for the Reduced Fare Identification Card & recommended there be an independent body available to handle disputes regarding eligibility for the reduced fare program.

RESPONSE: NJ TRANSIT agreed that there should be an appeal process for disputing eligibility decisions and has revised the proposed rule to include an appeal process. NJ TRANSIT did not agree with the recommendation for an appeal process that allowed appeal to an independent body. NJ TRANSIT believes it should make the final decision on eligibility since it is that decision which will be subject to appellate court review. While an independent body will not handle the final decision on eligibility, a member of NJ TRANSIT's management who was not involved in the original eligibility decision will review the eligibility determination. This procedure provides an objective review of the applicant's eligibility while minimizing the amount of time the applicant will have to wait for a determination.

SUMMARY OF AGENCY-INITIATED AMENDMENTS

N.J.A.C. 16:73-2.1(a) and N.J.A.C. 16:73-2.2(a) have been amended to add a second telephone number for contacting NJ TRANSIT's Reduced Fare Program.

N.J.A.C. 16:73-2.2(c) was added to inform the applicant that NJ TRANSIT may request additional information to assist NJ TRANSIT in processing the application and also inform the applicant that NJ TRANSIT will provide a letter stating the reason for the return of an incomplete or denied application.

EXHIBIT D

**ADOPTION OF REGULATIONS N.J.A.C. 16:73
REDUCED FARE TRANSPORTATION PROGRAM
FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES**

Full text of the adoption follows (additions to proposal indicated by text underlined with asterisks *thus*; deletions indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. INTRODUCTION

16:73-1.1 Definitions

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

"Carrier" means any individual, partnership, association, corporation, joint stock company, public agency or public authority, trustee or receiver operating or controlling motor buses or rail/light rail passenger service on established routes within the State of New Jersey (State) or between points in the State and points in adjacent states.

"Commissioner" means the New Jersey Commissioner of Transportation, or his or her designee.

"Demand responsive" means surface transportation that is not operated on a fixed route system.

"Established routes" means all regular intrastate routes of the participating carriers authorized by the Office of Regulatory Affairs of the New Jersey Motor Vehicle Commission, municipality, or any other regulatory agency, and interstate routes authorized by the Surface Transportation Board (or its predecessor, the Interstate Commerce Commission), or any other regulatory agency. "Established routes" does not include those trips to and from Atlantic City locations when the passenger receives from any source, money or other gratuities in addition to the transportation purchased.

"Interstate" means between points in the State and points in adjacent states.

"Intrastate" means points within the State.

"Motor bus" means "autobus" as defined in N.J.S.A. 48:4-1, and includes those autobuses, commonly called jitneys, as described in N.J.S.A. 48:16-23.

"NJ TRANSIT" means the New Jersey Transit Corporation.

"NJ TRANSIT Reduced Fare Identification Card (NJ TRANSIT ID Card)" means an identification card issued by NJ TRANSIT that can be used as proof of eligibility for participation in NJ TRANSIT's Reduced Fare Transportation Program for Senior Citizens and People with Disabilities (NJ TRANSIT Reduced Fare Program).

"Person with a disability" or "people with disabilities" *[means any]* *is an* individual(s) who*[, by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability, is/are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected]* *has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment and is/are unable to utilize mass transportation services as effectively as persons without disabilities*.

"Reduced fare" means no more than one half, rounded down to the nearest nickel, of the regular adult one way fare as set forth in the carrier's tariffs.

"Senior citizen" means any individual 62 years of age or over regardless of residence.

"Tariff" means the document setting forth the fares, rates, charges, and other provisions pertaining to the public transportation services furnished by the carrier. Tariff includes the documents maintained by NJ TRANSIT setting forth the fares for the public transportation services operated directly by NJ TRANSIT or operated for NJ TRANSIT by third party contractors.

16:73-1.2 Purpose

The "Reduced Fare Transportation Program" (Reduced Fare Program) is designed to provide intrastate and interstate autobus and commuter rail and light rail passenger service for senior citizens and people with disabilities on regular routes of the participating carriers at no more than one half of the regular adult one way fare as set forth in the carrier's tariffs.

16:73-1.3 Exclusions

Senior citizens and people with disabilities are not permitted to ride at a reduced fare on intrastate and interstate school, charter, demand responsive or special motorbus and commuter rail and light rail passenger service, and trips to or from Atlantic City locations when the user receives, from any source, money or other gratuities in addition to the transportation purchased.

SUBCHAPTER 2. IDENTIFICATION AND REGISTRATION

16:73-2.1 Registration of senior citizens for NJ TRANSIT Reduced Fare Identification Card

(NJT Board-4/12/06)

(a) Individuals may obtain an NJ TRANSIT ID Card application by writing or calling the NJ TRANSIT Reduced Fare Program at:

NJ TRANSIT Reduced Fare Program
180 Boyden Avenue
Maplewood, NJ 07040
Phone: 973-378-6401
973-378-6327

Applications for the NJ TRANSIT ID Card are available at some banks, savings and loan associations, County Offices on Aging and State offices providing services for senior citizens. The applicant should bring proof of age to these application centers. Any valid legal document will serve as proof of age. Examples are: driver's license, birth certificate, passport, military discharge papers (DD214), etc.

(b) Authorized personnel of the application centers will examine the required documents and application. The application centers will then forward the completed application to NJ TRANSIT for processing.

(c) NJ TRANSIT shall issue an NJ TRANSIT ID Card to each qualified applicant. The NJ TRANSIT ID Card shall be valid until age 65, at which time most individuals receive a Medicare Card. NJ TRANSIT will not establish an automatic renewal procedure. If a senior citizen does not hold a Medicare Card and wishes to renew the NJ TRANSIT ID Card, he or she may contact NJ TRANSIT's Reduced Fare Program or complete a new application at one of the locations listed in (a) above.

16:73-2.2 Registration of people with disabilities for NJ TRANSIT Reduced Fare Identification Card

(a) Individuals may obtain an application for an NJ TRANSIT ID Card by writing or calling the NJ TRANSIT Reduced Fare Program at:

NJ TRANSIT Reduced Fare Program
180 Boyden Avenue
Maplewood, NJ 07040
Phone: 973-378-6401
973-378-6327

(b) Applicants will complete the first part of the application form and give it to a registered physician or other designee of NJ TRANSIT who will complete and mail the application to NJ TRANSIT. *[The final decision on eligibility will be made by NJ TRANSIT.]*

(NJ Transit Board-4/12/06)

(c) NJ TRANSIT may request additional information regarding an application from the certifying physician or agency. Incomplete or denied applications will be returned to the applicant with a letter explaining the reason(s) therefore.

*(d) An applicant may appeal NJ TRANSIT's decision to return or deny an application by submitting a written request for reconsideration of eligibility for an NJ TRANSIT ID Card to:

NJ TRANSIT
Deputy Treasurer
One Penn Plaza East
Newark, NJ 07105*

(e) The final decision on eligibility will be made by NJ TRANSIT.

(c) *(f)* NJ TRANSIT will process the application, and mail an NJ TRANSIT ID Card to the person with a disability. The NJ TRANSIT ID Card will be valid for four years from date of issue, unless it has been determined that the applicant has a temporary disability in which case the Identification Card's validity will be for a period of time that is commensurate with the duration of the temporary disability.

(d) *(g)* NJ TRANSIT will establish an automatic renewal system for NJ TRANSIT ID Cards issued to permanently disabled persons.

16:73-2.3 Identification Requirements

(a) Senior Citizens must present an NJ TRANSIT ID Card, a properly validated Medicare Card or other NJ TRANSIT approved form of identification issued by a government, social service or public transportation agency, and printed with the individual's name and date of birth, to the bus operator, rail conductor, ticket agent or fare enforcement officer as proof of being qualified to participate in the "Reduced Fare Transportation Program."

(b) People with disabilities must present an NJ TRANSIT ID Card or a properly validated Medicare Card to obtain a reduced fare.

(c) The NJ TRANSIT ID Card, which is not transferable, must be used only by the person to whom it is issued, and must be kept in that person's possession during the entire ride.

(d) If the NJ TRANSIT ID Card is lost or stolen, an application for a replacement card may be made as prescribed in N.J.A.C. 16:73-2.1 and 2.2.

16:73-2.4 Purchase of reduced fare tickets

(a) NJ TRANSIT does not sell books of reduced fare tickets. Senior citizens or people with disabilities who want to utilize NJ TRANSIT bus, rail or light rail transportation may purchase one way reduced fare tickets prior to their travel at NJ TRANSIT ticket windows or ticket vending machines or from commissioned ticket agents (who are contracted by NJ TRANSIT to sell NJ TRANSIT tickets). Reduced fare tickets for bus or rail transportation may also be purchased on the bus or train and the surcharge will be waived.

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(c) The Atlantic City Jitney Association does sell ticket books that may be purchased by senior citizens and people with disabilities at a reduced rate.

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1. Terms and method of payment;
2. Auditing and settlement of payments;
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4. Service to be performed pursuant to the contract;
5. Applicable tariffs and schedules; and
6. Any such other matters as NJ TRANSIT deems to be in the public interest.

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(NJT Board-4/12/06)

down the reduced fare to the nearest nickel, NJ TRANSIT shall reimburse an additional nickel per each qualified person. For bus service, eligible trips may be determined by the number of reduced fare tickets submitted by bus carriers; or such other reasonable method as shall be determined by NJ TRANSIT.