

Philip D. Murphy, Governor
Sheila Y. Oliver, Lieutenant Governor
Diane Gutierrez-Scaccetti, Commissioner
Kevin S. Corbett, President & CEO

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November 18, 2022

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

Dear Governor Murphy:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc., Board of Directors held on Wednesday, November 9, 2022.

Sincerely,

Meghan Clark Umukoro

Meghan Clark Umukoro
Board Secretary

Enclosures

Open Session Minutes of the actions taken at the Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Wednesday, November 9, 2022. The meetings occurred concurrently.

Board Members

Diane Gutierrez-Scaccetti, Chair
Cedrick T. Fulton, Vice Chair
Noreen M. Giblin, Governor's Representative
Andrea Spalla, Treasurer's Representative (Via Teams)
James D. Adams, Board Member (Via Teams)
Sangeeta P. Doshi, Board Member
Bob Gordon, Board Member (Via Teams)
Richard A. Maroko, Board Member – ABSENT
Shanti Narra, Board Member – ABSENT
Rashonda A. Brown, Board Member (Non-Voting)
Karen Thomas, Board Member (Non-Voting)

Staff

Kevin S. Corbett, President & Chief Executive Officer (CEO)
Brian T. Wilton, Senior Vice President, Chief Legal Officer & General Counsel
Justin Davis, Senior Vice President Regulatory & Government Affairs & Chief of Staff
William Viqueira, Senior Vice President, Chief Financial Officer & Treasurer
Michael P. Kilcoyne, Senior Vice President, Surface Transit & General Manager, Bus Ops.
Jim Sincaglia, Senior Vice President & General Manager, Rail Operations
Richard Schaefer, Acting Senior Vice President, Capital Programs
Meghan Clark Umukoro, Board Secretary

Chair Gutierrez-Scaccetti convened the Open Session at 10:14 a.m. in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling legislation. Board Secretary Umukoro asked everyone to mute their phones and turn their attention to the Public Safety Announcement. The pledge of allegiance to the flag was recited.

Board Secretary Umukoro conducted Roll Call and noted Board Member Adams and Spalla were participating remotely, Board Member Gordon would join the meetings after his Board of Public Utilities meeting, Board Member Narra would possibly join the meetings later, and Board Member Maroko was absent.

Board Secretary Umukoro announced that adequate notice of the meetings of the Board of Directors of the New Jersey Transit Corporation and its affiliates and subsidiaries was provided in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling legislation. Notices were filed on November 3, 2022 with the Secretary of State, sent to newspapers of general distribution, posted in the main entrance of NJ TRANSIT

headquarters, published on the corporation’s website, and sent to each individual, agency, and organization that requested such notice.

Approval of Minutes

Chair Gutierrez-Scaccetti asked for a motion to approve the minutes of the October 12, 2022 Board meetings. Vice Chair Cedrick T. Fulton made the motion, Board Member Noreen M. Giblin seconded the motion, and it was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Absent	Absent	Yes	Yes	Yes	Yes

President & CEO’s Monthly Report

President & CEO Corbett began with ridership, which remained relatively steady on rail, bus, and light rail. Overall weekday rail ridership was at approximately 70 percent of pre-COVID levels, with many peak hour trains at or near 100 percent of pre-COVID levels. Weekday rail ridership was highest midweek, typically peaking during the mid-week, with lighter levels on Mondays and Fridays. On all days, they were still seeing the traditional a.m. and p.m. rush.

President & CEO Corbett said they were still seeing a higher rate of ridership recovery on weekends. Weekend rail ridership remained at approximately 80 to 90 percent of pre-COVID levels, with some trains at 100 percent. President & CEO Corbett said that trend played out this past Sunday when they moved approximately 13,000 people from MetLife Stadium after the Jets game. This success was also seen when they seamlessly moved customers to and from MetLife Stadium over the past three years, including a series of major concerts this past summer, and for the Army/Navy game in December 2021.

Overall bus ridership systemwide remained at approximately 77 percent of pre-COVID levels. Interstate bus ridership into New York had increased from approximately 72 percent to approximately 74 percent of pre-COVID levels. Intrastate bus ridership was approaching 85 percent of pre-COVID levels.

Light Rail ridership was also holding steady at approximately 75 percent of pre-COVID levels.

President & CEO Corbett discussed Hudson County Bus Service improvements, and said as customers returned to their system, NJ TRANSIT was working to make their experience as pleasant and efficient as possible, not only to bring them back to their system, but to attract and retain new customers. At the July Board meeting President & CEO Corbett said some might recall when he reported that NJ TRANSIT Bus Operations had assumed all service for the numbers 10 and 119 bus routes serving Hudson County,

where they added service and began using larger, articulated buses that added capacity to meet increased demand. They also assumed service this summer on the numbers 22 and 23 routes, also serving Hudson County, in an effort to both accommodate rapidly growing ridership and to significantly improve service on those lines, previously operated by private carriers. Today, President & CEO Corbett was pleased to report that while they were certainly not spiking the football, that takeover had so far, yielded significantly positive results.

In the two months immediately following NJ TRANSIT taking over the number 10 and number 119 bus routes, 99.9 percent of the trips were covered the first month and 100 percent of the trips were covered the second month, up from an average of approximately 80 percent in two months prior, when they were operated by the private carrier.

For the number 22 and 23 bus routes, 100 percent of the trips were covered in the two-month period following NJ TRANSIT taking over the routes, up from less than 50 percent in the two months prior.

President & CEO Corbett said it was no surprise that all four routes have also seen significant ridership increases. Between June and September, ridership on the number 10 route increased by more than 45 percent on an average weekday, and today ridership on that route was 46 percent higher than it was pre-COVID. Also, between June and September on routes 22 and 23 through Hoboken and North Bergen, they saw ridership gains of a whopping 78 percent. Today, ridership on those routes were at approximately 80 percent of pre-COVID levels. Also, ridership on the 119 increased by 10 percent between June and September, which brought the current ridership up to approximately 82 percent of pre-COVID levels. President & CEO Corbett acknowledged Michael Kilcoyne, Senior Vice President, Surface Transit & General Manager of Bus Operations and his team for identifying the issue and stepping in to assume service on those lines, and for doing such a great job implementing and improving service for their customers.

President & CEO Corbett said in addition to NJ TRANSIT's focus on improving service for their customers, they were equally focused on infrastructure. Less than two weeks ago, marked the 10th anniversary of Superstorm Sandy, which revealed just how vulnerable their transit infrastructure was to extreme weather events. Although, that ill-fated anniversary has come and gone, 10 years ago today, as of this Board meeting and almost two weeks after the storm had passed, many segments of the NJ TRANSIT rail system were still not fully operational.

President & CEO Corbett reminded everyone that NJ TRANSIT had several billions in projects currently underway in construction or in the procurement process as part of their Sandy Resilience Program. Those projects included, but were not limited to: completing the first phase of their \$284 million Long Slip Project in Hoboken with the entire length of the canal filled protecting Hoboken Terminal and the City of Hoboken from flood water intrusion; Phase 2 was currently in procurement, with an anticipated bid opening in December or January; and beginning construction on the \$421 million Delco Lead Storage and Inspection Facility in New Brunswick to provide a critical safe haven for rail

vehicles during extreme storms, and allow rail cars to be quickly inspected and returned to service once a weather event has passed. The NJ TRANSIT Signals and Communications Resilience program that is hardening vital signals and communications systems against extreme weather events has been completed on the Raritan Valley Line, and on two of the three sections of the Hudson Bergen Light Rail System, and has continued on NJ TRANSIT's other commuter lines. They were also 62 percent complete for Phase I of the Raritan River Bridge Replacement Project, the sole rail link for 17 of the 20 stations on the North Jersey Coast Line. President & CEO Corbett noted in 2017 before Governor Murphy took office and he joined NJ TRANSIT many of those projects were long-stalled and languishing. All of those projects would harden the NJ TRANSIT system, protecting critical infrastructure from the impacts of extreme weather, which ultimately translates to increased reliability for all those who depend on NJ TRANSIT every day.

President & CEO Corbett said resiliency and sustainability went hand-in-hand, and NJ TRANSIT was putting additional federal COVID relief funding to good use by allocating those funds to improve both, their service and environment. Today, NJ TRANSIT and the North Jersey Transportation Planning Authority (NJTPA) were announcing the programming of \$43.6 million in federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) funding. This funding would advance seven key projects, including bus garage electrification in North Jersey, the NewBus Hudson bus redesign initiative, solar bus shelters, electric mini-buses, community shuttles, and bike sheds. Together, those projects would improve first mile/last mile and micro-mobility options for customers, while benefiting the entire state through an improved customer experience, enhanced air quality, and reduced carbon emissions. The funding would be made available to NJ TRANSIT as part of NJTPA's Fiscal Year 2022-2025 Transportation Improvement Program.

In addition to service and infrastructure, NJ TRANSIT had an important customer-focused technology update to share. At the start of November, NJ TRANSIT began upgrading Ticket Vending Machines (TVM) on all three of their light rail systems to allow customers to validate their one-way ticket at the time of purchases, for a seamless, one-step process, and much improved customer experience. Previously, customers had to purchase their light rail ticket at a TVM, and then validate those tickets at a separate validator machine upon boarding. They have completed those upgrades on the River LINE. Ticket Vending Machine upgrades were also underway on the Hudson-Bergen Light Rail, and Newark Light Rail systems, and would be completed by mid-December.

In conclusion, President & CEO Corbett talked about the NJ TRANSIT Online Shoppe which was another way NJ TRANSIT was working to foster and encourage pride in their State's transit system. Now that NJ TRANSIT was earning its highest "customer satisfaction" scores since 2011 and was again named *Forbes'* Best Employers in the state this year, what better time to open an online "transit shoppe" for NJ TRANSIT merchandise and apparel. Last month, NJ TRANSIT proudly introduced this new online shop, which offered an opportunity for customers, rail enthusiasts, and the general public to purchase a wide range of NJ TRANSIT-branded clothing, beverageware, and more. The online store allows a variety of products to be sold with NJ TRANSIT's official logo

without the need for costly inventory backlogs or storage. President & CEO Corbett said as the holidays were approaching if anyone was looking for gifts, he would encourage everyone to look at njtransitshoppe.com.

Public Comments

Chair Gutierrez-Scaccetti asked Board Secretary Umukoro if there were any public comments. Board Secretary Umukoro said there were two in-person speakers, and five pre-registered telephone speakers.

Board Secretary Umukoro said in order to give everyone an opportunity to be heard, comments would be limited to three minutes. She said priority access would be given to pre-registered in-person participants, followed by any additional in-person speakers. They would then take comments from pre-registered telephone participants, followed by any additional telephone participants, who queued to speak. Board Secretary Umukoro instructed those participating by telephone, if they had not already done so, please press *1 on their telephone keypad to enter the queue to speak. They would hear a brief tone to indicate they have successfully entered the queue.

Board Secretary Umukoro said the first in-person speaker would be Murray Bodin, but he declined to speak until Board Chair Gutierrez-Scaccetti returned to the room. The next in-person speaker Sid Madison was called to speak.

Sid Madison from Piscataway said the importance of holding global warming to 1.5 degrees by 2030 was to reduce emissions. Mr. Madison said one example would be two additional degrees of warming which would kill virtually all of the worlds living coral reef, threatening the survival for one-quarter of ocean diversity and affecting the protein supply for hundreds of millions of people. Mr. Madison said two non-climate scientists communicated the following: climate extremes were now unavoidable, and they should act to avoid those that could become unmanageable and that damage increases exponentially, not literally. Mr. Madison said the status of achieving 1.5 global carbon dioxide emissions has not yet peaked, yet alone started to decline, which makes the goal of 2030 nearly impossible. The United States status Inflation Reduction Act, even if not restricted by Republicans, even in the best case would get them to 80 percent of their 50 percent goal. Mr. Madison said the United States was not meeting the moral challenge, and countries with the highest emissions, greatest responsibility, and capability should adapt the most ambitious target timeframes.

Mr. Madison said New Jersey was going 180 degrees in the wrong direction with 50 percent reduction in emissions by 2030, but potentially adding 38 percent more emissions via seven fossil fuel productions. He noted the Board of Public Utilities (BPU) said they did not need more fossil fuel infrastructure. Lastly, Mr. Madison said Governor Murphy was putting band aids instead of a tourniquet on a planet that was bleeding out, and taking projects on one at a time, rather than enacting a moratorium on all fossil fuel infrastructure projects.

Board Secretary Umukoro said they would now open the floor for public comments by telephone participants, beginning with those who pre-registered to speak. The Operator provided a reminder for those who have not already done so, to please press *1 on their telephone keypad to enter the queue to speak and that each speaker would be given three (3) minutes for their public comment, and a warning would be provided with one-minute remaining and again with 15 seconds remaining. The Operator said there were seven speakers in the queue to speak.

Sally Jane Gellert, Chairperson for the Lackawanna Coalition noted they were in support of Board Action Items 2211-83, and 2211-84 for the Roseville Tunnel Rehabilitation Project and for the Provision of Access Link Service in Region 5. Ms. Gellert said their coalition has long supported the restoration of the Lackawanna Cutoff to Scranton, not just to a parking lot in Andover Township, but beyond, as the current Amtrak plans included. This had been under discussion for quite some time, and the Lackawanna Coalition was glad to see progress.

Regarding the Access Link Region 5 Contract, Ms. Gellert said they were particularly glad to see this because she and other members of the Lackawanna Coalition were members of the New Jersey Senior Citizens and Disabled Residents Transportation Advisory Committee. Ms. Gellert said knowing that all of them were at most temporarily able-bodied, they were very much aware of the benefits of this program providing mobility.

Ms. Gellert said on Action Item 2211-81, Purchase of 172 Cruiser Buses, the Coalition was wondering if this was the right time to purchase cruiser buses although, it did make sense that replacement buses meet current standards in features, and size.

The Coalition was concerned about Action Item 2211-85 Trans Hudson Planning Funding because it was not a new pandemic-oriented study; the contract was first signed with civil engineering firm AECOM in 2019. Ms. Gellert said even without doing a formal study, simple observation showed changes in ridership since mid-2020. Ms. Gellert said they could speak to advocates that have been riding all the time and with their former Chairperson, David Peter Alan, who has been writing in *Rail-Way Age* about the change in ridership since 2020. She said NJ TRANSIT needed to do better rather than spending so much on a study that would possibly just sit on a bookshelf.

Lastly, Ms. Gellert said the Coalition liked Action Item 2211-87, Adoption of Rules for the Reduced Fare Program and appreciated NJ TRANSIT doing right by riders on that. She also voiced her support for the mandatory mask-only rail cars and stated she would send the November/December Railgram to the Board Office.

Andy Weiss asked for the status on the NJ TRANSIT Customer Advocate job description, and whether the position had been advertised yet. He asked that the Board not water down this job description and make it weaker, which he was afraid that was what the Board was trying to do. Mr. Weiss said the NJ TRANSIT Customer Advocate scandal proved that NJ TRANSIT needed much more reform, and that they needed to get this second NJ TRANSIT Reform Bill out of the legislative committee and make it law.

Mr. Weiss said it was alarming how the NJ TRANSIT Board has ignored implementing public law reform for years, until they get public pressure.

Mr. Weiss said on Action Item 2211-81, the Purchase of 172 Cruiser Buses were obsolete and had terrible design flaws and only had one door in the front without a center door. He said those types of buses destroy the community because they have very slow dwell times at bus stops. Mr. Weiss said NJ TRANSIT had already made the mistake of approving the Academy contract and would make another mistake by purchasing another 172 obsolete one-door cruiser buses. Mr. Weiss said NJ TRANSIT needed 60-foot multi-door articulated buses that have more capacity for boarding and exiting. Mr. Weiss asked that the Board vote no on this action item because the cruiser buses were so obsolete and didn't belong in New Jersey.

Richard Grant of Hackensack said he recently visited the MTA website which was one of the nation's largest operators of the public transit system. There was a section where the MTA posted video recordings, materials, and documents of the MTA Board and Committee meetings in which the public could comment on. Mr. Grant said the MTA's July Committee meeting video this year was just under eight and a half hours, which met with the Safety Committee and included the Audit and Capital Program Committees. The MTA had been posting meeting videos since January 2014, four years before Senate Bill 630 created a new NJ TRANSIT Board with four new standing committees.

Mr. Grant said whether or not NJ TRANSIT was ever aware of how the MTA handled committee meeting transparency, they take on a different approach. The kind of approach that a Board might take is that they see their premiere purpose as approving contracts for projects. Mr. Grant asked if the Board intended on representing and serving the riding public, and make a persistent effort to be as transparent as possible. Mr. Grant said three out of the NJ TRANSIT Board's six committees the riding public cannot attend, therefore they cannot comment at these meetings and videos and agendas were not posted on the NJ TRANSIT website. He believes meetings of the Audit, Capital Planning, and Safety, unlike NJ TRANSIT's MTA Board Committee counterparts four years running, were conducting what amounts to end-to-end closed Executive Sessions in order to hear a big briefing from staff members.

Mr. Grant said the riding public would not even be aware that those three committee meetings existed, if it wasn't for the website naming each Board Member for the committees they served on. Mr. Grant said the riding public still had no information on which specific Board concerns drove the creation of the Ad-Hoc Safety Committee meeting, or how often it met, or what duties and functions were in its purview, or what areas it monitored, or advised the Board on. Lastly, Mr. Grant said if the Board was about more than approving contracts for projects and more about representing and serving their riding public, there needed to be more transparency, and they needed to find a customer advocate.

Erika Gould commented in support of a mask only rail car in which all passengers would be asked to wear a face covering. Ms. Gould said she and several other callers have made it clear that creating a mask-only rail car without enforcement would be fine since

the conductors have voiced their concerns on safety. Active enforcement or no active enforcement, she believes people who need a mask-only rail car would be happy to have a place to ride with less risk like there was now. She believes signs could be put up and if 80 percent of people complied with those signs that would be a big difference in the percentage of people who were wearing masks versus not. Ms. Gould said NJ TRANSIT was underestimating how even an imperfect solution like that could allow someone to ride the train now, that could not before because they were high-risk for COVID or lived with a high-risk person. Ms. Gould said despite 685 people who signed a petition in support of a mask-only rail car, and the public comments received on this issue over many months, she could not see how this was still being resisted. Ms. Gould asked that NJ TRANSIT answer her one question on the reason why NJ TRANSIT will not try out a mask-only rail car on a few lines.

Adam Reich asked for an update from Board Member Narra on when a meeting would take place with the Customer Advocate Advisory Board and who would be meeting with them. He also said Board Member Narra was going to have staff look into the issue of rail crew closing off rail cars and wondered if there was an update on that as well. Mr. Reich said opening up these rail cars would allow riders to spread out and help mitigate the spread of COVID-19 and Flu due to overcrowding. Mr. Reich said this was also a safety and equity issue because there are often train crew riding in the closed rail cars and they are not accessible to the public, and if there were an issue on the train or a passenger had a mobility issue, they may not be able to reach them.

Mr. Reich said NJ TRANSIT will be holding another accessibility forum and since Board Member Adams and Board Member Narra have spoken on the mask-only rail car issue originally, he asked that a portion of the forum be dedicated to immunocompromised riders and those with underlying conditions. He said staff has not been willing to talk to riders who have been calling into the Board meetings on this issue and NJ TRANSIT needed to work with riders to come up with a solution that would work. Mr. Reich said it would seem under the Americans with Disabilities Act and New Jersey Law Against Discrimination, there was an obligation to treat those who call in and say they can't ride with every rail car being mask optional as a request for reasonable accommodation. Mr. Reich said if NJ TRANSIT is saying no to a mask-only rail car, they need to know the reason why, and trying something was better than having nothing.

Tim Sevenser from the New Jersey Association of Rail Passengers and Transit Village of Mount Tabor said the NJ TRANSITGRID should use solar power because PATCO has been using solar power for traction running their train stations. Mr. Sevenser said PATCO had solar canopies set-up over stations and platforms, but he has not seen solar incorporated with any of NJ TRANSIT's station improvements. He said the solar canopies could be used with the NJ TRANSITGRID where solar renewables could be redistributed with on-demand back-up natural gas.

Mr. Sevenser said the trains should be electrified on the Jersey Coast Line and from Long Branch to Bay Head which would be more efficient in allowing NJ TRANSIT to run trains directly into Bay Head instead of having to transfer. Mr. Sevenser said it was good to see that the Long Slip project was moving forward, but wondered when they were going to

get back the cuts to Hoboken service which provided a viable link to New Jersey points, PATH, Ferry, and New York. He has been getting alerts on the Morris/Essex Line at least three to four times a week that New York Penn Station trains are delayed and rarely was that a problem for Hoboken.

Jason Anthony, Amazon Labor Union Organizer, said he has been seeing more of the homeless inside Newark Penn Station and was surprised that the NJ TRANSIT Board has not taken more action to resolve that issue. Mr. Anthony said he has also been seeing more of the homeless in New York and in Trenton, and wondered why. He has also been seeing a trend where Amtrak has been closing the NJ TRANSIT tracks and concourse in New York Penn Station at 12:00 a.m. instead of 1:00 a.m. and asked if President & CEO Corbett could speak to Amtrak regarding that issue. Mr. Anthony also asked if President & CEO Corbett could create an alliance with his MTA counterpart Janno Lieber on how NJ TRANSIT could provide more transparency. He said that the MTA were more transparent than NJ TRANSIT because the MTA held their Board Meetings via Zoom for those who were unable to attend, unlike NJ TRANSIT where they have to sit on a telephone for hours. Mr. Anthony said there needed to be more transparency in the Garden State, and New Jersey needed a Customer Advocate.

Murray Bodin said he was there today because many years ago former Transportation Commissioner Jim Simpson got him involved, and that Chair Gutierrez-Scaccetti might have worked with him during those days, but Chair Gutierrez-Scaccetti said she did not.

Mr. Bodin said it was all about global warming and there was a conference going on in Egypt discussing it. He said during the election last night a lot of peoples' eyes were opened, and most people understood global warming more than the politicians, and that affected everyone with the first item on the agenda to purchase 172 new Cruiser Buses. Mr. Bodin said the cruiser buses were the wrong buses to buy and they were too high and could have low-floor buses with the same capacity. Mr. Bodin said the new buses were going to be powered by hydrogen and not electricity and they could also be stored under a tent like they did in Denver, rather than being stored inside a building, and could have a floor made of asphalt instead of concrete. In closing, Mr. Bodin said that NJ TRANSIT had to change their way of doing things, and they cannot have flashing red lights and traffic lights at rail road crossings. Mr. Bodin said as others have learned about global warming, they must change their way of thinking for their grandchildren and the next generation.

Board Secretary Umukoro said they had one additional telephone speaker.

Kaley McAllister said she had been riding NJ TRANSIT for over 20 years, and it had been quite some time since she called in but after listening for the past several months was compelled to do so, because the people who had been calling in have been talking about the same things. She said callers like Adam Reich and Andy Weiss were not advocates, but rather Twitter trolls, and that in Andy Weiss' Twitter profile it says, "I sit around all day and complain about NJ TRANSIT." Ms. McAllister said that Mr. Weiss was the kind of guy who would see the Commissioner walking on water and would say "See I told you she couldn't swim."

Ms. McAllister said Mr. Reich, with his 60 followers after being on Twitter for 10 years, which was like a soap opera, turn it off for a year, and go back to it and they are still whining about the same exact thing, the customer advocate, and the mask-only rail car, which were both ridiculous ideas. Ms. McAllister said asking a transit agency to designate a mask-only rail car was asking NJ TRANSIT to dictate health policy, which was totally inappropriate, and health policies were decisions to be made by the State Department of Health, and not by the Department of Transportation.

Ms. McAllister said if the mask-only rail car was such a great idea then she would like Mr. Reich to show everyone a transit system in the country with such a policy. Ms. McAllister said on the customer advocate nonsense, unless they had more power than the CEO and Commissioner, what difference would that one person make because they couldn't keep a bus driver from getting sick, or a train breaking down, and it was just a stupid idea. She said the customer advocate that would be hired would be yet another high-paid government position, and that person would probably leave within two-months, because that was how long it would take the same two people (Adam Reich and Andy Weiss) to drive them out, like they did the last one.

Ms. McAllister said if a customer advocate was such a great idea, Mr. Reich and Mr. Weiss should show everyone a transit agency who employed a customer advocate, and although her commute was not great every day, it was better than it was five years ago. Ms. McAllister said she would not have been able to get to work during the pandemic if it were not for public transportation, and was grateful trains continued to run. Lastly, Ms. McAllister said NJ TRANSIT needed to know what type of people Mr. Reich and Mr. Weiss were, because they were not legitimate transit advocates, but yet attention seekers who needed to see their names in local newspapers, so their mommy and daddy would have something to stick on their refrigerators, and in no way represented all transit riders, or her.

Board Member Comments

Board Secretary Umukoro asked the in-person Board Members were there any comments, hearing none, she asked the remote Board Members were there any comments, also hearing none, they moved on to the Advisory Committee Report.

Public Comment Submitted In Lieu of Speaking

Nihal Bhujle, I commute from Glen Ridge to Weehawken three times a week via the Montclair Line and Hudson-Bergen Light Rail. I was asked to serve on NJ TRANSIT's Customer Advisory Board (CAB) in February 2020, and I ask the agency to launch the CAB without delay. We are in the midst of a once-in-a-lifetime change in ridership patterns, making it even more important to actively engage with riders. If the Board could provide an update on the plans to launch the CAB, I would appreciate it.

Advisory Committee Report

Suzanne Mack said since this was the last meeting before Thanksgiving, she wanted to say how thankful she was for all that the Board, President & CEO Corbett, his staff, and the NJ TRANSIT front-line employees do to serve their customers. Ms. Mack said the last public speaker who called in resonated with her because she was out riding the buses in Hudson County, and when you see the people that are riding NJ TRANSIT buses it was gratifying to know that they were able to provide service for them.

The North and South Passenger Advisory Committee (PAC) met virtually on, October 21, 2022, which Ms. Mack said was a good meeting with a major presentation on the Walter Rand Transportation Center, led by Tom Walker, their Director of Program Management for Capital Programs. Ms. Mack said she often says that transit is dominant in the North and it was gratifying to see a project like the Walter Rand Transportation Center come to fruition, and how very well it was received.

The PAC also discussed the legislative issues going on in Trenton, and one of the things that came up in North Jersey was Governor Murphy and NJ TRANSIT having announced the selection of the developer for the Woodbridge Park-and-Ride. Ms. Mack said this was very interesting because several of the park-and-ride Transit Oriented Development (TOD) projects were on hold during COVID and it was nice to see they have been re-energized, and would come to fruition. Ms. Mack said those TOD projects were a part of NJ TRANSIT's Strategic Plan to promote a more sustainable future, by developing walkable communities at transit stations, and the Woodbridge project was key to that. The PAC was pleased to see the reuse of the property to maximize the value and force a green economy in reducing emissions related to transportation, and hoped that more projects like that one would be coming down the line. They were also very interested in NJ TRANSIT's first electric bus service, which began revenue on October 24, 2022, and they were provided with an update on that.

Ms. Mack said in South Jersey, on October 29, 2022, the first NJ TRANSIT electric bus was showcased in the Tri-County Sustainability National Drive Electric event in Evesham Township & Burlington County. Also, on display were various models of electric cars, trucks, bikes, and scooters, and many people took the opportunity to visit NJ TRANSIT's electric bus, and inquire about its operation. Ms. Mack thought it was important to point all of this out because for someone who followed and attended meetings every month, two years ago there was a big movement in the ridership community on what was being done relating to sustainability. She said it did take time for NJ TRANSIT to respond but, they were on the right track with sustainability issues, and an event like the one mentioned showed that it does take time to bring ideas to fruition.

Lastly, Ms. Mack said she wanted to thank President & CEO Corbett for bringing up the NJ TRANSIT Online Shoppe because we were now entering the holiday season and for the rail enthusiasts and transit enthusiasts, this was a great way to purchase gifts, and made her feel they were getting back to some sort of normalcy. Ms. Mack said President & CEO Corbett's report on ridership showed that they were rebounding, but they all still need to remain cautious with all that is going on in the world. Transit has been there

during the worst of times and it was nice to hear NJ TRANSIT was rebounding. Ms. Mack said the Passenger Advisory Committee's next meeting will be held on December 22, 2022, and if there were any projects or issues the Board would like them to work on, they would be glad to do so.

Chair Gutierrez-Scaccetti thanked Ms. Mack for her report, and for all of her hard work, and support for NJ TRANSIT.

Board Operations and Customer Service Committee Report

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

Board Administration Committee Report

Board Member Brown presented the report for the Administration Committee. The Administration Committee received a Financial Update. This included a summary of operating results compared to previous year's comparable period and Fiscal Year 2023 Budget, 12-month farebox revenue compared to pre-COVID, major balance sheet items and Federal COVID-19 relief grant drawdown summary. Additional information was provided as part of the agenda materials, including the cost-of-service key performance indicators, twelve-month farebox recovery, history of vacancies, attrition and hires, ridership and revenue, and a monthly budget-to-actual comparison for September 2022.

The Committee also received updates from Human Resources and Equal Employment Opportunity and Affirmative Action.

Board Capital Planning, Policy, and Privatization Committee Report

Vice Chair Fulton presented the report for the Capital Planning, Policy, and Privatization Committee. The Capital Planning, Policy, and Privatization Committee discussed the Board Items for the: Bus Stock Program: Purchase of 172 Cruiser Buses; Mason Substation Oversight Advisor Contract Amendment for Burns Engineering Inc. Professional Services Contract; Construction Management Services in Support of the Roseville Tunnel Rehabilitation and Associated Track Bed Work; Execution of Contract 21-063 for the Provision of Access Link Service in Region 5 (Essex, Union, Somerset, Morris, and Parts of Hudson Counties); Trans-Hudson Network Planning Funding Authorization; and Procurement by Exception to Extend Princeton Consultants ("Princeton") Contract for Software and Operational Support for Positive Train Control for Norfolk Southern's I-ETMS System.

Action Items

2211-81: BUS STOCK PROGRAM: PURCHASE OF 172 CRUISER BUSES

President & CEO Corbett introduced, Richard Schaefer, Acting Senior Vice President, Capital Programs, to present Action Item #2211-81. Richard Schaefer presented for approval Action Item #2211-81: Bus Stock Program: Purchase of 172 Cruiser Buses.

Board Member James D. Adams made a motion and Board Member Noreen M. Giblin seconded the motion.

Vice Chair Fulton said since there were a couple of comments today on this action item and asked if Mr. Kilcoyne or Mr. Schaefer could speak briefly on how this purchase fit into their overall plan, and how it aligned with the multiple objectives they had at NJ TRANSIT, for both managing customer service, as well as moving toward electrification.

Mr. Kilcoyne said from the outset of their transition to electrification, they began a roadmap to ensure they were able to attain that responsibly. They have 172 buses that were now 20-years old and would not be able to electrify the infrastructure in time in order to replace those buses to get to electrification, and this would bridge that.

Chair Gutierrez-Scaccetti asked if the purchase of the 172 buses would be more fuel efficient than the ones they were retiring. Mr. Kilcoyne responded absolutely, and those buses would be Tier 4 called clean diesel, because they had the DPF Filter that burned particulate matter, making them significantly more environmentally friendly than the Tier 1 buses they were replacing. Chair Gutierrez-Scaccetti asked if these buses would then be able to fit in with the federal guidelines for the national infrastructure vehicle initiative where they would have to measure the reduction in greenhouse gas emissions, and would they be able to do that with those buses. Mr. Kilcoyne said he would defer that question to the environmental staff; however, he did believe that they could measure that. Chair Gutierrez-Scaccetti said she would appreciate that answer. President & CEO Corbett said as part of their sustainability plan, this was one of the issues they were tracking. Mr. Schaefer added that they currently had four separate contracts in progress for zero-emissions bus facility improvements which was key in their efforts.

Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Absent	Absent	Yes	Yes	Yes	Yes

2211-82: MASON SUBSTATION OVERSIGHT ADVISOR – CONTRACT AMENDMENT FOR BURNS ENGINEERING INC. PROFESSIONAL SERVICES CONTRACT

President & CEO Corbett introduced Richard Schaefer, Acting Senior Vice President, Capital Programs, to present Action Item #2211-82. Richard Schaefer presented for

approval Action Item #2211-82: Mason Substation Oversight Advisor – Contract Amendment for Burns Engineering Inc. Professional Services Contract.

Vice Chair Cedrick T. Fulton made a motion, Board Member Noreen M. Giblin seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Absent	Absent	Yes	Yes	Yes	Yes

Board Secretary Umukoro noted that Board Member Adams was recused from the next item #2211-83 and he left the meetings.

2211-83: CONSTRUCTION MANAGEMENT SERVICES IN SUPPORT OF THE ROSEVILLE TUNNEL REHABILITATION AND ASSOCIATED TRACK BED WORK

President & CEO Corbett introduced Richard Schaefer, Acting Senior Vice President, Capital Programs, to present Action Item #2211-83. Richard Schaefer presented for approval Action Item #2211-83: Construction Management Services In Support of the Roseville Tunnel Rehabilitation and Associated Track Bed Work.

Vice Chair Cedrick T. Fulton made a motion, Board Member Sangeeta Doshi seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Recused	Yes	Absent	Absent	Absent	Yes	Yes	Yes	Yes

Board Member Adams rejoined the meetings.

2211-84: EXECUTION OF CONTRACT 21-063 FOR THE PROVISION OF ACCESS LINK SERVICE IN REGION 5 (ESSEX, UNION, SOMERSET, MORRIS, AND PARTS OF HUDSON COUNTIES)

President & CEO Corbett introduced Michael Kilcoyne, Senior Vice President, Surface Transit and General Manager, Bus Operations, to present Action Item #2211-84 Michael Kilcoyne presented for approval Action Item #2211-84: Execution of Contract 21-063 for the Provision of Access Link Service in Region 5 (Essex, Union, Somerset, Morris, and Parts of Hudson Counties).

Board Member Noreen M. Giblin made a motion, Board Member James D. Adams seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Absent	Absent	Yes	Yes	Yes	Yes

Board Member Gordon joined the meetings.

2211-85: TRANS-HUDSON NETWORK PLANNING FUNDING AUTHORIZATION

President & CEO Corbett introduced Justin Davis, Regulatory and Government, Chief of Staff, to present Action Item #2211-85. Justin Davis presented for approval Action Item #2211-85: Trans Hudson Network Planning Funding Authorization.

Vice Chair Cedrick T. Fulton made a motion, Board Member Noreen M. Giblin seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2211-86: PROCUREMENT BY EXCEPTION TO EXTEND PRINCETON CONSULTANTS (“PRINCETON”) CONTRACT FOR SOFTWARE AND OPERATIONAL SUPPORT FOR POSITIVE TRAIN CONTROL FOR NORFOLK SOUTHERN’S I-ETMS SYSTEM

President & CEO Corbett introduced James Sincaglia, Senior Vice President and General Manager, Rail Operations, to present Action Item #2211-86. James Sincaglia presented for approval Action Item #2211-86: Procurement by Exception to Extend Princeton Consultants (“Princeton”) Contract for Software and Operational Support for Positive Train Control for Norfolk Southern’s I-ETMS System.

Board Member James D. Adams made a motion, Board Member Noreen M. Giblin seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2211-87: REGULATIONS: PROPOSED ADOPTION OF N.J.A.C. 16:73 REDUCED FARE TRANSPORTATION PROGRAM FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES

President & CEO Corbett introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2211-87. William Viqueira presented for approval Action Item #2211-87: Regulations: Proposed Adoption of N.J.A.C. 16:73 Reduced Fare Transportation Program for Senior Citizens and People With Disabilities.

Board Member Bob Gordon made a motion, Board Member Sangeeta Doshi seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2211-88: RECOMMENDATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2022

President & CEO Corbett introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2211-88. William Viqueira presented for approval Action Item #2211-88: Recommendation to Approve the Audited Financial Statements for the Fiscal Year Ended June 30, 2022.

Vice Chair Cedrick T. Fulton made a motion, Board Member Noreen M. Giblin seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

2211-89: PERSONAL INJURY CLAIM OF STEPHANIE SMITH

President & CEO Corbett introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2211-89. William Viqueira presented for approval Action Item #2211-89: Personal Injury Claim of Stephanie Smith.

Board Member James D. Adams made a motion, Board Member Bob Gordon seconded the motion, and the item was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Executive Session Authorization

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

Chair Gutierrez-Scaccetti asked for a motion to enter Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including, but not limited to, the New Jersey Department of Environmental Protection (NJDEP) Rebuild by Design – Hudson River: NJ TRANSIT Permanent Easement and Lease for Resist Structure Construction and Operations and Maintenance, the Property Acquisition of Bus Garage in Westwood, New Jersey, the Personal Injury Claim of Jose Guerrero, the Personal Injury Claim of Alina Jadaszewska, and the Personal Injury Claim of the Estate of Frederick Malchow.

Board Member Noreen M. Giblin made a motion, Board Member Sangeeta Doshi seconded the motion, and it was adopted. At approximately 11:25 a.m., the Board adjourned to Executive Session.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Spalla	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Return to Open Session

Board Secretary Umukoro conducted a Roll Call as Board Members returned to Open Session. All Board Members, except for Board Members Brown, Gordon, and Thomas, returned to Open Session at approximately 1:32 p.m.

Adjournment

Since there was no further business, a motion to adjourn was made by Vice Chair Cedrick T. Fulton, and seconded by Board Member Noreen M. Giblin, and adopted.

The meetings were adjourned at approximately 1:34 p.m.

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

NOVEMBER 9, 2022

MINUTES

PAGE

➤ CALL TO ORDER	-
➤ APPROVAL OF MINUTES OF PREVIOUS MEETINGS	63643
➤ PRESIDENT & CEO'S MONTHLY REPORT	63644
➤ PUBLIC COMMENTS	-
➤ ADVISORY COMMITTEE REPORT	-
➤ BOARD COMMITTEE REPORTS	-

ACTION ITEMS

2211-81	BUS STOCK PROGRAM: PURCHASE OF 172 CRUISER BUSES – Authorization to enter into an NJ TRANSIT contract with Motor Coach Industries, for the purchase of 172 Cruiser Buses, including spare parts, at a cost not to exceed \$142,994,950, plus five percent for contingencies, subject to the availability of funds.	63667
2211-82	MASON SUBSTATION OVERSIGHT ADVISOR – CONTRACT AMENDMENT FOR BURNS ENGINEERING INC. PROFESSIONAL SERVICES CONTRACT – Authorization to enter into Change Order No. 2 with Burns Engineering Inc. on NJ TRANSIT Contract No. 19-013 to continue to provide support and Project Oversight Advisory Services on the Mason Substation Project in the amount not to exceed \$1,174,123.67, plus five percent for contingencies, subject to the availability of funds.	63677
2211-83	CONSTRUCTION MANAGEMENT SERVICES IN SUPPORT OF THE ROSEVILLE TUNNEL REHABILITATION AND ASSOCIATED TRACK BED WORK – Authorization to enter into NJ TRANSIT Contract No. 22-037 with KS Engineers, P.C. for Construction Management Services for the Roseville Tunnel Rehabilitation and Associated Track Bed Work Project, in the amount not to exceed \$4,369,056.40, plus five percent for contingencies, subject to the availability of funds.	63679
2211-84	EXECUTION OF CONTRACT 21-063 FOR THE PROVISION OF ACCESS LINK SERVICE IN REGION 5 (ESSEX, UNION, SOMERSET, MORRIS, AND PARTS OF HUDSON COUNTIES) – Authorization to enter into NJ TRANSIT Contract No. 21-063 with Easton Coach Company of Easton, PA, to operate	63680

Access Link service in Region 5 (Essex, Union, Somerset, Morris, and parts of Hudson Counties) for a 38-month base contract period from April 10, 2023 through June 30, 2026, at a cost not to exceed \$110,958,918, plus five percent for contingencies, for a total contract authorization of \$116,506,864, subject to the availability of funds and Board approval of NJ TRANSIT's operating budget.

- 2211-85 TRANS-HUDSON NETWORK PLANNING FUNDING AUTHORIZATION – 63681**
 Authorization to fund an additional \$948,082, plus five percent for contingencies, under NJ TRANSIT Contract No. 19-038 with AECOM of New York, New York, for Trans-Hudson Network Planning Strategy services to allow commencement of Phase IV of the contract, subject to the availability of funds.
- 2211-86 PROCUREMENT BY EXCEPTION TO EXTEND PRINCETON CONSULTANTS ("PRINCETON") CONTRACT FOR SOFTWARE AND OPERATIONAL SUPPORT FOR POSITIVE TRAIN CONTROL FOR NORFOLK SOUTHERN'S I-ETMS SYSTEM – 63683**
 Authorization to enter into an agreement with Princeton Consultants of Princeton, New Jersey, at an annual cost not to exceed \$450,000, plus five percent for contingencies, subject to the availability of funds.
- 2211-87 REGULATIONS: PROPOSED ADOPTION OF N.J.A.C. 16:73 REDUCED FARE TRANSPORTATION PROGRAM FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES – 63684**
 Authorization to take all actions necessary to initiate the rule-making process for the adoption of the regulations, 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 corresponding Exhibit A.
- 2211-88 RECOMMENDATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2022 – 63697**
 Accept and approve NJ TRANSIT's audited financial statements for the fiscal year ended June 30, 2022.
- 2211-89 PERSONAL INJURY CLAIM OF STEPHANIE SMITH – 63698**
 Authorization to settle the claim of Stephanie Smith through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.
- **EXECUTIVE SESSION AUTHORIZATION 63699**
- **ADJOURNMENT**

APPROVAL OF MINUTES

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

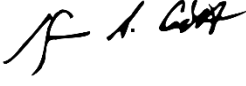
WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the October 12, 2022 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. were forwarded to the Governor on October 20, 2022;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the October 12, 2022 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. Board of Directors' meetings are hereby approved.

Philip D. Murphy, Governor
Sheila Y. Oliver, Lieutenant Governor
Diane Gutierrez-Scaccetti, Commissioner
Kevin S. Corbett, President & CEO



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

TO: BOARD OF DIRECTORS
FROM: KEVIN S. CORBETT 
DATE: NOVEMBER 9, 2022
SUBJECT: PRESIDENT & CEO'S REPORT – NOVEMBER 2022

As customers continue to return to our system, NJ TRANSIT is working to make their experience as pleasant and efficient as possible – not only to bring riders back to transit, but to attract and retain new customers as well. Toward that end, at our July Board I reported that NJ TRANSIT had assumed all service for the No. 10 and No. 119 bus routes serving Hudson County, where we added service and began using larger articulated buses that added capacity to meet increased demand. We also assumed service this summer on the No. 22 and No. 23 routes in an effort to both accommodate rapidly growing ridership and to significantly improve service on these lines, previously operated by private carriers. Today, I'm pleased to report that this effort has so far yielded significantly positive results. In the two months immediately following NJ TRANSIT taking over the No. 10 and No. 119 bus routes, 99.9 percent of the trips were covered the first month and 100 percent of the trips were covered the second month – up from an average of approximately 80 percent in two months prior, when they were operated by the private carrier. For the No. 22 and No. 23 routes, 100 percent of the trips were covered in the two-month period following our taking over the routes – up from less than 50 percent in the two months prior. It's no surprise that all four routes have also seen significant ridership increases.

In addition to our focus on improving service for our customers, we are equally focused on our infrastructure. Less than two weeks ago, we marked the 10th anniversary of Superstorm Sandy, which revealed just how vulnerable our transit infrastructure is to extreme weather events. Today, NJ TRANSIT has several billion dollars in projects underway – in construction or in the procurement process – as part of our Sandy Resilience Program. They include, but are not limited to: completing the first phase of our \$284 million Long Slip Project in Hoboken; beginning construction on the \$421 million Delco Lead Storage and Inspection Facility in New Brunswick; our Signals & Communications Resilience program that is hardening vital signals and communications systems against extreme weather events; and the Raritan River Bridge Replacement Project, where the first phase is now 62 percent complete. It should be noted that in 2017 – before Governor Murphy took office and I joined NJ TRANSIT – many of these projects were long-stalled and languishing. Please visit njtransitresilienceprogram.com for more project details.

Resiliency and sustainability go hand-in-hand, and toward that end, NJ TRANSIT is putting additional federal COVID relief funding to good use by allocating these funds to improve both our service and our environment. Today, NJ TRANSIT and the North Jersey Transportation Planning Authority (NJTPA) are announcing the programming of \$43.6 million in federal Coronavirus Response and Relief Supplemental Appropriations Act funding. This funding will advance seven key projects, including bus garage electrification in North Jersey, our NewBus Hudson bus redesign initiative, solar bus shelters, electric mini-buses, community shuttles, and bike sheds. Taken together, these projects will improve first mile/last mile and micro-mobility options for customers, while benefiting our entire state through an improved customer experience, enhanced air quality, and reduced carbon emissions. The funding will be made available to NJ TRANSIT as part of NJTPA's Fiscal Year 2022-2025 Transportation Improvement Program.

In addition to service and infrastructure, we have an important customer-focused technology update to share today. This month, NJ TRANSIT began upgrading Ticket Vending Machines (TVMs) on all three of our light rail systems to allow customers to validate their one-way ticket at the time of purchase, for a seamless, one-step process and a much-improved customer experience. Previously, customers had to purchase their light rail ticket at a TVM, and then validate those tickets at a separate validator machine. We have completed these upgrades on our River LINE. TVM upgrades are also underway on our HBLR and Newark Light Rail systems, and will be completed by mid-December.

In closing, I want to share another way NJ TRANSIT is working to foster pride in our State's transit system. Now that NJ TRANSIT is earning its highest "customer satisfaction" scores since 2011 and was again named one of *Forbes'* Best Employers in the state, what better time to open an online "transit shoppe" for NJ TRANSIT merchandise and apparel. Last month, NJ TRANSIT proudly introduced this new online shop, which offers an opportunity for customers, rail enthusiasts, and the general public to purchase a wide range of NJ TRANSIT-branded clothing, beverageware, and more. As you look for gifts this holiday season, I encourage you to visit njtransitshoppe.com.



PRESIDENT & CEO'S MONTHLY REPORT

November 9, 2022

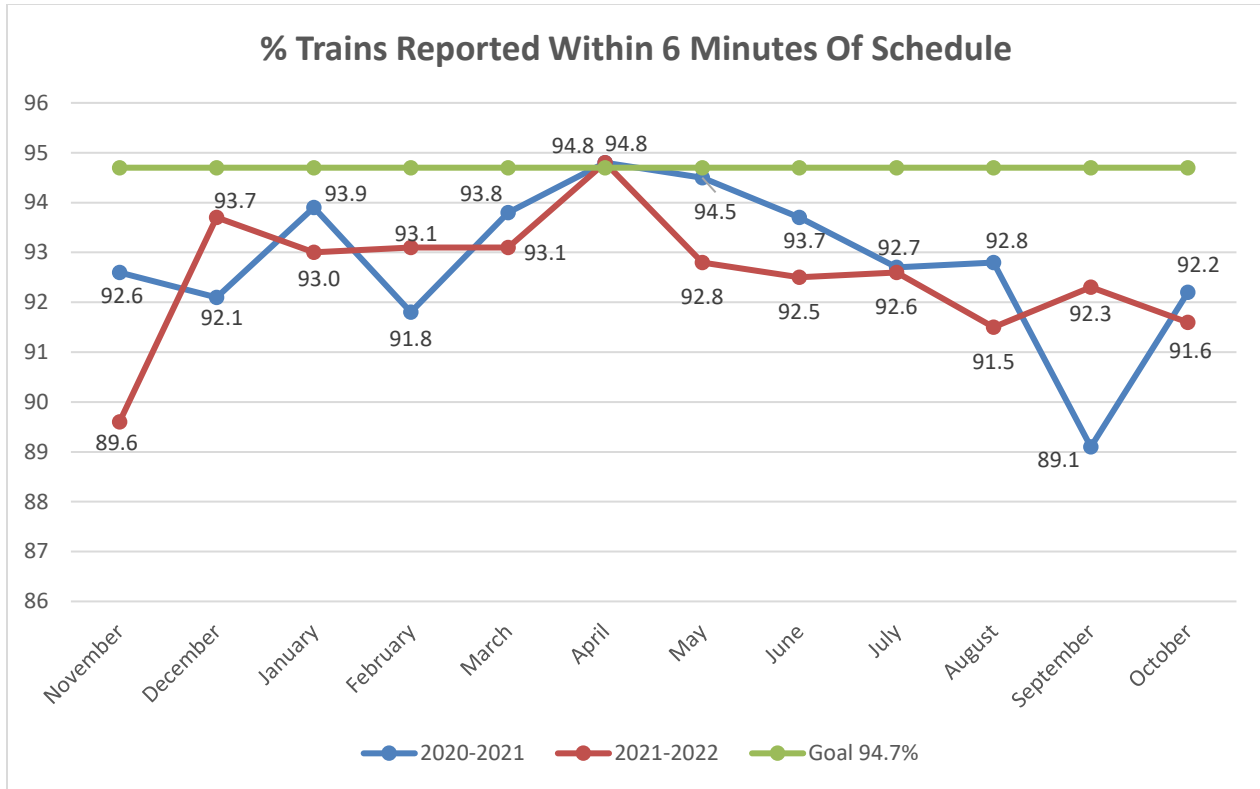
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November 9, 2022

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

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL NOVEMBER 2020 – OCTOBER 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
October Comparison	92.2%	91.6%	-0.6%
12-Month Average Nov. 2020 – Oct. 2022	92.9%	92.5%	-0.4 %

Analysis:

Rail On-time Performance was 91.6% for October 2022. Of the 18,112 trains scheduled to operate, 16,589 were on time, while 1,523 trains (or 8.4%) were delayed.

Key Causes included:

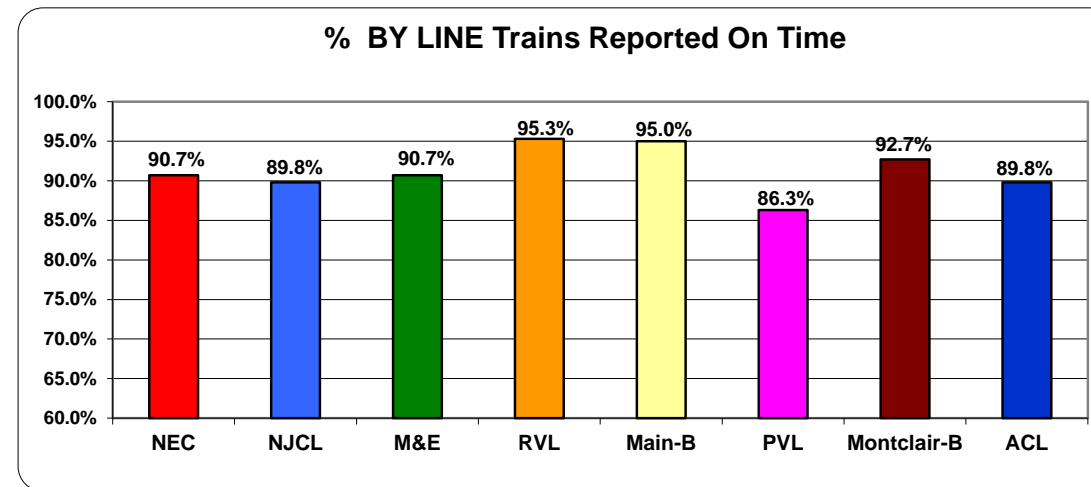
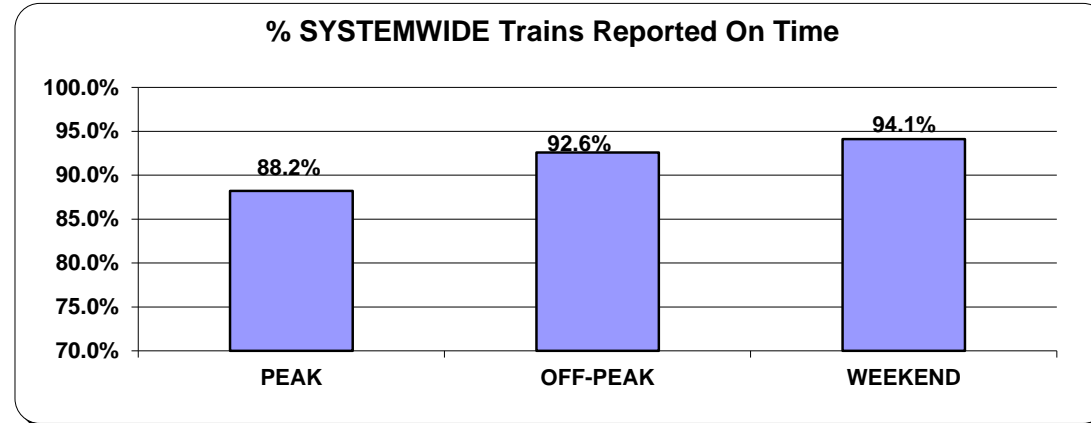
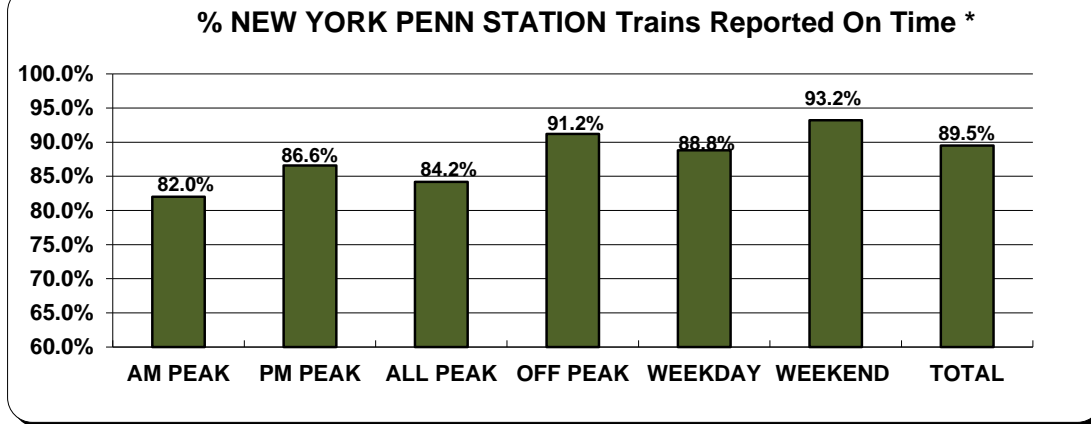
- Amtrak track issues, programmed maintenance, NJT PTC mechanical, diesel and coach issues and programmed maintenance contributed 87 delays on October 11.
- Amtrak catenary issues, NJT diesel, multi-level cab car, Arrow MU issues, programmed maintenance and PTC mechanical contributed 98 delays on October 12.
- Amtrak Portal Bridge open, programmed maintenance, NJT weather, PTC mechanical, power interruption, multi-level coach and Arrow MU issues contributed 85 delays on October 13.

The 12-month Average for Rail On-Time Performance was 92.5%.

ON-TIME PERFORMANCE RAIL

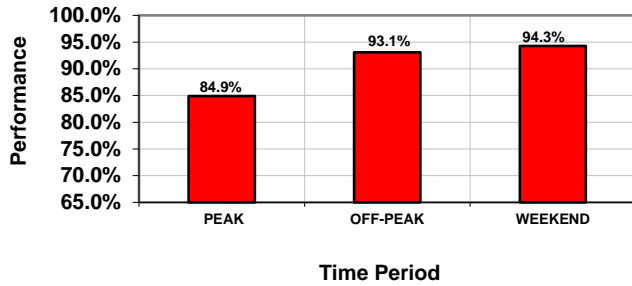
SUMMARY BY TIME PERIOD October 2022

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

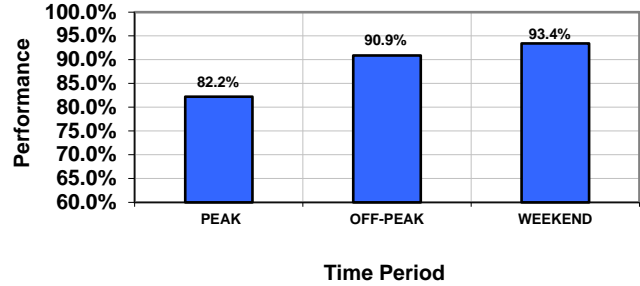


ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD October 2022

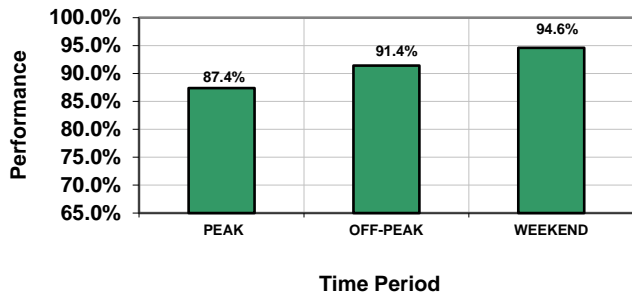
NORTHEAST CORRIDOR



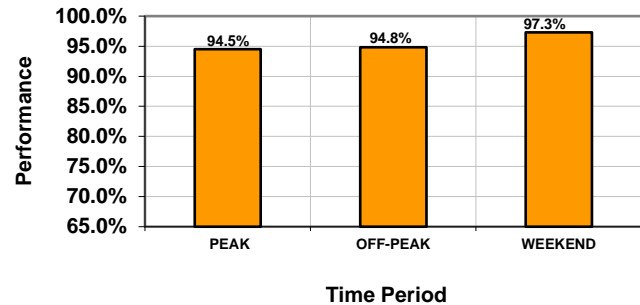
NORTH JERSEY COAST LINE



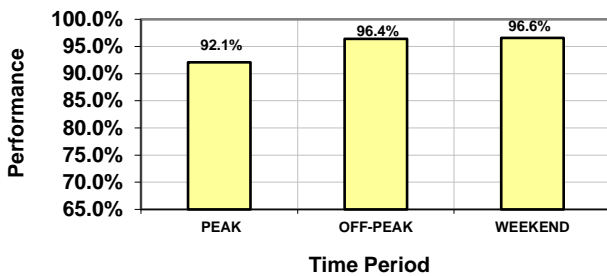
MORRIS & ESSEX



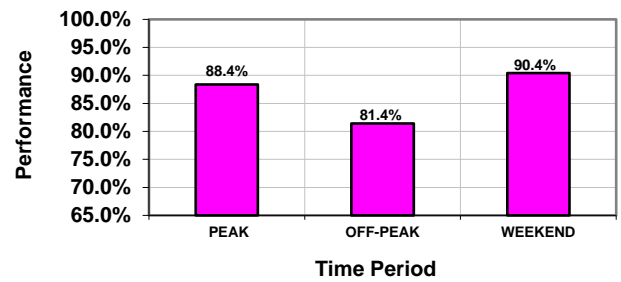
RARITAN VALLEY LINE



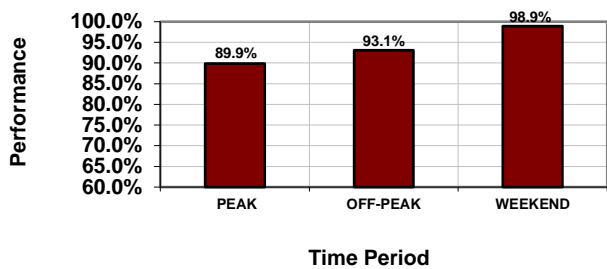
MAIN-BERGEN



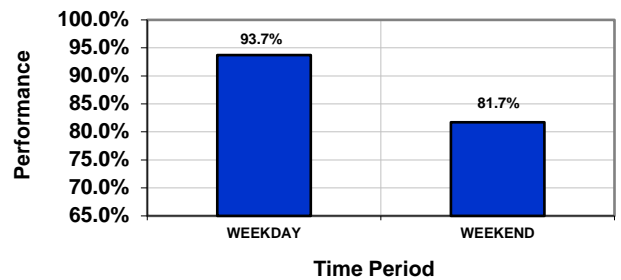
PASCACK VALLEY



MONTCLAIR-BOONTON

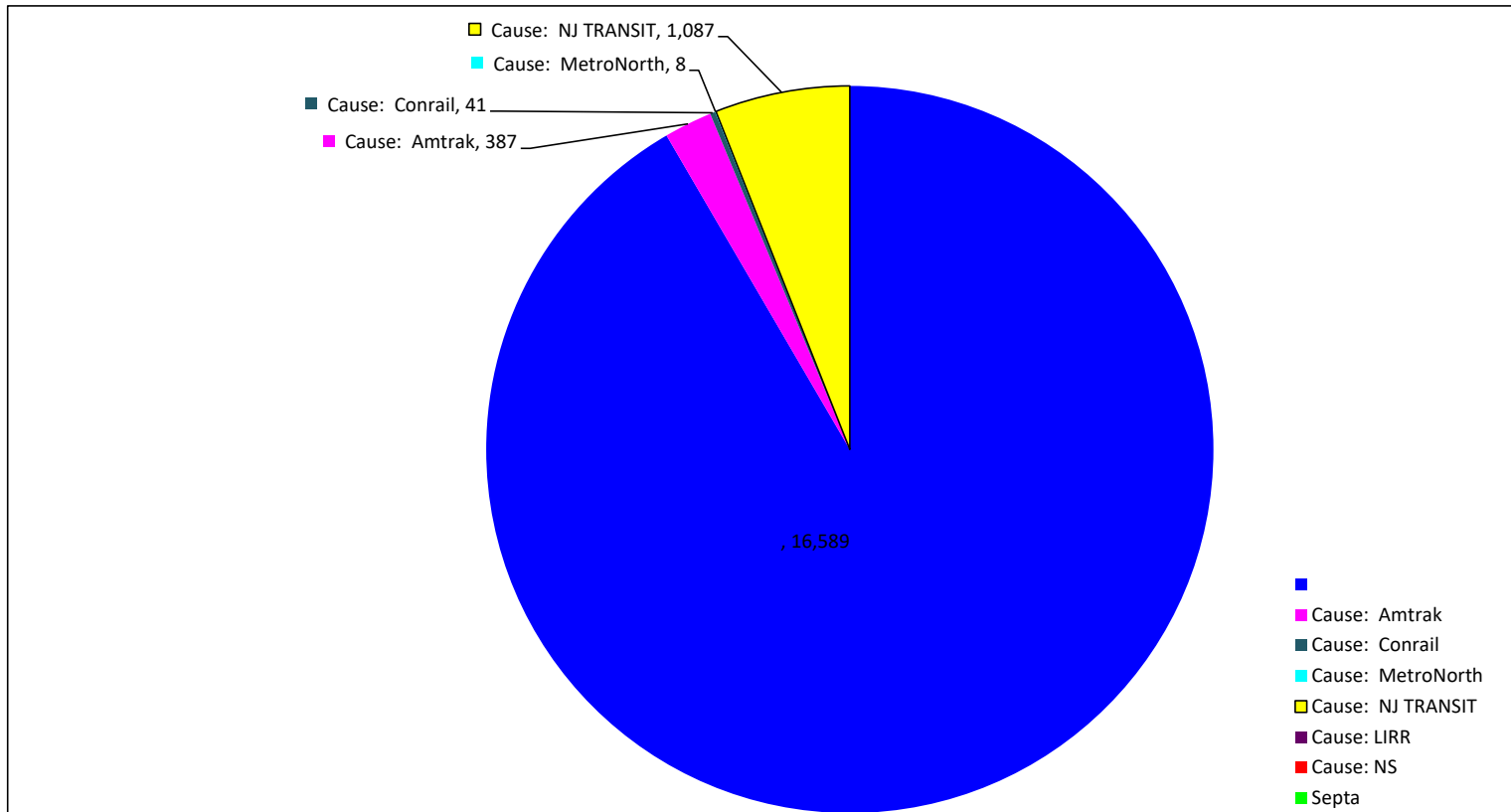


ATLANTIC CITY

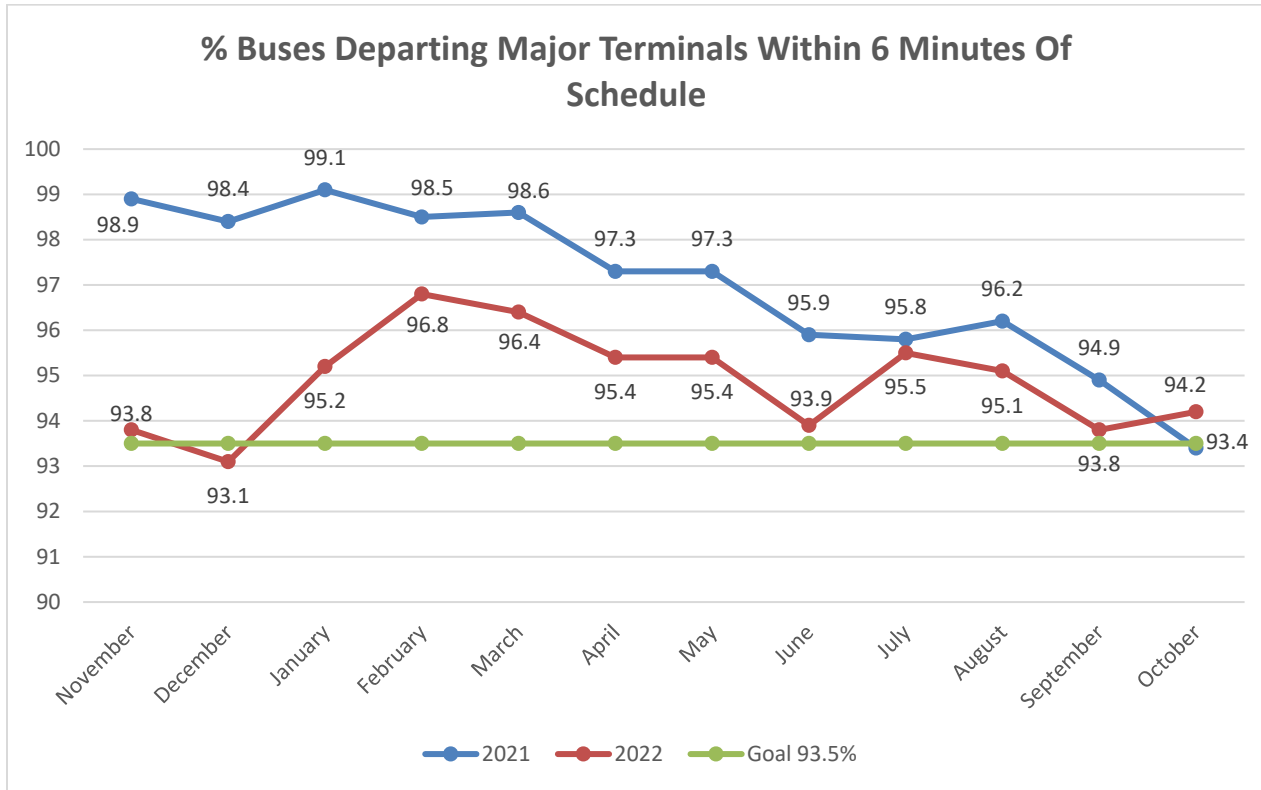


NJ TRANSIT Performance - October 2022 Late NJ TRANSIT Trains

# of Trains On Time	16,589	Cause: Amtrak 387 2.14%	Cause: Conrail 41 0.23%	Cause: MetroNorth 8 0.04%	Cause: NJ TRANSIT 1,087 6.00%	Cause: LIRR 0.00%	Cause: NS 0.00%	Septa 0.00%
# of Late Trains	1,523							
Total # of Trains	18,112							
Percentage On Time	91.6%							



NJ TRANSIT ON-TIME PERFORMANCE BUS Nov 2020 – Oct 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
Oct Comparison	93.4%	94.2%	0.8%
12-Month Average Nov 2020 – Oct 2022	97.0%	94.9%	-2.1%

Analysis:

Bus On-Time Performance systemwide was 94.2% for the month of Oct 2022. Of the 43,274 monitored departures, 2490 experienced delays.

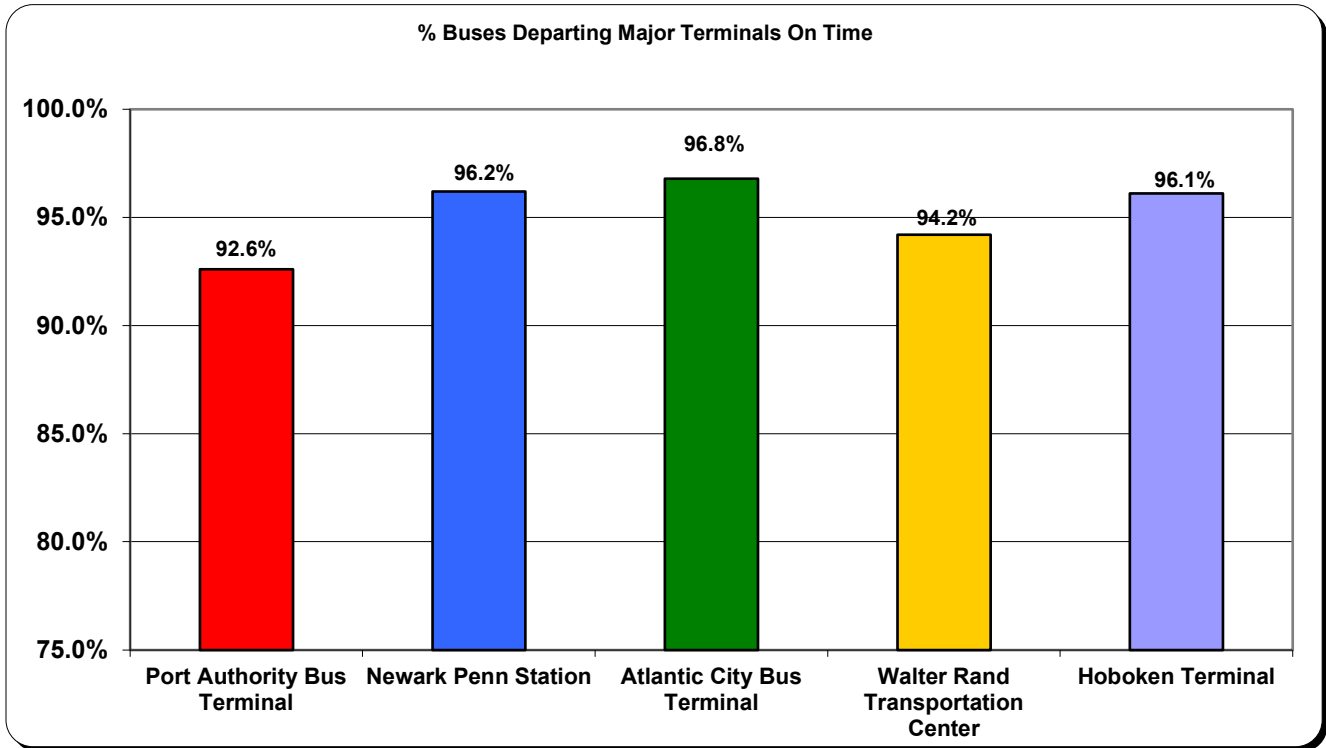
Key Causes included:

- At PABT, On the 6th, President Biden’s visit and heavy inbound traffic caused delays. On 7, 14, 19. 20 heavy traffic caused delays. On 25th and 31st disabled NJT bus in the south tube inbound caused delays.
- At Newark Penn, on the 11th Heavy traffic caused delays. On the 12th, mechanical issues, multiple local road closures and road construction contributed to the delays. On the 14th, Mechanical issues, local road closures and congestion due to road construction and utility work, customer in need of medical assistance contributed to delays.
- For various other locations, minor delays were caused due to weather, detours, traffic, and road construction on various days.

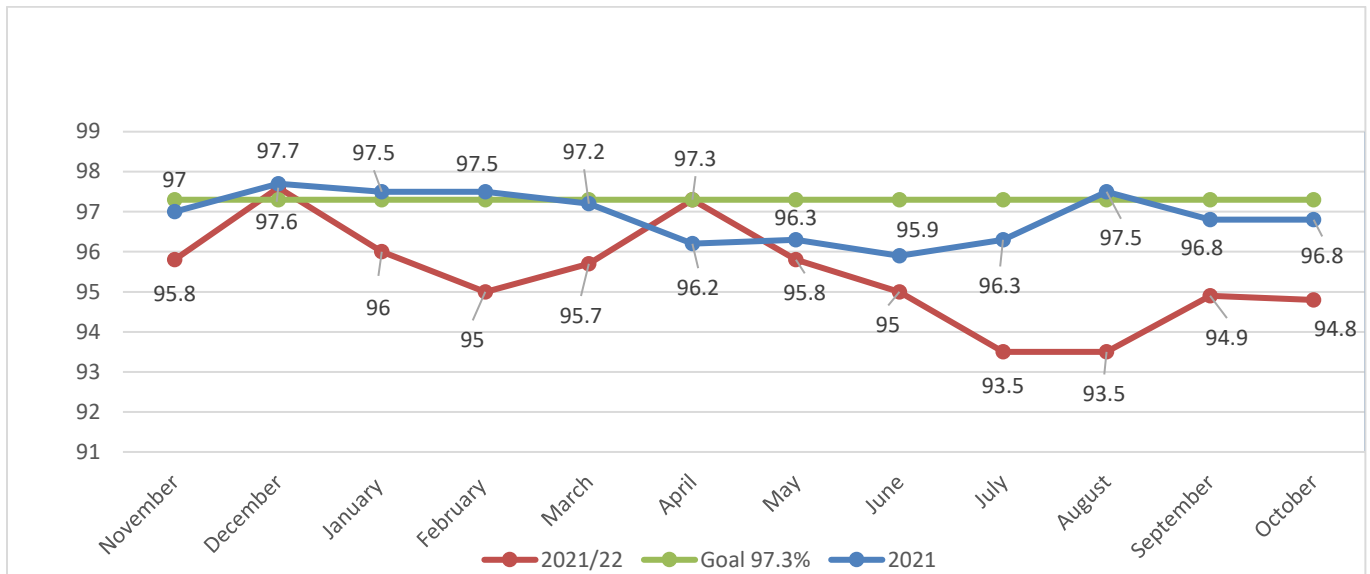
The 12-month average for Bus On-Time Performance was 94.9%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL November 2020 – October 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
October Comparison	96.8%	94.8%	-2%
12-Month Average November 2021 – October 2022	96.7%	95.4%	-1.3%

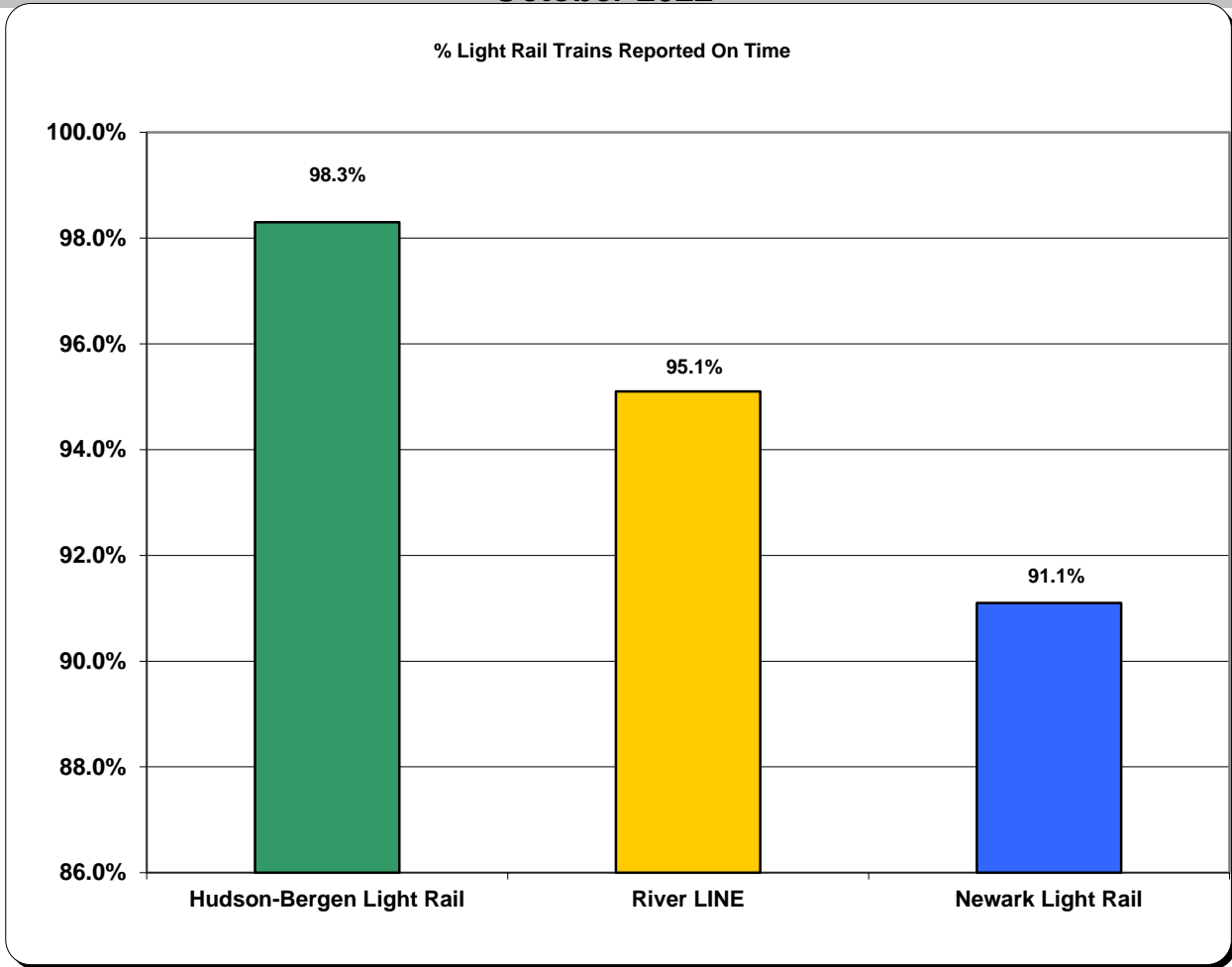
Analysis: Light Rail On-Time Performance system wide was 94.8% for the month of October. Of the 27,035 scheduled departures, 1,675 experienced delays.

Key Causes included:

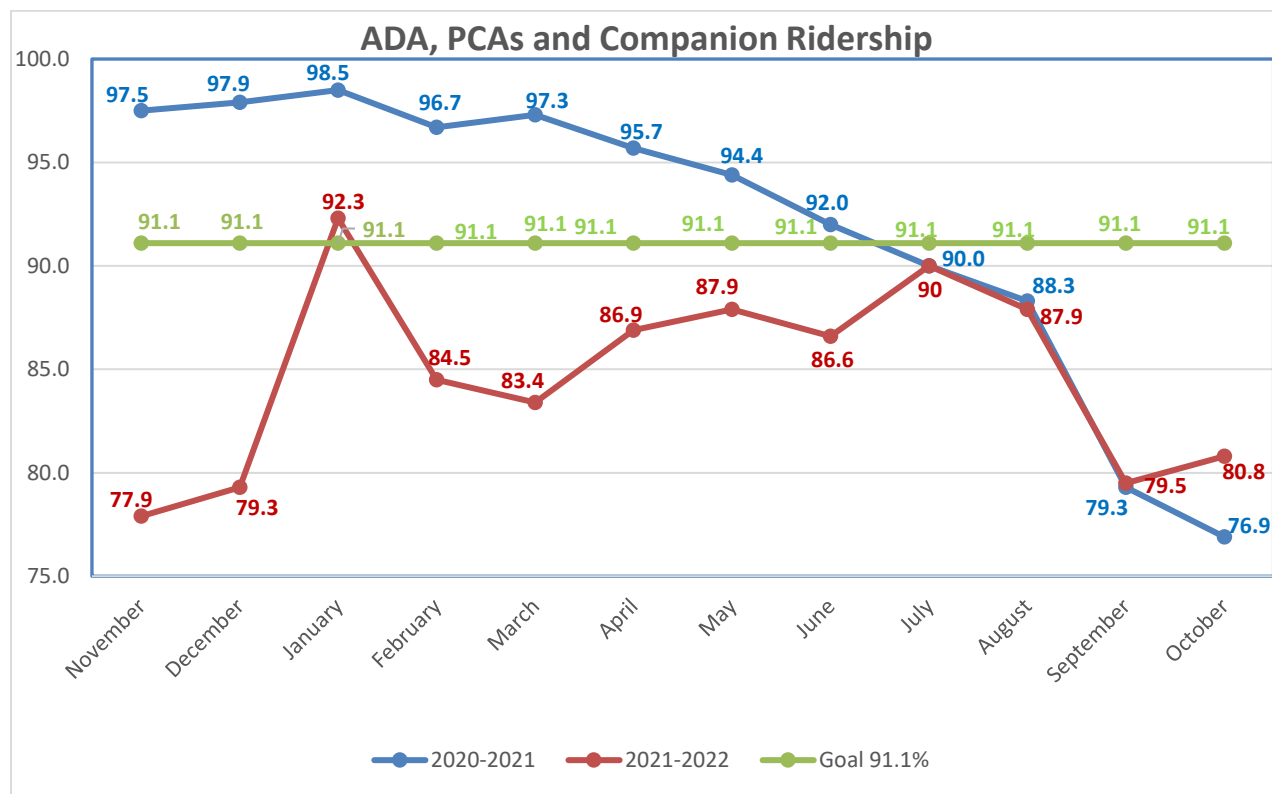
- **Newark Light Rail** – General maintenance taking place on multiple dates due to door, propulsion, and power/brake issues. Operator issues/manpower shortages on 10/3 10/7, and 10/8 affected 10 trains. Extensive signal and track repair from approximately 10/17 to 10/31 affected 896 trains.
- **River LINE** – Incidents involving maintenance of LRV/equipment issues taking place across multiple dates, including engine, door, signal, and brake issues.
- **HBLR** – Incidents involving general maintenance of LRV taking place across multiple dates, including door issues, power/propulsion issues, brakes, and other issues. Police activity on 10/1, 10/3, 10/4, 10/5, 10/6, 10/7, 10/11, 10/13, 10/14, 10/15, 10/16, 10/18, 10/20, 10/25, 10/26, 10/27, 10/29, 10/30, and 10/31 affected 228 trains. Motor vehicle fouling tracks on 10/6, 10/10, 10/17 and 10/19 impacted 74 trains.
- The 12-month Average for Light Rail On-Time Performance is 95.4%

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE October 2022



NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK NOVEMBER 2020–OCTOBER 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
October Comparison	76.9%	80.8%	3.9%
October Ridership	106,145	117,313	11,168
12-Month Average November 2021 – October 2022	92.0%	84.8%	-7.2%

Analysis:

Access Link On-Time Performance was 80.8% for October 2022. In serving 127,098 total riders, for 117,313 ADA customers trips, 22,562 or (19.2%) experienced delays.

Key Causes included:

- Road closure (RT 440) due to construction
- Increased traffic during peak periods
- Regions 2, 5 & 6, 45-60 minute delays due to operator availability
- Customer cancellations and no-shows

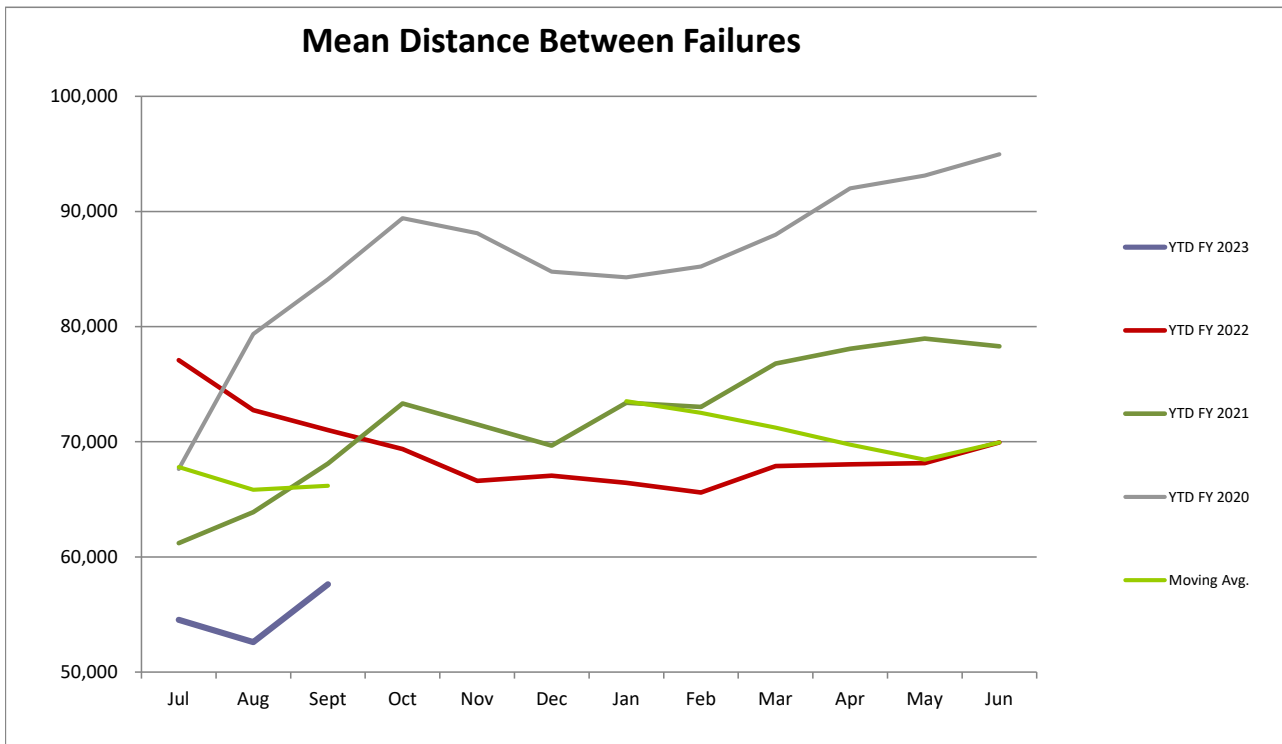
The 12-month Average for Access Link On-Time Performance was 84.8%.

MEAN DISTANCE BETWEEN FAILURES

September 2022

NJ TRANSIT Rail Operations
Mean Distance Between Failures

Month	YTD FY 2023	YTD FY 2022	YTD FY 2021	YTD FY 2020	12 Month Moving Avg.
Jul	54,531	77,087	61,198	67,634	67,808
Aug	52,602	72,743	63,891	79,350	65,832
Sept	57,623	71,005	68,109	84,111	66,170
Oct	-	69,368	73,320	89,410	-
Nov	-	66,597	71,498	88,101	-
Dec	-	67,060	69,664	84,773	-
Jan	-	66,433	73,392	84,273	73,526
Feb	-	65,594	73,030	85,233	72,516
Mar	-	67,894	76,790	87,973	71,219
Apr	-	68,050	78,072	92,007	69,751
May	-	68,153	78,962	93,119	68,454
Jun	-	69,949	78,300	94,969	69,949

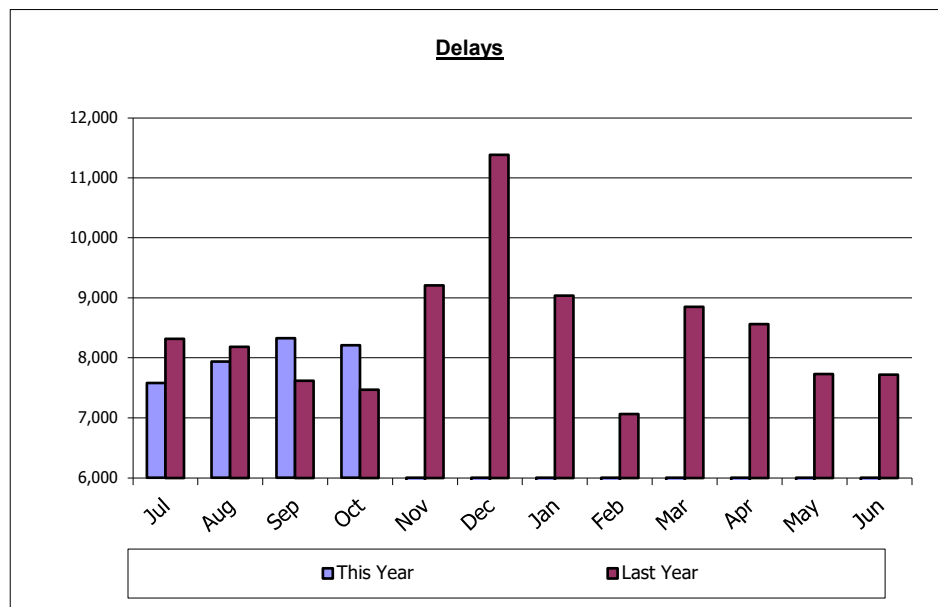


* FY2023 Numbers reflect start of FY2023

Garage Performance Parameters

October 2022

Location	Miles Between In-Service Delays			
	FY2023 Goal	This Month	FY2023 YTD	FY2022 YTD
Fairview	5,500	8,651	8,435	4,353
Greenville	7,000	4,234	5,506	3,920
Market Street	8,000	4,178	3,789	4,065
Meadowlands	9,500	5,679	4,827	5,583
Oradell	10,000	11,061	11,049	5,671
Wayne	16,000	9,239	10,427	14,445
WestWood	-	29,266	21,107	-
Northern Division	-	7,279	6,880	5,750
	-	-	-	-
Big Tree	9,500	4,932	5,327	6,153
Hilton	10,600	7,464	6,543	6,053
Howell	17,500	32,642	23,879	16,374
Ironbound	10,200	7,709	7,804	10,089
Orange	9,800	3,266	3,239	4,516
Morris	10,500	48,446	22,270	40,305
Central Division	-	7,678	7,352	8,120
	-	-	-	-
Egg Harbor	14,000	9,193	10,064	13,832
Hamilton	11,000	9,579	9,482	7,968
Newton Avenue	15,000	11,925	12,000	16,830
Washington Twp.	16,000	14,203	15,670	17,187
Southern Division	-	11,002	11,746	13,910
	-	-	-	-
Bus Operations	-	8,211	7,999	7,885

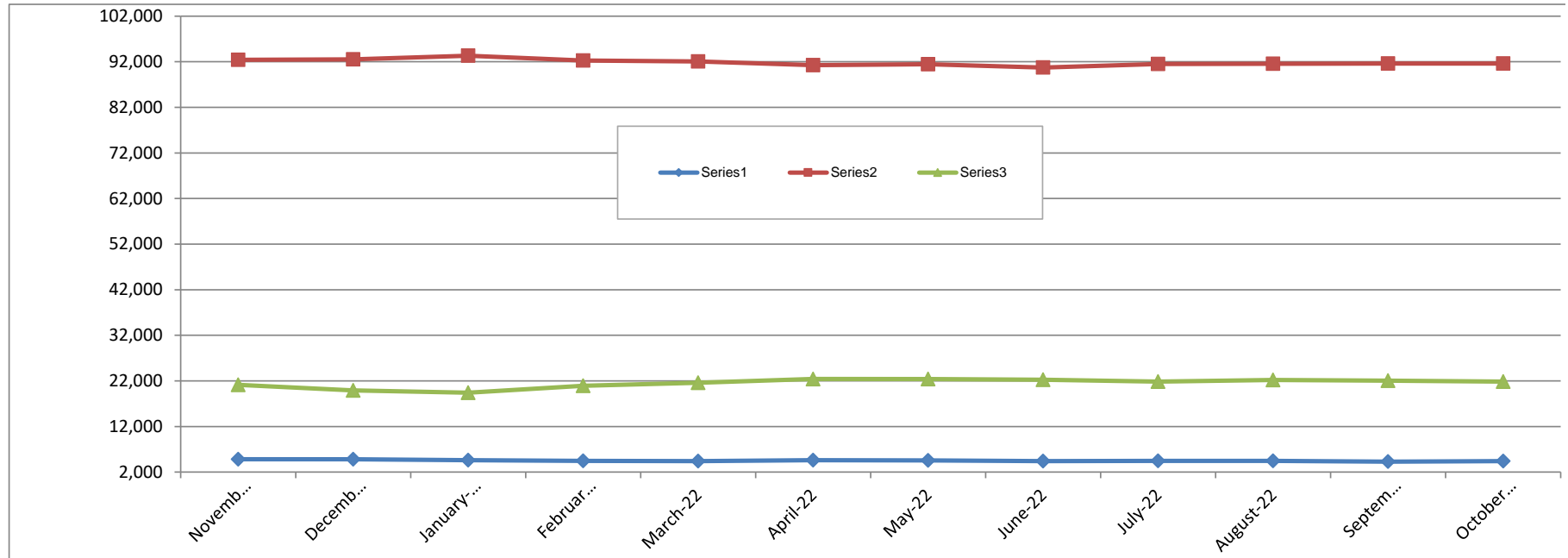


NJ TRANSIT - LIGHT RAIL, October 2022

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF *	MDBSF *
	October 2022	September 2022
Newark Light Rail	4,413	4,279
Hudson Bergen	91,599	91,629
River LINE	21,863	22,021

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



DBE/SBE PROGRAM

NJ TRANSIT - DBE/SBE Participation for October 2022

State Funded Contracts

State Fiscal Year 2023 - July 1, 2022 through June 30, 2023

During the month of **October 2022** NJ TRANSIT awarded **\$4,218,657.47** in state funded contracts. Of that total, Small Business Enterprises (SBEs) received **\$4,850.00** or **.11%**.

State Fiscal Year 2023 YTD (July 1, 2022, through June 30, 2023) NJ TRANSIT awarded **\$31,005,876.41** in state funded contracts. Of that total, SBEs received **\$2,862,039.07** or **9.23%**.

Note: The above reflects the Procurement Report of Awards received on September 8, 2022.

SBE Goal Attainment from July 1, 2022 through June 30, 2023 (SFY 2023)

Category 1 SBEs	\$180,000.00	0.58%
Category 2 SBEs	\$2,234,354.05	7.21%
Category 3 SBEs	\$447,685.02	1.44%
Category 4 SBEs	\$0.00	0.00%
Category 5 SBEs	\$0.00	0.00%
Category 6 SBEs	\$0.00	0.00%

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

Federal Fiscal Year (FFY) 2022 - October 1, 2021 through September 30, 2022

During the **4th Quarter** (July 1, 2022 – September 30, 2022) the FTA funded share of NJ TRANSIT’s federal contracts awarded was **\$2,227,201.35**. Of that total, Disadvantaged Business Enterprises (DBEs) received **\$131,508.00** or **5.90%**

FFY 2020 through FFY 2022 Q4 (October 1, 2019 – September 30, 2022) NJ TRANSIT awarded **\$2,087,461,703.13**** in federally funded contracts. Of that total, DBEs received **\$141,682,519.00** or **6.787%**.

**Numbers reflect federal share*

*** Number includes subrecipient awards*

Transit Vehicle Manufacturer (TVM)¹ Awards

(Next update will occur in January 2023)

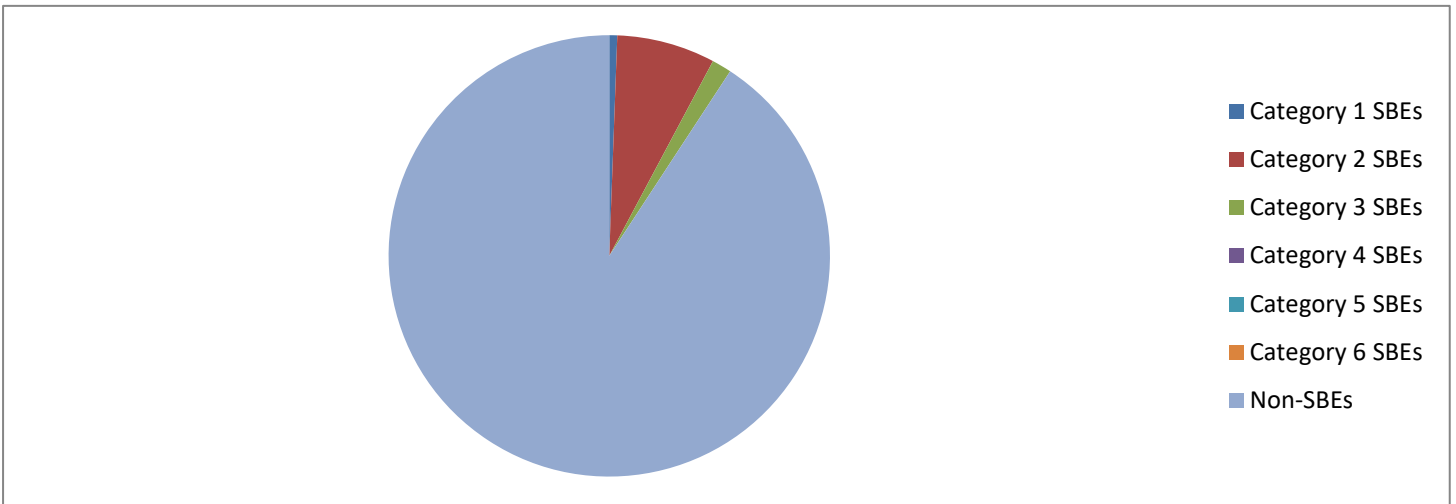
**Numbers reflect federal share*

*** Number includes subrecipient awards*

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

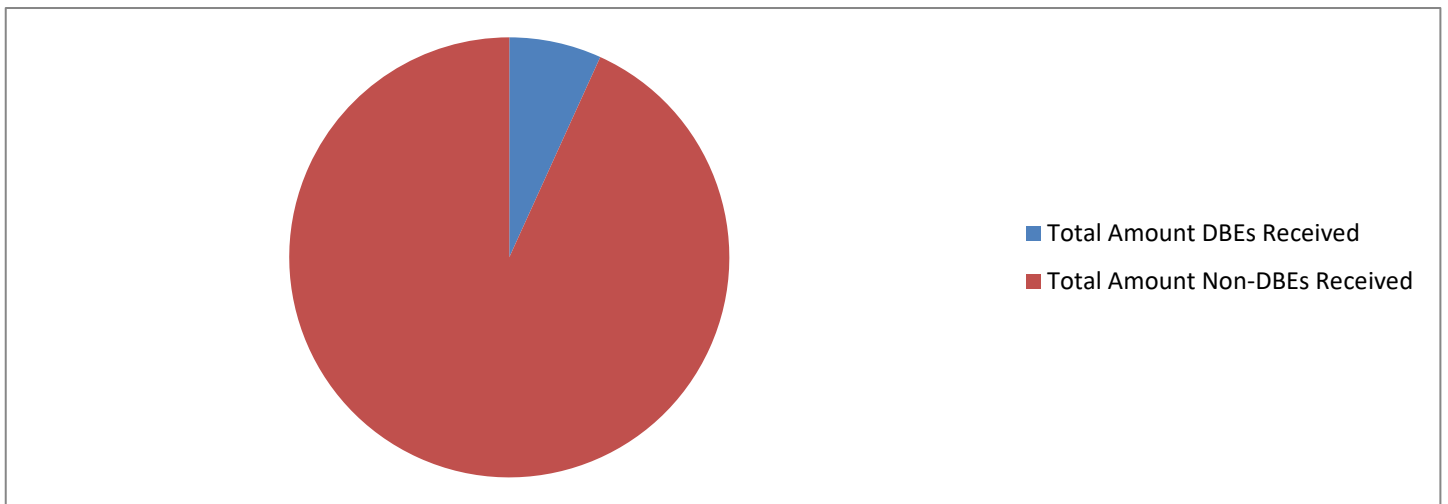
STATE CONTRACTS
STATE FYTD 2022

<i>Category 1 SBEs</i>	\$180,000.00	0.58%
<i>Category 2 SBEs</i>	\$2,234,354.05	7.21%
<i>Category 3 SBEs</i>	\$447,685.02	1.44%
<i>Category 4 SBEs</i>	\$0.00	0.00%
<i>Category 5 SBEs</i>	\$0.00	0.00%
<i>Category 6 SBEs</i>	\$0.00	0.00%
<i>Non-SBEs</i>	\$28,143,837.34	90.77%



DBE PARTICIPATION
FEDERAL CONTRACTS
FEDERAL FY 2020-2022

Total Amount DBEs Received	\$141,682,519.00	6.787%
Total Amount Non-DBEs Received	\$1,945,779,184.12	93.21%



EMPLOYEE RECOGNITION

NJ TRANSIT employees bid farewell after outstanding careers

24 NJ TRANSIT employees retired recently:

1. James Andriac, Class I Operator -- Port Morris -- 48 years
2. Rebecca Brown, Locomotive Engineer -- Various -- 21 years
3. Diane Coward, TVM Terminal Agent -- Newark Penn -- 13 years
4. Jay Kupperman, Asst Conductor -- Various -- 23 years
5. Vincent McGirr, Locomotive Engineer -- Various -- 45 years
6. Mario Neira, Car Appearance Maintainer -- Dover -- 20 years
7. Antonio Torrillo, General Foreman -- Hoboken -- 35 years
8. John Williams, Locomotive Engineer -- Various -- 23 years
9. Tadeusz Wyka II, Conductor -- Various -- 37 years
10. Steven Van Sant, Operator -- Egg Harbor -- 42 years
11. Tracy Billings, Operator -- Market St -- 23 years
12. Dwayne Hemphill, Operator -- Hilton -- 31 years
13. Joseph Manna, Repairman A -- Hilton -- 25 years
14. Lawrence Mclean, Repairman A -- Greenville -- 28 years
15. Frank Nasello, Mechanic A -- Newark -- 40 years
16. John O'Halloran, Repairman A -- Wayne -- 29 years
17. Lawrence Pile, Repairman A -- Wayne -- 23 years
18. Thomas Whalen, Depot Clerk -- Oradell -- 22 years
19. Michelle Price, Operator -- Howell -- 17 years
20. Medhat Attara, Manager Rail Infrastructure -- HQ -- 21 years
21. Peter Garfield, Customer Service -- HQ -- 24 years
22. Joseph Brown, Field Data Collection -- HQ -- 26 years
23. Karen Johnson, Garage Supervisor -- Greenville -- 24 years
24. Luis Pimentel General Foreman -- Sunnyside -- 31 years

ACTION ITEMS

ITEM 2211-81

BUS STOCK PROGRAM: PURCHASE OF 172 CRUISER BUSES



OBJECTIVE

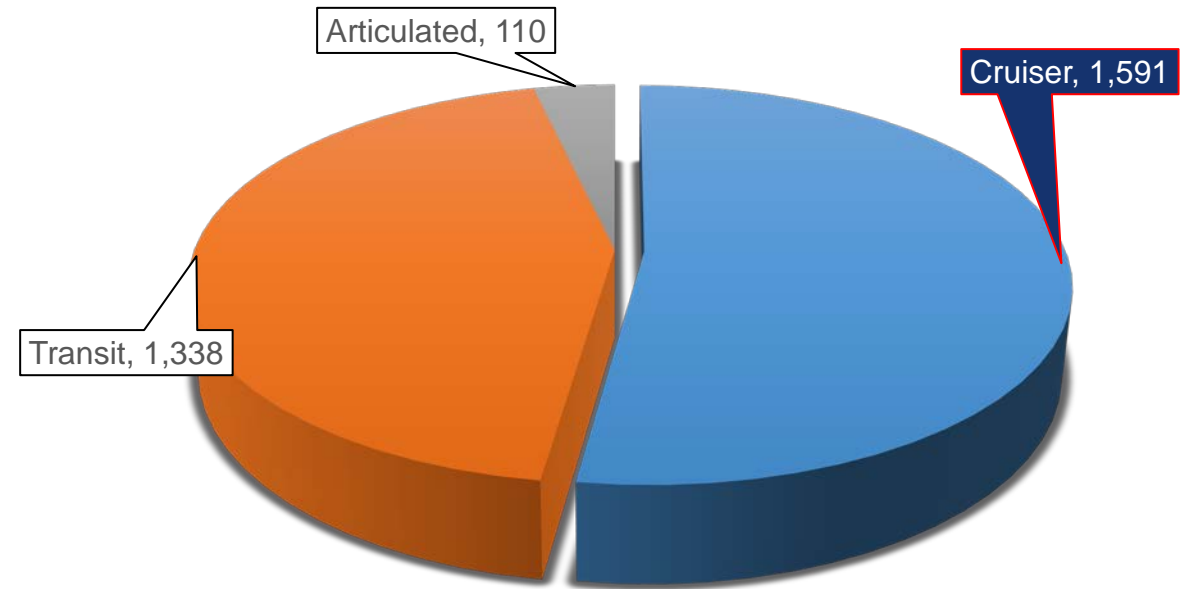
Seeking authorization to enter into a contract with **Motor Coach Industries**, for the purchase of 172 45-foot Cruiser Buses, including capital spare parts, at a cost not to exceed **\$142,994,950**, plus five percent for contingencies, subject to the availability of funds.

Agenda

- 
- ❖ NJ TRANSIT Fleet Breakdown
 - ❖ NJ TRANSIT Plans
 - ❖ Cruiser Buses Replacement Timeline
 - ❖ New Features in New Buses
 - ❖ Cruiser Buses Average Fleet Age
 - ❖ Zero Emission Initiative

NJ TRANSIT FLEET BREAKDOWN

- NJ TRANSIT provides its customers with regular route bus service throughout New Jersey and to New York City and Philadelphia.
- NJ TRANSIT owns 3,039 buses. 1,591 of these buses are cruiser type.



NJ TRANSIT PLANS

NJ TRANSIT – A 5–Year Capital Plan

- “New buses, including zero-emission and articulated buses with more seats, would be cleaner, more energy efficient and accommodate more passengers.”

NJT2030 – A 10–Year Strategic Plan

- “Enhance fleet reliability through replacement and preventative maintenance programs — *replace outdated 40-foot cruiser buses with new 45-foot buses.*”
- “Provide the safest and most secure environment for customers, employees and the communities we serve”
- “Leverage technology to improve operations and customer experience”



TIMELINE FOR CRUISER BUSES REPLACEMENT

Base purchase of 772 buses with options for additional 450 buses

Purchase 118 buses



Purchase of 332 buses

Seeking authorization to enter a contract for purchase of 172 buses



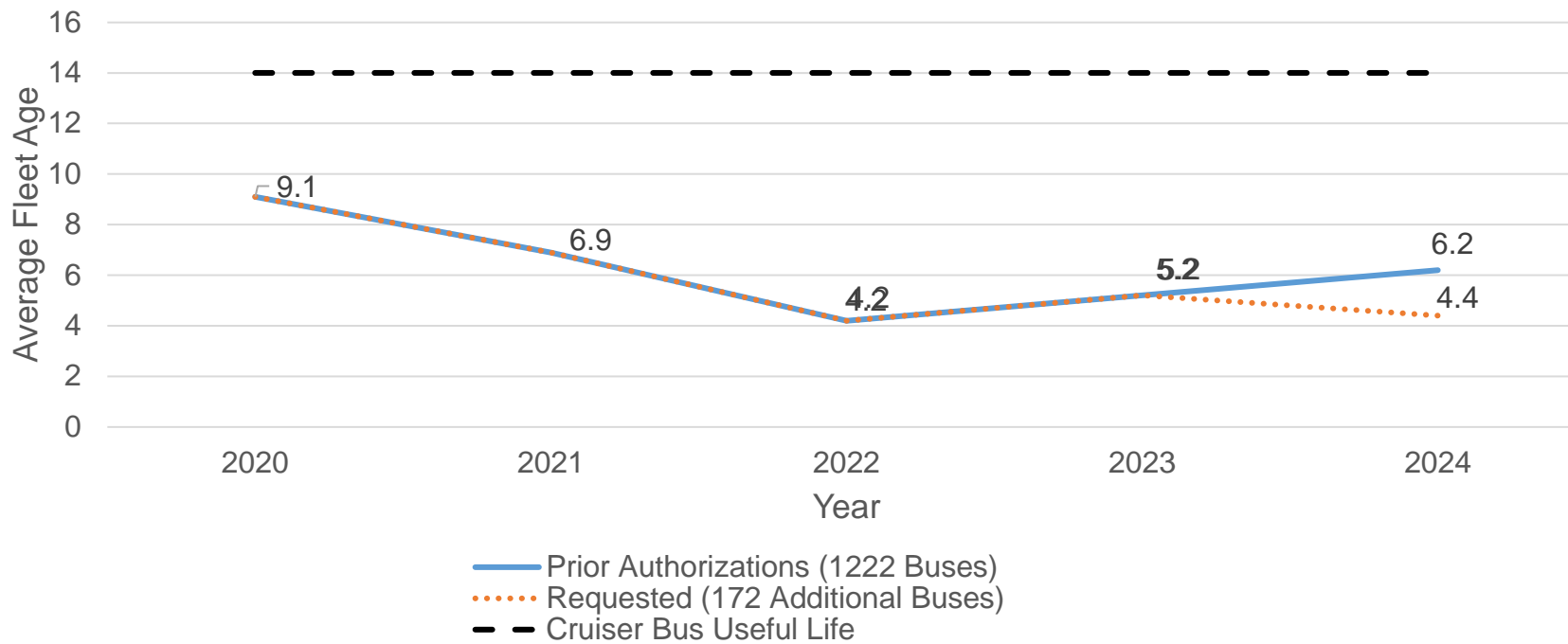
FEATURES



- 3-Point seat belt for passenger and operator seats
- Backup camera system
- 360-degree blind spot camera system
- Security camera system
- Turn warning system
- 16% increase in seating capacity
- Automatic Vehicle Monitoring System (AVM)
- Automatic Deployment Snow Chains System
- Operator's Barrier
- Compliance with the latest emission regulations



CRUISER BUSES AVERAGE FLEET AGE



CONCLUSION

Seeking authorization to contract with **Motor Coach Industries**, for the purchase of 172 45-foot Cruiser Buses, including capital spare parts, at a cost not to exceed **\$142,994,950**, plus five percent for contingencies, subject to the availability of funds.

ITEM 2211-81: BUS STOCK PROGRAM: PURCHASE OF 172 CRUISER BUSES

WHEREAS, NJ TRANSIT provides its customers with regular route bus service throughout New Jersey and to New York City and Philadelphia which carries 151 million annual passenger trips (based on FY2019 data); and

WHEREAS, NJ TRANSIT utilizes its existing fleet of 40 and 45-foot cruiser buses on routes where trip length and ridership levels warrant the use of higher capacity, higher speed vehicles; and

WHEREAS, NJ TRANSIT advertised a Request for Proposals (RFP) for the Purchase of 91 Cruiser Buses with options to purchase 181 Cruiser Buses, on March 17, 2022; and

WHEREAS, NJ TRANSIT received a proposal from Motor Coach Industries to supply new 45-foot cruiser buses to be built in Crookston MN; and

WHEREAS, purchasing 172 new 45-foot cruiser buses will allow NJ TRANSIT to replace one-for-one 172 existing overage 40-foot cruiser buses; and

WHEREAS, replacing overage existing 40-foot buses with new 45-foot buses will increase seating capacity by 16 percent; and

WHEREAS, the new Cruiser Buses will include security cameras, blind spot cameras, operator's barriers, and automatic snow chains to enhance the customer experience; and

WHEREAS, the cost of the purchase for 172 cruiser buses including spare parts, is \$142,994,950;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into an NJ TRANSIT contract with Motor Coach Industries, for the purchase of 172 Cruiser Buses, including spare parts, at a cost not to exceed \$142,994,950, plus five percent for contingencies, subject to the availability of funds.

ITEM 2211-82: MASON SUBSTATION OVERSIGHT ADVISOR – CONTRACT AMENDMENT FOR BURNS ENGINEERING INC. PROFESSIONAL SERVICES CONTRACT

WHEREAS, NJ TRANSIT's Mason and Building 9 Substations (collectively referred to as Mason Substation), are located in Kearny, New Jersey, and are critical to the operations of the NJ TRANSIT rail system; and

WHEREAS, the existing Mason Substation provides traction power for all electric trains traveling on the Morris & Essex Line to Hoboken Terminal, provides traction power for the electrified portion of the Montclair/Boonton Line, and back feeds power to Stirling Switching Substation on the Gladstone Branch when Summit Substation is out of service; and

WHEREAS, Building 9 Substation supports operations of the Meadowlands Maintenance Complex, which is a major maintenance facility serving NJ TRANSIT's entire fleet, and additionally provides power to the Rail Operations Center, which is the central command and control facility for all train movements state wide, including train control, signal and power dispatching operations; and

WHEREAS, in 2017, NJ TRANSIT entered into a Construction Coordination and Protocol Agreement with Public Service Electric & Gas to design, construct, operate, maintain and own the new Mason and Building 9 Substations; and

WHEREAS, on October 16, 2019, the NJ TRANSIT Board of Directors authorized staff to enter into a professional services contract with Burns Engineering, Inc. (Burns) to provide oversight services; and

WHEREAS, on September 19, 2021, the NJ TRANSIT Board of Directors authorized staff to amend the professional services contract with Burns Engineering, Inc. (Burns) to provide oversight services due to a schedule increase of one year; and

WHEREAS, the Mason Substation project schedule has extended an additional one year; and

WHEREAS, NJ TRANSIT staff recognizes additional resource needs and construction oversight needs on the project to protect NJ TRANSIT interests on the Project; and

WHEREAS, Burns will continue to provide support services including, but not limited to, the review of project agreements, such as the Operations Protocol Agreement and the anticipated interconnection agreements and include commissioning support and construction management services as part of this change order/contract amendment; and

WHEREAS, Burns' continued involvement and services are critical to ensure the successful completion of the Mason Substation Project; and

WHEREAS, Burns provided a cost proposal on August 26, 2022 at the request of NJ TRANSIT Procurement and Capital Project Management; and

WHEREAS, the cost proposal was reviewed by NJ TRANSIT staff and deemed acceptable; and

WHEREAS, NJ TRANSIT Office of Business Development (OBD) established a 17 percent Small Business Enterprise (SBE) Category 6 goal for this contract;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into Change Order No. 2 with Burns Engineering Inc. on NJ TRANSIT Contract No. 19-013 to continue to provide support and Project Oversight Advisory Services on the Mason Substation Project in the amount not to exceed \$1,174,123.67, plus five percent for contingencies, subject to the availability of funds.

ITEM 2211-83: CONSTRUCTION MANAGEMENT SERVICES IN SUPPORT OF THE ROSEVILLE TUNNEL REHABILITATION AND ASSOCIATED TRACK BED WORK

WHEREAS, The Lackawanna Cutoff, also known as the New Jersey Cutoff, was one of two grand realignment projects carried out by the Delaware, Lackawanna and Western Railroad in the early 20th century; and

WHEREAS, the Cutoff officially opened on December 24, 1911 and remained in use until Conrail abandoned and removed the tracks in 1984; and

WHEREAS, NJ TRANSIT anticipates building and providing service to the 7.3-mile section of the Cutoff from Port Morris to Andover, NJ; and

WHEREAS, as part of restoring service from Port Morris to Andover, rehabilitation of the Roseville Tunnel, construction of two culverts, and reconstruction of 2.8 miles of Track are required; and

WHEREAS, this project was identified as a capital need in the *NJ TRANSIT A 5-Year Capital Plan: An Unconstrained Vision for NJ TRANSIT* (as approved by the NJ TRANSIT Board of Directors in July 2022); and

WHEREAS, on March 08, 2022, NJ TRANSIT requested technical proposals from qualified professional engineering firms; and

WHEREAS, NJ TRANSIT held a pre-proposal conference virtually via Microsoft Teams on March 23, 2022; and

WHEREAS, on April 28, 2022, technical proposals were received from five responsive and responsible firms; and

WHEREAS, The NJ TRANSIT Office of Business Development (OBD) identified this contract as a Race Neutral project and approved the 13.569 percent Disadvantaged Business Enterprise utilization commitment identified by KS Engineers, P.C.; and

WHEREAS, the Federal Transit Administration and Transportation Trust Fund are the anticipated sources of funding for this project;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 22-037 with KS Engineers, P.C. for Construction Management Services for the Roseville Tunnel Rehabilitation and Associated Track Bed Work Project, in the amount not to exceed \$4,369,056.40, plus five percent for contingencies, subject to the availability of funds.

ITEM 2211-84: EXECUTION OF CONTRACT 21-063 FOR THE PROVISION OF ACCESS LINK SERVICE IN REGION 5 (ESSEX, UNION, SOMERSET, MORRIS, AND PARTS OF HUDSON COUNTIES)

WHEREAS, in July 1990, the Americans with Disabilities Act (ADA) was signed into law requiring public entities operating fixed route transportation systems to provide paratransit services for individuals with disabilities; and

WHEREAS, a Request for proposal (RFP 21-063) was issued to seek competitive proposals from paratransit carriers to provide these services; and

WHEREAS, the NJ TRANSIT Office of Business Development established a three percent SBE Category 6 goal for this contract; and

WHEREAS, NJ TRANSIT'S Technical Evaluation Committee has reviewed the vendor proposals received for the provision of Access Link service in Region 5; and

WHEREAS, upon completion of the competitive procurement process, it has been determined that Easton Coach Company submitted the proposal that provides the best value and is in the best interest of NJ TRANSIT; and

WHEREAS, providing uninterrupted Access Link service for the provision of ADA paratransit is a requirement of the ADA and Federal Government; and

WHEREAS, the procurement included two option periods required to be priced by the proposers and to be exercised at NJ TRANSIT's sole discretion. Staff will seek further authorization, at a later date, should NJ TRANSIT decide to exercise these options with Easton Coach Company, of Easton, PA, to operate Access Link Region 5 service for two separate option periods beginning July 1, 2026 through June 30, 2028 and July 1, 2028 through April 9, 2030;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 21-063 with Easton Coach Company of Easton, PA, to operate Access Link service in Region 5 (Essex, Union, Somerset, Morris, and parts of Hudson Counties) for a 38-month base contract period from April 10, 2023 through June 30, 2026, at a cost not to exceed \$110,958,918, plus five percent for contingencies, for a total contract authorization of \$116,506,864, subject to the availability of funds and Board approval of NJ TRANSIT's operating budget.

**ITEM 2211-85: TRANS-HUDSON NETWORK PLANNING STRATEGY
FUNDING AUTHORIZATION**

WHEREAS, the COVID-19 pandemic has altered the market for public transit in ways that are still emerging; and

WHEREAS, NJ TRANSIT seeks to add flexibility and improved mobility options to our customers traveling throughout the public transit network, including the Trans-Hudson market; and

WHEREAS, NJ TRANSIT also seeks to provide options to its customers that will improve NJ TRANSIT's ability to address customer preference and demand while also improving reliability and service delivery; and

WHEREAS, authorization of additional funds for this Professional Services Contract at this time will provide NJ TRANSIT with the necessary support to develop new mobility options and reorient service strategies to align with pandemic and post-pandemic travel changes; and

WHEREAS, upon completion of a competitive procurement process, it was determined that AECOM of New York, New York, submitted the most qualified, responsive, and responsible proposal; and

WHEREAS, at the September 2019 Board meeting the NJ TRANSIT Board granted a Partial Budget Authorization in an amount not to exceed \$625,000, plus five percent for contingencies, to fund tasks to be performed under Phase I; and

WHEREAS, at the May 2020 Board meeting the NJ TRANSIT Board granted an additional Budget Authorization in an amount not to exceed \$925,000, plus five percent for contingencies, to fund tasks to be performed under Phase II; and

WHEREAS, at the February 2021 Board meeting the NJ TRANSIT Board granted an additional Budget Authorization in an amount not to exceed \$1,550,000, plus five percent for contingencies, to fund tasks to be performed under Phase III; and

WHEREAS, NJ TRANSIT's Office of Business Development assigned a 25 percent Category 3 Small Business Enterprise (SBE) goal for this contract, and NJ TRANSIT's Office of Business Development reviewed the bid and identified 25.394 percent SBE participation; and

WHEREAS, NJ TRANSIT and consultant team lead by AECOM Technical Services, Inc. entered into a fully executed contract on December 5, 2019 with a budget of \$4,250,487.07, and as of February 2021, the Board has authorized funding in the amount not to exceed \$3,100,000, plus five percent for contingencies; and

WHEREAS, NJ TRANSIT is requesting additional authorization for Phase IV of the contract, in the amount of \$948,082, plus five percent for contingencies; and

WHEREAS, the purpose of the Phase IV portion of the contract is to follow on the COVID-19 pandemic restoration and recovery tasks and to continue to evaluate ways to respond to changing customer travel needs; and

WHEREAS, the State of New Jersey Transportation Trust Fund is the anticipated source of funding for this project; and

WHEREAS, the two non-study tasks; one that provides program oversight and tracking, and the other that allows the consultant to aid NJ TRANSIT in performing technical review and comment on projects being performed by other agencies that interact with NJ TRANSIT infrastructure or have the potential to impact NJ TRANSIT services are ongoing; and

WHEREAS, funding is available;

NOW, THEREFORE, BE IT RESOLVED, that the Chair or President & CEO is authorized to fund an additional \$948,082, plus five percent for contingencies, under NJ TRANSIT Contract No. 19-038 with AECOM of New York, New York, for Trans-Hudson Network Planning Strategy services to allow commencement of Phase IV of the contract, subject to the availability of funds.

ITEM 2211-86: PROCUREMENT BY EXCEPTION TO EXTEND PRINCETON CONSULTANTS ("PRINCETON") CONTRACT FOR SOFTWARE AND OPERATIONAL SUPPORT FOR POSITIVE TRAIN CONTROL FOR NORFOLK SOUTHERN'S I-ETMS SYSTEM

WHEREAS, the Rail Safety Improvement Act of 2008 (RSIA 2008), Positive Train Control Enforcement and Implementation Act of 2015 (PTCEI 2015), and subsequent Federal Railroad Administration (FRA) regulations require commuter rail systems to implement Positive Train Control (PTC); and

WHEREAS, NJ TRANSIT is required to implement PTC along all its commuter rail line right-of-way and on rail rolling stock; and

WHEREAS, this PTC system, known as the Advanced Speed Enforcement System II (ASES II PTC), is also required to provide interoperability with the freight-based Interoperable Electronic Train Management System (I-ETMS); and

WHEREAS, implementation of PTC will enhance the safety of customers and employees on NJ TRANSIT rail services and permit compliance with Federal law; and

WHEREAS, the operation and maintenance of the NJ TRANSIT's PTC system requires seamless interoperability between NJ TRANSIT's ASES II PTC system and Norfolk Southern Railway's (NS's) I-ETMS-equipped locomotives, via NS's I-ETMS back office in Annapolis, Maryland; and

WHEREAS, software and firmware from Princeton Consultants, of Princeton, New Jersey (Princeton), is needed to enable seamless communications between NJ TRANSIT and NS's back office systems and locomotives; and

WHEREAS, Princeton is the Systems Integrator for I-ETMS as used by NS on NJ TRANSIT territory, the PTC system that allows for equipped freight trains to traverse on NJ TRANSIT territory; and

WHEREAS, NJ TRANSIT seeks to enter into an agreement with Princeton for Software and Operational Support of NS's I-ETMS and its communication with NJ TRANSIT's ASES II PTC System;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into an agreement with Princeton Consultants of Princeton, New Jersey, at an annual cost not to exceed \$450,000, plus five percent for contingencies, subject to the availability of funds.

**ITEM 2211-87: REGULATIONS: PROPOSED ADOPTION OF N.J.A.C. 16:73
REDUCED FARE TRANSPORTATION PROGRAM FOR
SENIOR CITIZENS AND PEOPLE WITH DISABILITIES**

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

WHEREAS, in accordance with N.J.S.A. 27:25-5(e), (h), and (k) and N.J.S.A. 27:25-7(b), NJ TRANSIT has the statutory authority to promulgate rules and regulations; and

WHEREAS, NJ TRANSIT recognizes the value of providing autobus and rail passenger service for senior citizens and people with disabilities during off peak times on regular routes of participating carriers at a reduced rate; and

WHEREAS, the rules establishing procedures regarding the Reduced Fare Transportation Program expired in 2019; and

WHEREAS, NJ TRANSIT has determined that revisions to the Reduced Fare Transportation Program are necessary to modernize commonly used definitions and terms, monitor the eligibility of applicants, incorporate statutory changes made to the program and protect the economic viability of the program by monitoring for potential fraud and abuse;

NOW, THEREFORE, BE IT RESOLVED that the Chair or the President & CEO, or the appropriate designee, is hereby authorized to take all actions necessary to initiate the rule-making process for the adoption of the regulations, 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 corresponding Exhibit A.

EXHIBIT A

TRANSPORTATION

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, Kevin S. Corbett, President and Chief Executive Officer

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

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

Proposal Number: PRN 2019-____.

Submit comments by _____, to:

New Jersey Transit Corporation

One Penn Plaza East

Newark, NJ 07105-2246

E-mail: commentsreducedfarerules@njtransit.com

The agency proposal follows:

Summary

The New Jersey Transit Corporation (“NJ TRANSIT or the “Corporation”) was established by the New Jersey Public Transportation Act of 1979 (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State of New Jersey that establishes and provides for the operation and improvement of a coherent public transportation system in the most

efficient manner. In 1973, the New Jersey legislature enacted a statute, which required the establishment of a reduced fare program for seniors and individuals with disabilities (N.J.S.A. 27:1A-64 et seq.). NJ TRANSIT continues to fulfill this statutory responsibility with these proposed new rules.

This proposal re-promulgates N.J.A.C. 16:73, which expired on January 12, 2019. Therefore, NJ TRANSIT proposes this chapter as new rules. The new rules make several improvements which allow for the efficient administration of the 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 procedures to obtain Reduced Fare Identification Cards.

Subchapter 3, Agreements with carriers for services and payment, describes the contractual agreements with carriers that desire to participate in the program.

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

Social Impact

The proposed rules renew the reduced fare transportation program for eligible seniors and people with disabilities. The purpose of these changes is to modernize the administration of the program and to provide a reduced fare at no more than one-half the regular adult one-way fare. The public benefit that results from the program is substantial. It facilitates the use of transit for these groups by making fares affordable. Furthermore, by re-promulgating these rules, their benefits will extend into the future.

Economic Impact

The primary economic impact of these proposed new rules concerns their effect on seniors and individuals with disabilities. Eligible recipients will continue to pay reduced fares for bus, rail, and light rail transportation. In addition, the substantive amendments will enable the Corporation to monitor the eligibility of applicants, streamline procedures, incorporate statutory changes made to the program, and protect the economic viability of the program by monitoring for potential fraud and abuse.

Federal Standards Statement

In order to be eligible to receive federal funds under 49 U.S.C. § 5307(c)(1)(d), NJ TRANSIT is required to certify that fares charged to seniors and people with disabilities does not exceed one-half of the one-way fares generally applicable to other persons at peak hours. While federal law defines “seniors” as an individual who is 65 years of age or older, the NJ TRANSIT Reduced Fare Program lowers the threshold to 62 years of age. Therefore, this proposal contains standards that exceed those imposed by Federal law.

Jobs Impact

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

Agriculture Impact Statement

NJ TRANSIT does not anticipate that the implementation of the proposed new rules will have an impact on the agriculture industry.

Regulatory Flexibility Statement

There are several private carriers that participate in the reduced fare program, and some may be “small businesses” pursuant to N.J.S.A. 52:14B-17 and N.J.A.C. § 1:30-

5.1(c)(7)(ii). These businesses operate in accordance with contractual agreements which outlines their operational responsibilities. These include, among other things, recordkeeping, reporting and general compliance requirements.

Housing Affordability Impact Analysis

NJ TRANSIT does not anticipate any impact on housing affordability as a result of these new rules. As a result, they will have no effect on housing units or on the average costs of housing.

Smart Growth Development Impact Analysis

NJ TRANSIT does not anticipate that the proposed new rules will have any impact on smart growth or the implementation of the State Development and Redevelopment Plan ("SDRP"). The proposed new rules will have no impact on affordable housing or on new construction within Planning Areas 1 or 2, or within designated centers, under the SDRP.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

NJ TRANSIT has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State.

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

Chapter 73

Reduced Fare Transportation Program for Seniors **[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.

"Demand responsive" means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specific public transportation service, which is not operated on a fixed route system.

"Established routes" means all regular intrastate routes of the participating carriers authorized by NJ TRANSIT, 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 48:4-1, and includes those autobuses, commonly called jitneys, as described in 48:16-23.

"NJ TRANSIT" means the New Jersey Transit Corporation.

"NJ TRANSIT Reduced Fare Photo Identification Card (NJ TRANSIT Photo 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 Seniors [Citizens] and People with Disabilities.

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

"Person with a disability" or "people with disabilities" is an individual(s) who by reason of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including any individual who is a wheelchair user or has semi-ambulatory capabilities), cannot use effectively, without special facilities, planning, or design, [mass] transportation service or a [mass] transportation facility.

"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 seniors

[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

Seniors [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 seniors [citizens] for NJ TRANSIT Reduced Fare Photo Identification Card

(a) Individuals may [obtain] **complete** a[n] NJ TRANSIT Photo ID Card application via the NJ TRANSIT website at <http://www.njtransit.com>. Alternatively, they can obtain a printed application at a NJ TRANSIT Customer Service Office, from NJ TRANSIT's website, or by writing or calling the NJ TRANSIT Reduced Fare Program at:

NJ TRANSIT Finance Department
Reduced Fare Program
One Penn Plaza East
Newark, NJ 07105
Phone: 973-491-7112

(b) **If the individual chooses to submit a physical application rather than complete the online application**, the completed signed application, along with a

passport photo obtained at the applicant's expense and copies of legal documentation providing proof of age and identity, should be returned by mail to:

NJ TRANSIT Finance Department
Reduced Fare Program
One Penn Plaza East
Newark, NJ 07105

Acceptable legal documentation includes a driver's license, passport or state issued identification card.

(c) [Applications for the NJ TRANSIT Photo ID Card are available at some banks, savings and loan associations, County Offices on Aging, and State offices providing services for senior citizens.] **Applicants can have their physical application verified at some banks, savings and loan associations, County Offices on Aging, and State offices providing services for seniors.** The applicant may bring a passport photo obtained at the applicant's expense and legal documentation providing proof of age and identity to verify their application in person at these application centers. Acceptable legal documentation includes a driver's license, passport or state issued identification card.

(d) Authorized personnel of **these locations** [application centers] will examine and verify the required identification documents and photo. The **applicant** [application centers] will then forward the completed application to NJ TRANSIT for processing.

(e) NJ TRANSIT shall issue an NJ TRANSIT Photo ID Card to each qualified applicant. The NJ TRANSIT Photo 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 or wishes to renew **their NJ TRANSIT Photo ID card for identification purposes**, he or she may contact the

NJ TRANSIT Reduced Fare Program **and request one.** [or visit one of the locations noted above in this section and complete a new application.]

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

(a) Individuals may [obtain] **complete** a[n] **NJ TRANSIT Photo ID Card** application **via the NJ TRANSIT website at <http://www.njtransit.com>.** **Alternatively, they can obtain a printed application at a NJ TRANSIT Customer Service Office, from NJ TRANSIT's website, or by writing or calling the NJ TRANSIT Reduced Fare Program at:**

New Jersey Transit Finance Department
Reduced Fare Program
One Penn Plaza East
Newark, NJ 07105
Phone: 973-491-7112

(b) (No change.)

(c) (No change.)

(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 Photo ID Card to:

NJ TRANSIT Finance Department
Director, Treasury Operations & Finance Compliance
One Penn Plaza East
Newark, NJ 07105

([e]d) (No change.)

([f]e) (No change.)

([g]f) (No change.)

([h]g) **Individuals enrolled in NJ TRANSIT's Access Link program are automatically eligible for the Reduced Fare program. These individuals will be**

issued an NJ TRANSIT Photo ID card upon notification from NJ TRANSIT's Access Link Department to the Reduced Fare Department and they do not need to submit a separate application.

16:73-2.3 Identification requirements

(a) Seniors [citizens] and people with disabilities must present an NJ TRANSIT Photo ID Card or a valid Medicare Card to the bus operator, rail conductor, or fare enforcement officer as proof of being qualified to participate in the NJ TRANSIT Reduced Fare Program.

(b) (No change.)

(c) If the NJ TRANSIT Photo ID Card is lost or stolen, [an application for a replacement may be made as prescribed in 16:73-2.1 and 2.2.] **the cardholder should contact the NJ TRANSIT Reduced Fare Program at 973-491-7112. Lost or stolen cards will be replaced at no cost to the cardholder.**

(d) The Corporation will place greater scrutiny on multiple requests for cards, including but not limited to, checks for fraudulent activity and use.

16:73-2.4 Purchase of reduced fare tickets

(a) NJ TRANSIT does not sell books of reduced fare tickets. Seniors [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, **via the NJ TRANSIT Mobile Application**, 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 seniors [citizens]. In addition to paying a reduced cash fare, seniors [citizens] may be required to present a "voucher" removed from these booklets along with such person's appropriate identification to travel on these lines.

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

SUBCHAPTER 3. AGREEMENTS WITH CARRIER FOR SERVICES AND PAYMENTS

16:73-3.1 Agreements with carriers

(a) (No change.)

16:73-3.2 Method of payment to carriers

Reimbursement to the participating carriers shall be an amount equal to the seniors [citizens] or people with disabilities reduced fare, multiplied by the number of eligible trips by seniors [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.

ITEM 2211-88: RECOMMENDATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2022

WHEREAS, P.L. 1979, Ch. 150, P.L. 2018, Ch. 162, Executive Order 122 (McGreevey 2004) (EO 122), and Executive Order 37 (Corzine 2006) (EO 37) require, among other things, an annual audit of the financial statements of NJ TRANSIT by an independent auditor. For purposes of the Executive Orders, the audit is an examination of NJ TRANSIT's financial statements by a certified public accounting firm in compliance with generally accepted government auditing standards (GAGAS), issued by the Comptroller General of the United States, and in accordance with all applicable rules, regulations, and circulars; and

WHEREAS, EO 37 and EO 122 require the audit to be accompanied by a written certification from both the President and Chief Executive Officer and the Senior Vice President, Chief Financial Officer & Treasurer that the financial information provided to the independent auditor in connection with the audit is, to the best of their knowledge, accurate and that such information fairly represents, in all material respects, the financial condition and operational results of NJ TRANSIT for the fiscal year; and

WHEREAS, P.L. 2018, Ch. 162 requires NJ TRANSIT to file its annual audit with the New Jersey Department of Treasury within four (4) months after the close of the fiscal year; and

WHEREAS, on or before October 31, 2022, NJ TRANSIT's independent auditor, Deloitte & Touche LLP (Deloitte), completed its examination of NJ TRANSIT's financial statements for the fiscal year ended June 30, 2022, in compliance with the enabling legislation and requirements of the Executive Orders. Deloitte issued an unmodified opinion, which concluded that the financial statements present fairly, in all material respects, the consolidated net position of NJ TRANSIT as of June 30, 2022, and the changes in its financial position and its cash flows for the year then ended were in conformity with United States generally accepted accounting principles; and

WHEREAS, at its Special Meeting of October 27, 2022, NJ TRANSIT's Audit Committee reviewed the FY22 audited financial statements with Deloitte and senior staff from the Finance Department. The Audit Committee recommended that the FY22 audited financial statements be presented to the Board of Directors for its acceptance and approval; and

WHEREAS, on or before October 31, 2022, NJ TRANSIT filed its FY22 audited financial statements for the fiscal year ended June 30, 2022 with the New Jersey Department of Treasury thereby complying with its enabling legislation;

NOW, THEREFORE, BE IT RESOLVED that in compliance with EO 37 (Corzine 2006), it is respectfully recommended that the Board of Directors accept and approve NJ TRANSIT's audited financial statements for the fiscal year ended June 30, 2022.

ITEM 2211-89: PERSONAL INJURY CLAIM OF STEPHANIE SMITH

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to settle the claim of Stephanie Smith through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including, but not limited to the New Jersey Department of Environmental Protection (NJDEP) Rebuild by Design – Hudson River: NJ TRANSIT Permanent Easement and Lease for Resist Structure Construction and Operations and Maintenance, the Property Acquisition of Bus Garage in Westwood, New Jersey, the Personal Injury Claim of Jose Guerrero, the Personal Injury Claim of Alina Jadaszewska, and the Personal Injury Claim of the Estate of Frederick Malchow.

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.