

**Chris Christie, Governor**  
**Kim Guadagno, Lieutenant Governor**  
**Richard T. Hammer, Commissioner**  
**Steven H. Santoro, Executive Director**

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

May 25, 2017

Dear Governor Christie:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the rescheduled 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, May 17, 2017.

Sincerely,

Original Signed By

Joyce J. Zuczek  
Board Secretary

Enclosures

Honorable Chris Christie  
Governor, State of New Jersey  
State House  
Trenton, NJ 08625

Minutes of the actions taken at the Open Session of the rescheduled 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, May 17, 2017.

**Board Members Present**

Richard T. Hammer, Chairman  
John Spinello, Governor's Representative  
Steven Petrecca, Treasurer's Representative  
James C. Finkle Jr., Board Member  
Flora M. Castillo, Board Member

**Board Members Absent**

Raymond W. Greaves, Board Member (Non-Voting)

**Staff Present**

Steven H. Santoro, Executive Director  
Amy B. Herbold, Deputy Executive Director  
Michael P. Kilcoyne, Vice President & General Manager, Bus Operations  
Robert Lavell, Vice President & General Manager, Rail Operations  
Neal A. Fitzsimmons, Acting Chief, Light Rail & Contract Services  
Kevin J. Amberg, Deputy Chief of Police Administration  
Todd C. Barretta, Chief Compliance Officer  
Warren A. Hersh, Auditor General  
Michael J. Lihvarcik, Chief Financial Officer & Treasurer  
Michael K. Slack, Chief Information Officer  
Penelope L. Bassett, Assistant Executive Director, Communications & Customer Service  
Eric R. Daleo, Assistant Executive Director, Capital Planning & Programs  
Gardner C. Tabon, Chief, Office of System Safety  
Joseph E. Snow, Deputy Attorney General  
Joyce J. Zuczek, Board Secretary

Chairman Hammer convened the Open Session at 6:07 p.m. in accordance with the Open Public Meetings Act. James Brown, Office of System Safety, provided a Public Safety Announcement. The Pledge of Allegiance to the Flag was conducted. Board Secretary Zuczek conducted a Roll Call and noted Board Member Greaves was absent.

Board Secretary Zuczek announced that adequate notice of the rescheduled meetings of the Board of Directors 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. was provided in accordance with the Open Public Meetings Act, Chapter 231, P.L 1975, and the meetings were occurring concurrently. Notices

were filed on May 10, 2017 with the Secretary of State. These notices were mailed to newspapers of general distribution, posted in the main entrance of NJ TRANSIT headquarters, and sent to each individual, agency and organization that requested such notice. Board Secretary Zuczek announced that the Board meetings were being video recorded.

Chairman Hammer asked for a motion to approve the minutes of the April 4, 2017 Board meetings. A motion was made by Board Member James C. Finkle Jr., seconded by Board Member Flora M. Castillo, and unanimously adopted.

**Mayor Thomas Walsh** read his letter to the Board. In the letter dated May 16, 2017, he noted it was a follow-up to his May 12, 2017 letter which received an immediate response by NJ TRANSIT officials. He said NJ TRANSIT and Andover Township participated in a conference call on Tuesday, May 16, 2017. His May 16, 2017 letter was to report what was established on the call.

Mayor Walsh said: 1) There was a technical discussion regarding alternatives for the culvert which included a liner to be inserted in the pipe on the Hudson Farm property and they were advised by NJ TRANSIT representatives that this decision regarding the liner would be provided by NJ TRANSIT no later than the middle of next week. 2) With respect to access to the Hudson Farm property, the Township would reach out to Hudson Farm's legal counsel to see if permission would be granted for preliminary testing on the property. The Township would also inquire if Hudson Farm would permit the installation of a liner. 3) NJ TRANSIT reiterated its desire to reimburse and support the Township's efforts if necessary to take eminent domain action to access what is known as the Hudson Farm property. 4) That understanding would be memorialized in a Memorandum of Understanding (MOU) the Andover Township Attorney would draft for circulation and consideration by NJ TRANSIT. 5) There was a discussion regarding the funding for the project and steps that have to be taken if the liner is approved and access to the property granted. It is anticipated to take up to seven months to complete this aspect of the project. 6) Andover Township officials were promised a written summary of the meeting, most of which was memorialized in this letter. 7) The parties agreed to conduct a follow-up call on Thursday, May 25, 2017 at noon regarding the status of the request to DEP for an insert to the Hudson Farm culvert; the status of the MOU; the status of the access to the property; and any other issues that may arise regarding this project.

Mayor Walsh said NJ TRANSIT officials assured the Township that they would continue to communicate regarding this matter and the Township officials expressed their dissatisfaction over the lack of communication by NJ TRANSIT over the past seven months, which has improved since Friday. The Township seeks to maintain this assurance that this bringing this project to completion will be a priority for NJ TRANSIT. He said this was an overdue but appropriate response by NJ TRANSIT but it was only a start. Mayor Walsh said Andover Township will not rest until a train arrives at the Andover Station.

Mayor Walsh asked about the priority of the project. Chairman Hammer said that is a question for the technical experts and as outlined in the letter they will reach out to him next week. He said that would be the perfect opportunity for those questions to be asked. Chairman Hammer said they are going to continue to pursue, DEP is an involved agency, and they will see steps progressing as they go forward.

Mayor Walsh noted the frustration of people in Sussex County and Andover Township. He was going to bring a contingent with him but he felt having 20 or 50 people saying the same thing as him would not make a difference. He said a year ago, he asked his Township Committee to pass a resolution opposing the 23 cent gas tax. Mayor Walsh said it was not that they did not want projects but they felt the money was being wasted and there needed to be some oversight of the way the money was being spent.

Mayor Walsh asked if someone could dispose of the rumor that the hold on this project may be political retribution. Chairman Hammer said that could not be anywhere farther from the truth. He said the project is very important to NJ TRANSIT. Chairman Hammer understands the frustrations and said he too was frustrated when he saw so many months go by, as pointed out in the initial letter, and assured the Mayor they will pay every attention to it and see it through going forward.

Mayor Walsh said he understands there is a statute that a railroad may go on property to inspect a pipe that NJ TRANSIT's attorney says does not apply to this project and asked if anyone knows why this does not pertain to this particular project. Chairman Hammer said he could not address that and suggested that be discussed during the subsequent conversation with the project team. He assured him that this has NJ TRANSIT's attention and they will be watching it to see that it advances accordingly.

Mayor Walsh noted Paul Wyckoff and their staff was phenomenal and said he looks forward to working with them.

### **Public Comments on Agenda Action Items**

There were four speakers on agenda action items. Board Secretary Zuczek announced public comments would be limited to five minutes.

**Murray Bodin** noted the Portal Bridge North was a bridge owned by Amtrak and it was a crucial link. However, Mr. Bodin believes Amtrak has outlived its usefulness. He said when it was created, people still traveled by rail. Mr. Bodin believes Amtrak service between Los Angeles and Chicago and New York to Chicago needs to stop. He believes the only service should be the along east coast and west coast, but not in between. Mr. Bodin said people take buses, airplanes and drive in between the coasts.

Mr. Bodin said Amtrak can run through Grand Central. He said the decision to dismantle Amtrak needs to be made sooner. Mr. Bodin complimented NJ TRANSIT on their initiative in moving forward a project that was vital.

**David Peter Alan**, Chair Lackawanna Coalition, spoke against the plan to build a two-track Portal Bridge. He does not believe one two track bridge is the solution to the problems with the bridge. Mr. Alan believes it would be more cost effective to build a three-track bridge rather than a second proposed bridge called Portal Bridge South. He wants the new bridge to have enough room for a fourth track. Mr. Alan questioned whether the second bridge would ever be built and said it would waste an extra billion dollars. He believes the money would be better spent on extending Tracks 1 through 4 to the West End Concourse and the future Moynihan Station.

Mr. Alan believes Amtrak does not need additional bridge capacity for its own use and rehabilitating the existing bridge would be sufficient to meet Amtrak's existing schedule. He said NJ TRANSIT's riders and management should determine how they get access to Penn Station. Mr. Alan called on the Board to tell management at NJ TRANSIT and Amtrak that a two-track span was not sufficient and does not serve NJ TRANSIT's riders well. He wants three tracks built and suggested they skip Portal Bridge South. Mr. Alan believes the existing bridge could be rehabilitated for extra capacity, at a sizeable cost saving.

Mr. Alan said Amtrak's plan required them to assume Portal Bridge South would be funded and built. He said until recently, they all assumed train service would work properly and get them to their destination, barring an unforeseen emergency. Mr. Alan said now there seems to be a major service disruption more often.

Mr. Alan said it was dangerous to assume there would be funding for the two Portal Bridges and the entire Gateway Project. He believes transit infrastructure under the Trump Administration and the Republican dominated Congress are not favorable to building big publicly owned transit projects. Mr. Alan said the Lackawanna Coalition is a non-partisan and non-political organization, but that does not prevent them from keeping informed.

Mr. Alan does not think it is realistic to believe this administration and Congress will commit half of the \$24 billion estimated cost of the entire Gateway Project that would benefit Democrats in in New York City and New Jersey. He believes they cannot afford to count on politicians and Amtrak. Mr. Alan said the politicians do not depend on NJ TRANSIT for their mobility, and Amtrak appears incapable of even keeping the existing Penn Station in a state of good repair.

Mr. Alan believes it is imperative NJ TRANSIT takes the lead on the Gateway Project so they can get useful tunnels now. He wants tunnels that add capacity to Penn Station, even if the rest of Gateway is not built. Mr. Alan said two new tunnels, one new three-track bridge with room for a fourth track, and Penn Station improvements will give riders the capacity they need. He does not want to wait for Gateway. Mr. Alan wants the Board to say no to a Gateway plan with only a two-track bridge and push for three tracks and build useful tunnels now.

**Joseph Clift** said he is a resident of Manhattan, uses NJ TRANSIT, and is an advocate for intelligent, cost effective, regional rail. He said David Peter Alan mentioned a lot of the points he wanted to make about the Portal Bridge. Mr. Clift said in 2006, there was an experiment setup by George Warrington to see if they could manage their way out of the Portal Bridge problem. He said over a 90 day trial period, they worked with the Coast Guard, Amtrak, and the marine operators to reduce the number train incidents to one in 90 days. Mr. Clift said they reduced the delay minutes by 96 percent by there being times when the bridge could be opened and trains were not running. Mr. Clift said they did it then and it could be done now.

Mr. Clift said a couple years before that HX Draw, a bridge on the Hackensack River that brings one of the Bergen Lines down, failed. He said they locked it closed and for 39 days and nights, the river was closed to marine traffic. Mr. Clift said the major effect was the secondary sludge from Bergen County Sewage Plant in Little Ferry was trucked to the tertiary plant in Newark. He said that was the major effect and the bridge only opens an average of six times per week and is not going up and down all the time. Mr. Clift said there is history there that says if managed properly, the problem almost disappears. He said clearly it is too old.

Mr. Clift said the simple reality is it is only two tracks and David Peter Alan mentioned the need for more. He said when the Portal Capacity Enhancement Project Record of Decision was issued 10 years ago, there were three tracks on that bridge and two tracks on the South Bridge. Mr. Clift said the reason there were two bridges was because NJ TRANSIT and Amtrak had gotten a divorce the previous year because NJ TRANSIT threw Amtrak's connection into Penn Station out of Access to the Region's Core (ARC) project. He said Amtrak stated they were going to build a fifth and sixth tube into New York City and everyone was going their separate ways. Mr. Clift said that ended when Gateway was announced in 2011 but the old, expensive plan still remains.

Mr. Clift believes the vote would approve the first actions on a two track bridge that would replace Portal. He believes they need at least three tracks to run more peak hour trains. Mr. Clift said it was two tracks instead of three so they have to build a second bridge. He believes they could have made it four tracks just as easily as three tracks. Mr. Clift said they are working with a plan designed by Amtrak and pointed to how well Amtrak has maintained Penn Station.

Mr. Clift noted a Long Island Railroad Ronkonkoma Project, 50 miles away from New York. He said originally the people planned on double tracking it and doing electrification in the future. Mr. Clift said they turned that around focusing on the customer need and the result was 30 years of access 50 miles in mid-Suffolk County into Penn Station. He said that line, which was a nothing line 30 years ago, is now the second largest line on the Long Island Railroad. Mr. Clift said it has the most reverse peak ridership, the most people per train, and is a very productive line. He said they still do not have a second track and are in the process of building it now.

Mr. Clift believes applying the same logic to Gateway, they would build one bridge that can handle four tracks, three tracks initially, one or two more tubes under the river, fix up Penn Station, and there would be more capacity. He suggested letting the other pieces come later. Mr. Clift believes by approving the Board Item, they are walking down a path that has been going in the wrong direction for 10 years.

**Steve Thorpe** believes the concept of a four-track Portal Bridge, or at least a three-track Portal Bridge, makes a lot of sense. He also thinks what Joe Clift mentioned about operating around or managing the opening of the bridge makes sense. Mr. Thorpe said if there is a mechanical device that is not working as well as it should, it should not be operated any more than necessary.

Mr. Thorpe addressed the earlier public comment about Amtrak's mission and noted it was designed to take the burden of passenger service away from the freight railroads so the freight railroads could make money because they complained to the Government in 1971. He said Amtrak has a vital mission because not everyone wants to fly or take a bus, and trains are needed to points in between the coasts for those people.

### **Advisory Committee Report**

There was no Advisory Committee Report.

### **Board Customer Service Committee Report**

Board Member Castillo presented the report for the Customer Service Committee. The Customer Service Committee received a Customer Service update and report on the Social Media Dashboard. The Committee also received a report on the Fiscal Year 2017 Third Quarter Customer Satisfaction Survey results.

### **Board Administration Committee Report**

Board Member Finkle presented the report for the Administration Committee. The Administration Committee received a Financial Update, which included an analysis of ridership trends.

### **Board Capital Planning, Policy, and Privatization Committee Report**

Chairman Hammer presented the report for the Capital Planning, Policy, and Privatization Committee. The Capital Planning, Policy and Privatization Committee discussed the board item for the Portal Bridge Capacity Enhancement Project Construction Contract Award.

### **Executive Director's Monthly Report**

Executive Director Santoro said following the two derailments in Penn Station New York, Amtrak clearly acknowledged that deficiencies in their infrastructure caused these

incidents. They were extremely dissatisfied that it took these two derailments for Amtrak to react to the poor condition of the infrastructure. Subsequent inspections by Amtrak and FRA identified the harsh reality that immediate repairs were required. Those repairs are underway.

Amtrak has also imposed a speed restriction on trains within Penn Station New York, which is causing daily delays of 30 minutes or more for NJ TRANSIT customers during the morning and afternoon peak travel times. In addition to these immediate repairs, Amtrak is proposing what they call renewal work, to be performed this summer. This work will eliminate NJ TRANSIT train access to certain tracks and platforms.

Executive Director Santoro said he realizes customers are anxious to know what their summer will look like. NJ TRANSIT staff has been meeting with Amtrak and the Long Island Railroad to define a plan so that it not only achieves the necessary upgrades but does not impose any unnecessary outages. As recently as last week, Executive Director Santoro sent a letter to Amtrak's CEO Wick Moorman restating NJ TRANSIT's requirements to be more than just a tenant. Executive Director Santoro said they must be a full participant in decisions that affect NJ TRANSIT customers that travel in and out of Penn Station New York and the time has come for NJ TRANSIT to have much more of a voice in these matters.

Since the last meeting, NJ TRANSIT held public hearings on the environmental review to extend the Hudson-Bergen Light Rail into Bergen County. This is part of the 60-day public comment period which they were currently in.

The Supplemental Draft Environmental Impact Statement, or SDEIS, has been printed in the Federal Register and is available for public review on the project's website NorthernBranchCorridor.com. The document is also available for review at public libraries in the area where the project will be constructed.

Comments must be submitted in writing by May 23, 2017. NJ TRANSIT encourages all residents and NJ TRANSIT customers to share their thoughts as they work together to move this important project forward.

### **Action Items**

#### **1705-15: PORTAL BRIDGE NORTH PROJECT – GC.01 EARLY ACTION CONSTRUCTION: CONSTRUCTION CONTRACT AWARD**

Executive Director Santoro introduced Eric Daleo, Assistant Executive Director, Capital Planning and Programs, who presented Action Item #1705-15 for approval.

Eric Daleo recommended approval of Item #1705-15, Portal Bridge North Project – GC.01 Early Action Construction: Construction Contract Award. Approval was requested to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in

the amount of \$14,574,876.50, plus five percent for contingencies, subject to the availability of funds.

Board Member James C. Finkle, Jr. moved the resolution, Board Member John Spinello seconded it, and it was unanimously adopted.

**Roll Call Vote:**

Hammer	Spinello	Petrecca	Castillo	Finkle	Greaves
Yes	Yes	Yes	Yes	Yes	Absent (Non-Voting Member)

**Executive Session Authorization**

At approximately 6:36 p.m., Chairman Hammer requested a motion to enter Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of Alexander Son.

Board Member Flora M. Castillo moved the resolution, Board Member James C. Finkle, Jr. seconded it, and it was unanimously adopted.

Board Secretary Zuczek conducted a Roll Call as Board Members returned to Open Session. All Board Members returned to open session at approximately 7:33 p.m.

**1705-16: PERSONAL INJURY CLAIM OF ALEXANDER SON**

Executive Director Santoro introduced Michael Lihvarcik, Chief Financial Officer and Treasurer, who presented Action Item #1705-16 for approval.

Michael Lihvarcik recommended approval of Item #1705-16, Personal Injury Claim of Alexander Son. Approval was requested to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

Board Member James C. Finkle, Jr. moved the resolution, Board Member John Spinello seconded it, and it was unanimously adopted.

**Roll Call Vote:**

Hammer	Spinello	Petrecca	Castillo	Finkle	Greaves
Yes	Yes	Yes	Yes	Yes	Absent (Non-Voting Member)

**Public Comments on Other Matters**

There were 27 speakers on other matters.

**Mary Barber**, a resident of Maplewood, has been riding the Midtown Direct for 14 years, and is glad to do so because it cuts down on pollution. Ms. Barber stated commuters like herself and others must see to it that NJ TRANSIT continues to thrive and be successful because she knows that getting State and Federal funding is not easy. However, she would like to see better communication between NJ TRANSIT and Amtrak when communicating delays to commuters via display boards. She stated that the train displays boards were not working properly and that some information would appear and then disappear. Ms. Barber stated something needs to be done to improve this communication so that commuters know what is going on.

**Ramon Carreras** usually commutes to New York but lately takes the train to Hoboken. He expressed frustration about receiving emails stating delays were up to 30 minutes. He said he would like to see a more precise time communicated for train delays so better judgment calls can be made by him and other commuters regarding taking an earlier train or using another station. Mr. Carreras stated it is easy for him to adjust to the changes but others cannot make changes to their schedules so easily. Mr. Carreras wants to be updated on important information regarding Amtrak delays and thinks that NJ TRANSIT should do a better job of communicating these things to the commuters. With regards to the holiday schedule discussion, he would like to see service levels more in line with weekday minus some instead of a weekend plus schedule.

**Delvan Bradford**, a Parsippany resident, was concerned about issues he saw on the news for track delays in New York Penn Station. Mr. Bradford stated the Governor should address these issues with Amtrak and NJ TRANSIT to avoid delays on the North Jersey Coast Line. Mr. Bradford expressed concern about people losing their jobs due to the delays and about safety relating to video he saw of a moving train that had the door halfway opened.

**Chuck Walsh**, President of The North Jersey Rail Association was pleased with work that will be done to complete the Roseville Tunnel in two years to connect the Lackawanna Line. Mr. Walsh was concerned with the stall of environmental permits to continue the rest of the extension on the West Port Morris to Andover part of the Lackawanna/Roseville Tunnel cutoff. Mr. Walsh stated that some pipe work has already been done but part of the project was still up for construction bidding which has been taking place since last August and he was concerned about this moving onward.

**Stephen Burkert** is the General Chairman of SMART-TD Local 60, representing NJ TRANSIT conductors, assistant conductors and ticket collectors. Mr. Burkert expressed concerns about the assaults taking place on workers by commuters. He wants N.J.S.A. 2C:2-1 to be enforced and prevent prosecutors from downgrading them to simple fines without input by the employee or arresting officer. He stated no one wants to be abused while trying to do their job. He also expressed concerns that workers were

receiving tremendous medical bills and injuries preventing them from returning to work. Mr. Burkert wants a designated internal group to assist employees through the court process. He would like to bring these concerns to Governor Christie's attention and he would welcome all the help he can get. Mr. Burkert feels these assaults will continue to escalate as passengers get frustrated due to continuing Amtrak delays. He believes something really needs to be done to protect NJ TRANSIT employees because no one deserves this.

**Steve Thorpe** discussed what Mr. Burkert discussed and said he feels for the crews and what they deal with. Mr. Thorpe said he has been on concert trains at night and believes it a horrible situation because people who are drunk act with callous disregard of passengers and employees. He said he has spoken to Chief Trucillo, and now suggested in light this more concerning issue of employees being assaulted and physically hurt, some legislation could get alcohol off the train altogether. Mr. Thorpe suggested some kind of alcohol restrictions so the crew will not have to deal with it.

Mr. Thorpe expressed his appreciation for the herculean efforts made by the Executive Team, including Executive Director Santoro and Robert Lavell, for their efforts given what happened with Amtrak and New York Penn Station. He was also thankful Hoboken reopened so soon and the wall was down. Mr. Thorpe hopes that instead of pointing blame, they can all work together since there is now a solution.

**Murray Bodin** said NJ TRANSIT has hundreds of intersections where light rail intersects with cars controlled by traffic lights. He believes this means it is legal and noted Boston, Denver, Washington and hundreds of cities do the same with light rail. Mr. Bodin does not understand why there are two different kinds of traffic controls at railroad crossings. He said at some places there are flashing red railroad lights and traffic lights on the same entry controlled by gates and thinks this is crazy. Mr. Bodin suggested putting traffic lights on every crossing with a gate and adding a red light camera so a photo is taken and ticket sent if someone goes around the gate. He believes this is a safety issue.

**Gary Kazin** said at night, outbound Morristown Line crews herd passenger from the rear and front cars towards the center of the train after the train leaves Morristown or Morris Plains on the Montclair Branch and the crews do the same after leaving Upper Montclair. He believes this this was solely for the crew's convenience, so they do not have to check those cars before taking the train to the yard so they can leave a little earlier.

Mr. Kazin thinks this is unsafe because it forces passengers to move through the train while it is moving. He said it increases the chances for someone to fall, especially on the stairs between levels on multilevel cars. Mr. Kazin said it is also a problem for people who have trouble walking and those with luggage or children.

Mr. Kazin said at Denville, the eastern most door that opens often is at grade crossing, at the fence near the gate, so it is hard to get out of the train. He noted it is a longer step down from the train to the pavement because they are not on the platform and at night in the dark, it is an extra fall hazard.

Mr. Kazin said at Dover, many passengers exit at the east end of the station and they have been forced away from this exit. He said at Montclair State University Station, the exits are near the rear cars, so passengers have been driven forward, away from the station exit, and must walk back after leaving the train. He believes it is totally unnecessary to push them from one car to another. Mr. Kazin requested they end this practice. He wants to stay in the same seat in the same car until the train reaches his station

Mr. Kazin said he received a response from Drew Keelan on Monday, May 15, 2017 that addressed the number of cars being opened for boarding at New York, not closing cars during the train's run. He asked for a response to the issue he raised.

Mr. Kazin said it is time to end the weekend ban that effectively bars New Jersey cyclists from using NJ TRANSIT trains to make trips within New Jersey and to New York City. He said he took his bike on a trip from Denville to Bordentown, New Jersey 10 days ago using the Morristown Line, Northeast Corridor, and River LINE. Mr. Kazin said the bike makes it possible to cross Newark quickly and make a connection that is 16 minutes going, 18 minutes returning, and avoid long waits at Newark both ways. He said Newark Light Rail and NJ TRANSIT bus do not make this connection and it is faster to walk, but not fast enough.

Mr. Kazin said on weekends and holidays, standard bicycles are not allowed on the Morristown Line on three trains inbound in the morning and three trains outbound in the evening. He would have needed to use a banned train each way so he drove instead. Mr. Kazin noted on his return, he took a friend to Denville to take a train to South Orange. While there, he said they met 9 cyclists waiting to take a train to New York City after their day's activities, an 80 mile route from the George Washington Bridge. Mr, Kazin noted they were all easily handled on the next train.

Mr. Kazin complained that cyclists from New York City could use their trains for trips in New Jersey, but bicyclists in New Jersey cannot use their own trains at the times they really need them, between 9:00 a.m. and noon. He does not believe the weekend trains lack the seating capacity to carry their cyclists. Mr. Kazin urged them to end the weekend bicycle ban immediately.

**David Peter Alan**, Chair of the Lackawanna Coalition, commended NJ TRANSIT for reopening another part of Hoboken on Monday, May 15, 2017. Mr. Alan said many Penn Station riders will need to use Hoboken more this summer when tracks at Penn Station will be taken out of service for repairs.

Mr. Alan said transit riders and management are often on opposite sides of an issue, especially when money is scarce. He believes no progress can be made towards improving transit unless management provides the information needed in a transparent way and treats the riding public and its grassroots representatives with respect.

Mr. Alan believes during the last two months, transit has been the worst he has ever seen it in 50 years riding on the Morris & Essex Line. He said problems have always occurred from time to time, but now it seems that Penn Station is messed up on more commuting days than not and there are often problems on weekends too. Mr. Alan believes these are times when management should go to the riders with ideas on how to get out of this mess and ask for their suggestions and take them seriously, giving them due credit for them. He believes it is time to bring back discounted fares for off-peak riders, when there is room for them.

Mr. Alan believes complaining about Amtrak does not help as much as action by NJ TRANSIT management to mitigate the situation. They know Amtrak owns the Northeast Corridor Line, which includes Penn Station, and that NJ TRANSIT is a tenant, with a landlord who has not kept the premises in a state of good repair. He does not believe they can count on Amtrak to do so in the future in a manner that adequately serves the needs of NJ TRANSIT's commuter and occasional riders. Mr. Alan said Amtrak has other problems elsewhere in the country and has only a comparatively small number of riders at Penn Station and they do not need the infrastructure or the operations that New Jersey riders need. Therefore, Mr. Alan believes NJ TRANSIT should take the lead in getting Penn Station up to standard again.

Mr. Alan said, in the past, NJ TRANSIT has always spared peak hour commuters from cuts in service or otherwise making travel less desirable. He said the last time trains were lost, they were the last trains of the evening, not late afternoon commuter trains. Mr. Alan believes the commuters NJ TRANSIT's management and Board seem to care about are now vulnerable too. He knows the commuters are angry, perhaps because their ride home was always protected in the past. Mr. Alan said those who depend on transit for all their mobility know what bad service is like and the commuters are just now getting used to it. He said if they can help management establish the integrity, credibility, and concern for all riders, especially at a time when they will need it the most, they will.

Mr. Alan believes management can earn this credibility by taking responsibility for getting its riders to where they want to go, including Penn Station New York. He believes that means working around Amtrak's ideas if they are not sufficient to deliver the needed mobility. Mr. Alan believes that also means sharing everything NJ TRANSIT knows with its riders and especially them, as their representatives. He believes an attitude of we will tell you when we want you to know is not acceptable. Mr. Alan also believes management and the NJ TRANSIT Board must recognize the Lackawanna Coalition, the New Jersey Association of Railroad Passengers, and other rider-advocates as legitimate representatives of the riding public, and negotiate with them in good faith about solving the problems all the riders have, whether commuters, transit-dependent, or otherwise. He remains available to do everything he can to make this happen, but he said NJ TRANSIT must take them seriously.

**Sally Gellert** said she is the Legislative Director for the Lackawanna Coalition but her remarks were her personal remarks. She heard about a proposal by the State Legislature that tickets be cross honored during the upcoming construction period. Ms. Gellert said as

a rider that makes sense but she worries about the financial effect on NJ TRANSIT. She noted generally the honored ticket is paid by the ticket originator but with all the new information about Amtrak's neglect of tracks over an extended period of time that does not seem reasonable to her. Ms. Gellert believes there is not a great deal of extra cost for Amtrak to pick up riders in Newark or Secaucus and drop them off in Penn Station. She believes Amtrak could absorb those incidental costs. Ms. Gellert said the most interesting part of the suggestion is to expand it to include buses, which are not usually included in across river cross honoring. She believes many of those buses would be NJ TRANSIT buses so it should be a relatively simple matter to cooperate across divisions of NJ TRANSIT.

Ms. Gellert said about a month ago in Newark Penn Station, she encountered the benches in the waiting area being roped off with a security guard checking tickets of those who wanted to sit down. Ms. Gellert said she still had her ticket because it was not collected before she left the train, but otherwise, she would not have had it. She believes it is unreasonable to bar someone from sitting for a few minutes after getting off the train. Ms. Gellert asked what if a tourist needed to figure out logistics, someone needed to get out of the rain on an inclement day or put on rain boots, or if a passenger was winded and needed to sit for a few minutes. She said NJ TRANSIT's favorite passengers who buy monthly passes would not have this problem since their ticket is not collected. Ms. Gellert believes this is not fair.

Ms. Gellert said the so called incidentals are hard to budget but welcoming them instead of making their lives more difficult would likely lead to increased revenue and NJ TRANSIT cannot afford to turn that away. She questioned whether an employee checking tickets was the best use of their time. She noted the person on the day of the Board meeting was from Gateway Security and questioned how much that contract cost. Ms. Gellert said she did not feel welcomed but rather as if some were designated as undesirables, which she believes is inappropriate for a public agency.

**Joseph Clift** was happy Hoboken concourse was opened. He said NJ TRANSIT and Long Island Railroad have not been contributing the money they should have to Amtrak to maintain the Northeast Corridor and Penn Station. Mr. Clift noted he provided a handout and said beginning in Fiscal Year 2006, under George Warrington, there was an agreement to spend \$45 million voluntarily with Amtrak to make improvements in corridor infrastructure, not for expansion.

Mr. Clift said his chart shows NJ TRANSIT shorted itself \$228 million through Fiscal Year 2016. He said NJ TRANSIT spent less in a lot of years than was agreed. Mr. Clift said some of that money went towards the Delco Lead Project. He believes they do not need Delco Lead for Sandy. Mr. Clift said according to a source at Amtrak, no money was paid by NJ TRANSIT in Fiscal Year 2015. Mr. Clift said NJ TRANSIT staff confirmed no money was provided during Fiscal Year 2016. He claimed NJ TRANSIT paid the Fiscal Year 2016 payment on April 3, 2017, the second derailment date.

Mr. Clift believes if NJ TRANSIT had paid this money, they could have asked Amtrak what they were doing with the money and tell Amtrak how to spend it and things would have been better with New York Penn Station. He believes in the future, NJ TRANSIT will be spending close to \$100 million in capital, that PRIIA2012 requires, to do what should have been done for the last 30 years, and that will take money away from other projects.

Mr. Clift noted he saw a presentation by the Moynihan Station Development Corporation about the new Moynihan Train Hall. He said the project is \$1.6 billion to refit the Farley Post Office Building to be a train hall for long distance and Corridor Amtrak trains. Mr. Clift believes it is a great idea because it would tie into the West End Concourse and give better access to the new jobs that are going to be in Manhattan West, west of 9<sup>th</sup> Avenue, and the Hudson Yards East Project, west of 10<sup>th</sup> Avenue. He noted NJ TRANSIT was not in the Moynihan facility at all. Mr. Clift said Moynihan Station Development Corporation explained that Tracks 1 through 4 do not meet the West End Concourse so they cannot include NJ TRANSIT.

Mr. Clift wants: 1) the West End Concourse opened yesterday or before July, down to Track 5 for NJ TRANSIT customers, and 2) NJ TRANSIT to put a project in the current capital program that will design and build an extension of the platforms that serve Tracks 1 through 4 to get to the West End Concourse so NJ TRANSIT can go to Moynihan Station Development Corporation and ask them to include NJ TRANSIT.

**Tim Sevenser** is a resident of Mount Tabor. He wants service to Hoboken restored to levels prior to serious cuts of 105 train station stops in Morris County in 2006/2008. Mr. Sevenser questioned routing all trains through a single point of failure and noted the midtown tunnels were already over capacity and now in disaster state. He said they need new tunnels but they also need to run and use the train lines they already have.

Mr. Sevenser believes the Montclair State University, Drew University, Fairleigh Dickinson University, and Seton Hall students could use more trains. He said the colleges are trying to be green but the students are forced to drive. Additionally, Mr. Sevenser said it costs about \$9,300 per year to own and drive a car, which a lot of college students cannot afford. Mr. Sevenser said they do not need huge double decker trains, but rather more frequent service possibly with 3 car sets, which he thinks may reduce labor needs.

**Kin Gee** provided an update to JCP&L's proposal to build a 10-mile long 230,000 volt transmission line from Aberdeen to Red Bank in Monmouth County using NJ TRANSIT's right-of-way. The formal plenary hearing for JCP&L's petition before Administrative Law Judge Gail Cookson started on April 4, 2017 and continued through April 12, 2017. The hearing was on a break and would resume on June 14, 2017.

Mr. Gee said on the second day of the hearing, JCP&L's witness testified that the only reason for the project to build a new 230 kV transmission line was to address a technical violation as part of a reliability planning process assuming certain contingent event would occur. He said JCP&L never presented any other alternative means to resolving this technical violation other than the building of a new transmission line. Furthermore, he

reported that as part of the discovery process, intervenors were able to get information that JCP&L engaged a consulting firm to conduct a route study for building the transmission line before they were notified by their regional transmission organization that there was a technical violation. Mr. Gee said as part of this route study, it appeared that alternate routes other than the route using NJ TRANSIT's right-of-way were not seriously considered. He said their understanding was that not considering alternatives, both non-transmission line options as well as different routes, was a big no-no and might be enough for Board of Public Utilities to send the project back to square one.

Mr. Gee said experts for the New Jersey Department of Rate Counsel and the citizens group RAGE have filed pre-hearing testimonies that the use of electrical devices called SVC and STATCOM would mitigate against the technical violation. He said JCP&L, in their pre-hearing rebuttal, stated that this option would not work and that the experts did not perform any analysis or study to demonstrate that the option would work. Therefore, RAGE authorized and paid their electrical expert to run a study on this proposed solution to prove that it would fix the technical violation. The study, which cost over \$20,000 to run, required the use of specific detailed confidential data for JCP&L electrical grid system that required federal clearance as well as proprietary software that was not readily available. Mr. Gee said this study not only proved that the proposed solution does work but that it worked better than expected. He said this was a study that JCP&L could have easily done at minimal cost since they had the data, software and expertise all in-house but chose not to do so or, if it did do the study, chose not to reveal the results.

According to Mr. Gee, the installation of two of these industrial size electrical devices plus the upgrade of some of the existing wires to meet higher emergency thermal rating would completely eliminate the technical violation and would only cost \$30 to \$35 million. He said this was not only about 70 percent less than the \$111 million cost for the new transmission line but it would not have the EMF health issues for NJ TRANSIT employees, riders and residents, the permanent scarring of the landscape of Monmouth County, or the triple whammy to residents from: (1) higher transmission charges to pay for the project, (2) the more than \$100 million in property value destruction and (3) the higher property tax rate to all residents due to reduced assessed value.

Mr. Gee said the results of the study were presented on the last day of the hearing before the break and the hearing would resume on June 14, 2017. After the hearing ends, the judge will have 45 days or possibly longer to make her decision and recommendation. The process then goes back to the Board of Public Utilities to make a final ruling.

However, based on the above as well as public comments made at prior Board meetings, they believe this project is not in the public interest. Mr. Gee urged the Board to say no to JCP&L and not allow them the use of NJ TRANSIT's right-of-way.

**Rachel Kanapka** is President of the grassroots group Residents Against Giant Electric. She urged the Board to reject JCP&L's dangerous request to construct high voltage power lines directly above the North Jersey Coast Line tracks. Ms. Kanapka said each weekday NJ TRANSIT runs 89 trains on the North Jersey Coast Line; 45 southbound trains and 44

northbound trains. From data they have found, they estimate that approximately 14,000 passengers ride those 89 trains each day. She said that's 14,000 people that pay and rely on NJ TRANSIT, and on that line, to get them to where they need to be and back home again, every single day. Ms. Kanapka said NJ TRANSIT is a key part of their ability to earn a living, go to school, or support their family. If the service is late, slow, or disrupted, she said at best NJ TRANSIT passengers are inconvenienced, and at worst their jobs could be at risk.

Ms. Kanapka said sometimes there are delays that are caused by issues out of NJ TRANSIT's control that cannot be prevented because they don't know they will happen until after they are already causing headaches for NJ TRANSIT and customers. She noted the recent delays caused by issues with Amtrak's rails at New York Penn Station were an example that were not NJ TRANSIT's fault, but have definitely become their problem.

Ms. Kanapka said if NJ TRANSIT allows JCP&L to construct new high voltage power lines in the North Jersey Coast Line railroad right of way, construction will last two years. She said that was two long years of heavy equipment, such as cranes, drills, excavators, helicopters, all within a few feet of NJ TRANSIT's rails and catenary lines, day and night. She believes for all 520 weekdays of those two years, every single one of NJ TRANSIT's 89 trains would be at risk of delays, service disruption, and outages, which were 46,280 problems waiting to happen. Ms. Kanapka said none of them have to happen because unlike the Amtrak-related problems, these ones are entirely preventable by saying no to JCP&L to completely avoid two long years of customer headaches, frustration, and anger. She believes preventing these delays are within NJ TRANSIT's control.

Ms. Kanapka knows NJ TRANSIT might be waiting to see what the New Jersey Board of Public Utilities decides about the fate of this project before responding to JCP&L. She noted if the Board of Public Utilities says no, this project goes away, without NJ TRANSIT having to be "the bad guy" to JCP&L so yes they could wait. However, she said by waiting, NJ TRANSIT is missing an opportunity to be "the good guy" in the eyes of customers.

Ms. Kanapka said NJ TRANSIT is taking a lot of heat about the Amtrak-related delays from customers and they have a chance to show them that providing dependable, reliable, safe, and convenient service really is NJ TRANSIT's number one priority, and prove that when it is in their control, that when they do have a say, they will put their customers' best interests first. She believes NJ TRANSIT has a chance to step forward and show they will do everything they can to avoid customer pain and delays. Ms. Kanapka said there may only be 14,000 customers that this project would directly affect, but saying no to JCP&L would be something they could point to in demonstrating to all of rail customers that NJ TRANSIT sees the frustration regarding current delays, and would never choose to purposely put customers through them unnecessarily, especially not for a project that is not even NJ TRANSIT's to begin with.

Ms. Kanapka noted there were a handful of people present representing the thousands of people that were watching and waiting for NJ TRANSIT to stand up for their customers.

She asked that they listen to them, and realize that for each person there, there were thousands more living in towns all along the North Jersey Coast Line. Ms. Kanapka said hardworking people who are NJ TRANSIT's neighbors and customers, are looking to them to do the right thing. She said amidst all the bad news for customers lately, this was a chance for NJ TRANSIT to share some good news. Ms. Kanapka urged them to side with their customers and tell JCP&L that high voltage power lines have no place in the narrow railroad right of way, ever.

**Judy Musa** asked the audience that represents RAGE to standup and noted they were not all speaking but there were a lot. Ms. Musa lives approximately 120 feet from the North Jersey Coast Line right of way and noted they have vegetation, over 100 year old locust, oak and maples and a 10 foot stockade fence to buffer noise and the catenary lines that are at ground level. They oppose the JCP&L Monmouth County Reliability Project (MCRP) based on all the reasons presented since last summer.

Ms. Musa noted last summer when they first heard about the MCRP project they had a man with a drone in her backyard doing some aerial shots. He was also over the tracks to fully grasp the scope of the project. She said because NJ TRANSIT does not have video surveillance along the entire line, they were probably not aware of this activity. Ms. Musa said luckily, his purpose was to see how monopoles would look along the line but, her message was about safety.

Ms. Musa submitted a white paper prepared by a specialist in infrastructure protection, who served in the armed forces and has a background in antiterrorism. She said in August 2014, the US Bureau of Land Management issued a directive to field offices requiring railroad rights of way to serve railroad operations only. Ms. Musa said a 2008 US General Accountability Office report indicated a collocation of high voltage lines and rail lines present a desirable terrorist target. She said NJ TRANSIT's website states they are responsible for over 1,001 miles of railways and 114 million rail and light rail passengers each year.

Ms. Musa said there have been more than 1,683 terrorist bombings against all rail systems since 1970. She said the FAA estimates hobbyist and commercial unmanned aircraft systems (UAS or drones) are expected to rise from 2.5 million in 2016 to 7 million in 2020 and the US Department of Homeland Security concludes that threats associated with UAS will expand in nature and volume. Ms. Musa said threats from a terrorist's attacks with people and drones include sabotage and hacking, disruption of service and much more. She warned someone could use drones carrying explosives and drop them directly on wires or fasteners. Additionally Ms. Musa warned a drone could be used to fly in the path of moving trains causing a service disruption, crash, or possible derailment. She said the transit and power infrastructure adds to the risks and vulnerabilities associated with separately located infrastructure.

Ms. Musa raised questions about whether NJ TRANSIT has consulted with the New Jersey Office of Homeland Security and Preparedness or New Jersey State Police Infrastructure Unit, conducted a threat and risk analysis, assessed the costs for retrofitting

risk mitigation, whether the costs were worth the income from leasing the right of way, or factored in the financial liability of insuring against these risks. She said the project is not vital to NJ TRANSIT's mission to provide safe, reliable and convenient mass transportation, and could be stopped.

Ms. Musa urged the Board to not allow NJ TRANSIT's right of way to be used for anything other than its intended purpose. She said a transmission project does not enhance NJ TRANSIT's service or benefit its staff or customers.

**Mark White** of Hazlet, New Jersey stated the back of his property sits about 24 feet away from the North Jersey Coast Line. Mr. White stated NJ TRANSIT should focus on the needs of their customers and not JCP&L's unnecessary project outside NJ TRANSIT's main focus. He urged the Board to deny JCP&L's project.

**Janet Berk** stated due to Amtrak preparation, under funding and other factors beyond NJ TRANSIT's control, customer satisfaction has plummeted. She urged NJ TRANSIT to improve customer relations by not approving the JCP&L project. Ms. Berk thinks NJ TRANSIT needs to concentrate on improving ridership, cutting down on delays and customer service. Due to safety concerns, Ms. Burke does not want JCP&L to put in above head transmission wires.

**Lisa Bredbenner** of Middletown has commuted to New York City using NJ TRANSIT since 1989 and she expressed concern about the approval of JCP&L Reliability Project. Ms. Bredbenner wants to know what is going to happen to the conductors and engineers when the trains no longer exist. She thinks it is right to lower fees for customers and cross honor. She stated that for the month of June, July, and August, she will be taking the Ferry.

Ms. Bredbenner said this would create a major public relations problem and it would be worse if NJ TRANSIT approves JCP&L's proposal. She said sales would plummet due to the two year project completion. Ms. Bredbenner questioned why taxpayers should pay the price for JCP&L's project.

**Tara Corcoran-Clark** of Hazlet New Jersey would like NJ TRANSIT to deny the JCP&L project due to safety concerns for the North Jersey Coast Line residents and commuters. She said JCP&L's placement of the high voltage transmission lines will impede NJ TRANSIT work on infrastructure upgrades and critical maintenance because of issues with safety clearance from the transmission lines, and will affect train control systems and signals, as well as impact potential new rolling stock design. Ms. Corcoran-Clark stated that studies have been done by the World Congress Railway researchers validating the dangers of these types of high voltage transmission lines being placed in densely populated areas. She urged the Board not to approve the permit due to security vulnerabilities.

**Walter Clark** stated that safety was paramount to him and should be to NJ TRANSIT as well. He urged the Board to deny the JCP&L project because of the safety concerns for

their customers and employees. Mr. Clark expressed concerns about signal quality and safety issues at intersections and rail crossings. He believes NJ TRANSIT will continue to have irate customers for the next two years if they do not deny this project, and these angry customers could cause additional fights or damage to NJ TRANSIT property.

**Patrick O'Hagan** has lived in the Middletown Historic District since around the time the North Jersey Coast Line was being built. His property is right at the backdoor of the NJ TRANSIT railroad. Mr. O'Hagan stated that NJ TRANSIT has been a good neighbor to him over the years and asked that NJ TRANSIT deny JCP&L's right-of-way to build the proposed redundant power lines. He would like to preserve the peace and tranquility of his neighborhood, which he says has maintained its character for over 350 years.

**Tricia Simon** a Middletown resident for 18 years states NJ TRANSIT has been an amazing neighbor and they have been great to her. She stated in the past when a pipeline needed to be fixed, NJ TRANSIT was quick to respond and she has not had a problem since. Ms. Simon noted NJ TRANSIT does an excellent job making sure the tree limbs are cut and maintained. She feels this JCP&L project will ruin her town and neighborhood and NJ TRANSIT must say no to this project taking place.

**Steve Lunanova** stated he could not understand why NJ TRANSIT has not said no to the JCP&L project and he hopes to have an answer to this question in the near future. Mr. Lunanova has been commuting into New York City for 12 years. He started taking the train and the first few years were not bad but he said five years ago with Sandy, he planned to switch to the ferry temporarily but stayed because there was a higher expectation of safety, reliability and comfort. He stated with the recent delays, so many are leaving the train for the ferry so now he can't get parking at the ferry anymore. Mr. Lunanova asked NJ TRANSIT to be the heroes and stop this JCP&L project from going through.

**Carol Smith** lives in a senior community in Holmdel, New Jersey and she is a part of the grass roots RAGE group asking NJ TRANSIT to deny the JCP&L Project. Ms. Smith stated she lives 185 feet away from the North Jersey Coast Line and NJ TRANSIT has been a good neighbor. She believes the JCP&L project is too dangerous for residents, passengers, and employees, as well as is unnecessary. Ms. Smith asked NJ TRANSIT to put their mission and passengers' safety first and reject the request to use the right of way for high voltage transmission lines ever.

**Don Giamo** of Cedar Village in Holmdel voiced his disapproval of the JCP&L project to put up 200 foot giant poles near houses, schools, and playgrounds. He expressed concern about the use of helicopters to erect the poles from 11:00 p.m. at night until 5:00 a.m., disturbing the sleep of many residents and their children. Mr. Giamo said this would last about two years and urged NJ TRANSIT to deny the request and consider the danger this would inflict on employees and commuters. He said to also consider the dangers of train derailments, how the 200 foot poles could degrade the rail bed, and the dangers of poles falling onto houses.

**Yi Tso** has been a resident of Middletown and Holmdel for over 20 years and a commuter on the North Jersey Coast Line for years. Mr. Tso said there were no roads or room for trucks to install the 200 foot poles, which are 10 feet in diameter, very close to homes. He noted the potential for a pole to fall and cause damage to property, people and pets, and urged NJ TRANSIT to say no to this JCP&L project.

**Katherine Cogan** is a Middletown resident living with her husband and three children 85 feet from the edge of the right of way and 110 feet from the railroad tracks. Ms. Cogan believes this JCP&L project is not in the best interest of NJ TRANSIT or its customers and urged the Board to deny this project.

### **Adjournment**

Since there were no further comments or business, Chairman Hammer called for adjournment and a motion to adjourn was made by Board Member James C. Finkle, Jr., seconded by Board Member Flora M. Castillo, and unanimously adopted. The meeting was adjourned at approximately 9:03 p.m.

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

MAY 17, 2017

MINUTES

	PAGE
➤ CALL TO ORDER	-
➤ SAFETY ANNOUNCEMENT	-
➤ PLEDGE OF ALLEGIANCE TO THE FLAG	-
➤ APPROVAL OF MINUTES OF PREVIOUS MEETINGS	50723
➤ PUBLIC COMMENTS ON AGENDA ACTION ITEMS ONLY	-
➤ ADVISORY COMMITTEE REPORT	-
➤ SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ADVISORY COMMITTEE REPORT (NEXT SCHEDULED REPORT JUNE 2017)	-
➤ BOARD COMMITTEE REPORTS	-
*Customer Service Committee	
*Administration Committee	
*Capital Planning, Policy and Privatization Committee	
➤ EXECUTIVE DIRECTOR'S MONTHLY REPORT	50724

ACTION ITEMS

**1705-15 PORTAL BRIDGE NORTH PROJECT – GC.01 EARLY ACTION CONSTRUCTION: CONSTRUCTION CONTRACT AWARD 50745**

Authorization to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in the amount of \$14,574,876.50, plus five percent for contingencies, subject to the availability of funds.

**EXECUTIVE SESSION AUTHORIZATION:** Discuss personnel matters, contract negotiations, the status of pending and anticipated litigation and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of Alexander Son. **50751**

NEW JERSEY TRANSIT CORPORATION  
NJ TRANSIT BUS OPERATIONS, INC.  
NJ TRANSIT RAIL OPERATIONS, INC.  
NJ TRANSIT MERCER, INC.  
NJ TRANSIT MORRIS, INC.  
RESCHEDULED BOARD OF DIRECTORS' MEETINGS  
MAY 17, 2017  
MINUTES  
PAGE 2

**1705-16 PERSONAL INJURY CLAIM OF ALEXANDER SON**

**50752**

Authorization to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

- **PUBLIC COMMENTS ON OTHER MATTERS**
- **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 April 4, 2017 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 April 11, 2017;

**NOW, THEREFORE, BE IT RESOLVED** that the minutes of actions taken at the April 4, 2017 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.

Chris Christie, Governor  
Kim Guadagno, Lieutenant Governor  
Richard T. Hammer, Commissioner  
Steven H. Santoro, Executive Director



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

TO: BOARD OF DIRECTORS  
FROM: STEVEN H. SANTORO  
DATE: May 17, 2017  
SUBJECT: EXECUTIVE DIRECTOR'S REPORT - MAY 2017

Since the two derailments near Penn Station New York, Amtrak has acknowledged that deficiencies in their infrastructure caused these incidents. Subsequent inspections by Amtrak and the FRA have identified the harsh reality that immediate repairs were required. Those immediate repairs are underway. During the immediate repairs, a speed restriction has been put in place near PSNY causing daily delays of 30 minutes or more for our customers during the morning and afternoon peak travel times. The magnitude and complexity of the work Amtrak plans to perform means there is no avoiding a change to many of our customers' travel patterns.

I realize our customers are anxious to know what their summer will look like. NJ TRANSIT staff has been meeting with Amtrak and the Long Island Railroad to define any plan so that it not only achieves the necessary upgrades, but does not impose any unnecessary outages.

Last week, I sent a letter to Amtrak's CEO Wick Moorman restating NJ TRANSIT's requirements to be more than just a tenant. We must be a full participant in decisions that affect our customers who travel in and out of PSNY. The time has come for us to have much more of a voice in these matters.

Since our last meeting, we held public hearings on the environmental review to extend the Hudson-Bergen Light Rail into Bergen County. This is part of the 60-day public comment period which we are currently in. The Supplemental Draft Environmental Impact Statement or SDEIS has been printed in the Federal Register and is available for public review on the project's website Northern Branch Corridor-dot com. The document is also available for review at public libraries in the area where the project will be constructed. Comments must be submitted in writing by May 23rd. We encourage all residents and NJ TRANSIT customers to share their thoughts as we work together to move this important project forward.

This morning, I was with the Governor as new 360-degree cameras were unveiled on buses in our fleet. These cameras, being installed on 2,500 new and existing buses, will provide an operator with a 360-degree field of vision around the bus that will help eliminate blind spots and enhance pedestrian safety. The 360-degree camera system costs \$29.1 million and is one of the state's Transportation Trust Fund (TTF) projects.

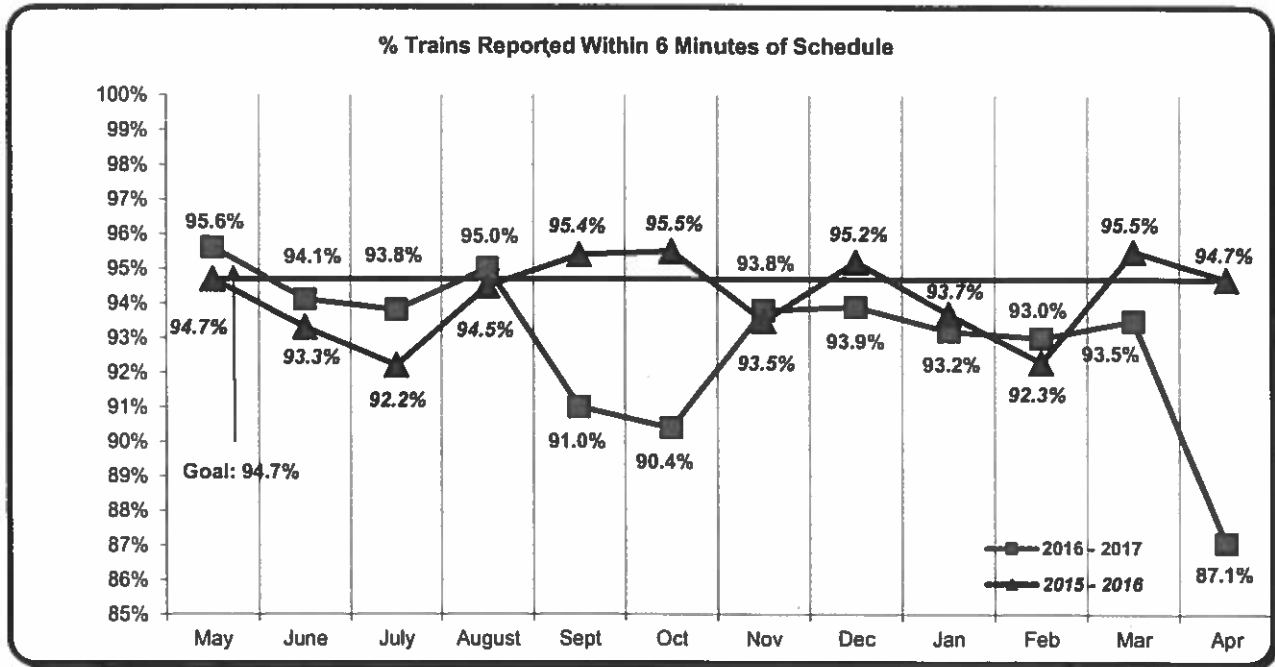
This past Saturday we resumed train service to Monmouth Park Racetrack for the horse racing season. This is a service we provide each year mainly on Fridays, Saturdays and Sundays during the summer. It is a convenient way for customers to leave their cars at home, enjoy a day of excitement watching the horses at the Jersey Shore and save some money with the travel package we offer. Customers can save \$5.50 when they purchase the package, which includes Grandstand Admission, an official track program and round trip train ticket.

# **EXECUTIVE DIRECTOR'S MONTHLY REPORT MAY 2017**

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

# **PERFORMANCE MEASURES**

# NJ TRANSIT ON-TIME PERFORMANCE RAIL MAY 2015 - APRIL 2017



	2016	2017	# Change
April Comparison	94.7%	87.1%	-7.6%

	2015-2016	2016-2017	# Change
12-Month Average May 2015- April 2017	94.2%	92.9%	-1.3%

**Analysis:**

Rail On-Time Performance was 87.1% for April, 2017. Of the 17,188 trains scheduled to operate, 14,974 were on time, while 2,214 trains (or 12.9%) were delayed. Key causes included:

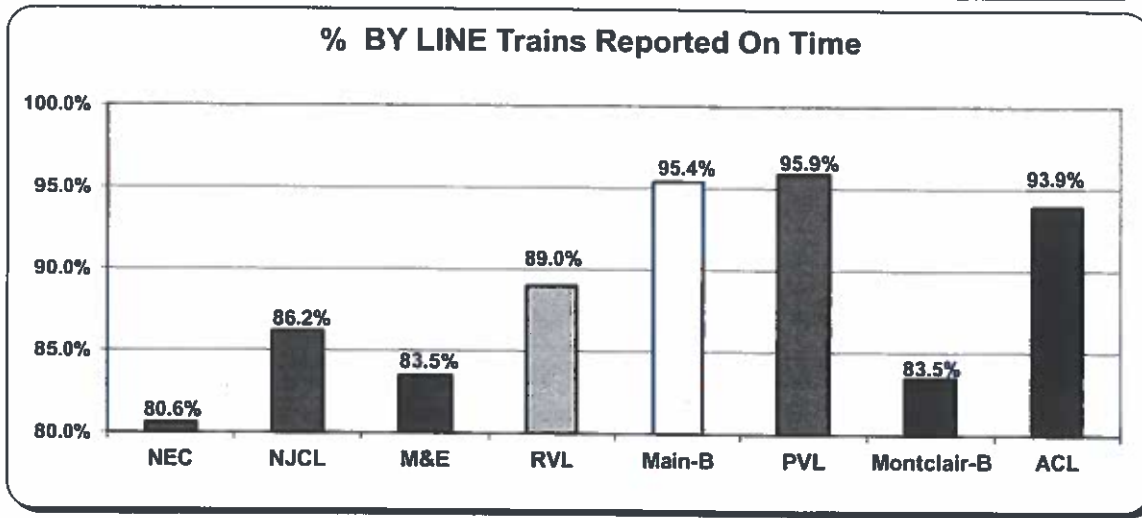
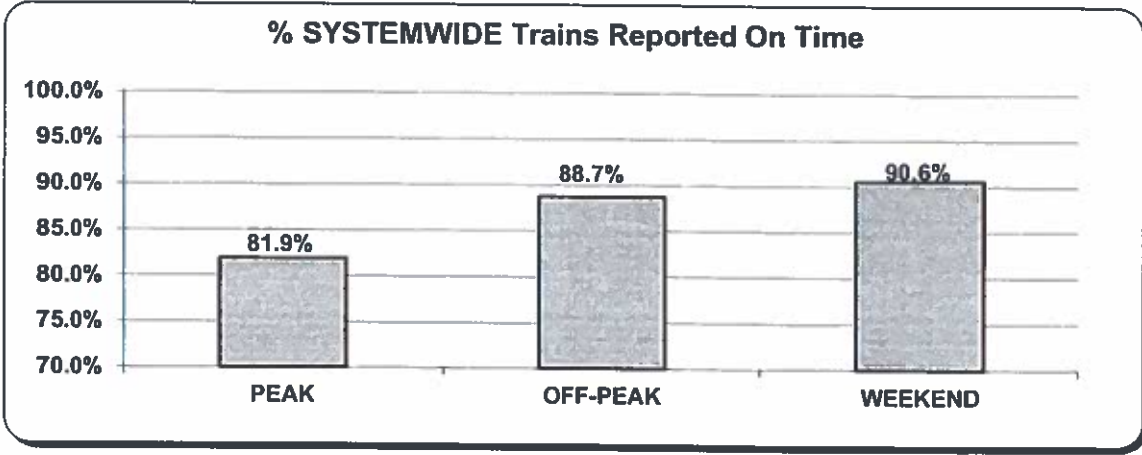
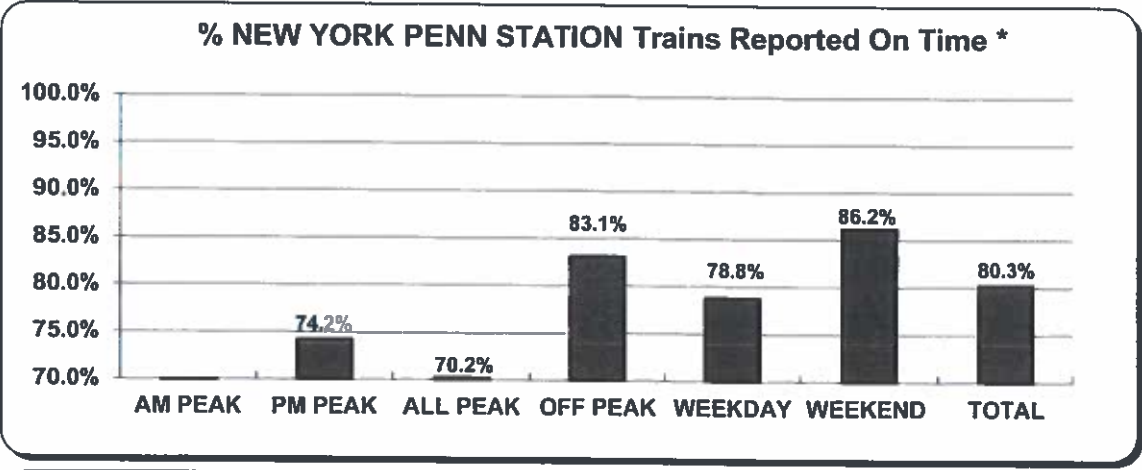
- NJT derailment and NJT coach failure contributed to 284 delays resulting in 58.7% OTP on April 3.
- NJT carryover delays and NJT diesel failure contributed to 204 delays resulting in 64.7% OTP on April 4.
- Amtrak Equipment Failure, Amtrak Catenary Failure, Amtrak track failure and Amtrak High Speed Rail Project, and NJT ill passenger contributed to 142 delays resulting in 77.3% OTP on April 25.

The 12-month average for Rail On-Time Performance for May 2016 - April 2017 was 92.9%, which has declined by 1.3%.

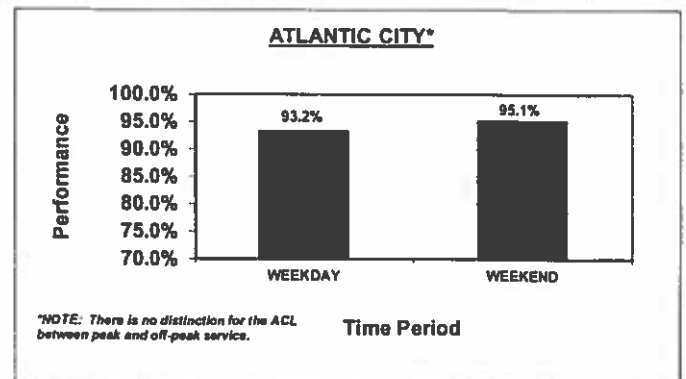
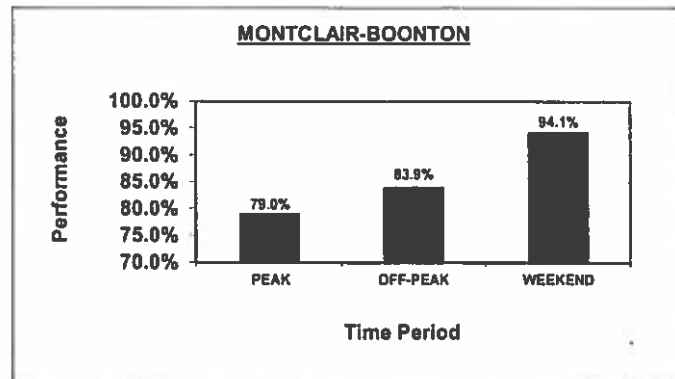
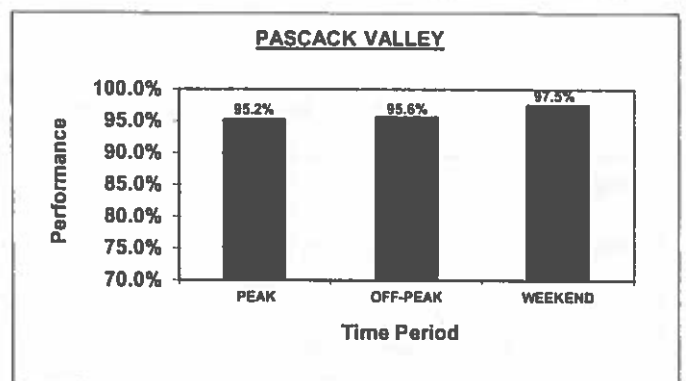
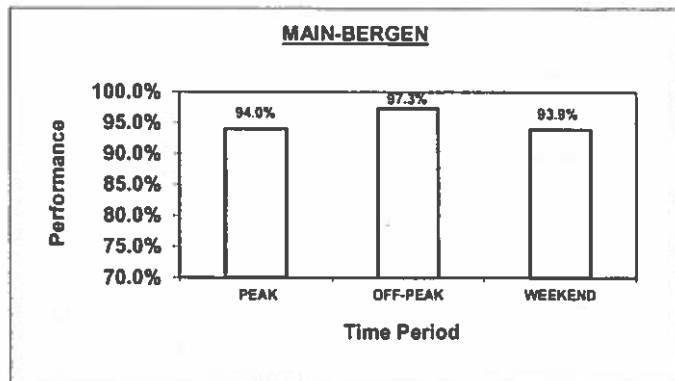
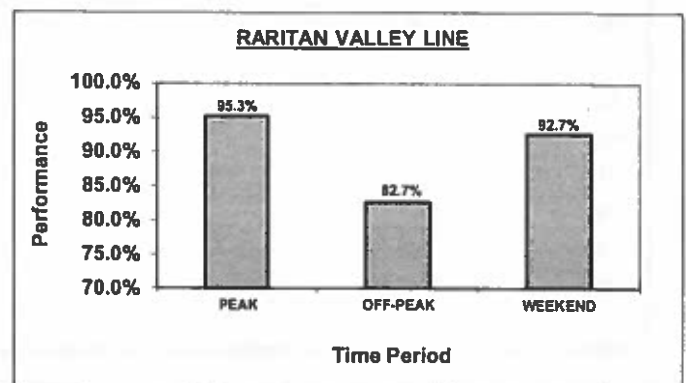
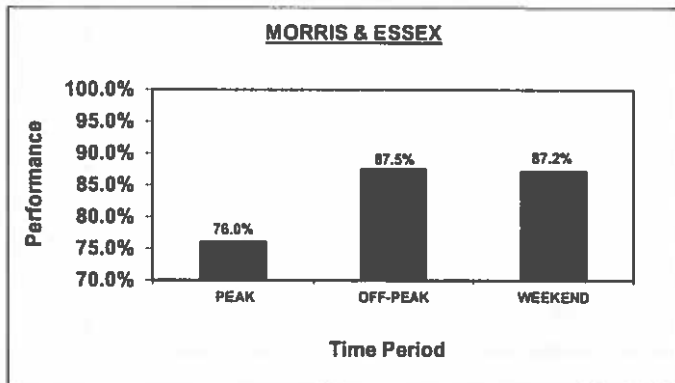
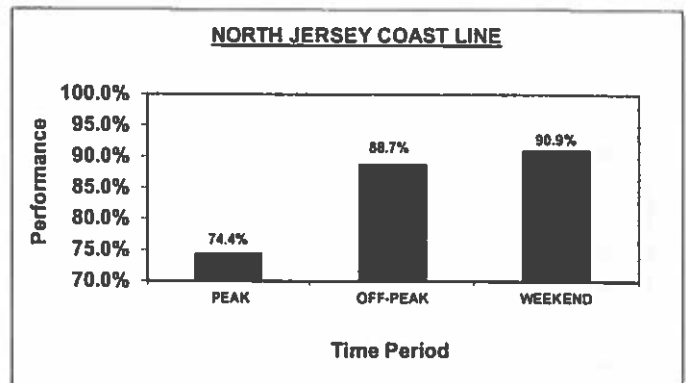
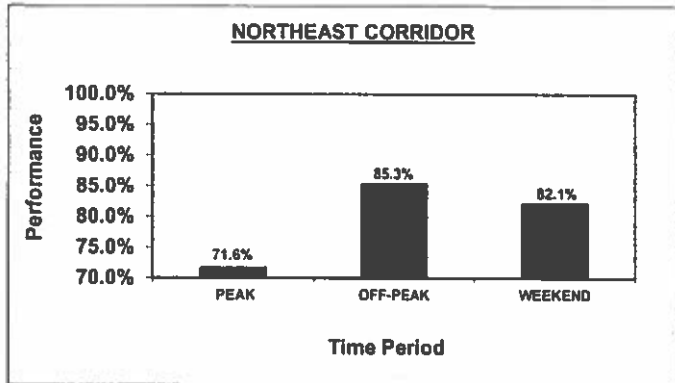
# ON-TIME PERFORMANCE RAIL

## SUMMARY BY TIME PERIOD APRIL 2017

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



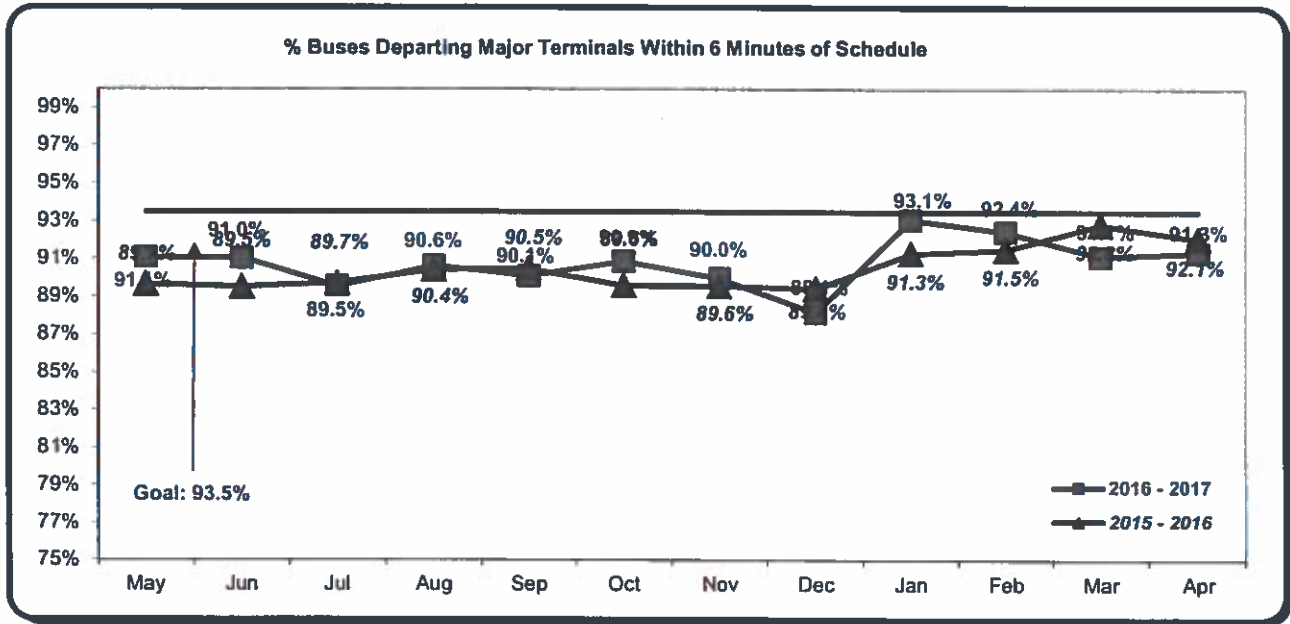
# ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD APRIL 2017



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

Time Period

## NJ TRANSIT ON-TIME PERFORMANCE BUS MAY 2015 - APRIL 2017



April Comparison	2015 - 2016	2016 - 2017	% Change
	92.1%	91.3%	-0.7%

12-Month May 2015 - April 2017	2015 - 2016	2016 - 2017	% Change
	90.5%	90.8%	0.3%

**Analysis:**

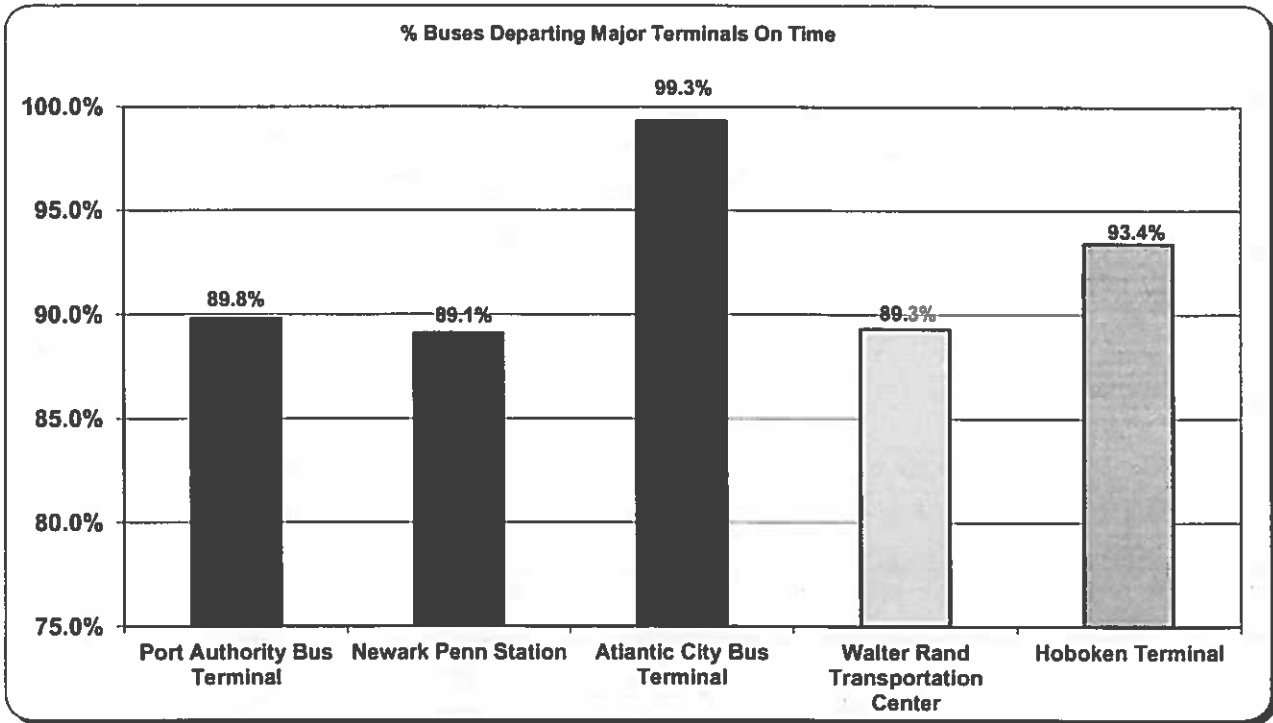
Bus On-Time Performance was 91.3% for April 2017. Of the 44,913 monitored departures, 3,986 (or 8.7%) experienced delays. Key causes included:

- High volume due to cross-honoring caused by NJ Transit derailment on April 3 affected performance at Port Authority Bus Terminal and Newark.
- NJT-involved accident on April 8 and an incident with a passenger on April 8 impacted performance at Walter Rand Transportation Center.
- Construction on Washington Street in Hoboken, an 18 month project, continues to impact performance at Hoboken.

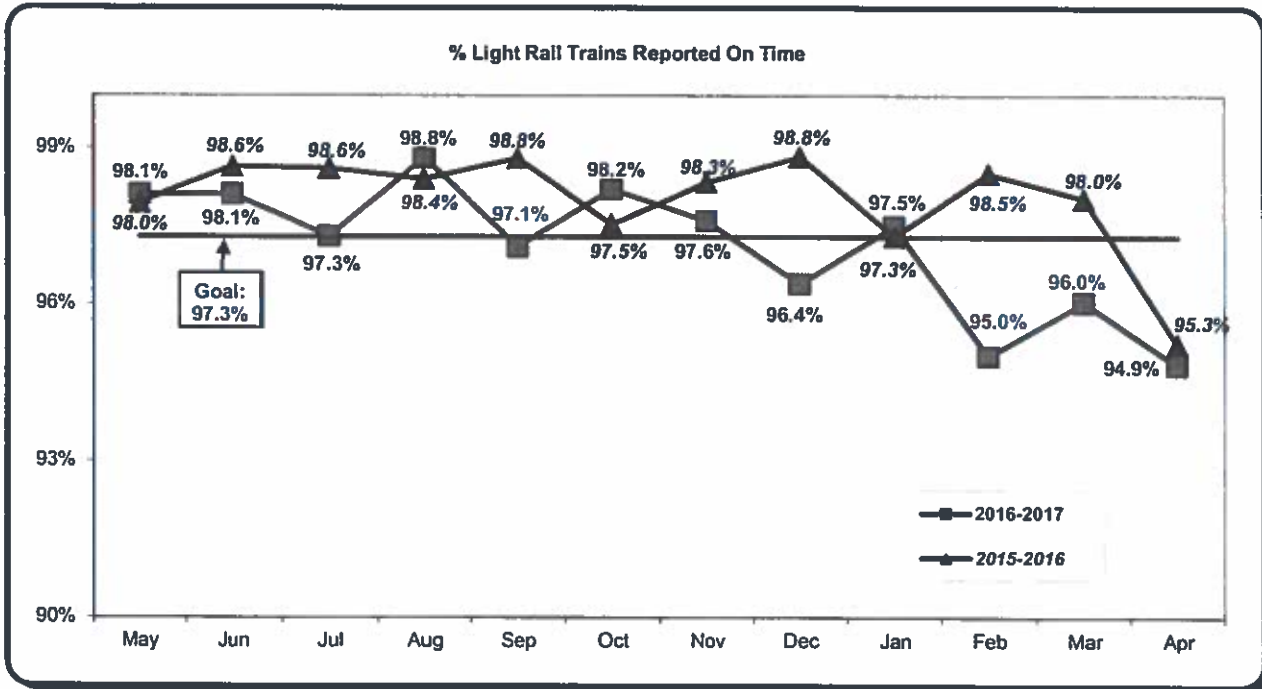
The 12-month average for Bus On-Time Performance for May 2016 - April 2017 was 90.8%, which was an increase of 0.3% from the previous year.

# ON-TIME PERFORMANCE BUS

## SUMMARY BY TERMINAL APRIL 2017



## NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL MAY 2015 - APRIL 2017



April Comparison	2016	2017	# Change
	95.3%	94.9%	-0.4%

12-Month Average Ended Apr. 2016 & Apr. 2017	2016	2017	# Change
	98.0%	97.1%	-0.9%

**Analysis:**

Light Rail On-Time Performance systemwide was 94.85% for the month of April 2017. Of the 25,428 scheduled departures, 1,310 (or 5.1%) experienced delays.

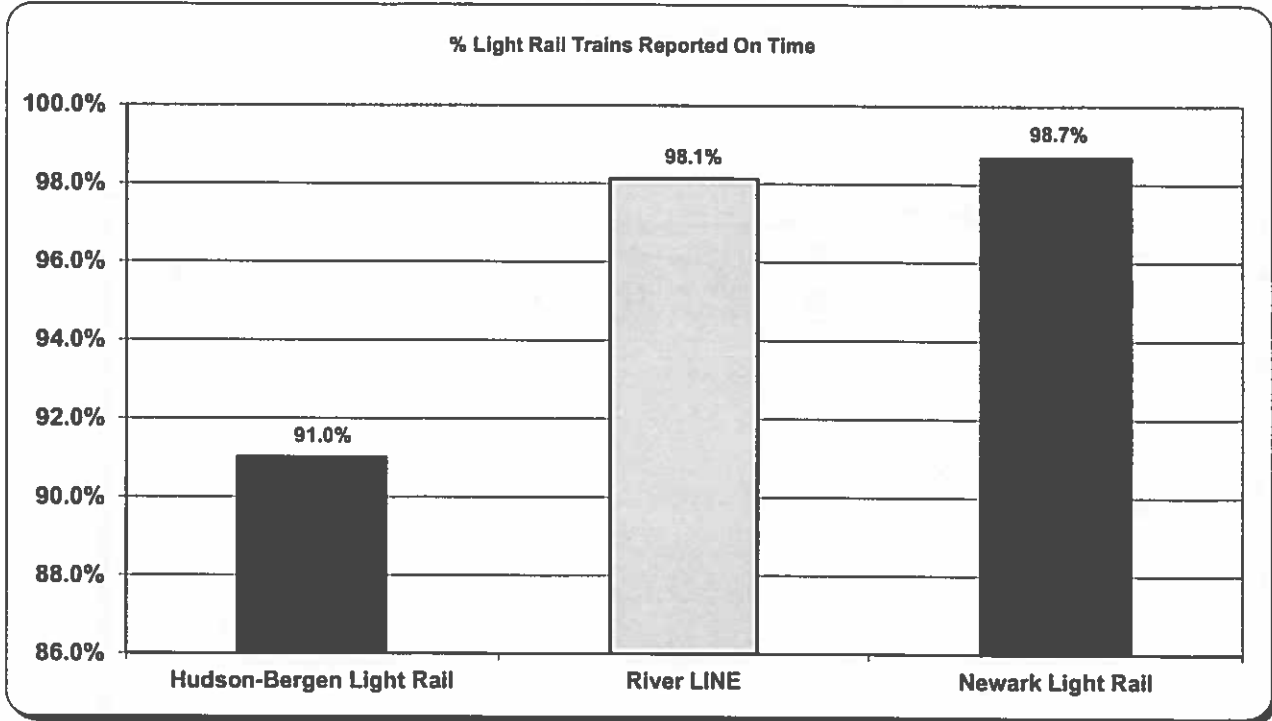
**Key causes included:**

- Scheduled construction north of Marin Blvd. station delayed 152 HBLR trains on April 2.
- Diesel engine fault on a light rail vehicle delayed 8 River LINE trains on April 13.
- A broken catenary arm near Norfolk Station delayed 21 Newark Light Rail trains on April 12.

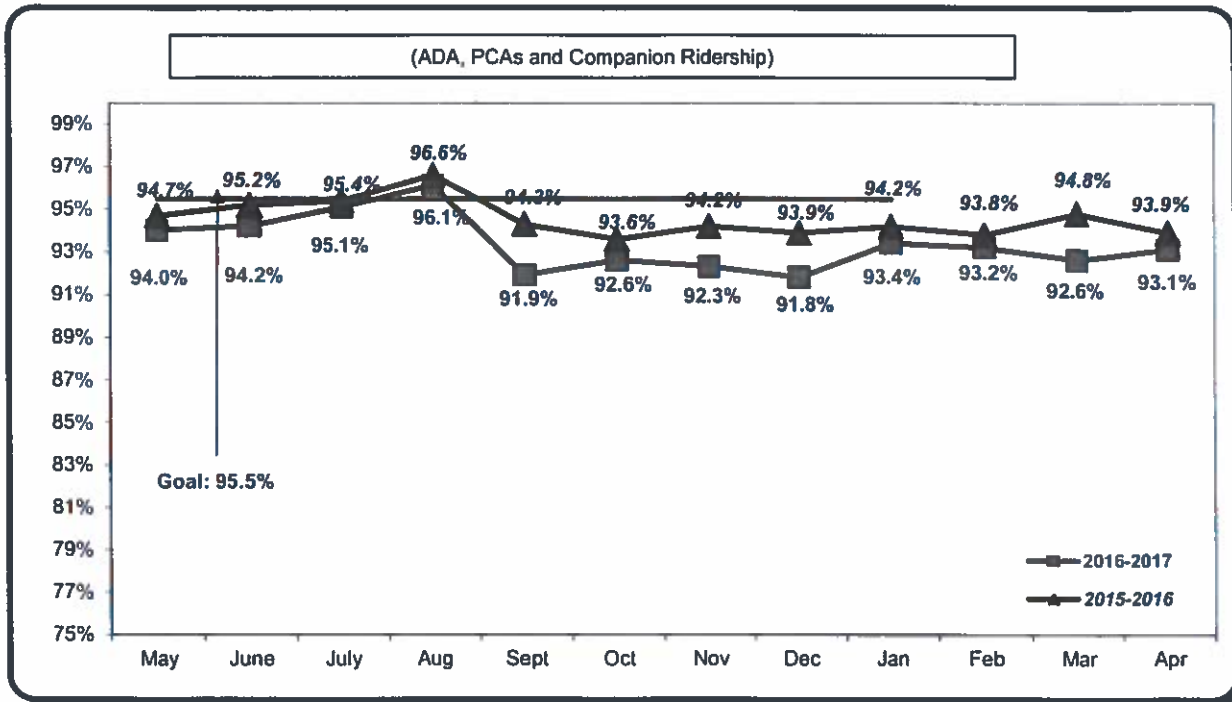
The 12-month average for Light Rail On-Time Performance for May 2016 - April 2017 was 97.08%, which decreased by 0.9% compared to May 2015 to April 2016.

# ON-TIME PERFORMANCE LIGHT RAIL

## SUMMARY BY LINE APRIL 2017



## NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK May 2015 - April 2017



	2016	2017	% Change
April Comparison	93.9%	93.1%	-0.8%

	2016	2017	Difference
April Ridership	135,413	133,182	-2,231

	2015-2016	2016-2017	% Change
12-Month Average May-April	94.6%	93.4%	-1.2%

**Analysis:**

Access Link On-Time Performance was 93.1% for April, 2017. In serving 133,182 total riders, for 120,861 ADA customers trips, 8,361 (or 6.9%) experienced delays.

**Key causes include:**

- \* Holiday cancellations & customer no-shows
- \* Service delays (due to inclement weather)
- \* Road closures/construction

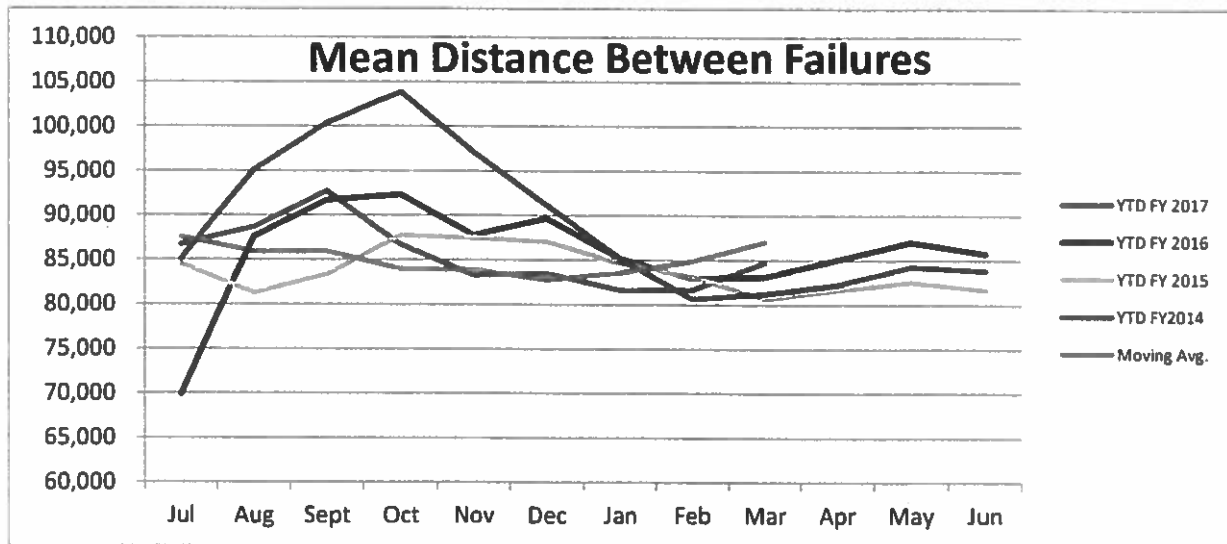
The 12-month average for Access Link On-Time Performance for May 2016 - April 2017 was 94.0%, which decreased by -1.2%.

# **MEAN DISTANCE BETWEEN FAILURES**

March-17

**NJ Transit Rail**  
**Mean Distance Between Failures**

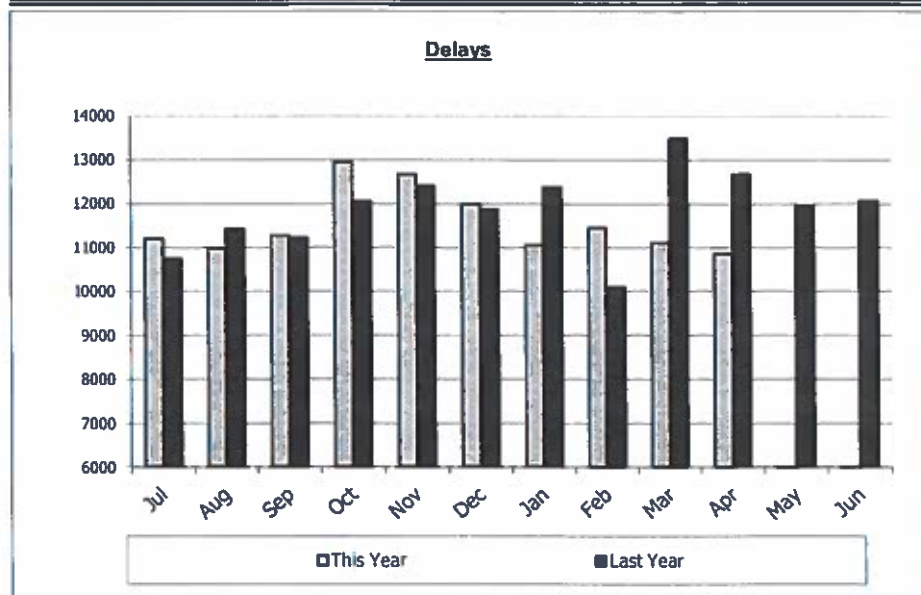
Month	YTD FY2017	YTD FY2016	YTD FY2015	YTD FY2014	12 Month Moving Avg.
Jul	86,683	69,926	84,508	85,097	87,513
Aug	88,680	87,565	81,319	95,116	85,898
Sept	92,705	91,669	83,368	100,341	85,954
Oct	86,626	92,329	87,750	103,813	83,937
Nov	83,272	87,756	87,434	97,112	83,870
Dec	83,501	89,655	87,042	91,128	82,753
Jan	81,633	85,167	84,607	85,161	83,609
Feb	81,639	82,949	83,179	80,639	84,826
Mar	84,715	83,112	80,659	81,229	87,026
Apr	-	85,060	81,649	82,293	-
May	-	87,022	82,566	84,237	-
Jun	-	85,722	81,704	83,798	-



### Garage Performance Parameters

**April 2017**

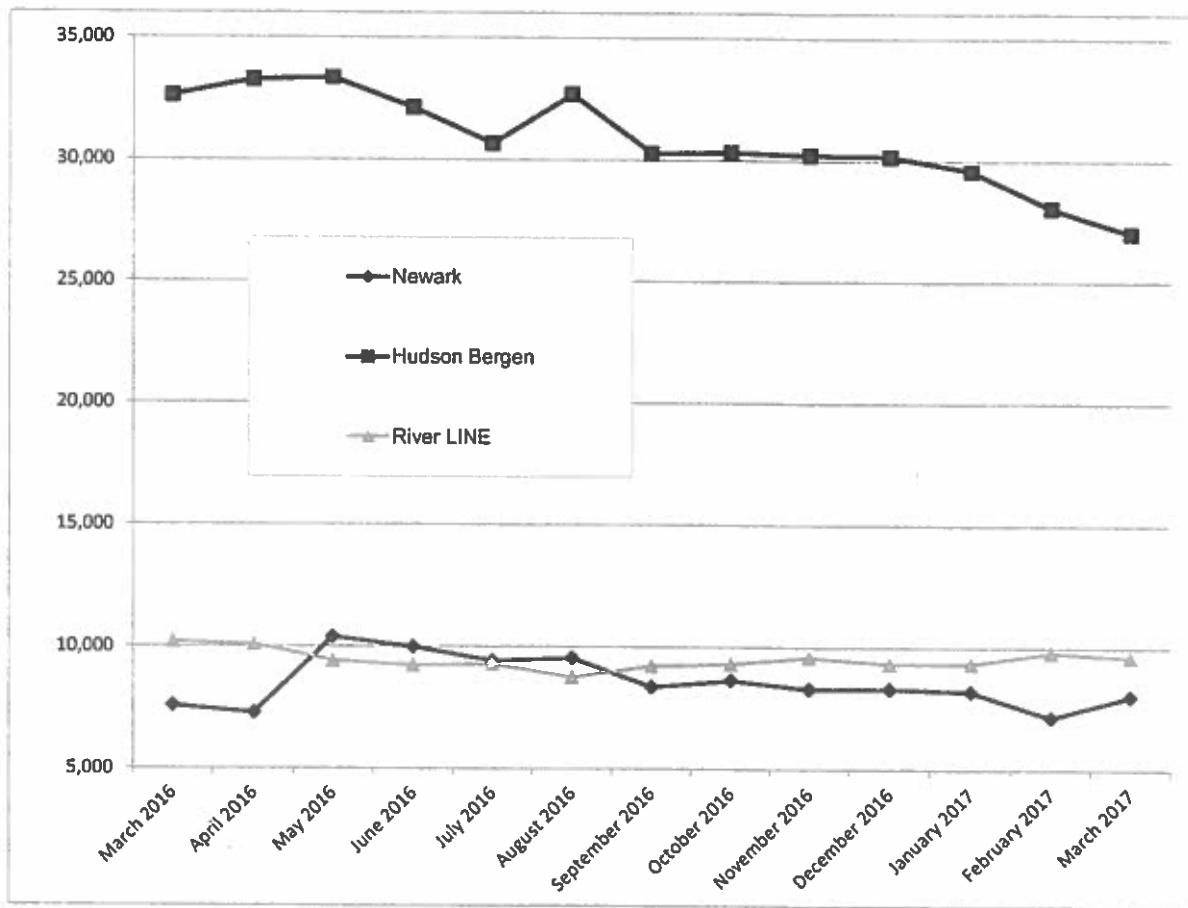
Location	Miles Between In-Service Delays			
	FY2017 Goal	This Month	FY2017 YTD	FY2016 YTD
Fairview	7,000	5,276	5,862	6,398
Greenville	9,900	5,945	6,195	6,694
Market Street	9,500	7,121	8,434	8,296
Meadowlands	11,500	7,454	7,519	8,468
Oradell	13,500	7,437	9,845	10,829
Wayne	12,500	12,082	12,770	12,027
<b>Northern Division</b>	-	<b>7,746</b>	<b>8,793</b>	<b>9,243</b>
Big Tree	9,600	6,233	9,330	7,949
Hilton	10,500	11,080	10,121	11,021
Howell	16,750	31,918	34,688	33,656
Ironbound	9,800	8,910	10,204	10,725
Orange	10,200	10,992	9,357	9,008
Morris	10,500	45,236	47,120	43,347
<b>Central Division</b>	-	<b>12,545</b>	<b>13,080</b>	<b>13,103</b>
Egg Harbor	16,500	17,686	15,564	15,001
Hamilton	20,000	17,632	17,993	23,421
Newton Avenue	15,700	18,360	14,199	14,422
Washington Twp.	14,500	12,997	13,585	13,089
<b>Southern Division</b>	-	<b>15,896</b>	<b>14,842</b>	<b>14,832</b>
<b>Bus Operations</b>	-	<b>10,866</b>	<b>11,517</b>	<b>11,772</b>



### NJ TRANSIT - LIGHT RAIL, March 2017 Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF * March 2017
Newark Light Rail	8,026
Hudson Bergen	27,048
River LINE	9,630

### AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



\* Mechanical failure data for 3 LR systems, calculated as a rolling average over multiple months.

\*\* Newark Light Rail operates much less mileage, with all single-car trains and a 5 mile alignment.

# **DBE/SBE PROGRAM**

State Funded Contracts

During the month of April 2017, NJ TRANSIT awarded \$36,000.00 in state funded contracts. Of that total, Small Business Enterprises (SBEs) received \$0.00 or 0.00%.

During the State Fiscal Year 2017 (July 1, 2016 through June 30, 2017) NJ TRANSIT awarded \$17,967,372.77 in state funded contracts. Of that total, SBEs received \$4,768,020.77 or 26.54%.

SBE Goal Attainment from July 1, 2016 through June 30, 2017 (FY 2017)

Category 1 SBEs received	\$120,000.00	or 0.67%
Category 2 SBEs received	\$35,000.00	or 0.19%
Category 3 SBEs received	\$0.00	or 0.00%
Category 4 SBEs received	\$2,379,000.00	or 13.24%
Category 5 SBEs received	\$1,811,070.77	or 10.08%
Category 6 SBEs received	\$422,950.00	or 2.35%

FTA Funded Contracts (updated Quarterly – next update will occur July 2017)

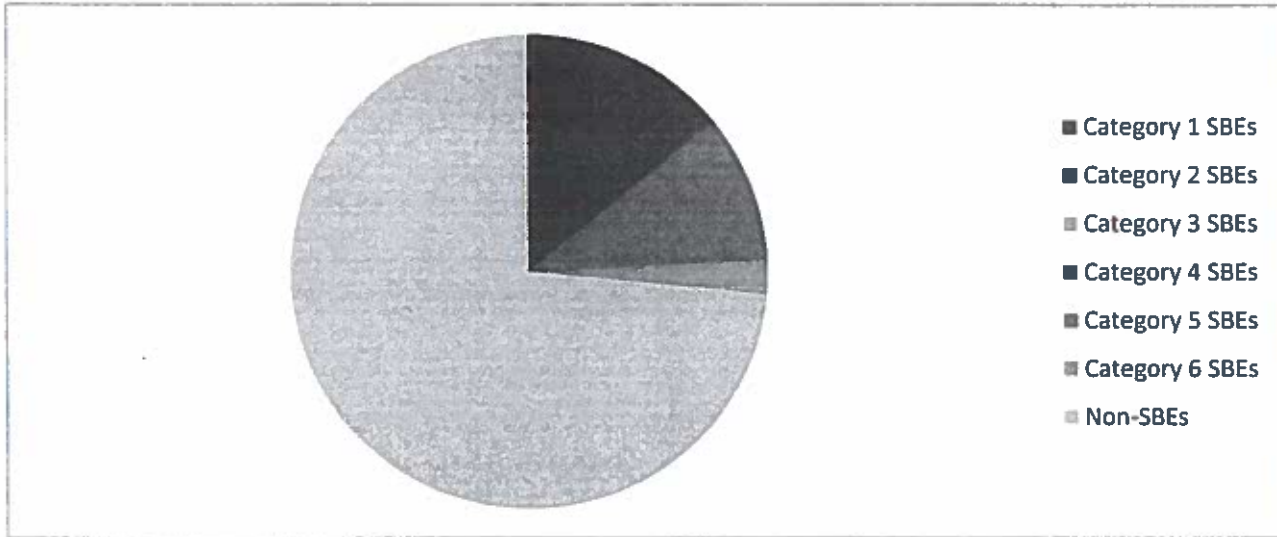
During the 2nd Quarter (January 1, 2017 – March 31, 2017) of Federal Fiscal Year 2017 (October 1, 2016 through September 30, 2017), the FTA funded share of NJ TRANSIT’s federal contracts awarded was \$2,667,312.00. Of that total, Disadvantaged Business Enterprises (DBEs) received \$509,445.00 or 19.09%.

DBE Goal Attainment from October 1, 2016 (FFY 2016) - September 30, 2017 (FFY 2017) \*\*

Contracts awarded	\$4,154,686.25
DBEs received	\$ 536,795.00 or 12.92%

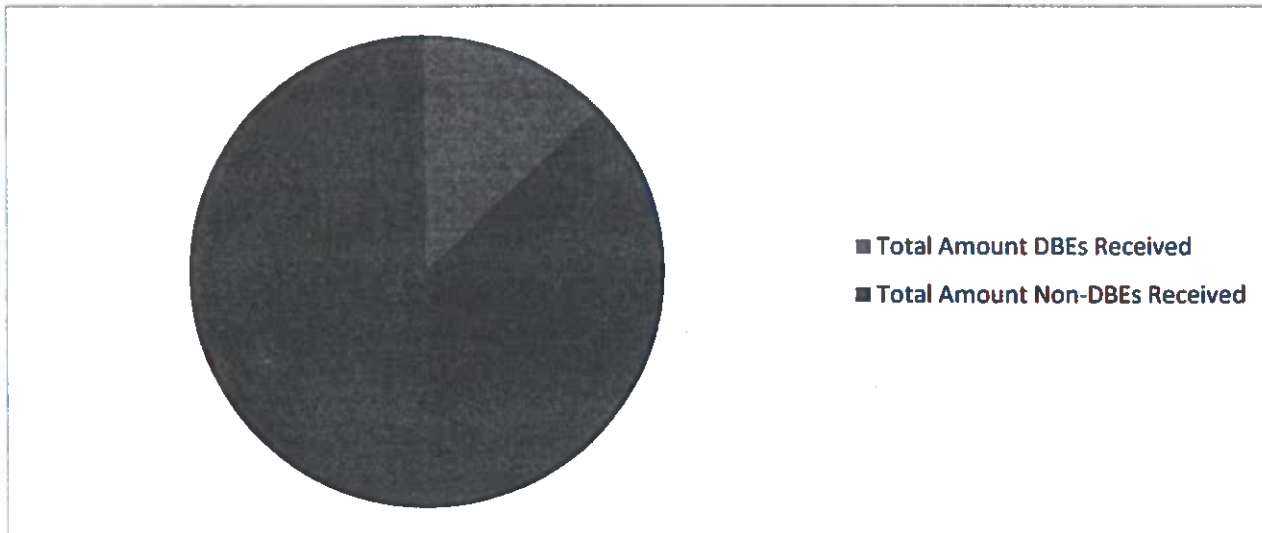
*\*\*Numbers reflect federal share.*

<i>Category 1 SBEs</i>	\$120,000.00	0.67%
<i>Category 2 SBEs</i>	\$35,000.00	0.19%
<i>Category 3 SBEs</i>	\$0.00	0.00%
<i>Category 4 SBEs</i>	\$2,379,000.00	13.24%
<i>Category 5 SBEs</i>	\$1,811,070.77	10.08%
<i>Category 6 SBEs</i>	\$422,950.00	2.35%
<i>Non-SBEs</i>	\$13,199,352.00	0.00%



DBE PARTICIPATION  
FEDERAL CONTRACTS  
TRIENNIAL YEARS 2017-2019

<b>Total Amount DBEs Received</b>	<b>\$536,795.00</b>	<b>12.92%</b>
<b>Total Amount Non-DBEs Received</b>	<b>\$3,617,891.25</b>	<b>87.08%</b>



# **EMPLOYEE RECOGNITION**

**NJ TRANSIT employees bid farewell after outstanding careers**

Seventeen NJ TRANSIT employees retired recently with careers ranging from 7 to 42 years of service:

1. Michael Barrett, Serviceman – Ironbound – 11 years
2. Santo Bonelli, Foreman – Morrisville – 16 years
3. John Coulter, Conductor – Various Locations – 30 years
4. Robert McGuinness, Asst. Conductor – Various Locations – 7 years
5. Terrence McMahon, Inspector – Penn Plaza – 29 years
6. Ronald Rand, Signal Inspector – Plainfield – 29 years
7. Michael Santasieri, Class 1 Operator – GOB – 38 years
8. Trevor Boyce, Operator – Greenville – 10 years
9. Mitchell Libby, Operator – Egg Harbor – 11 years
10. Dorothy Southerland, Shop Clerk – Newark Bus – 11 years
11. Luis Araque, Operator – Meadowlands – 14 years
12. Khalid Awan, Operator – Hilton – 16 years
13. Craig Walter, Operator – Washington Twp. – Operator
14. Eric Garcia, Operator – Market Street – 12 years
15. Eugene McManus, Director Point of Sale Fare Collector – Penn Plaza – 42 years
16. Carl Pulaski, Director of Transportation – Newton Avenue – 40 years
17. Paul Stangas, Senior Director Capital Project Management – 19 years

# **ACTION ITEMS**

**ITEM 1705-15: PORTAL BRIDGE NORTH PROJECT – GC.01 EARLY ACTION CONSTRUCTION: CONSTRUCTION CONTRACT AWARD**

**BENEFITS**

The Portal Bridge is a two-track movable swing span railroad bridge over the Hackensack River constructed more than a century ago. The bridge, owned by Amtrak, is a critical link on the Northeast Corridor. Delays due to bridge failures and maintenance as well as reduced operational speeds have made replacement of the bridge critical to the larger goal of increasing passenger rail service into Manhattan.



The Federal Railroad Administration (FRA) has approved a project to both replace the existing bridge and expand capacity in the corridor by constructing a new parallel span north of the existing structure. The two-track replacement bridge, known as Portal Bridge North, is designed as a high-level fixed-span bridge, eliminating the movable components and risk of malfunction.

The project will greatly improve service reliability for Amtrak and NJ TRANSIT trains. While NJ TRANSIT and Amtrak are jointly responsible for project design, NJ TRANSIT is undertaking the Early Action construction phase which will support the acceleration of the Portal Bridge North construction schedule.

A second two-track Portal Bridge South span is proposed as part of Amtrak's Gateway Program and, when complete, will double train capacity along this critical length of the Northeast Corridor (NEC).

**ACTION (Safety and Security, Corporate Accountability, Financial Performance, Customer Experience)**

Staff seeks authorization to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in the amount of \$14,574,876.50, plus five percent for contingencies, subject to the availability of funds.

**PURPOSE**

Authorization of this contract will allow for construction of early action construction elements designated as Construction Contract Package GC.01 to facilitate access for the future construction of the replacement Portal Bridge North. As a condition of the project permits from the US Coast Guard and the NJ Department of Environmental Protection, construction in the Hackensack River is restricted from March 1 to July 1 of

each year. The moratorium is intended to preclude disruption of fish migration and to keep fishery resource harms and losses to a minimum.

## **BACKGROUND**

### History

The present Portal Bridge was placed into operation in 1910 as part of the Pennsylvania Railroad's construction of passenger service facilities in Midtown New York and is nearing the end limits of its functional life. Its two-track structure is outdated and incapable of adapting to the present demands for expanded rail service into Manhattan. The bridge has only 23 feet of vertical clearance above the mean high water level and must pivot open to allow maritime traffic to pass through, closing the bridge to rail traffic and interrupting operations on the Northeast Corridor. Additionally, the miter rails, which allow the rails to disengage and the bridge to open and close, restrict speeds on the bridge to 60 miles per hour, while trains can operate at 90 miles per hour on adjacent portions of the NEC. These conditions create bottlenecks along the NEC, especially during peak commute hours.



The overall Portal Bridge North project entails the reconstruction and reconfiguration of the NEC between Swift Interlocking and the Frank R. Lautenberg Station at Secaucus Junction including reconstructed approaches and all related infrastructure connecting Northeast Corridor rail traffic with a new replacement bridge over the Hackensack River.

### Project Scope

This GC.01 Early Action Construction project includes the realignment of a 138kV transmission pole; the installation of new fiber optic cable poles; the construction of a construction access structure, known as a finger pier, extending from the west shore of the Hackensack River; the construction of a steel bridge structure over the Jersey City Municipal Utility Authority water main; and the construction of a retaining wall just west of the Frank R. Lautenberg Station at Secaucus Junction. This construction will facilitate schedule acceleration by providing the access for the construction of the future new Portal Bridge North.

### Procurement

The NJ TRANSIT Office of Business Development assigned a 12 percent Race Conscious Disadvantaged Business Enterprise (DBE) goal for this contract. Office of

the State Comptroller approval to advertise this contract was originally received on May 13, 2016.

On May 20, 2016, an Invitation for Bids was advertised on BID EXPRESS, NJ TRANSIT's electronic bid system, and in *The Star-Ledger* and *Trenton Times*. A Pre-Bid Conference was held on June 14, 2016, at NJ TRANSIT Headquarters; site visits to the Portal Bridge were held on June 24, 2016. Bids from three firms were received electronically and opened on July 12, 2016 at NJ TRANSIT Headquarters in Newark. Subsequent to the bid opening the Invitation for Bids was cancelled due to Amtrak train schedule changes; unanticipated regulatory restrictions on in-water construction resulted in impacts on construction schedule, sequencing, and budget; additional scope was added to the contract documents; and other factors. As a result, the contract documents were revised and re-issued for bids.

Office of the State Comptroller approval to advertise this revised contract was received on March 15, 2017.

The Invitation for Bids for the revised contract scope was advertised on BID EXPRESS, NJ TRANSIT's electronic bid system, and in *The Star-Ledger* and *Trenton Times* on March 17, 2017. A Pre-Bid Conference was held on March 28, 2017, at NJ TRANSIT Headquarters; site visits to the Portal Bridge were held on March 29, 2017. Bids from five firms were received electronically and opened on April 25, 2017, at NJ TRANSIT Headquarters in Newark. Results are as follows:

Contractor	City, State	Bid Amount
PKF-Mark III, Inc.	Newtown, PA	\$14,574,876.50
Union Paving & Construction Co., Inc.	Mountainside, NJ	\$16,547,600.00
Northeast Remsco Construction, Inc.	Farmingdale, NJ	\$17,998,162.00
Agate Construction Company, Inc.	Ocean View, NJ	\$18,274,462.00
George Harms Construction Co., Inc.	Farmingdale, NJ	\$20,280,455.00

### Funding

The U.S. Department of Transportation's (USDOT) Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program provides a unique opportunity for investment in road, rail, transit and port projects that promise to achieve national objectives. Since 2009, Congress has dedicated nearly \$4.6 billion for seven rounds of TIGER to fund projects that have a significant impact on the Nation, a region or a metropolitan area. In each round of TIGER, USDOT receives hundreds of applications to build and repair critical pieces of freight and passenger transportation networks. Applicants must detail the benefits their project would deliver for five long-term outcomes: safety, economic competitiveness, state-of-good-repair, quality of life,

and environmental sustainability. USDOT also evaluates projects on innovation, partnerships, project readiness, benefit cost analysis, and cost share.

In October 2015, NJ TRANSIT was advised that USDOT had awarded a \$16 million TIGER grant to begin construction to replace the century-old Portal Bridge. Replacement of the Portal Bridge is central to Amtrak's Gateway project, which will modernize rail and transit infrastructure in the Northern New Jersey-New York metropolitan region. The \$16 million grant will be matched with \$4 million from the Transportation Trust Fund, which will be used to support GC.01 Early Action Construction work contemplated in this authorization. The FRA and NJ TRANSIT executed the Grant Agreement on September 7, 2016.

### Current Status

#### *Engineering and Design*

Preliminary Engineering was approved by the NJ TRANSIT Board of Directors in July 2008 (Item 0807-49) and was initiated in September 2008; Final Engineering to support Early Action Construction was authorized by the NJ TRANSIT Board in July 2009 (Item 0907-50). The balance of Final Engineering was authorized by the NJ TRANSIT Board in December 2009 along with the award of Construction Management Services (Item 0912-87).

Preliminary engineering and design drawings and specifications for the entire project were completed in July 2009. Final engineering of early action components that form the basis for this requested authorization are complete and all remaining final engineering and design components were completed in June 2013. Construction of the GC.01 Construction Contract is anticipated to begin in Summer 2017.

#### *Permits*

New Jersey State and Federal permit applications were submitted to the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation Program, the U.S. Army Corps of Engineers and the U.S. Coast Guard in October 2009. The NJDEP Land Use Regulation Program permit was received in April 2015 and the Federal permits were received in June 2013.

A Final Environmental Impact Statement for the Portal Bridge Enhancement Project was completed in September 2008 and a Record of Decision was issued by the FRA in December 2008. The FRA affirmed and revalidated the Record of Decision in March 2011.

#### *Amtrak Agreement*

A Construction Agreement between NJ TRANSIT and Amtrak for GC.01 has been executed to define the terms of the construction efforts.

This item has been reviewed and recommended by the Board Capital Planning, Policy and Privatization Committee.

**FISCAL IMPACT**

**Requested Authorization:** \$14,574,876.50 + 5% contingency

**Previous Authorizations:** None (GC.01 Project only)

**Expenditures to Date:** \$ 293,097.38 (as of 03/31/17, GC.01 Project only)

**Total Project Cost:** \$ 20,000,000 (GC.01 Project only)

**Projected Date of Completion:** January 2019 (GC.01 Project only)

**Capital Program Amount:** \$ 20,000,000 (GC.01 Project only)

**Operating Budget Amount:** None

**Anticipated Source of Funds:** Federal Railroad Administration  
Transportation Trust Fund

**PRINTS ID Number:** NJT01160

**DBE/SBE Goal:** 12% DBE

***NJ Build* Amount:** \$72,874.38

**Future Related Authorizations:** Portal Bridge North Construction Contract  
Construction Assistance  
Construction Management

**Impact on Future Operating Budgets:** NA

**RESOLUTION**

**WHEREAS**, NJ TRANSIT seeks to replace the aging Portal Bridge across the Hackensack River, expand capacity on the Northeast Corridor, reduce conflicts between rail and marine traffic, and decrease rail service interruptions; and

**WHEREAS**, replacing the existing Portal Bridge includes constructing a new two-track bridge as well as improvements to the approaches; and

**WHEREAS**, NJ TRANSIT has completed the engineering design of GC.01, the construction of which will facilitate the access for the construction of the future new Portal Bridge North;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman or Executive Director is hereby authorized to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in the amount of \$14,574,876.50, plus five percent for contingencies, 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 Personal Injury Claim of Alexander Son; and

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

**ITEM 1705-16: PERSONAL INJURY CLAIM OF ALEXANDER SON**

**BENEFITS**

It is the opinion of NJ TRANSIT and defense counsel, in recognition of the totality of the circumstances including the serious injuries that resulted, to settle the claim of Alexander Son.

**ACTION**

Staff seeks authorization to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

**PURPOSE**

NJ TRANSIT By-Laws require Board approval of the settlement of all claims and lawsuits involving personal injury, death or property damage in excess of \$500,000. This case venued in the Essex County Superior Court, Newark, New Jersey, initiated from a Bus claim.

**FISCAL IMPACTS**

**Requested Authorization:**

Request authorization to settle the Personal Injury Claim of Alexander Son

**Projected Date of Completion:**

FY 2017

**Anticipated Source of Funds:**

FY 2017 Operating Budget

**Diversity Goals/Participation:**

Not applicable. No goods or services to be procured.

**RESOLUTION**

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

**WHEREAS**, Alexander Son 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 Chairman or Executive Director is authorized to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.