

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

NJ TRANSIT
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December 16, 2020

Dear Governor Murphy:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the regularly scheduled meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc., Board of Directors held on Wednesday, December 9, 2020.

Sincerely,

Joyce J. Zuczek

Joyce J. Zuczek
Board Secretary

Enclosures

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

Open Session Minutes of the actions taken at the regularly scheduled 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. conducted virtually by telephone on Wednesday, December 9, 2020. The meetings occurred concurrently.

Board Members

Diane Gutierrez-Scaccetti, Chair
Cedrick T. Fulton, Vice Chair
James D. Adams, Board Member
Dini Ajmani, Treasurer's Representative
Sangeeta P. Doshi, Board Member
Bob Gordon, Board Member
Richard A. Maroko, Board Member
Shanti Narra, Board Member
David A. Rasmussen, Board Member (Non-Voting)
Brian T. Wilton, Governor's Representative

Staff

Kevin S. Corbett, President & Chief Executive Officer (CEO)
Joyce J. Zuczek, Board Secretary
Eric R. Daleo, Senior Vice President, Capital Programs
William Viqueira, Senior Vice President, Chief Financial Officer & Treasurer
Joseph E. Snow, Assistant Attorney General, Office of the Attorney General
Caroline Vachier, Deputy Attorney General, Office of the Attorney General

Chair Gutierrez-Scaccetti convened the Open Session at 9:01 a.m. in accordance with the Open Public Meetings Act and Board Secretary Zuczek conducted a roll call. Board Secretary Zuczek announced that adequate notice of the regularly scheduled 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 December 3, 2020 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 November 12, 2020 Board meetings. Board Member Shanti Narra made the motion, Board Member Brian T. Wilton seconded the motion, and it was adopted.

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

President & CEO’s Monthly Report

President & CEO Corbett was sad to report that since their last meeting, NJ TRANSIT lost two long-serving members of the organization due to confirmed COVID-19-related complications. He noted 15 NJ TRANSIT employees have now succumbed to this deadly virus.

James Moeschen was a beloved NJ TRANSIT Bus Operator, serving with distinction in our Oradell Garage for 23 years. He worked New York lines of service out of Bergen County, and was a staple on the 168 Line out of Paramus. Michael Paynter also recently passed away due to COVID-19-related complications. He was a mechanic in the Newton Avenue Garage. Michael Paynter worked at NJ TRANSIT for 20 years and was deeply committed to his job. President & CEO Corbett said their deepest condolences go out to the families, friends, and co-workers of both James and Michael. He asked for a moment of silence in their honor.

President & CEO Corbett said they have also once again this month seen an uptick in positive COVID-19 cases among employees, tracking with an increase in cases both regionally and nationally. There were currently 163 NJ TRANSIT employees positive, up 98 from last month’s Board report of 66, although still down from a high of 299 positive cases on April 27, 2020.

Incidentally, these positive cases were not limited to frontline employees. Employees working remotely were also included in these statistics. So again, President & CEO Corbett urged all employees, whether working from home or in the field, to take all precautions against this virus, including wearing a mask, of course, but also frequent hand washing and distancing because the virus does not discriminate between working from home or working on the frontlines.

In light of this uptick, NJ TRANSIT was redoubling its efforts to preemptively clean and disinfect employee work locations throughout the state, which includes utilizing third-party support contractors to augment existing internal cleaning staff. In addition, whenever an NJ TRANSIT employee tests positive, all potentially affected work areas that employee may have had contact with undergo enhanced cleaning and disinfection.

They have also introduced numerous safety enhancements throughout their facilities, for both frontline and corporate employees, including: the installation of plexiglass partitions in work stations, security desks, and break rooms throughout their network; upgrading HVAC system filters, and increasing replacement frequency; adding cleaning shifts to

sanitize touch points; posting signage throughout facilities regarding the requirement to wear face coverings and reminding employees to distance; and the installation of hand sanitizer stations at strategic locations in workplace facilities. These were just a few of the many safety measures they have taken at employee work facilities to protect employees and make them feel safe.

Moving on to NJ TRANSIT ridership, they have not seen significant movement since President & CEO Corbett's last report to the Board in November. Rail ridership remained at approximately 20 to 25 percent from pre-COVID levels, systemwide. Bus ridership continued to hold steady at around 50 percent from pre-COVID levels, systemwide, with significantly greater gains on local intra-state service, compared to New York service. Light rail ridership remained at approximately 55 percent of pre-COVID levels, systemwide, with their highest ridership on the River LINE, at approximately 70 percent of pre-COVID levels.

Transit ridership nationwide has plateaued at levels much lower than where they were prior to the pandemic, although President & CEO Corbett continues to firmly believe transit will come back and was encouraged by news of a safe and effective vaccine on the horizon. He was also pleased to note that frontline NJ TRANSIT employees are being prioritized ahead of the general public by the State in the distribution of the vaccine, and they are working closely with labor right now to make sure they receive the vaccine as quickly as possible. This is important not only to protect the health and safety of their employees, who since March have done an extraordinary job keeping their system running and getting essential workers everywhere they need to go, but it will also have the additional benefit of helping to reassure the public as they return to transit.

President & CEO Corbett assured the transit system is safe and the vaccine will add yet another layer of safety to the numerous measures already in place, particularly their aggressive and extensive cleaning and disinfecting protocols. The fact is, they need people to get out of their cars and back on transit, which is why, until a vaccine is widely distributed, they must remain vigilant and never allow themselves to become complacent when it comes to slowing the spread of this virus.

Toward that end, President & CEO Corbett was proud to join leaders from the MTA, the Port Authority, Amtrak, and SEPTA at a joint press conference last month to announce a new partnership between their agencies that places a regional focus on the importance of wearing face coverings on transit. Through this initiative, called Mask Force, their transit systems are committed to regular deployments of volunteers to provide free masks to customers who need them, and to remind customers to wear their masks correctly.

Face coverings have proven to be one of the most effective tools in combating the spread of the virus. This effort is yet another example of the meaningful collaboration taking place among transit agencies at this time and will build on NJ TRANSIT's current mask distribution efforts.

They held their first Mask Force distribution effort on November 25, 2020, where employees throughout their organization volunteered at major stations, select outlying stations, and onboard vehicles, giving out 12,000 free masks. NJ TRANSIT has now given away more than 30,000 free masks in all. Moving forward, Mask Force volunteers will be deployed regularly throughout the system, with the next installment scheduled for some time in January.

President & CEO Corbett said they have another promising safety initiative to announce as part of their continuing efforts to combat COVID-19. Last week, NJ TRANSIT announced the selection of four companies to pilot state-of-the-art technology to protect the health and safety of customers and employees. These companies were selected from a pool of eight finalists, after a global search, as part of the COVID-19 Response Challenge issued earlier this year by the Transit Tech Lab or TTL. The TTL was created by the Transit Innovation Partnership, a public-private sector initiative to improve public transit, and includes five participating agencies: NJ TRANSIT, the Port Authority, the MTA, and the New York City Departments of Transportation and Education.

NJ TRANSIT will proudly partner with the following companies in a multi-week pilot testing program: Vyv uses proprietary LED anti-microbial light to reduce bacteria and microbes from surfaces, and will be tested on an Access Link paratransit minibus, a local transit bus, and within common areas throughout NJ TRANSIT corporate buildings. Knorr Merak uses a three-stage air filtration and purification system to mitigate COVID-19. This technology will be piloted on a light rail car and a passenger rail car. Piper provides video analytics and collects real-time passenger counts from trains and platforms for integration with mobile apps, and they are looking to implement this technology on River LINE. Strongarm develops wearable technology that emits physical distancing alerts and can be used to collect data for contact tracing. They will use select floors at their headquarters in Newark to test this technology.

After testing is complete, solutions that have proven to be successful may be chosen for an expanded year-long pilot deployment. Their participation in the Transit Tech Lab is just one example of the many ways they are leveraging technology to build a culture of innovation.

President & CEO Corbett talked previously about the many recently introduced mobile app updates and contactless fare collection technologies, such as handheld mobile devices on rail, on-board bus validators, and new Ticket Vending Machines with a contactless fare payment option. They are leaving no stone unturned when it comes to exploring available solutions that can further protect customers and employees from the spread of the virus.

When people do begin to return to transit en masse, they will surely be pleased to see long overdue and significant improvements at two of their region's busiest and most essential transit hubs: Newark Penn Station and New York Penn Station. President & CEO Corbett started by talking about Newark Penn Station.

Yesterday, President & CEO Corbett was proud to join Governor Murphy, Lieutenant Governor Sheila Oliver, Mayor Ras Baraka, and other elected officials and labor leaders at a press conference to celebrate a significant investment from the State to support new capital upgrades at Newark Penn. Governor Murphy, Commissioner Gutierrez-Scaccetti, and President & CEO Corbett have long-recognized the need for significant capital upgrades, and they will be executing a capital plan that focuses on the infrastructure, as well as improving the customer experience.

Thanks to a significant commitment of \$190 million from the State, with \$30 million committed for 2021 and \$160 million more over the next 36 months, they will be able to build on work currently being performed to ultimately restore this station to its rightful place as one of the crown jewels of New Jersey. As President & CEO Corbett spoke, they were repainting ceilings, honing the terrazzo floors, replacing bathroom fixtures, and upgrading the lighting in passenger corridors and concourses. They will soon be working on historic tile installation and replacing cracked tiles in stairways and along escalators. They have much more extensive work planned, including the restoration of the grand waiting hall, renewed escalators, expanded elevators, and a platform renewal and restoration program.

For customers, investing in transit means more reliable service, good-looking, modern stations, and a far more pleasant daily commuting experience. And for New Jersey, it means jobs and economic activity that support the State's economic recovery as they come out of the pandemic.

President & CEO Corbett was also pleased to announce that they have completed the second and final phase of the ticketed waiting area refurbishment at New York Penn station. This station's expansive waiting area, on the upper level 8th Avenue side of the station, is now open to both NJ TRANSIT and Amtrak customers, making the NJ TRANSIT concourse even more convenient for customers.

The project includes a \$7.2 million total joint investment and features new furniture and fixtures, including seats with electrical and USB outlets to charge devices; an upgraded ceiling, with new LED lighting; a new information desk; a second entrance close to the NJ TRANSIT concourse, offering easy access toward the 7th Avenue side of the station; and two new, real-time information screens, displaying NJ TRANSIT arrivals and departures. President & CEO Corbett has been to the station to see these improvements, and the area looks fantastic.

Another critically important infrastructure project is on the agenda today: the \$1.8 billion Portal North Bridge. As many will remember, in August, the FTA announced it was awarding NJ TRANSIT with the first \$248 million toward this critically important project for New Jersey and the entire Northeast Corridor. Today, the Board will be voting on an item that will once again advance this project by allowing them to enter into the Full Finding Agreement with USDOT.

In addition to a significant improvement in overall service to and from New York Penn Station for customers, the one-time total economic output of the project on New Jersey's economy will be approximately \$3 billion, including the direct, indirect, and induced economic impacts. It will also support approximately 15,000 jobs from direct, indirect, and induced employment, including 7,900 construction jobs.

President & CEO Corbett said, as he was sure many knew, they were now 22 days away from the December 31, 2020 deadline for full implementation of Positive Train Control. He did not want to jinx it, but said they remain on track to achieve full certification by the end of the month, so stay tuned. In the meantime, he turned the floor over to Terry Fetters, from their contractor, Parsons, to provide his final presentation before they submit for certification.

Terry Fetters, Project Manager from Parsons for the Positive Train Control (PTC) Project, provided an update on the PTC Project. Mr. Fetters said as they recall back in July, and as a reminder when he started providing updates, he reported they had completed Revenue Service Demonstration (RSD) on schedule and began Extended Revenue Service Demonstration (ERSD) on the Montclair-Boonton, Morristown, Broad to Hackettstown, as well as the Gladstone lines. In August, the Raritan Valley and Bergen Lines entered into ERSD. In September, the Pascack Valley Line was brought into ERSD earlier than scheduled and in October, the Main Line entered into ERSD.

On November 12, 2020 when he was with them last, Mr. Fetters said the Lehigh Line entered ERSD on November 11, 2020. Since then, and only 26 days later, he was with NJ TRANSIT again to give a great report of progress. Mr. Fetters said that the Sports Line entered ERSD in November, the Atlantic City Line entered ERSD on November 29, 2020, and finally the Hudson Line entered ERSD on November 30, 2020, which was a lot of activity.

Mr. Fetters said as they have come into December, they had entry into the majority segment of the Southern Tier into ERSD as of December 3, 2020 and expect to be finalizing the remaining segment entry into ERSD for the Southern Tier this week. The final and remaining line, the North Jersey Coast Line (NJCL), entered ERSD on December 7, 2020, they are now finalizing the remaining hardware configuration on a small portion, and expect entry on that segment of the NJCL next week, which will mean that all of the Lines have entered ERSD.

Mr. Fetters said he was also happy to report that the onboard fleet deployment software was progressing and targeted for completion on December 11, 2020. The final Safety Plan addressing the FRA comments have all been dispositioned and submitted to the FRA. In reference to interoperability, the Norfolk Southern testing was progressing well, and the Amtrak Northeast Corridor boundary testing has been successful and final testing was to be completed tomorrow. Mr. Fetters said with the strong support of the FTA, NJ TRANSIT and all of their amazing team were on target for PTC certification by the end of the year. He thanked everyone again for their time and the opportunity to provide a good report.

President & CEO Corbett stayed on the topic of rail safety for a moment with an important reminder. In light of recent grade crossing incidents on our rail and light rail systems, he reminded customers, drivers, and pedestrians to always obey warning devices and signals.

In these recent incidents, the safety mechanisms were all working as intended. He said this was why it is so important to always pay attention to safety lights, bells, and crossing gate arms, whether walking or driving, and never attempt to go around or under crossing gates or stop on the tracks for any reason.

NJ TRANSIT has more than 300 grade crossings, and every one of them is inspected every 30 days in compliance with federal regulations. They also review, on an on-going basis, the safety of their grade crossings, and continuously explore new ways to improve safety.

One such example is that Rutgers University, in partnership with NJ TRANSIT, was selected for a grant to study improved pedestrian detection at rail crossings. The Rutgers Center for Advanced Infrastructure and Transportation (CAIT) received more than \$350,000 to study new trespasser avoidance solutions at NJ TRANSIT rail crossings. Using Artificial Intelligence, this new technology gathers data and could ultimately help save many lives.

President & CEO Corbett said it was hard to talk about safety without also talking about security. With that, he asked New Jersey Transit Police Department (NJTPD) Chief Christopher Trucillo to say a few words about mask enforcement, NJTPD initiatives, and what was really an extraordinary month for the NJTPD in November.

Chief Trucillo thanked President & CEO Corbett and the Board for giving him an opportunity to provide a little information on the NJTPD. The mission of the New Jersey Transit Police Department is to maintain public order and security while deterring and preventing terrorism and crime throughout the NJ TRANSIT system. Their commitment to exceptional public service acts as the foundation in guiding their relentless crime prevention and suppression efforts. This vision exemplifies their pursuit of excellence in setting the standard in Transit policing throughout the country. Chief Trucillo said the New Jersey Transit Police Department Core Values are, honor, commitment, integrity and courage.

Chief Trucillo would brief on several incidents which will bear out these values, but before he did, he discussed several items related to the present COVID-19 situation. The Office of Emergency Management (OEM) at NJ TRANSIT is part of the Police Department. Over the years, over 1,000 NJ TRANSIT employees have received a very advanced level of Incident Command training sponsored by OEM. That training, once again, is paying off as NJ TRANSIT has been operating under the incident Command system since the first COVID-19 case in New Jersey was identified back in March. Employees from across the agency are part of the Incident Command Structure within NJ TRANSIT, assigned to

different task forces and operating branches to deal with all issues related to the pandemic.

OEM coordinates and facilitates a number a weekly meeting that deal with objectives and tactics, planning and policy, as well as restoration. Recently, for instance, a Vaccine Taskforce was formed, led by their in-house medical professionals and supported by the Office of Emergency Management, to develop an NJ TRANSIT vaccine distribution plan, so the agency is prepared to deploy the vaccine to employees once it is received.

Chief Trucillo said masks on public transportation has become a major concern and as a reminder it is required under the Governor Murphy's Executive Order. The Police Department has been engaged in an education and compliance campaign since the Executive Order was put in place. They review complaints about masks that are received from Customer Service, and also solicit input from bus and rail management as to problems they are seeing related to non-compliance with the Governor's Executive Order on masks and they deploy accordingly.

During the month of November, the Police Department conducted 494 mask details, on bus, on trains and light rail, and in stations and bus terminals. They also conducted 84 compliance checks on food establishments at NJ TRANSIT facilities that have indoor dining to make sure there was compliance with the 25 percent seating requirement. They also received 42 calls for service related to mask issues.

Chief Trucillo said their goal in all cases is to educate riders and get compliance. To that end, officers also carry spare masks to offer riders to defuse situations and get compliance. Despite these efforts, they had to issue three (3) summonses during the month of November.

Chief Trucillo recognized that people feel differently about masks and their usefulness. However, he asked everyone to keep in mind that for many people public transportation is not optional, it is an absolute necessity for them to get to essential jobs, for all their benefit, and to support their families. NJ TRANSIT's modes also get people to their doctor's appointments, food stores, family, and friends. Many of these people are concerned for their health and well-being. Chief Trucillo said if they don't want to wear a mask for themselves, he asked that they wear it to give fellow riders the peace of mind they need. Hopefully soon, COVID-19 will be behind them, but until then, he asked them to all ride responsibly.

In addition to seeking mask compliance and conducting enhanced cleaning on their modes of transportation, the Police Department has also assigned additional police officers to their department's Outreach Unit to service those individuals who frequent their transit facilities for purposes other than transportation. These officers were specifically chosen for their patience, empathy, and compassion to deal with this difficult population. Often it takes repeated efforts to get an individual to accept services. These officers must first develop trust and then attempt to provide assistance that will hopefully break the cycle of homelessness, addiction, and untreated mental illness. Every week these officers

do remarkable work and make a difference in people's lives by treating them with dignity and respect. Officers in this assignment spend 100 percent of their time engaged in helping this population and coordinating help through social service agencies.

Chief Trucillo highlighted some of the exceptional work done by their officers during the month of November that embody their core values. Nine times during November NJ TRANSIT police officers deployed Narcan, an antidote that immediately counters the effects of an opiate overdose. They saved eight lives in the process and gave eight people a second chance.

On November 9, 2020, Officer Bryan Richards had just finished his tour and was about to head home when he recognized a suspect from a wanted poster. The suspect had committed a home invasion three weeks earlier in Montclair, New Jersey and was being sought for the attempted murder of a 17-year-old girl who was home at the time. Officers Brian Rea, Michael Sczesny, and Alex Penalva, along with supervisors John Hennessy and Andrew D'Aloia also assisted in the arrest.

Officer Richards was also part of the team that made international headlines this past July for saving the life of a newborn baby in Newark Penn Station. The officers body worn cameras captured this dramatic footage.

On November 13, 2020, at Trenton Transit Center, a commuter fell between a train and the platform, severely lacerating his leg and getting stuck in the process. NJ TRANSIT police officers Paul Fevola, Kenneth Podolski, Michael Virag, and Carmine Ruocco, along with Sergeant Jason Conrad and Officer Peter Jackson, responded immediately and acting as a team calmed the victim, freed him from under the train, immediately stopped his extensive bleeding by applying a tourniquet, and administered oxygen. They combined their training, equipment, and teamwork to save the commuter's life.

On November 23, 2020, NJ TRANSIT Police Officers at Newark Penn Station were alerted by witnesses that a female commuter fell from the platform onto Track #4 which was an active track. The officers rushed to save the life of the woman who was suffering a seizure on the railroad tracks. The officers immediately stopped train traffic and rushed to render critical aid and assistance while the victim was on the railroad tracks. Lieutenant John Hennessy, Lieutenant Sal Bivona, Sergeant Andrew D'Aloia, and Sergeant Scott Wachterhauser led the effort along with Police Officers George King, Chris Graybill, and members of the Emergency Services Bureau Mark Colon, Dan Quigley, and Police Officer Arafat Saab who is a certified paramedic. They safely removed the commuter from the tracks and provided reassuring aid before she was transported to the hospital for treatment. The officers swift action averted a possible tragedy.

Finally, Chief Trucillo took a moment to mention the difficult work that front line NJ TRANSIT employees perform every day. Police Officers, often by virtue of the work they are engaged in, get into physical confrontations. They are trained and equipped to deal with these situations, as appalling and dangerous as they are. But Bus Operators

and Conductors should not have to worry about being assaulted, spit on, or abused for doing their job and providing a critical service to the people who use NJ TRANSIT.

Chief Trucillo wanted the Board and the public to know that the NJTPD will go to all lengths to pursue and arrest those who assault their frontline employees. If anyone has a complaint against an employee, there is a mechanism to make a complaint and have it investigated, but physical violence on a mode of transportation is never the answer and will not be tolerated. NJ TRANSIT is the only transit agency in the nation that has a dedicated employee advocate who will act on behalf of their employees if they are assaulted during the performance of their duties. The employee advocate will petition the court hearing the case for the highest possible penalty if the assailant is convicted. Chief Trucillo reminded everyone riding NJ TRANSIT that behavior matters, and it is incumbent on all to act in a civil manner and treat each other with respect and dignity.

President & CEO Corbett noted that their completely redesigned NJ TRANSIT Board webpage is now live. The new page makes it easier to submit feedback to the Board, with prominently displayed Submit Board Feedback buttons throughout the page. The navigation and structure of information has also been significantly improved and streamlined for the public. Monthly Board meetings are now separated from Committee Meetings, making it easier to access meeting information and to submit public comments in lieu of speaking at the meetings. He encouraged everyone to check out the new look by visiting njtransit.com/board.

Public Comments

Chair Gutierrez-Scaccetti asked the event call operator to open the floor for public comments and to provide instructions for entering the queue to make a public comment. The event call operator said the floor was open for public comments. If individuals wanted to make a public comment, they were instructed to press *1 on their telephone keypad to enter the queue. They would hear a brief tone to indicate they have successfully entered the queue. Priority access would be given to any participant who has pre-registered, and those comments will be taken in turn. They would then take public comments from remaining participants on a first-come first-serve basis. Each person would have three (3) minutes for their public comment. A warning would be provided with one (1) minute remaining and again with 15 seconds remaining.

Sally Jane Gellert, Legislative and Communications Director of the Lackawanna Coalition, said she has been asking for three months for the waiting rooms and restrooms at NJ TRANSIT stations to be opened so all rail riders can comfortably wait for their trains. Ms. Gellert said since there will be no meeting next month to discuss these concerns again, she implored NJ TRANSIT take action now to open these stations and restrooms because they need to attract riders, not send them back to crowded highways.

In regard to Portal North Bridge, Ms. Gellert does not approve of this project. She believes it will do nothing for 99.97 percent of riders who cross it on NJ TRANSIT trains including 100 percent of rush hour customers because it is locked during the peak hours every

weekday and opens on average once a month off-peak for a boat to pass. Ms. Gellert said New Jersey is voluntarily paying New York's \$408 million share of local costs in violation of the Bistate Gateway Development Commission Act. She also said New Jersey will have to borrow and extra \$408 million in NJEDA Bonds to pay New York's share. Ms. Gellert believes the exorbitant \$1.8 billion cost can be cut by three-quarters by following NJ TRANSIT's business plan to build Portal North's twin, Portal Bridge South, as a low level movable bridge, with an opportunity to spend the same dollar amount on another capital project that improves the daily life of riders.

Ms. Gellert said they know what is happening in the San Francisco Bay area where schedulers are taking note of changing travel patterns due to ongoing financial struggles, quoting they are "expanding service by two trains per hour and increasing weekend service frequency to hourly trips respond to the travel needs of low-income riders and essential workers, and suspending certain fare increases over the next year." She said sadly, one station will be closed which they cannot approve but like the efforts to adjust schedules to accommodate new travel patterns, they are glad to see consideration of essential workers that all too often are excluded from needed resources.

Ms. Gellert would like to see NJ TRANSIT do likewise by expanding midday and weekend schedules to enable New Jerseyans' to reduce their driving in favor of rail and bus riding because this is the pattern Lackawanna Coalition Chairperson David Peter Alan has been seeing, with reverse commuting and midday and weekend travel the busiest.

Ms. Gellert said the environmental groups have been heard and more will be heard from them today about the NJ TRANSITGRID's RFQ showing a strong bias towards a gas-fired power plant as described by her colleagues from Don't Gas the Meadowlands as what seems to be greenwashing.

Randy Glucksman, Chair Metro-North Rail Commuter Council and MTA Board Member, said for more than two years he has spoken to this Board on Positive Train Control, is Member of the MTA's PTC Working Group, and said his final monthly virtual meeting will take place tomorrow morning. Mr. Glucksman said he has supplied copies of the PTC report the MTA Board members have been receiving to NJ TRANSIT on a monthly basis. He said in his testimony he stated the clock was ticking towards the deadline for full PTC implementation now three weeks and one day away from today. Mr. Glucksman said Mr. Feters spoke on much of what he was going to speak on today for the one remaining line not completely being in Extended Revenue Service Demonstration (ERSD). He noted this was the one used by his constituents, the Port Jervis and Southern Tier Line, however the 23-mile segment is scheduled for completion this weekend, and noted it was cutting it close. Mr. Glucksman thanked the NJ TRANSIT employees who report to work each day and have transported customers over the past year, provided best wishes to all for the upcoming holiday season, and thanked them for allowing him to speak.

Matt Kamper, Regional Director of Passengers United, said he wanted to comment on Board Item number 2012-79: Approval to enter into Agreement with the FTA for the Portal North Bridge Project. Mr. Kamper said he has been speaking at these meetings for some

time now on anything having to do with the Portal North Bridge Project which he is in full support of. He said this project is something that will not only help New Jersey, but the entire Northeast Coast between Washington D.C. and Boston. Mr. Kamper said the Portal North Bridge has had so many problems over the years with the bridge not going into place when it needs to and causing disruptions for NJ TRANSIT and Amtrak riders. He is very pleased and excited to see this project move forward.

In regard to Gateway, Mr. Kamper hopes NJ TRANSIT will continue to work with Governor Murphy, the outgoing administration, and President Elect Joe Biden to make sure that the Gateway Tunnel Project is funded, and construction can get underway because a new tunnel is truly needed. He was also pleased to see the strides made with PTC and looks forward to working with everyone in 2021.

Andy Pollack, Public Advisor to Passengers United, was very pleased to hear in the news Governor Murphy's commitment of \$160 million towards renovation work for Newark Penn Station. He also was pleased to see that Newark Penn Station will be getting new benches and the TLC that it needs. He said eventually events are going to be held again at the Prudential Center and they want to make a good first impression on people coming into Newark Penn Station.

Mr. Pollack said yet again NJ TRANSIT had another grade crossing incident in Hackensack at Clinton Place on November 18, 2020. He believes it is time to look into grade crossing removals because the MTA along with the LIRR is already starting to do so.

Mr. Pollack said the chaos that took place on Thanksgiving with the North Jersey Coast Line derailment took almost a week to restore service and, in the future, this needs this needs to change.

In regard to PTC Mr. Pollack was glad to see that it has been moving along very well and hopes that the PTC December 31, 2020 deadline will be met, that the FTA will approve everything, and trains will be running past December 31, 2020. Like his colleagues from Passengers United, he believes the Portal North Project needs to be approved today. Mr. Pollack wished everyone a happy holiday season and said he would look forward to speaking to everyone in 2021.

Tim Sevener, Director of the New Jersey Association of Rail Passengers, commented on the NJ TRANSITGRID RFQ and the major flaws within it that seems to still be geared towards a natural gas power plant, which is the opposite of a solar renewable option. Mr. Sevener said bidders should be provided with the survey that was done by them on NJ TRANSIT properties such as Newark Penn Station, Secaucus, and New Brunswick as possible sites for solar renewable options. He said while renovation work is being done at Newark Penn Station, New Brunswick, and Elizabeth Station, solar renewable options should be considered to connect to the NJ TRANSITGRID that way they will avoid transmission losses, and this will be more resilient. Mr. Sevener said looking at the RFQ, BEM identified 21 sites near Kearny for potential gas-fired power plants, but they were

ruled out for natural gas plants and these sites may be good for solar renewable options and should be provided to all bidders to look at for key traction power for the NJ TRANSITGRID.

Ryan Felmet wanted to make a few comments today and the first was surrounding Chief Trucillo's report on mask wearing, which he said was a very good message and found it astonishing that it took nine months since the pandemic to receive such a strong message at a Board meeting. Mr. Felmet felt that after the many deaths of so many, NJ TRANSIT employees included, he finds it appalling that a message enforcing mask wearing would come out now in December when it should have long ago. He was happy to see that three summonses were issued due to non-compliance for mask wearing.

Mr. Felmet said the vetoing of the Academy Bus issue in the minutes from the last Board meeting raised a lot of issues on how this operation even exists. He wonders what kind of input is being given to the Board and if the Board was comfortable with any kind of input they are receiving to approve agenda items.

Mr. Felmet asked whether the Board was comfortable with the ratio of the expenses for the Portal North Bridge item New Jersey is putting into the pie, which is upwards of \$800 million. He believes any engineer will say it is a \$400 million job. Mr. Felmet believes they do not need the FTA Grant, the bridge can be done on their own much quicker, and they could have been done by now.

Mr. Felmet said the Portal North Bridge project is supposed to increase capacity by 10 percent but all it is, is a bridge being replaced by another bridge and the structure itself is not adding any capacity which does not support the documentation submitted by NJ TRANSIT. He said NJ TRANSIT was getting around this 10 percent capacity by purchasing new multi-level railcars which they haven't even received some of yet. Mr. Felmet said these are the types of things that are going to be adding up and circling around whether the Portal North item gets approved today, and as the documents are signed further down the road somebody is going to be on the hook for all the events that are going into these Board items that are critical to the infrastructure of New Jersey and the economy. He asked the Board Members to remember to ask the right questions to get results the public needs.

Matthew Smith, New Jersey State Director for Food & Water Watch, spoke on behalf of their 72,000 members and supporters. He wanted to comment on the Request for Quotation (RFQ) for the re-envisioned NJ TRANSITGRID project and said the RFQ contained multiple critical flaws in its current form that undermined the re-envisioned goal of a renewable energy microgrid solution. Mr. Smith said the RFQ specifically undermines and brings into question NJ TRANSIT's commitment to solicit a renewable energy solution that will protect public health, environmental justice, and adhere to Governor Murphy's Master Plan to achieve 100 percent clean energy by 2050.

Mr. Smith said the RFQ consistently references the industry briefing document which requests a 100 percent natural gas-based power solution. He said the RFQ also refers to

the full-time polluting gas-fired fossil fuel power plant as the base case for the NJ TRANSITGRID Project. Mr. Smith said the renewable energy option is being put second and if the 100 percent renewable energy option is not feasible NJ TRANSIT should be asking bidders to maximize renewable energy within a hybrid microgrid design as the second-best option. He believes the 100 percent renewable energy solution must be the first option, and any language soliciting bids for a 140-megawatt gas-fired power plant must be removed from the procurement process going forward.

Mr. Smith said they have already been hearing feedback from multiple renewable energy companies based in New Jersey, whom they discussed this project with, and they are feeling discouraged from bidding on this project because of the parameters set in the RFQ. He said the requirement for a 140-megawatt renewable energy project will exclude all renewable energy companies based in New Jersey from competing because the largest project built in New Jersey to date was 28 megawatts. Mr. Smith believes NJ TRANSIT must extend the RFQ process to level the playing field because natural gas companies have had one-year to form partnerships and while the renewable energy companies only have less than two-months to get their teams together. He believes NJ TRANSIT needs to look at previous studies and share the properties with bidders that were excluded for a natural gas power plant that may be viable solutions for solar renewable options.

Samantha DiFalco, Organizer with Food & Water Action New Jersey, commented on behalf of the coalition's 72,000 members and supporters in New Jersey and the Don't Gas the Meadowlands Coalition. She once again expressed their appreciation for NJ TRANSIT's commitment to have ongoing dialogue with their coalition and they are looking forward to addressing some of their concerns being raised today in further detail.

They first would like to ask for the air permit to be withdrawn from the now defunct 140-megawatt gas-fired power plant as soon as possible, and believe it was essential in showing a sign of true good faith to redesign the NJ TRANSITGRID Project based on renewable technology. Ms. DiFalco said they plan to continue to follow-up on this to ensure that the treat of a 140-megawatt gas-fired power plant being built in an environmental justice community is completely off the table. She said the best way to build trust with them and the public is to withdraw the air permit.

Ms. DiFalco said yesterday her Coalition sent a letter to NJ TRANSIT outlining their concerns with the RFQ and expect NJ TRANSIT staff and the Board to take their concerns seriously and work to remedy them as soon as possible. She said the RFQ does not provide a realistic approach to retaining satisfactory, yet alone the best industry response, to meet its objectives and brings into question NJ TRANSIT's credibility of soliciting renewable energy solutions as well as the integrity of the procurement process.

Ms. Di Falco said some of the concerns with the RFQ demonstrate a strong preference for a centralized gas solution making it appear renewable energy developers are wasting their efforts, the RFQ briefing document refers only to gas based solutions, and the drawing in the document only demonstrates gas-based facilities. She said the final

scoping document from 2016 has not been revised to reflect NJ TRANSIT's change requirements for a real renewable energy-based solution, and still states that renewable energy-based solutions will not be considered because they are not feasible. She believes NJ TRANSIT needs to review the RFQ and address their concerns.

Holly Cox, New Jersey resident, believes that the world is already in a climate emergency. She said it is against the background of skyrocketing global emissions, millions and tons of arctic ice melting, wildfires burning, stronger and more frequent storms like Superstorm Sandy, flooding, and biodiversity loss on a massive scale. Ms. Cox said recent months and years has been the hottest on record, and that the urgency of moving New Jersey towards a fossil free future is now. She questions NJ TRANSIT's commitment to redesign the NJ TRANSITGRID based on renewable energy technologies. Ms. Cox said just as everyone is worried about people who deny science by refusing to wear masks on NJ TRANSIT trains, and endanger others, they should also be worried about people who deny climate science and continue on the path of dirty fossil fuels which endanger them all.

Ms. Cox said she was relieved when NJ TRANSIT said it was scrapping the dirty fracked gas power plant in favor of renewable energy, however she believes NJ TRANSIT is now back sliding. She said there were many issues with the RFQ that is likely to prevent renewable energy developers from applying and seriously prejudice the process against them. Ms. Cox said these issues need to be addressed to ensure the RFQ will allow for a wide pool of renewable energy engineers who specialize in solar, wind, tidal energy, and/or battery storage to apply. She said the RFQ only refers to gas-based solutions and the drawings only demonstrate gas-based facilities. Ms. Cox said the final scoping document is dated May 2016 and has not been revised to reflect NJ TRANSIT's changed requirements for a renewable energy-based solution.

Ms. Cox said the RFQ still states energy-based solutions will not be considered because they are not feasible. She said this is sloppy work and asked why this statement has not been revised. Further she said the RFQ requires bidders to be able to either build a gas-fired power plant or provide renewable energy, thus excluding bidders with only renewable energy expertise. Ms. Cox said the people who drafted this really put no thought in it, and said this requirement is unfair and skewed to favor gas producers and must be changed. She said the planet is on the brink of an irreversible tipping point and that Governor Murphy has stated a goal of 100 percent clean renewable energy by 2050 and has directed state agencies which is you NJ TRANSIT to develop statewide clean energy plans and shift away from dirty energy production. Ms. Cox asked them to think of their legacy and be bold and take action to move to a cleaner and more sustainable world.

Jeff Tittel thought they had a wonderful victory weeks ago when NJ TRANSIT decided to go down the path of looking at a hybrid microgrid but felt that the RFQ is full of hot air. He said as long as the RFQ favors natural gas as a main source of power, then the previous celebration they had weeks ago is really hollow. Mr. Tittel said until the RFQ is fixed so that a solar microgrid with a battery backup hybrid system gets the same level

playing field as the natural gas power plant, it is no good. He said if the playing field is not level it seems more like greenwashing, rather than a sincere effort to move NJ TRANSIT to 100 percent renewable energy. He said a full natural gas power plant should be off the table and the only thing that should be on the RFQ is a 25-megawatt power plant, not a 140-megawatt power plant.

Mr. Tittel said it was unfortunate, and they should move forward and power the NJ TRANSITGRID with renewable energy and a modern system rather than the fossil fuel foolishness of the past. He said it seems like NJ TRANSIT has put its thumb on the scale towards natural gas and has undercut the use of renewable energy. Mr. Tittel believes NJ TRANSIT needs to give equal footing to the renewable energy companies who do not have that right now. Most importantly, he believes NJ TRANSIT needs to withdraw the air permit because it seems like this whole thing is becoming a set-up to come up with a power plant saying well we tried, but it did not work because we did not get the right bidders, which Mr. Tittel said would be unacceptable. He said this microgrid has to be geared towards renewable energy because New Jersey has some of the worst air quality and are one of the biggest states impacted by climate change, so they need to clean up their act and run trains off of renewable energy. He said the RFQ puts them at risk.

Paula Rogovin, member of Don't Gas the Meadowlands and Coalition to Ban Unsafe Oil Trains, said she was 73 years old, taught Kindergarten and First Grade for more than four decades, and is a mother and grandmother of three. She said less than a year ago she never heard of a Request for Quotation (RFQ), but now that she is one of the stakeholders for the Coalition meeting with NJ TRANSIT, she needs to know how to understand these terms. She said thankfully her team from the Don't Gas the Meadowlands has experts who are teaching the rest of them and they are analyzing the RFQ that is being used in the request for bidders. Ms. Rogovin said she is so thankful to the experts at her Coalition for combing through the RFQ documents to make sure they understand them and that they are on track for renewable energy microgrid models.

Ms. Rogovin said in looking at the documents prepared by NJ TRANSIT, they keep seeing the words gas-fired power plant and said she thought NJ TRANSIT had decided to drop the proposed idea of a gas-fired power plant and pivoted towards a renewable energy hybrid proposal. She wondered if she heard that correctly weeks ago because her hearing was not that bad. She asked the Board to please take time and look at the RFQ themselves and the Coalition's analysis of the RFQ so they can see what they are saying.

Ms. Rogovin said maybe this is why Governor Murphy won't withdraw the air permit for the gas-fired power plant because of the RFQ. She feels like they have been deceived and thought that the stakeholders and NJ TRANSIT would be working together on a renewable energy hybrid microgrid, but clearly this is not the case. She does not want to meet with the NJ TRANSIT executive staff again until the RFQ is totally corrected, because she is angry about deception of excluding contractors who cannot develop a gas-fired power plant and a renewable energy microgrid.

Ms. Rogovin said the concept of being inclusive from the start has been wiped out and they call on the Board to delay the bidding process to revise and then reissue the RFQ according to NJ TRANSIT's promise to the public. She believes Governor Murphy must also withdraw the air permit.

David Hughes, spoke on behalf of the Rutgers AAUP-AFT Faculty Union, noting they represent more than 5,000 people who teach and do research in Camden, New Brunswick, and Newark, and many of them regularly use NJ TRANSIT. He said he was also a member of the Don't Gas the Meadowlands Coalition, Food and Water Watch, and the Sierra Club, and stands in solidarity with all these organizations.

Mr. Hughes said he had three issues with the RFQ for the NJ TRANSITGRID. First, he said it was clear to see that the people of New Jersey don't want a gas-fired power plant, the people of the United States don't want it, and as it became clear in the last election the people of the world don't want it either. He said he can't understand why the Board seems to want to smuggle natural gas, which is unethical and archaic fuel, back into the plan. He said to please consider their grandchildren and the legacy they are leaving if they use anything other than 100 percent renewables for this project.

Mr. Hughes said his second concern has to do with the technicalities in the RFQ and he does not understand why NJ TRANSIT is demanding that the microgrid should run for two-weeks, which seems to be an expectation that stacks the deck against solar. He said his engineers at Rutgers feels solar can meet this benchmark, but it is more difficult. Mr. Hughes said he could not imagine the circumstances NJ TRANSIT is thinking of where the grid elsewhere goes down for two-weeks, when there will be no power in office buildings, factories, or schools, yet a full load of commuters are still riding NJ TRANSIT on its islanded grid for two-weeks. He does not believe that is ever going to happen. Mr. Hughes said when another Superstorm Sandy comes along, the most people will need NJ TRANSIT for when the main grid goes down is one trip home, so he asked them to please relax the standards because it makes no sense.

Finally, Mr. Hughes said the advantages of solar in another Superstorm Sandy event are enormous because NJ TRANSIT's islanded microgrid can provide resilience at every train station through charging stations, so he thinks that the people of New Brunswick, Camden, and Newark can come charge their medical devices, cellphones, computers, and battery powered wheelchairs. He said the people who are most vulnerable in this state also live close to train stations and need the power NJ TRANSIT can provide through a 100 percent renewable energy microgrid. Mr. Hughes asked them do the right thing, think of the era they are in, and make a moral decision.

Ken Dolsky, member of the Don't Gas the Meadowlands Coalition and Empower New Jersey Steering Committee, said the Don't Gas the Meadowlands Committee has reviewed NJ TRANSIT's RFQ document on the NJ TRANSITGRID Project and sent a formal letter to NJ TRANSIT yesterday. Although, he realized that many of the Board members may not have seen it yet, he hopes that everyone will read the letter, and expects it to be a major topic at the next Stakeholders meeting on December 15, 2020.

Mr. Dolsky went on to summarize some of the issues with the RFQ and said that the NJ TRANSIT November 25, 2020 NJ TRANSITGRID RFQ raises important issues that must be resolved before NJ TRANSIT can accept responses and create a short-list of only four bidders for the project. He said the RFQ does not provide a realistic approach to receiving satisfactory, let alone the best, industry responses to meet the new goal of a renewable energy based microgrid solution. Specifically, Mr. Dolsky said, it undermines and brings into question NJ TRANSIT's commitment to solicit renewable energy solutions as well as the integrity of NJ TRANSIT's procurement process, which they perceive is prejudiced towards providers of gas plant solutions.

Mr. Dolsky said the Coalition took issues with the following: 1) the RFQ clearly demonstrates a strong preference for a centralized gas solution sending a prejudicial signal to bidders; 2) the RFQ unnecessarily requires bidders be able to build either type of solution, thus excluding bidders with only renewable energy expertise; 3) the RFQ considers the gas-based solution to be primary, indicating this is the desired solution; 4) the RFQ unnecessarily requires experience with a single 140MW renewable energy project thus excluding many well-qualified providers; 5) the RFQ timeline is prejudiced against the formulation of renewable energy bidder teams because it does not provide sufficient time for new bidders to form teams and produce the necessary documentation; 6) NJ TRANSIT does not plan to offer renewable energy-based solution bidders the same opportunity to discuss ideas in a market-sounding forum as it did the gas-based solution bidders; 7) the RFQ fails to address issues associated with acquiring property for siting of solar panels, thus unfairly penalizing renewable-energy based bidders; 8) the conditions of NJ TRANSIT's proposed sale of power to Amtrak are unlikely to be feasible with solar power; and 9) the RFQ should employ means to ensure participation by New Jersey-based companies. Mr. Dolsky said they were calling on NJ TRANSIT to stop the RFQ process and revise it to address the issues in question and he looks forward to discussing these issues in more depth at the next stakeholders meeting on December 15, 2020.

Adam Reich, Northeast Corridor rail rider, wanted to discuss a few items but first he echoed Sally Jane Gellert's comments about opening up the NJ TRANSIT station waiting rooms and restrooms. He said his concern is with the colder weather approaching, any vulnerable population traveling on rail such as the elderly might not have a warm place to wait for a train, which could be a problem in the event of unexpected delays.

Mr. Reich said looking on Social Media there continues to be an issue with riders seeing railcars closed and asked that on the frequently asked questions page for COVID-19 on NJ TRANSIT's website, information be put up about when railcars are supposed to be open depending on the travel period. He said he would also like NJ TRANSIT to look at whether it's worth any railcars being closed during this pandemic.

Mr. Reich said he wanted to ask Chair Gutierrez-Scaccetti and President & CEO Corbett a few questions and if they could answer them now, he would be willing to give some of his time to that; if not, he asked for answers after the public comment period. He asked if

there was an update on the hiring process for the new Customer Advocate and the Customer Advisory Board that was supposed to be formed under the prior advocate. Mr. Reich also asked if they would be able to commit to providing an update prior to the next Board meeting on February 10, 2021 or tell him when they could provide an answer to both.

Mr. Reich would also like Parsons to be at the next Committee meeting to provide a PTC update since they have a December 31, 2020 deadline and since the next Board meeting is not until February. He asked if they can get a page for the North Jersey Passenger Advisory Committee up under the Board Page and provide updates on the rollout of ticket scanners on trains. Lastly, he wanted to know whether NJ TRANSIT received any preliminary data on the cause of the North Jersey Coast Line derailment and asked did anyone know when the public could expect it.

Joseph Clift asked the Board to vote against Action Item 2012-79, Approval for NJ TRANSIT enter into a Full Funding Agreement with the FTA, to obtain a \$766 million Core Capacity Grant for the Portal North Bridge Project. He said it is not in the best interest of NJ TRANSIT riders and New Jersey taxpayers to build this over-scoped, over-priced, environmentally damaging, and unneeded \$1.8 million extravaganza of a bridge. He believes NJ TRANSIT staff has failed to provide the Board with the facts that prove it is bad for riders and taxpayers and requires lying to the FTA to obtain a grant.

Mr. Clift asked Vice Chair Fulton, Board Member Adams, Doshi, Gordon, Maroko and Narra, how it felt to have the rug pulled out from under them when the Governor vetoed their approval last month of an Academy Express contract because Academy was sued for allegedly billing \$15 million for bus trips never provided. He asked how it felt being left in the dark, and he bets not very good. Mr. Clift said now think how they will feel if they approve a contract fifty times greater than \$15 million that might be later outed as fraudulent, and they did not know because they were kept in the dark, fed misleading and false information, and denied important facts. He said that is exactly the issue the Board is faced with today in being asked to approve a contract with the FTA that is based on lies.

Mr. Clift said the Board must have all the facts to make an informed decision and they did not have them. He said this was his notice that they cannot do their fiduciary duty without these facts. Mr. Clift asked why NJ TRANSIT staff failed to provide an attachment of the FFGA, stated as a "significant term of this Agreement" in Section 5(e), page 36 of today's agenda. He asked if it was because they would have to include in their claim of increased levels of service that NEC Train #3122 and its 1,088 seats are credited to the new bridge, when they now finally admit the train is missing from the peak-hour schedule because of the engineer shortage. Mr. Clift said without this false claim, the project fails to qualify for a Core Capacity Grant.

Mr. Clift asked why NJ TRANSIT failed to show in the most recent submission to the FTA that New Jersey Coastline Train #3224 had already been converted to a multi-level equipped train instead of the predecessor Comet-equipped train. He asked if it was

because the 189 seats thereby denied as a credit to the new bridge make false President & CEO Corbett's claim in his letter published to the *NY Daily News* last January that the project increases seats by the legally required 10 percent even if the missing train is included. Mr. Clift said President & CEO Corbett knew or should have known this claim was false at the time he made it.

Jeffrey Rapaport said he was hoping not to speak today but was so disappointed at what was taking place. He said there was little doubt in his mind that a fair evaluation of a gas-fired power plant versus a renewable energy solution was taken into consideration because a renewable energy solution would win hands down. He was sad to see the RFQ so biased against a renewable energy alternative and said this was unsatisfactory. Mr. Rapaport said he was hoping they could hold back for a while after their organized efforts and wished he didn't have to encourage others to call, but he was so wrong.

Mr. Rapaport asked them to put the gas-fired alternative to rest because it is unsatisfactory, unhealthy, bad for the environment, climate change, and no good for New Jersey. He said to get rid of the bias in the RFQ in favor of a gas plant and the RFQ demonstrates a strong preference for a centralized gas solution indicating that others are wasting their efforts, which is a powerful signal to give. Mr. Rapaport said the RFQ's communicates to industry bidders that NJ TRANSIT is looking for a gas-based solution. He said the RFQ industry briefing documents refers only to a gas-based solution and the drawings refer to gas-based facilities. Mr. Rapaport said a solar solution could take advantage of its most modularity panels near point entry into the microgrid power network to reduce transmission losses and create resiliency by execution of power sources. He said NJ TRANSIT should allow bids based on both technologies independently.

David Pringle, representing Clean Water Action, said his comments would be aligned with all the others speaking in favor of changing the NJ TRANSITGRID Project. He said the Board Members must be frustrated with hearing about all of this again and said welcome to their world. Mr. Pringle said they thought they were in a much better place last month and did not know where the disconnect was. He said while they appreciate the improved dialogue over the past couple of months, they all would be very remised if they did not continue to fight just as hard on this RFQ. Mr. Pringle said tying fracked gas to renewables is ridiculous because it demonstrates a bias towards fracked gas and insults the direction that Governor Murphy has set for New Jersey in terms of clean energy and what the science dictates. He said do unto fracked gas what they want done unto COVID; follow the science, withdraw the air permit, revise the RFQ, take their foot off the gas pedal, and accelerate to renewables. Lastly, Mr. Pringle urged them not to require a renewables expert to offer up some type of fracked gas solution, because they are just setting renewable experts up for failure and this is not acceptable.

Jason Anthony, Vice President of Passengers United, said he has been hearing testimony today from some New Jersey residents speaking against Action Item 2012-79 Approval to enter into Agreement with the FTA to support the Portal North Bridge Project. He felt these people did not understand the domino effect that this item would have on many if it is not approved. He said he could ride NJ TRANSIT or Amtrak like he did last

month from Penn Station New York (PSNY) to Secaucus and if the Portal North Bridge breaks down or has a mechanical issue, this would cause a domino effect and both NJ TRANSIT and Amtrak trains would be delayed for hours and people coming from Penn Station New York and those coming from far as Washington D.C. could be affected.

Mr. Anthony said he was glad to see Newark Penn Station is going to be renovated because it is way overdue and the homeless situation in the station needs to be addressed. When he took the train last year and used the NJ TRANSIT App, he could not understand why the conductor did not scan the bar code for his e-pass ticket after paying for it. Lastly, Mr. Anthony said Passengers United will continue to support NJ TRANSIT and he looks forward to working with Chair Gutierrez-Scaccetti, President & CEO Corbett, and Vice Chair Fulton in 2021.

William McClelland, member of the Don't Gas the Meadowlands Coalition and volunteer with Food and Water Watch, said he wanted to address the RFQ for the NJ TRANSITGRID. He said the Board needs to read, study, and comprehend the detailed letter that Empower New Jersey and Don't Gas the Meadowlands sent to NJ TRANSIT yesterday. Mr. McClelland said they expect action from NJ TRANSIT because they cannot just act like they are all for a renewable solution and then go ahead with their original plans focused on a gas solution.

Mr. McClelland said the RFQ for this project "involves the construction of a new natural gas-fired electric power generating microgrid central facility, the MCF will utilize combined cycle and simple cycle technology resulting in power generation capacity of 140 megawatts." He said a centralized MCF makes no sense with a solar based solution, and that NJ TRANSIT is making it difficult and discouraging as possible for companies focused on renewable solutions to respond. Mr. McClelland said the RFQ was published on November 25, 2020 and requires responses by January 25, 2021. He believes this is a completely unrealistic timeframe in which new bidders only have 60 days to form new teams consisting of a number of companies with different areas of technological and business expertise.

Mr. McClelland said the RFQ has clearly been designed to discourage renewable energy project bidders from submitting proposals and now as it stands is unacceptable, needs be canceled, and rewritten with a new date set. He said if they think they are going to sit by while NJ TRANSIT plans to build its original vision of a gas power plant, they are sadly mistaken, and was dumbfounded that NJ TRANSIT would think this RFQ in any way would be acceptable. He asked if anyone on the Board or President & CEO Corbett would like to address these issues.

Chair Gutierrez-Scaccetti said the Board would have the option to comment at the conclusion of the public comment period and was sure there would be Board Members that would respond.

Mr. McClelland said they need to interact with the people who are calling and seriously respond to the letter that was sent to NJ TRANSIT. He said everyone needs to wake up and start doing their job and revise the RFQ because they are in a climate crisis.

David Peter Alan, Chair of the Lackawanna Coalition, said he was speaking personally today and wanted to make this statement. After 21 years, he was addressing this Board for the last time as Coalition Chair. He said his future role will be as an adviser, rather than a leader. As he reduces his participation locally, he will be more active on the national scene, with the Rail Users' Network (RUN) and through his independent journalism, where he believes he can be most effective.

While Mr. Alan made statements as Coalition Chair for almost 20 years, he said he was glad to be doing so for the last time. Through all those years, he said he cannot recall a single instance where anyone on this Board said that he had a good idea that should be implemented. Mr. Alan said fortunately, there have been times when managers did take his suggestions, like last month when they restored two trains to the Raritan Line schedule, which also improved connections for bus riders on Hunterdon County LINK.

Mr. Alan urged the Board not to approve the Portal North Bridge. He believes it is bad for the environment, they do not need it, and they cannot afford it. If they vote it down, he said he will do everything he can to promote building a monument to their good sense that will be better than the one the Gateway people would give.

Mr. Alan said because he has earned a nationwide reputation in this field, he finds it very difficult to believe that essentially everything he suggested over the years lacks merit. He believes it is more likely the problem is that he faces a Board that does not have even one member who depends on transit for mobility. He said when he campaigned vigorously for reforms that included requiring at least one such member, Mr. Gordon and other legislators shot that idea down. Mr. Alan said they can inflict as much pain as they please on transit-dependent riders by cutting service or raising fares, but not one of the Board will feel any of that pain. He said counties used to have Boards of Chosen Freeholders and they are NJ TRANSIT's Board of Chosen Motorists.

Mr. Alan said he saw one bright spot when Board Member Adams had the courage to vote "no" twice this year. He said the last person who did that was removed at the first opportunity. Mr. Alan said around there, unanimity on every vote seems far more important than good governance. He believes the last so-called "reform" effort was a sham and nothing has changed. Mr. Alan said there can be no genuine reform while the same politicians, none of whom depend on transit, call the shots. He said he has heard a lot about oversight, but if they are serious about it, they can prove that by reinstating Todd Barretta. Mr. Alan said he was fired and harassed with litigation by the Christie and Murphy administrations, apparently for doing his job too well.

Mr. Alan complained that they have cut their time from five minutes to three, which means they can no longer give information that they know they need to hear. He said sadly, whatever time they give, they still don't seem to listen to what they have to say or take it

seriously. He said if they choose to criticize what he said today, he requested an opportunity to respond.

George Haikalis, President of the Institute for Rational Urban Mobility (IRUM), said they urge the Board of NJ TRANSIT to drop its plan to build the Portal North commuter rail bridge across the Hackensack River. He said IRUM is a New York City based nonprofit organization that has long called for advancing, affordable, cost-effective transportation infrastructure projects, and sensible operating strategies. Mr. Haikalis said the COVID-19 pandemic has devastated the health and economic well-being of the 23 million people living in the New York, New Jersey, and Connecticut urban region. He said this is not the time for NJ TRANSIT to use its scarce resources to invest in wasteful capital projects, while raising fares and cutting service for residents who desperately need to reach jobs an opportunity in the congested core of the region. Mr. Haikalis said the NJ TRANSIT Board should do the arithmetic, and at present, there are two tracks across the Hackensack River on Amtrak's Northeast Corridor Line using the Portal Bridge and three tracks on NJ TRANSIT's Morristown Line. He said there are only two tracks across the Hudson River linking New Jersey and New York.

Mr. Haikalis said NJ TRANSIT should focus its efforts on adding more track capacity across the Hudson, because presently less than five percent of peak hour, peak direction passengers using the existing tunnels are on Amtrak trains, and that capacity is an NJ TRANSIT issue. He said it was childish for the NJ TRANSIT Board to expect the rest of the United States to pay for much needed capacity for well-off commuters to travel across the Hudson. Mr. Haikalis said New Jersey has the second highest per capital income in the United States and said how dumb can the NJ TRANSIT Board think the rest of the nation is. He said the existing three track Morristown Line terminates at Hoboken and to complete the system, NJ TRANSIT should focus on adding rail crossings capacity across the Hudson from Hoboken to Penn Station. He said it is time for NJ TRANSIT to drop its commitment to waste and revisit this proposal.

Hanna Kendig, said she was a volunteer for Climate Mobilization, which is geared towards bringing the nation to a place where they can eliminate fossil fuels. Ms. Kendig said she currently lives in Weehawken and would like to reiterate what everyone has said today on the RFQ. She said the RFQ was biased towards fossil fuels and the push towards a renewable solution was not considered. Ms. Kendig said while the testimony heard today said everything, she wanted to point out that the last four years has exposed so many flaws in the system and has led to a constitutional crisis. She said Americans have very little trust and faith in their institutions, society, and government, and that the RFQ was a perfect example of how the constituents and communities have been working towards having their government move tax dollars towards renewable energy. Ms. Kendig said in going back on their commitment to a renewable energy solution, the Board is weakening their faith and trust in society and once this trust is gone, they see society crumbling around them. She said besides the obvious risks to their climate, this is the time for NJ TRANSIT to stay true to its word and commitment to a renewable energy solution. Lastly, she said she loved the comments about the front-line bus and rail workers because they are the true heroes in this pandemic.

Board Member Adams thanked all the public speakers for taking the time out of their day to let NJ TRANSIT know what their comments, questions, and concerns were. He said to touch on a few points he heard today, first being the letter from the Don't Gas the Meadowlands Coalition sent to NJ TRANSIT and the Board concerning the RFQ for the NJ TRANSITGRID, Board Member Adams said that he could commit that the Board and speaking specifically for himself, will read their concerns and take them under consideration and under the proper procurement guidelines see how they can address their concerns. Board Member Adams said the Board is listening and not always commenting after public comments does not mean that the Board does not consider their concerns and think they are serious. He said they do discuss these concerns with the administration on a regular basis.

Board Member Adams thanked President & CEO Corbett and Chief Trucillo for their reports and said that he wanted to comment on what a previous speaker said about how it took NJ TRANSIT until December to talk about masks. He said if he remembers correctly, NJ TRANSIT has been posting on its website, in stations, and on buses and trains about the importance of wearing masks, and he seems to remember President & CEO Corbett mentioning the importance of wearing masks at every Board meeting, not to mention it is one of the Governor's mandates.

Board Member Adams said in regard to Chief Trucillo's report, they were in a sad state of affairs when his Police Chief has to actually tell the public to treat NJ TRANSIT train operators and bus drivers with the respect that they deserve. He was glad the Chief made the comments and thanked him for the work he and his staff do. Board Member Adams said he also is looking forward to seeing the report on the North Jersey Coast Line derailment and is sure that staff and the police will provide the Board with information once they have finished analyzing all the data. He thanked those again who called in to voice their concerns.

Board Member Doshi also thanked the public for taking time out of their day and to all the speakers. She said she wanted to reiterate Board Member Adams' comment that the Board is listening to all the comments and take them seriously. In her limited time on the Board, everyone has been very professional at NJ TRANSIT and they discuss everyone's concerns. Board Member Doshi thanked Chief Trucillo and all his police officers because they have done an incredible job, and while they do not often think they hold the police to a higher standard, they do, because they ask them handle issues such as homelessness, drug addiction, and many other things that are beyond policing and they have done an incredible job. Board Member Doshi said as one of the previous callers said the frontline NJ TRANSIT workers are the true heroes and she thanked them all.

Board Member Doshi also reiterated the Board's commitment to protecting the environment and said although the comments stating they go back and forth, everyone she's dealt with on the NJ TRANSIT Executive and Senior Management staff are committed to protecting the environment. Board Member Doshi said they have to look at reliability and safety for NJ TRANSIT riders which is of utmost concern to them.

Board Member Gordon thanked all of the speakers for participating today and assured them that the Board would review their comments and any written communication provided. He said he wanted to touch on two issues, one being the RFQ for the NJ TRANSITGRID and expects that the document has been reviewed by the Ad Hoc Committee. Board Member Gordon said he himself has not seen the RFQ document, however, would like to review it and asked that it be submitted to the full Board for review. He hopes that in the coming weeks they can discuss the RFQ as a full Board to see where they are on the project and discuss the comments and concerns of those presented to them.

Secondly, Board Member Gordon said on the Portal North Bridge they have heard comments today from participants and seen a number of editorials questioning NJ TRANSIT's compliance with FTA requirements for a 10 percent increase in capacity. He said when they get to Board Action Item 2012-79, he would hope that staff could respond to these concerns expressed by the public.

Board Member Maroko thanked the public for their comments and especially thanked President & CEO Corbett and Chief Trucillo for their reports which were very informative. He said he wanted to take this opportunity since this was the last Board meeting of the year to thank the staff for all of their hard work during this difficult year, and a special thanks to the frontline staff who are putting themselves in harm's way to make sure NJ TRANSIT keeps running so commuters can get to their destinations.

Board Member Narra said she would like to reiterate a few comments touched on by Board Members Adams and Gordon in regard to the RFQ and the NJ TRANSITGRID. She said she has not seen the letter from the Don't Gas the Meadowlands Coalition but wanted to ensure the public the Board not only has been listening but have been engaging with the staff and asking questions, and although it may not seem like it because there is no dialogue back forth, they are paying attention. Board Member Narra said she has been listening to the RFQ comments and is eager to read the letter sent in. She said they will ask more questions and many of them are committed to seeing this NJ TRANSITGRID Project being done in the most environmentally friendly way that is possible.

Board Member Narra said in regard to what Board Member Gordon said about Portal North, there were a number of speakers who asked questions based on what was presented to the Board and she too is hoping that some of the answers could be communicated when they get to Board Action Item 2012-79.

Since this is the last Board meeting of the year, Board Member Narra wanted to thank everyone at NJ TRANSIT for their hard work. She said being a new Board Member and learning to traverse the system during the COVID pandemic has not been easy and she thanked all the staff members in administration who have brought her up to speed. Board Member Narra said the fact that they have lost 15 members of the NJ TRANSIT family during COVID is heartbreaking and sends the families her regards. She also said this is not the first time that NJ TRANSIT has been focusing on face masks and knows that the

administration has been very concerned about all staff and have been working to make it safe for everyone, not only riders, but staff as well.

Finally, Board Member Narra said speaking for herself in response to one of the speakers who said Board Members were not regular commuters. She said pre-COVID she rode suburban transit Monday through Friday from East Brunswick to downtown Manhattan and is very cognizant about the issues related to public transportation and New Jersey residents, and will continue to bring this experience and her many years as commuter to the Board.

Board Member Rasmussen thanked the public for their comments and said the Board is listening and echoed the rest of the Board's comments.

Board Member Wilton thanked the public for their comments and taking time out of their busy day to provide feedback to the Board because it helps them do their jobs as Board Members better. Also, he said he would like to echo Board Member Maroko's comments and thank the NJ TRANSIT staff from the frontline workers, office staff, and administration for all their hard work during this challenging year. Board Member Wilton said he would also like to single out Chair Gutierrez-Scaccetti for her service as Chair of the Board and DOT Commissioner and said she is one of the hardest working people in New Jersey state government and serves the residents extremely well, and that he could not think of anyone better to serve in this capacity bar none.

Vice Chair Fulton said he appreciated the robust discussion from the speakers and his colleagues and said the truth of the matter is that they are dealing with very difficult issues that requires the kind of effort that all of them are committed to. He provided his condolences to all of the families who lost loved ones due to COVID. He also said he would like to thank the employees who are working every single day to make sure NJ TRANSIT is providing the highest level of service they can during very difficult times. Vice Chair Fulton was happy to hear the continued focus against COVID and protecting people in their efforts on the side of cleaning facilities where employees work and, on their bus and trains. He was also pleased to hear about the technology that is being put in place to help deal with COVID.

Vice Chair Fulton commended Chief Trucillo on his report and all the measures that he and his officers take which reminds him of something important the Chief said about everyone feeling differently not withstanding that they need a measured approach to make sure they protect the maximum amount of people. He said just as his colleague said this has been the objective from the very beginning and that the need and importance of wearing a mask has been talked about time and time again.

Vice Chair Fulton said he was also glad to hear about the work with Rutgers regarding rail grade crossings because it's truly an issue they need to focus on because there are hundreds of them, and they need to save lives.

Vice Chair Fulton said there is a Stakeholders meeting next week with regard to the RFQ for the NJ TRANSITGRID and he too has not seen the letter sent in but has taken copious notes and looks forward to that conversation. He assured the public that the comments are taken to heart and he appreciates the education from their perspective.

Lastly, in regard to the Portal North Bridge, Vice Chair Fulton said he too is looking forward to staff addressing the need for this project both as it relates to the overall capacity requirement as well as the benefits that the entire network will derive from advancing this initiative.

Chair Gutierrez-Scaccetti first thanked the entire team at NJ TRANSIT, frontline employees of UTU, ATU, and the other Unions represented for being out in the field, notwithstanding the risk that they take every day to move the people who need public transit. She said it is not a perfect situation and that they have regrettably lost several members of the team and for that she will continue to pray for them and their families.

Chair Gutierrez-Scaccetti said she will continue to pray for the NJ TRANSIT Police and if they listened to the kinds of events they addressed, they too put their lives on the line like any other police officer every day in some of the most difficult circumstances, especially at a time when emotions are running high. She said this has been a unique year in so many ways and said she knows that Chief Trucillo is listening and hopes he will convey to his team her deepest gratitude for them showing up every day and dealing with the tough situations. Chair Gutierrez-Scaccetti said it was nice to see the police bring new life into the world which is always a sign of hope, and it's a wonderful gift when they can help those for whatever reason who may be struggling and cannot help themselves.

Chair Gutierrez-Scaccetti said for those who have raised concerns about the homeless issue, especially as they improve Newark Penn Station, please know that it has not fallen on deaf ears and in the short-term they will hear an initiative that will help to deal with the folks who do not have a place to call home for whatever reason. She said two things that should never happen in this country is that no one should ever go without a meal, and no one should ever be without a roof over their head and that is just her personal view.

Chair Gutierrez-Scaccetti said in reference to the NJ TRANSITGRID, she has asked for a copy of the RFQ as well as the comments submitted in the letter yesterday to NJ TRANSIT by the stakeholders. She said she would be disappointed to think they structured a document that narrows the opportunity in the field of those who cannot participate. She said they will look at the RFQ to make sure the playing field is as broad as can be. Chair Gutierrez-Scaccetti said the reality is that they struggle with many demands from the FTA on diligence to get money under contract and said not to say this will drive this decision in any way. She said they also struggle with people who do not speak on this call who expect NJ TRANSIT to run, and do not share the environmental sentiment as others, and then there is the demands of all of them who rightfully so are doing what's right as not only stakeholders, but for New Jersey and the world as they face climate change which no one denies.

Having said this, Chair Gutierrez-Scaccetti said she intends to ask President & CEO Corbett to slow the process of the RFQ down until she has had the chance to read the RFQ and afterwards she would then provide comments to the staff. She will then ask President & CEO Corbett and his team to engage in a discussion with the DEP to discuss the process of withdrawing the air permit and what the ramifications will be for NJ TRANSIT.

Chair Gutierrez-Scaccetti said in any business whether transit, DOT, tolls, or roads they have decisions to make that are not always black and white that have implications, and also serve many types of customers. She said it would be interesting to say at DOT they don't just build roads and bridges, they manage aviation, maritime, freight rail as well as its road network, so in their decision making they must look at the impact on so many. Chair Gutierrez-Scaccetti believes there was no intent on the part of NJ TRANSIT staff, although she has not spoken to anyone, to limit or sidestep the direction they have been given.

Chair Gutierrez-Scaccetti said this is a staff that has been distracted on a number of occasions. She commends them for trying to keep their focus on what their job is, and they too think they are doing the right thing for their commuters. She said the Board's job is to balance this and create advocacy for all, and this will be done together as a Board with President & CEO Corbett and his team, and with the stakeholders. Chair Gutierrez-Scaccetti said to give them some time and that while they do not have a meeting in January, that does not mean they cannot have one and are always able to schedule a meeting with proper notice. She said they will see what they can do within the next couple of weeks and perhaps even if it is a brief, there could be a public meeting to report back out on this topic.

Public Comments Submitted In Lieu Of Speaking

Thomas Palczewski submitted a written statement regarding NJ TRANSIT audit concerns.

Matt Dunne submitted a written statement noting with the upcoming COVID-19 vaccines many people are starting to think about their commute and what it would look like in a few months. He is sure most people are going to continue to wear masks on trains, but his concern is the state of things in Penn Station. He expressed concern that during rush hour people are squeezed together waiting for trains and when trains finally are announced, it is a sea of people being squeezed into one lane of traffic down a narrow staircase. He wonders if anything has been or is being planned to expand the access points to the trains below Penn Station.

Michael Ball submitted a written statement about the current problems with just wearing a mask, noting they rely on everyone to purchase a mask and maintain the sanitation of these items on their own. He believes the problem lies within the whole concept. Mr. Ball said masks currently act as a petri dish of germs on a day to day basis.

Mr. Ball said his company Emergence Technologies produces the only masks that actually serve a purpose and their technology of a nano silver coating are by far the most effective and cost-effective masks on the market. He said they are able to be worn for a year and need only be washed once a month. Mr. Ball said the coating applied acts to mitigate any and all bacteria and viruses that may come into contact with it by destroying it on contact. He said current masks simply store bacteria in the fibers all day every day, theirs fixes this problem. Mr. Ball believes there needs to be a standard for what company employees are wearing and maintaining and they solved this issue. He provided information on how and why it works and contact information.

Advisory Committee Report

Suzanne Mack presented the Advisory Committee Report. She said the joint advisory committee meeting for North and South Jersey is next week and will report on this at the February Board meeting. Ms. Mack thanked everyone and especially Chair Gutierrez-Scaccetti for her balance because she knows firsthand as an advocate the importance of taking everything in and that is why she speaks last at meetings so she can hear all the public comments.

Ms. Mack said after listening to everyone she then reports back to the Advisory Committee on all of the issues raised by the public that they feel passionate enough about to bring to the Board meetings. She said that when the public thinks that no one is listening, remember they started off the year with Justice for Mr. Graddy and continually talking about PTC, and then the NJ TRANSITGRID for sustainability. Although there may be some issues where people are not satisfied with the outcome, the Board clearly has shown they are listening, they take input, and take action. Ms. Mack said many times she has seen things on the agenda they do not advance forward because of the Board's input to move in another direction.

Ms. Mack said 2020 has been a year no one expected and seeing what the staff has done is remarkable and that the signs regarding masks are up on the Jersey City buses and her son rides the bus in Hoboken and signs are up there as well. She said it was gratifying to her that the NJ TRANSIT system did not collapse and is still out there for people who have no other way of getting around other than public transportation. Ms. Mack said the ability to rebound under the Board's and President & CEO Corbett and his team's leadership is what the focus should be on and she hopes that next year things will start to return to normal with the COVID vaccine coming out. She looks at the agendas which show resiliency issues NJ TRANSIT is dealing with and looking at Governor Murphy's announcement about a multi-million-dollar grant for the renovations to Newark Penn Station is a cause for hope and shows that they will come out of this pandemic and will move on.

Lastly, Ms. Mack thanked everyone for their great efforts and work on the Portal North Bridge Project. She hopes that they will go back to some sort of normalcy next year and transit will be able to take people back to their jobs and where they need to go, and they cannot do this without the proper infrastructure in place. Ms. Mack thanked the frontline

workers and the leadership at NJ TRANSIT. She said to stay safe and wished everyone happy holidays.

Senior Citizen and Disabled Resident Transportation Advisory Committee Report

Basil Giletto presented the Senior Citizen and Disabled Resident Transportation Advisory Committee (SCDRTAC) Report. thanked the Board for listening to the four updates he has given to the Board in the last two years. He said in these presentations he hopes he has made it clear that his constituents, the elderly, and disabled, absolutely need NJ TRANSIT. Mr. Giletto said many of those he represents use NJ TRANSIT buses or trains as their only means of transport. He said so many more of their seniors will lose their licenses in the near future and will want to turn to transit.

Mr. Giletto said their casinos during the last quarter ran a 32 percent decrease affecting Senior Citizen and Disabled Resident Transportation Assistance Program (SCDRTAP) funds for the county transportation services for seniors and people with disabilities. He asked what their breakeven was, how long can they continue while operating in the red, and what happens to their services without them because the counties cannot do this alone. Mr. Giletto said they will do their best, but truly needs Local Programs to support their efforts.

Mr. Giletto knows COVID has disrupted the NJ TRANSIT organization and they as a Committee and understand that this new norm for services will be a compromise at best. He asked that NJ TRANSIT remember them, seniors, and the disabled when hard decisions have to be made. Mr. Giletto said his committee, the Citizens Advisory Committee, is positioned to provide input when and if it is needed. He said it was his sincere hope that they can be a benefit to this Board.

Mr. Giletto thanked Local Programs and Minibus Support for the work they accomplished over the last two years and hopes that their committee has been of value. Now that his term as Chair is coming to an end at the end of this month, he is still concerned how much has changed since March, and said he has every confidence that NJ TRANSIT will be able to navigate through this crisis but so much also is dependent upon the State's 21 counties. Mr. Giletto said thankfully Local Programs has worked very closely with each and every one of them. He urged them to continue to utilize their insight, because their constituents, seniors, and the disabled will be forever grateful. Mr. Giletto again thanked the Board for what they do and know that he personally felt honored to be able to contribute through this committee.

Chair Gutierrez-Scaccetti thanked Mr. Giletto for his report and his service on the committee and to NJ TRANSIT.

Board Operations and Customer Service Committee Report

Board Member Wilton presented the report for the Operations and Customer Service Committee. The Operations and Customer Service Committee received an update on the

trends, analysis, and actions for rail, bus, light rail, and Access Link. The Committee also received an update on the Cost of Service and a presentation regarding COVID-19 Pandemic Planning.

Board Administration Committee Report

Board Member Maroko presented the report for the Administration Committee. The Administration Committee received a Financial Update. 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 Committee discussed the board items for the NJ TRANSIT Resilience Program: Meadows Maintenance Complex (MMC)/Rail Operations Center (ROC) Building Flood Control: Construction Contract Amendment to Increase Contingency Funding; NJ TRANSIT Capital Program: Agreement with Rutgers University for Services, including Applied Research, Technical Support, and Workforce Development; and Newark Penn Station Improvements: Construction Contract Award for Paving and Drainage Improvements.

Board Safety Committee Report

Board Member Adams presented the report for the Safety Committee. The Safety Committee received discussed the Office of System Safety's activities and the performance indicators for Rail, Bus, Light Rail, and Access Link. Additionally, the Committee received a briefing on the annual Bus Safety Awards Program, recognizing NJ TRANSIT Bus operators who achieved 10, 20, and 30 consecutive years of safe driving.

The NJ TRANSIT Office of System Safety continues to create and implement proactive safety programs, working collaboratively with both internal operational departments as well as external stakeholders and regulatory agencies. The core mission of the Office of System Safety is to continue to provide a safe environment for customers, colleagues, and the local neighborhoods NJ TRANSIT travels through. Through risk-based safety management principles and trend analysis, the Office of System Safety continues to proactively mitigate potential hazards.

The Committee also received an update from Chief Trucillo regarding the work of the New Jersey Transit Police Department. Chief Trucillo provided a snapshot of the activities of the New Jersey Transit Police Department for the month of November, beginning with the concerns around COVID-19. The Chief gave information concerning the number of mask detail the department conducted, the number of calls responded to concerning mask issues and reported that the department issued its first summons due to a non-compliance issue. In addition, the Chief provided an update on the current COVID-19

status within the police department. The Chief also gave an update from the Office of Emergency Management as well as a crime briefing for the month of November. The Chief concluded his briefing with information on employee assaults.

Action Items

2012-75: NJ TRANSIT RESILIENCE PROGRAM: MEADOWS MAINTENANCE COMPLEX (MMC)/RAIL OPERATIONS CENTER (ROC) BUILDING FLOOD CONTROL: CONSTRUCTION CONTRACT AMENDMENT TO INCREASE CONTINGENCY FUNDING

President & CEO Corbett introduced Eric Daleo, Senior Vice President, Capital Programs, to present Action Item #2012-75.

Eric Daleo recommended approval of Action Item #2012-75: New Jersey Transit Resilience Program: Meadows Maintenance Complex (MMC)/Rail Operations Center (ROC) Building Flood Control: Construction Contract Amendment to Increase Contingency Funding.

The Meadows Maintenance Complex (MMC) Building Perimeter Flood Control project requires additional contingency to address previously undocumented underground utility lines and other features which have since been discovered. This will also allow differing site conditions in existing electrical components and in physical structures to be properly addressed. This project is critical in providing protection against damage from future storms.

Approval was requested to increase contingency funding to a contract with DMR Construction Services, Inc., by an additional five percent, for a total contract authorization of \$18,340,280, plus ten percent for contingency, subject to the availability of funds.

Approval of this construction contract change will allow for completion of the ongoing resiliency project at New Jersey Transit's Meadows Maintenance Complex and will also harden the Meadows Maintenance Complex against future storm surges.

Vice Chair Cedrick T. Fulton made a motion and Board Member Brian T. Wilton seconded the motion.

Board Member Adams thanked staff for their patience answering his questions and providing information regarding this item. He noted he asked a lot of questions and staff provided timely accurate responses that helped him understand. Board Member Doshi also thanked staff.

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

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2012-76: NJ TRANSIT CAPITAL PROGRAM: AGREEMENT WITH RUTGERS UNIVERSITY FOR SERVICES, INCLUDING APPLIED RESEARCH, TECHNICAL SUPPORT, AND WORKFORCE DEVELOPMENT

President & CEO Corbett introduced Eric Daleo, Senior Vice President, Capital Programs, to present Action Item #2012-76.

Eric Daleo recommended approval of Action Item #2012-76: New Jersey Transit Capital Program: Agreement with Rutgers University for Services, including Applied Research, Technical Support, and Workforce Development.

This item will allow New Jersey Transit to enter an agreement with Rutgers to obtain short and long-term research, technical support, and workforce development assistance from a portfolio of intellectual resources at Rutgers to address New Jersey Transit’s current and emerging needs in a variety of areas to support the continuous improvement of its capital programming, State of Good Repair, rail and bus operational safety, efficiency, sustainability and resiliency, as well as developing a sustainable pipeline of talent for its future workforce.

Approval was requested to enter into an agreement with Rutgers, The State University of New Jersey for five years on an as-needed task order basis for services, including Applied Research, Technical Support, and Workforce Development.

Board Member James D. Adams made a motion and Board Member Bob Gordon seconded the motion. Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2012-77: NEWARK PENN STATION IMPROVEMENTS: CONSTRUCTION CONTRACT AWARD FOR PAVING AND DRAINAGE IMPROVEMENTS

President & CEO Corbett introduced Eric Daleo, Senior Vice President, Capital Programs, to present Action Item #2012-77.

Eric Daleo recommended approval of Action Item #2012-77: Newark Penn Station Improvements: Construction Contract Award for Paving and Drainage Improvements.

The Newark Penn Station Improvements project will include necessary repairs to the pavement and drainage structures located at the Raymond Boulevard and Market Street bus lanes. After many years of deterioration, this project will restore those lanes to a state of good repair and improve bus operations in the vicinity.

Approval was requested to enter into a contract with Green Construction of South River, New Jersey for the construction of the Newark Penn Station Improvements project in an amount not to exceed \$1,060,060.00, plus five percent for contingencies, subject to the availability of funds.

Approval of this Construction Contract will allow for repairs to eliminate the existing hazards, restore the stability of New Jersey Transit’s Newark Penn Station bus terminals, and ensure critical service at this facility will no longer be interrupted by issues caused from the current damaged area for the foreseeable future.

Vice Chair Cedrick T. Fulton made a motion and Board Member Bob Gordon seconded the motion.

Board Member Adams asked Eric Daleo if the cost was included in the funding the Governor announced yesterday or if it was separate and distinct. Mr. Daleo said the amount was separate and distinct from that investment.

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

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Secretary Zuczek noted Chair Gutierrez-Scaccetti was recused from the next item 2012-78. The Operator removed Chair Gutierrez-Scaccetti from the meetings.

2012-78: INDEPENDENT FINANCIAL ADVISORY SERVICES – TASK ORDER CONTRACT

President & CEO Corbett introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2012-78.

William Viqueira recommended approval of Action Item #2012-78: Independent Financial Advisory Services – Task Order Contract.

New Jersey Transit has a need for financial advisory services on a task order basis to support both ongoing major capital projects as well as anticipated future, periodic needs. Specifically, in certain instances, highly specialized skillsets are required to augment staff and help determine innovative funding and/or financing solutions, and transaction structuring including the evaluation of potential public private partnership opportunities or other alternative project delivery options.

Independent Financial Advisors will provide a variety of specialized services requiring expertise which New Jersey Transit does not possess and would not be cost-effective to maintain in-house due to the expertise required, changing nature of the market, and short duration of specific needs.

Approval was requested to enter into contracts with the firms shown in Exhibit A for Independent Financial Advisory Services. The total value of this Independent Financial Advisory Services Task Order program will not exceed \$10,000,000. Each contract will extend for five years; the maximum task and contract limits are shown in Exhibit B.

Board Member Shanti Narra made a motion and Board Member James D. Adams seconded the motion. Vice Chair Fulton asked for a roll call vote and the item was adopted.

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Recused

Chair Gutierrez-Scaccetti returned to the meetings.

2012-79: APPROVAL TO ENTER INTO AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION TO SUPPORT THE PORTAL NORTH BRIDGE PROJECT

President & CEO Corbett introduced Eric Daleo, Senior Vice President, Capital Programs, to present Action Item #2012-79. Eric Daleo recommended approval of Action Item #2012-79: Approval to Enter into an Agreement with the Federal Transit Administration to Support the Portal North Bridge Project.

The new Portal North Bridge will be used jointly by Amtrak and NJ TRANSIT for intercity and commuter passenger rail service and operated and maintained by Amtrak. Approval of this agreement will allow NJ TRANSIT, with the assistance of Amtrak, to undertake a project to construct, operate, and maintain a new Portal North Bridge and 2.44 miles of related railroad infrastructure. NJ TRANSIT has completed the necessary agreements and documentation required pursuant to 49 U.S.C. Section 5309 to progress a Core

Capacity grant and is eligible to sign a Full Funding Grant Agreement with the Federal Transit Administration.

The Project will construct a new, high level rail bridge that provides for 50 feet of vertical clearance above the mean high-water level of the Hackensack River. The existing Portal Bridge provides only 23 feet of vertical clearance. These improvements will address critical issues that are currently plaguing Portal Bridge.

Approval was requested to enter into the attached Full Funding Grant Agreement for the Portal North Bridge Project between NJ TRANSIT and the Federal Transit Administration, and to take all other steps necessary, subject to the availability of funds, to comply with the terms and conditions of the Full Funding Grant Agreement.

Vice Chair Cedrick T. Fulton made a motion and Board Member James D. Adams seconded the motion.

Board Member Adams thanked Chair Gutierrez-Scaccetti, President & CEO Corbett, Eric Daleo, and staff for their hard and dedicated work. He knows this was a long time coming and it is a much needed and excellent project and he knows this agreement took some last-minute negotiations, the day after Thanksgiving. Board Member Adams is looking forward to this working relationship with Amtrak to ensure that this is a safe, timely, cost-effective project.

Board Member Gordon associated himself with the comments made by Board Member Adams regarding staff efforts to advance the project. He asked to hear staff's reaction to some of the allegations that had been made about this project. Board Member Gordon said there had been editorials in a major New York newspaper suggesting that this project application was not in compliance with the federal requirements for a 10 percent increase in capacity and comments made that the new vehicles being purchased are irrelevant and the bridge itself is not increasing capacity. Board Member Gordon asked staff to address these issues.

President & CEO Corbett said before turning it over to Eric Daleo, in general looking back at the history of what is now the Gateway Project, and going back to ARC, Portal Bridge was always in there. He said there is a robust process that Eric Daleo can go into details regarding what the Federal Transit Administration requires, what kind of documentation has to be met to be able to go through this process. President & CEO Corbett said anyone who has been riding regularly for years has been tortured by the existing Portal Bridge, and aside from that, there is a very technical process that has been rigorously followed and the Federal Transit Administration has certainly verified the correctness of the metrics in meeting those objectives. He said it is not just a matter of the railcars but is also speed and other factors that are taken into a very strict formula.

Eric Daleo said, as President & CEO Corbett noted, this matter has been reviewed through the Federal Transit Administration's Capital Investment Grant application process. As background, to be an eligible project, the Federal Transit Administration's

core capacity program requires a showing that a project will increase by 10 percent or more. When NJ TRANSIT applied to the Capital Investment Grant program, it was required as part of the application to provide a review of existing capacity conditions and demonstrate NJ TRANSIT's ability to increase that capacity by at least 10 percent if the project is constructed.

In 2015, they took a snapshot of morning peak hour seats available and that became the existing conditions and baseline for NJ TRANSIT's application. The Federal Transit Administration reviewed NJ TRANSIT's application, and the data presented, and determined the Portal North Bridge met the required standards for a core capacity project. In 2019, as the project moved through the Federal Transit Administration's process, updated capacity data was requested again from NJ TRANSIT. NJ TRANSIT updated their numbers using 2018 data and again the Federal Transit Administration determined a second time that the project met the core capacity standards and progressed the project.

NJ TRANSIT will maintain these added levels of capacity for a minimum of five years after revenue service begins on the Portal North Bridge, as required by the Federal Transit Administration. Mr. Daleo said they expect those numbers will demonstrate is that the project will lead to higher capacity through a number of measures including elimination of movable bridge failures, higher speeds, and through the acquisition of an additional 25 multilevel vehicles.

Board Member Narra said Board Member Gordon asked the questions she had so she was fine now.

Board Member Rasmussen agrees with Eric Daleo that this is a great day for NJ TRANSIT, a day that is definitely long overdue, and he looks forward to the progress going forward and the completion.

Board Member Wilton thanked Eric Daleo and the team for the many years of work that has gone into the culmination of this resolution.

Vice Chair Fulton thanked Eric Daleo for the explanation regarding the process and the involvement of the Federal Transit Administration and congratulated the team for all the hard work for this improvement in one of the most important transit corridors in the entire country.

Chair Gutierrez-Scaccetti echoed Vice Chair Fulton, Board Member Wilton, and others in noting this has been a long time coming, the team has been vigilant in providing the documentation, and while she understand the concerns raised by others, she believes they have done their due diligence, as does the Federal Transit Administration, in the approval of the funding for this project.

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

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Executive Session Authorization

Chair Gutierrez-Scaccetti noted they would adjourn to Executive Session, would only return to adjourn the meetings, and no further business would be conducted. Board Member Brian T. Wilton made 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. Board Member Narra seconded the motion and it was adopted. At approximately 11:45 a.m., the Board adjourned to Executive Session.

Roll Call Vote:

Adams	Ajmani	Doshi	Fulton	Gordon	Maroko	Narra	Wilton	Gutierrez-Scaccetti
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Return to Open Session

Board Secretary Zuczek conducted a Roll Call as Board Members returned to Open Session. All Board Members returned to Open Session at approximately 12:18 p.m.

Adjournment

Chair Gutierrez-Scaccetti wished everyone still on the call, those who participated, and most especially to all the staff of NJ TRANSIT, a safe, healthy, and happy holiday however they choose to celebrate over the course of the next several weeks. She wished them peace, contentment, acceptance, compassion, and all those gifts that cannot be wrapped and put under a tree or by a menorah or anywhere else they may put their gifts, in any way that they celebrate. Chair Gutierrez-Scaccetti said those are the priceless gifts that cannot be bought in the store and certainly the ones that are most important. She wished that to everyone as they continue through this holiday season unlike any they have experienced.

Since there was no further business, a motion to adjourn was made by Board Member James D. Adams, seconded by Vice Chair Cedrick T. Fulton, and adopted. The meetings were adjourned at approximately 12:20 p.m.

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

DECEMBER 9, 2020

MINUTES

	PAGE
➤ CALL TO ORDER	-
➤ APPROVAL OF MINUTES OF PREVIOUS MEETINGS	58572
➤ PRESIDENT & CEO'S MONTHLY REPORT	58573
➤ PUBLIC COMMENTS	-
➤ ADVISORY COMMITTEE REPORT	-
➤ SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ADVISORY COMMITTEE REPORT	-
➤ BOARD COMMITTEE REPORT	-

ACTION ITEMS

2012-75	NJ TRANSIT RESILIENCE PROGRAM: MEADOWS MAINTENANCE COMPLEX (MMC)/RAIL OPERATIONS CENTER (ROC) BUILDING FLOOD CONTROL: CONSTRUCTION CONTRACT AMENDMENT TO INCREASE CONTINGENCY FUNDING – Authorization to increase contingency funding to NJ TRANSIT Contract No. 17-006X with DMR Construction Services, Inc., by an additional five percent for a total contract authorization of \$18,340,280, plus ten percent for contingency, subject to the availability of funds.	58596
2012-76	NJ TRANSIT CAPITAL PROGRAM: AGREEMENT WITH RUTGERS UNIVERSITY FOR SERVICES, INCLUDING APPLIED RESEARCH, TECHNICAL SUPPORT, AND WORKFORCE DEVELOPMENT – Authorization to enter into an agreement with Rutgers, The State University of New Jersey for five years on an as-needed task order basis.	58601

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT RAIL OPERATIONS, INC.
NJ TRANSIT MERCER, INC.
NJ TRANSIT MORRIS, INC.
REGULARLY SCHEDULED BOARD OF DIRECTORS' MEETINGS
DECEMBER 9, 2020
MINUTES
PAGE 2

- 2012-77 NEWARK PENN STATION IMPROVEMENTS: CONSTRUCTION CONTRACT AWARD FOR PAVING AND DRAINAGE IMPROVEMENTS –** 58602
Authorization to enter into NJ TRANSIT Contract No. 21-003X with Green Construction, Inc. of South River, New Jersey, for the construction of the Newark Penn Station Improvements project in the amount not to exceed \$1,060,060.00, plus five percent for contingencies, subject to the availability of funds.
- 2012-78 INDEPENDENT FINANCIAL ADVISORY SERVICES – TASK ORDER CONTRACT –** 58606
Authorization to enter into NJ TRANSIT Contract No. 20-049 with the firms shown in Exhibit A for Independent Financial Advisory Services. The total value of this Independent Financial Advisory Services Task Order program will not exceed \$10,000,000. Each contract will extend for five years; the maximum task and contract limits are shown in Exhibit B.
- 2012-79 APPROVAL TO ENTER INTO AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION TO SUPPORT THE PORTAL NORTH BRIDGE PROJECT –** 58610
Authorization to execute all appropriate agreements with the Federal Transit Administration to support the Portal North Bridge Project.
- **EXECUTIVE SESSION AUTHORIZATION** 58633
- **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 November 12, 2020 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 November 19, 2020;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the November 12, 2020 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

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

TO: BOARD OF DIRECTORS
FROM: KEVIN S. CORBETT 
DATE: DECEMBER 9, 2020
SUBJECT: PRESIDENT & CEO'S REPORT – DECEMBER 2020

NJ TRANSIT is not immune to the impacts of the ongoing pandemic. Once again this month, we have seen an uptick in positive COVID-19 cases among our employees, tracking with an increase in cases both regionally and nationally. In light of this increase, NJ TRANSIT is redoubling its efforts to preemptively clean and disinfect employee work locations throughout the state, including the utilization of third-party support contractors to augment our existing internal cleaning staff. We've also introduced numerous safety enhancements throughout our facilities – for both frontline and corporate employees – including: the installation of plexiglass partitions throughout our network; upgrading HVAC system filters and increasing replacement frequency; and adding cleaning shifts to sanitize “touch points”, to name just a few.

In another example of our proactive efforts to protect customers and employees, last month I was proud to join leaders from the MTA, the Port Authority, Amtrak, and SEPTA at a joint press conference to announce a new partnership between our agencies that places a regional focus on the importance of wearing face coverings on transit. Through this initiative, called “Mask Force”, our transit systems are committed to regular deployments of volunteers to provide free masks to customers who need them, and to remind customers to wear masks correctly. We held our first Mask Force distribution effort on November 25th, where employees volunteered at stations throughout our system and onboard vehicles to distribute about 12,000 free masks. NJ TRANSIT has now given away more than 30,000 free masks in all. Moving forward, Mask Force volunteers will be deployed regularly throughout our system, with the next installment scheduled for some time in January.

In addition, last week, NJ TRANSIT announced the selection of four companies to pilot state-of-the-art technology to protect the health and safety of customers and employees. These companies were selected from a pool of eight finalists, after a global search, as part of the COVID-19 Response Challenge issued by the Transit Innovation Partnership's Transit Tech Lab. NJ TRANSIT will proudly partner with the following companies in a multi-week pilot testing program: **Vyv** uses proprietary LED anti-microbial light to reduce bacteria and microbes from surfaces; **Knorr Merak** uses a three-stage air filtration and purification system to mitigate COVID-19; **Piper** provides video analytics and collects real-time passenger counts from trains and platforms for integration with mobile apps; and **Strongarm** develops wearable technology that emits physical distancing alerts and can be used to collect data for contact tracing. After testing is complete, solutions that have proven to be successful may be chosen for an expanded year-long pilot deployment. We want to assure our customers that our transit system is safe and ready for their return.

When people do begin to return to transit en masse, they will surely be pleased to see long-overdue and significant improvements at two of our region's busiest and most essential transit hubs: Newark Penn Station and New York Penn Station. Yesterday, I was proud to join Governor Murphy and other elected officials at a press conference to celebrate a commitment of \$190 million from the State to support new capital upgrades at Newark Penn. Thanks to this investment, we will build on current work to ultimately restore this station to its rightful place as one of the crown jewels of New Jersey. We're repainting ceilings and upgrading lighting in passenger corridors and concourses, among many other significant improvements. We have much more extensive work planned, including the restoration of the grand waiting hall, renewed escalators and expanded elevators, and a platform renewal and restoration program.

We have also completed the second and final phase of the ticketed waiting area refurbishment at New York Penn Station. This station's expansive, upper level waiting area is now open to both NJ TRANSIT and Amtrak customers, making the NJ TRANSIT concourse even more convenient for customers. The project includes a \$7.2 million joint investment with Amtrak and features: new furniture with electrical and USB outlets; an upgraded ceiling with new LED lighting; a new information desk; a second entrance close to the NJ TRANSIT concourse, offering easy access toward the 7th Avenue side of the station; and two new, real-time information screens, displaying NJ TRANSIT arrivals and departures.

Finally, another critically important infrastructure project is on our agenda today: the \$1.8 billion Portal North Bridge. Today, the Board will vote on an item that would once again advance this project by allowing us to enter into the Full Funding Grant Agreement with USDOT. Approval of this item would put us one step closer toward “shovels in the ground,” on a critical project of national significance that will improve reliability for all Northeast Corridor customers.



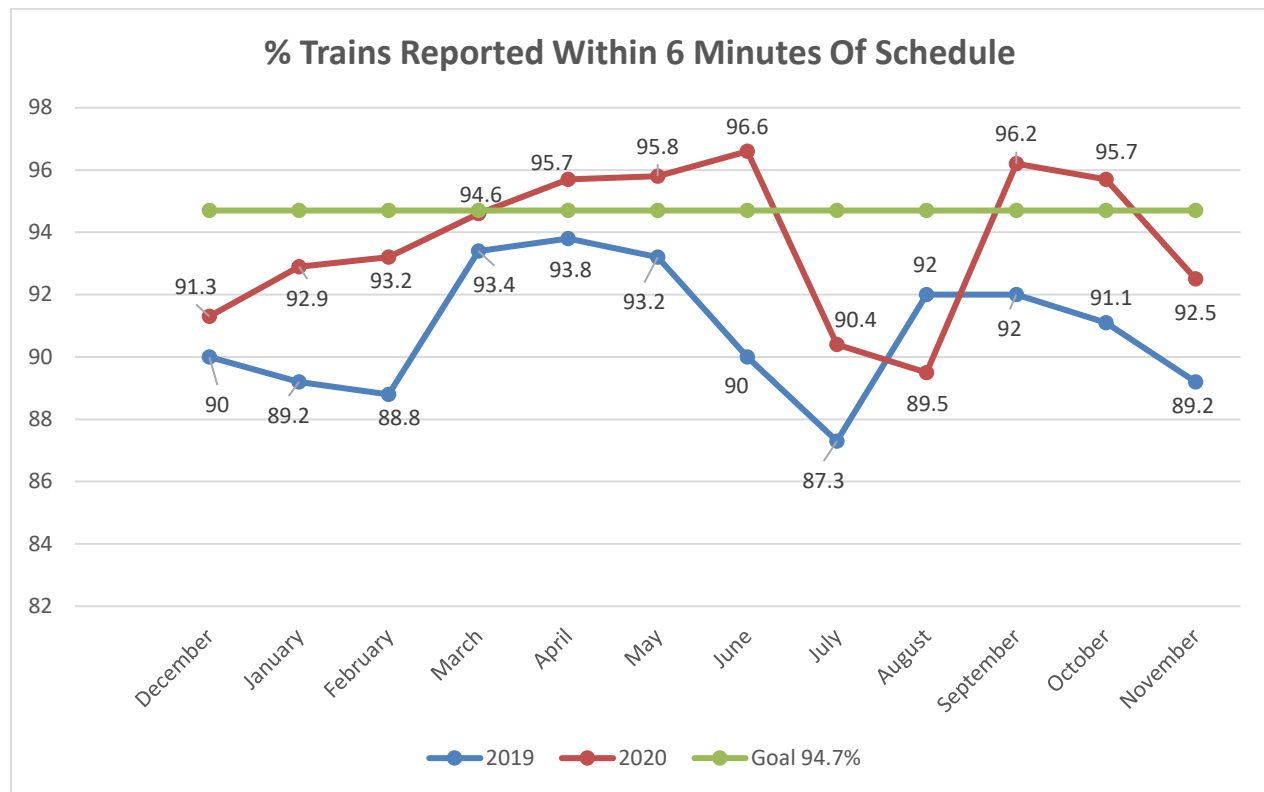
PRESIDENT & CEO'S MONTHLY REPORT
DECEMBER 9, 2020

PRESIDENT & CEO'S MONTHLY REPORT DECEMBER 9, 2020

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

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL DECEMBER 2018 – NOVEMBER 2020



	<u>2019</u>	<u>2020</u>	<u>%Change</u>
November Comparison	89.2%	92.5%	3.3%
12-Month Average Dec. 2018 – Nov. 2020	90.8%	93.7%	2.9%

Analysis:

Rail On-Time Performance was 92.5% for November, 2020. Of the 16,357 trains scheduled to operate, 15,138 were on time, while 1,219 trains (or 7.5%) were delayed.

Key Causes included:

- Amtrak programmed maintenance, NJT diesel issues and a grade crossing accident contributed to 84 delays on November 18.
- NJT derailment contributed to 75 delays on November 24.
- NJT injured trespasser and residual impacts of derailment contributed to 93 delays on November 25.

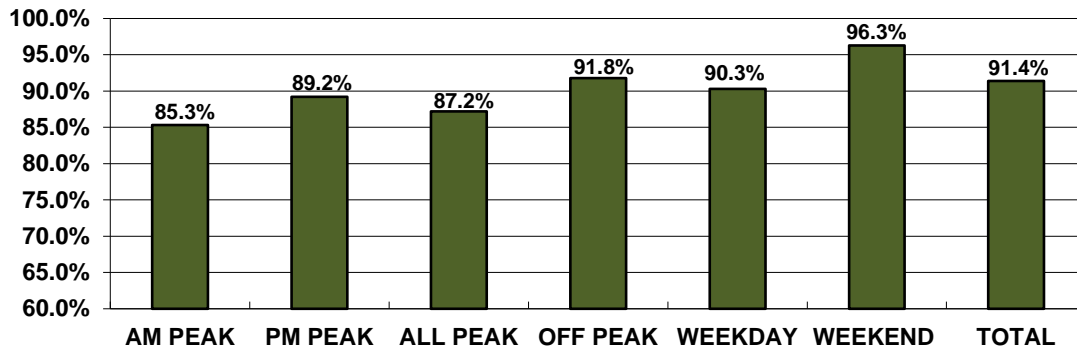
The 12-month Average for Rail On-Time Performance was 93.7%.

ON-TIME PERFORMANCE RAIL

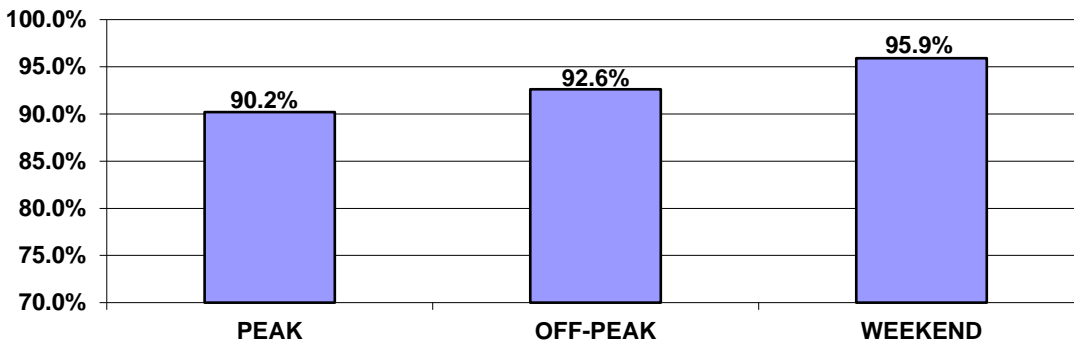
SUMMARY BY TIME PERIOD NOVEMBER 2020

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

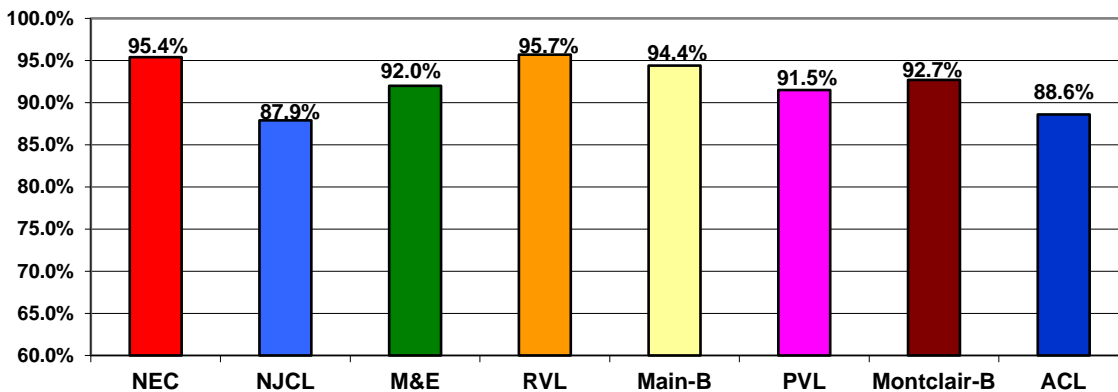
% NEW YORK PENN STATION Trains Reported On Time *



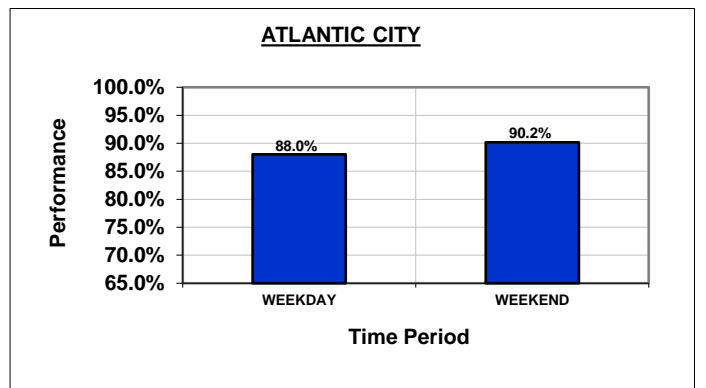
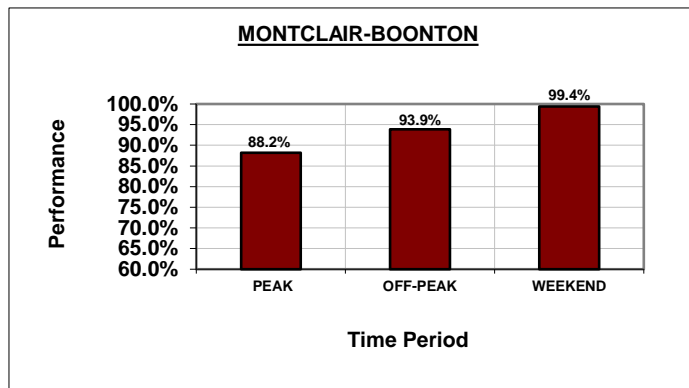
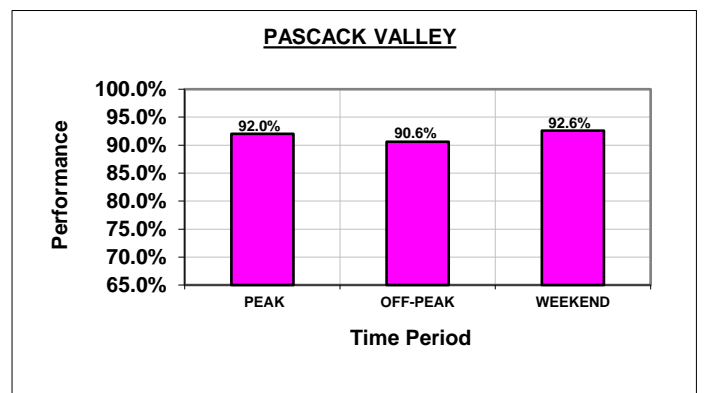
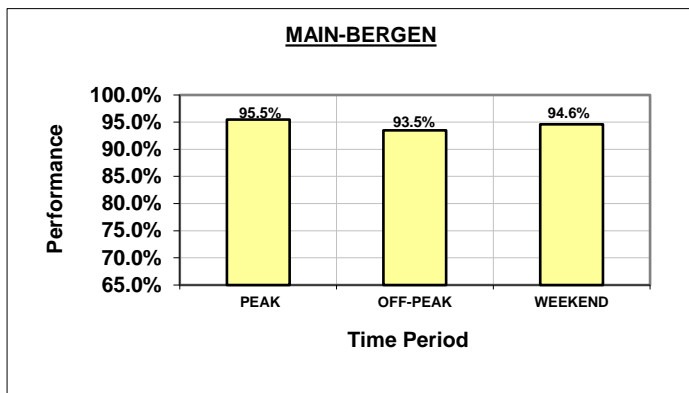
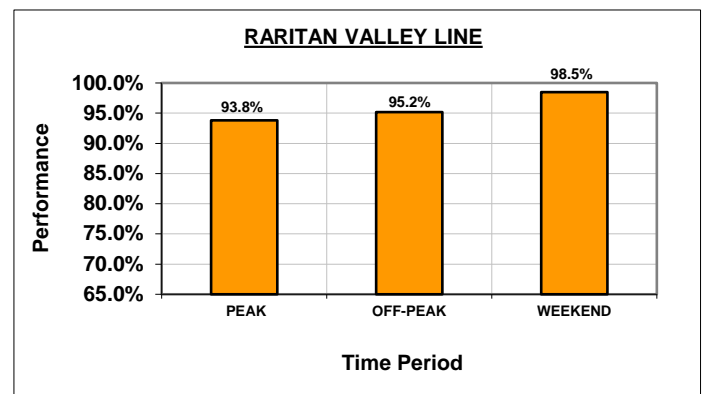
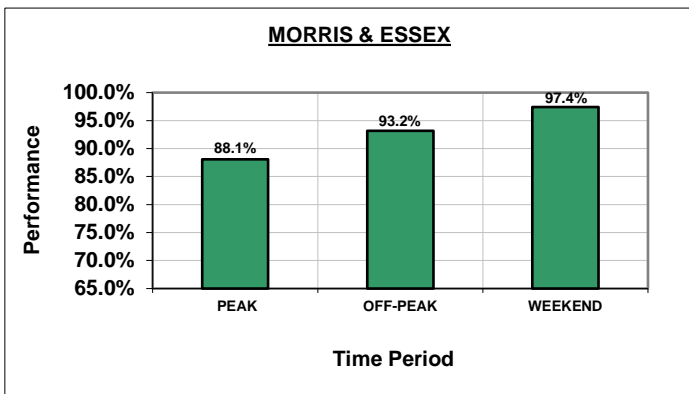
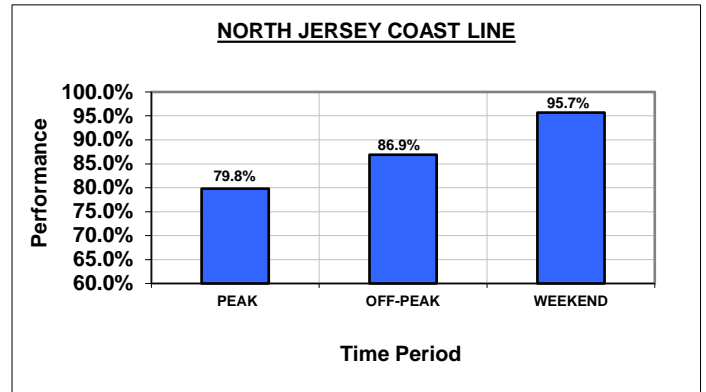
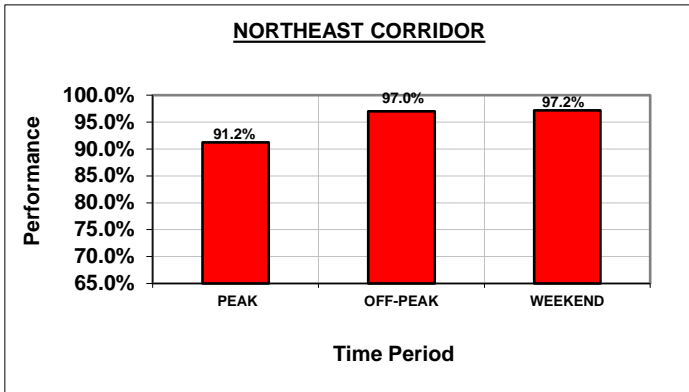
% SYSTEMWIDE Trains Reported On Time



% BY LINE Trains Reported On Time



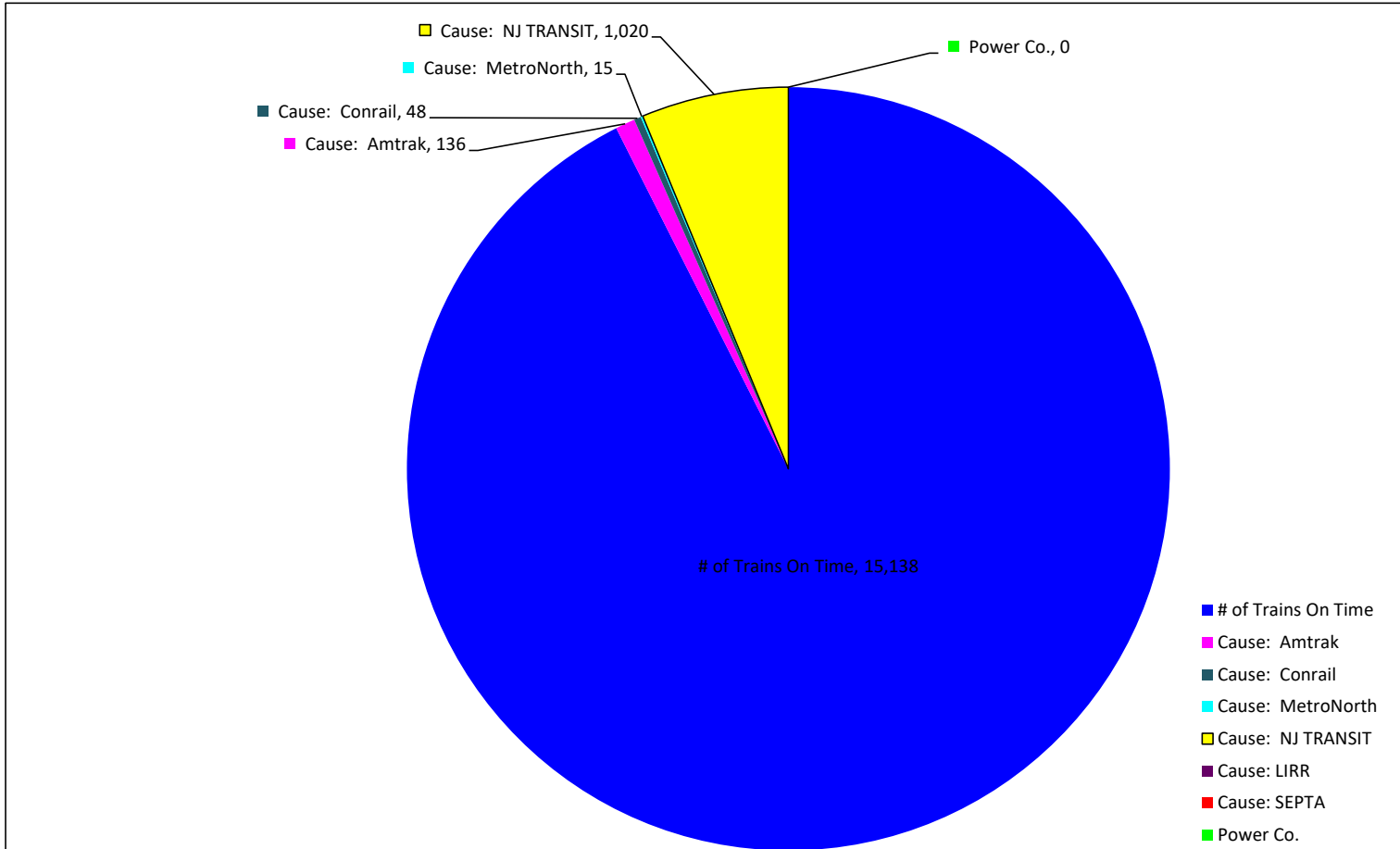
ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD NOVEMBER 2020



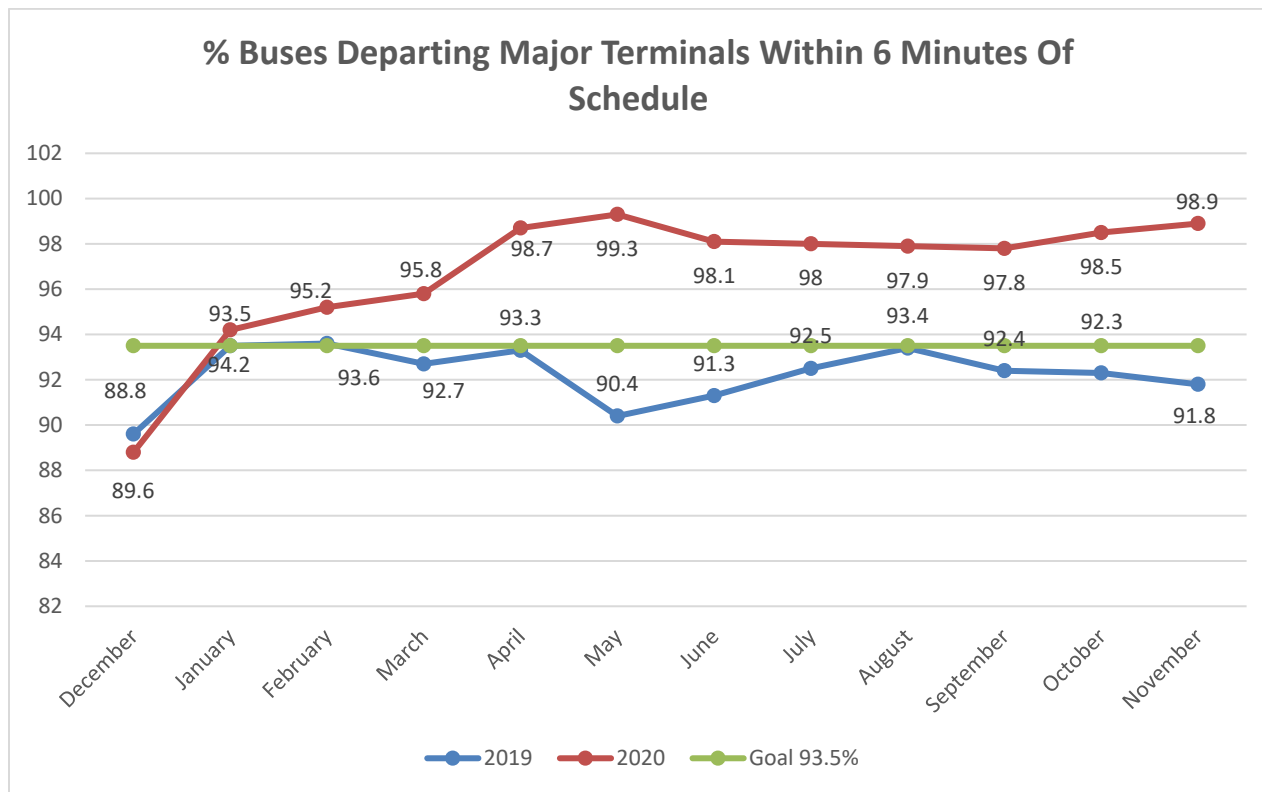
NJ TRANSIT Performance - NOVEMBER 2020

Late NJ TRANSIT Trains

# of Trains On		Cause: Amtrak	Cause: Conrail	Cause: MetroNorth	Cause: NJ TRANSIT	Cause: LIRR	Cause: SEPTA	Power Co.
# of Trains On Time	15,138	136	48	15	1,020			0
# of Late Trains	1,219	0.83%	0.29%	0.09%	6.24%	0.00%	0.00%	0.00%
Total # of Trains	16,357							
Percentage On Time	92.5%							



NJ TRANSIT ON-TIME PERFORMANCE BUS December 2018 – November 2020



	<u>2019</u>	<u>2020</u>	<u>%Change</u>
November Comparison	91.8%	98.9%	7.1%
12-Month Average December 2018 – November 2020	92.2%	96.8%	4.6%

Analysis*:

Bus On-Time Performance systemwide was 98.9% for the month of November 2020. Of the 36,120 scheduled departures, 391 experienced delays.

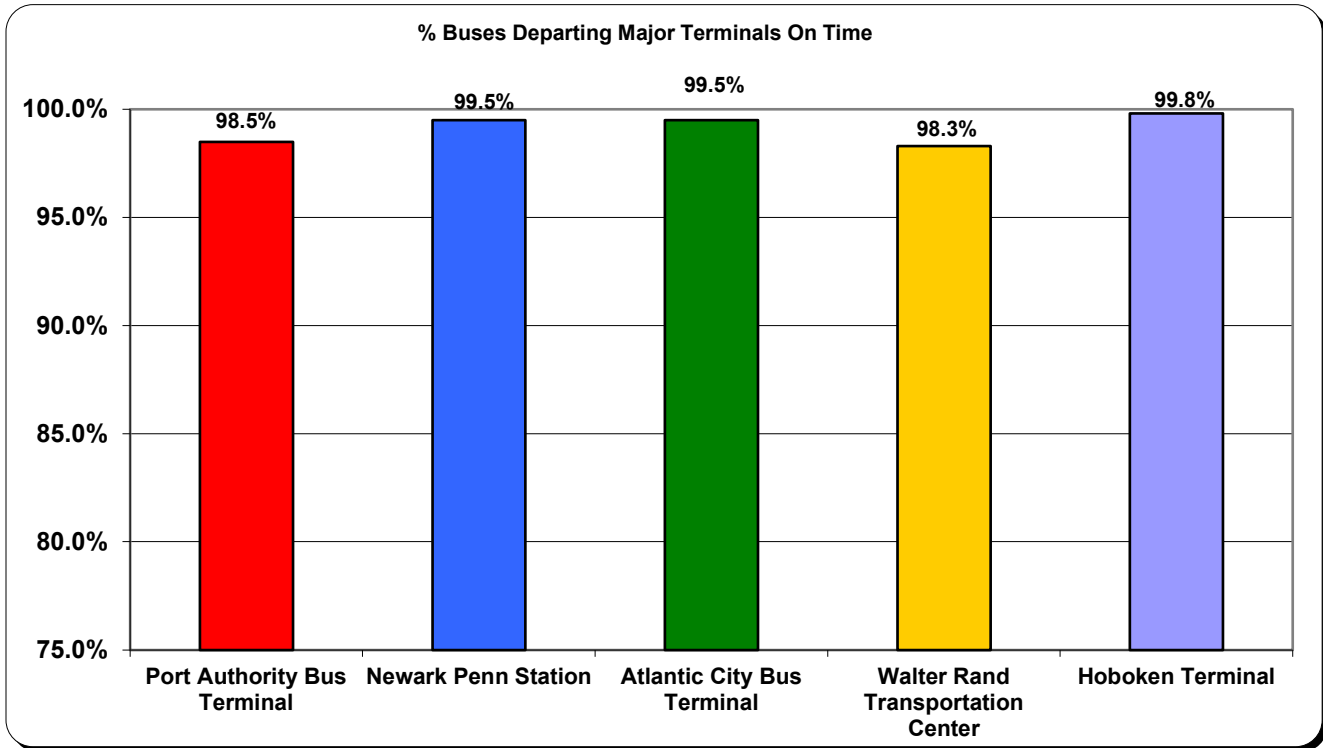
Key Causes included:

- Minor delays at Port Authority Bus Terminal were caused due to weather, detours, traffic and road construction on various days.
- Delays on various days at Newark Penn Station were due to congestion from road closures due to road work and powerline work, road closures due to construction, and construction in Newark, resulting in traffic along detour routes. Also, mechanical issues caused delays in service.
- For various other locations, minor delays were caused due to weather, detours, traffic and road construction on various days.

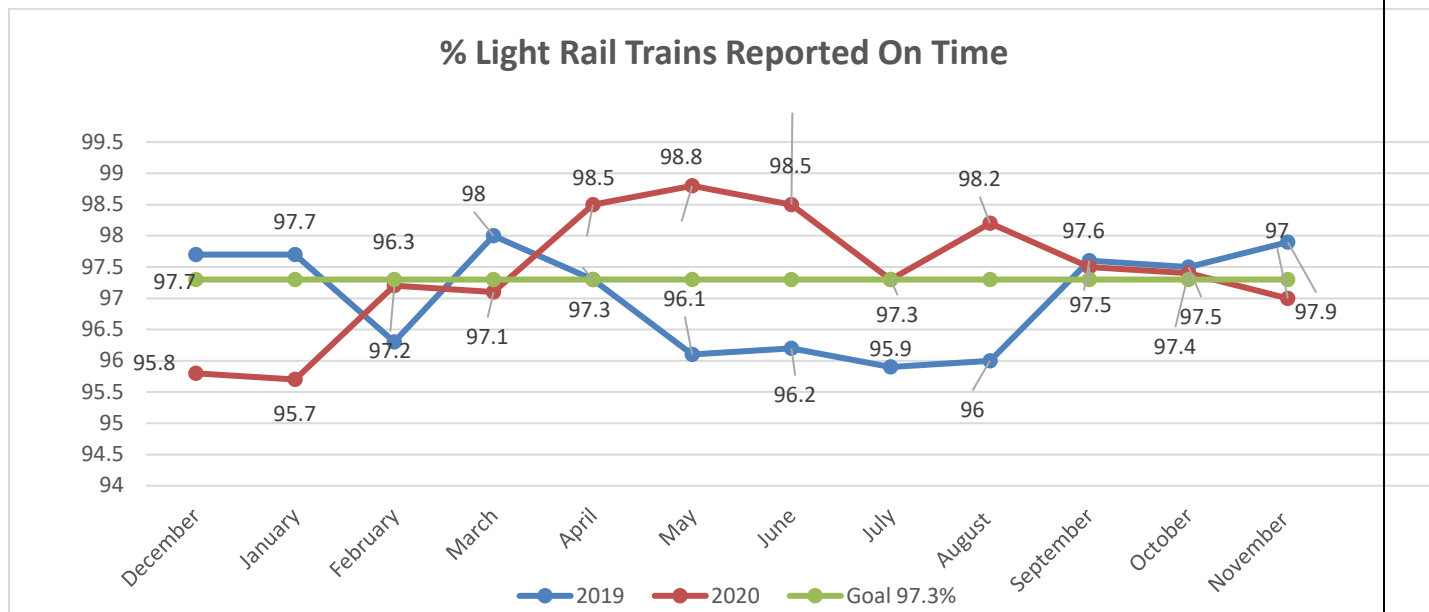
The 12-month average for Bus On-Time Performance was 96.8%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL December 2018 - November 2020



	<u>2019</u>	<u>2020</u>	<u>%Change</u>
November Comparison	97.9%	97.0%	- 0.9%
12-Month Average December 2019 – November 2020	96.69%	97.75%	1.06%

Analysis: Light Rail On-Time Performance system wide was 97.0% for the month of November 2020. Of the 25,870 scheduled departures, 1,009 experienced delays.

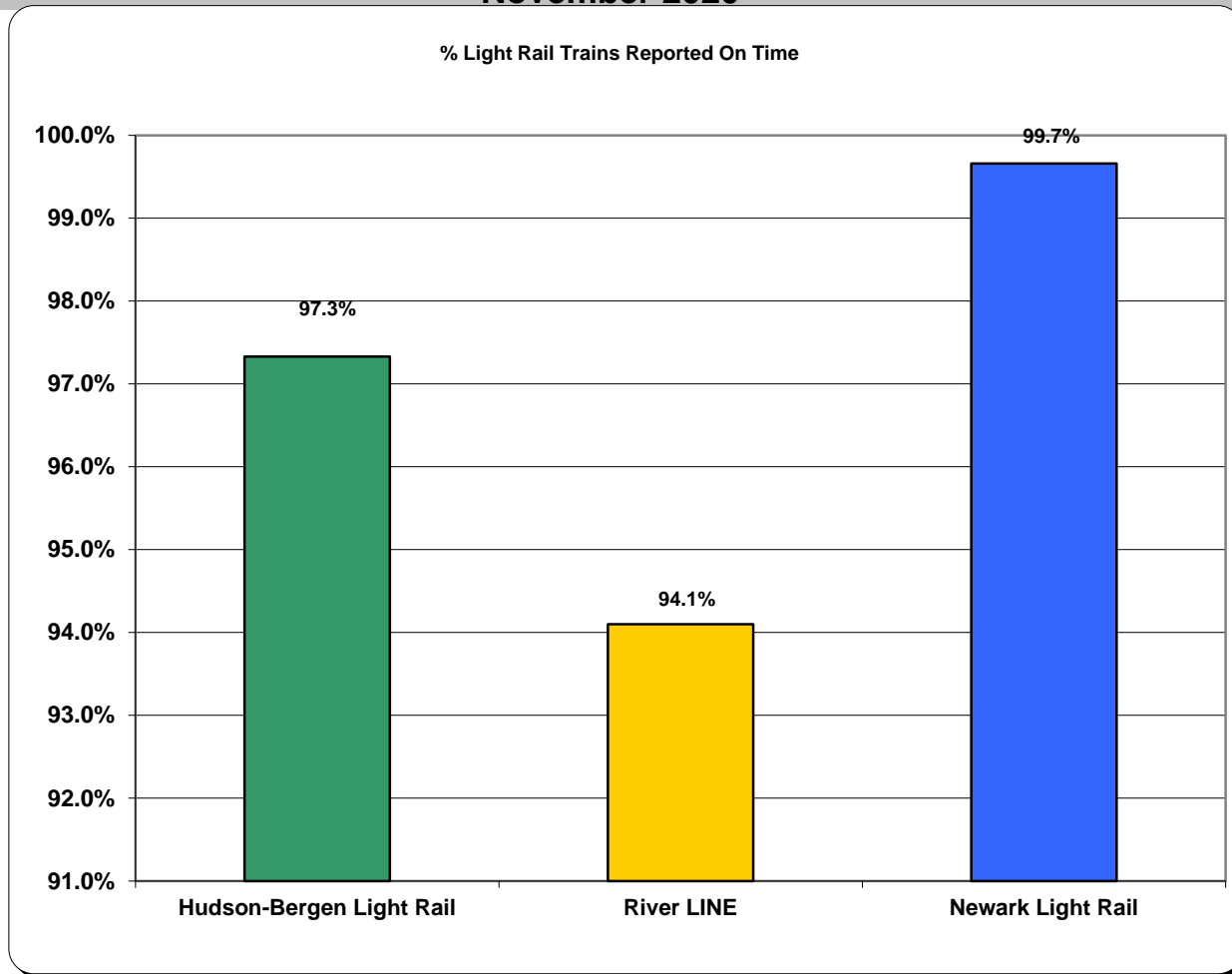
Key Causes included:

- Trains on the Newark Line were affected due to mechanical faults and a scheduled track outage for track upgrades.
- Equipment malfunctions (diesel engine fault, brake fault, and tractions faults) on the River LINE affected trains on multiple dates. Police activity affected trains while automobiles blocking the tracks affected trains on various days.
- Door issues, a track obstruction, and repairs impacted service on Hudson-Bergen Light Rail on various days.

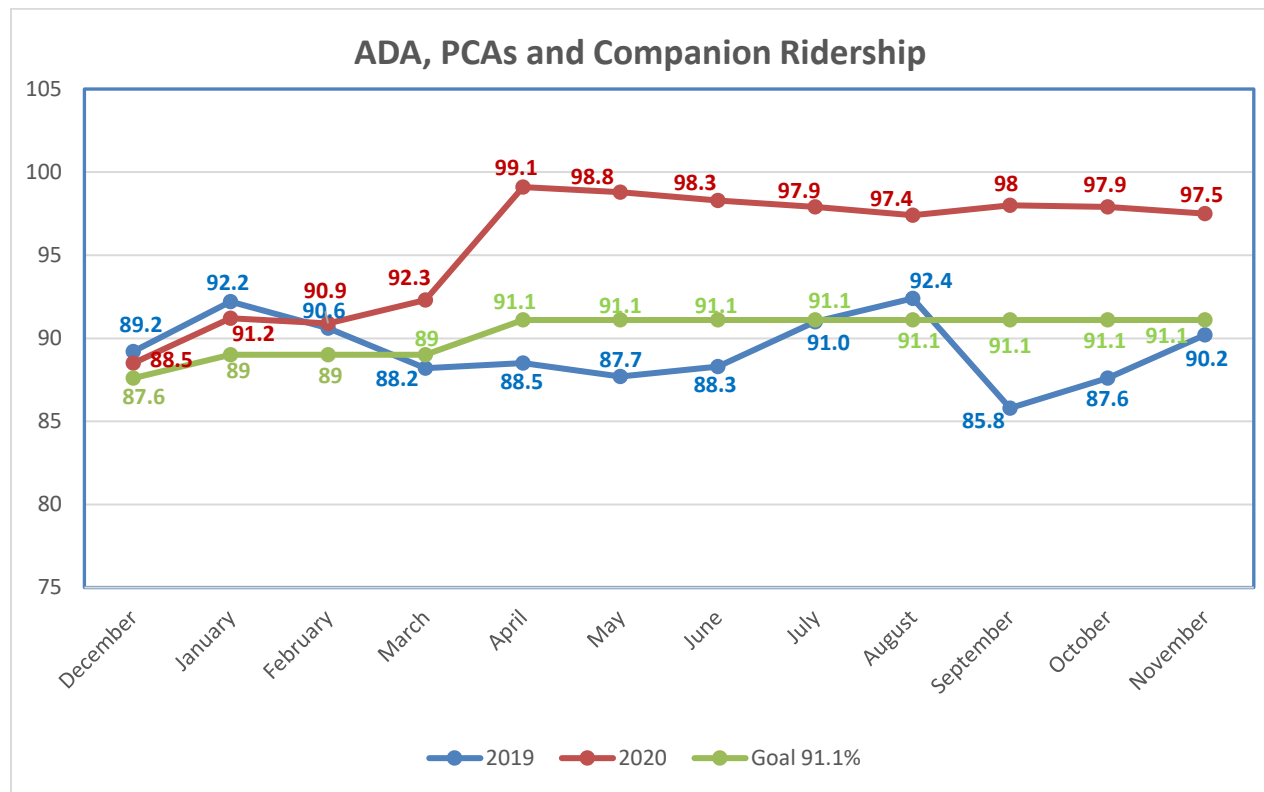
The 12-month Average for Light Rail On-Time Performance was 97.75%

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE November 2020



NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK DECEMBER 2018 – NOVEMBER 2020



	<u>2019</u>	<u>2020</u>	<u>%Change</u>
November Comparison	90.2%	97.5%	7.3%
November Ridership	136,639	77,801	-58,838
12-Month Average December 2018 – November 2020	89.3%	95.7%	6.4%

Analysis:

Access Link On-Time Performance was 97.5% for November 2020. In serving 86,112 total riders, for 77,801 ADA customers trips, 1,945 (or 2.5%) experienced delays.

Key Causes included:

- Customer no-shows and delays
- Vehicle operator coverage

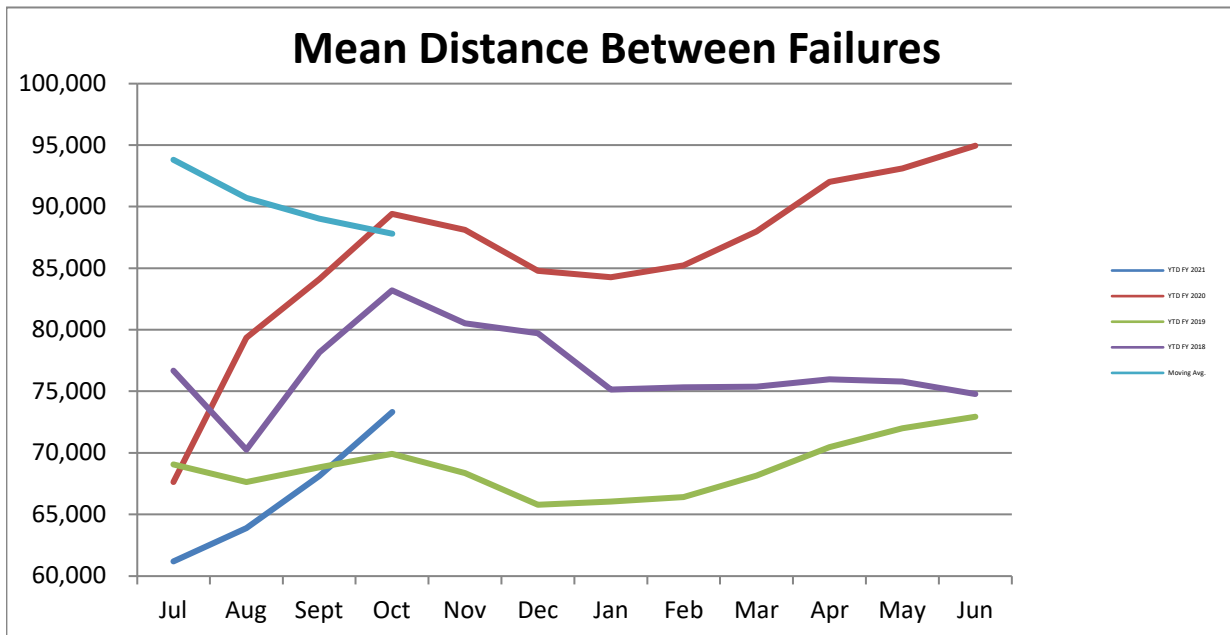
The 12-month Average for Access Link On-Time Performance was 95.7%.

MEAN DISTANCE BETWEEN FAILURES

October 2020

NJ TRANSIT Rail Operations
Mean Distance Between Failures

Month	YTD FY2021*	YTD FY2020	YTD FY2019	YTD FY2018	12 Month Moving Avg.
Jul	61,198	67,634	69,055	76,674	93,809
Aug	63,891	79,350	67,612	70,263	90,718
Sept	68,109	84,111	68,823	78,151	89,016
Oct	73,320	89,410	69,913	83,213	87,817
Nov	-	88,101	68,356	80,523	-
Dec	-	84,773	65,796	79,711	-
Jan	-	84,273	66,025	75,139	-
Feb	-	85,233	66,391	75,324	-
Mar	-	87,973	68,141	75,376	-
Apr	-	92,007	70,447	75,968	-
May	-	93,119	71,986	75,787	-
Jun	-	94,969	72,930	74,776	-

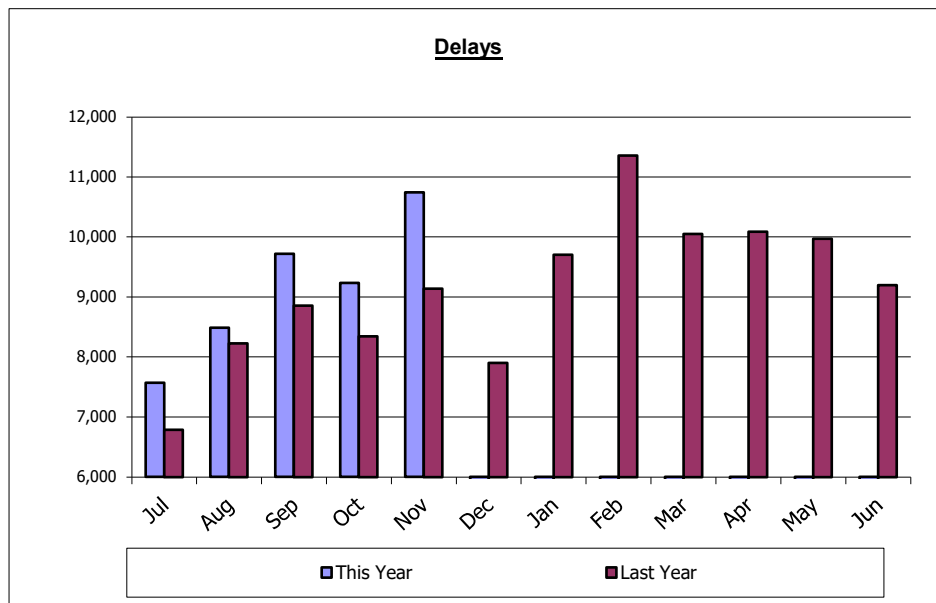


* FY2021 Numbers corrected to reflect start of FY2021

Garage Performance Parameters

November 2020

Location	Miles Between In-Service Delays			
	FY2021 Goal	This Month	FY2021 YTD	FY2020 YTD
Fairview	5,500	5,001	3,677	3,252
Greenville	7,000	6,506	5,155	4,088
Market Street	8,000	7,353	5,485	6,170
Meadowlands	9,500	5,994	5,415	4,801
Oradell	10,000	9,896	7,933	5,590
Wayne	16,000	19,657	17,419	13,867
Northern Division	-	8,546	6,941	5,899
Big Tree	8,800	5,152	4,291	5,285
Hilton	10,200	9,670	6,620	7,204
Howell	16,750	33,259	29,594	30,602
Ironbound	9,600	9,775	8,477	6,516
Orange	9,250	5,001	4,625	5,094
Morris	10,500	9,939	19,015	47,246
Central Division	-	9,795	8,341	8,301
Egg Harbor	15,500	24,149	17,065	17,141
Hamilton	13,000	11,990	11,390	9,823
Newton Avenue	12,000	16,785	17,251	11,886
Washington Twp.	14,500	21,451	20,178	19,993
Southern Division	-	19,372	16,950	15,233
	-	-	-	-
Bus Operations	-	10,744	8,974	8,154

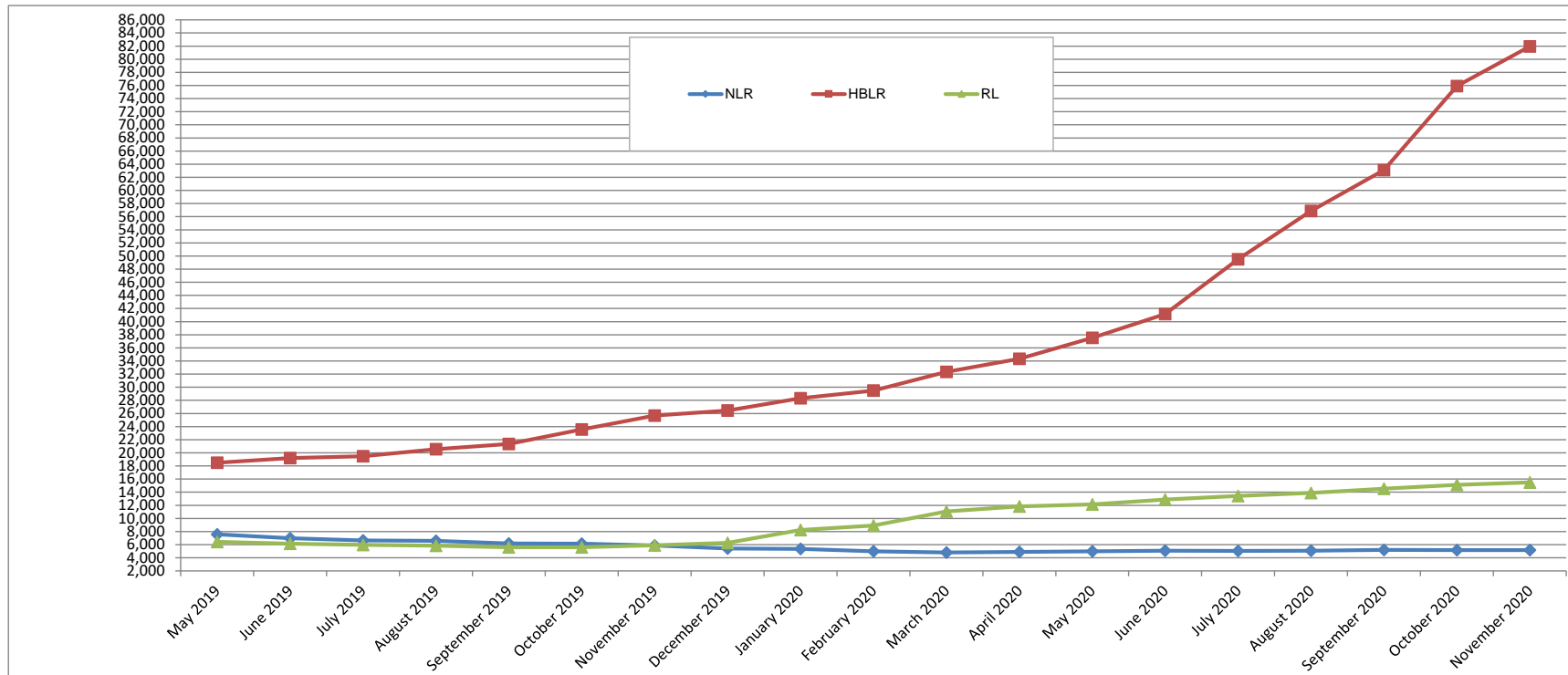


NJ TRANSIT - LIGHT RAIL, November 2020

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF *	
	November 2020	October 2020
Newark Light Rail	5,174	5,163
Hudson Bergen	81,948	75,909
River LINE	15,492	15,110

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



DBE/SBE PROGRAM

NJ TRANSIT - DBE/SBE Participation for November 2020**State Funded Contracts****State Fiscal Year 2021 - July 1, 2020 through June 30, 2021**

During the month **November 2020**, NJ TRANSIT awarded **\$39,224,233.08** in state funded contracts. Of that total, Small Business Enterprises (SBEs) received **\$1,200,000.00** or **3.06%**.

State Fiscal Year 2021 YTD (July 1, 2020 through November 30, 2020) NJ TRANSIT awarded **\$58,652,229.57** in state funded contracts. Of that total, SBEs received **\$7,503,350.13** or **12.79%**.

Note: The above reflects the Procurement Report of Awards received December 2, 2020.

SBE Goal Attainment from July 1, 2020 through June 30, 2021 (SFY 2021)

Category 1 SBEs	\$0.00	0.00%
Category 2 SBEs	\$1,823,690.83	3.11%
Category 3 SBEs	\$1,682,675.26	2.87%
Category 4 SBEs	\$24,000.00	0.04%
Category 5 SBEs	\$199,211.04	0.34%
Category 6 SBEs	\$3,773,773.00	6.43%

FTA Funded Contracts (Updated Quarterly – next update will occur January 2021)**Federal Fiscal Year 2020 - October 1, 2019 through September 30, 2020**

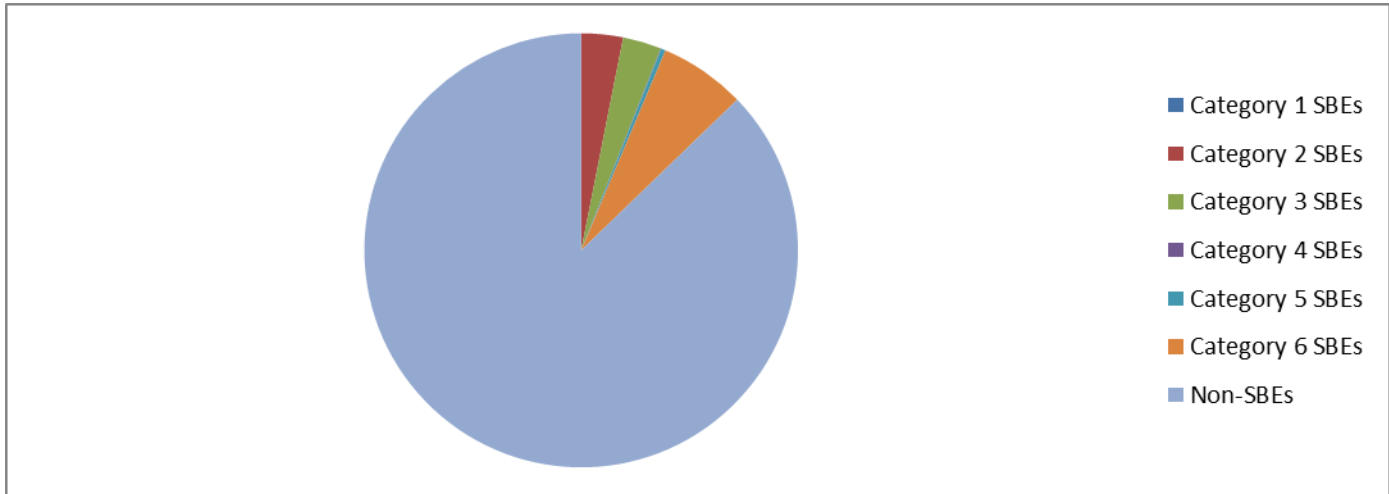
During the **4th Quarter** (July 1, 2020 – September 30, 2020) the FTA funded share of NJ TRANSIT's federal contracts awarded was **\$2,020,212.76**. Of that total, Disadvantaged Business Enterprises (DBEs) received **\$397,189.12** or **19.66%**.

Federal Fiscal Year 2020 Year through Q4 (October 1, 2019 – September 30, 2020) NJ TRANSIT awarded **\$314,607,240.50**** in federally funded contracts. Of that total, DBEs received **\$18,408,002.87** or **5.85%**.

**Numbers reflect federal share*

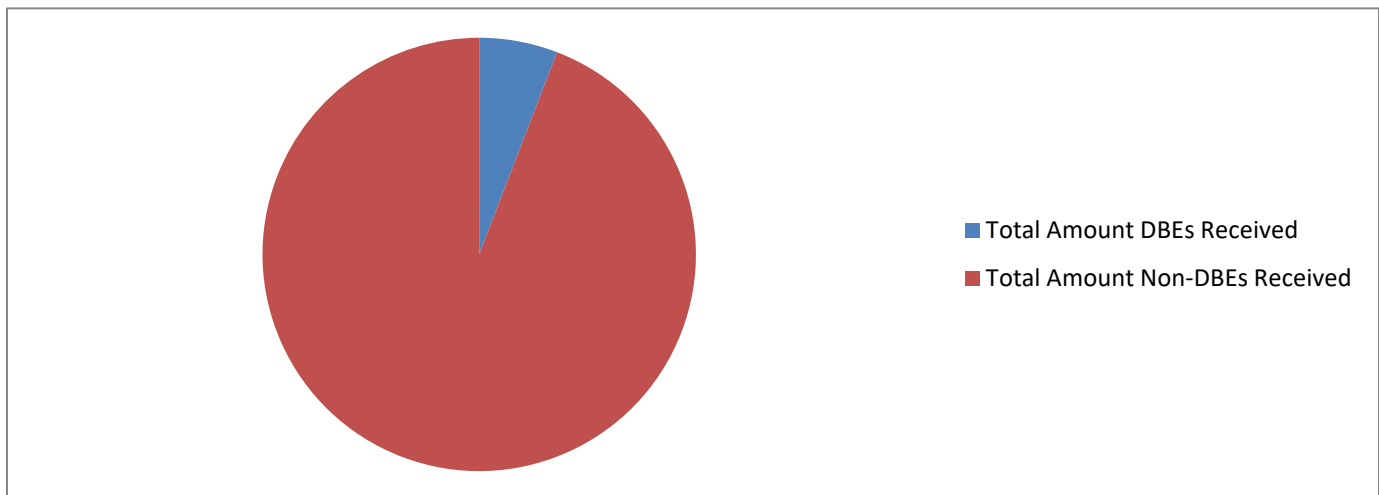
*** Number includes subrecipient awards*

<i>Category 1 SBEs</i>	\$0.00	0.00%
<i>Category 2 SBEs</i>	\$1,823,690.83	3.11%
<i>Category 3 SBEs</i>	\$1,682,675.26	2.87%
<i>Category 4 SBEs</i>	\$24,000.00	0.04%
<i>Category 5 SBEs</i>	\$199,211.04	0.34%
<i>Category 6 SBEs</i>	\$3,773,773.00	6.43%
<i>Non-SBEs</i>	\$51,148,879.44	87.21%



DBE PARTICIPATION
FEDERAL CONTRACTS
FEDERAL FY Q4 2020

Total Amount DBEs Received	\$18,408,002.87	5.85%
Total Amount Non-DBEs Received	\$296,199,237.63	94.15%



EMPLOYEE RECOGNITION

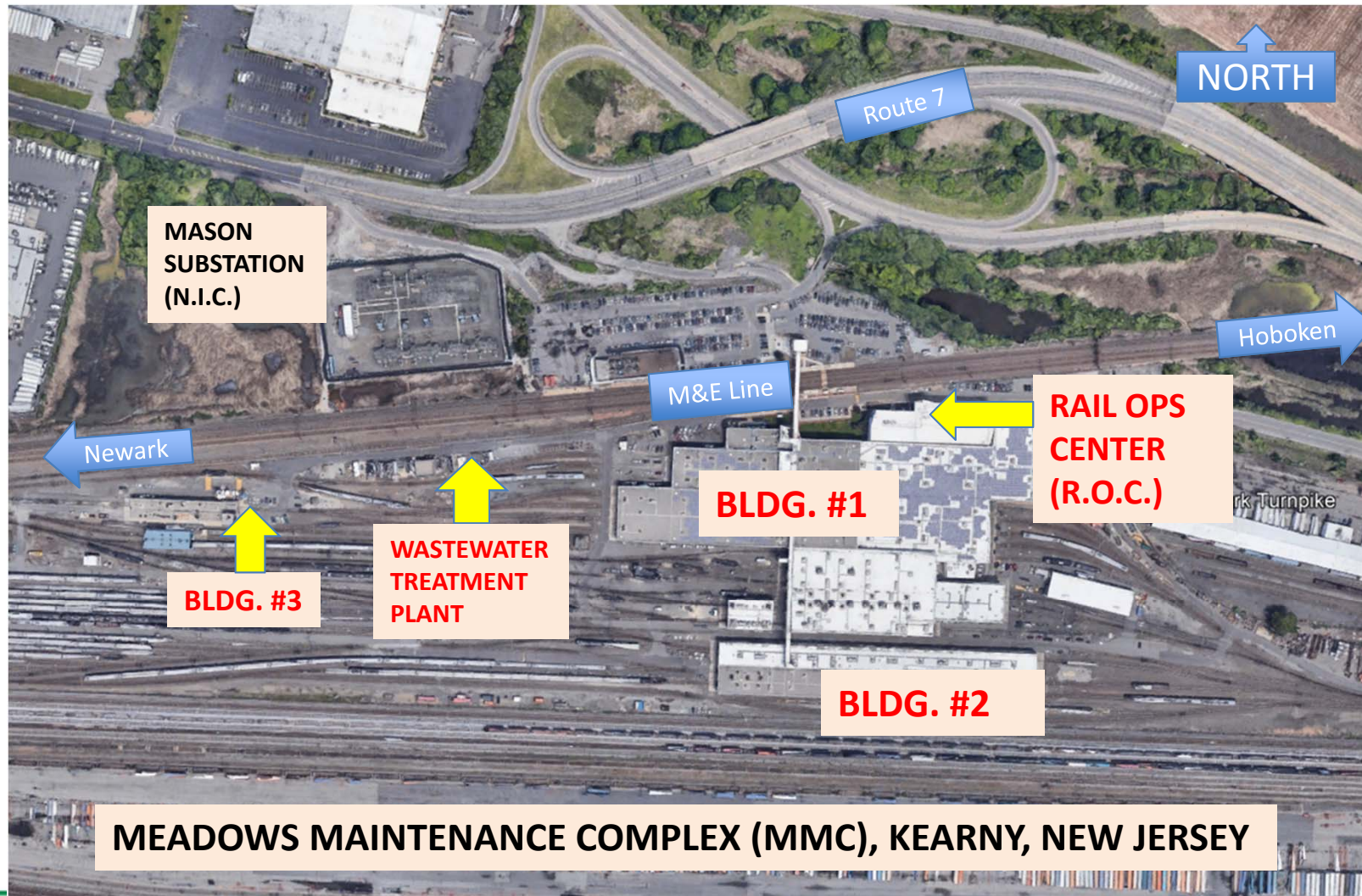
NJ TRANSIT employees bid farewell after outstanding careers

The following NJ TRANSIT employees retired recently:

1. Edward Marines, Prin Tech Spec – Maplewood – 32 years
2. Manuel Rebelo, Mgr. Rev Serv – Maplewood – 17 years
3. Frank Cerqueira, Sr. Tech Svcs – Kearny – 37 years
4. John Boguszewski, Vehicle Operator – Red Bank – 43 years
5. Peter DeLuca, Lead Laborer – MMC – 33 years
6. Andres Gomez, Conductor – Various – 29 years
7. Richard Grochowski, Boilermaker – MMC – 14 years
8. Michael Schmidt, Mgr Train Ops – New York – 31 years

ACTION ITEMS

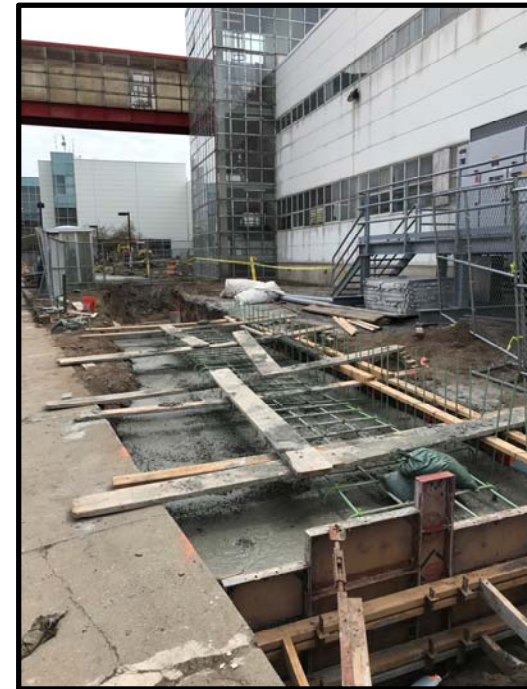
ITEM 2012-75 MMC BUILDING FLOOD CONTROL: CONSTRUCTION CONTRACT



ITEM 2012-75**MMC BUILDING FLOOD CONTROL: CONSTRUCTION CONTRACT**

The Meadows Maintenance Complex (MMC) Building Perimeter Flood Control project requires additional contingency to address previously undocumented underground utility lines and other features which have since been discovered during the design phase. This will also allow differing site conditions in existing electrical components and in physical structures to be properly addressed. This project is critical in providing protection against damage from future storms.

- Seeking authorization to add to NJ TRANSIT Contract No. 17-006X with **DMR Construction Services** of Waldwick, New Jersey, for the construction of the MMC Building Perimeter Flood Control project in the amount of an additional five percent for contingencies, subject to the availability of funds.



ITEM 2012-75

MMC BUILDING FLOOD CONTROL: CONSTRUCTION CONTRACT

- Authorization of this Construction Contract will allow for completion of the ongoing resiliency project at NJ TRANSIT's MMC complex.
- Authorization will also harden the MMC against future storm surges.



ITEM 2012-75: NJ TRANSIT RESILIENCE PROGRAM: MEADOWS MAINTENANCE COMPLEX (MMC)/RAIL OPERATIONS CENTER (ROC) BUILDING FLOOD CONTROL: CONSTRUCTION CONTRACT AMENDMENT TO INCREASE CONTINGENCY FUNDING

WHEREAS, NJ TRANSIT is committed to advancing long-term recovery projects from Superstorm Sandy that allow facilities and equipment to better withstand and recover from extreme weather events; and

WHEREAS, the Meadows Maintenance Complex (MMC) is a large rail storage, repair and staging facility, owned and operated by NJ TRANSIT, in Kearny, New Jersey; and

WHEREAS, the Rail Operations Center (ROC) is a centralized rail communications and control center within the MMC complex, and is owned and operated by NJ TRANSIT; and

WHEREAS, the MMC and ROC were damaged during Superstorm Sandy, including train and locomotive maintenance sheds, equipment storage areas, inspection pits, and associated heating, ventilation, and electrical infrastructure; and

WHEREAS, NJ TRANSIT seeks to enhance protection of its critical facilities at the Meadows Maintenance Complex and Rail Operations Center and better prepare them for future extreme weather events; and

WHEREAS, NJ TRANSIT Board of Directors approved the award of NJ TRANSIT Contract No. 17-006X to DMR Construction Services Inc. (contractor) in the amount of \$18,340,280, plus five percent contingency (Board item 1708-33) for construction of perimeter flood wall and associated electrical work; and

WHEREAS, the construction work has progressed approximately to 85 percent, and during the construction of the said contract, NJ TRANSIT's contractor has encountered unforeseen underground utilities and features as well as changes to the electrical systems performed by others to keep the MMC complex in operable condition; and

WHEREAS, the approved five percent contingency is depleted due to the cost and time extensions associated with the required changes to address the unforeseen conditions; and

WHEREAS, during the construction of the remaining work it is anticipated that additional changes may be necessary to address unforeseen conditions that may be encountered. In order to not delay the contract performance, it is necessary to increase

contingency funds in the amount of additional five percent so that the changes can be executed in a timely manner; and

WHEREAS, the contractor is required to fulfil the original contract race-conscious DBE Goal of 21% established by NJ TRANSIT Office of Business Development for any additional/extra work performed under the contract;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to increase contingency funding to NJ TRANSIT Contract No. 17-006X with DMR Construction Services, Inc., by an additional five percent for a total contract authorization of \$18,340,280, plus ten percent for contingency, subject to the availability of funds.

ITEM 2012-76: NJ TRANSIT CAPITAL PROGRAM: AGREEMENT WITH RUTGERS UNIVERSITY FOR SERVICES, INCLUDING APPLIED RESEARCH, TECHNICAL SUPPORT, AND WORKFORCE DEVELOPMENT

WHEREAS, Rutgers, The State University of New Jersey is a specially chartered instrumentality of the State of New Jersey and a premier research and educational institution of higher education in New Jersey; and

WHEREAS, Rutgers is home to the School of Engineering, Center for Advanced Infrastructure and Transportation (CAIT), a designated United States Department of Transportation Region II University Transportation Center; and

WHEREAS, CAIT has agreed in principal to collaborate with NJ TRANSIT to develop the NJ TRANSIT Resource Program; and

WHEREAS, the mission of the NJ TRANSIT Resource Program, hosted at Rutgers CAIT is to provide short and long-term research, technical support, and workforce development assistance to NJ TRANSIT to support the continuous improvement of its capital programming, State of Good Repair, rail and bus operational safety, efficiency, sustainability and resiliency, as well as developing a sustainable pipeline of talent for its future workforce; and

WHEREAS, The NJ TRANSIT Resource Program will integrate a portfolio of intellectual resources at Rutgers to address NJ TRANSIT's current and emerging needs in a variety of areas, including but not limited to, asset management, State of Good Repair, risk and resilience, sustainability, economic study and analysis, asset imaging, information science, track infrastructure, rolling stock, train operation, bus operation, system safety, logistics and capital planning, as well as assessment of emerging transit and rail-specific technologies and concepts;

NOW, THEREFORE, BE IT RESOLVED, that the Chair or President & CEO is authorized to enter into an agreement with Rutgers, The State University of New Jersey for five years on an as-needed task order basis.

ITEM 2012-77 NEWARK PENN STATION IMPROVEMENTS: CONSTRUCTION CONTRACT AWARD FOR PAVING AND DRAINAGE

The Newark Penn Station Improvements project will include necessary repairs to the pavement and drainage structures located at the Raymond Blvd. and Market St. bus lanes. After many years of deterioration, this project will restore the lanes to a state of good repair and improve bus operations in the vicinity.

- Seeking authorization to enter into NJ TRANSIT Contract No. 21-003X with **Green Construction** of South River, New Jersey for the construction of the Newark Penn Station Improvements project in the amount not to exceed **\$1,060,060.00**, plus five percent for contingencies, subject to the availability of funds.



ITEM 2012-77 NEWARK PENN STATION IMPROVEMENTS: CONSTRUCTION CONTRACT AWARD FOR PAVING AND DRAINAGE

- Authorization of this Construction Contract will allow for repairs to eliminate the existing hazards, restore the stability of NJ TRANSIT's Newark Penn Station bus terminals, and ensure critical service at this facility will no longer be interrupted by issues caused from the current damaged area for the foreseeable future.



ITEM 2012-77: NEWARK PENN STATION IMPROVEMENTS: CONSTRUCTION CONTRACT AWARD FOR PAVING AND DRAINAGE IMPROVEMENTS

WHEREAS, Newark Pennsylvania Station, one of NJ TRANSIT's major terminals, is located at Raymond Plaza and served by the Newark Light Rail, several NJ TRANSIT commuter rail lines, the PATH rapid transit system and Amtrak's Northeast Corridor services; and

WHEREAS, the station is Newark's main intercity Bus terminal; and

WHEREAS, NJ TRANSIT owns and operates the Raymond Boulevard and Market Street bus lanes at Penn Station in Newark; and

WHEREAS, these bus lanes are currently in need of pavement and drainage repairs; and

WHEREAS, NJ TRANSIT advanced immediate design efforts to push forward repairs of the pavement and drainage, due to the continued deterioration that could slow down bus operations, or render these lanes unusable for a time; and

WHEREAS, the work of this Contract consists of repairs to the paving and drainage at the Raymond Boulevard and Market Street bus lanes at Penn Station in Newark; and

WHEREAS, on August 3, 2020, an Invitation for Bid was advertised on BID EXPRESS, NJ TRANSIT's electronic bid system, and in *The Star Ledger* and *The Trenton Times*; and

WHEREAS, bids were received electronically from five firms and opened on September 29, 2020, remotely, in a teleconferencing call on the Microsoft Teams service; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Green Construction, Inc. of South River, New Jersey, submitted the lowest responsive, responsible bid; and

WHEREAS, the NJ TRANSIT Office of Business Development (OBD) has identified this procurement as a 100% SBE Category 6 set-side; and

WHEREAS, NJ TRANSIT OBD reviewed and approved the 100 percent SBE commitment identified by Green Construction, Inc.; and

WHEREAS, Transportation Trust Funds 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. 21-003X with Green Construction, Inc. of South River, New Jersey, for the construction of the Newark Penn Station Improvements project in the amount not to exceed \$1,060,060.00, plus five percent for contingencies, subject to the availability of funds.

ITEM 2012-78: INDEPENDENT FINANCIAL ADVISOR – TASK ORDER CONTRACT

WHEREAS, NJ TRANSIT seeks to improve and expand its transportation facilities, properties and other assets; and

WHEREAS, NJ TRANSIT assessed its Task Order Consultant Contracts program, determining that independent financial advisory services are required to address NJ TRANSIT's needs; and

WHEREAS, this discipline is in addition to the 14 other disciplines, procured separately; and

WHEREAS, Independent Financial Advisors will be used on a project specific basis to supplement in-house staff; and

WHEREAS, Independent Financial Advisors are needed to provide analysis, advice, expertise, and staff augmentation to support NJ TRANSIT's capital program and operating needs, address critical issues, and ensure compliance; and

WHEREAS, Independent Financial Advisors will provide a variety of specialized expertise which NJ TRANSIT does not possess with current staff and is rarely cost-effective to maintain in-house due to the detailed expertise required, changing nature of the market, and short duration of specific needs; and

WHEREAS, NJ TRANSIT is considering innovative structures to deliver capital projects and related transportation services, including proposals from qualified private partners who are able to design, construct, finance, commission, operate, and maintain capital projects and transportation systems; and

WHEREAS, NJ TRANSIT requires qualified, certified, and independent financial advisors with specific experience advising on public-private partnership (P3) projects for large, complex capital programs involving infrastructure services; and

WHEREAS, a Request for Proposals for Independent Financial Advisors was advertised on September 9, 2020; and

WHEREAS, NJ TRANSIT Office of Business Development established a cumulative nine percent (9%) Race Conscious (RC) DBE goal for entirety of the task orders issued; and

WHEREAS, upon completion of a competitive procurement process, it was determined that four firms were deemed the most qualified responsive, responsible proposers for the required Independent Financial Advisory Services;

NOW, THEREFORE, BE IT RESOLVED that the President & CEO is hereby authorized to enter into NJ TRANSIT Contract No. 20-049 with the firms shown in Exhibit A for Independent Financial Advisory Services. The total value of this Independent Financial Advisory Services Task Order program will not exceed \$10,000,000. Each contract will extend for five years; the maximum task and contract limits are shown in Exhibit B.

EXHIBIT A

SELECTED FIRMS

CONTRACT NO. 20-049 INDEPENDENT FINANCIAL ADVISORY SERVICES – 4 FIRMS

- 20-049A Ernst & Young Infrastructure Advisors, LLC (New York, NY)**
With Subconsultants: BJH Advisors LLC; Marine Tiger Technologies; and Steer, Davies & Gleave, Inc.
- 20-049B PFM Financial Advisors LLC (Philadelphia, PA)**
With Subconsultants: SXM Strategies LLC; and Bright Bay Advisors LLC
- 20-049C Infrastructure Advisors LLC (New York, NY)**
With Subconsultants: Parsons Transportation Group, Inc; Rockfleet Financial Services, Inc.; and AKRF, Inc.
- 20-049D KPMG LLP (Austin, TX)**
With Subconsultants: Shoup Strategies; Bluebird Advisors LLC; Marine Tiger Technologies; Backstrom McCarley Berry & Co. LLC; Brian Ansari and Associates, Inc.; BJH Advisors LLC; and Kimley Horn & Associates, Inc.

EXHIBIT B

CONTRACT AND TASK LIMITS

Contract No.	Discipline	Task Limit	Contract Limit
20-049	Independent Financial Advisory Services	\$2,000,000	\$10,000,000

ITEM 2012-79: APPROVAL TO ENTER INTO AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION TO SUPPORT THE PORTAL NORTH BRIDGE PROJECT

WHEREAS, NJ TRANSIT with the assistance of the National Railroad Passenger Corporation (“Amtrak”) will undertake a project to construct, operate, and maintain a new Portal North Bridge and 2.44 miles of related railroad infrastructure to replace Amtrak’s existing Portal Bridge on the Northeast Corridor with a new two-track fixed span structure over the Hackensack River in Hudson County, NJ and to purchase 25 additional rail cars (the “Project”); and

WHEREAS, the new Portal North Bridge will be used jointly by Amtrak and NJ TRANSIT for intercity and commuter passenger rail service and operated and maintained by Amtrak; and

WHEREAS, the Project will be owned by NJ TRANSIT; and

WHEREAS, NJ TRANSIT, as project sponsor, has applied to the United States Department of Transportation, acting through the Federal Transit Administration (“FTA”); for a Core Capacity Grant, to fund construction and completion of the Project; and

WHEREAS, NJ TRANSIT has completed the necessary agreements and documentation required pursuant to 49 U.S.C. Section 5309 for such Core Capacity grant, including its agreements with Amtrak, and has demonstrated it is eligible to enter into a Full Funding Grant Agreement (“FFGA”) with FTA; and

WHEREAS, NJ TRANSIT seeks to execute the FFGA with FTA;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President and CEO is authorized to enter into the attached Full Funding Grant Agreement for the Portal North Bridge Project between NJ TRANSIT and the FTA, and to take all other steps necessary, subject to the availability of funds, to comply with the terms and conditions of the Full Funding Grant Agreement.

Proposed Execution Version

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
WASHINGTON, D.C.**

FULL FUNDING GRANT AGREEMENT

NEW JERSEY TRANSIT CORPORATION

PORTAL NORTH BRIDGE CORE CAPACITY PROJECT

NJ-2021-001-00

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**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

FULL FUNDING GRANT AGREEMENT

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Full Funding Grant Agreement, the Government (FTA) has awarded Federal assistance in support of the Project described below. Upon Execution of this Full Funding Grant Agreement by the Grantee named below, the Grantee affirms this Award by the Government (FTA Award), and enters into this Full Funding Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Full Funding Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(27), October 1, 2020
- (2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA; and
- (3) Any FTA Award notification containing special conditions or requirements, if issued.

FTA AWARD

The Government (FTA) hereby awards a Full Funding Grant as follows:

Project Number(s): NJ – 2021 – 001 – 00

Grantee: New Jersey Transit Corporation (NJ TRANSIT)

Citation of Statutes Authorizing the Project: 49 U.S.C. §§ 5309(b), 5309(e), 5309(q)

Estimated Net Project Cost: \$1,732,168,451

Maximum FTA Amount Awarded: \$823,563,562

Amount of This FTA Award: \$248,000,000

Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution: \$766,500,000

Maximum Percentage of FTA Participation: 47.6 percent

Maximum Percentage of Section 5309 Capital Investment Grants Program Participation: 44.3 percent

Special Conditions: Grantee shall provide evidence to FTA, in a timely manner, of the recording of the deed referenced in Section 5.2, Section 20.a, and Exhibit 3 of the Portal North Bridge Project Development Agreement (PDA) between NJ TRANSIT and the National Railroad Passenger Corporation (Amtrak), executed on November 27, 2020. To the extent that any transfer of real property, retention of easements and, or transfer of Project Improvements referenced in Section 5.2 and Section 20.a of the PDA will occur in a manner that is inconsistent with such provisions of the PDA, NJ TRANSIT shall obtain approval from FTA prior to such transfer.

Dates of U. S. Department of Labor Certifications of Transit Employee Protective Arrangements:

<u>Original Project or Amendment Numbers:</u>	<u>Certification Dates:</u>
NJ-2021-001-00	XXX, XX, XXXX
NJ-2021-001-00	XXX, XX, XXXX

Required Completion Date: June 30, 2028

Project Description:

The Portal North Bridge Core Capacity Project (Project) replaces the existing 110-year-old two-track railroad swing bridge over the Hackensack River, with a new fixed bridge carrying two (2) new tracks. The segment of the bridge that will span directly above the river will consist of three (3), 400 foot-long “Network Tied Arch” spans, equaling a distance of about 1,200 feet. In total, the Project’s 2.44 miles consist of approximately 6,200 linear feet of new railroad embankment sections and approximately 6,700 linear feet of bridge and viaduct structure sections. The related project components are voluminous and include items such as structural, track, civil, communications, signals, electric traction power, facilities power, catenary, and control center modifications. For a more detailed description of the Project see Attachments 1 and 2.

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

FULL FUNDING GRANT AGREEMENT TERMS AND CONDITIONS

THIS FEDERAL TRANSIT ADMINISTRATION FULL FUNDING GRANT AGREEMENT (Agreement) is entered into by the New Jersey Transit Corporation, a public instrumentality of the State of New Jersey (NJ TRANSIT or Grantee) and the United States of America, acting through the United States Department of Transportation, Federal Transit Administration (FTA or Government).

WHEREAS, the Grantee has determined through the local planning process that construction and implementation of the Portal North Bridge Project (PNB or Project) will effectively and efficiently serve the transportation needs of the State of New Jersey.

WHEREAS, the Grantee has developed a Financial Plan, as herein defined, using a combination of local and Federal funds to finance the costs of the Project and, in accordance with its plan, has requested a Grant, as herein defined, of Federal financial assistance in the Project.

WHEREAS, the Government has determined to enter into this Agreement and to support final design and construction of the Project up to a Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution of \$766,500,000 subject to all the terms and conditions set forth in this Agreement.

WHEREAS, the Grantee has submitted its request for Federal assistance (the Application) and the Government has received and is relying upon the Grantee's assurances, certifications, and all other documents required as conditions precedent to a Grant of assistance by the Government for the Project; and, in its submissions, the Grantee has demonstrated justification for the Project, has demonstrated its financial, organizational, legal, and technical capacity as is necessary to Complete the Project within the maximum amount of Federal assistance set forth in this Agreement, and has demonstrated the capability to secure non-Federal funds as may be necessary for such completion.

WHEREAS, the Government has determined that the Project is justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, economic development effects, the capacity needs of the Northeast Corridor, and congestion relief; and the Project is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the Project.

WHEREAS, the Government and the Grantee have agreed that their respective duties and responsibilities as related to the completion of the Project shall be determined by and under the terms and conditions of this Agreement and have agreed that this Agreement shall be recognized as the sole understandings between the Government and the Grantee in consideration of the mutual promises as set forth in this Agreement.

THEREFORE, in consideration of the above and the parties' mutual promises as set forth in this Federal Transit Administration Full Funding Grant Agreement, the Grantee and the Government agree to the specific terms, conditions and provisions set forth in this entire Agreement including, in particular, the specific terms of the following Sections and Attachments:

SECTION 1. DEFINITIONS

"Agreement" means this Federal Transit Administration Full Funding Grant Agreement (FFGA) and consists of all parts and documents listed in Section 20 of this Agreement, "Contents of Agreement," and will include all future addenda, substitutions, modifications and amendments as and when legally executed and effective. (This definition supersedes the definition of "Grant Agreement" set forth in Section 2.a of the Federal Transit Administration Master Agreement (Master Agreement), incorporated by reference and made part of this Agreement.)

"Application" means those documents and written submissions filed by or on behalf of the Grantee pursuant to its request for Federal financial assistance for support of the Project and relied upon by the Government as satisfaction of the legal and policy requirements of Grant award. The Application includes all explanatory, supporting, or supplementary documents related to the Project that the Government relied upon in its determination to obligate and award Federal funds for the Project. (This definition is intended to supplement the definition "Application" set forth in Section 2.a of the Master Agreement, incorporated by reference and made part of this Agreement.)

"Baseline Cost Estimate" means the Application document described in Section 13 of this Agreement and set forth in the Tables that comprise Attachment 3. The requirements of the Baseline Cost Estimate are set forth in FTA Circular 5200.1A. "Full Funding Grant Agreements Guidance," as may be revised from time to time. The Baseline Cost Estimate reflects the total anticipated cost of the Project as of the Date of this Agreement.

"Complete the Project" means to accomplish all of the scope and activities of the Project as described in Attachment 1, "Scope of the Project," and Attachment 2, "Project Description."

"Date of this Agreement" means the date the Government awards this Full Funding Grant Agreement.

"Estimated Net Project Cost" means the amount that is calculated by subtracting the cost that can reasonably be financed from the Grantee's revenue from the total anticipated cost of the

Project as reflected in the "Baseline Cost Estimate," Attachment 3. The Estimated Net Project Cost is set forth in Section 7 of this Agreement.

"Financial Plan" means the plan accepted by the Government as part of the Application process describing the Grantee's financial condition and capability to complete the Project and to maintain and operate the Project together with its existing transit system. It includes all explanatory, supporting and supplementary documents, commitments, and agreements accepted or approved by the Government.

"Government" means the United States of America, acting through the Federal Transit Administration of the United States Department of Transportation.

"Grantee" means the New Jersey Transit Corporation, a public instrumentality of the State of New Jersey (NJ TRANSIT).

"Grant(s)" means, in singular and plural forms, the obligation and award of Federal financial assistance by the Government pursuant to the laws codified at 49 U.S.C. Chapter 53.

"Increased Levels of Service" means the additional service to be provided upon completion of the project as set forth in Attachment 1, "Scope of the Project."

"Local Share" means that portion of the Grantee's local financial commitment that is the Grantee's legally required share of the Net Project Cost.

"Master Agreement" means the standard terms and conditions applicable to recipients of Federal financial assistance from the Government. It is updated and published annually. It is incorporated by reference and made part of this Agreement and identified in Federal Fiscal Year 2021 by FTA Form MA(27) (October 1, 2020).

"Maximum Federal Section 5309 Capital Investment Grant Program Financial Contribution" means the limit of Federal Section 5309 Capital Investment Grants Program financial participation in the Project. (The amount of the "Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution" is set forth in Section 8 of this Agreement, "Limitations of the Federal Funding Commitment," and is only a portion of the total Federal financial contribution for the Project.)

"Maximum FTA Amount Awarded" means the total amount of Federal funds from all sources administered by FTA and awarded for the Project, regardless of source, and available to the Grantee. (This amount is set forth in the first page of this Agreement.)

"Net Project Cost" means the cost of the Project that cannot reasonably be financed from the Grantee's revenues.

"Project" means the transit/transportation improvements the Grantee has promised to implement as a condition of its Full Funding Grant. A description of the Project is set forth in Attachment 1, "Scope of the Project." Activities to carry out the project scope are set forth in Attachment 2, "Project Description."

"Project Costs" means all costs eligible for Federal financial participation under the terms of this Agreement and consistent with the cost principles set forth in Section 7 of the Master Agreement, "Payments to the Recipient."

"Recovery Plan" means a plan developed by the Grantee, and accepted by the Government, whereby the Grantee will take every reasonable measure to minimize any delay in achieving the baseline schedule set forth in Attachment 4 to this Agreement (the Baseline Schedule) and eliminate or otherwise mitigate [recover] any increase in the total Project cost as currently estimated, as compared to the total Project cost identified in Attachment 3 to this Agreement (the Baseline Cost Estimate).

"Required Completion Date" means the date certain upon which the Grantee agrees to accomplish the activities and tasks described in Attachments 1 and 2 to this Agreement and begin providing the additional service in the corridor as identified in the application submitted to FTA.

SECTION 2. PURPOSES OF AGREEMENT

Pursuant to 49 U.S.C. § 5309, the purposes of this Agreement are to:

(a) provide Federal financial assistance to the Grantee in the form of this Full Funding Grant and possible future awards of financial assistance as contemplated under this Agreement, not to exceed the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution for the Project, as is and may be awarded under this Agreement and the laws codified at 49 U.S.C. Chapter 53 for purposes that are consistent with those statutes, implementing regulations, and other applicable laws and regulations;

(b) describe the Project and set forth the mutual understandings, terms, conditions, rights and obligations of the parties related to implementing the Project, the future management and operation of the Project, and the manner in which Project real property and equipment will be used;

(c) establish the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution for the Project, and the manner in which all future Federal funds for the Project, if any, will be awarded and released to the Grantee;

(d) establish the Grantee's financial commitment to the Project including its obligation to fund the Local Share, its obligation to Complete the Project with a specified amount of Federal assistance, its obligation to begin providing the additional service in the corridor by a specified date, its obligation to pay all costs necessary to Complete the Project that are in excess of the

Estimated Net Project Cost and its obligation to finance the future maintenance and operational costs of the Project; and

(e) facilitate timely and efficient management of the Project.

SECTION 3. PREVIOUS FEDERAL DOCUMENTS AND GRANTS

(a) Federal law, policies and procedures require the completion of a project development process and environmental and historical preservation review prior to the Award and Execution of this Agreement. Prior Grants of Federal funds for these reviews and other project activities are described in Attachment 5 to this Agreement. These Grants (and any other previous documents identified in Attachment 5, including Letters of No Prejudice) are incorporated by reference and made part of this Agreement, except for the terms and conditions thereof specifically superseded by this Agreement. Further, in executing this Agreement, the Grantee assures the Government that the Certifications and Assurances made by the Grantee (or on behalf of the Grantee by a third party) upon which the Government relied in these prior actions were made to the Government in good faith and to the best of the Grantee's knowledge and belief, and that the Grantee has no present knowledge of facts or circumstances substantially affecting the continued validity of these Certifications and Assurances that the Grantee has not formally conveyed to the Government prior to the Government's Award of funding set forth in this Agreement.

(b) This Agreement does not discharge or rescind any of the terms, conditions, or obligations established under the documents set forth in Attachment 5 unless specifically stated otherwise herein. Furthermore, the terms, conditions and obligations of this Agreement take precedence over the provisions of all prior agreements between the Government and the Grantee related to the Project and will be controlling for all actions related to the Project taken after the Date of this Agreement, unless specifically stated otherwise herein.

(c) No amendments will be sought or approved to increase the amount of funds in the prior Grants listed in Attachment 5 beyond the amounts described in this Agreement as available to the Project.

SECTION 4. OBLIGATION TO COMPLETE THE PROJECT

(a) The Government has no obligation to provide any financial assistance for the Project beyond the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution. If the total Federal funding provided under Section 8 of this Agreement, "Limitations of the Federal Funding Commitment," is insufficient to undertake the activities necessary to Complete the Project and increase levels of service, the Grantee agrees to Complete the Project and accepts sole responsibility for the payment of any additional costs (overruns).

(b) If at any time during its efforts to Complete the Project the Grantee determines that the total Project cost will exceed the Baseline Cost Estimate, the Grantee must immediately notify

the Government of the amount of the difference and the reasons for the difference. Further, the Grantee must provide the Government with a Recovery Plan that demonstrates the Grantee is taking and will take every reasonable measure to eliminate [recover] the difference between the total project cost and the Baseline Cost Estimate. Insofar as any difference between the total project cost and the Baseline Cost Estimate that cannot be eliminated [recovered], the Grantee must secure and provide such additional resources as are necessary to meet the additional costs and expeditiously Complete the Project without further financial assistance from the Federal Section 5309 Capital Investment Grants Program. Further, in its Recovery Plan, the Grantee must identify the sources of funds it will draw upon to meet the additional costs and cover the difference between the total Project cost and the Baseline Cost Estimate.

SECTION 5. REQUIRED COMPLETION DATE AND INCREASED LEVELS OF SERVICE

(a) The Grantee agrees and promises to Complete the Project on or before June 30, 2028 the Required Completion Date, in accordance with the terms and conditions of this Agreement.

(b) The Required Completion Date is a significant term of this Agreement. The Grantee's failure to complete the Project on or before the Required Completion Date will constitute a breach of this Agreement. Upon the Grantee's request, the Government may determine, at its sole discretion, to waive a breach or an anticipatory breach of this Agreement and to extend the Required Completion Date if there is an unavoidable delay resulting from an event or circumstance beyond the control of the Grantee, or if the Government determines that allowing the delay is in the best interest of the Government and the success of the Project. Requests by the Grantee for waiver of a breach or anticipatory breach of this Agreement and extension of the Required Completion Date for the reasons set forth herein shall be submitted promptly (with appropriate documentation) to the Government. In the exercise of its discretion to waive the breach and extend the Required Completion Date, the Government will take into consideration the actions and measures taken by the Grantee to ensure adherence to its promise to complete the Project on or before the scheduled Required Completion Date.

(c) Delays in appropriations of funds from Congress shall not constitute a basis for extension of the Required Completion Date.

(d) The Government's consent to extend the Required Completion Date pursuant to Paragraph (b) of this Section 5 does not constitute a basis for additional Federal financial assistance beyond the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution.

(e) Set forth in Attachment 1 to this Agreement, "Scope of the Project," is the Increased Levels of Service the Grantee indicated would be provided in the peak-hour in the peak-direction in the Project corridor to qualify for Section 5309 Capital Investment Grants Program funding. The Grantee will achieve and maintain these Increased Levels of Service once the Project is complete and for no less than five years thereafter. These specified Increased Levels of Service are a significant term of this Agreement. The Grantee's failure to achieve and

maintain these Increased Levels of Service at the Required Completion Date and for five years thereafter will constitute a breach of this Agreement. Upon the Grantee's request, the Government may determine in its sole discretion to waive a breach of the Grantee's obligation to maintain these specified Increased Levels of Service for events or circumstances beyond the control of the Grantee, or if the Government determines that a waiver is in the interests of the United States. In the exercise of its discretion whether to waive a breach of the specified Increased Levels of Service, the Government will take into consideration the actions and measures taken by the Grantee to achieve and maintain the operational goals of the Project and the Grantee's entire public transportation system for at least five years beyond the completion of the Project.

SECTION 6. NET PROJECT COST

(a) This Grant is to assist in the payment of actual eligible costs within the scope of the Project under this Agreement, minus any amount that can reasonably be financed from revenues of the Grantee. If the funds awarded under this Grant exceed the amount necessary to finance the Federal share, those excess funds are not available to the Grantee for payment of costs beyond the scope of this Project supported by this Grant.

(b) In accordance with the FTA Master Agreement, a refund or reduction of the Grantee's Local Share of the Net Project Cost requires a refund to the Government of a proportional amount of the Federal financial assistance provided under this Agreement.

(c) The portion of the Net Project Cost that may be financed by the Government with Section 5309 Capital Investment Grants Program funds may not exceed the amount of the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution for this Project as stated in Section 8 of this Agreement, "Limitations of the Federal Funding Commitment."

(d) The Grantee acknowledges that Federal funds may be used only to reimburse eligible expenses for the Project. Should FTA determine that Federal funds have been used to reimburse any expenses that were ineligible for Federal reimbursement, FTA will direct the Grantee either to reimburse FTA with local funds not already committed to the Project or to reduce the total project costs by the amounts found to have been ineligible.

SECTION 7. ESTIMATED NET PROJECT COST

(a) The Government's determination to provide financial assistance for the Project is based, in significant part, upon the Grantee's estimated costs as set forth in the "Baseline Cost Estimate," Attachment 3 to this Agreement. The Estimated Net Project Cost reported in Attachment 3 is \$1,732,168,451.

(b) The Estimated Net Project Cost financed with the Execution of this Agreement is limited by the amount of the Maximum FTA Amount Awarded. The amount of the Estimated Net Project Cost and the amount of the Maximum FTA Amount Awarded are stated in the first page of

this Agreement. The amount reimbursable by the Government is limited to the lesser of either the amount of the Maximum FTA Amount Awarded or the maximum percentage of FTA participation permitted by Federal law and regulations. Additional funds will not be provided until a Grant amendment awarding additional funds and amending this Full Funding Grant Agreement is executed.

SECTION 8. LIMITATIONS OF THE FEDERAL FUNDING COMMITMENT

(a) With its Award set forth in this Agreement, the Government obligates \$248,000,000 in Federal Section 5309 Capital Investment Grants Program financial assistance for the Project. The sources of this Federal financial assistance are set forth in the "Project Budget," Attachment 3A. These funds are in addition to all previous Federal financial commitments to the development of the Project as set forth in the schedule of "Prior Grants and Related Documents." Attachment 5 of this Agreement.

(b)(1) With its Award set forth in this Agreement, the Government also acknowledges its intent to provide Federal Section 5309 Capital Investment Grants Program financial assistance for the Project in addition to the amount set forth in Paragraph (a) of this Section 8. The amount of additional Section 5309 Capital Investment Grants Program funds the Government may provide will not exceed \$518,500,000. The anticipated sources of Federal financial assistance in this amount are listed in Attachment 6 to this Agreement, "Schedule of Federal Funds for the Project." Additional funds obligated pursuant to this Paragraph will be subject to all the terms, conditions and obligations established by this Agreement. Accordingly, it is expected that the award of funds will be processed through amendments to this Agreement.

(b)(2) The award by the Government of additional Federal Section 5309 Capital Investment Grants Program financial assistance to the Project under Paragraph (b)(1) of this Section 8 is subject to the following limitations:

(i) the availability of appropriated funds, and

(ii) the Grantee's continued performance under the terms and conditions of this Agreement.

(c) The Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution for this Project is limited to \$766,500,000, which is the sum of the amounts set forth in Paragraphs (a) and (b)(1) of this Section.

SECTION 9. FEDERAL FUNDING—OTHER SOURCES

The Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution specified in Section 8(c) of this Agreement does not include funds other than from the Capital Investment Grants Program under 49 U.S.C. Chapter 53. Should such other Federal funds be provided for the Project in addition to the Federal Section 5309 Capital

Investment Grants Program funds set forth in Attachment 6 of this Agreement, the limitation on the Federal funding commitment set forth in Section 8 of this Agreement shall not apply to those funds. Accordingly, such additional funds shall be excluded from the calculation of the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution. Funds awarded pursuant to this Section will be subject to all other terms, conditions and obligations set forth in the Agreement.

SECTION 10. LOCAL FINANCIAL COMMITMENT—CAPITAL COSTS

(a) As a condition of the Government's Award of this Full Funding Grant, the Grantee has developed and adopted a Financial Plan for financing all Project Costs necessary to complete the Project. In addition to the amount of Federal funds requested, the Financial Plan includes a statement identifying the local and private sources of funding and the amount of funds available for and committed to the Project from each such source. This Financial Plan, as accepted by the Government, with the supporting documentation (including formal funding agreements and commitments) is hereby incorporated by reference and made part of this Agreement.

(b) The Grantee hereby commits and certifies that it will provide funds in an amount sufficient, together with the Federal contribution (acknowledging the limitations as set forth in this Agreement), to assure timely and full payment of the Project Costs as necessary to Complete the Project.

(c) The Grantee hereby commits and certifies that the Local Share portion of its financial commitment will be provided from funding sources other than Federal funds (except as may otherwise be authorized by Federal statute), receipts from the use of Project facilities or equipment (except as otherwise be authorized by Federal statute), or revenues of the public transportation system in which such facilities or equipment are used.

(d) Given the Estimated Net Project Cost, as set forth in Section 7 of this Agreement, the Grantee's financial commitment to the Net Project Cost is estimated to total \$908,604,889. This amount constitutes the Local Share needed to match the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution for the Project and Other Federal Sources. In the event that the actual Federal financial contribution for the Project is reduced or is increased, or the funding percentage as set forth in this Agreement is changed, the portion of the Grantee's financial contribution for the Project that is identified as Local Share shall be adjusted accordingly.

(e) The Grantee agrees to notify the Government of any change in circumstances or commitments that adversely affect the Grantee's plan to fund the Project Costs necessary to Complete the Project as set forth in the Financial Plan. In its notification, the Grantee shall advise the Government of what actions it has taken, or plans to take, to ensure adequate funding resources and shall reaffirm its commitment to the Government as set forth in Paragraph (b) of this Section 10.

SECTION 11. AUTHORIZATION TO ADVANCE PROJECT WITHOUT PREJUDICE

The Grantee may incur costs or expend local funds for all phases of the Project as is reasonably necessary to advance the Project prior to an award of Federal funding assistance without prejudice to possible future Federal participation in or reimbursement of the Project Costs to the extent that such costs are incurred in accordance with all applicable Federal requirements and this Agreement. It is understood that the authority conferred on the Grantee to advance the Project without prejudice does not constitute a legal commitment by the Government to obligate and award Federal funds.

SECTION 12. LOCAL FINANCIAL COMMITMENT—OPERATING AND MAINTENANCE COSTS

(a) As a condition of the Government's Award of funding set forth in this Agreement, the Grantee has developed and adopted a Financial Plan to finance the future operation and maintenance of the Project that also takes into consideration the Grantee's continuing financial responsibilities to operate, maintain and reinvest in its existing transit system. This Financial Plan, as accepted by the Government, and the supporting documentation (including specific funding commitments) evidencing stable and dependable funding sources are an essential part of the Grantee's Application and are made part of this Agreement by incorporation of the Application.

(b) With the Execution of this Agreement, the Grantee assures that it has stable and dependable funding sources, sufficient in amount and in degree of commitment, to operate and maintain its entire mass transportation system at an adequate and efficient level of service, including the future operation and maintenance of the Project without additional Federal assistance beyond the amounts set forth in the Financial Plan. The foregoing assurance does not preclude the Grantee from altering service through contracts with private providers of mass transportation services.

(c) The Grantee will notify the Government of any change in circumstances or commitments that adversely affects the Grantee's plan to fund the maintenance and operating costs of the Project as set forth in the Financial Plan. In its notification, the Grantee will advise the Government of actions it has taken or plans to take to ensure adequate funding resources and will reaffirm to the Government its assurance as set forth in Paragraph (b) of this Section.

SECTION 13. BASELINE COST ESTIMATE

(a) In its Application, the Grantee submitted to the Government a Baseline Cost Estimate for the activities constituting the Project. The Baseline Cost Estimate is accepted by the Government and is set forth in the Tables that comprise Attachment 3 of this Agreement. The Baseline Cost Estimate is derived from cost estimates of the individual third party contracts and force account work that, in sum, constitute the Project; it reflects appropriate escalation and Project schedule dates.

(b) The Government intends to use the Baseline Cost Estimate to monitor the Grantee's compliance with certain terms and conditions of this Agreement. The Baseline Cost Estimate established in Attachment 3 serves as the measure of cost estimates as of the Date of this Agreement, and will not be amended or modified during the implementation of the Project.

(c) The Grantee will submit cost reports on the implementation of the Project as required by this Agreement and in a format consistent with the units set forth in the Baseline Cost Estimate so that the Government can, with reasonable diligence, reconcile the Grantee's reports with the Baseline Cost Estimate.

SECTION 14. BASELINE SCHEDULE

(a) In its Application, as approved, the Grantee submitted a Baseline Schedule for the Project that demonstrates how the Grantee intends to implement the Project and meet the Required Completion Date. This "Baseline Schedule" has been accepted by the Government and is Attachment 4 of this Agreement.

(b) The schedule for the Project may be modified from time to time at the discretion of the Grantee. However, the Baseline Schedule is not to be modified because it is to be used as a basis for comparing planned to actual project implementation. The Grantee will notify the Government when a Project schedule modification has the potential to change the Required Completion Date and describe the actions planned to recover the schedule. The Government's acquiescence in such notice will not be deemed approval by the Government of an extension of a Required Completion Date unless the Government expressly grants an extension in writing.

SECTION 15. PROJECT MANAGEMENT OVERSIGHT

The Project is a "Major Capital Project" as defined in FTA's Project Management Oversight regulations at 49 C.F.R. § 633.5. Accordingly, the Grantee agrees that all requirements and conditions set forth in the rule at 49 C.F.R. Part 633 apply to the Project activities. Noncompliance with any regulatory requirements shall constitute a breach of this Agreement, unless the Government formally waives the regulatory requirement.

SECTION 16. ENVIRONMENTAL PROTECTION

(a) As a condition precedent to this Agreement, the environmental impacts of the Project have been assessed as required by law. The results of that assessment and the adopted mitigation measures are described in the environmental documents identified in Attachment 7 of this Agreement. These documents together with related agreements and supporting documentation are incorporated by reference and made part of this Agreement. To assist the Government in monitoring the implementation of the adopted mitigation measures, these measures are specifically referenced in Attachment 7 of this Agreement. It is understood and agreed that the description in Attachment 7 shall not supersede or in any way result in a circumvention of the requirements set forth in the Government's environmental record for the Project.

(b) Certain terms and conditions of this Agreement as related to the Grantee's responsibility to ensure protection of the environment are set forth in Section 26 of the Master Agreement, "Environmental Protections." Under Subsection 26.i, "Mitigation of Adverse Environmental Effects," the Grantee is required, among other actions, to undertake all environmental mitigation measures that are identified in environmental documents prepared for the Project. Accordingly, the Grantee understands that it shall not withdraw or substantially change any of the adopted mitigation measures as described in the Government's environmental record for the Project without the express written approval of the Government.

(c) This Section is intended only to supplement the provisions set forth in Section 26 of the Master Agreement, "Environmental Protections."

SECTION 17. LABOR PROTECTION

The Grantee will carry out the Project in conformance with the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meet the requirements of 49 U.S.C. § 5333(b) and U.S. Department of Labor (USDOL) Guidelines at 29 C.F.R. Part 215. These terms and conditions are identified in the letters of certification from USDOL on the dates set forth on the first page of this Agreement. The Grantee will carry out the Project in compliance with the conditions stated in the USDOL certification letters. Those letters and any documents cited therein are incorporated by reference and made part of this Agreement.

SECTION 18. GOVERNMENT ACTIONS

(a) In all cases where the Government's review, approval or concurrence is required under the terms and conditions of this Agreement, the Government will provide its response within sixty (60) calendar days of receipt from the Grantee of all materials reasonably necessary for the formulation of the Government's response.

(b) If the Government determines that its position cannot be finalized within that sixty (60) day period, the Government will notify the Grantee, in writing, within thirty (30) days following receipt of the Grantee's submission that the Government's response will be delayed and advise the Grantee of the Government's anticipated time period for response.

(c) Whenever the Government's approval or concurrence is needed on any matter pertaining to or concerning this Agreement, the Government's approval or concurrence will not be unreasonably withheld.

SECTION 19. REMEDIES

(a) Substantial failure of the Grantee to Complete the Project in accordance with the Application and this Agreement will be a default of this Agreement. In the event of default, the Government will have all remedies at law and equity, including the right to specific performance without further Federal financial assistance, and the rights to termination or

suspension as provided by Section 11 of the Master Agreement, "Right of the Federal Government to Terminate." The Grantee recognizes that in the event of default, the Government may demand all Federal funds provided to the Grantee for the Project be returned to the Government. Furthermore, a default of this Agreement will be a factor considered before a decision is made with respect to the approval of future Grants requested by the Grantee.

(b) Under the provisions of Section 15 of this Agreement, "Project Management Oversight," and under the terms and conditions of the Master Agreement, the Government will review performance by the Grantee to determine whether satisfactory progress is being made to complete the Project. In the event that the Government determines that the Grantee is in breach of this Agreement, the Government may withhold its approvals of further funding and suspend drawdown of funds, under the provisions of Section 11 of the Master Agreement, "Right of the Federal Government to Terminate," until any necessary corrective action, which may be required by the Government, is accomplished. Any breach of this Agreement that is not corrected within a reasonable period of time will be a default of this Agreement. The Government in its discretion may permit the cost of such corrective action to be deemed a Project Cost, provided that such cost is an allowable cost under the requirements of Section 7.b of the Master Agreement, "Eligible Costs," and so long as it remains within the limits of the Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution set forth in Section 8 of this Agreement, "Limitations of the Federal Funding Commitment."

(c) In the event of a breach of this Agreement by the Grantee and before the Government takes action contemplated by this Section, the Government will provide the Grantee with ninety (90) days written notice that the Government considers that such a breach has occurred and will provide the Grantee a reasonable period of time to respond and to take necessary corrective action.

SECTION 20. CONTENTS OF AGREEMENT

This Full Funding Grant Agreement consists of the text of this Agreement, which includes the first pages setting forth significant characteristics of the Agreement (such as the maximum Federal funds obligated and awarded for expenditure on the Project and the funding ratio of Federal and local funds to be expended for the Project, and such other data), followed by the Terms and Conditions and the Attachments to the Agreement. The Agreement also includes the following documents incorporated by reference and made part of this Agreement: the "Federal Transit Administration Master Agreement," FTA Form MA(27) (October 1, 2020) as may be revised from time to time, the Application, the Government's environmental record for the Project, related agreements, and prior Grant Agreements for the Project referenced in Attachment 5 of this Agreement. Should the FTA Award notification include special conditions for the Project, that notification is incorporated by reference and made part of this Agreement. Any inconsistency between the Application and the terms and conditions of this

Full Funding Grant Agreement will be resolved according to the clear meaning of the provisions of this Agreement and Attachments hereto.

SECTION 21. SIMULTANEOUS CREATION OF AGREEMENT IN ELECTRONIC FORMAT

Simultaneous to the Award and Execution of this Agreement set forth in typewritten hard copy, the Agreement is being awarded and executed by electronic means through FTA's electronic award and management system. To the extent any discrepancy may arise between the typewritten version and the electronic version of this Agreement, the typewritten version will prevail. Should any special conditions or requirements for the Project be added separately in the electronic version, those conditions or requirements are incorporated by reference and made part of this Agreement.

SECTION 22. AMENDMENTS TO AGREEMENT

Amendments to any of the documents referenced in Section 20, "Contents of Agreement," will be made in accordance with the requirements and procedures set forth in FTA Circular 5010.1E, "Award Management Requirements" (July 16, 2018), as may be amended from time to time, and FTA Circular 5200.1 A (December 5, 2002), "Full Funding Grant Agreements Guidance," as may be amended from time to time.

SECTION 23. ATTACHMENTS—INCORPORATION

Each and every Attachment to this Agreement is incorporated by reference and made part of this Agreement.

SECTION 24. NOTICES

Notices required by this Agreement will be addressed as follows:

As to the Government:

Mr. Stephen Goodman
Regional Administrator
Federal Transit Administration
1 Bowling Green
Suite 429
New York, NY 10004

As to the Grantee:

Mr. Kevin Corbett
President and CEO
One Penn Plaza East, 9th Floor
Newark, NJ 07102

SECTION 25. APPLICABLE LAW

If neither Federal statute nor Federal common law governs the interpretation of the provisions of this Agreement, the state law of the State of New Jersey will apply. This provision is intended only to supplement Section 3.g of the Master Agreement, "Application of Federal, State, and Local Laws, Regulations, Requirements, and Guidance."

SECTION 26. AWARD AND EXECUTION OF AGREEMENT

There are several identical counterparts of this Agreement in typewritten hard copy; each counterpart is to be fully signed in writing by the parties and each counterpart is deemed to be an original having identical legal effect. When signed and dated by the authorized official of the Government, this instrument will constitute an Award that should be executed by the Grantee within ninety (90) days of the date of the Government's Award (FTA Award). The Government may withdraw its Award of financial assistance and obligation of funds if this Agreement is not executed within the ninety (90) day period. Upon full Execution of this Agreement by the Grantee, the effective date will be the date the Government awarded funding under this Agreement as set forth below.

THE GOVERNMENT HEREBY AWARDS THIS FULL FUNDING GRANT AGREEMENT THIS

_____ DAY OF _____, 2021

Signature: _____

K. Jane Williams
Deputy Administrator
FEDERAL TRANSIT ADMINISTRATION

EXECUTION BY GRANTEE

The Grantee, by executing this Agreement, affirms this FTA Award; adopts and ratifies all statements, representations, warranties, covenants, and materials it has submitted to FTA; consents to this Award; and agrees to all terms and conditions set forth in this Agreement.

THE GRANTEE HEREBY EXECUTES THIS FULL FUNDING GRANT AGREEMENT THIS

_____ DAY OF _____, 2021

Signature: _____

Kevin Corbett
President and CEO
New Jersey Transit Corporation

ATTESTED BY:

Signature: _____

Name (Print/Type):
Title of Grantee Official:
Name of Grantee Organization:

AFFIRMATION OF GRANTEE'S ATTORNEY

As the undersigned Attorney for the Grantee, I affirm to the Grantee that I have examined this Agreement and the proceedings taken by the Grantee relating to it. As a result of this examination I hereby affirm to the Grantee the Execution of the Agreement by the Grantee is duly authorized under state and local law. In addition, I find that in all respects the Execution of this Agreement is due and proper and in accordance with applicable State and local law. Further, in my opinion, this Agreement constitutes a legal and binding obligation of the Grantee in accordance with the terms of the Agreement. Finally, I affirm to the Grantee that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the full implementation of the Project in accordance with the terms thereof.

DATED ____ DAY OF _____, 2021

AFFIRMED BY:

Signature: _____

Name (Print/Type):

Title of Official:

Name of Organization:

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; 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.