

Philip D. Murphy, Governor
Tahesha L. Way, Lieutenant Governor
Francis K. O'Connor, Commissioner
Kevin S. Corbett, President & CEO

ONE PENN PLAZA EAST
NEWARK, NJ 07105-2246
973-491-7000



October 18, 2024

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

Dear Governor Murphy:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc., Board of Directors held on Thursday, October 10, 2024.

Sincerely,

Meghan Clark Umukoro

Meghan Clark Umukoro
Board Secretary

Enclosures

Open Session Minutes of the actions taken at the Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Thursday, October 10, 2024. The meetings occurred concurrently.

Board Members

Francis K. O'Connor, Chair
Kiabi D. Carson, Vice Chair – ABSENT
Aaron J. Creuz, Governor's Representative
Michael Kanef, Treasurer's Representative
Anthony N. Abrantes, Board Member
Richard A. Maroko, Board Member
Carlos A. Medina, Board Member
Shanti Narra, Board Member
Evan S. Weiss, Board Member– ABSENT
Rashonda A. Brown, Board Member (Non-Voting)
Karen Thomas, Board Member (Non-Voting) – ABSENT

Staff

Kevin S. Corbett, President & Chief Executive Officer (CEO)
Meghan Clark Umukoro, Board Secretary
Brian T. Wilton, Senior Vice President, Chief Legal Officer & General Counsel
Justin P. Davis, Senior Vice President, Regulatory and Government Affairs & Chief of Staff
James A. Sincaglia, Senior Vice President & General Manager, Rail Operations
Richard Schaefer, Senior Vice President, Capital Programs
Joel Gokool, Chief, Human Resources
Christopher Corasio, Chief, Contracted Services

Chair O'Connor convened the Open Session at 5:30 p.m., in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling legislation. Board Secretary Umukoro asked everyone to mute their phones and turn their attention to the Public Safety Announcement. The pledge of allegiance to the flag was recited.

Board Secretary Umukoro conducted Roll Call and noted Board Members Abrantes and Medina were participating remotely. Vice Chair Carson, and Board Members Thomas and Weiss were absent.

Board Secretary Umukoro announced that adequate notice of the meetings of the Board of Directors of the New Jersey Transit Corporation and its affiliates and subsidiaries was provided in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling legislation. Notices were filed on October 4, 2024, 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.

First Executive Session Authorization

Chair O’Connor noted they needed to hold a brief Executive Session to discuss a matter that would be voted on that day, and the public portion of the meetings would resume no earlier than 6:00 p.m.

Chair O’Connor asked for a motion to enter Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including but not limited to the Secaucus to Meadowlands Transitway Procurement by Exception for Construction Service for FIFA.

Board Member Shanti Narra made the motion, Board Member Michael Kanef seconded the motion, and it was adopted. At approximately 5:34 p.m., the Board adjourned to Executive Session.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O’Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

Return to Open Session

Board Members returned to Open Session at approximately 6:03 p.m., Chair O’Connor asked the Board Secretary to take Roll Call. Board Secretary Umukoro conducted Roll Call. All Board Members returned to Open Session.

Approval of Minutes

Chair O’Connor asked for a motion to approve the minutes of the September 18, 2024, Board meetings. Board Member Richard A. Maroko made the motion, Board Member Shanti Narra seconded the motion, and the minutes were adopted.

President & CEO’s Monthly Report

President & CEO Corbett began by sharing a significant announcement from FIFA regarding its upcoming summer tournament schedule. He said FIFA’s confidence in New Jersey’s ability to deliver on the world stage in 2026 was recently reaffirmed, along with their confidence in the NJ TRANSIT system. On September 28, 2024, FIFA announced that MetLife Stadium was one of 12 venues selected to host the FIFA Club World Cup 2025, with MetLife hosting the final match on July 13, 2025. The total number of additional matches to be played at MetLife had not yet been announced, but the tournament would kick off in June 2025, and would certainly be a good dress rehearsal in advance of the 2026 FIFA World Cup.

President & CEO Corbett said he was gratified by the support and recognition NJ TRANSIT received from their peer agencies across the country regarding their ability to deliver a world-class customer experience for the upcoming FIFA tournaments, on his visit to APTA's TRANSform Conference in Anaheim, California last week, where NJ TRANSIT proudly entered the final stretch of their reign as APTA's 2023 Outstanding Public Transportation System. While there, President & CEO Corbett had the privilege of participating in a panel discussion examining strategies to optimize transit systems for large-scale events and effectively mobilize millions of attendees. The panel featured Los Angeles Metro CEO Stephanie Wiggins, who has been busy preparing for the 2028 Olympic Games, as well as United States Department of Transportation Deputy Assistant Secretary for Transportation Felicia Alexander, who was fresh off a return from Paris, where she observed transportation operations during the 2024 Summer Olympics in Paris.

Their discussion underscored the importance of strategic planning, cross-agency collaboration, and customer-focused service delivery; principles that were at the core of NJ TRANSIT's approach to preparing for both FIFA World Cup events in 2025 and 2026. They also discussed the crucial need for transit agencies to receive the necessary financial resources to meet the extraordinary demands of large-scale international events like the World Cup, and the need to start building up those resources now.

President & CEO Corbett said it was important to continue coordinating with their peers, both nationally and internationally, to learn from their experiences and share best practices. Toward that end, on October 21 and 22, 2024, NJ TRANSIT would be co-hosting the second in a series of workshops focused on public transport for large-scale events, along with Rutgers University's Center for Advanced Infrastructure and Transportation (CAIT), and the International Association of Public Transport (UITP). They would be hosting representatives from L.A. Metro, Paris, Italy, and many other transit agencies, to share international best practices and exchange insights and experiences.

President & CEO Corbett said speaking of major events at MetLife Stadium, NJ TRANSIT provided seamless service to two Jets games and one Giants game since their last Board meeting, as well as a pair of blockbuster concerts featuring Pink and Travis Scott. They were also looking forward to doing the same for the big Navy/Notre Dame college football game on October 26, 2024. They would see if it could top 2021's Army/Navy game at MetLife Stadium, which broke the stadium's college football attendance record with 82,282 fans attending, and set the tone for the return of the Army/Navy game at MetLife Stadium in 2026. In addition to providing rail service to major events at MetLife Stadium, NJ TRANSIT was offering special rail service next Saturday, October 19, 2024, between Hoboken and Far Hills, for the 103rd running of the Far Hills Race Meeting.

President & CEO Corbett said while that race was all about the thrill of the hunt, NJ TRANSIT was always on the hunt for new customers. To incentivize new riders to try NJ TRANSIT, they were inviting customers to Fall Into Savings with their latest ridership campaign. From October 1st through November 3rd, 2024, they were offering a Buy One Get One Free promotion that would allow customers to bring a friend or family member

to try transit, and hopefully convert them to regular riders. More information was available at njtransit.com/fall.

President & CEO Corbett said while they were eagerly anticipating the imminent arrival of the first of the 174 new Multilevel III rail cars they purchased starting in 2018, the Board would consider a critical overhaul of their existing Multilevel II rail cars. This project overhauls the trucks, or wheel assemblies, beneath each of their 100 Multilevel II rail cars; there were two trucks on each rail car. A total of 209 trucks, including nine spares, would be overhauled to ensure smoother operation and improved reliability. Over the next couple of years, as they take receipt of the 174 new multilevels, it was still critically important that they continue to properly maintain their existing fleet. In doing so, NJ TRANSIT would both ensure continued reliable service for their customers, and significantly reduce the average age of their rail fleet vehicles, which would dramatically improve Mean Distance Between Failures. In addition to an infinitely more reliable rail system for their customers, once all 174 new multilevels were in passenger service, all trains in and out of New York would be made up of multilevels.

President & CEO Corbett said speaking of multilevel rail cars, although not on the agenda, he would like to provide an update on the issue of the cloudy, or hazy, windows. Following up on recent news, he was pleased to confirm that the first 400 replacement windows had been ordered, and installation would begin in November, with a full rollout of replacements planned as the rail cars came in for their required periodic inspections.

President & CEO Corbett moved on to infrastructure updates related to Penn Station New York. On October 1, 2024, NJ TRANSIT, Amtrak, and the MTA released a joint feasibility study assessing multiple design concepts, with the primary goal of doubling train capacity at Penn Station, without expanding the station's footprint. The study concluded that none of the concepts, including through running, met the necessary criteria to double capacity into and out of Penn Station New York from 24 to 48 trains per hour; it cannot be accomplished without some level of expansion. Moving forward, NJ TRANSIT remains committed to continuing their work with their partners at Amtrak and MTA to deliver a Penn Station Complex that not only ensures they meet the required 48 trains per hour in and out of New York, but transforms the customer experience for generations to come. NJ TRANSIT would continue to work together with their partners to develop a solution beyond the existing footprint, and would make sure that the process of defining, developing, and selecting an alternative was accomplished with intensive public involvement.

As NJ TRANSIT modernizes and reimagines major terminals such as Penn Station New York, along with more than \$1 billion in projects advancing at Newark Penn Station, Hoboken Terminal, and Walter Rand Transportation Center in Camden, they remain focused on securing critical infrastructure funding for other important transit facilities as well. Working in close collaboration with Congressman Rob Menendez, NJ TRANSIT was pleased to have secured a \$6.32 million grant, which would be used by New York Waterway to install new equipment at their Weehawken Ferry Maintenance Facility. The grant, funded under the Fiscal Year 2024 Passenger Ferry Grant Program, would be used

to install a wave attenuator at the facility, preventing waves, high tides, and floods from harming vessels and impacting service for customers. President & CEO Corbett said it was important to remember that ferries were an integral part of New Jersey's public transportation network.

President & CEO Corbett said on a lighter note, everyone at NJ TRANSIT was pleased to announce the return of their popular Music in Motion program, through which NJ TRANSIT partners with community organizations to bring musical performances to NJ TRANSIT's stations and terminals. Music in Motion first began as part of NJ TRANSIT's 25th Anniversary celebration in 2004, but was paused during the pandemic. They kicked off this revitalized program with a free performance by the Emmy and Grammy Award-Winning New Jersey Symphony at their Hoboken Terminal on September 26, 2024, marking the first Music in Motion performance since 2019.

NJ TRANSIT would host Music in Motion performances at the Hoboken Terminal every Tuesday in October, beginning last Tuesday with a performance featuring Fleur Seule, an extremely accomplished Manhattan retro jazz band. Working with the New Jersey Symphony and other organizations, they were also planning performances over the holiday season and over the coming year at other stations and terminals, and would be sharing new dates as they became available. This was another customer-focused initiative that could really enhance the experience of NJ TRANSIT riders as they navigate through the system, and they were currently seeking to partner with community theater and arts organizations to expand this program state-wide. Any interested organizations could email NJ TRANSIT at music@njtransit.com.

President & CEO Corbett highlighted two employee-led events that truly showcased the spirit and camaraderie of the NJ TRANSIT family. He said it was great to see so many NJ TRANSIT employees on October 5, 2024, at their Meadows Maintenance Complex in Kearny, where they hosted their annual NJ TRANSIT Family Day, an event filled with food, fun, and railroad-focused events open to all NJ TRANSIT employees, Board Members, and their families. President & CEO Corbett said they were also looking forward to Saturday, October 12, 2024, when their Howell Garage would host NJ TRANSIT's annual Surface Transit Bus Roadeo & Family Day for more of the same. President & CEO Corbett said these special, family-oriented events were unique in the transit industry, and reflected the strong sense of community that so many new employees, coming from other companies, were often surprised to find in an organization as large as NJ TRANSIT.

Lastly, President & CEO Corbett said this week was National Customer Service Week, and he wanted to express his deep appreciation for all the NJ TRANSIT customer service professionals. From their Bus Operators and train crews, dedicated Customer Service staff, and New Jersey Transit Police officers, these individuals worked tirelessly on the front lines to support their customers every day. He said just as they celebrated the dedication of their team at the Meadows Maintenance Complex Family Day and the Bus Roadeo, this week gave them another chance to thank not only all those on the frontlines, but every NJ TRANSIT employee. They never forget that NJ TRANSIT is a customer

service business, and no matter what job one holds in the organization, every NJ TRANSIT employee's work ultimately supports service delivery to their customers.

Customer Advocate Announcement

Chair O'Connor said before the Advisory Committee Report, he would like to turn the floor over to Board Member Narra to make an announcement that many have been waiting to hear for quite some time.

Board Member Narra was pleased to share that after a thorough recruiting process, they identified a successful candidate for the Customer Advocate position, and he has accepted the offer. He would begin on Monday, October 14, 2024.

They were excited to welcome Franck Beaumin as the new Customer Advocate. Franck brings a unique and customer-focused perspective with his transit background both in Europe as well as Boston. They looked forward to how he would apply that experience in the interest of NJ TRANSIT customers in New Jersey.

Advisory Committee Report

Suzanne Mack, of the North Jersey Passenger Advisory Committee, said she was pleased to be in-person that evening. She said their next meeting was scheduled for October 25, 2024. Ms. Mack said she would not be reporting on their September meeting since Anna Marie Gonnella-Rosato provided that information at the September Board meeting. Ms. Mack said she heard a lot of good news that night, however, it has been a rough summer for customers, especially surrounding the issues with Amtrak. She hoped with the fall coming, they would turn a new leaf, because as President & CEO Corbett said, they had a lot of positive things to do. Ms. Mack said one of the most positive things was, no matter how many challenges NJ TRANSIT was faced with, their eyes were always focused on moving forward, and that showed in what was on the agenda that evening. She said the Multilevel III Equipment on the agenda was needed.

Ms. Mack said it was amazing, even though NJ TRANSIT had been dealing with all of the Amtrak issues, they could still manage to bring customers to world-class events, and have gotten much better at it, which was why New Jersey has become more competitive; because of the efforts of all the employees and dedication of the Board. She said not many people see that perspective at times. Ms. Mack said the Board and NJ TRANSIT has done yeomen's work on the Customer Advocate, have taken a lot of criticism for how long it took, but NJ TRANSIT does listen.

Ms. Mack said when they got together again, she would be looking at statistics on the ridership for the NJ TRANSIT Fare Holiday, announced by Governor Murphy, which ran from August 26 through September 2, 2024. She said representing Hudson County, she couldn't tell everyone how many people took advantage of that free week, but there were many people who she talked to who said they were going to take NJ TRANSIT. Ms. Mack said she didn't think this was put out as a marketing tool, but it did well. She said after

spending some time with Marketing, the promotions NJ TRANSIT had been putting out were a great way to get customers to ride the NJ TRANSIT system.

Ms. Mack said at their next Passenger Advisory Committee meeting, they would be reporting out on what has been happening in the South Jersey and North Jersey area because Ms. Gonnella-Rosato felt left out sometimes, since there has been so much going on in the North Jersey area. Lastly, Ms. Mack said if there were any issues the Board would like the Passenger Advisory Committee to help with, please do not hesitate to ask.

Chair O'Connor asked Board Secretary Umukoro if there were any comments from the public. Board Secretary Umukoro said there were seven in-person speakers and one pre-registered telephone speaker.

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

Public Comments

Del Bradford, member of the Lackawanna Coalition, said at the Coalition meeting they discussed the Secaucus to Meadowlands Transitway Procurement by Exception for Construction Services for FIFA. Mr. Bradford said there was no dollar amount listed on the contract approval request in the agenda. He said this was a huge project, and the contract for the previous part cost more than \$35 million. They questioned whether this part was needed and how often it was being used. He said FIFA matches and Superbowl games did not happen every day, and there were solutions that did not require such an expensive project. Mr. Bradford suggested they use buses from New York Port Authority and Grand Central to transport riders to MetLife Stadium, which he said would not require major changes. He said the sense of urgency to vote on the item made them wonder about the timing of the item and question why they waited until the last minute to vote on the item. He said there was no mention of the source of funding for the project. He asked how much of NJ TRANSIT's budget would be left after spending millions of dollars on this project.

Mr. Bradford said some items that had been on their wish list included weekend service on the Montclair-Boonton line, completion of the rehabilitation of the cutoff to Hanover, an extension of the Hudson-Bergen Light Rail to Englewood Hospital, and for the Hudson-Bergen Light Rail to connect to the Newark Light Rail. He said they would also like to see the Newark Light Rail extended to Montclair and West Orange, over existing rights of way instead of the bus way and backway. He said they were worried about the item.

Mr. Bradford thanked NJ TRANSIT for running the train between Denville to the United Railroad Historical Society in Boonton. He said it was a great example of public agencies working with grassroots organizations.

Gregory Roberts Jr., Vice General Chairman for SMART-TD - Local 60 United Transportation Union, said he was speaking on behalf of Jerome Johnson and representing the hardworking members of SMART-TD Local 60. He said union members attended the last two board meetings to deliver a clear message, do not replace the healthcare insurance from Horizon Blue Cross Blue Shield solely because Aetna was the lowest bidder. Mr. Roberts said they fully understood the financial responsibility, especially when dealing with an organization as large as NJ TRANSIT, however, the lowest price did not equate to the best value when it came to something as critical as healthcare. He said they were dealing with the health of essential workers. Mr. Roberts asked when the carrier prioritizes the lowest bidder for the sake of cost savings, what did frontline employees receive in return. He said they had seen this pattern before with uniforms. When lower quality uniforms were purchased, the employees suffered from poor materials.

Mr. Roberts said when Governor Christie stopped management pensions, NJ TRANSIT had trouble hiring experienced and qualified managers, a matter that directly impacted operations. He said they could ask anyone who participated in the Flexible Spending Account program about their experience since they switched from TASC to WEX Benefits. Mr. Roberts said these were clear examples of how cost-cutting measures felt. He said healthcare directly impacted the lives of every single frontline worker and asked if it was something NJ TRANSIT wanted to compromise on. Mr. Roberts said they believed the Board understood the importance of the issue, and they appreciated the extension of the healthcare benefits through December 31, 2025. He said that was a step in the right direction, but it was only one step and they needed more. Mr. Robert's said they wanted to work together to ensure NJ TRANSIT succeeded, but that could only happen if there was mutual respect, honesty, and transparency between them. He said the relationship could not be one sided.

Orlando Riley, Chairman of the Amalgamated Transit Union (ATU) Local 824 New Jersey State Joint Council, said he was representing all Bus Agreement employees. Mr. Riley said he was joined by some of the Presidents representing the members, standing beside him and also in the audience. He said it was a pleasure for him to speak with the Board. Mr. Riley said it was the third Board meeting in a row that he had attended to address employee healthcare. He said it was his duty to remind the Board how important the decisions they made would have on their employees.

Mr. Riley said he would not repeat what he had said at previous meetings, but he did want to discuss the topic of employees suffering from terminal illnesses. He said over the past couple of months, he received several calls from members who had been diagnosed with cancer. Mr. Riley said they were terrified and had the unimaginable burden of wondering how long they would live with cancer, but now they were worried about what their treatments would be like if they were forced to change healthcare insurance carriers. He

told those employees he did not have the answers for them. Mr. Riley said he did not know what NJ TRANSIT's long-term decision would be, but he along with the other union representatives would fight like hell to keep their benefits intact.

Mr. Riley asked the Board not to believe the nonsense of equal or better service to the employees that would save millions of dollars. He said it would be laughable if it were not such a serious matter. Mr. Riley said the decision was in the Board's hands and their hands only. He was asking again for the Board to stand with the more than 10,000 employees servicing the citizens of New Jersey every day. Mr. Riley said they deserved reliable proven healthcare and asked the Board to provide that for them. He asked the Board not to turn their backs on the employees.

Sally Jane Gellert, Chairperson for the Senior Citizens Disabled Residents Transportation Advisory Committee (SCDRTAC), said they were authorized as part of the same legislation mandated, back in 1984, that all 21 counties have a community transportation system for seniors and disabled residents. Some counties had such a system in place, others created one at that time. She said they met most months, and until recently, they were scheduled every month, usually in person in Trenton, Newark, or Camden, at transit-accessible, ADA compliant locations. Ms. Gellert said previous members tried to search out appropriate spaces, no more than a block from the train or light-rail station in each location. She said they also had remote access, as even with Access Link, the trip could be tiring for those traveling from one end of the state to the other, since each of their citizen members was either a senior or disabled, or both. Ms. Gellert said their meetings were open, and they invited all who were interested to attend. Ms. Gellert thanked NJ TRANSIT's Information Technology team for setting up their previous meetings videos on SCDRTAC's website. She said they appreciated the greater visibility, as well as the improvement to their record-keeping, that had become a problem after court reporting was discontinued.

Ms. Gellert said the SCDRTAC membership committee had put forward four candidates to fill their ranks. Upon approval by the various NJ TRANSIT staff required to do so, culminating in an appointment letter from President & CEO Corbett, there would be one vacancy remaining in the Central Jersey region. Ms. Gellert said they were actively looking to fill the position and asked that anyone interested contact NJ TRANSIT.

Ms. Gellert said their Education Committee requested a presentation on micro-transit, as they had heard various conflicting reports on its value as an addition to NJ TRANSIT transportation, and they were curious as to how it might be beneficial to their constituents.

Ms. Gellert said they were pleased to attend last month's Accessibility Forum, and were gratified by the attendance, which was much greater than the previous event. They noted most concerns expressed were about Access Link, and the Rider's Choice Program had mixed reviews. She said as always, SCDRTAC was glad to hear from any of their constituents and their family members or colleagues about their experience riding NJ TRANSIT and county systems.

Ms. Gellert said, on a personal note, she missed the Pascack Valley train at 4:41 p.m., which would have gotten her to the meeting too early. She was able to catch Bus No. 76 at 5:12 p.m. and transferred at Kingsland Station so she could make it there at 6:10 p.m. She asked the Board not to close down Kingsland Station. Ms. Gellert's full written statement was shared with the Board.

Giovanny Ayala said he worked at Newark Liberty International Airport and was there to make a suggestion regarding the No. 62 Bus to Elizabeth. Mr. Ayala said most employees get off work at the hour or half hour mark and miss their bus. He said when it was working well, he was able to get home within 10 minutes. Mr. Ayala said there were about two buses every hour and three buses on peak hours. He suggested an additional bus to Elizabeth be added to the route. Mr. Ayala said regarding the 2026 FIFA World Cup, the Air Train was a problem at night. He said he knew NJ TRANSIT did not operate the Air Train, but he suggested staff reach out to them ahead of the games for all the visitors who would be flying into New Jersey for the events.

Sarah Klibanoff thanked President & CEO Corbett for his service. She said her father-in-law was a captain in the Navy. Ms. Klibanoff said she moved to New Jersey from Long Island approximately 12 years ago. She was a frequent rider on the Long Island Railroad. Ms. Klibanoff said the NJ TRANSIT customer service representatives, engineers, and conductors were very kind, but it was unacceptable that she was not able to make it to work on time every day. She had six children that relied on her, and as an eye doctor in New York City, her patients relied on her as well. Ms. Klibanoff said she was not able to attend events after work because she was unable to get home on the trains. She filled out the app, which took her approximately 20 minutes. Ms. Klibanoff said six weeks later she received a lovely e-mail from customer service saying they were so sorry for her experience.

Ms. Klibanoff said NJ TRANSIT needed to aim higher. She said the transportation system in New Jersey should be the State's crown jewel. Ms. Klibanoff said NJ TRANSIT rail was performing at 78 percent, and as an eye doctor, patients would not want to come to her if she was rated at 78 percent. She asked staff to send her emails explaining how they were going to make the system better and get her to work on time, and not send her emails saying they were sorry.

Matty Buchys-Hyland said he wanted to address preparation ahead of winter. Mr. Buchys-Hyland said 12 years ago, on October 29, 2022, Superstorm Sandy ravaged Atlantic County, New Jersey, and yesterday, Florida was hit by Hurricane Milton. He said in 2012, the NJ TRANSIT Board was led by Commissioner James S. Simpson, and the organization was under the leadership of then Executive Director James Weinstein, who was also a Board Chairman under former Governors Christine Todd Whitman and Donald DiFrancesco, as well as Chris Christie in 2012. Mr. Buchys-Hyland said they needed to realize that climate change was a growing concern, and they needed to prepare their infrastructure. He said it was the summer of hell on Amtrak going into Secaucus. Mr. Buchys-Hyland commended the Board for searching for a Customer Advocate because it was long overdue.

Adam Reich said Item #2410-62, Secaucus to Meadowlands Transitway Procurement by Exception for Construction Services for FIFA, would award a contract to Anselmi & DeCicco of Maplewood, New Jersey, for an amount, as discussed in Executive Session, subject to the availability of funds, without going through the normal procurement process. Mr. Reich said this language was listed on Anselmi & DeCicco's website under their job opportunities page and asked the Board to look it up on their smartphone before casting their vote on the item. He said it might seem insignificant, but at a time when they were asking riders to pay more, accountability and ensuring that funds were being spent wisely was proper.

Mr. Reich said by passing this item using procurement by exception, instead of the competitive bidding process, they needed to ensure that the bidder they awarded the contract to was responsible and would do their due diligence. He said the company's website might not be significant, and it might be a fine company, but he thought it merited some additional scrutiny on how NJ TRANSIT would assure that the contractor would be accountable, diligent, and transparent. He said he thought it was imperative that the Board hit the brakes on voting for this item, and table it to ensure staff gave them necessary assurances about the company's control and transparency, and how exactly staff would monitor the procurement by exception contract.

Mr. Reich said it would be helpful to have three minutes for public comment at the Board meetings and hearings, also at the Board committee meetings. He felt rushed and felt committee members tended to be a little more responsive than the Board at large. Mr. Reich thanked Board Member Narra for bringing the good news of the Customer Advocate. He said the position was very important to him because he had been waiting for years for this position to be filled. Mr. Reich asked that the new Customer Advocate contact him, and asked if the Customer Advocate appropriate contact information could be forwarded to him. He said he had been lobbying hard for this position and had a vested interest as a member of the Advisory Board.

Tim Sevenser, member of New Jersey Association of Rail Passengers Board of Directors, said he was glad to hear the Customer Advocate position had been filled, however, it was the summer from hell. Mr. Sevenser said he had been telling the Board since 2008 that he did not understand why there were still only 10 trains a day, in each direction, missing on the Morristown line to Hoboken. He said the trains ended up being redirected to Hoboken, anyway, so why not restore those trains. Mr. Sevenser said the trains were not only useful to take into midtown, but to downtown as well. He said passengers could take the train into Hoboken and transfer to the PATH train, as a faster option to get Downtown rather than going directly to Midtown, and it was time to restore the trains.

Mr. Sevenser said it was good to have train service from Denville to Boonton for the railroad event, however, they had been asking when they would have train service past 9:00 a.m. that goes east from Denville on the Montclair-Boonton line. He asked when Montclair would have hourly service. Mr. Sevenser said it would be feasible to run trains in both directions. He said, in the interest of climate change, they should electrify the line from

Montclair State to Denville, so they could run electrified zero-emission trains. Mr. Sevenser believes NJ TRANSIT should be talking about permanent infrastructure for electric rail.

Jason Anthony, member of the Long Island Railroad Americans with Disabilities Act (ADA) Task Force, said finally they received good news from Board Member Narra that NJ TRANSIT hired a Customer Advocate after six years. Mr. Anthony asked what took so long to fill the vacancy. He asked why President & CEO Corbett's report was so offensive to the disability community that he represented in New York City. Mr. Anthony said it was offensive that no presentation was shown, as they did at the Metropolitan Transportation Authority's Board meetings.

Mr. Anthony said regarding the 2026 FIFA World Cup, President & CEO Corbett had a lot of questions to answer to New Yorkers like himself. He asked President & CEO Corbett to have a meeting with Long Island Railroad President Robb Free and Metro North President Catherine Rinaldi, and to get together as a region to iron out the logistics regarding service for New Yorkers to travel to MetLife stadium.

Vito Havrilla, Vice Chair and Legislative Director for the Lackawanna Coalition, said the coalition was an independent organization advocating for better transit. Mr. Havrilla thanked Mr. Bradford for reading the coalition's statement. He said he wanted to remind everyone of their website, lackawannacoalition.org for more details. He said they met on the fourth Monday of every month at Millburn Town Hall.

Board Operations and Customer Service Committee Report

Board Member Creuz presented the report for the Operations and Customer Service Committee. The Operations and Customer Service Committee received an update on trends, analysis, and actions for rail, bus, light rail, and Access Link. The Committee also received an update on the Cost of Service, and an update on the Spring 2024 Customer Satisfaction Survey Results.

Board Administration Committee Report

Board Member Maroko presented the report for the Administration Committee. The Administration Committee received a Financial Update. This included a summary of operating results compared to previous year's comparable period and Fiscal Year 2025 Budget, 12-month farebox revenue compared to pre-COVID, major balance sheet items and Federal COVID-19 relief grant drawdown summary. Additional information was provided as part of the agenda materials, including the cost-of-service key performance indicators, 12-month farebox recovery, history of vacancies, attrition and hires, ridership and revenue, and a monthly budget-to-actual comparison for August 2024.

Board Capital Planning, Policy, and Privatization Committee Report

Board Member Creuz presented the report for the Capital Planning, Policy, and Privatization Committee. The Capital Planning, Policy, and Privatization Committee reviewed the Board Item for the Multilevel II Equipment Truck Overhaul.

Safety Committee Report

Board Member Narra presented the report for the Safety Committee. The Agency Safety Management Department provided the Safety Committee with an update on Key safety performance indicators for Rail, Light Rail, Bus, Access Link, Construction Safety, and Accident Investigations. Additionally, it was reported that the Safety Training and Outreach team delivered Rail, Bus, and Pedestrian Safety Awareness presentations to students and individuals with special needs. These presentations were held at sites selected using a high-risk database developed by the department, focusing on areas near grade crossings or with high-incident rates, with recent events also influencing the selection of locations.

Chief Trucillo briefed the committee on the New Jersey Transit Police Department's Outreach efforts, Narcan deployment, and Enforcement efforts concerning smoking during the month of September. Chief Trucillo also talked about National Women's Police Day, which was September 12th, and commended the female officers who serve in the New Jersey Transit Police Department.

Lastly, Chief Trucillo advised the committee that two new explosive detection K-9's graduated from a 16-week training program and were now in service protecting their customers and employees.

Action Items

2410-56 MULTILEVEL II EQUIPMENT TRUCK OVERHAUL

President & CEO Corbett introduced James Sincaglia, Senior Vice President and General Manager, Rail Operations, to present Action Item #2410-56. James Sincaglia presented for approval Action Item #2410-56: Multilevel II Equipment Truck Overhaul.

Board Member Shanti Narra made a motion, Board Member Richard A. Maroko seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

Board Secretary Umukoro noted Board Members Brown and Medina were recused from Item #2410-57 and would not comment or vote on the item.

2410-57: ONE-YEAR EXTENSION OF NJ TRANSIT CONTRACT NO. 17-030R-A

President & CEO Corbett introduced Joel Gokool, Chief, Human Resources, to present Action Item #2410-57. Joel Gokool presented for approval Action Item #2410-57: One-Year Extension of NJ TRANSIT Contract No. 17-030R-A.

Board Member Shanti Narra made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Recused	Yes	Absent	Yes	Yes	Absent	Yes

Board Secretary Umukoro noted Board Member Brown was recused from Item #2410-58 and would not comment on the item.

2410-58: ONE-YEAR EXTENSION OF NJ TRANSIT CONTRACT NO. 17-030R-C

President & CEO Corbett introduced Joel Gokool, Chief, Human Resources, to present Action Item #2410-58. Joel Gokool presented for approval Action Item #2410-58: One-Year Extension of NJ TRANSIT Contract No. 17-030R-C.

Board Member Richard A. Maroko made a motion, Board Member Shanti Narra seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

2410-59: CHANGE ORDER – INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO COGNIZANT TECHNOLOGY SOLUTIONS U.S. CORPORATION FOR A SUBSCRIPTION LICENSE AND IMPLEMENTATION OF ORACLE HUMAN CAPITAL MANAGEMENT SUITE

President & CEO Corbett introduced Joel Gokool, Chief, Human Resources, to present Action Item #2410-59. Joel Gokool presented for approval Action Item #2410-59: Change Order – Information Technology: Award of Contract to Cognizant Technology Solutions U.S. Corporation for a Subscription License and Implementation of Oracle Human Capital Management Suite.

Board Member Richard A. Maroko made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

2410-60: REGULATIONS: PROPOSED AMENDMENT OF N.J.A.C. 16:77 USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY

President & CEO Corbett introduced Justin Davis, Senior Vice President, Regulatory and Government Affairs & Chief of Staff, to present Action Item #2410-60. Justin Davis presented for approval Action Item #2410-60: Regulations: Proposed Amendment of N.J.A.C. 16:77 Use or Occupancy of NJ TRANSIT-Owned Property.

Board Member Richard A. Maroko made a motion, Board Member Shanti Narra seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

2410-61: REGULATION: INITIATION OF THE RULEMAKING PROCESS FOR N.J.A.C. 16:74 PROCEDURE FOR CLAIMS OF DESTRUCTIVE COMPETITION

President & CEO Corbett introduced Christopher Corasio, Chief, Contracted Services, to present Action Item #2410-61. Christopher Corasio presented for approval Action Item #2410-61: Regulation: Initiation of the Rulemaking Process for N.J.A.C. 16:74 Procedure for Claims of Destructive Competition.

Board Member Richard A. Maroko made a motion, Board Member Shanti Narra seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

Board Secretary Umukoro noted Board Member Medina was recused from Item #2410-62 and would not comment or vote on the item.

2410-62: SECAUCUS TO MEADOWLANDS TRANSITWAY PROCUREMENT BY EXCEPTION FOR CONSTRUCTION SERVICES FOR FIFA

President & CEO Corbett introduced Richard Schaefer, Senior Vice President, Capital Programs, to present Action Item #2410-62. Richard Schaefer presented for approval

Action Item #2410-62: Secaucus to Meadowlands Transitway Procurement by Exception for Construction Services for FIFA.

Board Member Shanti Narra made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Recused	Yes	Absent	Yes	Yes	Absent	Yes

Executive Session Authorization

Chair O'Connor noted they would adjourn to Executive Session, would return only to adjourn the meetings, and no further business would be conducted. Chair O'Connor asked for a motion to enter Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege.

Board Member Shanti Narra made the motion, Board Member Richard A. Maroko seconded the motion, and it was adopted. At approximately 7:05 p.m., the Board adjourned to Executive Session.

Roll Call Vote:

Abrantes	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	O'Connor
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes

Return to Open Session

Chair O'Connor reconvened Open Session at 8:17 p.m. Board Secretary Umukoro conducted Roll Call. All Board Members returned to Open Session, except for Board Members Brown and Medina.

Adjournment

Since there was no further business, a motion to adjourn was made by Board Member Richard A. Maroko, seconded by Board Member Shanti Narra, and the motion was adopted.

The meetings were adjourned at approximately 8:18 p.m.

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

OCTOBER 10, 2024

MINUTES

PAGE

➤ CALL TO ORDER	-
➤ EXECUTIVE SESSION AUTHORIZATION	68865
➤ APPROVAL OF MINUTES OF PREVIOUS MEETINGS	68866
➤ PRESIDENT & CEO'S MONTHLY REPORT	68867
➤ ADVISORY COMMITTEE REPORT	-
➤ PUBLIC COMMENTS	-
➤ BOARD COMMITTEE REPORTS	-

ACTION ITEMS

2410-56	MULTILEVEL II EQUIPMENT TRUCK OVERHAUL – Authorization to enter into NJ TRANSIT Contract No. 0000010 with Alstom Transportation Inc. of New York, New York, to overhaul 209 trucks on the Multilevel II equipment, in the amount of \$25,940,597.00, plus 10 percent for contingencies, subject to the availability of funds.	68889
2410-57	ONE-YEAR EXTENSION OF NJ TRANSIT CONTRACT NO. 17-030R-A – Authorization to extend NJ TRANSIT's Contract No. 17-030R-A with Horizon Blue Cross Blue Shield of New Jersey, for a period of one year, beginning January 1, 2025 and ending December 31, 2025. The total cost of the change order to the contract is not to exceed \$4,500,000.00.	68894
2410-58	ONE-YEAR EXTENSION OF NJ TRANSIT CONTRACT NO. 17-030R-C – Authorization to extend NJ TRANSIT's Contract No. 17-030R-C with Express Scripts Holding Company, for a period of one year, beginning January 1, 2025 and ending December 31, 2025. The total cost of the change order to the contract is not to exceed \$3,650,000.00.	68895
2410-59	CHANGE ORDER – INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO COGNIZANT TECHNOLOGY SOLUTIONS U.S. CORPORATION FOR A SUBSCRIPTION LICENSE AND IMPLEMENTATION OF ORACLE HUMAN CAPITAL MANAGEMENT SUITE – Authorization to amend NJ TRANSIT Contract No. 22-066 with Cognizant Technology Solutions U.S. Corporation of College Station, Texas, for implementation services of the Oracle HCM platform,	68896

NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT RAIL OPERATIONS, INC.
NJ TRANSIT MERCER, INC.
NJ TRANSIT MORRIS, INC.
BOARD OF DIRECTORS' MEETINGS
OCTOBER 10, 2024
MINUTES
PAGE 2

license subscription, hosting services, along with support and maintenance, in the change order amount not to exceed \$2,616,222.44.

2410-60 REGULATIONS: PROPOSED AMENDMENT OF N.J.A.C. 16:77 USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY – 68897
Authorization to take all actions necessary to amend N.J.A.C. 16:77 Use or Occupancy of NJ TRANSIT-Owned Property, et seq., consistent with this Board item and corresponding Exhibits, format the regulations as appropriate, and to take all other actions necessary to effectuate final adoption and promulgation.

2410-61 REGULATION: INITIATION OF THE RULEMAKING PROCESS FOR N.J.A.C. 16:74 PROCEDURE FOR CLAIMS OF DESTRUCTIVE COMPETITION – 68916
Authorization to take all actions necessary to initiate the rulemaking process for N.J.A.C. 16:74 et seq., consistent with this Board item and corresponding Exhibit, and take all other actions necessary to effectuate the promulgation and final adoption of proposed rules.

2410-62 SECAUCUS TO MEADOWLANDS TRANSITWAY PROCUREMENT BY EXCEPTION FOR CONSTRUCTION SERVICES FOR FIFA – 68931
Authorization to enter into NJ TRANSIT Contract 25-011X with Anselmi & DeCicco of Maplewood, New Jersey, for an amount as discussed in Executive Session, subject to the availability of funds.

➤ **EXECUTIVE SESSION AUTHORIZATION** 68932

➤ **ADJOURNMENT**

EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including but not limited to the Secaucus to Meadowlands Transitway Procurement By Exception for Construction Services for FIFA; and

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

APPROVAL OF MINUTES

WHEREAS, the Bylaws 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 September 18, 2024 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 September 24, 2024;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the September 18, 2024 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. Board of Directors' meetings are hereby approved.



TO: BOARD OF DIRECTORS
FROM: KEVIN S. CORBETT
DATE: OCTOBER 10, 2024
SUBJECT: PRESIDENT & CEO'S REPORT – OCTOBER 2024

A handwritten signature in black ink, appearing to read 'K. S. Corbett'.

We begin this month with a significant announcement from FIFA regarding its upcoming summer tournament schedule. I am pleased to note that FIFA's confidence in our State's ability to deliver on the world stage in 2026 was recently reaffirmed, along with their confidence in our transit system. On September 28th, FIFA announced that MetLife Stadium is one of 12 venues selected to host the FIFA Club World Cup 2025, with MetLife hosting the Final Match on July 13th. The total number of additional matches to be played at MetLife has not yet been announced, but the tournament will kick off in June 2025, and will certainly be a good dress rehearsal in advance of the 2026 FIFA World Cup.

On the topic of major events at MetLife Stadium, NJ TRANSIT has provided seamless service to two Jets games and one Giants game since our last Board meeting, as well as a pair of blockbuster concerts featuring Pink and Travis Scott. We are also looking forward to doing the same for the big Navy/Notre Dame college football game on October 26th. We'll see if it can top 2021's Army/Navy game at MetLife Stadium – which broke the stadium's college football attendance record with 82,282 fans attending – and set the tone for the return of the Army/Navy game at MetLife Stadium in 2026. In addition to the events at MetLife, NJ TRANSIT is also providing service to the 103rd running of the Far Hills Race on October 19th.

Moving to our Board Meeting agenda, our Board will consider a critical overhaul of our existing Multilevel II rail cars. This project overhauls the trucks, or wheel assemblies, beneath each of our 100 Multilevel II rail cars. A total of 209 trucks, including nine spares, will be overhauled to ensure smoother operation and improved reliability. Over the next couple of years, as we begin to take receipt of 174 new multilevels, it's still critically important to properly maintain our existing fleet to ensure both continued reliability and to significantly reduce the average age of our rail fleet vehicles, which will dramatically improve Mean Distance Between Failures. Once all 174 new multilevels are in passenger service, all trains in and out of New York will be made up of multilevels. Speaking of our multilevel rail cars, I'm pleased to confirm that the first 400 replacement windows have been ordered, and installation will begin next month, with a full rollout of replacements planned as the rail cars come in for their required periodic inspections.

As we work to enhance the reliability and comfort of our multilevel rail cars, we are also exploring long-term solutions to meet growing demand at Penn Station New York. On October 1st, NJ TRANSIT, Amtrak, and the MTA released a joint feasibility study assessing multiple design concepts with the primary goal of doubling train capacity at Penn Station – without expanding the station's footprint. The study concluded that none of the concepts, including "through running," met the necessary criteria to double capacity into and out of Penn Station New York from 24 to 48 trains per hour – it cannot be accomplished without some level of expansion. NJ TRANSIT will continue to work with our partners to develop a solution beyond the existing footprint, and will make sure that the process of defining, developing, and selecting an alternative is accomplished with intensive public involvement.

As NJ TRANSIT works to modernize and reimagine major terminals such as Penn Station New York, we remain focused on securing critical infrastructure funding for other important transit facilities, as well. Working in close collaboration with Congressman Rob Menendez, NJ TRANSIT is pleased to have secured a \$6.32 million grant that New York Waterway will use to install new equipment at their Weehawken Ferry Maintenance Facility. The grant – funded under the FY 2024 Passenger Ferry Grant Program – will be used to install a wave attenuator at the facility, preventing waves, high tides, and floods from harming vessels and impacting service for customers. It's important to remember that ferries are an integral part of New Jersey's public transportation network.

Concluding on a lighter note, all of us at NJ TRANSIT are pleased to announce the return of our popular *Music in Motion* program, through which NJ TRANSIT partners with community organizations to bring musical performances to NJ TRANSIT stations and terminals. We kicked off the re-launch of this program with a free performance by the New Jersey Symphony at our Hoboken Terminal on September 26th. We are also hosting *Music in Motion* performances at our Hoboken Terminal every Tuesday this month. Working with the New Jersey Symphony and other organizations, we are planning performances over the holiday season and over the coming year at other stations and terminals. This is another customer-focused initiative that can really enhance the experience of our riders as they navigate through our system, and we are currently seeking to partner with community theater and arts organizations to expand this program state-wide. Any interested organizations can email us at music@njtransit.com.



PRESIDENT & CEO'S MONTHLY REPORT

October 10, 2024

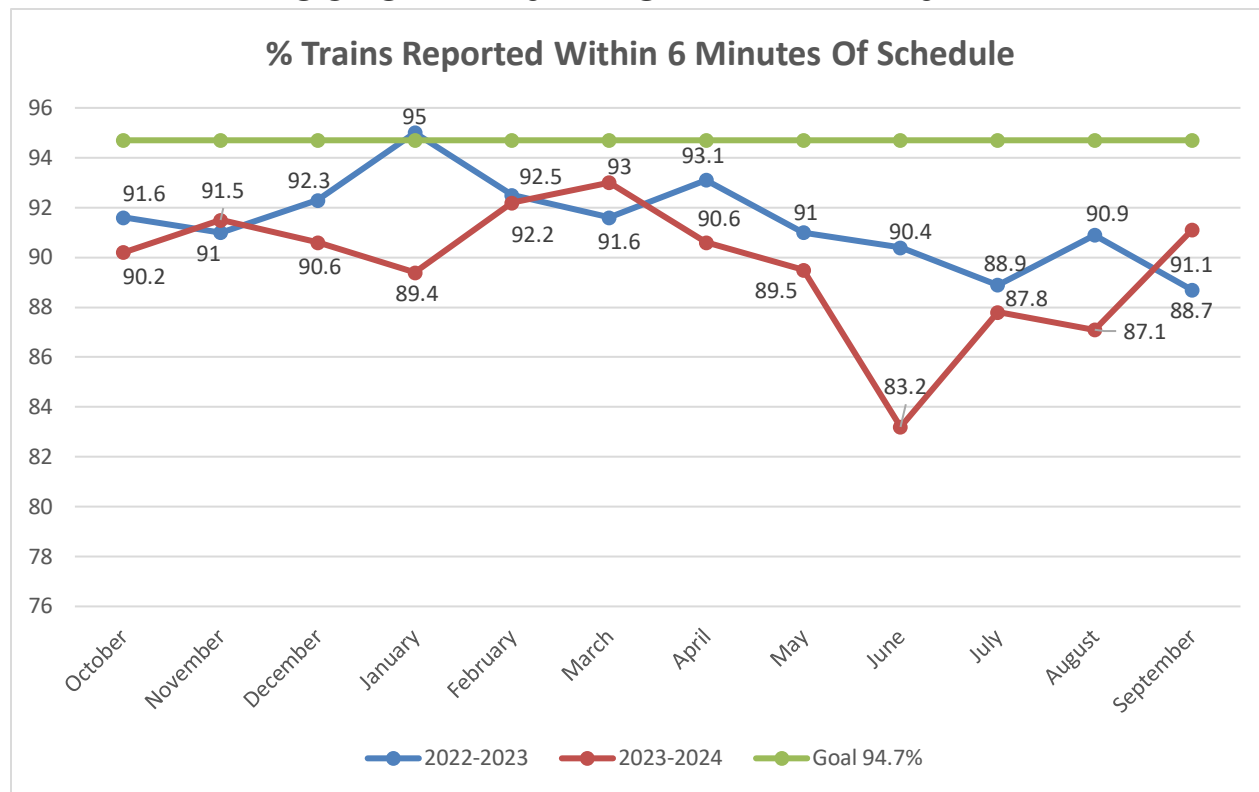
TABLE OF CONTENTS

October 10, 2024

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

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL OCTOBER 2022 – SEPTEMBER 2024



	<u>2023</u>	<u>2024</u>	<u>%Change</u>
Sept. Comparison	88.7%	91.1%	2.4%
12-Month Average Oct. 2022 – Sept 2024	91.4%	89.7%	-1.7%

Analysis:

Rail On-time Performance was 91.1% for the month of September, 2024. Of the 17,636 trains scheduled to operate, 16,066 were on time, while 1,570 trains or 8.9% were delayed.

Key Causes included:

- Amtrak catenary issue, equipment issue, programmed maintenance, NJT PTC mechanical, Arrow MU issue and electric locomotive contributed 114 delays on September 10.
- Amtrak catenary issue, programmed maintenance, NJT police action, Arrow MU issue, programmed maintenance, and a signal issue contributed 108 delays on September 11.
- Amtrak police action, NJT diesel issue, Arrow MU issue electric locomotive, police action and dual mode engine issue contributed 129 delays on September 17.

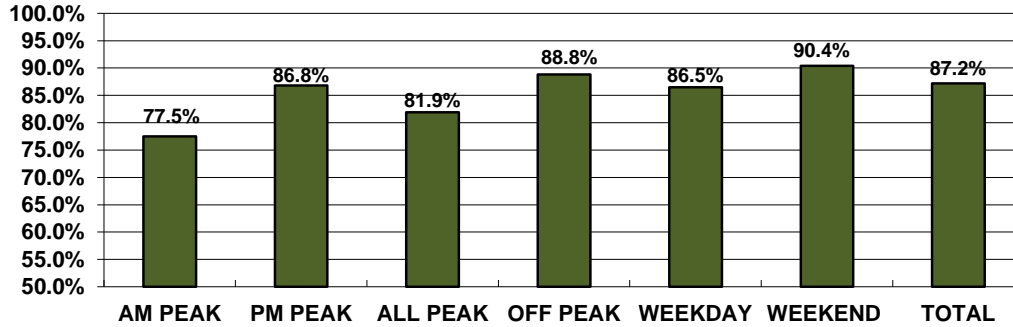
The 12-month Average for Rail On-Time Performance was 89.7%.

ON-TIME PERFORMANCE RAIL

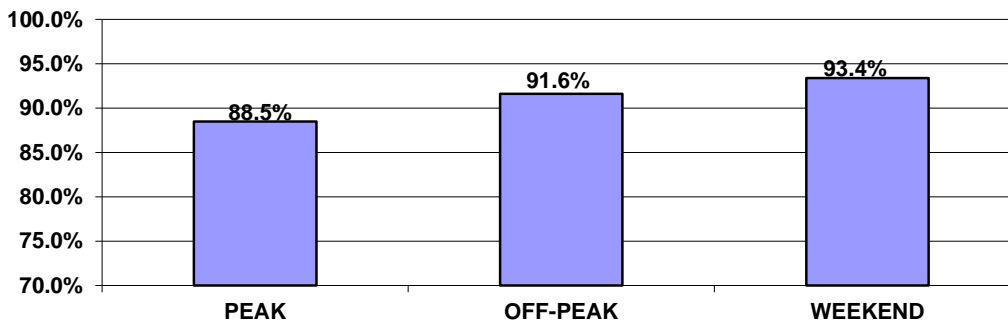
SUMMARY BY TIME PERIOD SEPTEMBER 2024

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

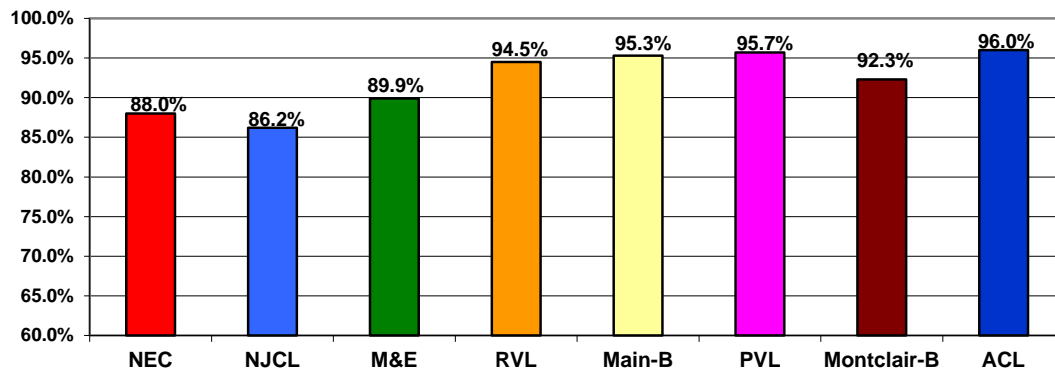
% NEW YORK PENN STATION Trains Reported On Time *



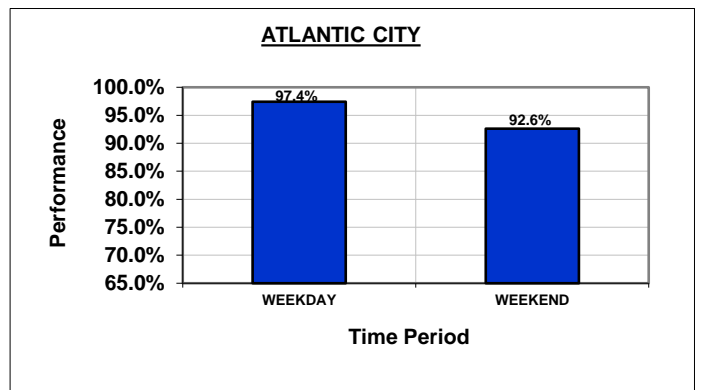
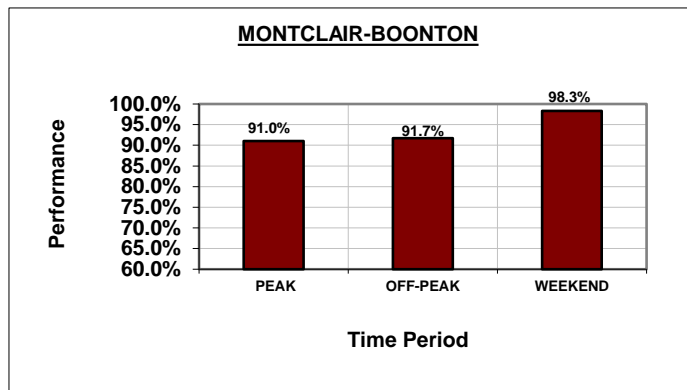
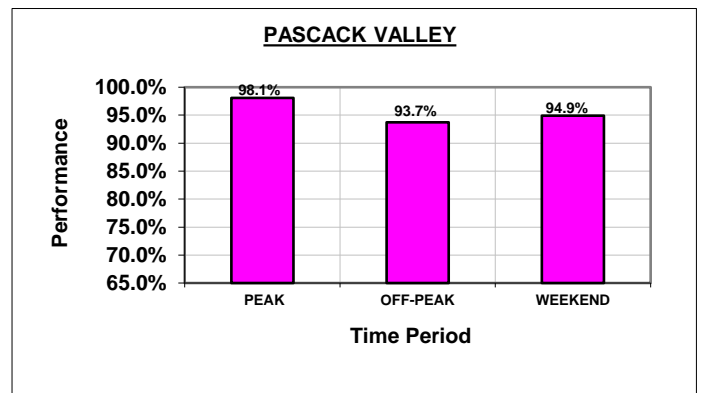
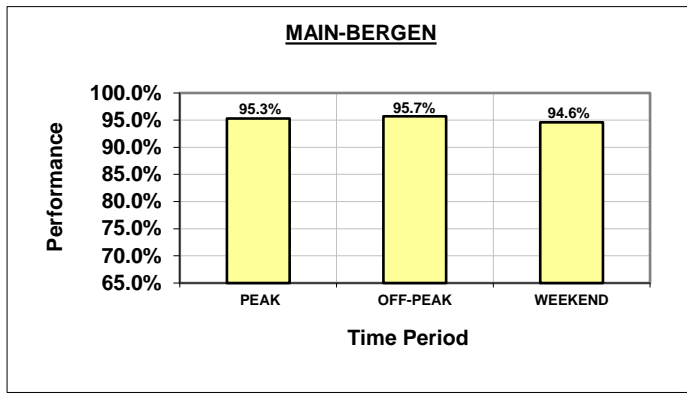
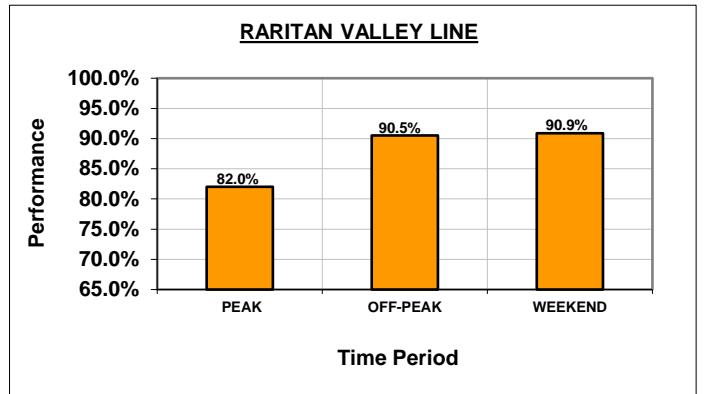
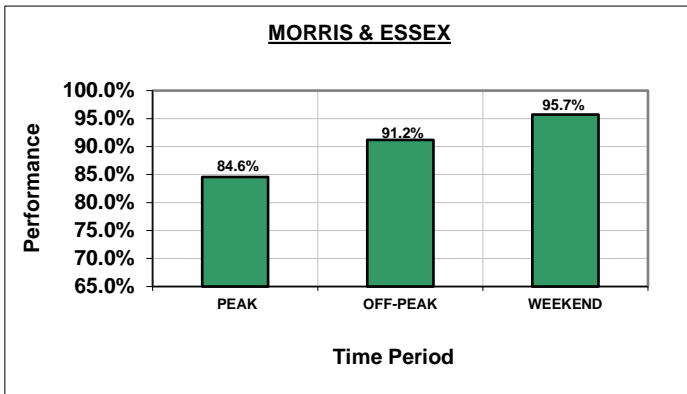
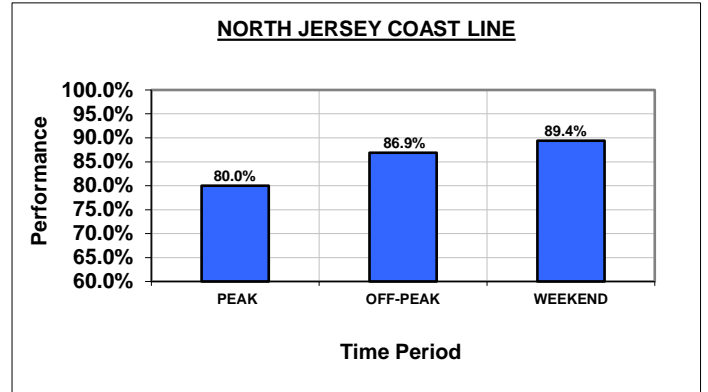
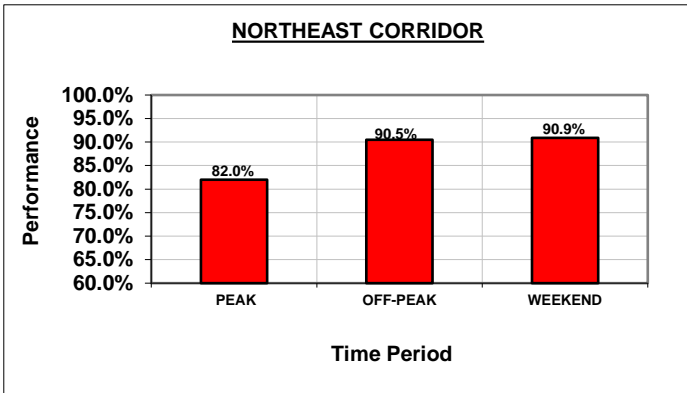
% SYSTEMWIDE Trains Reported On Time



% BY LINE Trains Reported On Time



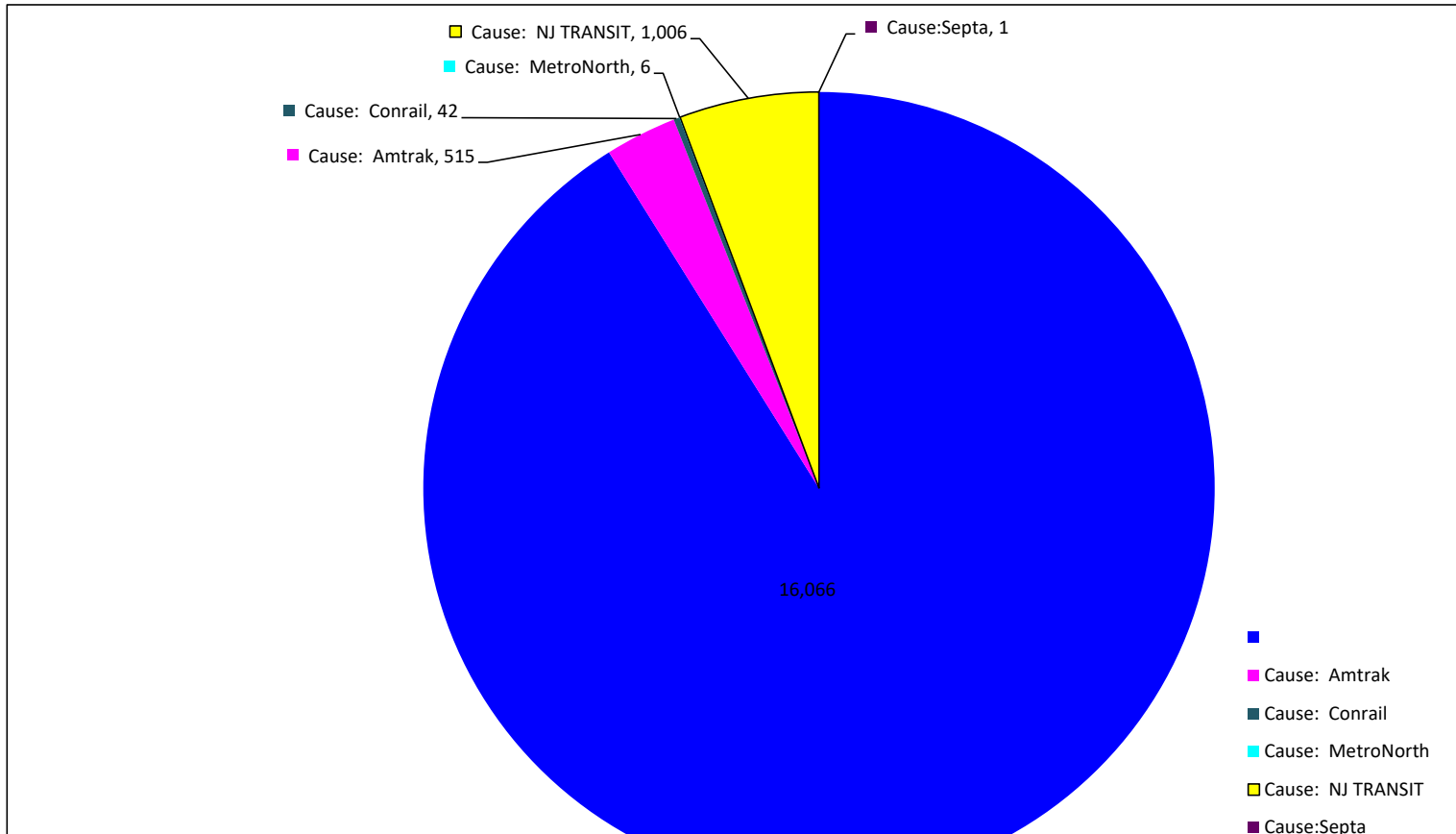
ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD September 2024



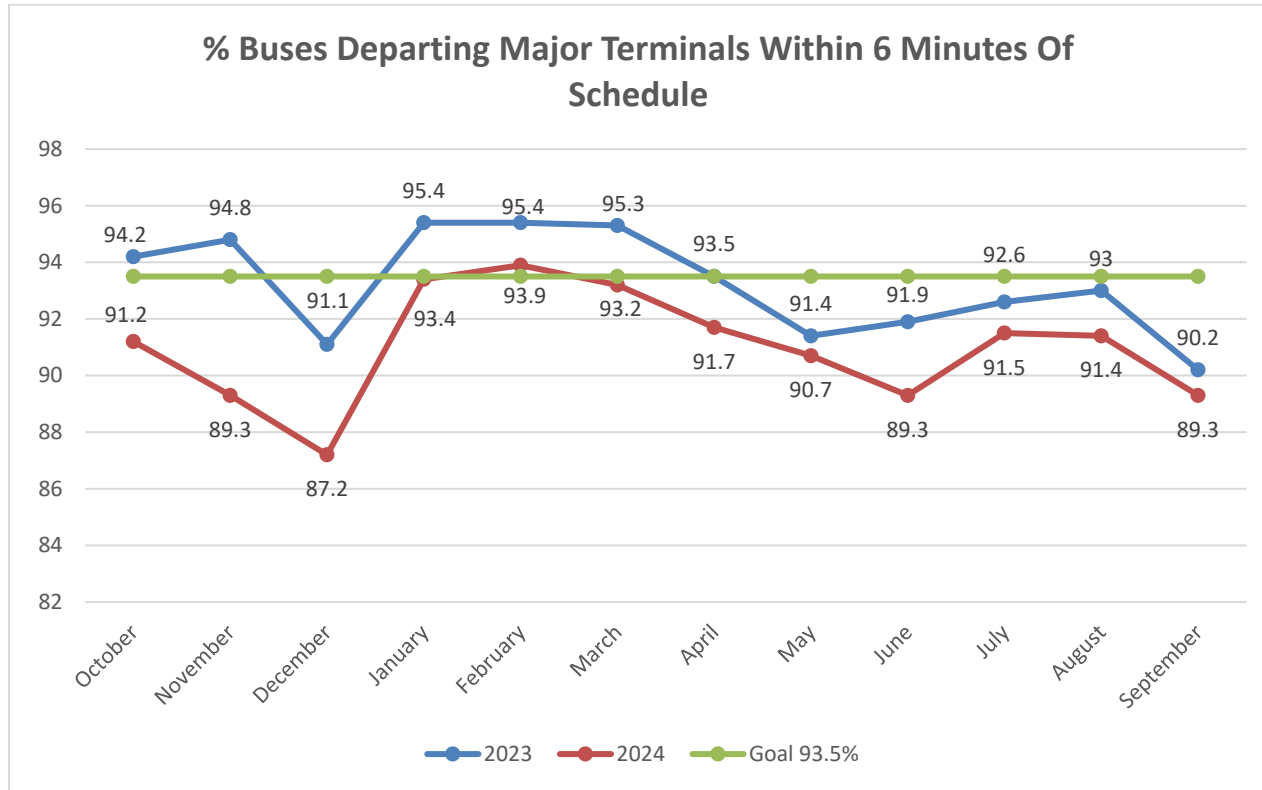
NJ TRANSIT Performance - September 2024

Late NJ TRANSIT Trains

		Cause: Amtrak	Cause: Conrail	Cause: MetroNorth	Cause: NJ TRANSIT	Cause:Septa	Cause: NS
# of Trains On Time	16,066	515	42	6	1,006	1	
# of Late Trains	1,570	2.92%	0.24%	0.03%	5.70%	0.01%	0.00%
Total # of Trains	17,636						
Percentage On Time	91.1%						



NJ TRANSIT ON-TIME PERFORMANCE BUS Oct 2022 – Sept 2024



	<u>2023</u>	<u>2024</u>	<u>%Change</u>
Sept Comparison	90.2%	89.3%	-0.9%
12-Month Average Oct 2023 – Sept 2024	93.2%	91.0%	-2.2%

Analysis*:

Bus On-Time Performance systemwide was 89.3% for the month of Sept 2024. Of the 45,556 monitored departures, 4,874 experienced delays.

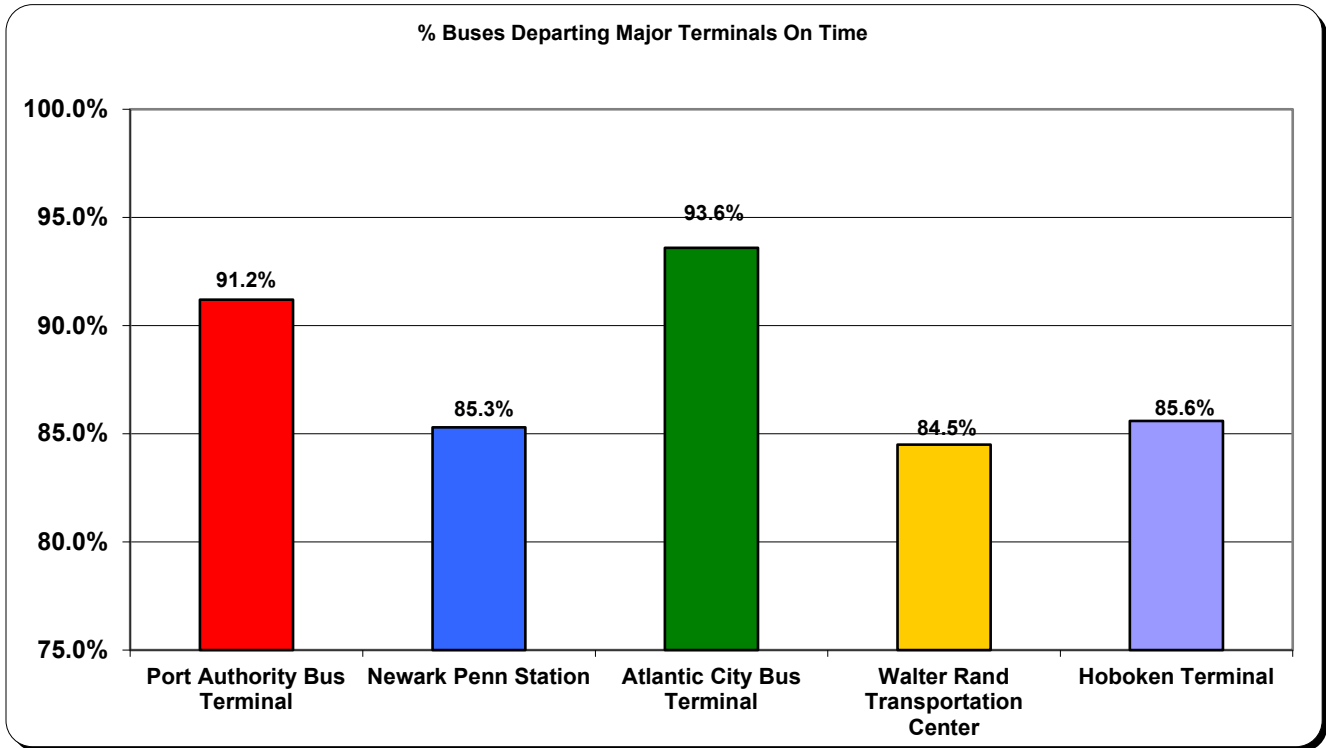
Key Causes included:

- At PABT, delays were caused by the following: On the 3rd, heavy traffic on Pleasant Ave, on the 4th & 5th, disabled vehicle in tunnel and overturned vehicle on Route 78, disabled bus in the inbound tunnel; on the 10th, accident in the north tube and accident on 495 EB; on the 13th, medical emergency in the south tube and heavy traffic; on the 20th & 27th heavy traffic.
- At Newark Penn, on the 4th, mechanical issues, street fairs, road closures due to construction work caused significant traffic. On the 10th, mechanical issues, road closures on main highways and local roads caused delays. On the 13th, fire activity, mechanical issues, road closures contributed to delays.
- For various other locations, minor delays were caused due to weather, detours, traffic, and road construction on various days.

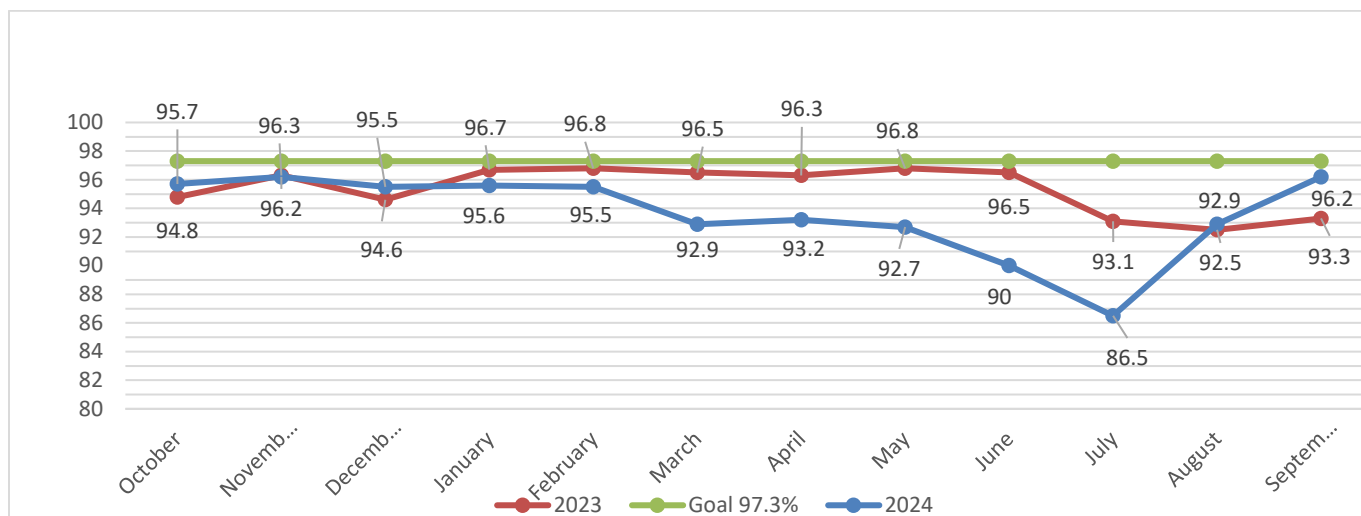
The 12-month average for Bus On-Time Performance was 91.0%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL October 2022 – September 2024



	<u>2023</u>	<u>2024</u>	<u>%Change</u>
September Comparison	93.3%	96.2%	+2.9%
12-Month Average October 2023 – September 2024	95.3%	93.5%	-1.8%

Analysis: Light Rail On-Time Performance system wide was 96.2% for the month of September. Of the 25,145 scheduled departures, 993 experienced delays.

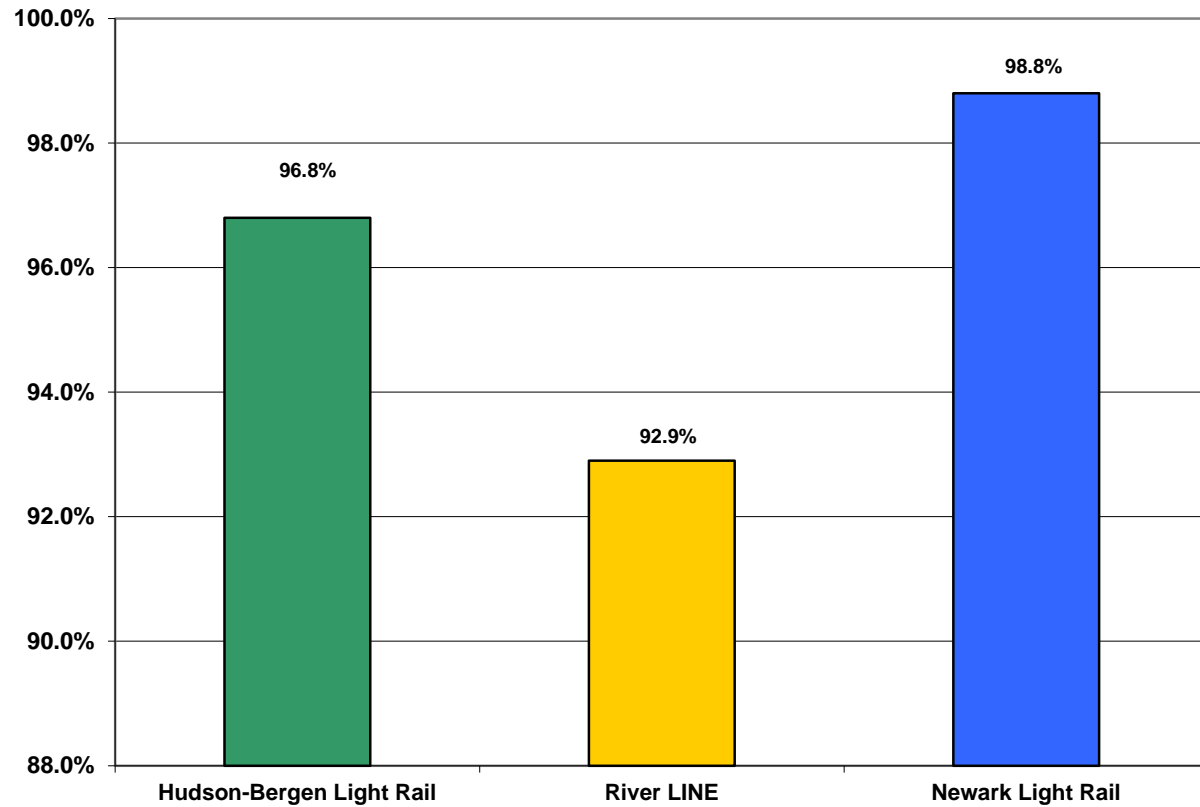
Key Causes included:

- **Newark Light Rail** – General maintenance such as door, power, brake, and propulsion issues affecting service taking place throughout the month.
- **River LINE** – General maintenance taking place across multiple dates, including engine, door, signal, and brake issues. Adjustment to weekday service in affect since 9/16. Police activity on 9/2, 9/4, 9/15, 9/18, 9/21, 9/23 and 9/25 resulted in 19 delays and 3 canceled trains. Motor vehicles fouling tracks on 9/7, 9/10, 9/12, 9/13, 9/16, 9/20 and 9/26 resulted in 18 delays and 6 canceled trains. External passenger incidents on 9/10, 9/23, 9/29 and 9/30 resulted in 7 delays.
- **HBLR** – General maintenance taking place across multiple dates, including door, power/propulsion issues, brakes, and other issues. General police activity throughout the month resulted in 141 affected trains. Motor vehicle fouling tracks on 9/7, 9/10, 9/12, 9/16 and 9/20 impacted 30 trains. PSEG power outage in Hoboken/Jersey City on 9/9 affected 241 trains.
- The 12-month Average for Light Rail On-Time Performance is 93.5%

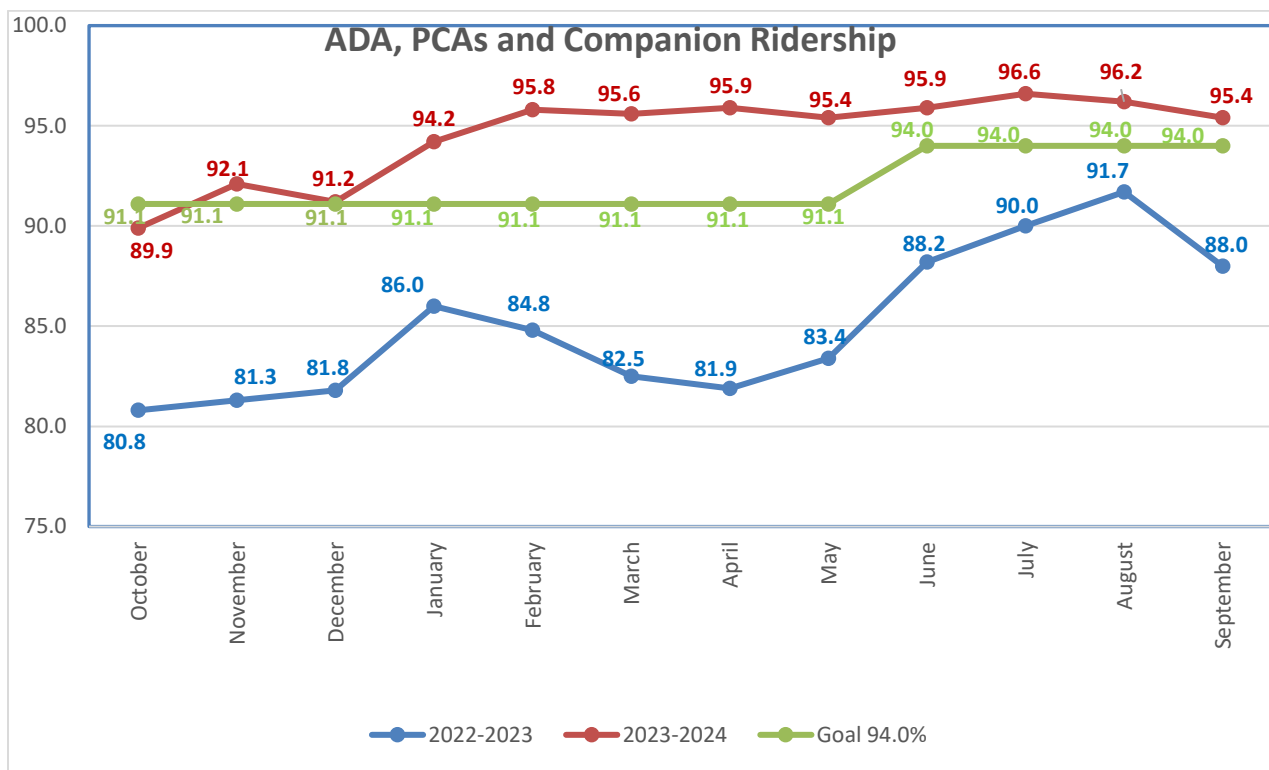
ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE September 2024

% Light Rail Trains Reported On Time



NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK OCTOBER 2022–SEPTEMBER 2024



	<u>2023</u>	<u>2024</u>	<u>% Change</u>
September Comparison	88.0%	95.4%	7.4%
September Ridership	123,578	135,564	11,986
12-Month Average October 2023–September 2024	85.3%	94.5%	9.2%

Analysis:

Access Link On-Time Performance was 95.4% for September 2024. In serving 150,200 total customers, for 135,564 ADA customer trips, 6,223 or (4.6%) experienced delays.

Key Causes included:

- Increased traffic congestion due to school openings
- Delays due to operator availability
- Customer cancellations and no-shows

The 12-month Average for Access Link On-Time Performance was 94.5%.

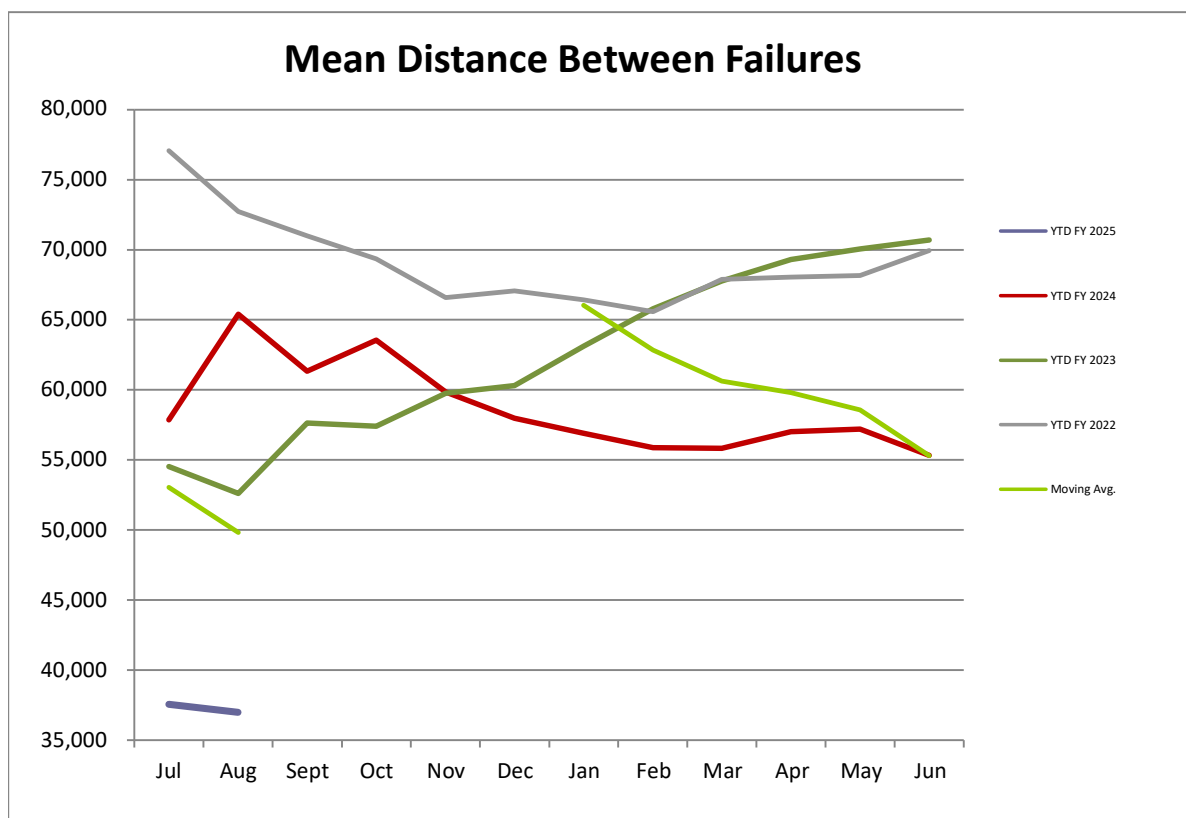
* Statistics comprise both dedicated and non-dedicated service.

MEAN DISTANCE BETWEEN FAILURES

August 2024

NJ TRANSIT Rail Operations
Mean Distance Between Failures

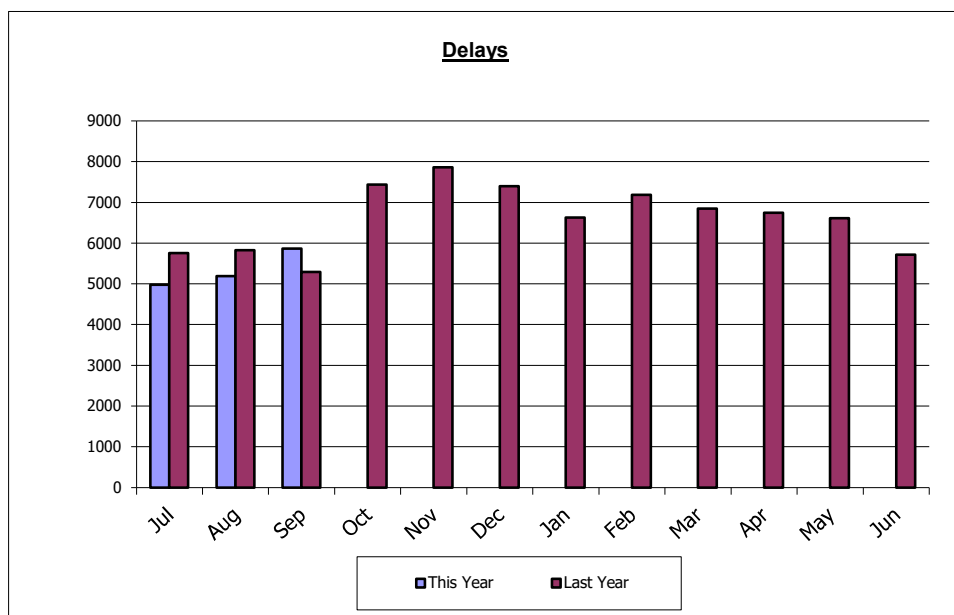
Month	YTD FY 2025	YTD FY 2024	YTD FY 2023	YTD FY 2022	12 Month Moving Avg.
Jul	37,549	57,875	54,531	77,087	53,024
Aug	36,992	65,403	52,602	72,743	49,833
Sept	-	61,324	57,623	71,005	-
Oct	-	63,539	57,410	69,368	-
Nov	-	59,844	59,761	66,597	-
Dec	-	57,968	60,315	67,060	-
Jan	-	56,904	63,121	66,433	66,050
Feb	-	55,888	65,780	65,594	62,852
Mar	-	55,822	67,778	67,894	60,634
Apr	-	57,014	69,327	68,050	59,813
May	-	57,197	70,045	68,153	58,571
Jun	-	55,317	70,712	69,949	55,317



Garage Performance Parameters

September 2024

Location	Miles Between In-Service Delays			
	FY2025 Goal	This Month	FY2025 YTD	FY2024 YTD
Fairview	6,500	7,870	6,161	5,289
Market Street	6,500	5,569	3,699	3,739
Meadowlands	10,000	1,792	2,076	3,518
Oradell	13,000	11,562	10,860	13,180
Wayne	12,000	11,822	9,801	6,125
WestWood	13,000	33,626	17,557	19,155
Northern Division	-	4,583	4,780	5,930
Big Tree	7,500	2,964	3,599	4,122
Greenville	6,000	3,002	2,025	4,051
Hilton	8,500	4,667	4,091	5,294
Howell	17,500	23,665	22,864	18,781
Ironbound	8,000	4,286	3,649	5,242
Orange	7,800	2,541	2,440	2,219
Morris	10,500	48,468	17,039	30,278
Central Division	-	4,302	4,389	4,703
	0	0	0	0
Egg Harbor	12,000	12,369	10,337	9,534
Hamilton	9,000	8,102	6,469	7,590
Newton Avenue	11,000	9,919	7,689	8,663
Washington Twp.	16,000	18,958	11,527	11,469
Southern Division	-	12,447	9,382	9,614
Bus Operations		5,864	5,306	5,620

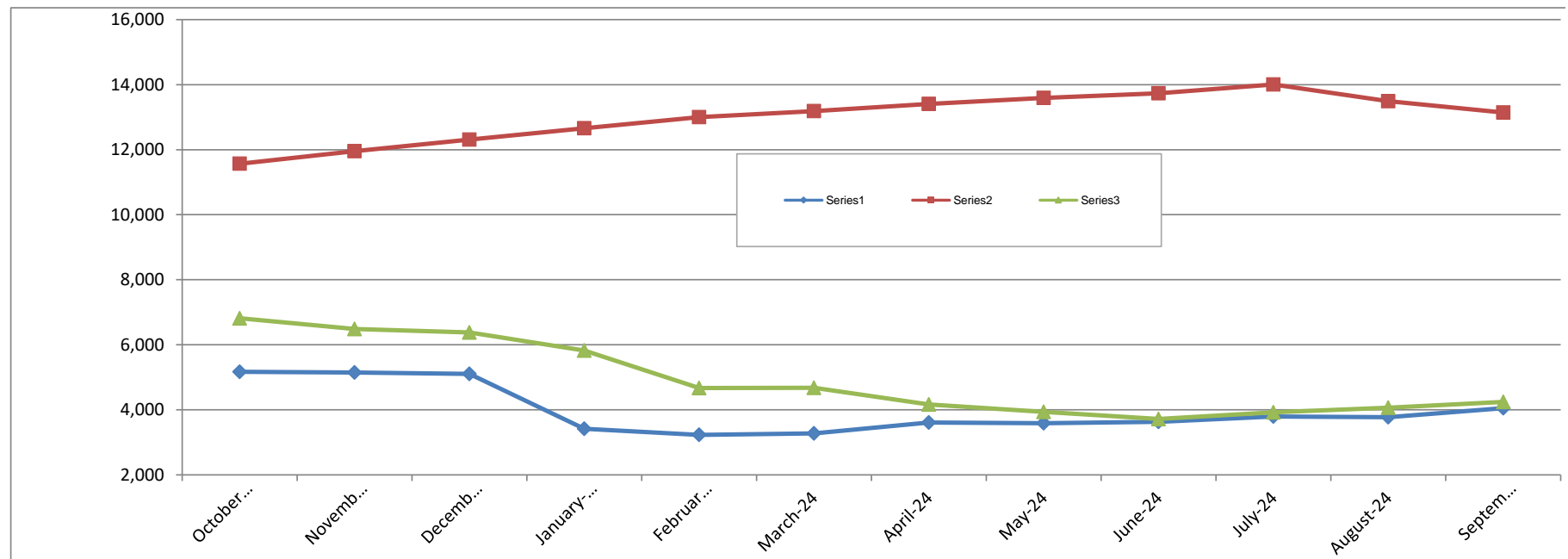


NJ TRANSIT - LIGHT RAIL, September 2024

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF *	MDBSF *
	August 2024	August 2024
Newark Light Rail	4,049	3,773
Hudson Bergen	13,141	13,494
River LINE	4,224	4,063

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



DBE/SBE PROGRAM

NJ TRANSIT - DBE/SBE/DVOB Participation for September 2024

State Funded Contracts

State Fiscal Year 2025 - July 1, 2024, through June 30, 2025

During the month of **September 2024**, NJ TRANSIT awarded **\$3,122,603.89** in state-funded contracts; of that total, Small Business Enterprises (SBE/DVOBs) received **\$3,122,603.89** or **100.00%**

State Fiscal Year 2025 YTD (July 1, 2024, through June 30, 2025) NJ TRANSIT awarded **\$64,924,799.67** in state-funded contracts. Of that total, SBE/DVOBs received **\$5,489,148.89** or **8.45%**

SBE/DVOB Goal Attainment from July 1, 2024, through June 30, 2025 (SFY 2025)

Goods & Services

Category 1 SBE/DVOBs	\$0.00	0.00%
Category 2 SBE/DVOBs	\$0.00	0.00%
Category 3 SBE/DVOBs	\$2,366,545.00	3.83%

Construction

Category 4 SBE/DVOBs	\$0.00	0.00%
Category 5 SBE/DVOBs	\$0.00	0.00%
Category 6 SBE/DVOBs	\$3,122,603.89	4.81%

FTA Funded Contracts - Updated on a quarterly basis

Federal Fiscal Year (FFY) 2024 - October 1, 2023 through September 30, 2024

During the 4th Quarter (July 1, 2024 – September 30, 2024), the FTA-funded share of NJ TRANSIT’s federal contracts awarded was **\$40,080,331.60**. Of that total, Disadvantaged Business Enterprises (DBEs) received **\$8,000,000.00** or **19.96%**.

FFY 2023 through FFY 2025 (October 1, 2022 – September 30, 2025) NJ TRANSIT awarded **\$790,063,412.30**** in federally funded contracts. Of that total, DBEs received **\$68,907,669.04*** or **22.04%**.

**Numbers reflect federal share*

*** Number includes subrecipient awards*

Next update will occur in January 2025

Transit Vehicle Manufacturer (TVM)¹ Awards

During the 4th Quarter (**July 1, 2024 – September 30, 2024**), there were one (1) TVM contract(s) awarded at NJ TRANSIT

Next update will occur in January 2025

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

EMPLOYEE RECOGNITION

NJ TRANSIT employees bid farewell after outstanding careers

19 NJ TRANSIT employees retired recently:

1. Kevin Fleming, Sr. Rail Ops Planner -- HQ -- 40 years
2. David Harris, Lead Clerk -- Newark Penn -- 25 years
3. Daniel Holmes, Power Supervisor -- Kearny -- 31 years
4. Oran Leary, Assistant Conductor -- Various -- 34 years
5. John Mattessich, Carman -- Long Branch -- 26 years
6. Richard Pizzichillo, Lead Mechanic Electrical Shop -- Red Bank -- 31 years
7. Eugene Redmon, Comm Maintainer -- Cranford -- 39 years
8. Noel Santiago, Mechanic -- Newark Penn -- 21 years
9. Anthony Brown, Operator -- Ironbound -- 11 years
10. Bjorn Dyba, Mechanic -- NBC -- 40 years
11. Cynthia Shaw, Operator -- Newton Ave. -- 18 years
12. Brenda Albritton, Operator -- Oradell -- 13 years
13. Rosa Fitsimmons, Inspector -- Howell -- 32 years
14. Thomas La Sala, Spc Mech -- Newark Bus -- 31 years
15. Peter Lightfoot, Operator -- Egg Harbor -- 18 years
16. Ronald Moore, Operator -- Hilton -- 26 years
17. Robert Webb Jr., Operator -- Greenville -- 19 years
18. Richard Human, Safety Officer -- HQ -- 22 years
19. Hura Reed, Line Engineer -- Red Bank -- 28 years

ACTION ITEMS



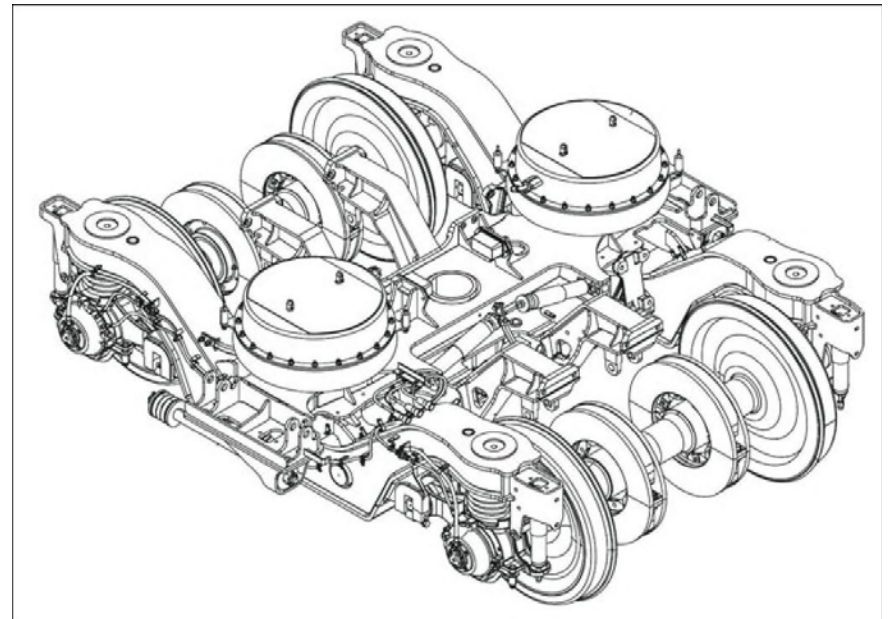
MULTILEVEL II TRUCK OVERHAUL

10 Year Overhaul Program

MULTILEVEL II TRUCK OVERHAUL

10 Year Overhaul Program

Requesting funding to enter into a new Contract for the overhaul of 209 Multilevel II Trucks (which includes 9 spares) in an amount not to exceed \$25,940,597.00, plus 10 percent contingency, subject to the availability of funds.



MULTILEVEL II TRUCK OVERHAUL 10 Year Overhaul Program

- NJ TRANSIT owns 100 Multilevel II passenger cars that were designed and built by Bombardier Transit Corporation (now Alstom Transport Inc.)
- There are two trucks on each Multilevel vehicle
- To remain in a state of good repair and in compliance with all mandated regulations, all Multilevel vehicle trucks are required to undergo an overhaul every 10 years:
 - Comply with 49 Code of Federal Regulations (CFR) and all applicable Federal Safety Standards.
 - Comply with American Public Transportation Association (APTA) Standards.
 - Fulfill OEM specifications and Recommendations.

MULTILEVEL II TRUCK OVERHAUL

10 Year Overhaul Program

- All truck components, including the brake rigging, are to be rebuilt and/or replaced to original equipment manufacturer specifications, including the following:
 - Primary Suspension
 - Low Stop Bumpers
 - Bump Stops
 - Odor Bombs
 - Swing Arm Articulations
 - Coil Spring Assemblies Along With New Primary Suspension Pads
 - Primary Suspension Vertical And Horizontal Shock Absorbers
 - Antiroll Bar Articulations, Antiroll Bar Bearing Supports
 - Antiroll Bar Along With New Type 1 Antiroll Bar Seals
 - Antiroll Bar Lever Arms Along With New Type 2 Antiroll Bar Seals
 - Antiroll Bar Linkages
 - Secondary Suspension Lateral Bumpers
 - Side Bearings
 - Airbag Assemblies On Truck Bolster

ITEM 2410-56: MULITILEVEL II EQUIPMENT TRUCK OVERHAUL

WHEREAS, NJ TRANSIT (NJT) rail service travels over 1.3 billion miles annually; and

WHEREAS, the 100 Multilevel II (ML II) cars entered revenue service starting in 2012 and require an overhaul of their 200 trucks (two per car), along with nine additional spares, per the original equipment manufacturer's (OEM) maintenance manuals; and

WHEREAS, this overhaul must comply with Title 49 of the Code of Federal Regulations (CFR), American Public Transportation Association (APTA) Standards, and adhere to Quality Standard ISO 9001-2015; and

WHEREAS, the contract includes transporting the vehicles to the contractor's facility, removing the trucks, performing the overhaul tasks, testing and re-installing the trucks, and leveling the vehicles; and

WHEREAS, the anticipated duration of the contract is 14 months from the notice-to-proceed (NTP) date; and

WHEREAS, the Transportation Trust Fund (TTF) is the anticipated source of funding for this project; and

WHEREAS, on December 7, 2023, a Request for Proposals (RFP) was advertised on *BID EXPRESS*, NJ TRANSIT's electronic bid system, and in *The Star-Ledger* and *Trenton Times*; and

WHEREAS, proposals were received from two firms and opened on April 3, 2024, at NJ TRANSIT Headquarters in Newark, New Jersey; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Alstom Transportation Inc. of New York, New York, was the most qualified, responsive, and responsible proposer;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 0000010 with Alstom Transportation Inc. of New York, New York, to overhaul 209 trucks on the Multilevel II equipment, in the amount of \$25,940,597.00, plus 10 percent for contingencies, subject to the availability of funds.

ITEM 2410-57: ONE-YEAR EXTENSION OF NJ TRANSIT CONTRACT NO. 17-030R-A

WHEREAS, NJ TRANSIT's current medical benefits have been administered by Horizon Blue Cross Blue Shield of New Jersey (Horizon BCBSNJ) since 2019 pursuant to Contract No. 17-030R-A; and

WHEREAS, the NJ TRANSIT Board of Directors, pursuant to Board Item 2402-03, previously extended Contract No. 17-030R-A with Horizon BCBSNJ from July 1, 2024 through December 31, 2024; and

WHEREAS, for reasons set forth below, NJ TRANSIT seeks to extend the contract with Horizon BCBSNJ for one additional year; and

WHEREAS, the RFP0000035 for Administration of Self-Funded Medical Plans (RFP) was publicly advertised on December 1, 2023, and two proposals were received on January 30, 2024; and

WHEREAS, discussions between NJ TRANSIT and labor unions remain ongoing regarding the impact a change in third-party administration of medical benefits might have on contractual obligations across NJ TRANSIT's various labor agreements; and

WHEREAS, NJ TRANSIT must extend the current third-party administration services contract with Horizon BCBSNJ from January 1, 2025 through and until December 31, 2025 to allow sufficient time for NJ TRANSIT to continue its discussion with labor unions;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to extend NJ TRANSIT's Contract No. 17-030R-A with Horizon Blue Cross Blue Shield of New Jersey, for a period of one year, beginning January 1, 2025 and ending December 31, 2025. The total cost of the change order to the contract is not to exceed \$4,500,000.00.

ITEM 2410-58: ONE-YEAR EXTENSION OF NJ TRANSIT CONTRACT NO. 17-030R-C

WHEREAS, NJ TRANSIT's current pharmacy benefits have been administered by Express Scripts Holding Company (Express Scripts) since 2019 pursuant to Contract No. 17-030R-C; and

WHEREAS, the NJ TRANSIT Board of Directors, pursuant to Board Item 2402-03, previously extended Contract No. 17-030R-C with Express Scripts from July 1, 2024, through December 31, 2024; and

WHEREAS, for reasons set forth below, NJ TRANSIT seeks to extend the contract with Express Scripts for one additional year; and

WHEREAS, the RFP0000040 for Administration of Self-Funded Pharmacy Plans (RFP) was publicly advertised on December 7, 2023, and four proposals were received on February 6, 2024, including proposals from Express Scripts and CVS Caremark; and

WHEREAS, discussions between NJ TRANSIT and labor unions remain ongoing regarding the impact a change in third-party administration of pharmacy benefits might have on contractual obligations across NJ TRANSIT's various labor agreements; and

WHEREAS, NJ TRANSIT must extend the current pharmacy benefits contract with Express Scripts from January 1, 2025 through and until December 31, 2025 to allow sufficient time for NJ TRANSIT to continue its discussion with labor unions;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to extend NJ TRANSIT's Contract No. 17-030R-C with Express Scripts Holding Company, for a period of one year, beginning January 1, 2025 and ending December 31, 2025. The total cost of the change order to the contract is not to exceed \$3,650,000.00.

ITEM 2410-59: CHANGE ORDER – INFORMATION TECHNOLOGY: AWARD OF CONTRACT TO COGNIZANT TECHNOLOGY SOLUTIONS U.S. CORPORATION FOR A SUBSCRIPTION LICENSE AND IMPLEMENTATION OF ORACLE HUMAN CAPITAL MANAGEMENT SUITE

WHEREAS, in December of 2023, the NJ TRANSIT Board of Directors approved the award of NJ TRANSIT Contract No. 22-066 to Cognizant Technology Solutions U.S. Corporation for \$16,996,640, plus five percent for contingencies, for the total value of \$17,846,472.00. This contract provides implementation services of the Oracle HCM platform, license subscription, hosting services, along with support and maintenance; and

WHEREAS, the development of additional desired features during contract negotiations expanded the project scope and increased the need for more Oracle licenses to support a larger user base, resulting in further training and post-implementation support. Therefore, additional funding is required; and

WHEREAS, a 10 percent category 3 SBE Goal was assigned;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to amend NJ TRANSIT Contract No. 22-066 with Cognizant Technology Solutions U.S. Corporation of College Station, Texas, for implementation services of the Oracle HCM platform, license subscription, hosting services, along with support and maintenance, in the change order amount not to exceed \$2,616,222.44.

**ITEM 2410-60: REGULATIONS: PROPOSED AMENDMENT OF N.J.A.C. 16:77
USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY**

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

WHEREAS, in accordance with N.J.S.A. 27:25-5(e), N.J.S.A. 27:25-11(f) and N.J.S.A. 27:25-32(a), NJ TRANSIT has the statutory authority to promulgate rules and regulations; and

WHEREAS, one of the programs by which NJ TRANSIT has fulfilled this responsibility is through the issuance of permits for certain fees to use its property for various types of occupancies. Permits are license agreements for the use and occupancy of property by a utility, municipality, county, or private entity; and

WHEREAS, N.J.A.C. 16:77, the rules establishing guidelines, procedures, and fees for Use or Occupancy of NJ TRANSIT-Owned Property expired in 2018; and

WHEREAS, N.J.A.C. 16:77 was adopted on July 15, 2024 (Exhibit A); and

WHEREAS, N.J.A.C. 16:77 contains a typographical error involving fees; and

WHEREAS, NJ TRANSIT wishes to correct the typographical error contained in N.J.A.C. 16:77; and

WHEREAS, staff reviewed the proposed amended rules and determined that they are necessary, adequate, reasonable, efficient, and responsible to the purposes for which they were originally promulgated, and should be adopted with the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED that the Chair or the President & CEO, or the appropriate designee, is hereby authorized to take all actions necessary to amend N.J.A.C. 16:77 Use or Occupancy of NJ TRANSIT-Owned Property, et seq., consistent with this Board item and corresponding Exhibits, format the regulations as appropriate, and to take all other actions necessary to effectuate final adoption and promulgation.

56 N.J.R. 1244(b)

VOLUME 56, ISSUE 14, JULY 15, 2024

RULE ADOPTIONS

Reporter

56 N.J.R. 1244(b)

NJ - New Jersey Register > 2024 > JULY > JULY 15, 2024 > RULE ADOPTIONS > TRANSPORTATION -- NEW JERSEY TRANSIT CORPORATION

Agency

TRANSPORTATION > NEW JERSEY TRANSIT CORPORATION

Administrative Code Citation

Adopted New Rules: [N.J.A.C. 16:77](#)

Text

Use or Occupancy of NJ TRANSIT-Owned Property for Utility Facilities

Proposed: December 18, 2023, at 55 N.J.R. 2463(a).

Adopted: April 19, 2024, by New Jersey Transit Corporation, Kevin S. Corbett, President and Chief Executive Officer.

Filed: June 11, 2024, as R.2024 d.069, **without change**.

Authority: [N.J.S.A. 27:25-5.e](#), h, and k, and 27:25-7.b.

Effective Date: July 15, 2024.

Expiration Date: July 15, 2031.

Summary of Public Comment and Agency Response:

No comments were received.

[page=1245]

Federal Standards Statement

The expired rules adopted as new rules are not subject to any Federal standards and, therefore, a Federal standards analysis is not required.

Full text of the adopted new rules follows:

CHAPTER 77

USE OR OCCUPANCY OF NJ TRANSIT-OWNED PROPERTY FOR UTILITY FACILITIES

SUBCHAPTER 1. PERMITS AND CONDITIONS

16:77-1.1 Definitions

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

"Cable" consists of more than two conductors insulated from each other, with or without a protective covering, either self-supporting or having a common support.

"Coaxial television cable" means a transmission line cable having an inner conductor surrounded by insulation and an outer sheath serving as the second conductor.

"Communication wires" means wires used for telephone, fire alarm, police and signal circuits, for public or private communication of signal service, which operate at a voltage not exceeding 400 volts to ground or 750 volts, between any two points of the circuit and transmitted power that does not exceed 150 watts.

"Composite coaxial cable" means a cable made up of one or more transmission lines in which one conductor is centered inside a metallic tube that serves as the second conductor. Other standard insulated conductors may be included in the same overall sheath.

"Individual service" means a service to a single individual building.

"Involved jurisdiction" means the New Jersey Transit Corporation (NJ TRANSIT), its authorized representative(s), agent(s), or designee(s), NJ TRANSIT's authorized railroad, bus operations or light rail system, and any railroad operating on NJ TRANSIT-owned property, where appropriate.

"Lightfiber, fiberoptic, and glassfiber cable" means any cable using light as a transmitter and receiver and a glass or plastic fiber as the transmission medium including optical ground wire, which has the capability to serve as both a ground wire and for data transmission.

"Longitudinal occupation" means any occupation of NJ TRANSIT-owned property other than a transverse occupation as defined in this section.

"Messenger wires" means any support wire that carries no current, signal, or communication transmission and has a specific purpose to assist in installing, servicing, and replacing overhead occupancies. Messenger wires shall be considered as part of the wires or cables supported and no charge shall be assessed therefor.

"Municipality" means a local governing body such as a borough, township, city, or village.

"NJ TRANSIT-owned property" means property in the States of New Jersey, New York, and Pennsylvania owned by NJ TRANSIT or operated on by NJ TRANSIT, regardless of the operating agent or active status of the property.

"Permit" means the written permission to use or occupy NJ TRANSIT-owned property. Uses or occupancies of NJ TRANSIT-owned property shall include, but not be limited to:

1. Transverse or longitudinal crossings on, over, or under NJ TRANSIT-owned property:

- i. Aerial or underground wires and cables (communications and power);
- ii. Poles, towers, guys, anchors, and monopoles or metal poles with engineered foundations;

iii. Pipes and sewers; and

iv. Uses for overhead or underground conveyors, pipe bridges, pedestrian tunnels, or any other facility NJ TRANSIT determines a permit is required; and

2. Uses or occupancies for short-term activities, of less than one-year duration.

"Permittee" means the owner of a facility that is to be constructed, installed, or maintained on NJ TRANSIT-owned property, or a user of said property for a fixed term.

"Power wires" means all wires used for transmitting a supply of electrical energy, except those defined as "communication wires" above.

"Transverse occupation" means that part of any overhead or under-grade line that crosses a track or tracks or any NJ TRANSIT-owned right-of-way.

"Wire" means a solid or stranded single conductor, either bare or insulated.

16:77-1.2 Permit applications

(a) No person, company, corporation, business, governmental agency, or other entity may use or occupy NJ TRANSIT-owned property with equipment, utilities, and/or facilities, including, but not limited to, electrical and communications wires, sewer and water pipes, and various types of infrastructure related thereto without obtaining a permit from NJ TRANSIT. The permits as defined herein do not apply to occupancy of NJ TRANSIT property for other uses. All requests for permits shall be submitted, in writing, in accordance with NJ TRANSIT's Guidelines for Working within or in vicinity of NJ TRANSIT's right-of-way or applicable document in effect at the time of application, which shall govern the use of NJ TRANSIT-owned property for which a permit is issued. Written requests for permits shall be addressed to:

NJ TRANSIT
Real Estate Division
Manager, Property Management--Permits
One Penn Plaza East
Newark, New Jersey 07105-2246

(b) Once a request for a permit has been received, the applicant shall be responsible to NJ TRANSIT for application fees, regardless of permit completion. The application fee will be \$ 350.00 for each permit.

(c) Once stamped drawings have been entered into the review process, the applicant shall be responsible to the involved jurisdiction for the applicable review fees, regardless of permit completion.

(d) No refund of any fees shall be made after an application for a permit has been submitted.

(e) NJ TRANSIT will notify the applicant of its decision, which may be made in its sole and absolute discretion, regarding the issuance of a permit. If NJ TRANSIT approves the application, after being reviewed by the involved jurisdiction, a permit will be sent to the applicant for completion. It shall be the applicant's responsibility to complete the permit and return it to NJ TRANSIT with the designated fee(s). No permit shall be issued nor shall a permittee enter upon NJ TRANSIT's property unless the permit is fully executed and all designated fee(s), including application fee, administrative fee, review fee(s), and at least the first year's occupancy fee have been paid.

(f) If at any time the permittee seeks to modify its use or occupancy of the NJ TRANSIT-owned property, the permittee shall be required to apply for a new or amended permit according to the provisions of this section.

(g) Upon expiration of a permit, NJ TRANSIT may issue a new permit without requiring the permittee to submit a new application. A new occupancy fee will be assessed in accordance with the fee schedule rates in effect at the time.

16:77-1.3 Permit conditions

(a) The permittee shall provide the indemnification and insurance coverage as required by NJ TRANSIT, which may be updated from time to time in accordance with State and Federal law, regulations, policy, and as best practices may require.

1. The permittee shall indemnify, defend, keep, and save harmless New Jersey Transit Corporation, Inc., NJ Transit Rail Operations, Inc., NJ Transit Bus Operations, Inc., the State of New Jersey, and their contractors, operators, and other railroad(s) operating on the affected property, their successors, assigns, contractors, agents, employees, servants or officials, and each and every one of them or any other designee of NJ TRANSIT (indemnified parties) against all claims, just or unjust, made against the indemnified parties on account of injuries, deaths, losses of any kind whatsoever; damages, suits, liabilities, judgments, claims for infringement of patent, trademark or copyright, cost and expenses that may in any way accrue against the indemnified parties in consequence of [page=1246] the granting of a permit or that may in any way result therefrom; and whether or not it shall be alleged or determined that the cause thereof was the negligent acts or omissions of the indemnified parties and the permittee shall appear, defend and pay, as its own expense, all costs, including counsel fees, arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the indemnified parties in any such action, the permittee shall, at its own expense, satisfy, and discharge the same.

2. Operations at or near the facilities involve some risk, and the permittee, as part of the consideration for a permit, and with full knowledge and appreciation of such risk, shall release and waive any right to ask for or demand any special, direct, incidental, indirect, punitive, reliance or consequential damages, whether foreseeable or not, for or on account of any loss or injury to any property of the permittee and its employees, including property in the care, custody, and control of the permittee, and to the facilities and contents thereof that are over, under, upon, or in the property of NJ TRANSIT, including loss of, or interference with, service or use thereof, or loss of profits or revenue, cost of capital, cost of replacement services, claims of customers or third parties, whether or not it shall be alleged or determined that the cause thereof was breach of contract, breach of warranty, negligent acts or omissions of the indemnified parties or the permittee, their successors, assigns, contractors, agents, employees, servants, and officials or of other persons.

(b) The permittee shall properly safeguard all work performed under the conditions of the permit. If considered necessary by the involved jurisdiction, the permittee will be required to employ additional safety devices including uniformed traffic directors.

(c) Upon approval of a permit, the permittee shall give notice, in writing, to the involved jurisdiction.

(d) Construction work materials and workmanship shall conform to NJ TRANSIT specifications.

(e) Work or occupancy shall not begin until a formal written notice to proceed or a temporary access permit is issued to the permittee by NJ TRANSIT.

(f) All uses, work, or occupancy within NJ TRANSIT-owned property shall be subject to the review by the involved jurisdiction affecting safety and operations. The safety and continuity of operation shall be of the first importance and shall be at all times protected and safeguarded, and the permittee, and the permittee's contractor and/or subcontractors, shall perform and arrange all use, work, and occupancy accordingly. All use and work shall be performed carefully and shall be regulated so as to avoid interruption and interference of train, bus, or light rail movements and damage to the tracks or other facilities and appurtenances.

(g) Upon completion of installation or vacation of the site, the permittee shall restore the affected area to the satisfaction of NJ TRANSIT and/or involved jurisdiction.

(h) NJ TRANSIT assumes no obligations whatsoever in connection with the use, work, and/or occupancy by the permittee and is not obligated to make any repairs to the property or furnish people, equipment, or materials in connection with use, work, and/or occupancy by the permittee. The use, work, and/or occupancy provided for by the permit shall be performed at no cost to the involved jurisdiction.

(i) The permittee is responsible for compliance with all applicable environmental laws/regulations including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act, [42 U.S.C. §§ 9601 et seq.](#) (CERCLA), the Resource Conservation and Recovery Act, [42 U.S.C. §§ 6901 et seq.](#), the Water Pollution Control Act, [N.J.S.A. 58:10A-1 et seq.](#), the Industrial Site Recovery Act, [N.J.S.A. 13:1K-6 et seq.](#), the New Jersey Spill Compensation and Control Act, [N.J.S.A. 58:10-23.11 et seq.](#) (the Spill Act), the Brownfield and Contaminated Site Remediation Act, [N.J.S.A. 58:10B-1 et seq.](#), the Site Remediation Reform Act, [N.J.S.A. 58:10C-1 et seq.](#), and the Underground Storage Tank Act, [N.J.S.A. 58:10A-21 et seq.](#), and all regulations promulgated under such laws to the extent applicable. Any costs associated with contamination and/or pollution caused by the permittee is the responsibility of the permittee. Permittee is also required to indemnify NJ TRANSIT against any losses or expenses relating to any third-party claims arising from any pollution and/or contamination caused by the permittee; and against any losses, claims, and expenses relating to exacerbation of existing pollution and/or contaminants caused by the permittee. The act of discovery by permittee of contamination and/or pollution at the property not caused by the permittee is not deemed exacerbation of environmental conditions. Activities that allow discovered contamination and/or pollution to migrate, spill, release, or discharge are not considered "discovery" but exacerbation of existing conditions and therefore the responsibility of the permittee. In addition to the aforementioned requirements, NJ TRANSIT reserves the right to impose additional environmental and/or safety requirements and conditions on any permit application that it decides to approve.

(j) The permittee shall reimburse the involved jurisdiction for all actual costs incurred by the involved jurisdiction as a result of the permit project, which shall include, but not be limited to, inspectors, watchmen, operators, flagmen, and other personnel. All costs will be billed at the then current billing rates, which are subject to revision. The permittee shall remit payment to NJ TRANSIT within 30 days after receipt of an invoice. The permittee shall pay NJ TRANSIT a late charge of three percent of the total unpaid invoice amount for every month any invoice is owed and outstanding until the invoice is paid in full.

(k) The permittee shall have the responsibility during the term of the permit to maintain its facility in a safe and proper manner, to the satisfaction of the involved jurisdiction. If repair or maintenance of the permittee's facility is required, the permittee must notify NJ TRANSIT, in writing, and request permission to perform the repair or to maintain such facility. The permittee may not begin such work without prior written approval from NJ TRANSIT. The permittee is responsible for all costs incurred for repair, maintenance, or replacement of the permittee's equipment.

(l) In the event of an emergency, the permittee shall take immediate corrective action upon notification from the involved jurisdiction.

(m) If it is deemed necessary by NJ TRANSIT, the permittee shall be required to submit a deposit in an amount sufficient to guarantee that, should the permittee fail to restore the disturbed area in a safe and proper manner, there will be sufficient funds to pay for the cost of any work performed by the involved jurisdiction in consequence of that failure. This guarantee shall not operate to waive the permittee's complete responsibility with regard to restoring the affected area. When NJ TRANSIT deems it necessary to demand a deposit pursuant to this subsection, NJ TRANSIT will return to the permittee any unused funds upon the completion of the approved corrective measures. The deposit will be reduced by costs incurred by NJ TRANSIT including, but not limited to, administrative fees, personnel, equipment, and damages, as determined by NJ TRANSIT.

(n) When occupations require movement or relocation of facilities by NJ TRANSIT, the appropriate involved jurisdiction shall prepare an estimate of cost. Using this estimate, NJ TRANSIT shall request as a condition in granting the permit, a written agreement by the permittee, stating that the permittee shall assume all expenses involved in the movement or relocation of facilities and any expenses for additional facilities necessitated by the move. Upon the written request of NJ TRANSIT, the permittee shall promptly change the location of its facilities, or any of them, at the sole expense of the permittee and within 30 days after such request is made, so as to enable NJ

TRANSIT to make any alterations or improvements upon its property and/or any changes in or additions to its facilities that it may deem necessary or advisable at any time, and nothing shall in any way be so construed as to limit NJ TRANSIT in the full and free use and occupation of the full width of its right-of-way and property at the location.

(o) Upon the termination of the permit, the permittee, subject to the review and approval by NJ TRANSIT, shall remove all permit-related facilities, unless otherwise authorized by NJ TRANSIT, and shall restore the affected area to the satisfaction of NJ TRANSIT. The permittee is responsible for all costs incurred for restoring the affected area.

(p) The involved jurisdiction reserves the right to impose special conditions in appropriate cases, as required at its sole discretion.

(q) The fees set forth within this chapter for transverse and longitudinal occupations are minimum fees. NJ TRANSIT reserves the right to negotiate higher fees for any use or occupation in order to accommodate circumstances and conditions specific to individual applications.

[page=1247] [16:77-1.4](#) Administrative fees

(a) The fees described in this section are intended to cover the cost of processing of papers and other incidental expenses incurred by NJ TRANSIT, and are in addition to the application fee and the occupation fees in this chapter.

(b) Administrative fees will be charged as follows:

1. Wire and cable crossings and longitudinal occupations over or under NJ TRANSIT-owned property:

i. All transverse crossings not exceeding 300 volts to one individual service: \$ 300.00.

ii. All other transverse crossings: \$ 500.00.

iii. All longitudinal occupations and any other agreement not already identified in this section, regardless of voltage: \$ 1,500.

2. Pipe, sewer crossings, surface drainage, and longitudinal occupations over or under NJ TRANSIT-owned property:

i. Pipe not exceeding three inches inside diameter to one individual service: \$ 300.00.

ii. All other transverse crossings: \$ 750.00.

iii. All longitudinal occupations and any other agreement not already identified in this section, regardless of pipe contents: \$ 1,500.

3. All surface drainage not contained within a pipe and occupying NJ TRANSIT property: \$ 1,500.

4. Any application for any type of permit by a municipality or county: \$ 300.00.

5. Additional fees:

i. All occupations requiring engineering reviews will be assessed an additional fee as compensation to the involved jurisdiction.

ii. In addition, when railroad personnel or services are utilized by the permittee, reimbursement to NJ TRANSIT Rail Operations or other involved jurisdictions will be made within 30 days of receipt of billing.

iii. Any longitudinal or transverse occupation, regardless of the size of the facility, requiring more than one field excursion by NJ TRANSIT personnel shall be charged an additional \$ 400.00 for every outing beyond the single outing allotted each application.

16:77-1.5 Permit fees; general conditions

(a) Use or occupancy permit fees are subject to the following conditions:

1. The permit fee equals the annual occupancy rate described within this schedule.
2. The minimum annual permit fee under any application shall be \$ 317.00.
3. Should the facility be terminated at any time less than the estimated years of occupancy, the permit fees collected are not subject to a refund.
4. NJ TRANSIT reserves the right to consider additional fees for crossings in excess of 200 feet. When increased preparation costs are incurred, the increases will be passed on to the permittee.
5. Any occupation of NJ TRANSIT property other than transverse track crossings will be charged as a longitudinal crossing based on the lineal foot of the occupation.
6. Fees are an annual rate applicable up to a 200-foot width. For all crossings in excess of 200 linear feet, and no more than 700 linear feet, the facility will be calculated as a longitudinal occupation. With respect to any facility crossing exceeding 700 linear feet, NJ TRANSIT reserves the right to negotiate the fee. The formula for a transverse occupation over 200 feet is as follows:
 - First 200 LF: x = base rate.
 - 200 LF to 700 LF: y = longitudinal fee divided by four.
 - Add all components ($x + y$) to establish the annual fee.
 - Over 700 LF: NJ TRANSIT reserves the right to negotiate fee(s).
7. All fees for occupancies encased as a group or otherwise bundled or joined together will be calculated as if they were individual occupations.
8. Should the facility be modified during the term of the permit, during the processing of a new permit, or there is a supplement to an existing permit, the associated increase in fees will be charged. If a new permit is approved, an amount proportionate to the time remaining on the superseded permit will be credited toward the new fee.
9. In the event the facility goes beyond its paid estimated life, a new fee will be assessed in accordance with the fee schedule rates in effect at that time.

(b) An annual occupancy fee for attachments will be charged as follows when higher rates are not fixed:

1. Attachments of aerial wires and cables to poles and other structures of NJ TRANSIT-owned facilities used in wire line construction:
 - i. Up to and including 32,500 volts for each attachment to NJ TRANSIT-owned cross-arms or brackets: \$ 17.00.
 - ii. Up to and including 32,500 volts for each attachment to permittee's cross-arms or brackets when those brackets are attached to an NJ TRANSIT-owned facility: \$ 13.00.
 - iii. Wires over 32,500 volts attached to the NJ TRANSIT-owned cross-arms or brackets: \$ 31.00 per attachment.
 - iv. Wires over 32,500 volts and attached to permittee's cross-arms or brackets when those brackets are attached to NJ TRANSIT-owned facilities: \$ 27.00 per attachment.

2. Attachments of aerial wires and cables to buildings or other structures:

i. Each wire or cable attached to NJ TRANSIT's bridges or structures, including railroad or highway bridges: \$ 31.00 per attachment.

3. Attachments of cable terminals to poles, buildings, or structures, including highway bridges and railroad bridges owned by NJ TRANSIT:

i. Each cable terminal, loading coil, transformer or like device is subject to special consideration in each case, but not less than \$ 114.00.

4. Charges for attachment(s) of pipelines carried along NJ TRANSIT-owned property on bridges or other supports are subject to special consideration in each case if permitted by current New Jersey Department of Transportation specifications.

5. Charges for attachments of pipes to bridges, buildings, or structures of the NJ TRANSIT-owned property are subject to special consideration in each case.

(c) An annual occupancy fee for guy wire crossings and overhanging cross-arms and power wires and cables of transmission lines outside of NJ TRANSIT-owned right-of-way will be calculated as follows:

1. Each guy wire crossing NJ TRANSIT-owned property but not anchored thereon: \$ 17.00.

2. Cross-arms overhanging NJ TRANSIT-owned property from poles located outside thereof, one or more cross-arms on any pole: \$ 13.00.

3. Power wires and cables overhanging NJ TRANSIT-owned property from poles located outside thereof shall be calculated at the rates specified at [N.J.A.C. 16:77-1.6\(b\)](#) and (c), and on a prorated basis, depending upon the number of overhanging wires, excluding the neutral, ground static, or lighting wires.

(d) Occupation charges for overhead or underground conveyors, pipe bridges, pedestrian tunnels, or any other facilities not covered by this section will be subject to special consideration.

(e) The minimum permit fee under any agreement where a miscellaneous use of occupancy is involved, not previously defined, shall be \$ 317.00. The applicant may be subject to possible charges, which may result from expenses incurred by the involved jurisdiction. (NOTE: Permit fees for miscellaneous use or occupancy of NJ TRANSIT-owned property will be determined and charged on an individual basis because of the various types of requests.)

(f) A permit will be issued at no charge where a facility is relocated, upon NJ TRANSIT's written request, to NJ TRANSIT-owned property from a public thoroughfare.

(g) All permits will be charged a fee in accordance with this section; however, at no time shall any fee for an existing occupancy be less than the fee established by the previous owner(s) unless there has been a significant reduction in the occupancy. The discount in the fee shall be calculated as a ratio between the old occupancy and fee to the new configuration and fee. Any increase in occupancy shall warrant an increase in the existing fee.

(h) Short-term use or occupancy fees are subject to the following conditions:

1. The permit fee equals the annual occupancy rate prorated for the estimated duration of occupancy.

2. The minimum permit fee under any application shall be \$ 317.00.

3. Should the facility be terminated at any time less than the estimated period of occupancy, the permit fees collected are not subject to a refund.

[page=1248] 4. At no time shall a short-term use and/or occupancy fee be less than the estimated annual fee for the same use covered under the long-term fee schedule.

5. Should the facility be modified during the term of the permit, a new permit and fee will be required. If a new permit is approved, an amount proportionate to the time remaining on the superseded permit will be credited toward the new fee.

6. In the event the facility goes beyond its paid estimated life, a new fee will be assessed in accordance with the fee schedule rates in effect at that time.

(i) NJ TRANSIT may negotiate lower permit fees when requested to do so by any municipal or county applicant acting on its own behalf.

16:77-1.6 Permit fees; transverse occupation

(a) All fees in this section are applicable for rights-of-way up to a 200-foot width. For all crossings in excess of 200 feet, an adjustment in the annual fee will be assessed and calculated in accordance with the example contained within this schedule pursuant to N.J.A.C. 16:77-1.5(a)6.

(b) Aerial and underground wire (power and communication) crossings not exceeding 200 feet in length will be charged an annual occupancy fee as follows:

1. Power:

- i. All crossings up to but not exceeding 6,900 volts: \$ 317.00.
- ii. Over 6,900 volts but not exceeding 32,500 volts: \$ 583.00.
- iii. Over 32,500 volts but not exceeding 50,000 volts: \$ 968.00.
- iv. Over 50,000 volts but not exceeding 345,000 volts: \$ 1,293.
- v. Over 345,000 volts but not exceeding 500,000 volts: \$ 1,944.
- vi. Over 500,000 volts: \$ 2,586.
- vii. Ducts or pipes carrying conductors: no charge.
- viii. Manholes (each): \$ 165.00.

(NOTE: Attachments of wires, cables, etc. to bridges, buildings, poles, or structures to NJ TRANSIT-owned property are subject to special consideration in each case. Crossings of right-of-way by pipe type cable consisting of one or more high voltage cables encased in a steel pipe, under inert oil pressure and/or further encased in a larger steel pipe and the space between the pipes filled with compacted or thermal sand will be subject to special consideration and each case will be handled individually.)

2. Communication:

- i. Telephone and other communication cables (not including composite coaxial cables or fiber optic cables):
 - (1) Cable containing not more than 500 pairs: \$ 317.00.
 - (2) Cable containing 501 to 1,100 pairs: \$ 561.00.
 - (3) Cable containing 1,101 to 1,800 pairs: \$ 814.00.
 - (4) Cable containing over 1,800 pairs: \$ 1,299.

ii. Composite coaxial cables and coaxial television cables containing not more than four conductors: \$ 472.00.

iii. All cables containing over four conductors shall be at a rate of \$ 68.00 for each additional conductor.

3. Fiberoptic:

i. Fiberoptic cable crossings: \$ 3,304.

ii. Fiberoptic cable crossings used for retail distribution to 500 or less than 500 households and/or retail businesses: \$ 1,762.

(c) Poles, towers, guys, and anchors and spare ducts or pipes will be charged an annual fee as follows:

1. Single wooden pole (per pole): \$ 77.00.

2. All other supporting structures other than the auxiliary facilities and appurtenances listed at (c)3, 4, 5, 6, and 7 below: \$ 153.00.

3. Each brace, stub, pole, or anchor: \$ 77.00.

4. Each guy anchored on or crossing NJ TRANSIT-owned property: \$ 16.00.

5. All towers, if not included in a longitudinal occupation shall be assessed per tower leg at: \$ 98.00.

6. Each span guy wire crossing: \$ 98.00.

7. Spare or unoccupied ducts or pipes, each (when the duct shall be occupied in the future by a cable, the annual fee for the facility occupying the duct shall govern and the \$ 77.00 charge cease): \$ 77.00

8. Guys, stubs, anchors, and push or pull braces required by specification for the support of a crossing pole on NJ TRANSIT-owned right-of-way and at the request of NJ TRANSIT shall be considered as part of the crossing pole and no charge will be made therefor.

9. Fees for towers and monopoles or metal poles with engineered foundations will be arrived at through negotiations.

(NOTE: The above charges at (c)1 through 9 above are in addition to the wire and cable occupation charges provided at (b)1, 2, and 3 above.)

(d) Annual permit occupancy fees for pipes and sewer crossings not exceeding 200 feet in length will be calculated as follows:

1. Circular lines carrying no pressure:

i. Pipes up to and including 12 inches inside diameter (ID): \$ 317.00.

ii. Pipes over 12 inches and not exceeding 24 inches ID: \$ 440.00.

iii. Pipes over 24 inches and not exceeding 60 inches ID will be charged at a rate of \$ 11.00 per inch of ID over the first 24 inches. This rate is in addition to a minimum fee of: \$ 446.00.

iv. Pipes over 60 inches ID will be charged at a rate of \$ 7.00 per inch of ID over the first 60 inches. This rate is in addition to a minimum fee of: \$ 968.00.

v. All surface drainage not contained within a pipe and occupying NJ TRANSIT-owned property: \$ 1,293.

2. Circular lines under pressure and carrying non-flammable, non-explosive, or non-combustible supporting materials, except coal and water slurry:

- i. Pipes up to and including 12 inches ID: \$ 383.00.
 - ii. Pipes over 12 inches but not exceeding 24 inches ID: \$ 485.00.
 - iii. Pipes over 24 inches ID and not exceeding 60 inches ID will be charged at a rate of \$ 17.00 per inch of ID over the first 24 inches. This rate is in addition to the minimum fee of: \$ 85.00.
 - iv. Pipes over 60 inches ID will be charged at a rate of \$ 13.00 per inch of ID over the first 60 inches. This rate is in addition to the minimum fee of: \$ 1,035.
3. Circular lines under pressure and carrying flammable, explosive, or combustible supporting materials, except coal and water slurry:
- i. Pipes not exceeding three inches inside nominal diameter--minimum charge for any one crossing: \$ 472.00.
 - ii. Pipes over three inches inside nominal diameter and not exceeding 12 inches inside diameter--minimum charge for any one crossing: \$ 652.00.
 - iii. Pipes over 12 inches inside diameter and not exceeding 24 inches inside diameter shall be charged at a rate of \$ 31.00 per inch of ID over the first 12 inches. This rate is in addition to a minimum charge for any one crossing of: \$ 652.00.
 - iv. Pipes exceeding 24 inches in inside diameter shall be charged at a rate of \$ 29.00 per inch of ID over the first 24 inches. This is in addition to a minimum charge for any one crossing of: \$ 1,035.
4. Charges for non-circular pipes shall be determined by the diameter of a circular pipe having an equivalent cross-sectional area.
5. Charges for pipe tunnels or other special underground construction shall be subject to special consideration.
6. Pipe lines carried over NJ TRANSIT-owned property or other support structures are subject to special consideration in each case if permitted by NJ TRANSIT current specifications.
7. Manholes (each): \$ 154.00.
8. Charges for attachments of pipes to bridges, buildings, or structures of NJ TRANSIT-owned property are subject to special consideration in each case.
9. Where pipe or pipes are encased in a protective pipe of larger diameter, no charge shall be made for the protective encasement.

16:77-1.7 Permit fees; longitudinal occupations

(a) Recognizing the many variables and intangibles involved in each longitudinal occupation of NJ TRANSIT-owned property, each application shall be considered on its own merits, with minimum permit fee per year of occupancy being applied as set forth in this section. NJ TRANSIT reserves the right to negotiate all longitudinal fees.

(b) For occupations less than one mile in length, the minimum charge, as set forth at (c) below, shall be a proportionate amount of the rates calculated to the nearest dollar but no fee shall be less than the charge for one-quarter mile of such occupation.

[page=1249] (c) The following minimum annual charges cover longitudinal occupations. Guy wires, messengers, and grounded conductors shall be subject to special consideration.

1. Aerial wires:

- i. Transmission line, highest voltage not exceeding 6,900 volts: \$ 3,227 per circuit per mile.
 - ii. Transmission line over 6,900 volts up to, but not including, 32,500 volts: \$ 5,815 per circuit per mile.
 - iii. Transmission line 32,500 volts, up to and including 50,000 volts: \$ 8,082 per circuit mile.
 - iv. Transmission line 50,000 volts and over. The fee will be negotiated.
2. Aerial and underground cables:
- i. All longitudinal fiberoptic facility occupancy fees will be arrived at through negotiations.
 - ii. Telephone communication cables (not including composite coaxial cables):
 - (1) Cable containing not more than 1,100 pairs: \$ 3,227 per cable per mile.
 - (2) Cable containing 1,101 to 1,800 pairs: \$ 5,815 per cable per mile.
 - (3) Cable containing over 1,800 pairs: The fee will be negotiated at a rate not less than \$ 5,815 per cable per mile.
 - (4) For underground communication cables, the minimum charge is \$ 6,464 per cable per mile.
 - iii. Composite coaxial cable and coaxial television cables subject to negotiation, but not less than: \$ 7,862 per cable mile.
 - iv. Underground power cables:
 - (1) When a cable is buried in an open trench and covered with soil: \$ 4,658 per circuit per mile.
 - (2) When a cable is buried in an open trench and surrounded with from six to 12 inches of thermal sand: \$ 8,082 per circuit per mile.
 - (3) When a cable is encased in a steel pipe under inert oil pressure and/or further encased in a larger steel pipe and the space between the pipes filled with compacted sand: \$ 8,082 per mile or \$ 17.00 per inch of nominal diameter of the largest pipe per 100 feet of occupation or fraction thereof, whichever is greater.
 - v. Spare or unoccupied ducts or pipes, each per mile: \$ 968.00.
 - vi. Manholes, splicing chambers, or pull boxes, each when these structures are necessary for longitudinal occupation: no charge.
 - vii. An additional charge shall be made for use of NJ TRANSIT-owned property duct lines based on the negotiated value of the facility.
- (NOTE: Charges shown at (c)2v, vi, and vii above are in addition to the charges shown pursuant to (c)2ii, iii, and iv above, inclusive.)
- (d) All manholes necessary for periodic inspection, cleaning, and maintenance will be covered under the longitudinal pipeline fee. On transverse occupations all manholes will be charged in excess of the transverse facilities occupancy fee.
 - (e) Fees for all structures other than manholes will be arrived at through negotiations. Examples of these structures include, but are not limited to, meter chambers, siphon chambers, substations, pump stations, well sites, towers, and monopoles or metal poles with engineered foundations.
 - (f) An annual occupancy fee for pipes and sewers will be charged as follows:

1. Circular lines carrying no pressure: \$ 8.00 per inch of inside nominal diameter or fraction thereof per 100 feet of occupation or fraction thereof.
2. Circular lines under pressure and carrying non-flammable, non-explosive, and non-combustible supporting materials, except coal and water slurry: \$ 8.00 per inch of inside nominal diameter per 100 feet of occupation or fraction thereof.
3. Circular lines under pressure and carrying flammable, explosive, and combustible supporting materials, and coal and water slurry: \$ 17.00 per inch of inside nominal diameter per 100 feet of occupation or fraction thereof.
4. Charges of non-circular pipes shall be determined by the diameter of a circular pipe having an equivalent cross-sectional area.
5. Charges for pipe tunnels or other special underground construction shall be subject to special consideration.

16:77-1.8 Other provisions

(a) For those applicants having over 200 occupancy permits with NJ TRANSIT, NJ TRANSIT reserves the right to negotiate permanent occupancy permits for any occupancy having an annual fee of \$ 479.00 or less at the time of application. The permittee shall pay to NJ TRANSIT a lump sum, which will be equivalent to 20 times the annual rate that will satisfy the annual fee for the life of the facility occupation so long as it remains unchanged. No refunds will be given for any facility that is terminated, cancelled, removed, or abandoned. Permittees who qualify for this option, request such option, and are accepted by NJ TRANSIT, will receive a single "blanket agreement" with an attachment containing a list of the affected occupancies covered under individual permits. Acceptance of any request for a blanket agreement and lump sum payment will be at the sole discretion of NJ TRANSIT, which shall not be unreasonably exercised. The existence of this option shall not obligate NJ TRANSIT to enter into a blanket agreement with any permittee.

(b) Any facility that is altered in such a manner so as to increase the annual fee beyond the original \$ 479.00 limit will result in that permit being extracted from the blanket agreement and a new annual fee will be calculated, based on the existing fee schedule, and assessed annually thereafter. Monetary credit will be allocated to the new facility fee based on the unused portion of the initial 20-year period. No credit will be given for any facility requiring reassessment which has exceeded the initial 20 years of occupancy.

NEW JERSEY REGISTER

Copyright © 2024 by the New Jersey Office of Administrative Law

EXHIBIT B

ADVISORY, CONSULTATIVE AND DELIBERATIVE

DRAFT – July 2024

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Use or Occupancy of NJ TRANSIT-Owned Property for Utility Facilities

Proposed Amendment: N.J.A.C. 16:77–1.6

Authorized By: New Jersey Transit Corporation, Kevin S. Corbett, President and CEO

Authority: N.J.S.A.27:25-5.e, h and k and 27:25-7.b.

Calendar Reference: See summary below for explanation to calendar requirement.

Proposal Number: PRN2024-_____.

Submit comments by _____ to:

Compliance Department
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246

Email: commentsuseandoccupancyrules@njtransit.com

The agency proposal follows:

Summary

The New Jersey Transit Corporation (hereinafter “NJ TRANSIT” or “Corporation”) was established by the New Jersey Public Transportation Act of 1979 (the “Act”), (N.J.S.A. 27:25-1 et seq.) as an instrumentality of the State government responsible to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. One of the programs by which NJ TRANSIT has fulfilled this responsibility was through the issuance of permits for certain fees to use its property for various types of occupancies. Permits are license

EXHIBIT B

ADVISORY, CONSULTATIVE AND DELIBERATIVE

agreements for the use and occupancy of property by a utility, municipality, county, or private entity. In accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 16:77, Use or Occupancy of NJ TRANSIT Owned Property expires on July 15, 2031, and, therefore, NJ TRANSIT proposes amendments.

N.J.A.C. 16:77 establishes guidelines, procedures, and fees pursuant to which NJ TRANSIT will operate its use or occupancy program. The rules adopted July 2024 relates to a reasonable increase of 33 percent for annual permit fees, which had previously not increased since 2011. They have been in effect in essentially their present form since 1985. The proposed amendment relates to a typographical error of a minimum fee amount involving the 33 percent increase.

A review of the proposed amendment follows:

At N.J.A.C. 16:77 – 1.6 Permit fees; transverse occupation – The following change will be made:

(a)-(c) (No change.)

(d) 1. (No change.)

2. Circular lines under pressure and carrying non-flammable, non-explosive or non-combustible supporting materials, except coal and water slurry:

i. (No change.)

ii. (No change.)

iii. A clerical correction is made to the minimum fee from [\$85.00] to **\$485.00**.

3. – 9. (No change.)

EXHIBIT B

ADVISORY, CONSULTATIVE AND DELIBERATIVE

Social Impact

The proposed amendment will have a minimal social impact on the citizens of New Jersey as a whole but will specifically impact the permittees who presently, or may in the future, occupy and use NJ TRANSIT property. Those parties affected will have to pay the fees set forth in the chapter, as increased by the proposed amendments.

Economic Impact

N.J.A.C. 16:77, Use or Occupancy of NJ TRANSIT Owned Property rules were adopted July 15, 2024. The rules promulgated a fee increase of 33 percent. The typographical mistake incorrectly states a minimum fee of \$85 which is a clear computation error. The correct amount with the 33 percent increase would be \$485.

Federal Standards Statement

The proposed amendment is not subject to any Federal Standards and therefore, a Federal standards analysis is not applicable.

Job Impact

The proposed amendment will not affect the creation or loss of jobs.

Agriculture Industry Impact

The proposed amendment has no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments are not expected to impose any reporting, recordkeeping, or compliance requirements on small businesses, as defined under N.J.S.A. 52:14B-16 et seq., or to require them to engage any professional services they would not otherwise need to engage. The proposed amendment

EXHIBIT B

ADVISORY, CONSULTATIVE AND DELIBERATIVE

addresses a correction to the amount of minimum fees under N.J.A.C. 16:77 – 1.6 as it relates to the 33 percent increase adopted in July 2024. The proposed amendment does not impose new reporting, recordkeeping, or compliance requirements on businesses of any size.

Housing Affordability Impact

NJ TRANSIT does not anticipate any impact on affordability of housing as a result of the proposed amendment. The adopted rules establish guidelines, procedures and fees pursuant to which NJ TRANSIT will operate its use or occupancy program. As such, the proposed amendment will have no effect on housing units or on the average cost of housing.

Smart Growth Development Impact

NJ TRANSIT does not anticipate any impact upon smart growth or the implementation of the State Development and Redevelopment Plan as a result of the proposed amendment. The proposed amendment will have no effect on new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

NJ TRANSIT has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

EXHIBIT B

ADVISORY, CONSULTATIVE AND DELIBERATIVE

Full text of the rules may be found in the New Jersey Administrative Code at N.J.A.C. 16:77.

Full text of the proposed amendment follows (additions indicated in **boldface** thus deletions indicated brackets [thus]):

At N.J.A.C. 16:77 – 1.6 Permit fees; transverse occupation – The following changes will be made:

(a)-(c) (No change.)

(d) 1. (No change.)

2. Circular lines under pressure and carrying non-flammable, non-explosive or non-combustible supporting materials, except coal and water slurry:

i. Pipes up to and including 12 inches ID: \$383.00.

ii. Pipes over 12 inches but not exceeding 24 inches ID: \$485.00.

iii. Pipes over 24 inches ID and not exceeding 60 inches ID will be charged at a rate of \$17.00 per inch of ID over the first 24 inches. This rate is in addition to the minimum fee of: [~~\$85.00~~] **\$485.00**.

iv. Pipes over 60 inches ID will be charged at a rate of \$13.00 per inch of ID over the first 60 inches. This rate is in addition to the minimum fee of: \$1,035.00.00

3. – 9. (No change.)

DATE: _____

Kevin Corbett, President and CEO
New Jersey Transit Corporation

ITEM 2410-61: REGULATION: INITIATION OF THE RULEMAKING PROCESS FOR N.J.A.C. 16:74 PROCEDURE FOR CLAIMS OF DESTRUCTIVE COMPETITION

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

WHEREAS, in accordance with N.J.S.A. 27:25-5(e), N.J.S.A. 27:25-11(c)(2), N.J.S.A. 27:25-11(f) and N.J.S.A. 27:25-32(a), NJ TRANSIT has the statutory authority to promulgate rules and regulations; and

WHEREAS, a legislative finding set forth in the Act is that, in the provision of public transportation services, it is desirable to encourage to the maximum extent feasible the participation of private enterprise and to avoid destructive competition;

WHEREAS, N.J.S.A. 27:25-7(b), requires NJ TRANSIT to establish rules and regulations regarding procedures for hearings before the Board of claims of destructive competition arising from alleged actions by NJ TRANSIT, which are brought by private entities providing motorbus regular route service; and

WHEREAS, N.J.A.C. 16:74- Procedure for Claims of Destructive Competition was initially effective October 20, 1986; and

WHEREAS, the most recent readoption of N.J.A.C. 16:74- Procedure for Claims of Destructive Competition, was effective February 20, 2007, and expired February 20, 2014; and

WHEREAS, initiation of the rulemaking process for N.J.A.C. 16:74 Procedure for Claims of Destructive Competition will enhance the guidelines and procedures for handling claims of destructive competition;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO, or appropriate designee is hereby authorized to take all actions necessary to initiate the rulemaking process for N.J.A.C. 16:74 et seq., consistent with this Board item and corresponding Exhibit, and take all other actions necessary to effectuate the promulgation and final adoption of proposed rules.

EXHIBIT A

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Procedure for Claims of Destructive Competition

Proposed New Rules: N.J.A.C. 16:74

Authorized By: New Jersey Transit Corporation, Kevin S. Corbett, President and CEO.

Authority: N.J.S.A. 27:25-2(d); 27:25-5(e), 5(h) and 5(k); 27:25-7(b).

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

Proposal Number: PRN ____-____.

Submit comments by _____, to:

Compliance Department

New Jersey Transit Corporation

One Penn Plaza East, 8th Floor

Newark, NJ 07105-2246

Email: commentsdestructivecompetitionrules@njtransit.com

The agency proposal follows:

Summary

The New Jersey Transit Corporation (hereinafter "NJ TRANSIT" or "Corporation") was established by the New Jersey Public Transportation Act of 1979 (the "Act"), (N.J.S.A. 27:25-1 et seq.) as an instrumentality of the State government responsible to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. The Act provides that, in the provision of public transportation services, it is desirable to encourage to the maximum extent feasible the participation of private enterprise and to avoid destructive competition. It further provides that the Corporation shall promulgate rules and regulations setting forth the procedures

EXHIBIT A

for hearings before NJ TRANSIT's Board of Directors relating to claims of destructive competition, arising from alleged actions by the Corporation, brought by private entities providing motorbus regular route service.

N.J.A.C. 16:74, Procedures for Claims, expired on February 20, 2014. The proposed new rules re-promulgate expired rules which were first adopted effective October 20, 1986. New Jersey Transit Corporation (NJ TRANSIT) has reviewed these rules and has determined that the rules are necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were originally promulgated.

A review of each of the subchapters of N.J.A.C. 16:74 follows:

Subchapter 1, General Provisions, delineates the purpose of the rules and contains definitions of words and terms used in the chapter. Subchapter 2 Procedures, contains rules on procedures, including filing of claims, conferences, transmittal to the Office of Administrative Law, factors to be considered in determining whether destructive competition has taken place and rules on the allowable remedy and action of the Board after receipt of the Administrative Law Judge decision.

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

EXHIBIT A

Social Impact

It is not anticipated that the new rules proposed for adoption will have significant social impact. However, if unchecked, destructive competition could lead to the loss of service to the public as the costs of providing such service become prohibitive. The rules continue to provide a procedure for the resolution of claims of destructive competition where it is alleged that NJ TRANSIT destructively competes with a private carrier.

Economic Impact

It is not anticipated that these rules will have significant economic impact because they merely provide for a procedure required by law that affects only a limited number of private companies. During the filing process, companies may incur costs associated with identifying, documenting, and quantifying the economic impact of any alleged destructive competition. The results of a proceeding in a particular case; however, could have an economic impact upon a carrier or NJ TRANSIT, and their employees and their customers. The existence of the rules serves as a deterrent to destructive competition, which limits the potential for economic harm.

Federal Standards Statement

There are no Federal standards that apply to these rules and therefore, no Federal standards analysis is required.

Jobs Impact

It is not anticipated that these rules will result in the creation or loss of jobs because they merely provide for a procedure required by law. The results of a proceeding in a

EXHIBIT A

particular case could result in the creation or loss of jobs at the particular carriers that are involved.

Agriculture Industry Impact

The rules proposed for adoption will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for adoption impose no reporting or record keeping requirements on small businesses. Small businesses, which are approximately 13 bus and/or ferry companies currently engaged in the provision of regular route service. NJ TRANSIT presently contracts under its private sector support programs with numerous separate small businesses, as such businesses are defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules contain specific requirements for the filing and content of claims. As set forth above, the rules proposed will have no impact on these businesses as the rules are designed to maintain a procedure for resolving claims of destructive competition. The rules proposed will not result in any expenditure for capital equipment or professional services. There will be no initial compliance costs.

The rules were designed to minimize any adverse economic impact on small businesses. Accordingly, the rules do not establish differing compliance or reporting requirements. The only reporting requirements relate to the filing of the claim itself, a simple procedure calling for the submission of specified data.

EXHIBIT A

Housing Affordability Impact Analysis

NJ TRANSIT does not anticipate any impact on housing affordability as a result of the proposed new rules. The proposed new rules govern the procedures for hearings before the Board on claims of destructive competition. As such, the proposed new rule will have no effect on housing units or on the average cost of housing.

Smart Growth Development Impact Analysis

NJ TRANSIT does not anticipate any impact upon smart growth or the implementation of the State Development and Redevelopment Plan as a result of the proposed new rules. The proposed new rules govern the procedures for hearings before the Board on claims of destructive competition. The proposed new rules will have no effect on affordable housing or on housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed new rule will increase transportation options and transit availability, and reduce automobile traffic and dependency.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

NJ TRANSIT has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

EXHIBIT A

SUBCHAPTER 1. GENERAL PROVISIONS

16:74-1.1 Purpose

(a) The New Jersey Transit Corporation (NJ TRANSIT) was established by the New Jersey Public Transportation Act of 1979 (the "Act") (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State of New Jersey to carry out the State's responsibility to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. One of the legislative findings set forth in the Act is that, in the provision of public transportation services, it is desirable to encourage to the maximum extent feasible the participation of private enterprise and to avoid destructive competition. N.J.S.A. 27:25-7.b. requires NJ TRANSIT to establish rules and regulations for hearings before the Board on claims by private carriers, providing motorbus regular route service, that the actions of NJ Transit caused destructive competition.

(b) Certain mass transit services or service improvements by NJ TRANSIT are excluded from the scope of these rules as they are, as a matter of law, in the public interest and have been authorized for funding, construction and implementation by Congress and/or the New Jersey State Legislature. (See N.J.A.C. 2.4(b)) Consistent with various legislative procedures and enactments by Congress and the President of the United States and/or by the Legislature and Governor of the State of New Jersey, the implementation and operation of any mass transit service or service improvements on certain identified Federal or State mass transit projects which are specified in these rules are excluded from the ambit of these rules.

EXHIBIT A

16:74-1.2 Definitions

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

"Act" means the New Jersey Public Transportation Act of 1979 (N.J.S.A. 27:25-1 et seq.).

"Actions by NJ TRANSIT" means the operation of equipment or facilities by NJ TRANSIT, its subsidiaries, or other carriers contracting with NJ TRANSIT pursuant to Section 6 of the Act to the extent that such operation by carriers is within the control of NJ TRANSIT.

"Board" means the Board of Directors of NJ TRANSIT.

"Carrier" means any individual, partnership, association, corporation, limited liability company, joint stock company, trustee or receiver or any other private entity operating or controlling regular route motorbus service on established routes within the State or between points in this State and points in other states.

"Equipment or facilities" means and includes, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, ferries and ferry facilities, including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking, docks, ramps and other necessary land-side improvements,

EXHIBIT A

motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service.

"Established routes" means the intrastate and interstate motorbus regular route service of the carrier authorized by the Office of Regulatory Affairs of the New Jersey Motor Vehicle Commission, the Federal Motor Carrier Safety Administration, a municipality, or any other regulatory body.

"Ferry Passenger Service" shall mean any regular service which involves the carriage of persons for compensation or hire by waterborne craft in this State or between points in this State and points in other states.

"Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers for hire or otherwise, in this State or between points in this State and points in other states.

"NJ TRANSIT" means the New Jersey Transit Corporation.

"President and CEO" means the President and CEO of NJ TRANSIT or his or her designee.

"Rail passenger service" means and includes the operation of a railroad, subway, street, traction, or electric railway for the purpose of carrying passengers in this State or between points in this State and points in other states.

EXHIBIT A

SUBCHAPTER 2. PROCEDURES

16:74-2.1 Filing of claims

(a) All claims must be filed in writing with NJ TRANSIT's President and CEO, One Penn Plaza East, Newark, New Jersey 07105-2246.

(b) Claims may be filed only by private carriers authorized by New Jersey Motor Vehicle Commission, the United State Department of Transportation, a municipality, or any other duly authorized regulatory body to provide regular route service.

(c) Claims will not be cognizable unless they contain the following information:

1. The name and address of the carrier;
2. An identification and description of the established route or routes of the carrier alleged to have been adversely impacted by the actions of NJ TRANSIT;
3. A copy of the relevant operating authority or Certificate of Public Convenience and Necessity issued by a regulatory body for each established route of the carrier alleged to have been impacted by the actions of NJ TRANSIT;
4. A detailed description of the actions of NJ TRANSIT alleged to be destructively competitive including, but not limited to, the date of such actions, the carrier's reasons why it alleges the particular actions of NJ TRANSIT are alleged to be destructively competitive, and the actions taken by the carrier to respond to the acts at issue. This statement must contain the facts upon which the carrier relies to support its claim of destructive competition;
5. The economic and operational impact of the alleged acts of destructive competition on the carrier, its employees, and customers; and

EXHIBIT A

6. A statement of the relief sought, including alternatives deemed appropriate by the carrier pursuant to N.J.A.C. 16:74-2.5.

(d) Nothing in this section shall be construed to prevent the carrier from presenting additional facts to the Administrative Law Judge (ALJ) for his or her consideration.

(e) Upon receipt of the claim, the designee of the President and CEO shall provide the claimant with an acknowledgement of receipt of the claim and shall perform a review of the submitted claim within 30 days of receipt to ensure that it is complete with respect to the requirements of this section. The purpose of this review is not to pass judgment on the accuracy or completeness of the facts relating to the allegation or on the merits of the claim, but rather to ensure its completeness. If the review determines that the submitted claim is incomplete, the claimant will be notified and provided an opportunity to resubmit the claim.

16:74-2.2 Conferences

(a) Settlement conferences may be held in accordance with the provisions of N.J.A.C. 1:1-4.2.

(b) Settlement discussions and unaccepted proposals of settlement or of adjustment will be privileged and will not be admissible in evidence against either NJ TRANSIT or the carrier.

16:74-2.3 Transmittal to Office of Administrative Law (OAL)

EXHIBIT A

When the carrier has satisfied all of the requirements of N.J.A.C. 16:74-2.1, the matter will be considered a contested case and the President and CEO shall, within 30 days of receipt of the completed claim, refer the complaint to the OAL to be processed in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

16:74-2.4 Factors to be considered

(a) The following factors shall be considered in determining whether NJ TRANSIT has engaged in destructive competition:

1. Whether NJ TRANSIT or the carrier was the first to provide the service in question;
2. Whether the action of NJ TRANSIT was a significant factor in causing the alleged adverse impact on the carrier;
3. Whether NJ TRANSIT is complying with all applicable Federal and State laws, its Certificates of Public Convenience and Necessity and applicable tariffs, in providing the service alleged to be destructively competitive; and
4. The inherent benefits of the service to the riders, including, but not limited to, destination, door to door travel time, frequency of service, comfort, cost, transfer frequencies or proximity to the riders' residences;
5. Whether the NJ TRANSIT service alleged to be destructively competitive is in the public interest;
6. Whether the level of service and fares of NJ TRANSIT are destructively competitive.

EXHIBIT A

(b) For purposes of this section, when considering whether the NJ TRANSIT service alleged to be destructively competitive is in the public interest, implementation and operation of any new mass transit service or any service improvements resulting from any of the projects contained in the "Circle of Mobility" as defined in P.L. 1984, c. 73 (N.J.S.A. 27: 1 B-3) or amendments thereto shall be deemed to be in the public interest and not a violation of N.J.S.A. 27:25-1 et seq. and these rules. As defined in that law, "Circle of Mobility" means an essential group of related transit projects that include:

1. The New Jersey Urban Core Project, as defined in section 3031 of the "Intermodal Surface Transportation Efficiency Act of 1991 Pub. L. 102-240, and consisting of the following elements:

- i. Secaucus Transfer;
- ii. Kearny Connection, that is, the NJ TRANSIT service known as MidTOWN Direct;
- iii. Waterfront Connection;
- iv. Northeast Corridor Signal System;
- v. Hudson River Waterfront Transportation System, that is, the Hudson Bergen Light Rail System including advancing extension of Hudson Bergen Light Rail service along Northern Branch in Bergen County;
- vi. Newark-Newark International Airport Elizabeth Transit Link;
- vii. A light rail connection between Penn Station Newark and Broad Street Station, Newark; and
- viii. New York Penn Station concourse;

EXHIBIT A

2. The modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035(a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex and Warren Counties to the North Jersey Transportation Rail Centers;

3. Commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or another location as determined by NJ TRANSIT; and

4. The equipment or facilities needed to operate revenue service associated with the improvements made by the above projects.

(c) For the purposes of this section, when considering whether the NJ TRANSIT service alleged to be destructively competitive is in the public interest, implementation and operation of any new mass transit service or service improvements resulting from any of the projects contained in a Regional Transportation Plan (RTP) of a Municipal Planning Organizations (MPOs) in this subsection, shall be deemed to be in the public interest and not in violation of N.J.S.A. 27:25-1 et seq. and this chapter. MPOs and RTPs include:

1. Projects covered under the North Jersey Transportation Planning Authority Regional Transportation Plan;

EXHIBIT A

2. Projects covered under the South Jersey Transportation Planning Organization Regional Transportation Plan; and

3. Projects covered under the Delaware Valley Regional Planning Commission Connections Plan for Greater Philadelphia for Major Regional Transit System Expansion Projects

(d) Nothing in this section should be construed to preclude additional factors from being considered in determining whether NJ TRANSIT has engaged in destructive competition.

16:74-2.5 Remedy and Order

(a) The sole remedy that may be considered pursuant to this chapter and N.J.S.A. 27:25-7(b) is to direct NJ TRANSIT to cease and desist in whole or part from using its equipment or facilities in a destructively competitive manner. No monetary damages may be awarded by the ALJ.

(b) Upon receipt of the Initial Decision of the ALJ, the President and CEO shall present the matter to the Board and the Board shall adopt an order or final decision accepting, rejecting, or modifying the Initial Decision by the ALJ or remanding the decision to the OAL for further action, all in accordance with N.J.A.C. 1:1-18.6 and 18.7.

ITEM 2410-62: SECAUCUS TO MEADOWLANDS TRANSITWAY PROCUREMENT BY EXCEPTION FOR CONSTRUCTION SERVICES FOR FIFA

WHEREAS, the Meadowlands Complex and MetLife Stadium will host eight matches at the 2026 FIFA World Cup, including the final match; and

WHEREAS, NJ TRANSIT is responsible for the safe and efficient transportation of up to 20,000 customers per hour to the Meadowlands Complex for the MetLife hosted matches; and

WHEREAS, the Secaucus to Meadowlands Transitway will be designed as a Bus Rapid Transit (BRT) system to augment the existing rail and bus services at the Meadowlands Complex and extend specialized transportation services between Secaucus and the Meadowlands Complex for FIFA World Cup Matches and other large-scale events; and

WHEREAS, BRT is a globally recognized and accepted approach to providing safe and efficient transportation for large event venues and high-capacity travel corridors; and

WHEREAS, the Transitway BRT project encompasses three major elements: upgrades to NJ TRANSIT's bus terminal at Secaucus Station, upgrades to various local traffic controls and roadways, and the construction of a new bus terminal at MetLife stadium; and

WHEREAS, NJ TRANSIT commenced design work under Board Item 2108-56 and is expeditiously advancing the design package to completion; and

WHEREAS, to have this BRT system fully functional for FIFA matches, the construction contractor must begin work immediately, including having the opportunity to review, comment, and suggest changes to the design documents; and

WHEREAS, in accordance with N.J.A.C. 16:72-1.5(e)(7), N.J.S.A. 27:25-11(g)(3)(c), N.J.S.A. 52:34-10(b), Executive Order ("EO") 37 (2006), 2 C.F.R. 200.320(c)(3) and the NJ TRANSIT Bylaws, NJ TRANSIT seeks authorization to award a Procurement By Exception (PBE) to Anselmi & DeCicco ("Anselmi") of Maplewood, New Jersey, for the construction of the Secaucus to Meadowlands Transitway to provide safe and reliable transportation required for FIFA;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract 25-011X with Anselmi & DeCicco of Maplewood, New Jersey, for an amount as discussed in Executive Session, subject to the availability of funds.

EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege; 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.