

Philip D. Murphy, Governor
Tahesha L. Way, Lieutenant Governor
Diane Gutierrez-Scaccetti, Commissioner
Kevin S. Corbett, President & CEO

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November 15, 2023

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

Dear Governor Murphy:

Pursuant to Chapter 150, Laws of 1979, I herein transmit the minutes of actions taken at the open session of the meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc., Board of Directors held on Wednesday, November 8, 2023.

Sincerely,

Meghan Clark Umukoro

Meghan Clark Umukoro
Board Secretary

Enclosures

Open Session Minutes of the actions taken at the Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Wednesday, November 8, 2023. The meetings occurred concurrently.

Board Members

Diane Gutierrez-Scaccetti, Chair
Kiabi D. Carson, Vice Chair
Aaron J. Creuz, Governor's Representative
Michael Kanef, Treasurer's Representative
Sangeeta P. Doshi, Board Member
Bob Gordon, Board Member – Absent
Richard A. Maroko, Board Member – Absent
Carlos A. Medina, Board Member
Shanti Narra, Board Member
Evan S. Weiss, Board Member
Rashonda A. Brown, Board Member (Non-Voting)
Karen Thomas, Board Member (Non-Voting)

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 Davis, Senior Vice President, Regulatory and Government Affairs, Chief of Staff
Richard Schaefer, Senior Vice President, Capital Programs
Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer & Treasurer

Chair Gutierrez-Scaccetti convened the Open Session at 6:06 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, noted Board Members Medina and Narra were participating remotely, and Board Members Gordon and Maroko 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 November 2, 2023 with the Secretary of State, sent to newspapers of general distribution, posted in the main entrance of NJ TRANSIT headquarters, published on the corporation's website, and sent to each individual, agency, and organization that requested such notice.

Approval of Minutes

Chair Gutierrez-Scaccetti asked for a motion to approve the minutes of the October 11, 2023 Board meetings. Board Member Michael Kanef made the motion and Vice Chair Kiabi D. Carson seconded the motion. The minutes were adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

President & CEO’s Monthly Report

President & CEO Corbett began with ridership, noting overall weekday rail ridership remained at approximately 70 percent of Pre-COVID levels, although Tuesdays through Thursdays continued to see elevated levels, at or above approximately 80 percent, with many peak hour trains being full at or above pre-COVID levels.

Overall, bus ridership was at approximately 90 percent of pre-COVID ridership levels, with intrastate, or local bus service, up from approximately 90 percent, to approximately 95 percent, with many routes at or above pre-COVID levels during peak periods. Interstate bus ridership into and out of New York was up, from approximately 80 percent of pre-COVID levels, to approximately 86 percent.

Overall light rail ridership was holding steady at approximately 85 percent of pre-COVID levels, with HBLR ridership now essentially fully recovered, returning to pre-COVID levels. President & CEO Corbett said given their consistent ridership trends, with somewhat lighter levels on Mondays and Fridays; higher, near pre-COVID levels mid-week, with traditional A.M. and P.M. peak periods feeling like pre-COVID to customers; and at or above, pre-COVID levels on weekends; going forward, he would be providing ridership updates when they see noteworthy changes.

As traditional ridership continued to grow, President and CEO Corbett said they were also seeing a dramatic increase in ridership on the bus routes they assumed from Coach USA, following their disappointing decision to discontinue three of their O.N.E. bus routes. Since NJ TRANSIT took over these routes in the first week of October, weekday ridership on the numbers 24, 31, and 44 lines increased by 41, 47, and 25 percent, respectively. That was nearly 3,000 more customers every weekday than Coach USA was carrying just four weeks ago. President & CEO Corbett said this was in line with their claim that frequent, reliable, service promotes increased ridership, as opposed to the death spiral as people cut back, as a number of private carriers have done.

In addition to Coach USA emergency stabilization service, on October 28, 2023, NJ TRANSIT began providing similar service to address the impacts to customers of the

four discontinued A&C bus routes in Jersey City. While it has only been 12 days since this new service began, President & CEO Corbett was pleased to note that the transition went seamlessly. They were continuing to gather ridership data for these routes as well and will report back to the Board.

Following months of working with the highest levels of the independent contractor who operates the River LINE light rail service, they have been working diligently to address recent operational challenges. As a result, on October 16, 2023, they fully resumed regular weekday and weekend service on the River LINE.

President & CEO Corbett said as they successfully implement emergency stabilization services, and River LINE service resumed regular service, they will continue to provide special service and incentives as well, to build on the ridership increases they have seen to date. Over the past month, in addition to providing seamless rail service to and from MetLife Stadium for four Giants and Jets home games, NJ TRANSIT offered special rail service between Hoboken and Far Hills to and from the 102nd running of the Far Hills Race Meeting on October 21, 2023. In addition, this coming Saturday, November 11, 2023, NJ TRANSIT will honor the brave men and women who have served or are currently serving in the U.S. Armed Forces, with complimentary rides throughout the NJ TRANSIT system on Veterans Day. For more information, including eligibility, please visit njtransit.com/military.

President & CEO Corbett highlighted two items for Board consideration. Later that evening, the Board would consider a contract to purchase up to 19 federally funded battery electric vans to provide to subrecipients for transportation for senior citizens and people with disabilities in New Jersey. The Board would also vote to execute a Ground Lease Agreement to implement a mixed-use, multi-phase, Transit-Oriented Development project in Woodbridge, anchored by their Metropark rail station. With this action, NJ TRANSIT reinforces its commitment to sustainability by creating a more walkable, more environmentally friendly community, as well as maximizing the value of their real estate assets.

On the infrastructure front, last week President & CEO Corbett had the honor of attending one of the most significant funding announcements in their region's history. On Friday, November 3, 2023, he joined United States Department of Transportation Secretary Pete Buttigieg, Board Chair Diane Gutierrez-Scaccetti, and a host of other federal, state, and local officials at Hudson Yards in Manhattan for the historic announcement of the award of \$3.8 billion for the Hudson Tunnel Project from the FRA's Federal State Partnership Grant Program. This program was part of the Biden Administration's IJA, commonly referred to as the Bipartisan Infrastructure Law, or BIL. President & CEO Corbett said this was truly a watershed moment for New Jersey, New York, and their entire region, as the advancement of the most important infrastructure project in the entire country is critical to NJ TRANSIT's future.

While they celebrated the significant funding commitment to the Hudson Tunnel Project, the Biden Administration also committed billions of dollars in additional funding that will

support critical infrastructure projects all along the Northeast Corridor (NEC). President & CEO Corbett said as many may know, in addition to his role as President & CEO of NJ TRANSIT, he was also Co-Chair of the Northeast Corridor Commission with FRA Administrator Amit Bose. Two years ago, the Commission, working with the state governments of the Northeast, the federal government, eight commuter railroads, and Amtrak, released their Connect NEC 2023, or C35 plan. The C35 is a \$117 billion, 15-year plan covering 150 projects along the Corridor, the most ambitious reinvestment program in the NEC's history. The plan facilitated and accelerated the prioritization of the projects now being awarded along the Corridor. On behalf of NJ TRANSIT and the members of the Northeast Corridor Commission, President & CEO Corbett said he couldn't be more pleased with the federal government's historic commitment to the region's transit infrastructure.

In other good news relating to infrastructure, this past Wednesday, President & CEO Corbett joined Senator Cory Booker, Congressman Robert Menendez, Jr., Congressman Donald Payne's District Director Michael Gray, Newark Mayor Ras Baraka, and Gateway Development Commission CEO Kris Kolluri, to celebrate a transformational investment in NJ TRANSIT, not only in their transportation infrastructure, but also in enhancing the experience of their customers for generations to come. He shared the news of the significant award of \$241 million, also made possible by the Federal Railroad Administration's Federal State Grant Program, that allows NJ TRANSIT to significantly advance two major infrastructure projects that have long languished prior to the Murphy Administration.

President & CEO Corbett said approximately \$59 million was going to be used right there in Newark to advance the modernization of Newark Penn Station, the iconic facility, which is often referred to as the Gateway to New Jersey. Specifically, this funding will support Newark Penn Station Vertical Circulation Improvement project, which includes the upgrade or replacement of 11 elevators and 17 escalators, allowing NJ TRANSIT to maintain efficient customer flow throughout the station. This funding will help build on the progress they have already made at the station, progress that is visible to all those who use the station, and is in addition to the significant \$191 million commitment by Governor Murphy.

The remaining approximately \$182 million will be used to advance their Delco Lead/Storage and Inspection Facility project, which will provide a critical safe haven for rail vehicles during extreme weather events and storm surges. This strategic investment will also help NJ TRANSIT minimize the duration service disruptions, ensuring they can resume service for customers as quickly as possible after a significant storm. This funding supports the project's current momentum having just advertised Delco Lead's second construction contract just last week. With this bid, NJ TRANSIT will have more than one billion in hard money construction contracts out on the street, concurrently. In addition to Delco Lead, this includes the second phase of their Long Slip project, with a bid opening in about two weeks, and the second phase of their Raritan River Bridge project, which they plan to advertise in January. President & CEO Corbett said this was a stark contrast

from 2017 when they had just \$60 million in construction contracts out on the street for the whole year.

As they work to strengthen their infrastructure and enhance service reliability, they continue to leverage technology to make public transit more accessible and more responsive. On November 7, 2023, NJ TRANSIT launched a pilot program led by their Information Technology team, in partnership with the technology company, NaviLens, that instantly enhanced the accessibility of their bus system. NaviLens technology uses special, QR-style codes, now installed at 51 New Brunswick bus stops, that enable customers to use their smart devices to get a host of service information and assistance in the palm of their hands. NaviLens integrates with NJ TRANSIT data to provide customers with real-time arrivals at their location. The technology also reads signs out loud, and provides directional wayfinding, to help visually impaired customers navigate bus stops. Additionally, NaviLens technology will be extremely useful to customers with limited English proficiency, as it provides customers with in-station navigation, trip planning information, bus arrivals, and service status information in up to 34 different languages.

President & CEO Corbett said he reported last month that NJ TRANSIT launched another technology enhancement, with the introduction of Tap & Ride, which allows customers systemwide on bus and light rail, to use contactless credit and debit cards to purchase adult one-way tickets. Since launching Tap & Ride on October 11, 2023, they have seen more than 30,000 taps, or fare transactions, with more than \$100,000 in sales.

NJ TRANSIT is also leveraging technology to give customers as many options as possible to purchase tickets, particularly those who are not regular riders, or are coming from outside their service area. President & CEO Corbett said after a successful pilot on their Raritan Valley and Atlantic City Rail Line, that past Monday, they expanded their web ticketing pilot program to include all rail lines, allowing customers to buy one-way and round-trip tickets online, at njtransit.com/webtickets. Customers need only a valid e-mail address and a credit or debit card to purchase tickets from a desktop, laptop, tablet, or even a cell phone with internet access. After purchasing their ticket online, they can generate a QR code for their trip, print it out, or show it on a mobile device at the time of travel.

President & CEO Corbett said while they were proud to continue enhancing the customer experience through technological advances, it was still the people who were the keys to their success. He was pleased to announce the promotion of Kevin Beejack to the position of Deputy General Manager of Transportation in Rail. Mr. Beejack began his career with NJ TRANSIT in 1994 as an Assistant Conductor, and worked his way up to General Superintendent of Transportation at New York Penn Station prior to this promotion. As Deputy General Manager, Mr. Beejack will oversee the coordination and management of all rail transportation services, ensuring the safety and efficiency of operations, while also leading strategic initiatives to improve their rail services. President & CEO Corbett asked everyone to join him in congratulating Mr. Beejack on his new position.

President & CEO Corbett was also pleased to note that the New Jersey Transit Police Department's (NJTPD) outreach efforts and work with the unhoused population have been recognized with an Ann Klein Advocate Award. The award conferred by New Jersey's Community Health Law Project was named in memory of the former Commissioner of the New Jersey Department of Human Services, whose career paved the way for significant advances in the Human services systems throughout New Jersey. NJTPD Inspector Nicholas Capriglione, who directs police operations at Newark Penn Station, accepted the award for the department's work in the NJTPD's innovative Community Outreach Unit, through which officers work with State and local social service organizations to help connect at-risk individuals with the services they need, including healthcare, housing, veterans' programs, rehabilitation, and other critical resources. He asked everyone to join him in congratulating Inspector Capriglione, NJTPD Chief Christopher Trucillo, and the officers of the Community Outreach Unit on such a prestigious honor, and more importantly, for all the work they do to enhance the safety and well-being of all members of the communities they serve.

In wrapping up, President & CEO Corbett said it was with great sorrow that he shared the news of the passing of NJTPD Inspector Robert Noble. Inspector Noble honorably served the NJTPD for 28 years, rising through the ranks, through hard work and dedication, from the Patrol Division to Commanding Officer of Special Operations. His reputation, leadership, and policing experience were unparalleled, and he will be deeply missed. President & CEO Corbett asked that everyone keep Inspector Noble's family, friends, and co-workers in their thoughts and prayers, and they will always be grateful for his service. President & CEO Corbett asked that everyone take a moment of silence in honor of Inspector Robert Noble.

Chair Gutierrez-Scaccetti asked Board Secretary Umukoro if there were any comments from the public. Board Secretary Umukoro said there were three in-person speakers, three pre-registered telephone speakers, and eight telephone participants queued to speak.

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

David Peter Alan, Chair of the Senior Citizens and Disabled Residents Transportation Advisory Committee (SCDRTAC), provided a report on behalf of his committee. Mr. Alan said their Committee was founded under the Senior Citizens and Disabled Residents

Transportation Assistance Act of 1983, and their constituents were the seniors and persons with disabilities there in New Jersey. He said an item on tonight's agenda was vital to the effectiveness of their Committee in helping to improve mobility for their constituents, who were New Jersey's most vulnerable riders. Mr. Alan said they were prepared to commend and thank everyone concerned for this anticipated positive result.

Mr. Alan said Item 2311-79 would affirm new rules for the SCDRTAP grant program, and would also re-affirm their Committee's broad purview, which has been in effect since it was founded in 1984. He said Section 16:784.1(b) allows them to continue to comment and provide advice on all relevant topics, limited only by the legislation itself. Their Committee has supported their reaffirmation of their historic purview, along with the proposed regulations generally, in statements before this Board and in other comments submitted. They look forward to their purview being reaffirmed, and to working together with this Board and NJ TRANSIT management in furtherance of their common goal of improving mobility for New Jersey's seniors and persons with disabilities who need it and deserve it. Mr. Alan said as far as the battery-operated vehicles to be purchased, which is a concern, they look forward to seeing how they work out.

Mr. Alan said the managers at Local Programs Support, with whom they work, have confirmed that they will commemorate their Committee's 40th Anniversary at their meeting scheduled for Monday, January 22, 2024 at 10:30, to be held at NJ TRANSIT Headquarters. They were planning for this event, and they specifically invited members of this Board and management, especially senior management, to share this occasion with them. Mr. Alan said their meetings were open to the public, and this would provide a good opportunity for anyone who would like to learn more about them.

Mr. Alan said this was their season for presentations from county providers, and they continued to enhance their efforts to make suggestions to the counties and track the results. They have also reviewed the Consent Decree from the Justice Department concerning Access Link, and expressed their deep concern that Access Link will not be able to meet the service standards required in that document. Their Committee repeated their offer to help improve that situation, and again called on senior management at Access Link to meet with them toward achieving that goal. In addition, they remain deeply concerned about NJ TRANSIT's long-term financial prospects after the COVID relief money runs out, and the effect that potential service cuts and fare increases would have on their constituents.

Sally Jane Gellert, Vice Chairperson of Senior Citizens, Disabled Resident Transportation Advisory Committee (SCDRTAC) and Chairperson of the Lackawanna Coalition, said she echoed Mr. Alan's comments and looked forward to their purview being reconfirmed, and doing good work. Ms. Gellert said the Lackawanna Coalition also agreed and the remainder of her statement would be from the Lackawanna Coalition. Ms. Gellert said the Coalition encouraged the Commissioner to reintroduce the scheduled three percent toll increase at the next New Jersey Turnpike Board meeting, now that the election has passed and focus can be on policy and not politics, and asked that the NJ TRANSIT Board support this action.

Ms. Gellert said another proposal that the Coalition has been discussing, which was also supported by New Jersey Policy Perspective, New Jersey Citizen Action, Make the Road, and others, though opposed by the New Jersey Business and Industry Association, was an extension of the corporate business tax surcharge. Ms. Gellert said they had not seen a comment from the NJ TRANSIT Board on this and would hope that they would either support it, or offer alternative suggestions. She said they stood willing to help NJ TRANSIT get dedicated funding and put this matter on a better basis.

Ms. Gellert said regarding the abandoned bus lines, Colleen Wilson reported on the matter, as did President & CEO Corbett during his report, that ridership was up on all bus lines that NJ TRANSIT has taken over, certainly over the pandemic ridership, if not back to pre-pandemic levels. They particularly appreciated the slightly expanded service on the No. 31 bus. Ms. Gellert said they thanked NJ TRANSIT Bus Operations for their effort, a moral obligation given that COVID-19 relief funds were not shared with the state's private carriers. She said they were glad to see this, particularly appreciating that the routes were now integrated into the MyBus app for those who have smart phones. Ms. Gellert said the more integration between transit systems whether it be private, public, interstate, or simply intermodal within NJ TRANSIT, the better it was for all riders.

Ms. Gellert said the new app pilot program looked very promising but keep in mind that not everybody has a smartphone. She said this was a great addition, but not a substitute for actually being able to speak with a phone operator. Ms. Gellert said the hours of operation for phone operators was too short.

Ms. Gellert said they encouraged Rail Operations to consider peak versus off-peak schedules. They have been pointing out that things were changing and that people were not going back to five days in the office. Ms. Gellert said as was mentioned, Tuesday, Wednesday, and Thursday were busy, and not so much Monday and Friday. Ms. Gellert said one of their members pointed out, that this was not her experience. She said while the woman was commuting on the No. 6323 train to Watsessing, the train was packed, and some 60 people disembarked with her. She said sometimes she notes the previous train was cancelled, and there was a gap before the train. Ms. Gellert's full written statement was shared with the Board.

Gloria Mills, Chairperson for the Legislative Subcommittee for SCDRTAC, said she uses the services of NJ TRANSIT via bus, train, and Access Link. Ms. Mills said first she would like to commend NJ TRANSIT for considering not to limit the broad purview of the Senior Citizens and Disabled Resident Transportation Advisory Committee (SCDRTAC), allowing riders to have an avenue to voice their concerns about their experiences while using NJ TRANSIT services. She said the voices of seniors and people living with disabilities needed to be heard in an effort to improve service delivery. Ms. Mills said she was concerned that she has been reading articles on the potential budget gap in the next two years. She said the riders need to be assured that funding is secured so that there will not be any cuts to service or fare hikes.

Board Secretary Umukoro said they would now like to open the floor for public comments by telephone participants, beginning with those preregistered to speak.

The Operator said as a reminder, if you have not already done so, please press *1 on your telephone keypad to enter to queue to speak. You will hear a brief tone to indicate you have successfully entered the queue. Each speaker would be given three (3) minutes for their public comment. A warning would be provided with 1-minute remaining and again with 15 seconds remaining. The Operator said there were 10 participants in the queue to speak.

Matthew Buchys-Hyland said he would like to echo President & CEO Corbett's comments on the Gateway Project, and a special thanks should also go out to Amtrak Chairman Anthony Coscia and New York State Transportation Commissioner Marie Therese Dominguez. Mr. Buchys-Hyland said as a result, this could change the fundamental way that transportation was going and their ability. He said tonight he wanted to focus on something special. Mr. Buchys-Hyland said in next year's budget he would like to see a shuttle or bus section from The Port Authority Bus Terminal to Rutgers University Stadium for Rutgers Scarlet Knights football games. He said Rutgers University has a great football team.

Mr. Buchys-Hyland said the Gateway Project would change everything. He said he once took an Amtrak train to Tampa to see a University of South Florida Bulls football game and the Gateway Project could change the way people live, work, and commute in New York City.

Andy Weiss asked where the Customer Advocate was. Mr. Weiss said the NJ TRANSIT Reform Legislation, which created the position, was passed unanimously in the New Jersey State Assembly and New Jersey State Senate. He said the legislation was bipartisan, passed unanimously, and was signed by Governor Murphy. Mr. Weiss said NJ TRANSIT Board was ignoring a mandated state law and was not in compliance. He said the NJ TRANSIT Board has allowed the Customer Advocate vacancy for three straight years, after the fake Customer Advocate left the position. Mr. Weiss said the NJ TRANSIT Board is hurting thousands of NJ TRANSIT riders with this unacceptable hiring delay. He said the delay is a form of soft corruption.

Mr. Weiss said lastly, they need real time NJ TRANSIT bus tracking information back on a third-party mobile transit app like Google Maps and Apple Maps and others. He said NJ TRANSIT GPS bus tracking information was removed from third party apps and can only be seen using the NJ TRANSIT app. Mr. Weiss said he did not want to use the NJ TRANSIT app. He said this was exactly why they needed a Customer Advocate. Mr. Weiss said the agency was cruel and sadistic and said the agency was notorious for having no respect for the taxpayers. He said they need the Customer Advocate to bypass their cruelty and speak up for the thousands of NJ TRANSIT riders. Mr. Weiss said the Customer Advocate should be an independent person.

Matt Smith, Director of New Jersey Food and Water Watch, said he was testifying on behalf of their 73,000 members and supporters all across the state of New Jersey who have been calling on NJ TRANSIT for more than three years to cancel its plan for a massive new gas power plant in an environmental justice community in Kearny, New Jersey, which goes against everyone of New Jersey and Governor Murphy's laws and policies regarding clean energy, environmental justice, and climate change. Mr. Smith said they thought they had finally won, two years ago when Governor Murphy directed NJ TRANSIT to redesign the gas plant away from dirty fuels and towards clean energy solutions. He said unfortunately they were six months past the deadline by which NJ TRANSIT said they would have announced final bidders working on designs for the clean energy alternative to the gas plant. Mr. Smith said not only did they not have the public announcement six months past the date NJ TRANSIT said they would have it, but there was no explanation from NJ TRANSIT regarding the reason why they did not have the information. He said this was incredibly frustrating, he thinks it speaks to the lack of transparency that other public speakers have commented on, and was a continual problem that was plaguing NJ TRANSIT and its ability to serve New Jersey taxpayers and riders in a fair and equitable way.

Mr. Smith said last night's election was a clear rebuke of the anti-clean energy rhetoric that they heard from many in New Jersey, particularly the Republican Party. He said where Democrats, particularly in contested races where offshore winds were attacked by Republican candidates, the voters rebuked that and affirmed that majority of New Jersey voters support a fair and equitable transition off of fossil fuels and onto clean energy solutions. Mr. Smith said NJ TRANSIT should recognize that a mandate to deliver a clean energy solution was promised, and needed to explain to the public what happened with the millions of dollars that were spent to solicit design proposals that were now six months delayed with no explanation. He said generally NJ TRANSIT and the Department of Transportation need to rethink its transportation policy in the State of New Jersey. Mr. Smith said the largest publicly funded infrastructure project proposed in the State of New Jersey would cost more than \$10 billion to widen a few miles of highway in Hudson County, which would result in more climate and toxic pollution, causing harm to people's lungs, particularly the elderly, pregnant women, and children. He said instead, pull the plug on the disastrous Turnpike project and reinvest the money in an earnest way to scale up clean renewable energy development for Rail and Bus service in the State of New Jersey. Mr. Smith said 19 electric buses for the fleet size that NJ TRANSIT has was a drop in the bucket and they need to get serious.

Paula Rogovin, member of Don't Gas the Meadowlands Coalition, said she was going to give a speech similar to the one she did at the last Board meeting. She said NJ TRANSIT and the Board of Commissioners has been irresponsible to the public. Ms. Rogovin said to echo the prior speaker, NJ TRANSIT has no respect for the taxpayers. She said they have been waiting for seven months for NJ TRANSIT to provide the names of the two bidders for the microgrid and there was silence. Ms. Rogovin said NJ TRANSIT's lack honesty and transparency was infuriating. She said she submitted OPRA requests multiple times and received no response. Ms. Rogovin said they hoped NJ TRANSIT would transfer the funds to another project that would provide services with clean renewable energy. She said, according to an article in last month's northjersey.com, in May Chair Gutierrez-Scaccetti

said to the public to erase yourself from the thoughts that the grant money for the microgrid project could be transferred to some other NJ TRANSIT project, it goes back to Washington D.C.

Ms. Rogovin said she would hope that NJ TRANSIT Board of Commissioners, which had remained silent would say instead that they were keeping their promise to pivot from the gas plant, and will do everything possible to come up with a new proposal for all modes of transportation to submit to the Federal Transit Administration (FTA) to repurpose the money. She said use it for something that will improve public transportation while at the same time renew and protect the health and lives of New Jerseyans. Ms. Rogovin said she wished the Board would have asked the protestors to help get the funds transferred but of course, they did not expect it from them. She said she was fighting to stop five other fossil fuel projects in New Jersey and was able to stop the CPV Energy Center project in Woodbridge due to poor marketing conditions for a gas plant. Ms. Rogovin said the time was now to transition away from fossil fuels. She said the future of their children was at stake, as well as the health of residents and environmental justice communities of Kearny and Newark, and other towns near Kearny, which would be directly impacted by the gas plant. Ms. Rogovin said what the Commissioner decides to do will either help or harm humanity.

Jason Anthony, resident of New York, said he had been online for almost an hour to speak at the Board meeting because NJ TRANSIT was not in the 21st century. Mr. Anthony said NJ TRANSIT should look to their counterparts in New York, the Metropolitan Transportation Authority (MTA) to see how they conduct their meetings. He said the public was able to join via Zoom for MTA meetings. Mr. Anthony said he wondered when President & CEO Corbett and Chair Gutierrez-Scaccetti were going to do something about this.

Mr. Anthony asked why the Customer Advocate position was vacant for three years. He said their counterparts in New York and Washington D.C. have Customer Service Advocates. Mr. Anthony asked why they were lacking in accessibility projects. He said it was a disgrace that NJ TRANSIT does not have a person with disabilities on their Board working with the advocates. Mr. Anthony said he wants to send a message to Governor Murphy to pass congestion pricing and he wondered when NJ TRANSIT was going to have a fare increase because there has not been one in eight years. He said the public does not want NJ TRANSIT to end up in a fiscal cliff and asked that they do the right thing for the passengers and the advocates.

Barton Lee said he has been traveling on NJ TRANSIT way before it was NJ TRANSIT. Mr. Lee said he was an avid cyclist and relied on the high-level platforms throughout the entire transportation system. He said he noticed that there were no high-level platforms at Hoboken and Bay Head train stations. Mr. Lee said they need to have high-level platforms at every station throughout the entire station. He said it was an inconvenience for him when he has to lug his 50-pound bicycle down the narrow steps on the comet size cars. Mr. Lee said he feels bad for women travelling with baby strollers and the physically challenged that rely on wheelchairs. Mr. Lee said NJ TRANSIT needs to face the facts and put the high-level platforms in.

Mr. Lee said his other concern was regarding the naming of the stations on the Bergen County Rail Line. He asked that they include the town name next to each station stop. Mr. Lee said he does not know what town some of the stops are located in and people from out of the state or out of the country would not know either. He said they must put a geographical town or indication on every single station of the entire system. Mr. Lee said his third concern was regarding rail car doors. He said when riding the train, he does not know if the center doors will open or if the doors on the left or right side of the train will open. Mr. Lee suggested that they make announcements similar to the announcements made on the trains in Germany. He said many people have been scurrying to get to the doors and they do not know where they are going to open.

James Blaze, member of SCDRTAC, said he has served on the committee for three years. Mr. Blaze said he wanted to thank Justin Davis, Senior Vice President of Regulatory, Government Affairs, and Chief of Staff, and his staff, for the courtesy they gave him and other members of SCDRTAC to renegotiate some of the terms and reasons for terms for the action item being voted on later that evening, and for their purview, which Mr. Alan and Ms. Gellert covered earlier. Mr. Blaze said he served on the Illinois Department of Transportation and other agencies and he believes it is important to recognize people when they have done their job well. He said to each of the members of the Board, he knows what it means to sacrifice time away from their families to serve as members of the Board, and he thanked them for their service. Mr. Blaze said from the public comments he recognized that there were challenges that NJ TRANSIT faces, but he wanted to recognize the Board's service.

Anna Leone, resident of Ridgewood, thanked the members of the Board and President & CEO Corbett for their service and dedication. Ms. Leone said her concerns were regarding Access Link. She said she knew that there were improvements that have been made with the service, however, she wanted to point out that it has a long way to go and in order to improve the service they need to find out what the true issues are rather than a revolving door. Ms. Leone said she was aware that AccessLink is short on drivers, and many drivers call out. She said someone needs to put their finger on the issue to resolve it. Ms. Leone said people with disabilities were the ones who suffer in the end. She said passengers have to travel all over in order to get to their destination, and sometimes it can take upwards of three hours.

Ms. Leone said she applauded the drivers, and customer service personnel but was not satisfied with dispatching and the routing of the buses. She said something must be done and the routing was subpar. Ms. Leone said this was costing NJ TRANSIT money and wastes gas and time. She was asking someone to look into this as well as the computerized system. Ms. Leone said when she tried calling on Sunday, the entire system was down. She said this has happened many times. Ms. Leone said she had not tried the new Access Link program that was implemented and does not like using the virtual system. She asked that someone look into this and said the request was not only for her but for everyone else who has disabilities. Ms. Leone said they are the most vulnerable population in the state.

Aleta Dupree said for the record her pronouns were she and her. Ms. Dupree said she attended a Board meeting in person in September 2023. She said President & CEO Corbett gave a meaningful report with a lot of good things. Ms. Dupree said she went to Jersey Gardens when she was in New Jersey and was looking forward to using the No. 24 bus because she can use the MyTix App to purchase her ticket. She said the 24-bus route gives her a frequent connection between Jersey Gardens Mall and Elizabeth Rail Station. Ms. Dupree said she was looking forward to the integration of the new route because she thought it would be helpful for her.

Ms. Dupree said when she was visiting New Jersey, she used NJ TRANSIT almost every day on her visit. She purchased her reduced fare tickets using the app, and it worked fine for her. Ms. Dupree said she wrote a letter about a time when they did not offer the service, and it was now offered. She thanked NJ TRANSIT for making the app available for different services and asked that they continue to develop the app. Ms. Dupree said she was looking forward to trying the new open payment protocol with her Visa card.

Ms. Dupree said she was looking over the agenda for the meeting and saw that they were preparing to vote on an action item for the purchase of 650 diesel powered buses. She said she hoped they were not letting the wind out of their sails as they moved towards electrification. Ms. Dupree said she got the feeling that buying 650 diesel powered buses, they were stuck with them for 12 years. She asked if the purchase of diesel-powered buses would delay the work they could do with an electric bus fleet. Ms. Dupree said electric buses were still a novelty for her, and she has ridden on them in New York City and San Francisco. Ms. Dupree said she hopes to be back in New Jersey soon and use NJ TRANSIT as she has done since 1980.

Adam Reich said the show 60 Minutes did a story on indoor air quality and stated this was an area that needed work following the pandemic. Mr. Reich said there was a recommendation that for indoor spaces, they should aim for 800 parts per million or less of carbon dioxide levels. He said it was a good indicator of the spread of pathogens, not just including COVID-19 but other airborne pathogens like the flu and RSV. Mr. Reich said it was imperative that the Board think critically about the closed car issue that he has brought up at prior meetings. He said Board Member Narra had asked staff for transparency of the issue in the past, but he did not feel a clear answer was given. Mr. Reich said he would stress opening cars for riders who are high risk themselves, or live with or go home to an elderly or at-risk family member, reduces the density in each car thereby, improving the air quality in each car. He said this would make a tremendous difference, in the absence of masking, which he recognizes at this point, conductors' union has resisted. Mr. Reich said he saw no reason why they could not open every available rail car, which was something no rider would object too. He said the Board said if the trains were too crowded, they would have the crews open more cars. Mr. Reich said by reducing density on board, they can ensure a healthier and safer environment on the Rail. He said if there was no reasonable explanation why they cannot open additional cars then they should explain that to the public.

Mr. Reich said secondly, regarding the Customer Advocate, when last updated Board Member Narra reported that staff was in the interview phase or on the verge of interviews

for the vacant position. He asked for a status update on the Customer Advocate. Mr. Reich said he would like to remind the Board that they have a Customer Advisory Board that has been waiting for more than three and a half years and was perfectly willing to help them out. He said it did not cost the Board any money to pick up the phone and talk to them to get their thoughts and mobilize them. Mr. Reich said they would happily reach out to the public if the Board wanted to use them. He said as it was mentioned before, the Customer Advocate is a requirement by law. Mr. Reich said this was not something the Board could ignore. He said it was imperative that they get some transparency and additional updates on this matter.

Mr. Reich said regarding the Metropark Station action item on the agenda, it was imperative that the sidewalks on Route 27 to areas north of the station, be on the table, and people were currently walking on the shoulder of Route 27 to get to the residential areas north of the station. He said he did not know whether this issue was something handled by the developers, Department of Transportation (DOT), or NJ TRANSIT, and thought it should be on NJ TRANSIT's radar.

Mr. Reich said to Board Member Narra, regarding Middlesex County, two staircases at New Brunswick Station have been closed since February and there was one staircase closed in Metropark, causing a big bottleneck for approximately seven months. He said another staircase at Rahway station has been closed for seven months also. Mr. Reich asked Board Member Narra to commit to having NJ TRANSIT provide an update to riders on when these staircases will be fixed and if there was going to be a lengthy delay to let the public know.

Christian Nowell, resident of Fort Lee, said the NJ TRANSIT Board did not seem to listen because they never have anything to say. Mr. Nowell said as far as the public knew, NJ TRANSIT was still plowing ahead with the methane gas power plant. He said instead of speaking to the Board, he would speak directly to Governor Murphy. Mr. Nowell said it was clear that Governor Murphy was trying to play both sides of the ball by appealing to construction unions, as well as people concerned about the environment and public health. He said Governor Murphy claims to be aiming for 100 percent green economy by 2035, but that was like a play action pass. Mr. Nowell said they hear this and think solar and wind, but the problem was that the term green was ambiguous and can include numerous false solutions like converting a methane gas burning power plant to one that combines biofuels or hydrogen and ends up producing more ozone generating nitrogen oxides.

Mr. Nowell said Governor Murphy directed NJ TRANSIT to design plans to build a gas power plant in Kearny to power a microgrid to help power trains and redevelop the project, primarily using renewable energy. He said the agency supposedly spent a year redesigning the framework for the project and issued its revised RFP to developers, but the new framework continued to prioritize a methane gas plant, as far as he knew. Mr. Nowell said protestors have raised issues with the RFP at NJ TRANSIT Board meetings for over a year and have heard nothing. He said it would seem to him that they were calling all the plays from the sidelines, and this was a smokescreen to throw the protestors off.

Mr. Nowell said the environmental justice law was designed to avoid disproportionate impacts on overburdened communities, yet the power plant was proposed in an overburdened community that already has adverse stressors higher than the state average. He said he knows that Governor Murphy likes to brag that New Jersey has the best environmental record in the country, but honestly, this was very worrisome. Mr. Nowell said it would seem to reveal that Governor Murphy cares more about his image than simply doing what is right. He said the climate crisis was not a competition, but a race against time. Mr. Nowell said at this point, they could not afford to fit their regulars, they need a relentless full court press zero blitz. He said it was time for another epiphany, like when they decided to squash the North Bergen power plant. Mr. Nowell said it was time to throw in the towel on a gas power plant and demand that the agency changes the RFP to maximize on-combustion based, non-emitting renewable alternative.

Rachel Davis said she was speaking on behalf of Water Spirit and their thousands of members throughout the state, Northeast region, and world. Ms. Davis said Water Spirit was a spiritual ecology nonprofit, offering programming and advocacy centered on water as a source and sustainer of all life for 25 years. She said they had been speaking to the Board for over three years to cancel an environmentally racist project which will spew toxic methane into overburdened communities. Ms. Davis said she was echoing Ms. Gellert's comments regarding the corporate business tax surcharge. She is also concerned, given the past several meetings and comments she has heard about the need to implement and enforce the Americans with Disabilities Act. Ms. Davis asked the Board to act on the demands for communication including Zoom. She said they continued to emphasize the opportunity for New Jersey's leading agencies to lead on sustainability and a livable future, yet they receive no honest response from the Board.

Ms. Davis said she called on Governor Murphy and NJ TRANSIT to act on the public's frustration at these meetings. She said the findings of the Strategen study demonstrated that a renewable energy based hydro microgrid solution is better for people's health, technically feasible, and much more cost effective. Ms. Davis said NJ TRANSIT must revise the RFP to specifically solicit bids for renewable energy-based hybrid microgrid solutions that maximize the amount of clean energy and battery storage that can be implemented today. She said to be a leader is to abandon the original dirty methane plan. Ms. Davis said neither Water Spirit or any of their community partners have heard a response from NJ TRANSIT about the Strategen study, nor the opportunity to be a leader of sustainability outside of national conferences where New Jersey stands out. She said they called on NJ TRANSIT to keep the public updated about the project status across languages, mainly to the surrounding residential areas. Ms. Davis said they urged the Board to think about national security as they entered into the weekend of Armistice Day. She said it was their best national security interest to get off fossil fuel, and New Jersey's goals were aligned with this reality.

Holly Cox, 25-year New Jersey resident. said she was there yet again after three years of asking Governor Murphy and NJ TRANSIT why they were not revising their RFP and redesigning the microgrid project to be powered by renewable energy. Ms. Cox said the Strategen report showed that this would be technologically feasible, more economical, and

better for their health and climate. She asked the Board why they did not respond to the new report which showed a combined system of solar battery storage and a backup gas turbine, only to be used in true emergencies, was a feasible alternative for meeting NJ TRANSIT operational needs during severe weather events. Ms. Cox asked why the RFP was not revised to specifically solicit bids for a renewable energy hybrid microgrid. She asked if they saw the dangers of adding more pollution from another fossil fuel plant to an overburdened environmental justice community.

Ms. Cox said although Governor Murphy announced an accelerated target of 100 percent clean energy by 2035, neither he nor NJ TRANSIT had any plan to actually get them there. She asked if they build their fossil fuel plant, when would it be completed and how long did they expect to operate it before they needed to start transitioning to clean fuels to comply with the 2035 target. Ms. Cox said this seemed like a waste of money to her.

Ms. Cox said there was climate chaos unfolding all around them, stronger and more dangerous storms damaging property, killing residents, and increasing numbers of extreme weather events month after month. She said according to the New Jersey Forest Fire Service, wildfires were burning over 16,000 acres this year and wildfire smoke was making the air unbreathable. Ms. Cox said New Jersey sea level rose twice the national average. She said their state and planet were literally either on fire or flooding all around them, and no one, including the NJ TRANSIT Board, who were in a position of power, was doing anything at the scale required to keep the planet habitable.

Ms. Cox asked the Board how they could justify building a plant in 2023, given the financial reality of a fossil fuel plant, extreme climate events, and the report findings that a renewable plant was cleaner, safer, more resilient, and significantly more economical. She said especially in light of the fact that the United Nations Secretary General recently said the fossil fuel business model is inconsistent with human survival. Ms. Cox said she called on Governor Murphy and NJ TRANSIT to revise the RFP, stop abdicating their responsibilities, and listen to the climate scientists around the world who all agree they have approximately six years left to drastically reduce their emissions to keep the planet habitable. Ms. Cox said the Board should make a plan to meet the state's climate and clean energy commitment and stop the disastrous fossil fuel proposal.

George Kaufer, member of the Ampere Alliance and the North Jersey Transit Riders Alliance, said a few months ago Board Member Narra mentioned that there would be updates regarding the reactivating or reconstructing of Ampere Station. Mr. Kaufer said he had not heard any updates on the status of the train station.

Mr. Kaufer said with regards to the Teterboro Station, which was closed 13 years ago, there was a fence that separates the tracks from the residential neighborhood to the West. He said he knew part of the reason for the fence was because the way the crossing intersects at the station. Mr. Kaufer believes a study should be conducted to see if there is a way to safely reopen the crossing, and possibly align the fence to create a passageway that people can cross at the end of the platform, rather than straight to the middle, as it was the old way.

Mr. Kaufer said lastly, with regards to the old DeCamp bus line routes, No. 101, 102, 105, and 109, off peak service has not been restored and a lot of the old DeCamp service have not been restored. He said they need off peak service, including weekend reverse peak service, and the service was not expensive to operate because they could save on deadheading and the cost of spilt shifts. Mr. Kaufer said it does not require that much in terms of actual operators, given that a lot of it was driving in service buses rather than buses to and from the garage. He asked staff to look at adding off-peak service, especially earlier afternoon service on the No. 102 bus. Mr. Kaufer said the same way off peak service for the No. 1 bus was maintained, that should be the case with the old DeCamp routes. He said the ridership would be higher than it was under DeCamp because tickets and passes are cross-honored across other bus services.

Board Comments

Board Member Narra said there were several comments made by Adam Reich on specific issues at various stations, which she noted, and asked if staff could follow up on those comments.

Advisory Committee Report

Anna Marie Gonnella Rosato said the members of the North and South Jersey Passenger Advisory Committee would like to convey their condolences to the family on the recent passing of the late New Jersey Transit Police Department Inspector Robert Noble, and also their condolences go out to the NJTPD colleagues as well.

During their joint meeting, Ms. Gonnella Rosato said they received a presentation on the NaviLens Pilot program. This was a very unique program for those customers who have smart phones, users are able to scan a QR code at the bus stop and NaviLens will find that route and provide bus arrival information in audio which can help the visually impaired navigate. The Passenger Advisory Committees also received updates from the Government and Community Affairs team, Paul Wyckoff, John Del Colle, and Barbara Lazzaro on federal and state legislation.

NJ TRANSIT was awarded a \$1.4 million grant by the New Jersey Board of Public Utilities that will be used to expand the agency's non-revenue fleet of electric vehicles and provide funding for the necessary charging infrastructure. Ms. Gonnella Rosato said as stated by President & CEO Corbett, NJ TRANSIT was offering a new Tap & Ride which allows bus and light rail customers to use contactless credit and debit cards to purchase tickets.

Ms. Gonnella Rosato said The Passenger Advisory Committee support Resolutions 2311- 78, Local Programs and Community Mobility Purchase of Battery Electric Vans, and 2311- 79, Regulations for Proposed Adoption of N.J.A.C. 16:78 Senior Citizen and Disabled Resident Transportation Assistance Program.

Ms. Gonnella Rosato said the next joint Passenger Advisory Committee meeting will be held on December 8, 2023.

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, and analysis, and actions for rail, bus, light rail, and Access Link. The Committee also received an update on the Cost of Service.

Board Administration Committee Report

Board Member Kanef 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 2024 Budget, 12-month farebox revenue compared to pre-COVID, major balance sheet items and Federal COVID-19 relief grant drawdown summary. Additional information was provided as part of the agenda materials, including the cost-of-service key performance indicators, twelve-month farebox recovery, history of vacancies, attrition and hires, ridership and revenue, and a monthly budget-to-actual comparison for September 2023. The Committee also received updates from Human Resources and Equal Employment Opportunity and Affirmative Action.

Board Capital Planning, Policy, and Privatization Committee Report

Board Member Weiss presented the report for the Capital Planning, Policy, and Privatization Committee. The Capital Planning, Policy, and Privatization Committee discussed the Board Items for the: Bus Stock Program: Purchase of 550 40-Foot and 200 60-Foot Articulated Buses; Local Programs and Community Mobility Purchase of Battery Electric Vans; and Ground Lease Agreement for Metropark Transit-Oriented Development Project.

Action Items

2311-77: BUS STOCK PROGRAM: PURCHASE OF 550 40-FOOT AND 200 60-FOOT ARTICULATED BUSES

President & CEO Corbett introduced Richard Schaefer, Senior Vice President, Capital Programs, to present Action Item #2311-77. Richard Schaefer presented for approval Action Item #2311-77: Bus Stock Program: Purchase of 550 40-Foot and 200 60-Foot Articulated Buses.

Board Member Michael Kanef made a motion and Board Member Evan Weiss seconded the motion.

Chair Gutierrez-Scaccetti noted she appreciated the fact that this purchase would hopefully be their last diesel bus purchase, which was good news.

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

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Secretary Umukoro noted Board Member Narra was recused from Item #2311-78 and would not comment or vote on the item.

2311-78: LOCAL PROGRAMS AND COMMUNITY MOBILITY PURCHASE OF BATTERY ELECTRIC VANS

President & CEO Corbett introduced Richard Schaefer, Senior Vice President, Capital Programs, to present Action Item #2311-78. Richard Schaefer presented for approval Action Item #2311-78: Local Programs and Community Mobility Purchase of Battery Electric Vans.

Vice Chair Kiabi D. Carson made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Recused	Yes	Yes	Yes	Yes	Yes

2311-79: REGULATIONS: PROPOSED ADOPTION OF N.J.A.C. 16:78 – SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (SCDRTAP)

President & CEO Corbett introduced, Justin Davis, Senior Vice President, Regulatory and Government Affairs, and Chief of Staff, to present Action Item #2311-79. Justin Davis presented for approval Action Item #2311-79: Regulations: Proposed Adoption of N.J.A.C. 16:78 – Senior Citizen and Disabled Resident Transportation Assistance Program (SCDRTAP).

Vice Chair Kiabi D. Carson made a motion, Board Member Michael Kanef seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2311-80: GROUND LEASE AGREEMENT FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2311-80. Jacqueline Stamford presented for approval Action Item #2311-80: Ground Lease Agreement for Metropark Transit-Oriented Development Project.

Vice Chair Kiabi D. Carson made a motion, Board Member Aaron Creuz seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2311-81: RECOMMENDATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2023

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2311-81. Jacqueline Stamford presented for approval Action Item #2311-81: Recommendation to Approve the Audited Financial Statements for Fiscal Year Ended June 30, 2023.

Board Member Michael Kanef made a motion, Vice Chair Kiabi D. Carson seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Secretary Umukoro noted Board Members Brown and Thomas were recused from the next four items #2311-82, 2311-83, 2311-84, and 2311-95 and would not comment on the items.

2311-82: PERSONAL INJURY CLAIM OF MICHAEL CARLE

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2311-82. Jacqueline Stamford presented for approval Action Item #2311-82: Personal Injury Claim of Michael Carle.

Board Member Michael Kanef made a motion, Board Member Evan S. Weiss seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2311-83: PERSONAL INJURY CLAIM OF CIRA RAMIREZ

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2311-83. Jacqueline Stamford presented for approval Action Item #2311-83: Personal Injury Claim of Cira Ramirez.

Board Member Michael Kanef made a motion, Vice Chair Kiabi D. Carson seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Giblin	Creuz	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2311-84: PERSONAL INJURY CLAIM OF INGRID NIEVES

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2311-84. Jacqueline Stamford presented for approval Action Item #2311-84: Personal Injury Claim of Ingrid Nieves.

Board Member Michael Kanef made a motion, Vice Chair Kiabi D. Carson seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2311-85: PERSONAL INJURY CLAIM OF THE ESTATE OF SIHAM HAJBI

President & CEO Corbett introduced Jacqueline Stamford, Acting Senior Vice President, Chief Financial Officer and Treasurer to present Action Item #2311-85. Jacqueline Stamford presented for approval Action Item #2311-85: Personal Injury Claim of the Estate of Siham Hajbi.

Board Member Michael Kanef made a motion, Vice Chair Kiabi D. Carson seconded the motion, and the item was adopted.

Roll Call Vote:

Doshi	Gordon	Maroko	Medina	Narra	Weiss	Kanef	Creuz	Carson	Gutierrez-Scaccetti
Yes	Absent	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Adjournment

Since there was no further business, a motion was made by Board Member Aaron Creuz, and seconded by Vice Chair Kiabi D. Carson, and the motion was adopted.

The meetings were adjourned at approximately 7:35 p.m.

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

NOVEMBER 8, 2023

MINUTES

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➤ CALL TO ORDER	-
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ACTION ITEMS

2311-77	BUS STOCK PROGRAM: PURCHASE OF 550 40-FOOT AND 200 60-FOOT ARTICULATED BUSES – Authorization to purchase 550 40-foot and 200 60-foot Transit Buses, including capital spare parts, at a cost not to exceed \$685,957,704.70, plus 10 percent for contingencies, subject to the availability of funds.	66390
2311-78	LOCAL PROGRAMS AND COMMUNITY MOBILITY PURCHASE OF BATTERY ELECTRIC VANS – Authorization to approve the use of the Michigan Department of Transportation procurement for the purchase of 19 battery electric vans for subrecipients of NJ TRANSIT's Local Programs and Community Mobility department including Access Link, and for a NJ TRANSIT micro transit project, in the amount not to exceed \$3,800,000, plus five percent for contingencies, subject to the availability of funds.	66391
2311-79	REGULATIONS: PROPOSED ADOPTION OF N.J.A.C. 16:78 – SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (SCDRTAP) – Authorization to take all actions necessary to adopt N.J.A.C. 16:78 Senior Citizen and Disabled Resident Transportation Assistance Program, consistent with this Board item and corresponding Exhibits.	66393
2311-80	GROUND LEASE AGREEMENT FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT – Authorization to take all necessary actions to execute the Ground Lease Agreement between NJ TRANSIT and DOR Woodbridge, LLC., and all other necessary agreements to implement a mixed-use, multi-phase Transit-Oriented Development Project at the Station.	66429

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
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- 2311-81 RECOMMENDATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2023** – Authorization to accept and approve NJ TRANSIT’s audited financial statements for the fiscal year ended June 30, 2023. **66436**
- 2311-82 PERSONAL INJURY CLAIM OF MICHAEL CARLE** – Authorization to settle the claim of Michael Carle through his attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **66437**
- 2311-83 PERSONAL INJURY CLAIM OF CIRA RAMIREZ** – Authorization to settle the claim of Cira Ramirez through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **66438**
- 2311-84 PERSONAL INJURY CLAIM OF INGRID NIEVES** – Authorization to settle the claim of Ingrid Nieves through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **66439**
- 2311-85 PERSONAL INJURY CLAIM OF THE ESTATE OF SIHAM HAJBI** – Authorization to settle the claim of the Estate of Siham Hajbi through the estate’s attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **66440**

➤ **ADJOURNMENT**

APPROVAL OF MINUTES

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

WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the October 11, 2023 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. were forwarded to the Governor on October 19, 2023;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the October 11, 2023 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. Board of Directors' meetings are hereby approved.

Philip D. Murphy, Governor
Tahesha L. Way, Lieutenant Governor
Diane Gutierrez-Scaccetti, Commissioner
Kevin S. Corbett, President & CEO

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



TO: BOARD OF DIRECTORS
FROM: KEVIN S. CORBETT
DATE: NOVEMBER 8, 2023
SUBJECT: PRESIDENT & CEO'S REPORT – NOVEMBER 2023

A handwritten signature in black ink, appearing to read 'K. S. Corbett', is written over the 'FROM' line of the header.

As NJ TRANSIT's ridership grows month-over-month, particularly on our bus network, we continue to provide special services and incentives, to build on the increases we have seen to date. Over the past month – in addition to providing seamless rail service to and from MetLife Stadium for four Giants and Jets home games – NJ TRANSIT offered special rail service between Hoboken and Far Hills to and from the 102nd running of the Far Hills Race Meeting on October 21st. In addition, this Saturday November 11th, NJ TRANSIT will honor the brave men and women who have served or are currently serving in the U.S. Armed Forces, with complimentary rides throughout our system on Veterans Day. For more information, including eligibility, please visit njtransit.com/military.

To ensure continued improvement in our services and infrastructure, the Board will consider two items that will further enhance our commitment to accessibility and transit-oriented development (TOD). The Board will consider a contract to purchase up to 19 federally-funded battery electric vans, to provide to subrecipients for transportation for senior citizens and people with disabilities in New Jersey. The Board will also vote to execute a Ground Lease Agreement to implement a mixed-use, multi-phase TOD project in Woodbridge, anchored by our Metropark rail station.

Moving on to “infrastructure” updates, last week I had the honor of attending one of the most significant funding announcements in our region's history. On Friday, I joined USDOT Secretary Pete Buttigieg, our Board Chair and Governor's Chief of Staff Diane Gutierrez-Scaccetti, and a host of other federal, state, and local officials at Hudson Yards in Manhattan for the historic announcement of an award of \$3.8 billion federal funding commitment for the Hudson Tunnel Project. The award was made possible by the FRA's Federal-State Partnership Grant Program, which is part of the Biden Administration's IJA. In other good news on the infrastructure front, I joined Senator Cory Booker, Congressman Rob Menendez, Jr, and Newark Mayor Ras Baraka on Monday, to celebrate a significant \$241 million-dollar grant, also made possible by the Federal-State Grant Program, for both our Delco Lead Storage and Inspection Facility and our Newark Penn Station Vertical Circulation Improvement project.

The Biden Administration also committed billions of dollars in additional funding that will support critical infrastructure projects all along the Northeast Corridor. In addition to my role as NJ TRANSIT President & CEO, I also co-chair the Northeast Corridor Commission (NECC) with FRA Administrator Amit Bose. In 2021, the NECC – working with the state governments of the Northeast, the federal government, eight commuter rail agencies, and Amtrak – released our Connect NEC 2035, or C35, plan. C35 is a \$117 billion-dollar, 15-year plan covering 150 projects along the Corridor – the most ambitious reinvestment program in the NEC's history. The plan facilitated and accelerated the prioritization of the projects now being awarded along the Corridor. On behalf of NJ TRANSIT and the members of the NECC, I couldn't be more pleased with the federal government's historic commitment to the region's transit infrastructure.

As we work to strengthen our infrastructure and enhance service reliability, we continue to leverage technology to maximize accessibility to our transit system. Toward that end, on November 7th we launched a pilot program with NaviLens that instantly enhances bus system accessibility. NaviLens uses QR-style codes – now installed at 51 New Brunswick bus stops – that enable customers to use their smart devices to get a host of service information and assistance. NaviLens also integrates with NJ TRANSIT's real-time bus arrival data, and reads signs out loud to help visually impaired customers navigate bus stops.

NJ TRANSIT is also leveraging technology to give customers as many options as possible to purchase tickets. After a successful pilot on our Raritan Valley and Atlantic City Rail Lines, we expanded our “web ticketing” pilot program to include all rail lines, allowing customers to buy one-way and round-trip tickets online, at njtransit.com/webtickets.

In closing, it is with great sorrow that I share the news that NJTPD Inspector Robert Noble has passed away. Inspector Noble honorably served the NJTPD for 28 years and he will be deeply missed. I ask that you keep Inspector Noble's family, friends, and colleagues in your thoughts and prayers. We will always be grateful for his service.



PRESIDENT & CEO'S MONTHLY REPORT

November 8, 2023

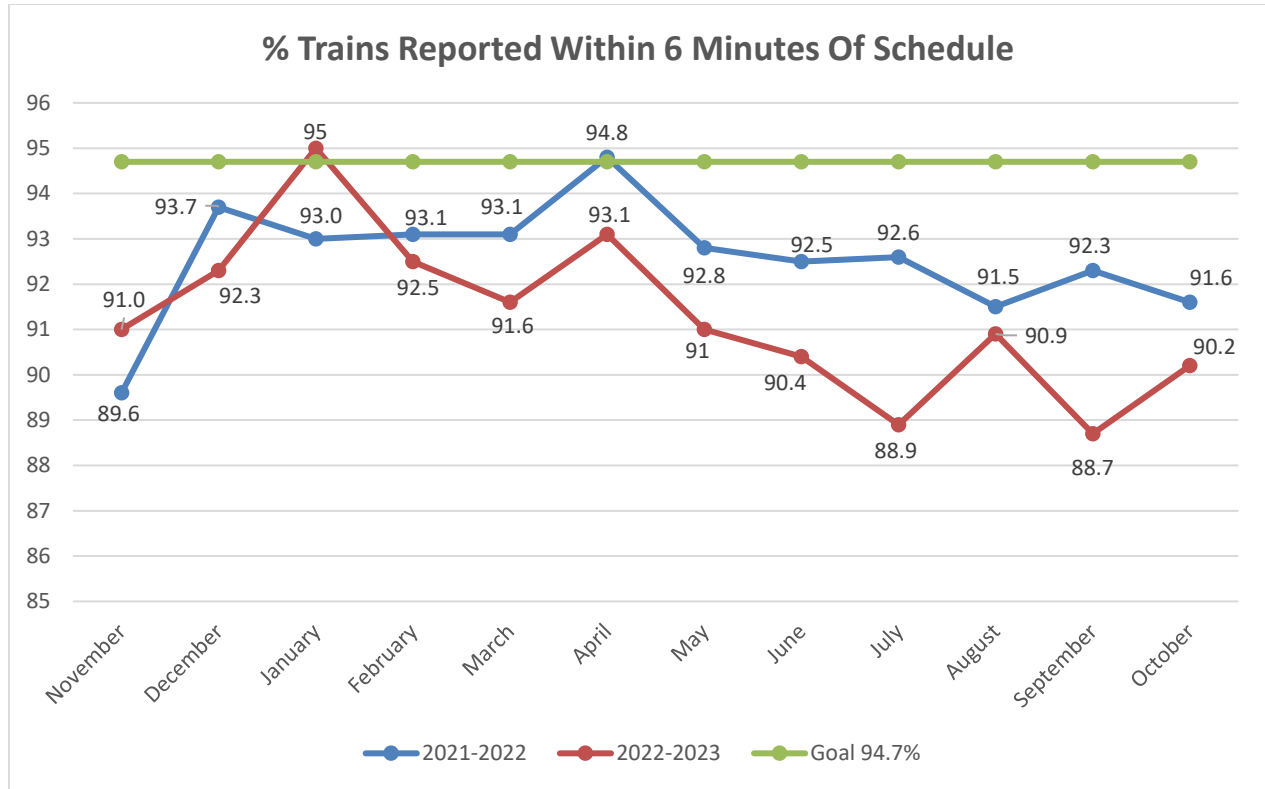
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- 3. DBE/SBE PROGRAM**
- 4. EMPLOYEE RECOGNITION**

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL NOVEMBER 2021 – OCTOBER 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
Oct. Comparison	91.6%	90.2%	-1.4%
12-Month Average Nov 2021 – Oct 2023	92.5%	91.3%	-1.2%

Analysis:

Rail On-time Performance was 90.2% for the month of October 2023. Of the 18,583 trains scheduled to operate, 16,754 were on time, while 1,829 trains (or 9.8%%) were delayed.

Key Causes included:

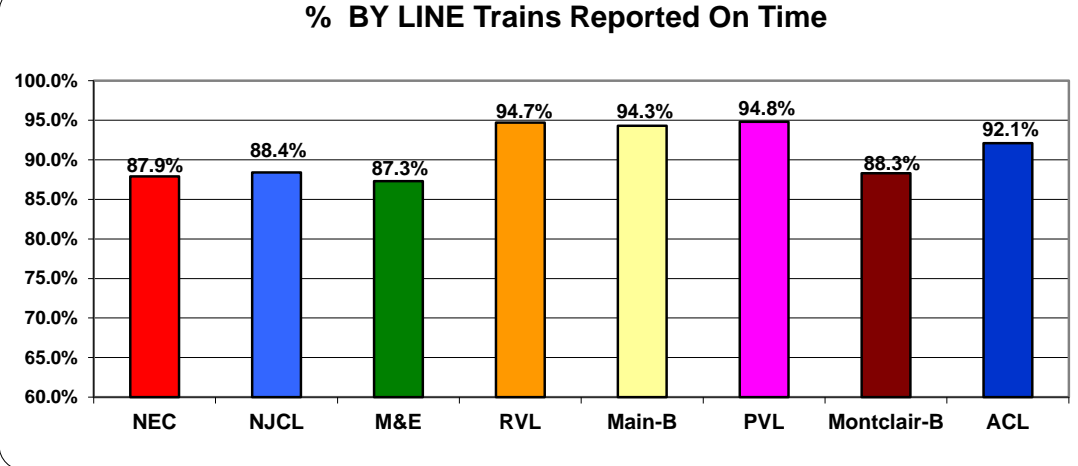
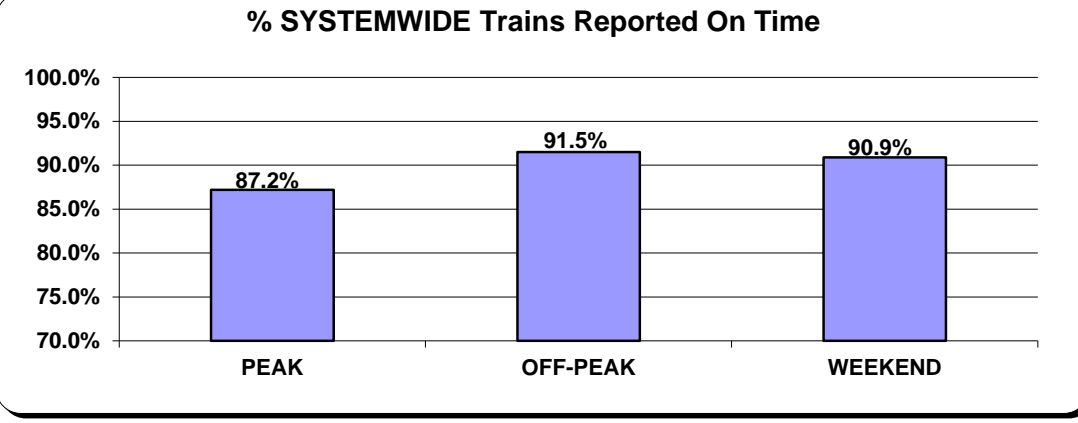
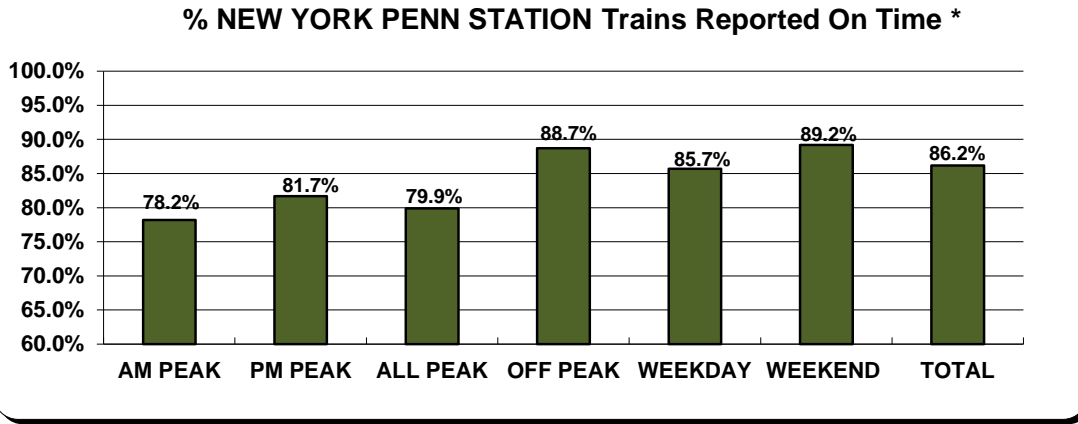
- Amtrak Portal Bridge open, switch issue, NJT catenary issue, PTC mechanical and electric locomotive issues contributed 95 delays on October 12.
- Amtrak catenary issue, and NJT programmed maintenance contributed 54 delays on October 14.
- Amtrak trackside interference and NJT PTC mechanical contributed 137 delays on October 16.

The 12-month Average for Rail On-Time Performance was 91.3%.

ON-TIME PERFORMANCE RAIL

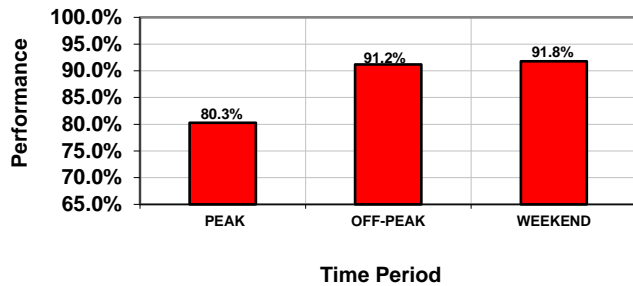
SUMMARY BY TIME PERIOD October 2023

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

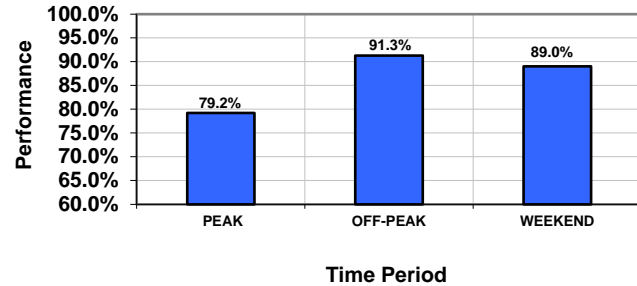


ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD October 2023

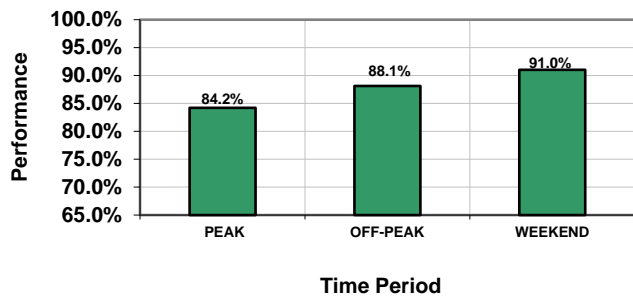
NORTHEAST CORRIDOR



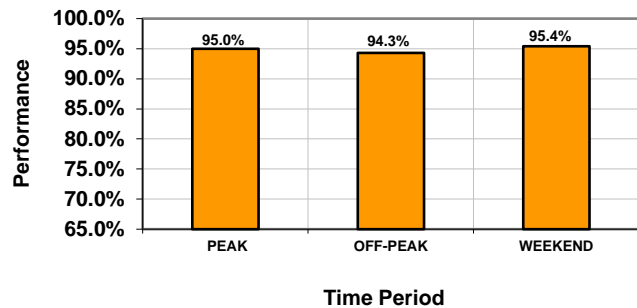
NORTH JERSEY COAST LINE



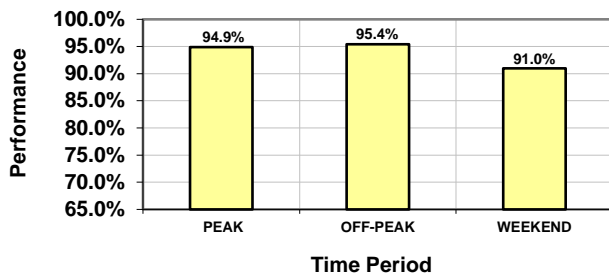
MORRIS & ESSEX



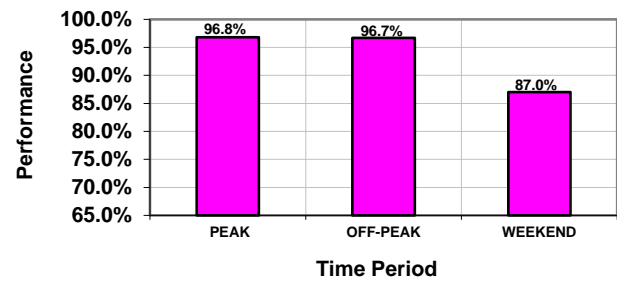
RARITAN VALLEY LINE



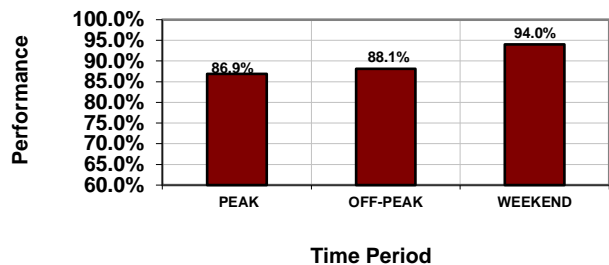
MAIN-BERGEN



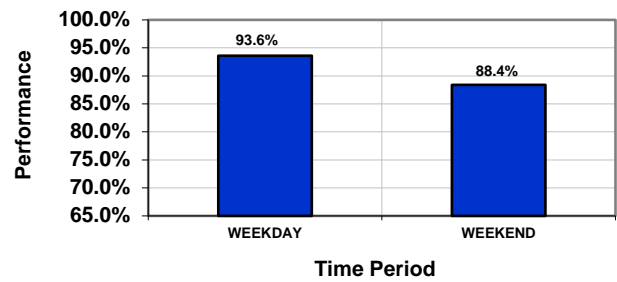
PASCACK VALLEY



MONTCLAIR-BOONTON

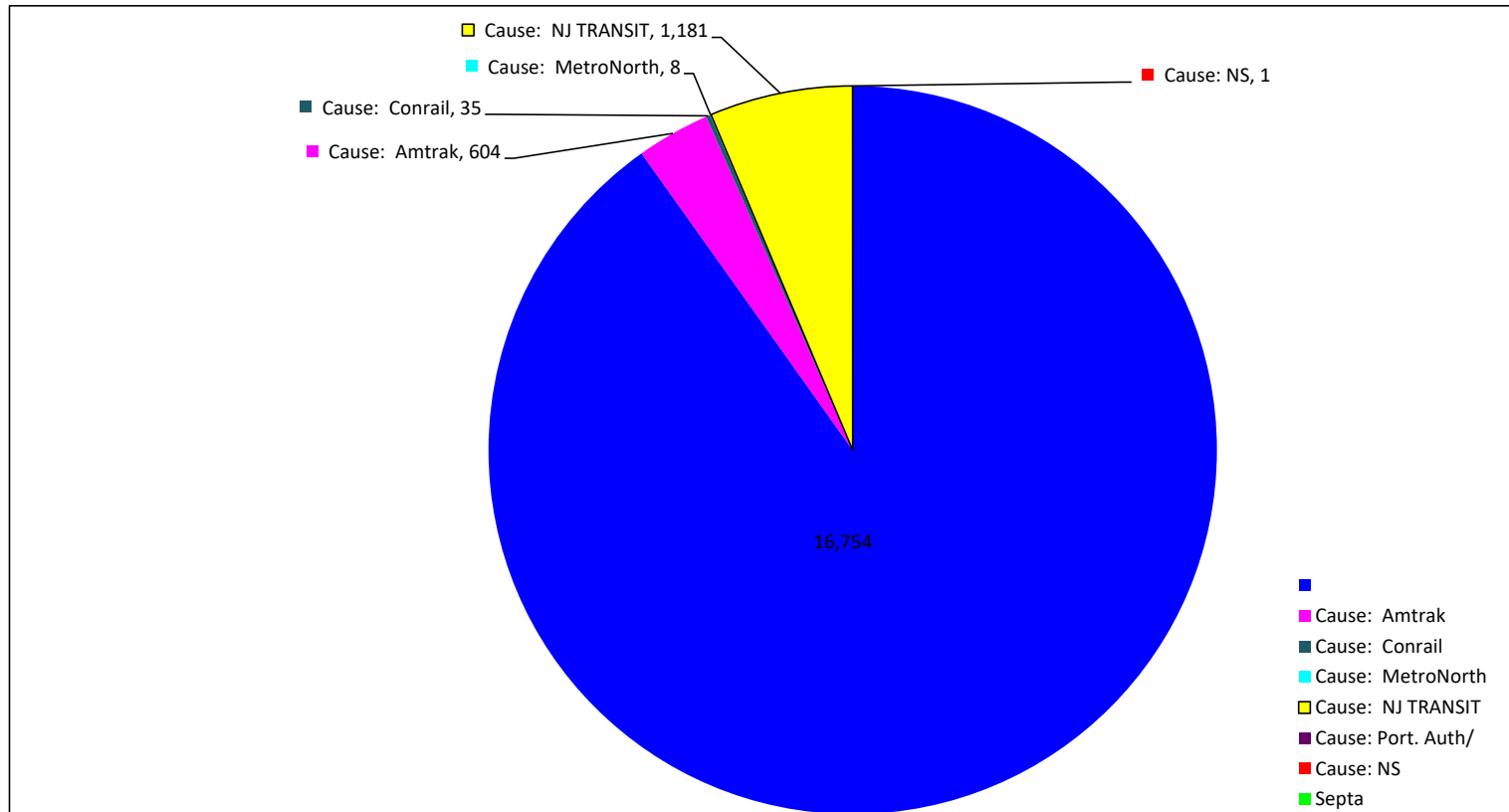


ATLANTIC CITY

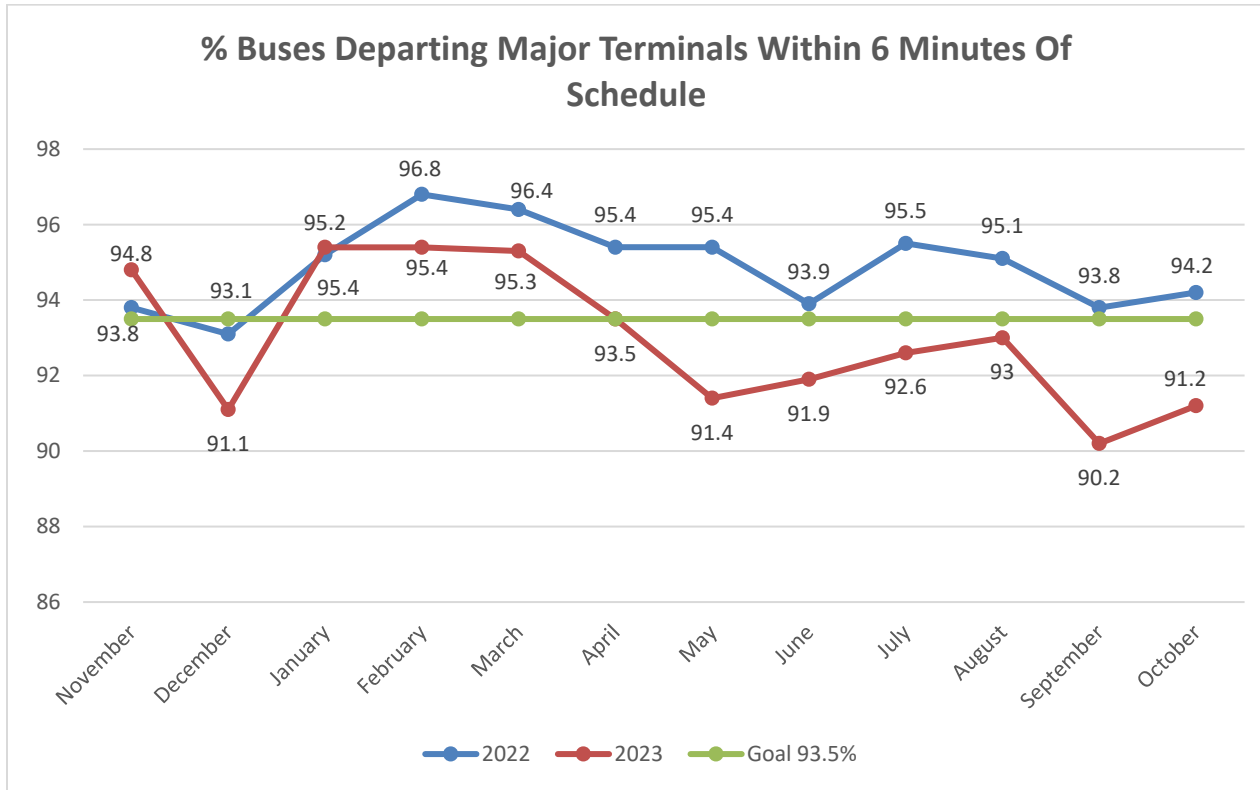


NJ TRANSIT Performance - October 2023 Late NJ TRANSIT Trains

# of Trains On Time	16,754	Cause: Amtrak 604 3.25%	Cause: Conrail 35 0.19%	Cause: MetroNorth 8 0.04%	Cause: NJ TRANSIT 1,181 6.36%	Cause: Port. Auth/ .	Cause: NS 1 0.01%	Septa 0.00%
# of Late Trains	1,829							
Total # of Trains	18,583							
Percentage On Time	90.2%							



NJ TRANSIT ON-TIME PERFORMANCE BUS Nov 2021 – Oct 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
Oct Comparison	94.2%	91.2%	-3.0%
12-Month Average Nov 2022 – Oct 2023	94.9%	93.0%	-1.9%

Analysis*:

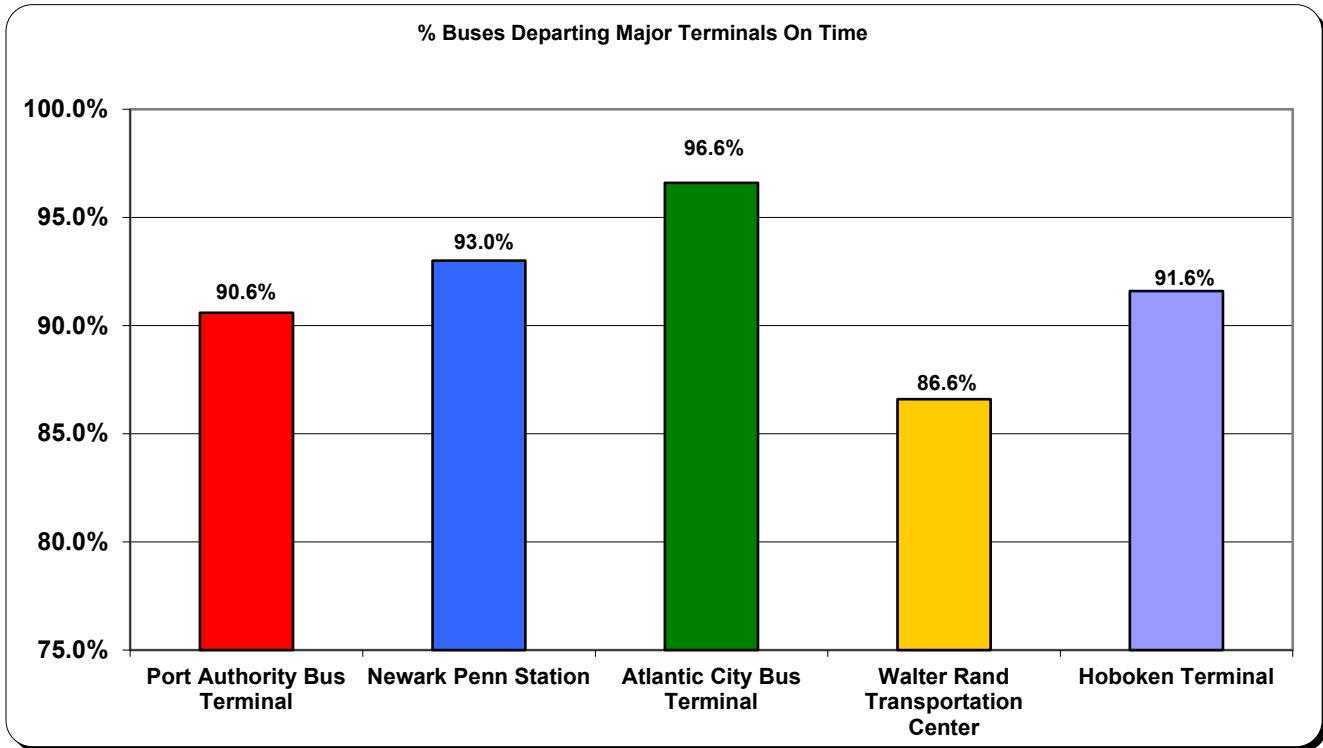
Bus On-Time Performance systemwide was 91.2% for the month of October 2023. Of the 47,837 monitored departures, 4,188 experienced delays.

Key Causes included:

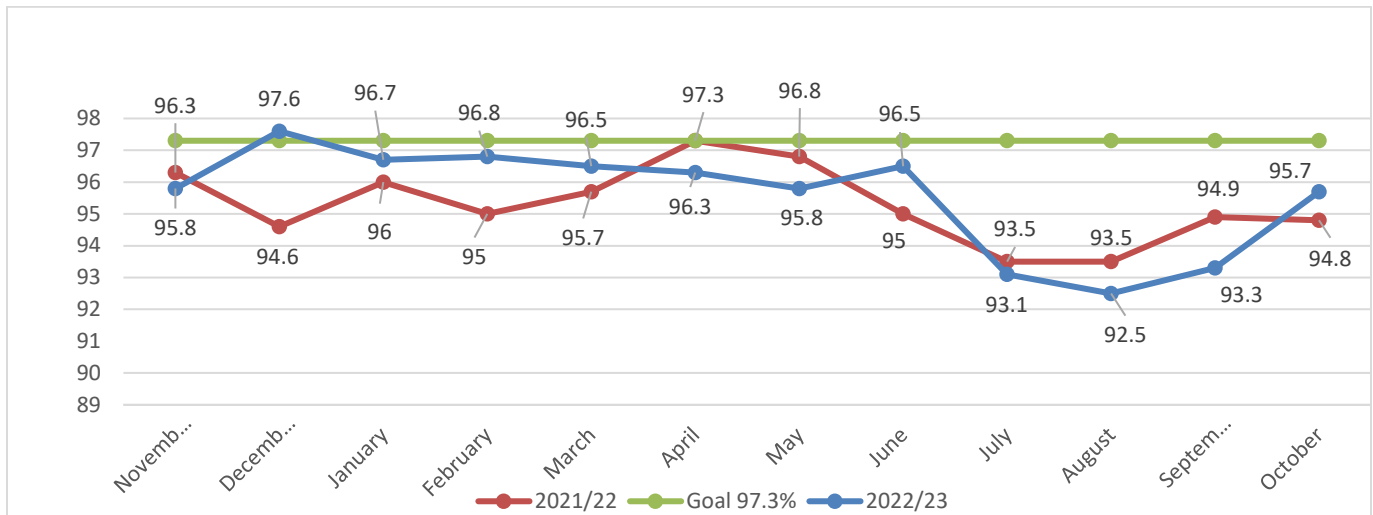
- At PABT, on the 2nd, Rt 3WB heavy traffic due to football game and Turnpike entrance one lane closed caused delays. On the 3rd -5th Turnpike North 2.5 miles of heavy traffic caused delays. On the 12th - 13th & 20th heavy traffic caused delays.
- At Newark Penn, on the 4th, customer in need of assistance, customer injury, detours on local roads caused delays. On the 10th, mechanical issues, police activity, bus/auto accident, road closures caused delays. On the 12th, bus/auto accident, detours due to construction, utility work, large town events, mechanical issues 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 93%.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL November 2021 – October 2023



	<u>2022</u>	<u>2023</u>	<u>%Change</u>
October Comparison	94.8%	95.7%	+0.9%
12-Month Average November 2022 – October 2023	95.4%	95.4%	-

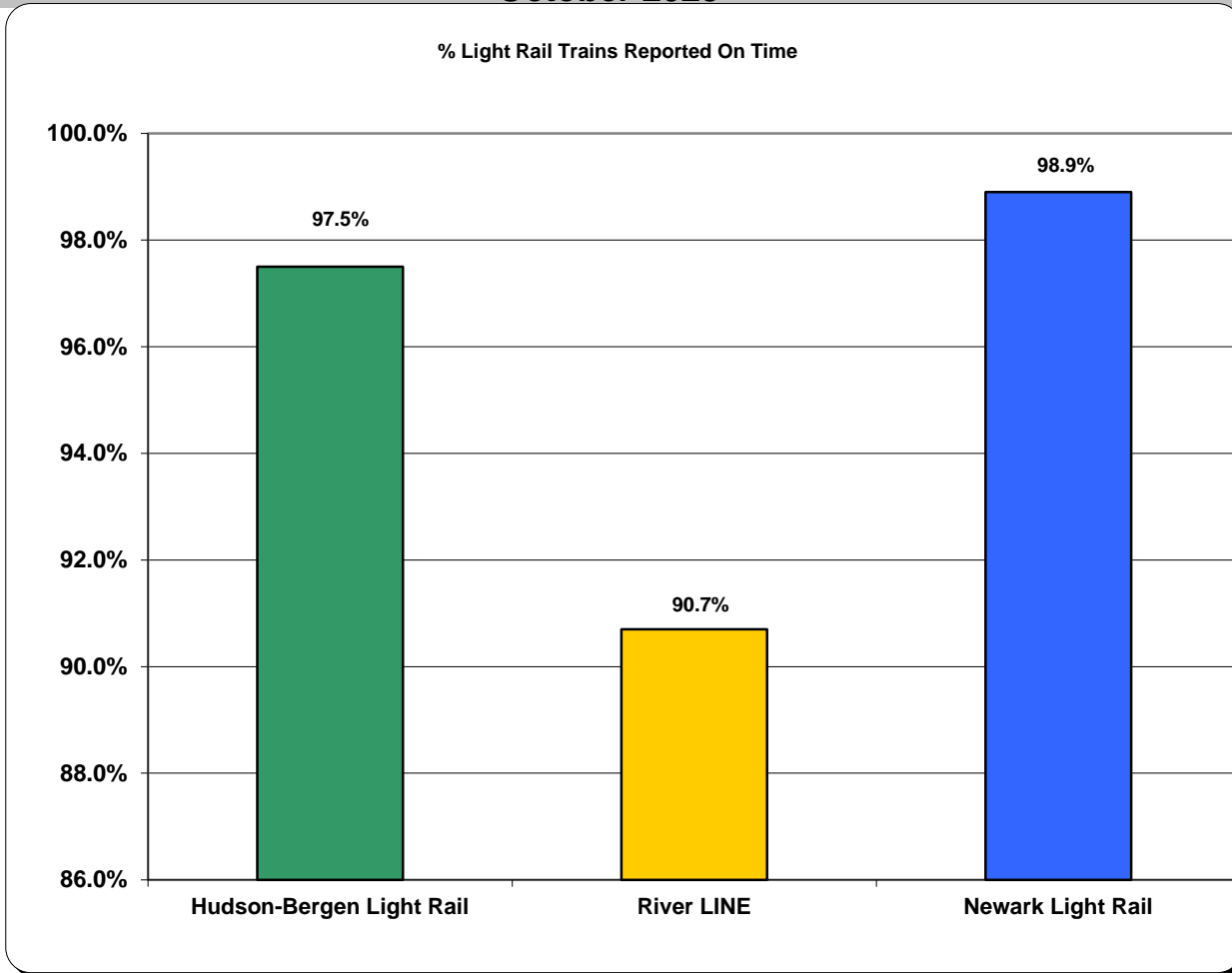
Analysis: Light Rail On-Time Performance system wide was 95.7% for the month of October. Of the 27,501 scheduled departures, 979 experienced delays.

Key Causes included:

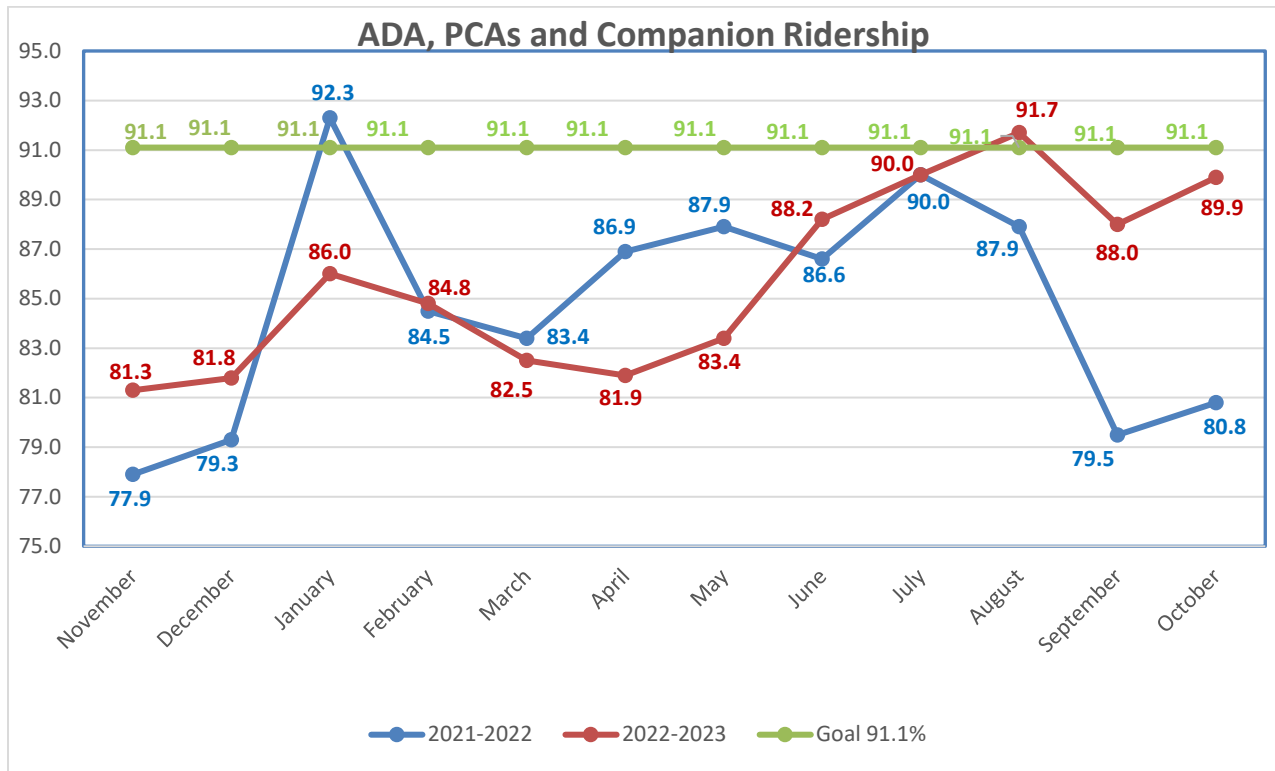
- **Newark Light Rail** – General maintenance such as door, power, brake, and propulsion issues affecting service taking place throughout the month. Manpower issues on 10/2, 10/18, and 10/31 resulted in 4 impacted trains.
- **River LINE** – River LINE returned to normal operating service beginning on Monday, October 16th. Incidents affecting OTP involving general maintenance taking place across multiple dates, including engine, door, signal, and brake issues. Service affected on 10/4, 10/10, and 10/23 by motor vehicles on the tracks. Service affected by track obstructions on 10/18 and 10/30. Police incidents/fare enforcement resulted in minor delays on 10/7, 10/18, 10/25, and 10/27.
- **HBLR** – Incidents affecting OTP taking place across multiple dates, including door issues, power/propulsion issues, brakes, and other issues. Fare enforcement conducted by NJTPD resulted in minor delays throughout the month. PSE&G utility interruption on 10/6 resulted in 52 impacted trains. LRV incident with electric scooter resulted in 59 affected trains on 10/30.
- The 12-month Average for Light Rail On-Time Performance is 95.4%

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE October 2023



NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK NOVEMBER 2021–OCTOBER 2023



	<u>2022</u>	<u>2023</u>	<u>% Change</u>
October Comparison	80.8%	89.9%	9.1%
October Ridership	117,313	135,011	17,698
12-Month Average November 2022–October 2023	84.8%	85.8%	1.0%

Analysis:

Access Link On-Time Performance was 89.9% for October 2023. In serving 147,506 total customers, for 135,011 ADA customer trips, 13,621 or (10.1%) experienced delays.

Key Causes included:

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

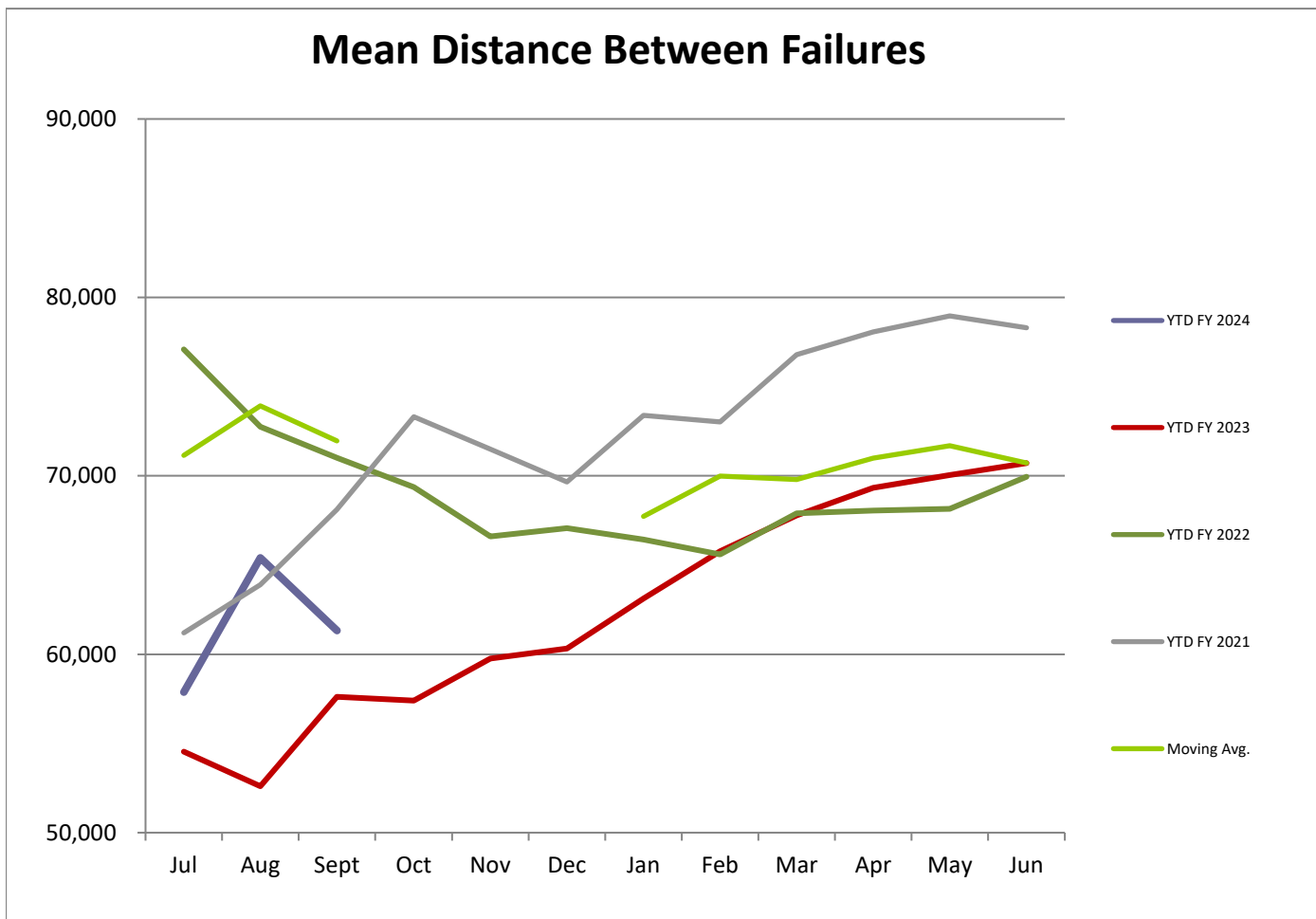
The 12-month Average for Access Link On-Time Performance was 85.8%.

MEAN DISTANCE BETWEEN FAILURES

September 2023

NJ TRANSIT Rail Operations
Mean Distance Between Failures

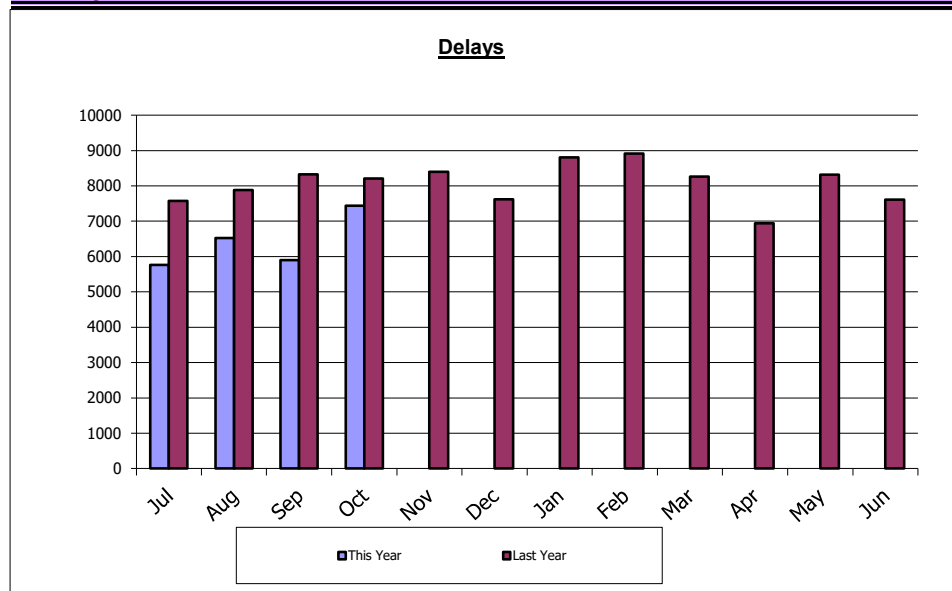
Month	YTD FY 2024	YTD FY 2023	YTD FY 2022	YTD FY 2021	12 Month Moving Avg.
Jul	57,875	54,531	77,087	61,198	71,148
Aug	65,403	52,602	72,743	63,891	73,920
Sept	61,324	57,623	71,005	68,109	71,966
Oct	-	57,410	69,368	73,320	-
Nov	-	59,761	66,597	71,498	-
Dec	-	60,315	67,060	69,664	-
Jan	-	63,121	66,433	73,392	67,726
Feb	-	65,780	65,594	73,030	69,991
Mar	-	67,778	67,894	76,790	69,800
Apr	-	69,327	68,050	78,072	70,994
May	-	70,045	68,153	78,962	71,685
Jun	-	70,712	69,949	78,300	70,712



Garage Performance Parameters

October 2023

Location	Miles Between In-Service Delays			
	FY2024 Goal	This Month	FY2024 YTD	FY2023 YTD
Fairview	6,500	8,060	5,813	8,435
Market Street	6,500	4,396	3,886	3,789
Meadowlands	8,500	3,852	3,596	4,827
Oradell	16,000	15,748	13,774	11,049
Wayne	12,000	10,052	6,839	10,427
WestWood	20,000	21,465	19,693	21,107
Northern Division	-	6,715	5,721	6,880
Big Tree	7,500	3,320	4,122	5,465
Greenville	6,000	4,091	5,376	6,221
Hilton	8,500	5,614	5,376	6,543
Howell	17,500	25,611	20,154	23,879
Ironbound	8,000	6,281	5,476	7,804
Orange	7,800	2,770	2,340	3,239
Morris	10,500	25,257	18,355	67,513
Central Division	-	6,137	5,396	7,354
Egg Harbor	12,000	14,178	10,884	10,064
Hamilton	9,000	10,927	8,237	9,482
Newton Avenue	11,000	9,901	8,251	12,000
Washington Twp.	16,000	17,488	12,712	15,246
Southern Division	-	13,526	10,356	11,657
Bus Operations	-	7,439	6,352	7,986

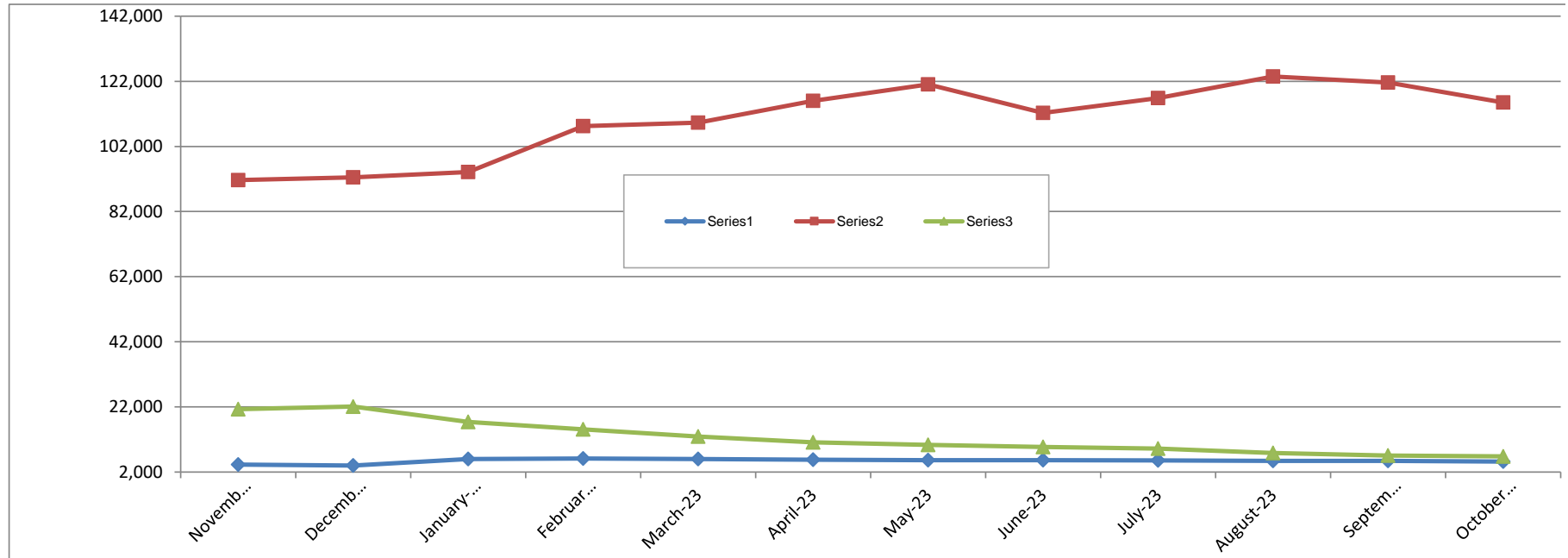


NJ TRANSIT - LIGHT RAIL, October 2023

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF *	MDBSF *
	October 2023	September 2023
Newark Light Rail	5,209	5,441
Hudson Bergen	115,493	121,635
River LINE	6,817	7,101

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



DBE/SBE PROGRAM

NJ TRANSIT - DBE/SBE Participation for October 2023

State Funded Contracts

State Fiscal Year 2023 - July 1, 2023, through June 30, 2024

During the month of **October 2023**, NJ TRANSIT awarded **\$20,899,176.79** in state-funded contracts; of that total, Small Business Enterprises (SBEs) received **\$1,552,400.19** or **7.43%**.

State Fiscal Year 2024 YTD (July 1, 2023, through June 30, 2024) NJ TRANSIT awarded **\$31,458,229.83** in state-funded contracts. Of that total, SBEs received **\$1,552,400.19**, or **4.93%**.

Note: The above reflects the Procurement Report of Awards received on November 3, 2023.

SBE Goal Attainment from July 1, 2023, through June 30, 2024 (SFY 2024)

Category 1 SBEs	\$0.00	0.00%
Category 2 SBEs	\$0.00	0.00%
Category 3 SBEs	\$23,790.00	0.08%
Category 4 SBEs	\$299,081.19	0.95%
Category 5 SBEs	\$1,229,529.00	3.91%
Category 6 SBEs	\$0.00	0.00%

FTA Funded Contracts (Updated on a quarterly basis– next update will occur January 2024)

Federal Fiscal Year (FFY) 2023 - October 1, 2022, through September 30, 2023

During the 4th Quarter (July 1, 2023 – September 30, 2023), the FTA-funded share of NJ TRANSIT’s federal contracts awarded was **\$4,049,000.00**. Of that total, Disadvantaged Business Enterprises (DBEs) received **\$0.00** or **0.00%**

FFY 2023 through FFY 2025 Q4 (October 1, 2023 – September 30, 2025) NJ TRANSIT awarded **\$29,423,773.43**** in federally funded contracts. Of that total, DBEs received **\$8,642,888.06**, or **29.37%**.

**Numbers reflect federal share*

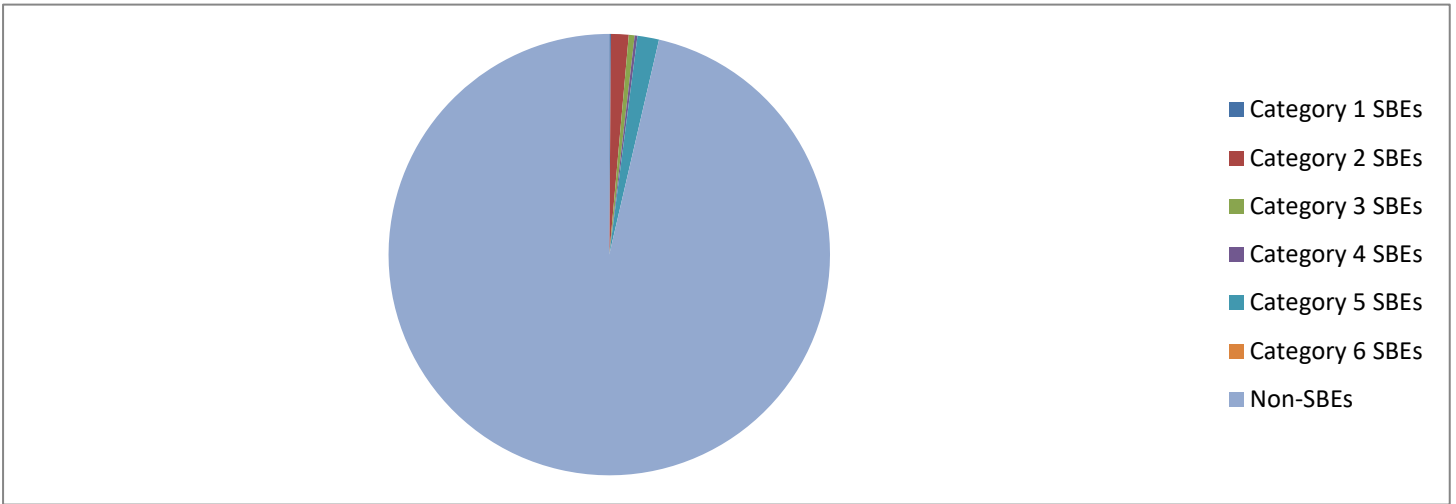
*** Number includes subrecipient awards*

Transit Vehicle Manufacturer (TVM)¹ Awards

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

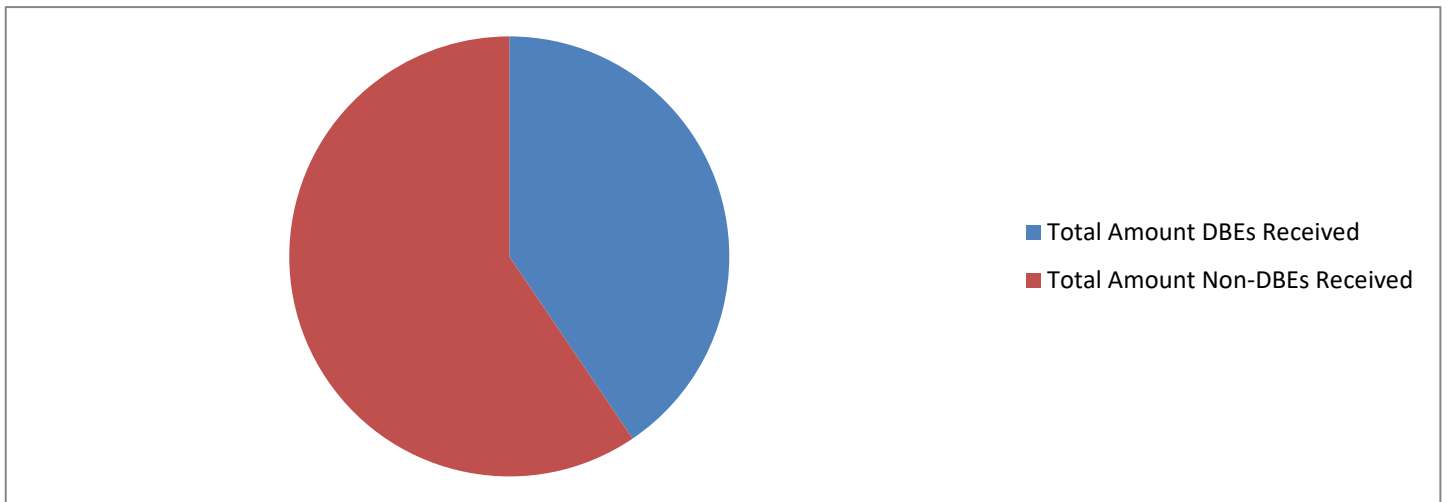
STATE CONTRACTS
STATE FYTD 2024

<i>Category 1 SBEs</i>	\$0.00	0.00%
<i>Category 2 SBEs</i>	\$0.00	0.00%
<i>Category 3 SBEs</i>	\$23,790.00	0.08%
<i>Category 4 SBEs</i>	\$299,081.19	0.95%
<i>Category 5 SBEs</i>	\$1,229,529.00	3.91%
<i>Category 6 SBEs</i>	\$0.00	0.00%
<i>Non-SBEs</i>	\$29,905,829.64	95.06%



DBE PARTICIPATION
FEDERAL CONTRACTS
CUMULATIVE FEDERAL FY 2023-2025

Total Amount DBEs Received	\$8,642,888.06	29.37%
Total Amount Non-DBEs Received	\$20,780,885.37	70.63%



EMPLOYEE RECOGNITION

NJ TRANSIT employees bid farewell after outstanding careers

26 NJ TRANSIT employees retired recently:

1. Dwayne Beachem, Storekeeper Lead -- MMC -- 29 years
2. Drew Bennett, Tech -- Spring Valley -- 14 years
3. Joseph Codella, Sr. Training Specialist -- Ferry St. -- 37 years
4. Megan Dolan, Assistant Conductor -- Various -- 12 years
5. Edward Henderson, Assistant Manager -- MMC -- 27 years
6. Shawn Laverty, Mechanic B -- Hoboken -- 6 years
7. Scott Leshick, General Foreman -- MMC -- 32 years
8. Sean McKenna, Electrician -- Port Morris -- 15 years
9. Salvatore Picone, Tech -- MMC -- 29 years
10. Andrzej Podgorny, Machinist -- MMC -- 17 years
11. Alfred Saitta, Data Entry Clerk -- HQ -- 30 years
12. Dennis Schuck, Lead Tech -- MMC -- 36 years
13. Vincent Siehl, Locomotive Engineer -- Various -- 34 years
14. Bernadette Walsh, TVM Terminal Agent -- Hoboken -- 33 years
15. Ernest Jacobs, Operator -- Howell -- 8 years
16. Walker Johnson, Operator -- Fairview -- 38 years
17. Cardinal Moore, Repairman -- Hamilton -- 15 years
18. Franchot Cameron, Repairman A -- Big Tree -- 21 years
19. Mary Clemons-Muhammad, Operator -- Market St. -- 26 years
20. Nelson Moreno, Operator -- Orange -- 21 years
21. Jorge Visaga, Operator -- Howell -- 19 years
22. Frank Chan, Sr. Auditor -- HQ -- 32 years
23. August Andolino, Senior Manager -- HQ -- 27 years
24. Joseph Codella Jr., Senior Training Specialist -- Ferry St. -- 38 years
25. Sheila Gunther, Executive Secretary -- HQ -- 35 years
26. Michael Schmid, Superintendent Garage -- Wayne -- 31 years

ACTION ITEMS

ITEM 2311-77: BUS STOCK PROGRAM: PURCHASE OF 550 40-FOOT AND 200 60-FOOT ARTICULATED BUSES

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

WHEREAS, NJ TRANSIT has 1,043 40-foot transit buses and 288 40-foot buses are owned by private carriers that are overage and due for replacement; and

WHEREAS, NJ TRANSIT's Bus Fleet Strategy and NJT 2030 (A 10-Year Plan) call for the replacement of its outdated 40-foot transit buses and 60-foot articulated buses with new 40-foot and 60-foot buses; and

WHEREAS, NJ TRANSIT anticipates the purchase of 550 40-foot and 200 60-foot articulated transit busses to be the last diesel bus procurement contingent on the successful advancement of the bus modernization program to completely convert to a zero emission bus fleet consistent with statutory mandates; and

WHEREAS, the purchase of 550 40-foot and 200 60-foot articulated Transit Buses will provide fleet reliability at reduced operating and maintenance costs and will be equipped with the latest technology to significantly reduce vehicle exhaust emissions; and

WHEREAS, the new 40-foot and 60-foot articulated Transit Buses will include new passenger amenities such as USB, security cameras, blind spot cameras, and turn warning system, to enhance the customer experience and safety; and

WHEREAS, NJ TRANSIT intends to enter into contracts, including options to purchase up to 750 additional 40-foot transit buses and 550 articulated buses; and

WHEREAS, the cost of the purchase for 550 40-foot and 200 60-foot articulated Transit Buses, including capital spare parts, tooling, and training, is \$685,957,704.70;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO authorizes NJ TRANSIT to purchase 550 40-foot and 200 60-foot articulated Transit Buses, including capital spare parts, at a cost not to exceed \$685,957,704.70, plus ten percent for contingencies, subject to the availability of funds.

ITEM 2311-78: LOCAL PROGRAMS AND COMMUNITY MOBILITY PURCHASE OF BATTERY ELECTRIC VANS

This is an NJ TRANSIT purchase for battery electric vans in support of community transportation through subrecipient agencies. This purchase replaces gasoline vehicles that have met their useful life (age and or miles) to ensure that community transportation providers can provide services where there are specific needs for seniors and people with disabilities and where there are gaps in other transportation options.

- Seeking authorization to use a Michigan Department of Transportation procurement for the purchase of battery electric vans, not to exceed \$3,800,000, plus five percent for contingencies, subject to the availability of funds.
- This project is federally funded.



ITEM 2311-78: LOCAL PROGRAMS AND COMMUNITY MOBILITY PURCHASE OF BATTERY ELECTRIC VANS

WHEREAS, the State of New Jersey has applied for and funded local transit services throughout the state through a variety of Federal Transit Administration (FTA) grant programs; and

WHEREAS, funding will be available to purchase vehicles for local transportation programs under FTA Section 5310, and Flex 5310 and 5307; and

WHEREAS, Local Programs and Community Mobility will be purchasing the vehicles through a procurement conducted by the Michigan Department of Transportation and has been approved by NJ TRANSIT; and

WHEREAS, the NJ TRANSIT Office of Business Development (OBD) has reviewed the bid and assigned a TVM goal; and

WHEREAS, staff seeks authorization to use the Michigan Department of Transportation contract for the purchase of 19 battery electric vans;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to approve the use of the Michigan Department of Transportation procurement for the purchase of 19 battery electric vans for subrecipients of NJ TRANSIT's Local Programs and Community Mobility department including Access Link, and for a NJ TRANSIT micro transit project, in the amount not to exceed \$3,800,000, plus five percent for contingencies, subject to the availability of funds.

ITEM 2311-79: REGULATIONS: ADOPTION OF N.J.A.C. 16:78 – SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (SCDRTAP)

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

WHEREAS, in accordance with N.J.S.A. 27:25-5(e), (h), and (k) and N.J.S.A. 27:25-6(b), NJ TRANSIT has the statutory authority to promulgate rules and regulations; and

WHEREAS, the Board authorized initiation of the rulemaking process for N.J.A.C. 16:78 et seq., Senior Citizen and Disabled Resident Transportation Assistance Program, at its April 2023 Board meeting; and

WHEREAS, the proposed regulations, set forth in Exhibit A, were published in the New Jersey Register on June 19, 2023, and the comment period expired August 19, 2023; and

WHEREAS, NJ TRANSIT received public comments and Exhibit B contains a list of each of the proposed amendments; and

WHEREAS, staff reviewed the proposed rules and comments, and determined that the rules are necessary, adequate, reasonable, efficient, and responsible to the purposes for which they shall be promulgated, and should be adopted as new rules;

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 adopt N.J.A.C. 16:78 Senior Citizen and Disabled Resident Transportation Assistance Program, consistent with this Board item and corresponding Exhibits.

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(e) In addition to the documentation [in] at (b) above, a parent or guardian must consent to the granting of a boat operator license for any applicant who is under 17 years of age.

(f)-(h) (No change.)

13:82-8.21 General provisions; hull identification numbers

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

(d) The hull identification number must be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat in such a way that alteration, removal, or replacement would be obvious and evident.

(e) (No change.)

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(a)

**NEW JERSEY TRANSIT CORPORATION
Senior Citizen and Disabled Resident
Transportation Assistance Act Program
Guidelines and Procedures**

Proposed New Rules: N.J.A.C. 16:78

Authorized By: New Jersey Transit Corporation, Kevin S. Corbett,
President and Chief Executive Officer.

Authority: N.J.S.A. 27:25-5.e and 27:27-32.a.

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

Proposal Number: PRN 2023-056.

Submit comments by August 19, 2023, to:

Jonathan Bernstein
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246
Email: SCDRTAP@njtransit.com

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 16:78, the Senior Citizen and Disabled Resident Transportation Assistance Act Program Guidelines and Procedures, expired on October 25, 2005. The proposed new rules repromulgate the expired rules, which were first adopted effective October 7, 1985.

In 1981, the voters in this State approved an amendment of the State Constitution, which provided that revenues from casino taxes could be used for additional or expanded transportation services or benefits to senior citizens and people with disabilities. As a result, the 1984 Senior Citizen and Disabled Resident Transportation Assistance Act (Act) was passed. The Act authorized the New Jersey Transit Corporation (“NJ TRANSIT” or the “Corporation”) to use a portion of the taxes derived from the taxation of gambling establishments in Atlantic City to provide additional or expanded transportation services or benefits to senior citizens and people with disabilities.

NJ TRANSIT, consistent with this statutory authority and in conjunction with its Senior Citizen Disabled Resident Transportation Advisory Committee (SCDRTAC) and the 21 counties, enacted rules establishing the Senior Citizen and Disabled Resident Transportation Assistance Program (“SCDRTAP” or “program”). The rules lapsed in 2005. NJ TRANSIT desires to promulgate the previously expired rules as new rules for two main reasons. First, the expired rules proposed herein as new rules modernize the program to reflect current trends in the transportation industry, including the recent emergence of transportation network companies (TNCs). Second, as part of a 2021 consent decree between the Department of Justice and the State of New Jersey and NJ TRANSIT regarding the National Voter Registration Act of 1993 (NVRA), NJ TRANSIT is required to amend its rules to ensure counties

or designated recipients of program funds comply with NVRA guidelines, rules, or regulations for voter registration. The expired rules proposed herein as new rules reflect this requirement. These two recent developments make promulgation of the expired rules proposed herein as new rules both timely and appropriate.

NJ TRANSIT has reviewed the expired rules and proposes them as new rules.

A summary review of the each of the subchapters at N.J.A.C. 16:78 follows:

Subchapter 1, General Overview, describes the purpose of the chapter and sets forth definitions of terms used in this chapter.

Subchapter 2, Apportionment, describes the method of allocating funds to the counties, includes a funding formula, availability of funds for the corporation and the counties, as well as the transfer of funds process when allocations are not expended.

Subchapter 3, Eligibility, describes the eligibility requirements for recipients, service areas, activities, coordination plans, and Local Citizens Advisory Committee requirements.

Subchapter 4, Program Developments and Management, sets forth the methods and requirements for program development and covers regional public hearings, annual audits, technical assistance, and the Corporation’s reporting requirements.

Subchapter 5, Local Assistance Application, sets forth the requirements for the submission of an application by the counties, or their designees, for local assistance under the Senior Citizen and Disabled Resident Transportation Assistance Act. The subchapter includes a description of the eligible entities, the elements of the required description of proposed services, budget, coordination of services, public involvement, and commitment and resolution by the governing body.

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.

Social Impact

The social impact of the expired rules proposed herein as new rules has not changed since the rules were first adopted in 1985 following legislative enactment authorized by the New Jersey Constitution. The program continues to assist counties in developing accessible feeder transportation services and accessible local transit service. It also enables NJ TRANSIT to develop and maintain capital improvements promoting transportation accessibility for senior citizens and people with disabilities, to provide a higher level of accessible public transportation service, and to render technical assistance to the counties.

The Senior Citizen and Disabled Resident Transportation Assistance Act program provides additional transportation services to senior citizens and people with disabilities and has had, and will continue to have, a positive effect on this segment of the population. The program enables this segment of the population to access services in their own communities, whether they are rural or urban, and to more readily remain a part of their communities. The expired rules proposed herein as new rules will continue to have a positive social impact on the populations served.

Economic Impact

There is a positive economic impact of this allocation to the eligible senior citizens and people with disabilities, as well as to local services and businesses patronized by them and the construction and equipment suppliers who assist in the provision of services. In addition, the availability of these services allows, in some cases, individuals to remain active within their community and age in place.

Federal Standards Statement

The expired rules proposed herein as new rules are not subject to any Federal regulations or standards because the requirements of this rulemaking are governed by State statute, beyond the requirements in the National Voter Registration Act of 1993, 52 U.S.C. §§ 20501-11, which are not exceeded but, rather, are included.

Job Impact

The expired rules proposed herein as new rules will not affect the creation or loss of jobs.

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Agriculture Industry Impact

The expired rules proposed herein as new rules will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The expired rules proposed herein as new rules will affect all counties within New Jersey, as well as non-profit agencies designated by a county to apply for funding on their behalf. The expired rules proposed herein as new rules would not impose any reporting, recordkeeping, or compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

NJ TRANSIT does not anticipate any impact on the affordability of housing as a result of the expired rules proposed herein as new rules. The expired rules proposed herein as new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the expired rules proposed herein as new rules would evoke a change in the average costs associated with housing because the expired rules proposed herein as new rules concern a supplemental transportation program for senior citizens and the disabled.

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 expired rules proposed herein as new rules. The expired rules proposed herein as new rules will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the expired rules proposed herein as new rules concern a supplemental transportation program for senior citizens and the disabled.

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 expired rules proposed herein as new rules follows:

CHAPTER 78

SENIOR CITIZEN AND DISABLED RESIDENT
TRANSPORTATION ASSISTANCE ACT PROGRAM GUIDELINES
AND PROCEDURES

SUBCHAPTER 1. GENERAL OVERVIEW

16:78-1.1 Purpose

(a) The general purpose of the Senior Citizen and Disabled Resident Transportation Assistance Program (“SCDRTAP” or “program”) is to make transportation available and accessible for senior citizens and people with disabilities, so that they may obtain the necessities of life, including, but not limited to, employment, post-secondary education, social and recreational activities, shopping, and non-emergency medical services.

(b) The purposes of the SCDRTAP are as follows:

1. To assist counties to:
 - i. Coordinate the activities of the various participants in the program in providing the services to be rendered at the county level and between counties;
 - ii. Develop and provide accessible feeder transportation service to accessible fixed-route transportation services where such services are available, and accessible local transit service to senior citizens and people with disabilities, which may include, but will not be limited to, curb-to-curb service, door-to-door service, feeder service, route deviation service, mobility management, local-fare subsidy, user-side subsidy, which may include, but will not be limited to, private rider, taxi fare, or shared ride subsidy; and
 - iii. Purchase capital equipment to assist in the operation of these services; and
2. To enable the Corporation to:

- i. Coordinate the program within, and among, counties;
- ii. Render technical information and assistance to counties eligible for assistance pursuant to this chapter; and
- iii. Develop, provide, and maintain those portions of capital improvements that afford accessibility to fixed route and other transit services which make rail cars, rail stations, bus shelter, and other bus equipment accessible to senior citizens and people with disabilities.

16:78-1.2 Definitions

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

“Accessible” means a service, vehicle, or facility that can be used by all individuals including, but not limited to, those who cannot negotiate steps or who can negotiate steps only with great difficulty, as well as those with visual and hearing impairments. Such a service or facility shall be considered accessible if it complies with the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., the New Jersey Barrier Free Code, N.J.A.C. 5:23-7, and any other applicable laws, rules, or regulations defining standards for accessibility.

“Board” means the Board of Directors of the New Jersey Transit Corporation.

“Consumers” means senior citizens or people with disabilities. In addition, for purposes of meeting the 51 percent minimum requirement for consumers on local senior citizen and people with disabilities advisory committees, parents or legal guardian of minors with disabilities, and non-professional advocates for developmentally or emotionally disabled persons will be considered consumers.

“Coordinated Human Service Transportation Plan” (CHSTP) means a county-developed, coordinated public transit-human services transportation plan, developed and approved through a process that includes participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public utilizing transportation services, which is intended to identify the transportation needs of individuals with disabilities, older adults, and people with low income, provide strategies for meeting these needs, and prioritize transportation services for funding and implementation, as defined at 49 U.S.C. § 5310.

“Corporation” means the New Jersey Transit Corporation.

“Demand responsive service” means a transportation mode in which a vehicle operates on demand to a variety of different origins and destinations.

“Designated recipient” means a governmental agency or other agency designated by the county to receive program funds.

“Eligible counties” means counties, or the recipient designated by a county, submitting a proposal meeting the program guidelines.

“Feeder service” means transportation that provides a connecting service to or from private or public transportation services including, but not limited to, rail, bus, light rail, ferry, or park and rides.

“Fixed route service” means a transportation mode in which a vehicle operates on a regular basis along a predetermined route, according to a schedule.

“General administration” means the management activities necessary to implement the purpose and objectives of the Senior Citizen and Disabled Resident Transportation Assistance Program. The audit required pursuant to this chapter may be funded as one of the management activities.

“Geographic region” means one of the following regions of the State: the Northern Region encompassing the counties of Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Warren; the Central Region encompassing the counties of Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and Union; and the Southern Region encompassing the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

“Local fare subsidy” means an arrangement in which the county or the designated recipient contracts with private and/or public operators of public transportation to reduce the fare to senior citizens and people with disabilities.

“New Jersey Transit Senior Citizen Disabled Resident Transportation Advisory Committee,” “SCDRTAC,” or “Committee” means a

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committee representing senior citizens, people with disabilities and other interested parties, and advocacy groups representing senior citizens and people with disabilities and other interested parties.

“People with disabilities” means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

“Private ride” means a program whereby the county or the designated recipient reimburses an individual or volunteer who provides transportation to senior citizens and people with disabilities on an incidental and non-commercial basis.

“Route deviation service” means a transportation mode in which a vehicle operates on a regular basis along a predetermined route, according to a schedule but will deviate off the set route for customers that request a deviation.

“SCDRTAP” or “program” means the Senior Citizen and Disabled Resident Transportation Assistance Program.

“Senior citizen” means any individual who is 60 years of age or older.

“Shared ride subsidy” means an arrangement in which the county or the designated recipient contracts with a shared rides operator and/or transportation networking company, as defined in the Transportation Network Company Safety and Regulatory Act of 2017, to reduce its fare to senior citizens and people with disabilities.

“Stakeholder group” means a group of representatives of public, private, and non-profit transportation and human services providers, and members of the public who are directly impacted by community transportation.

“State of emergency” means a situation in which a government is empowered to perform actions or impose policies that it would normally not be permitted to undertake. A government can declare such a state during a natural disaster, civil unrest, armed conflict, medical pandemic or epidemic, or other biosecurity risk.

“Subscription service” means trips provided to riders who make trips on a repeated or recurring basis, such as to school, work, religious services, or dialysis treatment. Subscription service is scheduled once for an ongoing basis.

“Taxi fare subsidy” means an arrangement in which the county or designated recipient contracts with a taxi operator to reduce its fare to senior citizens and people with disabilities.

“Technical assistance” means those activities of NJ TRANSIT, or its representatives, including third-party contractors designed to assist the counties or the designated recipients in planning, organizing, implementing, operating, monitoring, and evaluating existing and future transportation services. The result of technical assistance activities is improvement of the efficiency, effectiveness, and safety of transportation provided to the senior citizens and people with disabilities.

“User side subsidy” means a program in which the county or the designated recipient makes tickets available to senior citizens and people with disabilities to purchase transportation at reduced rates.

SUBCHAPTER 2. APPORTIONMENT

16:78-2.1 General

In each fiscal year there is authorized to the Corporation from the Casino Revenue Fund established pursuant to Section 145 of P.L. 1977, c. 110 (N.J.S.A. 5:12-145), a sum equal to 8.5 percent of the revenues deposited in the Casino Revenue Fund during the preceding fiscal year, as determined by the State Treasurer.

16:78-2.2 Formula

(a) Moneys pursuant to the program will be allocated by the Corporation in the following manner:

1. 85 percent will be available to be allocated to eligible counties for the purposes specified at N.J.A.C. 16:78-1.1(b)1.

2. 15 percent will be available for use by the Corporation for the purposes specified at N.J.A.C. 16:78-1.1(b)2 and for the general administration of the program, but no more than 10 percent of the total moneys allocated pursuant to the program shall be used for the general administration of the program.

(b) The amount of money that each eligible county may receive shall be based upon the number of persons resident in that county of 60 years of age or older expressed as a percentage of the whole number of persons resident in this State of 60 years or older, as provided by the U.S. Bureau of the Census. As similar data becomes available for the disabled population, such data will be used in conjunction with the senior citizens data to determine the county allocation formula. No eligible county will receive less than \$150,000, nor more than 10 percent of the total funds available for allocation to the counties during a fiscal year pursuant to the program. NJ TRANSIT’s Local Programs Support Unit shall establish a minimum and maximum allocation at the start of each fiscal year. No matching funds are required.

16:78-2.3 Funds availability

(a) Available funds must be committed by June 30 of each year, or they will revert back to the General Casino Fund.

(b) The total NJ TRANSIT portion of the annual appropriation can be committed immediately upon adoption of a budget. The Local Programs Support Unit shall have the lead role in preparing the annual program budget. All organization units with eligible projects will submit requests with justification to the Local Programs Support Unit, where requests will be reviewed for appropriateness. Each request will then be reviewed by the SCDRTAC for their comments. The requests, with justification and SCDRTAC comments, will then be reviewed and approved by the Local Programs Support Unit staff before being included in the Corporation’s Capital Program. The Local Programs Support Unit staff shall provide a funding profile to the assigned project manager and work with appropriate staff at NJ TRANSIT Bus, Rail, and Corporate to coordinate activities.

(c) The funds will be committed to a county, or the designated recipients, upon notification of a grant award by NJ TRANSIT. NJ TRANSIT will commit funds to a county, or the designated recipients, based on the following criteria:

1. NJ TRANSIT will distribute an annual application for funds to recipients. The county, or its designated recipient, must complete and submit an annual application to NJ TRANSIT within six weeks of receiving the application for funds available for the calendar year starting the following January 1. NJ TRANSIT may change or extend this date based upon the availability of appropriations information.

2. County contracts will run from January 1 through December 31 and require monthly financial reports with supporting documentation to be submitted within 45 days of the end of the month. This is a reimbursement program requiring the county, or designated recipient, to pay all expenses in the first instance and then submit adequately detailed invoices to NJ TRANSIT for reimbursement. When warranted, monthly advances up to one quarter of an approved application’s operating budget may be given, but future payments will be withheld if financial reports are not received when due.

3. The balance of county funds remaining unexpended and/or unobligated by the county after a grant close-out has been completed will be returned to NJ TRANSIT. Unexpended county funds at the end of the contract period will be reallocated as set forth at N.J.A.C. 16:78-2.4.

16:78-2.4 Transfer of allocations

Any unexpended funds remaining at the end of the contract period will, after appropriate close-out and audit, be available to the county to which funds were originally allocated. Each county will be eligible to submit a detailed proposal for any available funds. If the county does not submit a proposal, NJ TRANSIT may reallocate those funds to other eligible counties. Funds not expended will be reallocated by NJ TRANSIT based on the census formula specified at N.J.A.C. 16:78-2.2(b) for the following year’s allocations.

SUBCHAPTER 3. ELIGIBILITY

16:78-3.1 Eligible recipients

(a) The governing body of the county is an eligible recipient and may make application to the Board for moneys available pursuant to N.J.A.C. 16:78-2.2(a)1. The governing body of a county may relinquish this designation to an agency, public or private non-profit, or another governmental entity or group(s) to replace it as the applicant.

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Relinquishing this designation requires that a public hearing be held. NJ TRANSIT will only release the funds to one applicant from each county.

(b) The purpose of the public hearing is to afford an opportunity for senior citizens, people with disabilities, and other interested individuals or parties, to comment on the appropriateness of such designation.

16:78-3.2 Eligible service area

The recipients are required to provide service at least five miles beyond county boundaries pursuant to the program for any eligible residents within their service area and are strongly encouraged to go beyond five miles if significant trip generators have been identified, as long as services benefit eligible residents of New Jersey (see N.J.A.C. 16:78-5.4(c)). The annual application should list the services provided beyond the five miles into contiguous counties and should specify the days, times, and level of each service. Recipients are allowed to provide service beyond State boundaries pursuant to the program and are encouraged to do so.

16:78-3.3 Eligible activities

(a) Eligible county activities are as follows:

1. The development and provision of additional or expanded accessible feeder transportation service to accessible fixed-route transportation services must be provided where such services are available, and accessible local transit service to senior citizens and people with disabilities within the entire county and at least five miles beyond county boundaries. Services may include, but not be limited to, door-to-door service, curb-to-curb service, fixed- and route-deviation service, local-fare subsidy, and user-side subsidy which may include, but not be limited to, private ride or shared ride subsidy and to coordinate the activities for the various participants in the program in providing the services to be rendered at the county levels and between counties. Only passenger transportation services are eligible for reimbursement pursuant to the program. The transport or delivery of meals or other goods is not an eligible activity pursuant to the program. Specifically, eligible activities include, but are not limited to, the following:

i. General Administration Activities and Planning: Analysis and inventory of needs, existing services; determination of unmet needs, development of county's coordination plan, analysis of cost, transit asset management, and safety management systems. Also included are day-to-day administrative expenses through either in-house staff or contracted third parties.

ii. Capital Investment: Includes, but is not limited to, the purchase of accessible vehicles, lifts, communications, and other necessary equipment and technology to be used in the delivery of transportation services.

iii. Operating Costs: Any activity related to providing transportation services. Such activities include drivers' salaries, maintenance, insurance, gas and oil, dispatching expenses, driver training, and contracted services, including the purchase of bus and rail fare tickets and passes.

2. The recipients are required to provide transit service for seniors and people with disabilities for the following trip purposes including, but not limited to, employment, post-secondary education, social and recreational activities, shopping, and non-emergency medical services. In order to ensure that activities pursuant to the program meet the purpose of the SCDRTAP, trips should be scheduled on a first-come, first-serve basis; trips cannot be prioritized based on trip purpose so that senior citizens and people with disabilities may obtain the necessities of life. It is recognized that during a state of emergency there may be a need to prioritize trips. Transportation services for medical purposes are eligible, as long as they are of a non-emergency nature. The recipients must make serious efforts to provide transit service for people with disabilities needing employment and post-secondary education transportation. Subscription service is discretionary and is not mandated by this chapter. For counties or designated recipients that provide subscription service, it is recommended that subscription service not absorb more than 60 percent of the available trips.

(b) Eligible NJ TRANSIT activities are as follows:

1. Technical assistance and planning studies to counties eligible for assistance. Such activities may include, but not be limited to, collecting and disseminating information on the coordination of transportation services and funding sources, vehicle scheduling, routing and dispatching, specifications for vehicle procurement and maintenance, and the

maintenance of Statewide databases and websites pertaining to transportation funding available.

2. Accessible capital improvements, which include the design and purchase of capital improvements that provide additional or expanded accessible fixed route and other transit service. These accessible capital improvements include improvement to rail cars, rail stations, buses, bus facilities, light rail vehicles, light rail facilities, transfer points that facilitate coordination between county services and services provided by NJ TRANSIT, and other related rail, light rail, and bus facilities that make transportation services accessible to senior citizens and people with disabilities.

3. Costs associated with the operation and maintenance of additional and expanded accessible capital improvements.

4. The planning, implementation, and operation of Statewide activities or programs that promote the use of or lead to improved additional or expanded accessible transit services.

5. Administration of the program within and among the counties, as well as coordination of NJ TRANSIT's improvements are allowed pursuant to the program. The total dollars allowed for general administration of these activities must not exceed 10 percent of the total monies allocated pursuant to the program.

16:78-3.4 Coordination plan requirements

(a) In order for a county to be eligible for assistance pursuant to the program, the governing body of that county or an agency or group(s) authorized by the governing body to receive funds pursuant to this chapter must develop and maintain a county plan for that assistance in accordance with the program rules. A Coordinated Human Service Transportation plan consistent with 49 U.S.C. § 5310, satisfies the requirement for the county plan. The plan must be reviewed and updated every five years. The plan must be reviewed by the stakeholder groups or committees identified during the planning process. The stakeholders should be consulted at a minimum twice a year to review current services and any new needs and deficiencies that have been identified. Addendums to the plan should be made to include any new agencies that are either meeting a deficiency in service or have become part of the county's stakeholder group since the last update. The county plan must also reflect coordination of human service transportation needs of the county and the regions and must be approved by the governing body of that county. These plans shall be subject to approval by the Board. The annual application for funds must support activities identified in the most current approved plan.

(b) The county plan shall include, but not be limited to, the following:

1. Provisions for the coordination of existing and future transportation services at the county level and for inter-county transportation services;

2. Information as to what existing accessible and non-accessible transportation services are available (inventory of existing services);

3. An assessment of transportation needs for individuals with disabilities and senior citizens. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service;

4. Strategies, activities, and projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery;

5. Priorities for implementation based on resources (from multiple program sources), time, cost, and feasibility for implementing specific strategies and activities identified; and

6. The financial resources to be put in place to meet these costs, including fares and/or voluntary contributions/donations.

(c) The application for funds must comply with a comprehensive planning document as described at (b) above. An application for funds must be submitted annually.

(d) In order to afford individuals the capability of influencing transportation decisions at all stages of development, the governing body of each county or designated recipient must appoint members to a local citizen's advisory committee. The objective of the committee is to advise the recipient on planning, implementing, and operating coordinated transportation services at the county level.

(e) The governing body or designated recipient may choose to appoint an existing advisory committee to satisfy the objective set forth in this chapter. However, committee membership must consist of at least 11

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percent consumers (for example, senior citizens and people with disabilities) of the service. The committee shall be involved in the review and development of the annual application of funds.

(f) The recipient shall provide NJ TRANSIT with the following information about the local citizen advisory committee as either part of its annual application or, in the case of notices and minutes, as they become available during the course of the contract year:

1. Committee by-laws;
2. Membership, clearly identifying consumer members, terms of office, positions, and demographics;
3. Notice of meetings, with a minimum of four scheduled meetings a year. Notice shall include date, time, location, and agenda; and
4. Copy of minutes.

SUBCHAPTER 4. PROGRAM DEVELOPMENT AND MANAGEMENT

16:78-4.1 General

(a) NJ TRANSIT, in conjunction with the New Jersey Transit SCDRTAC, its other advisory bodies, representatives, and associations of counties, and other interested parties, has developed this chapter as guidelines for transportation assistance to senior citizens and people with disabilities.

(b) Membership of the SCDRTAC shall consist of senior citizens, people with disabilities, parents or legal guardians, and representatives from State agencies that provide service or research issues pertaining to senior citizens or persons with disabilities. The Committee shall be appointed by the President and Chief Executive Officer of NJ TRANSIT. The mission of the Committee is to provide advice and comment on topics within the statutory authority of the Senior Citizen and Disabled Resident Transportation Assistance Act. The Committee may establish by-laws in order to effectuate the goals of the act and this chapter.

(c) The instrumentalities of local government, particularly the counties of this State, shall play a major role in facilitating the provision of that transportation assistance. NJ TRANSIT and the counties shall coordinate existing transportation services provided at the local level including, but not limited to, those services funded by any other State agency and establish coordinated inter-county transportation services.

16:78-4.2 Regional public hearings

The Corporation shall conduct, annually, at least one public hearing in each of the three geographic regions (North, Central, and South) in order to gather information from interested parties as to the efficiency of the program. A minimum of 30-days notice will be given to every municipal clerk within that geographic region before these meetings. NJ TRANSIT and the local recipients of aid shall make reasonable efforts to provide transit service to the public hearings. These public hearings shall be held at locations that are accessible to senior citizens and people with disabilities. Notification of the public hearing shall be made available to people with visual impairments in accessible formats. A notice of the hearing in the appropriate format shall be made available to organizations representing senior citizens and people with disabilities throughout the State. Notification of the hearing shall also be made available to interested people and organizations through electronic means, such as email and the internet.

16:78-4.3 Annual audit

The Corporation will cause an annual audit to be made of the program and will, if not conducted by the Corporation, employ a recognized accounting firm for that purpose. The expenses of conducting the audit will be considered as part of the cost of the general administration of the program if no other funds are available. In addition to the Corporation's program audit, each local recipient will cause an audit to be made of the local program on an annual basis. The local recipient's audit may be paid for out of local funds received through the program. If the audit is not conducted by the county or the designated recipient, a recognized accounting firm shall be employed by the county or designated recipient. The audit information requested in the contract between the Corporation and the local recipient may be submitted as supplemental schedules to an organization-wide single audit or they may be prepared and submitted separately.

16:78-4.4 Technical assistance

The Corporation will be entitled to call upon the assistance, or contract for services, of any State department, board, bureau, commission, and agency or outside party as may be necessary to implement the provisions of the program.

16:78-4.5 Reporting requirements

The Corporation will submit an annual report to the Legislature covering the period of the previous year. The report will cover the status of the program, including any recommendations concerning the general improvement of mass transit for the senior citizens and people with disabilities. The local recipients of aid will provide information to the Corporation, as requested, on a timely basis to assist the Corporation in preparing this report. The annual report will be available to interested parties on NJ TRANSIT's website.

SUBCHAPTER 5. LOCAL ASSISTANCE APPLICATION

16:78-5.1 General

(a) The governing body of an eligible county, or an agency, group, or groups designated as an applicant by the county as described at N.J.A.C. 16:78-3.1, may make application to the Corporation for funding available pursuant to N.J.A.C. 16:78-2.2(a)1. The application will be in the form of a proposal to the Corporation. This proposal will include, but not be limited to:

1. A description of current and proposed services;
2. A budget;
3. A description of coordination efforts:
 - i. At the county level;
 - ii. With other counties; and
 - iii. With existing fixed routes;
4. A description of the public involvement;
5. Notarized copies of public hearing notice must be submitted with the application. A transcript of public hearing must also be submitted;
6. Any county commissioner resolutions or authorizations:
 - i. Approving the county or the designated recipient (if applicable);
 - ii. Approving the application; or
 - iii. Approving contract for funds pursuant to the program; and
7. Reporting requirements as set forth in the application.

16:78-5.2 Description of current and proposed services

(a) A recipient shall describe, in its application, the current and proposed services as follows:

1. Indicate the services to be provided or proposed. Eligible types of service include, but are not limited to, feeder services, origin to destination, route deviation, local-fare subsidy, and user-side subsidy, which may include, but not limited to, private ride or taxi/shared ride subsidy;
2. Describe the fleet of vehicles to be used in the program. Specify age, type, mileage, funding source, and condition of all vehicles in the fleet. Provide a five-year capital replacement schedule;
3. Describe the days of the week and the hours of the day that service will be available for each type of service to be provided;
4. Describe the procedure that a prospective passenger would follow in order to register for and request transportation, including a description of any advance reservation systems that may be used. Identify any phone numbers or websites that consumers need to be aware of. A description of any fare and/or donation policy shall be included;
5. Describe marketing and public outreach efforts; and
6. Describe recipient's policies and procedures to implement the proposed project, such as driver manual, ADA policy, and procurement policies.

16:78-5.3 Budget

The application must contain a program line item budget that identifies expense categories as identified in the application package. These categories must be aggregated into Administration, Operation, and Capital expense functions. A recipient shall submit two budgets as a part of its application: (1) total program projected expenses for the next fiscal year by funding source, including a detailed budget; and (2) the actual expenses attributable to funding sources from the previous year. Both budgets should be prepared using a January 1 to December 31 calendar year.

16:78-5.4 Coordination

(a) The application must include a description of the means by which the applicant will coordinate:

1. Intra-county transportation;
2. Inter-county transportation; and
3. Existing accessible fixed route services. This description should show that the recipient is implementing the comprehensive planning document described at N.J.A.C. 16:78-3.4. Copies of all subcontracts, agreements, and letters of intent to effectuate this provision shall be submitted to NJ TRANSIT at the beginning of each program year or as they become available.

(b) Intra-county coordination describes the means by which the applicant will coordinate accessible and non-accessible transportation services that operate within the county. Any agencies or organizations that the applicant has an agreement or letter of intent, whereby the applicant will provide transportation service to the senior citizens and people with disabilities within the county should be listed.

(c) Inter-county coordination describes the means by which the applicant will coordinate access and non-accessible transportation services that operate between counties. Any agencies or organizations that the applicant has an agreement or letter of intent, whereby the applicant will provide transportation service to the senior citizens and people with disabilities between counties should also be listed.

(d) Accessible fixed route coordination describes the means by which the applicant will coordinate existing, expanded, or additional accessible and non-accessible transportation for senior citizens and people with disabilities with existing accessible fixed routes operated by public or private operators. An application shall also list any public or private operators of accessible fixed route service that operate in, or through, the service area to which the applicant will provide accessible connecting service to should also be listed.

(e) Description and certification of maintenance of effort (MOE) shall be as follows:

1. The purpose of the SCDRTAP is to provide for additional or expanded transportation services to senior citizens and disabled residents. Designated recipients must maintain the same level of funding for senior citizen and disabled resident transportation services as in prior years.

2. In order to comply with the MOE requirement, the application must contain senior citizen and disabled resident transportation non-capital expense data from the past two years prior to the implementation of the SCDRTAP. This data should include non-capital expenditures of the designated recipient and/or application and any other agency, group, or groups that will participate in the coordinated transportation program.

3. The applicant must complete the MOE Certification, which will be provided by NJ TRANSIT in the annual application.

4. If a local recipient's non-capital budget excluding casino revenue funds falls below the approved MOE because of the discontinuance of an established source of funding, documentation must be provided that shows that the decrease in funding to the transportation program is proportional to the overall decrease of that particular funding source. In addition, the local recipient cannot substitute casino revenue funds for a service previously funded by a discontinued funding source, unless it has been clearly stated in an application, reviewed by the local advisory committee and presented at the annual public hearing.

16:78-5.5 Public involvement

(a) In order to ensure that an opportunity is afforded to any interested individual, agency, or group(s) to comment on the appropriateness of an application it will be necessary to hold a public hearing. A transcript of the hearing must be attached to the application.

1. The governing body of the recipient will also provide an opportunity for interested parties to provide the governing body with any facts, material, or recommendations that would be of assistance regarding the efficiency of the local program.

(b) Notice of any public hearing required to be held pursuant to the application will be published at least 30 days prior to the date in at least two newspapers circulating in the specific geographic area in which the meeting is to be held. Notice of any hearing will also be transmitted, at least 30 days in advance thereof, to every municipal clerk within the specified geographic area where the meeting will be held and to the

Corporation. All public hearings held pursuant to this chapter will be held at locations that are accessible to senior citizens and people with disabilities. The local recipients will make every reasonable effort to provide transportation service to the public hearings.

(c) Notification of the public hearing should be made available to people who have visual impairments in accessible formats. A notice of the hearing in the appropriate format should be mailed to organizations representing senior citizens and people with disabilities throughout the county. The recipient should place a copy of the proposed description of service and proposed line item budget on their website and main branch of county library for public review. Notification of the hearing shall also be made available to interested people and organizations through electronic means, such as email and the internet.

(d) At the public hearing, the applicant shall read into the record, the proposed services and budget. Copies of this material shall be available at the hearing for the general public to review.

(e) Notarized copies of the public hearing notice and the transcript of the hearing shall be submitted with the application. In addition, proof should be provided that the local citizens advisory committee had an opportunity to review and comment on the application at a scheduled meeting.

16:78-5.7 Governing body resolution

(a) The governing body of each county is designated as the recipient of funds available pursuant to the program. If the governing body so chooses to relinquish this designation to an agency or group, it will be necessary for the county commissioners to pass a resolution designating the agency or group. This resolution must be included in the application at time of designation. A new resolution is not required for each annual application if the designated recipient remains the same.

(b) The governing body or the appropriate elected official of the county or the designated recipient must pass a resolution and/or authorize the submission of an application and/or a contractual agreement. This resolution of authorization must be submitted with the application or at the time of contract, whichever is appropriate. The resolution or authorization should provide authority for the recipient to enter into a contractual agreement with NJ TRANSIT to implement the program.

16:78-5.8 Compliance with the National Voter Registration Act of 1993

(a) NJ TRANSIT is obligated to comply with the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. §§ 20501-11, by establishing policies and procedures that implement its statutory requirements and ensure counties or designated recipients of SCDRTAP funds comply with NVRA guidelines, rules, and regulations. Those policies shall include:

1. Distribution of voter registration applications and declination forms during all application, recertification, renewal, and change of address transactions;

2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;

3. Acceptance of completed voter registration application forms for transmittal to the appropriate State election official;

4. Transmittal of accepted registration applications to the appropriate State election official pursuant to statutory deadlines;

5. Retention of voter registration materials not transmitted to State election officials for 22 months, including declination forms;

6. Use of bilingual translation service in jurisdictions subject to the requirements of Section 203 of the Voting Rights Act, 52 U.S.C. § 10503;

7. Participation in NVRA education and training programs;

8. Certification of compliance with the NVRA in monthly reimbursement requests;

9. Appointment of NVRA site coordinators at each office providing community transportation services. These site coordinators shall certify that they will comply with all statutory requirements; and

10. Publicity regarding voter registration opportunities afforded by the NVRA to eligible community transportation clients.

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Senior Citizen and Disabled Resident Transportation Assistance Act Program

Guidelines and Procedures

Notice of Adoption of Proposed New Rules: N.J.A.C. 16:78

Proposed: June 19, 2023 at 55 N.J.R. 1274(a)

Adopted: ____, 2023, by New Jersey Transit Corporation, Kevin S. Corbett, President and Chief Executive Officer.

Filed: ____, 2023 as R. 2023 ____, with **non-substantial changes** not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3)

Authority: N.J.S.A. 27:25-1 et seq., N.J.S.A. 2C:12-1, 117 P.L. 58, 2021

Effective Date:

Expiration Date:

Summary of Public Comments and Agency Responses:

The comment period officially ended on August 19, 2023. The New Jersey Transit Corporation ("NJ TRANSIT") received public comments on the original notice of proposed new rules from David Peter Alan, Chair, Senior Citizens and Disabled Residents Transportation Advisory Committee (SCDRTAC).

General Comments

1. COMMENT: In the "Definitions" sections at §16:78-1.2, our Committee is titled "New Jersey Transit Senior Citizen Disabled Resident Transportation Advisory Committee" and is generally known by its acronym SCDRTAC. We are generally titled with the word "and" between the two categories stated in our name, which are also generally mentioned in the plural. We suggest that, where the official name of our Committee is mentioned in the proposed rules, it would read "Senior Citizens and

Disabled Residents Transportation Advisory Committee.” These changes would have no substantive effect on the rules.

RESPONSE: NJ TRANSIT has replaced “New Jersey Transit Senior Citizen Disabled Resident Transportation Advisory Committee” with “New Jersey Transit Senior Citizens and Disabled Residents Transportation Advisory Committee” In N.J.A.C. 16:78-1.2, Definitions

2. COMMENT: There are many references to “senior citizens” in the proposed rules. We understand that the phrase is used in the statute, and we also note that there is no official requirement that SCDRTAC members or consumers of the transportation services covered under the proposed rules must be U.S. citizens. We suggest that the word “seniors” replace the phrase “senior citizens” where appropriate. Newly-revised rules concerning reduced fare for seniors and persons with disabilities on NJ Transit use the word “seniors”; a practice that we supported when we commented on that proposal.

RESPONSE: The term “senior citizens” is appropriately used pursuant to N.J. Stat. § 27:25-28. Therefore, NJ TRANSIT declines to change the term as suggested.

3. COMMENT: Most of the proposed rules concern the mechanics of the SCDRTAP program and continue procedures that have become customary. We will not comment specifically on those provisions. We do note that there are some suggestions that the proposed rules “encourage” but do not mandate. Those include going beyond five miles outside the county line or crossing a state line (§16:78-3.2), inter-county coordination (§16:78-5.4(c)), and subscription trips not absorbing more than 60% of capacity (§16:78-3.3(a)(2)). We express our hope that such encouragement will be

sufficient to persuade providers to offer the level of mobility that riders who depend on those services will continue to need.

RESPONSE: NJ TRANSIT has carefully considered the implications of the rules as written and has determined the rules to be fair and reasonable.

4. COMMENT: The most important provision that concerns our Committee is §16:78-4.1(b). The first two sentences of that provision reflect historic custom, with the only change concerning the official title of the head of NJ Transit, who has always been the appointing authority for Committee members. The third and fourth sentences of that provision read as follows: “The mission of the Committee is to provide advice and comment on topics within the statutory authority of the Senior Citizen and Disabled Resident Transportation Assistance Act. The Committee may establish by-laws in order to effectuate the goals of the act and this chapter.” This provision reaffirms the broad purview which the Committee has had since it was founded in 1984 under that authority, which we have always accepted. The Committee's leadership team negotiated with NJ Transit's leadership team during the winter. As part of those negotiations, we were able to demonstrate that our purview had always been framed broadly. Accordingly, our Committee commends NJ Transit management for acknowledging our historic purview and the efforts that our Committee has made over the past four decades to improve mobility for the seniors and persons with disabilities who need as much mobility as they can get.

RESPONSE: The language of §16:78-4.1(b) clarifies the duties of the New Jersey Transit Senior Citizens and Disabled Residents Transportation Advisory Committee as

wholly relating to, derived from and contained within N.J.S.A. 27:25-25, et. seq., the Senior Citizen and Disabled Resident Transportation Assistance Act.

Summary of Agency-Initiated Changes: New Jersey Transit Senior Citizens and Disabled Residents Transportation Advisory Committee

In response to comments, NJ TRANSIT made one non-substantial change. The change adds the word “and” in “New Jersey Transit Senior Citizens and Disabled Residents Transportation Advisory Committee” in the definitions section.

Federal Standards Statement

The expired rules proposed herein as new rules are not subject to any Federal regulations or standards because the requirements of this rulemaking are governed by State statute, beyond the requirements in the National Voter Registration Act of 1993, 52 U.S.C. §§ 20501-11, which are not exceeded but, rather, are included.

Full text of the expired rules proposed herein as new rules follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

CHAPTER 78

SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION

ASSISTANCE ACT PROGRAM GUIDELINES AND PROCEDURES

SUBCHAPTER 1. GENERAL OVERVIEW

16:78-1.1 Purpose

(a) The general purpose of the Senior Citizen and Disabled Resident Transportation Assistance Program (“SCDRTAP” or “program”) is to make transportation available and

accessible for senior citizens and people with disabilities, so that they may obtain the necessities of life, including, but not limited to, employment, post-secondary education, social and recreational activities, shopping, and non-emergency medical services.

(b) The purposes of the SCDRTAP are as follows:

1. To assist counties to:

i. Coordinate the activities of the various participants in the program in providing the services to be rendered at the county level and between counties;

ii. Develop and provide accessible feeder transportation service to accessible fixed-route transportation services where such services are available, and accessible local transit service to senior citizens and people with disabilities, which may include, but will not be limited to, curb-to-curb service, door-to-door service, feeder service, route deviation service, mobility management, local-fare subsidy, user-side subsidy, which may include, but will not be limited to, private rider, taxi fare, or shared ride subsidy; and

iii. Purchase capital equipment to assist in the operation of these services;

and

2. To enable the Corporation to:

i. Coordinate the program within, and among, counties;

ii. Render technical information and assistance to counties eligible for assistance pursuant to this chapter; and

iii. Develop, provide, and maintain those portions of capital improvements that afford accessibility to fixed route and other transit services which make rail cars, rail stations, bus shelter, and other bus equipment accessible to senior citizens and people with disabilities.

16:78-1.2 Definitions

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

“Accessible” means a service, vehicle, or facility that can be used by all individuals including, but not limited to, those who cannot negotiate steps or who can negotiate steps only with great difficulty, as well as those with visual and hearing impairments. Such a service or facility shall be considered accessible if it complies with the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., the New Jersey Barrier Free Code, N.J.A.C. 5:23-7, and any other applicable laws, rules, or regulations defining standards for accessibility.

“Board” means the Board of Directors of the New Jersey Transit Corporation.

“Consumers” means senior citizens or people with disabilities. In addition, for purposes of meeting the 51 percent minimum requirement for consumers on local senior citizen and people with disabilities advisory committees, parents or legal guardian of minors with disabilities, and non-professional advocates for developmentally or emotionally disabled persons will be considered consumers.

“Coordinated Human Service Transportation Plan” (CHSTP) means a county-developed, coordinated public transit-human services transportation plan, developed and approved through a process that includes participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public utilizing transportation services, which is intended to identify the transportation needs of individuals with disabilities, older

adults, and people with low income, provide strategies for meeting these needs, and prioritize transportation services for funding and implementation, as defined at 49 U.S.C. § 5310.

“Corporation” means the New Jersey Transit Corporation.

“Demand responsive service” means a transportation mode in which a vehicle operates on demand to a variety of different origins and destinations.

“Designated recipient” means a governmental agency or other agency designated by the county to receive program funds.

“Eligible counties” means counties, or the recipient designated by a county, submitting a proposal meeting the program guidelines.

“Feeder service” means transportation that provides a connecting service to or from private or public transportation services including, but not limited to, rail, bus, light rail, ferry, or park and rides.

“Fixed route service” means a transportation mode in which a vehicle operates on a regular basis along a predetermined route, according to a schedule.

“General administration” means the management activities necessary to implement the purpose and objectives of the Senior Citizen and Disabled Resident Transportation Assistance Program. The audit required pursuant to this chapter may be funded as one of the management activities.

“Geographic region” means one of the following regions of the State: the Northern Region encompassing the counties of Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Warren; the Central Region encompassing the counties of Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and Union; and the Southern Region

encompassing the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

“Local fare subsidy” means an arrangement in which the county or the designated recipient contracts with private and/or public operators of public transportation to reduce the fare to senior citizens and people with disabilities.

“New Jersey Transit Senior **Citizens and Disabled Residents** Transportation Advisory Committee,” “SCDRTAC,” or “Committee” means a committee representing senior citizens, people with disabilities and other interested parties, and advocacy groups representing senior citizens and people with disabilities and other interested parties.

“People with disabilities” means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

“Private ride” means a program whereby the county or the designated recipient reimburses an individual or volunteer who provides transportation to senior citizens and people with disabilities on an incidental and non-commercial basis.

“Route deviation service” means a transportation mode in which a vehicle operates on a regular basis along a predetermined route, according to a schedule but will deviate off the set route for customers that request a deviation.

“SCDRTAP” or “program” means the Senior Citizen and Disabled Resident Transportation Assistance Program.

“Senior citizen” means any individual who is 60 years of age or older.

“Shared ride subsidy” means an arrangement in which the county or the

designated recipient contracts with a shared rides operator and/or transportation networking company, as defined in the Transportation Network Company Safety and Regulatory Act of 2017, to reduce its fare to senior citizens and people with disabilities.

“Stakeholder group” means a group of representatives of public, private, and non-profit transportation and human services providers, and members of the public who are directly impacted by community transportation.

“State of emergency” means a situation in which a government is empowered to perform actions or impose policies that it would normally not be permitted to undertake. A government can declare such a state during a natural disaster, civil unrest, armed conflict, medical pandemic or epidemic, or other biosecurity risk.

“Subscription service” means trips provided to riders who make trips on a repeated or recurring basis, such as to school, work, religious services, or dialysis treatment. Subscription service is scheduled once for an ongoing basis.

“Taxi fare subsidy” means an arrangement in which the county or designated recipient contracts with a taxi operator to reduce its fare to senior citizens and people with disabilities.

“Technical assistance” means those activities, of NJ TRANSIT or its representatives, including third-party contractors designed to assist the counties or the designated recipients in planning, organizing, implementing, operating, monitoring, and evaluating existing and future transportation services. The result of technical assistance activities is improvement of the efficiency, effectiveness, and safety of transportation provided to the senior citizens and people with disabilities.

“User side subsidy” means a program in which the county or the designated

recipient makes tickets available to senior citizens and people with disabilities to purchase transportation at reduced rates.

SUBCHAPTER 2. APPORTIONMENT

16:78-2.1 General

In each fiscal year there is authorized to the Corporation from the Casino Revenue Fund established pursuant to Section 145 of P.L. 1977, c. 110 (N.J.S.A. 5:12-145), a sum equal to 8.5 percent of the revenues deposited in the Casino Revenue Fund during the preceding fiscal year, as determined by the State Treasurer.

16:78-2.2 Formula

(a) Moneys pursuant to the program will be allocated by the Corporation in the following manner:

1. 85 percent will be available to be allocated to eligible counties for the purposes specified at N.J.A.C. 16:78-1.1(b)1.
2. 15 percent will be available for use by the Corporation for the purposes specified at N.J.A.C. 16:78-1.1(b)2 and for the general administration of the program, but no more than 10 percent of the total moneys allocated pursuant to the program shall be used for the general administration of the program.

(b) The amount of money that each eligible county may receive shall be based upon the number of persons resident in that county of 60 years of age or older expressed as a percentage of the whole number of persons resident in this State of 60 years or older, as provided by the U.S. Bureau of the Census. As similar data becomes available for the disabled

population, such data will be used in conjunction with the senior citizens data to determine the county allocation formula. No eligible county will receive less than \$150,000, nor more than 10 percent of the total funds available for allocation to the counties during a fiscal year pursuant to the program. NJ TRANSIT's Local Programs Support Unit shall establish a minimum and maximum allocation at the start of each fiscal year. No matching funds are required.

16:78-2.3 Funds availability

(a) Available funds must be committed by June 30 of each year, or they will revert back to the General Casino Fund.

(b) The total NJ TRANSIT portion of the annual appropriation can be committed immediately upon adoption of a budget. The Local Programs Support Unit shall have the lead role in preparing the annual program budget. All organization units with eligible projects will submit requests with justification to the Local Programs Support Unit, where requests will be reviewed for appropriateness. Each request will then be reviewed by the SCDRTAC for their comments. The requests, with justification and SCDRTAC comments, will then be reviewed and approved by the Local Programs Support Unit staff before being included in the Corporation's Capital Program. The Local Programs Support Unit staff shall provide a funding profile to the assigned project manager and work with appropriate staff at NJ TRANSIT Bus, Rail, and Corporate to coordinate activities.

(c) The funds will be committed to a county, or the designated recipients, upon notification of a grant award by NJ TRANSIT. NJ TRANSIT will commit funds to a county, or the designated recipients, based on the following criteria:

1. NJ TRANSIT will distribute an annual application for funds to recipients. The

county, or its designated recipient, must complete and submit an annual application to NJ TRANSIT within six weeks of receiving the application for funds available for the calendar year starting the following January 1. NJ TRANSIT may change or extend this date based upon the availability of appropriations information.

2. County contracts will run from January 1 through December 31 and require monthly financial reports with supporting documentation to be submitted within 45 days of the end of the month. This is a reimbursement program requiring the county, or designated recipient, to pay all expenses in the first instance and then submit adequately detailed invoices to NJ TRANSIT for reimbursement. When warranted, monthly advances up to one quarter of an approved application's operating budget may be given, but future payments will be withheld if financial reports are not received when due.

3. The balance of county funds remaining unexpended and/or unobligated by the county after a grant close-out has been completed will be returned to NJ TRANSIT. Unexpended county funds at the end of the contract period will be reallocated as set forth at N.J.A.C. 16:78-2.4.

16:78-2.4 Transfer of allocations

Any unexpended funds remaining at the end of the contract period will, after appropriate close-out and audit, be available to the county to which funds were originally allocated. Each county will be eligible to submit a detailed proposal for any available funds. If the county does not submit a proposal, NJ TRANSIT may reallocate those funds to other eligible counties. Funds not expended will be reallocated by NJ TRANSIT based on the census formula specified at N.J.A.C. 16:78-2.2(b) for the following year's allocations.

SUBCHAPTER 3. ELIGIBILITY

16:78-3.1 Eligible recipients

(a) The governing body of the county is an eligible recipient and may make application to the Board for moneys available pursuant to N.J.A.C. 16:78-2.2(a)1. The governing body of a county may relinquish this designation to an agency, public or private non-profit, or another governmental entity or group(s) to replace it as the applicant. Relinquishing this designation requires that a public hearing be held. NJ TRANSIT will only release the funds to one applicant from each county.

(b) The purpose of the public hearing is to afford an opportunity for senior citizens, people with disabilities, and other interested individuals or parties, to comment on the appropriateness of such designation.

16:78-3.2 Eligible service area

The recipients are required to provide service at least five miles beyond county boundaries pursuant to the program for any eligible residents within their service area and are strongly encouraged to go beyond five miles if significant trip generators have been identified, as long as services benefit eligible residents of New Jersey (see N.J.A.C. 16:78-5.4(c)). The annual application should list the services provided beyond the five miles into contiguous counties and should specify the days, times, and level of each service. Recipients are allowed to provide service beyond State boundaries pursuant to the program and are encouraged to do so.

16:78-3.3 Eligible activities

(a) Eligible county activities are as follows:

1. The development and provision of additional or expanded accessible feeder transportation service to accessible fixed-route transportation services must be provided where such services are available, and accessible local transit service to senior citizens and people with disabilities within the entire county and at least five miles beyond county boundaries. Services may include, but not be limited to, door-to-door service, curb-to-curb service, fixed-and route-deviation service, local-fare subsidy, and user-side subsidy which may include, but not be limited to, private ride or shared ride subsidy and to coordinate the activities for the various participants in the program in providing the services to be rendered at the county levels and between counties. Only passenger transportation services are eligible for reimbursement pursuant to the program. The transport or delivery of meals or other goods is not an eligible activity pursuant to the program. Specifically, eligible activities include, but are not limited to, the following:

i. General Administration Activities and Planning: Analysis and inventory of needs, existing services: determination of unmet needs, development of county's coordination plan, analysis of cost, transit asset management, and safety management systems. Also included are day-to-day administrative expenses through either in-house staff or contracted third parties.

ii. Capital Investment: Includes, but is not limited to, the purchase of accessible vehicles, lifts, communications, and other necessary equipment and technology to be used in the delivery of transportation services.

iii. Operating Costs: Any activity related to providing transportation services. Such activities include drivers' salaries, maintenance, insurance, gas and oil, dispatching expenses,

driver training, and contracted services, including the purchase of bus and rail fare tickets and passes.

2. The recipients are required to provide transit service for seniors and people with disabilities for the following trip purposes including, but not limited to, employment, post-secondary education, social and recreational activities, shopping, and non-emergency medical services. In order to ensure that activities pursuant to the program meet the purpose of the SCDRTAP, trips should be scheduled on a first-come, first-serve basis; trips cannot be prioritized based on trip purpose so that senior citizens and people with disabilities may obtain the necessities of life. It is recognized that a during state of emergency there may be a need to prioritize trips. Transportation services for medical purposes are eligible, as long as they are of a non-emergency nature. The recipients must make serious efforts to provide transit service for people with disabilities needing employment and post-secondary education transportation. Subscription service is discretionary and is not mandated by this chapter. For counties or designated recipients that provide subscription service, it is recommended that subscription service not absorb more than 60 percent of the available trips.

(b) Eligible NJ TRANSIT activities are as follows:

1. Technical assistance and planning studies to counties eligible for assistance. Such activities may include, but not be limited to, collecting and disseminating information on the coordination of transportation services and funding sources, vehicle scheduling, routing and dispatching, specifications for vehicle procurement and maintenance, and the maintenance of Statewide databases and websites pertaining to transportation funding available.

2. Accessible capital improvements, which include the design and purchase of capital improvements that provide additional or expanded accessible fixed route and other transit

service. These accessible capital improvements include improvement to rail cars, rail stations, buses, bus facilities, light rail vehicles, light rail facilities, transfer points that facilitate coordination between county services and services provided by NJ TRANSIT, and other related rail, light rail, and bus facilities that make transportation services accessible to senior citizens and people with disabilities.

3. Costs associated with the operation and maintenance of additional and expanded accessible capital improvements.

4. The planning, implementation, and operation of Statewide activities or programs that promote the use of or lead to improved additional or expanded accessible transit services.

5. Administration of the program within and among the counties, as well as coordination of NJ TRANSIT's improvements are allowed pursuant to the program. The total dollars allowed for general administration of these activities must not exceed 10 percent of the total monies allocated pursuant to the program.

16:78-3.4 Coordination plan requirements

(a) In order for a county to be eligible for assistance pursuant to the program, the governing body of that county or an agency or group(s) authorized by the governing body to receive funds pursuant to this chapter must develop and maintain a county plan for that assistance in accordance with the program rules. A Coordinated Human Service Transportation plan consistent with 49 U.S.C. § 5310, satisfies the requirement for the county plan. The plan must be reviewed and updated every five years. The plan must be reviewed by the stakeholder groups or committees identified during the planning process. The stakeholders should be consulted at a minimum twice a year to review current services and any new needs and

deficiencies that have been identified. Addendums to the plan should be made to include any new agencies that are either meeting a deficiency in service or have become part of the county's stakeholder group since the last update. The county plan must also reflect coordination of human service transportation needs of the county and the regions and must be approved by the governing body of that county. These plans shall be subject to approval by the Board. The annual application for funds must support activities identified in the most current approved plan.

(b) The county plan shall include, but not be limited to, the following:

1. Provisions for the coordination of existing and future transportation services at the county level and for inter-county transportation services;
2. Information as to what existing accessible and non-accessible transportation services are available (inventory of existing services);
3. An assessment of transportation needs for individuals with disabilities and senior citizens. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service;
4. Strategies, activities, and projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery;
5. Priorities for implementation based on resources (from multiple program sources), time, cost, and feasibility for implementing specific strategies and activities identified; and
6. The financial resources to be put in place to meet these costs, including fares and/or voluntary contributions/donations.

(c) The application for funds must comply with a comprehensive planning document as

described at (b) above. An application for funds must be submitted annually.

(d) In order to afford individuals the capability of influencing transportation decisions at all stages of development, the governing body of each county or designated recipient must appoint members to a local citizen's advisory committee. The objective of the committee is to advise the recipient on planning, implementing, and operating coordinated transportation services at the county level.

(e) The governing body or designated recipient may choose to appoint an existing advisory committee to satisfy the objective set forth in this chapter. However, committee membership must consist of at least 51 percent consumers (for example, senior citizens and people with disabilities) of the service. The committee shall be involved in the review and development of the annual application of funds.

(f) The recipient shall provide NJ TRANSIT with the following information about the local citizen advisory committee as either part of its annual application or, in the case of notices and minutes, as they become available during the course of the contract year:

1. Committee by-laws;
2. Membership, clearly identifying consumer members, terms of office, positions, and demographics;
3. Notice of meetings, with a minimum of four scheduled meetings a year. Notice shall include date, time, location, and agenda; and
4. Copy of minutes.

SUBCHAPTER 4. PROGRAM DEVELOPMENT AND MANAGEMENT

16:78-4.1 General

- (a) NJ TRANSIT, in conjunction with the New Jersey Transit SCDRTAC, its other advisory bodies, representatives, and associations of counties, and other interested parties, has developed this chapter as guidelines for transportation assistance to senior citizens and people with disabilities.
- (b) Membership of the SCDRTAC shall consist of senior citizens, people with disabilities, parents or legal guardians, and representatives from State agencies that provide service or research issues pertaining to senior citizens or persons with disabilities. The Committee shall be appointed by the President and Chief Executive Officer of NJ TRANSIT. The mission of the Committee is to provide advice and comment on topics within the statutory authority of the Senior Citizen and Disabled Resident Transportation Assistance Act. The Committee may establish by-laws in order to effectuate the goals of the act and this chapter.
- (c) The instrumentalities of local government, particularly the counties of this State, shall play a major role in facilitating the provision of that transportation assistance. NJ TRANSIT and the counties shall coordinate existing transportation services provided at the local level including, but not limited to, those services funded by any other State agency and establish coordinated inter-county transportation services.

16:78-4.2 Regional public hearings

The Corporation shall conduct, annually, at least one public hearing in each of the three geographic regions (North, Central, and South) in order to gather information from interested parties as to the efficiency of the program. A minimum of 30-days notice will be given to every municipal clerk within that geographic region before these meetings. NJ TRANSIT and the local recipients of aid shall make reasonable efforts to provide transit service to the public

hearings. These public hearings shall be held at locations that are accessible to senior citizens and people with disabilities. Notification of the public hearing shall be made available to people with visual impairments in accessible formats. A notice of the hearing in the appropriate format shall be made available to organizations representing senior citizens and people with disabilities throughout the State. Notification of the hearing shall also be made available to interested people and organizations through electronic means, such as email and the internet.

16:78-4.3 Annual audit

The Corporation will cause an annual audit to be made of the program and will, if not conducted by the Corporation, employ a recognized accounting firm for that purpose. The expenses of conducting the audit will be considered as part of the cost of the general administration of the program if no other funds are available. In addition to the Corporation's program audit, each local recipient will cause an audit to be made of the local program on an annual basis. The local recipient's audit may be paid for out of local funds received through the program. If the audit is not conducted by the county or the designated recipient, a recognized accounting firm shall be employed by the county or designated recipient. The audit information requested in the contract between the Corporation and the local recipient may be submitted as supplemental schedules to an organization-wide single audit or they may be prepared and submitted separately.

16:78-4.4 Technical assistance

The Corporation will be entitled to call upon the assistance, or contract for services, of any State department, board, bureau, commission, and agency or outside party as may be

necessary to implement the provisions of the program.

16:78-4.5 Reporting requirements

The Corporation will submit an annual report to the Legislature covering the period of the previous year. The report will cover the status of the program, including any recommendations concerning the general improvement of mass transit for the senior citizens and people with disabilities. The local recipients of aid will provide information to the Corporation, as requested, on a timely basis to assist the Corporation in preparing this report. The annual report will be available to interested parties on NJ TRANSIT's website.

SUBCHAPTER 5. LOCAL ASSISTANCE APPLICATION

16:78-5.1 General

(a) The governing body of an eligible county, or an agency, group, or groups designated as an applicant by the county as described at N.J.A.C. 16:78-3.1, may make application to the Corporation for funding available pursuant to N.J.A.C. 16:78-2.2(a)1. The application will be in the form of a proposal to the Corporation. This proposal will include, but not be limited to:

1. A description of current and proposed services;
2. A budget;
3. A description of coordination efforts:
 - i. At the county level;
 - ii. With other counties; and
 - iii. With existing fixed routes;
4. A description of the public involvement;

5. Notarized copies of public hearing notice must be submitted with the application.
A transcript of public hearing must also be submitted;
6. Any county commissioner resolutions or authorizations:
 - i. Approving the county or the designated recipient (if applicable);
 - ii. Approving the application; or
 - iii. Approving contract for funds pursuant to the program; and
7. Reporting requirements as set forth in the application.

16:78-5.2. Description of current and proposed services

(a) A recipient shall describe, in its application, the current and proposed services as follows:

1. Indicate the services to be provided or proposed. Eligible types of service include, but are not limited to, feeder services, origin to destination, route deviation, local-fare subsidy, and user-side subsidy, which may include, but not limited to, private ride or taxi/shared ride subsidy;
2. Describe the fleet of vehicles to be used in the program. Specify age, type, mileage, funding source, and condition of all vehicles in the fleet. Provide a five-year capital replacement schedule;
3. Describe the days of the week and the hours of the day that service will be available for each type of service to be provided;
4. Describe the procedure that a prospective passenger would follow in order to register for and request transportation, including a description of any advance reservation systems that may be used. Identify any phone numbers or websites that consumers need to be aware of. A description of any fare and/or donation policy shall be included;

5. Describe marketing and public outreach efforts; and

6. Describe recipient's policies and procedures to implement the proposed project, such as driver manual, ADA policy, and procurement policies.

16:78-5.3 Budget

The application must contain a program line item budget that identifies expense categories as identified in the application package. These categories must be aggregated into Administration, Operation, and Capital expense functions. A recipient shall submit two budgets as a part of its application: (1) total program projected expenses for the next fiscal year by funding source, including a detailed budget; and (2) the actual expenses attributable to funding sources from the previous year. Both budgets should be prepared using a January 1 to December 31 calendar year.

16:78-5.4 Coordination

(a) The application must include a description of the means by which the applicant will coordinate:

1. Intra-county transportation;

2. Inter-county transportation; and

3. Existing accessible fixed route services. This description should show that the recipient is implementing the comprehensive planning document described at N.J.A.C. 16:78-3.4. Copies of all subcontracts, agreements, and letters of intent to effectuate this provision shall be submitted to NJ TRANSIT at the beginning of each program year or as they become available.

- (b) Intra-county coordination describes the means by which the applicant will coordinate accessible and non-accessible transportation services that operate within the county. Any agencies or organizations that the applicant has an agreement or letter of intent, whereby the applicant will provide transportation service to the senior citizens and people with disabilities within the county should be listed.
- (c) Inter-county coordination describes the means by which the applicant will coordinate access and non-accessible transportation services that operate between counties. Any agencies or organizations that the applicant has an agreement or letter of intent, whereby the applicant will provide transportation service to the senior citizens and people with disabilities between counties should also be listed.
- (d) Accessible fixed route coordination describes the means by which the applicant will coordinate existing, expanded, or additional accessible and non-accessible transportation for senior citizens and people with disabilities with existing accessible fixed routes operated by public or private operators. An application shall also list any public or private operators of accessible fixed route service that operate in, or through, the service area to which the applicant will provide accessible connecting service to should also be listed.
- (e) Description and certification of maintenance of effort (MOE) shall be as follows:
1. The purpose of the SCDRTAP is to provide for additional or expanded transportation services to senior citizens and disabled residents. Designated recipients must maintain the same level of funding for senior citizen and disabled resident transportation services as in prior years.
 2. In order to comply with the MOE requirement, the application must contain senior citizen and disabled resident transportation non-capital expense data from the past two years

prior to the implementation of the SCDRTAP. This data should include non-capital expenditures of the designated recipient and/or application and any other agency, group, or groups that will participate in the coordinated transportation program.

3. The applicant must complete the MOE Certification, which will be provided by NJ TRANSIT in the annual application.

4. If a local recipient's non-capital budget excluding casino revenue funds falls below the approved MOE because of the discontinuance of an established source of funding, documentation must be provided that shows that the decrease in funding to the transportation program is proportional to the overall decrease of that particular funding source. In addition, the local recipient cannot substitute casino revenue funds for a service previously funded by a discontinued funding source, unless it has been clearly stated in an application, reviewed by the local advisory committee and presented at the annual public hearing.

16:78-5.5 Public involvement

(a) In order to ensure that an opportunity is afforded to any interested individual, agency, or group(s) to comment on the appropriateness of an application it will be necessary to hold a public hearing. A transcript of the hearing must be attached to the application.

1. The governing body of the recipient will also provide an opportunity for interested parties to provide the governing body with any facts, material, or recommendations that would be of assistance regarding the efficiency of the local program.

(b) Notice of any public hearing required to be held pursuant to the application will be published at least 30 days prior to the date in at least two newspapers circulating in the specific geographic area in which the meeting is to be held. Notice of any hearing will also be

transmitted, at least 30 days in advance thereof, to every municipal clerk within the specified geographic area where the meeting will be held and to the Corporation. All public hearings held pursuant to this chapter will be held at locations that are accessible to senior citizens and people with disabilities. The local recipients will make every reasonable effort to provide transportation service to the public hearings.

(c) Notification of the public hearing should be made available to people who have visual impairments in accessible formats. A notice of the hearing in the appropriate format should be mailed to organizations representing senior citizens and people with disabilities throughout the county. The recipient should place a copy of the proposed description of service and proposed line item budget on their website and main branch of county library for public review. Notification of the hearing shall also be made available to interested people and organizations through electronic means, such as email and the internet.

(d) At the public hearing, the applicant shall read into the record, the proposed services and budget. Copies of this material shall be available at the hearing for the general public to review.

(e) Notarized copies of the public hearing notice and the transcript of the hearing shall be submitted with the application. In addition, proof should be provided that the local citizens advisory committee had an opportunity to review and comment on the application at a scheduled meeting.

16:78-5.7 Governing body resolution

(a) The governing body of each county is designated as the recipient of funds available pursuant to the program. If the governing body so chooses to relinquish this designation to an agency or group, it will be necessary for the county commissioners to pass a resolution

designating the agency or group. This resolution must be included in the application at time of designation. A new resolution is not required for each annual application if the designated recipient remains the same.

(b) The governing body or the appropriate elected official of the county or the designated recipient must pass a resolution and/or authorize the submission of an application and/or a contractual agreement. This resolution of authorization must be submitted with the application or at the time of contract, whichever is appropriate. The resolution or authorization should provide authority for the recipient to enter into a contractual agreement with NJ TRANSIT to implement the program.

16:78-5.8 Compliance with the National Voter Registration Act of 1993

(a) NJ TRANSIT is obligated to comply with the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. §§ 20501-11, by establishing policies and procedures that implement its statutory requirements and ensure counties or designated recipients of SCDRTAP funds comply with NVRA guidelines, rules, and regulations. Those policies shall include:

1. Distribution of voter registration applications and declination forms during all application, recertification, renewal, and change of address transactions;
2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;
3. Acceptance of completed voter registration application forms for transmittal to the appropriate State election official;
4. Transmittal of accepted registration applications to the appropriate State election official pursuant to statutory deadlines;

5. Retention of voter registration materials not transmitted to State election officials for 22 months, including declination forms;
6. Use of bilingual translation service in jurisdictions subject to the requirements of Section 203 of the Voting Rights Act, 52 U.S.C. § 10503;
7. Participation in NVRA education and training programs;
8. Certification of compliance with the NVRA in monthly reimbursement requests;
9. Appointment of NVRA site coordinators at each office providing community transportation services. These site coordinators shall certify that they will comply with all statutory requirements; and
10. Publicity regarding voter registration opportunities afforded by the NVRA to eligible community transportation clients.

**REGULATIONS: ADOPTION OF REGULATIONS N.J.A.C. 16:78 SENIOR CITIZEN
AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM
PROPOSED AMENDMENTS**

A review of each of the proposed amendment follows:

At N.J.A.C. 16:78-1.2, Definitions, the following non-substantive amendment will be made:

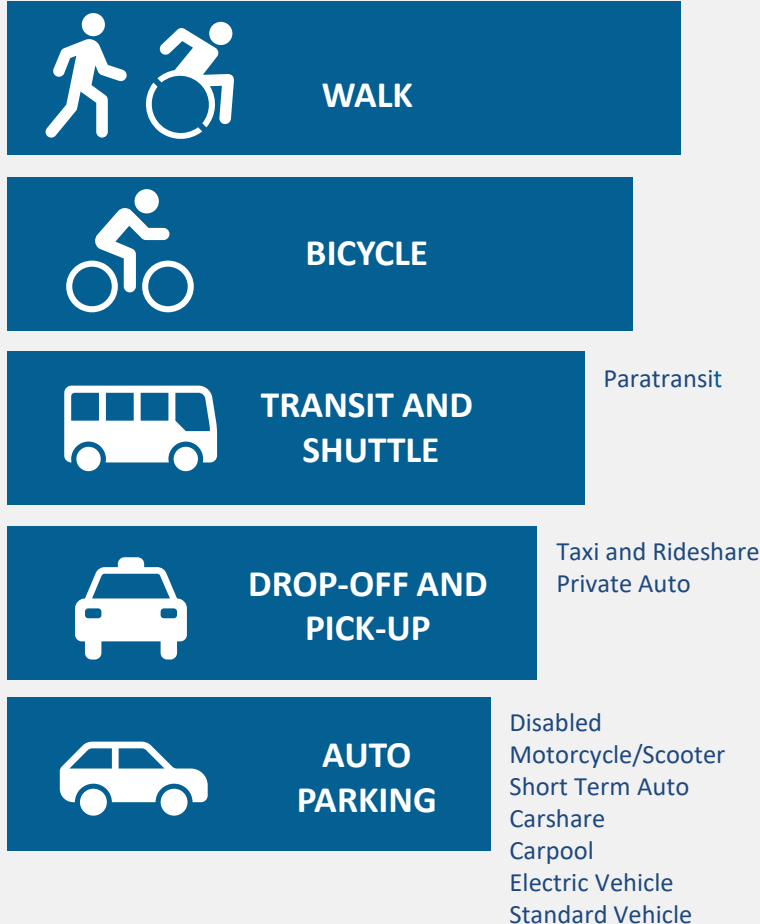
The title “New Jersey Transit Senior Citizen Disabled Resident Transportation Advisory Committee” has been replaced with “New Jersey Transit Senior Citizens **and** Disabled Residents Transportation Advisory Committee.”

ITEM 2311-80: GROUND LEASE FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT



ITEM 2311-80: GROUND LEASE FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT

STATION ACCESS HIERARCHY



TOD GOALS

- Increase **RIDERSHIP**.
- Promote development of **COMPLETE COMMUNITIES**.
- Expand **TRANSPORTATION CHOICES**.
- Increase **EQUITY** and **AFFORDABILITY**.
- Promote **ECONOMIC GROWTH**.
- Increase **SUSTAINABILITY**.
- Create and **CAPTURE VALUE**.

ITEM 2311-80: GROUND LEASE FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT

PROJECT OVERVIEW

Developer:

DOR Woodbridge, LLC (DOR) – Russo Development, Onyx Equities, & Dinallo Development / Terminal Construction

Project Overview:

Mixed-use, phased project, including:

- 235 residential units (20% affordable)
- 244,000 SF of office/medical office
- 12,000 SF of ground floor retail (with flex space)
- Public infrastructure investments (\$3.5M est.)
- Future phases subject to market analysis and stakeholder coordination



ITEM 2311-80: GROUND LEASE FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT

SCHEDULE

Milestones:

- 2020-2021** Procurement Process
- DEC 2021** Exclusive Negotiation Agreement
- JUL 2022** Local Redevelopment Plan Adoption
- OCT 2022** Designation of DOR
- JUL 2023** NJT MDA Board Approval

Next Steps:

- NOV 2023** Office Tenant Announcement
- NOV 2023** NJT Board Consideration of Ground Lease Agreement
- NOV 2023** Township Approval of Redevelopment and Financial Agreements

Construction Schedule:

- Q1 2024** Office Starts (18-24 mos. duration)
- Q1 2024** Initial Public Infrastructure Starts (36-48 mos. duration)
- Q3 2024** Residential & Retail Starts (18-24 mos. duration)



ITEM 2311-80: GROUND LEASE FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT

GROUND LEASE AGREEMENT

Lease Term: 99 years and two (2) 25-year extensions

Up Front Payments: \$3M

Base Rent: \$600,000/yr @ stabilization, 2% annual increases + resets

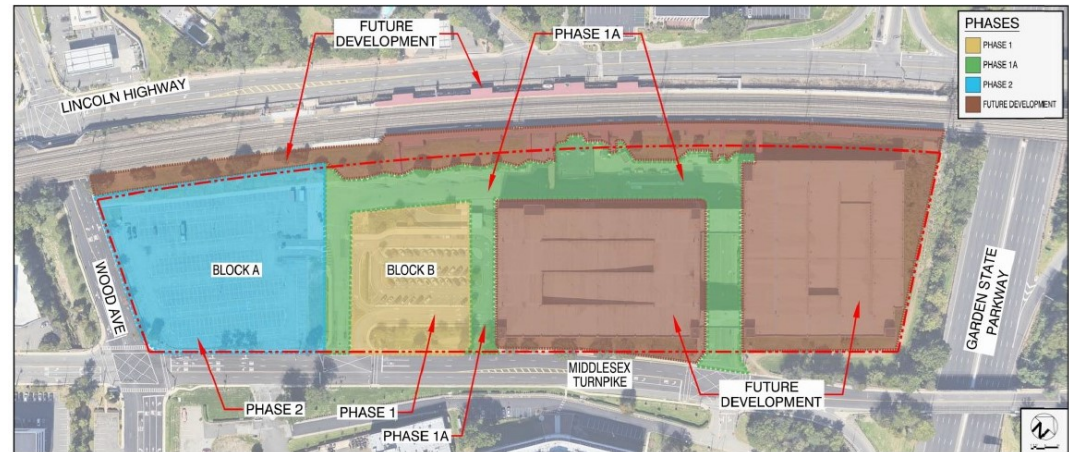
Percentage Rent: 4.5% of gross revenue

Capital Event Participation: 4.5% of Net Benefit

Parking Lease/Revenue: 500 spaces for commercial tenant, 25 years + renewal options; \$300,000 annually, with increases; rent reset in year 25 & TDM requirements

Future Development: Subject to stakeholder coordination & Phase Lease Agreements considered by Board

Construction: requires NJT approval of site plans, phasing, station access and related project plans.



ITEM 2311-80: GROUND LEASE AGREEMENT FOR METROPARK TRANSIT-ORIENTED DEVELOPMENT PROJECT

WHEREAS, consistent with the NJT2030 Strategic Plan and statewide policy objectives, NJ TRANSIT supports Transit-Oriented Development (“TOD”) land use patterns centered at its facilities to support economic development, housing diversity and affordability; grow transit ridership; enhance multimodal access to the transportation system; contribute to environmental sustainability; and maximize the value of its real estate assets; and

WHEREAS, NJ TRANSIT owns approximately twelve acres of land at Metropark Station in Woodbridge Township, Middlesex County (the “Station”), located adjacent to the Northeast Corridor Line (“NEC”) owned and operated by the National Railroad Passenger Corporation (“Amtrak”), which, together with NJ TRANSIT Rail and Bus service at the Station, provides critical inter-regional, state, and local transportation options and connections; and

WHEREAS, in December 2021, following an open competitive procurement process, NJ TRANSIT designated DOR Woodbridge, LLC (“DOR” or the “Developer”) as its conditional development partner to advance a prospective TOD Project at the Station (the “Project”), and entered an Exclusive Negotiation Agreement to facilitate necessary Project planning and initial due diligence leading to a controlling Master Development Agreement (“MDA”) for a Project; and

WHEREAS, the initial phases of the phased development Project will consist of private and public components, including approximately 235 rental apartments with twenty percent of the apartment homes dedicated as affordable housing; retail, medical office and office space; supporting structured and surface parking spaces; and, public infrastructure investments anticipated to include circulation and access improvements that support safe, convenient, and efficient travel to and from the Station; and

WHEREAS, the MDA affords the Developer time to advance certain tasks and obligations in furtherance of a Project, including due diligence and design, advancement of local, county, state, and federal agreements, entitlements and approvals, finalization of the ground lease (“Ground Lease Agreement”), as well as other plans and agreements related to overall Project delivery; and

WHEREAS, execution of the Ground Lease Agreement to convey conditioned development rights at the Station will support implementation of the initial project phases, facilitate analysis, design and coordination of future Project phases, and advance a Project that stands to improve access to the transportation facilities; enhance customer convenience; maximize the value of NJ TRANSIT’s real estate assets; and produce multiple benefits for NJ TRANSIT’s customers and the broader region consistent with the NJT2030 Strategic Plan;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to take all necessary actions to execute the Ground Lease Agreement between NJ TRANSIT and DOR Woodbridge, LLC, and all other necessary agreements to implement a mixed-use, multi-phase Transit-Oriented Development Project at the Station.

ITEM 2311- 81: RECOMMENDATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2023

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

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

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

WHEREAS, on or before October 31, 2023, NJ TRANSIT's independent auditor, Deloitte & Touche LLP (Deloitte), completed its examination of NJ TRANSIT's financial statements for the fiscal year ended June 30, 2023, in compliance with the enabling legislation and requirements of the Executive Orders. Deloitte issued an unmodified opinion, which concluded that the financial statements present fairly, in all material respects, the consolidated net position of NJ TRANSIT as of June 30, 2023, and the changes in its financial position and its cash flows for the year then ended were in conformity with United States generally accepted accounting principles; and

WHEREAS, at its Special Meeting of October 26, 2023, NJ TRANSIT's Audit Committee reviewed the FY23 audited financial statements with Deloitte and senior staff from the Finance Department. The Audit Committee recommended that the FY23 audited financial statements be presented to the Board of Directors for its acceptance and approval; and

WHEREAS, on or before October 31, 2023, NJ TRANSIT filed its FY23 audited financial statements for the fiscal year ended June 30, 2023 with the New Jersey Department of Treasury thereby complying with its enabling legislation;

NOW, THEREFORE, BE IT RESOLVED that in compliance with EO 37 (Corzine 2006), it is respectfully recommended that the Board of Directors accept and approve NJ TRANSIT's audited financial statements for the fiscal year ended June 30, 2023.

ITEM 2311-82: PERSONAL INJURY CLAIM OF MICHAEL CARLE

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

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

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

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

ITEM 2311-83: PERSONAL INJURY CLAIM OF CIRA RAMIREZ

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

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

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

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

ITEM 2311-84: PERSONAL INJURY CLAIM OF INGRID NIEVES

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

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

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

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

ITEM 2311-85: PERSONAL INJURY CLAIM OF THE ESTATE OF SIHAM HAJBI

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

WHEREAS, the Estate of Siham Hajbi has presented a claim with a probable settlement cost greater than \$500,000; and

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

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