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**PUBLIC HEARING**  
before  
**ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE**  
on  
**NEW YEAR'S EVE FREE-RIDE PROGRAM**

Held:  
February 21, 1985  
Metuchen Public Library  
Metuchen, New Jersey

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Thomas P. Foy, Acting Chairman

**ALSO PRESENT:**

Laurence A. Gurman  
Office of Legislative Services  
Aide, Assembly Transportation and Communications Committee

New Jersey State Library

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**ASSEMBLYMAN THOMAS P. FOY (Acting Chairman):** May I have your attention? I apologize for my tardiness. I had a dinner meeting which ran a little longer than expected and, as a result, I was a few minutes late. Again, I beg your indulgence with respect to that.

For those of you who don't know me, my name is Thomas Foy. I am an Assemblyman from the 7th District, which is Burlington and Camden Counties. With me tonight are Mr. David Matos, my aide from the Majority Staff, and Mr. Larry Gurman, the nonpartisan legislative staff member for the Assembly Transportation and Communications Committee.

This meeting is a continuation of the initial hearing that commenced in Trenton regarding the situation that occurred with New Jersey Transit's Free-Ride Program this past New Year's Eve. There was testimony at the previous hearing. Some of you may have been there as reporters. I know there are a number of union officials in the audience. There are a number of officials from New Jersey Transit here, who may recall some of the testimony that occurred with respect to the problems which existed.

I stated then, and I reiterate my position, as a Committee member, that this is no witch hunt. The purpose of this meeting is not to cast aspersions or blame on anyone. Quite candidly, Mr. Premo and the Commissioner of Transportation, Mr. John Sheridan, have willingly accepted the blame and have apologized for the incidents that occurred at that time. I think they are to be commended for that.

The upshot of the last hearing seems to have been an intensified awareness on the part of New Jersey Transit's officials that problems do exist with their commuter lines and with security on a number of the trains they run. They are in the process of seeking appropriate solutions. These hearings are, I believe, a catalyst for the examination of broader issues that impact upon the commuter-traveling public. It is the intention of our Committee not to let this ball drop, but to continue to pursue the situation with respect to New Jersey Transit and the riding public in this State in order to make our transportation system the very finest.

Having heard my sermon, I am sure you are really here to listen to the individuals who want to testify about what occurred.

Over the past six weeks or so, I have received a number of communications and letters regarding what happened from a number of travelers, many of whom are not able to attend the hearings for various reasons. I want to give the people who have come here tonight the opportunity to present their case. I want to hear what they have to say. I also have a letter or two that I would like to read into the record, so that you can get the thrust of what some of the commuters suffered on that New Year's Eve.

I would like the first witness, Christina Weaver, to come forward. Hello. Would you just sit down, and state your name and where you are from into the microphone, please?

**CHRISTINA WEAVER:** I am Christina Weaver. I live in Rahway.

**ASSEMBLYMAN FOY:** All right.

**MS. WEAVER:** Do you want me to tell you what happened?

**ASSEMBLYMAN FOY:** This is informal. You tell us what happened and what was troublesome about that particular ride.

**MS. WEAVER:** As we had done last New Year's Eve, my husband and I went into New York to go to the opera. This time, we intended to come back on the 12:40 a.m. train from New York. When we arrived at Penn Station, there were masses of people milling around. There was a sign that said the train had been delayed, so we waited and waited. No one seemed to know what was going on. We really didn't get a clear idea from the officials what was going on.

Then, the frustrated crowd's feelings intensified and fights broke out. Fights broke out near us. It was a little bit frightening because the whole crowd in the station would surge toward the site of the fight. If you were nearby, you felt that you could be swept up in that. At one point there was someone injured near us. A policeman came over and asked the person, who had two lumps on his face, if he was all right. The policeman said, "What do you want me to do? There are only three of us here." That made us feel real confident, because we didn't know, even then, what was going to happen or where the train was coming from. The last time I left the area, where we were waiting, to find out which track we would have to go to -- we were anticipating a lot of trouble because of the number of people -- was at 1:00, when I

called my parents to let them know the situation. We had left our two-year-old daughter at home with a baby sitter. But, after that we didn't feel we could leave because we would lose our place.

They called the Trenton local train -- the 1:30 or whatever it was -- when we were on the main level. We started to go downstairs to the lower level, but not the level where the train was, and it was terrifying because of the crush of the crowd. We got down to the lower level, but, at that point, the staircase narrowed and I refused to go any further because I was afraid. I was terrified; I was crying. So, we backed up and let all the other people get aboard that train.

We ended up going on the train that was scheduled to leave about 10 or 15 minutes later; it was the shore train. We got on the train, and then we waited. There were no announcements made on the train. We just sat there, and someone in a blue suit who was some type of train official, like a workman, went by. We managed to get his attention; he told us that the train crew was afraid to leave without any police protection. We were afraid to move from our seats because we knew that, in the train behind us, there were fights going on.

My husband has a better idea what times these things took place. We sat, and we were frustrated. Finally, we decided to get off the train. We thought, maybe, we could catch the PATH train. When we tried to get off the train, the doors would not open. We tried to use the emergency openers. We could not open them either. Some of the people whose feelings were deadened or whatever tried to jump-kick the door. They could not open it. That made us feel even worse. We went back to the middle of the train where we had been sitting. Someone else took the window out; it was one of those emergency exits. A couple other people got off. At that point, and this was about the only time we saw a police officer, an officer came up to us and said, "Stay on the train because it is going to leave."

We eventually left. I guess that was the 1:45 train we were on. We left, and we went to Newark. We got home to Rahway -- it is normally a half-hour trip -- at, I guess, about 4:30. At each stop along the way we waited and waited. I don't really know what happened. We got off, and there were police waiting in Rahway. I know

there was at least one other couple, who got off with us, who said that no matter who gave them tickets to a play, they would no longer go to New York on New Year's Eve.

I didn't go to New York to hang around Times Square. I just went to New York to go to a play. That is the way it turned out. There were some kids who were pretty badly beaten up who came through our car as we were waiting to leave Penn Station. I saw that.

ASSEMBLYMAN FOY: All right. Do you mind if I ask you a few questions because I would like to get some details?

MS. WEAVER: Please do, in case I left anything out.

ASSEMBLYMAN FOY: When you got on the first car, how many people were on the car with you?

MS. WEAVER: All the seats were taken, and people were standing in the aisles.

ASSEMBLYMAN FOY: So it was pretty well packed?

MS. WEAVER: Yes. In fact, it was so crowded that, at one point, while we were waiting, someone entered from the car behind us -- where I told you the fights were breaking out -- and couldn't really get through. He raised his hand, and he was wearing a glove which had a piece of lead embedded in the back of it. He was menacing, so the crowd parted and let him through.

ASSEMBLYMAN FOY: Did any of the police come through the car at any particular time?

MS. WEAVER: I don't recall seeing any police come through the car at all.

ASSEMBLYMAN FOY: Did anyone panic when they found that the doors did not open properly?

MS. WEAVER: I did. And that was the feeling I got from the people around me.

ASSEMBLYMAN FOY: Were there any children on the train?

MS. WEAVER: There were some children, about eight or ten years old, who were with their parents.

ASSEMBLYMAN FOY: How would you characterize the crowd on your particular train? Were they people basically similar to you? People who had gone into New York for the night? Or were there some rowdy people on your car?



MS. WEAVER: There were some rowdy people. We tried to stick together with the other people with whom we were sitting in the middle of the car; they looked, to me, to be college kids.

ASSEMBLYMAN FOY: Was anyone drinking, or did anyone have an open container?

MS. WEAVER: No. I don't recall seeing any of that. We also went into New York on the train. I can't really recall whether I saw people drinking or carrying anything then. That memory blurs. I am a commuter on the train, and I recall having seen people get aboard the train, on their way, I assume, to concerts at the Garden, or wherever, just loaded with stuff. Because I have seen it so many times, that memory is blurred.

ASSEMBLYMAN FOY: Would you do it again? Would you take the Free-Ride again?

MS. WEAVER: Not without some assurance that this sort of thing will not happen again. It didn't happen in 1983. I feel a little bit resentful. Why should I be pushed into my car and subjected to the thing that the Free-Ride Program was supposed solve? I am not going to jump aboard that train again without some assurance that things will be different.

ASSEMBLYMAN FOY: Let me ask you something. Generally, as a commuter, do you observe the nature and extent of security when you are traveling?

MS. WEAVER: This isn't a reflection on the trainmen, because I don't think it is their job. It is very frustrating, however, because I do not feel they have any power. They might have the right kind of personality, in a given situation, to tone a situation down, or whatever, but I don't think that they have any power to really do anything. I think that is the general feeling of everyone. So, you sort of feel--

ASSEMBLYMAN FOY: (interrupting) On your own?

MS. WEAVER: Yes.

ASSEMBLYMAN FOY: You don't regularly see policemen on the trains?

MS. WEAVER: See policemen?

ASSEMBLYMAN FOY: Yes.

MS. WEAVER: No. About the only time I can think of when I might have seen a policeman on a train is if one were called, before a train pulled into a station, to take someone off who would not pay a fare. Something like that.

ASSEMBLYMAN FOY: From your testimony, I don't believe I would be unfair to categorize your feelings on New Year's Eve as somewhat unsafe. Is that fair to say?

MS. WEAVER: More than somewhat unsafe.

ASSEMBLYMAN FOY: You were terrified?

MS. WEAVER: Yes. Not through the course of the entire evening.

ASSEMBLYMAN FOY: Right.

MS. WEAVER: I just had to hope that nothing would happen to me while I sat on that train.

ASSEMBLYMAN FOY: Do you generally feel safe during your normal commute?

MS. WEAVER: Generally, yes. I don't feel any worry at all. That is not due to the presence of any type of security officers; it is just because of the other people who ride the train.

ASSEMBLYMAN FOY: You are not, then, a frequent late-night traveler of trains, or a concert-goer, in the sense of the trains that go into the Garden or the Meadowlands or places like that?

MS. WEAVER: In the last two months, I have been taking the 8:40 p.m. out of Princeton Junction with a great deal of regularity. That, I suppose, is late night. But, no, I have not been going into New York a great deal lately.

ASSEMBLYMAN FOY: Is there anything else that you would like to say?

MS. WEAVER: Not that I can think of.

ASSEMBLYMAN FOY: Thank you very much for taking the time to come before us. We appreciate it; your testimony will be valuable to us.

If I butcher this name, please forgive me. John Miesowicz:  
**JOHN MIESOWITZ:** Perfect. I am John Miesowicz from Rahway. Christina Weaver, who just testified, is my wife.

I would like to begin by saying that the reason I came to testify is because I read some of the newspaper articles about what had gone on and, even though they mentioned some of the events, it seemed to me that there was a real attempt to sweep things under the rug. I remember one quote at the end of one of the articles that was in, I believe, The Star Ledger. One of the State officials said they were looking into it, and if there were any substantial problems, they would investigate further. I think for them to say "if there were" is an absolute joke. We were in Madison Square Garden in Penn Station and there was fighting going on all over the place, as my wife said. When we tried to get aboard the first train, she was absolutely terrorized. She was crying; we were shoved down the stairs. People were constantly shoving their way through and threatening to punch the others if they didn't get out of their way. So, all we could do was get out of their way. We had the feeling that we might never get out of there.

When we finally got on the train, we thought our troubles were over. I think it was about 1:45 a.m. After sitting in the train for nearly an hour, and having no information of any kind, we made an attempt to get off. We could not get off the train. We were locked in; the emergency doors did not work. Inside the car next to us, it was like a civil war. There were constant battles back and forth, and tremendous amounts of noise.

People who had been beaten up and were bleeding would walk through the car in which we were. Our car did not have any fights; however, we got the spillover from the other cars. There was a gang of youths, wearing leather jackets with studs, standing in the halls; they were the ones involved in the fights. They would come back and talk about what was going on.

The worst thing was the fact that the doors were locked. First, if the trainmen were afraid to take the train out, they should have made some type of announcement to let the people know what was going on. Second, they should have let the people out. I don't know what kind of damage the trains sustain when people start knocking windows out, but it was not the fault of the people -- it was the fault of the trainmen for locking the doors. The window closest to

where we were was knocked out, and people went out through it. That happened after we sat on the train for at least an hour and a half. People tried battering the doors to get out and, still, they could not get out. Finally, people were in an absolute panic. The guy who knocked the window out was one of those who had been slightly beaten up in a fight in the next train car. He finally dived out.

At that point, we were going to follow him; however, a policeman came up and would not let us go out the window. He said the train would be leaving. It finally left around 3:30 a.m. It got into Newark, and as it was moving, there were more fights going on. They finally brought some police on. From what we could see, it looked as though the police were engaged in some of the battles. They dragged some people off. The train started moving again. It went to Elizabeth. At that point, we were told that a stab victim had been taken off. An elderly woman walked by, carrying a teen-age boy who had been beaten so badly that he was, basically, senseless. She was trying to get the crowd to start singing to raise our spirits. To tell you the truth, at 4 a.m., people were not really interested in singing camp songs to raise spirits.

It is one thing for them not to prepare adequately. There were thousands of people in Penn Station, just thousands. To have the train not move from 12:10 to 1:30 a.m. was unbelievable. To have no police in Penn Station was unbelievable. Then, to lock people on the train, and not let them off, was even more unbelievable. That is why these tremendous fights broke out, and that is why they continued to break out. The people could not get out. A lot of the people who were terrorized, I believe, would have gotten off that train and would have tried to go elsewhere -- but we just could not get off the train.

I believe the train sustained a lot of damage; however, I certainly could not blame anyone. I wanted to get out too. I would have gone out the window if the police officer had not shown up and made us stay aboard the train. This, I did not appreciate a whole heck of a lot. Even if the train was going to move, it was not as if a police officer was going to get on and sit with us. As far as I could tell, there were no police officers on that train when it left Penn

Station for Newark. Even though we were moving slowly, we were still trapped in the same situation. You tend to be rather resentful over that kind of situation.

I was afraid, although I was probably not as afraid as my wife. It was certainly not a situation I enjoyed. And I would say that 90% of the people were not involved in any of the violence. Most of the people in our car were not involved; they were just trying to get home. There were a lot of teen-agers, but most of them were no problem. There was some drinking, but that was mostly from the spillage of people from the car next door -- from the gang that was there.

It was an experience I will not soon forget. At this point, I cannot honestly say that I will go on another free train. If I read that they were going to have a police officer on every train, or even on every car, I might consider it. In a year, my memory might dull a bit. At this point, however, there is no way in the world that you would get me on that train again.

ASSEMBLYMAN FOY: Let me ask you about some of the damage the train sustained. At our last hearing, the Executive Director estimated that the damage was less than \$1,000 for the entire New Year's Eve incident.

MR. MIESOWITZ: That's pretty hard to believe.

ASSEMBLYMAN FOY: I have received subsequent reports that they had to refurbish entire railroad cars.

MR. MIESOWITZ: Yes.

ASSEMBLYMAN FOY: Would you be a little more explicit about the damage that was done in your particular car, which doesn't sound as bad as that which occurred in the car preceding yours?

MR. MIESOWITZ: No one was really trying to rip up our car. Where I was sitting, for instance, the window next to me, along with the rubber rim around it, was thrown out while the train was moving. Let me tell you, there was a cold breeze coming in. Our car seemed to be the safest car. The battle was going on next to us. People were basically just watching what was going on. No one was ripping up seats or anything like that.

Also, there were so many people on the train that it was difficult to move. Every seat was taken. Each armrest had someone sitting on it. People were standing in the aisle. It was as packed as it could possibly get.

ASSEMBLYMAN FOY: Are you a regular commuter on New Jersey Transit?

MR. MIESOWITZ: No, I do not commute every day. I go into New York for basketball games, so it is not unusual for me to come home on a late train. And I don't think I have really experienced anything else like this before.

ASSEMBLYMAN FOY: Did you go on the train the previous year?

MR. MIESOWITZ: Yes, I did.

ASSEMBLYMAN FOY: Did you experience any problems that year?

MR. MIESOWITZ: We made the 12:10 the year before. That may have been the key. (laughter) I wish I had been on it this year. Unfortunately, we decided to take our time in the restaurant, and we regretted it later. I don't know what the 12:10 was like, but I didn't hear any stories about it. The train I was on was truly amazing.

There was, as my wife said, a guy wearing a leather glove with a lead insert on it, walking through the car, waving it at people so they would move out of his way. Looking into the other car, I could not see the entire fight, but I could see him throwing punches. At that time, I didn't realize he was wearing a glove with a lead insert, but I am certainly glad I wasn't in that other car. And I can understand why some of the people walking out of the other car had lumps on their faces. If you get hit with a piece of lead like that, I'm telling you--

ASSEMBLYMAN FOY: (interrupting) Did you see people who were bleeding visibly?

MR. MIESOWITZ: Sure. We had part of the gang sitting within five feet of us, just sort of hanging out. One of the guys in the fight was with them, and he came back bleeding all over the place.

ASSEMBLYMAN FOY: Did the ones who were fighting appear to be either intoxicated or perhaps under the influence of drugs?

MR. MIESOWITZ: Very possibly. There was this group. They had a young woman with them. I would say it had to be drugs; I don't think it could have been alcohol. She was totally out of it. She is one of the ones who climbed out of the window at one point.

ASSEMBLYMAN FOY: While the train was moving?

MR. MIESOWITZ: No. That was when we got to Newark. She was totally out of it. She just left her group. She said she couldn't take it, and walked out. She constantly wandered back and forth. It certainly looked like she was on drugs. She was definitely on something, and I really don't think it was alcohol. A number of those people had beer and such in their hands.

ASSEMBLYMAN FOY: You didn't see any security personnel at this time?

MR. MIESOWITZ: Security personnel? I never saw any security personnel at any point. The only time was when some police finally showed up as the train took off. As we got into New Jersey, it seemed as though there were more police at each station. At Newark there were cops who came on and seemed to get involved in the scuffle with the people in the car next to ours.

ASSEMBLYMAN FOY: Do you recall whether they were New Jersey Transit police or, perhaps, local police from Newark?

MR. MIESOWITZ: I think they were probably local Newark police. When we got to Rahway I know they had the entire police force out. They had obviously been alerted ahead of time. It amazed me that Rahway could have more police than Newark could have in Penn Station. There must have been at least six police officers on the landing at Rahway.

In Penn Station, the cop said he couldn't help the guy who had just been beaten up unless he wanted to go to the hospital; he said he would get him out and send him off to the hospital. Otherwise, he didn't want to know who had beaten up the guy. He said that there were thousands of people and three cops, and they weren't going to try to get involved in any of these fights, because they would probably get killed themselves. That was very comforting. If he was going to take that attitude, he should have just gone home. It appeared, though,

that the police officers were from the local towns, not transit police. I never saw anyone on the train while it was moving.

ASSEMBLYMAN FOY: All right, Mr. Miesowitz. Thank you very much for taking the time to testify. We appreciate it. You have done us a service.

Let me call the next witness, Steve Seligman, from the UTU:

**STEVE SELIGMAN:** Good evening, Assemblyman Foy and honored members of the Committee. My name is Steve Seligman. I am presently an official for the United Transportation Union. I speak to you in many veins tonight. Until May 1, 1984, I was an employee of New Jersey Transit. I am a former union official for New Jersey Transit's trainmen. I am a victim. I was assaulted in 1983 by a drunken passenger who was later convicted. I feel that I have an in-depth knowledge of this situation. I would like to give you some comments, and set the scene more than it has been set by previous witnesses. Also, I humbly apologize for not having a prepared text; I did not know whether or not I could make this engagement tonight.

I am presently employed by Amtrak, and I was the conductor on Amtrak train #66 on New Year's Eve. We did not have any trouble until we made our station stop in Trenton. In Trenton, as we were arriving at the platform, we were greeted by 200-250, possibly more, youths in a state of duress, hysteria, drunk and disorderly, high on drugs -- and four police officers. Needless to say, it was uncontrollable.

At that time, we had open doors on the train, because we thought we were going to load normal passengers. This, however, was not to be the case. I had people lock themselves in the bathrooms of my train, and we did not discover them until arriving in New York. People threatened my crew. To make a long story short, in Trenton, when we left the station, we left as many of the people there as we could, because Amtrak was not running a free program.

When we got to Metro Park, it was much the same thing. There were, possibly, a few less patrons, but they were more violent. They tried to physically mug my flagman on the train that night. Luckily, we were able to get out of that station; as we were pulling out of the station, I witnessed passengers actually kicking at the train. That was the mental state of the people.



When we got to Newark on the number one track at the station, we were on time. Actually, we were early. Looking across the PATH train to the number three and four platforms, there was, at first, one train, then another. I imagine one of them was the 1:30 Trenton local that was delayed.

I have never witnessed anything like this in my life, and I have 11 years in passenger service. People were absolutely packed in each car, like sardines in a can. There was a steady den of noise. There was yelling, screaming, and, seemingly, absolute mayhem. The trains were sitting there. There was no control of the patrons. The doors were open. They couldn't get the people aboard to let the trains proceed. It was just a rotten situation. Obviously, there were not enough police there to handle the situation.

We waited for our time, then proceeded to New York. Upon arriving in New York, we discovered a few more people, as I said, locked in the bathrooms. I called on the radio, and we had police come to our aid. They took care of them.

In New York, I had to go into 40 Office, Amtrak's corridor control center, to deliver some mail that I had been given by the stationmaster in Trenton. There I learned of the situation I had already seen firsthand. In the station, as I made my way to 40 Office, there were packs of youths -- I call them wolf packs -- who were marauding through the station. Women and children were cowering in fear. A climate of fear was in the air.

I have worked every type of hard-rock concert that has ever played on the East Coast, and I have never witnessed anything like this in my life. I was fearful, and I think I am a professional in dealing with the public. I was horrified, to be honest with you.

Let me finish my other thought. There had been a call from 40 Office, once they realized how bad the situation was. They alerted all the local police departments down the line, that they were able to reach, and told them exactly what the situation was. They informed them of stabbings in New York, and asked them to please meet as many trains as possible. New Brunswick, for one, brought an ambulance, or so I am told, and a riot squad. Rahway was well represented. I must

say this: Most of the municipalities that I know of reacted very well. This saved a lot of heartache and damage down the road.

After leaving 40 Office, and walking back through the station, as I said, it was a mob scene. I have never seen -- at any of the concerts -- anything like this at all. There were only seven Amtrak police officers on duty, that I know of. It was uncontrollable. I don't know how many thousands of people were in there, but, obviously, the police were outmanned. To the people who testified that the doors were closed, I must say, in deference to them, that it was probably the safest place to be, even though they were fearful of being locked in -- and locked in with rather low-life characters. It is unfortunate that they didn't know it at the time, but that was the best place for them to have been.

I am not here to take potshots at New Jersey Transit. I am not a bitter former employee. That is far from the case. New Jersey Transit should be commended on the progress they have made in the system, and everyone else connected with it should be commended.

Let's set a little scene on that particular night. It was very cold outside; it was raining throughout the entire night; people had nowhere to go, especially, I imagine, with economic conditions being what they are. They figured, "We'll get out of the elements. We'll take our bottles and our drugs, and we'll take a free train ride."

When they got to the end of the line, there was nowhere to go. There was no way to get home. There was no train to take them home. So, they lashed out at the first things they saw: if it was another passenger, so be it; if it was train equipment, who considered that they, too, might be taxpayers who would have to pay for the loss of the equipment down the road, in one way or another? It didn't matter. There was a lot of frustration and absolute mayhem.

On a lot of late-night trains, it is just a matter of fact that this is endemic. It is not so on all of the trains. The 12:40 train to Bay Head has been a problem as long as I have been employed by the former Penn Central, Conrail, Amtrak, New Jersey Transit, et cetera. The situation on that train is not good. The crews that work these trains fear for their safety.

I am a living witness, fortunately, that my situation did not get out of hand worse than it did. I lost three months of work because my back was thrown out of kilter by a person who assaulted me for no reason at all. Some of these are isolated instances, but those are not in question.

As far as remedies go, I can make one suggestion. I don't know if it would be possible, but I believe that additional patrolmen could be obtained through the Federal Safe Streets Fund, or some other type of Federal funding, such as Trenton and Newark are doing. These patrolmen would be stationed during certain critical times, mostly at night, of course. Each town could possibly bear a little of the cost, because the towns are obviously being provided a service by New Jersey Transit.

I just want to set the scenario for that night as vividly as I can. This was probably the highlight of the year, as far as the mobs on the streets are concerned, and it is unfortunate. I am sure that Governor Kean and all of the other people who were involved with the program did not mean for this to happen. It did happen, however, and it happened violently, and it should be stopped.

ASSEMBLYMAN FOY: Thank you very much for your testimony, and for enlightening us with your observations. I have some questions for you. Could you characterize the damage that you observed in terms of what you saw being done to the train, equipment, and whatnot?

MR. SELIGMAN: I can do that. My train was not damaged, other than a few dents on the outside of the coach. I witnessed the 12:40's equipment from down on the platform. I feared for the crewmembers; I am a former official for them. Their fears were justified. I don't know how many windows were knocked out of the 12:40's equipment. There were more than I could count.

ASSEMBLYMAN FOY: More than \$1,000 worth?

MR. SELIGMAN: Well, in deference to Mr. Premo's integrity, I would say that was very conservative. When that train completed its run -- when it got back to New York the next morning -- it was not cleaned and mopped, it was hosed out. There was vomit, blood, trash, litter, however you want to characterize it, on the equipment. It was not good. One thousand dollars would be quite conservative.

ASSEMBLYMAN FOY: Did you observe alcohol and drug use?

MR. SELIGMAN: Rampant.

ASSEMBLYMAN FOY: And did you observe the extent of security that was provided?

MR. SELIGMAN: As the other witnesses testified, it was a mob scene. I don't know how many police officers would have been needed to "keep the crowd orderly." Obviously, there were not enough. And Newark didn't have enough either, when the trains finally reached that destination.

As an example, the car foreman who was inspecting the 12:40's equipment before it went to Bay Head was trying to make a federally regulated air test. This was one of the reasons it was delayed, I found out when I spoke with him later. He would walk one car length -- he had to walk from front to rear, check the condition of the brakes, approve them, make sure they were applying and releasing, et cetera; I don't want to bore you with this -- then, someone would pull the dumper valve. The foreman would go back and start again. Obviously, you could see that it was a big game for some of the passengers; however, it wasn't all of them. But this took an hour and a half to complete. So, that was one of the reasons for the delay.

I would also like to say, in reference to their testimony [indicating previous witnesses] and I am not trying to belittle them at all, or belabor the point, but if they had walked around, they could have been shoved off the platform. There is a third rail, which is live, in the station. There were a lot of dangers at that time. The people who were causing the problems had no concern for life or safety.

ASSEMBLYMAN FOY: Is there normally a capacity limit for one of those railway cars?

MR. SELIGMAN: No, not per se. There is nothing written, that I know of. Part of the problem was -- and this may seem simple -- that everyone was coming into the city. And I'm not trying to get Amtrak in trouble, but Amtrak, New Jersey Transit, the Long Island Railroad, and Metro North were bringing people in. Everyone was coming into the city, but there was really no provision made to get everyone home. Consequently, there was a bottleneck.

MR. MIESOWITZ: (from audience) I know what was there. The door was there; the instructions were there; the latch was there. We opened it up. We saw emergency--

MR. SELIGMAN: All right. It's highly possible. As I said, in deference to everyone, it is possible that particular door was not functioning. That happens.

MR. MIESOWITZ: It is more than highly possible. I tried it myself and it didn't work.

MR. SELIGMAN: As I said, I am not--

MR. MIESOWITZ: Let's set it straight.

MR. SELIGMAN: All right. No problem.

ASSEMBLYMAN FOY: The overcrowding that is characteristic of a commuter train doesn't gel with all of the other elements that seemed to come together in the worst possible form on New Year's Eve; is that correct?

MR. SELIGMAN: I left New York at 6 p.m. The rush hour was over rather early, as it normally is on New Year's Eve. New Year's Eve has certain patterns that are endemic to it. Usually, everyone is leaving the city by 2-3:00 p.m., and everyone is starting to come in around 5-5:30 p.m.

Basically, the station in New York, as I left it, was pretty quiet. As a matter of fact, and pardon my French, all hell broke loose at a later hour.

ASSEMBLYMAN FOY: We were told earlier that 1983 was basically devoid of incidents. We did not hear of your particular incident. Tell us, for a moment, if you will, what happened to you in 1983. Was it a freak thing?

MR. SELIGMAN: No. The incident in which I was involved did not happen on New Year's Eve. Let me clarify that. It happened on a Saturday evening at 6:30 in September, 1983. I had an altercation on a train with a person who was later convicted of simple assault, but who also admitted in his testimony that he had been drinking and was drunk at the time. This was in Newark Municipal Court.

As I said, I lost three months work. I suffered considerable pain. As a matter of record, the company has been a little lax in some areas -- and I will pull a personal item out here --

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As I said, I lost three months work. I suffered considerable pain. As a matter of record, the company has been a little lax in some areas -- and I will pull a personal item out here -- as far as settling claims with employees and providing them with legal representation. I had to provide my own lawyer when I went to municipal court. The other gentleman brought his lawyer, because the charges were substantial. He also assaulted a Port Authority cop during the course of the arrest; it was a rather flagrant violation, I would say.

ASSEMBLYMAN FOY: You mentioned that the 12:40 train to Bay Head was generally a problem. What things are you aware of that characterize the problems which exist on that train on a regular basis?

MR. SELIGMAN: It is called the Night Owl to Bay Head. Among the people that work it, that is its designation; it is not called the 12:40; as far as its scheduled time, it is the 12:40. It has been commonly abused by a certain clientele, who seem to come in groups commonly called wolf packs.

They do not seem to want to pay fares. They seem to want to abuse and harass the train crew. And they know that once they leave Newark there is really not much police protection down the line. They will be quiet until they reach Newark. If you don't have them taken off at Newark, providing there was a problem between New York and Newark, you are then stuck with a problem.

ASSEMBLYMAN FOY: Are these teen agers or young adults?

MR. SELIGMAN: I would say they are anywhere from 12 to 21 years of age. It also depends on the crowd. If you have a hockey crowd, the average age might be 18-25; if you have a rock concert, bar the door. In my opinion, rock concerts should be stopped. With the hard, acid-rock groups you are just asking for trouble.

We had one case -- and I don't remember the exact date, but it was in 1983, in South Amboy -- that involved a train we commonly call Trash. It was then the new Comet II equipment. I was told -- but I can't verify this -- that there was a quarter of a million dollars worth of taxpayer damage to this train. The State Police were called, and there were approximately 30 arrests in South Amboy.

Why this happens I don't know. Why do people feel they have to do this? I don't know what it solves. That, however, is a matter of record. I cannot provide the exact date, but it was around September or October, 1983.

ASSEMBLYMAN FOY: Is there a problem with coordination between New Jersey Transit and Amtrak? Is there a lack of cooperation, or certain territorial jealousy?

MR. SELIGMAN: That is probably a good phrase. Obviously -- I am not going to pull any punches -- there are some union problems between the police departments, as to jurisdictional rights. I can't answer for that. There are probably some staffing problems that result from this. I can't speak for the police department, per se, but as far as my people are concerned, they have been basically well treated. And as far as them taking care of our safety and so forth, they have done everything humanly possible. I believe there is an understaffed condition.

ASSEMBLYMAN FOY: Staffing is a problem?

MR. SELIGMAN: I would say so. New Year's Eve was the personification of that condition. There is no way in heck that seven qualified patrolmen -- and let me say that all the patrolmen on both sides are qualified -- could control that mob of people.

ASSEMBLYMAN FOY: Do you think the issue in that particular issue -- and, again, hindsight is always 20/20 -- was a decisional misjudgment? That is, there were adequate police but too many of them were told to stay home because the trains didn't want to pay overtime?

MR. SELIGMAN: I don't know it for a fact, but it is highly possible.

ASSEMBLYMAN FOY: Were all of the police employed by Amtrak and New Jersey Transit on duty that night?

MR. SELIGMAN: No, not as far as I know. And to be honest about it, not everyone wants to work New Year's Eve for two reasons--

ASSEMBLYMAN FOY: (interrupting) No, a lot of people want to drink on New Year's Eve.

MR. SELIGMAN: That's right. But there are two other reasons. First of all, a lot of people want to stay home with their families; second, New Year's Eve is not the safest night to work, especially if you are bringing everyone into one city. They come in, basically, for one reason. The normal people come in for--

ASSEMBLYMAN FOY: (interrupting) They are not all going to plays.

MR. SELIGMAN: No, no. To the people who honestly believe they are coming in to see a play, show, or an event at the Garden -- God bless them. I have no problem with that. But most of the people who come in do so for just one reason: to raise holy heck. That is what they did that night, and it was unfortunate.

ASSEMBLYMAN FOY: All right, Mr. Seligman. Thank you very much for your time. You have been most helpful to the Committee. I would like to call our next witness, Gary Weingart, of the Metuchen Police Department:

GARY WEINGART: Good evening. Approximately three to four days after that famous New Year's Eve train, I had to investigate an assault that happened to a person in Metuchen. It involved a family who rode



this train from New York, a trip which took approximately three-and-a-half hours.

I don't want to go into this too much, because the victim wrote letters and made his feelings known. Also, Amtrak and New Jersey Transit have an investigation report that is probably available to you.

I heard here tonight that there was trouble on a train starting at Trenton and continuing into New York. The first time the Metuchen Police Department was aware of any problem on the trains was at approximately 3:20 a.m. There was no communication between New Jersey Transit and the Metuchen Police Department regarding problems on the trains prior to that. In our first contact of that sort, we were told that a train carrying a crowd which included some drunkenness and an assault victim was coming into Metuchen.

It was supposed to be in Metuchen within eight minutes. The members of our Police Department were on an emergency call at that time, caring for someone with a heart-massage problem. They cleared that up expeditiously, got the person off to the hospital, arrived at the train station within five minutes of the telephone call -- and found the train pulling out.

I spoke to the victim of the assault, which I later investigated. He said the train stopped for approximately 10 minutes in Metuchen. Now, that would lead me to believe that communications were terrible. The train was not coming into Metuchen; it was already in Metuchen. If we had been given ample time -- even if we didn't have police officers to respond -- we would have contacted Edison, a larger municipality. They would have sent police officers to help us.

If New Jersey Transit had problems on the train going to New York, they had hours to plan. They had seven, eight, or nine hours to plan. I think New Jersey Transit did a terrible job, as far as their police department goes. Any time there are calls for problems on a train with commuters, visitors to the city, or drunks, the New Jersey Transit Police Department does not arrive until 30-45 minutes after the arrest is already conducted. They come in just to pick up the paper work at police headquarters.

I have yet to see any officers from New Jersey Transit come into the Metuchen Police Department and say, "We arrested this person on a train for assault," or for any incident. They are never the arresting authority. They just come in to pick up the paper work. I could understand it if they had only five or six people to cover all the trains in New Jersey at one time.

I have a suggestion. In Middlesex County we have a county-wide hot line. There could be, within each train, a direct hook-up to every police station along the line. It would only be a matter of a couple of hundred dollars worth of communication equipment.

ASSEMBLYMAN FOY: From within the train itself?

MR. WEINGART: From within the train itself. If the train has to radio the tower, and the tower has to take time to get the information they are being given, and then find out where they are going to be -- where and when their next stop will be -- and then they have to call the police department, they are losing five to ten minutes. In the case of Metuchen, they would already be through Metuchen. Our community is only about two miles long.

ASSEMBLYMAN FOY: I don't know how familiar you are with train security; however, are there security buzzers on the train seats, whereby a passenger can buzz a security officer if there is an incident? (nodding to member of audience) You are shaking your head "no."

MR. WEINGART: I have no idea. I doubt that.

ASSEMBLYMAN FOY: When you get stuck in an elevator, you can open a box and make a telephone call to get someone to come to your rescue. Is there anything like that on the trains?

MR. WEINGART: I don't know. I do know that I was told that the PA systems on these trains were overtaken by gangs of rowdy youths, and that the trainmen had no control at all over the trains.

ASSEMBLYMAN FOY: Do you know whether New Jersey Transit has any kind of master plan, with respect to the handling of emergencies? Have you been contacted by their community relations department?

MR. WEINGART: If they do, Assemblyman, it's a secret. In most instances in the past three or four years where I have come in

contact with the conductors -- for instance, when they have been assaulted or have had unruly passengers -- they have been willing to press charges and take the time to testify in court, if need be.

ASSEMBLYMAN FOY: Did you receive any advance communication from New Jersey Transit about New Year's Eve? Something indicating they were planning their Free-Ride Program, and advising you to get ready? Anything like that?

MR. WEINGART: Not that I know of. That night, the 4-12 and 12-8 shifts had no prior knowledge that large crowds of rowdy people -- or any type problems from the trains -- were expected. As police officers, we were aware there was a free ride into Newark. Had we been notified that they were having problems getting there, we would have been alerted to the problem, and could have made preparation for the rides back.

ASSEMBLYMAN FOY: How did you become aware of the Free-Ride Program? Through newspaper articles and such? Was there no direct contact with the police departments?

MR. WEINGART: No, sir.

ASSEMBLYMAN FOY: Ground Hog's Day has passed, and there was no problem. Have you been made aware of anything upcoming, with respect to St. Patrick's Day?

MR. WEINGART: I heard that St. Patrick's Day is brewing, and could possibly be a repeat of New Year's Eve.

ASSEMBLYMAN FOY: All right. I have no further questions. I certainly thank you for your testimony, and for taking the time to come over and speak to us.

We now have Councilwoman Pam Brown from Metuchen:

**PAMELA BROWN:** Thank you. It's nice to see you again.

ASSEMBLYMAN FOY: It is nice to see you again.

MS. BROWN: I asked to speak last, after the people who came to give testimony this evening concerning what happened on New Year's Eve. My concern with the Committee tonight is to make a point about what appears to be the situation within New Jersey Transit.

As far as New Year's Eve and the events of that night, we are speaking of what has been referred to as a unique situation, something

out of the ordinary. I suggest that what happened on New Year's Eve is perhaps symptomatic of the deficits in the overall organization and running of New Jersey Transit.

On Monday, February 4, and again on Thursday, February 7, commuters, during high-travel hours, experienced delays, some of which were in excess of four hours. New Jersey Transit described these delays as being some of the most serious disruptions ever experienced on the line. What happened during those time periods was very similar to what has been described by some of the people here tonight and by some of those at the previous public hearing in Trenton: There was great overcrowding on the trains; no announcements were made either to commuters on the train or in the station explaining why service was being interrupted or how long the passengers should expect to be delayed; there was no back-up equipment.

Again, I heard that same testimony in Trenton regarding New Year's Eve. There was no effective contingency plan for service interruptions. That was suggested in Trenton concerning what happened New Year's Eve.

New Jersey Transit was unable, in this last situation, to provide shuttle buses to commuters who had to disembark from the train in Rahway, and maneuver around disruption on the tracks, to get to the train going on to New Brunswick.

New Jersey Transit provided for a written customer notice. This customer notice said, basically, that if there is a serious disruption of service during high-usage hours, then New Jersey Transit cannot provide shuttle buses or back-up equipment simply because it happens to occur during high-usage hours. That does not make any sense to me. It suggests that, if there is going to be a delay, it should happen late at night. I have now sat through two hearings, however, in which testimony has been given which indicates that delays occurring late at night have the same problem.

Another suggestion in this notice to the customers is that there is poor communication between Amtrak and New Jersey Transit. And you, Mr. Chairman, referred to that possibility a little earlier this evening.

These complaints came to me from local commuters here in Metuchen. We are planning to institute communication among the municipalities along the main line. We are going to ask them to be in touch with this Committee and New Jersey Transit. I understand that your investigative directive was really to look at the New Year's Eve situation. I suggest that what we have seen here is really symptomatic of, perhaps, deeper problems within the running of New Jersey Transit; we have heard testimony along the same lines on two different occasions.

We suggest that effective methods of communicating the status of service and level of safety commuters can expect be put into effect, whether it be for commuters at 5 p.m., or for couples who have gone into New York to the theater and leave the city at midnight. They should know what to expect on a New Jersey Transit. We also suggest that, somehow, these channels of communication and decision-making between Amtrak and New Jersey Transit be clarified. There is no reason for any person to feel they cannot get on a train in a State where mass transportation is one of our greatest prides. They should be able to get aboard a train and expect a certain level of safety, security, and efficiency. That is all I have to say.

ASSEMBLYMAN FOY: Thank you very much, Councilwoman. I have a couple of questions, since you have some involvement in transportation. Is there a citizen advisory board to New Jersey Transit? Or a commuter advisory board?

MS. BROWN: Someone is shaking a head. I believe there are channels of communication to gain input from commuters. I am not aware of a local group and, as you know, we have a large number of commuters who leave from the Metuchen station. I am not aware of any local group, but I assume New Jersey Transit accepts input from its commuters.

ASSEMBLYMAN FOY: One of your principal concerns, I assume, from what I heard with respect to your municipal position, is that a greater amount of communication and cooperation should exist between New Jersey Transit and the municipalities that the tracks pass through.

MS. BROWN: Yes. One point I made at the earlier hearing was that communication between the municipal police departments along the line and New Jersey Transit should be clarified. And I think the suggestion made by Gary Weingart was quite a good one, in terms of making that communication direct. For the record, I would like to add my fellow Councilmember, John Defoe's, serious concerns about the lack of publicity for tonight's meeting. As a commuter, he feels strongly that notices in the train stations are the most appropriate way to advise commuters that meetings such as this are going to be held. He was unable to stay this evening, so I would just like to add that statement to the record for him.

ASSEMBLYMAN FOY: I appreciate the councilman coming. And I will certainly accept responsibility for that. I won't cast the blame on the staff; I'll wait until we get outside of the building before I talk to them about my feelings with respect to publicity.

I cannot always control what is printed in the media. If I could, I would be President. We had hoped for greater publicity and attendance; however, I am grateful to the people who took the time to come on both the short and limited pre-publication notice. The insights we have been given tonight are valuable, and they buttress some of the conclusions we are beginning to cull from the hearings, letters, and what-have-you.

I believe that your conclusion is a correct one: New Year's Eve was not just an aberration; it was an egregious, symptomatic situation of, perhaps, some underlying, structural deficiencies that need to be attacked, addressed properly, and remedied, to prevent this from ever happening again. As the old adage says, "Those who do not learn from the past shall be condemned to repeat it." I don't think anyone wants to be condemned to repeat what happened on New Year's Eve, and what may happen from time to time on other trains.

We are going to work with New Jersey Transit officials -- perhaps I should say they are going to work with us -- to correct some of these problems.

Thank you very much for taking the time to come out. This is your second appearance and we appreciate it greatly.

MS. BROWN: This is my final appearance. (laughter) Thank you.

ASSEMBLYMAN FOY: There are no other witnesses who have signed up. Would anyone else like to address the Committee at this time? (no response) I beg your indulgence, for a moment, to read a letter. This letter was the catalyst for my involvement in this. I am going to tell you the true story of how I became aware of this.

I live in Burlington, down in South Jersey. When I go to the Legislature in Trenton, I drive up on the Pennsylvania side; I cross the Burlington-Bristol Bridge. That is the quickest, most direct route. When I return home in the evenings, I will occasionally stop to have a beer at a local tavern that a friend of mine owns. That is where I first became aware of this New Year's Eve situation. We don't get The Star Ledger down in Burlington County, and The Burlington County Times does not cover activities such as this.

I happened to go into my friend's restaurant and tavern one evening after a legislative session. I sat down, and Paul, the owner, asked, "Tom, may I talk to you about a problem that my daughter and her boyfriend experienced? Perhaps you can help me out." I said, "Sure, what is it?"

"They took the free ride that went into New York for New Year's Eve," Paul said, "and he ended up with a broken nose. My daughter was terrified and was threatened with rape and bodily abuse. I just don't know what to do about it."

I told him that he was talking to the right guy, to a certain extent. I said I didn't know what I could do to remedy that particular situation, but I would certainly work on finding out what happened. And that was the impetus for my involvement. This is the letter I got from the young man about the incident; it is from the boyfriend of the young girl whose father owns the tavern where I happen to have a beer from time to time. (reads letter)

"Dear Mr. Foy:

"The following is an account of what happened on New Year's Eve while traveling on a New Jersey Transit train from Trenton, New Jersey to New York City.

"Traveling from Trenton to New York there were no problems. The train was overcrowded, admittedly. People were standing on and between cars. I did not notice any transit or other police at all on the train. On the trip back, I still did not notice any police at any time. When I decided to go to the restroom, I left my seat and walked toward the restroom, approximately three cars to the rear of the train.

"While walking between two of the cars, an unidentified person struck me forcefully in the face, breaking my nose, for no apparent reason at all. The suspect couldn't be identified by myself, because I didn't see or have any idea who struck me. And being struck, I was stunned. I started back to my seat, where I noticed I was bleeding very badly from the nose.

"The next thing I remember was being stopped and escorted off the train by a transit policeman. That is all I can remember. I was asked several questions, and they offered to take me to a hospital. Not knowing how I would get home, I decided to take the train home.

"The person who hit me was never identified. The next day, January 1, 1985, I went to the hospital back home and received X-rays telling me that my nose had been broken in two places. I have since been operated on, and I am still seeking medical attention.

"A few days after the incident, I gave my report to the New Jersey Transit police; they have a record of what happened to me on New Year's Eve, 1985."

The letter is signed, "Stephen L. Gursky, age 23."

It was an extraordinary situation in terms of what happened. But the fear the Assembly Transportation and Communications Committee has, and the fear that I think many of the commuters have, is that perhaps this is not just something that happened on New Year's Eve, but perhaps this kind of thing can happen again and again and again, unless proper measures are taken.

No one can anticipate everything that is going to happen tomorrow. And casting blame does not accomplish anything. It will be the goal of this Committee, working with New Jersey Transit officials, and getting input from the riding public, to attempt to fashion a packet of remedies.



That may mean hiring more police officers and upsetting the budget process for New Jersey Transit a little. It may mean banning drinking during non-commuter hours; I received enough mail from commuters who like to have a few drinks on the way home that I have no intention of banning the consumption of alcohol during commuter hours. The bill I have introduced will, most assuredly, be amended in Committee to ban drinking from, say, 10 p.m. until 6 a.m. This will address those problem hours on the trains: after concerts, and holidays like St. Patrick's Day and New Year's Eve.

There may be other things we can do to institutionalize some safeguards for the riding public. It may be something as simple as giving better notice, improving communications within the municipalities, or just exercising solid, good common sense -- planning and thinking through an event they know is going to come up some time in the future.

I want to thank everyone: the public, the press, and the Metuchen Public Library for their assistance. This hearing is concluded, and may you all have a safe drive or ride home. Thank you very much.

**(HEARING CONCLUDED)**

