

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

NJ TRANSIT
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May 19, 2022

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, May 11, 2022.

Sincerely,

Meghan Clark Umukoro

Meghan Clark Umukoro
Acting Board Secretary

Enclosures

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

Open Session Minutes of the actions taken at the Board of Directors' meetings of the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. held at NJ TRANSIT Headquarters, One Penn Plaza East, Newark, New Jersey on Wednesday, May 11, 2022. The meetings occurred concurrently.

Board Members

Diane Gutierrez-Scaccetti, Chair (By Phone)
Cedrick T. Fulton, Vice Chair
Noreen M. Giblin, Governor's Representative
Michael Kanef, Treasurer's Representative
James D. Adams, Board Member
Sangeeta P. Doshi, Board Member (By Phone)
Bob Gordon, Board Member - ABSENT
Richard A. Maroko, Board Member
Shanti Narra, Board Member
Rashonda A. Brown, Board Member (Non-Voting)
Karen Thomas, Board Member (Non-Voting)

Staff

Kevin S. Corbett, President & Chief Executive Officer (CEO) (By Phone)
Brian T. Wilton, Chief Legal Officer
Meghan Clark Umukoro, Acting Board Secretary (By Phone)
Eric R. Daleo, Senior Vice President, Capital Programs
Justin P. Davis, Senior Vice President Regulatory & Government Affairs & Chief of Staff
Michael P. Kilcoyne, Senior Vice President, Surface Transit & General Manager, Bus Operations
William Viqueira, Senior Vice President, Chief Financial Officer & Treasurer
Joseph E. Snow, Assistant Attorney General, Office of the Attorney General

Chair Gutierrez-Scaccetti convened the Open Session at 6:01 p.m. in accordance with the Open Public Meetings Act and NJ TRANSIT's enabling legislation. Acting 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 conducted.

Acting Board Secretary Umukoro conducted roll call and noted Board Member Gordon was absent.

Acting 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 May 5, 2022 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 April 13, 2022 Board meetings. Board Member Shanti Narra made the motion, Board Member Richard A. Maroko seconded the motion, and it was adopted.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Abstain	Yes	Yes	Yes

President & CEO’s Monthly Report

President & CEO Corbett said as they continue to come out of the pandemic, he would begin with ridership, which was holding steady on all modes. Weekday rail ridership was more than 55 percent of pre-COVID levels, and average rail ridership on weekends remained at approximately 70 to 80 percent with some trains at 100 percent. Systemwide bus ridership overall remained just shy of 70 percent, with interstate ridership into New York at approximately 65 percent of pre-COVID levels, and intrastate ridership at approximately 75 percent. Light Rail ridership was once again at approximately 75 percent of pre-COVID levels.

President & CEO Corbett said as customers return to their system, it was important to remember that NJ TRANSIT’s service alone allows their state to avoid approximately 6.3 million tons of greenhouse gas emissions every year by providing safe, affordable, and a much more environmentally friendly alternative to the car. NJ TRANSIT proudly celebrated its commitment to improving the environment on Earth Day last month, which provided NJ TRANSIT with the perfect opportunity to promote the essential role that public transit plays in reducing carbon emissions. This included, many of their ongoing environmentally focused initiatives, such as the development launch of their first ever Sustainability Plan, and continuing to advance their ambitious goal to achieve a 100 percent zero-emissions bus fleet by 2040.

President & CEO Corbett said the many environmental benefits they confer to the region would not be possible without the hardworking women and men who operate their NJ TRANSIT buses, trains, and light rail vehicles. This was one reason they were aggressively recruiting, training, and hiring Bus Operators, amid a nationwide shortage of Commercial Driver’s License (CDL) holders. NJ TRANSIT was currently offering a \$6,000 signing bonus for Bus Operators, and provides some of the most competitive benefits in the industry. President & CEO Corbett said whether there today in-person or online, he encourages everyone to help them spread the word about this great career opportunity. President & CEO Corbett said candidates can easily apply through the NJ TRANSIT website at njtransit.com/careers.

President & CEO Corbett said as the warmer weather approaches and people begin to venture out more often, NJ TRANSIT resumed service to the Monmouth Park Racetrack on May 7, 2022, with a great discount package. Rail service to Monmouth Park Station resumed on the North Jersey Coast Line for the start of the live racing season and will continue until the end of the season on September 18, 2022. They also introduced a new Monmouth Park discount package, which included, discounted round-trip transportation, general admission, and an official racing program. For more information, please visit njtransit.com/monmouthpark. President & CEO Corbett said this package represented yet another fun way NJ TRANSIT was working to attract customers back to their system, including Transit to Trails, NJT Rewards, Spring Fling promotion, and the soon to be released summer promotional campaign.

President & CEO Corbett discussed the two legislative hearings he attended earlier that month at the State House in Trenton, both of which covered NJ TRANSIT's proposed Fiscal Year 2023 operating budget, and other areas of the organization such as, service, infrastructure projects, technology, and sustainability. He said he was joined by Commissioner Gutierrez-Scaccetti at these hearings and they were very productive and positive. President & CEO Corbett said the legislators clearly appreciated the many ways they have returned dividends on their investment in NJ TRANSIT, while remaining very candid about the work that still lies ahead and the areas where improvements still need to be made. President & CEO Corbett was proud to point out that the passage of the Governor's Budget will again include no fare increase for customers, for the fifth year in a row under the Murphy Administration.

There were three agenda items that President & CEO Corbett wanted to highlight for Board consideration, one which was the purchase of 143 new cut-away minibuses with lifts, with an option to purchase 308 more in the future, to provide to subrecipients for transportation for senior citizens and people with disabilities in New Jersey. President & CEO Corbett said this purchase was aligned with their Strategic Plan goal to "Power a stronger and fairer economy for all communities in the region," and supports their mission to improve mobility and comfort for senior citizens and people with disabilities throughout the state.

The second agenda item to highlight was a contract to restore full operations to the Oradell Bus Garage, which many may know was completely flooded last year in September by remnants of Tropical Storm Ida. The third item to highlight was the approval to replace up to 351 non-revenue fleet vehicles. President & CEO Corbett said through this purchase NJ TRANSIT will add 129 new electric hybrid vehicles to their fleet of non-revenue vehicles aligned with the Governor's Energy Master Plan.

President & CEO Corbett said on infrastructure they were advancing the Gateway Program. In addition, to the hearings President & CEO Corbett and Commissioner Gutierrez-Scaccetti attended the Regional Plan Association's Centennial Assembly last week, along with both Governor Murphy and Governor Hochul where Gateway was the focus of discussion. The NJ TRANSIT Board of Directors has authorized many Board actions in support of the Gateway Program, including the largest construction award in

NJ TRANSIT's history the Portal North Bridge, which was the first key component of phase one of the overall Program.

President & CEO Corbett said at the Assembly, both Governor Murphy and Governor Hochul expressed their overwhelming support for the Gateway Program, and they now have clear directives from Senator Chuck Schumer and USDOT Deputy Secretary Polly Trottenberg. They were very excited to see this very vital program of national significance finally on the cusp of moving forward from concept to reality.

NJ TRANSIT also celebrated a significant infrastructure milestone last month. President & CEO Corbett said on April 21, 2022, he was proud to join Governor Murphy and many other elected officials to break ground at the Perth Amboy Station, ushering in a major station renovation and expansion. Construction was now underway to make Perth Amboy fully accessible under the Americans with Disabilities Act, providing enhanced options and mobility for people with disabilities. NJ TRANSIT will also completely renovate and expand the station building, including the installation of a new ADA-compliant bathrooms; install two new high-level platforms; install new elevators and ramps; and make many additional station improvements, all while preserving Perth Amboy's historic and distinctive design.

President & CEO Corbett said on the technology front, this week NJ TRANSIT launched two new technology initiatives focused on maximizing the accessibility of public transportation to the greatest extent possible. First, through a new partnership with Magnusmode, NJ TRANSIT will assist neurodiverse customers with the help of Magnus, an illustrated character within the free MagnusCards App. The App combines the specialized instruction with real-world images to aid neurodiverse customers, such as those who are autistic, who could use extra guidance navigating everyday experiences on public transit. Funding for Magnusmode was provided by the Senior Citizen & Disabled Resident Transportation Assistance Program or SCDRTAP. Customers can learn more and find links to download the app at njtransit.com/magnusmode.

NJ TRANSIT has also revamped its accessibility-related website content and user experience, now available at njtransit.com/accessibility. The webpage features new videos about the many services and features of NJ TRANSIT that make it accessible and inviting to all individuals, as well as easy to use links to specific information such as NJ TRANSIT's Reduced Fare Program, community transportation services, and Access Link paratransit service. The videos funded by the FTA's Access and Mobility Partnership Grants Program are captioned in six languages, in addition to English.

President & CEO Corbett said as NJ TRANSIT very much recognizes the critical importance of providing a welcoming and inclusive environment for everyone, customers, and employees, this was the perfect time to share the launch of NJ TRANSIT's newest Company Employee Resource Group, or CERGs as they refer to them. In addition, to this new CERG for People with Disabilities, they have the Black/African American, and CERGs for LGBTQ, Asian American Pacific Islanders, Women, and Emerging Generations.

Lastly, President & CEO Corbett said how pleased he was to attend the TransAction Conference last month in Atlantic City. He said this was the first in-person TransAction Conference in three years, and he was proud that NJ TRANSIT was very well represented, bringing some of their best and brightest to participate in the many informative panels over the three-day conference. President & CEO Corbett said the conference not only provided a productive forum to learn from one another and share best practices, but it was also clear to him that they collectively have turned a page on the darkest chapters of the COVID-19 pandemic.

Public Comments

Chair Gutierrez-Scaccetti asked Acting Board Secretary Umukoro if there were any public comments. Acting Board Secretary Umukoro said there were nine in-person speakers, five pre-registered telephone speakers, and four queued telephone speakers, for a total of eighteen speakers.

Acting Board Secretary Umukoro said in order to give everyone an opportunity to be heard, comments would be limited to three minutes. She said priority access would be given to pre-registered in-person participants, followed by any additional in-person speakers. They would then take comments from pre-registered telephone participants, followed by any additional telephone participants, who queued to speak. Acting Board Secretary Umukoro instructed those participating by telephone, if they have 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.

Sally Jane Gellert, Lackawanna Coalition Chairperson, said Train 6210 on the Montclair/Boonton Line does not stop in Newark for passengers who need to transfer to the Hoboken trains. She said passengers can be caught in a time crunch of either being too early or risk being late to their job or appointments. With Newark being such an important interchange, the Coalition thinks it is important for most, if not all, trains to stop there.

Ms. Gellert said on Tuesday night they learned they did not have Departure Vision, but rather what she called Departure Fiction, which was very unreliable. She said Coalition Chairperson Emeritus David Peter Alan joined their Maestro conference committee meeting from the Mount Arlington Train Station where he was waiting for a 7:31 p.m. train. Ms. Gellert said the train did not show up, their meeting went on, and they realized the next train out of Mount Arlington Station, which was the 8:56 p.m., was also the last train #884. She said they checked the NJ TRANSIT site, seeing that the 7:31 p.m. train #882 had been cancelled at Mount Olive due to mechanical issues. Ms. Gellert said as they continued to watch Departure Vision, they saw several trains departing from that area, including a phantom train that departed from Mount Arlington on schedule, but without being seen by two passengers waiting, therefore, leaving them stranded.

Ms. Gellert said she then looked up the New Jersey Transit Police phone numbers and gave them to David Peter Alan and he called to find out if there was a rescue train sent.

Ms. Gellert said when an app fails there is no recourse, talking to a human being would not only provide better information, but would also enable suggestions to be made and actions taken to resolve passenger problems.

Murray Bodin said he graduated from a technical institute and received his degree in electrical engineering in 1955. He said his first job was with Curtiss Wright and he served on the team that built the first flight simulator for an airplane cockpit. Mr. Bodin said he was also President of the Yonkers Rotary Club and brought in the first woman. He said he also recommended NJ TRANSIT for the route and transportation award. Lastly, Mr. Bodin said it has been a real education learning what NJ TRANSIT does and he thanks all those who helped him.

Ken Dolsky, member of Don't Gas the Meadowlands Coalition, said the Coalition sent a letter to the NJ TRANSIT Board dated May 3, 2022 responding to comments made at the last Board meeting on April 13, 2022. Mr. Dolsky said in order to ensure everyone hears the contents of the letter he would read excerpts in parts. He said it was clear that they were far apart on their perceptions of virtually every aspect of the NJ TRANSITGRID project. Mr. Dolsky said the comments made by Board Members have only widened these differences, not brought them closer together.

Mr. Dolsky went on to provide a summary of the Coalition's perception as outlined in the letter and said a summary in detail will be provided by subsequent speakers. He said the RFP was biased towards a gas power plant solution with virtually no chance that NJ TRANSIT will receive, let alone adopt, a renewable energy solution for implementation now. Mr. Dolsky believes NJ TRANSIT's statements on renewable energy technology acquisition appear to be based on either a lack of understanding as to how renewable energy solutions are bid, constructed, and operate, or NJ TRANSIT's clear preference for a gas power plant, or both, and would welcome any other explanation. He believes the Board's statement describing renewable energy technologies as neither being available or suitable have already eliminated renewable energy based solutions, and since there are virtually no other fossil fuel options, gas has already been selected as the fuel of choice or would certainly be acceptable. Mr. Dolsky said the Board deliberately decided not to request bids for renewable energy-based solutions because it is biased in favor of a gas power plant and was fearful that a renewable energy-based solution would be too competitive. Mr. Dolsky said telling them "let the process work" was disingenuous. He said they see this as a ploy to stop the Coalition from making life difficult for NJ TRANSIT and if they do this, they will end up with a gas power plant and little further recourse.

Mr. Dolsky said members of the Board have made vague, weak, and unsupported statements in an effort to discredit renewable energy technologies. He believes none would be accepted in any rigorous engineering analysis, yet these statements have not been challenged by any other Board Members. He said the Board has not provided any credible criteria for evaluating this type of information.

Mr. Dolsky said Chair Gutierrez-Scaccetti's statement that the timeframe for running clean energy "isn't tomorrow," demonstrates that NJ TRANSIT has created a troubling and

cynical interpretation of state policies as an excuse not to build a gas power plant. Mr. Dolsky said this demonstrates a total lack of understanding of the issues and solutions to the climate crisis. He said based on the history of this project, the Coalition has no confidence in NJ TRANSIT's statements or in its process. Lastly, Mr. Dolsky said the rationale for the Don't Gas the Meadowlands Perception was: First, NJ TRANSIT perceives the RFP sets out a level, unbiased playing field that is open to all technical solutions and favors none.

Samantha DiFalco said while the NJ TRANSIT RFP does not directly mention a specific technology, it limits bidders to submitting design proposals for a centralized energy generation facility, referred to as the Microgrid Central Facility (MCF), to be built on its 20-acre Koppers Koke site in Kearny that it had selected prior to 2019 for its gas power plant. Ms. DiFalco said while NJ TRANSIT is careful to avoid using the word "gas," in the RFP, this is the same solution specified in its April 2020 NJ TRANSITGRID Traction Power System Combined Final Environmental Impact Statement.

Ms. DiFalco said simply because the RFP does not mention specific technology does not make it technology agnostic and this site is only appropriate for a fossil fuel energy source, not a distributed energy source like solar. She believes the RFP provides no support for the siting for solar panels, something a true technology agnostic document would do in order to ensure all technologies have equal support. Ms. DiFalco said at the April 13, 2022 Board meeting, Chair Gutierrez-Scaccetti said that NJ TRANSIT has the opportunity to accept alternative fuel proposals and also said that renewable energy technology was not available, and was supported by Board Member Gordon and Vice Chair Fulton who questioned renewable energy sustainability. It is their perception that the Board Members statement has already eliminated the energy-based solution leaving gas as the only fuel of choice. Ms. DiFalco said NJ TRANSIT could have avoided this by having the RFP ask for bids on both fossil fuels and renewable energy technology, which would have given an apples to apples comparison and accuracy of all renewable technology and comparable costs could have been addressed.

Carol Gay said the third cause of the Don't Gas the Meadowlands perception was the lack of supporting analysis, data, or detail from the Board on their statements on the problems with renewable energy technology. Ms. Gay said Chair Gutierrez-Scaccetti said, in some places that technology that you asked us to look at for the size of their system is not available. Ms. Gay asked, what does this mean, what places, and how does Chair Gutierrez-Scaccetti know this without any apparent analysis, let alone a complete study of the application of renewable energy technologies to the full set of RFP requirements? Ms. Gay said NJ TRANSIT only needs about 150 acres for solar and to the best of their knowledge, NJ TRANSIT has never undertaken a study of available space for solar.

Ms. Gay said Vice Chair Fulton said, they have heard very little discussion from people about the reality of energy development and what it takes to develop the amount of power needed to run a system and to store that energy. She believes this is not true and said the Coalition has provided extensive information on the topic, including the use of solar

energy and how other countries provide traction power. Ms. Gay asked why NJ TRANSIT is not asking for this in its RFP in order to make educated decisions based on TRANSITGRID specifics.

Ms. Gay said Board Member Gordon said, "Let's not lock ourselves into one particular technology, clean energy technologies are changing with lightning speed. What looks good today may not be the best alternative in the future. We need to consider fuel cells and hydrogen and decarbonized gas technologies that we can't even talk about now." Ms. Gay said this was an absurd reason for doing nothing. She said renewable energy technologies are often much more modular than fossil fuel infrastructure, making it much more feasible to upgrade portions of a system as technologies improve.

Rey Watson, 17-year old youth climate organizer, said she was there because she believed her generation deserves a livable future. She said building a gas power plant in 2028 will be a risky financial proposition. Ms. Watson said NJ TRANSIT must be able to demonstrate that it is financially superior to a renewable energy solution. She said Board Member Gordon also said "What he's heard from experts on microgrids, the energy storage technology required does not exist today, maybe a few years off, just not today. And if you want to challenge me on that, I encourage you to point me towards a mass transit system somewhere on the planet that can generate the power and has the storage capability to operate when the sun is not shining." Ms. Watson said that statement was vague and was not backed up with any citations and his second statement was not proof of anything. She said he was essentially arguing that if no one else is doing it, it cannot be done, which is the same as saying no one ever invented anything.

Ms. Watson said the absurdity of this statement is self-evident. She said the Don't Gas the Meadowlands Coalition has provided several examples of transit systems in other countries using solar power to drive trains, demonstrating the basic feasibility of this approach. Ms. Watson said the fact that none of them is on a scale needed by NJ TRANSIT is not proof of the impossibility that Board Member Gordon perceives. She said several times in the past they have explained a synergistic nature of hybrid renewable energy microgrids to the NJ TRANSIT Board and Management. Ms. Watson said a firm fossil fuel power source can be used for short periods only when renewable energy and storage is not sufficient, but apparently this has not been accepted by any member of the NJ TRANSIT Board or management, and the lack of sunlight at night is a fatal flaw for solar energy in their world.

Lastly, Ms. Watson said it is their perception that the NJ TRANSIT Board will accept any statement, no matter how weak or unproven, that supports its position, and has not provided any credible criteria for evaluating this type of information.

Paula Rogovin from Don't Gas the Meadowlands Coalition said the fifth cause of the perception gap was the lack of credibility by the NJ TRANSIT Board and management. She said they previously described their dismay at the way the RFP has twisted and distorted NJ TRANSIT's statements when agreeing to reimagine this project in 2020 and working to maximize the use of renewable energy. Ms. Rogovin said Chair Gutierrez-

Scaccetti stated at the October 21, 2020 Board meeting that if Paula Rogovin (meaning environmental activists) was not happy, the project would not advance.

Ms. Rogovin said before the RFP was issued, they were told they would have the opportunity to review it and that their comments would be included in an addendum. She said despite this, the RFP was delivered to bidders in late December 2021 with no notification to the Coalition. Ms. Rogovin said after inquiring about the RFP's progress, they were told that NJ TRANSIT was discussing with legal counsel whether the procurement rules and process allow broader distribution. Ms. Rogovin said when the RFP was finally released to the public in February 2022, they were told it was not legal for NJ TRANSIT to discuss the RFP and that the Coalition should wait, and be patient, and should have faith in the process. She asked, what did Chair Gutierrez-Scaccetti mean saying, if Paula Rogovin was not happy, the project would not advance. Ms. Rogovin said the coalition took these comments very seriously. However, now feel they have been locked out of the process and the public has been treated with contempt.

Ms. Rogovin noted that at the April 13, 2022 Board meeting, Chair Gutierrez-Scaccetti stated that their coalition kept changing the bar on the agency, however, they did not know what this meant. Ms. Rogovin said that the Coalition wanted to assure the Board and NJ TRANSIT management that they have never changed their objective, and as in 2019, their objective is still the development of a hybrid microgrid powered by renewable energy, incorporating energy storage technologies which may use fossil fuel energy only during emergency situations to ensure a source of firm power for the system. Ms. Rogovin said whatever credibility NJ TRANSIT generated in the October 2020 timeframe with its statement supporting the Governor's direction and personal assurance to her was completely evaporated with this RFP. Lastly, Ms. Rogovin said the coalition has no confidence in NJ TRANSIT's statements or process and hoped that the letter provided on the Coalition's perceptions have been clarified, and that NJ TRANSIT recognizes they have valid reason to view its cause for them to stand down and let the process work as completely unsatisfactory, and would likely result in a selection of a gas-powered solution.

Michael Makarski, member of Affordable Energy for New Jersey and part of the build the TRANSITGRID power plant now folks, said according to the International Energy Agency, oil, coal, and natural gas provide 84 percent of the world's energy, which is just down two percent from 20 years ago. He said oil power is 97 percent of all global transportation, and over the same 20-year period governments according to the world bank have invested over five-trillion dollars in renewable technology. He said for five-trillion dollars in 20 years, the government has made less than two percent in gains, which suggests a pretty dismal return on investment (ROI), and if this is what he would have gotten back from his financial advisor, he would have been fired 18 years ago.

Mr. Makarski said, it would take the Tesla factory 500 years to manufacture enough batteries to hold one days' worth of America's electricity needs. He said the claims of 100 percent renewable energy are nothing more than applause lines and are not real energy policy grounded in basic physics or physical chemistry. Mr. Makarski said the maximum

rate that a solar panel can convert the sun's photons is 33 percent, for wind maximum capture it is 60 percent, but they are there, let's play this game.

Mr. Makarski said to build the wind and solar that the folks there today want, would require the United States and the people of New Jersey to import 100 percent of the 17 critical minerals that are needed to manufacture the solar panels, wind turbines, offshore transmission cables, and the same batteries that everyone believes is going to save the world. He said these batteries are imported right now because they are not made in America, and the only place on the planet where they are being mined, is in China and Russia, and to let him know how that plays out.

Mr. Makarski said despite ignoring the laws of physics and simple geopolitical problems, these same lobbyists come there month after month to threaten the NJ TRANSIT Board, and per his count last month was accused of mass murder at least three times. He said in his eyes that sounds like grounds for a defamation lawsuit, which was beyond him, because he is not an attorney. Mr. Makarski said in the entire history of civilization, tomorrow's energy needs have always been greater than yesterday's needs. Lastly, he said please build a natural gas power plant now.

Tim Sevenser said he was from the Transit Village of Mount Tabor, was a Board member of the New Jersey Association of Rail Passengers, and assisting with Don't Gas the Meadowlands Coalition. He said for many months the Coalition and transit advocates have presented evidence that solar plus energy storage is largely proposed to replace the 140-megawatt gas power plant for the NJ TRANSITGRID. Mr. Sevenser said to their credit, the NJ TRANSITGRID promised a major pivot to renewables last year based on much evidence of solar expertise by the Coalition. He said the Arcadis document cited the following, "A subsequent analysis by NJ TRANSIT which is consistent with our understanding of current market price determined that solar power in conjunction with battery storage meet project demands of 140 megawatts would require solar system covering over 6,000 acres at a cost of over \$1.4 billion."

Mr. Sevenser said in recent estimates for the NJ TRANSITGRID, which was provided by their solar consultant, demand for 140 megawatts could be provided with 350 acres of storage and not 6,000. He said recent evidence was provided from PATCO and distributed to the Board, which showed generation on four NJ TRANSIT train stations, 22 megawatts from 61 acres of parking canopies, which could be mounted with solar panels. Mr. Sevenser said the Koppers Koke site has 130 acres which is slated for warehouses, and could also be mounted with solar panels. He said solar tunnels were being used in Europe, where solar panels are housed above the trains, and this could be done with Newark Broad Street, and they can also be put on I-280. Mr. Sevenser said NJ TRANSIT should follow the lead of PATCO and other agencies around the world and invest in solar.

Sid Madison from Piscataway, New Jersey said he was mad and not going to take this anymore, regarding the lack of seriousness surrounding climate change. He wanted to

make three points, climate science and how badly we need action, the reason why action has not been taken, and an ask for two actions.

Mr. Madison said first, on the climate science, in 2019 over 11,000 climate scientists agreed with the following statement, “Exactly forty years ago scientists agreed that alarming trends for climate change made it urgently necessary to act, yet greenhouse gas emissions are still rapidly rising with increasingly damaging effects on the earth’s climate at an immense increase in scale, in endeavors to conserve our biosphere, it is needed to avoid untold suffering due to the climate crisis.” He said this situation has not changed, and this year the Secretary General of the United Nations said, “Investing in new fossil fuel infrastructure is moral and economic madness.” Second, Mr. Madison said 31 years ago Issac Asimov wrote in the book *Our Angry Earth* answered the question how they got there. Mr. Madison said the scientists cannot make these decisions for us, and the government cannot make them, because the task is too great, especially because legislators and government agencies are under too much pressure in special interests that cripple them, and they will have to be the ones to force government to act.

Mr. Madison said the last part was the Board and NJ TRANSIT, members of the jury who must force government to act. Third, Mr. Madison provided some detail about New Jersey, and said last year Governor Murphy signed Environmental Justice Legislation, which stated that the goal of 50 percent reduction in greenhouse gas emissions by 2030. He said New Jersey has two government agencies considering new fossil fuel infrastructure and many private fossil fuel infrastructure projects. Also, a 2021 study conducted by the Board of Public Utilities (BPU) said those private projects were unnecessary and New Jersey was not living up to its commitment. Mr. Madison said he asks that the Board take two actions to replace the current RFP with a renewable one and tell Governor Murphy to enact a moratorium on all fossil fuel projects in New Jersey.

Acting Board Secretary Umukoro said they would now open the floor for public comments by telephone participants, beginning with those who pre-registered to speak.

The CIA Operator provided a reminder for those who have not already done so, to please press *1 on their telephone keypad to enter the queue to speak and that each speaker would be given three (3) minutes for their public comment, and a warning would be provided with one-minute remaining and again with 15 seconds remaining. The CIA Operator said there were 12 speakers in the queue to speak.

Holly Cox, 23-year New Jersey resident, asked that NJ TRANSIT amend the RFP for the microgrid project to not include a dirty fossil fuel power plant and instead develop the project with clean renewable energy. Ms. Cox said she has been speaking at these Board meetings for over two years, and at the last two meetings the environmental advocates asked the Board to respond to their questions and concern and have received no transparency or meaningful responses to their comments. She said she basically keeps reading her same comments at every NJ TRANSIT Board meeting. Ms. Cox said NJ TRANSIT has failed to take their public comment responsibility seriously, and two more years have gone by and it is impossible to ignore the climate crisis.

Ms. Cox said the UNICC report stated April 24, 2022 that only a month ago there was a 50/50 chance that the earth will reach a yearly average of 1.5 degrees Celsius or 2.7 degrees Fahrenheit within the next five years. She said the UNICC reports they were already perilously close to tipping points that could lead to cascading and irreversible climate effects. Ms. Cox said UNICC says it's now or never to limit global warming 1.5 degrees. She said United Nations Secretary General, Antonio Guterres further warned the world we are on a fast track to disaster, and insisted that unless governments everywhere reassess their energy policies the world will be uninhabitable. Ms. Cox said Mr. Guterres also said if action is not taken soon, some major cities will be underwater and forecast unprecedented heatwaves, terrifying storms, widespread water shortages, and the extinction of a million species of plants and animals. She said Mr. Guterres also stated that governments, towns, cities, and corporations are not just turning a blind eye, they are adding fuel to the flames by continuing to invest in climate choking industries, and called out fossil fuel projects just like this. Ms. Cox said they were at a crossroad, and asked them to please make the right decision and be the leaders of a 100 percent renewable microgrid to keep the planet habitable.

Andy Weiss said he has gone through another month of degrading and filthy conditions on NJ TRANSIT, another month of failure. Mr. Weiss said another month of one bus per hour and the Board should be embarrassed about the conditions at NJ TRANSIT. He said he entered a bus this week that had a floor covered with dirty rain water from a leak, and it left the bus garage that way. Mr. Weiss also said he rode on several Hudson County buses with ripped seats that were taped up and how degrading this was, and that this is not the way government was supposed to work, and it's unacceptable. He said the outside of the buses were also dirty, and have chipped paint on them, and the back doors on many of the buses do not work.

Mr. Weiss said they need a real Customer Advocate because this Board does not speak up for them, and they have been waiting for a real Customer Advocate for years. He said NJ TRANSIT scares people away from public transit, and it was like former Governor Christie was still running the system.

Adam Reich said he again asks NJ TRANSIT to consider the idea of a mask only rail car on the trains. It could be one car where riders could be assured that those around them would also be wearing masks. Mr. Reich said epidemiologists will say they have seen a 140 percent increase in COVID infection rates in the last month because of the decline on masking in indoor spaces like trains. He stressed that this would be different from the mask mandate and would apply only to a single rail car. Mr. Reich said he has provided information on how this can be done without the worry of rail crew policing it, and NJ TRANSIT should not let bad actors dictate this. He asked for a conference call to have dialogue about this. Mr. Reich said there are a lot of trains being run regularly with rail cars that are closed and empty and wanted someone to explain to him how this was more important, and if they can do a quiet rail car why can't NJ TRANSIT do a mask only rail car. He said they were still in a pandemic.

Mr. Reich said if he could get in a rail car where 80 percent of the people wore masks instead of 60 percent that would reduce his risk. He said there are a lot of riders who are immunocompromised that do not have an alternative transportation option who go home to vulnerable parents and children under five who are not eligible for vaccinations. Mr. Reich asked President & CEO Corbett to please consider doing a mask only car pilot program or provide him with an explanation on why they chose not to. Lastly, he said they need a Customer Advocate, and where is the Advisory Board. He also asked that Suzanne Mack reach out to him.

Erika Gould said she was commenting to show her support for a mask only rail car, which could be one car per train, where everyone is required to wear a face mask. Ms. Gould said her public commute was hybrid and wanted to remind everyone listening that face masks were designed to protect other people from the mask wearers, and not the other way around. She said it was not enough for a vulnerable rider to wear their own mask and be exposed to an unmasked individual. Ms. Gould said she used to be a NJ TRANSIT bus commuter and has currently chosen not to ride because the environment is not as safe as it could be. She said she read about train crews worries on enforcement based on their experience dealing with the federal mandate when it was in effect, but there has been quite a big difference between then and now on how a mask rail car will function. Ms. Gould said the mask rail car would be self-selecting, and if there is a sign saying mask required someone who does not want to wear a mask is not likely to sit in this car. She said having a masked car is not expensive and could be put in place immediately. Ms. Gould asked them to please try it because people's lives are at stake.

Tina Weishaus said she wanted to read the final piece from the letter Don't Gas the Meadowlands sent in. The essential causes of the perception gap was the NJ TRANSIT Board's lack of understanding about the imminent threat from climate change. She said in characterizing the guidance from Governor Murphy, Chair Gutierrez-Scaccetti stated, "The Governor has laid out very clear rules to all of us for the course of the time in which we have to be running on clean energy, but that time isn't tomorrow." Ms. Weishaus said the Coalition does not concur with this assessment and neither do any of the Administration's key climate change documents, not the Energy Master Plan, not the 2020 Global Warming Response Act, not Governor Murphy's Executive Order 274 and not the IPCC Report.

Ms. Weishaus said these documents state the opposite from the Energy Master Plan and quoted "There is near unanimous scientific consensus that the global threat of climate change is grave and that it demands swift local action and focused state leadership." She said the Global Warming Response Act 2020 report says "Minimizing these risks require immediate, decisive, long-term commitments across all levels of government and sectors of the economy to facilitate the steep reductions of greenhouse gas emissions that are necessary to protect New Jersey's economic, social, and environmental vitality. Without steep and permanent reductions in global greenhouse gas emissions within the next several years, New Jersey's people and their property will experience significant adverse effects of climate change."

Ms. Weishaus said Governor Murphy's Executive Order 274 said reducing greenhouse gas emissions 50 percent by 2030 state policy states, "Reducing the severity of adverse climate change impact requires steep and immediate reductions in greenhouse gas emissions on an economy-wide basis. Emissions reductions in the next decade are critical to reducing the severity of adverse impacts of climate change." Lastly, she said the IPCC report stated, "All global modeled pathways that limit warming to 1.5 Celsius involve rapid and deep, and in most cases immediate greenhouse gas emission reductions in all sectors."

William Ritzler, New Jersey Coordinator for the Delaware Valley Association of Rail Passengers (DVARP). Mr. Ritzler said the DVARP would like to express their appreciation for the restoration of service on the bus routes 313, 315, 317, 408 and 409, planning to occur on June 25, 2022. Mr. Ritzler said they want to thank all the staff and leadership and all the external stakeholders who worked to make the restoration happen. The need for long distance bus routes in Southern New Jersey will be better accommodating by the return of inner state service.

Mr. Ritzler said he would like to remind everyone there is still a need for bus improvement in Southern New Jersey, and the Atlantic City Rail Line continues to suffer service interruptions almost daily. He said the long-term plan for improving the Atlantic City Rail Line were articulated in 2009 during the Corzine Administration, but remains unrealized. Mr. Ritzler said the Glassboro/Camden Line should move forward with a definite commitment to complete the project. He said the Southern District BCG buses should move forward with a primary focus on achieving outcomes beneficial to the passengers. Mr. Ritzler said the DVARP is ready to act as partners with NJ TRANSIT as it proceeds into the future and look forward to working with NJ TRANSIT to make public transportation in Southern New Jersey attractive as possible to their passengers.

Lastly, Mr. Ritzler said he would like the Board to consider possibly having alternate times where in-person speakers go second and the people on the telephone go first. He also said now that the Board has transitioned back to in-person meetings to consider having a Board meeting location in Southern New Jersey.

Keith Voos, Representative of the NAACP Metuchen-Edison Branch (MEAB), and Health Education Energy & Pollution Sub Committee said NJ TRANSIT plans to electrify and undertake other endeavors tonight were a good sign that the agency has its eye on the future. Mr. Voos said he found it therefore puzzling that the agency wishes to proceed with a backwards looking initiative of a fossil fuel power plant in Kearny. Mr. Voos said the NAACP is an organization that is abundantly aware that environmental degradation of all kinds, including those caused by burning fossil fuels that contribute to global warming can harm their members and constituents firsthand more than any other demographic. Mr. Voos said although this may not be something the agency wants to hear, it's the truth. His ask to the Board tonight was that they do the right thing by one, setting aside the current RFP that clearly dictates a new fossil fuel infrastructure, and two, submit a new RFP that doesn't cause harm, and instead benefits New Jersey residents now and in the future.

James Veach, resident of Teaneck, New Jersey, retired attorney, and a veteran of many trips on the Pascack Valley Line, said he was also a member of the Teaneck Democratic Municipal Committee. He wanted to speak about the Board itself, and said they finally have a full complement of directors on the Board. He said in 2018, this Board was expanded to 13 members and it included a representative for rail and bus travelers and those positions remained open for over three years. Mr. Veach said now, in one fell swoop the Governor has now nominated five people to the Board, so they are operating with up to 13 Board of Directors. He said two new Board members have been appointed, and three are still waiting to be confirmed so they are almost there.

Mr. Veach said NJ TRANSIT still has not hired a Customer Advocate, which they desperately need. He said these Board meetings were dull and lifeless and there was no spark amongst the Board. Mr. Veach said the process of finally getting the Board up to 13 members was finally here. He said a good Board Member like James Adams, one of the few who would vote against a budget, is not being reappointed. Mr. Veach said the public needs a Customer Advocate who will speak up for the rail and bus passengers, ask the hard questions, get answers, and kick-up some dust. He said a Customer Advocate is needed to deal with the complaints like Mr. Weiss voiced there tonight. Lastly, Mr. Veach asked the Board to go to the Governor tonight, and tell him the public is not going to wait three more years for a Customer Advocate.

David Pringle, Representative of Clean Water Action & Empower New Jersey, said he wanted to make a constructive suggestion that they let the public know when they are in the queue, and then announce the next two or three people, which would be more efficient. He said the letter that was sent to the Board and the Governor was met with deafening silence, not one person responded. Mr. Pringle said they were all frustrated and it is no fun reading the letter or hearing it, and certainly no constructive dialogue has been had, and they were left with no choice. He said all they were asking for on the RFP was to have some constructive dialogue.

Mr. Pringle said just like NJ TRANSIT did on Monday and Thursday in the Assembly Budget Committees, they are not asking for any more dialogue than they had with them. He said he mentioned this to Board Chair Gutierrez-Scaccetti and Board Member Gordon when he saw them last Thursday night at the Assembly Budget Committee, and the Board Chair replied she would discuss this with counsel, so he is now asking did this conversation happen, and what was the result.

Mr. Pringle said the letter sent might not be the most diplomatic, but it states a compelling case not to proceed with the RFP because it is their perception that it is biased in favor of gas over renewable energy, and this goes against the Governor's mission of 100 percent renewables by 2050. He said NJ TRANSIT's refusal to work this out with them and discuss it, yet, are talking to others about it speaks volumes. Mr. Pringle said stop hiding behind the procurement process, that is not it, it is something else, and they want NJ TRANSIT to do better.

Odelia Levy, Essex County resident, said she used to ride the train to work during the week and on the weekends, but since the mask mandate has been lifted, she is not able to safely ride the train. She said there are many disabled, pregnant, and immunocompromised cancer patients, and other high-risk people who all deserve safe public transit. Ms. Levy said they were all citizens of this state and said there is no safe public transit option available. She said as mentioned by previous callers she was there to support the implementation of one mask only rail car on NJ TRANSIT trains. Ms. Levy said COVID-19 is not over and is not going anywhere, and is the most infectious airborne virus to plague humans within our recent medical history. She said as an airborne virus, which many people do not know, COVID-19 lives in the air for up to six hours after an infected person has left the space, especially such a small space like a train. Ms. Levy said with this information alone one mask only rail car is needed so people can safely enter the train and get to work and live their lives as everyone else does.

William McClellan, Volunteer with Food & Water Watch, and member of Don't Gas the Meadowlands Coalition, said he wanted to reiterate comments made on the TRANSITGRID by previous speakers. Mr. McClellan said it was clear that the public can no longer believe statements made by the NJ TRANSIT Board or Chair Gutierrez-Scaccetti, because they simply have not told the truth, and need to be called out on it. He said the Board needs to apologize for this and realize they have not been honest and need to keep their word. Mr. McClellan said in 2020 Chair Gutierrez-Scaccetti said, "If Paula Rogovin was not happy with this project, the project would not advance," which was an unequivocal statement. He said the Coalition was also told they would have the opportunity to review the RFP and that their comments could be included in an addendum, despite this the RFP was delivered to bidders in late December 2021 with no notification to their coalition.

Mr. McClellan said NJ TRANSIT did not tell the truth, and it is shameful. He said their country has a problem with the truth today, and they had a former President who lied every day on who actually won the 2020 election and any of his accolades echo this situation. Mr. McClellan said they have people in Congress who denounced former President Trump on or shortly after the January 6th Insurrection, and turned around only days later and supported him like cowards. Mr. McClellan said it has been a shameful time in their history, and the truth was really all that matters. He said if this Board can't tell the truth to the public, they really have no business holding these positions.

Rachel Davis, Public Policy and Justice Organizer for Waterspirit, said she wanted to echo comments from speakers earlier who demonstrated amply the opportunity for NJ TRANSIT to respond to renewable energy prioritization that is still on the table. Ms. Davis said she has shared many times before a lack luster Energy & Sustainability Committee wasting more time humans lack. She said as shared many times before that she has advocated, citing NJ TRANSIT's smart switch to renewable energy, but NJ TRANSIT has not kept its promise as stated by Paula Rogovin. Ms. Davis said what should they make of this, embarrassment, why not empowerment far beyond the archaic 2050 target, which she advocated for 20 years ago as a recent Rutgers graduate. She said she questions will there be the spirit of the environmental justice law ahead of the

law of implementation, and a serious investment in green job training programs to harbor NJ TRANSIT's microgrid; the regional microgrid to connect the dots that was so beautifully laid out by the 17 year who is fearful every day, directly resulting from government agencies failure to act to the seriousness of this crisis.

Ms. Davis said the 17-year-old speaker tonight was joined by 70 percent of other young people who are experiencing a loss of their imagined future right now, which is directly related to the lack of leadership in government action. She said they need to start planning for the reality they all know is happening, and could be circumventive, and was curious why NJ TRANSIT is not willing to be a leader along-side the Environmental Justice Law and along-side what the Governor has laid out to date.

Ms. Davis said hospitals and nursing homes and other larger energy consumers are being told by the utility companies that their switching to electrification is helping. She asked the Board to revise the RFP and move away from fossil fuels and other pollutants that will harm the earth, and move in the spirit of the Environmental Justice Law because the young people are paying close attention.

Jason Anthony said he was representing the first independent union formed by Amazon workers. Mr. Anthony said he has been hearing the issues on bringing back one mask rail car on trains, and could not see why NJ TRANSIT did not bring back the mask mandate. He said the MTA never dropped the mask mandate and the use of masks on all New York trains and buses. Mr. Anthony said he and others do not feel safe when riding on the NJ TRANSIT system with the mask mandate lifted, and asked President & CEO Corbett what he was going to do.

Public Comments Submitted In Lieu of Speaking

Fred Mendez stated there will never be a convenient and inexpensive way to convert to green energy. He said life on this planet now, but especially in the future, depends on them making the necessary sacrifices now. Mr. Mendez was sorry for those accustomed to making money in the oil and gas industry. He said they can soften the blow for them and manage the transition if only they comprehend the dire environmental situation and borrow the necessary monies to build the new renewable infrastructure required to keep life livable for their grandchildren. Mr. Mendez said they cannot put this off.

Paul Finbow stated as a lighting professional and energy-efficiency contractor, he was wondering how to help the agency upgrade lighting in transit parking lots where he frequently sees old inefficient systems in place. He said New Jersey has a robust financial incentive program to offset costs of replacing mercury-based lamps with LED systems. Mr. Finbow said this results in over 50 percent energy reduction, maintenance reduction, and improved lighting conditions. He asked if there is a person in charge of lighting at NJ TRANSIT facilities that can work with utility-approved contractors who are willing to invest the time to propose simple one-for-one replacements that will support sustainability by reducing energy-waste, without placing extra burden on NJ TRANSIT operations.

Mr. Finbow said lighting in parking lots can easily be upgraded if people like him, who are lighting professionals, are given a chance to contribute.

Betty Blemahdoo is in opposition to a proposed frack gas power plant.

Board Member Comments

Chair Gutierrez-Scaccetti said since she was not in room, she would leave the polling of Board Member comments up to Acting Board Secretary Umukoro and said that she and Board Member Doshi would comment last.

Board Member Adams said he really was not going to comment, and he probably should not because of the way he was feeling. He said actually if he could, he would drive down to Trenton and thank the Governor for not reappointing him, because this was the first time in his career that he has ever been accused of being dishonest, not being accurate, believable, and being degraded in a public setting like this. Board Member Adams said he sits with each of his Board Members and knows the hard work and dedication they put in to each and every one of the decisions that get made on the items that come up, and how they challenge the team for each and everything that gets presented before the Board. Board Member Adams said it was disheartening for him as a former NJ TRANSIT rider and as a citizen of this state to listen to the way they were being characterized, and was perplexed about what to say.

Board Member Adams thanked all the public speakers that came out tonight to speak and really appreciated their efforts, however, did not appreciate what they said. Board Member Adams said he appreciates the environmentalists' dedication and how they really take to heart the environmental conditions, the Governor's Mandate, and really putting people's feet to the fire. However, Board Member Adams said the respect has to go both ways, and it was very hard for him to take anything said seriously by the environmentalists when they accuse him of being dishonest, a rubber stamp, and not taking to heart what they say. He said it was very hard for him.

Board Member Adams thanked President & CEO Corbett and his team for the Budget Assembly Presentation at the Senate and said they did a marvelous job and represented NJ TRANSIT well. He said some of the Senate and Assemblymen can ask tough questions and thought President & CEO Corbett was professional and very on point with his answers. Board Member Adams thanked the team because he was at the NJ TransAction Conference in Atlantic City. In his industry, transportation is what they do, and the NJ TRANSIT team was professional and there were team members who were at the conference to learn, participate, and to present what NJ TRANSIT is doing for the state whether in South Jersey, Central Jersey, or Paratransit. Board Member Adams said he was proud to be a Board Member of NJ TRANSIT, and listen to the team present.

Board Member Narra said for those people in the audience and on the phone, who did not know or could not see them, that the Board takes notes. She said when people raise issues like Sally Jane Gellert on Departure Vision, they write them down, however she

would not be going down her whole list, and could confidently say that staff took notes too. Board Member Narra said she takes notes because she asks the staff and most of them say they are looking into it, and was sure someone will be looking into the issues with Departure Vision. For those who have raised specific issues such as Andy Weiss on the conditions of the buses, that will get looked into. Board Member Narra said whether it would be her or staff responding, more likely staff, everyone would get a response because they were all correct and those conditions were not something they should have to live with, and no one on the Board or staff thinks things they should. Board Member Narra said she is happy when issues like these are brought to the Board's attention.

Board Member Narra was named Board Liaison to the whole Customer Advocate process and thought many of the people know she is a bus rider, even though a private carrier bus rider due to a contract being taken over. Board Member Narra has been a bus passenger from New Jersey to New York, and appreciates a lot of things the public brings to the Board's attention, but also lives it, and understands why Board Member Adams was upset because it is a little hard to keep hearing people take potshots at their personal integrity. Board Member Narra said while she understood the passion behind everything that was said today, one of the things that must be realized is that the Board lives here too, and many of the public speakers were operating under the misconception of how the Board personally feels about these issues. She said whether the public wants to believe it or not, many of the Board Members have very personal opinions that are similar to what some of the public have expressed, which was the issue on the TRANSITGRID and was not going to get into details about it now.

Board Member Narra said when it comes to the Customer Advocate position it is being worked on and she knows everyone is not seeing progress, but would repeat that this is because many of them on the Board have very specific ideas of what they want this position to be and almost made it too big. She said the posting that went out was almost too much and they will need to rethink it because they want someone who is very good and can fulfill all the requirements. They are expecting someone who can be a passionate active advocate for the riders of the NJ TRANSIT system. Board Member Narra said they are going to move fast but, they also want to get the best person possible, and that this is coming from someone who is not only a Board Member, but a rider of public transportation also.

Vice Chair Fulton said this concluded the Board responses to public comments from the room. Chair Gutierrez thanked Vice Chair Fulton, and asked Acting Board Secretary Umukoro if Board Member Doshi could hear her, did she have any comments.

Board Member Doshi said she concurs with what her Board colleagues said, and was used to receiving comments like these she heard tonight, being in public office, but it was not great when you have to hear them all the time. Board Member Doshi said they are all trying their best and want the same things, and being on the Energy & Sustainability Policy Committee, they do take all things into account, and are thinking about renewable energy. She said they are not a rubber stamp Board; they ask questions and are doing what they can, and anytime the purchase of new buses come up, they always ask are they hybrid

or electric vehicles, and they take their work very seriously. Lastly, she thanked the public for coming out tonight.

Advisory Committee Report

Suzanne Mack said she hoped to be with everyone tonight but could not and hopes to be at the next in-person meeting. Ms. Mack said she wanted to go off point tonight to follow-up on Board Member Adams statement, and could say they all watched what he did at the Board level, and wanted to remind people in the audience that these Board positions were volunteer positions where members get appointed to, but were there because they care. She said no one just goes out and joins a Board because people are so busy and have other priorities and interests. Ms. Mack said people come on the NJ TRANSIT Board because of the appointments, but they also are really dedicated to the riders.

Ms. Mack said she could understand some of the comments that were made tonight because it is hard. Since she has been on the Advisory Board, she has heard the sustainability issue come up for many times while they were all out during COVID. She also heard the issues on Koppers Koke and while the NJ TRANSIT Board was quiet, they commented, and took care of it. Ms. Mack said doctors walked outside of the building on sustainability issues and NJ TRANSIT said they would consider the issues, and now there are sustainability policies that are being presented.

Ms. Mack said she did not really understand the public commenters, because progress has been made, and was pleased to see some of the progress, and every month there is more. She said as the Board said they take notes, and the Advisory Committee takes notes and they listen when there are 30 to 40 commenters and they share notes with Board Chair Gutierrez-Scaccetti and President & CEO Corbett. Ms. Mack said she was also happy to hear that one of the commenters asked the Advisory Board to reach out to them on the mask only rail car issue, and would be happy to listen because their role is to advise the Board Members and respond to any request from the public and riders.

Ms. Mack said if President & CEO Corbett could put the Advisory Board in contact with the commenter on the mask car only, they would be more than happy to meet. She said she was at a public meeting last week with their Planning Board and was told by the members that COVID is still out there and cases are on the rise and meetings are being cancelled. Ms. Mack said she would also be interested in meeting with the Board on the mask only rail car issue.

Ms. Mack thanked Board Member Adams again and said he has been a great advocate for NJ TRANSIT and wished him well and hoped that he would continue to give the Board input as he transitions into other positions.

Ms. Mack said being back in-person at the TransAction Conference was so invigorating and that there were many members of the North and South Jersey Advisory Board that attended the conference with President & CEO Corbett who has been very supportive of

everything going on with NJ TRANSIT. Ms. Mack said they had a very detailed presentation on the FY2023 Governor's proposed budget, and again there was no fare increase and NJ TRANSIT has been operating under very difficult scenarios over the last couple of years, and thanks to federal stimulus funding they have managed to keep the ship afloat.

Ms. Mack said the organization is back working, and have advanced the Roseville Tunnel item, bus projects, and the storage and inspection projects in New Brunswick, and the Governor has had people working on the Perth Amboy Project, and NJ TRANSIT has even gotten back to "Take Your Children to Work Day." She said this was all very hopeful and good to know that the Board members and employees can get back to work and see the employees that have been out on the frontline providing the services.

Ms. Mack said as stated, they can always do more, and as Board Member Narra stated they take notes, and every train and bus that needs to be cleaned and updated will all be taken care of and staff does not sit down in between these public meetings and do nothing, they take notes, and work on it. She said NJ TRANSIT is now taking a review of public input on NJ TRANSIT policy, procedures, and management, which is good because NJ TRANSIT has one of the best police forces in this country and are reaching out to the community and not shying away from public input.

Ms. Mack said as they move into the summer, they are trying to get back to reality and get back to service to Monmouth Park on May 7, 2022, which will continue through September 18, 2022. She said they need to get back to some type of normalcy in a new reality, because this is their new reality, and wondered two years ago if NJ TRANSIT service would continue. Ms. Mack was very pleased and thankful for the frontline workers who have been out there all the time during COVID doing the hard work. Lastly, she thanked the Board and the NJ TRANSIT staff for being supportive in getting service back. Ms. Mack said the sustainability issues are here, but NJ TRANSIT has heard you, and are doing something about it.

Board Operations and Customer Service Committee Report

Board Member Giblin 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 Maroko presented the report for the Administration Committee. The Administration Committee received a Financial Update. This included a summary of operating results compared to previous year's comparable period and Fiscal Year 2022 Budget, 12-month farebox revenue compared to pre-COVID, major balance sheet items and Federal COVID-19 relief grant drawdown summary.

Additional information was provided as part of the agenda materials, including the cost-of-service key performance indicators, 12-month farebox recovery, history of vacancies, attrition and hires, ridership and revenue, and a monthly budget-to-actual comparison for July 2021 to March 2022.

Board Capital Planning, Policy, and Privatization Committee Report

Vice Chair Fulton presented the report for the Capital Planning, Policy, and Privatization Committee. The Capital Planning, Policy, and Privatization Committee discussed Board items for Community Mobility and Local Programs Purchase of Four Hundred Fifty-One (451) Cutaway Minibuses with Lift; Remnants of Hurricane Ida: Oradell Bus Garage – Construction Services Contract Modification; Mobile Column Lift Replacement; Washington Township Bus Garage Fire Alarm Replacement; and Non-Revenue Vehicle Purchase.

Action Items

Acting Board Secretary said Board Members Doshi and Narra were recused from the next item #2205-28 and they left the meetings.

2205-28: COMMUNITY MOBILITY AND LOCAL PROGRAMS PURCHASE OF FOUR HUNDRED FIFTY-ONE (451) CUTAWAY MINIBUSES WITH LIFT

Chief Legal Officer Wilton introduced Eric Daleo, Senior Vice President, Capital Programs, to present Action Item #2205-28. Eric Daleo presented for approval Action Item #2205-28: Community Mobility and Local Programs Purchase of Four Hundred Fifty-One (451) Cutaway Minibuses with Lift.

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

Board Member Adams said he was fully in support of this item but would ask the team if at all possible to implore the recipients to move towards electric vehicles as soon as possible. He knows there is a challenge with putting the infrastructure in place, but believes they could be the leaders, and to push and encourage them as soon as possible to convert some of these purchases to electric vehicles.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Recused	Absent	Yes	Recused	Yes	Yes	Yes	Yes

Board Members Doshi and Narra returned to the meetings.

2205-29: REMNANTS OF HURRICANE IDA: ORADELL BUS GARAGE – CONSTRUCTION SERVICES CONTRACT MODIFICATION

Chief Legal Officer Wilton introduced Eric Daleo, Senior Vice President, Capital Programs, to present Action Item #2205-29. Eric Daleo presented for approval Action Item #2205-29: Remnants of Hurricane Ida: Oradell Bus Garage Construction Services Contract Modification.

Board Member Shanti Narra made a motion and Board Member Michael Kanef seconded the motion. Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-30: NON-REVENUE VEHICLE PURCHASE

Chief Legal Officer Wilton introduced Justin Davis, Senior Vice President, Regulatory and Government Affairs and Chief of Staff, to present Action Item #2205-30. Justin Davis presented for approval Action Item #2205-30: Non-Revenue Vehicle Purchase.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-31: MOBILE COLUMN LIFT REPLACEMENT

Chief Legal Officer Wilton introduced Michael Kilcoyne, Senior Vice President, Surface Transit and General Manager, Bus Operations, to present Action Item #2205-31. Michael Kilcoyne presented for approval Action Item #2205-31: Mobile Column Lift Replacement.

Board Member Shanti Narra made a motion and Board Member Michael Kanef seconded the motion. Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-32: WASHINGTON TOWNSHIP BUS GARAGE FIRE ALARM REPLACEMENT

Chief Legal Officer Wilton introduced Michael Kilcoyne, Senior Vice President, Surface Transit and General Manager, Bus Operations, to present Action Item #2205-32. Michael Kilcoyne presented for approval Action Item #2205-32: Washington Township Bus Garage Fire Alarm Replacement.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-33: INFORMATION TECHNOLOGY: AWARD FOR MANAGED SERVICES AND CONSULTING FOR DATA SECURITY SERVICES TO SECURE TECHNOLOGY INTEGRATION GROUP, LTD.

Chief Legal Officer Wilton introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2205-33. William Viqueira presented for approval Action Item #2205-33: Information Technology: Award for Managed Services and Consulting for Data Security Services to Secure Technology Integration Group, LTD.

Vice Chair Cedrick T. Fulton made a motion and Board Member Shanti Narra seconded the motion. Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-34: INFORMATION TECHNOLOGY: AWARD OF CONTRACT FOR ORACLE SOFTWARE MAINTENANCE AND SUPPORT TO MYTHICS FOR DATABASE INFRASTRUCTURE AND APPLICATIONS

Chief Legal Officer Wilton introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2205-34. William Viqueira presented for approval Action Item #2205-34 Information Technology: Award of Contract for Oracle Software Maintenance and Support to Mythics for Database Infrastructure and Applications.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Acting Board Secretary said Board Member Brown was recused from items #2205-35, #2205-36, #2205-37, and #2205-38 and she left the meetings.

2205-35: LEASE OF 242 WEST 30TH STREET, NEW YORK, NEW YORK TO ACCOMMODATE FOR MANDATED REST SPACE FOR NJ TRANSIT TRAINMEN

Chief Legal Officer Wilton introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2205-35. William Viqueira presented for approval Action Item #2205-35 Lease of 242 West 30th Street, New York, New York to Accommodate for Mandated Rest Space for NJ TRANSIT Trainmen.

Board Member James D. Adams made a motion and Board Member Noreen Giblin seconded the motion.

Chair Gutierrez-Scaccetti thanked the staff because this has been a long process to return to their valued employees the necessary rest space that trainmen have when working their standard shift, and wanted to thank the team for making sure this got done.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Acting Board Secretary said Board Member Thomas was recused from items #2205-36, #2205-37, and #2205-38 and she left the meetings.

2205-36: PERSONAL INJURY CLAIM OF DOUGLAS PASTORE

Chief Legal Officer Wilton introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2205-36. William Viqueira presented for approval Action Item #2205-36 Personal Injury Claim of Douglas Pastore.

Board Member Michael Kanef made a motion and Board Member Shanti Narra seconded the motion. Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-37: PERSONAL INJURY CLAIM XUEFANG ZHONG

Chief Legal Officer Wilton introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2205-37. William Viqueira presented for approval Action Item #2205-37 Personal Injury Claim Xuefang Zhong.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

2205-38: MASTER AGREEMENT WITH HARTZ MOUNTAIN INDUSTRIES, INC. AND ITS AFFILIATES THAT RESULTS IN (1) NJ TRANSIT ACQUIRING THE REMAINING UNITS IN 1-2 PENN PLAZA EAST, (2) THE SETTLEMENT OF AN ARBITRATION CLAIM RELATING TO 1-2 PENN PLAZA EAST, NEWARK, (3) NJ TRANSIT RELEASING A PURCHASE OPTION FOR PROPERTY IN NEWARK, AND (4) THE SETTLEMENT OF ENVIRONMENTAL CLAIM RELATING TO PROPERTY IN NORTH BERGEN

Chief Legal Officer Wilton introduced William Viqueira, Senior Vice President, Chief Financial Officer and Treasurer, to present Action Item #2205-38. William Viqueira presented for approval Action Item #2205-38, Master Agreement with Hartz Mountain Industries, Inc. and its Affiliates that Results in (1) NJ TRANSIT Acquiring the Remaining Units in 1-2 Penn Plaza East, (2) The Settlement of an Arbitration Claim Relating to 1-2 Penn Plaza East, Newark, (3) NJ TRANSIT Releasing a Purchase Option for Property in Newark, and (4) The Settlement of Environmental Claim Relating to Property in North Bergen.

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

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Acting Board Secretary Umukoro noted Vice Chair Fulton was recused from the next item #2205-39. Vice Chair Fulton left the meetings. Board Members Brown and Thomas returned to the meetings.

2205-39: ANNUAL NOTICE OF MEETINGS AND DESIGNATION

Chair Gutierrez-Scaccetti said it was pleasure to recommended approval of Item #2205-39: Annual Notice of Meetings and Designation. This action item is to adopt the Annual Notice of Meetings for all of the Board of Directors’ meetings during Fiscal Year 2023 which begins on July 1, 2022 and to designate Cedrick T. Fulton as Vice Chairperson for NJ TRANSIT Board of Directors and its subsidiaries.

Chair Gutierrez-Scaccetti said Vice Chair Fulton was the constant professional and has been a tremendous contributor to the Board in his time there, and believed his continued service as Vice Chair were both required and earned.

Board Member Richard A. Maroko made a motion and Board Member Shanti Narra seconded the motion. Chair Gutierrez-Scaccetti asked for a roll call vote and the item was adopted.

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Recused	Yes

Vice Chair Fulton returned to the meetings.

Chair Gutierrez-Scaccetti said to Vice Chair Fulton he may not forgive her for this in future, but she was very pleased to tell him he will continue to serve as Vice Chair as long as it was his desire to do so. Vice Chair Fulton thanked Chair Gutierrez-Scaccetti and said it was his pleasure.

Executive Session Authorization

Chair Gutierrez-Scaccetti noted they would adjourn to Executive Session, would only return to adjourn the meetings, and no further business would be conducted. Chair Gutierrez-Scaccetti asked for a motion to enter Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including but not limited to the NJ TRANSIT – Portal North Bridge Project: Parcel 118-Metal Green Recycling Self-Move Agreement and Relocation and the Personal Injury Claim of Ysabelle Campanella.

Board Member Shanti Narra made the motion, Board Member Michael Kanef seconded the motion, and it was adopted. At approximately 8:17 p.m., the Board adjourned to Executive Session.

Roll Call Vote:

Adams	Doshi	Gordon	Maroko	Narra	Kanef	Giblin	Fulton	Gutierrez-Scaccetti
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Return to Open Session

Acting Board Secretary Umukoro conducted a Roll Call as Board Members returned to Open Session. All Board Members returned to Open Session at approximately 9:18 p.m.

Adjournment

Since there was no further business, a motion to adjourn was made by Board Member James D. Adams, seconded by Board Member Shanti Narra, and adopted.

The meetings were adjourned at approximately 9:19 p.m.

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➤ CALL TO ORDER	-
➤ APPROVAL OF MINUTES OF PREVIOUS MEETINGS	62274
➤ PRESIDENT & CEO'S MONTHLY REPORT	62275
➤ PUBLIC COMMENTS	-
➤ ADVISORY COMMITTEE REPORT	-
➤ BOARD COMMITTEE REPORTS	-

ACTION ITEMS

2205-28	COMMUNITY MOBILITY AND LOCAL PROGRAMS PURCHASE OF FOUR HUNDRED FIFTY-ONE (451) CUTAWAY MINIBUSES WITH LIFT – Authorization to enter into NJ TRANSIT Contract No. 20-009A with Creative Bus Sales, Inc. of Carlstadt, New Jersey, for the purchase of 64 cutaway minibuses with lift plus optional materials in an amount not to exceed \$7,143,202.00, plus five percent contingencies, subject to the availability of funds and Board approval of the Local Programs annual Board item.	62298
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Authorization to enter into NJ TRANSIT Contract No. 20-009B with Rohrer Bus Group of Trenton, New Jersey, for the purchase of 79 cutaway minibuses with lift plus optional materials in an amount not to exceed \$10,089,763.00, plus five percent contingencies, subject to the availability of funds and Board approval of the Local Programs annual Board item.

Authorization to exercise the options to extend NJ TRANSIT Contract No. 20-009A with Creative Bus Sales, Inc. of Carlstadt, New Jersey, to purchase the remaining 168 vehicles over the four year-option period in accordance with the Request for Proposal and the vendor's proposal, at a cost not to exceed \$5,273,800.00 for each additional 12-month period, plus five percent for contingencies, subject to the approval of funds and Board approval of the Local Programs annual Board item.

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Authorization to exercise the options to extend NJ TRANSIT Contract No. 20-009B with Rohrer Bus Group of Trenton, New Jersey, to purchase the remaining 140 vehicles over the four-year option period in accordance with the Request for Proposal and the vendor's proposal, at a cost not to exceed \$4,808,726.00 for each additional 12-month period, plus five percent for contingencies, subject to the approval of funds and Board approval of the Local Programs annual Board item.

- 2205-29 REMNANTS OF HURRICANE IDA: ORADELL BUS GARAGE – 62303**
CONSTRUCTION SERVICES CONTRACT MODIFICATION – Authorization to enter into NJ TRANSIT Contract No. 22-027X with Anselmi & DeCicco of Maplewood, New Jersey, to provide continued Construction Services for the Oradell Bus Garage in an amount not to exceed \$450,000, plus ten percent contingencies, subject to the availability of funds.
- 2205-30 NON-REVENUE VEHICLE PURCHASE – 62308**
Authorization to approve the use of State contracts for the purchase of up to 351 non-revenue vehicles for NJ TRANSIT's Organizational Services in the amount not to exceed \$22,934,053, plus five percent for contingencies, subject to the availability of funds.
- 2205-31 MOBILE COLUMN LIFT REPLACEMENT – 62311**
Authorization to enter into NJ TRANSIT Contract No. 22-024 with Stertil-Koni USA of Stevensville, Maryland, for the purchase of 85 mobile column lifts (24 four-column lifts and 61 six-column lifts) in the amount not to exceed \$5,959,074.89, plus five percent for contingencies, subject to the availability of funds.
- 2205-32 WASHINGTON TOWNSHIP BUS GARAGE FIRE ALARM REPLACEMENT – 62314**
Authorization to enter into NJ TRANSIT COOP No. 21-334 via a Sourcewell Cooperative Purchasing Agreement (#031517-SGL) with Johnson Controls Fire Protection-Simplex Grinnell of Milwaukee, Wisconsin, for the purchase of a replacement fire alarm system for Washington Township Bus Garage in the amount not to exceed \$1,218,380.00, plus five percent for contingencies, subject to the availability of funds.
- 2205-33 INFORMATION TECHNOLOGY: AWARD FOR MANAGED SERVICES AND 62315**
CONSULTING FOR DATA SECURITY SERVICES TO SECURE TECHNOLOGY INTEGRATION GROUP, LTD. – Authorization to enter into a managed services and consulting contract for data security services with Secure Technology Integration Group, Ltd. of Glen Rock, New Jersey, for the period of July 1, 2022 through June 30, 2023, in an amount not to exceed \$1,066,585.00, plus five percent for contingencies, subject to the availability of funds.

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- 2205-34 INFORMATION TECHNOLOGY: AWARD OF CONTRACT FOR ORACLE SOFTWARE MAINTENANCE AND SUPPORT TO MYTHICS FOR DATABASE INFRASTRUCTURE AND APPLICATIONS** – Authorization to enter into a software maintenance contract for Oracle EBS with Mythics of Virginia Beach, Virginia, for the period of June 21, 2022 through June 20, 2025, in an amount not to exceed \$6,842,742.60, plus five percent for contingencies, subject to the availability of funds. **62316**
- 2205-35 LEASE OF 242 WEST 30TH STREET, NEW YORK, NEW YORK TO ACCOMMODATE FOR MANDATED REST SPACE FOR NJ TRANSIT TRAINMEN** – Authorization to enter into a ten-year lease with Bernstein Real Estate to rent the second floor of its' office building at 242 West 30th Street, New York, New York, totaling 8,0000 rentable square feet, located less than 0.2 miles from New York Penn Station which will be fit out at Bernstein Real Estate's expense with men's and women's locker rooms and common lounge space, for a total lease cost not to exceed the total amount discussed in Executive Session, including rent, estimated expenses, and other incidental items, plus five percent for contingencies. **62317**
- 2205-36 PERSONAL INJURY CLAIM OF DOUGLAS PASTORE** – Authorization to settle the claim of Douglas Pastore through his attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **62318**
- 2205-37 PERSONAL INJURY CLAIM OF XUEFANG ZHONG** – Authorization to settle the claim of Xuefang Zhong through her attorney, at an amount discussed in Executive Session. The Attorney General has approved the proposed settlement, subject to the availability of funds. **62319**
- 2205-38 MASTER AGREEMENT WITH HARTZ MOUNTAIN INDUSTRIES, INC. AND ITS AFFILIATES THAT RESULTS IN (1) NJ TRANSIT ACQUIRING THE REMAINING UNITS IN 1-2 PENN PLAZA EAST, (2) THE SETTLEMENT OF AN ARBITRATION CLAIM RELATING TO 1-2 PENN PLAZA EAST, NEWARK, (3) NJ TRANSIT RELEASING A PURCHASE OPTION FOR PROPERTY IN NEWARK, AND (4) THE SETTLEMENT OF ENVIRONMENTAL CLAIM RELATING TO PROPERTY IN NORTH BERGEN** – Authorization to approve and consent to entering into and effectuating the terms of the Master Agreement, including the undertaking of acquiring the Hartz Units, accepting an assignment of the Parking Sublease, dissolving the condominium form of ownership (to the extent possible), and releasing the Doremus Avenue Purchase Option, and further authorizes the Chair or President & CEO to determine all matters in connection therewith. **62320**

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Authorization to take any and all actions necessary to enter into and effectuate the terms of the Master Agreement with Hartz in accordance with the terms and conditions set forth in the Master Agreement, and as discussed in Executive Session.

Authorization that the Master Agreement with Settlement of Miscellaneous Disputes, Arbitration Settlement and Mutual Release Agreement, Purchase and Sale Agreement, Condemnation Settlement and Mutual Release Agreement, Lease Modification Agreement, and Amendment to Memorandum of Lease, substantially in the forms provided to the Board on the date of this resolution, with such changes, omissions, insertions, and revisions as shall be approved by the Chair or President & CEO, be and the same, are hereby authorized and approved, and the Chair or President & CEO are each hereby authorized and directed to execute the Master Agreement with Settlement of Miscellaneous Disputes, Arbitration Settlement and Mutual Release Agreement, Purchase and Sale Agreement, Condemnation Settlement and Mutual Release Agreement, Lease Modification Agreement, and Amendment to Memorandum of Lease, and any and all other agreements, memorandums to be recorded, documents, consents, acknowledgments and certificates necessary to implement the transactions contemplated by the Master Agreement, in the name of and on behalf of NJ TRANSIT, in as many counterparts as may be necessary, and to affix or impress the official seal of NJ TRANSIT thereon and to attest the same, as necessary, and such execution and attestation to be conclusive evidence of the approval of the form and content of such documents.

Authorization that the Chair or President & CEO of NJ TRANSIT be, and hereby are, authorized and directed to take all such further actions and to execute and deliver all such further instruments and documents as the Chair or President & CEO shall determine to be reasonable, necessary, or desirable, in the name and on behalf of NJ TRANSIT to fully carry out the intent and to accomplish the purposes of the foregoing resolution, and the execution by the Chair or President & CEO of any of such instrument or document, or the doing by such officer of any act in connection with the foregoing matters, shall conclusively establish such officer's authority therefore from NJ TRANSIT and the approval and ratification by NJ TRANSIT of the instruments and documents so executed and the actions so taken.

Authorization that all actions heretofore taken and documents prepared or executed by or on behalf of NJ TRANSIT by its officials and by NJ TRANSIT professional advisors, in connection with the Master Agreement, or any other action in connection with or related to the acquisition of the Hartz Units, the release of Hartz from the Penn Plaza Litigation and any environmental claims

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relating to the condition of the North Bergen Property, or the release of the Doremus Avenue Purchase Option, are hereby ratified, confirmed, approved, and adopted.

- 2205-39 ANNUAL NOTICE OF MEETINGS AND DESIGNATION** – Adopt the Annual Notice of Meetings (Exhibit A) for all of the Board of Directors' meetings during Fiscal Year 2023 and to designate Cedrick T. Fulton as Vice Chairperson of the NJ TRANSIT Board of Directors and its subsidiaries. **62323**
- **EXECUTIVE SESSION AUTHORIZATION** **62325**
 - **ADJOURNMENT**

APPROVAL OF MINUTES

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


WHEREAS, pursuant to Section 4(f) of the New Jersey Public Transportation Act of 1979, the minutes of actions taken at the April 13, 2022 Board Meetings of the New Jersey Transit Corporation, NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc. were forwarded to the Governor on April 21, 2022;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the April 13, 2022 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
Sheila Y. Oliver, 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: MAY 11, 2022
SUBJECT: PRESIDENT & CEO'S REPORT – MAY 2022

NJ TRANSIT celebrated our commitment to improving the environment on Earth Day last month, which provided us a perfect opportunity to promote the essential role that public transit plays in reducing carbon emissions. NJ TRANSIT's service alone allows our state to avoid approximately 6.3 million tons of Greenhouse Gas emissions every year. We are also busy advancing many environmentally-focused initiatives, including development of our first-ever Sustainability Plan, and continuing to advance our ambitious goal to achieve a 100% zero-emissions bus fleet by 2040.

As warmer weather approaches and people begin to venture out more often, NJ TRANSIT resumed service to the Monmouth Park Racetrack on May 7th on our North Jersey Coast Line for the start of the live racing season, with a great discount package. The discount package includes discounted round-trip transportation, general admission, and an official racing program. Rail service to Monmouth Park will continue until the end of the season on September 18th. For more information, please visit njtransit.com/monmouthpark.

Earlier this month, I was proud to represent NJ TRANSIT at the Senate and Assembly Budget Committee hearings at the State House in Trenton, both of which covered NJ TRANSIT's proposed Fiscal Year 2023 operating budget, and many other areas of the organization such as service, infrastructure projects, technology and sustainability. Legislators clearly appreciated the many ways we have returned dividends on their investment in NJ TRANSIT, while acknowledging the work that still lies ahead. I was also pleased to note that the Governor's proposed budget will again include no fare increase for customers – for the fifth consecutive year under the Murphy Administration.

We have three items up for Board consideration that I'd like to highlight. Today, the Board will consider a contract to purchase 143 new cut-away minibuses with lifts – with the option to purchase 308 more in the future – to provide to subrecipients for transportation for senior citizens and people with disabilities in New Jersey. This purchase is aligned with our Strategic Plan goal to "Power a stronger and fairer economy for all communities in the region," and supports our mission to improve mobility for senior citizens and people with disabilities throughout the state. The Board will also consider a contract to restore full operations to our Oradell Bus Garage, which was completely flooded last year in September by remnants of Tropical Storm Ida. And, we look forward to Board approval to replace up to 351 non-revenue fleet vehicles, through which NJ TRANSIT will add 129 new electric hybrid vehicles to our fleet of non-revenue vehicles, aligned with the Governor's Energy Master Plan and supporting our own agency's Sustainability Plan.

Moving on to "infrastructure," NJ TRANSIT celebrated a significant milestone last month. On April 21st, I was proud to join Governor Murphy and many other elected officials to break ground at our Perth Amboy Station, ushering in a major station renovation and expansion. Construction is now underway to make Perth Amboy fully accessible under the Americans with Disabilities Act, providing enhanced options and mobility for people with disabilities. We will also: completely renovate and expand the station building, including the installation of new ADA-compliant bathrooms; install two new high-level platforms; and, install new elevators and ramps – all while preserving Perth Amboy's historic and distinctive design.

NJ TRANSIT proudly launched two new technology initiatives this week, both focused on maximizing public transportation accessibility. First, through a new partnership with Magnusmode, NJ TRANSIT will assist neurodiverse customers with the help of "Magnus" – an illustrated character within the free MagnusCards app. The app combines the specialized instruction with real-world images to aid neurodiverse customers, such as those who are autistic, who could use extra guidance navigating everyday experiences on public transit. Customers can learn more and find links to download the app at njtransit.com/magnusmode.

NJ TRANSIT has also revamped its accessibility-related website content and user experience, now available at njtransit.com/accessibility. The webpage features new videos about the many services and features of NJ TRANSIT that make it accessible and inviting to all individuals, as well as easy-to-use links to specific information such as our Reduced Fare Program, community transportation services, and our Access Link paratransit service.



PRESIDENT & CEO'S MONTHLY REPORT

May 11, 2022

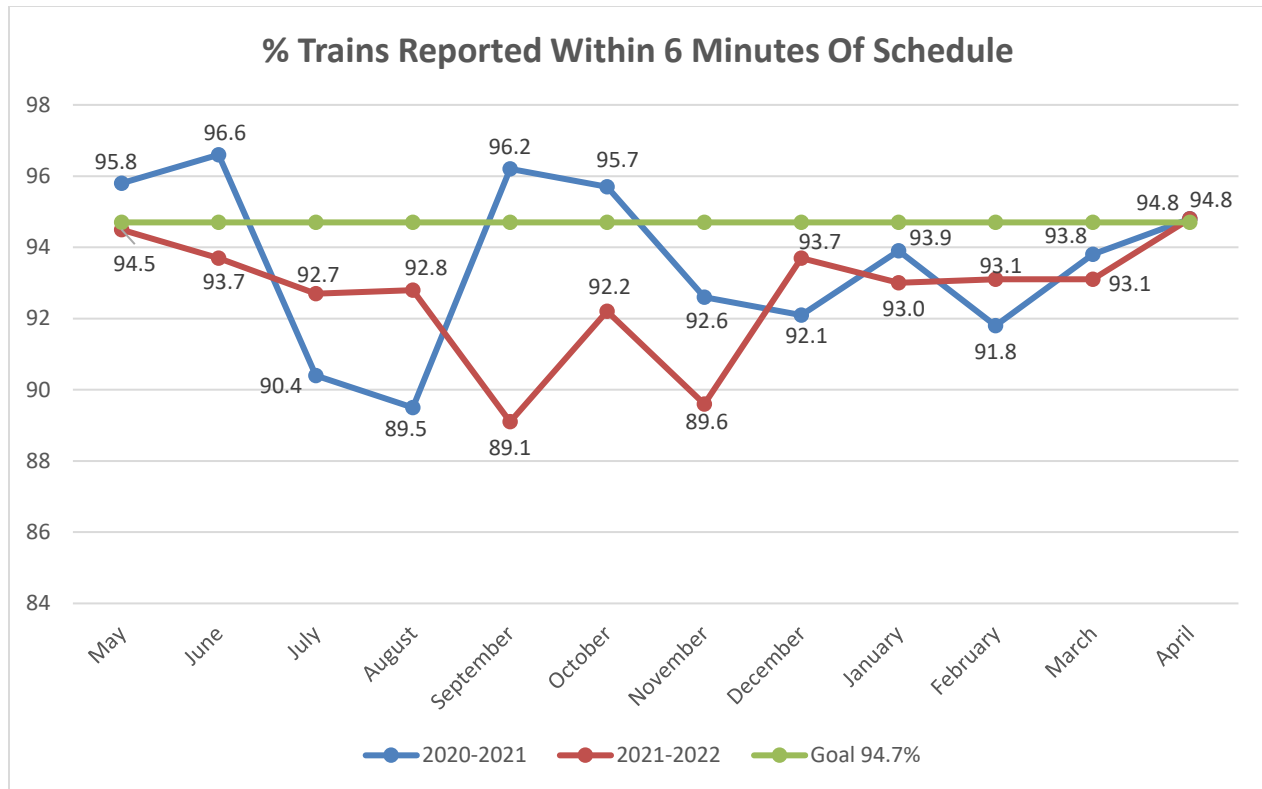
PRESIDENT & CEO'S MONTHLY REPORT

May 11, 2022

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

PERFORMANCE MEASURES

NJ TRANSIT ON-TIME PERFORMANCE RAIL MAY 2020 – APRIL 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
April Comparison	94.8%	94.8%	0.0%
12-Month Average May. 2020 – Apr. 2022	93.5%	92.7%	-0.8%

Analysis:

Rail On-time Performance was 94.8% for April, 2022. Of the 17,734 trains scheduled to operate, 16,811 were on time, while 923 trains (or 5.2%) were delayed.

Key Causes included:

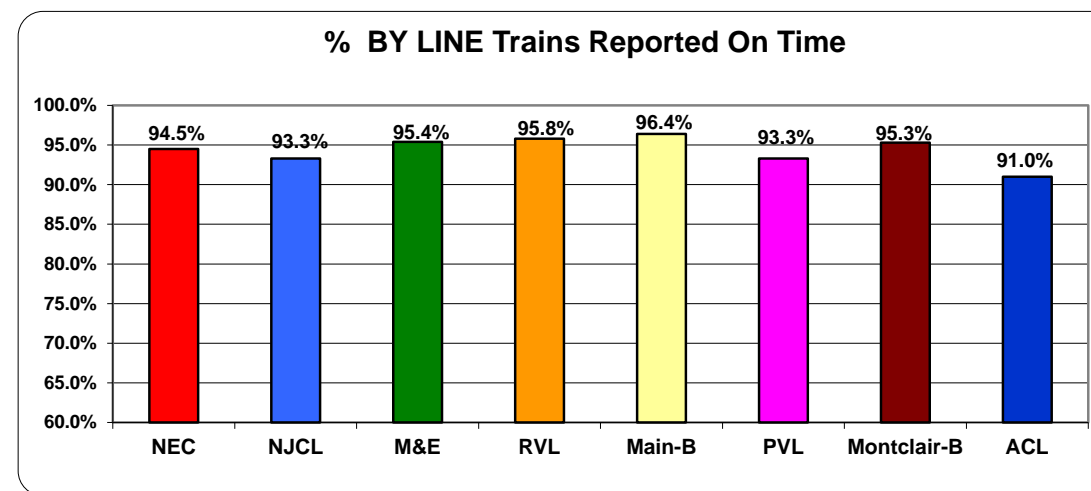
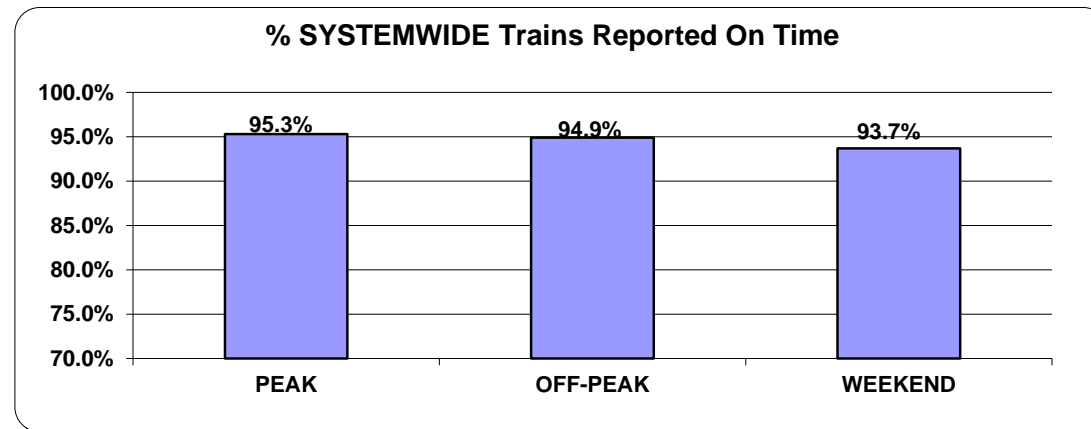
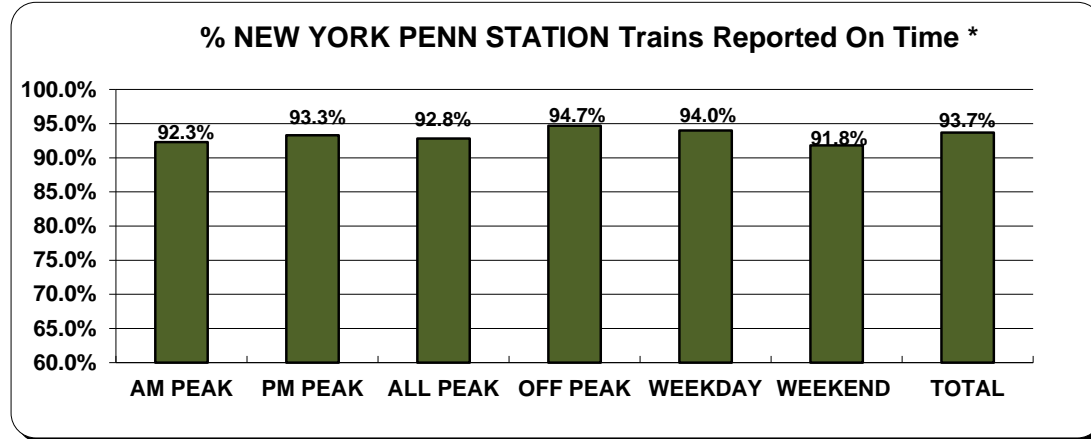
- Amtrak programmed maintenance, Conrail equipment issues, NJT heavy travel, bridge issues and arrow MU issues contributed 31 delays on April 2.
- Amtrak programmed maintenance, switch issues, bridge strike, NJT diesel failure, police action and electric locomotive issues contributed 74 delays on April 7.
- Amtrak trackside interference contributed 38 delays on April 28.

The 12-month Average for Rail On-Time Performance was 92.7%.

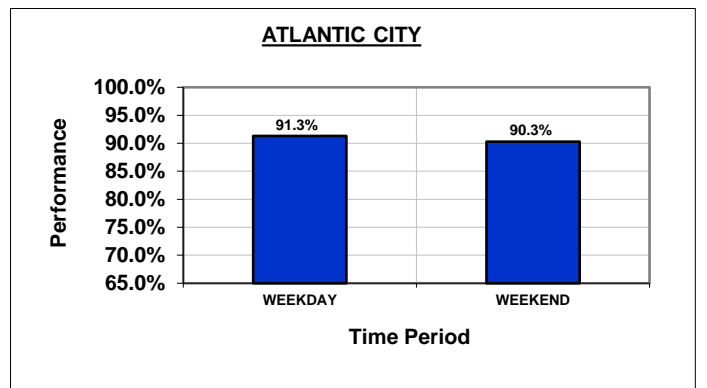
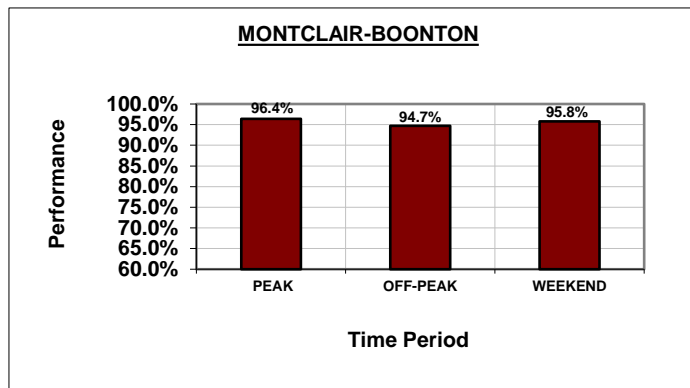
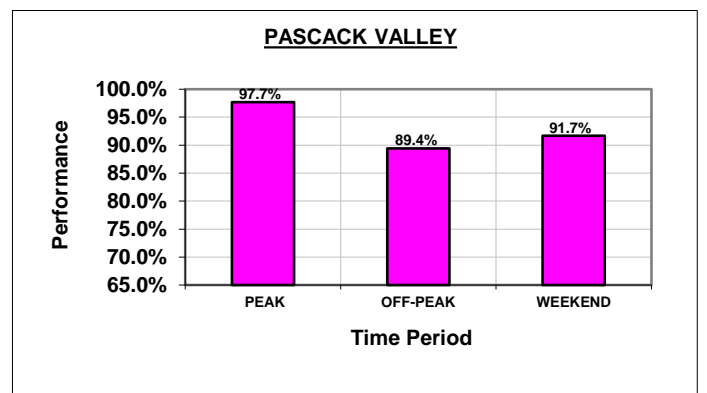
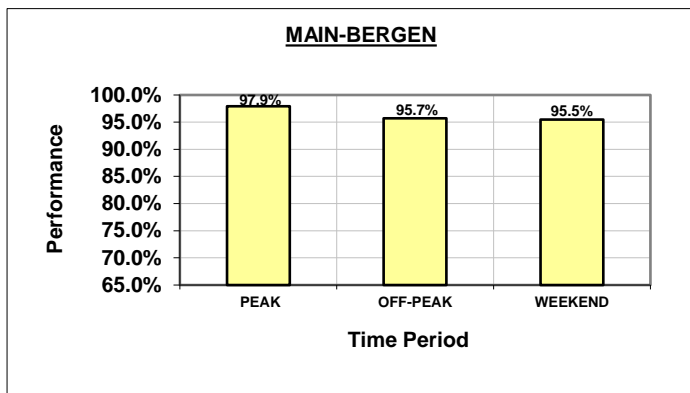
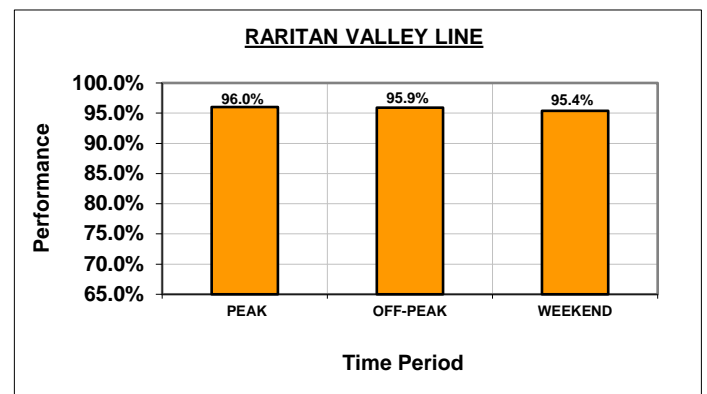
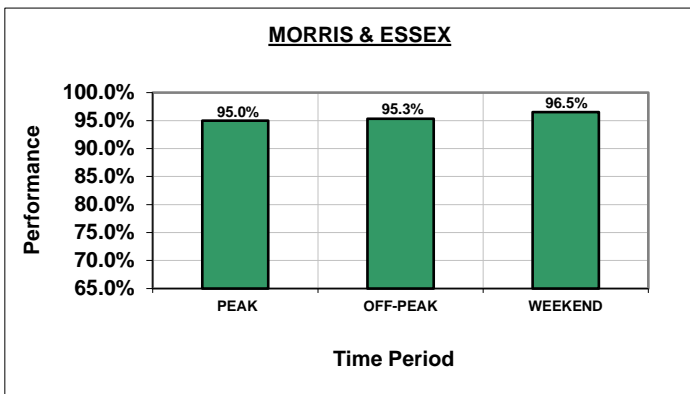
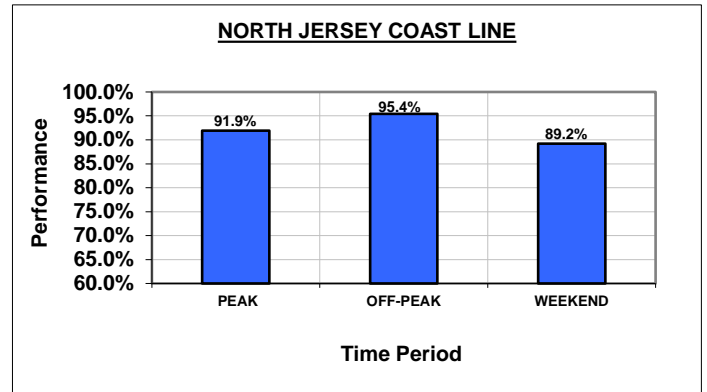
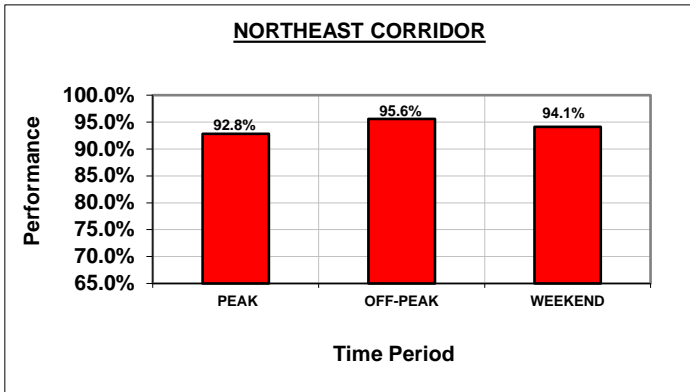
ON-TIME PERFORMANCE RAIL

SUMMARY BY TIME PERIOD April 2022

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



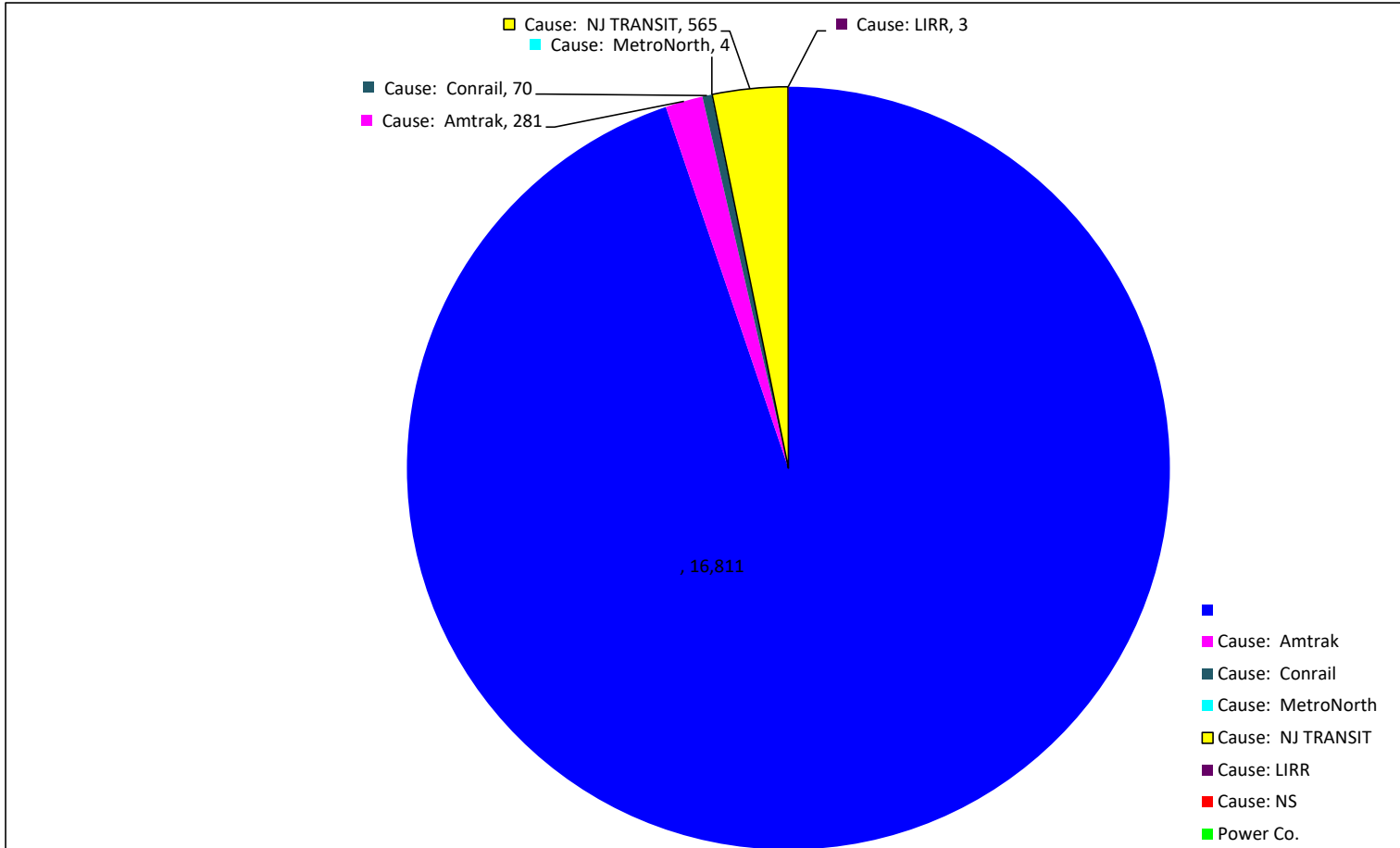
ON-TIME PERFORMANCE BY RAIL LINE & TIME PERIOD April 2022



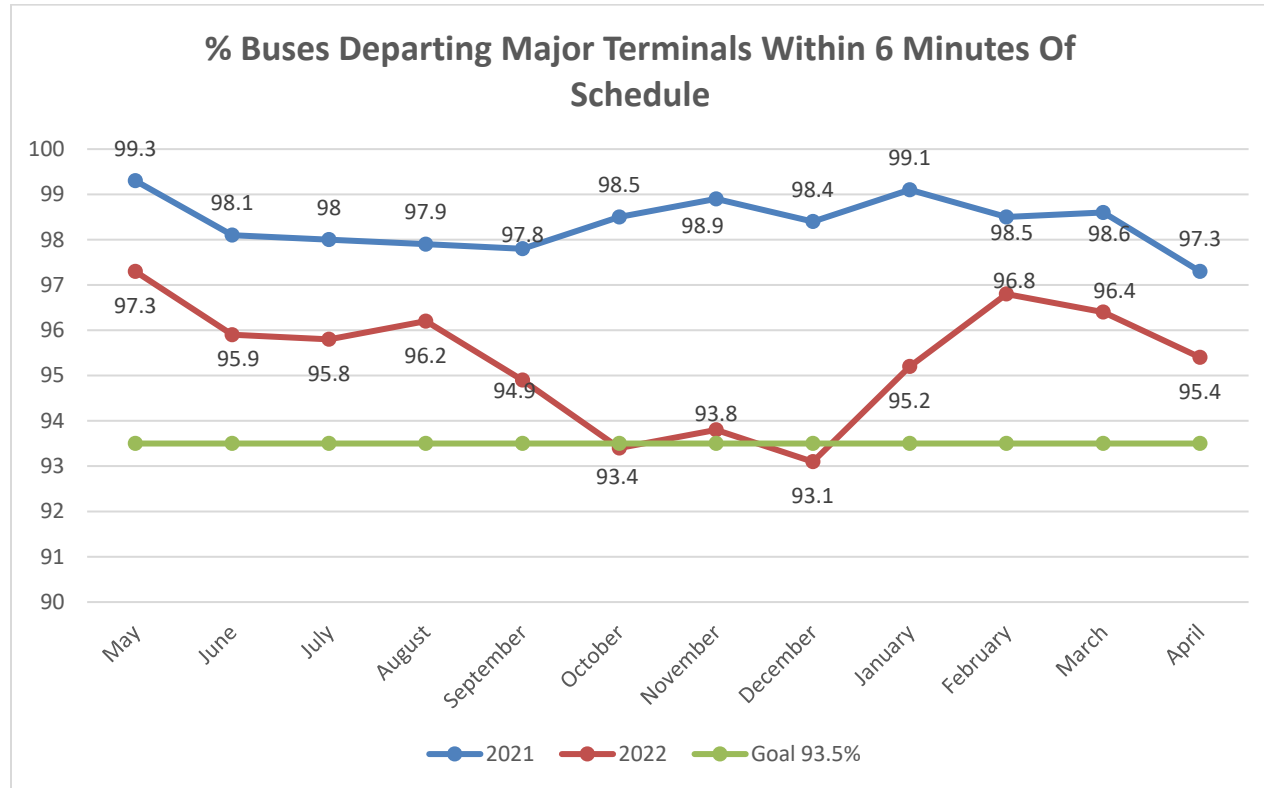
NJ TRANSIT Performance - April 2022

Late NJ TRANSIT Trains

		Cause: Amtrak	Cause: Conrail	Cause: MetroNorth	Cause: NJ TRANSIT	Cause: LIRR	Cause: NS	Power Co.
# of Trains On Time	16,811	281	70	4	565	3		
# of Late Trains	923	1.58%	0.39%	0.02%	3.19%	0.02%	0.00%	0.00%
Total # of Trains	17,734							
Percentage On Time	94.8%							



NJ TRANSIT ON-TIME PERFORMANCE BUS May 2020 – April 2022



April Comparison	<u>2021</u>	<u>2022</u>	<u>%Change</u>
12-Month Average May 2020 – April 2022	97.3%	95.4%	-1.9%
Analysis*:	98.4%	95.4%	-3.0%

Bus On-Time Performance systemwide was 95.4% for the month of April 2022. Of the 42,212 monitored departures, 1936 experienced delays.

Key Causes included:

- At PABT, On the 1st & 4th heavy inbound and outbound traffic at rush hour and heavy traffic due to weather contributed to delays. On the 8th heavy rain cause flooding around the Oradell garage. On the 20th a bus fire in North Bergen caused delays on route 3 and route 495. On the 22nd heavy traffic and 2 accidents inside the building contributed to the delays. On the 25th NJT bus/NJT bus on inbound ramp caused delays. On 29th disabled NJT bus blocking the roadway caused delays.
- At Newark Penn, on the 4th bus/auto accident, DOT Inspections, police activity, and road closures due to construction caused delays. On the 14th Bus/Auto accidents, sick passenger, mechanical issues, and closed roads due to construction work contributed to the delays. On the 25th mechanical issues, local road closure and congestion from road construction caused delays.

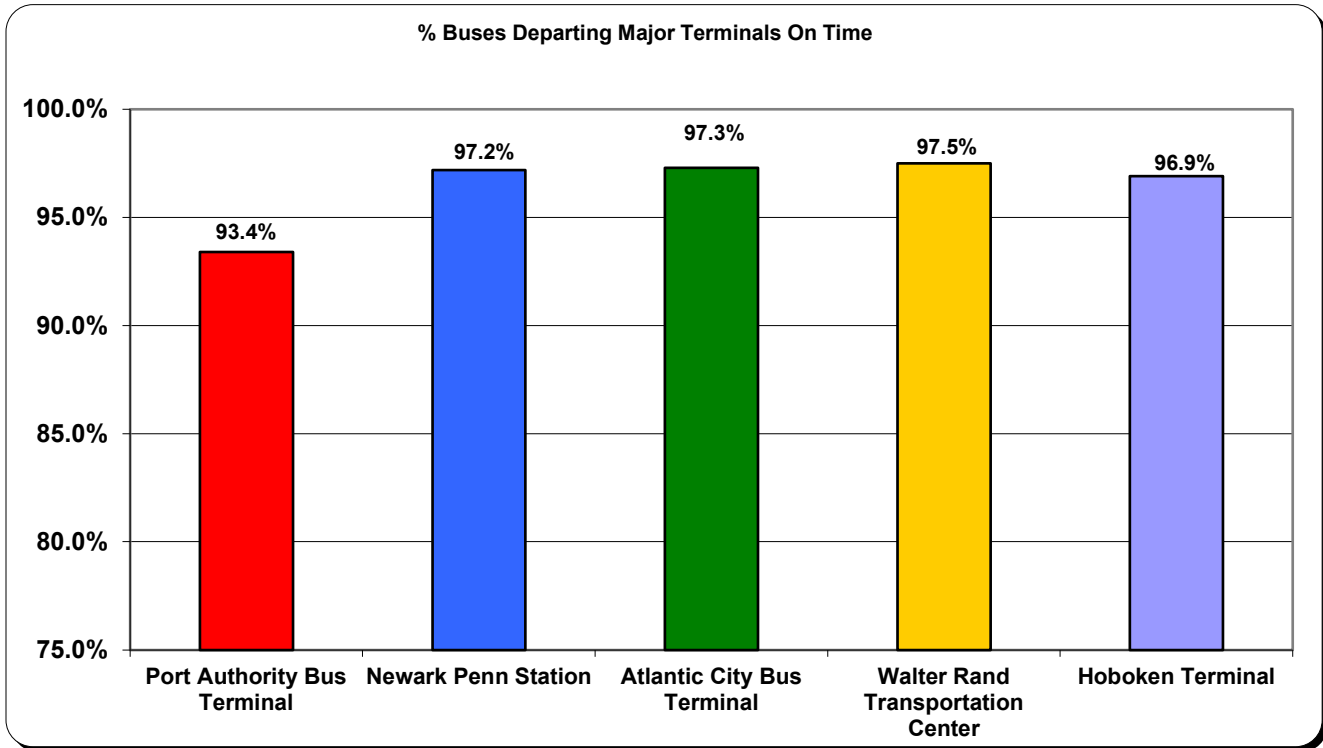
For various other locations, Minor delays were caused due to weather, detours, traffic, and road construction on various days.

The 12-month average for Bus On-Time Performance was 95.4%.

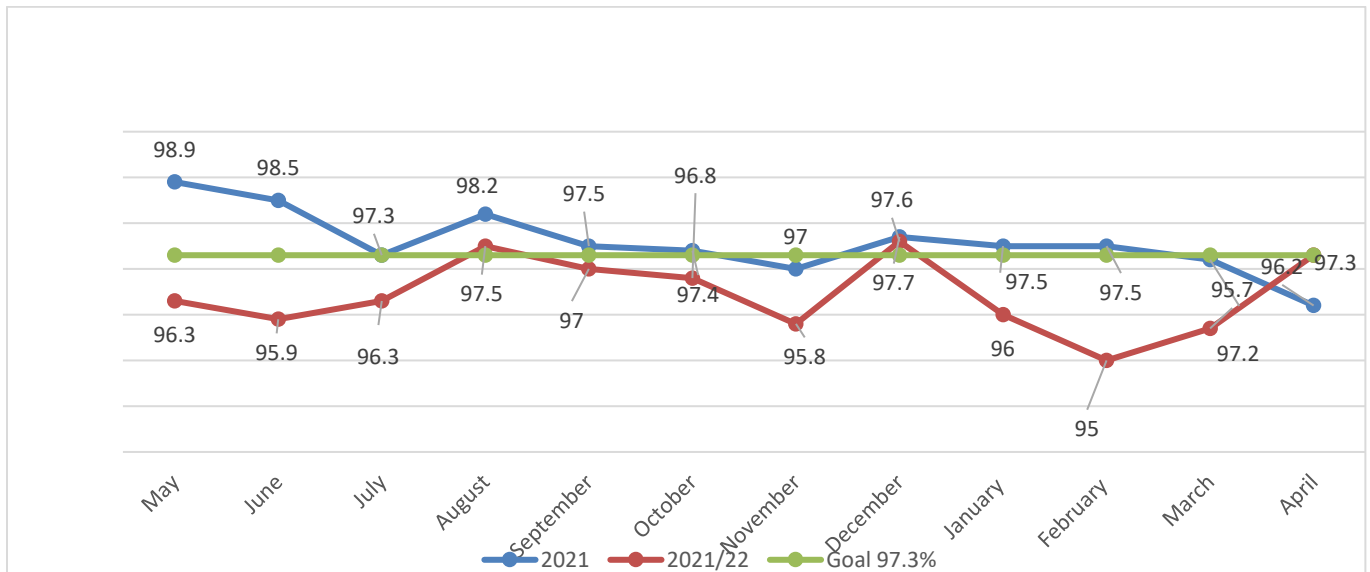
* The higher than usual OTP is the result of the state-wide lockdowns and little to no traffic interference.

ON-TIME PERFORMANCE BUS

SUMMARY BY TERMINAL



NJ TRANSIT ON-TIME PERFORMANCE LIGHT RAIL May 2021 – April 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
April Comparison	96.2%	97.3%	+1.1%
12-Month Average May 2021 – April 2022	97.4%	96.4%	-1.0%

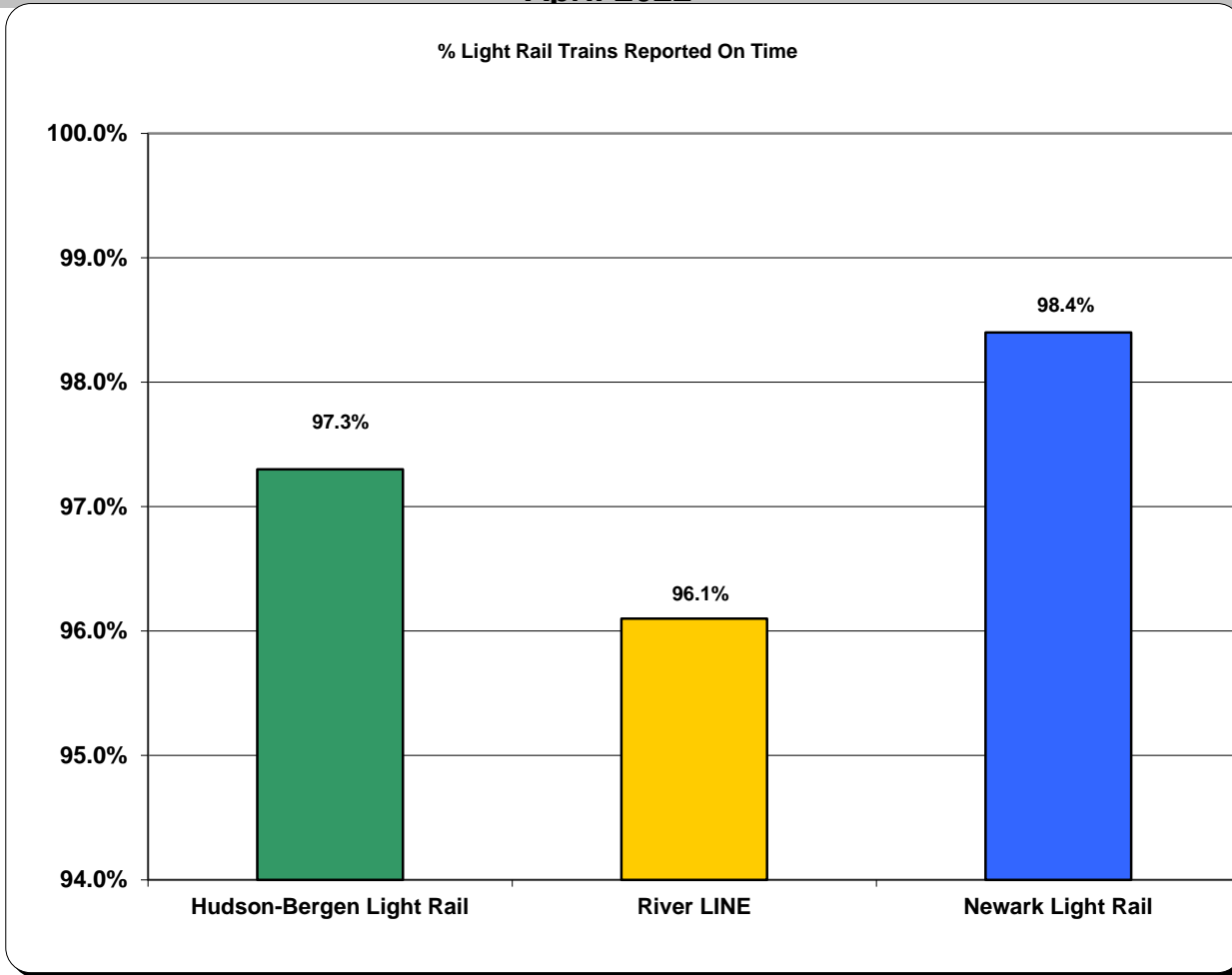
Analysis: Light Rail On-Time Performance system wide was 97.3% for the month of April. Of the 26,964 scheduled departures, 722 experienced delays.

Key Causes included:

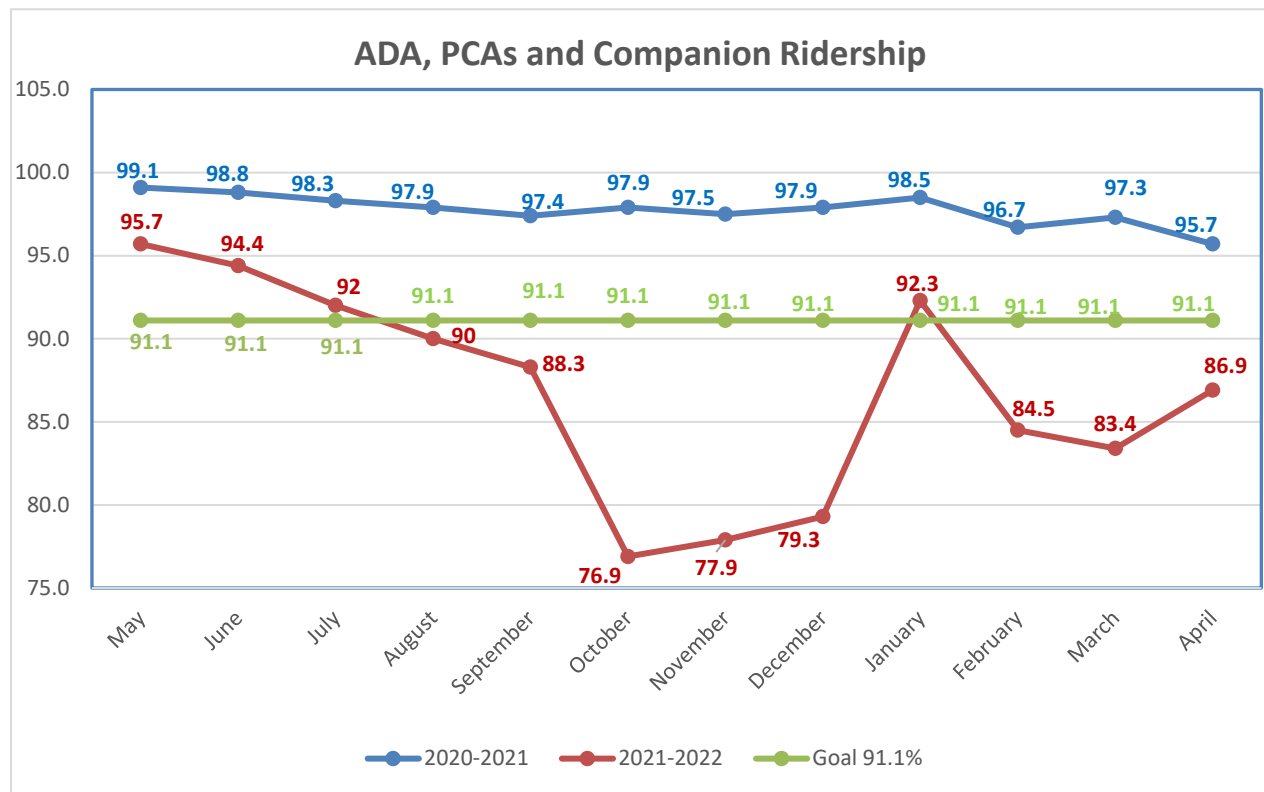
- Newark Light Rail** – General maintenance taking place on multiple dates due to door, propulsion, and power/brake issues. Repair of damaged track near Orange St. affected 130 trains on 4/1. Police activity on 4/16 affected 9 trains. LRV brake fault on 4/6 affected 14 trains.
- River Line** – Incidents involving general maintenance of LRV/equipment malfunctions occurred, including engine, door, signal, and brake issues. Police activity on 4/2, 4/4, 4/10, 4/11, 4/13, 4/14, 4/15, 4/19, and 4/22 affected 19 trains. Incidents involving passengers on 4/15, 4/16, 4/18, and 4/20 affected 9 trains. MV fouling on 4/1, 4/8 and 4/9 resulted in 3 delays. Track obstructions on 4/3 and 4/21 affected 2 trains.
- HBLR** – Incidents involving general maintenance of LRV taking place across multiple dates, including door malfunctions, power/propulsion issues, brake and other issues; trains pulled out of revenue service and issues corrected ASAP. Police activity on 4/1, 4/4, 4/5, 4/9, 4/13, 4/15, 4/17, 4/18, 4/20, 4/22, 4/26, 4/27, 4/29 affected 49 trains. External passenger incidents on 4/1, 4/3, 4/7, 4/11, 4/12, 4/16, 4/20, 4/24, 4/25, and 4/26 affected 38 trains. Motor vehicle on tracks on 4/10, 4/15, 4/17, 4/23, 4/24, and 4/25 affected 24 trains. LRV collision with pedestrian (non-casualty) affected 3 trains on 4/6. Disabled train due to brake fault resulted in 30 lost trains on 4/12.
- The 12-month Average for Light Rail On-Time Performance is 96.4%

ON-TIME PERFORMANCE LIGHT RAIL

SUMMARY BY LINE April 2022



NJ TRANSIT ON-TIME PERFORMANCE ACCESS LINK MAY 2021–APRIL 2022



	<u>2021</u>	<u>2022</u>	<u>%Change</u>
April Comparison	95.7%	86.9%	-8.8%
April Ridership	90,195	106,512	16,317
12-Month Average May 2021 – April 2022	97.8	86.8%	-11.0%

Analysis:

Access Link On-Time Performance was 86.9% for April 2022. In serving 115,812 total riders, for 105,512 ADA customers trips, 13,901 (or 13.1%) experienced delays.

Key Causes included:

- System wide (Trapeze) terminal outage on (4/4/22) experienced decline in OTP
- Regions 5 & 6, 45-60 minute delays due to operator availability
- Customer cancellations and no-shows

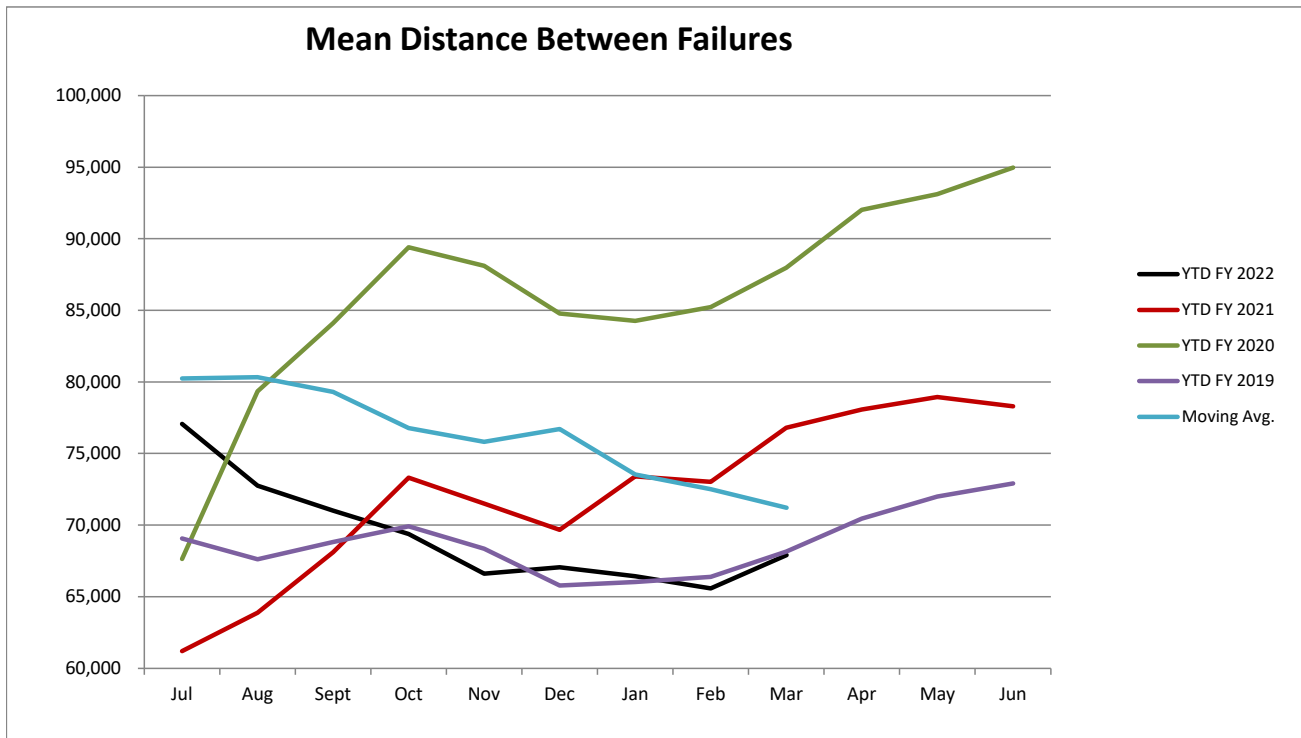
The 12-month Average for Access Link On-Time Performance was 86.8%.

MEAN DISTANCE BETWEEN FAILURES

March 2022

NJ TRANSIT Rail Operations
Mean Distance Between Failures

Month	YTD FY 2022	YTD FY 2021	YTD FY 2020	YTD FY 2019	12 Month Moving Avg.
Jul	77,087	61,198	67,634	69,055	80,232
Aug	72,743	63,891	79,350	67,612	80,333
Sept	71,005	68,109	84,111	68,823	79,307
Oct	69,368	73,320	89,410	69,913	76,783
Nov	66,597	71,498	88,101	68,356	75,824
Dec	67,060	69,664	84,773	65,796	76,713
Jan	66,433	73,392	84,273	66,025	73,526
Feb	65,594	73,030	85,233	66,391	72,516
Mar	67,894	76,790	87,973	68,141	71,219
Apr	-	78,072	92,007	70,447	-
May	-	78,962	93,119	71,986	-
Jun	-	78,300	94,969	72,930	-

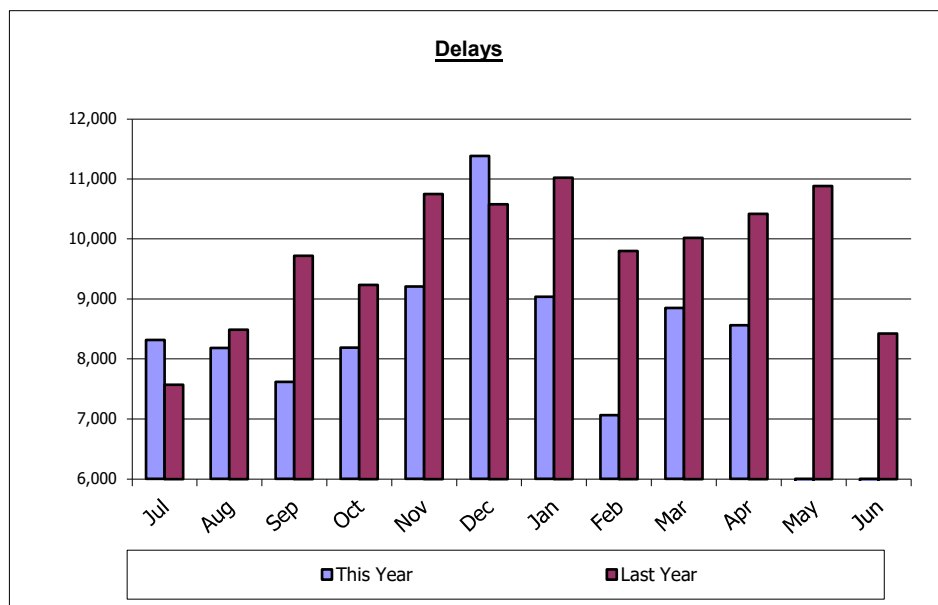


* FY2022 Numbers reflect start of FY2022

Garage Performance Parameters

April 2022

Location	Miles Between In-Service Delays			
	FY2022 Goal	This Month	FY2022 YTD	FY2021 YTD
Fairview	5,500	5,398	5,736	4,482
Greenville	7,000	4,904	5,414	5,430
Market Street	8,000	3,948	4,046	5,840
Meadowlands	9,500	5,926	6,952	5,492
Oradell	10,000	10,279	6,130	8,302
Wayne	16,000	14,617	15,106	18,535
Northern Division	-	7,089	6,720	7,425
Big Tree	8,800	5,468	5,271	5,240
Hilton	10,200	6,236	6,959	7,844
Howell	16,750	27,546	28,313	30,524
Ironbound	9,600	7,221	7,690	9,395
Orange	9,250	4,008	4,199	4,994
Morris	10,500	16,863	24,727	21,951
Central Division	-	7,789	8,221	9,262
Egg Harbor	15,000	14,194	13,189	15,863
Hamilton	13,000	13,127	10,311	11,308
Newton Avenue	14,000	12,996	16,383	17,279
Washington Twp.	16,000	15,099	16,855	19,958
Southern Division	-	14,094	14,247	16,431
Bus Operations	-	8,561	8,544	9,602

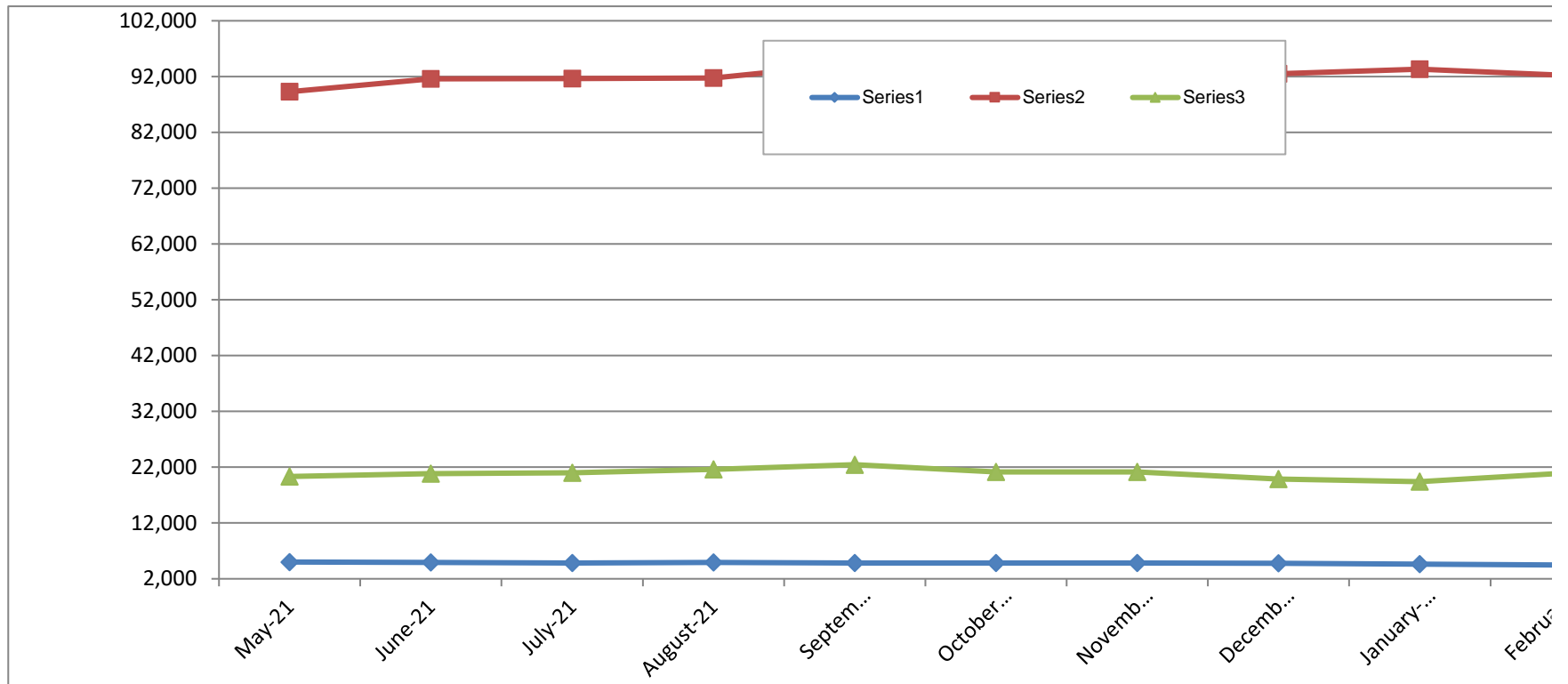


NJ TRANSIT - LIGHT RAIL, April 2022

Average Miles Between In Service Failures

NJT LIGHT RAIL	MDBSF * April 2022	MDBSF * March 2022
Newark Light Rail	4,619	4,390
Hudson Bergen	91,244	92,057
River LINE	22,422	21,588

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES



DBE/SBE PROGRAM

NJ TRANSIT - DBE/SBE Participation for April 2022**State Funded Contracts****State Fiscal Year 2022 - July 1, 2021 through June 30, 2022**

During the month of **April 2022** NJ TRANSIT awarded **\$8,095,358.70** in state funded contracts. Of that total, Small Business Enterprises (SBEs) received **\$716,628.55** or **8.85%**.

State Fiscal Year 2022 YTD (July 1, 2021, through June 30, 2022) NJ TRANSIT awarded **\$221,739,954.79** in state funded contracts. Of that total, SBEs received **\$20,781,233.35** or **9.37%**.

Note: The above reflects the Procurement Report of Awards dated May 4, 2022.

SBE Goal Attainment from July 1, 2021 through June 30, 2022 (SFY 2022)

Category 1 SBEs	\$2,494,211.20	1.12%
Category 2 SBEs	\$5,730,720.31	2.58%
Category 3 SBEs	\$10,820,214.93	4.88%
Category 4 SBEs	\$621,847.00	0.28%
Category 5 SBEs	\$1,114,239.91	0.50%
Category 6 SBEs	\$0.00	0.00%

FTA Funded Contracts (Updated on a quarterly basis– next update will occur July 2022)**Federal Fiscal Year (FFY) 2022 - October 1, 2021 through September 30, 2022**

During the **2nd Quarter** (January 1, 2022 – March 31, 2022) the FTA funded share of NJ TRANSIT's federal contracts awarded was **\$90,137,346.16**. Of that total, Disadvantaged Business Enterprises (DBEs) received **\$21,975,237.13** or **24.38%**.

FFY 2020 through FFY 2022 Q2 (October 1, 2019 – March 31, 2022) NJ TRANSIT awarded **\$2,055,545,811.59**** in federally funded contracts. Of that total, DBEs received **\$135,865,045.45** or **6.61%**.

**Numbers reflect federal share*

*** Number includes subrecipient awards*

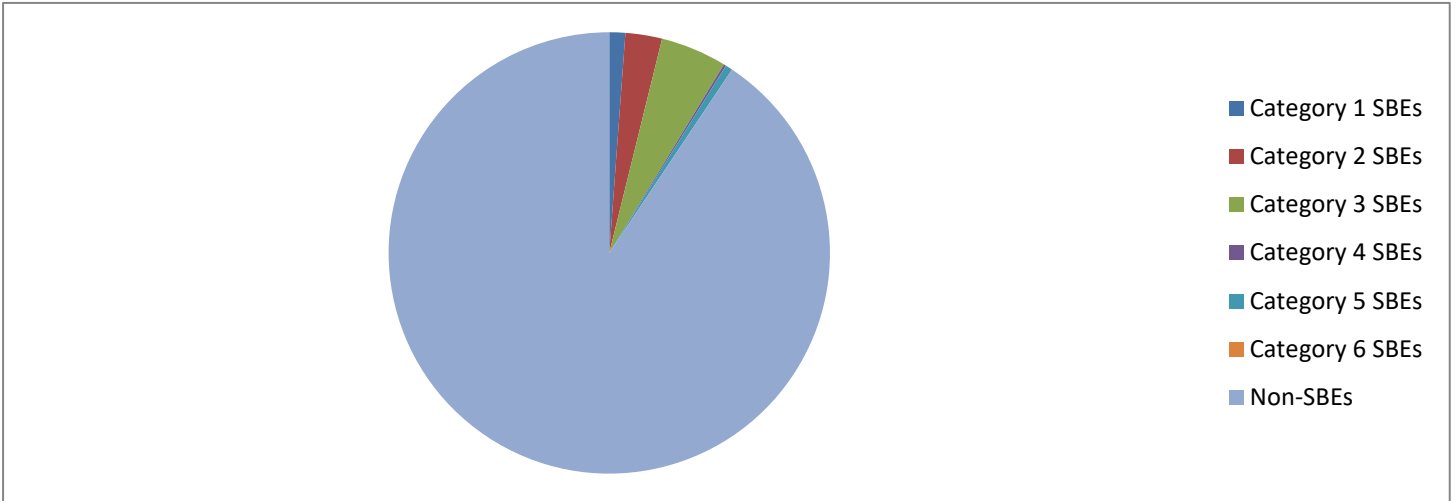
Transit Vehicle Manufacturer (TVM)¹ Awards

(Next update will occur in July 2022)

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.

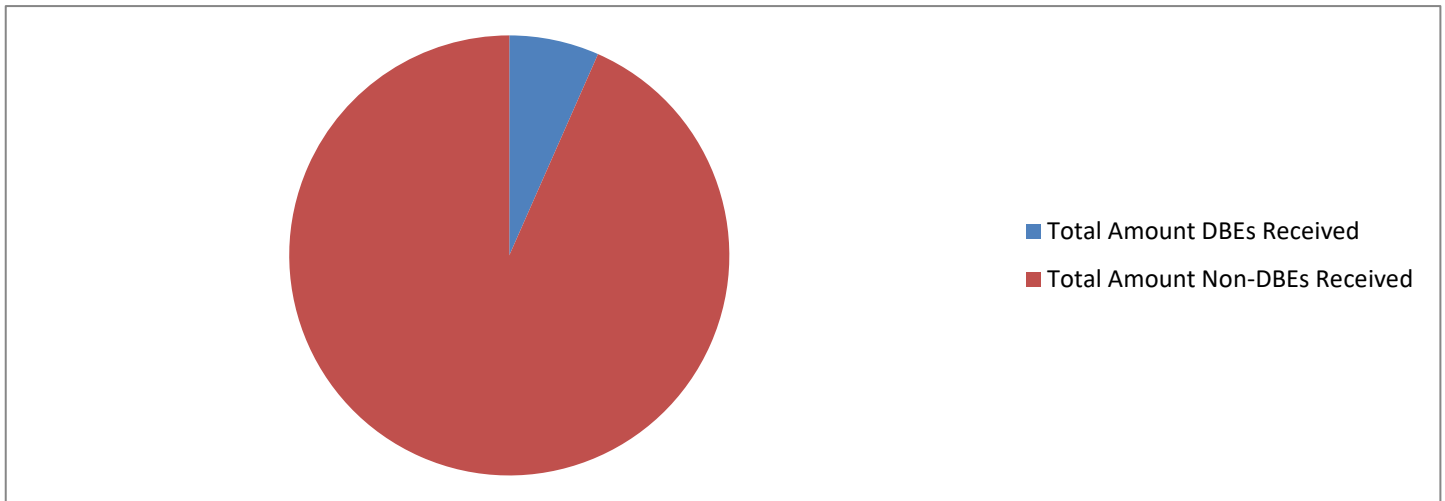
STATE CONTRACTS
STATE FYTD 2022

<i>Category 1 SBEs</i>	\$2,494,211.20	1.12%
<i>Category 2 SBEs</i>	\$5,730,720.31	2.58%
<i>Category 3 SBEs</i>	\$10,820,214.93	4.88%
<i>Category 4 SBEs</i>	\$621,847.00	0.28%
<i>Category 5 SBEs</i>	\$1,114,239.91	0.50%
<i>Category 6 SBEs</i>	\$0.00	0.00%
<i>Non-SBEs</i>	\$200,958,721.44	90.63%



DBE PARTICIPATION
FEDERAL CONTRACTS
FEDERAL FY 2020-2022

Total Amount DBEs Received	\$135,865,045.45	6.610%
Total Amount Non-DBEs Received	\$1,919,680,766.14	93.39%



EMPLOYEE RECOGNITION

NJ TRANSIT employees bid farewell after outstanding careers

The following NJ TRANSIT employees retired recently:

1. Jean Cham, Utilman, -- Ferry Street -- 36 years
2. Patrick Lee, Operator -- Howell -- 23 years
3. Haydee Melgar, Operator -- Wayne -- 35 years
4. Lynston Burrell, Operator -- Oradell -- 37 years
5. Timothy Connolly, Maintr. A -- Howell -- 25 years
6. Hector Conti, Operator -- Fairview -- 13 years
7. Dwayne Hollinger, Depot Master C -- Bloomfield -- 24 years
8. Joann Short, Operator -- Hamilton -- 19 years
9. Gilbert White, Operator -- Egg Harbor -- 32 years
10. Roberson Edwards, Sr. Dir. Cap. Proj. M. -- Penn Plaza -- 36 years
11. Eileen Monnier, Mgr. Fin. Opr. and Cmp. -- Penn Plaza -- 21 years
12. Joel Rawson, Chf. Qlty. Asr. Spc. -- Ferry Street -- 25 years
13. Natalya Kuznetssova, Sr. Sys. Anl/Pgr -- Penn Plaza -- 25 years
14. Edgardo Navarrete, Lrt. Ops. Cntrl. -- Bloomfield -- 23 years
15. Dominick Cicala, Supv. Communications and Signal -- Hammonth/Winslow -- 38 years
16. Joseph Gilboy, Conductor -- Various --35 years
17. Gregory Gittens, Electrician -- Various -- 13 years
18. Patrick Lombardi, Conductor -- Various -- 11 years
19. Furquan Muhammad, Conductor --Various --35 years

ACTION ITEMS

ITEM 2205-28

COMMUNITY MOBILITY AND LOCAL PROGRAMS BUS PURCHASE

The Community Mobility and Local Programs Bus Purchase will provide cut-away minibuses with lifts to subrecipients for transportation for senior citizens and people with disabilities in New Jersey.

- Staff seeks authorization to enter into NJ TRANSIT Contract No. 20-009A with Creative Bus Sales of Carlstadt, New Jersey, for the purchase of 64 small and standard cut-away vehicles in an amount not to exceed **\$7,143,202.00**, plus five percent for contingencies, for a total authorization of **\$7,500,363.00**, subject to the availability of funds.
- Staff also seeks authorization to enter into NJ TRANSIT Contract No. 20-009B with Rohrer Bus Group of Trenton, New Jersey, for the purchase of 79 extended cut-away vehicles in an amount not to exceed **\$10,089,763.00**, plus five percent for contingencies, for a total authorization of **\$10,594,251.00**, subject to the availability of funds.

ITEM 2205-28

COMMUNITY MOBILITY AND LOCAL PROGRAMS BUS PURCHASE

- NJ TRANSIT purchases vehicles on behalf of subrecipients awarded vehicles in pass-through FTA programs, including:
 - ❑ Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities yearly competitive program. These vehicles are used in services designed to meet the needs of senior citizens and people with disabilities.
 - ❑ Congestion Mitigation and Air Quality (CMAQ) Flex. Awarded by MPOs in their Local Initiatives program. These CMAQ awarded vehicles are flexed to the Section 5307 and 5310 programs and will be used to meet the needs of senior citizens, people with disabilities and the general public.
 - ❑ Next slide is photo of the cut-away minibuses with lift to be purchased on behalf of subrecipients in this procurement.

ITEM 2205-28
COMMUNITY MOBILITY AND LOCAL PROGRAMS BUS PURCHASE



ITEM 2205-28: COMMUNITY MOBILITY AND LOCAL PROGRAMS PURCHASE OF FOUR HUNDRED FIFTY-ONE (451) CUTAWAY MINIBUSES WITH LIFT

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 is available to purchase vehicles for local transportation programs under FTA Section 5310, and CMAQ Flex; and

WHEREAS, a Request for Proposals (RFP) was advertised on *BID EXPRESS*, NJ TRANSIT's electronic bid system, and in *The Star-Ledger* and *The Trenton Times* on Tuesday, March 11, 2021; and

WHEREAS, a Pre-Proposal Conference was held on April 6, 2021; and

WHEREAS, technical proposals were received electronically from two firms on the due date of Tuesday, December 21, 2021; and

WHEREAS, oral presentations were conducted on February 8, 2022 for both firms; and

WHEREAS, NJ TRANSIT'S Technical Evaluation Committee has reviewed the vendor proposals received for the provision of purchase of 451 Cutaway Minibuses with Lift; and

WHEREAS, upon completion of the competitive procurement process, it has been determined that Creative Bus Sales of Carlstadt, New Jersey, and Rohrer Enterprises, Inc. DBA Rohrer Bus Sales of Trenton, New Jersey, submitted proposals that provide the best values and are in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 20-009A with Creative Bus Sales, Inc. of Carlstadt, New Jersey, for the purchase of 64 cutaway minibuses with lift plus optional materials in an amount not to exceed \$7,143,202.00, plus five percent contingencies, subject to the availability of funds and Board approval of the Local Programs annual Board item; and

BE IT FURTHER RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 20-009B with Rohrer Bus Group of Trenton, New Jersey, for the purchase of 79 cutaway minibuses with lift plus optional materials in an amount not to exceed \$10,089,763.00, plus five percent contingencies, subject to the availability of funds and Board approval of the Local Programs annual Board item; and

BE IT FURTHER RESOLVED that the Chair or President & CEO is authorized to exercise the options to extend NJ TRANSIT Contract No. 20-009A with Creative Bus Sales, Inc. of Carlstadt, New Jersey, to purchase the remaining 168 vehicles over the four year-option period in accordance with the Request for Proposal and the vendor's proposal, at a cost not to exceed \$5,273,800.00 for each additional 12-month period, plus five percent for contingencies, subject to the approval of funds and Board approval of the Local Programs annual Board item; and

BE IT FURTHER RESOLVED that the Chair or President & CEO is authorized to exercise the options to extend NJ TRANSIT Contract No. 20-009B with Rohrer Bus Group of Trenton, New Jersey, to purchase the remaining 140 vehicles over the four-year option period in accordance with the Request for Proposal and the vendor's proposal, at a cost not to exceed \$4,808,726.00 for each additional 12-month period, plus five percent for contingencies, subject to the approval of funds and Board approval of the Local Programs annual Board item.

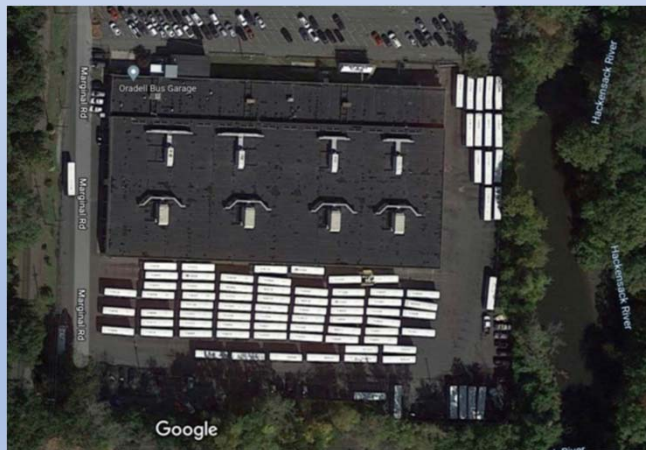
Remnants of Hurricane Ida:
Oradell Bus Garage –
Construction Services Contract
Modification

Oradell Bus Garage

Ida Flood Impacts

Flooding at the Oradell Bus Garage on September 2, 2021.

High-water elevation was at approximately 4.5 feet inside the facility.



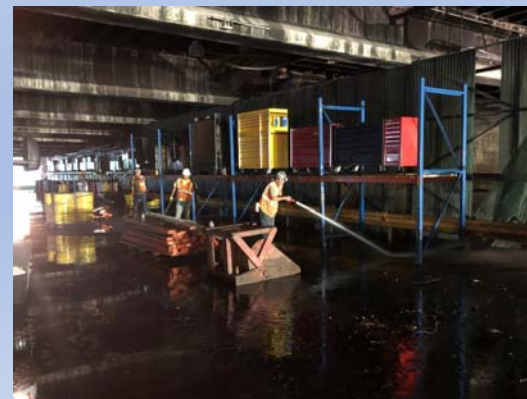
Oradell Bus Garage

Based on the damage, Oradell Bus Operations were temporarily relocated to Garden State Plaza mall.

On September 2, 2021 and November 5, 2021, NJ TRANSIT authorized emergency contractor services to:

- temporarily re-energize the garage with portable generators allowing for re-occupancy and restoration of operations;
- to allow for the temporary replacement of all irreversibly damaged electrical equipment;
- to provide temporary office trailers for key maintenance personnel; and
- to provide furnishings for interior office function.

This work was performed by Anselmi & DeCicco of Maplewood, New Jersey pursuant to two emergency authorizations (\$300,000 and \$933,000).



Oradell Bus Garage

- Subsequent to the installation of provisions for temporary power, it was determined that the garage's electrical infrastructure would require complete replacement on an expedited basis.
- This will require design services, equipment procurement, coordination with PSE&G, and final installation and future cut-in of permanent electrical services.
- To perform this work, staff seeks authorization of \$450,000 to enter into NJ TRANSIT Contract No. 22-027x with Anselmi & DeCicco of Maplewood, New Jersey, to provide continued Construction Services for the Oradell Bus Garage in an amount not to exceed \$1,683,0000, plus ten percent contingencies, subject to the availability of funds.



**ITEM 2205-29: REMNANTS OF HURRICANE IDA: ORADELL BUS GARAGE –
CONSTRUCTION SERVICES CONTRACT MODIFICATION**

WHEREAS, on September 2, 2021, remnants of Tropical Storm Ida resulted in up to four and a half feet of water inundating the Oradell Bus Garage, located in Oradell New Jersey; and

WHEREAS, as a result of the flooding, equipment, wiring, flooring, and drywall were severely damaged; and

WHEREAS, based on the damage, Oradell Bus Operations were temporarily relocated; and

WHEREAS, the costs and operational impacts of this relocation created a critical need to return the entire operation to a functioning Oradell facility as quickly as possible; and

WHEREAS, contractor services were required to temporarily re-energize the garage with portable generators allowing for re-occupancy and restoration of operations, to allow for the temporary replacement of all irreversibly damaged electrical equipment, to provide temporary office trailers for key maintenance personnel, and to provide furnishings for interior office functions; and

WHEREAS, based on the critical need to take immediate action due to the damage caused by remnants of Hurricane Ida, NJ TRANSIT authorized a Procurement By Exception (PBE) on September 2, 2021 to Anselmi & DeCicco for Construction Services, after receiving its estimate of costs; and

WHEREAS, the PBE for Construction Services was in the amount of \$300,000; and

WHEREAS, on November 5, 2021, a separate PBE authorized \$933,000 once the extent of the electrical damage was known; and

WHEREAS, Transportation Trust Fund, Insurance Proceeds, and FEMA DR4614 are the anticipated source of funding for this contract;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 22-027X with Anselmi & DeCicco of Maplewood, New Jersey, to provide continued Construction Services for the Oradell Bus Garage in an amount not to exceed \$450,000, plus ten percent contingencies, subject to the availability of funds.

ITEM 2205-30 NON-REVENUE VEHICLE PURCHASE

This is a three-year purchase plan for non-revenue vehicles in support of Administration, Police, Bus, and Rail Operations. This purchase replaces both light-duty (support vehicles) and heavy-duty (Infrastructure, Response and Maintenance) vehicles that have met their useful life (age and or miles) to ensure NJ TRANSIT meets its obligation to maintain a state of good repair.

- Seeking authorization to use NJ State contracts, cooperatives or and IFB for a three-year period for the purchase of non-revenue vehicles, not to exceed **\$22,934,053, plus five percent for contingencies**, subject to the availability of funds.



ITEM 2205-30 NON-REVENUE VEHICLE PURCHASE

- Authorization of this Board Item will replace up to 351 non-revenue vehicles that have met their useful life.
- Funding for this Board Item is through Transportation Transit Fund.



ITEM 2205-30:

NON-REVENUE VEHICLE PURCHASE

WHEREAS, NJ TRANSIT non-revenue fleet is presenting the purchase of up to 351 non-revenue vehicles that support Administration, Police, Rail, and Bus Operations; and

WHEREAS, the light and heavy-duty vehicles have met their useful life and are due for replacement; and

WHEREAS, Organizational Services will be using current State contracts, cooperative or an Invitation for Bid (IFB) should State contracts or cooperatives not available or financially effective; and

WHEREAS, Procurement will provide the Board with quarterly updates on the 351 non-revenue vehicles draw down along with the actual bid awards; and

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

WHEREAS, staff seeks authorization to use current State contracts for the purchase of up to 351 non-revenue vehicles;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to approve the use of State contracts for the purchase of up to 351 non-revenue vehicles for NJ TRANSIT's Organizational Services in the amount not to exceed \$22,934,053, plus five percent for contingencies, subject to the availability of funds.

ITEM 2205-31 MOBILE COLUMN LIFT REPLACEMENT

The Mobile Column Lift Replacement will enable NJ TRANSIT Bus Operations to meet current and upcoming maintenance needs for the fleet of new extended length 45-foot cruiser buses and articulated buses.

- Seeking authorization to enter into NJ TRANSIT Contract No. 22-024 with **Stertil-Koni USA** of Stevensville, Maryland, for the purchase of 85 mobile column lifts (24 four-column lifts and 61 six-column lifts) in the amount not to exceed \$5,959,074.89, plus five percent for contingencies, subject to the availability of funds.



ITEM 2205-31 MOBILE COLUMN LIFT REPLACEMENT

- NJ TRANSIT Bus Operations currently utilizes drive-on and portable (mobile column) bus lifts to maintain and repair buses at its garage facilities.
- Many of the existing lifts are over-age, ranging from 15 to 27 years, as well as under capacity.
- To meet current and upcoming maintenance needs for the fleet of new extended length 45-foot cruiser buses and articulated buses, NJ TRANSIT seeks to first replace the aging mobile column lifts prior to procuring replacements for the drive-on lifts (where possible, drive-on lifts will be replaced with mobile column lifts).
- Repairing the lifts would be prohibitively expensive, as the parts are not stocked and must be specially ordered.
- Inoperable bus lifts hamper NJ TRANSIT's ability to efficiently turn around vehicle repairs, thereby increasing the length of time a bus is out of service, which could negatively impact service delivery to customers.
- By replacing the aging lifts, NJ TRANSIT will improve the overall performance and reliability of its bus fleet, while also improving working conditions, equipment, and efficiency for maintenance staff.

ITEM 2205-31: MOBILE COLUMN LIFT REPLACEMENT

WHEREAS, NJ TRANSIT Bus Operations currently utilizes drive-on and portable (mobile column) bus lifts to maintain and repair buses at its garage facilities; and

WHEREAS, many of the existing lifts are over-age, ranging from 15 to 27 years, as well as under capacity; and

WHEREAS, to meet current and upcoming maintenance needs for the fleet of new extended length 45-foot cruiser buses and articulated buses, NJ TRANSIT seeks to first replace the aging mobile column lifts prior to procuring replacements for the drive-on lifts (where possible, drive-on lifts will be replaced with mobile column lifts); and

WHEREAS, repairing the lifts would be prohibitively expensive, as the parts are not stocked and must be specially ordered; and

WHEREAS, inoperable bus lifts hamper NJ TRANSIT's ability to efficiently turn around vehicle repairs, thereby increasing the length of time a bus is out of service, which could negatively impact service delivery to customers; and

WHEREAS, by replacing the aging lifts, NJ TRANSIT will improve the overall performance and reliability of its bus fleet, while also improving working conditions, equipment, and efficiency for maintenance staff; and

WHEREAS, an Invitation for Bid was advertised on December 27, 2021, and bids were received from two firms and opened on February 24, 2022; and

WHEREAS, upon completion of a competitive procurement process, Stertil-Koni USA was identified as the lowest responsive bidder; and

WHEREAS, the NJ TRANSIT Office of Business Development has deemed this a race neutral project, and the OBD reviewed and approved a 1.19 percent DBE utilization commitment identified by Stertil-Koni;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT Contract No. 22-024 with Stertil-Koni USA of Stevensville, Maryland, for the purchase of 85 mobile column lifts (24 four-column lifts and 61 six-column lifts) in the amount not to exceed \$5,959,074.89, plus five percent for contingencies, subject to the availability of funds.

ITEM 2205-32: WASHINGTON TOWNSHIP BUS GARAGE FIRE ALARM REPLACEMENT

WHEREAS, NJ TRANSIT's Washington Township Bus Garage, located in Turnersville, New Jersey, is one of 16 garages utilized by Bus Operations; and

WHEREAS, NJ TRANSIT is required by law to maintain functional fire alarm systems at each of its facilities pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) to comply with the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) and to ensure the safety of its employees and protection of its vehicles and other assets; and

WHEREAS, the existing fire alarm system at Washington Township Bus Garage was installed in 1988 at the time of the building's construction and is now obsolete and experiencing multiple operational and communication failures, requiring a complete replacement, as parts are not available for repairs; and

WHEREAS, the fire suppression system at the garage remains functional, as it is a standalone system tied into the alarm system; however, if the fire suppression system were to activate, the alarm itself may not trigger or indicate the location of the alarm point; and

WHEREAS, NJ TRANSIT seeks to procure a replacement fire alarm system as soon as possible in order to ensure the safety of its employees, to protect its vehicles and assets, and to comply with the State of New Jersey's Uniform Fire Code; and

WHEREAS, NJ TRANSIT's enabling statute and procurement regulations permit the purchases of goods and services to support public transportation or transit operations through cooperative purchase agreements; and

WHEREAS, Johnson Controls Fire Protection-Simplex Grinnell, via a Sourcewell Cooperative Purchasing Agreement (#031517-SGL), will provide a turnkey solution for the replacement of the fire alarm and emergency voice communications system at the Washington Township Bus Garage; and

WHEREAS, SBE goals are set when the contract is created and cannot be set by NJ TRANSIT independently, and NJ TRANSIT has verified that there is no SBE goal associated with this contract;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into NJ TRANSIT COOP No. 21-334 via a Sourcewell Cooperative Purchasing Agreement (#031517-SGL) with Johnson Controls Fire Protection-Simplex Grinnell of Milwaukee, Wisconsin, for the purchase of a replacement fire alarm system for Washington Township Bus Garage in the amount not to exceed \$1,218,380.00, plus five percent for contingencies, subject to the availability of funds.

ITEM 2205-33: INFORMATION TECHNOLOGY: AWARD FOR MANAGED SERVICES AND CONSULTING FOR DATA SECURITY SERVICES TO SECURE TECHNOLOGY INTEGRATION GROUP, LTD.

WHEREAS, NJ TRANSIT operates a complex information technology network that must be protected on a 24/7 basis to ensure continued business operations and to protect sensitive information, including customer credit card information, customer and employee personally identifiable information, customer and employee health information, and highly sensitive criminal justice information; and

WHEREAS, the NJ TRANSIT Information Technology Department has limited in-house resources for cyber security and has identified the need for staff augmentation in the areas of PCI security operations, security operations center covering all NJ TRANSIT locations and devices as well as e-commerce sites, email security, alarm monitoring, endpoint protection and platform monitoring, and incidence response and forensics; and

WHEREAS, staff developed requirements for a contract competitively bid under federal GSA IT Schedule 70, and Secure Technology Integration Group, Ltd. ranked the highest based on technical requirements and price;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into a managed services and consulting contract for data security services with Secure Technology Integration Group, Ltd. of Glen Rock, New Jersey, for the period of July 1, 2022 through June 30, 2023, in an amount not to exceed \$1,066,585.00, plus five percent for contingencies, subject to the availability of funds.

ITEM 2205-34: INFORMATION TECHNOLOGY: AWARD OF CONTRACT FOR ORACLE SOFTWARE MAINTENANCE AND SUPPORT TO MYTHICS FOR DATABASE INFRASTRUCTURE AND APPLICATIONS

WHEREAS, NJ TRANSIT implemented the Oracle Database over a decade ago and the Oracle Enterprise Business Suite (EBS) Procure to Pay system in October 2017 to support business operations, including general ledger, inventory, procurement, accounts payable, and other enterprise applications; and

WHEREAS, many NJ TRANSIT applications run on the Oracle database infrastructure; and

WHEREAS, as proprietary software, Oracle requires payments for software maintenance and support on an annual basis; and

WHEREAS, NJ TRANSIT staff solicited competitive bids for Oracle software maintenance using approved vendors;

NOW, THEREFORE, BE IT RESOLVED that the Chair or President & CEO is authorized to enter into a software maintenance contract for Oracle EBS with Mythics of Virginia Beach, Virginia, for the period of June 21, 2022 through June 20, 2025, in an amount not to exceed \$6,842,742.60, plus five percent for contingencies, subject to the availability of funds.

ITEM 2205-35: LEASE OF 242 WEST 30TH STREET, NEW YORK, NEW YORK, TO ACCOMMODATE FOR MANDATED REST SPACE FOR NJ TRANSIT TRAINMEN

WHEREAS, NJ TRANSIT is required by the Federal Railroad Administration (“FRA”) to provide its’ Trainmen (i.e., conductors, engineers, etc.) with accommodations to take an undisturbed break for a minimum of four hours for any shifts lasting longer than 12 hours; and

WHEREAS, the number of employees currently meeting the criteria to take a break and in need of accommodations is approximately 50 people and is expected to increase to approximately 65 with anticipated increased service levels; and

WHEREAS, NJ TRANSIT’s New York Penn Station facilities are not large enough to facilitate all employees meeting the criteria to take a four-hour break during their shifts lasting longer than 12 hours; and

WHEREAS, the Hayden Hotel is currently used to accommodate employees requiring a four-hour break in excess of those using NJ TRANSIT’s New York Penn Station; and

WHEREAS, the accommodations at the Hayden Hotel are costly and the layout of the rooms being used is not efficient for this special purpose; and

WHEREAS, additional space will be needed to accommodate employees’ breaks during planned renovations to New York Penn Station; and

WHEREAS, NJ TRANSIT has negotiated a ten-year lease with Bernstein Real Estate to rent the second floor of its’ office building at 242 West 30th Street, New York, New York, totaling 8,0000 rentable square feet, located less than 0.2 miles from New York Penn Station which will be fit out at Bernstein Real Estate’s expense with men’s and women’s locker rooms and common lounge space, for a total lease cost not to exceed the total amount discussed in Executive Session, including rent, estimated expenses, and other incidental items; and

WHEREAS, the proposed lease with Bernstein Real Estate is more suited to accommodate NJ TRANSIT’s employees than the current arrangements with Hotel Hayden and at a significant decrease in costs:

NOW, THEREFORE, BE IT RESOLVED that the Chair or President and CEO is authorized to enter into a ten-year lease with Bernstein Real Estate to rent the second floor of its’ office building at 242 West 30th Street, New York, New York, totaling 8,0000 rentable square feet, located less than 0.2 miles from New York Penn Station which will be fit out at Bernstein Real Estate’s expense with men’s and women’s locker rooms and common lounge space, for a total lease cost not to exceed the total amount discussed in Executive Session, including rent, estimated expenses, and other incidental items, plus five percent for contingencies.

ITEM 2205-36: PERSONAL INJURY CLAIM OF DOUGLAS PASTORE

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

WHEREAS, Douglas Pastore 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 Douglas Pastore 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 2205-37: PERSONAL INJURY CLAIM OF XUEFANG ZHONG

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

WHEREAS, Xuefang Zhong 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 Xuefang Zhong 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 2205-38: MASTER AGREEMENT WITH HARTZ MOUNTAIN INDUSTRIES, INC. AND ITS AFFILIATES THAT RESULTS IN (1) NJ TRANSIT ACQUIRING THE REMAINING UNITS IN 1-2 PENN PLAZA EAST, (2) THE SETTLEMENT OF AN ARBITRATION CLAIM RELATING TO 1-2 PENN PLAZA EAST, NEWARK, (3) NJ TRANSIT RELEASING A PURCHASE OPTION FOR PROPERTY IN NEWARK, AND (4) THE SETTLEMENT OF ENVIRONMENTAL CLAIM RELATING TO PROPERTY IN NORTH BERGEN

WHEREAS, New Jersey Transit Corporation (“NJ TRANSIT”) owns Units 1, 3, and 4 in the property known as 1-2 Penn Plaza East, Newark (the “NJ TRANSIT Headquarters Building”), and the remainder of the condominium units in the NJ TRANSIT Headquarters Building (the “Hartz Units”) are owned by Hartz Mountain Industries, Inc. (collectively with its affiliates, “Hartz”) through certain of its affiliates; and

WHEREAS, with respect to the structured parking that is part of the Hartz Units (“Unit 2”), a 1990 easement was granted that affords the owner of the adjacent property the exclusive right to utilize the structured parking (the “Unit 2 Parking Easement”), provided that Hartz retains the right to lease up to 120 parking spaces within Unit 2 until as late as March 20, 2070 at 85 percent of fair market value pursuant to a sublease with the adjacent property owner (the “Parking Sublease”); and

WHEREAS, in 2016, NJ TRANSIT commenced an arbitration action against Hartz entitled New Jersey Transit Corporation v. Hartz Mountain Industries, Inc., AAA Case No. 01-16-0003-9220 (“Penn Plaza Litigation”) based on claims against Hartz concerning the construction, repair, and maintenance of the NJ TRANSIT Headquarters Building, including the curtain wall system and waterproofing systems, which Penn Plaza Litigation remains unresolved; and

WHEREAS, NJ TRANSIT entered into a 2011 lease (“Doremus Avenue Lease”) with Hartz as landlord, for condominium Unit I (the “Doremus Avenue Leased Premises”) at a property known as 601 Doremus Avenue, Newark, that is comprised of three (3) condominium units (collectively, the “Doremus Avenue Property”), including the Doremus Avenue Leased Premises; and

WHEREAS, the Doremus Lease provides for a term that runs through the end of June 2036, which may be extended, at NJ TRANSIT’s election, for two additional terms totaling 25 years, as well as an option to purchase the Doremus Property during a 60-day window starting July 1, 2026 (“Doremus Avenue Purchase Option”); and

WHEREAS, NJ TRANSIT obtained title to certain property located at 1801 and 2001 Tonnelles Avenue in North Bergen (the “North Bergen Property”) by eminent domain in connection with the planned Trans-Hudson Express Tunnel project, which North Bergen Property was owned in fee by Hartz at that time; and

WHEREAS, the 2011 court order fixing the compensation award for the North Bergen Property (“2011 Order”) required the sum of \$1,000,000.00 (“Hartz Remediation Escrow”) to be set-aside and deposited with the court as a reserve for the remediation costs arising out of potential environmental liability of Hartz, and preserved the right of NJ TRANSIT to pursue future actions against Hartz on account of contamination at the North Bergen Properties; and

WHEREAS, Hartz has indicated that it will dispute any liability relating to the North Bergen Property and, thus, in order to recover remediation costs from the Hartz Remediation Escrow, or any additional remediation costs in excess thereof, NJ TRANSIT would be forced to pursue additional litigation against Hartz; and

WHEREAS, NJ TRANSIT contemplates entering into a master settlement agreement (“Master Agreement”) with Hartz whereby Hartz will (i) convey title to all of the Hartz Units to NJ TRANSIT (thereby vesting NJ TRANSIT with ownership of the NJ TRANSIT Headquarters Building), (ii) assign the Parking Sublease to NJ TRANSIT, (iii) release its rights to the Hartz Remediation Escrow, and (iv) make an all-cash payment to NJ TRANSIT in an amount as discussed in Executive Session (“Hartz Cash Payment”), in exchange for NJ TRANSIT (x) releasing Hartz from the Penn Plaza Litigation and any claim against Hartz relating to environmental condition of the North Bergen Property, and (y) releasing the Doremus Avenue Purchase Option; and

WHEREAS, NJ TRANSIT is seeking approval to take such actions as are necessary to enter into and effectuate the terms of the Master Agreement with Hartz, including without limitation taking such actions as are necessary and appropriate to acquire title to the Hartz Units, obtain an assignment of the Parking Sublease, accept the Hartz Cash Payment, release Hartz from the Penn Plaza Litigation and any environmental claims relating to the condition of the North Bergen Property, and release the Doremus Purchase Option;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes, approves, and consents to the entering into and effectuating the terms of the Master Agreement, including the undertaking of acquiring the Hartz Units, accepting an assignment of the Parking Sublease, dissolving the condominium form of ownership (to the extent possible), and releasing the Doremus Avenue Purchase Option, and further authorizes the Chair or President & CEO to determine all matters in connection therewith; and

BE IT FURTHER RESOLVED, that the Chair or President & CEO is authorized to take any and all actions necessary to enter into and effectuate the terms of the Master Agreement with Hartz in accordance with the terms and conditions set forth in the Master Agreement, and as discussed in Executive Session; and

BE IT FURTHER RESOLVED, that the Master Agreement with Settlement of Miscellaneous Disputes, Arbitration Settlement and Mutual Release Agreement, Purchase and Sale Agreement, Condemnation Settlement and Mutual Release Agreement, Lease Modification Agreement, and Amendment to Memorandum of Lease,

substantially in the forms provided to the Board on the date of this resolution, with such changes, omissions, insertions, and revisions as shall be approved by the Chair or President & CEO, be and the same, are hereby authorized and approved, and the Chair or President & CEO are each hereby authorized and directed to execute the Master Agreement with Settlement of Miscellaneous Disputes, Arbitration Settlement and Mutual Release Agreement, Purchase and Sale Agreement, Condemnation Settlement and Mutual Release Agreement, Lease Modification Agreement, and Amendment to Memorandum of Lease, and any and all other agreements, memorandums to be recorded, documents, consents, acknowledgments and certificates necessary to implement the transactions contemplated by the Master Agreement, in the name of and on behalf of NJ TRANSIT, in as many counterparts as may be necessary, and to affix or impress the official seal of NJ TRANSIT thereon and to attest the same, as necessary, and such execution and attestation to be conclusive evidence of the approval of the form and content of such documents; and

BE IT FURTHER RESOLVED, that the Chair or President & CEO of NJ TRANSIT be, and hereby are, authorized and directed to take all such further actions and to execute and deliver all such further instruments and documents as the Chair or President & CEO shall determine to be reasonable, necessary, or desirable, in the name and on behalf of NJ TRANSIT to fully carry out the intent and to accomplish the purposes of the foregoing resolution, and the execution by the Chair or President & CEO of any of such instrument or document, or the doing by such officer of any act in connection with the foregoing matters, shall conclusively establish such officer's authority therefore from NJ TRANSIT and the approval and ratification by NJ TRANSIT of the instruments and documents so executed and the actions so taken; and

BE IT FURTHER RESOLVED, that all actions heretofore taken and documents prepared or executed by or on behalf of NJ TRANSIT by its officials and by NJ TRANSIT's professional advisors, in connection with the Master Agreement, or any other action in connection with or related to the acquisition of the Hartz Units, the release of Hartz from the Penn Plaza Litigation and any environmental claims relating to the condition of the North Bergen Property, or the release of the Doremus Avenue Purchase Option, are hereby ratified, confirmed, approved, and adopted.

ITEM 2205-39: ANNUAL NOTICE OF MEETINGS AND DESIGNATION

WHEREAS, the New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., NJ TRANSIT Morris, Inc. have regular meetings of the Board of Directors; and

WHEREAS, pursuant to the Open Public Meetings Law, P.L. 1975, c.231, an annual notice of regular meetings of the Board of Directors must be disseminated; and

WHEREAS, Public Law 2018, chapter 162 requires the Board to hold a minimum of 10 public Board meetings per year and one-half of the total number of meetings shall be held in the evening; and

WHEREAS, the Annual Notice of Meetings must be prominently posted in one public place reserved for announcements of this type, transmitted to newspapers, filed with the Secretary of State, and transmitted to any person who requests notice of meetings; and

WHEREAS, Public Law 2018, chapter 162 requires the annual designation of a Vice Chairperson of the NJ TRANSIT Board of Directors and an annual designation of a Board Secretary by the NJ TRANSIT Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that the Annual Notice of Meetings, Exhibit A, for all of the Board of Directors' meetings during Fiscal Year 2023 is adopted; and

BE IT FURTHER RESOLVED that the Annual Notice of Meetings shall be disseminated in accordance with the provisions of the Open Public Meetings Act, P.L. 1975, c.231 and Public Law 2018, chapter 162; and

BE IT FURTHER RESOLVED that Cedrick T. Fulton is designated as Vice Chairperson of the NJ TRANSIT Board of Directors and its subsidiaries.

EXHIBIT A

ANNUAL NOTICE OF MEETINGS: FISCAL YEAR 2023

**NEW JERSEY TRANSIT CORPORATION
NJ TRANSIT RAIL OPERATIONS, INC.
NJ TRANSIT BUS OPERATIONS, INC.
NJ TRANSIT MERCER, INC.
NJ TRANSIT MORRIS, INC.**

In accordance with the "Open Public Meetings Act," P.L. 1975, c.231 and Public Law 2018, chapter 162 the above organizations will hold regular meetings, open to the public, on the second Wednesday of the month for the period July 1, 2022 through June 30, 2023, except as noted below. The Board shall hold a minimum of 10 public board meetings per year. One-half of the total number of meetings of the Board shall be held in the evening.

Unless otherwise indicated, meetings will be held at NJ TRANSIT's Corporate Headquarters in Newark, New Jersey. The meetings will convene in the Board Room at NJ TRANSIT's Headquarters, One Penn Plaza East, Ninth Floor, Newark, New Jersey.

The specific dates and times are as follows:

July 20, 2022 (3 rd Wednesday)	6:00 p.m. Evening
<i>August 2022</i>	<i>NO MEETING</i>
September 21, 2022 (3 rd Wednesday)	9:00 a.m.
October 12, 2022	6:00 p.m. Evening
November 9, 2022	9:00 a.m.
December 14, 2022	9:00 a.m.
<i>January 2023</i>	<i>NO MEETING</i>
February 8, 2023	6:00 p.m. Evening
March 13, 2023 (2 nd Monday)	6:00 p.m. Evening
April 19, 2023 (3 rd Wednesday)	9:00 a.m.
May 10, 2023	6:00 p.m. Evening
June 14, 2023	9:00 a.m.

EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation, and matters falling within the attorney-client privilege, including, but not limited to the NJ TRANSIT – Portal North Bridge Project: Parcel 118 – Metal Green Recycling Self-Move Agreement and Relocation and the Personal Injury Claim of Ysabelle Campanella; and

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