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

MAY 17, 2017

FINAL AGENDA

➢ CALL TO ORDER
➢ SAFETY ANNOUNCEMENT
➢ PLEDGE OF ALLEGIANCE TO THE FLAG
➢ APPROVAL OF MINUTES OF PREVIOUS MEETINGS
➢ PUBLIC COMMENTS ON AGENDA ACTION ITEMS ONLY
➢ ADVISORY COMMITTEE REPORT
➢ SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ADVISORY COMMITTEE REPORT (NEXT SCHEDULED REPORT JUNE 2017)
➢ BOARD COMMITTEE REPORTS
   *Customer Service Committee
   *Administration Committee
   *Capital Planning, Policy and Privatization Committee
➢ EXECUTIVE DIRECTOR’S MONTHLY REPORT

ACTION ITEMS

1705-15 PORTAL BRIDGE NORTH PROJECT – GC.01 EARLY ACTION CONSTRUCTION: CONSTRUCTION CONTRACT AWARD

Authorization to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in the amount of $14,574,876.50, plus five percent for contingencies, subject to the availability of funds.

EXECUTIVE SESSION AUTHORIZATION: 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 Personal Injury Claim of Alexander Son.
1705-16 PERSONAL INJURY CLAIM OF ALEXANDER SON

Authorization to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

➢ PUBLIC COMMENTS ON OTHER MATTERS

➢ 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 4, 2017 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 11, 2017;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the April 4, 2017 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.
EXECUTIVE DIRECTOR’S REPORT

THIS REPORT WILL BE PRESENTED SEPARATELY
ACTION ITEMS
ITEM 1705-15:  PORTAL BRIDGE NORTH PROJECT – GC.01 EARLY ACTION CONSTRUCTION: CONSTRUCTION CONTRACT AWARD

BENEFITS

The Portal Bridge is a two-track movable swing span railroad bridge over the Hackensack River constructed more than a century ago. The bridge, owned by Amtrak, is a critical link on the Northeast Corridor. Delays due to bridge failures and maintenance as well as reduced operational speeds have made replacement of the bridge critical to the larger goal of increasing passenger rail service into Manhattan.

The Federal Railroad Administration (FRA) has approved a project to both replace the existing bridge and expand capacity in the corridor by constructing a new parallel span north of the existing structure. The two-track replacement bridge, known as Portal Bridge North, is designed as a high-level fixed-span bridge, eliminating the movable components and risk of malfunction.

The project will greatly improve service reliability for Amtrak and NJ TRANSIT trains. While NJ TRANSIT and Amtrak are jointly responsible for project design, NJ TRANSIT is undertaking the Early Action construction phase which will support the acceleration of the Portal Bridge North construction schedule.

A second two-track Portal Bridge South span is proposed as part of Amtrak’s Gateway Program and, when complete, will double train capacity along this critical length of the Northeast Corridor (NEC).

ACTION (Safety and Security, Corporate Accountability, Financial Performance, Customer Experience)

Staff seeks authorization to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in the amount of $14,574,876.50, plus five percent for contingencies, subject to the availability of funds.

PURPOSE

Authorization of this contract will allow for construction of early action construction elements designated as Construction Contract Package GC.01 to facilitate access for the future construction of the replacement Portal Bridge North. As a condition of the project permits from the US Coast Guard and the NJ Department of Environmental Protection, construction in the Hackensack River is restricted from March 1 to July 1 of
each year. The moratorium is intended to preclude disruption of fish migration and to keep fishery resource harms and losses to a minimum.

BACKGROUND

History
The present Portal Bridge was placed into operation in 1910 as part of the Pennsylvania Railroad’s construction of passenger service facilities in Midtown New York and is nearing the end limits of its functional life. Its two-track structure is outdated and incapable of adapting to the present demands for expanded rail service into Manhattan. The bridge has only 23 feet of vertical clearance above the mean high water level and must pivot open to allow maritime traffic to pass through, closing the bridge to rail traffic and interrupting operations on the Northeast Corridor. Additionally, the miter rails, which allow the rails to disengage and the bridge to open and close, restrict speeds on the bridge to 60 miles per hour, while trains can operate at 90 miles per hour on adjacent portions of the NEC. These conditions create bottlenecks along the NEC, especially during peak commute hours.

The overall Portal Bridge North project entails the reconstruction and reconfiguration of the NEC between Swift Interlocking and the Frank R. Lautenberg Station at Secaucus Junction including reconstructed approaches and all related infrastructure connecting Northeast Corridor rail traffic with a new replacement bridge over the Hackensack River.

Project Scope
This GC.01 Early Action Construction project includes the realignment of a 138kV transmission pole; the installation of new fiber optic cable poles; the construction of a construction access structure, known as a finger pier, extending from the west shore of the Hackensack River; the construction of a steel bridge structure over the Jersey City Municipal Utility Authority water main; and the construction of a retaining wall just west of the Frank R. Lautenberg Station at Secaucus Junction. This construction will facilitate schedule acceleration by providing the access for the construction of the future new Portal Bridge North.

Procurement
The NJ TRANSIT Office of Business Development assigned a 12 percent Race Conscious Disadvantaged Business Enterprise (DBE) goal for this contract. Office of
the State Comptroller approval to advertise this contract was originally received on May 13, 2016.

On May 20, 2016, an Invitation for Bids was advertised on BID EXPRESS, NJ TRANSIT’s electronic bid system, and in *The Star-Ledger* and *Trenton Times*. A Pre-Bid Conference was held on June 14, 2016, at NJ TRANSIT Headquarters; site visits to the Portal Bridge were held on June 24, 2016. Bids from three firms were received electronically and opened on July 12, 2016 at NJ TRANSIT Headquarters in Newark. Subsequent to the bid opening the Invitation for Bids was cancelled due to Amtrak train schedule changes; unanticipated regulatory restrictions on in-water construction resulted in impacts on construction schedule, sequencing, and budget; additional scope was added to the contract documents; and other factors. As a result, the contract documents were revised and re-issued for bids.

Office of the State Comptroller approval to advertise this revised contract was received on March 15, 2017.

The Invitation for Bids for the revised contract scope was advertised on BID EXPRESS, NJ TRANSIT’s electronic bid system, and in *The Star-Ledger* and *Trenton Times* on March 17, 2017. A Pre-Bid Conference was held on March 28, 2017, at NJ TRANSIT Headquarters; site visits to the Portal Bridge were held on March 29, 2017. Bids from five firms were received electronically and opened on April 25, 2017, at NJ TRANSIT Headquarters in Newark. Results are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>City, State</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PKF-Mark III, Inc.</td>
<td>Newtown, PA</td>
<td>$14,574,876.50</td>
</tr>
<tr>
<td>Union Paving &amp; Construction Co., Inc.</td>
<td>Mountainside, NJ</td>
<td>$16,547,600.00</td>
</tr>
<tr>
<td>Northeast Remsco Construction, Inc.</td>
<td>Farmingdale, NJ</td>
<td>$17,998,162.00</td>
</tr>
<tr>
<td>Agate Construction Company, Inc.</td>
<td>Ocean View, NJ</td>
<td>$18,274,462.00</td>
</tr>
<tr>
<td>George Harms Construction Co., Inc.</td>
<td>Farmingdale, NJ</td>
<td>$20,280,455.00</td>
</tr>
</tbody>
</table>

**Funding**

The U.S. Department of Transportation’s (USDOT) Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program provides a unique opportunity for investment in road, rail, transit and port projects that promise to achieve national objectives. Since 2009, Congress has dedicated nearly $4.6 billion for seven rounds of TIGER to fund projects that have a significant impact on the Nation, a region or a metropolitan area. In each round of TIGER, USDOT receives hundreds of applications to build and repair critical pieces of freight and passenger transportation networks. Applicants must detail the benefits their project would deliver for five long-term outcomes: safety, economic competitiveness, state-of-good-repair, quality of life,
and environmental sustainability. USDOT also evaluates projects on innovation, partnerships, project readiness, benefit cost analysis, and cost share.

In October 2015, NJ TRANSIT was advised that USDOT had awarded a $16 million TIGER grant to begin construction to replace the century-old Portal Bridge. Replacement of the Portal Bridge is central to Amtrak’s Gateway project, which will modernize rail and transit infrastructure in the Northern New Jersey-New York metropolitan region. The $16 million grant will be matched with $4 million from the Transportation Trust Fund, which will be used to support GC.01 Early Action Construction work contemplated in this authorization. The FRA and NJ TRANSIT executed the Grant Agreement on September 7, 2016.

Current Status

Engineering and Design
Preliminary Engineering was approved by the NJ TRANSIT Board of Directors in July 2008 (Item 0807-49) and was initiated in September 2008; Final Engineering to support Early Action Construction was authorized by the NJ TRANSIT Board in July 2009 (Item 0907-50). The balance of Final Engineering was authorized by the NJ TRANSIT Board in December 2009 along with the award of Construction Management Services (Item 0912-87).

Preliminary engineering and design drawings and specifications for the entire project were completed in July 2009. Final engineering of early action components that form the basis for this requested authorization are complete and all remaining final engineering and design components were completed in June 2013. Construction of the GC.01 Construction Contract is anticipated to begin in Summer 2017.

Permits
New Jersey State and Federal permit applications were submitted to the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation Program, the U.S. Army Corps of Engineers and the U.S. Coast Guard in October 2009. The NJDEP Land Use Regulation Program permit was received in April 2015 and the Federal permits were received in June 2013.

A Final Environmental Impact Statement for the Portal Bridge Enhancement Project was completed in September 2008 and a Record of Decision was issued by the FRA in December 2008. The FRA affirmed and revalidated the Record of Decision in March 2011.

Amtrak Agreement
A Construction Agreement between NJ TRANSIT and Amtrak for GC.01 has been executed to define the terms of the construction efforts.

This item has been reviewed and recommended by the Board Capital Planning, Policy and Privatization Committee.
FISCAL IMPACT

Requested Authorization: $14,574,876.50 + 5% contingency

Previous Authorizations: None (GC.01 Project only)

Expenditures to Date: $293,097.38 (as of 03/31/17, GC.01 Project only)

Total Project Cost: $20,000,000 (GC.01 Project only)

Projected Date of Completion: January 2019 (GC.01 Project only)

Capital Program Amount: $20,000,000 (GC.01 Project only)

Operating Budget Amount: None

Anticipated Source of Funds: Federal Railroad Administration
Transportation Trust Fund

PRINTS ID Number: NJT01160

DBE/SBE Goal: 12% DBE

NJ Build Amount: $72,874.38

Future Related Authorizations: Portal Bridge North Construction Contract
Construction Assistance
Construction Management

Impact on Future Operating Budgets: NA
RESOLUTION

WHEREAS, NJ TRANSIT seeks to replace the aging Portal Bridge across the Hackensack River, expand capacity on the Northeast Corridor, reduce conflicts between rail and marine traffic, and decrease rail service interruptions; and

WHEREAS, replacing the existing Portal Bridge includes constructing a new two-track bridge as well as improvements to the approaches; and

WHEREAS, NJ TRANSIT has completed the engineering design of GC.01, the construction of which will facilitate the access for the construction of the future new Portal Bridge North;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into NJ TRANSIT Contract No. 16-014XR with PKF-Mark III, Inc. in the amount of $14,574,876.50, plus five percent for contingencies, subject to the availability of funds.
EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of Alexander Son; 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.
ITEM 1705-16: PERSONAL INJURY CLAIM OF ALEXANDER SON

BENEFITS

It is the opinion of NJ TRANSIT and defense counsel, in recognition of the totality of the circumstances including the serious injuries that resulted, to settle the claim of Alexander Son.

ACTIONS

Staff seeks authorization to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

PURPOSE

NJ TRANSIT By-Laws require Board approval of the settlement of all claims and lawsuits involving personal injury, death or property damage in excess of $500,000. This case venued in the Essex County Superior Court, Newark, New Jersey, initiated from a Bus claim.

FISCAL IMPACTS

<table>
<thead>
<tr>
<th>Requested Authorization:</th>
<th>Request authorization to settle the Personal Injury Claim of Alexander Son</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projected Date of Completion:</td>
<td>FY 2017</td>
</tr>
<tr>
<td>Anticipated Source of Funds:</td>
<td>FY 2017 Operating Budget</td>
</tr>
<tr>
<td>Diversity Goals/Participation:</td>
<td>Not applicable. No goods or services to be procured.</td>
</tr>
</tbody>
</table>
RESOLUTION

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

WHEREAS, Alexander Son 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 Chairman or Executive Director is authorized to settle the claim of Alexander Son through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.