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

APRIL 10, 2018

REVISED 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 REPORT JUNE 2018)
➢ BOARD COMMITTEE REPORTS
  *Customer Service Committee
  *Administration Committee
  *Capital Planning, Policy and Privatization Committee
➢ EXECUTIVE DIRECTOR’S MONTHLY REPORT

ACTION ITEMS

1804-24  ELIZABETH RAIL STATION RECONSTRUCTION PROJECT: FINAL DESIGN AND CONSTRUCTION CONTRACT AWARD AND CONSTRUCTION MANAGEMENT SERVICES AWARD

Authorization to enter into NJ TRANSIT Contract No.16-015X with Anselmi & De Cicco, Inc. for Final Design and Construction in support of the Elizabeth Rail Station Reconstruction project in the amount of $49,273,000.00, plus five percent for contingencies, subject to the availability of funds.

Authorization to enter into NJ TRANSIT Contract No. 16-052R with WSP USA, Inc., for the Construction Management Services in support of the Elizabeth Rail Station Reconstruction project in the amount of $4,730,660.28, plus five percent for contingencies, subject to the availability of funds.
1804-25 **NEWARK LIGHT RAIL - STATE OF GOOD REPAIR PHASE II (SOGR II) PROJECT: CONSULTANT CONTRACT AWARD FOR DESIGN AND ENGINEERING SERVICES**

Authorization to enter into NJ TRANSIT Contract No. 15-029R with AECOM of Philadelphia, Pennsylvania, for design services for the Newark Light Rail State of Good Repair Phase II Project for an amount of $589,572.57, plus five percent for contingencies, subject to the availability of funds.

1804-26 **PROPOSED BUS ROUTE NO. 95 SERVICE DISCONTINUANCE**

Authorization to take all actions necessary to discontinue Bus Route No. 95 (Scotch Plains-Newark), effective on June 23, 2018. At the suggestion of customers during the public hearings in furtherance of this change, NJ TRANSIT will simultaneously implement a route change on Route No. 66 (Newark-Mountainside) to extend service to Newark Penn Station, to meet the needs of former Route No. 95 riders.

1804-27 **COMMUTER RELIEF PLAN: PROFESSIONAL SERVICES CONTRACT TO ASSIST IN OPTIMIZING RAILROAD MAINTENANCE SCHEDULING AND PERFORMANCE TRACKING MANAGEMENT**

Authorization to enter into NJ TRANSIT Contract No. 18-022 with LTK Engineering Services to perform a detailed review of NJ TRANSIT rolling stock equipment-related scheduled maintenance activities and current policies, develop tools to track performance, and provide project management support in an amount not to exceed $2,167,563.39, plus five percent for contingencies, subject to the availability of funds.

**EXECUTIVE SESSION AUTHORIZATION:** Discuss appointments, 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 Delco Lead Storage and Inspection Facility Project and County Yard Improvement Project Environmental Mitigation Credit Purchases, the Personal Injury Claim of Seres Arpad, and the Personal Injury Claim of Chantae Figures.

1804-28 **NJ TRANSIT RESILIENCE PROGRAM – DELCO LEAD STORAGE AND INSPECTION FACILITY PROJECT AND COUNTY YARD IMPROVEMENT PROJECT ENVIRONMENTAL MITIGATION CREDIT PURCHASES**

Authorization to enter into purchase agreements, and take any and all other actions necessary, to acquire environmental mitigation credits for the Delco Lead Storage and Inspection Facility Project and County Yard Improvement Project, in the amount discussed in Executive Session, subject to the availability of funds.
1804-29 PERSONAL INJURY CLAIM OF SERES ARPAD

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

1804-30 PERSONAL INJURY CLAIM OF CHANTAE FIGURES

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

1804-31 APPOINTMENT TO THE BOARD OF TRUSTEES OF THE GATEWAY PROGRAM DEVELOPMENT CORPORATION (GPDC) RELATED TO THE GATEWAY PROGRAM

Appointment of Jerry Zaro as New Jersey’s representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation.

- 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 March 14, 2018 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 March 20, 2018;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the March 14, 2018 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 1804-24: ELIZABETH RAIL STATION RECONSTRUCTION PROJECT: FINAL DESIGN AND CONSTRUCTION CONTRACT AWARD AND CONSTRUCTION MANAGEMENT SERVICES AWARD

BENEFITS

The Elizabeth Rail Station is located in the City of Elizabeth, New Jersey adjacent to Amtrak’s Northeast Corridor (NEC) and is serviced by NJ TRANSIT’s Northeast Corridor and North Jersey Coast commuter train lines. The Elizabeth Rail Station accommodates approximately 6,850 average weekday passenger trips.

In 1987, NJ TRANSIT completed recon-struction of the Elizabeth Rail Station complex including high-level platforms, walkways, elevators and stairways. The station complex has not undergone any major renovation and is in need of complete restoration and upgrades. This project will bring the facility to a state-of-good-repair, increase current platform boarding capacity, and improve station functionality and safety.

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

Staff seeks authorization to enter into NJ TRANSIT Contract No.16-015X with Anselmi & De Cicco, Inc. for Final Design and Construction in support of the Elizabeth Rail Station Reconstruction project in the amount of $49,273,000.00, plus five percent for contingencies, subject to the availability of funds.

Staff also seeks authorization to enter into NJ TRANSIT Contract No. 16-052R with WSP USA, Inc., for the Construction Management Services in support of the Elizabeth
Rail Station Reconstruction project in the amount of $4,730,660.28, plus five percent for contingencies, subject to the availability of funds.

PURPOSE

The authorization of the Final Design and Construction Contract will allow for: (1) completion of final design of the project and acquire the required permits and approvals; (2) construction of the new inbound and outbound station buildings and restoration of the existing pedestrian tunnel; (3) rebuilding of existing inbound and outbound high-level platforms and construction of an additional approximately 300 linear feet of the inbound and outbound high-level platforms to accommodate a 12-car train boarding capacity; (4) additional connections to the public Right-of-Way, installation of new platform canopies, climate controlled platform shelters, and new fencing; (5) ADA access improvements including rehabilitation of two existing elevators and construction of two new elevators, access stairs, and ADA ramps at the end of the platforms; (6) installation of new passenger communications systems, variable message signs, security access and video surveillance systems; (7) site work improvements and restoration of the existing plaza areas and station surrounds; and (8) installation of Transit Arts elements.

Authorization of the construction management services contract with WSP USA will provide management support services during the design and construction phases of the project.

BACKGROUND

History

The Elizabeth Rail Station is situated along Amtrak’s NEC rail line. NJ TRANSIT's Northeast Corridor Line and North Jersey Coast Line trains provide service to Elizabeth Station. In 1982, as part of the “Settlement Agreement Covering Amtrak/NJ TRANSIT 900 Day Option Properties” between NJ TRANSIT and Amtrak, NJ TRANSIT acquired the Elizabeth Station Property, which includes the railroad platforms as well as the Elizabeth Rail Station.

In 1987, NJ TRANSIT completed re-construction of the Elizabeth Rail Station complex including high-level platforms, walkways, elevators and stairways. The station complex has not undergone any major renovations since that time, and is in need of complete restoration and upgrades to accommodate current platform capacity and improved safety.

The authorization of the design-build contract will allow NJ TRANSIT to complete final design of the project and complete reconstruction of the Elizabeth Rail Station complex. The authorization of the construction management services consultant contract will provide management support services during the design and construction phases of the project.
Procurement

**Contract No.16-015X: Final Design and Construction**

The Office of Business Development assigned a Disadvantaged Business Enterprise (DBE) goal of 13 percent for Contract No.16-015X for Final Design and Construction. The Request for Special Pre-Qualifications for Contract No.16-015X for Final Design and Construction was advertised on BID EXPRESS, NJ TRANSIT’s electronic bid system, and in local newspapers on May 5, 2016. A Pre-Special Prequalification Conference was held on June 2, 2016 at NJ TRANSIT Headquarters in Newark, New Jersey. An Invitation for Bid (IFB) was released to pre-qualified bidders on May 1, 2017. Bids were received electronically and opened on February 8, 2018 at 2:00 p.m.

<table>
<thead>
<tr>
<th>Company</th>
<th>Total Bid Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anselmi &amp; De Cicco, Inc.</td>
<td>$49,273,000.00</td>
</tr>
<tr>
<td>Northeast Remsco Construction</td>
<td>$57,847,000.00</td>
</tr>
<tr>
<td>Railroad Construction Company, Inc.</td>
<td>$73,800,000.00</td>
</tr>
<tr>
<td>Schiavone Construction Co., LLC</td>
<td>$99,779,000.00</td>
</tr>
</tbody>
</table>

Anselmi & De Cicco, Inc. has identified a 13.09 percent DBE participation.

**Contract No. 16-052R: Construction Management Services**

The Office of Business Development assigned DBE goal of 23 percent for Contract No. 16-052R for Construction Management Services. A Request for Proposal was issued on April 28, 2017 and advertised in local newspapers. NJ TRANSIT received proposals on June 29, 2017, and oral presentations were completed on July 24, 2017. The Technical Evaluation Committee scored the proposals and selected the most qualified firm. Following negotiations, NJ TRANSIT selected WSP USA, Inc. at a final cost of $4,730,660.28. WSP USA, Inc. has identified a 23.8 percent DBE participation.

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

**FISCAL IMPACTS**

**Requested Authorization:**

Final Design Construction

Contract No. 16-015X $ 49,273,000.00 +5% contingency
Construction Management Consultant

Contract No. 16-052R $4,730,660.28 +5% contingency

Past Authorization:

Item No. 1802-19 Amount discussed in executive session.

Expenditures to Date: $2,242,234.49 (as of January 31, 2018)

Total Project Cost: $71,000,000

Projected Date of Completion: Construction Complete - Summer 2022

Capital Program Amount: $71,000,000

Operating Budget Amount: None

Anticipated Source of Funds: Federal Transit Administration

PRINTS ID Number: RPF00220

DBE/SBE Goal:

Contract No. 16-015X 13% (Final Design and Construction)
Contract No. 16-052R 23% (CM Services)

NJ Build Amount: NA

Related/Future Authorizations: None

Impact on Future Operating Budgets: $80,000 (additional impact)
RESOLUTION

WHEREAS, in 1987, NJ TRANSIT completed re-construction of the Elizabeth Rail Station complex including high-level platforms, walkways, elevators and stairways; and

WHEREAS, the Elizabeth Rail Station complex has not undergone any major renovations since that time, and is in need of complete restoration and upgrades to accommodate current platform capacity and improved safety; and

WHEREAS, the authorization of the design-build contract will allow NJ TRANSIT to complete final design of the project and complete reconstruction of the Elizabeth Rail Station complex, bring the facility to a state-of-good-repair, increase current platform boarding capacity, and improve station functionality and safety; and

WHEREAS, the authorization of the construction management services contract will provide construction management support services during the design and construction phases; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Anselmi & De Cicco, Inc. submitted the lowest responsive and responsible bid; and

WHEREAS, WSP USA, Inc. has been selected as the most qualified firm for the provision of construction management services;

NOW THEREFORE BE IT RESOLVED that the Chair or Executive Director is authorized to enter into Contract No.16-015X with Anselmi & De Cicco, Inc. for Final Design and Construction in support of the Elizabeth Rail Station Reconstruction project in the amount of $49,273,000.00, plus five percent for contingencies, subject to the availability of funds; and
BE IT FURTHER RESOLVED that the Chair or Executive Director is authorized to enter into Contract No. 16-052R with WSP USA, Inc. for the Construction Management Services in support of the Elizabeth Rail Station Reconstruction project in the amount of $4,730,660.28, plus five percent for contingencies, subject to the availability of funds.
ITEM 1804-25: NEWARK LIGHT RAIL - STATE OF GOOD REPAIR PHASE II (SOGR II) PROJECT: CONSULTANT CONTRACT AWARD FOR DESIGN AND ENGINEERING SERVICES

BENEFITS

The Newark Light Rail (NLR) SOGR II Project would improve ride quality, reduce noise, mitigate flooding in areas that have been flood prone, which in turn hastens railroad tie deterioration, and allow trains to operate at optimal speed throughout the section of the NLR between the Norfolk Street and Branch Brook Park stations.

ACTION (Scorecard: Safety and Security; Customer Experience; and Corporate Accountability)

Staff seeks authorization to enter into NJ TRANSIT Contract No. 15-029R with AECOM of Philadelphia, Pennsylvania, for design services for the Newark Light Rail State of Good Repair Phase II Project for an amount of $589,572.57, plus five percent for contingencies, subject to the availability of funds.

PURPOSE

This contract is part of a comprehensive project to bring the NLR up to a state of good repair.

While NLR staff has had a continuous track maintenance program to address state of good repair issues on the system, a combination of system age, soil conditions, and drainage problems have taken their toll on the track between the tunnel portal, located just east of the Norfolk Street Station, and the Branch Brook Park Station. Additionally, the newer light rail vehicles (LRVs), which replaced the outdated vintage Newark City Subway cars, are nearly double the weight of the older cars, accelerating the wear and tear of the track structure, which had not been designed to support the weight of the newer vehicles.

The current conditions are affecting ride quality and in some areas speed restrictions are required because the LRVs can no longer operate safely at the rated line speed.

This contract calls for the design of the required work on Track One from the tunnel portal from which trains exit outbound from Newark Penn Station to the Branch Brook Park Station and on Track Two inbound from the Branch Brook Park Station to the Orange Street Station. The sections of track at the Davenport Avenue and Bloomfield Avenue stations are not included in this contract as they were covered by an earlier design contract.

The specific sections of the NLR that are targeted for this work are illustrated in Figure 1.
This contract calls for the complete design of the replacement of track, ties, ballast, and sub-ballast in these sections of the NLR system. It also includes the design of improvements to the drainage system, including the addition of a back-flow preventer that will address water collecting on the NLR right-of-way as it drains from Branch Brook Park, which lies immediately adjacent to the NLR between the Orange Street and Branch Brook Park stations.

This design contract is part of an overall state of good repair effort on the NLR that calls for the replacement of approximately 3,000 railroad ties and six miles of track. The overall project (SOGR Phase I and Phase II) is estimated to cost $12.25 million and is scheduled to be completed in 2022.

BACKGROUND

The present day NLR consists of two lines: a main line that runs between Newark Penn Station to the Grove Street Station in Bloomfield, NJ; and a second line – the Broad Street Extension (BSE) – that runs from Newark Penn Station to the Newark Broad Street Station.

The main line runs in the trackbed of the original Newark City Subway, which opened in 1935 with trolley car service between the current Military Park and Branch Brook Park stations. Two years later service was connected to Newark Penn Station, and in January 1954 the trolley cars were replaced by the Presidents’ Conference Committee, or PCC, cars. NJ TRANSIT took over operations of this service in 1980, and the LRVs replaced the PCC cars in 2001. In June 2002 service on this line was extended to the cities of Belleville and Bloomfield with the opening of the Silver Lake and Grove Street stations.

The BSE was opened in July 2006, and included stops at the Newark Performing Arts Center and Newark Riverfront Stadium, with connecting service at Newark Broad Street Station with NJ TRANSITs Morris and Essex and Montclair-Boonton lines.

The NLR averages approximately 20,000 passenger trips on week days on both lines, with approximately 9,000 passenger trips combined on the weekend.

A complete track replacement program was performed on the main line in 1983, replacing track from the tunnel portal to the current Branch Brook Park Station. With the exception of sections that have been replaced over the years due to emergency repairs, much of the 1983 track and track structure remain in place to this day.

PROCUREMENT

The Request for Proposals (RFP) for this project was advertised on January 25, 2016, in the Newark Star Ledger and Trenton Times. Four proposals were received from prospective consulting firms by the deadline of May 24, 2016.
These proposals were distributed to the Technical Evaluation Committee (TEC), which comprised of representatives from Light Rail and Rail Operations, for evaluation. The RFP process was temporarily delayed due to the shutdown of the Transportation Trust Fund. Thereafter, the TEC evaluation established that the following three firms should proceed to the oral presentation phase based on their technical expertise: WSP/Parson Brinkerhoff, AECOM; and Systra. Oral presentations were held on March 9, 2017, after which the TEC reevaluated the scores of the firms for overall technical qualifications.

NJ TRANSIT requested cost proposals from the three firms on April 6, 2017. NJ TRANSIT then entered into negotiations with the highest technically ranked firm, AECOM.

The Office of Business Development assigned a zero percent SBE goal for the RFP. AECOM submitted a commitment of 24.53% with their cost proposal.

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

FISCAL IMPACTS

Requested Authorizations: $589,572.57 plus 5% contingency
Past Authorizations: None
Expenditures to Date: $1,108,000
Total Project Cost: $10,248,000
Projected Date of Completion: 3rd Quarter 2020
Capital Program Amount: $10,248,000
Operating Budget Amount: $0
Anticipated Source of Funds: Transportation Trust Fund
PRINTS ID Number: NJT00542
DBE/SBE Goal: 0% SBE
NJ Build Amount: N/A
Related/Future Authorizations: Additional design services, construction services
Impact on Subsequent Operating Budgets: N/A
RESOLUTION

WHEREAS, NJ TRANSIT is working to improve the quality of the public transit system to make it the preferred choice for travel in New Jersey; and

WHEREAS, Newark Light Rail serves a vital role in providing the communities along its rights-of-way safe and reliable transportation to and from Penn Station and the stations along its route; and

WHEREAS, age, water infiltration, and wear have caused deterioration of the track and supporting structure that have outpaced regular maintenance; and

WHEREAS, repairs must be implemented to bring the Newark Light Rail up to a state of good repair, including the replacement of ties, rail, ballast, and sub-ballast, and repairs to the drainage system, and this work requires properly formatted design documents; and

WHEREAS, AECOM was determined to offer the most advantageous and responsive proposal to NJ TRANSIT through a competitive RFP procurement process;

NOW, THEREFORE, BE IT RESOLVED that the Chair or Executive Director, or his designee, is hereby authorized to enter into NJ TRANSIT Contract No. 15-029 with AECOM of Philadelphia, Pennsylvania, for design services of the Newark Light Rail State of Good Repair Phase II Project in the amount of $589,572.57, plus five percent for contingencies, subject to the availability of funds.
ITEM 1804-26: PROPOSED BUS ROUTE NO. 95 SERVICE DISCONTINUANCE

BENEFITS

NJ TRANSIT has identified performance metrics that set corporate-wide standards of accountability and create transparency for the public, helping us to make strategic decisions to maximize resources as well as illustrate how the agency is managing its commitment to excellence. NJ TRANSIT regularly reviews performance metrics for our bus services and when conditions change on a single or multiple bus routes, resulting in a significant degradation of performance, makes recommendations for remediation. This service discontinuance proposal will improve business efficiency and protect the investment of taxpayer dollars through the reduction of a poorly performing service.

ACTION (Scorecard: Corporate Accountability, Financial Performance)

Staff seeks authorization to take all actions necessary to discontinue Bus Route No. 95 (Scotch Plains-Newark), effective on June 23, 2018. At the suggestion of customers during the public hearings in furtherance of this change, NJ TRANSIT will simultaneously implement a route change on Route No. 66 (Newark-Mountainside) to extend service to Newark Penn Station, to meet the needs of former Route No. 95 riders.

PURPOSE

NJ TRANSIT seeks authorization to discontinue all service on Bus Route 95 due to low ridership and the availability of ample alternative public transportation to facilitate these trips.

BACKGROUND

Bus Route No.95 (Scotch Plains-Newark) was established in April 2014, as a traffic mitigation effort associated with the Pulaski Skyway construction project. Service operates on weekdays only, during peak-hour periods (AM inbound to Newark Penn Station and PM outbound to Scotch Plains).

Route No. 95 bus service was established under the terms of a Memorandum of Understanding (MOU) between NJ TRANSIT and NJDOT, whereby NJDOT provided a financial subsidy to pay NJ TRANSIT for the portion of operating costs that were not covered by passenger fares. Ridership has been very low on Route No. 95 since the service was implemented.

Effective January 13, 2018, NJDOT terminated the financial subsidy for the Route No. 95 bus service. Since that time, the entire financial operating loss burden has been absorbed by NJ TRANSIT.
By all key performance measures, Route No. 95 continues to be an extremely poor performer. The following is a summary of the Fiscal Year 2017 performance metrics for Route No. 95:

- Annual operational cost: $725,430
- Annual operational deficit: $640,347
- Median one-way trips ridership per weekday: 179
- Passengers per trip: 11
- Passengers per operating hour: 5
- Farebox recovery rate: 11.7%
- Operational subsidy per passenger: $14.99

NJ TRANSIT proposes a total discontinuance of Route No. 95 service, which would result in an operational cost savings of approximately $700,000 per year.

All customers currently riding on Route No. 95 would have alternative bus service available to them to make their trip. Some customers would have a longer trip time, some would require a transfer between buses to complete their trip, and some could pay a higher cost for travel. No customers would be left without alternative bus service.

To obtain public input into the decision-making process, two (2) public hearings were held, coupled with direct outreach to area elected officials, to outline the proposal and identify alternative services for customers. Evening public hearings were held in Newark on February 22, 2018 and in Scotch Plains on February 27, 2018. The public hearing notice is Exhibit 1. A total of 39 people attended the public hearings and 30 offered public comments. The hearing officer’s reports are set forth in Exhibit 2. Transcripts of the hearings were prepared and distributed to the Board of Directors. Customers were notified of the hearings and proposal via notices posted on all buses operated from Orange Garage, at Newark Penn Station, in all bus shelters located along Route No. 95, press releases, media advisories, and via postings on the NJ TRANSIT web site. Customers were encouraged to attend the hearings or provide written comments to NJ TRANSIT so that we could hear their concerns and comments. During this public outreach process, NJ TRANSIT received a total of 43 comments from the public regarding this proposal (this includes 13 comments provided via e-mail from customers who did not attend either public hearing).

There were some consistent themes identified from the public comments. Customers who ride on Route No. 95 do not like the alternative services that would be available to them if the route is discontinued, due to increased commute time, possible increased cost, and the inconvenience associated with bus transfers. After careful review of the issues raised during the public input process, staff has developed a proposal to improve the quality of the alternative service available to Route No. 95 customers. The alternative service for the vast majority of Route No. 95 customers is Route No. 66 (Newark-Mountainside). The current Newark terminus for this service is at Washington Park. Staff proposes to reroute all Route No. 66 service to originate and terminate at Newark Penn Station. This rerouting would enable displaced Route No. 95 customers
to maintain a single-seat bus ride to/from Newark Penn Station with no need for a bus transfer, no need for additional walking, and no increase in cost for their trip. Additionally, this proposal would increase the service available for most Route No. 95 customers, as Route No. 66 operates during midday and evening off-peak hours, which Route No. 95 does not. There is an increased operating cost of approximately $200,000 annually associated with the rerouting of Route No. 66. This will somewhat reduce the level of operating cost savings associated with the proposed discontinuance of Route No. 95 but the reinvestment of some of the savings will enable virtually all existing customers to be accommodated without inconvenience.

Staff is asking for Board authorization to implement the service discontinuance of Route No. 95, effective June 23, 2018.

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

FISCAL IMPACTS

Requested Authorization: N/A

Total Project Cost: Projected Annual Savings of $500,000

Projected Date of Completion: June 23, 2018

Anticipated Source of Funds: Operating Budget

DBE/SBE Goal: N/A

NJ Build Amount: N/A

Related/Future Authorization: N/A

Impacts on Subsequent Operating Budgets: N/A
RESOLUTION

WHEREAS, NJ TRANSIT has identified performance metrics that set corporate-wide standards of accountability; and

WHEREAS, NJ TRANSIT has developed a bus service planning process that has led to the identification of a poorly performing bus route following the removal of an NJDOT financial subsidy; and

WHEREAS, a series of public hearings were held, coupled with direct outreach to area elected officials to obtain public input into the decision-making process;

NOW, THEREFORE, BE IT RESOLVED that the Chair or Executive Director is authorized to take all actions necessary to discontinue Bus Route No. 95 (Scotch Plains-Newark), effective on June 23, 2018.
NJ TRANSIT PUBLIC HEARING NOTICE

PROPOSED DISCONTINUANCE OF
BUS ROUTE NO. 95
(SCOTCH PLAINS-NEWARK)

The New Jersey Transit Corporation (NJ TRANSIT) operates Bus Route No. 95 between Scotch Plains and Newark via points in Westfield, Mountainside, Springfield, and Union. Service operates on weekdays only, during AM and PM peak hour periods, operating only inbound towards Newark in the AM and only outbound towards Scotch Plains in the PM. NJ TRANSIT proposes to discontinue all service on Bus Route No. 95 due to low ridership and the availability of ample alternative public transportation to facilitate these trips. Approximately 179 one-way customers per weekday use this service, which can be represented as 11 passengers per trip. All affected customers would continue to have alternative bus service available to them should the No. 95 bus service be discontinued. NJ TRANSIT will conduct public hearings to receive public comments on the proposed discontinuance of Bus Route No. 95.

Public hearings will be held as authorized by N.J.S.A. 27:25-8(d). Written comments for the record may be sent to the Public Hearing Office-Bus Route No. 95 Comments, NJ TRANSIT, One Penn Plaza East, Newark, New Jersey 07105 or on NJ TRANSIT’s website, www.njtransit.com/publichearings. All comments must be received no later than midnight, February 28, 2018.

Individuals requesting sign language interpreters should contact the Public Hearing Office at 973-491-7453 or TTY (800) 772-2287 by February 12, 2018. Individuals requesting language support should contact Customer Service at 973-275-5555 by February 12, 2018.

Please be advised and assured that no final decision has been made regarding the proposed bus route discontinuance. The public’s views on this proposal as expressed at the hearings and through the written comment process will be presented to the NJ TRANSIT Board of Directors prior to a final decision in this matter.

The public hearings will be held:

**Date:** Thursday, February 22, 2018  
**Time:** 6:00 p.m.  
**Location:** NJ TRANSIT Headquarters  
Board Room  
One Penn Plaza East  
Newark, NJ 07105

**Date:** Tuesday, February 27, 2018  
**Time:** 6:00 p.m.  
**Location:** Scotch Plains Municipal Building  
Courtroom/Council Chambers, First Floor  
430 Park Avenue  
Scotch Plains, NJ 07076
Hearing Officer’s Report
Public Hearing – February 22, 2018
Newark, New Jersey
Re: Proposed Discontinuance of Bus Route No. 95 (Scotch Plains-Newark)

The public hearing opened at 6:02 p.m. and lasted until 7:15 p.m. A total of twenty-four (24) people attended and nineteen (19) spoke for the record. One (1) attendee submitted written comments for the record but did not speak. One of the speakers provided a petition to be submitted to the record. One 23-minute recess was taken between 6:52 p.m. and 7:15 p.m.

Elected Officials:
No elected officials attended the hearing. Additionally, none were represented by staff or submitted written remarks.

Organizations:
No organizations were represented at the hearing. The following is a list of the nineteen (19) speakers plus one (1) attendee who submitted written comments and a summary of their comments and concerns.

<table>
<thead>
<tr>
<th>Speaker</th>
<th>Representing</th>
<th>Comments/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dorothy Rogers</td>
<td>Self</td>
<td>Eliminating the #95 would be a hardship for me.</td>
</tr>
<tr>
<td>Vlada Eidelman</td>
<td>Self</td>
<td>I am comfortable using the 95…I travel from Jersey City and I have to reach the 5:30 pm trip. If you continue operating the #95, schedule changes should be considered...maybe cut your cost by cutting the early trips.</td>
</tr>
<tr>
<td>Karen Hylton</td>
<td>Self</td>
<td>This would be a definite hardship. The 95 is affordable and direct and I have no other alternative.</td>
</tr>
<tr>
<td>Leni Valree</td>
<td>Self</td>
<td>Your statistics are skewed. Your survey was done near Christmas week. How were your statistics collected? It doesn’t make sense. The alternative via the #65 line is bad; the #65 is not on time and I can’t be late for work.</td>
</tr>
<tr>
<td>Filomena Moraes</td>
<td>Self</td>
<td>The #95 is fast and good for me.</td>
</tr>
<tr>
<td>Roland Couto</td>
<td>Self</td>
<td>I have been riding the #95 for two years from Springfield. The alternatives require transfers and would add 30-60 minutes to my commute. I see empty #114 buses go by and the #66 is also not crowded where I see them. Consider reducing service on the #95...don’t need the PM trips at 3 PM and 3:30 PM. Reduce it to 4 trips each way to increase the passengers per bus. The #66 doesn’t go to Penn Station and I would</td>
</tr>
<tr>
<td>Name</td>
<td>Role</td>
<td>Comment</td>
</tr>
<tr>
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</tr>
<tr>
<td>Nestor Clarin</td>
<td>Self</td>
<td>I have used the #95 for two years. I live in Middlesex and drive to Scotch Plains. To reduce cost, reduce the number of trips in each direction to reduce the deficit. The #65 drops off at Washington Park, forcing a walk. There is no senior monthly ticket offered. I would have to pay more if the #95 is cut.</td>
</tr>
<tr>
<td>Patrick Valree</td>
<td>Self</td>
<td>The #95 is convenient. Other routes are a hardship with transfers.</td>
</tr>
<tr>
<td>David Kerr</td>
<td>Self</td>
<td>I am shocked to hear the ridership numbers. There are always 20-22 people on my bus. There is no good alternative on Mountain Avenue. We see other buses with 3-5 riders. Why not consider an adjustment to solve money problems? There is no senior citizen monthly ticket. Mostly seniors and minorities ride on this line. Don’t understand why you want to cut it.</td>
</tr>
<tr>
<td>John Pontolillo</td>
<td>Self</td>
<td>Your ridership number is a little bizarre. There are 6 AM and 6 PM trips, so the average is 30, not 11. There are no alternatives. The #66 takes too long and is not near Newark Penn Station. The #114 to midtown offers no PATH connection and is more expensive. I see other buses with few passengers. The #114 offers 66 trips...cut some of those to keep the #95.</td>
</tr>
<tr>
<td>Juan He</td>
<td>Self</td>
<td>We live in Springfield and take the #95 to PATH (with my husband). I am very disturbed at this. Alternatives will take more than two hours each way and we may have to sell our house if the #95 is cut.</td>
</tr>
<tr>
<td>David Lejeuz</td>
<td>Self</td>
<td>I am a new rider who now works in Jersey City. I take the #95 from Springfield to Newark Penn Station. The #95 is reliable and fast. The #66 will take me to Newark but it is hard to connect with other buses to get to Penn Station. Many riders could not come tonight. Look at solutions...cut other lines or reduce trips on the #95. This line can grow for other commuters.</td>
</tr>
<tr>
<td>Rosa Bezares</td>
<td>Self</td>
<td>You are not accommodating customers. The last #65 bus is at 5:30 pm. The #66 only goes to...</td>
</tr>
<tr>
<td>Name</td>
<td>Title</td>
<td>Comment</td>
</tr>
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</tr>
<tr>
<td>Dennis Paulo</td>
<td>Self</td>
<td>The #95 saves $100/month and time. Cut the first and last AM trips; in the PM, cut the 3:30 &amp; 4:30 trips.</td>
</tr>
<tr>
<td>Shahad Mahbub</td>
<td>Self</td>
<td>I moved to NJ for public transit. Any public service can’t be measured in dollars and cents. Look at the hardship for people and the danger for people who transfer. You can reduce cost elsewhere.</td>
</tr>
<tr>
<td>Salvador Bayla</td>
<td>Self</td>
<td>I am a two-year rider with a monthly pass. It is much faster to get from Union to Manhattan on the #95, which is the only bus available to Newark Penn Station with many options. It is very convenient for me. It brings me to work quicker than the #114.</td>
</tr>
<tr>
<td>Adedokun Adesanya</td>
<td>Self</td>
<td>I echo the same sentiments. The #95 is always on-time. From Union to downtown New York, it is the quickest way...a 75-minute trip. The #114 is not as reliable due to traffic delays. The #95 is much cheaper. It will be a hardship and inconvenience if you cut it. Alternatives are much more expensive. How can you do this based on a survey near Christmas? Find other ways to cut cost. The best thing that you did was to start the #95. I implore you to listen and to take this into consideration. This would not be customer-facing.</td>
</tr>
<tr>
<td>Inka Apter (also submitted petition; see below for details)</td>
<td>Self</td>
<td>I am a regular rider. I came with a petition from riders. I live in Springfield and direct access to Newark Penn Station is important. Think of the carbon footprint. We adjusted our lives to use and depend upon the #95. There was no effort to promote this bus. The #95 is a viable alternative for the crowded #114 line to reach New York. If you advertised the route, you would increase ridership. Please reconsider! Maybe increase the fare per rider before</td>
</tr>
</tbody>
</table>
Vanessa Wallace
Self
Consider an option...cut the early AM and PM trips instead, to reduce cost. Eliminate some #114 trips...you don’t need as many.

Khushmand Rajendran
(written comment/did not speak)
Self
Please don’t cancel the #95. It is the best option for commuter. If you cancel it, consider modifying the #66 to pass through Newark Penn Station. Currently there are no other options without transfers or a long walk through unsafe areas.

Petition Submitted
70 names
Don’t eliminate the #95. Alternatives require longer and less direct trips, do not follow similar routes, do not terminate at Newark Penn Station, and are more expensive.

Other Comments:
In addition to the participants at the Public Hearing, NJ TRANSIT received thirteen (13) e-mail comments from affected customers. There was a common theme among these comments, asking NJ TRANSIT to keep the No.95 route operating due to the inconvenience and potential higher cost to customers that would result from the alternative services.

Conclusion:
The Public Hearing was officially closed at 7:15 p.m.

Submitted:
Hearing Officer
Alan Maiman, Deputy General Manager, Bus Service Planning
February 23, 2018
Hearing Officer’s Report
Public Hearing – February 27, 2018
Scotch Plains, New Jersey
Re: Proposed Discontinuance of Bus Route No. 95 (Scotch Plains-Newark)

The public hearing opened at 6:00 p.m. and lasted until 7:05 p.m. A total of fifteen (15) people attended and seven (7) spoke for the record. Three (3) attendees submitted written comments for the record but did not speak. Three (3) of the speakers also submitted written comments. Multiple short recesses were taken between 6:19 p.m. and 7:05 p.m.

Elected Officials:
No elected officials attended the hearing. Additionally, none were represented by staff or submitted written remarks.

Organizations:
No organizations were represented at the hearing.

The following is a list of the seven (7) speakers plus three (3) non-speaking attendees who submitted written comments and a summary of their comments and concerns.

<table>
<thead>
<tr>
<th>Speaker</th>
<th>Representing</th>
<th>Comments/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rachel Santo</td>
<td>Self</td>
<td>There is no other direct route from Scotch Plains to a PATH station. Nothing serves the same stops at the same times as the 95. The 65/66 only goes to New Providence Road and the times are not appropriate to match the 7pm outbound bus on the 95. Other options are not acceptable. The train is not an option either. I am on the waiting list for parking there. NJT reduced service on the 95 in January and should give that more time to review costs before making a final decision.</td>
</tr>
<tr>
<td>Sean Zhubrak</td>
<td>Self</td>
<td>The website link to send comments did not work via e-mail. I move from New York to Springfield for the 95 bus to PATH connection for job options. It opens up downtown NYC for jobs. I question how expenses were calculated. The route has only been there since 2014 and there wasn’t much advertising and people don’t know about it. Cutting the 95 will put more cars on the street.</td>
</tr>
<tr>
<td>Rosa Bezares (also submitted similar written comments)</td>
<td>Self</td>
<td>I spoke at the Newark hearing and I have a few additional comments. The 6:55 am trip has 25 riders. The 65/114 buses run almost simultaneously. Most people ride the 114 for</td>
</tr>
<tr>
<td>Name</td>
<td>Type</td>
<td>Comment</td>
</tr>
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<td>-------------------------------------------</td>
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</tr>
<tr>
<td>Hope Andrade</td>
<td>Self</td>
<td>So many rely on the 95 to reach PATH trains to Manhattan. You have a public mandate to provide service. This bus cut down on car use. This bus is essential. The last bus on the 65 is at 5pm, which is not late enough. It is dangerous at the Watchung bus stop because it is dark. I am praying that the bus isn’t taken away.</td>
</tr>
<tr>
<td>Joseph Palermo (also submitted similar written comments)</td>
<td>Self</td>
<td>There are environmental concerns. There would be more cars on the road to replace the bus and that will lead to a need for roadway repairs. The bus is 70% full at times...possibly, you can eliminate the trips with low ridership and keep the others.</td>
</tr>
<tr>
<td>Rupal Ovary</td>
<td>Self</td>
<td>I ride from Westfield at the Route 22/Lawrence Avenue bus stop. Trains are always delayed so the bus is a viable option. This would affect people on the north side of town without good options if the bus is cut.</td>
</tr>
<tr>
<td>Richard Galante (also submitted similar written comments)</td>
<td>Self</td>
<td>The 95 is a very important route for me. This doesn’t make sense...my trip is mostly full. Why cancel it if people use it? What statistics do you have?</td>
</tr>
<tr>
<td>Ben Parzma (written comments only)</td>
<td>Self</td>
<td>My wife and I use the 95 daily. Are commuters using monthly passes being counted in the ridership? Eliminating the 95 will result in us having no bus options and will increase commute times.</td>
</tr>
<tr>
<td>Angela Gibbons (written comments only)</td>
<td>Self</td>
<td>The 95 provides a direct service to Newark Penn Station. Ridership can increase if NJT properly advertised the service. The 95 bus has been a great help to me and we are hoping that NJT will reconsider.</td>
</tr>
<tr>
<td>Seth Robinson (written comments only)</td>
<td>Self</td>
<td>The 95 bus is very convenient for me. It is faster.</td>
</tr>
</tbody>
</table>
comments only) than the 114 or 66 bus. I also save money. Please don’t take this bus away.

Other Comments:
In addition to the participants at the Public Hearing, NJ TRANSIT received thirteen (13) e-mail comments from affected customers. There was a common theme among these comments, asking NJ TRANSIT to keep the No.95 route operating due to the inconvenience and potential higher cost to customers that would result from the alternative services.

Conclusion:
The Public Hearing was officially closed at 7:05 p.m.

Submitted:
Hearing Officer
Alan Maiman, Deputy General Manager, Bus Service Planning
February 28, 2018
ITEM 1804-27: COMMUTER RELIEF PLAN: PROFESSIONAL SERVICES CONTRACT TO ASSIST IN OPTIMIZING RAILROAD MAINTENANCE SCHEDULING AND PERFORMANCE TRACKING MANAGEMENT

BENEFITS

On February 15, 2018, Governor Phil Murphy announced a “Commuter Relief Plan” – a series of initiatives to provide NJ TRANSIT commuters both short- and long-term relief from rail car equipment shortages.

Among the initiatives announced, NJ TRANSIT returned twenty cars awaiting Positive Train Control equipment to revenue service, leased rail cars from regional transit providers to reduce equipment shortages, and accelerated rolling stock inspections by outsourcing repair work. NJ TRANSIT also accelerated hiring of certain positions critical to maintenance and operations, including by holding more frequent pre-employment testing and by partnering with targeted community colleges.

Under this authorization, NJ TRANSIT will retain a consultant to perform a detailed review of NJ TRANSIT rolling stock equipment-related scheduled maintenance activities and identify areas of maintenance scheduling that can be better optimized. The consultant will also develop tools that can better track performance in meeting the goals of the Governor’s Commuter Relief Plan.

ACTION (Scorecard: Corporate Accountability, Safety and Security)

Staff seeks authorization to enter into NJ TRANSIT Contract No. 18-022 with LTK Engineering Services to perform a detailed review of NJ TRANSIT rolling stock equipment-related scheduled maintenance activities and current policies, develop tools to track performance, and provide project management support in an amount not to exceed $2,167,563.39, plus five percent for contingencies, subject to the availability of funds.

PURPOSE

Under this authorization, NJ TRANSIT will retain a professional consultant to perform a detailed review of all NJ TRANSIT rolling stock equipment-related scheduled maintenance activities from both a safety and efficiency framework. As part of the review, the consultant will evaluate yard movement and train handling instructions, and the training and qualification of Mechanical Department employees performing work. The consultant also will seek out opportunities to better optimize maintenance intervals of equipment where possible. Finally, the consultant will provide project management support, including by developing tools to better track performance and providing staff augmentation to support the implementation and administration of any recommended improvements.
**BACKGROUND**

**NJ TRANSIT’s Commuter Relief Plan**

Governor Phil Murphy announced a plan to provide NJ TRANSIT commuters both short and long-term relief from rail car shortage and overcrowded conditions.

NJ TRANSIT has experienced shortages of rail equipment due to a number of issues including the availability of long-lead and custom manufactures replacement parts, and the ongoing installation of Positive Train Control (PTC). This has resulted in trains operating with fewer cars than usual with commuters experiencing overcrowded conditions.

As part of Governor Murphy's Commuter Relief Plan, NJ TRANSIT will retain outside professional services to assist Rail Operations in evaluating internal processes to monitor and manage equipment levels needed for service.

**Procurement**

In accordance with N.J.A.C. 16:72-1.5(c), NJ TRANSIT issued a Request for Proposal for the professional services to perform a detailed review of NJ TRANSIT rolling stock equipment-related scheduled maintenance activities and current policies, develop tools to track performance, and provide project management support to one firm, LTK Engineering Services. LTK Engineering Services, along with its proposed sub consultant, STV Incorporated, was selected based on its unique qualifications to perform this work due to its previous experience in the design, production, testing, and warranty and fleet retrofitting of NJ TRANSIT rail equipment. LTK Engineering Services and STV Incorporated previously provided engineering consulting services for various NJ TRANSIT projects, including Multilevel I & II Coaches, PL42AC, ALP46, ALP46A, ALP-45DP, and PL42 locomotives.

NJ TRANSIT received a cost proposal from LTK Engineering Services, and negotiated a final cost of $2,167,563.39. The NJ TRANSIT Office of Business Development assigned a zero percent Small Business Enterprise (SBE) goal for this contract.

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

**FISCAL IMPACTS**

**Requested Authorization:**

LTK Engineering Inc. $2,167,563.39 + 5% Contingency

**Past Authorizations:** None

**Expenditures to Date:** None
<table>
<thead>
<tr>
<th><strong>Total Project Cost:</strong></th>
<th>$2.5 million</th>
</tr>
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</table>
| **Projected Date of Completion:** | December 2018 (Short-term Maintenance Review)  
December 2021 (Staff augmentation Optional Period) |
| **Capital Program Amount:** | $2.5 million |
| **Operating Budget Amount:** | N/A |
| **Anticipated Source of Funds:** | Transportation Trust Fund |
| **PRINTS ID: Number(s):** | NJT01279 |
| **SBE Goal:** | 0% |
| **NJ Build Amount:** | N/A |
| **Related/Future Authorizations:** | N/A |
| **Impact on Subsequent Operating Budgets:** | N/A |
RESOLUTION

WHEREAS, Governor Phil Murphy announced a Commuter Relief Plan – a series of initiatives to provide NJ TRANSIT commuters both short- and long-term relief from rail car equipment shortages; and

WHEREAS, among the initiatives announced, NJ TRANSIT returned twenty cars awaiting Positive Train Control equipment to revenue service, leased rail cars from regional transit providers to reduce equipment shortages, and accelerated rolling stock inspections by outsourcing repair work; and

WHEREAS, NJ TRANSIT also accelerated hiring of certain positions critical to maintenance and operations, including by holding more frequent pre-employment testing and by partnering with targeted community colleges; and

WHEREAS, NJ TRANSIT will retain a consultant to perform a detailed review of NJ TRANSIT rolling stock equipment-related scheduled maintenance activities and identify areas of maintenance scheduling that can be better optimized and develop tools that can better track performance in meeting the goals of the Governor's Commuter Relief Plan; and

WHEREAS, pursuant to N.J.A.C. 16:72-1.5, upon completion of the procurement process for professional services, LTK Engineering Services was selected as the most qualified firm to perform this work;

NOW, THEREFORE, BE IT RESOLVED that the Chair or Executive Director is authorized to enter into NJ TRANSIT Contract No. 18-022 with LTK Engineering Services to perform a detailed review of NJ TRANSIT rolling stock equipment-related scheduled maintenance activities and current policies, develop tools to track performance, and provide project management support in an amount not to exceed $2,167,563.39, 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 appointments, 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 Delco Lead Storage and Inspection Facility Project and County Yard Improvement Project Environmental Mitigation Credit Purchases, the Personal Injury Claim of Seres Arpad, and the Personal Injury Claim of Chantae Figures; 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.
On November 5, 2014, the U.S. Department of Transportation announced that NJ TRANSIT had been selected through a competitive process to receive $184,493,910 in Federal Transit Administration (FTA) competitive resilience funding to support the design and construction of the Delco Lead Train Safe Haven Storage and Service Restoration Project (Delco Lead Project). Once constructed, the Delco Lead Project will reduce the risk of damage to rail equipment resulting from extreme weather events, and facilitate the rapid resumption of service after storms have passed.

Strategically located along the Northeast Corridor (NEC), the Delco Lead will provide resilient storage for NJ TRANSIT’s rail cars. The Service and Inspection Facility (S&I), which is included as part of the Delco Lead Project, will allow the rapid inspection of rail equipment and its return to revenue service following an extreme weather event.

Through a separate project (County Yard Improvement Project), NJ TRANSIT also is expanding County Yard, which is adjacent to the Delco Lead, to provide additional resilient storage for rail cars. Together, these project elements will allow safe-haven
storage of rail cars and locomotives, permitting the evacuation of rolling stock from both the Meadows Maintenance Complex and Morrisville Yard when extreme weather threatens service.

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

Staff seeks authorization to enter into purchase agreements, and take any and all other actions necessary, to acquire environmental mitigation credits for the Delco Lead Storage and Inspection Facility Project and County Yard Improvement Project, in the amount discussed in Executive Session, subject to the availability of funds.

**PURPOSE**

The authorization of the environmental mitigation credits purchases will allow NJ TRANSIT to purchase compensatory fresh water wetlands mitigation credits and riparian lands mitigation credits to replace resources impacted by the project. Since these credits can be purchased only from specific banks designated by the NJ Department of Environmental Protection (NJDEP), their availability is limited. Purchasing these credits in advance of the actual construction will avoid schedule delays and potential additional costs that might accrue should such credits be unavailable when mitigation agreements with regulatory agencies are executed at the conclusion of final design.

**BACKGROUND**

In the aftermath of Superstorm Sandy, the County Yard and associated 4-mile long Delco Lead were identified as safe-haven storage locations for commuter rail coaches and locomotives. The yard and lead both are situated above the floodplain, with relatively no trees and could be made more resilient against future flooding during extreme weather events through appropriate design. Equipment stored in this location will be optimally situated for rapid return to revenue service on the North East Corridor, Raritan Valley Line and New Jersey Coast Line.

The eventual improvements include construction of 4-mile long electrified Delco Lead tracks, an expansion of the County Yard for storage, an inspection facility, crew quarters, and associated improvements. The goal of the project is to provide storage during extreme event and provide inspection facility to inspect the coaches and locomotives to bring them back in service in short period of time after the event.

NJ TRANSIT made a thorough assessment of the projects’ environmental impacts in accordance with the National Environmental Policy Act (NEPA). NJ TRANSIT proceeded with completion of an Environmental Assessment (EA) / Draft Section 4(f) Evaluation. On February 17, 2016, following its review of the Delco Lead Storage and Inspection Facility EA, the FTA issued a Finding of No Significant Impact (FONSI) for the project.
To satisfy compensatory mitigation associated with the NJDEP permit requirements for the project, environmental mitigation credits will be purchased from an NJDEP-approved mitigation bank servicing the appropriate Watershed Management Area. Environmental mitigation credits are compensation for unavoidable impacts to environmental resources.

Environmental mitigation credits are only available from eligible “Banks” with a service area that includes the permit applicant’s project and where wetlands have been established or enhanced in accordance with NJDEP regulations. Each bank has a formal agreement that identifies the number of credits available for sale and requires the use of ecological assessment techniques to certify that those credits provide the required ecological functions.

This board item seeks Board authorization to acquire the required mitigation credits to offset freshwater wetland and riparian impacts identified under the NJDEP permit.

**Scope of Work**

The work includes the identification and reservation of environmental mitigation credits to advance the Delco Lead Storage and Inspection Facility Project and County Yard Improvement Project.

**Funding**

Funding for the purchase of environmental mitigation credits is a routine project capital cost, and can be funded with federal or state capital funds as appropriate to the funding profile for the subject capital project.

Office of State Comptroller approval for this action will be sought as required under Executive Order 125. NJ TRANSIT will work with the FTA to complete any necessary NEPA assessments for these actions.

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

**FISCAL IMPACTS**

**Requested Authorization:** Amount to be discussed in Executive Session

**Past Authorizations:** None (Environmental Mitigation Credit Purchases)

**Expenditures to Date:** $0 (Environmental Mitigation Credit Purchases)

**Total Project Cost:** Amount to be discussed in Executive Session
Capital Program Amount: Delco Lead $245,991,879
County Yard $125,000,000

Operating Budget Amount: $0

PRINTS ID Number: NJT01042
RNF00249

Anticipated Source of Funds: Federal Transit Administration
Transportation Trust Fund

DBE/SBE Goal: NA

NJ Build Amount: NA

Related/Future Authorizations: None

Impact on Subsequent Operating Budgets: None
RESOLUTION

WHEREAS, the Delco Lead will provide resilient storage for NJ TRANSIT’s rail cars, and the Service and Inspection Facility will allow the rapid inspection of rail equipment and its return to revenue service following an extreme weather event; and

WHEREAS, through a separate project (County Yard Improvement Project), NJ TRANSIT also is expanding County Yard, which is adjacent to the Delco Lead, to provide additional resilient storage for rail cars, and

WHEREAS, together, these project elements will allow safe-haven storage of rail cars and locomotives, permitting the evacuation of rolling stock from both the Meadows Maintenance Complex and Morrisville Yard when extreme weather threatens service, and

WHEREAS, the Federal Transit Administration selected the Delco Lead Storage and Inspection Facility Project to receive Disaster Relief Appropriations Act of 2013 funding through a competitive grant process; and

WHEREAS, the procurement of environmental mitigation credits are required by the environmental permitting agencies for this project;

NOW, THEREFORE, BE IT RESOLVED that the Chair or Executive Director is authorized to enter into to enter into purchase agreements, and take any and all other actions necessary, to acquire environmental mitigation credits for the Delco Lead Storage and Inspection Facility Project and County Yard Improvement Project, in the amount discussed in Executive Session, subject to the availability of funds.
ITEM 1804-29: PERSONAL INJURY CLAIM OF SERES ARPAD

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 Seres Arpad.

ACTION

Staff seeks authorization to settle the claim of Seres Arpad 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 initiated from a Bus claim.

FISCAL IMPACTS

Requested Authorization: Request authorization to settle the Personal Injury Claim of Seres Arpad

Projected Date of Completion: FY 2018

Anticipated Source of Funds: FY 2018 Operating Budget

Diversity Goals/Participation: Not applicable. No goods or services to be procured.
RESOLUTION

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

WHEREAS, Seres Arpad 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 Executive Director is authorized to settle the claim of Seres Arpad 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 1804-30: PERSONAL INJURY CLAIM OF CHANTAE FIGURES

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 Chantae Figures.

ACTION

Staff seeks authorization to settle the claim of Chantae Figures through her 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 initiated from a Bus claim.

FISCAL IMPACTS

Requested Authorization: Request authorization to settle the Personal Injury Claim of Chantae Figures

Projected Date of Completion: FY 2018

Anticipated Source of Funds: FY 2018 Operating Budget

Diversity Goals/Participation: Not applicable. No goods or services to be procured.
RESOLUTION

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

WHEREAS, Chantae Figures 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 Executive Director is authorized to settle the claim of Chantae Figures 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 1804-31: APPOINTMENT TO THE BOARD OF TRUSTEES OF THE GATEWAY PROGRAM DEVELOPMENT CORPORATION (GPDC) RELATED TO THE GATEWAY PROGRAM

BENEFITS

The Gateway Program is designed to provide comprehensive investments in the rail infrastructure connecting New Jersey and New York to add resiliency and capacity along the Northeast Corridor. Phase 1 of this Program includes the Hudson Tunnel Project, consisting of two replacement railroad approach tubes connecting New York Penn Station and New Jersey, the completion of a concrete casing to preserve tunnel right-of-way around the future tracks on the West Side of Manhattan leading from the new tunnel to Penn Station New York, and the replacement of the Portal North Bridge in New Jersey. The Gateway Program Development Corporation was formed to oversee the delivery of this Program, and includes a Board of Trustees with representatives from New Jersey, New York, and the National Railroad Passenger Corporation (Amtrak). Upon the resignation of Trustee Richard H. Bagger, this appointment will ensure continued representation for New Jersey as these critical projects move forward.

ACTION (Scorecard: Corporate Accountability)

Staff recommends that NJ TRANSIT’s Board of Directors appoint Jerry Zaro as New Jersey’s representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation.

PURPOSE

The Certificate of Incorporation of the Gateway Program Development Corporation was filed with the Secretary of State of New Jersey on November 17, 2016, and entitles NJ TRANSIT to appoint a successor for one of the trustees on the Board of the Gateway Program Development Corporation. Trustee Richard H. Bagger recently resigned his position as New Jersey’s representative and Trustee of the Gateway Program Development Corporation.

Pursuant to Section 8 of the Certificate of Incorporation and to continue to advance the Gateway Program, staff recommends that NJ TRANSIT’s Board of Directors appoint Jerry Zaro as New Jersey’s representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation.

BACKGROUND

The Gateway Program Development Corporation is a non-profit corporation created under the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq. It was created to coordinate, develop, operate, finance, manage, own, or otherwise engage in activities to effectuate the transportation project between Penn Station, Newark, New Jersey, and Penn Station, New York, New York currently referred to as the Gateway Program, and by engaging in such other programs or purposes as lessen the burdens of government as may be requested or determined from time to time. Pursuant
to Section 7 of the Certificate of Incorporation, Richard H. Bagger was one of three trustees appointed to the Gateway Program Development Corporation’s initial Board of Trustees.

FISCAL IMPACTS

Requested Authorization: Appoint Jerry Zaro as New Jersey's representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation

Past Authorizations:
November 18, 2016 Item1611-66 Authorization to continue the appointment of Richard H. Bagger as a Trustee on the Board of Trustees of the Gateway Program Development Corporation in accordance with Section 8 of the Certificate of Incorporation of the Gateway Program Development Corporation

Expenditures to Date: NA

Total Project Cost: NA

Capital Program Amount: NA

Operating Budget Amount: NA

Projected Date of Completion: NA

Anticipated Source of Funds: NA

PRINTS ID Number: NA

DBE/SBE Goal: NA

NJ Build Amount: NA

Related/Future Authorizations: TBD

Impact on Subsequent Operating Budgets: None
RESOLUTION

WHEREAS, the Gateway Program consists of a set of rail infrastructure projects between Newark and New York City, including elements that, in the first phase will include, but not be limited to, the construction of a new Hudson Tunnel, the completion of a concrete casing to preserve tunnel right-of-way around the future tracks on the West Side of Manhattan leading from the new tunnel to Penn Station New York, and the replacement of the Portal North and Sawtooth Bridges in New Jersey; and

WHEREAS, in November 2016, a Certificate of Incorporation was filed with the Secretary of State of the State of New Jersey which certificate lists Richard H. Bagger as one of three individuals on the initial Board of Trustees; and

WHEREAS, Section 8 of the Gateway Program Development Corporation certificate states that NJ TRANSIT is entitled to appoint a successor to Richard H. Bagger on the Board of Trustees of the Gateway Program Development Corporation; and

WHEREAS, Trustee Richard H. Bagger recently resigned his position as New Jersey’s representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation; and

WHEREAS, NJ TRANSIT’s Board of Directors has determined to appoint Jerry Zaro as New Jersey’s representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation in accordance with Section 8 of the Certificate of Incorporation;

NOW, THEREFORE, BE IT RESOLVED that NJ TRANSIT’s Board of Directors hereby appoint Jerry Zaro as New Jersey’s representative and Trustee on the Board of Trustees of the Gateway Program Development Corporation.