

**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**

FEBRUARY 13, 2013

FINAL AGENDA

- **CALL TO ORDER**
- **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
- **PUBLIC COMMENTS ON AGENDA ITEMS AND OTHER MATTERS**
- **BOARD MEMBER COMMENTS**
- **ADVISORY COMMITTEE REPORT**
- **SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ADVISORY COMMITTEE REPORT (NEXT SCHEDULED REPORT DUE JUNE 2013)**
- **BOARD COMMITTEE REPORTS**
 - *Administration Committee
 - *Capital Planning, Policy & Privatization Committee
 - *Customer Service Committee
- **EXECUTIVE DIRECTOR'S MONTHLY REPORT**

ACTION ITEMS

1302-01 COMMUNITY MOBILITY AND LOCAL PROGRAMS: VEHICLE PURCHASE CONTRACT FOR MOBILITY VEHICLES

Authorization to award NJ TRANSIT Contract No. 13-027 to Alliance Bus Group of Carlstadt, New Jersey, for the purchase of 27 Mobility Vehicles (Model MV-1) in an amount not to exceed \$1,233,090.00, plus five percent for contingencies, for a total contract authorization of \$1,294,744.50, subject to the availability of funds.

1302-02 FRANK R. LAUTENBERG STATION AT SECAUCUS JUNCTION MAIN LINE PLATFORM EXTENSIONS: CONSTRUCTION SERVICES

Authorization to enter into a contract with the lowest responsive responsible bidder to construct extensions to the Main Line platforms at Secaucus Junction, at a cost not to exceed the budgeted amount, plus five percent for contingencies, subject to the availability of funds.

CONSENT CALENDAR

1302-03 SOUTH JERSEY BUS RAPID TRANSIT: CONSULTANT CONTRACT FOR ENVIRONMENTAL ASSESSMENT AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTATION

Authorization to enter into NJ TRANSIT Contract No. 12-065 with AECOM Technical Services, Inc. of Newark, New Jersey, for consultant services in support of the South Jersey Bus Rapid Transit Environmental Assessment and the National Environmental Policy Act Documentation at a cost not to exceed \$799,519.00, plus five percent for contingencies, subject to the availability of funds.

1302-04 SPECIAL COUNSEL – SOMERVILLE TRANSIT-ORIENTED DEVELOPMENT

Authorization to compensate Hill Wallack of Princeton, New Jersey as Special Counsel with respect to Somerville transit-oriented development at an amount not to exceed \$750,000.00, subject to future capital program budgets.

- **EXECUTIVE SESSION AUTHORIZATION**

- **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 December 13, 2012 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 December 18, 2012;

NOW, THEREFORE, BE IT RESOLVED that the minutes of actions taken at the December 13, 2012 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 1302-01: COMMUNITY MOBILITY AND LOCAL PROGRAMS: VEHICLE PURCHASE CONTRACT FOR MOBILITY VEHICLES

BENEFITS

The Federal Transit Administration (FTA) makes available a variety of funding programs and grants that allow for the purchase of vehicles for local community transit services. NJ TRANSIT, as the grant recipient, procures vehicles under these grant programs on behalf of local subrecipients in order to maximize purchasing power as well as to ensure compliance with Federal procurement regulations.

Vehicles purchased under this procurement will benefit elderly and disabled residents of New Jersey. Specific Federal programs are Section 5310 Transportation for Elderly Persons and Persons with Disabilities Program, Section 5317 New Freedom Program, and the Congestion Mitigation and Air Quality (CMAQ) Program. Transportation Trust Fund monies are used for NJ TRANSIT's required match of Section 5310; Section 5317 funds are matched by the subrecipient.

ACTION (Scorecard: Corporate Accountability, Customer Experience)

Upon completion of a competitive procurement process, staff seeks authorization to award NJ TRANSIT Contract No. 13-027 to Alliance Bus Group of Carlstadt, New Jersey, for the purchase of 27 Mobility Vehicles (Model MV-1) in an amount not to exceed \$1,233,090.00, plus five percent for contingencies, for a total contract authorization of \$1,294,744.50, subject to the availability of funds.

PURPOSE

Authorization of this contract will provide Mobility Vehicles (Model MV-1) to be used by 18 private non-profit organizations and four designated public bodies, as shown in Exhibit A, to provide transit services to senior citizens and persons with disabilities.

The MV-1 Mobility Vehicle, which is manufactured by Vehicle Production Group, Mishawaka, Indiana, is smaller than a minibus or standard van, and is more fuel-efficient and easier to manipulate, particularly in urban areas. The MV-1 Mobility Vehicle was introduced to the market relatively recently and is the first Original Equipment Manufacturer (OEM)-designed and assembled accessible vehicle of its size. The vehicle also meets the Federal "Buy America" requirements.

BACKGROUND

Federal Transit Administration Programs

Section 5310 Transportation for Elderly Persons and Persons with Disabilities

This program (49 U.S.C. 5310) provides formula funding annually to States for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is

unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each State's share of population for these groups of people.

Funds are obligated based on the annual program of projects included in a statewide grant application. The State agency (in New Jersey it is NJ TRANSIT) ensures that local applicants and project activities are eligible and in compliance with Federal requirements that private not-for-profit transportation providers have an opportunity to participate as feasible, and that the program provides for coordination of Federally-assisted transportation services assisted by other Federal sources. Once the FTA approves the application, funds are available for State administration of its program and for allocation to individual subrecipients within the State.

States are direct recipients. Eligible subrecipients are private non-profit organizations; governmental authorities where no non-profit organizations are available to provide service; and governmental authorities approved to coordinate services.

Title 49 U.S.C. 5310, as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), requires a recipient of Section 5310 funds to certify that projects selected are derived from a locally-developed, coordinated public transit-human services transportation plan.

Congestion Mitigation and Air Quality (CMAQ)

This program (23 U.S.C. 149) is a section of the Federal Highway Program that can be used for public transit purposes. Decisions over which projects and programs to fund under CMAQ are made through the appropriate metropolitan and/or statewide planning process, which includes the involvement of State and local air quality agencies. The Federal Highway Administration (FHWA) and FTA recommend that States and MPOs develop their transportation/air quality programs using complementary measures that simultaneously provide alternatives to single-occupant vehicle (SOV) travel while reducing demand through pricing parking management, regulatory or other means. Further, the FHWA and FTA urge States and MPOs to develop a full and open public process for the solicitation and selection of meritorious projects to be funded through the CMAQ program. States may transfer CMAQ funds to other programs, including transit programs.

Section 5317 New Freedom

This program (49 U.S.C. 5317) aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.

States and public bodies are eligible designated recipients. Eligible subrecipients are private non-profit organizations, local governments, and operators of public transportation services including private operators of public transportation services.

Federal Transit Law, as amended by SAFETEA-LU, requires that projects selected for funding under the Elderly Individuals and Individuals with Disabilities (Section 5310), Job Access and Reverse Commute (JARC), and New Freedom programs be derived from a locally-developed, coordinated public transit-human services transportation plan and that the plan be developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public. These plans identify the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting these needs, and prioritize transportation services for funding and implementation.

NJ TRANSIT's Administrative Role

NJ TRANSIT's authorizing legislation, known as the New Jersey Public Transportation Act of 1979, states "As a matter of public policy, it is the responsibility of the State to establish and provide for the operation and improvement of a coherent transportation system in the most efficient and effective manner." (NJSA 27:25-2)

Furthermore, under the Senior Citizen and Disabled Resident Transportation Assistance Act, which became effective January 17, 1984, the New Jersey Legislature stated that "it is appropriate that the New Jersey Transit Corporation, in conjunction with its advisory bodies, representatives or associations of counties, and other interested parties, develop a plan for transportation assistance to senior citizens and the disabled; that the instrumentalities of local government, particularly the counties of this State, should play a major role in facilitating the provision of that transportation assistance; and that the New Jersey Transit Corporation in conjunction with the New Jersey Department of Transportation's Office of Coordination, as well as the counties, should coordinate the assistance with existing transportation services, including but not limited to those services funded by any other State agency, at the local level and coordinate inter-county transportation services." (NJSA 27:25-26)

NJ TRANSIT has developed a State Management Plan, most recently updated in June 2012, for these programs, which describes the process by which funds are administered and which includes the process for selecting subrecipients to receive vehicles.

Selection Process

Federal funds were made available for the purchase of vehicles to be allocated to subrecipients under the programs described above. NJ TRANSIT worked with subrecipients to determine appropriate vehicle types and quantities. NJ TRANSIT developed specifications for the vehicles, consistent with the subrecipients' needs and the available funding.

Selection Process for Sections 5310, 5317, and CMAQ

Under these three programs, Federal funding is made available annually and a competitive grant process is undertaken. The Section 5310 application process for subrecipients is directly administered by NJ TRANSIT with input from other groups and organizations, including Metropolitan Planning Organizations (MPOs), during the review

and selection process. The CMAQ and Section 5317 program applicants are solicited directly by MPOs with NJ TRANSIT then submitting the Federal grant and administering the program. The Section 5310 program is predominantly a capital (vehicle) program and requests usually exceed available funds. CMAQ and Section 5317 can be used for operating or capital. This Board item only reflects capital fund requests for vehicles contained in approved grants.

Section 5310 applications are reviewed and evaluated in five major areas:

- Description of service, which includes a description of the service area, explanation of current transportation challenges for consumers, impact of not receiving the award, and the un-met need being filled with the award.
- Vehicle utilization and appropriateness of service, including the number of trips and hours of operation as well as the trip purposes proposed.
- Coordination and cooperation, which considers whether the applicant or service presented as an un-met need is specifically identified in a locally-developed human services coordination plan.
- Financial and management capabilities, which include a consideration of fiscal resources set aside for the proposed service as well as the agency's experience in providing transportation services.
- Operating plan, which includes the depth of driver training, maintenance program, storage of equipment, and scheduling and dispatching of vehicles.

In addition to the above factors, the availability of other transit options in the area, and the degree to which the section 5310 proposed service will complement the other options, is considered. For those who are current subrecipients of NJ TRANSIT, timely submittal of required reports and certifications, and maintenance of vehicles is also considered.

This process is explained in greater detail in NJ TRANSIT's State Management Plans for the Section 5310 and Section 5317 programs, most recently revised in June 2012.

Funding

Funds to be used in this vehicle purchase have already been awarded to NJ TRANSIT through FTA grants. NJ TRANSIT's costs for administering these programs are also funded through these grants.

Funding Source	Amount
FTA Section 5310	\$ 913,400
TTF Match for FTA Section 5310	\$ 228,350
FTA Section 5317 New Freedom	\$ 20,523
Local Match for FTA Section 5317	\$ 25,147
CMAQ Flex to Section 5310	\$ 45,670
Total	\$ 1,233,090

Procurement

An Invitation for Bid (IFB) was advertised in *The Star-Ledger* and *The Trenton Times* on October 31, 2012. A Pre-Bid Conference was held on November 14, 2012. Bids were opened on December 11, 2012 at 2:30 p.m.

The Federal Transit Administration (FTA) requires that each Transit Vehicle Manufacturer, as a condition of authorization to bid on Transit Vehicle procurements utilizing FTA funds, establish a DBE Program including overall goals which is then submitted to FTA for approval. The Office of Business Development has assigned a Transit Vehicle Manufacturer goal for this procurement. The Engineer's Estimate for the base order vehicles is \$1,300,000.00.

IFB 13-027 BID RESULTS

COMPANY	TOTAL EVALUATED PRICE
Alliance Bus Group Carlstadt, New Jersey	\$ 1,233,090.00

Although seven vendors expressed interest in the contract, only Alliance Bus Group ultimately submitted a bid.

Options for Additional Vehicles

The bid documents for the vehicles included the provision for the purchase of 15 additional vehicles to be exercised by NJ TRANSIT within 365 days of contract notice to proceed. Additional Board authorization will be requested should a decision be made to exercise the option.

All vehicles purchased through this contract have a useful life of four years or 100,000 miles.

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

FISCAL IMPACTS

Requested Authorization: \$ 1,233,090.00 + 5% contingency

Total Project Cost: \$ 1,294,744.50

Projected Date of Completion: February 2015

Anticipated Source of Funds: Federal Transit Administration
CMAQ
Transportation Trust Fund
Subrecipient funds

DBE/SBE Goal: Transit Vehicle Manufacturer

***NJ Build* Amount:** N/A

Related Future Authorization: Annual Community Mobility and Local Programs authorization

Impacts on Subsequent Operating Budgets: None

RESOLUTION

WHEREAS, NJ TRANSIT 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, FTA Section 5316, and CMAQ; and

WHEREAS, upon completion of a competitive procurement process, Alliance Bus Group was determined to be the lowest responsive, responsible bidder for the Mobility Vehicles;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to award NJ TRANSIT Contract No. 13-027 to Alliance Bus Group of Carlstadt, New Jersey, for the purchase of 27 Mobility Vehicles in an amount not to exceed \$1,233,090.00, plus five percent for contingencies, for a total contract authorization of \$1,294,744.50, subject to the availability of funds.



MV-1 Mobility Vehicle

RECIPIENTS OF VEHICLES

Section 5310 Transportation for Seniors and Persons With Disabilities Program

Atlantic	Bacharach Institute for Rehabilitation	1
Bergen	North Jersey Friendship House	1
Essex	Clara Maas Medical Center Foundation	1
Essex	Essex County	1
Essex	Newark Aids Consortium Inc	1
Essex	Tri-City Peoples Corporation	1
Gloucester	Arc of Gloucester	1
Middlesex	Alternatives, Inc.	2
Middlesex	Neighbors, Inc.	2
Monmouth	Alternatives, Inc.	1
Morris	Cheshire Home, Inc.	1
Passaic	City of Clifton	1
Somerset	Alternatives, Inc.	1
Somerset	Arc of Somerset County	1
Somerset	Martin & Edith Stein Assisted Living Residence	1
Sussex	SCARC Inc	2
Union	Community Access Unlimited, Inc.	2
Union	Union County Paratransit	1
Warren	Alternatives, Inc.	3
Total		25

RECIPIENTS OF VEHICLES

Section 5310 (CMAQ-FLEX) Transportation for Seniors and Persons With Disabilities Program

Mercer	Mercer County	1
Total		1

Section 5316 New Freedom

Warren	Warren County	1
Total		1

**ITEM 1302-02: FRANK R. LAUTENBERG STATION AT SECAUCUS JUNCTION
MAIN LINE PLATFORM EXTENSIONS: CONSTRUCTION
SERVICES**

BENEFITS

NJ TRANSIT provides rail service to the Meadowlands Sports Complex for certain sports and entertainment events at MetLife Stadium. In the next few years, NJ TRANSIT will provide rail service for major events such as Super Bowl 48 and daily service to the new American Dream retail and entertainment complex.

NJ TRANSIT is making preparations to expand rail service to the Meadowlands Sports Complex including operating longer trains to provide increased capacity for major events. The boarding platforms on the lower level of Secaucus Junction can presently accommodate eight-car trains. These platforms will be extended to accommodate ten-car trains. The rail station at the Meadowlands Sports Complex already supports the longer trains.

Longer boarding platforms at Secaucus Junction will ensure customers can board and exit the longer trains expeditiously, thereby increasing the capacity of the service to accommodate larger crowds. This investment will also provide flexibility to operate longer trains on other rail lines in the future.

ACTION (Scorecard: Corporate Accountability, Customer Experience)

Staff seeks authorization to enter into a contract with the lowest responsive responsible bidder to construct extensions to the Main Line platforms at Secaucus Junction, at a cost not to exceed the budgeted amount, plus five percent for contingencies, subject to the availability of funds.

PURPOSE

Since 2009, NJ TRANSIT has provided rail service from Hoboken Terminal and Secaucus Junction to the Meadowlands Sports Complex for major sports and entertainment events at MetLife Stadium. Customers have responded positively to the service with 10,000 people routinely using the service for football games and as many as 22,000 people using the service for concerts.

The rail service has improved access at the sports complex and reduced post-event traffic congestion for those who choose to drive to the stadium. The availability of rail service was also a contributing factor in the National Football League's decision to host Super Bowl 48 at MetLife Stadium, which is expected to generate more than \$500 million in economic activity for the region.

NJ TRANSIT is now making preparations for Super Bowl 48 in February 2014 which will draw capacity crowds to MetLife Stadium. NJ TRANSIT has identified a cost effective opportunity to extend the board platforms on the lower level of Secaucus Junction. The foundations for these longer platforms were originally constructed as part of the Secaucus Junction project more than a decade ago and will be utilized by this project.

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

FISCAL IMPACTS

Requested Authorization:	An amount not to exceed the budgeted amount
Total Project Cost:	\$2.5 million
Projected Date of Completion:	September 2013
Anticipated Source of Funds:	TTF
DBE/SBE Goal:	The goal will be established prior to advertisement of the construction bid package.
<i>NJ Builds</i> Amount:	None
Future/Related Authorizations:	None
Impact on Subsequent Operating Budgets:	Less than \$10,000 annually for additional utility and maintenance costs

RESOLUTION

WHEREAS, NJ TRANSIT provides rail service to the Meadowlands Sports Complex for certain sports and entertainment events at MetLife Stadium; and

WHEREAS, NJ TRANSIT will provide expanded rail service for major events such as Super Bowl 48 in the next few years and daily service to the new American Dream retail and entertainment complex; and

WHEREAS, NJ TRANSIT is making preparations to provide expanded service to the Meadowlands Sports Complex including operating longer trains to provide increased capacity for major events; and

WHEREAS, the Main Line boarding platforms on the lower level at Secaucus Junction will be extended to increase capacity and expedite travel for Meadowlands customers and provide flexibility for longer trains on other lines in the future;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to enter into a contract with the lowest responsive responsible bidder to construct extensions to the Main Line platforms at Secaucus Junction, at a cost not to exceed the budgeted amount, plus five percent for contingencies, subject to the availability of funds.

CONSENT CALENDAR

ITEM 1302-03: SOUTH JERSEY BUS RAPID TRANSIT: CONSULTANT CONTRACT FOR ENVIRONMENTAL ASSESSMENT AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTATION

BENEFITS

As the result of an Alternatives Analysis (AA) study, NJ TRANSIT has identified a need for transit service enhancements from Camden and Gloucester counties for travel to/from Center City Philadelphia, the City of Camden and other activity centers along the Route 55/42/676 travel corridor. A new Bus Rapid Transit (BRT) system has been proposed to address this need. The proposed South Jersey BRT System includes three major park/rides, special (shoulder-based) bus lanes, new stations, real-time bus arrivals information, off-board fare collection, and traffic signal priority technology at signalized intersections in Camden and Philadelphia. The study area is shown in Exhibit A.

NJ TRANSIT has received a Federal discretionary grant for \$2.6 million for initial steps to begin implementing BRT in Camden County, including construction of the Avandale park and ride. The next step in advancing this project is to complete the requirements of the National Environmental Policy Act (NEPA) process by completing an Environmental Assessment and submitting documentation to the Federal Transit Administration (FTA). Completion of the NEPA documentation will allow the initial discretionary grant to be spent and will allow NJ TRANSIT to apply for additional Federal funding to advance the full implementation of the South Jersey BRT System.

ACTION (Scorecard: Customer Experience)

Upon completion of a competitive procurement process, staff seeks authorization to enter into NJ TRANSIT Contract No. 12-065 with AECOM Technical Services, Inc. of Newark, New Jersey, for consultant services in support of the South Jersey Bus Rapid Transit Environmental Assessment and NEPA Documentation at a cost not to exceed \$799,519, plus five percent for contingencies, subject to the availability of funds.

PURPOSE

The authorization of this contract will provide professional services for conducting an Environmental Assessment and completing NEPA documentation to advance the South Jersey BRT System. The consultant will provide services for project management, public participation, supporting studies, travel analysis, forecasting, service planning, conceptual engineering, NEPA documentation, agency review, public review, Section 106 review, and the completion of a draft environmental decision document.

BACKGROUND

History

Over the last several years, NJ TRANSIT has been advancing a coordinated program of investments in southern New Jersey to improve regional mobility and improve access to major employment centers in Camden, Philadelphia, and Atlantic City. These efforts include partnering with the Delaware River Port Authority (DRPA) to advance the Environmental Impact Statement for the Glassboro-Camden Light Rail, the Atlantic City Rail Line study for reviewing potential new station investment, and the Alternatives Analysis study that recommended the South Jersey BRT System.

The need for transit improvements in the specific study corridor was initially identified by the DRPA in their 2009 *Southern New Jersey to Philadelphia Mass Transit Expansion Alternatives Analysis*. The DRPA assessed the feasibility of extending rail service into Camden and Gloucester Counties and concluded that the most promising rail service was to extend light rail from downtown Camden to Glassboro along an existing railroad right-of-way currently used by Conrail for freight service.

The DRPA study also identified a potential market for Bus Rapid Transit along the Routes 42/55/676 travel corridor. The corridor is located between the DRPA-proposed Glassboro-Camden light rail line, to the southwest, and the PATCO Line, to the north. Improved transit service is needed to make commuting to jobs in Camden and Philadelphia easier, and to serve reverse commutes to jobs and activity centers in suburban New Jersey. Area residents and elected officials view this as a necessary step to encourage economic development in the area, and to improve connections between Camden and the growing job bases outside Camden. The regional transit projects are shown in Exhibit B.

This need for improved transit and potential for BRT was the basis for the Routes 55/42/676 Transit Alternatives Analysis (AA). In December 2009, the NJ TRANSIT Board of Directors authorized the award of a contract with AECOM Consultants (Item 0912-97) to conduct the study. Options for improving transit service in the area were evaluated. All technical work was carefully coordinated with the public through a Technical Advisory Committee (TAC), local elected officials and the public via project open houses, a project website, and social media. The AA study identified a new South Jersey BRT System as the best alternative to meet the project's goals and objectives.

The recommended alternative for the South Jersey BRT System was adopted by NJ TRANSIT's Board as the Locally Preferred Alternative (LPA) in June 2012 (Item 1206-27). The LPA was also adopted by the region's Metropolitan Planning Organization, which is the Delaware Valley Regional Planning Commission (DVRPC). As a result of DVRPC's approval, the BRT system has been incorporated into the regional long-range plan and is potentially eligible for Federal funding.

Procurement

A Request for Proposals (RFP) for consultant services to perform an FTA-compliant Environmental Assessment and the completion of NEPA documentation was advertised in *The Star-Ledger* and *The Trenton Times* on August 28, 2012. A pre-proposal conference was held on September 6, 2012. Proposals were submitted on September 24, 2012 and were evaluated by a Technical Evaluation Committee (TEC), comprised of staff from the following Departments:

- Capital Planning & Programs Capital Planning (two members)
- Capital Planning & Programs Environmental Services (one member)
- Bus Operations Bus Service Planning (one member)

Two proposals were submitted. Both firms participated in oral interviews that were conducted on October 22, 2012. After oral presentations the TEC made their final evaluations; the consultant team led by AECOM Technical Services, Inc. was ranked the highest by the TEC.

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

FISCAL IMPACTS

Requested Authorization: \$ 799,519 + 5% contingency

Total Project Cost: \$ 1,200,000 (NEPA documentation only)

Projected Date of Completion: June 2014

Anticipated Source of Funds: Transportation Trust Fund

DBE/SBE Goal: 20% SBE, Category 6

NJ Build Amount: N/A

Related Future Authorizations: Final Engineering and Design
Construction
Construction Management
Construction Assistance

Impacts on Future Operating Budgets: None

RESOLUTION

WHEREAS, the Delaware River Port Authority identified the Routes 55/42/676 travel corridor as an area in need of improved transit service in their 2009 *Southern New Jersey to Philadelphia Mass Transit Expansion Alternatives Analysis* report; and

WHEREAS, in January 2010 NJ TRANSIT initiated the *Routes 55/42/676 Transit Alternatives Analysis* study in cooperation with the Federal Transit Administration to identify the most effective transit option for the Route 55/42/676 travel corridor; and

WHEREAS, the Alternatives Analysis study identified a Bus Rapid Transit as the most effective alternative for meeting the study's goals and objectives; and

WHEREAS, in June 2012 the NJ TRANSIT Board of Directors adopted the recommended alternative as the Locally Preferred Alternative for the South Jersey Bus Rapid Transit System and authorized the submittal of the LPA to the Board of Directors of the Delaware Valley Regional Planning Commission (DVRPC), the Metropolitan Planning Organization (MPO), for adoption and inclusion in the regional Long Range Plan (Item 1206-27); and

WHEREAS, in June 2012 the Board of Directors of the DVRPC amended *The Regional Plan for Sustainable Future*, the 2035 regional plan, to include the Locally Preferred Alternative for the South Jersey Bus Rapid Transit System; and

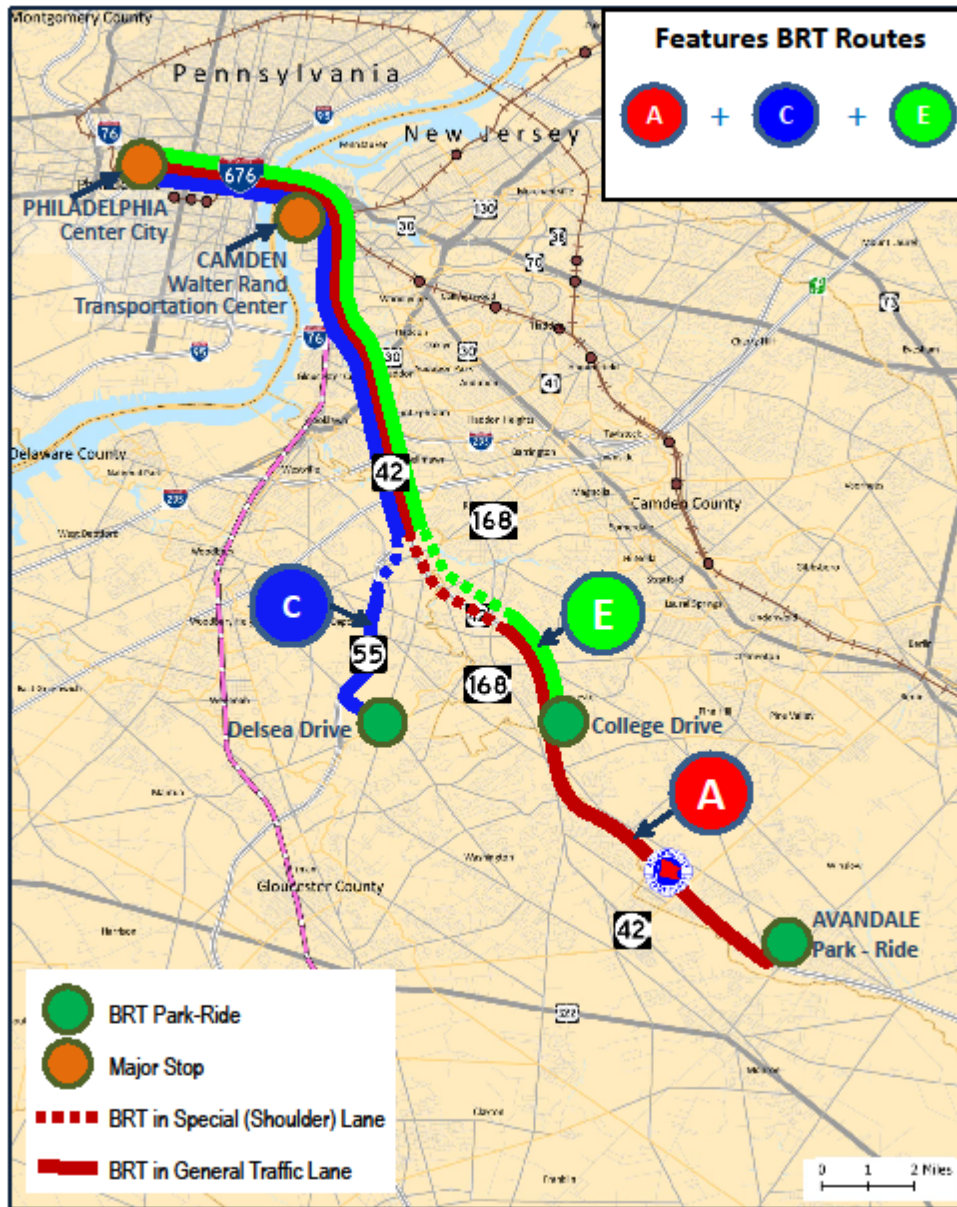
WHEREAS, NJ TRANSIT seeks to complete a NEPA document for the South Jersey Bus Rapid Transit System as part of the Federal environmental process; and

WHEREAS, after the completion of a competitive procurement process, AECOM Technical Services, Inc. was deemed to have submitted the most advantageous proposal;

NOW, THEREFORE BE IT RESOLVED, that the Chairman or Executive Director is hereby authorized to enter into NJ TRANSIT Contract No. 12-065 with AECOM Technical Services, Inc. of Newark, New Jersey, for consultant services in support of the South Jersey Bus Rapid Transit Environmental Assessment and NEPA Documentation at a cost not to exceed \$799,519, plus five percent for contingencies, subject to the availability of funds.

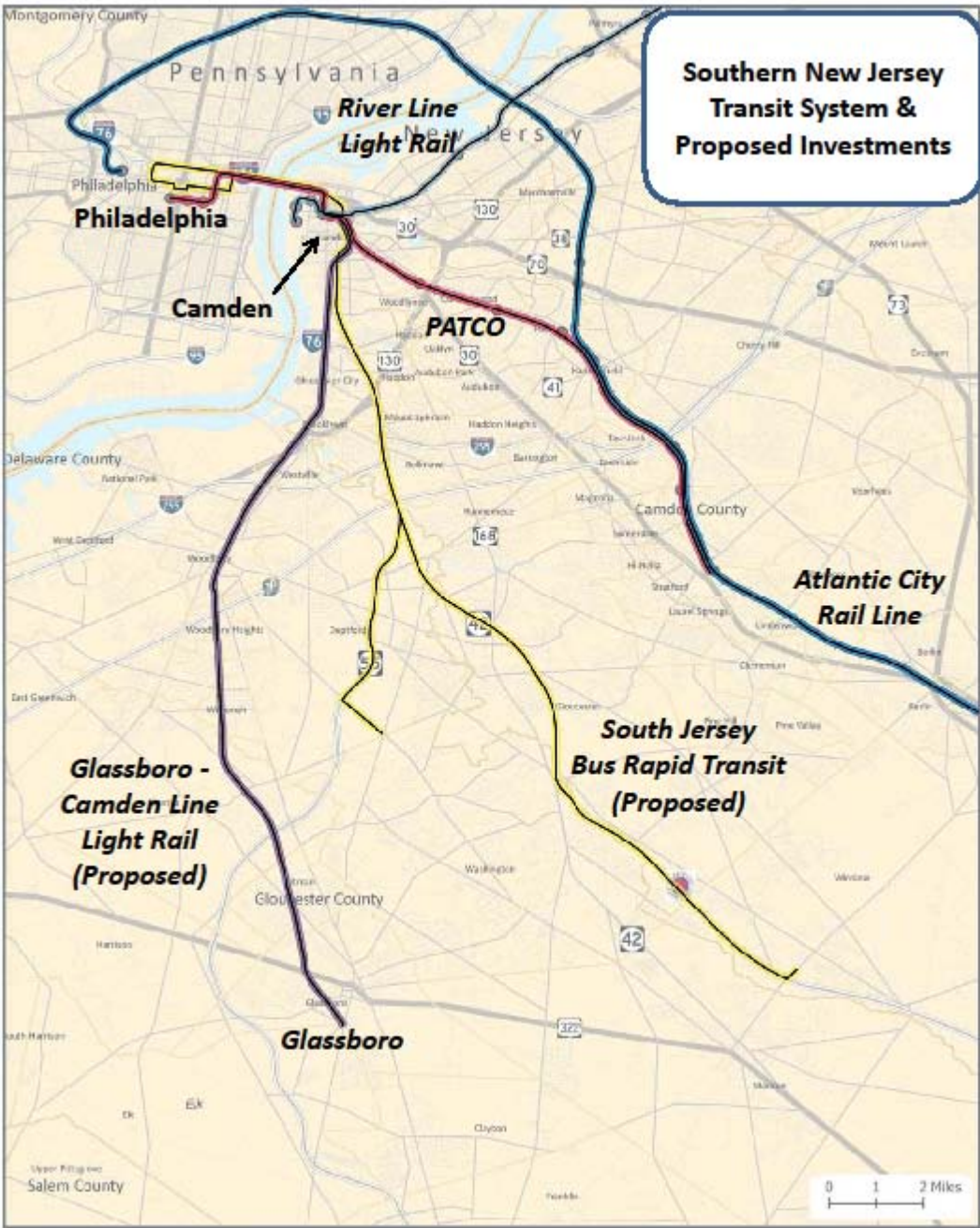
South Jersey Bus Rapid Transit (BRT) System

BRT Service to Camden and Philadelphia



Route 55/42/676 Transit Alternatives Analysis - Locally Preferred Alternative

EXHIBIT B



ITEM 1302-04: SPECIAL COUNSEL – SOMERVILLE TRANSIT-ORIENTED DEVELOPMENT

BENEFITS

The Borough of Somerville has been working with NJ TRANSIT, the state Economic Development Authority and other agencies and groups to redevelop a major portion of the community's downtown near the rail station.

A 31-acre NJ TRANSIT property near the Borough train station is within the borough's larger, 150-acre-plus downtown redevelopment zone. The agency and the borough together have developed a vision for creation of a transit-oriented commercial and residential development of hundreds of thousands of square feet at the NJ TRANSIT site. Intelligent redevelopment of the site will fulfill Governor Christie's mandate to help reduce taxpayer subsidies to NJ TRANSIT, will maintain commuter parking, and will enhance the economic health of the Borough and increase rail ridership and utilization of the recently-renovated Somerville train station.

A competitive Request for Proposal process has identified a potential developer for the NJ TRANSIT property. The competitively-procured services of legal counsel with expertise in real estate and redevelopment are now warranted as project agreements and other contracts are negotiated with the potential developer in order to ready the project for the Board of Directors' review and approval.

Legal Services

Negotiation of terms and conditions for the use of NJ TRANSIT property for transit-oriented development in a complex and extensive matter requiring multiple, complex legal documents is a specialized area of law. Engaging outside legal counsel provides efficiencies and flexibility in the delivery of legal services and complements the services provided by the New Jersey Division of Law, thereby using NJ TRANSIT's resources to the maximum benefit of its stakeholders.

Hill Wallack, of Princeton, New Jersey is an established law firm providing comprehensive legal services. The retention of Hill Wallack as Special Counsel through a competitive process by the Attorney General's office provides NJ TRANSIT with necessary legal expertise in the specialized areas of transit-oriented development, redevelopment, and associated regulatory, real estate and municipal land use matters.

ACTION (Scorecard: Corporate Accountability, Financial Performance)

Staff seeks authorization to compensate Hill Wallack of Princeton, New Jersey as Special Counsel with respect to Somerville transit-oriented development at an amount not to exceed \$750,000, subject to future capital program budgets.

PURPOSE

The Attorney General of New Jersey, through the Department of Law and Public Safety, Division of Law conducts the selection process for outside counsel through the issuance of Requests for Qualifications. The Division of Law has issued Outside Counsel Guidelines to standardize processes and procedures in connection with its legal matters. Outside counsel is managed solely through the Attorney General's office which makes new assignments through individual retention letters.

The Attorney General has retained Hill Wallack as Special Counsel to NJ TRANSIT for transit-oriented development at NJ TRANSIT's Somerville Station. Authorization to compensate Hill Wallack will enable NJ TRANSIT to maximize benefits to its stakeholders and protect the public interest by negotiating necessary legal documents related to the planning, design and development of approximately 31 acres of NJ TRANSIT property adjacent to the Somerville station.

Given current budget constraints and the need to minimize taxpayer subsidies, it is critical that NJ TRANSIT maximize revenue from its real estate holdings and various underutilized transit-oriented development opportunities. Hill Wallack's expertise in real estate matters and transactions provides essential legal assistance to NJ TRANSIT's staff in achieving this objective.

BACKGROUND

As the result of a request for competitive proposals, NJ TRANSIT selected Somerset Development, LLC, of Lakewood, to continue the request for proposals process by entering into negotiations for a memorandum of understanding and master development agreement with NJ TRANSIT for transit-oriented development of the site. The Borough of Somerville has hired the law firm of DeCotiis, Fitzpatrick and Cole, of Teaneck to represent its interests.

This item has been reviewed and recommended by the Board Administration Committee.

FISCAL IMPACTS

Requested Authorization: Authorization to compensate Hill Wallack as Special Counsel with respect to transit-oriented development at an amount not to exceed \$750,000.

Total Project Cost: \$1,350,000

Projected Date of Completion: 12/2016

Anticipated Source of Funds: Capital Program

DBE/SBE Goal: N/A

***NJ Build* Amount:** None

Related Future Authorizations: None

Impacts on Subsequent Budgets: None

RESOLUTION

WHEREAS, NJ TRANSIT requires significant and varied legal expertise in support of its transit-oriented development projects; and

WHEREAS, representing a public agency in transit-oriented development requires complex and specialized expertise for which special counsel is required; and

WHEREAS, the Attorney General has retained Hill Wallack, of Princeton, as special counsel to provide NJ TRANSIT's Real Estate and Economic Development Department with legal counsel and representation in connection with the Somerville transit-oriented development;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to compensate Hill Wallack of Princeton, New Jersey as Special Counsel with respect to the Somerville transit-oriented development at an amount not to exceed \$750,000, subject to future capital program budgets.

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 contract negotiations and attorney-client, litigation and personnel matters; 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.