
Present

Richard T. Hammer, Chairman
Bruce M. Meisel, Vice Chairman
John Spinello, Governor’s Representative
Steven M. Petrecca, Treasurer’s Representative
Raymond W. Greaves, Board Member (Non-Voting)

Absent

James C. Finkle, Jr., Board Member
Flora M. Castillo, Board Member

Also Present

Dennis J. Martin, Interim Executive Director
Amy B. Herbold, Deputy Executive Director
Michael P. Kilcoyne, Acting Vice President/General Manager, Bus Operations
Robert Lavell, Vice President & General Manager, Rail Operations
James Schworn, Deputy Chief, Light Rail & Contract Services
Christopher Trucillo, Chief of Police
Frank Savino, Director, Internal Audit
Michael J. Lihvarcik, Chief Financial Officer & Treasurer
Michael K. Slack, Chief Information Officer
Penelope L. Bassett, Assistant Executive Director, Communications & Customer Service
Steven H. Santoro, Assistant Executive Director, Capital Planning & Programs
Gardner C. Tabon, Chief, Office of System Safety
Michael Gonnella, Deputy Attorney General
Joyce J. Zuczek, Board Secretary

Chairman Hammer convened the Open Session at 9:08 a.m. in accordance with the Open Public Meetings Act. Chairman Hammer said NJ TRANSIT has faced challenging days of late and any loss of life on the system is one incident too many. The devastating bus accident in Downtown Newark and the tragic train accident at Hoboken Terminal have tested the mettle of the men and women of this agency. Yet NJ TRANSIT’s employees remain undeterred from their core focus, NJ TRANSIT’s customers. They remain committed to providing a safe and efficient transportation experience for all who utilize and work on the system. Chairman Hammer asked that they observe a moment of silence in memory of customers Jesy Garcia and Fabiola Bittar de Kroon and for NJ TRANSIT Bus Operator Joseph Barthelus.
Darwin Alviar, Office of System Safety, provided a Public Safety Announcement. The Pledge of Allegiance to the Flag was conducted. Board Secretary Zuczek conducted a Roll Call.

Board Secretary Zuczek announced that adequate notice of the regularly scheduled 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. was provided in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975, and the meetings were occurring concurrently. Notices were filed on October 7, 2016 with the Secretary of State. These notices were mailed to newspapers of general distribution, posted in the main entrance of NJ TRANSIT headquarters, and sent to each individual, agency and organization that requested such notice. Board Secretary Zuczek announced that the Board Meeting was being video recorded.

Chairman Hammer asked for a motion to approve the minutes of the June 8, 2016, July 15, 2016, and July 27, 2016 Board meetings. A motion was made by Vice Chairman Bruce M. Meisel, seconded by Board Member Steven Petrecca, and unanimously adopted.

**Board Customer Service Committee Report**

Board Member Greaves presented the report for the Customer Service Committee. The Customer Service Committee received Customer Service updates and reports on the Social Media Dashboard. The Committee also received a report on the Fiscal Year 2016 Fourth Quarter Customer Satisfaction Survey results and an update on NJ TRANSIT’s June Safety Month activities. Additionally, the Committee received an update on MyTix.

**Board Administration Committee Report**

Board Member Greaves presented the report for the Administration Committee. The Administration Committee discussed the board item for the Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities Regulation. The Committee also received a Financial Update, which included an analysis of ridership trends, and an update on the Corporate Insurance Renewal.

**Board Capital Planning, Policy, and Privatization Committee Report**

Vice Chairman Meisel presented the report for the Capital Planning, Policy and Privatization Committee. The Capital Planning, Policy and Privatization Committee discussed the board items for the Interagency Operating Agreement with Amtrak and Chatham Train Station Property – Long-Term Retail Lease of Eastbound Station Building.

**Executive Director’s Monthly Report**

Chairman Hammer asked Interim Executive Director Martin for an update on Hoboken Terminal. Interim Executive Director Martin said that progress continues in earnest at Hoboken Terminal in order to safely restore as much commuter rail service and access for
NJ TRANSIT customers as they can. Since reestablishing rail service to the Terminal on Monday, October 10, 2016, NJ TRANSIT has been working to address the remaining structural issues so that we may open additional tracks and to help facilitate a smooth pedestrian traffic flow through the area. Over the last several days, two of NJ TRANSIT’s vendors returned to serve customers.

NJ TRANSIT has worked closely with their transportation partners at PATH and New York Waterway to ensure their customers can access their services as directly as possible. Words cannot express how truly grateful they are for the patience and support they have received from so many of their patrons over these last several weeks. Things have been extremely trying for customers of all modes. He expressed their heartfelt thanks.

Interim Executive Director Martin said he would be remiss if he did not take a moment to acknowledge the hard work of the men and women of this agency. They remain steadfastly committed to meeting their obligations as a public service agency.

While there is work left to do, they also recognize the good work that has already been done. They saw it in Hoboken, when NJ TRANSIT employees rushed to the aid of those in need, shepherding them from the terminal and assisting them off the train during that tragic day.

Interim Executive Director Martin said they also saw it when Sergeant Kristen Bivona and Officers Antonio DiPopolo and Rich Sullivan sprang into action to rescue a customer from a moving train in Secaucus recently. And in a most dramatic fashion, we saw it again at Secaucus in the heroic actions of Officer Victor Ortiz of the New Jersey Transit Police Department who risked his own life to save a man determined to die; a man who fought Officer Ortiz’ efforts to save him from the path of an oncoming train. Officer Ortiz’ actions earned him international recognition and gave the world an up close look at just how special our New Jersey Transit Police Officers are.

Interim Executive Director Martin called Officer Ortiz, who was present with his wife Evelyn and daughter Roselyn, to the front of the room so they could present the proclamation in recognition of his service.

Interim Executive Director Martin read the resolution that stated: Whereas, on August 26, 2016, Police Officer Victor Ortiz, a 16-year veteran of the New Jersey Transit Police Department, selflessly risked his life to save another human being; and Whereas, without regard for his own safety, Officer Ortiz jumped down onto the tracks at Secaucus Junction during the morning rush hour to pull a distraught man from the path of an oncoming locomotive; and Whereas, with an express train heading toward the duo, Officer Ortiz refused to give up on the man and with one final pull, yanked the individual to safety mere seconds before the train roared into the station; Now, therefore, be it resolved for his heroic efforts and for his unwavering commitment to duty, the Board of Directors of New Jersey Transit, do hereby recognize Officer Victor Ortiz for his unparalleled bravery and determination to serve and protect all who utilize NJ TRANSIT’s transportation system.
Public Comments on Agenda Items and Other Matters

This section will be transmitted separately at a later date.

Advisory Committee Report

This section will be transmitted with the Public Comments at a later date.
Public Comments on Agenda Items and Other Matters

There were 43 public comments. Board Secretary Zuczek announced the public comments would be limited to five minutes in order to give everyone an opportunity to be heard.

Congressman Chris Smith opened his remarks by congratulating Officer Ortiz and thanking the Chairman for hearing him and others speak to the Board regarding the Monmouth County Reliability Project. The Congressman stated that he represents the Fourth Congressional District, representing Monmouth, Ocean and Mercer Counties, and is currently serving his 18th term in Congress. He expressed deep concern over the proposal by Jersey Central Power & Light (JCP&L) to construct their project in NJ TRANSIT’s right-of-way.

Congressman Smith respectfully asked the Board to reject the use of the North Jersey Coast Line right-of-way from Red Bank to Aberdeen-Matawan stations, a 10-mile stretch, for JCP&L’s Monmouth County Reliability Project. He cited numerous potentially adverse economic, safety and health consequences for families, especially young children, living in close proximity to the proposed giant monopoles and wires, highlighted by the Residents Against Giant Energy (RAGE) in the past. Congressman Smith stated that NJ TRANSIT prides itself on providing an essential public service and on being a good neighbor. He believes the installation of the monopoles would likely occur at night resulting in loss of sleep to the nearby residents for months or years. He said home values would decline significantly, causing serious economic hardship to communities still reeling from Superstorm Sandy. Congressman Smith said residents who sell their home would suffer a steep loss and difficulty finding buyers and testimony at a 2012 Congressional hearing on impacts from a similar projects showed property values plummeted. He said the Federal Housing Administration (FHA) can use unsafe distance from any power line or tower in its criterion for whether to provide FHA insurance. Congressman Smith said the homeowners would only be yards away from the monopoles.

Congressman Smith requested that the project be rejected because of the potential health hazards to children, due to daily exposure to low frequency magnetic fields. He said that there is statistically relevant evidence that show adverse health risks linked to exposure. Congressman Smith said a July 2014 New York Times article said cancer caused by an extremely low frequency magnetic field was an uncomfortable possibility and noted a study of children in Denver who died of cancer from 1950 to 1973 found those who lived near electrical distribution lines were twice as likely to develop the disease than those who did not. A subsequent study, that tried to eliminate what it saw as flaws in the first study, had nearly identical results.

Congressman Smith said in 2002 the World Health Organization (WHO) concluded that low frequency magnetic fields were possibly carcinogenic and in 2007, WHO reiterated that the evidence of cancer risk from low frequency magnetic fields was significantly strong enough to cause concern. He said the association between childhood leukemia and residential electromagnetic fields (EMF) has led to a number of research studies and the International Agency for Research on Cancer's classification of EMF as a possible human carcinogenic. Additionally, Congressman Smith said a French study found 2,779 cases of childhood leukemia,
between 2002 and 2007, concluded there were increased odds for childhood acute leukemia occurrence when living within 50 meters of high voltage power lines.

Congressman Smith said in his 36 years in Congress, he has been the author of laws related to many health issues. Common among them is overcoming a culture of denial of the science. He noted other situations where there was a history of claiming there was no evidence of a health link such as the exposure to atomic blasts or smoking and how years later the link was found. Congressman Smith said here there was a lot of evidence and asked for an abundance of caution and for the Board to turn down the request by JCP&L.

Tony Perry, Chief of Staff for Senator Joe Kyrillos, 13th Legislative District, opened by thanking the Board for the opportunity to address them regarding the Monmouth County Reliability Project, a 10-mile 230 kV (230,000 volt) line from Red Bank to Aberdeen. He stated that the new line would sit atop 200 monopoles with an average height of 140 feet, with the exception of several 200-foot poles to cross over the Navasink River. Mr. Perry said the route not only follows NJ TRANSIT’s right-of-way, but passes through residential areas, historical districts and the heart of downtown Red Bank. The line would have close proximity to three elementary schools, two senior citizen communities and a nature preserve. The objections to the project include safeguarding communities and preserving quality of life. Senator Kyrillos represents almost all along the 10-mile route.

Mr. Perry was present to represent the hundreds of thousands of concerned citizens that have contacted Senator Kyrillos’ Office, including the 140,000 people the project directly impacts. Their office has been inundated with residents’ questions regarding the project. After receiving a JCP&L briefing regarding the proposed project and attending a meeting with the RAGE group, Senator Kyrillos introduced Senate Resolution No. 75 urging the Board of Public Utilities (BPU), the NJ Department of Environmental Protection (NJ DEP), NJ TRANSIT, and the Office of the Governor to reject this project and any similar transmission infrastructure project in Monmouth County in the future.

Mr. Perry said Monmouth County was Ground Zero for Superstorm Sandy and this project would not have prevented the incredible number of outages in the days and weeks following the storm. To their credit, JCP&L has drastically improved their relationship with leaders across the state. However, he does not think this project improves the vulnerability of the grid from natural disasters. At one meeting with JCP&L, the Senator asked how many outages this project would have prevented since the application was first proposed, and was told just three.

Mr. Perry questioned why it was time to resurrect this project after so many years, when there have been improvements in energy efficiency and a Monmouth County population that has largely remained flat. He said this project is no more welcome today than it was 25 years ago when first proposed. Mr. Perry concluded by requesting that the Board reject JCP&L’s application.

Vice Chairman Meisel asked for clarification regarding the package of documents Mr. Perry had on the podium. Mr. Perry responded that it was over 1,500 letters, of approximately 3,000 letters, received by Senator Kyrillos’ Office from concerned citizens and members of RAGE in
opposition of the project. He said that number did not include emails and phone calls received from residents.

**Terri Vilardi** read a letter from Assemblywoman Amy Handlin, 13th Legislative District, requesting that NJ TRANSIT deny a lease to JCP&L to build their 210-foot towers along the right-of-way. The letter cited concerns regarding the health and wellbeing of the residential areas and three schools in the vicinity, and EMF exposure to NJ TRANSIT employees and customers. The Assemblywoman also expressed concern regarding potential danger and service outages in the event of a monopole falling and landing on the tracks. The letter also detailed potential risks of EMFs on health as stated by Dr. David Carpenter, a leading expert on EMF.

Ms. Vilardi then spoke on behalf of Red Bank Mayor Pasquale "Pat" Menna and read from a resolution unanimously passed by the Borough of Red Bank on July 27, 2016 in opposition to the proposed JCP&L Monmouth County Reliability Project. It stated that their concerns including possible serious health risks to residents; negative impacts on property values; adverse impacts to properties listed on the National Register of Historic Places and eligible historic districts and properties; aesthetic degradation of the region; dangers posed by damage or destruction of equipment/power lines during severe weather events; and unclear demonstration of the need for the project.

Speaking on her own behalf, Ms. Vilardi requested that NJ TRANSIT reject the JCP&L proposal for the high power transmission lines. She said the Board’s decision could last a lifetime and decide the future landscape for thousands. She asked that the Board consider the following: Never have high voltage power lines been put above an active railway; never have they been built in such a densely populated area; potential and unknown risks for NJ TRANSIT employees and passengers, as well as the community; compromising the railway due to unsafe nature of fall zones, falling wires and lightning; terrorism risks; and community opposition to the project. Ms. Vilardi noted the World Health Organization said they are possibly carcinogenic and asked whether NJ TRANSIT would choose money over people.

**Serena DiMaso**, Deputy Director for Monmouth County Freeholders, stated that on July 14, 2016 the Monmouth County Board of Chosen Freeholders voted for a resolution opposing JCP&L’s Reliability Project. She stated that a similar project in 1989 was withdrawn in the face of overwhelming opposition. They want this project withdrawn as well. She said the Freeholders have serious concerns regarding the health, safety and aesthetics of the current plan. Additionally, the project will have a significant negative impact on real estate values, which will decrease the tax base in the affected areas of Monmouth County. Ms. DiMaso reiterated the Freeholders’ strong opposition to the project and asked NJ TRANSIT to reject the application.

**Kevin Settembrino** said he is a committeeman on the five-member Middletown Township Committee and Middletown is the largest municipality in Monmouth County. The Committee opposes use of NJ TRANSIT’s right-of-way for JCP&L project. As currently designed, the project will have an overwhelming negative impact on residents of Middletown and surrounding areas, including adverse impacts on property values, health, historic national register properties,
views, drainage, securing mortgages, stray voltage, and increased utility costs for an unneeded project. Mr. Settembrino questioned the wisdom of NJ TRANSIT to allow JCP&L to use the right-of-way due to EMF exposure to riders and employees, disruptions to service as Middletown enforces noise construction regulations, and loss of ridership.

Mr. Settembrino said NJ TRANSIT has opposed underground power lines due to stability of the right-of-way. He believes the giant concrete foundations for the poles would be as much of a risk to the stability of the right-of-way. Mr. Settembrino concluded by stating that the Committee requests NJ TRANSIT to reject JCP&L’s request and that JCP&L find a less intrusive alternative.

Holmdel Mayor Eric Hinds opened by thanking the residents of Monmouth County, as well as elected officials, especially Congressman Smith, who took time to attend the meeting. He stated that he was born and raised in Monmouth County and has been Mayor for two years and served on the Council for six years. He said Monmouth County residents commute to New York City and the area was populated due to it being a convenient place to live. People have flocked to the area as an escape for NYC.

Mayor Hinds said residents and five mayors throughout the area came together to sign a petition against the JCP&L project. He said not one elected official is in favor of the JCP&L project. Mayor Hinds said people are already leaving the state and this project would alter Monmouth County forever. He noted technology is changing lives and asked whether this project will even be needed in five years. Mayor Hinds said Monmouth County needs the Board’s help to reject the JCP&L project.

Hazlet Deputy Mayor Susan Kiley opened by stating that she represented the residents of Hazlet to urge the Board to vote against the easement for the JCP&L project. She stated that Hazlet is firmly against the project as it will decimate the community from a health, financial, safety, environmental and aesthetic standpoint. Deputy Mayor Kiley said it is a redundant service of questionable need. She said the World Health Organization believes that EMFs are “potentially carcinogenic to the human body” and said prolonged exposure to EMF increases the risk of Alzheimer, Dementia, and other illnesses. Deputy Mayor Kiley noted the area was densely populated with 275 residential properties within 200 feet of the proposed route, and 1,749 residential properties within 500 feet of either side of the tracks. She also expressed concern about prolonged EMF exposure to those engaged in sports, visiting teams and families, as well as those employees involved in the installation, and NJ TRANSIT customers and employees.

Deputy Mayor Kiley questioned the value of this project to NJ TRANSIT and its mission. She stated that the approval of this easement would create a complicit relationship between NJ TRANSIT and JCP&L. Deputy Mayor Kiley said this would hurt NJ TRANSIT’s image, customer base, and expose it to huge legal liability.
Advisory Committee Report

Suzanne Mack said the Advisory Committee met with staff and held committee meetings. She expressed sorrow and sympathies on behalf of the Committee for those affected by the accident in Hoboken and the woman who lost her life. Ms. Mack noted the tremendous response by NJ TRANSIT and said the staff has always dealt with weather and accident crisis very well.

Ms. Mack mentioned the passing of Bill Wright, a long-term member of the Advisory Committee and an NJ TRANSIT Hall of Fame member, during the summer. She noted he was inducted in the NJ TRANSIT Hall of Fame in 2001 and was an advocate in the transit field for 40 years. Ms. Mack said he asked to be buried with his NJ TRANSIT pins and Hall of Fame items.

Ms. Mack said the Committee was very happy the Transportation Trust Fund (TTF) passed and said it should level the playing field and fund NJ TRANSIT’s fiscal obligations. She expressed thanks to the Governor and Legislators for their leadership. They saw Woodmont Station and noted there were wonderful things happening in Bergen County. The Committee received reports regarding safety, audit, and ongoing Hudson-Bergen Light Rail maintenance.

Ms. Mack said the Committee would hold a December meeting in Trenton and invited the Board to attend and meet with them. She was not aware of the power line concerns. Given the number present to express their concerns, Ms. Mack urged NJ TRANSIT to listen.

Public Comments on Agenda and Other Matters (Continued)

Mark Jones, JCP&L Vice President of External Affairs, stated that in his role he serves as a liaison between the company and the communities they serve. He was at the meeting as part of their ongoing effort to keep the public informed about JCP&L’s proposed Monmouth County Reliability Project (MCRP), a project that will strengthen and modernize the electric grid for 214,000 Monmouth County customers.

Mr. Jones said the project plan calls for a new 230kV transmission line to be built from NJ TRANSIT’s Aberdeen substation to the Red Bank substation. JCP&L has proposed a route along an existing public use right-of-way on land already containing electrical equipment supporting the rail line to minimize impacts on the community. The project also includes substation enhancements and modern technology upgrades that will monitor and respond to power needs in Monmouth County.

During its annual planning process, PJM, the grid operator, identified the need for a third 230kV line into the Red Bank substation to continue to provide customers with dependable electric service. More specifically, the project will address national electric reliability standards.

Mr. Jones stated that JCP&L carefully considered all aspects of the project plan and has taken the following steps to minimize impacts and best serve the community: The project would be
built to serve Monmouth County customers. The need for the project is driven by local reliability concerns identified by PJM and JCP&L, and MCRP is not being built to transmit electricity out of New Jersey. Overhead lines have been identified as the best option for this project. While building the project underground may seem like a viable approach, there are many significant obstacles to placing a 230kV transmission line underground that could result in extensive traffic disruptions, substantial environmental concerns and significantly higher costs.

Mr. Jones said the line is safe. The proposed levels of magnetic fields from transmission lines along the right-of-way are similar to levels associated with wood pole distribution lines that have existed through the country for nearly 100 years, and levels found in homes, businesses and schools near electrical wiring and appliances. They have selected a route that is least intrusive on the community. JCP&L carefully considered 17 potential transmission corridors including existing highways, local roads and other rights-of-way. The proposed route was chosen because it uses lands already designated for public use and minimizes social, environmental and financial impacts compared to alternative routes.

Mr. Jones said JCP&L hosts an informational hotline and website www.monmouthreliability.com to provide additional details and answer questions about the MCRP. He said it is their job to provide reliable and affordable power that their customers deserve and they take that role very serious. Mr. Jones said they work very hard every day to enhance their service and construction of the MCRP will allow them to continue to live up to that commitment.

Vice Chairman Meisel told Mr. Jones he had some questions because he was a little general in his statements. He asked for more details regarding reliability because some of the speakers have indicated there have not been a lot of outages. Vice Chairman Meisel asked how many outages there were in this area during the last decade that this line would address.

Mr. Jones said PJM, the grid operator for this area, has found that something must be done to enhance reliability and provide additional redundancy. For this particular transmission line, Mr. Jones said there have been three outages in the last 10 years. He said if JCP&L loses the existing line it would impact several substations. In response to Vice Chairman Meisel's inquiry regarding how long the outages have lasted, Mr. Jones said it could be hours or up to days and JCP&L has submitted testimony regarding reliability.

Vice Chairman Meisel stated that he heard the public officials' objections so he is trying to weigh the pluses and minuses and understand the public's perspective and JCP&L's perspective to understand the real world benefit of the line. Vice Chairman Meisel said if he is not clear then he imagines others are not clear about it either. He asked Mr. Jones what JCP&L is trying to accomplish with this line. Vice Chairman Meisel questioned spending $110 million to address three outages over the last decade and noted many more today have generators. He said it doesn’t sound like the outages are the reason, so he asked about the benefit to spend this much money on a transmission line through areas that have generated a lot of public outcry.

Mr. Jones apologized and said he was not prepared to go through their filing. Vice Chairman Meisel suggested that JCP&L provide more specific information about the project so that the
Board can make an informed decision. Mr. Jones indicated that the filing with the BPU, which specifically spells out why PJM called for a solution in this area, would be provided to the Board.

Board Member Greaves agreed with Vice Chairman Meisel that they have heard some compelling testimony that morning from residents and elected officials, as compared to JCP&L’s general statements, and he wants more specific information. Mr. Jones said he would get them the filing and more specific information. Vice Chairman Meisel suggested summarizing the filing so the Board can understand it from their perspective but reiterated that it would be in JCP&L’s interest to provide more detailed information.

Vice Chairman Meisel said as a Board Member, Vice Chairman, and Chair of the Capital Planning, Policy & Privatization Committee, he plans to arrange, probably with Senator Kyrillos’ office, to walk the sites. He said the public officials discussed it but there is no substitute to actually seeing it. Vice Chairman Meisel invited other members of the Board and indicated Board Member Finkle said he would be inclined to join him sometime before December. He asked Senator Kyrillos’ Chief of Staff, since Senator Kyrillos represents the entire district, that they provide a tour, including Hazlet. Vice Chairman Meisel also invited Congressman Smith.

Vice Chairman Meisel asked that all people from RAGE rise after Rachel Kanapka is finished so the Board can appreciate the number of people who are present. He suggested that if something has not been said and the speaker feels it is compelling to say it, they are welcome to make a statement even if they are not on the list, however, if they just want to say what another said, that they can get up and say what they said is right so they can move ahead while creating a record of what happened there that day.

Rachel Kanapka, Residents Against Giant Electric (RAGE), opened by stating that she was speaking on behalf of over 75 members of the public seated there, over 6,300 people who signed their petition to JCP&L opposing the project, the 2,400 people who signed the petition to NJ TRANSIT asking that they deny it, the 4,229 who have joined their online discussion forum, and the 2,000 people who could not be at the meeting but gave letters to deliver to NJ TRANSIT. Ms. Kanapka said they were at the meeting because JCP&L has approached NJ TRANSIT for permission to build a new high voltage power line directly above NJ TRANSIT’s railway and they want NJ TRANSIT to say no.

Ms. Kanapka stated that they do not believe JCP&L has sufficiently proven that this line is needed. She believes JCP&L wants to install the transmission line because transmission lines are guaranteed profit makers.

Ms. Kanapka said they are there focusing specifically on why allowing NJ TRANSIT’s land for the transmission lines would be a bad decision. She noted NJ TRANSIT’s mission statement and said the JCP&L project does not further that mission of providing safe, reliable, and convenient transit service to the public. Ms. Kanapka said JCP&L is asking to use the narrow strips of land on either edge of the North Jersey Coast Line right-of-way to construct a new 10-mile long high voltage power line between the Matawan-Aberdeen and Red Bank train stations, passing through the towns of Hazlet, Homdel, and Middletown. She said the 230kV wires will be strung on monstrous steel monopoles that will tower in height from 110 to 210 feet tall.
Ms. Kanapka said the tallest pole JCP&L would install is 9 feet shorter than NJ TRANSIT’s 219 foot 17-story headquarters building and the 104 monopoles would be constructed on alternating sides of the right-of-way, meaning the high voltage lines would cross over the tracks. By comparison, the existing catenary system used to power the electric trains is 25kv and the poles are 30 feet high. Ms. Kanapka said JCP&L is proposing wires over 9 times that voltage and poles four to seven times that height. She noted the Statue of Liberty without her base is 151 feet tall and asked the Board to imagine 104 Statues of Liberty lined up within feet of the tracks for 10-miles with high voltage transmission lines strung from one torch to the next. Ms. Kanapka said that is the scale of what JCP&L is asking NJ TRANSIT to sign off on.

Ms. Kanapka said they know from time to time utility companies approach NJ TRANSIT requesting the use of the right-of-way and they respond and evaluate the requests as a matter of standard procedure. She said while being approached by third parties about the use of the right-of-way may be typical, there is nothing typical about this project. In the four and a half months since JCP&L announced the project, RAGE has spent hundreds of hours researching other projects in New Jersey, the United States and internationally, but they did not find any other new transmission line construction project in an area so densely populated, running along so narrow a right-of-way, for such a long distance, running directly above an active major metropolitan commuter rail line. Ms. Kanapka said the project is unprecedented and the transmission line will be considerably closer to people than what is recommended for a line of this voltage. She said according to JCP&L, the poles will be placed an average of 10 to 12 ½ feet from customer property lines but in a prior filing before the BPU, JCP&L testified that the average distance of their lines of this voltage and customer property lines is 900 feet. Ms. Kanapka said the lines would be close to a lot of people. The right-of-way is in a major densely populated metropolitan suburb, with 4,390 homes, housing approximately 13,000 people, within 1500 feet of the right-of-way in this 10-mile stretch.

Ms. Kanapka stated that the higher poles are more challenging and dangerous to construct, and have a bigger fall zone. She noted this was a real concern because of their close proximity to residences, schools and parks. These poles could land on a home, swing set, a child, or on NJ TRANSIT’s catenary line, train tracks, or train with passengers.

Ms. Kanapka stated the minimum recommended width for a standard right-of-way for a 230,000-volt transmission line is 150 feet of open space with the transmission line in the center. NJ TRANSIT’s right-of-way is only 100 feet wide and the majority of the center is already occupied by equipment needed to run rail service. Because of the tracks and the mandatory safety setback of 26 feet on either side of them, 70 feet of the 100 feet wide right-of-way is off-limits with only two 15 feet wide strips along either side of the corridor. The poles would be up to 10 feet wide in diameter and JCP&L’s plan is to put these 10 feet wide poles into 15 feet of space, very close to residences and rail equipment. Ms. Kanapka said the right-of-way was not designed in 1875 for both the railroad and a high voltage transmission line. Other states are now challenging the use of railroad rights-of-way for non-railway use. She said they have set guidelines preventing the use of railroad rights-of-way for large-scale utility projects unless they are directly related to railroad operations.
Ms. Kanapka stated that utility lines are usually designed to avoid the public, whereas this project does the opposite and puts large numbers of the public near and directly under the lines every day. She said the potential risks of EMF exposure and potential for electrical interference is strongest in NJ TRANSIT’s right-of-way, putting customers and workers at the highest risk.

Ms. Kanapka asked the Board to consider a number of questions and concerns when evaluating JCP&L’s proposal. For construction, she asked the Board to consider: The project will take at least two years to construct, with most activity overnight between 11:00 p.m. and 5:00 a.m., and it is likely overnight complications or mishaps will negatively impact the morning commute for 11,000 North Jersey Coast Line customers for the 520 weekdays the project will be in active construction; Typical heavy machinery may not be sufficient because the poles are so high and the right-of-way difficult to access so helicopters known as skycranes may be needed to bring in large sections of steel monopoles, carrying them over neighborhoods, tracks and catenary lines; There is potential for damage to rail infrastructures during construction such as ground vibrations during excavation and construction weakening the rail bed and causing the tracks to be misaligned, which could result in a derailment; Dropped monopoles, cranes or helicopters could damage tracks and catenary lines; The water table along the route will be affected by the excavation needed for the monopole foundation as well as the required removal of 10 acres of mature trees, and NJ TRANSIT will need to evaluate how to deal with the resulting excess water along and under the railway.

Ms. Kanapka asked the Board to consider the following regarding reliability and convenience: Whether there are contingency plans for service disruptions should service need to be halted for JCP&L maintenance on the lines once installed; Concern over whether monopoles, wires will withstand high winds and icing; and Trains stations along the route will be severely impacted by the project both during construction and afterwards. For example, at the Middletown station, the proposed route is between the platform and main parking lot and in Hazlet, the proposed route is on a one-way street used to access the station south parking lot.

Ms. Kanapka asked about the plan to address the permanent change in traffic flow, parking availability, and overall convenience at NJ TRANSIT’s stations. She does not believe the project serves railroad-related purposes. Ms. Kanapka stated the April 2015 New Jersey State Rail Plan includes key objectives for the North Jersey Coast Line, including upgrading and lengthening station platforms to accommodate 10-car trains; might the poles and wires of this non-essential project inhibit the ability to implement this and other future projects that are essential to rail operations.

Ms. Kanapka asked the Board to consider the following regarding safety: A 2008 United States General Accounting Office report identified issues of high-voltage transmission lines along transportation corridors, including terrorism; In August, a high voltage power line snapped and fell on train tracks in Sayreville, energizing them and starting several fires – what would NJ TRANSIT do if a live 230,000-volt line snapped and fell directly on the catenary lines, tracks, or trains; and There could be devastating consequences of derailment crashing into a monopole.
Ms. Kanapka said there is considerable concern of exposing the public and employees to EMFs, which will be highest within the right-of-way. EMF and inductive electrical interference could endanger the proper operation of railroad safety systems and cause failures in the track signals and erode crossing warning devices. For this reason federal and state electrical safety regulations recommend that high-voltage transmission systems should be located away from the railroad right-of-way. Whether NJ TRANSIT can guarantee that electromagnetic interference will not cause any glitches that could result in safety malfunctions such as a railroad crossing failing to go down. By 2018, Positive Train Control systems are required in NJ TRANSIT trains. Whether a scientific study has been done to ensure that the electrical energy emitted from a high voltage transmission line will not interfere with safe and proper functioning of Positive Train Control.

Ms. Kanapka asked whether NJ TRANSIT is prepared to deal with the liability that any of these disasters could invoke. She believes the project creates many risks to residents and NJ TRANSIT. The only benefit to NJ TRANSIT is money gained from JCP&L. She implored the Board not to put a price tag on the safety of NJ TRANSIT’s customers and employees; not to let this be their legacy; and not to let JCP&L make them their accomplice.

Ms. Kanapka stated NJ TRANSIT’s land use regulations state the safety and continuity of railroad operation is of the first importance and shall at all times be protected and safeguarded. She asked the Board to live up to that statement and put their safety and NJ TRANSIT’s mission first by saying no to JCP&L.

Vice Chairman Meisel asked that the Board Secretary count how many RAGE people were in attendance. Board Secretary noted there are some in the overflow room and approximately 25 people have signed in to speak in addition Rachel Kanapka. A member of the public noted there were about 35 people in the overflow area.

Vice Chairman Meisel asked Ms. Kanapka how long she has lived in the area and she said she grew up in Middletown; moved away to go to college; and moved back once she had her kids because she realized what a great place it was to grow up. Vice Chairman Meisel asked her how many outages she has experienced in the last 10 to 20 years. She said she does not believe she was in Middletown while there was an outage due to a transmission line, but based on the information they received from JCP&L, there have been two transmission line failures in the past 15 years. Ms. Kanapka said they already have a main transmission line and a backup in place, and this would be a third transmission line into the Red Bank substation. She said the two failures were independent of Irene or Sandy and were not weather related, but equipment related, and yielded two outages that were four to five hours each so a total of 10 hours downtime in the past 15 years.

Meisel asked why she thought JCP&L would want to spend a lot of money on this project if there is only 10 hours of downtime. Ms. Kanapka responded that these transmission line projects are very profitable. She believes they have a 12 percent guaranteed return. Ms. Kanapka said the majority of the $111 million project cost is passed on to ratepayers after the project goes through. She also stated that it is a no risk investment for JCP&L who knows they will have their cost covered and then receive the profit beyond that.
Vice Chairman Meisel questioned how they make money from the line and whether they sell it to other utility companies or around the state because Mr. Jones said it would not go out of state. Ms. Kanapka said she doesn’t know the exact specifics about the economics and there are others within RAGE with more expertise, but even being able to transfer the power intrastate could yield profits by moving it from one area where it is generated to another where it is needed. Vice Chairman Meisel asked her to provide that information to Senator Kyrillos’ Office in preparation for the site visit so they can get a better understanding of the background and both sides.

Board Member Greaves asked Ms. Kanapka if JCP&L held town hall meetings regarding the project. She responded that the project was officially communicated out to those within 200 feet of the train tracks around Memorial Day Weekend. They held three open houses the following week in early June, which were the only public presentations that JCP&L has held. At those open houses, stations were set up around a room and residents could question individuals one-on-one, but there was no mass presentation or opportunity for questions and answers other than speaking to those individuals at the individual stations. Responses were general and vague and did not give specifics. Board Member Greaves questioned whether they were only generalities such as the representative spoke about that day and there were no specific answer to questions. Ms. Kanapka said they were instructed to submit questions to a website, but they received an answer that was a copy and paste of boilerplate information on the website.

Ms. Kanapka said Assemblywoman Amy Handlin hosted a town hall meeting and asked JCP&L to attend it to answer questions, but they chose not to attend. She said they were told that many of the answers to their questions would become public when they made their filing. Ms. Kanapka said the filing was submitted to the BPU on August 9, 2016 and the answers to those questions were not in there. Board Member Greaves mentioned the importance of town hall meetings with questions and answers for the community. He expressed appreciation that Ms. Kanapka brought up the safety of the employees because he represents NJ TRANSIT employees on the Board and that is a concern of his. Ms. Kanapka said NJ TRANSIT employees would be at higher risk than customers since they are on the trains all day.

Board Secretary Zuczek noted there were about 25 additional people signed up to speak on this same topic and asked if anyone had anything additional to add to what had already been said to raise their hand. Board Secretary Zuczek asked the speakers to line up behind the podium and Vice Chairman Meisel said they would be limited to a minute or less each because they had other business to address.

Vincent Brand said he was a member of the Middletown Board of Education speaking on their behalf and noted the Middletown Board of Education drafted a resolution against the project. He said that he heard the JCP&L representative express concerns for environmental impacts for buried lines and for traffic. Mr. Brand said he would live with a traffic problem for one or two years instead of a lifetime of power lines above their homes. He believes these lines will destroy their property values. Mr. Brand said JCP&L is choosing to situate lines where they will destroy property values, so they can benefit. He believes this is a transition of wealth from property owners to a company because those lines could be buried but cost is a factor. Mr. Brand said
virtually every new construction project in New Jersey buries its power lines. He said homes are not built with above ground power lines because they go down causing more outages than underground lines. Mr. Brand stated that he has lost power several time, always from above ground lines and virtually never from a transmission line. He said good governance demands not what is expedient but what is right. Mr. Brand asked the Board to tell JCP&L to find a better way. He said don't tell him about traffic and environmental issues when the health issues are obvious.

**Judy Musa** stated that she lives in a historic home built in 1884 in Middletown and is the press liaison for RAGE. Ms. Musa addressed the question about the money. She noted an October 11, 2016 *NJ Spotlight* article on energy issues discussed how “Large energy companies, utilities increasingly look to transmission to drive profits. Without caps, cost overruns can be passed along to customers.” Ms. Musa also mentioned a July 9, 2016 report in *Barron’s* entitled “The Sun Will Set on Electric Utilities” written by two energy experts and former analysts at brokerage firms that discussed two technologies: better batteries and the local distribution networks threaten the legacy electric utilities. She also noted an October 12, 2016 story on Cleveland.com that JCP&L’s parent company was awarded a $200 million rate increase and part of that will be passed on to its utility customers. Ms. Musa said there was an incredible backlash against it and it goes into depth about the marriage between utilities and the incentives that the federal energy regulatory commission gives for building transmission lines under the guise of reliability. She said it has nothing to do with reliability and everything to do with profit in the utility company’s pockets, not the residents.

**Henry Siemienowski** stated that he just retired from a company that designs transmission lines and power stations. His house in Middletown is right next to the railroad tracks. Mr. Siemienowski stated that he trained astronauts, including Neil Armstrong and Mr. Conrad, Mr. Lovell, and Mr. Scott, on the operation and maintenance of lunar landing training vehicles. They only had two systems: the primary and backup. They properly maintained the two systems so they did not require a third system. Mr. Siemienowski said this power line is a third system and if they maintained the two feeders properly, it would take care of their problems.

Mr. Siemienowski said he was a Project Manager on a power station, in an office with about 100 people located right next to high voltage power lines. He justified moving the office away because he knew about the health hazards to people working with him. Mr. Siemienowski stated that he was with the company for 43 years and from his experience, most of the failures on these transmission systems are at substations where the transformers, breakers, and other equipment failed, not at the transmission lines. He thinks they are wasting the money on the third line since all they have to do is the proper maintenance on these lines. Mr. Siemienowski requested that the Board vote against the JCP&L project.

**Barbara Iannucci** stated that she was involved in the first JCP&L fight in the late 1980s and was one of the original co-founders of RAGE. Twenty years later there is more proof that the project is not safe. Also introduced was a promoting agent attribute that is recognized so preexisting conditions, a coupling of other risks, whether you live on a known landsite with toxins prior to development, all adds up in the body. She said the promoting agent characteristic has
been shown in the studies. Ms. Iannucci said there is evidence of health and biological impacts to all people, not just the children.

Ms. Iannucci played a recording from her phone that she stated was the sound of a 230kV line overhead. She said that is what customers on the platform will be trying to get over. Ms. Iannucci said they may not see the harmful effects, but by hearing it will know something is not right. She said that is why the 150-foot right-of-way, restricted for public use, is the recommended typical design for a new 230 kV. Ms. Iannucci believes placing the general public within the right-of-way with a 230kV line overhead defies science, physics, engineering design, and everything that has been recommended.

Ms. Iannucci asked why there is no mention of the presence and protection of the public also occupying NJ TRANSIT owned property in N.J.A.C. 16:77 for the fees, permits and construction conditions to a third party like JCP&L. She asked what state agency is advocating for the public and where are they in the room. Ms. Iannucci said the answer by default is the Board because they no longer have a public advocate. She said it is the state agencies and the elected officials that they must trust to make informed decisions that truly secure their public safety, health and welfare. Ms. Iannucci pleaded with the Board to say no to the project.

Bernice Curto stated her strong opposition to the JCP&L’s project and said that she had learned more about power lines and politics in the last few months than she had ever cared to know. She stated that other speakers could better articulate the specific negative impacts of the project will have on NJ TRANSIT, its employees and its customers so she will defer to them on those points. Ms. Curto says she knows about the devastating impact this project has had on the families and community members of Middletown, Holmdel, Hazlet, Aberdeen and Red Bank so she would tell her story briefly but it is only one of thousands.

Ms. Curto said she and her husband own their dream home at the end of a cul-de-sac in Middletown. The train is behind their property and the proposed transmission lines will be only 70 feet from their home and 40 feet from their property line. Ms. Curto said it is unconscionable that JCP&L is promoting this project as a positive thing with little disruption to the community, which is false. She said they are literally sick over the project, which is consuming their lives. Ms. Curto said JCP&L’s website Q&A states the project will not impact property values, which is also false. She said their property values would plummet due to cancer phobia and the degradation of their properties and communities. The trees, which surround the tracks and their property, will be gone forever.

Ms. Curto’s home, along with hundreds of others, will be in the “fall zone” of the monopoles. As such a potential buyer will be unable to obtain an FHA mortgage. If they remain in their home, they would not be able to obtain an HECM reverse mortgage when she turns 62 in a few years. She has serious health issues and her husband just retired in April. Ms. Curto and her husband had planned to obtain a reverse mortgage after she retired in a few years to pay for her future health-related expenses, including long-term care and kidney dialysis and/or transplant. Ms. Curto said she is a very private person and never expected to have to discuss her personal health issues and finances in public but they are desperate to be heard.
Ms. Curto said most residents of the five affected towns live there because of the proximity to NJ TRANSIT’s train service. She said they are NJ TRANSIT’s devoted customer base and asked NJ TRANSIT not to sell them out. Ms. Curto pleaded with NJ TRANSIT to say no to hosting the project on their narrow right-of-way and to say no soon, to alleviate any more anguish and suffering in NJ TRANSIT’s commuter towns. She said no amount of money is worth the risk to NJ TRANSIT’s customers, workers, and service. Ms. Curto asked NJ TRANSIT to be their heroes and not to allow JCP&L to poison them and take their life savings. Ms. Curto submitted a before and after photo of their home today, with a second projected image of their home after the mature trees are replaced with transmission lines and giant monopoles. She pleaded that they don’t let this happen on their watch.

Vice Chairman Meisel asked Board Secretary Zuczek to let the speaker know when they have reached a minute and a half.

Kim Gee stated he would provide his statement to the Board Secretary because many points he would have raised have already been made. However, he said he is a semi-retired actuary who spent most of his career in insurance and reinsurance, spending a lot of time considering risk exposure, risk management and risk mitigants.

Mr. Gee cautioned the Board to consider the risk exposure of this project. Mr. Gee stated when a power line on the Garden State Parkway came down near MetroPark, there was a seven mile traffic backup on the Parkway, train signal problems, and almost four hours of train delays on the Northeast Corridor. He said the catenary system on the Northeast Corridor is only 12,500 volts and in Monmouth County south of Matawan it is 25,000 volts. The JCP&L transmission line proposed is for 230,000 volts. Mr. Gee noted there are all kinds of disaster scenarios when trains and high voltage utilities are mixed. He said First Energy is the parent company of JCP&L and it is all about money. There is documentation in their financial statements and annual reports that this is all driven by the returns on transmission lines.

Tara Corcoran Clark stated that her home is approximately 411 feet from the proposed JCP&L transmission line. She stated that JCP&L is proposing this project solely to boost its bottom line. Ms. Clark said that JCP&L and its parent company, First Energy, are rewarded financially for capital investments in high voltage transmission projects. State regulators allow utilities to set a profit margin, usually around 10 percent. They are also guaranteed adds or incentives from the Federal Energy Regulatory Commission so the result of overall return on equity is about 12 percent. She said the more utilities spend, the more profits they earn. The guaranteed high rate of return prompts utilities to spend on projects that are not necessary. Ms. Clark said this project is not necessary and mentioned that the BPU recently called on FERC to focus more closely on the significant cost impact to consumers when evaluating all new transmission projects. She added that the MCRP is 400 percent over budget, rising from the scheduled $22 million to $111 million and growing. Ms. Clark asked the Board how they can trust JCP&L to act in good faith when they are not telling the people of Monmouth County the truth about the project. She said NJ TRANSIT could say no, cited other transportation agencies that did say no and urged the Board to reject the JCP&L project.
Gayle Casas stated that the Board should reject the JCP&L project due to issues related to commuter safety near the monopoles; stray voltage emitted by the power lines; EMF emissions; potential increases in Workers’ Compensation and Liability Insurance; and the need to feel safe when using the trains.

Kim Arthur stated that she is opposed to the JCP&L project. Her home is 50 feet from the edge of the right-of-way in Middletown. She and her husband bought the home 14 years ago so that their children could grow up in a safe town. She cited concerns regarding EMF and possible links to cancer and said that transmission lines of this proposed magnitude have never been installed in densely populated areas. Additionally, there are concerns regarding consequences from the collapse of the monopoles. Ms. Arthur reminded the Board of the potential risks associated with this project.

Mark Green stated that North Jersey Coast Line improvements already constructed and those planned would be impacted by construction of the JCP&L project. He said that ridership could be impacted if service deteriorates or is impacted as residents of this area have alternative transportation options and may not want to support NJ TRANSIT if it allows this project.

Mark White stated that he knew of only two failures at the Red Bank substation. He said PJM moves electricity from one substation to another and from the power plant.

Anthony Cooper disputed that the project would improve reliability and said high-voltage lines only provide redundant connections, they don’t address connections to customers. The electric power was out 13 days after Superstorm Sandy, which would not have been addressed by this project. Mr. Cooper recommended that JCP&L buy additional trucks and train additional staff to more quickly restore electric service to customers.

Paulette De’Liberto, a resident of Hazlet, is running for the School Board and opposes JCP&L’s plan to install high-voltage power lines near schools and homes. She urged the Board to be the hero and protect their mission, customers, workers and reputation, by saying “no” to JCP&L.

Deanna De’Liberto, a resident of Hazlet, attended the JCP&L open house which she described as “divide and conquer”. She also attended a presentation by Dr. Carpenter, an expert in EMF. Ms. De’Liberto stated that she learned we all live and work near EMF but the studies seem to focus only on only one facet and when the two are combined the effects are off the chart. She noted that electronic devices can be turned off but a power line cannot be turned off. Ms. De’Liberto said the towns are paying legal expenses because they are concerned about health and other risks. She urged the Board to stop JCP&L as soon as possible.

Jill Housen thanked the Board for the opportunity to speak in opposition to the JCP&L project. When she moved from the West Coast eight years ago, she looked at homes in Colts Neck, but decided against it because of the power lines. She asked the Board to deny JCP&L’s request to use NJ TRANSIT’s right-of-way. Ms. Housen said she told her son that one bad friend can ruin his life. She said for NJ TRANSIT that is JCP&L.
Dennis Anderson represents the NJ Sierra Club and lives in Matawan. He said Vice Chairman Meisel was dead on with his comments to the JCP&L representative and was able to watch the political two-step shuffle. The Sierra Club data analysis team finds the JCP&L request is insufficient and what has been presented is inadequate. He thanked JCP&L for the extensive tree pruning they are starting four years after Sandy. Mr. Anderson stated that after Sandy many of the downed power poles shattered like toothpicks. He questioned whether new poles would improve power reliability.

Kathleen Gasienica stated that she is a resident of Red Bank, the President of the American Littoral Society Board of Trustees, which is a 55 year old coastal and inland tidal waters conservation organization, and also represents 37 residents of Bell Haven Condominiums where she lives. She said there are 16 townhouses directly across from an NJ TRANSIT bridge that crosses the confluence of the Navasink and the Swimming Rivers, and well within the effects of the proposed line. They are vehemently opposed to project based on all the previously stated compelling reasons. Ms. Galsenica said that she wanted to add one small group to those that oppose: The American bald eagle which is on the endangered species list in New Jersey. The proposed power line, with its 210 foot tall poles, go directly through eagle foraging and potential habitat zones as determined by NJ DEP.

Jeff Tyler, Chairman of the Land Use Board in Hazlet, stated that he has been a resident of Hazlet for 35 years, and takes the train to work. He shares a sense of relief with many of the residents in attendance that NJ TRANSIT is asking questions that need to be asked. Realtors are asking potential home buyers to sign a form to protect real estate firms against lawsuits should the power line be built and home values plummet. As Chairman of the Planning Board, he knows many residents in his town who are ready to take legal action if their main asset, their home, is devalued as a result of this project. He questioned how much NJ TRANSIT should budget to fight a class action lawsuit by thousands of affected residents and businesses. Mr. Tyler said the Monmouth County Reliability Project is a boondoggle.

Richard Tyerech stated that the back of his house, in Holmdel, is within 85 feet from the proposed 230,000 volt transmission line. Due to a curve in the tracks, a 17-story monopole would be erected behind his property. He said he is a 78 year old cardiac patient with a pacemaker defibrillator. Mr. Tyerech expressed concern that living 24/7 under these wires might cause his pacemaker device to malfunction and his cardiologist has emphatically stated that he could not continue to live in that house. He said he would be forced to sell his house at a substantially lower rate than fair market value. Mr. Tyerech is concerned about construction delays and accidents. Mr. Tyerch stated that the health and safety of riders, employees, and thousands of Bay Shore residents should be paramount and this project would put them in jeopardy.

Brian Largey a retired trooper from Middletown stated that JCP&L did not make a prima facie case for any of the project. He said there were no compelling reasons that they have to do the project. Mr. Largey said they tried the project 20 years ago and the need is not there. He said that because of efficiency, they have cut back on usage so there is no compelling argument. Mr. Largey also thanked Congressman Chris Smith for standing up for them and said he has his vote.
Joe Buercke stated that he moved to Middletown about 35 years ago from New York City. He said to say the health risks of the monopoles is a big concern is an understatement. Mr. Buercke said that the NJ TRANSIT Board needs to be aware of risk management issues and there are too many risk scenarios to discuss. He said that he is sure the Board is considering the safety of employees, customers, and residents. Mr. Buercke implored the Board to say no to the monopole lines proposal.

Tara McGrath stated she is a lifelong resident of Middletown and urged the Board to please protect her young children, ages five, three, and one. She lives less than 200 feet from the proposed line and said they, and 20 school aged children that live on her street alone, will be exposed to carcinogenic levels of EMF 24/7. Ms. McGrath pleaded for the Board to protect the children and let them grow up in a healthy environment.

Steve Lunanuova stated that he recently attended training on reputational risk. He asked the Board to consider their reputational risk and think about the headlines that will result. It will be NJ TRANSIT and JCP&L in the articles. He also asked that the Board stop on their tour at the Middletown Train Station and observe the 9/11 Memorial and think about how this line will impact that and the reputational risk of that.

Vice Chairman Meisel noted that people kept adding to the speaking line and explained the people on the Board have other commitments and if one person leaves, they will not have a quorum and will have to abandon their entire agenda. He asked that they be considerate and pointed out the last person in line who would be permitted to speak on this issue. Vice Chairman Meisel also asked Board Secretary Zuczek to limit all other speakers to three minutes instead of five minutes because they have taken a lot of comments and they need to get through their agenda.

Michael Nicholas is on the Holmdel Township Committee and is also President of the Holmdel First Aid which has property adjacent to the train line. Holmdel First Aid responds to 1,700 calls per year. He stated that if NJ TRANSIT gives JCP&L use of the right-of-way, these poles will have direct interference with their ambulance radio communications and urged the Board not to put people’s lives at risk.

Laura Pavliceck has been a lifelong resident of Monmouth County and has resided for the past 16 years in Hazlet. Her property abuts the proposed area. She welcomes and will change her schedule for any Board Member who would like to visit her property and would like to voice her concerns to them. Ms. Pavliceck thinks it is a disgrace that JCP&L was not prepared for this crucial meeting. She believes what was presented shows another example that JCP&L is not prepared to implement a project of this magnitude.

Sherry Martini stated that she is a resident of Middletown and lives 75 feet from the railroad tracks. At one of the first open houses, JCP&L showed a 40-foot easement clearing her yard. She said she has 50 year old pines that buff her from the train. Ms. Martini said they would remove every bit of woods that is her little private oasis. She said she works two jobs and this is her retirement. Ms. Martini stated there are two houses for sale on her street and they cannot
sell so the project is already affecting their property values. She does not want to leave but if these lines go up she will have to leave, but she won't be able to sell her house. Ms. Martini said she lives right behind Laura Pavliceck and the Board is welcome to see them during the site visit.

Board Secretary Zuczek informed Chairman Hammer there were 10 additional speakers and asked whether he would like to reduce the time limit. Chairman Hammer said he would appreciate a three minute time limit. He said he also appreciated the remarks by everyone who spoke on the matter, appreciated JCP&L's attendance and agreement to provide the additional information requested, and acknowledged the Board received the binder provided by the RAGE group and thanked them for the information.

Murray Bodin talked about tradition as an introduction to comments on using traffic lights at grade crossings. He mentioned that NJ TRANSIT light rail uses traffic lights on its system, as does every other light rail in the United States. Mr. Bodin questioned why all railroad crossings are not universal and using the same traffic lights. He stated that it is a different environment today and drivers are distracted and they don't pay attention. Florida uses gates and traffic lights at canals and the Willis Avenue Bridge has traffic lights. Mr. Bodin continued that tradition is hard to change. He said it is the Board’s responsibility to ask why there are two systems. The Board should make changes now, not 10 years from now. Safety issues are now the Board’s personal responsibility.

Vice Chairman Meisel noted he did not know if Mr. Alan was in the room when Board Secretary Zuczek said the time to speak was adjusted from five to three minutes. Since Mr. Alan was the next speaker, Vice Chairman Meisel asked Board Secretary Zuczek to call the next speaker to allow Mr. Alan the time needed to edit his statement.

Patricia Winship stated that she was delivering a statement on behalf of the Lackawanna Coalition Communications Director Donald Winship. She said last week’s Morris & Essex schedule from Mount Tabor was a disaster. There were no trains scheduled to stop during any part of the evening peak. Thus a station with limited service on an ordinary day became almost useless. The schedule improved the week of the Board meeting and she asked why it took so long.

Ms. Winship continued that the main focus of the statement concerned communications in the wake of the Hoboken accident. They understand that it was a very trying time for everyone involved and the effort to create a makeshift schedule may have made communicating about it more difficult.

Ms. Winship complained that there were no published temporary schedules from September 30, 2016 to October 3, 2016. She said they only had vague narrative descriptions and service alerts. Ms. Winship asked if she is boarding the Montclair Boonton Line south of Montclair State University, what “service every two hours” tells her about when she is supposed to show up at the station. She asked if she is at a Morris & Essex station east of Summit, how does she know which train would be making “additional stops.” Ms. Winship also inquired about how she would know what is modified about the “modified weekend schedule.”
Ms. Winship said by the start of last week, to NJ TRANSIT’s credit, they had PDF timetables released on the website. She complained that they were not easy to find and that she had to click on the service alert and then click a bolded link for the printable schedule but it was an improvement.

Ms. Winship said the problem was that the trip planner and point-to-point schedule pages were still using the old, inaccurate schedule data and there was only a subtle alert about suspended Hoboken service on the planner results. In addition, she said there were several errors in the PDFs including the omission of train 6624 which actually ran in the middle of the morning peak.

Ms. Winship suggested that NJ TRANSIT needs a mechanism to quickly disable the trip planner and point-to-point schedule if the results are known to be inaccurate. Additionally, the infrastructure needs to be built to rapidly transfer the latest schedule data to be loaded into all the online tools at once.

Joe Clift asked whether the operating budget will increase by the $93 million for the new PRIIA 212 Amtrak costs sharing agreement, as stated in Board Item 1610-43. He asked whether it is $93 million more, and also doubts the cost being the same every year. Mr. Clift asked why there was not a budget item. He believes based on the resolution passed 15 months ago that the Board has to pass a budget on that day. Mr. Clift asked that the new Executive Director get Amtrak to change their plans for Gateway so NJ TRANSIT will have more capacity during the peak hour in the future.

Mr. Clift said PRIIA 212 is a process to change the allocation of costs on the Northeast Corridor and was put into effect retroactively to 15 months ago. He said it is probably another $100 million per year that someone needs to fund for no actual improvement in service. Mr. Clift would like to see the actual estimated payments for each year with PRIIA 212 in place and before that. He wants to know if it is really $450 million as stated in the Board Item or if it is some other number on top of what was already spent. Mr. Clift questioned what improvements on the Corridor will be implemented for that expenditure.

Mr. Clift said the July 2015 Operating Budget Resolution says the Board may defer adoption of the annual budget until the next special or regular Board meeting following final actions by the State. He stated that the date was October 13, 2016 and the Board was obligated to pass an operating budget at that meeting. Mr. Clift said the agency is assuming it can continue to operate, three months past State action.

Mr. Clift said Amtrak is in charge of trans-Hudson improvements but they don’t need extra capacity and NJ TRANSIT does. He said Amtrak’s plan calls for a $20 billion expenditure before NJ TRANSIT even sees any additional capacity during peak hour. Mr. Clift said the new Executive Director needs to fight for a change. If not, the Amtrak plan will proceed and NJ TRANSIT riders will suffer.

David Peter Alan opened by stating that he wanted to comment on many issues but that the time for remarks did not permit him to make his full statement. He stated that the Lackawanna
Coalition’s Resolutions provided additional information about those issues. Although the Coalition had endorsed Dennis Martin to be Executive Director, they wish good luck to Steve Santoro.

Mr. Alan said they were all saddened to hear about the accident at Hoboken and they commended NJ TRANSIT management and other employees for the restoration of service to Hoboken Terminal so quickly. However, he also stated that there were problems during the outage including trains not scheduled well. Mr. Alan said Gladstone trains missed connections and shuttle buses did not travel to Hoboken but to Jersey City, causing more inconvenience for riders. Mr. Alan said his colleagues who planned to address those issues had to leave so they would probably address them next month.

Mr. Alan said the Coalition calls for speedy restoration of all trains into Hoboken including Train 684, the last train of the evening at 11:30 p.m. from Dover. Mr. Alan said they fought hard for that train and wants to see it back on behalf of their constituents who need it. They know there is a need for improved preparedness in the event of another incident and the Coalition is ready to help NJ TRANSIT develop plans.

Mr. Alan stated that he had an overriding issue – notice and lack of same. The Coalition has objected strongly to Public Law 2016 Chapter 52 which allows NJ TRANSIT to cut service on any line by up to two hours with no notice to the public. Mr. Alan objected to having the comment time shortened from the customary five minutes to three minutes. He believes notice doesn’t matter at NJ TRANSIT. He stated that the attendees objecting to the power line were given plenty of time for their comments, more than five minutes in many cases. Yet the advocates, who had issues of the day that they have been waiting for four months for the opportunity to comment, were limited.

Steve Thorpe requested a moment of silence for people on the train including the engineer and the woman killed on the platform. The railroad is still one of safest ways to travel. He commended all of the men and women who make that happen every day.

Mr. Thorpe then discussed preparedness. He said he hates to bring up an issue without an offer regarding what to do. Mr. Thorpe said the accident at Hoboken points to the need for a contingency plan at Hoboken. He noted New York Penn Station does not have capacity to handle additional trains. Mr. Thorpe suggested that perhaps thought be given to reactivating the unused waterfront terminal in Jersey City. He suggested that there is a need to think about what can be done in the future. He said that a friend took the substitute bus that ran from Secaucus to Liberty State Park and it took him about 70 minutes to get to Hoboken. Mr. Thorpe suggested having the buses travel directly to Hoboken.

Steve Burkert is the General Chairman for SMART-TD representing the conductors and trainmen. He stated that the Hoboken event was horrific. Mr. Burkert stated that the people who didn’t run away were NJ TRANSIT employees who ran toward the accident to ensure that passengers were evacuated. All employees ensured that passengers were removed safely and received medical attention. All employees, not just union employees, should be commended for
remaining in a tough situation. NJ TRANSIT’s Employee Assistance Program has been helping those employees who needed mental health services as a result of it.

The next two people who signed up to speak left prior to speaking.

Russ Graddy stated that he and his wife owned a restaurant in the Atlantic City Bus Station. In 1997 his family spent over $1 million to build a new restaurant. After seven years of a 20-year lease, NJ TRANSIT built a new bus station. He said NJ TRANSIT’s development agreement with Atlantic City Associates (ACA) and the Casino Redevelopment Authority (CRDA) included the obligation to relocate the existing tenants: Greyhound Bus Company and Mr. Graddy’s, Atlantic City Souvenirs and Snacks, were the only two tenants. Mr. Graddy assumed that Greyhound was relocated.

Mr. Graddy said NJ TRANSIT demanded that he would have to pay another $1 million to maintain his restaurant. He said ACA and CRDA said that they would pay for the relocation of the restaurant to the new bus station. Mr. Graddy said with that promise, NJ TRANSIT then moved his restaurant equipment to storage and promised that his restaurant would be relocated to the new location. He said he turned in his keys and his equipment was placed in storage on October 7, 2004. Mr. Graddy said he received an email from Suzanne Silverman on October 8, 2004 stating that NJ TRANSIT does not concur with the settlement agreement reached and to talk to her the next week. He said he was shut out of his restaurant even though NJ TRANSIT was not expending any funds for the relocation and someone needs to ask why.

Mr. Graddy said NJ TRANSIT locked him out of his restaurant and he gave them the keys with the promise to be put back in. He said strangely, NJ TRANSIT was sending invoices for rent without access to the facility. Mr. Graddy said he paid $2,500 rent for two years, to try to save his restaurant and get back and operate it.

Mr. Graddy said he has not had any access to the facility since then and his 15 full-time employees lost their job. He requested that the two years of rent should be refunded with reasonable interest since he did not have access. Mr. Graddy stated that his equipment is stored “somewhere” and he should be compensated for the unamortized portion of his lease.

Mr. Graddy said he previously addressed the Board in 2004 and the Board promised that they would respond to his complaint. He said he still has not heard anything. He requested that the Board look into this situation.

Stan Matthews stated that he is with SA Matthews Group, a public relations group hired to assist Mr. Grady in finding out why Mr. Grady’s concerns haven’t been addressed.

Vice Chairman Meisel asked for clarification regarding whether this situation has lingered since 2004.

Mr. Matthews said with assistance from legislators, including Congressman Pascrell, Assemblyman Wimberly, Assemblywoman Sumter, and Senator Pou, they have recently been in contact with current Chief Financial Officer Michael Lihvarcik and a member of the Real
Estate Department named Mr. Plesnitzer, who have assured that there would be a response before the end of October.

Mr. Matthews asked the Board for assurance that this issue would be addressed. He said Mr. Graddy is an important member of the New Jersey business community. Mr. Graddy has lost millions of dollars, his business, and time. Mr. Matthews requested that the Board ask Mr. Lihvarcik and the Real Estate Department to resolve the issue quickly and in a mutually-beneficial way. The elected officials have already contacted Mr. Lihvarcik and Mr. Plesnitzer on this issue. For the record the Board has their names as well and he implores the Board to call the named individuals to bring this issue to a conclusion as quickly as possible.

Chairman Hammer noted this was the first time he was hearing about the matter and assured Mr. Matthews that they would bring the matter to an expeditious conclusion.
Action Items

1606-43: INTERAGENCY OPERATING AGREEMENT WITH AMTRAK

Interim Executive Director Martin introduced Steven Santoro, Assistant Executive Director, Capital Planning & Programs, who presented Action Item #1606-43 for approval.

Steven Santoro recommended approval of Item #1606-43, Interagency Operating Agreement with Amtrak. Approval was requested to ratify the negotiation and execution of an Agreement with Amtrak setting forth the terms and conditions providing for and compensating for operating obligations on the Northeast Corridor, which Agreement is retroactive to October 1, 2015, the date of the executed Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy, as required under the Passenger Rail Investment and Improvement Act of 2008.

Vice Chairman Bruce M. Meisel moved the resolution, Board Member Steven M. Petrecca seconded it, and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th></th>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

1606-44: CHATHAM TRAIN STATION PROPERTY – LONG-TERM RETAIL LEASE OF EASTBOUND STATION BUILDING

Interim Executive Director Martin introduced Michael Lihvarcik, Chief Financial Officer and Treasurer, who presented Action Item #1606-44 for approval.

Michael Lihvarcik recommended approval of Item #1606-44, Chatham Train Station Property – Long-Term Retail Lease of Eastbound Station Building. Approval was requested to enter into a twenty-year lease consisting of fifteen years with one, five-year extension with Fishawack 4, LLC for the operation of a restaurant concession consisting of approximately 2,000 sq. ft. in Chatham train station’s Eastbound Building at annual base rent of $18,000 with 2.5 percent annual increases plus percentage rent at an escalating range of between five to ten percent of gross annual sales over $700,000.

Vice Chairman Bruce M. Meisel moved the resolution and noted the Capital Planning, Policy and Privatization Committee discussed the item at length. Board Member Steven M. Petrecca seconded the resolution and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th></th>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

Interim Executive Director Martin introduced Michael Lihvarcik, Chief Financial Officer and Treasurer, who presented Action Item #1606-45 for approval.

Michael Lihvarcik recommended approval of Item #1606-45, Regulations: Readoption with Amendments to N.J.A.C. 16:83 Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities. Approval was requested to ratify the Executive Director’s actions needed to readopt with amendments the regulations, N.J.A.C. 16:83 et seq., “Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities,” consistent with this Board item and Exhibit B.

Board Member Steven M. Petrecca moved the resolution, Vice Chairman Bruce M. Meisel seconded it, and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

Executive Session Authorization

At approximately 12:04 p.m., Chairman Hammer requested a motion to enter Executive Session to discuss personnel matters, contract and collective bargaining negotiations, purchase of security services to enhance safety tactics and techniques, the status of pending and anticipated litigation and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of Carmela Currier and the Personal Injury Claim of Ernesto Abril.

Vice Chairman Bruce M. Meisel moved the resolution, Board Member John Spinello seconded it, and it was unanimously adopted.

Board Secretary Zuczek conducted a Roll Call as Board Members returned to Open Session. All Board Members returned to open session at approximately 12:37 p.m.

1606-46: PERSONAL INJURY CLAIM OF CARMELA CURRIER

Interim Executive Director Martin introduced Michael Lihvarcik, Chief Financial Officer and Treasurer, who presented Action Item #1606-46 for approval.
Michael Lihvarcik recommended approval of Item #1606-46, Personal Injury Claim of Carmela Currier. Approval was requested to settle the claim of Carmela Currier through her attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

Vice Chairman Bruce M. Meisel moved the resolution, Board Member Steven M. Petrecca seconded it, and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

1606-47: PERSONAL INJURY CLAIM OF ERNESTO ABRIL

Interim Executive Director Martin introduced Michael Lihvarcik, Chief Financial Officer and Treasurer, who presented Action Item #1606-47 for approval.

Michael Lihvarcik recommended approval of Item #1606-47, Personal Injury Claim of Ernesto Abril. Approval was requested to settle the claim of Ernesto Abril through his attorney, at an amount discussed in executive session. The Attorney General has approved the proposed settlement, subject to the availability of funds.

Vice Chairman Bruce M. Meisel moved the resolution, Board Member Steven M. Petrecca seconded it, and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

1606-48: NEW JERSEY TRANSIT POLICE DEPARTMENT SECURITY PROJECT

Interim Executive Director Martin introduced Christopher Trucillo, Chief, New Jersey Transit Police Department, who presented Action Item #1606-48 for approval.

Chief Christopher Trucillo recommended approval of Item #1606-48, New Jersey Transit Police Department Security Project. Approval was requested to enter into a contract with Michael Stapleton Associates, LTD, d/b/a MSA Security Inc. for technical services, as discussed in executive session, to support the New Jersey Transit Police Department’s security analysis efforts in an amount not to exceed $321,000.00, subject to the availability of funds.
Vice Chairman Bruce M. Meisel moved the resolution, Board Member Steven M. Petrecca seconded it, and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

1606-49: APPOINTMENT OF EXECUTIVE DIRECTOR AND AUTHORIZATION TO NEGOTIATE AND EXECUTE AN EMPLOYMENT AGREEMENT

Chairman Richard T. Hammer presented Action Item #1606-49, Appointment of Executive Director and Authorization to Negotiate and Execute an Employment Agreement, for approval.

Chairman Richard T. Hammer explained the Action Item would appoint Steven H. Santoro as Executive Director of NJ TRANSIT, effective on October 14, 2016, and provide Chairman Hammer with the authority to negotiate and execute an Employment Agreement with Steven H. Santoro setting forth the terms, conditions, salary and benefits by which he will serve as Executive Director as per the Board’s discussions in executive session.

Chairman Richard T. Hammer moved the resolution, Vice Chairman Bruce M. Meisel seconded it, and it was unanimously adopted.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Hammer</th>
<th>Meisel</th>
<th>Spinello</th>
<th>Petrecca</th>
<th>Castillo</th>
<th>Finkle</th>
<th>Greaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Absent</td>
<td>Absent</td>
<td>Non-Voting Member</td>
</tr>
</tbody>
</table>

Chairman Hammer congratulated Steven Santoro on his appointment as Executive Director. He said many know Steven Santoro who has worked at NJ TRANSIT for 16 years. Steven is a respected and accomplished professional with impeccable transportation bona fides. His experience at both NJ TRANSIT and in the private sector positions him to be able to meet the challenges and opportunities to benefit the customer and the corporation as a whole.

Chairman Hammer said they know there is a lot on the NJ TRANSIT plate but he would like Steven Santoro to take a renewed focus on safety and specifically, the installation and completion of Positive Train Control. And of course continue to progress the work on a new Portal Bridge, the Hudson Tunnel environmental work and the Sandy Resiliency program. Looking ahead 30 days, Chairman Hammer, on behalf of the Board, directed Steven Santoro to make a presentation to the public and the Board on the status of Positive Train Control and a presentation to the public and the Board on the progress of the Sandy Resiliency program. They will also expect regular updates. Chairman Hammer again, congratulated Steven
Santoro and said they look forward to working with him as they move this corporation forward.

Steven Santoro thanked Chairman Hammer and said he looks forward to working with Chairman Hammer and the Board. He accepts the directive to move forward on those projects. Mr. Santoro looks forward to working with the talented employees of NJ TRANSIT. He said there is great talent in the organization and dedication to the corporation and serving the public. Mr. Santoro looks forward to working with all of them.

Chairman Hammer thanked Dennis Martin for his service as Interim Executive Director. He thanked Dennis Martin for stepping in almost 10 months ago to serve as Interim Executive Director for NJ TRANSIT. Chairman Hammer said what Interim Executive Director Martin has accomplished in that short time, through his leadership, is remarkable. From leading the organization through last January’s record snow storm, to planning for a potential rail strike, overseeing the budget and contract negotiation processes, managing the additional customers on the system traveling to and from Baltusrol for the PGA Tournament, and thinking out of the box to come up with tangible solutions to improve the customer experience at the Port Authority Bus Terminal; all truly remarkable achievements.

Interim Executive Director Martin’s dedication to NJ TRANSIT, its customers, and employees and the state of New Jersey has been unwavering. He has made an indelible mark on this organization and Chairman Hammer looks forward to continuing to work with him.

Interim Executive Director Martin thanked Chairman Hammer and the Board for putting their trust in him and allowing him that great opportunity. He also thanked former Executive Director Hakim for suggesting him for the position. Interim Executive Director Martin also thanked his seven children for supporting him over the last 10 months, noting it had not been easy. He also thanked the Executive Management Team, said they are a great team of professionals, thanked them for their support, and encouraged them to support Steven Santoro in his effort, as he will. Interim Executive Director Martin thanked the nearly 12,000 employees of NJ TRANSIT who are remarkable day in and day out, not just when there is a crisis. He said when there is a crisis, they shine. Interim Executive Director Martin said he rides the buses and trains, and walks the halls of the building, he feels a sense of pride that he was able to lead the group. He said Steven Santoro was right that everyday both union and management rise to the occasion. Interim Executive Director Martin said he holds his head up high walking from that position.

Chairman Richard T. Hammer asked the Board Members if they wanted to make any remarks. Vice Chairman Meisel said Interim Executive Director Martin is a remarkable individual and his loyalty to NJ TRANSIT is stunning. He said if any employee has a portion of the loyalty that Interim Executive Director Martin has, they have a remarkable organization, which he knows they do. Vice Chairman Meisel thanked Interim Executive Director Martin for the last 10 months, noted he had a lot of hard work thrown at him and a lot of crisis, and Interim Executive Director Martin met them all with amazing talent. Vice Chairman Meisel said he looks forward to continuing to work with Interim Executive Director Martin as they serve NJ TRANSIT’s transportation system.
Board Member Greaves also thanked Interim Executive Director Martin. He said it has been a tough ride for Interim Executive Director Martin. Board Member Greaves said Interim Executive Director Martin made it through and kept all his hair, which is a good thing. He said it has been an honor and a privilege to work with Interim Executive Director Martin and to get through contract negotiations. Board Member Greaves said he knows Interim Executive Director Martin’s passion and dedication to NJ TRANSIT and that he considers it to be family. Board Member Greaves said all in the room consider Interim Executive Director Martin to be part of their family. He thanked Interim Executive Director Martin and wish him all the best in the future.

Board Member Spinello thanked Interim Executive Director Martin for his passion and dedication to NJ TRANSIT and said he recognizes and appreciates it. He also wished Steven Santoro good luck.

**Adjournment**

Since there were no further comments or business, Chairman Hammer called for adjournment and a motion to adjourn was made by Vice Chairman Bruce M. Meisel, seconded by Board Member Steven M. Petrecca, and unanimously adopted. The meeting was adjourned at approximately 12:47 p.m.
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

OCTOBER 13, 2016

MINUTES

PAGE

➢ CALL TO ORDER -
➢ SAFETY ANNOUNCEMENT -
➢ PLEDGE OF ALLEGIANCE TO THE FLAG -

➢ APPROVAL OF MINUTES OF PREVIOUS MEETINGS 49572

➢ ADVISORY COMMITTEE REPORT -

➢ BOARD COMMITTEE REPORTS -
  *Customer Service Committee
  *Administration Committee
  *Capital Planning, Policy and Privatization Committee

➢ EXECUTIVE DIRECTOR’S MONTHLY REPORT 49573

➢ PUBLIC COMMENTS ON AGENDA ITEMS AND OTHER MATTERS -

ACTION ITEMS

1610-43 INTERAGENCY OPERATING AGREEMENT WITH AMTRAK 49635

Authorization to ratify the negotiation and execution of an Agreement with Amtrak setting forth the terms and conditions providing for and compensating for operating obligations on the Northeast Corridor, which Agreement is retroactive to October 1, 2015, the date of the executed Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy, as required under the Passenger Rail Investment and Improvement Act of 2008.
1610-44  CHATHAM TRAIN STATION PROPERTY – LONG-TERM RETAIL LEASE OF EASTBOUND STATION BUILDING

Authorization to enter into a twenty-year lease consisting of fifteen years with one, five-year extension with Fishawack 4, LLC for the operation of a restaurant concession consisting of approximately 2,000 sq. ft. in Chatham train station’s Eastbound Building at annual base rent of $18,000 with 2.5 percent annual increases plus percentage rent at an escalating range of between five to ten percent of gross annual sales over $700,000.

1610-45  REGULATIONS: READOPTION WITH AMENDMENTS TO N.J.A.C. 16:83 CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF NJ TRANSIT EQUIPMENT AND FACILITIES

Authorization to ratify the Executive Director’s actions needed to readopt with amendments the regulations, N.J.A.C. 16:83 et seq., “Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities,” consistent with this Board item and Exhibit B.

EXECUTIVE SESSION AUTHORIZATION:  Discuss personnel matters, contract and collective bargaining negotiations, purchase of security services to enhance safety tactics and techniques, the status of pending and anticipated litigation and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of Carmela Currier and the Personal Injury Claim of Ernesto Abril.

1610-46  PERSONAL INJURY CLAIM OF CARMELA CURRIER

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

1610-47  PERSONAL INJURY CLAIM OF ERNESTO ABRIL

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

1610-48  NEW JERSEY TRANSIT POLICE DEPARTMENT SECURITY PROJECT

Authorization to enter into NJ TRANSIT Contract No. 16-026 with Michael Stapleton Associates, LTD, d/b/a MSA Security Inc. for technical services, as discussed in executive session, to support the New Jersey Transit Police Department’s security analysis efforts in an amount not to exceed $321,000.00, subject to the availability of funds.
1610-49 APPOINTMENT OF EXECUTIVE DIRECTOR AND AUTHORIZATION TO NEGOTIATE AND EXECUTE AN EMPLOYMENT AGREEMENT

Appointment of Executive Director of NJ TRANSIT and authorization for the Chairman to negotiate and execute an employment agreement on the terms, conditions, salary, and benefits discussed in executive session.

➢ 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 June 8, 2016, July 15, 2016, and the July 27, 2016 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 June 10, 2016, July 19, 2016, and July 29, 2016;

Progress continues in earnest at Hoboken Terminal to safely restore as much commuter rail service and access for our customers as we can.

Since reestablishing rail service to the Terminal on Monday, NJ TRANSIT has been working to address the remaining structural issues so that additional tracks may open and to help facilitate a smooth pedestrian traffic flow through the area.

Over the last several days, two of our vendors have returned to serve our customers, and we have worked closely with our transportation partners at PATH and NY Waterway to ensure their customers can access their services as directly as possible.

Also, words cannot express how truly grateful we are for the patience and support we have received from so many of our customers over these last several weeks. Times have been extremely trying for our customers on all modes. So again we want to express our heartfelt thanks.

I would be remiss if I did not take a moment to acknowledge the hard work of the men and women of this agency.

We remain steadfastly committed to meeting our obligations as a public service agency. While there is work yet to do, we also recognize the good work that has been done.

We saw it in Hoboken when Transit employees rushed to the aid of those in need, shepherding them from the Terminal and assisting them off the train following that tragic day.

We saw it when Sgt. Kristen Bivona and Officers Antonio DiPopolo and Rich Sullivan sprang into action to rescue a customer from a moving train in Secaucus recently.

And in most dramatic fashion, we saw it again at Secaucus in the heroic actions of Officer Victor Ortiz of the New Jersey Transit Police Department who risked his own life to save a man determined to die - a man who fought Officer Ortiz’s efforts to save him from the path of an oncoming train.

Officer Ortiz’s actions earned him international recognition and gave the world an up-close look at just how special our New Jersey Transit Police Officers are.
EXECUTIVE DIRECTOR'S MONTHLY REPORT
OCTOBER 2016

1. PERFORMANCE MEASURES

2. MEAN DISTANCE BETWEEN FAILURES

3. DBE/MBE PROGRAM

4. EMPLOYEE RECOGNITION
PERFORMANCE MEASURES
NJ TRANSIT
ON-TIME PERFORMANCE
RAIL
OCTOBER 2014 - SEPTEMBER 2016

% Trains Reported Within 6 Minutes of Schedule

<table>
<thead>
<tr>
<th>Month</th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>September Comparison</td>
<td>95.4%</td>
<td>91.0%</td>
<td>-4.4%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>95.4%</td>
<td>94.2%</td>
<td>-1.2%</td>
<td></td>
</tr>
</tbody>
</table>

Analysis:

Rail On-Time Performance was 91.0% for September, 2016. Of the 17,882 trains scheduled to operate, 16,269 were on time, while 1,613 trains (or 9.0%) were delayed. Key causes included:

- Amtrak Police action, NJT Police action and Amtrak catenary failure caused 134 delays resulting in 79.3% OTP on Sept. 19.
- Hoboken accident (under investigation), NJT human error (mechanical department), NJT carry over delays and Amtrak trespasser caused 209 delays resulting in 65.5% OTP on Sept. 29.
- NJT carry over delays (Hoboken Accident) and Amtrak track failure caused 143 delays resulting in 52.4% OTP on Sept. 30

The 12-month average for Rail On-Time Performance for October 2015-September 2016 was 94.2%, which has declined by 1.2%. 
ON-TIME PERFORMANCE
RAIL

SUMMARY BY TIME PERIOD
SEPTEMBER 2016

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

% NEW YORK PENN STATION Trains Reported On Time *

% SYSTEMWIDE Trains Reported On Time

% BY LINE Trains Reported On Time
ON-TIME PERFORMANCE
BY RAIL LINE & TIME PERIOD
SEPTEMBER 2016

NORTHEAST CORRIDOR

Time Period

83.4% PEAK
90.2% OFF-PEAK
94.2% WEEKEND

NORTH JERSEY COAST LINE

Time Period

83.9% PEAK
94.2% OFF-PEAK
96.4% WEEKEND

MORRIS & ESSEX

Time Period

88.7% PEAK
89.3% OFF-PEAK
95.0% WEEKEND

RARITAN VALLEY LINE

Time Period

96.2% PEAK
94.4% OFF-PEAK
99.3% WEEKEND

MAIN-BERGEN

Time Period

88.2% PEAK
88.3% OFF-PEAK
97.0% WEEKEND

PASCAK VALLEY

Time Period

99.4% PEAK
89.9% OFF-PEAK
98.4% WEEKEND

MONTCLAIR-BOONTON

Time Period

87.5% PEAK
91.5% OFF-PEAK
98.0% WEEKEND

ATLANTIC CITY

Time Period

96.0% WEEKDAY
99.0% WEEKEND

NOTE: There is no distinction for the ACL between peak and off-peak service.
NJ TRANSIT
ON-TIME PERFORMANCE
BUS
OCTOBER 2014 - SEPTEMBER 2016

% Buses Departing Major Terminals Within 6 Minutes of Schedule

Goal: 93.5%

September Comparison

<table>
<thead>
<tr>
<th>2015</th>
<th>2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>90.5%</td>
<td>90.1%</td>
<td>-0.4%</td>
</tr>
</tbody>
</table>

12-Month October 2015 - September 2016

<table>
<thead>
<tr>
<th>2014-2015</th>
<th>2015-2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>90.8%</td>
<td>90.7%</td>
<td>-0.1%</td>
</tr>
</tbody>
</table>

Analysis:

Bus On-Time Performance was 90.1% for September 2016. Of the 42,453 monitored departures, 4,210 (or 9.9%) experienced delays. Key causes included:

- At Port Authority Bus Terminal, a NJT bus accident in tunnel caused delays on Sept. 26.
- In Newark, line buses were used for alternate service due to suspension of Light Rail service on Sept. 14.

The 12-month average for Bus On-Time Performance for October 2015 - September 2016 was 90.7%, which was a decrease of 0.1% from the previous year.
ON-TIME PERFORMANCE
BUS

SUMMARY BY TERMINAL
SEPTEMBER 2016

% Buses Departing Major Terminals On Time

<table>
<thead>
<tr>
<th>Terminal</th>
<th>On Time (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Authority Bus Terminal</td>
<td>90.4%</td>
</tr>
<tr>
<td>Newark Penn Station</td>
<td>86.2%</td>
</tr>
<tr>
<td>Atlantic City Bus Terminal</td>
<td>98.8%</td>
</tr>
<tr>
<td>Walter Rand Transportation Center</td>
<td>83.4%</td>
</tr>
<tr>
<td>Hoboken Terminal</td>
<td>90.5%</td>
</tr>
</tbody>
</table>
NJ TRANSIT
ON-TIME PERFORMANCE
LIGHT RAIL
OCTOBER 2014 - SEPTEMBER 2016

% Light Rail Trains Reported On Time

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept</td>
<td>98.8%</td>
<td>97.1%</td>
<td>-1.7%</td>
</tr>
</tbody>
</table>

12-Month Average October 2014 - September 2016

<table>
<thead>
<tr>
<th></th>
<th>2014-2015</th>
<th>2015-2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>95.2%</td>
<td>97.7%</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

Analysis:

Light Rail On-Time Performance systemwide was 97.10% for the month of September 2016. Of the 26,128 monitored departures, 746 (or 2.8%) experienced delays.

Key causes included:

- Suspension of service into Hoboken Terminal delayed 173 Hudson-Bergen Light Rail trains on Sept. 29.
- A light rail vehicle mechanical failure delayed 11 RiverLINE trains on Sept. 19.
- Adverse weather and a downed tree delayed 46 Newark Light Rail trains on Sept. 14.

The 12-month average for Light Rail On-Time Performance for October 2015 - September 2016 was 97.7%, which increased by 2.5% compared to October 2014 to September 2015.
ON-TIME PERFORMANCE
LIGHT RAIL

SUMMARY BY LINE
SEPTEMBER 2016

% Light Rail Trains Reported On Time

96.0%  95.8%
97.0%  97.6%
98.0%  98.7%
99.0%  100.0%

Hudson-Bergen Light Rail  River LINE  Newark Light Rail
NJ TRANSIT
ON-TIME PERFORMANCE
ACCESS LINK
OCTOBER 2014 - SEPTEMBER 2016

Goal: 95.5%

September Comparison

<table>
<thead>
<tr>
<th>2015</th>
<th>2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>94.3%</td>
<td>91.9%</td>
</tr>
</tbody>
</table>

September Ridership

<table>
<thead>
<tr>
<th>2015</th>
<th>2016</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>128,134</td>
<td>137,216</td>
<td>9,082</td>
</tr>
</tbody>
</table>

12-Month Average October-September

<table>
<thead>
<tr>
<th>2014-2015</th>
<th>2015-2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>95.2%</td>
<td>94.1%</td>
<td>-1.1%</td>
</tr>
</tbody>
</table>

Analysis:

Access Link On-Time Performance was 91.9% for September 2016. In serving 137,216 total riders, for 125,363 ADA customers trips, 10,190 (or 8.1%) experienced delays.

Key causes include:

* Sedan recalls placing majority of sedans out of service
* Increased traffic volume & congestion causing service delays.
* Cancellations and customer no-shows.
* 

The 12-month average for Access Link On-Time Performance for October 2015 - September 2016 was 94.1%, which decreased by -1.1%.
NJ TRANSIT
ON-TIME PERFORMANCE
RAIL
SEPTEMBER 2014 - AUGUST 2016

% Trains Reported Within 6 Minutes of Schedule

Goal: 94.7%

August Comparison

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>August</td>
<td>94.5%</td>
<td>95.0%</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

12-Month Average Sept. 2014 - August 2016

<table>
<thead>
<tr>
<th></th>
<th>2014-2015</th>
<th>2015-2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-Month Average</td>
<td>93.4%</td>
<td>94.5%</td>
<td>1.1%</td>
</tr>
</tbody>
</table>

Analysis:

Rail On-Time Performance was 95.0% for August, 2016. Of the 19,059 trains scheduled to operate, 18,101 were on time, while 958 trains (or 5.0%) were delayed. Key causes included:

- NJT Heavy Travel, NJT Signal Failure, Amtrak High Speed Rail Project, NJT Arrow MU Failure, Amtrak Catenary Failure and Amtrak Swich Failure caused 58 delays resulting in 89.7% OTP on Aug. 3.
- NJT Signal Failure and NJT Programmed Maintenance caused 24 delays resulting in 90.9% OTP on Aug. 7.
- NJT Fatality, Amtrak Equipment Failure, Amtrak Debris and NJT Cab Car Failure caused 73 delays resulting in 86.6% OTP on Aug. 22.

The 12-month average for Rail On-Time Performance for September 2015-August 2016 was 94.5%, which improved by 1.1%. 
ON-TIME PERFORMANCE
RAIL
SUMMARY BY TIME PERIOD
AUGUST 2016

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

% NEW YORK PENN STATION Trains Reported On Time *

<table>
<thead>
<tr>
<th>Time Period</th>
<th>% On Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM PEAK</td>
<td>88.6%</td>
</tr>
<tr>
<td>PM PEAK</td>
<td>99.9%</td>
</tr>
<tr>
<td>ALL PEAK</td>
<td>89.7%</td>
</tr>
<tr>
<td>OFF PEAK</td>
<td>93.8%</td>
</tr>
<tr>
<td>WEEKDAY</td>
<td>92.4%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.4%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>92.8%</td>
</tr>
</tbody>
</table>

% SYSTEMWIDE Trains Reported On Time

<table>
<thead>
<tr>
<th>Time Period</th>
<th>% On Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>93.9%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>95.3%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>96.0%</td>
</tr>
</tbody>
</table>

% BY LINE Trains Reported On Time

<table>
<thead>
<tr>
<th>Line</th>
<th>% On Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEC</td>
<td>91.8%</td>
</tr>
<tr>
<td>NJCL</td>
<td>94.2%</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>95.2%</td>
</tr>
<tr>
<td>RVL</td>
<td>96.5%</td>
</tr>
<tr>
<td>Main-B</td>
<td>97.9%</td>
</tr>
<tr>
<td>PVL</td>
<td>97.0%</td>
</tr>
<tr>
<td>Montclair-B</td>
<td>95.5%</td>
</tr>
<tr>
<td>ACL</td>
<td>93.3%</td>
</tr>
</tbody>
</table>
ON-TIME PERFORMANCE
BY RAIL LINE & TIME PERIOD
AUGUST 2016

NORTHEAST CORRIDOR

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

93.6%
91.6%
96.7%

North Jersey Coast Line

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

93.6%
96.2%
94.9%

Morris & Essex

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

94.3%
95.9%
94.3%

Raritan Valley Line

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

97.5%
95.8%
96.9%

Main-Bergen

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

98.1%
97.2%
98.3%

Pascack Valley

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

66.9%
99.4%
97.3%

Montclair-Boonton

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Time Period

Peak
Off-Peak
Weekend

95.0%
95.0%
95.9%

Atlantic City

Performance

100.0%
95.0%
90.0%
85.0%
80.0%
75.0%
70.0%

Weekday
Weekend

94.2%
90.8%

*NOTE: There is no distinction for the ACL between peak and off-peak service.
NJ TRANSIT
ON-TIME PERFORMANCE
BUS
SEPTEMBER 2014 - AUGUST 2016

% Buses Departing Major Terminals Within 6 Minutes of Schedule

Goal: 93.5%

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>August Comparison</td>
<td>90.4%</td>
<td>90.6%</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>90.7%</td>
<td>90.7%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Analysis:

Bus On-Time Performance was 90.6% for August 2016. Of the 47,666 monitored departures, 4,480 (or 9.4%) experienced delays. Key causes included:

- At Port Authority Bus Terminal, a (non-NJT) bus breakdown in the tunnel took one hour to clear on Aug.10. On Aug.17, the entrance to the terminal was gridlocked; PAPD sent 18 buses back to NJ empty.

- In Newark, an accident with fatality caused major delay for the entire day of Aug.19.

The 12-month average for Bus On-Time Performance for September 2015 - August 2016 was 90.7%, which was unchanged from the previous year.
ON-TIME PERFORMANCE
BUS

SUMMARY BY TERMINAL
AUGUST 2016

% Buses Departing Major Terminals On Time

- Port Authority Bus Terminal: 88.4%
- Newark Penn Station: 90.6%
- Atlantic City Bus Terminal: 99.1%
- Walter Rand Transportation Center: 87.6%
- Hoboken Terminal: 94.2%
NJ TRANSIT
ON-TIME PERFORMANCE
LIGHT RAIL
SEPTEMBER 2014 - AUGUST 2016

% Light Rail Trains Reported On Time

Goal: 97.3%

August Comparison

<table>
<thead>
<tr>
<th>Year</th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>98.4%</td>
<td>98.8%</td>
<td>0.4%</td>
</tr>
</tbody>
</table>

12-Month Average September 2014 - August 2016

<table>
<thead>
<tr>
<th>Period</th>
<th>2014-2015</th>
<th>2015-2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>95.2%</td>
<td>97.8%</td>
<td>2.6%</td>
</tr>
</tbody>
</table>

Analysis:

Light Rail On-Time Performance systemwide was 98.80% for the month of August 2016. Of the 27,427 monitored departures, 328 (or 1.2%) experienced delays. Key causes included:

- Collision with a bicyclist delayed 19 Hudson-Bergen Light Rail trains on Aug. 19.
- A track obstruction with a downed wire delayed 17 River LINE trains on Aug. 17.
- A reported gas leak near Wash. Park Station delayed 26 Newark Light Rail trains on Aug. 15.

The 12-month average for Light Rail On-Time Performance for September 2015 - August 2016 was 97.8%, which increased by 2.6% compared to September 2014 to August 2015.
ON-TIME PERFORMANCE
LIGHT RAIL

SUMMARY BY LINE
AUGUST 2016

% Light Rail Trains Reported On Time

99.00%

97.21%

98.97%

Hudson-Bergen Light Rail
River LINE
Newark Light Rail
NJ TRANSIT
ON-TIME PERFORMANCE
ACCESS LINK
SEPTEMBER 2014 - AUGUST 2016

Analysis:
Access Link On-Time Performance was 96.1% for August 2016. In serving 132,670 total riders, for 119,543 ADA customers trips, 4,875 (or 3.9%) experienced delays.

Key causes include:
* Sedan recalls placing majority of sedans out of service
* Traffic congestion causing service delays.
* Cancellations and customer no-shows.
* Road closures / Summer month events.

The 12-month average for Access Link On-Time Performance for September 2015 - August 2016 was 94.3%, which decreased by -1.0%.
NJ TRANSIT
ON-TIME PERFORMANCE
RAIL
AUGUST 2014 - JULY 2016

% Trains Reported Within 6 Minutes of Schedule

Goal: 94.7%

July Comparison

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>92.2%</td>
<td>93.8%</td>
<td>1.6%</td>
</tr>
</tbody>
</table>

12-Month Average August 2014-July 2016

<table>
<thead>
<tr>
<th></th>
<th>2014-2015</th>
<th>2015-2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-2015</td>
<td>93.3%</td>
<td>94.5%</td>
<td>1.2%</td>
</tr>
</tbody>
</table>

Analysis:

Rail On-Time Performance was 93.8% for July 2016. Of the 18,195 trains scheduled to operate, 17,058 were on time, while 1,137 trains (or 6.2%) were delayed. Key causes included:

- NJT weather related and Amtrak equipment failure and NJT Arrow MU failure caused 61 delays resulting in 88.3% OTP on July 14.
- NJT diesel failure, NJT vandalism, NJT dual mode engine and electric locomotive failure and Amtrak signal failure caused 49 delays resulting in 88.3% OTP on July 25.
- NJT electric locomotive failure and NJT multi-level cab car caused 57 delays resulting in 89.2% OTP on July 29.

The 12-month average for Rail On-Time Performance for August 2015-July 2016 was 94.5%, which improved by 1.2%.
ON-TIME PERFORMANCE
RAIL

SUMMARY BY TIME PERIOD
JULY 2016

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

% NEW YORK PENN STATION Trains Reported On Time *

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM PEAK</td>
<td>82.2%</td>
</tr>
<tr>
<td>PM PEAK</td>
<td>85.3%</td>
</tr>
<tr>
<td>ALL PEAK</td>
<td>83.7%</td>
</tr>
<tr>
<td>OFF PEAK</td>
<td>93.3%</td>
</tr>
<tr>
<td>WEEKDAY</td>
<td>90.0%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>93.7%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>90.7%</td>
</tr>
</tbody>
</table>

% SYSTEMWIDE Trains Reported On Time

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>90.5%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>94.9%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.6%</td>
</tr>
</tbody>
</table>

% BY LINE Trains Reported On Time

<table>
<thead>
<tr>
<th>Line</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEC</td>
<td>90.1%</td>
</tr>
<tr>
<td>NJCL</td>
<td>91.1%</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>93.6%</td>
</tr>
<tr>
<td>RVL</td>
<td>95.9%</td>
</tr>
<tr>
<td>Main-B</td>
<td>97.9%</td>
</tr>
<tr>
<td>PVL</td>
<td>97.0%</td>
</tr>
<tr>
<td>Montclair-B</td>
<td>95.4%</td>
</tr>
<tr>
<td>ACL</td>
<td>94.1%</td>
</tr>
</tbody>
</table>
ON-TIME PERFORMANCE
BY RAIL LINE & TIME PERIOD
JULY 2016

NORTHEAST CORRIDOR

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>84.2%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>91.8%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.5%</td>
</tr>
</tbody>
</table>

NORTH JERSEY COAST LINE

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>80.4%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>95.3%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>91.5%</td>
</tr>
</tbody>
</table>

MORRIS & ESSEX

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>91.6%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>94.2%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>96.0%</td>
</tr>
</tbody>
</table>

RARITAN VALLEY LINE

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>94.7%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>95.7%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>97.7%</td>
</tr>
</tbody>
</table>

MAIN-BERGEN

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>97.8%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>97.5%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>98.2%</td>
</tr>
</tbody>
</table>

PASCACK VALLEY

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>97.5%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>95.5%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>96.7%</td>
</tr>
</tbody>
</table>

MONTCLAIR-BOONTON

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>92.2%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>96.4%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>98.9%</td>
</tr>
</tbody>
</table>

ATLANTIC CITY

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEKDAY</td>
<td>93.6%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.1%</td>
</tr>
</tbody>
</table>

*NOTE: There is no distinction for the ACL between peak and off-peak service.
NJ TRANSIT
ON-TIME PERFORMANCE
BUS
AUGUST 2014 - JULY 2016

% Buses Departing Major Terminals Within 6 Minutes of Schedule

July Comparison

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>89.7%</td>
<td>89.5%</td>
<td>-0.2%</td>
</tr>
</tbody>
</table>

12-Month August 2015 - July 2016

<table>
<thead>
<tr>
<th></th>
<th>2014-2015</th>
<th>2015-2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-Month</td>
<td>90.7%</td>
<td>90.7%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Analysis:

Bus On-Time Performance was 89.5% for July 2016. Of the 42,322 monitored departures, 4,430 (or 13.5%) experienced delays. Key causes included:

- At Port Authority Bus Terminal, holiday departures on July 1, a multi-car accident in the North tube on July 8, emergency construction blocked two lanes of 495 on July 8, and flooding on approaches to the terminal on July 14.

- At Walter Rand Transportation Center, detours for the Democratic Party Convention and mass protests in Philadelphia.

- In Newark, delays were caused by holiday departures and mechanical incidents. The worst days were on July 1, 11 and 29.

The 12-month average for Bus On-Time Performance for August 2015 - July 2016 was 90.7%, which was unchanged from the previous year.
ON-TIME PERFORMANCE
BUS

SUMMARY BY TERMINAL
JULY 2016

% Buses Departing Major Terminals On Time

<table>
<thead>
<tr>
<th>Terminal</th>
<th>On Time Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Authority Bus Terminal</td>
<td>86.5%</td>
</tr>
<tr>
<td>Newark Penn Station</td>
<td>91.5%</td>
</tr>
<tr>
<td>Atlantic City Bus Terminal</td>
<td>99.3%</td>
</tr>
<tr>
<td>Walter Rand Transportation Center</td>
<td>84.7%</td>
</tr>
<tr>
<td>Hoboken Terminal</td>
<td>93.2%</td>
</tr>
</tbody>
</table>
NJ TRANSIT
ON-TIME PERFORMANCE
LIGHT RAIL
AUGUST 2014 - JULY 2016

% Light Rail Trains Reported On Time

Goal: 97.3%

July Comparison

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>98.6%</td>
<td>97.3%</td>
<td>-1.3%</td>
</tr>
</tbody>
</table>

12-Month Average August 2014 - July 2016

<table>
<thead>
<tr>
<th></th>
<th>2014-2015</th>
<th>2015-2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>95.2%</td>
<td>97.8%</td>
<td>2.6%</td>
</tr>
</tbody>
</table>

Analysis:

Light Rail On-Time Performance systemwide was 97.34% for the month of July 2016. Of the 26,023 monitored departures, 692 (or 2.7%) experienced delays. Key causes included:

- Disabled train with pantograph damage delayed 130 Hudson-Bergen Light Rail trains on July 7.
- Heavy rainfall and storms delayed 15 River LINE trains on July 25.
- Light rail vehicle mechanical problems delayed 26 Newark Light Rail trains on July 26.

The 12-month average for Light Rail On-Time Performance for August 2015-July 2016 was 97.8%, which increased by 2.6% compared to August 2014 to July 2015.
ON-TIME PERFORMANCE
LIGHT RAIL

SUMMARY BY LINE
JULY 2016

% Light Rail Trains Reported On Time

- Hudson-Bergen Light Rail: 98.4%
- River LINE: 97.3%
- Newark Light Rail: 98.6%
NJ TRANSIT
ON-TIME PERFORMANCE
ACCESS LINK
AUGUST 2014 - JULY 2016

Analysis:

Access Link On-Time Performance was 95.1% for July 2016. In serving 125,382 total riders, for 112,587 ADA customers' trips, 5,490 (or 4.9%) experienced delays.

Key causes include:
* Traffic congestion causing service delays.
* Cancellations and customer no-shows.
* Road closures due to construction.

The 12-month average for Access Link On-Time Performance for July 2015 - June 2016 was 94.4%, which decreased by -1.0%.
Analysis:

Rail On-Time Performance was 94.1% for June 2016. Of the 18,153 trains scheduled to operate, 17,083 were on time, while 1,070 trains (or 5.9%) were delayed. Key causes included:

- Amtrak Equipment Failure, NJT Ill/Injured Passenger and NJT Human Error caused 108 delays resulting in 84.3% OTP on June 7.
- Amtrak Portal Bridge Open and Amtrak Signal Failure caused 71 delays resulting in 87.3% OTP on June 28.
- Amtrak Switch Failure and Amtrak Train Ahead caused 74 delays resulting in 88.9% OTP on June 30.

The 12-month average for Rail On-Time Performance for July 2015-June 2016 was 94.4%, which improved by 1.0%.
ON-TIME PERFORMANCE
RAIL
SUMMARY BY TIME PERIOD
JUNE 2016

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

% NEW YORK PENN STATION Trains Reported On Time *

<table>
<thead>
<tr>
<th>Time Period</th>
<th>On Time Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM PEAK</td>
<td>85.2%</td>
</tr>
<tr>
<td>PM PEAK</td>
<td>88.4%</td>
</tr>
<tr>
<td>ALL PEAK</td>
<td>86.7%</td>
</tr>
<tr>
<td>OFF PEAK</td>
<td>93.9%</td>
</tr>
<tr>
<td>WEEKDAY</td>
<td>91.4%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>93.1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>91.7%</td>
</tr>
</tbody>
</table>

% SYSTEMWIDE Trains Reported On Time

<table>
<thead>
<tr>
<th>Time Period</th>
<th>On Time Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>91.7%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>95.4%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>94.9%</td>
</tr>
</tbody>
</table>

% BY LINE Trains Reported On Time

<table>
<thead>
<tr>
<th>Line</th>
<th>On Time Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEC</td>
<td>91.0%</td>
</tr>
<tr>
<td>NJCL</td>
<td>93.0%</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>94.4%</td>
</tr>
<tr>
<td>RVL</td>
<td>95.0%</td>
</tr>
<tr>
<td>Main-B</td>
<td>95.9%</td>
</tr>
<tr>
<td>PVL</td>
<td>97.0%</td>
</tr>
<tr>
<td>Montclair-B</td>
<td>95.6%</td>
</tr>
<tr>
<td>ACL</td>
<td>93.6%</td>
</tr>
</tbody>
</table>
ON-TIME PERFORMANCE
BY RAIL LINE & TIME PERIOD
JUNE 2016

NORTHEAST CORRIDOR

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>86.6%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>93.1%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>91.0%</td>
</tr>
</tbody>
</table>

NORTH JERSEY COAST LINE

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>86.9%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>93.1%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>91.9%</td>
</tr>
</tbody>
</table>

MORRIS & ESSEX

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>92.0%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>96.6%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.3%</td>
</tr>
</tbody>
</table>

RARITAN VALLEY LINE

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>97.5%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>92.5%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>97.3%</td>
</tr>
</tbody>
</table>

MAIN-BERGEN

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>94.3%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>97.3%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.3%</td>
</tr>
</tbody>
</table>

PASCACK VALLEY

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>97.5%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>97.5%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>95.8%</td>
</tr>
</tbody>
</table>

MONTCLAIR-BOONTON

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEAK</td>
<td>94.4%</td>
</tr>
<tr>
<td>OFF-PEAK</td>
<td>95.8%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>98.6%</td>
</tr>
</tbody>
</table>

ATLANTIC CITY*

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEKDAY</td>
<td>92.4%</td>
</tr>
<tr>
<td>WEEKEND</td>
<td>56.4%</td>
</tr>
</tbody>
</table>

*NOTE: There is no distinction for the ACL between peak and off-peak service.
NJ TRANSIT
ON-TIME PERFORMANCE
BUS
JULY 2014 - JUNE 2016

% Buses Departing Major Terminals Within 6 Minutes of Schedule

Goal: 93.5%

<table>
<thead>
<tr>
<th>Month</th>
<th>2015</th>
<th>2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>June</td>
<td>89.5%</td>
<td>91.0%</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

12-Month June 2014 - May 2016

<table>
<thead>
<tr>
<th>Period</th>
<th>2014-2015</th>
<th>2015-2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 18</td>
<td>90.7%</td>
<td>90.7%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Analysis:

Bus On-Time Performance was 91.0% for June 2016. Of the 45,941 monitored departures, 4,121 (or 9.0%) experienced delays. Key causes included:

- At Port Authority Bus Terminal, traffic on 40th Street blocked terminal access on June 17. On June 20, all outbound traffic was stopped for an escort through the tunnel resulting in complete gridlock.

- At Walter Rand Transportation Center, major delays due to road repaving and continuing work by PSE&G. Police activity in the area and month-end holiday traffic also contributed.

- In Newark, there were two accidents and one mechanical incident requiring a replacement bus. The worst days were on June 1, 3, 17, and 24.

The 12-month average for Bus On-Time Performance for July 2015 - June 2016 was 90.7%, which was unchanged from the previous year.
ON-TIME PERFORMANCE
BUS

SUMMARY BY TERMINAL
JUNE 2016

% Buses Departing Major Terminals On Time

<table>
<thead>
<tr>
<th>Terminal</th>
<th>On-Time Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Authority Bus Terminal</td>
<td>89.6%</td>
</tr>
<tr>
<td>Newark Penn Station</td>
<td>89.9%</td>
</tr>
<tr>
<td>Atlantic City Bus Terminal</td>
<td>98.6%</td>
</tr>
<tr>
<td>Walter Rand Transportation Center</td>
<td>87.2%</td>
</tr>
<tr>
<td>Hoboken Terminal</td>
<td>94.1%</td>
</tr>
</tbody>
</table>
NJ TRANSIT
ON-TIME PERFORMANCE
LIGHT RAIL
JULY 2014 - JUNE 2016

% Light Rail Trains Reported On Time

- Goal: 97.3%

June Comparison

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>June</td>
<td>98.7%</td>
<td>98.1%</td>
<td>-0.6%</td>
</tr>
</tbody>
</table>

12-Month Average July 2014 - June 2016

<table>
<thead>
<tr>
<th></th>
<th>2014-2015</th>
<th>2015-2016</th>
<th># Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>95.1%</td>
<td>97.9%</td>
<td>2.8%</td>
</tr>
</tbody>
</table>

Analysis:

Light Rail On-Time Performance systemwide was 98.1% for the month of June 2016. Of the 26,367 monitored departures, 505 (or 1.9%) experienced delays. Key causes included:

- A light rail vehicle made contact with a truck, delaying 21 Hudson-Bergen Light Rail trains on June 6.
- A tree down and blocked the tracks delayed 4 River LINE trains on June 8.
- A switch failure at Newark Penn Station delayed 24 Newark Light Rail trains on June 3.

The 12-month average for Light Rail On-Time Performance for July 2015-June 2016 was 97.9%, which increased by 2.8% compared to July 2014 to June 2015.
ON-TIME PERFORMANCE
LIGHT RAIL

SUMMARY BY LINE
JUNE 2016

% Light Rail Trains Reported On Time

<table>
<thead>
<tr>
<th>Route</th>
<th>On-Time Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hudson-Bergen Light Rail</td>
<td>96.0%</td>
</tr>
<tr>
<td>River LINE</td>
<td>97.6%</td>
</tr>
<tr>
<td>Newark Light Rail</td>
<td>98.0%</td>
</tr>
</tbody>
</table>
NJ TRANSIT
ON-TIME PERFORMANCE
ACCESS LINK
JULY 2014 - JUNE 2016

(ADA, PCAs and Companion Ridership)

<table>
<thead>
<tr>
<th>Month</th>
<th>June Comparison</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015</td>
<td>2016</td>
</tr>
<tr>
<td>June</td>
<td>94.2%</td>
<td>95.2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ridership</th>
<th>2015</th>
<th>2016</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>June</td>
<td>126,327</td>
<td>133,465</td>
<td>7,138</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12-Month Average July-June</th>
<th>2014-2015</th>
<th>2015-2016</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>95.5%</td>
<td>94.4%</td>
<td>-1.1%</td>
</tr>
</tbody>
</table>

Analysis:

Access Link On-Time Performance was 94.2% for June 2016. Of the 133,465 total trips, 7,008 (or 5.9%) experienced delays.

Key causes include:

* Traffic congestion causing service delays.
* Cancellations and customer no-shows.
* Road closures due to construction.

The 12-month average for Access Link On-Time Performance for July 2015 - June 2016 was 94.4%, which decreased by 1.1%.
MEAN DISTANCE BETWEEN FAILURES
August-16

NJ Transit Rail
Mean Distance Between Failures

<table>
<thead>
<tr>
<th>Month</th>
<th>YTD FY2017</th>
<th>YTD FY2016</th>
<th>YTD FY2015</th>
<th>YTD FY2014</th>
<th>12 Month Moving Avg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>86,683</td>
<td>69,926</td>
<td>84,508</td>
<td>85,097</td>
<td>87,513</td>
</tr>
<tr>
<td>Aug</td>
<td>88,680</td>
<td>87,565</td>
<td>81,319</td>
<td>95,116</td>
<td>85,898</td>
</tr>
<tr>
<td>Sept</td>
<td>-</td>
<td>91,669</td>
<td>83,368</td>
<td>100,341</td>
<td>-</td>
</tr>
<tr>
<td>Oct</td>
<td>-</td>
<td>92,329</td>
<td>87,750</td>
<td>103,813</td>
<td>-</td>
</tr>
<tr>
<td>Nov</td>
<td>-</td>
<td>87,756</td>
<td>87,434</td>
<td>97,112</td>
<td>-</td>
</tr>
<tr>
<td>Dec</td>
<td>-</td>
<td>89,655</td>
<td>87,042</td>
<td>91,128</td>
<td>-</td>
</tr>
<tr>
<td>Jan</td>
<td>-</td>
<td>85,167</td>
<td>84,607</td>
<td>85,161</td>
<td>-</td>
</tr>
<tr>
<td>Feb</td>
<td>-</td>
<td>82,949</td>
<td>83,179</td>
<td>80,639</td>
<td>81,560</td>
</tr>
<tr>
<td>Mar</td>
<td>-</td>
<td>83,112</td>
<td>80,659</td>
<td>81,229</td>
<td>83,578</td>
</tr>
<tr>
<td>Apr</td>
<td>-</td>
<td>85,060</td>
<td>81,649</td>
<td>82,293</td>
<td>84,538</td>
</tr>
<tr>
<td>May</td>
<td>-</td>
<td>87,022</td>
<td>82,566</td>
<td>84,237</td>
<td>85,696</td>
</tr>
<tr>
<td>Jun</td>
<td>-</td>
<td>85,722</td>
<td>81,704</td>
<td>83,798</td>
<td>85,722</td>
</tr>
</tbody>
</table>

Mean Distance Between Failures

![Graph showing mean distance between failures from July to June]
### July-16

**NJ Transit Rail**  
**Mean Distance Between Failures**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>86,683</td>
<td>69,926</td>
<td>84,508</td>
<td>85,097</td>
<td>87,513</td>
</tr>
<tr>
<td>Aug</td>
<td>-</td>
<td>87,565</td>
<td>81,319</td>
<td>95,116</td>
<td>-</td>
</tr>
<tr>
<td>Sept</td>
<td>-</td>
<td>91,669</td>
<td>83,368</td>
<td>100,341</td>
<td>-</td>
</tr>
<tr>
<td>Oct</td>
<td>-</td>
<td>92,329</td>
<td>87,750</td>
<td>103,813</td>
<td>-</td>
</tr>
<tr>
<td>Nov</td>
<td>-</td>
<td>87,756</td>
<td>87,434</td>
<td>97,112</td>
<td>-</td>
</tr>
<tr>
<td>Dec</td>
<td>-</td>
<td>89,655</td>
<td>87,042</td>
<td>91,128</td>
<td>-</td>
</tr>
<tr>
<td>Jan</td>
<td>-</td>
<td>85,167</td>
<td>84,607</td>
<td>85,161</td>
<td>82,008</td>
</tr>
<tr>
<td>Feb</td>
<td>-</td>
<td>82,949</td>
<td>83,179</td>
<td>80,639</td>
<td>81,560</td>
</tr>
<tr>
<td>Mar</td>
<td>-</td>
<td>83,112</td>
<td>80,659</td>
<td>81,229</td>
<td>83,578</td>
</tr>
<tr>
<td>Apr</td>
<td>-</td>
<td>85,060</td>
<td>81,649</td>
<td>82,293</td>
<td>84,538</td>
</tr>
<tr>
<td>May</td>
<td>-</td>
<td>87,022</td>
<td>82,566</td>
<td>84,237</td>
<td>85,696</td>
</tr>
<tr>
<td>Jun</td>
<td>-</td>
<td>85,722</td>
<td>81,704</td>
<td>83,798</td>
<td>85,722</td>
</tr>
</tbody>
</table>

---

**Mean Distance Between Failures**

- **YTD FY 2017**
- **YTD FY 2016**
- **YTD FY 2015**
- **YTD FY 2014**
- **Moving Avg.**

---

[Graph showing mean distance between failures for different months, with a peak around August and a drop towards June.]
### NJ Transit Rail

#### Mean Distance Between Failures

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>69,926</td>
<td>84,508</td>
<td>85,097</td>
<td>88,735</td>
<td>80,305</td>
</tr>
<tr>
<td>Aug</td>
<td>87,565</td>
<td>81,319</td>
<td>95,116</td>
<td>99,585</td>
<td>82,718</td>
</tr>
<tr>
<td>Sept</td>
<td>91,669</td>
<td>83,366</td>
<td>100,341</td>
<td>110,530</td>
<td>83,609</td>
</tr>
<tr>
<td>Oct</td>
<td>92,329</td>
<td>87,750</td>
<td>103,813</td>
<td>120,591</td>
<td>83,028</td>
</tr>
<tr>
<td>Nov</td>
<td>87,756</td>
<td>87,434</td>
<td>97,112</td>
<td>111,758</td>
<td>81,837</td>
</tr>
<tr>
<td>Dec</td>
<td>89,655</td>
<td>87,042</td>
<td>91,128</td>
<td>108,579</td>
<td>82,868</td>
</tr>
<tr>
<td>Jan</td>
<td>85,167</td>
<td>84,607</td>
<td>85,161</td>
<td>104,917</td>
<td>82,008</td>
</tr>
<tr>
<td>Feb</td>
<td>82,949</td>
<td>83,179</td>
<td>80,639</td>
<td>105,580</td>
<td>81,560</td>
</tr>
<tr>
<td>Mar</td>
<td>83,112</td>
<td>80,659</td>
<td>81,229</td>
<td>107,335</td>
<td>83,579</td>
</tr>
<tr>
<td>Apr</td>
<td>85,060</td>
<td>81,649</td>
<td>82,293</td>
<td>106,048</td>
<td>84,538</td>
</tr>
<tr>
<td>May</td>
<td>87,022</td>
<td>82,566</td>
<td>84,237</td>
<td>106,287</td>
<td>85,696</td>
</tr>
<tr>
<td>Jun</td>
<td>85,722</td>
<td>81,704</td>
<td>83,798</td>
<td>104,975</td>
<td>85,722</td>
</tr>
</tbody>
</table>

![Mean Distance Between Failures Graph](chart.png)
# NJ Transit Rail

## Mean Distance Between Failures

<table>
<thead>
<tr>
<th>Month</th>
<th>YTD FY2016</th>
<th>YTD FY2015</th>
<th>YTD FY2014</th>
<th>YTD FY2013</th>
<th>12 Month Moving Avg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>69,926</td>
<td>84,508</td>
<td>85,097</td>
<td>88,735</td>
<td>80,305</td>
</tr>
<tr>
<td>Aug</td>
<td>87,565</td>
<td>81,319</td>
<td>95,116</td>
<td>99,585</td>
<td>82,718</td>
</tr>
<tr>
<td>Sept</td>
<td>91,669</td>
<td>83,368</td>
<td>100,341</td>
<td>110,530</td>
<td>83,609</td>
</tr>
<tr>
<td>Oct</td>
<td>92,329</td>
<td>87,750</td>
<td>103,813</td>
<td>120,591</td>
<td>83,028</td>
</tr>
<tr>
<td>Nov</td>
<td>87,756</td>
<td>87,434</td>
<td>97,112</td>
<td>111,758</td>
<td>81,837</td>
</tr>
<tr>
<td>Dec</td>
<td>80,655</td>
<td>87,042</td>
<td>91,128</td>
<td>108,579</td>
<td>82,868</td>
</tr>
<tr>
<td>Jan</td>
<td>85,167</td>
<td>84,607</td>
<td>85,161</td>
<td>104,917</td>
<td>82,008</td>
</tr>
<tr>
<td>Feb</td>
<td>82,949</td>
<td>83,179</td>
<td>80,639</td>
<td>105,580</td>
<td>81,560</td>
</tr>
<tr>
<td>Mar</td>
<td>83,112</td>
<td>80,659</td>
<td>81,229</td>
<td>107,335</td>
<td>83,578</td>
</tr>
<tr>
<td>Apr</td>
<td>85,060</td>
<td>81,949</td>
<td>82,293</td>
<td>106,048</td>
<td>84,538</td>
</tr>
<tr>
<td>May</td>
<td>87,022</td>
<td>82,566</td>
<td>84,237</td>
<td>106,287</td>
<td>85,696</td>
</tr>
<tr>
<td>Jun</td>
<td>-</td>
<td>81,704</td>
<td>83,798</td>
<td>104,975</td>
<td>-</td>
</tr>
</tbody>
</table>

## Mean Distance Between Failures Graph

The graph above illustrates the mean distance between failures for different months. The data is color-coded to distinguish between YTD FY2016, YTD FY2015, YTD FY2014, YTD FY2013, and the moving average.
Garage Performance Parameters

September 2016

<table>
<thead>
<tr>
<th>Location</th>
<th>FY2017 Goal</th>
<th>FY2017 This Month</th>
<th>FY2017 YTD</th>
<th>FY2016 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview</td>
<td>7,000</td>
<td>5,817</td>
<td>5,988</td>
<td>5,233</td>
</tr>
<tr>
<td>Greenville</td>
<td>9,900</td>
<td>5,376</td>
<td>5,522</td>
<td>7,912</td>
</tr>
<tr>
<td>Market Street</td>
<td>9,500</td>
<td>9,035</td>
<td>9,068</td>
<td>7,379</td>
</tr>
<tr>
<td>Meadowlands</td>
<td>11,500</td>
<td>7,858</td>
<td>7,510</td>
<td>7,314</td>
</tr>
<tr>
<td>Oradell</td>
<td>13,500</td>
<td>9,766</td>
<td>9,106</td>
<td>9,422</td>
</tr>
<tr>
<td>Wayne</td>
<td>12,500</td>
<td>13,011</td>
<td>11,889</td>
<td>11,025</td>
</tr>
<tr>
<td><strong>Northern Division</strong></td>
<td><strong>63,900</strong></td>
<td><strong>8,852</strong></td>
<td><strong>8,542</strong></td>
<td><strong>8,254</strong></td>
</tr>
<tr>
<td>Big Tree</td>
<td>9,600</td>
<td>6,007</td>
<td>8,242</td>
<td>7,522</td>
</tr>
<tr>
<td>Hilton</td>
<td>10,500</td>
<td>10,335</td>
<td>10,569</td>
<td>10,990</td>
</tr>
<tr>
<td>Howell</td>
<td>16,750</td>
<td>34,627</td>
<td>32,105</td>
<td>39,325</td>
</tr>
<tr>
<td>Ironbound</td>
<td>9,800</td>
<td>9,811</td>
<td>9,615</td>
<td>9,651</td>
</tr>
<tr>
<td>Orange</td>
<td>10,200</td>
<td>9,773</td>
<td>9,533</td>
<td>8,187</td>
</tr>
<tr>
<td>Morris</td>
<td>10,500</td>
<td>47,552</td>
<td>48,286</td>
<td>75,311</td>
</tr>
<tr>
<td><strong>Central Division</strong></td>
<td><strong>67,350</strong></td>
<td><strong>12,474</strong></td>
<td><strong>12,742</strong></td>
<td><strong>12,610</strong></td>
</tr>
<tr>
<td>Egg Harbor</td>
<td>16,500</td>
<td>12,736</td>
<td>14,048</td>
<td>16,786</td>
</tr>
<tr>
<td>Hamilton</td>
<td>20,000</td>
<td>22,429</td>
<td>20,033</td>
<td>21,969</td>
</tr>
<tr>
<td>Newton Avenue</td>
<td>15,700</td>
<td>13,197</td>
<td>12,634</td>
<td>17,741</td>
</tr>
<tr>
<td>Washington Twp.</td>
<td>14,500</td>
<td>15,154</td>
<td>13,631</td>
<td>13,285</td>
</tr>
<tr>
<td><strong>Southern Division</strong></td>
<td><strong>66,700</strong></td>
<td><strong>14,361</strong></td>
<td><strong>14,125</strong></td>
<td><strong>15,196</strong></td>
</tr>
</tbody>
</table>

**Bus Operations**

<table>
<thead>
<tr>
<th></th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delays</td>
<td>11,279</td>
<td>11,154</td>
<td>11,124</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This Year

Last Year
Garage Performance Parameters

August 2016

<table>
<thead>
<tr>
<th>Location</th>
<th>FY2017 Goal</th>
<th>This Month</th>
<th>FY2017 YTD</th>
<th>FY2016 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview</td>
<td>7,000</td>
<td>6,189</td>
<td>6,073</td>
<td>4,786</td>
</tr>
<tr>
<td>Greenville</td>
<td>9,900</td>
<td>5,546</td>
<td>5,596</td>
<td>8,776</td>
</tr>
<tr>
<td>Market Street</td>
<td>9,500</td>
<td>9,898</td>
<td>9,085</td>
<td>7,220</td>
</tr>
<tr>
<td>Meadowlands</td>
<td>11,500</td>
<td>9,021</td>
<td>7,360</td>
<td>7,344</td>
</tr>
<tr>
<td>Oradell</td>
<td>13,500</td>
<td>9,437</td>
<td>8,818</td>
<td>9,630</td>
</tr>
<tr>
<td>Wayne</td>
<td>12,500</td>
<td>10,032</td>
<td>11,419</td>
<td>10,724</td>
</tr>
<tr>
<td>Northern Division</td>
<td>63,900</td>
<td>8,777</td>
<td>8,402</td>
<td>8,163</td>
</tr>
<tr>
<td>Big Tree</td>
<td>9,600</td>
<td>10,245</td>
<td>10,020</td>
<td>7,809</td>
</tr>
<tr>
<td>Hilton</td>
<td>10,500</td>
<td>9,152</td>
<td>10,687</td>
<td>10,955</td>
</tr>
<tr>
<td>Howell</td>
<td>16,750</td>
<td>24,627</td>
<td>31,045</td>
<td>40,775</td>
</tr>
<tr>
<td>Ironbound</td>
<td>9,800</td>
<td>8,614</td>
<td>9,478</td>
<td>8,674</td>
</tr>
<tr>
<td>Orange</td>
<td>10,200</td>
<td>9,819</td>
<td>9,421</td>
<td>8,091</td>
</tr>
<tr>
<td>Morris</td>
<td>10,500</td>
<td>50,261</td>
<td>48,653</td>
<td>51,300</td>
</tr>
<tr>
<td>Central Division</td>
<td>67,350</td>
<td>11,849</td>
<td>12,875</td>
<td>12,249</td>
</tr>
<tr>
<td>Egg Harbor</td>
<td>16,500</td>
<td>13,498</td>
<td>14,731</td>
<td>16,786</td>
</tr>
<tr>
<td>Hamilton</td>
<td>20,000</td>
<td>16,670</td>
<td>19,042</td>
<td>21,969</td>
</tr>
<tr>
<td>Newton Avenue</td>
<td>15,700</td>
<td>11,417</td>
<td>12,390</td>
<td>17,741</td>
</tr>
<tr>
<td>Washington Twp.</td>
<td>14,500</td>
<td>15,798</td>
<td>13,019</td>
<td>13,265</td>
</tr>
<tr>
<td>Southern Division</td>
<td>66,700</td>
<td>14,019</td>
<td>14,018</td>
<td>16,003</td>
</tr>
</tbody>
</table>

Bus Operations

| Delays |

- This Year
- Last Year
## Garage Performance Parameters

### July 2016

<table>
<thead>
<tr>
<th>Location</th>
<th>FY2017 Goal</th>
<th>This Month</th>
<th>FY2017 YTD</th>
<th>FY2016 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview</td>
<td>9,900</td>
<td>5,652</td>
<td>5,652</td>
<td>7,810</td>
</tr>
<tr>
<td>Greenville</td>
<td>9,500</td>
<td>8,350</td>
<td>8,350</td>
<td>7,456</td>
</tr>
<tr>
<td>Market Street</td>
<td>11,500</td>
<td>6,176</td>
<td>6,176</td>
<td>7,044</td>
</tr>
<tr>
<td>Meadowlands</td>
<td>13,500</td>
<td>8,250</td>
<td>8,250</td>
<td>8,625</td>
</tr>
<tr>
<td>Oradell</td>
<td>12,500</td>
<td>13,408</td>
<td>13,408</td>
<td>11,316</td>
</tr>
<tr>
<td>Wayne</td>
<td>63,900</td>
<td>8,038</td>
<td>8,038</td>
<td>7,805</td>
</tr>
</tbody>
</table>

**Northern Division**

<table>
<thead>
<tr>
<th>Location</th>
<th>FY2017 Goal</th>
<th>This Month</th>
<th>FY2017 YTD</th>
<th>FY2016 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Tree</td>
<td>10,500</td>
<td>12,944</td>
<td>12,944</td>
<td>9,537</td>
</tr>
<tr>
<td>Hilton</td>
<td>16,750</td>
<td>43,078</td>
<td>43,078</td>
<td>43,138</td>
</tr>
<tr>
<td>Howell</td>
<td>9,800</td>
<td>10,600</td>
<td>10,600</td>
<td>8,205</td>
</tr>
<tr>
<td>Ironbound</td>
<td>10,200</td>
<td>9,036</td>
<td>9,036</td>
<td>8,026</td>
</tr>
<tr>
<td>Orange</td>
<td>10,500</td>
<td>47,045</td>
<td>47,045</td>
<td>52,391</td>
</tr>
<tr>
<td>Morris</td>
<td>67,350</td>
<td>14,022</td>
<td>14,022</td>
<td>11,593</td>
</tr>
</tbody>
</table>

**Central Division**

<table>
<thead>
<tr>
<th>Location</th>
<th>FY2017 Goal</th>
<th>This Month</th>
<th>FY2017 YTD</th>
<th>FY2016 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Egg Harbor</td>
<td>20,000</td>
<td>22,402</td>
<td>22,402</td>
<td>19,208</td>
</tr>
<tr>
<td>Hamilton</td>
<td>15,700</td>
<td>13,582</td>
<td>13,582</td>
<td>16,495</td>
</tr>
<tr>
<td>Newton Avenue</td>
<td>14,500</td>
<td>11,016</td>
<td>11,016</td>
<td>14,341</td>
</tr>
<tr>
<td>Washington Twp.</td>
<td>66,700</td>
<td>14,016</td>
<td>14,016</td>
<td>16,646</td>
</tr>
</tbody>
</table>

**Southern Division**

<table>
<thead>
<tr>
<th>FY2017 Goal</th>
<th>This Year</th>
<th>Last Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,213</td>
<td>11,213</td>
<td>10,754</td>
</tr>
</tbody>
</table>

**Bus Operations**

### Delays

![Delays Graph](image)
# Garage Performance Parameters

## June 2016

<table>
<thead>
<tr>
<th>Location</th>
<th>FY2016 Goal</th>
<th>This Month</th>
<th>FY2016 YTD</th>
<th>FY2015 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview</td>
<td>7,000</td>
<td>4,571</td>
<td>6,345</td>
<td>6,053</td>
</tr>
<tr>
<td>Greenville</td>
<td>9,900</td>
<td>5,316</td>
<td>6,619</td>
<td>6,690</td>
</tr>
<tr>
<td>Market Street</td>
<td>9,500</td>
<td>6,943</td>
<td>8,219</td>
<td>8,382</td>
</tr>
<tr>
<td>Meadowlands</td>
<td>11,500</td>
<td>8,148</td>
<td>8,375</td>
<td>8,382</td>
</tr>
<tr>
<td>Oradell</td>
<td>13,500</td>
<td>12,241</td>
<td>10,720</td>
<td>9,708</td>
</tr>
<tr>
<td>Wayne</td>
<td>12,500</td>
<td>11,110</td>
<td>11,841</td>
<td>10,899</td>
</tr>
<tr>
<td><strong>Northern Division</strong></td>
<td>-</td>
<td>8,357</td>
<td>9,141</td>
<td>8,647</td>
</tr>
<tr>
<td>Big Tree</td>
<td>9,600</td>
<td>8,365</td>
<td>8,077</td>
<td>9,165</td>
</tr>
<tr>
<td>Hilton</td>
<td>10,500</td>
<td>11,107</td>
<td>11,017</td>
<td>10,435</td>
</tr>
<tr>
<td>Howell</td>
<td>16,750</td>
<td>36,070</td>
<td>33,904</td>
<td>21,217</td>
</tr>
<tr>
<td>Ironbound</td>
<td>9,800</td>
<td>10,480</td>
<td>10,690</td>
<td>9,830</td>
</tr>
<tr>
<td>Orange</td>
<td>10,200</td>
<td>17,488</td>
<td>9,393</td>
<td>11,331</td>
</tr>
<tr>
<td>Morris</td>
<td>10,500</td>
<td>48,376</td>
<td>43,599</td>
<td>50,031</td>
</tr>
<tr>
<td><strong>Central Division</strong></td>
<td>-</td>
<td>15,187</td>
<td>13,265</td>
<td>12,506</td>
</tr>
<tr>
<td>Egg Harbor</td>
<td>15,500</td>
<td>18,472</td>
<td>15,571</td>
<td>14,378</td>
</tr>
<tr>
<td>Hamilton</td>
<td>19,000</td>
<td>30,499</td>
<td>22,640</td>
<td>18,791</td>
</tr>
<tr>
<td>Newton Avenue</td>
<td>15,700</td>
<td>13,280</td>
<td>13,995</td>
<td>15,085</td>
</tr>
<tr>
<td>Washington Twp.</td>
<td>14,500</td>
<td>14,751</td>
<td>13,076</td>
<td>13,280</td>
</tr>
<tr>
<td><strong>Southern Division</strong></td>
<td>-</td>
<td>16,678</td>
<td>14,886</td>
<td>14,543</td>
</tr>
</tbody>
</table>

| **Bus Operations** | -   | 12,066   | 11,774   | 11,325   |

![Delays Chart](chart.png)

- This Year
- Last Year
NJ TRANSIT - LIGHT RAIL, August 2016
Average Miles Between In Service Failures

<table>
<thead>
<tr>
<th>NJT LIGHT RAIL</th>
<th>MDBSF * August 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newark Light Rail</td>
<td>9,552</td>
</tr>
<tr>
<td>Hudson Bergen</td>
<td>32,676</td>
</tr>
<tr>
<td>River LINE</td>
<td>8,788</td>
</tr>
</tbody>
</table>

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES

* Mechanical failure data for 3 LR systems, calculated as a rolling average over multiple months.

** Newark Light Rail operates much less mileage, with all single-car trains and a 5 mile alignment.
NJ TRANSIT - LIGHT RAIL, July 2016
Average Miles Between In Service Failures

<table>
<thead>
<tr>
<th>NJT LIGHT RAIL</th>
<th>MDBSF * July 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newark Light Rail</td>
<td>9,445</td>
</tr>
<tr>
<td>Hudson Bergen</td>
<td>30,665</td>
</tr>
<tr>
<td>River LINE</td>
<td>9,301</td>
</tr>
</tbody>
</table>

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES

* Mechanical failure data for 3 LR systems, calculated as a rolling average over multiple months.
** Newark Light Rail operates much less mileage, with all single-car trains and a 5 mile alignment.
NJ TRANSIT - LIGHT RAIL, June 2016
Average Miles Between In Service Failures

<table>
<thead>
<tr>
<th>NJT LIGHT RAIL</th>
<th>MDBSF * June 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newark Light Rail</td>
<td>9,992</td>
</tr>
<tr>
<td>Hudson Bergen</td>
<td>32,119</td>
</tr>
<tr>
<td>River LINE</td>
<td>9,724</td>
</tr>
</tbody>
</table>

AVERAGE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES

* Mechanical failure data for 3 LR systems, calculated as a rolling average over multiple months.

** Newark Light Rail operates much less mileage, with all single-car trains and a 5 mile alignment.
NJ TRANSIT - LIGHT RAIL, May 2016

Mean Distance Between In Service Failures (MDBSF)

<table>
<thead>
<tr>
<th>NJT LIGHT RAIL</th>
<th>MDBSF * May 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newark Light Rail</td>
<td>2,135</td>
</tr>
<tr>
<td>Hudson Bergen</td>
<td>33,357</td>
</tr>
<tr>
<td>River LINE</td>
<td>9,525</td>
</tr>
</tbody>
</table>

MEAN DISTANCE MILES BETWEEN IN-SERVICE MECHANICAL FAILURES

* Mechanical failure data for 3 LR systems, calculated as a rolling average over multiple months.

** Newark Light Rail operates much less mileage, with all single-car trains and a 5 mile alignment.
DBE/SBE PROGRAM
State Funded Contracts

During the month of September 2016, NJ TRANSIT awarded $0.00 in state funded contracts. Of that total, Small Business Enterprises (SBEs) received $0.00 or 0.00%.

During the State Fiscal Year 2017 (July 1, 2016 through June 30, 2017) NJ TRANSIT awarded $318,132.00 in state funded contracts. Of that total, SBEs received $0.00 or 0.00%.

SBE Goal Attainment from July 1, 2016 through June 30, 2016 (FY 2017)
Category 1 SBEs received $0.00 or 0.00%
Category 2 SBEs received $0.00 or 0.00%
Category 3 SBEs received $0.00 or 0.00%
Category 4 SBEs received $0.00 or 0.00%
Category 5 SBEs received $0.00 or 0.00%
Category 6 SBEs received $0.00 or 0.00%

FTA Funded Contracts (updated Quarterly – next update will occur October 2016)

During the 4th Quarter (June 1, 2016 – September 30, 2016) of Federal Fiscal Year 2016 (October 1, 2015 through September 30, 2016), the FTA funded share of NJ TRANSIT’s federal contracts awarded was $7,296,104.75. Of that total, Disadvantaged Business Enterprises (DBEs) received $2,259,295.50 or 30.97%.

DBE Goal Attainment from October 1, 2013 (FFY 2014) - September 30, 2016 (FFY 2016)**
Contracts awarded $45,678,251.40
DBEs received $ 9,308,015.84 or 20.38%

**Numbers reflect federal share.
STATE CONTRACTS
STATE FYTD 2016

- Category 1 SBEs: $9,476,623.20 (2.98%)
- Category 2 SBEs: $1,159,244.65 (0.37%)
- Category 3 SBEs: $25,644,075.21 (8.08%)
- Category 4 SBEs: $3,943,901.17 (1.24%)
- Category 5 SBEs: $1,086,138.00 (0.34%)
- Category 6 SBEs: $0.00 (0.00%)
- Non-SBEs: $276,187,497.63 (82.29%)

DBE PARTICIPATION
FEDERAL CONTRACTS
TRIENNAL YEARS 2014-2016

- Total Amount DBEs Received: $7,048,720.34 (18.36%)
- Total Amount Non-DBEs Received: $31,333,426.30 (81.64%)

- Total Amount DBEs Received
- Total Amount Non-DBEs Received
State Funded Contracts

During the month of August 2016, NJ TRANSIT awarded $318,132.00 in state funded contracts. Of that total, Small Business Enterprises (SBEs) received $0.00 or 0.00%.

During the State Fiscal Year 2017 (July 1, 2016 through June 30, 2017) NJ TRANSIT awarded $318,132.00 in state funded contracts. Of that total, SBEs received $0.00 or 0.00%.

SBE Goal Attainment from July 1, 2016 through June 30, 2016 (FY 2017)
Category 1 SBEs received $0.00 or 0.00%
Category 2 SBEs received $0.00 or 0.00%
Category 3 SBEs received $0.00 or 0.00%
Category 4 SBEs received $0.00 or 0.00%
Category 5 SBEs received $0.00 or 0.00%
Category 6 SBEs received $0.00 or 0.00%

FTA Funded Contracts (updated Quarterly – next update will occur October 2016)

During the 3rd Quarter (April 1, 2016 – June 30, 2016) of Federal Fiscal Year 2016 (October 1, 2015 through September 30, 2016), the FTA funded share of NJ TRANSIT’s federal contracts awarded was $0.00. Of that total, Disadvantaged Business Enterprises (DBEs) received $0.00 or 0.00%.

DBE Goal Attainment from October 1, 2013 (FFY 2014) - September 30, 2016 (FFY 2016) **
Contracts awarded $38,382,146.65
DBEs received $ 7,048,720.34 or 18.36%

**Numbers reflect federal share.
**STATE CONTRACTS**

**STATE FYTD 2016**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1 SBEs</td>
<td>$9,476,623.20</td>
<td>2.98%</td>
</tr>
<tr>
<td>Category 2 SBEs</td>
<td>$1,159,244.65</td>
<td>0.37%</td>
</tr>
<tr>
<td>Category 3 SBEs</td>
<td>$25,644,075.21</td>
<td>8.08%</td>
</tr>
<tr>
<td>Category 4 SBEs</td>
<td>$3,943,901.17</td>
<td>1.24%</td>
</tr>
<tr>
<td>Category 5 SBEs</td>
<td>$1,086,138.00</td>
<td>0.34%</td>
</tr>
<tr>
<td>Category 6 SBEs</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Non-SBEs</td>
<td>$276,187,497.63</td>
<td>82.29%</td>
</tr>
</tbody>
</table>

**DBE PARTICIPATION**

**FEDERAL CONTRACTS**

**TRIENNIAL YEARS 2014-2016**

<table>
<thead>
<tr>
<th>Total Amount</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBEs Received</td>
<td>$7,048,720.34</td>
<td>18.36%</td>
</tr>
<tr>
<td>Non-DBEs Received</td>
<td>$31,333,426.30</td>
<td>81.64%</td>
</tr>
</tbody>
</table>
State Funded Contracts

During the month of July 2016, NJ TRANSIT awarded $0.00 in state funded contracts. Of that total, Small Business Enterprises (SBEs) received $0.00 or 0.00%.

During the State Fiscal Year 2017 (July 1, 2016 through June 30, 2017) NJ TRANSIT awarded $0.00 in state funded contracts. Of that total, SBEs received $0.00 or 0.00%.

SBE Goal Attainment from July 1, 2016 through June 30, 2016 (FY 2017)

<table>
<thead>
<tr>
<th>Category</th>
<th>SBEs received</th>
<th>$0.00 or 0.00%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>$0.00</td>
<td>or 0.00%</td>
</tr>
<tr>
<td>Category 2</td>
<td>$0.00</td>
<td>or 0.00%</td>
</tr>
<tr>
<td>Category 3</td>
<td>$0.00</td>
<td>or 0.00%</td>
</tr>
<tr>
<td>Category 4</td>
<td>$0.00</td>
<td>or 0.00%</td>
</tr>
<tr>
<td>Category 5</td>
<td>$0.00</td>
<td>or 0.00%</td>
</tr>
<tr>
<td>Category 6</td>
<td>$0.00</td>
<td>or 0.00%</td>
</tr>
</tbody>
</table>

FTA Funded Contracts (updated Quarterly – next update will occur October 2016)

During the 3rd Quarter (April 1, 2016 – June 30, 2016) of Federal Fiscal Year 2016 (October 1, 2015 through September 30, 2016), the FTA funded share of NJ TRANSIT’s federal contracts awarded was $0.00. Of that total, Disadvantaged Business Enterprises (DBEs) received $0.00 or 0.00%.

DBE Goal Attainment from October 1, 2013 (FFY 2014) - September 30, 2016 (FFY 2016) **

| Contracts awarded | $38,382,146.65 |
| DBEs received     | $7,048,720.34 or 18.36% |

**Numbers reflect federal share.**
**SBE Participation**

**State Contracts**

**State FYTD 2017**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1 SBEs</td>
<td>$0.00</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Category 2 SBEs</td>
<td>$0.00</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Category 3 SBEs</td>
<td>$0.00</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Category 4 SBEs</td>
<td>$0.00</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Category 5 SBEs</td>
<td>$0.00</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Category 6 SBEs</td>
<td>$0.00</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Non-SBEs</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

**DBE Participation**

**Federal Contracts**

**Triennial Years 2014-2016**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount (Received)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Amount DBEs Received</td>
<td>$7,048,720.34</td>
<td>18.36%</td>
</tr>
<tr>
<td>Total Amount Non-DBEs Received</td>
<td>$31,333,426.30</td>
<td>81.64%</td>
</tr>
</tbody>
</table>
State Funded Contracts

During the month of June 2016, NJ TRANSIT awarded $859,959.35 in state funded contracts. Of that total, Small Business Enterprises (SBEs) received $0.00 or 0.00%.

During the State Fiscal Year 2016 (July 1, 2015 through June 30, 2016) NJ TRANSIT awarded $317,497,479.86* in state funded contracts. Of that total, SBEs received $41,309,982.23* or 13.01%.

SBE Goal Attainment from July 1, 2015 through June 30, 2016 (FY 2015)

<table>
<thead>
<tr>
<th>Category</th>
<th>SBEs received</th>
<th>Goal Attainment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>$9,476,623.20</td>
<td>2.98%</td>
</tr>
<tr>
<td>Category 2</td>
<td>$1,159,244.65</td>
<td>0.37%</td>
</tr>
<tr>
<td>Category 3</td>
<td>$25,644,075.21</td>
<td>8.08%</td>
</tr>
<tr>
<td>Category 4</td>
<td>$3,943,901.17</td>
<td>1.24%</td>
</tr>
<tr>
<td>Category 5</td>
<td>$1,086,138.00</td>
<td>0.34%</td>
</tr>
<tr>
<td>Category 6</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

FTA Funded Contracts (updated Quarterly – next update will occur October 2016)

During the 3rd Quarter (April 1, 2016 – June 30, 2016) of Federal Fiscal Year 2016 (October 1, 2015 through September 30, 2016), the FTA funded share of NJ TRANSIT’s federal contracts awarded was $0.00. Of that total, Disadvantaged Business Enterprises (DBEs) received $0.00 or 0.00%.

DBE Goal Attainment from October 1, 2013 (FFY 2014) - September 30, 2016 (FFY 2016) **

| Contracts awarded | $38,382,146.65 |
| DBEs received     | $ 7,048,720.34 or 18.36% |

*Figure adjusted from previous month’s award.

**Numbers reflect federal share.
SBE PARTICIPATION
STATE CONTRACTS
STATE FYTD 2016

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1 SBEs</td>
<td>$9,476,623.20</td>
<td>2.98%</td>
</tr>
<tr>
<td>Category 2 SBEs</td>
<td>$1,159,244.65</td>
<td>0.37%</td>
</tr>
<tr>
<td>Category 3 SBEs</td>
<td>$25,644,075.21</td>
<td>8.08%</td>
</tr>
<tr>
<td>Category 4 SBEs</td>
<td>$3,943,901.17</td>
<td>1.24%</td>
</tr>
<tr>
<td>Category 5 SBEs</td>
<td>$1,086,138.00</td>
<td>0.34%</td>
</tr>
<tr>
<td>Category 6 SBEs</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Non-SBEs</td>
<td>$276,187,497.63</td>
<td>82.29%</td>
</tr>
</tbody>
</table>

DBE PARTICIPATION
FEDERAL CONTRACTS
TRIENNIAL YEARS 2014-2016

<table>
<thead>
<tr>
<th>Total Amount</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBEs Received</td>
<td>$7,048,720.34</td>
<td>18.36%</td>
</tr>
<tr>
<td>Non-DBEs Received</td>
<td>$31,333,426.30</td>
<td>81.64%</td>
</tr>
</tbody>
</table>
EMPLOYEE RECOGNITION
NJ TRANSIT employees bid farewell after outstanding careers

Ninety-two NJ TRANSIT employees retired recently with careers ranging from nine to 44 years of service:

1. Alberto Barandas, Sr. Tech Services Spec Field – MMC – 30 years
2. Stuart Haynes, Foreman B&B – Summit – 30 years
3. Colleen Holder, Car Appearance Maintainer – Penn Station New York – 14 years
4. Charles Johnson, Principal Project Engineer – Penn Plaza – 36 years
5. Jeffrey Krohn, Class I Operator – Port Morris – 40 years
6. Frederick Mehrhof, Jr., Block Operator – MMC – 15 years
7. Antonio Podeia, Electrician – MMC – 14 years
8. Walter Schmidt, Carman – Hoboken – 12 years
9. Barry Stiller, Maintainer – Hoboken – 17 years
10. George Swarrow, Jr., Trackman Casual Driver – Red Bank – 17 years
11. Edmund Bush, Jr., Maintainer Tester – Raritan – 30 years
12. Corrado Degennaro, Foreman MOE – Hoboken – 44 years
13. Kris Kondor, Machinist – Morrisville Yard – 41 years
15. Ronald Lowery, Supervisor Mechanical Desk – MMC – 40 years
16. Charles Minervini, Technician – MMC – 42 years
17. Kenneth Mitterando, Foreman MOE – Hoboken – 27 years
18. Harold Zayas, Asst. Superintendent Mechanical Rail – Hoboken – 31 years
19. Anthony Demonte, Machinist – MMC – 33 years
20. George Defeo, Sr. Training Specialist – Ferry Street – 38 years
21. Albert Degracia, Manager Rail Infrastructure Construction – Penn Plaza – 38 years
22. John Filippini, Car Appearance Maintainer – Morrisville Yard – 38 years
23. Gregory Goring, Electrician – MMC – 20 years
24. Michael Krolczak, Supervisor Communications & Signal – South Amboy – 40 years
25. Russell Krommes, Assistant Manager – MMC – 13 years
30. Charles Gozzer, Foreman MOE – Bay Head – 20 years
31. William Lykin, Carman – Trenton – 33 years
32. Terry Maher, Signal Inspector – Newark – 31 years
33. Stefan Miller, Conductor – Various – 33 years
34. Jose Salazar, Welder Foreman – Red Bank – 37 years
35. Cynthia Venson, Sr. Capital Project Administrator – Newark – 35 years
36. Manuel Carneiro, Special Mechanic-Welder – Newark – 12 years
37. Frank Fregoni, Operator – Hamilton – 14 years
38. Jean Henry White, Depot Master – Hilton – 43 years
39. Ronald McIver, Operator – Newton Avenue – 17 years
40. Luis Saavedra, Operator – Ironbound – 24 years
41. Arthur Sielicki, Operator – Hamilton – 39 years
42. Gordon Waddell, Serviceman – Orange – 12 years
43. Paul Baker, Starter – Port Authority Bus Terminal – 20 years
44. Jaqueline Baynard, Principle Bookkeeper – GOB – 38 years
45. Francisco Beas, Operator – Ironbound – 23 years
46. Gregory Benjamin, Operator – Egg Harbor – 23 years
47. Denine Boyce, Starter – Port Authority Bus Terminal – 28 years
48. Lesly Duplessis, Operator – Orange – 23 years
49. Gladys Faress, Senior Clerk Revenue – GOB – 15 years
50. Sharon Felton, Operator – Howell – 28 years
51. Jaime Ferruzola, Operator – Oradell – 23 years
52. James Gentry, Operator – Washington Township – 33 years
53. John McGinty, Mechanic A – Penn Station – 31 years
54. Glen Phillips, Inspector – Wayne – 18 years
55. Maria Rivera, Depot Master – Meadowlands – 31 years
56. Jose Santos, Opeartor – Egg Harbor – 33 years
57. John Brendlen, Sr. Director Real Estate – Penn Plaza – 16 years
58. Hazel Gray, Customer Relations Specialist – Penn Plaza – 26 years
59. Pedro Gonzalez, Operator – Fairview – 23 years
60. Francisco Melo, Operator – Oradell – 10 years
61. William Parker, Serviceman – Ironbound – 14 years
63. Joseph Cirelli, Operator – Newton Avenue – 16 years
64. Augustus Frisbey, Operator – Washington Township – 15 years
65. Kofi Nyamekye, Operator – Market Street – 15 years
66. Gwendolyn Booker, Operator – Hamilton – 24 years
67. James Boyle, Special Mechanic – Newark Bus – 31 years
68. Wanda Curry, Operator – Big Tree – 25 years
69. Wilson Gerardino, Operator – Wayne – 21 years
70. Andrew Graves, Operator – Orange – 23 years
71. Shirley Henderson, Operator – Orange – 9 years
72. Cassandra Isaac, Principle Bookkeeper – Penn Plaza – 37 years
73. Cynthia Johnson, Operator – Howell – 27 years
74. Gergoria Mednoza, Depot Master – Bloomfield – 26 years
75. Miguel Santiago, Operator – Hamilton – 18 years
76. Arthur Waters, Operator – Hilton – 32 years
77. Timothy Thompson, Manager Financial Operations & Compliance – Penn Plaza – 32 years
78. Leonard Long, Operator – Wayne – 15 years
79. Linton White, Operator – Market Street – 25 years
80. Edward Baniowski, Mech Class A – Newark Bus – 17 years
81. Moses Burton, Starter – Port Authority Bus Terminal – 24 years
82. Maria Carril, Operator – Market Street – 23 years
83. Joseph McMahon, Mechanic – Newark Bus – 34 years
84. Consoi Sounna, Operator – Meadowlands – 18 years
85. Robert Sterling, STK Clerk – Orange – 22 years
86. Guy Vonderlinden, Operator – Orange – 32 years
87. Rodney Scarborough, Starter – Port Authority Bus Terminal – 15 years
88. Anthony Stelacio, Operator – Egg Harbor – 20 years
89. Francis Gorman, Manager Point Sale Fare Collection – Penn Plaza – 29 years
90. Raymond Kilroy, Fare Inspector – Penn Plaza – 32 years
91. Brian McCann, DGM Bus Vehicle – Penn Plaza – 35 years
92. Thomas Westfall, Mgr. Terminal Operations – Ferry Street – 39 years
ACTION ITEMS
ITEM 1610-43: INTERAGENCY OPERATING AGREEMENT WITH AMTRAK

BENEFITS

In 2008, Congress enacted the Passenger Rail Investment and Improvement Act, 49 U.S.C. 24905 (PRIIA), which, in part, altered the allocation of operating and capital costs between Amtrak and the commuter authorities on the Northeast Corridor (NEC). PRIIA Section 212 directed the Secretary of Transportation to establish the Northeast Corridor Infrastructure and Operations Advisory Commission and charged the Commission to develop a standardized methodology for allocating costs, revenues, and compensation for Northeast Corridor commuter rail transportation. It required Amtrak and public authorities providing commuter rail service to implement new agreements for usage of facilities and services based on the new standardized formula. NJ TRANSIT, seven other NEC states and the District of Columbia, the USDOT and Amtrak are members of the Commission.

In September 2015, the Commission developed and adopted the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy (Policy), effective October 1, 2015, which sets forth a standardized methodology for determining and allocating costs, revenues, and compensation between Amtrak and commuter authorities, such as NJ TRANSIT, for the use of the NEC and its facilities. The Policy requires Amtrak and NJ TRANSIT to modify or implement new bi-lateral agreements for the usage of facilities, services, and capital improvements based on the Policy’s new methodology. Amtrak and NJ TRANSIT agree that cooperation and coordination of their efforts in the planning of their respective services on the NEC and the implementation of the Policy are essential to return the NEC to a state-of-good-repair and expand capacity to accommodate planned future service levels and projected ridership along the NEC.

This new bi-lateral operating agreement will supersede certain existing Amtrak/NJ TRANSIT operating agreements to reflect the cost allocation methods set forth in the Policy.

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

Staff seeks NJ TRANSIT Board of Directors’ ratification of the negotiation and execution of an Agreement with Amtrak setting forth the terms and conditions providing for and compensating for operating obligations on the Northeast Corridor, which Agreement is retroactive to October 1, 2015, the date of the executed Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy, as required under the Passenger Rail Investment and Improvement Act of 2008.

PURPOSE

Authorization to ratify this Agreement as required by PRIIA (Operating Bi-Lateral Agreement) will allow NJ TRANSIT to continue to provide rail service along the NEC.
To this end, this Operating Bi-Lateral Agreement will provide the framework for Amtrak and NJ TRANSIT to operate on the NEC.

BACKGROUND

The Northeast Corridor

The Northeast Corridor is comprised of existing rail lines that were built separately in the 19th Century. By the turn of the 20th Century, the rail lines along the NEC were under the control of the New York, New Haven & Hartford Railroad north of New York City and the Pennsylvania Railroad south of New York City.

Pennsylvania Railroad trains terminated in Jersey City while the New York, New Haven & Hartford Railroad terminated at the New York Central Railroad's Grand Central Terminal in New York City. The Pennsylvania Railroad purchased a controlling interest in the Long Island Rail Road in 1900, which provided access to New York. The construction of New York Pennsylvania Station (Penn Station), completed in 1910, linked the Pennsylvania Railroad and the Long Island Rail Road.

New York City banned steam locomotives in Manhattan in 1902. The Pennsylvania Railroad and the New York Central Railroad electrified their approaches into their Manhattan stations with third rail electrification. The New York, New Haven & Hartford Railroad electrified its line to New Haven with overhead wire in 1914 and to Penn Station by 1918. The Pennsylvania Railroad began installing its overhead wires from Philadelphia to Wilmington in 1928 and north to Trenton in 1930. Overhead wires were installed between Penn Station and New Brunswick by 1932, and the Trenton to New Brunswick section was electrified the following year. By 1935, the NEC between Trenton and Washington, D.C. was electrified. Electrification of the NEC north of New Haven to Providence and Boston was completed by December 2000 with the introduction of Acela Express service.

With the construction of the Interstate Highway System the primary mode of travel shifted from train to automobile. Railroads, especially those in the Northeast, lost ridership and struggled to remain viable. The Pennsylvania Railroad and the New York Central Railroad merged in 1968 to form Penn Central which later included the New York, New Haven & Hartford Railroad. In 1970, the Penn Central declared bankruptcy.

To preserve intercity passenger service, Congress enacted the Rail Passenger Service Act of 1970, which created the National Railroad Passenger Corporation (Amtrak). Amtrak assumed the responsibility for intercity passenger service from private railroads and received access rights to their tracks. The Federal Government formed Conrail in 1976 to consolidate the freight railroad network in the Northeast. Included with the formation of Conrail was a provision that allowed Amtrak to purchase the Northeast Corridor with the exception of the portions owned by New York, Connecticut, and Massachusetts.
Conrail also inherited the commuter rail operations of its predecessor railroads in New Jersey and operated them until 1983 when these services were transferred to NJ TRANSIT.

NJ TRANSIT was created by the Public Transportation Act of 1979 to "acquire, operate and contract for transportation service in the public interest." On January 1, 1983, NJ TRANSIT Rail Operations, Inc. was launched to assume Conrail’s commuter rail operations in the New Jersey after Congress authorized Conrail to cease its passenger operations. NJ TRANSIT currently operates commuter rail service on 12 rail lines statewide, including operation of commuter rail on the NEC within New Jersey, to New York Penn Station and to its rail yard in Morrisville, Pennsylvania.

Amtrak’s Northeast Corridor Improvement Project in the 1980s allowed for a major overhaul and improvement of the system between Washington, D.C. and Boston, which included safety improvements, modernization of the signaling system, and new control centers at Philadelphia, New York and Boston. It allowed trains to operate at higher speeds with reduced headways and set the stage for high-speed operation.

In the 1990s, New Jersey developed a strategic business plan to improve NEC rail operations. NJ TRANSIT’s New Initiatives Program in the 1990s increased rail capacity by providing significant capital investment on the NEC including construction of the Secaucus Transfer Station, the Seventh Avenue Concourse in Penn Station New York, the Kearny Connection (Midtown Direct Service), NEC Power Improvements, NEC Signal Improvements, and Penn Station X Track Modifications.

Since 1983, Amtrak and NJ TRANSIT have managed rail operations on the NEC pursuant to the Northeast Corridor Services Agreement (NECSA) as well as approximately 30 separate agreements covering operation, maintenance and dispatch of the NEC. In addition, NJ TRANSIT and Amtrak are parties to the Joint Benefits Capital Agreement that will be superseded by a new NJ TRANSIT/Amtrak Capital Agreement.

**Passenger Rail Investment and Improvement Act of 2008**

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) reauthorized Amtrak and strengthens the U.S. passenger rail network by tasking Amtrak, the U.S. Department of Transportation (USDOT), the FRA, States, and other stakeholders in improving service, operations, and facilities. PRIIA focuses on intercity passenger rail,
including Amtrak’s long-distance routes and the NEC, state-sponsored corridors throughout the United States, and the development of high-speed rail corridors. PRIIA authorizes funding for Amtrak’s capital and operating needs to maintain current operations, upgrade equipment, and return the NEC to a state-of-good-repair.

PRIIA also directed the Secretary of Transportation to establish the Northeast Corridor Infrastructure and Operations Advisory Commission to promote mutual cooperation among NEC users and to plan and advise Congress on a policy that sets forth a standardized allocated cost model. The Fixing America's Surface Transportation (FAST) Act, signed into law on December 4, 2015, continues the direction established by PRIIA and strengthens some provisions.

Northeast Corridor Infrastructure and Operations Advisory Commission

Congress established the Northeast Corridor Infrastructure and Operations Advisory Commission to develop coordinated strategies for improving the Northeast’s core rail network in recognition of the inherent challenges of planning, financing, and implementing major infrastructure improvements that cross multiple jurisdictions. The expectation is that by coming together to take collective responsibility for the NEC, these disparate stakeholders will achieve a level of success that far exceeds the potential reach of any individual organization.

The Commission is governed by a board comprised of one member from each of the NEC states (Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland) and the District of Columbia; four members from Amtrak; and five members from the USDOT. The Commission also includes non-voting representatives from four freight railroads (Providence & Worcester, Norfolk Southern, CSX Transportation, and Conrail), states with connecting corridors (Maine, New Hampshire, Vermont, Virginia, and North Carolina) and several commuter operators in the Region (Massachusetts Bay Transportation Authority, New York Metropolitan Transportation Authority, and Southeastern Pennsylvania Transportation Authority).

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

FISCAL IMPACT

Requested Authorization: Authorization to ratify an Amended and Restated Northeast Corridor Services Agreement with Amtrak (Operating Bi-Lateral Agreement)

Previous Authorizations: None

Expenditures to Date: NA

Total Project Cost: NA
Projected Date of Completion: 5-year Term

Capital Program Amount: None

Operating Budget Amount: For Operating Charges and Electric Propulsion
Federal Fiscal Year 2016 $ 93,000,000 (estimated)
Federal Fiscal Year 2017 $ 93,000,000 (estimated)
Federal Fiscal Year 2018 $ 93,000,000 (estimated)
Federal Fiscal Year 2019 $ 93,000,000 (estimated)
Federal Fiscal Year 2020 $ 93,000,000 (estimated)
Total $ 465,000,000 (estimated)

Anticipated Source of Funds: Operating

PRINTS ID Number: NA

DBE/SBE Goal: NA

NJ Build Amount: NA

Future Related Authorizations: TBD

Impact on Future Operating Budgets: TBD
RESOLUTION

WHEREAS, Amtrak, a corporation organized under the Rail Passenger Service Act and the laws of the District of Columbia, owns the Northeast Corridor (NEC) rail line within the State of New Jersey; and

WHEREAS, NJ TRANSIT is an instrumentality of the State of New Jersey and is authorized to operate rail passenger service in New Jersey and between points in New Jersey and points in other states pursuant to the New Jersey Public Transportation Act of 1979, as amended; and

WHEREAS, NJ TRANSIT operates commuter trains over portions of the NEC; and

WHEREAS, in 2008, Congress altered the allocation of operating and capital costs between Amtrak and the commuter authorities for shared assets on the NEC, and directed the Secretary of Transportation in Section 212 of the Passenger Rail Investment and Improvement Act of 2008, 49 U.S.C. 24905, (PRIIA) to establish the Northeast Corridor Infrastructure and Operations Advisory Commission (Commission) and charged the Commission to promote mutual cooperation among NEC users, and to plan and advise Congress on a policy that sets forth a standardized cost allocation; and

WHEREAS, the Commission developed and adopted the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy dated September 17, 2015, which sets forth a standardized methodology for determining and allocating costs, revenues, and compensation between Amtrak and commuter authorities, such as NJ TRANSIT, for the use of the NEC and its facilities; and

WHEREAS, both PRIIA and the Policy require Amtrak and NJ TRANSIT to modify or implement new bi-lateral agreements implementing the cost allocation methodology outlined in the Policy; and
WHEREAS, NJ TRANSIT and Amtrak recognize that increased collaboration and cooperation is required to continue to effectively provide services along the NEC, maintain the NEC’s infrastructure and advance improvements to accommodate projected future demands; and

WHEREAS, pursuant to Section 3(d)(3) of the By-laws, the Executive Director is authorized to execute agreements with public and private railroads in order to advance and implement NJ TRANSIT’s operating and capital programs;

NOW, THEREFORE, BE IT RESOLVED that the NJ TRANSIT Board of Directors hereby ratifies the negotiation and execution of an Agreement with Amtrak setting forth the terms and conditions providing for and compensating for operating obligations on the Northeast Corridor, which Agreement is retroactive to October 1, 2015, the date of the executed Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy, as required under the Passenger Rail Investment and Improvement Act of 2008.
ITEM 1610-44:  CHATHAM TRAIN STATION PROPERTY – LONG-TERM RETAIL LEASE OF EASTBOUND STATION BUILDING

BENEFITS

Leasing NJ TRANSIT’s Chatham train station Eastbound Building to Fishawack 4, LLC, will provide non-farebox revenue in the form of an annual base rent of $18,000 with 2.5 percent annual increases plus a percentage rent of gross annual sales for the operation of a restaurant. NJ TRANSIT is estimated to receive a total minimum of $459,000 in escalating base rent over a twenty-year term. The tenant is additionally responsible for maintaining the demised premises. The prospective tenant, Fishawack 4, LLC will provide capital improvements to the Chatham railroad station retail concession space in an amount estimated to be $900,000. The restaurant will be of contemporary design and echo the historical elements of the station while offering a rousing 21st Century-style Bistro with distinct menus for breakfast, lunch and dinner. By entering into a lease for the Chatham railroad station to operate as a restaurant will provide non-farebox revenue to NJ TRANSIT and serve as a commuter passenger amenity to our passengers.

ACTION (Scorecard: Financial Performance and Customer Experience)

Staff seeks authorization to enter into a twenty-year lease consisting of fifteen years with one, five-year extension with Fishawack 4, LLC for the operation of a restaurant concession consisting of approximately 2,000 sq. ft. in Chatham train station’s Eastbound Building at annual base rent of $18,000 with 2.5 percent annual increases plus percentage rent at an escalating range of between five to ten percent of gross annual sales over $700,000.

PURPOSE

This authorization will provide for the twenty-year lease consisting of fifteen years with one, five-year extension of approximately 2,000 sq. ft. of leased premises at Chatham train station’s Eastbound Building. The leased premises are being awarded to Fishawack 4, LLC, a limited liability company, selected through a competitive bid process. Over the course of the twenty-year lease term, the lease will generate an estimated total minimum escalating base rent of $459,000.

BACKGROUND

NJ TRANSIT’s fundamental objectives include maximizing the value of the assets to NJ TRANSIT while reducing maintenance costs and improving the level of customer service amenities. Chatham train Station is located on NJ TRANSIT’s Morris-Essex Line in the Township of Chatham in
Morris County. The station was constructed in 1915 and consists of two station structures; a one-story main station building located on the eastbound platform and a one-story shelter building on the westbound platform which serves approximately 1,635 customers on a typical weekday. The station buildings, also known as the Eastbound Station Building and the Westbound Station Building were renovated and upgraded in 2010. The Eastbound Station Building currently contains a passenger waiting room, ticket room, baggage room and men’s and women’s rooms. The building had been subject to a previous lease to Chatham Newsstand, LLC which operated a newsstand and coffee concession in the building until 2013.

In accordance with NJ TRANSIT Board Committee’s policy directive to competitively select tenants at NJ TRANSIT concessions, in May, 2015, a Request for Proposal (“RFP”) was advertised for the lease of the premises for the operation of a restaurant.

Fishawack 4, LLC was the sole bidder with a bid of $18,000 annual base rent and $906,106 in capital improvements. After vigilant review of the bid proposal, staff accepted the annual base rent and an estimated $900,000 in capital improvements. The percentage rent was negotiated at an escalating rent range of between five to ten percent of gross annual sales over $700,000 for the duration of the lease.

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

FISCAL IMPACTS

Requested Authorization: Staff seeks authorization to enter into a twenty-year lease consisting of fifteen years with one, five-year extension with Fishawack 4, LLC for the operation of a restaurant concession of approximately 2,000 sq. ft. of leased premises in Chatham Train Station’s Eastbound Building at an annual base rent of $18,000 with 2.5 percent annual increases plus percentage rent at an escalating range of between five and ten percent of gross annual sales over $700,000.

Past Authorizations: N/A

Expenditures to Date: N/A

Total Project Cost: N/A

Projected Date of Completion: Lease to be executed by October 2016

Capital Program Amount: N/A
Operating Budget Amount: N/A
Anticipated Source of Funds: N/A
PRINTS ID Number: N/A
DBE/SBE Goal: N/A
NJ Build Amount: N/A
Related/Future Authorizations: N/A

Impact on Subsequent Operating Budgets:
Annual base rent of $18,000 with 2.5 percent annual increases plus percentage rent at an escalating range of between five to ten percent of gross annual sales over $700,000.
RESOLUTION

WHEREAS, the New Jersey Public Transportation Act of 1979, P.L. 1979, c. 150 authorizes NJ TRANSIT to lease, purchase and sell, or otherwise dispose of, on terms which NJ TRANSIT may prescribe, real and personal property; and

WHEREAS, NJ TRANSIT is owner of the Chatham Eastbound Station Building, along the Morristown Line, located at Railroad Plaza and Fairmount Avenue, in the Borough of Chatham, County of Morris, New Jersey; and

WHEREAS, Fishawack 4, LLC, through a competitive bid process, was selected as the eligible responsible proposer whose proposal, conforming to the RFP, is in the best interest of NJ TRANSIT;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is hereby authorized to enter into a twenty-year lease consisting of fifteen years with one, five-year extension with Fishawack 4, LLC for the operation of a restaurant concession of approximately 2,000 sq. ft. of leased premises in Chatham Train Station’s Eastbound Building at an annual base rent of $18,000 with 2.5 percent annual increases plus percentage rent at an escalating range of between five to ten percent of gross annual sales over $700,000.

BENEFITS

Readoption of regulations, as amended, for the conduct and safety of the public in the use of NJ TRANSIT equipment and facilities will benefit the public by providing uniform standards and information as to (a) how the public may exercise its rights, including the right of expression, on NJ TRANSIT’s equipment and facilities, (b) public behavior on or at NJ TRANSIT’s equipment and facilities, and (c) how the public may use certain NJ TRANSIT railroad bridges to advertise community events.

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

Staff seeks authorization ratifying the Executive Director's actions needed to readopt with amendments the regulations, N.J.A.C. 16:83 et seq., “Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities,” consistent with this Board item and Exhibit B.

PURPOSE

Authorization to ratify the Executive Director's actions needed to readopt the amended regulations will advance efforts to reestablish and enhance guidelines and procedures which govern the conduct and safety of the public use of NJ TRANSIT equipment and facilities.

BACKGROUND

NJ TRANSIT was established by the New Jersey Public Transportation Act of 1979 (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State of New Jersey to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. NJ TRANSIT’s rail stations, light rail stations, bus terminals, vehicles and other facilities serve the dual purpose of facilitating safe, reliable, convenient and cost-effective transportation as well as providing a forum for members of the public to exercise their constitutional rights of expression. Since 1993, NJ TRANSIT has promulgated and administered uniform, statewide standards for the conduct and safety of the public in the use of NJ TRANSIT’s equipment and facilities. The rules seek to enable large numbers of people to safely and efficiently utilize the public transportation system that NJ TRANSIT provides and, simultaneously, accommodate those members of the public who wish to use NJ TRANSIT’s facilities as a forum for public expression.

Staff reviewed the current regulations and determined that the rules are necessary, adequate, reasonable, efficient, understandable and responsible for the purposes for which they were originally promulgated and should be readopted, with the proposed
amendments. Under the proposed amended rules, the rules for Certificates of Registration and Bridge Banner Permits are now addressed separately because the applications for the Certificates and Permits are separate and independent processes. In addition, various changes were made to clarify the administrative procedures for applying for and the approval of Certificates and Permits, all of which are delineated in the attached Exhibit A.

The proposed readoption with amendments was published in the *New Jersey Register* on May 15, 2016 (Exhibit A). The comment period expired on July 15, 2016, and no comments were received. After the proposal was published, staff noticed a comma was needed in N.J.A.C. 16:83-1.1. This proposed readoption includes that technical change which is delineated in the attached Exhibit B.

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

**FISCAL IMPACTS**

**Requested Authorization:** Authorization ratifying the Executive Director's actions needed to readopt with amendments the regulations N.J.A.C. 16:83 et seq., "Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities," consistent with this Board item and Exhibit B.


**Expenditures to Date:** N/A

**Total Project Cost:** N/A

**Projected Date of Completion:** N/A

**Anticipated Source of Funds:** N/A

**Prints ID Number:** N/A

**DBE/SBE Goal:** N/A

**NJ Build Amount:** N/A
<table>
<thead>
<tr>
<th>Related/Future Authorization:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impacts on Subsequent Operating Budgets:</td>
<td>N/A</td>
</tr>
</tbody>
</table>
RESOLUTION

WHEREAS, NJ TRANSIT was established by the New Jersey Public Transportation Act of 1979 (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State of New Jersey to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner; and

WHEREAS, NJ TRANSIT determined that it is necessary to establish standards for the conduct and safety of the public in the use of NJ TRANSIT equipment and facilities; and

WHEREAS, NJ TRANSIT determined that the issuance of regulations pertaining to the conduct and safety of the public in the use of NJ TRANSIT equipment and facilities will benefit the public by providing uniform, statewide standards and a clear means of understanding those regulations; and

WHEREAS, staff reviewed the current regulations and determined that the rules are necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were originally promulgated, and should be readopted with the proposed amendments; and

WHEREAS, the proposed readoption with amendments was published in the New Jersey Register on May 16, 2016 (Exhibit A). The comment period expired on July 15, 2016, and no comments were received; and

WHEREAS, after the proposal was published, staff noticed a comma was needed in N.J.A.C. 16:83-1.1, and this proposed readoption includes that technical change (Exhibit B); and

WHEREAS, these amended rules will advance the guidelines and procedures which govern the conduct and safety of the public in the use of NJ TRANSIT equipment and facilities;
NOW, THEREFORE, BE IT RESOLVED that the NJ TRANSIT Board of Directors hereby ratifies the Executive Director’s actions needed to readopt with amendments the regulations, N.J.A.C. 16:83 et seq., “Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities,” consistent with this Board item and Exhibit B.
Proposed Repeal: N.J.A.C. 16:83-2.3
Proposed New Rules: N.J.A.C. 16:83-2.4 and 2.6
Proposed Repeal: N.J.A.C. 16:83-2.3

Proposed Readoption with Amendments: N.J.A.C. 16:83

Proposed New Rules: N.J.A.C. 16:83-2.4 and 2.6

Proposed Repeal: N.J.A.C. 16:83-2.3

Authorized By: New Jersey Transit Corporation, Dennis Martin, Interim Executive Director.

Summary

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of public mass transit services in the State of New Jersey. NJ TRANSIT owns, controls, and operates equipment (such as railcars and buses), yards, and facilities including major stations and terminals that are centers of activity through which many passenger pass each day. Effective January 19, 1993, NJ TRANSIT adopted rules intended to ensure the safe and efficient passage of large numbers of people through the transit system and at the same time allow the public to use part of the facilities as a forum to exercise their constitutional rights of expression. Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 16:83 is set to expire on April 9, 2016. As the NJ TRANSIT submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date is extended 180 days to October 6, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2).

A brief review of each of the subchapters of N.J.A.C. 16:83 follows:

Subchapter 1 sets forth the general provisions, including the purpose, scope, definitions, rules for commercial and non-commercial expression, and an enforcement provision. Subchapter 2 sets forth criteria for obtaining a Certificate of Registration or Bridge Banner Permit (Banner Permit) for non-commercial expression. Subchapter 3 lists the activities that are prohibited in or on NJ TRANSIT facilities and equipment.

The proposed amendments to N.J.A.C. 16:83 are as follows:

N.J.A.C. 16:83-1.2 is proposed for amendment to clarify the definition of “non-commercial community special events.”

N.J.A.C. 16:83-1.6 is proposed for amendment to provide clarification regarding enforcement measures.

N.J.A.C. 16:83-2.1(a) is proposed for amendment to allow for an alternative Certificate of Registration attachment that specifies the designated location. This subsection is proposed for amendment to clarify and state that completion of the application does not automatically result in the issuance of a certificate, and the certificate will be issued within 10 business days after receipt of the completed application. Additionally, this subsection is proposed for amendment to state that all applicants, regardless of whether an individual or organization, must state the number of persons to be in attendance and to remove the requirement to list the number of persons requesting the Certificate. This subsection is also proposed for amendment to add “the completed application must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the Certificate is to be effective[,]” to allow staff time to process the application. The subsection is proposed for amendment to clarify that NJ TRANSIT must receive the original application. The last sentence is proposed for amendment to provide clarification that incomplete applications will be returned to the applicant.

N.J.A.C. 16:83-2.1(b) is proposed for amendment to state Bridge Banner applications must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the permit is to be effective. This subsection is also proposed for amendment to clarify that completion of the application does not automatically result in the issuance of a banner permit and the issuance will be within 10 business days after receipt of the completed application.

N.J.A.C. 16:83-2.1(c) is proposed for amendment to clarify applications may be sent to the requestor by postal mail, electronic mail, or telex.

The heading of N.J.A.C. 16:83-2.2 is proposed for amendment to delete “Banner Permits,” which is proposed as N.J.A.C. 16:83-2.4, as discussed below.

N.J.A.C. 16:83-2.2(a) is proposed for amendment to state that regardless of the number of certificates requested, the application must state the name and title of the individual who will supervise and be responsible for the non-commercial expressive conduct.

N.J.A.C. 16:83-2.2(b) is proposed for deletion as it is relocated to N.J.A.C. 16:83-2.4(a).

Existing N.J.A.C. 16:83-2.3 is proposed for repeal and is replaced with N.J.A.C. 16:83-2.3 and 2.6, pertaining to the validity of certificates of registration and banner permits, respectively.

Existing N.J.A.C. 16:83-2.4 is proposed for recodification as N.J.A.C. 16:83-2.3, and subsection (a) is proposed for amendment to specify that a Certificate of Registration issued for a facility that does not close will be valid only until 10:00 p.m. of the date appearing on the Certificate of Registration. Subsection (c) is proposed for amendment to clarify that NJ TRANSIT may limit the number of valid Certificates to the maximum number of individuals established for a particular facility, as indicated on the map attached to each Certificate, taking into account the public transportation purposes and staffing levels of the facility.

Proposed new N.J.A.C. 16:83-2.4 is relocated from N.J.A.C. 16:83-2.2(b).

Existing N.J.A.C. 16:83-2.4(e) is proposed for relocation as new N.J.A.C. 16:83-2.5 and pertains to the validity of banner permits, without change.

Proposed new N.J.A.C. 16:83-2.6 is relocated substantively from N.J.A.C. 16:83-2.3. N.J.A.C. 16:83-2.6 has been amended to consolidate the previous three subsections into two subsections in a way that provides clarification regarding the process, including stating the denial shall be in writing and state the reasons for the denial, and if any factual dispute is alleged, the papers will be reviewed and a written decision will be rendered within 15 days after receipt of the appeal.

Existing N.J.A.C. 16:83-2.5 is proposed for recodification as N.J.A.C. 16:83-2.7 with amendments. A new final sentence is proposed to add “NJ TRANSIT may revoke or suspend any Certificate or Banner Permit where it has concluded that the Certificate or Banner Permit holder has violated the requirements of the Certificate or Banner Permit, this chapter, or both.”
TRANSPORTATION

Existing N.J.A.C. 16:83-2.10 is proposed for recodification as N.J.A.C. 16:83-2.12, with the “Tables” section that was previously codified as N.J.A.C. 16:83-2.8.

Subsection (c) is proposed for amendment to delete the first sentence, since NJ TRANSIT no longer charges administrative fees.

NJ TRANSIT has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)(5), this notice of proposal is excepted from the rulemaking calendar requirement.

Social Impact

The rules proposed for readoption with amendments, new rules, and a repeal allow for an orderly exercise of the public’s rights of expression. The process balances the concerns of those members of the public who are interested in the facility’s primary use as a means to move from place to place, and those who are interested in the use of the facility as a forum for public expression, while ensuring public safety. The changes aim to make certificates of registration and bridge banner permits available to interested members of the public efficiently and equitably.

Activities that are incompatible with the primary purpose of the facilities and equipment of NJ TRANSIT (such as the obstruction of a passageway, vandalism of equipment, dumping of garbage, or the use of restroom for bathing or the washing of clothes) will not be allowed. The primary purpose of the facilities will be maintained by these rules, and could affect everyone who utilizes the facilities of NJ TRANSIT.

Economic Impact

The rules proposed for readoption with amendments, new rules, and a repeal would have limited economic impact. Those who choose to apply for a certificate of non-commercial expression will be able to do so at no cost. There is no fee, and the forms are provided at a central location for the use of the public. Eligible organizations that wish to use NJ TRANSIT property for advertising purposes by hanging bridge banners must apply for a Bridge Banner Permit. This requirement will promote public safety and ensure that individuals who abide by these rules have reasonable access to the requested facility. Commercial transactions and their associated economic impacts are not the subject of these rules and are referenced herein only to distinguish them from the non-commercial activities that are the subject of these rules.

Federal Standards Statement

A Federal standards analysis is not required because the requirement of the rules proposed for readoption with amendments, new rules, and a repeal are governed by State statute for which there is no Federal analog.

Job Impact

The rules proposed for readoption with amendments, new rules, and a repeal will not affect the creation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments, new rules, and a repeal have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments, new rules, and a repeal may impose compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules in this chapter accomplish two things: they provide a means whereby the orderly non-commercial expression of the public may take place and they prohibit activities that are incompatible with the primary purpose of the NJ TRANSIT facilities and equipment. The process for applying for and obtaining a certificate of non-commercial expression is expeditious and without cost to the applicant. The process for applying for and obtaining a bridge banner permit sets forth minimum requirements to ensure the safety of the public and NJ TRANSIT’s operation. Some charitable organizations may be considered small businesses, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.; however, there is no reason to discriminate in the application of these provisions on a basis of business (that is, charitable organization) size. The prohibitions, which are also part of this chapter, are prohibitions on the behavior of individuals, not on small businesses per se. All bridge banner permit applicants are required to submit proof of their 501(c)(3) or non-profit status, a certificate of liability insurance, a letter of intent describing the non-commercial community special event being advertised, and a copy of the intended message and/or sketch of the banner. There are no additional requirements for charitable organizations that may be considered small businesses and whether or not a charitable organization is a small business is not part of the application or approval process.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments, new rules, and a repeal will not have any impact on the affordability of housing. The rules inform and instruct how members of the public can exercise their constitutional rights of expression, and the standards of behavior to be followed, in or on NJ TRANSIT facilities and equipment. As such, the rules will have no effect on housing units or on the average cost of housing.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments, new rules, and a repeal will not have any impact on the implementation of the State Development and Redevelopment Plan. The rules inform and instruct how members of the public can exercise their constitutional rights of expression, and the standards of behavior to be followed, in or on NJ TRANSIT facilities and equipment. The rules will have no effect on new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:83.

Full text of the proposed amendments, new rules, and repeal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

SUBCHAPTER 1. GENERAL PROVISIONS

16:83–1.1 Purpose; scope

The New Jersey Transit Corporation and its subsidiaries (NJ TRANSIT) are responsible for the provision of public mass transit services in the State of New Jersey. NJ TRANSIT owns, controls, and operates equipment (such as railcars and buses), yards and facilities. The facilities include, but are not limited to, rail and bus stations and terminals and are instrumental to NJ TRANSIT’s mission to provide and safely manage mass transit services in New Jersey. NJ TRANSIT’s stations and terminals are centers of activity in their respective communities through which many people pass each day. From time to time, NJ TRANSIT receives requests from members of the public for permission to exercise their constitutional rights of expression at such stations and terminals. NJ TRANSIT, through this chapter, informs and instructs the public how it can exercise its rights on or about NJ TRANSIT facilities and the procedures to be followed in exercising such rights. NJ TRANSIT also sets forth, in this chapter, the standards of behavior to be followed in or on NJ TRANSIT facilities or equipment. Finally, NJ TRANSIT sets forth, in this chapter, procedures to be followed to obtain authorization to use certain railroad bridges to advertise non-commercial community special events. It is NJ TRANSIT’s objective and intent that any and all applicable provisions of the New Jersey Code of Criminal Justice (Title 2C) [or] the motor vehicle and traffic laws of New Jersey (Title 39), as well as any other applicable statutes of this State shall continue in full force and effect. NJ TRANSIT reserves the right to reject any applications for commercial or non-commercial speech or expression at NJ TRANSIT facilities where such conduct will impair NJ TRANSIT’s ability to conduct its mass transit related business or where such expression gives rise to a credible public safety concern.

16:83–1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Non-commercial community special event” means any non-commercial event open to the public, conducted and/or sponsored by a governmental, educational, charitable, [or] religious, or any other non-profit organization. This definition is not intended to apply, and does not
apply to, [events or] activities that are conducted on a continual, ongoing basis. Non-commercial community special events [include, but are those activities [not limited to, events] conducted on a one-time, annual, monthly, or seasonal basis on specific calendar dates.

16:83–1.6 Enforcement
If NJ TRANSIT determines that any person’s conduct violates any of these rules, that person shall be subject to such sanctions as deemed appropriate including ejection from the premises, arrest, [fine and/or imprisonment] pursuant to the applicable laws [and/or ordinances].

SUBCHAPTER 2. CERTIFICATE OF REGISTRATION AND BRIDGE BANNER PERMIT FOR NON-COMMERCIAL EXPRESSION

16:83–2.1 Non-commercial speech and expression; generally
(a) To accommodate persons who desire to engage in non-commercial speech and expression at designated on the map or rider activities at specified NJ TRANSIT facilities, the Senior Director, Real Estate and Economic Development or his or her designee will issue, subject to terms and conditions set forth in these rules, a Certificate of Registration (Certificate) on a first-come, first-served basis, to permit conduct of noncommercial expression in a specified location (as designated on the map or rider attached to the Certificate) at a particular NJ TRANSIT facility. [In order to receive a certificate, a person must complete an] An application must be completed in its entirety. [If the application is being made on behalf of an organization, the] The application must state [the number of persons requesting the Certificate and] the number of persons expected to be in attendance. The Certificate will be issued without charge and, consistent with these rules, shall be subject to availability and limitations of space and conditions. The completed application must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the Certificate is to be effective. [The Certificate will be issued, as soon as practicable upon] Upon application in person, or upon receipt of the original completed application by postal mail, electronic mail, or telefax, the approved Certificate will be issued within 10 business days after receipt of the completed application. Applications that have not been completed in their entirety shall be subject to being deemed as [unsuccesfully completed] incomplete and will be returned to [sender] the applicant.
(b) The Senior Director, Real Estate & Economic Development or his or her designee may issue Bridge Banner Permits, subject to terms and conditions set forth in this chapter, including, but not limited to N.J.A.C. 16:83-1.4, on a first-come, first-served basis, to permit display of the advertisement on a specified railroad bridge. [Applications] Bridge Banner applications that are completed in their entirety, including the verbatim text and graphics to be used in the advertisement, will be considered successfully completed. The completed application must be [submitted] received no later than 10 business days, but no earlier than 365 days, before the first date on which the permit is to be effective. [Banner Permits will be issued as soon as practicable upon] Upon application in person, or upon receipt of the original completed application by postal mail, electronic mail, or telefax, the approved Banner Permit will be issued within 10 business days after receipt of the completed application.
(c) Applications for Certificates of Registration and Banner Permits may be obtained on weekdays between 9:00 A.M. to 5:00 P.M. by contacting:
Real Estate and Economic Development
One Penn Plaza East
Newark, NJ 07105
Telephone: (973) 491-7451 or (973) 491-8078
Fax: (973) 491-7331
Applications can be sent to the requester by postal mail, electronic mail, or telefax.

16:83-2.2 Application for Certificates of Registration [and Banner Permit]
(a) The application for a Certificate of Registration, signed by the applicant, shall contain the following:
1. [No change.]
2. [No change.]
3. [If more than one Certificate is requested, the] The name(s) and title(s) of the individual(s) who will have supervision of and responsibility for the non-commercial expressive conduct at the specified facility during the term of the Certificate;
4. [No change.]
(b) The application for a Banner Permit, signed by the applicant, shall contain the following:
1. The applicant’s name, address, and telephone number and the name of the organization, which the applicant represents;
2. The name(s) and contact information of the banner-hanging organization that will have supervision of and responsibility for placement, installation, and maintenance of the banner during the term of the Banner Permit;
3. A statement that the proposed advertisement is for a non-commercial public special event;
4. The verbatim text and graphics to be used in the banner; and
5. If requested, the Banner Permit holder shall supply a list of credible professional references who can attest to the qualifications of the banner-hanging company.

16:83–2.3 Disposition of application; appeal of denial
(a) Upon receipt of the completed application, the appropriate NJ TRANSIT official or designee shall, as soon as possible, give, telefax or mail the applicant the Certificate or Banner Permit, if available.
(b) If the applicant is denied a Certificate or Banner Permit after completing the application, the applicant may appeal this denial by contacting:
Assistant Executive Director (AED), Communications and Customer Service
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246
(c) An appeal shall be made in writing and shall include a statement describing the nature of the appeal and what factual issues, if any, shall be in dispute. As soon as possible after receipt of such appeal, the AED, Corporate Communications and External Affairs or his or her designee shall conduct a review on the papers if any factual dispute exists and render a decision. The decision shall be made in writing and shall set forth the basis for the decision. Where an applicant wishes to contest this decision, the applicant may, within 30 days, request a contested case hearing and the matter shall be forwarded to the Office of Administrative Law for fact finding before an Administrative Law Judge (ALJ), pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The ALJ shall issue an Initial Decision, which shall be returned to the NJ TRANSIT Board of Directors for a final agency decision.

16:83-[2.4]2.3 Validity of Certificates of Registration [and Banner Permit]
(a) Each Certificate of Registration (Certificate) shall be valid for the date(s) and time(s) appearing on the approved Certificate. A Certificate [of Registration] shall be valid for up to, but not more than, five days. A Certificate shall not be valid prior to 6:00 A.M. or after the closing time of the facility. If the facility does not close, the Certificate shall be valid only until [12:00 midnight] 10:00 P.M. of the date(s) appearing on the Certificate.
(b) Each Certificate shall be valid only for the person(s) designated by NJ TRANSIT on that Certificate. Certificates [shall] are not be transferred or assigned to another person transferable.
(c) NJ TRANSIT may limit the number of valid [concurrent] Certificates [of Registration] to the maximum number of individuals established for the particular facility, as indicated on the map or rider attached to each Certificate [of Registration], taking into account the public transportation purposes and staffing levels of the facility. [NJ TRANSIT will distribute Certificates of Registration on a “first-come, first-served” basis until the maximum number of individuals has been reached for the facility.]  
(d) Certificates [of Registration] shall be valid only at the facility or facilities specified on the Certificate.
16:83–2.4 Application for Banner Permit
(a) The application for a Banner Permit, signed by the applicant, shall contain the following:
1. The applicant’s name, title, address, and telephone number and the name of the organization, which the applicant represents;
2. The name(s) and contact information of the banner-hanging organization that will have supervision of and responsibility for placement, installation, and maintenance and removal of the banner during the term of the Banner Permit;
3. A statement that the proposed advertisement is for a non-commercial community special event, is open to the public, and includes specific calendar dates on which the activity will take place;
4. The verbatim text and graphics to be used in the banner; and
5. If requested by NJ TRANSIT, the Banner Permit holder shall supply a list of credible professional references who can attest to the qualifications of the banner-hanging company.

16:83–2.5 Validity of Banner Permit
[e] A Bridge Banner Permit is valid for up to, but not more than, 14 days. The bridge banner shall be removed no later than noon following the final date appearing on the Banner Permit.

16:83–2.6 Disposition of application; appeal of denial
(a) If NJ TRANSIT denies an application for a Certificate of Registration or Banner Permit, the denial shall be in writing and state the reasons for the denial.
(b) The applicant may appeal this denial in writing by contacting the Assistant Executive Director (AED), Communications and Customer Service, New Jersey Transit Corporation, One Penn Plaza East, Newark, NJ 07105-2246, and shall include a statement describing the nature of the appeal and what factual issues, if any, shall be in dispute. If any factual dispute is alleged, the AED, Communications and Customer Service or his or her designee shall conduct a review on the papers and render a decision, within 15 days after receipt of such appeal. The decision shall be made in writing and shall set forth the basis for the decision. Where an applicant wishes to contest this decision, the applicant may, within 30 days, request a contested case hearing and the matter shall be forwarded to the Office of Administrative Law for fact finding before an Administrative Law Judge (ALJ), pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The ALJ shall issue an initial decision, which shall be returned to the NJ TRANSIT Board of Directors for a final agency decision.

16:83–2.7 Limitation of Certificate or Banner Permit
NJ TRANSIT may cancel, temporarily defer, or modify the Certificate or Banner Permit for emergent public health, welfare, or safety reasons, including extraordinary weather, public failures, accidents, terrorism, disasters, strikes, riot, fire, civil disorder, service disruptions, special NJ TRANSIT-sponsored customer service events or other events, which create an unsafe condition in the relevant expressive area or which substantially interfere with the transportation related activities of the facility. NJ TRANSIT may revoke or suspend any Certificate or Banner Permit where it has concluded that the Certificate or Banner Permit holder has violated the requirements of the Certificate or Banner Permit, these rules, or both.

Recodify existing 16:83–2.11 and 2.12 as 2.13 and 2.14 (No change in text.)

TREASURY-GENERAL

DIVISION OF PENSIONS AND BENEFITS
State Health Benefits Program

Proposed Readoption with Amendments: N.J.A.C. 17:9

Proposed Repeal and New Rule: N.J.A.C. 17:9-3.5

Authorized By: State Health Benefits Commission, Kierney Corliss, Acting Secretary.

Authority: N.J.S.A. 52:14-9.27.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-069

Submit comments by July 15, 2016, to:
Susanne Culliton
Assistant Director
Division of Pensions and Benefits
PO Box 295
Trenton, NJ 08625-0295
DPB.Regulations@treas.nj.gov

The agency proposal follows:

Summary
The State Health Benefits Commission (Commission) is responsible for reviewing N.J.A.C. 17:9, the administrative rules governing the State Health Benefits Program (SHBP). When these rules are due to expire, or when the Commission becomes aware of a change in the laws or a court decision that impacts the SHBP, the administrative rules are examined to see if any changes are mandated. When revision is necessary, steps are taken to propose amendments or new rules that uphold the new statute or court decision. Additionally, the rules are periodically reviewed to ascertain if they are necessary, cost efficient, and reflect current practices.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a).5).

Accordingly, the Commission proposes to readopt the current rules within N.J.A.C. 17:9 pursuant to N.J.S.A. 52:14B-5.1, with the following amendments, repeal, and new rule. The rules at N.J.A.C. 17:9 are scheduled to expire on April 6, 2016, pursuant to N.J.S.A. 52:14B-5.1, however, as the Commission has filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date of the chapter is extended 180 days to October 3, 2016, pursuant to N.J.S.A. 52:14B-5.1(c)(2). This chapter governs all aspects of the administration of the SHBP, including health coverage, dependents, employees, charges, retirement, termination, prescription drug programs, and dental expense programs.

The proposed amendments are as follows:

Subchapter 1. Administration

At N.J.A.C. 17:9-1.2(a), the reference to the open public meetings act is proposed for correction of the citation and the name of the act, as the name of the Act was changed pursuant to P.L. 2006, c. 70, to honor Senator Baer, the Act’s sponsor.

N.J.A.C. 17:9-1.3(a) is proposed to be amended to limit the window for member requests for Commission consideration to a period of one year within the plan’s final adverse benefit determination, once all internal appeals within the plan have been exhausted. This amendment will make this process more efficient. Subsection (a) will also be proposed for amendment to include the external review process, which is now required under the Federal Patient Protection and Affordable Care Act (PPACA).
NOTICE OF ADOPTION
WITH TECHNICAL CHANGE UPON ADOPTION

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities

Readoption with Amendments: N.J.A.C. 16:83

Proposed: May 16, 2016 (Cite 48 N.J.R. 781)

Adopted: September 14, 2016

Dennis Martin, Interim Executive Director
New Jersey Transit Corporation

Filed: September ___, 2016, with technical change upon adoption

Authority: N.J.S.A. 27:25-5.e, .k, and .l

Effective Date: October 17, 2016

Expiration Date: October 17, 2023

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Agency-Initiated Changes:
After the proposal was published, staff noticed a comma was needed in N.J.A.C. 16:83-1.1.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 16:83.

Full text of the adopted amendments and new rules follow (additions from proposal are indicated in boldface with asterisks *thus* and deletions from proposal are indicated in brackets with asterisks *[thus]*):

**SUBCHAPTER 1. GENERAL PROVISIONS**

16:83–1.1 Purpose; scope

The New Jersey Transit Corporation and its subsidiaries (NJ TRANSIT) are responsible for the provision of public mass transit services in the State of New Jersey. NJ TRANSIT owns, controls, and operates equipment (such as railcars and buses), yards and facilities. The facilities include, but are not limited to, rail and bus stations and terminals and are instrumental to NJ TRANSIT’s mission to provide and safely manage mass transit services in New Jersey. NJ TRANSIT’s stations and terminals are centers of activity in their respective communities through which many people pass each day. From time to time, NJ TRANSIT receives requests from members of the public for permission to exercise their constitutional rights of expression at such stations and terminals. NJ TRANSIT, through this chapter, informs and instructs the public how it can exercise its rights on or about NJ TRANSIT facilities and the procedures to be followed
in exercising such rights. NJ TRANSIT also sets forth, in this chapter, the standards of behavior to be followed in or on NJ TRANSIT facilities or equipment. Finally, NJ TRANSIT sets forth, in this chapter, procedures to be followed to obtain authorization to use certain railroad bridges to advertise non-commercial community special events. It is NJ TRANSIT’s objective and intent that any and all applicable provisions of the New Jersey Code of Criminal Justice (Title 2C)*, the motor vehicle and traffic laws of New Jersey (Title 39), as well as any other applicable statutes of this State shall continue in full force and effect. NJ TRANSIT reserves the right to reject any applications for commercial or non-commercial speech or expression at NJ TRANSIT facilities where such conduct will impair NJ TRANSIT’s ability to conduct its mass transit related business or where such expression gives rise to a credible public safety concern.

16:83–1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

... “Non-commercial community special event” means any non-commercial event open to the public, conducted and/or sponsored by a governmental, educational, charitable, religious, or any other non-profit organization. This definition is not intended to apply, and does not apply to, activities that are conducted on a continual, ongoing basis. Non-commercial community special events are those activities conducted on a one-time, annual, monthly, or seasonal basis on specific calendar dates.
16:83–1.6 Enforcement

If NJ TRANSIT determines that any person’s conduct violates any of these rules, that person shall be subject to such sanctions as deemed appropriate including ejection from the premises, arrest, pursuant to the applicable laws.

SUBCHAPTER 2. CERTIFICATE OF REGISTRATION AND BRIDGE BANNER PERMIT FOR NON-COMMERCIAL EXPRESSION

16:83–2.1 Non-commercial speech and expression; generally

(a) To accommodate persons who desire to engage in non-commercial expression at specified NJ TRANSIT facilities, the Senior Director, Real Estate and Economic Development or his or her designee will issue, subject to terms and conditions set forth in these rules, a Certificate of Registration (Certificate) on a first-come, first-served basis, to permit conduct of noncommercial expression in a specified location (as designated on the map or rider attached to the Certificate) at a particular NJ TRANSIT facility. An application must be completed in its entirety. The application must state the number of persons expected to be in attendance. The Certificate will be issued without charge and, consistent with these rules, shall be subject to availability and limitations of space and conditions. The completed application must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the Certificate is to be effective. Upon application in person, or upon receipt of the original completed application by postal mail, electronic mail, or telefax, the approved Certificate will be issued within 10 business days after receipt of the completed
application. Applications that have not been completed in their entirety shall be subject to being declared as incomplete and will be returned to the applicant.

(b) The Senior Director, Real Estate & Economic Development or his or her designee may issue Bridge Banner Permits, subject to terms and conditions set forth in this chapter, including, but not limited to N.J.A.C. 16:83-1.4, on a first-come, first-served basis, to permit display of the advertisement on a specified railroad bridge. Bridge Banner applications that are completed in their entirety, including the verbatim text and graphics to be used in the advertisement, will be considered successfully completed. The completed application must be received no later than 10 business days, but no earlier than 365 days, before the first date on which the permit is to be effective. Upon application in person, or upon receipt of the original completed application by postal mail, electronic mail, or telefax, the approved Banner Permit will be issued within 10 business days after receipt of the completed application.

(c) Applications for Certificates of Registration and Banner Permits may be obtained on weekdays between 9:00 A.M. to 5:00 P.M. by contacting:

Real Estate and Economic Development
One Penn Plaza East
Newark, NJ 07105
Telephone: (973) 491-7451 or (973) 491-8078
Fax: (973) 491-7331

Applications can be sent to the requester by postal mail, electronic mail, or telefax.
16:83-2.2 Application for Certificates of Registration

(a) The application for a Certificate of Registration, signed by the applicant, shall contain the following:

1.-2. (No change.)

3. The name(s) and title(s) of the individual(s) who will have supervision of and responsibility for the non-commercial expressive conduct at the specified facility during the term of the Certificate; and

4. (No change.)

16:83-2.3 Validity of Certificates of Registration

(a) Each Certificate of Registration (Certificate) shall be valid for the date(s) and time(s) appearing on the approved Certificate. A Certificate shall be valid for up to, but not more than, five days. A Certificate shall not be valid prior to 6:00 A.M. or after the closing time of the facility. If the facility does not close, the Certificate shall be valid only until 10:00 P.M. of the date(s) appearing on the Certificate.

(b) Each Certificate shall be valid only for the person(s) designated by NJ TRANSIT on that Certificate. Certificates are not transferable.

(c) NJ TRANSIT may limit the number of valid Certificates to the maximum number of individuals established for the particular facility, as indicated on the map or rider attached to each Certificate, taking into account the public transportation purposes and staffing levels of the facility.

(d) Certificates shall be valid only at the facility or facilities specified on the Certificate.
16:83–2.4 Application for Banner Permit

(a) The application for a Banner Permit, signed by the applicant, shall contain the following:

1. The applicant’s name, title, address, and telephone number and the name of the organization, which the applicant represents;

2. The name(s) and contact information of the banner-hanging organization that will have supervision of and responsibility for placement, installation, and maintenance and removal of the banner during the term of the Banner Permit;

3. A statement that the proposed advertisement is for a non-commercial community special event, is open to the public, and includes specific calendar dates on which the activity will take place;

4. The verbatim text and graphics to be used in the banner; and

5. If requested by NJ TRANSIT, the Banner Permit holder shall supply a list of credible professional references who can attest to the qualifications of the banner-hanging company.

16:83-2.5 Validity of Banner Permit

A Bridge Banner Permit is valid for up to, but not more than, 14 days. The bridge banner shall be removed no later than noon following the final date appearing on the Banner Permit.

16:83-2.6 Disposition of application; appeal of denial
(a) If NJ TRANSIT denies an application for a Certificate of Registration or Banner Permit, the denial shall be in writing and state the reasons for the denial.

(b) The applicant may appeal this denial in writing by contacting the Assistant Executive Director (AED), Communications and Customer Service, New Jersey Transit Corporation, One Penn Plaza East, Newark, NJ 07105-2246, and shall include a statement describing the nature of the appeal and what factual issues, if any, shall be in dispute. If any factual dispute is alleged, the AED, Communications and Customer Service or his or her designee shall conduct a review on the papers and render a decision, within 15 days after receipt of such appeal. The decision shall be made in writing and shall set forth the basis for the decision. Where an applicant wishes to contest this decision, the applicant may, within 30 days, request a contested case hearing and the matter shall be forwarded to the Office of Administrative Law for fact finding before an Administrative Law Judge (ALJ), pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The ALJ shall issue an initial decision, which shall be returned to the NJ TRANSIT Board of Directors for a final agency decision.

16:83-2.7 Limitation of Certificate or Banner Permit

NJ TRANSIT may cancel, temporarily defer, or modify the Certificate or Banner Permit for emergent public health, welfare, or safety reasons, including extraordinary weather, power failures, accidents, terrorism, disasters, strikes, riot, fire, civil disorder, service disruptions, special NJ TRANSIT-sponsored customer service events or other
events, which create an unsafe condition in the relevant expressive area or which substantially interfere with the transportation related activities of the facility. NJ TRANSIT may revoke or suspend any Certificate or Banner Permit where it has concluded that the Certificate or Banner Permit holder has violated the requirements of the Certificate or Banner Permit, these rules, or both.

Recodify existing 16:83-2.6 through 2.9 as 2.8 through 2.11 (No change in text.)

16:83–2.12 Banner installation, maintenance and removal

   (a)-(b) (No change.)

   (c) If access to the track is requested for any reason, and the request is granted, an NJ TRANSIT railroad protective flagman is required and the Banner Permit holder shall be liable for all associated labor and administrative costs.

   (d) (No change.)

Recodify existing 16:83–2.11 and 2.12 as 2.13 and 2.14 (No change in text.)
EXECUTIVE SESSION AUTHORIZATION

BE IT HEREBY RESOLVED pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Board of Directors of the New Jersey Transit Corporation hold an executive session to discuss personnel matters, contract and collective bargaining negotiations, purchase of security services to enhance safety tactics and techniques, the status of pending and anticipated litigation and matters falling within the attorney-client privilege, including, but not limited to, the Personal Injury Claim of Carmela Currier and the Personal Injury Claim of Ernesto Abril; and

BE IT FURTHER RESOLVED that it is expected that discussions undertaken at this executive session could be made public at the conclusion of these matters as appropriate.
ITEM 1610-46: PERSONAL INJURY CLAIM OF CARMELA CURRIER

BENEFITS

It is the opinion of NJ TRANSIT and defense counsel, in recognition of the totality of the circumstances including the death that resulted, to settle the claim of Carmela Currier.

ACTION

Staff seeks authorization to settle the claim of Carmela Currier 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 venued in the Passaic County Superior Court, Paterson, NJ initiated from a Bus claim.

FISCAL IMPACTS

Requested Authorization: Request authorization to settle the Personal Injury Claim of Carmela Currier

Projected Date of Completion: FY 2017

Anticipated Source of Funds: FY 2017 Operating Budget

Diversity Goals/Participation: Not applicable. No goods or services to be procured.
WHEREAS, Article VI, Section II of the By-Laws requires Board Authorization for settlement of claims in excess of $500,000; and

WHEREAS, Carmela Currier has presented a claim with a probable settlement cost greater than $500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to settle the claim of Carmela Currier 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 1610-47: PERSONAL INJURY CLAIM OF ERNESTO ABRIL

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 Ernesto Abril.

ACTION

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

PURPOSE

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

FISCAL IMPACTS

Requested Authorization: Request authorization to settle the Personal Injury Claim of Ernesto Abril

Projected Date of Completion: FY 2017

Anticipated Source of Funds: FY 2017 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, Ernesto Abril has presented a claim with a probable settlement cost greater than $500,000; and

WHEREAS, staff has reviewed the claim and recommends settling this case out of court;

NOW, THEREFORE, BE IT RESOLVED that the Chairman or Executive Director is authorized to settle the claim of Ernesto Abril 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 1610-48: NEW JERSEY TRANSIT POLICE DEPARTMENT SECURITY PROJECT

BENEFITS

To provide additional technical services to support the analytical capabilities of the New Jersey Transit Police Department.

ACTION (Scorecard: Safety and Security)

The New Jersey Transit Police Department seeks authorization to enter into NJ TRANSIT Contract No. 16-026 with Michael Stapleton Associates, LTD, d/b/a MSA Security Inc. for technical services, as discussed in executive session, to support the New Jersey Transit Police Department’s security analysis efforts in an amount not to exceed $321,000.00, subject to the availability of funds.

PURPOSE

The purpose of this project is to provide a security analysis tool that will enhance the analytical capabilities of the department and is consistent with relevant New Jersey Attorney General’s Guidelines.

BACKGROUND

Continued analysis of police related information will improve the capabilities of the New Jersey Transit Police Department and allow it to function in a more effective and efficient manner.

FISCAL IMPACTS

Requested Authorization: $321,000.00 (300K DHS/21K Operating)
Past Authorizations: None
Expenditures to Date: None
Total Project Cost: $321,000.00 (300K DHS/21K Operating)
Projected Date of Completion: 3 years from kick off
Capital Program Amount: $509,800.00
Operating Budget Amount: None
Anticipated Source of Funds: Federal grant (300K) Operating (21K)
PRINTS ID Number: NJT01133
DBE/SBE Goal: RACE NEUTRAL
NJ Build Amount: None
Related Future Authorizations: None
Impacts on Subsequent Operating Budget: None
RESOLUTION

WHEREAS, The New Jersey Transit Police Department utilizes analytical capabilities to enhance its policing efforts of the NJ TRANSIT System; and

WHEREAS, this project will enhance those analytical capabilities and is consistent with relevant New Jersey Attorney General’s Guidelines; and

WHEREAS, upon completion of a competitive procurement process, it was determined that Michael Stapleton Associates, LTD, d/b/a MSA Security Inc. provided the highest rated technical proposal for the project;

NOW, THEREFORE, BE IT RESOLVED the Chairman or Executive Director is authorized to enter into NJ TRANSIT Contract No. 16-026 with Michael Stapleton Associates, LTD, d/b/a MSA Security Inc. for technical services, as discussed in executive session, to support the New Jersey Transit Police Department’s security analysis efforts in an amount not to exceed $321,000, subject to the availability of funds.
ITEM 1610-49: APPOINTMENT OF EXECUTIVE DIRECTOR AND AUTHORIZATION TO NEGOTIATE AND EXECUTE AN EMPLOYMENT AGREEMENT

BENEFITS

Steven H. Santoro possesses the qualifications to meet the requirements of the position of Executive Director and the needs of the agency. As a top transit executive with experience at major transportation agencies, he brings a wealth of management experience and is an expert in the implementation of major transportation projects in conjunction with ongoing operations.

ACTION

Appointment of Steven H. Santoro as Executive Director of NJ TRANSIT effective on October 14, 2016 and authorization for the Chairman to negotiate and execute an Employment Agreement with Steven H. Santoro on the terms, conditions, salary, and benefits by which he will serve as Executive Director as discussed in executive session.

PURPOSE

This action will provide for the appointment of the Executive Director of NJ TRANSIT on the terms, conditions, salary, and benefits appropriate for a high-level executive with exceptional qualifications.

When appointed, the Executive Director will have all of the powers under NJ TRANSIT’s enabling legislation, its By-Laws, and Board Resolutions, unless specifically limited by appropriate action of the NJ TRANSIT Board of Directors.

FISCAL IMPACT

Requested Authorization: Appointment of Steven H. Santoro as Executive Director of NJ TRANSIT and authorization for the Chairman to negotiate and execute an Employment Agreement with Steven H. Santoro on the terms, conditions, salary, and benefits of his employment as discussed in executive session.
RESOLUTION

WHEREAS, Steven H. Santoro possesses the necessary qualifications to meet the requirements of Executive Director and the needs of NJ TRANSIT; and

WHEREAS, Steven H. Santoro will serve in the position of Executive Director on the terms, conditions, salary, and benefits as negotiated by the Chairman as discussed in executive session;

NOW, THEREFORE, BE IT RESOLVED that Steven H. Santoro is hereby appointed Executive Director of NJ TRANSIT, effective on October 14, 2016, and that the Chairman is authorized to negotiate and execute an Employment Agreement with Steven H. Santoro on the terms, conditions, salary, and benefits as discussed in executive session.