
Committee Meeting

of

ASSEMBLY TRANSPORTATION COMMITTEE

*“Discussion on transportation issues concerning
freight trains idling in residential areas”*

LOCATION: Council Chambers
Teaneck Municipal Building
Teaneck, New Jersey

DATE: February 10, 2005
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John S. Wisniewski, Chair
Assemblyman Robert M. Gordon
Assemblyman Gordon M. Johnson
Assemblyman Vincent Prieto
Assemblywoman Joan M. Voss
Assemblywoman Loretta Weinberg
Assemblyman Kevin J. O’Toole
Assemblyman John E. Rooney



ALSO PRESENT:

Nancy M. Lipper
Maureen McMahon
*Office of Legislative Services
Committee Aides*

Christopher Jones
*Assembly Majority
Committee Aide*

Jerry Traino
*Assembly Republican
Committee Aide*

Meeting Recorded and Transcribed by
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ASSEMBLYMAN JOHN S. WISNIEWSKI (Chair): Good morning. I'd ask everyone to take your seat.

Good morning. My name is John Wisniewski. I'm Chairman of the Assembly Transportation Committee. Today we're holding a public hearing on rail freight noise in the municipality of Teaneck. Really, rail freight noise as it affects citizens, generally, in many parts of the state. It's not an issue that only happens here. But it's certainly an issue that Assemblywoman Weinberg had brought to my attention, and asked that the Transportation Committee convene a hearing up here to hear from the elected officials and, more importantly, the people of Teaneck, to understand and appreciate the scope of the problem and to consider possible solutions on how we may remedy that problem.

A couple of procedural matters first. Substituting in today on the Committee: We have a letter from Assembly Speaker Sires appointing Assemblyman Robert Gordon to substitute for Assemblyman Brian Stack. We have a letter from the Speaker appointing Assemblywoman Loretta Weinberg and Assemblywoman Joan Voss to substitute for members John Burzichelli and David Mayer. And we have Assemblyman John Rooney substituting for Assemblyman Fran Bodine.

If you are interested in speaking and making a presentation to the Committee, I would ask that you fill out one of the sheets of paper that are on the small table over there (indicating) and try to put as much information as possible. We are being recorded -- the microphones on the table for testifying, and up here at the dias. We'll prepare a written transcript of today's

proceedings. So speak clearly, but also be careful what you say, because it's going to be recorded.

And with that, I know that we have our County Executive, Dennis McNerney, here.

ASSEMBLYWOMAN WEINBERG: I haven't seen him yet.

ASSEMBLYMAN WISNIEWSKI: He's on his way. Okay, very good.

Then I'd like to ask Maureen for a roll.

MS. McMAHON: Assemblyman Rooney?

ASSEMBLYMAN ROONEY: Here.

MS. McMAHON: Assemblyman O'Toole?

ASSEMBLYMAN O'TOOLE: Present.

MS. McMAHON: Assemblyman Gibson and Assemblyman Biondi are absent.

Assemblywoman Weinberg?

ASSEMBLYWOMAN WEINBERG: Here.

MS. McMAHON: Assemblywoman Voss?

ASSEMBLYWOMAN VOSS: Here.

Assemblywoman Stender is absent.

Assemblyman Prieto?

ASSEMBLYMAN PRIETO: Here.

MS. McMAHON: Assemblyman Johnson?

ASSEMBLYMAN JOHNSON: Here.

MS. McMAHON: Assemblyman Gordon?

ASSEMBLYMAN GORDON: Here.

MS. McMAHON: Assemblyman Chivukula is absent, and Vice Chairman Caraballo.

Chairman Wisniewski?

ASSEMBLYMAN WISNIEWSKI: Here.

Do we have a quorum?

MS. McMAHON: Yes, we're good.

ASSEMBLYMAN WISNIEWSKI: We have a quorum.

Okay. We're going to take testimony. If you have anything prepared, I would love to have a copy of it for our record. If you can, if they're written -- I certainly understand if you need to read it -- try to paraphrase, if possible. We have a number of people who have signed up to testify, and we'd love to be able to hear everybody in a reasonable period of time. If you finish your testimony and you think there's something else you want to say, we'll certainly allow you to come back up. But we'd like to provide everybody an opportunity to provide information and testimony to the Committee.

That being said, I would like to call, first, the Mayor of the Township of Teaneck, Mayor Jacqueline Kates.

Mayor?

MAYOR JACQUELINE B. KATES: Chair Wisniewski and members of the Assembly Transportation Committee, I am pleased and privileged to welcome you to Teaneck on behalf of the Teaneck Township Council and administration, and to thank you for demonstrating your responsiveness to this community by scheduling today's hearing in the Township of Teaneck. I would like to express my sincere gratitude and appreciation to Assemblywoman Weinberg and Assemblyman Johnson, and

their staff, particularly Debbie Francica and Yvette Roland, for their continuing efforts on behalf of the residents of Teaneck; and for their very real concern for the suffering of Teaneck residents caused by the idling and parking of trains for incredibly long periods of time -- unacceptably long periods of time -- within the Township of Teaneck, and the deleterious effect of that parking and idling on the quality of life and the health of Teaneck residents.

I know that you are aware of the terrible negative impact on the residents who live closest to the railroad -- the noise, the fumes, the pollution -- but I would like to show you the sheer volume of the complaints received by the Teaneck Police Department in the last six years (indicating). And this is not copies for each of you, this is one set of the complaints that we have received. And we know that these reports are only the tip of the iceberg. Many residents never call the Township to complain, and many, many others are too frustrated to continue to call when they see no action to alleviate the problems. The Township reports these complaints every month to CSX, but we have seen no improvement, not even in the last few days since the February 1 deadline that we imposed for CSX to cease and desist train parking and idling in Teaneck.

After repeated meetings with representatives of CSX, the council has turned to our State and Federal representatives for help. We can't do this alone. We have not been successful in convincing CSX that they have a responsibility to the residents of the municipalities through which their trains pass. I surely -- I wish they would just pass through and keep going, rather than using Teaneck as a parking lot.

When the West Shore Line was built many years ago, the Township officials did not permit the construction of at-grade crossings in Teaneck, in order to protect the health and safety of our residents. Now CSX is exploiting the good judgment and foresight of the Township of Teaneck by parking and idling trains here, where there are no at-grade crossings and traffic isn't disrupted. It is merely the lives of our residents that are disrupted. The idling and parking trains not only disrupt the lives of our residents, they pose serious dangers, certainly to children and teenagers who are attracted to play around them or climb under them to cross the tracks.

Since September 11, 2001, the parking and the idling trains are a security threat to the lives of all Teaneck residents. We are concerned about the security of those trains and the freight they carry. Cargo shipments being imported that are not checked upon entering into this country are loaded on those trains, and no one knows what could be placed in those trains surreptitiously. We do know that we are endangered even by legitimate cargo, including toxic chemicals on the trains that should not be allowed to park and idle for hours, often unguarded, within this community.

We also know that these trains certainly could be a target for terrorists. And God forbid that there should ever be an accident or terrorist incident. There are a middle school, and community recreation, and senior center located across the street from the tracks, and a fire station and our voluntary ambulance corp building located next to the tracks -- all in dangerously close proximity to a potential calamity on those rails. I don't foresee an end to this problem, because CSX intends to double its freight loads in the next few years. And any improvements they make to the system will

only give them the opportunity to add more trains along this West Shore Line, which is so profitable for them.

There is another point which I believe is very important, although it does not risk the lives and health of our residents. From the time that I was elected to the Teaneck Township Council, I have worked for the revitalization of passenger rail service in Teaneck along the West Shore Line. There are exciting plans in the works for development of a true, regional rail network for northern New Jersey, and the thousands of people who live in communities along the West Shore should be able to be a part of that rail network. Passenger rail service would provide a much-needed economic boon to Teaneck's two major business districts along the rail line, and reduce the automobile traffic and pollution in Teaneck and throughout the region. However, at a transportation summit sponsored by the County of Bergen in October, CSX representative Maurice O'Connell appeared to veto any possibility that CSX would consider allowing passenger rail along with their freight. And it is certainly technically possible to do that, particularly with the use of the DMU, the Colorado rail car.

CSX is adding additional track and sidings, but not to alleviate our idling and parking problems, not to allow for passenger rail service during commuter hours, but rather to increase their freight and their profit margin. They're a great cost to this Township in monitoring the train idling, and patrolling and cleaning the underground tunnel, which they are supposed to maintain and is now a subject of litigation. The cost of providing emergency services, in addition to the very real cost of the health and peace of mind of our residents -- CSX should at the very least be paying us impact fees for the

negative impact they have had on the quality of life in Teaneck and the use of our town as a parking lot. Doesn't this giant corporation have a responsibility to the public?

As you well know, the railroads are under Federal jurisdiction, and our Federal legislators have been sympathetic to our plight. Senator Lautenberg and Senator Corzine have been represented by staff at our meetings with CSX, and we are grateful to Congressman Rothman for providing us with \$300,000 in Federal funds for a noise study that we believe will show the unacceptable levels of noise the trains cause; and we hope this study can be used to strengthen local control of noise regulations.

I have recently met several times with representatives of New Jersey Transit, including the Executive Director, George Warrington, who has been very cooperative and supports our efforts to work with our legislators to effect changes and resolution of this unacceptable solution.

Deputy Mayor Deborah Veach has worked for years to bring attention to this issue and hours to develop a chronology which will explain our plight quite vividly. Councilman Katz and other council members here, as well as residents, many of whom will provide testimony and many of whom are just here to show support, I thank them for their presence, and I certainly thank the many county officials who are here.

We appreciate your willingness to listen to the plight of our residents and to work with us to solve this problem. I urge you to use the good offices of the State of New Jersey to advocate on behalf of our residents to the Federal Government.

Your presence in Teaneck this morning has restored in me a glimmer of hope and optimism, and my belief that government can truly function for the benefit of the people.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Mayor? Mayor? We might have some questions.

Mayor, thank you for your leadership on this issue. Just a brief question. I've dealt with the problem with rail freight noise in other localities, and I just wanted to try and get a feel for what's the duration, what's the time frame that this problem has existed? Is it recent or is it long standing?

MAYOR KATES: It's been since CSX has taken over the West Shore Line, so I guess that's about five-and-a-half or six years that -- and the problem increases.

ASSEMBLYMAN WISNIEWSKI: Okay.

MAYOR KATES: And the people who live--

(audience disagrees)

It's been, let's say, that time that we have reports-- We have reports from 1999. But as you will hear, we are not talking about trains that disrupt traffic as they do in Ridgefield Park, where they have at-grade crossings where Mayor Fosdick has said sometimes they can't get around for two or three hours, which is a terrible thing, because they're surrounded by water, and they can't move. We don't have that problem, which is why we think that CSX is in Teaneck. Because we have no grade-level crossings, so trains have been monitored here for 54 hours. They stay for days. Sometimes they are parked, which is bad enough. Many times they are idling. They keep their

engines on so that they don't have to restart them, and that is what the residents live with spewing into their homes -- the noise and the pollution.

ASSEMBLYMAN WISNIEWSKI: Now, the engines that are left idling, are they complete trains or are they just engines?

UNIDENTIFIED SPEAKERS FROM AUDIENCE: Complete trains.

ASSEMBLYMAN WISNIEWSKI: Complete trains. Okay.

And you mentioned something about impact fees. Am I to understand that the municipality receives no compensation in any form from CSX or Conrail?

MAYOR KATES: That is my understanding. I am not aware of any compensation that we receive at all.

ASSEMBLYMAN WISNIEWSKI: Okay.

Assemblyman.

ASSEMBLYMAN O'TOOLE: Thank you, Chair.

First of all, I want to thank you for chairing the meeting and holding it here in Teaneck. And I want to commend my colleagues, Assemblywoman Weinberg and Assemblyman Johnson, for asking for this very timely meeting.

I will tell you, having done a little research in the last couple of days, I am very concerned about the quality of life here in Teaneck. I don't represent Teaneck, don't represent this part of Bergen, but it very much, as our Chairman alluded to, impacts all of our citizens, whether it's in Bergen or Middlesex. And I'm very much concerned about the security issues.

What struck me about your testimony, Mayor, was that this has been going on for five or six years.

UNIDENTIFIED SPEAKERS FROM AUDIENCE: More.

ASSEMBLYMAN O'TOOLE: If we can just-- This is not an open dialogue. Let me just have a couple of questions with the Mayor, and you'll have your opportunity to speak.

ASSEMBLYMAN WISNIEWSKI: In fact, Assemblyman, if I could just--

We want to hear everybody. So if somebody is making remarks, let them finish. If somebody then wants to sign up and testify and correct the record, that's fine. It gets a little difficult to hear everybody if they're talking at once.

Assemblyman, continue.

ASSEMBLYMAN O'TOOLE: Thank you, Chair.

And just a couple of issues, and perhaps it's either for you or for our County Executive. With this problem being present for the last five or six years, has the county or the town -- have they conducted their own studies to document? You said there are some records going back -- and reports back to 1999. Any records or reports or audits or observations that have been made and compiled over the last few years, if you could just forward that to our Chair, that would be helpful for me, number one.

Number two, you spoke about impact fees. Do you have any calculation as to what those impact fees should be, number one, and how the town in turn would process those impact fees? How would the town utilize them to impact and to, I assume, benefit the Teaneck residents?

MAYOR KATES: Well, we haven't really considered it, because it seems so optimistic to even hope that such a thing could happen. But I think that we would certainly -- would be able to calculate the cost to our emergency services -- the fire and the police -- as they patrol our DPW, and keeping clean, the monitoring. How we calculate the cost to our residents and their quality of life, I have no idea. But, as I said, we have records of the calls that have been received by the police. I am sure that that is not a complete record of all of the complaints and unsavory situations that have existed. But I'm sure that we could put -- make an effort in figuring that out. And I would ask our manager to consider a way that we would be able to use that. I think that is doable.

ASSEMBLYMAN O'TOOLE: Mr. Chair, the last question for the Mayor and, I assume, for the County Executive. I'm very heartened to hear that Rutgers is undertaking this \$300,000 study. I'm hoping that this township and the county is very much involved in providing information and with the assembling of that study. I am hoping that there's some -- either there's public hearings or meetings, or there's some input so that Rutgers is just not getting one side of the story. I'm hoping they come here to Teaneck and go to the county, and have the input from where the source-- And I'm hoping, Mr. Chair, that we're going to hear from the CSX representative, at some point in time, in terms of their timetable we've talked about.

ASSEMBLYMAN WISNIEWSKI: We got them a front-row seat.
(laughter)

ASSEMBLYMAN O'TOOLE: Terrific. Excellent. I can't wait to hear from them.

So that's my thought, and I'd like to hear from them.

MAYOR KATES: Well, I'm sure that the study will be factual data. And as far as the county, we have always found them to be extremely cooperative in working with us. And certainly their Department of Planning has been very cooperative as far as any of these issues. And we certainly look to their help, as well as your help, and the help of our Federal representatives.

ASSEMBLYMAN O'TOOLE: Thank you, Chair.

ASSEMBLYMAN WISNIEWSKI: Mayor, if you could provide copies of those records, we'd love to look at them.

I think Assemblywoman Weinberg has a question.

ASSEMBLYWOMAN WEINBERG: Yes. First of all, just -- I'd like to thank you for welcoming us to Teaneck and providing the Teaneck Council Chambers for this Committee. And I would particularly like to thank my colleague and Chairperson, John Wisniewski, for agreeing to come up here at Gordon Johnson's and my request.

I have been in the Legislature for almost 13 years. And I will tell you -- I was just thinking as we were talking about the chronology -- I've probably spent almost half of my legislative career, about six years, dealing directly with this issue. Not six years constantly. I've done a few other things along the way. (laughter)

MAYOR KATES: Thank goodness.

ASSEMBLYWOMAN WEINBERG: But we have had meeting upon meeting with representatives of CSX. One of the first problems that arises is, they're never the same representatives. The cast of characters, and I

don't mean that disrespectfully, changes every time we have a meeting, so you have to start from the beginning.

The last meeting we had, when we set the February 1 deadline, it was very apparent to me, from the representation there, that the CSX folks said, "Okay, we're here to listen, but don't expect us to do anything." That's when I made that wild statement that Deborah Veach and I would tie ourselves to the tracks. But when Debbie Francica, from my office, offered to turn it into a bipartisan fundraiser (laughter), I decided I was going to back off the threat I made. They had offers from both parties to co-chair.

Having said all that, we have articles going back over the last year or two on what bad neighbors CSX have been, not only in Teaneck, but really all over the country. They've broken Federal rules. They haven't paid fines. There is a whole chronology of their behavior.

I want to point out to anybody who might not know, CSX is a private, for-profit corporation. Let's start off with that. It is not a public utility. It is a private, for-profit corporation. It is using tracks in Teaneck that bisect the entire community that are adjacent to a middle school, adjacent on the other side to our recreation center. There is an underpass which they are supposed to maintain, and do not, so that school children can safely cross under the tracks, rather than trying to cut through cars that are idling or parked on the tracks. That would be one of the great places for an impact fee -- to be able to patrol and maintain the underpass. We could use their money, since they haven't agreed to doing that.

I would like to ask a question, though, because there is something that I lost track of. What happened with our request to put up fencing to prevent the kids from going there? Has that been complied with?

MAYOR KATES: We put up the fencing. The Township did it.

ASSEMBLYWOMAN WEINBERG: Okay. So--

MAYOR KATES: And it was to be a--

ASSEMBLYWOMAN WEINBERG: --CSX failed to follow through on what has been a big safety problem in the Township of Teaneck.

MAYOR KATES: We put up fencing. We were somewhat concerned, because we could not fence the entire area, but certainly the area next to the tunnel, which is where many students from that middle school, the Ben Franklin Middle School, cross to get to and from school. That fence has made a big difference.

Also, and I believe that the principal of the school and the superintendent of schools are here. They've certainly made efforts to work with the students so that they understand the dangers of crossing the tracks. But I don't want to call it an attractive nuisance, because it's too dangerous, but it may be an attraction to students when the trains are there, and they can slide under or try to slide under. And who knows when they start up again -- that is a terrible situation.

ASSEMBLYWOMAN WEINBERG: Okay, thank you very much.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Anyone--

Assemblyman.

Mayor, you're not free yet.

MAYOR KATES: Oh, I'm sorry.

ASSEMBLYMAN GORDON: Thank you, Mr. Chairman, and thank you for holding this hearing. And I commend my colleagues, Assemblywoman Weinberg and Johnson, for inviting the Committee here. I just wanted to make sure that my colleagues understand this is just not a local issue. This is happening all over the state.

I, for one, live on Plaza Road, northern Fair Lawn, immediately adjacent to the Bergen line of New Jersey Transit. But it is a conduit for freight traffic as well. It once was, when I was growing up in that house, the Erie Lackawanna line. And I have noticed -- I have 50 years of data, actually, having observed it -- I have seen a marked increase in the freight traffic over the last five years. I understand that may be related to the -- just the growth of our State's economy and the use of the terminals in Newark and Elizabeth. But I can tell you that as of 10:30 last night, there was a locomotive not more than 20 feet from my property line. I could probably tell that the engineer was -- how he takes his coffee -- he was so close. And it was idling for a long time. And sometimes it's 2:00, 3:00, 4:00 in the morning, and it's just getting worse. And I'm sure this is happening all over the state. So this is not a Teaneck problem, this is a State of New Jersey problem.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Thank you, Mayor.

ASSEMBLYMAN ROONEY: Well--

ASSEMBLYMAN WISNIEWSKI: I'm sorry, Assemblyman. I'm sorry.

ASSEMBLYMAN ROONEY: I'm not going to let you go, Jackie.

MAYOR KATES: I knew you wouldn't.

ASSEMBLYMAN ROONEY: I'll get even with you for last week, right? (laughter)

MAYOR KATES: We got a lot of money out of you last week.

ASSEMBLYMAN ROONEY: Yes, I know that. We serve on the Community Development Committee of Northern Valley Region. And as Mayor of Northvale, I'm familiar with this problem also. But the other part of the story is that I lived in Bogota, and I was about five houses from the exact same track. And we had the problem, way back when, when I lived there, where you had trains idling in Bogota. So they seemed to have moved north to Teaneck now. I think one of the reasons that I left at that time -- it's so long ago I have a hard time remembering, because it's 1972 -- but I think one of the reasons was because of the noise of the line. It just happens that now I'm only, I guess, about -- within 500 feet of the same West Shore Line. And when the real estate broker brought me up there, she took me through a convoluted route so I never knew how close we were to the railroad tracks, until finally, when we were talking about actually buying the house, we found out. And we're not that far. But I don't have that problem.

One of my old police officers -- and it's an old story -- many years ago, because the train had blocked-- We have on-grade crossings in Northvale. We have two of them. And when that train is there, it blocks all emergency services. It really fouls up the town. So the on-grade is a real problem. One of our police officers, because a train was idling there or, actually, sitting there for -- I think it was about 14, 15 hours, blocking these crossings, went up to

the engineer and gave him a ticket. They actually had to come to court. I don't know the disposition. I should have looked it up. But one of the things that happens is that there is a Federal law -- after 10:00 p.m. at night -- there is a Federal law that says that the maximum noise level should be no more than 70 DBA. So they are, probably -- I know these diesel engines -- they are probably violating Federal noise laws. So that's the first thing.

The pollution, also, is a second thing. When you have these diesel fumes, maybe -- and if they're idling that long and they just keep them on, bring up the DEP. Let the DEP measure the pollution that's going into these residential areas. Maybe they're guilty of polluting the area, too. So these are a couple of things that we can do locally. And if we don't have enough laws to do that, then this Committee -- and I'm only a substitute. I got called about two days ago. When I heard the subject, I said I definitely want to be there, because I know the problem. I know CSX. I know the problem I've got up in Northvale.

So this is some of the suggestions I can make. I'd like to work together with you on this. We can do it through the county and everything else. CSX is really not a good actor. They're bad actors. They've given us-- (applause) No, please. That's really -- on a committee meeting, we don't allow that usually. Please, no -- and no booing either. Please. (laughter) When CSX gets up here-- I don't know if they came here by train, because I had a hard time parking, as I told you before. (laughter) But I think there are things that we can do. I'd like to work with you on all of it. You know we're neighbors and we're in the same community development catchment area.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

MAYOR KATES: Thank you.

Mr. Chair, if I could just say--

ASSEMBLYMAN WISNIEWSKI: Mayor, certainly.

MAYOR KATES: --briefly. I'm delighted that there are so many substitutes, because the Assembly people who are here are certainly people who we know, and know are friendly to and care about the residents of Teaneck. Of course, I don't know the disposition of the case that you're talking about--

ASSEMBLYMAN ROONEY: I've got to find out.

MAYOR KATES: --but I know what happened in Bogota. And the cases are thrown out because there is no -- it's under Federal jurisdiction. And although some very concerned and vocal residents and council members would have liked us to do the same thing, our township attorney constantly warns us against acting in a way that we know is not legal and proper. So it would be a waste of everyone's time to bring them to court. It would be, certainly, a nuisance to them, but it would--

ASSEMBLYMAN ROONEY: So be it.

MAYOR KATES: So that is a consideration. As far as the DEP, again, I don't know whether that jurisdiction works. We have had to hire consultants, and frankly, that is the reason that we are going with the noise control issue, because of exactly what you say. And hopefully, we can strengthen that local noise control ordinance. It seems to be the only area where the municipality can have some jurisdiction, even though the pollution may be just as serious a problem, and there may be other negative impacts. It seems to be the one area that we can cling onto. Which -- is really unfortunate

that the Federal Government maintains all the control and, well, you know what the result is.

We thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mayor.

Thank you, Assemblyman.

Again, thank you for your testimony.

I see he has arrived. I'd like to call, next, to testify, Bergen County Executive Dennis McNerney.

D E N N I S M c N E R N E Y: Thank you. Thank you, Chairman, for actually having this in Bergen County, and all members of the Assembly Transportation Committee. It's important that you're here. And I'm delighted that so many from the Bergen County delegation-- Thank you, Assemblyman Gordon Johnson and Assemblywoman Weinberg, as well, and Assemblywoman Joan Voss and Bob Gordon. And also, I wanted a special thank you to Assemblyman O'Toole, who does represent Bergen County, showing your commitment and your importance. And Assemblyman Rooney as well, in terms of -- I know your intimate knowledge is -- particularly on the Northern Line -- is important, and I want to thank you, as well, for substituting.

But at this time, I just want to echo what the Mayor said -- to really call upon our Federal and State delegation to negotiate with CSX and the Federal regulators, as well as -- not just terms of negotiation in the problem, particularly in Teaneck, but also to really-- The issue, I believe, is really in terms of updating the antiquated Federal regulations that really need to be dealt with in terms of the idling of the trains -- really in terms of a quality-of-life issue for our communities, in terms of why-- We realize there

is a need out there, in terms of the national economy for railroad lines; that also it's a quality of life for the residents of Teaneck and surrounding communities, and other areas affected.

I know, the Chairman -- you talked about it in other portions of New Jersey. So I think it is important that we work together. And this is also-- I'm going to take this opportunity as an open invitation -- believe me, I know all the members of the Teaneck Council have been working with my County Planner, who is here, Farouk Ahmad. They are intimate, and they are well-informed of all the issues that are going on in this. And there isn't anything that we don't know in terms of the idling. We hear the complaints. Believe me, the Mayor and all of the Council and the Assembly members are working overtime in registering these complaints. We are working with them as well. At this time, I want to offer all of my Planning Department. In fact, other members are here as well, in terms of working together to really come to a solution on this.

ASSEMBLYMAN WISNIEWSKI: Thank you. That's very appreciative.

MR. McNERNY: Thank you, Chairman.

Thank you, members of the Assembly. (applause)

ASSEMBLYWOMAN WEINBERG: Can I just make a comment about--

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN WEINBERG: --what the County Executive just said. The County has been very helpful, but he used the word *negotiate*. That's what we've been trying to do for six years. So this is the next step. I

think we are almost beyond negotiation. And I just wanted to point out that negotiation is what's been going on, and it hasn't been very fruitful.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Next, I'd like to call Deputy Mayor Deborah Veach.

DEPUTY MAYOR DEBORAH VEACH: Do you mind if I stand?

ASSEMBLYMAN WISNIEWSKI: You could stand or sit, whichever is better for you.

DEPUTY MAYOR VEACH: I like to stand.

ASSEMBLYMAN WISNIEWSKI: Just speak loudly, because we don't have amplification. We just have-- I don't think we have-- Is it on? (referring to PA microphone) Okay.

DEPUTY MAYOR VEACH: Is it on?

ASSEMBLYMAN WISNIEWSKI: Yes, okay.

DEPUTY MAYOR VEACH: First of all, welcome to Teaneck, my hometown. Our residents welcome you to Teaneck; and thank you to Assembly persons Weinberg and Johnson for holding the hearings here in Teaneck where our residents can finally be heard.

I wanted to take off from Assemblyman Rooney's comments and his suggestion that the trains be ticketed. I know the residents feel that this problem has been long-standing, more than the five years that we have been dealing with it. But the problem came to a head here in Teaneck when the Bogota mayor did, in fact, do what you suggest, which was ticket CSX. It was a nuisance to CSX because their railroad engineers had to appear in court. And basically what happened was, Bogota's problem became Teaneck's

problem. And we have been dealing with the problem every since the trains stopped idling in Bogota.

A train report -- a train of complaints started to come in, in great numbers, in the year 2000. Before that, there were complaints, but never as many as in 2000. I have prepared comments which I hope to go through, and I hope not to take too long. But I feel very, very strongly with this, as the Mayor mentioned. I've been dealing with this for about five years. I've made numerous presentations and really would like something to be done.

I also, this morning, woke up and realized that many of you are not familiar with Teaneck, so I prepared a little schematic map, which was also handed out, and I can refer to it. You have it, okay.

The first thing, instead of taking the approach that Bogota's Mayor Lonagan had taken, was our approach was much more conciliatory. And I have to say, I was not on the Council then. And I'm not critical, but I think because of that initial conciliatory approach, Teaneck has suffered.

In June, specifically on June 16 of 2000, our previous township manager came to an informal agreement with CSX. Basically, the agreement was to allow CSX to park and idle. Now I believe they came to that agreement because that way they -- meaning the Township Council -- could choose the location. And they chose a particular location which, you can see (indicating) on the schematic that I provided you, is on the south side of -- at the very southern tip of Teaneck, right near Bogota.

Now, at that southern tip, near Terhune Street, there was a gate. We then allowed the train to build a little platform so that the crew members could leave the train and use that gate to enter and leave the trains, whether

it be to change crews, get something to eat, whatever. It was not expected that that particular place become a location for idling for days at a time. It was really to give them a temporary location to get on and off the trains safely.

Now, in the agreement, it basically said *temporary idling location*, and I stress that -- *temporary*. Here we are, four-and-a-half years later, and I don't think that would qualify as temporary by anybody's definition. The other part of the agreement was that those trains were supposed to turn off their engines if the temperature was above 45 degrees; also, if they were going to be there for more than one hour. And again, I stress the fact that this was an interim, a temporary agreement to accommodate the railroad.

On June 20 of 2000, that same month, CSX Vice President Michael Brimmer and his staff came to a town council meeting. I was not on the town council at the time, but I was in the audience. At that time, our residents had an opportunity to speak. And I remember very clearly, we had one of our residents who was an engineer, as well as other residents who have considered this problem. And many suggestions were made, including using antifreeze in the engines, installing sound barriers to protect our residents, perhaps trying mufflers on the engines. And a follow-up letter -- I have the temporary agreement with me, by the way, if anybody cares to see it -- a follow-up letter was sent after that June meeting from our Township manager highlighting those particular suggestions. And I have to say that these suggestions have been around for a long time and are nothing new. There is a SmartStart technology which anybody can find out about on the Internet. In a magazine, I saw the new Evolution Series locomotive -- uses less -- cuts

down on emissions. I mean, if I can find articles about more advanced technology in a ladies' journal-- (laughter)

ASSEMBLYWOMAN WEINBERG: Wow.

ASSEMBLYMAN WISNIEWSKI: In a ladies' journal.

ASSEMBLYWOMAN WEINBERG: We've really graduated, Debbie.

DEPUTY MAYOR VEACH: --ladies' journal, certainly CSX--

ASSEMBLYMAN WISNIEWSKI: Is that like Better Homes and Engineering? (laughter)

DEPUTY MAYOR VEACH: Exactly. Exactly.

ASSEMBLYMAN ROONEY: I don't think they read those magazines.

ASSEMBLYWOMAN WEINBERG: Don't give away all our secrets, okay? (laughter)

DEPUTY MAYOR VEACH: I'd be happy to share those articles with our CSX colleagues.

Anyway, on July 2000, we -- this is after our agreement, where we gave the trains a temporary safe location.

July 2, they're idling.

July 3, the engine is idling at the Cedar Lane Bridge.

July 4, debris is actually blown onto somebody's 4th of July barbecue, because they're parked right outside the backyard of somebody's home. And where are they parked? They're not parked on the southern end where we had asked them to park -- very nicely, I might add -- but they're parked on the northern end of town, right near Bergenfield, where homes

basically line the trains and peoples backyards are feet away from the tracks. So can you imagine having a 4th of July barbecue where debris from the train is actually showering your guests and landing on your food? And this is after we have accommodated them.

The complaints continue. Our Mayor brought you stacks and stacks. I have some of them. And just to highlight a few of the worst: December 12, train idling for over 36 hours. December 31, train idling for 24 hours. Now the reason for that train idling was because there was no crew to come and replace the crew on New Year's Eve. So here we are, and New Year's Eve falls the same day every year (laughter), so this is not a surprise. And not to be prepared with a takeover crew seems to me unreasonable, at best.

March 1, Terhune Street. Now here they're idling in the correct place, but somebody reports a train idling since February 28. They've been there for three days. Unless it was a leap year, I didn't check. It could have been there for four years -- four days. (laughter)

Now I'm going to fast forward. I won't bore you with all the reports. They're here for you to see. (indicating) Fast forward to May 18.

ASSEMBLYMAN WISNIEWSKI: Of this year?

DEPUTY MAYOR VEACH: Excuse me?

ASSEMBLYMAN WISNIEWSKI: Of '04?

DEPUTY MAYOR VEACH: Of '04. And as Mrs. Weinberg mentioned, the faces and names change constantly. No longer is Mr. Brimmer the point person, but now we have Maurice O'Connell, Director of Community Relations. So we're starting from scratch again, and he attends our May 18th meeting. Before that meeting, on April 5, our municipal

manager has the courtesy to write a letter asking for, specifically, the information we would like to have from him, so that our meeting can move quickly. These are my notes from my May 18 meeting. I have to say that Mr. O'Connell was not prepared and did not have any of the answers to the questions that we had posed in writing to him, more than a month in advance of the meeting.

May 19, the day after he is here at our hearing: 553 Chesnut Place, the train is idling in the wrong location. This is the day after he's here.

May 21 -- and I venture to say the temperature was above 45 degrees -- train idling for over three hours. Now, we're still being nice guys. We're still entertaining them in our town council meetings. We're asking nicely, and they're not complying.

July 1 -- oh, I love this one -- this is one-and-a-half months after Mr. O'Connell was here. Our police get a call that a railroad employee is meeting his girlfriend on the tracks. He's not even -- there's not even a train there. He's using our tracks as a trysting place with his girlfriend, using the key that he has to enter the gate and meet somebody. I mean, it costs our town to send somebody to investigate. It's a complete abuse of their privilege for using the gate and the little platform that they've constructed there. This is a quote, "There was quite a bit of action on the tracks this past weekend."
(laughter)

Following that, *The New York Times* did the series that Assemblywoman Weinberg refers to, and that's called "Death on the Tracks." I have copies of that. I believe most of you must have seen that series. I wrote

a letter to the editor, based on that series, which was published. We all have written letters at this point.

July 20, 2004, the Township passes a resolution basically detailing all the things we've been telling Mr. Brimmer, and now Mr. O'Connell, and telling them that we have had enough.

July 12, we send Mr. O'Connell tapes of the meeting, as well as our minutes from the meeting, so that he can respond to the many questions that we have posed to him.

August 10 -- here are my notes from that meeting -- Mr. O'Connell attends another meeting here. Again, unprepared.

September 22, a follow-up letter is sent by Mrs. Fall to Mr. O'Connell, to get information that we could not get at the hearing.

November 2, a follow-up letter to the follow-up letter is sent to ask for the information that we asked for.

December 13, a follow-up letter to the follow-up letter to the follow-up letter is sent.

February 1, another follow-up letter.

And February 8, we get a response from Mr. O'Connell, which basically tells us a very incomplete timetable of the additional construction that they hope to do, and basically that they're "hopeful" that it will reduce the occasions when CSX must hold trains along its main line in Teaneck. They're not promising us anything. They are merely hopeful.

Now, how many months did it take to get a response to our questions on August 10? And how much time did it take from our Township

manager's busy schedule? She has other things to do. We all have other things to do.

December 14, we have an official meeting with Kevin O'Toole and Maurice O'Connell yet again, and township officials, State and Federal representatives there. And it is at that meeting that we give them our final, February 1 deadline.

ASSEMBLYMAN O'TOOLE: Was that O'Toole or O'Connell?

DEPUTY MAYOR VEACH: Both, O'Toole and O'Connell.

ASSEMBLYMAN O'TOOLE: I don't remember being at that meeting. (laughter)

DEPUTY MAYOR VEACH: No, you weren't there.

ASSEMBLYMAN O'TOOLE: Another Kevin O'Toole?

DEPUTY MAYOR VEACH: Yes.

ASSEMBLYMAN O'TOOLE: Another Korean-Irish Kevin O'Toole? (laughter)

ASSEMBLYMAN WISNIEWSKI: We will stipulate for the record that there is only one Kevin O'Toole. (laughter)

ASSEMBLYMAN O'TOOLE: I was not at that meeting.

DEPUTY MAYOR VEACH: January 18, we pass another resolution memorializing this February 1 deadline and asking for this hearing.

February 1, our deadline to stop parking and idling engines in Teaneck. Here are the police reports since February 1.

February 2, train is idling for over three hours.

February 3, two trains are idling, one for 45 minutes, another for 50 minutes.

February 4, a train is idling for eight hours.

February 5, one train idles for 45 minutes, another for over half an hour.

February 6, one idles for half an hour, another one idles for over eight hours.

February 7, a train idles for over 14 hours. Now, I have a picture of that train. The picture of that train appeared in yesterday's paper. This train that we see pictured here (indicating) -- and here I am by the way, as well as three residents who are here as well -- the train was there Sunday afternoon. I was out going to go for a walk. I see a train parked. I go to Terhune Street where they're supposed to be, and sure enough, they're there. The photographer comes. The next morning they'll still there. And I looked at my temperature gauge on my car; it was 56 degrees. That train idled for over 14 hours next to our residents' homes. Now, if you look at where they're parked near Bogota, there are homes on both sides of that track.

ASSEMBLYMAN WISNIEWSKI: Deputy Mayor?

DEPUTY MAYOR VEACH: Yes.

ASSEMBLYMAN WISNIEWSKI: You've got a wonderful chronology here. You're on Page 2 of 4.

DEPUTY MAYOR VEACH: I'm going to hurry up. (laughter)

ASSEMBLYMAN WISNIEWSKI: Okay. We have 25 individuals signed up to testify. I want to give everybody an opportunity.

DEPUTY MAYOR VEACH: Okay, I know. Okay, I'm going to be very, very quick.

Basically, July 20 through January 2005. There have been monthly train complaint reports sent to Michael Brimmer from 2000 to 2003; Maurice O'Connell, during the year 2004; and William Goetz starting this year. Complaints include: idling in the wrong places, honking horns, whistle blowing, security gate left unlocked by CSX crews, garbage odors. And there has not been one month without at least one complaint.

By CSX's estimate, there are over 30 trains a day going through Teaneck. That means about 1,000 trains a month. That means about 12,000 trains a year. There's a personal cost to our residents. Their quality of life has been affected to say the least: Noise pollution; air pollution affecting their physical and mental health; BF students, our middle school students, exposed to solid waste odors; train whistles; clanking of cars. And I know our residents -- you can hear -- they want to speak.

Dangers: derailments of cars. These cars are carrying hazardous materials. North Dakota, there was a derailment; recently, South Carolina. Runaway trains in Ohio; idling trains.

Now, if you look at the map (indicating) where they idle -- and the cars with the poisonous -- the hazardous materials -- are right near the BF Middle School. You'll see the school. You see the Fire Station. You see our park, Votee Park. You see the Rodda recreation center, and you see a PSE&G substation.

Now, *The New York Times* editorial, "Deadly Trains," talks about these hazards. I won't go into it. But they also talk about grade-crossing fatalities, and we don't have grade-crossing fatalities. We don't have them because we had the foresight not to have any grade crossings. If you look at

the map again, there's the underpass we have mentioned before, and there are two overpasses. So instead of rewarding Teaneck for this foresight-- And also, by the way, we have probably saved them millions of dollars in the maintenance and the installation of grade-cross signals; and also, millions and millions of dollars in lawsuits of possible fatalities. Whereas, we've had very, very few because of this foresight. And they're using this against us. Because without those grade crossings, they're using the length of Teaneck as a parking lot.

I'm almost finished.

Now, this -- the underpass. We have copies of a 1925 agreement that obligates the trains to take care -- maintain and repair that underpass. For years, that underpass has been so neglected that it has become a fearful place for adults, let alone our children, to use. It was not cleaned for years. It was not lit for years. The steps have completely deteriorated where the risers are completely uneven. There has been flooding in the trains. Nobody has taken care of that tunnel for years. We have tried to negotiate with CSX, and negotiations basically fell through when the Township refused to take it upon ourselves to maintain and repair that tunnel. They want to get rid of that. They want us to start doing it. So what have we done? We have had to sue them.

Now the other thing, the other -- this has not been mentioned before. All those years that the trains just went through Teaneck, right through, and there were fewer than 30 trains a day, many fewer -- people used to cross the tracks, albeit not safely. But rather than use that horrible

underpass, they used to cross-- But there were hardly any trains. Now when the trains are idling any place, the tracks are basically covered by trains.

What happened? Our middle school students would -- in order to get to school and in order to get home from school -- cross under the trains, the cars, actually climb under them, and also climb in between the cars, not realizing that one-and-a-half miles up there is a train engine on and that train could move at any second. Did they do anything? Nothing. We put up a fence. We put up a fence to force the kids to use the tunnel. We also cleaned up the tunnel costing our Township more money. We put lighting in that tunnel costing our-- We keep the tunnel lit 24 hours just to make it feel safer. We have the police -- more costs to the Township -- check the tunnel several times a day. We now have a fence. People are using the tunnel. What does CSX do? On either side of those fences, they clear the brush completely. They cut down the trees completely, basically saying to the kids, "Here, cross our tracks over here, cross our tracks over there. Forget the fencing, forget the tunnel, this is wide open for you. We invite you to cross."

Now not only is it costing us in lawsuit fees, it's costing us in police response, ambulance, etc., fire. Our DPW is cleaning that underpass. We're trying to get a noise control ordinance, more legal fees and expert fees. These meetings, resolutions -- how much more time can we spend? And to add insult to injury, forget impact fees. They are charging us -- they are actually charging us to run our fire alarm wires and to run our sewer lines across their property. We get bills from them for \$975 a year. And impact fees, not only that, they have taken 36 acres of our property in Teaneck, and that is basically

tax-exempt property. They are costing us money, they are costing us time, and they are costing us tax rateables.

ASSEMBLYMAN WISNIEWSKI: Mayor, if you could summarize a little bit. We have quite a few people anxious to testify.

DEPUTY MAYOR VEACH: Yes, I will.

The promises that they initially made, which were the extended second track of Teaneck further south to Jersey City, was completed in November '02. The promises they made to complete grade separations of Paterson Plank Road and Secaucus Road were finished. The added third track are finished. These are all the construction projects that they have promised would alleviate our problems here in Teaneck. What has happened? They abused these additional tracks to add more trains. And there's not only -- not fewer problems, but there's more congestion because of this, and there's more idling and more parking.

This is costing the Township too much. This was a temporary idling location. Four-and-a-half years is not my idea of temporary, and they have made Teaneck their permanent parking space. They're no longer welcome. We invite them to keep going through town. And I believe Loretta and I will tie ourselves to the track if necessary. (laughter) (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Does anybody have any questions?

Assemblywoman Weinberg.

ASSEMBLYWOMAN WEINBERG: Well, you can hear from the Deputy Mayor's tone of voice and the work she's put into this the sense of frustration that all of our residents have. And I think she summed it up. And

I tried to say at the beginning, and with all due respect to the CSX representatives who are here, nationally you haven't been good neighbors. And just a little line from that recent -- from the July 2004 *New York Times* article that you referred to. It says in here, "CSX faced far more serious complaints. It agreed to pay \$5.9 million to settle civil fraud charges of overbilling the government for crossing lights and gates." So if they haven't lived up to their agreements here, you can see, as I say, the kind of neighbor that they have been nationally. I expect no less, and we need to take much more serious steps.

DEPUTY MAYOR VEACH: By the way, there's an article in today's *Wall Street Journal* that was an outcome of that series, and they are going to try to regulate, because CSX has not been complying with the Federal regulations thus far.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Rooney.

ASSEMBLYMAN ROONEY: Just a question. You mentioned the taxable, the tax losses, and everything else. Do you have any Class 2 railroad property, or is it just all railroad right-of-way?

DEPUTY MAYOR VEACH: This was Class 4A and 5A, I believe.

ASSEMBLYMAN ROONEY: Because at Class 2, I know we have sent tax bills, and then we find out that the ownership of those Class 2 railroad properties are in dispute. There's always a question on that. But I think there's some -- you should have your attorney look into the situation on taxing Class 2. It's not used for the railroad purposes, for the right-of-way. It's a whole different thing, so you might just take a look at it.

The other thing I would -- since you seem to be an excellent spokesman for Teaneck. I appreciate everything you've said. One of the things you should keep an eye on -- and I think Assemblyman Johnson and Assemblywoman Weinberg and I are on the same page with this -- if--

ASSEMBLYWOMAN WEINBERG: On the same track anyway.
(laughter)

ASSEMBLYMAN ROONEY: On the same track, right.

If the county or the State, on the Light Rail, if they start looking at the West Shore, you're going to get many, many more problems than you have now. We cannot go with passenger service on the West Shore Line. The three of us have pushed, and there was a meeting in Tenafly recently, of pushing to put it on the Northern Line. We should all get together and back that Northern Line and not put passenger service or try to put it on this line. Because the impact right now on Teaneck and along the entire line is just too much, and adding passenger service to that would drive us crazy.

ASSEMBLYWOMAN WEINBERG: May I?

Assemblyman Rooney, could we save that discussion for another day?

ASSEMBLYMAN ROONEY: Right. I'm just saying let's look at that, because we're already talking about problems that we've got. Let's put it on the table right now that we don't want it on this line.

ASSEMBLYMAN WISNIEWSKI: Thank you, Deputy Mayor. I appreciate it.

DEPUTY MAYOR VEACH: Thank you for your indulgence.

ASSEMBLYMAN WISNIEWSKI: Next, I'd like to call, representing United States Senator Frank Lautenberg, John Fuller.

And after Mr. Fuller testifies, I'm going to mix it up a little bit. With all due respect to the other elected officials who are here, there's a lot of citizens who have also signed up to testify. I'd like to hear from them as well.

JOHN FULLER: Good morning, everyone.

Although Senator Lautenberg is in Washington and he couldn't be here today, he asked me to come. He told me it was very important. He wanted me here to listen to the community's concerns and to offer the following brief statement -- and it is brief:

"I applaud Chairman Wisniewski and the Committee for calling this meeting today. I have been made aware of a freight train idling issue here in Teaneck by Assemblywoman Weinberg, Assemblyman Johnson, and Mayor Kates, and understand train idling is not a problem unique to this township.

"As we try our best to get large trucks off our roads, making our highways safer and increasing the flow of traffic throughout our region, some communities have begun to feel the sting of what otherwise would be considered a success. Moving goods and people throughout New Jersey in a safe, efficient, and effective manner is in everyone's best interest.

"There rightfully exists an expectation by residents and their elected officials that freight lines be good neighbors to the communities which they travel through.

"Because of the fact that freight rail companies are private, and in most cases have sole ownership over the lines in which they run, it is imperative these corporations honor these expectations and maintain a close,

responsive relationship with each municipality they interact with, and the communities therein.

“Sadly, this appears not to have been the case here and in other areas. Local officials feel they have been long ignored.

“Residents, mayors and Legislators across the state need to feel comfortable that the companies that run freight trains through their towns are willing to diligently work to limit as much as possible any adverse impacts on local communities.

“For when residents, mayors and Legislators feel their concerns are not being addressed, they begin to look at ways to compel -- sometimes through Federal regulations -- the inattentive party to address their concerns. While I sit on the Senate Commerce, Science and Transportation Committee, which regulates railroads, I intend on encouraging the freight lines to address this problem.

“I look forward to hearing the results of this Committee meeting, and truly hope all of the groups involved leave today with a true respect for each other, and a new commitment to mutualism between railroads and our municipalities.”

Thanks, Chairman.

ASSEMBLYMAN WISNIEWSKI: Mr. Fuller, thank you for presenting that testimony on behalf of the Senator. We know his advocacy on this issue, and we’re going to expect to be meeting with him to find ways to get some Federal legislation or regulations enacted.

I next would like to call some of the residents from the Borough of Teaneck who have signed up.

First, Ben Dworkin.

And we have two seats, so I'll call two at a time. And Margot Embree Fisher. Margot, if you could take the other seat.

Mr. Dworkin, please.

B E N D W O R K I N: Thank you, Mr. Chairman. Good morning, everyone.

I want to welcome all of you to Teaneck, and especially thank Assemblywoman Weinberg and Assemblyman Johnson for helping take such a tremendous leadership role in bringing this forum to bear here today.

I just want to make a couple of points to amplify some of the testimony you've already heard. One, the CSX idling trains are an eyesore. We just have to be very clear about that. They dramatically impact our quality of life. They hurt our property values. Anyone coming to buy a home in Teaneck sees the graffiti, sees the air pollution, sees the noise pollution, because they are always there. This is a tremendous issue for all of us, not just the people who live here, but it hurts our property values for those who are trying to buy or for those who are trying to sell.

I also think that we should recognize that the cutbacks in homeland security funding make Teaneck even more vulnerable. We are a multi-ethnic community with large Jewish and Moslem populations. We have specific kinds of threats that are particular to our community. We don't know what kinds of chemicals are being parked on our rails, right here in town, in unguarded trains in residential neighborhoods.

Let me also note for the record that John Snow, the current Secretary of the Treasury in our United States Government -- he is one of the

very people overseeing these cuts in homeland security that New Jersey is facing. John Snow's last job, before he went to Washington, was CEO of CSX. Ladies and gentlemen, he was not a good neighbor then, he is not a good neighbor to us now, and we should start doing something about it.

Finally, let me point out that in our state there are far too many communities that are literally divided by the railroad tracks. There are too many situations -- you can go into any of the 700- or 650-odd towns in New Jersey and see people who live on "the other side of the tracks." There are places like that here in Bergen County. Teaneck made the wise decision to be a community that was not so divided. We made that effort, and it has now cost us. I am firmly of the belief that we should not be punished as we are by CSX. Teaneck should not be punished for making such wise planning decisions.

Thank you for listening and coming here today.

ASSEMBLYMAN WISNIEWSKI: Mr. Dworkin, thank you for your testimony.

Ms. Fisher.

MARGOT EMBREE FISHER: Yes. I'm Margot Fisher. I'm the mother of three students at Ben Franklin Middle School. And I see that Barbara Pinsak is here, and I am sure she is going to articulate those issues far better than I ever could. So I'm just going to make two extremely brief comments.

First is, you haven't heard from the other residents yet. You're going to hear their frustration. And I'll sum it up before they begin: We don't want their stinking trains. (laughter) And the second thing is that I really

want to thank Deborah Veach. Our previous council did take a conciliatory attitude, some would say. I would say that they got rolled over by the trains. I really appreciate Deborah Veach for taking leadership on this, and look forward to joining her in what I hope will be a very, very vigorous opposition to CSX.

That's all. Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

(applause)

I'd next like to call John Annillo and Sandra Lambert.

JOHN A. ANNILLO: (speaks while distributing statement) I'd like to distribute to this Committee a letter written to Senator Corzine, Lautenberg, and Lieberman. The items outlined in that letter have also been brought, confidentially, to the Township Council and our other elected officials.

Again, I'd like to thank you for coming to Teaneck and having this important Committee hearing. I'd like to say hello to Vinnie Prieto, a lifelong friend, and Brian Stack, who is a member of this Committee; both of them are lifelong friends. And I thank you, Loretta Weinberg and Gordon Johnson, our Assembly people, who have taken a leadership role in this matter.

I'll keep my comments brief, and try not to speak on anything that has been addressed prior.

Mayor Kates, I'd just like to correct a comment you made that freight will double on the CSX line. A conservative estimate by the Port Authority of New Jersey -- a conservative estimate is that freight will triple on that line within the next 10 years.

Mr. Assemblyman, it's nice to know that your freight -- you will be getting relief from that, because it is changing over into a passenger line. Again, the Bergen line will be changed to a passenger line that, again, will negatively affect our line, the West Shore Line.

Just so that the Committee knows how important that this matter really is, Jersey City is building a coalition against CSX. They offered us relief by selling us a proposed tunnel to connect Jersey City and the Brooklyn freight yards. There's opposition building in Brooklyn to building such a freight yard. Bogota has been involved. North Bergen -- in North Bergen there are three unauthorized trash transfer facilities that CSX accepts trash from. We have spent a tremendous amount of resources to improve the quality of life to people in New Jersey by building overpasses over Secaucus Road and Paterson Plank Road. That has, thus, increased the profit to CSX by allowing them quick and expedient movement of chemicals and freight to its destination or to the ports.

With the removal of these at-grade crossings, the State of New Jersey should no longer be penalized by CSX for their profit motive. We can legislate them out of New Jersey. We will never accept another side of the tracks. It's time for CSX to move.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony.

Sandra, thank you.

S A N D R A L A M B E R T: Yes. Good morning.

What I had prepared here earlier has been already spoken on. So I would just like to add that I have a beautiful granddaughter, and I'm really concerned about her running around outside my home to play, as her mother did and her uncles. That's really why I came this morning, to speak on the safety. So many of my neighbors are dying of cancer. This is something to really think about. The trains need to go. The parking and idling -- it's become part of our lives, our routine. If you don't hear it -- at least when I don't hear it -- I look out the window, maybe something great happened. Maybe there was a miracle. And like I said, I'm concerned about my health, my family, my neighbors, and of course, as I said earlier, my granddaughter. I no longer let her go out to play, because I don't know all that she's inhaling.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Thank you both for your testimony.

Next I'd like to call Freeholder Valerie Huttle.

V A L E R I E H U T T L E: It's almost good afternoon, but--

ASSEMBLYMAN WISNIEWSKI: Not yet.

MS. HUTTLE: Mr. Chairman, and esteemed members of the Assembly -- and a special thank you to our Bergen delegation and our Teaneck representatives, and the people here today -- I come as a county official. As all of you know, Teaneck is one of the 70 towns that we represent.

For the last many years, most of our constituent calls have been on this issue. And just to note *The Record's* editorial today, they say "a squeaky wheel gets oiled." I don't know how much squeakier this wheel could get. So I don't want to take up time, because I want you to hear from the residents.

They say when you have an issue, take it to the people. The people are here to speak today.

But I also want to just follow through. I understand the noise issue, and that's the way to go to get CSX out. There may be no regulations or Federal regulations or State legislation to take care of the environmental aspect of it, but you know what, CSX -- you're human, you have families. This is a moral obligation. Just to -- God forbid, not even compare or make people nervous -- but you look at Toms River and you look at when those residents fought against big corporations. That was before. Now look at the aftereffects of people dying of cancer in Toms River. Now we know.

What do we need to do here in Teaneck and Bergen County to know that, when we see the high rate of asthma? Do we think it's attributed-- Do we need studies? Do we have to pay for studies? I don't think so. It's common sense. This is common sense. This is a human issue. I think it's a moral obligation, and I think CSX has to listen and has to have a heart and a conscience.

With that, I want to thank you again to our Mayor, our Deputy Mayor, and our Bergen legislation. I have to say, with no disrespect to the State, we have the best delegation in the state. Therefore, when I look at Loretta, I know help is on the way. Let's get it done.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Freeholder.

I'm sorry. Assemblyman.

ASSEMBLYMAN GORDON: If I could just make a comment.

Freeholder Huttel has mentioned, as have a number of people who have testified today, the environmental issue -- specifically air and noise pollution. We've been frustrated by the lack of State jurisdiction over a number of these issues. The State does, however, have the power to regulate pollution from mobile sources. And, in fact, the State Legislature, in 2003, I believe, enacted a Clean Cars Act. The Environment Committee, on which I sit, is now wrestling with the challenge of how to get New Jersey into compliance. As my colleague John Rooney knows, New Jersey is now out of compliance with the Clear Air Act. We've been mandated to rectify that. We've imposed a number of stringent regulations on stationary sources of pollution, and now we are turning to mobile sources.

The Assembly Environment Committee is now considering legislation, for example, to address diesel particulate emissions. We have been looking at buses, truck fleets; those are vehicles that are engaged in interstate commerce, as trains are. I'm wondering whether we need to amend that legislation and consider emission controls on the diesel emissions of locomotives. (applause)

We're talking to truck fleets about spending \$10,000 per truck to retrofit their engines. Maybe we need to start thinking about doing that for locomotives. That's certainly something I'm going to take back to Chairman McKeon today, as we meet this afternoon. I think that would be a fruitful area for the State to explore. I think we ought to let the DEP know that there is this problem in Teaneck, and I think we ought to get DEP personnel up here to monitor diesel emissions on a regular basis when these trains are idling. And

I do think this is one area where the State is empowered to make a difference, and I hope we will.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

MS. HUTTLE: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Voss, did you have anything? No?

ASSEMBLYWOMAN VOSS: No. I would like to say to CSX that I cannot believe that this community has bent over backwards to accommodate you, and that you have abused their help. And I think that you have to do everything you possibly can to rectify the situation. I've been reading reams of paper up here, and I am absolutely appalled at the manner in which you have treated the residents of Teaneck. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Next, I'd like to call Helene Fall, Township Manager.

HELENE V. FALL: Good morning, and thank you very much for allowing me, for this brief opportunity, I promise, to amplify some of the comments that Mayor Kates and Deputy Mayor Veach have made to you today. And I welcome you. And it's so nice to see -- although Ms. Weinberg has stepped off the dias -- to see her up there again, and to again welcome you all to Teaneck.

I want to focus on a few very important issues to Teaneck. One, I would like you to walk away with this: The Township has put its money where its mouth is with respect to this issue, and we have hired train consultants and train experts and noise experts to particularly deal with these

issues. And with that information that we have gathered, I have made two appearances before the New Jersey Noise Control Commission, over the last 24 months, to try to, in a very black-and-white way, demonstrate what our residents experience on an everyday occurrence.

I find it interesting that there are no trains idling in Teaneck today. I wonder why? Enough said about that.

In addition to that, the Township has also hired an expert who is dealing with the issue of noise monitoring, because we are working to provide that very raw data to Rutgers University on the issue of noise, as they undertake their study. So Teaneck is not adverse to spending money in the best interest of their residents, and we will continue to do so in a very diligent and deliberate way.

I speak to you as a manager of this community for almost four years, who as the representative of the Police and Fire Departments, as well as our Public Works Department, has spent thousands of hours responding to our residents calls and pleas to correct this, to stop this. I remember very clearly the first work day after December 25, 2003, when our residents on Terhune Street and Chestnut Place called to tell us that the train had been idling there for over 50 hours. And what was the reason? The reason was a scheduling problem. CSX had crew problems. Didn't they know that their crews were going to age out after a certain number of hours? Did they have to wait and have our residents suffer, because of their lack of organization? It makes no sense to me if somebody who has the responsibility to run a 50-- I run a \$51 million corporation, which is a drop in the bucket to CSX. But I would never have the nerve to say to a resident, as a responsible municipal official, "Sorry,

we couldn't get there. We didn't have the people scheduled, but you're going to have to suffer as a result of that."

So I can truly tell you that in the last two weeks of last year I contacted CSX. I reminded them that December 25, 2004, was going to occur, and I asked them whether they were cognizant of that and were going to make sure that no trains would stop in Teaneck because of a lack of scheduling of crews. And that's the type of stuff that we put up with.

Now, the gentlemen who are here from CSX -- and I have-- I think, as Assemblywoman Weinberg has said, we've gone through a few representatives -- are always very courteous, are responsive after a fashion. And I say that because I'm diligent on behalf of the residents and my elected officials to follow through to get the information. But really, when is enough enough?

And I have two more areas, and I promise I will then stop. One is the area of security. And it's one that our governing body members and our residents have talked about. Because it's no secret that trains idle in Teaneck. And it's no secret that they're carrying all sorts of material. I don't really know-- I don't know what. I know that they're properly placarded, and I know that if, God forbid, the fire department, the police department, and the ambulance corps of this township had to respond to the trains, that CSX would work cooperatively with us on that issue.

But why should we be sitting ducks? Why should trains be idling in Teaneck to make our jobs as municipal employees much, much harder, especially post-9/11? I think it's common sense. "It's not brain surgery," as my husband would say to me.

And finally, this is another tender subject with the Township Council. We are responsible municipal officials. We live up to our agreements. Whether we agree with them or not, we are law-abiding citizens, and that's how we conduct the business of this municipality. And we have a situation where our municipality utilizes the CSX right-of-way in six different locations: Three for storm sewers and sanitary sewers, which are a public health and safety issue, and three other areas where we cross their right-of-ways with fire alarm wires, so that our fire alarm protection system for the residents of -- which total almost 40,000 people -- continues to operate every day. And we have six agreements with them.

I say this to you, because over the course of my tenure as manager, every time this bill comes up -- and it's not a lot of money, it's \$1,100 -- there is always a hearty debate among the members of the council as to whether or not we should pay this bill, because of everything that our residents experience on a day-to-day basis. But as the manager, I stand firmly that we must live up to our obligations to those people with whom we enter an agreement.

I find it interesting that CSX diligently has been harassing and haranguing the township for this \$1,100 for the last six weeks. Now, you know as members of the State Government that municipalities move slowly when it comes to payment, but we're generally good for the money. We operate on a calendar year, so we will be processing this bill. CSX intends to charge us about \$83 in late fees and fines which, of course, I will never pay. And that will be fine. Nor do I return their calls, and I will tell you why. Because they're long-distance calls, and I'm not going to incur one extra cent

on behalf of the residents of this community. (applause) Having said that, we will pay the bill, because we meet our obligations.

I implore you, help us get CSX to meet their obligations. Temporary, as Mrs. Veach said, is not six years. We have done what we thought was the right thing in the best interest of mass transit, where we are committed to that. We understand the benefits to it, but we do not want CSX here. So please, please help us.

I thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony. (applause)

Councilman Katz, from the Township of Teaneck.

C O U N C I L M A N E L I E Y. K A T Z: Good morning.

ASSEMBLYMAN WISNIEWSKI: Do you have prepared remarks?

COUNCILMAN KATZ: I actually want to share with you a *dear editor* letter I wrote back in September of '04. It was not printed, but it's fairly brief.

First, welcome to Teaneck.

“Dear Editor: Since September 11, 2001, we live in a vastly different world. The security and the safety of our families and ourselves is of utmost importance to us, and I think we all are, at least, a little more concerned and a little more aware of the dangers around us.

“As a resident of a town which has CSX trains running through its heart, I'm even more concerned. CSX's callous disregard for our comfort, our

health, and especially our safety and security has prompted me to write this letter. Something has to be done. The situation cannot continue.

“CSX had, and has, no obligation to notify the police, the emergency management team, and/or the neighbors -- including the ambulance corps, which would be a fire responder in case of a tragedy -- of the contents of the train literally sitting in the middle of Teaneck for days at a time.

“This is a catastrophe waiting to happen. I’m not talking about the callous disregard CSX has demonstrated for the communities it has imposed its presence on. I’m not talking about the incredibly dangerous situation that has an idling engine as little as one-tenth of a mile from the railroad crossing used by school children, so that it is impossible for the children to know that the train is moving, and it is impossible for the engineer to know that children are crossing the tracks. I’m not talking about that, because Teaneck fixed that at our expense by erecting fences and cleaning up the underground tunnel, which is a contractual obligation of CSX that they ignore as well. I’m not talking about the third rail that was rammed through the heart of Teaneck for no purpose other than to create room for more idling trains. Teaneck has no say in CSX’s turning a right-of-way into a rail yard. While these situations are frustrating, annoying, and clearly not evidence of CSX’s good intentions, after years of trying, we recognize that there is little we can do about it” -- or at least I thought until today.

“What I am talking about is an immediate and clear danger that these trains pose to our community” -- and I see representatives of Bergen County -- to the entire Bergen County area. “If a truck or trailer were abandoned on Route 80 or 95, how long would it go unnoticed or

uninspected? One truck. Yet every single day, one-mile-long trains are left in Teaneck for hours on end with no accountability, no guards, and no access.

“The first thing you learn in Crime 101 is to never create a pattern.” There are a few police officers in the room and they could tell you this. “CSX negligently ignores that rule as a train that is unguarded, unprotected, and not inspected can be found, right on schedule, in a quiet, unsuspecting residential neighborhood, fully accessible for hours at a time.

“I have been very vocal in sharing my belief and horror about CSX’s continued flaunting of the health and safety of Bergen County residents. To us, it would be a tragedy or a catastrophe. To CSX, it would just be another incident on their vast rail network. I was very hesitant in writing this letter. I felt irresponsible. How can I publicize the danger and potentially invite criminal activity and access to the chemicals and other train cargos? But in fact, it is CSX that is acting irresponsibly. The terrorists, the criminals, the bad guys, already know all about the opportunity CSX has given them in our community. It is the residents that may not realize these dangers.

“We have documented trains idling for more than 24 hours with unknown cargo. CSX’s actions invite and encourage activity detrimental to our health, and safety, and security of our community.

“What we can do -- we can be more vigilant. Ideally, CSX should have guards on all trains at all times. No train should be unguarded and idling, let alone standing still, in a residential area, an easy access. As another anniversary passes” -- and I’d remind you, I wrote this after September 11, of 2004 -- “of the worst terrorist attack in U.S. history, we must be stronger and wiser and not sit idly by as CSX acts negligently and gambles with our lives

and safety for their profit. We need to demand no idling trains in our town. The tracks were never built for it. We became a rail depot at CSX's whim. At a bare minimum, there should be CSX police by all trains that pass through areas at slow speed, and certainly the ones that sit for hours and days.

"This is no longer a matter of bad neighbors. It is a matter of public safety. We must protect our families, our towns, and our lives."

Thank you very much for coming. Thank you very much for listening. Thank you very much for organizing it, Assembly people Loretta Weinberg and Gordon Johnson. We really appreciate your being here.

We lost the Chairman, so I guess he can't tell me to stop talking.
(laughter) Can I keep going?

ASSEMBLYWOMAN WEINBERG: He passed the gavel to me.
So thank you.

COUNCILMAN KATZ: Oh, okay. But we really appreciate it. And like I said, I was always told, "You can't do anything about this, Elie." It's Federal. You can't stop the trains; you can't stop the planes. And your presence today, I think, has given me a lot more hope. I know that it has given the residents a lot more hope. I'm very optimistic that we can make a difference.

ASSEMBLYWOMAN WEINBERG: Thank you. Thank you very much, Elie. (applause)

Former Assemblywoman, former colleague of ours in the Assembly, Rose Heck.

And if you would, we're going to call, next, Barbara Pinsak and John Czeterko, from the Teaneck Board of Education.

Assemblywoman, welcome.

ASSEMBLYWOMAN ROSE MARIE HECK: I'll be brief. I came, actually, to observe.

ASSEMBLYWOMAN WEINBERG: As I know, you couldn't be quiet. (laughter)

ASSEMBLYWOMAN HECK: But as you know, as private citizen and former colleagues, we've always worked on the same page. And listening to this testimony -- is absolutely shocking that CSX has not given you the benefit of helping this community. I looked at this. I listened to the mayor, and the deputy mayor asked me if I would speak in support of what you're doing today.

And, Loretta, this is another horrendous story that has to be resolved in the good way for the benefit of the people.

One of the things that has not been discussed here today -- outside of the safety issues, which are very important; the quality of life, which has been discussed -- is the fact that the property taxpayers of this community are adversely impacted by the bad acts of CSX. And as far as I'm concerned, if I were management at CSX, heads would roll for having allowed this to go this far. Because you're going to push the State Legislature into a position of looking at impact fees, at looking at nuisance fees, and looking at State taxes, which it's my understanding they do not pay. And the point is that they can now be given those costs of the municipalities in which they pass through, or supposedly pass through. Because, in reference to what the councilman says, this is not a railroad yard. The good people of Teaneck and Bergen County should not have to put up with this.

Thank you.

ASSEMBLYWOMAN WEINBERG: Thank you very much, Rose.

Thank you.

Barbara Pinsak and John Czeterko, from the Teaneck Board of Ed.

JOHN F. CZETERKO: Good morning, Committee members, and thank you for coming up to Teaneck.

I won't take a lot of time repeating Deborah Veach, and quite a number of speakers have talked about the safety and security of our students. And really, myself as superintendent, and Barbara Pinsak, as Principal of Benjamin Franklin, we really come here today representing the 4,600 children -- the youngest residents of the Township of Teaneck. And the one thing that we come to do, hopefully, is to put a face representing these children. When you hear an Assembly Committee meeting like this, the children -- it sounds statistical, that there are children crossing the tracks. But Barbara and I, on a daily basis, look into the eyes of these children, all 700 at Benjamin Franklin. And as these kids, as someone so aptly put it, the kids cross underneath trains-- Even one of the 700 is very special to us. We take our responsibility very seriously. And I think the documentation here today about the safety of the tunnel, the overpass, the fencing -- this is because Teaneck cares about its kids, it cares about its youngest residents.

And CSX has really not been a very cooperative partner in this. We have spoken to them a number of times, and you can see what the result is.

Let me turn this over to Barbara, let her speak as well.

BARBARA PINSK: I'm going to be very happy to take back to the students of Benjamin Franklin that so many adults in their community don't feel that they're disposable. You know, it's not a perfect world, and we deal with the education of the students in terms of the trains that pass through the town. That's our responsibility and we know we need to do that.

In the sweltering heat, we close the windows on the east side of the building facing the tracks, because of the noise, pollution, and the effect that open windows and the trains have on the education, the curriculum of the students.

And now the students, in the year 2005, already facing many fears and with many worries that we didn't have as children of that age, we now have to worry about hazardous waste, terrorist attacks on the train tracks, and the many other things that students today face. And we do hear every day about the worries that the students have.

As adults, we know and we want to fix everything for the students, all the time for our kids, and there are just many things that we can't fix any more. But there are some things that we can fix and some things that are easy to fix. And this seems like one of them.

So I thank you very much for your consideration of the students, present and future, at Benjamin Franklin Middle School, and for the staff members who work there as well. And I feel very confident that we're going to do the right thing and continue to do the right thing in Teaneck and in the state for our kids.

Thank you.

MR. CZETERKO: I would just like to thank the Assembly Committee for coming up today. I would also like to thank Assemblywoman Weinberg and Assemblyman Johnson for their continued support of Teaneck and the Teaneck Public Schools.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you.

I would next like to call Ida Kirkland and Daniel Chazin.

Ida, please, go ahead.

IDA KIRKLAND: Good morning. My name is Ida Kirkland, and I hope you have patience with me.

I have been complaining about the train for the last 15 years. Unfortunately, I'm not a rich woman. Because if I had the money, I would have moved. CSX trains have caused me a lot of damage in my house. I cannot hear. I have retired. When I was working, my hearing aids cost \$4,000. I went to have them replaced, they were \$8,000. Where does this money come? Who takes the blame?

You look me in the eyes and tell me that this is not a problem. Both my girls suffer--

ASSEMBLYMAN WISNIEWSKI: Could you just come a little closer to the microphone? (referring to PA microphone)

MS. KIRKLAND: --with hay fever. Hay fever and sinus problems; I can't breath half the time. I'm led to believe that my health problems came from your train. I have cancer -- methomyeloma (phonetic spelling). I live right by your tracks, and you refuse to do anything. I wonder who is in charge? Who is responsible? Who is going to pay the cost of my health, the

kids' health, and my neighbors' health? I'm begging you to do something about the trains.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you.

DANIEL CHAZIN: My name is Daniel Chazin. I'm a lifelong resident of Teaneck. I also happen to be a shareholder of CSX. And I'd like to put--

ASSEMBLYMAN WISNIEWSKI: Just come closer to the-- Sir, come closer to the microphone, please? (referring to PA microphone)

MR. CHAZIN: I'd like to put the discussion today in what I consider to be at least my view of the proper perspective. On the one hand, I strongly support the right of CSX to run trains through town. It's a very important artery for our national commerce. I support the use of railroad rather than trucks to carry freight. The alternative would be more trucks on our very congested highways. We certainly don't want additional trucks on Route 4, Route 17, which are already taxed beyond their capacity.

On the other hand, I think that the way this railroad through Teaneck has been used has been abusive to the citizens of Teaneck. It was never designed to be a yard like it is used today. And the reason for that is, as has been pointed out, that in the 1920s, the crossings were eliminated in Teaneck, and now we have a stretch of right-of-way where there are no grade crossings. Moreover, there used to be four tracks, not three, but four tracks, because there was substantial passenger service on the line. That's what caused Teaneck to grow, and that's why the railroad was here -- to provide passenger service to our residents.

And in this connection, I would strongly disagree with Assemblyman Rooney who says that the West Shore Railroad is not -- won't be for passenger service. To my mind, the reestablishment of passenger service on this line is a true solution to the problem. Because by doing that, you would increase the capacity of a line and eliminate the use of Teaneck as a yard and as a siding. Freight trains have the right to come through here, but they should not stop here and certainly should not idle here for hours and days, as has been commented by many residents.

If we had double track the whole way up to New York state and further down, we wouldn't have this problem. If you look at that map over there, you see that -- it's not to scale -- but from Teaneck to Nyack there are essentially no passing signs on this railroad. And that's where the problem is -- that Teaneck is a bottleneck, because you can't move the trains beyond Teaneck where you have single track. That needs to be solved. And I'd like to see a partnership of public and private funds where the money can be obtained to expand the railroad and then provide passenger service that will be a benefit to the residents of Teaneck. Because presently, the railroad does not provide any benefit to Teaneck. And by the same token, it would alleviate the problem that CSX experiences in operating its trains. It could increase its capacity. I mean, we wouldn't have any more idling trains and the pollution would be substantially reduced.

So to my mind, that's the ultimate solution to this problem.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony.

I'd next like to call Lorraine Henry and Ron Schaumburg.

RON SCHAUMBURG: I don't see Lorraine.

I guess I should go?

ASSEMBLYMAN WISNIEWSKI: Lorraine is not here? (no response) Okay.

Go ahead, sir, please.

MR. SCHAUMBURG: I'd like to echo all the thanks and the indication of hope that I see in the interest of the State. And I would like to indicate for the record that I am not now, nor have I ever been a member of the Communist party. (laughter)

ASSEMBLYMAN WISNIEWSKI: Well, more importantly, are you a CSX shareholder? (laughter)

MR. SCHAUMBURG: I am not a CSX shareholder, and I never will be a CSX shareholder.

I live on Chestnut Avenue, a block away from Terhune, which Ms. Veach indicated on the map is where the trains park. The engines are in direct line of sight from my front window. And I'm fully aware of those trains when I'm home and they're there.

I have a couple of points to make. I'd like to respond to the issue of the DEP. I did call the DEP when this was beginning, back -- and the timetable is correct -- back in 1999. The Federal DEP said it was a State issue. The State told us to call the county. We called the county. The county came out, they sniffed once, said, "We don't smell anything," and left. We got no satisfaction there.

Obviously, there are the problems of noise and smoke. My mother-in-law was visiting. She looked out the window, and she thought the tracks were on fire. It was one of the trains. It was belching its smoke there.

I understand the issue of the diesel smoke control. My bigger concern would actually be the noise, whether regulating the diesel smoke -- masking that problem -- would also eliminate the noise. I think there needs to be two, pardon the pun, tracks on that issue.

A quick comment. Deborah Veach showed you the articles in the paper yesterday -- that's my picture, as well, standing with her. A CSX spokeswoman said she would check on whether that train was idling. Believe me, it was idling. It was there from Sunday, about noon when it arrived. We had that picture taken about 2:00. I called Deborah the next morning to tell her if the photographer wanted to come back and take retakes he could, because the train was still there. And it was there at 8:00 Monday night, idling.

We talk a lot about quality of life. I can't begin to match the concern that the woman who just spoke -- about her illnesses. So I don't mean to trivialize that. But in terms of addressing the issue of quality of life, I think a few specifics might drive the point home, more than just that phrase.

I have a wonderful golden retriever with whom I love to play. And I was playing with her indoors the other day, and I thought, "This is silly. We should go outside to play." So I opened my backdoor, and the noise of the train was so loud as it came up my driveway, bounced off my garage, and came back into the house -- so this was an indirect sound -- the train noise was so loud that I literally took a step back. I could not go outside and play with my

dog. I'm being deprived of the use of my property and the enjoyment of my house.

I thought that was going to be my best train story, but last night-- I don't know how many of you are musical. I try to escape the train noise by playing my electric piano through headphones. And I was playing one of the most beautiful pieces in the world I've ever heard -- it's by Chopin -- and I don't know if you know music. But in the music there's a place where -- it's marked double *P*. I don't know if you know what that means, but it means very, very quiet, play very quietly. I was playing through my headphones, and I got to the beautiful end of this piece, and I couldn't hear the music by Chopin. All I could hear was the noise coming through the train, through the window, into my headphones. If that isn't a disruption in quality of life, I don't know what is.

I commend the council for finally getting to this point. I have been fighting this issue for four years. I gave up two years ago, because I thought it was futile. With Deborah Veach and Jackie Kates on the council, we now have hope. I told someone this morning this is the best thing that's happened in the last six years. So I'm very grateful for you.

I urge you not to believe any of the lies that CSX will tell you, because we've heard them for six years. I absolutely support what everyone has said, is that it's beyond negotiation. And I'm actually a little disappointed that I haven't heard what I thought to be the best proposed solution. CSX is not going to do anything to stop this problem. The problem exists because we don't have at-grade crossings in Teaneck. The solution that I thought was the one that was being proposed and developed was to build at-grade crossings in

Teaneck -- the emergency crossings for the ambulances and fire trucks. If those are built, we have been given to understand that it is by law the train cannot be there for five minutes. In the spirit of negotiation, I'll settle for five minutes of trains if they move on after that.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you. (applause)

Ms. Henry.

LORRAINE HENRY: Yes. Good afternoon. My name is Lorraine Henry, and I just want--

ASSEMBLYMAN WISNIEWSKI: Could you come closer to the microphone? (referring to PA microphone)

MS. HENRY: Yes. My name is Lorraine Henry, and I just wanted to talk about the noise with the trains, and especially there's a lot of depression going around lately. And when those trains stay there -- idle for hours and hours, and someone that really has mental -- that's going to drive you up the wall. And I feel that CSX needs to really step up to the plate and really do something about this, because it really is a very serious problem. And I know. I've lived there over 25 years. And it doesn't bother me that much, but there's a lot of things that's going around with people with their -- as far as being depressed. And that plays a big role in their getting well and doing better.

And I pray that everything will work out well for -- to get these trains off the road, or whatever we have to do. And another thing I also would like to say. Why couldn't we have this meeting in the evening, instead of early in the morning, now, when there's a lot of people at work and can't attend? Why was it put in the morning? Does anyone know?

ASSEMBLYMAN WISNIEWSKI: Yes, I can answer that question.

MS. HENRY: Okay.

ASSEMBLYMAN WISNIEWSKI: The Assembly meets on mornings, Mondays and Thursdays. I wanted to make sure that we had the greatest number of members of the Committee. And trying to schedule it with members of the Committee, this was the best time. I understand that it is not necessarily the best time for the community. We certainly have a good turnout.

MS. HENRY: Yes.

ASSEMBLYMAN WISNIEWSKI: And I'm sure with the mayor and the deputy mayor and the township manager and the other elected officials, that they adequately represent the voices of those that aren't here. We try to make the best accommodations we can, but we have to work with a lot of schedules.

MS. HENRY: That's good, as long as it's being attended to. That's the main thing. And I want to thank every one of you for your attention.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony.

Next, I'd like to call the Bergen County Engineer, Farouk Ahmad. Thank you for your patience.

F A R O U K A H M A D: That's okay.

Good afternoon, Chairman. You are a true friend of Bergen County. Good afternoon, Assembly members.

Since the recent Conrail merger, Bergen County has, as has the rest of the state, experienced an exponential increase in the number of freight trains that traverse our county each day, thereby diminishing the quality of life for thousands along these rail corridors. Idling freight trains, in particular, pose a hazard, with their noise, vibration, and heavy diesel fumes creating a health hazard for nearby residents. We recognize that these problems, while they affect local communities, rest with the State, along with the Federal Government, to resolve.

The State and the rail administration need to work together and partner to resolve these critical issues. Those critical issues are: regulatory reform, number one. Developing new regulation that govern the daily operation of freight railroads that are sensitive to local needs and corollary environmental concern. Number two, idling and storage -- restricting medium- and long-term train storage to designated rail yards only. Number three, disclosure. Better communication and disclosure for materials being transported through the local municipalities whose rescue services are present as first responders in the case of hazardous material emergencies.

The ports of New York and New Jersey are growing and will continue to grow for the immediate future. As such freight movement will continue to grow along the West Shore Line, as well as other lines currently operated by New Jersey Transit that have also experienced increased freight movement, the only solution is regulatory reform. For this, there needs to be an aggressive effort on the part of the State and Federal representatives to meet with Federal regulators in order to reform the rules by which freight railroads operate. Antiquated Federal regulation needs to be reformed. At the same

time, the freight railroads need to sensitize their train crews and begin to work with their municipal neighbors to resolve these critical, local issues.

I was instructed by my County Executive, Dennis McNerney, to work hard with the mayor and council of Teaneck to deliver the strongest message to CSX and to all the stakeholders, Federal and State legislators. Something must be done to improve the quality of life for the residents of Teaneck.

Thank you, Chairman. Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

I think we have a couple of questions, if you wouldn't mind.

Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Thank you, Mr. Chairman.

I ask this question, through the Chair, and actually this question is for you and also for the Chair, because he's an attorney. Normally--

ASSEMBLYMAN WISNIEWSKI: Not today. I'm just an Assemblyman, today.

ASSEMBLYMAN JOHNSON: Yes, Chairman.

Normally, when you have -- when a jurisdiction has an industrial track or a commercial track, the people in that jurisdiction are compensated for that, either through taxes or some type of other fees. Is that correct?

MR. AHMAD: I'll defer this to the local jurisdiction to talk about that issue. We in the county -- we don't have that power.

ASSEMBLYMAN JOHNSON: What I'm leading to here is, we have this corporation operating a business through the Township of Teaneck. And my question is, normally when a business is operated in a jurisdiction, or

a township, or a city -- what have you -- the people in that township or city or jurisdiction are compensated in some way.

MR. AHMAD: That's right.

ASSEMBLYMAN JOHNSON: How are the people in Teaneck compensated, or how are they benefitting from having CSX running through their township?

MR. AHMAD: If you heard me saying that we need to reform the Federal regulation -- I think this is a federally-regulated issue.

ASSEMBLYMAN WISNIEWSKI: Well there's just, I think-- A big part of what needs to be done here is Federal regulations. We have Mr. Fuller from Senator Lautenberg's office. We have Mr. Souder, from Senator Corzine's office, sitting there in the back. I know that Congressman Rothman, as well as many members of the New Jersey delegation, are aware of this problem, because we're up here in Teaneck today to hear about this problem. But this is not a problem that is unique to Teaneck. Carteret, Perth Amboy, North -- you name the municipality. If they have a freight line running through it, you're bound to hear about similar circumstances -- about idling diesel engines, about noise, about exhaust, about hazardous storage -- and the list goes on and on.

There are areas of State regulation -- very small -- on how the various pieces of real property -- real property that the railroads use are taxed. That's something maybe the State needs to look at, in terms of the different classes of railroad property, to provide some measure of compensation or at least a pool of funds through which municipalities can-- For instance, there's this issue in this community about the tunnel under the tracks. If that

taxation were to provide funds for the municipality to maintain that or to put up fencing -- the various needs go on and on -- but at least there's a way of providing the benefit to the community that, right now, doesn't exist.

The one thing that, perhaps, not everybody wants to hear is that no matter how hard we wish and cross our fingers, CSX is not going to leave. We're not going to get them to pull up the tracks and put the train some place else. So what we need to do is, we need to find the tools that we have available through State Government, the tools that we can get through our Federal delegation to make them be better neighbors, to provide benefits to the municipalities, to end the problems that we've been hearing about.

ASSEMBLYMAN JOHNSON: And maybe compensate those jurisdictions.

ASSEMBLYMAN WISNIEWSKI: One of those issues is compensation.

ASSEMBLYMAN JOHNSON: Thank you.

ASSEMBLYWOMAN VOSS: Mr. Chairman?

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: Yes. I would like to direct my comments to the representatives from CSX, because I came to this meeting--

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, they're going to testify. And if you wanted, I mean--

ASSEMBLYWOMAN VOSS: I just have a brief thing to say, okay?

ASSEMBLYMAN WISNIEWSKI: Okay. Could you save that for when they testify and they're on the hot seat, and then you can grill them?
(laughter)

ASSEMBLYWOMAN VOSS: Certainly. Okay. I will save.

ASSEMBLYMAN WISNIEWSKI: Okay.

Anyone else? (no response)

Mr. Ahmad, thank you for your testimony. I appreciate it very much.

MR. AHMAD: Thank you.

ASSEMBLYMAN WISNIEWSKI: Next, I'd like to call Dara Picard and Dan Parker to testify. They've signed up. Are they still here?

Are you Dan?

DAN PARKER: Yes.

ASSEMBLYMAN WISNIEWSKI: Is Dara Picard here? (no response) Okay, well, I'll put her on the side.

And Jeffery Pickens. Jeffery, you take the other seat.

Dan, please, go ahead.

MR. PARKER: Well, everyone else has thanked you guys for coming. So will I. Since I moved to Teaneck in 1999 -- and maybe I've been a bad-luck omen (laughter) -- Teaneck has been-- I've-- Well, Teaneck has not been the place that I would have dreamed of living, because I live right near the tracks. If like the lady who had spoken here before, if I had more money, I would have sold my house and bought another one. But soon after I moved here to town, prices skyrocketed.

Anyhow, most of everything that I've said today has been said by far more eloquent people than myself, but I do feel that we're finally working with a much more aggressive town council and mayors -- thank you very much -- than have previously been here. And I'll defer to Jeffery from now on.

J E F F E R Y P I C K E N S: Yes, good morning.

ASSEMBLYMAN WISNIEWSKI: Yes, Jeffery. Thank you.

MR. PICKENS: My name is Jeff Pickens, and I live on Chestnut Avenue. My window actually faces right down Thomas Street, where you can actually see the locomotives. When I moved to Teaneck, I moved here because I liked the town -- the serenity that you get from the town, the people that's in the town. And I just want CSX to know that I'm willing to open my house to your family to move in, whether it be your grandmother, your wife, your kids -- to live in my house so you can actually see what's going on and not just through the town. Because you may come down once in a while to see, but until your family lives here, until your family goes through what we go through every day-- When you come home from work, you take your house as a serenity place, as a place where you can get your peace, your quiet, the love, you have your kids play outside, or whatever. That's what we bought a house for. But we don't have that anymore. And the reason why we don't have that is because, like people said before, when the picture was taken on Sunday, I had to go to work at 3:00 in the morning. That train was still idling. Okay? Three o'clock in the morning. If you want to know what it feels like, sleep next to that train track at 3:00 in the morning and see if you can get some sleep.

So again, I'm opening my house to you, because I understand this is business for you, but this is personal for us. Okay? Let's even the field and

make it personal for you -- bring your family into my house and live.
(applause)

ASSEMBLYMAN WISNIEWSKI: Thank you.

Yes.

MR. PARKER: One other thing that I had forgotten, something that many of the CSX engines have on them are called a compressor. A compressor is something that I've been informed is something that goes off periodically in order to keep their brake pressure up into an acceptable range, so that their air brakes can stay on -- technical stuff. Anyhow, the lady who spoke here earlier addressed the issue of mental health, which is a very important issue that no one has really talked about before. You ask my wife, and she'll say that I'm very adversely affected by the trains. It's just that I become a lot more aggravated than I normally am. And it just sort of -- my stress level for that period of time, while the trains are there and that stupid compressor goes off, just magnifies intensely.

I feel the stress that Jeff is going through, too.

So, thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony.

Is Dara Picard here? (no response)

I'd like to call Rosemarie O'Shea and Stille Georgia (*sic*).

Since you got to the table first, you can speak first.

GEORGIA STILLEY: Thank you. Good morning. And I'm happy to have so many of our officials here to hear our complaints and problems this morning.

My home is about 20 feet from the train -- home, not property, home. That's where my house is. And as long as those trains set there idling, vibrating, you can't hear anything. The house is now becoming with lines through the structure. Things are falling from the walls. My home was also the home on that northern end to have the north monitor there for a week. And at that time, when the train came, the fumes that come from that train -- I'm almost a prisoner there because of the allergies that I have and what they have caused. I can't go out at times, when the trains are idling there.

I have called the police department. The young officer that came by that particular time -- between his car and my house, his eyes were watered and he could hardly breath. The thing he offered to me was that if you need an ambulance, we'll call the ambulance. But that's not helping me and the community. We have a lot of sick people in that area now. We can't blame it all, I guess, on the trains, but it sure has contributed to our problem. The police department has basically discouraged me from calling, because they say that the town can't do anything, and there's no point in us calling the police department. So I don't call the police department any longer, and I'm suffering. My household is suffering. And I would just like for you to please do something about the problem.

Thank you. (applause)

ASSEMBLYWOMAN WEINBERG: Rosemarie.

ROSEMARIE O'SHEA: Well, seeing you all here, I thank you. I appreciate it, because I really did lose faith. I lost faith in this town and in this State. No action has been taken for so long, and it's much longer than six years.

I am living in Teaneck for 30 years. I bought my house with sweat equity. My house is worth zero now. In disgust, I put my house up on the market for sale four years ago. Every time someone came, that train was idling. Obviously, I'm still in my house, and I have no buyers. You talk about equity from the trains -- give it to us who live by the railroad track. Let them buy our houses, because that's how bad it is.

I'm sorry the Assemblyman isn't here at this point, because a little earlier he said, "What has it done personally?" Let me tell you. I sit on my couch at night and it vibrates from that train -- vibrates. I do not sleep at night because I hear the train continually. The quality of my life is destroyed. I have no equity in my home any longer. I get so angry at night that I curse and scream. I can't believe the words that come out of my mouth. Talk about mental health, I wish someone could listen to me at 3:00 in the morning.

I called the railroad at 3:00 in the morning. I called the police, but I stopped, because I figured it does no good at all. Someone better encourage the police to go out every time, and something has to be done. We don't want the train here at all. If it takes crossings and gradings, do it. They've lost all credibility, so why would you even listen to one word they said? We've been listening for 10 years. It's time for action. You're here, and that's encouraging. Now take a big step and do something.

Thank you.

ASSEMBLYWOMAN WEINBERG: Thank you, Rosemarie.

Helen Garcia.

I'm sorry. And also Muriel Martin. (no response)

UNIDENTIFIED SPEAKER FROM AUDIENCE: She had to leave.

ASSEMBLYWOMAN WEINBERG: Oh, she had to leave. Okay. Helen Garcia.

HELEN GARCIA: Yes.

ASSEMBLYWOMAN WEINBERG: Go ahead.

MS. GARCIA: Oh. Well, in back of my house, CSX leases property and it's all grown up. And I don't understand why Teaneck doesn't make them clean it up. To me, it's a health hazard, plus we have all kinds of animals there. We have very many rodents, racoons, and who knows what else is back there. And CSX -- I have called CSX myself. I used to speak to a Mr. Brimmer, which I understand he's no longer there or something. He promised to have the place cleaned up. He never did. I've called the police, and like someone else said -- I think Mrs. Stillely -- the police now tells you, "There's nothing we can do. You've got to call CSX." So we're at a standstill.

Also, I have seen people come, bring food to the motormen, or whoever they are, that are working on the train -- they come and bring them-- One time I saw a family -- a woman came with her two kids and brought the husband, I suppose, breakfast. One of my friend's son -- the train was idling so long -- he just got out and went in the train. There was no one on the train. The train was left there with no one there. And I think that is wrong.

Also, in our neighborhood alone I can't -- like she said -- I can't blame CSX for all of this, but we have so many cases of cancer. And we know that CSX does transport all kinds of chemicals and other things which we don't

know, and it is a health hazard. And I think it's about time that Teaneck really got CSX out of Teaneck.

Now Bogota got them out of their town from idling, why can't Teaneck? And we have taken this -- someone said five or six years. No. I have been in Teaneck almost 40 years, and we have complained about that train. When we first moved here, it was West Shore. Then Conrail. But when CSX took over, that's when it became-- It's almost unbearable now. And if you are, like the other gentleman said -- you can't listen to TV or anything. When that train is idling and revving up its motor, you can't hear anything. You have to turn your TV as loud as it can possibly go. The quality of life, living long, is awful, and it is hard to sell your house. Because people see that train, they see the idling, and they don't want to move there. And I don't blame them. I wouldn't either. And I would love to sell, too. Because it seems like there's no end to CSX, what they can do. And nothing is being done to CSX, and I wonder why?

Now, Mrs. Weinberg, I've seen you -- and Mrs. Veach has been very good -- but something has to be done about CSX. (applause)

ASSEMBLYWOMAN WEINBERG: Thank you very much.

Earlean Collins and Nancy Cochrane.

DEPUTY MAYOR VEACH: (speaking from audience) Mrs. Weinberg, while they're coming up, I just wanted to say, where Ms. Stillely lives and where Ms. Garcia lives, that's where -- that's the north side of town.

UNIDENTIFIED SPEAKER FROM AUDIENCE: They're not allowed to be.

DEPUTY MAYOR VEACH: They're not supposed to be parking there, and they're still there.

ASSEMBLYWOMAN WEINBERG: Earlean, and then Nancy.

EARLEAN COLLINS: Good afternoon to the Committee. Thank you so much for being here in the town of Teaneck.

I live 20 feet from the train, too. I know there was a resolution, that was passed on February 1, that the trains are no longer supposed to park or idle. I did a documentation of the train. On February 4, the train did park right in back of my home for two hours. It started at 4:00 in the morning, and it left at 6:00. I documented that, because I wanted to have it in case there was a meeting that I would come to.

I would just like to say I have been happy living here in Teaneck. I've been here over 30 years, my husband and I. We have loved this town, but I do want to move, too. But I would love to stay. I would just like to say, I know that the train itself would not be leaving here. I understand when I purchased my house that the train was there, but there wasn't as many trains that there are now. I understand the train has to go through the town of Teaneck. I have no problem with that, if the train continues to move along. I have a problem with the idling of the train.

I would just like to say, I am concerned about what's passing through the town on the train, because of the accident that happened in South Carolina. We would not like to have that here in Teaneck. We would not like to have a 9/11 here in Teaneck. We hope that CSX would think about what they're doing. We know that the town of Teaneck is doing their best, and we thank the State for being here today.

Thank you.

ASSEMBLYWOMAN WEINBERG: Thank you.

Nancy.

NANCY COCHRANE: Yes. I moved to Teaneck when I was a very young child. And I say that because I've lived in my house now for 44 years. And as a child, I always thought I was pretty obedient. I listened to my parents. But, yes, I went down and played along the tracks like I was told not to do. I live about one block away from the tracks. I'm also very lucky. I have a natural buffer zone of the State Street Bridge, so that I don't have the problems as bad as my neighbors do. But I played along those tracks, that's what we did. We crossed the tracks. We didn't go under that tunnel. I won't even tell you what happened, when I was a young child, of characters that were hanging out there that my friends and I came upon one time. No child should ever have to go through that.

I also had to cross the tracks when I went to the high school. I didn't go under that tunnel. We went over the tracks. At that time, I was pretty sensible, and I did not climb over the train, as my friends did. And I waited and walked all the way down to the other bridge, crossing over. As an adult, I commuted into New York City. Once again, the bus stop was on the other side of the tracks. When the train was on the tracks, I would walk approximately five blocks out of the way so I didn't have to go underneath that tunnel. There were no lights. It would flood all the way up to, like, the second step, top step. Not the bottom step, the top step. Winter time, there was snow on the ground. After a storm, you would walk down there with no lights in there -- I have no idea what I was walking on. It would be muddy. There

was stuff there. I didn't go down that way. As I said, I would walk all the way around just to avoid going to that tunnel. After a couple of years, I said it wasn't worth it. I started commuting via the Park and Ride -- adding to the pollution -- something I didn't want to do.

The other problem is that -- the noise. I live down at the northern end of the tracks. And like I say, the trains aren't supposed to idle there. They're there. They've been there. They were there when it was West Shore, when it was Conrail. It's still there now, CSX. But they also blow their whistle. I have a house that does not -- I don't have central air. It's an old house. I like my windows open during the Summer. I don't like being woken up at 2:30 in the morning, 3:00 in the morning, 3:30 -- whatever time it is -- by the blowing of the whistle. In the past, I was told, "Well, they have to blow it, because they are approaching the Bergenfield Crossing, and at all crossings they have to blow the whistle." No, because I can still hear them blow the whistle again. And this isn't, like, one night a month or whatever. I've had it in consecutive nights where I would hear the whistle blowing. So whether it's alerting the engineers that are coming to wherever they pass or whatever they're doing, it is definitely unnecessary -- blowing of the whistle.

I even heard it the other day, too. The train was there. Actually, it was yesterday. And I think, perhaps, maybe somebody did that as a result of the article. But there is noise. It's unnecessary noise that the trains are producing. And as I say, I am concerned with what they do carry on these trains. Because I hear noises -- I don't know whether it's the train stopping, the train starting up -- whatever it is. But I wait afterwards, because I'm sure I'm going to hear the police sirens because there's a disaster, it's derailed -- the

noises are that loud. As I say, I live a block away, but with a good buffer zone, and I hear this, and my house rattles. It's an old house, I grant you, I agree. But it's still making the noise.

I've lost faith in CSX. I don't believe a word that they say. They've made promises. I think the worst thing was when Mr. O'Connell came -- I guess it was his first time to a council meeting -- and he made a statement. We realized he didn't even know that Teaneck had no on-grade crossings. So how could you send -- if somebody is going to send somebody so unprepared to a hearing, what do you expect to get from them? And I do appreciate you coming up here to hear the residents speak, as well as all of our elected officials here, so that you give us more faith that something may be done. All my friends said you can't fight the railroad. And I was beginning to believe that. So I do appreciate you coming.

And just the one other point is, like some other people have said, I'm one of those few people who have never called the police to complain, because I find that a waste of time. And several years ago, CSX said, "Well, you can call us. Here's the number." It was down in Florida, and it was not a toll-free number. So then the town said, "Well, call the police." Well, I think my police department has better things to do, and I would rather see them protecting the residents. So I am one of those few who does wake up in the middle of the night or gets upset when I see the train there on my way to work, on my way back, that does not complain. And I know there's quite a few others. So there is that silent majority out there who is very upset with this. And hopefully, you'll be able to do something about it.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your advocacy.

ASSEMBLYMAN PRIETO: Mr. Chairman?

ASSEMBLYMAN WISNIEWSKI: Yes.

Assemblyman.

ASSEMBLYMAN PRIETO: I'd just like to say a couple of words. I also know of certifications, and it's a very legit point of health issues related to noise. Actually, a certification teacher of mine is out in the audience, Eric Zwerling, and he might want to say a few words in reference to noise in relation to people, in conjunction to these issues that they're having. They're very serious.

ASSEMBLYMAN WISNIEWSKI: Thank you.

And I know that you have identified an individual here who is going to want to offer some testimony.

ASSEMBLYMAN PRIETO: Correct.

ASSEMBLYMAN WISNIEWSKI: Thank you.

I'd like to continue with the citizens. I have Steve Smyrychynski and Martin LaRusso.

Assemblywoman.

ASSEMBLYWOMAN WEINBERG: You know, if I may, Chairman, while these two gentlemen are coming up, I think you get a -- more than a flavor of the diversity of our community in Teaneck -- a place where I've lived for 40 years, where I work, where my office is located -- and the kind of community that we are. And as one of the people testified a little earlier, we don't have the other side of the tracks. Both sides of the tracks are Teaneck,

as you've seen them come before you. I would hope that that adds to the frustration that we all feel.

And even Council member Katz, when he talked about the dangers that we feel, partially maybe magnified by the diversity of our community-- And as I kind of whispered to you, as an aside, we have everything in Teaneck from a mikvah to a mosque. For those of you who don't know what a mikvah is, I'll be happy to explain later (laughter), but our Teaneck residents certainly know what this-- I see the CSX guys are sort of looking at me a little blankly. But this is a very diverse community. It is welcoming to its residents. We want to keep them here, and you're going to have to do something to alleviate this. So I just wanted to point out to you, in case you didn't notice, what a great community this is--

ASSEMBLYMAN WISNIEWSKI: It is a great community.

ASSEMBLYWOMAN WEINBERG: --and how proud I am of it.

(applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Thank you.

Gentlemen, toss a coin, decide who wants to go first.

STEVE SMYRYCHYNSKI: My name is Steve Smyrychynski. I live on Linden Avenue, which is right on the edge of the railroad. My back property is on the railroad. And when CSX took over -- I have a swimming pool which I cannot use, until I came to the town, finally, and got a petition going. I'm the one that did the petition four years ago to get CSX to move. Unfortunately, the mayor and council invited CSX in, even though it was supposed to just be for a short period of time, when Bogota had their problem.

It created our problem. They have moved it north. But even when parking it up by the parking lot, we still get the exhaust from the trains.

I don't know how many of you people live by the trains. It is not one engine that goes there and idles there. They have four, five, sometimes six engines sitting there spewing out all the fumes at the same time. I counted one time 413 cars going down past my house from one train. The smallest I ever did was over 200. And this is every day, a number of times a day. You're welcome to come and look at my house. The walls vibrate, and the plaster -- the sheetrock constantly cracks because of this. It seems like a minor problem, and you say, "Why did you move next to the railroad?" Because when I moved there 24 years ago, the railroad was there. There was no problem like we have now. We never had the problems that we have now.

They gave us a number to contact CSX. They told me, the first time I called them, he said, "Listen, the Federal Government says we can do what we want. We're autonomous to them." The State Governments didn't do anything. I sent a copy of their petition to Congressman Rothman's office -- never even got a hello or goodbye, or anything, from him, which kind of aggravated me. You people have been going after the pollutants of the cars, telling them you got to get your emissions gone. Now you're going after the trucks. One train makes one *blank* of a lot more emissions than a hundred cars. Why haven't you gone after them?

The gentleman who offered his house to the CSX -- I did that four years ago. Not one person has taken me up on it. I wonder why? It's time to do something about it.

Teterboro -- the planes go over my house -- don't bother me near as much as those trains do.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Sir.

MARTIN LaRUSSO: Yes. Martin LaRusso. I live on Thomas Street. It's about one block north of the stopping point. I don't know who voted on that. I keep hearing about the northside. Who voted to make the train stop on the southside right by my house? My property line and CSX property line is basically one in the same.

The picture they took on Sunday -- the Deputy Mayor -- that's right in front of my house. I got two young kids. If anybody has kids, try to keep them in the house when you can't walk outside with all these engines running. Like he was saying, there is no less than three, four, five engines at a time. You can't breath. I've got two young kids. I have an elderly mother living there. We've been there since '67. Now, after six years, I can't go out--

When it was Conrail, they used to go through, no problem. It stopped for maybe half hour, an hour, if that. This -- we're talking between 12 and 48 hours every time, minimum time. I mean, who does what? I can't leave my house now all of a sudden? We've been here for 34, 35 years. Who do we talk to? What do we do?

I'm tired of the pictures. You have to take pictures. People come down, they conjugate (*sic*) in front of my house, because that's where the train stops. You look out my window, you see -- you wave to the engineer. I know you need a train to move cargo and you move it. But why does it have to stay

there for two days? Why? I don't understand. Why does it have to sit there for two days?

ASSEMBLYMAN WISNIEWSKI: Well, we're going to have CSX testify in a minute, if we could.

MR. LaRUSSO: Like I say, now it's got to sit, you got to switch an engineer, but you see the engineers walking up my street, get in the van, and they leave. Obviously, they don't live in this town, so they leave for 12, 24, 48 hours. It's ridiculous.

MR. SMYRYCHYNSKI: One more thing I'd like to say, if I may -- that one of the persons address the whistle problem. It's an off-and-on problem, because it depends on which engineer goes as to whether or not he's even going to bother blowing the whistle. It seems at 2:00 in the morning, when there's nobody down in Bogota -- I'm just around the bend from the Bogota pedestrian crossing -- 2:00 in the morning that whistle blows loud and clear. All day long, when the trains are going through, it doesn't blow at all, and that's when the kids and the people are crossing through there. I called the CSX about it on their hotline, and they said, "Well, they're supposed to blow it." And I've got a marker right behind my house. Unfortunately, I was tempted to just rip it out, because it bothers me so much. But I didn't. He says, "If that marker is there, that's where they're supposed to blow the whistle." But how come they only do it 2:00 or 3:00 in the morning? They don't do it in the daytime.

ASSEMBLYMAN WISNIEWSKI: That's a good question.

Thank you gentlemen. Thank you for your testimony.

Looks like it says Joshua Spears.

Thank you, Mr. Spears.

JOSHUA E. SPEARS: Good morning. My name is Joshua Spears. I live at 139 Bogert Street, which is across from Votee Park, adjacent to the tracks. There's been much talk about the tunnel, much-maligned tunnel. They talk about the safety of the tunnel. The suggestions as regards to the tunnel -- sound. And somebody made a comment about how there's been no fatalities in Teaneck, as regards to these tracks. To my knowledge, that's true. But there has been a serious injury in the past. Back in the mid-'70s, there was a child -- a very close friend of mine, I know the family very well -- that was struck by a train trying to cross those tracks. He had lost his leg above the knee, the left leg. So there is always going to be an inherent danger with these tracks.

There was a police cruiser that was hit in Dumont on the tracks. Fortunately, here, we don't have those direct crossings, because you have the underpass. We have one pedestrian overpass. And there's three streets that allow access to both sides of the town without going directly on the tracks. It was mentioned before by another woman about the children playing on the tracks. In my younger years, when we were indestructible, we played on those tracks. As I came into the middle school -- what is the middle school now was then a junior high school -- I crossed those tracks daily to go to school. A number of my friends, who are also train buffs -- this will bring up a safety issue for CSX -- we engaged in a practice called *cutting the train*. I notice now you do not have cabooses on these trains, so there's nobody in the rear of the train. So when the front of the train moves, it doesn't know that the back of

the train is moving. For those of you who are not familiar with the term of what that is doing, it is decoupling the train.

A number of these kids, they decouple these trains in multiple areas. The train pulls off. They have to stop, back up, recouple, go forward again. At this point in time, without a caboose, the engineer that's driving the train does not know when their train has been cut. If this is something that happens late at night during the Summer, because these kids are out here doing this, engaging in this activity, another train coming behind it could hit that train causing a derailment or worse. That is something that you seriously need to look at.

As far as the tunnel, my recommendation is, in regards to that tunnel, would be to condemn it, build an overpass over that. There's been multiple times, where you go to use the tunnel after a heavy rain, it's flooded. Now that the township has put up the barrier trying to keep the kids off the tracks, that will force them, as we all know children climb, they will climb over the fence and still continue to go across those tracks. That's what I would suggest to do with the tunnel, an overpass and the safety. As far as the sound, ideally, I guess, the sound barrier similar to what's used on the highways would control two things maybe -- the sound and access to the tracks. But that's not practical, because if there was a fire, the fire department doesn't have access to the tracks. What I would suggest, in this instance, would be an evergreen that grows very thick, in line along the tracks in those areas. There's also more than just that one school, Benjamin Franklin there. You also have the Community Charter School, which is at the end of the block on Palisades, and there are several Jewish Yeshiva schools that are over there.

You have a large number of people that are going to be going back and forth across these tracks. Like I said, I live on Bogert Street, about a third of the way up the hill from the tennis courts -- for those who are familiar with the area. At night, I hear that whistle, too. I also hear the train when it goes rumbling through at this time of the year, because there's no leaves on the trees. During the Summer months it's not as bad, because that does provide some degree of sound baffling. I think if you put evergreens in there, or some type of thick growth, that would not stop the sound, but muffle the sound greatly and would improve the sound problems within that area of the town. I don't know how far down you could go with a project of that nature; and I know it would be cheaper than trying to construct walls. I think that would be a good idea for you guys to look at doing that.

As far as the pollution aspect -- the particulate pollution -- that's something that's going to have to be left to the Legislators in the State to do environmental studies on. I know it will take years, but something has to be done to address these problems. I've given you several suggestions. I hope you act on them.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Next, I'd like to call Joseph Lepis, Chairman of the New Jersey Noise Control Council; and Eric Zwerling, Rutgers' Noise Technical Assistance Center.

Mr. Lepis.

J O S E P H L E P I S: First of all, I want to thank you for having this meeting, also. I found out about it this morning. But as part of our mission

to deal with noise issues, I wanted to come and observe and listen to the speaking of both the town residents and also of the railroad people.

With me is Eric Zwerling, who is the Rutgers' Noise Technical Assistance Center trainer and advisor to all of the enforcement people in the State of New Jersey, in terms of noise issues, and frequent attendee at the Noise Control Council meetings.

And I will take the issues, and some of the issues that have been mentioned, back to -- for discussion at the Noise Control Council.

This particular problem came to my radar screen and attention actually about two or three years ago, when township manager Lee (*sic*) Fall sent me a looseleaf binder with every police report, about that thick (indicating) -- well, actually, it may have been a book and a half -- of every time there was an idling complaint sent to the police department. And simultaneous to that, we were dealing with issues in Hudson County with regard to the Light Rail. I think I spoke at a meeting in Bayonne of this same Committee, regarding the Light Rail.

So what the Noise Control Council did at that time was arrange to hold a stakeholders meeting, which included FRA, New Jersey Transit, CSX, and as many town officials from throughout the state who were affected either by train signals, bells at intersections, and idling -- these types of issues here.

I'll draw a little parallel at this point in terms of dealing with issues that really require a team effort -- dealing with air pollution, noise pollution, toxic materials, potential danger from crossings, and everything else. It sort of ends up almost being like the -- to try and come up with an answer to a final exam question in law school, where they throw all the elements in, and you

hope within a half hour to be able to get a high enough mark to get to the next semester. But this really has all the elements of that final exam. It has Federal preemption. It has property issues. It even has environmental justice issues. Environmental justice is that minorities, poorer sections of towns, are sometimes used as dumping grounds for activities that would be highly rejected or fought in other areas. And as a matter of fact, I think the New Jersey Department of Environmental Protection, Environmental Justice Section, has already looked at some of these issues, but probably would like to have the additional jurisdictions or areas that are affected by these railroad issues.

The other thing that comes up is the term *incrementalism* -- my favorite term with regard to issues we've dealt with at automobile race tracks. They raced from Memorial Day to Labor Day in the 1950s and '60s, and now they go from Easter till Thanksgiving. And they say, "We were here first, but--" And it seems to me, it's the same type of issue. When Conrail ran it, and there were a few trains a day-- At some point, through incrementalism, we've reached this high point, this high-tension point that's involved.

So there are ways of looking at the problem that are going to have to involve air and noise and transportation and traffic issues, and police safety and all that other stuff. One thing that the Noise Council has had under discussion is looking at taking the Federal noise rules and see if they could be adopted by reference, so that enforcement people trained and operating and doing enforcement in New Jersey could be used for enforcement for the identical wording and ruling, so that-- The railroad enforcement people may only have somebody per region, and everything else, to be able to respond. So we're looking at that as a possible tactic.

But we will take the concerns that we've heard -- and we'll also stay to listen to the railroad people -- back to the Noise Control Council.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for being here, and your testimony.

Eric Zwerling. Eric.

ERIC ZWERLING: Yes. Thank you so much for having this hearing, first of all. My name is Eric Zwerling. I'm the Director of the Rutgers University Noise Technical Assistance Center. It is my center that there's been discussion about the research grant. It is my center that will be conducting that research.

I just wanted to say that I've been here. I've listened to every concern of everybody. I've taken 16 pages of notes. We're in the process right now of finalizing the research proposal to conduct this study. It will be a thorough study based upon hard science and, hopefully, we will be able to put the EPA, who will ultimately receive the report, back on regulating noise based upon science of this decade, as opposed to the science of the 1970s.

I would like to recognize Assemblyman Prieto, who has taken my Noise Certification course at Rutgers. This is a significant issue that should be looked at, and it is one that we will take a very serious look at.

ASSEMBLYMAN WISNIEWSKI: The research that Rutgers is going to be doing, your center--

MR. ZWERLING: Yes.

ASSEMBLYMAN WISNIEWSKI: --is there a timetable on when that's going to be done? How does that work?

MR. ZWERLING: Research is a difficult endeavor to predict, because if you know exactly when something will be in a certain place, you can certainly study it. If it is not -- if environmental conditions are variable, which they generally are, if the source does not present itself easily, you can play a game of cat and mouse. So it's uncertain.

For instance, I was able to come here today. I was supposed to be taking measurements this morning at another location, but we have a northeaster that's supposed to be here today. So those measurements are put off until Saturday or Sunday.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Anybody have any questions?

ASSEMBLYMAN ROONEY: Mr. Chairman?

ASSEMBLYMAN WISNIEWSKI: Assemblyman.

ASSEMBLYMAN ROONEY: Yes. You mentioned the Federal standards. I know that the standards pre-'70 or in the '70s, and that 70 DBA exists. I know it's-- I got involved with the noise barriers -- I've been around that long -- on Route 17, when I first got elected. It was 1983. There was a question of putting the noise barriers up. When the State decided they were going to widen the road, the residents now got the noise closer to the property. So the State was fighting it. When it came down to it, basically, they said, "You are moving the road." It's not as if the people were there. And it's the same status quo. Once you change what's happening, they're subject to that noise level.

Now we knew that even the highway -- just created 70 DBA after 10:00 p.m. That was against Federal law. We know that these diesels generate

more than 70 DBA, because these residents are right next to them. CSX changed the location, moved these trains closer to the people. They put them in a different location, and they should be subject to the same Federal law. So there's got to be something. You people probably can come up and do the measurements and say, "Yes, they're in violation." The police department in Teaneck can probably issue the violations to CSX. And I don't think it's federally preempted, and I don't think they have any immunity because it's Federal. You're going to sue or file against them under a Federal law. So this is something you should take and look at, and consult with Teaneck, and see what can be done under the existing rules.

I don't want to wait until the Federal Government changes their law. Let's enforce the current law. And again, as I remember where the State was trying to exempt themselves from that Route 17 and putting up those noise barriers-- By the way, those noise barriers were -- I'm trying to remember -- I think it was half a million dollars, \$50,000 a foot is what that cost. And that added to that DOT project tremendously. But here's a situation that I think is a good parallel, that there's laws existing and perhaps we should work on that.

Let's take it one piece at a time. I've got a lot of other things that I want to look into, but -- your comments, if any, on that.

MR. ZWERLING: Take it, Joe.

MR. LEPIS: My knowledge, especially on the noise walls for the highways -- and we've dealt with Dominic Ballera (phonetic spelling). I don't know if -- your familiarization -- the Department of Transportation was in charge of the noise wall installations and all. That is specifically for roadways,

the requirement for, and the legislation and the funding and all, for those. So just from observation, there were very few locations that I've seen throughout the state where there was actually a noise wall used for a railroad issue.

ASSEMBLYMAN ROONEY: I'm talking about-- It applies on the highway standards.

MR. LEPIS: Right.

ASSEMBLYMAN ROONEY: It should also apply on the railway standards, because they're in violation. There's a Federal law that says you can't have a noise level in excess of 70 DBA at a residential level.

MR. LEPIS: The law actually says at 65 LDN you begin to monitor or observe, and the higher you get with the higher number, then the recommendation for putting the noise wall begins to come in.

Some of these gentlemen I recognize by face, not by name, did attend the stakeholders meeting that we held at Rutgers a couple of years ago. And one of the things that comes out is a bizarre interpretation that a vehicle at throttle, or moving, is allowed in the 90 decibels, or a vehicle idling is allowed in the 60 decibels. And the interpretation of *at throttle* means either moving or the vehicle is holding, waiting for a signal to begin again. So it could be idling. The difference between looking at a train that's waiting for a signal to move at throttle and a vehicle that's idling -- one is allowed 90 decibels, one is allowed 60 decibels. So they're in the 60s. So there's some stuff like that.

The other thing is that they had said that they are retrofitting their engines with compressors and emergency generators, I guess, so their brake pressure could be maintained in the absence of the vehicle idled. And it was

going to be 25 percent or 20 percent of the trains a year were going to be retrofitted. I'm hoping that the gentleman who testified before that he hears the compressor go on -- that is not the compressor that they were talking about to be able to reduce the idling that was going on.

So, as I said, there's all sorts of elements that enter in. If the idling is shut off, they need the auxiliary brake. They need the electricity for the-- And are we subject to the compressor that this gentleman described? I really don't know what that answer is.

ASSEMBLYMAN WISNIEWSKI: I just have one question. A number of people have testified about the noise and the frustration about what to do about it. Is there some place they should call so that the noise levels can be documented and recorded?

MR. ZWERLING: Well, that's -- part of the study that we're going to be doing will be an exposure assessment analysis, which is one of the things specifically that the EPA is looking for. So we will be taking measurements. I look forward to working with the town in identifying those residents who are in the closest proximity -- taking those measurements to determine what residents are actually being exposed. Measurements will be taken both outside the property, at the property line, as well as inside the residences. But as far as, per se, rapid response to take measurements, I don't know. The DEP, unfortunately, does not have personnel that respond anymore. Their Office of Noise Control has been, essentially, defunded. So they don't have response people.

MR. LEPIS: Well, I'll have to add to that. Because in New Jersey, it was set up something called the County Environmental Health Act. The

County Environmental Health Act puts a mini-version of DEP air pollution, noise, solid waste, water in each county, and each of the county environmental health units are required to maintain a train person for noise response. So this -- he is correct in that there are no, to the best of my knowledge, no trained State noise inspectors, because that has now become a county task under the supervision of the County Environmental Health Act. So that's the first thing.

The second thing is, there is no provision in the State Noise Control Act, at this time, that would be enforceable if an inspection person came out. We would basically respond to see how bad the situation is to see if we would use it as future legislation, whether that appears to be what the report that Eric would be creating would be. I would think a CI unit that were called in, because a freeholder or a town person wanted to know how loud a train, they could give you that number on a decibel scale, but they would have no enforcement, jurisdiction. Because again, the State does not have it in the State Code and, to the best of my knowledge, there are no local codes that have railroad enforcement sections in them either.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Anyone have any other questions? (no response)

Thank you for your testimony. I appreciate it.

And now--

ASSEMBLYMAN ROONEY: Now we get to the culprits.

(laughter)

ASSEMBLYMAN WISNIEWSKI: We have, from CSX Corporation, Mr. William Goetz.

WILLIAM G. M. GOETZ: Good morning, or good afternoon.

ASSEMBLYMAN WISNIEWSKI: It's afternoon already, yes.

ASSEMBLYMAN ROONEY: It certainly is.

MR. GOETZ: Mr. Chairman, I have prepared written testimony, but if it's okay with you, I'd rather just talk to you.

ASSEMBLYMAN WISNIEWSKI: Sure.

MR. GOETZ: Okay, thank you.

ASSEMBLYMAN WISNIEWSKI: Maybe if you could share the written testimony with us, we would have that.

MR. GOETZ: I think you have it.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. GOETZ: Great.

ASSEMBLYMAN WISNIEWSKI: Let me just preface this. We certainly appreciate CSX being here and listening to the concerns of the elected officials and, more importantly, the citizens. There's a long list of issues that need to be addressed, and my hope is that in whatever you are prepared to say or can say today, that you can at least shed some light for this Committee on some hope that we can find a solution, or tell us we can't. Then we're going to have to look at our legislative tool bag and see what we can do.

MR. GOETZ: I understand.

I very much appreciate the opportunity to be here with you. And believe it or not, this is a personal honor for me to represent CSX in front of this proceeding. I understand there's a lot of energy in the room, there's a lot of emotion in the room, and all these comments are not taken lightly by CSX in any way.

Let me first, since I'm the new face and a new name, just explain why I'm here, and why you're not seeing a face you didn't see before. Mr. Brimmer, I know, is a name familiar to you. He left this assignment because he was an old man and he retired. That was his reason, and he is now living in Vermont. Maurice O'Connell is a person that was mentioned here. He is still employed by CSX. His territory was very large. And we determined at CSX that he had too much on his plate, and that New Jersey and New York City required a little more attention than was happening. And so basically, I was brought in to assume these responsibilities. This was an assignment that I eagerly wanted -- mostly because I was born in New Jersey. People don't question my accent here. And I was very anxious to return north. And so I mean what I say, when -- it's very good to be back here in New Jersey.

My responsibilities include interfacing with you folks and interfacing with the town. And Teaneck is a very, very important issue to me. I'm delighted that you are here and that you've agreed to take time from your schedule to listen to these issues.

Teaneck and the issues we've heard here are the symptom of a larger issue. I believe one of the Assemblymen remarked that Teaneck is not the only place where these issues are occurring. Teaneck is not the only place where citizens are agitated, annoyed, irritated, and any other adjective that you wish to use. There are many locations where this is occurring.

Also, in my testimony, I hope I will be able to convince you that the situations that are occurring in Teaneck, and other places and locations in the state, are occurring out of necessity and not out of choice. And that's one thing that, perhaps, has not come clear in the testimony that you've heard

preceding mine. No one would want to go through what CSX has gone through in terms of its relationship with Teaneck. No one would openly welcome that. That's just not good business. That's not good community relations. That's just not good behavior. You would only do that if your back was up against the wall, if you had no other choice.

And so many of the things that you'll hear from my testimony, I hope, will bring some additional facts and explanation to why things have happened in Teaneck, why progress has not been as quick or as expeditious as you like, and hopefully show how we can work together on some of the things that you can do to move some of these issues, on a statewide program, to a better result than we have right now.

I think you all know that CSX is a large company. It's a large railroad company operating a 23,000-route network. With 23,000 miles, we have a lot of neighbors. And the Teaneck neighbors are just as important as any of the other neighbors that we have. I'm going to speak mostly about one specific line -- it's the line of greatest interest to you -- and that is the River Line. There's a diagram of it here, and I'm going to use that diagram.

The River Line is the vertical line that runs from Selkirk -- near Albany, New York -- straight on down to what I'm going to refer to as the northern New Jersey commercial center. On most days, River Line hosts about 30 freight trains a day. That's probably a pretty good number to use. The trains operate in both directions, and there is no practical alternative. There is no practical alternative for the movement of those trains. That railroad was constructed a long time ago. Actually, it predates the formation of Teaneck

Township itself. And the area has since been settled, and the construction of a new freight right-of-way to reach these markets is impossible.

The train frequency -- you've heard remarks that the train frequency in the line has increased. Those remarks are correct. The train frequency has increased over the past five years from a daily average of about 20 to 25, to the current level of 30 trains a day. Why is this? Well, there's more trains because CSX is carrying more freight. And CSX is carrying more freight because there is more freight to carry and because CSX is competing very hard to be the carrier of choice for its customers. And we do that because we have been encouraged by various policies at the governmental level for railroads to actively solicit freight, so that the business does not pursue the alternative, which is compete for space on the nation's interstate highway system.

So to be more specific, the train frequency reflects a number of important trends. First, the U.S. economy has rebounded since 2000, and New Jersey's economy has certainly had its fair share of that growth. Second, it's fact to state that New Jersey seaports are -- they're not just successful. The New Jersey seaports are the most successful container ports on the U.S. Atlantic coast.

Third, the northern New Jersey commercial center, which is this large, vast industrial area occupying parts of Bergen, Passaic, Hudson, Essex, Union, and Middlesex County, is a national center of industrial and distribution activity. It directly supports the distribution of material and goods to the New York Metropolitan area, which is 20 million people.

And fourth, New Jersey is an end-point market for CSX, and so the transportation services that we offer are attractive to customers as an alternative to moving these shipments over the highway. And so it is very much correct to conclude that CSX is actively encouraging rail freight transportation to and from New Jersey. We want New Jersey to produce more, and we want New Jersey to consume more. We believe that's a win-win. We believe that it is good for New Jersey's economy to grow, and we believe that it is good for CSX's trade traffic to grow along with it, as an alternative to putting that traffic onto the highway.

Now, growth brings challenges, and we've heard about many of those challenges this morning. And this is especially true in the northern New Jersey commercial center. There are four freight railroads and two passenger railroads that operate trains in the northern New Jersey commercial center, that area that just starts south of here. The freight railroads are CSX, Norfolk Southern, Canadian Pacific, and Conrail. And then there's also Amtrak and New Jersey Transit, also, moving trains through there. And there are segments where passenger trains and freight trains share the very same tracks, not at the same time.

Conrail is owned by both CSX and Norfolk Southern, and independently controls most of the tracks that are used by the freight operations in this northern New Jersey industrial center. And there have been studies -- there have been many studies in recent years to document and examine the freight capacity handling of this northern New Jersey area. Some of the studies have been sponsored by New Jersey DOT, some by the Port Authority and other various agencies. And they've all come to pretty much the

same conclusion: that at times of peak traffic demand, that freight infrastructure is insufficient to support the level of activity now being generated by New Jersey's economy.

And there are two major challenges. And at the risk of taking you through too much railroad detail, I would like to just explain what occurs and why we have such a congested rail network in this northern New Jersey area. You do need to know that that configuration of tracks is probably *the* most, or one of the most, complicated configurations of railroad track in North America. So the two general problems that we face, again, in this area that is just south of Teaneck is, number one, a number of places that we would call pinch points, where there's, for want of a better term, a *one-way street*. There's one track where really there should be two.

And the second thing is, is that there are key destinations where there is just not enough room to hold the number of trains that want to service that area. You can kind of think of it as a shopping mall with one parking spot. And so, if that parking spot is occupied and you want to go the mall, you have to wait until that car comes out. And we do have several locations where there are just not enough places to receive entire trains.

And, so when we have this freight train congestion -- and it usually occurs at the top of the business cycle and at the top of the seasonal cycle, which is in the Fall and in the Spring -- that area will become congested. And it will become very, very vulnerable to any kind of contingency. And what kind of contingencies can result? Well, in the real world of daily operations, contingencies can include weather-related events, equipment malfunctions, start-up problems from the introduction of new facilities or new services, labor

issues, actions from trespassers -- all of these factors impact the real world operations in the North Jersey area.

And when that happens at points of peak activity at the top of the business cycle, that area can and does become very congested. And when it does, its ability to accept any new trains basically disappears. It is impossible to advance the trains into that area. And this can happen -- it can happen unpredictably, and it can happen -- and the duration is also unpredictable. And CSX is not the only railroad that is subjected to this.

Some of you have probably experienced this in your own districts with freight trains that are attempting to move to their destination but are unable to do that. It's important for you to know that as a business proposition, having a train wait anywhere is a very poor practice. It is pure wasted labor and capital. It obviously agitates communities. It agitates customers. Any business that you're running, whether you're running a railroad, a store, or a laundromat, you've got to do three things: You need to make your sales pitch, you need to deliver as you promised, and you need to collect your money. And when a train is standing short of its destination, not moving, the railroad is not doing that. It's agitating. It's not fulfilling its promise to its customers. It's not collecting its money, because the customer will not pay until the job has been done. And then, of course, from the testimony today, it has the added negative effect of agitating the neighbors that live near the tracks.

With that said, CSX uses sidings along the River Line to execute several different kinds of train movement strategies and to react to the conditions that occur in the northern New Jersey area located just south of

here. In general, trains are held in sidings because another train is in its way. We don't hold trains for the purpose of holding trains. We do not operate a freight yard in Teaneck. It is not designed to do that. The reason that a train is held in Teaneck is because there's another train in front of it and is impossible to move it.

The CSX River Line occupies 2.58 miles in Teaneck Township. And near the southern border, you have heard that the idling of locomotives there is very much an annoyance to the people who live there. I can tell you that I've been to Teaneck three times. On each trip I drive over to that area. I've walked those streets. I've seen some of the neighbors in their front yard. I check the gate to make sure it's locked. I drive over and I walk through the tunnel. I've walked the right-of-way. I like to get close to the details of things.

In the time period between February 1 and February 6, I asked our people to document exactly what trains were held and why they were held. And in that time period between February 1 and February 6, trains occupied the siding in Teaneck 24 times -- over twice as many times southbound as northbound -- and that stands to figure, because, again, the point of greatest congestion is the district immediately south of here.

Why do trains get held northbound? Because there's trains in the sidings all the way up the line. And so that's why trains get held in the northbound direction. It is not true -- it is definitely not true that CSX holds trains and leaves other sidings open. There are 10 sidings up the River Line, and they are all used.

It is fact that holding trains in Teaneck or anywhere else occurs out of necessity rather than choice. And no party welcomes the prospect of a

perpetually delayed train movement and idling locomotives. And for this reason I want to turn now and talk to a number of broad measures that are being advanced to address not only Teaneck, but this as a statewide issue in New Jersey. I think it's important for you to understand that CSX is not just sitting here doing nothing, even though it may appear so, because you're not seeing the progress as quickly as you'd like. But the solutions are very difficult to execute, and I'll hope you'll appreciate that, as I walk you through some of the details of these programs.

So it would be useful to turn to the second part of my testimony to organize this discussion into two classes of strategies. One is track strategies and the second is train strategies. And simply put, the track strategies seek to eliminate the trains altogether, to eliminate the standing of trains in Teaneck and other locations all together, which I think is really the message I heard most clearly this morning. The train strategies seek to mitigate the noise impact associated with a standing train. They don't eliminate the noise, but they hopefully reduce it. And as you might expect, the train strategies probably are a little easier to accomplish than the track strategies, which are very complicated and very expensive and very difficult to execute.

So let me begin with the track strategies, because that's really the harder part, with the one with -- what I think the biggest potential impact. The track strategies include two major programs in the northern New Jersey commercial center. And recall that the frequent cause of trains held in Teaneck and other River Line locations is this congestion in the North Jersey area.

If I may, I'm going to go over and just speak for a moment from this chart.

ASSEMBLYMAN WISNIEWSKI: Will you be able to--
Can we bring the chart over to you?

MR. GOETZ: I can talk pretty loud.

ASSEMBLYWOMAN WEINBERG: But it has to be for the hearing--

ASSEMBLYMAN WISNIEWSKI: The microphone is not going to--

MR. GOETZ: Okay, can I do that?

ASSEMBLYMAN WISNIEWSKI: The microphone is not going to--

ASSEMBLYMAN ROONEY: Do that, or use one of these.

MR. GOETZ: This one here? (referring to recording microphone)

ASSEMBLYMAN ROONEY: How about one over here? There's one on the end here he might be able to use, if he stands on this side.

MR. GOETZ: Just tell me what you want me to do?

ASSEMBLYMAN WISNIEWSKI: Yes. See if that one reaches.

MR. GOETZ: Is that okay?

Thank you much. I appreciate your accommodating me.

ASSEMBLYMAN WISNIEWSKI: Talk loud, though, because you're not amplified now.

MR. GOETZ: Okay.

All right. We said the River Line is this line here. (indicating)
And Teaneck is right here. And then just south of this, this area, which I'll pull

a ring around right here, is what I would call that North Jersey industrial center. Some of the folks this morning talked about the construction of additional track here, and the grade separation of Paterson Plank Road and Secaucus Road. That was accomplished. That was done here. That was actually a trade. And that didn't give us very much extra, because when we did this we gave up this line for passenger train use. So that was a kind of like -- that was a swap. That was not a real net addition of anything, because we lost a whole second main line here, and that's where the Hudson Bergen Light Rail is. That occupies that right-of-way now. So this was really done to replace the capacity that was here.

So what's really needed, though, is additional capacity. Because it stands to reason, we've gone from 20 to 25 trains to 30 trains a day, you need more track to support that. So the first thing is looking at the most critical pinch points. And the most critical pinch point is right here. That little track right there, which connects this line with this line. This is the Norfolk Southern main line out, and this is the -- our line comes down through here. And you have a point here where you have a single track, and so that is a critical pinch point.

Number two in the program is right here, a place called PN, which is a very, very busy place. And as part of this program that whole place is going to be redesigned. The third thing is along here, known as the P&H Line, which has an antiquated signal system, which makes movement in both directions very, very difficult. And so that's going to be replaced. And so those initiatives are designed to, kind of, increase the road to the destination -- to

have two-way streets instead of one-way streets. I think it's important in the township's letters to Maurice, there was a desire for this detail.

There was also a desire for the timing. This program is a \$50 million program. It is funded by Norfolk Southern, CSX, and the Port Authority, and New Jersey. And that funding package is just about ready to be signed and released. We did not wait for the conclusion of the paperwork. The engineering work is already underway. In fact, many of these projects are 70 to 80 percent engineered already. The question has been asked in the past of Maurice, "Well, when are we going to get this?" And my best estimate is that some of the projects will come on stream in the 2006, 2007 time frame, with most of them being in, at the outer point, the 2007, 2008.

So that's the timing. Those projects are well underway, and they will have a significant impact on how this whole operation works. The second category of track projects is having places at major destinations for trains to go, because the train really wants to get to its destination. It doesn't want to go to Teaneck. The customers aren't in Teaneck. The customers are further south of here. So we don't want to hold the train in Teaneck. You want to get the train to the destination and have a place for it. And believe me, we have a shared objective in this -- maybe for different reasons -- but we do not want our trains dwelling in Teaneck. We want them at destination so that our customers and you are not calling us up with complaints.

And so you might ask, "Well, where are these places?" Well, one of them is right here, which is an important destination for freight trains serving industrial customers. This, I believe, is in Union and Middlesex County. So that is right here. The other one is right along here, which is very

near the port. This project I'm very familiar with, because I'm on the design team for it. And what it seeks to do is to construct four, long tracks, each one that can accept a whole train. Today, there's only one track -- one track for all the trains coming in and going out. And so when that track is in use or if there's any problem on that track and it's not cleared, trains have to wait.

One of you mentioned that a train was held for a long time last weekend. One of those trains was a train waiting to get to the port, because there was a problem there because there was only one track. If we had had four tracks and a route to clear to it, we would have a much better route down to it. So you can think of it as a mall with more parking spots, and an interstate and a four-lane highway to get to it.

So that project, to speak to the timing on that, is probably in the 2007, 2008 time frame. And you may ask, "That sounds like an awful long time. If there's all this resolve and energy about this, why is this taking so long to get this done?" In this case, I can give you a little bit of detail. This particular piece of property has 11 underground utility occupations. The occupations on there include fiber-optics that support the Wall Street trading exchanges, gas lines to support Staten Island, critical operations for Newark Airport. You have to be very careful when you fool around with that kind of stuff. And it is slow, and they all have to be realigned to put the railroad tracks in there.

It is also crossed by a tidal creek, which requires environmental applications. And so that paperwork is underway, but it does take time. And so we're not trying to short-circuit anything here, but we are trying to get that done. It is not a money issue, and it is certainly not a lack of resolve. It is an

extremely difficult project to construct. And it's not unlike many of the other projects that are in this area. This is a very congested area. Most of this infrastructure was built 150 years ago. We do not have the luxury of just shutting things down to work on them. New Jersey Transit passengers want to go to work everyday, and they're not going to let us take trains off for three or four months while we work on the tracks. So the windows that we have are very, very short.

Those are projects. Those are very real projects. This is not pie in the sky. This is not a study. This is not a concept. These are projects that are funded, moving, engineers are engineering, and you will see dirt moving on some of these projects this construction season. Those are very real projects that will remove many of the critical bottlenecks that are holding trains, not only in Teaneck, but all the way up this line and holding trains all the way out the Lehigh line.

I can tell you, in October, when we were at the peak season and we were having difficulties in Union County, CSX had trains backed up all the way to Buffalo, and Norfolk Southern had trains backed up all the way to Harrisburg, Pennsylvania, as many as 15, 16 trains. And they were all trying to get in here at once. So this is a very, very critical issue. It impacts New Jersey's competitiveness in the economy.

ASSEMBLYMAN WISNIEWSKI: Are you going to address the train strategy?

MR. GOETZ: Yes, next.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. GOETZ: Train strategies is the second category. And first, a little bit of technology background. Unlike an automobile, a railroad locomotive is not designed to be cooled with antifreeze. I just learned this last week. Railroad locomotives are cooled with water treated with an antirust inhibitor. And so, in colder temperatures, they are not designed to be shut down standing in cold temperatures. They have to be kept running to provide heat where there is a need for an auxiliary heat source to be supplied.

ASSEMBLYWOMAN WEINBERG: Now, can I interrupt you a moment?

MR. GOETZ: Most certainly.

ASSEMBLYWOMAN WEINBERG: What happens if you shut them down?

MR. GOETZ: You destroy the locomotive.

ASSEMBLYWOMAN WEINBERG: You absolutely destroy the locomotive?

MR. GOETZ: If you don't put antifreeze in your car and it freezes, you're buying a new car.

ASSEMBLYWOMAN WEINBERG: Well, does the train have antifreeze in it?

MR. GOETZ: No. They're cooled with water. They're designed to be cooled with water.

ASSEMBLYWOMAN WEINBERG: So there is no scientific way that those locomotives can be turned off in cold weather?

MR. GOETZ: There is a way, and I'm going to come to that in just a moment.

ASSEMBLYWOMAN WEINBERG: Okay.

MR. GOETZ: Because there certainly is a desire to shut those down. You have to remember that much of this technology was designed when fuel was a lot less expensive than it is now. So there very much is a motivating factor to find a way to shut those locomotives down to conserve fuel, and to solve idling problems, and a number of other considerations as well.

Now, two manufacturers supply most of the locomotives purchased by the Northern American railroad industry. There's just two. One is General Electric Company, and the other is a company called EMD, that used to be owned by General Motors. The significance will be apparent in just a minute.

CSX has issued instructions to its train crews that locomotives in Teaneck Township are to be shut down if either the ambient temperature is at least 45 degrees Fahrenheit or (b) the locomotive is equipped with technology to permit the unit to be safely shut down and subsequently restarted, and the unit is anticipated to dwell more than two hours. Those are our instructions to our train crews. And what we've been trying to do now is to try to chip away at that contingency around the 45 degrees. We believe, and we are in the process of issuing new instructions to lower that 45 degree temperature, which will allow more units to be shut down. So those instructions are coming out very shortly.

These instructions, as they regard Teaneck Township, are designed to reduce the time that locomotives idle in Teaneck Township. But in colder months the locomotive technology becomes a much bigger factor. A technology known as an auxiliary power unit, or APU, enables a locomotive to

be shut down safely in colder temperatures. CSX has had a prominent role in the development of the APU technology -- in fact, we hold most of the patents on this technology -- and leads the nation in APU-equipped locomotives. In fact, most of the other railroads do not have APU-equipped locomotives.

At the heart of an APU is a 35-horsepower diesel engine which provides primarily heat and power. And in lieu of that, the main prime mover in the locomotive does not need to be energized. The technology includes a sensing device that basically allows the diesel engine to cycle on and off, much like a thermostat in your home.

Now, for newer locomotives -- ones that are just being purchased -- there's an OEM technology that makes the APU unnecessary. The newer locomotives can be equipped with a different technology that provides capabilities similar to an APU. This technology is called an automatic engine start/stop system, and it incorporates sensors and controls to cycle a locomotive unit on and off while preserving the critical engine temperatures. Basically what it does is, it's a thermostat and says if the engine is warm enough, you can shut it down until it gets too cold, and then it cycles up for a while to get the heat back up. So the engine isn't running constantly, it's running intermittently. CSX's latest two locomotive deliveries, and that's 150 locomotives, all have this technology installed. CSX is purchasing another 100 locomotives this year, and these units will also possess the start/stop technology. Upon delivery of those 100 units, about 46 percent of CSX's locomotive fleet will be equipped with technology to mitigate locomotive idling in colder temperatures.

And that's progress. Because, I think, previously, we were about at a third. But with the new units and the start/stop technology and the recent APU installations, we're up to about 46 percent when the latest 100 units are delivered.

Teaneck Township has requested information about retrofitting the remainder of CSX's locomotive fleet. So 46 percent, that's not good enough. We want 100 percent. I can understand that. And so, I asked, what about the other 54 percent? And the answer is, is that CSX owns locomotives manufactured by both of the suppliers that I previously mentioned. The current APU technology will fit on the locomotive of one manufacturer, but not the other. And I ask, why is that so? And the obstacle, believe it or not, is physical space. The locomotives built by one manufacturer just simply lacks sufficient space in the engine body to locate all this equipment. So we've got to figure out a different way to design that technology to make it fit on the locomotive. And so the units that are not equipped with APUs are all from the -- all of the units of that other manufacturer, whose name I'm not going to mention, is -- none of those units are yet equipped with an APU. And we need a technological solution to do that. We're working on that. We do not have that problem solved yet.

It is not possible for CSX to isolate and operate only APU units through Teaneck. I think that's a logical question. But it is fact that railroad trains operate over very long distances, and locomotives move freely throughout the railroad network. A locomotive in Teaneck today could have been in New Orleans last week. In addition, the locomotives are exchanged

between railroads, and it is common for a CSX train to be pulled by locomotives of various ownerships.

Before I came here, I stood at the tunnel and watched trains go by for a while. And one of the trains came through with a CSX locomotive, and right behind it was a Union Pacific locomotive. I can guarantee that Union Pacific does not have an APU on it. Few railroads other than CSX equip large numbers, or any numbers, of other locomotives with APUs.

I want to impress upon everyone here that CSX wants to be the very best neighbor it can. I recognize that I've got some credibility to build with you, CSX has some credibility to build with you. It's my job to do that, and I'm going to try to do that to the best of my ability. With the 23,000-mile network, we have a lot of neighbors, and we try to balance the considerations of our neighbors' lifestyles with the realities of railroad technology.

I'll add, to you, as a personal note, that I live in a community that is demographically very, very similar to Teaneck. It is primarily a non-Christian community, and many of the comments that were spoken about -- the potential for terrorist activity, activities in the schools -- ring very close to home. I have children in public schools. And my wife and I discuss this issue constantly, about -- since 9/11. So these comments that I've heard today hit pretty close to home.

Most of the time we find a level of reasonable compromise that respects all parties, and we're going to try to do -- I'm going to try to do the very same here in Teaneck, to the best that I can. Now you may say, "Why did you even bother to come here? Why did CSX even bother to show up? You've delivered no quick fix. You've made no immediate promise that will be

manifested in next week or next month. So, why did you bother to show up?” And the primary reason I came was to ask for help. You folks are the leaders, the leaders of this community, of this State, and we are trying to solve a statewide problem. And quite frankly, I’d like to have you on the team. New Jersey DOT is on the team, Port Authority is on the team, CSX and NS are on the team to try to find a solution for this and find a way to make freight railroads thrive, and make New Jersey’s transportation network thrive without imposing undue burdens on communities. So I’d like you on the team, and I hope that we can work together in that vein.

I’d be happy to answer any questions that you have.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you, Mr. Goetz.

I think Assemblywoman Weinberg has a question. (laughter)

ASSEMBLYWOMAN WEINBERG: First of all, I do appreciate your being here. That will probably be the last nice thing I’ll say this afternoon. (laughter)

You talked about these things happen out of necessity, not choice. But you didn’t address things like not maintaining the tunnel, about the fencing issues, about all of those other issues that we have been dealing with CSX with for five, six, seven years; about the safety issues, the safety issues of our kids. One of the first questions I want to ask you, are trains left unoccupied on these tracks?

MR. GOETZ: There will be points where, when we are changing crews, where there will not be a crew member on the train.

ASSEMBLYWOMAN WEINBERG: So when you change crews, you can't arrange for one crew to arrive before the other one leaves?

MR. GOETZ: That it is our goal. Our goal is to do that.

ASSEMBLYWOMAN WEINBERG: That's a goal, but not yet achieved.

MR. GOETZ: In fact, our goal is to have the train out of there with a crew on it. That is our goal.

ASSEMBLYWOMAN WEINBERG: Okay. But what happens in between the time one crew leaves before the other arrives?

MR. GOETZ: To my knowledge, what we attempt to do is to have one crew relieve the other.

ASSEMBLYWOMAN WEINBERG: Well, I'm sorry, but your words like *attempt* and *goal* kind of leave me wondering whether that actually happens, and what is so difficult about that? It's a pretty easy labor issue to address, that nobody leaves before the next person arrives. That shouldn't be a goal, it should be a reality.

MR. GOETZ: That's what we are attempting to do, Assemblywoman.

ASSEMBLYWOMAN WEINBERG: All right. I guess that speaks for itself that you're still attempting to do that.

ASSEMBLYMAN GORDON: Can I ask a follow-up question?

ASSEMBLYMAN WISNIEWSKI: Let me just--

Yes, one follow-up on that point. We understand that you attempt to do it. The question is, though, in those circumstances, however

many there are, where that attempt doesn't happen because of whatever reason, is the train locked?

MR. GOETZ: Yes.

ASSEMBLYMAN WISNIEWSKI: Can anybody get into it?

MR. GOETZ: Yes, the train is locked.

ASSEMBLYMAN WISNIEWSKI: Is there security?

MR. GOETZ: It is absolutely--

ASSEMBLYMAN WISNIEWSKI: How?

MR. GOETZ: With -- the door of the locomotive is locked.

ASSEMBLYMAN WISNIEWSKI: Is there a key in the ignition?

Can somebody, I mean-- I don't know how they work, so--

MR. GOETZ: There is a controller unit-- The door of the unit is locked, and there is a controller unit that is required to activate the locomotive and put it into motion.

ASSEMBLYMAN WISNIEWSKI: Can anybody go in and turn it on?

MR. GOETZ: You need the controller unit. I mean, there's a device that needs to be inserted into the locomotive.

ASSEMBLYWOMAN WEINBERG: Well, it's probably running anyway, because they can't turn it off. So you don't need to know how to turn it on.

MR. GOETZ: If I may, in order to engage a locomotive into motion, a device needs to be inserted that is in the possession of the crew. And without the possession of that device, the locomotive cannot be advanced.

ASSEMBLYMAN WISNIEWSKI: So it could idle, but it can't move?

MR. GOETZ: It can idle, yes. That's correct.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Voss, and then Assemblyman Gordon.

ASSEMBLYWOMAN VOSS: I've been reading your whole testimony, and everything in there seems to be about the trains running and things of that sort, and the problems that you have. But I have to echo, because Loretta Weinberg thinks the same way I do, you've been here for like four or five years. I have to tell you that I came to this hearing this morning with a very open mind, because I did a little homework on trains and what could happen, about idling, and how important freight is, and things like that. So I want you to know I came with an open mind. But you've been here for four or five years and everyone has testified about certain issues, which could have been remediated with the smallest expense on your part, okay. The tunnel that they've mentioned. The problems with the houses along-- You've been here for four or five years. Couldn't you have done something, in terms of safety issues, fences, tunnels, things of this sort?

One of the things you mentioned is that the volume of freight has increased tremendously, which is good, because we have a big traffic problem up here. But wasn't there something you could have done to prepare the residents, or give them some compensation, or do something for them to let them know, as things escalated, that you were going to help them, that you were going to be there? I haven't heard you say one thing that your company has done for the residents of this town. And before, the only other comment

I made is the residents of this town have bent over backwards to accommodate you, but you haven't done anything for them -- even the smallest thing.

MR. GOETZ: Our goal has been to not dwell trains here.

ASSEMBLYWOMAN VOSS: I don't want to hear goal. What have you done? I don't mean to get-- I mean, as I said, I came here with an open mind. I want to hear something very specific that you have done -- one thing that you have done for the residents of this town. When they asked you to fix the tunnel, they did it at their expense. When the people from the school came and said that they were very concerned about the children, did you do anything? That's my question. One single, solitary thing to create good will to show the town that you were going to work with them.

I understand all the logistics about the diesels idling and things of that sort, but what did you do for the people of the town? I know you go through a lot of towns, but this town made it more acceptable for you to let your trains idle here, because they don't have grade crossings and things like that, which made you move out of Bogota. What did you do for them, specifically, one thing?

MR. GOETZ: We've tried to do-- I'm sorry. Maybe I'm not giving you the answer that you want.

ASSEMBLYWOMAN VOSS: You're not giving me any answer -- you're trying, your goals are, you're attempting -- what have you done? And you're not just brand new here for one year. You've been here for several years.

MR. GOETZ: I have been.

ASSEMBLYWOMAN VOSS: Yes. And so all I was asking is, one thing that you've done for the people of Teaneck?

ASSEMBLYMAN WISNIEWSKI: Is there any investment that you've made in putting up fences? Is there any cleanup that you've done along the right-of-way? Can you enumerate anything, or is the answer, "Nothing"?

ASSEMBLYWOMAN VOSS: Anything?

MR. GOETZ: What we have done, quite frankly, in response to township complaints is, to the best of our ability, to make sure that that gate is locked at the end of -- I forget what the name of the street is -- but where the crews are.

ASSEMBLYWOMAN VOSS: I just want to make one more comment, because I've been on town councils for many, many years, and I have worked with large entities. And it seems to me that big corporations, or big entities, come; and people like us who are politicians, we come and we go. But you stay. And so you'll yes us to death and you'll say, "Oh, we're trying," or "We're going to do this, and we're going to do that," but in two years or four years we could be gone. You're still going to be here, and then the whole thing is going to come out again. You need to do something specific for the towns that you're dealing with. You need to make some concrete assurances. As I've said, I've been on a town council for 10 years -- we're trying, our goals, we're attempting -- but you haven't done anything for five years. And I'm not a resident of Teaneck. I come from a town where there are no railroads. But I certainly can empathize with everything I've heard today.

MR. GOETZ: Thank you. I understand your position.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Gordon.

ASSEMBLYMAN GORDON: I remain concerned about the security of these locomotives. When I was on my town council, where I served for 10 years -- and we have a rail line through Fair Lawn -- we were told that the switching systems were secure. And in the 1980s, a bunch of kids that didn't have anything to do one night found a way to throw a switch, and a New Jersey Transit train, at full speed, plowed into the Zerega Pasta Factory, killing two people. I think, particularly in this post-9/11 environment-- And I see these trains going by my house. My property is 20 feet from your line as well. I see the tank cars. They may all have the appropriate placards and so on, but there's chlorine, methyl isocyanate -- all sorts of dangerous things -- that our communities, as well prepared as we're becoming, would not be able to respond to.

I think we've made a major effort to improve the safety of our airlines. We need to do the same thing with our rail lines. And I'm not confident that the fact that your engineer leaves with a key means that some smart 15-year-old couldn't get a train to move. I think you need to make a more compelling case to us that that can't happen.

MR. GOETZ: I understand.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Weinberg.

ASSEMBLYWOMAN WEINBERG: I guess I'm still suffering from shock that you somehow have not figured out how to get one train crew there before the other one leaves. (laughter) That seems to me to be such a basic business process that it shouldn't be a goal, it should be a fact of life.

I would expect, at the very least, that starting tomorrow there is never a train left unattended in the Township of Teaneck. And I mean starting tomorrow.

You talked about the instructions about the 45-degree ambient temperature, and yet we have, in Deputy Mayor Veach's report: February 6, one for 30 minutes, another for over eight hours. February 7, temperature 56 degrees, train idling over six-and-a-half hours. No reason that those locomotives shouldn't have been turned off. That is after the meetings we had with your representatives in this very council chambers, when we told them February 1 is the deadline, or we'd be here. Well, I will tell you that my colleagues and I are going to keep all of our promises that will come out of this afternoon. So therefore, your instructions to your train people are obviously not being followed. Because if we have a train idling for six-and-a-half hours and it's 56 degrees, it should be turned off.

DEPUTY MAYOR VEACH: (speaking from audience) Over 14 hours.

ASSEMBLYWOMAN WEINBERG: You're right. February 7, train idling over 14 hours, and another one idling over six-and-a-half hours.

Thank you for the appropriate correction.

So people are not following your instructions.

And by the way, just to correct the record, were you under any misconception. When I referred to the diversity of our community, I didn't refer to the fact that this is a non-Christian community. We have as many Christian churches in this community as we have synagogues and as we have

a mosque. So I just wanted to correct that impression, in case I gave you the wrong impression when I talked about diversity here.

I will tell you, Mr. Goetz, you have a wonderful manner -- very calm and cool. But as you can see, most of us are no longer calm and cool. And, no, I don't believe you. I don't believe that you have any intention of following through to protect the quality of life and the safety of the citizens that I represent. And I will do everything in my power as a legislator to see that we pass laws and that we go to our Federal legislators and find out why there is such a cozy relationship between railroads and the Federal regulators that are supposed to be regulating them. And I will help lead that, and you people will become the poster child for it.

So as of tomorrow, if we find a train in this community that does not have people from CSX on it, I would ask our Town Council to make sure that the police do ticket you, because that is more than an attractive nuisance. And that should happen as of tomorrow. And if you can't find the technology which I have been told exists, which Deputy Mayor Veach talked about earlier in this hearing, to be able to shut those locomotives down, I assure you that none of us are Pollyanna, and the residents of Teaneck do not expect that CSX is going to stop running trains through here. But we do expect that you are going to protect our quality of life and the safety of our residents. You haven't done it up until today, and I have no reason to believe you're going to start doing it tomorrow. But I will tell you that life for CSX is going to change as of tomorrow, if I have anything to say about it.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.
Assemblyman Rooney.

ASSEMBLYMAN ROONEY: Thank you, Mr. Chairman.

And we're talking about idling, but that's not an idle threat that you just heard, so that's-- (laughter)

First of all, I only wish that you had put the Northern Line extension on there. I would have liked to have seen that. Because one of the things, I have both lines in my town. I have both the West Shore and the Northern Line. In fact, they're putting a new siding in, in my town. I just found that out about a week or two ago. And what's interesting is Northvale is the most northern town in Bergen County, along that line. And right in Rockland County, they've torn up your tracks. The right-of-way still exists, but they've torn up the tracks. Now, if you have such a real problem of capacity, I know that that Northern Line -- and I wish it had been shown -- does hook up with the West Shore Line.

MR. GOETZ: It did originally, yes.

ASSEMBLYMAN ROONEY: Yes.

And if you've abandoned that line, and now you're putting all this extra traffic on the West Shore, I mean, why in the hell don't you go back and take some of the capacity off of the West Shore, put it back on the Northern, and be able to bypass a lot of the problems that we're talking about today? That's my first suggestion.

The second suggestion is, I see the location. I was going to ask the question of locations of the yards. Now, I would like to ask about, in your yards, the ones that you have, what kind of security do you have in those yards?

MR. GOETZ: Well, it depends on the various places where trains dwell. And it might be instructive to just look at this. There are a variety of different train destinations in that northern New Jersey area. One is -- what's probably the most common would be a large freight yard. And the largest one there is the one designated as Oak Island Yard.

ASSEMBLYMAN ROONEY: Just on the average, I'm asking, do you have guards that patrol that?

MR. GOETZ: Yes.

ASSEMBLYMAN ROONEY: You have police that patrol that?

MR. GOETZ: Yes.

ASSEMBLYMAN ROONEY: What you're doing is using Teaneck as a yard, and you're not providing the security that they need. So the first thing I would request-- In fact, I'm looking at a whole list of things that I would recommend to you. Number one is, you should reduce the parking time. Number two is, anytime you are parking trains in Teaneck, you should do the same thing that you do in your own yard -- is have security. You provide a guard for those trains, particularly if it has hazardous material on it. You should bring the guard, unless you turn around and you talk to Teaneck and say, "Look, here we are. We're going to have this train here, regardless of what time. We want your local police--," and then pay for the security that it costs them for that particular time that it's going to be there.

The other thing is, I had a bill in with Assemblyman Biondi, and what we did was, when we had a truck come in to a particular town and go into a warehouse and store materials, that truck would be required to give a bill of lading to the local police, especially if it was hazardous material. The police

department then is on notice that you have material that's sitting in their town. They, in turn, would pass it on -- it's in the bill -- they would pass it on to their local fire department. They would identify the material and be able to deal with the situation if there were a catastrophic event -- that the fire department, the police department would know what's there. This is something that I would require you to do. Notify -- if you're parking a train that has hazardous material, give a copy of the bill of lading to the local police and say, "Hey, guys, I'm here. Here's what I've got. Here's the potential problem that you may have." And then require the guards and have the police handle it.

So these are some of the suggestions that I've gleaned from this. And believe me, I'll be talking to the Environment Committee and some of the other committees about what to do.

The other thing is require you guys to enforce the maintenance of your property. I cannot believe that you're not coming here and maintaining what you've agreed to maintain in the past. So that's probably the last item on the list, but it is a thorn in the side of Teaneck. Work with them, that's the easiest one to overcome.

The idling time has got to be limited. You got a situation on location. Teaneck has agreed that this is a location that they want you in, and you're all over the lot. You're up north, you're here, you're there. How in the world can you keep violating that? And this is something that's again easy to rectify. The air and noise pollution, Assemblyman Gordon and I are going to work with the Environment Committee -- we have a meeting this afternoon --

in Forked River of all places. If you'd like, we can drive down together.
(laughter) We're supposed to be there.

ASSEMBLYMAN GORDON: We've got to leave soon.

ASSEMBLYMAN ROONEY: We'll talk about it. A little bipartisan cooperation here.

But these are the things that -- the air pollution is a problem. We know that, because we see the result of it. And again, the Clean Air Act -- you may be exempt at certain things, but if you're sitting next to a residence and you're spewing out diesel fumes to those residents, there's a problem with that. The noise pollution I've already addressed. You have a problem under the existing Federal law if you're sitting there generating more than 70 DBA at 10:00, or later, at night. So these are the kinds of things.

Now, again, using my old experience with Route 17, you've got a situation where you're parking your trains. Maybe you should build a noise wall between your location and the residents. Put a wall up along there so they don't hear you, they don't smell you, or see you, and it may be more acceptable.

The other thing that I heard from a resident here, if you're intending to use that as a parking lot, talk to these residents and buy them out. Take over the property, get rid of the problem once and for all.

The last issue is quiet zones.

ASSEMBLYWOMAN WEINBERG: Remember our property taxes.

ASSEMBLYMAN ROONEY: Yes.

But again, if they come up and they do a buy-out on the properties along there, there's a whole different-- I know, you're going to have a reduction in-- But again, these people are saying their property is worthless to start with, they can't sell it.

ASSEMBLYMAN GORDON: We can offset it with an increase in the taxes.

ASSEMBLYMAN ROONEY: That's another thing. But quiet zones for the residents and for the local Teaneck people -- there is a provision to get quiet zones in your community. We've had a lot of meetings with the Northern Valley Mayors and Planning Association. What it determined is the municipality that has the crossing -- Bergenfield in this case -- has to pass an ordinance. And then with that, it will actually direct the railroad to stop blowing the whistle. But you have to do other things.

MR. GOETZ: You do.

ASSEMBLYMAN ROONEY: They have to provide a safe crossing. You have to have a crossing that nobody can go around.

MR. GOETZ: Car gates.

ASSEMBLYMAN ROONEY: It has gates that are-- There's a whole bunch of requirements. And that would have to be the responsibility of Bergenfield. So you have to cooperate with your neighbors.

I've learned a lot today. I've listened, and I'm trying to make some suggestions that are positive. The first thing you've got to do is, you've got to improve your community relations. Work with the people in Teaneck. Do at least some of the things that are possible. As a local mayor, I go through this all the time. And the worst thing in the world that a public official can have

is somebody who's as arrogant as CSX has been, by not responding to basic -- just small things. Throw them a bone, for God sakes. Allow them-- Do something. Work with them. And then we'll get the big issues off the table. These are things that I think the Legislature and the Federal Government have to work on.

And Loretta, I'll work with you on that, and we'll do a bipartisan effort.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Anyone else?

ASSEMBLYWOMAN WEINBERG: May I just--

ASSEMBLYMAN WISNIEWSKI: Sure.

ASSEMBLYWOMAN WEINBERG: I would really like an answer to the question of why the town had to sue you on the fencing, and why you have refused to abide by the 1923 agreement to maintain the tunnel?

MR. GOETZ: I can't answer that because I don't know. But I will look at the 1923 agreement, and I will give you a response. But I have not personally examined that agreement.

ASSEMBLYWOMAN WEINBERG: And, of course, that's always been one of our problems, as you heard, was the lack of--

MR. GOETZ: I understand that the tunnel is a real point of aggravation. I can tell you that I've taken two walks through the tunnel, and obviously, the town is doing a very good job of maintaining it. It is.

ASSEMBLYWOMAN WEINBERG: At our expense.

ASSEMBLYWOMAN VOSS: At their expense.

ASSEMBLYMAN ROONEY: Pay them for it.

ASSEMBLYMAN WISNIEWSKI: You should be maintaining it.

MR. GOETZ: Okay. I understand that. I will. I will examine that agreement.

ASSEMBLYMAN ROONEY: How about--

ASSEMBLYWOMAN WEINBERG: And the fencing.

ASSEMBLYMAN WISNIEWSKI: One at a time. One at a time.
(laughter)

ASSEMBLYMAN ROONEY: I'm just asking for -- one quick thing. How about a toll-free number instead of the long distance number, so that people can call in and complain without having to pay that long distance cost to Florida?

ASSEMBLYMAN WISNIEWSKI: Anyone else? (no response)

Mr. Goetz, I just-- I find it hard to believe, in looking at this long line of track -- a very tiny part of it is in Teaneck. In that whole, long, expansive track coming down to the choke point, the only place you can park trains is in Teaneck.

MR. GOETZ: No. I didn't say that. I said we park trains on all those sidings up there.

ASSEMBLYMAN WISNIEWSKI: Well, can't you park these trains somewhere else?

MR. GOETZ: No. No, I cannot. Believe me, if I could, I would.

ASSEMBLYMAN WISNIEWSKI: Isn't it really a matter of scheduling? You know when these trains are coming in.

MR. GOETZ: No. Because-- When we advance a train, it might be eight hours earlier when we will advance a train. Because the train is going

to have to come down, and it may occupy one of those sidings further up before it finally gets down to Teaneck. And so, if you have a condition that develops between the time that the train departed, maybe -- it's terminal in Selkirk or Syracuse, and a condition develops that that train may need to be held in Teaneck. I can tell you that -- meaning the concerns that you have and the agitation that you have about trains dwelling and idling in Teaneck, we also hear from these communities in New York state. And the arguments there are even more vocal. And what they say is, "We get the trains, but they're servicing New Jersey. New Jersey is getting the jobs. New Jersey is getting the taxes. And we're getting the trains."

ASSEMBLYMAN WISNIEWSKI: They're buying the goods.

How is your rail property treated for tax purposes in Teaneck?

MR. GOETZ: I can't answer that, because I don't know. I believe that we pay the taxes to the State. But I don't know the answer to that.

ASSEMBLYMAN WISNIEWSKI: Okay.

ASSEMBLYMAN ROONEY: Class I railroad property is tax exempt.

ASSEMBLYWOMAN WEINBERG: Excuse me, I think our township manager, Helene Fall, has just nodded that the taxes are paid to the State.

ASSEMBLYMAN WISNIEWSKI: Paid to the State.

ASSEMBLYMAN ROONEY: But also the Class I is exempt. And then you have Class II, which is taxable. So you have to look at that.

ASSEMBLYMAN WISNIEWSKI: Okay.

Anyone have any other questions?

ASSEMBLYWOMAN WEINBERG: Again, first and foremost, the safety issue. Are you going to make sure those trains are constantly staffed?

MR. GOETZ: I'm going to do two things when I walk out of this room. I'm going to call our folks in Albany, and I am going to talk to them and say we need to have crew members on those trains. And I'm going to answer the question to you that I was unable to answer to your satisfaction. And then the second thing I'm going to do is, I'm going to get a copy of that 1923 agreement on the tunnel, and I'm going to read that and I'm going to see what we can do.

ASSEMBLYWOMAN WEINBERG: Well, I'm sure that the township manager--

MR. GOETZ: Yes.

ASSEMBLYWOMAN WEINBERG: --would be very happy to provide you with this, as well as our legal bills for the litigation that we've had to go through with you.

ASSEMBLYMAN WISNIEWSKI: I think one of the very good suggestions is you make sure those trains are staffed. If we have to draft legislation making it an offense to leave an unstaffed train, we will do that. I think that's a valid area of regulation for the public health and safety in this state. But I think one of the critical elements here is we recognize we're dealing with interstate commerce. But CSX has an obligation that it has not fulfilled, in a large respect, in being a good neighbor and understanding the communities it runs through. We understand that along your right-of-way there are literally hundreds of communities that have similar problems. That's

not an acceptable answer. Every community's problems are just as important as any others. And what CSX, I believe, needs to devote more resources to is addressing those problems -- maintaining those tunnels, the fences along rights-of-way. They say, "Good fences make good neighbors." Maybe that's something that CSX should practice.

If there are no other questions, Mr. Goetz, I thank you for your testimony.

And if there is anyone else who would like to testify? I don't think so.

DEPUTY MAYOR VEACH: (speaking from audience) Can I say something?

Would you like to come back up? (laughter) I know you didn't have that much time before. (laughter)

ASSEMBLYWOMAN WEINBERG: And while I brag about Teaneck, and while Deborah is getting ready to speak, I'd like to point out, in case you haven't noticed, we have a female township manager, a female mayor, and female deputy mayor.

ASSEMBLYMAN ROONEY: Stop bragging. (laughter)

ASSEMBLYWOMAN WEINBERG: Another tribute to the Township of Teaneck.

ASSEMBLYMAN GORDON: Sounds like you have an affirmative action problem. (laughter)

DEPUTY MAYOR VEACH: I specifically wanted to address the issue of the gate being unlocked. We have found many, many instances, when the crew has left the train, where the gate along the southern portion of the

track has been left unlocked many, many times. If you go there now, you'll see that there's an old chain there that was locked, and obviously, can't even be used any more. We've replaced that a number of times. And we've gotten to the point where we have our police check all the time, because it's been locked (*sic*) all the time. And again, that's an added expense to our township, wasting our township's police time going to check a gate. It couldn't be easier to lock a gate. They have the key, the lock, everything is right there.

Other residents have reported that when the train is -- the engine is left there unattended, they have actually climbed onto the engine and the -- whatever that device is -- has been left there. So those trains can be moved. I don't know when the most recent report of that has been, but the trains have been left unattended and residents, or children, could get on those trains and just start moving.

I wanted to compliment Mr. Goetz for saying that he wanted this assignment. Because I hope it's going to be a very difficult assignment. He says that it's not good business and not good community relations. Well, I believe that's an understatement. He says that they're not seeing progress or we're not seeing progress as quickly as he would like. Well, again, that's certainly an understatement.

When I hear that, in response to all this testimony, this is a symptom of a larger issue, I see that as -- I hear the word *excuse*, not symptom. When I hear that he's going to give us reasons why they're here, I hear excuse, I don't hear reasons. When I hear that these are challenges, I don't hear challenges, I hear excuse. And after hearing the residents here, not one comment was made in response to any particular concern brought up to the

residents. Mr. Goetz came with a prepared statement about his two-prong approach, including track strategy and train strategy -- well, we've heard similar things before. And all the construction -- their previous track strategy -- has only led to increased traffic, increased idling, more trains, more traffic, more danger, and more inconvenience to our residents.

Their problem basically is -- I hear him say it -- is that business is good. Business is very, very good, and that's why they can't accommodate all the trains. Well, a \$50 million cost is a drop in the bucket to them. And this should have been done. And quite frankly, I don't think even when these things are done that Teaneck will see any respite.

I would like to ask our township manager -- I know she's not going to be happy about this -- that we start ticketing these trains. If that's what it takes, that's what we have to do.

And I appreciate Assemblyman Rooney's suggestions, but I don't think we want suggestions right now, because we want them out of here. We don't want any accommodation. To hear that, at best, they will be here until 2008, I don't care what kind of train technology they come out with, let them put their train technology some place else. We don't want them here anymore. And we're going to do everything to keep them-- We're not going-- They're not welcome any more, period.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

If there is no other testimony, the meeting is adjourned.

Thank you for being here.

MEETING CONCLUDED