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# *Committee Meeting*

of

## SENATE LEGISLATIVE OVERSIGHT COMMITTEE ASSEMBLY JUDICIARY COMMITTEE

*“The Committees will receive testimony on issues regarding NJ Transit, including but not limited to the fatal train accident at Hoboken Terminal in September 2016; overall safety; maintenance; and reliability. Commuters and other members of the public are encouraged to relay their experiences to the Committees”*

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**LOCATION:** Bergen County Administration Building  
Hackensack, New Jersey

**DATE:** February 23, 2017  
4:00 p.m.

**MEMBERS OF COMMITTEES PRESENT:**

Senator Robert M. Gordon, Chair  
Senator Loretta Weinberg, Vice Chair  
Senator Paul A. Sarlo

Assemblyman John F. McKeon, Chair  
Assemblyman Gordon M. Johnson, Vice Chair  
Assemblyman Tim Eustace  
Assemblyman Joseph A. Lagana  
Assemblyman Andrew Zwicker  
Assemblywoman Nancy F. Munoz



**ALSO PRESENT:**

Miriam Bavati  
Sarah A. Fletcher  
*Office of Legislative Services  
Committee Aides*

Mark J. Magyar  
*Senate Majority*  
Kate McDonnell  
*Assembly Majority  
Committee Aides*

Christopher Emigholz  
*Senate Republican*  
Lauren Longfield  
*Assembly Republican  
Committee Aides*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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ROBERT M. GORDON  
Chairman

LORETTA WEINBERG  
Vice-Chair

M. TERESA RUIZ  
PAUL A. SARLO  
THOMAS H. KEAN, JR.  
JOSEPH M. KYRILLOS, JR.



SARAH A. FLETCHER  
Office of Legislative Services  
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## New Jersey State Legislature

SENATE LEGISLATIVE OVERSIGHT COMMITTEE  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

### COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE LEGISLATIVE OVERSIGHT COMMITTEE

FROM: SENATOR ROBERT M. GORDON, CHAIRMAN

SUBJECT: COMMITTEE MEETING - FEBRUARY 23, 2017

*The public may address comments and questions to Sarah A. Fletcher, Committee Aide, or make bill status and scheduling inquiries to Shirley Link, Secretary, at (609) 847-3855, fax (609) 292-0561, or e-mail: OLSAideSLO@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**The Senate Legislative Oversight Committee will meet jointly with the Assembly Judiciary Committee on Thursday, February 23, 2017 at 4:00 PM in the Bergen County Freeholders Public Meeting Room, on the 5th floor of the Bergen County Administration Building, at One Bergen County Plaza, Hackensack, New Jersey.**

**The committees will receive testimony on issues regarding NJ Transit, including but not limited to the fatal train accident at Hoboken Terminal in September 2016; overall safety; maintenance; and reliability. Commuters and other members of the public are encouraged to relay their experiences to the committees.**

Issued 2/17/17

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

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JOHN F. McKEON  
*Chair*

GORDON M. JOHNSON  
*Vice-Chair*

JOSEPH A. LAGANA  
ELIZABETH MAHER MUOIO  
ANDREW ZWICKER  
MICHAEL PATRICK CARROLL  
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MIRIAM BAVATI  
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**New Jersey State Legislature**  
**ASSEMBLY JUDICIARY COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY JUDICIARY COMMITTEE**

**FROM: ASSEMBLYMAN JOHN F. McKEON, CHAIRMAN**

**SUBJECT: COMMITTEE MEETING – FEBRUARY 23, 2017**

*The public may address comments and questions to Miriam Bavati, Committee Aide, or make bill status and scheduling inquiries to Denise Darmody, Secretary, at (609)847-3865, fax (609)292-6510, or e-mail: OLSAideAJU@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**The committees will receive testimony on issues regarding NJ Transit, including but not limited to the fatal train accident at Hoboken Terminal in September 2016; overall safety; maintenance; and reliability. Commuters and other members of the public are encouraged to relay their experiences to the committees.**

Issued 2/16/17

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**SENATOR ROBERT M. GORDON (Chair):** Good afternoon, everyone; and welcome to this joint meeting of the Senate Legislative Oversight Committee and the Assembly Judiciary Committee.

Would you all please rise and join me in the Pledge of Allegiance? (all recite pledge)

Thank you all, and welcome for being here. I welcome my colleagues from both chambers; some of whom are local, some have traveled long distances. We appreciate your being here.

I have a brief statement to make.

Today marks the fourth hearing that the Senate Legislative Oversight Committee and the Assembly Judiciary Committee will hold on New Jersey Transit issues in the wake of the fatal crash of the New Jersey Transit train at the Hoboken Train Station.

That incident, which occurred five months ago, killed a young mother and injured more than 100 passengers. Today, in fact, we will hear directly from one of the passengers whose life was changed forever by that event.

In the immediate aftermath, we focused heavily on safety issues, including New Jersey Transit's failure to expeditiously install lifesaving Positive Train Control technology, a system that automatically slows a train that is traveling too fast due to operator error or mechanical failure.

Last month, the New Jersey Transit Board added \$32 million to its budget to ensure that the agency would meet the revised 2018 Federal deadline for the system's installation.

But New Jersey Transit's problems go much deeper. New Jersey Transit is the third-largest provider of bus, rail, and light rail transit in the country. For a long time, New Jersey Transit was a model for the delivery of safe, reliable, and cost-efficient transportation services. In the 1990s, the agency won multiple public transportation and leadership awards.

Today this once-acclaimed transportation agency is deteriorating. Despite significant growth in ridership and increases in fares, the agency is beset with frequent delays and, when compared with other major commuter rail systems, has the worst accident record in the nation and has also paid the highest fines for safety violations.

Customers complain of overcrowded cars and frequent breakdowns. National data shows that New Jersey Transit trains are twice as likely to break down as those operated by regional peers, such as the Long Island Rail Road and Metro-North.

Part of the problem is clearly tied to funding, and we look forward with anticipation to Governor Christie's budget speech on Tuesday.

Since the beginning of the Christie Administration, the State subsidy to New Jersey Transit's operating budget has plunged by approximately 90 percent. The Tri-State Transportation Campaign reports a 20 percent drop in infrastructure investment over the last 15 years. The diversion of funds from capital projects to day-to-day operations has become the norm.

The fatal accident at Hoboken underscores the need for us to understand what has led to the deteriorating performance of New Jersey Transit. And as legislators, it is our responsibility to fix it; to identify and



implement the policy changes needed to make New Jersey Transit the model agency it needs to be.

Let me turn now to my Co-Chair, Assemblyman John McKeon.

**ASSEMBLYMAN JOHN F. McKEON (Chair):** Thank you, Senator.

Bergen County is blessed with many great things, including some amazing legislators who are to my right and left; with, of course, you as -- I'm your number one fan, as you know. So it's a pleasure, again, to serve as Co-Chair.

Another great blessing of public servants is County Executive Jim Tedesco.

So Jim, this is a beautiful facility. The great things happening in Bergen County are a credit to your leadership. And thank you for welcoming us to this facility.

**JIM TEDESCO III:** (off mike) Thank you, Assemblyman.

**SENATOR GORDON:** Would you like to say a few words, County Executive?

**MR. TEDESCO:** After the Assemblyman's--

**ASSEMBLYMAN McKEON:** Oh, no, please.

Bob was kicking me, and said, "Don't forget Jim." (laughter)

**MR. TEDESCO:** First, I want to welcome you to Bergen County. You're in the house of the people of Bergen County; and thank you for choosing Bergen County -- to the Senators and the Assemblymembers who are here today.

Bergen County relies heavily on mass transit; and that mass transit is supplied, on most accounts, by New Jersey Transit here in Bergen

County. And I know you referenced the tragic accident that took place in Hoboken. The majority of those people on that train were from Bergen County; it was the Pascack Valley Line. And that train line, along with the Bergen Line -- the Main Line are important components to the success, here, of the people of Bergen County, and the County.

And so I welcome the Senate and the Assembly looking into safety, because safety is important to everybody. Whether it's rail, whether it's bus, or whether it's anything else, the safety of the people who use that transportation has to be paramount.

And so I encourage you to do your due diligence; certainly, the efforts on behalf of the people of Bergen County to get a new bus terminal in New York, and to have the buses arrive there safely -- it's all one big picture in regards to public transportation for the State of New Jersey, and specifically for the people of Bergen County.

So Senators, Assemblymen, thank you for hosting it here. And I encourage everybody to ensure that the people who use public transportation -- taxpayers who spend money -- that we ensure that they can get a safe trip no matter where they go.

So again, thank you.

SENATOR GORDON: Thank you very much.

ASSEMBLYMAN McKEON: Thank you, County Executive.

I was going to do the mundane task of asking for a roll call, if we can do so. I know that we have a special guest, who is swapping in today, on the Assembly side.

MS. BAVATI (Committee Aide): Assemblywoman Munoz.

ASSEMBLYWOMAN MUNOZ: Here.

MS. BAVATI: Assemblyman Zwicker.

ASSEMBLYMAN ZWICKER: Here.

MS. BAVATI: Assemblyman Eustace.

ASSEMBLYMAN EUSTACE: Here.

MS. BAVATI: Assemblyman Lagana.

ASSEMBLYMAN LAGANA: Here.

MS. BAVATI: Chairman McKeon.

ASSEMBLYMAN McKEON: Present; and I know Vice Chairman Johnson is on his way; and welcome to be with us.

ASSEMBLYWOMAN MUNOZ: Thank you.

**SENATOR LORETTA WEINBERG (Vice Chair):** He must have hit traffic. (laughter)

ASSEMBLYWOMAN MUNOZ: Or he's on the train.

SENATOR WEINBERG: Yes.

MS. FLETCHER (Committee Aide): Senator Gordon.

SENATOR GORDON: Here.

MS. FLETCHER: Senator Weinberg.

SENATOR WEINBERG: Here.

MS. FLETCHER: Senator Sarlo.

SENATOR SARLO: Here.

MS. FLETCHER: And Senator Ruiz. (no response)

SENATOR GORDON: Okay; good.

ASSEMBLYMAN McKEON: So my opening remarks, if you will, are going to be very brief.

Today is the day for listening. This is, I believe, our third (*sic*) hearing, at this point. We've heard from NJ Transit and a number of their

professionals; we've heard from experts in the field. And now it's our time to hear from the commuters, and certainly from the many esteemed groups that serve as commuter advocacy groups.

Assemblywoman Munoz mentioned before, "Boy, it's a big deal in my District," and we welcome her today, swapping in for one of your colleagues.

ASSEMBLYWOMAN MUNOZ: Thank you.

ASSEMBLYMAN McKEON: Well, certainly in the 27th District -- where I'm pleased and privileged to represent -- it starts in Chatham, and to Madison, and to Short Hills, and to Millburn, and into Maplewood, and South Orange. And if I take the buses into account, I pick up Livingston and West Orange. So it's essential to not only the 27th Legislative District, but to the half-million commuters who we have in this great state.

So it's your turn to speak with us, and we look forward to doing so with open mind and open ears.

Any other members want to make a statement before we--

SENATOR GORDON: Senator Weinberg.

SENATOR WEINBERG: Just a quick statement.

You can see that our County Executive is hands-on. He just came up here to show us all how to use the microphone. (laughter)

SENATOR WEINBERG: So thank you very much.

And just, I guess, to kind of sum up a little bit -- and we'll be hearing from the public -- money isn't everything, but it certainly helps.

SENATOR GORDON: Yes.

SENATOR WEINBERG: And I think we see the outgrowth of the lack thereof.

And if I may be a little chauvinistic -- I am delighted to be surrounded by so many Bergen County legislators: Assemblyman Lagana; and to my right, Assemblyman Eustace; and my two Senate colleagues, Bob Gordon and Paul Sarlo. So all of you know you are in good hands here.

Thank you.

SENATOR GORDON: Thank you very much.

I just want to say a comment about how we're going to organize this today.

This afternoon we're going to hear from some transportation advocates from some organizations that follow mass transit issues in the state. We're going to hear from that commuter who suffered injuries in the accident of late September. And then we're going to take a short break, and then reconvene this evening; and our hope is that we will hear from a good number of the customers of New Jersey Transit -- the commuters. We've made an effort to try and get the word out to the commuting public; and we will stay here as long as it's necessary -- at least, I will stay here as long it's necessary to take their comments. Those comments will be recorded, and the information analyzed and forwarded to New Jersey Transit so that the organization can benefit from their insights.

With that, I'd like to call, as our first witness, Janna Chernetz, who is the Senior New Jersey Policy Analyst for the Tri-State Transportation Campaign.

**J A N N A C H E R N E T Z, Esq.:** Thank you, Senator Gordon, Assemblyman McKeon, and members of both Committees.

Thanks again for the continued invitation to appear before your Committees to discuss transportation issues in New Jersey.

I am Janna Chernetz; I'm the Director of New Jersey Policy for the Tri-State Transportation Campaign. We're a nonprofit, nonpartisan transportation policy advocacy organization.

And I appeared before this Committee back in December, when I presented a comparison of the different types of sources for operating for New Jersey Transit -- in comparison to other agencies -- to try to figure out, maybe, possibly, what we could do to put the agency on the right path towards fiscal solvency, so that we don't have to deal with the issues of reliability, and decaying infrastructure, and increasing capacity needs.

But I'd like to go a little beyond that; and I'd be happy to provide any members of the Committee with a copy of that presentation.

To start off, obviously, the budget -- we'll be hearing from the Governor next week on the budget. And I do hope that there will be subsequent Committee hearings after that, to see, well, where are we going to go, and where are we possibly going to go in the next fiscal year.

In terms of unmet New Jersey Transit capital needs, there's a definite demand for system-wide capacity expansion. We see that with Gateway, Bergen-Hudson Light Rail, Camden-Glassboro Line. There's going to be a need for rolling stock acquisition, bus acquisition, and money for PTC and other maintenance and safety measures.

But what are the needs beyond that? I think the biggest focus, and the most important role the legislature can play, moving forward, is really shoring up New Jersey Transit's operating budget, because that's going to also shore up their capital budget. Because, as Senator Gordon

talked about, this over-reliance on capital-to-operating transfers is robbing the budget; it's robbing the agency, and it's robbing the State.

Every year, they're transferring hundreds of millions of dollars -- \$450 million -- year in, and year out; I believe it's \$8 billion since this started in 1990. And in 1990, it was a mere \$90 million. But this has become the norm; this has become the way that they balance their books, and this can no longer continue to happen.

Transit is also relying on passengers. There's an overreliance on passenger fares to make up their operating budget. Over 50 percent of New Jersey Transit's operating budget is made up of consumer fares. When you compare that to other like-transit agencies, this is well above the norm. Other agencies rely on, perhaps, 20 to 30 percent of their budget for transit fares. New Jersey Transit -- over 50 percent; the highest transit fares in the country, and they outpace inflation by 25 percent. This can no longer continue.

And I want go back -- I do want to go back to capital-to-operating, because I think this is an area that the legislature can have the biggest impact in this coming year, and moving forward.

Both SEPTA and CTA have also used capital operating transfers. Executive Director Santoro said that other agencies do it, and that is true; but not to the extent that New Jersey Transit does. Both SEPTA and CTA have acknowledged that this type of fiscal procedure is robbing the agency of long-term vision; and that's exactly what's happening with New Jersey Transit. There is no long-term vision, because there is no reliance, year in and year out, that there is going to be enough money in

their operating budget and enough money in their capital. Every year they have to scramble, and that is no way to fund an agency of this importance.

And I say that we have to come up with a plan, because it's not going to happen overnight; it's not going to happen in one year. But I think we need to get the wheels turning and the plan in place to start with the reduction of the reliance on these capital-to-operating transfers so that there could be a gradual phase-out.

I've looked at other agencies to see what they were doing, in terms of how they're bringing revenue in. And I think the State falls short in capitalizing on the multiple opportunities that there are to bring in revenue.

I think that there should be a look at value-capture. In New Jersey, there is a huge benefit to businesses coming in to work -- I mean, to set up shop and headquarters in areas that are rich in transit. It's access to talented employee pools, and it gives people another way to get to work, instead of sitting in traffic with the wear and tear on their cars.

But there's no give-back from those businesses that benefit from that transit. We give economic incentives to move the businesses here, but there is no *quid pro quo*. I think we need to start looking at creative ways in which those businesses can give back to Transit, so that they can continue to present and have the type of service that it needs for these businesses to thrive.

And also, are there other opportunities to increase money by looking at New Jersey Transit-owned properties? Is New Jersey Transit truly capitalizing on the properties that they have -- parking lots -- their open parking lots? Are we developing on them to bring in ratables, to bring



in money that, perhaps, can be used to continue to provide service? I think that these are lost opportunities in the state.

Another need, moving forward, is attracting talent to New Jersey Transit; and that also has to do with operating budgets. I believe we heard Executive Director Santoro talk about the staffing needs, and whether or not this agency and this State, can be competitive to bring in all of the fresh minds that they need -- in order to pay their salaries. And that's an operating issue.

So we're calling on the Legislature to put in action some initiatives during this budget season. We've talked about, especially, the dedicated funding. And we're asking you to scrutinize the budget; ask the tough questions, during the budget time, of Executive Director Santoro and of Commissioner Hammer, to find out exactly what the needs are and make sure that they are funded properly.

This Administration has not prioritized transportation. We saw that with the cancellation of ARC; we saw that with the fifth fare hike since 2000 for New Jersey Transit; and certainly, we saw it with the fight that there was to do the right thing and increase the gas tax to restore solvency of the TTF. We have to move forward and, hopefully, with the next Administration, put transportation as a priority in the State.

It will take time, but there needs to be a plan. And as I said, there can be no more living from budget to budget; and this transportation agency cannot operate under the veil of uncertainty, year after year.

This is suffocating New Jersey Transit internally, in terms of loss of talent and system-wide decay. But it's also suffocating the economy -- the State's economy and the quality of life of New Jersey commuters.

Long delays, long commutes -- and I say *long commutes* because New Jersey has some of the most -- the most mega-commuters in the country, and that's people who commute 90 minutes or more.

New York area commuters spend \$1,739 stuck in traffic every year, and they lose 72 hours of their lives every single year. Wouldn't it be great if people could take back some of that time and money and, perhaps, relax on public transportation? We certainly know how congested our roadways are, and we can't build our way out of congestion. But we can give people transportation options.

As I said, this can all be mitigated with a better public transportation network -- a healthy system that meets the needs of the commuters and the needs of the economy.

And we can talk about a lot of the safety concerns, and I will leave that to some of the people who will be speaking after me, regarding how that has affected their lives; because certainly they can present that more compellingly than I can.

But there are a lot of opportunities for this Legislature, and I think the time is now to do that -- and that's in terms of making sure that this budget has the funding that's needed, in terms of direct State subsidy. We need to look and move forward in reducing the reliance on capital-operating transfers. Get a plan in place.

And, right now, there is a bill -- that all it has to do is go through the full Assembly and be presented to the Governor -- that would put two commuters on New Jersey Transit's board. It's already passed the Senate; it has already passed the Assembly Transportation. I'm talking about S-59 -- and I'm blanking on the Assembly counterpart, which is no

disrespect to the sponsor -- but Assemblyman Wisniewski's and Senator Lesniak's bills that put -- this is extremely important. We need commuters; we need that representation on the Board. We need people who are taking transit, who are riding the bus, who are riding the trains, who are there every single day; so that when decisions are made by the Board, they are knowledgeable decisions.

And we saw what happened with the Port Authority, when the Bus Terminal wasn't even in the plan. None of the Board members had even been to the Terminal. Could you imagine if they had been? So why not put commuters on the Board? Let's learn from the mistakes. Put them on there; they're not meant to be argumentative. It's meant to make the agency a stronger, better agency to adhere to the mission.

So I thank you for the opportunity to present today, and I'd be happy to take any questions.

SENATOR GORDON: Thank you.

I just have a couple of questions.

Janna, you've been an advocate for dedicated sources of funding; and you sort of touched on that. Can you talk about what some of the possibilities are, based on your knowledge of what other--

MS. CHERNETZ: Sure.

SENATOR GORDON: --mass transit systems do?

MS. CHERNETZ: Okay. So I have that opened, because I knew you were going to ask about that. (laughter)

SENATOR GORDON: I didn't-- This wasn't a set-up.

MS. CHERNETZ: It wasn't; I actually had that open.

So just for the benefit of the people here today, and some of the members who might not have been present for my presentation.

Looking at SEPTA -- there are some dedicated taxes that will go to help pay for public transportation. CTA, as well -- there's a substantial amount of public transportation fund that's been set up. I'm not-- It's probably a little bit different from the TTF, because the TTF can't go directly towards operating needs, specifically, in New Jersey. But sales tax, real estate transfer tax -- a 25 percent public transportation fund on real estate transfer tax. So these are dedicated taxes that are going towards operating.

LA Metro, again, by proposition -- putting it out to the voters to agree to pay certain taxes to go for certain projects. Counties that benefit from mass transit -- from the public transportation -- they do -- there are taxes there that go to pay.

Again, there's a *quid pro quo*; you're going to get transit, you're going to benefit from it.

But New Jersey Transit doesn't have any of that. New Jersey Transit passenger revenue -- over 50 percent; there are other commercial revenues-- So let me-- It's a \$2 billion operating budget for New Jersey Transit. Passenger revenue is a little bit over \$1 billion; other commercial revenue is about \$115 million. So there's a big gap between those types of operating revenue. And in terms of Federal and State assistance, State operating assistance is \$140 million -- that's the direct State subsidy; capital-operating transfers, \$400 million; raid from the -- I'm going to say it's *raid* because it is, from the Clean Energy Fund, because that's not what the intended purpose of that money was for -- and that's \$82 million; and

Turnpike Authority raids -- again, that's not what the intended purposes were to fund New Jersey Transit operating -- that was \$200 million.

Again, none of these are dedicated; and that is -- that's really what the problem is, is that there is no reliability. And again, the other agencies -- it is in the form of a tax, which, you know, is not always the easiest to get done. But there are other revenue-generating systems, such as value-capture, that I think New Jersey should be looking at strongly to bring in revenue for New Jersey Transit.

SENATOR GORDON: Another question.

I recently had a very interesting meeting -- along with Senator Weinberg -- with Port Authority officials about the PATH system. And we learned -- we were talking about the way the system is being strained now; particularly in recent years, with the very robust growth that Jersey City is experiencing.

And some of the staff members were commenting that Jersey City has seen some tremendous redevelopment -- one apartment building after another; mixed use -- a lot of great things happening in Jersey City. But no one is really thinking about, so they said, the impact of that growth on the transportation infrastructure. And the point they were making is that PATH is just being pressed beyond its capacity by all these people and businesses that are locating in Jersey City.

And I was reminded of my days on a local planning board. And I remember that, under the Municipal Land Use Law of New Jersey, that if a particular project is going to have an impact on an intersection or create a need for special fire equipment, that, under the law -- and the attorneys here can speak on this better than I can -- but as I recall, under the law, a

planning board can require, as part of a planning board resolution, that there be a contribution if there's a so-called *reasonable nexus* to the increased transportation demand, or fire demand, or whatever it is.

And as far as I know, we really don't have anything comparable to that for mass transit. The thought occurred to me that -- and I don't know whether this is being done elsewhere in the country -- that perhaps when a 500-unit apartment building is coming into an urban area, or some kind of major development is occurring that is going to stress our infrastructure, perhaps there needs to be some legislation that authorizes a local planning board, or perhaps some other entity, to require that funds be -- a certain amount of funds, based on some kind of formula -- be put into some kind of trust fund for mass transit, perhaps; which could be used for New Jersey Transit, or Port Authority -- whatever the needs are that would be defined in legislation.

Any reaction to that? Has that been tried anywhere else?

MS. CHERNETZ: I do. You can sit here and watch me shaking my head, "yes, yes, yes."

Because this is something that I looked at under the American Dream project -- with the demand that that project was going to put on the roads, and bridges, and particularly mass transit; because their transportation plan called on regular rail service to American Dream Meadowlands, without any sort of subsidy.

So I did a little bit of research; and I'd be happy to provide that research, through the Chair, about all the other types of places in the country that have used just that.

There was a medical office -- and the location escapes me; I want to say it was either Colorado or California -- where there was a huge medical complex. And they were going to -- they gave money, on an annual basis, to the public transportation agency so that they could have the bus service that they needed. This is absolutely something that New Jersey should do, and it's something that the State is not doing. And there are enough examples about how this could work.

And I agree; I absolutely agree with you that we should be looking towards having some sort of formula, some mandatory contribution -- a trust fund, if you will -- so that when development comes in, they pay in, and you can go in, specifically, to that fund to help pay for roads and bridges. And it is a trust fund, so that they know that the money that is paid in is going to benefit from them.

But that just, to me -- that is, to me, common sense; and I think that is something that New Jersey absolutely needs to be doing. And I would look forward to, perhaps, working with you so we can craft such legislation that would require that.

But I'd be happy to provide the research that I've done on that.

SENATOR GORDON: Assemblyman Eustace, you had a question?

ASSEMBLYMAN EUSTACE: I do; thank you, Chairman.

Thank you, Ms. Chernetz, for your testimony and for your passion. I appreciate it.

MS. CHERNETZ: Thank you.

ASSEMBLYMAN EUSTACE: And beyond the fiscal ideas that you are talking about -- you talked about vision and policy. And I just have several questions that maybe you can help me with.

MS. CHERNETZ: Sure.

ASSEMBLYMAN EUSTACE: In my District, they closed the Hasbrouck Heights Train Station, which was a well-used train station where people would walk from Hasbrouck Heights to the train station. They closed the train station; so now you have to get in your car and drive to the next train station, which is ludicrous as far as I'm concerned.

So again, vision and policy.

SENATOR SARLO: Well, it's in Wood-Ridge, actually; so don't go crazy. (laughter)

ASSEMBLYMAN EUSTACE: They still have--

SENATOR SARLO: The Mayor's here.

ASSEMBLYMAN EUSTACE: They still have to drive there, Mayor; I'm just saying. I'm also Chair of the Environmental Committee, so that's important, as well, for the State.

And so I wonder if there is vision that goes with this, that tries to dissuade riders from being on the trains. It was a well-used system. the same is true for the Bergen-Hudson Light Rail that we should have moved years ago, and it's absolutely necessary. And I'm just curious if you know if there's a direction, going back to both vision and policy.

MS. CHERNETZ: Well, I've seen a direction in moving away from the connection -- the nexus between land use and transportation. New Jersey DOT had a program called NJ FIT; I don't know if any of you remember that -- New Jersey's Future in Transportation -- where there was a



connection between land use and transportation. And we have taken a back step from that.

And I think encouraging walking, and biking, and reducing the dependency on automobiles -- especially to public transportation -- is something that the State should move forward in looking more robustly at, which they haven't done. I mean, there's the Complete Streets policy, there's Transit Village programs. There are all these programs the New Jersey Department of Transportation has, but I just don't think we're focusing and really using them to their fullest potential.

And the example, that you gave, is unfortunate. I wish I knew a little bit more about that; I would have helped, perhaps, with some advocacy, to try to stop that.

But I think there needs to be a move forward; and, perhaps, a new Administration could do that. And to bring back looking holistically at how our transportation network works, and how we're going to develop the State. We have a very densely developed state, and we need to take a look at -- okay, we're going to put development here; we need to make sure we have enough mass transit; and how we are going to reduce the dependency on automobiles and give people transportation options, transportation choice. There are some people who don't have that choice, because car ownership is very expensive in this state. But for people who do have the choice, we want to make sure that they can take alternative transportation. But I think that there needs to be a focus -- a huge focus on that link between land use and transportation, moving forward. And hopefully, a new Administration will bring that to light.

ASSEMBLYMAN EUSTACE: Thank you.

SENATOR GORDON: Senator Sarlo.

SENATOR SARLO: Yes, thank you, Mr. Chairman.

And Mr. Chairman, I'll be real brief; and you will not hear from me again for the rest of the afternoon, I promise.

SENATOR GORDON: Oh, no. (laughter)

SENATOR SARLO: Just two points.

SENATOR WEINBERG: We'll take that as a promise.  
(laughter)

SENATOR SARLO: I promise.

Transportation District -- you talked about a transportation district. We actually created a Meadowlands -- I see Jimmy Kirkos nodding his head -- we had a bill signed into law called the *Meadowlands Transportation District* -- which did just that. We collected impact fees from developers in the Meadowlands; and it went into a fund -- although there was a lot of pushback from the development community on how much they were actually adding to traffic on some of the local roadways. It didn't generate a whole heck of a lot of money, but it did work.

And that Transportation District that was signed into law -- probably under either Corzine or Codey -- I was the sponsor of the bill; it actually got caught up when we merged the Sports Authority and the Meadowlands Commission. It resided in the Meadowlands Commission, and went away.

So there has been a model; we have done that, and it was successful on a very small scale, within 11 towns.

So I know you guys were a little bit talking about that, so we did do that something like that.

And I just want to say one thing with regards to New Jersey Transit; and this is from my years as the Chairman of the Budget Committee.

You know, we all, here -- we have issues and concerns. But I think when it comes to New Jersey Transit, they are a large bureaucracy; quite frankly, at times they've been treated like the red-headed stepchild, quite frankly, by all of us -- including Administrations, and the Legislature, and others -- when it comes to funding. You know, DOT, Turnpike Authority always -- Port Authority is the big elephant in the room, the big-- And for some reason, Transit always, sort of, gets pushed aside.

One of the things I think elected officials need to do is think outside the box and work with Transit. And we did this in my town, where we built a new train station -- one of the first new train stations built with private dollars, but funded by the municipality, backed up by the DCA, and backed up by the developer. And we're now getting about 2,000 folks a day on that line. But it was privately funded; the town bonded for it, and it's being funded. It's one of the few new train stations.

But it took a lot of thinking outside the box; it took a little bit of risk on everybody, including the local elected officials. So we all, incumbent-- Working with the next Governor, we need to make New Jersey Transit a priority again, because this Administration has sort of forgotten about -- but in all fairness, it's been going on for years.

MS. CHERNETZ: Right.

SENATOR SARLO: The Legislature and the Governor -- we've all sort of pushed them aside a little bit. And we need local elected officials,

the Legislature, and the new Governor thinking outside the box when it comes to mass transportation opportunities.

I'm done. (laughter)

SENATOR GORDON: Okay; thank you.

Senator Weinberg.

SENATOR WEINBERG: Yes; first of all, Chairman, thank you for your consistent advocacy. And no matter what we're meeting on, or where we're meeting, you always find us; and you're always here with excellent suggestions. And certainly, personally, I want to thank you for all your advocacy for the Bus Terminal.

You brought up something -- which might better be sent to the Budget Committee; or maybe we should talk about it -- in terms of finding other revenue; about the open property, or open parking lots that New Jersey Transit owns that might be able to be sold for development or sold off, whatever. But I think we should get a list of those properties, and that should be part of whatever revenue-producing issues we want to discuss, in terms of NJ Transit.

And Senator Sarlo brought up what they did in Wood-Ridge. Remember, the property became so valuable because there was the access to mass transit; or mass transit gets used because there's access to the new development that, supposedly, all the millennials want to live in.

So it's intertwined; and the developers are making -- their property becomes more valuable.

So I think we really need to pursue more seriously how this -- what you alluded to--

SENATOR GORDON: Impact fees. Yes, mass transit impact fees.

SENATOR WEINBERG: --Senator Gordon, how this transportation trust issue can be linked to the development of mass transit.

But certainly I would like to see-- I don't know if this would be in the aegis of the bus -- of the Budget Committee -- I have buses on my mind all the time (laughter) -- of the Budget Committee to actually take a look at what property they own, and what can be sold, or used for--

SENATOR SARLO: Absolutely. There's a lot of properties out there that probably are not being -- they are underutilized; absolutely.

SENATOR WEINBERG: So, certainly, a list of those should be prepared then.

Thank you very much.

MS. CHERNETZ: You could also talk about leasing it as well, and not just selling it -- but leasing it so that New Jersey Transit still owns it and the money still comes in.

SENATOR WEINBERG: Yes.

MS. CHERNETZ: Because, you know, you bring up millennials, which is a really important generation that's gradually aging -- I'm not a millennial -- but you know-- Millennials are living in the cities; they're living in Newark, and Hoboken, and Jersey City. But I do caution that they're not -- they're probably not going to stay there. They are going to want to come back to the suburbs; they're going to want to come out further, but they're still going to hold onto that lifestyle that they had. So if our towns are going to be competitive with one another, if they're going to grow economically, I think that we need to make sure that the

transportation to their jobs -- that they had when they were living in Jersey City; if they were working in Jersey City, or working in New York City -- is there. They're going to want to continue that lifestyle, but just not living in the cities that might be something that falls into the long-term planning.

And there was something that I forgot, if I may.

When we were talking about Gateway and the Bus Terminal -- that's increasing service; that's increasing rail service, that's increasing bus service. But that's also going to put a strain on New Jersey Transit's operating budget.

So there is already a strain to meet the current needs; but how are we going to meet the needs 10, 15, 20 years out? And I don't think it's crazy to be talking about needs 20, even 30 years out, when we didn't see a gas tax increase for 28 years. So that fight took decades in order to increase; and we're going to have that fight again, eventually.

So I think that the focus of the Legislature and the focus of the next Administration is really, really about long-term planning and giving transit that ability to do that; because it's just so important to the State.

ASSEMBLYMAN McKEON: Thank you very much.

I'm going to turn to my colleagues; I can bat cleanup.

But Andrew, do you have any questions?

ASSEMBLYMAN ZWICKER: I'm good.

ASSEMBLYMAN McKEON: Vice Chairman?

ASSEMBLYMAN JOHNSON: I have no questions.

Well, I do have one question, being that you asked me, Chairman.

This funding had in the Meadowlands, which got disbanded. Where did the money go?

SENATOR SARLO: The money ended up residing with the -- it went into the Sports Authority.

SENATOR GORDON: The Sports Authority.

SENATOR SARLO: It got absorbed into the Sports Authority budget.

ASSEMBLYMAN JOHNSON: Okay.

SENATOR WEINBERG: That's comforting.

ASSEMBLYMAN McKEON: I just have a point or two to make; and thank you.

I think Senator Sarlo-- And it's fun to be with you; it's been a lot of years since we sat on the same panel together.

"Outside of the box" should be the mantra, right? Because at 50 percent of the box, that's pretty extraordinary.

Now, I know in our past testimony -- we certainly knew it was 50 percent of the whole budget; and we knew -- as compared to SEPTA, and PATH, and LIRR. But did I hear you correctly -- and I would love a copy of your testimony, because I don't see it up here -- they're higher than any -- that proportion is higher than any transit authority in the whole country?

MS. CHERNETZ: No, not the whole country. I compared-- I was trying to compare like-agencies. So I compared like-agencies, and I will provide that to you. Those were compared to SEPTA, CTA, LA Metro, and BTA. They were similar budgets, and they had similar fleets out during peak hours. So I wanted to try to get as close as possible. And their

reliance on passenger fares was 20 to 30 percent; whereas New Jersey Transit's was 52, and operating-to-capital makes up 21 percent of their operating budget.

ASSEMBLYMAN McKEON: Okay.

And I think we're all familiar with the historic levels over the last seven years -- of how much the fees have gone up.

MS. CHERNETZ: Yes.

ASSEMBLYMAN McKEON: But I just thought that was extraordinary.

I just, in general terms -- we're talking a lot about, all it takes is money. But let's not lose sight of the fact -- as was gleaned through some of our hearings -- that it's also about management. It can't just be, like, "Give us more money." (laughter)

You know, we touched on a whole bunch of high-ranking professionals who really had no transit experience, who are kind of running the railroad, so to speak. So there's a second part of this that will, hopefully, be continued to be probed through our evaluative study.

So I appreciate-- I've never heard you testify before, and I thank you.

MS. CHERNETZ: Thank you

On that note -- and this is something that I've asked before.

The New Jersey Transit -- the New Jersey Department of Transportation capital budget -- capital plan, is always released after public comment period on the budget. I have never had an opportunity -- and other transportation advocates and experts -- have never had the benefit of having the capital budget, for either the Department of Transportation or



New Jersey Transit, prior to the public comment period. So the first time the Budget Committee members ever hear about what's in that budget -- or as far as the public is concerned -- is when the agency heads are presenting to the Committees. I think it would be extremely beneficial to have that document released either contemporaneously with the budget, or pretty soon thereafter; but definitely before the public comment period. I think it would put you all in a better position, I believe, to be asking the questions that you want to be able to ask, and to get the input from the experts.

So I've been asking for it for seven years, and I'll ask again--

SENATOR GORDON: It sounds like something we should request.

MS. CHERNETZ: --that that be released.

ASSEMBLYMAN McKEON: Five of us up here are members of the various budget committees, so--

MS. CHERNETZ: So you can--

ASSEMBLYMAN McKEON: --we should insist on it.

MS. CHERNETZ: Okay; great.

SENATOR GORDON: Okay; if there are no other questions, thank you, Janna, very much.

Do you want to--

ASSEMBLYMAN McKEON: Thank you; sure.

Yes; our next two witnesses-- Is Mr. Kest -- I'm looking in the crowd--

SENATOR GORDON: Yes.

ASSEMBLYMAN McKEON: Yes; Sheldon Kest and his wife, Lynda.

If you can come up, please, to testify.

Mr. Kest was one of the victims of the Hoboken crash, and he would like to be heard from; I know he is accompanied by his attorney. And we promise there will be no cross-examination whatsoever. (laughter)

**MICHAEL A. BUDNER, Esq.:** And I promise not to talk too much.

SENATOR GORDON: Welcome.

ASSEMBLYMAN McKEON: Welcome to you.

MR. BUDNER: Chairs and members, my name is Michael Budner; and I'm an attorney representing Shelly and Lynda Kest in connection with the inexcusable tragedy that occurred in Hoboken on September 29, 2016.

Shelly was a passenger on Train 1614 when it barreled into the Hoboken Terminal at twice the speed limit, jumped the bumper, went onto the track (*sic*), killed one person on the track, and injured 100 other people.

As I promised, I won't speak too much; but I just wanted to introduce them. In addition, Mr. Kest and Mrs. Kest are constituents of Senator Weinberg; they live in Tenafly, and are long-time commuters on public transit. So I think they're going to be an invaluable resource for you.

Thank you.

SENATOR WEINBERG: Well, if I may -- I'm sorry it's under these conditions, but I am happy to meet two of our constituents; also constituents of Assemblyman Gordon Johnson.

So welcome.

**SHELDON M. KEST:** Thank you.

Chairs and members, good afternoon; and thank you for the opportunity to testify and share my story, as you work to improve New Jersey Transit safety for all riders for years to come.

I am Sheldon M. Kest, and I am honored to appear with my wife, Lynda, by my side.

I am a very lucky man; not just to be married to Lynda for more than 40 years, but lucky to be alive, having survived the horrifying, senseless September 29, 2016, New Jersey Transit Hoboken commuter rail crash.

As you can see, a portion of my finger on my right hand -- my dominant hand -- was amputated in the crash, and this has caused me to experience consistent throbbing pain ever since. I also suffered a concussion and deep cuts to my head and face.

I continue to undergo various types of therapies -- including physical and occupational -- several times a week; and this greatly limits my ability to return to work full-time.

But these and other wounds -- physical and psychological --- tell only part of the story, and merely underscore the many questions that, months later, still haunt me and, no doubt, this Committee, starting with, "Why did this happen? How did it happen? And who should be held accountable, so this never, ever happens again?"

Briefly, here is my recollection of that morning.

I have been a regular passenger for over five years on the Pascack Valley Line, boarding near my Tenafly home at New Bridge Landing for the trip to Hoboken, on my way to work in Jersey City as an IT project manager. I was sitting in the middle of the first car on the aisle --

which is the seat I preferred, having recently undergone major surgery on my right knee to repair ruptured quad tendons.

My ride was uneventful until, suddenly, the lights in the car went dark, and the roof of the car started to cave in. That's when I realized that we had crashed.

I vividly remember seeing debris strewn in the aisle. Given my rehabbing knee, I knew that I had no chance of escaping through the door at the rear of the car. Luckily, the young woman sitting by the window in my row managed to open it and jump out. I made it over to the window and repeatedly shouted, "Somebody please help me. I just had knee surgery."

And that's when two men -- total strangers to this day -- helped me as I climbed out. I think of them daily, and wish I could personally thank them one day.

Lynda and I also spend time thinking about the family that lost a loved one -- a wife and mother, who was simply standing on the platform when the train crashed -- as well as all the others who were injured and survived. Believe me, you are never the same after such an ordeal.

Having grown up in Brooklyn, I've been riding trains and other forms of public transportation for more than 50 years. But frankly, at this point, I don't know when I'll be able to board a train again.

Thank you again for the opportunity to share my story, and for your service and efforts to ensure a safe ride for all New Jersey Transit passengers.

ASSEMBLYMAN McKEON: Thank you very much, sir.

Does your -- does Mrs. Kest have anything that she would like to add?

MR. KEST: Is there anything that you would like to add?

**L Y N D A K E S T:** It's just -- the last four-and-a-half months have been very, very difficult for my husband.

He doesn't tell you half of what he goes through, and he's-- It's emotionally draining for him; it's terrible. And all he did was get up to go to work.

ASSEMBLYMAN McKEON: He's lucky that he has you to lean on.

SENATOR GORDON: I have a question.

Have you heard from New Jersey Transit since the accident?

MR. KEST: Not at all.

SENATOR GORDON: They have not reached out to you--

MR. KEST: Not at all.

SENATOR GORDON: --at all?

MR. KEST: Not at all.

And I really appreciate all of you expressing your concern for what happened to me on the train that day.

SENATOR GORDON: I just find it-- I mean, I understand there are always legal issues, and so on. But I mean, just in the interest of humanity, I just don't understand why an agency doesn't even reach out to someone who-- Certainly, there was some publicity and you were identified; they shouldn't have had any trouble finding you. I just can't understand how they couldn't even get in touch to say, "We're sorry."

In addition to chairing what I found a riveting story and very moving, you're an experienced commuter. And I'd be interested in knowing -- hearing, from you, your thoughts on how the service on the Pascack Valley Line has changed in recent years.

MR. KEST: I think, for the most part, the Pascack Valley Line is a very reliable line. The one thing that I noticed, over the last year, is that there were more announcements this year, than in the past, apologizing for a short train; you know, which meant that the train was overcrowded.

SENATOR GORDON: Did they tell you why cars weren't in the normal train set?

MR. KEST: No.

SENATOR GORDON: I mean, we're assuming it's because of the maintenance problems -- that cars are -- if they're not being maintained as frequently as required, they're out of service, and so there are fewer cars and there are more people standing. And if there's an accident, there are more people getting hurt.

MR. KEST: Correct.

There was never any explanation. There was -- it was a short, to the point, apology, you know, for the car being short; and, you know, they were apologizing for the overcrowding situation.

SENATOR GORDON: Has that been increasing in frequency?

MR. KEST: Yes. In the last year, especially, I think it has increased--

SENATOR GORDON: Okay.

MR. KEST: --more so than in prior years.

SENATOR GORDON: Anyone on the Committee with any questions?

SENATOR WEINBERG: Bob--

SENATOR GORDON: Senator Weinberg.

SENATOR WEINBERG: I'm not sure you covered this in your testimony, or if I missed it.

Which car were you in? Were you in the first car?

MR. KEST: I was in the first car.

SENATOR WEINBERG: You were in the first car.

SENATOR WEINBERG: You were in the first car; okay. So did you usually ride in the first car, if you could?

MR. KEST: Sure, because I needed to make the connection to the Light Rail. So it's just short walk.

SENATOR WEINBERG: To the Light Rail that's not going to Tenafly; but that's another subject for another day. (laughter)

MR. KEST: That's another story; correct.

SENATOR WEINBERG: Sorry, but I couldn't resist that one.

So the fact that the train was a car short from what it should've been -- would you say that that first car was more crowded than it might have been had there been a full train?

MR. KEST: Yes, it was. But by the time you get to Secaucus, a lot of people get off in Secaucus, so--

SENATOR WEINBERG: Yes.

MR. KEST: --you know, the ride between Secaucus and Hoboken -- typically there's nobody standing; typically, everybody has a seat.

SENATOR WEINBERG: Okay; well, that answers a question -- my next question, then, so thank you.

But I think this whole issue about how often this reduction seems to be, from six to five cars: how often; what the reason is -- breakdown in equipment, not enough personnel -- whatever, all of the above -- that we really need to get from New Jersey Transit. Because it's bad enough, all the things commuters have to go through, without having to deal with a train that is at least one car short too often. So I think that you said that that's happened, in your experience, more often over this past year.

MR. KEST: Yes.

SENATOR WEINBERG: Okay.

Thank you; and thank you again for being here, both of you.

MR. KEST: You're welcome.

ASSEMBLYMAN McKEON: Thank you.

Assemblyman.

SENATOR GORDON: Assemblyman Lagana.

ASSEMBLYMAN LAGANA: Thank you, Chairman.

I just want to take this opportunity to thank you for coming here. It takes a lot of courage to come to tell your story.

I can't imagine what you went through; but just listening to your rendition of the facts -- it must have been an incredibly emotional experience, and continues to be an incredibly emotional experience.

And the fact of the matter is that New Jersey Transit failed you -- I mean, terribly. There are no excuses; no way to explain it. They failed you; they didn't live up to the standard that should be -- that they should



have lived up to in protecting their commuters, and protecting the people who we represent, and the people of New Jersey. And that's just not acceptable. We hope, as a result of these hearings and us continuing to press the authorities, that this never happens again, because even one accident is one accident too much.

So I just want thank you for coming here and telling us your story.

MR. KEST: Thank you.

SENATOR GORDON: Thank you.

Anyone else? (no response)

Mr. and Mrs. Kest, Mr. Budner, thank you very much for sharing your experiences with us.

I echo the comments of my colleagues. I know this wasn't easy for you, but I thank you for letting -- helping us let the world know of some of these problems. And we're committed to finding a solution to these things.

So again, thank you very much.

MR. KEST: Thank you.

MR. BUDNER: Thank you all.

SENATOR GORDON: Our next witnesses will be -- we're going to hear from both Suzanne Mack, the Chair of the North Jersey Transportation Advisory Committee; and Jim Kirkos, the President and CEO of the Meadowlands Regional Chamber of Commerce.

ASSEMBLYMAN McKEON: Hi.

S U Z A N N E M A C K: Good afternoon.

I was traveling, and I was happy that I was able to come back. I've got the first cold I've had in five years, so I apologize, a little, for that.

I would have come under any circumstances. I am so grateful for your oversight on this issue.

My name is Suzanne Mack; I am a transportation professional. I'm a professional planner; I'm one of the few certified transportation planners in the State of New Jersey. I'm also a Fellow in the Institute of Transportation Engineers. I've spent most of my life working on transportation projects, including the Hudson-Bergen Light Rail, which my one regret is that I have not ridden on it. It was supposed to start in Bergen County--

SENATOR WEINBERG: Well, it's going to get into Bergen County.

SENATOR GORDON: It's going to get into Bergen County.

MS. MACK: It's going to get there.

But I worked very hard on it. So when I hear Senator Gordon discussing the fact that Jersey City -- where I am from -- and Hudson County has reaped the benefits of the development of a transportation system, I always feel bad that it has not lived up to its potential of actually getting to Bergen County.

But I think the reason that I was asked to pop in today -- and I'm very pleased that I could -- I am the Chair of the North Jersey Transportation Advisory Committee at New Jersey Transit.

We all get so mired and there are so many layers of things. When New Jersey Transit was formed in 1979, nobody quite knew what was going to happen. And so the Senate took the authority to appoint two

15-member citizen advisory committees from North Jersey and South Jersey. And those Committees have functioned for the last -- since 1979. They sit with nominations from the Governor and with senatorial courtesy.

So we are-- In my situation, I was appointed by Senator Thomas Cowan, from back in the day. But I now -- my representatives are Senator Sacco and Senator Cunningham; and I am pleased to be able to inform them of things happening at New Jersey Transit and be part of that network. It's a very important thing for us, all of our members, in both North and South Jersey. Our South Jersey Chair, Anna Marie Gonnella, represents Senator Sweeney; and we do try to keep up on these things.

But I will tell you that I am almost aghast coming here today and hearing the tragedy of what happened that day in Hoboken. My son had just looked at an apartment in Yorktown, Senator Sarlo, Avalon Cove, and we were actually out of town that day. But I was watching this and saying that he could have been on that train into the Hoboken Terminal.

So for me -- not only as a transportation professional who represents an advisory board that actually does have contact with the Board members at New Jersey Transit -- I was deeply saddened, and I am deeply saddened for all the tragedy that the commuters had.

I will say that I believe it was an accident; we don't know yet, because the NSTB hasn't come up with it. And I will say, also, that in all my years of decades of watching New Jersey Transit -- I will say that they usually rise to the occasion when there is a crisis. I watched what happened on 9/11, I watched what happened during the Sandy incidents, and I've watched what's happened with these tragedies.

But I was concerned, as was my Committee -- the fact that we not only had the rail accidents this year, we had the bus accidents also. So it was, for me, a transportation advocate -- I see your coming in to have oversight as a breath of fresh air, because something has to be done. There has to be oversight and, also, there has to be a fresh look at it.

I listened to the woman who spoke ably to you on what she thought were the problems at New Jersey Transit with funding. I can tell you that that has been the problem; I watched them when they-- I've been there since the beginning, so I watched them as they rose, and they actually functioned, and were serving New Jersey. And then I watched that capital and operating swap of money. But did they do it because they didn't want to provide the services? No; it was an erosion of funding that-- The best scenario -- you had money from the Federal government, you had money from the State government, you had money from the Port Authority, and you had money from the Turnpike. And there would be bus programs that would come out of the Port Authority; they would provide the buses. There would be rail programs which would come out of the Federal government.

And then it eroded. Just as the economy declined, the money kept getting shortchanged from the Federal, and the State didn't have the resources. And without some sort of oversight of somebody actually looking at that picture, from the overview you're taking now, you wouldn't have seen it; so that, now, we're in a situation where we have people's lives at stake.

SENATOR GORDON: Right.

MS. MACK: So I applaud the fact that I could come here today -- just as an advocate for New Jersey Transit -- because I certainly am

an advocate for them. I think that they are all well-meaning and good people. No one wants tragedies to happen. That's not why people are in business -- to do that.

But I also am encouraged that it has to be done at your level, because you are right. There was a proposal for a Transportation Development District; there was a proposal written for the Hudson-Bergen Light Rail. They discussed the whole concept of having a Transportation Development District. It wasn't implemented but, as Senator Sarlo says, the Meadowlands did do it.

So moving towards the future, there has to be a solution. The solution is having the fiscal resources to be able to put services. I go to 10 New Jersey Transit meetings a year, if I can make them; and I go because I want to listen to the advocates who come out. People don't come out when they're happy. I used to be President of a school board; people come out when they need to be heard. And so I listen; and people come -- people come when their services have been suspended, their stations have been closed, they can't make their connections. Well, these are all people who, as residents of New Jersey, have come to rely on what has been an excellent transportation system over the past four decades. And when it's not there, or when it's not functioning, we all suffer.

We not only all suffer, we go to the issue of, not only these services, but if we talk about the Access Link services, the aging population in New Jersey -- the fact that they need Access Link and senior citizen services. So the whole system has fallen apart, or gotten out of hand, and become unwieldy. And I saw it when it was functioning best -- was when there was an active strategic plan that was actually run by New Jersey DOT.

New Jersey DOT and New Jersey Transit used to operate much more -- and the planning would be done together. But again, those resources have shrunk, over the years. And the Port Authority has gone off to do its own things and its own capital programs in New York.

And I thank you, again, for your leadership on the Bus Terminal in New York City, which is very critical to the region.

So I'm really here today just to thank you -- to let you know that there are citizens who have been appointed by Governors, and who serve with your colleagues in the Senate; and who do care, and do go to the meetings, and New Jersey Transit does inform us.

And we are very willing and happy to work with your Committees -- I know the South Jersey Committee feels the same; that we would be very happy if you decide that you're putting together a task force on these issues. There is nothing more important than the safety of our residents; there is nothing more important. Positive Train Control -- I don't know if that would have helped there; but when there are technological advances that can support safety, then we have to make them a priority.

But I will go back, to say to you, how do they do that when they haven't been funded effectively over the years?

In 1988 -- I think was the last gas tax, until now. My son was born in 1988, and he's turning 30. (laughter) So for 30 years, that Transportation Trust Fund was not renewed, and there really was a drain on resources. So we watched that money being swapped back and forth, and it wasn't pretty. We all knew that that wasn't the right way to go. But at the same time, you tell people, "Well, you have to have a zero-balance

budget.” Well, how do you balance the budget? How do you expand more services?

And I will tell you, though -- Senator Weinberg, don't let them expand the Light Rail anyplace else in New Jersey until you get your Light Rail. (laughter) That was a commitment from the Assembly Light Rail Committee to Bergen County -- from Joe Doria, and from everybody, to Bergen County.

And I go back to say, Senator Gordon, it's-- Somebody needs to take a fresh look, and you are doing that; and it's the right time. I believe that the Administration has tried to do what they can. It's just that it's gotten unwieldy; and I think that the focus that you have on the individual and on the safety of the citizens of New Jersey will hold us in well stead.

SENATOR GORDON: Thank you very much, Ms. Mack.

I have a couple of questions, and then I'll turn to my colleagues.

Ms. Mack, can you-- Do you remember when that erosion started occurring?

MS. MACK: I definitely know we were okay through the late 1990s. It started-- I would think it started-- I think it was the late 1990s, because it was also when the Hudson-Bergen Light Rail was doing very well -- the Tom Downs era -- and then, it seemed like that was the first time I recall when we were actually informed that the money from capital was going to be used for operating. And so it was at that point that the Committee believed that the resources for operating-- And just as the woman before me had said, we've all called for a dedicated resource of funding. I mean, there has not been a dedicated source of funding; and I'm

not saying it has to come from one source or another. But I believe if we go back and look at those other systems around the country that are functioning -- most of them are functioning was with some sort of dedicated source of funding.

SENATOR GORDON: Okay.

The other question relates to your Advisory Committee. Just how much power and influence do those Committees have?

MS. MACK: Well, the Advisory Committee-- And some people ask us that question. We're actually, under the legislation -- we advise the Board. So it's an Advisory Board to the Board. So we have a liaison -- we always have a liaison; one member of the Board -- one public member of the Board; and one public member of the Board is a transit rider also.

But I do agree with the recommendation of putting more commuters on; I think that's an excellent one also.

But we do have-- We have the respect of them; we're all from commuter groups, and we all have-- I mean, we're not out doing other things; I mean, we're dedicated to transportation; so we represent our other communities. But we do have entrée into the staff and to the Board. Right now, our Liaison is James Finkle; for many years, it was John McGoldrick. And it's always been quite a privilege to work with the Board members.

SENATOR GORDON: Any questions?

Senator Weinberg.

SENATOR WEINBERG: Yes, let me follow up on your question, if I may, Senator Gordon.

MS. MACK: Yes.



SENATOR WEINBERG: I'd really like to know, how does-- Under the legislation, how are North Jersey and South Jersey transportation advisory boards supposed to interact with New Jersey Transit? I mean, are you supposed to be reviewing their budgets, or are you supposed to be representing a constituency? Can you give us a little a little more--

MS. MACK: Yes, I think, over time, what has happened is that you become cyclical. Where New Jersey Transit, perhaps -- maybe four or five months before an action is going to the board, if it's of significance -- like the budget -- we will start to meet. And we do meet -- both North and South Jersey meet on the budget. So we do have a chance to comment on the budget.

I was listening to the lady say that she didn't feel she had-- There is the ability to comment on the budget. And the problem I've seen, Senator, was that a few years ago, they came to us and they said they were going to have massive cuts of services. And we sat there, and we went through every one of them; because we all-- There was one to a hospital, there was one to a school. And we basically-- There was no way to solve that problem because there were still going to be cuts. But you do get the opportunity to represent your constituents and at least tell them. We have spent hours with them on the safety issues this year; not only -- as I said, not only on the train crash, but on the bus crash.

SENATOR WEINBERG: Do you have a full complement on your Committee, or--

MS. MACK: No, we don't. Because, right now, the Governor -- it's been hard to get the Governors to make appointments to the Board.

So unfortunately, Senator we've had -- we've had people who have passed on, and we have not had appointments.

SENATOR WEINBERG: Do you have any idea how many openings you have?

MS. MACK: We have -- I think both, North and South, have four to five openings.

SENATOR WEINBERG: Over the total number is what?

MS. MACK: The total number should be 30, and I think it's about 21 right now.

SENATOR WEINBERG: Between both.

MS. MACK: Yes; but I've approached the Governor's Office; everybody has approached the Governor's Office to try to get appointments.

I will tell you that some of the people who I have seen come to your Committee and other Committees -- they would be ideal to serve as-- And we've put in names, many, many times, of people; and you have to go through the process.

SENATOR WEINBERG: So do you have public meetings yourself, or--

MS. MACK: We have meetings -- we actually advise the Board, so our meetings aren't open to the public. But we do call -- we do let people come in if they care to.

SENATOR WEINBERG: Do you have anybody from Bergen County on the Board?

MS. MACK: Actually, our last-- Yes; I'm trying to think of it now -- Tim O'Reilly.

SENATOR WEINBERG: Who? I'm sorry.

MS. MACK: Tim O'Reilly; yes. And John Del Colle before him; yes.

SENATOR WEINBERG: Okay; thank you.

Thank you for being here.

SENATOR GORDON: Any other questions?

Assemblyman Zwicker -- Andrew?

ASSEMBLYMAN ZWICKER: Thank you.

I have a question -- see if you can comment on money that is being spent within the budget right now--

MS. MACK: Sure.

ASSEMBLYMAN ZWICKER: --particularly with Positive Train Control.

So we've heard testimony that New Jersey Transit says that they will meet their obligation for Positive Train Control; I think it's by the end of 2018. We've heard that they're also at zero percent implementation, right now, and that they've spent many tens of millions of dollars.

Has your Committee -- have you looked at how they're spending their money, currently; and do you have any comments -- insight into where that money is being spent and their progress?

MS. MACK: No, the only thing that we've been-- We've been advised of the planning stage of it, and we have not been advised as to-- We get a status of it, but we don't have a hands-on on that. I'd be happy to get it, though, for you.

ASSEMBLYMAN ZWICKER: That would be wonderful, if you could.

MS. MACK: Yes, yes.

SENATOR GORDON: Okay.

Mr. Kirkos.

ASSEMBLYMAN McKEON: Could I, Chairman, just digress for a second?

SENATOR GORDON: Yes, please.

ASSEMBLYMAN McKEON: I just wanted to acknowledge that Executive Director Santoro has joined us to observe. And I know we all appreciate you being here. It shows a lot of respect; and you're listening, like we are.

And the other point, that the Chairman and I spoke about, is we also appreciate the listening tours that you have set up around the commutation lines; and encourage and appreciate you doing so.

**S T E V E N H. S A N T O R O:** (off mike) Well, thank you, sir; and I thank the Joint Committee for letting me listen.

Thank you.

SENATOR GORDON: Thank you.

ASSEMBLYMAN McKEON: Okay.

SENATOR GORDON: Mr. Kirkos.

**J I M K I R K O S:** Chairman Gordon, Chairman McKeon, and members of the Assembly Committee and Senate Committee, thank you for allowing me to share some thoughts.

I am also here today to share a little bit of my experience over the years. My tenure as serving as the CEO of the Meadowlands Regional Chamber is 15 years; but I was a member of that organization, with my business, for 15 years prior, serving on their Advocacy Committees.

And so my tenure, going back and dealing with members of New Jersey Transit, goes back a good amount of time.

And I think the reason I'm here today is, while there is some great review and study by your Committee as to some of the safety concerns that have taken place, I think I'm here to help you and just make sure we don't lose sight of the fact that New Jersey Transit has been an outstanding organization in the past. And I'll read some testimony to tell you about some of my experiences.

You know, the process of transportation advocacy has led me, and many at the Chamber, to interact with many levels of executives at New Jersey Transit. I could tell you, without hesitation, that the spirit of cooperation with all of those engagements over the years has always been productive, and professional, and transparent. And frankly, my organization holds the dedicated staff at New Jersey Transit in very high regard.

My personal experience goes all the way back to when George Warrington was the Executive Director; and if you remember, George Warrington was responsible for bringing us double-decker trains and a bunch of other items. And George was a true professional. And I became a friend; and understood, and became a transportation advocate, predominantly because of his passion and what George brought to New Jersey Transit. So God rest his soul.

New Jersey Transit has an excellent track record of keeping stakeholders, like myself, in the business community engaged and informed. And the fact is, New Jersey Transit operates, as you know, one of the busiest networks in the country and has always had a solid reputation for

quality, service, and operations. The simple fact is, New Jersey Transit is vital for the mobility and economic well-being of the region. That's not something you're not aware of.

When I think about some elements just in the region that I serve, in Meadowlands, I can point to the following facts. New Jersey Transit provides the means of tens of thousands of Bergen County residents to conveniently reach jobs, both in New Jersey and Manhattan, and other destinations. Operations at the Frank Lautenberg Rail Station are exceptional. Rail operations -- delivering approximately 12 percent of those attending major events at Met Life Stadium in the Meadowlands -- are efficient and always get high remarks. And we monitor-- My organization operates a Convention and Visitors Bureau, and we monitor customer experiences through surveying of those customers -- for people, when they come in from -- for everything from international soccer, to concerts, and to events. You know, my job is to help bring those events to the region. The economic impact from all of those events makes (indiscernible). The station there works, and it works very fluently.

Bus and rail operations serve an important role in relieving road congestion. And the proximity of these transit hubs, as we continue to grow them, increases the real estate values, and certainly helps me and other entities to attract developments.

The authorization of additional TTF funding was crucial, and will help advance the critically important infrastructure projects like Positive Train Control, the Gateway tunnel, the Northern Branch, as well as needed bus and rail equipment replacement, and station and infrastructure improvements.

However, the Administration and Legislature needs to do more to find that permanent funding source to fund public transportation. If we expect New Jersey Transit to provide the best possible service to residents and travelers, then New Jersey Transit needs to be funded appropriately, and not expect it to achieve these results with their hands tied behind their back.

And by the way, I have also never known, in the past -- in all the dealings that we've ever have had, and all the scrutiny that New Jersey Transit has ever been under -- I've never known them to make excuses. I've always known them to look the issues and problems square in the eye, be held accountable, be held reliable, and look to find ways to provide reliable and efficient service as long as they've had the resources to do such.

The Chamber is in the middle of an economic development visioning process for the Greater Meadowlands. We're looking at big picture items like the extension of Light Rail service, potentially west to the sports complex; the concept of extending the Number 7 line -- the Number 7 subway to Secaucus transfer; bus rapid transit systems linking local communities to each other; and even more possibilities. But quite frankly, none of those possibilities -- even if some of them are a little bit of dreaming -- will ever be possible without an entity like New Jersey Transit taking the lead, being vibrant, being strong, having vision; and as both my associate next to me, and Janna Chernetz talked about, a strategic, long-term plan for what's important for transportation in New Jersey.

Senator Gordon, Senator Weinberg, you have led the charge and along with other legislative leaders, should be commended for your efforts dealing with the Port Authority Bus Terminal, and demanding that a

new expanded bus terminal facility be built in Manhattan. We support that, we applaud that, and we will continue to fight with you.

And while I can go on -- and perhaps we can continue with a little bit of a conversation, and I can answer some questions -- I leave you with a plea: Yes, address the safety and operating issues. You know, my heart goes out to the gentleman who was here earlier, who experienced that devastating crash and the trauma that comes from that. But we know full well that a fully funded New Jersey Transit, with strong leadership in place, with the elimination of politics in the organization -- that leadership can achieve the goal that we're looking for -- and that's for New Jersey Transit to be the best mass transit system in the country; and I think that's doable, if we all put our heads together for it.

My organization definitely wants to see that happen, because all of the economic development plans that we will advocate for are solely hinged on our ability to move people, and use the transportation and mobility system to help drive economic development.

And so, with that, I thank you for giving me the opportunity to share that. I know you won't lose sight of that; I know you have a deep respect for the organization. And we all want to fix any of the funding and/or staffing dilemmas that are there. But let's give credit where credit is due, and let's work to build -- rebuild that organization into what we know it can be.

SENATOR GORDON: Okay; thank you very much, Mr. Kirkos.

One question I have relates to this Meadowlands Transportation Trust Fund that Senator Sarlo is referring to.



Were you involved in that? If you were, can you tell us--

MR. KIRKOS: As a matter of fact, I served on that--

SENATOR GORDON: --what it took to get that together?

MR. KIRKOS: So it does go back to, originally, after the Master Plan was put into place; and I'm saying that, probably, somewhere around 2007, 2008 there was-- The original Master Plan of the Meadowlands Commission was adopted in 2004; it was supposed to be reviewed in 2009. And by the way, it has not -- none of that has taken place since then, which is something that also needs attention.

But they put the Transportation Planning District in place, and I was one of the members who served on the Transportation Planning District. There were nine members of that Board. And the Board looked at, and eventually developed, the impact fees on developers for the piece. So the original concept was that that would -- a development would come in, an assessment would take place of what the impact was on the area; depending on what that development was, a fee would be generated, and the fee -- and those dollars would be used in district.

And so while the developer was not necessarily promised that the fix would take care of something on his project -- or the project that they were being assessed on -- it would take place in the region, and that it would generate -- and some of that would be an indirect positive effect to everybody in the district.

Where it started to go astray was -- the formula for that was kind of like the tax-sharing formula at the Meadowlands -- complicated; and after a while it became very cynical. The developer community became very cynical of how those fees were being generated. And in many cases, even on

small expansion projects of a warehouse, the transportation impact fees were enormous. And then -- so there was a degradation of the confidence of what that could be.

So while the developers and the business community that I represent was supportive, initially, of the concept of the Transportation Planning District and the impact fees -- because we knew that those dollars would stay in the region and would fix those things -- it seemed to get filtered -- watered down, over time; and that was there.

With the merger, Mr. Chairman, of the Sports Authority and the Commission -- or just prior to that -- the Administration under the Governor eliminated all non-functioning Commissions. So that Commission was, in fact, eliminated by the stroke of an Executive Order. And then, I believe, in the legislation creating the new merged entity, it calls for the reformation of the Transportation Planning District; but that has not happened.

SENATOR GORDON: Okay; interesting.

MR. KIRKOS: So I do not believe that that's happened.

And frankly, I am a little bit short of the legislation and the language for it; but I will review that, and I will send correspondence to each of you--

SENATOR GORDON: Okay.

MR. KIRKOS: --about what was said there. But that has not happened--

SENATOR GORDON: Great.

MR. KIRKOS: --since then.

SENATOR GORDON: Anyone else on the Committee?

Senator Weinberg.

SENATOR WEINBERG: Again, you always ask a question that makes me ask another one. (laughter)

SENATOR WEINBERG: So it was up to the Sports Authority to reconstitute the Committee, or up to the State to do it?

MR. KIRKOS: Quite frankly, I think it might have been the State.

SENATOR WEINBERG: Okay.

MR. KIRKOS: Because there's an appointment process, as to people who would be appointed to the Board. The original legislation called for-- It said, in the legislation, who served; so there was the Hudson County Executive or an appointee; the Bergen County Executive or an appointee; someone from the business community -- in which we were named; there was a union official; and a couple of others -- Krishna Murthy from the Meadowlink, as a transportation management association. He served on that as well.

SENATOR WEINBERG: Okay, so as far as you know, it's supposed to be created, but it hasn't been.

MR. KIRKOS: Correct.

SENATOR WEINBERG: There have been no appointments, there's nobody-- We have some staffers sitting over there from our legislative offices. I would like you to, please, to check into the status of this Board.

Thank you, Jim.

MR. KIRKOS: You're very welcome, Senator.

SENATOR GORDON: Thank you.

Anyone else on the Committee with questions?

ASSEMBLYMAN JOHNSON: Just--

ASSEMBLYMAN McKEON: Assemblyman Gordon.

ASSEMBLYMAN JOHNSON: Thank you.

Just for clarification.

The Transportation Planning District that you referred to -- is that the same as that Meadowlands District; the same -- or is it different?

MR. KIRKOS: Well, yes. It was -- that was the title given to that body within the Meadowlands Commission. They formed a Meadowlands Transportation Planning Commission, or Board, within the Meadowlands Commission at the time. This was prior to the merger.

ASSEMBLYMAN JOHNSON: Right; yes, correct.

MR. KIRKOS: Prior to the merger.

ASSEMBLYMAN JOHNSON: Yes.

MR. KIRKOS: Right.

ASSEMBLYMAN JOHNSON: But it's the same towns.

MR. KIRKOS: Yes; same towns. It was within the jurisdiction of the Commission, which were the 14 municipalities that are in the Meadowlands.

ASSEMBLYMAN JOHNSON: And the fees to be collected would be set aside for projects within the District.

MR. KIRKOS: Correct.

ASSEMBLYMAN JOHNSON: Relating to transportation?

MR. KIRKOS: Related to transportation.

ASSEMBLYMAN JOHNSON: Only for transportation?

MR. KIRKOS: Right; and the Board -- the original Board did not have any power over giving out the contracts, awarding -- any of that. That was still going to be the Commissioners--

ASSEMBLYMAN JOHNSON: Correct.

MR. KIRKOS: --of the Commission.

ASSEMBLYMAN JOHNSON: Right.

MR. KIRKOS: But the Board was to review, and examine, and help vet through what the potential projects would be.

ASSEMBLYMAN JOHNSON: Okay; and who set these fees for these developers?

MR. KIRKOS: The Commission staff set the fees; and initially, they were easy to monitor. And after a while, it just didn't work out.

ASSEMBLYMAN JOHNSON: Got a little crazy.

MR. KIRKOS: Yes, yes. And so then we got a lot of pushback from the developer community, and it tends to be a sore spot.

ASSEMBLYMAN JOHNSON: Based on square footage, you think? Or was it other factors?

MR. KIRKOS: Yes, that was the problem. Originally, it was a matter of what was the parking impacts on that, you know.

ASSEMBLYMAN JOHNSON: Right.

MR. KIRKOS: And then it became -- it became very convoluted, Assemblyman; and I can't share with you-- Just like the tax-sharing formula--

ASSEMBLYMAN JOHNSON: Right.

MR. KIRKOS: --was very difficult to understand.

ASSEMBLYMAN JOHNSON: Right.

Thank you, thank you.

MR. KIRKOS: You're welcome, sir.

ASSEMBLYMAN JOHNSON: Thank you, Chair -- Chairs.

SENATOR GORDON: Thank you.

ASSEMBLYMAN McKEON: Just--

SENATOR GORDON: I'm sorry; go ahead, Chairman.

ASSEMBLYMAN McKEON: Sure.

SENATOR GORDON: I was just going to call up another--

ASSEMBLYMAN McKEON: Okay; I was just going to ask you, very briefly -- you know, the unfortunate-- Although the snow came-- And we were very lucky; it came a few hours after. But the Super Bowl issues were legendary. You mentioned before about different Giant and Jet games, as well as soccer games.

For the most part, that's been comfortable, as it relates to those who avail themselves of that type of transit to the stadium. I don't know; that's my anecdotal experience, is why I'm asking.

MR. KIRKOS: Yes, Assemblyman. The experience that takes place now -- with getting to and exiting the games for football games and/or large concerts and events at MetLife Stadium -- is pretty seamlessly.

ASSEMBLYMAN McKEON: Do you keep any -- I don't know if you do -- customer satisfaction or surveys? Do you keep anything like that? I would love to take a look at them, because that's not what I hear from people.

MR. KIRKOS: Yes, so I can share with you-- So my office -- with our limited staff -- my office queries visitors, because we want to

understand what the visitor experience is. Now, I believe the stadium folks will have some; and I can call Ron VanDeVeen at MetLife Stadium and see if they have acquired surveys from people, taken from normal games, and concerts, and so forth -- to find out what the survey pieces are.

ASSEMBLYMAN McKEON: Okay, thank you; thank you very much.

MR. KIRKOS: You're very welcome.

ASSEMBLYMAN McKEON: I appreciate that.

MR. KIRKOS: Thank you very much.

SENATOR GORDON: Thank you very much, Jim.

Our next panel will consist of Councilwoman Tiffanie Fisher of Hoboken; and Mark Lohbauer, of the Regional Plan Association.

Councilwoman, would you like to lead off?

**C O U N C I L W O M A N T I F F A N I E F I S H E R:** Sure; thank you.

SENATOR GORDON: I should say, we've gotten to know Councilwoman Fisher through her efforts to work with us on the Port Authority Bus Terminal and other Port Authority issues; which, of course, effects the City Hoboken, so much as does New Jersey Transit.

So we're pleased to see you here.

COUNCILWOMAN FISHER: Thank you for having me.

For some of the other members of the panel -- my background is, I have been -- I've lived in Hoboken for the last 22 years. I was elected to City Council in 2015.

My professional background is 22 years working in the commercial real estate industry; about half on the banking and finance side, the other half working for real estate companies.

And for me, the issue that got me interested in putting my hand up to run for an elected role actually happens to be the very large New Jersey Transit development project that is being negotiated with the City of Hoboken for the area around the PATH train. So there are a lot of touchpoints, and a lot of what's been talked about tonight.

But for me, personally, that was the reason why I wanted to get more involved -- because of the-- There's a lot of development pressure within Hoboken, and I just thought my skill set and my interests could be valuable to the community.

A number of things that people mentioned -- the previous speakers -- really touch on Hoboken; obviously, the terrible accident that happened earlier this year (*sic*) -- the tragic accident that took the life of a Hoboken young mother. But also, the discussion about the excess development going on in Jersey City and what the impact is on transportation.

As I've said at some of the Port Authority hearings, in Hoboken we feel that, about a year ago, the Port Authority made the decision to shift more to capacity constrained on the lines going -- that we share with Jersey City, going to downtown. And they made a capacity decision to shift one train per hour away from Hoboken to Jersey City. And that clearly impacts the 52,000 -- or those of the 52,000 residents in Hoboken who use the PATH. But the difference between Hoboken and Jersey City stations is that we have the entire New Jersey Transit overland train coming into our



station; whereas, the PATH trains in Jersey City really are picking up the residents of Jersey City and going directly in, so it doesn't aggravate as much of the broader New Jersey resident network.

So we definitely feel it in Hoboken ourselves; and I'm sure that has rippling effects through the rest of New Jersey

Really, the one issue that I wanted raise -- and I've mentioned this to Mark Magyar before -- is-- And it touches on one of the previous speakers -- what they said about being strategic. Hoboken is a very interesting location;, where we clearly have the Hoboken Terminal -- which is where the New Jersey Transit trains end; as well as a critical station for the Hudson-Bergen -- well, what is now only really, the Hudson Light Rail. But we're also located in an area where you're going to see the Gateway project is, effectively, going to come underneath Hoboken -- somewhere between Hoboken and Weehawken -- and actually cross over, or under, the Light Rail station.

And so as you're thinking strategically -- you know, if you're looking out 5, 10, 15, 20 years -- I would like to request that whatever agencies are involved, that they are thinking outside of the box, and coming together, and basically saying, "Where any of these lines are crossing over each other, are we doing everything we can to make them intersect?"

So for example, the Gateway project -- that is going underneath Weehawken Cove, going through the cliffs, and going towards Secaucus -- is there going to be some sort of station that could happen, or some sort of vertical attachment between the Light Rail and the Gateway project? Is there thinking about, in the future, maybe extending the No. 7 train from Manhattan all the way to Secaucus? Again, it crosses over the

Light Rail. So this is an interesting opportunity to be thinking about what could be done as part of these other projects. Maybe not necessarily even to develop a full station there, but just make sure, if they're going to be underground, and they're building -- and my understanding is, they're building a shaft somewhere near our area -- can they build something vertical that's fairly close to the Light Rail so, at some point, there is this linkage? Because if you do extend the Light Rail up into Bergen County -- for Senator Weinberg, and Senator Gordon, and all of your constituents up in Bergen County -- imagine if you could get on the Light Rail, come down on that first stop in Hoboken, and take the No. 7 train into the City. Or come down to the Light Rail, and get on Amtrak or something going into Penn Station. Like, there are logical reasons why all of those points can literally just connect. It's as simple as looking on a map and seeing that they're going to intersect; that's the simplest way to see it. And I know it's more complicated, but this is the time to think about it.

The other thing that I would overlay -- when you were discussing about trying to think outside of the box and bring private sources of capital into the discussion.

In Hoboken, specifically, we have an interest in having a second Light Rail station on the northern end of Hoboken. It would serve Hoboken residents; it would serve the north end of our town. I do think it would serve, also, all of the people who take the Light Rail from other areas north of Hoboken and south of Hoboken. But in this particular instance, being able to have New Jersey Transit come to us, and have a conversation, and talk about what could be the entire -- what are all the choices to fund this station-- We happen to be-- I'm on the subcommittee for what we call

the *North End Development of Hoboken*. The northwest corner of Hoboken is basically undeveloped; it's a large parking lot for buses; we have PSE&G on the northern end; it's industrial; it's not really used for any residential. But it is being targeted by every landowner and developer to develop that.

SENATOR GORDON: Is this the Rockefeller brothers' project?

COUNCILWOMAN FISHER: The Rockefeller is the eastern edge of that town -- of that section of Hoboken. So there are 6 acres that the Rockefellers own; there are 41 acres that Academy Bus owns -- probably 70 percent of that. There is some private -- additional private ownership of some small, low-scale, former industrial -- or light industrial properties.

But we're, right now, at an opportunity of putting a plan in place for that northwest corner. And it would be great to have a linkage with New Jersey Transit and other agencies and say, "What would their needs be, and how can we do this?" and not waste this opportunity to fit a location for something strategic over a long period of time. Because it would be a shame-- You know, we're one zoning board application away, and one zoning board just gives approval for five variances; and suddenly, the entire northwest corner is a bunch of residential high rises, all using public transportation, and now we don't have a location that we're easily going to be able to access to put something like public transportation in.

So it is thinking ahead, and it's connecting now. Jersey City, and all the development-- You know, I come from a development background; developers look at Jersey City -- everything along the Gold Coast and the waterfront -- and just say, "We're going to--" They want to build, because -- and they want to build residential because their returns are

40, 50 percent IRRs -- they're ridiculous. We just saw returns yesterday on a development that was north of 30 percent. They want to do it; they want to do it now. And all of the towns along the coast are going to have this pressure, Jersey City and Hoboken in particular.

So, kind of, now is the time. And I wanted to come and just kind of put this on -- to let you think about this, as you're having conversations. I know Director Santoro is here; I have not met him, but I know he has a good relationship with Mayor Zimmer and other elected officials in Hoboken. But I just -- I wanted that to be part of this discussion; as you're thinking about the future, just think about the linkages today.

SENATOR GORDON: Thank you very much.

I certainly want to continue exploring with staff --

COUNCILWOMAN FISHER: Yes.

SENATOR GORDON: --this whole concept of impact fees for the -- as a source of funding.

COUNCILWOMAN FISHER: Yes.

SENATOR GORDON: Be it, perhaps, a minor source; but a source of funding for mass transit infrastructure.

COUNCILWOMAN FISHER: Just one thing.

I can tell you that we think, in Hoboken now, more that we are looking to these development zones. We have a unique opportunity where most of the underdeveloped areas of Hoboken are what they call -- are in development -- *redevelopment areas*. So as a result, we're able to negotiate contributions into -- whether it's infrastructure or needs within the community. So it's outside of municipal land use and it's a redevelopment

definition, and that gives us the opportunity to ask developers to contribute into major -- whether it's infrastructure, or maybe it's a school, maybe it's just roads, maybe it's water mains. You know, Hoboken has our fair share of uses; but I know, in particular, for me, I'm very interested in getting that Light Rail station on the north end. And so I think that's something I will advocate -- to figure out a way to bring private dollars to the table. But it really is a partnership with, like, New Jersey Transit, in this particular case.

SENATOR GORDON: Okay.

Any members of the Committee with questions for the Councilwoman? (no response)

Okay; thank you very much.

ASSEMBLYMAN McKEON: Thank you for your service.

MS. FISHER: Thanks.

SENATOR GORDON: Mr. Lohbauer.

**M I C H A E L L O H B A U E R:** Thank you very much, Mr. Chairman.

And I'd like to thank you, and all your fellow Committee members, for the work that you're doing with the Oversight Committee in this critical issue; and for inviting RPA to speak to you about it.

SENATOR GORDON: I should say that I, for one, have been citing RPA studies as a reason for focusing on transportation infrastructure. Your projections of job growth in Manhattan and limited housing expansion sends a pretty clear message that those jobs are going to be filled by people living in the suburbs; and we better be investing in the infrastructure, particularly trans-Hudson infrastructure, if those jobs are

going to come to New Jersey and support commercial real estate, and the rest of the economy of our state.

MR. LOHBAUER: I'm very grateful you've taken note of that.

We have a major study coming out in the fall of this year -- our fourth regional plan -- which will amplify on the point that you've just made, Senator. The fact is that New York City is only going to grow in terms of its import to the region -- the availability of jobs, the availability of higher-paying jobs. And the people who are going to be working those jobs are going to be living in the suburbs -- in the outer parts of the region. And this is a tremendous opportunity for New Jersey to experience wonderful growth, better jobs -- but it all relies on the transportation connections.

I have a two-page statement--

SENATOR GORDON: Please proceed.

MR. LOHBAUER: --if I may read this into the record.

SENATOR GORDON: Sure.

MR. LOHBAUER: And I will leave you with copies as well.

Thank you, Chairman.

My name is Mark Lohbauer; I'm the Director for New Jersey programs at the Regional Plan Association. We are an urban research and advocacy organization that works to improve mobility, economic opportunity, and sustainability in the New York City metropolitan region. That region covers the 13 northern counties of New Jersey. And I'm going to talk to you about New Jersey and New Jersey Transit.

A good transportation system is the most basic of tasks that a state must provide its citizens. New Jersey's economy depends on an effective operation that will get workers to their jobs, and get consumers to

their markets quickly, efficiently, safely, and reliably. But that system must also be affordable, practical, and convenient, or else we will not be able to equitably convey all New Jerseyans of all income levels where they need to go every day. If we fail in that basic task, it is our State economy that suffers; all New Jerseyans suffer. New Jersey becomes less competitive, and risks losing employers, employees, and consumers to other states.

By all objective measures, RPA feels we are failing in this task. It is also clear to us that the failure is not the fault of the people at New Jersey Transit, so much as it is the failure to give them the resources they need to do their job.

We've charged them to do a very complex job that increases in responsibility every year; yet we also require them to do that job with resources that decline every year. These two factors -- the increasing ridership and the declining funding -- have held true for the past 15 years in a row.

Data shows that funding for transit has been declining steadily. The State's subsidy to New Jersey Transit has dropped 90 percent over the past eight years. This loss was partially made up by fare--

SENATOR WEINBERG: What was the percentage again?

SENATOR GORDON: What was that percent?

MR. LOHBAUER: Ninety percent of the subsidy -- that's not their full budget amount -- the State subsidy. This was reported in the *New York Times* last fall.

They have had to make up for that lack of subsidy in fare increases, service reductions, and other cuts.

Lack of funding results in deferred capital improvements and dropped maintenance. Less maintenance leads to more frequent delays, which costs an incalculable -- incalculable value in loss of productivity to New Jersey businesses.

New Jersey Transit operates the third-busiest transit system in the country, yet it is the least well-maintained in the region. Breakdowns are rising. After improving on a record -- which was a terrible record, really -- back in 2002 of going only 27,000 miles between system breakdowns, that level was improved to a rate of one failure every 120,000 miles in 2012. Since 2012, that rate has declined again; we're now down to one failure every 85,000 miles. Again, it's more delays, more system problems.

If we contrast that with the records of Metro-North, which is currently 403,000 miles per failure; and the Long Island Rail Road, at 701,000 miles per system failure, we're far behind.

The *New York Times* reported that New Jersey Transit also experienced more mechanical failures: 213 in the year 2014, compared with 89 for the Long Island Rail Road and 169 for Metro-North. Major train delays are now about one for every two days in 2016.

So, could things be any worse? In fact, they could.

There is a well-documented and continuing trend of younger New Jerseyans to want migrate back to our cities to live and work. The State of New Jersey has done a linear regression to project our future population, and it has forecast an increase above the 2010 census -- which shows us at, currently, 8.7-some million residents -- to have about one million more residents by the year 2025; and another 625,000 more above



that in 2034. That represents a population increase of nearly 20 percent, from where we currently stand, over the next 17 years.

With sufficient housing and infrastructure capacity for that growing population, the region could gain even more. We could see an estimated 1.9 million more jobs by 2040 in our state, and we could add another \$760 billion to the region's economy by capturing those jobs. However, that is all dependent on having an effective transit system.

Without an investment that not only catches us up to current demand on transit, but also anticipates the coming ridership increases over the next 15 years, our problems will only grow. If we do nothing to change this formula, we must expect more delays, more service interruptions and, quite possibly, more tragic accidents.

What is needed is nothing less than a renaissance of rail in New Jersey, complemented by enhancements to intercity bus service, and a better way to cover the final mile to connect us from the transit stop to home.

Here's what RPA proposes that we should be doing.

Number one, we would like to get back up to speed by increasing funding to New Jersey Transit that will make up for the last 15 years of declining investment. If we consider the year 2002 as a baseline year in which we had a competitive level of investment in relation to ridership, then it means that we have about a 20 percent gap in funding to make up. We should be 20 percent ahead of where we are currently funding capital and operations at New Jersey Transit.

Number two, we'd argue don't rob Peter to pay Paul. We need to create a truly dedicated budget for operating expenses that would be not

only separate from the capital budget, but untouchable for non-operating purposes. Of course, for this to be effective, the capital budget has to be sufficiently funded to sustain ongoing capital needs, so that the operating budget is not plundered for capital purposes, or vice versa.

Three, we would recommend enhancement of bus service. There has been some real great progress made with regard to bus service in New Jersey, and we'd like to see even more. We'd like to see a shift away from the diesel-fueled buses to a complete electric or propane-fueled fleet. We'd like to see the adoption of a *proximity pass* fare collection system. We'd like to provide even more real-time bus information screens at major bus terminals to help the public better anticipate when the buses are going to be available. And we'd like to implement true bus rapid transit lanes for the Really GO Bus system, to allow New Jersey buses to act more like Light Rail lines for faster connections in corridors that can support it, and help relay people to our trains.

Fourth, we'd like to see us do a better job at covering the last mile more effectively. For New Jersey Transit to have a greater effect, we have to make it easier for our citizens to use it. As we get better at making public transit more convenient to use, more people will use it. Developments like Transportation Network Companies -- like Uber and Lyft -- getting them more access, so it's easier to get between a transit station and home. More safe bike lanes and bicycle rental programs; more drop off and pickup locations at transit stations; and more local shuttle bus service connections would all work to make public transit more effective.

Five, we'd like to recommend a better effort to get to the heart. There should be more direct trains from major population centers in New

Jersey that can carry New Jerseyans to Manhattan, the heart of the region. Obviously, the Gateway Tunnel project, that we have spoken about, is vital to make sure we have a good, continuing rail link to Manhattan. The improvements that have been mentioned to the Port Authority Bus Terminal are also critical; maybe not pertinent to a discussion of New Jersey Transit, but New Jersey Transit buses will use it.

SENATOR WEINBERG: It's always pertinent to a discussion.  
(laughter)

MR. LOHBAUER: It's always pertinent. Well, we feel, as you do, that that's critical.

Obviously, the extension of the Hudson-Bergen Light Rail Line into Bergen County, to give Bergen County residents more direct access into the heart of the region, is critical.

We also believe that cities like the City of Paterson should have a direct line to Newark and New York City's Penn Stations. That would just tend to support more job growth and residential growth in cities like Paterson, and in other areas in the region.

Sixth, we'd like to see a better plan for the future. In addition to raising the budget to where it should be today to better accommodate today's riders, we'd like to see the capital budget expanded still further in order to enable work to be done today to accommodate the growing ridership of the future that we can see is coming right around the corner.

And as was pointed out earlier by Janna Chernetz and, I think, some other speakers -- in view of the fact of the length of downtime that it takes us to get some of these things planned, designed and approved, it's urgent to approve these funds today and get that work going.

We think that other transit agencies in the region give us a good example of how we can do longer-term capital planning and fund it in advance. The Metropolitan Transit Authority of New York, for example -- which follows a five-year planning cycle, with frequent review of updating their data to make sure they're remaining on-target -- provides a good example for us.

And finally, to get back to your point, Chairman Gordon -- you should all know and appreciate the fact that rail investment has proven to make our home and business values in New Jersey rise. RPA prepared a report in 2010, where we looked expressly at New Jersey Transit's investment in three rail projects that yielded substantial returns in property values, increased local tax revenues, and it attracted more residents.

We did price modeling of 45,000 home sales within two miles of train stations that were involved in three particular improvement projects -- Midtown Direct Service on the Morris and Essex Line; the Montclair connection for the Montclair-Boonton Line; and Secaucus Junction for the Pascack Valley and Main-Bergen-Port Jervis Lines. We found that those improvements increased the value of nearby homes by an average of nearly \$23,000 per home in value. And as you got closer to the station, once you were within walking distance of the station, the values went even higher; within walking distance, home values went up, on average, \$34,000 per home. That's substantial value, that shows that the investment that we make in the rail system pays dividends back to us -- to our citizens.

Cumulatively, the value of all homes within two miles of all those train stations that benefitted from those projects was estimated to be \$11.1 billion. And at 2009 property tax levels, that represented an

additional \$250 million a year in property taxes for the affected municipalities.

So I say -- RPA says to you, please, let's bring on a rail renaissance; let's bring on more enhancements to bus service; let's recognize that stepping up, changing, reversing what we've been doing in terms of investment in New Jersey Transit will reap real dividends for our citizens.

Thank you very much.

SENATOR GORDON: Thank you very much; some very compelling comments.

Any questions?

SENATOR WEINBERG: Are you leaving us with a copy of your--

MR. LOHBAUER: I'm going to leave you several.

SENATOR WEINBERG: Okay; thank you.

SENATOR GORDON: Okay.

ASSEMBLYMAN McKEON: I had the same question; because it was very well put together, and we appreciate it.

MR. LOHBAUER: Thank you very much, Assemblyman. I appreciate it.

SENATOR GORDON: Thank you; thank you, both.

If there are no questions--

At this point, I'd like to call two representatives of Saddle River Tours. This is an organization that provides -- operates bus service. We're getting a little off topic, but they asked for an opportunity to describe a situation they've had with New Jersey Transit. It's unclear, at this point, as

to whether we will have a separate hearing on bus service, although we certainly want to focus some attention on that.

And so I suggested that Jim Murphy of the -- the President of Saddle River Tours appear today to share some thoughts with the Committees.

So, Mr. Murphy, welcome.

**JAMES R. MURPHY:** Chairman, thank you very much.

I am the President of Saddle River Tours. I was born and raised in Bergen County. And Saddle River tours is celebrating its 45th birthday this year, and has been in Bergen County since it started.

My father started the company in 1972; and over the years we've probably seen everything that the bus business can throw at you.

In the last recent years-- Well, we've been through all types of service. My father started the bus business, bringing people on ski trips on a part-time basis; he started with one bus. In 1978, with Atlantic City opening up, we started to run regular route service to Atlantic City. And we also provided senior citizens' trips all over, college sports teams.

When I took the company over in 2004, I felt the need that the company should have more of a public-private relationship. And, you know, I strived for an opportunity to work with an organization like New Jersey Transit.

So over the years I did everything I could to build a team that was worthy enough to be in that group of companies to provide service. And my first opportunity working with New Jersey Transit was during the Super Bowl. We were one of the first companies deployed to take people

back into the City after they had that mad surge of people coming out of the game.

The next one-- Excuse me -- prior to that was Hurricane Sandy -- they contracted with us to provide bus service when the rail suffered that devastation, where the tracks were literally washed away.

More recently, Coach USA had given up some routes that operated to the George Washington Bridge Bus Terminal. So rather than leaving those commuters stranded and with no option, we were given the opportunity to operate that service. I had met with the head of Private Carrier Affairs, and he thought it was a good opportunity for us to get into the private carrier pool.

After that, there was a bidding opportunity for us to bid on some union local bus service, minibus service, and Morris County bus service; which we did on both, and we ended up winning one. We operate a small minibus service around Morris County that links with the train. And we have been doing so for about a year-and-a-half.

Most recently, in May 2016, the Bergen County local bus service routes came out for bid. And we seized that opportunity, because being a local Bergen County guy, this is our backyard.

SENATOR GORDON: So this would be -- you had an opportunity to bid on the operations of New Jersey Transit buses--

MR. MURPHY: Right; so basically--

SENATOR GORDON: --suburb to suburb in--

MR. MURPHY: Correct.

SENATOR GORDON: Bergen County.

MR. MURPHY: Right. They are buses that operate around Bergen Community College, Garden State Plaza, Hackensack Bus Terminal, Ridgewood Bus Terminal.

So when that RFP came out, we went for our oral presentation in July; and we went to what they call a *best and final scenario*. So they had two operators -- Coach USA -- Community Coaches is the incumbent; and us. And the best and final scenario means that they've come up with two carriers-- Well, it was only two carriers that were bidding. If we hadn't bid, Coach USA just would've won it by default. So the two companies -- they said, "You're both qualified to operate the service. All it comes down to now is the cost." So we were notified of that in August.

In September, we were given a letter, and a phone call was made to us, that we had won the Bergen County local bus service.

For me, it was the high point of my career. Because I had always seen these buses driving by my office; and the fact that I was able to build a team worthy enough, like I said, to not only submit a bid and be recognized by New Jersey Transit, but then to get the recommendation of them, you know, for a privately held bus company, for us, was huge.

So after that, we were making preparations to, you know -- everything that goes into getting ready to start a service like that: hiring personnel, interviewing for mechanics, dispatching staff, road supervisors -- things of that nature.

On September 16 -- or, excuse me -- November 16, I was given a letter -- sent a letter by e-mail saying that our bid was going to be -- what's the word I'm looking-- Yes, that the bid was essentially cancelled, and was



going to be re-bid at a later date. And they said, "We're sorry for the inconvenience."

Now, after we were awarded the bid in September, on September 9, Coach USA was given what they were called a *debriefing*. So as the loser, they -- New Jersey Transit says, "We decided not to go with you, and here's why." And I know that, because I've bid on things in the past where I have had a debriefing, where I have lost. And what they do is they give you a line item description as to why you lost; and they say, "Well, your drivers' wages were this, and their driver's wages were that. Your maintenance costs were this, their maintenance costs were that," etc., etc.

And they told them what the variance in the bid was. So our bid was \$48,900,000 over seven years. So when they tell you what the variance is, and it's \$100,000, it's pretty easy to come up with what the amount was.

SENATOR GORDON: So they, in effect, shared your cost-data with a competitor?

MR. MURPHY: They did; they did. And they basically gave them our playbook.

ASSEMBLYMAN McKEON: Sounds like the Patriots.  
(laughter)

MR. MURPHY: So we had an opportunity to submit a letter of reconsideration -- after we were notified of our cancellation -- citing various reasons why we felt that the bid should stand. And our letter was denied.

Shortly after that, it was on New Jersey Transit's Board agenda -- that they were going to extend Community Coach's contract for an

additional one-year term -- 12 to 15 months; and that they allocated -- I forget what the dollar figure is, but I do know that they were allocating \$720,000 more, for the same period of time that we were going to operate our bid in the first year of the contract.

SENATOR GORDON: So they would be spending \$720,000--

MR. MURPHY: More in the first year--

SENATOR GORDON: -- more than they would be if you had been awarded the contract--

MR. MURPHY: Correct.

SENATOR GORDON: --at a time when we're hearing that the agency is starved for funds.

ASSEMBLYMAN EUSTACE: In a single year?

SENATOR GORDON: In a single year.

MR. MURPHY: In a single year.

SENATOR GORDON: Yes.

MR. MURPHY: So I wanted to come in front of you today just to raise awareness to this and ask for help in any way. I thought I was nervous coming in front of you; but until (*sic*) Director Santoro walked in, I was really nervous. (laughter) Because my father built this business on customer service; and I think that sometimes New Jersey Transit forgets that they are the customer, and that it's operators like me that are there to do a service for not only the taxpayers of the state, but for them also.

SENATOR GORDON: Well, thank you very much.

Certainly, we would want to get a response from New Jersey Transit. I'm not sure this is the venue for it, but I certainly will reach out.

**J E F F F E R R E R I:** If I might say--

My name is Jeff Ferreri; I'm Jim's Executive VP, here for moral support; and also to fill in the gaps a little bit.

And I think one of the things that I think that we missed was the reason why the contract was pulled -- Coach USA submitted this letter of reconsideration. And the reason that we got, from Jersey Transit, that they pulled the contract was because Coach USA was not afforded the opportunity to give an oral presentation to support its technical bid. Every contractor is given that opportunity, and it specifically states in the bid that the contractors -- it's their responsibility to give an oral presentation.

Well, their oral presentation was waived by Jersey Transit. It had also been waived in previous contracts; it was waived in the union contract that we lost--

SENATOR WEINBERG: Wait a minute.

When you said *waived* -- because they asked for it to be waived?

MR. FERRERI: Well, apparently what had happened is New Jersey Transit said, "Coach USA, we've done so much work with you that we don't need you to come in and do an oral presentation. We know how you operate."

So I don't know if it's a matter of convenience--

MR. MURPHY: It's a common practice, I think, where once New Jersey Transit is very familiar with your operation, they say there's no need -- "we know your personnel, we've seen it, we--"

MR. FERRERI: So Coach USA conveniently uses this opportunity to submit this letter of reconsideration when, in the past, they have done several bids without doing an oral presentations,. They've won the bids so, obviously, they don't send that letter in. But in this particular

case, they lost the bid to a smaller, strong company that finally got the opportunity to work with New Jersey Transit; and New Jersey Transit gave in to them, basically, and said, "Okay, well you know what? You didn't have the opportunity to do your oral presentation, so we have to resubmit the bid."

Well, what we're claiming -- and what we've claimed in our letter to reconsider -- was the fact that this oral presentation had no bearing on the scoring or the awarding of the contract. It's basically come to light that the oral presentation doesn't help a technical score -- which is one of the things that they measure -- it could actually hurt the score.

So not only did they not give the oral presentation -- which could lower their score, and which would help the bid process for us -- it basically gives them an opportunity to go in and say, "We weren't given this," and it's basically an easy out.

MR. MURPHY: Yes. I mean, basically--

Go ahead; I'm sorry.

SENATOR GORDON: So your options, now, are to rebid the--

MR. FERRERI: The bid comes out in--

MR. MURPHY: Well, I guess--

SENATOR GORDON: But if you rebid, your competition already knows your cost structure.

MR. MURPHY: Correct.

MR. FERRERI: Which puts us at a big disadvantage.

SENATOR GORDON: Yes. This doesn't seem right, but I certainly want to get more facts on this.

MR. MURPHY: Yes.

In closing, we sit here as the only party that did everything correct. And unfortunately, we're the ones being penalized for it.

SENATOR GORDON: Okay; thank you very much.

Does anyone on the Committee have any questions? (no response)

ASSEMBLYMAN McKEON: Thank you.

SENATOR GORDON: Thank you very much.

ASSEMBLYMAN EUSTACE: Thank you, gentlemen.

SENATOR GORDON: Okay; our next panel will be from our friends at the New Jersey Association of Railroad Passengers, Councilman Len Resto from Chatham Township, I believe; and Jack May, who is the Vice President of the organization.

MR. MAGYAR: He might be the Borough.

SENATOR GORDON: Could be the Borough.

MR. MAGYAR: Is it the Borough?

**C O U N C I L M A N L E O N A R D R E S T O:** Borough.

SENATOR GORDON: Sorry.

MR. RESTO: I won't tell him you said that. (laughter)

MR. MAGYAR: That was good, right?

ASSEMBLYMAN McKEON: Only someone from Harding would know the difference. (laughter)

MR. MAGYAR: My son used to cover him.

MR. RESTO: Well, good evening, Senator Gordon, Assemblyman McKeon, and distinguished panel.

Thank you for the opportunity to allow us to give a testimony.

My name is Len Resto, and I am President of the New Jersey Association of Railroad Passengers; and also a Councilman in Chatham Borough in Morris County.

And I'd like to start out by saying that New Jersey Transit certainly provides -- I think as all of you have seen, and have said, and have heard -- a valuable and a very vital transportation service to the entire state. In fact, if we actually looked at it, statewide, we would want to have that expanded greatly to include a lot of the abandoned rail lines all over this state that, at one time, pre-New Jersey Transit, these rail lines actually were in operation. There are some in Bergen County; there are some up in the northwest corner of the state; in central New Jersey. They are all over the state. So it's something that I think is going to come, as others have testified about increasing population.

But you know, as a rail passenger association, we represent all of the rail riders in the state. And we've been in existence since 1980, as the largest rail advocacy group.

We also have a Facebook page and a Twitter account. I'm not a Twitter person; I don't send out Tweets. I wouldn't even know how to even start doing it.

SENATOR WEINBERG: You won't qualify for the Oval Office, obviously. (laughter)

MR. RESTO: No, actually, I think I could do a better job. But I will leave it at that. (laughter)

ASSEMBLYMAN McKEON: I digress.

SENATOR GORDON: Weinberg, here's your tossup. Can you take it? (laughter)

ASSEMBLYMAN McKEON: We can take a vote on that.

SENATOR GORDON: That just went to the National Security Council. (laughter)

MR. RESTO: But what you -- what I see on the Facebook page are complaints that do come in and they share with us. And I just wanted to give you some of the things that we hear.

You know, first on the list are delays; and I think you've heard, -- especially from the gentleman from the Regional Plan Association, on delays caused by the failure of equipment between mileage -- the mileage is getting less and less as time goes on. And so people and commuters don't have the reliability of their commute every day; and a lot of times a boss will accept an excuse, "The train was late today." But when you get into that second and third day, it's, you know, "Get an earlier train."

I am a Co-Chair of a generation-wide job networking group that helps college students get their first job. And whenever they get a job interview in New York I tell them, "Get the train before the train that's going to get you there on time, to make sure that you get to the interview on time. Don't take any chances."

So these delays have become more pronounced over the last five years.

And the other issue people complain about is communication. Since the birth of New Jersey Transit, in 1979, that has been an issue; it's been a constant. We hear complaints about onboard announcement of stations, for instance; and I've seen that. It's gotten better because, on many lines, we have the automated announcement of the station that's coming. But sometimes, those are not on. And some conductors are very

good, they will announce a station; others don't. Now, as a veteran rail rider, I know where I am; so I know what station is coming. But the discretionary rider has no clue where they are. So they're looking out, and trying to figure out, and I kind of try to help people along.

The other thing that happens is you will get, invariably -- especially on the Morris and Essex Line, and I suppose it does happen on other lines -- where a conductor will say, "If you're in the last two cars, move forward; if you're in the front two cars, move backwards." Well, I know where I am on a train, so I know whether to move back or move forward. But the person who takes the train once or twice a month, they have no clue where they're sitting. You know, they assume their car is going to stop at a platform.

To the great credit of some conductors, however, they do say, "If you are in car number 7779, and you will find that number on the left-hand side of your car--" That's real information, and we need to make that consistent.

SENATOR WEINBERG: Interesting; so simple that--

COUNCILMAN RESTO: And it's simple stuff; exactly Senator Weinberg. It's simple stuff that doesn't cost money.

Delay announcements at stations have become better, where they will say, "The train is running 10 minutes late." But people like to hear why a train is late. Why? Because anxiety sets in. People always say, "Well, okay, is it late because the equipment broke down, or is it late because it's a signal problem."

In Chatham, I can make a decision -- if the train is, let's say, 30 minutes late, then I can go home, and get a car, and drive; or I can say,



“Yes, I can stay and wait for the train to come.” So that’s gotten better, but we can still do better.

And then, whenever there’s a delay on the train, the train crews, in many cases, really don’t know what the delay is, so they don’t tell the passengers why they’re stuck; and that creates anxiety, especially in an age of terrorism. You know, people get antsy; they want to know what’s going on; they start getting on the cell phone, calling their offices, “Gee, I’m going to be late,” or they’re on their way home, “I’m going to be late.” And to me, that might be information that’s not getting to the crew -- about what’s going on. So those are complaints that come into us.

Others -- ticket collection. Ticket collection is hit or miss. And we talk about revenue. New Jersey Transit has the highest fares in the nation. And I can send Assemblyman McKeon-- We have an Excel spreadsheet that tracks various agencies that shows the fares. And they’re high for a reason -- because the lack of money that is going to New Jersey Transit. So the Governor starved the agency of money; they have to have money somehow. So they increased fares, which the Governor conveniently called a *user fee* -- not a tax increase. We took the position -- a fare increase is a tax increase. And in an age where seniors and those who are making \$45,000 a year or less are transit-dependent, you have to have a fare that is less.

They also took away the off-peak fare. So there was a discount during the middle of the day, where you could ride at a reduced fare, done to attract discretionary riders. When you got rid of that -- and with train service then running every half-hour or less -- you got fewer riders, which

then starts a spiral of, “Well, we don’t have that many riders, so maybe we’ll change and we’ll provide less service.” So that has to be looked at.

But if want to get the revenue from the fares, we have to collect the tickets. Now, I meant to bring them -- I forgot them at home, because I’m 64 years old, so you start forgetting things -- I have 17 tickets at home; so I have 17 free rides, courtesy of New Jersey Transit. So I’d like to thank the agency for that. But that shouldn’t be.

And this panel should also work with the agency and the State in -- oh, here’s some free tickets -- should work with the--

ASSEMBLYMAN McKEON: Can I have those for my daughter, please? (laughter)

COUNCILMAN RESTO: Well, where do you want to go?

SENATOR GORDON: Actually, there appears to be a conductor coming from the back of the room. (laughter)

COUNCILMAN RESTO: There you go.

Well, speaking of conductors -- the first train to come through Chatham was in 1837; and it was a paper ticket, and it was punched by a paper puncher. So what do we have today? A paper ticket, where a conductor comes through and punches it with a paper puncher. Two centuries; it’s amazing. You go to Europe and you see credit card swipers, and what have you. We have to get with the times; I mean, you know, this is -- to me, it’s crazy.

Another one that comes up, every time, on Facebook -- restrooms at Penn Station. I don’t know if any of you have ever gone in there; and if you want to do it, do it before you eat lunch. Words that I can say, used to describe it, are *disgraceful*, *disgusting*, *horrendous*, *third-world*. But

they are absolutely unacceptable. You know, I don't understand how the high ridership that goes through Penn Station could have a men's room that has four urinals and three toilets. It's amazing.

And another frequent one that comes through is about the bus system -- even though we're not a bus advocacy group, but it ties into rail -- where people complain, "Gee, if I had a map of the bus system, I would know that when I got off the train; I could take this bus, and be where I needed to be."

So those are the things that come up.

But, you know, I'd like to get to the root of a lot of these problems. Because these delays happen because equipment fails; and people understand that. Mechanical things break down. Infrastructure fails; we have old infrastructure, and people understand that that breaks down. Some of that is due to Amtrak, and some of that is not.

And communication that doesn't happen involves training, but training involves money. And I believe it was Assemblyman McKeon who mentioned earlier about non-transit background people hired at NJ Transit; and that is true. We have had people hired -- and I think it's no secret that NJ Transit, for some time, has been a dumping ground for gubernatorial appointments that have ended up at NJ Transit with no transportation experience. And that kills the morale of people at NJ Transit. And when you kill morale, you really have done something that takes time to reverse.

So you combine that with money, and you do not have a good recipe. So that is a practice that just has to stop. There needs to be transportation professionals -- like a Steve Santoro, who is a professional

and knows what he's doing -- to run that organization, and run it right. And that's what we need at that agency.

You know, all of that costs money. So now you've heard the word *money* mentioned over and over again. And it's money that keeps a well-oiled machine going. The passenger fares cover 50 percent of NJ Transit's operating costs. That is among the highest in the nation; others are covering 20 percent, 30 percent. Fifty percent. However, NJ Transit gets the balance of its operating costs and its capital costs out of the Governor's budget and the State Legislature. In the first decade of the 2000s, NJ Transit was subsidized, in the Governor's budget, upwards of \$250 million a year. In fact, in 2009, NJ Transit received \$348,200,000 in subsidy -- and I have the spreadsheet here that comes out of the annual reports from NJ Transit; and this was from the operating budget.

In 2015, that figure had dropped to \$40 million. That's a disgrace. You cannot make silk out of a sow's ear; you can't. You cannot run a railroad without money; it's just an impossibility. So you invite trouble when you combine poor morale and no money.

So NJ Transit has done what others have had to do. They try to make it right, and they have to raid capital to plug the operating budget. That's not the right way to do it, but they have to do it. And the Governor knows it, and he's tolerated it.

Now, we've done something good with the Transportation Trust Fund, finally getting it placed on a steady footing. But NJ Transit has to be granted a realistic capital budget for new equipment, increased safety initiatives, a streamlined ticket collection system, training of employees, and

many other items to bring them back to a best-practices railroad, such as they were in the late 1990s and early 2000s.

More importantly, the Governor and Legislature have to develop a mechanism by which NJ Transit has a stable operating budget subsidy; so it can plan in advance, instead of going to Trenton each year, hat in hand, to get the crumbs falling off the table of Lazarus.

I'm convinced that former Executive Director Ronnie Hakim moved to the MTA because she wanted to do good things at New Jersey Transit without any money. At the MTA, she had \$80 million at her immediate disposal to phase in improvements. It's a huge difference. Many months went by before a potential new Executive Director could be found in William Crosbie. But he peeked under the hood, and he saw what needed to be fixed; and he opened the cookie jar, didn't see any money, and said, "No, thanks."

We then tell Steve Santoro -- an experienced rail hand -- to report on NJ Transit's problems and make recommendations. And he can make all the recommendations he wants. But if you don't give him money, it's not going to happen.

So the one recommendation I can make to you is: fund the railroad as you would fund roads, and NJ Transit will become the safest railroad on this planet.

Thank you.

SENATOR GORDON: Thank you very much, Mr. Resto.

Mr. May, did you want to make a comment?

And we are -- I see we're getting some commuters here, so I want to make sure that we accommodate them.

So I ask the advocates who are still on deck, if you would try to economize in your remarks.

Mr. May.

**JACK MAY:** Thank you for the opportunity to appear before you.

I'm a regular rider on New Jersey Transit's Montclair-Boonton Line; mostly to New York City, but occasionally to Newark or Hoboken.

And as you know, I'm also a public transit advocate and, for many years, a member and officer of the New Jersey Association of Railroad Passengers.

I'm going to skim over what my prepared statement was going to be--

**SENATOR GORDON:** Thank you.

**MR. MAY:** --just because things are taking a long time. And so many of the other speakers have really stolen my thunder by saying some of the same things that I was about to say.

**MR. MURPHY:** And he's hungry.

**MR. MAY:** Pardon?

**MR. MURPHY:** And you're hungry. (laughter)

**MR. MAY:** But I do want to emphasize certain things.

I certainly agree with Senator Gordon's statement, "New Jersey Transit commuters should expect safe, reliable transportation service at an affordable price." The question, of course, is do we have it.

All in all, I'd have to answer, for the most part, "yes;" with certain reservations, as there is much room for improvement.

New Jersey Transit may say it is the way to go, but I would also say the slogan could be, "We get you there."

And because that's my experience. I do get, on New Jersey Transit, to where I'm going almost all the time, on time, in a clean, comfortable and air conditioned atmosphere. Rarely am I late; and if so, only by a few minutes. So in that sense, when you carry so many people on so many trains, New Jersey Transit does get us where we're going.

I've also attended many a New Jersey Transit Board meeting. And I can say, my impression is that I'm convinced that the attitude among New Jersey Transit's executives and top management is safety first. And that has created an awareness of safety culture at the organization, manifested in the activities of train crews and bus drivers that I've observed whenever I ride.

As far as Senator Gordon's comment regarding the 9 percent fare increase -- it is emblematic of the major reason that New Jersey Transit is unable to serve its New Jersey riders to the extent it should. I'm sure you've heard lots of complaints from passengers, and will hear many more this evening. These people are not transit experts who may have solutions to New Jersey Transit's problems; but they are well-acquainted with New Jersey Transit's deficiencies, as they surely and honestly experienced them. But what many of them don't know is that almost all of these deficiencies come from serious underfunding of New Jersey Transit's rail operations and its entire budget.

I'm not going to go into the numbers that Len indicated, but the funding has gone down.

We really are lucky that additional monies are found every year from other sources, like the New Jersey Turnpike, the State Clean Energy

laws, and various Federal programs that the management of New Jersey Transit has judiciously applied to keep the agency functioning.

But it's not right that it's always touch-and-go. And that doesn't allow New Jersey Transit to make even small improvements that they identify. The ones that do happen -- such as off-peak service on the Raritan Valley Line to New York City, and extra summer express trains between New York and the Shore -- have resulted from serendipitous found money in other government programs and, therefore, don't affect the budget.

So generally, New Jersey Transit's hands have been tied because of this serious underfunding.

And funding -- in addition to being too low, it is also unpredictable. It is essential that the Legislature and the Executive of New Jersey work out a plan to provide New Jersey Transit with a dedicated source of revenue so it can plan multi-year activities to improve service, and ensure its infrastructure and rolling stock are always in the state of good repair.

I can think of two programs dear to my heart that New Jersey Transit could institute if it had sufficient funding -- one capital and the other operational -- that would create a great improvement for New Jerseyans and the riding public.

First, the platforms of all the stations NJT serves should be raised to car height, as they have been done in New York, Newark, all other Northeast Corridor stops, and a few others here and there. This should be accomplished for several reasons, the primary one being safety -- as passengers would not have to climb up and down coach steps to board and



alight from trains, steps that can be very slippery in certain types of weather. It would also make New Jersey Transit stations accessible to all senior citizens and the disabled. All the stations on Metro-North and the Long Island Rail Road have high-level platforms and, as a result, their riders also benefit from faster service, cutting the time needed for them to reach their destinations because the doors on those trains just slide open and shut quickly, just like those on New York subway trains.

Secondly, large numbers of seats are left unfilled on New Jersey Transit's midday trains because there is no longer an off-peak discount for riders during these periods. I think it's desirable to shift as many constituents as possible from their polluting automobiles to New Jersey Transit; and I think most of the Legislature agrees. But a program like this, which will increase ridership substantially, does not totally pay for itself and must be subsidized.

Again, Metro-North and the Long Island Rail Road sell reduced-fare, one-way, off-peak tickets, which results in extremely high patronage during the periods of validity; and have increased ridership between intermediate way stations and reverse commuting, which is also very important to New Jersey's economy.

This also allows additional fare revenue to be accumulated from selling the same seat to several customers as, for example, a seat occupied by a rider from Morristown to Milburn will then be used again by one from Millburn or Maplewood to New York. You get the gist.

Plus it will allow New Jerseyans to travel more often than they currently do, because sometimes they just stay cooped up at home because of the high fares. Off-peak, reduced fares will help that.

So Senator Gordon, you yourself said, “We need to find a dedicated funding source for these programs.” We certainly agree that money has to be increased to go to New Jersey Transit to operate a modern, reliable, and passenger-oriented transit system for the benefit of all New Jerseyans.

Thank you very much.

SENATOR GORDON: Thank you very much, Mr. May.

Any questions from the Committee? (no response)

Thank you both very much--

MR. RESTO: Thank you.

SENATOR GORDON: --for a very helpful testimony with some very good suggestions.

We have one other -- one final panel of two before we start hearing from commuters.

Our original game plan was to take a recess after we heard from advocacy organizations. We were going to take a recess for dinner.

But in light of the hour, what I am going to suggest to the Committee is that we keep on going to try to accommodate our commuters. And those of us who want to take a break, and go in the back and get a bite to eat, I encourage you to do so. At some point, I'll deputize somebody to take over as Chair.

But we want to keep this going and try to be as accommodating to those who made the effort to get here.

So with that, I'd like to call up our friends from the Lackawanna Coalition, David Peter Alan and Stephen Thorpe; the Chair and Vice Chair, respectively, of the organization.

**D A V I D P E T E R A L A N, Esq.:** I don't think Steve is here tonight.

SENATOR GORDON: Okay.

MR. ALAN: So I'll be going solo, if that's okay with you.

SENATOR GORDON: Mr. Alan.

MR. ALAN: Yes; thank you Senator.

For those of you who don't know me, I am David Peter Alan, A-L-A-N; I live in South Orange, in Assemblyman McKeon's District; and I practice law there, as a registered patent attorney. So I have a deep appreciation and respect for innovation.

I started as an advocate 32 years ago, with the Essex County Transportation Advisory Board. I have been a member of the Lackawanna Coalition since 1998, and Chair since 2000. And I am the longest-serving member of the Senior Citizens and Disabled Residents Transportation Advisory Committee at Transit -- the third advisory committee; and nationally, I am on the Board of RUN -- the Rail Users Network -- and I have been on about 250 transit properties throughout the U.S. and Canada. So I am very familiar with the transit scene, although I am representing only the Lackawanna Coalition tonight.

The Lackawanna Coalition began advocating for better rail service on the Morris and Essex, Montclair, and Gladstone lines in 1979, shortly before New Jersey Transit was founded. And, over time, our purview has grown; it now includes all connecting transportation, including here in Bergen County.

Later, you will hear from Sally Jane Gellert, our Legislative Director, who will address you in her personal capacity, as a--

**SALLY JANE GELLERT:** (off mike) Woodcliff Lake.

MR. ALAN: --Woodcliff Lake resident, and Pascack Valley Line rider.

I came here on the Pascack Line today; I took the Morris and Essex train to Hoboken and changed there. But because of the schedule, I can't go home that way, unless I stay very late. There is no train from Hackensack to Hoboken between 4:33 in the afternoon and 9:57 tonight. Fortunately for me, I can take the 76 bus to Newark; but people living further north don't have many options on New Jersey Transit, and people north of Westwood have only Coach USA's Rockland coaches.

At one time, the Pascack Valley Line was known as the *New Jersey and New York Railroad*; its parent company was the Erie and, until 78 years ago, they ran a full-service schedule.

From 1939 to 2007, they ran during peak hours only. And now there are trains outside peak commuting hours again -- there have been since 2007 -- and we join with many of the riders on the line in thanking New Jersey Transit for improving that service. We at the Coalition worked very hard to get it, along with our colleagues at the New Jersey Association of Railroad Passengers.

Service on the Pascack Valley Line is better than it was for the 68 years when it only served commuters and no one else. But it still is not a truly full-service line.

The solutions lie along the line and in Hoboken, and both on the capital and operating sides of New Jersey Transit, and in the political realm as well.

Hoboken Terminal has been neglected during the past 10 years for service. We used to have hourly weekend service from the Morris and Essex Line into Hoboken; that's gone. We used to have half-hourly midday service during the week into Hoboken; it's now hourly, and runs at almost the same time as the Penn Station trains. Hoboken and Montclair service runs only every two or three hours on the weekend, when it should run every hour.

But we got an idea of the importance of Hoboken after that crash from -- of train 1614 on September 29. Hoboken Terminal was shut down for 11 days, and was relegated to partial service for another week. New Jersey Transit's employees, including its managers, brought it back as quickly as they could; they did a good job. And we hope they now realize how important Hoboken Terminal is. Except for the Saint George Terminal on Staten Island, at the end of the ferry, there is no other terminal station that has capacity that we can expand into during peak commuting hours.

Unfortunately, it costs more for commuters to commute to Hoboken and then take PATH to New York City, than it does to commute directly to Penn Station. We need to do things that will encourage people to go to Hoboken -- like lower fares -- and to take off-peak trains, like the restoration of the off-peak fares, which we had until 2010. If we can get enough people to commute to Hoboken, or ride trains at off-peak hours instead of commuting to Penn Station, that could take some of the stress away from the crowded Penn Station peak hour.

We need to do that, because we need to buy time. We need tunnels. Everybody in the advocacy community and everybody in the management community knows that. But there are changes in Washington.

I have said, in a lot of places, that I do not see all of the Gateway project being built; I just don't see the funding coming through for it. We need to concentrate on getting funding for tunnels. If we get two new tunnels and a replacement for the Portal Bridge, I think we'll be doing well. And if we have to buy time until that funding comes through-- New Jersey Transit's riders need new tunnels more than Amtrak's rider. We can't wait for Gateway; we have to take the lead and make sure this gets built.

When New Jersey Transit was improving the Pascack Valley Line for the return of off-peak service in 2003, they planned to build five new passing tracks. I submitted a map of their track plan as Exhibit A. There were five sidings planned; only three were built: Sack near Teterboro; Cole near New Bridge Landing; and Pond, between Pearl River and Nanuet in Rockland County. They never built the proposed Golf siding near Oradell, or the proposed Vale siding near Park Ridge. These sidings would allow more service; New Jersey Transit says still not as much as on the other lines, and that may well be true. In any event, to get the kind of service Pascack Valley riders should have outside of peak commuting hours, it's going to cost money. And it's up to you legislators to decide how much you have available to spend, and how much you think the benefit would be.

We call on you in the Legislature to provide funding for capital improvements -- like these sidings -- that would increase ridership; and push for other improvements in operating funding. We know that operating funding, in Fiscal Year 2016, was one-tenth of what it was in 2008. It will take a massive commitment to our transit, by you elected officials, to allow our mobility to recover. It's gotten a little better, but it has a long ways to go.

Today, New Jersey Transit's answer, whenever I or anyone else recommends any kind of service improvement -- just one train -- is, "We can't afford it." And I know the manager in this room; I've had -- I and my colleagues in the advocacy community have had frank dialogue with these managers for years. And when they say money is short, I believe them.

To make matters worse, last year this Legislature struck a massive blow against transit riders -- especially those who, like me, depend on transit for all of our mobility. Assembly Bill A-227 and Senate Bill S-331, passed as Public Law 2016, chapter 52, now gives New Jersey Transit the authority to cut service at any time, by up to two hours, without any notice whatsoever to the riding public. I've submitted a copy of that legislation as Exhibit B, and our report on that event in the September-October edition of our newsletter, the *Railgram*, as Exhibit C.

This infamous legislation began as a requirement that New Jersey Transit actually notify the riding public and hold a hearing before they made any service cuts. But that has changed completely; the exception has swallowed up the rule.

The idea was to avoid a repetition of the situation that we riders faced in September 2015, when New Jersey Transit cut the last trains on many of our lines, including here on the Pascack Line. Because we fought hard, we were able to get 22 minutes back of the 45 we lost on the Morris and Essex Line, and 21 minutes back of the 59 we lost on the Gladstone Branch. Nobody else got anything back.

If we had had knowledge that these cuts were coming, we might have been able to mobilize public opinion; we might have been able to get some additional funding; we might have been able to advocate for it. But

now we can't. And instead, the new statute has left us open to abuse more than we had been in the past.

Before this new law, we could have argued that cutting the last train of the evening -- which changes people's lifestyles and may even cost them their jobs -- constituted a substantial curtailment of service which, without a hearing, was a violation of N.J.S.A. 27:25(8)(c). Now we can no longer make this argument. Now we are faced with the possibility of losing two hours of service, arbitrarily, at any time. And it is our top legislative priority that this travesty be repealed. We will not rest until it is. It is bad enough that New Jersey Transit is so starved for operating funds that its management resorts to curtailing our mobility. It is far worse that they can now cut our mobility in secret, and reveal these acts to us only when new schedules are released, as an unpleasant surprise.

We understand that a statute of this sort causes far more damage to the mobility of persons who depend on New Jersey Transit than to motorists; and we understand that, essentially, all elected officials are motorists. But there are more reasons to have a strong transit network, with frequent service throughout a long service day, than only fairness and equity to transit-dependent persons. Transit is good for the environment, it carries many people efficiently, it saves energy, and it helps New Jersey compete effectively with places like Long Island, and the New York suburbs to the north that are served by Metro-North, where their trains run later.

At APTA -- the American Public Transportation Association -- they say that, "Transit means business," and they are absolutely right. We, the representatives of the riding public, want to demonstrate to you how we are forced to live under the current situation, and we want to work with you



toward reversing it, for the sake of your constituents' mobility and for the sake of New Jersey's economic well-being. We have commented on other pertinent issues in the current issue of the *Railgram*, which I have submitted as Exhibit *D*. But to succeed in this endeavor, we must be taken seriously, and be respected as the representatives of the riding public.

On behalf of my colleagues at the Lackawanna Coalition, I express our thanks to you for inviting us to appear at this hearing, and at the one held in Bergenfield last month. May these occasions be the start of a dialogue that results in a level of transit service that New Jersey's transit riders really deserve.

And I'll be glad to answer any questions.

SENATOR GORDON: Thank you very much, Mr. Alan.

As always, a lot of good points.

For one, we're going to take another look at that legislation that was passed about the indiscriminate changes.

MR. ALAN: Please let me know what we can do to help.

SENATOR GORDON: Yes.

MR. ALAN: This is very important to us.

SENATOR GORDON: This is worthy of another look.

MR. ALAN: We've always advocated for transparency, and this is a place where we need it.

SENATOR GORDON: Members of the Committee, any questions?

ASSEMBLYMAN ZWICKER: No questions.

MR. ALAN: Okay.

SENATOR GORDON: Which I think is a comment on the completeness of your testimony, and its clarity.

MR. ALAN: Well, thank you.

I've noticed that all the presenters tonight have presented different pieces of an overall picture; and it's a very big picture. So I appreciate you listening to us so you can know. Come let me take you for a transit ride. (laughter) The offer is open; you know where to find me.

SENATOR GORDON: Not all politicians are motorists.

Thank you.

MR. ALAN: I hope they all ride Transit. That's what we need.

SENATOR GORDON: Thank you; thank you very much.

We have gotten a lot of good information in this phase of this hearing; some good data, some good ideas for legislative initiatives. Certainly a lot of evidence that this whole area of public policy, investments in infrastructure, and mass transit need to be a new priority for New Jersey as we go forward.

We're going to begin the next phase of our hearing now, which is really, I think, very important to us -- and that is to hear from the customers of New Jersey Transit; the people who are on New Jersey Transit every day, see what can be improved, and have some ideas on how to go about doing that.

We are going to start with Robert Rivetz--

But before you come up, I just want to, as an introductory comment, point out that we are keeping a transcript of the information that is presented tonight. It's going to be analyzed by our staff; it is going to be summarized and presented to the leadership of New Jersey Transit. For

those of you who are recent arrivals here, I can tell you that there are senior members of New Jersey Transit's management here listening. So this information is going to get back to people who can make decisions.

And I want to just thank you all for taking the time to appear here tonight. This is an opportunity for you to get off your chest whatever you have to say about New Jersey Transit and, hopefully, some good ideas for improving it.

We're going to begin with Robert Rivetz, if you're here. (no response) Perhaps-- Mr. Rivetz, are you still here? (no response)

I guess not.

Sally Gellert.

I would ask everyone who comes forward to just, for the record, give us your address and tell us how you use New Jersey Transit, if you do.

MS. GELLERT: Okay; good evening. Thank you.

My name is Sally Gellert; I am, as you heard, the Legislative Director of the Lackawanna Coalition; but I am speaking as a private individual, a resident of Woodcliff Lake for the past 11 years, and a car owner for only the past year.

When I moved to Woodcliff Lake, I was completely transit-dependent; I am right across from the train station and a couple of blocks from the Coach USA bus. With aging parents, I bit the bullet and bought a car, because I have to be able to get there on my schedule, not the Pascack Valley Line schedule.

I am not overly concerned with safety, given the limitations imposed by a 90 percent cut, which forces the expenditure of capital funds to keep the trains and buses running. There is not much improvement

possible. The tragedy in Hoboken was just that -- a tragedy; fortunately, it's an anomaly. I have felt that, in my experience, NJ Transit is fairly safe.

Instead, I am here to talk about the Pascack Valley Line schedule. What made it much easier, in my 10 years without a car, was the 2007 edition of mid-day and weekend service for the first time since the late 1930s. Sadly, much of it has been discontinued; and weekend service, always two hours apart, has always excluded Teterboro and my own Woodcliff Lake stop, which means a one-mile walk or Coach USA bus ride to Hillsdale or Park Ridge -- to or from a train, on the weekend -- excepting the one train that arrives at 1:35 a.m. Sunday morning from Hoboken, which also stops at Teterboro at 1:07. So I don't know -- one train in the middle of the weekend is kind of odd.

Anyway, one of the concerns we hear about filling the five-and-a-half hour gap from 4:03 in Woodcliff Lake, to 9:32, is that there are frequent trains going towards Spring Valley and too few sidings along the track. I tried working out a possible schedule; and with just a single meeting at the proposed Vale siding between Park Ridge and Montvale, the only other possible conflict that I saw -- from a train leaving at about 5:36 from Spring Valley -- was with the MTA express train. I can't work that out, because I don't know exactly where that train passes which stop. I don't know; I don't know whether it's lack of sidings or, really, lack of interest that has limited our two-way service. Somehow, I kind of suspect the latter.

Local politicians apparently had some input into saying we don't want a train station. Any rider I have talked to has said they want more two-way service, more weekend service. I was not a Woodcliff Lake

resident when the sidings were planned, so I can't really speak to the process, or influence of legislators or residents. I don't know whether making it a double track line would really be what's needed; whether more sidings would do it. I do know that when I wait at the Woodcliff Lake station and speak to fellow riders, without fail they're interested in weekend stops. They're interested in later afternoon, early evening trains heading toward Hoboken.

In addition, the first Pascack Valley train of the day leaves Hoboken at 8:55; it leaves Secaucus at 9:05. So that eliminates any chance of a commute that's now aligned with the one-way into New York commute. It basically eliminates a chance of, say, going from Oradell to Montvale to work, from River Edge to Westwood. Any of those just can't happen. It's a rare employer who will let you start work at 10:00.

One way that I made my carless transportation work is by connecting with the Coach USA 11A bus that goes near my house. It would be helpful to be able to find information about connecting times between that bus and the Pascack Valley train in one location -- either on New Jersey Transit's trip planner or somewhere. New Jersey contracts out a number of bus routes to private carriers; but as the public agency has a mission statement that reads, "To provide safe, reliable, convenient, and cost-effective transit services with a skilled team of employees, dedicated to our customer's needs and committed to excellence," it would be helpful to customers to provide easy access to information about connecting services.

Although I generally give high marks to NJ Transit employees for customer service, the one area that seems to be lacking is the understanding that not all who ride trains and buses do so by choice.

When folks who do not own a car hear a suggested alternative to the Pascack Valley Line, when it's closed for tie replacement, of taking a Ridgewood train -- the station is five miles away. It's not only unhelpful, but it's almost insulting and thoughtless. I'm not going to walk five-- I can walk to Hackensack rather than walk-- Or, you know, to a bus in Westwood, which is the nearest New Jersey Transit bus -- only two miles, not five.

A bus rider who sees what appears to be a New Jersey Transit bus approaching has no way of determining what company is operating it. Those who are staffing phone lines need to have access to the same information, whether a bus is New Jersey Transit operated, or operated by another firm. Also, if that bus rider is waiting before 8:30 a.m. or after 5:00 p.m., there is no phone help; so they can just stand there and hope that a bus comes sometime. If you don't have a smart phone, you're out of luck. Those hours really need to be expanded.

And a few thoughts, based on what I heard here today.

It is an excellent idea to have riders added to the New Jersey Transit Board. Ideally, they would be transit-dependent people, whose transportation is limited by the services of public transportation; not someone who chooses to take mass transit, but has a car available to get out of trouble when the schedule doesn't work.

I am absolutely opposed to developing NJ Transit properties in any way that endangers their public ownership. They're part of the commons; they must not be sold off to private profit-making corporations. If they can be better utilized by NJ Transit, that's one thing; but giving over

the public responsibility to a private entity is absolutely the wrong direction for a public agency and the Legislature to take.

I want to also suggest that New Jersey Transit, which seems to discourage riders from using the Hoboken Terminal, instead encourage riders to use that station. For those of us taking the Pascack Valley Line to make connections to another line, or going to a New York City location along the PATH, the change at Hoboken is no more difficult than the change at Secaucus. It's liable to be a little less crowded and, if there is time to wait between trains -- like during a five-and-a-half hour gap if you have to get a 4:00 train to make your 7:00 appointment, and you have time to kill -- it's easy to walk into a Hoboken restaurant, a Hoboken bank, a business; unlike Secaucus Junction, where you are limited to a couple of options that close before 11:00 each night.

I also want to advocate for the retention of cash payments. Not everyone has a cell phone, not everyone wants to use a debit card or has a debit card, or wants to share financial information with NJT, or travel information with the bank. There seems to be a push towards a cashless society; I fear the loss of individual control that could result from that. Please keep my cash options open.

I can't speak for the Penn Station men's rooms; women's rooms are serviceable.

Thank you for the opportunity to speak today.

SENATOR GORDON: Thank you; thank you very much. I appreciate your comments.

MS. GELLERT: Sure.

SENATOR GORDON: We're going to hear, next, from Rob Denicola, a constituent of mine from Paramus.

Mr. Denicola.

SENATOR WEINBERG: Are you related to him?

SENATOR GORDON: No.

SENATOR WEINBERG: No? (laughter)

**ROB DENICOLA:** Thank you. It's good to see you again.

So Rob Denicola, from Paramus, New Jersey.

So I just have a few points today to talk about reliability and safety, as well as maintenance. I think they're all very related and very important.

I just want to start off with talking about what happened in the aftermath of the Hoboken accident. My wife and I were taking the train; it was, maybe, two weeks later -- I think the 736 train from Hackensack. And the train before broke down and never came; everything was packed. Our train showed up one car short. So not only do you have a packed train, you have one car less than you should have. And people are packed into the corridors between the cars; there was nowhere to go. I can't imagine what would happen if that -- something horrible happened that day as well.

And it's not a common occurrence, but it happens, and it's a little scary.

So I think it's a big concern. I think part of it is the fact that they don't have spare capacity in Spring Valley to run more cars when one breaks down. You know, as people have said, I'm not an expert; I don't know. I just see what happens. And I think it's something to look into, because it's a safety concern.



The other point I wanted to make is, it is important to be able to go through Hoboken and make the connection, yes. But it's 10 to 15 minutes longer to go through Hoboken. And when your commute, already, is an hour and 20 minutes each way, to then add 10 minutes more that -- that's a lot; that's a lot to do, and it's discouraging to actually do that every day. And I think it would discourage a lot of people my age from actually moving to Bergen County, honestly, because when you're talking almost three hours commuting every day, it's a lot.

And if you actually want to increase the ability to go through Secaucus, I think a big problem is the connecting trains. Just looking at the current schedule. I think there's like, maybe, 40 trains that go into Penn Station between 6:30 and 8:30 in the morning, if you look at current schedules. Maybe half of them, I think, stop at Secaucus; the rest of them go express. They don't stop for us. So we could be waiting there 10, 15, 20 minutes, and one single-level train will stop for us -- which is packed; there is nowhere to go. And all these great, new, double-level trains just go right through Secaucus; they don't stop for us.

So it's a big problem. I don't know why it's happening; I feel like it has happened in the past three or four years. It's noticeable.

So, just a few things.

The last thing is -- I agree, the funding cut to NJ Transit is a travesty. To cut 90 percent of the funding, you know, I think voters are starting to notice that. And I hope that, after 2017, something is done about that. Because Transit -- it's not a luxury; this is how we get to work. This is our lives; this is a necessity.

So I thank you guys for being here and paying attention to this. And I hope that you spearhead an effort to really put us on better footing, going forward.

SENATOR GORDON: Thank you very much, Mr. Denicola--

MR. DENICOLA: Yes, thank you.

SENATOR GORDON: --as always.

The next person we'll hear from is Roland Weimer, Leona Transportation Committee.

**R O L A N D P. W E I M E R:** Good evening--

SENATOR GORDON: Mr. Weimer.

MR. WEIMER: --Senator, and members of the--

SENATOR GORDON: Could you just give us your address, and tell us--

MR. WEIMER: Yes; Roland Weimer; W-E-I-M-E-R; 329 Moore Avenue in Leonia. I am the Chair of the Leonia Mayor's Advisory Committee on Transportation and Pedestrian Safety; I am also a member of the Leonia Economic Development Committee.

I appreciate the opportunity to speak to you tonight on transportation issues; not just on NJ Transit, but all transportation issues, since they are interconnected. We do not exist as an island in this area.

I represent a small community of 9,200 people, of 1.5 square miles, that is surrounded by multiple multi-billion dollar State agencies. Leonia is a small town that is transected by Fort Lee Road, a County road and Grand Avenue, a State road. Fort Lee Road was the retreat route of George Washington in 1776. It is now an escape route for people trying to

avoid backups on the New Jersey Turnpike whenever there's an incident on the George Washington Bridge.

I've heard from many of you about the Bridge scandal that shut down Fort Lee. Leonia chokes every time there's an incident on the Cross Bronx or the George Washington Bridge. It never makes the news that our town comes to a standstill.

I live four minutes from the George Washington Bridge on a Sunday morning; or I live an hour away from the George Washington Bridge if the Yankees are playing. (laughter) That is our reality. We are a small community; we have 19 police officers. The reality of that is that we have two police officers on patrol per shift, which means that our Chief of Police pulls traffic duty every time there is an incident. That is the reality of transit in our small community.

We receive no support from the Port Authority, and we rely on transportation options from NJ Transit. Bus service into the George Washington Bus Terminal or the Port Authority Bus Terminal in Midtown is essential for many Leonians commuting into the City. There are often delays; and as we've heard from previous speakers, receiving information about those delays so that you can make alternate arrangements is extremely important. There is no information in the Port Authority Bus Terminals at the gates about the status of any buses. Now, there are two agencies that have overlapping jurisdiction there. You have the Port Authority as the hosting agency of the Terminal, and you have NJ Transit as the operating agency providing the bus services. The commuters don't care who is responsible for providing the information. They want to get home in the evening, and sometimes they have to wait what 20 minutes, 30

minutes, 40 minutes. There is no announcement; there is no display board to inform the public of what causes the delay. Is it because there is an incident in the tunnel; is it because there is no bus available; is it because there is no driver available to drive that particular route? Who knows?

But the paying public -- and as we've heard, we pay the transit fares. The service we receive is not commensurate with the price that we pay as riders.

In addition to the issues that you will hear other speakers -- about the current service, I'm here also to talk about the impact of what is not here. I moved to Leonia in 1999. I heard about the Hudson-Bergen Light Rail being imminent; that it would start operating in 2000. It's 2017; I'm still waiting; so are all the communities along the Northern Branch. We are still waiting for the Hudson-Bergen Light Rail. Originally it is was supposed to be built from Bergen on down south. Now, it ends. It is a taunt to call it *Hudson-Bergen Light Rail* for anybody in Bergen County along the lines. The communities along the lines have been waiting for two decades about development decisions -- that cannot be made if we don't know for sure whether the Light Rail will be built and will be extended.

SENATOR GORDON: Mr. Weimer, I can tell you that as part of the negotiations for the gas tax, the Bergen delegation was assured that the line would be extended to Englewood Hospital. So we feel pretty confident it's coming. Perhaps your grandchildren will be there for the ribbon-cutting, but it's coming.

MR. WEIMER: That is exactly why I wanted to make that point here. I have heard this; I have heard this before. I know that it is part of negotiations that are going on. I have heard that the Bergen, and

also New Jersey Legislature delegation, is working very hard to make it happen.

In those 20 years that I've heard that, multiple light rail lines have been built in other parts of New Jersey. Light rail lines have been extended multiple times in other parts of New Jersey. Bergen County is the most densely populated county in the state; it has the highest traffic density; we are neighbors to the most-travelled bridge in the world. And we desperately need an additional transportation option. The Light Rail is not the item that is going to solve our transit problems, but it is an element that is necessary to offer north-south connectivity in our area. We need it for economic development, we need it for access to jobs. As an example, we've heard earlier today that the American Dream requires public transportation access. The American Dream development is in Bergen County. There is no access, with Light Rail, from Bergen County to any jobs that will be created at American Dream.

I will occasionally use NJ Transit; my wife is a daily rider. My commute is somewhat different. I commute to Europe. My public transportation option to Newark Airport is to take the bus to the Port Authority, and take another bus from there to Newark Airport. It takes one hour, 25 minutes; or I can take a car, which takes 23 minutes. Guess what? I'm taking a car, because I have no transportation option to get to Newark Airport from northern New Jersey, where I live.

So I do appreciate the work you are doing with regard to the extension of the Light Rail to the Northern Branch. It is long overdue; 17 years and counting.

Thank you.

SENATOR GORDON: Thank you very much, Mr. Weimer.

We'll next hear from Corrine Cerrati.

And Ms. Cerrati, if you could just give us your address and tell us how you use New Jersey Transit, if you do.

**CORRINE CERRATI:** Sure.

My address is-- Do you want the house number too?

Washington Avenue in Hillsdale, New Jersey. And I have ridden the Pascack Valley Line for 11 years to various jobs in Newark, Manhattan; and now I take it to Hoboken, and then the Light Rail to Jersey City.

I just wanted to come here tonight -- and I thank you for your time tonight -- to bring your attention to some issues that I feel involve safety on the Pascack Valley Line.

Prior to the accident, service was noticeably deteriorating on the line. Following the accident, we all thought that service would get better; we thought it would have to get better. And it is apparent that it hasn't.

One issue that has started to occur, after the accident, is that -- and I don't know the exact train number; it's the 5:35 out of Hoboken -- the way the engineer drives the train. When we approach stops, we slam and slide into the stops. The train is shaking; there was one occasion -- it was on December 5 -- where I got off the train before Hillsdale because people on the train were crying and screaming. When I got off the train at Westwood, I approached the conductor and I said, "What's going on, on the train? I can't stay on there with -- sitting next to someone crying, as we're sliding and slamming into stops." And the conductor said, "It's the

way the engineer drives. You tell New Jersey Transit. They don't listen to me."

That, since, has happened on numerous occasions. It happened again on February 10, most recently; and when I got off the train at Hillsdale -- because at this point, I just think what are the chances of something bad happening to us again -- that when I got off at Hillsdale and told the conductor, he-- I don't remember exactly what I said besides, "Do you guys have a brake problem? What's going on tonight?" He laughed in my face.

So I'm not sure if there's a braking problem, or if it's an operator problem. I'm not a train engineer or a train expert. But it's apparent that something's going on.

I have overheard other riders talking to the conductor on the 5:35 out of Hoboken; and there have been conversations where it's been alluded to that it's how the engineer drives on the Pascack Valley Line when we're late.

So I think that's worth looking into. It's definitely a safety issue.

The other issue is that there are maintenance problems on our line; often the lights don't work in our cars, so we drive home in the dark.

The overcrowding -- which I know someone else brought up -- is incredibly severe. It's to the point where-- And these are all things that have happened after the accident. There have been occasions where conductors -- I'll hear them on their cell phones calling dispatch; I don't know who it is -- to say that they can no longer make stops at Hackensack

and the southern towns because the train is so overcrowded, and it would be unsafe to have more passengers board the train.

It's almost weekly where there's an announcement made that we're short cars in the morning on the 1612 and the 1614. The conductors make announcements that people can't stand in the vestibules because it's unsafe. The problem with that is, that the people are unable to get from the vestibule into the actual train car because it is so packed with people. Usually I'm lucky, and I get a seat because I get on at Hillsdale, one of the northern stops. But there are people, wall-to-wall -- like a New York City subway on the 1612 and 1614 every morning.

So again, I thank you for staying late and hearing from the commuters tonight. We certainly appreciate it, and we appreciate your investigation into what's been going on.

SENATOR GORDON: Thank you, Ms. Cerrati, for some very--

MS. CERRATI: Thank you.

SENATOR GORDON: --very good suggestions, and for revealing some of these problems.

I would ask you to intercept the gentleman at the door who is the -- an official with New Jersey Transit. And I am sure he has a great interest in hearing more about your experiences on the Pascack Valley Line.

Our next, and according to the slips I have here, the last person who has requested to testify is Karl Olszewski.

Is he here?

**KARL J. OLSZEWSKI:** (off mike) Yes.

SENATOR GORDON: Yes.



Mr. Olszewski, good to see you again.

MR. OLSZEWSKI: You too; you too, Senator.

SENATOR GORDON: I hope I'm getting close to the pronunciation of your name.

MR. OLSZEWSKI: Hardly anybody ever does; so don't feel bad, sir. (laughter)

Senator, I, like everyone here, wants to thank you and the board for doing what you do. It's yeoman's work; you stay late, you listen to problems, and you try your best to solve them. I know.

Senator, I had the pleasure of meeting with you and a few other legislators a few weeks ago. And I brought up the issue of security, I brought up the issue of response, respective to -- not just New Jersey Transit, not just the Port Authority specific; but the broader content of response as it's related to all of our mass transit rail systems.

And in turn, sir-- I'm not sure if you received it, but I did forward a copy of *Operation Path to Life, Code Name: R-4 -- Rapid-Rail-Response and Rescue* -- to those who were going to be here tonight.

That said, it is a plan that first emanated in 2009, when I was a Port Authority Police Officer and I was asked to take charge of a drill that took place at the World Trade Center. And it had to do -- the drill -- with a train that was the object of an event, wherein an attack took place amongst four of its then-seven cars. And the mission was to save -- rescue -- 160 people who, due to explosions onboard the train -- suicide bombers, as we've come to know them in this post 9/11 world -- were not ambulatory. They could not walk out; they needed to be taken out physically.

So with pen, paper, and a little bit of time -- I had not more than about three weeks -- I put together a plan, ordered the equipment, and brought it right to the platform of the World Trade Center; wherein it became the operational center of response to the drill itself. And unlike the other drills before it, wherein the Port Authority had many at other facilities -- Exchange Place and Hoboken Station -- its difference to them was a major success. And the reason why was because the equipment, indigenous to response, was brought to the location. It didn't have to be brought in by vehicles of various responding agencies. Wherein the equipment then is loaded, and carried down into the subway system, and then unloaded from the platform onto the tracks, and then brought to the scene of event -- in this case, a train in a tunnel.

It is a great time-saver; it is a matter of preplanning, caching equipment -- so that one can address the issue of rapid rail response and rescue.

Most transit systems, now, have gone from 7 cars to 10 cars. Why? Because of what many people have spoken about here tonight: the demand that there are more vehicles to provide service and transport for those who need them. The area we live in is growing dramatically. The population is increasing; therefore, the need for more cars, the need for more trains. But, frankly speaking -- and not to target New Jersey Transit, not to target the Port Authority in any way -- but where is their plan of response? They serve hundreds of thousands of people a day; tens of millions of people yearly. Yet, what is their plan? If not only one train becomes the scene of an event, whether it be environmentally disastrous in its nature; whether it be, for that matter, a terrorist attack, yes; and/or, for

that matter, any event that may, in some way, debilitate the train -- a manmade accident, which has been talked about here tonight -- what is the plan of response?

Now, I've spoken to quite a few people within the State of New Jersey, and some in New York. And, frankly speaking, to the best of my knowledge, there is no plan. What the varied agencies have are police forces, yes; and very good ones, in many respects. But men and women in uniform -- with K9s, and bomb techs, and tach gear, and heavy weapons -- cannot extricate people from within a tunnel system. They need the equipment indigenous to response to do that.

Now, a young lady here spoke about how upset she was over the fact that the train was rattling badly; people were crying, people were upset. And she had a right to be. Further, earlier, we had an elderly gentleman here who, unfortunately, was the victim of the incident that took place most recently in Hoboken, respective to New Jersey Transit. I say to you, legislators, that if that incident in Hoboken took place inside a confined space, vis-à-vis a tunnel, it would have been a heck of a lot more difficult and a heck of a longer period of time to get to that man.

And medically speaking, if one is injured so much so that there is bleeding followed by shock, there is the understanding of the golden rule of one hour. And I submit to you, ladies and gentlemen, that if we had no plan in place of cached equipment, indigenous to response, that cannot only handle the extrication of people but, for that matter, a viable start system capable of addressing an MCI -- Mass Casualty Incident -- we are allowing ourselves to be wide open to any event that may take place; especially considering the fact that most transit agencies are running

multiple amounts of trains with 10 cars at one time. Therefore, if there's an event or an attack involving more than one train, what then? How will the amount of personnel, at a given location, be able to respond and adequately defend the location, let alone aid the people who need extrication?

We've all heard of Murphy's Law: Whatever can happen, will happen. Personally, I believe in Olszewski's Law: Murphy was an optimist. (laughter)

I like to plan for the worst case scenario; therefore, we can make sure we can best take care of our people -- the citizens of New Jersey, the citizens of New York, and the tristate area at large. I see the capability -- or the lack thereof, in regards to the readiness to respond, as being that of a fractured system.

It's the unspoken truth in regards to the issue at hand. You legislators may ask -- or those in the OEMS of both states -- to a given entity, whether it be New Jersey Transit rail or the Port Authority, Long Island Rail Road, whomever -- "Do you gentlemen, you ladies have a plan?" "Yes, we do." And they may even submit one to you. But for that matter, is it as worthy as it is written, respective to the paper it is on? Where is the equipment respective to it?

I give you the example, Senator, that I put into the document I gave you, sir, regarding WMATA. You see, it's not just the tristate area. This is a national issue, a national problem. We're dealing with trains that are holding -- as the other gentlemen here, just before me, not alluded to, but stated -- that are packed -- and as the lady did too -- with over 100 people per car. That's over 1,000 per train. We lost over 3,000 people on 9/11; it was the worst attack in American history -- worse than that of Pearl

Harbor. Now, I worked there for an entire year as an Operations and Logistics Officer for the Port Authority. I worked on the pile. I saw a lot of death and a lot of destruction; we all did. But I worked amongst it-- I worked amongst those who were killed, unfortunately, like my brothers and sisters in both the police and fire department and EMS -- all too often, in terms of having to deal with body parts, body bags, and the loss that families suffered, respective to their loved ones dying.

I don't want to have another little girl approach me again on my way back from working a 12-hour shift, at a given site where so much death has occurred, and have her ask me, if it was okay, that I could possibly find her daddy before nightfall, because her mother was crying. How do you handle that? How do you look into a child's eyes and say to her, "Yes, I will find your daddy"? In truth, you can't say "Yes;" you can only say you'll try. But it's a memory you take with you, and unfortunately I will take with me forever -- as any of you would, if you were approached with such a request by a child.

But aside from that, what I also see is that there is no real office of operations and planning in relation to this issue. No department has it.

Now, they may have OEMs -- Offices of Emergency Management. But frankly, I don't see them being tasked with this sort of work either. The work. The work is simply looking at the problem at hand. Where is our rapid rail response and rescue capability? It's a problem, fine; just like any other problem. Break it down into its smaller parts. Fix it, solve it, make it so that we can save people in the event of a disaster.

I ask you to use your political might. I ask you to use the weight of your offices to address this issue. I ask that we develop -- as

another gentleman had mentioned the problem with transportation from his area -- MOUs -- memorandums of agreement with agencies. Not only to address issues of transportation from *A* to *B*; but to safeguard those who are being transported from *A* to *B*.

The bottom line of Operation Path to Life, the bottom line of R-4 -- rapid, rail, response and rescue -- is to save lives. And since 2009, wherein I tried to convince the Port Authority to adopt the process and spread the cabinet system and the security throughout its system of 13 stations -- although, unfortunately, due to bureaucracy -- and I've heard that word used a lot tonight -- it did not happen. I am actively asking them to do that now. And if I may take the liberty to say I would actively ask New Jersey Transit rail to do the same. And wherein the space between one station and the other is too large, too long in volume, that vehicles equipped with the same capability are also made available to save lives.

That said, I've come here tonight to speak of this issue; and in turn, I thank you for the time regarding it, Senator. And I hope, in the future, to be able to address it as well, should you have me.

SENATOR GORDON: Thank you very much, Mr. Olszewski.

As you know, we're meeting next week, and we'll get into this in some detail.

As I've told you, I have some experience in this area, and I am interested in learning more about your ideas.

Thank you--

MR. OLSZEWSKI: Thank you, sir.

SENATOR GORDON: --for being here tonight.

I have no other slips for people who have indicated a desire to speak.

Is there anyone here who would like to speak to the Committee? (no response)

If not, my thought is, since we've told people that we're going to be available until 9:00, I'm prepared to be here, at least, until 9:00.  
(laughter)

I am going to suggest a brief recess, so that some of us can obtain some sustenance; and then return to the hearing room, just to see if anyone is here who wants to testify over the next hour.

My colleagues should feel free to leave, if they feel they have done their duty.

But at this point, I'm going to recess the Committee.

Thank you.

**(MEETING CONCLUDED)**

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