
Public Hearing

before

SENATE TRANSPORTATION COMMITTEE

“The Committee will take testimony from the public regarding governance, oversight, and accountability reforms at the New Jersey Transit Corporation”

LOCATION: Freeholder Public Meeting Room
Hackensack, New Jersey

DATE: March 28, 2018
6:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Robert M. Gordon, Chair
Senator Loretta Weinberg

ALSO PRESENT:

Assemblyman Gary S. Schaer
District 36

Assemblyman Clinton Calabrese
District 36

Sheree D. Henderson
Lauren M. Vogel
*Office of Legislative Services
Committee Aides*

Thomas Scotton
*Senate Majority
Committee Aide*



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



ROBERT M. GORDON
Chair

VIN GOPAL
Vice-Chair

NIA H. GILL
NICHOLAS J. SACCO
JAMES W. HOLZAPFEL
ROBERT W. SINGER

SHEREE D. HENDERSON
*Office of Legislative Services
Committee Aide*
(609) 847-3840
(609) 292-0561 fax

New Jersey State Legislature
SENATE TRANSPORTATION COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

LAUREN M. VOGEL
*Office of Legislative Services
Committee Aide*
(609) 847-3840
(609) 292-0561 fax

PUBLIC HEARING NOTICE

The Senate Transportation Committee will meet on Wednesday, March 28, 2018 from 6:00 PM to 9:00 PM in the Freeholder Public Meeting Room, One Bergen County Plaza, Hackensack, New Jersey, 07601.

The public may address comments and questions to Sheree D. Henderson, Lauren M. Vogel, Committee Aides, or make bill status and scheduling inquiries to Melinda Chance, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideSTR@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.

The Senate Transportation Committee will take testimony from the public regarding governance, oversight, and accountability reforms at the New Jersey Transit Corporation.

THOSE WISHING TO SUBMIT WRITTEN MATERIALS SHOULD PROVIDE 12 COPIES AND GIVE THEM TO OLS STAFF PRIOR TO THE START OF THE MEETING

Issued 3/22/18

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.

For changes in schedule due to snow or other emergencies, see website <http://www.njleg.state.nj.us> or call 800-792-8630 (toll-free in NJ) or 609-847-3905.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 630

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 12, 2018

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 630.

As amended and reported, this bill provides governance, oversight, and accountability reforms at the New Jersey Transit Corporation (NJ Transit).

Board Composition

The bill establishes five new positions on NJ Transit's board of directors, and restructures the existing board so that all public members are required to either have experience as regular public transportation riders or have expertise in human resources, real estate investment or development, or certain transportation topics. The board goes from four public members chosen by the Governor to eight public members chosen by the Governor. Four of the eight members are to be chosen upon the recommendation of the North Jersey Transportation Planning Authority, the New Jersey members of the Delaware Valley Regional Planning Commission, the President of the Senate, and the Speaker of the General Assembly respectively. The bill provides for the appointment and initial terms of office for certain board members. The bill prohibits a board member from serving for more than 90 days beyond the expiration of that board member's term unless reappointed to the board. The bill adds a labor organization member to the board, bringing the number of labor organization members to two. The bill requires that one labor organization member be appointed by the Governor upon the recommendation of the labor organization representing the plurality of the employees of NJ Transit involved in motorbus operations and that one labor organization member be appointed by the Governor upon the recommendation of the labor organization representing a plurality of the employees of NJ Transit involved in rail operations. The bill provides that the two labor organization members are voting members of the board.

Report of Political Contributions and Gifts

The bill requires board members to annually disclose certain political contributions made within the two preceding years and gifts received over \$250 to the board and the chief ethics officer.

Chief Ethics Officer

The bill requires NJ Transit to employ a chief ethics officer to investigate allegations and suspicions of unethical conduct or criminal activity within NJ Transit and to determine whether NJ Transit is in compliance with applicable State law. The chief ethics officer is to operate independently of the executive director and is to report directly to the board of directors.

Board Meetings

The bill requires that the board hold a minimum of 10 public board meetings per year. The bill provides that the agenda of a board meeting, including any revised agenda, be provided to the public at least five calendar days prior to the meeting and that one-half of board meetings be held in the evening after 6:00 p.m. The bill requires each notice of a board meeting, board agenda, and the minutes of each board meeting be published on NJ Transit's website. The bill also requires that each board meeting be viewable in real time on NJ Transit's website and be archived and made available to the public on NJ Transit's website.

New Board Responsibilities

The bill imposes new statutory duties on the board of directors, including: executing direct oversight of NJ Transit's management team in the effective and ethical management of NJ Transit; monitoring the implementation of fundamental financial and management controls and operational decisions of NJ Transit; establishing certain personnel policies; approving quarterly schedule changes; adopting guidelines for when it is appropriate for the chief ethics officer to forward the results of preliminary investigations to the appropriate authorities; and adopting a code of ethics. The bill provides that the board members are to perform their duties in good faith and with the appropriate degree of diligence, care, and skill and to apply independent judgment in the best interest of NJ Transit, its mission, and the public. The bill requires board members to take and subscribe an oath of office and to execute an acknowledgement that recognizes the duties and obligations of the board member.

Committees

The bill establishes an employee relations committee made up of board members and expands the audit committee, which is made up of board members, to include finance.

The bill provides that the board is to appoint members of NJ Transit's advisory committees and requires that the committees have no fewer than nine members and no greater than 15 members. The members are to be selected upon a merit-based application process and the membership is to include representation of certain populations. The bill requires at least two members of an advisory committee to

have experience as regular motorbus regular route service riders and at least two members to have experience as regular rail passenger service or light rail service riders. The advisory committees are required to conduct at least two public hearings per year in two different counties to gather information from interested parties and the general public. The advisory committees are required to issue an annual report to the board. The board is to review recommendations and solicit written input from each advisory committee prior to the adoption of any proposed fare increase, curtailment of services, or expansion of services.

Audits

The bill requires the State Auditor to perform audits of NJ Transit every six years, which are to focus on specific areas to be determined by the State Auditor. The bill also requires NJ Transit to hire an independent firm to conduct a study at least once every five years on the financial management practices and budget reporting practices of mass transit agencies throughout the country and to prepare and issue a report on its findings. Following the issuance of the report, NJ Transit is required to adopt financial management and budget reporting policies and practices that are in line with the best practices of mass transit agencies throughout the country. Upon the affirmative vote of seven members of the board of directors, NJ Transit may opt not to adopt individual policies or practices that are in line with the best practices of mass transit agencies throughout the country.

Change of Service or Fare Increase Requirements

The bill requires that NJ Transit hold at least two public hearings in the counties affected, within one-half mile of the route and, to the extent practicable, near each terminus of the route before implementing any substantial curtailment or abandonment of service, and at least 10 public hearings in separate counties at locations within a quarter mile of both a rail line and bus route before implementing any fare increase. Each public hearing is required to consist of an afternoon and evening session, where each session lasts at least two hours and the sessions are in the same place and on the same day. At least half of the public hearings are required to be held on a State working day. At least two members of NJ Transit's board of directors are required to be in attendance at each public hearing. In addition to the public hearing requirements, NJ Transit is required to provide a postal mailing address and electronic mailing address where members of the public may provide written comments regarding the proposed fare increase or substantial curtailment or abandonment of service. NJ Transit is required to prepare and publish a written response concerning any issue or concern raised by a member of the public at any public hearing or in any written comment. NJ Transit is required to provide notice of its intent to discontinue, substantially curtail, or

abandon service to each county and municipality whose residents will be affected. "Substantial curtailment" and "substantially curtail" is defined to include, but not be limited to: the elimination of a motorbus regular route, scheduled trip, or scheduled stop along a motorbus regular route or of a rail passenger service line, scheduled trip, or scheduled stop along a rail passenger service line; a reduction of 30 minutes or more in the beginning or end of service for the corporation's adopted schedule or timetable for a scheduled stop along a motorbus regular route or rail passenger service line; and any change to a motorbus regular route or rail passenger service which may increase barriers to accessibility for a person with disabilities.

Appearance before the Legislature

The bill requires NJ Transit, at the request of the chairperson of any standing legislative committee, as approved by the presiding officer, to appear before that committee to present testimony and provide documents on any topic or subject requested by the committee and to respond to any questions by members of the committee.

Reports

The bill requires NJ Transit to report information to the Governor and the Legislature regarding its employees, including the average salary, number of employees in management positions, and number of employees that are not in management positions in key demographic groups, which are to include, at minimum, race, ethnicity, and gender. The bill also requires NJ Transit to report certain accident information and safety violations to the Governor and Legislature.

The bill requires NJ Transit to utilize multi-year budget documents that cover the most recently completed fiscal year, the estimated results for the fiscal year in progress, a recommendation for the fiscal year to commence, and estimated needs and projections for the following fiscal year and to provide those documents to the Commissioner of Transportation, the President of the Senate, the Speaker of the General Assembly, the Assembly Transportation and Independent Authorities Committee, and the Senate Transportation Committee. The budget documents are required to provide detailed information on several key areas listed in the bill.

The bill also requires the board to approve and NJ Transit to transmit a report containing certain information regarding NJ Transit's real property interests to the Commissioner of Transportation, the President of the Senate, the Speaker of the General Assembly, the Assembly Transportation and Independent Authorities Committee, and the Senate Transportation Committee.

Residency Waiver for Certain Positions

The bill provides that any person hired by NJ Transit as an engineer or mechanic or any other position certified by the board as a

position of critical need is exempt from the residency requirement established in N.J.S.A.52:14-7.

The committee amended the bill to change the requirements of the public members of the board and to change the entities and individuals who are required to recommend certain public members. The amendments add a labor organization member to the board and provide that both labor organization members are voting members. The bill changes the number of members required to have a quorum and to take action or adopt motions and resolutions. The amendments provide that in order to be considered to have experience as a regular public transportation rider, a member is required to have been a public transportation rider in three of the five years preceding the member's appointment or reappointment to the board, instead of three of the seven years preceding the member's appointment or reappointment.

The committee amendments require certain board notices, agendas, meeting minutes, and meetings be made available on NJ Transit's website and require half of the board's meetings be held in the evening after 6:00 p.m. The committee amendments require that any board agenda, including revised agendas, be provided to the public at least five calendar days prior to the meeting.

The committee amendments require the employee relations committee to receive certain reports from the director of the Office of Equal Opportunity and Affirmative Action and the director of the Human Resources Office quarterly instead of monthly.

The committee amendments remove provisions of the bill creating North Jersey Passenger Advisory Committee and South Jersey Passenger Advisory Committee. The amendments require the board to appoint members of NJ Transit's advisory committees and provide certain membership requirements for the advisory committees. The amendments require the advisory committees to conduct at least two public hearings per year and issue an annual report to the board. The amendments also require the board to review recommendations and solicit written input from the advisory committees prior to adopting any proposed fare increase, curtailment of service, or expansion of service.

The committee amendments require NJ Transit's annual report to include certain accident and safety violation information and require NJ Transit to annually approve and transmit a report containing certain information on NJ Transit's real property interests. The bill requires NJ Transit to approve an annual proposed budget recommendation by April 1 of each year, rather than by May 1 of each year.

The amendments provide that the residency requirement does not apply to any person hired by NJ Transit as an engineer, mechanic, or any other position certified by the board as a position of critical need.

The amendments require all new members of the board be appointed within 90 days of the bill's effective date, rather than within 30 days of the bill's effective date.

The amendments remove: (1) provisions of the bill disqualifying a person from serving of the board if the person made certain political contributions; and (2) certain provisions of the bill expanding the powers of NJ Transit to partner with other public and private entities in forming corporate entities that provide public transportation services.

The amendments make other technical corrections to the bill.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

TABLE OF CONTENTS

	<u>Page</u>
Taylor McFarland Administrative Assistant New Jersey Sierra Club	8
Adam Brown Chair Englewood Economic Development Corporation, and Member Planning Board, and Financial Advisory Committee City of Englewood	11
Stephen J. Burkert General Chairman Transportation Division Sheet Metal, Air, Rail, and Transportation Workers (SMART) Local 60	21
Ronald E. Sabol Director New Jersey State Legislative Board Transportation Division Sheet Metal, Air, Rail, and Transportation Workers (SMART) Local 60	24
Rob Denicola Private Citizen	28
Christopher Hillmann Council Member Borough of Hasbrouck Heights	31
APPENDIX:	
Testimony submitted by Taylor McFarland	1x
pnf 1-38	

SENATOR ROBERT M. GORDON (Chair): Good evening, everyone.

I am Senator Bob Gordon of Bergen and Passaic counties. I'm the Chairman of the Senate Transportation Committee.

To my left is Senate Majority Leader, Senator Weinberg; to my right, our newly minted member of the Assembly, from District 36, Assemblyman Clinton Calabrese. We're pleased to have you here.

And I want to welcome all of you here tonight.

For approximately 15 months the Senate Legislative Oversight Committee -- along with the Assembly Judiciary Committee, chaired by Assemblyman John McKeon -- conducted a legislative investigation into the management and financial shortcomings at New Jersey Transit. We listened to 37 hours of testimony, which amounted to 1,500 pages of text; examined 10,000 pages of subpoenaed documents from New Jersey Transit. We met with whistleblowers from inside the agency, who described a culture of political patronage and bullying. We met with industry and labor leaders, who explained just how dire the situation was on the ground and in the field; and we heard, firsthand, from commuters who had to suffer from frequent service cancelations and constant delays.

As a result of this effort, we were able to identify numerous structural and organizational problems in the agency. And to correct those deficiencies, I introduced Senate Bill 630, which is the template for tonight's discussion. It provides what we think are commonsense reforms to address the problems we found in this agency.

Let me just, very briefly, review what the major elements of this Bill are.

I would point out that we have summaries in the back of the room and greater levels of detail including, I believe, the official Statement to the legislation, which summarizes it.

But, essentially, the legislation first deals with the size and structure of the New Jersey Transit Board of Directors. At the current time, there are eight persons on the Board of Directors. This is being expanded to 13. There is currently no statutory requirement that Board members have any expertise related to running transportation system.

Under the Bill, the Board would become larger and more diversified, with appointments coming from a variety of sources representing different geographical interests and different areas of expertise. The eight Public Members would be required to have experience in transportation, real estate, human resources, finance, or engineering; there would be one appointee coming from South Jersey, in the Philadelphia area; one would be from the New York metropolitan region; one Public Member would have to be a bus commuter and one a rail commuter; and, in addition, there would be one member representing the largest labor union representing the bus employees, and one representing the largest union that represents the rail employees.

The Bill also makes an effort to try to improve the transparency of Board meetings and decision making at the Board. The Board agendas would have to be available to the public at least five calendar days prior to a Board meeting; the Board would need to hold a minimum of 10 public meetings per year, and a good number of them would be held in the evening to facilitate input from the customers.

Each notice, agenda, minutes, of the Board meeting would be posted online; there would also be -- the Board meetings would be streamed online. There are provisions that also deal with disclosures of any political contributions made by Board members, and any gifts received in excess of \$250.

The Board would be required to adopt a Code of Ethics; they would be required to adopt policies that protect whistleblower employees; and a provision of the Bill makes clear that Board members have a fiduciary obligation and a duty and loyalty to act in the best interest of the agency, its mission, and the public.

There is a Community Employee Relations Committee established on the Board.

We also learned, during the course of our hearings, of a problem within the organization of harassment, to the extent that I believe \$10 million has been paid in settlements in discrimination or harassment cases. And so, under the legislation, the Board would receive reports and updates on any complaints relating to discrimination and harassment.

The legislation, in an effort to try to institutionalize input from the commuting public, creates a North Jersey and a South Jersey Passenger Advisory Committee, which would provide input to the Board and would meet with the Board before any fare increase or major change in a schedule or a route.

The legislation requires regular audits, one completed every six years by the State Auditor; and the legislation also requires that an independent firm, every five years, conduct a study of the financial management practices and budget reporting practices of this agency, and

compare those practices with the best practices of other mass transit agencies around the country.

Very importantly, the legislation creates a process for legislative oversight. One section of the Bill requires the attendance of the senior leadership of New Jersey Transit before a legislative committee, subject to the approval of the Senate President or Speaker of the Assembly.

The Bill creates a position of a Chief Ethics Officer; and also attempts to deal with the problems that have been encountered in recent years in recruiting critical skilled employees, such as locomotive engineers, by eliminating the State residency requirements so that these people can be recruited from other states. And the Board of Directors is given the flexibility to declare other positions as *critical* and thereby exempt from residency requirements.

That is an overview of the Bill; as I said, greater detail can be found in the material in the back.

Let me ask Senator Weinberg, Majority Leader, if she would like to make any introductory comments.

SENATOR WEINBERG: Thank you to the Transportation Chair; and thank you to those people who came out tonight. And I think we probably will see other Bergen County folks coming in a little bit later as they struggle to get home on whatever New Jersey Transit vehicle they use - - the trains, or the buses; or maybe even their own cars.

You know, this Bill-- And I want to compliment Senator Gordon, because he's-- Although I am the Co-Prime Sponsor, he's really been the prime policy *wonk* on the Bill, as you heard him go through the various components.

It is a long time coming; and when we looked over the last number of years, knowing that we actually had a publicly appointed Board supposedly overseeing NJ Transit while it was being decimated, and underfunded, and understaffed, and used for a little too much political patronage -- this Board said nothing. So I think that this Bill will go a long way toward creating transparency and accountability to one of the most important quasi-independent governing boards that we have.

So along with this Bill -- which I hope we will see as a law in New Jersey in the not-too-distant-future -- and along with a Governor who has pledged to help restore sorely needed resources -- both financial and human resources -- to NJ Transit, we will see the beginnings of rebuilding an agency upon which our entire economy is really based.

One of the most salable parts of our state is our geographic location and our transportation infrastructure.

So I want to compliment Senator Gordon--

SENATOR GORDON: Thank you.

SENATOR WEINBERG: --and his Committee for the work they've done.

In case anybody has any questions -- since I spent half an afternoon answering them -- this meeting was published on the website of the New Jersey Legislature on March 22; it was noticed with a press release on March 26; it was shared on social media, on my own Facebook page, on the Facebook page of Michael Phelan, who is, kind of, one the transportation advocates in this area. And so we complied, more than we needed to, in terms of public notice.

And so I am proud of the work you've done, Bob.

SENATOR GORDON: Thank you.

SENATOR WEINBERG: I'm proud of the work of this Committee. And I think this is another step, along with the Governor's pledge of resources, to rebuilding New Jersey Transit.

Thank you.

SENATOR GORDON: Thank you very much, Majority Leader.

Before I recognize Assemblyman Calabrese, I really neglected to say what the objective of this evening is -- which is to get the suggestions of the riding people -- the riding public and other knowledgeable people. You know, we conducted 13 hearings over the course of those 15 months, and we heard from all the experts. But I think it would be -- the job would not be complete unless we made an effort to allow our customers of New Jersey Transit to share their suggestions. And so I hope that those who make their way here this evening will do that.

I will just say that we know that cars are dirty, and need maintenance, and are breaking down. That's not what we're hoping to hear tonight. Those issues will be addressed with more resources and changes in management. What we wanted to hear tonight were suggestions from the riding public about how New Jersey Transit can be more open, be more responsive; how it can better communicate with its customers. You know, if you've had a desire to just try to get some ideas into the system, this is your chance; as well as the second hearing, which has been scheduled for April 11 in Maplewood, to give riders on the Morris and Essex lines an opportunity to share their views as well.

Let me now turn to -- and I haven't forgotten; we have to take a roll call -- Assemblyman Calabrese.

ASSEMBLYMAN CALABRESE: Hi.

Yes; thank you very much, Senator Gordon, Senator Weinberg.

It's a pleasure to be here.

This is big, bull legislation; I commend you for putting in the time. This is dense material; it's not easy to do. And absolutely kudos to you for doing this; it's really difficult.

I am a rider of NJ Transit; I've been a user for a number of years now. I can personally testify that I've had some issues. And for everything that the Bill touches on, what it really comes down to is, you know, we deserve something better in New Jersey. We're just too rich of a state and we have too much to offer not to make it better for all of our residents. You know, we've been plagued by a number of inadequacies throughout the years now, and I'm sure some of you may have been on those buses or trains that got stuck. And it's just no way to live.

So I'm not going to do anymore talking; because I really want to hear from the riders, if they're in the room -- which is most important, to hear your voice. I just want to say thank you very much for having me, and I look forward to supporting you through this.

SENATOR GORDON: Thank you very much, Assemblyman.

We do need to complete one housekeeping item; we need to take an official roll.

MS. VOGEL (Committee Aide): Senator Weinberg.

SENATOR WEINBERG: Here.

MS. VOGEL: Vice Chair Gopal. (no response)

Chairman Gordon.

SENATOR GORDON: Here.

Okay.

We have a couple of slips; the first one, from Taylor McFarland of New Jersey Sierra Club.

Ms. McFarland.

TAYLOR M c F A R L A N D: Yes; here.

SENATOR GORDON: Would you like to testify?

MS. McFARLAND: Yes, I would.

SENATOR GORDON: Please proceed.

MS. McFARLAND: Actually, off topic -- Senator Weinberg, you spoke at my graduation ceremony in January. So it's kind of remarkable that I get to speak to you.

SENATOR WEINBERG: What were you graduating-- Oh, at Montclair?

MS. McFARLAND: Yes, at Montclair; at my grad school ceremony. So it's nice to see you again.

SENATOR WEINBERG: Oh, yes; that was quite a day.

Well, you want to make me feel old (laughter).

If I may, a point of personal privilege. I sat on a dais like this, in the old courthouse, with Assemblyman Calabrese's grandfather, who was a Freeholder in Bergen County. So I'm sort of seeing all these younger generations coming together. (laughter)

MS. McFARLAND: Full circle.

Taylor McFarland from the New Jersey Sierra Club.

I'll try to keep it short.

Thanks for, obviously, having a public hearing -- coming out.

Basically, in the last eight years, it's been a disaster for commuters. Fares have gone up, and services and safety have gone down. It was pretty much news if you got to work on time.

Under Governor Christie, the agency went rogue, ruining what was once the best Transit system in the country.

Instead of using \$8 billion in Federal funding for Positive Train Control braking systems, it went to operations and maintenance because New Jersey Transit is broke. The braking system should have been replaced a long time ago, but the Christie Administration has cut funding by 90 percent. We need to replace this antiquated braking system, and monitor our rail lines to prevent future disasters. But we can't do so if they keep taking the funding.

After Superstorm Sandy, 300 trains were damaged from flooding because they were left in the Meadowlands, a place that floods. A quarter of our railroad cars were damaged or destroyed, costing the taxpayers more than a billion dollars. It has been reported that New Jersey Transit has the highest train breakdowns in the country, and has 12 times more equipment failures than any other commuter train in the nation. This is the direct result of funding being slashed by 90 percent in the past 11 years.

While ridership has gone up 20 percent, capital spending has gone down 19 percent. New Jersey Transit has raised fares nine times while cutting back on services. This is why it's so important to create more oversight and accountability for New Jersey Transit.

We are a heavily comminuted state, where 10 percent of our workforce takes mass transit. If we cannot get to work on time, it hurts our economy.

We support Governor Murphy's reform on restoring and rebuilding New Jersey Transit. By holding the agency accountable and increasing their transparency, it will help minimize delays, increase safety, and create a more efficient and effective transit system.

S-630 has important reforms as well, such as hiring a diverse Board of Directors, having a legislative oversight, having an ethics officer, the ability to do audits, and having committee hearings. But we must go beyond that. We should include language that requires a community advocate or an ombudsman to ensure commuter representation and assistance in helping commuters deal with complaints or problems that they have with the agency.

The legislation must also enhance its whistleblower protections for employees so that they feel safe when identifying an issue regarding the agency; or have language to include an inspector general inside New Jersey Transit.

We should try to adopt Transit operations that will help improve the safety of trains, like New York Penn Station's Positive Train Control braking system, that overrides the train crew in case of an emergency.

We need a stable source of funding for operation and maintenance so we don't keep robbing the Clean Energy Fund and capital plans. Some of the funding mechanism policies we can use are Boston's downtown parking fees that support the maintenance of their transit

system; or Charlotte's sales tax, that funds their transit initiatives. San Francisco uses cash-out parking that requires certain employers, who provide subsidized parking for their employees, to offer a cash allowance in lieu of a parking space. This is an incentive to encourage employees to use alternative transportation.

Having more dissatisfied transit riders means more people will drive, adding to traffic, pollution, and sprawl.

The people of New Jersey deserve to have a Transit system to get to work on time and safely. It's not a lot to ask.

Thank you.

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

Anyone with any questions? (no response)

Thank you very much for your comments.

Next, we will hear from Adam Brown, who, I learned this evening, is very involved as a civic leader in Englewood.

And before he begins, let me just take note of the fact that I'm told that Cheryl Rosenberg, a Councilwoman in Englewood, is here. We welcome your attendance.

Thank you.

Mr. Brown.

A D A M B R O W N: Thank you, Senator.

I'll speak very briefly.

My involvement with New Jersey Transit comes through my work as Chair of the Englewood Economic Development Corporation; as a volunteer member of the community for four years; and also as a member of the Planning Board of the City and its Financial Advisory Commission.

The biggest challenge facing our city is incomes; we have a substantial number of people who are finding it harder and harder to get to work in any kind of reasonable amount of time. And this isn't just a question of the deterioration of service; it's also a question of the fact that workplaces are shifting.

And we were involved in the BRT process, which was the Bus Rapid Transit process, several years ago, that was offered by New Jersey Transit, in which we were asked to come up with a proposal for a bus service. And we hired a consultant; we spent a great deal of time -- I'm just giving this as an example -- and our proposal was to come up with a version of the 166 bus that, instead of taking the Turnpike directly to the Port Authority, follows the same route through Bergen County and takes the Turnpike to the Lautenberg Center, stopping at American Dream on the way.

They expect over 10,000 jobs at the American Dream -- most of them blue collar and clerical -- which would have been ideal for a community that's economically challenged like the City of Englewood.

And we spent quite a bit of time; we were notified that we were among the five finalists. And we got to the meeting, and we found that the staff of New Jersey Transit had invented a Rube Goldberg-esque plan that -- whose only common denominator seemed to be that it covered every single Assembly District in Bergen County; it did not seem to have any rhyme or reason. And we got to the meeting, and they weren't there to discuss our proposal; they were there to tell us what they had come up with, even though it was advertised as a collaborative process.

So I'm only giving you this as an example of when we have tried to work with New Jersey Transit on the bus level, there's been no *there there*.

The second problem we had in Englewood is that Red and Tan used to have a bus called the 14K, which ran since-- I'm 63 years old; it ran since my childhood, which was a bus that came down Knickerbocker Road that tied in that whole spine of the northern valley with the City of New York, where people need to go to work.

And that had been discontinued by Red and Tan; and we came to a hearing run by Senator Weinberg, at which members of the Freeholder -- some Freeholders were there, and I think members of New Jersey Transit. And they gave us their cards and we got back to you; and I understand that members of our community have spoken with Councilwoman Rosenberg; and I've heard much about how there's no *there there* when we try to communicate with them. Their idea was, "Well, you guys just have to rent a jitney bus."

So what I think this-- On the other hand, our experience in the Light Rail with New Jersey Transit has been very positive. We've had-- I can't speak to the funding of it, but in terms of--

SENATOR WEINBERG: We're getting there.

MR. BROWN: I know that; and we know that. You have headwinds in Washington.

But I can say the staff has been very forthcoming; we've been through various versions of the DEIS. And when we had concerns about its impacts on the City, they were very willing to speak with us about it.

So I've a tale of two cities with New Jersey Transit.

To me, the issue in any nonprofit organization -- I've spent my entire adult life serving on them -- is pretty simple. The first thing you have to decide is, what are you doing for whom and at what cost? And so when I look at your Bill, I couldn't find -- maybe it's in the actual enabling statute for New Jersey Transit -- but the question is, who do you work for and what is your mission? And if you were asking me, as a lifelong Englewood/Bergen County resident, I would say it was to get my father to work, and get me through college, and a roof over our heads. And we moved to Hillsdale, New Jersey, specifically because of the existence of the 47 Turnpike Express. My father took it every day his entire adult life.

So the question is, how do we -- how does New Jersey Transit have the vision of what their job is? I assume it's to provide -- to get as many people to work as inexpensively as possible. Now, it is not a pure consumer organization, because you are subsidized by -- or they are subsidized by the State of New Jersey. So they have an additional constituent they have to deal with, which is the 90-pound gorilla, which is the Governor and the Legislature.

So the question would be, how do you ascertain and how do you constantly refashion what your objectives are? So how do you say, "Yes, the Port Authority is important," and I've observed your battles with getting the Port Authority rebuilt, and that affects New Jersey Transit as well, whose buses have to roam around before they can come back out. But it also has to do with-- I firmly believe there's probably a problem at the Executive Board level, which is -- I find it hard to believe that any person-- I'm sure the New Jersey Transit leadership position is the highlight of a career of any person who ever took that position; it is one of the most

important states; one of the most transit-dependent states in the entire country. I don't know what the percentage of Northern New Jerseyans who take Transit to New York is; but I have to believe it's enormous. And as jobs are moving to New York, as Google (*sic*) is thinking of moving to Brooklyn, or Google is thinking of moving to Newark, that's going to create a whole new pattern, a whole new web of transportation. You can't just rely on all the buses you had before. You have to figure out how are you going to get the New Jersey engineers to Brooklyn; or how are you going to get them to Newark from places like Englewood, where there is no way to get Newark now, right? There's just no north-south at Englewood; it's all-- In New Jersey, it's all into the City. How do we reinvent this?

And the opportunities for economic development are enormous. If Google knew there was a way to get to Newark from all the people who live in the northern New Jersey -- that's a big attraction to them, knowing that they're going to be able to get into Newark, living as far out as Sussex County -- you know, to be able to get to work and afford lower-cost housing.

These are important considerations for us. We have to be flexible; you have to decide what is our job, and be prepared to deal with the future because things change, job patterns change.

So I think-- I have no doubt there's-- I find it hard to believe, after everything I've heard, that there's not a problem with the Board relationship with the CEO. I have to believe there's a problem there, okay? Every organization I've ever dealt with in my life -- it's because the CEO isn't given the authority to do what he thinks is right, within certain

limitations established by the Legislature and the Board. So that's something you have to look at.

You have a governance issue. I have to say the common -- the three of us back here, when we read this, we said we couldn't believe that these things weren't done already, relating to governance.

SENATOR GORDON: Yes.

MR. BROWN: It's absolutely shocking to us that a city that takes public funds doesn't offer these features. And we salute them wholeheartedly.

The one comment I had here about reporting requirements -- we've all read the horror stories about inside deals in agencies in the State of New Jersey. And we refer here to a list of all real property owned by the agency. I think all property leased and licensed by the agency should be disclosed as well, right? You've had some pretty nasty-looking leases over the years.

SENATOR GORDON: If I could just interrupt.

I should tell you that we heard a separate bill this week in the Transportation Committee that would establish sort of an economic development operation within New Jersey Transit. And part of their mission would be to, one, inventory all of the real estate assets that the organization -- that are available to them, both leased and owned. And also make recommendations on how it can be better utilized for financing and redevelopment, for example.

MR. BROWN: Yes.

SENATOR GORDON: So that is something that is going to be addressed; if not in this Bill, then another.

MR. BROWN: But I think-- Your goal, I think, is to get--

SENATOR WEINBERG: I think-- Yes, if I may.

MR. BROWN: I'm sorry; go ahead, Senator. Sorry.

SENATOR WEINBERG: I think what Adam is suggesting is that we just add-- I don't know what the actual wording in the Bill is, but in the synopsis there, that we actually have *leased*--

MR. BROWN: Lease, and license, and whatever equivalent--

SENATOR WEINBERG: All right; yes.

SENATOR GORDON: Okay.

MR. BROWN: --your attorneys will come up with.

SENATOR WEINBERG: I think that's a good--

SENATOR GORDON: Good idea.

SENATOR WEINBERG: Yes; a good idea.

SENATOR GORDON: Thank you.

MR. BROWN: But one of the things I've learned about management is transparency is only half the job. The real job is to get the best people you possibly can involved. And I think the most important decision is getting the best CEO you can. Boards can't run organizations; they can only supervise CEOs. And so I can't emphasize enough -- establishing at the outset what the relationship is going to be between the CEO, because you want someone who knows how to run American Airlines; I mean, you really want a world-class person running this thing. It's all about the quality of the CEO.

So I'm always a little suspicious on having dedicated Board members, because the needs of the Board change. What you really want is a Board to be composed of people who have the skills to take on the job

that year. In that five-year term, you may find that the most important thing -- the Board member you want to have is someone who understands the notion of getting people to work -- okay? -- who has the flexibility to understand. And you can't just look at northern New Jersey; you have to look at the whole New York metropolitan area, okay? How are we going to get Jacob Brown from New York to Brooklyn to work for Google, if they open there? Or how do we get him from Englewood to Newark? We're not looking to disrupt the whole of northern New Jersey to get everybody to move to Newark. I don't think that's the plan. The plan needs to be, how do you get the people who are spread out all over northern New Jersey to workplaces that were created--

SENATOR GORDON: Now, remember, this is a statewide agency.

MR. BROWN: Yes, yes. No, I'm using it as an example.

SENATOR GORDON: Yes.

MR. BROWN: If Google wants to move to Philadelphia -- which is a distinct possibility; they're finalists as well -- then the question will be, how do we get the people of suburban New Jersey into Philadelphia --

SENATOR GORDON: Right.

MR. BROWN: --to wherever Google is? And that's really part of-- We have face the fact that these-- Again, this is all something we have absolutely no control over. It's a new economy now; we have to deal with the unknown and the future. And so, again, I would -- I can't impress on you enough.

The subject of union representation on a corporation, serving customers -- I have to-- There may be a reason for that; I've never worked in a corporation. We're a nonprofit where-- The employees got a vote on the Board as to -- on these hard decisions. I assume, probably the most important decisions you have to make, aside from capital purchases, are the labor negotiations. I'm not quite certain how you have labor union representatives on a Board that's supposed to be negotiating with labor union. Maybe there's a way to do it; I think there would have to be some understanding that the Board and the CEO are allowed to talk about these issues, not necessarily disclosing their strategies.

SENATOR GORDON: No, we're sensitive to those issues.

MR. BROWN: So I'm sure you are.

So that's all I had to say.

Thank you; this is really fantastic

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

MR. BROWN: This is a major step forward.

SENATOR WEINBERG: And let me add--

SENATOR GORDON: Senator.

SENATOR WEINBERG: --or highlight, because Bob did say this is a statewide Board; although we here are kind of metropolitan area-centric, for obvious reasons.

I think the fact that we have these -- building in these geographic advisory boards are important because New Jersey Transit seemed to have been -- Board seemed to have been insulated from everything--

MR. BROWN: Yes.

SENATOR WEINBERG: --let alone what goes on in the geography of the state and the transportation requirements. And as you know -- I know Adam from another life, I guess -- whole areas of the District in which we live -- we don't have any access to rail at all.

MR. BROWN: Yes.

SENATOR WEINBERG: I mean, the only rail in all of District 37 is right here in Hackensack, neither of which has -- neither of the stops has any parking available at all.

So buses are extremely important; and what you talked about is important. And I'm hoping that by giving you a venue -- giving you, the public, the advocates, a venue to actually come and exchange ideas, will be a great step forward for New Jersey Transit.

MR. BROWN: Yes; flexibility is important. If we can find a parking lot, for example, in an area adjacent to a bus line, where we can have park-and-rides; I mean, that opens up a whole new part of New Jersey to transit.

SENATOR WEINBERG: Right.

MR. BROWN: So thank you; this really, definitely, is a step in the--

SENATOR WEINBERG: Yes; thanks.

Thank you.

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

Next, we will hear from Stephen Burkert, of the SMART organization; which is the labor organization representing conductors and others.

He's joined by Ron Sabol of the same organization.

STEPHEN J. BURKERT: Thank you for having us.

I wanted to touch on the residency requirement, and to let you know how important that is.

We've actually lost so many people from inside of the agency, and have not been able to replenish them due to the residency requirement.

It almost sounds silly to think that everybody at New Jersey Transit has to live in New Jersey; but yet, one of our biggest terminals is New York Penn Station. We also have a yard in Morrisville, Pennsylvania; Port Jervis, Suffern, Spring Valley -- are all signup locations. So employees, before the residency law went in, were from five or six different states in this area. Everybody commuted about an hour.

What we've had now, since the residency law was instituted -- a lot of people will not come and work at New Jersey Transit. Right now, as you know, our managers are in very short supply. We have been cherry-picked to the bone, from Amtrak and from Metro-North, of all our experienced managers.

To get a manager here now-- we want someone with experience. Well, if you have 20 or 25 years' experience, you or your partner already has a home established with a family. One of the prime examples would be Orange County, New York. We have a couple of great bosses who work for different railroads; their wives said, flat out, "I'm not moving to New Jersey. My family is within a four-block radius. I'm not going to work for New Jersey Transit." It really culls your pool of applicants.

So I commend you for putting this in the Bill. I think you will see a much better product out of New Jersey Transit, because you'll have

better educated managers who have the experience to do it. I think, right now, you're working from inside the house; and we do not have a good farm system. There's nobody left to make the critical decisions. You're talking millions and millions of dollars, and they don't have the experience. Your bosses now -- because you're hiring inside the house, nobody else is coming here -- some of your bosses have two and three years' experience; but yet, your workforce has 25, 30, 40 years' experience. It's very tough to get that.

And I think it is a big step. It may not seem big, you know, when we're talking about Board of Directors and everybody else. But the residency law is huge for bringing back New Jersey Transit to where we were. We were number one in the world; and there's no reason we can't get back there. This will be a huge part of it.

And I'm glad that you're giving the Board of Directors and the CEO enough leverage to say, "Look, it's not just engineers and mechanics. I need a Compliance Officer; I need somebody--" I represent all the conductors, so if I have a conductor in Pennsylvania who doesn't want to move his family, we can still hire him. And they are all critical positions.

So thank you.

SENATOR WEINBERG: Can you-- If I may.

SENATOR GORDON: Please.

SENATOR WEINBERG: Can you tell us what's happened, in terms of the resources that you need and what you have today?

MR. BURKERT: As far as bosses, or--

SENATOR WEINBERG: Well, as far as personnel -- that you're most familiar with.

MR. BURKERT: My personnel would be not so much the Board of Directors; we would be on hands--

SENATOR WEINBERG: No; I'm talking about the actual workers.

MR. BURKERT: Frontline people.

SENATOR WEINBERG: Yes.

MR. BURKERT: Train masters--

SENATOR GORDON: We've heard, for example, that there are trains that are going across the Hudson with insufficient numbers of conductors. Someone said that if you want to avoid paying a fare, just sit in the middle car; the conductors will never get to you. You know, is there -- is that true? Is there a deficiency in the number of conductors?

MR. BURKERT: I have a roster of 1,200 right now. I have had a discussion with our new Executive Director; he is well aware that I'm probably short 250 to 300. It's not just collecting tickets on the train. My trains are so outnumbered now with passengers, it's almost to the point of being unsafe if there's an emergency. We don't have enough people on board our trains. We need more conductors; we need more onboard personnel.

But we also do all of these big DOT projects that are coming: your Portal Bridge, your Gateway. Your conductors are the ones who protect the railroad from the contractors. You need 60 or 70 just, what we call, *flagmen* to work your DOT projects. They're not on the roster today; you need to hire for that.

Your roster -- from our end, New Jersey Transit is just about 35 years old; so is your upper echelon of the people who started here. I have

over 100 -- almost 150 people for -- our retirement age is 60 years of age, 30 years of service; 100 to 125 can walk out the door today. They already meet that.

So we are already shorthanded. But to bring it up to where we really should be, on a passenger-to-onboard-personnel ratio, you're about 200 to 250 short; and that's just on onboard personnel. So it is 100 percent accurate when people will say, "Sit in the fourth or fifth car; nobody is going to get to you." There's nobody there; we're all working. It's a lot; it's a safety concern, besides just a personnel. And I think your residency law will absolutely help that.

SENATOR GORDON: Okay.

Mr. Sabol, any comments?

R O N A L D E. S A B O L: Good evening, Mr. Chairman.

SENATOR GORDON: Could you just identify yourself for the record?

MR. SABOL: Yes. My name is Ron Sabol; I'm the Legislative Director for Sheet Metal, Air, Rail and Transportation. I handle the Transportation Division here in New Jersey. Not only the conductors at New Jersey Transit; we have many other rail stuff -- Conrail, CSX; and a lot of other bus members as well.

You know, tonight we heard someone talk about the Board of Directors here; and I did testify at the last hearing. Our position, as the State Director, has nothing to do with collective bargaining issues. The number one priority over my job is safety. They call me a *Legislative Director* because, in rail, especially, as well as in any transportation -- somehow a lot

of that safety stuff becomes done through legislation, especially at the Federal level.

And just to reiterate here, as being on the Board of Directors -- as a voting member who represents the polarity of the rail employees there -- has nothing to do with CBA issues. This is about safety -- bringing 20-plus years' worth of rail experience there, as well as our members coming to us directly, Steve and I, with issues on the trains, problems with cars; all of that can go frontline, right to the Board, to be addressed.

Like I said, it has nothing to do with really CBA stuff. It's mostly all about the safety. When all goes well through budget -- if we're able to get more money into the agency, which is the objective -- we have to be very careful how that money is spent; we really do. We really have to make sure that procurements are right; how the bidding processes goes -- all of those things, they all need to be transparent, they all need to be shown, and they all need to have people on the Board who understand that equipment, understand what they're doing. And we would bring that as well, you know; by having experienced people there who understand the workforce, who understand the equipment, and who understand the riders.

You know, we sat here earlier -- in the chair, sitting back here earlier-- That, you know, a lot of these conductors -- they see the same commuter every day. They know their family, they talk to them, they know things going on in each other's lives. They entrust those conductors with safety, and to talk to them to that point -- about family things and stuff.

So by having us available, directly, right to the Board to help make those decisions -- I think is the right way to go. And I thank all of you for seeing that value as well.

SENATOR GORDON: Thank you.

MR. BURKERT: Mr. Chairman--

SENATOR GORDON: And I think the issue of potential conflicts when a collective bargaining agreement is up for discussion-- Our understanding is, we can deal with that through a recusal process.

MR. BURKERT: Yes--

SENATOR GORDON: And that's spelled out in the legislation.

MR. BURKERT: Yes. There's a lot of stuff that would come up that would automatically exclude us, like bargaining issues, anything having to do with anything like that, as the person holding that seat; as well as anything that may show other conflicts. I mean, you know, we represent some properties that have some contracts with Transit as well. So, I mean, we would be more than happy to recuse ourselves from anything like that. And we don't want to put our organization, or our name, or the public, or anyone else in any kind of a bad position here. This is about doing the right thing and going forward for the people of New Jersey.

SENATOR GORDON: Right; thank you.

MR. SABOL: I'd just like to add -- I'm a conductor; going on 30 years in January. I am very pro-commuter. So to be able to sit on a Board, and when they say, "By the way, we're going to cut the last two trains at night," to be able to stand up for the commuters to say, "Hey, hold on a minute. That doesn't work." These are real people we're dealing with; it's not just numbers.

There's a lot that we can add. I've been through this; I've done the snowstorms, the floods. I was here for 9/11. There are things that

need to be done that should be done; not just in a dollar sense, but that help the passengers: better connections, make sure that your bus schedules line up with your train schedules, which line up with your ferry schedules. There's a whole lot that can be added to that. I can't tell you how many passengers I have dealt with in three decades, but I still get invited to bar mitzvahs, and picnics, and funerals, and the whole nine yards. It's a lot. And I can tell you, even when we were negotiating the contract last year, I had more people calling me, just to say, "Look, stick up for us. Make sure things are done right." They want a safe railroad; they want someone to sit on the Board of Directors who actually will speak out for them.

I think it is the right move.

SENATOR GORDON: Okay; thank you.

Assemblyman, any questions?

ASSEMBLYMAN CALABRESE: No, no questions from me.

It's good to hear you guys.

SENATOR GORDON: Thank you both very much.

MR. SABOL: Congratulations.

MR. BURKERT: Thank you.

ASSEMBLYMAN CALABRESE: Thank you; thank you.

(laughter)

SENATOR GORDON: We'll next hear from Ron Denicola of Paramus.

He's a regular commuter, and has come to us before with a number of good ideas that only a regular user would--

SENATOR WEINBERG: Yes, I don't think you've missed any of our hearings. (laughter)

RON DENICOLA: Not yet; no.

SENATOR GORDON: Mr. Denicola.

SENATOR WEINBERG: He should get some kind of an award. (laughter)

MR. DENICOLA: Well, if this Bill gets passed, that will be a nice reward.

So I'll keep this brief.

But I think it's a great, great move to create and dedicate space on the Board of NJ Transit for mass transit riders. It's incredibly important to have professionals with technical expertise on the Board in making key decisions; but I really think riders can provide a very useful voice in seeing what happens every day. We know what works, we know what doesn't work, we know what isn't working, we know what the conditions are like at Port Authority on a daily basis.

Last night I left work early, 6:00 p.m., to get home at 8:00, 8:15, 8:20. I mean, things have definitely improved; but there definitely are things that we see every day that can be better. And I think that having mass transit riders on the Board will insert that voice, as will having labor representation as well. I mean, this is an organization that is there for everyone; and we all have a piece in it and we all have a role to play, no matter who you are.

And besides that, I really hope that this Bill prevents future Administrations from doing what has happened in the past eight years. As someone who has ridden NJ Transit for many years, it really is utterly depressing to see what has happened. And just think about where we were

back in the mid-2000s; as -- really as others have said, a really leading transportation with a lot of cutting edge ideas and service options.

So I hope that the additional voices and the additional transparency will go a long way in the future.

And the last point I want to make is regarding flexibility. I think that's such a wonderful idea because our economy is changing so much. And if Amazon comes to Newark -- to have a way to get there would be crucial; because right now, my option from Paramus is, I would have to drive. Otherwise, it would probably take an hour-and-a-half, an hour and 45 minutes to get from Paramus to Newark on the train. There is just no way to get there.

So being able to be nimble I think is key. So once we get past this, I would say *fire drill phase*, where we're constantly trying to put out fires, trying to keep our trains running, I think it's important to figure out a way to have NJ Transit be proactive; to figure out what we can be doing better, how can we help communities like Hackensack continue to grow. Because, I mean, it's-- You look around; it's a building boom. I think there are great things going on in Hackensack and other communities.

So NJ Transit should be at the forefront, figuring out what they can do to help these communities grow; what we can do to help millennials come to New Jersey from New York and elsewhere; what we can do to keep people here, from not moving to Florida or North Carolina. People want those mobility options. They want to be able to get on a bus and go somewhere, I think.

So hopefully, eventually, this organization can stabilize and we can get to that proactive phase. That's my dream.

SENATOR GORDON: Very good; thank you very much--

MR. DENICOLA: Yes; thank you.

SENATOR GORDON: --for your comments.

Do we have another slip? No?

Would anyone else like to make a presentation or testify? (no response)

I am not going to adjourn, because I think we want to be available for any walk-in business, if I can put it that way. (laughter)

But I want to thank everyone who did offer their suggestions. This will all be going on our record, and this -- the crafting of this legislation is a work in process. The Bill, while it was reported out of the Transportation Committee last week, also needs to go before the Senate Budget and Appropriations Committee, which will provide another opportunity at which to make amendments. We heard a couple of, I think, very interesting ideas tonight that we might want to incorporate in the language.

We also have the option of making amendments on the floor before the Bill is actually voted on by the full House. So there are opportunities to make changes along the way.

And I hope the press will convey that we are having another meeting on April 11 in Maplewood. And I think we're going to do a little bit more aggressive marketing for that one, but we appreciate those who took the time to be here with us tonight.

So thank you all very much.

We're going to just, I guess--

SENATOR WEINBERG: Hang out. (laughter)

SENATOR GORDON: --hang out, and wait for anyone else to come in, for at least 45 minutes, or an hour or so. I'm certainly ready to do that; I can't speak for you, Senator Weinberg.

SENATOR WEINBERG: I'll try.

SENATOR GORDON: Thank you all very much.

(Committee recesses at 7:15 p.m.)

(Committee reconvenes at 7:51 p.m.)

SENATOR GORDON: Okay; we're going to reconvene.

And Assemblyman Schaer will be joining us in a moment.

I do have one last slip, from Councilman Chris Hillmann of Hasbrouck Heights.

COUNCILMAN CHRISTOPHER HILLMANN: Is this where I sit?

SENATOR GORDON: Right there.

COUNCILMAN HILLMANN: This is my first time. (laughter)
Hi; what do I need to do?

SENATOR GORDON: Share your thoughts. (laughter)

COUNCILMAN HILLMANN: Okay.

SENATOR WEINBERG: Talk into the microphone.

COUNCILMAN HILLMANN: So I am a-- Which one? This one, or this one?

SENATOR GORDON: Do you want to identify yourself for the record?

COUNCILMAN HILLMANN: My name is Chris Hillmann; I am a Councilman in Hasbrouck Heights. I live on Franklin Avenue, if that's helpful.

So I'm here for two specific issues on behalf of some of my residents in town.

The first is, about five years ago there was a fence erected at the Teterboro train station, which stopped a lot of people who would cross over Route 17, down Williams Avenue; and they would cross over the train tracks and board the train at the station.

The legislation that's being proposed would allow for public hearings or public notices about fare hikes and changes in schedule; but this kind of -- when they built this fence, nobody was told. And actually, people did move out of town because their access to New York was impeded. So that's just the first thing. I think that if there's going to be some sort of impediment to access to the train station -- or to, I guess, a bus station if that is happening--

SENATOR GORDON: Or some kind of major project?

COUNCILMAN HILLMANN: Right. --the people should be aware that they need to -- that they're going to need to find a different way to get to work on a regular basis.

And then the second issue is that when some of the buses that come through town -- they come from northern Bergen County; the Route 163, 164; they come from Midland Park and Ridgewood. And by the time they get to southern Bergen County, they're full. You end up with standing room only; which, you know, people can stand. But standing for an hour on the way to work is not something that is a great way to start your day.

So I would just maybe suggest some of those buses might start a little bit farther south and not have to go all the way up. But I will leave that to smarter people than I, at Transit. But it is an issue for a lot of residents, including my husband, so I get to hear all about it. (laughter)

SENATOR GORDON: Okay.

Senator Weinberg.

SENATOR WEINBERG: Did they ever say why they constructed the fence; or did anybody ask them?

COUNCILMAN HILLMANN: I mean, they were told that it was a safety concern. Because it was never a real -- it was never a road that goes through--

SENATOR WEINBERG: Yes.

COUNCILMAN HILLMANN: --right? So essentially, those people were trespassing, because they're not supposed to cross there when it's not a road, and there are not those barriers that go up and down. So they weren't supposed to be going through there. But now people would walk down Route 46. So it didn't really -- it made it safer for New Jersey Transit, because they don't have to deal with people crossing the tracks. But the people who walk down Route 46 to get to the train station -- it didn't make it any safer for them.

SENATOR WEINBERG: You know -- and if I may, Mr. Chairman, the issue of getting that kind of input is so important. And then on the other -- moving the other way, I live right near Route 80/95, by the Glenpointe Hotel. That is the last stop, so it's also crowded by the time they get there; and then it's an Express into the City. And they're building a great big, huge hotel right there, which is probably going to have people

who commute into the City. It's a suite hotel, a little lower price. So I'm guessing that companies are going to use it for when they have to bring employees in for any length of time.

So the communities have to reach out to New Jersey Transit; it has to be kind of a two-way street, saying, "Hey, we're building" -- whatever; I don't know how many rooms it is, but -- "a 400-room hotel here that's liable to create new commuters."

COUNCILMAN HILLMANN: Well, we have three hotels in Hasbrouck Heights, and they shuttle people from the hotel up to the Boulevard where the 163 and 164-- So they're not commuters; they're people who are on vacation from wherever they're from.

SENATOR WEINBERG: Yes.

COUNCILMAN HILLMANN: Maybe people who are on business trips or whatever. But they're not Hasbrouck Heights' people who are getting on the bus. So by the time-- And that's -- they drop them up at the first stop in town. So by the time you get to the end of town -- which it's not a big town -- but by the time you get to the end of town, if a bunch of people from the hotels get on, then it's very full.

SENATOR WEINBERG: Because the hotel jitneys people there?

COUNCILMAN HILLMANN: Yes, they use their-- Yes, they have a Holiday Inn van, and they drop people off at the bus stop.

SENATOR WEINBERG: Well, you know, part of the charge to this Board has to be to kind of improve a two-way communication here.

SENATOR GORDON: We're creating these advisory -- we're reinvigorating these advisory committees so they can provide input to the

Board. But it's also an opportunity to advise the Board and the New Jersey Transit organization that if there's a development going on over here, have you -- are you -- have you factored that into your plans for routes, or for the number of buses that you need.

But I'm just thinking about how we address the construction projects. I just have to believe that there's a process for New Jersey Transit -- an existing process in which New Jersey Transit advises municipalities that, you know, "We're doing some work at the Radburn Station, or the Hasbrouck Heights Station, and riders are going to need to go to some other location."

I don't know whether you hold a hearing every time you want to do some kind of -- some work.

COUNCILMAN HILLMANN: Yes; I mean-- But when you look into how many times, like, that has happened-- There was one other time in Great Notch where they did build a fence, supposedly; and somebody did get killed because they built a fence instead of addressing the issue of how to get to the train station.

SENATOR GORDON: Yes.

COUNCILMAN HILLMANN: So it's about access, and about how-- There was talk of a walkway over the train tracks to the other side. But now it's been five years, and I don't -- I personally don't know. I will look into it, but I don't know what their plan is for that.

SENATOR GORDON: Okay.

Assemblyman Schaer, any comments?

ASSEMBLYMAN SCHAER: Well, number one, thank you so very, very much for your kind invitation, Chairman, to join with you and

Senator Weinberg, and some of our other colleagues. And I apologize greatly for coming in so very late.

And it's a pleasure to see you, Councilman.

COUNCILMAN HILLMANN: You too, Assemblyman.

ASSEMBLYMAN SCHAER: One question I do have--

SENATOR GORDON: Is your microphone on (referring to PA microphone)?

ASSEMBLYMAN SCHAER: I think so.

Okay; there it goes. I should know the difference between green and red. In the State House, red means go.

SENATOR WEINBERG: Yes, that's right.

ASSEMBLYMAN SCHAER: Here it means--

SENATOR WEINBERG: Yes, it's indicative of the State of New Jersey; red means go on our microphones. (laughter)

ASSEMBLYMAN SCHAER: One question that I generally have -- and I just encountered a miscommunication going on between one of my communities in District 36 and the Department.

One question I had, Chairman, is what is the responsibility -- or is there a responsibility for DOT and its various appendages to be in real contact, real communication with municipalities when there is work that is proceeding?

SENATOR GORDON: I don't know the answer to that. I would be shocked if there isn't a process. I mean, there's an Assistant Commissioner in DOT for External Affairs, or at least that's within that person's portfolio.

ASSEMBLYMAN SCHAER: And that would include relationship with the various municipalities, assumedly?

SENATOR GORDON: I assume it does; yes.

ASSEMBLYMAN SCHAER: Okay.

COUNCILMAN HILLMANN: Well, I would hope that if you are going to create these regional committees, that hopefully the word will get out more in the future, and that surprise fences will be a thing of the past.

SENATOR GORDON: Well, these committees are charged with holding public hearings themselves, and soliciting the views of commuters in their respective geographical areas. And they're charged with feeding that information directly to the Board. So, yes, we're hoping that the information flow improves.

COUNCILMAN HILLMANN: Great; thank you for your time. Thank you for being here tonight.

SENATOR WEINBERG: Thank you.

SENATOR GORDON: Thank you.

Any comments? (no response)

The witness list is thinning out (laughter), so I'm inclined to adjourn the meeting.

And we'll make another effort to hear from commuters on April 11 in Maplewood.

Any closing comments from anyone?

SENATOR WEINBERG: No; again I appreciate the hard work on this Bill. I think it's a big step forward, along with what I said at the beginning -- the Governor's commitment to resources, both dollar-wise and

human resources. And I hope we're witnessing the beginning of the-- Well, not *hope*; I *know* we're witnessing the beginning of the rebuilding of probably, if not *the* most important, *one* of the most important Boards in the State of New Jersey.

So thank you, Senator Gordon, for having the hearing here; and thank you for all your hard work on this Bill.

SENATOR GORDON: Thank you very much.

Thank you.

The meeting is adjourned.

ASSEMBLYMAN SCHAER: Thank you, Chairman.

(HEARING CONCLUDED)