
Committee Meeting

SENATE TRANSPORTATION COMMITTEE

“The Committee will receive testimony from invited guests concerning the finances, management, and operations of the New Jersey Transit Corporation, including the status of the implementation of Positive Train Control technology”

LOCATION: Committee Room 6
State House Annex
Trenton, New Jersey

DATE: December 10, 2018
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Patrick J. Diegnan, Jr., Chair
Senator Vin Gopal, Vice Chair
Senator Nia H. Gill
Senator James W. Holzapfel
Senator Nicholas J. Sacco
Senator Robert W. Singer



ALSO PRESENT:

Sheree D. Henderson
Lauren Stutz
Office of Legislative Services
Committee Aides

Thomas Scotton
Senator Majority
Committee Aide

Theodore Conrad
Senate Republican
Committee Aide

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Meeting Recorded and Transcribed by
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The Senate Transportation Committee hearing of December 10, 2018, is joined in progress.

UNIDENTIFIED MEMBER OF COMMITTEE (Committee Aide): Senator Singer.

SENATOR SINGER: Here.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Holzapfel.

UNIDENTIFIED MEMBER OF COMMITTEE: (Indiscernible).

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.

SENATOR GILL: Here.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Sacco.

SENATOR SACCO: Here.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair Gopal.

SENATOR VIN GOPAL (Vice Chair): Here.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman Diegnan.

SENATOR PATRICK J. DIEGNAN, Jr., (Chair): Here.

We had a very good news event the other day at the Trenton Train Station, giving an update of where we are in Transit. And I asked the Commissioner and Director to come today to, really, basically give the Committee an update of where we are. I think they've done a tremendous

job in an 11-month -- well, actually, less than an 11 month-period, with the challenges that they faced.

But I'll just hand it off to you. Give us an update of where we are, in terms of the all of the various issues facing your Departments.

Director, do you want to start?

KEVIN S. CORBETT: Okay.

I'd like to just make some comments, certainly I would like to thank Chairman Diegnan, ranking member Holzapfel, and members of the Committee for providing this opportunity to speak on the important safety enhancement program of Positive Train Control, and New Jersey Transit's PTC implementation program.

The PTC control challenges NJ Transit faces today were years in the making. To be blunt, they reflect years of inattentiveness to implementing PTC.

Today I am happy to report that we are 95 percent complete, as of November 30, with the installation required to meet our year-end equipment installation Federal milestone.

We will be running service on January 1, and that is not a -- given, back in February, when I arrived at New Jersey Transit, what I found out when I arrived was that seven years had elapsed since New Jersey Transit awarded a contract to install PTC, and the program was just at 12 percent complete. In all those seven years, the contractor had finished equipping only 35 locomotives and cab cars.

Up until 2014, New Jersey Transit had just a single, full-time employee assigned to PTC. From 2014 to 2016, there were only four

employees assigned full-time to the project. This was not nearly enough to meet a mission-critical Federal deadline.

So we've made incredible progress, thanks to the very hard work of many people at New Jersey Transit, including our Rail and Mechanical Department and our contractors.

I also want to thank Mr. Ron Batory and his staff at the Federal Railroad Administration. We could not have achieved the rapid results of the past months without their technical help and guidance.

That said, we are still fighting that legacy, starting out the year being far behind in the implementation of PTC. Meanwhile, we also face the challenge of contractor capacity and availability of materials and supplies in the market, challenges that we have heard also affect many other railroads across the country.

And we are still challenged, simultaneously, by a shortage of locomotive engineers. This was allowed to develop, over that same period, through 2017. Engineers are critical to making the equipment moves needed to accomplish the PTC mission, while also running our nearly 700 trains each weekday.

The confluence of these challenges -- complex PTC installation, contractor and supply constraints, and a depleted locomotive engineering bench -- has resulted in a large number of train cancellations in recent months, and I know these have had a significant impact on our customers.

But I believe that the time of great challenges are also times of great opportunity. New Jersey Transit has until the end of 2020 to achieve full PTC certification. We are working to achieve this by installing all necessary PTC equipment by the end of this year and continuing

substantial field and other testing. New Jersey Transit continues to perform field functionality testing on the 16.5 miles of track with conditions representative of our entire system. What I mean by *field functionality testing* is testing the entire PTC system using all components and subsystems under various real-world conditions.

These tests are laying the groundwork for beginning revenue service demonstrations next year. As of Friday, November 30, we have gotten 261 locomotives and cab cars PTC-equipped.

We have 99 percent of all required wayside antenna, radios, and other equipment installed on the railroad right-of-ways. We had targeted training 823 employees by year end, the Federal requirement; however, we have far exceeded this target, having now trained more than 1,600 employees.

Achieving this progress has required a number of significant actions, from increasing the labor force at our installation facilities to making difficult rail service adjustments so that locomotives and cab control cars are available for PTC installation.

The result has been that we've accomplished more in the last nine months than the previous seven years; but there is still much to be done.

Make no mistake, we are all aware of the serious consequences to New Jersey Transit if we do not achieve these goals, including FRA daily fines.

I should note we are also working closely with Amtrak to ensure NEC operations continue while New Jersey Transit moves towards full system certification to be completed by the end of 2020. In fact, in

partnership with Amtrak we began testing our system on the NEC last month.

We have made significant changes to service to allow us to meet our Federal requirements by the end of the year, despite the very real disruption to the lives of our customers. So far we have adjusted rail service three times since June, including the temporary suspension of service on the entire Atlantic City rail line. Making these kinds of service adjustments is not a decision I take lightly, but they were amongst steps we've had to take to meet our PTC milestones.

These service changes allow the cycling of locomotives and cab control cars throughout the system to our three installation facilities, then on to testing at other locations, and then back into service. This is a complex logistical ballet, and it significantly reduces the rail vehicles available for daily service. And it means that some of the already-depleted locomotive engineer force must be diverted to complete PTC car movements.

New Jersey Transit's rail service planners are currently evaluating the schedule for restoring regular service to the Atlantic City and other lines, including the Princeton branch -- the DKNY -- and the weekend Gladstone service, after we have met the Federal equipment installation milestones.

In Atlantic City, we have reached out to the casinos and other major businesses to ensure we align our rail service as much as possible with employee shifts. System-wide, we're looking for efficiencies in ways to optimize engineering and other staffing.

We also must ensure that the service we restore is reliable so our customers have predictability. We don't want to bring service back and then have it become unreliable and have to change it.

We're still dealing with engineering shortages. We have quadrupled the number of training classes underway now. More engineers will be graduating this spring, and next year, and then steadily thereafter.

Also, it is important to stress that PTC work doesn't end with this equipment installation milestone. We still have extensive testing, integration with other railroads, and a final round of equipment installed by 2020, as we implement the PTC system into revenue service.

To sum up, we have made significant progress since the start of the year. We will be running on January 1, and we will continue to meet the milestones still in front of us and reach our December 2020 scheduled goal line.

And I am now happy to take any questions.

COMMISSIONER DIANE GUTIERREZ - SCACCETTI:
Thank you, Chair.

I think, you know, Kevin went through a lot of the details; and it's important. But I think what's important for the Committee to understand is that significant progress, under the leadership at New Jersey Transit, has been nothing short of remarkable -- for us to get to where we are today, and to be able to tell you that we feel that FRA will accept the work we've done and keep train service running.

But I want you to understand that while we have all been laser-focused on PTC -- which is where we've needed to be -- it hasn't stopped Kevin and his team from progressing on work under the audit. So I know

that a lot of people have asked me -- they say, "Well, the audit was out on October 9; we don't really see anything." I'll say the same thing I've said before, which is there's a tremendous amount of foundational work that has to be done inside Transit that is really never going to be something that the public sees. For instance, they've started, already, to reorganize the Procurement Department. One of the biggest travesties of Transit is the Procurement Department that has, for the last several years, not been able to move a procurement. They are working on that, and they are restructuring it so procurements move faster. That's what's going to help us become better in terms of managing operating costs.

They have a new CFO; he's taking hold of the finances of Transit and he's centralizing them, which they've been before. So that progress, I want the Committee to understand, is being made. And you won't necessarily see it, but eventually, hopefully, our customers will feel it in the fact that it is a better-running agency.

And the bottom line with PTC, for all the work that's been done -- the pressure is off of us to take rail cars off the system so frequently, which is a lot of what affects our on-time service. A lot of what affects cancellations was moving cars on and off the system to be outfitted with PTC. And so the real benefit is our customers should see less of that. They should be less impacted; we should have less of a reason to do that.

We still have work to do. And as Kevin said, we have about 158 cars left that we need to get outfitted in 2019 so that we can spend the balance of the year, next year, making sure the system is interoperable with all the other rails that use those same tracks. But at the end of the day, I would say to you that as hard as Transit has taken it lately, in terms of the

public -- and rightfully so -- I think we've made a lot of foundational progress that the Committee will continue to see us build on.

SENATOR DIEGNAN: I'll open it for questions.

But I just want to start off with one question; and I hear this all the time in my office, and when I'm out and about.

People understand; they understand the challenges that you have. And they understand that, you know, you've been dealt a hand; that you're working the best you can.

But the thing that drives them nuts is the communication aspect. I had a woman call my office the other day; she has a special needs child. She had made an arrangement to see a specialist in Manhattan. It took her three months to get the appointment. She gets to the train station, and the train is cancelled. And by the time she got to the doctor's office, believe it or not, the appointment was not available and she has to wait another three months. It breaks your heart.

So could you tell us -- I know, Kevin, you mentioned this at the press conference -- what advances you're making in terms of communication with the public?

MR. CORBETT: Yes; certainly, Senator.

I think, one, as a regular commuter for 20-plus years, I can relate to that.

And I think the riders, you know -- any given-- Over a course of a year, occasional things happen; there will be-- But I think it's been an accumulated effect over such a long period of time that there is a very high frustration level. And a lot of times the frustration is because -- not so much the actual problems, but not being able to know; not be able to have

the alternative, then, to make a decision. I think people understand if a tree comes down on catenary--

So the big issue is how we communicate better. And as we announced last week, we looked at how our whole communication process -- what was going through different departments that weren't coordinated properly, or there was a time lag. And certainly, in this age of Twitter, where somebody, after a couple of minutes, starts tweeting something -- the passengers -- if we don't respond, and that information is out, rumors -- whether they be accurate or inaccurate -- start getting legs; and that only compounds the problem.

So we've put it in a central -- into our Emergency Operations Center, so that everyone is sitting together; so they all see -- the Rail Ops, together with our Com people, with our Social Media people; so to get that out. In addition, with our app -- we have just rolled out, last week, an upgrade to our app that allows individual push notices. So if I'm riding out of Morristown on the M&E, what's going on on the Coastline may not be-- Rather than searching through our website to try to see what, you know, notifications are going up, you actually get a push notice. You put on it; if you got the app now, it will give you the things you want to know about, and we'll get that information out right away.

The other thing, which has been the tricky part on the Rail side, is when-- It's like a pilot flying a plane. If you have a problem, the pilot has to focus on flying the plane, not communicating. And that's where some of the disconnect was happening. In our Rail Operations Center in Kearny, it was that those people were not getting the word out to the Rail Department in Headquarters, to get that information out to our

Communications. So we now have put somebody, sort of like being a control tower -- not to disrupt anything that's going on with the people who are running the operations -- but to witness it and then, sort of, like being a navigator in the plane, where they can communicate out to the Coms people; while the people who are in the Control Center really focus on dealing with any problems that come up.

So we now have that as, sort of, a double coverage on those sites, so that they can get the word out quickly and immediately when we do see problems between certain signals or a train breaks down; something like that.

So they should notice a significant improvement.

SENATOR DIEGNAN: And is that in place now; or is that--

MR. CORBETT: Yes, it is. That's in place now.

SENATOR DIEGNAN: But the push notice -- I mean, that is in place today?

MR. CORBETT: That's in place; it is being rolled out. We, sort of-- As they ramp up, over the next 10 days-- So I forget the exact figures, but out of, roughly, I think 100,000 people who have already upgraded -- accepted the upgrade -- there are a number of those who have put in-- I think it's only been a few days, but there have been several thousand who have subscribed to the individual push notices. And over the next 10 days, it will be rolled out for all our subscribers.

COMMISSIONER GUTIERREZ-SCACCETTI: And that, Chairman, is what we'll be focusing on -- is people have to actually subscribe to this service and identify the line that they're interested in being notified on. And so we'll be working very hard. We have kind of coined

this process *Engage, Inform, and Improve*; and so that's part of a long-standing project that we will continue to work on. An initiative of Transit is to get our customers, I would say, more individually engaged with us, so that our information is more tailored to their needs.

SENATOR DIEGNAN: (off mike) Any questions?

SENATOR GOPAL: Thank you both for being here.

You guys have done an incredible job when it comes to Positive Train Control, and the deadlines you've met. I really am -- I am really pleased that you've done it in such a quick timeline.

What kind-- How much has this impacted or affected the budget that the Legislature has put out this year; and does it affect next year on getting it done this quickly?

MR. CORBETT: I would say the expenditures we had this year were in the contract with Parsons and the sub, Alstom. So we're looking to see what the -- as we take it from being a capital project, as we start to operationalize it, it now gets really into our Rail Ops, you know, as we finish up the capital. Until then, we'll be building that into our Operational budget, going forward. I think there is a concern of all-- I Co-Chair the Northeast Corridor Commission, with Ron Batory of the FRA; and there's a lot of concern from all the railroads about this unfunded mandate from the Federal. So there's talk about trying to push for Federal funding to help out with Operations. But in the meantime, we're good for this year; but we're looking to see what the impact is on our budget as we operationalize it for our Rail Ops Department.

SENATOR GOPAL: Great.

And then just a question to go off Chairman Diegnan, because that's the number one thing I get in my District -- is communication. So this app is out as of a week ago?

MR. CORBETT: Yes, it is our standard New Jersey Transit app; but we have made a significant upgrade in that. And then, also, the push notifications will come out. You can--

SENATOR GOPAL: So I understand. So any commuter can download the app and they will get a notification if their train is delayed or cancelled?

MR. CORBETT: Exactly.

SENATOR GOPAL: Okay.

MR. CORBETT: They can select whatever kind of information they want. If they want their station, their trains, they can scroll-- It gives them a whole batch of options.

SENATOR GOPAL: And do you know what kind of -- if it's like-- What kind of notice? So if they have a train in the morning, like, right before, or earlier-- As soon as you know?

MR. CORBETT: As soon as our Rail Ops Center knows, you know; say, usually around 5 in the morning we have a pretty good idea of--

SENATOR GOPAL: That's great.

MR. CORBETT: --who's showing up, who's not showing up; or whether there are any mechanical problems as they go through the warm-ups, starting around 4 a.m.

SENATOR GOPAL: That's really great news, because that's the number one thing that came up -- is folks who weren't getting notifications.

And how -- the last question I have is, how is the overall-- I know there are significant labor shortages -- right? -- at NJ Transit. How is that that going, as far as some of those positions getting filled; what is still -- what are you still having trouble with, and what is moving in the right direction?

MR. CORBETT: Good question.

I think we've made tremendous strides on the Bus. Two-thirds of our customers, roughly, ride the Bus. So we've had over 300 hires for new bus drivers. We've made a real concentrated push, outreach, working with the ATU. We've had successful-- That's done well. Conductors -- we've had -- I don't have the exact numbers, but we're making significant inroads in hiring new conductors.

The real challenge is engineers. We did a major push on that, and we now have -- we're sort of overwhelmed. Everyone was saying how difficult it would be to get interested people. We have over 5,000 applicants that we're going through; we are really swamped with applicants, which we are very excited about. We'll see how many--

SENATOR GOPAL: How about conductors?

MR. CORBETT: Conductors -- we are also getting that, and we're pushing on getting more conductors. That's less critical; it doesn't affect-- We would like to get more, a little depth in the bench. But as far as service, the biggest impact is engineers. And the problem there is that it takes about 20 months to train. So even when we get through, there were years where there were no classes, we didn't do any training. And so you have that lag time; we went below crucial mass.

So now it's going to take us-- We have about 13 to 15 who will be graduating in April-May; late April. But then we took -- made a special offer to conductors, who have much seniority, and gave them a bonus if they would step up to become engineers. So we had 20-plus of those conductors who signed up for that program. And that is important, because that compresses-- They already have the NORAC rules down; you know, a lot of the railroad rules and regs already. So they can then go -- instead of taking 20 months, they can do it within 12 months. So we take that, plus the other classes we started in the spring; so by next September-October, we will have a significant graduating class of 30 or more, which will then start bringing us below the critical--

SENATOR GOPAL: Do you have a timeline, specifically, when you think you'll be at close to 100 percent?

COMMISSIONER GUTIERREZ-SCACCETTI: The first quarter of 2020.

MR. CORBETT: Yes.

SENATOR GOPAL: The first quarter of 2020?

MR. CORBETT: The first quarter of 2020; but by the fall we should be at least, you know -- at least up to here instead of here (indicates).

SENATOR GOPAL: That's great.

Thank you, both; and thank you for everything you guys have done. Clearly, you had a lot on your plate; and in a short timeline, you've done a tremendous job.

COMMISSIONER GUTIERREZ-SCACCETTI: Senator, just to be clear too -- customers will feel the impact of the increasing engineers; but we'll be where we want to be by 2020.

SENATOR GOPAL: Great; thank you.

MR. CORBETT: So it will be gradual improvement, but we still have challenges in the year ahead.

SENATOR DIEGNAN: PTC -- has it gone within budget? So no challenges to funding?

MR. CORBETT: So far this year, we're within budget. The question will be in the outlying years, the next two years.

SENATOR DIEGNAN: And without holding you to a specific date, when do you expect restoration of service in Atlantic City, Raritan Valley, the others -- to Princeton?

MR. CORBETT: We're working on that--

SENATOR DIEGNAN: Ballpark.

MR. CORBETT: --as soon as possible. We have, you know-- One, we have to get our submission, finish off the work, do the static testing, etc. Then put all the documentation down to the FRA; then they give us the sign-off. Technically, they have 45 days; but they assured us they will move -- try to expedite as quickly as possible. Then we get their sign-off, then we have to schedule with the picks for the labor unions. So, you know -- but it will be, you know, certainly (indiscernible).

SENATOR DIEGNAN: But not, like, 90 days -- something like that, you think?

MR. CORBETT: Yes, sir; certainly that, yes.

SENATOR DIEGNAN: Okay, okay.

Any other questions?

Nick.

SENATOR SACCO: Just a point of interest -- I noticed that the MTA in New York City, through Mayor de Blasio, is asking for a two-year extension because they are two years behind the Positive Train Control. Is that possible to get a two-year extension? Were we rushing around like crazy--

MR. CORBETT: No, I think there's a lot of misunderstanding about what it means.

COMMISSIONER GUTIERREZ-SCACCETTI: Yes. Senator, we're all getting a two-year extension.

What we've done to date -- the work we've been doing to date is to get us to what they call the *alternate schedule*. So there are about nine railroads that are, probably, not in the place to meet December 31, 2018. So all of us have been doing the same thing, which is trying to get to the threshold number to qualify for this two-year extension. So we're all basically doing the exact same exercise.

What I would say to you is that there wasn't a soul who was betting that New Jersey Transit would make it. Kevin and I are feeling pretty good about our odds right now. (laughter) So we're all, actually, moving towards the same thing.

What will happen on January 1, forward to 2020, is we'll continue to outfit the remaining 158 cars at a much more reasonable pace. But we'll be working on what's the interoperability of the systems and how all the systems talk to each other. All of that has to be completed and certified by the end of December of 2020. So we're all doing exactly the

same thing right now; only we're doing it, I think, a little better than people thought.

MR. CORBETT: And I would add that it's -- where some of the misunderstanding-- People think, "Oh, it's an extension," as if the deadline was 2018, and that they're giving you two more years. No, what the FRA is doing is saying, "If you've meet all the critical things that have to be done by December 31, then the testing portion can extend into 2019." So if you didn't, then you're not allowed into the casino kind of thing.

So I think most of the railroads have found -- although they were ahead of us, now that we're caught up, they're in similar situations vis-à-vis the testing. I would say, certainly in New Jersey, we have arguably the most complex rail network in the country. You have the Norfolk Southern, CSX, Conrail, a number of short lines. We also have Metro-North service up to Port Jervis that we operate for them. So the complexity-- Plus our Hoboken Division, Newark Division, legacies from all this-- New Jersey Central, you know, Erie Railroad, etc.; to say nothing of the Pennsylvania Railroad.

So all those legacies have different characteristics; so we have to make sure that the testing is smooth throughout all of them. And that's why the FRA has a two-year-- But the deadline of December 2020 is for-- All the railroads in the nation have to be fully operational in revenue service -- meaning, with passengers; all the passenger trains that we're running have to be fully PTC. And that is by an act of Congress, and that deadline is not changing.

SENATOR SACCO: No, I never expected you to be where you are right now. You were so far behind when you started. You've done a great job.

MR. CORBETT: Yes, I took a lot of bets; so I got my Christmas bonus by covering my bets. (laughter)

SENATOR DIEGNAN: To meet the ultimate deadline of 2020 will there have to be any other suspensions of service, you think? Or no?

MR. CORBETT: I would say no wholesaling; I think we have to look-- Each line has different testing protocols, so we may look at certain weekends if we want to-- We're looking to get anywhere from 600 to 1,000 test runs. We have about 300 test runs in PTC mode on Morris & Essex; we just started, like I said, last month doing test runs in PTC mode in the Northeast Corridor, in cooperation with Amtrak; they're going well.

But as we get down to different divisions, different lines, we may want to add weekends, depending on where we are in the testing. I think all the railroads have found that you get a lot of anomalies. You go by a certain transponder at one point, and you may get a slowdown signal. And then they go to the computer, and you have to find, is it the equipment; is it the equipment in the ground, equipment in the train, or the computer programming, or the back office? So all of the railroads are trying to get that down to make sure you work out all the bugs. Most of them are minor, but for PTC -- when you're in full mode, if you get a slowdown signal, that will slow down all the trains.

So that testing period is going to be where we'll see. And depending on how that testing goes, we may ad hoc after -- do select weekends or something like that.

COMMISSIONER GUTIERREZ-SCACCETTI: I think the answer is--

SENATOR DIEGNAN: But not like a total shutdown.

MR. CORBETT: No.

SENATOR DIEGNAN: Okay.

COMMISSIONER GUTIERREZ-SCACCETTI: Right; no more extended suspensions of service should be required.

SENATOR DIEGNAN: Excellent.

Anybody? (no response) No?

Okay; good job. Keep up the good work; okay.

MR. CORBETT: Thank you; we will.

Thank you for your support.

COMMISSIONER GUTIERREZ-SCACCETTI: Thank you; you too.

SENATOR DIEGNAN: Okay, now we can go through the agenda.

Let's go right down the list: 2766.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Bill No. 2766 and Assembly Bill No. 4033 designate a portion of State Highway Route 27 in Union County as the *Jerry Green Memorial Highway*.

There are proposed Committee amendments for both the Assembly Bill and the Senate Bill. The amendments make a grammatical correction and provide a correction to the preamble concerning when Assemblyman Green was elected to the General Assembly.

SENATOR DIEGNAN: Anybody here to testify on this one? No? (no response)

I had the pleasure of knowing Jerry Green; he was a terrific, terrific guy. I always say about Jerry -- if he gave you his word, you never had to ask a second time.

So this is a proper tribute to a good guy.

A motion and second.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
(Indiscernible)

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
(Indiscernible)

SENATOR DIEGNAN: Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the motion to amend and release Assembly Bill No. 4073, and to amend and release Senate Bill No. 2766. Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.

SENATOR GILL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Sacco.

SENATOR SACCO: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman Diegnan.

SENATOR DIEGNAN: (off mike) Yes.
No. 2859.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Bill No. 2859 and Assembly Bill No. 4299 (1R) designate a portion of Interstate Highway Route No. 195 in Mercer County as the *Francis J. McManimon Highway*.

There are proposed Committee amendments for the Senate Bill No. 2859, which make the Bill identical to its Assembly counterpart.

The proposed amendments provide corrections to the preamble concerning Senator McManimon's service record, properly reference the Township of Hamilton, and make grammatical corrections.

SENATOR DIEGNAN: We have one; Al (indiscernible).

Al, do you want to say something, or no? No.

His long-time aide. He was a good guy. With a name like *McManimon*, how could he not be a good guy, right? (laughter) And it's a proper tribute.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike) I had the pleasure of serving with him, so-- A good man.

SENATOR DIEGNAN: That's nice to hear.

Okay; motion and second?

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
Motion.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
Second.

SENATOR DIEGNAN: Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the motion to amend and release Senate Bill No. 2859, and on the motion to release Assembly Bill No. 4299 (1R),

Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.

SENATOR GILL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Sacco.

SENATOR SACCO: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman Diegnan.

SENATOR DIEGNAN: Yes.

No. 2863.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Bill No. 2863 revises the requirements for grant recipients of the Transportation Trust Fund Authority local aid program.

The proposed Committee amendments require counties and municipalities to begin expending aid allotments within one year from the date the county or municipality receives the first payment of the allotment, rather than from the time the county or municipality is provided notice of the award amount.

The proposed Committee amendments provide that the one-year requirement is extended if a designated financial officer for the county or municipality certifies that the project will not begin construction during the required time frame because the allotment will be aggregated with

future funds, as permitted by the Department of Transportation, for the purpose of completing a specific project; a permit needed for completion of the project has not been issued due to a delay in the permitting process; the acquisition of an interest in State-owned land needed to complete the project is delayed due to the divestment of a deed restriction; the project requires a utility to be relocated; or a catastrophic event occurs that results in the declaration of a state of emergency.

A designated financial officer for the county or municipality is required to provide certain proof, and to certify that a construction or other approved contract will be awarded promptly upon resolution of the cause of the delay.

The proposed amendments also specify that local government grant recipients are to be prohibited from using local aid program funds to support the work of a local government entity's employees on local aid construction projects, funded out of the funds from the local aid program; and require bidders on local aid program funded contracts to be prequalified by the Department only when the contract is valued at more than \$500,000.

The proposed amendments also correct the subdivision designations in Section 2 of the Bill.

SENATOR DIEGNAN: And that's the brief summation of the Bill. (laughter)

Anybody want that repeated? (no response)

Matt Halpin, Dan Burke -- do you want to come up and comment -- seeking amendments?

I know there have been discussions with the sponsor.

Come on up; introduce yourselves.

MATTHEW S. HALPIN: Thank you, Mr. Chairman and members of the Committee.

I'm Matt Halpin from Public Strategies Impact. I'm here on behalf of the New Jersey Society of Municipal Engineers.

I'm joined by Dan Burke, who is the Municipal Engineer in the Township of Jackson.

And as the Chairman alluded to, we have -- we don't have objection to the Bill per se, and certainly not to the intent of the Bill. There are some changes we would have liked to see in the amendments that aren't reflected in the amendments you have before you today. So we're hoping to continue to work with the stakeholders and the sponsors.

I will turn it over to Dan, who can explain what our major concern is; and then obviously, if there are any questions, he'll be happy to answer them from a technical standpoint.

But it revolves around some of the timing that is set forth in the Bill, and some tweaks we'd like to make to that.

DANIEL BURKE: Thanks for hearing me.

Dan Burke, Municipal Engineers Society.

Simply put, the manner in which the County system and the Municipal system are administered are quite different. The language in here doesn't quite handle that, as it doesn't take that quite into account.

Municipal engineers have some concerns about the timing. We get an award notice; and then, sometime after that, we get the commitment, which is the financial commitment, which is actionable, which is the signed agreement. And when the clock starts, when the tolling starts for the time

frame set forth in the Bill, it needs to be on the time when we actually have financial authority. That's something we can't work around.

So we're looking for the things that-- I mean, as long as we can control -- we have control over the issues going forward, we don't have any problem. But if there's a gap that's outside of our control, we think that needs to be addressed in these Bills.

Again, we're 100 percent behind the intent; the intent, as we see it, is to get those Transportation Trust Fund dollars on the streets, under construction as expeditiously as reasonably possible. We just think -- we want to avoid some of what we think might be some of the unintended consequences; and we ask for your indulgence in letting us work with the stakeholders in ironing out those concerns, collectively, before this Bill moves forward.

SENATOR DIEGNAN: And I'm sure the sponsors want that too. I mean, it's not an adversarial position; just to make it expeditiously work.

Okay; great, thanks.

MR. BURKE: Thank you for your time.

SENATOR DIEGNAN: Joe Baldwin, UTCA, in favor.

Would you like to testify, Joe? *Zoe*; I'm sorry. *Zoe*.

Zoe, do you want to testify?

Z O E B A L D W I N: Sure; hot mike.

Thank you so much for hearing this Bill today.

So our intent on working with Senator Sarlo and with the counties and municipalities on this Bill was really just to streamline the

process of making sure that our hard-earned gas tax dollars are going out to bid, and really making improvements that affect us in our daily lives.

And so we are absolutely -- we were just-- Dan's concern was just right for us this morning, and we're very happy to continue working on these issues.

So, unless anyone has any questions--

SENATOR DIEGNAN: (off mike) Thank you.

MS. BALDWIN: Thank you so much.

SENATOR DIEGNAN: (off mike) Mike Travostino, Associated Construction Contractors, in favor, no need to testify; Ciro Scalera, New Jersey Laborers Union, in favor, no need to testify.

Okay.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
Move the Bill, as amended.

SENATOR DIEGNAN: (off mike) Thank you.

Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the motion to amend and release Senate Bill No. 2863, Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.
(no response)

Senator Sacco.

SENATOR SACCO: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair
Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman Diegnan.

SENATOR DIEGNAN: (off mike) Yes.

(mikes were not turned on)

We're going to hold S-3126 for a few minutes.

Let's do S-3139.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Bill No. 3139 authorizes the creation of American Legion Auxiliary license plates.

The proposed Committee amendments for Senate Bill No. 3139 correct a reference to the American Legion Auxiliary License Plate Fund within the Bill.

SENATOR DIEGNAN: (off mike) Motion and second on that?

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike) Motion.

SENATOR DIEGNAN: (off mike) Motion and second.

Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the motion to amend and release Senate Bill No. 3139, Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.
(no response)

Senator Sacco.

SENATOR SACCO: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair
Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman
Diegnan.

SENATOR DIEGNAN: (off mike) Yes.

No. 3140.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Bill
No. 3140 authorizes the creation of Sons of the American Legion license
plates.

SENATOR DIEGNAN: (off mike) Motion and second?

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
Motion.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
Second.

SENATOR DIEGNAN: (off mike) Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the
motion to release Senate Bill No. 3140, Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.
(no response)

Senator Sacco.

SENATOR SACCO: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair
Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman Diegnan.

SENATOR DIEGNAN: (off mike) Yes.

SJR-54.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Joint Resolution No. 54 establishes the New Jersey Transit Alternative Revenue Task Force.

The proposed Committee amendments for the Senate Joint Resolution add two members to the Task Force to be appointed by the Governor. One member is to have expertise and experience in public motorbus service, and one is to have experience and expertise in paratransit service.

The proposed amendments also require that the report containing the findings and recommendations of the Task Force be prepared and submitted within six months, rather than one year, following the organizational meeting of the Task Force.

SENATOR DIEGNAN: (off mike) (Indiscernible).

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike) Just thank you for proposing the Bill, and thank you for indulging the amendments.

SENATOR DIEGNAN: (off mike) (indiscernible); this is important stuff.

We have one in favor, no need to testify -- Janna Chernetz, of the Tri-State Transportation Campaign.

Motion and second?

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)

Motion.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)

Second.

SENATOR DIEGNAN: (off mike) Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the motion to amend and release Senate Joint Resolution Bill No. 54, Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill.
(no response)

Senator Sacco.

SENATOR SACCO: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Vice Chair
Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman
Diegnan.

SENATOR DIEGNAN: (off mike) Yes.

And our last Bill, 3126.

UNIDENTIFIED MEMBER OF COMMITTEE: Senate Bill No. 3126 requires drivers to stop at a railroad crossing when on-track equipment is approaching the railroad crossing.

SENATOR DIEGNAN: (off mike) We have a couple of folks in favor. Would anyone like (indiscernible)?

R O N A L D S A B O L: Good morning-- Afternoon, already, Mr. Chairman, members of the Committee.

My name is Ron Sabol; I'm the New Jersey State Director for the Transportation Division of the Sheet Metal, Air, Rail, and Transportation Workers.

I want to thank you today for posting this Bill.

We have talked about doing some work to it. This is a straight-up safety Bill: stopping at the crossings, updating some of the statute things.

In the pdf version, on Line 16, it says, "A clearly visible electric or mechanical signal device;" and then again, on Line 28, "plainly visible and is in hazardous proximity to such crossing."

We've looked into putting in an amendment, being worked on now, to do some work on clearing the vegetation and shrubbery around some of these crossings. You know, it makes it pretty hard -- everyone has seen the way some of the crossings look, especially the active ones -- it makes it really hard for anyone to really see anything.

So being able to add a little something on there that would help protect everyone -- the driver from being able to see the people on the ground in the area. You know, that affects not just the on-track workers, but the conductors and train crew members who we represent. A lot of times, if a crossing malfunctions, they pull the train up to that crossing, and then they get off and they go out and they put a flag out, or a fusee out, or a lantern at night, or whatever the case is, to be able to flag that train or equipment to cross that crossing. And having the area cleared up and

cleaned up around the crossings, I think, would be a great thing to add onto this Bill.

Thank you. And Mr. Chairman, if there are any questions, I'd be happy--

SENATOR GOPAL: So you're working through the Assembly too, I guess?

MR. SOBOL: Yes, Vice Chairman; they have some language now getting ready to go through the Assembly--

SENATOR GOPAL: Okay.

MR. SOBOL: --on the original side of the Bill.

SENATOR GOPAL: Sounds good.

MR. SOBOL: Thank you.

SENATOR DIEGNAN: (off mike) Anyone (indiscernible)?

E L I U D G A U T I E R: My name is Eliud Gautier; I am a community activist.

And I support this Bill. Road safety is one of my biggest concerns. I lived, for many years-- For those of you who know the City of Camden, there's a railroad crossing on River Road near Federal Street. And we know, with all the signage that is provided, all the grass cutting that is there, people still violate the railroad crossing.

I don't know how many deaths have occurred of pedestrians, vehicles, and even workers.

So in addition to-- I know they are doing some fixing around; I think one of the things that needs to happen is education. There needs to be some money set aside for education.

I'll give you an example. We all know, from transportation, that there's a law right now -- when there's a police stopped on the right-hand side you're supposed to move over. How many times don't you drive by and you see countless violators who are putting themselves in danger, pedestrians in danger, and law enforcement?

So what I do is I ask my friends and family, "Do you know that law?" And they say, "Eliud, you're the first person to mention it. I was unaware of it."

Because I take a proactive-- Because I drive 295 on a regular basis to come up into Trenton. And I see it for myself, and I see the danger that people are placed in every day.

So it's good that this legislation is being designed, it's being offered. The signage, the cutting the grass; that's all great. But there has to be -- and this is one of the concerns that have to happen -- there has to be a set-aside, that we don't just depend on press releases, on Channel 12, 13. Oh, the press release comes out, and we believe -- many times legislators believe that just with a press release, the public is going to know. That's not sufficient.

An active attempt to educate families, and friends, and neighbors, especially-- I see it on River Road. I sit there and I see people sneaking through, trying to beat the sign coming down. Now they actually added the pedestrian one; before there was not the pedestrian one that goes down. That's new; that wasn't there before.

So I understand; and for those of you who-- Right there, that train, the speed line (*sic*) goes by there. There are numerous freight trains

that go by; there are always trains that go to do repairs -- they're always going by.

And the gentleman was talking about the flag. I've seen it. Even with all that, people still attempt to beat the system.

Thank you.

We have to do some education, and maybe attach some serious fines and consequences for violators. So I do support it; I'm supportive of road safety.

And also, as many of you already know, I'm also supporting a Bill that's on your table, S-3229, which will offer the two-tiered license. Safety for all of us is important.

So I support this Bill; I ask you to also look at the Bill that's currently at your desks. And please support the two-tier license, that complies with the Federal government, for the REAL ID; and also to allow other citizens that can't meet the requirements for licenses -- that are currently employed -- to use that to allow more residents of the State of New Jersey to apply for licenses.

Thank you very much; I appreciate your time.

SENATOR DIEGNAN: (off mike) Thank you.

I have to be honest with you, I don't know -- what's the penalty for going through a railroad crossing when the gate is going down? I don't even know. Does anybody know? Is it a moving violation?

MR. GAUTIER: Well, especially -- here we're talking about workers.

SENATOR DIEGNAN: Yes, I know, I know.

MR. GAUTIER: You're talking about workers who are trying to provide--

SENATOR DIEGNAN: I'm just saying, overall -- what is the penalty?

MR. GAUTIER: There is; I'm not sure what the penalty is.

SENATOR DIEGNAN: Okay.

MR. GAUTIER: But as you know, penalties do make people think twice.

SENATOR DIEGNAN: Of course, of course.

MR. GAUTIER: Okay? Thank you.

SENATOR DIEGNAN: Good observation.

Okay; motion and second on this Bill?

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike) So moved.

UNIDENTIFIED MEMBER OF COMMITTEE: Second.

SENATOR DIEGNAN: Roll call.

UNIDENTIFIED MEMBER OF COMMITTEE: On the motion to release Senate Bill No. 3126, Senator Singer.

SENATOR SINGER: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Senator Gill left a vote in the affirmative.

Senator Sacco. (no response)

Vice Chair Gopal.

SENATOR GOPAL: Yes.

UNIDENTIFIED MEMBER OF COMMITTEE: Chairman Diegnan.

SENATOR DIEGNAN: (off mike) Yes.

Okay; good job.

Thanks, everybody.

If I don't see you (indiscernible), I'll see you on Monday.

(MEETING CONCLUDED)