

[First Reprint]

**SENATE, No. 2600**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JUNE 22, 2020

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Increases transparency and accountability for NJT and independence of NJT board members; establishes Office of Customer Advocate; requires greater detail for capital program.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee on December 8, 2020, with amendments.



**(Sponsorship Updated As Of: 6/25/2020)**

1 AN ACT concerning reforms to the New Jersey Transit Corporation,  
2 amending P.L.1979, c.150, P.L.2018, c.162, and P.L.1984, c.73,  
3 supplementing Title 27 of the Revised Statutes, and repealing  
4 section 16 of P.L.2018, c.162.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. Section 4 of P.L.1979, c.150 (C.27:25-4) is amended to read as  
10 follows:

11 4. a. There is hereby established in the Executive Branch of the  
12 State Government the New Jersey Transit Corporation, a body  
13 corporate and politic with corporate succession. For the purpose of  
14 complying with the provisions of Article V, Section IV, paragraph 1 of  
15 the New Jersey Constitution, the corporation is hereby allocated within  
16 the Department of Transportation, but, notwithstanding that allocation,  
17 the corporation shall be independent of any supervision or control by  
18 the department or by any body or officer thereof. The corporation is  
19 hereby constituted as an instrumentality of the State exercising public  
20 and essential governmental functions, and the exercise by the  
21 corporation of the powers conferred by this act shall be deemed and  
22 held to be an essential governmental function of the State.

23 b. The corporation shall be governed by a board which shall  
24 consist of 13 members.

25 **[11]** Eleven of the members shall be voting members and shall  
26 consist of: the Commissioner of Transportation and the State  
27 Treasurer, who shall be members ex officio, another member of the  
28 Executive Branch to be selected by the Governor who shall also serve  
29 ex officio, and eight public members who shall be appointed by the  
30 Governor as follows:

31 two members, with the advice and consent of the Senate, who shall  
32 each have experience as either a regular corporation motorbus regular  
33 route service rider or regular corporation rail passenger service or light  
34 rail service rider or have a professional background in passenger rail  
35 service, freight rail management, transportation capital planning,  
36 transportation and public transportation capital construction, federal  
37 transportation policy, State transportation policy, real estate  
38 investment or development, human resources management, or  
39 transportation capital finance, one upon the recommendation of the  
40 New Jersey members of the Delaware Valley Regional Planning  
41 Commission and one upon the recommendation of the North Jersey  
42 Transportation Planning Authority;

43 two members, with the advice and consent of the Senate, one who  
44 shall have experience as a regular corporation motorbus regular route

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate STR committee amendments adopted December 8, 2020.

1 service rider and one who shall have experience as a regular  
2 corporation rail passenger service or light rail service rider; and

3 four members, who shall each have a professional background in  
4 passenger rail service, freight rail management, transportation capital  
5 planning, transportation and public transportation capital construction,  
6 federal transportation policy, State transportation policy, real estate  
7 investment or development, human resources management,  
8 communication, or transportation capital finance, one appointed by the  
9 Governor upon the recommendation of the President of the Senate, one  
10 appointed by the Governor upon the recommendation of the Speaker  
11 of the General Assembly, and two appointed by the Governor, with the  
12 advice and consent of the Senate.

13 All public members, except for those appointed upon the  
14 recommendation of the President of the Senate and the Speaker of the  
15 General Assembly, shall be appointed by the Governor with the advice  
16 and consent of the Senate, and all public members shall serve for four  
17 year staggered terms and until their successors are appointed and  
18 qualified. No more than three of the six public members appointed by  
19 the Governor with the advice and consent of the Senate shall be  
20 members of the same political party. Each public member may be  
21 removed from office by the Governor for cause. A vacancy in the  
22 membership of the board occurring other than by expiration of term  
23 shall be filled in the same manner as the original appointment, but for  
24 the unexpired term only. The board shall annually designate a [vice  
25 chairperson and] secretary. The secretary need not be a member.

26 There shall be two non-voting members of the board, who shall not  
27 be considered in determining a quorum. The non-voting members  
28 shall be appointed as follows: one appointed by the Governor upon the  
29 recommendation of the labor organization representing the plurality of  
30 the employees of the corporation involved in rail operations and one  
31 appointed by the Governor upon the recommendation of the labor  
32 organization representing the plurality of the employees of the  
33 corporation involved in motorbus operations. Each non-voting member  
34 appointed upon recommendation of a labor organization shall be  
35 appointed for a term of four years, provided, however, that if at any  
36 time during the term of appointment the non-voting member ceases to  
37 be affiliated with the labor organization representing the plurality of  
38 the relevant segment of employees of the corporation, then such labor  
39 organization may, thereupon or at any time thereafter during such  
40 term, recommend a new member to the Governor for appointment to  
41 serve the remainder of the term. If the local bargaining unit decertifies  
42 its existing union affiliation and certifies a new union, the union which  
43 represents the plurality of the relevant segment of employees may  
44 recommend a new member to the Governor for appointment to serve  
45 the remainder of the term. The [chairman] chairperson of the board  
46 may, at the [chairman's] chairperson's discretion, exclude such non-  
47 voting member from attending any portion of a board meeting or any  
48 other meeting held for the purpose of discussing negotiations with

1 labor organizations, pending litigation involving the labor  
2 organization, the investigation, evaluation, or discipline of an  
3 employee of the corporation, or matters concerning private entities  
4 engaged in the provision of motorbus regular route service, paratransit  
5 service, or motorbus charter service that would otherwise not be  
6 considered public information. Each non-voting member appointed  
7 upon recommendation of a labor organization may be removed by the  
8 Governor for cause.

9 For the purposes of this subsection:

10 "experience as a regular corporation motorbus regular route service  
11 rider" includes any rider who is a regular corporation motorbus regular  
12 route service rider at the time of the member's appointment or  
13 reappointment and any rider who has been a regular corporation  
14 motorbus regular route service rider in three of the five years  
15 preceding the member's appointment or reappointment.

16 "experience as a regular corporation rail passenger service or light  
17 rail service rider" includes any rider who is a regular corporation rail  
18 passenger service or light rail service rider at the time of the member's  
19 appointment or reappointment and any rider who has been a regular  
20 corporation rail passenger service or light rail service rider in three of  
21 the five years preceding the member's appointment or reappointment.

22 c. Board members other than those serving ex officio shall serve  
23 without compensation, but members shall be reimbursed for actual  
24 expenses necessarily incurred in the performance of their duties.

25 d. The **Commissioner of Transportation shall serve as** board  
26 shall elect a chairperson of the board **[,]** from among its 'public'  
27 members that are authorized to vote. 'Ex officio members of the  
28 board shall not be eligible to serve as the chairperson.' The  
29 chairperson shall be elected by the affirmative vote of a majority of the  
30 appointed members of the board that are authorized to vote and shall  
31 serve for a term of two years. If the board fails to elect a chairperson,  
32 the vice chairperson shall serve as chairperson until the election of a  
33 chairperson. If the board fails to elect a chairperson and vice  
34 chairperson, the longest tenured public member of the board that is  
35 authorized to vote shall serve as chairperson until the election of a  
36 chairperson. If more than one member shares the longest tenure, the  
37 acting chairperson shall be decided by random selection from among  
38 those members with the longest tenure and shall serve as chairperson  
39 until the election of a chairperson. The chairperson shall chair board  
40 meetings, and shall have responsibility for the scheduling and  
41 convening of all meetings of the board. The board shall elect a vice  
42 chairperson of the board from among its 'public' members that are  
43 authorized to vote. 'Ex officio members of the board shall not be  
44 eligible to serve as the vice chairperson.' The vice chairperson shall  
45 be elected by the affirmative vote of a majority of the appointed  
46 members of the board that are authorized to vote and shall serve for a  
47 term of two years. In the absence of the chairperson, the vice

1 chairperson shall chair the board meeting. Each ex officio member of  
2 the board may designate two employees of the ex officio member's  
3 department or agency, one of whom may represent the ex officio  
4 member at meetings of the board, except that any such designee shall  
5 not 'be eligible to' serve as chairperson 'or vice chairperson' of the  
6 board or otherwise preside over or chair 'or vice chair' any board  
7 meeting 'or committee meeting'. A designee may lawfully vote and  
8 otherwise act on behalf of the member for whom the person constitutes  
9 the designee. Any such designation shall be in writing delivered to the  
10 board and shall continue in effect until revoked or amended by writing  
11 delivered to the board.

12 e. The powers of the corporation shall be vested in the voting  
13 members of the board thereof and a majority of the appointed  
14 members of the board who are authorized to vote shall constitute a  
15 quorum at any meeting thereof. Actions may be taken and motions  
16 and resolutions adopted by the board at any meeting thereof by the  
17 affirmative vote of a majority of the appointed members who are  
18 authorized to vote. No vacancy in the membership of the board shall  
19 impair the right of a quorum to exercise all the rights and perform all  
20 the duties of the board.

21 f. A true copy of the minutes of every meeting of the board shall  
22 be delivered forthwith, by and under the certification of the secretary  
23 thereof, to the Governor. No action taken at such meeting by the  
24 board shall have force or effect until approved by the Governor or until  
25 10 days after such copy of the minutes shall have been delivered. If, in  
26 said 10-day period, the Governor returns such copy of the minutes  
27 with veto of any action taken by the board or any member thereof at  
28 such meeting, such action shall be null and of no effect. The Governor  
29 may approve all or part of the action taken at such meeting prior to the  
30 expiration of the said 10-day period.

31 g. (1) The board meetings shall be subject to the provisions of the  
32 "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231  
33 (C.10:4-6 et seq.), except that any agenda related to a meeting of the  
34 corporation's board of directors shall be provided to the public at least  
35 **'[five] seven'** calendar days prior to the meeting and except that one-  
36 half of the total number of meetings of the board shall be held in the  
37 evening after 6:00 p.m. Agendas may be revised up to 48 hours prior  
38 to the meeting in the case of emergencies requiring immediate action.  
39 Each notice of a board meeting and each agenda for a board meeting  
40 shall be published on the corporation's website. Board meetings shall  
41 be viewable on the corporation's website in real time and shall be  
42 archived and made available to the public for subsequent viewing on  
43 the corporation's website. Meeting minutes shall be archived and  
44 published on the corporation's website.

45 (2) The board shall hold a minimum of 10 public board meetings  
46 per year 'provided that the board shall not allow more than 60 calendar  
47 days to elapse without holding a public board meeting'. Public

1 hearings held pursuant to subsection d. of section 8 of P.L.1979, c.150  
2 (C.27:25-8) shall not be considered public board meetings for the  
3 purposes of this subsection. <sup>1</sup>For each public board meeting, the board  
4 shall hold a work session at least seven calendar days before the board  
5 meeting for members of the board to discuss items to be listed on the  
6 agenda for the upcoming public board meeting and any other item that  
7 a member of the board believes is in the public interest or board's  
8 interest to discuss. A quorum of the board shall be necessary to  
9 conduct business at a work session. The work sessions shall be open  
10 to the public and the agenda for the upcoming board meeting shall be  
11 published in accordance with this section before the beginning of any  
12 work session. An item shall not be listed on an agenda or voted on by  
13 the board at a public board meeting unless the item was discussed or  
14 open for discussion at a work session of the board, except in the case  
15 of emergencies as provided in this section.<sup>1</sup>

16 (3) Notwithstanding the requirements of this subsection, a board  
17 member may address the board at any public <sup>1</sup>board<sup>1</sup> meeting <sup>1</sup>or  
18 work session<sup>1</sup> concerning an issue or item that the board member  
19 believes is in the public interest or board's interest to discuss. After a  
20 preliminary discussion where each board member is afforded an  
21 opportunity to discuss the issue or item, the board, upon motion of a  
22 board member, may vote to add the issue or item to the agenda of a  
23 subsequent board meeting or to take other appropriate action. In lieu  
24 of a vote by the board, the chairperson may add the issue or item to the  
25 agenda of a subsequent board meeting.

26 (cf: P.L.2018, c.162, s.1)

27  
28 2. Section 2 of P.L.2018, c.162 (C.27:25-4.1) is amended to read  
29 as follows:

30 2. a. The board of directors of the corporation shall:

31 (1) Execute oversight of the corporation's executive director and  
32 other management in the effective and ethical management of the  
33 corporation, including but not limited to review and approval of any  
34 fare changes and the elimination or substantial curtailment of  
35 <sup>1</sup>paratransit service.<sup>1</sup> motorbus regular route service, rail passenger  
36 service, or light rail service;

37 (2) Understand, review, and monitor the implementation of  
38 fundamental financial and management controls and operational  
39 decisions of the corporation, including but not limited to review and  
40 approval of any fare changes **【and】** , the elimination or substantial  
41 curtailment of <sup>1</sup>paratransit service,<sup>1</sup> motorbus regular route service,  
42 rail passenger service, or light rail service, and any major planning  
43 document, including but not limited to any strategic plan, capital plan,  
44 unconstrained capital plan, or any other planning document that  
45 purports to portray the corporation's vision for the future;

46 (3) Establish policies regarding the payment of salary,  
47 compensation, and reimbursements to, and establish rules for the time

1 and attendance of, the executive director and management, including  
2 the formal direct hiring of the Executive Director, Director of the  
3 Office of Customer Advocate, and Auditor General and the formal  
4 approval of 'hiring by the Executive Director for' any candidate to be  
5 hired to serve in a Senior Vice President or Chief role including but  
6 not limited to the following positions or subject matter: Surface Transit  
7 and General Manager of Bus Operations; Chief Financial Officer and  
8 Treasurer; Chief of Police and Office of Emergency Management;  
9 General Manager of Rail Operations; Capital Programs;  
10 Communications and Customer Experience; Chief Administrative  
11 Officer; Regulatory and Government Affairs; Chief of Staff; and Chief  
12 Safety Officer, provided that nothing in P.L.2018, c.162 (C.27:25-4.1  
13 et al.) shall be construed to apply civil service rules and regulations to  
14 the corporation;

15 (4) Adopt a code of ethics, in consultation with the chief ethics  
16 officer, applicable to each board member, officer, and employee that,  
17 at a minimum, includes the applicable standards established by State  
18 law;

19 (5) Require that the corporation establish written policies and  
20 procedures on personnel including policies protecting employees from  
21 retaliation for disclosing information concerning acts of wrongdoing,  
22 misconduct, malfeasance, or other inappropriate behavior by an  
23 employee of the corporation;

24 (6) Adopt a policy that provides guidelines for when it is  
25 appropriate for the chief ethics officer to forward the results and  
26 findings of a preliminary investigation conducted by the chief ethics  
27 officer to the State Ethics Commission, Office of the Attorney  
28 General, county prosecutor's office, or any other appropriate agency  
29 for further investigation or action;

30 (7) Adopt a defense and indemnification policy and disclose such  
31 policy to any and all prospective board members; and

32 (8) **Adopt** Develop and adopt corporate bylaws, which shall be  
33 reviewed and updated within 180 days of the effective date of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
35 ensure consistency with P.L.1979, c.150 (C.27:25-1 et al.), P.L.2018,  
36 c.162 (C.27:25-4.1 et al.), and P.L. , c. (C. ) (pending before  
37 the Legislature as this bill) and at least once every five years  
38 thereafter. The board shall ensure that the bylaws are made available  
39 to the public upon request and are published on the corporation's  
40 website.

41 b. (1) The members of the board shall perform each of their  
42 duties as board members, including but not limited to those imposed  
43 by this section, in good faith and with that degree of diligence, care,  
44 and skill which an ordinarily prudent person in like position would use  
45 under similar circumstances, and may take into consideration the  
46 views and policies of any elected official or body, or other person and  
47 ultimately apply independent judgment in the best interest of the  
48 corporation, its mission, and the public.

(2) At the time that a board member takes and subscribes the board member's oath of office, or within 60 days after the effective date of P.L.2018, c.162 (C.27:25-4.1 et al.) if the board member has already taken and subscribed the board member's oath of office, the board member shall execute an acknowledgement, in a form developed by the corporation, in which the board member shall, at a minimum:

(a) acknowledge that the board member understands that a board member has an obligation to perform duties and responsibilities to the best of the board member's abilities, in good faith and with proper diligence and care, consistent with the enabling compact, mission, and by-laws of the corporation and the applicable laws of this State; and that the duty to the corporation is derived from and governed by its mission;

(b) acknowledge that the board member understands the board member's duty of loyalty and care to the corporation and commitment to the corporation's mission and the public interest; and the board member's obligation to act in the best interests of the corporation and the people whom the corporation serves;

(c) agree that a board member has an obligation to become knowledgeable about the mission, purpose, functions, responsibilities, and statutory duties of the corporation and, when necessary, to make reasonable inquiry of management and others with knowledge and expertise so as to inform the board member's decisions;

(d) agree to exercise independent judgment on all matters before the board;

(e) agree not to divulge confidential discussions and confidential matters that come before the board for consideration or action;

(f) agree to disclose to the board and the chief ethics officer any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit the board member from performing the board member's duties in good faith and with due diligence and care; and

(g) certify that the board member does not have any interest in, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of the board member's duties in the public interest.

c. Individuals appointed to the board of directors shall participate in training regarding their legal, financial, and ethical responsibilities as directors of the corporation within six months of appointment to the board. Board members shall participate in continuing training as may be required to remain informed of best practices and regulatory, legal, financial, and ethical responsibilities and standards.

d. No board member, including the chairperson, shall serve as the corporation's executive director, chief financial officer, or hold any senior management position while serving as a member of the board.

<sup>1</sup>No ex officio member of the board, or their designee, shall serve as



1 the chairperson or vice chairperson of the board or as a chairperson of  
2 any committee of the board.<sup>1</sup>

3 e. (1) The board of directors shall establish an audit committee,  
4 to be comprised of not less than three members, who shall possess the  
5 necessary skills to understand the duties and functions of the  
6 committee, including having sufficient knowledge in the areas of  
7 finance and accounting. The audit committee shall meet on at least a  
8 quarterly basis.

9 (2) The audit committee shall review and monitor: the reliability of  
10 financial statements and the adequacy of financial controls; the results  
11 of any audit; and compliance with legal, regulatory, and ethical  
12 requirements. The audit committee shall have responsibility for  
13 supervising and reviewing the work of the internal audit department,  
14 which has responsibility for investigating fraud, waste and abuse  
15 within and affecting the agency. <sup>1</sup>The Auditor General and internal  
16 audit department shall report directly to the audit committee and the  
17 board of directors and shall be independent of any supervision of the  
18 executive director, unless the board or audit committee authorizes or  
19 requires such supervision.<sup>1</sup> In furtherance of this purpose, the  
20 corporation shall make available to the board, in a centralized database  
21 that is easily accessible to all board members, any documents  
22 regarding an audit, including internal audit documents, memoranda,  
23 and reports whether in draft or final form. In the absence of such a  
24 centralized database, the corporation shall make any such document  
25 available to a board member upon request of the board member.

26 f. (1) The board of directors shall establish an administration  
27 committee to be comprised of not less than three independent  
28 members, who shall possess the necessary skills to understand the  
29 duties and functions of the committee; provided, however, that in the  
30 event that a board has less than three independent members, the board  
31 may appoint non-independent members to the committee, provided  
32 that the independent members shall constitute a majority of the  
33 members of the committee. The administration committee shall meet  
34 on at least a quarterly basis.

35 (2) The administration committee shall: advise the board of  
36 directors on financial matters, including, but not limited to, proposed  
37 budgets including the capital program, major expenditures of the  
38 corporation, and all financial policies; receive a bi-monthly report  
39 from the head of the Office of Equal Opportunity and Affirmative  
40 Action, or any successor office, which shall also be provided to the  
41 executive director, regarding the activities of that office, including a  
42 summary of the nature and number of the complaints involving  
43 discrimination or harassment received by that office and any actions  
44 taken by that office in response to those complaints; receive a bi-  
45 monthly report from the director of the Human Resources Office, or  
46 any successor office, which shall also be provided to the executive  
47 director, regarding the activities of that office, including a summary of  
48 job vacancies, job postings, new employees, reclassification of job

1 titles, retirements, terminations, disciplinary actions, and any other  
2 personnel decisions; and meet at least annually with representatives of  
3 the labor organizations representing employees of the corporation.  
4 Reports shall not include any personally identifiable information or  
5 personnel information protected under state or federal law.

6 (3) Senior management of the corporation shall collaborate with  
7 the administration committee on the development of any fiscal item,  
8 including but not limited to proposed budgets including the capital  
9 program, major expenditures of the corporation, and all financial  
10 policies. Until a fiscal item has been presented to the administration  
11 committee, the corporation shall not submit the fiscal item to any other  
12 department of State government or a municipal planning organization  
13 as part of the budget process, shall not take any internal action to  
14 officially adopt the item such as the enactment of an agency wide or  
15 departmental policy or procedure, and shall not provide any public  
16 statements or press releases treating the fiscal item as though it has  
17 been enacted or adopted. Once a fiscal item has been presented before  
18 the administration committee, if the members of the committee find  
19 that the fiscal item should not advance or needs to be modified, the  
20 board may vote, at a subsequent board meeting, to require the  
21 corporation to take such action as recommended by the administration  
22 committee.

23 g. (1) The board of directors shall establish an operations and  
24 customer service committee, to be comprised of not less than three  
25 independent members, who shall possess the necessary skills to  
26 understand the duties and functions of the committee. The operations  
27 and customer service committee shall meet at least on a quarterly  
28 basis.

29 (2) The operations and customer service committee shall: advise  
30 the board of directors on day to day operations and maintenance;  
31 review vital statistics including on time performance, cost of service,  
32 and service rationalization; review the corporation's service plan and  
33 service standards; oversee fleet management plans, strategic planning,  
34 and the corporation's business plan; and oversee the corporation's  
35 customer service plan and statistics.

36 h. (1) The board of directors shall establish a capital planning  
37 and privatization committee, to be comprised of not less than three  
38 independent members, who shall possess the necessary skills to  
39 understand the duties and functions of the committee. The capital  
40 planning and privatization committee shall meet on at least a quarterly  
41 basis.

42 (2) The capital planning and privatization committee shall: review  
43 and monitor the status of capital projects including the annual element  
44 of the corporation's five year capital program; review the rationale for  
45 the capital program, its budgets and schedule, and address fast tracking  
46 key projects; oversee the development of fare policy and technology;  
47 and review real estate transactions and route and service issues that

1 affect private carriers or other properties with which the corporation  
2 does business.

3 i. For the purposes of this section, an "independent member" is  
4 one who:

5 (1) is not, and in the past two years has not been, employed by the  
6 corporation or an affiliate in an executive capacity;

7 (2) is not, and in the past two years has not been, employed by an  
8 entity that received remuneration valued at more than \$15,000 for  
9 goods and services provided to the corporation or received any other  
10 form of financial assistance valued at more than \$15,000 from the  
11 corporation;

12 (3) is not a relative of an executive officer or employee in an  
13 executive position of the corporation or an affiliate; and

14 (4) is not, and in the past two years has not been, a lobbyist  
15 registered under a state or local law and paid by a client to influence  
16 the management decisions, contract awards, rate determinations, or  
17 any other similar actions of the corporation or an affiliate.

18 j. Notwithstanding the provisions of any other law to the  
19 contrary, the board shall not directly or indirectly, including through  
20 any subsidiary, extend or maintain credit, arrange for the extension of  
21 credit, or renew an extension of credit, in the form of a personal loan  
22 to or for any officer, board member, or employee, or equivalent  
23 thereof, of the corporation.

24 k. In addition to any functions and responsibilities delegated  
25 thereto, each committee of the board shall serve as an apparatus for  
26 members of the committee to obtain information and to engage in  
27 policy discussions within the purview of the committee. Upon the  
28 request of a committee member, any officer or employee of the  
29 corporation shall provide information or documents to the committee  
30 at a time and in a form and manner determined by the committee. The  
31 chairperson of the North Jersey Passenger Advisory Committee or a  
32 designee, the chairperson of the South Jersey Passenger Advisory  
33 Committee or a designee, and the Director of the Office of Customer  
34 Advocate or a designee may attend any committee meeting for the  
35 purpose of providing pertinent information or commentary to the  
36 members of the committee.

37 l. Notwithstanding the allocation of individual board members to  
38 the committees established by the board of directors and the delegation  
39 of functions and responsibilities to those committees, the function and  
40 responsibility of each committee shall remain a function and  
41 responsibility of the board of directors and each member thereof. The  
42 board of directors, and each member thereof, shall remain authorized  
43 and obligated to exercise the functions and fulfill the responsibilities of  
44 each committee. Each board member in fulfilling these  
45 responsibilities shall apply independent judgment in the best interest of  
46 the corporation, its mission, and the public.

47 <sup>1</sup>m. Notwithstanding the establishment of committees pursuant to  
48 this section, the board may establish any ad hoc or temporary

1 committee to address a specific issue that is of interest to the board or  
2 the public.

3 n. Each committee established pursuant to this section shall  
4 submit a committee report to the board for each committee meeting.  
5 The report shall include a written summary of the substance of any  
6 discussions and any action taken at the committee meeting.<sup>1</sup>

7 (cf: P.L.2018, c.162, s.2)

8  
9 3. Section 3 of P.L.2018, c.162 (C.27:25-4.2) is amended to  
10 read as follows:

11 3. a. (1) There is hereby established the North Jersey  
12 Passenger Advisory Committee within the New Jersey Transit  
13 Corporation for the purpose of providing advice, input, and  
14 guidance to the corporation and the corporation's board of directors  
15 from customers of the corporation who reside in North Jersey. The  
16 committee shall: provide advice, input, and guidance to the New  
17 Jersey Transit Corporation **[and]** , its board of directors and  
18 committees thereof, and the Office of Customer Advocate on issues  
19 affecting the corporation and customers of the corporation,  
20 particularly those issues that affect services provided in the northern  
21 part of the State; review proposals to be considered before the  
22 corporation's board of directors concerning fare increases,  
23 curtailment of services, and expansion of services; and review items  
24 listed on the agenda for meetings of the corporation's board of  
25 directors that would increase fares, curtail services, or expand  
26 services and provide written feedback to the board and the Office of  
27 Customer Advocate prior to the board meeting concerning those  
28 agenda items.

29 (2) A member of the committee shall be required to: reside in  
30 one of the following counties: Bergen, Essex, Hudson, Hunterdon,  
31 Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset,  
32 Sussex, Union, or Warren; and either be a regular corporation  
33 motorbus regular route service rider or a regular corporation rail  
34 passenger service or light rail service rider; and primarily use  
35 corporation motorbus regular route service, rail passenger service,  
36 or light rail service in the northern part of the State, or have  
37 substantial public transportation experience.

38 (3) The committee shall consist of 15 voting members, who  
39 shall serve a term of four years and without compensation, to be  
40 appointed as follows:

41 three members to be appointed by the board of the North Jersey  
42 Transportation Planning Authority;

43 **[six]** five members to be appointed by the Governor;

44 one member to be appointed by the Director of the Office of  
45 Customer Advocate;

46 one member to be appointed by the Speaker of the General  
47 Assembly;

48 one member to be appointed by the President of the Senate;

1 one member to be appointed by the Minority Leader of the  
2 General Assembly;

3 one member to be appointed by the Minority Leader of the  
4 Senate;

5 one member to be appointed by a nonprofit entity, which shall be  
6 selected jointly by the Speaker of the General Assembly and the  
7 President of the Senate, with a history of rider advocacy,  
8 encouraging smart growth, and advocating for investment in public  
9 transportation and transit-oriented development initiatives; and

10 one member to be appointed by a nonprofit entity, which shall be  
11 selected jointly by the Speaker of the General Assembly and the  
12 President of the Senate, that serves as a consumer rail passenger  
13 organization in the State.

14 (4) The powers of the committee shall be vested in the members  
15 of the committee and a majority of the appointed members shall  
16 constitute a quorum at any meeting thereof. Actions may be taken  
17 and motions and resolutions adopted by the committee at any  
18 meeting thereof by the affirmative vote of a majority of the  
19 appointed members. The seat of any member who fails to maintain  
20 the requirements established in paragraph (2) of this subsection  
21 shall be deemed vacant. A vacancy in the membership of the  
22 committee shall not impair the right of a quorum to exercise all  
23 rights and perform all duties of the committee. Any vacancy in the  
24 membership of the committee shall be filled in the same manner as  
25 the original appointment and for the remainder of the unexpired  
26 term.

27 (5) The committee shall elect from among its members a  
28 chairperson and vice chairperson. The chairperson shall preside  
29 over meetings of the committee. In the absence of the chairperson,  
30 the vice chairperson shall preside over meetings of the committee.  
31 The chairperson shall have the responsibility of scheduling and  
32 convening all meetings of the committee. The committee shall  
33 designate an individual to serve as secretary to the committee who  
34 need not be a member of the committee.

35 b. (1) There is hereby established the South Jersey Passenger  
36 Advisory Committee within the New Jersey Transit Corporation for  
37 the purpose of providing advice, input, and guidance to the  
38 corporation and the corporation's board of directors from customers  
39 of the corporation who reside in South Jersey. The committee shall:  
40 provide advice, input, and guidance to the New Jersey Transit  
41 Corporation **and** , its board of directors and committees thereof,  
42 and the Office of Customer Advocate on issues affecting the  
43 corporation and customers of the corporation, particularly those  
44 issues that affect services provided in the southern part of the State;  
45 review proposals to be considered before the corporation's board of  
46 directors concerning fare increases, curtailment of services, and  
47 expansion of services; and review items listed on the agenda for  
48 meetings of the corporation's board of directors that would increase

1 fares, curtail services, or expand services and provide written  
2 feedback to the board and the Office of Customer Advocate prior to  
3 the board meeting concerning those agenda items.

4 (2) A member of the committee shall be required to: reside in  
5 one of the following counties: Atlantic, Burlington, Camden, Cape  
6 May, Cumberland, Gloucester, Mercer, Ocean, or Salem; and either  
7 be a regular corporation motorbus regular route service rider or a  
8 regular corporation rail passenger service or light rail service rider;  
9 and primarily use corporation motorbus regular route service, rail  
10 passenger service, or light rail service in the southern part of the  
11 State, or have substantial public transportation experience.

12 (3) The committee shall consist of 15 voting members, who  
13 shall serve a term of four years and without compensation, to be  
14 appointed as follows:

15 two members to be appointed by the board members of the  
16 Delaware Valley Regional Planning Commission from New Jersey;

17 **【six】** five members to be appointed by the Governor;

18 one member to be appointed by the Director of the Office of  
19 Customer Advocate;

20 one member to be appointed by the Speaker of the General  
21 Assembly;

22 one member to be appointed by the President of the Senate;

23 one member to be appointed by the Minority Leader of the  
24 General Assembly;

25 one member to be appointed by the Minority Leader of the  
26 Senate;

27 one member to be appointed by the board of the South Jersey  
28 Transportation Planning Organization;

29 one member to be appointed by a nonprofit transportation  
30 management association, which shall be selected jointly by the  
31 Speaker of the General Assembly and the President of the Senate,  
32 that provides transportation-related services in the southern portion  
33 of the State; and

34 one member to be appointed by a nonprofit entity, which shall be  
35 selected jointly by the Speaker of the General Assembly and the  
36 President of the Senate, that serves as a consumer rail passenger  
37 organization in the State.

38 (4) The powers of the committee shall be vested in the members  
39 of the committee and a majority of the appointed members shall  
40 constitute a quorum at any meeting thereof. Actions may be taken  
41 and motions and resolutions adopted by the committee at any  
42 meeting thereof by the affirmative vote of a majority of the  
43 appointed members. The seat of any member who fails to maintain  
44 the requirements established in paragraph (2) of this subsection  
45 shall be deemed vacant. A vacancy in the membership of the  
46 committee shall not impair the right of a quorum to exercise all  
47 rights and perform all duties of the committee. Any vacancy in the  
48 membership of the committee shall be filled in the same manner as

1 the original appointment and for the remainder of the unexpired  
2 term.

3 (5) The committee shall elect from among its members a  
4 chairperson and vice chairperson. The chairperson shall preside  
5 over meetings of the committee. In the absence of the chairperson,  
6 the vice chairperson shall preside over meetings of the committee.  
7 The chairperson shall have the responsibility of scheduling and  
8 convening all meetings of the committee. The committee shall  
9 designate an individual to serve as secretary to the committee who  
10 need not be a member of the committee.

11 c. A person serving as a member of the South Jersey Passenger  
12 Advisory Committee shall not be eligible to simultaneously serve as  
13 a member of the North Jersey Passenger Advisory Committee. A  
14 person serving as a member of the North Jersey Passenger Advisory  
15 Committee shall not be eligible to simultaneously serve as a  
16 member of the South Jersey Passenger Advisory Committee.

17 d. One public member from the corporation's board of directors  
18 shall serve as a liaison to each advisory committee.

19 (cf: P.L.2018, c.162, s.3)  
20

21 4. Section 7 of P.L.2018, c.162 (C.27:25-5.25) is amended to  
22 read as follows:

23 7. a. **【The corporation, at】** Upon the written request of the  
24 chairperson of any standing legislative committee, as approved by  
25 the Speaker of the General Assembly or the President of the Senate,  
26 as appropriate, a board member, officer, or employee of the  
27 corporation shall be required to appear before that committee, at a  
28 date, time, and location determined by the chairperson of the  
29 committee, to present testimony and 【provide】 produce books,  
30 papers, documents, or other objects on any topic or subject  
31 requested by the committee and to respond to any questions by  
32 members of the committee.

33 b. **【Unless otherwise agreed to by the chairperson of the**  
34 **committee, the corporation shall, at a minimum, be represented by**  
35 **the chairperson of the board of directors, the executive director, and**  
36 **the chief financial officer to present testimony, provide documents,**  
37 **or respond to questions at any appearance required pursuant to this**  
38 **section】** If a board member, officer, or employee of the corporation  
39 fails to appear, present testimony, or produce books, papers,  
40 documents, or other objects as requested by the committee, the  
41 chairperson of the committee may apply ex parte to the Superior  
42 Court to compel such person to testify or to produce books, papers,  
43 documents, or other objects in accordance with the chairperson's  
44 request, the application to be made by motion supported by  
45 affidavit. The court may order the person to appear before the  
46 committee and proceed as may be directed in the order.

47 c. Failure of a person to obey a request of a committee  
48 chairperson pursuant to this section, and failure to testify, to answer

1 a proper question, or to produce books, papers, documents, or other  
2 objects, shall be punishable by the court in the same manner as like  
3 failure is punishable in an action pending in the court. The matter  
4 shall be brought before the court by motion supported by affidavit  
5 stating the circumstances. Upon the motion, the court may issue an  
6 order to show cause, returnable in not less than two or more than 10  
7 days, requiring the person to show cause before the court why  
8 punishment should not be ordered; or the court may issue an  
9 attachment. If the court determines that the failure above  
10 mentioned was without justification, it may punish as for a  
11 contempt of court.

12 (cf: P.L.2018, c.162, s.7)

13

14 5. (New section) a. Before adopting and implementing its  
15 annual capital program, the corporation shall hold at least two  
16 public hearings on the contents of the capital program. At least one  
17 of the two hearings shall take place on a State working day. One  
18 hearing shall take place for at least two hours between the hours of  
19 9:00 a.m. and 5:00 p.m., and the other hearing shall take place for at  
20 least two hours between the hours of 6:00 p.m. and 10:00 p.m.  
21 Each public hearing required pursuant to this subsection shall be  
22 attended by at least two members of the corporation's board of  
23 directors. Proper notice of the hearing shall be given by the  
24 corporation at least 15 days prior to the hearing. In addition to the  
25 public hearing, the corporation shall post, in prominent places on  
26 the corporation's website and railroad cars and buses, a postal  
27 mailing address and electronic mailing address where members of  
28 the public may provide written comments to the corporation  
29 regarding the capital program. The corporation shall prepare and  
30 publish a written response concerning any issue or concern raised  
31 by a member of the public at any public hearing or in any written  
32 comment provided pursuant to this subsection.

33 b. The corporation shall hold at least two public hearings per  
34 year on the corporation's strategic plan, capital program priorities,  
35 and vision for the future of the corporation. At least one of the two  
36 hearings shall take place on a State working day. One hearing shall  
37 take place for at least two hours between the hours of 9:00 a.m. and  
38 5:00 p.m., and the other hearing shall take place for at least two  
39 hours between the hours of 6:00 p.m. and 10:00 p.m. The second  
40 hearing shall not be held within 30 days of the first meeting. Each  
41 public hearing required pursuant to this subsection shall be attended  
42 by at least two members of the corporation's board of directors.  
43 Proper notice of the hearing shall be given by the corporation at  
44 least 15 days prior to the hearing. In addition to the public hearing,  
45 the corporation shall post, in prominent places on the corporation's  
46 website and railroad cars and buses, a postal mailing address and  
47 electronic mailing address where members of the public may  
48 provide written comments to the corporation regarding the



1 corporation's strategic plan, capital program priorities, and vision  
2 for the future of the corporation. The corporation shall prepare and  
3 publish a written response concerning any issue or concern raised  
4 by a member of the public at any public hearing or in any written  
5 comment provided pursuant to this subsection.

6 c. In any circumstance where board action is required  
7 concerning the subject matter of a public hearing, the board shall  
8 not take final action concerning the subject matter until at least  
9 seven days following the conclusion of the last public hearing.

10 d. The corporation may hold a public hearing that  
11 simultaneously satisfies the requirements of one of the public  
12 hearings required pursuant to subsection a. of this section,  
13 subsection b. of this section, paragraph (1) of subsection d. of  
14 section 8 of P.L.1979, c.150, (C.27:25-8); and paragraph (2) of  
15 subsection d. of section 8 of P.L.1979, c.150 (C.27:25-8), or a  
16 combination thereof, provided that the hearing meets all of the  
17 statutory requirements for the respective hearing if held on its own  
18 and that members of the public are afforded at least three minutes to  
19 speak for each public hearing requirement being satisfied.

20  
21 6. (New section) a. There is hereby established in the  
22 Department of Transportation the Office of Customer Advocate to  
23 be under the supervision of the Director of the Office of Customer  
24 Advocate. For the purposes of complying with the provisions of  
25 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
26 the Office of Customer Advocate is hereby allocated to the  
27 Department of Transportation but, notwithstanding this allocation,  
28 the office shall be independent of any supervision or control by the  
29 department, provided, however, that the director of the office shall  
30 be supervised by the New Jersey Transit Corporation board of  
31 directors.

32 b. The Director of the Office of Customer Advocate shall be  
33 appointed by the New Jersey Transit Corporation board of directors  
34 and shall report directly to the board. Except for supervision by the  
35 board of directors, the director of the office shall not be subject to  
36 any supervision or control by the executive director of the  
37 corporation or any other staff of the corporation. For purposes of  
38 office work space, the director of the office and any subordinate  
39 staff shall be housed with the corporation's Auditor General and  
40 any other internal audit staff.

41 c. When exceptional circumstances arise, the Director of the  
42 Office of Customer Advocate, with the approval of the State  
43 Treasurer, may on a temporary basis retain such expert assistants as  
44 are necessary to protect the public interest, pursuant to a reasonable  
45 fee schedule established in advance by the State Treasurer. For the  
46 purposes of this subsection, "exceptional circumstances" includes  
47 but is not limited to fare increases, substantial curtailments of

1 service, significant expansions of service, and major operating or  
2 capital expenditures.

3 d. The purposes of the Office of Customer Advocate shall be  
4 to:

5 (1) provide information and independent analysis to the board of  
6 directors on the impact that board and corporation actions are  
7 having, or are expected to have, on the corporation's customers;

8 (2) provide genuine customer input and feedback to the board of  
9 directors, including relaying the needs and concerns of customers to  
10 the board of directors; and

11 (3) represent the best interest of the corporation's customers as  
12 determined by the Director of the Office of Customer Advocate.

13 e. The Office of Customer Advocate shall have the authority to  
14 conduct investigations, initiate studies, conduct research, present  
15 comments and testimony before the board of directors, legislative  
16 committees, and other governmental bodies, and prepare and issue  
17 reports. The Office of Customer Advocate shall arrange for  
18 meetings with New Jersey Transit Corporation passengers, which  
19 shall occur at least on a monthly basis, for the purpose of: relaying  
20 the concerns and needs of passengers to the board of directors and,  
21 when the director of the office deems it appropriate, to the  
22 executive management team of the corporation; and providing  
23 information to passengers on major board or corporation actions of  
24 which the director has knowledge. In addition to monthly meetings,  
25 the director of the office may undertake any other action that the  
26 director deems to be in furtherance of the purposes of the Office of  
27 Customer Advocate. The Office of Customer Advocate shall also  
28 have the authority to represent the public interest as follows:

29 (1) for any proposed fare increase, the corporation, upon  
30 publication of a proposal to increase fares, shall make available  
31 immediately to the Office of Customer Advocate all information  
32 and documents concerning the proposal so that the office may  
33 review those documents and prepare an analysis of the proposed  
34 fare increase, to be reported to the board of directors, including an  
35 independent determination of the need for such an increase and the  
36 anticipated impact of the increase on customers;

37 (2) for any proposed substantial curtailment of service, the  
38 corporation, upon publication of a proposal to substantially curtail  
39 service, shall make available immediately to the Office of Customer  
40 Advocate all information and documents concerning the proposal so  
41 that the office may review those documents and prepare an analysis  
42 of the proposed substantial curtailment of service, to be reported to  
43 the board of directors, including an independent determination of  
44 the need for such a curtailment and the anticipated impact of the  
45 curtailment on customers;

46 (3) for any proposed expansion of service, whether operational  
47 or capital in nature, the corporation, upon publication of a proposal  
48 to expand service, shall make available immediately to the Office of

1 Customer Advocate all information and documents concerning the  
2 proposal so that the office may review those documents and prepare  
3 an analysis of the proposed expansion of service, to be reported to  
4 the board of directors; and

5 (4) for any other action or omission of the corporation that the  
6 Office of Customer Advocate determines has a significant impact  
7 on the corporation's customers, the corporation shall make available  
8 to the Office of Customer Advocate, immediately upon request, all  
9 information and documents concerning the action or omission so  
10 that the office may review those documents and prepare an analysis  
11 to be reported to the board of directors.

12 f. Funds for the expenses of the Office of Customer Advocate,  
13 and for the office's budget, shall be provided by the State Treasurer,  
14 as appropriated by the Legislature, and shall be independent of  
15 funds for the New Jersey Transit Corporation.

16 g. On or before March 31 of each year, the Director of the  
17 Office of Customer Advocate shall prepare a report on the activities  
18 of the office for the previous calendar year, including any reports  
19 provided to the corporation's board of directors. The report may  
20 include any additional information that the Director of the Office of  
21 Customer Advocate determines to be appropriate. The director  
22 shall submit the report to the Governor and, pursuant to section 2 of  
23 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

24  
25 7. Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended to  
26 read as follows:

27 22. The commissioner shall prepare and submit the following  
28 reports to the Governor, the Legislature, and the Transportation  
29 Policy Review Board, established pursuant to section 6 of P.L.2006,  
30 c.3 (C.27:1B-22.2) under the terms set forth below: a  
31 Transportation Master Plan, a Statewide Capital Investment  
32 Strategy, an Annual Transportation Capital Program, a  
33 Transportation Trust Fund Authority Financial Plan, and a Five-  
34 Year Capital Plan.

35 a. To the end that the transportation system of the State shall  
36 be planned in an orderly and efficient manner and that the  
37 Legislature shall be advised of the nature and extent of public  
38 highways, public transportation projects and other transportation  
39 projects contemplated to be financed under this act, the department  
40 shall submit a master plan, as provided in subsection (a) of section  
41 5 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions  
42 of that act, the plan shall be for a period of five years and shall be  
43 submitted to the Commission on Capital Budgeting and Planning,  
44 the Chairman of the Senate Transportation Committee and the  
45 Chairman of the Assembly Transportation and Independent  
46 Authorities Committee, or their successors, and the Legislative  
47 Budget and Finance Officer, and the metropolitan planning  
48 organizations, on or before March 1, 2001, and at five-year

1 intervals thereafter. The master plan shall set the direction for the  
2 department's overall Capital Investment Strategy and subsequent  
3 annual Transportation Capital Programs submitted to the  
4 Legislature for approval pursuant to this section. This master plan  
5 shall, to the extent practicable, conform to all federal requirements  
6 for Statewide transportation planning.

7 b. The Department of Transportation, in conjunction with the  
8 New Jersey Transit Corporation, the New Jersey Turnpike  
9 Authority, and the South Jersey Transportation Authority, shall  
10 prepare a "Statewide Capital Investment Strategy" for at least a  
11 five-year period which shall contain, at a minimum, a statement of  
12 the goals of the department, the corporation, and the toll road  
13 authorities in major selected policy areas and the means by which  
14 the goals are to be attained during that period, using quantitative  
15 measures where appropriate. The Statewide Capital Investment  
16 Strategy may be updated and submitted no later than March 1 of  
17 each year. The Statewide Capital Investment Strategy shall provide  
18 for a multi-modal, intermodal, seamless, technologically advanced,  
19 and secure transportation system. It shall recommend investment  
20 for major program categories, set overall goals for investment in the  
21 State's infrastructure, and develop program targets and performance  
22 measures. It may rely on infrastructure management systems as  
23 developed by the department to assess bridge conditions, pavement  
24 conditions, bridge, traffic and pedestrian safety, traffic congestion  
25 and public transit facilities. With respect to pavement conditions,  
26 the department shall set as a priority the utilization of efficient cost-  
27 effective materials and treatments as stated in section 9 of P.L.2000,  
28 c.73 (C.27:1B-21.22). In the event that there exist appropriate  
29 circumstances for the use of micro-surfacing and cold-in-place  
30 recycling, the department shall establish as a special priority the use  
31 of these materials and surface treatments. The goals of the Capital  
32 Investment Strategy shall include, but not be limited to, reduction of  
33 vehicular and pedestrian accidents, reduction in the backlog of  
34 projects, including one-half of the structurally deficient bridge  
35 repair projects and pavement deficiencies, and an increase in lane  
36 miles of bicycle paths, with a goal of constructing an additional  
37 1,000 lane miles of bicycle paths in five years to reduce traffic  
38 congestion and for recreational uses. The construction of bicycle  
39 and pedestrian lanes, paths and facilities shall be subject to no  
40 stricter environmental requirements than are provided pursuant to  
41 federal law and regulations for such lanes, paths and facilities,  
42 notwithstanding the provisions to the contrary of State law and  
43 regulations, including State Executive Order No. 215 of 1989. With  
44 respect to the New Jersey Transit Corporation, the Statewide  
45 Capital Investment Strategy shall deal with the corporation's overall  
46 goal to keep the public transportation system in a state of good  
47 repair and, more specifically, in the area of bus transportation,  
48 present a strategy and a preliminary timetable for the replacement

1 of the current diesel bus fleet with a fleet of buses which have  
2 reduced emission of air pollutants. The corporation shall consider  
3 the feasibility of buses with improved pollution controls and that  
4 reduce particulate emissions and buses powered by fuel other than  
5 conventional diesel fuel, such as compressed natural gas vehicles,  
6 hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles  
7 operated on ultra low sulfur fuel, and vehicles operated on any other  
8 bus fuel approved by the United States Environmental Protection  
9 Agency. The corporation may consider as part of its strategy,  
10 cooperative efforts with bus manufacturers, and the solicitation of  
11 federal support, in developing a "clean bus" with air pollution  
12 controls superior to currently available technology. For the fiscal  
13 year beginning July 1, 2007 and each fiscal year thereafter, all  
14 buses purchased by the New Jersey Transit Corporation shall be  
15 buses with improved pollution controls and that reduce particulate  
16 emissions, or buses powered by fuel other than conventional diesel  
17 fuel, such as compressed natural gas vehicles, hybrid vehicles, fuel  
18 cell vehicles, biodiesel vehicles, vehicles operated on ultra low  
19 sulfur fuel, or vehicles operated on any other bus fuel approved by  
20 the United States Environmental Protection Agency. In the event  
21 that the corporation is not able to meet the bus purchase  
22 requirements set forth in this section with respect to any fiscal year,  
23 prior to the commencement of the fiscal year, the board of the  
24 corporation shall, by resolution, submit a report to the Legislature  
25 detailing its inability to meet the requirements and the reasons  
26 therefor and shall submit the report to the Senate and General  
27 Assembly when both houses are in session, including therein a  
28 request to be exempted from the bus purchase requirements of this  
29 section with regard to the fiscal year in question. The President of  
30 the Senate and the Speaker of the General Assembly shall cause the  
31 date of submission to be entered upon the Senate Journal and the  
32 Minutes of the General Assembly. If a joint resolution approving  
33 the exemption is passed by the Legislature and signed by the  
34 Governor prior to the commencement of the fiscal year in question,  
35 the corporation shall be exempt from the requirements for that fiscal  
36 year.

37 In the fiscal year beginning on July 1, 2007 and in each fiscal  
38 year thereafter, in the year prior to the year in which final  
39 engineering is anticipated to start on any project which extends the  
40 reach of the New Jersey Transit rail or light rail system, the New  
41 Jersey Transit Corporation shall be required to identify and include  
42 in the annual Statewide Capital Investment Strategy the required  
43 State financial assistance to support operation of the incremental  
44 service for the first three years and the projected fare box recovery  
45 ratio at the commencement of the fourth year of operation of each  
46 project.

47 The Statewide Capital Investment Strategy shall also detail the  
48 planned investment of capital funds for public transportation

1 projects of companies other than the New Jersey Transit  
2 Corporation engaged in the business of providing motor bus  
3 transportation. The Statewide Capital Investment Strategy shall  
4 demonstrate that such investment adequately addresses the finding  
5 in section 2 of P.L.1979, c.150 (C.27:25-2) that in the provision of  
6 public transportation services it is desirable to encourage to the  
7 maximum extent feasible the participation of private enterprise.

8 c. On or before March 1 of each year, the commissioner shall  
9 submit a report of **【general project categories and】** proposed capital  
10 projects **【thereunder】** to be financed in the ensuing fiscal year,  
11 including therewith a description of the projects, the county or  
12 counties and municipality or municipalities within which they are to  
13 be located, a distinction between State and local projects, an  
14 identification number for each project that can be used to cross  
15 reference any project in the State's federal Statewide Transportation  
16 Improvement Program, the project phase of work, investment  
17 category, project sponsor, governmental entity with jurisdiction  
18 over the project and associated infrastructure, the amount estimated  
19 to be expended on each project in the year of appropriation, and an  
20 estimate of the total project cost. Proposed appropriations shall be  
21 included in the report as a unique project if the spending includes  
22 one or more contracts for related work of more than \$100,000 at a  
23 single site, or for a single contract of at least \$100,000 which  
24 includes one type of work at multiple locations that is not related to  
25 any other capital work required at those locations. The report shall  
26 not group or bundle projects unless the act of grouping or bundling  
27 complies with the single site requirement or single contract  
28 requirement of this section. Any group or bundle of projects that is  
29 included in the report shall provide specific information concerning  
30 the project details, including location, of each component project  
31 within the group or bundle. The reporting of projects should  
32 convey a general sense of the scope and scale of work that is  
33 intended to be completed over the course of the fiscal year.

34 This report shall be known as the "Annual Transportation Capital  
35 Program" for the upcoming fiscal year. It shall include proposed  
36 projects of both the Department of Transportation and the New  
37 Jersey Transit Corporation. The program shall be consistent with,  
38 and reflective of, the goals and priorities of the Capital Investment  
39 Strategy and the program shall include an explanation which  
40 demonstrates how it is consistent with, and reflective of, the goals  
41 and priorities. The program shall be transmitted to the Legislature  
42 in a document format that lists the projects as well as a spreadsheet  
43 format that includes sortable fields for each of the data points  
44 required to be included for each project in the program.

45 d. On or before March 1 of each year, the commissioner shall  
46 also submit a "Transportation Trust Fund Authority Financial Plan"  
47 designed to implement the financing of the proposed projects. The  
48 financial plan shall contain an enumeration of the bonds, notes or

1 other obligations of the authority which the authority intends to  
2 issue, including the amounts thereof and the conditions therefor.  
3 The financial plan shall set forth a complete operating and financial  
4 statement covering the authority's proposed operations during the  
5 ensuing fiscal year, including amounts of income from all sources,  
6 including but not limited to the proceeds of bonds, notes or other  
7 obligations to be issued, as well as interest earned. In addition, the  
8 plan shall contain proposed amounts to be appropriated and  
9 expended, as well as amounts for which the department anticipates  
10 to obligate during the ensuing fiscal year for any future  
11 expenditures.

12 e. The Statewide Capital Investment Strategy, the Annual  
13 Transportation Capital Program, and the Transportation Trust Fund  
14 Authority Financial Plan shall be submitted to the Senate and  
15 General Assembly. Within 45 days of the receipt thereof, the  
16 Senate or the General Assembly may object in writing to the  
17 commissioner in regard to any project or projects in the Annual  
18 Transportation Capital Program it disapproves or which it is of the  
19 opinion should be modified or added to or any additional or  
20 alternative projects considered or in regard to any element of the  
21 financial plan. The commissioner shall consider the objections and  
22 recommendations and resubmit the report within 10 days,  
23 containing therein any modifications based upon the commissioner's  
24 consideration of the objections or recommendations.

25 f. In order that the Legislature shall be advised of the nature  
26 and extent of public highways, public transportation projects, and  
27 other transportation projects contemplated to be financed under this  
28 act, the commissioner shall submit annually, together with the  
29 Annual Transportation Capital Program, a Five-Year Capital Plan,  
30 which shall set forth projects and programs anticipated to be funded  
31 over the five-year period. The Five-Year Capital Plan shall, to the  
32 extent practicable, conform to all federal requirements for Statewide  
33 transportation capital programming.

34 (cf: P.L.2016, c.56, s.6)

35

36 8. Section 16 of P.L.2018, c.162 (C.27:25-5.27) is repealed.

37

38 9. This act shall take effect immediately.