

SENATE, No. 2302

STATE OF NEW JERSEY

INTRODUCED DECEMBER 1, 1997

By Senators LIPMAN and BRYANT

1 AN ACT concerning the New Jersey Transit Corporation and amending  
2 P.L.1979, c.150.

3

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

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

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

22 b. The corporation shall be governed by a board which shall consist  
23 of [seven] nine members including the Commissioner of  
24 Transportation and the State Treasurer, who shall be members ex  
25 officio, another member of the Executive Branch to be selected by the  
26 Governor who shall also serve ex officio, and [four] six other public  
27 members who shall be appointed by the Governor, with the advice and  
28 consent of the Senate, for four year staggered terms and until their  
29 successors are appointed and qualified. No more than [two] three of  
30 the public members shall be members of the same political party. At  
31 least one public member shall be a regular public transportation rider  
32 who rides in any area of the State. In addition, at least two public  
33 members shall be appointed as follows: one public member shall be a  
34 regular public transportation rider who rides in a major urban area of

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

**Matter underlined thus is new matter.**

1 the State; and one public member shall represent public transportation  
2 riders who ride in major urban areas of the State. The Governor in  
3 making appointments of these latter two public members shall give due  
4 consideration to the appointment of persons who are members of  
5 public transportation dependent groups in major urban areas. Each  
6 public member may be removed from office by the Governor for cause.  
7 A vacancy in the membership of the board occurring other than by  
8 expiration of term shall be filled in the same manner as the original  
9 appointment, but for the unexpired term only. The first appointments  
10 shall be for one, two, three and four years respectively, and thereafter  
11 for terms of four years as stated. The first appointments made  
12 pursuant to this 1997 amendatory act shall be for one and two years  
13 respectively, and thereafter for terms of four years as stated. The  
14 board shall annually designate a vice chairman and secretary. The  
15 secretary need not be a member.

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

19 d. The Commissioner of Transportation shall serve as chairman of  
20 the board. He shall chair board meetings and shall have responsibility  
21 for the scheduling and convening of all meetings of the board. In his  
22 absence, the vice chairman shall chair the board meeting. Each ex  
23 officio member of the board may designate two employees of his  
24 department or agency, one of whom may represent him at meetings of  
25 the board. A designee may lawfully vote and otherwise act on behalf  
26 of the member for whom he constitutes the designee. Any such  
27 designation shall be in writing delivered to the board and shall  
28 continue in effect until revoked or amended by writing delivered to the  
29 board.

30 e. The powers of the corporation shall be vested in the members of  
31 the board thereof and ~~[four]~~ five members of the board shall constitute  
32 a quorum at any meeting thereof. Actions may be taken and motions  
33 and resolutions adopted by the board at any meeting thereof by the  
34 affirmative vote of at least ~~[four]~~ five members. No vacancy in the  
35 membership of the board shall impair the right of a quorum to exercise  
36 all the rights and perform all the duties of the board.

37 f. A true copy of the minutes of every meeting of the board shall  
38 be delivered forthwith, by and under the certification of the secretary  
39 thereof, to the Governor. No action taken at such meeting by the  
40 board shall have force or effect until approved by the Governor or  
41 until 10 days after such copy of the minutes shall have been delivered.  
42 If, in said 10-day period, the Governor returns such copy of the  
43 minutes with veto of any action taken by the board or any member  
44 thereof at such meeting, such action shall be null and of no effect. The  
45 Governor may approve all or part of the action taken at such meeting  
46 prior to the expiration of the said 10-day period.

1 g. The board meetings shall be subject to the provisions of the  
2 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).  
3 (cf: P.L.1992,c.214,s.1)

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5 2. This act shall take effect immediately.  
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8 STATEMENT  
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10 This bill adds two additional public members to the New Jersey  
11 Transit Corporation's Board of Directors, bringing the number of  
12 public members from the current total of four to six. The board's total  
13 membership would increase to nine. The bill continues the current  
14 statutory provision that at least one public member of the board would  
15 be a regular public transportation rider and adds that the rider may be  
16 one who rides in any area of the State. In addition, at least two of the  
17 public members of the board would regularly ride public transportation  
18 in a major urban area and be representative of public transportation  
19 riders in those areas. The Governor, in making these latter two  
20 appointments, is to give due consideration to the appointment of  
21 persons who are members of public transportation dependent groups  
22 in major urban areas. Since there are currently no public members of  
23 the board who are from major urban areas, the members to be  
24 appointed pursuant to this bill might qualify for the newly created  
25 urban rider designations. This bill would reflect the provisions of the  
26 "New Jersey Public Transportation Act of 1979" (N.J.S.A. 27:25-5m.)  
27 wherein NJ Transit advisory committee members are to include urban  
28 transit users. In addition, since transit users in major urban areas who  
29 are public transportation dependent figure so prominently in the bus  
30 ridership of the corporation, the bill would enable that class of persons  
31 to be specifically represented.  
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36 Adds two additional public members to NJT Board; requires certain  
37 public members to be riders, or representative of riders, in major urban  
38 areas.