

[First Reprint]
SENATE, No. 2600

STATE OF NEW JERSEY
219th LEGISLATURE

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:

¹Senate 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 ¹be eligible to¹ serve as chairperson ¹or vice chairperson¹ of the
6 board or otherwise preside over or chair ¹or vice chair¹ any board
7 meeting ¹or committee meeting¹. 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 ¹~~five~~ seven¹ 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 ¹provided that the board shall not allow more than 60 calendar
47 days to elapse without holding a public board meeting¹. 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. ¹For 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.¹

16 (3) Notwithstanding the requirements of this subsection, a board
17 member may address the board at any public ¹board¹ meeting ¹or
18 work session¹ 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 ¹paratransit service,¹ 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 ¹paratransit service,¹ 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.

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

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

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

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

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

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

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

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

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

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

47 ¹No 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.¹

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. ¹The 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.¹ 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 ¹m. 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.¹

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 **【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.