Remarks of Dr. Nariman Farvardin
President, Stevens Institute of Technology
Assembly Transportation, Public Works & Independent Authorities Committee
September 23, 2013

Chairman Wisniewski (WIZ-NE-SKI) and members of the Committee, on behalf of Stevens Institute of Technology, I am delighted and honored to welcome you to our campus.

I am Nariman Farvardin, President of Stevens Institute of Technology. I would like to take a brief moment to tell you about Stevens.

Founded in 1870, Stevens is the home to over 6,200 undergraduate and graduate students, 60% of which are New Jersey residents, who collaborate with more than 350 faculty members in an interdisciplinary, student-centric, entrepreneurial environment to advance the frontiers of science and technology to confront global challenges. Stevens is home to three national research centers of excellence, as well as joint research programs focused on critical industries such as healthcare, energy, finance, defense, STEM education and coastal sustainability. Last year, we completed an ambitious 10-year Strategic Plan called, The Future. Ours to Create. The Plan charts a bold and ambitious course to increase our footprint and increase our impact in New Jersey and globally in areas of great societal need such as healthcare and medicine, financial systems, sustainable energy, and defense and security.

Earlier this month, Stevens welcomed our most academically talented and most diverse freshman class in our 143-year history. A record number of 719 freshmen undergraduates from 29 states and 13 countries and approximately 1000 new graduate students representing 31 countries from around the globe joined the Stevens family. Recently, Stevens was ranked #3 in the nation, and first in New Jersey, in Payscale.com’s 2013 mid-career salary rankings. Stevens also placed 9th in the nation for return on investment of a college education, also first in New Jersey. Last year, U.S. News & World Report named Stevens 7th in the nation (also first in New Jersey) in the percentage of science, technology, engineering, and mathematics (STEM) degrees awarded. Our Athletic program won the Josten’s Eastern College Athletic Conference Institution of the Year award—one of only three colleges (along with Princeton University and Williams College) to win more than once. The winner of this award is the college or university that best exemplifies the highest standards of collegiate academics and athletic performance. Stevens was selected from more than 300 Division I, II and III programs that make up the largest athletic conference in the nation. And, last week, we were informed that Stevens won the Collegiate Athletic Administrators of New Jersey Cup (2012-2013) for NCAA Division III institutions for the third straight year.

It has been my honor to serve Stevens as its seventh President for just over two years. During this time, I have gotten to know Stevens, our faculty and students, our rich history of innovation dating back to the days of the Stevens founders, and continuing to this day, and the tremendous contribution this university has made to New Jersey and the nation over its 143 year history.

I thank you for holding this important committee hearing here on the campus of Stevens Institute of Technology. Welcome to Stevens. I hope that you will enjoy your time here, and I invite you to come back anytime to join us for a closer look at Stevens.
Good morning, my name is Paul Nunziato. I am President of the Port Authority Police Benevolent Association and have been a police officer with the Port Authority Police Department since 1987. Assembly Bill 3737 addresses an unfortunate loophole in workplace health and safety laws affecting the members of my Department.

Under Federal law, all private employers must follow the Federal Occupational Safety and Health Act. States may, at their discretion, elect coverage under the federal law administered by the Occupational Safety and Health Administration (OSHA) or create a state agency equivalent to OSHA covering public employees of the state, county and municipal employers. In total, 26 states have covered public workers under OSHA’s jurisdiction or created state agencies to enforce OSHA standards in the public sector. The State of New York elected to create such a state law in 1970 and New Jersey followed suit in 1984. Because the Port Authority of New York & New Jersey is a bi-state public agency, however, employees of the Port Authority were not covered by either law. The state bodies enforcing health and safety regulations for public sector workplaces have no jurisdiction over the Port Authority.

To our knowledge, the Port Authority of New York & New Jersey is the largest employer in the United States not subject to Federal OSHA or a state equivalent. It is certainly the largest employer, public or private in the State of New Jersey who has no oversight to ensure that it meets basic health and safety standards.
This is more than a mere technical loophole in the law. In recent years, my members have been subjected to any number of safety violations by the Port Authority of New York & New Jersey. For example, members of my department responsible for Aircraft Rescue and Firefighting were forced to wear expired proximity gear to fight aircraft fires for a period of years because the Port Authority did not want to pay the expense of ordering new gear. Similarly, my members have been forced to wear expired ballistic vests, including the body armor worn by the members of our Emergency Services Unit tasked with some of the most dangerous functions of the agency. At another command, half a dozen of my members were diagnosed with MRSA and the Port Authority Office of Medical Services refused to treat them or take steps to sterilize the facility.

The members of this committee should be under no illusion that the Port Authority is a safe employer and does not need this oversight. On behalf of the members of the Port Authority of New York & New Jersey Police Department and the other employees of my agency, I request that you bring the Port Authority of New York & New Jersey into compliance with basic safety laws which exist in all other workplaces in both New York and New Jersey. The State of New York has already acted to amend New York law to achieve this result. Passage of this simple amendment into law will insure that appropriate oversight of the agency’s operations will be granted to protect the safety of all employees.

Thank you.
September 23, 2013

Honorable John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee
State House Annex
P.O. Box 068
Trenton, New Jersey 08625-0068

Dear Chairman Wisniewski:

Thank you for your kind invitation to testify today before the Assembly Transportation, Public Works and Independent Authorities Committee regarding the regulation, operation, safety, and enforcement of certain passenger transportation vehicles, sometimes referred to as jitneys, in light of recent reports that these vehicles have been operating in an unsafe manner. I regret not being able to attend today due to a previous commitment, and I respectfully request that you accept this letter for introduction into the record of the meeting.

I would like to express that I truly share the grief and concern of all the citizens of New Jersey with respect to the recent tragedy that resulted in the death of an infant in West New York, and of all those affected by the crash.

For context, your invitation refers to jitneys, and I offer that jitneys, as defined in New Jersey statute, refer to the vehicles which operate in and around Atlantic City. You are likely referring to the vehicles which operate in and around Hudson County. Generally, the vehicles that in fact operate in areas such as Hudson County are, under the law, defined as buses of various passenger capacities.

First, I would like to focus for a moment on those buses operating in Hudson County. A review of the Motor Vehicle Commission’s (MVC) inspection records indicate that there are 63 bus companies located in Hudson County. Many of these bus companies operating in Hudson County provide interstate transportation to their passengers and have federal authorization through the United States Department of Transportation (US DOT) to operate in or out of the State. Thus, the State of New Jersey does not have jurisdiction over such providers for purposes of enforcement.
A bus company in possession of US DOT authority to operate is not obligated to obtain State of New Jersey authority which is issued in the form of a Certificate of Public Convenience and Necessity (CPCN). In other words, only bus companies performing exclusively intrastate “regular route” (open to the public) operations in New Jersey are required to obtain a New Jersey CPCN.

Of the 63 bus companies located in Hudson County, 26 have intrastate route operations and have been issued CPCN's. However, not all of the 26 bus companies provide “regular route” operation services on the streets of Hudson County; some simply provide intrastate charter and employee shuttle “closed door” operations.

There are other bus companies located in neighboring counties that may also be providing route operation services in Hudson County with US DOT authority and because they have US DOT authority, the need to obtain a CPCN issued by the State of New Jersey is obviated.

To round out the types of bus companies operating in Hudson County, it is possible that there are transportation providers operating that have failed to obtain operating authority, whether State or federal. Appropriate enforcement authority is a much needed component of this issue, and requires action by law enforcement agencies at the county and municipal levels.

Second, I would like to focus on MVC regulation of bus companies operating in Hudson County, and throughout the State. The MVC regulates driving privileges for individuals, as well as operating authority for commercial buses engaged in intrastate transportation of passengers. However, with the exception of certain inspection operations as mentioned below, MVC roadside enforcement authority is limited to the inspection of the equipment pursuant to both State and federal regulations.

Maintaining the operating integrity of the equipment is of critical importance in our collective efforts to promote safety. Inspectors from the MVC perform regularly scheduled safety inspections twice a year on buses registered in New Jersey. The inspections include an examination of maintenance records that are mandated to be kept on file at the bus terminals. Further, buses are subjected to safety inspections under the direction of the federal Motor Carrier Safety Administration (FMCSA), through its Motor Carrier Safety Assistance Program (MCSAP). MCSAP inspections are conducted by inspectors from New York City, New York State, the MVC, New Jersey State Police and the Port Authority of New York and New Jersey.

Notwithstanding such stringent standards as to equipment safety, the drivers of the buses operating in Hudson County must possess a Commercial Drivers License (CDL) with a passenger endorsement, as per both federal and State requirements.

For all of these reasons, any proposed legislation that would make the MVC's statutory definition of "Commercial Motor Vehicle" inconsistent with FMCSA’s definition would create confusion, pose enforcement issues, could result in decreased federal funding, and lead to potential legal liability.
It is important to note that buses found with serious defects resulting from a MCSAP inspection are immediately rendered “out of service” and removed from the road. Improperly/unlicensed drivers or those with suspended licenses are similarly removed from the buses. Buses federally flagged as “Not Allowed to Operate – Authority Revoked” are also removed from the road.

Third, I wish to point out that, in stark contrast to the MVC’s proactive efforts to detect equipment related safety problems, the grossly negligent behavior of any driver poses a very different challenge.

Crashes such as those caused by cell phone usage while driving have prompted the enactment of many laws prohibiting their use while operating a motor vehicle, as well as numerous proposed items of legislation in New Jersey and throughout the country. Without question, such reckless and dangerous practices as that which occurred in West New York (as well as the many other traffic offenses committed by bus drivers) must be deterred by enforcing our existing traffic laws to the fullest extent possible.

Appropriate enforcement -- by vigorously utilizing the spectrum of already existing statutes and regulations -- has always been, and remains the essential component of this issue, and requires action by law enforcement agencies at the State, county and municipal levels on the respective roadways that they patrol.

On a daily basis throughout the course of each year, the MVC routinely processes violations that have been docketed in the municipal courts from all over New Jersey to facilitate the transmission and sharing of such information with our motor vehicle counterparts, whether in neighboring states that are contiguous to New Jersey or across the country. The number of records accurately and timely transmitted is in the millions annually.

I assure you that the MVC stands united with our federal, State, bi-state and local law enforcement, and DMV partners in continuing to effectively execute all applicable traffic safety laws and initiatives.

Thank you.

Sincerely,

[Signature]

Raymond P. Martinez
Chairman and Chief Administrator

RPM/JD/rmg