This act shall be known and may be cited as the “New Jersey Public Transportation Act of 1979.”

Credits
L.1979, c. 150, § 1, eff. July 17, 1979.

Current with laws through L.2021, c. 308 and J.R. No. 8.
The Legislature hereby finds and declares that:

a. The provision of efficient, coordinated, safe and responsive public transportation is an essential public purpose which promotes mobility, serves the needs of the transit dependent, fosters commerce, conserves limited energy resources, protects the environment and promotes sound land use and the revitalization of our urban centers.

b. As a matter of public policy, it is the responsibility of the State to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner.

c. In the development of public transportation policy and planning, participation by county and municipal governments, transit riders and concerned citizens should be encouraged.

d. In the provision of public transportation services, it is desirable to encourage to the maximum extent feasible the participation of private enterprise and to avoid destructive competition.

e. In furtherance of these findings and declarations, a public corporation shall be created with the necessary powers to accomplish the purposes and goals set forth in this section, including the power to acquire and operate public transportation assets.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
As used in this act:

a. “Corporation” means the New Jersey Transit Corporation.

b. “Motorbus regular route service” means and includes the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers for hire or otherwise, in this State or between points in this State and points in other states.

c. “Capital equipment and facilities” means and includes, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, ferries and ferry facilities, including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking, docks, ramps and other necessary land-side improvements, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service.

d. “Paratransit services” means and includes any service, other than motorbus regular route service and charter services, including, but not limited to, dial-a-ride, nonregular route, jitney or community minibus, and shared-ride services such as vanpools, limousines or taxicabs which are regularly available to the public. Paratransit services shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers.

e. “Public transportation or public transportation service” means rail passenger service, motorbus regular route service, paratransit service, motorbus charter service, and ferry passenger service.

f. “Motorbus charter service” means and includes subscription, tour, other special motorbus services or school bus services or charter services as set forth in section 7 of P.L.1979, c. 150 (C:27:25-7).

g. “Rail passenger service” means and includes the operations of a railroad, subway, street, traction or electric railway for the purpose of carrying passengers in this State or between points in this State and points in other states.
h. “Ferry passenger service” means any service which involves the carriage of persons for compensation or hire by waterborne craft in this State or between points in this State and points in other states.

Credits

Notes of Decisions (1)
Current with laws through L.2021, c. 308 and J.R. No. 8.
a. There is hereby established in the Executive Branch of the State Government the New Jersey Transit Corporation, a body corporate and politic with corporate succession. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the corporation is hereby allocated within the Department of Transportation, but, notwithstanding that allocation, the corporation shall be independent of any supervision or control by the department or by any body or officer thereof. The corporation is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

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

11 of the members shall be voting members and shall consist of: the Commissioner of Transportation and the State Treasurer, who shall be members ex officio, another member of the Executive Branch to be selected by the Governor who shall also serve ex officio, and eight public members who shall be appointed by the Governor as follows:

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

two members, with the advice and consent of the Senate, one who shall have experience as a regular corporation motorbus regular route service rider and one who shall have experience as a regular corporation rail passenger service or light rail service rider; and

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

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

There shall be two non-voting members of the board, who shall not be considered in determining a quorum. The non-voting members shall be appointed as follows: one appointed by the Governor upon the recommendation of the labor organization representing the plurality of the employees of the corporation involved in rail operations and one appointed by the Governor upon the recommendation of the labor organization representing the plurality of the employees of the corporation involved in motorbus operations. Each non-voting member appointed upon recommendation of a labor organization shall be appointed for a term of four years, provided, however, that if at any time during the term of appointment the non-voting member ceases to be affiliated with the labor organization representing the plurality of the relevant segment of employees of the corporation, then such labor organization may, thereupon or at any time thereafter during such term, recommend a new member to the Governor for appointment to serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the relevant segment of employees may recommend a new member to the Governor for appointment to serve the remainder of the term. The chairman of the board may, at the chairman's discretion, exclude such non-voting member from attending any portion of a board meeting or any other meeting held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, the investigation, evaluation, or discipline of an employee of the corporation, or matters concerning private entities engaged in the provision of motorbus regular route service, paratransit service, or motorbus charter service that would otherwise not be considered public information. Each non-voting member appointed upon recommendation of a labor organization may be removed by the Governor for cause.

For the purposes of this subsection:

“experience as a regular corporation motorbus regular route service rider” includes any rider who is a regular corporation motorbus regular route service rider at the time of the member's appointment or reappointment and any rider who has been a regular corporation motorbus regular route service rider in three of the five years preceding the member's appointment or reappointment.

“experience as a regular corporation rail passenger service or light rail service rider” includes any rider who is a regular corporation rail passenger service or light rail service rider at the time of the member's appointment or reappointment and any rider who has been a regular corporation rail passenger service or light rail service rider in three of the five years preceding the member's appointment or reappointment.

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

d. The Commissioner of Transportation shall serve as chairperson of the board, shall chair board meetings, and shall have responsibility for the scheduling and convening of all meetings of the board. In the absence of the chairperson, the vice chairperson shall chair the board meeting. Each ex officio member of the board may designate two employees of the ex officio
member's department or agency, one of whom may represent the ex officio member at meetings of the board. A designee may lawfully vote and otherwise act on behalf of the member for whom the person constitutes the designee. Any such designation shall be in writing delivered to the board and shall continue in effect until revoked or amended by writing delivered to the board.

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

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

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

(2) The board shall hold a minimum of 10 public board meetings per year. Public hearings held pursuant to subsection d. of section 8 of P.L.1979, c. 150 (C.27:25-8) shall not be considered public board meetings for the purposes of this subsection.

Credits

Notes of Decisions (4)
Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-4.1. Board of directors duties; performance; training; establishment of committees

N.J.S.A. 27:25-4.1

27:25-4.1. Board of directors duties; performance; training; establishment of committees

Effective: December 20, 2018

Currentness

a. The board of directors of the corporation shall:

(1) Execute oversight of the corporation's executive director and other management in the effective and ethical management of the corporation, including review and approval of any fare changes and the elimination or substantial curtailment of motorbus regular route service, rail passenger service, or light rail service;

(2) Understand, review, and monitor the implementation of fundamental financial and management controls and operational decisions of the corporation, including review and approval of any fare changes and the elimination or substantial curtailment of motorbus regular route service, rail passenger service, or light rail service;

(3) Establish policies regarding the payment of salary, compensation, and reimbursements to, and establish rules for the time and attendance of, the executive director and management, provided that nothing in P.L.2018, c. 162 (C.27:25-4.1 et al.) shall be construed to apply civil service rules and regulations to the corporation;

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

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

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

(7) Adopt a defense and indemnification policy and disclose such policy to any and all prospective board members; and
(8) Adopt corporate bylaws, which shall be reviewed and updated at least once every five years.

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

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

(2) The audit committee shall review and monitor: the reliability of financial statements and the adequacy of financial controls; the results of any audit; and compliance with legal, regulatory, and ethical requirements. The audit committee shall have responsibility for supervising and reviewing the work of the internal audit department, which has responsibility for investigating fraud, waste and abuse within and affecting the agency.

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

(2) The administration committee shall: advise the board of directors on financial matters, including, but not limited to, proposed budgets including the capital program, major expenditures of the corporation, and all financial policies; receive a bi-monthly report from the head of the Office of Equal Opportunity and Affirmative Action, or any successor office, which shall also be provided to the executive director, regarding the activities of that office, including a summary of the nature and number of the complaints involving discrimination or harassment received by that office and any actions taken by that office in response to those complaints; receive a bi-monthly report from the director of the Human Resources Office, or any successor office, which shall also be provided to the executive director, regarding the activities of that office, including a summary of job vacancies, job postings, new employees, reclassification of job titles, retirements, terminations, disciplinary actions, and any other personnel decisions; and meet at least annually with representatives of the labor organizations representing employees of the corporation. Reports shall not include any personally identifiable information or personnel information protected under state or federal law.

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

(2) The operations and customer service committee shall: advise the board of directors on day to day operations and maintenance; review vital statistics including on time performance, cost of service, and service rationalization; review the corporation's service plan and service standards; oversee fleet management plans, strategic planning, and the corporation's business plan; and oversee the corporation's customer service plan and statistics.
h. (1) The board of directors shall establish a capital planning and privatization committee, to be comprised of not less than three independent members, who shall possess the necessary skills to understand the duties and functions of the committee. The capital planning and privatization committee shall meet on at least a quarterly basis.

(2) The capital planning and privatization committee shall: review and monitor the status of capital projects including the annual element of the corporation's five year capital program; review the rationale for the capital program, its budgets and schedule, and address fast tracking key projects; oversee the development of fare policy and technology; and review real estate transactions and route and service issues that affect private carriers or other properties with which the corporation does business.

i. For the purposes of this section, an “independent member” is one who:

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

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

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

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

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

Credits

Editors' Notes

2021 Electronic Update

ASSEMBLY APPROPRIATIONS COMMITTEE STATEMENT WITH COMMITTEE AMENDMENTS

Senate Bill No. 630 (Second Reprint)--L.2018, c. 162

DATED: DECEMBER 10, 2018

The Assembly Appropriations Committee reports favorably Senate Bill No. 630, with committee amendments.
As amended, this bill provides governance, oversight, and accountability reforms at the New Jersey Transit Corporation (NJ Transit).

**Board Composition**

The bill establishes five new positions on NJ Transit’s board of directors (board), and restructures the existing board so that all public members are required to either have experience as regular public transportation riders or have expertise in human resources, real estate investment or development, or certain transportation topics. In order to be considered to have experience as a regular public transportation rider, a member is required to have been a public transportation rider in three of the five years preceding the member’s appointment or reappointment to the board.

The composition of the board is increased by the bill, from four public members chosen by the Governor to eight public members chosen by the Governor. Four of the eight members are to be chosen upon the recommendation of the North Jersey Transportation Planning Authority, the New Jersey members of the Delaware Valley Regional Planning Commission, the President of the Senate, and the Speaker of the General Assembly, respectively. The bill provides for the appointment and initial terms of office for certain board members. The bill adds a labor organization member to the board, bringing the number of labor organization members to two. The bill requires that one labor organization member be appointed by the Governor upon the recommendation of the labor organization representing the plurality of the employees of NJ Transit involved in motorbus operations and that one labor organization member be appointed by the Governor upon the recommendation of the labor organization representing a plurality of the employees of NJ Transit involved in rail operations.

Upon enactment of the bill, new members of the board are required to be appointed within 90 days of the bill’s effective date.

**Chief Ethics Officer**

The bill requires NJ Transit to employ a chief ethics officer to investigate allegations and suspicions of unethical conduct or illegal activity within NJ Transit and to determine whether NJ Transit is in compliance with applicable State law. The chief ethics officer is to operate independently of the executive director and is to report directly to the board of directors.

**Board Meetings**

The bill requires that the board hold a minimum of 10 public board meetings per year. The bill provides that the agenda of a board meeting, be provided to the public at least five calendar days prior to the meeting and that one-half of board meetings be held in the evening after 6:00 p.m. The bill requires each notice of a board meeting, board agenda, and the minutes of each board meeting be published on NJ Transit’s website. The bill also requires that each board meeting be viewable in real time on NJ Transit’s website and be archived and made available to the public on NJ Transit’s website.

**New Board Responsibilities**

The bill imposes new statutory duties on the board, including: executing oversight of NJ Transit’s management team in the effective and ethical management of NJ Transit; monitoring the implementation of fundamental financial and management controls and operational decisions of NJ Transit; establishing certain personnel policies; approving fare changes and substantial curtailments of service; adopting guidelines for when it is appropriate for the chief ethics officer to forward the results of preliminary investigations to the appropriate authorities; adopting a code of ethics; establishing written policies and procedures on personnel; adopting guidelines for the chief ethics officers; adopting
a defense and indemnification policy; and reviewing and updating corporate bylaws at least once every five years. The bill provides that the board members are to perform their duties in good faith and with the appropriate degree of diligence, care, and skill and to apply independent judgment in the best interest of NJ Transit, its mission, and the public. The bill requires board members to take and subscribe to an oath of office and to execute an acknowledgement that recognizes the duties and obligations of the board member.

Committees

The bill establishes requirements for the audit committee, administration committee, operations and customer service committee, and capital planning and privatization committee.

The bill provides that the board is to appoint members of NJ Transit’s advisory committees and requires that the committees have no fewer than nine members and no greater than 15 members. The members are to be selected upon a merit-based application process and the membership is to include representation of certain populations. The bill requires at least two members of an advisory committee to have experience as regular motorbus regular route service riders and at least two members to have experience as regular rail passenger service or light rail service riders. The advisory committees are required to conduct at least two public hearings per year in two different counties to gather information from interested parties and the general public. The advisory committees are required to issue an annual report to the board. The board is to review recommendations and solicit written input from each advisory committee prior to the adoption of any proposed fare increase, curtailment of service, or expansion of service.

Audits

The bill requires the State Auditor to perform audits of NJ Transit every six years, which are to focus on specific areas to be determined by the State Auditor. The bill also requires NJ Transit to hire an independent firm to conduct a study at least once every five years on the financial management practices and budget reporting practices of mass transit agencies throughout the country and to prepare and issue a report on its findings. Following the issuance of the report, NJ Transit is required to adopt financial management and budget reporting policies and practices that are in line with the best practices of mass transit agencies throughout the country. Upon the affirmative vote of seven members of the board, NJ Transit may opt not to adopt individual policies or practices that are in line with the best practices of mass transit agencies throughout the country.

Change of Service or Fare Increase Requirements

The bill requires that NJ Transit hold at least two public hearings in the counties affected, as close as possible to the highest trafficked stop on the route, before implementing any substantial curtailment or abandonment of service, and at least 10 public hearings in separate counties at locations as close as possible to both a rail passenger service line and a motorbus regular route before implementing any fare increase. At least half of the public hearings are required to be held on a State working day. At least two members of the board are required to be in attendance at each public hearing. For substantial curtailment or abandonment of rail service and for fare increases, half of the required hearings are to take place between the hours of 9:00 a.m. and 5:00 p.m. and half are to take place between the hours of 6:00 p.m. and 10:00 p.m.

In addition to the public hearing requirements, NJ Transit is required to provide a postal mailing address and electronic mailing address where members of the public may provide written comments regarding the proposed fare increase or substantial curtailment or abandonment of service. NJ Transit is required to prepare and publish a written response concerning any issue or concern raised by a member of the public at any public hearing or in any written comment. NJ Transit is required to provide notice of its intent to discontinue, substantially curtail, or abandon service to each county and municipality whose residents will be affected.
For emergency situations, NJ Transit may take action and then conduct public hearings as soon as practicable and then use input from those hearings to determine appropriate alternative service measures.

**Appearance before the Legislature**

The bill requires NJ Transit, at the request of the chairperson of any standing legislative committee, as approved by the presiding officer, to appear before that committee to present testimony and provide documents on any topic or subject requested by the committee and to respond to any questions by members of the committee.

**Reports**

The bill requires NJ Transit to report information to the Governor and the Legislature regarding its employees, including the average salary, number of employees in management positions, and number of employees that are not in management positions in key demographic groups, which are to include, at minimum, race, ethnicity, and gender. The bill also requires NJ Transit to report certain accident information and safety violations to the Governor and Legislature.

The bill requires NJ Transit to utilize multi-year budget documents that cover the most recently completed fiscal year, the estimated results for the fiscal year in progress, a recommendation for the fiscal year to commence, and estimated needs and projections for the following fiscal year and to provide those documents to the Commissioner of Transportation, the President of the Senate, the Speaker of the General Assembly, the Assembly Transportation and Independent Authorities Committee, and the Senate Transportation Committee. The budget documents are required to provide detailed information on several key areas listed in the bill.

The bill requires the administration committee to receive certain reports quarterly from the head of the Office of Equal Opportunity and Affirmative Action and the director of the Human Resources Office at NJ Transit.

**Residency Waiver for Certain Positions**

The bill provides that any person hired by NJ Transit as an engineer or mechanic or any other position certified by the board as a position of critical need is exempt from the residency requirement established in N.J.S.A.52:14-7.

**Contracting and procurement powers**

The bill authorizes the NJ Transit chief of procurement to enter into agreements to defend and indemnify persons who enter into contracts with NJ Transit. The bill expressly authorizes NJ Transit to enter into public-private partnerships, to utilize corporate entities to participate with other private or public entities in furtherance of NJ Transit’s powers, to invest the moneys of NJ Transit not required for immediate use, and to employ and retain counsel at NJ Transit’s discretion. The bill specifically authorizes NJ Transit to enter into contracts concerning ferry service and light rail passenger service and with any public utility for services to support public transportation or transit operations.

The bill provides that NJ Transit may accept non-conforming bids only if the bid or proposal conforms to all material requirements of the solicitation. The bill provides that NJ Transit does not need to advertise purchases, contracts, or agreements in certain circumstances, including: where State or federal law requires a different process; and to acquire or overhaul ferries or other major equipment used to provide public transportation or transit operations. The bill also provides that NJ Transit may participate in cooperative purchasing agreements and federal supply schedules.

**Deviation from Attorney General guidelines**
The bill provides that NJ Transit may deviate from policies adopted by the Attorney General in circumstances where those policies are inconsistent with federal laws, regulations, directives, advisory opinions, or other guidelines relating to drug and alcohol testing, alcohol misuse, or prohibit drug use applicable to the NJ Transit Police Department.

Customer Advocate

The bill requires NJ Transit to employ a customer advocate who is required to report the customer advocate’s activities for the prior year. The report is required to include: a list of any customer surveys performed and a summary of the results of each; a summary of customer experience enhancements; a list of customer facility improvements; and an account of the on-time performance of rail passenger service, including light rail service, operated by, or under contract to, the corporation.

As amended and reported, this bill is identical to Assembly Bill No. 1241, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments provide changes to the board structure, including: providing that the two representatives from labor organizations on the board of directors are to be non-voting members; removing the prohibition against holdover board members; and changing the quorum requirements so that a majority of the appointed members of the board who are authorized to vote constitutes a quorum and so that action may be taken by the affirmative vote of a majority of the appointed members who are authorized to vote. The amendments also remove requirements concerning certain disclosures by board members.

The committee amendments modify certain express duties of the board members so that oversight is required over fare changes and the elimination or substantial curtailment of service. The amendments also remove reference to a “fiduciary obligation” of board members, expressly state that NJ Transit is not subject to civil service rules, require the board to update the NJ Transit bylaws every five years, and establish various board committees, including the audit committee, administration committee, operations and customer service committee, and capital planning and privatization committee.

The amendments incorporate specific requirements for the North Jersey Passenger Advisory Committee and South Jersey Passenger Advisory Committee, which were included in the original iteration of the bill, except the committees are increased to 15 members each.

The amendments make changes to the powers of NJ Transit concerning procurement and contracting, increase indemnification powers, allow NJ Transit to retain counsel and elaborate on the scope of existing powers to enter into public private partnerships.

The amendments make changes to the public hearing requirements when NJ Transit increases fares or abandons or substantially curtails service. Under the amendments, two public hearings are required prior to substantial curtailment of rail service, one public hearing is required for substantial curtailment of bus service, and 10 public hearings are required prior to a fare increase. The definition of substantial curtailment is changed by the amendments. The amendments also allow NJ Transit to take action necessary to address emergency or exigent circumstances, provided the corporation holds a public hearing after the fact.

The amendments remove the requirement that any NJ Transit employee may be called before a legislative committee under the oversight provision in the bill. The amendments make changes to the duties of the chief ethics officer but
still require the chief ethics officer to investigate unethical or illegal activity and to establish a whistleblower access
and assistance program.

The amendments require NJ Transit to provide more detailed budget information to the Legislature, which includes
multi-year budget documents. The amendments also require the establishment of a customer advocate and make
changes to the manner in which the new board members are to be appointed as well as changes to the duration of
the new board members’ initial terms.

**FISCAL IMPACT:**

The bill provides for a series of reforms at NJ Transit that will require additional staff salaries, fringe, and materials;
outside contract work; and additional reporting and transparency.

New costs with discrete estimates include a new chief ethics officer which will likely cost between $200,000 and
$230,000 per year, and a performance audit every five years which could cost around $1.3 million per audit. In addition
there are numerous other requirements under the bill with indeterminate costs due to additional duties imposed on NJ
Transit leadership, reporting requirements, transparency measures, public hearings, new committees, and financial
and management controls. These other requirements will have additional indeterminate direct costs, largely in the
form of additional staff.

The intention of these reforms is to improve the overall performance of NJ Transit as a business operation. Notable
among these reforms are the implementation of industry best practices, additional financial and management controls,
and requirements that NJ Transit become more transparent and provide more justification for its activities. These
reforms are intended to result in indirect savings by eliminating waste and other mistakes throughout NJ Transit. To
the extent that these reform efforts are successful, it is possible that the indirect efficiencies from reform will more
than offset the direct costs imposed by the bill.

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-4.2. North Jersey Passenger Advisory Committee; purpose; membership and duties

N.J.S.A. 27:25-4.2

27:25-4.2. North Jersey Passenger Advisory Committee; purpose; membership and duties

Effective: December 20, 2018

Currentness

a. (1) There is hereby established the North Jersey Passenger Advisory Committee within the New Jersey Transit Corporation for the purpose of providing advice, input, and guidance to the corporation and the corporation's board of directors from customers of the corporation who reside in North Jersey. The committee shall: provide advice, input, and guidance to the New Jersey Transit Corporation and its board of directors on issues affecting the corporation and customers of the corporation, particularly those issues that affect services provided in the northern part of the State; review proposals to be considered before the corporation's board of directors concerning fare increases, curtailment of services, and expansion of services; and review items listed on the agenda for meetings of the corporation's board of directors that would increase fares, curtail services, or expand services and provide written feedback to the board prior to the board meeting concerning those agenda items.

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

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

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

six members to be appointed by the Governor;

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

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

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

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

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

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

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

b. (1) There is hereby established the South Jersey Passenger Advisory Committee within the New Jersey Transit Corporation for the purpose of providing advice, input, and guidance to the corporation and the corporation's board of directors from customers of the corporation who reside in South Jersey. The committee shall: provide advice, input, and guidance to the New Jersey Transit Corporation and its board of directors on issues affecting the corporation and customers of the corporation, particularly those issues that affect services provided in the southern part of the State; review proposals to be considered before the corporation's board of directors concerning fare increases, curtailment of services, and expansion of services; and review items listed on the agenda for meetings of the corporation's board of directors that would increase fares, curtail services, or expand services and provide written feedback to the board prior to the board meeting concerning those agenda items.

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

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

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

six members to be appointed by the Governor;

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

one member to be appointed by the President of the Senate;
one member to be appointed by the Minority Leader of the General Assembly;

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

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

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

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

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

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

c. A person serving as a member of the South Jersey Passenger Advisory Committee shall not be eligible to simultaneously serve as a member of the North Jersey Passenger Advisory Committee. A person serving as a member of the North Jersey Passenger Advisory Committee shall not be eligible to simultaneously serve as a member of the South Jersey Passenger Advisory Committee.

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

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
Notwithstanding any provision of law to the contrary, the New Jersey Transit Corporation shall not issue a law enforcement badge or badge that may be mistaken as a law enforcement badge to any member of the corporation's board of directors.

Credits
L.2019, c. 221, § 1, eff. Aug. 9, 2019.

Current with laws through L.2021, c. 308 and J.R. No. 8.

End of Document
In addition to the powers and duties conferred upon it elsewhere in this act, the corporation may do all acts necessary and reasonably incident to carrying out the objectives of this act, including but not in limitation thereof the following:

a. Sue and be sued;

b. Have an official seal and alter the same at pleasure;

c. Make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;

d. Maintain an office at such place or places within the State as it may determine;

e. Adopt, amend and repeal such rules and regulations as it may deem necessary to effectuate the purposes of this act, which shall have the force and effect of law; it shall publish the same and file them in accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.) with the Director of the Office of Administrative Law;

f. Call to its assistance and avail itself of the service of such employees of any federal, State, county or municipal department or agency as it may require and as may be available to it for said purpose;

g. Apply for, accept and expend money from any federal, State, county or municipal agency or instrumentality and from any private source as gifts, grants, or loans; comply with federal statutes, rules and regulations, and qualify for and receive all forms of financial assistance available under federal law to assure the continuance of, or for the support or improvement of public transportation and as may be necessary for that purpose to enter into agreements, including federally required labor protective agreements;
h. Plan, design, construct, equip, operate, improve, maintain, and, through the New Jersey Transportation Trust Fund Authority, finance either directly or by contract with any public or private entity, public transportation services, capital equipment and facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof, which may be funded under section 3 of the federal Urban Mass Transportation Act of 1964, Pub.L.88-365 (49 U.S.C. s.1602), or any successor or additional federal act having substantially the same or similar purposes or functions; the operation of the facilities of the corporation, by the corporation or any public or private entity, may include appropriate and reasonable limitations on competition in order that maximum service may be provided most efficiently to the public;

i. Apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

j. Purchase, lease as lessee, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, from any public or private entity, wherever situated;

k. Lease as lessor, sell or otherwise dispose of on terms which the corporation may prescribe, real and personal property, including tangible or intangible property and consumable goods, or any interest therein, to any public or private entity, in the exercise of its powers and the performance of its duties under this act. In order to provide or encourage adequate and efficient public transportation service, the corporation may lease or otherwise permit the use or occupancy of property without cost or at a nominal rental;

l. Restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the corporation, except under such terms as the corporation may prescribe; perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

m. Establish one or more operating divisions as deemed necessary;

n. Set and collect fares and determine levels of service for service provided by the corporation either directly or by contract including, but not limited to, such reduced fare programs as deemed appropriate by the corporation; revenues derived from such service may be collected by the corporation and shall be available to the corporation for use in furtherance of any of the purposes of this act;

o. Set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the corporation; such revenues shall be available to the corporation for use in furtherance of any of the purposes of this act;

p. Deposit corporate revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c. 281 (C.52:18A-90.4);

q. Delegate to subordinate officers of the corporation such powers and duties as the corporation shall deem necessary and proper to carry out the purposes of this act;
r. (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the corporation, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment or any other insurable risk. In addition, the corporation may carry its own liability insurance and may also establish and utilize a wholly-owned insurance subsidiary or captive provided the subsidiary or captive is domiciled in the United States in a state which is accredited by the National Association of Insurance Commissioners and which licenses and regulates wholly-owned insurance subsidiaries or captives; and

(2) Pursuant to paragraph (1) of this subsection, the corporation's chief of procurement is authorized to reach an agreement to defend and indemnify a person against claims, causes of action, demands, costs or judgments against that person arising as a direct result of that person's contract with the corporation, upon the terms and limitations the chief deems reasonable and appropriate. An agreement to defend and indemnify pursuant to this subsection shall not bar, reduce, limit or affect any remedies which the corporation may have to enforce the corporation's agreement or to assert a claim for damages to which the corporation may be entitled arising out of the person's failure to perform the agreement, or for the recovery of funds expended for the defense of a person if the defense was undertaken in response to a claim or cause of action brought against the person which is proven to have arisen from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal conduct. No one other than the person who is party to the agreement with the corporation may enforce any agreement for defense or indemnification between that person and the corporation;

s. Promote the use of public transportation services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the corporation;

t. Adopt and maintain employee benefit programs for employees of the corporation including, but not limited to, pension, deferred compensation, medical disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the corporation;

u. Own, control, vote, and exercise any and all other rights incidental to the ownership of any equity, membership interest, or any shares of the capital stock of any incorporated entity acquired, formed, incorporated, or established by law by the corporation pursuant to the powers granted by this act. Any such corporate entity may be utilized in order to enable the corporation to participate with other private or public entities in any transaction, memorandum of understanding, undertaking, or arrangement that the corporation would have the power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to other public or private entities regarding the ownership, operation, control, and management of services, equipment, or facilities. For purposes of this subsection, “corporate entity” means any business entity, including but not limited to, any corporation, limited liability company, joint venture, limited partnership, general partnership, association of any kind, or collaborative arrangement that may be jointly owned by the corporation and any other public or private entities that provide public transportation services;

v. Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the corporation, or to carry out any power expressly or implicitly given in this act;

w. Notwithstanding the provisions of section 17 of P.L.1979, c. 150 (C.27:25-17) or any other law to the contrary, (1) issue operating grant anticipation notes which shall be secured and retired from operating assistance grants authorized under section
9 of the federal Urban Mass Transportation Act of 1964, Pub.L.88-365 (49 U.S.C. s.1602), or any successor or additional federal act having substantially the same or similar purposes or functions and (2) issue capital grant anticipation notes which shall be secured and retired from capital assistance grants authorized under section 3 or section 9 of the federal Urban Mass Transportation Act of 1964, Pub.L.88-365 (49 U.S.C. s.1602), or any successor or additional federal act having substantially the same or similar purposes or functions. As used in this subsection, “operating grant anticipation notes” or “capital grant anticipation notes” (hereinafter referred to as “notes”) means credit obligations issued in anticipation of these grants. All grant anticipation notes shall be authorized by a resolution or resolutions of the corporation, and may be issued in one or more series and shall bear the date, or dates, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in such manner as the resolution or resolutions require. The notes may be sold at public or private sale at the price or prices and in the manner that the corporation determines. The notes of the corporation, the sale or transfer thereof, and the income derived therefrom by the purchasers of the notes, shall, at all times, be free from taxation for State or local purposes, under any law of the State or any political subdivision thereof. Notes may be issued under the provisions of P.L.1979, c. 150 (C.27:25-1 et seq.) without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings, conditions, or things which are specifically required by P.L.1979, c. 150 (C.27:25-1 et seq.). The notes issued pursuant to P.L.1979, c. 150 (C.27:25-1 et seq.) shall not in any way create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof or of the corporation, except as provided herein.

The grant anticipation notes shall be payable solely from (1) note proceeds, to the extent not disbursed to the corporation, (2) grant payments if, as, and when received from the federal government, and (3) investment earnings on note proceeds, to the extent not disbursed to the corporation. Each note shall contain on its face a statement to the effect that the corporation is obligated to pay the principal thereof or the interest thereon only from these grants to the corporation and from the proceeds of the notes and investment earnings on the proceeds of the notes, to the extent not disbursed to the corporation, and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof or of the corporation is pledged to the payment of the principal and interest on these notes. Neither the members of the corporation's board nor any person executing the transactions are personally liable on those notes nor are they otherwise liable for their actions. Subject to any agreement with the debtholders, the corporation may invest moneys of the corporation not required for immediate use, including proceeds from the sale of any notes, in such obligations, securities and other investments as the corporation shall deem prudent;

x. Enter into agreements with a public or private entity or consortia thereof to provide for the development of demonstration projects through the use of public-private partnerships pursuant to sections 1 through 9 of P.L.1997, c. 136 (C.27:1D-1 through C.27:1D-9);

y. Enter into agreements with a public or private entity or consortia thereof to provide for the development of projects through the use of public-private partnerships. All building construction projects under a public-private partnership agreement entered into pursuant to this subsection shall contain a project labor agreement, unless the federal government or a court of competent jurisdiction determines that requiring such an agreement would violate federal law or regulation, or including such an agreement would preclude the corporation from receiving federal funding for the project. Project labor agreements shall be subject to the provisions of P.L.2002, c. 44 (C.52:38-1 et seq.); and

z. To employ and retain legal counsel at the corporation's discretion, including choosing representation by the Attorney General.

Credits
Editors’ Notes

SENATE REVENUE, FINANCE AND APPROPRIATIONS COMMITTEE STATEMENT

Senate, No. 3265--L.1989, c. 130

The Senate Revenue, Finance and Appropriations Committee reports Senate Bill No. 3265 favorably.

Senate Bill No. 3265 authorizes New Jersey Transit to issue capital grant anticipation notes. These notes will be issued in anticipation of capital assistance grants to be received from the federal government under the Urban Mass Transportation Act of 1984. The purpose of the capital notes is to permit New Jersey Transit to let contracts for the purchase and repair of equipment prior to the receipt of the federal grants.

Currently, New Jersey Transit may issue operating grant anticipation notes which are backed by operating assistance grants received under the same federal transportation program.

FISCAL IMPACT

This bill permits New Jersey Transit to issue capital grant anticipation notes in addition to operating grant anticipation notes. The law already provides that anticipation notes issued by New Jersey Transit shall not constitute a liability or obligation of the State. Providing the project receives advance construction approval from the federal government, the federal grant may be used to pay both principal and interest on the notes. New Jersey Transit anticipates that all projects will receive such approval and that currently, in most cases, the notes will be retired within two years of issuance (the current term of federal grant authorization). In the future, if federal grant authorization is extended, the notes will be issued for a period up to the term of the grant authorization.

INTRODUCTORY STATEMENT

Assembly, No. 2011--L.1984, c. 108

This bill amends the “New Jersey Public Transportation Act of 1979” (P.L.1979, c. 150; C. 27:25-1 et seq.), which established the New Jersey Transit Corporation, to enable that corporation to issue grant anticipation notes. These notes are to be in anticipation of operating assistance grants under the federal Urban Mass Transportation Act of 1964 and shall be payable solely from these grants, from note proceeds and investment earnings on note proceeds. They shall not constitute a debt or liability of the State or any political subdivision thereof or of the corporation.

Notes of Decisions (9)

Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-5a

27:25-5a. Collapsible bicycles on passenger railroad trains

Currentness

The provisions of any law, rule or regulation to the contrary notwithstanding, the New Jersey Transit Corporation shall not, at any time, prohibit any person transporting a collapsible bicycle from passing or repassing upon any of the corporation's railroads operating rail passenger service. For the purposes of this act, “collapsible bicycle” means any two-wheeled vehicle having a rear drive wheel which is solely human-powered, and has a frame and other constituent parts that can be readily manipulated, folded or placed together into a more compact form.

Credits


Current with laws through L.2021, c. 308 and J.R. No. 8.
Any person with a disability accompanied by a guide or service dog or any guide or service dog trainer accompanied by a guide or service dog, when riding on any bus, train, or other form of transportation operated by or under contract to the New Jersey Transit Corporation, may keep such dog, appropriately controlled, in the person's immediate custody. The corporation shall not deny to any person use of, or entry to, any vehicle used for public transportation services or any vehicle used for providing transportation to persons with a disability or to guide or service dog trainers because the person is accompanied by a guide or service dog, provided that the guide or service dog is appropriately controlled. As used in this section, the terms “disability,” “guide dog,” “guide or service dog trainer,” and “service dog” shall have the same meaning as set forth in section 5 of P.L.1945, c. 169 (C.10:5-5).

Credits
L.2016, c. 25, § 1, eff. Aug. 18, 2016.
N.J.S.A. 27:25-5c

27:25-5c. Access Link Customer Service Group

Effective: August 18, 2016

Currentness

a. The corporation shall designate an Access Link Customer Service Group to receive and act upon complaints from passengers with disabilities regarding Access Link service. The corporation shall provide for the establishment of procedures and methods by which such complaints shall be received, processed, and acted upon and for their resolution and settlement. The Access Link Customer Service Group shall, within 21 business days of the receipt of a complaint, respond in writing as to the disposition or status of the complaint. Any person who has not received a written response to a complaint within 21 business days may petition the New Jersey Transit General Manager of ADA Services for a hearing upon that complaint, under rules promulgated by the general manager for the hearing and disposition of such matters. As used in this section, “Access Link” means the paratransit service implemented by the corporation for purposes of complying with the “Americans with Disabilities Act of 1990,” Pub.L.101-336 (42 U.S.C. s.12101 et seq.).

b. The corporation shall provide to each person using Access Link, at the time the person is determined to be qualified for Access Link service and at least once in each calendar year thereafter in which the person remains a user, information as to the procedure to be followed in making and pursuing complaints to the Access Link Customer Service Group or the New Jersey Transit General Manager of ADA Services pursuant to this section. The direct telephone number for the Access Link Customer Service Group shall be prominently displayed in all Access Link vehicles.

c. The New Jersey Transit General Manager of ADA Services shall report annually to the board, summarizing the Access Link Customer Service Group's activities for the preceding year, including the number of complaints received, the nature of the complaints, and the resolution of the complaints and setting forth any recommendations for changes which would improve transportation services for passengers with disabilities. The New Jersey Transit General Manager of ADA Services shall make a copy of the report publicly available on the corporation's website.

Credits

L.2016, c. 25, § 2, eff. Aug. 18, 2016.

Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-5d

27:25-5d. Operation of Access Link service in area under state of emergency; definitions

Effective: August 12, 2020

Currentness

a. The New Jersey Transit Corporation shall operate, or cause to be operated, its Access Link service in an area of the State under a state of emergency if the New Jersey Transit General Manager of ADA Services determines, in consultation with the Director of the State Office of Emergency Management, that Access Link service in that area may be safely provided without undue risk of harm to drivers and persons using the service.

b. As used in this section:

“Access Link” shall have the same meaning as provided in section 2 of P.L.2016, c. 25 (C.27:25-5c); and

“State of emergency” means a natural or man-made disaster or emergency for which a state of emergency has been declared by the Governor.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.1. Retired railroad employees; free passage during offpeak times; definition

Currentness

a. Notwithstanding any law, rule or regulation to the contrary, the governing board of the corporation shall allow a retired railroad employee, as defined in subsection b. of this section, to pass and repass, free of charge during offpeak times as defined in section 2 of P.L.1973, c. 126 (C. 27:1A-65), in regular coach service operated by the corporation within the borders of this State.

b. As used in this act, “retired railroad employee” means a citizen and resident of this State who retired prior to January 1, 1983 after service of at least 15 years with either Conrail, the Penn Central Railroad, the Central Railroad of New Jersey, the Erie-Lackawanna Railroad or the Pennsylvania Reading Seashore Line serving New Jersey.

Credits
L.1986, c. 93, § 1, eff. Nov. 1, 1986.

Editors' Notes

ASSEMBLY TRANSPORTATION, COMMUNICATIONS AND HIGH TECHNOLOGY COMMITTEE STATEMENT

Senate, No. 1420--L.1986, c. 93

The Assembly Transportation, Communications and High Technology Committee reports favorably Senate Bill No. 1420 with committee amendments.

This bill provides any retired railroad employee who retired prior to January 1, 1983, who is a citizen and resident of this State, and who has at least 15 years of service with either Conrail, the Penn Central Railroad, the Central Railroad of New Jersey, the Erie-Lackawanna Railroad or the Pennsylvania Reading Seashore Line serving New Jersey, with free passage during offpeak times on regular rail coach service operated by New Jersey Transit Corporation.

As used in this bill, offpeak times means the hours from 9:30 a.m. to 4 p.m. and from 7 p.m. to 6 a.m. during the weekdays, and all day on Saturdays, Sundays and holidays.

The committee amended the bill by changing “off-peak hours” to “off-peak times” inasmuch as the term “offpeak times” is used in the definition found in section 2 of P.L.1973, c. 126 (C. 27:1A-65).

Current with laws through L.2021, c. 308 and J.R. No. 8.
The governing board of the corporation shall issue a certificate in card form to those retired railroad employees determined to be eligible pursuant to section 1 of this act. The corporation shall promulgate rules concerning the distribution and use of the certificate.

Credits

Footnotes

Current with laws through L.2021, c. 308 and J.R. No. 8.
The certificate shall be produced and shown on request of the conductor or person in charge of the train on which the retired railroad employee is riding. The presentation shall entitle the retired employee to whom the certificate is issued to pass and repass without payment of fare during offpeak times in regular coach service on the corporation's railroads operating passenger service in this State, within the borders of this State; but no certificate shall be valid for passage on interstate trains which do not provide intrastate service, or on extra fare or special purpose trains.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
Any retired railroad employee who is issued a certificate under section 2 of this act and who loans his certificate, and any person using or attempting to use a certificate belonging to a retired railroad employee, shall be subject to a fine of $250.00 and costs, to be recovered in a civil action by a summary proceeding in the name of the State under “the penalty enforcement law” (N.J.S. 2A:58-1 et seq.). The fine when recovered shall be paid into the General Fund. In addition to the jurisdiction conferred by N.J.S. 2A:58-2, the municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

Credits

Footnotes

N. J. S. A. 27:25-5.4, NJ ST 27:25-5.4
Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-5.5

27:25-5.5. Certificate presented by person other than owner; taking possession

Currentness

The governing board of the corporation, through its agents, may take possession of any certificate presented by any person other than the retired railroad employee to whom it was issued.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
As used in this act:

“Authorized employee” means an employee of a provider of rail passenger service authorized by the provider of rail passenger service to request and inspect proof of payment of the prescribed fare from persons using rail passenger service.

“Fare enforcement officer” means an employee of the corporation, appointed pursuant to section 7 of this act, authorized to enforce the provisions of this act by requesting and inspecting proof of payment of the prescribed fare from persons using rail passenger services where proof of payment is required, and by signing and issuing a complaint and summons to any person for a violation of the provisions of this act or the regulations adopted pursuant thereto, regardless of whether the rail passenger service is operated by the corporation or by a public or private entity under contract to the corporation. A fare enforcement officer shall include a transit or other police officer, or a conductor or trainman so authorized.

“Pre-paid fare area” means an area designated by a provider of rail passenger service where payment of the prescribed fare is required before entering the area.

“Proof of payment” means a ticket, pass, receipt or other article designated by a provider of rail passenger service to indicate that a passenger has paid for the use of rail passenger service.

“Provider of rail passenger service” means the corporation or a public or private entity under contract to the corporation to provide rail passenger service.

“Use of rail passenger service” means the boarding, occupying, riding in, or otherwise utilizing rail passenger service for conveyance.

Credits

N. J. S. A. 27:25-5.6, NJ ST 27:25-5.6
Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.7. Agreement to pay prescribed fare

N.J.S.A. 27:25-5.7

27:25-5.7. Agreement to pay prescribed fare

Currentness

The use of a rail passenger service by a person shall constitute an agreement by the person to pay the prescribed fare for the service. A person who has paid the prescribed fare for a rail passenger service and who has been issued proof of payment therefor shall retain that proof of payment while in a pre-paid fare area or on designated rail passenger facilities or vehicles.

Credits


Current with laws through L.2021, c. 308 and J.R. No. 8.
It shall be a violation of this act for any person to use or attempt to use a rail passenger service or enter a pre-paid fare area and to: fail or refuse to pay the prescribed fare; evade or attempt to evade payment of the prescribed fare; or fail to display proof of fare payment immediately upon request of an authorized employee or fare enforcement officer.

Credits

Notwithstanding any other provision of law or regulation to the contrary, this act shall apply to users of rail passenger services who are juveniles as defined in subsection a. of section 3 of P.L.1982, c. 77 (C.2A:4A-22a).

Credits

N. J. S. A. 27:25-5.9, NJ ST 27:25-5.9
Current with laws through L.2021, c. 308 and J.R. No. 8.
A person subject to the issuance of a complaint and summons under this act shall cooperate in the issuance of the complaint and summons by providing the person's name and address. It shall be a violation of this act for a person to fail to cooperate in the issuance of a summons including failure to provide the person's name and address, or by providing a false name or address and shall subject the person to all other provisions and remedies provided by law or regulation, in addition to the penalties provided in this act.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.11. Form of summons and complaint, NJ ST 27:25-5.11

A complaint and summons issued for a violation of the provisions of this act or any of the rules or regulations adopted by the corporation shall be in a form prescribed and approved by the Administrative Director of the Courts and served pursuant to the Rules Governing the Courts of the State of New Jersey.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.12. Fare enforcement officers; appointment; duties

a. The executive director of the corporation shall have the power and authority to appoint such number of fare enforcement officers as the director deems necessary and to administer to the fare enforcement officers an oath or affirmation faithfully to perform the duties of their offices.

b. Fare enforcement officers are authorized to request and inspect proof of payment of the prescribed fare from persons using rail passenger services where proof of payment is required, to sign and issue a complaint and summons to any person for a violation of the provisions of this act or the regulations adopted by the corporation pursuant to this act, regardless of whether the rail passenger service is operated by the corporation or by a public or private entity under contract to the corporation and to perform such other duties as the corporation may deem appropriate. A fare enforcement officer who has probable cause to believe that a person has willfully evaded paying the required fare, may, for the purpose of obtaining and verifying identification, issuing a summons and complaint or otherwise detaining an individual for further action by any law enforcement officer, take the individual into custody and detain that person in a reasonable manner for not more than a reasonable time. The taking into custody by a fare enforcement officer shall not render the fare enforcement officer criminally or civilly liable unless such action is unreasonable under all of the circumstances.

c. Fare enforcement officers appointed pursuant to this section shall complete a course of training approved by the executive director appropriate to the duties required by this act.

d. Fare enforcement officers shall work under the direction of the chief of the transit police, but shall not be police officers.

e. Nothing in this section shall be construed as derogating any of the powers provided by law or regulation for police officers, conductors, trainmen and other employees of a provider of rail passenger services but the provisions of this act shall be in addition to any such powers.

Credits
An authorized employee or fare enforcement officer carrying out his duties pursuant to this act shall not be criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention unless such action is unreasonable under all of the circumstances.

Credits
N.J.S.A. 27:25-5.14

27:25-5.14. Adoption of rules and regulations; rail passenger service

Currentness

The corporation shall adopt rules and regulations, in accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act. In any prosecution for violating any rule or regulation adopted by the corporation, copies of that regulation when authenticated under the seal of the corporation by its secretary or assistant secretary shall be evidence in like manner and equal effect as the original.

Credits


Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.15. Violations of act; court proceedings; jurisdiction, NJ ST 27:25-5.15

A complaint for a violation of any of the provisions of this act may be filed with a court having jurisdiction, at any time within one year after the commission of the violation. When a person has been charged with a violation of this act and summoned to appear, upon failure to appear, in addition to any other provisions of law or the Rules Governing the Courts of the State of New Jersey, a warrant for the arrest of the person may issue. All proceedings shall be brought before a municipal or central municipal court having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a moving conveyance operated by the corporation through two or more municipalities, then the proceeding may be brought before the court having jurisdiction in any one of the municipalities through which the conveyance has traversed.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
A violation of the provisions of this act or any rules or regulations adopted pursuant to this act by the corporation shall be punishable by a civil penalty not exceeding $100, in addition to court costs, enforced in a summary proceeding pursuant to “the penalty enforcement law,” N.J.S.A. 2A:58-1 et seq. The Rules Governing the Courts of the State of New Jersey shall govern the practice and procedure in such proceedings. Notwithstanding any other law to the contrary, the court shall remit 50% of any civil penalty imposed to the corporation for use in furtherance of any of the purposes of this act and 50% shall be forwarded to the proper financial officer of the local government entity in which the municipal or central municipal court has been established to be used for the local government entity to defray the cost of operating the court and for general government use.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.17. Certificates or passes; current or retired employees

The provisions of this act shall not affect certificates issued pursuant to R.S.48:12-109 through R.S.48:12-116, inclusive, or any certificate or pass issued by the corporation providing for transportation of current or retired employees, notwithstanding that payment for such certificate or pass may not have been tendered.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-5.18. Wireless telephone or electronic communication device; restrictions upon use by operator of certain moving vehicles; criminal liability

Effective: January 25, 2011

a. The use of a wireless telephone or electronic communication device by an operator of a moving vehicle involved in the provision of public transportation service, as defined under section 3 of P.L.1979, c. 150 (C.27:25-3), and including light rail service or any other operations for the purpose of carrying passengers in this State or between points in this State and points in other states, provided by the New Jersey Transit Corporation, any public or private entity under contract to the corporation, or any private entity operating under the authority of a certificate of public convenience and necessity issued under Title 48 of the Revised Statutes, is unlawful.

“Use” of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device. “Use” shall not include listening to or making an announcement on a public address system.

b. The operator of a moving vehicle involved in the provision of public transportation service may use a wireless telephone or electronic communication device under the following circumstances:

(1) in the event of an emergency;

(2) when radio communication failure occurs; or

(3) when the wireless telephone or electronic communication device is used hands-free while operating paratransit service and radio communication is not available.

c. A violation of this section is a disorderly persons offense.

Credits
L.2011, c. 5, § 1, eff. Jan. 25, 2011.

Current with laws through L.2021, c. 308 and J.R. No. 8.
End of Document

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The New Jersey Transit Corporation shall cooperate with the Department of Military and Veterans' Affairs to provide receipts or other proof of travel to veterans in in-patient and out-patient treatment programs who have been qualified to use any motorbus or rail passenger service pursuant to section 1 of P.L.2015, c. 211 (C.38A:3-49), so that they may be reimbursed for travel to attend medical counseling appointments for service-connected conditions within this State when they are not otherwise eligible for payment for travel or reimbursement through any other State or federal program.

Credits
L.2015, c. 211, § 2, eff. July 9, 2016.

Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-5.20

27:25-5.20. Legislative findings and declarations regarding prohibiting persons with suspended or revoked driver's licenses from operating trains

Effective: August 31, 2016

Currentness

The Legislature finds and declares that:

a. It is necessary to prohibit a person whose driver's license is suspended or revoked from operating a train in this State in order to eliminate or reduce an essentially local safety hazard;

b. This prohibition is not incompatible with a law, regulation, or order of the United States Government; and

c. The prohibition does not impose an unreasonable burden on interstate commerce.

Credits

L.2016, c. 33, § 1, eff. Aug. 31, 2016.

Editors' Notes

2021 Electronic Update

GOVERNOR'S CONDITIONAL VETO MESSAGE

Senate Bill No. 20--L.2016, c. 33

Senate Bill No. 20, which I have signed today, prohibits an engineer from operating a New Jersey Transit train or locomotive while the person’s driving privileges are suspended or revoked due to a conviction for driving under the influence of alcohol or drugs or a related offense.

Each day, thousands of passengers travel on New Jersey Transit trains with the expectation of arriving safely at their destination. While New Jersey Transit trains have a strong safety record, this bill enhances the public’s confidence in New Jersey Transit by ensuring that trains will not be operated by someone who has been proven to have put lives at risk by driving under the influence of drugs or alcohol. I commend the bill’s sponsors for their efforts to ensure the public’s continued trust in the safe operation of New Jersey Transit trains.
The Federal Railroad Administration ("FRA") has expressed concern that this bill may conflict with an existing body of federal safety regulations and thus could be invalidated on the basis of federal preemption. I am skeptical of such a conflict with federal law, which reportedly allows an engineer whose driver’s license had been suspended following two drunk driving convictions to continue to operate trains, whereas this bill obviously would prohibit that.

Nevertheless, in order to remove any uncertainty regarding the validity of the bill, I am directing New Jersey Transit to petition the FRA for confirmation that the bill does not conflict with federal regulations, or alternatively, for a waiver of any federal regulations that may cause the bill to be preempted. By eliminating any question about the validity of the prohibition established by this bill, the public may be reassured that New Jersey Transit trains are only operated by engineers who satisfy rigorous safety standards.

Date: August 31, 2016

Respectfully,

/s/ Chris Christie

Governor

Current with laws through L.2021, c. 308 and J.R. No. 8.
New Jersey Statutes Annotated
Title 27. Highways (Refs & Annos)
Subtitle 8. Public Transportation
Chapter 25. New Jersey Public Transportation Act of 1979 (Refs & Annos)
A. Public Transportation Act of 1979

N.J.S.A. 27:25-5.21

27:25-5.21. Prohibition on operation of locomotives or trains by persons with suspended or revoked driver's licenses

Effective: August 31, 2016

Currentness

A person whose driver's license is suspended or revoked for a violation of R.S.39:4-50, section 2 of P.L.1981, c. 512 (C.39:4-50.4a), or a law of a substantially similar nature in another jurisdiction shall not operate, during the period of suspension or revocation, a locomotive or train provided by the New Jersey Transit Corporation, or any public or private entity under contract to the corporation.

Credits

N. J. S. A. 27:25-5.21, NJ ST 27:25-5.21
Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-5.22

27:25-5.22. Designation of New Jersey Transit Police Department employee as liaison between corporation, NJTPD and person injured by motorbus or light rail vehicle; liaison to provide information and return personal belongings to family

Effective: August 24, 2018

Currentness

a. The corporation shall designate an employee within the New Jersey Transit Police Department to serve as a liaison between the corporation and the New Jersey Transit Police Department and a person injured, or any member of the person's immediate family if the person was killed, as a result of an incident involving a motorbus or rail or light rail vehicle operated by or under contract with the corporation. The designated employee shall:

(1) provide in an appropriate and sensitive manner any information, to the extent permitted by law, to the person injured or, for a person killed, a member of the person's immediate family, and promptly respond to any reasonable inquiry by the person injured or, for a person killed, a member of the person's immediate family; and

(2) upon the conclusion of an investigation related to a person injured or killed, return in an appropriate and sensitive manner all personal belongings in the possession of the corporation to the person injured or, for a person killed, a member of the person's immediate family.

b. As used in P.L.2018, c. 113 (C.27:25-5.22), “member of the person's immediate family” means a spouse, parent, child, sibling, grandparent, grandchild, aunt, uncle, or next of kin.

Credits

Editors' Notes

2021 Electronic Update

ASSEMBLY TRANSPORTATION AND INDEPENDENT AUTHORITIES COMMITTEE STATEMENT

Assembly Bill No. 3904--L.2018, c. 113

DATED: JUNE 14, 2018
The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 3904.

As reported, this bill is to be known as “Tommy’s Law” in memory of Thomas Ryan, who tragically died when he was struck by a train traveling approximately 70 miles per hour at the Main Street Station in Ramsey, Bergen County.

The bill requires the New Jersey Transit Corporation (NJ Transit) to designate an employee within the New Jersey Transit Police Department to serve as a liaison between NJ Transit and the New Jersey Transit Police Department, and a person injured or a member of a person’s immediate family if the person was killed as a result of an incident involving a motorbus or rail or light rail vehicle operated by or under contract with NJ Transit.

The designated employee is to: 1) provide in an appropriate and sensitive manner any information, to the extent permitted by law, to the person injured or an immediate family member of a person killed and promptly respond to any reasonable inquiry by the person injured or an immediate family member of a person killed; and 2) upon the conclusion of an investigation related to a person injured or killed, return in an appropriate and sensitive manner all personal belongings in NJ Transit’s possession to the person injured or an immediate family member of a person killed.

The bill also requires NJ Transit to, within 12 months of the bill’s effective date, study methods and adopt policies to improve NJ Transit’s interactions with, and the return of personal belongings to, a person injured or a member of a person’s immediate family if the person was killed as a result of an incident involving a motorbus or rail or light rail vehicle operated by or under contract with NJ Transit. The study is to include an analysis of the methods to expedite the process and ease the burden of any person seeking the return of any personal belongings of the person injured or deceased.

Current with laws through L.2021, c. 308 and J.R. No. 8.
The New Jersey Transit Corporation shall establish an office of real estate economic development and transit-oriented development. The office shall assess and develop recommendations for economic development and transit-oriented development opportunities for parcels of real property in which the corporation holds a property interest in order to increase the corporation's non-fare revenue sources. The office shall report to the Executive Director of the corporation, at least annually, all recommendations developed pursuant to this section with an estimate of the amount of non-fare revenue likely to be generated by each recommendation.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.

27:25-5.24. Audits to be conducted by State Auditor; requirements

Effective: December 20, 2018

Currentness

a. The State Auditor shall conduct audits of the corporation, which shall:

(1) occur at least once every 72 months in a manner that is consistent with the Government Auditing Standards for audits utilized by the United States Government Accountability Office or its successor, the first of which shall be completed within 12 months of the effective date of P.L.2018, c. 162 (C.27:25-4.1 et al.);

(2) to the extent practicable, not duplicate the scope of work of the annual audit required to be made of the corporation's financial statements pursuant to subsection d. of section 20 of P.L.1979, c. 150 (C.27:25-20); and

(3) focus on a specific area of the corporation's operations, as determined by the State Auditor.

b. (1) At least once every five years, the corporation shall hire an independent firm to: conduct a study on the financial management practices and budget reporting practices of mass transit agencies throughout the country; and prepare a report with findings regarding the best practices for financial management and budget reporting by mass transit agencies and a comparison of those best practices with the practices and policies of the corporation.

(2) The first such report shall be issued within 24 months of the effective date of P.L.2018, c. 162 (C.27:25-4.1 et al.). Each report shall be submitted to the Governor and, pursuant to section 2 of P.L.1991, c. 164 (C.52:14-19.1), to the Legislature.

(3) The corporation shall adopt any best practices included in the report within six months of the issuance of any report issued pursuant to subsection b. of this section. Upon the affirmative vote of seven members of the board of directors, the corporation may opt not to adopt individual policies or practices that are in line with the best practices of mass transit agencies throughout the country. If the corporation exercises this option, the corporation shall provide a detailed explanation of why adoption of that policy or practice is not in the best interest of the corporation.

Credits
27:25-5.25. Appearance before committee to present testimony or provide documents; representation

Effective: December 20, 2018

a. The corporation, at the request of the chairperson of any standing legislative committee, as approved by the Speaker of the General Assembly or the President of the Senate, as appropriate, shall be required to appear before that committee to present testimony and provide documents on any topic or subject requested by the committee and to respond to any questions by members of the committee.

b. Unless otherwise agreed to by the chairperson of the committee, the corporation shall, at a minimum, be represented by the chairperson of the board of directors, the executive director, and the chief financial officer to present testimony, provide documents, or respond to questions at any appearance required pursuant to this section.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
a. The corporation shall employ a chief ethics officer who shall be provided staff, equipment, and resources, as the board deems appropriate, in order to investigate allegations and suspicions of unethical conduct or illegal activity within the corporation and to determine whether the corporation is in compliance with applicable State law. The chief ethics officer shall operate independently of the executive director and shall report directly to the board of directors. The executive director shall not have any role in hiring, firing, disciplining, or directing the chief ethics officer.

b. The chief ethics officer shall establish a whistleblower access and assistance program which shall include, but not be limited to: establishing toll-free telephone and facsimile lines available to employees; offering advice regarding employee rights under applicable state and federal laws and advice and options available to all persons; and offering an opportunity for employees to identify concerns regarding any issue at the corporation.

Credits
27:25-5.27. Customer advocate; duties

The New Jersey Transit Corporation shall employ a customer advocate. The customer advocate shall annually provide a report of his or her activities during the prior fiscal year, which shall be included in the corporation's annual report required by section 20 of P.L.1979, c. 150 (C.27:25-20). The customer advocate's annual report shall include: a list of any customer surveys performed and a summary of the results of each; a summary of customer experience enhancements; a list of customer facility improvements; and an account of the on-time performance of rail passenger service, including light rail service, operated by, or under contract to, the corporation, including data for each such passenger line.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-6. Contracts with public or private entity, NJ ST 27:25-6

N.J.S.A. 27:25-6

27:25-6. Contracts with public or private entity

Effective: December 20, 2018

Currentness

a. The corporation may enter into contracts with any public or private entity to operate rail passenger service or portions or functions thereof. Where appropriate, payments by the corporation for services contracted for under this section shall be determined in accordance with the Federal Regional Rail Reorganization Act of 1973 (45 U.S.C. s.701 et seq.), the Federal Rail Passenger Service Act of 1970 (45 U.S.C. s.501 et seq.), any other applicable Federal law, and any and all rules, regulations and standards, promulgated thereunder and decisions issued pursuant thereto. In all other cases, payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

b. The corporation may enter into contracts with any public or private entity to operate motorbus regular route, paratransit or motorbus charter services or portions or functions thereof. Payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

c. The corporation may enter into contracts with any public or private entity to operate ferries and to provide ferry services or portions or functions thereof. Payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

d. The corporation may enter into contracts with any public or private entity to operate light rail passenger service or portions or functions thereof. Payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

e. The corporation may enter into contracts with any public utility or related company for services to support public transportation or transit operations. Payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

Credits

Notes of Decisions (15)
Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-7

27:25-7. Motorbus charter service; continuation of school bus services

Currentness

a. The corporation or any public or private entity under contract to the corporation operating regular route motorbus service may provide motorbus charter service provided that the carrier complies with applicable State and Federal statutes, rules and regulations with regard to any such operations. Where the corporation acquires a public or private entity engaged in the provision of motorbus regular route service and that entity, at the time of acquisition, provides school bus services or is authorized to provide motorbus charter services, the corporation or any subsidiary thereof may continue to provide the services only to the extent that the acquired entity is providing or is authorized to provide the services.

b. The corporation shall promulgate rules and regulations regarding procedures for hearings before the board of claims of destructive competition arising from actions of the corporation. Such claims may be brought by private entities providing motorbus regular route service.

Credits

Notes of Decisions (2)

Current with laws through L.2021, c. 308 and J.R. No. 8.
a. The corporation or any subsidiary thereof shall not be considered a public utility as defined in R.S.48:2-13, and except with regard to subsection c. of this section, subsection b. of R.S.48:3-38, section 2 of P.L.1989, c. 291 (C.27:25-15.1), and R.S.48:12-152, the provisions of Title 48 of the Revised Statutes shall not apply to the corporation or any subsidiary thereof.

b. The authority hereby given to the corporation pursuant to section 6 of P.L.1979, c. 150 (C.27:25-6) with respect to fares and service, shall be exercised without regard or reference to the jurisdiction formerly vested in the Department of Transportation regarding rates and rate schedules under R.S.48:2-21; discontinuance, curtailment, or abandonment of service under R.S.48:2-24; and the issuance of a certificate of public convenience and necessity under R.S.48:4-3, and transferred to the New Jersey Motor Vehicle Commission by P.L.2003, c. 13 (C.39:2A-1 et al.). The New Jersey Motor Vehicle Commission shall resume jurisdiction over service and fares upon the termination and discontinuance of a contractual relationship between the corporation and a private or public entity relating to the provision of public transportation services operated under the authority of certificates of public convenience and necessity previously issued by the New Jersey Motor Vehicle Commission or its predecessors; provided, however, that a private entity shall not be required to restore any service discontinued or any fare changed during the existence of a contractual relationship with the corporation, unless the New Jersey Motor Vehicle Commission shall determine, after notice and hearing, that the service or fare is required by public convenience and necessity.

c. Notwithstanding any other provisions of P.L.1979, c. 150 (C.27:25-1 et seq.), all vehicles used by any public or private entity pursuant to contract authorized by P.L.1979, c. 150 (C.27:25-1 et seq.), and all vehicles operated by the corporation directly, shall be subject to the jurisdiction of the department with respect to maintenance, specifications, and safety to the same extent that jurisdiction is conferred upon the department by Title 48 of the Revised Statutes.

d. (1) Before implementing the substantial curtailment or abandonment of rail passenger services, the corporation shall hold at least two public hearings in the area affected, as close as possible to the highest trafficked stop on the route. At least one of the two hearings shall take place on a State working day. One hearing shall take place for at least two hours between the hours of 9:00 a.m. and 5:00 p.m., and the other hearing shall take place for at least two hours between the hours of 6:00 p.m. and 10:00 p.m. Before implementing the substantial curtailment or abandonment of motorbus regular route services, the corporation shall hold at least one public hearing in the area affected, as close as possible to the highest trafficked station on the route. Each public hearing required pursuant to this paragraph shall be attended by at least two members of the corporation's board of directors.
(2) Before implementing any fare increase for any motorbus regular route or rail passenger services, at least 10 public hearings shall be held and shall be distributed geographically throughout the State. Not more than one hearing required pursuant to this paragraph shall take place in each county, and each hearing shall be located as close as possible to both a rail passenger service line and a motorbus regular route. At least half of the hearings required pursuant to this paragraph shall take place on State working days. Five of the hearings shall take place for at least two hours between the hours of 9:00 a.m. and 5:00 p.m., and the other five hearings shall take place for at least two hours between the hours of 6:00 p.m. and 10:00 p.m. Each public hearing required pursuant to this paragraph shall be attended by at least two members of the corporation's board of directors.

For the hearings required under paragraphs (1) and (2) of this subsection, notice of the hearing shall be given by the corporation at least 15 days prior to the hearing to the governing body of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected; the notice shall also be posted at least 15 days prior to the hearing in prominent places on the railroad cars and buses serving the routes to be affected. In addition to the public hearing, the corporation shall post, in prominent places on the railroad cars and buses serving the routes to be affected, a postal mailing address and electronic mailing address where members of the public may provide written comments to the corporation regarding the proposed fare increase or substantial curtailment or abandonment of service. The corporation shall prepare and publish a written response concerning any issue or concern raised by a member of the public at any public hearing or in any written comment provided pursuant to this subsection.

e. Public hearings shall be concluded at least seven days prior to final action by the board.

f. For the purposes of this section, “substantial curtailment” and “substantially curtail” shall mean a change in service that: (1) discontinues or abandons all service on an entire bus route, rail line, or light rail line; (2) discontinues or abandons all service on a portion of a bus route, rail line, or light rail line that represents more than 25 percent of the route or line's miles; provided however that “substantial curtailment” or “substantially curtail” shall not mean the discontinuance or abandonment of a portion of a route or line's service if alternate service is available by existing duplicative service that is provided by the corporation or another transit provider or by transfer to another route with a comparable level of service; (3) discontinues all service on a particular day or days of the week for an entire bus route, rail line, or light rail line, or on a portion of a bus route, rail line, or light rail line that represents more than 25 percent of the route or line's miles; (4) reduces service on a regular bus route or light rail line in a way that the headway on the peak service increases by more than 50 percent, or that more than doubles the non-peak headway; (5) reduces service on a rail line in a way that reduces the amount of total service on the line by more than 25 percent or reduces service on a rail line during peak hours in a way that reduces the total number of daily trips provided during peak hours; (6) completely closes an existing bus terminal, rail station, or light rail station; or (7) reduces service that would change the span of service on a rail line, regular bus route or light rail line by two hours or more during non-peak hours or reduces the span of service during peak hours by more than 20 minutes.

For the purposes of this section, a temporary change in service lasting two weeks or less, and where service returns to the regularly scheduled service within two weeks of the start of the change, shall not constitute “substantial curtailment,” but shall require public notice for all temporary changes and, for temporary changes where the impact to riders is significant, alternate provision of service.

g. Nothing contained herein shall prevent the corporation from taking any action necessary to address emergency or exigent circumstances, provided that if such action constitutes a substantial curtailment under this section, the corporation shall hold public hearings as soon as practicable. The corporation shall explain to the public the reasons for the emergency at the hearing, and shall take public input concerning the impacts of the emergency on riders. The corporation shall take the public testimony into account when determining alternate service measures to mitigate the impact of the substantial curtailment.
Credits

Notes of Decisions (33)

Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-9

27:25-9. Proceedings for decrease in service; contract payments as available revenue

Currentness

In any proceeding before the Department of Transportation for decreasing or abandoning service, any contract payments offered by the corporation for continuing service shall be considered as available revenues by the department, in making any determination on the petition.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
In order to conserve, improve, and promote public transportation service necessary for public use pursuant to the provisions of this act, the corporation may purchase and improve capital equipment and facilities, including, but not limited to, the design, planning, acquisition, construction, reconstruction, relocation, installation, removal, establishment, repair or rehabilitation of such equipment or facilities. The powers herein granted shall be exercised by the corporation, notwithstanding the provisions to the contrary of P.L.1948, c. 92 (C. 52:18A-1 et seq.) and chapters 25, 32, 33, 34 and 35 of Title 52 of the Revised Statutes, and in accordance with procedures set forth in section 11 of this act. ¹

Credits

Footnotes

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-11. Purchases, contracts or agreements; award; advertisement for bids; exemptions; proposal bond; qualification of bidders

Effective: December 20, 2018

Currentness

a. All purchases, contracts or agreements pursuant to this act shall be made or awarded directly by the corporation, except as otherwise provided in this act, only after public advertisement for bids therefor, in the manner provided in this act, notwithstanding the provisions to the contrary of P.L.1948, c. 92 (C.52:18A-1 et seq.) and chapters 25, 32, 33, 34 and 35 of Title 52 of the Revised Statutes.

b. Whenever advertising is required: (1) the solicitation shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the corporation; (2) the advertisement shall be in such newspaper or newspapers selected by the corporation as will best give notice thereof to bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding; (3) the advertisement shall designate the time and place when and where sealed proposals shall be received and publicly opened and read, the amount of the cash, certified check, cashier's check or bank check, if any, which shall accompany each bid, and such other terms as the corporation may deem proper.

c. The corporation may reject any or all bids or proposals not in accord with the advertisement of specifications, or may reject any or all bids if the price is excessively above the estimate cost or when the corporation shall determine that it is in the public interest to do so. The corporation shall prepare a list of the bids, including any rejected and the cause therefor. The corporation may accept non-conforming bids only if the bid or proposal conforms to all material requirements of the solicitation. Awards shall be made by the corporation with reasonable promptness by written notice to:

(1)

the lowest responsible bidder for contracts for the construction or improvement of capital facilities. The provisions of this paragraph shall not limit the corporation's right to extend, add or resume suspended work on any project. Nor shall the provisions of this paragraph apply to the procurement process for design-build projects or design-build, maintain and operate projects. Those projects shall be bid and contracts awarded in accordance with applicable regulations promulgated by the corporation. Nor shall the provisions of this paragraph affect the corporation's disadvantaged business enterprise program, the State's small business enterprise program, or any equal employment opportunity program or affirmative action program; or

(2) for all other advertised contracts, the responsible bidder whose bid or proposal, conforming to the invitation for bids or request for proposals, will be the most advantageous to the corporation, price and other factors considered, or offer the best value to the corporation on federally funded procurements.
d. A bid bond in an amount, not to exceed 50% of the bid, to be determined by the corporation with such sureties as shall be approved by the corporation in favor of the State of New Jersey, or a deposit consisting of a cashier's check, certified check or letter of credit in an amount set forth by the corporation, shall accompany each bid and shall be held as security for the faithful performance of the contractor in that, if awarded the contract, the bidder will deliver the contract within 10 working days after the notice, of award, properly executed and secured by satisfactory bonds in accordance with the provisions of N.J.S.2A:44-143 through N.J.S.2A:44-147 and specifications for the project. The corporation may require in addition to the bid bond or deposit such additional evidence of the ability of a contractor to perform the work required by the contract as it may deem necessary and advisable. All bid bonds or deposits which have been delivered with the bids, except those of the two lowest responsible bidders, shall be returned within 30 working days after such bids are received.

e. If the bidder fails to provide a satisfactory bid bond or deposit as provided in subsection d. of this section, the bid shall be rejected.

f. The corporation shall determine the terms and conditions of the various types of agreements or contracts, including provisions for adequate security, the time and amount or percentage of each payment thereon and the amount to be withheld pending completion of the contract, and it shall issue and publish rules and regulations concerning such terms and conditions, standard contract forms and such other rules and regulations concerning purchasing or procurement, not inconsistent with any applicable law, as it may deem advisable to promote competition and to protect the public interest.

g. Any purchase, contract or agreement pursuant to subsection a. hereof may be made, negotiated or awarded by the corporation without advertising under the following circumstances:

(1) When the aggregate amount involved does not exceed the amount determined pursuant to section 2 of P.L.1954, c. 48 (C.52:34-7);

(2) Where State or federal law requires a different process; or

(3) In all other cases when the corporation seeks:

(a) To acquire public or private entities engaged in the provision of public transportation service, used public transportation equipment or existing public transportation facilities or rights of way; or

(b) To acquire subject matter which is that described in section 4 of P.L.1954, c. 48 (C.52:34-9); or

(c) To make a purchase or award or make a contract or agreement under the circumstances described in section 5 of P.L.1954, c. 48 (C.52:34-10); or

(d) To contract pursuant to section 6 of P.L.1979, c. 150 (C.27:25-6); or
(e) To acquire or overhaul motorbuses, light rail vehicles, rail cars, locomotives, ferries, signal systems, fare collection systems, or other major equipment used to provide public transportation or transit operations.

h. The corporation shall require that all persons proposing to submit bids on improvements to capital facilities and equipment shall first be classified by the corporation as to the character or amount or both of the work on which they shall be qualified to submit bids. Bids shall be accepted only from persons qualified in accordance with such classification.

i. In order to provide public transportation and transit operations without disruption, the threshold specified in section 2 of P.L.2005, c. 51 (C.19:44A-20.14) shall apply to all purchasing requirements for goods and materials to support those services.

j. Notwithstanding the provisions of any other law to the contrary, and as an alternative to the procedures concerning the awarding of contracts set forth above, the corporation may enter into cooperative purchasing agreements with one or more other states, or political subdivisions thereof, or other transit agencies for the purchase of goods and services to support public transportation or transit operations. A cooperative purchasing agreement shall allow the parties thereto to standardize and combine their requirements for the purchase of a particular good or service into a single contract solicitation which shall be competitively bid and awarded on behalf of the participants to the contract. The corporation may elect to participate in, or purchase goods or services through, a cooperative purchasing agreement that was procured utilizing a competitive bidding process, in which other states, or political subdivisions thereof, or other transit agencies participate, whenever the executive director or the executive director's designee determines it to be the most cost-effective method of procurement or is otherwise more advantageous to the corporation.

k. The corporation may solicit bids or proposals on behalf of itself and other states, or political subdivisions thereof, or transit agencies which are parties to a cooperative purchasing agreement, provided that the agreement specifies that each participant in the cooperative purchasing agreement is solely responsible for the payment of the purchase price and cost of purchases made by it under the terms of any contract awarded pursuant to the agreement.

l. Notwithstanding the provisions of any other law to the contrary, and as an alternative to the procedures concerning the awarding of contracts set forth above, the corporation may purchase goods or services to support public transportation or transit operations from a federal supply schedule, such as those procured by the Federal General Services Administration, whenever the executive director or the executive director's designee determines it to be the most cost-effective method of procurement or is otherwise more advantageous to the corporation. When the corporation purchases goods or services from a federal supply schedule, (1) the prices may be no greater than the price offered to federal agencies and the corporation must receive the benefit of federally mandated price reductions during the term of the contract and (2) the purchase shall be governed by the laws of the State of New Jersey and any contract claim by the vendor shall be brought pursuant to N.J.S.59:13-1 et seq.

Credits

Notes of Decisions (7)
Current with laws through L.2021, c. 308 and J.R. No. 8.
a. The corporation shall formulate and abide by an affirmative-action program of equal opportunity whereby it will provide equal employment opportunity to rehabilitated offenders and members of minority groups qualified in all employment categories, including persons with disabilities, in accordance with the provisions of the “Law Against Discrimination,” P.L.1945, c. 169 (C.10:5-1 et seq.), except in the case of the mentally disabled, if it can be clearly shown that such disability would prevent such person from performing a particular job.

b. Contracts and subcontracts to be awarded by the corporation in connection with the construction, renovation or reconstruction of any structure or facility owned or used by the corporation shall contain appropriate provisions by which contractors and subcontractors or their assignees agree to afford an equal employment opportunity to all prospective employees and to all actual employees to be employed by the contractor or subcontractor in accordance with an affirmative action program consonant with the provisions of the “Law Against Discrimination,” P.L.1945, c. 169 (C.10:5-1 et seq.).

Credits
27:25-13. Power of acquisition by purchase, condemnation, lease, gift or otherwise; exercise of power of condemnation

Currentness

a. The corporation shall have the power to acquire by purchase, condemnation, lease, gift or otherwise, on terms and conditions and in the manner it deems proper, for use by the corporation or for use by any other public or private entity providing public transportation services, all or part of the facility, plant, equipment, property, shares of stock, rights of property, reserve funds, employees pension or retirement funds, special funds, franchises, licenses, patents, permits and papers, documents and records of a public or private entity providing public transportation services within the State.

b. The corporation shall also have the power to acquire by purchase, condemnation, lease, gift or otherwise, on the terms and conditions and in the manner it deems proper, any land or property real or personal, tangible or intangible which it may determine is reasonably necessary for the purposes of the corporation under the provisions of this act.

c. (1) The corporation, when acquiring property pursuant to subsections a. or b. of this section shall exercise its power of eminent domain in accordance with the provisions of the “Eminent Domain Act of 1971,” P.L.1971, c. 361 (C. 20:3-1 et seq.).

(2) For purposes of this act the definition of property in section 2 of P.L.1971, c. 361 (C. 20:3-2) includes all property referred to in subsections a. or b. of this section, and the provisions of P.L.1971, c. 361 shall apply to that property.

d. (1) If the corporation shall determine to acquire by condemnation all outstanding shares of corporate stock of a company and the stock is owned by 10 or more individuals or entities the court, on application of the corporation, shall appoint a trustee who shall act as representative of all stockholders for the purpose of the condemnation proceedings. Upon the appointment of a trustee the corporation may file a single condemnation action condemning all outstanding shares of stock and naming the appointed trustee as representative of all defendant owners.

(2) When a trustee has been appointed pursuant to this section the court may award the trustee a reasonable fee as payment for services rendered. Other costs, expenses and fees shall be paid from the proceeds of the condemnation award or settlement if amicably resolved.

e. A State agency, State authority, county, municipality, bistate authority, or other political subdivision of the State is authorized to donate, give, transfer or assign any asset or property it now owns or may hereafter acquire to the corporation which may be necessary for the furtherance of the objectives of this act.
f. Upon the filing of a declaration of taking the corporation shall be entitled to the immediate possession of all property and assets named therein; and in the case of a condemnation pursuant to subsection d. or the acquisition of the entire assets of any entity, the corporation shall be entitled to immediate possession and control of all assets and facilities and shall have exclusive management authority over the entity taken.

g. Prior to the condemnation of any private entity engaged in the provision of motor bus regular route service, the corporation shall give 60 days' notice of its intent to the President of the Senate, the Speaker of the General Assembly, and the chairmen of the Senate and Assembly Transportation and Communications Committees. This subsection shall be in effect for 2 years following the enactment of this act.

h. Notwithstanding any provision to the contrary, the corporation shall not acquire by condemnation any privately owned entity providing public transportation service, which during the previous 12 months has not received operating assistance from the corporation or its predecessor, unless the corporation shall transmit a proposal for the acquisition to the Senate and General Assembly on a day on which both Houses shall be meeting in the course of a regular or special session, along with any other information or materials the Legislature may deem necessary. The provisions of any other law to the contrary notwithstanding, no such proposal shall take effect if, within 60 days of the date of its transmittal to the Senate and General Assembly, the Legislature shall pass a concurrent resolution stating in substance that the Legislature does not favor such proposed acquisition by condemnation.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
a. As used in this section:

“Employee” means:

(1) An employee of the corporation, or

(2) An employee of any public or private entity acquired, owned or operated by the corporation.

“Employee” does not include an employee of a public or private entity, other than as provided in subsection g. and paragraphs (1) and (2) of this subsection, which provides public transportation services pursuant to operating rights granted by a regulatory body or pursuant to authority arising from contractual agreements entered into with the corporation pursuant to section 6 of this act. Except as provided in subsection h. of this section, “employee” does not include a supervisory employee as defined under the “Labor Management Relations Act, 1947” (29 U.S.C. 141 et seq.) or a managerial executive or confidential employee as defined under the “New Jersey Employer-Employee Relations Act,” P.L.1944, c. 100 (C. 34:13A-1 et seq.).

“Employer” means an employer of an employee.

“Acquisition by the corporation of a public or private entity which provides public transportation services,” or words of like import, means an acquisition effected by a purchase or condemnation of all of or a controlling interest in the stock or other equity interest of the entity, or purchase or condemnation of all or substantially all of the assets of the entity.

b. In accordance with law, employees of the employer shall have and retain their rights to form, join or assist labor organizations and to negotiate collectively through exclusive representatives of their own choosing.

c. The enforcement of the rights and duties of the employer and employees shall be governed by the “New Jersey Employer-Employee Relations Act” P.L.1944, c. 100 (C. 34:13A-1 et seq.) and shall be within the jurisdiction of the Public Employment Relations Commission (Commission) established pursuant to that act. In carrying out this function, the Commission shall be guided by the relevant Federal or State labor law and practices, as developed under the “Labor Management Relations Act, 1947” or under the “Railway Labor Act,” (45 U.S.C. 151 et seq.), provided however that employees shall not have the right to strike except as provided by the “Railway Labor Act.” Whenever negotiations between the employer and an exclusive representative concerning the terms and conditions of employment shall reach an impasse, the Commission shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse, including the assignment of a
mediator. In the event of a failure to resolve the impasse by mediation, the Commission shall, at the request of either party, invoke fact finding with recommendations for settlement of all issues in dispute. Fact-finding shall be limited to those issues that are within the required scope of negotiations. In the event of a continuing failure to resolve an impasse by means of the procedure set forth above, and notwithstanding the fact that such procedures have not been exhausted, but not later than 30 days prior to the expiration of a collectively negotiated contract, the procedures set forth in paragraph (2) of subsection d. of Section 3 and Sections 4 through 8 of C. 85, P.L.1977 (N.J.S.A. 34:13A-16(d)(2) through 34:13A-21) shall be the sole method of dispute resolution unless the parties mutually agree upon an alternative form of arbitration; provided however, that the cost to the State of the first year portion of any arbitration award shall not exceed the appropriations permitted within the provisions of the “State Expenditures Limitation Act”, P.L.1976, c. 67 (C. 52:9H-5 et seq.) and the arbitrator, in determining such award, should consider pending supplemental appropriation bills, any pending salary negotiations for State employees and any sums which have not yet been appropriated, which would be necessary to fund any recently concluded agreements.

d. The majority representative of employees in an appropriate unit shall be entitled to act for, and negotiate successor agreements covering, all employees in the unit and shall be responsible for representing the interests of those employees without discrimination. It shall be the mutual obligation of the employer and the majority representative of any of its employees to negotiate collectively with respect to mandatorily negotiable subjects which intimately and directly affect the work and welfare of employees. These subjects include wages, hours of work, the maintenance of union security and check-off arrangements, pensions, and other terms and conditions of employment. The obligation to negotiate in good faith encompasses the responsibility to meet at reasonable times and to confer on matters properly presented for negotiations and to execute a written contract containing an agreement reached, but the obligation does not compel either party to agree to a proposal or require the making of a concession.

e. In acquiring, operating, or contracting for the operation of public transportation services, the corporation shall make provision to assure continuing representation for collective negotiations on behalf of employees, giving due consideration to preserving established bargaining relationships to the extent consistent with the purposes of this act. Such relationships may be changed only in accordance with the principles established under the “Labor Management Relations Act, 1947” and the “Railway Labor Act.”

f. Upon acquisition by the corporation of a public or private entity which provides public transportation services, the corporation shall assume and observe all existing labor contracts of such entity for their remaining term. All of the employees of the acquired entity, as defined in subsection a., shall be transferred to the employment of the employer and appointed to comparable positions without examination subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation, and pension credits in accordance with the records and labor agreements of the acquired entity.

g. For purposes of this subsection:

(1) “Employee” means an employee employed, as of the date of the first acquisition by the corporation, by any entity acquired, owned or operated by the corporation or by any other entity which provides motorbus regular route or paratransit services, but does not mean supervisory employees, managerial executive and confidential employees;

(2) “Action by the corporation” mean acquisition, contracts for motorbus regular route or paratransit services, mergers, consolidations, coordination and rearrangements of services and work forces, but does not mean:

(a) The setting of fares by contract or otherwise unless such action results in a substantial diversion of riders; or
(b) The discontinuance of motorbus regular route service by the corporation to the extent that substantially similar public transportation service does not continue to be provided; or

(c) A failure or refusal, by the corporation, to enter into a contract for all or a portion of an entity's motorbus regular route service to the extent that substantially similar public transportation service does not continue to be provided.

Except as provided herein, employees whose positions are worsened with regard to wages, hours, seniority and other terms and conditions of employment, shall be protected for a period of 5 years from the date of the first acquisition by the corporation. This time limitation does not apply to protections afforded to employees whose positions are worsened as a result of acquisitions or contracts which transfer responsibility for the provision of substantially similar motorbus regular route or paratransit service from one entity, including the corporation, to another. With regard to any acquisition or contract transferring service responsibility, only claims arising from actions taken within 18 months therefrom shall be eligible for protection.

Protections and procedures to implement such protections shall be provided in accordance with the terms of the agreement entered into between the Commuter Operating Agency and Amalgamated Transit Union on March 2, 1976; except that no protective allowances or other benefits shall exceed 3 years duration. Pursuant to this agreement, the employer of the employee shall be considered the “assisted carrier” and actions of the corporation shall constitute the “project”.

h. For purposes of this subsection, “employees” means individuals, including supervisory employees, management executives and confidential employees, who

(1) Have terminated their employment with an acquired entity with vested retirement benefits, or

(2) Are employed by the corporation or a subsidiary after accruing retirement benefits, whether or not vested, while employed by an acquired entity.

The corporation as a condition of acquiring a public or private entity which provides public transportation services, shall ensure that employees' retirement benefits which have accrued on the basis of service to the date of the acquisition are provided for and paid as they come due. These benefits shall be provided for and paid either by the entity so acquired, the former owner or owners of the entity, an affiliate of the entity, the Pension Benefit Guaranty Corporation, another public instrumentality, the corporation itself, any other reasonable means, or any combination of the foregoing. These benefits may be provided for either through existing plans, new plans, mergers or consolidations of plans, or other appropriate or reasonable means.

Credits

Notes of Decisions (3)
Current with laws through L.2021, c. 308 and J.R. No. 8.
The corporation may appoint an executive director, directors of operating divisions and other such additional officers, all of whom need not be members of the corporation, and may employ consulting architects, engineers, auditors, accountants, construction, management, real estate, operations and financial experts, supervisors, managers and such other professional consultants and officers and employees, and may fix their compensation, as the corporation deems advisable; and may promote and discharge such officers and employees, all without regard to the provisions of Title 11 of the Revised Statutes. In developing an employee compensation schedule, the corporation shall consult with appropriate authorities of the State and file such schedule with them upon completion. The corporation shall by October 31 of each year submit to the Governor and the presiding officers and the Transportation and Communications Committees of both Houses of the Legislature a list of all full and part-time officers and employees of the corporation and the salaries, wages and compensation received by said officers and employees during the preceding fiscal year.

The corporation may elect or appoint from among the members of its board or from its employees some or all of the members of the board of directors of any incorporated entity of which it owns part or all of the capital stock.

Employees of the corporation, or any of its subsidiary entities, shall be covered by whatever retirement plan or plans the corporation or subsidiary entity determines from time to time to maintain for those employees. However, if an individual is a member of the Public Employees' Retirement System or any other State-administered retirement system immediately prior to his initial employment by the corporation, he shall continue as or become, as the case may be, a member of the Public Employees' Retirement System for the duration of his employment by the corporation.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
a. There is established in the New Jersey Transit Corporation a New Jersey Transit Police Department, which shall be headed by a chief of police. This police department shall have police and security responsibilities over all locations and services owned, operated, or managed by the corporation and its subsidiaries. The executive director of the New Jersey Transit Corporation, through the chief of police of the New Jersey Transit Police Department, shall have the power and authority to appoint and employ such number of transit police officers as he deems necessary to act as transit police officers of the corporation and to administer to the transit police officers an oath or affirmation faithfully to perform the duties of their respective positions or offices. The transit police officers so appointed shall have general authority, without limitation, to exercise police powers and duties, as provided by law for police officers and law enforcement officers, in all criminal and traffic matters at all times throughout the State and, in addition, to enforce such rules and regulations as the corporation shall adopt and deem appropriate. Nothing herein shall confer upon the transit police officers so appointed or upon their collective negotiations representative, exclusive jurisdiction or claim over the exercise of police power or security work on behalf of the corporation or any of its subsidiaries. Nothing herein shall limit the executive director from continuing to call upon local police for police services. The members of the New Jersey Transit Police Department shall comply with all policies established by the Attorney General, including rules and regulations, directives, advisory opinions, and other guidelines, unless those policies are inconsistent with federal laws, regulations, directives, advisory opinions, or other guidelines relating to drug and alcohol testing, alcohol misuse, or prohibited drug use applicable to the New Jersey Transit Police Department. The executive director, through the chief of police of the New Jersey Transit Police Department, shall, in accordance with procedures established by the Superintendent of State Police, investigate and determine the character, competency, integrity and fitness of any person making application for appointment as a police officer. The New Jersey Transit Police Department is authorized to exchange fingerprint data and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation, Identification Division, for use in making this determination.

b. Rail police officers of the New Jersey Transit Rail Operations Police Department who are employed by the corporation on the effective date of this 1991 amendatory and supplementary act shall continue in employment, and shall be appointed as transit police officers of the corporation. The corporation shall recognize any representative previously chosen by these police officers for the purposes of collective negotiations consistent with the bargaining units already established. The corporation shall also assume and observe any existing labor contracts covering these police officers for their remaining term; provided however, that the terms and conditions of these labor contracts are within the scope of negotiations as defined by the Public Employment Relations Commission under the “New Jersey Employer-Employee Relations Act,” P.L.1941, c. 100 (C.34:13A-1 et seq.).
c. Transit police officers appointed pursuant to this section shall satisfy the training requirements established by the Police Training Commission as follows:

(1) All officers appointed pursuant to this section after the effective date of this 1989 amendatory and supplementary act shall successfully complete, within one year of the date of their appointment, a training course approved by the Police Training Commission;

(2) All officers appointed and in employment on the effective date of this 1989 amendatory and supplementary act may continue in employment if, within 18 months of the effective date of this 1991 amendatory and supplementary act, they have satisfied the training requirements of the Police Training Commission;

(3) The executive director, through the chief of police of the New Jersey Transit Police Department, may request from the Police Training Commission an exemption from all or part of the training requirements of this subsection on behalf of a current or prospective officer who demonstrates successful completion of a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of the Police Training Commission.

d. Transit police officers shall qualify for an exemption from the provisions of N.J.S.2C:39-5 if they satisfactorily complete a firearms training course approved by the Police Training Commission.

Credits

Editors' Notes

SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE STATEMENT

Senate, No. 2411--L.1989, c. 291

The Senate Transportation and Communications Committee favorably reports Senate Bill No. 2411 with Senate Committee amendments.

This bill, as amended by the committee, provides that the executive director of the New Jersey Transit Corporation, through the Chief of Police of the New Jersey Transit Rail Operations Police Department, established by this bill, would have the power and authority to appoint rail police officers, to administer an oath or affirmation to them, and to determine the character and fitness of prospective officers. In this latter determination the executive director through the chief of police is to conform to procedures established by the Superintendent of State Police. The police department is also authorized to exchange fingerprint data and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Identification in making this determination.

The rail police officers so appointed would have the general authority to exercise police powers and duties as generally provided by law for police officers and law enforcement officers in all criminal and traffic matters at all times throughout the State. In addition, they would have the power to enforce New Jersey Transit Corporation regulations. The rail police officers are to satisfy the training requirements of the Police Training Commission. The members of
the police department shall also comply with all policies established by the Attorney General, including rules and regulations, directives, advisory opinions, and other guidelines.

Although the appointment by the Governor of railway police is permitted under R.S. 48:3-38, the “New Jersey Public Transportation Act of 1979,” P.L.1979, c. 150 (C. 27:25-1 et seq.) provides that the provisions of Title 48 of the Revised Statutes generally do not apply to the New Jersey Transit Corporation. This bill, by revising P.L.1979, c. 150 and Title 48, would clarify the authority of the corporation to appoint rail police officers and to conduct the appropriate background and character checks. It would also streamline that process.

The committee amendments formally establish the New Jersey Transit Rail Operations Police Department and provide that the executive director through the chief of police would have the power to appoint rail police officers. The amendments clarify the relations between the police department and the Attorney General's office and the Superintendent of State Police. The amendments also delete the requirements for a universal form of complaint and summons to be used by the rail police officers, and the provision providing for a background check for all prospective employees. Finally, the bill requires the rail police officers to satisfy the requirements of the Police Training Commission.

Current with laws through L.2021, c. 308 and J.R. No. 8.
The police officers of the New Jersey Transit Police Department who qualify for participation in the Police and Firemen's Retirement System in accordance with the provisions of P.L.1944, c. 255 (C.43:16A-1 et seq.) shall participate in the retirement system as a condition of employment. The New Jersey Transit Corporation shall be a participating employer in the retirement system for these police officers and shall make contributions to the retirement system and be subject to all the provisions of law applicable to employers participating in the retirement system, except as otherwise provided in this 1991 amendatory and supplementary act. A police officer with service prior to the effective date of qualification for participation in the retirement system shall receive credit in the retirement system as a railway police officer or police officer of the corporation for this prior service in the same manner provided for the transfer of membership under another State-administered, county or municipal retirement system to the Police and Firemen's System under subsection b. of section 9 of P.L.1989, c. 204 (C.43:16A-1.2), except that the retirement allowance of a police officer receiving this prior service credit shall be reduced by the amount of the initial federal Railroad Retirement System Tier II benefit, if any, received by the officer. In either case, such past service credit for any police officer shall be granted only if the officer is continuously employed by the New Jersey Transit Corporation for five full years from the effective date of this 1991 amendatory and supplementary act. This five year requirement shall be waived in the case of an officer who, while employed, dies, is required to retire because of pension system age requirements or is permanently disabled.

The corporation shall make contributions to the retirement system for the liability for the prior service credit in the same manner provided for employer contributions for the liability for service credit transferred from another State-administered, county or municipal retirement system under subsection b. of section 9 of P.L.1989, c. 204 (C.43:16A-1.2). The actuary of the retirement system shall determine the liability for the prior service as provided in this section.

The corporation shall make contributions to the retirement system for the liability for the additional prior service credit provided by P.L.2000, c. 39 in the same manner provided for employer contributions for the liability for service credit transferred from another State-administered, county or municipal retirement system under subsection b. of section 9 of P.L.1989, c. 204 (C.43:16A-1.2).

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.

New Jersey Statutes Annotated
Title 27. Highways (Refs & Annos)
Subtitle 8. Public Transportation
Chapter 25. New Jersey Public Transportation Act of 1979 (Refs & Annos)
A. Public Transportation Act of 1979

N.J.S.A. 27:25-15.1b

27:25-15.1b. Reimbursement of certain costs for training

Effective: September 8, 2000

Currentness

a. If a person who was appointed as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c. 291 (C.27:25-15.1) resigns and is subsequently appointed to a county or municipal law enforcement agency, a police department of an educational institution pursuant to P.L.1970, c. 211 (C.18A:6-4.2 et seq.) or a State law enforcement agency within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall be liable to the New Jersey Transit Corporation for the total certified costs incurred by the corporation in the examination, hiring, and training of the person.

b. If a person who was appointed as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c. 291 (C.27:25-15.1) resigns and is subsequently appointed to a county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c. 211 (C.18A:6-4.2 et seq.) or a State law enforcement agency within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall be liable to the New Jersey Transit Corporation for one-half of the total certified costs incurred by the corporation in the examination, hiring, and training of the person.

c. The appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall notify the New Jersey Transit Corporation immediately upon the appointment of a police officer formerly employed by the corporation and shall reimburse the corporation within 120 days of the receipt of the certified costs.

d. As used in this section:

“County or municipal law enforcement agency” means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff’s office.

“Examination costs” means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.
“State law enforcement agency” means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police.

“Training costs” means the police training course fees and the base salary received while attending the police training course as required by section 2 of P.L.1989, c. 291 (C.27:25-15.1).

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
A person shall not be removed from employment or a position as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c. 291 (C.27:25-15.1), or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the New Jersey Transit Police Department, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a police officer for a violation of the internal rules and regulations of the New Jersey Transit Police Department is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a police officer of the New Jersey Transit Police Department shall not apply to a filing of a complaint by a private individual.

Credits

Notes of Decisions (3)
Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-15.2

27:25-15.2. Voter registration forms available at major bus and rail stations

Currentness

The Executive Director of the New Jersey Transit Corporation shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c. 30 (C. 19:31-6.4) to be prominently displayed at each major bus and rail terminal and at all staffed rail stations at which the corporation maintains operations and to be made readily available to each person using the facilities at those terminals and stations who may wish, on a voluntary basis, to register to vote. An employee of the corporation working at such terminal or station shall provide the person with any assistance necessary in completing the form; shall inform the person that the person may leave the completed form with the employee; and, if the person chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each major bus and rail terminal and at all staffed rail stations at which the corporation maintains operations;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each major bus and rail terminal and at all staffed rail stations at which the corporation maintains operations which are located in any county in which bilingual sample ballots must be provided pursuant to R.S. 19:14-21, R.S. 19:49-4 or section 2 of P.L.1965, c. 29 (C. 19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the corporation who is employed in any major bus or rail terminal or staffed railroad station at which the corporation maintains operations, and for the transmittal of the forms to the Secretary of State.

Credits


Current with laws through L.2021, c. 308 and J.R. No. 8.
N.J.S.A. 27:25-16

27:25-16. Taxes and assessments; exemption; in lieu payments; leases for private use

Currentness

The exercise of the powers granted by this act shall be in all respects for the benefit of the people of the State, and since the improvement, operation, and maintenance of public transportation services by the corporation constitute the performance of essential governmental functions, neither the corporation nor any wholly owned business corporation or other entity shall be required to pay taxes or assessments upon any public transportation project or any property acquired or used under the provisions of this act, including but not limited to, sales taxes, real property taxes or assessments, corporate franchise taxes or income taxes.

Because of the special nature of such property, the leasing for private use of a part of a structure that is part of any property whose primary use is as a public transportation passenger facility and which is located within an area in need of rehabilitation, as defined in section 2 of P.L.1977, c. 12 (C. 54:4-3.96), shall not serve to remove the tax exemption of the corporation for the leased portion of the property, and shall not subject the lessee to taxation, the provisions of chapter 29A of Title 54 of the Revised Statutes and P.L.1949, c. 177 (C. 54:4-2.3 et seq.) notwithstanding.

However, any property owned by the corporation or any wholly owned business corporation or other entity shall be considered “State” property as defined in P.L.1977, c. 272 (C. 54:4-2.2a), and shall be subject to the in lieu tax payments provided in that act. In order that municipalities not suffer the loss of taxes by reason of the acquisition of property during 1980 by the corporation or any wholly owned business corporation or other entity under the provisions of this act, the corporation shall pay annually in two installments, May 1 and November 1, to each municipality, beginning in tax year 1981, a sum equal to the taxable value of the property, as determined for the tax year 1981, multiplied by the 1981 general tax rate for the municipality where the property is located.

Moreover, the corporation is hereby authorized and empowered, in its discretion, to enter into a voluntary agreement or agreements with any county or municipality, whereby it will undertake to pay an additional fair and reasonable sum or sums annually in connection with any property used primarily as a public transportation passenger facility, a portion of which is leased for private use, which is located within an area in need of rehabilitation, as defined in section 2 of P.L.1977, c. 12 (C. 54:4-3.96).

Nothing in this subsection shall deprive any municipality of replacement revenues that it would otherwise receive pursuant to sections 19 through 24 of P.L.1966, c. 139 (C. 54:29A-24.1 et seq.).

Credits
Current with laws through L.2021, c. 308 and J.R. No. 8.
All expenses incurred by the corporation in carrying out the provisions of this act shall be payable from funds available to the corporation therefor and no liability or obligation shall be incurred by the corporation beyond the extent to which moneys are available. No debt or liability of the corporation shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit of the State.

Credits
L.1979, c. 150, § 17, eff. July 17, 1979.

Notes of Decisions (1)
Current with laws through L.2021, c. 308 and J.R. No. 8.
Real property and rolling stock owned or used by the corporation shall be exempt from all claims of creditors and from levy, execution or attachment.

Credits
L.1979, c. 150, § 18, eff. July 17, 1979.

Current with laws through L.2021, c. 308 and J.R. No. 8.
Notwithstanding any of the provisions of the “New Jersey Contractual Liability Act” (N.J.S. 59:13-1 et seq.) to the contrary, contract claims and suits against the corporation shall be governed by said act.
a. The corporation shall, by October 31 of each year, file with the Commissioner of Transportation a report in such format and detail as the Commissioner may require setting forth the actual, operational, capital and financial results of the previous fiscal year, the operational, capital and financial plan for the current fiscal year and a proposed operational, capital and financial plan for the next ensuing fiscal year.

b. On or before October 31 of each year, the corporation shall make an annual report of its activities for the preceding fiscal year to the Governor, the President of the Senate, the Speaker of the General Assembly, and the Assembly Transportation and Independent Authorities Committee and the Senate Transportation Committee, or their successor committees. Each such report shall set forth a complete operating and financial statement covering its operations and capital projects during the year. The report shall also include an account of the on-time performance of rail passenger service, including light rail service, operated by, or under contract to, the corporation, including data for each such passenger line. The report shall provide a detailed discussion of the methodology used by the corporation in measuring on-time performance. The report shall include information from the customer advocate, as required by section 16 of P.L.2018, c. 162 (C.27:25-5.27). The report shall include certain personnel information of employees of the corporation, including the average salary, number of employees in management positions, and number of employees that are not in management positions in key demographic groups, which shall include, at minimum, race, ethnicity, and gender. The report shall include certain accident information for reportable accidents that occurred during the previous year which involved a rail passenger vehicle or motorbus operated by, or under contract to, the corporation, including the total number of accidents and any fines, penalties, or judgments levied against the corporation related to any such accident. The report shall also include information regarding any safety violations for which the corporation received a notice of violation in the previous year, including the total number of safety violations and any fines or penalties levied against the corporation related to any such safety violation. For the purposes of this subsection, “reportable accidents” shall be defined in accordance with applicable federal reporting criteria.

c. All records of minutes, accounts, bills, vouchers, contracts or other papers connected with or used or filed with the corporation or with any officer or employee acting on its behalf are hereby declared to be government records and shall be open to public inspection in accordance with P.L.1963, c. 73 (C.47:1A-1 et seq.) and regulations prescribed by the corporation.
d. The corporation shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof may be treated as a cost of operation. The audit shall be filed within four months after the close of the fiscal year of the corporation and a certified duplicate copy thereof shall be filed with the Division of Budget and Accounting in the Department of the Treasury.

e. Notwithstanding the provisions of any law to the contrary, the State Auditor or a legally authorized representative may examine the accounts and books of the corporation.

f. On or before October 1 of each year, the board shall approve and the corporation shall transmit to the Commissioner of Transportation and to the President of the Senate, the Speaker of the General Assembly, and the Assembly Transportation and Independent Authorities Committee and the Senate Transportation Committee, or their successor committees, a report containing: a list of each parcel of real property owned by the corporation; the most recent appraised value of that real property only if the corporation has obtained an appraisal during the three years immediately preceding the report; the purpose for which the corporation holds the real property; any revenue the corporation receives that arises out of the real property; and any real property sold or otherwise disposed of, including the amount of money received by the corporation for that sale or disposition, during the one year period immediately preceding the report and including an accompanying explanation for any real property disposed of for less than market value and any real property acquired for more than market value.

g. On or before April 1 of each year, the board shall approve and the corporation shall transmit to the Commissioner of Transportation and to the President of the Senate, the Speaker of the General Assembly, and the Assembly Transportation and Independent Authorities Committee and the Senate Transportation Committee, or their successor committees, an annual proposed budget recommendation. The budget document shall be a two-year budget which covers the most recent completed fiscal year, estimated results for the fiscal year in progress, a recommendation for the fiscal year to commence, and estimated needs and projections for the following fiscal year. At a minimum, the budget shall provide detailed information in the following areas:

(1) An executive summary outlining the highlights of the budget document;

(2) A profile describing the history of the corporation and the services it provides;

(3) An analysis of regional and agency transportation trends, including a detailed ridership analysis;

(4) A synopsis of the current corporation business plan;

(5) A list of key performance indicators;

(6) A statement of current budget year assumptions regarding funding and ridership;

(7) A summary of the internal corporation budgeting process and its interaction with the Statewide budgeting process;

(8) A description of the current corporation organizational structure;
(9) Detailed operating revenue and expense projections for each division within the corporation, with 10 year revenue and expense trends and five year revenue and expense projections;

(10) A detailed headcount analysis by department or unit, which includes actual employee count, funded headcount, actual salary and fringe expenses, and recent employment trends; and

(11) A summary of the capital program and analysis of current capital projects for which capital funds have already been appropriated, but where the project is not yet complete, which includes the years of appropriation, amounts expended, future appropriations required to complete the project, and a brief analysis of project progress.

Credits

Notes of Decisions (5)
Current with laws through L.2021, c. 308 and J.R. No. 8.
All real or personal properties purchased heretofore for public transportation purposes in the name of Commuter Operating Agency, Department of Transportation, its predecessors or the Commissioner of Transportation, shall be deemed to have been purchased in the name of the State by and through the corporation and shall henceforth be deemed to be and shall actually be the property of the corporation.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
This act is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
If any provision of this act or the application thereof to any person, circumstances, or the exercise of any power, or authority thereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications or affect other exercises of power or authority under said provisions not contrary to law, and to this end, the provisions of this act are declared to be severable.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-24. Reference to commuter operating agency to mean and refer to New Jersey transit corporation

Currentness

Whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Commuter Operating Agency, the same shall mean and refer to the New Jersey Transit Corporation.

Credits

Current with laws through L.2021, c. 308 and J.R. No. 8.
27:25-24.1. Short title; New Jersey Transit Corporation Employee Protection Act

Effective: June 26, 2019

This act shall be known and may be cited as the “New Jersey Transit Corporation Employee Protection Act.”

Credits

27:25-24.2. Prohibition against asserting defense of jurisdictional or substantive sovereign immunity; claims or causes of actions; waiver of defense

Effective: June 26, 2019

The New Jersey Transit Corporation, the New Jersey Transit Rail Operations, Inc., and any of their successors and assigns who operate, manage, or develop the railroad system in this State shall not assert any defense of jurisdictional or substantive sovereign immunity with respect to any claim or cause of action arising under the “Federal Employers' Liability Act” (45 U.S.C. s.51 et seq.), the “Railway Labor Act” (45 U.S.C. s.151 et seq.), the “Railroad Retirement Act of 1974” (45 U.S.C. s.231 et seq.), the “Railroad Retirement Tax Act” (26 U.S.C. s.3201 et seq.), the “Railroad Unemployment Insurance Act” (45 U.S.C. s.351 et seq.), the “Federal Railroad Safety Act” (49 U.S.C. s.20101 et seq.), and 49 C.F.R. parts 200-272, asserted against any of those entities in State or federal court and, if such defense is found to be available, the defense shall be waived.


Credits

Editors' Notes

APPLICATION

<For application of L.2019, c. 137 to causes of action arising under any of the laws provided in 27:25-24.2 asserted in a lawsuit filed on or after June 26, 2019, as well as to any applicable causes of action arising under any of those laws asserted in a lawsuit previously filed in any State or federal court, see § 3 of that act.>

Current with laws through L.2021, c. 308 and J.R. No. 8.