

NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY, INC.

SUSAN M. ZELLMAN, CHAIRMAN

TELECONFERENCE MINUTES

June 4, 2008

A. Open Public Meetings Act Compliance – Chairman Zellman opened the meeting at 1:00 p.m. Ms. Marie Della Pelle, Central Staff, reported that, in accordance with the Open Public Meetings Act, Chapter 231, P.L.1975, adequate notice of this meeting had been forwarded to the Star Ledger, the Jersey Journal, the Record, the Courier News, the Asbury Park Press, and the New Jersey Herald News. Notice was also posted in the Essex County Administration Building in Newark, New Jersey, and on the bulletin board of the Secretary of State in Trenton, New Jersey.

B. Roll Call

Following the salute to the flag, Ms. Della Pelle called the roll. Seventeen voting members were present at the teleconference; 16 were connected remotely, and one was on site. (Attachment 1).

C. Action Item: Approval of Lackawanna Cutoff MOS/Locally Preferred Alternative (Attachment 2)

Cliff Sobel, Central Staff, summarized the action item. He explained that the Regional Transportation Plan (RTP) identified several potential rail expansions as candidates for the fiscally constrained plan and one such project is the restoration of rail service along the Lackawanna Cutoff, an abandoned rail right-of-way in New Jersey, west of Port Morris. He indicated that it is part of the 88 mile project limits ultimately leading to Scranton, Pennsylvania. He reported that NJ Transit prepared a draft Environmental Assessment (EA) for the project and identified a Locally Preferred Alternative (LPA) for the initial phase of the project. Mr. Sobel explained that this LPA, referred to as the Minimum Operable Segment (MOS), involves the restoration of rail service from Port Morris to Andover, New Jersey—a distance of 7.3 miles. This service would tie into the existing Montclair-Boonton Line. He noted that supporting documentation, including a map of the alignment was included in the meeting packet that had been distributed to the Board members. Mr. Sobel explained that, in order for the Federal Transit Authority (FTA) to issue a Finding of No Significant Impact (FONSI) on the EA, the NJTPA must take two actions: the Board must approve the LPA and add the MOS to the fiscally constrained element of the RTP.

David Behrend, Central Staff, said that the NJTPA received two comments from the public about the proposed action:

- The Penn Jersey Rail Coalition gave a statement of full support of the proposed action.
- The Lackawanna Coalition stated support of the action, with the caveat that it must be part of a longer-range plan to extend service to Scranton. The

coalition’s letter stresses that the Andover station should not be seen as a “stand-alone project.” The letter concludes with the following about the MOS: “As long as the goal remains the establishment of a viable and frequent rail service to Scranton and beyond, the Lackawanna Coalition strongly supports it.”

Richard Roberts, NJ Transit, reported that the agency reached a basic understanding with the state of Pennsylvania and two major counties there that have an interest in the Lackawanna Cutoff project—NJ Transit would complete the environmental document and the federal process to advance the project to the point where federal funding could be accessed. He noted that the funding was made available through the actions of Congressman Frelinghuysen (NJ) and Senator Spector (PA). He said that the FTA then indicated that the NJTPA Board must endorse the LPA (in this case, the MOS) and incorporate it into the Regional Transportation Plan.

Chairman Zellman asked for comments from the Trustees. Freeholder Gene Feyl, Morris County, read a statement into the record in which he proposed that, in the interest of mitigating negative impacts to potentially affected communities, two elements be added to the resolution:

- **Whereas**, as additional trains are brought into service to satisfy future demand and reduce noise pollution in existing service areas, local governing bodies may request “quiet zones” to be implemented. Construction costs will be based on a 50% match by the requesting municipality.
- **Whereas**, the Port Morris yard is within the scope of the Andover project improvements will made to mitigate Kings Highway drainage and the prior agreement to reduce noise and improve air quality is reaffirmed.

(See Appendix for the full text of Freeholder Feyl’s statement.)

Chairman Zellman asked Mr. Roberts for NJ Transit’s response to Freeholder Feyl’s comments. Mr. Roberts said that proposed new service would not add new trains to the system and there would be no change to operations. He also said that NJ Transit plans include the turning off of diesel engines at night—system-wide. He noted that Freeholder Feyl had brought up the issue of Quiet Zone designation before. Mr. Roberts outlined the process that must be followed for a community to be considered for Quiet Zone designation by the Federal Railroad Administration (FRA). He said the process begins with a request by a community for a diagnostic analysis to be conducted by NJDOT.

Chairman Zellman asked Freeholder Feyl if he felt it was necessary to insert the Quiet Zone “Whereas” into the resolution, since there is already a process in place to address the issue. Freeholder Feyl said that an affirmation of NJ Transit’s commitment to implementing Quiet Zones, at least philosophically, should be included in the resolution. He also said that NJ Transit’s affirmation of prior agreements with Roxbury about the Port Morris Yard to examine issues that would affect residents is also necessary. Mr. Roberts explained that the Roxbury issue is not related to the Lackawanna Cutoff, and has to do with work that has already been in progress in the yard for some time. He said that he had no difficulty saying that NJ Transit will work with the communities, the NJTPA, and other government agencies to follow the established process to seek Quiet Zone designations where appropriate.

Ms. Murphy suggested that the Board may want to consider a system-wide approach to Quiet Zones because several communities likely have similar concerns. Freeholder Feyl concurred. It was agreed then that a separate resolution would be considered at the next meeting and cover a broader approach that would better serve the Quiet Zone issue rather than attaching it to the MOS resolution.

Chairman Zellman suggested that—as a separate issue—cooperative efforts to address the drainage problem at Port Morris could also be a positive outcome of the discussion. Mr. Roberts agreed and said that other representatives from NJ Transit should be part of those conversations. The Chairman suggested meetings with Morris County representatives as well. Freeholder Feyl suggested that a memorandum of understanding be issued between NJ Transit and Morris County concerning the Port Morris Yard. He said he was concerned that the issues that had been raised about the expansion of service on the Lackawanna Cutoff be on the record from the project's inception. The Freeholder emailed his remarks to the NJTPA for inclusion in the meeting minutes.

During the brief discussion that ensued, the following points were made:

- Funding for the MOS is provided by NJ Transit and federal earmarks, and no other projects would be affected financially.
- The full \$36.6 million required for the MOS is already programmed in the current TIP.
- NJ Transit methodology indicates that the 65 parking spaces planned for the Andover Township terminus will be sufficient.
- The course of further implementation of segments of the LC project will be determined by actions to be taken by Pennsylvania when it is ready to proceed.

D. Public Participation

Chairman Zellman opened the floor to comments from the public. Fred Wertz, Co-chair, Penn Jersey Rail Coalition Inc. (www.pennjerseyrail.org), expressed appreciation for being invited to the meeting. In the absence of additional comments from the public, the Chairman closed the public portion of the meeting.

The Chairman asked NJTPA's Counsel, Glenn Scotland, if the resolution addressed both elements of the action item—approval of the MOS as the LPA and inclusion of it in the RTP fiscally constrained element. Mr. Scotland confirmed that the meeting discussion indicated that the resolution would be considered as drafted and that the minutes would reflect that there would be a procedure or protocol to follow-up in accordance with other issues, as indicated by Mr. Roberts.

A motion to approve the resolution was made by Warren County, seconded by Passaic County, and carried unanimously with 15 affirmative votes. Bergen County was inadvertently disconnected from the teleconference at the time of the vote. Somerset County had to disconnect prior to the roll call vote but had noted support for the resolution earlier in the meeting.

E. Next Steps

Chairman Zellman indicated the following next steps:

- NJ Transit and Morris County will follow-up on drainage issues at the Port Morris yard.

- A resolution addressing Quiet Zones would be included on the agenda for the July meeting.

F. Time and Place of Next Meeting

Chairman Zellman announced that the next meeting of the NJTPA will be held on Monday, July 28th at 10:00 a.m., at the NJTPA offices at One Newark Center, Newark, NJ.

G. Other

The Chairman thanked the Trustees for their participation at the May 31st retreat. In answer to a question from the floor, Ms. Murphy said that meeting highlights from the retreat will be prepared and distributed.

H. Adjournment

At 1:40 p.m. a motion to adjourn was made by Middlesex County, seconded by Ocean County, and carried unanimously.

Appendix

NJTPA Trustee Gene Feyl's remarks regarding the Lackawanna Cutoff resolution 6/4 2008

Today we are being asked to approve a Lackawanna Cut off resolution defining a MOS (minimum operable segment)/locally preferred alternative. Inasmuch as the viability and rationale of the Lackawanna Cutoff are the subject of voluminous studies, documentation, public comment and is included in the NJTPA's Regional Transportation Plan (RTP) I will refrain from offering remarks concerning the process by which we have come to this point today or the soundness of that data. It is irrefutable that affirmative action must be taken to enhance the region's mobility. The northeast quadrant of the state has historically been underserved at the same time as the migration of residents continues westward to Pennsylvania. A key element in the economic future of northeast New Jersey is the ability to execute transportation plans that will permit workers cost effective and convenient access to employers in New Jersey.

The issues I address today concern the impact on New Jersey residents and communities that reside along the rail bed. In 1996 Midtown direct was instituted. It is likely the single greatest enhancement to the region's mobility in 50 years. The economic benefit is indisputable. With the benefits, however, came negative effects that will only be exacerbated by the expansion and ultimate completion of the Lackawanna Cutoff. In 1996 the number of trains utilizing the Morris and Essex Branch increased approximately 40%. The resultant harmful consequences emanate primarily from noise and air quality issues.

The contemplation of the Andover improvement and station originally called for the purchase of 8 dual mode locomotives that would only operate as diesels on non-electrified segment of the line. Improvements were also proposed at the Port Morris yard that would improve the quality of life for resident adjoining that facility. Additionally construction of a Boonton line passing siding was considered necessary to operate the new service. None of these items have been included in the proposal we see today.

NJ Transit's Environmental Assessment analysis (EA) reveals that within the limit of the new segment, one new "quiet zone crossing" will be constructed in Stanhope and the line could benefit from a implementation of quiet zones at a total of seven such grade crossings. The problem with this proposal is that impact on residents of the existing 45 miles of track are ignored. NJ Transit represents that no new trips will not be introduced. That is an interim position, for if additional trips are not introduced the viability of the extension must be questioned. The construction of a new trans-Hudson tunnel will surely offer an opportunity to improve and expand schedules.

The residents surrounding the Port Morris Yard in Roxbury must be considered as service is expanded. There currently exists a serious drainage problem on adjacent Kings Highway. Buffering and repair of existing barriers would relieve much of the neighbors concern. Additionally, approximately 8 years ago an agreement with NJ Transit was reached to idle trains away from King's Highway. The resultant high particulate diesel smoke and noise remain a health issue.

These issues can be mitigated while improving mobility and commuter service to the area. It is for the above reasons that I ask the resolution be modified to include the following:

- **Whereas**, as additional trains are brought into service to satisfy future demand and reduce noise pollution in existing service areas, local governing bodies may request "quiet zones" may be implemented. Construction costs will be based on a 50% match by the requesting municipality.

- **Whereas**, the Port Morris yard is within the scope of the Andover project improvements will made to mitigate Kings Highway drainage and the prior agreement to reduce noise and improve air quality is reaffirmed.