

[First Reprint]

ASSEMBLY, No. 2321

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

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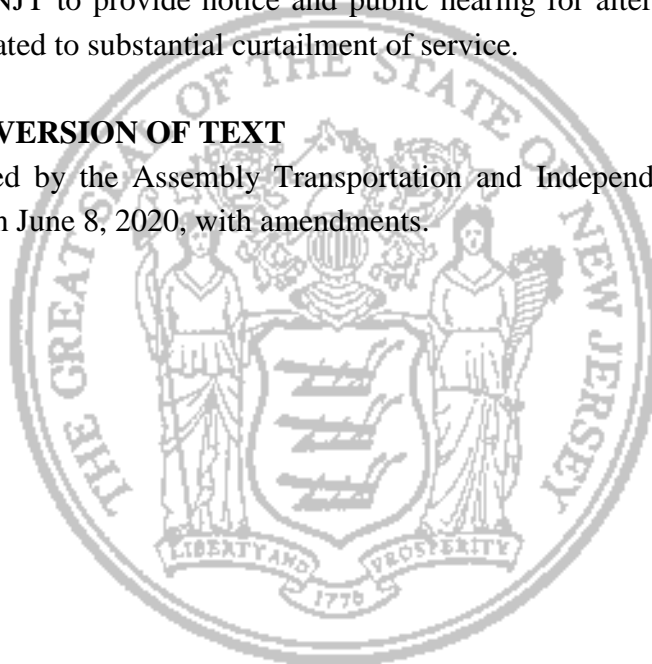
Assemblywoman Vainieri Huttle, Assemblymen Caputo, Wimberly, Benson, Assemblywomen Mosquera, Jasey, Assemblymen Freiman, Tully and Assemblywoman Swain

SYNOPSIS

Requires NJT to provide notice and public hearing for alternate provisions of service related to substantial curtailment of service.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on June 8, 2020, with amendments.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning substantial curtailments to service by the New
2 Jersey Transit Corporation and amending P.L.1979, c.150.

3

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

6

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

9 8. a. The corporation or any subsidiary thereof shall not be
10 considered a public utility as defined in R.S.48:2-13, and except
11 with regard to subsection c. of this section, subsection b. of
12 R.S.48:3-38, section 2 of P.L.1989, c.291 (C.27:25-15.1), and
13 R.S.48:12-152, the provisions of Title 48 of the Revised Statutes
14 shall not apply to the corporation or any subsidiary thereof.

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

37 c. Notwithstanding any other provisions of P.L.1979, c.150
38 (C.27:25-1 et **[seq.]** al.), all vehicles used by any public or private
39 entity pursuant to contract authorized by P.L.1979, c.150 (C.27:25-
40 1 et **[seq.]** al.), and all vehicles operated by the corporation
41 directly, shall be subject to the jurisdiction of the department with
42 respect to maintenance, specifications, and safety to the same extent
43 that jurisdiction is conferred upon the department by Title 48 of the
44 Revised Statutes.

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

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted June 8, 2020.

1 d. (1) Before implementing the substantial curtailment or
2 abandonment of rail passenger services, the corporation shall hold
3 at least two public hearings in the area affected, as close as possible
4 to the highest trafficked stop on the route. At least one of the two
5 hearings shall take place on a State working day. One hearing shall
6 take place for at least two hours between the hours of 9:00 a.m. and
7 5:00 p.m., and the other hearing shall take place for at least two
8 hours between the hours of 6:00 p.m. and 10:00 p.m. Before
9 implementing the substantial curtailment or abandonment of
10 motorbus regular route services, the corporation shall hold at least
11 one public hearing in the area affected, as close as possible to the
12 highest trafficked station on the route. Each public hearing required
13 pursuant to this paragraph shall be attended by at least two members
14 of the corporation's board of directors. Each public hearing
15 required pursuant to this paragraph shall dedicate a portion of the
16 hearing to the topic of ¹[alternative] alternate¹ service that the
17 corporation provides or is planning to provide following the
18 substantial curtailment of service ¹, which shall include service that
19 will be available for persons with disabilities following
20 implementation of the substantial curtailment¹.

21 (2) Before implementing any fare increase for any motorbus
22 regular route or rail passenger services, at least 10 public hearings
23 shall be held and shall be distributed geographically throughout the
24 State. Not more than one hearing required pursuant to this
25 paragraph shall take place in each county, and each hearing shall be
26 located as close as possible to both a rail passenger service line and
27 a motorbus regular route. At least half of the hearings required
28 pursuant to this paragraph shall take place on State working days.
29 Five of the hearings shall take place for at least two hours between
30 the hours of 9:00 a.m. and 5:00 p.m., and the other five hearings
31 shall take place for at least two hours between the hours of 6:00
32 p.m. and 10:00 p.m. Each public hearing required pursuant to this
33 paragraph shall be attended by at least two members of the
34 corporation's board of directors.

35 For the hearings required under paragraphs (1) and (2) of this
36 subsection, notice of the hearing shall be given by the corporation at
37 least 15 days prior to the hearing to the governing body of each
38 county whose residents will be affected and to the clerk of each
39 municipality in the county or counties whose residents will be
40 affected; the notice shall also be posted at least 15 days prior to the
41 hearing in prominent places on the railroad cars and buses serving
42 the routes to be affected and, where applicable, shall include
43 information on alternate service that the corporation provides or
44 plans to provide following the substantial curtailment of service
45 ¹, which shall include information on service that will be available
46 for persons with disabilities following implementation of the
47 substantial curtailment¹. In addition to the public hearing, the

1 corporation shall post, in prominent places on the railroad cars and
2 buses serving the routes to be affected, a postal mailing address and
3 electronic mailing address where members of the public may
4 provide written comments to the corporation regarding the proposed
5 fare increase or substantial curtailment or abandonment of service.
6 The corporation shall prepare and publish a written response
7 concerning any issue or concern raised by a member of the public at
8 any public hearing or in any written comment provided pursuant to
9 this subsection.

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

12 f. For the purposes of this section, "substantial curtailment"
13 and "substantially curtail" shall mean a change in service that: (1)
14 discontinues or abandons all service on an entire bus route, rail line,
15 or light rail line; (2) discontinues or abandons all service on a
16 portion of a bus route, rail line, or light rail line that represents
17 more than 25 percent of the route or line's miles; provided however
18 that "substantial curtailment" or "substantially curtail" shall not
19 mean the discontinuance or abandonment of a portion of a route or
20 line's service if alternate service is available by existing duplicative
21 service that is provided by the corporation or another transit
22 provider or by transfer to another route with a comparable level of
23 service; (3) discontinues all service on a particular day or days of
24 the week for an entire bus route, rail line, or light rail line, or on a
25 portion of a bus route, rail line, or light rail line that represents
26 more than 25 percent of the route or line's miles; (4) reduces service
27 on a regular bus route or light rail line in a way that the headway on
28 the peak service increases by more than 50 percent, or that more
29 than doubles the non-peak headway; (5) reduces service on a rail
30 line in a way that reduces the amount of total service on the line by
31 more than 25 percent or reduces service on a rail line during peak
32 hours in a way that reduces the total number of daily trips provided
33 during peak hours; (6) completely closes an existing bus terminal,
34 rail station, or light rail station; or (7) reduces service that would
35 change the span of service on a rail line, regular bus route or light
36 rail line by two hours or more during non-peak hours or reduces the
37 span of service during peak hours by more than 20 minutes.

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

44 g. Nothing contained herein shall prevent the corporation from
45 taking any action necessary to address emergency or exigent
46 circumstances, provided that if such action constitutes a substantial
47 curtailment under this section, the corporation shall hold public
48 hearings as soon as practicable. The corporation shall explain to the

1 public the reasons for the emergency at the hearing, and shall take
2 public input concerning the impacts of the emergency on riders.
3 The corporation shall take the public testimony into account when
4 determining alternate service measures to mitigate the impact of the
5 substantial curtailment.

6 (cf: P.L.2018, c.162, s.5)

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8 2. This act shall take effect immediately.