

ASSEMBLY RESOLUTION No. 26

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

SYNOPSIS

Urges AG to take action to recover from Amtrak costs NJT incurred to address service disruptions resulting from Amtrak's New York Pennsylvania Station repairs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ASSEMBLY RESOLUTION** urging the Attorney General of the
2 State of New Jersey to take action to recover from Amtrak the
3 costs incurred by the New Jersey Transit Corporation to address
4 service disruptions resulting from Amtrak’s repairs to New York
5 Pennsylvania Station.
6

7 **WHEREAS**, The National Railroad Passenger Corporation (Amtrak)
8 owns, and is responsible for maintenance on, much of the railroad
9 infrastructure in the Northeast Corridor, including the railroad
10 infrastructure at New York Pennsylvania Station (Penn Station);
11 and

12 **WHEREAS**, The New Jersey Transit Corporation (NJ Transit) operates
13 rail passenger service on Amtrak’s Northeast Corridor, including at
14 Penn Station, and has agreed to pay to Amtrak at least \$83,000,000
15 per year beginning with federal fiscal year 2016 for capital
16 investments in the Northeast Corridor and at least \$90,240,000 per
17 year beginning in federal fiscal year 2016 to cover Amtrak’s
18 operating expenses; and

19 **WHEREAS**, On March 24, 2017, an Amtrak train derailed in Penn
20 Station and on April 3, 2017, an NJ Transit train derailed in Penn
21 Station, both of which caused significant delays and were caused by
22 defects on Amtrak’s tracks at Penn Station; and

23 **WHEREAS**, Speed restrictions resulting from the derailments resulted
24 in only a 46.2 percent on-time performance rate for NJ Transit AM
25 peak trains bound for Penn Station in May of 2017; and

26 **WHEREAS**, The derailments encouraged Amtrak to accelerate repair
27 work at Penn Station by compressing repair work that was
28 scheduled to take place over several years into a period of several
29 weeks in July and August of 2017; and

30 **WHEREAS**, The accelerated repair work required each railroad that
31 operates in Penn Station, including NJ Transit, to implement
32 schedule changes in July and August of 2017; and

33 **WHEREAS**, As a result, the NJ Transit Morris and Essex lines,
34 providing a one-seat ride to Midtown, Manhattan, were diverted to
35 the City of Hoboken during Amtrak’s summer repair work at Penn
36 Station and passengers were required to transfer to the Port
37 Authority Trans-Hudson (PATH) transit line or ferry service to
38 finish their commute into Manhattan; and

39 **WHEREAS**, As a result of this schedule change, NJ Transit provided
40 reduced fares to Essex and Morris line passengers, cross honored
41 fares with PATH and ferry service, and provided additional bus
42 service to the Port Authority of New York and New Jersey Bus
43 Terminal; and

44 **WHEREAS**, During a joint committee meeting of the Senate Legislative
45 Oversight Committee and the Assembly Judiciary Committee on
46 August 25, 2017, the Executive Director of NJ Transit explained
47 that NJ Transit’s preliminary estimate of the cost to provide “the
48 robust summer schedule with maximum travel options,” including

1 cross honoring fares and providing additional buses during the
2 summer repair work at Penn Station totaled approximately
3 \$25,000,000; and

4 **WHEREAS**, On April 5, 2017, Governor Christopher J. Christie wrote a
5 letter to the Attorney General of the State of New Jersey (Attorney
6 General), Christopher S. Porrino, to ask that Attorney General
7 Porrino consider initiating appropriate legal action to recover
8 payments made by NJ Transit to Amtrak under the Northeast
9 Corridor Services Agreement; and

10 **WHEREAS**, Governor Christie also wrote a letter to Anthony R.
11 Coscia, Chairman of the Board of Amtrak on the same date,
12 explaining that he directed NJ Transit to cease making payments to
13 Amtrak under the Northeast Corridor Services Agreement until
14 certain conditions are met and to explain that he requested the
15 Attorney General to consider initiating appropriate legal action to
16 recover certain payments made to Amtrak; and

17 **WHEREAS**, On January 16, 2018, Philip D. Murphy became the 56th
18 Governor of the State of New Jersey; and

19 **WHEREAS**, Gurbir S. Grewal was nominated and confirmed by the
20 New Jersey State Senate as the 61st Attorney General of the State
21 of New Jersey; and

22 **WHEREAS**, The current Governor and Attorney General should
23 continue endeavors to recover from Amtrak the costs that NJ
24 Transit incurred to address service disruptions in July and August
25 of 2017; and

26 **WHEREAS**, It is in the interests of the residents of this State that the
27 Attorney General take action to recover from Amtrak the costs NJ
28 Transit incurred to address service disruptions in July and August
29 of 2017 resulting from Amtrak's Penn Station repairs; now,
30 therefore,

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32 **BE IT RESOLVED** by the General Assembly of the State of New
33 Jersey:

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35 1. This House urges the Attorney General of the State of New
36 Jersey to take action to recover from the National Railroad
37 Passenger Corporation the costs incurred by the New Jersey Transit
38 Corporation to address service disruptions in July and August of
39 2017 resulting from the National Railroad Passenger Corporation's
40 repairs to New York Pennsylvania Station.

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42 2. Copies of this resolution, as filed with the Secretary of State,
43 shall be transmitted by the Clerk of the General Assembly to the
44 Governor of the State of New Jersey, the Attorney General of the
45 State of New Jersey, the President and Chief Executive Officer of
46 the National Railroad Passenger Corporation, the Commissioner of
47 the New Jersey Department of Transportation, and the Executive
48 Director of the New Jersey Transit Corporation.

STATEMENT

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This resolution urges the Attorney General of the State of New Jersey to take action to recover from the National Railroad Passenger Corporation (Amtrak) the costs incurred by the New Jersey Transit Corporation to address service disruptions in July and August of 2017 resulting from Amtrak's repairs to New York Pennsylvania Station.