SENATE, No. 1052

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

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

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

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

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.)**]** al.), 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.)**]** al.), 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

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.

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. Each public hearing required pursuant to this paragraph shall dedicate a portion of the hearing to the topic of alternative service that the corporation provides or is planning to provide following the substantial curtailment of service.

(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 and, where applicable, shall include information on alternate service that the corporation provides or plans to provide following the substantial curtailment of service. 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.

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

2. This act shall take effect immediately.

STATEMENT

This bill requires the New Jersey Transit Corporation (NJ Transit) to dedicate a portion of each public hearing that it holds prior to the implementation of a substantial curtailment of service to the topic of the alternative service that NJ Transit provides or plans to provide following the substantial curtailment of service. The bill also requires NJ Transit to include such information in the notice that is required to be posted concerning the public hearings.