

ASSEMBLY, No. 5242

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 27, 2023

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

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District 37 (Bergen)

SYNOPSIS

Establishes NJT Office of Customer Advocate and Rider Advocacy Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/30/2023)

1 **AN ACT** establishing the New Jersey Transit Office of Customer
2 Advocate and Rider Advocacy Commission, supplementing Title
3 27 of the Revised Statutes, and repealing section 16 of P.L.2018,
4 c.162.

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

8
9 1. a. For the purposes of this section:

10 “Commission” means the Rider Advocacy Commission
11 established pursuant to this section.

12 “Corporation” means the New Jersey Transit Corporation
13 established pursuant to section 4 of P.L.1979, c.150 (C.27:25-4).

14 “Office” means the New Jersey Transit Office of Customer
15 Advocate established pursuant to this section.

16 b. There is established in the Department of Transportation the
17 Rider Advocacy Commission. For the purposes of complying with
18 the provisions of Article V, Section IV, paragraph 1 of the New
19 Jersey Constitution, the Rider Advocacy Commission is allocated to
20 the Department of Transportation but, notwithstanding this
21 allocation, the commission shall be independent of any supervision
22 or control by the department.

23 c. (1) The Rider Advocacy Commission shall consist of three
24 members as follows:

25 (a) one member appointed by the Governor;

26 (b) one member appointed by the President of the Senate; and

27 (c) one member appointed by the Speaker of the General
28 Assembly.

29 (2) Two members of the commission shall constitute a quorum
30 for the transaction of business. Each member shall serve for a term
31 of five years; except that, of the members first appointed, the
32 member appointed by the Governor shall be appointed for a one-
33 year term, the member appointed by the President of the Senate
34 shall be appointed for a two-year term, and the member appointed
35 by the Speaker of the General Assembly shall be appointed for a
36 three-year term. The commission shall have the authority to engage
37 and dismiss staff as necessary to carry out its duties, including the
38 appointment of a Rider Advocate pursuant to subsection e. of this
39 section.

40 d. The Rider Advocacy Commission shall establish a New Jersey
41 Transit Office of Customer Advocate and the Rider Advocate shall
42 be the head of the office.

43 e. The Rider Advocate shall be appointed by the Rider Advocacy
44 Commission and shall report directly to the commission. The Rider
45 Advocate shall have the authority to carry out the purposes of the
46 office to protect the interests of New Jersey Transit Corporation
47 customers. Except for supervision by the commission, the Rider
48 Advocate shall not be subject to any supervision or control by the

1 Commissioner of Transportation, the board of the corporation, the
2 executive director of the corporation, or any other staff of the
3 department or corporation. For purposes of office work space, the
4 Rider Advocate and any subordinate staff shall be housed with the
5 New Jersey Transit Corporation's Auditor General.

6 f. When exceptional circumstances arise, the Rider Advocate,
7 with the approval of the commission, may on a temporary basis
8 retain such expert assistants as are necessary to protect the interests
9 of corporation customers, pursuant to a reasonable fee established
10 in advance by the State Treasurer for the compensation paid to
11 expert assistants. For the purposes of this subsection, "exceptional
12 circumstances" includes, but is not limited to, any instance in which
13 the corporation experiences a planned or actual fare increase, a
14 substantial curtailment of service, a significant expansion of
15 service, or a major operating or capital expenditure.

16 g. The responsibilities of the New Jersey Transit Office of
17 Customer Advocate shall be to:

18 (1) provide information and analysis to the board of directors of
19 the corporation, the Governor, and the Legislature concerning the
20 actual or anticipated impact of any actions by the corporation or the
21 board of the corporation on the corporation's customers;

22 (2) provide customer input and feedback to the board of
23 directors of the corporation, the Governor, and the Legislature,
24 including relaying the needs and concerns of customers to the board
25 of directors of the corporation, the Governor, and the Legislature;
26 and

27 (3) represent the interests of the corporation's customers as
28 determined by the Rider Advocate.

29 h. The New Jersey Transit Office of Customer Advocate may
30 conduct investigations; initiate studies; conduct research; present
31 comments and testimony before the board of directors of the
32 corporation, legislative committees, and other governmental bodies;
33 prepare and issue reports; and undertake any other actions that
34 further the purposes of the office. The office shall allow public
35 input concerning the operations of the corporation and customer
36 experiences to be submitted, at any time, through the office's
37 official Internet website and through voicemail. The office shall
38 conduct at least one meeting per month with customers of the
39 corporation and shall allow for a remote attendance option, for the
40 purpose of relaying the concerns and needs of customers to the
41 board of directors of the corporation and, when the Rider Advocate
42 deems it appropriate, to the executive management team of the
43 corporation. The meetings shall also provide information to
44 customers regarding any major actions of the corporation or the
45 board of the corporation for which the Rider Advocate has
46 knowledge.

47 i. The New Jersey Transit Office of Customer Advocate shall
48 represent the interests of corporation customers as follows:

1 (1) upon publication of any proposal to increase fares, the
2 corporation shall immediately make available to the office all
3 information and documents concerning the proposal so that the
4 office may review those documents and prepare an analysis of the
5 proposed fare increase, which analysis shall be reported to the
6 board of directors of the corporation, the Governor, and the
7 Legislature, including an independent determination of the need for
8 such an increase and the anticipated impact of the increase on
9 customers;

10 (2) upon publication of any proposal to substantially curtail
11 service, the corporation shall immediately make available to the
12 office all information and documents concerning the proposal so
13 that the office may review those documents and prepare an analysis
14 of the proposed substantial curtailment of service, which analysis
15 shall be reported to the board of directors of the corporation, the
16 Governor, and the Legislature, including an independent
17 determination of the need for such a curtailment and the anticipated
18 impact of the curtailment on customers;

19 (3) upon publication of any proposal to expand any service, or
20 upon publication of a time table or schedule that includes a newly
21 added service, the corporation shall immediately make available to
22 the office all information and documents concerning the proposal so
23 that the office may review those documents and prepare an analysis
24 of the proposed expansion of service, which analysis shall be
25 reported to the board of directors of the corporation, the Governor,
26 and the Legislature; and

27 (4) upon the office's request, the corporation shall immediately
28 make available to the office all information and documents
29 concerning any action or inaction of the corporation that the office
30 determines has a significant impact on the corporation's customers
31 so that the office may review those documents and prepare an
32 analysis to be reported to the board of directors of the corporation,
33 the Governor, and the Legislature.

34 j. Funds for the expenses of the Rider Advocacy Commission
35 and the New Jersey Transit Office of Customer Advocate shall be
36 provided by the State Treasurer, as appropriated by the Legislature,
37 and shall be independent of any funds appropriated by the
38 Legislature for the New Jersey Transit Corporation.

39 k. On or before March 31 of each year, the Rider Advocacy
40 Commission, in consultation with the Rider Advocate, shall prepare
41 a report on the activities of the commission and office during the
42 previous calendar year, including any reports provided to the board
43 of directors of the corporation and shall submit the report to the
44 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
45 19.1), to the Legislature.

46

47 2. The Rider Advocacy Commission shall, pursuant to the
48 provisions of the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), adopt rules and regulations as may be
2 necessary to effectuate the purposes of P.L. , c. (C.) (pending
3 before the Legislature as this bill), including but not limited to, the
4 means necessary to authorize the duties and investigations of the
5 office.

6
7 3. Section 16 of P.L.2018, c.162 (C.27:25-5.27) is repealed.

8
9 4. This act shall take effect immediately.

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12 STATEMENT

13
14 This bill establishes a Rider Advocacy Commission
15 (commission) in, but not of, the Department of Transportation and
16 requires the commission to establish a New Jersey Transit Office of
17 Customer Advocate (office).

18 Similar to the New York City Transit Riders Council, also
19 known as the New York City Transit Authority Advisory Council,
20 which was created by the New York State Legislature in 1981 to
21 represent New York City subway and bus riders, and users of the
22 Staten Island Railway, the office is to investigate, monitor,
23 advocate, promote, and advise on all customer-experience matters
24 pertaining to the operation of the New Jersey Transit Corporation
25 (NJT). The commission is to consist of three members, one member
26 appointed by the Governor, one member appointed by the President
27 of the Senate, and one member appointed by the Speaker of the
28 General Assembly. Each member is limited to a five-year term,
29 except that of the members first appointed, the member appointed
30 by the Governor is to be appointed for a one-year term, the member
31 appointed by the President of the Senate is to be appointed for a
32 two-year term, and the member appointed by the Speaker of the
33 General Assembly is to be appointed for a three-year term. The
34 commission is empowered to engage and dismiss staff as necessary,
35 including the appointment of a Rider Advocate.

36 The Rider Advocate is the head of the office, is required to
37 report directly to the commission, and has the authority to carry out
38 the purposes of the office, including, with the approval of the
39 commission, temporarily retaining expert assistants as are necessary
40 to protect the interests of NJT customers when exceptional
41 circumstances arise. The responsibilities of the office include:

42 (1) providing information and analysis to the NJT board of
43 directors, Governor, and Legislature concerning the actual or
44 anticipated impact of any NJT board or NJT actions on NJT's
45 customers;

46 (2) providing customer input and feedback to the NJT board,
47 Governor, and Legislature, including relaying the needs and

1 concerns of customers to the NJT board, Governor, and Legislature;
2 and

3 (3) representing the interests of NJT's customers as determined
4 by the Rider Advocate.

5 The office has the authority to conduct investigations; initiate
6 studies; conduct research; present comments and testimony before
7 the NJT board of directors, legislative committees, and other
8 governmental bodies; prepare and issue reports; and undertake any
9 other actions that further the purposes of the office. The office is
10 also required to conduct meetings with NJT customers, which are to
11 occur at least on a monthly basis, and would allow for a remote
12 attendance option, for the purpose of relaying the concerns and
13 needs of customers to the NJT board of directors and, when the
14 Rider Advocate deems appropriate, to the executive management
15 team of NJT. In addition, the office would also be required to allow
16 for public input on NJT operations and experiences at any time,
17 through the office's official Internet website and through voicemail.

18 The office is also required to represent the interests of NJT's
19 customers in areas such as proposed fare increases, proposed
20 substantial curtailment of services, and any proposed expansion of
21 service.

22 Funds for the expenses of the commission and office are to be
23 provided by the State Treasurer, as appropriated by the Legislature,
24 and are to be independent of funds for the NJT.

25 On or before March 31 of each year, the commission in
26 consultation with the Rider Advocate is required to prepare and
27 submit a report to the Governor and Legislature on the activities of
28 the commission and office for the previous calendar year, including
29 any reports provided to the NJT board of directors.

30 The bill repeals a provision of law requiring NJT to employ a
31 customer advocate.