



New Jersey Turnpike Authority

MEMORANDUM

May 27, 2020

MEMORANDUM TO: Diane Gutierrez-Scaccetti, Chair
Ulises E. Diaz, Vice Chair
Michael R. DuPont, Treasurer
Raymond M. Pocino, Commissioner
Ronald Gravino, Commissioner
John D. Minella, Commissioner
Raphael Salerno, Commissioner

RE: Recommendation to Adopt Resolution Approving the Authority's Long-Range Capital Plan and Necessary Toll Adjustment for the New Jersey Turnpike and Garden State Parkway, and Approving Establishment of a Toll at the New Interchange 19W on the Western Spur of the New Jersey Turnpike

Presented for your consideration is a resolution seeking approval of the Authority's Long-Range Capital Plan and authorization for the New Jersey Turnpike Authority to implement toll adjustments on the New Jersey Turnpike and Garden State Parkway (the "Roadways"). Additionally, the resolution seeks authority to establish a toll at the new 19W Interchange on the Western Spur of the New Jersey Turnpike at the Meadowlands Sports Complex. The proposed toll adjustments will increase tolls on the Turnpike by thirty-six percent (36%) and by twenty-seven percent (27%) on the Parkway. The toll adjustments will become effective on September 13, 2020.

Further, the proposed toll adjustments include an annual indexing up to a maximum of three percent (3%) commencing on January 1, 2022, and a standard bus discount of forty percent (40%) on both Roadways in compliance with federal law. All remaining discount programs will be maintained.

The Long-Range Capital Plan contains projects geared toward enhancing safety, repairing degraded infrastructure and ensuring roadway resiliency and sustainability to enhance mobility. The projects include rehabilitation and, in some cases, replacement of aged bridges, interchange and median barrier improvements, flood mediation, and system-wide lighting and technology upgrades. The Capital Plan also includes capacity improvement projects geared toward congestion relief on both the Garden State Parkway and the New Jersey Turnpike.

Your approval of the attached resolution is respectfully requested.

John M. Keller
Executive Director

RESOLUTION APPROVING THE AUTHORITY'S LONG-RANGE CAPITAL PLAN AND NECESSARY TOLL ADJUSTMENT FOR THE NEW JERSEY TURNPIKE AND GARDEN STATE PARKWAY, AND APPROVING ESTABLISHMENT OF A TOLL AT THE NEW INTERCHANGE 19W ON THE WESTERN SPUR OF THE NEW JERSEY TURNPIKE

WHEREAS, the New Jersey Turnpike Authority (the "Authority") is an independent State Authority, and is authorized pursuant to N.J.S.A. 27:23-1 et seq. to design, construct, operate and maintain transportation and highway projects, including, but not limited to the New Jersey Turnpike (the "Turnpike") and Garden State Parkway (the "Parkway"), all as more particularly defined in N.J.S.A. 27:23-4; and

WHEREAS, the Authority is established pursuant to N.J.S.A. 27:23-1 to "acquire, construct, maintain, improve, manage, repair and operate transportation projects or any part thereof at such locations as shall be established by the authority in its discretion;" and

WHEREAS, a transportation project, as defined in N.J.S.A. 27:23-4, includes a "highway project"; and

WHEREAS, a "highway project" as therein defined, includes the "acquisition, operation, improvement, management, repair, construction...and maintenance of the New Jersey Turnpike and of the Garden State Parkway...and of any other highway or feeder road...and shall include but not be limited, to all bridges, parking facilities, public highways, feeder roads, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance and exit plazas, approaches, toll houses, service areas, stations and facilities, communications facilities, administration, storage and other buildings and facilities, and other structures directly or indirectly related to a transportation project, intersecting highways and bridges and feeder roads, which the authority may deem necessary, desirable, or convenient in its discretion for the operation, maintenance or management, either directly or indirectly, of a transportation project...;" and

WHEREAS, the Turnpike and Parkway (collectively, the "Roadways") are essential components of the State's integrated transportation network, and provide a reliable, efficient and safe means of transportation to millions of travelers on a daily basis; and

WHEREAS, each component of the State's integrated transportation network is interdependent because a failure in one component of the network may overburden another where, for example, traffic diverts to local roadways a result of all-too predictable congestion along the Parkway, or because of deficient mass transit services; and

WHEREAS, the Roadways are critical to intrastate and interstate travel, vital to New Jersey businesses and employers, and essential to interstate commerce, providing an integral link between the international ports of Newark and Elizabeth and major commercial distribution centers from Boston to Washington, D.C.; and

WHEREAS, the Authority has provided the highest quality of transportation to its patrons for almost 70 years; and

WHEREAS, the Authority adopted a 10-year Strategic Plan in 2019, setting forth the Authority's core goals of (i) ensuring safety of the motoring public and its employees; (ii) continuing commitment to long-term financial stability; (iii) improving mobility through technology, innovation, resiliency and sustainability; (iv) maintaining assets in a state of good repair and (v) attracting and retaining a high quality, professional workforce; and

WHEREAS, in alignment with the 2019 Strategic Plan, the proposed 2020 Long-Range Capital Plan was developed in order to continue to provide the motoring public with the highest level of service that it has come to expect and deserves; and

WHEREAS, the proposed 2020 Long-Range Capital Plan includes projects that are geared toward enhancing safety, repairing degraded infrastructure and ensuring roadway resiliency and sustainability to enhance mobility, such as repaving of the Roadways, rehabilitation and, in some cases, replacement of aged bridges, interchange improvements, median barrier improvements, flood mediation on the Parkway, and system-wide lighting and technology upgrades; and

WHEREAS, since the initial construction of the Roadways, traffic volume has exponentially increased beyond what was contemplated at the time, straining capacity in various locations along the Roadways, creating congestion, which, among other things, increases vehicle idling times to the detriment of the environment, and decreases the quality of life of its commuters through increased travel times; and

WHEREAS, investing in improvements that relieve congestion will not only enhance mobility for traditionally-powered vehicles, but will increasingly inure to the benefit of electric vehicles (EVs), whose use is expected to increase and become a viable alternative to traditionally-powered vehicles as a result of recent environmentally-friendly legislation that mandates EV charging stations along the Roadways, among other roadways; and

WHEREAS, the Authority, in furtherance of the State's overall environmental EV objectives, entered into multiyear agreements with EV industry providers that have prioritized the installation of EV charging stations at nearly all of the Authority's service areas and, when coupled with the recent Legislative initiative, are material advancements toward achieving the State's clean energy and environmental goals and objectives; and

WHEREAS, the Authority has previously developed and successfully implemented a 10-year, \$7.0 billion capital improvement plan (the "2008 Capital Plan"), which included major capacity improvements to the Roadways, including between Interchanges 6 to 9 on the Turnpike and Mileposts 30 to 80 on the Parkway; and

WHEREAS, the 2008 capacity improvements not only relieved significant congestion, saving up to 20 minutes' drive time, and were completed under budget and on time, but resulted in enhanced vehicle safety as evidenced by a fifty per cent (50%) reduction in traffic accidents at the Interchange 6 to 9 corridor; and

WHEREAS, the Authority commissioned its General Consulting Engineer, HNTB Corporation, and its traffic consultant, CDM Smith, to study the impact of increased congestion

on the Roadways, and the needs and requirements to relieve congestion and improve safety and efficiency on the Roadways; and

WHEREAS, the Authority, in conjunction with its General Consulting Engineer, have jointly concluded that the capital improvement projects on the list attached hereto and made a part hereof (the "Projects"), will assist in the relief of congestion and inconvenience to motorists, improve safety, as well as help to lessen detrimental environmental effects created by motor vehicles congestion; and

WHEREAS, the Authority declares that the proposed Projects are eligible "highway projects" because they are statutorily defined and authorized transportation projects, including, but not limited to the operation, improvement, repair, maintenance, construction or management of the Roadways; and

WHEREAS, the Authority further declares that the Projects will redound to the advantage of the environment through capacity improvements to increase mobility and streamline traffic on the Roadways and as a result of future utilization of more efficient electronic tolling methods; and

WHEREAS, the Authority concludes that the proposed Projects will foster the core goals of the 2019 Strategic Plan related to safety, mobility and maintaining Authority assets in a state of good repair; and

WHEREAS, the Authority presently lacks sufficient capital to adequately fund any of the important Projects contained within the proposed \$24 billion 2020 Long-Range Capital Plan, and toll revenues under the existing toll schedules will not provide sufficient revenues to fund the necessary financings to undertake the proposed 2020 Long-Range Capital Plan at any point in the future; and

WHEREAS, to minimize the burden to the citizens of this State, the Authority has previously and successfully issued bonds to the general public in order to finance the construction, operation and continued maintenance of the Roadways, including the construction of Projects that are vital to maintaining the State's transportation infrastructure; and

WHEREAS, the Authority previously adopted the "General Bond Resolution," incorporated by reference herein, whereby it was agreed that certain prescribed levels of net revenues would be maintained in order to meet defined debt coverage ratios; and

WHEREAS, under Section 713 of the General Bond Resolution, the Authority must issue an annual certification no later than December 1 attesting to its ability to meet the debt service coverage ratios enumerated in the General Bond Resolution; and

WHEREAS, the Authority is invested with a fiduciary obligation to the citizens of the State of New Jersey, and is required to affirmatively act in furtherance of public safety and congestion relief goals; and

WHEREAS, N.J.S.A. 27:23-5.10 provides that the Authority may increase any existing toll, or establish any new toll for the use of any highway project (as defined in N.J.S.A. 27:23-4),

upon the holding of a public hearing on such proposed toll at least 45 days prior to the date on which such toll is proposed to become effective; and

WHEREAS, the Authority has not raised tolls on the Turnpike and Parkway since 2012, and previously tolls were raised only six (6) times on the Turnpike and twice on the Parkway, in the history of the Roadways; and

WHEREAS, as a result of all of the foregoing, by Resolution adopted February 25, 2020, the Authority authorized the Executive Director to hold three (3) public hearings in the Northern, Central and Southern portions of the State to consider the proposed 2020 Long-Range Capital Plan and related toll adjustments on the Turnpike and Parkway; and

WHEREAS, the Authority duly noticed public hearings with respect to the proposed 2020 Long-Range Capital Plan and related toll adjustments pursuant to N.J.S.A. 27:23-5.11, which hearings were scheduled for March 18, 2020 and March 19, 2020; and

WHEREAS, days before the scheduled hearings, in order to protect the health and safety of potential attendees as a result of Covid-19, the hearing in the Northern part of the State was cancelled and incorporated into the hearing held in the Central part of the State at the Authority Headquarters, where additional protective protocols were instituted to maximize the health and safety of Authority hearing officials and employees, witnesses and public attendees; and

WHEREAS, a number of commenters requested that the Authority postpone or cancel the hearings as a result of Covid-19, a concern that was carefully considered by the Authority; and

WHEREAS, while acknowledging the difficulties presented by Covid-19, the Authority was mindful of its obligation to operate a safe and efficient transportation system that depends on its ability to maintain the Roadways in a state of good repair, in good times and in bad; and

WHEREAS, the Authority recognized the need to balance public health concerns on the one hand, with the imperative to maintain and improve the safety of the Roadways by implementing necessary infrastructure repairs, including bridge rehabilitation and replacement, median barrier improvements and congestion relief measures, on the other hand, and the equally important desire to minimize the fiscal impact on the public, especially in this time of unprecedented economic crisis; and

WHEREAS, in addition to the hearing held at Authority Headquarters in the mid-afternoon of March 18, 2020, a second hearing was held in the early evening on the same day in Camden County; and

WHEREAS, as described at the hearings, the proposed toll adjustments will increase tolls on the Turnpike by thirty-six per cent (36%) and by twenty-seven per cent (27%) on the Parkway; and

WHEREAS, as also presented at the hearings, the proposed toll adjustments include an annual indexing not to exceed three per cent (3%) commencing in 2022, a standard bus discount of forty per cent (40%) on both Roadways (the "Standard Bus Discount"), and the establishment

of a toll at the new Interchange 19W on the Turnpike (collectively, together with the annexed toll schedules made a part hereof, the "Toll Adjustment Proposal"); and

WHEREAS, by mandating and implementing certain protective measures at the hearings, some of which exceeded then-applicable Executive Order standards for those who personally attended, as well as livestreaming of the hearings in real time, and maintaining information and video access to the hearing content during a written comment period, the Authority provided the public safe and fair access to see, hear and comment on the 2020 Long-Range Capital Plan and related Toll Adjustment Proposal; and

WHEREAS, in addition to the public hearings, the Authority established and publicized a written comment period initially intended to end on March 27, 2020; however, to expand the opportunity for the public to provide written comments, the Authority extended the written public comment period to April 3, 2020; and

WHEREAS, the Authority received oral and written comments, at the hearings and during the original and extended written comment period, respectively, on the proposed 2020 Long-Range Capital Plan and Toll Adjustment Proposal; and

WHEREAS, a vast majority of individuals and entities were in support of the proposed 2020 Long-Range Capital Plan and Toll Adjustment Proposal, with many commenters indicating approval on the basis that that the Projects included in the 2020 Long-Range Capital Plan were vital and beneficial to the region's economy, would provide needed infrastructure repairs and maintenance, upgrade technology and provide congestion relief on the roadways all inuring to the benefit of the environment and to the public and

WHEREAS, as a result of Covid-19, the Nation is currently enduring economic disruption of unprecedented proportion, which began unfolding amid the public hearings and comment period; and

WHEREAS, after conducting a thorough review of the entire hearing process, including in-person and written comments received from individuals, industry representatives and government officials, the professional advice and recommendations of its Engineering, Finance, Law, Maintenance and Operations Departments, General Counsel, and outside consultants, including the Authority's General Engineering Consultant, HNTB, its Traffic Consultant, CDM Smith, and its Financial Advisor, NW Financial Group, a comprehensive written hearing report, entitled "Toll Hearing Report and Recommendation" was prepared by the Executive Director and Hearing Officer/Director of Law, together with the Authority's professionals and consultants, which fully analyzes the need and desire to take action on the 2020 Long-Range Capital Plan and related Toll Adjustment Proposal; and

WHEREAS, the Authority, after a thorough and comprehensive evaluation of the entire record and, acting under the direction of the Chairwoman and the Executive Director, have concluded that the 2020 Long-Range Capital Plan and related Toll Adjustment Proposal should proceed to the Board for the authorization requested in this Resolution; and

WHEREAS, the Authority, acting under the direction of the Chairwoman and the Executive Director, recommends that the 2020 Long-Range Capital Plan be ratified and approved and that the Toll Adjustment Proposal be authorized and approved for implementation effective on September 13, 2020; and

WHEREAS, with respect to the Roadways, the Authority further recommends that the toll schedules for the Roadways shall be reviewed on an annual basis and be subject to an annual index at an amount to be determined but not to exceed three per cent (3%); and

WHEREAS, in order to minimize the impact upon the bus industry and, in turn, bus commuters, the Authority further recommends establishment of the Standard Bus Discount; and

WHEREAS, in order to also minimize the impact upon certain other segments of the public, it is recommended that existing discount programs applicable to such other segments of the public be maintained; and

WHEREAS, the Authority desires to implement the new 2020 Long-Range Capital Plan in the amount of \$24 billion, including the Projects identified in the Toll Hearing Report and Recommendation, which Projects remain subject to compliance with all applicable laws and regulations concerning the acquisition of all approvals, permits, disclosures, public hearing and governmental authorizations necessary therefor, and that are critical for the continued operation of the Roadways in a safe and efficient manner; and

WHEREAS, pursuant to N.J.S.A. 27:23-3(F), the Authority has received the written approval of each of the Governor and the Treasurer of the State of New Jersey with respect to the Toll Adjustment Proposal; and

WHEREAS, the Authority desires to act to implement the 2020 Capital Plan and Toll Adjustment Proposal,

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Turnpike Authority as follows:

1. The aforesaid recitals are incorporated herein by reference as if set forth at length;
2. The Toll Hearing Report and Recommendation dated May 21, 2020, which is incorporated herein by reference and, with all appendices and exhibits, made a part of this Resolution, is hereby approved and adopted by the Authority;
3. The Toll Adjustment Proposal and Standard Bus Discount are hereby adopted as final and shall become effective on September 13, 2020, and all existing discount programs, as modified by the Standard Bus Discount, shall remain in effect;
4. The 2020 Long-Range Capital Plan, which includes the Projects identified in the Toll Hearing Report and Recommendation, is hereby approved by the Authority, provided that each such Project shall be implemented in conformity with all applicable laws and regulations concerning the acquisition of all required approvals, permits, disclosures, public hearings and governmental authorizations necessary therefor;

5. Commencing on January 1, 2022 and continuing annually thereafter, the Toll Adjustment Proposal shall be increased in an amount to be determined annually, provided that the indexed increase shall not exceed three (3%) per year;

6. The Authority accepts and ratifies the conclusions of its consultants HNTB Corporation, CDM Smith and NW Financial Group as set forth in their respective presentations and/or written reports that are incorporated by reference herein and made a part of this Resolution;

7. Implementation of the foregoing Toll Adjustment Proposal shall be subject to the Authority's Traffic Engineer filing any and all certificates with the bond trustee that are required by Section 713(e)(i) and (ii) of the General Bond Resolution, which filing shall occur in no event later than the respective implementation date;

8. The Executive Director is authorized and directed to take all actions that are necessary and desirable to implement the foregoing;

9. If any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Resolution shall be deemed valid and effective; and

10. This Resolution shall take effect in accordance with the provisions of N.J.S.A. 27:23-3(F).