

The CHRONICLE

A SOUTHERN NEW JERSEY DEVELOPMENT COUNCIL PUBLICATION

SPRING 2016 VOL. 11

South Jersey is on the **Go!**

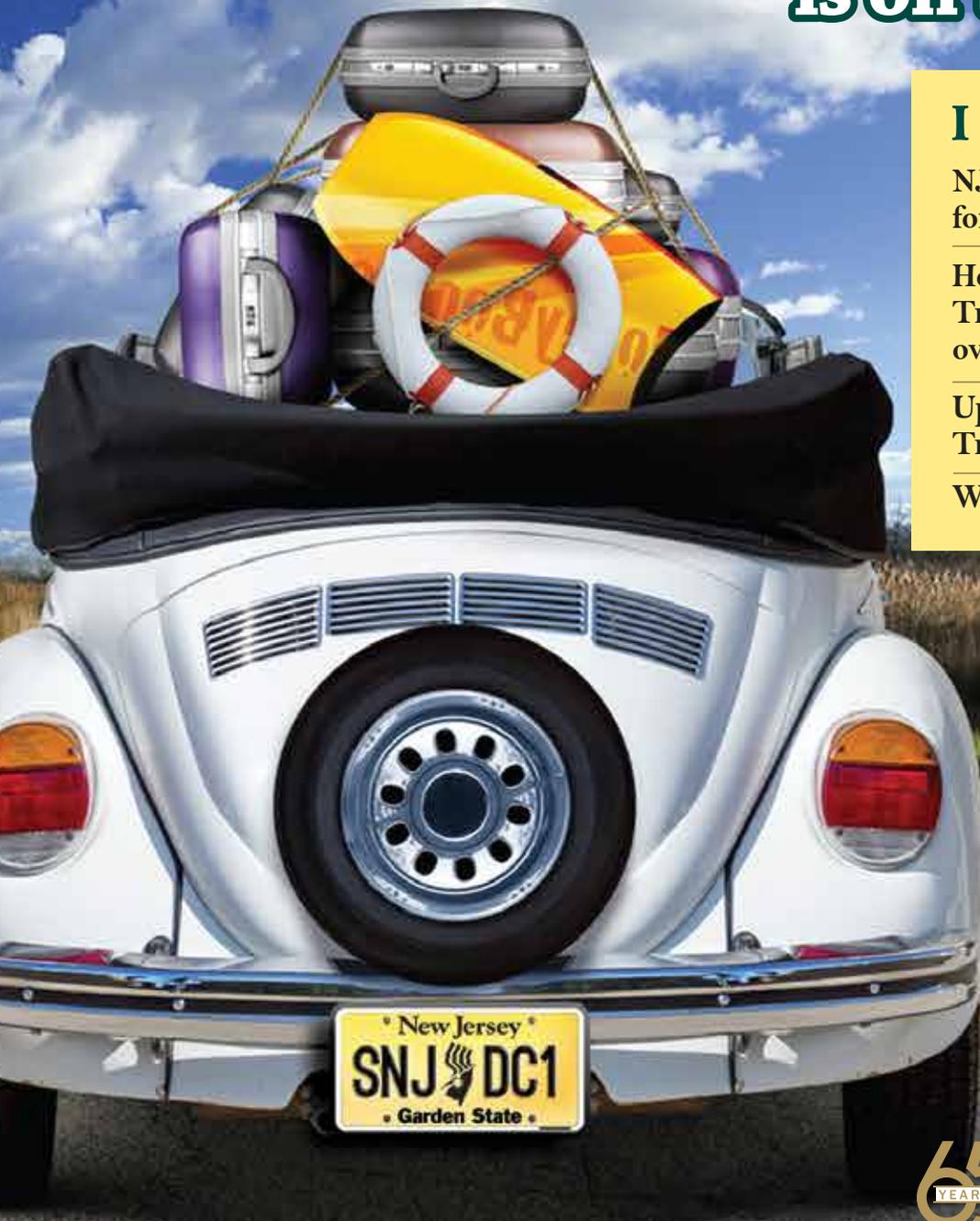
I N S I D E

NJ TRANSIT Prepares
for the Future

How will our Region's
Transportation Needs Change
over the Next 30 Years?

Update from the South Jersey
Transportation Authority

Wawa Now Offers Natural Gas



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**The Chronicle is Published by
The Southern New Jersey
Development Council**

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President's Letter

Investment in our transportation infrastructure is an important component of economic growth and development – to be sure. Focus on efficiencies, cost containments and proper planning for new growth and expansion in the transportation sector offers returns on investment that also fuels economic development.

The South Jersey Transportation Authority provides an update on its growing role in the region's public transportation network and reports an increase in the number of vehicles traveling the Atlantic City Expressway, passengers using the shuttle services and visitors passing through the Atlantic City Airport. The update also includes several initiatives to reduce costs such as an energy consumption program, now in its second year.

South Jersey Gas is investing for the long-term in building an infrastructure for natural gas vehicles, taking advantage of the benefits of cheap natural gas fuel costs and lower greenhouse gas emissions to facilitate the conversion of fleet vehicles as described in *Wawa and 7 Area Fueling Stations Now Offer Natural Gas*.

Speaking of conversion energy savings, in *Full Steam Ahead*, New Jersey's Clean Energy Program reviews its available incentive programs as utilized by NJ TRANSIT. By leveraging the Large Energy Users Program, NJ TRANSIT financed an energy efficient lighting program that pays for itself in under a year. There are similar incentive programs available for commercial, industrial and municipal facilities.

How will our Region's Transportation Needs Change over the Next 30 Years? and *Identifying Gloucester County's Vision and Planning for the Future* show how proper planning for future transportation needs helps make critical decisions for transportation priorities and services, land use and in securing necessary funding.

Railroads are also doing some future expansion planning; in *Railroad Eminent Domain in New Jersey*, John Fiorilla writes about the threshold railroads must cross before undertaking eminent domain to acquire property.

When it comes to moving through traffic efficiently, Cross County Connection provides assistance for employers with employee transportation solutions in *Mobility is the Key to a Region's Vitality*. And for those of us who regularly travel through the Direct Connect Project, check out CCC's *New Web Resource*.

I hope you enjoy reading this publication and welcome your comments. To learn more about the Southern New Jersey Development Council, please call us at (856) 228-7500 or visit our website at www.snjdc.org.



Sincerely,

Marlene Z. Asselta
President

Southern New Jersey Development Council

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Full Steam Ahead: NJ TRANSIT Prepares for the Future through Energy Efficiency and Self-Reliance

By New Jersey's Clean Energy Program

When Superstorm Sandy swept through New Jersey in 2012, the nation's largest statewide public transportation system ground to a halt. The operations center for New Jersey Transit (NJ TRANSIT) flooded, causing damage to backup power systems, emergency generation and the computer system that controls train operations.

To prevent similar disruptions in the future, NJ TRANSIT is undertaking a two-pronged approach to ensure a more resilient and sustainable energy supply. Transportation officials are maximizing energy-efficiency opportunities offered by New Jersey's Board of Public Utilities (BPU) through New Jersey's Clean Energy Program™ (NJCEP). While reducing energy demand, NJ TRANSIT is also looking to become more self-reliant through the use of an electric microgrid.

First, NJ TRANSIT is leveraging the NJCEP Large Energy Users Program to invest in more energy-efficient equipment. As much as \$4 million in incentives are available for eligible entities that provide annual contributions of \$300,000 or more to the New Jersey Clean Energy Fund through the Societal Benefits Charge. The program promotes self-investment in energy efficiency and among the state's largest commercial, industrial and municipal facilities.

The initial NJ TRANSIT project to benefit from the Large Energy Users Program is a large-scale lighting replacement project at the Meadows Maintenance Complex in Kearny, NJ, where crews maintain the safety and reliability of the NJ TRANSIT rail fleet. Constant activity at the 538,000-square-foot complex — high-power maintenance equipment is used to repair locomotives, power engines and train cars, 24 hours a day, seven days a week — makes it among the most energy-intensive of the NJ TRANSIT facilities.

(continued on page 10)

“We saw the project as an opportunity not only to lower our energy consumption but also to improve working conditions,” said Steven Jenks, NJ TRANSIT Manager of Energy and Sustainability Programs. “We want to replace all our high bay lighting with efficient lighting.”

Building off the initial success, NJ TRANSIT approved the additional purchase of more than 400 high bay LED fixtures for Meadows Maintenance Complex. When the project is completed in 2016, the new lighting will replace 410 HID 1,100-watt and 81 HID 200-watt fixtures. Each new fixture will have built-in occupancy and daylight sensors, wireless networking and integrated controls that will optimize light levels and fixture operation.



Wawa and 7 Area Fueling Stations Now Offer Natural Gas Fleet Vehicle Benefits Grow in South Jersey

By Jeff DuBois, President, South Jersey Gas

South Jersey Gas is building an infrastructure for natural gas vehicles because, as customers have said, "It simply makes sense." We've made this commitment because of the undeniable benefits for businesses, consumers and the environment. It is a big part of our long-term goals.

The switch to Compressed Natural Gas (CNG) as an affordable, abundant, alternative fuel choice is smart for several reasons:

■ Natural gas prices are less volatile than diesel and gasoline prices. (According to the U.S. Energy Information Administration, natural gas prices are projected to remain relatively stable for the next 20 years or longer. Gasoline and diesel prices are anticipated to rise significantly during that same time period.)

■ CNG is the cleanest-burning commercially available alternative fuel today. (When used for vehicles, it improves air quality through significant reductions in greenhouse gas emissions compared to gasoline and diesel. By converting 100 vehicles in our fleet, we eliminated the use of approximately 265,700 gallons of gasoline per year and reduced our greenhouse gas emissions by 662 tons per year¹.)

■ Natural gas as a transportation fuel helps reduce our dependence on foreign oil. (The United States now produces more natural gas than ever before. Nearly 90 percent of the natural gas used in the U.S. is produced here, with the majority of the balance coming by pipeline from Canada.)

15.2 Million Natural Gas Vehicles Today Worldwide

CNG for vehicles has grown by leaps and bounds across the globe in the last decade. In the U.S., approximately 150,000 natural gas-fueled vehicles are on the road. And there are an increasing number of domestic public and private sector fleets interested in using this technology.

South Jersey Gas is committed to the long-term growth of CNG by providing interested business owners with the confidence they need to convert their fleets. Our Conversion Agents help businesses by analyzing the anticipated return on investment of a fleet before making the switch to ensure it will pay off. We are also advancing the necessary infrastructure and development of new fueling stations to support investment by fleet operators.

It's At the Pump

We recently partnered with Wawa to open a CNG station at their location in Paulsboro, NJ, right off exit 18 of Interstate 295. This partnership is the first of its kind in the region and follows initiatives by other natural gas utilities with traditional fueling stations across the country. Now, eight CNG fueling stations in South Jersey serve the general public. The stations are also convenient fueling options for national fleets traveling through New Jersey. In total, New Jersey now has 13 public access CNG stations, 48 in the tri-state area, with more on the way.

It Makes Perfect Sense

In 2011, South Jersey Gas made the decision to transition our fleet away from traditional gasoline to the cleaner alternative of CNG. Five years later, we just added the 100th CNG vehicle into our fleet and plan to convert our entire fleet by 2020. Once the entire fleet is converted, we will eliminate the use of approximately 457,000 gallons of gasoline per year. The results of our own fleet's transition are impressive. We will also lower our greenhouse gas emissions by 1,139 tons per year. That's the equivalent of taking 219 passenger cars off the road.¹

The positive data and growing service locations are driving the switch to CNG. You, too, can make big impacts on the efficiency of your business operations while benefiting the environment.

¹ Source: <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>



Jeff DuBois, President of SJ Gas & Brian Schaller, VP of Fuels for Wawa at a Wawa Station Grand Opening.

Businesses Receive Expertise About Conversions

Reducing Fleet Costs One Company at a Time

South Jersey Gas provides businesses with comprehensive plans for transitioning fleets to CNG that don't leave out any details.

An expert Conversion Agent will guide you through the process. Your agent is knowledgeable about the benefits and challenges of switching to natural gas. When you partner with us, you receive:

- Dedicated customer service
- A personal cell phone number
- Assistance creating custom plans including fueling logistics, vehicle options and more

We also provide you with Conversion GPS, a strategic plan for your transition. Your plan includes:

- An evaluation of your fleet and business needs
- ROI calculations
- A timeline for conversion
- Assistance with vehicle options and sourcing
- Fueling logistics or help building your own compressed natural gas station

**Throughout the transition process,
you have regular check-ins with
your Conversion Agent.**



**To learn more about natural gas for vehicles, visit
www.SouthJerseyGasNGV.com.**

Fueling the Future



with Compressed Natural Gas

South Jersey Gas is committed to expanding compressed natural gas (CNG) fueling sites across South Jersey. With eight public fueling stations open now, and more on the way, we are excited about the role natural gas is playing as a reliable, cost-effective and environmentally friendly vehicle fuel source.

South Jersey CNG fueling stations:

- 142 S. Main Street, Glassboro, NJ 08028
- 1211 N. 2nd Street, Millville, NJ 08332
- 2500 Old Egg Harbor Road, Lindenwold, NJ 08021
- Wawa 51 Berkeley Road, Paulsboro, NJ 08066
- 6700 Delilah Road, Egg Harbor Township, NJ 08234
- 1100 N. Albany Avenue, Atlantic City, NJ 08401
- 6821 Delilah Road, Egg Harbor Township, NJ 08234
- 1001 Fairview Street, Camden, NJ 08104

**To learn how CNG can benefit
your business, contact our
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An Update from the South Jersey Transportation Authority

When one mentions the South Jersey Transportation Authority (SJTA), the first thing that comes to mind is the Atlantic City Expressway. Many are unfamiliar with its enabling legislation, its growing Transportation Services Department, and ownership of the Atlantic City International Airport.

The Authority was established by the Legislature in June 1991 to assume operational responsibilities for the Atlantic City Expressway (ACE), Atlantic City International Airport (ACY), and parking facilities in Atlantic City.

ACE encompasses 47 miles of roadway extending from Atlantic City through Atlantic, Camden, and Gloucester counties, ending at Route 42, approximately 10 miles east of Philadelphia. The operation and maintenance of the roadway is supported exclusively by tolls collected at two barrier toll plazas and seven entrances and exit interchanges.

ACE has operated with the same toll structure since 2008 and over the past eight months has experienced an upward trend in toll revenue. Year-end toll revenue for 2015 of \$76.1M was up \$1.2M compared to 2014 and recently audited figures indicate 4.1M vehicles travelled the Expressway during the month of March, a 7.6% increase over the same time period from last year.

The SJTA also anticipates a strong peak season known as “100 Days of Summer,” which begins the Friday of Memorial Day weekend through Labor Day. A kick-off celebration with food, giveaways, and a live radio broadcast took place at the Farley Service Plaza on Friday, May 27, from 10 a.m. to 4 p.m., culminating with sponsored toll passage from 5 – 6 p.m. at the Egg Harbor toll plaza.

“We were happy to have the popular restaurant chain Chickie’s and Pete’s once again provide our patrons traveling east that evening with complimentary toll passage following our annual event,” said Executive Director, Stephen F. Dougherty.

The Authority has taken many proactive measures to reduce costs – some initiatives include outsourcing toll collections, eliminating employee perks, such as toll free passage and vacation and sick day cash-in, reducing headcount, and refinancing and restructuring debt, as well as implementing programs to save on energy consumption.

“We’ve recently focused on energy procurement and consumption and are currently in our second, two-year contract with a third party reverse energy auction provider. This past November we conducted our second auction to select a third-party electric supplier resulting in anticipated savings of \$250K over the length of the contract. When we add the savings from our last agreement, it will total over \$335K. I’m proud to say 25% of the Authority’s energy is now ‘green’ from renewable sources,” said Dougherty.

In 2003, the Authority created a Transportation Services Department which allows them to develop and operate shuttle routes to those underserved by reliable means of transportation. By partnering with their sister agency, NJ Transit, “Trans Services” provides residents with direct connections to NJ Transit routes and rail lines, increasing accessibility to employment centers, higher education, private sector businesses, social services, and health care facilities. The department relies on both grant and private funding and operates and manages all of SJTA’s parking facilities as well as a parking shuttle for airport customers. It also promulgates and enforces the rules and regulations regarding the motorbus industry in Atlantic County.

In 2015, the department provided nearly 445K one-way passenger trips. In March alone, there was over 49,125K, which is up 27.61% when compared to March of last year.

(continued on page 15)



“I’m pleased to report, ridership has doubled on one of our newer routes, the Pureland East-West Community Shuttle, which travels

between Camden and Gloucester counties, providing access to universities, employers, social services, and health care facilities since its inception in June of 2015,” said Executive Director, Stephen F. Dougherty.

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New Web Resource Dedicated to the I-295 “Direct Connection” Construction Project

Cross County Connection Transportation Management Association (CCCTMA) announces an important new website with unique interactive resources dedicated to informing the commuting public in the southern New Jersey region about one of the largest construction projects ever undertaken in our area. **The I-295 Direct Connection Project** will effectively reconfigure the I-295/I-76/Rt.42 interchange in Bellmawr, Camden County, an intersection of highway that sees an average of 200,000 vehicles per day.

Working in close coordination with the New Jersey Department of Transportation (NJDOT), and its contractors, CCCTMA's I-295 Direct Connection project website offers: real-time traffic information, live camera feeds, detailed interactive maps, timelines and detour notices to help keep you informed during this major road project scheduled to be in effect for the next nine years. Visit www.njdirectconnection.com regularly to learn about any expected traffic impacts and project milestones as the long-term construction project moves forward so you can get where you need to go with minimal delay or inconvenience.

Additionally, the website is equipped with a free accompanying mobile app for smart phone devices. It offers convenient access to all the key features of the main site, available right in the palm of your hand!



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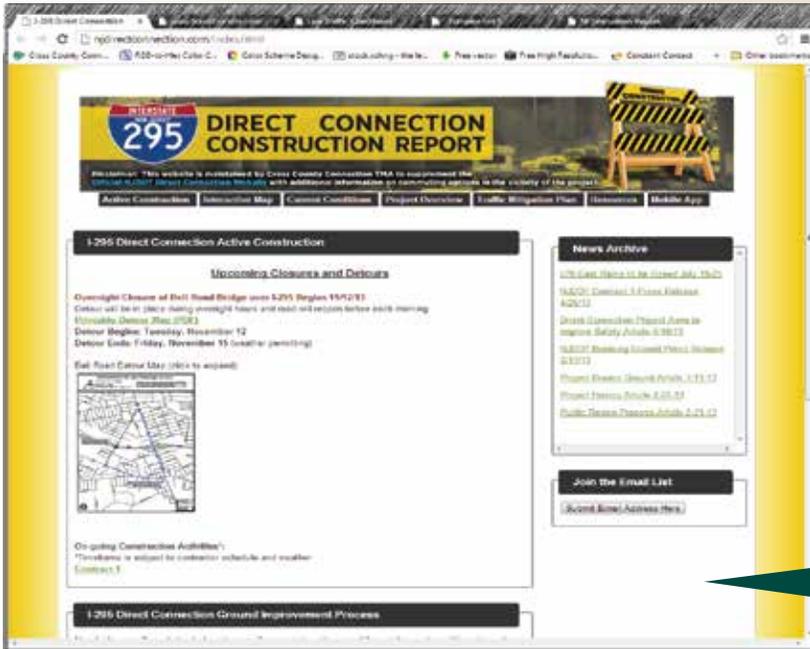
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Website Features:

Interactive Map of Project Area

- See live traffic conditions and traffic cameras at the interchange before you head out the door.
- View map layers showing the future interchange configuration and individual project stages.
- Active detours, traffic shifts, and overnight closures to be added as they occur.

Active Construction Page

- Lists any current project detours, traffic pattern shifts, and overnight closures.
- Describes the current stage(s) of construction and details on various engineering plans.

Timeline, Diagrams, and Static Maps

- View maps showing the individual project stages and the associated work for each phase.
- View Technical diagrams showing current overpass configuration, future ramp locations, and sound wall locations.
- View Timeline of the project showing each contract and how they are staged over the coming years.

Email List for Project Updates

- Subscribe online for the project email list and stay readily informed on any upcoming detours, traffic pattern shifts, or overnight closures.
- Email updates will be sent periodically to inform commuters of the progress of construction.

Free Mobile Device Application

(<http://njdirectconnection.com/APP.html>)

- Shows interactive map of the I-295/I-76/Rt.42 interchange.
- View live traffic conditions in the project area before you head out the door.
- Multiple map layers show future interchange configurations and project specifics.
- Active detours will be added to App in anticipation of any closures or traffic pattern shifts.



Cross County Connection, a nonprofit organization, partners with the North Jersey Transportation Planning Authority (NJTPA), the New Jersey Department of Transportation (NJDOT), the Delaware Valley Regional Planning Commission (DVRPC), the South Jersey Transportation Planning Organization (SJTPO), member organizations and the U.S. Federal Highway Administration, to provide solutions to complex transportation problems for counties, municipalities, employers and in the southern New Jersey region encompassing Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem counties.

For more information, please visit www.driveless.com.



Full Steam Ahead: NJ TRANSIT...

(continued from page 3)

The high-intensity discharge (HID) light fixtures used throughout the complex were identified as cost-effective opportunities to reduce electricity consumption. As a preliminary trial, six of the complex's HID fixtures were replaced in 2015 with LEDs, resulting in energy savings of 79 percent. Beyond reducing electricity use, NJ TRANSIT expects the new lighting to result in operational and maintenance savings. The LEDs installed at the Meadows Maintenance Complex are brighter, more durable and longer lasting.

To help finance the project, NJCEP has provided \$928,880 in incentives through the Large Energy Users Program, covering 75 percent of the total \$1,238,507 project costs. The project is anticipated to save about 3.4 MWh per year, which NJ TRANSIT estimates will result in more than \$386,000 in annual savings. Combined with nearly \$19,000 in annual operational and maintenance savings, the project is expected to pay for itself within 10 months.

More-efficient lighting is just one of many energy and sustainability initiatives that NJ TRANSIT is undertaking. With goals to reduce system-wide energy costs, curb greenhouse gas emissions, and become more resilient in the event that a storm or other event compromises the centralized power grid, plans are underway to develop a first-of-its-kind electrical microgrid that will be capable of supplying highly reliable power.

In partnership with state and federal officials, NJ TRANSIT has received a \$409 million grant from the Federal Transit Administration to develop the microgrid system. A central, natural gas power plant will supply electricity to tracks and operating controls on portions of the NJ TRANSIT and Amtrak rail systems. Additionally, the microgrid will incorporate renewable energy, distributed generation and other technologies to power essential stations, maintenance facilities and other buildings.

NJ TRANSIT is designing the microgrid so that it provides electricity based on system demand. That makes energy-efficiency improvements such as the Meadows Maintenance Complex project more important than ever before, as officials look to minimize the total amount of energy that will be

needed to power facilities and operations that will be connected to the microgrid.

NJ TRANSIT will search for additional energy-efficiency opportunities while the microgrid plans unfold. "It's always a good idea to do energy efficiency first," Jenks said. "We will continue to leverage the Large Energy Users Program for implementing large lighting projects."

Similar energy-efficiency opportunities are within reach for commercial, industrial and municipal facilities of all sizes.

The NJCEP SmartStart program offers prescriptive incentives for lighting, refrigeration and heating, ventilation and air conditioning (HVAC) equipment, among other technologies. All non-residential utility customers are eligible for up to \$500,000 per electric account and \$500,000 per natural gas account.

The NJCEP Pay for Performance program incentivizes building owners who take a comprehensive, whole-building approach to saving energy. Incentives are directly linked to reducing energy use by at least 15% below the state's current energy code.

For more information on financial incentives for energy-efficiency projects, contact New Jersey's Clean Energy Program at 866-NJSMART or NJCleanEnergy.com/SNJDC.



Mobility is the Key to a Region's Vitality

When traffic-clogged highways and roads hamper mobility, the region's businesses and residents suffer through wasted time.

This wasted time results in:

- Stressful commuting
- Late arrivals to work, appointments and home
- Delayed arrival of goods and services

For more than 25 years, Cross County Connection Transportation Management Association (CCCTMA) has been working to improve the quality of life in southern New Jersey through transportation solutions.

Cross County Connection offers FREE commuting resources, transportation solutions, money-saving discount programs, ridesharing services, electronic apps, traffic and travel alerts, and tons of great resources for bicycling, walking, and all transit options. They provide transit schedules, commuter publications, travel guides and maps in over 350 public locations in southern New Jersey. Municipalities and local governments also receive free assistance with mapping expertise, grant assistance, and in promoting shuttle, bicycle and pedestrian solutions to the community.

Additionally, southern New Jersey's very own transportation agency also provides FREE assistance for employers to help them with innovative solutions for getting employees to work on time.

Here are some of the ways we connect employers with employee transportation solutions:

- Providing surveys of employees to identify commuting patterns, and recommendations of possible solutions and route planning
- Bringing carpool, vanpool, bus, train or county shuttle connections and information to employees with an on-site
- Commuter Assistance Day
- Promoting commute options to employees with customized newsletters, posters and other marketing materials
- Developing telecommuting or flex-time programs
- Identifying transportation-related tax incentives to benefit you and your employees
- Creating financial incentive programs to encourage employees to participate
- Developing low or no-cost employee commuter benefits programs
- Emergency traffic alerts to keep staff and products moving
- Providing employer assistance with: on-site analysis of commuting options, parking shortages, employee recruitment and retention and turnover issues due to transportation and/or geographical logistics

CCCTMA, a nonprofit organization, partners with the North Jersey Transportation Planning Authority (NJTPA), the New Jersey Department of Transportation (NJDOT), the Delaware Valley Regional Planning Commission (DVRPC), the South Jersey Transportation Planning Organization (SJTPO), member organizations and the U.S. Federal Highway Administration, to provide solutions to complex transportation problems for counties, municipalities, employers and in the southern New Jersey region encompassing Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem counties.



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How will Our Region's Transportation Needs Change over the Next 30 Years?

The Delaware Valley Regional Planning Commission wants to know... what do you think the future will look like?

DVRPC is developing the Connections2045 Long-Range Plan, which is an important planning document. This federal requirement enables the metro area to receive over a billion dollars of federal transportation funding every year. While the plan sets the regional vision for growth and development, a number of forces will affect how people and places connect in the future. These "Future Forces" are broad social, technological, economic, environmental, and political trends that can create sudden and rapid change. Future Forces are external to the region, and largely beyond our ability to control. They may be good, bad, or indifferent to our regional vision. Future Forces create uncertainty and potential for change, even as we make critical long-term planning and transportation decisions.

As a first step in creating the plan and identifying future transportation needs, DVRPC convened a multidisciplinary group of regional experts to identify key Future Forces that may impact our region.

The forces they identified are:

Enduring Urbanism – Moving back to walkable communities is the start of a long-term trend.

Free Agent Economy – Increased outsourcing and efficiency means that individuals must create their own economic opportunities.

Severe Climate – Continued rise in atmospheric carbon levels lead to significant weather impacts to our transportation infrastructure.

Transportation on Demand – Smartphones, apps, and real-time information help people get around, using a variety of new and existing transportation modes.

The U.S. Energy Boom – An abundance of domestically produced oil and natural gas keeps the cost of energy low.

The Future Forces report helps imagine these possibilities and recommends potential actions to take in order to better position the region going forward. It identifies a number of transportation priorities: safer transportation for all modes; building more walkable communities; increasing transit service; incorporating new ride sourcing and micro transit services; expanding port, freight rail, and aviation facilities; improving Amtrak service along the Northeast Corridor; using technology and data to modernize the existing road network and make it more efficient; and securing the funding necessary for all of this.

Tell us your vision!

DVRPC is asking the public what they love about the region and what they want it to look like in the future. A series of public workshops were held in April and May around the region. If you didn't have a chance to attend a workshop, you can still participate online. Visit www.dvrpc.org/Connections2045 to learn more about the long-range planning process, Future Forces, and opportunities to share your vision online.



Join the conversation by connecting with @DVRPC on social media with the hashtag, #MakingConnections.

Greater Philadelphia
**FUTURE
FORCES**



Identifying Gloucester County's Vision and Planning for the Future

Gloucester County is in the midst of an extensive planning effort to update its County Master Plan, a public document reflecting the community's vision for how it should grow and change over time. Last year, the Delaware Valley Regional Planning Commission (DVRPC) collaborated with Gloucester County to develop the community vision through the *gc2040: Let's Talk! public visioning campaign*. This was an inclusive process involving residents, business owners, elected leaders, county and municipal staff, and other stakeholders.

The new Unified Land Use and Transportation Element of the master plan will be released this summer. It recognizes that land use and transportation investments greatly impact each other and that planning for them together is essential to create sustainable places.

The people of Gloucester County were clear in their priorities for both land use and transportation. They wish to accommodate residential and job growth projections within the county's existing places while preserving rural land and open space. They wish to maintain the existing county roadway network, but even more strongly favor an expansion of available modes of transportation. Correcting the sprawling land use trends in the county will reduce the need for spending on new roadway infrastructure, freeing up those funds to address some of the current transportation network's limitations and give people more choices for moving around the county.

To learn more about the Gloucester County Master Plan, please visit www.gc2040.com.



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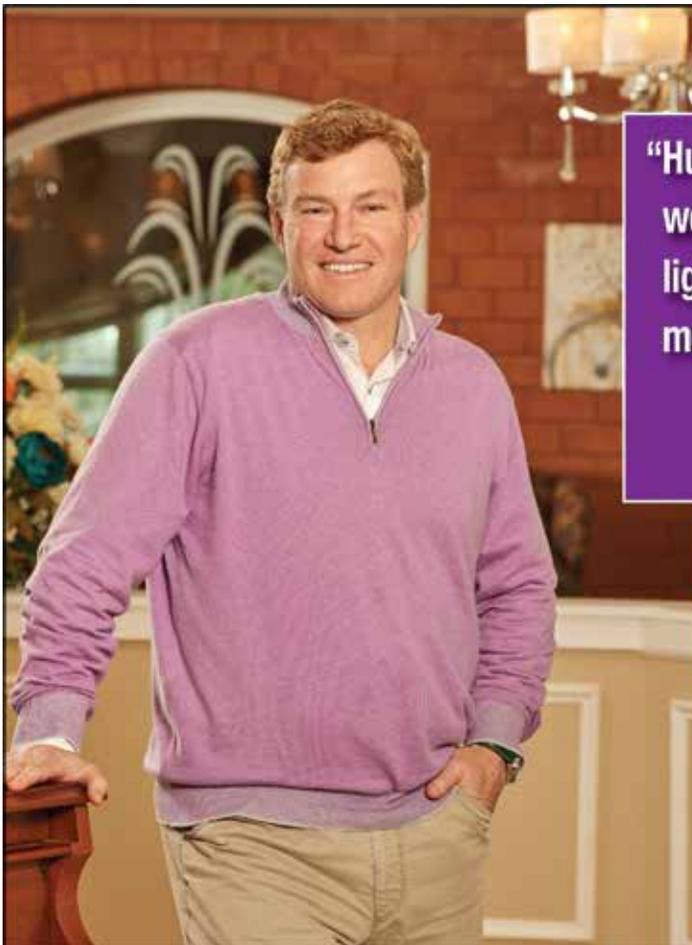
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An Update from the South Jersey Transportation Authority

(continued from page 6)

The launch of their newest service, the Route 54/40 Community Shuttle, began on January 4. This service offers much needed transportation to residents of western Atlantic County.

The SJTA is also the owner/operator of the Atlantic City International Airport. In 2015, over 1.2 million passengers utilized the airport. ACY employs over 2,700 people directly and when combined with the FAA and entire complex, reaches over 7,700 jobs.

“It has been estimated the Airport complex contributes close to \$678 million dollars annually in economic activity to the region,” Dougherty said.

For the third consecutive month scheduled passenger traffic at the Airport reached record monthly highs, with nearly 100K passengers utilizing the airport. Scheduled passengers for March were up by 5.71%.

The current and future services exemplify the diverse portfolio the South Jersey Transportation Authority has been working to implement and maintain. The SJTA is much more than the Expressway and Airport and is truly a driving force in fulfilling the needs of those who rely on public transportation as well as the commuters and visitors who travel our road, tunnel, and utilize our airport.



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Railroad Eminent Domain in New Jersey

By John K. Fiorilla, Esq., Chair, Transportation Group, Capehart Scatchard

New Jersey Statutes (NJSA 48:3-17.7) provide that railroads in New Jersey have the right of eminent domain to take property for their use if their efforts to purchase the property are unsuccessful. N.J.S.A. 48:12-35.1 allows for this taking as the “exigencies of business may demand.”

In recent years railroads have been expanding in the State. For the first time in fifty years a railroad used the statutes to condemn back property its predecessor had previously sold since it now was needed for railroad expansion.

Before the railroad can file an eminent domain suit in the Superior Court it must establish the “exigencies of business” requirement and obtain the consent of the Commissioner of Transportation of New Jersey. The railroad must also show that alternative property suitable for a proposed use of the property to be taken is unavailable either through (a) on site accommodations or (b) voluntary purchase of alternative property reasonably situated. The railroad must also show that the interest of the property to be taken does not exceed what is necessary for the proposed use and that the specific use to be made of the land or other property or interest to be acquired is necessary and consistent with the purposes enumerated for such railroad utility. This

initial determination, if contested, is heard by the Office of Administrative Law which after a full hearing makes recommendations to the Commissioner of Transportation as to whether or not the Administrative Law Judge is of the opinion that the railroad has met the requirements of the law. If the Commissioner finds that the railroad needs the property and has met the requirements of the law, then the railroad will file an eminent domain action in either the Superior Court of New Jersey or the United States District Court to establish the value of the property to be taken.

You should be aware that if a railroad comes to you regarding purchasing your property for expansion that it has for the most part already begun the analysis of whether or not it can use eminent domain to acquire the property. The process described above is lengthy and expensive and it makes good business sense to attempt to negotiate what property needs to be taken and the value of that property before the litigation begins. You should remember that the railroad would like to avoid the process as much as you do, but that in most cases it will not agree to a value substantially higher than the value given to it by an outside independent appraiser.

A complete review of this process was reviewed and described in detail in *Norfolk Southern Railway Company v. Intermodal Properties, LLC*, 213 N.J. 142 (2013).



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is Chair of Capehart Scatchard’s Transportation Group and a Shareholder in the firm’s Litigation Group. For over 40 years he has focused

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This Cross County Connection Transportation Management Association publication is funded by the North Jersey Transportation Planning Authority (NJTPA) and the U.S. Department of Transportation Federal Highway Administration. The Federal Government and the NJTPA assume no liability for the contents.

