

**NJ Transit – Camden Bus Electrification**  
**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary State of New Jersey

Lead Agency Authorized to Act on Behalf of the Beneficiary New Jersey Department of Environmental Protection  
*(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)*

<b>Action Title:</b>	NJ Transit - Camden Bus Electrification
<b>Beneficiary's Project ID:</b>	2019VW-002
<b>Funding Request No.</b>	<i>(sequential)</i> 2
<b>Request Type:</b> (select one or more)	<input type="checkbox"/> Reimbursement <span style="float: right;"><input checked="" type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to:</b> (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

### SUMMARY

<b>Eligible Mitigation Action Type</b>	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>2- Class 4-8 school buses, shuttle buses and transit buses</u> <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal):
<b>Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):</b> Electrification of transit buses is a priority of the Governor as stated in New Jersey's BMP.	
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b> NJ Transit will replace 8 CNG buses with 8 fully electric buses in Camden, NJ. Camden is a densely populated overburdened community. Electrifying transit buses will decrease NOx emissions as well as greenhouse gases.	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b> See summary supplemental	
<b>Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):</b> New Jersey Department of Environmental Protection Federal Funds Unit.	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b> See summary supplemental	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b> New Jersey Transit is a government entity and therefore will be using VW funds to cover 100% of the cost of the electric buses.	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b> NJDEP, the lead agency notified U.S. Government Agencies as prescribed in 5.2.9 via email on February 14, 2018.	

**If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).**

See summary supplemental

## SUMMARY SUPPLEMENT TO APPENDIX D-4

### Action Title: NJ Transit – Camden Bus Electrification

#### Estimate of Anticipated NOx Reduction (5.2.3)

The projected lifetime NOx emission benefits from electrifying 8 transit buses is 6.25 tons. It is anticipated that the electric buses will operate more than the replaced CNG buses therefore decreasing the miles traveled by NJ Transit diesel buses in the same area further reducing NOx emission. In addition, greenhouse gases will be eliminated from this project due to electrification.

#### Describe how the Beneficiary will make documentation publicly available (5.2.7.1)

The State of New Jersey will make all documentation submitted in support of the funding request and all records supporting all expenditures of Eligible Mitigation Action funds available to the public in the following ways, subject to applicable laws governing the publication of confidential business information and personally identifiable information:

- Members of the public will be able to access documentation and records submitted in support of each funding request and supporting all expenditures of Trust Funds by New Jersey pursuant to the Volkswagen Diesel Emissions Environmental Mitigation Trust for State Beneficiaries by using an Online Request Form found at <http://www.nj.gov/dep/opra/index.html> or by contacting:

NJDEP Office of the Records Custodian  
P.O. Box 442  
401 East State Street  
Trenton, NJ 08625-0442 Phone: 609-341-3121  
E-mail: [records.custodian@dep.nj.gov](mailto:records.custodian@dep.nj.gov)

- Documentation and records submitted in support of each funding request and supporting all expenditures of Trust Funds by New Jersey pursuant to the Volkswagen Diesel Emissions Environmental Mitigation Trust for State Beneficiaries are subject to all applicable laws governing the publication of confidential business information and personally identifiable information. The primary law governing the release of public information is New Jersey's Open Public Records Act, N.J.S.A. 47: 1A-1 to 13 (OPRA). Confidential business information and certain private personal information, as defined by statute and regulation, are exempt from disclosure under OPRA. See, N.J.S.A. 47: 1A-1. I, N.J.A.C. 7:1D-3.2. OPRA specifically obligates a public agency to protect a citizen's personal information that is in the possession of a public agency when disclosure of that information would violate the citizen's reasonable expectation of privacy. N.J.S.A. 47: 1A-1. Other applicable laws include the New Jersey Court Rules, which govern disclosure of confidential business information and personally identifiable information in civil disputes, and the common law right of access to public records. Under New Jersey common law, public records containing confidential business information or personally identifiable information will remain confidential unless a requestor can demonstrate a legally recognized interest in the material, and that the individual's right of access outweighs the State's interest in preventing disclosure.
- A publicly facing webpage was established as New Jersey signed on to the Volkswagen Settlement as a Beneficiary to educate its residents about the Partial Consent Decrees and Environmental Mitigation Trust, including the steps NJ plans to take beginning with public listening sessions and the Beneficiary Mitigation Plan. All solicited proposals received for mitigation action items 1 – 9 and the DERA option are publicized. Also available is a summary of the number of proposals and total funding requested, organized by mitigation action number. The webpage contains links to additional resources, frequently asked questions about NJ and the

Settlement, and how to join an e-mail list to receive notifications and information about VW. Progress reports and final costs of projects funded with VW Trust money will be posted for the public as well. The webpage address is [www.state.nj.us/dep/vw/](http://www.state.nj.us/dep/vw/).

**If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions. (5.2.10)**

New Jersey's Beneficiary Mitigation Plan (the Plan), states that the primary goal of the Plan is to improve ambient air quality by using the Trust allocation to implement projects that reduce NOx, benefit disproportionately affected communities, and expedite deployment and widespread adoption of zero emission vehicles. The Plan reinforces New Jersey's commitment to reducing harmful transportation emissions in communities that suffer disproportionate impacts from air pollution. Low income communities and communities of color have been historically overburdened by harmful emissions and their attendant health impacts. Transportation is the largest source of NOx in New Jersey, accounting for 71% of NJ's statewide NOx emissions in 2017. Thus, promoting the use of zero emission vehicles is a key component of NJ's efforts to mitigate NOx emissions.

Camden has an industrial past and historically has been an overburdened community. Camden continues to have industry and businesses within close proximity to residential neighborhoods. Through various programs and efforts, Camden is being revitalized. This NJ Transit bus electrification project will provide a clean transportation option to the citizens of Camden.

**ATTACHMENTS:**  
**(CHECK BOX IF ATTACHED)**

- |                                     |                     |   |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | <b>Attachment A</b> | <b>Funding Request and Direction.</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment B</b> | <b>Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment C</b> | <b>Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment D</b> | <b>Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]</b> |
| <input type="checkbox"/>            | <b>Attachment E</b> | <b>DERA Option (5.2.12). [Attach only if using DERA option.]</b>  |
| <input type="checkbox"/>            | <b>Attachment F</b> | <b>Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]</b> |

**CERTIFICATIONS**

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary State of New Jersey, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED:

5/17/19

Paul Baldauf  
Paul Baldauf, P.E.  
Assistant Commissioner

New Jersey Department of Environmental Protection

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[LEAD AGENCY]

for

State of New Jersey

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[BENEFICIARY]

## **SUMMARY SUPPLEMENT TO APPENDIX D-4**

### **Action Title: NJ Transit – Camden Bus Electrification**

#### **Estimate of Anticipated NOx Reduction (5.2.3)**

The projected lifetime NOx emission benefits from electrifying 8 transit buses is 6.25 tons. It is anticipated that the electric buses will operate more than the replaced CNG buses therefore decreasing the miles traveled by diesel buses in the same area further reducing NOx emission. In addition, greenhouse gases will be eliminated from this project due to electrification.

#### **Describe how the Beneficiary will make documentation publicly available (5.2.7.1)**

The State of New Jersey will make all documentation submitted in support of the funding request and all records supporting all expenditures of Eligible Mitigation Action funds available to the public in the following ways, subject to applicable laws governing the publication of confidential business information and personally identifiable information:

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Camden has an industrial past and historically has been an overburdened community. Camden continues to have industry and businesses within close proximity to residential neighborhoods. Through various programs and efforts, Camden is being revitalized. New cleaner businesses are moving to the area with a focus on how they impacted the local community. This transit bus electrification project will provide a clean transportation option to the citizens of Camden.

**ATTACHMENT B TO APPENDIX D-4**

**Action Title: NJ Transit – Camden Bus Electrification**

**Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline. (5.2.4)**

**Implementation and Expenditures Timeline**

MILESTONE	DATE
Submit Beneficiary Mitigation Plan to the Trustee	December 13, 2018
NJDEP eligible to making funding request	January 14, 2019
Draft grant agreement	1 - 2 weeks after funding request
Draft RFP for the purchase of electric buses	1 – 4 weeks after funding request
Advertise RFP	March – May 2019
Review bids	June – July 2019
RFP award	August 2019
NJ Transit Board Approval	September 2019
Place order for buses	September/October 2019
Delivery of the 1 <sup>st</sup> bus	March/April 2019
Delivery of the last bus	December 2020
Submit semiannual reports to the Trustee in accordance with section 5.3 of the Consent Decree	No later than 6 months after receiving first disbursement, and thereafter no later than January 30 and July 30 of each year.

**Project Budget**

	Estimate total bus cost	Estimated battery extended warranty	Estimated administrative costs	Estimated Budget
NJ Transit	\$ 7,704,000	\$96,000	\$ 200,000	\$8,000,000

## ATTACHMENT C TO APPENDIX D-4

### Action Title: NJ Transit – Camden Bus Electrification

#### Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11)

The New Jersey Department of Environmental Protection will meet the requirements of Appendix D to the Partial Consent Decree, section 5.3:

***5.3 Beneficiary Reporting Obligations:** For each Eligible Mitigation Action, no later than six months after receiving its first disbursement of Trust Assets, and thereafter no later than January 1 and July 1 of each year, each Beneficiary shall serve upon the Trustee, a semiannual report describing the progress implementing each Eligible Mitigation Action during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Such reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action. Beneficiaries may group multiple Eligible Mitigation Actions and multiple sub-beneficiaries into a single report. These reports shall be signed by an official with the authority to submit the report for the Beneficiary and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. To the extent a Beneficiary avails itself of the DERA Option described in Appendix D-2, that Beneficiary may submit its DERA Quarterly Programmatic Reports in satisfaction of its obligations under this subparagraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the Trust's public-facing website upon receipt.*

The Department will post all of its semiannual reports to the Trustee on the public-facing website for New Jersey's Volkswagen Settlement at [www.state.nj.us/dep/vw](http://www.state.nj.us/dep/vw).

**ATTACHMENT D TO APPENDIX D-4**

**Action Title: NJ Transit – Camden Bus Electrification**

**Detailed Cost Estimates from Selected or Potential Vendors for Each Proposed Expenditure Exceeding \$25,000 (5.2.6)**

NJ Transit will solicit bids in the form of a RFP for the purchase of 8 transit electric buses. State procurement processes will be followed. Cost estimates from the selected vendor will be part of the Grant Agreement with the Department. Preliminary cost estimates are provided in the table below.

Category	# of units	Cost range per unit	Total cost range
Estimated bus costs	8	\$773,000-\$920,000	\$6,184,000-\$7,360,000
Estimated battery extended warranty	8	\$65,000-\$96,000	\$520,000-\$760,000
		<b>Total cost range</b>	<b>\$6,704,000-\$8,120,000</b>
		<b>Total Budget</b>	<b>\$8,000,000</b>