

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
PUBLIC HEARING

IN THE MATTER OF:)
)
ATLANTIC AVENUE ROAD)
DIET.)
)

Public Hearing
June 14, 2024
10:10 a.m.

B E F O R E:

JANE FONTANA, ESQ.
ASSISTANT GENERAL COUNSEL, CRDA
SCOTT COLLINS, ESQ.
RIKER DANZIG

CHRISTINE COFONE, PP
COFONE CONSULTING
BERNARD TETREAULT, PE

A L S O P R E S E N T:

RICHARD TRENK, ESQ., FOR CITY OF ATLANTIC CITY
TRENK, ISABEL, SIDDIQI & SHAHDANIAN
MARK MOON, ESQ., FOR CITY OF ATLANTIC CITY
TRENK, ISABEL, SIDDIQI & SHAHDANIAN

KEITH DAVIS, ESQ., FOR THE OPPOSERS
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1 [COURT REPORTER'S NOTE: THE FOLLOWING
2 TRANSCRIPT WAS PRODUCED FROM THE
3 AUDIO/VIDEO TAKEN BY THE VIDEOGRAPHER
4 PRESENT AT THE TIME OF THE HEARING.]

5 MS. FONTANA: I'd like to call to order
6 this morning's CRDA Planning and Development
7 Department Hearing on the Atlantic Avenue Road Diet
8 Project. Today is June 14th.

9 If you would please join me in the
10 Pledge of Allegiance.

11 (Pledge of Allegiance is recited.)

12 MS. FONTANA: Thank you.

13 Public notice of this hearing was
14 published in The Star-Ledger on June 7th, the
15 Courier-Post on June 7th, The Press of Atlantic
16 City on June 8th, 2024.

17 This hearing is being held in compliance
18 with Assignment Judge Michael J. Blee's Order
19 entered in the matter captioned Boardwalk Regency,
20 LLC, et al versus City of Atlantic City, pending in
21 the Superior Court of New Jersey, Atlantic County
22 under Docket Number ALT-L-3257-23.

23 The purpose of this hearing is to review
24 the Atlantic Avenue Road Diet Project proposed by
25 the City of Atlantic City. CRDA will review the

1 road diet project for consistency with the Tourism
2 District Master Plan, as well as sound
3 transportation and traffic engineering design
4 standards.

5 For those of you who don't know me, I'm
6 Jane Fontana. I'm the Assistant General Counsel
7 here at the CRDA. To my left is Scott Collins from
8 the firm of Riker Danzig --

9 MR. COLLINS: Good morning.

10 MS. FONTANA: -- attorney to this panel.
11 To his left is Christine Cofone, Cofone Consulting,
12 LLC, our planning professional, and around the
13 corner is Bernie Tetreault from ERI, our traffic
14 engineering professional.

15 So is counsel for the city here?

16 MR. TRENK: Yes.

17 MS. FONTANA: Would you like to enter
18 your appearance?

19 MR. TRENK: Yes. Thank you, so much.

20 Richard Trenk, T-R-E-N-K, and Mark Moon,
21 M-O-O-N, from the firm Trenk, Isabel, Siddiqi &
22 Shahdanian on behalf of -- as special counsel for
23 the City of Atlantic City. Also, Mr. Perugini,
24 corporation solicitor, is present.

25 MS. FONTANA: Thank you, Mr. Trenk.

1 Mr. Davis, would you like to enter an
2 appearance for the record at this point?

3 MR. DAVIS: You want me to approach or
4 can I do it from here?

5 MS. FONTANA: You can -- I think they
6 can hear you from here.

7 MR. DAVIS: Okay.

8 MS. FONTANA: From there.

9 MR. DAVIS: Good morning, Miss Fontana.
10 Keith Davis. I'm an attorney at Nehmad, Davis &
11 Goldstein and I'm here representing a number of
12 entities, Boardwalk Regency, LLC, which does
13 business as Caesars Atlantic City, Tropicana
14 Atlantic City Corporation, DGMB Casino, LLC, which
15 does business as Resorts Casino Hotel, Premier
16 Entertainment AC, LLC, which does business as
17 Bally's Atlantic City, and Boardwalk 1000, LLC,
18 which does business as Hard Rock Hotel & Casino
19 Atlantic City, as well as AtlantiCare Health
20 Services, Inc.

21 MS. FONTANA: Thank you, very much.

22 MR. DAVIS: Thank you.

23 MS. FONTANA: We're gonna do some
24 housekeeping first this morning. I'm gonna ask --

25 MR. COLLINS: I'm sorry.

1 MS. FONTANA: -- Scott to swear in our
2 professionals with their qualifications first.

3 MR. COLLINS: Good morning. Both of
4 you, if you could raise your right hand, please.
5 CHRISTINE COFONE, PP, having been first duly sworn
6 according to law, testified as follows:
7 BERNARD TETREAULT, PE, having been first duly sworn
8 according to law, testified as follows:

9 MR. COLLINS: Christine Cofone, we can
10 note for the record, has previously appeared on
11 behalf of the CRDA as an expert in professional
12 planning. Do you continue to recognize her
13 credentials?

14 MS. FONTANA: Yes, I do.

15 MR. COLLINS: And Mr. Tetreault, if you
16 could just give us a quick 30 second -- I don't
17 think you've --

18 MR. TETREAULT: Yeah. I have --

19 MR. COLLINS: -- appeared with us
20 before.

21 MR. TETREAULT: -- 46 years of
22 experience in traffic engineering and roadway
23 design. I'm a licensed professional engineer in
24 the State of New Jersey, along with Pennsylvania.
25 I also have qual -- roadway safety professional

1 certification and professional traffic operation
2 engineer certification. I've reviewed many traffic
3 studies and I've also done many traffic studies
4 over the years.

5 MS. FONTANA: Okay. Thank you.

6 MR. COLLINS: Recognize his credentials
7 as an expert in professional engineering and
8 traffic engineering?

9 MS. FONTANA: Yes, I do.

10 MR. COLLINS: Thank you, very much.

11 MS. FONTANA: Okay. So --

12 MR. TRENK: Miss Fontana, again, I know
13 you did some preliminaries and I appreciate the
14 housekeeping, but the city does want to make a
15 preliminary statement about where we're at. As
16 Your Honor -- as you correctly stated, we're here
17 as a result of Assignment Judge Blee's Court Order
18 that was entered that required that CRDA review
19 this within 45 days. So on behalf of the city,
20 first and foremost, we thank you. We thank CRDA
21 for this opportunity and, as always, the city looks
22 forward to an attempt to in all ways, shapes and
23 forms work collaboratively with all stakeholders in
24 the city. The city's first and foremost goal is to
25 keep people safe and to deal with traffic issues

1 and police matters. I know Chief Sarkos and Chief
2 Evans will be here. They had a flag ceremony that
3 they needed to attend to but they will be here
4 shortly.

5 Just so we're clear, as to the matter
6 that Mr. Davis' clients began initially and then
7 CRDA intervened, that is Docket Number ATL-3257-23,
8 as you're aware, and as you saw in some of the
9 supplemental papers, and we're glad Mr. Reid is
10 present, the city has various jurisdictional issues
11 that exist and that we are fully preserving, so our
12 appearance here today is consistent with the good
13 faith, to work together with CRDA and with everyone
14 in the city and obviously to comply with Assignment
15 Judge Blee's Order, but we're not waiving any of
16 the issues that exist in that litigation or any
17 future litigation.

18 MS. FONTANA: Understood.

19 MR. TRENK: Next, I just want to point
20 out that Mr. Collins partner, Mr. Lederman, had set
21 up the process for today. That process was clear
22 that submissions, and the city complied, were to be
23 made by May 31st. We submitted not only Phase 1,
24 that as we know is completed, but Phase 2A, and
25 then we did also submit the plans that Remington --

1 RVE prepared. They hand-delivered that on
2 May 21st. We did see the reports that we got
3 literally 72 hours ago and our position is they
4 were delivered without ample opportunity for us to
5 comment, which is the normal course, so that we
6 would comment on the -- as we know, your traffic
7 person didn't do any analysis other than to try to
8 attempt to -- and we'll deal with this later in
9 other ways, but these reports were not delivered as
10 is normal to give the, we'll call it applicant an
11 opportunity to comment and provide further
12 information, so we're gonna reserve our position.
13 Obviously all that Miss Cofone's letter or whatever
14 said is that it is not consistent in her view with
15 the master plan that she drafted in 2017.

16 So if I may, preserving all those rights
17 and remedies and issues that exist that are
18 obviously important and not really within the
19 direct purview of today, we're prepared to begin.
20 I want to introduce and ask, to the extent that Mr.
21 Collins wants to swear them in in mass, if we can
22 do that to save a little time. Obviously
23 everyone's aware of our township -- our city
24 engineer, Uzo Ahiarakwe, who served the city with
25 distinction and who has been available on a 24/7

1 basis and is intimately familiar with the entire
2 development of how we got here today, so Mr.
3 Ahiarakwe will be kicking off our presentation in a
4 few minutes. And then Mr. Seney is here and
5 Derrick Kennedy, Derrick Kennedy is here. They're
6 obviously with RVE, that certainly CRDA is
7 well-familiar with and has had tremendous
8 involvement in this process. And last but not
9 least is Derrick Pavlick and -- stand up,
10 gentlemen. Derrick Pavlick and Paul Kowaleski, who
11 were the construction managers with regard to Phase
12 1, so they know what's on the street now, which
13 begins right up the street from here, you know. I
14 drove it this morning to make sure we all had
15 intimate knowledge. I'm sure, Miss Fontana, that
16 you drive it every day and see it. So they have
17 knowledge of what's on the ground right now.

18 So with that, I'd like to ask, Mr.
19 Collins, if you would want to swear all of these
20 professionals in so that we can dispense with that.

21 MR. COLLINS: Sure. Just for the
22 record, I want to make clear, I think there were a
23 couple letters. I know everyone was jumping
24 through hoops to try and make this meeting happen
25 in accordance with the Judge's Order. The original

1 letter I think asked for submissions -- I don't
2 have either letter in front of me.

3 MR. TRENK: May 24.

4 MR. COLLINS: And then I think once --
5 when the meeting was put back to this date, in the
6 interest of, you know, everything being open and
7 fair, we agreed that we would let everyone submit,
8 you know, give everybody a little more time. So
9 the deadline that was imposed, I believe it was
10 Tuesday, right?

11 MR. TRENK: Yeah, but the difficulty
12 with saying that is the city complied. You didn't,
13 for whatever reason, and this was set pursuant to
14 Court Order. Mr. Lederman fixed the date. We
15 complied. So again, it was fixed. It was
16 originally scheduled for last Wednesday, June 4th
17 or 5th -- June 5th.

18 MR. COLLINS: Yeah.

19 MR. TRENK: So again, we didn't ask for
20 any adjournment. City sees this as first and
21 foremost for the residents and the visitors of this
22 great city. So again, we don't know what happened
23 that caused the hearing to be put off from June 5th
24 to today. That was not shared with us. We were
25 just guided -- (inaudible). So that's when it was

1 put off, that someone extended deadlines, but
2 again, my point is more important. My point is
3 land use, if that's what this is, is a
4 collaborative process. We try to work with each
5 other for the best interests of the citizens of
6 this great city and so the problem with getting
7 something 72 hours in advance that basically just
8 attacks these fine professionals is we couldn't
9 respond. That -- we don't want to ask for an
10 adjournment, because this has been going on for
11 over a decade. It's one of the most dangerous
12 streets in South Jersey. So again, I respect
13 professionals are busy, nobody's busier than you
14 and me, but when something of this importance comes
15 about and when an assignment judge of this county
16 says do it, we did. So again, we're gonna reserve
17 our rights on it, and again, you know, Mr. Davis,
18 he'll get his shot, you know. He started this and
19 we look forward to it. So again, we would ask you
20 swear in our professionals.

21 MR. COLLINS: Sure. Understood. I'm
22 just saying, there's a lot of moving parts to this
23 to get a lot of different people here on a certain
24 date so --

25 MR. TRENK: Right, but we didn't --

1 MR. COLLINS: We're all trying to --
2 (Multiple parties speaking. Inaudible.)
3 MR. TRENK: He says do everything you
4 can to facilitate the process and we've done it.
5 MR. DAVIS: Mr. Collins, can I ask a
6 quick question just with respect to the documents
7 submitted?
8 I see something on the board dated June
9 of 2024. Was this submitted in advance of today's
10 hearing?
11 MR. TRENK: Absolutely not. It's a
12 demonstrative --
13 MR. DAVIS: Let's be flexible.
14 MR. TRENK: I'm sorry.
15 MR. DAVIS: Let's be flexible. This
16 wasn't submitted by --
17 MR. TRENK: Everything you will see here
18 is in the record. Everything you will see is in
19 the record. So again, there's nothing here that's
20 new. I -- (inaudible) -- pictures. I assume
21 everybody knows better than anybody --
22 MR. COLLINS: In which record? In which
23 record?
24 MR. TRENK: The record of all the
25 submissions to date.

1 MR. COLLINS: The stuff that was --

2 MR. TRENK: Yeah.

3 MR. COLLINS: Okay. So --

4 MR. TRENK: The plan, you know. To make
5 it easy, so we don't have to have charts and
6 blow-ups and whatnot, Mr. Seney and his staff went
7 through 12 iterations and we did it --
8 (inaudible) -- but there's nothing new.

9 MR. COLLINS: Got it.

10 Okay. And then just -- this is going to
11 be tedious, but if we could go through it. I could
12 swear all your witnesses at once and then if you
13 could go through and identify them again for me and
14 let me know which are gonna be qualified as
15 experts.

16 MR. TRENK: They're all gonna be
17 qualified as experts.

18 MR. COLLINS: Okay.

19 MR. TRENK: Just like you just did in
20 mass with yours.

21 MR. COLLINS: Okay.

22 MR. TRENK: I assume there's not gonna
23 be any issues, since the city -- since CRDA's more
24 than familiar with it.

25 MR. COLLINS: Sure. Maybe just

1 introduce me to everyone.

2 MR. TRENK: Okay. The engineer is Uzo
3 Ahiarakwe.

4 MR. AHIARAKWE: Yes. Uzo Ahiarakwe, the
5 city engineer. About 40 years of practice of
6 engineering. I have a planner's license. I'm also
7 a professional engineer and professional planner
8 and surveyor.

9 MR. COLLINS: Okay. Jane, will you
10 recognize the gentleman's credentials as both --
11 both a planner and an engineer?

12 MR. TRENK: Yes.

13 MS. FONTANA: Yes.

14 MR. COLLINS: Okay.

15 MR. TRENK: I just want to make sure our
16 colleague here is picking up everything on the
17 audio because, Mr. Collins, your voice is -- you
18 got to just tell us. I know my voice will be
19 picked up.

20 Okay. Mr. Seney.

21 MR. SENEY: I'm Frank Seney with the
22 firm Remington & Vernick Engineers. I'm a senior
23 associate, 40 years experience. I'm a licensed
24 engineer in Pennsylvania and New Jersey and I'm a
25 licensed New Jersey professional planner.

1 MR. TRENK: Did Miss Fontana
2 recognize --

3 MS. FONTANA: Yes. I will accept Mr.
4 Seney's background and work experience and
5 licensure in the State of New Jersey, accept his
6 credentials in the fields of engineering and
7 planning.

8 MR. TRENK: Thank you.

9 MR. KENNEDY: Good evening -- good
10 morning, rather. My name is Derrick Kennedy,
11 Traffic Engineering Department at Remington &
12 Vernick Engineers. I have over 30 years of
13 professional experience. I have -- I'm licensed as
14 a professional engineer and I also hold a
15 certificate as a professional transportation
16 planner.

17 MS. FONTANA: Okay. I will recognize
18 Mr. Kennedy's background and work and licensure in
19 the -- licensed in the State of New Jersey, sir?

20 MR. KENNEDY: I'm not a licensed in the
21 State of New Jersey. I'm licensed in Maryland and
22 DC. Frank Seney is the engineer of record on this
23 project. He is licensed in New Jersey. So my
24 role, my role at Remington & Vernick is to oversee
25 our Traffic Engineering Department that covers

1 multiple states.

2 MS. FONTANA: Okay. I'll accept his
3 credentials and recognize him as an expert in
4 traffic engineering.

5 MR. TRENK: Mr. Pavlick. That's
6 P-A-V-L-I-C-K?

7 MR. PAVLICK: Correct.

8 MR. TRENK: First name Derrick.

9 MR. PAVLICK: Drew.

10 MR. TRENK: Drew. I'm sorry. I changed
11 your name.

12 MR. PAVLICK: Drew Pavlick. I'm a
13 senior program manager with CME Associates. I'm a
14 licensed professional engineer in the State of New
15 Jersey. I'm also a licensed planner, professional
16 traffic operations engineer, certified floodplain
17 manager and certified municipal engineer.

18 MS. FONTANA: I accept Mr. Pavlick's
19 background and work experience, licensed in the
20 State of New Jersey and accept his credentials and
21 recognize him as an expert in the field of --
22 you're testifying today as an engineer or planner
23 or both?

24 MR. PAVLICK: Engineer.

25 MS. FONTANA: Engineer, okay.

1 MR. TRENK: And especially construction
2 management.

3 MR. PAVLICK: Right.

4 MS. FONTANA: Right.

5 MR. TRENK: Thank you.

6 MR. KOWALESKI: Hi. Paul Kowaleski.

7 MR. TRENK: Spell your last name.

8 MR. KOWALESKI: K-O-W-A-L-E-S-K-I. I'm
9 with CME Associates. I have over five years
10 experience and licensed in the State of New Jersey
11 as a professional engineer.

12 MS. FONTANA: I will accept Mr.
13 Kowaleski's New Jersey licensure in the field of
14 engineering.

15 MR. TRENK: With that, Mr. Collins, you
16 want to swear them all in so we have that?

17 MR. COLLINS: Please.

18 Raise your right hand, please.

19 UZOMA AHIARAKWE, PE, having been first duly sworn
20 according to law, testified as follows:

21 FRANK SENEY, having been first duly sworn according
22 to law, testified as follows:

23 DERRICK KENNEDY, having been first duly sworn
24 according to law, testified as follows:

25 DREW PAVLICK, having been first duly sworn

1 according to law, testified as follows:

2 PAUL KOWALESKI, having been first duly sworn
3 according to law, testified as follows:

4 MR. COLLINS: Thank you.

5 MR. TRENK: Thank you.

6 So before we get into the parts of the
7 process, I understand that you have received a
8 letter from the Honorable Kaleem Shabazz who's a
9 Third Ward Councilperson and he is asking --

10 MS. FONTANA: Did we get that?

11 MR. TRENK: -- that he be permitted to
12 speak very briefly and then we'll proceed with it,
13 if you want to --

14 MS. FONTANA: I have not received a
15 letter from Councilman Shabazz.

16 COUNCILMAN SHABAZZ: I apologize. I
17 thought you --

18 MR. COLLINS: Thank you, very much.

19 MS. FONTANA: Thank you, sir.

20 Mark this?

21 MR. COLLINS: Yeah. Hang on one second.
22 I think -- Mr. Trenk, I would ask that -- I didn't
23 receive an exhibit list or a witness list.

24 MR. TRENK: Again, your office, Mr.
25 Lederman, did not require that to be submitted in

1 advance so we submitted the entire project as is
2 and that's gonna be the testimony and the overview
3 provided today. Again, this is a -- (inaudible) --
4 this is a hearing that has never occurred before
5 like this manner, so no one outlined anything other
6 than the letter that your colleague sent me which
7 gave us a deadline. Obviously we could have and
8 would have and you'll have -- everything is
9 available. It's on the thumb drive. So again,
10 there's not gonna be anything new, and for the most
11 part, because I didn't know what type of
12 presentation that you -- that CRDA wanted, we don't
13 intend to regurgitate the record. We're gonna give
14 you an overview and obviously they're here to
15 answer questions, and certainly, if you permit Mr.
16 Davis to ask questions, then obviously I'll take
17 that on a question by question basis as to whether
18 I believe that's appropriate, but again, we're here
19 in good faith to try to work with CRDA.

20 MR. COLLINS: Understood. But there is
21 a tremendous amount of materials here and we all
22 know that this record is going to be important. I
23 know this is tedious, but can we just walk through
24 what was submitted by your office? I have a list
25 of it and maybe we can confirm that you --

1 MR. TRENK: I brought in -- I do
2 everything myself so --

3 (Multiple parties speaking. Inaudible.)

4 MS. FONTANA: We have multiple copies of
5 the --

6 MR. COLLINS: Yeah. He gave them --

7 (Multiple parties speaking. Inaudible.)

8 MR. TRENK: Thank you, Mr. Reid.

9 MR. REID: Sure.

10 MR. COLLINS: I just think it would be
11 worth it if we just take two minutes and look at
12 this and confirm that these are things, the thing
13 that you submitted and then we can mark new stuff
14 from there.

15 MR. TRENK: So obviously looking as
16 quickly -- and again, we could -- in order -- we
17 can get Councilman Shabazz done and, you know,
18 because I'm sure he has other stuff, and we can
19 certainly look at this. I'm sure there's going to
20 be at least one break. I do see off the top that
21 the certification that we submitted executed by Mr.
22 Pavlick and attaching Mr. Reid's letter is not on
23 here. I don't think it's there, but we can
24 certainly go through this and certainly add
25 anything else. We submitted the documents so

1 everybody has it.

2 MR. COLLINS: It was sent in so --

3 MS. FONTANA: Okay.

4 MR. COLLINS: If it's okay for you --
5 with you, why don't we just go with the numbers
6 that we have and we'll start with Mr. -- Councilman
7 Shabazz at A-10 and then in the meantime you guys
8 can look and we can figure it out from there.

9 MR. TRENK: Yes. Absolutely. Thank
10 you.

11 COUNCILMAN SHABAZZ: First of all, good
12 morning and thank you, very much, for indulging me.
13 I apologize in advance for leaving. My intention
14 was to stay at the whole -- this whole hearing,
15 this whole procedure, excuse me, but I'm not able
16 to. I have some very pressing constituent items to
17 address.

18 Let me say very briefly that I am the
19 Vice President of the Atlantic City City Council.
20 I'm also the Chairman of the Planning and
21 Development Committee for the City Council, as I
22 was when we first started talking about the road
23 diet and where we at today. I attended all of the
24 public hearings held by the State and Federal DOT
25 and also convened here -- (inaudible) -- with our

1 constituents. On behalf of myself and the council
2 president, who's not here, he happens to be at a
3 very pleasant activity. He's in Virginia for the
4 graduation of his granddaughter from high school.
5 She's going to Norfolk College, a very highly
6 acclaimed student, so he would be here along with
7 my other colleagues. Let me say that Council is
8 united in wanting the road diet to go forward. I
9 believe I'm dating myself when I say that the
10 things that we see accomplished in the road diet
11 are things we have been talking about in Atlantic
12 City for a good while, with striping of Atlantic
13 Avenue, with the signal synchronization, which is
14 gonna happen. These are things that our residents,
15 our visitors and those of us who were elected and
16 also taxpayers have been crying for and we believe
17 strongly that the road diet addresses this in a
18 positive way. Just briefly from my statement, the
19 pavement of Atlantic Avenue from Tennessee Avenue
20 to Albany Avenue -- it's done from Maine to
21 Tennessee. Now we're looking at it from -- going
22 from Tennessee to Albany. New pedestrian lighting
23 from Tennessee to Albany Avenue is needed and
24 synchronization of the signals. I think these are
25 important things -- not I think. I know these are

1 important things for visitors, for business people,
2 for residents. I believe that the road diet
3 accomplishes this. I would encourage you to
4 concur, to let us move forward, and I understand
5 the concerns of the businesses and casinos who I
6 also represent. In fact, most of them are in my
7 district, and I understand and appreciate those
8 concerns but I would respectfully suggest that what
9 the road diet has proposed is not in conflict with
10 that.

11 In closing, let me say I listened very
12 carefully to the hearings. One of the hearings the
13 gentleman said that Atlantic Avenue was one of the
14 most dangerous streets in the state. In one period
15 there was over 400 accidents, two people died,
16 about 75 people were injured. So as we said in
17 many meanings and other public venues, the road
18 diet is something that we did, we as a city, after
19 careful consideration from our experts and from the
20 State and the Federal Department of Transportation.
21 So we didn't just jump up and say we want to have a
22 road diet, let's reduce the lanes of traffic and
23 stripe. We did this upon their recommendation and
24 upon their stagnant statistics. So let me say I
25 believe, again, strongly, in conclusion, that this

1 road diet is important. I would encourage you to
2 let us go forward with that, and as our counsel
3 said, for the city government, we want to work in
4 cooperation with CRDA. CRDA has been a partner in
5 the development of Atlantic City and we hope that
6 will continue.

7 Thank you, very much. I appreciate your
8 time. Again, I apologize that I have to go. Thank
9 you, so much. Happy Father's Day to all the
10 fathers, too.

11 MS. FONTANA: Thank you, Councilman.

12 Yes. Councilman --

13 MR. DAVIS: Councilman, can I just ask
14 you a quick question?

15 MS. FONTANA: Can you just --

16 MR. DAVIS: Approach?

17 MS. FONTANA: Please, for the record,
18 just so that we know.

19 COUNCILMAN SHABAZZ: Don't ask me no
20 trick questions.

21 MR. DAVIS: I never do that.

22 (Multiple parties speaking. Inaudible.)

23 MR. DAVIS: So Councilman, are you aware
24 that from, apparently, according to the plans we've
25 reviewed -- and we're gonna hear from the

1 professionals so we have a better understanding as
2 to what the road diet consists of, but from
3 Tennessee to Missouri, are you aware that there's
4 the maintenance of five travel lanes, I believe,
5 according to the plans that have been submitted?

6 MR. TRENK: So again, our professionals
7 are gonna go through it and answer your questions.
8 The councilperson, the vice chair of the council is
9 here to indicate his involvement and his
10 understanding. So he's not going to -- he's not --
11 he wasn't sworn in as an expert on this. He serves
12 the constituents.

13 MR. DAVIS: I'm not -- (inaudible) --
14 certain question. The statement was made that
15 Council supports the road diet. You said that, did
16 you not?

17 MR. TRENK: Again, if we're gonna
18 speechify at this late hour, we're gonna be here
19 all weekend through Father's Day. I really don't
20 know -- he can save that for his closing. He can
21 save that for next week, for the full board, but
22 this councilperson came here in good faith to just
23 give an overview and now we're gonna get into the
24 meat of it.

25 MR. DAVIS: If Mr. Trenk is going to

1 continue to object to my questions it is going to
2 be until Father's Day. These are very simple
3 questions. I didn't ask Councilman Shabazz to
4 come. He was offered as a witness by the City of
5 Atlantic City and the statement was made that
6 Council supports the road diet. All I'm asking for
7 is, does Councilman Shabazz understand that,
8 according to the plans that have now been
9 submitted, has the road diet been fully implemented
10 from Tennessee to Missouri and has a resolution
11 been adopted to support that? That's my only
12 question.

13 MR. TRENK: That would --

14 MR. DAVIS: And if there's going to be
15 an objection to it, I want the record to reflect
16 that I don't believe such a resolution has been
17 adopted to support the change in plans, but if it
18 has been, that's my only question.

19 He's a member of Council. I have the
20 utmost respect for Councilman Shabazz. He's very
21 knowledgeable about what occurs before Council and
22 the City. He indicated that Council supports the
23 road diet and I just want to make sure that the
24 record is clear. Has Council endorsed the full
25 road diet in terms of what has been submitted now?

1 MR. TRENK: And again, the township
2 engineer -- the city engineer is here. He's going
3 to say about aspects -- we know this is a
4 collaborative effort with the DOT and with numerous
5 governing agencies, so again, if you're saying
6 there's no resolution -- there either is a
7 resolution or there isn't and if there's -- if it's
8 not on the record yet, that's up to us. We will be
9 glad, if Miss Fontana wants it, to provide it. So
10 again, he's not here on a memorization test. He's
11 not here as an engineer. He's not here as a
12 planner. He's just voiced his understanding and
13 his overview. So again, this is a complete tangent
14 that doesn't help the record.

15 MS. FONTANA: Mr. Davis, I think that
16 Councilman Shabazz was, was -- appeared here this
17 morning to make a general statement, not
18 necessarily to be a fact witness. I do believe
19 that your questions are valid but that there will
20 be others who will be testifying on behalf of the
21 city that may more appropriately answer those
22 questions.

23 MR. DAVIS: Thank you.

24 MS. FONTANA: Thank you.

25 COUNCILMAN SHABAZZ: Thank you.

1 MR. COLLINS: Mr. Trenk, before we
2 started you were intending to offer this letter
3 from the councilman as an exhibit. I believe I
4 interrupted you. Are we still entering that?

5 MR. TRENK: A-10.

6 MR. COLLINS: We'll call it A-10.

7 MR. TRENK: Yeah. I'm sorry that --

8 MR. DAVIS: I would suggest any
9 documents that are gonna be submitted after the
10 May 24th -- May 31st deadline be supplied to me,
11 because I was not provided with a copy of this
12 before today's hearing.

13 MR. COLLINS: Understood.

14 Do we have an extra copy?

15 MR. TRENK: Of the letter?

16 MR. COLLINS: Yeah.

17 MR. TRENK: Sure.

18 MR. DAVIS: Thank you.

19 MR. TRENK: So I just think, since Mr.
20 Davis, you know, wants to prolong this, the bottom
21 line is the two documents that I referred to before
22 that were in the certification that Mr. Pavlick
23 executed, certainly Mr. Davis has seen them because
24 he's on eCourts and they were submitted by letter
25 to Miss Fontana or to CRDA earlier this week.

1 MR. MOON: I believe there was a --
2 (inaudible.) One, there was a funding page.

3 MS. FONTANA: Wait. Wait. Wait. You
4 haven't entered really an appearance, Mr. Moon, so
5 you'll have to do that for the record.

6 MR. TRENK: Mr. Moon is -- I gave his
7 appearance.

8 MR. MOON: Mark Moon. I'm with Mr.
9 Trenk's law firm.

10 MS. FONTANA: Okay. Thank you.

11 MR. MOON: I reviewed the exhibit list.
12 There are a couple of items -- the one item that's
13 missing, there was the one page funding budget. It
14 was part of the initial submission.

15 MR. COLLINS: Okay.

16 MR. MOON: It was -- it just basically
17 listed the sources for the project.

18 MR. COLLINS: Okay.

19 MR. TRENK: So that will be A-12.

20 MR. COLLINS: I think we're on 11.

21 MS. FONTANA: That was not part of the
22 application binder?

23 MR. TRENK: Yes.

24 MR. MOON: It was.

25 MR. TRENK: Yes, it was. I put it in

1 myself.

2 MR. MOON: The initial submission, it
3 was -- the cover letter was the fifth item
4 submitted on the May 5th, 2024 submission.

5 MR. COLLINS: Okay. We can call that
6 A-11.

7 MR. MOON: And then as far as the --

8 MR. DAVIS: I just want to register an
9 objection to A-11. Is that the Rob Reid letter?

10 MR. TRENK: No. No. No. It just -- it
11 was asked to give the breakdown of funding for
12 this. It's been in everything you got.

13 MR. DAVIS: Okay.

14 MR. TRENK: It was posted on the website
15 for the CRDA.

16 MR. MOON: The Remington & Vernick item,
17 A-1, they had marked that as 1,251 pages. I
18 believe it's a 1,412 page document. I don't know
19 if --

20 MR. TRENK: It might be a typo.

21 MS. FONTANA: It's over a thousand.

22 MR. MOON: Yeah. Yeah.

23 MS. FONTANA: It consists of the traffic
24 analysis that are contained in the binders that we
25 have.

1 MR. MOON: Yeah. And then there was the
2 two items that Mr. Trenk had, was talking about.
3 This was the e-mail from CME to CRDA. These were
4 submitted on -- by letter to -- directly to the
5 Hearing Officer, Miss Fontana, on June 6, 2024.

6 MR. DAVIS: What was that exhibit
7 number?

8 MR. TRENK: What number, you're asking?

9 MR. DAVIS: Yeah.

10 MR. TRENK: Whatever number they decide.
11 I think it would be A -- we're up to A-12.

12 MS. FONTANA: A-12.

13 MR. DAVIS: That's the Rob Reid letter?

14 MR. MOON: That's the Rob Reid letter,
15 the e-mail and the Rob Reid letter.

16 MR. TRENK: The e-mail from CRDA and Mr.
17 Reid's letter.

18 MR. DAVIS: Yeah. I just want to raise
19 an objection to that. There was a link, I believe,
20 contained in an e-mail from CME. The e -- the link
21 information was never supplied, at least on the
22 version I saw, and I asked for it and I just want
23 to make sure the record reflects the plans that
24 were actually provided in that e-mail at that time,
25 because I believe they only relate to Phase 1, not

1 Phase 2 of the project.

2 MS. FONTANA: Noted.

3 MR. TRENK: 2022, so it was July 23rd of
4 2022.

5 Okay. So we're going to continue to
6 look at this and those are the --

7 MS. FONTANA: Yup.

8 MR. TRENK: Thank you.

9 Okay. So without further ado, the city
10 engineer, Mr. Ahiarakwe, is going to begin the
11 overview.

12 MS. FONTANA: Okay. You're gonna use
13 the boards?

14 MR. TRENK: Well, we have a hard copy.

15 MS. FONTANA: Okay. We're just gonna
16 adjust the lights.

17 MR. TRENK: Okay.

18 MR. AHIARAKWE: Good morning, everyone.

19 MR. TRENK: Let me just hand you the
20 hard copies in case you want to make notes and give
21 this --

22 MR. DAVIS: Thank you.

23 MS. FONTANA: Thank you.

24 MR. AHIARAKWE: Good morning.

25 MS. FONTANA: Good morning.

1 MR. AHIARAKWE: In Atlantic City we have
2 a saying, that you say it's a great day in the City
3 of Atlantic City. So for those of you who don't
4 work here, I welcome you all to Atlantic City, and
5 those of you who are coming back, welcome.

6 My name is Uzo Ahiarakwe. I'm the city
7 engineer. One of the issues that was tossed on my
8 lap when I arrived in 2019 was a study that was
9 being done by JMT regarding, you know, accidents at
10 certain locations within the city, particularly
11 Atlantic Avenue, and JMT did the study. It was
12 called Road Assessment -- Road Safety Assessment,
13 RSA, the acronym. The study was done and it was
14 submitted. We looked at it. I've been with the
15 municipality for years and one of the things we are
16 always cautious of, liability. When you know
17 something and you don't do anything about it, that
18 raises an issue. If you don't know about it,
19 that's different, but if you get a document that
20 correlates areas where you're having accidents, and
21 not just having accidents but the degree of
22 accidents that are occurring at those
23 intersections, you can't just sit down, fold your
24 hands and do nothing. In our business,
25 particularly where liability is a big issue, where

1 you can be sued for even a sidewalk, we just don't
2 sit down and do nothing. I did get the report,
3 shared the report with South -- SJTPO. I shared it
4 with NJDOT and everyone concurred that something
5 had to be done. It wasn't just concurring verbally
6 that something had to be done. They all wrote a
7 letter in support of us doing something about it.
8 It didn't stop there. They even helped us get the
9 funding for these projects. Basically, the funding
10 that was, that was solicited for and did get was
11 geared towards ameliorating the issues that were
12 identified in the RSA. It was very clear. We
13 weren't looking for money for anything other than
14 these issues that were highlighted in that study.
15 We needed to start addressing it. So that, you
16 know, again, I know I said liability. I'm gonna
17 say it again. It's something we live with each and
18 every day. So fast-forward, I did -- we did seek
19 funding from the Federal Government, through CMAQ,
20 TTF. Basically, we went through the whole gamut
21 and we were, we were assisted by NJDOT and SJTPO.
22 So I kind of needed to give that brief overview
23 before going into what we have here.

24 What we have here basically on the
25 slide, we basically compressed everything, because

1 if we were to start going through all the things,
2 it will take forever, so what we did was just to
3 compress it. If you have your hard copy, you can
4 go through it.

5 MR. TRENK: Make it -- (inaudible.)

6 MS. FONTANA: You can see it there on
7 the --

8 MR. AHIARAKWE: Okay. Basically, the
9 first page basically is the agenda. It clarifies
10 the agenda.

11 MR. TRENK: Okay.

12 MR. AHIARAKWE: It's not mine so I have
13 to ask him how.

14 MS. FONTANA: That's okay.

15 MR. AHIARAKWE: Okay. The second page,
16 city priorities are in there, self-explicit. I
17 mean, I -- if you want I can read it but I think
18 it's very clear what our priorities are for 2025.
19 Again, bear in mind that even though I've talked
20 about liability, liability, liability, again, we
21 also have to talk about quality of life of the
22 residents. It's a very dark street, very dark. If
23 you were to drive here at night and just move away
24 from Pacific Avenue and come towards here, you will
25 see how dark it can be at night. It's not

1 something where it's just saying for the sake of
2 talking. It's a reality that we all have to live
3 with.

4 So I'll go to the next page. Okay.
5 This is the timeline. It's a project timeline of
6 what we did, when we did it, and I think one thing
7 I have to emphasize about this timeline is none of
8 the decisions that we talk about this project were
9 in isolation. I personally had three meetings with
10 neighborhoods. It wasn't just me. Those meetings,
11 there were officials from SJTPO, Jennifer Marandino
12 attended those meetings. It wasn't just the city.
13 Those meetings, NJDOT also attended those meetings.
14 Just as it was critical to us that those areas be
15 ameliorated, to prevent those number of crashes, it
16 was also important to them that it be done. So
17 this is the timeline. I don't know --

18 MR. TRENK: Run through it so it's --

19 MR. AHIARAKWE: Run through it quickly.
20 I mean, let's -- okay. 2011, the --

21 MS. FONTANA: Excuse me.

22 MR. AHIARAKWE: -- city adopts --

23 MS. FONTANA: Yeah. You're gonna need
24 to run through --

25 MR. AHIARAKWE: Okay.

1 MS. FONTANA: -- it because it's
2 difficult to pick up what you're referring to
3 exactly.

4 MR. AHIARAKWE: Okay. I will run
5 through it, ma'am.

6 MS. FONTANA: Just quickly, yeah.

7 MR. DAVIS: Just for the record, should
8 we mark this?

9 MR. COLLINS: This is part of what was
10 submitted, correct?

11 MR. DAVIS: No.

12 MR. TRENK: No. These are the
13 demonstrative but I'm -- I have no problem marking
14 it.

15 MR. COLLINS: Oh, then we can mark it.

16 MR. DAVIS: We're making a record here
17 and that's important.

18 MS. FONTANA: Yup. We'll mark it. I
19 think we're up to A-13.

20 MR. COLLINS: Yes.

21 MR. TRENK: I think the exhibit, we
22 would call it the City PowerPoint.

23 MS. FONTANA: PowerPoint presentation,
24 yup.

25 MR. TRENK: Thank you.

1 Go ahead.

2 MR. AHIARAKWE: Okay. The timeline,
3 2011, city adopts Resolution 276-2011 in support of
4 local bicycle, pedestrian planning assessments.
5 2011 again, city unanimously passes resolution that
6 was adopting the complete street policy. 2013,
7 NJDOT funds Atlantic City bicycle and pedestrian
8 plan to identify problem areas along Atlantic
9 Avenue. 2014, Atlantic City -- Atlantic Avenue
10 safety audit conducted by Transportation Safety
11 Research Center at Rutgers. Then we jump to 2018,
12 SJTPD states Atlantic, Atlantic Avenue is the
13 number one bicycle and pedestrian crash corridor,
14 you know, I didn't say that, and the number one
15 overall crash corridor in South Jersey. Again,
16 this is literature that's all over the internet.
17 And then we move to 2019. December 5th, 2019,
18 first public comment session on the Atlantic Avenue
19 Road Safety Assessment. We jump to January 6,
20 2020, city engineer's presentation on the Road
21 Safety Assessment to the Westside Neighborhood
22 Protection Association, encouraging submission of
23 comments. I did mention that in my starting. Then
24 we jump to January -- okay. 20 -- I went fast.
25 2021, March 18th. Is that it?

1 MR. TRENK: You did `21.

2 MR. AHIARAKWE: Forgive me. I don't
3 have my glasses.

4 2020, January 9, 2020, second public
5 comment session on the Atlantic Avenue Road Safety
6 Assessment. Okay. And then we go to March 18th,
7 2020. Okay. Forgive me again. January 22nd,
8 2020, Atlantic Avenue Road Diet Project presented
9 to the City Council which adopts Resolution 56-2020
10 approving the project. Okay. That's -- okay.
11 2020, December 23rd, 2020, city adopts --

12 MR. TRENK: Use this hard copy.

13 MR. AHIARAKWE: Okay.

14 MR. DAVIS: Questions here?

15 MR. AHIARAKWE: Any questions so far?

16 (Multiple parties speaking. Inaudible.)

17 MR. AHIARAKWE: Let's do this. 2020,
18 March 8th -- March 18th, 2020, city adopts
19 resolution and -- resolution authorizing
20 advertisement of RFP for engineering services for
21 the Atlantic Avenue Road Diet Project. The next
22 one is November 9, 2020, city engineer's second
23 presentation at Westside Neighborhood Protection
24 Association. We go again, 2020, city adopts
25 Resolution 645-2020 awarding contract for

1 engineering services to RVE. July 9th, 2021, James
2 M. Rotella Associates prepares and submits RAISE
3 grant application on behalf of the city. The RAISE
4 grant applications specifically mentions the RSA.
5 Basically, we were looking for money from the RSA
6 and from the RAISE grant to ameliorate the issues
7 that were identified in the RSA. Now, July 16th,
8 2021, RVE issues traffic analysis methodology
9 report. August, 2021, RVE prepares specification
10 for the Atlantic Avenue Road Diet, Phase 1. 2021,
11 September 16th, 2021, RVE sends construction plans
12 for Phase 1 to Thomas J. Meehan, III at CRDA.
13 2021, November, 2021, USDOT grants city application
14 for RAISE grant funds. Again, it's buried in
15 there, in that application. November 17th, 2021,
16 city adopts resolution to accept federal highway
17 grant of 2 million for Phase 1 of the Atlantic
18 Avenue Road Diet Project. 2021, December 26, 2021,
19 city adopts Resolution 717-21 awarding contract for
20 paving contract to Charles Marandino, LLC.
21 February 7th, 2022, NJDOT entered agreement with
22 city for grant funds towards Atlantic Avenue Road
23 Diet Project. 2022, February 23rd, 2022, city
24 adopts resolution accepting USDOT RAISE grant of
25 10.3 million and that -- and city adopts resolution

1 awarding contract to CME Associates for
2 construction management of Phase 1 of the road diet
3 project. 2022, June 1st, 2022, Lance Landgraf
4 e-mails -- e-mail to city asserting CRDA
5 jurisdiction. July 20th, 2022, CME submits drawing
6 to Robert L. Reid at CRDA. 2022, August 1st, 2022,
7 Robert L. Reid sends letter to CME dated July 21st,
8 2022. December 20th, 2023, e-mail from Lance
9 Landgraf asserting that changes to Atlantic Avenue
10 must be reviewed and approved by CRDA. 2023,
11 December 21st, 2023, Boardwalk Regency, LLC --

12 MR. TRENK: You want to pull up for the
13 township en -- the city engineer the funding, so
14 we're gonna pull that up. That's already been
15 submitted but then we're gonna walk you through
16 the -- (inaudible.)

17 This was marked A-11, if you recall,
18 Mr. Collins and Miss Fontana, A-11. So --

19 MR. COLLINS: Just before we get into
20 this, if we're concerned whether the road diet is
21 appropriate, I understand that that background was
22 helpful, but are we getting a little off course
23 here?

24 MR. TRENK: One of the questions that
25 was asked by Mr. Lederman was the funding and the

1 witness just testified to it, so I'm just putting
2 the funding up so it's clear, because one of the
3 issues that's been raised, certainly by the vocal
4 objector, is can we do some but not all, so that
5 document is gonna be part of your consideration and
6 understanding of what we believe is the
7 comprehensive addressing of this. So understanding
8 the source of the funds, where we got them,
9 obviously doesn't involve CRDA money, but it
10 involves a tremendous amount of infrastructure
11 money from the current President Biden's
12 Administrative and it involves RAISE grants, which
13 are critical. It will take literally 30 seconds.

14 MR. COLLINS: Okay. Thank you.

15 MR. TRENK: Can you just scroll up so
16 it's all on the slide?

17 So Mr. -- again, Mr. Seney, if you're
18 comfortable, you can walk us through it. So what
19 is -- take a look at it. What is now A-11? What
20 is that document?

21 MR. AHIARAKWE: This is a summary of the
22 grants we were -- we're basically, basically
23 looking towards using to -- for the project itself.

24 MR. TRENK: And these grants, do they
25 deal with not only Phase 1 that's been implemented

1 or is in the midst of being finalized, as well as
2 Phases 2A and 2B?

3 MR. AHIARAKWE: Basically, it's the
4 entire project.

5 MR. TRENK: Okay. And what is the total
6 amount, just so we have it in the record?

7 MR. AHIARAKWE: Total sources is
8 21,342,229.95.

9 MR. TRENK: \$21.3 million, approximately,
10 correct?

11 MR. AHIARAKWE: That's correct, sir.

12 MR. TRENK: And just so you can clarify,
13 I think you talked about the collaborative nature
14 of the plans and revisions and implementation. Why
15 was the project broke down into Phase 1, Phase 2A
16 and 2B?

17 MR. AHIARAKWE: Funding. Funding was a
18 big issue. We could only do but so much at a time
19 while we were seeking the additional funding to
20 finish the project.

21 MR. TRENK: And why -- it's all dealing
22 with Atlantic Avenue, correct?

23 MR. AHIARAKWE: That's correct.

24 MR. TRENK: And what's the length that
25 will be covered by the entirety of Phase 1, Phase

1 2A and 2B, approximately?

2 UNIDENTIFIED SPEAKER: It's 2.4 --

3 MR. TRENK: Okay. You can say it. Just
4 say it loud enough.

5 UNIDENTIFIED SPEAKER: 2.49.

6 MR. TRENK: 2.4, okay.

7 And Phase 1 -- is Phase 1 basically
8 completed at this time?

9 UNIDENTIFIED SPEAKER: Yes.

10 MR. TRENK: Can you describe on the
11 record -- just speak louder so we get --

12 MR. DAVIS: Hold on. Hold on. What
13 witness are we hearing from right now?

14 MR. TRENK: We're doing one
15 presentation. When we're done with our
16 presentation -- (inaudible). It would just be
17 better, so we can get it all on the record. Since
18 this is thousands of pages, as you recognize, I
19 just want to put it all -- he can ask questions if
20 you're gonna allow him of any of our witnesses.

21 UNIDENTIFIED SPEAKER: We're not even
22 going to Phase 1. You're going to Phase 1, the
23 slide?

24 MR. TRENK: That's fine, but over an
25 objection at this point.

1 MR. DAVIS: I just want to know if Mr.
2 Ahiarakwe's testimony is completed, because if it
3 is, I want to have the right to cross examine him.
4 So I just want to understand what the
5 presentation -- I'm accustomed to a witness being
6 presented and then having opposition counsel be
7 able to cross examine that witness, not to have
8 multiple witnesses answering questions through a
9 presentation. I just want to understand what the
10 rules of the road are.

11 MR. TRENK: Well, again, he was --

12 MS. FONTANA: I understand.

13 MR. TRENK: We'd love to know the rules
14 of the road, too. We're fine with that in this
15 case, but we would ask Mr. Collins, respectfully,
16 let us get it all in and then to the extent Mr.
17 Davis has questions -- because again, there is not
18 a -- (inaudible). This has been a tremendous
19 effort for over a decade by all of these
20 individuals and more so. We would appreciate
21 letting us put it all in uninterrupted and then Mr.
22 Davis can take his, his --

23 MS. FONTANA: I understand.

24 MR. TRENK: Thank you.

25 MS. FONTANA: Perhaps I missed one of my

1 paragraphs in my opening section.

2 So what we would like to do is have the
3 city put in their presentation. It will come to
4 the panel for inquiries and Mr. Davis will have an
5 opportunity to make inquiry, as well, but we do
6 need individuals who are changing and talking at
7 the same time to identify themselves.

8 MR. TRENK: Absolutely.

9 MS. FONTANA: Okay? So Mr. Uzo is done
10 for the moment?

11 MR. TRENK: Mr. Seney -- (inaudible.)

12 MS. FONTANA: Mr. Seney, you may
13 continue.

14 MR. TRENK: So again, the question, Mr.
15 Seney, that I think you were attempting to answer
16 is just to explain -- and Mr. Kennedy, I appreciate
17 your -- just identify, as Miss Fontana said, your
18 name if you respond -- the collaborative
19 integration of all phases.

20 MR. SENEY: Okay. So quick project
21 overview, the project was based on JMT's road
22 assessment. That was selected by the city and we
23 were hired to implement that.

24 MS. FONTANA: Okay. Can you just make
25 reference to what page of this presentation you're

1 now on?

2 MR. SENEY: Nine. Page 9.

3 MS. FONTANA: Nine, okay.

4 MR. DAVIS: I'm sorry. I just want to
5 make sure the record's clear. Is the JMT study
6 part of the record or was it already --

7 MR. TRENK: Absolutely. It was part of
8 the presentations we've made.

9 MR. DAVIS: Is it separately marked as
10 an exhibit?

11 MR. TRENK: No. It's all part of what
12 we've submitted on May 15th.

13 MR. DAVIS: So it doesn't have an
14 exhibit number assigned to it as part of your
15 application to the CRDA?

16 MR. MOON: No. No. No. All the 1,500
17 pages that we talked about in the RV report, a
18 chunk of that is the JMT report.

19 MR. DAVIS: Understood. Thank you.

20 MR. TRENK: Go ahead. Keep your voice
21 up.

22 MR. SENEY: I'm sorry. So the JMT study
23 is a two factor solution presented in the --

24 MR. TRENK: Wait for Miss --

25 MR. COLLINS: Yeah. I think so.

1 MS. FONTANA: Go ahead.

2 MR. SENEY: The two goals were to reduce
3 frequency of collisions and approve safety for all
4 road users and prioritize pedestrian and bicycle
5 improvements. With the road diet project we also
6 implemented traffic signal synchronization and
7 management and fiber optic installation for traffic
8 signalization and future traffic safety cameras.

9 MR. TRENK: So again, that's the
10 entire --

11 MR. SENEY: That's the entire --

12 MR. TRENK: -- 2.4 miles?

13 MR. SENEY: -- 2.4 miles, Phase 1, 2A
14 and 2B.

15 So here's some of the funding we talked
16 about. It was kind of juggled a little bit, but as
17 Uzo stated, RAISE grants fund a portion of it,
18 seeing that grant is a federal grant for pedestrian
19 mitigation or quality. Various state agency, NJDOT
20 grants and Atlantic City capital funds. The
21 funding was safety related funding. So without any
22 safety improvements, the city probably wouldn't
23 have gotten any funding.

24 MS. FONTANA: Understood.

25 MR. SENEY: Finally, there is a

1 post-performance measurement for the RAISE grant.
2 After it's all done and submitted, we're required
3 to go back do some traffic analysis to see how, in
4 fact, the road diet is working.

5 So it's getting three phases. Phase 1,
6 Tennessee Avenue to Maine Avenue. 2A is Albany
7 Avenue and Tennessee Avenue. That was just a fiber
8 installation. And Phase 2B, which is yet to be
9 done, is Albany Avenue to Tennessee Avenue. Phase
10 1 improvements, which I'll go through again, I'll
11 do 2A and then I'll do 2B. So we did new asphalt
12 surface course, roadway striping, paver markings,
13 ADA improvements, curb ramps in the corners, added
14 pedestrian lighting, and we also put fiber optic
15 installation in this section of road. We also put
16 GPS time clocks in the controllers. We set them to
17 zero for -- (inaudible) -- to increase the level of
18 service out there, as a temporary basis until the
19 fiber optics got connected and we can manage it
20 from the public safety building, and that work is
21 completed, as everybody knows.

22 Here's basically the striping plans for
23 it. Again, one lane, bike lane, travel lane,
24 center area -- (inaudible) -- and then obviously
25 the parking and loading. I could not get rid of

1 that, obviously. Here's a couple pictures looking
2 uptown. Looks beautiful. This one's looking in
3 midtown and one more photo looking uptown. You can
4 see bicyclists in the lane, which is nice to see.
5 When I ride the road bicycles are right down the
6 center of the road or on the sidewalk, which is not
7 good. I was actually in the car yesterday with DOT
8 as part of Phase 2B. (Inaudible) -- resources
9 and -- (inaudible) -- office. I showed them these
10 pictures. They thought the job came out wonderful.
11 Here's another photo looking at it. One thing I
12 mentioned to Uzo, the one thing that's missing now
13 is the traffic signals, you know. I don't know if
14 you have funding for it, but replacing the signals
15 to make them all powder-coated black, to make it
16 look really, really a beautiful corridor. That's
17 Phase 2A.

18 MR. KENNEDY: So Phase 2A -- I guess for
19 the record, Derrick Kennedy with Remington Vernick.

20 MS. FONTANA: Thank you, Mr. Kennedy.

21 MR. KENNEDY: Phase 2A improvement is
22 probably one of the less visible aspects with
23 the -- the most important was the completion of the
24 fiber optic structures along the corridor. This
25 section went from Tennessee to Albany, tied into

1 the existing signal when referring to the corridor.
2 So there you can see, it was just an installation
3 of a 4 inch -- two 4 inch conduit ducts. We're
4 installing a --

5 (Out of microphone range. Inaudible.)

6 MR. KENNEDY: Yeah. 19.

7 This just shows typical application of
8 our fiber installation and it includes 4 inch --
9 two 4 inch conduit, 96 pair of fiber optic cable,
10 which will be used to connect into the future
11 signal system, which will provide signal
12 optimization -- (inaudible). There's also a lot of
13 built-in capacity in that fiber back --
14 (inaudible) -- that we'll put in. There's talks
15 about the police department using it for cameras.
16 The city has capacity in there for other reasons,
17 as well, so just a general infrastructure upgrade
18 to the city.

19 So here's a photo, you can see the work.
20 They got in and out of there, I think fairly
21 quickly. Slide number 20, you can see the
22 trenching we have in here, peels off into the
23 controller cabinet area for future connection to
24 the signals, and then just by looking at these
25 slides we can see that the roadway is in need of

1 repaving. Phase 2A was intended to, you know, get
2 that fiber in there, do the trenching work, so when
3 you do see those saw cuts and that patching work,
4 that's just temporary. Obviously we'll come back
5 with Phase 2B, complete the project and have a nice
6 overlay on the entire roadway.

7 There's two more photos for 2A where you
8 can see the trenching of the fiber line for future
9 use. (Out of microphone range. Inaudible.)

10 I'm on 22 now. Again, just photos of --
11 (inaudible) -- completed and then we're on to Phase
12 2B, which is --

13 MR. TRENK: Phase 2B. With regard to
14 2A, has that work been done yet?

15 MR. KENNEDY: 2A is complete.

16 MR. TRENK: 2A is complete?

17 MR. KENNEDY: Yes.

18 MR. TRENK: Okay. And the funding, to
19 your knowledge, has all been obtained?

20 MR. KENNEDY: Correct. Should be.

21 MR. TRENK: And when was 2A completed?
22 December of last year?

23 MR. KENNEDY: Yeah. Drew may know
24 exactly.

25 MR. TRENK: Drew, you can --

1 MR. KENNEDY: As the construction
2 inspector went, 2A was complete --

3 MR. PAVLICK: Yeah. I think it was
4 January --

5 MR. TRENK: Yeah.

6 (Multiple parties speaking. Inaudible.)

7 MS. FONTANA: Wait. Wait. Wait.

8 MR. TRENK: I'm confusing your name.

9 MS. FONTANA: With the video we have to
10 know who's talking.

11 MR. TRENK: Yeah. Absolutely. Can you
12 stand up?

13 MR. PAVLICK: Drew Pavlick with CME
14 Associates.

15 MR. TRENK: What was your role with this
16 job?

17 MR. PAVLICK: We're the construction
18 administration engineer. We oversaw the
19 construction once the project was awarded to a
20 contractor.

21 For Phase 2A, it is completed. We're in
22 the process of getting the final close-out with the
23 Department of Transportation. The work is done.

24 MR. TRENK: Thank you.

25 2B -- just give your name for the record

1 and --

2 MR. KENNEDY: So again, Derrick Kennedy
3 with Remington Vernick Engineers.

4 So section 2B is the remaining section
5 of the road diet project. It goes from Tennessee
6 Avenue to Boston Avenue. It includes many of the
7 same scope and applications that were provided in
8 Phase 1. So we're implementing the road diet in
9 most of the section.

10 MS. FONTANA: Again, can you give me the
11 parameters on 2B again?

12 MR. KENNEDY: Tennessee.

13 MS. FONTANA: It's Albany to Tennessee?

14 MR. KENNEDY: To Tennessee, correct.

15 MS. FONTANA: Okay.

16 MR. TRENK: Could you just clarify why
17 the sign says Albany instead of Boston?

18 MR. KENNEDY: Yeah. That's good
19 question. There's some confusion. So our physical
20 limit of the road diet project, the repaving, the
21 lighting, crosswalk improvements is to Boston,
22 which is the next adjacent intersection to Albany.
23 For the fiber installation, we went to Albany just
24 because it made sense to connect to the adjacent
25 signal system, so there's one block there where we

1 continue the fiber but our road diet project, per
2 se, you know, those limits ended at Boston Avenue,
3 which is just prior to Albany.

4 MR. SENEY: That section was recently
5 paved by DOT.

6 MR. TRENK: Just give your --

7 MR. SENEY: Frank Seney. That was
8 recently paved. Everybody knows. That's all new
9 pavement from Albany to Boston.

10 (Out of microphone range. Inaudible.)

11 MR. KENNEDY: All right. So some of the
12 other aspects in the Phase 2B section, we do have a
13 full signal replacement at Atlantic and Ohio. So
14 most of the intersections, we're just making the
15 intersections fiber ready, upgrading the equipment
16 in the cabinet so that we coordinate them, but at
17 Ohio Avenue we are planning a full signal rebuild
18 so we'll see new poles and mast arms, push button,
19 signal head, that type of thing. ADA improvements
20 corridor wide. All the intersection will have
21 improved crosswalks, ADA compliant curb ramps
22 installed, pedestrian scale lighting installed
23 along the corridor where it currently doesn't exist
24 or it needs to be improved on, and then bike lanes.
25 So we have bike lanes on the project and in Phase

1 2B we're gonna do a green striping application, if
2 anyone's familiar with that. In a lot of the
3 larger municipalities, the City of Philadelphia,
4 New York -- (inaudible) -- and more common. So in
5 Phase 2B the bike lanes will be striped green.
6 We'll also go back into Phase 1 and make that
7 continuous with the entire corridor under the 2B
8 phase. And then we'll also go back to the Phase 1
9 signals, tying in the fiber and completing, you
10 know, the remaining work that wasn't done --
11 (inaudible) -- as part of Phase 1.

12 So this is just a sample cross-section,
13 slide 24. We're going down two -- (inaudible) --
14 typically down to one lane. We have a 12 foot
15 travel lane for vehicles, a 3 foot buffer between
16 the travel lane and the bike lane, and then we have
17 a 7 foot bike lane with 8 foot parking, and then
18 again, you would -- one of the goals of the project
19 is to try to find the balance for all different
20 modes of transportation. We're retaining parking.
21 We're retaining loading zones, bus stops, you know,
22 pretty much as they exist today.

23 Here is a sample of our striping plan of
24 what the road will look like in the plan view here.
25 All the crosswalks will have uniform markings and

1 piano key type crosswalks that you see now, they're
2 high in visibility from what's out there typically
3 today. That will be consistent throughout the
4 corridor. Left turn lanes where they exist are
5 being retained so we're not providing or
6 implementing any additional restrictions on traffic
7 from what's there today as far as turning
8 movements. You can see that the buffer lane
9 here -- I know there's been talk about, you know,
10 the lane lifts and things like that. We have --
11 (inaudible) -- bike lanes, buffer between moving
12 traffic. If anyone rides bicycles, you know, a lot
13 of times you close the door and -- (inaudible) --
14 bike lane next to a parked vehicle, so we have a
15 wide lane. We were using that space, you know, to
16 eliminate those type of collisions and accidents
17 that we're seeing with folks on bikes.

18 MS. FONTANA: Let the record note that
19 he's referring to page 25 in that last statement.

20 MR. TRENK: Slide as you --

21 MR. KENNEDY: Yeah. So slide 26, this
22 is, I'll call it the southern end of our project
23 here. So if there's any confusion of what's
24 happening between Albany and Boston -- so we have
25 Boston is shown here on the bottom right, where you

1 see that, you know, the boxed out crosswalks and
2 then what's not shown on here is fiber optic
3 interconnect going down to Albany, but you can see
4 our striping improvements, our ramp improvements,
5 paving would stop at Boston.

6 Slide 27, just another typical example
7 of what the roadway would look like.

8 MS. FONTANA: Is there any of the
9 remaining slides that are different than the page
10 before?

11 MR. KENNEDY: No. No. Now they're --

12 MR. TRENK: The only times --

13 (Multiple parties speaking. Inaudible.)

14 MR. TRENK: They look similar but
15 they're different shaped.

16 MS. FONTANA: Obviously.

17 MR. KENNEDY: Right. And then, I guess
18 just to recap in some way, so there are sections
19 getting into the midtown area where the Atlantic
20 City Expressway comes in where we've got the need,
21 there's a need to maintain vehicle capacity.

22 MS. FONTANA: Okay. And would that be
23 indicative -- indicated on one of these slides?

24 MR. KENNEDY: Right. So --

25 MS. FONTANA: Which page is that?

1 MR. KENNEDY: So here, it's slide 29,
2 which is shown up on the bottom right, Columbus
3 Boulevard. It's -- (inaudible) -- in the
4 intersection. I believe the slide is Missouri. So
5 you can see there on one side of the intersection
6 we're into the typical road diet cross-section,
7 where it's one lane. It's feeding into a
8 cross-section where we're going to two lanes. So
9 here we're coming in one lane, we're opening it up
10 to two lanes. So as we get past Missouri, the area
11 between Missouri and Tennessee, it is an area where
12 we modify from that standard cross diet where --
13 road diet cross-section and then, you know, a
14 little differently just to maintain capacity where
15 we have the heavier volume that we deal with.

16 MS. FONTANA: Okay.

17 MR. KENNEDY: Slide 30 shows, you know,
18 Arkansas or Kansas. That's how some people say it,
19 right, locally. So you can see here we still
20 maintain two lanes in the northbound direction. We
21 have the double right lane going off towards the
22 expressway, that's being maintained, and then when
23 we get past that area on the bottom here, you can
24 see it, we have the -- back to a four lane
25 cross-section, similar to what's there today.

1 And then going forward to slide 31, that
2 cross-section continues until we get to Tennessee,
3 where we tie into Phase 1 of the project and we
4 eventually taper both lanes back down into, you
5 know, the road diet that exists today.

6 So here are some details on our slide.

7 MR. TRENK: What slide?

8 MR. KENNEDY: Slide 32 shows our
9 pedestrian scale lighting and, you know, our
10 typical application. Much more, I would say denser
11 application than what's out there today, so more
12 coverage. It's definitely gonna be a brighter
13 corridor than it is now. Bottom right you can see
14 the typical designs that we're using. It's the
15 ornamental black powder-coated type design, you
16 know, with the decorative lanterns, and they are an
17 LED type luminaire, different than the old
18 incandescent type bulbs. They're a little more
19 energy efficient and more adjustable, you know, as
20 far as brightness and practicality, from that
21 standpoint.

22 Slide 33, just another continuation of
23 our lighting plan throughout the corridor. Same
24 with slide 34 and 35. Six -- I'll just go through
25 these quickly. And then I did mention this

1 earlier. So slide 37 at Ohio Avenue, we are
2 updating the entire signal there, so a full
3 rebuild, and part of that was because of the amount
4 of transit vehicles that were going through there.
5 Some of these poles were getting beat up with the
6 large vehicles turning, hitting, you know, the
7 equipment on the corners, so we'll have a better
8 design. We'll have poles set back out of those
9 potential striped zones and, in general, ped heads,
10 you know, pedestrian signals will be improved, so
11 overall a little bit more of an improvement at Ohio
12 Avenue than what is standard at the rest --

13 MR. SENEY: That traffic signal won't be
14 powder-coated black. It's gonna be --
15 (inaudible) --

16 MS. FONTANA: The last comment was made
17 by?

18 MR. SENEY: Frank Seney.

19 MS. FONTANA: Frank Seney.

20 MR. KENNEDY: Slide number --

21 MS. FONTANA: Have you gone through the
22 presentation?

23 MR. KENNEDY: 39. 39. Okay. Sorry.

24 MS. FONTANA: So this would be good
25 point to --

1 MR. KENNEDY: 38 was the Ohio Avenue
2 slide.

3 MR. TRENK: Thank you.

4 MS. FONTANA: Should we bring it back?

5 MR. COLLINS: Okay.

6 MS. FONTANA: Okay.

7 MR. KENNEDY: Slide 39.

8 Are you okay?

9 MS. FONTANA: Yup.

10 MR. KENNEDY: And two other improvements
11 are being added to the project. So overhead street
12 signs will be added at every signalized
13 intersection, so the existing mast arms. Most of
14 them have some signage today. It's not very
15 consistent in placement and design, so we'll have
16 new signing at all intersections or street signing,
17 and then here on the bottom right is an example of
18 the green lane markings that will go in for the
19 bike lane to designate that area specifically as
20 used for bicyclists.

21 MR. TRENK: Okay. I want to bring Mr.
22 Ahiarakwe, the engineer, up one more time and
23 then -- just stand up here.

24 So I want you to clarify for the
25 record -- and maybe we should go back to the

1 funding slide. Specifically, I think it's A-11.
2 Is all of the funding, the 23 -- the \$22.3 million
3 that you've shown between RAISE and all the state
4 and other grants and the infrastructure money from
5 Washington, DC, is it all involved and required the
6 road diet, meaning the lanes as it's been described
7 by Mr. Seney and Mr. Kennedy to be implemented?

8 MR. AHIARAKWE: Yes.

9 MR. TRENK: Go ahead. You want to
10 clarify that at all?

11 MR. AHIARAKWE: No. It's just the ones
12 that you see that are coming from us are matching
13 grant --

14 MR. TRENK: Okay.

15 MR. AHIARAKWE: -- which means the same
16 thing they want with their money, we have to do
17 with our money.

18 MR. TRENK: So could you finally explain
19 to Miss Fontana specifically the, we'll call it
20 inter -- the collaboration and the process that you
21 and your other professionals are going through with
22 the New Jersey Department of Transportation with
23 regard to final, we'll call it approval of the
24 drawings specifically on 2B?

25 MR. AHIARAKWE: Final plans, final

1 design plans have been submitted to NJDOT. It's
2 currently being reviewed at this point.

3 MR. TRENK: Are those the plans that we
4 provided to CRDA before May 24th? They have them,
5 right?

6 MR. AHIAKWE: Yes. The plans, you
7 have the plans, final plans, right.

8 MR. TRENK: And so --

9 MR. TETREAU: Let me correct that.
10 The preliminary plans.

11 MR. TRENK: So just clarify what that
12 means. Clarify -- just state your name for the
13 record.

14 MR. SENEY: Frank Seney.

15 Preliminary plans are a point, I'm gonna
16 say they're 80 percent complete. They're not
17 100 percent documents, you know. The DOT may have
18 some comments we have to revise. They're not bid
19 ready construction plans as of yet.

20 MR. TRENK: And is this typical of road
21 construction projects?

22 MR. SENEY: Typical set of requirements
23 for the submissions.

24 MR. TRENK: And why? Explain that.
25 Why?

1 MR. SENEY: It's just a process. You
2 need to submit the preliminary drawings with the
3 category exclusion document, which is an
4 environmental document to make sure everything's
5 good.

6 MS. FONTANA: We have to leave the door
7 open. I'm sorry.

8 MR. TRENK: Oh, okay.

9 MR. SENEY: Once they approve that, then
10 we authorize it to go to final design.

11 MS. FONTANA: Okay.

12 MR. TRENK: Okay. So now we wanted to
13 ask Mr. Pavlick and Mr. Kowaleski, the construction
14 managers to come up and provide their overview of
15 the project.

16 MR. COLLINS: Do you want to take that
17 break?

18 MS. FONTANA: Yeah. I think at this
19 point -- you want a -- you need a break? Okay. At
20 this point perhaps we will have questions for the
21 individuals who have testified thus far from the
22 panel. If you could just hold these two gentlemen
23 up for one moment and then --

24 MR. TRENK: You did a great job.

25 MS. FONTANA: Okay. Do you have any

1 questions based on what these gentlemen so far
2 have --

3 MR. TETREAULT: Not really.

4 MS. FONTANA: -- provided?

5 MR. TETREAULT: Pretty much coincides
6 with what I've seen to date and really doesn't --
7 you know, I don't think there's anything really new
8 here that I've seen that I haven't seen before.

9 MR. TRENK: Thank you.

10 MS. FONTANA: How about --

11 MS. COFONE: I just have one question,
12 really. I'm not sure which one of your witnesses
13 would be most appropriate to answer it but, I mean,
14 some of the things that you spoke about today are
15 certainly important and aligned with the Tourism
16 District Master Plan. Take, for example, the black
17 powder coating. Right? That has a nice, a nice
18 impact on the aesthetics of the area. Was there
19 any consideration given to an alternative analysis
20 where you implemented some of those things but
21 didn't do the road diet? Because certainly you
22 don't need to do a road diet to accomplish black
23 powder coating on our lighting. So was there
24 anything given to do some of those things that
25 would have an improved appearance to the district,

1 to the area, yet not do the road diet which has
2 clearly other consequences?

3 MR. TRENK: Thank you for your question.

4 MS. COFONE: You're welcome.

5 MR. TRENK: Go ahead.

6 MR. AHIARAKWE: There are a lot of phase
7 we would have loved to do but didn't have the money
8 and then we literally were scrounging for money
9 from here and there.

10 MS. COFONE: Scrounging for money from?
11 I didn't hear that.

12 MR. AHIARAKWE: Pardon me.

13 MR. TRENK: From any source.

14 MS. COFONE: Any source.

15 MR. AHIARAKWE: We were scrounging money
16 from many sources.

17 MS. COFONE: Understood.

18 MR. TRENK: I think the question is --
19 I'll call it the opposite. Could you have done
20 everything but the road diet and gotten this done?

21 MS. COFONE: Well, maybe not everything
22 but, but are there things that you have done,
23 right -- when we do things in planning it's a
24 balance. We have to pick and choose. It's
25 usually --

1 (Multiple parties speaking. Inaudible.)

2 MR. TRENK: And funding, we all agree.

3 So again, we're integrated and could you
4 have done this project and accomplished everything
5 that's been done and will be done without the lane
6 issue or striping as is being addressed?

7 MS. COFONE: So I want to be clear,
8 because my question wasn't could you accomplish
9 everything. My question was did you -- maybe I'll
10 ask it again.

11 MR. AHIARAKWE: Yeah. If you can ask
12 the question again.

13 MS. COFONE: Yeah.

14 Did you look at a scenario where you
15 looked at maybe doing some of the things, perhaps
16 not everything or not all of them, but implementing
17 some things in the district that would have a
18 beneficial impact, such as the black powder-coated
19 lighting, and perhaps looking and doing some things
20 that would be impactful, something short of the
21 complete road diet that you're proposing?

22 MR. AHIARAKWE: Okay. All the funding
23 applications that we made were based on
24 ameliorating those issues identified in the RSA.
25 So we literally had to tackle those issues and if

1 additional money was found or we stumbled across
2 it, we could do other things, but it was primarily
3 those issues identified in the RSA. That was the
4 primary goal.

5 MR. SENEY: The only one thing I will
6 add --

7 MR. TRENK: Just give your --

8 MR. SENEY: Frank Seney.

9 The one thing we did change from when we
10 got on-boarded, it was supposed to be a concrete
11 median.

12 MR. TRENK: It was supposed to be what?

13 MR. SENEY: A concrete median down there
14 instead of a striped lane. We had some
15 conversations, routine management, and we went back
16 to State -- SJTPO and JMT. Listen, we just want to
17 stripe it because it's an evacuation route and we
18 went back and forth a little bit but they finally
19 agreed to just let us stripe it.

20 MS. COFONE: Okay.

21 MR. SENEY: So we kept the same road
22 diet but we just striped the median, you know, for
23 obvious reasons.

24 MS. COFONE: Thank you.

25 Can you just clarify for the record what

1 RSA stands for?

2 MR. SENEY: Road Safety Assessment, of
3 the JMT report.

4 MR. TRENK: Miss Fontana, can we
5 proceed?

6 MS. FONTANA: I just have one question
7 and then we're going to go to Mr. Davis before --

8 With regard to the fiber that you said
9 is already installed in Phase 2B --

10 MR. TRENK: 2A.

11 MS. FONTANA: 2A. I'm sorry. 2A, you
12 put in the channels for the fiber. Is the fiber in
13 there for the signalization?

14 MR. KENNEDY: There is fiber in there
15 physically. It's not being utilized right now
16 because the traffic signal equipment that's
17 existing is older equipment. It doesn't work with
18 the fiber. When Phase 2B comes in, we're
19 incorporating controller cabinet upgrades, new
20 controller equipment, patch panel, not to get too
21 technical, but putting the equipment in the box
22 that will accept the fiber.

23 MS. FONTANA: And at that point the
24 signalization will be able to be addressed?

25 MR. KENNEDY: It opens up capability to

1 coordinate and time and do things that the city
2 can't do now with their signal system.

3 MS. FONTANA: Now --

4 MR. SENEY: I'll add one thing. The
5 fiber -- Frank Seney. The fiber is installed. The
6 city's also right now getting quotes to put
7 security cameras up. They're talking to vendors.
8 So the fiber is viable. People can use the fiber.
9 It's just that we can't use it for traffic signals
10 right now because the antiquation with the
11 controllers.

12 MS. FONTANA: Okay. All right.

13 MR. SENEY: It's also 96 strains, and
14 just to give you an idea of what that means, we're
15 only using six for the traffic signals.

16 MS. FONTANA: For the capacity?

17 MR. SENEY: There's plenty of capacity
18 there for whatever the city wants.

19 MS. FONTANA: Scott, did you have any
20 questions at this point?

21 MR. COLLINS: I don't.

22 MS. FONTANA: Okay. Mr. Davis, with
23 regard to these individuals.

24 MR. DAVIS: Can I get that corner of the
25 desk?

1 (Multiple parties speaking. Inaudible.)

2 MR. DAVIS: Mr. Ahiarakwe, a couple
3 questions for you.

4 First I want to understand, what is the
5 project, Phase 1 and Phase 2? Phase 1 is complete,
6 correct?

7 MR. AHIARAKWE: Phase 1 is complete.

8 MR. DAVIS: And Phase 1 involves the
9 implementation of a road diet, correct?

10 MR. AHIARAKWE: Let me, let me go back.
11 It's better -- it was one project before it was
12 abridged. Okay. So the whole thing was supposed
13 to be one project but was abridged due to funding,
14 so that's why when you say Phase 1 -- when you
15 start saying Phase 1, I just want to make sure, you
16 know, I understand.

17 MR. DAVIS: Let's leave the phases out
18 of it --

19 MR. AHIARAKWE: Okay.

20 MR. DAVIS: -- establish some
21 foundations and then we can come back to that
22 question.

23 When the project was originally
24 presented to Council --

25 MR. AHIARAKWE: Umm-hum.

1 MR. DAVIS: -- what was the plan with
2 respect to the implementation of a road diet?

3 MR. AHIARAKWE: When it was first
4 presented to Council it was a road diet to
5 ameliorate the issues raised by the RSA.

6 MR. DAVIS: Which is the JMT study --

7 MR. AHIARAKWE: That's correct.

8 MR. DAVIS: -- that's been submitted as
9 part of the record?

10 MR. AHIARAKWE: That's correct, sir.

11 MR. DAVIS: And that road diet was to
12 have been implemented from Maine to Albany?

13 MR. AHIARAKWE: That's correct.

14 MR. DAVIS: Okay. So the proposal
15 initially was to take five travel lanes, including
16 a center turn lane, and to truncate it to three
17 lanes, one in each direction and a center turning
18 lane. Is my understanding correct?

19 MR. AHIARAKWE: Again, let me go back.
20 The purpose of the road diet was to improve the
21 condition. Now, when R&V came, when I first had my
22 meeting with them, gave them the RSA and said this
23 is what came out of study that was done by JMT.
24 Okay?

25 MR. DAVIS: Umm-hum.

1 MR. AHIARAKWE: I told them basically,
2 you know, we're not robots. This is a study that
3 came out and as engineers I want us to look at it
4 objectively and see that report. As we're
5 implementing that report, if there are things we
6 need to change, we're all qualified, we're all
7 engineers, we can see those things and we can make
8 those improvements. So does that answer your
9 question? I mean, as we're looking at, as we're
10 looking at the plan, just as Frank said, if there
11 were things that we needed to change, like concrete
12 median, we did it. We did it with the approval of
13 the approving authorities, NJDOT and SJTPO.

14 MR. DAVIS: Okay. I'm gonna ask the
15 question again, because I don't think you did
16 answer it.

17 Originally, originally --

18 MR. TRENK: Again, I've been in court
19 for 38 years. I would ask that he sit down by --
20 this is not being -- this is not a debate. If he
21 could just stand or sit down by Mr. Reid, that way
22 we can have --

23 MS. FONTANA: Can we just get that -- so
24 we're not in court.

25 MR. TRENK: Yeah. I don't want --

1 (Multiple parties speaking. Inaudible.)

2 MS. FONTANA: This is a presentation

3 and --

4 (Multiple parties speaking. Inaudible.)

5 MS. FONTANA: -- and I appreciate all of
6 your skills as litigators, but we would like to
7 keep it more in the nature of our standard land use
8 hearing. You can pose your question. If he has a
9 response -- he's made a response, I believe. If he
10 can't answer your question, maybe you can, you know
11 ask it a little different way.

12 MR. TRENK: Thank you.

13 MR. DAVIS: I know --

14 (Multiple parties speaking. Inaudible.)

15 MR. DAVIS: We are professionals and I
16 will treat him like a professional, like he is.

17 MR. TRENK: All I'm saying is you can
18 sit back. You don't have to --

19 (Multiple parties speaking. Inaudible.)

20 MS. FONTANA: All right. If we're gonna
21 do that, we're gonna need a break.

22 Go ahead.

23 MR. DAVIS: I don't understand what the
24 project --

25 (Multiple parties speaking. Inaudible.)

1 MR. DAVIS: Originally was the proposal
2 to take five travel lanes and reduce it to three
3 the full width of Atlantic Avenue?

4 MR. AHIARAKWE: The proposal of the road
5 diet project was to address the concerns raised by
6 RSA.

7 MR. DAVIS: Again, to do a full road
8 diet?

9 MR. AHIARAKWE: Full road diet, yes.

10 MR. DAVIS: Right. From Maine to
11 Albany?

12 MR. AHIARAKWE: Subject to, again, I'm
13 not just a clerk in the office.

14 MR. DAVIS: I get it.

15 MR. AHIARAKWE: No. No. No. As an
16 engineer when I get reports from consultants --

17 MR. DAVIS: Sure.

18 MR. AHIARAKWE: -- it's my
19 responsibility to look at it and basically either
20 go gung-ho with what they've given me or sit with
21 colleagues and say unt-un, we got to modify this a
22 little bit.

23 MR. DAVIS: I respect that.

24 So at some point it changed?

25 MR. AHIARAKWE: At some point

1 modifications were made.

2 MR. DAVIS: Right. And that, that
3 altered from the road diet concept at different
4 portions of Atlantic Avenue; is that correct?

5 MR. AHIARAKWE: No project is stagnant.
6 No project is stagnant.

7 MR. DAVIS: I'm not suggesting that.

8 MR. AHIARAKWE: No. No. What I'm
9 trying to say is --

10 MR. TRENK: Again, this is not a debate.
11 If he has a question, he's trying to get
12 information, he can ask the question, but he's
13 answered it, so again, Mr. Collins, I think Mr.
14 Davis can go on with whatever point he's trying to
15 make.

16 MR. DAVIS: So it changed, right?

17 MR. TRENK: He answered this four times.

18 MR. AHIARAKWE: It was modified.

19 MR. DAVIS: Okay. So at this point I
20 just want to understand what the proposal is
21 because my clients want to understand what the
22 plans are going to do to Atlantic Avenue.

23 Okay. Phase 1 is done?

24 MR. AHIARAKWE: Phase 1 is done.

25 MR. DAVIS: Does that implement a

1 reduction in travel lanes?

2 MR. AHIARAKWE: Phase 1 implemented what
3 the study said could address the issue of having --
4 (technical interruption) -- in terms of access.

5 MR. DAVIS: And that is the road diet?

6 MR. AHIARAKWE: That's the road diet,
7 yeah. That's the name of the project.

8 MR. DAVIS: So we're up to Tennessee.

9 MR. AHIARAKWE: Yes.

10 MR. DAVIS: Let's go to Tennessee to
11 Missouri.

12 MR. AHIARAKWE: Umm-hum.

13 MR. DAVIS: Are there any changes to the
14 travel lanes, which are currently five travel
15 lanes, from Tennessee to Missouri in the city's
16 proposal?

17 MR. AHIARAKWE: My colleague just said a
18 few minutes ago that the plans are with NJDOT.

19 MR. DAVIS: On the plans you submitted
20 to DOT are you showing from Tennessee to Missouri
21 five travel lanes?

22 MR. AHIARAKWE: I'll let you take that.

23 MR. SENEY: It's a combination. There
24 was some maintaining the four lanes and there's
25 sections where, depending if you're going --

1 (inaudible) -- as we just presented.

2 MR. DAVIS: And then --

3 (Multiple parties speaking. Inaudible.)

4 MR. TRENK: -- the name with the answer.

5 MR. AHIARAKWE: I'll mention my name if
6 he's asking.

7 MR. DAVIS: That's fine. I don't care,
8 as long as I get the answers.

9 So now -- so at some portion between
10 Tennessee and Missouri, as I understand it, you're
11 not going to have a full implementation of the road
12 diet at three lanes; is that correct?

13 MR. AHIARAKWE: Correct.

14 MR. DAVIS: We're at Tennessee. We're
15 going from Tennessee and now I heard for the first
16 time today --

17 MR. AHIARAKWE: I'm listening.

18 MR. DAVIS: Okay. From Tennessee to
19 Boston, okay, from Tennessee to Boston is the three
20 travel lanes road diet being proposed?

21 MR. SENEY: No. We just, we just said
22 that. That section is intended to be Missouri.

23 MR. DAVIS: I'm sorry. Missouri to
24 Boston --

25 MR. SENEY: Yes.

1 MR. DAVIS: -- are you implementing a
2 road diet?

3 MR. SENEY: Yes.

4 MR. DAVIS: So it's gonna be three
5 lanes?

6 MR. SENEY: Yes.

7 MR. DAVIS: And then from Boston to
8 Albany is the road diet being implemented?

9 MR. SENEY: No. That's, that's --
10 (Inaudible).

11 MR. DAVIS: So that's gonna remain the
12 same, okay.

13 So my question is this, what -- if the
14 JMT study talks about public safety, correct?

15 MR. SENEY: Umm-hum.

16 MR. DAVIS: -- that was part of the
17 reason why the city undertook this project,
18 correct?

19 MR. SENEY: Okay.

20 MR. DAVIS: So why is it safe to
21 implement a road diet in certain portions of
22 Atlantic Avenue but not others?

23 MR. AHIARAKWE: You know, I think I've
24 said this before. We're not robots. We're all
25 engineers. When we get a study done, whether it's

1 a resiliency or safety like this, we look at it
2 objectively and Missouri is always a moving target.
3 If there's --

4 (Technical interruption.)

5 MR. AHIARAKWE: -- Missouri, certain
6 things need to be changed. That's why it's called
7 design. Until it's built, until it's -- you know,
8 you go out there, if and when you're digging, if
9 there are things that you notice that aren't --
10 need to be tweaked, before it's constructed you do
11 it. That's why -- you know, I guess we say we're
12 professional. We're qualified. I mean, you see
13 things that need to be tweaked until you go to
14 construction, you do it. If we didn't do it --
15 (inaudible).

16 MR. DAVIS: So one of your tweaks was
17 not implementing the road diet along certain
18 portions of Atlantic Avenue, correct?

19 MR. TRENK: Asked and answered. It's
20 already been answered. It's already in the plans.

21 MR. DAVIS: When you don't implement the
22 road diet will you have bicycle lanes in the same
23 area as vehicular travel lanes?

24 MR. SENEY: There will be --

25 MR. AHIARAKWE: Mention your name.

1 MR. SENEY: Frank Seney. There's a
2 section through Tennessee and Missouri where it's a
3 shared lane, which means that it's a --
4 (inaudible).

5 MR. DAVIS: Is that safe?

6 MR. SENEY: Yes.

7 MR. DAVIS: So if it's safe there, is it
8 safe from Tennessee to Maine, to have such a
9 condition existing?

10 MR. SENEY: Shared?

11 MR. DAVIS: Umm-hum.

12 MR. SENEY: I would not recommend it,
13 because it's wide enough to implement the road
14 diet.

15 MR. DAVIS: So it's your position that
16 it's too narrow from Tennessee to Missouri to
17 implement the road diet even though it was
18 originally presented as such?

19 MR. SENEY: No. No. It's not too
20 narrow. I think it's too narrow from Tennessee to
21 Maine, Tennessee to Maine for the bike lane.

22 MR. DAVIS: Is that the four lanes?
23 That's what you're doing?

24 MR. SENEY: We reduce a lane.

25 MR. DAVIS: I understand that. You

1 reduce the lane but the condition you have from
2 Tennessee to Missouri, some portions of the road we
3 got a bike lane.

4 MR. SENEY: We need to maintain the bike
5 lane. We can't cut the bike lanes off.

6 MR. DAVIS: I'm not asking you to. What
7 I'm trying to figure out is, why is it okay there
8 but it's not okay from Tennessee to Maine?

9 UNIDENTIFIED SPEAKER: Less traffic.

10 (Multiple parties speaking. Inaudible.)

11 MR. TRENK: State your name. You got to
12 state your name.

13 MR. KENNEDY: Derrick Kennedy. So the
14 road diet, there was six different concepts in the
15 JMT report. Concept five is what came out as --
16 (inaudible). That should be in the record with the
17 materials that's here. I'm looking at this. On
18 their concept they do break the road diet in
19 sections in the area.

20 MR. DAVIS: I don't know what this
21 document is.

22 (Multiple parties speaking. Inaudible.)

23 MR. KENNEDY: Alternative five in the
24 JMT report, that was the preferred alternative to
25 go to design, so this was the basis when we

1 started. Now, at Arkansas Avenue, right, there's
2 double left turn lanes turning on or double right
3 turn lanes -- (inaudible) -- to the Expressway.
4 There's two northbound lanes from -- (technical
5 interruption) -- to Arkansas. In that area they
6 did break, and as Uzo said, when we got into the
7 design, we had to look at those things and one of
8 the reasons that they said, for example, we're
9 stopping at Tennessee is because we need to find --
10 it's not just traffic numbers, right, it was
11 physically where do we make that transition from
12 two lanes to one. There's signing and striping,
13 pavers that has to happen. That was an area -- we
14 could have possibly went further with it by the
15 numbers but that was the area where it made sense
16 to make that transition. So there were those
17 design decisions of here's the concept and how do
18 we, you know -- (inaudible) -- you know, we have to
19 make it work, and even if you look at our plans,
20 when they went to construction, there was changes,
21 too. It's just part of the process.

22 MR. DAVIS: Why was the decision made to
23 abridge the road diet concept from Tennessee to
24 Missouri and from Boston to Albany?

25 MR. KENNEDY: It was -- it's about

1 finding a balance. That's the area where the
2 volumes get higher. Right. We're looking at where
3 the road diet would work, you know, and the signal
4 timing and change is a part of that. That's a
5 transition where, you know, we felt it was, you
6 know -- (inaudible).

7 MR. DAVIS: All right. Let's talk about
8 volumes.

9 MS. FONTANA: Mr. Davis, can I interrupt
10 one minute?

11 MR. DAVIS: Certainly.

12 MS. FONTANA: Gentlemen, we're going to
13 be making a determination on this over here and it
14 seems like there's another meeting going on at the
15 end of the table.

16 MR. DAVIS: I agree.

17 MR. TRENK: Exactly why it would be
18 better if counsel sat over there.

19 MS. FONTANA: If you could just --

20 MR. TRENK: It wouldn't do that.

21 MS. FONTANA: -- direct your comments
22 and your responses this way, it would be
23 appreciated.

24 MR. COLLINS: I'm gonna go one further.
25 This has become very confusing with the tag-team

1 testimony.

2 MR. DAVIS: Agreed.

3 MR. COLLINS: The record on this is
4 going to be a mess. I'm not kidding, it is,
5 because there's a lot of overtalking and jumping
6 back and forth and people not being identified.
7 Gentlemen, if you could help me find a way to make
8 it clearer who's talking, who's asking the
9 question.

10 MS. FONTANA: Would anyone mind if we
11 take a five minute break?

12 MR. DAVIS: Sure.

13 MS. FONTANA: Let's just take a break
14 for five minutes.

15 (A brief recess was taken.)

16 MS. FONTANA: Okay. We'll continue.
17 Mr. Davis was asking some questions.

18 MR. DAVIS: The last question was asked
19 by Mr. Kennedy. You could back up. You talked
20 about volumes in the last -- before we took the
21 break. Do you recall that?

22 MR. KENNEDY: Yes.

23 MR. DAVIS: Okay. Have you taken any
24 traffic counts with respect to the newly modified,
25 as Mr. Ahiarakwe put it, Atlantic Avenue project?

1 MR. KENNEDY: No. We haven't done any
2 post analysis or counts yet.

3 MR. DAVIS: So the plan that you
4 presented to CRDA that's before them today, you
5 don't have any traffic counts associated with that?

6 MR. TRENK: You can answer.

7 MR. DAVIS: Is that correct?

8 MR. KENNEDY: With the new road diet
9 implementation, no, I have not seen any data.

10 MR. DAVIS: Did you -- under I guess
11 prior iterations of the Atlantic Avenue plan did
12 you have an opportunity to take traffic counts in
13 August of 2023?

14 MR. KENNEDY: We did.

15 MR. DAVIS: And where did you take those
16 traffic counts at? What intersections?

17 MR. KENNEDY: Well, I believe there was
18 multiple intersections. I don't recall exactly.
19 They were primarily related to the Phase 2 portion
20 of the project.

21 MR. DAVIS: Did you take any traffic
22 counts in Phase 1?

23 MR. KENNEDY: I don't believe we did in
24 the summer of 2023, no.

25 MR. DAVIS: Okay. Did you take any

1 traffic counts from Missouri to Boston?

2 MR. KENNEDY: I don't recall. I'm not
3 sure of the specific locations.

4 MR. DAVIS: Let me ask this. Do you
5 think the provision of a traffic assessment to
6 Atlantic Avenue is relevant to the CRDA's review of
7 this project?

8 MR. KENNEDY: Sure. It's relevant to
9 the design work we did, the project in general.

10 MR. DAVIS: So I'll just ask the next
11 logical question. Why didn't you submit it?

12 MR. TRENK: Objection. Objection. It
13 was -- (inaudible).

14 MR. KENNEDY: I'm not sure what you're
15 referring to. We commented and -- (inaudible) --
16 has been submitted.

17 MR. DAVIS: But you said that you
18 submitted a modified traffic plan for Atlantic
19 Avenue --

20 MR. TRENK: Objection.

21 MR. DAVIS: -- and you haven't -- hold
22 it. Let me finish the question.

23 You haven't completed any traffic
24 assessment of this plan that is before the
25 Authority and I'm asking why.

1 MR. KENNEDY: So I think to put it in
2 context, our contract is a design contract. The
3 decision to implement a road diet goes back --
4 there's a timeline going back to 2011. There was
5 concept plans developed. Our job was to design and
6 prepare the road diet for construction. There's
7 changes in -- anything with the Remington Vernick
8 name on it was developed as our own due diligence
9 as part of our design process, not as an
10 alternative analysis or determination of whether it
11 was approvable or not. The decision was made. We
12 were designing a road diet.

13 MR. DAVIS: So can you state to the
14 Authority today that -- what the impact of the
15 modified Atlantic Avenue improvement project will
16 have in terms of traffic volume?

17 MR. KENNEDY: As far as traffic volume,
18 we don't anticipate any change. We know what
19 volume is there and we assume that's gonna be there
20 in the future.

21 MR. DAVIS: What about to the flow of
22 traffic?

23 MR. KENNEDY: Our analysis did not show
24 any significant change. We're either maintaining
25 level of service or there may have been slight

1 degradation in some cases but not significant.
2 Remember, we're also improving signal timing,
3 coordinating the signals along with the road diet
4 concept, and as we talked before, we specifically
5 focused on, you know, where do we stop the road
6 diet and go back to the, you know, the more
7 traditional or existing cross-section.

8 MR. DAVIS: How can you make that
9 statement if you haven't provided updated traffic
10 counts showing levels of service at the affected
11 intersections?

12 MR. KENNEDY: Because we can't design
13 the road on future volumes. The only way we can
14 project, which we do as traffic engineers on a
15 regular basis, we've had -- we're doing this design
16 through the Covid period. We had existing count,
17 historical count data that we had available,
18 whatever we could find, we used that. We did do
19 counts during Covid to maybe see, you know, what
20 the fluctuations were and adjust as needed and then
21 we did the summer, 2023 counts so, you know, we can
22 say that the data was old, it was during Covid, but
23 that was the period we were in and we had to deal
24 with that, you know. So I would say all data is
25 good data and we'll use it for what it's worth in

1 our analysis.

2 MR. DAVIS: Did you reassess how levels
3 of service would be impacted by the modified
4 Atlantic Avenue plan?

5 MR. KENNEDY: We did. We analyzed the,
6 you know, the road diet conditions, yeah.

7 MR. DAVIS: And you did so from Missouri
8 to Boston?

9 MR. KENNEDY: Yes.

10 MR. DAVIS: So can you go through -- I
11 mean, let's just talk about the intersection of
12 Mississippi and Atlantic Avenue. With the
13 implementation of the road diet at that
14 intersection, what is the impacted levels of
15 service at that intersection?

16 MR. KENNEDY: I couldn't tell you
17 specifically. We have a 1,500 page document that I
18 would have to dig into. It's been months, but in
19 areas where we've seen -- in that area where we've
20 seen that degradation with the use capacity is the
21 exact areas where we've worked from the road diet
22 concept.

23 MR. DAVIS: So if you -- but you
24 don't --

25 MR. KENNEDY: I couldn't tell you a

1 specific, you know, average delay or level of
2 service per intersection. I just don't recall all
3 those details. I'm sorry.

4 MR. DAVIS: But at some point -- and
5 this has been asked and answered so I'm just gonna
6 say it as a preface to my question -- the decision
7 was made to modify the Atlantic Avenue Road Diet
8 Program to only implement selectively. So my --
9 I'm trying to figure out from a traffic flow
10 standpoint impacts to level of service at
11 intersections. How, as a professional engineer,
12 did you determine no impact to levels of service or
13 substantially so where you're not implementing the
14 road diet but here where you are it's acceptable?

15 MR. KENNEDY: Right. Well, it's an
16 evaluation of existing conditions. We use traffic
17 modeling. There's -- highway capacity software is
18 what we use to generate the term level of service
19 that you might be familiar with. So there's
20 technical, you know, engineering based analysis
21 that goes into all that and we looked at existing
22 conditions. Granted, we didn't have count data on
23 every single intersection so there was some
24 factoring, adjusting, balancing of volumes, but if
25 you look at the data that we did count, it was

1 focused on those, what we felt were key areas and
2 then the corridor that -- (inaudible) -- good sense
3 of, you know, where the road diet may work, where
4 it may have issues or not work.

5 MR. DAVIS: If you were to extend the
6 full five travel lanes that you're now proposing
7 from Tennessee to Missouri further down Beach to
8 Boston Avenue, okay, so don't do the road diet
9 between Missouri and Boston --

10 MR. KENNEDY: Umm-hum.

11 MR. DAVIS: -- would that have an
12 improvement or a detriment to levels of service at
13 those intersections between Missouri and Boston?

14 MR. KENNEDY: Well, it would be existing
15 conditions so we'd have no change.

16 MR. DAVIS: So when you implement the
17 road diet is there a deterioration of levels of
18 service at the intersections between Missouri and
19 Boston?

20 MR. KENNEDY: Not necessarily. I can
21 show you Federal Highway Administration studies
22 that show with improved signal timings, with the
23 volumes that are at the right levels, you can
24 actually improve progression. If anybody drives
25 Atlantic Avenue they're probably frustrated with

1 the coordination of those signals. They're
2 essentially all one lane isolated. There's no
3 coordination. So there's a large difference of one
4 lane coordinated signals versus two lanes, you
5 know, totally uncoordinated signal system.

6 MR. DAVIS: So when you're implementing
7 a road diet you're not just going by general
8 guidance by the Federal Government --

9 MR. KENNEDY: No.

10 MR. DAVIS: -- you're looking at actual
11 data of existing traffic conditions at the affected
12 intersections, are you not?

13 MR. KENNEDY: In most cases, yes, and
14 then we can --

15 MR. DAVIS: How about here?

16 MR. KENNEDY: We did not count every
17 single location which, technically, I don't think
18 we need to do that. Again, we looked at key
19 intersections. We compared level of service and
20 before and after conditions and, you know --

21 MR. DAVIS: If you're gonna implement a
22 road diet between Missouri and Boston, do you think
23 it's relevant to take updated traffic counts within
24 that affected area?

25 MR. TRENK: Objection. He's already

1 answered --

2 MR. DAVIS: I don't think he has.

3 MR. TRENK: -- this three times.

4 MR. DAVIS: I don't think he has.

5 MR. TRENK: Yes, he has.

6 MR. KENNEDY: Yeah. We collected in the
7 summer of 2023. It was the last opportunity that
8 we had during the design process to get updated
9 data. We had plenty of data before that, and I
10 understand people can question it because it was
11 Covid or anything prior to Covid at that time was
12 several years old, but that was the data we had,
13 and if we worked with NJDOT during Covid, they had
14 protocols for adjusting and dealing with, you know,
15 those type of conditions, you know, and we looked,
16 probably looked, you know, where we can.

17 MR. DAVIS: And I asked you whether
18 traffic counts were done in August of 2023 and your
19 response was I don't recall. I'm not asking you
20 that question.

21 MR. TRENK: Mischaracterizing his --

22 MR. KENNEDY: I don't recall the exact
23 locations. We do not count every intersection of
24 the corridor. It just wouldn't be practical.

25 MR. DAVIS: Did you count any between

1 Missouri and Boston?

2 MR. KENNEDY: Yes.

3 MR. DAVIS: Which intersection?

4 MR. KENNEDY: I don't recall which
5 intersections. We counted probably maybe five or
6 six locations in that area and, you know, we
7 identified key locations and that's where we
8 collected data.

9 MR. DAVIS: All right. Those are the
10 only questions I have for you now, Mr. Kennedy, but
11 I have -- Mr. Ahiarakwe, I have some additional
12 questions for you.

13 So you talked about the funding. I
14 think the funding was marked into evidence, the
15 summary, as A-11, correct?

16 Yes? You have to speak.

17 MR. AHIARAKWE: What was the question
18 again?

19 MR. DAVIS: A-11 was your funding
20 summary?

21 MR. AHIARAKWE: Okay. Funding summary,
22 if that's what it was.

23 MR. COLLINS: That's correct. Yeah.

24 MS. FONTANA: Yes.

25 MR. TRENK: Your slide.

1 MR. AHIARAKWE: Yes.

2 MR. DAVIS: So the funding you're
3 obtaining from this, is that coming from a RAISE
4 grant application?

5 MR. AHIARAKWE: It's a combination of
6 funds.

7 MR. DAVIS: Okay. Where'd they come
8 from?

9 MR. AHIARAKWE: CMAQ.

10 MR. DAVIS: What's that?

11 MR. AHIARAKWE: Congestion Mitigation --
12 it's an acronym for Congestion --

13 MR. TRENK: You can say it. Just give
14 the acronym. Speak loudly and give your name.

15 MR. AHIARAKWE: It's basically, I
16 think -- I'm sorry. USDOT Congestion Mitigation
17 and Air Quality.

18 MR. DAVIS: All right. So that's
19 federal funds?

20 MR. AHIARAKWE: Yes, it is.

21 MR. DAVIS: Okay. What else?

22 MR. AHIARAKWE: DOT funding.

23 MR. DAVIS: State?

24 MR. AHIARAKWE: State.

25 MR. DAVIS: Okay. Anywhere else?

1 MR. AHIARAKWE: TT -- well, I did
2 mention RAISE grant, right?

3 MR. DAVIS: I did.

4 MR. AHIARAKWE: You did.

5 MR. DAVIS: And then you sort of
6 corrected me, I thought.

7 MR. AHIARAKWE: Yeah, and also TTF.

8 MR. DAVIS: Stands for Transportation
9 Trust Fund?

10 MR. AHIARAKWE: Yeah. Funneled through
11 NJDOT.

12 MR. DAVIS: Okay. So a combination of
13 federal and state grants?

14 MR. AHIARAKWE: A combination of
15 federal, state and our own funding, also.

16 MR. DAVIS: General funds from municipal
17 coffers, City of Atlantic City?

18 MR. AHIARAKWE: Yes, sir.

19 MR. DAVIS: Understood.

20 MR. TRENK: Funds.

21 MR. AHIARAKWE: Pardon.

22 MR. TRENK: You mentioned funds are
23 bonds.

24 MR. DAVIS: Are we gonna have coaching
25 the witnesses during a hearing?

1 MS. FONTANA: We're not in a -- we're
2 just in a hearing. We're not in litigation and
3 we're not in court. We would just like to --

4 MR. DAVIS: Let me ask
5 this transgression.

6 Any bonds?

7 MR. AHIARAKWE: Not to my knowledge.

8 MR. DAVIS: Okay.

9 MR. AHIARAKWE: And again, not to my
10 knowledge does not mean it doesn't exist. I'm an
11 engineer so -- we do have a grant manager.

12 MR. DAVIS: To -- (inaudible) -- those,
13 those funding applications, federal, state, did
14 they require the implementation of a road diet?

15 MR. AHIARAKWE: They -- the applications
16 were made and it was very clear we were gonna be
17 addressing RSA.

18 MR. DAVIS: What's SA?

19 MR. AHIARAKWE: Road Safety Audit.

20 MR. TRENK: RSA.

21 MR. DAVIS: RSA, Road Safety Audit,
22 which was revealed in the JMT study?

23 MR. AHIARAKWE: That's correct.

24 MR. DAVIS: Used RSA JMT interchangeably
25 in this hearing today, right?

1 MR. AHIARAKWE: Yes.

2 MR. DAVIS: So that's what you
3 submitted. When you submitted them originally to
4 the federal and state authorities, did they show a
5 road diet through the full expanse of Atlantic
6 Avenue or did they show what you're presenting to
7 the Authority today?

8 MR. AHIARAKWE: When we started this
9 project it was one concept.

10 MR. DAVIS: Which is?

11 MR. AHIARAKWE: Road diet from Maine to
12 Albany.

13 MR. DAVIS: So as of this date has the
14 federal government or the state government approved
15 of the modified, your word, plan that you presented
16 today, which is a combination of road diet and non
17 road diet?

18 MR. AHIARAKWE: Every plan that goes out
19 for construction is basically, from our side, we
20 sit down with SJTPO and NJDOT approves it, so if
21 there are modifications to the RSA, you know,
22 issues that are there, they are fully aware of it.
23 They were part and parcel of it. So as we are
24 making the design, as we're doing the design and
25 making changes and submitting it to them, by

1 inference they are fully aware of the changes.

2 MR. DAVIS: Do you have an approval
3 letter?

4 MR. AHIARAKWE: For Phase 1 there was an
5 approval letter from NJDOT and for highway.

6 MR. DAVIS: How about Phase 2?

7 MR. AHIARAKWE: Phase 2 we are awaiting.
8 I think my colleague mentioned to you that it's
9 with NJDOT for approval.

10 MR. DAVIS: All right. In your opening
11 you referred to, I think we've marked it as exhibit
12 A-13, which is a PowerPoint presentation that you
13 provided testimony on. Do you recall that?

14 MR. AHIARAKWE: I recall going through a
15 PowerPoint presentation.

16 MR. DAVIS: You referenced on
17 January 20 -- this is sheet five.

18 MR. AHIARAKWE: Sheet five.

19 MR. DAVIS: -- January 22 -- I don't
20 think we need it but if you want to look at.

21 MR. AHIARAKWE: Good to have it, sir.

22 MR. DAVIS: So sheet five, January 22,
23 2020, you reference that this Council adopted
24 Resolution 56-2020. You see that there?

25 MR. AHIARAKWE: I see.

1 MR. DAVIS: Is that for Phase 1 and
2 Phase 2?

3 MR. AHIARAKWE: When the resolution --
4 at the point the resolution -- again, I'm going by
5 memory. At the time the resolution was adopted it
6 was for the entire road diet.

7 MR. DAVIS: Okay.

8 MR. AHIARAKWE: That was the concept,
9 from Maine to Albany.

10 MR. DAVIS: You have a copy of that
11 resolution with you?

12 MR. AHIARAKWE: If I do the attorneys
13 would have it.

14 MR. DAVIS: While you're looking for
15 that, I'll go back.

16 The modified plan that you're presenting
17 where we're going, generally speaking, from road
18 diet to non road diet to road diet to non road
19 diet. Okay. That's what you're showing now, I
20 think.

21 MR. AHIARAKWE: Well, again, non road
22 diet, road diet. It's a project, road diet, Maine
23 to Albany, or you can abridge it, Phase 1, Phase 2,
24 2A, 2B. You're confusing me.

25 MR. DAVIS: Well, throughout Phase 2

1 you're not having three travel lanes, right?

2 MR. AHIARAKWE: Throughout Phase 2 it
3 was just as might comrade had explained. That's
4 what we're having.

5 MR. DAVIS: So you modified it to alter
6 the original plan to not have three lanes through
7 Phase 2 consistently? Some portions there is?

8 MR. AHIARAKWE: It was modified as is
9 explained to you, yes.

10 MR. DAVIS: Okay. And Council approved
11 of that modified plan?

12 MR. AHIARAKWE: Has Council approved the
13 modified plan?

14 MR. DAVIS: That's right. That's my
15 question.

16 MR. AHIARAKWE: Okay. Again, Council
17 approved the first one we had, which was from Maine
18 to Albany.

19 MR. DAVIS: Full road diet?

20 MR. AHIARAKWE: Full road diet. Council
21 approved it.

22 MR. DAVIS: Yup.

23 MR. AHIARAKWE: Okay. And typically
24 before any project is constructed, again, it's bid
25 out, bids are received and Council basically acts

1 on the award. At that point Council can ask any
2 question it wants.

3 MR. DAVIS: So at this point has City
4 Council for the City of Atlantic City approved of
5 the modified Phase 2 as you described it today?

6 MR. AHIARAKWE: We, we go through
7 projects and if City Council were to approve
8 every -- each and every change, field condition
9 that occurs, that has not -- historically that's
10 not what happens. Once a project is approved, we
11 move ahead.

12 MR. DAVIS: But you -- they approved
13 Phase 1 in 56-2020.

14 MR. AHIARAKWE: You're calling it Phase
15 1. As far as we're concerned, it was one concept,
16 from Maine to Albany. It wasn't abridged.

17 MR. DAVIS: Do we have --

18 MR. AHIARAKWE: It was not abridged,
19 sir. It wasn't abridged. It was one concept, from
20 Maine to Albany. All the abridgement that were
21 done, all the, you know, bifurcation was just
22 because of funding.

23 MR. DAVIS: Do we have 56 of 2020?

24 MR. TRENK: Again, this has zero to do
25 with this hearing. Again, this is not about

1 Council approval. I think the city engineer has
2 explained that process. They approve awards. So
3 again, this has absolutely no relevance to the
4 consideration by this --

5 MS. FONTANA: I think he's just trying
6 to get at whether there was approval of the city
7 through the modifications. I think that's a simple
8 question. Did the City Council approve the
9 modifications?

10 MR. TRENK: It's assuming that --

11 MR. MOON: If I may.

12 MS. FONTANA: Mr. Moon can just
13 identify --

14 MR. MOON: I can, yeah. Mark Moon with
15 Trenk Isabel.

16 I want to clarify the record because I
17 think Mr. Davis' description of what that
18 resolution did is not particularly accurate.

19 After the JMT report was issued -- we
20 did not submit Resolution 56-2020 as part of the
21 record because it wasn't really relevant as far
22 as -- other than just as an event in the history.
23 After the JMT report was issued, 56-2020 was
24 accepting the recommendations of a road diet.
25 There was no plan for approval or anything like

1 that. It was, it was supporting the proposal of
2 implementing a road diet, so that's what --

3 MR. TRENK: Right, and the fundamental
4 point -- Richard Trenk -- is that it doesn't
5 require -- that's what the city -- the engineer,
6 it's not required. We don't -- every time he
7 changes a curb or a traffic signal it doesn't go
8 back to City Council.

9 MS. FONTANA: I understand.

10 MR. TRENK: That's the problem with
11 Mr. Davis' questions.

12 MR. AHIRAKWE: Well, when we go out for
13 construction we don't keep going back.

14 MR. TRENK: And there's nothing on that
15 resolution --

16 (Multiple parties speaking. Inaudible.)

17 MR. DAVIS: -- for this Authority to
18 know whether or not Council has approved of this.

19 MR. TRENK: Council has approved of this
20 project. We had the vice chair of the Council here
21 live and that could have been -- who said this
22 project's been approved. So the nuance or the
23 changes that are still subject to DOT are not yet
24 finalized. So again --

25 MS. FONTANA: Understood.

1 MR. TRENK: -- Mr. Davis made his point.
2 I don't know how it will help his -- (inaudible) --

3 MR. DAVIS: -- to know that the way --

4 MR. MOON: It kind of really isn't an
5 engineering expertise. It's kind of --
6 (inaudible) -- of these projects occur, which is
7 that there are bids with plans and they're
8 submitted in accordance with specifications with
9 the designs and the Council does approve the award
10 of the contracts to go forward with those contracts
11 based on the bids and the designs. As the
12 witnesses have already testified, the plans are
13 pending approval from -- for final approval from
14 the Department, State Department of Transportation.
15 At that time the bid specifications were prepared,
16 bids were received and then the Council will
17 approve the award of the contract at that time.

18 MS. FONTANA: I understand the process
19 and procedure. I think that the point is that Uzo
20 has made his -- given us a timeline. It involved
21 many stakeholder meetings, and Councilman Shabazz
22 has said, I've been involved in numerous meetings
23 along the way. The thing is, everybody may receive
24 one thing but another thing seems to have
25 transpired. I think that's the point you're

1 getting to, does what has been submitted today, was
2 that changed from that which was shared with all of
3 these meetings and the DOT and --

4 MR. TRENK: So, and again, ultimately,
5 whether you make a recommendation, the CRDA Board
6 believes that's relevant or not, that's for a
7 different day, but the bottom line of the story is
8 this record is clear. There is a -- (inaudible) --
9 process and every time you put down a road project,
10 yes, he says we're gonna pave this street or
11 whatnot, but he doesn't go into the specifics until
12 he has -- again, there's a stack of funding. As he
13 said, it's complicated. I think even Mr. Davis
14 would agree, it's complicated, and that is an
15 interactive process. It's ongoing. So it is not
16 that in that resolution it says you must implement
17 this from this point to this point. It is we want
18 to go forward with this project.

19 MS. FONTANA: Right. Is it fair to say,
20 if I may, that the phase of the project that is
21 still pending DOT approval could be changed?

22 MR. TRENK: Yes.

23 MR. AHIAKWE: Yes. It could be
24 changed.

25 MS. FONTANA: After this session?

1 MR. TRENK: What you have -- I'm sorry.

2 MS. FONTANA: After this presentation?

3 MR. TRENK: Well, again, it's not gonna
4 be changed by the city unless the state says we
5 believe there's certain concerns that you need to
6 consider and should be changed, but I think Mr. --
7 this is what happens in every federal, state funded
8 program. I think Mr. Kennedy --

9 MS. FONTANA: Understand.

10 MR. TRENK: So yes, there can be
11 changes. I mean, be changes in the field after
12 it's fully implemented. It happens in every
13 construction project, as I'm sure you know.

14 MR. DAVIS: So I didn't bring up
15 Resolution 56 of 2020, the applicant did, on sheet
16 five, and I don't have a paper copy but I'm sure we
17 can secure that. I want to make sure that's part
18 of the record of the case, because I have a copy of
19 it here and it's entitled Resolution in Support of
20 the Road Safety Assessment for the area on or
21 around Atlantic Avenue and at the end it says:
22 Now, therefore, be it resolved that the Council of
23 the City of Atlantic City wishes to extend its
24 support to the NJDOT for its efforts to assess the
25 road safety conditions of the area on or around

1 Atlantic Avenue and to develop and implement
2 countermeasures to make this road safer.

3 MR. TRENK: We agree.

4 MR. DAVIS: I think that's inaccurate to
5 say that's a resolution approving of the project.
6 All I'm asking for is --

7 MR. TRENK: I'm sorry.

8 MS. FONTANA: I don't know that that's
9 germane to what --

10 MR. TRENK: Yeah. Exactly.

11 MS. FONTANA: -- this presentation is to
12 this panel. Maybe we can just refocus. Are you
13 good, Mr. Davis?

14 MR. DAVIS: On that I am. I'm not done
15 with Mr. Ahiarakwe.

16 MS. FONTANA: Okay.

17 MR. TRENK: And again, to Mr. Davis, and
18 we are -- we will join and we will certainly be
19 guided to submit it -- to it. He should read the
20 whole document, because it clearly says that --

21 MR. DAVIS: You can.

22 MR. TRENK: So we'll submit it, but I
23 think you're right, Miss Fontana. I don't know
24 what -- how it helps you. It says the results of
25 the assessment will be used to develop and

1 implement countermeasures like road diets, bike
2 lanes, raised medians and curb extensions to
3 improve safety on or around Atlantic Avenue. So
4 again, it doesn't say from this street to this
5 street. It says everything consistent to what the
6 city solicitor and JMP says, which is now we have
7 facts and now let's go to the next step.

8 MS. FONTANA: Okay.

9 MR. DAVIS: Are there any federal or
10 state requirements in the funding that obligated
11 you to implement a full road diet project?

12 MR. AHIARAKWE: Again, we go back to
13 that RSA. The RSA basically lead to -- it had
14 products, it had products and basically every
15 application we made was to get funding to
16 ameliorate those conditions that were raised in the
17 RSA. I mean, we can't -- those fundings were
18 approved quickly because of those conditions.

19 MR. DAVIS: Right, but are you deviating
20 from those conditions now by not implementing --

21 MR. AHIARAKWE: No.

22 MR. DAVIS: -- the road diet --

23 MR. AHIARAKWE: We're not, sir.

24 MR. DAVIS: -- from Tennessee to
25 Missouri and Boston to Albany?

1 MR. AHIARAKWE: No, sir.

2 MR. DAVIS: Tell me why.

3 MR. AHIARAKWE: Why, and again, I did
4 say it before, when we are looking at a design or a
5 concept submitted, we are constantly looking at it
6 to make changes that we feel are necessary. I'll
7 give you one. When we did Phase 1, Phase 1 of the
8 road diet, the initial concept did not include the
9 fiber. It didn't, but we felt, we're digging up
10 the road now, we don't want to dig it up again to
11 go back and do that, so what I'm trying to
12 highlight is as we go along with the project if
13 there are changes that we feel that are necessary,
14 either because of safety or to, like I said, not
15 come back and waste public funding, we do it.

16 MR. DAVIS: But you can implement -- you
17 can correct the fiber without a road diet, correct?

18 MR. AHIARAKWE: I'm not -- what I'm
19 saying is --

20 MR. DAVIS: Just answer the question,
21 Mr. Ahiarakwe.

22 MR. AHIARAKWE: What I'm saying is you
23 had asked before that they know everything and I'm
24 saying that's something -- that's an example of an
25 improvement that we made that was necessary as part

1 of the construction, which means any project you're
2 doing, even before you dig, changes can be made any
3 time.

4 MR. DAVIS: I understand. So can you
5 construct all -- you have constructed the fiber,
6 right?

7 MR. AHIARAKWE: Umm-hum.

8 MR. DAVIS: Throughout the whole
9 project?

10 MR. AHIARAKWE: Throughout the whole
11 project. The road diet project?

12 MR. DAVIS: Yes.

13 MR. AHIARAKWE: Yes.

14 MR. DAVIS: From Maine to Albany,
15 correct?

16 MR. AHIARAKWE: Yes.

17 MR. DAVIS: Can you extend beyond
18 Missouri with five travel lanes without impacting
19 your fiber optic installation?

20 MR. AHIARAKWE: That's an ambiguous
21 question. I don't understand.

22 MR. DAVIS: Okay. You put in the fiber
23 optics, right?

24 MR. AHIARAKWE: Umm-hum.

25 MR. DAVIS: Does the fiber optic

1 installation obligate you to implement a road diet
2 from Missouri to Boston?

3 MR. TRENK: Objection. This has nothing
4 to do with the --

5 MR. DAVIS: Then why'd you bring it up?

6 MR. TRENK: Because it's all part of one
7 project. When you -- (inaudible) -- you made clear
8 he got funding based on what was submitted, so to
9 go on these nuances does not assist you in making a
10 determination.

11 MS. FONTANA: We need, we need you to
12 streamline and have more direct. We need to know
13 what the plan says and our professionals need to
14 understand how it meets or does not meet our master
15 plan and whether it's safe. We really don't -- are
16 not -- you know, we can figure out, I think, what
17 the answers to some of these inquiries are because
18 we have them in our own heads, as well.

19 MR. DAVIS: In the JMT RSA, we've
20 referred to it, page 13, under field observations
21 it stated, pedestrian traffic is generally high and
22 often do not utilize marked crosswalks when
23 crossing the street.

24 MR. AHIARAKWE: I don't have what you're
25 reading, sir, and again, I mean --

1 MR. DAVIS: It's highlighted. It's part
2 of the record. You submitted it as part of the
3 application.

4 MR. AHIARAKWE: Okay. So what's the
5 question, sir?

6 MR. DAVIS: I'm gonna ask you. So with
7 respect to that, is the fact that pedestrians are
8 not utilizing painted crosswalks an issue with
9 respect to pedestrian safety on Atlantic Avenue?

10 MR. AHIARAKWE: See, you're picking,
11 you're picking and choosing item by item.

12 MR. DAVIS: Yes.

13 MR. AHIARAKWE: Again, from our
14 perspective, it was a program, global outlook. We
15 looked at everything that the report gave us. We
16 didn't pick and choose. We did not pick and
17 choose. There's still things the report said that
18 we are yet to do due to funding.

19 MR. DAVIS: Even with the implementation
20 of the road diet in certain portions of Atlantic
21 Avenue now, can pedestrians still cross Atlantic
22 Avenue not through assigned crosswalks?

23 MR. AHIARAKWE: I can't control human
24 behavior.

25 MR. DAVIS: Excellent. Thank you.

1 Are you familiar with the concept of
2 driver expectations with respect to traffic?

3 MR. AHIARAKWE: Very well.

4 MR. DAVIS: Yes?

5 MR. AHIARAKWE: Umm-hum.

6 MR. DAVIS: So are you going to have
7 certain circumstances here where you have a
8 dedicated bike lane on Atlantic Avenue and in other
9 sections where the travel lane -- where the bike
10 lane is coterminous with the travel lane?

11 MR. AHIARAKWE: Let you answer that.
12 You can answer it.

13 MR. KENNEDY: Derrick Kennedy, and yes,
14 there will be sections where the bike lane will end
15 and we'd have what we call a shared bike lane.
16 The -- (inaudible) -- in the lane and there's a
17 marking and signing that indicates a shared use
18 area.

19 MR. DAVIS: And that's going to change,
20 by way of what I understand from your presentation
21 today, no less than four times throughout Atlantic
22 Avenue now?

23 MR. KENNEDY: Once.

24 MR. DAVIS: Tell me where. Where's
25 it --

1 MR. KENNEDY: Between Tennessee and
2 Missouri.

3 MR. DAVIS: What about from Boston and
4 Albany?

5 MR. KENNEDY: So our limits, the
6 physical limits of the road diet end at Boston. We
7 have to transition back at some point. So that
8 tail end of the project, if we carried that
9 cross-section to Albany, then we'd be transitioning
10 outside of our limits of the project. So that end
11 we have to, we have to bring it back at some point,
12 so it's happening in that area because that's where
13 the project ends and that's where we have the
14 space, you know, to make it happen as far as
15 traffic.

16 MR. SENEY: It's Frank Seney. I just
17 want to add, so the job does not go to Albany. Get
18 that in your head. That job was paved already by
19 the DOT. Why would we pave that again and spend
20 another \$50,000? That's under the DOT's
21 jurisdiction. We are ending at Boston. That's
22 what -- (inaudible) -- the DOT. That's what the
23 CEB reads. We are stopping at Boston.

24 MR. DAVIS: Okay. But you're gonna have
25 a road diet at Boston and then you're gonna go back

1 to five travel lanes from Boston to Albany?

2 MR. SENEY: Correct.

3 MR. DAVIS: Not in --

4 MR. SENEY: Part of your -- it's five
5 lanes.

6 (Multiple parties speaking. Inaudible.)

7 MR. DAVIS: I understand. I just want
8 to make sure. If I'm driving from Maine to Albany,
9 I'm going to be in a travel lane where there's a
10 dedicated bike lane next to me. When I hit
11 Tennessee I'm gonna have a travel lane in my
12 vehicular lane. When I hit Missouri I'm gonna go
13 back to having a dedicated travel lane for a bike
14 lane in the same vehicular lane and then when I hit
15 Boston to Albany I'm gonna go back to what I had
16 previously, where I have a shared bike lane with a
17 vehicular lane; is that the proposal now?

18 MR. KENNEDY: Yes.

19 MR. DAVIS: Okay. Thank you.

20 In any of the studies that were
21 effectuated was there any analysis of traffic on
22 other streets other than Atlantic Avenue and the
23 impacts of the project to those other streets?

24 MR. AHIARAKWE: Answer.

25 MR. KENNEDY: Again, Derrick Kennedy.

1 The answer is when Remington & Vernick came on
2 board, no. The analysis was focused on the
3 Atlantic Avenue corridor.

4 MR. DAVIS: So right now, if this road
5 diet as to Phase 2 is partially implemented,
6 there's nothing that we know in terms of how it's
7 gonna impact, for example, Pacific Avenue?

8 MR. KENNEDY: Well, the expectation is
9 we're designing for Atlantic Avenue traffic. I
10 think in years past there's been questions about
11 one way pairs between Atlantic and Pacific.
12 There's been other projects that looked at
13 different alternatives, but it was never part of
14 this project to look at anything beyond Atlantic
15 Avenue.

16 MR. DAVIS: Do you think it's relevant
17 to look at other streets outside of Atlantic Avenue
18 to determine how this project is going to implement
19 other streets around --

20 MR. AHIARAKWE: I'm gonna qualify that,
21 his response.

22 JMT, if you read the JMT report, JMT,
23 there's a catalog of counts that were done that
24 they referenced before putting together what they
25 put together and I think it was probably -- there

1 were so many submissions that I think it was
2 probably in one of the ones they made, but JMT,
3 there were so many counts that were done which
4 enabled them to put together what they put
5 together, so I'm trying to -- he talked about his
6 own timeline. I'm referring to a timeline before
7 they came on board.

8 MR. DAVIS: I understand.

9 MR. AHIARAKWE: Okay.

10 MR. DAVIS: I'm not -- I'm just trying
11 to get to the facts.

12 MR. AHIARAKWE: I understand.

13 MR. DAVIS: The question is very simple.
14 Did anybody gather any data on traffic flows and
15 levels of service outside of Atlantic Avenue?

16 MR. AHIARAKWE: Like I said, JMT did
17 extensive study and their study basically -- it
18 collected counts that were done before they came on
19 board, yes.

20 MR. DAVIS: And that's reflected in the
21 JMT study?

22 MR. AHIARAKWE: JMT, if you look at the
23 bibliography, you know, the end of the pages, it
24 lists, it does list counts that they reference that
25 were done.

1 MR. DAVIS: And the JMT study is the
2 Road Safety Assessment, correct?

3 MR. AHIARAKWE: Road Safety Assessment.

4 MR. DAVIS: Yup. Is that what it is?

5 MR. AHIARAKWE: Uh-huh. Yeah.

6 MR. DAVIS: But it doesn't contemplate
7 the construction documents or it doesn't include
8 the construction documents that you now have
9 presented to the Authority, correct?

10 MR. AHIARAKWE: That was never their
11 job.

12 MR. DAVIS: I understand. I'm not
13 saying it was. I just want to make sure I
14 understand, when they reviewed this, they didn't
15 have the plans that you're submitting?

16 MR. TRENK: Objection.

17 MR. AHIARAKWE: But again, when you go
18 through DOT, there's a concept.

19 MR. TRENK: Objection. It's a decade
20 before. We all, we all know the record here.

21 MR. DAVIS: So to the extent there's any
22 data outside of Atlantic Avenue, it's in the report
23 that's a decade old?

24 MR. AHIARAKWE: Again --

25 MR. DAVIS: Okay. Thank you. That's

1 all I have. Thank you, very much. I appreciate
2 everybody's answers.

3 MS. FONTANA: Can I just ask one
4 follow-up question?

5 The road diet project includes light,
6 street light, traffic light synchronization,
7 correct, in those fiber?

8 MR. AHIARAKWE: Yes.

9 MS. FONTANA: Does the traffic light --
10 and I thought I had read this in the papers that
11 were submitted. I could not pinpoint it at this
12 moment. Does the traffic light signalization
13 include a loop that is also going to involve Arctic
14 Avenue?

15 MR. AHIARAKWE: Arctic Avenue? What was
16 the question again, ma'am?

17 MS. FONTANA: Yup.

18 MR. AHIARAKWE: Arctic Avenue?

19 MS. FONTANA: Arctic, that's up from
20 Atlantic Avenue?

21 MR. AHIARAKWE: Basically --

22 MS. FONTANA: The one way.

23 MR. AHIARAKWE: -- the road diet, road
24 diet project from Maine to Albany is gonna tie --
25 the fiber is gonna tie Pacific with Arctic.

1 MS. FONTANA: Pacific with Arctic?

2 MR. AHIARAKWE: It's gonna tie --
3 basically, they're gonna be looped.

4 MS. FONTANA: The signalization?

5 MR. AHIARAKWE: The --

6 MS. FONTANA: We're talking specifically
7 about the traffic signalization.

8 MR. AHIARAKWE: Okay.

9 MR. SENEY: Frank Seney. Yeah. So
10 they're independent. The fiber is going to run
11 back to the public safety building. Going from
12 Atlantic, they're also putting it in Pacific and
13 Arctic, as well. So they're gonna be all three
14 separate units. They can manage, whatever they
15 want to do.

16 MS. FONTANA: So Pacific, Atlantic and
17 Arctic?

18 MR. SENEY: Correct, ma'am.

19 MS. FONTANA: Okay. And is there a
20 timeline, that coming on?

21 MR. SENEY: So the Pacific Avenue fiber
22 optic is a little bit ahead of schedule for us.
23 It's in final design. They're up at the DOT now.
24 If I'm not mistaken, Michael Baker --

25 MR. AHIARAKWE: Michael Baker, umm-hum.

1 MR. SENEY: -- is designing it. We
2 intend -- they'll make the connection to the public
3 safety building from Atlantic Avenue.

4 MR. AHIARAKWE: And city hall.

5 MR. SENEY: And city hall.

6 MS. FONTANA: And Atlantic Avenue?

7 MR. SENEY: Atlantic Avenue is part of
8 2B.

9 MS. FONTANA: And timeline on that?
10 Where is that? Is that also still being under
11 review?

12 MR. SENEY: (Inaudible) -- by DOT.
13 We're hoping to get back preliminary and submit for
14 final so we're trying to get it built by the
15 spring.

16 MS. FONTANA: And Arctic?

17 MR. SENEY: I'm not sure of that.

18 MR. AHIARAKWE: Arctic, we're still --
19 we're -- Arctic, we're working -- it's right now
20 the funding race.

21 MS. FONTANA: It's just in the look-out
22 stage?

23 MR. AHIARAKWE: Yes.

24 MS. FONTANA: Okay. Thank you.

25 So we're back to Mr. Trenk.

1 MR. TRENK: Yes. Thank you.

2 If you could, Uzo, if you could just
3 clarify, this interactive process with the NJDOT,
4 are they the entity that is administering these
5 grants or most of them?

6 MR. AHIARAKWE: They are.

7 MR. TRENK: Right. So, therefore, when
8 there is design issues, as we've discussed, do they
9 go to NJDOT for review?

10 MR. AHIARAKWE: When there are design
11 issues they let us know and we revise the plans per
12 their request to address those issues.

13 MR. TRENK: Okay. So I don't have any
14 further questions for these four witnesses. So
15 basically, to wrap up the city's presentation,
16 Chief Sarkos from the police department is here.
17 He's just going to address very briefly his safety
18 issues with regard to Atlantic that Hearing Officer
19 Fontana just referenced in a broad view. They're
20 here -- and Chief Evans is here both as the fire
21 chief and with regard to EMS and Emergency
22 Management.

23 So again, Chief Sarkos, if you just want
24 to step forward.

25 CHIEF SARKOS: Sure.

1 MR. TRENK: I don't know, Scott, if you
2 want to swear --

3 MR. COLLINS: Is he going to be
4 providing testimony?

5 MR. TRENK: No. He's just going to give
6 his overview about the safety issues with regard to
7 Atlantic and the importance of this.

8 MR. COLLINS: Let's go ahead and swear
9 him in.

10 Good morning, sir.

11 CHIEF SARKOS: Good morning.

12 CHIEF JAMES SARKOS, having been first duly sworn
13 according to law, testified as follows:

14 MR. COLLINS: Thank you, very much.

15 CHIEF SARKOS: Thank you.

16 MR. TRENK: Chief Sarkos, are you -- how
17 long have you -- just give your credentials,
18 background for --

19 CHIEF SARKOS: Sure.

20 MR. TRENK: -- the hearing officer.

21 CHIEF SARKOS: My name is Jim Sarkos.
22 I'm the Chief of the Atlantic City Police
23 Department. I've been employed by the City of
24 Atlantic City since October, 2000 and I've been in
25 the acting -- I was an acting chief from October of

1 2020 until 2022, became the permanent chief in 2022
2 until now.

3 MS. FONTANA: Thank you.

4 MR. TRENK: Chief, again, thank you for
5 your service.

6 Specifically, are you familiar with
7 Atlantic Avenue?

8 CHIEF SARKOS: I am.

9 MR. TRENK: Okay. And what is your
10 knowledge, background, experience with regard to
11 dealing with safety issues along Atlantic?

12 CHIEF SARKOS: Well, I've been
13 patrolling Atlantic City for 24 years. Very
14 familiar with Atlantic Avenue. Very familiar with
15 the problems we have on Atlantic Avenue, the issues
16 we have with traffic, with accidents, with
17 pedestrians being struck.

18 MR. TRENK: And is lighting an issue on
19 Atlantic?

20 CHIEF SARKOS: Absolutely. Lighting is
21 a very serious issue on Atlantic Avenue. It's one
22 that I get frequent complaints about from the
23 merchants, from the residents, from visitors, not
24 happy with how dark Atlantic City is. As the Chief
25 of Police, I'm also not happy with how dark

1 Atlantic Avenue is. We know that lighting can be a
2 very good deterrent to crime. Makes people feel a
3 lot safer when there's adequate lighting, so very
4 excited that lighting is coming as part of this
5 project.

6 MR. TRENK: Signalization or
7 synchronization, can you explain what your
8 perspective from a law enforcement safety --

9 CHIEF SARKOS: Sure. So the traffic
10 lights right now are a mess on Atlantic Avenue,
11 Pacific Avenue. Nothing is synched together.
12 Traffic gets backed up because the lights aren't
13 synched. We get a lot of complaints from tourists,
14 from residents, that when they travel down Atlantic
15 Avenue, that they're frequently stopped because
16 lights aren't synched together. It's very
17 frustrating from us, from the police department,
18 and my understanding as part of this project it's
19 going to finally synchronize those lights together
20 and do it in a way that we've never seen before,
21 where it's actually using cutting art -- or cutting
22 edge technology with traffic cameras at the
23 intersections that can adjust based on the traffic
24 flow. Could also do certain types of adjustments
25 based on pedestrians or bicyclists approaching

1 intersections at the light, to make that more safe
2 and less risks of accidents occurring, so we're
3 happy about that.

4 MR. TRENK: Chief, again, you're not an
5 engineer, but do you have familiarity in a general
6 sense about the Road Diet Program that's been
7 partially implemented and is in the midst of being
8 considered?

9 CHIEF SARKOS: Yes.

10 MR. TRENK: And are you familiar that
11 Phase 1, as it's been called, basically was
12 completed in December, approximately six months
13 ago?

14 CHIEF SARKOS: Yes.

15 MR. TRENK: Seven months ago now?

16 CHIEF SARKOS: Yes.

17 MR. TRENK: Since the implementation of
18 the road striping in that Phase 1 part, is that
19 approximately a mile that's been implemented?

20 CHIEF SARKOS: I believe so.

21 MR. TRENK: Right. And from where to
22 where, just so --

23 CHIEF SARKOS: Tennessee Avenue to Maine
24 Avenue.

25 MR. TRENK: Has there -- what's been the

1 result in terms of the traffic -- I'm sorry, in
2 terms of safety perspective and from a law
3 enforcement --

4 CHIEF SARKOS: Sure. So we did take a
5 look at the accidents that have occurred on that
6 stretch of the roadway that has the road diet
7 completed from Tennessee to Maine Avenue from the
8 point in time of December 22nd, 2023 until May
9 23rd, 2024 to see if there was any increase in
10 accidents and what we saw was there was not a
11 substantial increase in accidents. It was very
12 consistent and, of course, we don't have the
13 advantage of having the lights synchronized yet,
14 but just wanted to make sure that we didn't have
15 some huge increase of accidents or anything because
16 of what was done with the road diet and did not see
17 that.

18 MR. TRENK: From a patrolling
19 perspective, what you do day in and day out, what's
20 the perspective of the police department with
21 regard to the completed part?

22 CHIEF SARKOS: So haven't seen any
23 substantial issues. People are still adjusting, I
24 think, to the bike lane. I am excited about the
25 bike lane being painted green. I think that will

1 be excellent when that is done, but have not had
2 any substantial issues.

3 MR. TRENK: I don't have any further
4 questions for Chief Sarkos.

5 MS. FONTANA: Let's go to the panel
6 first.

7 MS. COFONE: So I have one question and
8 I don't know that it's for Chief Sarkos. It might
9 be more for your traffic engineer, but it was based
10 on something that Chief Sarkos stated. He stated
11 he often gets calls from visitors, from Atlantic
12 City tourists who are unhappy with the level of
13 traffic. So one of the goals that I stated in my
14 report -- and again, I don't know that this is for
15 the chief because this is really a traffic
16 engineering question. The goal as stated, the
17 master plan seeks to reinvigorate the Atlantic City
18 experience by enhancing the Boardwalk, beach and
19 nearby streets so extensive entertainment and event
20 programing. Is reducing the travel lanes in which
21 the tourists who are already calling you to
22 complain about the traffic, is reducing the travel
23 lanes going to be problematic for the extensive
24 entertainment and event programming that is
25 contemplated to reinvigorate the Tourism District

1 in any way?

2 MR. TRENK: So again, you, I think,
3 characterized his testimony as -- he said he gets
4 calls about traffic.

5 MS. COFONE: Complaints. He gets
6 complaints from tourists.

7 MR. TRENK: But no different between
8 before the road diet was implemented and now, but
9 again, I think the general question that's being
10 asked by Miss Cofone is how will the restriping, to
11 the extent that you have any opinion or expertise
12 or knowledge, how will that affect -- I guess she's
13 saying people getting to and from wherever they're
14 going, whether it's for an event or the --

15 MS. COFONE: Well, the extensive event
16 programming and event programming that's
17 contemplated in the city.

18 CHIEF SARKOS: So my understanding of
19 this project, and I think we're gonna see more
20 advantages as it progresses, and you have Pacific
21 Avenue, Atlantic Avenue done, hopefully eventually
22 Arctic Avenue, is that the system will be designed
23 so that when we have a show break at Boardwalk Hall
24 and all of a sudden we need to push traffic outside
25 of town, that we can hit a few buttons in our 24/7

1 surveillance center to then optimize traffic flow
2 out of the city, and then if a big show is coming
3 into town and the Expressway is all backed up,
4 we're able to do the same thing, where you hit a
5 few buttons and it actually optimizes traffic flow
6 into the city. That is the hope, that this
7 technology is going to allow us to be more
8 efficient with the traffic flow. Again, I'm not
9 the engineer, but that's the impression that I was
10 lead to believe, is that when this is all completed
11 and all the final phases are completed, that it's
12 gonna work to what we're trying to do, which is
13 make traffic flow much better.

14 MS. COFONE: So I'm not a traffic
15 engineer, maybe our traffic engineer could answer
16 this, but is that something that can be done
17 because --

18 MR. TRENK: Well, I would --

19 MS. COFONE: -- it would be changing the
20 timing?

21 MR. TRENK: So I would ask Mr. Seney or
22 Mr. Kennedy to address exactly the question that's
23 been answered.

24 Is pushing a few buttons, as the chief
25 had said --

1 MR. KENNEDY: Essentially, yes. The
2 fiber infrastructure, upgrading the control
3 equipment will give much more flexibility. So they
4 can have timing plans kind of on the shelf, right,
5 for evacuations, for large events, you know,
6 off-season, summer season, weekends, yeah, so it's
7 just a matter of changing that on the fly.
8 Someone, you know, sitting at the desktop, you
9 know, at city hall or the police station will have
10 the ability to do that.

11 MS. COFONE: Thank you.

12 MR. SENEY: The only one thing I want to
13 add -- and it's pretty simple. The chief alluded
14 to it and it kind of reminded me. The signals
15 right now, they're so far out of sync that when we
16 did Phase 1, because we weren't timing the fiber,
17 we basically set everything at zero offset. So if
18 you notice, everything turns green at once, if you
19 go down that corridor, right, it turns red at once.
20 That alone increases the level of service
21 tremendously. You can probably have one lane,
22 all -- (inaudible) -- traffic and you have a better
23 level of service, just because that one simple
24 signal change. It's as simple as you can get.

25 MS. FONTANA: I think that the point is

1 that this project, I realize is multi-faceted,
2 okay, and no street lights. Have the street lights
3 been done? Apparently have the funds. Have the
4 street lights been taken care of? It involves
5 traffic signalization that I think should precede
6 and be followed by traffic counts to support any
7 change perhaps in the roadway pattern, because
8 they're going to be very different. I think the
9 signalization and the lighting, those components
10 are very admirable and desired and I'm not sure
11 that, you know, consideration of the change of
12 traffic flow on the street will not be impacted to
13 the better just by doing those things or the safety
14 of the community.

15 MR. TRENK: There's two points here and
16 I think Uzo made the point, I think Mr. Seney and
17 Mr. Kennedy made the point. There's always gonna
18 be post assessments. There has to be. I think
19 that was clear. And Miss -- (inaudible) -- what
20 I'll call the tool box, to address it, and as the
21 judge said, if there becomes an issue with
22 striping, again, then that can be addressed.
23 Nothing -- it's not like we're putting in a median.
24 They eliminated that, that raised median, so again,
25 the bottom line is, I think this gets back to what

1 the city said for years and Uzo said, putting
2 together this \$23.3 million, as we can tell, has
3 taken literally a decade and they're on the
4 precipice of finishing it. To now suggest -- and
5 I'll yield back to the city engineer. To say we
6 should stop, pull back and assume this will just
7 happen, again, I'd ask Mr. Ahiarakwe to comment on
8 that, whether that's even within the realm of
9 possibility. So I guess in a perfect world we'd
10 all sit in rooms like this, we'd all do traffic
11 counts, we'd do all kinds of stuff, but the short
12 answer is we are here where we are today on
13 June 14th, 2024 and we have the opportunity to get
14 this done by next spring, but go ahead, Uzo.

15 MR. AHIAKWE: I mean, it will be a
16 quagmire. I mean, where do we start from? I mean,
17 basically, if we were to abandon the whole thing,
18 we would be called to the desk and say, well, what
19 are you doing, and we'll probably have to give back
20 the money. So, I mean, this is, this is an item --
21 this is a project that, again, and I keep saying it
22 over and over, SJTPO was part of it. They are the
23 regional MPO around here. Okay. NJDOT was also
24 fully aware of it. It's not something we were
25 doing behind the curtain and all of a sudden sprung

1 it on everybody.

2 MS. FONTANA: No one's suggesting that.
3 No one's suggesting that.

4 MR. AHIARAKWE: That's not what we did.
5 If we were to backtrack, if we were to backtrack --
6 and I hate to say we kind of heard what may happen
7 if we do that. So if we were to backtrack, we
8 would have to basically cough up the money. If you
9 look at -- if you read the agreement, the agreement
10 is very clear, that if you do not move ahead with
11 what's been approved, it goes to say things that
12 may happen, including giving back the money.

13 MR. TRENK: So again, we respect that
14 you get these -- hindsight is important, but also,
15 prospectively we want to work with you as it gets
16 implemented, not ignore any part of it, and we
17 believe we have that, but we are where we are today
18 and we appreciate your time.

19 So again, if I can relieve Chief Sarkos.

20 MS. FONTANA: Let the chief -- Chief
21 Sarkos, were you finished with your comments?

22 MR. TETREAULT: I have a quick question
23 before you --

24 You mentioned that you've observed --
25 Chief, you've mentioned you've observed crashes out

1 there since in that portion, northern portion where
2 the road diet has been implemented. Did I hear
3 correctly that you haven't noticed a significant
4 change in the amount of crashes before and after in
5 that section? Granted, it's a short section but --

6 CHIEF SARKOS: Correct. So, you know,
7 this wasn't a long period of time but there were 36
8 accidents from December 22nd, 2023 until May 24th,
9 2024, when we did the analysis, and then I looked
10 at the same time period the year prior and, again,
11 it's not the greatest analysis because construction
12 was going on in that time period, that there was 32
13 accidents, so there was four more but it's
14 basically about the same.

15 MR. TETREAULT: About the same, okay.

16 MS. FONTANA: Were they vehicle to
17 vehicle or vehicle to pedestrian or --

18 CHIEF SARKOS: Various, yeah.

19 MS. FONTANA: Various?

20 MR. TETREAULT: I have a few more but I
21 can wait, unless you want me to bring up everything
22 now, at this point.

23 MS. FONTANA: I think we're --

24 MR. TRENK: Follow up on the question.
25 The bottom line of the story is, it's not just

1 about -- it is about, always about safety and
2 seeing if we can eliminate it, but as we said
3 before, human error, all kinds of issues come into
4 play, but the bottom line is in terms of you and
5 your department doing your job, you've not been
6 inhibited or affected, you don't have any reports
7 of it affecting any emergency services in that
8 corridor?

9 CHIEF SARKOS: That's correct.

10 MS. FONTANA: Okay. Thank you.

11 Mr. Davis.

12 MR. DAVIS: Hi, Chief.

13 CHIEF SARKOS: Hi.

14 MR. DAVIS: I just want to pick up on
15 the last comment you made.

16 CHIEF SARKOS: Sure.

17 MR. DAVIS: I know you didn't --
18 (inaudible). There might be some other variables,
19 but compared from December of last year to May of
20 this year there were 36 accidents, you indicated?

21 CHIEF SARKOS: Correct.

22 MR. DAVIS: And in that same time period
23 of last year it was 32?

24 CHIEF SARKOS: Correct.

25 MR. DAVIS: So there's been an increase

1 in accidents since the road diet was implemented?

2 CHIEF SARKOS: By four.

3 MR. DAVIS: Okay. You mentioned
4 lighting is an issue, that there would be a benefit
5 to the community with additional street lighting,
6 correct?

7 CHIEF SARKOS: Yes.

8 MR. DAVIS: There would be a benefit to
9 the community if there was improved traffic
10 signalization, correct?

11 CHIEF SARKOS: Yes.

12 MR. DAVIS: Could those things be
13 implemented without implementing the road diet?

14 MR. TRENK: Objection. Again, the
15 bottom line of the story is what every other expert
16 has said. Certainly you can go into a restaurant
17 and order things with your comp. In this case the
18 only way the funding is and was available is to do
19 it as part of this project. I think that's
20 unequivocal and certainly beyond Chief Sarkos'
21 expertise.

22 MR. DAVIS: I ask for direction as to
23 whether or not the witness should answer the
24 question.

25 MR. TRENK: If he knows.

1 MR. DAVIS: He's here as an expert in
2 the field of public safety. It's our estimation
3 that the implementation of a road has a direct
4 impact on public safety.

5 MS. FONTANA: Well, I will say
6 notwithstanding the impact on funding sources.

7 CHIEF SARKOS: Yes.

8 MR. TRENK: We would -- we stipulate you
9 can do anything you want. We can all go out there
10 and paint today.

11 MR. DAVIS: You mentioned part of your
12 concerns is the impact on Atlantic Avenue right now
13 with respect to pedestrian safety and crashes with
14 pedestrians. Did I hear you correctly?

15 CHIEF SARKOS: Yes.

16 MR. DAVIS: How much of that is
17 attributable to the pedestrian not crossing
18 Atlantic Avenue within a prescribed crosswalk?

19 CHIEF SARKOS: It does happen frequently
20 on Atlantic Avenue, yes. I don't have the
21 statistics but it does happen frequently.

22 MR. DAVIS: I don't have the statistics,
23 either, but I do want to ask you, maybe you could
24 give us a rate. Does the city issue traffic
25 citations to pedestrians who aren't crossing within

1 the crosswalk which is commonly known as
2 jaywalking?

3 CHIEF SARKOS: We have.

4 MR. DAVIS: Is that an ongoing effort by
5 the city in order to curtail jaywalking on Atlantic
6 Avenue?

7 CHIEF SARKOS: I would say we do it
8 occasionally. I wouldn't say it's something that's
9 frequent, that's all the time.

10 MR. DAVIS: If it was implemented do you
11 think it might send a message to the community to
12 use crosswalks when crossing Atlantic Avenue?

13 CHIEF SARKOS: It could help. I think
14 the thought, also, is if they are crossing less
15 lanes, it would also help, as well.

16 MR. DAVIS: Have you had any experiences
17 yet on Phase 1 where the road diet has been
18 implemented where you have vehicles parking within
19 the prescribed bike lane?

20 CHIEF SARKOS: That has happened.

21 MR. DAVIS: Have you issued citations to
22 those motorists who park within the bike lane?

23 CHIEF SARKOS: Yes.

24 MR. DAVIS: Okay. That's all I have.
25 Thank you, Chief.

1 MR. TRENK: Just want to do one follow
2 up on that.

3 So when Mr. Davis talks about
4 jaywalkers, okay, and the bottom line of the story
5 is the more attentive the driver, then the drivers
6 should be proactive looking for jaywalkers; is that
7 correct?

8 CHIEF SARKOS: That would help, yes.

9 MR. TRENK: Right. And so the more the
10 signage and the lighting are improved, does that
11 help the driver be more attentive so that when that
12 person darts out, hopefully they are able to make
13 the stop in time?

14 CHIEF SARKOS: Yes. That's the goal.

15 MR. TRENK: Is that based upon your
16 experience --

17 CHIEF SARKOS: It is.

18 MR. TRENK: -- as a law enforcement --

19 Thank you. No further questions for the
20 chief.

21 MR. DAVIS: I don't have to do it now,
22 but Mr. Ahiarakwe got up and was answering
23 questions. I did have some redirect for him at
24 some time. I can do it now or I can do it later.

25 MS. FONTANA: Well, let's see if there's

1 anything else for Chief Sarkos.

2 MR. TETREAULT: Yeah. The chief, you
3 know, I think --

4 MR. TRENK: Again, I'd like to let Chief
5 Sarkos go back to --

6 MR. TETREAULT: I'm okay with the chief.
7 Thank you, very much. Thanks for your service.

8 MR. TRENK: Thank you.

9 MS. FONTANA: Thank you, Chief.
10 Did you have --

11 MR. TRENK: Yeah. I wanted to get Chief
12 Evans so I can get him back on the road and --

13 MS. FONTANA: Can we hear from Chief
14 Evans first?

15 MR. TRENK: Yup.

16 MS. FONTANA: You want to go back to --

17 MR. TETREAULT: I have some -- I think
18 it can wait until after Chief Evans -- just some
19 observations. (Inaudible) -- a chance to hear --

20 MR. TRENK: Chief Scott Adam -- Evans.
21 Excuse me. So Mr. Collins, if you want to swear
22 him in first.

23 MR. COLLINS: Sure. One second.

24 MR. TRENK: E-V-A-N-S.

25 MR. COLLINS: Can you raise your right

1 hand, please?

2 CHIEF SCOTT EVANS, having been first duly sworn
3 according to law, testified as follows:

4 MR. COLLINS: Thank you.

5 MS. FONTANA: Chief, you're from --
6 you're Fire, EMS or --

7 MR. TRENK: Well, I'm gonna go through
8 that now. Yes. He's both.

9 So can you tell Hearing Officer Fontana
10 your role with the city?

11 CHIEF EVANS: So my name's Scott Evans.
12 I'm the Fire Chief of Atlantic City. I'm also the
13 Emergency Management Coordinator and the Office of
14 Emergency Management oversees the EMS service in
15 Atlantic City, which the EMS service is a
16 third-party contractor. We use -- (inaudible) --
17 Service. I've been a firefighter for 36 years in
18 the city. I live in the city. Been here my entire
19 life. I've worked the streets of Atlantic City as
20 a battalion chief for over seven years, as well as
21 a deputy and navigated the streets of Atlantic City
22 through the last 25 plus years, so very familiar
23 with the city and the streets and the traffic.

24 MS. FONTANA: Thank you.

25 MR. TRENK: And in your role as EMS or

1 emergency management, what does that involve?

2 CHIEF EVANS: So the role is -- well,
3 Office of Emergency Management covers just its
4 preparation and coordination with the city in the
5 event of a disaster. Underneath Emergency
6 Management we have the Beach Patrol and we have the
7 EMS, which we contract out to a third-party
8 service.

9 MR. TRENK: Does the -- is the safety of
10 Atlantic Avenue a concern of yours?

11 CHIEF EVANS: Yeah. The entire safety
12 of the city is a concern of mine, absolutely.

13 MR. TRENK: Specifically with regard to
14 Atlantic Avenue, you're familiar with it?

15 CHIEF EVANS: Atlantic Avenue,
16 extraordinarily familiar with it.

17 MR. TRENK: Okay. And with regard to
18 your understanding of the road diet, recognizing
19 that you're not an engineer and whatnot, have --
20 what are your major concerns with regard to
21 implementing safety?

22 CHIEF EVANS: Yeah. Safety is paramount
23 here and, you know, I don't want it to get lost
24 with what the business community is, because I'm
25 100 percent supportive of the business community.

1 I live here. I pay taxes here, probably only one
2 or two people that really pay taxes here. We
3 support the business community, but I support
4 safety above all else and it's, you know, it's
5 paramount. When you look at the statistics and the
6 studies of what they've done, you know, people are
7 getting hit by cars and car accidents are
8 happening, you know. It's up to the engineers and
9 the investigators to figure out all why, how,
10 where, but something needs to be done to reduce
11 injuries and accidents.

12 MR. TRENK: And with regard to calls of
13 service that you're familiar with, are they
14 substantially more on Atlantic Avenue than in other
15 major thoroughfares of the city?

16 CHIEF EVANS: For calls for service
17 requests, no. We're -- our calls for service, I
18 can't say particularly Atlantic Avenue, but without
19 going into some forensics, no, we get a lot of
20 calls on Route 30, the Expressway, Route 40 and,
21 you know, the one lane roads, such as Arctic and
22 Fairmount, as well, so --

23 MR. TRENK: With regard to Atlantic, is
24 there a number of calls that you're aware of?

25 CHIEF EVANS: No. We don't do the

1 accident investigation so I wouldn't have those
2 stats, no.

3 MR. TRENK: If I told you that over the
4 time frame that was in the JMT, it was
5 approximately 800 crashes that occurred on
6 Atlantic; would that surprise you?

7 CHIEF EVANS: No. I wouldn't, I
8 wouldn't be surprised, no.

9 MR. TRENK: So based upon the issues
10 you've heard, lighting, synchronization and the
11 lanes, what is your analysis as to the
12 implementation of these?

13 CHIEF EVANS: My analysis is actually,
14 we have more space for emergency vehicles to get
15 through now. We have a center lane, you know. You
16 have -- you've reduced the lanes. You have the
17 bike lanes. We actually have more room to get down
18 Atlantic Avenue for emergency vehicles, so --

19 MR. TRENK: So it's -- is that because
20 there's -- instead of having five --

21 CHIEF EVANS: Right.

22 MR. TRENK: -- you have --

23 CHIEF EVANS: And not having the
24 concrete median gives us that additional space to
25 come through the lanes, as well.

1 MR. TRENK: And so far, recognizing it's
2 only about seven months, is it working?

3 CHIEF EVANS: Yeah. We have no reports
4 of any issues whatsoever.

5 MR. TRENK: I don't have any further
6 questions for Chief Evans.

7 MS. FONTANA: Does anyone have any
8 questions on the panel?

9 MS. COFONE: I do not.

10 MR. TETREAULT: I do not. Thank you.

11 MS. FONTANA: Do you have --

12 MR. DAVIS: I have -- yeah. I'm sorry.
13 Hi, Chief.

14 CHIEF EVANS: Sure.

15 MR. DAVIS: So you indicated that you
16 believe the road diet is beneficial because there's
17 going to be an additional travel lane for emergency
18 vehicles. Did I understand your testimony
19 correctly?

20 CHIEF EVANS: No, you did not.

21 MR. DAVIS: Okay. Could you -- so
22 from -- if I'm in Chelsea, okay, and I have an
23 emergency issue and an ambulance comes, they got to
24 get me to AtlantiCare. That's Ohio and Atlantic,
25 right?

1 CHIEF EVANS: Right.

2 MR. DAVIS: I got to go through this one
3 section of Atlantic, from Boston to Missouri, where
4 this road diet's gonna be implemented.

5 CHIEF EVANS: Sure.

6 MR. DAVIS: Okay. First of all, have
7 you looked at that section in terms of -- do you
8 have any concerns about traffic congestion being
9 caused in that section?

10 CHIEF EVANS: So, I mean, there's
11 traffic congestion in the city all the time. It
12 depends on the dynamics of what's going on in the
13 city. There's so many different variables that you
14 have to look at but, you know, where you're going,
15 you have two bike lanes, okay, then you have the
16 center lane, which is used for a turning lane, so
17 you have two bike lanes now that you have space for
18 vehicles to pull over and get out of the way. Now
19 you have a center lane that's only being used on
20 certain streets for turning lanes and that's at the
21 intersection, so if there is a car that's in the
22 turning lane at an intersection and an emergency
23 vehicle is coming, they can go either right or left
24 and get out of the way, let the emergency vehicle
25 go through.

1 MR. DAVIS: Don't you have that
2 condition right now with center turning lanes on
3 Atlantic?

4 CHIEF EVANS: You have two lanes of
5 traffic going each way and if you have cars stacked
6 here and cars stacked here, there's nowhere for
7 them to move left, nowhere for them to move left or
8 right, so no, you don't.

9 MS. FONTANA: Well, why would there --
10 excuse me, Mr. Davis. Why would there be any
11 difference?

12 CHIEF EVANS: We have bike lanes now.
13 You have bike lanes that are on the sides of the
14 roads where a car can pull over for an emergency
15 vehicle.

16 MS. FONTANA: Why wouldn't a car be able
17 to pull over in the right-hand traffic lane?

18 CHIEF EVANS: Because you have two lanes
19 of traffic that are stacked up. They wouldn't be
20 able to do that.

21 MS. FONTANA: So because of stacking?

22 CHIEF EVANS: Yes.

23 MS. FONTANA: Okay.

24 CHIEF EVANS: Yes. It's -- you have
25 more space. Reduce it from two to one, you have

1 more space. It's -- (inaudible) --

2 MS. FONTANA: Yup.

3 CHIEF EVANS: -- roadway.

4 MR. DAVIS: So if there's an ambulance
5 coming down, you're basically saying a motorist can
6 pull into the dedicated bike lane?

7 CHIEF EVANS: Absolutely. For emergency
8 vehicles, 100 percent.

9 MR. DAVIS: Okay. Now, in terms -- so
10 when -- how about with respect to the center travel
11 lane, don't you have that condition now on Atlantic
12 Avenue?

13 CHIEF EVANS: Yes.

14 MR. DAVIS: Okay. Is that -- is the
15 dimensions of that center travel lane changing in
16 any way in the road diet?

17 CHIEF EVANS: I don't have the specific
18 details on that. That wouldn't be a -- that's an
19 engineer question.

20 MR. DAVIS: So in terms of emergency
21 vehicles being able to navigate through Atlantic
22 Avenue, they could, they probably do, use that
23 center travel lane currently on Atlantic Avenue to
24 bypass other motor vehicles, do they not?

25 CHIEF EVANS: Yes. Correct.

1 MR. DAVIS: Okay. And that's a
2 condition that could continue even if the road diet
3 was not implemented?

4 CHIEF EVANS: Sure.

5 MR. DAVIS: Thank you. Appreciate it.

6 MS. FONTANA: Thank you.

7 MR. TRENK: I just want to put up this
8 slide so that the chief can just demonstrate -- the
9 slide that showed the picture of what exists now,
10 so it's clear, what he was saying about the bike
11 lane, the use of them in an emergency. What slide
12 number?

13 CHIEF EVANS: This one.

14 MS. COFONE: What slide number is it?

15 MR. TRENK: 15.

16 So Chief, this is the part that's been
17 implemented. So with slide 15 -- this is A-13, I
18 think, exhibit. Go ahead, describe what you were
19 trying to do with your hands so everybody
20 understands it.

21 CHIEF EVANS: The center lane is easy to
22 traverse for emergency vehicles, as well as over
23 here, the space where the bike lane is, which is a
24 nice size bike lane on both sides, and where this
25 buffer zone that you have here, you got plenty of

1 room for people to move over for emergency
2 vehicles.

3 MR. TRENK: Right. And specifically,
4 Chief, there shouldn't be any cars in a bike lane
5 now, and as I think Chief Sarkos was saying and Mr.
6 Kennedy, they're going to be painted green. So the
7 bottom line is they're supposed to be green now and
8 in the event of an emergency, then the cars that
9 would be in two lanes, whatever part that's not
10 implemented will not be in two lanes, they'll only
11 be in one lane each way and then they will part
12 from the center so that your apparatus can get down
13 the street?

14 CHIEF EVANS: Yes.

15 MS. FONTANA: Understood.

16 MR. TRENK: Just wanted to describe it.
17 Thank you.

18 MS. FONTANA: Okay.

19 MR. TRENK: So the only other part --
20 I'm sorry. Go ahead.

21 MS. FONTANA: I think --

22 MR. TETREAULT: No. Go ahead, if you
23 have anything else. I just have a few points.

24 MR. TRENK: The only other part was
25 going to be if Mr. Pavlick or Mr. Ahiarakwe wanted

1 to comment quickly on the implementation, their
2 construction management responsibilities as far as
3 Phase 1 and how that played out.

4 MS. FONTANA: Do you think we're going
5 past the plan here?

6 MR. TRENK: No. This is the actual plan
7 that's been implemented. There's nothing that
8 that's going past the plan.

9 MS. FONTANA: Yeah, but do we really
10 need to know --

11 MR. TRENK: Well, we only need --

12 MS. FONTANA: -- this?

13 MR. TRENK: -- to know if, if, if there's
14 questions about how it was implemented and what its
15 impact has been. You've heard some testimony,
16 different aspects of what's been implemented, how
17 it's worked or not worked, how it's still in a
18 state of -- so it's only if there were questions.
19 So again, they can just give us -- again, it will
20 take two minutes.

21 MS. FONTANA: Were these gentlemen
22 sworn?

23 MR. COLLINS: You were both sworn,
24 right?

25 MS. FONTANA: Okay. And you are?

1 MR. PAVLICK: I'm Drew Pavlick.

2 MS. FONTANA: Mr. Pavlick.

3 MR. PAVLICK: Engineer with CME
4 Associates.

5 MS. FONTANA: Go ahead.

6 MR. PAVLICK: So we are retained by the
7 City of Atlantic City. I think it started in
8 February of '22 to provide professional services
9 for construction management and construction
10 inspections for Phase 1. Again, that started in
11 February of '22. Charles Marandino is the
12 contractor. We helped coordinate the project and
13 implement the actual construction. Phase 1 has
14 been completed. We're in the final stages of
15 closing it out as far as paperwork. Phase 2 -- or,
16 I'm sorry, Phase 2A, we were also retained to do
17 construction management and construction
18 inspection. CTX Infrastructure was the contractor.
19 The same thing, the project is -- it is complete,
20 substantially complete. We're just in the final
21 stages of closing the --

22 MS. FONTANA: So that's the conduit for
23 the fiber?

24 MR. PAVLICK: Correct.

25 MS. FONTANA: That was --

1 MR. PAVLICK: Phase 2A was the conduit.

2 MS. FONTANA: Yup.

3 MR. PAVLICK: Phase 1 was the paving and
4 striping.

5 MS. FONTANA: Okay.

6 MR. PAVLICK: If you have any -- do you
7 have any questions for me?

8 MR. TRENK: So the only question would
9 be with regard to the implementation and what's
10 been demonstrated, again, has it effectively -- do
11 you have, from your analysis of the way it was
12 administered, whether or not it's accomplished the
13 purpose of it, which was safety?

14 MR. PAVLICK: I believe it has.

15 MR. TRENK: And why?

16 MR. PAVLICK: We implemented the design
17 plans, you know. There were some minor changes
18 that had to be made throughout the project. What
19 was designed was substantially built.

20 MR. TRENK: Have you implemented other
21 similar road diet programs?

22 MR. PAVLICK: I have not, no.

23 MR. TRENK: Okay. That's all the city
24 has.

25 MS. FONTANA: Okay.

1 MR. TETREAULT: I have nothing for this
2 man.

3 MS. FONTANA: Carolyn?

4 MS. COFONE: No. I have nothing.
5 Christine.

6 MR. DAVIS: I have questions.

7 MS. FONTANA: Mr. Davis.

8 MR. DAVIS: Mr. Pavlick, your Phase 1 is
9 completed, correct?

10 MR. PAVLICK: Correct.

11 MR. DAVIS: Paving and fiber install,
12 right?

13 MR. PAVLICK: That's correct.

14 MR. DAVIS: Has the traffic
15 synchronization been implemented yet for Phase 1?

16 MR. PAVLICK: It has.

17 MR. DAVIS: So right now is the traffic
18 synchronization on Phase 1 optimal?

19 MR. PAVLICK: Is it optimal? I would
20 defer to Mr. Kennedy.

21 MR. DAVIS: Okay.

22 MR. KENNEDY: For the record, Derrick
23 Kennedy. What we have implemented on Phase 1 right
24 now is what we call GPS time clocks. So we talked
25 before, the controller equipment out there for the

1 signals, they're not capable of running fiber.
2 Phase 2 will upgrade that equipment. So we're --
3 there's coordination but it's limited to what we're
4 ultimately planning for with the fiber system. So
5 the GPS time clocks work essentially by creating an
6 offset through satellites at each location. It's
7 held to a time. So it's basically fixed in its
8 internal time clock so if it falls out of sync a
9 couple times a day, the GPS unit will kick in and
10 send it back into sync. So you should see those
11 signals turning yellow at the same time. It's an
12 interim. We knew we had to get the signals
13 coordinated when we implemented the road diet
14 concept, so this is a way to do that, you know,
15 prior to finishing the full fiber system, so there
16 is an interim coordination plan that's running
17 those signals right now.

18 MR. DAVIS: Have you done field work
19 follow up yet to determine whether or not it's
20 working according to plan?

21 MR. KENNEDY: We have been out. There's
22 been some adjustments and some signals that drifted
23 out of sequence in a field check to see, you know,
24 what it was that was, you know, putting them out of
25 sync or why there was a complaint. So we've

1 monitored it after implementation and it seems to
2 be working as expected.

3 MR. DAVIS: Okay. Thank you.

4 MR. TRENK: Just want to understand, so
5 Chief Sarkos was explaining how when the upgrade, I
6 think you said control panels are put in, it would
7 be done from a laptop?

8 MR. KENNEDY: So now there's essentially
9 one timing plan. There's just one coordination
10 plan so there's some coordination, but the future,
11 you know, time plan, there's an event, seasonal
12 that they can have multiple timing plans and can
13 quickly change and adjust and run those as needed.

14 MR. TRENK: And is it your understanding
15 that the funding to do that is part and parcel of
16 the entire 23.3 million that was --

17 MR. KENNEDY: That's correct. Yes.

18 MR. TRENK: No further questions.

19 Okay. I think there were other
20 questions that, or maybe for --

21 MR. TETREAULT: Yeah. I know you had
22 asked me --

23 MS. FONTANA: Are you done with your --

24 MR. TRENK: Yes. Other than to respond
25 to anything --

1 MS. FONTANA: Yup.

2 MR. TETREAULT: The city had asked
3 earlier if we had any comments or questions and at
4 that time we hadn't gotten really into the traffic
5 portion of it. The one thing that -- and some
6 other testimony that was probably of interest. I
7 know there was a lot of back and forth about the
8 ability to take the funding. Having been involved
9 in some of these myself previously, the way it's
10 set up is -- the way this kind of funding is is
11 that it's highway safety funding and having done
12 some highway safety studies myself, road diets are
13 one of the -- what they call improving
14 countermeasures. The other one is improved
15 lighting. The other one is improved and
16 coordinated signals. Certainly for a road diet,
17 you know, they -- you know, to get funds, you have
18 to make a case. It isn't just, we want to make an
19 improvement on the road. It has to be a -- if you
20 want to get those safety funds, you have to be kind
21 of using one of those safety countermeasures, so I
22 can understand where, you know, the impetus is to
23 go for a road diet. You had the JMT Road Safety
24 Assessment. From what I gather, and I know there
25 was a lot of questions about the limits, I will say

1 that it probably -- and I, you know, I haven't
2 looked over the JMT report, really, but probably
3 was more broad-based and more conceptual. It may
4 not have said road diet from here to here, not here
5 and then here to here, although maybe they might
6 have been thinking those terms or not. I don't
7 know. And, you know, when Remington & Vernick took
8 it over they, of course, were getting more specific
9 about -- based on traffic information where -- and
10 one of the cut-offs on whether a road diet can be
11 implemented is volume, so it's very important to
12 know where you're seeing that volume. I believe
13 the threshold is like 18,000 vehicles or something
14 like that. It was mentioned, I think, in RV's
15 report. The concern that I've had, and I think it
16 was why I mentioned it in my letter, was -- and I
17 understand the environment they were in, they had
18 to do this report. It hit during Covid, when
19 counts, volumes were way down, so there was -- I
20 know that probably explains why there's some, you
21 know, older traffic data. The one concern I had
22 was that, you know, from what I know of Atlantic
23 City, your peak hours are probably -- might be on a
24 Friday night. It's not a normal area where, you
25 know, you have an a.m. peak and a p.m. peak on

1 weekdays and that's your highest volumes a week.
2 It could be in the summertime, probably is, July
3 and August. I did not see that. That was a
4 concern. That's why I voiced that concern here, so
5 that's the starting point, and then the analyses
6 are done from there, so that's where, you know, I
7 certainly had some concerns. That said, if the --
8 you know, once the analyses are done and there's
9 actually -- there was some areas, of course, that
10 were redone last August, they were not done on a
11 Friday. They were done on a Thursday. I checked.
12 There was a question about which ones. They were
13 done on a Thursday and a Saturday in August, not a
14 Friday evening or anything like that, and the
15 locations were Arkansas, Missouri and Georgia
16 Avenues, so those were the three locations. There
17 were counts done. There were no analyses to see,
18 okay -- might have been useful to say okay, we had
19 a -- you know, this is what it was then. If a road
20 diet is implemented and the analyses are rerun
21 based on the road diet, this is what we would
22 expect levels of service and delay would be.
23 They'd have a point of comparison between the two.
24 The other thing, too, is that this travel lane, a
25 condition in here, it -- basically the comparison

1 is probably between the existing signals, which
2 don't function very well, and then the road diet,
3 which reduces the amount of lanes but the signals
4 function better, so it probably -- it almost would
5 be useful if there was, okay, if you only had
6 traffic, improved traffic signals, where would you
7 go from there and, you know, I'm just kind of
8 mentioning that for the comparisons. Right now
9 it's comparing an existing condition -- assuming
10 the volumes were good, it's comparing existing
11 conditions with a poorly functioning signal system
12 versus reducing the number of lanes but it improves
13 signal condition. The other concern that I had
14 here was that it seemed like the analyses were
15 for -- and it was mentioned in the report. It said
16 four lanes. It didn't say five lanes. It said
17 four lanes. The analyses seemed to be geared
18 towards -- what I saw was two lanes in each
19 direction. It did not show a separate left turn
20 lane in the existing condition, but we do have
21 that. We do actually have a five lane condition
22 out there. So those were my, kind of my concerns
23 there on the whole thing and, you know, I just
24 wanted to bring them up.

25 MR. TRENK: Miss Fontana, we would like

1 five minutes now because -- if we are going to
2 respond. Obviously, as I indicated, we just got
3 his letter --

4 MS. FONTANA: Yup.

5 MR. TRENK: -- on Tuesday so I'd like to
6 consult with the professionals. It shouldn't take
7 more than five or 10 minutes.

8 MS. FONTANA: Sure. Thank you. We'll
9 be back.

10 MR. COLLINS: Mr. Davis is gonna go
11 next.

12 MS. FONTANA: Well, he wants a five
13 minute break.

14 MR. TRENK: He did say he had a few more
15 questions. Maybe get all his questions in, that
16 would be good.

17 MS. FONTANA: Yup.

18 MR. DAVIS: Just for Mr. Ahiarakwe.

19 So Mr. Ahiarakwe, the chief was up here.
20 You got up at some point in time and you were
21 talking about the funding and how the project
22 stands and you made certain statements like, you
23 know, we can't abandon the whole thing and we would
24 have to cough up money. Do you recall that general
25 testimony you provided?

1 MR. AHIRAKWE: I basically said if
2 there were changes. It's typical of any
3 NJDOT/Federal Highway Agreement. If you change the
4 original intent, then, I mean, he who pays the
5 piper tells him what to play.

6 MR. DAVIS: Earlier you had indicated
7 that the process is fluid in terms of changes to
8 the plan, did you not?

9 MR. AHIRAKWE: That's why we sit down
10 with NJDOT literally biweekly.

11 MR. DAVIS: And you've already changed
12 the plan once, maybe more than once?

13 MR. AHIRAKWE: Everything, every change
14 we've made, we've shared it with them.

15 MR. DAVIS: And could it be changed
16 again to provide five travel lanes from Tennessee
17 to Boston in consultation with DOT?

18 MR. AHIRAKWE: I don't understand.
19 Help me out.

20 MR. DAVIS: Could you change the plan to
21 not implement a road diet from Missouri to Boston?

22 MR. AHIRAKWE: A road diet, a road diet
23 was what was approved by NJDOT, Federal Highway and
24 SJTPO. All other things that you and I like were
25 just put in there. They would not allow us to do

1 all those things unless we implemented that road
2 diet.

3 MR. DAVIS: But you originally had a
4 road diet from Tennessee to Missouri which was also
5 presented to DOT, did you not?

6 MR. TRENK: Again, we went through this
7 earlier. We're just rehashing. We've already
8 explained the sequence of what exists.

9 MR. DAVIS: Just -- it's a simple
10 question.

11 Could you change it again?

12 MR. TRENK: And he's answered that.

13 MR. AHIARAKWE: No engineering analysis
14 from the professionals have come to me to
15 basically, to basically I guess even entertain
16 that, because again, the plan is with DOT. We've
17 had regular meetings with NJDOT and at no point
18 have the professionals I have, that I'm dealing
19 with or NJDOT or SJTPO basically, basically come to
20 some of the things you're mentioning. Basically,
21 from our perspective, I'm fairly confident my
22 professionals have done a very good job.

23 MR. DAVIS: I'm not disputing that.

24 So as I see it, this Authority has the
25 ability to do one of the several things.

1 MR. TRENK: Again --

2 MR. DAVIS: This is a question and I ask
3 the question and then you can object to it.

4 They could approve of the plan as
5 submitted, they could deny of the plan as
6 submitted, or they could approve of the plan with
7 directions to make alterations to the plan. My
8 question is this. If the Authority approved of the
9 plan but directed that there be a maintenance of
10 five travel lanes down Beach of Tennessee Avenue,
11 could the plan be changed?

12 MR. TRENK: Objection to the form of the
13 question. Number one, it is not -- anything could
14 be could. We could all win in a casino but most of
15 us aren't there today so we're not gonna win,
16 number one. Number two, it's not the foundation of
17 everything that's occurred over the last decade,
18 from the JMT RSA to everything up until today,
19 including, as I think Mr. Seney said, he was on the
20 phone yesterday with the NJDOT, so the word could,
21 again, if you determined to make that decision, if
22 that's what you determine, then we'll deal with it
23 at that point if we can, but what this witness and
24 what the city has said, in no uncertain terms, this
25 is an omelette. It's baked. It's being

1 implemented and that's where we are after a decade
2 of effort. So the hypothetical is an interesting
3 one, and if he has any evidence that he wants to
4 put on, again, if he -- if the question for this
5 witness is to your knowledge can you just rip out
6 all the road diet components and make it five lanes
7 all throughout, I think the witness would be very
8 clear, to his knowledge he can't.

9 MR. DAVIS: Cannot?

10 MR. TRENK: Cannot.

11 MR. DAVIS: Is that your answer, Mr. --
12 Mr. Trenk's now providing testimony.

13 MR. AHIAKWE: We cannot, and here's
14 why. I'll give you the reason. This was based --
15 and I know I keep saying it, RSA. RSA was the
16 package we took to all these entities I'm talking
17 about. So if, if you're changing -- I mean, where
18 do you start from? I mean, the funding sources,
19 even forget the federal and state, the private
20 folks who contributed money, it was the same RSA.
21 Okay. I mean, we did get private funds, but again,
22 it's RSA. I mean, where does the
23 misrepresentations start from?

24 MR. DAVIS: I'm asking the questions.

25 MR. AHIAKWE: No.

1 MR. DAVIS: I'm not sure where --

2 (Multiple parties speaking. Inaudible.)

3 MR. DAVIS: Let me ask the question.

4 You already changed it once. You already changed
5 it once, correct, to not implement the road diet
6 fully from Tennessee to Missouri, correct?

7 MR. AHIARAKWE: I think you got --

8 MR. DAVIS: It's a simple question.

9 MR. TRENK: No, it's not. It's not.

10 MR. AHIARAKWE: It's totally different.
11 When you're doing a design it's -- okay. As we're
12 doing the bulkhead, we continuously make changes to
13 suit what we come across.

14 MR. DAVIS: Understand.

15 MR. AHIARAKWE: Even during construction
16 we make those changes. Nothing is just done like
17 that. I mean, I'm being realistic. We do
18 construction here regularly. Yeah. It's in excess
19 of a hundred million and I'm basically saying as
20 we're going along we're not static. If we see
21 things that don't work well, we make changes, but
22 to say it's -- I don't -- it's just to use your
23 term, to say, you know, we're moving away from,
24 from the objective of the RSA, that's not it.
25 That's not it.

1 MR. DAVIS: So those changes -- you say
2 you can't make changes, correct? You can make
3 changes?

4 MR. AHIARAKWE: Yup.

5 MR. DAVIS: Is that what you said?

6 MR. TRENK: Again, Miss Fontana, to the
7 extent that he wants to make his argument to you at
8 the appropriate time, he will make that and you
9 will take it under consideration, but this witness
10 has a -- his own investigative experience. He's
11 giving testimony. So the concept that -- he said
12 he can't change it and -- (inaudible). He might --
13 what's being asked here is not a particular
14 question. He's saying strip the whole road diet up
15 and he's saying I can't.

16 MS. FONTANA: Can I ask a question?

17 MR. DAVIS: That's not my question.

18 MR. TRENK: Please.

19 MR. DAVIS: That's not my question.

20 MS. FONTANA: Can I ask a question?

21 In the report how many variations of a
22 road diet were presented?

23 MR. AHIARAKWE: There were about five
24 variations.

25 MS. FONTANA: Okay.

1 MR. AHIARAKWE: Just going by memory.
2 I'm not -- I don't have it. About five.

3 MS. FONTANA: Okay. The proposal that
4 you have here was number five?

5 MR. AHIARAKWE: Yes.

6 MS. FONTANA: Someone along the way made
7 a determination that we're going to not do number
8 one, not do number two, not do number three, not do
9 number four, but implement number five, which is
10 fine, correct?

11 MR. AHIARAKWE: Yes, ma'am.

12 MS. FONTANA: The funding is, as you
13 said, dependent upon a road diet?

14 MR. AHIARAKWE: Upon the RSA.

15 MS. FONTANA: But the RSA had five
16 different options?

17 MR. AHIARAKWE: That's correct, ma'am.

18 MS. FONTANA: If option two were
19 implemented instead of option five, does that have
20 any impact on the funding?

21 MR. AHIARAKWE: All the options were
22 eligible, ma'am.

23 MS. FONTANA: Correct. Thank you.

24 MR. TRENK: But not approved?

25 MR. AHIARAKWE: Yes. All the options

1 were eligible and we sat down with SJTPO, NJDOT and
2 based on that, that's -- it wasn't -- these were --

3 MR. TRENK: That's how you came to --
4 (inaudible) --

5 MR. AHIARAKWE: Exactly.

6 MS. FONTANA: I appreciate that.

7 MR. AHIARAKWE: These were partners.

8 MS. FONTANA: Yup.

9 (Technical interruption. Inaudible.)

10 MR. AHIARAKWE: Yes. Yes. It wasn't
11 just -- they were providing the money, okay, and we
12 were basically -- you want to do this, we have the
13 money, and in doing it, you can give you money for
14 this, this, this and this.

15 MS. FONTANA: I understand.

16 MR. TRENK: So go back to Miss Fontana.
17 If you were going with option one, two, three or
18 four, would you have gotten the 23.3 million that
19 you have now?

20 MR. AHIARAKWE: Again, we sat down with
21 them and picked which one would basically --

22 MS. FONTANA: So if there were five
23 other people in the organizations and on the team
24 doing the same thing tomorrow, the outcome would be
25 different?

1 MR. AHIARAKWE: It could be.

2 MS. FONTANA: Yup. Okay. I got it.
3 Thank you.

4 MR. TRENK: So again, at this point we'd
5 like to take seven or eight minutes just to see if
6 we have any more and then --

7 MS. FONTANA: Let's take a break.

8 (A brief recess was taken.)

9 MS. FONTANA: Did you have anything that
10 you wanted to --

11 MR. TRENK: Two quick areas.

12 MS. FONTANA: Sure.

13 MR. TRENK: Frank Seney is at the
14 podium.

15 So Mr. Seney, right before the break the
16 hearing officer asked questions about the
17 alternatives and the correlation with the funding.
18 Can you explain for the record that process and
19 where we're at in that process and what the impact
20 would be if there was a recommendation or an effort
21 to remove all aspects of the restriping?

22 MR. SENEY: So I've done a lot of great
23 applications in my time and if you have a great
24 application that says I'm gonna do bicycle safety
25 and pedestrian safety and another great application

1 that says I'm gonna increase roadway capacity,
2 well, bicycle safety and pedestrian safety is way
3 higher, would score way higher. They had probably
4 a thousand applications of roadway capacity
5 increase. So the funding was based on the fact
6 that we needed to increase roadway bicycle safety
7 and pedestrian safety and where we're in
8 discussions about omitting that center median, they
9 weren't really fond of that because obviously a
10 center median is kind of a blocking point for
11 midblock crosswalks. We talked through it. We
12 talked through it. They weren't even put -- we
13 talked about putting roadway stanchions up, which
14 we said that it would be horrible idea, there would
15 be a maintenance issue, and we started talking
16 through it and we finally agreed to it, but if we
17 were to put four lanes back in there, they would
18 have said the funding is done. I'll give you an
19 example. In Haddonfield we put a traffic signal in
20 before I was even at the company and it was a
21 federal job and it was right next to another
22 intersection and two years went by and it wasn't
23 really working so Haddonfield pulled the signal
24 out, and guess what, they had to pay the full grant
25 amount back to the feds because they didn't

1 implement the project. So if we were to put this
2 back to four lanes, or we already did, guess what,
3 we're paying back the feds for the money we spent.

4 MS. FONTANA: I understand.

5 MR. TRENK: Thank you, sir.

6 MR. DAVIS: Can I ask a question, follow
7 up?

8 MS. FONTANA: Sure.

9 MR. DAVIS: Mr. Seney, you said that if
10 you put the four lanes back, the funding is done.
11 Is that what you said?

12 MR. SENEY: That's correct.

13 MR. DAVIS: How could you do it from
14 Tennessee to Missouri?

15 MR. SENEY: That was the plan we
16 submitted. There was never a plan change. Let me
17 get that clear, too. The plans we submitted, when
18 we put up on the screen, had those sections
19 within -- from Tennessee to Missouri being five
20 lanes, or four lanes in some instances.

21 MR. DAVIS: But when the RAISE grant was
22 submitted, it clearly indicates that the project
23 elements include reducing the travel lanes from
24 four to two, road diet?

25 MR. SENEY: Right.

1 MR. DAVIS: For --

2 MR. SENEY: For the entire sections, it
3 said?

4 MR. TRENK: No. It doesn't say that.
5 He's not representing that.

6 MR. DAVIS: Yes, it does. This is for
7 the entire --

8 MR. TRENK: But it didn't --

9 MR. DAVIS: -- Atlantic City Corridor
10 Revitalization and Safety Project. So my question,
11 then, when you got -- you got Phase 1 approved,
12 correct?

13 MR. SENEY: Got Phase 1 approved.

14 MR. DAVIS: Okay. And then you now have
15 Phase 2 under -- not 2B, not the fiber, for 2B
16 still under consideration by the DOT, correct?

17 MR. SENEY: So we updated 1. That was a
18 timing constraint. We had to get it by a certain
19 date or remove the funding. We got that done. We
20 didn't work on Phase 2 at all. Okay? So we got
21 Phase 1 done. That was our main concern. Got it
22 done, got it built, got it approved. We started
23 going to Phase 2. So that's when we started
24 looking at, you know, right there at midtown. We
25 knew there was a lot of traffic there, did some

1 counts and said, you know what, it's probably not a
2 good idea. That's just not good. Put it to four
3 lanes back, keep it the way it is in that little
4 section there and we designed it. That's when we
5 presented the PIC, if you remember, and that's when
6 we submitted to DOT, the preliminary.

7 MR. DAVIS: But why do you --

8 MR. SENEY: We never did any planning
9 change.

10 MR. DAVIS: Why do you think that's
11 going to be acceptable to DOT as to that length as
12 opposed to Missouri to Boston?

13 MR. SENEY: DOT does not go down into
14 the weeds. They're not gonna tell us, you know
15 what, put five lanes here -- (inaudible) -- because
16 we're the professionals. All they're really
17 looking for is no environmental impacts, no
18 historic impacts. We're following the federal
19 procedures. We're putting everything in place in
20 order to secure the money. They're not gonna tell
21 us what to do. That's our job. That's our design.

22 MR. DAVIS: So it's your decision, not
23 DOT's, to implement the road diet from Missouri to
24 Boston?

25 MR. SENEY: From Missouri to Boston,

1 yes.

2 MR. DAVIS: It's your decision?

3 MR. SENEY: Right.

4 MR. DAVIS: It's not an issue with
5 respect to DOT directing you?

6 MR. SENEY: Well, it's part -- it was
7 part of the grant. That was the grant. We had to
8 put this road diet in. That's how we got the
9 grant.

10 MR. DAVIS: Right.

11 MR. SENEY: Because you --
12 (inaudible) -- a little higher.

13 MR. DAVIS: So couldn't you move it --
14 could it have been moved so that it's not the full
15 width from Missouri to Boston but maybe half of
16 that? Like, what's the cut-off point in order for
17 you to qualify for funding? What portion of
18 Atlantic do you have to propose a road diet in
19 order to qualify for the funding?

20 MR. SENEY: I would say, what,
21 90 percent of it is a road diet. Only a small
22 portion is not.

23 MR. DAVIS: 90 percent of Atlantic
24 Avenue that you're proposing is a road diet?

25 MR. SENEY: I would say absolutely.

1 Phase 2B, absolutely.

2 MR. DAVIS: So you think --

3 MR. SENEY: It's a small portion. It
4 goes from Tennessee --

5 (Multiple parties speaking. Inaudible.)

6 MR. SENEY: -- the whole way. If you
7 look at the plans, I think it's going uptown, it's
8 a road diet and when you come to Missouri, that's
9 where the change is, the point where you turn on to
10 Christopher Columbus.

11 MR. DAVIS: When you're meeting with DOT
12 who are you meeting with?

13 MR. SENEY: Bunch of times local --
14 (inaudible) -- in this case it was --
15 (inaudible) --

16 MR. DAVIS: Yeah.

17 MR. SENEY: And in this case we met
18 with -- talking about Phase 1, about the median,
19 you had SJTPO there. Jason was there. Jennifer, a
20 couple staff members and DOT and we just started
21 hashing it out.

22 MR. DAVIS: By now you are painfully
23 aware of my clients' opposition to the full
24 implementation of the road diet, are you not?

25 MR. SENEY: Yes.

1 MR. DAVIS: Has this ever been relayed
2 to DOT? Has there ever been a discussion --

3 MR. SENEY: They have delay --

4 MR. DAVIS: Let me just ask the
5 question.

6 Has there ever been a discussion with
7 DOT about eliminating the road diet so that --
8 you've never had that discussion?

9 MR. SENEY: Not me personally, no.

10 MR. DAVIS: Okay. Thank you.

11 MR. TRENK: And then the second aspect,
12 again, Mr. Kennedy, can you just identify yourself
13 for the record?

14 MR. KENNEDY: Yes. Derrick Kennedy.

15 MR. TRENK: With CME?

16 MR. KENNEDY: RVE.

17 MR. TRENK: RVE. I'm sorry.

18 So you heard -- again, I apologize --
19 Mr. Tetreault's comments and there were two aspects
20 I want you to focus on. One, he said something
21 about how it appeared to him that you analyzed four
22 lanes and not five lanes. Can you clarify that so
23 the record's clear?

24 MR. KENNEDY: Yeah. I think maybe
25 that's a clarification of terminology probably in

1 that section of the report describing typical
2 sections maybe in the midblock area, but if you
3 look at our analysis anywhere where there's turning
4 lanes, you know, we certainly accommodate it, so
5 whether it's five lanes, four lanes, I think --

6 MR. TETREAULT: If I may here, when I
7 looked at the printout it looked like it was
8 showing a left and a through and a through and a
9 right in each direction and it -- I didn't, I
10 didn't pore through every analysis but the ones
11 that I looked at were that, which is not -- now, I
12 understand there's some -- when you're inputting
13 information into Synchro -- I don't do it but I
14 review enough Synchro reports, I know there's some
15 idiosyncrasies, shall I say, with it.

16 MR. KENNEDY: Sure.

17 MR. TETREAULT: But as I understand it,
18 if you have a left, a left only lane, a through
19 lane and then a through right lane, that's what you
20 can input into Synchro, you know.

21 MR. KENNEDY: Correct.

22 MR. TETREAULT: And that was not what I
23 saw on the Synchro input sheet.

24 MR. KENNEDY: And I'd have to check
25 whether -- because we had tables showing summary of

1 level of service, but I would think, you know, if
2 we go intersection by intersection, you know, we
3 should have --

4 MR. TETREAULT: I mean, you know --

5 MR. KENNEDY: Yeah, but we're --
6 (inaudible) -- into the details, but we should have
7 included those left turn lanes where they should
8 be.

9 MR. TETREAULT: Okay.

10 MR. KENNEDY: Those summary tables, you
11 know, sometimes it's not clear. There may be, you
12 know, level of service for approach or not
13 necessarily --

14 MR. TETREAULT: No. I understand.

15 MR. KENNEDY: -- individual lanes, so
16 we're -- but yes. We're aware that there's five
17 lanes. I think that four lane description was, you
18 can, a description of, you know, the general --

19 MR. TETREAULT: Yeah. It was in the
20 report, which you really -- you know, it's really a
21 five lane section, not a four lane section but --

22 MR. TRENK: But you were aware at all
23 times about the turning lane and the fifth lane?

24 MR. KENNEDY: Correct.

25 MR. TRENK: So the other thing that Mr.

1 Tetreault referenced is -- he talked about how last
2 August when you did the counts there were three
3 intersections, I think he said Arkansas,
4 Mississippi and Georgia. Were there -- are there
5 additional counts that were done that are reflected
6 in the report?

7 MR. KENNEDY: Right, and since then, so
8 I didn't recall them before. I have the report.
9 There was three intersection counts. You correctly
10 noted. We also did four other midblock counts
11 within that Phase 2B area. So we have data at four
12 other locations, two way volume counts.

13 MR. TETREAULT: Yeah. I only mentioned
14 the intersections because those are the ones --

15 MR. KENNEDY: Yeah. Right.

16 (Multiple parties speaking. Inaudible.)

17 MR. TETREAULT: I knew there was some
18 information I didn't -- you know, like ATR type --

19 MR. KENNEDY: Yeah. Right. My
20 testimony, I think we --

21 (Multiple parties speaking. Inaudible.)

22 MR. KENNEDY: Included in the midblock
23 sections. It looked like we had seven count
24 locations in the summer of 2023.

25 MR. TRENK: And again, you know, Mr.

1 Davis was -- asked all kinds of questions earlier
2 today. You didn't do every single one. Again, did
3 the traffic count process that you did do last
4 summer, is that extrapolation in that process
5 consistent with what you typically do based upon
6 your training in this case?

7 MR. KENNEDY: Yeah. That's right.
8 Typically, you know, we -- there's factors, there's
9 growth rates that we would get from NJDOT. They
10 publish growth rates. We did do a five year
11 projection, I think in this case. Yeah. As far as
12 count periods, we looked at typical weekday peaks,
13 we looked at Saturday, and Atlantic City, I think
14 it's dynamic place, right, we can look at all types
15 of scenarios, right, depending whether it's raining
16 or not, traffic is different on the weekends here,
17 whether people are shopping or going to the beach,
18 so there's, you know, there's all sorts of things.
19 Theoretically, yes, we could analyze if we could
20 capture that.

21 MR. TRENK: Based on what you did
22 analyze, are you able to --

23 MR. KENNEDY: Yes. We analyze
24 traditional peaks that we would normally look at
25 and then knowing our new -- our proposed signal

1 system fiber connection, we'll provide that
2 adaptability for, you know, handling any of those
3 variations, you know, seasonal and whatnot.

4 MR. TRENK: One of the other points that
5 was made earlier was, okay, but we don't know what
6 will happen in the future, whether it's a result of
7 the restriping or a result of events or whatnot.
8 Do you have models that you use that enable you to
9 take what existing information you have and project
10 based on the --

11 MR. KENNEDY: We do. So we mentioned it
12 before. We use -- in this case it's a Synchro,
13 SimTraffic software. We build a model of existing
14 conditions and the way I explain it to people, it's
15 much like a weather model, right, you watch
16 projections of storm fronts moving across and what
17 they're predicted to do. So there's a lot of
18 engineering science, thousands of data points we're
19 putting into this model. We generate an existing
20 model, base model, we calibrate it, make sure it's
21 doing what we think it's supposed to do. Once the
22 existing model is running, looks accurate, we can
23 have lanes, we can reduce lanes, we can do things
24 with geometry and then analyze and assess what, you
25 know, the implications might be for those future

1 changes. So that's, you know, basically the
2 analysis that was done.

3 MS. FONTANA: I just have one question
4 on that very point. When you pull down the various
5 points that you can put into your modelling, are
6 you using criteria based on the every-day general
7 population or stated population of the residents of
8 Atlantic City or are you using data points for a
9 Tourism District with, you know, very peak periods
10 of individuals arriving all for the same thing,
11 departing all at the same time, as well as seasonal
12 aspects of a shore town?

13 MR. KENNEDY: Right. So the existing
14 data, it's largely based on the data we collected,
15 and as I said, we haven't counted every single
16 intersection so there's some balancing and
17 adjusting and assumptions and that's not unusual
18 when you're doing a large traffic study. For
19 future growth rates we look at NJDOT, they publish
20 growth rates based on county road type, so we can
21 apply those growth rates when we're projecting
22 traffic, but we didn't specifically look at, like,
23 a certain event or scenario, you know, and try to
24 predict, you know, what would or wouldn't happen in
25 that case. It was just looking at existing

1 volumes, growing it to a future year and then
2 running the model with those physical roadway
3 changes that we're proposing.

4 MS. FONTANA: Okay. So no real focus on
5 a, you know, shore, resort area?

6 MR. KENNEDY: No. Other than in the
7 sense that our base data is, you know, existing,
8 you know, and data from the area.

9 MS. FONTANA: Okay.

10 MR. TRENK: But again, when Miss Fontana
11 asked you about shore data, that's based into the
12 existing data because it is shore data?

13 MR. KENNEDY: Yes.

14 MR. TRENK: So you wouldn't add
15 something to the model because it's already out
16 there?

17 MR. KENNEDY: Right.

18 MS. FONTANA: Thank you.

19 MR. TRENK: Thank you, sir.

20 MS. FONTANA: We good?

21 MR. TRENK: Thank you.

22 So again, the exhibits that we marked
23 and whatnot, and again, we don't have any problem
24 putting in the actual copy of that resolution,
25 we'll be glad to e-mail it to you on Monday, but

1 those -- that is the record along with everything
2 that was submitted before May 24th.

3 MS. FONTANA: Thank you.

4 MR. TRENK: Thank you.

5 MS. FONTANA: Okay. Mr. Davis, would
6 you like to move to the podium?

7 MR. DAVIS: I'd like to call David
8 Shropshire. Swear in Mr. Shropshire.

9 MR. COLLINS: Absolutely. I finally got
10 myself used to saying good morning and now I have
11 to say good afternoon.

12 MR. DAVIS: Sometimes good evening.
13 DAVID SHROPSHIRE, having been first duly sworn
14 according to law, testified as follows:

15 MR. COLLINS: Thank you.

16 You'll be testifying as a professional
17 engineer and a -- specifically a traffic engineer
18 or transportation --

19 MR. SHROPSHIRE: Professional engineer,
20 professional planner, both in the areas of traffic
21 engineering and transportation planning.

22 MR. COLLINS: Okay. Thank you.

23 MR. DAVIS: He's been accepted as an
24 expert in those fields before by the land use
25 boards, countless land use boards in the State of

1 New Jersey, correct?

2 MR. SHROPSHIRE: Yes.

3 MR. DAVIS: How long you been at this?

4 MR. SHROPSHIRE: 40 years.

5 MR. DAVIS: And you've been accepted as
6 an expert in those fields before this very
7 Authority, as well, on other applications you've
8 been involved with, have you not?

9 MR. SHROPSHIRE: That's correct.

10 MR. DAVIS: And that's included one of
11 the -- one of our clients, AtlantiCare, with
12 respect to improvements that they've done to their
13 facility here in Atlantic City; is that correct?

14 MR. SHROPSHIRE: That's correct.

15 MR. DAVIS: Any questions about his
16 qualifications?

17 MS. FONTANA: No questions.

18 MR. DAVIS: Thank you.

19 MS. FONTANA: Okay.

20 MR. DAVIS: So Mr. Shropshire, I know
21 you prepared a report that was submitted as part of
22 our application, it's been marked as exhibit C-1,
23 which assessed the road diet project, the Atlantic
24 Avenue project that's been described at length here
25 this morning. Can you describe to Miss Fontana

1 your findings after reviewing -- and indicate what
2 you did review, because I know there have been some
3 belated submissions leading up to today.

4 MR. SHROPSHIRE: We reviewed the Phase 1
5 plans. We reviewed the JMT or RSA study. We
6 reviewed the Remington & Vernick study from
7 July 16th of 2021, and also numerous traffic counts
8 that were submitted associated with that Phase 1.
9 Also, I took a brief look at the traffic counts
10 that were submitted of 2023 that were just referred
11 to, the three intersections, along with the plans
12 that were submitted for Phase B, or the second
13 phase.

14 MR. DAVIS: Have you also driven
15 Atlantic Avenue personally?

16 MR. SHROPSHIRE: A couple times, yes.

17 MR. DAVIS: Have you driven that portion
18 of Atlantic Avenue north of Ten -- well, not
19 north -- towards Maine from Tennessee?

20 MR. SHROPSHIRE: Yes. East of Tennessee
21 I have, yes.

22 MR. DAVIS: Since the Phase 1 has been
23 implemented?

24 MR. SHROPSHIRE: Yes.

25 MR. DAVIS: Okay. After reviewing all

1 of those documents as a traffic engineering expert
2 do you have an opinion as to how Atlantic Avenue
3 will function as a result of the improvements being
4 proposed by the city?

5 MR. SHROPSHIRE: Yeah. I think the
6 reports are basically saying from a traffic flow
7 perspective it's gonna deteriorate and there's also
8 some question in my mind with regard to pedestrian
9 and bicycle safety. With regard to the level of
10 service that was in the Remington & Vernick report,
11 there are some degradations in terms of level of
12 service for those activities, but I guess my bigger
13 concern overall, it relates to what could have been
14 implemented without reducing the capacity of the
15 roadway in order to effectuate the same kind of
16 safety improvements that I believe were at the
17 heart of the original studies, and I can get into
18 that a little bit more with regard to my review.

19 MR. DAVIS: Yes. If you would, please.

20 MR. TRENK: Again, we would object to
21 this because that's not before, that's not before
22 us, you know. So the fact that he was now going
23 and looking at the other alternatives, it's just
24 not before us and certainly not -- I don't hear the
25 casinos or AtlantiCare saying they are going to

1 fund that or whatnot. So the alternatives, that
2 ship sailed. I think we made it very clear in our
3 case, we don't have those options, and so,
4 therefore, I don't believe this has anything to do
5 in making a decision about the application that's
6 pending.

7 MR. DAVIS: So our position is that this
8 hearing is long overdue. It should have been made
9 by the city at the outset of the project, not now.
10 It has not been given approval by the Authority and
11 it is our intent to demonstrate to you, Miss
12 Fontana, that there are ample alternatives that
13 exist to the implementation of a road diet that
14 could be implemented while still preserving safety
15 on Atlantic Avenue and we have the -- not only are
16 we members of the public, we are stakeholders, five
17 casinos who are significantly invested in the City
18 of Atlantic City and are focused on protecting and
19 advancing this tourism economy that we have here in
20 the city and my clients are very much concerned as
21 to how the implementation of this road diet will
22 affect traffic congestion in the city, particularly
23 without any data to support what is being
24 implemented. So what we are presenting is an
25 alternative to what the city wants to do, and I

1 haven't heard anything from any of the witnesses.
2 All I've heard about is fluidity in the process,
3 not that it is fixed in time. So this is a record.
4 Let us, let us present our record.

5 MR. TRENK: But -- I'm sorry, but again,
6 Miss Fontana, it's not about -- he can make any
7 closing statement he wants, and again, obviously,
8 as you're well aware, we don't agree with the
9 beginning of this, that we haven't -- involved with
10 that. It's done. Where we are is here today with
11 what we've presented. So again, he can comment on
12 it and say what -- he just came to the conclusion
13 that we haven't heard the basis of, that he's
14 concerned with level of service, he's concerned
15 about pedestrian and bike in implementing this
16 system. You've heard the opposite from the city.
17 He can certainly comment on that. That's fine. To
18 now say I want to go through the other five
19 options, they're not before you. It doesn't do you
20 any good. There's no -- (inaudible) -- just to go
21 back to -- with the point Mr. Davis is trying to
22 make now, you know, we come in with a redevelopment
23 project, you listen to it, sometimes you give us
24 interactive feedback, your professionals, we
25 respect them, but you don't say that, you know, you

1 can't do this project, you can do a different
2 project, because again, frankly, it's kind of a
3 waste of your time. It doesn't assist this record
4 and certainly you in making a decision.

5 MS. FONTANA: I appreciate your
6 position, but if there were 10 individuals from the
7 general public here and they attended some of the
8 stakeholder sessions, any one of them would be
9 welcome and we would receive their comments when
10 the various potentials for a road diet were either
11 expressed or discussed, so I'm not sure, including
12 based on my last inquiry to Mr. Ahiarakwe as to the
13 fact that there were and submitted in the report
14 that's part of this record five variations on a
15 road diet, that I can say I'm not interested in
16 hearing what this gentleman has to say, because I
17 think I am.

18 MR. TRENK: Okay. Ultimately it's your
19 time and whatnot. The problem with it is unless he
20 was part of it, unless he's done an independent
21 analysis on it -- his opinion is to comment on this
22 application. He's giving an opinion on this
23 application. There is nothing in this record to
24 suggest he was part of those stakeholders -- I
25 understand what you said. If there were

1 stakeholders and if they had been part of it and
2 whatnot, you could hear their thoughts. He's here
3 as an expert. Totally different. He's now going
4 to try to convince you that option three or four or
5 two or one was better than the one that the city is
6 implementing.

7 MS. FONTANA: I'm not sure that I'm that
8 easily persuaded or convinced by someone who may be
9 an engineer any more than I would be from a
10 resident of Atlantic City. We're here. It's a
11 hearing. We take in information and I would --

12 MR. TRENK: Understood. Thank you.

13 MS. FONTANA: -- I would like him to go
14 forward.

15 MR. DAVIS: Do you remember the
16 question?

17 MR. SHROPSHIRE: I think so.

18 MR. DAVIS: Okay. You may answer it
19 now.

20 MR. SHROPSHIRE: My purpose here will
21 not be to evaluate alternatives one, two, three,
22 four, five, whatever. It's to evaluate what was in
23 the JMT study and what has now been presented
24 before the board and what has been implemented
25 already in terms of Phase 1.

1 I'm unfortunately gonna have to read a
2 little bit, which I apologize for reading, but the
3 JMT study says in the first two lines: "The
4 purpose of the Road Safety Assessment is to review
5 the existing conditions of Atlantic Avenue and
6 provide recommendations for improving vehicular and
7 pedestrian safety. The Atlantic City Road Safety
8 Assessment performed data-driven analyses to
9 identify the appropriate safety countermeasures to
10 reduce the frequency of vehicular collisions,
11 improve pedestrian safety, and maintain efficient
12 traffic flow." That's a quote. Another quote in
13 the problem statement of that study is: "The
14 purpose of this project is to provide safety
15 countermeasures to reduce the frequency of
16 collisions, provide pedestrian safety and
17 connectivity, as well as improve traffic flow."
18 That's quoted out of that report. What we found
19 was that they came up with several observations
20 when they did the report that we concur with with
21 regard to the existing conditions along Atlantic
22 Avenue, and again, I will quote almost verbatim out
23 of their study, that there are safety issues
24 related to bus operations blocking moving lanes,
25 causing delays and increasing the risk of

1 collisions. There's restriping in existing
2 configurations of Atlantic Avenue to address lane
3 lines, stop bars, crosswalks that are faded and not
4 placed properly. These are existing conditions.
5 Addressing deficient roadway maintenance, improving
6 the existing roadway to better accommodate
7 cyclists, impede roadway visibility -- impeded
8 roadway visibility, signal phasing that's not
9 compliant with traffic needs, inappropriate roadway
10 user behavior, and I think that's a big one based
11 on what has been testified to several times not
12 only by the professionals but by the chief of
13 police. The signal equipment is not -- is
14 antiquated, poorly placed, not uniform and
15 compliant with the Manual of Uniform Traffic
16 Control Devices standard layout. There's
17 conflicting movements from side streets, lack of
18 proper signage, inadequate traffic progression and
19 inadequate nighttime visibility, which we've heard
20 a lot about already. These are all issues that
21 were identified in the JMT study.

22 MS. FONTANA: Can I just ask you for the
23 page number that you're reading, if there is one?

24 MR. SHROPSHIRE: There is one. Just
25 bear with me for a second.

1 MR. DAVIS: It's also summarized in your
2 report.

3 MR. SHROPSHIRE: It's summarized in my
4 report but I'll give you the exact page number, if
5 I can get there. Of course my computer just took
6 a -- (inaudible).

7 MR. DAVIS: Is it section field
8 observations?

9 MR. SHROPSHIRE: Yes.

10 MR. DAVIS: Keep going.

11 MR. SHROPSHIRE: Page 13.

12 MS. FONTANA: Thank you. Keep going.

13 MR. DAVIS: And it continues beyond
14 page 13.

15 MR. SHROPSHIRE: It does.

16 So JMT basically set a scenario under
17 which they will evaluate these alternatives and
18 they came up with several countermeasures. That
19 terminology, countermeasure, was mentioned
20 specifically in there, and they have several
21 intersection countermeasures, several corridor
22 countermeasures, and with those countermeasures
23 they evaluated the safety performance of each one
24 of those countermeasures and the thing that I want
25 to do is say kind of what the basis for their

1 evaluation was and then what their conclusions
2 were. If you look at page 19 of that same study,
3 they specifically talk about what updated traffic
4 counts that they did for their 2020 study. What
5 they did was they counted eight locations and they
6 did not count those eight locations with turning
7 movement counts so we don't know what turn
8 movements. They also did not do the departure
9 lanes of roadways that intersect Atlantic Avenue.
10 So, in effect, what we have is through volume
11 midblock and approach lanes into the intersection
12 at eight of the 33 intersections. So that was one
13 foundational piece that they had when they did
14 those counts in October of 20 -- of 2019. The
15 second piece was, and something that we would all
16 be really interested in, is pedestrians and bicycle
17 activity and it specifically states, I believe it's
18 on page 19, that there is -- it might not be --
19 page 21, I believe it is. At the top of page 21 it
20 says: "As pedestrian crossing data at sections of
21 the corridor were not available, JMT utilized the
22 American Association of State Highway and
23 Transportation Officials Highway Safety Manual to
24 estimate the pedestrian safe volume at signalized
25 intersections on Atlantic Avenue." In other words,

1 they projected so there's no data. There's no raw
2 data. So if I was to say -- comment on that, I
3 would say for 33 intersections doing eight ATR
4 counts midblock with not departure lanes on those
5 and not doing any pedestrian counts or bicycle
6 counts, it might be a little bit questionable with
7 regard to the basis and foundation for coming up
8 with countermeasures. Be that as it may, if we
9 look further on at the report, and specifically on
10 page 23 leading into page 24, they took a look at
11 these countermeasures and they assigned what is
12 called a crash reduction factor. If you look at
13 the bottom of page 23 going into page 24, and here
14 are some countermeasures that they have and the
15 associated crash reduction percentage that they
16 estimate based on this data. Prohibit left turns
17 and U-turns with signs, 72 percent crash reduction
18 factor percentage. Sounds pretty good.

19 MR. TRENK: Again, it's not for a
20 witness to start commenting. He's just rereading
21 from a report that's already in the record. So
22 again, it doesn't sound like he's done any
23 independent, other than say -- now he's telling us
24 what sounds good. That's not appropriate expert
25 testimony.

1 MR. DAVIS: It's a report that the city
2 has based their entire road diet upon and that's
3 why he is scrutinizing it.

4 MR. TRENK: Well, but again, it's in
5 evidence. If he has any expertise --

6 MR. DAVIS: He's offering it and I
7 appreciate not being interrupted.

8 MR. TRENK: Well, I appreciate --

9 MR. DAVIS: I didn't interrupt your
10 witnesses, Mr. Trenk.

11 MR. TRENK: Yes, you did.

12 MR. DAVIS: I did not. I let them
13 provide their testimony. You'll have the chance to
14 ask questions on cross examination. I ask that it
15 please be saved until then.

16 MR. SHROPSHIRE: I apologize if I'm
17 misleading you at all with regard to making a
18 comment about that sounds good, but I'll give you
19 the reference with why I believe that sounds good.

20 If you look at the next point, it says
21 add 3 inch yellow reflective back plates on the
22 traffic signals. It has a crash reduction factor
23 of 15 percent, significantly lower than prohibiting
24 left turns and U-turns with signs. The next point,
25 install a raised median. That has a crash

1 reduction factor of 14 percent. Install median
2 fencing on a raised median, crash reduction
3 percentage of 14 percent. So that's substantially
4 lower than prohibiting left turns and U-turns with
5 signs. The next one, implement a leading
6 pedestrian interval in traffic signal phasing, a
7 crash reduction factor of 13 percent. Next one,
8 install curb extensions at intersection, crash
9 reduction factor of 11 percent and 14 percent in
10 sections. The next one, install bike lanes,
11 critical point in terms of the safety of this. The
12 crash reduction factor, 5.6 percent, which would be
13 substantially lower than 72 percent, which is the
14 highest of the crash reduction factors. And then
15 last on this list is converting four lanes to two
16 lanes with turn lanes. The crash reduction factor
17 is 5 percent. The whole intent here is to provide
18 bicycle, pedestrian, motor vehicle safety. It
19 would seem like the reduction based on the JMT
20 report from four lanes to two lanes would be the
21 last thing that you implement and not the first
22 thing that you implement, so that's right out of
23 their report. So what they did with this, if you
24 look at the very next page --

25 MR. DAVIS: I just want to ask you a

1 question. Things like installing a raised median,
2 which had the highest likelihood of reducing
3 crashes, was not implemented?

4 MR. SHROPSHIRE: Well, it's not the
5 highest but --

6 MR. DAVIS: I'm sorry. 72 percent.

7 MR. SHROPSHIRE: Yeah.

8 MR. DAVIS: But it's 14 percent --

9 MR. SHROPSHIRE: Well, if you just --

10 MR. DAVIS: -- which three times the
11 amount of the road diet was not implemented,
12 correct?

13 MR. SHROPSHIRE: That's correct. Well,
14 if effect, if you go to the next page, page 25,
15 with the final recommendations, all of sudden this
16 study converts to what is called a PPA, which is a
17 Preliminary Preferred Alternative, Preliminary
18 Preferred Alternative, and the Preliminary
19 Preferred Alternative shows a road diet with a
20 center raised curbed median and a buffered bike
21 lane, alternative five, which has been mentioned
22 more than once. I'm not really sure in reading
23 this study how we got from those crash reduction
24 factors to the recommendation of alternative five
25 and that's where my big concern is with regard to

1 this. If you take out the fact that there might be
2 questionable data that supports this information,
3 which I believe there is, but if we just look at
4 their crash reduction factors, you would think the
5 very first thing that you want to do is left turn
6 prohibitions with signs and U-turn prohibitions
7 with signs, because that has, by far, the highest
8 and it could be implemented relatively simply, but
9 instead, the last and lowest one, you know, in this
10 list, which is reducing from four to two lanes, was
11 the very first thing that was implemented, and as
12 you've heard the testimony, there's other things
13 that are being implemented associated with this
14 that could improve some of the other concerns that
15 I already read from the JMT list that I've -- and
16 we've all observed out in the corridor could have
17 been done without first reducing the number of
18 lanes on Atlantic Avenue.

19 MR. DAVIS: So you think that by not
20 implementing the road diet, okay, as it's been
21 proposed, you can still achieve the goals that are
22 set forth in the JMT study?

23 MR. SHROPSHIRE: Based on their own
24 results, correct.

25 MR. DAVIS: Okay. So what would you --

1 so this was used as the foundation for the road
2 study, and correct me if I'm wrong, but it's your
3 conclusion that this report doesn't really give a
4 basis for the implementation of the road diet to
5 the extent it has been?

6 MR. SHROPSHIRE: Not if it's on the
7 basis of bicycle and pedestrian safety, because it
8 would be some different higher level crash factor,
9 so there might be some -- well, I don't even want
10 to conjecture on what the other purposes might be
11 behind this.

12 MR. DAVIS: Okay. Any other comments on
13 the JMT study?

14 MR. SHROPSHIRE: Other than the fact
15 that we jump from what is defined as a Preliminary
16 Preferred Alternative with a lot of caveats in the
17 report that says you better do a whole lot of study
18 and a whole lot of traffic count data, a whole lot
19 of investigation, and especially in the section
20 between Georgia and Tennessee, because of the
21 intensity of traffic, that -- before you move
22 forward. It basically says you better be ready to
23 do that because this JMT report does not do that.

24 MR. DAVIS: Okay. So knowing that and
25 knowing what you've reviewed from the city with

1 respect to the Atlantic Avenue project, do you
2 believe there has been adequate study and analysis
3 performed as to what this project -- what impact
4 it's going to have not only to Atlantic Avenue but
5 beyond that to the entire City of Atlantic City?

6 MR. SHROPSHIRE: I do not, no.

7 MR. DAVIS: Okay. So what else should
8 you have as a professional, as a traffic engineer,
9 somebody who does this every day for 40 years, what
10 else would you need in order to make those
11 assessments?

12 MR. SHROPSHIRE: To do something as
13 dramatic as reducing the east/west capacity in the
14 City of Atlantic City by 16 -- more than
15 16 percent, I would be recommending, and I think
16 Mr. Tetreault said the same thing, that traffic
17 counts should have been done with pedestrians and
18 bicycle activity at all 33 intersections, because
19 you need to know system-wise what the impact is
20 gonna be. In my opinion it should go beyond that.
21 It should take a look at what happens on Pacific,
22 what happens on Arctic, what happens on Baltic,
23 because there's a limited amount of capacity in the
24 east/west corridor and Atlantic Avenue is a
25 critical component of that. So if you impact

1 Atlantic Avenue, it's natural that you're going to
2 impact the other east/west corridors and they
3 should be evaluated, and again, you know, as a
4 first step, that traffic signal system would be
5 really, really important because of the
6 antiquation. You've already heard the testimony
7 about it. If that was, like, number one in terms
8 of the list, that would be a really wise thing, but
9 in terms of trying to improve the safety of
10 Atlantic Avenue, U-turns, left turn prohibitions,
11 those seem to be much more critical in terms of how
12 it would affect safety.

13 MR. DAVIS: In terms of the data that
14 was gathered, there was data that was gathered as
15 to existing traffic volume during Covid, correct?

16 MR. SHROPSHIRE: Yes. In the Remington
17 & Vernick study.

18 MR. DAVIS: Correct.

19 Is that a good baseline in terms of
20 establishing traffic?

21 MR. SHROPSHIRE: Well, I mean, and I
22 feel bad for R&V because we were all stuck in the
23 same boat with anomalies that happened during Covid
24 and how do we address that. And again, my response
25 would be because of the critical nature of reducing

1 so much capacity on the roadway, it would have been
2 really practical to say we have to hold on and get
3 real data in order to do this, and again, it was a
4 limited amount of data that was done so they could
5 go through their design process relying on historic
6 data, some updating of traffic, but none that was
7 done during the summer. They could have had Covid
8 impact and it just would have -- in my opinion it
9 would have been much better and would have been
10 much more informative if it was comprehensibly done
11 during the peak summer season when we all know the
12 traffic peaks for --

13 MR. DAVIS: So to Remington & Vernick's
14 credit, they went back out in August of 2023 and
15 conducted some additional studies at certain
16 intersections?

17 MR. SHROPSHIRE: That's correct.

18 MR. DAVIS: You reviewed those?

19 MR. SHROPSHIRE: I reviewed the turning
20 movement counts, yes.

21 MR. DAVIS: But it's your opinion that
22 was only select number of intersections and all
23 three affected intersections should have been --

24 MR. SHROPSHIRE: It was Georgia,
25 Missouri and Kansas. I didn't see any follow-up

1 analysis related to those but, I mean, I tried to
2 conclude why that data set is there to what was
3 presented to the board and what was presented from
4 my review was, okay, well, we blocked out an
5 element of Atlantic Avenue for not having a road
6 diet, which I believe is inconsistent with not only
7 the recommendations that came out of this Preferred
8 Preliminary Alternative that all of a sudden became
9 the alternative. Actually, it was a modified
10 alternative because the Preferred Preliminary
11 Alternative had a raised median on it and you heard
12 for cross reasons or whatever, that came out, and
13 that actually does have a safety impact, so the
14 safety was even compromised on that by taking the
15 medians out. So with all of that said, there -- it
16 was modified and I believe that's what I see when I
17 compare what the JMT recommendations were to what
18 is presented to the board today.

19 MR. DAVIS: Even in August of 2023 the
20 only affected intersections, the few that were
21 done, it's only Atlantic Avenue, nothing on Pacific
22 or any of the other affected roadways?

23 MR. SHROPSHIRE: No. And again, it was
24 those three intersections, but the limitation of
25 the road diet extended from the existing terminus

1 of the road diet at Tennessee through to Missouri.

2 MR. DAVIS: Will the implementation of
3 the road diet on Atlantic Avenue have an impact on
4 other streets throughout the network in Atlantic
5 City?

6 MR. SHROPSHIRE: Well, my opinion, it
7 will, and one of the things that we looked at in
8 the 2021 report that RVE did was how it affected
9 the levels of service at intersections based on the
10 data that was utilized and we found that 28, I
11 believe it was 28 of the 33 intersections actually
12 had a degradation in level of service and some of
13 them were significant. Some of them were in the
14 200 percent range. It was, it was a, from what I
15 recall, a substantial degradation of service.

16 MR. DAVIS: All this is outlined in your
17 report, which we marked as C-1, those degradations
18 of service at intersections, correct?

19 MR. SHROPSHIRE: That's correct.

20 MR. DAVIS: And that's not just
21 degradation of service with respect to a
22 traditional motor vehicle, but also with respect to
23 bicyclists, as well?

24 MR. SHROPSHIRE: I think six of the
25 intersections showed a degradation in terms of

1 bicycle, pedestrian level of service, so that was
2 just reviewing numbers, what happens in the
3 existing conditions and that 2026 condition, the
4 2046 condition that was projected out, so yes.

5 MR. DAVIS: Have you had the opportunity
6 to personally -- you said you did initially travel
7 down Atlantic Avenue?

8 MR. SHROPSHIRE: I did.

9 MR. DAVIS: And you've gone through the
10 intersection where Phase 1 has been implemented?

11 MR. SHROPSHIRE: Yes.

12 MR. DAVIS: What have been your
13 observations from that?

14 MR. SHROPSHIRE: Well, I'll tell you
15 about today's 10 minute drive real quickly. I saw
16 bicyclists on the bike lane. I saw one bicyclist
17 on the sidewalk where the bike path is. I saw
18 three parked cars in the bike lane, and this goes
19 to the roadway user behavior that was identified in
20 the JMT report that is not gonna be corrected with
21 regard to a road diet and it may be exacerbated by
22 a road diet because then you get more illegality
23 with regard to where the vehicles should be and
24 where the bicycles should be. On top of that, the
25 pedestrian activity has not been corrected even a

1 little bit. Just in a 10 minute run up and down
2 there there was one individual who was standing
3 directly in the left turn lane coming off of
4 Columbus, on to Atlantic Avenue, standing right in
5 the middle of the lane. I had to use the other
6 lane. There was jaywalking that was happening all
7 across midblock, I would say at least a dozen
8 people, and as I was stopped right out here at
9 Pacific or Pennsylvania and Atlantic, three
10 individuals just catty-cornered from one corner to
11 the other against the signalization and what would
12 be a safe crossing pattern even at the
13 intersection, which, again, says a road diet is not
14 gonna correct those type of things. There was no
15 analysis that I saw that said, well, here's the
16 pedestrian activity that a road diet would correct.
17 Obviously it wouldn't correct it to the same level
18 as prohibiting left turns or prohibiting U-turns,
19 but again, I didn't see any correlation.

20 MR. DAVIS: You were here for all the
21 testimony that was provided today, correct?

22 MR. SHROPSHIRE: Correct.

23 MR. DAVIS: You heard Chief Sarkos'
24 testimony?

25 MR. SHROPSHIRE: I did.

1 MR. DAVIS: You heard his observations
2 that there's been an increase in the number of
3 accidents from last year compared to this year
4 where the road diet has been implemented.

5 MR. TRENK: Objection. He said it's
6 basically the same. That's what he said. 36/32 is
7 the same. You crossed him on that and that was
8 very clear.

9 MR. DAVIS: I crossed Sarkos on that. I
10 haven't asked this witness about --

11 MR. TRENK: But you just said -- Chief
12 Sarkos was clear, that's not a statistical
13 difference.

14 MR. DAVIS: Are you surprised to learn
15 that there's been no improvement in terms of safety
16 as a result of the implementation of the road diet?

17 MR. SHROPSHIRE: No.

18 MR. DAVIS: Any issues with respect to
19 those portions of Atlantic Avenue where you have
20 buses? So this is a New Jersey Transit bus
21 transportation route, is it not?

22 MR. SHROPSHIRE: It is, and what I
23 observed back in January was a New Jersey Transit
24 bus at the transition area heading westbound on
25 Atlantic Avenue, pulling into the bike lane

1 followed by a commercial vehicle, professional
2 driver, going into the bike lane because they knew
3 the receiving lane was two lanes beyond Tennessee
4 Avenue, so they were doing what I would say is more
5 dangerous activity by utilizing what is now striped
6 as a bike lane for a travel lane because they knew
7 they could. So my observation is that the road
8 diet in its current form in these transition areas
9 could be another level of safety compromise instead
10 of safety benefit and with the Phase 2 that's being
11 submitted to the -- for review today, there's gonna
12 be additional transitioned area at Missouri Avenue
13 that I would expect the same type of activity would
14 occur.

15 MR. DAVIS: You discussed these
16 transition areas. What we're talking about is, you
17 have Phase 1 implemented road diet, correct?

18 MR. SHROPSHIRE: Correct.

19 MR. DAVIS: And then you have Phase 2,
20 which has not yet been implemented but has three
21 different patterns where it's going to go, at
22 variations, to five travel lanes and then back to
23 three and then outside of the project, as I've been
24 educated today, past Boston to Albany back to five,
25 correct?

1 MR. SHROPSHIRE: Correct.

2 MR. DAVIS: Okay. So driver
3 expectations, if you're a motor vehicle driver and
4 you're driving from Albany, you know, at the war
5 memorial and you want to go uptown to Main Avenue,
6 you're gonna be going through four different
7 traffic patterns, are you not?

8 MR. SHROPSHIRE: At transition areas,
9 correct.

10 MR. DAVIS: Transition areas.

11 As a traffic expert is that advisable,
12 particularly when you have dedicated bike lanes in
13 those transition areas, as well?

14 MR. SHROPSHIRE: Well, in my opinion, I
15 think that adds another level of safety compromise
16 by intermingling a concept of a bike lane with the
17 current system that's out there, the current system
18 with bikes being on the -- technically they should
19 be on the outside lane in both directions. On the
20 live vehicular lane, it's not signed or striped
21 that way today, but that's the way it would
22 function if you're not on the sidewalk and that is
23 what will continue from Tennessee to Missouri based
24 on the Phase 2 recommendations.

25 MR. DAVIS: In terms of traffic -- we're

1 in the Tourism District. That's what --
2 (inaudible) -- the CRDA with jurisdiction over this
3 issue. The Tourism District has a master plan and
4 Miss Cofone wrote about the Tourism District Master
5 Plan in her review memo. Have you had a chance to
6 review that?

7 MR. SHROPSHIRE: I did.

8 MR. DAVIS: All master plans are
9 informed by the Municipal Land Use Law. Are you
10 familiar with that?

11 MR. SHROPSHIRE: I am.

12 MR. DAVIS: And one of the purposes of
13 zoning is to provide for the free flow of traffic.
14 Are you familiar with that purpose of zoning?

15 MR. SHROPSHIRE: I am.

16 MR. DAVIS: Do you believe if the road
17 diet project as advanced by the city and presented
18 today were fully implemented, do you think that
19 purpose of zoning would be advanced?

20 MR. SHROPSHIRE: I do not.

21 MR. DAVIS: And what are your concerns
22 as a traffic expert in terms of how the
23 implementation of the road diet would affect
24 traffic congestion in the city?

25 MR. SHROPSHIRE: I believe what's going

1 to happen is Atlantic Avenue volume will push to
2 other roadways. It would be Pacific, Arctic,
3 Baltic and, therefore, turning movements that
4 weren't evaluated would occur. Based on the
5 traffic signal timing and the progression that I
6 saw in the report, there's gonna be more delay on
7 the side streets, so that may encourage more people
8 to use the cross streets. So to me, you know, the
9 purpose was to maintain or improve traffic flow,
10 that was the purpose of the Preferred Preliminary
11 Alternative. That's not going to be accomplished
12 with this. There's a question in my own mind
13 whether the pedestrian and bicycle safety element
14 of this is going to be achieved, because a lot of
15 that has to do with human behavior and has
16 absolutely nothing to do with roadway design. I
17 appreciate the fact that Mr. Seney in his response
18 letter to my review basically said you can't design
19 bad behavior out of a system, and he's absolutely
20 right, so the whole idea of a road diet, if
21 anything, might exac -- make it worse, not make it
22 better.

23 MR. DAVIS: So that means, you know,
24 even with all these, you know, improvements to
25 Atlantic Avenue that are being proposed, you can't

1 control pedestrians crossing Atlantic Avenue
2 midblock?

3 MR. SHROPSHIRE: No.

4 MR. DAVIS: Maybe with the exception --

5 MR. SHROPSHIRE: Well, with a median --
6 you would hope that a median would do it, right.

7 MR. DAVIS: And do you believe as a
8 traffic expert that there's -- there's a lot of
9 benefits to this project, right?

10 MR. SHROPSHIRE: Yes.

11 MR. DAVIS: In terms of synchronization?

12 MR. SHROPSHIRE: Synchro -- new traffic
13 signals, absolutely, signage, redoing the entire
14 roadway, so there's actually a uniform surface with
15 correct markings, all of that is just great. I
16 think it's --

17 MR. DAVIS: Street lighting?

18 MR. SHROPSHIRE: Street lighting, which
19 you heard is absolutely beneficial, absolutely.

20 MR. DAVIS: Could all of those from an
21 engineering standpoint be implemented without also
22 implementing the road diet?

23 MR. SHROPSHIRE: Yes.

24 MR. DAVIS: So you don't have to have
25 one with the other from an engineering standpoint?

1 MR. SHROPSHIRE: From an engineering
2 standpoint.

3 MR. DAVIS: Thank you.

4 Is there any other observations or
5 testimony you wanted to provide that maybe I didn't
6 ask you about?

7 MR. SHROPSHIRE: Not that I could think
8 of.

9 MR. DAVIS: Great.

10 Any questions for Mr. Shropshire?

11 MS. FONTANA: I do have one question.

12 Given the configuration, I guess that
13 we're looking at here, where there technically is
14 one travel lane that used to be used by vehicles
15 and buses and trucks and whatever else, is there --
16 anybody who wants to park a car, make a delivery or
17 buses bringing on passengers or letting off
18 passengers, every one of those maneuvers, other
19 than straight traffic driving forward has to cross
20 that bicycle lane, where they don't under what was
21 existing because they would be traveling in the
22 lane immediately adjacent to the parked cars. If
23 you needed to park your car, you were already
24 there. Can you tell me in your opinion the kind
25 of, like, you know, level of safety that existed

1 versus how it might be impacted by that bike lane
2 being there for these vehicles doing what they need
3 to do every day?

4 MR. SHROPSHIRE: Unfortunately, I can't.
5 I wish I could. Safety evaluations are, are very
6 difficult, at least in my opinion, to do because,
7 in effect, the best thing that you can do is do
8 exactly what the chief did. What was in the
9 before, what was in the after. 32 before, 36
10 after. Okay. Was there a safety improvement?

11 MS. FONTANA: Okay. Thank you.

12 Do you have questions?

13 MS. COFONE: I do not. No.

14 MR. TETREAULT: No. I think it's --
15 (inaudible).

16 MS. FONTANA: Scott?

17 MR. COLLINS: I don't.

18 MR. MOON: Hi, Mr. Shropshire. For the
19 record, Mark Moon on behalf of the City of Atlantic
20 City.

21 You said you reviewed -- your analysis
22 was based on your review of the JMT report.
23 Specifically, you took -- you went through the list
24 of the -- excuse me for a second. I believe it was
25 page 23, the crash reduction factors that were

1 identified in the JMT report?

2 MR. SHROPSHIRE: Yes.

3 MR. MOON: Now, when you looked at the
4 percentages of the expected reduction of crashes,
5 were those sort of cumulative or isolated in your
6 review of the data?

7 MR. SHROPSHIRE: Yeah. All I can do is
8 read what was in the report, which says the
9 following crash reduction factors provide a
10 relative percentage of the expected reduction of
11 all crashes for the countermeasure evaluated in
12 this report.

13 MR. MOON: To your understanding, when
14 you were forming an opinion based on your review of
15 that, did you understand that to mean that they
16 were isolated by each item or was it a cumulative
17 measure?

18 MR. SHROPSHIRE: It looks like it's
19 isolated by each measure.

20 MR. MOON: Okay. To your knowledge do
21 you know whether or not -- how many of those items
22 were actually explored by the city?

23 MR. SHROPSHIRE: I do not, because it
24 appeared -- when I say the city, what Mr. Seney and
25 Remington & Vernick were, I believe, asked to do

1 was to take what became the alternative from the
2 Preliminary Preferred Alternative and evaluate it.

3 MR. MOON: To your knowledge do you know
4 what any of these options other than the road diet
5 were actually explored?

6 MR. SHROPSHIRE: In terms of reviewing
7 Mr. Seney's response to my review, I believe he did
8 say a couple were reviewed and there might have
9 been a cost element in terms of not going forward
10 with them, which, again, would say, okay, now we're
11 cost versus safety is where are we.

12 MR. MOON: Sure. But I guess the
13 question is, do you contest basically the accuracy
14 of -- that these are, in fact, measures that could
15 reduce crashes? So even if they're not all done,
16 do you think that even doing one of them, depending
17 on percentages or how effective they are, they are
18 reducing them?

19 MR. SHROPSHIRE: I believe, and if we go
20 to the one that we're specifically talking about
21 here, converting four lanes to two lanes with
22 turning lanes might have a crash reduction factor
23 of 5 percent.

24 MR. MOON: Do you contest that?

25 MR. SHROPSHIRE: No. I don't contest

1 that. I believe what the chief told us today may
2 refute that, but I don't contest that.

3 MR. MOON: Well, go back to what the
4 chief says. To your understanding, do you know
5 what those -- whether those were vehicular crashes,
6 pedestrian crashes, bicycle crashes?

7 MR. SHROPSHIRE: I don't, and I don't
8 know what these crashes were, either.

9 MR. MOON: Okay. In your review of the
10 RVE report do you recall what the breakdown was
11 between vehicular crashes, pedestrian crashes and
12 whatnot?

13 MR. SHROPSHIRE: I do not, no.

14 MR. MOON: You also discussed some of
15 the observations that you made earlier today. Can
16 you tell me sort of the timing? These were
17 observations you made today on the way here?

18 MR. SHROPSHIRE: Correct.

19 MR. MOON: What time of the day was
20 that?

21 MR. SHROPSHIRE: Between 9:30 and 9:50
22 this morning.

23 MR. MOON: And your testimony was that
24 you saw people not using the bike lanes that were
25 there for them?

1 MR. SHROPSHIRE: Well, of the two
2 bicycles that I saw on the entire length going in
3 both directions traveling, I saw two, one was on
4 the sidewalk, one was actually in the bike lane.

5 MR. MOON: And at this time to your
6 knowledge are those bike lanes in sort of the final
7 painted format that were discussed?

8 MR. SHROPSHIRE: I believe they are.
9 Per the section from Tennessee to Maine, I believe
10 they are.

11 MR. MOON: Okay. And is that consistent
12 with the testimony that was provided where the bike
13 lanes were going to be -- they were painted green
14 to your observation?

15 MR. SHROPSHIRE: Oh, I actually did hear
16 that testimony. I didn't see any plans that showed
17 that specific, but I did hear that testimony.

18 MR. MOON: Well, was that reflected --

19 MR. SHROPSHIRE: No. There was no green
20 striping on the bike lanes today, no.

21 MR. MOON: Okay. So based on your
22 review of the priorities -- not priorities. The
23 crash reduction factors, you know, the 72 percent
24 that you talked about, prohibit left turns and
25 U-turn signs, so is your conclusion that that would

1 have been a preferred measure over the road diet?

2 MR. SHROPSHIRE: Well, it's not my
3 conclusion. It's the JMT conclusion.

4 MR. MOON: But I guess my question is,
5 your testimony was that the city should have gone
6 with the highest, correct? Isn't that what you --

7 MR. SHROPSHIRE: No. I'm saying I don't
8 know how this report went from justifying -- for
9 pedestrian, bicycle safety went from not
10 recommending prohibiting left turns and U-turns to
11 a reduction in lanes. I don't know where that
12 transition occurred.

13 MR. MOON: I'm sorry. Maybe I misheard
14 your testimony. Your testimony was that the way
15 that the approach should have been was to take
16 the -- what you called the highest crash reduction
17 factors and work your way down; is that --

18 MR. SHROPSHIRE: I would have -- the way
19 that I would have evaluated -- I'll tell you how I
20 would have evaluated. If I saw that crash
21 reduction factor with such a significant
22 differential, greater differential from all the
23 other assessments -- when I read that I first
24 thought, one way on Atlantic, one way on Pacific.
25 That's been discussed forever. That's been in

1 master plans that I've actually prepared,
2 transportation master plans for the city, and if
3 you had one way on Atlantic and Pacific, left turns
4 would be cut in half and U-turns would be
5 eliminated, so I would have evaluated that
6 alternative and not just jumped to a road diet.

7 MR. MOON: You said that this is a
8 proposal that has been raised before in your
9 experience. Why hasn't it -- in those instances
10 when it was raised before, why wasn't it
11 implemented?

12 MR. SHROPSHIRE: Why wasn't it
13 implemented? I don't know.

14 MR. MOON: To your knowledge was it ever
15 explored?

16 MR. SHROPSHIRE: Yes.

17 MR. MOON: Okay. Could you describe the
18 circumstances in --

19 MR. SHROPSHIRE: I was asked by the City
20 of Atlantic City to explore it at least twice,
21 including when we prepared the transportation
22 element in the master plan back in the '90s, and so
23 it's something that's been discussed for a real
24 long time. Surprised me when I got to this point
25 that nothing in the JMT assessment looked at one

1 way pairing of the streets that would actually
2 accomplish that highest crash factor, crash
3 reduction factor.

4 MR. MOON: Absent the ability for --
5 again, you're not sure why it wasn't implemented.
6 Do you contest the other sort of measures that are
7 set forth in -- I mean, ultimately is it your
8 position the road diet will not reduce
9 pedestrian -- will not assist in reducing
10 pedestrian safety?

11 MR. SHROPSHIRE: I believe that a road
12 diet, along with all the other countermeasures that
13 have been discussed, all those countermeasures may
14 have a better impact on the safety than the actual
15 road diet. The road diet may have an impact. I
16 don't know. My conclusion from what the chief said
17 is it doesn't -- it's not panning out already,
18 so --

19 MR. MOON: So let me ask you this. Your
20 review of the JMT report, it seems -- again, I
21 don't want to put words in your mouth. I want to
22 be clear. Do you have a -- do you have sort of an
23 objection to their diagnosis, for lack of a better
24 phrase, of the issues of pedestrian safety? Do you
25 contest that there is an issue of pedestrian safety

1 on --

2 MR. SHROPSHIRE: There's typically an
3 issue of pedestrian safety on any poorly designed
4 street or roadway and I think they particularly
5 point out the fact that Atlantic Avenue in its
6 current state has a lot of design issues and if
7 those design issues were addressed, regardless of
8 the road factor, safety could be improved.

9 MR. MOON: Do you -- I guess my question
10 is, have you done any sort of relative comparative
11 study on the degree of pedestrian safety incidents
12 on Atlantic Avenue versus comparable roads in other
13 areas?

14 MR. SHROPSHIRE: No, I have not.

15 MR. MOON: Okay. I guess going back to
16 my question, do you contest that -- again, do you
17 take an issue with the diagnosis? Do you believe
18 that there isn't a particular pedestrian safety
19 issue on Atlantic Avenue?

20 MR. SHROPSHIRE: No. The diagnosis, I
21 believe there's pedestrian safety issues on
22 Atlantic Avenue. The prescription is where I
23 have --

24 MR. MOON: And I understand that you
25 take issue with the recommendation for a road diet,

1 but I guess ultimately I want to make sure we're
2 speaking the same language.

3 Do we all agree -- I guess my question
4 is, do we all agree that there is a pedestrian
5 safety issue, because if we don't agree, I mean,
6 ultimately --

7 MR. SHROPSHIRE: We do.

8 MR. MOON: We do, okay.

9 And you're just saying that there's --
10 you disagree with this as the sort of medicine or
11 the way we're addressing it?

12 MR. SHROPSHIRE: Correct.

13 MR. MOON: Okay.

14 MR. SHROPSHIRE: When I say this, I want
15 to be way more specific.

16 MR. MOON: Reduction of lanes from --

17 MR. SHROPSHIRE: Reduction of lanes is
18 the issue. Some of the other things are terrific
19 with regard to improved safety.

20 MR. MOON: So I guess the question is,
21 if -- because the problem is we're not looking at
22 each item in isolation, you know. Maybe I wasn't
23 clear about it.

24 The remedies -- it's not a la carte,
25 right? It's sort of a full meal. It's either all

1 or one. So overall, have you done the comparison
2 between the project including all the improvements
3 including the reduction versus the current
4 conditions?

5 MR. SHROPSHIRE: I have not done any
6 evaluation regarding the --

7 MR. MOON: In your opinions -- in your
8 opinion the benefits of the improvements, including
9 the traffic signalization, including additional
10 bike lanes, painted, finalized with the road diet
11 versus leaving it as is, do you have an opinion as
12 to whether or not there's a net improvement or a
13 net --

14 MR. SHROPSHIRE: I believe there's a net
15 negative with regard to what's being proposed in
16 front of this board by leaving a section out and
17 providing transition in the area between Tennessee
18 and Missouri. I believe that's a total negative.

19 MR. MOON: So you believe that the
20 product overall is going to hinder --

21 MR. SHROPSHIRE: I believe, if anything,
22 that compromises safety over and above what's out
23 there today. So if you go through with doing the
24 traffic signal upgrades, you know, those transition
25 areas, I have a real concern about.

1 MR. MOON: So did you -- so now to your
2 observations do you know of other areas on Atlantic
3 Avenue that currently exist outside the Tourism
4 District that have reduced lanes, other transitions
5 in lanes in other areas that --

6 MR. SHROPSHIRE: You're talking about
7 Phase 1?

8 MR. MOON: No. No. No. Anywhere on
9 Atlantic Avenue. Like, not even --

10 MR. TRENK: Beyond Albany.

11 MR. SHROPSHIRE: Beyond Albany, off the
12 top of my head --

13 MR. MOON: For example, are you aware
14 that in Margate they did a road diet on, I believe
15 it's Atlantic Avenue, down the stretch?

16 MR. SHROPSHIRE: I haven't been on it
17 recently so I don't know.

18 MR. MOON: So there is a -- so to your
19 knowledge there's -- I know you haven't maybe
20 studied or observed it, but if I were to tell you
21 that there was, there's already a transition upon a
22 road diet, would that surprise you or were you
23 aware of that or --

24 MR. SHROPSHIRE: Well, it goes from a
25 five lane to a -- five or four lane to a two lane

1 or a three lane, you know, there's transition
2 areas, sure.

3 MR. MOON: And to your concern -- to
4 your -- so based on your analysis, you believe that
5 that is a safety concern as is?

6 MR. SHROPSHIRE: Well, again, the thing
7 that I can reflect on is what I actually observed
8 when I was driving the corridor and it was a safety
9 compromise at that transition area with a New
10 Jersey Transit bus and a commercial vehicle in the
11 bike lane because they knew they had a receiving
12 lane on the other side. Now, that may not be the
13 same condition that happens in Margate but there it
14 was an issue.

15 MR. MOON: And to your knowledge that
16 transition area that you observed -- I'm sorry.
17 I'm looking at the map, the layout of how far it
18 goes.

19 Maybe I misunderstood or misheard you.
20 The transition area where the -- with the --
21 (inaudible) --

22 MR. SHROPSHIRE: Tennessee.

23 MR. MOON: Tennessee. To your knowledge
24 that's the transition area that's ultimately going
25 to be Phase 2B? That's the subject of Phase 2B?

1 MR. SHROPSHIRE: No. Actually, it's
2 going to be maintained as a transition area. So no
3 change will be done to that safety compromise but
4 they'll be an additional safety compromise in the
5 other direction when the transition from the
6 proposed three lanes goes back out to five lanes,
7 so -- and then you have a transition back from four
8 lanes to three lanes going in the westbound
9 direction so you -- these transition areas, they
10 just kind of violate -- they just, they violate
11 driver expectancy, so then you have to do signage
12 enforcement, you have to do all sorts of things
13 that have to be supplemented in order for it to be
14 safe and then you're depending on driver behavior
15 to be correct and we've already noted from the
16 study that JMT did and from our field observations,
17 the roadway behavior is lacking along this
18 corridor.

19 MR. MOON: So is any of your analysis --
20 I guess let me take a step to -- in your capacity
21 as a traffic study analysis have you ever been
22 involved in any federally funded projects?

23 MR. SHROPSHIRE: Yes.

24 MR. MOON: Okay. And are you aware of
25 sort of -- I guess, you know, there's been some

1 discussion about the financing and how this funding
2 is available. Have you ever had to prepare a
3 report based -- for those projects?

4 MR. SHROPSHIRE: No, I have not.

5 MR. MOON: And to your knowledge, to
6 your knowledge do you know any -- the projects you
7 have worked on that have included federal funds,
8 okay, can you just maybe give some examples of some
9 of the projects you worked on?

10 MR. SHROPSHIRE: Yeah. Typically
11 they're eminent domain projects where federal funds
12 are utilized to do roadway improvements.

13 MR. MOON: Okay. Are those through
14 grants or just straight from the --

15 MR. SHROPSHIRE: Actually, I don't know.
16 I just know that the work we do with NJDOT has
17 federal funding on occasion.

18 MR. MOON: To your knowledge do you know
19 how the removal of the road diet component of this
20 project would impact the RAISE grants that have
21 been awarded?

22 MR. SHROPSHIRE: I do not.

23 MR. MOON: Okay. Have you ever been
24 involved in a project that was basically federally
25 funded that was changed substantially in the

1 middle?

2 MR. SHROPSHIRE: That's a good question.
3 I don't know what you would call a substantial
4 change, but have been changed, yes.

5 MR. MOON: And it seems like you have
6 something specific in mind. Can you --

7 MR. SHROPSHIRE: Well, when we do
8 eminent domain projects it can be a real moving
9 target with regard to what would be the best
10 mitigation for the property owner, if it's gonna be
11 an acquisition, and so after we get done initial
12 evaluations there may be a change in the actual
13 design so that it appropriately addresses impacts.

14 MR. MOON: So when you said there's a
15 change in design to mitigate any sort of --
16 (inaudible) -- is that consistent with Uzoma's
17 testimony earlier regarding situations that come up
18 on field, stuff like that? On site?

19 MR. SHROPSHIRE: I don't know.

20 MR. MOON: Okay. And those changes, are
21 they ultimately -- how does the -- how were those
22 changes made as far as, like, you see something in
23 the field, you want to make a change? How does
24 that work?

25 MR. SHROPSHIRE: It would be, we see

1 something, we have a concern about it and typically
2 this is gonna cost too much money or this is gonna
3 have too much of an impact. It goes back to the
4 designers and if it's got to be changed, it's got
5 to be changed.

6 MR. MOON: And then the designers, they
7 unilaterally make changes?

8 MR. SHROPSHIRE: I have no idea.

9 MR. MOON: Okay. Can I get, like,
10 five -- a couple --

11 Have you done any specific studies or
12 research regarding maybe not this project but road
13 diets in general?

14 MR. SHROPSHIRE: Road diets in general,
15 I know our firm has. I don't know if I've been
16 involved with anyone specifically with regard to a
17 professional --

18 MR. MOON: Have you ever researched any
19 of the literature issued by the United States
20 Department of Transportation?

21 MR. SHROPSHIRE: I've read some of it
22 but probably not in huge detail.

23 MR. MOON: What about any of the
24 materials issued by the New Jersey Department of
25 Transportation?

1 MR. SHROPSHIRE: Again, peripherally but
2 not in detail.

3 MR. MOON: Okay. And so what is your,
4 what is your -- I guess what is your take-away from
5 your review of those materials?

6 MR. SHROPSHIRE: Well, I think it's
7 similar to what you've heard testifying from the
8 city and from Remington & Vernick, that there's a
9 real push for road diets and I believe it's driven
10 by, let's provide for bikes. I mean, I think
11 that's a huge thing, let's provide something for
12 bikes.

13 MR. MOON: Okay.

14 MR. SHROPSHIRE: And so from that
15 perspective, funding is basically prioritized for
16 bike facilities at the expense of vehicular
17 facilities.

18 MR. MOON: And do you agree -- I mean,
19 in your review of the materials from both the USDOT
20 and the NJDOT -- (inaudible) -- separately, do you
21 sort of -- do you take issue with those sort of
22 support or --

23 MR. SHROPSHIRE: Interesting question,
24 and I'll try to answer it a little bit maybe
25 broadly and if I'm off, you just let me know.

1 One of the eminent domain projects that
2 we're working on is a complete street along
3 Route 70 in Cherry Hill where, in effect, they're
4 going to wipe out parking to provide for handicap
5 accessibility along a frontage.

6 MR. MOON: Sure.

7 MR. SHROPSHIRE: And so in discussions
8 with that, the plan has changed a number of times
9 and it reflects -- I'm sorry. Your original
10 question, I don't want to get off. Can you give me
11 your question one more time?

12 MR. MOON: Based on your review of both
13 the United States Department of Transportation and
14 the New Jersey Department of Transportation you
15 sort of described that their position is sort of
16 consistent with --

17 MR. SHROPSHIRE: Right.

18 MR. MOON: -- professionals. There's a
19 support for things like building facilities for
20 pedestrians and bike lanes, right?

21 MR. SHROPSHIRE: Right. So this idea of
22 complete streets, which I believe that's a facet
23 behind the road diet here.

24 MR. MOON: Sure.

25 MR. SHROPSHIRE: It does have positive

1 benefits in certain cases. It does not in other
2 cases. I believe this is one where it doesn't have
3 a positive benefit. In the Cherry Hill example
4 that I was bringing up was the impact that it would
5 have on commercial properties and then the whole
6 idea of a handicap person being on a ramp, being on
7 a handicap ramp that crosses the interchange of 295
8 and Route 70 at four locations, high speed ramp,
9 high speed roadway. Complete streets does not make
10 sense in many, many locations. So trying to frame
11 up the answer, if complete streets is the -- at the
12 basis it's like, you can't use that as a panacea
13 for every condition. Hopefully that condition
14 applies well at Route 70 in Cherry Hill. I don't
15 believe that condition applies for a road diet on
16 Atlantic Avenue.

17 MR. MOON: What is it about those? Is
18 it just the size of the roads or the speeds it
19 travels or --

20 MR. SHROPSHIRE: Well, Atlantic City's
21 unique component is that you have a limited amount
22 of east/west traffic flow and so it's really
23 simple. It's a 16.whatever percent reduction in
24 roadway capacity when you take out two lanes on
25 Atlantic Avenue.

1 MR. MOON: I guess my question is --
2 your concern is that, you know, complete streets
3 for pedestrians, for bike lanes. Isn't a great
4 candidate at certain places because of the nature
5 of the road? Now, I guess my question is -- you
6 talk about major roads like Route 70 that are sort
7 of highways, higher speeds. Is that what it is
8 that makes it --

9 MR. SHROPSHIRE: Well, Route 70 in terms
10 of having handicap people cross over --

11 MR. MOON: Is it the --

12 MR. SHROPSHIRE: The whole idea behind
13 it is, well, we have to do a complete street here
14 and we can get funding for a complete street here
15 and it makes no sense, whereas in this case, oh, we
16 can get funding for complete streets and one of the
17 components of that complete street is to reduce the
18 capacity of the east/west corridor by 16 percent
19 and just from -- it doesn't make sense to me when
20 there's other options.

21 MR. MOON: But again, if you're saying
22 that the funding is relied upon complete streets or
23 a road diet or whatever it may be and provides you
24 all the other benefits, is it really fair to
25 isolate the one aspect that you don't like by

1 saying --

2 MR. SHROPSHIRE: Well, the interesting
3 thing is I'm supposed to take a look at it from an
4 engineering and planning standpoint, not from a
5 funding standpoint. So when I look at it from an
6 engineering and planning standpoint, it doesn't
7 make sense to me.

8 MR. MOON: To your knowledge, again, the
9 JMT report that was prepared, you know, your
10 understanding was it wasn't done on just
11 engineering purposes; is that correct?

12 MR. SHROPSHIRE: That's a great
13 question. It's a great question and I don't know
14 the answer.

15 MR. MOON: But the report itself
16 discloses the people involved, the stakeholders and
17 everyone that sort of gets an input.

18 MR. SHROPSHIRE: I -- quite honestly,
19 when I read the report, I had no idea how we got to
20 72 percent crash reduction factor to the road diet.
21 It just doesn't -- didn't seem --

22 MR. MOON: I mean, I guess you -- did
23 you read the entire report?

24 MR. SHROPSHIRE: Yup.

25 MR. MOON: So you saw how it was sort of

1 prepared and who was involved, who drafted it and
2 who were the people that attended the meeting and
3 who were the ones that provided feedback and
4 information; is that correct?

5 MR. SHROPSHIRE: Yes.

6 MR. MOON: So there were other aspects
7 besides just -- it's not just an engineering
8 report, correct?

9 MR. SHROPSHIRE: Correct.

10 MR. MOON: It's a holistic approach to
11 addressing an issue?

12 MR. SHROPSHIRE: Correct.

13 MR. MOON: It's not just whether or not
14 the designs work but it's whether or not it's
15 economically feasible?

16 MR. SHROPSHIRE: That's been discussed.

17 MR. MOON: Is that sort of a rational
18 basis to look at something?

19 MR. SHROPSHIRE: Well, the rational
20 basis would be if the economic component of it
21 would lead to an improvement in pedestrian, bicycle
22 safety, well, then that makes no sense and I'm not
23 seeing that here.

24 MR. MOON: So understanding that you're
25 not seeing that just -- but again, is it just the

1 reduction of the lanes or is it the entirety of the
2 project?

3 MR. SHROPSHIRE: No.

4 MR. MOON: Signalization, the bike lanes
5 and everything?

6 MR. SHROPSHIRE: Just reduction of
7 lanes.

8 MR. MOON: So your position is that this
9 project is not going to help at all?

10 MR. SHROPSHIRE: No. I just said that
11 the reduction in lanes is not going to help at all.

12 MR. MOON: No. No. Traffic
13 signalization, everything. Not just one aspect of
14 the project. I'm saying the whole project, the
15 whole project is --

16 MR. SHROPSHIRE: If the whole project is
17 exactly what's being presented to the board for
18 a -- for lack of a better term, an accordion of
19 bicycle lane, non bicycle lane on a main arterial
20 through the city, I don't think it's gonna be a
21 benefit overall.

22 MR. MOON: Overall.

23 And that's -- is that based upon just
24 the traffic safety and --

25 MR. SHROPSHIRE: It's based on

1 inefficient traffic flow that will be generated and
2 the potential safety compromises that happen at the
3 transition areas that are being created as a result
4 of this and the need for enforcement of roadway
5 user behavior that's been identified by everybody
6 that will not be corrected by a road diet or really
7 any of these things that are being proposed.

8 MR. MOON: Sure. And I guess my
9 question is, so the actual striping of the project,
10 okay, is that a condition that can ultimately be
11 changed or redone?

12 MR. SHROPSHIRE: Just how much money do
13 you want to put to it? Yes, it can.

14 MR. MOON: So the actual striping of the
15 lanes, do you have a -- sort of an awareness of
16 what that cost?

17 MR. SHROPSHIRE: I did read something
18 Remington & Vernick prepared with regard to the
19 cost and I don't recall off the top of my head. I
20 don't know how that would be undone cost wise.

21 MR. MOON: At the end of the day if the
22 project is moved forward, the lanes are reduced,
23 and as you sort of state, its issue or its --
24 (inaudible). Is there anything that ultimately --
25 (inaudible) -- fixed after the fact? Could it be

1 restriped after the fact?

2 MR. SHROPSHIRE: Yeah. It could be
3 fixed after the fact.

4 MR. MOON: Okay. And -- nothing else.

5 MR. DAVIS: Couple questions on
6 redirect.

7 You were engaged on this initially last
8 December where there was a court application
9 seeking to restrain Phase 1 and the balance of the
10 project; is that right?

11 MR. SHROPSHIRE: That's correct.

12 MR. DAVIS: And you reviewed the reports
13 and plans that the city had on file at that point
14 in time, did you not?

15 MR. SHROPSHIRE: That's correct.

16 MR. DAVIS: And what was the proposal at
17 that point in time?

18 MR. SHROPSHIRE: The proposal was to do
19 Phase 1 with hard design and the overall project
20 from end to end was in the report, to do the
21 Preferred Preliminary Alternative, alternative
22 five, which would have been from Boston to Maine as
23 a road diet, one lane in each direction, center
24 left turn lane, bike lane.

25 MR. DAVIS: And today obviously there

1 have been alterations made to that plan, correct?

2 MR. SHROPSHIRE: Correct.

3 MR. DAVIS: Okay. So from an
4 engineering perspective it has been changed and it
5 can be changed again?

6 MR. SHROPSHIRE: Correct.

7 MR. DAVIS: Okay. Suggestion was made
8 that there has been a road diet implemented in the
9 City of Margate. You said you're not personally
10 familiar with that, but as a traffic expert is
11 there a difference in terms of traffic volumes
12 between the City of Margate and the City of
13 Atlantic City, if you can offer that opinion?

14 MR. SHROPSHIRE: In my experience,
15 different in character and volume.

16 MR. DAVIS: Substantially more volume in
17 the City of Atlantic City compared to the City of
18 Margate?

19 MR. SHROPSHIRE: I believe sections of
20 Atlantic Avenue had substantial more volume than
21 Margate.

22 MR. MOON: Okay. Are there other ways
23 to stripe for bike lanes other than having a
24 dedicated lane the way in which the city has
25 proposed to do it?

1 MR. SHROPSHIRE: Yes.

2 MR. DAVIS: What can you do? If you
3 were to maintain Atlantic Avenue with five travel
4 lanes, okay, throughout its -- from Boston to
5 Maine, what would -- what could you do within the
6 vehicular travel lane to provide for bicycles?

7 MR. SHROPSHIRE: Well, obviously the
8 first thing that comes to my mind always is one way
9 pairing of Atlantic and Pacific and providing a
10 designated bike lane in each direction on those two
11 roadways.

12 MR. DAVIS: Can you also provide for
13 some striping for bicyclists within the vehicular
14 travel lane, as well?

15 MR. SHROPSHIRE: It would be very
16 difficult to do it without compromising the width
17 of it and based on the, you know, the character of
18 the vehicular roadway users and how it's operated
19 out there. I'm concerned about the section between
20 Tennessee and Missouri that's being striped for the
21 travel lane, the outside travel lane having the
22 bike lane emblem on it. In effect, okay, now who
23 has -- who's got right of way?

24 MR. DAVIS: All right. So, you know,
25 our opposition relates to the whole width.

1 Obviously Phase 1 is done. Phase 2 has not yet
2 been fully implemented yet in terms of the road
3 diet. If the road diet were implemented -- well,
4 it's already been implemented for Phase 1, right?

5 MR. SHROPSHIRE: Correct.

6 MR. DAVIS: If you were to change that
7 to five travel lanes and go back, visually how does
8 that appear?

9 MR. SHROPSHIRE: I'm not sure if I
10 understand.

11 MR. DAVIS: You're looking at the road
12 surface. Is it easy to just rip up the old paving
13 and put down something new without having any
14 lasting impacts as a result of that re --

15 MR. TRENK: Objection. There's nothing
16 in -- (inaudible) -- you have to rip up the old
17 pavement. He didn't say that.

18 MR. DAVIS: No. No. No. No. I'm
19 asking the question because the question was asked
20 about, you know, if you do this for a road diet can
21 you go back to five lanes later. I'm asking the
22 question, if you were to do that, visually, part of
23 this is -- you know, Miss Cofone indicated we're
24 gonna have nice black new signals. It's gonna look
25 sleek. This is an investment that's being made in

1 the Tourism District to make the city look nice.
2 If you were to take Phase 1 and you were to
3 eliminate what's there now and you were to go back
4 to five travel lanes, visually will it have an
5 impact on the road surface?

6 MR. SHROPSHIRE: It will in terms of
7 removing the striping and then replacing the
8 striping and then whether or not you do an overlay
9 for the whole corridor, to revert it back. That
10 could be a substantial cost.

11 MR. DAVIS: So cost and visually you're
12 gonna have some remnants of the original road diet
13 in there, unless it's a full, you know, repaving of
14 the street?

15 MR. SHROPSHIRE: Very interesting, you
16 know. My first observations in January of what was
17 done with Phase 1, yeah, there were things that
18 were left undone or things that weren't planned
19 for, and I know Remington & Vernick and CME are
20 probably going out there and continue to upgrade it
21 so that it becomes what it's supposed to be, so
22 that same thing would happen if it was going to
23 convert back to five lanes.

24 MR. DAVIS: So Phase 2 has not yet been
25 implemented?

1 MR. SENEY: Correct.

2 MR. DAVIS: Isn't it important to make
3 sure the decision is made correctly now as to the
4 restriping as opposed to implementing a road
5 diet -- let's say for argument sake it doesn't
6 work, it's got to be changed back to five travel
7 lanes. That's gonna have an impact on the visual
8 appearance of that roadway surface, will it not?

9 MR. SHROPSHIRE: Not only the visual
10 appearance but it gets back to the idea of driver
11 expectancy, so now you change the expectancy back
12 and forth. It's really not the way to do things.

13 MR. DAVIS: Thank you. That's all I
14 have for redirect.

15 MS. FONTANA: Thank you.

16 MR. MOON: So you mentioned that you --
17 your initial -- you reviewed an initial version of
18 the road diet. Can you -- I'm trying to understand
19 what that -- when that was dated or what we're
20 talking about here.

21 MR. SHROPSHIRE: When I said initial, I
22 don't know whether I was referring to Phase 1 or
23 whether I was referring to the initial conceptual
24 plan that was in the JMT study.

25 MR. MOON: So your review of the JMT

1 study, that's what you're talking about?

2 MR. SHROPSHIRE: I don't, I don't recall
3 exactly when I testified to it whether that was the
4 initial.

5 MR. MOON: You testified -- your
6 testimony was that, I guess consistent with
7 Mr. Davis' line of questioning, that there was some
8 sort of change in --

9 MR. SHROPSHIRE: Oh, yeah.

10 MR. MOON: Okay. And so your -- when
11 you said that you were reviewing the initial
12 drawings or whatever before it was changed --

13 MR. SHROPSHIRE: JMT.

14 MR. MOON: That's the JMT report?

15 MR. SHROPSHIRE: Correct.

16 MR. MOON: And again, you were saying
17 that there were drawings and actual plans on where
18 the restriping would occur?

19 MR. SHROPSHIRE: Conceptual plans that
20 showed a concrete median.

21 MR. MOON: So when you say that there
22 were conceptual plans, it was just sort of the
23 concept of the road diet itself?

24 MR. SHROPSHIRE: Correct.

25 MR. MOON: It didn't have specific

1 locations as to where it would be implemented and
2 where it would be --

3 MR. SHROPSHIRE: Yeah. I don't recall
4 whether there were specific locations or not. It
5 was a generic concept.

6 MR. MOON: And when you say there's
7 these transitions -- okay. Again, the testimony
8 was that there's sort of one in, there's one in --
9 where it's five lanes and then obviously the
10 project begins and the project ends and that's just
11 the way it is. Is that what you're counting as
12 the --

13 MR. SHROPSHIRE: Well, if you go in the
14 westbound direction there's a transition of
15 Tennessee, then there's a transition again
16 across --

17 MR. MOON: Currently?

18 MR. SHROPSHIRE: Currently there's a
19 transition and then what is proposed is a second
20 transition at Kansas. In the opposite direction
21 there will be a transition at Boston, there will be
22 another transition at Missouri and then the
23 existing transition at Tennessee.

24 MR. MOON: So is it an accurate
25 statement to say that those transition points are

1 the only points that are not being reduced?

2 MR. SHROPSHIRE: Well, the section
3 between Tennessee and Missouri is the section, and
4 that's not really super accurate because in the
5 westbound direction between Kansas and Missouri it
6 is being reduced.

7 MR. MOON: How many blocks is that
8 section now?

9 MR. SHROPSHIRE: Eight, nine. I don't
10 know.

11 MR. DAVIS: We can figure it out.

12 MR. MOON: Do you have an approximation
13 of -- a percentage of the number -- of about how
14 much of it is -- would it be accurate to say, like,
15 it's around 90 percent of the project?

16 MR. SHROPSHIRE: No. 90 percent is a
17 road diet?

18 MR. MOON: Yeah.

19 MR. SHROPSHIRE: No.

20 MR. MOON: So you -- so what will --

21 MR. SHROPSHIRE: Let's just pull eight
22 to try to be conservative. It's eight out of 33
23 intersections. 25 percent of it is not a road
24 diet. I might add that the reason it's not a road
25 diet, it's the most intense traffic focused in that

1 area and it's not gonna work.

2 MR. DAVIS: Have you had a chance to
3 look at this report prepared by Remington & Vernick
4 dated July 16, 2021?

5 MR. SHROPSHIRE: Yes.

6 MR. DAVIS: And you reviewed that as
7 part of the original litigation back in December of
8 last year. It was prepared before December of last
9 year, correct?

10 MR. SHROPSHIRE: Correct.

11 MR. DAVIS: Okay. It relates to, it
12 says right here, Atlantic Avenue Road Diet Project,
13 Phases 1 and 2 --

14 MR. SHROPSHIRE: Correct.

15 MR. DAVIS: -- correct?

16 And on page -- I don't think there's --
17 is that one?

18 In section one --

19 MR. SHROPSHIRE: It should be one.

20 MR. DAVIS: -- it says the purpose of
21 this road diet project is to enhance multimodal
22 transportation for all users by working within the
23 existing footprint of the roadway to enhance safety
24 and reduce speeding along Atlantic Avenue.

25 By reading that does that suggest to you

1 that the road diet was proposed from Maine to at
2 least Boston, if not --

3 MR. SHROPSHIRE: Yes, and I think, you
4 know, in fairness, what I read in the RVE report,
5 it referred to the entire corridor going to a road
6 diet but that future study would have to be done
7 particularly in the area of Tennessee to -- it was
8 either Missouri or Georgia in order to evaluate
9 whether or not it actually would work or not.

10 MR. DAVIS: That's all I have.

11 MS. FONTANA: Thank you.

12 All right.

13 MR. DAVIS: Any questions for Mr.
14 Shropshire from --

15 MS. FONTANA: Do you all have any
16 questions?

17 MS. COFONE: I do not.

18 MR. DAVIS: May he be dismissed?

19 MS. FONTANA: Just give me one minute.

20 MR. DAVIS: Okay.

21 MS. FONTANA: Is there anyone here from
22 the public that wishes to speak?

23 Do you wish to speak?

24 UNIDENTIFIED SPEAKER: No. I don't have
25 a comment.

1 MS. FONTANA: Okay. So the record will
2 note that there was nobody who wished to speak from
3 the public.

4 If there's no further testimony, we will
5 conclude. Because we have a tight timeline we do
6 expect to have a report prepared before the board
7 at their meeting on June 25th, at their regular
8 board meeting. Well, here in the CRDA.

9 Do you have anything further?

10 MR. COLLINS: I just would note for the
11 record that we've had our consultants review the
12 materials and prepare their own reports and they've
13 been marked in evidence.

14 MR. TRENK: Again, Miss Cofone hasn't
15 commented. I mean, obviously we received on
16 Tuesday her letter dated June 11th, but she has
17 obviously not testified today to ask her questions
18 so, again, just from the city's perspective, I
19 guess if you are now going to close the record, I
20 want to ask her a couple questions because we
21 haven't had a chance to follow up.

22 MS. FONTANA: Yeah. I mean, we really
23 have to close the record so that we can move
24 forward in --

25 MR. TRENK: I understand.

1 MS. FONTANA: -- towards meeting the
2 requirement of the Court's deadline. I don't know
3 that --

4 MR. TRENK: I don't need --

5 MS. FONTANA: You certainly can make any
6 inquiry of her as to her report.

7 MR. TRENK: I will ask her. I read her
8 report. Obviously it's pretty -- it says what it
9 says. She doesn't have to read it into the record.
10 It's in the record, I understand and --

11 MS. FONTANA: It is in the record.

12 MR. TRENK: -- I think Miss Collins is
13 absolutely correct. We just want to clarify a
14 couple questions with her.

15 Is that okay?

16 MS. FONTANA: Sure.

17 MR. TRENK: Miss Cofone, specifically,
18 you talked about the master plan. You were
19 involved in its preparation in April of 2017,
20 correct?

21 MS. COFONE: Yes.

22 MR. TRENK: And the bottom line is
23 safety is important to the Tourism District,
24 correct?

25 MS. COFONE: I don't know if I would say

1 that's the bottom line. There are many things that
2 are important to the Tourism District.

3 MR. TRENK: Is safety one of them?

4 MS. COFONE: Safety is one of them.

5 MR. TRENK: And so when you talk about
6 the experience, coming to Atlantic City to enjoy
7 the amazing assets that are here and all of the
8 opportunities, you want people coming and going to
9 be safe, correct?

10 MS. COFONE: For whatever purpose
11 they're coming to the city, yes --

12 MR. TRENK: Exactly.

13 MS. COFONE: -- To be safe.

14 MR. TRENK: And you want them to get to
15 their destination safely and you want them to get
16 home safely so they'll come again?

17 MS. COFONE: Safely and efficiently,
18 yes.

19 MR. TRENK: Now, when you evaluate that
20 you obviously -- you had not spoken to Chief Sarkos
21 or Chief Evans before today about safety, correct?

22 MS. COFONE: I did not.

23 MR. TRENK: Okay. And with regard to --
24 your focus is that it's not consistent because you
25 don't believe it will be efficient once the --

1 maybe we could put that slide back up there -- the
2 whole road or the vast bulk of it will be striped
3 in a different manner than it's been previously
4 striped, correct? It just won't be as efficient?

5 MS. COFONE: It's not -- I don't think
6 that's a fair summarization. My concern was that
7 it will contradict other -- the safety and
8 efficiency has to be balanced with other goals of
9 the Tourism District, specifically to provide
10 extensive entertainment and event programming, so
11 it's that there are balancing -- it's balancing the
12 goals in the Tourism --

13 MR. TRENK: Planning is always
14 balancing, correct?

15 MS. COFONE: It most definitely is.

16 MR. TRENK: Right. And it is a fluid
17 process, correct?

18 MS. COFONE: It is.

19 MR. TRENK: And when you have experts --
20 so obviously you don't disagree, and correct me if
21 I'm wrong, that implementing the -- resurfacing the
22 entire Atlantic Avenue that will occur on this
23 project is important, correct?

24 MS. COFONE: I think it is important.

25 MR. TRENK: Right. And it's good for

1 safety? Yes or no?

2 MS. COFONE: It is good for safety.

3 MR. TRENK: It's good for efficiency?

4 MS. COFONE: It's good for efficiency
5 and aesthetics.

6 MR. TRENK: Right. And with regard to
7 the traffic light, new signalization, do you agree
8 that's also a positive --

9 MS. COFONE: Yes.

10 MR. TRENK: -- with regard to safety?

11 MS. COFONE: I believe that it is, yes.

12 MR. TRENK: And with regard to
13 efficiency and all the other aspects that are
14 important to the master plan, correct?

15 MS. COFONE: I believe that the change
16 in the signal timing is important, yes.

17 MR. TRENK: Well, it's still aspects --
18 as you heard, it's getting updated fiber optics in
19 the control boxes and changing the signals?

20 MS. COFONE: Yes.

21 MR. TRENK: And you agree that -- I
22 think we talked about it -- the smoked look or the
23 black look of the thing that's doing that is also
24 aesthetically important?

25 MS. COFONE: I believe it was a black

1 powder-coating that he referred to.

2 MR. TRENK: You think that's a good
3 thing, right?

4 MS. COFONE: I think it's beneficial,
5 yes.

6 MR. TRENK: And to the extent anything
7 helps with visualization, right, so that when you
8 and I are coming to work or going for our
9 experience here in Atlantic City, the clearer we
10 can see what's going on, the better, correct?

11 MS. COFONE: What do you mean, the
12 clearer we can see? I don't know that --

13 MR. TRENK: Meaning the signage, new
14 signage.

15 MS. COFONE: Oh, okay. I was gonna say,
16 I'm not sure -- I don't see the correlation between
17 the black powder-coating and more clear --

18 MR. TRENK: Well, the experts think it's
19 gonna help.

20 MS. COFONE: They think the black
21 powder-coating --

22 MR. TRENK: Well, do you disagree or you
23 just don't have an opinion?

24 MS. COFONE: I'm just trying to
25 understand your question.

1 MR. TRENK: So I'm asking you, do you
2 have any reason to believe that the implementation
3 of these improvements that are part of the \$23.3
4 million that has -- the city has obtained are
5 detrimental to the safety of Atlantic Avenue?

6 MS. COFONE: I don't know that I'm
7 qualified to answer that.

8 MR. TRENK: Understood.

9 MS. COFONE: I'm not an engineer. I'm
10 not gonna opine on the impact on the safety.

11 MR. TRENK: Okay. Great.

12 So when you look at the master plan and
13 this project that the city's been working on with
14 all the stakeholders, the concern is not the
15 resurfacing, the concern is not the signalization,
16 the concern is not the upgraded fiber optics,
17 correct? None of that's inconsistent with the
18 master plan, correct?

19 MS. COFONE: No.

20 MR. TRENK: In fact, it's consistent,
21 correct?

22 MS. COFONE: Well, to the extent that
23 none of it is going to have a detrimental impact on
24 the free flow and efficient movement of traffic,
25 then I would say no, there's no concern with that.

1 MR. TRENK: That's your analysis,
2 correct?

3 MS. COFONE: That's my analysis.

4 MR. TRENK: Okay. So what you find, and
5 I think the word you used, the anathema, I'm gonna
6 use, not to spell that or say that right, but
7 what -- where you have the choke point is not
8 having five traffic lanes? That's where you say,
9 the minute we don't have five traffic lanes, that
10 is what's inconsistent with the master plan,
11 correct?

12 MS. COFONE: Well, I don't think my
13 report says the minute we don't have five traffic
14 lanes.

15 MR. TRENK: Well, minute, hour, second,
16 year, whatever it is. I meant minute as the focal
17 point to where you say that all the work that's
18 occurred goes off the rails.

19 MS. COFONE: So again, my report does
20 not --

21 MR. TRENK: You want five lanes?

22 MS. COFONE: Again, my report doesn't
23 use the term off the rails. My report points out
24 some of the visions and the statements in the
25 Tourism District Master Plan that are potentially

1 in conflict with the reduction and the number of
2 roads to get the traffic to and from the city and
3 the entertainment and events that are occurring in
4 the city and the Tourism District, to expand on
5 those entertainment and events and to get people --

6 MR. TRENK: So again --

7 MS. COFONE: Can I finish answering my
8 question before you interrupt me?

9 MR. TRENK: My question was very simple
10 so I think you've gone to something else.

11 MR. DAVIS: Objection. Let the witness
12 finish.

13 MS. COFONE: Yeah. I'd appreciate being
14 given the courtesy.

15 MR. DAVIS: Let the witness finish her
16 answer.

17 MS. COFONE: I didn't interrupt you or
18 your witnesses all day. I would really appreciate
19 at this late time today that we've been sitting
20 here without lunch if you would not interrupt me.

21 MR. TRENK: Well, again, it will go much
22 quicker if --

23 MS. COFONE: It will go much quicker if
24 you don't interrupt me.

25 MR. TRENK: Again, I have one question

1 and then I'll let you go have lunch or dinner or
2 anything.

3 On the bottom of page 6, bottom of
4 page 6 of your letter that is dated June 11th, does
5 your sentence state: Reducing the number of lanes
6 is an anathema to ongoing economic development
7 throughout the Tourism District, which is the
8 overarching intent of the master plan's iteration?
9 Is that what it states?

10 MS. COFONE: Yes, which relates back to
11 the statement on page 4 which talks about the
12 Tourism District's Master Plan and the overarching
13 business, which is to reinvigorate the Atlantic
14 City experience by enhancing the Boardwalk, beach
15 and nearby streets through extensive entertainment
16 and event programming, so yes, that was --

17 MR. TRENK: But again --

18 MS. COFONE: -- a concern.

19 MR. TRENK: -- the anathema to that is
20 reducing the number of lanes; yes or no?

21 MS. COFONE: Yes.

22 MR. TRENK: And that -- I think you said
23 a couple minutes ago the determination as to safety
24 is outside your purview?

25 MS. COFONE: Correct.

1 MR. TRENK: No further questions. Thank
2 you.

3 MS. COFONE: Okay.

4 MR. DAVIS: I just have one question.

5 Christine, is it your conclusion that
6 all of the positive aspects of the Atlantic Avenue
7 road improvements can be implemented without a road
8 diet?

9 MR. TRENK: Objection. Other than
10 economics?

11 MS. COFONE: Well, it's my opinion in my
12 report on page 6, it states the master plan calls
13 for streetscape, sidewalk and lighting improvements
14 along Atlantic Avenue. These improvements can be
15 accomplished without a road diet.

16 MR. DAVIS: Thank you.

17 MS. COFONE: Thank you. You're welcome.

18 MR. TRENK: So they -- redirect.

19 They can be but you have no knowledge or
20 information about the funding sources and whether
21 they can be with regard to what is before CRDA
22 today?

23 MS. COFONE: I do not opine on the
24 funding source.

25 MR. TRENK: Thank you. I have nothing

1 else.

2 MS. FONTANA: Are we sure? I'm gonna
3 pick up the gavel --

4 MR. DAVIS: Please.

5 MS. FONTANA: -- and close.

6 Adjourned. Thank you, everybody. Thank
7 you all for your patience. We are adjourned.

8 (At 3:18 p.m. proceedings were
9 concluded.)

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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally from the videographer's footage on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

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Michelle Gruendel



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