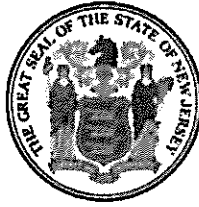


EXHIBIT C



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

IN THE MATTER OF REVIEW OF THE LIGHT-)
RAIL WARNING DEVICES,)
TRAFFIC CONTROL DEVICES & PEDESTRIAN)
CROSSING WARNING SIGNS OF THE LIGHT-)
RAIL AT-GRADE CROSSING OF THE)
PEDESTRIAN CROSSING AT THE JERSEY)
AVENUE STATION WITH NEW JERSEY)
TRANSIT'S HUDSON-BERGEN LIGHT RAIL LINE)
LOCATED IN THE CITY OF JERSEY CITY,)
COUNTY OF HUDSON)

MEMORANDUM OF RECORD

Jersey Avenue Station
Pedestrian Crossing
Jersey City, Hudson County
Docket No. DOT 42-2021P

The New Jersey Department of Transportation's Railroad Engineering Services Unit was contacted by NJ Transit / 21st Century Rail Corporation to review safety concerns with a set of steps installed by the Developer (Liberty Harbor) of an adjacent building along Regent Street for pedestrians to access the NJ Transit Jersey Avenue Light-Rail Station in the City of Jersey City, County of Hudson, New Jersey. The steps allow pedestrians to travel over the pedestrian crossing to access the Jersey Avenue Station Platform or to continue to travel into the adjacent parking lot. Due to the nature of this access, the DEVELOPER (Liberty Harbor) will be referred as the PETITIONER for this project.

The Commissioner of the New Jersey Department of Transportation (NJDOT) hereby initiates the captioned matter on her own motion and has FOUND and DETERMINED that:

The Diagnostic Team Meeting was held on Monday, August 2nd, 2021 at the Light-Rail At-Grade Crossing of Jersey Avenue located in the City of Jersey City, County of Hudson. The Diagnostic Team Meeting was attended by the following:

NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT)

Eric Souders	Diagnostic Team Leader	Railroad Engineering Services
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NEW JERSEY TRANSIT (HBLR)

Kem Anyika	Superintendent of Operations
Sean Kushnir	Assistant General Manager – Light-Rail Operations
Joe Tassiello	General Manager – Light-Rail Operations

MOR Jersey Avenue Station Pedestrian Crossing – City of Jersey City, Hudson County

Docket No. DOT 42-2021P

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7. The Jersey Avenue Light-Rail Crossing is controlled by mast-mounted, northbound facing pedestrian heads / push buttons, Grade Crossing Advance Warning (MUTCD W10-1), and "LOOK" (MUTCD R15-8) Signs and mast-mounted, southbound facing pedestrian heads / push buttons, Grade Crossing Advance Warning (MUTCD W10-1) and "LOOK" (MUTCD R15-8) Signs.
8. All current electrical boxes and controller boxes controlling the Hudson-Bergen Light-Rail system at this particular location are located in the Northeast Quadrant.
9. Pedestrians travel across Regent Street from the adjacent building to access the NJ TRANSIT Jersey Avenue Station and public parking lot. Regent Street is a local road under the jurisdiction of the City of Jersey City and has been redesigned as part of the design for the adjacent building.
10. The NJ TRANSIT Jersey Avenue Station Platform is located between the east and west Hudson-Bergen Light-Rail Tracks, with pedestrians using a ramp to access an elevated platform.
11. Regent Street has been redesigned by the PETITIONER (LIBERTY HARBOR) in coordination with the 88 Regent Street Project. Regent Street as part of these plans, has been elevated, such that the roadway will be out of the flood zone. Regent Street is under the jurisdiction of the City of Jersey City and has been designed to be twenty-nine feet (29') wide with sidewalk and a bicycle lane.
12. There is sidewalk leading up to the Jersey Avenue Station Pedestrian Light-Rail At-Grade Crossings in the northwest and southwest quadrants, adjacent to and at the same elevation as the NJ TRANSIT Hudson-Bergen Light-Rail. In the northwest and northeast quadrants, a newly installed sidewalk raised approximately three-feet (3') above the HBLR Track. New construction in Jersey City, including sidewalk and road profiles, are being raised to the new designated flood zone levels for the area.
13. There is a retaining wall protecting the north side of the above-mentioned sidewalk, due to increase in elevation of Regent Street. The design of the retaining wall includes fencing along the wall.
14. The Developer / PETITIONER (Liberty Harbor) installed the concrete steps adjacent to and just north of the Pedestrian Crossing at the NJ TRANSIT Jersey Avenue Station. The installed concrete steps end approximately six-feet (6') from the Hudson-Bergen Light-Rail Tracks, which brings into questioning the lack of a pedestrian refuge area and compliancy with ADA requirements. The installed concrete steps were part of design plans approved by the Jersey City Planning Board in 2015. The Developer (Jersey Harbor) install the stairs in accordance with the approved plans.
15. 21st Century Rail Corporation, on behalf of NJ Transit, requested a Diagnostic Team Meeting to discuss concerns with the installed concrete steps. The installed concrete steps have raised accessibility concerns of pedestrians, bicycles, strollers, etc using this access. 21st Century Rail Corporation has objected to the installed concrete stair design and closed / barricaded the concrete stairs from public use.
16. The New Jersey Department of Transportation's Railroad Engineering Services Unit met with representatives from NJ TRANSIT / 21st Century Rail Corporation and the Developer (Liberty Harbor) to review the safety concerns with the installed concrete steps on Friday, July 23rd, 2021. During this discussion, a Diagnostic Team Meeting was discussed to be scheduled as soon as possible to review the issue and proposed changes. The Developer mentioned to the attendees they would develop new design plans (for a ramp instead of steps) and email them to all parties as soon as possible.
17. The New Jersey Department of Transportation's Railroad Engineering Services Unit received the design plans on Monday, July 26th, 2021, showing the removal of the concrete steps and design of an ADA compliant ramp system in the Northeast Quadrant. The design plans show a ramp with fencing, thirty feet (30') long and six feet

MOR Jersey Avenue Station Pedestrian Crossing – City of Jersey City, Hudson County
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5. Install a Light Rail Transit Approaching-Activated Blank-Out Warning Sign (W10-7) in accordance with the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES in the northeast, northwest, southeast, and southwest quadrants facing the sidewalk / ramp approaches to the Jersey Avenue Station Pedestrian Crossing.
6. Provide a copy of the FINAL design plans, for the proposed new ramp for pedestrians to use to travel across NJ TRANSIT's the Jersey Avenue Station Pedestrian Crossing Hudson-Bergen Light-Rail Tracks, to the New Jersey Department of Transportation's Bureau of Railroad Engineering Services Unit for review and approval.
7. Notify NJDOT's Structural and Railroad Engineering Services Unit, NJ TRANSIT and the City of Jersey City when work will begin and has been completed so that inspections can be conducted, such that a final approval can be granted.
8. The PETITIONER (LIBERTY HARBOR) shall set up an escrow account for all costs associated with the design, materials, and construction for the improvements at the Jersey Avenue Station Pedestrian Crossing, for work to be completed by NJ Transit / 21st Century Rail Corporation. NJ Transit shall provide the PETITIONER (LIBERTY HARBOR) with an estimate for all work associated with the project. The terms of the account shall be agreed upon by NJ Transit and the PETITIONER (LIBERTY HARBOR).
9. The PETITIONER (LIBERTY HARBOR) shall be responsible for any additional signage or upgrades deemed necessary by NJ TRANSIT and / or the New Jersey Department of Transportation's Railroad Engineering Services Unit, either during their plan review and / or inspection of ORDER compliance after the project has been completed.

B. INCLUSIVE:

1. Appropriate traffic control devices should be established before work begin for trains and vehicles affected by this work at this crossing.
2. Since this process is PERMISSIVE in nature, the State of New Jersey Department of Transportation shall not bear any costs with the above-mentioned new recommendations associated with this project.
3. All devices controlling roadway vehicles and pedestrians shall be installed in accordance with the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
4. All work associated with this matter SHALL be subject to final acceptance by NJDOT's Structural and Railroad Engineering Services Unit.
5. The New Jersey Department of Transportation's Railroad Engineering and Services Unit, if deemed necessary due to safety concerns with the Pedestrian Crossing at the Jersey Avenue Light-Rail Station, reserves the right to require any additional meetings for the Pedestrian Crossing at the Jersey Avenue Light-Rail Station. The PETITIONER (LIBERTY HARBOR) shall bear the cost of any additional improvements (recommendations).
6. The work described above should be completed within two (2) years upon the issuance of an ORDER signed by the Commissioner. If not, PERMISSION WILL EXPIRE. This completion date will be included in the pending ORDER that will be issued by NJDOT.
7. Expired PERMISSIONS without an approved Extension may be subject to withdrawing of PERMISSION and/or reopening of the entire matter. If an Extension of Time is required, a request MUST be made by certified letter to the Department's Railroad Engineering & Safety Unit. The requested Extensions will only be considered provided the following information is submitted:

APPENDIX A

MOR Jersey Avenue Station Pedestrian Crossing – City of Jersey City, Hudson County

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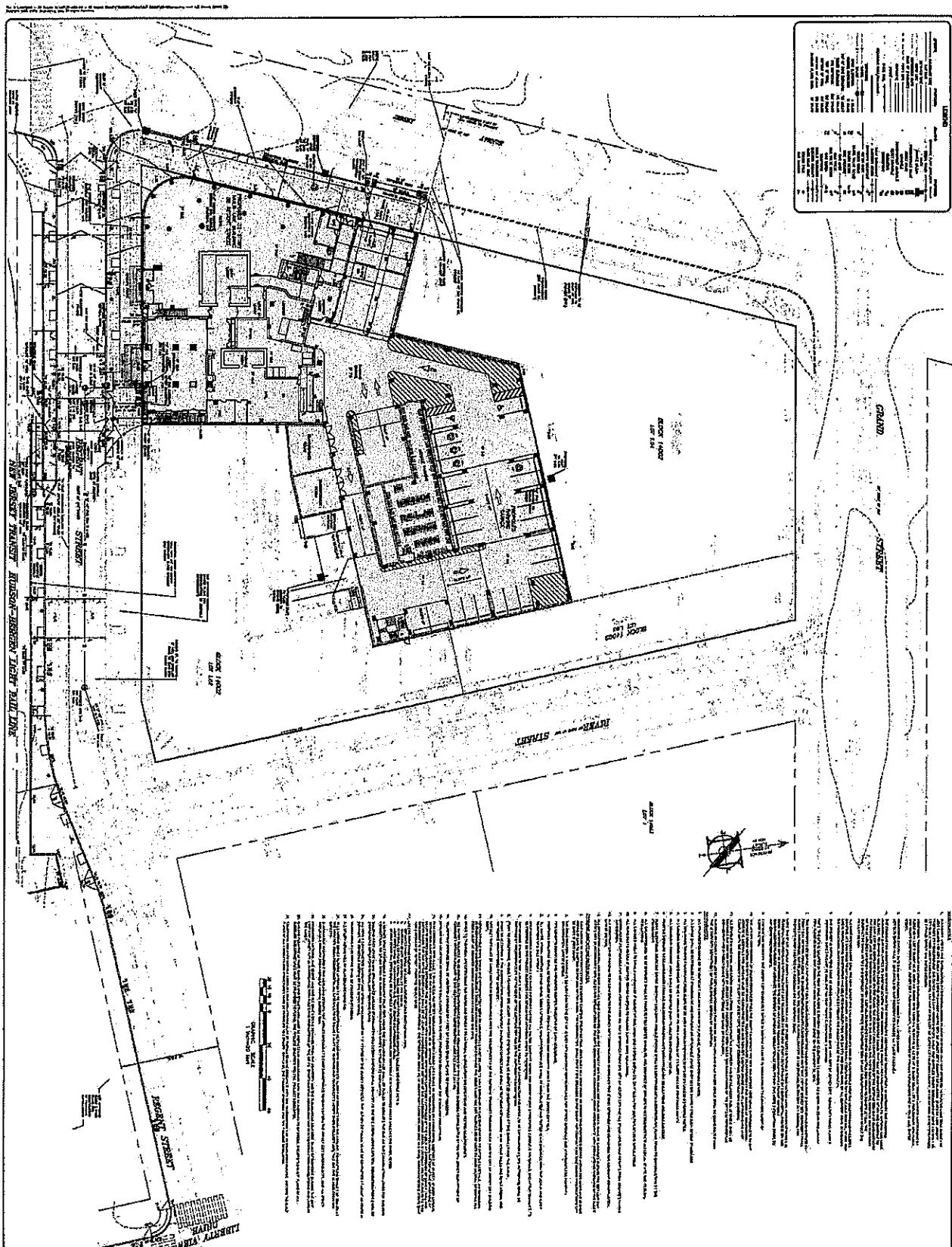
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