

PRESS ADVISORY
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Save the Dinky Says Buck Stops With NJ Transit On Princeton Station Move

Princeton, NJ. -- Responding to the December 23 ruling by NJ Chancery Judge Paul Innes, the Princeton rail passenger advocacy group Save the Dinky, Inc. (SDKY) said the ruling was important for the group because it affirms that the cutback of rail service to Princeton to benefit Princeton University was in fact a decision by New Jersey Transit.

SDKY President Anita Garoniak said "The Judge may not have agreed with the entirety of our position, but he put to rest the pretense that NJ Transit had a contractual obligation to agree to the University's plan to shorten the Dinky line to facilitate an additional road to a campus parking garage." She cited the court's statement that "Princeton University has no authority to act unilaterally" and "no right to alter the service to the Dinky in any way without the express approval of NJ Transit." "If NJ Transit were to have an objection," the opinion says, "its denial of the plans would prevent any alteration of the services within the station property."

According to Garoniak, "NJ Transit has said again and again that the contract obligated it to agree to the University plan to move the terminus, and the University has said again and again that the contract gave it the "right" to make a second move. "The court ruling clears away the dust." she said. "The Judge said that the buck stops with NJ Transit."

NJ Transit's ridership on the Princeton Dinky branch declined 13% for the quarter July 1-September 30, 2013, a measuring period only partially impacted by the abandonment on August 23 of the station's historic location on University Place and the institution of temporary service 1200 feet southward. SDKY advisors expect the decline to be higher for the subsequent quarter. Anne Neumann, an individual plaintiff in the Chancery suit who lives on Alexander Street, said the University's project has "effectively destroyed public pedestrian access to the Dinky Station." Neumann said NJ Transit should have "just said no" or "should have held a public hearing on the transportation impacts instead of making what seems to have been a backroom arrangement with the University."

Garoniak said that her group would be making a decision on an appeal of the Innes ruling by the end of January after consultation with their attorney. SDKY already has two other pending state appellate court challenges to the station relocation.

One of these cases challenges a June 2013 NJ Transit Board decision authorizing NJ Transit staff to swap NJ Transit's public transportation easement over the historic station property for an easement over less desirable University land farther away. SDKY, joined by the NJ Association of Railroad Passengers (NJ-ARP), argues in its case information statement that NJ Transit's Board violated its statutory hearing obligations and more importantly that Governor Christie should have recused himself because of ties to Princeton University which include his serving as an ex officio member of the University's board.

In parallel with SDKY's efforts, the National Association of Railroad Passengers www.narprail.org has initiated a proceeding with the national Surface Transportation Board seeking a determination that abandonment of the station facilities requires STB approval because the line is part of the national railroad system.

SDKY's other appeal, to be argued on January 8, challenges a 2012 decision by the NJ Department of Environmental Protection giving NJ Transit the green light to prematurely terminate public rights in the historic station property. The station was placed on the NJ and federal registers of historic sites in 1984 as an "operating passenger railroad station," before NJ Transit sold the property to the University. NJ Transit told the DEP that its alleged legal obligations under the 1984 contract required it to agree to the move, a position contradicted by Judge Innes' opinion.

SDKY unsuccessfully sought a stay last fall to prevent the removal of the tracks and other railroad infrastructure to the historic station. However, in opposing a stay, Princeton University filed court papers saying it would pay NJ Transit's costs to put back its facilities if it turned out that NJ Transit had acted unlawfully.

NJ Transit and the DEP are both represented by attorneys in the Attorney General's Office who ultimately answer to Governor Christie, a strong supporter of the station relocation and the University's so-called Arts and Transit project. University attorneys have highlighted his support in documents filed in the various court challenges. A statement posted on the University website quotes the Governor as follows "*I not only am willing to walk the extra 460 feet to pick up the Dinky, but everyone else is going to be willing to walk the 460 feet so that we can get the type of continued expansion and growth on this campus -- both intellectual growth and actual physical growth -- that needs to be done to continue to keep this campus and this community a vital and growing part of the state of New Jersey.*" (<http://www.princeton.edu/main/news/archive/S30/59/42M38/index.xml?section=topstories>)

Garoniak said the Chancery decision is a helpful step for her group's efforts to obtain a reversal of the decision to abandon Princeton's in-town station. "Transit is obviously not a strong point of the Christie Administration," she said. "We have said all along and continue to believe," she said, "that the University can build its arts buildings and parking access without robbing the community of its mobility. The station is not just a mass transportation asset but also a beloved Princeton landmark." The current "facts on the ground do not change the undeniable fact that the plan is a bad one." "We, NJ-ARP and others will continue our work to ensure that the University and NJ Transit do the right thing and change course."

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