

27:1A-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:1A-1 et al

LAWS OF: 1972

CHAPTER: 164

Bill No: S551

Sponsor(s): Stout

Date Introduced: February 7, 1972

Committee: Assembly: ///

Senate: Transportation and Communications

Amended during passage: No

Date of Passage: Assembly: May 11, 1972

Senate: May 4, 1972

Date of Approval: October 25, 1972

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: Yes

974.90 New Jersey. Governor's Management Commission
R424 Survey report and recommendations. Trenton, 1970.
1970C (see pp. 106-131; 283-289)

(over)

974.90 New Jersey. Legislature. Committee to study the Governor's
R424 Management Commission Report
1971a Public hearings held January 13...April 7, 1971. Trenton, 1971.
v. 4--contains testimony concerning Department of Transportation.

974.90 New Jersey. Legislature. Joint Committee to Study the Report
R424 of the Governor's Management Commission final report and recommendations.
1971d Trenton, 1971.
 (see pp. 111-127)

974.90 New Jersey. Department of Transportation.
R424 The New Jersey Dep't of Transportation: What it is. What it does.
1973

SENATE, No. 551

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 7, 1972

By Senators STOUT, HAGEDORN and HOLLENBECK

Referred to Committee on Transportation and Communications

AN ACT to amend the "Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1966, c. 301 (C. 27:1A-1) is amended to read
2 as follows:

3 1. This act shall be known and may be cited as the "Transporta-
4 tion Act of 1966." It shall be the purpose and intent of this act to
5 establish the means whereby the full resources of the State can be
6 used and applied in a coordinated and integrated matter to solve or
7 assist in the solution of the problems of *all modes* of transportation;
8 to promote an efficient, *fully* integrated and balanced transportation
9 system for the State; to prepare and implement comprehensive
10 plans and programs for *all modes of* transportation development in
11 the State; and to coordinate the transportation activities of State
12 agencies, State-created public authorities, and other public agencies
13 with transportation responsibilities within the State.

1 2. Section 4 of P. L. 1966, c. 301 (C. 27:1A-4) is amended to read
2 as follows:

3 4. The administrator and head of the department shall be a com-
4 missioner, who shall be known as the Commissioner of Transporta-
5 tion, and who shall be a person qualified by training and experience
6 to perform the duties of his office. The commissioner shall be ap-
7 pointed by the Governor, with the advice and consent of the Senate,
8 and shall serve at the pleasure of the Governor during the Gover-
9 nor's term of office and until the appointment and qualification of
10 the commissioner's successor. The commissioner shall receive such
11 salary as shall be provided by law.

12 The person in office as the **[State Highway Commissioner]** *Com-*
13 *missioner of Transportation* on the effective date of this act shall

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

14 hold the office of Commissioner of Transportation until his succes-
15 sor is appointed and has qualified.

1 3. Section 5 of P. L. 1966, c. 301 (C. 27:1A-5) is amended to read
2 as follows:

3 5. The commissioner, as head of the department, shall have all
4 of the functions, powers and duties heretofore vested in the State
5 Highway Commissioner and shall, in addition to the functions,
6 powers and duties invested in him by this act or by any other law:

7 (a) Develop, from time to time revise and maintain a compre-
8 hensive master plan for *all modes of transportation development,*
9 *with special emphasis on public transportation;*

10 (b) Develop and promote programs to foster efficient and eco-
11 nomical **[public]** transportation services in the State;

12 (c) Prepare plans for the preservation and improvement of the
13 **[commuter]** railroad system, *with special emphasis on commuter*
14 *railroads;*

15 (d) Develop plans for more efficient public transportation service
16 by *railroads and* motor bus operators; develop statistics, analyses,
17 and other data of use to *railroad and* bus operators in the provision
18 of public transportation service; facilitate more effective coordina-
19 tion between bus service and other forms of public transportation,
20 particularly the commuter railroads; review petitions for motor bus
21 franchises in areas served by the commuter railroad system and
22 make appropriate recommendations on such petitions.

23 (e) Coordinate the transportation activities of the department
24 with those of other public agencies and authorities;

25 (f) Cooperate with interstate commissions and authorities, State
26 departments, councils, commissions and other State agencies, with
27 appropriate Federal agencies, and with interested private indi-
28 viduals and organizations in the coordination of plans and policies
29 for the development of air commerce and air facilities; and

30 (g) Make an annual report to the Governor and the Legislature
31 of the department's operations, and render such other reports as
32 the Governor shall from time to time request or as may be required
33 by law.

34 (h) Promulgate regulations providing for the charging of and
35 setting the amount of fees for certain services performed by and
36 permits issued by the department, including but not limited to the
37 following:

38 (1) Providing copies of documents prepared by or in the
39 custody of the department;

40 (2) Aeronautics permits;

41 (3) Right-of-way permits;

42 (4) Traffic signal control systems.

1 4. Section 8 of P. L. 1966, c. 301 (C. 27:1A-8) is amended to
2 read as follows:

3 8. **【**The commissioner shall be assisted in the performance of
4 his duties relating to the design and development of highways by
5 an assistant Commissioner for Highways who shall be a person
6 qualified by training and experience to perform the duties of his
7 office. The assistant Commissioner for Highways shall be appointed
8 by the commissioner and shall serve at the pleasure of the com-
9 missioner and until the assistant Commissioner for Highways'
10 successor has been appointed and has qualified. He shall receive
11 such salary as shall be provided by law.**】** *(a) The commissioner*
12 *shall be assisted in the performance of his duties by two assistant*
13 *commissioners, an assistant Commissioner for Highways, and an*
14 *assistant Commissioner of Public Transportation. Each assistant*
15 *commissioner shall be appointed by and shall serve at the pleasure*
16 *of the commissioner and until his successor has been appointed*
17 *and qualified.*

18 *(b) The assistant Commissioner for Highways shall be a person*
19 *qualified by training and experience relating to highway transpor-*
20 *tation and safety to perform the duties of his office.*

21 *(c) The assistant Commissioner for Public Transportation shall*
22 *be a person qualified by training and experience relating to rail,*
23 *bus or other mass or public transportation services to perform the*
24 *duties of his office which shall include supervision of an office of*
25 *commuter services.*

26 *(d) Unless otherwise provided by law, each assistant commis-*
27 *sioner shall receive such salary as may be established by the com-*
28 *missioner with the approval of the President of the Civil Service*
29 *Commission, and the Director of the Division of Budget and Ac-*
30 *counting, which salary shall be not in excess of comparable salaries*
31 *established by P. L. 1969, c. 194 (C. 52:14-15.104).*

1 5. Section 9 of P. L. 1966, c. 301 (C. 27:1A-9) is amended to
2 read as follows:

3 9. **【**The commissioner shall appoint as State Highway Engineer
4 a qualified and competent professional engineer with actual ex-
5 perience in road and bridge construction and maintenance. The
6 State Highway Engineer shall be appointed by the commissioner
7 and shall serve at the pleasure of the commissioner and until the
8 State Highway Engineer's successor has been appointed and has
9 qualified. He shall receive such salary as shall be provided by law.**】**

10 *(a) The commissioner shall appoint a director of engineering*

11 and operations, who shall also serve as State Highway Engineer,
 12 responsible under the commissioner and executive director for
 13 engineering design, construction and maintenance of all installa-
 14 tions within the jurisdiction of the department as well as traffic
 15 engineering and State-aid programs for local governments. The
 16 director of engineering and operations shall be appointed by the
 17 commissioner and shall serve at the pleasure of the commissioner
 18 and until his successor has been appointed and qualified.

19 (b) The director of engineering and operations shall be a pro-
 20 fessional engineer qualified by training and actual experience in
 21 the design, construction and maintenance of highways, bridges,
 22 airports or other transportation facilities and installations.

23 (c) The director of engineering and operations shall receive such
 24 salary as established by the commissioner with the approval of
 25 the President of the Civil Service Commission and the Director
 26 of the Division of Budget and Accounting, which salary shall be
 27 not in excess of comparable salaries established by P. L. 1969, c. 194
 28 (C. 52:14-15.104).

1 6. Section 10 of P. L. 1966, c. 301 (C. 27:1A-10) is amended to
 2 read as follows:

3 10. **[The commissioner also may appoint three assistant State**
 4 **Highway Engineers, whose qualifications shall be the same as those**
 5 **prescribed for the State Highway Engineer. The assistant State**
 6 **Highway Engineers shall serve at the pleasure of the commissioner**
 7 **and shall receive such salaries as shall be approved by the com-**
 8 **missioner and the President of the Civil Service Commission,**
 9 **subject to availability of funds.]**

10 (a) The commissioner shall appoint as assistants to the director
 11 of engineering and operations—State Highway Engineer, three
 12 chief engineers, for design, construction and maintenance; trans-
 13 portation operations; and local aid, respectively. Each chief en-
 14 gineer shall serve at the pleasure of the commissioner and until
 15 his successor has been appointed and qualified.

16 (b) The qualifications for the chief engineers shall be the same
 17 as those prescribed for the director of engineering and operations—
 18 State Highway Engineer, except that the chief engineer, trans-
 19 portation operations and local aid shall be also qualified by train-
 20 ing and experience in traffic engineering to perform the duties of
 21 his office.

22 (c) The chief engineers shall receive such salary, unless other-
 23 wise provided by law, as established by the commissioner with the
 24 approval of the President of the Civil Service Commission and the
 25 Director of the Division of Budget and Accounting, which salary

26 shall be not in excess of comparable salaries established by P. L.
27 1969, c. 194 (C. 52:14-15.104)

1 7. Section 11 of P. L. 1966, c. 301 (C. 27:1A-11) is amended to
2 read as follows:

3 11. The persons in office as State Highway Engineer, [and]
4 assistant State Highway Engineers, *Director of Planning, and*
5 *Director of Administration* on the effective date of this amendatory
6 act shall continue to hold their respective offices *under the new*
7 *titles established by this amendatory act* until their respective
8 successors are appointed and have qualified.

1 8. Section 12 of P. L. 1966, c. 301 (C. 27:1A-12) is amended to
2 read as follows:

3 12. [The commissioner shall be assisted in the performance of
4 his duties relating to public transportation by an assistant Com-
5 missioner of Public Transportation, who shall be a person qualified
6 by training and experience to perform the duties of his office. The
7 assistant Commissioner for Public Transportation shall be ap-
8 pointed by the commissioner and shall serve at the pleasure of the
9 commissioner and until the assistant Commissioner for Public
10 Transportation's successor has been appointed and has qualified.
11 He shall receive such salary as shall be provided by law.] *To*
12 *assist the commissioner in the performance of his administrative*
13 *duties, one of the assistant commissioners shall be designated as*
14 *executive director of the department by the commissioner in writ-*
15 *ing, which designation shall be filed with the Secretary of State.*
16 *Such designation shall continue in effect until the commissioner*
17 *shall, in the manner herein provided, designate another assistant*
18 *commissioner as executive director. The executive director shall*
19 *have such powers and duties as may be delegated to him by the*
20 *commissioner from time to time and shall receive no extra com-*
21 *penensation for performing such duties.*

1 9. Section 13 of P. L. 1966, c. 301 (C. 27:1A-13) is amended to
2 read as follows:

3 13. (a) The commissioner [also] shall be assisted *in the per-*
4 *formance of his duties relating to transportation planning and*
5 *research* by a Director of Planning and Research [and a Director
6 of Administration,] who shall be appointed by the commissioner
7 and [shall] serve at his pleasure.

8 The Director of Planning and Research [and the Director of
9 Administration] shall be [persons] *a professional engineer quali-*
10 *fied by training and experience to perform the duties of [their*
11 *respective offices] his office, and shall receive such [salaries] salary*
12 *as [shall be approved] may be established by the commissioner*

13 **[and]** *with the approval of the Director of the Division of Budget*
 14 *and Accounting* **[President of the Civil Service Commission,]**
 15 *subject to the availability of funds. [The persons in office as Direc-*
 16 *tor of Planning and Director of Administration on the effective*
 17 *date of this act shall continue to hold their respective offices until*
 18 *their respective successors are appointed and have qualified.]*

19 *(b) The commissioner may also appoint a deputy, executive*
 20 *director to serve at his pleasure as assistant to the executive direc-*
 21 *tor in the performance of general administrative duties as may be*
 22 *assigned. The deputy executive director shall be a person qualified*
 23 *by training and actual experience in public administration to per-*
 24 *form the duties of his office, and shall receive such salary as may*
 25 *be established by the commissioner with the approval of the*
 26 *President of the Civil Service Commission and the Director of the*
 27 *Division of Budget and Accounting, subject to the availability of*
 28 *funds.*

1 10. Section 14 of P. L. 1966, c. 301 (C. 27:1A-14) is amended to
 2 read as follows:

3 14. In the event that the assistant Commissioner for Highways,
 4 **[the State Highway Engineer, the assistant State Highway En-**
 5 **gineers],** the assistant Commissioner for Public Transportation,
 6 **[the Director of Planning or the Director of Administration]** *the*
 7 *Director of Engineering and Operations, the Director of Trans-*
 8 *portation Planning and Research, the executive director or the*
 9 *chief engineers are appointed from persons holding positions in*
 10 *the classified service of the State, they shall retain, during their*
 11 *tenure in such positions, any rights or protections provided them*
 12 *by Title 11, Civil Service, of the Revised Statutes or any pension*
 13 *law or retirement system.*

1 11. Section 16 of P. L. 1966, c. 301 (C. 27:1A-16) is amended to
 2 read as follows:

3 16. (a) There is hereby established in the Department of Trans-
 4 portation the Commuter Operating Agency which for civil service
 5 purposes shall be considered to be a board.

6 (b) The agency shall consist of four members who shall be the
 7 Commissioner of Transportation, the assistant Commissioner for
 8 Public Transportation, the State Treasurer and the President of
 9 the Board of Public Utility Commissioners, or their respective
 10 designees.

11 (c) The Commissioner and the Assistant Commissioner for
 12 Public Transportation shall be the chairman and secretary, re-
 13 spectively, of the agency. **[The executive director of the agency**
 14 **shall be an officer of the department so designated by the commis-**

15 sioner in writing, which designation shall be filed with the Secretary
16 of State. Such designation shall continue in effect until the com-
17 missioner shall, in the manner herein provided, designate another
18 officer in the department as such executive director. The executive
19 director shall have such powers and duties as are delegated to
20 him by the agency from time to time.】

21 (d) 【The commissioner shall assign to the agency such employees
22 of the department as may be necessary for the efficient operation
23 of the work of the agency. The agency may also appoint, retain
24 and employ, to serve at its pleasure, a director of operations and
25 a deputy director of operations, and it shall determine their
26 qualifications, duties, services and compensation.】 *The commis-*
27 *sioner shall assign to the agency such employees of the department*
28 *as may be necessary for the efficient performance of the work of*
29 *the agency in a division of commuter services under the super-*
30 *vision of the assistant Commissioner for Public Transportation.*
31 *To assist the assistant Commissioner for Public Transportation*
32 *in the conduct of the work of the agency, the commissioner, acting*
33 *as chairman of the agency, may also appoint a director of commuter*
34 *services who shall serve at his pleasure and who duties he shall*
35 *determine. The director of commuter services shall be a person*
36 *qualified by training and experience in public transportation to*
37 *perform the duties of his office, and shall receive such salary as*
38 *may be established by the commissioner, with the approval of the*
39 *President of the Civil Service Commission and the Director of the*
40 *Division of Budget and Accounting, subject to the availability of*
41 *funds.*

42 (e) The powers of the agency shall be vested in the members
43 thereof and three members of the agency or their designees shall
44 constitute a quorum at any meeting thereof. Action may be taken
45 and motions and resolutions adopted by the agency at any meeting
46 thereof by the affirmative vote of at least three members or their
47 designees. No vacancy in the membership of the agency shall im-
48 pair the right of a quorum to exercise all the rights and perform
49 all the duties of the agency.

50 (f) A true copy of the minutes of every meeting of the agency
51 shall be delivered forthwith by and under the certification of the
52 secretary thereof, to the Governor. No action taken at such meet-
53 ing by the agency shall have force or effect until 10 days, *exclusive*
54 *of Saturdays, Sundays and legal holidays*, after such copy of the
55 minutes shall have been delivered. If, in said 10-day period, the
56 Governor return such copy of the minutes with veto of any action

57 taken by the agency or any member thereof at such meeting, such
58 action shall be null and of no effect.

1 12. This act shall take effect on the first day of the month follow-
2 ing enactment.

STATEMENT

The proposed amendments would redefine the titles, qualifications and duties of the appointed officials of the department, and bring the statutory language into realistic accord with the actual functions of such officials in carrying out the basic purposes of the 1966 act.

For example, it has been tacitly the practice for one of the assistant commissioners to oversee the day-to-day staff operations of the department. By providing for statutory recognition through a designation of "executive director," this essential function is formalized. Likewise, the designation of the director of administration as "deputy executive director" recognizes the broader scope of responsibilities.

No increase in staff, nor any changes in the stated purposes and functions of the department are proposed in these amendments which are essentially technical in nature.

SENATE TRANSPORTATION AND COMMUNICATION
COMMITTEE

STATEMENT TO
SENATE, No. 551

STATE OF NEW JERSEY

DATED: APRIL 27, 1972

This bill amends the Transportation Act of 1966 (C. 27:1A-1 et seq.) to redefine the titles, qualifications and duties of the appointed officials of the Department of Transportation and bring the statutory language into accord with the actual functions of such officials. These amendments do not propose any increase in staff.

At present the Commissioner of Transportation is directed to develop and revise from time to time a comprehensive master plan for transportation development. This bill specifies that such plans shall be for modes of transportation with special emphasis on public transportation. At present the commissioner is directed to develop and promote programs to foster efficient and economical public transportation services. This bill deletes the word "public" from this duty. At present the commissioner is directed to prepare plans for the preservation and improvement of the commuter railroad system. This bill directs him to prepare plans for the preservation and improvement of the railroad system, with special emphasis on commuter railroads.

At present the Assistant Commissioner for Highways assist the commissioner in his duties relating to the design and development of highways, and shall be qualified by training and experience to perform these duties. This bill specifies that he be qualified by training and experience relating to highway transportation and safety to perform his duties.

At present the Assistant Commissioner for Public Transportation assists the commissioner in his duties relating to public transportation, and shall be qualified by training and experience to perform his duties. This bill specifies that he be qualified by training and experience relating to rail, bus or other mass or public transportation services to perform his duties, which shall include supervision of an office of commuter services.

The bill provides that one of the assistant commissioners be designated as executive director of the department.

The bill expands the duties of the State Highway Engineer to include the position of director of engineering and operations. He shall be executive director for engineering design, construction and maintenance of all installations under the jurisdiction of the department as well as

traffic engineering and State-aid programs for local governments. He shall be a professional engineer qualified by training and actual experience in the design, construction and maintenance of highways, bridges, airports or other transportation facilities and installations.

The titles of the three assistant State Highway Engineers are changed by this bill to three chief engineers for design, construction and maintenance; transportation operations; and local aid, respectively. The chief engineers serve as assistants to the director of engineering and operations—State Highway Engineer. The qualifications for the three chief engineers shall be the same as those prescribed for the director of engineering and operations—State Highway Engineer, except that the chief engineer, transportation operations and local aid shall be also qualified by training and experience in traffic engineering to perform the duties of his office.

The bill changes the title of the Director of Planning to the Director of Planning and Research. He shall assist the commissioner in his duties relating to transportation planning and research.

The bill abolishes the position of Director of Administration and provides that the commissioner may appoint a deputy executive director as assistant to the executive director in the performance of general administrative duties.

The bill abolishes the position of executive director of the Commuter Operating Agency. The Assistant Commissioner for Public Transportation shall supervise the work of the agency in a division of commuter services. The commissioner, acting as chairman of the agency, may appoint a director of commuter services to assist the assistant Commissioner for Public Transportation.

The bill also amends the 10-day period during which the Governor may veto any action of the agency to provide that the 10-day period shall not include Saturdays, Sundays and legal holidays.

The bill provides that the salaries for all the new titles shall be established by the commissioner with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, such salaries not to exceed not in excess of comparable salaries established by P. L. 1969, c. 194 (C. 52:14-15.104), in the case of the positions of the assistant commissioners, the director of engineering and operations—State Highway Engineer.

The bill provides that persons in office as State Highway Engineer, Assistant State Highway Engineers, Director of Planning and Director of Administration on the effective date of this act shall hold their offices until their successors are appointed and have qualified.

The act will take effect on the first day of the month following enactment.

FISCAL NOTE TO
SENATE, No. 551

STATE OF NEW JERSEY

DATED: APRIL 19, 1972

Senate Bill No. 551 amends the "Transportation Act of 1966" by redefining the titles and qualifications and duties of the appointed officials of the Department, and brings the statutory language into realistic accord with the actual functions of such officials in carrying out the basic purposes of the act.

The Department of Transportation states that enactment of this legislation provides for no increase in staff nor does it provide for any change in the stated purposes and functions of the department. Therefore, enactment would not affect the revenues of the State.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

FROM THE OFFICE OF THE GOVERNOR

OCTOBER 25, 1972

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law a bill which modernizes the organization of the Department of Transportation by bringing executive designations into accord with responsibilities.

Senate bill 551, sponsored by Senator Richard R. Stout (R., Monmouth), amends the Transportation Act of 1966 to redefine the titles, qualifications and duties of the appointed officials of the Department. The changes are designed to enable the Department to function more fully as a comprehensive transportation unit.

Among the changes made by the new law are the specifications that the Assistant Commissioner for Public Transportation shall be qualified by training and experience relating to rail, bus and other mass or public transportation services to perform his duties, which shall include supervision of an office of commuter services.

The bill expands the duties of the State Highway Engineer to include the position of Director of Engineering and Operations, and the titles of the three Assistant State Highway Engineers are changed to Chief Engineer for Design, Chief Engineer for Construction and Maintenance and Chief Engineer for Transportation Operations and Local Aid.

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The number of appointed officers is decreased through the deletion of the positions of Executive Director and Deputy Director of Operations of the Commuter Operating Agency.

The Governor also signed Assembly bill 532, sponsored by Assemblyman Eugene Raymond, III (R., Camden), which provides for the reimbursement for expenses to police and firemen of their defense of criminal charges brought against them for acts performed in the line of duty.

Under the new law, counties and municipalities shall provide the means for defense of such actions or proceedings, other than disciplinary or criminal proceedings brought by the county or municipality. In the case of disciplinary or criminal proceeding determined in favor of the policeman or fireman, he shall be reimbursed for the expense of his defense.

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