

27:1A-1 thru 42

February 13, 1970

LEGISLATIVE NOTES ON R.S. 27:11-1 through 42
State Department of Transportation

L. 1966 - G. 301 - S413

May 23 - Introduced by Keefer and others.

May 31 - Passed in Senate, amended.

June 13 - Passed in Assembly, amended.

June 15 - Assembly amendment, passed in Senate.

December 12 - Approved, Chapter 301.

Amended during passage (copies enclosed of original bill and amendments).
No statement.

Statement by Governor on signing (copy attached).

This was amended by:

L. 1967 - G71 - S429

No statement.

Not amended during passage

L. 1967 - G138 - A819

No statement.

Amended (copies enclosed of original bill and amendment).

No hearings or reports were located.

Numerous clippings at vehicle file - New Jersey Transportation Department.

JM/AM

DEPOSITORY COPY
Do Not Remove From Library

DEPOSITORY COPY
Do Not Remove From Library

67

SENATE, No. 429

STATE OF NEW JERSEY

INTRODUCED APRIL 10, 1967

By Senator CRABIEL

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT to amend "An act establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes," 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:

3 1. Section 5 of the act of which this act is amendatory is amended
4 to read as follows:

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

develop a
more active role.

9 (a) Develop, from time to time revise and maintain a compre-
10 hensive master plan for transportation development;

11 (b) Develop *and promote* programs **[designed]** to foster efficient
12 and economical public transportation services in the State;

13 (c) Prepare plans for the preservation and improvement of the
14 commuter railroad system;

15 (d) Develop plans for more efficient public transportation serv-
16 ice by motor bus operators; develop statistics, analyses, and other
17 data of use to bus operators in the provision of public transpor-
18 tation service; facilitate more effective co-ordination between bus
19 service and other forms of public transportation, particularly the
20 commuter railroads; review petitions for motor bus franchises
21 in areas served by the commuter railroad system and make ap-
22 propriate recommendations *on such petitions* **[thereon to the Board**
23 **of Public Utility Commissioners]**;

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

1 (e) Co-ordinate the transportation activities of the department
2 with those of other public agencies and authorities;

3 (f) Co-operate with interstate commissions and authorities,
4 State departments, councils, commissions and other State agencies,
5 with appropriate Federal agencies, and with interested private
6 individuals and organizations in the co-ordination of plans and
7 policies for the development of air commerce and air facilities; and

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

12 2. Section 15 of the act of which this act is amendatory is
13 amended to read as follows:

14 15. Hereafter in this act, unless the context indicates another
15 or different meaning or intent:

16 (a) "Carrier" shall mean any individual, co-partnership, asso-
17 ciation, corporation, joint stock company, receiver or trustee
18 operating any railroad or motor bus in this State or between
19 points in this State and between [such] points [and adjacent
20 metropolitan areas] in other States, for public use;

21 (b) "Agency" shall mean the Commuter Operating Agency;

22 (c) "Passenger service" shall mean the operation of railroad
23 trains to carry commuter and *other* [suburban] passengers [be-
24 tween points] in this State or *between points in this State* and
25 between [such] points [and adjacent metropolitan areas] in
26 other States, or the operation of motor buses to transport pas-
27 sengers [to and from railroad stations or in lieu of railroad pas-
28 senger service] *in this State or between points in this State and*
29 *points in adjacent States;*

30 (d) "Improvements to capital facilities" shall mean in connec-
31 tion with passenger service the acquisition, construction, recon-
32 struction, relocation, removal, establishment or rehabilitation of
33 passenger stations and terminals, automobile parking facilities,
34 track connections, signal systems, power systems, roadbeds, equip-
35 ment storage and servicing facilities, bridges, grade crossings,
36 railroad passenger cars, locomotives and motor buses, *wherever*
37 *such improvements are included in determinations filed as required*
38 *by section 17 of this act.*

39 3. Section 16 of the act of which this act is amendatory is
40 amended to read as follows:

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

*2-1-1950
T. W. G. G. G.*

1 (b) The agency shall consist of 4 members who shall be the
2 Commissioner of Transportation, the Assistant Commissioner for
3 Public Transportation, the State Treasurer and the President of
4 the Board of Public Utility Commissioners, or their respective
5 designees.

6 (c) The Commissioner and the Assistant Commissioner for
7 Public Transportation shall be the chairman and secretary, re-
8 spectively, of the agency. The executive director of the agency
9 shall be an officer of the department so designated by the com-
10 missioner in writing, which designation shall be filed with the
11 Secretary of State. Such designation shall continue in effect until
12 the commissioner shall, in the manner herein provided, designate
13 another officer in the department as such executive director. The
14 executive director shall have such powers and duties as are dele-
15 gated to him by the agency from time to time.

16 (d) The commissioner shall assign to the agency such em-
17 ployees of the department as may be necessary for the efficient
18 operation of the work of the agency. The agency may also appoint,
19 retain and employ, to serve at its pleasure, a director of operations
20 and a deputy director of operations, and it shall determine their
21 qualifications, duties, services and compensation.

22 (e) The powers of the agency shall be vested in the members
23 thereof and 3 members of the agency or their designees shall con-
24 stitute a quorum at any meeting thereof. Action may be taken and
25 motions and resolutions adopted by the agency at any meeting
26 thereof by the affirmative vote of at least 3 members or their
27 designees. No vacancy in the membership of the agency shall im-
28 pair the right of a quorum to exercise all the rights and perform
29 all the duties of the agency.

30 (f) A true copy of the minutes of every meeting of the agency
31 shall be delivered forthwith by and under the certification of the
32 secretary thereof, to the Governor. No action taken at such meet-
33 ing by the agency shall have force or effect until 10 days after such
34 copy of the minutes shall have been so delivered. If, in said 10-
35 day period, the Governor returns such copy of the minutes with
36 veto of any action taken by the agency or any member thereof at
37 such meeting, such action shall be null and of no effect.

38 4. Section 18 of the act of which this act is amendatory is
39 amended to read as follows:

40 18. In order to conserve and improve passenger service neces-
41 sary for public use now and in future years in this State, but
42 subject to the limitations of this act, the State of New Jersey, act-
43 ing by and through the agency, may enter into contracts with any

1 rail carrier, providing for acceptance by such carrier of all or any
2 part of the agency's determination. Prior to entering into any
3 such contract, the agency shall hold public hearings where it shall
4 make known the terms and conditions of the proposed contract
5 to interested parties and the general public. Every contract entered
6 into pursuant to this section shall be subject to the following terms
7 and conditions:

8 (a) Contracts involving expenditure of public funds for im-
9 provements to capital facilities shall require continuance of speci-
10 fied passenger service by the carrier for stated periods not limited
11 to a fiscal year, and shall further require that title to such improve-
12 ments shall be vested with the State, except that where public
13 funds are expended to repair or rehabilitate existing facilities,
14 such title to or other interest in such [facilities] *improvements*
15 as the carrier may have shall be the subject of negotiation between
16 the agency and the carrier.

17 (b) No such contract [with respect to any fiscal year] shall
18 provide for payments by the State for service rendered *with re-*
19 *spect to such fiscal year* in excess of the loss from [commuter and
20 suburban] passenger service during the previous calendar year
21 as shown in the determination for that fiscal year. If during any
22 contract period a carrier shall realize a profit from [its] *the*
23 *passenger service contracted for*, which profit exceeds a return on
24 investment of 6%, $\frac{1}{2}$ of the excess shall be paid to the agency. The
25 accounting procedures to be employed to determine the extent of
26 any profit or loss, as the case may be, shall be a subject of negotia-
27 tion between the parties to the contract.

28 (c) Every such contract shall describe the passenger service
29 which the carrier shall be required to operate. Such description
30 shall set forth the operation of the contracted service which shall
31 include timetables, train consists and fair tariffs applicable to the
32 service and any other provisions that the agency may deem rea-
33 sonable.

34 5. Section 19 of the act of which this act is amendatory is
35 amended to read as follows:

36 19. The agency may enter into contracts with any motor bus
37 carrier to operate passenger service [(a) in lieu of railroad pas-
38 senger service whenever the latter is terminated subsequent to
39 the effective date of this act, or (b) from and to railroad stations
40 as part of an integrated service] *which the agency shall determine*
41 *(a) to be necessary to provide or encourage adequate commuter*
42 *or intercity bus service and (b) would not otherwise be provided*
43 *or made available without State assistance. Payment by the agency*

1 for such passenger service shall be based on the actual cost of such
2 service to the motor bus carrier plus a 6% return on investment.
3 The agency may also enter into contracts with any motor bus
4 carrier pursuant to which the agency may acquire, purchase or
5 rehabilitate motor buses for lease to such carrier to be operated
6 in specified passenger service, provided that any State funds ex-
7 pended for such programs are at least equally matched by Fed-
8 eral funds.

9 6. Section 22 of the act of which this act is amendatory is
10 amended to read as follows:

11 22. Each contract shall contain conditions, terms and provisions
12 as the agency may require including, but not limited to, provisions
13 permitting or relating to (a) determination of contracted service
14 satisfactorily operated, (b) deductions or penalties with respect
15 to unsatisfactory service, (c) auditing and settlement of payments,
16 (d) termination, waivers, release, modification or other effect in
17 event of nonperformances, or of strikes, riots, disasters, acts of
18 God or condition not caused or permitted by the carrier or within
19 its control, (e) additional obligations of the carrier, and (f) any
20 such other matters as the agency deems to be in the public interest.
21 *Any such contract may also provide for the rendering of additional*
22 *service by the carrier, on an experimental basis or for an experi-*
23 *mental period or otherwise, and for the payment by the State of*
24 *additional compensation not exceeding the estimated actual cost*
25 *of such additional service to the carrier, which additional compen-*
26 *sation shall not be limited by the provisions of the first sentence*
27 *of section 18(b).*

28 7. Section 24 of the act of which this act is amendatory is
29 amended to read as follows:

30 24. Every carrier entering into a contract shall be obligated to
31 continue during the term of the contract all existing passenger
32 service and fares applicable thereto, except that the contract shall
33 afford the carrier the right to petition the agency for changes in
34 passenger service and applicable fares during the term of the
35 contract. If such a petition includes an application to decrease the
36 number of trains, a substantial change in schedules or an increase
37 in fares, the agency, prior to making any determination with re-
38 spect thereto, shall hold a public hearing on notice. In acting on
39 any such petition the agency shall give due consideration to the
40 following factors:

41 (a) The availability of alternative means of public transpor-
42 tation.

43 (b) The potential cost of continuing the service sought to be
44 curtailed or discontinued.

1 (c) The cost to the State of providing alternative transporta-
2 tion facilities either by common carriers or highway improvement.

3 (d) The resulting effect on State and local population trends,
4 economic values and tax revenues.

5 The authority hereby given the agency with respect to the dis-
6 continuance, curtailment, abandonment or change in passenger
7 service shall be exercised during the contract period without re-
8 gard or reference to the jurisdiction vested in the Board of Public
9 Utility Commissioners by section 48:2-24 of the Revised Statutes.
10 At the conclusion of the contract period the Board of Public Utility
11 Commissioners shall resume such jurisdiction but no carrier shall
12 be required to restore any service discontinued as aforesaid *unless*
13 *the Board of Public Utility Commissioners shall determine, after*
14 *notice and hearing, that the service is required by public con-*
15 *venience and necessity.*

16 *Notwithstanding any other provisions of this act, all vehicles*
17 *used by any motor bus carrier pursuant to contracts authorized*
18 *by this section shall be subject to the jurisdiction of the Board of*
19 *Public Utility Commissioners with respect to insurance, main-*
20 *tenance, specifications and safety to the same extent such jurisdic-*
21 *tion is conferred upon the board by Title 48, Public Utilities, as*
22 *amended and supplemented.*

23 8. Section 29 of the act of which this act is amendatory is
24 amended to read as follows:

25 29. There is hereby established in the Department of Trans-
26 portation a Commuter Advisory Committee. Such committee shall
27 consist of the Assistant Commissioner for Public Transportation
28 as chairman, and 10 other members appointed by the Governor as
29 follows: 2 citizens of the State who are commuters; 2 mayors of
30 municipalities *or members of boards of chosen freeholders of coun-*
31 *ties served by railroads under contract to the State; 2 officials of*
32 *unions representing employees of railroads under contract to the*
33 *State; 2 officials of railroads or motorbus carriers under contract*
34 *to the State; and 2 public members who shall be citizens of the State.*

35 9. This act shall take effect immediately.

ASSEMBLY, No. 819

STATE OF NEW JERSEY

INTRODUCED APRIL 3, 1967

By Assemblymen TANZMAN, HALPIN, HIGGINS, A. S. SMITH,
BATEMAN, GIMSON, McDERMOTT, BEADLESTON and
COLEMAN

(Without Reference)

A SUPPLEMENT to "An act establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes," approved December 12, 1966 (P. L. 1966, c. 301) and making an appropriation therefor.

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

3 1. **[(a)]** In addition to the power conferred upon it by the act
4 hereby supplemented, the Commuter Operating Agency in the
5 Department of Transportation is hereby empowered to enter into,
6 from time to time, such supplemental agreements and contracts
7 and to commit, obligate, expend and disburse any funds appro-
8 priated for the purposes of this act as shall be necessary to assure
9 the continuance of **[essential freight service and]** such commuter
10 rail service as may be under contract under the provisions of the act
11 hereby supplemented in any case where the agency, with or without
12 a hearing, is satisfied that, by reason of the inability of the carrier
13 to meet its debts as they mature, or otherwise, all or part of said
14 commuter **[or freight]** service is unlikely to be continued unless
15 additional funds are made available to the carrier.

16 **[(b)]** "Essential freight service" shall mean those movements of
17 materials, equipment, goods and supplies on railroad trains to and
18 from points in this State which are determined by the Commuter
19 Operating Agency, with or without a hearing, to be necessary and
20 in the public interest after considering (1) the availability of
21 alternative means of transportation, (2) the cost to the State of
22 providing alternative transportation facilities and (3) the effect on

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

ASSEMBLY, No. 819

STATE OF NEW JERSEY

INTRODUCED APRIL 3, 1967

By Assemblymen TANZMAN, HALPIN, HIGGINS, A. S. SMITH,
BATEMAN, GIMSON, McDERMOTT, BEADLESTON and
COLEMAN

(Without Reference)

A SUPPLEMENT to "An act establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes," approved December 12, 1966 (P. L. 1966, c. 301) and making an appropriation therefor.

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

3 1. (a) In addition to the power conferred upon it by the act
4 hereby supplemented, the Commuter Operating Agency in the
5 Department of Transportation is hereby empowered to enter into,
6 from time to time, such supplemental agreements and contracts
7 and to commit, obligate, expend and disburse any funds appro-
8 priated for the purposes of this act as shall be necessary to assure
9 the continuance of essential freight service and such commuter rail
10 service as may be under contract under the provisions of the act
11 hereby supplemented in any case where the agency, with or without
12 a hearing, is satisfied that, by reason of the inability of the carrier
13 to meet its debts as they mature, or otherwise, all or part of said
14 commuter or freight service is unlikely to be continued unless addi-
15 tional funds are made available to the carrier.

16 (b) "Essential freight service" shall mean those movements of
17 materials, equipment, goods and supplies on railroad trains to and
18 from points in this State which are determined by the Commuter
19 Operating Agency, with or without a hearing, to be necessary and
20 in the public interest after considering (1) the availability of
21 alternative means of transportation, (2) the cost to the State of
22 providing alternative transportation facilities and (3) the effect on

1 State and local employment, population trends, economic values
2 and tax revenues.

3 2. No such funds shall be expended under the provisions of this
4 act except under supplemental agreement or contract approved by
5 said agency containing such terms and conditions as the agency
6 shall determine are sufficient to assure that the funds will be used
7 to promote the continuity of the service in question and containing
8 any further terms and conditions said agency shall require con-
9 cerning the waiver of rights or imposition of supplemental obliga-
10 tions as may be reasonably necessary to assure adequate considera-
11 tion to the State.

12 3. There is hereby appropriated to the Department of Trans-
13 portation to carry out the purposes of this act for the period com-
14 mencing immediately and ending June 30, 1968 the sum of
15 \$2,000,000.00.

16 4. This act shall take effect immediately.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

SENATE AMENDMENTS TO
ASSEMBLY, No. 819

STATE OF NEW JERSEY

ADOPTED APRIL 10, 1967

Amend page 1, section 1, line 3, delete "(a)".

Amend page 1, section 1, line 9, delete the words "essential freight service and".

Amend page 1, section 1, line 14, delete the words "or freight".

Amend page 1, section 1, line 16, delete section (b) in its entirety.

A BILL TO AMEND TITLE 17, CHAPTER 27, OF THE REVENUE STATUTES OF THIS STATE, AS AMENDED BY CHAPTER 12, P.L. 1956, c. 301, AND TO REPEAL CHAPTER 88 OF THE LAWS OF 1964, AND TO REPEAL CHAPTER 27 OF TITLE 17 OF THE REVENUE STATUTES OF THIS STATE, AS AMENDED BY CHAPTER 12, P.L. 1956, c. 301, AND TO REPEAL AN APPROPRIATION IDENTICAL

1 Be it enacted by the Senate and General Assembly of the State
2 of New Jersey:

3 1. ~~"(a)?"~~ In addition to the power conferred upon it by the
4 hereby supplemented, the Committee Operating Agency of the
5 Department of Transportation is hereby empowered to enter into
6 from time to time, such supplemented agreements and contracts
7 and to commit, obligate, expend and disburse any funds appro-
8 priated for the purposes of this act which shall be necessary to insure
9 the continuance of ~~"(essential freight service and)"~~ ~~"essential freight~~
10 ~~service as may be under the provisions of the act~~ and under the provisions of the act
11 hereby supplemented in any case where the agency, with or without
12 a hearing, is satisfied that, by reason of the inability of the carrier
13 to meet its obligations, such work as otherwise, all as part of such
14 ~~contracted "essential freight" service, shall be continued and~~
15 additional funds are not available to the carrier.

16 ~~"(b) "Essential freight service" shall mean the movement of~~
17 ~~material, equipment, goods and supplies or related to the carrier~~
18 ~~from points in this State which are determined by the Committee~~
19 ~~Operating Agency, with or without a hearing, to be essential to~~
20 ~~the public interest in the operation of the carrier's service.~~

SENATE, No. 413

STATE OF NEW JERSEY

INTRODUCED MAY 23, 1966

By Senators KIEFER, PARSEKIAN, HUGHES, FELDMAN, FERNICOLA
and O'CONNOR

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes.

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

ARTICLE I

1 1. This act shall be known and may be cited as the "Transportation Act
2 of 1966." It shall be the purpose and intent of this act to establish the means
3 whereby the full resources of the State can be used and applied in a co-ordi-
4 nated and integrated manner to solve or assist in the solution of the problems
5 of transportation; to promote an efficient, integrated and balanced trans-
6 portation system for the State; to prepare and implement comprehensive
7 plans and programs for transportation development in the State; and to co-
8 ordinate the transportation activities of State agencies, State-created public
9 authorities, and other public agencies with transportation responsibilities
10 within the State.

1 2. There is hereby established in the Executive Branch of the State Gov-
2 ernment a principal department which shall be known as the Department of
3 Transportation.

4 As used in this act, unless the context clearly indicates otherwise, the
5 word "department" means the Department of Transportation established
6 herein.

1 3. All of the functions, powers and duties of the existing State Highway
2 Department and the State Highway Commissioner, of the existing Division
3 of Railroad Transportation, and of the existing Department of Conservation
4 and Economic Development and its commissioner deriving from Title 6, Avi-
5 ation, of the Revised Statutes as amended and supplemented, are hereby
6 transferred to and vested in the Department of Transportation established
7 hereunder.

1 4. The administrator and head of the department shall be a commis-
2 sioner, who shall be known as the Commissioner of Transportation, and who
3 shall be a person qualified by training and experience to perform the duties
4 of his office. The commissioner shall be appointed by the Governor, with the
5 advice and consent of the Senate, and shall serve at the pleasure of the Gov-
6 ernor during the Governor's term of office and until the appointment and
7 qualification of the commissioner's successor. The commissioner shall re-
8 ceive such salary as shall be provided by law.

9 The person in office as the State Highway Commissioner on the effective
10 date of this act shall hold the office of Commissioner of Transportation until
11 his successor is appointed and has qualified.

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

5 (a) Develop, from time to time revise and maintain a comprehensive
6 master plan for transportation development;

7 (b) Develop programs designed to foster efficient and economical public
8 transportation services in the State;

9 (c) Prepare plans for the preservation and improvement of the com-
10 muter railroad system;

11 (d) Develop plans for more efficient public transportation service by
12 motor bus operators; develop statistics, analyses, and other data of use to
13 bus operators in the provision of public transportation service; facilitate
14 more effective co-ordination between bus service and other forms of public
15 transportation, particularly the commuter railroads; review petitions for
16 motor bus franchises in areas served by the commuter railroad system and
17 make appropriate recommendations thereon to the Board of Public Utility
18 Commissioners;

19 (e) Co-ordinate the transportation activities of the department with
20 those of other public agencies and authorities;

21 (f) Co-operate with interstate commissions and authorities, State de-
22 partments, councils, commissions and other State agencies, with appropriate
23 Federal agencies, and with interested private individuals and organizations
24 in the co-ordination of plans and policies for the development of air com-
25 merce and air facilities; and

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

1 6. (a) The commissioner shall organize the department and establish
2 therein such divisions as he may deem necessary and expedient. He may
3 formulate and adopt rules and regulations and prescribe duties for the
4 efficient conduct of the business, work and general administration of the
5 department, its officers and employees. In addition, the commissioner may
6 delegate to subordinate officers or employees in the department such of his
7 powers as he may deem desirable, to be exercised under his supervision and
8 direction.

9 (b) The commissioner shall designate any officer or employee in
10 the department to perform all of the powers, functions and duties of the
11 commissioner during the absence or disability of the commissioner. Such des-
12 ignation shall be subject to the approval of the Governor, and shall be in
13 writing and filed with the Secretary of State. In the event that the commis-

14 sioner shall die, resign or be removed from his office or become disqualified
15 to execute the duties of his office or a vacancy shall occur in the office of
16 commissioner for any cause whatever, the person designated as aforesaid
17 shall have and exercise the powers and perform the functions, powers and
18 duties of the commissioner until the successor of the commissioner is ap-
19 pointed and shall qualify.

1 7. The commissioner may apply for and accept on behalf of the State
2 any grants from the Federal Government or any agency thereof, or from
3 any foundation, corporation, association or individual, and may comply with
4 the terms, conditions and limitations thereof, for any of the purposes of the
5 department. Any money so received may be expended by the department,
6 subject to any limitations imposed in such grants to effect any of the pur-
7 poses of the department, as the case may be, upon warrant of the Director
8 of the Division of Budget and Accounting of the Department of the Treasury
9 on vouchers certified and approved by the commissioner. The power herein
10 granted shall be in addition to and shall in no way limit the authority granted
11 to the commissioner by chapter 8 of Title 27 or other existing law.

ARTICLE II

1 8. The commissioner shall be assisted in the performance of his duties
2 relating to the design and development of highways by a State Highway
3 Engineer, who shall be a person qualified by training and experience to per-
4 form the duties of his office. The State Highway Engineer shall be appointed
5 by the commissioner and shall serve at the pleasure of the commissioner
6 and until the State Highway Engineer's successor has been appointed and
7 has qualified. He shall receive such salary as shall be provided by law.

1 9. The commissioner also may appoint 3 assistant State highway engi-
2 neers, whose qualifications shall be the same as those prescribed for the State
3 Highway Engineer. The assistant State highway engineers shall serve at
4 the pleasure of the commissioner and shall receive such salaries as shall be
5 approved by the commissioner and the President of the Civil Service Com-
6 mission, subject to availability of funds.

1 10. The persons in office as State Highway Engineer and assistant State
2 highway engineers on the effective date of this act shall continue to hold
3 their respective offices until their respective successors are appointed and
4 have qualified.

1 11. The commissioner shall be assisted in the performance of his duties
2 relating to public transportation by an Assistant Commissioner for Public
3 Transportation, who shall be a person qualified by training and experience
4 to perform the duties of his office. The Assistant Commissioner for Public
5 Transportation shall be appointed by the commissioner and shall serve at
6 the pleasure of the commissioner and until the Assistant Commissioner for
7 Public Transportation's successor has been appointed and has qualified. He
8 shall receive such salary as shall be provided by law.

1 12. The commissioner also shall be assisted by a Director of Planning
2 and a Director of Administration, who shall be appointed by the commis-
3 sioner and shall serve at his pleasure.

1 13. The Director of Planning and the Director of Administration shall be
2 persons qualified by training and experience to perform the duties of their
3 respective offices, and shall receive such salaries as shall be approved by the
4 commissioner and the President of the Civil Service Commission, subject to
5 the availability of funds. The persons in office as Director of Planning and
6 Director of Administration on the effective date of this act shall continue
7 to hold their respective offices until their respective successors are ap-
8 pointed and have qualified.

1 14. In the event that the State Highway Engineer, the assistant State
2 highway engineers, the Assistant Commissioner for Public Transportation,
3 the Director of Planning or the Director of Administration are appointed
4 from persons holding positions in the classified service of the State, they
5 shall retain, during their tenure in such positions, any rights or protections
6 provided them by Title 11, Civil Service, of the Revised Statutes or any
7 pension law or retirement system.

ARTICLE III

1 15. Hereafter in this act, unless the context indicates another or different
2 meaning or intent:

3 (a) "Carrier" shall mean any individual, copartnership, association,
4 corporation, joint stock company, receiver or trustee operating any railroad
5 or motor bus in this State between points in this State and adjacent metro-
6 politan areas in other States, for public use;

7 (b) "Agency" shall mean the Commuter Operating Agency;

8 (c) "Passenger service" shall mean the operation of railroad trains to
9 carry commuter and suburban passengers between points in this State and
10 between such points and adjacent metropolitan areas in other States, or the
11 operation of motor buses to transport passengers to and from railroad sta-
12 tions or in lieu of railroad passenger service.

13 (d) "Improvements to capital facilities" shall mean in connection with
14 passenger service the acquisition, construction, reconstruction, relocation, re-
15 moval, establishment or rehabilitation of passenger stations and terminals,
16 automobile parking facilities, track connections, signal systems, power sys-
17 tems, roadbeds, equipment storage and servicing facilities, grade crossings,
18 railroad passenger cars, locomotives and motor buses.

1 16. (a) There is hereby established in the Department of Transportation
2 the Commuter Operating Agency.

3 (b) The agency shall consist of 4 members who shall be the Commis-
4 sioner of Transportation, the Assistant Commissioner for Public Transpor-
5 tation, the State Treasurer and the President of the Board of Public Utility
6 Commissioners, or their respective designees.

7 (c) The Commissioner and the Assistant Commissioner for Public Trans-
8 portation shall be the chairman and secretary, respectively, of the agency.
9 The executive director of the agency shall be an officer of the department
10 so designated by the commissioner in writing, which designation shall be
11 filed with the Secretary of State. Such designation shall continue in effect

12 until the commissioner shall, in the manner herein provided, designate another
13 officer in the department as such executive director. The executive director
14 shall have such powers and duties as are delegated to him by the agency
15 from time to time.

16 (d) The commissioner shall assign to the agency such employees of the
17 department as may be necessary for the efficient operation of the work of
18 the agency. The agency may also appoint, retain and employ, to serve at its
19 pleasure, a director of operations and a deputy director of operations, and
20 it shall determine their qualifications, duties, services and compensation.

21 (e) The powers of the agency shall be vested in the members thereof
22 and 3 members of the agency or their designees shall constitute a quorum at
23 any meeting thereof. Action may be taken and motions and resolutions
24 adopted by the agency at any meeting thereof by the affirmative vote of at
25 least 3 members or their designees. No vacancy in the membership of the
26 agency shall impair the right of a quorum to exercise all the rights and per-
27 form all the duties of the agency.

28 (f) A true copy of the minutes of every meeting of the agency shall be
29 delivered forthwith by and under the certification of the secretary thereof,
30 to the Governor. No action taken at such meeting by the agency shall have
31 force or effect until 10 days after such copy of the minutes shall have been
32 so delivered. If, in said 10-day period, the Governor returns such copy of the
33 minutes with veto of any action taken by the agency or any member thereof
34 at such meeting, such action shall be null and of no effect.

1 17. The agency annually shall investigate and determine the financial
2 results to each rail carrier from providing passenger service during the
3 previous calendar year and determine what action is required for each carrier
4 to offset all or part of any loss shown. Such determination may include but
5 shall not be limited to (a) changes in service, fares, operating procedures and
6 routings (b) improvements to capital facilities and (c) compensation by the
7 State for service to be rendered under a contract. The determination shall

8 list the passenger service to be operated by a carrier under a contract and
9 shall specify the fares to be collected for such passenger service; it shall
10 also contain a list of projects to carry out the objectives of this act for which
11 the commissioner recommends the use of matching funds. Prior to making
12 any such determination the agency may hold public hearings where it shall
13 make known its proposed action to interested parties and the general public
14 and receive from them any facts, material or recommendations that would
15 be of assistance under the circumstances. All determinations shall be made
16 public and filed with the Secretary of State not later than June 15 in each
17 year. Amendments to any determination may be made at any time, the re-
18 sults thereof made public and the amendments filed with the original deter-
19 mination.

1 18. In order to conserve and improve passenger service necessary for
2 public use now and in future years in this State, but subject to the limitations
3 of this act, the State of New Jersey, acting by and through the agency, may
4 enter into contracts with any rail carrier, providing for acceptance by such
5 carrier of all or any part of the agency's determination. Prior to entering
6 into any such contract, the agency shall hold public hearings where it shall
7 make known the terms and conditions of the proposed contract to interested
8 parties and the general public. Every contract entered into pursuant to this
9 section shall be subject to the following terms and conditions:

10 (a) Contracts involving expenditure of public funds for improvements
11 to capital facilities shall require continuance of specified passenger service
12 by the carrier for stated periods not limited to a fiscal year, and shall fur-
13 ther require that title to such improvements shall be vested with the State,
14 except that where public funds are expended to repair or rehabilitate exist-
15 ing facilities, the title to such facilities shall be the subject of negotiation be-
16 tween the agency and the owner thereof.

17 (b) No such contract with respect to any fiscal year shall provide for
18 payments by the State for service rendered in excess of the loss from com-
19 muter and suburban passenger service during the previous calendar year

20 as shown in the determination for that fiscal year. If during any contract
21 period a carrier shall realize a profit from its passenger service, which profit
22 exceeds a return on investment of 6%, $\frac{1}{2}$ of the excess shall be paid to the
23 agency. The accounting procedures to be employed to determine the extent
24 of any profit or loss, as the case may be, shall be a subject of negotiation
25 between the parties to the contract.

26 (c) Every such contract shall describe the passenger service which the
27 carrier shall be required to operate. Such description shall set forth the op-
28 eration of the contracted service which shall include timetables, train con-
29 sists and fare tariffs applicable to the service and any other provisions that
30 the agency may deem reasonable.

1 19. The agency may enter into contracts with any motor bus carrier to
2 operate passenger service (a) in lieu of railroad passenger service whenever
3 the latter is terminated subsequent to the effective date of this act, or (b)
4 from and to railroad stations as part of an integrated service. Payment by
5 the agency for such passenger service shall be based on the actual cost of
6 such service to the motor bus carrier plus a 6% return on investment.

7 The agency may also enter into contracts with any motor bus carrier
8 pursuant to which the agency may acquire, purchase or rehabilitate motor
9 buses for lease to such carrier to be operated in specified passenger service,
10 provided that any State funds expended for such programs are at least
11 equally matched by Federal funds.

1 20. Each contract entered into in accordance with this act shall obligate
2 the carrier:

3 (a) To operate passenger service on its lines or over tracks of other rail-
4 roads in accordance with said contract, and to collect fares from persons
5 (other than those employees of railroads or other persons allowed free pas-
6 sage or reduced fares in such passenger service under statutes heretofore
7 enacted or under agreements heretofore made and now in effect) at the rates
8 set forth in the fare tariffs included in such contract;

9 (b) To secure, keep in effect and abide by all approvals, orders or other

10 proceedings of any State or Federal agency or court with respect to the
11 contracted service;

12 (c) During the term of the contract and such further period as the con-
13 tract may provide, unless otherwise approved in writing by the agency, not to
14 initiate, take or prosecute and to actively resist, any proceedings before any
15 State or Federal agency or court for any order, approval, judgment, decree
16 or other action impairing or limiting the rights, powers and capacity of the
17 carrier to operate the contracted service and carry out and perform its obli-
18 gations under said contract with respect to the contracted service;

19 (d) To maintain and operate passenger service required by virtue of the
20 contract, equipment and all facilities incidental thereto in a safe, sanitary
21 and proper manner and condition with a minimum of delays or cancellations
22 and with maintenance of arrival and departure times for all stations and
23 station stops; and

24 (e) To take all necessary action to initiate, expedite and complete within
25 the stated time the improvements to capital facilities required by virtue of
26 the contract.

1 21. Each contract entered into in accordance with this act shall obligate
2 the agency to pay to the carrier the amount agreed upon in the contract as
3 compensation for service satisfactorily rendered provided the carrier has com-
4 plied with the contract in all other respects to the satisfaction of the agency.

1 22. Each contract shall contain conditions, terms and provisions as the
2 agency may require including, but not limited to, provisions permitting or re-
3 lating to (a) determination of contracted service satisfactorily operated, (b)
4 deductions or penalties with respect to unsatisfactory service, (c) auditing
5 and settlement of payments, (d) termination, waivers, release, modification
6 or other effect in event of nonperformances, or of strikes, riots, disasters,
7 acts of God or condition not caused or permitted by the carrier or within its
8 control, (e) additional obligations of the carrier, and (f) any such other
9 matters as the agency deems to be in the public interest.

1 23. Any contract may, from time to time upon mutual agreement of the

2 parties, be amended to make changes in service or fares as permitted in sec-
3 tion 24, in the manner in which the service required by the contract is to be
4 operated by the carrier, or in the methods and procedures used to effectuate
5 improvements to capital facilities required by the contract.

1 24. Every carrier entering into a contract shall be obligated to continue
2 during the term of the contract all existing passenger service and fares appli-
3 cable thereto, except that the contract shall afford the carrier the right to
4 petition the agency for changes in passenger service and applicable fares
5 during the term of the contract. If such a petition includes an application to
6 decrease the number of trains, a substantial change in schedules or an in-
7 crease in fares, the agency, prior to making any determination with respect
8 thereto, shall hold a public hearing on notice. In acting on any such petition
9 the agency shall give due consideration to the following factors:

- 10 (a) The availability of alternative means of public transportation.
11 (b) The potential cost of continuing the service sought to be curtailed or
12 discontinued.
13 (c) The cost to the State of providing alternative transportation facil-
14 ities either by common carriers or highway improvement.
15 (d) The resulting effect on State and local population trends, economic
16 values and tax revenues.

17 The authority hereby given the agency with respect to the discontinuance,
18 curtailment, abandonment or change in passenger service shall be exercised
19 during the contract period without regard or reference to the jurisdiction
20 vested in the Board of Public Utility Commissioners by section 48:2-24 of
21 the Revised Statutes. At the conclusion of the contract period the Board of
22 Public Utility Commissioners shall resume such jurisdiction but no carrier
23 shall be required to restore any service discontinued as aforesaid.

1 25. In order to carry out the objectives of this act, the agency may:

- 2 (a) Make whatever reasonable rules and regulations it may deem neces-
3 sary which shall have the force and effect of law;
4 (b) Investigate any matters concerning any carrier under contract to the
5 agency and in aid of such investigation the agency shall have access to and

6 the carrier shall make available its property, books, records, or documents;

7 (c) Call to its assistance and avail itself of the services of such employees
8 of any Federal or State department or agency as it may require and as may
9 be available to it for said purpose.

10 (d) Have the power to receive and expend money from any Federal or
11 State agency or instrumentality and from any private sources, in addition
12 to the money appropriated by the Legislature; and as may be necessary for
13 that purpose to enter into agreements with any person whatever, including
14 but not limited to railroads, motor bus companies, governmental agencies or
15 political entities;

16 (e) Designate assistants to conduct hearings;

17 (f) Acquire in the name of the State by purchase or otherwise, on such
18 terms and conditions and in such manner as it may deem proper, or by the
19 exercise of the power of eminent domain, any land or interest therein and
20 other property which it may determine is reasonably necessary for any proj-
21 ect, including any lands held by any county, municipality or other govern-
22 mental subdivision of the State; and to hold and use the same and to sell,
23 convey, lease or otherwise dispose of property so acquired, no longer nec-
24 essary for the agency's purposes;

25 (g) Acquire, lease as lessee, hold and dispose of real and personal prop-
26 erty or any interest therein, in the exercise of its powers and the perform-
27 ance of its duties under this act;

28 (h) Enter into any and all agreements or contracts, execute any and all
29 instruments, and do and perform any and all acts or things necessary, con-
30 venient or desirable for the purposes of the agency or to carry out any
31 power expressly given in this act.

1 26. This article is intended to protect and promote the public health,
2 safety and welfare and shall be liberally construed to obtain the objective
3 and effect the purposes thereof.

1 27. The time requirement of section 17 is hereby modified to permit the
2 agency to issue its determination with respect to the fiscal year ending June

3 30, 1967 not more than 60 days following the effective date of this act.

1 28. Chapter 88 of the laws of 1964 is hereby repealed.

2 This repealer shall not in any way affect any contracts, agreements,
3 determinations, order, rules or regulations heretofore made or promulgated,
4 as the case may be, by the Highway Commissioner pursuant to any author-
5 ity heretofore granted but such contracts, agreements, determinations,
6 orders, rules and regulations shall continue with full force and effect until
7 otherwise amended, repealed or terminated in accordance with the terms
8 thereof or pursuant to the provisions of this act.

9 In addition, an agreement between the Highway Commissioner and the
10 Delaware River Port Authority dated January 11, 1965, pursuant to which
11 the New Jersey Highway Department is required to make an annual finan-
12 cial contribution for the maintenance and operation of ferry service between
13 Chester, Pennsylvania and Bridgeport, New Jersey, shall remain in effect
14 until such time as the proposed bridge between these points is completed and
15 operating.

ARTICLE IV

1 29. There is hereby established in the Department of Transportation a
2 Commuter Advisory Committee. Such committee shall consist of the Assist-
3 ant Commissioner for Public Transportation as chairman, and 10 other mem-
4 bers appointed by the Governor as follows: 2 citizens of the State who are
5 commuters; 2 mayors of municipalities served by railroads under contract to
6 the State; 2 officials of unions representing employees of railroads under con-
7 tract to the State; 2 officials of railroads under contract to the State; and 2
8 public members who shall be citizens of the State.

1 30. Members shall be appointed for terms of 2 years and shall serve
2 until their respective successors shall have been appointed and have quali-
3 fied. Vacancies shall be filled in the same manner as the original appoint-
4 ment for the remainder of the unexpired term. Members shall serve without
5 compensation but shall be entitled to be reimbursed for all reasonable and
6 necessary expenses.

1 31. The committee shall consult with and advise the commissioner with
2 respect to the affairs and problems of commuter railroads, and shall conduct
3 such studies of specific commuter problems as the commissioner may from
4 time to time direct.

1 32. The committee shall meet at the call of the commissioner, the time
2 and place of such meetings to be fixed by the commissioner.

ARTICLE V

1 33. The New Jersey Turnpike Authority, the New Jersey Expressway
2 Authority and the New Jersey Highway Authority in the State Highway De-
3 partment, together with all of their functions, powers and duties, are con-
4 tinued as bodies politic and corporate, with corporate succession, but such
5 authorities are transferred to the Department of Transportation established
6 hereunder. The persons in office as members of said authorities on the effec-
7 tive date of this act shall continue to hold their respective offices for the
8 periods of their respective terms which remain unexpired on the effective
9 date of this act and until their respective successors are appointed and have
10 qualified.

ARTICLE VI

1 34. All appropriations and other moneys available and to become avail-
2 able to any department, division, bureau or other agency, the functions,
3 powers and duties of which have been herein assigned or transferred to the
4 Department of Transportation, are hereby transferred to the Department of
5 Transportation established hereunder, and shall be available for the objects
6 and purposes for which appropriated, subject to any terms, restrictions,
7 limitations or other requirements imposed by State or Federal law.

1 35. Such employees of any department, commission, council, board, au-
2 thority, office or other agency, the functions, powers and duties of which have
3 been herein assigned or transferred to the Department of Transportation or
4 to any office, authority or agency designated, continued or constituted therein,
5 as the Commissioner of Transportation may determine are needed for the
6 proper performance of the functions and duties imposed upon the Depart-

7 ment of Transportation, or such office, authority or agency therein, are
8 hereby transferred to the department, office, authority or agency to which
9 such functions, powers and duties have been herein assigned or transferred.

1 36. Nothing in this act shall be construed to deprive any person of any
2 tenure rights or of any right or protection provided him by Title 11, Civil
3 Service, of the Revised Statutes, or under any pension law or retirement
4 system.

1 37. All files, books, papers, records, equipment and other property of any
2 department, commission, council, board, office, authority or other agency, the
3 functions, powers and duties of which have been herein assigned or trans-
4 ferred to the Department of Transportation or to any office, authority or
5 agency designated, continued or constituted hereunder, shall upon the effec-
6 tive date of this act be transferred to the department, office, authority or
7 agency to which such assignment or transfer has been made hereunder.

1 38. This act shall not affect the orders, rules and regulations hereto-
2 fore made or promulgated by any department, commission, council, board,
3 authority, officer or other agency, the functions, powers and duties of which
4 have been herein assigned or transferred to the Department of Transporta-
5 tion or to any officer, authority or agency designated, continued or consti-
6 tuted hereunder; but such orders, rules and regulations shall continue with
7 full force and effect until amended or repealed pursuant to law.

1 39. This act shall not affect actions or proceedings, civil or criminal,
2 brought by or against any department, commission, council, board, authority,
3 officer or other agency, the functions, powers and duties of which have been
4 herein assigned or transferred to the Department of Transportation or to
5 any officer, authority or agency designated, continued or constituted here-
6 under, and pending on the effective date of this act, but such actions or
7 proceedings may be prosecuted or defended in the same manner and to the
8 same effect by the department, officer, authority or agency to which such
9 assignment or transfer has been made hereunder, as if the foregoing provi-
10 sions had not taken effect; nor shall any of the foregoing provisions affect any
11 order or recommendation made by, or other matters or proceedings before,

12 any department, commission, council, board, officer, authority or agency, the
13 functions, powers and duties of which have been herein assigned or trans-
14 ferred to the Department of Transportation or to any officer, authority or
15 agency designated, continued or constituted hereunder, and all such matters
16 or proceedings pending before such department, commission, council, board,
17 officer, authority or other agency on the effective date of this act shall be con-
18 tinued by the department, officer, authority or agency to which such assign-
19 ment or transfer has been made hereunder, as if the foregoing provisions had
20 not taken effect.

1 40. Unless specifically otherwise provided in this act or by any operative
2 law, whenever, pursuant to existing law, reports, certifications, applications
3 or requests are required or permitted to be made to the department, board,
4 division, commission, office or officer, whose powers and duties are herein
5 assigned or transferred, such reports and certifications shall hereafter be re-
6 quired to be filed with, and such applications or requests shall hereafter be
7 made to, the department, officer or agency to which such assignment or trans-
8 fer has been made hereunder.

1 41. All acts and parts of acts inconsistent with any of the provisions of
2 this act are, to the extent of such inconsistency, hereby repealed.

1 42. If any provision of this act or the application thereof to any person
2 or circumstances or the exercise of any power or authority thereunder is held
3 invalid or contrary to law, such holding shall not affect other provisions or
4 applications of the act which can be given effect without the invalid pro-
5 visions or applications or affect other exercises of power or authority under
6 said provisions not contrary to law, and to this end the provisions of this
7 act are declared to be severable.

1 43. There is hereby appropriated from the General Treasury to the De-
2 partment of Transportation the sum of \$200,000.00 to carry out the purposes
3 of this act for the fiscal year ending June 30, 1967.

1 44. This act shall take effect July 1, 1966, except that any appointment,
2 and any confirmation or approval of any appointment, permitted by this act
3 may be made prior to such date.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 413

STATE OF NEW JERSEY

ADOPTED MAY 25, 1966

Amend page 4, section 8, lines 3 and 4, delete "who shall be a person qualified by training and experience to perform the duties of his office", and insert in lieu thereof "who shall be a qualified and competent professional engineer with actual experience in road and bridge construction and maintenance".

Amend page 6, section 15, line 5, after the word "State" and before "and", insert "and between such points".

ASSEMBLY AMENDMENTS TO

SENATE, No. 413

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 6, 1966

Amend page 4, section 8, lines 1-9, delete section 8 in its entirety and insert in lieu thereof:

“8. The commissioner shall be assisted in the performance of his duties relating to the design and development of highways by an Assistant Commissioner for Highways who shall be a person qualified by training and experience to perform the duties of his office. The Assistant Commissioner for Highways shall be appointed by the commissioner and shall serve at the pleasure of the commissioner and until the Assistant Commissioner for Highways' successor has been appointed and has qualified. He shall receive such salary as shall be provided by law.”

“9. The commissioner shall appoint as State Highway Engineer a qualified and competent professional engineer with actual experience in road and bridge construction and maintenance. The State Highway Engineer shall be appointed by the commissioner and shall serve at the pleasure of the commissioner and until the State Highway Engineer's successor has been appointed and has qualified. He shall receive such salary as shall be provided by law.”

Amend page 4, section 9, line 1, delete “9.”, and insert in lieu thereof “10.”

Amend page 5, section 10, line 1, delete “10.”, and insert in lieu thereof “11.”

Amend page 5, section 11, line 1, delete “11.”, and insert in lieu thereof “12.”

Amend page 5, section 12, line 1, delete "12.", and insert in lieu thereof "13."

Amend page 5, section 13, line 1, delete "13."

Amend page 5, section 14, line 1, before "the State Highway Engineer", insert "the Assistant Commissioner for Highways,".

Amend page 6, section 15, line 17, after "facilities," insert "bridges,".

Amend page 8, section 17, line 11, delete "matching", and insert in lieu thereof "public".

Amend page 8, section 17, lines 17-18, delete ", the results thereof made public".

Amend page 8, section 17, line 18, delete "the amendments".

Amend page 8, section 18, line 15, after "facilities," delete "the title to such facilities", and insert in lieu thereof "such title to or other interest in such facilities as the carrier may have".

Amend page 8, section 18, line 16, delete "owner thereof", and insert in lieu thereof "carrier".

Amend page 10, section 21, line 2, delete "agency", and insert in lieu thereof "State".

STATEMENT BY GOVERNOR RICHARD J. HUGHES

As the most heavily urbanized state in the nation, New Jersey faces transportation problems of massive proportions. It is not an exaggeration to assert that the economy and well-being of this state depend on their solution. Realizing this, the Legislature at my request created a Department of Transportation with vastly expanded legal powers, providing the tools needed to accomplish an important mission. With these new powers, the department must develop a balanced system of transportation which will be a smoothly working mechanism to meet the challenge of this second half of the century.

Particularly at this beginning stage of what might well become a revolutionary change in our approach to the overwhelming problems before us, I feel that the legal complexities are such that this new department's potential can best be realized by one who is well trained both in law and in government and fully aware through current experience of the precise nature of our New Jersey transportation problems.

I am, therefore, most pleased that such an informed person is available to cope with this difficult assignment and that I am able to appoint David J. Goldberg, Counsel to the Governor, to be our new Commissioner of Transportation. I hope that the Senate, whose members have had long and good experience with him, will consent to this appointment.

As my Counsel, and having rendered comparable service to my predecessor, Governor Robert B. Meyner, Mr. Goldberg has displayed commendable legal and administrative talents. He has had a close working relationship with the existing Highway Department in the preparation of important legislation and in working out, with perseverance and patience, solutions to many serious problems. Through his service as Vice Chairman of the Delaware River Joint Toll Bridge Commission and through daily working contacts with regional bodies such as the Port of New York Authority and the Tri-State Transportation Commission, he has developed a wealth of invaluable experience touching on the over-all transportation needs of our state.

(MORE)

Moreover, as New Jersey's representative on the Northeastern Regional Transportation Committee, he is closely involved with the exciting new possibilities of a high speed rail corridor from Boston to Washington. He also serves as our representative on the Delaware Valley Regional Planning Commission, which is responsible for the planning of regional transportation developments affecting South Jersey. The appointee has represented New Jersey in discussion of our transportation problems with important Federal executives, including the newly designated Secretary of Transportation, Alan S. Boyd. He has testified before congressional committees on various transportation problems.

As one of the authors of the Transportation Act of 1966, Mr. Goldberg is familiar with the potential and objectives of this new agency and, I believe, will give it the effective direction it needs to achieve the important purposes for which it was established.

To express all of this in simpler terms, David Goldberg is a man of experience who has a reputation for getting things done. It is especially for this reason, and with confidence in his zeal as well as his capacity to do the job, that I have appointed him as Commissioner of our new Department of Transportation.

####

BIOGRAPHY - DAVID J. GOLDBERG

PERSONAL

Born July 21, 1930 in Chester, Pennsylvania
Residence - 47 Stonicker Drive, Trenton, New Jersey
Married Barbara Berman of New York City
Children - Debra Lynn, 8
 Daniel Steven, 5

EDUCATION

Trenton Public Schools
Rutgers University - B.A. 1952
University of Pennsylvania - L.L.B. 1955

LEGAL BACKGROUND

Clerkship - Attorney General's office
 Judge (then Assistant Attorney General) Harold Kolovsky, Preceptor

Admitted to Bar
 District of Columbia - 1955
 New Jersey (as Attorney) - 1956
 New Jersey (as Counselor) - 1956

Bar Associations Membership
 American Bar Association
 State Bar Association
 Mercer County Bar Association

POSITIONS WITH STATE

Member of Governor's Staff since 1956
Deputy Attorney General since 1957
Assistant Personal Counsel, 1957 - 1962
Associate Counsel to the Governor, 1962 - 1964
Personal Counsel to the Governor since 1964
Member of Rural Advisory Council (Department of Agriculture) 1959 - 1966
Member of Delaware River Joint Toll Bridge Commission since 1960;
 Vice Chairman 1960 - 1961, 1966 - 1967
Secretary, Commission to Study Capital Punishment - 1964
Member, Governor's Committee to Study Local Property Taxation - 1965 - 1966
Mercer County Delegate - Constitutional Convention - 1966
Governor's Representative - Delaware Valley Planning Commission
Governor's Representative - Northeastern Regional Transportation Committee