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"Salaries dispute delays passage of transportation bill ," 6-30-2000 Star Ledger, p.20

"Transportation bill delayed," 6-30-2000 Home News, p.A4

"\$3.75B transit funding hits Assembly obstacle-30-2000 Trenton Times p.A6

"Whitman signs transit funds bill," 7-21-2000 Trentonian, p.4

"\$3.75B roads bill stresses upgrades, 7-21-2000 The Record, pA3

"Whitman enact\$3.75 billion transit measure," 7-21-2000 p.B1

[Corrected Copy]

SENATE, No. 16

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator DONALD T. DIFRANCESCO

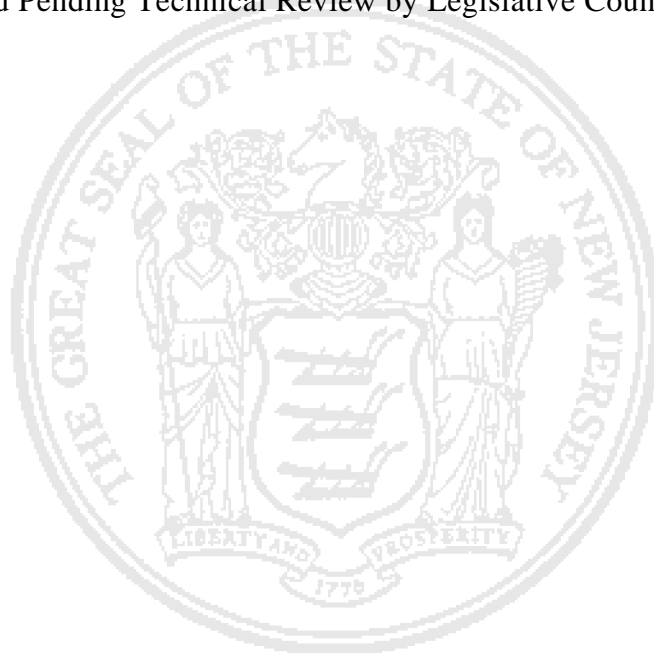
District 22 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

"Congestion Relief and Transportation Trust Fund Renewal Act of the Year 2000."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 1 through 9 and 16 and 17 of this act
10 shall be known and may be cited as the "Congestion Relief and
11 Transportation Trust Fund Renewal Act of the Year 2000."

12

13 2. (New section) The Legislature hereby finds and declares that:
14 a. A balanced and improved transit and highway system is of key
15 importance to our State's continued prosperity and to the quality of
16 life of our citizens.

17 b. The State's citizens and businesses require a transportation
18 system which provides adequate mobility to all of its citizens.

19 c. The State should consider and utilize, where appropriate,
20 transportation approaches and concepts to reduce congestion, enhance
21 mobility, discourage sprawl, and assist in the redevelopment of our
22 cities, enhance suburbs and town centers, and otherwise improve the
23 quality of life of our citizens.

24 d. Stable and adequate dedicated funding is a prerequisite to the
25 sensible planning of transportation projects, most of which are
26 conceived, planned, designed and built over a span of several years.

27 e. Transportation projects shall be consistent with sound land use
28 planning including the goals of the State Development and
29 Redevelopment Plan.

30 f. The system of financing under the New Jersey Transportation
31 Trust Fund Authority has provided a stable source of funds to keep
32 our transportation system in good repair and to provide funding for
33 important new projects which have enhanced that system.

34 g. The renewal and improvement of the system of financing under
35 the Transportation Trust Fund Authority and a significant increase in
36 the funding of that system are necessary to achieve the aforementioned
37 goals and can be achieved without the necessity of increasing taxes.

38

39 3. (New section) The Commissioner of Transportation
40 (hereinafter, "the commissioner") shall establish and implement a
41 program to employ the best available technology to improve traffic
42 signal operation throughout the State so as to avoid unnecessary
43 delays, reduce air pollution, and allow traffic to move sequentially

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

Matter underlined thus is new matter.

1 through signals on a State highway without stopping, to the greatest
2 extent practicable.

3

4 4. (New section) No new project shall be included in the report of
5 the commissioner required to be submitted pursuant to section 22 of
6 P.L.1984, c.73 (C.27:1B-22) unless the commissioner has first
7 determined that the project is consistent with the goals of the State
8 Development and Redevelopment Plan.

9

10 5. (New section) No later than January 1, 2001, the commissioner
11 shall submit a report to the Legislature containing a program which
12 will provide incentives to businesses to adopt policies which will
13 encourage as many workers as possible to utilize mass transit, van
14 pooling and car pooling.

15

16 6. (New section) No later than January 1, 2001, the commissioner,
17 in consultation with the Chief Executive Officer and Secretary of the
18 New Jersey Commerce and Economic Growth Commission and the
19 State Treasurer, shall submit a report to the Legislature containing a
20 program to identify sectors of the economy, or specific occupations,
21 which are appropriate for telecommuting to increase telecommuting in
22 the State.

23

24 7. (New section) The commissioner shall establish one or more
25 congestion relief task forces with representatives of the toll road
26 authorities, the Department of Transportation, and of the counties and
27 municipalities, which shall be charged with identifying projects which
28 can be quickly implemented to relieve congestion. Such projects shall
29 not exceed the cost of \$150,000 each and shall be awarded on a design
30 build basis to contractors pre-qualified by the Department of
31 Transportation on a rotating basis without public bid or advertisement,
32 provided that the contractor agrees to perform all the work required
33 for the project for an amount not in excess of the department's
34 engineering estimate for that project. The department shall implement
35 not fewer than 10 such projects in each of the 10 years following the
36 enactment of the act.

37

38 8. (New section) Many State highways run through fully
39 developed cities and suburban towns. In addition, many small villages
40 in rural areas have State highways which pass through built up
41 residential areas or village centers. The traffic on many of these State
42 highways, particularly large truck and speeding traffic, prevents these
43 residential areas and town centers from functioning as intended. The
44 commissioner shall study this issue and develop a departmental
45 program which authorizes context sensitive design including "traffic
46 calming" strategies to be implemented in appropriate situations. Such

1 strategies may include, but not be limited to, reduced speed limits, so-
2 called "speed humps" (not "speed bumps"), angled parking, crosswalks
3 that give the pedestrian the right-of-way, reduced lane widths and
4 center islands.

5
6 9. (New section) The commissioner is authorized to develop a
7 departmental program not later than January 1, 2001 that will limit
8 "oversized" and "wide" vehicles to a specified network of highways
9 which meet sufficient design criteria and which have a record of safe
10 operation.

11
12 10. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as
13 follows:

14 3. The following words or terms as used in this act shall have the
15 following meaning unless a different meaning clearly appears from the
16 context:

17 a. "Act" means this New Jersey Transportation Trust Fund
18 Authority Act of 1984.

19 b. "Authority" means the New Jersey Transportation Trust Fund
20 Authority created by section 4 of this act.

21 c. "Bonds" means bonds issued by the authority pursuant to the
22 act.

23 d. "Commissioner" means the Commissioner of Transportation.

24 e. "Department" means the Department of Transportation.

25 f. "Federal aid highway" means any highway within the State in
26 connection with which the State receives payment or reimbursement
27 from the federal government under the terms of Title 23, United States
28 Code or any amendment, successor, or replacement thereof, for the
29 purposes contained in the act.

30 g. "Federal government" means the United States of America, and
31 any officer, department, board, commission, bureau, division,
32 corporation, agency or instrumentality thereof.

33 h. "South Jersey Transportation Authority" means the public
34 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
35 its successor.

36 i. "New Jersey Highway Authority" means the public corporation
37 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

38 j. "New Jersey Turnpike Authority" means the public corporation
39 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

40 k. "Notes" means the notes issued by the authority pursuant to the
41 act.

42 l. "Public highways" means public roads, streets, expressways,
43 freeways, parkways, motorways and boulevards, including bridges,
44 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
45 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
46 circles, grade separations, traffic control devices, the elimination or

1 improvement of crossings of railroads and highways, whether at grade
2 or not at grade, bicycle and pedestrian pathways and pedestrian and
3 bicycle bridges traversing public highways and any facilities,
4 equipment, property, rights of way, easements and interests therein
5 needed for the construction, improvement and maintenance of
6 highways.

7 m. "Public transportation project" means, in connection with public
8 transportation service, passenger stations, shelters and terminals,
9 automobile parking facilities, ferries, ferry facilities, ramps, track
10 connections, signal systems, power systems, information and
11 communication systems, roadbeds, transit lanes or rights of way,
12 equipment storage, pedestrian walkways and bridges connecting to
13 passenger stations and servicing facilities, bridges, grade crossings, rail
14 cars, locomotives, motorbuses and other motor vehicles, maintenance
15 and garage facilities, revenue handling equipment and any other
16 equipment, facility or property useful for or related to the provision of
17 public transportation service.

18 n. "State agency" means any officers, department, board,
19 commission, bureau, division, agency or instrumentality of the State.

20 o. "Toll road authorities" means and includes the New Jersey
21 Turnpike Authority, the New Jersey Highway Authority and the South
22 Jersey Transportation Authority.

23 p. "Transportation project" means, in addition to public highways
24 and public transportation projects, any equipment, facility or property
25 useful or related to the provision of any ground, waterborne or air
26 transportation for the movement of people and goods.

27 q. "Transportation system" means public highways, public
28 transportation projects, other transportation projects, and all other
29 methods of transportation for the movement of people and goods.

30 r. "[Maintenance] Permitted maintenance" means, in relation to
31 public transportation projects, direct costs of work necessary for
32 preserving or maintaining the useful life of public transportation
33 projects, provided the work performed is associated with the
34 acquisition, installation and rehabilitation of components which are not
35 included in the normal operating maintenance of equipment and
36 facilities or replaced on a scheduled basis. The work shall ensure the
37 useful life of the project for not less than [four] five years and shall
38 not include routine maintenance or inspection of equipment and
39 facilities that is conducted on a scheduled basis. This definition shall
40 not apply to the term "maintenance" as used in subsection l. of this
41 section. For purposes of this subsection, "permitted maintenance"
42 means, in relation to public highways, the direct costs of work
43 necessary for preserving or maintaining the useful life of public
44 highways, provided the work is not associated with the regular and
45 routine maintenance of public highways and their components, such as,
46 but not limited to, grass cutting, litter pick-up, snow plowing,

1 replacement of striping, light bulb replacement, damaged sign
2 replacement, pot hole repairs, guide rail repairs and normal and usual
3 work that historically, maintenance personnel have performed for the
4 department.

5 s. "Circle of Mobility" means an essential group of related transit
6 projects that include (1) the New Jersey Urban Core Project, as
7 defined in section 3031 of the "Intermodal Surface Transportation
8 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
9 following elements: Secaucus Transfer, Kearny Connection,
10 Waterfront Connection, Northeast Corridor Signal System, Hudson
11 River Waterfront Transportation System, Newark-Newark
12 International Airport-Elizabeth Transit Link, a rail connection between
13 Penn Station Newark and Broad Street Station, Newark, New York
14 Penn Station Concourse, and the equipment needed to operate revenue
15 service associated with improvements made by the project, and (2) the
16 modification and reconstruction of the West Shore Line in Bergen
17 County connected to Allied Junction/Secaucus Transfer Meadowlands
18 Rail Center; the construction of a rail station and associated
19 components at the Meadowlands Sports Complex; the modification
20 and reconstruction of the Susquehanna and Western Railway, as
21 defined and provided in section 3035 (a) of the "Intermodal Surface
22 Transportation Efficiency Act of 1991"; and the modification and
23 reconstruction of the Lackawanna Cutoff Commuter Rail Line
24 connecting Morris, Sussex and Warren Counties to the North Jersey
25 Transportation Rail Centers.

26 (cf: P.L.1995, c.108, s.1)

27

28 11. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read as
29 follows:

30 5. It shall be the sole purpose of the authority created under this
31 act to provide the payment for and financing of all, or a portion of, the
32 costs incurred by the department for the planning, acquisition,
33 engineering, construction, reconstruction, repair and rehabilitation of
34 the State's transportation system, including, without limitation, the
35 State's share (including State advances with respect to any federal
36 share) under federal aid highway laws of the costs of planning,
37 acquisition, engineering, construction, reconstruction, repair,
38 resurfacing and rehabilitation of public highways, the State's share
39 (including State advances with respect to any federal share) of the
40 costs of planning, acquisition, engineering, construction,
41 reconstruction, repair, permitted maintenance and rehabilitation of
42 public transportation projects and other transportation projects in the
43 State, and State aid to counties and municipalities for transportation
44 projects, all in furtherance of the public policy declared in section 2 of
45 the act, in the manner provided for in the act.

46 (cf: P.L.1991, c.40, s.3)

1 12. Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended to read as
2 follows:

3 6. In addition to all other powers granted to the authority in the
4 act, the authority shall have power:

5 a. To sue and be sued;

6 b. To have an official seal and alter the same at its pleasure;

7 c. To make and alter bylaws for its organization and internal
8 management and rules and regulations for the conduct of its affairs and
9 business;

10 d. To maintain an office at a place or places within the State as it
11 may determine;

12 e. To acquire, hold, use and dispose of its income, revenues, funds
13 and moneys;

14 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
15 transfer, and dispose of real or personal property for its purposes;

16 g. To borrow money and to issue its bonds, notes or other
17 obligations and to secure the same by its revenues or other funds and
18 otherwise to provide for and secure the payment thereof and to
19 provide for the rights of the holders thereof and to provide for the
20 refunding thereof, all as provided in the act;

21 h. To issue subordinated indebtedness and to enter into any
22 revolving credit agreement, agreement establishing a line of credit or
23 letter of credit, reimbursement agreement, interest rate exchange
24 agreement, insurance contract, surety bond, commitment to purchase
25 or sell bonds, purchase or sale agreement, or commitments or other
26 contracts or agreements, and other security agreements as approved
27 by the authority in connection with the issuance of bonds or notes;

28 i. In its own name, in the name of the New Jersey Transit
29 Corporation or in the name of the State, to apply for and receive and
30 accept appropriations or grants of property, money, services or
31 reimbursements for money previously spent and other assistance
32 offered or made available to it by or from any person, government
33 agency, public authority or any public and private entity whatever for
34 any lawful corporate purpose of the authority, including, without
35 limitation, grants, appropriations or reimbursements from the State or
36 federal government with respect to their respective shares under
37 federal aid highway laws of the costs of planning, acquisition,
38 engineering, construction, reconstruction, repair, resurfacing and
39 rehabilitation of public highways or the costs of planning, acquisition,
40 engineering, construction, reconstruction, repair, permitted
41 maintenance and rehabilitation of public transportation projects and
42 other transportation projects in the State and the authority's operating
43 expenses and to apply and negotiate for the same upon such terms and
44 conditions as may be required by any person, government agency,
45 authority or entity or as the authority may determine to be necessary,
46 convenient or desirable;

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1 j. Subject to any agreement with the holders of bonds, notes or
2 other obligations, to invest moneys of the authority not required for
3 immediate use, including proceeds from the sale of any bonds, notes
4 or other obligations, in obligations, securities and other investments as
5 the authority shall deem prudent;

6 k. Subject to any agreements with holders of bonds, notes or other
7 obligations, to purchase bonds, notes or other obligations of the
8 authority out of any funds or moneys of the authority available
9 therefor, and to hold, cancel or resell the bonds, notes or other
10 obligations;

11 l. For its sole purpose as established in section 5 of this act, to
12 appoint and employ an executive director and such additional officers,
13 who need not be members of the authority and such other personnel
14 and staff as it may require, at an annual expense not to exceed
15 \$100,000.00, all without regard to the provisions of Title 11A of the
16 New Jersey Statutes;

17 m. To do and perform any acts and things authorized by the act
18 under, through, or by means of its officers, agents or employees or by
19 contract with any person, firm or corporation or any public body;

20 n. To procure insurance against any losses in connection with its
21 property, operations, assets or obligations in amounts and from
22 insurers as it deems desirable;

23 o. To make and enter into any and all contracts and agreements
24 which the authority determines are necessary, incidental, convenient
25 or desirable to the performance of its duties and the execution of its
26 powers under the act; and

27 p. To do any and all things necessary, convenient or desirable to
28 carry out its purposes and exercise the powers given and granted in the
29 act.

30 (cf: P.L.1995, c.108, s.3)

31
32 13. Section 20 of P.L.1984, c.73(C.27:1B-20) is amended to read
33 as follows:

34 20. There is hereby established in the General Fund an account
35 entitled "Transportation Trust Fund Account." During the fiscal year
36 beginning July 1, 1984 and during each succeeding fiscal year in which
37 the authority has bonds, notes or other obligations outstanding, the
38 treasurer shall credit to this account:

39 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
40 \$0.09 per gallon from the tax imposed on the sale of motor fuels
41 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
42 in Article VIII, Section II, paragraph 4 of the State Constitution,
43 provided, however, such amount during any fiscal year shall not be
44 less than ~~[\$100,000,000]~~ \$405,000,000;

45 b. ~~[After approval by the voters of the constitutional amendment~~
46 proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly

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1 Concurrent Resolution No. 9 of 1995, in addition to the amount
2 credited in subsection a. of this section, for the fiscal year beginning
3 July 1, 1996 and the fiscal year beginning July 1, 1997, an amount
4 equivalent to the revenue derived from \$0.045 per gallon from the tax
5 imposed on the sale of motor fuels pursuant to chapter 39 of Title 54
6 of the Revised Statutes, provided, however, such amount shall not be
7 less than \$180,000,000 during each of those fiscal years, and for the
8 fiscal year beginning July 1, 1998, an amount equivalent to the revenue
9 derived from \$0.055 per gallon from the tax, provided, however, that
10 such amount shall not be less than \$220,000,000, and for the fiscal
11 year beginning July 1, 1999 and for each fiscal year thereafter, an
12 amount equivalent to the revenue derived from \$0.065 per gallon from
13 the tax, provided, however, that such amount shall not be less than
14 \$260,000,000 in any fiscal year, as provided in Article VIII, Section
15 II, paragraph 4 of the State Constitution; and] (deleted by amendment,
16 P.L. , c. (C.) (now before the Legislature as this bill).

17 c. An amount equivalent to moneys received by the State in
18 accordance with contracts entered into with toll road authorities or
19 other State agencies, provided that effective with the fiscal year
20 beginning July 1, 1988, the amount so credited shall not be less than
21 \$24,500,000.00 in any fiscal year.

22 The treasurer shall also credit to this account, in accordance with
23 a contract between the treasurer and the authority, an amount
24 equivalent to the sum of the revenues due from the increase of fees for
25 motor vehicle registrations collected pursuant to the amendment to
26 R.S.39:3-20 made by this act and from the increase in the tax on diesel
27 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
28 this act and by P.L.1987, c.460, provided that the total amount
29 credited during the fiscal year beginning July 1, 1984 shall not be less
30 than \$20,000,000.00 and that the total amount credited during the
31 fiscal year beginning July 1, 1985 and during every fiscal year
32 thereafter shall not be less than \$30,000,000.00.

33 In addition to the amounts credited to the account by this section,
34 commencing with the fiscal year beginning July 1, 1995 and every
35 fiscal year thereafter, there shall be appropriated from the General
36 Fund such additional amounts as are necessary to carry out the
37 provisions of this act and [after January 1, 1997] beginning July 1,
38 2000 the fees collected pursuant to subsection a. of section 68 of
39 P.L.1990, c.8 (C.17:33B-63) shall be [available for crediting] credited
40 to the account for the purposes of this act, provided, however, the
41 amount credited from such fees during any fiscal year shall not be less
42 than \$60,000,000.

43 d. After approval by the voters of the constitutional amendment
44 proposed in Senate Concurrent Resolution No. of 1999 or Assembly
45 Concurrent Resolution No. of 1999, in addition to the amount
46 credited in subsection a. of this section, beginning January 1 following

1 approval by the voters an amount equivalent to the revenue derived
2 from the tax imposed on the sale of petroleum products pursuant to
3 P.L.1990, c.42 (C.54:15B-1 et seq.), provided, however, such amount
4 shall not be less than \$100,000,000 in the period January 1 through
5 June 30 following approval by the voters and shall not be less than
6 \$200,000,000 in any fiscal year thereafter and for the fiscal year
7 commencing July 1, 2001 and for each fiscal year thereafter an amount
8 equivalent to the revenue derived from the tax imposed under the
9 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on the
10 sale of new motor vehicles, provided, however, that such amount shall
11 not be less than \$80,000,000 for the fiscal year commencing July 1,
12 2001, not less than \$140,000,000 for the fiscal year commencing July
13 1, 2002, and not less than \$200,000,000 for the fiscal year
14 commencing July 1, 2003 and for each fiscal year thereafter, as
15 provided in Article VIII, Section II, paragraph 4 of the State
16 Constitution.

17 No later than the fifth business day of the month following the
18 month in which a credit has been made, the treasurer shall pay to the
19 authority, for its purposes as provided herein, the amounts then
20 credited to the Transportation Trust Fund Account, provided that the
21 payments to the authority shall be subject to and dependent upon
22 appropriations being made from time to time by the Legislature of the
23 amounts thereof for the purposes of the act.

24 (cf: P.L.1995, c.108, s.5)

25

26 14. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to read
27 as follows:

28 21. a. There is hereby established a separate fund entitled "Special
29 Transportation Fund." This fund shall be maintained by the State
30 Treasurer and may be held in depositories as may be selected by the
31 treasurer and invested and reinvested as other funds in the custody of
32 the treasurer, in the manner provided by law. The commissioner may
33 from time to time (but not more frequently than monthly) certify to the
34 authority an amount necessary to fund payments made, or anticipated
35 to be made by or on behalf of the department, from appropriations
36 established for or made to the department from revenues or other
37 funds of the authority. The commissioner's certification shall be
38 deemed conclusive for purposes of the act. The authority shall, within
39 15 days of receipt of the certificate, transfer from available funds of
40 the authority to the treasurer for deposit in the Special Transportation
41 Fund the amount certified by the commissioner, provided that all funds
42 transferred shall only be expended by the department by project
43 pursuant to appropriations made from time to time by the Legislature
44 for the purposes of the act.

45 b. The department shall not expend any money except as
46 appropriated by law. Commencing with appropriations for the fiscal

1 years beginning on July 1, 1988, the department shall not expend any
2 funds except as are appropriated by specific projects identified by a
3 description of the projects, the county or counties within which they
4 are located, and amounts to be expended on each project, in the annual
5 appropriations act.

6 c. No funds appropriated, authorized or expended pursuant to this
7 act shall be used to finance the resurfacing of highways by department
8 personnel, where that resurfacing would require the use of more than
9 150,000 tons of bituminous concrete for that purpose in any calendar
10 year, except that the commissioner may waive this provision when he
11 determines the existence of emergency conditions requiring the use of
12 department personnel for the resurfacing of highways, after the
13 department has effectively reached the 150,000 ton limit.

14 d. In order to provide the department with flexibility in
15 administering the specific appropriations by project identified in the
16 annual appropriations act, the commissioner may transfer a part of any
17 item to any other item subject to the approval of the Director of the
18 Division of Budget and Accounting and of the Joint Budget Oversight
19 Committee or its successor. Upon approval of the director and the
20 committee, the transfer shall take effect.

21 e. Any federal funds which become available to the State for
22 transportation projects which have not been appropriated to the
23 department in the annual appropriations act, shall be deemed
24 appropriated to the department and may, subject to approval by the
25 Joint Budget Oversight Committee and the State Treasurer, be
26 expended for any purpose for which such funds are qualified.

27 f. There shall be no appropriations from the revenues and other
28 funds of the authority for operating expenses, with the exceptions
29 enumerated in sections 5 and 8 of P.L.19 , c. (C.) (now before
30 the Legislature as this bill) and in subsection l. of section 6 of
31 P.L.1984, c.73 (C.27:1B-6). The commissioner shall include in his
32 annual budget request sufficient funding to effectuate the purposes of
33 P.L. , c. (C.) (now before the Legislature as this bill).

34 g. To the extent that salaries or overhead of the department or the
35 New Jersey Transit Corporation are charged to transportation
36 projects, each agency shall keep adequate and truthful personnel
37 records, and time charts to adequately justify each such charge and
38 shall make those records available to the external auditor to the
39 authority.

40 h. The commissioner shall annually, on or before September 30 of
41 each fiscal year, report to the Governor and the Legislature how much
42 money was expended in the previous fiscal year for salaries and
43 overhead of the department and the New Jersey Transit Corporation.
44 (cf: P.L.1995, c.108, s.6)

45

46 15. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to

1 read as follows:

2 8. a. Commencing with the report of the commissioner, as may be
3 amended, required to be submitted pursuant to section 22 of P.L.1984,
4 c.73 (C.27:1B-22) on or before March 1, [1996] 2000 for the fiscal
5 year commencing July 1, [1996] 2000 [and for each fiscal year
6 thereafter] the amount reported by the commissioner for proposed
7 projects to be financed shall not exceed [~~\$700,000,000~~] \$950,000,000
8 [exclusive of federal funds] and for the fiscal year beginning July 1,
9 2001 through the fiscal year beginning July 1, 2003 the annual
10 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
11 federal funds.

12 b. For the fiscal year beginning on July 1, [1995] 2000 [and for
13 each fiscal year thereafter], the total amount authorized to be
14 appropriated from the revenues and other nonfederal funds of the New
15 Jersey Transportation Trust Fund Authority for the projects listed in
16 the appropriations act pursuant to section 21 of P.L.1984, c.73
17 (C.27:1B-21) shall not exceed [~~\$700,000,000~~] \$950,000,000
18 [exclusive of federal funds] and for the fiscal year beginning July 1,
19 2001 through the fiscal year beginning July 1, 2003 the annual
20 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
21 federal funds.

22 c. (Deleted by amendment, P.L.1991, c.40.)

23 d. (Deleted by amendment, P.L.1992, c.10).

24 e. The State Auditor shall provide for a unified annual audit of
25 expenditures from the Special Transportation Fund, established by
26 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
27 these funds are expended for costs eligible for funding from the
28 authority and in a manner consistent with appropriations made by the
29 Legislature. The findings of such audits shall be transmitted to the
30 presiding officer of each House of the Legislature, and to the Chair of
31 the Senate Budget and Appropriations Committee, the Senate
32 Transportation Committee, the Assembly Appropriations Committee,
33 and the Assembly Transportation and Communications Committee or
34 their successors.

35 f. The State Auditor shall review bond issuances of the authority
36 and report to the Joint Budget Oversight Committee and to the
37 members of the Senate Budget and Appropriations Committee and the
38 Assembly Appropriations Committee, or their successors, on the status
39 of the bonds of the authority and projects financed from the proceeds
40 of the bonds. The report shall include the investment status of all
41 unexpended bond proceeds and provide a description of any bond
42 issues expected during a fiscal year, including type of issue, estimated
43 amount of bonds to be issued and the expected month of sale.

44 (cf: P.L.1995, c.108, s.7)

1 16. (New section) In addition to those funds to be credited to the
2 Transportation Trust Fund Account pursuant to section 20 of
3 P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall also credit to
4 the account any and all additional funds which may now or hereafter
5 be dedicated to transportation purposes by the State Constitution.

6
7 17. (New section) a. There is hereby established a Transportation
8 Trust Fund Advisory Board to be comprised of 14 members. The
9 Governor shall appoint four public members and the President of the
10 Senate and the Speaker of the General Assembly shall each appoint
11 four public members. The commissioner or the commissioner's
12 designee and the State Treasurer or the State Treasurer's designee
13 shall serve as ex officio members of the board. All of the public
14 members shall have some experience in the field of transportation or
15 finance. Each public member shall serve for a term of three years and
16 shall serve until the member's successor is appointed and has qualified.
17 Of the public members first appointed pursuant to this act, one
18 member appointed by the Governor, the President and the Speaker
19 respectively shall each serve one year, two members so appointed shall
20 serve two years, and the remainder of the public members shall serve
21 three years. The Governor shall designate one of the public members
22 to serve as chairperson of the board. The board shall meet a minimum
23 of four times each year. The department shall provide staff to support
24 the board.

25 b. The purpose of the Advisory Board shall be to review and
26 scrutinize the projects proposed by the Commissioner of
27 Transportation in the report required to be submitted pursuant to
28 section 22 of P.L.1984, c.73 (C.27:1B-22), to review the department's
29 long range capital planning, including the overall program size, and to
30 make recommendations to the Governor and the Legislature
31 concerning the continuation of the funding of the State's transportation
32 system under the Transportation Trust Fund Authority.

33
34 18. This act shall take effect immediately except that section 13
35 shall take effect on July 1, 2000.

36
37
38 STATEMENT

39
40 This bill addresses two issues to be faced in the area of
41 transportation in the year 2000 in New Jersey: the problem of
42 congestion and mobility, and the renewal of the funding program of
43 the New Jersey Transportation Trust Fund Authority.

44 The bill mandates that the Commissioner of Transportation develop
45 programs to use the best available technology to improve traffic signal
46 operations, to utilize context sensitive design, including "traffic

1 calming" strategies such as "speed humps," and to limit "oversized"
2 and "wide" vehicles to a specified network of roadways, in order to
3 deal with congestion and mobility problems. In addition, the
4 commissioner is to submit reports to the Legislature by January 1,
5 2001 which will contain programs providing incentives to business to
6 adopt policies which will encourage as many workers as possible to
7 utilize mass transit, van pooling and car pooling, and, to identify
8 sectors of the economy, or specific occupations, which are appropriate
9 for telecommuting to increase telecommuting in the State. The
10 commissioner is also required to establish one or more congestion
11 relief task forces, with representatives of the toll road authorities, the
12 Department of Transportation (DOT), and the counties and
13 municipalities, to identify projects, the individual cost of which is not
14 to exceed \$150,000, and which can be quickly implemented to relieve
15 congestion. These projects, which are to total no fewer than 10 for
16 each year in a 10-year period, are to be awarded on a design-build
17 basis without public bid or advertisement, consistent with a DOT
18 engineering cost estimate. Finally, all new Trust Fund projects are to
19 be consistent with the goals of the State Development and
20 Redevelopment Plan.

21 Under the bill, the Trust Fund program is to be renewed based upon
22 an infusion of additional funds without any increase in taxes. The bill
23 provides that at least \$405 million is to come from the constitutional
24 dedication of 9 cents of the motor fuels tax; at least \$60 million from
25 certain motor vehicle registration fees collected pursuant to subsection
26 a. of section 68 of P.L.1990, c.8 (C.17:33B-63); at least \$200 million
27 from the petroleum products gross receipts tax; and at least \$80
28 million, \$140 million and \$200 million for the fiscal years 2002, 2003
29 and 2004 respectively from the existing sales tax on the sale of new
30 motor vehicles. The revenues from the existing tax on petroleum
31 products and the existing tax on the sales of new motor vehicles, upon
32 the approval by the people of a proposed constitutional amendment
33 now pending before the Legislature as Senate Concurrent Resolution
34 No. xx of 1999 or Assembly Concurrent Resolution No. xx of 1999,
35 would be dedicated to the Transportation Trust Fund Account for
36 capital program purposes. The current revenue sources of \$24.5
37 million from the toll road authorities and \$30 million from certain
38 motor vehicle registration fees and diesel fuel taxes remain unchanged.
39 The total revenues would thus increase to about \$920 million by fiscal
40 year 2004. The program amount (the amount that is to be annually
41 appropriated from the Trust Fund Authority) is increased from the
42 permanent statutory maximum of \$700 million to the following levels:
43 for fiscal year 2001: \$950 million; and for fiscal years 2002 through
44 2004: \$1 billion. With certain exceptions, operating expenses would
45 not be defrayed by Trust Fund monies.

46 The bill also establishes a Transportation Trust Fund Advisory

1 Board consisting of both Legislative and Executive appointees to
2 review and scrutinize proposed Trust Fund projects and to make
3 recommendations to the Governor and the Legislature on the
4 continuation of the Trust Fund's funding of the State's transportation
5 system.

6 Finally, the bill provides that all additional funds which may now or
7 hereafter be dedicated to transportation purposes by the State
8 Constitution shall be credited to the Transportation Trust Fund
9 Account.

SENATE, No. 16

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

Establishes program of congestion relief and enhanced mobility, and provides for increased transportation funding.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 1 through 9 and 16 and 17 of this act
10 shall be known and may be cited as the "Congestion Relief and
11 Transportation Trust Fund Renewal Act of the Year 2000."

12

13 2. (New section) The Legislature hereby finds and declares that:

14 a. A balanced and improved transit and highway system is of key
15 importance to our State's continued prosperity and to the quality of
16 life of our citizens.

17 b. The State's citizens and businesses require a transportation
18 system which provides adequate mobility to all of its citizens.

19 c. The State should consider and utilize, where appropriate,
20 transportation approaches and concepts to reduce congestion, enhance
21 mobility, discourage sprawl, and assist in the redevelopment of our
22 cities, enhance suburbs and town centers, and otherwise improve the
23 quality of life of our citizens.

24 d. Stable and adequate dedicated funding is a prerequisite to the
25 sensible planning of transportation projects, most of which are
26 conceived, planned, designed and built over a span of several years.

27 e. Transportation projects shall be consistent with sound land use
28 planning including the goals of the State Development and
29 Redevelopment Plan.

30 f. The system of financing under the New Jersey Transportation
31 Trust Fund Authority has provided a stable source of funds to keep
32 our transportation system in good repair and to provide funding for
33 important new projects which have enhanced that system.

34 g. The renewal and improvement of the system of financing under
35 the Transportation Trust Fund Authority and a significant increase in
36 the funding of that system are necessary to achieve the aforementioned
37 goals and can be achieved without the necessity of increasing taxes.

38

39 3. (New section) The Commissioner of Transportation
40 (hereinafter, "the commissioner") shall establish and implement a
41 program to employ the best available technology to improve traffic
42 signal operation throughout the State so as to avoid unnecessary
43 delays, reduce air pollution, and allow traffic to move sequentially

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

Matter underlined thus is new matter.

1 through signals on a State highway without stopping, to the greatest
2 extent practicable.

3

4 4. (New section) No new project shall be included in the report of
5 the commissioner required to be submitted pursuant to section 22 of
6 P.L.1984, c.73 (C.27:1B-22) unless the commissioner has first
7 determined that the project is consistent with the goals of the State
8 Development and Redevelopment Plan.

9

10 5. (New section) No later than January 1, 2001, the commissioner
11 shall submit a report to the Legislature containing a program which
12 will provide incentives to businesses to adopt policies which will
13 encourage as many workers as possible to utilize mass transit, van
14 pooling and car pooling.

15

16 6. (New section) No later than January 1, 2001, the commissioner,
17 in consultation with the Chief Executive Officer and Secretary of the
18 New Jersey Commerce and Economic Growth Commission and the
19 State Treasurer, shall submit a report to the Legislature containing a
20 program to identify sectors of the economy, or specific occupations,
21 which are appropriate for telecommuting to increase telecommuting in
22 the State.

23

24 7. (New section) The commissioner shall establish one or more
25 congestion relief task forces with representatives of the toll road
26 authorities, the Department of Transportation, and of the counties and
27 municipalities, which shall be charged with identifying projects which
28 can be quickly implemented to relieve congestion. Such projects shall
29 not exceed the cost of \$150,000 each and shall be awarded on a design
30 build basis to contractors pre-qualified by the Department of
31 Transportation on a rotating basis without public bid or advertisement,
32 provided that the contractor agrees to perform all the work required
33 for the project for an amount not in excess of the department's
34 engineering estimate for that project. The department shall implement
35 not fewer than 10 such projects in each of the 10 years following the
36 enactment of the act.

37

38 8. (New section) Many State highways run through fully
39 developed cities and suburban towns. In addition, many small villages
40 in rural areas have State highways which pass through built up
41 residential areas or village centers. The traffic on many of these State
42 highways, particularly large truck and speeding traffic, prevents these
43 residential areas and town centers from functioning as intended. The
44 commissioner shall study this issue and develop a departmental
45 program which authorizes context sensitive design including "traffic
46 calming" strategies to be implemented in appropriate situations. Such

1 strategies may include, but not be limited to, reduced speed limits, so-
2 called "speed humps" (not "speed bumps"), angled parking, crosswalks
3 that give the pedestrian the right-of-way, reduced lane widths and
4 center islands.

5
6 9. (New section) The commissioner is authorized to develop a
7 departmental program not later than January 1, 2001 that will limit
8 "oversized" and "wide" vehicles to a specified network of highways
9 which meet sufficient design criteria and which have a record of safe
10 operation.

11
12 10. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as
13 follows:

14 3. The following words or terms as used in this act shall have the
15 following meaning unless a different meaning clearly appears from the
16 context:

17 a. "Act" means this New Jersey Transportation Trust Fund
18 Authority Act of 1984.

19 b. "Authority" means the New Jersey Transportation Trust Fund
20 Authority created by section 4 of this act.

21 c. "Bonds" means bonds issued by the authority pursuant to the
22 act.

23 d. "Commissioner" means the Commissioner of Transportation.

24 e. "Department" means the Department of Transportation.

25 f. "Federal aid highway" means any highway within the State in
26 connection with which the State receives payment or reimbursement
27 from the federal government under the terms of Title 23, United States
28 Code or any amendment, successor, or replacement thereof, for the
29 purposes contained in the act.

30 g. "Federal government" means the United States of America, and
31 any officer, department, board, commission, bureau, division,
32 corporation, agency or instrumentality thereof.

33 h. "South Jersey Transportation Authority" means the public
34 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
35 its successor.

36 i. "New Jersey Highway Authority" means the public corporation
37 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

38 j. "New Jersey Turnpike Authority" means the public corporation
39 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

40 k. "Notes" means the notes issued by the authority pursuant to the
41 act.

42 l. "Public highways" means public roads, streets, expressways,
43 freeways, parkways, motorways and boulevards, including bridges,
44 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
45 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
46 circles, grade separations, traffic control devices, the elimination or

1 improvement of crossings of railroads and highways, whether at grade
2 or not at grade, bicycle and pedestrian pathways and pedestrian and
3 bicycle bridges traversing public highways and any facilities,
4 equipment, property, rights of way, easements and interests therein
5 needed for the construction, improvement and maintenance of
6 highways.

7 m. "Public transportation project" means, in connection with public
8 transportation service, passenger stations, shelters and terminals,
9 automobile parking facilities, ferries, ferry facilities, ramps, track
10 connections, signal systems, power systems, information and
11 communication systems, roadbeds, transit lanes or rights of way,
12 equipment storage, pedestrian walkways and bridges connecting to
13 passenger stations and servicing facilities, bridges, grade crossings, rail
14 cars, locomotives, motorbuses and other motor vehicles, maintenance
15 and garage facilities, revenue handling equipment and any other
16 equipment, facility or property useful for or related to the provision of
17 public transportation service.

18 n. "State agency" means any officers, department, board,
19 commission, bureau, division, agency or instrumentality of the State.

20 o. "Toll road authorities" means and includes the New Jersey
21 Turnpike Authority, the New Jersey Highway Authority and the South
22 Jersey Transportation Authority.

23 p. "Transportation project" means, in addition to public highways
24 and public transportation projects, any equipment, facility or property
25 useful or related to the provision of any ground, waterborne or air
26 transportation for the movement of people and goods.

27 q. "Transportation system" means public highways, public
28 transportation projects, other transportation projects, and all other
29 methods of transportation for the movement of people and goods.

30 r. "[Maintenance] Permitted maintenance" means, in relation to
31 public transportation projects, direct costs of work necessary for
32 preserving or maintaining the useful life of public transportation
33 projects, provided the work performed is associated with the
34 acquisition, installation and rehabilitation of components which are not
35 included in the normal operating maintenance of equipment and
36 facilities or replaced on a scheduled basis. The work shall ensure the
37 useful life of the project for not less than [four] five years and shall not
38 include routine maintenance or inspection of equipment and facilities
39 that is conducted on a scheduled basis. This definition shall not apply
40 to the term "maintenance" as used in subsection l. of this section. For
41 purposes of this subsection, "permitted maintenance" means, in
42 relation to public highways, the direct costs of work necessary for
43 preserving or maintaining the useful life of public highways, provided
44 the work is not associated with the regular and routine maintenance of
45 public highways and their components, such as, but not limited to,
46 grass cutting, litter pick-up, snow plowing, replacement of striping,

1 light bulb replacement, damaged sign replacement, pot hole repairs,
2 guide rail repairs and normal and usual work that historically,
3 maintenance personnel have performed for the department.

4 s. "Circle of Mobility" means an essential group of related transit
5 projects that include (1) the New Jersey Urban Core Project, as
6 defined in section 3031 of the "Intermodal Surface Transportation
7 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
8 following elements: Secaucus Transfer, Kearny Connection,
9 Waterfront Connection, Northeast Corridor Signal System, Hudson
10 River Waterfront Transportation System, Newark-Newark
11 International Airport-Elizabeth Transit Link, a rail connection between
12 Penn Station Newark and Broad Street Station, Newark, New York
13 Penn Station Concourse, and the equipment needed to operate revenue
14 service associated with improvements made by the project, and (2) the
15 modification and reconstruction of the West Shore Line in Bergen
16 County connected to Allied Junction/Secaucus Transfer Meadowlands
17 Rail Center; the construction of a rail station and associated
18 components at the Meadowlands Sports Complex; the modification
19 and reconstruction of the Susquehanna and Western Railway, as
20 defined and provided in section 3035 (a) of the "Intermodal Surface
21 Transportation Efficiency Act of 1991"; and the modification and
22 reconstruction of the Lackawanna Cutoff Commuter Rail Line
23 connecting Morris, Sussex and Warren Counties to the North Jersey
24 Transportation Rail Centers.

25 (cf: P.L.1995, c.108, s.1)

26

27 11. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read as
28 follows:

29 5. It shall be the sole purpose of the authority created under this
30 act to provide the payment for and financing of all, or a portion of, the
31 costs incurred by the department for the planning, acquisition,
32 engineering, construction, reconstruction, repair and rehabilitation of
33 the State's transportation system, including, without limitation, the
34 State's share (including State advances with respect to any federal
35 share) under federal aid highway laws of the costs of planning,
36 acquisition, engineering, construction, reconstruction, repair,
37 resurfacing and rehabilitation of public highways, the State's share
38 (including State advances with respect to any federal share) of the
39 costs of planning, acquisition, engineering, construction,
40 reconstruction, repair, permitted maintenance and rehabilitation of
41 public transportation projects and other transportation projects in the
42 State, and State aid to counties and municipalities for transportation
43 projects, all in furtherance of the public policy declared in section 2 of
44 the act, in the manner provided for in the act.

45 (cf: P.L.1991, c.40, s.3)

46

1 12. Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended to read as
2 follows:

3 6. In addition to all other powers granted to the authority in the
4 act, the authority shall have power:

5 a. To sue and be sued;

6 b. To have an official seal and alter the same at its pleasure;

7 c. To make and alter bylaws for its organization and internal
8 management and rules and regulations for the conduct of its affairs and
9 business;

10 d. To maintain an office at a place or places within the State as it
11 may determine;

12 e. To acquire, hold, use and dispose of its income, revenues, funds
13 and moneys;

14 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
15 transfer, and dispose of real or personal property for its purposes;

16 g. To borrow money and to issue its bonds, notes or other
17 obligations and to secure the same by its revenues or other funds and
18 otherwise to provide for and secure the payment thereof and to
19 provide for the rights of the holders thereof and to provide for the
20 refunding thereof, all as provided in the act;

21 h. To issue subordinated indebtedness and to enter into any
22 revolving credit agreement, agreement establishing a line of credit or
23 letter of credit, reimbursement agreement, interest rate exchange
24 agreement, insurance contract, surety bond, commitment to purchase
25 or sell bonds, purchase or sale agreement, or commitments or other
26 contracts or agreements, and other security agreements as approved
27 by the authority in connection with the issuance of bonds or notes;

28 i. In its own name, in the name of the New Jersey Transit
29 Corporation or in the name of the State, to apply for and receive and
30 accept appropriations or grants of property, money, services or
31 reimbursements for money previously spent and other assistance
32 offered or made available to it by or from any person, government
33 agency, public authority or any public and private entity whatever for
34 any lawful corporate purpose of the authority, including, without
35 limitation, grants, appropriations or reimbursements from the State or
36 federal government with respect to their respective shares under
37 federal aid highway laws of the costs of planning, acquisition,
38 engineering, construction, reconstruction, repair, resurfacing and
39 rehabilitation of public highways or the costs of planning, acquisition,
40 engineering, construction, reconstruction, repair, permitted
41 maintenance and rehabilitation of public transportation projects and
42 other transportation projects in the State and the authority's operating
43 expenses and to apply and negotiate for the same upon such terms and
44 conditions as may be required by any person, government agency,
45 authority or entity or as the authority may determine to be necessary,
46 convenient or desirable;

S16 DIFRANCESCO

1 j. Subject to any agreement with the holders of bonds, notes or
2 other obligations, to invest moneys of the authority not required for
3 immediate use, including proceeds from the sale of any bonds, notes
4 or other obligations, in obligations, securities and other investments as
5 the authority shall deem prudent;

6 k. Subject to any agreements with holders of bonds, notes or other
7 obligations, to purchase bonds, notes or other obligations of the
8 authority out of any funds or moneys of the authority available
9 therefor, and to hold, cancel or resell the bonds, notes or other
10 obligations;

11 l. For its sole purpose as established in section 5 of this act, to
12 appoint and employ an executive director and such additional officers,
13 who need not be members of the authority and such other personnel
14 and staff as it may require, at an annual expense not to exceed
15 \$100,000.00, all without regard to the provisions of Title 11A of the
16 New Jersey Statutes;

17 m. To do and perform any acts and things authorized by the act
18 under, through, or by means of its officers, agents or employees or by
19 contract with any person, firm or corporation or any public body;

20 n. To procure insurance against any losses in connection with its
21 property, operations, assets or obligations in amounts and from
22 insurers as it deems desirable;

23 o. To make and enter into any and all contracts and agreements
24 which the authority determines are necessary, incidental, convenient
25 or desirable to the performance of its duties and the execution of its
26 powers under the act; and

27 p. To do any and all things necessary, convenient or desirable to
28 carry out its purposes and exercise the powers given and granted in the
29 act.

30 (cf: P.L.1995, c.108, s.3)

31
32 13. Section 20 of P.L.1984, c.73(C.27:1B-20) is amended to read
33 as follows:

34 20. There is hereby established in the General Fund an account
35 entitled "Transportation Trust Fund Account." During the fiscal year
36 beginning July 1, 1984 and during each succeeding fiscal year in which
37 the authority has bonds, notes or other obligations outstanding, the
38 treasurer shall credit to this account:

39 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
40 \$0.09 per gallon from the tax imposed on the sale of motor fuels
41 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
42 in Article VIII, Section II, paragraph 4 of the State Constitution,
43 provided, however, such amount during any fiscal year shall not be
44 less than ~~[\$100,000,000]~~ \$405,000,000;

45 b. ~~[After approval by the voters of the constitutional amendment~~
46 ~~proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly~~

1 Concurrent Resolution No. 9 of 1995, in addition to the amount
2 credited in subsection a. of this section, for the fiscal year beginning
3 July 1, 1996 and the fiscal year beginning July 1, 1997, an amount
4 equivalent to the revenue derived from \$0.045 per gallon from the tax
5 imposed on the sale of motor fuels pursuant to chapter 39 of Title 54
6 of the Revised Statutes, provided, however, such amount shall not be
7 less than \$180,000,000 during each of those fiscal years, and for the
8 fiscal year beginning July 1, 1998, an amount equivalent to the revenue
9 derived from \$0.055 per gallon from the tax, provided, however, that
10 such amount shall not be less than \$220,000,000, and for the fiscal
11 year beginning July 1, 1999 and for each fiscal year thereafter, an
12 amount equivalent to the revenue derived from \$0.065 per gallon from
13 the tax, provided, however, that such amount shall not be less than
14 \$260,000,000 in any fiscal year, as provided in Article VIII, Section
15 II, paragraph 4 of the State Constitution; and] (deleted by amendment,
16 P.L. , c. (C.) (now before the Legislature as this bill).

17 c. An amount equivalent to moneys received by the State in
18 accordance with contracts entered into with toll road authorities or
19 other State agencies, provided that effective with the fiscal year
20 beginning July 1, 1988, the amount so credited shall not be less than
21 \$24,500,000.00 in any fiscal year.

22 The treasurer shall also credit to this account, in accordance with
23 a contract between the treasurer and the authority, an amount
24 equivalent to the sum of the revenues due from the increase of fees for
25 motor vehicle registrations collected pursuant to the amendment to
26 R.S.39:3-20 made by this act and from the increase in the tax on diesel
27 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
28 this act and by P.L.1987, c.460, provided that the total amount
29 credited during the fiscal year beginning July 1, 1984 shall not be less
30 than \$20,000,000.00 and that the total amount credited during the
31 fiscal year beginning July 1, 1985 and during every fiscal year
32 thereafter shall not be less than \$30,000,000.00.

33 In addition to the amounts credited to the account by this section,
34 commencing with the fiscal year beginning July 1, 1995 and every
35 fiscal year thereafter, there shall be appropriated from the General
36 Fund such additional amounts as are necessary to carry out the
37 provisions of this act and [after January 1, 1997] beginning July 1,
38 2000 the fees collected pursuant to subsection a. of section 68 of
39 P.L.1990, c.8 (C.17:33B-63) shall be [available for crediting] credited
40 to the account for the purposes of this act, provided, however, the
41 amount credited from such fees during any fiscal year shall not be less
42 than \$60,000,000.

43 d. After approval by the voters of the constitutional amendment
44 proposed in Senate Concurrent Resolution No. of 1999 or Assembly
45 Concurrent Resolution No. of 1999, in addition to the amount
46 credited in subsection a. of this section, beginning January 1 following

1 approval by the voters an amount equivalent to the revenue derived
2 from the tax imposed on the sale of petroleum products pursuant to
3 P.L.1990, c.42 (C.54:15B-1 et seq.), provided, however, such amount
4 shall not be less than \$100,000,000 in the period January 1 through
5 June 30 following approval by the voters and shall not be less than
6 \$200,000,000 in any fiscal year thereafter and for the fiscal year
7 commencing July 1, 2001 and for each fiscal year thereafter an amount
8 equivalent to the revenue derived from the tax imposed under the
9 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on the
10 sale of new motor vehicles, provided, however, that such amount shall
11 not be less than \$80,000,000 for the fiscal year commencing July 1,
12 2001, not less than \$140,000,000 for the fiscal year commencing July
13 1, 2002, and not less than \$200,000,000 for the fiscal year
14 commencing July 1, 2003 and for each fiscal year thereafter, as
15 provided in Article VIII, Section II, paragraph 4 of the State
16 Constitution.

17 No later than the fifth business day of the month following the
18 month in which a credit has been made, the treasurer shall pay to the
19 authority, for its purposes as provided herein, the amounts then
20 credited to the Transportation Trust Fund Account, provided that the
21 payments to the authority shall be subject to and dependent upon
22 appropriations being made from time to time by the Legislature of the
23 amounts thereof for the purposes of the act.

24 (cf: P.L.1995, c.108, s.5)

25

26 14. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to read
27 as follows:

28 21. a. There is hereby established a separate fund entitled "Special
29 Transportation Fund." This fund shall be maintained by the State
30 Treasurer and may be held in depositories as may be selected by the
31 treasurer and invested and reinvested as other funds in the custody of
32 the treasurer, in the manner provided by law. The commissioner may
33 from time to time (but not more frequently than monthly) certify to the
34 authority an amount necessary to fund payments made, or anticipated
35 to be made by or on behalf of the department, from appropriations
36 established for or made to the department from revenues or other
37 funds of the authority. The commissioner's certification shall be
38 deemed conclusive for purposes of the act. The authority shall, within
39 15 days of receipt of the certificate, transfer from available funds of
40 the authority to the treasurer for deposit in the Special Transportation
41 Fund the amount certified by the commissioner, provided that all funds
42 transferred shall only be expended by the department by project
43 pursuant to appropriations made from time to time by the Legislature
44 for the purposes of the act.

45 b. The department shall not expend any money except as
46 appropriated by law. Commencing with appropriations for the fiscal

1 years beginning on July 1, 1988, the department shall not expend any
2 funds except as are appropriated by specific projects identified by a
3 description of the projects, the county or counties within which they
4 are located, and amounts to be expended on each project, in the annual
5 appropriations act.

6 c. No funds appropriated, authorized or expended pursuant to this
7 act shall be used to finance the resurfacing of highways by department
8 personnel, where that resurfacing would require the use of more than
9 150,000 tons of bituminous concrete for that purpose in any calendar
10 year, except that the commissioner may waive this provision when he
11 determines the existence of emergency conditions requiring the use of
12 department personnel for the resurfacing of highways, after the
13 department has effectively reached the 150,000 ton limit.

14 d. In order to provide the department with flexibility in
15 administering the specific appropriations by project identified in the
16 annual appropriations act, the commissioner may transfer a part of any
17 item to any other item subject to the approval of the Director of the
18 Division of Budget and Accounting and of the Joint Budget Oversight
19 Committee or its successor. Upon approval of the director and the
20 committee, the transfer shall take effect.

21 e. Any federal funds which become available to the State for
22 transportation projects which have not been appropriated to the
23 department in the annual appropriations act, shall be deemed
24 appropriated to the department and may, subject to approval by the
25 Joint Budget Oversight Committee and the State Treasurer, be
26 expended for any purpose for which such funds are qualified.

27 f. There shall be no appropriations from the revenues and other
28 funds of the authority for operating expenses, with the exceptions
29 enumerated in sections 5 and 8 of P.L.19 , c. (C.) (now before
30 the Legislature as this bill) and in subsection l. of section 6 of
31 P.L.1984, c.73 (C.27:1B-6). The commissioner shall include in his
32 annual budget request sufficient funding to effectuate the purposes of
33 P.L. , c. (C.) (now before the Legislature as this bill).

34 g. To the extent that salaries or overhead of the department or the
35 New Jersey Transit Corporation are charged to transportation
36 projects, each agency shall keep adequate and truthful personnel
37 records, and time charts to adequately justify each such charge and
38 shall make those records available to the external auditor to the
39 authority.

40 h. The commissioner shall annually, on or before September 30 of
41 each fiscal year, report to the Governor and the Legislature how much
42 money was expended in the previous fiscal year for salaries and
43 overhead of the department and the New Jersey Transit Corporation.
44 (cf: P.L.1995, c.108, s.6)

45

46 15. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to

S16 DIFRANCESCO

12

1 read as follows:

2 8. a. Commencing with the report of the commissioner, as may be
3 amended, required to be submitted pursuant to section 22 of P.L.1984,
4 c.73 (C.27:1B-22) on or before March 1, [1996] 2000 for the fiscal
5 year commencing July 1, [1996] 2000 [and for each fiscal year
6 thereafter] the amount reported by the commissioner for proposed
7 projects to be financed shall not exceed [~~\$700,000,000~~] \$950,000,000
8 [exclusive of federal funds] and for the fiscal year beginning July 1,
9 2001 through the fiscal year beginning July 1, 2003 the annual
10 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
11 federal funds.

12 b. For the fiscal year beginning on July 1, [1995] 2000 [and for
13 each fiscal year thereafter], the total amount authorized to be
14 appropriated from the revenues and other nonfederal funds of the New
15 Jersey Transportation Trust Fund Authority for the projects listed in
16 the appropriations act pursuant to section 21 of P.L.1984, c.73
17 (C.27:1B-21) shall not exceed [~~\$700,000,000~~] \$950,000,000
18 [exclusive of federal funds] and for the fiscal year beginning July 1,
19 2001 through the fiscal year beginning July 1, 2003 the annual
20 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
21 federal funds.

22 c. (Deleted by amendment, P.L.1991, c.40.)

23 d. (Deleted by amendment, P.L.1992, c.10).

24 e. The State Auditor shall provide for a unified annual audit of
25 expenditures from the Special Transportation Fund, established by
26 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
27 these funds are expended for costs eligible for funding from the
28 authority and in a manner consistent with appropriations made by the
29 Legislature. The findings of such audits shall be transmitted to the
30 presiding officer of each House of the Legislature, and to the Chair of
31 the Senate Budget and Appropriations Committee, the Senate
32 Transportation Committee, the Assembly Appropriations Committee,
33 and the Assembly Transportation and Communications Committee or
34 their successors.

35 f. The State Auditor shall review bond issuances of the authority
36 and report to the Joint Budget Oversight Committee and to the
37 members of the Senate Budget and Appropriations Committee and the
38 Assembly Appropriations Committee, or their successors, on the status
39 of the bonds of the authority and projects financed from the proceeds
40 of the bonds. The report shall include the investment status of all
41 unexpended bond proceeds and provide a description of any bond
42 issues expected during a fiscal year, including type of issue, estimated
43 amount of bonds to be issued and the expected month of sale.

44 (cf: P.L.1995, c.108, s.7)

1 16. (New section) In addition to those funds to be credited to the
2 Transportation Trust Fund Account pursuant to section 20 of
3 P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall also credit to
4 the account any and all additional funds which may now or hereafter
5 be dedicated to transportation purposes by the State Constitution.

6
7 17. (New section) a. There is hereby established a Transportation
8 Trust Fund Advisory Board to be comprised of 14 members. The
9 Governor shall appoint four public members and the President of the
10 Senate and the Speaker of the General Assembly shall each appoint
11 four public members. The commissioner or the commissioner's
12 designee and the State Treasurer or the State Treasurer's designee
13 shall serve as ex officio members of the board. All of the public
14 members shall have some experience in the field of transportation or
15 finance. Each public member shall serve for a term of three years and
16 shall serve until the member's successor is appointed and has qualified.
17 Of the public members first appointed pursuant to this act, one
18 member appointed by the Governor, the President and the Speaker
19 respectively shall each serve one year, two members so appointed shall
20 serve two years, and the remainder of the public members shall serve
21 three years. The Governor shall designate one of the public members
22 to serve as chairperson of the board. The board shall meet a minimum
23 of four times each year. The department shall provide staff to support
24 the board.

25 b. The purpose of the Advisory Board shall be to review and
26 scrutinize the projects proposed by the Commissioner of
27 Transportation in the report required to be submitted pursuant to
28 section 22 of P.L.1984, c.73 (C.27:1B-22), to review the department's
29 long range capital planning, including the overall program size, and to
30 make recommendations to the Governor and the Legislature
31 concerning the continuation of the funding of the State's transportation
32 system under the Transportation Trust Fund Authority.

33
34 18. This act shall take effect immediately except that section 13
35 shall take effect on July 1, 2000.

36
37
38 STATEMENT

39
40 This bill addresses two issues to be faced in the area of
41 transportation in the year 2000 in New Jersey: the problem of
42 congestion and mobility, and the renewal of the funding program of
43 the New Jersey Transportation Trust Fund Authority.

44 The bill mandates that the Commissioner of Transportation develop
45 programs to use the best available technology to improve traffic signal
46 operations, to utilize context sensitive design, including "traffic

1 calming" strategies such as "speed humps," and to limit "oversized"
2 and "wide" vehicles to a specified network of roadways, in order to
3 deal with congestion and mobility problems. In addition, the
4 commissioner is to submit reports to the Legislature by January 1,
5 2001 which will contain programs providing incentives to business to
6 adopt policies which will encourage as many workers as possible to
7 utilize mass transit, van pooling and car pooling, and, to identify
8 sectors of the economy, or specific occupations, which are appropriate
9 for telecommuting to increase telecommuting in the State. The
10 commissioner is also required to establish one or more congestion
11 relief task forces, with representatives of the toll road authorities, the
12 Department of Transportation (DOT), and the counties and
13 municipalities, to identify projects, the individual cost of which is not
14 to exceed \$150,000, and which can be quickly implemented to relieve
15 congestion. These projects, which are to total no fewer than 10 for
16 each year in a 10-year period, are to be awarded on a design-build
17 basis without public bid or advertisement, consistent with a DOT
18 engineering cost estimate. Finally, all new Trust Fund projects are to
19 be consistent with the goals of the State Development and
20 Redevelopment Plan.

21 Under the bill, the Trust Fund program is to be renewed based upon
22 an infusion of additional funds without any increase in taxes. The bill
23 provides that at least \$405 million is to come from the constitutional
24 dedication of 9 cents of the motor fuels tax; at least \$60 million from
25 certain motor vehicle registration fees collected pursuant to subsection
26 a. of section 68 of P.L.1990, c.8 (C.17:33B-63); at least \$200 million
27 from the petroleum products gross receipts tax; and at least \$80
28 million, \$140 million and \$200 million for the fiscal years 2002, 2003
29 and 2004 respectively from the existing sales tax on the sale of new
30 motor vehicles. The revenues from the existing tax on petroleum
31 products and the existing tax on the sales of new motor vehicles, upon
32 the approval by the people of a proposed constitutional amendment
33 now pending before the Legislature as Senate Concurrent Resolution
34 No. xx of 1999 or Assembly Concurrent Resolution No. xx of 1999,
35 would be dedicated to the Transportation Trust Fund Account for
36 capital program purposes. The current revenue sources of \$24.5
37 million from the toll road authorities and \$30 million from certain
38 motor vehicle registration fees and diesel fuel taxes remain unchanged.
39 The total revenues would thus increase to about \$920 million by fiscal
40 year 2004. The program amount (the amount that is to be annually
41 appropriated from the Trust Fund Authority) is increased from the
42 permanent statutory maximum of \$700 million to the following levels:
43 for fiscal year 2001: \$950 million; and for fiscal years 2002 through
44 2004: \$1 billion. With certain exceptions, operating expenses would
45 not be defrayed by Trust Fund monies.

46 The bill also establishes a Transportation Trust Fund Advisory

1 Board consisting of both Legislative and Executive appointees to
2 review and scrutinize proposed Trust Fund projects and to make
3 recommendations to the Governor and the Legislature on the
4 continuation of the Trust Fund's funding of the State's transportation
5 system.

6 Finally, the bill provides that all additional funds which may now or
7 hereafter be dedicated to transportation purposes by the State
8 Constitution shall be credited to the Transportation Trust Fund
9 Account.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 16**

STATE OF NEW JERSEY

DATED: MAY 4, 2000

The Senate Transportation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 16.

This substitute bill addresses two issues to be faced in the area of transportation in the year 2000 in New Jersey: the problem of congestion and mobility, and the renewal of the funding program of the New Jersey Transportation Trust Fund Authority.

The bill mandates that the Commissioner of Transportation develop programs to use the best available technology to improve traffic signal operations, to develop a departmental program which authorizes context sensitive design and to recommend measures to improve the safety or to mitigate adverse impacts of large trucks, in order to deal with congestion and mobility problems. In addition, the commissioner is to submit reports to the Legislature by March 31, 2001 which will contain recommended incentives to business to encourage as many workers as possible to utilize mass transit, van pooling and car pooling, and, for its part, the New Jersey Commerce and Economic Growth Commission is to submit a report containing a program to identify sectors of the economy, or specific occupations, which are appropriate for telecommuting to increase telecommuting in the State. The commissioner is also required to establish one or more congestion relief and safety task forces, with representatives of the toll road authorities, the Department of Transportation (DOT), and the counties and municipalities, to identify projects, the individual cost of which is not to exceed \$150,000, and which can be quickly implemented to relieve congestion. These projects, which are to total no more than 10 for each year in a 10-year period, are to be awarded using any expedited procurement and contracting procedures as may be available to the department.

Under the bill, the Trust Fund program is to be renewed based upon an infusion of additional funds without any increase in taxes. The bill provides that at least \$405 million is to come from the constitutional dedication of 9 cents of the motor fuels tax; at least \$60 million from certain motor vehicle registration fees collected pursuant to subsection a. of section 68 of P.L.1990, c.8 (C.17:33B-63); at least

\$200 million from the petroleum products gross receipts tax; and at least \$80 million, \$140 million and \$200 million for the fiscal years 2002, 2003 and 2004 respectively from the existing sales tax on the sale of new motor vehicles. The revenues from the existing tax on petroleum products and the existing tax on the sales of new motor vehicles, upon the approval by the people of a proposed constitutional amendment now pending before the Legislature as Senate Committee Substitute for Senate Concurrent Resolution No. 1 of 2000 or Assembly Concurrent Resolution No. xx of 2000, would be dedicated to the Transportation Trust Fund Account for capital program purposes. The current revenue sources of \$24.5 million from the toll road authorities and \$30 million from certain motor vehicle registration fees and diesel fuel taxes remain unchanged. The total revenues would thus increase to about \$920 million by fiscal year 2004. The program amount (the amount that is to be annually appropriated from the Trust Fund Authority) is increased from the permanent statutory maximum of \$700 million to the following levels: for fiscal year 2001: \$950 million; and for fiscal years 2002 through 2004: \$1 billion. With certain exceptions, operating expenses would not be defrayed by Trust Fund monies.

The bill provides for the Department of Transportation and the New Jersey Transit Corporation to prepare a five year "Capital Investment Strategy" which is to contain, at a minimum, a statement of the goals of the department and the corporation in major selected policy areas and the means by which the goals are to be attained during that period. The departmental goals shall include, but not be limited to reduction of accidents, reduction in the backlog of projects, including bridge repair projects and pavement deficiencies and an increase in lane miles of bicycle paths. New Jersey Transit shall present a strategy and a preliminary timetable for the replacement of the current diesel bus fleet with a fleet of buses which have reduced emission of air pollutants. New Jersey Transit shall consider the feasibility of diesel buses with improved pollution controls and vehicles powered by fuel other than conventional diesel. New Jersey Transit may consider as part of its strategy cooperative efforts in developing a "clean bus". The annual report of transportation capital projects shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the report, now entitled the "Annual Transportation Capital Program," shall include an explanation which demonstrates how it is consistent with, and reflective of, the goals and priorities.

The bill also establishes a Transportation Trust Fund Advisory Board consisting of both Legislative and Executive appointees to review the department's long range capital planning, master plan and Capital Investment Strategy, including the overall program and to make recommendations to the Governor and the Legislature concerning the department's capital investment strategies and the

continuation of the Trust Fund's funding of the State's transportation system.

Finally, the bill provides that all additional funds which may now or hereafter be dedicated to transportation purposes by the State Constitution shall be credited to the Transportation Trust Fund Account.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 16

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED MAY 4, 2000

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Senator RICHARD J. CODEY

District 27 (Essex)

SYNOPSIS

"Congestion Relief and Transportation Trust Fund Renewal Act of the Year 2000."

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Transportation Committee.



(Sponsorship Updated As Of: 5/12/2000)

1 **AN ACT** concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 1 through 10 and 18 and 19 of this act
10 shall be known and may be cited as the "Congestion Relief and
11 Transportation Trust Fund Renewal Act of the Year 2000."

12

13 2. (New section) The Legislature hereby finds and declares that:
14 a. A balanced and improved transit and goods movement and
15 highway system is of key importance to our State's continued
16 prosperity and to the quality of life of our citizens.

17 b. The State's citizens and businesses require a transportation
18 system which provides adequate mobility to all of its citizens utilizing
19 all modes.

20 c. The State should consider and utilize, where appropriate,
21 transportation approaches and concepts to reduce congestion, enhance
22 mobility, discourage sprawl, and assist in the redevelopment of our
23 cities, enhance suburbs and town centers, and otherwise improve the
24 quality of life of our citizens.

25 d. Stable and adequate dedicated funding is a prerequisite to the
26 sensible planning of transportation projects, most of which are
27 conceived, planned, designed and built over a span of several years.

28 e. Additional investment is needed to bring the public highway and
29 bridge system into a state of good repair, to reduce the backlog of
30 infrastructure repair jobs, to maximize rail freight capacity, to better
31 protect pedestrians, cyclists and motorists from injury and to promote
32 cycling and walking trips by providing and financing appropriate
33 infrastructure.

34 f. Ferries and ferry terminals, including those providing interstate
35 service to points in New Jersey, are an increasingly important
36 component of the State's intermodal transportation system and should
37 be eligible for transportation assistance from the State.

38 g. The system of financing under the New Jersey Transportation
39 Trust Fund Authority has provided a stable source of funds to keep
40 our transportation system in good repair and to provide funding for
41 important new projects which have enhanced that system.

42 h. The renewal and improvement of the system of financing under
43 the New Jersey Transportation Trust Fund Authority and a significant

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

Matter underlined thus is new matter.

1 increase in the funding of that system are necessary to achieve the
2 aforementioned goals and can be achieved without the necessity of
3 increasing taxes.

4
5 3. (New section) The Commissioner of Transportation
6 (hereinafter, "the commissioner") shall establish and implement a
7 program to employ the best available technology to improve traffic
8 signal operation throughout the State so as to avoid unnecessary
9 delays, reduce air pollution, and allow traffic to move sequentially
10 through signals on roads and highways throughout the State without
11 stopping, to the greatest extent practicable without endangering or
12 limiting pedestrian travel.

13
14 4. (New section) No later than March 31, 2001, the commissioner
15 shall submit a report to the Legislature containing recommended
16 incentives to businesses to encourage as many workers as possible to
17 utilize mass transit, van pooling and car pooling.

18
19 5. (New section) No later than January 1, 2001, the Chief
20 Executive Officer and Secretary of the New Jersey Commerce and
21 Economic Growth Commission, in consultation with the Commissioner
22 of Transportation and the State Treasurer, shall submit a report to the
23 Legislature containing a program to identify sectors of the economy,
24 or specific occupations, which are appropriate for telecommuting to
25 increase telecommuting in the State.

26
27 6. (New section) The commissioner shall establish one or more
28 congestion relief and safety task forces with representatives of the toll
29 road authorities, the Department of Transportation, and of the
30 counties and municipalities, which shall be charged with identifying
31 projects which can be quickly implemented to relieve congestion or
32 improve safety. Such projects shall not exceed the cost of \$150,000
33 each and may be awarded by the department using any such expedited
34 procurement and contracting procedures as may be available to the
35 department. The department shall implement not more than 10 such
36 projects in each of the 10 years following March 1, 2001.

37
38 7. (New section) Many State highways run through fully
39 developed cities and suburban towns. In addition, many small villages
40 in rural areas have State highways which pass through built-up
41 residential areas or village centers. The traffic on many of these State
42 highways, particularly large truck and speeding traffic, prevents these
43 residential areas and town centers from functioning as intended. The
44 commissioner shall study this issue and develop a departmental
45 program which authorizes context sensitive design and examines the
46 functional classifications of State highways running through developed

1 cities and suburban towns. As used in this section, "context sensitive
2 design" means a planning technique that embraces a collaborative,
3 interdisciplinary process and recognizes the uniqueness of the
4 community in planning transportation projects.

5
6 8. (New section) The commissioner shall report to the Legislature
7 not later than January 1, 2001, on measures undertaken by the
8 department and measures it recommends as necessary to improve the
9 safety or to mitigate adverse impacts of large trucks which travel on
10 New Jersey roadways.

11
12 9. (New section) The State Treasurer shall report annually to the
13 Governor and the Legislature on revenues lost to the State by virtue
14 of the exemption which alternative fuels used in motor vehicles enjoy
15 from the tax imposed on the sale of motor fuels pursuant to chapter
16 39 of Title 54 of the Revised Statutes.

17
18 10. (New section) The commissioner shall install light emitting
19 diodes lighting ("LED lighting"), or lighting similar in energy and life
20 cycle savings, in traffic signals on the State highway system from the
21 amounts appropriated from the revenues and other funds of the New
22 Jersey Transportation Trust Fund Authority. It is anticipated that this
23 lighting will result in operational energy savings for State, county and
24 municipal governments and provide congestion relief because the
25 diodes have a 10-year life cycle as compared to the one year
26 replacement cycle for regular light bulbs. The State shall develop a
27 program to assist local governments to install LED lighting or lighting
28 similar in energy and life cycle savings, in approved local traffic signals
29 throughout the State. The commissioner may consult with the State's
30 public utility companies for assistance where appropriate to implement
31 this program.

32
33 11. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as
34 follows:

35 3. The following words or terms as used in this act shall have the
36 following meaning unless a different meaning clearly appears from the
37 context:

38 a. "Act" means this New Jersey Transportation Trust Fund
39 Authority Act of 1984.

40 b. "Authority" means the New Jersey Transportation Trust Fund
41 Authority created by section 4 of this act.

42 c. "Bonds" means bonds issued by the authority pursuant to the
43 act.

44 d. "Commissioner" means the Commissioner of Transportation.

45 e. "Department" means the Department of Transportation.

46 f. "Federal aid highway" means any highway within the State in

1 connection with which the State receives payment or reimbursement
2 from the federal government under the terms of Title 23, United States
3 Code or any amendment, successor, or replacement thereof, for the
4 purposes contained in the act.

5 g. "Federal government" means the United States of America, and
6 any officer, department, board, commission, bureau, division,
7 corporation, agency or instrumentality thereof.

8 h. "South Jersey Transportation Authority" means the public
9 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
10 its successor.

11 i. "New Jersey Highway Authority" means the public corporation
12 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

13 j. "New Jersey Turnpike Authority" means the public corporation
14 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

15 k. "Notes" means the notes issued by the authority pursuant to the
16 act.

17 l. "Public highways" means public roads, streets, expressways,
18 freeways, parkways, motorways and boulevards, including bridges,
19 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
20 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
21 circles, grade separations, traffic control devices, the elimination or
22 improvement of crossings of railroads and highways, whether at grade
23 or not at grade, bicycle and pedestrian pathways and pedestrian and
24 bicycle bridges traversing public highways and any facilities,
25 equipment, property, rights of way, easements and interests therein
26 needed for the construction, improvement and maintenance of
27 highways.

28 m. "Public transportation project" means, in connection with
29 public transportation service, passenger stations, shelters and
30 terminals, automobile parking facilities, ferry facilities, including
31 capital projects for ferry terminals, approach roadways, pedestrian
32 accommodations, parking, docks, and other necessary land-side
33 improvements, ramps, track connections, signal systems, power
34 systems, information and communication systems, roadbeds, transit
35 lanes or rights of way, equipment storage, pedestrian walkways and
36 bridges connecting to passenger stations and servicing facilities,
37 bridges, grade crossings, rail cars, locomotives, motorbuses and other
38 motor vehicles, maintenance and garage facilities, revenue handling
39 equipment and any other equipment, facility or property useful for or
40 related to the provision of public transportation service.

41 n. "State agency" means any officers, department, board,
42 commission, bureau, division, agency or instrumentality of the State.

43 o. "Toll road authorities" means and includes the New Jersey
44 Turnpike Authority, the New Jersey Highway Authority and the South
45 Jersey Transportation Authority.

1 p. "Transportation project" means, in addition to public highways
2 and public transportation projects, any equipment, facility or property
3 useful or related to the provision of any ground, waterborne or air
4 transportation for the movement of people and goods including rail
5 freight infrastructure.

6 q. "Transportation system" means public highways, public
7 transportation projects, other transportation projects, and all other
8 surface, airborne and waterborne methods of transportation for the
9 movement of people and goods.

10 r. "[Maintenance] Permitted maintenance" means, in relation to
11 public transportation projects, direct costs of work necessary for
12 preserving or maintaining the useful life of public transportation
13 projects, provided the work performed is associated with the
14 acquisition, installation and rehabilitation of components which are not
15 included in the normal operating maintenance of equipment and
16 facilities or replaced on a scheduled basis. The work shall ensure the
17 useful life of the project for not less than ~~[four]~~ five years and shall
18 not include routine maintenance or inspection of equipment and
19 facilities that is conducted on a scheduled basis. This definition shall
20 not apply to the term "maintenance" as used in subsection l. of this
21 section. For purposes of this subsection, "permitted maintenance"
22 means, in relation to public highways, the direct costs of work
23 necessary for preserving or maintaining the useful life of public
24 highways, provided the work is not associated with the regular and
25 routine maintenance of public highways and their components, such as,
26 but not limited to, grass cutting, litter pick-up, snow plowing,
27 replacement of striping, light bulb replacement for light bulbs having
28 a useful life of less than five years, damaged sign replacement, pot hole
29 repairs, guide rail repairs and normal and usual work that historically,
30 maintenance personnel have performed for the department.

31 s. "Circle of Mobility" means an essential group of related transit
32 projects that include (1) the New Jersey Urban Core Project, as
33 defined in section 3031 of the "Intermodal Surface Transportation
34 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
35 following elements: Secaucus Transfer, Kearny Connection,
36 Waterfront Connection, Northeast Corridor Signal System, Hudson
37 River Waterfront Transportation System, Newark-Newark
38 International Airport-Elizabeth Transit Link, a rail connection between
39 Penn Station Newark and Broad Street Station, Newark, New York
40 Penn Station Concourse, and the equipment needed to operate revenue
41 service associated with improvements made by the project, and (2) the
42 modification and reconstruction of the West Shore Line in Bergen
43 County connected to Allied Junction/Secaucus Transfer Meadowlands
44 Rail Center; the construction of a rail station and associated
45 components at the Meadowlands Sports Complex; the modification
46 and reconstruction of the Susquehanna and Western Railway, as

1 defined and provided in section 3035 (a) of the "Intermodal Surface
2 Transportation Efficiency Act of 1991"; and the modification and
3 reconstruction of the Lackawanna Cutoff Commuter Rail Line
4 connecting Morris, Sussex and Warren Counties to the North Jersey
5 Transportation Rail Centers.

6 (cf: P.L.1995, c.108, s.1)

7

8 12. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read
9 as follows:

10 5. It shall be the sole purpose of the authority created under this
11 act to provide the payment for and financing of all, or a portion of, the
12 costs incurred by the department for the planning, acquisition,
13 engineering, construction, reconstruction, repair and rehabilitation of
14 the State's transportation system, including, without limitation, the
15 State's share (including State advances with respect to any federal
16 share) under federal aid highway laws of the costs of planning,
17 acquisition, engineering, construction, reconstruction, repair,
18 resurfacing and rehabilitation of public highways, the State's share
19 (including State advances with respect to any federal share) of the
20 costs of planning, acquisition, engineering, construction,
21 reconstruction, repair, permitted maintenance and rehabilitation of
22 public transportation projects and other transportation projects in the
23 State, and State aid to counties and municipalities for transportation
24 projects, all in furtherance of the public policy declared in section 2 of
25 the act, in the manner provided for in the act.

26 (cf: P.L.1991, c.40, s.3)

27

28 13. Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended to read
29 as follows:

30 6. In addition to all other powers granted to the authority in the
31 act, the authority shall have power:

32 a. To sue and be sued;

33 b. To have an official seal and alter the same at its pleasure;

34 c. To make and alter bylaws for its organization and internal
35 management and rules and regulations for the conduct of its affairs and
36 business;

37 d. To maintain an office at a place or places within the State as it
38 may determine;

39 e. To acquire, hold, use and dispose of its income, revenues, funds
40 and moneys;

41 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
42 transfer, and dispose of real or personal property for its purposes;

43 g. To borrow money and to issue its bonds, notes or other
44 obligations and to secure the same by its revenues or other funds and
45 otherwise to provide for and secure the payment thereof and to
46 provide for the rights of the holders thereof and to provide for the

1 refunding thereof, all as provided in the act;

2 h. To issue subordinated indebtedness and to enter into any
3 revolving credit agreement, agreement establishing a line of credit or
4 letter of credit, reimbursement agreement, interest rate exchange
5 agreement, insurance contract, surety bond, commitment to purchase
6 or sell bonds, purchase or sale agreement, or commitments or other
7 contracts or agreements, and other security agreements as approved
8 by the authority in connection with the issuance of bonds or notes;

9 i. In its own name, in the name of the New Jersey Transit
10 Corporation or in the name of the State, to apply for and receive and
11 accept appropriations or grants of property, money, services or
12 reimbursements for money previously spent and other assistance
13 offered or made available to it by or from any person, government
14 agency, public authority or any public and private entity whatever for
15 any lawful corporate purpose of the authority, including, without
16 limitation, grants, appropriations or reimbursements from the State or
17 federal government with respect to their respective shares under
18 federal aid highway laws of the costs of planning, acquisition,
19 engineering, construction, reconstruction, repair, resurfacing and
20 rehabilitation of public highways or the costs of planning, acquisition,
21 engineering, construction, reconstruction, repair, permitted
22 maintenance and rehabilitation of public transportation projects and
23 other transportation projects in the State and the authority's operating
24 expenses and to apply and negotiate for the same upon such terms and
25 conditions as may be required by any person, government agency,
26 authority or entity or as the authority may determine to be necessary,
27 convenient or desirable;

28 j. Subject to any agreement with the holders of bonds, notes or
29 other obligations, to invest moneys of the authority not required for
30 immediate use, including proceeds from the sale of any bonds, notes
31 or other obligations, in obligations, securities and other investments as
32 the authority shall deem prudent;

33 k. Subject to any agreements with holders of bonds, notes or other
34 obligations, to purchase bonds, notes or other obligations of the
35 authority out of any funds or moneys of the authority available
36 therefor, and to hold, cancel or resell the bonds, notes or other
37 obligations;

38 l. For its sole purpose as established in section 5 of this act, to
39 appoint and employ an executive director and such additional officers,
40 who need not be members of the authority and such other personnel
41 and staff as it may require, at an annual expense not to exceed
42 \$100,000.00, all without regard to the provisions of Title 11A of the
43 New Jersey Statutes;

44 m. To do and perform any acts and things authorized by the act
45 under, through, or by means of its officers, agents or employees or by
46 contract with any person, firm or corporation or any public body;

1 n. To procure insurance against any losses in connection with its
2 property, operations, assets or obligations in amounts and from
3 insurers as it deems desirable;

4 o. To make and enter into any and all contracts and agreements
5 which the authority determines are necessary, incidental, convenient
6 or desirable to the performance of its duties and the execution of its
7 powers under the act; and

8 p. To do any and all things necessary, convenient or desirable to
9 carry out its purposes and exercise the powers given and granted in the
10 act.

11 (cf: P.L.1995, c.108, s.3)

12

13 14. Section 20 of P.L.1984, c.73(C.27:1B-20) is amended to read
14 as follows:

15 20. There is hereby established in the General Fund an account
16 entitled "Transportation Trust Fund Account." During the fiscal year
17 beginning July 1, 1984 and during each succeeding fiscal year in which
18 the authority has bonds, notes or other obligations outstanding, the
19 treasurer shall credit to this account:

20 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
21 \$0.09 per gallon from the tax imposed on the sale of motor fuels
22 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
23 in Article VIII, Section II, paragraph 4 of the State Constitution,
24 provided, however, such amount during any fiscal year shall not be
25 less than ~~[\$100,000,000]~~ \$405,000,000;

26 b. ~~[After approval by the voters of the constitutional amendment~~
27 ~~proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly~~
28 ~~Concurrent Resolution No. 9 of 1995, in addition to the amount~~
29 ~~credited in subsection a. of this section, for the fiscal year beginning~~
30 ~~July 1, 1996 and the fiscal year beginning July 1, 1997, an amount~~
31 ~~equivalent to the revenue derived from \$0.045 per gallon from the tax~~
32 ~~imposed on the sale of motor fuels pursuant to chapter 39 of Title 54~~
33 ~~of the Revised Statutes, provided, however, such amount shall not be~~
34 ~~less than \$180,000,000 during each of those fiscal years, and for the~~
35 ~~fiscal year beginning July 1, 1998, an amount equivalent to the revenue~~
36 ~~derived from \$0.055 per gallon from the tax, provided, however, that~~
37 ~~such amount shall not be less than \$220,000,000, and for the fiscal~~
38 ~~year beginning July 1, 1999 and for each fiscal year thereafter, an~~
39 ~~amount equivalent to the revenue derived from \$0.065 per gallon from~~
40 ~~the tax, provided, however, that such amount shall not be less than~~
41 ~~\$260,000,000 in any fiscal year, as provided in Article VIII, Section~~
42 ~~II, paragraph 4 of the State Constitution; and] (deleted by amendment,~~
43 P.L. , c. (C.)(now before the Legislature as this bill).

44 c. An amount equivalent to moneys received by the State in
45 accordance with contracts entered into with toll road authorities or
46 other State agencies, provided that effective with the fiscal year

1 beginning July 1, 1988 the amount so credited shall not be less than
2 \$24,500,000.00 in any fiscal year.

3 The treasurer shall also credit to this account, in accordance with
4 a contract between the treasurer and the authority, an amount
5 equivalent to the sum of the revenues due from the increase of fees for
6 motor vehicle registrations collected pursuant to the amendment to
7 R.S.39:3-20 made by this act and from the increase in the tax on diesel
8 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
9 this act and by P.L.1987, c.460, provided that the total amount
10 credited during the fiscal year beginning July 1, 1984 shall not be less
11 than \$20,000,000.00 and that the total amount credited during the
12 fiscal year beginning July 1, 1985 and during every fiscal year
13 thereafter shall not be less than \$30,000,000.00.

14 In addition to the amounts credited to the account by this section,
15 commencing with the fiscal year beginning July 1, 1995 and every
16 fiscal year thereafter, there shall be appropriated from the General
17 Fund such additional amounts as are necessary to carry out the
18 provisions of this act and ~~[after January 1, 1997]~~ beginning July 1,
19 2000 the fees collected pursuant to subsection a. of section 68 of
20 P.L.1990, c.8 (C.17:33B-63) shall be ~~[available for crediting]~~ credited
21 to the account for the purposes of this act, provided, however, the
22 amount credited from such fees during any fiscal year shall not be less
23 than \$60,000,000.

24 d. After approval by the voters of the constitutional amendment
25 proposed in Senate Committee Substitute for Senate Concurrent
26 Resolution No. 1 of 2000 or Assembly Concurrent Resolution No. of
27 2000, in addition to the amount credited in subsection a. of this
28 section, beginning January 1 following approval by the voters an
29 amount equivalent to the revenue derived from the tax imposed on the
30 sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et
31 seq.), provided, however, such amount shall not be less than
32 \$100,000,000 in the period January 1 through June 30 following
33 approval by the voters and shall not be less than \$200,000,000 in any
34 fiscal year thereafter and for the fiscal year commencing July 1, 2001
35 and for each fiscal year thereafter an amount equivalent to the revenue
36 derived from the tax imposed under the "Sales and Use Tax Act,"
37 P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles,
38 provided, however, that such amount shall not be less than
39 \$80,000,000 for the fiscal year commencing July 1, 2001, not less than
40 \$140,000,000 for the fiscal year commencing July 1, 2002, and not
41 less than \$200,000,000 for the fiscal year commencing July 1, 2003
42 and for each fiscal year thereafter, as provided in Article VIII, Section
43 II, paragraph 4 of the State Constitution.

1 No later than the fifth business day of the month following the
2 month in which a credit has been made, the treasurer shall pay to the
3 authority, for its purposes as provided herein, the amounts then
4 credited to the Transportation Trust Fund Account, provided that the
5 payments to the authority shall be subject to and dependent upon
6 appropriations being made from time to time by the Legislature of the
7 amounts thereof for the purposes of the act.

8 (cf: P.L.1995, c.108, s.5)

9
10 15. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to read
11 as follows:

12 21. a. There is hereby established a separate fund entitled "Special
13 Transportation Fund." This fund shall be maintained by the State
14 Treasurer and may be held in depositories as may be selected by the
15 treasurer and invested and reinvested as other funds in the custody of
16 the treasurer, in the manner provided by law. The commissioner may
17 from time to time (but not more frequently than monthly) certify to the
18 authority an amount necessary to fund payments made, or anticipated
19 to be made by or on behalf of the department, from appropriations
20 established for or made to the department from revenues or other
21 funds of the authority. The commissioner's certification shall be
22 deemed conclusive for purposes of the act. The authority shall, within
23 15 days of receipt of the certificate, transfer from available funds of
24 the authority to the treasurer for deposit in the Special Transportation
25 Fund the amount certified by the commissioner, provided that all funds
26 transferred shall only be expended by the department by project
27 pursuant to appropriations made from time to time by the Legislature
28 for the purposes of the act.

29 b. The department shall not expend any money except as
30 appropriated by law. Commencing with appropriations for the fiscal
31 years beginning on July 1, 1988, the department shall not expend any
32 funds except as are appropriated by specific projects identified by a
33 description of the projects, the county or counties within which they
34 are located, and amounts to be expended on each project, in the annual
35 appropriations act.

36 c. No funds appropriated, authorized or expended pursuant to this
37 act shall be used to finance the resurfacing of highways by department
38 personnel, where that resurfacing would require the use of more than
39 150,000 tons of bituminous concrete for that purpose in any calendar
40 year, except that the commissioner may waive this provision when he
41 determines the existence of emergency conditions requiring the use of
42 department personnel for the resurfacing of highways, after the
43 department has effectively reached the 150,000 ton limit.

44 d. In order to provide the department with flexibility in
45 administering the specific appropriations by project identified in the
46 annual appropriations act, the commissioner may transfer a part of any

1 item to any other item subject to the approval of the Director of the
2 Division of Budget and Accounting and of the Joint Budget Oversight
3 Committee or its successor. Upon approval of the director and the
4 committee, the transfer shall take effect.

5 e. Any federal funds which become available to the State for
6 transportation projects which have not been appropriated to the
7 department in the annual appropriations act, shall be deemed
8 appropriated to the department and may, subject to approval by the
9 Joint Budget Oversight Committee and the State Treasurer, be
10 expended for any purpose for which such funds are qualified.

11 f. There shall be no appropriations from the revenues and other
12 funds of the authority for regular and routine maintenance of public
13 highways and components thereof, or operational activities of the
14 department unrelated to the implementation of, and indirect costs
15 associated with, the capital program. The commissioner shall include
16 in his annual budget request sufficient funding to effectuate the
17 purposes of P.L. , c. (C.) (now before the Legislature as this
18 bill).

19 g. To the extent that salaries or overhead of the department or the
20 New Jersey Transit Corporation are charged to transportation
21 projects, each agency shall keep adequate and truthful personnel
22 records, and time charts to adequately justify each such charge and
23 shall make those records available to the external auditor to the
24 authority.

25 h. The commissioner shall annually, on or before January 1 of each
26 fiscal year, report to the Governor and the Legislature how much
27 money was expended in the previous fiscal year for salaries and
28 overhead of the department and the New Jersey Transit Corporation.
29 (cf: P.L.1995, c.108, s.6)

30
31 16. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to
32 read as follows:

33 8. a. Commencing with the report of the commissioner, as may be
34 amended, required to be submitted pursuant to section 22 of P.L.1984,
35 c.73 (C.27:1B-22) on or before March 1, [1996] 2000 for the fiscal
36 year commencing July 1, [1996] 2000 [and for each fiscal year
37 thereafter] the amount reported by the commissioner for proposed
38 projects to be financed shall not exceed [\$700,000,000] \$950,000,000
39 [exclusive of federal funds] and for the fiscal year beginning July 1,
40 2001 through the fiscal year beginning July 1, 2003 the annual
41 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
42 federal funds.

43 b. For the fiscal year beginning on July 1, [1995] 2000 [and for
44 each fiscal year thereafter], the total amount authorized to be
45 appropriated from the revenues and other nonfederal funds of the New
46 Jersey Transportation Trust Fund Authority for the projects listed in

1 the appropriations act pursuant to section 21 of P.L.1984, c.73
2 (C.27:1B-21) shall not exceed ~~[\$700,000,000]~~ \$950,000,000
3 [exclusive of federal funds] and for the fiscal year beginning July 1,
4 2001 through the fiscal year beginning July 1, 2003 the annual
5 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
6 federal funds.

7 c. (Deleted by amendment, P.L.1991, c.40.)

8 d. (Deleted by amendment, P.L.1992, c.10).

9 e. The State Auditor shall provide for a unified annual audit of
10 expenditures from the Special Transportation Fund, established by
11 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
12 these funds are expended for costs eligible for funding from the
13 authority and in a manner consistent with appropriations made by the
14 Legislature. The findings of such audits shall be transmitted to the
15 presiding officer of each House of the Legislature, and to the Chair of
16 the Senate Budget and Appropriations Committee, the Senate
17 Transportation Committee, the Assembly Appropriations Committee,
18 and the Assembly Transportation and Communications Committee or
19 their successors.

20 f. The State Auditor shall review bond issuances of the authority
21 and report to the Joint Budget Oversight Committee and to the
22 members of the Senate Budget and Appropriations Committee and the
23 Assembly Appropriations Committee, or their successors, on the status
24 of the bonds of the authority and projects financed from the proceeds
25 of the bonds. The report shall include the investment status of all
26 unexpended bond proceeds and provide a description of any bond
27 issues expected during a fiscal year, including type of issue, estimated
28 amount of bonds to be issued and the expected month of sale.

29 (cf: P.L.1995, c.108, s.7)

30

31 17. Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended to read
32 as follows:

33 22. a. To the end that the transportation system of the State
34 shall be planned in an orderly and efficient manner and that the
35 Legislature shall be advised of the nature and extent of public
36 highways, public transportation projects and other transportation
37 projects contemplated to be financed under this act, the department
38 shall submit a master plan, as provided in subsection (a) of section 5
39 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions of
40 that act, the plan shall be for a period of five years and shall be
41 submitted to the Commission on Capital Budgeting and Planning, the
42 Chairman of the Senate Transportation Committee and the Chairman
43 of the Assembly Transportation and Communications Committee, or
44 their successors, and the Legislative Budget and Finance Officer, and
45 the metropolitan planning organizations, on or before ~~[December 15,~~
46 ~~1984]~~ March 1, 2001, and at five-year intervals thereafter. The

1 master plan shall set the direction for the department's overall Capital
2 Investment Strategy and subsequent annual Transportation Capital
3 Programs submitted to the Legislature for approval pursuant to this
4 section.

5 b. The Department of Transportation, in conjunction with the New
6 Jersey Transit Corporation, shall prepare a "Capital Investment
7 Strategy" for at least a five year period which shall contain, at a
8 minimum, a statement of the goals of the department and the
9 corporation in major selected policy areas and the means by which the
10 goals are to be attained during that period, using quantitative measures
11 where appropriate. The Capital Investment Strategy may be updated
12 and submitted no later than March 1 of each year. The Capital
13 Investment Strategy shall provide for a multi-modal, intermodal,
14 seamless and technologically advanced transportation system. It shall
15 recommend investment for major program categories, set overall goals
16 for investment in the State's infrastructure, develop program targets
17 and performance measures. It may rely on infrastructure management
18 systems as developed by the department to assess bridge conditions,
19 pavement conditions, bridge, traffic and pedestrian safety, traffic
20 congestion and public transit facilities. With respect to pavement
21 conditions, the department shall set as a priority the utilization of
22 efficient cost effective materials and technologies, including but not
23 limited to, "cold in place recycling" and "micro-surfacing." The goals
24 of the Capital Investment Strategy shall include, but not be limited to,
25 reduction of accidents, reduction in the backlog of projects, including
26 bridge repair projects and pavement deficiencies and an increase in
27 lane miles of bicycle paths. With respect to the New Jersey Transit
28 Corporation, the plan shall deal with the corporation's goals in the area
29 of bus transportation and present a strategy and a preliminary
30 timetable for the replacement of the current diesel bus fleet with a fleet
31 of buses which have reduced emission of air pollutants. The
32 corporation shall consider the feasibility of diesel buses with improved
33 pollution controls and vehicles powered by fuel other than
34 conventional diesel, such as compressed natural gas vehicles, hybrid
35 vehicles, fuel cell vehicles, biodiesel and the like. The corporation may
36 consider as part of its strategy cooperative efforts with bus
37 manufacturers, and the solicitation of federal support, in developing a
38 "clean bus" with air pollution controls superior to currently available
39 technology.

40 c. On or before March 1 of each year, the commissioner shall
41 submit a report of general project categories and proposed projects
42 thereunder to be financed in ensuing fiscal year, including therewith a
43 description of the projects, the county or counties within which they
44 are to be located, a distinction between State and local projects, and
45 the amount estimated to be expended on each project [and also
46 including a financial plan designed to implement the financing of the

1 proposed projects]. This report shall be known as the "Annual
2 Transportation Capital Program" for the upcoming fiscal year. It shall
3 include proposed projects of both the Department of Transportation
4 and the New Jersey Transit Corporation. The program shall be
5 consistent with, and reflective of, the goals and priorities of the Capital
6 Investment Strategy and the program shall include an explanation
7 which demonstrates how it is consistent with, and reflective of, the
8 goals and priorities.

9 d. On or before March 1 of each year, the commissioner shall also
10 submit a "Transportation Trust Fund Authority Financial Plan"
11 designed to implement the financing of the proposed projects. The
12 financial plan shall contain an enumeration of the bonds, notes or other
13 obligations of the authority which the authority intends to issue,
14 including the amounts thereof and the conditions therefor. The
15 financial plan shall set forth a complete operating and financial
16 statement covering the authority's proposed operations during the
17 ensuing fiscal year, including amounts of income from all sources,
18 including but not limited to the proceeds of bonds, notes or other
19 obligations to be issued, as well as interest earned. In addition, the
20 plan shall contain proposed amounts to be appropriated and expended,
21 as well as amounts for which the department anticipates to obligate
22 during the ensuing fiscal year for any future expenditures.

23 [The report] e. The Capital Investment Strategy, the Annual
24 Transportation Capital Program, and the Transportation Trust Fund
25 Authority Financial Plan shall be submitted to the Senate and General
26 Assembly. Within 30 days of the receipt thereof, the Senate or the
27 General Assembly may object in writing to the commissioner in regard
28 to any project or projects in the Annual Transportation Capital
29 Program it disapproves or which it is of the opinion should be
30 modified or added to or any additional or alternative projects
31 considered or in regard to any element of the financial plan. The
32 commissioner shall consider the objections and recommendations and
33 resubmit the report within 10 days, containing therein any
34 modifications based upon the commissioner's consideration of the
35 objections or recommendations.

36 (cf: P.L. 1995,c.108,s.8)

37

38 18. (New section) In addition to those funds to be credited to the
39 "Transportation Trust Fund Account" pursuant to section 20 of
40 P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall also credit to
41 the account any and all additional funds which may now or hereafter
42 be dedicated to transportation purposes by the State Constitution.

43

44 19. (New section) a. There is hereby established a Transportation
45 Trust Fund Advisory Board to be comprised of 14 members. The
46 Governor shall appoint four public members and the President of the

1 Senate and the Speaker of the General Assembly shall each appoint
2 four public members. The commissioner or the commissioner's
3 designee and the State Treasurer or the State Treasurer's designee
4 shall serve as ex officio members of the board. All of the public
5 members shall have some experience in the field of transportation or
6 finance. Each public member shall serve for a term of three years and
7 shall serve until the member's successor is appointed and has qualified.
8 Of the public members first appointed pursuant to this act, one
9 member appointed by the Governor, the President and the Speaker
10 respectively shall each serve one year, two members so appointed shall
11 serve two years, and the remainder of the public members shall serve
12 three years. The Governor shall designate one of the public members
13 to serve as chairperson of the board. The board shall meet a minimum
14 of four times each year. The department shall provide staff to support
15 the board.

16 b. The purpose of the Advisory Board shall be to review the
17 department's long range capital planning, master plan and Capital
18 Investment Strategy, including the overall program and to make
19 recommendations to the Governor and the Legislature concerning the
20 department's capital investment strategies and the continuation of the
21 funding of the State's transportation system under the New Jersey
22 Transportation Trust Fund Authority.

23

24 20. This act shall take effect immediately except that section 14
25 shall take effect on July 1, 2000.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 16**

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2000

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 16 (SCS).

This bill provides for the establishment of programs to study and to address the problems of congestion, mobility, and traffic safety on New Jersey public roads. It also provides for the expansion of transportation funding under the New Jersey Transportation Trust Fund Authority without any increase in taxes. Finally, it enhances the scope and focus of the process of planning for the State's investment in and management of its transportation system.

Highway congestion and traffic safety. The bill directs the Commissioner of Transportation to: (1) establish and implement a program to improve traffic signal operations throughout the State through use of the best available technology; (2) report to the Legislature by March 31, 2001, with recommendations for incentives to businesses to encourage employees' use of mass transit, van pooling and car pooling; (3) establish one or more congestion relief and safety task forces, comprising representatives of the toll road authorities, the Department of Transportation (DOT), and the counties and municipalities, to identify projects to relieve congestion or improve safety. These projects would have to number no more than ten per year over a ten-year period, cost no more than \$150,000 each, and be capable of rapid implementation. They are to be awarded using any expedited procurement and contracting procedures available to the department; (4) study the issue of transportation planning for traffic in residential areas and town centers and develop a departmental program that authorizes context sensitive highway design; (5) recommend to the Legislature measures to improve the safety or to mitigate adverse impacts of large trucks on State roadways; (6) install "light emitting diodes" ("LED") lighting in traffic signals on the State highway system; (7) implement a "Pavement Preservation and Preventive Maintenance Program" to better preserve and maintain State roadways and enhance roadway safety; and (8) undertake a study, through an analysis of the road use patterns attributable to

motor vehicles identified at points of major traffic congestion as users of the E-ZPass system, of the feasibility of implementing a pilot program to establish new or expanded bus service and park-ride facilities.

In addition, the bill requires that public transportation projects and service plans shall provide access during peak hours to urban rail and bus stations where suburban and rural stations are served along the same line or route. Finally, the bill directs the New Jersey Commerce and Economic Growth Commission to submit to the Legislature a report containing a program to identify sectors of the economy, or specific occupations, that are appropriate for telecommuting to increase telecommuting in the State.

Transportation Trust Fund Authority. Under the bill, the Trust Fund program is to be renewed based upon an infusion of additional funds. Also, the categories of transportation-related costs eligible for funding through the program are revised.

Funding. The bill increases the amount of revenue from some existing taxes that is dedicated for deposit into the Transportation Trust Fund Account and establishes new Trust Fund dedication requirements with respect to other existing tax revenue, but does not impose any new tax or increase any existing tax. Under the bill:

(1) The minimum amount of revenue from the tax on motor fuels (already constitutionally required to be credited to the Trust Fund at the rate of 9¢ per gallon) that is statutorily dedicated for deposit into the Fund is increased from \$360,000,000 to \$405,000,000 per year;

(2) Of revenue from the motor vehicle registration fee surcharge under subsection a. of N.J.S.A.17:33B-63, already authorized as being available for crediting to the Trust Fund, a minimum amount of \$60,000,000 per year would now be required to be so credited; and

(3) New provisions are established for dedication to the Trust Fund of (a) an amount equivalent to the revenue from the petroleum products gross receipts tax imposed under N.J.S.A.54:15B-1 et seq., but not less than \$100,000,000 in the period from January 1 through June 30 in the calendar year following approval by the voters of a constitutional amendment providing for such a dedication and \$200,000,000 in subsequent fiscal years, and (b) an amount equivalent to the revenue derived from the State sales and use tax on the sale of new motor vehicles, but not less than \$80,000,000 in FY2002, \$140,000,000 in FY2003, and \$200,000,000 in subsequent fiscal years, as provided by the aforementioned constitutional amendment.

With the current revenue sources of \$24.5 million from the toll road authorities and \$30 million from certain motor vehicle registration fees and diesel fuel taxes remaining unchanged, the total annual tax revenues statutorily dedicated for deposit into the TTF would increase to about \$920 million by FY2004.

The bill increases the annual trust fund program amount (i.e., the maximum amount that is to be appropriated each year from the Trust Fund Authority for eligible transportation purposes) from the current

permanent statutory level of \$700 million to the following levels: for FY2001, \$950 million; and for fiscal years 2002 through 2004, \$1 billion. As at present, these maximum program amounts are exclusive of federal funds.

Costs eligible for Trust Fund financing. The categories of projects to be funded through the Transportation Trust Fund are revised as follows: (1) the "public highway" category is expanded to include bicycle and pedestrian pathways and pedestrian and bicycle bridges traversing public highways; (2) the "public transportation project" category is expanded to include (a) ferries and ferry facilities (including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking docks, and other necessary land-side improvements), and (b) pedestrian walkways and bridges connecting to passenger stations and servicing facilities; and (3) the maintenance category (newly designated as "permitted maintenance" under the bill) is narrowed by lengthening from four to five years the minimum period of a project's useful life to which maintenance work would have to contribute in order for the work to constitute a cost eligible for Trust Fund financing. The bill includes a prohibition against the appropriation of Trust Fund Authority resources for regular and routine highway maintenance or for operational activities of the DOT unrelated to the authority's capital programs. It also requires the department and the New Jersey Transit Corporation to keep adequate records to justify the charging, to transportation projects under the authority, of any salaries or overhead expenses of those agencies.

Transportation planning. The bill provides for the Department of Transportation and the New Jersey Transit Corporation to prepare a five year "Capital Investment Strategy" which is to contain, at a minimum, a statement of the goals of the department and the corporation in major selected policy areas and the means by which the goals are to be attained during that period. The departmental goals shall include, but not be limited to, reduction of accidents, reduction in the backlog of projects (including bridge repair projects and pavement deficiencies), and an increase in lane miles of bicycle paths. New Jersey Transit shall present a strategy and a preliminary timetable for the replacement of the current diesel bus fleet with a fleet of buses that have reduced emission of air pollutants. New Jersey Transit shall consider the feasibility of diesel buses with improved pollution controls and vehicles powered by fuel other than conventional diesel fuel. New Jersey Transit may consider as part of its strategy cooperative efforts in developing a "clean bus." The annual report of transportation capital projects shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the report, now entitled the "Annual Transportation Capital Program," shall include an explanation that demonstrates how it is consistent with, and reflective of, the goals and priorities.

The bill also establishes a Transportation Trust Fund Advisory

Board consisting of both Legislative and Executive appointees to review the department's long range capital planning, master plan and Capital Investment Strategy, including the overall program, and to make recommendations to the Governor and the Legislature concerning the department's capital investment strategies and the continuation of the Trust Fund's funding of the State's transportation system.

COMMITTEE AMENDMENTS

Committee amendments to this bill (1) provide for establishment of the "Pavement Preservation and Prevention Maintenance Program"; (2) incorporate the requirement that public transportation projects and service plans provide access during peak hours to certain rail and bus stations; (3) require that the New Jersey Transit Corporation segment of the transportation master plan detail the planned investment of capital funds for public transportation projects of private bus companies; (4) incorporate the provision for the study of traffic patterns among E-ZPass users for purposes of developing a congestion reduction program of increase bus service; and (5) make technical changes in connection with the bill's inclusion of expenditures for ferries and ferry facilities as eligible Trust Fund costs.

FISCAL IMPACT

The fiscal impact of this legislation is summarized in the chart below:

Fiscal Impact	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
1. Current Revenue Shifted from General Fund and dedicated to TTF	\$145 million	\$325 million	\$385 million
2. Additional Current Revenue appropriated to TTF	\$100 million	---	---
Total	\$245 million	\$325 million	\$385 million

The \$100 million in additional revenue in FY2001 to be appropriated to the Trust Fund represents an estimate of the difference between the amount of the petroleum products gross receipts tax revenue that is dedicated under the bill for deposit that year into the TTF and the entire amount of such revenue required for the TTF program.

The Office of Legislative Services (OLS) notes that no new revenues are generated by this substitute bill. However, the substitute bill does identify certain revenues currently deposited in the General Fund and available for non-Transportation Trust Fund purposes that are to be specifically dedicated to the Transportation Trust Fund Account. As a result of this additional dedication of monies to the Trust Fund, the amount of funds available in the General Fund in the future for non-Transportation Trust Fund purposes would decrease by \$245 million in FY 2001, \$325 million in FY 2002, and \$385 million in FY 2003 and each year thereafter. Except for a one-time appropriation of \$100 million to the Trust Fund from the General Fund in FY 2001, the amounts and timing of the newly dedicated funding levels for the Trust Fund are specified in the substitute bill.

There is also a potential shift of costs from the Transportation Trust Fund to the General Fund. The definition of "permitted maintenance" requires that work on public transportation projects extend their useful life for no less than five years rather than four years. The term further precludes routine maintenance on public highways. However, OLS is unable to determine the cost shift, if any, attributable to this definition.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 16

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED MAY 4, 2000

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Senator RICHARD J. CODEY

District 27 (Essex)

SYNOPSIS

"Congestion Relief and Transportation Trust Fund Renewal Act of the Year 2000."

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 11, 2000, with amendments.



(Sponsorship Updated As Of: 5/12/2000)

1 **AN ACT** concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 1 through ¹[10] 15¹ and ¹[18] 23¹
10 and ¹[19] 24¹ of this act shall be known and may be cited as the
11 "Congestion Relief and Transportation Trust Fund Renewal Act of the
12 Year 2000."

13

14 2. (New section) The Legislature hereby finds and declares that:

15 a. A balanced and improved transit and goods movement and
16 highway system is of key importance to our State's continued
17 prosperity and to the quality of life of our citizens.

18 b. The State's citizens and businesses require a transportation
19 system which provides adequate mobility to all of its citizens utilizing
20 all modes.

21 c. The State should consider and utilize, where appropriate,
22 transportation approaches and concepts to reduce congestion, enhance
23 mobility, discourage sprawl, and assist in the redevelopment of our
24 cities, enhance suburbs and town centers, and otherwise improve the
25 quality of life of our citizens.

26 d. Stable and adequate dedicated funding is a prerequisite to the
27 sensible planning of transportation projects, most of which are
28 conceived, planned, designed and built over a span of several years.

29 e. Additional investment is needed to bring the public highway and
30 bridge system into a state of good repair, to reduce the backlog of
31 infrastructure repair jobs, to maximize rail freight capacity, to ¹[better
32 protect pedestrians, cyclists and motorists from injury] promote
33 bicycle and pedestrian safety,¹ and to promote cycling and walking
34 trips by providing and financing appropriate infrastructure.

35 f. Ferries and ferry ¹[terminals] facilities¹, including those
36 providing interstate service to points in New Jersey, are an
37 increasingly important component of the State's intermodal
38 transportation system and should be eligible for transportation
39 assistance from the State.

40 g. The system of financing under the New Jersey Transportation
41 Trust Fund Authority has provided a stable source of funds to keep

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted May 11, 2000.

1 our transportation system in good repair and to provide funding for
2 important new projects which have enhanced that system.

3 h. The renewal and improvement of the system of financing under
4 the New Jersey Transportation Trust Fund Authority and a significant
5 increase in the funding of that system are necessary to achieve the
6 aforementioned goals and can be achieved without the necessity of
7 increasing taxes.

8

9 3. (New section) The Commissioner of Transportation
10 (hereinafter, "the commissioner") shall establish and implement a
11 program to employ the best available technology to improve traffic
12 signal operation throughout the State so as to avoid unnecessary
13 delays, reduce air pollution, and allow traffic to move sequentially
14 through signals on roads and highways throughout the State without
15 stopping, to the greatest extent practicable without endangering or
16 limiting pedestrian travel.

17

18 4. (New section) No later than March 31, 2001, the commissioner
19 shall submit a report to the Legislature containing recommended
20 incentives to businesses to encourage as many workers as possible to
21 utilize mass transit, van pooling and car pooling.

22

23 5. (New section) No later than January 1, 2001, the Chief
24 Executive Officer and Secretary of the New Jersey Commerce and
25 Economic Growth Commission, in consultation with the Commissioner
26 of Transportation and the State Treasurer, shall submit a report to the
27 Legislature containing a program to identify sectors of the economy,
28 or specific occupations, which are appropriate for telecommuting to
29 increase telecommuting in the State.

30

31 6. (New section) The commissioner shall establish one or more
32 congestion relief and safety task forces with representatives of the toll
33 road authorities, the Department of Transportation, and of the
34 counties and municipalities, which shall be charged with identifying
35 projects which can be quickly implemented to relieve congestion or
36 improve safety. Such projects shall not exceed the cost of \$150,000
37 each and may be awarded by the department using any such expedited
38 procurement and contracting procedures as may be available to the
39 department. The department shall implement not more than 10 such
40 projects in each of the 10 years following March 1, 2001.

41

42 7. (New section) Many State highways run through fully
43 developed cities and suburban towns. In addition, many small villages
44 in rural areas have State highways which pass through built-up
45 residential areas or village centers. The traffic on many of these State
46 highways, particularly large truck and speeding traffic, prevents these

1 residential areas and town centers from functioning as intended. The
2 commissioner shall study this issue and develop a departmental
3 program which authorizes context sensitive design and examines the
4 functional classifications of State highways running through developed
5 cities and suburban towns. As used in this section,"context sensitive
6 design" means a planning technique that embraces a collaborative,
7 interdisciplinary process and recognizes the uniqueness of the
8 community in planning transportation projects.

9
10 8. (New section) The commissioner shall report to the Legislature
11 not later than January 1, 2001, on measures undertaken by the
12 department and measures it recommends as necessary to improve the
13 safety or to mitigate adverse impacts of large trucks which travel on
14 New Jersey roadways.

15
16 9. (New section) The State Treasurer shall report annually to the
17 Governor and the Legislature on revenues lost to the State by virtue
18 of the exemption which alternative fuels used in motor vehicles enjoy
19 from the tax imposed on the sale of motor fuels pursuant to chapter
20 39 of Title 54 of the Revised Statutes.

21
22 10. (New section) The commissioner shall install light emitting
23 diodes lighting ("LED lighting"), or lighting similar in energy and life
24 cycle savings, in traffic signals on the State highway system from the
25 amounts appropriated from the revenues and other funds of the New
26 Jersey Transportation Trust Fund Authority. It is anticipated that this
27 lighting will result in operational energy savings for State, county and
28 municipal governments and provide congestion relief because the
29 diodes have a 10-year life cycle as compared to the one year
30 replacement cycle for regular light bulbs. The State shall develop a
31 program to assist local governments to install LED lighting or lighting
32 similar in energy and life cycle savings, in approved local traffic signals
33 throughout the State. The commissioner may consult with the State's
34 public utility companies for assistance where appropriate to implement
35 this program.

36
37 11. (New section) There is hereby established in the Department
38 of Transportation a Pavement Preservation and Preventive
39 Maintenance Program. In furtherance of this program, the
40 commissioner shall utilize cost-effective road materials and surface
41 treatments, including but not limited to, superpave, asphalt millings,
42 asphalt overlays, white topping and, in appropriate circumstances,
43 micro-surfacing, cold-in-place recycling and crack sealing and
44 treatments to the base course of the roadway, as a regular and integral
45 part of the road preservation and maintenance program and in a
46 manner sufficient to provide for safe roads as provided for in this act,

1 where deemed appropriate by the department. The commissioner shall
2 be authorized to contract with private contractors and suppliers to
3 perform the road surface treatments or pavement improvements, or
4 both, provided for in this section, utilizing accepted procurement and
5 contracting practices.¹

6
7 ¹12. (New section) In order to permit the most efficient use of the
8 treatments enumerated in section 11 of this act, the commissioner shall
9 continue to evaluate roadway pavements and assign numerical ratings
10 to roads and bridges for maintenance and repair similar to any
11 nationally recognized method.¹

12
13 ¹13. (New section) The commissioner shall issue a report to the
14 Governor and the Legislature at the end of each fiscal year containing
15 the numerical ranking of pavements for roads and bridges needing
16 maintenance and repair in accordance with the method developed in
17 section 12 of this act. The report shall also identify the repair and
18 maintenance projects that were completed during the fiscal year,
19 including an estimate of the cost impact to the department for each
20 maintenance and repair project that utilized road surface material or
21 treatment.¹

22
23 ¹14. (New section) To encourage access to jobs, promote urban
24 revitalization and lessen traffic congestion, public transportation
25 projects and service plans shall provide access during peak hours to
26 urban rail and bus stations where suburban and rural stations are
27 served along the same line or route.¹

28
29 ¹15. (New section) The Commissioner of Transportation shall
30 identify, from among the locations in the State at which the E-Z Pass
31 toll collection monitoring system is in use, the five locations on State
32 or interstate highways at which traffic congestion is most severe, and
33 shall determine with respect to motor vehicles using the E-Z Pass
34 system at those points of congestion the zip code locations from which
35 those vehicles are registered, which determination shall be made
36 subject to the privacy restrictions of the federal "Drivers' Privacy
37 Protection Act of 1994", Pub.L. 103-322, P.L.1997, c.188 (C.39:2-3.4
38 et seq.), sections 3, 9 and 13 of P.L.1997, c.59 (C.27:12B-18.4,
39 27:23-34.3 and 27:25A-21.3), and other applicable laws of this State
40 or the United States. The commissioner shall undertake a study of the
41 feasibility of implementing a pilot program to (1) establish new bus
42 routes or increase service on existing bus routes, and (2) construct or
43 expand park-ride facilities, on highways between those municipalities
44 and the five points of maximum congestion, for purposes of
45 encouraging the greater use of public transportation on those highways
46 and relieving the congestion.

1 The commissioner shall, not later than May 1, 2001, submit to the
2 Legislature a report on the results of the study.¹

3
4 ¹[11.] 16.¹ Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended
5 to read as follows:

6 3. The following words or terms as used in this act shall have the
7 following meaning unless a different meaning clearly appears from the
8 context:

9 a. "Act" means this New Jersey Transportation Trust Fund
10 Authority Act of 1984.

11 b. "Authority" means the New Jersey Transportation Trust Fund
12 Authority created by section 4 of this act.

13 c. "Bonds" means bonds issued by the authority pursuant to the
14 act.

15 d. "Commissioner" means the Commissioner of Transportation.

16 e. "Department" means the Department of Transportation.

17 f. "Federal aid highway" means any highway within the State in
18 connection with which the State receives payment or reimbursement
19 from the federal government under the terms of Title 23, United States
20 Code or any amendment, successor, or replacement thereof, for the
21 purposes contained in the act.

22 g. "Federal government" means the United States of America, and
23 any officer, department, board, commission, bureau, division,
24 corporation, agency or instrumentality thereof.

25 h. "South Jersey Transportation Authority" means the public
26 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
27 its successor.

28 i. "New Jersey Highway Authority" means the public corporation
29 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

30 j. "New Jersey Turnpike Authority" means the public corporation
31 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

32 k. "Notes" means the notes issued by the authority pursuant to the
33 act.

34 l. "Public highways" means public roads, streets, expressways,
35 freeways, parkways, motorways and boulevards, including bridges,
36 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
37 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
38 circles, grade separations, traffic control devices, the elimination or
39 improvement of crossings of railroads and highways, whether at grade
40 or not at grade, bicycle and pedestrian pathways and pedestrian and
41 bicycle bridges traversing public highways and any facilities,
42 equipment, property, rights of way, easements and interests therein
43 needed for the construction, improvement and maintenance of
44 highways.

45 m. "Public transportation project" means, in connection with
46 public transportation service, passenger stations, shelters and

1 terminals, automobile parking facilities, ¹ferries and¹ ferry facilities,
2 including capital projects for ferry terminals, approach roadways,
3 pedestrian accommodations, parking, docks, and other necessary land-
4 side improvements, ramps, track connections, signal systems, power
5 systems, information and communication systems, roadbeds, transit
6 lanes or rights of way, equipment storage, pedestrian walkways and
7 bridges connecting to passenger stations and servicing facilities,
8 bridges, grade crossings, rail cars, locomotives, motorbuses and other
9 motor vehicles, maintenance and garage facilities, revenue handling
10 equipment and any other equipment, facility or property useful for or
11 related to the provision of public transportation service.

12 n. "State agency" means any officers, department, board,
13 commission, bureau, division, agency or instrumentality of the State.

14 o. "Toll road authorities" means and includes the New Jersey
15 Turnpike Authority, the New Jersey Highway Authority and the South
16 Jersey Transportation Authority.

17 p. "Transportation project" means, in addition to public highways
18 and public transportation projects, any equipment, facility or property
19 useful or related to the provision of any ground, waterborne or air
20 transportation for the movement of people and goods including rail
21 freight infrastructure.

22 q. "Transportation system" means public highways, public
23 transportation projects, other transportation projects, and all other
24 surface, airborne and waterborne methods of transportation for the
25 movement of people and goods.

26 r. "[Maintenance] Permitted maintenance" means, in relation to
27 public transportation projects, direct costs of work necessary for
28 preserving or maintaining the useful life of public transportation
29 projects, provided the work performed is associated with the
30 acquisition, installation and rehabilitation of components which are not
31 included in the normal operating maintenance of equipment and
32 facilities or replaced on a scheduled basis. The work shall ensure the
33 useful life of the project for not less than **[four]** five years and shall
34 not include routine maintenance or inspection of equipment and
35 facilities that is conducted on a scheduled basis. This definition shall
36 not apply to the term "maintenance" as used in subsection l. of this
37 section. For purposes of this subsection, "permitted maintenance"
38 means, in relation to public highways, the direct costs of work
39 necessary for preserving or maintaining the useful life of public
40 highways, provided the work is not associated with the regular and
41 routine maintenance of public highways and their components, such as,
42 but not limited to, grass cutting, litter pick-up, snow plowing,
43 replacement of striping, light bulb replacement for light bulbs having
44 a useful life of less than five years, damaged sign replacement, pothole
45 repairs, guide rail repairs and normal and usual work that historically,

1 maintenance personnel have performed for the department.

2 s. "Circle of Mobility" means an essential group of related transit
3 projects that include (1) the New Jersey Urban Core Project, as
4 defined in section 3031 of the "Intermodal Surface Transportation
5 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
6 following elements: Secaucus Transfer, Kearny Connection,
7 Waterfront Connection, Northeast Corridor Signal System, Hudson
8 River Waterfront Transportation System, Newark-Newark
9 International Airport-Elizabeth Transit Link, a rail connection between
10 Penn Station Newark and Broad Street Station, Newark, New York
11 Penn Station Concourse, and the equipment needed to operate revenue
12 service associated with improvements made by the project, and (2) the
13 modification and reconstruction of the West Shore Line in Bergen
14 County connected to Allied Junction/Secaucus Transfer Meadowlands
15 Rail Center; the construction of a rail station and associated
16 components at the Meadowlands Sports Complex; the modification
17 and reconstruction of the Susquehanna and Western Railway, as
18 defined and provided in section 3035 (a) of the "Intermodal Surface
19 Transportation Efficiency Act of 1991"; and the modification and
20 reconstruction of the Lackawanna Cutoff Commuter Rail Line
21 connecting Morris, Sussex and Warren Counties to the North Jersey
22 Transportation Rail Centers.

23 (cf: P.L.1995, c.108, s.1)

24

25 ¹[12.] 17.¹ Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended
26 to read as follows:

27 5. It shall be the sole purpose of the authority created under this
28 act to provide the payment for and financing of all, or a portion of, the
29 costs incurred by the department for the planning, acquisition,
30 engineering, construction, reconstruction, repair and rehabilitation of
31 the State's transportation system, including, without limitation, the
32 State's share (including State advances with respect to any federal
33 share) under federal aid highway laws of the costs of planning,
34 acquisition, engineering, construction, reconstruction, repair,
35 resurfacing and rehabilitation of public highways, the State's share
36 (including State advances with respect to any federal share) of the
37 costs of planning, acquisition, engineering, construction,
38 reconstruction, repair, permitted maintenance and rehabilitation of
39 public transportation projects and other transportation projects in the
40 State, and State aid to counties and municipalities for transportation
41 projects, all in furtherance of the public policy declared in section 2 of
42 the act, in the manner provided for in the act.

43 (cf: P.L.1991, c.40, s.3)

44

45 ¹[13.] 18.¹ Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended
46 to read as follows:

- 1 6. In addition to all other powers granted to the authority in the
2 act, the authority shall have power:
- 3 a. To sue and be sued;
- 4 b. To have an official seal and alter the same at its pleasure;
- 5 c. To make and alter bylaws for its organization and internal
6 management and rules and regulations for the conduct of its affairs and
7 business;
- 8 d. To maintain an office at a place or places within the State as it
9 may determine;
- 10 e. To acquire, hold, use and dispose of its income, revenues, funds
11 and moneys;
- 12 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
13 transfer, and dispose of real or personal property for its purposes;
- 14 g. To borrow money and to issue its bonds, notes or other
15 obligations and to secure the same by its revenues or other funds and
16 otherwise to provide for and secure the payment thereof and to
17 provide for the rights of the holders thereof and to provide for the
18 refunding thereof, all as provided in the act;
- 19 h. To issue subordinated indebtedness and to enter into any
20 revolving credit agreement, agreement establishing a line of credit or
21 letter of credit, reimbursement agreement, interest rate exchange
22 agreement, insurance contract, surety bond, commitment to purchase
23 or sell bonds, purchase or sale agreement, or commitments or other
24 contracts or agreements, and other security agreements as approved
25 by the authority in connection with the issuance of bonds or notes;
- 26 i. In its own name, in the name of the New Jersey Transit
27 Corporation or in the name of the State, to apply for and receive and
28 accept appropriations or grants of property, money, services or
29 reimbursements for money previously spent and other assistance
30 offered or made available to it by or from any person, government
31 agency, public authority or any public and private entity whatever for
32 any lawful corporate purpose of the authority, including, without
33 limitation, grants, appropriations or reimbursements from the State or
34 federal government with respect to their respective shares under
35 federal aid highway laws of the costs of planning, acquisition,
36 engineering, construction, reconstruction, repair, resurfacing and
37 rehabilitation of public highways or the costs of planning, acquisition,
38 engineering, construction, reconstruction, repair, permitted
39 maintenance and rehabilitation of public transportation projects and
40 other transportation projects in the State and the authority's operating
41 expenses and to apply and negotiate for the same upon such terms and
42 conditions as may be required by any person, government agency,
43 authority or entity or as the authority may determine to be necessary,
44 convenient or desirable;
- 45 j. Subject to any agreement with the holders of bonds, notes or
46 other obligations, to invest moneys of the authority not required for

1 immediate use, including proceeds from the sale of any bonds, notes
2 or other obligations, in obligations, securities and other investments as
3 the authority shall deem prudent;

4 k. Subject to any agreements with holders of bonds, notes or other
5 obligations, to purchase bonds, notes or other obligations of the
6 authority out of any funds or moneys of the authority available
7 therefor, and to hold, cancel or resell the bonds, notes or other
8 obligations;

9 l. For its sole purpose as established in section 5 of this act, to
10 appoint and employ an executive director and such additional officers,
11 who need not be members of the authority and such other personnel
12 and staff as it may require, at an annual expense not to exceed
13 \$100,000.00, all without regard to the provisions of Title 11A of the
14 New Jersey Statutes;

15 m. To do and perform any acts and things authorized by the act
16 under, through, or by means of its officers, agents or employees or by
17 contract with any person, firm or corporation or any public body;

18 n. To procure insurance against any losses in connection with its
19 property, operations, assets or obligations in amounts and from
20 insurers as it deems desirable;

21 o. To make and enter into any and all contracts and agreements
22 which the authority determines are necessary, incidental, convenient
23 or desirable to the performance of its duties and the execution of its
24 powers under the act; and

25 p. To do any and all things necessary, convenient or desirable to
26 carry out its purposes and exercise the powers given and granted in the
27 act.

28 (cf: P.L.1995, c.108, s.3)

29

30 ¹[14.] 19.¹ Section 20 of P.L.1984, c.73(C.27:1B-20) is amended
31 to read as follows:

32 20. There is hereby established in the General Fund an account
33 entitled "Transportation Trust Fund Account." During the fiscal year
34 beginning July 1, 1984 and during each succeeding fiscal year in which
35 the authority has bonds, notes or other obligations outstanding, the
36 treasurer shall credit to this account:

37 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
38 \$0.09 per gallon from the tax imposed on the sale of motor fuels
39 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
40 in Article VIII, Section II, paragraph 4 of the State Constitution,
41 provided, however, such amount during any fiscal year shall not be
42 less than ~~[\$100,000,000]~~ \$405,000,000;

43 b. ~~[After approval by the voters of the constitutional amendment~~
44 ~~proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly~~
45 ~~Concurrent Resolution No. 9 of 1995, in addition to the amount~~
46 ~~credited in subsection a. of this section, for the fiscal year beginning~~

1 July 1, 1996 and the fiscal year beginning July 1, 1997, an amount
2 equivalent to the revenue derived from \$0.045 per gallon from the tax
3 imposed on the sale of motor fuels pursuant to chapter 39 of Title 54
4 of the Revised Statutes, provided, however, such amount shall not be
5 less than \$180,000,000 during each of those fiscal years, and for the
6 fiscal year beginning July 1, 1998, an amount equivalent to the revenue
7 derived from \$0.055 per gallon from the tax, provided, however, that
8 such amount shall not be less than \$220,000,000, and for the fiscal
9 year beginning July 1, 1999 and for each fiscal year thereafter, an
10 amount equivalent to the revenue derived from \$0.065 per gallon from
11 the tax, provided, however, that such amount shall not be less than
12 \$260,000,000 in any fiscal year, as provided in Article VIII, Section
13 II, paragraph 4 of the State Constitution; and] (deleted by amendment,
14 P.L. , c. (C.)(now before the Legislature as this bill).

15 c. An amount equivalent to moneys received by the State in
16 accordance with contracts entered into with toll road authorities or
17 other State agencies, provided that effective with the fiscal year
18 beginning July 1, 1988 the amount so credited shall not be less than
19 \$24,500,000.00 in any fiscal year.

20 The treasurer shall also credit to this account, in accordance with
21 a contract between the treasurer and the authority, an amount
22 equivalent to the sum of the revenues due from the increase of fees for
23 motor vehicle registrations collected pursuant to the amendment to
24 R.S.39:3-20 made by this act and from the increase in the tax on diesel
25 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
26 this act and by P.L.1987, c.460, provided that the total amount
27 credited during the fiscal year beginning July 1, 1984 shall not be less
28 than \$20,000,000.00 and that the total amount credited during the
29 fiscal year beginning July 1, 1985 and during every fiscal year
30 thereafter shall not be less than \$30,000,000.00.

31 In addition to the amounts credited to the account by this section,
32 commencing with the fiscal year beginning July 1, 1995 and every
33 fiscal year thereafter, there shall be appropriated from the General
34 Fund such additional amounts as are necessary to carry out the
35 provisions of this act and [after January 1, 1997] beginning July 1,
36 2000 the fees collected pursuant to subsection a. of section 68 of
37 P.L.1990, c.8 (C.17:33B-63) shall be [available for crediting] credited
38 to the account for the purposes of this act, provided, however, the
39 amount credited from such fees during any fiscal year shall not be less
40 than \$60,000,000.

41 d. After approval by the voters of the constitutional amendment
42 proposed in Senate Committee Substitute for Senate Concurrent
43 Resolution No. 1 of 2000 or Assembly Concurrent Resolution No. of
44 2000, in addition to the amount credited in subsection a. of this
45 section, beginning January 1 following approval by the voters an
46 amount equivalent to the revenue derived from the tax imposed on the

1 sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et
2 seq.), provided, however, such amount shall not be less than
3 \$100,000,000 in the period January 1 through June 30 following
4 approval by the voters and shall not be less than \$200,000,000 in any
5 fiscal year thereafter and for the fiscal year commencing July 1, 2001
6 and for each fiscal year thereafter an amount equivalent to the revenue
7 derived from the tax imposed under the "Sales and Use Tax Act,"
8 P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles,
9 provided, however, that such amount shall not be less than
10 \$80,000,000 for the fiscal year commencing July 1, 2001, not less than
11 \$140,000,000 for the fiscal year commencing July 1, 2002, and not
12 less than \$200,000,000 for the fiscal year commencing July 1, 2003
13 and for each fiscal year thereafter, as provided in Article VIII, Section
14 II, paragraph 4 of the State Constitution.

15 No later than the fifth business day of the month following the
16 month in which a credit has been made, the treasurer shall pay to the
17 authority, for its purposes as provided herein, the amounts then
18 credited to the Transportation Trust Fund Account, provided that the
19 payments to the authority shall be subject to and dependent upon
20 appropriations being made from time to time by the Legislature of the
21 amounts thereof for the purposes of the act.

22 (cf: P.L.1995, c.108, s.5)

23

24 ¹[15.] 20.¹ Section 21 of P.L.1984, c.73 (C.27:1B-21) is
25 amended to read as follows:

26 21. a. There is hereby established a separate fund entitled "Special
27 Transportation Fund." This fund shall be maintained by the State
28 Treasurer and may be held in depositories as may be selected by the
29 treasurer and invested and reinvested as other funds in the custody of
30 the treasurer, in the manner provided by law. The commissioner may
31 from time to time (but not more frequently than monthly) certify to the
32 authority an amount necessary to fund payments made, or anticipated
33 to be made by or on behalf of the department, from appropriations
34 established for or made to the department from revenues or other
35 funds of the authority. The commissioner's certification shall be
36 deemed conclusive for purposes of the act. The authority shall, within
37 15 days of receipt of the certificate, transfer from available funds of
38 the authority to the treasurer for deposit in the Special Transportation
39 Fund the amount certified by the commissioner, provided that all funds
40 transferred shall only be expended by the department by project
41 pursuant to appropriations made from time to time by the Legislature
42 for the purposes of the act.

43 b. The department shall not expend any money except as
44 appropriated by law. Commencing with appropriations for the fiscal
45 years beginning on July 1, 1988, the department shall not expend any
46 funds except as are appropriated by specific projects identified by a

1 description of the projects, the county or counties within which they
2 are located, and amounts to be expended on each project, in the annual
3 appropriations act.

4 c. No funds appropriated, authorized or expended pursuant to this
5 act shall be used to finance the resurfacing of highways by department
6 personnel, where that resurfacing would require the use of more than
7 150,000 tons of bituminous concrete for that purpose in any calendar
8 year, except that the commissioner may waive this provision when he
9 determines the existence of emergency conditions requiring the use of
10 department personnel for the resurfacing of highways, after the
11 department has effectively reached the 150,000 ton limit.

12 d. In order to provide the department with flexibility in
13 administering the specific appropriations by project identified in the
14 annual appropriations act, the commissioner may transfer a part of any
15 item to any other item subject to the approval of the Director of the
16 Division of Budget and Accounting and of the Joint Budget Oversight
17 Committee or its successor. Upon approval of the director and the
18 committee, the transfer shall take effect.

19 e. Any federal funds which become available to the State for
20 transportation projects which have not been appropriated to the
21 department in the annual appropriations act, shall be deemed
22 appropriated to the department and may, subject to approval by the
23 Joint Budget Oversight Committee and the State Treasurer, be
24 expended for any purpose for which such funds are qualified.

25 f. There shall be no appropriations from the revenues and other
26 funds of the authority for regular and routine maintenance of public
27 highways and components thereof, or operational activities of the
28 department unrelated to the implementation of, and indirect costs
29 associated with, the capital program. The commissioner shall include
30 in his annual budget request sufficient funding to effectuate the
31 purposes of P.L. , c. (C.)(now before the Legislature as this
32 bill).

33 g. To the extent that salaries or overhead of the department or the
34 New Jersey Transit Corporation are charged to transportation
35 projects, each agency shall keep adequate and truthful personnel
36 records, and time charts to adequately justify each such charge and
37 shall make those records available to the external auditor to the
38 authority.

39 h. The commissioner shall annually, on or before January 1 of each
40 fiscal year, report to the Governor and the Legislature how much
41 money was expended in the previous fiscal year for salaries and
42 overhead of the department and the New Jersey Transit Corporation.
43 (cf: P.L.1995, c.108, s.6)

44

45 ¹[16.] 21.¹ Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is
46 amended to read as follows:

1 8. a. Commencing with the report of the commissioner, as may be
2 amended, required to be submitted pursuant to section 22 of P.L.1984,
3 c.73 (C.27:1B-22) on or before March 1, ~~[1996]~~ 2000 for the fiscal
4 year commencing July 1, ~~[1996]~~ 2000 [and for each fiscal year
5 thereafter] the amount reported by the commissioner for proposed
6 projects to be financed shall not exceed ~~[\$700,000,000]~~ \$950,000,000
7 [exclusive of federal funds] and for the fiscal year beginning July 1,
8 2001 through the fiscal year beginning July 1, 2003 the annual
9 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
10 federal funds.

11 b. For the fiscal year beginning on July 1, ~~[1995]~~ 2000 [and for
12 each fiscal year thereafter], the total amount authorized to be
13 appropriated from the revenues and other nonfederal funds of the New
14 Jersey Transportation Trust Fund Authority for the projects listed in
15 the appropriations act pursuant to section 21 of P.L.1984, c.73
16 (C.27:1B-21) shall not exceed ~~[\$700,000,000]~~ \$950,000,000
17 [exclusive of federal funds] and for the fiscal year beginning July 1,
18 2001 through the fiscal year beginning July 1, 2003 the annual
19 amounts shall not exceed \$1,000,000,000, all amounts exclusive of
20 federal funds.

21 c. (Deleted by amendment, P.L.1991, c.40.)

22 d. (Deleted by amendment, P.L.1992, c.10).

23 e. The State Auditor shall provide for a unified annual audit of
24 expenditures from the Special Transportation Fund, established by
25 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
26 these funds are expended for costs eligible for funding from the
27 authority and in a manner consistent with appropriations made by the
28 Legislature. The findings of such audits shall be transmitted to the
29 presiding officer of each House of the Legislature, and to the Chair of
30 the Senate Budget and Appropriations Committee, the Senate
31 Transportation Committee, the Assembly Appropriations Committee,
32 and the Assembly Transportation and Communications Committee or
33 their successors.

34 f. The State Auditor shall review bond issuances of the authority
35 and report to the Joint Budget Oversight Committee and to the
36 members of the Senate Budget and Appropriations Committee and the
37 Assembly Appropriations Committee, or their successors, on the status
38 of the bonds of the authority and projects financed from the proceeds
39 of the bonds. The report shall include the investment status of all
40 unexpended bond proceeds and provide a description of any bond
41 issues expected during a fiscal year, including type of issue, estimated
42 amount of bonds to be issued and the expected month of sale.

43 (cf: P.L.1995, c.108, s.7)

44

45 ¹[17.] 22.¹ Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended

1 to read as follows:

2 22. a. To the end that the transportation system of the State
3 shall be planned in an orderly and efficient manner and that the
4 Legislature shall be advised of the nature and extent of public
5 highways, public transportation projects and other transportation
6 projects contemplated to be financed under this act, the department
7 shall submit a master plan, as provided in subsection (a) of section 5
8 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions of
9 that act, the plan shall be for a period of five years and shall be
10 submitted to the Commission on Capital Budgeting and Planning, the
11 Chairman of the Senate Transportation Committee and the Chairman
12 of the Assembly Transportation and Communications Committee, or
13 their successors, and the Legislative Budget and Finance Officer, and
14 the metropolitan planning organizations, on or before [December 15,
15 1984] March 1, 2001, and at five-year intervals thereafter. The
16 master plan shall set the direction for the department's overall Capital
17 Investment Strategy and subsequent annual Transportation Capital
18 Programs submitted to the Legislature for approval pursuant to this
19 section.

20 b. The Department of Transportation, in conjunction with the New
21 Jersey Transit Corporation, shall prepare a "Capital Investment
22 Strategy" for at least a five-year period which shall contain, at a
23 minimum, a statement of the goals of the department and the
24 corporation in major selected policy areas and the means by which the
25 goals are to be attained during that period, using quantitative measures
26 where appropriate. The Capital Investment Strategy may be updated
27 and submitted no later than March 1 of each year. The Capital
28 Investment Strategy shall provide for a multi-modal, intermodal,
29 seamless and technologically advanced transportation system. It shall
30 recommend investment for major program categories, set overall goals
31 for investment in the State's infrastructure, ¹and¹ develop program
32 targets and performance measures. It may rely on infrastructure
33 management systems as developed by the department to assess bridge
34 conditions, pavement conditions, bridge, traffic and pedestrian safety,
35 traffic congestion and public transit facilities. With respect to
36 pavement conditions, the department shall set as a priority the
37 utilization of efficient cost effective materials and ¹[technologies,
38 including but not limited to, "cold in place recycling" and "micro-
39 surfacing."] treatments as stated in section 11 of this act. In the
40 event that there exist appropriate circumstances for the use of micro-
41 surfacing and cold-in-place recycling, the department shall establish as
42 a special priority the use of these materials and surface treatments.¹
43 The goals of the Capital Investment Strategy shall include, but not be
44 limited to, reduction of accidents, reduction in the backlog of projects,
45 including bridge repair projects and pavement deficiencies^{1,1} and an
46 increase in lane miles of bicycle paths. With respect to the New

1 Jersey Transit Corporation, the plan shall deal with the corporation's
2 goals in the area of bus transportation and present a strategy and a
3 preliminary timetable for the replacement of the current diesel bus fleet
4 with a fleet of buses which have reduced emission of air pollutants.
5 The corporation shall consider the feasibility of diesel buses with
6 improved pollution controls and vehicles powered by fuel other than
7 conventional diesel ¹fuel¹, such as compressed natural gas vehicles,
8 hybrid vehicles, fuel cell vehicles, biodiesel ¹vehicles¹ and the like.
9 The corporation may consider as part of its strategy cooperative
10 efforts with bus manufacturers, and the solicitation of federal support,
11 in developing a "clean bus" with air pollution controls superior to
12 currently available technology. ¹The plan shall also detail the planned
13 investment of capital funds for public transportation projects of
14 companies other than the New Jersey Transit Corporation engaged in
15 the business of providing motor bus transportation. The plan shall
16 demonstrate that such investment adequately addresses the finding in
17 section 2 of P.L.1979, c. 150 (C.27:25-2) that in the provision of
18 public transportation services it is desirable to encourage to the
19 maximum extent feasible the participation of private enterprise and to
20 avoid destructive competition.¹

21 c. On or before March 1 of each year, the commissioner shall
22 submit a report of general project categories and proposed projects
23 thereunder to be financed in ensuing fiscal year, including therewith a
24 description of the projects, the county or counties within which they
25 are to be located, a distinction between State and local projects, and
26 the amount estimated to be expended on each project [and also
27 including a financial plan designed to implement the financing of the
28 proposed projects]. This report shall be known as the "Annual
29 Transportation Capital Program" for the upcoming fiscal year. It shall
30 include proposed projects of both the Department of Transportation
31 and the New Jersey Transit Corporation. The program shall be
32 consistent with, and reflective of, the goals and priorities of the Capital
33 Investment Strategy and the program shall include an explanation
34 which demonstrates how it is consistent with, and reflective of, the
35 goals and priorities.

36 d. On or before March 1 of each year, the commissioner shall also
37 submit a "Transportation Trust Fund Authority Financial Plan"
38 designed to implement the financing of the proposed projects. The
39 financial plan shall contain an enumeration of the bonds, notes or other
40 obligations of the authority which the authority intends to issue,
41 including the amounts thereof and the conditions therefor. The
42 financial plan shall set forth a complete operating and financial
43 statement covering the authority's proposed operations during the
44 ensuing fiscal year, including amounts of income from all sources,
45 including but not limited to the proceeds of bonds, notes or other
46 obligations to be issued, as well as interest earned. In addition, the

1 plan shall contain proposed amounts to be appropriated and expended,
2 as well as amounts for which the department anticipates to obligate
3 during the ensuing fiscal year for any future expenditures.

4 [The report] e. The Capital Investment Strategy, the Annual
5 Transportation Capital Program, and the Transportation Trust Fund
6 Authority Financial Plan shall be submitted to the Senate and General
7 Assembly. Within 30 days of the receipt thereof, the Senate or the
8 General Assembly may object in writing to the commissioner in regard
9 to any project or projects in the Annual Transportation Capital
10 Program it disapproves or which it is of the opinion should be
11 modified or added to or any additional or alternative projects
12 considered or in regard to any element of the financial plan. The
13 commissioner shall consider the objections and recommendations and
14 resubmit the report within 10 days, containing therein any
15 modifications based upon the commissioner's consideration of the
16 objections or recommendations.

17 (cf: P.L.1995, c.108, s.8)

18

19 ¹[18.] 23.¹ (New section) In addition to those funds to be
20 credited to the "Transportation Trust Fund Account" pursuant to
21 section 20 of P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall
22 also credit to the account any and all additional funds which may now
23 or hereafter be dedicated to transportation purposes by the State
24 Constitution.

25

26 ¹[19.] 24.¹ (New section) a. There is hereby established a
27 Transportation Trust Fund Advisory Board to be comprised of 14
28 members. The Governor shall appoint four public members and the
29 President of the Senate and the Speaker of the General Assembly shall
30 each appoint four public members. The commissioner or the
31 commissioner's designee and the State Treasurer or the State
32 Treasurer's designee shall serve as ex officio members of the board.
33 All of the public members shall have some experience in the field of
34 transportation or finance. Each public member shall serve for a term
35 of three years and shall serve until the member's successor is appointed
36 and has qualified. Of the public members first appointed pursuant to
37 this act, one member appointed by the Governor, the President and the
38 Speaker respectively shall each serve one year, two members so
39 appointed shall serve two years, and the remainder of the public
40 members shall serve three years. The Governor shall designate one of
41 the public members to serve as chairperson of the board. The board
42 shall meet a minimum of four times each year. The department shall
43 provide staff to support the board.

44 b. The purpose of the Advisory Board shall be to review the
45 department's long range capital planning, master plan and Capital
46 Investment Strategy, including the overall program and to make

1 recommendations to the Governor and the Legislature concerning the
2 department's capital investment strategies and the continuation of the
3 funding of the State's transportation system under the New Jersey
4 Transportation Trust Fund Authority.

5

6 ¹[20.] 25.¹ This act shall take effect immediately except that
7 section ¹[14] 19¹ shall take effect on July 1, 2000.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 16**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Assembly Transportation Committee reports favorably and with committee amendments Senate Bill No. 16 (SCS/1R).

This bill provides for the establishment of programs to study and to address the problems of congestion, mobility, and traffic safety on New Jersey public roads. It also provides for the expansion of transportation funding under the New Jersey Transportation Trust Fund Authority without any increase in taxes. Finally, it enhances the scope and focus of the process of planning for the State's investment in and management of its transportation system.

Highway congestion and traffic safety. The bill directs the Commissioner of Transportation to: (1) establish and implement a program to improve traffic signal operations throughout the State through use of the best available technology; (2) submit a report to the Legislature containing recommended incentives to businesses to encourage a reduction in single occupancy trips; (3) study the issue of transportation planning for traffic in residential areas, town centers and future town centers and develop a departmental program that authorizes context sensitive highway design; (4) recommend to the Legislature measures to improve the safety or to mitigate adverse impacts of large trucks on State and local roadways; (5) install "light emitting diodes" ("LED") lighting in traffic signals on the State highway system; (6) implement a "Pavement Preservation and Preventive Maintenance Program" to better preserve and maintain the highway system and enhance roadway safety; (7) conduct a life cycle cost analysis of pavement surfaces; (8) and report to the Governor and Legislature on steps to be taken to establish or expand at least two park-and-ride facilities for each of the four succeeding years commencing with the 2001-2002 fiscal year and to report to the Governor and the Legislature if these facilities are not established or expanded, with the reasons for the failure to establish or expand them.

The bill also creates a "Congestion Buster Task Force" to study and make recommendations concerning the reduction of highway traffic congestion in the State and to develop a commuter options plan that would result in peak hour vehicle trips being capped at 1999 levels. The task force is also charged with identifying the top 10 projects which can be quickly implemented to relieve congestion or improve safety. Finally, the bill directs the New Jersey Commerce and Economic Growth Commission to submit to the Legislature a report containing a program to identify sectors of the economy, or specific occupations, that are appropriate for telecommuting to increase telecommuting in the State.

Transportation Trust Fund Authority. Under the bill, the Trust Fund program is to be renewed based upon an infusion of additional funds. Also, the categories of transportation-related costs eligible for funding through the program are revised.

Funding. The bill increases the amount of revenue from some existing taxes that is dedicated for deposit into the Transportation Trust Fund Account and establishes new Trust Fund dedication requirements with respect to other existing tax revenue, but does not impose any new tax or increase any existing tax. Under the bill:

(1) The minimum amount of revenue from the tax on motor fuels (already constitutionally required to be credited to the Trust Fund at the rate of 9¢ per gallon) that is statutorily dedicated for deposit into the Fund is increased from \$360,000,000 to \$405,000,000 per year;

(2) Of revenue from the motor vehicle registration fee surcharge under subsection a. of N.J.S.A.17:33B-63, already authorized as being available for crediting to the Trust Fund, a minimum amount of \$60,000,000 per year would now be required to be so credited; and

(3) New provisions are established for dedication to the Trust Fund of (a) an amount equivalent to the revenue from the petroleum products gross receipts tax imposed under N.J.S.A.54:15B-1 et seq., but not less than \$100,000,000 in the period from January 1, through June 30, in the calendar year following approval by the voters of a constitutional amendment providing for such a dedication and \$200,000,000 in subsequent fiscal years, and (b) an amount equivalent to the revenue derived from the State sales and use tax on the sale of new motor vehicles, but not less than \$80,000,000 in FY2002, \$140,000,000 in FY2003, and \$200,000,000 in subsequent fiscal years, as provided by the aforementioned constitutional amendment.

The current revenue sources of \$24.5 million from the toll road authorities and \$30 million from certain motor vehicle registration fees and diesel fuel taxes would remain unchanged.

The bill increases the annual trust fund program amount (i.e., the maximum amount that is to be appropriated each year from the Trust Fund Authority for eligible transportation purposes) from the current permanent statutory level of \$700 million to \$900 million for fiscal year 2001 and \$950 million for fiscal years 2002 through 2004. As at

present, these maximum program amounts are exclusive of federal funds. The bill further reduces the annual bonding limitation from \$700,000,000 to \$650,000,000 and provides that debt service savings realized from refunding bonds are only to be used to fund transportation projects.

Costs eligible for Trust Fund financing. The categories of projects to be funded through the Transportation Trust Fund are revised as follows: (1) the "public highway" category is expanded to include bicycle and pedestrian pathways and pedestrian and bicycle bridges traversing public highways; (2) the "public transportation project" category is expanded to include (a) ferries and ferry facilities (including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking docks, and other necessary land-side improvements), and (b) pedestrian walkways and bridges connecting to passenger stations and servicing facilities; and (3) the maintenance category (newly designated as "permitted maintenance" under the bill) is narrowed by lengthening from four to five years the minimum period of a project's useful life to which maintenance work would have to contribute in order for the work to constitute a cost eligible for Trust Fund financing. The bill includes a prohibition against the appropriation of Trust Fund Authority resources for regular and routine highway maintenance. In addition, the bill prohibits the use of Transportation Trust Fund money for the resurfacing of highways by department personnel where that resurfacing would require the use of more than 100,000 tons of bituminous concrete for that purpose in any calendar year. It also requires the department and the New Jersey Transit Corporation to keep adequate records to justify the charging, to transportation projects under the authority, of any salaries or overhead expenses of those agencies. However, the amount expended from the revenues and other funds of the authority for salaries and overhead of the department and the New Jersey Transit Corporation for the fiscal year beginning July 1, 2000 is not to exceed 14 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for that fiscal year. Salaries and overhead for the fiscal year beginning July 1, 2001 are not to exceed 12 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for that fiscal year. For the fiscal year beginning July 1, 2002 salaries and overhead are not to exceed 11 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for that fiscal year. For the fiscal year beginning July 1, 2003 salaries and overhead are not to exceed 10 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for that fiscal year.

Transportation planning. The bill provides for the Department of Transportation and the New Jersey Transit Corporation to prepare a five year "Capital Investment Strategy" which is to contain, at a

minimum, a statement of the goals of the department and the corporation in major selected policy areas and the means by which the goals are to be attained during that period. The departmental goals shall include, but not be limited to, reduction of accidents, reduction in the backlog of projects (including bridge repair projects and pavement deficiencies), and an increase in lane miles of bicycle paths with a goal of constructing 1,000 additional lane miles in five years. New Jersey Transit shall present a strategy and a preliminary timetable for the replacement of the current diesel bus fleet with a fleet of buses that have reduced emission of air pollutants. New Jersey Transit shall consider the feasibility of diesel buses with improved pollution controls and that reduce particulate emissions and vehicles powered by fuel other than conventional diesel fuel. New Jersey Transit may consider as part of its strategy cooperative efforts in developing a "clean bus." Unless exempted by legislative action, beginning with FY 2008, New Jersey Transit bus purchases are to consist of buses with improved pollution controls and that reduce particulate emissions or vehicles powered by fuel other than conventional diesel fuel. The annual report of transportation capital projects shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the report, now entitled the "Annual Transportation Capital Program," shall include an explanation that demonstrates how it is consistent with, and reflective of, the goals and priorities.

The bill also prohibits the construction of new state highways using the revenues and other funds of the authority unless specifically authorized by joint resolution.

The bill expands the membership of the Trust Fund Authority from five to seven members. The two additional members shall be public members appointed by the Governor with the advice and consent of the Senate, one of whom shall represent the construction unions and the other of whom shall represent highway construction firms. The substitute also establishes a Transportation Trust Fund Advisory Board consisting of both Legislative and Executive appointees to review and scrutinize the department's long range capital planning, master plan and Capital Investment Strategy and to make recommendations to the Governor and the Legislature concerning the department's capital investment strategies on the continuation of the Trust Fund's funding of the State's transportation system.

COMMITTEE AMENDMENTS:

The amendments adopted by the committee make this bill identical to the Assembly Committee Substitute for Assembly Bill Nos. 2586 and 2541 released by the committee on the same date. The amendments add provisions requiring the Commissioner of Transportation to conduct a life cycle cost analysis of pavement surfaces, creating a "Congestion Buster Task Force," providing for

additional or expanded park-and-ride facilities over four fiscal years, establishing a \$650 million bonding cap, conforming the "Capital Investment Strategy" to the Assembly version, increasing the membership of the authority to seven members, restricting the use of debt service savings, and requiring special authorization for the construction of new state highways. The amendments also change the size and duration of the Trust Fund program as noted in detail above.

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 16

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED MAY 4, 2000

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Senator RICHARD J. CODEY

District 27 (Essex)

SYNOPSIS

"Congestion Relief and Transportation Trust Fund Renewal Act."

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation Committee on June 19, 2000,
with amendments.



(Sponsorship Updated As Of: 5/12/2000)

1 AN ACT concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 1 through ¹[10] ²[15¹] ¹⁴² ¹[18] and
10 ²³¹ ²through ²⁵² and ¹[19] ²[24¹] section 27² of this act shall be
11 known and may be cited as the "Congestion Relief and Transportation
12 Trust Fund Renewal Act ²[of the Year 2000]²."

13

14 2. (New section) The Legislature hereby finds and declares that:

15 a. A balanced and improved transit and goods movement and
16 highway system is of key importance to our State's continued
17 prosperity and to the quality of life of our citizens.

18 b. The State's citizens and businesses require a transportation
19 system which provides adequate mobility to all of its citizens utilizing
20 all modes.

21 c. The State should consider and utilize, where appropriate,
22 transportation approaches and concepts to reduce congestion, enhance
23 mobility, discourage sprawl, and assist in the redevelopment of our
24 cities, enhance suburbs and town centers, and otherwise improve the
25 quality of life of our citizens.

26 d. Stable and adequate dedicated funding is a prerequisite to the
27 sensible planning of transportation projects, most of which are
28 conceived, planned, designed and built over a span of several years.

29 e. Additional investment is needed to bring the public highway and
30 bridge system into a state of good repair, to reduce the backlog of
31 infrastructure repair jobs, to maximize rail freight capacity, to ¹[better
32 protect pedestrians, cyclists and motorists from injury] promote
33 bicycle and pedestrian safety,¹ and to promote cycling and walking
34 trips by providing and financing appropriate infrastructure.

35 f. Ferries and ferry ¹[terminals] facilities¹, including those
36 providing interstate service to points in New Jersey, are an
37 increasingly important component of the State's intermodal
38 transportation system and should be eligible for transportation
39 assistance from the State.

40 g. The system of financing under the New Jersey Transportation
41 Trust Fund Authority has provided a stable source of funds to keep

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted May 11, 2000.

² Assembly ATR committee amendments adopted June 19, 2000.

1 our transportation system in good repair and to provide funding for
2 important new projects which have enhanced that system.

3 h. The renewal and improvement of the system of financing under
4 the New Jersey Transportation Trust Fund Authority and a significant
5 increase in the funding of that system are necessary to achieve the
6 aforementioned goals and can be achieved without the necessity of
7 increasing taxes.

8
9 3. (New section) The Commissioner of Transportation
10 (hereinafter, "the commissioner") shall establish and implement a
11 program to employ the best available technology to improve traffic
12 signal operation throughout the State so as to avoid unnecessary
13 delays, reduce air pollution, and allow traffic to move sequentially
14 through signals on roads and highways throughout the State without
15 stopping, to the greatest extent practicable without endangering or
16 limiting pedestrian travel.

17
18 4. (New section) No later than March 31, 2001, the commissioner
19 shall submit a report to the Legislature containing recommended
20 incentives to businesses to encourage ²[as many workers as possible
21 to utilize mass transit, van pooling and car pooling] a reduction in
22 single occupancy trips².

23
24 5. (New section) No later than January 1, 2001, the Chief
25 Executive Officer and Secretary of the New Jersey Commerce and
26 Economic Growth Commission, in consultation with the
27 ²[Commissioner of Transportation] commissioner² and the State
28 Treasurer, shall submit a report to the Legislature containing a
29 program to identify sectors of the economy, or specific occupations,
30 which are appropriate for telecommuting to increase telecommuting in
31 the State.

32
33 ²[6. (New section) The commissioner shall establish one or more
34 congestion relief and safety task forces with representatives of the toll
35 road authorities, the Department of Transportation, and of the
36 counties and municipalities, which shall be charged with identifying
37 projects which can be quickly implemented to relieve congestion or
38 improve safety. Such projects shall not exceed the cost of \$150,000
39 each and may be awarded by the department using any such expedited
40 procurement and contracting procedures as may be available to the
41 department. The department shall implement not more than 10 such
42 projects in each of the 10 years following March 1, 2001.]²

43
44 ²[7.] 6.² (New section) Many State highways run through fully
45 developed cities and suburban towns. In addition, many small villages
46 in rural areas have State highways which pass through built-up

1 residential areas or village centers. The traffic on many of these State
2 highways, particularly large truck and speeding traffic, prevents these
3 residential areas², town centers² and ²future² town centers from
4 functioning as intended. The commissioner shall study this issue and
5 develop a departmental program which authorizes context sensitive
6 design and examines the functional classifications of State highways
7 running through developed cities and suburban towns. As used in this
8 section, "context sensitive design" means a planning technique that
9 embraces a collaborative, interdisciplinary process and recognizes the
10 uniqueness of the community in planning transportation projects.

11

12 ²[8.] 7.² (New section) The commissioner shall report to the
13 Legislature not later than January 1, 2001, on measures undertaken
14 by the department and measures it recommends as necessary to
15 improve the safety or to mitigate adverse impacts of large trucks
16 which travel on New Jersey ²State and local² roadways.

17

18 ²[9. (New section) The State Treasurer shall report annually to
19 the Governor and the Legislature on revenues lost to the State by
20 virtue of the exemption which alternative fuels used in motor vehicles
21 enjoy from the tax imposed on the sale of motor fuels pursuant to
22 chapter 39 of Title 54 of the Revised Statutes.]²

23

24 ²[10.] 8.² (New section) The commissioner shall install light
25 emitting diodes lighting ("LED lighting"), or lighting similar in energy
26 and life cycle savings, in traffic signals on the State highway system
27 from the amounts appropriated from the revenues and other funds of
28 the New Jersey Transportation Trust Fund Authority. It is anticipated
29 that this lighting will result in operational energy savings for State,
30 county and municipal governments and provide congestion relief
31 because the diodes have a 10-year life cycle as compared to the one
32 year replacement cycle for regular light bulbs. The State shall develop
33 a program to assist local governments to install LED lighting or
34 lighting similar in energy and life cycle savings, in approved local
35 traffic signals throughout the State. The commissioner may consult
36 with the State's public utility companies for assistance where
37 appropriate to implement this program.

38

39 ²[11. (New section) There is hereby established in the
40 Department of Transportation a Pavement Preservation and Preventive
41 Maintenance Program. In furtherance of this program, the
42 commissioner shall utilize cost-effective road materials and surface
43 treatments, including but not limited to, superpave, asphalt millings,
44 asphalt overlays, white topping and, in appropriate circumstances,
45 micro-surfacing, cold-in-place recycling and crack sealing and
46 treatments to the base course of the roadway, as a regular and integral

1 part of the road preservation and maintenance program and in a
2 manner sufficient to provide for safe roads as provided for in this act,
3 where deemed appropriate by the department. The commissioner shall
4 be authorized to contract with private contractors and suppliers to
5 perform the road surface treatments or pavement improvements, or
6 both, provided for in this section, utilizing accepted procurement and
7 contracting practices.¹²

8
9 ²9. (New section) There is hereby established in the Department
10 of Transportation, a Pavement Preservation and Preventive
11 Maintenance Program. In furtherance of this program, the
12 commissioner shall utilize cost-effective road materials, surface
13 treatments and base rehabilitation methodology including, but not
14 limited to, micro-surfacing, white topping and cold-in-place recycling.
15 These cost- effective materials, surface treatments and methodologies
16 shall be used in conjunction with standard road materials and surface
17 treatments including, but not limited to, superpave, asphalt milling,
18 asphalt overlays and crack sealing. The commissioner shall authorize
19 the use of cost-effective materials, surface treatments and
20 methodologies where deemed appropriate by the department, but they
21 shall be utilized as a regular and integral part of the road preservation
22 and maintenance program, and in a manner sufficient to provide for
23 safe roads as provided for in this act.²

24
25 ²[¹12. (New section) In order to permit the most efficient use of
26 the treatments enumerated in section 11 of this act, the commissioner
27 shall continue to evaluate roadway pavements and assign numerical
28 ratings to roads and bridges for maintenance and repair similar to any
29 nationally recognized method.¹²

30
31 ²10. (New section) The commissioner shall continue to evaluate
32 roadway pavements on the State highway system and assign numerical
33 ratings to roads for maintenance and repair similar to any nationally
34 recognized method.²

35
36 ²[¹13. (New section) The commissioner shall issue a report to the
37 Governor and the Legislature at the end of each fiscal year containing
38 the numerical ranking of pavements for roads and bridges needing
39 maintenance and repair in accordance with the method developed in
40 section 12 of this act. The report shall also identify the repair and
41 maintenance projects that were completed during the fiscal year,
42 including an estimate of the cost impact to the department for each
43 maintenance and repair project that utilized road surface material or
44 treatment.¹²

45
46 ²11. (New section) The commissioner shall issue a report to the
47 Governor and the Legislature at the end of each fiscal year containing

1 the numerical ranking of pavements for roads needing maintenance and
2 repair in accordance with the method developed in section 10 of this
3 act. The report shall also identify the repair and maintenance projects
4 that were completed during the fiscal year, including an estimate of the
5 cost impact to the department for each maintenance and repair project
6 that utilized road surface material or treatment.²

7
8 ²12. (New section) The commissioner shall conduct a life cycle
9 cost analysis of pavement surfaces and report the findings of the
10 analysis to the Governor and the Legislature no later than one year
11 after the date of enactment of this act. The analysis shall compare
12 equivalent designs and shall be based upon New Jersey's actual historic
13 project maintenance, repair and resurfacing schedules and costs as
14 recorded by the Department of Transportation, and shall include
15 estimates of user costs throughout the entire life of the pavement. As
16 used in this section, "life cycle cost" means the total cost of the initial
17 project and all anticipated costs for subsequent maintenance, repair or
18 resurfacing over the life of the pavement.²

19
20 ²[¹14. (New section) To encourage access to jobs, promote urban
21 revitalization and lessen traffic congestion, public transportation
22 projects and service plans shall provide access during peak hours to
23 urban rail and bus stations where suburban and rural stations are
24 served along the same line or route.]²

25
26 ²[¹15. (New section) The Commissioner of Transportation shall
27 identify, from among the locations in the State at which the E-Z Pass
28 toll collection monitoring system is in use, the five locations on State
29 or interstate highways at which traffic congestion is most severe, and
30 shall determine with respect to motor vehicles using the E-Z Pass
31 system at those points of congestion the zip code locations from which
32 those vehicles are registered, which determination shall be made
33 subject to the privacy restrictions of the federal "Drivers' Privacy
34 Protection Act of 1994", Pub.L. 103-322, P.L.1997, c.188 (C.39:2-3.4
35 et seq.), sections 3, 9 and 13 of P.L.1997, c.59 (C.27:12B-18.4,
36 27:23-34.3 and 27:25A-21.3), and other applicable laws of this State
37 or the United States. The commissioner shall undertake a study of the
38 feasibility of implementing a pilot program to (1) establish new bus
39 routes or increase service on existing bus routes, and (2) construct or
40 expand park-ride facilities, on highways between those municipalities
41 and the five points of maximum congestion, for purposes of
42 encouraging the greater use of public transportation on those highways
43 and relieving the congestion.

44 The commissioner shall, not later than May 1, 2001, submit to the
45 Legislature a report on the results of the study.]²

1 ²13. (New section) a. There is created in the Department of
2 Transportation a task force to be known as the "Congestion Buster
3 Task Force" to study and make recommendations concerning the
4 reduction of traffic congestion in the State.

5 The members of the task force shall be appointed by the
6 commissioner in such number as the commissioner shall designate from
7 the Department of Transportation, the New Jersey Transit
8 Corporation, business organizations, Transportation Management
9 Associations, the counties, and members of the public.

10 b. The task force shall organize as soon as may be practicable after
11 the appointment of its members and shall select a chairperson from
12 among the members. The members shall select a secretary, who need
13 not be a member of the task force.

14 The task force shall meet at the call of the chairperson.

15 The task force shall be entitled to call to its assistance and avail
16 itself of the services of the employees of any State department, board,
17 bureau, commission or agency, as it may require and as may be
18 available for its purposes, and to employ stenographic and clerical
19 assistance and incur traveling and other miscellaneous expenses as may
20 be necessary in order to perform its duties, within the limits of funds
21 appropriated or otherwise made available to it for its purposes.

22 c. The task force shall conduct a study of highway traffic
23 congestion in the State and develop a commuter options plan that
24 would result in peak hour vehicle trips being "capped" at 1999 levels.

25 In developing the plan, the task force shall review relevant
26 information and findings from other jurisdictions, both national and
27 international. The plan shall include, but not be limited to, resources
28 and incentives for public transportation, ridesharing, telecommuting
29 and other travel reduction strategies. In making its recommendations
30 for the plan, the task force shall include funding proposals, an
31 implementation of the plan, and a method of evaluating progress
32 toward the realization of the goal of the plan to cap peak hour vehicle
33 trips at 1999 levels.

34 The task force shall also be charged with identifying the top 10
35 projects which can be quickly implemented to relieve congestion or
36 improve safety.

37 d. The task force may meet and hold public hearings at such place
38 or places as it shall designate and shall issue a final report containing
39 its findings and recommendations, including any recommendations for
40 legislation that it deems appropriate, no later than one year after the
41 task force organizes, to the Governor, the President of the Senate and
42 the Speaker of the General Assembly, and the members of the Senate
43 Transportation Committee and the Assembly Transportation
44 Committee, or the successor committees.

45 e. The task force shall dissolve one year following organization of
46 the task force.²

1 ²14. (New section) No later than July 1, 2001, the commissioner
2 shall report to the Governor and the Legislature on steps which the
3 commissioner recommends to provide for the establishment or
4 expansion of park-and-ride facilities in areas of traffic congestion
5 throughout the State and shall establish a goal of establishing or
6 expanding at least two park-and-ride facilities in each of the successive
7 2001-2002, 2002-2003, 2003-2004 and 2004-2005 fiscal years. In
8 the event that the department does not establish or expand at least two
9 park-and-ride facilities in each of the preceding fiscal years, the
10 commissioner shall report to the Governor and the Legislature the
11 reasons for the failure to establish or expand such facilities.²

12
13 ¹[11.] ²[16.¹] ²15.² Section 3 of P.L.1984, c.73 (C.27:1B-3) is
14 amended to read as follows:

15 3. The following words or terms as used in this act shall have the
16 following meaning unless a different meaning clearly appears from the
17 context:

18 a. "Act" means this New Jersey Transportation Trust Fund
19 Authority Act of 1984.

20 b. "Authority" means the New Jersey Transportation Trust Fund
21 Authority created by section 4 of this act.

22 c. "Bonds" means bonds issued by the authority pursuant to the
23 act.

24 d. "Commissioner" means the Commissioner of Transportation.

25 e. "Department" means the Department of Transportation.

26 f. "Federal aid highway" means any highway within the State in
27 connection with which the State receives payment or reimbursement
28 from the federal government under the terms of Title 23, United States
29 Code or any amendment, successor, or replacement thereof, for the
30 purposes contained in the act.

31 g. "Federal government" means the United States of America, and
32 any officer, department, board, commission, bureau, division,
33 corporation, agency or instrumentality thereof.

34 h. "South Jersey Transportation Authority" means the public
35 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
36 its successor.

37 i. "New Jersey Highway Authority" means the public corporation
38 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

39 j. "New Jersey Turnpike Authority" means the public corporation
40 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

41 k. "Notes" means the notes issued by the authority pursuant to the
42 act.

43 l. "Public highways" means public roads, streets, expressways,
44 freeways, parkways, motorways and boulevards, including bridges,
45 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
46 roadways, bus pullouts and turnarounds, park-ride facilities, traffic

1 circles, grade separations, traffic control devices, the elimination or
2 improvement of crossings of railroads and highways, whether at grade
3 or not at grade, bicycle and pedestrian pathways and pedestrian and
4 bicycle bridges traversing public highways and any facilities,
5 equipment, property, rights of way, easements and interests therein
6 needed for the construction, improvement and maintenance of
7 highways.

8 m. "Public transportation project" means, in connection with
9 public transportation service, passenger stations, shelters and
10 terminals, automobile parking facilities, ¹ferries and¹ferry facilities,
11 including capital projects for ferry terminals, approach roadways,
12 pedestrian accommodations, parking, docks, and other necessary land-
13 side improvements, ramps, track connections, signal systems, power
14 systems, information and communication systems, roadbeds, transit
15 lanes or rights of way, equipment storage, pedestrian walkways and
16 bridges connecting to passenger stations and servicing facilities,
17 bridges, grade crossings, rail cars, locomotives, motorbuses and other
18 motor vehicles, maintenance and garage facilities, revenue handling
19 equipment and any other equipment, facility or property useful for or
20 related to the provision of public transportation service.

21 n. "State agency" means any officers, department, board,
22 commission, bureau, division, agency or instrumentality of the State.

23 o. "Toll road authorities" means and includes the New Jersey
24 Turnpike Authority, the New Jersey Highway Authority and the South
25 Jersey Transportation Authority.

26 p. "Transportation project" means, in addition to public highways
27 and public transportation projects, any equipment, facility or property
28 useful or related to the provision of any ground, waterborne or air
29 transportation for the movement of people and goods including rail
30 freight infrastructure.

31 q. "Transportation system" means public highways, public
32 transportation projects, other transportation projects, and all other
33 surface, airborne and waterborne methods of transportation for the
34 movement of people and goods.

35 r. "[Maintenance] Permitted maintenance" means, in relation to
36 public transportation projects, direct costs of work necessary for
37 preserving or maintaining the useful life of public transportation
38 projects, provided the work performed is associated with the
39 acquisition, installation and rehabilitation of components which are not
40 included in the normal operating maintenance of equipment and
41 facilities or replaced on a scheduled basis. The work shall ensure the
42 useful life of the project for not less than **[four]** five years and shall
43 not include routine maintenance or inspection of equipment and
44 facilities that is conducted on a scheduled basis. This definition shall
45 not apply to the term "maintenance" as used in subsection l. of this
46 section. For purposes of this subsection, "permitted maintenance"

1 means, in relation to public highways, the direct costs of work
2 necessary for preserving or maintaining the useful life of public
3 highways, provided the work is not associated with the regular and
4 routine maintenance of public highways and their components² [, such
5 as, but not limited to, grass cutting, litter pick-up, snow plowing,
6 replacement of striping, light bulb replacement for light bulbs having
7 a useful life of less than five years, damaged sign replacement, pothole
8 repairs, guide rail repairs and normal and usual work that historically,
9 maintenance personnel have performed for the department]. The work
10 shall ensure the useful life of the project for not less than five years.²

11 s. "Circle of Mobility" means an essential group of related transit
12 projects that include (1) the New Jersey Urban Core Project, as
13 defined in section 3031 of the "Intermodal Surface Transportation
14 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
15 following elements: Secaucus Transfer, Kearny Connection,
16 Waterfront Connection, Northeast Corridor Signal System, Hudson
17 River Waterfront Transportation System, Newark-Newark
18 International Airport-Elizabeth Transit Link, a rail connection between
19 Penn Station Newark and Broad Street Station, Newark, New York
20 Penn Station Concourse, and the equipment needed to operate revenue
21 service associated with improvements made by the project, and (2) the
22 modification and reconstruction of the West Shore Line in Bergen
23 County connected to Allied Junction/Secaucus Transfer Meadowlands
24 Rail Center; the construction of a rail station and associated
25 components at the Meadowlands Sports Complex; the modification
26 and reconstruction of the Susquehanna and Western Railway, as
27 defined and provided in section 3035 (a) of the "Intermodal Surface
28 Transportation Efficiency Act of 1991"; and the modification and
29 reconstruction of the Lackawanna Cutoff Commuter Rail Line
30 connecting Morris, Sussex and Warren Counties to the North Jersey
31 Transportation Rail Centers.

32 (cf: P.L.1995, c.108, s.1)

33

34 ¹[12.] ²[17.1] ^{16.}² Section 5 of P.L.1984, c.73 (C.27:1B-5) is
35 amended to read as follows:

36 5. It shall be the sole purpose of the authority created under this
37 act to provide the payment for and financing of all, or a portion of, the
38 costs incurred by the department for the planning, acquisition,
39 engineering, construction, reconstruction, repair and rehabilitation of
40 the State's transportation system, including, without limitation, the
41 State's share (including State advances with respect to any federal
42 share) under federal aid highway laws of the costs of planning,
43 acquisition, engineering, construction, reconstruction, repair,
44 resurfacing and rehabilitation of public highways, the State's share
45 (including State advances with respect to any federal share) of the
46 costs of planning, acquisition, engineering, construction,

1 reconstruction, repair, permitted maintenance and rehabilitation of
2 public transportation projects and other transportation projects in the
3 State, and State aid to counties and municipalities for transportation
4 projects, all in furtherance of the public policy declared in section 2 of
5 the act, in the manner provided for in the act.

6 (cf: P.L.1991, c.40, s.3)

7

8 ¹[13.] ²[18.¹] ^{17.}² Section 6 of P.L.1984, c.73 (C.27:1B-6) is
9 amended to read as follows:

10 6. In addition to all other powers granted to the authority in the
11 act, the authority shall have power:

12 a. To sue and be sued;

13 b. To have an official seal and alter the same at its pleasure;

14 c. To make and alter bylaws for its organization and internal
15 management and rules and regulations for the conduct of its affairs and
16 business;

17 d. To maintain an office at a place or places within the State as it
18 may determine;

19 e. To acquire, hold, use and dispose of its income, revenues, funds
20 and moneys;

21 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
22 transfer, and dispose of real or personal property for its purposes;

23 g. To borrow money and to issue its bonds, notes or other
24 obligations and to secure the same by its revenues or other funds and
25 otherwise to provide for and secure the payment thereof and to
26 provide for the rights of the holders thereof and to provide for the
27 refunding thereof, all as provided in the act;

28 h. To issue subordinated indebtedness and to enter into any
29 revolving credit agreement, agreement establishing a line of credit or
30 letter of credit, reimbursement agreement, interest rate exchange
31 agreement, insurance contract, surety bond, commitment to purchase
32 or sell bonds, purchase or sale agreement, or commitments or other
33 contracts or agreements, and other security agreements as approved
34 by the authority in connection with the issuance of bonds or notes;

35 i. In its own name, in the name of the New Jersey Transit
36 Corporation or in the name of the State, to apply for and receive and
37 accept appropriations or grants of property, money, services or
38 reimbursements for money previously spent and other assistance
39 offered or made available to it by or from any person, government
40 agency, public authority or any public and private entity whatever for
41 any lawful corporate purpose of the authority, including, without
42 limitation, grants, appropriations or reimbursements from the State or
43 federal government with respect to their respective shares under
44 federal aid highway laws of the costs of planning, acquisition,
45 engineering, construction, reconstruction, repair, resurfacing and
46 rehabilitation of public highways or the costs of planning, acquisition,

1 engineering, construction, reconstruction, repair, permitted
2 maintenance and rehabilitation of public transportation projects and
3 other transportation projects in the State and the authority's operating
4 expenses and to apply and negotiate for the same upon such terms and
5 conditions as may be required by any person, government agency,
6 authority or entity or as the authority may determine to be necessary,
7 convenient or desirable;

8 j. Subject to any agreement with the holders of bonds, notes or
9 other obligations, to invest moneys of the authority not required for
10 immediate use, including proceeds from the sale of any bonds, notes
11 or other obligations, in obligations, securities and other investments as
12 the authority shall deem prudent;

13 k. Subject to any agreements with holders of bonds, notes or other
14 obligations, to purchase bonds, notes or other obligations of the
15 authority out of any funds or moneys of the authority available
16 therefor, and to hold, cancel or resell the bonds, notes or other
17 obligations;

18 l. For its sole purpose as established in section 5 of this act, to
19 appoint and employ an executive director and such additional officers,
20 who need not be members of the authority and such other personnel
21 and staff as it may require, at an annual expense not to exceed
22 \$100,000.00, all without regard to the provisions of Title 11A of the
23 New Jersey Statutes;

24 m. To do and perform any acts and things authorized by the act
25 under, through, or by means of its officers, agents or employees or by
26 contract with any person, firm or corporation or any public body;

27 n. To procure insurance against any losses in connection with its
28 property, operations, assets or obligations in amounts and from
29 insurers as it deems desirable;

30 o. To make and enter into any and all contracts and agreements
31 which the authority determines are necessary, incidental, convenient
32 or desirable to the performance of its duties and the execution of its
33 powers under the act; and

34 p. To do any and all things necessary, convenient or desirable to
35 carry out its purposes and exercise the powers given and granted in the
36 act.

37 (cf: P.L.1995, c.108, s.3)

38

39 ²18. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read
40 as follows:

41 9. a. The authority shall have the power and is hereby authorized
42 after November 15, 1984 and from time to time thereafter to issue its
43 bonds, notes or other obligations in principal amounts as in the opinion
44 of the authority shall be necessary to provide for any of its corporate
45 purposes, including the payment, funding or refunding of the principal
46 of, or interest or redemption premiums on, any bonds, notes or other

1 obligations issued by it, whether the bonds, notes, obligations or
2 interest to be funded or refunded have or have not become due; and to
3 provide for the security thereof and for the establishment or increase
4 of reserves to secure or to pay the bonds, notes or other obligations
5 or interest thereon and all other reserves and all costs or expenses of
6 the authority incident to and necessary or convenient to carry out its
7 corporate purposes and powers; and in addition to its bonds, notes and
8 other obligations, the authority shall have the power to issue
9 subordinated indebtedness, which shall be subordinate in lien to the
10 lien of any or all of its bonds or notes. No resolution or other action
11 of the authority providing for the issuance of bonds, refunding bonds,
12 notes, or other obligations shall be adopted or otherwise made
13 effective by the authority without the prior approval in writing of the
14 Governor and the State Treasurer.

15 b. Except as may be otherwise expressly provided in the act or by
16 the authority, every issue of bonds or notes shall be general obligations
17 payable out of any revenues or funds of the authority, subject only to
18 any agreements with the holders of particular bonds or notes pledging
19 any particular revenues or funds. The authority may provide the
20 security and payment provisions for its bonds or notes as it may
21 determine, including (without limiting the generality of the foregoing)
22 bonds or notes as to which the principal and interest are payable from
23 and secured by all or any portion of the revenues of and payments to
24 the authority, and other moneys or funds as the authority shall
25 determine. In addition, the authority may, in anticipation of the
26 issuance of the bonds or the receipt of appropriations, grants,
27 reimbursements or other funds, including without limitation grants
28 from the federal government for federal aid highways or public
29 transportation systems, issue notes, the principal of or interest on
30 which, or both, shall be payable out of the proceeds of notes, bonds or
31 other obligations of the authority or appropriations, grants,
32 reimbursements or other funds or revenues of the authority. The
33 authority may also enter into bank loan agreements, lines of credit and
34 other security agreements as authorized pursuant to subsection h. of
35 section 6 of P.L.1984, c.73 (C.27:1B-6) and obtain for or on its behalf
36 letters of credit in each case for the purpose of securing its bonds,
37 notes or other obligations or to provide direct payment of any costs
38 which the authority is authorized to pay by this act and to secure
39 repayment of any borrowings under the loan agreement, line of credit,
40 letter of credit or other security agreement by its bonds, notes or other
41 obligations or the proceeds thereof or by any or all of the revenues of
42 and payments to the authority or by any appropriation, grant or
43 reimbursement to be received by the authority and other moneys or
44 funds as the authority shall determine.

45 c. Whether or not the bonds and notes are of the form and
46 character as to be negotiable instruments under the terms of Title 12A,

1 Commercial Transactions, New Jersey Statutes, the bonds and notes
2 are hereby made negotiable instruments within the meaning of and for
3 all the purposes of said Title 12A.

4 d. Bonds or notes of the authority shall be authorized by a
5 resolution or resolutions of the authority and may be issued in one or
6 more series and shall bear the date, or dates, mature at the time or
7 times, bear interest at the rate or rates of interest per annum, be in the
8 denomination or denominations, be in the form, carry the conversion
9 or registration privileges, have the rank or priority, be executed in the
10 manner, be payable from the sources, in the medium of payment, at the
11 place or places within or without the State, and be subject to the terms
12 of redemption (with or without premium) as the resolution or
13 resolutions may provide. Bonds or notes may be further secured by a
14 trust indenture between the authority and a corporate trustee within or
15 without the State. All other obligations of the authority shall be
16 authorized by resolution containing terms and conditions as the
17 authority shall determine.

18 e. Bonds, notes or other obligations of the authority may be sold
19 at public or private sale at a price or prices and in a manner as the
20 authority shall determine, either on a negotiated or on a competitive
21 basis. Every bond, or refunding bond, issued on or after the effective
22 date of P.L.1995, c.108 (C.27:1B-25.1 et al.) shall mature and be paid
23 no later than 21 years from the date of the issuance of that bond or
24 refunding bond.

25 f. Bonds or notes may be issued and other obligations incurred
26 under the provisions of the act without obtaining the consent of any
27 department, division, commission, board, bureau or agency of the
28 State, other than the approval as required by subsection a. of this
29 section, and without any other proceedings or the happening of any
30 other conditions or other things than those proceedings, conditions or
31 things which are specifically required by the act.

32 g. Bonds, notes and other obligations of the authority issued or
33 incurred under the provisions of the act shall not be in any way a debt
34 or liability of the State or of any political subdivision thereof other
35 than the authority and shall not create or constitute any indebtedness,
36 liability or obligation of the State or of any political subdivision or be
37 or constitute a pledge of the faith and credit of the State or of any
38 political subdivision but all bonds, notes and obligations, unless funded
39 or refunded by bonds, notes or other obligations of the authority, shall
40 be payable solely from revenues or funds pledged or available for their
41 payment as authorized in the act. Each bond, note or other obligation
42 shall contain on its face a statement to the effect that the authority is
43 obligated to pay the principal thereof or the interest thereon only from
44 revenues or funds of the authority and that neither the State nor any
45 political subdivision thereof is obligated to pay the principal or interest
46 and that neither the faith and credit nor the taxing power of the State

1 or any political subdivision thereof is pledged to the payment of the
2 principal of or the interest on the bonds, notes or other obligations.
3 For the purposes of this subsection, political subdivision does not
4 include the authority.

5 h. All expenses incurred in carrying out the provisions of the act
6 shall be payable solely from the revenues or funds provided or to be
7 provided under or pursuant to the provisions of the act and nothing in
8 the act shall be construed to authorize the authority to incur any
9 indebtedness or liability on behalf of or payable by the State or any
10 political subdivision thereof.

11 i. The authority shall minimize debt incurrence by first relying on
12 appropriations and other revenues available to the authority before
13 incurring debt to meet its statutory purposes.

14 Commencing on the 90th day following the date of enactment of
15 this 1995 amendatory and supplementary act, the authority shall not
16 incur debt in any fiscal year in excess of ~~[\$700,000,000]~~
17 \$650,000,000, except that if that permitted amount of debt, or any
18 portion thereof, is not incurred in a fiscal year it may be incurred in a
19 subsequent fiscal year. Any increase in this limitation shall only occur
20 if so provided for by law.

21 j. Upon the decision by the authority to issue refunding bonds
22 pursuant to this section, and prior to the sale of those bonds, the
23 authority shall transmit to the Joint Budget Oversight Committee, or
24 its successor, a report that a decision has been made, reciting the basis
25 on which the decision was made, including an estimate of the debt
26 service savings to be achieved and the calculations upon which the
27 authority relied when making the decision to issue refunding bonds.
28 The report shall also disclose the intent of the authority to issue and
29 sell the refunding bonds at public or private sale and the reasons
30 therefor.

31 k. The Joint Budget Oversight Committee, or its successor, shall
32 have authority to approve or disapprove the sale of refunding bonds
33 as included in each report submitted in accordance with subsection j.
34 of this section. The committee shall approve or disapprove the sale of
35 refunding bonds within 10 business days after physical receipt of the
36 report. The committee shall notify the authority in writing of the
37 approval or disapproval as expeditiously as possible.

38 l. No refunding bonds shall be issued unless the report has been
39 submitted to and approved by the Joint Budget Oversight Committee,
40 or its successor, as set forth in subsection k. of this section.

41 m. Within 30 days after the sale of the refunding bonds, the
42 authority shall notify the Joint Budget Oversight Committee, or its
43 successor, of the result of that sale, including the prices and terms,
44 conditions and regulations concerning the refunding bonds, and the
45 actual amount of debt service savings to be realized as a result of the
46 sale of refunding bonds.

1 n. The Joint Budget Oversight Committee, or its successor, shall,
2 however, review all information and reports submitted in accordance
3 with this section and may, on its own initiative, make observations and
4 recommendations to the authority or to the Legislature, or both, as it
5 deems appropriate.

6 (cf: P.L.1995, c.108, s.4)²

7

8 ¹[14.] 19.¹ Section 20 of P.L.1984, c.73(C.27:1B-20) is amended
9 to read as follows:

10 20. There is hereby established in the General Fund an account
11 entitled "Transportation Trust Fund Account." During the fiscal year
12 beginning July 1, 1984 and during each succeeding fiscal year in which
13 the authority has bonds, notes or other obligations outstanding, the
14 treasurer shall credit to this account:

15 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
16 \$0.09 per gallon from the tax imposed on the sale of motor fuels
17 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
18 in Article VIII, Section II, paragraph 4 of the State Constitution,
19 provided, however, such amount during any fiscal year shall not be
20 less than ~~[\$100,000,000]~~ \$405,000,000;

21 b. ~~[After approval by the voters of the constitutional amendment~~
22 ~~proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly~~
23 ~~Concurrent Resolution No. 9 of 1995, in addition to the amount~~
24 ~~credited in subsection a. of this section, for the fiscal year beginning~~
25 ~~July 1, 1996 and the fiscal year beginning July 1, 1997, an amount~~
26 ~~equivalent to the revenue derived from \$0.045 per gallon from the tax~~
27 ~~imposed on the sale of motor fuels pursuant to chapter 39 of Title 54~~
28 ~~of the Revised Statutes, provided, however, such amount shall not be~~
29 ~~less than \$180,000,000 during each of those fiscal years, and for the~~
30 ~~fiscal year beginning July 1, 1998, an amount equivalent to the revenue~~
31 ~~derived from \$0.055 per gallon from the tax, provided, however, that~~
32 ~~such amount shall not be less than \$220,000,000, and for the fiscal~~
33 ~~year beginning July 1, 1999 and for each fiscal year thereafter, an~~
34 ~~amount equivalent to the revenue derived from \$0.065 per gallon from~~
35 ~~the tax, provided, however, that such amount shall not be less than~~
36 ~~\$260,000,000 in any fiscal year, as provided in Article VIII, Section~~
37 ~~II, paragraph 4 of the State Constitution; and] (deleted by amendment,~~
38 ~~P.L. , c. (C.)~~~~(now before the Legislature as this bill).~~

39 c. An amount equivalent to moneys received by the State in
40 accordance with contracts entered into with toll road authorities or
41 other State agencies, provided that effective with the fiscal year
42 beginning July 1, 1988 the amount so credited shall not be less than
43 \$24,500,000.00 in any fiscal year.

44 The treasurer shall also credit to this account, in accordance with
45 a contract between the treasurer and the authority, an amount
46 equivalent to the sum of the revenues due from the increase of fees for

1 motor vehicle registrations collected pursuant to the amendment to
2 R.S.39:3-20 made by this act and from the increase in the tax on diesel
3 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
4 this act and by P.L.1987, c.460, provided that the total amount
5 credited during the fiscal year beginning July 1, 1984 shall not be less
6 than \$20,000,000.00 and that the total amount credited during the
7 fiscal year beginning July 1, 1985 and during every fiscal year
8 thereafter shall not be less than \$30,000,000.00.

9 In addition to the amounts credited to the account by this section,
10 commencing with the fiscal year beginning July 1, 1995 and every
11 fiscal year thereafter, there shall be appropriated from the General
12 Fund such additional amounts as are necessary to carry out the
13 provisions of this act and [after January 1, 1997] beginning July 1,
14 2000 the fees collected pursuant to subsection a. of section 68 of
15 P.L.1990, c.8 (C.17:33B-63) shall be [available for crediting] credited
16 to the account for the purposes of this act, provided, however, the
17 amount credited from such fees during any fiscal year shall not be less
18 than \$60,000,000.

19 d. After approval by the voters of the constitutional amendment
20 proposed in Senate Committee Substitute for Senate Concurrent
21 Resolution No. 1 of 2000 or Assembly Concurrent Resolution No.
22 ²116² of 2000, in addition to the amount credited in subsection a. of
23 this section, beginning January 1 following approval by the voters an
24 amount equivalent to the revenue derived from the tax imposed on the
25 sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et
26 seq.), provided, however, such amount shall not be less than
27 \$100,000,000 in the period January 1 through June 30 following
28 approval by the voters and shall not be less than \$200,000,000 in any
29 fiscal year thereafter and for the fiscal year commencing July 1, 2001
30 and for each fiscal year thereafter an amount equivalent to the revenue
31 derived from the tax imposed under the "Sales and Use Tax Act,"
32 P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles,
33 provided, however, that such amount shall not be less than
34 \$80,000,000 for the fiscal year commencing July 1, 2001, not less than
35 \$140,000,000 for the fiscal year commencing July 1, 2002, and not
36 less than \$200,000,000 for the fiscal year commencing July 1, 2003
37 and for each fiscal year thereafter, as provided in Article VIII, Section
38 II, paragraph 4 of the State Constitution.

39 No later than the fifth business day of the month following the
40 month in which a credit has been made, the treasurer shall pay to the
41 authority, for its purposes as provided herein, the amounts then
42 credited to the Transportation Trust Fund Account, provided that the
43 payments to the authority shall be subject to and dependent upon
44 appropriations being made from time to time by the Legislature of the
45 amounts thereof for the purposes of the act.

46 (cf: P.L.1995, c.108, s.5)

1 ¹[15.] 20.¹ Section 21 of P.L.1984, c.73 (C.27:1B-21) is
2 amended to read as follows:

3 21. a. There is hereby established a separate fund entitled "Special
4 Transportation Fund." This fund shall be maintained by the State
5 Treasurer and may be held in depositories as may be selected by the
6 treasurer and invested and reinvested as other funds in the custody of
7 the treasurer, in the manner provided by law. The commissioner may
8 from time to time (but not more frequently than monthly) certify to the
9 authority an amount necessary to fund payments made, or anticipated
10 to be made by or on behalf of the department, from appropriations
11 established for or made to the department from revenues or other
12 funds of the authority. The commissioner's certification shall be
13 deemed conclusive for purposes of the act. The authority shall, within
14 15 days of receipt of the certificate, transfer from available funds of
15 the authority to the treasurer for deposit in the Special Transportation
16 Fund the amount certified by the commissioner, provided that all funds
17 transferred shall only be expended by the department by project
18 pursuant to appropriations made from time to time by the Legislature
19 for the purposes of the act.

20 b. The department shall not expend any money except as
21 appropriated by law. Commencing with appropriations for the fiscal
22 years beginning on July 1, 1988, the department shall not expend any
23 funds except as are appropriated by specific projects identified by a
24 description of the projects, the county or counties within which they
25 are located, and amounts to be expended on each project, in the annual
26 appropriations act.

27 c. No funds appropriated, authorized or expended pursuant to this
28 act shall be used to finance the resurfacing of highways by department
29 personnel, where that resurfacing would require the use of more than
30 ²[150,000] 100,000² tons of bituminous concrete for that purpose in
31 any calendar year, except that the commissioner may waive this
32 provision when he determines the existence of emergency conditions
33 requiring the use of department personnel for the resurfacing of
34 highways, after the department has effectively reached the ²[150,000]
35 100,000² ton limit.

36 d. In order to provide the department with flexibility in
37 administering the specific appropriations by project identified in the
38 annual appropriations act, the commissioner may transfer a part of any
39 item to any other item subject to the approval of the Director of the
40 Division of Budget and Accounting and of the Joint Budget Oversight
41 Committee or its successor. Upon approval of the director and the
42 committee, the transfer shall take effect.

43 e. Any federal funds which become available to the State for
44 transportation projects which have not been appropriated to the
45 department in the annual appropriations act, shall be deemed
46 appropriated to the department and may, subject to approval by the

1 Joint Budget Oversight Committee and the State Treasurer, be
2 expended for any purpose for which such funds are qualified.

3 f. There shall be no appropriations from the revenues and other
4 funds of the authority for regular and routine maintenance of public
5 highways and components thereof, or operational activities of the
6 department unrelated to the implementation of, and indirect costs
7 associated with, the capital program. The commissioner shall include
8 in his annual budget request sufficient funding to effectuate the
9 purposes of P.L. , c. (C.) (now before the Legislature as this
10 bill).

11 g. To the extent that salaries or overhead of the department or the
12 New Jersey Transit Corporation are charged to transportation
13 projects, each agency shall keep adequate and truthful personnel
14 records, and time charts to adequately justify each such charge and
15 shall make those records available to the external auditor to the
16 authority.

17 h. The commissioner shall annually, on or before January 1 of each
18 fiscal year, report to the Governor and the Legislature how much
19 money was expended in the previous fiscal year for salaries and
20 overhead of the department and the New Jersey Transit Corporation.
21 ²However, the amount expended from the revenues and other funds of
22 the authority for salaries and overhead of the department and the New
23 Jersey Transit Corporation for the fiscal year beginning July 1, 2000
24 shall not exceed 14 percent of the total funds appropriated from the
25 revenues and other nonfederal funds of the authority for that fiscal
26 year, the amount expended from the revenues and other funds of the
27 authority for salaries and overhead of the department and the New
28 Jersey Transit Corporation for the fiscal year beginning July 1, 2001
29 shall not exceed 12 percent of the total funds appropriated from the
30 revenues and other nonfederal funds of the authority for that fiscal
31 year, the amount expended from the revenues and other funds of the
32 authority for salaries and overhead of the department and the New
33 Jersey Transit Corporation for the fiscal year beginning July 1, 2002
34 shall not exceed 11 percent of the total funds appropriated from the
35 revenues and other nonfederal funds of the authority for that fiscal
36 year, and the amount expended from the revenues and other funds of
37 the authority for salaries and overhead of the department and the New
38 Jersey Transit Corporation for the fiscal year beginning July 1, 2003
39 shall not exceed 10 percent of the total funds appropriated from the
40 revenues and other nonfederal funds of the authority for that fiscal
41 year.²

42 (cf: P.L.1995, c.108, s.6)

43

44 ¹[16.] 21.¹ Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is
45 amended to read as follows:

46 8. a. Commencing with the report of the commissioner, as may be

1 amended, required to be submitted pursuant to section 22 of P.L.1984,
2 c.73 (C.27:1B-22) on or before March 1, [1996] 2000 for the fiscal
3 year commencing July 1, [1996] 2000 [and for each fiscal year
4 thereafter] the amount reported by the commissioner for proposed
5 projects to be financed shall not exceed [\$700,000,000]
6 ²[\$950,000,000] \$900,000,000²[exclusive of federal funds] and for
7 the fiscal year beginning July 1, 2001 through the fiscal year beginning
8 July 1, 2003 the annual amounts shall not exceed ²[\$1,000,000,000]
9 \$950,000,000², all amounts exclusive of federal funds.

10 b. For the fiscal year beginning on July 1, [1995] 2000 [and for
11 each fiscal year thereafter], the total amount authorized to be
12 appropriated from the revenues and other nonfederal funds of the New
13 Jersey Transportation Trust Fund Authority for the projects listed in
14 the appropriations act pursuant to section 21 of P.L.1984, c.73
15 (C.27:1B-21) shall not exceed [\$700,000,000] ²[\$950,000,000]
16 \$900,000,000²[exclusive of federal funds] and for the fiscal year
17 beginning July 1, 2001 through the fiscal year beginning July 1, 2003
18 the annual amounts shall not exceed ²[\$1,000,000,000]
19 \$950,000,000², all amounts exclusive of federal funds.

20 c. (Deleted by amendment, P.L.1991, c.40.)

21 d. (Deleted by amendment, P.L.1992, c.10).

22 e. The State Auditor shall provide for a unified annual audit of
23 expenditures from the Special Transportation Fund, established by
24 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
25 these funds are expended for costs eligible for funding from the
26 authority and in a manner consistent with appropriations made by the
27 Legislature. The findings of such audits shall be transmitted to the
28 presiding officer of each House of the Legislature, and to the Chair of
29 the Senate Budget and Appropriations Committee, the Senate
30 Transportation Committee, the Assembly Appropriations Committee,
31 and the Assembly Transportation and Communications Committee or
32 their successors.

33 f. The State Auditor shall review bond issuances of the authority
34 and report to the Joint Budget Oversight Committee and to the
35 members of the Senate Budget and Appropriations Committee and the
36 Assembly Appropriations Committee, or their successors, on the status
37 of the bonds of the authority and projects financed from the proceeds
38 of the bonds. The report shall include the investment status of all
39 unexpended bond proceeds and provide a description of any bond
40 issues expected during a fiscal year, including type of issue, estimated
41 amount of bonds to be issued and the expected month of sale.

42 (cf: P.L.1995, c.108, s.7)

43

44 ¹[17.] 22.¹ Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended
45 to read as follows:

1 22. a. To the end that the transportation system of the State shall
2 be planned in an orderly and efficient manner and that the Legislature
3 shall be advised of the nature and extent of public highways, public
4 transportation projects and other transportation projects contemplated
5 to be financed under this act, the department shall submit a master
6 plan, as provided in subsection (a) of section 5 of P.L.1966, c.301
7 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall
8 be for a period of five years and shall be submitted to the Commission
9 on Capital Budgeting and Planning, the Chairman of the Senate
10 Transportation Committee and the Chairman of the Assembly
11 Transportation and Communications Committee, or their successors,
12 and the Legislative Budget and Finance Officer, and the metropolitan
13 planning organizations, on or before [December 15, 1984] March 1,
14 2001, and at five-year intervals thereafter. The master plan shall set
15 the direction for the department's overall Capital Investment Strategy
16 and subsequent annual Transportation Capital Programs submitted to
17 the Legislature for approval pursuant to this section.

18 b. The Department of Transportation, in conjunction with the New
19 Jersey Transit Corporation, shall prepare a "Capital Investment
20 Strategy" for at least a five-year period which shall contain, at a
21 minimum, a statement of the goals of the department and the
22 corporation in major selected policy areas and the means by which the
23 goals are to be attained during that period, using quantitative measures
24 where appropriate. The Capital Investment Strategy may be updated
25 and submitted no later than March 1 of each year. The Capital
26 Investment Strategy shall provide for a multi-modal, intermodal,
27 seamless and technologically advanced transportation system. It shall
28 recommend investment for major program categories, set overall goals
29 for investment in the State's infrastructure, ¹and¹ develop program
30 targets and performance measures. It may rely on infrastructure
31 management systems as developed by the department to assess bridge
32 conditions, pavement conditions, bridge, traffic and pedestrian safety,
33 traffic congestion and public transit facilities. With respect to
34 pavement conditions, the department shall set as a priority the
35 utilization of efficient ²[cost effective] cost-effective² materials and
36 ¹[technologies, including but not limited to, "cold in place recycling"
37 and "micro-surfacing."] treatments as stated in section ²[11] ² of
38 ²[this act] P.L. , c. (C.)(now before the Legislature as this bill)².
39 In the event that there exist appropriate circumstances for the use of
40 micro-surfacing and cold-in-place recycling, the department shall
41 establish as a special priority the use of these materials and surface
42 treatments.¹ The goals of the Capital Investment Strategy shall
43 include, but not be limited to, reduction of ²vehicular and pedestrian²
44 accidents, reduction in the backlog of projects, including bridge repair
45 projects and pavement deficiencies^{1,1} and an increase in lane miles of
46 bicycle paths², with a goal of constructing an additional 1,000 lane

1 miles of bicycle paths in five years to reduce traffic congestion and for
2 recreational uses. The construction of bicycle and pedestrian lanes,
3 paths and facilities shall be subject to no stricter environmental
4 requirements than are provided pursuant to federal law and regulations
5 for such lanes, paths and facilities, notwithstanding the provisions to
6 the contrary of State law and regulations, including State Executive
7 Order No. 215 of 1989². With respect to the New Jersey Transit
8 Corporation, the plan shall deal with the corporation's goals in the area
9 of bus transportation and present a strategy and a preliminary
10 timetable for the replacement of the current diesel bus fleet with a fleet
11 of buses which have reduced emission of air pollutants. The
12 corporation shall consider the feasibility of ²[diesel]² buses with
13 improved pollution controls and ²[vehicles] that reduce particulate
14 emissions and buses² powered by fuel other than conventional diesel
15 ¹fuel¹, such as compressed natural gas vehicles, hybrid vehicles, fuel
16 cell vehicles, biodiesel ¹vehicles^{1 2}, vehicles operated on ultra low
17 sulfur fuel, vehicles operated on any other bus fuel approved by the
18 United States Environmental Protection Agency,² and the like. The
19 corporation may consider as part of its strategy, cooperative efforts
20 with bus manufacturers, and the solicitation of federal support, in
21 developing a "clean bus" with air pollution controls superior to
22 currently available technology. ²For the fiscal year beginning July 1,
23 2007 and each fiscal year thereafter, all buses purchased by the New
24 Jersey Transit Corporation shall be buses with improved pollution
25 controls and that reduce particulate emissions or buses powered by
26 fuel other than conventional diesel fuel, such as compressed natural
27 gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles,
28 vehicles operated on ultra low sulfur fuel, vehicles operated on any
29 other bus fuel approved by the United States Environmental Protection
30 Agency, and the like. In the event that the corporation is not able to
31 meet the bus purchase requirements set forth in this section with
32 respect to any fiscal year, prior to the commencement of the fiscal year
33 the board of the corporation shall by resolution submit a report to the
34 Legislature detailing its inability to meet the requirements and the
35 reasons therefor and shall submit the report to the Senate and General
36 Assembly when both houses are in session, including therein a request
37 to be exempted from the bus purchase requirements of this section
38 with regard to the fiscal year in question. The President of the Senate
39 and the Speaker of the General Assembly shall cause the date of
40 submission to be entered upon the Senate Journal and the Minutes of
41 the General Assembly. If a joint resolution approving the exemption
42 is passed by the Legislature and signed by the Governor prior to the
43 commencement of the fiscal year in question, the corporation shall be
44 exempt from the requirements for that fiscal year. [¹The plan shall
45 also detail the planned investment of capital funds for public
46 transportation projects of companies other than the New Jersey Transit

1 Corporation engaged in the business of providing motor bus
2 transportation. The plan shall demonstrate that such investment
3 adequately addresses the finding in section 2 of P.L.1979, c. 150
4 (C.27:25-2) that in the provision of public transportation services it is
5 desirable to encourage to the maximum extent feasible the
6 participation of private enterprise and to avoid destructive
7 competition.¹]²

8 c. On or before March 1 of each year, the commissioner shall
9 submit a report of general project categories and proposed projects
10 thereunder to be financed in ensuing fiscal year, including therewith a
11 description of the projects, the county or counties within which they
12 are to be located, a distinction between State and local projects, and
13 the amount estimated to be expended on each project [and also
14 including a financial plan designed to implement the financing of the
15 proposed projects]. This report shall be known as the "Annual
16 Transportation Capital Program" for the upcoming fiscal year. It shall
17 include proposed projects of both the Department of Transportation
18 and the New Jersey Transit Corporation. The program shall be
19 consistent with, and reflective of, the goals and priorities of the Capital
20 Investment Strategy and the program shall include an explanation
21 which demonstrates how it is consistent with, and reflective of, the
22 goals and priorities.

23 d. On or before March 1 of each year, the commissioner shall also
24 submit a "Transportation Trust Fund Authority Financial Plan"
25 designed to implement the financing of the proposed projects. The
26 financial plan shall contain an enumeration of the bonds, notes or other
27 obligations of the authority which the authority intends to issue,
28 including the amounts thereof and the conditions therefor. The
29 financial plan shall set forth a complete operating and financial
30 statement covering the authority's proposed operations during the
31 ensuing fiscal year, including amounts of income from all sources,
32 including but not limited to the proceeds of bonds, notes or other
33 obligations to be issued, as well as interest earned. In addition, the
34 plan shall contain proposed amounts to be appropriated and expended,
35 as well as amounts for which the department anticipates to obligate
36 during the ensuing fiscal year for any future expenditures.

37 [The report] e. The Capital Investment Strategy, the Annual
38 Transportation Capital Program, and the Transportation Trust Fund
39 Authority Financial Plan shall be submitted to the Senate and General
40 Assembly. Within 30 days of the receipt thereof, the Senate or the
41 General Assembly may object in writing to the commissioner in regard
42 to any project or projects in the Annual Transportation Capital
43 Program it disapproves or which it is of the opinion should be
44 modified or added to or any additional or alternative projects
45 considered or in regard to any element of the financial plan. The
46 commissioner shall consider the objections and recommendations and

1 resubmit the report within 10 days, containing therein any
2 modifications based upon the commissioner's consideration of the
3 objections or recommendations.

4 (cf: P.L.1995, c.108, s.8)

5

6 ²23. (New section) Any savings in the amount of debt service
7 realized as a result of the sale of refunding bonds by the authority shall
8 only be used to fund transportation projects.²

9

10 ¹[18.] ²[23. ¹] ²24.² (New section) In addition to those funds to
11 be credited to the "Transportation Trust Fund Account" pursuant to
12 section 20 of P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall
13 also credit to the account any and all additional funds which may now
14 or hereafter be dedicated to transportation purposes by the State
15 Constitution.

16

17 ²25. (New section) No new State highway route shall be
18 constructed using the revenues and other funds of the authority unless
19 specifically authorized by joint resolution. Nothing in this section shall
20 impair the commissioner's authority to modify existing State highway
21 routes.²

22

23 ²26. Section 4 of P.L.1984, c.73 (C.27:1B-4) is amended to read
24 as follows:

25 4. a. There is hereby established in the department a public body
26 corporate and politic, with corporate succession, to be known as the
27 "New Jersey Transportation Trust Fund Authority." For the purpose
28 of complying with the provisions of Article V, Section IV, paragraph
29 1 of the New Jersey Constitution, the authority is hereby allocated
30 within the Department of Transportation, but notwithstanding said
31 allocation, the authority shall be independent of any supervision or
32 control by the department or by any board or officer thereof. The
33 authority is hereby constituted as an instrumentality of the State,
34 exercising public and essential governmental functions, no part of
35 whose revenues shall accrue to the benefit of any individual, and the
36 exercise by the authority of the powers conferred by the act shall be
37 deemed and held to be an essential governmental function of the State.

38 b. The authority shall consist of [~~five~~] seven members as follows:
39 the commissioner and the State Treasurer, who shall be members ex
40 officio, and [~~three~~] five public members, [~~one~~] three of whom shall
41 be appointed by the Governor, with the advice and consent of the
42 Senate, one of whom shall represent the interests of trade unions that
43 work on the construction of public highways and the other shall
44 represent the interests of owners of firms that are eligible to submit
45 bids for the construction of public highways. [~~and the~~]The two
46 remaining public members [~~to~~] shall be appointed by the Governor,

1 one of whom upon recommendation of the President of the Senate and
2 the other upon recommendation of the Speaker of the General
3 Assembly. No more than [three] four members of the authority shall
4 be of the same political party. The public members appointed by the
5 Governor shall serve a four-year term, except that the public member
6 appointed by the Governor upon recommendation of the President of
7 the Senate shall serve for a four-year term and the public member
8 appointed upon recommendation of the Speaker of the General
9 Assembly shall serve for a two-year term.

10 With respect to those public members first appointed by the
11 Governor: the Senate shall advise and consent to the appointment of
12 the member not appointed upon recommendation of the President and
13 the Speaker within 30 days of the receipt thereof from the Governor,
14 such appointment having been sent by the Governor to the Senate
15 within 20 days following the effective date of this act; the President of
16 the Senate and the Speaker of the General Assembly shall send their
17 recommendations for public members to the Governor within 20 days
18 following the effective date of this act. The Governor has an
19 additional 10 days to accept or reject in writing these
20 recommendations. With respect to the two additional public members
21 to be appointed by the Governor pursuant to P.L. , c. (C.)(now
22 before the Legislature as this bill), the Senate shall advise and consent
23 to the appointment of the members within 30 days of the receipt
24 thereof from the Governor, such appointments having been sent by the
25 Governor to the Senate within 20 days following the date of enactment
26 of P.L. ,c. (C.)(now before the Legislature as this bill).

27 Each public member shall hold office for the term of the member's
28 appointment and until the member's successor shall have been
29 appointed and qualified. A member shall be eligible for reappointment.
30 Any vacancy in the membership occurring other than by expiration of
31 term shall be filled in the same manner as the original appointment but
32 for the unexpired term only.

33 c. Each public member, except those appointed upon
34 recommendation of the President of the Senate and the Speaker of the
35 General Assembly, may be removed from office by the Governor, for
36 cause, after public hearing, and may be suspended by the Governor
37 pending the completion of such hearing. All members before entering
38 upon their duties shall take and subscribe an oath to perform the duties
39 of their office faithfully, impartially and justly to the best of their
40 ability. A record of such oaths shall be filed in the Office of the
41 Secretary of State.

42 d. The authority shall not be deemed to be constituted and shall
43 not take action or adopt motions or resolutions until at least [three]
44 four authorized members shall have been appointed and qualified in
45 the manner provided in this section. The commissioner shall serve as
46 chairperson of the authority. Prior to the authority being constituted,
47 the chairperson is authorized to transfer up to \$75 million to the

1 department from the appropriations made to the authority for the fiscal
2 year commencing July 1, 1984. The members shall annually elect one
3 of their members as vice chairperson. The members shall elect a
4 secretary and a treasurer, who need not be members, and the same
5 person may be elected to serve both as secretary and treasurer. The
6 powers of the authority shall be vested in the members thereof in office
7 from time to time and [~~three~~] four members of the authority shall
8 constitute a quorum at any meeting thereof. Action may be taken and
9 motions and resolutions adopted by the authority at any meeting
10 thereof by the affirmative vote of at least [~~three~~] four members of the
11 authority. No vacancy in the membership of the authority shall impair
12 the right of a quorum of the members to exercise all the powers and
13 perform all the duties of the authority[, except that the authority shall
14 not have the power to issue its initial offering of bonds, notes or other
15 obligations unless all five members of the authority shall have been
16 appointed and qualified].

17 e. The members of the authority shall serve without compensation,
18 but the authority shall reimburse its members for actual expenses
19 necessarily incurred in the discharge of their duties. Notwithstanding
20 the provisions of any other law, no member shall be deemed to have
21 forfeited nor shall the member forfeit the member's office or
22 employment or any benefits or emoluments thereof by reason of the
23 member's acceptance of the office of ex officio member of the
24 authority or the member's services therein.

25 f. Each ex officio member may designate an employee of the
26 member's department or agency to represent the member at meetings
27 of the authority. All designees may lawfully vote and otherwise act on
28 behalf of the member for whom they constitute the designee. The
29 designation shall be in writing delivered to the authority and shall
30 continue in effect until revoked or amended in writing delivered to the
31 authority.

32 g. A true copy of the minutes of every meeting of the authority
33 shall be forthwith delivered by and under the certification of the
34 secretary thereof to the Governor. No action taken at the meeting by
35 the authority shall have force or effect until 15 days after such copy of
36 the minutes shall have been so delivered, unless during this 15-day
37 period the Governor shall approve in writing the same or any part
38 thereof, in which case the action shall become effective upon approval.
39 If, in said 15-day period, the Governor returns a copy of the minutes
40 with his veto of any action taken by the authority or any member
41 thereof at the meeting, the action shall be null and void and of no
42 effect. Notwithstanding the foregoing, if the last day of the 15-day
43 period shall be a Saturday, Sunday or legal holiday, then the 15-day
44 period shall be deemed extended to the next following business day.
45 The powers conferred in this paragraph upon the Governor shall be
46 exercised with due regard for the rights of the holders of bonds, notes
47 or other obligations of the authority at any time outstanding, and

1 nothing in, or done pursuant to, this paragraph shall in any way limit,
2 restrict or alter the obligation or powers of the authority or any
3 representative or officer of the authority to carry out and perform in
4 every detail each and every covenant, agreement or contract at any
5 time made or entered into by or on behalf of the authority with respect
6 to its bonds, notes or other obligations or for the benefit, protection
7 or security of the holders thereof.

8 h. The authority shall continue in existence until dissolved by act
9 of the Legislature. However, any dissolution of this authority shall be
10 on condition that the authority has no debts, contractual duties or
11 obligations outstanding, or that provision has been made for the
12 payment, discharge or retirement of these debts, contractual duties or
13 obligations. Upon any dissolution of the authority, all property, rights,
14 funds and assets thereof shall pass to and become vested in the State.
15 (cf: P.L.1995, c.108, s.2)

16
17 ¹[19.] ²[24.¹] 27.² (New section) a. There is hereby established
18 a Transportation Trust Fund Advisory Board to be comprised of
19 ²[14]seven² members. The Governor shall appoint ²[four]three²
20 public members and the President of the Senate and the Speaker of the
21 General Assembly shall each appoint ²[four]one² public
22 ²[members]member². The commissioner or the commissioner's
23 designee and the State Treasurer or the State Treasurer's designee
24 shall serve as ex officio members of the board. All of the public
25 members shall have some experience in the field of transportation or
26 finance. Each public member shall serve for a term of three years and
27 shall serve until the member's successor is appointed and has qualified.
28 Of the public members first appointed pursuant to this act, one
29 member appointed by the Governor²[, the President and the Speaker
30 respectively]² shall ²[each]² serve one year, two members so
31 appointed shall serve two years, and the remainder of the public
32 members shall serve three years. The Governor shall designate one of
33 the public members to serve as chairperson of the board. The board
34 shall meet a minimum of four times each year. The department shall
35 provide staff to support the board.

36 b. The purpose of the Advisory Board shall be to review the
37 department's long range capital planning, master plan and Capital
38 Investment Strategy, including the overall program and to make
39 recommendations to the Governor and the Legislature concerning the
40 department's capital investment strategies and the continuation of the
41 funding of the State's transportation system under the New Jersey
42 Transportation Trust Fund Authority.

43
44 ¹[20.] ²[25.¹] 28.² This act shall take effect immediately except
45 that ²[section]² ¹[14] ²[19¹]sections 18 and 19² shall take effect on
46 July 1, 2000.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 16**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2000

The Assembly Appropriations Committee reports favorably Senate Bill No. 16 SCS (2R), with committee amendments.

Senate Bill No. 16 SCS (2R), as amended, provides for the establishment of programs to study and to address the problems of congestion, mobility, and traffic safety on New Jersey public roads. It also provides for the expansion of transportation funding under the New Jersey Transportation Trust Fund Authority without any increase in taxes. Finally, it enhances the scope and focus of the process of planning for the State's investment in and management of its transportation system.

Highway congestion and traffic safety. The bill directs the Commissioner of Transportation to: (1) establish and implement a program to improve traffic signal operations throughout the State through use of the best available technology; (2) submit a report to the Legislature containing recommended incentives to businesses to encourage a reduction in single occupancy trips; (3) study the issue of transportation planning for traffic in residential areas, town centers and future town centers and develop a departmental program that authorizes context sensitive highway design; (4) recommend to the Legislature measures to improve the safety or to mitigate adverse impacts of large trucks on State and local roadways; (5) install "light emitting diodes" ("LED") lighting in traffic signals on the State highway system; (6) implement a "Pavement Preservation and Preventive Maintenance Program" to better preserve and maintain the highway system and enhance roadway safety; (7) conduct a life-cycle cost analysis of pavement surfaces; (8) and report to the Governor and Legislature on steps to be taken to establish or expand at least two park-and-ride facilities for each year and to report to the Governor and the Legislature if these facilities are not established or expanded, with

the reasons for the failure to establish or expand them.

The bill also creates a "Congestion Buster Task Force" to study highway traffic congestion in the State and to develop a commuter options plan that would result in peak hour vehicle trips being capped at 1999 levels. The task force is also charged with identifying the top 10 projects which can be quickly implemented to relieve congestion or improve safety. Finally, the bill directs the New Jersey Commerce and Economic Growth Commission to submit to the Legislature a report containing a program to identify sectors of the economy, or specific occupations, that are appropriate for telecommuting to increase telecommuting in the State.

Transportation Trust Fund Authority. Under the bill, the Trust Fund program is to be renewed based upon an infusion of additional funds. Also, the categories of transportation-related costs eligible for funding through the program are revised.

Costs eligible for Trust Fund financing. The categories of projects to be funded through the Transportation Trust Fund are revised as follows: (1) the "public highway" category is expanded to include bicycle and pedestrian pathways and pedestrian and bicycle bridges traversing public highways; (2) the "public transportation project" category is expanded to include (a) ferries and ferry facilities (including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking docks, and other necessary land-side improvements), and (b) pedestrian walkways and bridges connecting to passenger stations and servicing facilities; and (3) the maintenance category (newly designated as "permitted maintenance" under the bill) is narrowed by lengthening from four to five years the minimum period of a project's useful life to which maintenance work would have to contribute in order for the work to constitute a cost eligible for Trust Fund financing. The bill includes a prohibition against the appropriation of Trust Fund Authority resources for regular and routine highway maintenance. In addition, the bill prohibits the use of Transportation Trust Fund money for the resurfacing of highways by department personnel where that resurfacing would require the use of more than 100,000 tons of bituminous concrete for that purpose in any calendar year. It also requires the department and the New Jersey Transit Corporation to keep adequate records to justify the charging, to transportation projects under the authority, of any salaries or overhead expenses of those agencies. However, the amount expended from the revenues and other funds of the authority for salaries and overhead of the department and the New Jersey Transit Corporation for the fiscal year beginning July 1, 2000 is not to exceed 14 percent of the total funds appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for that fiscal year. Salaries and overhead for the fiscal year beginning July 1, 2001 are not to exceed 13 percent of the total funds appropriated from the revenues

and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for that fiscal year. For the fiscal year beginning July 1, 2002 salaries and overhead are not to exceed 12 percent of the total funds appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for that fiscal year. For the fiscal year beginning July 1, 2003 salaries and overhead are not to exceed 11 percent of the total funds appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for that fiscal year.

Transportation planning. The bill provides for the Department of Transportation and the New Jersey Transit Corporation to prepare a five year "Capital Investment Strategy" which is to contain, at a minimum, a statement of the goals of the department and the corporation in major selected policy areas and the means by which the goals are to be attained during that period. The departmental goals shall include, but not be limited to, reduction of accidents, reduction in the backlog of projects (including bridge repair projects and pavement deficiencies), and an increase in lane miles of bicycle paths with a goal of constructing 1,000 additional lane miles in five years. New Jersey Transit shall present a strategy and a preliminary timetable for the replacement of the current diesel bus fleet with a fleet of buses that have reduced emission of air pollutants. New Jersey Transit shall consider the feasibility of diesel buses with improved pollution controls and vehicles powered by fuel other than conventional diesel fuel. New Jersey Transit may consider as part of its strategy cooperative efforts in developing a "clean bus." Unless exempted by legislative action, beginning with FY 2008, New Jersey Transit bus purchases are to consist of buses with improved pollution controls and that reduce particulate emissions or vehicles powered by fuel other than conventional diesel fuel. The annual report of transportation capital projects shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the report, now entitled the "Annual Transportation Capital Program," shall include an explanation that demonstrates how it is consistent with, and reflective of, the goals and priorities.

The bill also prohibits the construction of new state highways using the revenues and other funds of the authority unless specifically authorized by joint resolution.

The bill expands the membership of the Trust Fund Authority from five to seven members. The two additional members shall be public members appointed by the Governor with the advice and consent of the Senate, one of whom shall represent the construction unions and the other of whom shall represent highway construction firms. The substitute also establishes a Transportation Trust Fund Advisory Board consisting of both Legislative and Executive appointees to review and scrutinize proposed Trust Fund projects and to make recommendations to the Governor and the Legislature on the

continuation of the Trust Fund's funding of the State's transportation system.

FISCAL IMPACT:

The bill increases the amount of revenue from some existing taxes that is dedicated for deposit into the Transportation Trust Fund Account and establishes new Trust Fund dedication requirements with respect to other existing tax revenue, but does not impose any new tax or increase any existing tax. Under the bill:

(1) The minimum amount of revenue from the tax on motor fuels (already constitutionally required to be credited to the Trust Fund at the rate of 9¢ per gallon) that is statutorily dedicated for deposit into the Fund is increased from \$360,000,000 to \$405,000,000 per year;

(2) Of revenue from the motor vehicle registration fee surcharge under subsection a. of N.J.S.A.17:33B-63, already authorized as being available for crediting to the Trust Fund, a minimum amount of \$60,000,000 per year would now be required to be so credited; and

(3) New provisions are established for dedication to the Trust Fund of (a) an amount equivalent to the revenue from the petroleum products gross receipts tax imposed under N.J.S.A.54:15B-1 et seq., but not less than \$100,000,000 in the period from January 1, through June 30, in the calendar year following approval by the voters of a constitutional amendment providing for such a dedication and \$200,000,000 in subsequent fiscal years, and (b) an amount equivalent to the revenue derived from the State sales and use tax on the sale of new motor vehicles, but not less than \$80,000,000 in FY2002, \$140,000,000 in FY2003, and \$200,000,000 in subsequent fiscal years, as provided by the aforementioned constitutional amendment.

The current revenue sources of \$24.5 million from the toll road authorities and \$30 million from certain motor vehicle registration fees and diesel fuel taxes would remain unchanged.

The bill increases the annual trust fund program amount (i.e., the maximum amount that is to be appropriated each year from the Trust Fund Authority for eligible transportation purposes) from the current permanent statutory level of \$700 million to \$900 million for fiscal year 2001 and \$950 million for fiscal years 2002 through 2004. As at present, these maximum program amounts are exclusive of federal funds. The bill further reduces the annual bonding limitation from \$700,000,000 to \$650,000,000 and provides that debt service savings realized from refunding bonds are only to be used to fund transportation projects.

COMMITTEE AMENDMENTS:

The amendments require that the five year "Capital Investment Strategy" include a detailing of capital funds for public transportation projects of companies other than the New Jersey Transit Corporation engaged in the business of providing motor bus transportation.

The amendments also set a goal for the repair of one-half of the structurally deficient bridges, clarify the Commissioner of Transportation's authority to modify, extend or widen existing State highway routes without further Legislative authorization, and delete a provision that would have required the Senate's advice and consent to the Governor's appointment of certain public members to the New Jersey Transportation Trust Fund Authority to be provided within 30 days of the Senate's receipt of notice thereof.

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 16

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED MAY 4, 2000

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Senator RICHARD J. CODEY

District 27 (Essex)

Co-Sponsored by:

Assemblymen DeCroce, Doria, Bodine, Merkt, Assemblywoman Crecco, Assemblymen Zecker, Augustine, Assemblywoman Heck, Assemblymen Biondi, LeFevre, Blee, Bagger, Carroll, Impreveduto, Wisniewski, Gusciora, Sires, Caraballo, Cohen, Assemblywoman Gill, Assemblymen B.Smith, Green, Assemblywoman Buono, Assemblyman Barnes, Assemblywomen Quigley, Weinberg, Assemblyman Zisa, Assemblywoman Previte, Assemblyman Thompson and Assemblywoman Watson Coleman

SYNOPSIS

"Congestion Relief and Transportation Trust Fund Renewal Act."

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 22, 2000, with amendments.

(Sponsorship Updated As Of: 6/30/2000)

1 **AN ACT** concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) Sections 1 through ¹[10] ²[15¹] 14² ¹[18] and
10 23¹ ²through 25² and ¹[19] ²[24¹] section 27² of this act shall be
11 known and may be cited as the "Congestion Relief and Transportation
12 Trust Fund Renewal Act ²[of the Year 2000]²."

13

14 2. (New section) The Legislature hereby finds and declares that:

15 a. A balanced and improved transit and goods movement and
16 highway system is of key importance to our State's continued
17 prosperity and to the quality of life of our citizens.

18 b. The State's citizens and businesses require a transportation
19 system which provides adequate mobility to all of its citizens utilizing
20 all modes.

21 c. The State should consider and utilize, where appropriate,
22 transportation approaches and concepts to reduce congestion, enhance
23 mobility, discourage sprawl, and assist in the redevelopment of our
24 cities, enhance suburbs and town centers, and otherwise improve the
25 quality of life of our citizens.

26 d. Stable and adequate dedicated funding is a prerequisite to the
27 sensible planning of transportation projects, most of which are
28 conceived, planned, designed and built over a span of several years.

29 e. Additional investment is needed to bring the public highway and
30 bridge system into a state of good repair, to reduce the backlog of
31 infrastructure repair jobs, to maximize rail freight capacity, to ¹[better
32 protect pedestrians, cyclists and motorists from injury] promote
33 bicycle and pedestrian safety,¹ and to promote cycling and walking
34 trips by providing and financing appropriate infrastructure.

35 f. Ferries and ferry ¹[terminals] facilities¹, including those
36 providing interstate service to points in New Jersey, are an
37 increasingly important component of the State's intermodal
38 transportation system and should be eligible for transportation
39 assistance from the State.

40 g. The system of financing under the New Jersey Transportation

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted May 11, 2000.

² Assembly ATR committee amendments adopted June 19, 2000.

³ Assembly AAP committee amendments adopted June 22, 2000.

1 Trust Fund Authority has provided a stable source of funds to keep
2 our transportation system in good repair and to provide funding for
3 important new projects which have enhanced that system.

4 h. The renewal and improvement of the system of financing under
5 the New Jersey Transportation Trust Fund Authority and a significant
6 increase in the funding of that system are necessary to achieve the
7 aforementioned goals and can be achieved without the necessity of
8 increasing taxes.

9
10 3. (New section) The Commissioner of Transportation
11 (hereinafter, "the commissioner") shall establish and implement a
12 program to employ the best available technology to improve traffic
13 signal operation throughout the State so as to avoid unnecessary
14 delays, reduce air pollution, and allow traffic to move sequentially
15 through signals on roads and highways throughout the State without
16 stopping, to the greatest extent practicable without endangering or
17 limiting pedestrian travel.

18
19 4. (New section) No later than March 31, 2001, the commissioner
20 shall submit a report to the Legislature containing recommended
21 incentives to businesses to encourage ²[as many workers as possible
22 to utilize mass transit, van pooling and car pooling] a reduction in
23 single occupancy trips².

24
25 5. (New section) No later than January 1, 2001, the Chief
26 Executive Officer and Secretary of the New Jersey Commerce and
27 Economic Growth Commission, in consultation with the
28 ²[Commissioner of Transportation] commissioner² and the State
29 Treasurer, shall submit a report to the Legislature containing a
30 program to identify sectors of the economy, or specific occupations,
31 which are appropriate for telecommuting to increase telecommuting in
32 the State.

33
34 ²[6. (New section) The commissioner shall establish one or more
35 congestion relief and safety task forces with representatives of the toll
36 road authorities, the Department of Transportation, and of the
37 counties and municipalities, which shall be charged with identifying
38 projects which can be quickly implemented to relieve congestion or
39 improve safety. Such projects shall not exceed the cost of \$150,000
40 each and may be awarded by the department using any such expedited
41 procurement and contracting procedures as may be available to the
42 department. The department shall implement not more than 10 such
43 projects in each of the 10 years following March 1, 2001.]²

44
45 ²[7.] 6.² (New section) Many State highways run through fully
46 developed cities and suburban towns. In addition, many small villages

1 in rural areas have State highways which pass through built-up
2 residential areas or village centers. The traffic on many of these State
3 highways, particularly large truck and speeding traffic, prevents these
4 residential areas², town centers² and ²future² town centers from
5 functioning as intended. The commissioner shall study this issue and
6 develop a departmental program which authorizes context sensitive
7 design and examines the functional classifications of State highways
8 running through developed cities and suburban towns. As used in this
9 section, "context sensitive design" means a planning technique that
10 embraces a collaborative, interdisciplinary process and recognizes the
11 uniqueness of the community in planning transportation projects.

12
13 ²[8.] 7.² (New section) The commissioner shall report to the
14 Legislature not later than January 1, 2001, on measures undertaken
15 by the department and measures it recommends as necessary to
16 improve the safety or to mitigate adverse impacts of large trucks
17 which travel on New Jersey ²State and local² roadways.

18
19 ²[9. (New section) The State Treasurer shall report annually to
20 the Governor and the Legislature on revenues lost to the State by
21 virtue of the exemption which alternative fuels used in motor vehicles
22 enjoy from the tax imposed on the sale of motor fuels pursuant to
23 chapter 39 of Title 54 of the Revised Statutes.]²

24
25 ²[10.] 8.² (New section) The commissioner shall install light
26 emitting diodes lighting ("LED lighting"), or lighting similar in energy
27 and life cycle savings, in traffic signals on the State highway system
28 from the amounts appropriated from the revenues and other funds of
29 the New Jersey Transportation Trust Fund Authority. It is anticipated
30 that this lighting will result in operational energy savings for State,
31 county and municipal governments and provide congestion relief
32 because the diodes have a 10-year life cycle as compared to the one
33 year replacement cycle for regular light bulbs. The State shall develop
34 a program to assist local governments to install LED lighting or
35 lighting similar in energy and life cycle savings, in approved local
36 traffic signals throughout the State. The commissioner may consult
37 with the State's public utility companies for assistance where
38 appropriate to implement this program.

39
40 ²[11. (New section) There is hereby established in the
41 Department of Transportation a Pavement Preservation and Preventive
42 Maintenance Program. In furtherance of this program, the
43 commissioner shall utilize cost-effective road materials and surface
44 treatments, including but not limited to, superpave, asphalt millings,
45 asphalt overlays, white topping and, in appropriate circumstances,
46 micro-surfacing, cold-in-place recycling and crack sealing and

1 treatments to the base course of the roadway, as a regular and integral
2 part of the road preservation and maintenance program and in a
3 manner sufficient to provide for safe roads as provided for in this act,
4 where deemed appropriate by the department. The commissioner shall
5 be authorized to contract with private contractors and suppliers to
6 perform the road surface treatments or pavement improvements, or
7 both, provided for in this section, utilizing accepted procurement and
8 contracting practices.¹]²

9
10 ²9. (New section) There is hereby established in the Department
11 of Transportation, a Pavement Preservation and Preventive
12 Maintenance Program. In furtherance of this program, the
13 commissioner shall utilize cost-effective road materials, surface
14 treatments and base rehabilitation methodology including, but not
15 limited to, micro-surfacing, white topping and cold-in-place recycling.
16 These cost- effective materials, surface treatments and methodologies
17 shall be used in conjunction with standard road materials and surface
18 treatments including, but not limited to, superpave, asphalt milling,
19 asphalt overlays and crack sealing. The commissioner shall authorize
20 the use of cost-effective materials, surface treatments and
21 methodologies where deemed appropriate by the department, but they
22 shall be utilized as a regular and integral part of the road preservation
23 and maintenance program, and in a manner sufficient to provide for
24 safe roads as provided for in this act.²

25
26 ²[¹12. (New section) In order to permit the most efficient use of
27 the treatments enumerated in section 11 of this act, the commissioner
28 shall continue to evaluate roadway pavements and assign numerical
29 ratings to roads and bridges for maintenance and repair similar to any
30 nationally recognized method.¹]²

31
32 ²10. (New section) The commissioner shall continue to evaluate
33 roadway pavements on the State highway system and assign numerical
34 ratings to roads for maintenance and repair similar to any nationally
35 recognized method.²

36
37 ²[¹13. (New section) The commissioner shall issue a report to the
38 Governor and the Legislature at the end of each fiscal year containing
39 the numerical ranking of pavements for roads and bridges needing
40 maintenance and repair in accordance with the method developed in
41 section 12 of this act. The report shall also identify the repair and
42 maintenance projects that were completed during the fiscal year,
43 including an estimate of the cost impact to the department for each
44 maintenance and repair project that utilized road surface material or
45 treatment.¹]²

1 ²11. (New section) The commissioner shall issue a report to the
2 Governor and the Legislature at the end of each fiscal year containing
3 the numerical ranking of pavements for roads needing maintenance and
4 repair in accordance with the method developed in section 10 of this
5 act. The report shall also identify the repair and maintenance projects
6 that were completed during the fiscal year, including an estimate of the
7 cost impact to the department for each maintenance and repair project
8 that utilized road surface material or treatment.²

9
10 ²12. (New section) The commissioner shall conduct a life cycle
11 cost analysis of pavement surfaces and report the findings of the
12 analysis to the Governor and the Legislature no later than one year
13 after the date of enactment of this act. The analysis shall compare
14 equivalent designs and shall be based upon New Jersey's actual historic
15 project maintenance, repair and resurfacing schedules and costs as
16 recorded by the Department of Transportation, and shall include
17 estimates of user costs throughout the entire life of the pavement. As
18 used in this section, "life cycle cost" means the total cost of the initial
19 project and all anticipated costs for subsequent maintenance, repair or
20 resurfacing over the life of the pavement.²

21
22 ²[¹14. (New section) To encourage access to jobs, promote urban
23 revitalization and lessen traffic congestion, public transportation
24 projects and service plans shall provide access during peak hours to
25 urban rail and bus stations where suburban and rural stations are
26 served along the same line or route.]¹²

27
28 ²[¹15. (New section) The Commissioner of Transportation shall
29 identify, from among the locations in the State at which the E-Z Pass
30 toll collection monitoring system is in use, the five locations on State
31 or interstate highways at which traffic congestion is most severe, and
32 shall determine with respect to motor vehicles using the E-Z Pass
33 system at those points of congestion the zip code locations from which
34 those vehicles are registered, which determination shall be made
35 subject to the privacy restrictions of the federal "Drivers' Privacy
36 Protection Act of 1994", Pub.L. 103-322, P.L.1997, c.188 (C.39:2-3.4
37 et seq.), sections 3, 9 and 13 of P.L.1997, c.59 (C.27:12B-18.4,
38 27:23-34.3 and 27:25A-21.3), and other applicable laws of this State
39 or the United States. The commissioner shall undertake a study of the
40 feasibility of implementing a pilot program to (1) establish new bus
41 routes or increase service on existing bus routes, and (2) construct or
42 expand park-ride facilities, on highways between those municipalities
43 and the five points of maximum congestion, for purposes of
44 encouraging the greater use of public transportation on those highways
45 and relieving the congestion.

46 The commissioner shall, not later than May 1, 2001, submit to the
47 Legislature a report on the results of the study.]¹²

1 ²13. (New section) a. There is created in the Department of
2 Transportation a task force to be known as the "Congestion Buster
3 Task Force" to study and make recommendations concerning the
4 reduction of traffic congestion in the State.

5 The members of the task force shall be appointed by the
6 commissioner in such number as the commissioner shall designate from
7 the Department of Transportation, the New Jersey Transit
8 Corporation, business organizations, Transportation Management
9 Associations, the counties, and members of the public.

10 b. The task force shall organize as soon as may be practicable after
11 the appointment of its members and shall select a chairperson from
12 among the members. The members shall select a secretary, who need
13 not be a member of the task force.

14 The task force shall meet at the call of the chairperson.

15 The task force shall be entitled to call to its assistance and avail
16 itself of the services of the employees of any State department, board,
17 bureau, commission or agency, as it may require and as may be
18 available for its purposes, and to employ stenographic and clerical
19 assistance and incur traveling and other miscellaneous expenses as may
20 be necessary in order to perform its duties, within the limits of funds
21 appropriated or otherwise made available to it for its purposes.

22 c. The task force shall conduct a study of highway traffic
23 congestion in the State and develop a commuter options plan that
24 would result in peak hour vehicle trips being "capped" at 1999 levels.

25 In developing the plan, the task force shall review relevant
26 information and findings from other jurisdictions, both national and
27 international. The plan shall include, but not be limited to, resources
28 and incentives for public transportation, ridesharing, telecommuting
29 and other travel reduction strategies. In making its recommendations
30 for the plan, the task force shall include funding proposals, an
31 implementation of the plan, and a method of evaluating progress
32 toward the realization of the goal of the plan to cap peak hour vehicle
33 trips at 1999 levels.

34 The task force shall also be charged with identifying the top 10
35 projects which can be quickly implemented to relieve congestion or
36 improve safety.

37 d. The task force may meet and hold public hearings at such place
38 or places as it shall designate and shall issue a final report containing
39 its findings and recommendations, including any recommendations for
40 legislation that it deems appropriate, no later than one year after the
41 task force organizes, to the Governor, the President of the Senate and
42 the Speaker of the General Assembly, and the members of the Senate
43 Transportation Committee and the Assembly Transportation
44 Committee, or the successor committees.

45 e. The task force shall dissolve one year following organization of
46 the task force.²

1 ²14. (New section) No later than July 1, 2001, the commissioner
2 shall report to the Governor and the Legislature on steps which the
3 commissioner recommends to provide for the establishment or
4 expansion of park-and-ride facilities in areas of traffic congestion
5 throughout the State and shall establish a goal of establishing or
6 expanding at least two park-and-ride facilities in each of the successive
7 2001-2002, 2002-2003, 2003-2004 and 2004-2005 fiscal years. In
8 the event that the department does not establish or expand at least two
9 park-and-ride facilities in each of the preceding fiscal years, the
10 commissioner shall report to the Governor and the Legislature the
11 reasons for the failure to establish or expand such facilities.²

12
13 ¹[11.] ²[16.¹] ²15.² Section 3 of P.L.1984, c.73 (C.27:1B-3) is
14 amended to read as follows:

15 3. The following words or terms as used in this act shall have the
16 following meaning unless a different meaning clearly appears from the
17 context:

18 a. "Act" means this New Jersey Transportation Trust Fund
19 Authority Act of 1984.

20 b. "Authority" means the New Jersey Transportation Trust Fund
21 Authority created by section 4 of this act.

22 c. "Bonds" means bonds issued by the authority pursuant to the
23 act.

24 d. "Commissioner" means the Commissioner of Transportation.

25 e. "Department" means the Department of Transportation.

26 f. "Federal aid highway" means any highway within the State in
27 connection with which the State receives payment or reimbursement
28 from the federal government under the terms of Title 23, United States
29 Code or any amendment, successor, or replacement thereof, for the
30 purposes contained in the act.

31 g. "Federal government" means the United States of America, and
32 any officer, department, board, commission, bureau, division,
33 corporation, agency or instrumentality thereof.

34 h. "South Jersey Transportation Authority" means the public
35 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
36 its successor.

37 i. "New Jersey Highway Authority" means the public corporation
38 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

39 j. "New Jersey Turnpike Authority" means the public corporation
40 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

41 k. "Notes" means the notes issued by the authority pursuant to the
42 act.

43 l. "Public highways" means public roads, streets, expressways,
44 freeways, parkways, motorways and boulevards, including bridges,
45 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
46 roadways, bus pullouts and turnarounds, park-ride facilities, traffic

1 circles, grade separations, traffic control devices, the elimination or
2 improvement of crossings of railroads and highways, whether at grade
3 or not at grade, bicycle and pedestrian pathways and pedestrian and
4 bicycle bridges traversing public highways and any facilities,
5 equipment, property, rights of way, easements and interests therein
6 needed for the construction, improvement and maintenance of
7 highways.

8 m. "Public transportation project" means, in connection with
9 public transportation service, passenger stations, shelters and
10 terminals, automobile parking facilities, ¹ferries and¹ferry facilities,
11 including capital projects for ferry terminals, approach roadways,
12 pedestrian accommodations, parking, docks, and other necessary land-
13 side improvements, ramps, track connections, signal systems, power
14 systems, information and communication systems, roadbeds, transit
15 lanes or rights of way, equipment storage, pedestrian walkways and
16 bridges connecting to passenger stations and servicing facilities,
17 bridges, grade crossings, rail cars, locomotives, motorbuses and other
18 motor vehicles, maintenance and garage facilities, revenue handling
19 equipment and any other equipment, facility or property useful for or
20 related to the provision of public transportation service.

21 n. "State agency" means any officers, department, board,
22 commission, bureau, division, agency or instrumentality of the State.

23 o. "Toll road authorities" means and includes the New Jersey
24 Turnpike Authority, the New Jersey Highway Authority and the South
25 Jersey Transportation Authority.

26 p. "Transportation project" means, in addition to public highways
27 and public transportation projects, any equipment, facility or property
28 useful or related to the provision of any ground, waterborne or air
29 transportation for the movement of people and goods including rail
30 freight infrastructure.

31 q. "Transportation system" means public highways, public
32 transportation projects, other transportation projects, and all other
33 surface, airborne and waterborne methods of transportation for the
34 movement of people and goods.

35 r. "[Maintenance] Permitted maintenance" means, in relation to
36 public transportation projects, direct costs of work necessary for
37 preserving or maintaining the useful life of public transportation
38 projects, provided the work performed is associated with the
39 acquisition, installation and rehabilitation of components which are not
40 included in the normal operating maintenance of equipment and
41 facilities or replaced on a scheduled basis. The work shall ensure the
42 useful life of the project for not less than **[four]** five years and shall
43 not include routine maintenance or inspection of equipment and
44 facilities that is conducted on a scheduled basis. This definition shall
45 not apply to the term "maintenance" as used in subsection l. of this
46 section. For purposes of this subsection, "permitted maintenance"

1 means, in relation to public highways, the direct costs of work
2 necessary for preserving or maintaining the useful life of public
3 highways, provided the work is not associated with the regular and
4 routine maintenance of public highways and their components² [, such
5 as, but not limited to, grass cutting, litter pick-up, snow plowing,
6 replacement of striping, light bulb replacement for light bulbs having
7 a useful life of less than five years, damaged sign replacement, pothole
8 repairs, guide rail repairs and normal and usual work that historically,
9 maintenance personnel have performed for the department]. The work
10 shall ensure the useful life of the project for not less than five years.²

11 s. "Circle of Mobility" means an essential group of related transit
12 projects that include (1) the New Jersey Urban Core Project, as
13 defined in section 3031 of the "Intermodal Surface Transportation
14 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
15 following elements: Secaucus Transfer, Kearny Connection,
16 Waterfront Connection, Northeast Corridor Signal System, Hudson
17 River Waterfront Transportation System, Newark-Newark
18 International Airport-Elizabeth Transit Link, a rail connection between
19 Penn Station Newark and Broad Street Station, Newark, New York
20 Penn Station Concourse, and the equipment needed to operate revenue
21 service associated with improvements made by the project, and (2) the
22 modification and reconstruction of the West Shore Line in Bergen
23 County connected to Allied Junction/Secaucus Transfer Meadowlands
24 Rail Center; the construction of a rail station and associated
25 components at the Meadowlands Sports Complex; the modification
26 and reconstruction of the Susquehanna and Western Railway, as
27 defined and provided in section 3035 (a) of the "Intermodal Surface
28 Transportation Efficiency Act of 1991"; and the modification and
29 reconstruction of the Lackawanna Cutoff Commuter Rail Line
30 connecting Morris, Sussex and Warren Counties to the North Jersey
31 Transportation Rail Centers.

32 (cf: P.L.1995, c.108, s.1)

33

34 ¹[12.] ²[17.1] ^{16.}² Section 5 of P.L.1984, c.73 (C.27:1B-5) is
35 amended to read as follows:

36 5. It shall be the sole purpose of the authority created under this
37 act to provide the payment for and financing of all, or a portion of, the
38 costs incurred by the department for the planning, acquisition,
39 engineering, construction, reconstruction, repair and rehabilitation of
40 the State's transportation system, including, without limitation, the
41 State's share (including State advances with respect to any federal
42 share) under federal aid highway laws of the costs of planning,
43 acquisition, engineering, construction, reconstruction, repair,
44 resurfacing and rehabilitation of public highways, the State's share
45 (including State advances with respect to any federal share) of the
46 costs of planning, acquisition, engineering, construction,

1 reconstruction, repair, permitted maintenance and rehabilitation of
2 public transportation projects and other transportation projects in the
3 State, and State aid to counties and municipalities for transportation
4 projects, all in furtherance of the public policy declared in section 2 of
5 the act, in the manner provided for in the act.

6 (cf: P.L.1991, c.40, s.3)

7

8 ¹[13.] ²[18.¹] ^{17.}² Section 6 of P.L.1984, c.73 (C.27:1B-6) is
9 amended to read as follows:

10 6. In addition to all other powers granted to the authority in the
11 act, the authority shall have power:

12 a. To sue and be sued;

13 b. To have an official seal and alter the same at its pleasure;

14 c. To make and alter bylaws for its organization and internal
15 management and rules and regulations for the conduct of its affairs and
16 business;

17 d. To maintain an office at a place or places within the State as it
18 may determine;

19 e. To acquire, hold, use and dispose of its income, revenues, funds
20 and moneys;

21 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
22 transfer, and dispose of real or personal property for its purposes;

23 g. To borrow money and to issue its bonds, notes or other
24 obligations and to secure the same by its revenues or other funds and
25 otherwise to provide for and secure the payment thereof and to
26 provide for the rights of the holders thereof and to provide for the
27 refunding thereof, all as provided in the act;

28 h. To issue subordinated indebtedness and to enter into any
29 revolving credit agreement, agreement establishing a line of credit or
30 letter of credit, reimbursement agreement, interest rate exchange
31 agreement, insurance contract, surety bond, commitment to purchase
32 or sell bonds, purchase or sale agreement, or commitments or other
33 contracts or agreements, and other security agreements as approved
34 by the authority in connection with the issuance of bonds or notes;

35 i. In its own name, in the name of the New Jersey Transit
36 Corporation or in the name of the State, to apply for and receive and
37 accept appropriations or grants of property, money, services or
38 reimbursements for money previously spent and other assistance
39 offered or made available to it by or from any person, government
40 agency, public authority or any public and private entity whatever for
41 any lawful corporate purpose of the authority, including, without
42 limitation, grants, appropriations or reimbursements from the State or
43 federal government with respect to their respective shares under
44 federal aid highway laws of the costs of planning, acquisition,
45 engineering, construction, reconstruction, repair, resurfacing and
46 rehabilitation of public highways or the costs of planning, acquisition,

1 engineering, construction, reconstruction, repair, permitted
2 maintenance and rehabilitation of public transportation projects and
3 other transportation projects in the State and the authority's operating
4 expenses and to apply and negotiate for the same upon such terms and
5 conditions as may be required by any person, government agency,
6 authority or entity or as the authority may determine to be necessary,
7 convenient or desirable;

8 j. Subject to any agreement with the holders of bonds, notes or
9 other obligations, to invest moneys of the authority not required for
10 immediate use, including proceeds from the sale of any bonds, notes
11 or other obligations, in obligations, securities and other investments as
12 the authority shall deem prudent;

13 k. Subject to any agreements with holders of bonds, notes or other
14 obligations, to purchase bonds, notes or other obligations of the
15 authority out of any funds or moneys of the authority available
16 therefor, and to hold, cancel or resell the bonds, notes or other
17 obligations;

18 l. For its sole purpose as established in section 5 of this act, to
19 appoint and employ an executive director and such additional officers,
20 who need not be members of the authority and such other personnel
21 and staff as it may require, at an annual expense not to exceed
22 \$100,000.00, all without regard to the provisions of Title 11A of the
23 New Jersey Statutes;

24 m. To do and perform any acts and things authorized by the act
25 under, through, or by means of its officers, agents or employees or by
26 contract with any person, firm or corporation or any public body;

27 n. To procure insurance against any losses in connection with its
28 property, operations, assets or obligations in amounts and from
29 insurers as it deems desirable;

30 o. To make and enter into any and all contracts and agreements
31 which the authority determines are necessary, incidental, convenient
32 or desirable to the performance of its duties and the execution of its
33 powers under the act; and

34 p. To do any and all things necessary, convenient or desirable to
35 carry out its purposes and exercise the powers given and granted in the
36 act.

37 (cf: P.L.1995, c.108, s.3)

38

39 ²18. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read
40 as follows:

41 9. a. The authority shall have the power and is hereby authorized
42 after November 15, 1984 and from time to time thereafter to issue its
43 bonds, notes or other obligations in principal amounts as in the opinion
44 of the authority shall be necessary to provide for any of its corporate
45 purposes, including the payment, funding or refunding of the principal
46 of, or interest or redemption premiums on, any bonds, notes or other

1 obligations issued by it, whether the bonds, notes, obligations or
2 interest to be funded or refunded have or have not become due; and to
3 provide for the security thereof and for the establishment or increase
4 of reserves to secure or to pay the bonds, notes or other obligations
5 or interest thereon and all other reserves and all costs or expenses of
6 the authority incident to and necessary or convenient to carry out its
7 corporate purposes and powers; and in addition to its bonds, notes and
8 other obligations, the authority shall have the power to issue
9 subordinated indebtedness, which shall be subordinate in lien to the
10 lien of any or all of its bonds or notes. No resolution or other action
11 of the authority providing for the issuance of bonds, refunding bonds,
12 notes, or other obligations shall be adopted or otherwise made
13 effective by the authority without the prior approval in writing of the
14 Governor and the State Treasurer.

15 b. Except as may be otherwise expressly provided in the act or by
16 the authority, every issue of bonds or notes shall be general obligations
17 payable out of any revenues or funds of the authority, subject only to
18 any agreements with the holders of particular bonds or notes pledging
19 any particular revenues or funds. The authority may provide the
20 security and payment provisions for its bonds or notes as it may
21 determine, including (without limiting the generality of the foregoing)
22 bonds or notes as to which the principal and interest are payable from
23 and secured by all or any portion of the revenues of and payments to
24 the authority, and other moneys or funds as the authority shall
25 determine. In addition, the authority may, in anticipation of the
26 issuance of the bonds or the receipt of appropriations, grants,
27 reimbursements or other funds, including without limitation grants
28 from the federal government for federal aid highways or public
29 transportation systems, issue notes, the principal of or interest on
30 which, or both, shall be payable out of the proceeds of notes, bonds or
31 other obligations of the authority or appropriations, grants,
32 reimbursements or other funds or revenues of the authority. The
33 authority may also enter into bank loan agreements, lines of credit and
34 other security agreements as authorized pursuant to subsection h. of
35 section 6 of P.L.1984, c.73 (C.27:1B-6) and obtain for or on its behalf
36 letters of credit in each case for the purpose of securing its bonds,
37 notes or other obligations or to provide direct payment of any costs
38 which the authority is authorized to pay by this act and to secure
39 repayment of any borrowings under the loan agreement, line of credit,
40 letter of credit or other security agreement by its bonds, notes or other
41 obligations or the proceeds thereof or by any or all of the revenues of
42 and payments to the authority or by any appropriation, grant or
43 reimbursement to be received by the authority and other moneys or
44 funds as the authority shall determine.

45 c. Whether or not the bonds and notes are of the form and
46 character as to be negotiable instruments under the terms of Title 12A,

1 Commercial Transactions, New Jersey Statutes, the bonds and notes
2 are hereby made negotiable instruments within the meaning of and for
3 all the purposes of said Title 12A.

4 d. Bonds or notes of the authority shall be authorized by a
5 resolution or resolutions of the authority and may be issued in one or
6 more series and shall bear the date, or dates, mature at the time or
7 times, bear interest at the rate or rates of interest per annum, be in the
8 denomination or denominations, be in the form, carry the conversion
9 or registration privileges, have the rank or priority, be executed in the
10 manner, be payable from the sources, in the medium of payment, at the
11 place or places within or without the State, and be subject to the terms
12 of redemption (with or without premium) as the resolution or
13 resolutions may provide. Bonds or notes may be further secured by a
14 trust indenture between the authority and a corporate trustee within or
15 without the State. All other obligations of the authority shall be
16 authorized by resolution containing terms and conditions as the
17 authority shall determine.

18 e. Bonds, notes or other obligations of the authority may be sold
19 at public or private sale at a price or prices and in a manner as the
20 authority shall determine, either on a negotiated or on a competitive
21 basis. Every bond, or refunding bond, issued on or after the effective
22 date of P.L.1995, c.108 (C.27:1B-25.1 et al.) shall mature and be paid
23 no later than 21 years from the date of the issuance of that bond or
24 refunding bond.

25 f. Bonds or notes may be issued and other obligations incurred
26 under the provisions of the act without obtaining the consent of any
27 department, division, commission, board, bureau or agency of the
28 State, other than the approval as required by subsection a. of this
29 section, and without any other proceedings or the happening of any
30 other conditions or other things than those proceedings, conditions or
31 things which are specifically required by the act.

32 g. Bonds, notes and other obligations of the authority issued or
33 incurred under the provisions of the act shall not be in any way a debt
34 or liability of the State or of any political subdivision thereof other
35 than the authority and shall not create or constitute any indebtedness,
36 liability or obligation of the State or of any political subdivision or be
37 or constitute a pledge of the faith and credit of the State or of any
38 political subdivision but all bonds, notes and obligations, unless funded
39 or refunded by bonds, notes or other obligations of the authority, shall
40 be payable solely from revenues or funds pledged or available for their
41 payment as authorized in the act. Each bond, note or other obligation
42 shall contain on its face a statement to the effect that the authority is
43 obligated to pay the principal thereof or the interest thereon only from
44 revenues or funds of the authority and that neither the State nor any
45 political subdivision thereof is obligated to pay the principal or interest
46 and that neither the faith and credit nor the taxing power of the State

1 or any political subdivision thereof is pledged to the payment of the
2 principal of or the interest on the bonds, notes or other obligations.
3 For the purposes of this subsection, political subdivision does not
4 include the authority.

5 h. All expenses incurred in carrying out the provisions of the act
6 shall be payable solely from the revenues or funds provided or to be
7 provided under or pursuant to the provisions of the act and nothing in
8 the act shall be construed to authorize the authority to incur any
9 indebtedness or liability on behalf of or payable by the State or any
10 political subdivision thereof.

11 i. The authority shall minimize debt incurrence by first relying on
12 appropriations and other revenues available to the authority before
13 incurring debt to meet its statutory purposes.

14 Commencing on the 90th day following the date of enactment of
15 this 1995 amendatory and supplementary act, the authority shall not
16 incur debt in any fiscal year in excess of ~~[\$700,000,000]~~
17 \$650,000,000, except that if that permitted amount of debt, or any
18 portion thereof, is not incurred in a fiscal year it may be incurred in a
19 subsequent fiscal year. Any increase in this limitation shall only occur
20 if so provided for by law.

21 j. Upon the decision by the authority to issue refunding bonds
22 pursuant to this section, and prior to the sale of those bonds, the
23 authority shall transmit to the Joint Budget Oversight Committee, or
24 its successor, a report that a decision has been made, reciting the basis
25 on which the decision was made, including an estimate of the debt
26 service savings to be achieved and the calculations upon which the
27 authority relied when making the decision to issue refunding bonds.
28 The report shall also disclose the intent of the authority to issue and
29 sell the refunding bonds at public or private sale and the reasons
30 therefor.

31 k. The Joint Budget Oversight Committee, or its successor, shall
32 have authority to approve or disapprove the sale of refunding bonds
33 as included in each report submitted in accordance with subsection j.
34 of this section. The committee shall approve or disapprove the sale of
35 refunding bonds within 10 business days after physical receipt of the
36 report. The committee shall notify the authority in writing of the
37 approval or disapproval as expeditiously as possible.

38 l. No refunding bonds shall be issued unless the report has been
39 submitted to and approved by the Joint Budget Oversight Committee,
40 or its successor, as set forth in subsection k. of this section.

41 m. Within 30 days after the sale of the refunding bonds, the
42 authority shall notify the Joint Budget Oversight Committee, or its
43 successor, of the result of that sale, including the prices and terms,
44 conditions and regulations concerning the refunding bonds, and the
45 actual amount of debt service savings to be realized as a result of the
46 sale of refunding bonds.

1 n. The Joint Budget Oversight Committee, or its successor, shall,
2 however, review all information and reports submitted in accordance
3 with this section and may, on its own initiative, make observations and
4 recommendations to the authority or to the Legislature, or both, as it
5 deems appropriate.

6 (cf: P.L.1995, c.108, s.4)²

7

8 ¹[14.] 19.¹ Section 20 of P.L.1984, c.73(C.27:1B-20) is amended
9 to read as follows:

10 20. There is hereby established in the General Fund an account
11 entitled "Transportation Trust Fund Account." During the fiscal year
12 beginning July 1, 1984 and during each succeeding fiscal year in which
13 the authority has bonds, notes or other obligations outstanding, the
14 treasurer shall credit to this account:

15 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
16 \$0.09 per gallon from the tax imposed on the sale of motor fuels
17 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
18 in Article VIII, Section II, paragraph 4 of the State Constitution,
19 provided, however, such amount during any fiscal year shall not be
20 less than ~~[\$100,000,000]~~ \$405,000,000;

21 b. ~~[After approval by the voters of the constitutional amendment~~
22 ~~proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly~~
23 ~~Concurrent Resolution No. 9 of 1995, in addition to the amount~~
24 ~~credited in subsection a. of this section, for the fiscal year beginning~~
25 ~~July 1, 1996 and the fiscal year beginning July 1, 1997, an amount~~
26 ~~equivalent to the revenue derived from \$0.045 per gallon from the tax~~
27 ~~imposed on the sale of motor fuels pursuant to chapter 39 of Title 54~~
28 ~~of the Revised Statutes, provided, however, such amount shall not be~~
29 ~~less than \$180,000,000 during each of those fiscal years, and for the~~
30 ~~fiscal year beginning July 1, 1998, an amount equivalent to the revenue~~
31 ~~derived from \$0.055 per gallon from the tax, provided, however, that~~
32 ~~such amount shall not be less than \$220,000,000, and for the fiscal~~
33 ~~year beginning July 1, 1999 and for each fiscal year thereafter, an~~
34 ~~amount equivalent to the revenue derived from \$0.065 per gallon from~~
35 ~~the tax, provided, however, that such amount shall not be less than~~
36 ~~\$260,000,000 in any fiscal year, as provided in Article VIII, Section~~
37 ~~II, paragraph 4 of the State Constitution; and] (deleted by amendment,~~
38 ~~P.L. , c. (C.)~~~~(now before the Legislature as this bill).~~

39 c. An amount equivalent to moneys received by the State in
40 accordance with contracts entered into with toll road authorities or
41 other State agencies, provided that effective with the fiscal year
42 beginning July 1, 1988 the amount so credited shall not be less than
43 \$24,500,000.00 in any fiscal year.

44 The treasurer shall also credit to this account, in accordance with
45 a contract between the treasurer and the authority, an amount
46 equivalent to the sum of the revenues due from the increase of fees for

1 motor vehicle registrations collected pursuant to the amendment to
2 R.S.39:3-20 made by this act and from the increase in the tax on diesel
3 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
4 this act and by P.L.1987, c.460, provided that the total amount
5 credited during the fiscal year beginning July 1, 1984 shall not be less
6 than \$20,000,000.00 and that the total amount credited during the
7 fiscal year beginning July 1, 1985 and during every fiscal year
8 thereafter shall not be less than \$30,000,000.00.

9 In addition to the amounts credited to the account by this section,
10 commencing with the fiscal year beginning July 1, 1995 and every
11 fiscal year thereafter, there shall be appropriated from the General
12 Fund such additional amounts as are necessary to carry out the
13 provisions of this act and [after January 1, 1997] beginning July 1,
14 2000 the fees collected pursuant to subsection a. of section 68 of
15 P.L.1990, c.8 (C.17:33B-63) shall be [available for crediting] credited
16 to the account for the purposes of this act, provided, however, the
17 amount credited from such fees during any fiscal year shall not be less
18 than \$60,000,000.

19 d. After approval by the voters of the constitutional amendment
20 proposed in Senate Committee Substitute for Senate Concurrent
21 Resolution No. 1 of 2000 or Assembly Concurrent Resolution No.
22 ²116² of 2000, in addition to the amount credited in subsection a. of
23 this section, beginning January 1 following approval by the voters an
24 amount equivalent to the revenue derived from the tax imposed on the
25 sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et
26 seq.), provided, however, such amount shall not be less than
27 \$100,000,000 in the period January 1 through June 30 following
28 approval by the voters and shall not be less than \$200,000,000 in any
29 fiscal year thereafter and for the fiscal year commencing July 1, 2001
30 and for each fiscal year thereafter an amount equivalent to the revenue
31 derived from the tax imposed under the "Sales and Use Tax Act,"
32 P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles,
33 provided, however, that such amount shall not be less than
34 \$80,000,000 for the fiscal year commencing July 1, 2001, not less than
35 \$140,000,000 for the fiscal year commencing July 1, 2002, and not
36 less than \$200,000,000 for the fiscal year commencing July 1, 2003
37 and for each fiscal year thereafter, as provided in Article VIII, Section
38 II, paragraph 4 of the State Constitution.

39 No later than the fifth business day of the month following the
40 month in which a credit has been made, the treasurer shall pay to the
41 authority, for its purposes as provided herein, the amounts then
42 credited to the Transportation Trust Fund Account, provided that the
43 payments to the authority shall be subject to and dependent upon
44 appropriations being made from time to time by the Legislature of the
45 amounts thereof for the purposes of the act.

46 (cf: P.L.1995, c.108, s.5)

1 ¹[15.] 20.¹ Section 21 of P.L.1984, c.73 (C.27:1B-21) is
2 amended to read as follows:

3 21. a. There is hereby established a separate fund entitled "Special
4 Transportation Fund." This fund shall be maintained by the State
5 Treasurer and may be held in depositories as may be selected by the
6 treasurer and invested and reinvested as other funds in the custody of
7 the treasurer, in the manner provided by law. The commissioner may
8 from time to time (but not more frequently than monthly) certify to the
9 authority an amount necessary to fund payments made, or anticipated
10 to be made by or on behalf of the department, from appropriations
11 established for or made to the department from revenues or other
12 funds of the authority. The commissioner's certification shall be
13 deemed conclusive for purposes of the act. The authority shall, within
14 15 days of receipt of the certificate, transfer from available funds of
15 the authority to the treasurer for deposit in the Special Transportation
16 Fund the amount certified by the commissioner, provided that all funds
17 transferred shall only be expended by the department by project
18 pursuant to appropriations made from time to time by the Legislature
19 for the purposes of the act.

20 b. The department shall not expend any money except as
21 appropriated by law. Commencing with appropriations for the fiscal
22 years beginning on July 1, 1988, the department shall not expend any
23 funds except as are appropriated by specific projects identified by a
24 description of the projects, the county or counties within which they
25 are located, and amounts to be expended on each project, in the annual
26 appropriations act.

27 c. No funds appropriated, authorized or expended pursuant to this
28 act shall be used to finance the resurfacing of highways by department
29 personnel, where that resurfacing would require the use of more than
30 ²[150,000] 100,000² tons of bituminous concrete for that purpose in
31 any calendar year, except that the commissioner may waive this
32 provision when he determines the existence of emergency conditions
33 requiring the use of department personnel for the resurfacing of
34 highways, after the department has effectively reached the ²[150,000]
35 100,000² ton limit.

36 d. In order to provide the department with flexibility in
37 administering the specific appropriations by project identified in the
38 annual appropriations act, the commissioner may transfer a part of any
39 item to any other item subject to the approval of the Director of the
40 Division of Budget and Accounting and of the Joint Budget Oversight
41 Committee or its successor. Upon approval of the director and the
42 committee, the transfer shall take effect.

43 e. Any federal funds which become available to the State for
44 transportation projects which have not been appropriated to the
45 department in the annual appropriations act, shall be deemed
46 appropriated to the department and may, subject to approval by the

1 Joint Budget Oversight Committee and the State Treasurer, be
2 expended for any purpose for which such funds are qualified.

3 f. There shall be no appropriations from the revenues and other
4 funds of the authority for regular and routine maintenance of public
5 highways and components thereof, or operational activities of the
6 department unrelated to the implementation of, and indirect costs
7 associated with, the capital program. The commissioner shall include
8 in his annual budget request sufficient funding to effectuate the
9 purposes of P.L. , c. (C.) (now before the Legislature as this
10 bill).

11 g. To the extent that salaries or overhead of the department or the
12 New Jersey Transit Corporation are charged to transportation
13 projects, each agency shall keep adequate and truthful personnel
14 records, and time charts to adequately justify each such charge and
15 shall make those records available to the external auditor to the
16 authority.

17 h. The commissioner shall annually, on or before January 1 of each
18 fiscal year, report to the Governor and the Legislature how much
19 money was expended in the previous fiscal year for salaries and
20 overhead of the department and the New Jersey Transit Corporation.
21 ²However, the amount expended from the revenues and other funds of
22 the authority for salaries and overhead of the department and the New
23 Jersey Transit Corporation for the fiscal year beginning July 1, 2000
24 shall not exceed 14 percent of the total funds appropriated from the
25 revenues and other nonfederal funds of the authority for that fiscal
26 year, the amount expended from the revenues and other funds of the
27 authority for salaries and overhead of the department and the New
28 Jersey Transit Corporation for the fiscal year beginning July 1, 2001
29 shall not exceed 12 percent of the total funds appropriated from the
30 revenues and other nonfederal funds of the authority for that fiscal
31 year, the amount expended from the revenues and other funds of the
32 authority for salaries and overhead of the department and the New
33 Jersey Transit Corporation for the fiscal year beginning July 1, 2002
34 shall not exceed 11 percent of the total funds appropriated from the
35 revenues and other nonfederal funds of the authority for that fiscal
36 year, and the amount expended from the revenues and other funds of
37 the authority for salaries and overhead of the department and the New
38 Jersey Transit Corporation for the fiscal year beginning July 1, 2003
39 shall not exceed 10 percent of the total funds appropriated from the
40 revenues and other nonfederal funds of the authority for that fiscal
41 year.²

42 (cf: P.L.1995, c.108, s.6)

43
44 ¹[16.] 21.¹ Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is
45 amended to read as follows:

46 8. a. Commencing with the report of the commissioner, as may be

1 amended, required to be submitted pursuant to section 22 of P.L.1984,
2 c.73 (C.27:1B-22) on or before March 1, [1996] 2000 for the fiscal
3 year commencing July 1, [1996] 2000 [and for each fiscal year
4 thereafter] the amount reported by the commissioner for proposed
5 projects to be financed shall not exceed [\$700,000,000]
6 ²[\$950,000,000] \$900,000,000²[exclusive of federal funds] and for
7 the fiscal year beginning July 1, 2001 through the fiscal year beginning
8 July 1, 2003 the annual amounts shall not exceed ²[\$1,000,000,000]
9 \$950,000,000², all amounts exclusive of federal funds.

10 b. For the fiscal year beginning on July 1, [1995] 2000 [and for
11 each fiscal year thereafter], the total amount authorized to be
12 appropriated from the revenues and other nonfederal funds of the New
13 Jersey Transportation Trust Fund Authority for the projects listed in
14 the appropriations act pursuant to section 21 of P.L.1984, c.73
15 (C.27:1B-21) shall not exceed [\$700,000,000] ²[\$950,000,000]
16 \$900,000,000²[exclusive of federal funds] and for the fiscal year
17 beginning July 1, 2001 through the fiscal year beginning July 1, 2003
18 the annual amounts shall not exceed ²[\$1,000,000,000]
19 \$950,000,000², all amounts exclusive of federal funds.

20 c. (Deleted by amendment, P.L.1991, c.40.)

21 d. (Deleted by amendment, P.L.1992, c.10).

22 e. The State Auditor shall provide for a unified annual audit of
23 expenditures from the Special Transportation Fund, established by
24 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
25 these funds are expended for costs eligible for funding from the
26 authority and in a manner consistent with appropriations made by the
27 Legislature. The findings of such audits shall be transmitted to the
28 presiding officer of each House of the Legislature, and to the Chair of
29 the Senate Budget and Appropriations Committee, the Senate
30 Transportation Committee, the Assembly Appropriations Committee,
31 and the Assembly Transportation and Communications Committee or
32 their successors.

33 f. The State Auditor shall review bond issuances of the authority
34 and report to the Joint Budget Oversight Committee and to the
35 members of the Senate Budget and Appropriations Committee and the
36 Assembly Appropriations Committee, or their successors, on the status
37 of the bonds of the authority and projects financed from the proceeds
38 of the bonds. The report shall include the investment status of all
39 unexpended bond proceeds and provide a description of any bond
40 issues expected during a fiscal year, including type of issue, estimated
41 amount of bonds to be issued and the expected month of sale.

42 (cf: P.L.1995, c.108, s.7)

43

44 ¹[17.] 22.¹ Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended
45 to read as follows:

1 22. a. To the end that the transportation system of the State shall
2 be planned in an orderly and efficient manner and that the Legislature
3 shall be advised of the nature and extent of public highways, public
4 transportation projects and other transportation projects contemplated
5 to be financed under this act, the department shall submit a master
6 plan, as provided in subsection (a) of section 5 of P.L.1966, c.301
7 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall
8 be for a period of five years and shall be submitted to the Commission
9 on Capital Budgeting and Planning, the Chairman of the Senate
10 Transportation Committee and the Chairman of the Assembly
11 Transportation and Communications Committee, or their successors,
12 and the Legislative Budget and Finance Officer, and the metropolitan
13 planning organizations, on or before [December 15, 1984] March 1,
14 2001, and at five-year intervals thereafter. The master plan shall set
15 the direction for the department's overall Capital Investment Strategy
16 and subsequent annual Transportation Capital Programs submitted to
17 the Legislature for approval pursuant to this section.

18 b. The Department of Transportation, in conjunction with the New
19 Jersey Transit Corporation, shall prepare a "Capital Investment
20 Strategy" for at least a five-year period which shall contain, at a
21 minimum, a statement of the goals of the department and the
22 corporation in major selected policy areas and the means by which the
23 goals are to be attained during that period, using quantitative measures
24 where appropriate. The Capital Investment Strategy may be updated
25 and submitted no later than March 1 of each year. The Capital
26 Investment Strategy shall provide for a multi-modal, intermodal,
27 seamless and technologically advanced transportation system. It shall
28 recommend investment for major program categories, set overall goals
29 for investment in the State's infrastructure, ¹and¹ develop program
30 targets and performance measures. It may rely on infrastructure
31 management systems as developed by the department to assess bridge
32 conditions, pavement conditions, bridge, traffic and pedestrian safety,
33 traffic congestion and public transit facilities. With respect to
34 pavement conditions, the department shall set as a priority the
35 utilization of efficient ²[cost effective] cost-effective² materials and
36 ¹[technologies, including but not limited to, "cold in place recycling"
37 and "micro-surfacing."] treatments as stated in section ²[11]9² of
38 ²[this act] P.L. , c. (C.)(now before the Legislature as this bill)².
39 In the event that there exist appropriate circumstances for the use of
40 micro-surfacing and cold-in-place recycling, the department shall
41 establish as a special priority the use of these materials and surface
42 treatments. ¹The goals of the Capital Investment Strategy shall
43 include, but not be limited to, reduction of ²vehicular and pedestrian²
44 accidents, reduction in the backlog of projects, including
45 ³one-half of the structurally deficient³ bridge repair projects and
46 pavement deficiencies¹, ¹ and an increase in lane miles of bicycle paths

1 ²,with a goal of constructing an additional 1,000 lane miles of bicycle
2 paths in five years to reduce traffic congestion and for recreational
3 uses. The construction of bicycle and pedestrian lanes, paths and
4 facilities shall be subject to no stricter environmental requirements
5 than are provided pursuant to federal law and regulations for such
6 lanes, paths and facilities, notwithstanding the provisions to the
7 contrary of State law and regulations, including State Executive Order
8 No. 215 of 1989². With respect to the New Jersey Transit
9 Corporation, the plan shall deal with the corporation's goals in the area
10 of bus transportation and present a strategy and a preliminary
11 timetable for the replacement of the current diesel bus fleet with a fleet
12 of buses which have reduced emission of air pollutants. The
13 corporation shall consider the feasibility of ²[diesel]² buses with
14 improved pollution controls and ²[vehicles] that reduce particulate
15 emissions and buses² powered by fuel other than conventional diesel
16 ¹fuel¹, such as compressed natural gas vehicles, hybrid vehicles, fuel
17 cell vehicles, biodiesel ¹vehicles¹ ², vehicles operated on ultra low
18 sulfur fuel, vehicles operated on any other bus fuel approved by the
19 United States Environmental Protection Agency,² and the like. The
20 corporation may consider as part of its strategy, cooperative efforts
21 with bus manufacturers, and the solicitation of federal support, in
22 developing a "clean bus" with air pollution controls superior to
23 currently available technology. ²For the fiscal year beginning July 1,
24 2007 and each fiscal year thereafter, all buses purchased by the New
25 Jersey Transit Corporation shall be buses with improved pollution
26 controls and that reduce particulate emissions or buses powered by
27 fuel other than conventional diesel fuel, such as compressed natural
28 gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles,
29 vehicles operated on ultra low sulfur fuel, vehicles operated on any
30 other bus fuel approved by the United States Environmental Protection
31 Agency, and the like. In the event that the corporation is not able to
32 meet the bus purchase requirements set forth in this section with
33 respect to any fiscal year, prior to the commencement of the fiscal year
34 the board of the corporation shall by resolution submit a report to the
35 Legislature detailing its inability to meet the requirements and the
36 reasons therefor and shall submit the report to the Senate and General
37 Assembly when both houses are in session, including therein a request
38 to be exempted from the bus purchase requirements of this section
39 with regard to the fiscal year in question. The President of the Senate
40 and the Speaker of the General Assembly shall cause the date of
41 submission to be entered upon the Senate Journal and the Minutes of
42 the General Assembly. If a joint resolution approving the exemption
43 is passed by the Legislature and signed by the Governor prior to the
44 commencement of the fiscal year in question, the corporation shall be
45 exempt from the requirements for that fiscal year. [¹The plan shall
46 also detail the planned investment of capital funds for public

1 transportation projects of companies other than the New Jersey Transit
2 Corporation engaged in the business of providing motor bus
3 transportation. The plan shall demonstrate that such investment
4 adequately addresses the finding in section 2 of P.L.1979, c. 150
5 (C.27:25-2) that in the provision of public transportation services it is
6 desirable to encourage to the maximum extent feasible the
7 participation of private enterprise and to avoid destructive
8 competition.¹]²

9 ³The plan shall also detail the planned investment of capital funds
10 for public transportation projects of companies other than the New
11 Jersey Transit Corporation engaged in the business of providing motor
12 bus transportation. The plan shall demonstrate that such investment
13 adequately addresses the finding in section 2 of P.L.1979, c. 150
14 (C.27:25-2) that in the provision of public transportation services it is
15 desirable to encourage to the maximum extent feasible the
16 participation of private enterprise and to avoid destructive
17 competition.³

18 c. On or before March 1 of each year, the commissioner shall
19 submit a report of general project categories and proposed projects
20 thereunder to be financed in ensuing fiscal year, including therewith a
21 description of the projects, the county or counties within which they
22 are to be located, a distinction between State and local projects, and
23 the amount estimated to be expended on each project [and also
24 including a financial plan designed to implement the financing of the
25 proposed projects]. This report shall be known as the "Annual
26 Transportation Capital Program" for the upcoming fiscal year. It shall
27 include proposed projects of both the Department of Transportation
28 and the New Jersey Transit Corporation. The program shall be
29 consistent with, and reflective of, the goals and priorities of the Capital
30 Investment Strategy and the program shall include an explanation
31 which demonstrates how it is consistent with, and reflective of, the
32 goals and priorities.

33 d. On or before March 1 of each year, the commissioner shall also
34 submit a "Transportation Trust Fund Authority Financial Plan"
35 designed to implement the financing of the proposed projects. The
36 financial plan shall contain an enumeration of the bonds, notes or other
37 obligations of the authority which the authority intends to issue,
38 including the amounts thereof and the conditions therefor. The
39 financial plan shall set forth a complete operating and financial
40 statement covering the authority's proposed operations during the
41 ensuing fiscal year, including amounts of income from all sources,
42 including but not limited to the proceeds of bonds, notes or other
43 obligations to be issued, as well as interest earned. In addition, the
44 plan shall contain proposed amounts to be appropriated and expended,
45 as well as amounts for which the department anticipates to obligate
46 during the ensuing fiscal year for any future expenditures.

1 [The report] e. The Capital Investment Strategy, the Annual
2 Transportation Capital Program, and the Transportation Trust Fund
3 Authority Financial Plan shall be submitted to the Senate and General
4 Assembly. Within 30 days of the receipt thereof, the Senate or the
5 General Assembly may object in writing to the commissioner in regard
6 to any project or projects in the Annual Transportation Capital
7 Program it disapproves or which it is of the opinion should be
8 modified or added to or any additional or alternative projects
9 considered or in regard to any element of the financial plan. The
10 commissioner shall consider the objections and recommendations and
11 resubmit the report within 10 days, containing therein any
12 modifications based upon the commissioner's consideration of the
13 objections or recommendations.

14 (cf: P.L.1995, c.108, s.8)

15

16 ²23. (New section) Any savings in the amount of debt service
17 realized as a result of the sale of refunding bonds by the authority shall
18 only be used to fund transportation projects.²

19

20 ¹[18.] ²[23.1] ^{24.2} (New section) In addition to those funds to
21 be credited to the "Transportation Trust Fund Account" pursuant to
22 section 20 of P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall
23 also credit to the account any and all additional funds which may now
24 or hereafter be dedicated to transportation purposes by the State
25 Constitution.

26

27 ²25. (New section) No new State highway route shall be
28 constructed using the revenues and other funds of the authority unless
29 specifically authorized by joint resolution. Nothing in this section shall
30 impair the commissioner's authority to modify³, extend or widen³
31 existing State highway routes.²

32

33 ²26. Section 4 of P.L.1984, c.73 (C.27:1B-4) is amended to read
34 as follows:

35 4. a. There is hereby established in the department a public body
36 corporate and politic, with corporate succession, to be known as the
37 "New Jersey Transportation Trust Fund Authority." For the purpose
38 of complying with the provisions of Article V, Section IV, paragraph
39 1 of the New Jersey Constitution, the authority is hereby allocated
40 within the Department of Transportation, but notwithstanding said
41 allocation, the authority shall be independent of any supervision or
42 control by the department or by any board or officer thereof. The
43 authority is hereby constituted as an instrumentality of the State,
44 exercising public and essential governmental functions, no part of
45 whose revenues shall accrue to the benefit of any individual, and the
46 exercise by the authority of the powers conferred by the act shall be
47 deemed and held to be an essential governmental function of the State.

1 b. The authority shall consist of [~~five~~] seven members as follows:
2 the commissioner and the State Treasurer, who shall be members ex
3 officio, and [~~three~~] five public members, [~~one~~] three of whom shall
4 be appointed by the Governor, with the advice and consent of the
5 Senate, one of whom shall represent the interests of trade unions that
6 work on the construction of public highways and the other shall
7 represent the interests of owners of firms that are eligible to submit
8 bids for the construction of public highways. [~~and the~~]The two
9 remaining public members [~~to~~] shall be appointed by the Governor,
10 one of whom upon recommendation of the President of the Senate and
11 the other upon recommendation of the Speaker of the General
12 Assembly. No more than [~~three~~] four members of the authority shall
13 be of the same political party. The public members appointed by the
14 Governor shall serve a four-year term, except that the public member
15 appointed by the Governor upon recommendation of the President of
16 the Senate shall serve for a four-year term and the public member
17 appointed upon recommendation of the Speaker of the General
18 Assembly shall serve for a two-year term.

19 With respect to those public members first appointed by the
20 Governor: the Senate shall advise and consent to the appointment of
21 the member not appointed upon recommendation of the President and
22 the Speaker within 30 days of the receipt thereof from the Governor,
23 such appointment having been sent by the Governor to the Senate
24 within 20 days following the effective date of this act; the President of
25 the Senate and the Speaker of the General Assembly shall send their
26 recommendations for public members to the Governor within 20 days
27 following the effective date of this act. The Governor has an
28 additional 10 days to accept or reject in writing these
29 recommendations. With respect to the two additional public members
30 to be appointed by the Governor pursuant to P.L. , c. (C.)(now
31 before the Legislature as this bill), the Senate shall advise and consent
32 to the appointment of the members ³[within 30 days of the receipt
33 thereof from the Governor] ³, such appointments having been sent by
34 the Governor to the Senate within 20 days following the date of
35 enactment of P.L. , c. (C.)(now before the Legislature as this bill).

36 Each public member shall hold office for the term of the member's
37 appointment and until the member's successor shall have been
38 appointed and qualified. A member shall be eligible for reappointment.
39 Any vacancy in the membership occurring other than by expiration of
40 term shall be filled in the same manner as the original appointment but
41 for the unexpired term only.

42 c. Each public member, except those appointed upon
43 recommendation of the President of the Senate and the Speaker of the
44 General Assembly, may be removed from office by the Governor, for
45 cause, after public hearing, and may be suspended by the Governor
46 pending the completion of such hearing. All members before entering

1 upon their duties shall take and subscribe an oath to perform the duties
2 of their office faithfully, impartially and justly to the best of their
3 ability. A record of such oaths shall be filed in the Office of the
4 Secretary of State.

5 d. The authority shall not be deemed to be constituted and shall
6 not take action or adopt motions or resolutions until at least **[three]**
7 four authorized members shall have been appointed and qualified in the
8 manner provided in this section. The commissioner shall serve as
9 chairperson of the authority. Prior to the authority being constituted,
10 the chairperson is authorized to transfer up to \$75 million to the
11 department from the appropriations made to the authority for the fiscal
12 year commencing July 1, 1984. The members shall annually elect one
13 of their members as vice chairperson. The members shall elect a
14 secretary and a treasurer, who need not be members, and the same
15 person may be elected to serve both as secretary and treasurer. The
16 powers of the authority shall be vested in the members thereof in office
17 from time to time and **[three]** four members of the authority shall
18 constitute a quorum at any meeting thereof. Action may be taken and
19 motions and resolutions adopted by the authority at any meeting
20 thereof by the affirmative vote of at least **[three]** four members of the
21 authority. No vacancy in the membership of the authority shall impair
22 the right of a quorum of the members to exercise all the powers and
23 perform all the duties of the authority[, except that the authority shall
24 not have the power to issue its initial offering of bonds, notes or other
25 obligations unless all five members of the authority shall have been
26 appointed and qualified].

27 e. The members of the authority shall serve without compensation,
28 but the authority shall reimburse its members for actual expenses
29 necessarily incurred in the discharge of their duties. Notwithstanding
30 the provisions of any other law, no member shall be deemed to have
31 forfeited nor shall the member forfeit the member's office or
32 employment or any benefits or emoluments thereof by reason of the
33 member's acceptance of the office of ex officio member of the
34 authority or the member's services therein.

35 f. Each ex officio member may designate an employee of the
36 member's department or agency to represent the member at meetings
37 of the authority. All designees may lawfully vote and otherwise act on
38 behalf of the member for whom they constitute the designee. The
39 designation shall be in writing delivered to the authority and shall
40 continue in effect until revoked or amended in writing delivered to the
41 authority.

42 g. A true copy of the minutes of every meeting of the authority
43 shall be forthwith delivered by and under the certification of the
44 secretary thereof to the Governor. No action taken at the meeting by
45 the authority shall have force or effect until 15 days after such copy of
46 the minutes shall have been so delivered, unless during this 15-day
47 period the Governor shall approve in writing the same or any part

1 thereof, in which case the action shall become effective upon approval.
2 If, in said 15-day period, the Governor returns a copy of the minutes
3 with his veto of any action taken by the authority or any member
4 thereof at the meeting, the action shall be null and void and of no
5 effect. Notwithstanding the foregoing, if the last day of the 15-day
6 period shall be a Saturday, Sunday or legal holiday, then the 15-day
7 period shall be deemed extended to the next following business day.
8 The powers conferred in this paragraph upon the Governor shall be
9 exercised with due regard for the rights of the holders of bonds, notes
10 or other obligations of the authority at any time outstanding, and
11 nothing in, or done pursuant to, this paragraph shall in any way limit,
12 restrict or alter the obligation or powers of the authority or any
13 representative or officer of the authority to carry out and perform in
14 every detail each and every covenant, agreement or contract at any
15 time made or entered into by or on behalf of the authority with respect
16 to its bonds, notes or other obligations or for the benefit, protection
17 or security of the holders thereof.

18 h. The authority shall continue in existence until dissolved by act
19 of the Legislature. However, any dissolution of this authority shall be
20 on condition that the authority has no debts, contractual duties or
21 obligations outstanding, or that provision has been made for the
22 payment, discharge or retirement of these debts, contractual duties or
23 obligations. Upon any dissolution of the authority, all property, rights,
24 funds and assets thereof shall pass to and become vested in the State.
25 (cf: P.L.1995, c.108, s.2)

26
27 ¹[19.] ²[24.¹] ²27.² (New section) a. There is hereby established
28 a Transportation Trust Fund Advisory Board to be comprised of
29 ²[14]seven² members. The Governor shall appoint ²[four]three²
30 public members and the President of the Senate and the Speaker of the
31 General Assembly shall each appoint ²[four]one² public
32 ²[members]member². The commissioner or the commissioner's
33 designee and the State Treasurer or the State Treasurer's designee
34 shall serve as ex officio members of the board. All of the public
35 members shall have some experience in the field of transportation or
36 finance. Each public member shall serve for a term of three years and
37 shall serve until the member's successor is appointed and has qualified.
38 Of the public members first appointed pursuant to this act, one
39 member appointed by the Governor²[, the President and the Speaker
40 respectively]² shall ²[each]² serve one year, two members so
41 appointed shall serve two years, and the remainder of the public
42 members shall serve three years. The Governor shall designate one of
43 the public members to serve as chairperson of the board. The board
44 shall meet a minimum of four times each year. The department shall
45 provide staff to support the board.

46 b. The purpose of the Advisory Board shall be to review the
47 department's long range capital planning, master plan and Capital

1 Investment Strategy, including the overall program and to make
2 recommendations to the Governor and the Legislature concerning the
3 department's capital investment strategies and the continuation of the
4 funding of the State's transportation system under the New Jersey
5 Transportation Trust Fund Authority.

6

7 ¹[20.] ²[25.1] 28.² This act shall take effect immediately except
8 that ²[section] ² ¹[14] ²[19¹]sections 18 and 19² shall take effect on
9 July 1, 2000.

LEGISLATIVE FISCAL ESTIMATE
[SECOND REPRINT]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 16
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JULY 10, 2000

SUMMARY

Synopsis: Congestion Relief and Transportation Trust Fund Renewal Act.

Type of Impact: Increases funding for Transportation Trust Fund Account (TTF); shifts certain expenses to General Fund from TTF. Decreases undesignated General Fund revenue. No net revenue impact.

Agencies Affected: Department of Transportation

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
<u>State Revenues</u>			
General Fund:			
Undesignated	(\$145 million)	(\$325 million)	(\$385 million)
General Fund:			
Dedicated to			
TTF	<u>\$145 million</u>	<u>\$325 million</u>	<u>\$385 million</u>
Net Revenues	\$0	\$0	\$0
<u>State Costs</u>			
General Fund:			
TTF Support	\$224 million	\$325 million	\$385 million
Salary Shift	<u>15 million</u>	<u>25 million</u>	<u>35 million</u>
Addn'l Costs	\$239 million	\$350 million	\$420 million

! The Transportation Trust Fund Account would receive additional current revenues from the following sources:

1. Motor fuels tax dedication increases by \$45 million from current minimum of \$360 million to \$405 million in FY 2001 and for each fiscal year thereafter.

2. An additional \$100 million would be dedicated from the Petroleum Products Gross Receipts Tax in FY 2001. For FY 2002 and for each fiscal year thereafter, the amount would be \$200 million. This revenue source would be constitutionally dedicated if approved by voters.
 3. A further \$80 million would be dedicated from the Sales and Use Tax in FY 2002, \$140 million in FY 2003, and \$200 million in FY 2004 and for each fiscal year thereafter. This revenue source would be constitutionally dedicated if approved by voters.
 4. There would also be an additional need for \$79 million in unspecified General Fund support for FY 2001.
 5. The committee substitute requires that the minimum amount to be provided from existing motor vehicle registration surcharges is to be \$60 million annually. Under current law, no specific minimum amount is required. However, since the TTF already receives \$60 million from this revenue source, this change does not provide any additional funds to the TTF.
- ! The revenues to be shifted from the General Fund to support the TTF are derived from current levels of taxation; no increase in taxes is proposed by this committee substitute.
- ! The revenues at issue are currently deposited in the General Fund and are available for any purpose. This committee substitute would dedicate such revenues to the TTF.
- ! The Department of Transportation (DOT) has verbally noted that the more restrictive use of Trust Fund monies that can be expended for salaries of employees of DOT and the New Jersey Transit Corporation (NJTC) indicates a need for an additional \$15 million in operating budget support from the General Fund for salary purposes in FY 2001. The additional amount of General Fund support for salaries would increase to \$25 million for FY 2002 and \$35 million for FY 2003.
- ! The amount of the annual transportation capital program increases to \$900 million for FY 2001, and to \$950 million for fiscal years 2002 through 2004. The current statute limits the TTF to a \$700 million annual capital program. The Governor's FY 2001 budget recommends an \$830 million capital program in FY 2001.
- ! The amount of bonds that can be issued each year by the Trust Fund Authority is reduced to \$650 million from the current authorized level of \$700 million.

BILL DESCRIPTION

Senate Committee Substitute (2R) for Senate Bill No.16 of 2000 specifies the level of the annual Transportation Trust Fund capital program from FY 2001 through FY 2004. The bill also increases the amount of funds to be credited to the TTF from existing revenue sources. The bill contains no tax increases. The amount credited from the motor fuels tax increases to \$405 million from \$360 million, and two funding sources are dedicated, e.g. the revenue from the Petroleum Products Gross Receipts Tax and a portion of the revenue from the Sales and Use Tax

attributable to receipts from the sale of new motor vehicles . The Petroleum Products Gross Receipts Tax would provide \$100 million in FY 2001 and \$200 million in FY 2002 and each year thereafter. The Sales and Use Tax would provide \$80 million in FY 2002, \$140 million in FY 2003, and \$200 million in FY 2004 and each year thereafter. The revenue from these two new sources would be constitutionally dedicated if approved by the voters.

The committee substitute also increases the amount of the annual transportation capital construction program. For FY 2001, the authorized program level would be \$900 million, and for FY 2002 through FY 2004 the level would be \$950 million. At present, the permanent law limits the construction program level to \$700 million; the Governor's FY 2001 budget recommends an \$830 million program.

Further, the bill restricts the amount of TTF monies that can be expended for salaries of employees of DOT and NJT. For FY 2001, the amount for salaries is capped at 14 percent of the authorized TTF capital program; the percentage cap decreases to 12, 11, and then 10 percent for FY 2002 , FY 2003, and FY 2004, respectively. In addition, the definition of "maintenance" is redefined as "permitted maintenance;" under the redefinition, work on public transportation projects must extend the useful life of such projects for not less than five years rather than four years; work on public highways would also require that the useful life of a project be extended for at least five years.

Finally, the committee substitute contains various programmatic elements concerning relief from traffic congestion and increases mobility options within the State's transportation system.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) notes that no new revenues are generated by this substitute bill. However, the substitute bill does identify certain revenues currently deposited in the General Fund as undesignated revenue that would be specifically dedicated to the Transportation Trust Fund Account. As a result of this additional dedication of monies to the Trust Fund, the amount of funds available in the General Fund in the future for other purposes would decrease by \$145 million in FY 2001, \$325 million in FY 2002, and \$385 million in FY 2003 and each year thereafter. In addition, there would be a need for a one-time appropriation of \$79 million to the Trust Fund from the General Fund in FY 2001.

There is also a shift of certain salary costs from the Transportation Trust Fund to the General Fund. The DOT has verbally noted that the restrictions placed on the use of Trust Fund money for salary expenses of DOT and NJT indicate a General Fund need for an additional \$15 million in operating budget support. This amount would increase to \$25 million and then to \$35 million in FY 2002 and FY 2003, respectively.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Rusty Lachenauer*
Lead Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 16
(THIRD REPRINT)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill No. 16 (Third Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This legislation renews the Transportation Trust Fund (TTF). The bill creates a four-year program with a spending authorization of \$900 million in Fiscal Year 2001 and \$950 million in Fiscal Years 2002 through 2004. The legislation also contains a bonding cap of \$650 million. This reduces the current bonding cap by \$50 million in order to place a greater emphasis on pay-as-you-go spending.

The legislation also establishes a cap on the amount of salary and administrative spending that the State may derive from the TTF to be calculated as a percentage of the total spending authorization for each fiscal year of the program.

The legislation anticipates two constitutional dedications as a source of funding, one from the petroleum products gross receipts tax and one from sales tax revenue on new motor vehicles. These constitutional dedications must be approved by the State's voters.

The legislation also contains a legislative oversight provision that requires legislative approval of new highway projects, but would not impair the Commissioner of Transportation's authority to modify, extend or widen existing State highway routes.

The bill directs that the Department of Transportation shall prepare a Capital Investment Strategy for at least a five year period. The Capital Investment Strategy is to include reduction of vehicular and pedestrian accidents, reduction in the backlog of projects -- including one-half of the structurally deficient bridge repair projects and pavement deficiencies -- and an increase in the lane miles of bicycle paths to 1,000 lane miles in five years. The legislation also provides that the Capital Investment Strategy shall detail the planned investment of capital funds for public transportation projects of private bus companies with a goal of encouraging participation of private enterprise and to avoid destructive competition.

B. Recommended Action

I commend the sponsors of this bill for addressing the pressing transportation needs of the citizens of New Jersey. In light of the increasing demands being placed on our transportation infrastructure, it is imperative that we make every effort to maintain and improve our State highways and public transportation systems with an emphasis on safety, fiscal responsibility and compatibility with the environment. This legislation is an important step toward that goal. It will help reduce congestion, promote improvement of existing infrastructure through much needed repair projects and modernization, and reduce environmental impact through limitations on sprawl and an emphasis on "cleaner" buses that operate on alternative fuels. I am, however, constrained to return this bill with my recommendation for reconsideration for the following reasons.

First, while we must make every effort to limit Transportation Trust Fund spending to costs associated with capital projects, we must be careful not to jeopardize the funding of legitimate capital expenditures. By placing a cap on the salary and overhead costs of the Department of Transportation and the New Jersey Transit Corporation, this bill may unintentionally preclude the Department and New Jersey Transit from legitimate and proper use of Trust Fund resources for salary and overhead expenditures that are inextricably related to capital projects. Because this could compromise the integrity of existing projects and the ability of the Department and New Jersey Transit to initiate necessary projects in the immediate future, I recommend that the salary and overhead cap be amended to reduce detrimental impact to existing and proposed transportation projects that have been prioritized based on current funding levels. By implementing no cap in Fiscal Year 2001 and a cap of 13% of total spending in Fiscal Years 2002 through 2004, we can minimize the risk of delaying, interrupting, or otherwise impeding crucial transportation projects while gradually reducing the burden on the Transportation Trust Fund.

Second, I am aware of the benefits derived by the citizens of New Jersey from the services of private motor bus transportation companies. Private carriers are a vital part of our transportation needs and have supplemented the services of New Jersey Transit by broadening access to bus transportation in areas that may not have otherwise received

such service. The State has recognized this benefit and has strengthened its relationship with private carriers by, for example, providing financial assistance for the industry's purchase of new buses.

Although our relationship with the private bus industry should be a consideration, we must make the broader transportation needs of the citizens of our State a higher priority. Accordingly, I recommend that the bill be amended to remove language which could unduly burden the ability of the New Jersey Transit Corporation to initiate projects which may, for the greater benefit of the State, create reasonable and necessary competition with private bus companies.

Therefore, I herewith return Senate Committee Substitute for Senate Bill No. 16 (Third Reprint) and recommend that it be amended as follows:

<u>Page 19, Section 20, Line 23:</u>	Delete "year" insert "years"
<u>Page 19, Section 20, Line 23:</u>	Delete "2000" insert "2001, July 1, 2002 and July 1, 2003"
<u>Page 19, Section 20, Line 24:</u>	Delete "14" insert "13"
<u>Page 19, Section 20, Line 25:</u>	Delete "that" insert "those"
<u>Page 19, Section 20, Lines 26-41:</u>	Delete in their entirety; insert "years."
<u>Page 23, Section 22, Line 16:</u>	After "enterprise" insert ".?"; delete "and to avoid destructive"
<u>Page 23, Section 22, Line 17:</u>	Delete "competition."

Respectfully,

/s/ Christine Todd Whitman

Governor

[seal]

Attest:

/s/ Robert E. Fabricant

Chief Counsel to the Governor

P.L. 2000, CHAPTER 73, *approved July 20, 2000*
Senate Committee Substitute (*Fourth Reprint*) for
Senate, No. 16

1 AN ACT concerning transportation, providing for congestion relief and
2 enhanced mobility in the State's transportation system, and for
3 increased transportation funding, and revising various parts of the
4 statutory law.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. (New section) Sections 1 through ¹[10] ²[15¹] ¹⁴² ¹[18] and
10 ²³¹ ²through ²⁵² and ¹[19] ²[24¹] section ²⁷² of this act shall be
11 known and may be cited as the "Congestion Relief and Transportation
12 Trust Fund Renewal Act ²[of the Year 2000]²."

13
14 2. (New section) The Legislature hereby finds and declares that:
15 a. A balanced and improved transit and goods movement and
16 highway system is of key importance to our State's continued
17 prosperity and to the quality of life of our citizens.

18 b. The State's citizens and businesses require a transportation
19 system which provides adequate mobility to all of its citizens utilizing
20 all modes.

21 c. The State should consider and utilize, where appropriate,
22 transportation approaches and concepts to reduce congestion, enhance
23 mobility, discourage sprawl, and assist in the redevelopment of our
24 cities, enhance suburbs and town centers, and otherwise improve the
25 quality of life of our citizens.

26 d. Stable and adequate dedicated funding is a prerequisite to the
27 sensible planning of transportation projects, most of which are
28 conceived, planned, designed and built over a span of several years.

29 e. Additional investment is needed to bring the public highway and
30 bridge system into a state of good repair, to reduce the backlog of
31 infrastructure repair jobs, to maximize rail freight capacity, to ¹[better
32 protect pedestrians, cyclists and motorists from injury] promote
33 bicycle and pedestrian safety,¹ and to promote cycling and walking
34 trips by providing and financing appropriate infrastructure.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted May 11, 2000.

² Assembly ATR committee amendments adopted June 19, 2000.

³ Assembly AAP committee amendments adopted June 22, 2000.

⁴ Senate amendments adopted in accordance with Governor's recommendations June 29, 2000.

1 f. Ferries and ferry ¹[terminals] facilities¹, including those
2 providing interstate service to points in New Jersey, are an
3 increasingly important component of the State's intermodal
4 transportation system and should be eligible for transportation
5 assistance from the State.

6 g. The system of financing under the New Jersey Transportation
7 Trust Fund Authority has provided a stable source of funds to keep
8 our transportation system in good repair and to provide funding for
9 important new projects which have enhanced that system.

10 h. The renewal and improvement of the system of financing under
11 the New Jersey Transportation Trust Fund Authority and a significant
12 increase in the funding of that system are necessary to achieve the
13 aforementioned goals and can be achieved without the necessity of
14 increasing taxes.

15
16 3. (New section) The Commissioner of Transportation
17 (hereinafter, "the commissioner") shall establish and implement a
18 program to employ the best available technology to improve traffic
19 signal operation throughout the State so as to avoid unnecessary
20 delays, reduce air pollution, and allow traffic to move sequentially
21 through signals on roads and highways throughout the State without
22 stopping, to the greatest extent practicable without endangering or
23 limiting pedestrian travel.

24
25 4. (New section) No later than March 31, 2001, the commissioner
26 shall submit a report to the Legislature containing recommended
27 incentives to businesses to encourage ²[as many workers as possible
28 to utilize mass transit, van pooling and car pooling] a reduction in
29 single occupancy trips².

30
31 5. (New section) No later than January 1, 2001, the Chief
32 Executive Officer and Secretary of the New Jersey Commerce and
33 Economic Growth Commission, in consultation with the
34 ²[Commissioner of Transportation] commissioner² and the State
35 Treasurer, shall submit a report to the Legislature containing a
36 program to identify sectors of the economy, or specific occupations,
37 which are appropriate for telecommuting to increase telecommuting in
38 the State.

39
40 ²[6. (New section) The commissioner shall establish one or more
41 congestion relief and safety task forces with representatives of the toll
42 road authorities, the Department of Transportation, and of the
43 counties and municipalities, which shall be charged with identifying
44 projects which can be quickly implemented to relieve congestion or
45 improve safety. Such projects shall not exceed the cost of \$150,000
46 each and may be awarded by the department using any such expedited
47 procurement and contracting procedures as may be available to the

1 department. The department shall implement not more than 10 such
2 projects in each of the 10 years following March 1, 2001.]]²

3
4 ²[7.] 6.² (New section) Many State highways run through fully
5 developed cities and suburban towns. In addition, many small villages
6 in rural areas have State highways which pass through built-up
7 residential areas or village centers. The traffic on many of these State
8 highways, particularly large truck and speeding traffic, prevents these
9 residential areas², town centers² and ²future² town centers from
10 functioning as intended. The commissioner shall study this issue and
11 develop a departmental program which authorizes context sensitive
12 design and examines the functional classifications of State highways
13 running through developed cities and suburban towns. As used in this
14 section, "context sensitive design" means a planning technique that
15 embraces a collaborative, interdisciplinary process and recognizes the
16 uniqueness of the community in planning transportation projects.

17
18 ²[8.] 7.² (New section) The commissioner shall report to the
19 Legislature not later than January 1, 2001, on measures undertaken
20 by the department and measures it recommends as necessary to
21 improve the safety or to mitigate adverse impacts of large trucks
22 which travel on New Jersey ²State and local² roadways.

23
24 ²[9. (New section) The State Treasurer shall report annually to
25 the Governor and the Legislature on revenues lost to the State by
26 virtue of the exemption which alternative fuels used in motor vehicles
27 enjoy from the tax imposed on the sale of motor fuels pursuant to
28 chapter 39 of Title 54 of the Revised Statutes.]]²

29
30 ²[10.] 8.² (New section) The commissioner shall install light
31 emitting diodes lighting ("LED lighting"), or lighting similar in energy
32 and life cycle savings, in traffic signals on the State highway system
33 from the amounts appropriated from the revenues and other funds of
34 the New Jersey Transportation Trust Fund Authority. It is anticipated
35 that this lighting will result in operational energy savings for State,
36 county and municipal governments and provide congestion relief
37 because the diodes have a 10-year life cycle as compared to the one
38 year replacement cycle for regular light bulbs. The State shall develop
39 a program to assist local governments to install LED lighting or
40 lighting similar in energy and life cycle savings, in approved local
41 traffic signals throughout the State. The commissioner may consult
42 with the State's public utility companies for assistance where
43 appropriate to implement this program.

44
45 ²[11. (New section) There is hereby established in the
46 Department of Transportation a Pavement Preservation and Preventive

1 Maintenance Program. In furtherance of this program, the
2 commissioner shall utilize cost-effective road materials and surface
3 treatments, including but not limited to, superpave, asphalt millings,
4 asphalt overlays, white topping and, in appropriate circumstances,
5 micro-surfacing, cold-in-place recycling and crack sealing and
6 treatments to the base course of the roadway, as a regular and integral
7 part of the road preservation and maintenance program and in a
8 manner sufficient to provide for safe roads as provided for in this act,
9 where deemed appropriate by the department. The commissioner shall
10 be authorized to contract with private contractors and suppliers to
11 perform the road surface treatments or pavement improvements, or
12 both, provided for in this section, utilizing accepted procurement and
13 contracting practices.¹]²
14

15 ²9. (New section) There is hereby established in the Department
16 of Transportation, a Pavement Preservation and Preventive
17 Maintenance Program. In furtherance of this program, the
18 commissioner shall utilize cost-effective road materials, surface
19 treatments and base rehabilitation methodology including, but not
20 limited to, micro-surfacing, white topping and cold-in-place recycling.
21 These cost- effective materials, surface treatments and methodologies
22 shall be used in conjunction with standard road materials and surface
23 treatments including, but not limited to, superpave, asphalt milling,
24 asphalt overlays and crack sealing. The commissioner shall authorize
25 the use of cost-effective materials, surface treatments and
26 methodologies where deemed appropriate by the department, but they
27 shall be utilized as a regular and integral part of the road preservation
28 and maintenance program, and in a manner sufficient to provide for
29 safe roads as provided for in this act.²
30

31 ²[¹12. (New section) In order to permit the most efficient use of
32 the treatments enumerated in section 11 of this act, the commissioner
33 shall continue to evaluate roadway pavements and assign numerical
34 ratings to roads and bridges for maintenance and repair similar to any
35 nationally recognized method.¹]²
36

37 ²10. (New section) The commissioner shall continue to evaluate
38 roadway pavements on the State highway system and assign numerical
39 ratings to roads for maintenance and repair similar to any nationally
40 recognized method.²
41

42 ²[¹13. (New section) The commissioner shall issue a report to the
43 Governor and the Legislature at the end of each fiscal year containing
44 the numerical ranking of pavements for roads and bridges needing
45 maintenance and repair in accordance with the method developed in
46 section 12 of this act. The report shall also identify the repair and
47 maintenance projects that were completed during the fiscal year,

1 including an estimate of the cost impact to the department for each
2 maintenance and repair project that utilized road surface material or
3 treatment. ¹]²

4
5 ²11. (New section) The commissioner shall issue a report to the
6 Governor and the Legislature at the end of each fiscal year containing
7 the numerical ranking of pavements for roads needing maintenance and
8 repair in accordance with the method developed in section 10 of this
9 act. The report shall also identify the repair and maintenance projects
10 that were completed during the fiscal year, including an estimate of the
11 cost impact to the department for each maintenance and repair project
12 that utilized road surface material or treatment.²

13
14 ²12. (New section) The commissioner shall conduct a life cycle
15 cost analysis of pavement surfaces and report the findings of the
16 analysis to the Governor and the Legislature no later than one year
17 after the date of enactment of this act. The analysis shall compare
18 equivalent designs and shall be based upon New Jersey's actual historic
19 project maintenance, repair and resurfacing schedules and costs as
20 recorded by the Department of Transportation, and shall include
21 estimates of user costs throughout the entire life of the pavement. As
22 used in this section, "life cycle cost" means the total cost of the initial
23 project and all anticipated costs for subsequent maintenance, repair or
24 resurfacing over the life of the pavement.²

25
26 ²[¹14. (New section) To encourage access to jobs, promote urban
27 revitalization and lessen traffic congestion, public transportation
28 projects and service plans shall provide access during peak hours to
29 urban rail and bus stations where suburban and rural stations are
30 served along the same line or route.]²

31
32 ²[¹15. (New section) The Commissioner of Transportation shall
33 identify, from among the locations in the State at which the E-Z Pass
34 toll collection monitoring system is in use, the five locations on State
35 or interstate highways at which traffic congestion is most severe, and
36 shall determine with respect to motor vehicles using the E-Z Pass
37 system at those points of congestion the zip code locations from which
38 those vehicles are registered, which determination shall be made
39 subject to the privacy restrictions of the federal "Drivers' Privacy
40 Protection Act of 1994", Pub.L. 103-322, P.L.1997, c.188 (C.39:2-3.4
41 et seq.), sections 3, 9 and 13 of P.L.1997, c.59 (C.27:12B-18.4,
42 27:23-34.3 and 27:25A-21.3), and other applicable laws of this State
43 or the United States. The commissioner shall undertake a study of the
44 feasibility of implementing a pilot program to (1) establish new bus
45 routes or increase service on existing bus routes, and (2) construct or
46 expand park-ride facilities, on highways between those municipalities
47 and the five points of maximum congestion, for purposes of

1 encouraging the greater use of public transportation on those highways
2 and relieving the congestion.

3 The commissioner shall, not later than May 1, 2001, submit to the
4 Legislature a report on the results of the study.¹²

5
6 ²13. (New section) a. There is created in the Department of
7 Transportation a task force to be known as the "Congestion Buster
8 Task Force" to study and make recommendations concerning the
9 reduction of traffic congestion in the State.

10 The members of the task force shall be appointed by the
11 commissioner in such number as the commissioner shall designate from
12 the Department of Transportation, the New Jersey Transit
13 Corporation, business organizations, Transportation Management
14 Associations, the counties, and members of the public.

15 b. The task force shall organize as soon as may be practicable after
16 the appointment of its members and shall select a chairperson from
17 among the members. The members shall select a secretary, who need
18 not be a member of the task force.

19 The task force shall meet at the call of the chairperson.

20 The task force shall be entitled to call to its assistance and avail
21 itself of the services of the employees of any State department, board,
22 bureau, commission or agency, as it may require and as may be
23 available for its purposes, and to employ stenographic and clerical
24 assistance and incur traveling and other miscellaneous expenses as may
25 be necessary in order to perform its duties, within the limits of funds
26 appropriated or otherwise made available to it for its purposes.

27 c. The task force shall conduct a study of highway traffic
28 congestion in the State and develop a commuter options plan that
29 would result in peak hour vehicle trips being "capped" at 1999 levels.

30 In developing the plan, the task force shall review relevant
31 information and findings from other jurisdictions, both national and
32 international. The plan shall include, but not be limited to, resources
33 and incentives for public transportation, ridesharing, telecommuting
34 and other travel reduction strategies. In making its recommendations
35 for the plan, the task force shall include funding proposals, an
36 implementation of the plan, and a method of evaluating progress
37 toward the realization of the goal of the plan to cap peak hour vehicle
38 trips at 1999 levels.

39 The task force shall also be charged with identifying the top 10
40 projects which can be quickly implemented to relieve congestion or
41 improve safety.

42 d. The task force may meet and hold public hearings at such place
43 or places as it shall designate and shall issue a final report containing
44 its findings and recommendations, including any recommendations for
45 legislation that it deems appropriate, no later than one year after the
46 task force organizes, to the Governor, the President of the Senate and
47 the Speaker of the General Assembly, and the members of the Senate

1 Transportation Committee and the Assembly Transportation
2 Committee, or the successor committees.

3 e. The task force shall dissolve one year following organization of
4 the task force.²

5
6 ²14. (New section) No later than July 1, 2001, the commissioner
7 shall report to the Governor and the Legislature on steps which the
8 commissioner recommends to provide for the establishment or
9 expansion of park-and-ride facilities in areas of traffic congestion
10 throughout the State and shall establish a goal of establishing or
11 expanding at least two park-and-ride facilities in each of the successive
12 2001-2002, 2002-2003, 2003-2004 and 2004-2005 fiscal years. In
13 the event that the department does not establish or expand at least two
14 park-and-ride facilities in each of the preceding fiscal years, the
15 commissioner shall report to the Governor and the Legislature the
16 reasons for the failure to establish or expand such facilities.²

17
18 ¹[11.] ²[16.¹] ²15.² Section 3 of P.L.1984, c.73 (C.27:1B-3) is
19 amended to read as follows:

20 3. The following words or terms as used in this act shall have the
21 following meaning unless a different meaning clearly appears from the
22 context:

23 a. "Act" means this New Jersey Transportation Trust Fund
24 Authority Act of 1984.

25 b. "Authority" means the New Jersey Transportation Trust Fund
26 Authority created by section 4 of this act.

27 c. "Bonds" means bonds issued by the authority pursuant to the
28 act.

29 d. "Commissioner" means the Commissioner of Transportation.

30 e. "Department" means the Department of Transportation.

31 f. "Federal aid highway" means any highway within the State in
32 connection with which the State receives payment or reimbursement
33 from the federal government under the terms of Title 23, United States
34 Code or any amendment, successor, or replacement thereof, for the
35 purposes contained in the act.

36 g. "Federal government" means the United States of America, and
37 any officer, department, board, commission, bureau, division,
38 corporation, agency or instrumentality thereof.

39 h. "South Jersey Transportation Authority" means the public
40 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
41 its successor.

42 i. "New Jersey Highway Authority" means the public corporation
43 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

44 j. "New Jersey Turnpike Authority" means the public corporation
45 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

46 k. "Notes" means the notes issued by the authority pursuant to the
47 act.

1 l. "Public highways" means public roads, streets, expressways,
2 freeways, parkways, motorways and boulevards, including bridges,
3 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
4 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
5 circles, grade separations, traffic control devices, the elimination or
6 improvement of crossings of railroads and highways, whether at grade
7 or not at grade, bicycle and pedestrian pathways and pedestrian and
8 bicycle bridges traversing public highways and any facilities,
9 equipment, property, rights of way, easements and interests therein
10 needed for the construction, improvement and maintenance of
11 highways.

12 m. "Public transportation project" means, in connection with
13 public transportation service, passenger stations, shelters and
14 terminals, automobile parking facilities, ¹ferries and¹ferry facilities,
15 including capital projects for ferry terminals, approach roadways,
16 pedestrian accommodations, parking, docks, and other necessary land-
17 side improvements, ramps, track connections, signal systems, power
18 systems, information and communication systems, roadbeds, transit
19 lanes or rights of way, equipment storage, pedestrian walkways and
20 bridges connecting to passenger stations and servicing facilities,
21 bridges, grade crossings, rail cars, locomotives, motorbuses and other
22 motor vehicles, maintenance and garage facilities, revenue handling
23 equipment and any other equipment, facility or property useful for or
24 related to the provision of public transportation service.

25 n. "State agency" means any officers, department, board,
26 commission, bureau, division, agency or instrumentality of the State.

27 o. "Toll road authorities" means and includes the New Jersey
28 Turnpike Authority, the New Jersey Highway Authority and the South
29 Jersey Transportation Authority.

30 p. "Transportation project" means, in addition to public highways
31 and public transportation projects, any equipment, facility or property
32 useful or related to the provision of any ground, waterborne or air
33 transportation for the movement of people and goods including rail
34 freight infrastructure.

35 q. "Transportation system" means public highways, public
36 transportation projects, other transportation projects, and all other
37 surface, airborne and waterborne methods of transportation for the
38 movement of people and goods.

39 r. "[Maintenance] Permitted maintenance" means, in relation to
40 public transportation projects, direct costs of work necessary for
41 preserving or maintaining the useful life of public transportation
42 projects, provided the work performed is associated with the
43 acquisition, installation and rehabilitation of components which are not
44 included in the normal operating maintenance of equipment and
45 facilities or replaced on a scheduled basis. The work shall ensure the
46 useful life of the project for not less than [four] five years and shall
47 not include routine maintenance or inspection of equipment and

1 facilities that is conducted on a scheduled basis. This definition shall
2 not apply to the term "maintenance" as used in subsection l. of this
3 section. For purposes of this subsection, "permitted maintenance"
4 means, in relation to public highways, the direct costs of work
5 necessary for preserving or maintaining the useful life of public
6 highways, provided the work is not associated with the regular and
7 routine maintenance of public highways and their components² [, such
8 as, but not limited to, grass cutting, litter pick-up, snow plowing,
9 replacement of striping, light bulb replacement for light bulbs having
10 a useful life of less than five years, damaged sign replacement, pothole
11 repairs, guide rail repairs and normal and usual work that historically,
12 maintenance personnel have performed for the department].The work
13 shall ensure the useful life of the project for not less than five years.²

14 s. "Circle of Mobility" means an essential group of related transit
15 projects that include (1) the New Jersey Urban Core Project, as
16 defined in section 3031 of the "Intermodal Surface Transportation
17 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
18 following elements: Secaucus Transfer, Kearny Connection,
19 Waterfront Connection, Northeast Corridor Signal System, Hudson
20 River Waterfront Transportation System, Newark-Newark
21 International Airport-Elizabeth Transit Link, a rail connection between
22 Penn Station Newark and Broad Street Station, Newark, New York
23 Penn Station Concourse, and the equipment needed to operate revenue
24 service associated with improvements made by the project, and (2) the
25 modification and reconstruction of the West Shore Line in Bergen
26 County connected to Allied Junction/Secaucus Transfer Meadowlands
27 Rail Center; the construction of a rail station and associated
28 components at the Meadowlands Sports Complex; the modification
29 and reconstruction of the Susquehanna and Western Railway, as
30 defined and provided in section 3035 (a) of the "Intermodal Surface
31 Transportation Efficiency Act of 1991"; and the modification and
32 reconstruction of the Lackawanna Cutoff Commuter Rail Line
33 connecting Morris, Sussex and Warren Counties to the North Jersey
34 Transportation Rail Centers.

35 (cf: P.L.1995, c.108, s.1)

36

37 ¹[12.] ²[17.¹] ^{16.}² Section 5 of P.L.1984, c.73 (C.27:1B-5) is
38 amended to read as follows:

39 5. It shall be the sole purpose of the authority created under this
40 act to provide the payment for and financing of all, or a portion of, the
41 costs incurred by the department for the planning, acquisition,
42 engineering, construction, reconstruction, repair and rehabilitation of
43 the State's transportation system, including, without limitation, the
44 State's share (including State advances with respect to any federal
45 share) under federal aid highway laws of the costs of planning,
46 acquisition, engineering, construction, reconstruction, repair,
47 resurfacing and rehabilitation of public highways, the State's share

1 (including State advances with respect to any federal share) of the
2 costs of planning, acquisition, engineering, construction,
3 reconstruction, repair, permitted maintenance and rehabilitation of
4 public transportation projects and other transportation projects in the
5 State, and State aid to counties and municipalities for transportation
6 projects, all in furtherance of the public policy declared in section 2 of
7 the act, in the manner provided for in the act.

8 (cf: P.L.1991, c.40, s.3)

9

10 ¹[13.] ²[18.1] 17.² Section 6 of P.L.1984, c.73 (C.27:1B-6) is
11 amended to read as follows:

12 6. In addition to all other powers granted to the authority in the
13 act, the authority shall have power:

14 a. To sue and be sued;

15 b. To have an official seal and alter the same at its pleasure;

16 c. To make and alter bylaws for its organization and internal
17 management and rules and regulations for the conduct of its affairs and
18 business;

19 d. To maintain an office at a place or places within the State as it
20 may determine;

21 e. To acquire, hold, use and dispose of its income, revenues, funds
22 and moneys;

23 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
24 transfer, and dispose of real or personal property for its purposes;

25 g. To borrow money and to issue its bonds, notes or other
26 obligations and to secure the same by its revenues or other funds and
27 otherwise to provide for and secure the payment thereof and to
28 provide for the rights of the holders thereof and to provide for the
29 refunding thereof, all as provided in the act;

30 h. To issue subordinated indebtedness and to enter into any
31 revolving credit agreement, agreement establishing a line of credit or
32 letter of credit, reimbursement agreement, interest rate exchange
33 agreement, insurance contract, surety bond, commitment to purchase
34 or sell bonds, purchase or sale agreement, or commitments or other
35 contracts or agreements, and other security agreements as approved
36 by the authority in connection with the issuance of bonds or notes;

37 i. In its own name, in the name of the New Jersey Transit
38 Corporation or in the name of the State, to apply for and receive and
39 accept appropriations or grants of property, money, services or
40 reimbursements for money previously spent and other assistance
41 offered or made available to it by or from any person, government
42 agency, public authority or any public and private entity whatever for
43 any lawful corporate purpose of the authority, including, without
44 limitation, grants, appropriations or reimbursements from the State or
45 federal government with respect to their respective shares under
46 federal aid highway laws of the costs of planning, acquisition,
47 engineering, construction, reconstruction, repair, resurfacing and

1 rehabilitation of public highways or the costs of planning, acquisition,
2 engineering, construction, reconstruction, repair, permitted
3 maintenance and rehabilitation of public transportation projects and
4 other transportation projects in the State and the authority's operating
5 expenses and to apply and negotiate for the same upon such terms and
6 conditions as may be required by any person, government agency,
7 authority or entity or as the authority may determine to be necessary,
8 convenient or desirable;

9 j. Subject to any agreement with the holders of bonds, notes or
10 other obligations, to invest moneys of the authority not required for
11 immediate use, including proceeds from the sale of any bonds, notes
12 or other obligations, in obligations, securities and other investments as
13 the authority shall deem prudent;

14 k. Subject to any agreements with holders of bonds, notes or other
15 obligations, to purchase bonds, notes or other obligations of the
16 authority out of any funds or moneys of the authority available
17 therefor, and to hold, cancel or resell the bonds, notes or other
18 obligations;

19 l. For its sole purpose as established in section 5 of this act, to
20 appoint and employ an executive director and such additional officers,
21 who need not be members of the authority and such other personnel
22 and staff as it may require, at an annual expense not to exceed
23 \$100,000.00, all without regard to the provisions of Title 11A of the
24 New Jersey Statutes;

25 m. To do and perform any acts and things authorized by the act
26 under, through, or by means of its officers, agents or employees or by
27 contract with any person, firm or corporation or any public body;

28 n. To procure insurance against any losses in connection with its
29 property, operations, assets or obligations in amounts and from
30 insurers as it deems desirable;

31 o. To make and enter into any and all contracts and agreements
32 which the authority determines are necessary, incidental, convenient
33 or desirable to the performance of its duties and the execution of its
34 powers under the act; and

35 p. To do any and all things necessary, convenient or desirable to
36 carry out its purposes and exercise the powers given and granted in the
37 act.

38 (cf: P.L.1995, c.108, s.3)

39
40 ²18. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read
41 as follows:

42 9. a. The authority shall have the power and is hereby authorized
43 after November 15, 1984 and from time to time thereafter to issue its
44 bonds, notes or other obligations in principal amounts as in the opinion
45 of the authority shall be necessary to provide for any of its corporate
46 purposes, including the payment, funding or refunding of the principal
47 of, or interest or redemption premiums on, any bonds, notes or other

1 obligations issued by it, whether the bonds, notes, obligations or
2 interest to be funded or refunded have or have not become due; and to
3 provide for the security thereof and for the establishment or increase
4 of reserves to secure or to pay the bonds, notes or other obligations
5 or interest thereon and all other reserves and all costs or expenses of
6 the authority incident to and necessary or convenient to carry out its
7 corporate purposes and powers; and in addition to its bonds, notes and
8 other obligations, the authority shall have the power to issue
9 subordinated indebtedness, which shall be subordinate in lien to the
10 lien of any or all of its bonds or notes. No resolution or other action
11 of the authority providing for the issuance of bonds, refunding bonds,
12 notes, or other obligations shall be adopted or otherwise made
13 effective by the authority without the prior approval in writing of the
14 Governor and the State Treasurer.

15 b. Except as may be otherwise expressly provided in the act or by
16 the authority, every issue of bonds or notes shall be general obligations
17 payable out of any revenues or funds of the authority, subject only to
18 any agreements with the holders of particular bonds or notes pledging
19 any particular revenues or funds. The authority may provide the
20 security and payment provisions for its bonds or notes as it may
21 determine, including (without limiting the generality of the foregoing)
22 bonds or notes as to which the principal and interest are payable from
23 and secured by all or any portion of the revenues of and payments to
24 the authority, and other moneys or funds as the authority shall
25 determine. In addition, the authority may, in anticipation of the
26 issuance of the bonds or the receipt of appropriations, grants,
27 reimbursements or other funds, including without limitation grants
28 from the federal government for federal aid highways or public
29 transportation systems, issue notes, the principal of or interest on
30 which, or both, shall be payable out of the proceeds of notes, bonds or
31 other obligations of the authority or appropriations, grants,
32 reimbursements or other funds or revenues of the authority. The
33 authority may also enter into bank loan agreements, lines of credit and
34 other security agreements as authorized pursuant to subsection h. of
35 section 6 of P.L.1984, c.73 (C.27:1B-6) and obtain for or on its behalf
36 letters of credit in each case for the purpose of securing its bonds,
37 notes or other obligations or to provide direct payment of any costs
38 which the authority is authorized to pay by this act and to secure
39 repayment of any borrowings under the loan agreement, line of credit,
40 letter of credit or other security agreement by its bonds, notes or other
41 obligations or the proceeds thereof or by any or all of the revenues of
42 and payments to the authority or by any appropriation, grant or
43 reimbursement to be received by the authority and other moneys or
44 funds as the authority shall determine.

45 c. Whether or not the bonds and notes are of the form and
46 character as to be negotiable instruments under the terms of Title 12A,
47 Commercial Transactions, New Jersey Statutes, the bonds and notes

1 are hereby made negotiable instruments within the meaning of and for
2 all the purposes of said Title 12A.

3 d. Bonds or notes of the authority shall be authorized by a
4 resolution or resolutions of the authority and may be issued in one or
5 more series and shall bear the date, or dates, mature at the time or
6 times, bear interest at the rate or rates of interest per annum, be in the
7 denomination or denominations, be in the form, carry the conversion
8 or registration privileges, have the rank or priority, be executed in the
9 manner, be payable from the sources, in the medium of payment, at the
10 place or places within or without the State, and be subject to the terms
11 of redemption (with or without premium) as the resolution or
12 resolutions may provide. Bonds or notes may be further secured by a
13 trust indenture between the authority and a corporate trustee within or
14 without the State. All other obligations of the authority shall be
15 authorized by resolution containing terms and conditions as the
16 authority shall determine.

17 e. Bonds, notes or other obligations of the authority may be sold
18 at public or private sale at a price or prices and in a manner as the
19 authority shall determine, either on a negotiated or on a competitive
20 basis. Every bond, or refunding bond, issued on or after the effective
21 date of P.L.1995, c.108 (C.27:1B-25.1 et al.) shall mature and be paid
22 no later than 21 years from the date of the issuance of that bond or
23 refunding bond.

24 f. Bonds or notes may be issued and other obligations incurred
25 under the provisions of the act without obtaining the consent of any
26 department, division, commission, board, bureau or agency of the
27 State, other than the approval as required by subsection a. of this
28 section, and without any other proceedings or the happening of any
29 other conditions or other things than those proceedings, conditions or
30 things which are specifically required by the act.

31 g. Bonds, notes and other obligations of the authority issued or
32 incurred under the provisions of the act shall not be in any way a debt
33 or liability of the State or of any political subdivision thereof other
34 than the authority and shall not create or constitute any indebtedness,
35 liability or obligation of the State or of any political subdivision or be
36 or constitute a pledge of the faith and credit of the State or of any
37 political subdivision but all bonds, notes and obligations, unless funded
38 or refunded by bonds, notes or other obligations of the authority, shall
39 be payable solely from revenues or funds pledged or available for their
40 payment as authorized in the act. Each bond, note or other obligation
41 shall contain on its face a statement to the effect that the authority is
42 obligated to pay the principal thereof or the interest thereon only from
43 revenues or funds of the authority and that neither the State nor any
44 political subdivision thereof is obligated to pay the principal or interest
45 and that neither the faith and credit nor the taxing power of the State
46 or any political subdivision thereof is pledged to the payment of the
47 principal of or the interest on the bonds, notes or other obligations.

1 For the purposes of this subsection, political subdivision does not
2 include the authority.

3 h. All expenses incurred in carrying out the provisions of the act
4 shall be payable solely from the revenues or funds provided or to be
5 provided under or pursuant to the provisions of the act and nothing in
6 the act shall be construed to authorize the authority to incur any
7 indebtedness or liability on behalf of or payable by the State or any
8 political subdivision thereof.

9 i. The authority shall minimize debt incurrence by first relying on
10 appropriations and other revenues available to the authority before
11 incurring debt to meet its statutory purposes.

12 Commencing on the 90th day following the date of enactment of
13 this 1995 amendatory and supplementary act, the authority shall not
14 incur debt in any fiscal year in excess of ~~[\$700,000,000]~~
15 \$650,000,000, except that if that permitted amount of debt, or any
16 portion thereof, is not incurred in a fiscal year it may be incurred in a
17 subsequent fiscal year. Any increase in this limitation shall only occur
18 if so provided for by law.

19 j. Upon the decision by the authority to issue refunding bonds
20 pursuant to this section, and prior to the sale of those bonds, the
21 authority shall transmit to the Joint Budget Oversight Committee, or
22 its successor, a report that a decision has been made, reciting the basis
23 on which the decision was made, including an estimate of the debt
24 service savings to be achieved and the calculations upon which the
25 authority relied when making the decision to issue refunding bonds.
26 The report shall also disclose the intent of the authority to issue and
27 sell the refunding bonds at public or private sale and the reasons
28 therefor.

29 k. The Joint Budget Oversight Committee, or its successor, shall
30 have authority to approve or disapprove the sale of refunding bonds
31 as included in each report submitted in accordance with subsection j.
32 of this section. The committee shall approve or disapprove the sale of
33 refunding bonds within 10 business days after physical receipt of the
34 report. The committee shall notify the authority in writing of the
35 approval or disapproval as expeditiously as possible.

36 l. No refunding bonds shall be issued unless the report has been
37 submitted to and approved by the Joint Budget Oversight Committee,
38 or its successor, as set forth in subsection k. of this section.

39 m. Within 30 days after the sale of the refunding bonds, the
40 authority shall notify the Joint Budget Oversight Committee, or its
41 successor, of the result of that sale, including the prices and terms,
42 conditions and regulations concerning the refunding bonds, and the
43 actual amount of debt service savings to be realized as a result of the
44 sale of refunding bonds.

45 n. The Joint Budget Oversight Committee, or its successor, shall,
46 however, review all information and reports submitted in accordance
47 with this section and may, on its own initiative, make observations and

1 recommendations to the authority or to the Legislature, or both, as it
2 deems appropriate.
3 (cf: P.L.1995, c.108, s.4)²

4
5 ¹[14.] 19.¹ Section 20 of P.L.1984, c.73(C.27:1B-20) is amended
6 to read as follows:

7 20. There is hereby established in the General Fund an account
8 entitled "Transportation Trust Fund Account." During the fiscal year
9 beginning July 1, 1984 and during each succeeding fiscal year in which
10 the authority has bonds, notes or other obligations outstanding, the
11 treasurer shall credit to this account:

12 a. An amount equivalent to the revenue derived from ~~[\$0.025]~~
13 \$0.09 per gallon from the tax imposed on the sale of motor fuels
14 pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided
15 in Article VIII, Section II, paragraph 4 of the State Constitution,
16 provided, however, such amount during any fiscal year shall not be
17 less than ~~[\$100,000,000]~~ \$405,000,000;

18 b. ~~[After approval by the voters of the constitutional amendment~~
19 ~~proposed in Senate Concurrent Resolution No. 2 of 1995 or Assembly~~
20 ~~Concurrent Resolution No. 9 of 1995, in addition to the amount~~
21 ~~credited in subsection a. of this section, for the fiscal year beginning~~
22 ~~July 1, 1996 and the fiscal year beginning July 1, 1997, an amount~~
23 ~~equivalent to the revenue derived from \$0.045 per gallon from the tax~~
24 ~~imposed on the sale of motor fuels pursuant to chapter 39 of Title 54~~
25 ~~of the Revised Statutes, provided, however, such amount shall not be~~
26 ~~less than \$180,000,000 during each of those fiscal years, and for the~~
27 ~~fiscal year beginning July 1, 1998, an amount equivalent to the revenue~~
28 ~~derived from \$0.055 per gallon from the tax, provided, however, that~~
29 ~~such amount shall not be less than \$220,000,000, and for the fiscal~~
30 ~~year beginning July 1, 1999 and for each fiscal year thereafter, an~~
31 ~~amount equivalent to the revenue derived from \$0.065 per gallon from~~
32 ~~the tax, provided, however, that such amount shall not be less than~~
33 ~~\$260,000,000 in any fiscal year, as provided in Article VIII, Section~~
34 ~~II, paragraph 4 of the State Constitution; and] (deleted by amendment,~~
35 ~~P.L. , c. (C.) (now before the Legislature as this bill).~~

36 c. An amount equivalent to moneys received by the State in
37 accordance with contracts entered into with toll road authorities or
38 other State agencies, provided that effective with the fiscal year
39 beginning July 1, 1988 the amount so credited shall not be less than
40 \$24,500,000.00 in any fiscal year.

41 The treasurer shall also credit to this account, in accordance with
42 a contract between the treasurer and the authority, an amount
43 equivalent to the sum of the revenues due from the increase of fees for
44 motor vehicle registrations collected pursuant to the amendment to
45 R.S.39:3-20 made by this act and from the increase in the tax on diesel
46 fuels imposed pursuant to the amendment to R.S.54:39-27 made by
47 this act and by P.L.1987, c.460, provided that the total amount

1 credited during the fiscal year beginning July 1, 1984 shall not be less
2 than \$20,000,000.00 and that the total amount credited during the
3 fiscal year beginning July 1, 1985 and during every fiscal year
4 thereafter shall not be less than \$30,000,000.00.

5 In addition to the amounts credited to the account by this section,
6 commencing with the fiscal year beginning July 1, 1995 and every
7 fiscal year thereafter, there shall be appropriated from the General
8 Fund such additional amounts as are necessary to carry out the
9 provisions of this act and [after January 1, 1997] beginning July 1,
10 2000 the fees collected pursuant to subsection a. of section 68 of
11 P.L.1990, c.8 (C.17:33B-63) shall be [available for crediting] credited
12 to the account for the purposes of this act, provided, however, the
13 amount credited from such fees during any fiscal year shall not be less
14 than \$60,000,000.

15 d. After approval by the voters of the constitutional amendment
16 proposed in Senate Committee Substitute for Senate Concurrent
17 Resolution No. 1 of 2000 or Assembly Concurrent Resolution No.
18 ²116² of 2000, in addition to the amount credited in subsection a. of
19 this section, beginning January 1 following approval by the voters an
20 amount equivalent to the revenue derived from the tax imposed on the
21 sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et
22 seq.), provided, however, such amount shall not be less than
23 \$100,000,000 in the period January 1 through June 30 following
24 approval by the voters and shall not be less than \$200,000,000 in any
25 fiscal year thereafter and for the fiscal year commencing July 1, 2001
26 and for each fiscal year thereafter an amount equivalent to the revenue
27 derived from the tax imposed under the "Sales and Use Tax Act,"
28 P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles,
29 provided, however, that such amount shall not be less than
30 \$80,000,000 for the fiscal year commencing July 1, 2001, not less than
31 \$140,000,000 for the fiscal year commencing July 1, 2002, and not
32 less than \$200,000,000 for the fiscal year commencing July 1, 2003
33 and for each fiscal year thereafter, as provided in Article VIII, Section
34 II, paragraph 4 of the State Constitution.

35 No later than the fifth business day of the month following the
36 month in which a credit has been made, the treasurer shall pay to the
37 authority, for its purposes as provided herein, the amounts then
38 credited to the Transportation Trust Fund Account, provided that the
39 payments to the authority shall be subject to and dependent upon
40 appropriations being made from time to time by the Legislature of the
41 amounts thereof for the purposes of the act.

42 (cf: P.L.1995, c.108, s.5)

43
44 ¹[15.] 20.¹ Section 21 of P.L.1984, c.73 (C.27:1B-21) is
45 amended to read as follows:

46 21. a. There is hereby established a separate fund entitled "Special
47 Transportation Fund." This fund shall be maintained by the State

1 Treasurer and may be held in depositories as may be selected by the
2 treasurer and invested and reinvested as other funds in the custody of
3 the treasurer, in the manner provided by law. The commissioner may
4 from time to time (but not more frequently than monthly) certify to the
5 authority an amount necessary to fund payments made, or anticipated
6 to be made by or on behalf of the department, from appropriations
7 established for or made to the department from revenues or other
8 funds of the authority. The commissioner's certification shall be
9 deemed conclusive for purposes of the act. The authority shall, within
10 15 days of receipt of the certificate, transfer from available funds of
11 the authority to the treasurer for deposit in the Special Transportation
12 Fund the amount certified by the commissioner, provided that all funds
13 transferred shall only be expended by the department by project
14 pursuant to appropriations made from time to time by the Legislature
15 for the purposes of the act.

16 b. The department shall not expend any money except as
17 appropriated by law. Commencing with appropriations for the fiscal
18 years beginning on July 1, 1988, the department shall not expend any
19 funds except as are appropriated by specific projects identified by a
20 description of the projects, the county or counties within which they
21 are located, and amounts to be expended on each project, in the annual
22 appropriations act.

23 c. No funds appropriated, authorized or expended pursuant to this
24 act shall be used to finance the resurfacing of highways by department
25 personnel, where that resurfacing would require the use of more than
26 ²[150,000] 100,000² tons of bituminous concrete for that purpose in
27 any calendar year, except that the commissioner may waive this
28 provision when he determines the existence of emergency conditions
29 requiring the use of department personnel for the resurfacing of
30 highways, after the department has effectively reached the ²[150,000]
31 100,000² ton limit.

32 d. In order to provide the department with flexibility in
33 administering the specific appropriations by project identified in the
34 annual appropriations act, the commissioner may transfer a part of any
35 item to any other item subject to the approval of the Director of the
36 Division of Budget and Accounting and of the Joint Budget Oversight
37 Committee or its successor. Upon approval of the director and the
38 committee, the transfer shall take effect.

39 e. Any federal funds which become available to the State for
40 transportation projects which have not been appropriated to the
41 department in the annual appropriations act, shall be deemed
42 appropriated to the department and may, subject to approval by the
43 Joint Budget Oversight Committee and the State Treasurer, be
44 expended for any purpose for which such funds are qualified.

45 f. There shall be no appropriations from the revenues and other
46 funds of the authority for regular and routine maintenance of public
47 highways and components thereof, or operational activities of the

1 department unrelated to the implementation of, and indirect costs
2 associated with, the capital program. The commissioner shall include
3 in his annual budget request sufficient funding to effectuate the
4 purposes of P.L. , c. (C.) (now before the Legislature as this
5 bill).

6 g. To the extent that salaries or overhead of the department or the
7 New Jersey Transit Corporation are charged to transportation
8 projects, each agency shall keep adequate and truthful personnel
9 records, and time charts to adequately justify each such charge and
10 shall make those records available to the external auditor to the
11 authority.

12 h. The commissioner shall annually, on or before January 1 of each
13 fiscal year, report to the Governor and the Legislature how much
14 money was expended in the previous fiscal year for salaries and
15 overhead of the department and the New Jersey Transit Corporation.
16 ²However, the amount expended from the revenues and other funds of
17 the authority for salaries and overhead of the department and the New
18 Jersey Transit Corporation for the fiscal ⁴[year] years⁴ beginning July
19 1, ⁴[2000] 2001, July 1, 2002 and July 1, 2003 ⁴shall not exceed
20 ⁴[14] ⁴13⁴ percent of the total funds appropriated from the revenues
21 and other nonfederal funds of the authority for ⁴[that] those⁴ fiscal
22 ⁴[year, the amount expended from the revenues and other funds of the
23 authority for salaries and overhead of the department and the New
24 Jersey Transit Corporation for the fiscal year beginning July 1, 2001
25 shall not exceed 12 percent of the total funds appropriated from the
26 revenues and other nonfederal funds of the authority for that fiscal
27 year, the amount expended from the revenues and other funds of the
28 authority for salaries and overhead of the department and the New
29 Jersey Transit Corporation for the fiscal year beginning July 1, 2002
30 shall not exceed 11 percent of the total funds appropriated from the
31 revenues and other nonfederal funds of the authority for that fiscal
32 year, and the amount expended from the revenues and other funds of
33 the authority for salaries and overhead of the department and the New
34 Jersey Transit Corporation for the fiscal year beginning July 1, 2003
35 shall not exceed 10 percent of the total funds appropriated from the
36 revenues and other nonfederal funds of the authority for that fiscal
37 year] years⁴ .²

38 (cf: P.L.1995, c.108, s.6)

39

40 ¹[16.] 21.¹ Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is
41 amended to read as follows:

42 8. a. Commencing with the report of the commissioner, as may be
43 amended, required to be submitted pursuant to section 22 of P.L.1984,
44 c.73 (C.27:1B-22) on or before March 1, [1996] 2000 for the fiscal
45 year commencing July 1, [1996] 2000 [and for each fiscal year
46 thereafter] the amount reported by the commissioner for proposed

1 projects to be financed shall not exceed ~~[\$700,000,000]~~
2 ²~~[\$950,000,000]~~ ~~\$900,000,000~~²~~[exclusive of federal funds]~~ and for
3 the fiscal year beginning July 1, 2001 through the fiscal year beginning
4 July 1, 2003 the annual amounts shall not exceed ²~~[\$1,000,000,000]~~
5 \$950,000,000², all amounts exclusive of federal funds.

6 b. For the fiscal year beginning on July 1, ~~[1995]~~ 2000 [and for
7 each fiscal year thereafter], the total amount authorized to be
8 appropriated from the revenues and other nonfederal funds of the New
9 Jersey Transportation Trust Fund Authority for the projects listed in
10 the appropriations act pursuant to section 21 of P.L.1984, c.73
11 (C.27:1B-21) shall not exceed ~~[\$700,000,000]~~ ²~~[\$950,000,000]~~
12 \$900,000,000²~~[exclusive of federal funds]~~ and for the fiscal year
13 beginning July 1, 2001 through the fiscal year beginning July 1, 2003
14 the annual amounts shall not exceed ²~~[\$1,000,000,000]~~
15 \$950,000,000², all amounts exclusive of federal funds.

16 c. (Deleted by amendment, P.L.1991, c.40.)

17 d. (Deleted by amendment, P.L.1992, c.10).

18 e. The State Auditor shall provide for a unified annual audit of
19 expenditures from the Special Transportation Fund, established by
20 section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that
21 these funds are expended for costs eligible for funding from the
22 authority and in a manner consistent with appropriations made by the
23 Legislature. The findings of such audits shall be transmitted to the
24 presiding officer of each House of the Legislature, and to the Chair of
25 the Senate Budget and Appropriations Committee, the Senate
26 Transportation Committee, the Assembly Appropriations Committee,
27 and the Assembly Transportation and Communications Committee or
28 their successors.

29 f. The State Auditor shall review bond issuances of the authority
30 and report to the Joint Budget Oversight Committee and to the
31 members of the Senate Budget and Appropriations Committee and the
32 Assembly Appropriations Committee, or their successors, on the status
33 of the bonds of the authority and projects financed from the proceeds
34 of the bonds. The report shall include the investment status of all
35 unexpended bond proceeds and provide a description of any bond
36 issues expected during a fiscal year, including type of issue, estimated
37 amount of bonds to be issued and the expected month of sale.

38 (cf: P.L.1995, c.108, s.7)

39

40 ¹~~[17.]~~ 22.¹ Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended
41 to read as follows:

42 22. a. To the end that the transportation system of the State shall
43 be planned in an orderly and efficient manner and that the Legislature
44 shall be advised of the nature and extent of public highways, public
45 transportation projects and other transportation projects contemplated
46 to be financed under this act, the department shall submit a master

1 plan, as provided in subsection (a) of section 5 of P.L.1966, c.301
2 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall
3 be for a period of five years and shall be submitted to the Commission
4 on Capital Budgeting and Planning, the Chairman of the Senate
5 Transportation Committee and the Chairman of the Assembly
6 Transportation and Communications Committee, or their successors,
7 and the Legislative Budget and Finance Officer, and the metropolitan
8 planning organizations, on or before [December 15, 1984] March 1,
9 2001, and at five-year intervals thereafter. The master plan shall set
10 the direction for the department's overall Capital Investment Strategy
11 and subsequent annual Transportation Capital Programs submitted to
12 the Legislature for approval pursuant to this section.

13 b. The Department of Transportation, in conjunction with the New
14 Jersey Transit Corporation, shall prepare a "Capital Investment
15 Strategy" for at least a five-year period which shall contain, at a
16 minimum, a statement of the goals of the department and the
17 corporation in major selected policy areas and the means by which the
18 goals are to be attained during that period, using quantitative measures
19 where appropriate. The Capital Investment Strategy may be updated
20 and submitted no later than March 1 of each year. The Capital
21 Investment Strategy shall provide for a multi-modal, intermodal,
22 seamless and technologically advanced transportation system. It shall
23 recommend investment for major program categories, set overall goals
24 for investment in the State's infrastructure, ¹and¹ develop program
25 targets and performance measures. It may rely on infrastructure
26 management systems as developed by the department to assess bridge
27 conditions, pavement conditions, bridge, traffic and pedestrian safety,
28 traffic congestion and public transit facilities. With respect to
29 pavement conditions, the department shall set as a priority the
30 utilization of efficient ²[cost effective] cost-effective² materials and
31 ¹[technologies, including but not limited to, "cold in place recycling"
32 and "micro-surfacing."] treatments as stated in section ²[11]9² of
33 ²[this act] P.L. , c. (C.)(now before the Legislature as this bill)².
34 In the event that there exist appropriate circumstances for the use of
35 micro-surfacing and cold-in-place recycling, the department shall
36 establish as a special priority the use of these materials and surface
37 treatments.¹ The goals of the Capital Investment Strategy shall
38 include, but not be limited to, reduction of ²vehicular and pedestrian²
39 accidents, reduction in the backlog of projects, including ³one-half of
40 the structurally deficient³ bridge repair projects and pavement
41 deficiencies¹,¹ and an increase in lane miles of bicycle paths ²,with a
42 goal of constructing an additional 1,000 lane miles of bicycle paths in
43 five years to reduce traffic congestion and for recreational uses. The
44 construction of bicycle and pedestrian lanes, paths and facilities shall
45 be subject to no stricter environmental requirements than are provided
46 pursuant to federal law and regulations for such lanes, paths and
47 facilities, notwithstanding the provisions to the contrary of State law

1 and regulations, including State Executive Order No. 215 of 1989².
2 With respect to the New Jersey Transit Corporation, the plan shall
3 deal with the corporation's goals in the area of bus transportation and
4 present a strategy and a preliminary timetable for the replacement of
5 the current diesel bus fleet with a fleet of buses which have reduced
6 emission of air pollutants. The corporation shall consider the
7 feasibility of ²[diesel]² buses with improved pollution controls and
8 ²[vehicles] that reduce particulate emissions and buses² powered by
9 fuel other than conventional diesel ¹fuel¹, such as compressed natural
10 gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel ¹vehicles¹ ²,
11 vehicles operated on ultra low sulfur fuel, vehicles operated on any
12 other bus fuel approved by the United States Environmental Protection
13 Agency,² and the like. The corporation may consider as part of its
14 strategy, cooperative efforts with bus manufacturers, and the
15 solicitation of federal support, in developing a "clean bus" with air
16 pollution controls superior to currently available technology. ²For the
17 fiscal year beginning July 1, 2007 and each fiscal year thereafter, all
18 buses purchased by the New Jersey Transit Corporation shall be buses
19 with improved pollution controls and that reduce particulate emissions
20 or buses powered by fuel other than conventional diesel fuel, such as
21 compressed natural gas vehicles, hybrid vehicles, fuel cell vehicles,
22 biodiesel vehicles, vehicles operated on ultra low sulfur fuel, vehicles
23 operated on any other bus fuel approved by the United States
24 Environmental Protection Agency, and the like. In the event that the
25 corporation is not able to meet the bus purchase requirements set forth
26 in this section with respect to any fiscal year, prior to the
27 commencement of the fiscal year the board of the corporation shall by
28 resolution submit a report to the Legislature detailing its inability to
29 meet the requirements and the reasons therefor and shall submit the
30 report to the Senate and General Assembly when both houses are in
31 session, including therein a request to be exempted from the bus
32 purchase requirements of this section with regard to the fiscal year in
33 question. The President of the Senate and the Speaker of the General
34 Assembly shall cause the date of submission to be entered upon the
35 Senate Journal and the Minutes of the General Assembly. If a joint
36 resolution approving the exemption is passed by the Legislature and
37 signed by the Governor prior to the commencement of the fiscal year
38 in question, the corporation shall be exempt from the requirements for
39 that fiscal year. [¹The plan shall also detail the planned investment of
40 capital funds for public transportation projects of companies other
41 than the New Jersey Transit Corporation engaged in the business of
42 providing motor bus transportation. The plan shall demonstrate that
43 such investment adequately addresses the finding in section 2 of
44 P.L.1979, c. 150 (C.27:25-2) that in the provision of public
45 transportation services it is desirable to encourage to the maximum
46 extent feasible the participation of private enterprise and to avoid
47 destructive competition. ¹]²

1 ³The plan shall also detail the planned investment of capital funds
2 for public transportation projects of companies other than the New
3 Jersey Transit Corporation engaged in the business of providing motor
4 bus transportation. The plan shall demonstrate that such investment
5 adequately addresses the finding in section 2 of P.L.1979, c. 150
6 (C.27:25-2) that in the provision of public transportation services it is
7 desirable to encourage to the maximum extent feasible the
8 participation of private enterprise ⁴[and to avoid destructive
9 competition] ⁴ ³

10 c. On or before March 1 of each year, the commissioner shall
11 submit a report of general project categories and proposed projects
12 thereunder to be financed in ensuing fiscal year, including therewith a
13 description of the projects, the county or counties within which they
14 are to be located, a distinction between State and local projects, and
15 the amount estimated to be expended on each project [and also
16 including a financial plan designed to implement the financing of the
17 proposed projects]. This report shall be known as the "Annual
18 Transportation Capital Program" for the upcoming fiscal year. It shall
19 include proposed projects of both the Department of Transportation
20 and the New Jersey Transit Corporation. The program shall be
21 consistent with, and reflective of, the goals and priorities of the Capital
22 Investment Strategy and the program shall include an explanation
23 which demonstrates how it is consistent with, and reflective of, the
24 goals and priorities.

25 d. On or before March 1 of each year, the commissioner shall also
26 submit a "Transportation Trust Fund Authority Financial Plan"
27 designed to implement the financing of the proposed projects. The
28 financial plan shall contain an enumeration of the bonds, notes or other
29 obligations of the authority which the authority intends to issue,
30 including the amounts thereof and the conditions therefor. The
31 financial plan shall set forth a complete operating and financial
32 statement covering the authority's proposed operations during the
33 ensuing fiscal year, including amounts of income from all sources,
34 including but not limited to the proceeds of bonds, notes or other
35 obligations to be issued, as well as interest earned. In addition, the
36 plan shall contain proposed amounts to be appropriated and expended,
37 as well as amounts for which the department anticipates to obligate
38 during the ensuing fiscal year for any future expenditures.

39 [The report] e. The Capital Investment Strategy, the Annual
40 Transportation Capital Program, and the Transportation Trust Fund
41 Authority Financial Plan shall be submitted to the Senate and General
42 Assembly. Within 30 days of the receipt thereof, the Senate or the
43 General Assembly may object in writing to the commissioner in regard
44 to any project or projects in the Annual Transportation Capital
45 Program it disapproves or which it is of the opinion should be
46 modified or added to or any additional or alternative projects
47 considered or in regard to any element of the financial plan. The

1 commissioner shall consider the objections and recommendations and
2 resubmit the report within 10 days, containing therein any
3 modifications based upon the commissioner's consideration of the
4 objections or recommendations.

5 (cf: P.L.1995, c.108, s.8)

6

7 ²23. (New section) Any savings in the amount of debt service
8 realized as a result of the sale of refunding bonds by the authority shall
9 only be used to fund transportation projects.²

10

11 ¹[18.] ²[23.1] ^{24.}² (New section) In addition to those funds to
12 be credited to the "Transportation Trust Fund Account" pursuant to
13 section 20 of P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall
14 also credit to the account any and all additional funds which may now
15 or hereafter be dedicated to transportation purposes by the State
16 Constitution.

17

18 ^{25.} (New section) No new State highway route shall be
19 constructed using the revenues and other funds of the authority unless
20 specifically authorized by joint resolution. Nothing in this section shall
21 impair the commissioner's authority to modify³, extend or widen³
22 existing State highway routes.²

23

24 ^{26.} Section 4 of P.L.1984, c.73 (C.27:1B-4) is amended to read
25 as follows:

26 4. a. There is hereby established in the department a public body
27 corporate and politic, with corporate succession, to be known as the
28 "New Jersey Transportation Trust Fund Authority." For the purpose
29 of complying with the provisions of Article V, Section IV, paragraph
30 1 of the New Jersey Constitution, the authority is hereby allocated
31 within the Department of Transportation, but notwithstanding said
32 allocation, the authority shall be independent of any supervision or
33 control by the department or by any board or officer thereof. The
34 authority is hereby constituted as an instrumentality of the State,
35 exercising public and essential governmental functions, no part of
36 whose revenues shall accrue to the benefit of any individual, and the
37 exercise by the authority of the powers conferred by the act shall be
38 deemed and held to be an essential governmental function of the State.

39 b. The authority shall consist of [~~five~~] seven members as follows:
40 the commissioner and the State Treasurer, who shall be members ex
41 officio, and [~~three~~] five public members, [~~one~~] three of whom shall
42 be appointed by the Governor, with the advice and consent of the
43 Senate, one of whom shall represent the interests of trade unions that
44 work on the construction of public highways and the other shall
45 represent the interests of owners of firms that are eligible to submit
46 bids for the construction of public highways. [~~and the~~]The two
47 remaining public members [~~to~~] shall be appointed by the Governor,

1 one of whom upon recommendation of the President of the Senate and
2 the other upon recommendation of the Speaker of the General
3 Assembly. No more than [three] four members of the authority shall
4 be of the same political party. The public members appointed by the
5 Governor shall serve a four-year term, except that the public member
6 appointed by the Governor upon recommendation of the President of
7 the Senate shall serve for a four-year term and the public member
8 appointed upon recommendation of the Speaker of the General
9 Assembly shall serve for a two-year term.

10 With respect to those public members first appointed by the
11 Governor: the Senate shall advise and consent to the appointment of
12 the member not appointed upon recommendation of the President and
13 the Speaker within 30 days of the receipt thereof from the Governor,
14 such appointment having been sent by the Governor to the Senate
15 within 20 days following the effective date of this act; the President of
16 the Senate and the Speaker of the General Assembly shall send their
17 recommendations for public members to the Governor within 20 days
18 following the effective date of this act. The Governor has an
19 additional 10 days to accept or reject in writing these
20 recommendations. With respect to the two additional public members
21 to be appointed by the Governor pursuant to P.L. , c. (C.)(now
22 before the Legislature as this bill), the Senate shall advise and consent
23 to the appointment of the members ³[within 30 days of the receipt
24 thereof from the Governor] ³, such appointments having been sent by
25 the Governor to the Senate within 20 days following the date of
26 enactment of P.L. ,c. (C.)(now before the Legislature as this bill).

27 Each public member shall hold office for the term of the member's
28 appointment and until the member's successor shall have been
29 appointed and qualified. A member shall be eligible for reappointment.
30 Any vacancy in the membership occurring other than by expiration of
31 term shall be filled in the same manner as the original appointment but
32 for the unexpired term only.

33 c. Each public member, except those appointed upon
34 recommendation of the President of the Senate and the Speaker of the
35 General Assembly, may be removed from office by the Governor, for
36 cause, after public hearing, and may be suspended by the Governor
37 pending the completion of such hearing. All members before entering
38 upon their duties shall take and subscribe an oath to perform the duties
39 of their office faithfully, impartially and justly to the best of their
40 ability. A record of such oaths shall be filed in the Office of the
41 Secretary of State.

42 d. The authority shall not be deemed to be constituted and shall
43 not take action or adopt motions or resolutions until at least [three]
44 four authorized members shall have been appointed and qualified in the
45 manner provided in this section. The commissioner shall serve as
46 chairperson of the authority. Prior to the authority being constituted,
47 the chairperson is authorized to transfer up to \$75 million to the

1 department from the appropriations made to the authority for the fiscal
2 year commencing July 1, 1984. The members shall annually elect one
3 of their members as vice chairperson. The members shall elect a
4 secretary and a treasurer, who need not be members, and the same
5 person may be elected to serve both as secretary and treasurer. The
6 powers of the authority shall be vested in the members thereof in office
7 from time to time and ~~[three]~~ four members of the authority shall
8 constitute a quorum at any meeting thereof. Action may be taken and
9 motions and resolutions adopted by the authority at any meeting
10 thereof by the affirmative vote of at least ~~[three]~~ four members of the
11 authority. No vacancy in the membership of the authority shall impair
12 the right of a quorum of the members to exercise all the powers and
13 perform all the duties of the authority[, except that the authority shall
14 not have the power to issue its initial offering of bonds, notes or other
15 obligations unless all five members of the authority shall have been
16 appointed and qualified].

17 e. The members of the authority shall serve without compensation,
18 but the authority shall reimburse its members for actual expenses
19 necessarily incurred in the discharge of their duties. Notwithstanding
20 the provisions of any other law, no member shall be deemed to have
21 forfeited nor shall the member forfeit the member's office or
22 employment or any benefits or emoluments thereof by reason of the
23 member's acceptance of the office of ex officio member of the
24 authority or the member's services therein.

25 f. Each ex officio member may designate an employee of the
26 member's department or agency to represent the member at meetings
27 of the authority. All designees may lawfully vote and otherwise act on
28 behalf of the member for whom they constitute the designee. The
29 designation shall be in writing delivered to the authority and shall
30 continue in effect until revoked or amended in writing delivered to the
31 authority.

32 g. A true copy of the minutes of every meeting of the authority
33 shall be forthwith delivered by and under the certification of the
34 secretary thereof to the Governor. No action taken at the meeting by
35 the authority shall have force or effect until 15 days after such copy of
36 the minutes shall have been so delivered, unless during this 15-day
37 period the Governor shall approve in writing the same or any part
38 thereof, in which case the action shall become effective upon approval.
39 If, in said 15-day period, the Governor returns a copy of the minutes
40 with his veto of any action taken by the authority or any member
41 thereof at the meeting, the action shall be null and void and of no
42 effect. Notwithstanding the foregoing, if the last day of the 15-day
43 period shall be a Saturday, Sunday or legal holiday, then the 15-day
44 period shall be deemed extended to the next following business day.
45 The powers conferred in this paragraph upon the Governor shall be
46 exercised with due regard for the rights of the holders of bonds, notes
47 or other obligations of the authority at any time outstanding, and

1 nothing in, or done pursuant to, this paragraph shall in any way limit,
2 restrict or alter the obligation or powers of the authority or any
3 representative or officer of the authority to carry out and perform in
4 every detail each and every covenant, agreement or contract at any
5 time made or entered into by or on behalf of the authority with respect
6 to its bonds, notes or other obligations or for the benefit, protection
7 or security of the holders thereof.

8 h. The authority shall continue in existence until dissolved by act
9 of the Legislature. However, any dissolution of this authority shall be
10 on condition that the authority has no debts, contractual duties or
11 obligations outstanding, or that provision has been made for the
12 payment, discharge or retirement of these debts, contractual duties
13 or obligations. Upon any dissolution of the authority, all property,
14 rights, funds and assets thereof shall pass to and become vested in the
15 State.²

16 (cf: P.L.1995, c.108, s.2)

17

18 ¹[19.] ²[24.¹] 27.² (New section) a. There is hereby established
19 a Transportation Trust Fund Advisory Board to be comprised of
20 ²[14]seven² members. The Governor shall appoint ²[four]three²
21 public members and the President of the Senate and the Speaker of the
22 General Assembly shall each appoint ²[four]one² public
23 ²[members]member². The commissioner or the commissioner's
24 designee and the State Treasurer or the State Treasurer's designee
25 shall serve as ex officio members of the board. All of the public
26 members shall have some experience in the field of transportation or
27 finance. Each public member shall serve for a term of three years and
28 shall serve until the member's successor is appointed and has qualified.
29 Of the public members first appointed pursuant to this act, one
30 member appointed by the Governor²[, the President and the Speaker
31 respectively]² shall ²[each]² serve one year, two members so
32 appointed shall serve two years, and the remainder of the public
33 members shall serve three years. The Governor shall designate one of
34 the public members to serve as chairperson of the board. The board
35 shall meet a minimum of four times each year. The department shall
36 provide staff to support the board.

37 b. The purpose of the Advisory Board shall be to review the
38 department's long range capital planning, master plan and Capital
39 Investment Strategy, including the overall program and to make
40 recommendations to the Governor and the Legislature concerning the
41 department's capital investment strategies and the continuation of the
42 funding of the State's transportation system under the New Jersey
43 Transportation Trust Fund Authority.

44

45 ¹[20.] ²[25.¹] 28.² This act shall take effect immediately except
46 that ²[section]² ¹[14] ²[19¹]sections 18 and 19² shall take effect on
47 July 1, 2000.

1

2

3 "Congestion Relief and Transportation Trust Fund Renewal Act."

CHAPTER 73

AN ACT concerning transportation, providing for congestion relief and enhanced mobility in the State's transportation system, and for increased transportation funding, and revising various parts of the statutory law.

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

C.27:1B-21.14 Short title.

1. Sections 1 through 14 and 23 through 25 and section 27 of this act shall be known and may be cited as the "Congestion Relief and Transportation Trust Fund Renewal Act."

C.27:1B-21.15 Findings, declarations regarding the State's transportation system..

2. The Legislature hereby finds and declares that:

a. A balanced and improved transit and goods movement and highway system is of key importance to our State's continued prosperity and to the quality of life of our citizens.

b. The State's citizens and businesses require a transportation system which provides adequate mobility to all of its citizens utilizing all modes.

c. The State should consider and utilize, where appropriate, transportation approaches and concepts to reduce congestion, enhance mobility, discourage sprawl, and assist in the redevelopment of our cities, enhance suburbs and town centers, and otherwise improve the quality of life of our citizens.

d. Stable and adequate dedicated funding is a prerequisite to the sensible planning of transportation projects, most of which are conceived, planned, designed and built over a span of several years.

e. Additional investment is needed to bring the public highway and bridge system into a state of good repair, to reduce the backlog of infrastructure repair jobs, to maximize rail freight capacity, to promote bicycle and pedestrian safety, and to promote cycling and walking trips by providing and financing appropriate infrastructure.

f. Ferries and ferry facilities, including those providing interstate service to points in New Jersey, are an increasingly important component of the State's intermodal transportation system and should be eligible for transportation assistance from the State.

g. The system of financing under the New Jersey Transportation Trust Fund Authority has provided a stable source of funds to keep our transportation system in good repair and to provide funding for important new projects which have enhanced that system.

h. The renewal and improvement of the system of financing under the New Jersey Transportation Trust Fund Authority and a significant increase in the funding of that system are necessary to achieve the aforementioned goals and can be achieved without the necessity of increasing taxes.

C.27:1B-21.16 Program to improve traffic signal operation.

3. The Commissioner of Transportation (hereinafter, "the commissioner") shall establish and implement a program to employ the best available technology to improve traffic signal operation throughout the State so as to avoid unnecessary delays, reduce air pollution, and allow traffic to move sequentially through signals on roads and highways throughout the State without stopping, to the greatest extent practicable without endangering or limiting pedestrian travel.

C.27:1B-21.17 Reduction of single occupancy trips, report to Legislature.

4. No later than March 31, 2001, the commissioner shall submit a report to the Legislature containing recommended incentives to businesses to encourage a reduction in single occupancy trips.

C.27:1B-21.18 Telecommuting, report to Legislature.

5. No later than January 1, 2001, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission, in consultation with the commissioner and the State Treasurer, shall submit a report to the Legislature containing a program to identify sectors of the economy, or specific occupations, which are appropriate for telecommuting to increase telecommuting in the State.

C.27:1B-21.19 Context sensitive design.

6. Many State highways run through fully developed cities and suburban towns. In addition, many small villages in rural areas have State highways which pass through built-up residential areas or village centers. The traffic on many of these State highways, particularly large truck and speeding traffic, prevents these residential areas, town centers and future town centers from functioning as intended. The commissioner shall study this issue and develop a departmental program which authorizes context sensitive design and examines the functional classifications of State highways running through developed cities and suburban towns. As used in this section, "context sensitive design" means a planning technique that embraces a collaborative, interdisciplinary process and recognizes the uniqueness of the community in planning transportation projects.

C.27:1B-21.20 Large trucks, report to Legislature.

7. The commissioner shall report to the Legislature not later than January 1, 2001, on measures undertaken by the department and measures it recommends as necessary to improve the safety or to mitigate adverse impacts of large trucks which travel on New Jersey State and local roadways.

C.27:1B-21.21 LED lighting installation.

8. The commissioner shall install light emitting diodes lighting ("LED lighting"), or lighting similar in energy and life cycle savings, in traffic signals on the State highway system from the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority. It is anticipated that this lighting will result in operational energy savings for State, county and municipal governments and provide congestion relief because the diodes have a 10-year life cycle as compared to the one year replacement cycle for regular light bulbs. The State shall develop a program to assist local governments to install LED lighting or lighting similar in energy and life cycle savings, in approved local traffic signals throughout the State. The commissioner may consult with the State's public utility companies for assistance where appropriate to implement this program.

C.27:1B-21.22 Pavement Preservation and Preventive Maintenance Program.

9. There is hereby established in the Department of Transportation, a Pavement Preservation and Preventive Maintenance Program. In furtherance of this program, the commissioner shall utilize cost-effective road materials, surface treatments and base rehabilitation methodology including, but not limited to, micro-surfacing, white topping and cold-in-place recycling. These cost-effective materials, surface treatments and methodologies shall be used in conjunction with standard road materials and surface treatments including, but not limited to, superpave, asphalt milling, asphalt overlays and crack sealing. The commissioner shall authorize the use of cost-effective materials, surface treatments and methodologies where deemed appropriate by the department, but they shall be utilized as a regular and integral part of the road preservation and maintenance program, and in a manner sufficient to provide for safe roads as provided for in this act.

C.27:1B-21.23 Evaluation of road pavements.

10. The commissioner shall continue to evaluate roadway pavements on the State highway system and assign numerical ratings to roads for maintenance and repair similar to any nationally recognized method.

C.27:1B-21.24 Pavement maintenance, repair, report to Governor and Legislature.

11. The commissioner shall issue a report to the Governor and the Legislature at the end of each fiscal year containing the numerical ranking of pavements for roads needing maintenance and repair in accordance with the method developed in section 10 of this act. The report shall also identify the repair and maintenance projects that were completed during the fiscal year, including an estimate of the cost impact to the department for each maintenance and repair project that utilized road surface material or treatment.

C.27:1B-21.25 Life cycle cost analysis of pavements, report to Governor and Legislature.

12. The commissioner shall conduct a life cycle cost analysis of pavement surfaces and report the findings of the analysis to the Governor and the Legislature no later than one year after the date of enactment of this act. The analysis shall compare equivalent designs and shall be based upon New Jersey's actual historic project maintenance, repair and resurfacing schedules and costs as recorded by the Department of Transportation, and shall include estimates of user costs throughout the entire life of the pavement. As used in this section, "life cycle cost" means the total cost of the initial project and all anticipated costs for subsequent maintenance, repair or resurfacing over the life of the pavement.

C.27:1B-21.26 Congestion Buster Task Force.

13. a. There is created in the Department of Transportation a task force to be known as the "Congestion Buster Task Force" to study and make recommendations concerning the reduction of traffic congestion in the State.

The members of the task force shall be appointed by the commissioner in such number as the commissioner shall designate from the Department of Transportation, the New Jersey Transit Corporation, business organizations, Transportation Management Associations, the counties, and members of the public.

b. The task force shall organize as soon as may be practicable after the appointment of its members and shall select a chairperson from among the members. The members shall select a secretary, who need not be a member of the task force.

The task force shall meet at the call of the chairperson.

The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State department, board, bureau, commission or agency, as it may require and as may be available for its purposes, and to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

c. The task force shall conduct a study of highway traffic congestion in the State and develop a commuter options plan that would result in peak hour vehicle trips being "capped" at 1999 levels.

In developing the plan, the task force shall review relevant information and findings from other jurisdictions, both national and international. The plan shall include, but not be limited to, resources and incentives for public transportation, ridesharing, telecommuting and other travel reduction strategies. In making its recommendations for the plan, the task force shall include funding proposals, an implementation of the plan, and a method of evaluating progress toward the realization of the goal of the plan to cap peak hour vehicle trips at 1999 levels.

The task force shall also be charged with identifying the top 10 projects which can be quickly implemented to relieve congestion or improve safety.

d. The task force may meet and hold public hearings at such place or places as it shall designate and shall issue a final report containing its findings and recommendations, including any recommendations for legislation that it deems appropriate, no later than one year after the task force organizes, to the Governor, the President of the Senate and the Speaker of the General Assembly, and the members of the Senate Transportation Committee and the Assembly Transportation Committee, or the successor committees.

e. The task force shall dissolve one year following organization of the task force.

C.27:1B-21.27 Park-and-ride facility expansion, report to Governor and Legislature.

14. No later than July 1, 2001, the commissioner shall report to the Governor and the Legislature on steps which the commissioner recommends to provide for the establishment or expansion of park-and-ride facilities in areas of traffic congestion throughout the State and shall establish a goal of establishing or expanding at least two park-and-ride facilities in each of the successive 2001-2002, 2002-2003, 2003-2004 and 2004-2005 fiscal years. In the event that the department does not establish or expand at least two park-and-ride facilities in each of the preceding fiscal years, the commissioner shall report to the Governor and the Legislature the reasons for the failure to establish or expand such facilities.

15. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as follows:

C.27:1B-3 Definitions.

3. The following words or terms as used in this act shall have the following meaning unless a different meaning clearly appears from the context:

- a. "Act" means this New Jersey Transportation Trust Fund Authority Act of 1984.
- b. "Authority" means the New Jersey Transportation Trust Fund Authority created by section 4 of this act.
- c. "Bonds" means bonds issued by the authority pursuant to the act.
- d. "Commissioner" means the Commissioner of Transportation.
- e. "Department" means the Department of Transportation.
- f. "Federal aid highway" means any highway within the State in connection with which the State receives payment or reimbursement from the federal government under the terms of Title 23, United States Code or any amendment, successor, or replacement thereof, for the purposes contained in the act.
- g. "Federal government" means the United States of America, and any officer, department, board, commission, bureau, division, corporation, agency or instrumentality thereof.
- h. "South Jersey Transportation Authority" means the public corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or its successor.
- i. "New Jersey Highway Authority" means the public corporation created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.
- j. "New Jersey Turnpike Authority" means the public corporation created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.
- k. "Notes" means the notes issued by the authority pursuant to the act.
- l. "Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, bicycle and pedestrian pathways and pedestrian and bicycle bridges traversing public highways and any facilities, equipment, property, rights of way, easements and interests therein needed for the construction, improvement and maintenance of highways.
- m. "Public transportation project" means, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ferries and ferry facilities, including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking, docks, and other necessary land-side improvements, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage, pedestrian walkways and bridges connecting to passenger stations and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbuses and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service.
- n. "State agency" means any officers, department, board, commission, bureau, division, agency or instrumentality of the State.
- o. "Toll road authorities" means and includes the New Jersey Turnpike Authority, the New Jersey Highway Authority and the South Jersey Transportation Authority.
- p. "Transportation project" means, in addition to public highways and public transportation projects, any equipment, facility or property useful or related to the provision of any ground, waterborne or air transportation for the movement of people and goods including rail freight infrastructure.
- q. "Transportation system" means public highways, public transportation projects, other transportation projects, and all other surface, airborne and waterborne methods of transportation for the movement of people and goods.
- r. "Permitted maintenance" means, in relation to public transportation projects, direct costs of work necessary for preserving or maintaining the useful life of public transportation projects,

provided the work performed is associated with the acquisition, installation and rehabilitation of components which are not included in the normal operating maintenance of equipment and facilities or replaced on a scheduled basis. The work shall ensure the useful life of the project for not less than five years and shall not include routine maintenance or inspection of equipment and facilities that is conducted on a scheduled basis. This definition shall not apply to the term "maintenance" as used in subsection 1. of this section. For purposes of this subsection, "permitted maintenance" means, in relation to public highways, the direct costs of work necessary for preserving or maintaining the useful life of public highways, provided the work is not associated with the regular and routine maintenance of public highways and their components. The work shall ensure the useful life of the project for not less than five years.

s. "Circle of Mobility" means an essential group of related transit projects that include (1) the New Jersey Urban Core Project, as defined in section 3031 of the "Intermodal Surface Transportation Efficiency Act of 1991," Pub.L.102-240, and consisting of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project, and (2) the modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035 (a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex and Warren Counties to the North Jersey Transportation Rail Centers; and commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or other location, as determined by the Board of the New Jersey Transit Corporation, pursuant to a resolution of the board providing for the achievement of a consensus among the interested parties as to the direction of the proposed rail line; provided, however, that this 2000 amendatory act shall not be construed as affecting any priorities which may have been assigned to any other project in the Circle of Mobility.

16. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read as follows:

C.27:1B-5 Purpose of authority.

5. It shall be the sole purpose of the authority created under this act to provide the payment for and financing of all, or a portion of, the costs incurred by the department for the planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of the State's transportation system, including, without limitation, the State's share (including State advances with respect to any federal share) under federal aid highway laws of the costs of planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways, the State's share (including State advances with respect to any federal share) of the costs of planning, acquisition, engineering, construction, reconstruction, repair, permitted maintenance and rehabilitation of public transportation projects and other transportation projects in the State, and State aid to counties and municipalities for transportation projects, all in furtherance of the public policy declared in section 2 of the act, in the manner provided for in the act.

17. Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended to read as follows:

C.27:1B-6 Powers of authority.

6. In addition to all other powers granted to the authority in the act, the authority shall have power:

- a. To sue and be sued;
- b. To have an official seal and alter the same at its pleasure;

- c. To make and alter bylaws for its organization and internal management and rules and regulations for the conduct of its affairs and business;
- d. To maintain an office at a place or places within the State as it may determine;
- e. To acquire, hold, use and dispose of its income, revenues, funds and moneys;
- f. To acquire, own, lease as lessee or lessor, hold, use, sell, transfer, and dispose of real or personal property for its purposes;
- g. To borrow money and to issue its bonds, notes or other obligations and to secure the same by its revenues or other funds and otherwise to provide for and secure the payment thereof and to provide for the rights of the holders thereof and to provide for the refunding thereof, all as provided in the act;
- h. To issue subordinated indebtedness and to enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, insurance contract, surety bond, commitment to purchase or sell bonds, purchase or sale agreement, or commitments or other contracts or agreements, and other security agreements as approved by the authority in connection with the issuance of bonds or notes;
- i. In its own name, in the name of the New Jersey Transit Corporation or in the name of the State, to apply for and receive and accept appropriations or grants of property, money, services or reimbursements for money previously spent and other assistance offered or made available to it by or from any person, government agency, public authority or any public and private entity whatever for any lawful corporate purpose of the authority, including, without limitation, grants, appropriations or reimbursements from the State or federal government with respect to their respective shares under federal aid highway laws of the costs of planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways or the costs of planning, acquisition, engineering, construction, reconstruction, repair, permitted maintenance and rehabilitation of public transportation projects and other transportation projects in the State and the authority's operating expenses and to apply and negotiate for the same upon such terms and conditions as may be required by any person, government agency, authority or entity or as the authority may determine to be necessary, convenient or desirable;
- j. Subject to any agreement with the holders of bonds, notes or other obligations, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds, notes or other obligations, in obligations, securities and other investments as the authority shall deem prudent;
- k. Subject to any agreements with holders of bonds, notes or other obligations, to purchase bonds, notes or other obligations of the authority out of any funds or moneys of the authority available therefor, and to hold, cancel or resell the bonds, notes or other obligations;
- l. For its sole purpose as established in section 5 of this act, to appoint and employ an executive director and such additional officers, who need not be members of the authority and such other personnel and staff as it may require, at an annual expense not to exceed \$100,000.00, all without regard to the provisions of Title 11A of the New Jersey Statutes;
- m. To do and perform any acts and things authorized by the act under, through, or by means of its officers, agents or employees or by contract with any person, firm or corporation or any public body;
- n. To procure insurance against any losses in connection with its property, operations, assets or obligations in amounts and from insurers as it deems desirable;
- o. To make and enter into any and all contracts and agreements which the authority determines are necessary, incidental, convenient or desirable to the performance of its duties and the execution of its powers under the act; and
- p. To do any and all things necessary, convenient or desirable to carry out its purposes and exercise the powers given and granted in the act.

18. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read as follows:

C.27:1B-9 Issuance of bonds.

9. a. The authority shall have the power and is hereby authorized after November 15, 1984

and from time to time thereafter to issue its bonds, notes or other obligations in principal amounts as in the opinion of the authority shall be necessary to provide for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes, obligations or interest to be funded or refunded have or have not become due; and to provide for the security thereof and for the establishment or increase of reserves to secure or to pay the bonds, notes or other obligations or interest thereon and all other reserves and all costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers; and in addition to its bonds, notes and other obligations, the authority shall have the power to issue subordinated indebtedness, which shall be subordinate in lien to the lien of any or all of its bonds or notes. No resolution or other action of the authority providing for the issuance of bonds, refunding bonds, notes, or other obligations shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and the State Treasurer.

b. Except as may be otherwise expressly provided in the act or by the authority, every issue of bonds or notes shall be general obligations payable out of any revenues or funds of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The authority may provide the security and payment provisions for its bonds or notes as it may determine, including (without limiting the generality of the foregoing) bonds or notes as to which the principal and interest are payable from and secured by all or any portion of the revenues of and payments to the authority, and other moneys or funds as the authority shall determine. In addition, the authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including without limitation grants from the federal government for federal aid highways or public transportation systems, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the authority or appropriations, grants, reimbursements or other funds or revenues of the authority. The authority may also enter into bank loan agreements, lines of credit and other security agreements as authorized pursuant to subsection h. of section 6 of P.L.1984, c.73 (C.27:1B-6) and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the authority is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the authority or by any appropriation, grant or reimbursement to be received by the authority and other moneys or funds as the authority shall determine.

c. Whether or not the bonds and notes are of the form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of said Title 12A.

d. Bonds or notes of the authority shall be authorized by a resolution or resolutions of the authority and may be issued in one or more series and shall bear the date, or dates, mature at the time or times, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources, in the medium of payment, at the place or places within or without the State, and be subject to the terms of redemption (with or without premium) as the resolution or resolutions may provide. Bonds or notes may be further secured by a trust indenture between the authority and a corporate trustee within or without the State. All other obligations of the authority shall be authorized by resolution containing terms and conditions as the authority shall determine.

e. Bonds, notes or other obligations of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine, either on a negotiated or on a competitive basis. Every bond, or refunding bond, issued on or after the effective date of P.L.1995, c.108 (C.27:1B-25.1 et al.) shall mature and be paid no later than 21 years from the date of the issuance of that bond or refunding bond.

f. Bonds or notes may be issued and other obligations incurred under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by subsection a. of this section, and without any other proceedings or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

g. Bonds, notes and other obligations of the authority issued or incurred under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all bonds, notes and obligations, unless funded or refunded by bonds, notes or other obligations of the authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond, note or other obligation shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds, notes or other obligations. For the purposes of this subsection, political subdivision does not include the authority.

h. All expenses incurred in carrying out the provisions of the act shall be payable solely from the revenues or funds provided or to be provided under or pursuant to the provisions of the act and nothing in the act shall be construed to authorize the authority to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

i. The authority shall minimize debt incurrence by first relying on appropriations and other revenues available to the authority before incurring debt to meet its statutory purposes.

Commencing on the 90th day following the date of enactment of this 1995 amendatory and supplementary act, the authority shall not incur debt in any fiscal year in excess of \$650,000,000, except that if that permitted amount of debt, or any portion thereof, is not incurred in a fiscal year it may be incurred in a subsequent fiscal year. Any increase in this limitation shall only occur if so provided for by law.

j. Upon the decision by the authority to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the authority shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the authority relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the authority to issue and sell the refunding bonds at public or private sale and the reasons therefor.

k. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with subsection j. of this section. The committee shall approve or disapprove the sale of refunding bonds within 10 business days after physical receipt of the report. The committee shall notify the authority in writing of the approval or disapproval as expeditiously as possible.

l. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection k. of this section.

m. Within 30 days after the sale of the refunding bonds, the authority shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, and the actual amount of debt service savings to be realized as a result of the sale of refunding bonds.

n. The Joint Budget Oversight Committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the authority or to the Legislature, or both, as it deems appropriate.

19. Section 20 of P.L.1984, c.73 (C.27:1B-20) is amended to read as follows:

C.27:1B-20 Transportation Trust Fund Account.

20. There is hereby established in the General Fund an account entitled "Transportation Trust Fund Account." During the fiscal year beginning July 1, 1984 and during each succeeding fiscal year in which the authority has bonds, notes or other obligations outstanding, the treasurer shall credit to this account:

a. An amount equivalent to the revenue derived from \$0.09 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided in Article VIII, Section II, paragraph 4 of the State Constitution, provided, however, such amount during any fiscal year shall not be less than \$405,000,000;

b. (Deleted by amendment, P.L.2000, c.73).

c. An amount equivalent to moneys received by the State in accordance with contracts entered into with toll road authorities or other State agencies, provided that effective with the fiscal year beginning July 1, 1988 the amount so credited shall not be less than \$24,500,000.00 in any fiscal year.

The treasurer shall also credit to this account, in accordance with a contract between the treasurer and the authority, an amount equivalent to the sum of the revenues due from the increase of fees for motor vehicle registrations collected pursuant to the amendment to R.S.39:3-20 made by this act and from the increase in the tax on diesel fuels imposed pursuant to the amendment to R.S.54:39-27 made by this act and by P.L.1987, c.460, provided that the total amount credited during the fiscal year beginning July 1, 1984 shall not be less than \$20,000,000.00 and that the total amount credited during the fiscal year beginning July 1, 1985 and during every fiscal year thereafter shall not be less than \$30,000,000.00.

In addition to the amounts credited to the account by this section, commencing with the fiscal year beginning July 1, 1995 and every fiscal year thereafter, there shall be appropriated from the General Fund such additional amounts as are necessary to carry out the provisions of this act and beginning July 1, 2000 the fees collected pursuant to subsection a. of section 68 of P.L.1990, c.8 (C.17:33B-63) shall be credited to the account for the purposes of this act, provided, however, the amount credited from such fees during any fiscal year shall not be less than \$60,000,000.

d. After approval by the voters of the constitutional amendment proposed in Senate Committee Substitute for Senate Concurrent Resolution No. 1 of 2000 or Assembly Concurrent Resolution No. 116 of 2000, in addition to the amount credited in subsection a. of this section, beginning January 1 following approval by the voters an amount equivalent to the revenue derived from the tax imposed on the sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.), provided, however, such amount shall not be less than \$100,000,000 in the period January 1 through June 30 following approval by the voters and shall not be less than \$200,000,000 in any fiscal year thereafter and for the fiscal year commencing July 1, 2001 and for each fiscal year thereafter an amount equivalent to the revenue derived from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles, provided, however, that such amount shall not be less than \$80,000,000 for the fiscal year commencing July 1, 2001, not less than \$140,000,000 for the fiscal year commencing July 1, 2002, and not less than \$200,000,000 for the fiscal year commencing July 1, 2003 and for each fiscal year thereafter, as provided in Article VIII, Section II, paragraph 4 of the State Constitution.

No later than the fifth business day of the month following the month in which a credit has been made, the treasurer shall pay to the authority, for its purposes as provided herein, the amounts then credited to the Transportation Trust Fund Account, provided that the payments to the authority shall be subject to and dependent upon appropriations being made from time to time by the Legislature of the amounts thereof for the purposes of the act.

20. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to read as follows:

C.27:1B-21 Special Transportation Fund.

21. a. There is hereby established a separate fund entitled "Special Transportation Fund." This fund shall be maintained by the State Treasurer and may be held in depositories as may be

selected by the treasurer and invested and reinvested as other funds in the custody of the treasurer, in the manner provided by law. The commissioner may from time to time (but not more frequently than monthly) certify to the authority an amount necessary to fund payments made, or anticipated to be made by or on behalf of the department, from appropriations established for or made to the department from revenues or other funds of the authority. The commissioner's certification shall be deemed conclusive for purposes of the act. The authority shall, within 15 days of receipt of the certificate, transfer from available funds of the authority to the treasurer for deposit in the Special Transportation Fund the amount certified by the commissioner, provided that all funds transferred shall only be expended by the department by project pursuant to appropriations made from time to time by the Legislature for the purposes of the act.

b. The department shall not expend any money except as appropriated by law. Commencing with appropriations for the fiscal years beginning on July 1, 1988, the department shall not expend any funds except as are appropriated by specific projects identified by a description of the projects, the county or counties within which they are located, and amounts to be expended on each project, in the annual appropriations act.

c. No funds appropriated, authorized or expended pursuant to this act shall be used to finance the resurfacing of highways by department personnel, where that resurfacing would require the use of more than 100,000 tons of bituminous concrete for that purpose in any calendar year, except that the commissioner may waive this provision when he determines the existence of emergency conditions requiring the use of department personnel for the resurfacing of highways, after the department has effectively reached the 100,000 ton limit.

d. In order to provide the department with flexibility in administering the specific appropriations by project identified in the annual appropriations act, the commissioner may transfer a part of any item to any other item subject to the approval of the Director of the Division of Budget and Accounting and of the Joint Budget Oversight Committee or its successor. Upon approval of the director and the committee, the transfer shall take effect.

e. Any federal funds which become available to the State for transportation projects which have not been appropriated to the department in the annual appropriations act, shall be deemed appropriated to the department and may, subject to approval by the Joint Budget Oversight Committee and the State Treasurer, be expended for any purpose for which such funds are qualified.

f. There shall be no appropriations from the revenues and other funds of the authority for regular and routine maintenance of public highways and components thereof, or operational activities of the department unrelated to the implementation of, and indirect costs associated with, the capital program. The commissioner shall include in his annual budget request sufficient funding to effectuate the purposes of P.L.2000, c.73 (C.27:1B-21.14 et al.).

g. To the extent that salaries or overhead of the department or the New Jersey Transit Corporation are charged to transportation projects, each agency shall keep adequate and truthful personnel records, and time charts to adequately justify each such charge and shall make those records available to the external auditor to the authority.

h. The commissioner shall annually, on or before January 1 of each fiscal year, report to the Governor and the Legislature how much money was expended in the previous fiscal year for salaries and overhead of the department and the New Jersey Transit Corporation.

However, the amount expended from the revenues and other funds of the authority for salaries and overhead of the department and the New Jersey Transit Corporation for the fiscal years beginning July 1, 2001, July 1, 2002 and July 1, 2003 shall not exceed 13 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for those fiscal years.

21. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to read as follows:

C.27:1B-21.1 Annual funding maximums.

8. a. Commencing with the report of the commissioner, as may be amended, required to be submitted pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) on or before March 1, 2000

for the fiscal year commencing July 1, 2000 the amount reported by the commissioner for proposed projects to be financed shall not exceed \$900,000,000 and for the fiscal year beginning July 1, 2001 through the fiscal year beginning July 1, 2003 the annual amounts shall not exceed \$950,000,000, all amounts exclusive of federal funds.

b. For the fiscal year beginning on July 1, 2000, the total amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for the projects listed in the appropriations act pursuant to section 21 of P.L.1984, c.73 (C.27:1B-21) shall not exceed \$900,000,000 and for the fiscal year beginning July 1, 2001 through the fiscal year beginning July 1, 2003 the annual amounts shall not exceed \$950,000,000, all amounts exclusive of federal funds.

c. (Deleted by amendment, P.L.1991, c.40.)

d. (Deleted by amendment, P.L.1992, c.10).

e. The State Auditor shall provide for a unified annual audit of expenditures from the Special Transportation Fund, established by section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that these funds are expended for costs eligible for funding from the authority and in a manner consistent with appropriations made by the Legislature. The findings of such audits shall be transmitted to the presiding officer of each House of the Legislature, and to the Chair of the Senate Budget and Appropriations Committee, the Senate Transportation Committee, the Assembly Appropriations Committee, and the Assembly Transportation and Communications Committee or their successors.

f. The State Auditor shall review bond issuances of the authority and report to the Joint Budget Oversight Committee and to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, on the status of the bonds of the authority and projects financed from the proceeds of the bonds. The report shall include the investment status of all unexpended bond proceeds and provide a description of any bond issues expected during a fiscal year, including type of issue, estimated amount of bonds to be issued and the expected month of sale.

22.Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended to read as follows:

C.27:1B-22 Master plan; annual reports.

22. a. To the end that the transportation system of the State shall be planned in an orderly and efficient manner and that the Legislature shall be advised of the nature and extent of public highways, public transportation projects and other transportation projects contemplated to be financed under this act, the department shall submit a master plan, as provided in subsection (a) of section 5 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall be for a period of five years and shall be submitted to the Commission on Capital Budgeting and Planning, the Chairman of the Senate Transportation Committee and the Chairman of the Assembly Transportation and Communications Committee, or their successors, and the Legislative Budget and Finance Officer, and the metropolitan planning organizations, on or before March 1, 2001, and at five-year intervals thereafter. The master plan shall set the direction for the department's overall Capital Investment Strategy and subsequent annual Transportation Capital Programs submitted to the Legislature for approval pursuant to this section.

b. The Department of Transportation, in conjunction with the New Jersey Transit Corporation, shall prepare a "Capital Investment Strategy" for at least a five-year period which shall contain, at a minimum, a statement of the goals of the department and the corporation in major selected policy areas and the means by which the goals are to be attained during that period, using quantitative measures where appropriate. The Capital Investment Strategy may be updated and submitted no later than March 1 of each year. The Capital Investment Strategy shall provide for a multi-modal, intermodal, seamless and technologically advanced transportation system. It shall recommend investment for major program categories, set overall goals for investment in the State's infrastructure, and develop program targets and performance measures. It may rely on infrastructure management systems as developed by the department to assess bridge conditions, pavement conditions, bridge, traffic and pedestrian safety, traffic

congestion and public transit facilities. With respect to pavement conditions, the department shall set as a priority the utilization of efficient cost-effective materials and treatments as stated in section 9 of P.L.2000, c.73 (C.27:1B-21.22). In the event that there exist appropriate circumstances for the use of micro-surfacing and cold-in-place recycling, the department shall establish as a special priority the use of these materials and surface treatments. The goals of the Capital Investment Strategy shall include, but not be limited to, reduction of vehicular and pedestrian accidents, reduction in the backlog of projects, including one-half of the structurally deficient bridge repair projects and pavement deficiencies, and an increase in lane miles of bicycle paths, with a goal of constructing an additional 1,000 lane miles of bicycle paths in five years to reduce traffic congestion and for recreational uses. The construction of bicycle and pedestrian lanes, paths and facilities shall be subject to no stricter environmental requirements than are provided pursuant to federal law and regulations for such lanes, paths and facilities, notwithstanding the provisions to the contrary of State law and regulations, including State Executive Order No. 215 of 1989. With respect to the New Jersey Transit Corporation, the plan shall deal with the corporation's goals in the area of bus transportation and present a strategy and a preliminary timetable for the replacement of the current diesel bus fleet with a fleet of buses which have reduced emission of air pollutants. The corporation shall consider the feasibility of buses with improved pollution controls and that reduce particulate emissions and buses powered by fuel other than conventional diesel fuel, such as compressed natural gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles operated on ultra low sulfur fuel, vehicles operated on any other bus fuel approved by the United States Environmental Protection Agency, and the like. The corporation may consider as part of its strategy, cooperative efforts with bus manufacturers, and the solicitation of federal support, in developing a "clean bus" with air pollution controls superior to currently available technology. For the fiscal year beginning July 1, 2007 and each fiscal year thereafter, all buses purchased by the New Jersey Transit Corporation shall be buses with improved pollution controls and that reduce particulate emissions or buses powered by fuel other than conventional diesel fuel, such as compressed natural gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles operated on ultra low sulfur fuel, vehicles operated on any other bus fuel approved by the United States Environmental Protection Agency, and the like. In the event that the corporation is not able to meet the bus purchase requirements set forth in this section with respect to any fiscal year, prior to the commencement of the fiscal year the board of the corporation shall by resolution submit a report to the Legislature detailing its inability to meet the requirements and the reasons therefor and shall submit the report to the Senate and General Assembly when both houses are in session, including therein a request to be exempted from the bus purchase requirements of this section with regard to the fiscal year in question. The President of the Senate and the Speaker of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly. If a joint resolution approving the exemption is passed by the Legislature and signed by the Governor prior to the commencement of the fiscal year in question, the corporation shall be exempt from the requirements for that fiscal year.

The plan shall also detail the planned investment of capital funds for public transportation projects of companies other than the New Jersey Transit Corporation engaged in the business of providing motor bus transportation. The plan shall demonstrate that such investment adequately addresses the finding in section 2 of P.L.1979, c.150 (C.27:25-2) that in the provision of public transportation services it is desirable to encourage to the maximum extent feasible the participation of private enterprise.

c. On or before March 1 of each year, the commissioner shall submit a report of general project categories and proposed projects thereunder to be financed in the ensuing fiscal year, including therewith a description of the projects, the county or counties within which they are to be located, a distinction between State and local projects, and the amount estimated to be expended on each project. This report shall be known as the "Annual Transportation Capital Program" for the upcoming fiscal year. It shall include proposed projects of both the Department of Transportation and the New Jersey Transit Corporation. The program shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the program shall include an explanation which demonstrates how it is consistent with, and

reflective of, the goals and priorities.

d. On or before March 1 of each year, the commissioner shall also submit a "Transportation Trust Fund Authority Financial Plan" designed to implement the financing of the proposed projects. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the authority which the authority intends to issue, including the amounts thereof and the conditions therefor. The financial plan shall set forth a complete operating and financial statement covering the authority's proposed operations during the ensuing fiscal year, including amounts of income from all sources, including but not limited to the proceeds of bonds, notes or other obligations to be issued, as well as interest earned. In addition, the plan shall contain proposed amounts to be appropriated and expended, as well as amounts for which the department anticipates to obligate during the ensuing fiscal year for any future expenditures.

e. The Capital Investment Strategy, the Annual Transportation Capital Program, and the Transportation Trust Fund Authority Financial Plan shall be submitted to the Senate and General Assembly. Within 30 days of the receipt thereof, the Senate or the General Assembly may object in writing to the commissioner in regard to any project or projects in the Annual Transportation Capital Program it disapproves or which it is of the opinion should be modified or added to or any additional or alternative projects considered or in regard to any element of the financial plan. The commissioner shall consider the objections and recommendations and resubmit the report within 10 days, containing therein any modifications based upon the commissioner's consideration of the objections or recommendations.

C.27:1B-21.28 Use of debt service savings.

23. Any savings in the amount of debt service realized as a result of the sale of refunding bonds by the authority shall only be used to fund transportation projects.

C.27:1B-21.29 Additional funds.

24. In addition to those funds to be credited to the "Transportation Trust Fund Account" pursuant to section 20 of P.L.1984, c.73 (C.27:1B-20), the State Treasurer shall also credit to the account any and all additional funds which may now or hereafter be dedicated to transportation purposes by the State Constitution.

C.27:1B-21.30 Highway route construction, restriction.

25. No new State highway route shall be constructed using the revenues and other funds of the authority unless specifically authorized by joint resolution. Nothing in this section shall impair the commissioner's authority to modify, extend or widen existing State highway routes.

26. Section 4 of P.L.1984, c.73 (C.27:1B-4) is amended to read as follows:

C.27:1B-4 New Jersey Transportation Trust Fund Authority.

4. a. There is hereby established in the department a public body corporate and politic, with corporate succession, to be known as the "New Jersey Transportation Trust Fund Authority." For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is hereby allocated within the Department of Transportation, but notwithstanding said allocation, the authority shall be independent of any supervision or control by the department or by any board or officer thereof. The authority is hereby constituted as an instrumentality of the State, exercising public and essential governmental functions, no part of whose revenues shall accrue to the benefit of any individual, and the exercise by the authority of the powers conferred by the act shall be deemed and held to be an essential governmental function of the State.

b. The authority shall consist of seven members as follows: the commissioner and the State Treasurer, who shall be members ex officio, and five public members, three of whom shall be appointed by the Governor, with the advice and consent of the Senate, one of whom shall represent the interests of trade unions that work on the construction of public highways and the other shall represent the interests of owners of firms that are eligible to submit bids for the construction of public highways. The two remaining public members shall be appointed by the

Governor, one of whom upon recommendation of the President of the Senate and the other upon recommendation of the Speaker of the General Assembly. No more than four members of the authority shall be of the same political party. The public members appointed by the Governor shall serve a four-year term, except that the public member appointed by the Governor upon recommendation of the President of the Senate shall serve for a four-year term and the public member appointed upon recommendation of the Speaker of the General Assembly shall serve for a two-year term.

With respect to those public members first appointed by the Governor: the Senate shall advise and consent to the appointment of the member not appointed upon recommendation of the President and the Speaker within 30 days of the receipt thereof from the Governor, such appointment having been sent by the Governor to the Senate within 20 days following the effective date of this act; the President of the Senate and the Speaker of the General Assembly shall send their recommendations for public members to the Governor within 20 days following the effective date of this act. The Governor has an additional 10 days to accept or reject in writing these recommendations. With respect to the two additional public members to be appointed by the Governor pursuant to P.L.2000, c.73 (C.27:1B-21.14 et al.), the Senate shall advise and consent to the appointment of the members, such appointments having been sent by the Governor to the Senate within 20 days following the date of enactment of P.L.2000, c.73 (C.27:1B-21.14 et al.).

Each public member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. Each public member, except those appointed upon recommendation of the President of the Senate and the Speaker of the General Assembly, may be removed from office by the Governor, for cause, after public hearing, and may be suspended by the Governor pending the completion of such hearing. All members before entering upon their duties shall take and subscribe an oath to perform the duties of their office faithfully, impartially and justly to the best of their ability. A record of such oaths shall be filed in the Office of the Secretary of State.

d. The authority shall not be deemed to be constituted and shall not take action or adopt motions or resolutions until at least four authorized members shall have been appointed and qualified in the manner provided in this section. The commissioner shall serve as chairperson of the authority. Prior to the authority being constituted, the chairperson is authorized to transfer up to \$75 million to the department from the appropriations made to the authority for the fiscal year commencing July 1, 1984. The members shall annually elect one of their members as vice chairperson. The members shall elect a secretary and a treasurer, who need not be members, and the same person may be elected to serve both as secretary and treasurer. The powers of the authority shall be vested in the members thereof in office from time to time and four members of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least four members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no member shall be deemed to have forfeited nor shall the member forfeit the member's office or employment or any benefits or emoluments thereof by reason of the member's acceptance of the office of ex officio member of the authority or the member's services therein.

f. Each ex officio member may designate an employee of the member's department or agency to represent the member at meetings of the authority. All designees may lawfully vote and otherwise act on behalf of the member for whom they constitute the designee. The designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended in writing delivered to the authority.

g. A true copy of the minutes of every meeting of the authority shall be forthwith delivered

by and under the certification of the secretary thereof to the Governor. No action taken at the meeting by the authority shall have force or effect until 15 days after such copy of the minutes shall have been so delivered, unless during this 15-day period the Governor shall approve in writing the same or any part thereof, in which case the action shall become effective upon approval. If, in said 15-day period, the Governor returns a copy of the minutes with his veto of any action taken by the authority or any member thereof at the meeting, the action shall be null and void and of no effect. Notwithstanding the foregoing, if the last day of the 15-day period shall be a Saturday, Sunday or legal holiday, then the 15-day period shall be deemed extended to the next following business day. The powers conferred in this paragraph upon the Governor shall be exercised with due regard for the rights of the holders of bonds, notes or other obligations of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds, notes or other obligations or for the benefit, protection or security of the holders thereof.

h. The authority shall continue in existence until dissolved by act of the Legislature. However, any dissolution of this authority shall be on condition that the authority has no debts, contractual duties or obligations outstanding, or that provision has been made for the payment, discharge or retirement of these debts, contractual duties or obligations. Upon any dissolution of the authority, all property, rights, funds and assets thereof shall pass to and become vested in the State.

C.27:1B-21.31 Transportation Trust Fund Advisory Board.

27. a. There is hereby established a Transportation Trust Fund Advisory Board to be comprised of seven members. The Governor shall appoint three public members and the President of the Senate and the Speaker of the General Assembly shall each appoint one public member. The commissioner or the commissioner's designee and the State Treasurer or the State Treasurer's designee shall serve as ex officio members of the board. All of the public members shall have some experience in the field of transportation or finance. Each public member shall serve for a term of three years and shall serve until the member's successor is appointed and has qualified. Of the public members first appointed pursuant to this act, one member appointed by the Governor shall serve one year, two members so appointed shall serve two years, and the remainder of the public members shall serve three years. The Governor shall designate one of the public members to serve as chairperson of the board. The board shall meet a minimum of four times each year. The department shall provide staff to support the board.

b. The purpose of the Advisory Board shall be to review the department's long range capital planning, master plan and Capital Investment Strategy, including the overall program and to make recommendations to the Governor and the Legislature concerning the department's capital investment strategies and the continuation of the funding of the State's transportation system under the New Jersey Transportation Trust Fund Authority.

28. This act shall take effect immediately except that sections 18 and 19 shall take effect on July 1, 2000.

Approved July 20, 2000.

Office of the Governor
NEWS RELEASE

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RELEASE: July 20, 2000

**Governor Signs Transportation Trust Fund Bill Providing
\$3.75 Billion for Road and Transit Projects Through 2004**

Governor Christie Whitman today signed legislation to renew the Transportation Trust Fund and provide \$3.75 billion for road and mass transit projects during the next four years making roads safer, commutes easier and the State more livable-all without raising state taxes.

"Transportation projects benefiting New Jersey for decades to come will happen because of the bill I sign today," said Gov. Whitman during a tour of a major road construction project for Routes 21 and 46 nearing completion in Passaic County.

"Once again, we are investing New Jersey's prosperity dividend to ensure a bright future for our families," said the Governor. "We are adding another four years to the life of the Transportation Trust Fund without asking for the moon or making you pay more at the pump."

The legislation renews the Transportation Trust Fund creating a four-year program with annual spending authorizations of \$900 million for State Fiscal Year 2001 and \$950 million for State Fiscal Years 2002 through 2004. The legislation calls for the constitutional dedication of two sources of existing tax revenue to support the Trust Fund that must be approved by New Jersey voters in this November's election: one from the petroleum products receipts tax and one from sales tax revenue on new motor vehicles. The measure does not impose any new tax or increase any existing tax.

"With those dollars, we will fix those parts of our infrastructure that need repair," said Gov. Whitman. "We will strengthen our bridges. We will focus on decreasing highway accidents. We will carry out vital projects like the Route 21 freeway here in Passaic County. We will, as I promised, greatly increase bike paths throughout the state."

Gov. Whitman thanked the sponsors of the bill, S-16, for their leadership on this encompassing measure including: Senators Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union), Richard J. Codey (D-Essex) and Assemblymen Alex DeCroce (R-Essex/Morris/Passaic), Joseph V. Doria (D-Hudson), Francis L. Bodine (R-Atlantic/Burlington/Camden) and Richard A. Merkt (R-Morris).

"Smart growth means reducing congestion without paving over every inch of open land," said Gov. Whitman. "Smart growth means working with businesses to help reduce single-

occupancy car trips, and with community leaders to design highways appropriate for town centers."

The bill also creates a "Congestion Buster Task Force" to study highway traffic congestion in the State and to develop a commuter options plan that would address methods to cap vehicle trips during peak travel times at 1999 levels. The task force also would identify the top 10 projects that can be implemented quickly to relieve congestion and improve safety. Also, the legislation directs the NJ Commerce and Economic Growth Commission to prepare a report about identifying sectors of the economy that are appropriate for telecommuting.

"We know that a sturdy transportation network, especially in a corridor state like New Jersey, is crucial to a strong economy," the Governor noted. "This legislation serves our commitment to economic strength-building on efforts that have already added more than 420,000 jobs to the economy since 1994. But in addition to making New Jersey a better place in which to work, this bill will also make it a better place in which to live and raise a family."

The legislation includes a goal of constructing an additional 1,000 miles of bike lanes in five years. Also, the measure directs New Jersey Transit to present a strategy and preliminary timetable for the replacement of the current diesel bus fleet with buses that have reduced emissions.

Several other areas the legislation addresses include: providing incentives to encourage a reduction in single occupancy trips; planning for traffic in residential areas, town centers and future town centers; improving the safety or mitigating adverse impacts of large truck on State and local roads; and, establishing or expanding at least two park-and-ride facilities each year.

The Governor conditionally vetoed the bill on June 29, 2000 to amend the salary and overhead expenditure cap related to capital projects that would be imposed on the Department of Transportation and New Jersey Transit, and to delete a provision that could limit New Jersey Transit's ability to create reasonable and necessary competition with private bus carriers when initiating future State transportation projects. The State Senate concurred with the Governor's recommendations on June 29, 2000 and the State Assembly concurred on July 13, 2000.

"I'm proud that in renewing the Transportation Trust Fund, we will make our roads safer, our commutes easier, and our state more livable," said Gov. Whitman. "To rework a phrase from Neil Armstrong, this may be just one more step for our Trust Fund, but it's a giant leap for our state into the 21st century."

The Route 21 Freeway Project involves three phases along the Passaic River in Clifton and Passaic that costs nearly \$100 million, including \$44.5 million from the State Transportation Trust Fund and \$54.65 million from the federal Intermodal Surface Transportation Efficiency Act funds. Portions of the Route 21 and 46 freeway extensions,

upgrades and access ramps have already been completed with final work expected to end December 2000.