

27:1A-8 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:1A-8 et al

(Dept. of Transportation
organizational changes)

LAWS OF: 1984

CHAPTER: 162

Bill No: S1960

Sponsor(s): Hurley and others

Date Introduced: June 25, 1984

Committee: Assembly: /////

Senate: Transportation and Communications

Amended during passage: Yes Amendments during passage denoted
by asterisks

Date of Passage: Assembly: September 20, 1984

Senate: September 13, 1984

Date of Approval: October 10, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

Governor's Management Improvement Program, as mentioned in statements:

974.90 New Jersey Governor's Management Improvement Program
R424 Report on the short term study...Dec. 14, 1983.
1983s (See Tab 22)

10-10-84

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1960**STATE OF NEW JERSEY**

INTRODUCED JUNE 25, 1984

By Senators HURLEY, GAGLIANO, RAND, COWAN and
McMANIMON

Referred to Committee on Transportation and Communications

AN ACT concerning the organization of the Department of Transportation and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*1 1. Section 8 of P. L. 1966, c. 301 (C. 27:1A-8) is amended to
2 read as follows:3 8. (a) The commissioner shall be assisted in the performance of
4 his duties by **[two]** *three* assistant commissioners, an **[assistant]**
5 *Assistant* Commissioner for **[Highways, and]** *Transportation*
6 *Services and Planning*, an **[assistant]** *Assistant* Commissioner **[of**
7 *Public Transportation] *for Engineering and Operations and an*
8 *Assistant Commissioner for Finance and Administration*. Each
9 assistant commissioner shall be appointed by and shall serve at the
10 pleasure of the commissioner and until his successor has been
11 appointed and qualified.*12 (b) The **[assistant]** *Assistant* Commissioner for **[Highways]**
13 *Transportation Services and Planning* shall be a person qualified
14 by training and experience relating to **[highway transportation**
15 *and safety to perform the duties of his office]* *transportation*
16 *planning and the development of policy in the various modes of*
17 *transportation services in the State*.18 (c) The **[assistant]** *Assistant* Commissioner for **[Public Trans-**
19 *portation]* *Engineering and Operations* shall be a **[person]** *profes-*
20 *sional engineer* qualified by training and experience **[relating to**
21 *rail, bus or other mass or public transportation services to perform***EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted June 25, 1984.

**—Senate amendment adopted July 30, 1984.

22 the duties of his office which shall include supervision of an office of
 23 commuter services] *in the design, construction and maintenance of*
 24 *highways, bridges and other transportation facilities. He shall also*
 25 *serve as the State *Highway* Engineer.*

26 (d) *The Assistant Commissioner for Finance and Administration*
 27 *shall be a person qualified by training and experience relating to*
 28 *administration and financial control.*

29 [(d) Unless otherwise provided by law, each] (e) *Each* assistant
 30 commissioner shall receive such salary as may be established by the
 31 commissioner with the approval of the President of the Civil
 32 Service Commission, and the Director of the Division of Budget
 33 and Accounting, which salary shall be not in excess of comparable
 34 salaries established by P. L. 1969, c. 194 (C. 52:14-15.104).

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

3 10. (a) The commissioner shall appoint as assistants to the
 4 [director of engineering and operations—a] *Assistant Commis-*
 5 *sioner for Engineering and Operations—State Highway Engineer,*
 6 [three] *a Deputy State Highway Engineer and two chief engineers:*
 7 *for design[;] and for construction and maintenance[;] transporta-*
 8 *tion operations and local aid], respectively. [Each] The Deputy*
 9 *State Highway Engineer and each chief engineer shall serve at the*
 10 *pleasure of the commissioner and until his successor has been*
 11 *appointed and qualified.*

12 (b) The qualifications for the *Deputy State Highway Engineer*
 13 *and the chief engineers shall be the same as those prescribed for*
 14 *the [director of engineering and operations] Assistant Commis-*
 15 *sioner for Engineering and Operations State Highway Engineer[,*
 16 *except that the chief engineer, transportation operations and local*
 17 *aid shall be also qualified by training and experience in traffic*
 18 *engineering to perform the duties of his office].*

19 (c) *The Deputy State Highway Engineer and the chief engineers*
 20 *shall receive such salary[, unless otherwise provided by law,] as*
 21 *established by the commissioner with the approval of the President*
 22 *of the Civil Service Commission and the Director of the Division of*
 23 *Budget and Accounting, which salary shall be not in excess of*
 24 *comparable salaries established by P. L. 1969, c. 194 (C.*
 25 *52:14-15.104).*

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

3 12. To assist the commissioner in the performance of his duties,
 4 the commissioner may appoint a deputy commissioner *who shall also*
 5 *serve as executive director. The deputy commissioner shall serve*

6 at the pleasure of the commissioner ***and until his successor has*
 7 *been appointed and qualified*** and shall have such powers and
 7A duties as may be delegated to him by the commissioner from
 8 time to time. The deputy commissioner shall receive such salary
 9 as may be established by the commissioner with the approval of the
 10 President of the Civil Service Commission and the Director of the
 11 Division of Budget and Accounting.

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

3 13. (a) The commissioner shall be assisted in the performance
 4 of his duties relating to transportation planning and research by a
 5 Director of Planning and Research who shall be appointed by the
 6 commissioner and serve at his pleasure.

7 The Director of Planning and Research shall be [a professional
 8 engineer] qualified by training and experience to perform the duties
 9 of his office, and shall receive such salary as may be established by
 10 the commissioner with the approval of the Director of the Division
 11 of Budget and Accounting subject to the availability of funds.

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

22 (c) *The commissioner shall be assisted in the performance of his*
 23 *duties relating to coordinating the various modes of transportation*
 24 *and maximizing resources for the movement of people and goods*
 25 *by a Director of Modal Transportation Services who shall be*
 26 *appointed by the commissioner and serve at his pleasure. The*
 27 *Director of Modal Transportation Services shall be qualified by*
 28 *training and experience to perform the duties of his office and shall*
 29 *receive such salary as may be established by the commissioner with*
 30 *the approval of the President of the Civil Service Commission and*
 31 *the Director of the Division of Budget and Accounting, subject to*
 32 *the availability of funds.*

33 (d) *The commissioner shall be assisted in the performance of his*
 34 *duties relating to the promotion and regulation of aeronautics by a*
 35 *Director of Aeronautics who shall be appointed by the commissioner*
 36 *and serve at his pleasure. The Director of Aeronautics shall be*

37 *qualified by training and experience to perform the duties of his*
38 *office and shall receive such salary as may be established by the*
39 *commissioner with the approval of the President of the Civil*
40 *Service Commission and the Director of the Division of Budget*
41 *and Accounting, subject to the availability of funds.*

42 *(e) The commissioner shall be assisted in the performance of his*
43 *duties relating to the regulatory responsibilities over rail, motor-*
44 *bus, and limousine operations by a Director of Regulatory Affairs*
45 *who shall be appointed by the commissioner and serve at his*
46 *pleasure. The Director of Regulatory Affairs shall be qualified by*
47 *training and experience to perform the duties of his office and*
48 *shall receive such salary as may be established by the commissioner*
49 *with the approval of the President of the Civil Service Commission*
50 *and the Director of the Division of Budget and Accounting, subject*
51 *to the availability of funds.*

52 *(f) The commissioner shall be assisted in the performance of his*
53 *duties relating to policy analysis and governmental affairs by a*
54 *Director of Policy Analysis and Governmental Affairs who shall be*
55 *appointed by the commissioner and serve at his pleasure. The*
56 *Director of Policy Analysis and Governmental Affairs shall be*
57 *qualified by training and experience to perform the duties of his*
58 *office and shall receive such salary as may be established by the*
59 *commissioner with the approval of the President of the Civil*
60 *Service Commission and the Director of the Division of Budget*
61 *and Accounting, subject to the availability of funds.*

62 *(g) The commissioner shall be assisted in the performance of his*
63 *duties relating to the promotion, coordination, and development of*
64 *waterborne transportation by a Director of Waterborne Transpor-*
65 *tation who shall be appointed by the commissioner and serve at his*
66 *pleasure. The Director of Waterborne Transportation shall be*
67 *qualified by training and experience to perform the duties of his*
68 *office and shall receive such salary as may be established by the*
69 *commissioner with the approval of the President of the Civil*
70 *Service Commission and the Director of the Division of Budget*
71 *and Accounting, subject to the availability of funds.*

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

3 14. In the event that the *deputy commissioner*, **[assistant]**
4 *Assistant Commissioner for* **[Highways]** *Transportation Services*
5 *and Planning*, the **[assistant]** *Assistant Commissioner for* **[Public**
6 *Transportation, the Director of Engineering and Operations]
7 *Engineering and Operations, the Assistant Commissioner for*
8 *Finance and Administration, the Director of Transportation**

9 Planning and Research, the *deputy* executive director, the *Director*
10 *of Modal Transportation Services*, the *Director of Aeronautics*, the
11 *Director of Regulatory Affairs*, the *Director of Policy Analysis and*
12 *Governmental Affairs*, the *Director of Waterborne Transportation**,
13 *the Deputy State Highway Engineer** or the chief engineers are
14 appointed from persons holding positions in the classified service
15 of the State, they shall retain, during their tenure in such positions,
16 any rights or protection provided them by Title 11, Civil Service, of
17 the Revised Statutes or any pension law or retirement system.

1 6. The following are repealed:

2 R. S. 6:1-3 through R. S. 6:1-8, inclusive, R. S. 6:1-10, R. S.
3 27:1-1 through R. S. 27:1-20, inclusive, sections 3 through 9 of
4 P. L. 1938, c. 48 (C. 6:1-22 through 6:1-28), sections 8 through 10
5 of P. L. 1948, c. 91 (C. 27:1-16.1, 27:1-1.1 and 27:1-1.2), sections
6 1 and 2 of P. L. 1953, c. 167 (C. 27:1-16.2 and 27:1-16.3), P. L. 1959,
7 c. 14 (C. 27:24-1 et seq.) and section 9 of P. L. 1966, c. 301
8 (C 27:1A-9).

1 7. This act shall take effect immediately.

10 *of Modal Transportation Services, the Director of Aeronautics, the*
 11 *Director of Regulatory Affairs, the Director of Policy Analysis and*
 12 *Governmental Affairs, the Director of Waterborne Transportation*
 13 or the chief engineers are appointed from persons holding positions
 14 in the classified service of the State, they shall retain, during their
 15 tenure in such positions, any rights or protection provided them
 16 by Title 11, Civil Service, of the Revised Statutes or any pension
 17 law or retirement system.

1 6. The following are repealed:

2 R. S. 6:1-3 through R. S. 6:1-8, inclusive, R. S. 6:1-10, R. S.
 3 27:1-1 through R. S. 27:1-20, inclusive, sections 3 through 9 of
 4 P. L. 1938, c. 48 (C. 6:1-22 through 6:1-28), sections 8 through 10
 5 of P. L. 1948, c. 91 (C. 27:1-16.1, 27:1-1.1 and 27:1-1.2), sections
 6 1 and 2 of P. L. 1953, c. 167 (C. 27:1-16.2 and 27:1-16.3), P. L. 1959,
 7 c. 14 (C. 27:24-1 et seq.) and section 9 of P. L. 1966, c. 301
 8 (C 27:1A-9).

1 7. This act shall take effect immediately.

STATEMENT

This bill would enact into law a number of organizational changes in the Department of Transportation which were made during an internal reorganization in 1981 or proposed based on the work of the Governor's Management Improvement Program in 1983.

The main change is the replacement of the positions of Assistant Commissioner for Highways and Assistant Commissioner for Public Transportation with the positions of Assistant Commissioner for Engineering and Operations, Assistant Commissioner for Transportation Services and Planning, and Assistant Commissioner for Finance and Administration. Under the new system, the Assistant Commissioner for Engineering and Operations is responsible for engineering and operations and other matters. The Assistant Commissioner for Transportation Services and Planning is responsible for planning and research, regulatory affairs, public affairs, civil rights, policy and program development for the various transportation modes and other duties. The Assistant Commissioner for Finance and Administration is responsible for finance, personnel and other administrative matters. This functional organization plan promotes a coordinated and multi-modal approach to transportation programs.

This bill would make certain other minor changes in statutory organization. The position of Chief Engineer for Transportation Operations and Local Aid would be eliminated, following a recom-

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mendation by the Governor's Management Improvement Program that the functions in that unit should be dispersed among other units. A new position of Director of Modal Transportation Services is created to improve coordination among existing transportation services units. A number of existing positions would be given statutory authorization. These are the Deputy State Highway Engineer, Director of Regulatory Affairs, and Director of Policy Analysis and Governmental Affairs. In addition, the requirement that the Director of Planning and Research be a professional engineer is eliminated as being unduly restrictive and the position of Director of Waterborne Transportation is established to assist the commissioner in the promotion, coordination and development of waterborne transportation.

Finally, the bill would repeal a number of sections of obsolete law concerning the organization of the department. All of chapter 1 of Title 27 would be repealed. This chapter was superseded by the Transportation Act of 1966, P. L. 1966, c. 301 (C. 27:1A-1 et seq.) but was never explicitly repealed. All of P. L. 1959, c. 14 (C. 27:24-1 et seq.) would also be repealed. This law, which established a Division of Railroad Transportation, ceased to be effective in 1970 under a "sunset clause," but was never explicitly repealed. Finally, a number of sections in Title 6, Aviation, would be repealed. These sections, which concern the organization and functions of the State Aviation Commission and Director of Aviation, are obsolete. Under section 3 of P. L. 1966, c. 301 (C. 27:1A-3), all aviation functions were made an integral part of the Department of Transportation.

CORRECTED COPY

**SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE**

STATEMENT TO

SENATE, No. 1960

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1984

The purpose of this bill is to put into statutory form organizational changes made in the Department of Transportation by administrative action in 1981. Questions have arisen as to whether this action was ultra vires. In addition, the bill embodies changes based on the Governor's Management Improvement Program in 1983.

The principal changes are the elimination of the positions of Assistant Commissioner for Highways and Assistant Commissioner of Public Transportation and the creation of an Assistant Commissioner for Transportation Services and Planning and an Assistant Commissioner for Engineering and Operations. The latter shall also serve as the State Highway Engineer. In addition, an Assistant Commissioner for Finance and Administration is created.

The bill also creates or provides for other positions: the Deputy State Highway Engineer, the Director of Modal Transportation Services, the Director of Aeronautics, the Director of Regulatory Affairs, the Director of Policy Analysis and Governmental Affairs, and the Director of Waterborne Transportation.

Finally, the bill would repeal a number of sections of obsolete law concerning the organization of the department.

Amendments approved by the committee are technical in nature.