

ASSEMBLY, No. 3539

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Authorizes DOT to contract for certain services, equipment, and materials without participation from or approval by Department of Treasury.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the procurement of winter operation services,
 2 snow fighting equipment and maintenance equipment, and
 3 materials, amending P.L.1966, c.301, and supplementing Title 52
 4 of the Revised Statutes.

5
 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 7 *of New Jersey:*

8
 9 1. Section 5 of P.L.1966, c.301 (C.27:1A-5) is amended to read
 10 as follows:

11 5. The commissioner, as head of the department, shall have all
 12 of the functions, powers and duties heretofore vested in the State
 13 Highway Commissioner and shall, in addition to the functions,
 14 powers and duties vested in **【him】** the commissioner by this act or
 15 by any other law:

16 (a) Develop and maintain a comprehensive master plan for all
 17 modes of transportation development, with special emphasis on
 18 public transportation. Such plan shall be revised and updated at
 19 least every five years;

20 (b) Develop and promote programs to foster efficient and
 21 economical transportation services in the State;

22 (c) Prepare plans for the preservation, improvement and
 23 expansion of the public transportation system, with special
 24 emphasis on the coordination of transit modes and the use of rail
 25 rights of way, highways and public streets for public transportation
 26 purposes;

27 (d) Enter into contracts with the New Jersey Transit Corporation
 28 for the provision and improvement of public transportation services;

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

31 (f) Cooperate with interstate commissions and authorities, State
 32 departments, councils, commissions and other State agencies, with
 33 appropriate federal agencies, and with interested private individuals
 34 and organizations in the coordination of plans and policies for the
 35 development of air commerce and air facilities;

36 (g) Make an annual report to the Governor and the Legislature
 37 on the department's operations, and render such other reports as the
 38 Governor shall from time to time request or as may be required by
 39 law;

40 (h) Promulgate regulations providing for the charging of and
 41 setting the amount of fees for certain services performed by and
 42 permits issued by the department, including but not limited to the
 43 following:

44 (1) Providing copies of documents prepared by or in the custody
 45 of the department;

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 underlined thus is new matter.

- 1 (2) Aeronautics permits;
- 2 (3) Right-of-way permits;
- 3 (4) Traffic signal control systems;
- 4 (i) Develop and promote programs for the preservation,
- 5 improvement and expansion of freight railroads, with special
- 6 emphasis on the use of rail rights of way for the purpose of
- 7 providing rail freight service;
- 8 (j) Develop and promote a program to ensure the safety and
- 9 continued operation of aviation facilities in New Jersey;
- 10 (k) Enter into agreements with a public or private entity or
- 11 consortia thereof to provide for the development of demonstration
- 12 projects through the use of public-private partnerships pursuant to
- 13 sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through
- 14 C.27:1D-9);
- 15 (l) Do any and all things necessary, convenient or desirable to
- 16 effectuate the purposes of P.L.1966, c.301 (C.27:1A-1 et seq.) and
- 17 to exercise the powers given and granted in that act;
- 18 (m) Enter into agreements or contracts with a private entity and
- 19 charge and collect fees or other payments for the placement of
- 20 sponsorship acknowledgment and advertising on signs, equipment,
- 21 materials, and vehicles used for a safety service patrol or emergency
- 22 service patrol program operated by the department, or operated by a
- 23 private entity under contract with the department or through the use
- 24 of a public-private partnership or demonstration project; **[and]**
- 25 (n) Acquire by eminent domain, pursuant to the eminent domain
- 26 law and R.S.27:7-22, any property, property rights, or property
- 27 interests, including easements, air rights, below-grade and
- 28 subsurface rights, hereinafter referred to as "Property Interests,"
- 29 including rights on property now or previously designated as
- 30 parkland or dedicated to a public use, provided that such Property
- 31 Interests are located in the State and, in the judgment of the
- 32 commissioner, are necessary or appropriate for the construction,
- 33 reconstruction, development, redevelopment, use, occupancy,
- 34 operation, and maintenance of passenger rail transportation
- 35 facilities and ancillary facilities between New Jersey and New York
- 36 Penn Station, in a corridor beginning at or near Newark Penn
- 37 Station and ending at the boundary of the State of New Jersey in the
- 38 Hudson River. Property Interests may be acquired pursuant to this
- 39 subsection notwithstanding any requirement in R.S.27:7-36 or any
- 40 other provision of law, general, special, charter, or local, and
- 41 regardless of whether the Property Interests are or were dedicated to
- 42 public use. All of such Property Interests may be acquired by the
- 43 commissioner pursuant to applicable provisions of the eminent
- 44 domain law and R.S.27:7-22, provided that any acquisition of
- 45 Property Interests pursuant to this subsection shall be contingent on
- 46 the commissioner entering into an agreement addressing such
- 47 acquisition with the Gateway Development Commission, approved
- 48 in accordance with that entity's authorizing statute, and the Gateway

1 Development Commission shall agree to pay the costs incurred by
2 the commissioner in acquiring such Property Interests pursuant to
3 the eminent domain law. Notwithstanding any other provision of
4 law, general, special, charter, or local, following acquisition, the
5 commissioner may use such property together with property already
6 owned or held, to: enter into contracts to sell, transfer, lease, or
7 exchange with, or grant easements, licenses, permits, concessions,
8 or other authorizations to, the Gateway Development Commission
9 sufficient to permit the construction, reconstruction, development,
10 redevelopment, use, occupancy, operation, and maintenance by the
11 Gateway Development Commission or its permittees and
12 successors, of the aforementioned passenger rail facilities and
13 ancillary facilities. Authorization is hereby given to the
14 commissioner to do all things necessary or appropriate to carry out
15 the purposes of this subsection; and

16 (o) Enter into contracts without participation from or approval
17 by the Department of the Treasury or any other State department,
18 division, agency, commission, or authority for the procurement of:
19 (1) winter operation services, including, but not limited to,
20 snowplowing, spreading, and winter towing services; (2) snow
21 fighting equipment and maintenance equipment, including, but not
22 limited to, plowing equipment, spreading equipment, and vehicles;
23 and (3) materials, including, but not limited to, salt, slurry mix, and
24 calcium chloride; provided that the procurement contract shall
25 otherwise comply with the provisions of State contracting law
26 provided pursuant to Title 52 of the Revised Statutes.

27 (cf: P.L.2019, c.195, s.27)

28

29 2. (New section) The Commissioner of Transportation may
30 enter into contracts for the procurement of winter operation
31 services, snow fighting equipment and maintenance equipment, and
32 materials without participation from or approval by the Department
33 of the Treasury or any other State department, division, agency,
34 commission, or authority as provided in subsection (o) of section 5
35 of P.L.1966, c.301 (C.27:1A-5); provided that the awarded
36 contracts shall be extended to the Department of Transportation's
37 cooperative purchasing partners, to include, but not be limited to,
38 quasi-State agencies, counties, and municipalities, and provided that
39 the procurement contract shall otherwise comply with the
40 provisions of State contracting law provided pursuant to this Title.

41

42 3. This act shall take effect immediately.

43

44

45 STATEMENT

46

47 This bill authorizes the Commissioner of Transportation
48 (commissioner) to enter into contracts for the procurement of winter

1 operation services, snow fighting equipment and maintenance
2 equipment, and materials without participation from or approval by
3 the Department of the Treasury or any other State department,
4 division, agency, commission, or authority. However, a contract
5 entered into by the commissioner for the procurement of these
6 services, equipment, or materials is required to otherwise comply
7 with the provisions of State contracting law and the awarded
8 contracts are to extend to the Department of Transportation's
9 cooperative purchasing partners.