

SENATE, No. 2664

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

Permits DOT commissioner to augment engineering staff with outside contractors and adjust permit fees based on staff augmentation costs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning Department of Transportation staff
2 augmentation and permit fees, amending P.L.1966, c.301, and
3 supplementing Title 27 of the Revised Statutes.

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

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

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

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

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

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

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

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

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

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

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

42 (1) Providing copies of documents prepared by or in the custody
43 of the department;

44 (2) Aeronautics permits;

45 (3) Right-of-way permits;

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 (4) Traffic signal control systems;

2 (i) Develop and promote programs for the preservation,
3 improvement and expansion of freight railroads, with special
4 emphasis on the use of rail rights of way for the purpose of
5 providing rail freight service;

6 (j) Develop and promote a program to ensure the safety and
7 continued operation of aviation facilities in New Jersey;

8 (k) Enter into agreements with a public or private entity or
9 consortia thereof to provide for the development of demonstration
10 projects through the use of public-private partnerships pursuant to
11 sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through
12 C.27:1D-9);

13 (l) Do any and all things necessary, convenient or desirable to
14 effectuate the purposes of P.L.1966, c.301 (C.27:1A-1 et seq.) and
15 to exercise the powers given and granted in that act;

16 (m) Enter into agreements or contracts with a private entity and
17 charge and collect fees or other payments for the placement of
18 sponsorship acknowledgment and advertising on signs, equipment,
19 materials, and vehicles used for a safety service patrol or emergency
20 service patrol program operated by the department, or operated by a
21 private entity under contract with the department or through the use
22 of a public-private partnership or demonstration project; **and**

23 (n) Acquire by eminent domain, pursuant to the eminent domain
24 law and R.S.27:7-22, any property, property rights, or property
25 interests, including easements, air rights, below-grade and
26 subsurface rights, hereinafter referred to as "Property Interests,"
27 including rights on property now or previously designated as
28 parkland or dedicated to a public use, provided that such Property
29 Interests are located in the State and, in the judgment of the
30 commissioner, are necessary or appropriate for the construction,
31 reconstruction, development, redevelopment, use, occupancy,
32 operation, and maintenance of passenger rail transportation
33 facilities and ancillary facilities between New Jersey and New York
34 Penn Station, in a corridor beginning at or near Newark Penn
35 Station and ending at the boundary of the State of New Jersey in the
36 Hudson River. Property Interests may be acquired pursuant to this
37 subsection notwithstanding any requirement in R.S.27:7-36 or any
38 other provision of law, general, special, charter, or local, and
39 regardless of whether the Property Interests are or were dedicated to
40 public use. All of such Property Interests may be acquired by the
41 commissioner pursuant to applicable provisions of the eminent
42 domain law and R.S.27:7-22, provided that any acquisition of
43 Property Interests pursuant to this subsection shall be contingent on
44 the commissioner entering into an agreement addressing such
45 acquisition with the Gateway Development Commission, approved
46 in accordance with that entity's authorizing statute, and the Gateway
47 Development Commission shall agree to pay the costs incurred by

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

15 (o) Enter into contracts with outside engineering firms for
16 augmentation of the department's engineering staff to accelerate the
17 review of permit applications and administer permit fees as
18 provided in section 2 of P.L. , c. (C.) (pending before the
19 Legislature as this bill).

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

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22 2. (New section) a. The Commissioner of Transportation shall
23 ensure timely and efficient review of and decisions on permits
24 issued by the department.

25 b. When internal Department of Transportation staff are not
26 capable of reviewing and issuing decisions on all permit
27 applications that are before the department in a timely fashion, the
28 commissioner may contract with outside engineering firms to
29 augment department engineering staff capacity.

30 c. If the cost of augmenting the department's engineering staff
31 exceeds the revenue generated from permit fees for the work
32 performed by the augmented staff, and this staff augmentation
33 results in faster and more timely review of permits, then the
34 department may administer a separate and additional permit fee for
35 the permit applications that utilize augmented staff, in an amount
36 not to exceed the increase in cost faced by the department to utilize
37 staff augmentation instead of existing staff. If an applicant chooses
38 to pay the staff augmentation permit fee, then the applicant's
39 application shall be reviewed by augmented engineering staff and
40 the commissioner shall ensure that the permit review and decision
41 are completed expeditiously. If an applicant does not pay the
42 separate and additional permit fee, then the applicant's application
43 shall be reviewed by department staff in the order that internal
44 department staff are able to review the permit.

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46 3. This act shall take effect immediately.

STATEMENT

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This bill permits the Commissioner of Transportation (commissioner) to contract with outside engineering firms to augment Department of Transportation (department) engineering staff capacity to accelerate the review of department permits.

The bill requires the commissioner to ensure speedy and efficient review and decisions on department permit applications. When the department is unable to review and issue decisions on permits in a timely fashion, the commissioner is authorized to utilize staff augmentation.

The bill allows the department to administer a new staff augmentation fee for permit applications when: (1) the cost of staff augmentation exceeds the revenue from permit fees for work performed by the augmented staff; and (2) utilization of staff augmentation results in faster and more timely permit review and decisions for applicants. The staff augmentation fee is limited to the increase in cost for the department to utilize augmented staff instead of internal staff. The bill also allows an applicant to choose whether or not to pay the staff augmentation fee. Those applicants who pay the fee will have their permit application reviewed by augmented staff and the decision will be expedited. Those who do not pay the fee will have their permits reviewed by internal staff in the order that internal department staff are able to conduct the reviews.