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REORGANIZATION PLAN

(1133)

REORGANIZATION PLAN DEPARTMENT OF TRANSPORTATION

NOTICE OF A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION

Take notice that on February 18, 1988 Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 001-1988) to provide for increased efficiency, coordination and functioning of the Department of Transportation.

General Statement of Purpose

Pursuant to its present statutory authority, it is the duty of the Department of Transportation, among other responsibilities, to solve or assist in the solution of the problems of all modes of transportation; to construct needed transportation systems; to promote an efficient, fully integrated and balanced transportation system for the State; to prepare and implement comprehensive plans and programs for all modes of transportation development in the State; and to coordinate the transportation activities of State agencies, State-created public authorities, and other public agencies with transportation responsibilities within the State.

The Department of Transportation recently contracted with a nationally respected and recognized consultant to conduct an organizational review of the Department, and to suggest ways to more efficiently carry out the Department's role. The conclusions of this analysis are the basis for the reorganization of the Department provided for herein.

Currently, the Commissioner is assisted by a Deputy Commissioner (who also serves as Executive Director), and three Assistant Commissioners; one for Transportation Services and Planning, one for Engineering and Operations (who also serves as State Highway Engineer), and one for Finance and Administration. This Reorganization Plan renames the Assistant Commissioner for Transportation Services and Planning as the Assistant Commissioner for Policy and Planning; abolishes the position of Assistant Commissioner for Engineering and Operations (State Highway Engineer), and creates in its place two Assistant Commissioner positions to more accurately reflect the functions of those positions: one for Design and

Right of Way; and one for Construction and Maintenance. The existing position of Assistant Commissioner for Finance and Administration is retained without change under this Plan. Additionally, although not a part of this Reorganization Plan it is the Commissioner's intention to implement changes simultaneously with the adoption of this Plan which further provide for the consolidation and coordination of certain functions which currently exist in the Department utilizing the Commissioner's existing statutory authority to organize the Department pursuant to section 6 of P.L. 1966, c. 301 (C. 27:1A-6).

In accordance with the provisions of the "Executive Reorganization Act of 1969," P.L. 1969, c. 203 (C. 52:14C-1 et seq.), I find with respect to each proposed reorganization included in this Plan that each is necessary to accomplish the purposes set forth in section 2 of that Act and will do the following:

1. Promote the better and more efficient execution of the law by coordinating and consolidating functions of the Department in a more consistent and practical way according to major purposes;
2. Promote the expeditious administration of the public business by coordinating and consolidating functions of the Department in accordance with a strategic plan designed to increase departmental efficiency;
3. Eliminate some overlapping and duplication within the Department by consolidating and reallocating certain functions and responsibilities and thereby better utilizing the resources of the Department.

The provisions of the Reorganization Plan are as follows:

I. 1.a. An Office of the Commissioner is hereby created, consisting of the Commissioner of Transportation, a Chief of Staff, an Inspector General, a Director of Communications, a Legislative Liaison, and such other staff members as the Commissioner may deem necessary.

1.b. The position of Chief of Staff is hereby formally established. The Chief of Staff shall assist the Commissioner in coordinating the day to day functions of the various areas of the department under the supervision of the Deputy and Assistant Commissioners, and shall have such other responsibilities as may from time to time be delegated by the Commissioner. The Chief of Staff shall be appointed by and shall serve at the pleasure of the Commissioner.

1.c. The position of Inspector General is hereby formally established. The Inspector General shall be responsible for internal auditing, investigation and security matters, and for such other responsibilities as may from time to time be delegated by the Commissioner. The Inspector General shall be appointed by and shall serve at the pleasure of the Commissioner.

1.d. The position of Director of Communications is hereby formally established. The Director of Communications shall be responsible for internal and public communications, and for such other responsibilities as may from time to time be delegated by the Commissioner. The Director of Communications shall be appointed by and shall serve at the pleasure of the Commissioner.

1.e. The position of Legislative Liaison is hereby formally established. The Legislative Liaison shall be responsible for interacting with the Legislature as prescribed by the Commissioner, and for such other responsibilities as may from time to time be delegated by the Commissioner. The Legislative Liaison shall be appointed by and shall serve at the pleasure of the Commissioner.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will assist the Department in enhancing and improving cost controls which will foster the more economical operation of the Department, and will also assist the Commissioner in more efficiently managing the Department and its various divisions, promote the better execution of the laws, and further the expeditious administration of the public business. The Chief of Staff will assist the Commissioner in the more efficient operation of the Department through coordinating the day-to-day management functions between and among the Deputy and Assistant Commissioners. The Inspector General will assist the Commissioner in the more economical and efficient operation of the Department through functioning as an internal auditor of all divisions and offices of the Department. The Director of Communications will assist in the expeditious administration of the public business by coordinating, for the Commissioner, all internal and public communications. The Legislative Liaison will promote the better and more efficient operation of the Department, and execution of the laws, through coordinating the necessary interrelationships between the Department and the Legislature.

II. 1.a. The position of Deputy Commissioner created pursuant to section 12 of P.L. 1966, c. 301 (C. 27:1A-12), together with all its functions, powers and duties, is continued. The Commissioner may

appoint such additional Deputy Commissioners if the workload of the Department so requires, in order to more efficiently conduct the public business. The Deputy Commissioner(s) shall be appointed by and shall serve at the pleasure of the Commissioner. The responsibilities of Executive Director conferred upon the Deputy Commissioner by C. 27:1A-12 are hereby abolished.

1.b. The position of Deputy Executive Director created pursuant to section 13(b) of P.L. 1966, c. 301 (C. 27:1A-13(b)), and all of its functions, powers, and duties, is hereby abolished.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote the expeditious administration of the public business and provide for increased agency efficiency by clarifying that a Deputy Commissioner shall serve as a deputy to the Commissioner, without any ambiguity as to the nature of any additional responsibilities which might concurrently be vested in the title of an Executive Director. The elimination of the Deputy Executive Director is desirable in conformance with elimination of the responsibility of Executive Director, and will serve to promote more streamlined administration and departmental efficiency through clarification of responsibilities and the elimination of unnecessary titles.

III. 1.a. The position of Assistant Commissioner for Transportation Services and Planning created pursuant to section 8(a) and (b) of P.L. 1966, c. 301 (C. 27:1A-8(a) and (b)), is hereby renamed as Assistant Commissioner for Policy and Planning. All of the qualifications for the Assistant Commissioner for Transportation Services and Planning established by C. 27:1A-8(b) continue as qualifications for the Assistant Commissioner for Policy and Planning.

1.b. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Assistant Commissioner for Transportation Services and Planning, the same should mean and refer to the Assistant Commissioner for Policy and Planning.

I find that this reorganization is necessary to accomplish the purposes set forth in sections 2 and 5 of P.L. 1969, c. 203. Specifically, this reorganization will more accurately reflect the functions and responsibilities of this particular Assistant Commissioner, will enhance public understanding of those functions and responsibilities, and hence will aid in the administration of the Department.

IV. 1.a. The position of and the qualifications for Assistant Commissioner for Engineering and Operations created pursuant to C. 27:1A-8(a) and (c), respectively, are hereby abolished. In its place, two Assistant Commissioner positions shall be established: one for Design and Right of Way; and one for Construction and Maintenance.

1.b. There is hereby created an Assistant Commissioner for Design and Right of Way, which person shall be appointed by and shall serve at the pleasure of the Commissioner. The Assistant Commissioner for Design and Right of Way shall be a professional engineer qualified by training and experience in the design of highways, bridges and other transportation facilities, and in the processes of right of way acquisition and disposition.

1.c. There is hereby created an Assistant Commissioner for Construction and Maintenance, which person shall be appointed by and shall serve at the pleasure of the Commissioner. The Assistant Commissioner for Construction and Maintenance shall be a professional engineer qualified by training and experience in the construction and maintenance of highways, bridges and other transportation facilities.

1.d. The position of State Highway Engineer created pursuant to C. 27:1A-8(c) is hereby abolished, and reconstituted as State Transportation Engineer.

1.e. The Commissioner, pursuant to the authority granted by C. 27:1A-6, shall designate an existing department position which shall be held by a professional engineer, and which, in addition to its existing responsibilities, shall serve as the State Transportation Engineer.

1.f. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made either to the Assistant Commissioner for Engineering and Operations, or to the State Highway Engineer (in which title the Assistant Commissioner for Engineering and Operations also served pursuant to C. 27:1A-8(c)), the same shall mean and refer to the State Transportation Engineer.

1.g. The position of Deputy State Highway Engineer, created pursuant to section 10 of P.L. 1966, c. 301 (C. 27:1A-10), is hereby abolished.

1.h. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference

is made to the Deputy State Highway Engineer, the same shall mean and refer to the State Transportation Engineer, created by Section IV.1.d. of this Reorganization Plan.

1.i. The Commissioner, pursuant to the authority granted by C. 27:1A-6, shall designate such existing department positions as may be deemed necessary and expedient, which positions, in addition to their respective responsibilities, shall serve as Deputy State Transportation Engineers, to assist the State Transportation Engineer in the exercise of the duties of that position.

1.j. The positions of Chief Engineer for Design, and Chief Engineer for Construction and Maintenance, created pursuant to C. 27:1A-10, are hereby abolished, and the duties formerly vested in those positions shall be subsumed, respectively, in the responsibilities of the Assistant Commissioner for Design and Right of Way, and the Assistant Commissioner for Construction and Maintenance.

I find that this reorganization is necessary to accomplish the purposes set forth in sections 2 and 5 of P.L. 1969, c. 203. Specifically, this reorganization will create a more balanced level of responsibility between and among the Assistant Commissioners by abolishing the position of Assistant Commissioner for Engineering and Operations, and allocating the responsibilities of that position according to function between two Assistant Commissioner positions; one for Design and Right of Way, and one for Construction and Maintenance.

Additionally, since the former position of Assistant Commissioner for Engineering and Operations also served as State Highway Engineer, it was necessary to reallocate those responsibilities. The name of State Highway Engineer has been changed to State Transportation Engineer to more accurately reflect current responsibilities of that position and of the Department, which is charged with, among other things, the duty to solve or assist in the solution of the problems of all modes of transportation, not only highways. The Commissioner's designation of an existing title which shall also serve as State Transportation Engineer is necessitated by the abolition of the position of Assistant Commissioner for Engineering and Operations, which position was previously designated by law as State Highway Engineer.

The abolition of the position of Deputy State Highway Engineer is desirable, as the functions formerly vested in that position will be distributed according to function, by the Commissioner, to whichever position or positions the Commissioner deems necessary. Addition-

ally, the Commissioner is empowered by virtue of existing statutory authority, and by paragraph IV.1.i. of this Reorganization Plan, to designate such existing Department positions to serve as Deputy State Transportation Engineers as are deemed necessary to assist the State Transportation Engineer. The above changes are necessary and desirable in order to permit the Commissioner to redesignate and reassign duties and responsibilities of the State Highway Engineer and the Deputy State Highway Engineer in accordance with the objectives of this Reorganization Plan.

The abolition of the titles of Chief Engineer for Design, and Chief Engineer for Construction and Maintenance, is desirable as the functions formerly vested in those two positions will be assumed respectively, by the Assistant Commissioner for Design and Right of Way, and the Assistant Commissioner for Construction and Maintenance.

V. 1.a. The position of Assistant Commissioner for Finance and Administration and the qualifications for that position, created pursuant to C. 27:1A-8, are continued. The Commissioner may appoint such additional Assistant Commissioners as may be deemed necessary and expedient in order to more efficiently conduct the public business. All Assistant Commissioners shall be appointed by and shall serve at the pleasure of the Commissioner.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will serve to contribute to a more balanced level of responsibility between and among the assistant commissioners, which will result in the more expeditious administration of the Department, provide for increased departmental efficiency, and promote the better and more efficient execution of the law.

VI. 1.a. Any divisions created by the Commissioner, pursuant to C. 27:1A-6, shall be headed by a division director, who shall administer the work of the division, and perform such other functions as may be assigned by the Commissioner. All division directors shall be supervised by an Assistant Commissioner, and shall be appointed by and serve at the pleasure of the Commissioner.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will serve to increase departmental efficiency and promote the more expeditious administration of the public business through standardizing and clarifying the names of the major departmental sections as divisions, which shall be under the direct

supervision of a division director, who, in turn, shall be under the supervision of an Assistant Commissioner.

VII. 1.a. The position of Director of Planning and Research, created by C. 27:1A-13(a), is hereby abolished.

1.b. The position of Director of Modal Transportation Services, created by C. 27:1A-13(c), is hereby abolished.

1.c. The position of Director of Aeronautics, created by C. 27:1A-13(d), is hereby abolished.

1.d. The position of Director of Waterborne Transportation, created by C. 27:1A-13(g), is hereby abolished.

1.e. The position of Director of Regulatory Affairs, created by C. 27:1A-13(e), is hereby abolished.

1.f. The position of Director of Policy Analysis and Governmental Affairs, created by C. 27:1A-13(f), is hereby abolished.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will remove from codification, six positions, which are provided for by statute. (The Department currently employs over 5,700 employees, and the vast majority of those positions are not established pursuant to legislation.) This reorganization will not abolish any of the responsibilities of the noted positions, but will permit the Commissioner to redistribute certain functions in an organized, strategic and comprehensive manner, which will serve to enhance the efficiency of operation of the Department.

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. A copy of this Reorganization Plan was filed on February 18, 1988 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days, on April 18, 1988, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or on a date later than April 18, 1988 should the Governor establish a later date by Executive Order.

Take notice that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the pamphlet laws under a heading of "Reorganization Plans."