

CHAPTER 1A
ADMINISTRATION, ORGANIZATION,
RECORDS MANAGEMENT AND
INFORMATION REQUESTS

Authority

N.J.S.A. 27:1A-5, 27:1A-6 and 52:14B-4(b).

Source and Effective Date

R.1994 d.348, effective June 13, 1994.
 See: 26 N.J.R. 2797(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1A, Administration, Organization and Records Management and Information Requests, expires on June 13, 1999.

Chapter Historical Note

Chapter 1A, Administration, Organization and Management, was adopted as R.1989 d.366, effective June 16, 1989. See: 21 N.J.R. 2049(a). Pursuant to Executive Order No. 66(1978), Chapter 1A was readopted as R.1994 d.348. See: Source and Effective Date. The name of Chapter 1A was changed to Administration, Organization, Records Management and Information Requests by R.1996 d.366, effective August 5, 1996. See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a). See, also, section annotations.

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SUBCHAPTER 1. OPERATION AND PROCEDURES OF THE DEPARTMENT OF TRANSPORTATION

16:1A-1.1 Mission statement of the Department

The Department of Transportation's mission is the movement of people and goods with a commitment to safety, excellence, efficiency, the environment and its customers—the citizens of New Jersey.

Repeal and New Rule, R.1996 d.366, effective August 5, 1996.
 See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).
 Rewrote the section.

16:1A-1.2 Organization of Department

(a) The Department of Transportation is organized as indicated in the Organizational Chart (see Appendix A) and the functions and responsibilities of its officers are as follows:

1. The Commissioner of Transportation is the Chief Executive officer of the Department and oversees all functions of the Department of Transportation.

2. The Deputy Commissioner reports to the Commissioner. The Deputy Commissioner oversees the general operations of the Department, as directed by the Commissioner.

3. The Assistant Commissioner for Policy and Planning reports to the Commissioner with principal responsibilities in the following areas:

- i. Transportation Assistance (including Outdoor Advertising);
- ii. Transportation Research and Data Technology;
- iii. Policy and Capital Programming;
- iv. Transportation Systems Planning;
- v. Project Planning and Development; and
- vi. Capital Management.

4. The Assistant Commissioner for Design and Right of Way reports to the Commissioner, is designated the "State Transportation Engineer", with principal responsibilities in the following areas:

- i. Regional Design;
- ii. Bridge Design;
- iii. Roadway Design;
- iv. Traffic Engineering and Local Aid; and
- v. Right of Way.

5. The "State Transportation Engineer" may designate such "Deputy State Transportation Engineers" as necessary.

6. There are five Executive Directors for Regional Operations reporting to the Commissioner. Each Executive Director has a principal responsibility in the following areas:

- i. Region I—Construction Operations, Maintenance Operations, Materials Operations, and Electrical Operations;
- ii. Region II—Construction Operations, Maintenance Operations, Materials Operations, Electrical Operations, and Traffic Operations North;
- iii. Region III—Construction Operations, Maintenance Operations, Materials Operations, and Electrical Operations;
- iv. Region IV—Construction Operations, Maintenance Operations, Materials Operations, Electrical Operations, and Traffic Operations South; and

v. Region V—Construction Engineering, Materials Engineering and Testing, Equipment Engineering and Operations, Maintenance Engineering and Operations, and Project Support and Engineering.

7. The Assistant Commissioner for Finance and Administration reports to the Commissioner with principal responsibilities in the following areas:

- i. Accounting and Auditing;
- ii. Budget and Management Support;
- iii. Support Services;
- iv. Human Resources;
- v. Procurement;
- vi. Civil Rights; and
- vii. Appeals and Hearings.

8. Other officials within the Department report to the Commissioner. These officials include the:

- i. Director of External Affairs and Intergovernmental Relations;
- ii. Director of Communications;
- iii. Inspector General;
- iv. Director of Affirmative Action; and
- v. Executive Director of the Division of Aeronautics.

Amended by R.1994 d.348, effective June 13, 1994.

See: 26 N.J.R. 2797(a).

Amended by R.1994 d.453, effective August 12, 1994.

See: 26 N.J.R. 3740(a).

16:1A-1.3 Procedure for filing a rulemaking petition

(a) Any interested person may petition the Department of Transportation for the promulgation, amendment or repeal of any rule of the Department of Transportation. Such petition shall be in writing, signed by the petitioner and must state clearly and concisely:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request;
4. The petitioner's interest in the request, including any economic interests;
5. The statutory authority under which the Department of Transportation may take the requested action; and
6. Existing Federal and State statutes and rules which the petitioner believes may be pertinent to the request.

(b) The petition shall be addressed to the Commissioner, Department of Transportation, ATTN: Administrative Practice Officer, 1035 Parkway Avenue, CN 600, Trenton, New Jersey 08625.

(c) Upon acceptance of a petition which satisfies the requirements of (a) above, the Department shall file a notice of the petition within 15 days of receipt of the petition with the Office of Administrative Law for publication in the New Jersey Register.

(d) Within 30 days following receipt of a petition, the Department shall mail to the petitioner and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-3.6(b).

(e) The procedures outlined in this section to petition the Department for the promulgation, amendment or repeal of a rule shall apply to all Department rules, except in those cases where a special or alternative petition procedure is specifically designated.

New Rule, R.1989 d.525, effective October 16, 1989.

See: 21 N.J.R. 2233(b), 21 N.J.R. 3312(a).

Amended by R.1996 d.366, effective August 5, 1996.

See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).

16:1A-1.4 Public information requests

Members of the public may obtain general information from the Department of Transportation by writing to or telephoning the Office of Communications, Department of Transportation, 1035 Parkway Avenue, CN 600, Trenton, New Jersey 08625, (609) 530-2124.

Amended by R.1996 d.366, effective August 5, 1996.

See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).

16:1A-1.5 How to obtain NJDOT public records

(a) A private citizen, in person or in writing, may obtain a NJDOT public record directly from a manager or higher level upon conferring with the Custodian of Records, Director, Division of Support Services. A private citizen who does not know where a particular NJDOT public record may be obtained should contact, in person or in writing, the:

Official Custodian of Records
 Division of Support Services
 New Jersey Department of Transportation
 1035 Parkway Avenue
 CN 600
 Trenton, New Jersey 08625
 ATTN: Manager, Bureau of Records and Services

(b) All records which are required by law to be made, maintained or kept on file shall be deemed to be public records, except as otherwise provided by statute, resolution, executive order, rule of court, Federal law, regulation or order, or any regulation under the authority of any statute or executive order of the Governor.

(c) All NJDOT public records shall be readily accessible for examination by private citizens during the regular business hours of the office having custody of the NJDOT public record. Every citizen shall also have the right to copy such records by hand or to purchase copies thereof.

(d) The records listed below shall not be deemed NJDOT public records but may be made available for inspection, examination, and copying only by an individual who demonstrates to the satisfaction of the Custodian of Records, Director, Division of Support Services, in conjunction with the manager or higher level having custody of such records, that the citizen has a legitimate beneficial interest in such record or the protection of his or her property rights or the protection of any interest the citizen may have in any matter affecting the citizen to which said record is relevant. Availability may be limited to the part of the record which is particularly relevant to the citizen. Such records include all those which are made, maintained or kept on file by the NJDOT relating to:

1. Future construction projects in terms of specific amounts or locations;
2. Qualifications and classifications of contractors, consultants, and appraisers;
3. Research and tests required in the development of highway materials, design, and construction;
4. Consultants' draft and final reports, NJDOT draft and final preliminary planning and engineering studies, and assessment prior to disclosure at public hearings;
5. Preliminary aircraft accident investigative reports;
6. Reports of aeronautical surveillance or investigation;
7. Personnel and pension records except that the following shall be public;
 - i. An individual's name, title, position, salary, payroll record, length of service in the instrumentality of government and in the government, date of separation from government service and the reason therefor; and the amount and type of pension he or she is receiving;
 - ii. Data contained in information which disclose conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released.
8. Police and driver reports of accidents on file with the Bureau of Accident Records;

9. All records which are part of any workpapers, memoranda, or reports which are made, maintained, or kept by the Office of the Inspector General in the Department of Transportation;

10. Bridge Survey Reports;

11. Research documents pertaining to ongoing studies for the operational areas of the NJDOT prior to disclosure to the public;

12. Audit reports performed by NJDOT personnel or outside agency personnel for the NJDOT;

13. Inspection records of signalized equipment; and

14. New Jersey Highway Defense Requirements Bridge Records.

(e) The right of examination herein provided for may be denied where the records which are sought to be examined pertain to an investigation in progress by any body, agency, commission, board, authority or official, if the inspection, copying or publication of such records shall not be in the best interest of the public.

(f) If a citizen wishes to copy more than 100 pages of NJDOT public records, the bureau manager or higher level having custody of the records may permit the citizen to use the citizen's own photographic process providing:

1. The photographic process is approved by the custodian;
2. There is no risk of damage or mutilation of the records;
3. The copying of such records by the citizen would not be incompatible with the economic and efficient operation of the office and the transaction of public business therein;
4. The citizen is willing to pay the fee which shall be established by the custodian after consideration of the equipment and time involved (such fee shall not be less than \$10.00 nor more than \$50.00 per day).

(g) N.J.S.A. 47:1A-2 of "The Present New Jersey Right to Know Law" requires that if a price for a public record has not been established by a New Jersey statute, New Jersey legislative resolution, New Jersey Governor's executive order, rule of court, Federal law, regulation or order, or any New Jersey regulation, the following fees are in effect:

1. First page to 10th page, \$0.75 per page;
2. Eleventh page to 20th page, \$0.50 per page;
3. All pages over 20, \$0.25 per page.

(h) Government agencies are exempt from cost for copies of documents.

(i) When it is determined by the official custodian of the nonpublic records listed in (d) above, or the Commissioner

of Transportation in the case of all other nonpublic records, to make available records that involve a significant amount of research and investigation, additional charges may be assessed on an hourly basis for personnel costs.

(j) The records listed below shall not be deemed NJDOT public records and are subject to the provisions of N.J.S.A. 20:3-12(c) and 20:3-12(d) and rules of the New Jersey Supreme Court R:4-73-11.

1. Estimates, appraisals and costs of acquiring right-of-way prior to the completion of a project.

2. For the preservation of the "Attorney-Client Privilege," all records which are part of any case file maintained by a Deputy Attorney General acting for the NJDOT.

(k) The records listed below shall not be deemed NJDOT public records and shall not be made available for inspection, examination and copying:

1. Appraisal review analyses.

New Rule, R.1996 d.366, effective August 5, 1996.
See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).

16:1A-1.6 Release of traffic signal information

(a) All requests for information concerning the operation or maintenance of traffic signals shall be referred to the Bureau of Electrical Engineering for processing.

(b) Requests for such information must be submitted in writing, accompanied by a check or money order for \$100.00 made payable to the New Jersey Department of Transportation.

(c) The release of traffic signal information shall be in accordance with N.J.A.C. 16:1A-1.5, How to obtain NJDOT public records.

(d) Traffic signal information may only be furnished if the requirements of (a) through (c) above are observed, unless related to an access application/permit. Information desired by governmental agencies for official use will be supplied free of charge providing the request is submitted on official letterhead stationery and signed by the agency head.

New Rule, R.1996 d.366, effective August 5, 1996.
See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).