

CHAPTER 3A**ADMINISTRATION****Authority**

N.J.S.A. 13:17-1 et seq.

Source and Effective Date

R.1994 d.83, effective March 29, 1974.
See: 6 N.J.R. 209(b).

Executive Order No. 66(1978) Expiration Date

Chapter 3A, Administration, expires on November 4, 1996, except Subchapter 3, Disability Discrimination Grievance Procedure, which is exempt from Executive Order No. 66(1978) under 28 C.F.R. Part 35.

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SUBCHAPTER 1. GENERAL PROVISIONS**19:3A-1.1 Indemnification**

(a) The commission shall defend, indemnify and hold its members and employees harmless from any liability arising out of their activities connected with the extinguishment of a fire alleged to have been a partial cause of the above-described accident on the New Jersey Turnpike, and the commission shall defray all costs of defending such action, including reasonable counsel fees and expenses and costs of appeal, to the extent that such liability and costs are in excess of insurance coverage; provided, however, that such members and employees cooperate fully with the Office of the Attorney General as provided by P.L. 1972, c.45 and 48.

(b) The commission shall defend, indemnify and hold its members and employees harmless from any liability arising out of activities conducted within the scope of their service or employment, and the commission shall defray all costs of defending such actions, including reasonable counsel fees and expenses and costs of appeal, to the extent that such liability and costs are in excess of insurance coverage.

(c) This resolution shall become effective upon adoption as required by law.

19:3A-1.2 Annual meeting

An annual meeting of the Hackensack Meadowlands Development Commission shall be held on the fourth Wednesday in the month of June.

R.1974 d.133, effective June 3, 1974.

See: 6 N.J.R. 281(a).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:3A-1.3 Petitions for rulemaking

(a) Unless otherwise provided in the rules of the Hackensack Meadowlands Development Commission, this section shall constitute the Commission's requirements for the disposition of all requests for rulemaking pursuant to N.J.S.A. 52:14B-4(f).

1. For additional requirements relating to petitions for a zoning amendment to the Official Zoning Map, also known as a rezoning, see N.J.A.C. 19:4-6.29.

2. For additional requirements relating to petitions for an amendment to the District Zoning Regulations, N.J.A.C. 19:4, see N.J.A.C. 19:4-6.30.

(b) Any interested person may petition the Hackensack Meadowlands Development Commission to promulgate new rules, or to amend or repeal any of its existing rules. Such petition shall be filed with the Office of the Chief Engineer, in writing, and signed by the petitioner. The petition shall state clearly and concisely:

1. The substance or nature of the rulemaking which is requested;

2. The reasons for the request and the petitioner's interest in the request;

3. The statutory authority under which the Hackensack Meadowlands Development Commission may take the requested action; and

4. Existing Federal or State statutes and rules which the petitioner believes may be pertinent to the request.

(c) Petitions for the promulgation, amendment or repeal of a rule by the Hackensack Meadowlands Development Commission shall be sent by certified mail and shall be addressed to:

Hackensack Meadowlands Development Commission
One DeKorté Park Plaza

Lyndhurst, New Jersey 07071
Attention: Office of the Chief Engineer

(d) Any document submitted to the Hackensack Meadowlands Development Commission that is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further agency action. The document shall be returned to sender with a deficiency explanation.

(e) Upon receipt of a petition for rulemaking, the following shall occur:

1. The petition shall be dated, stamped and logged;
2. A notice of petition shall be prepared and filed within 15 days of receipt with the Office of Administrative Law in compliance with N.J.A.C. 1:30-3.6(a).

(f) Prior to any action taken by the Hackensack Meadowlands Development Commission pursuant to this section, the Office of the Chief Engineer shall review the petition and prepare a preliminary analysis with recommendations thereon which shall be submitted to the Executive Director and the Commissioners.

(g) Within 30 days following receipt of a petition, the Office of the Chief Engineer 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).

(h) In accordance with N.J.A.C. 1:30-3.6(c), the Commission's action on a petition may include:

1. Denial of the petition;
2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or
3. Referral of the matter for further deliberations, the nature of which shall be specified and which shall conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner and shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

New Rule, R.1991 d.553, effective November 4, 1991.
See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

SUBCHAPTER 2. FLOOD INSURANCE

19:3A-2.1 Required land use and control measures

(a) The Office of the Chief Engineer shall review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

1. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Use construction materials and utility equipment that are resistant to flood damage; and
3. Use construction methods and practices that will minimize flood damage.

(b) The Office of the Chief Engineer shall review all subdivision proposals and other proposed new developments to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

(c) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

R.1974 d.213, effective August 2, 1974.

See: 6 N.J.R. 369(b).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:3A-2.2 Securing coverage under the National Flood Insurance Program

(a) The Hackensack Meadowlands Development Commission hereby evidences a positive interest in securing flood insurance coverage under the National Flood Insurance Program because of a clear danger of flooding and the resultant damage to property in the Hackensack Meadowlands District.

(b) The Executive Director of the Hackensack Meadowlands Development Commission shall be the person responsible for the implementation and coordination of the Federal Flood Insurance Program within the Hackensack Meadowlands District.

(c) The Executive Director of the Hackensack Meadowlands Development Commission shall be the person responsible to furnish on request, by an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazards after flood insurance is made available in the community concerning its first floor elevation, and if there is a basement the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

(d) The Executive Director of the Hackensack Meadowlands Development Commission shall be the person responsible for the preparation and submission to the Federal Flood Insurance Administrator an annual report concerning the activities of the District related to the National Flood Insurance Program.

(e) The Hackensack Meadowlands Development Commission office located at One DeKorte Park Plaza, Lyndhurst, New Jersey, shall be the local repository where flood insurance and flood hazard maps will be available for public inspection.

(f) The Hackensack Meadowlands Development Commission hereby agrees to maintain in force land use and control measures that meet the requirements set forth in the regulations promulgated by the Federal Insurance Administration. A copy of these land use and control measures are attached hereto and made a part of this document.

(g) The Hackensack Meadowlands Development Commission will comply with the regulations of the National Flood Insurance Program to:

1. Recognize and duly evaluate flood hazards in all official actions relative to land use in the areas having special flood hazards and to take such other official action as may be necessary to carry out the objectives of the program;
2. Assist the administrator and/or the State of New Jersey if requested in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;
3. Provide such information as the administrator and/or the State of New Jersey may request concerning present uses and occupancy of the flood plain;
4. Cooperate with neighboring jurisdictions with respect to adjoining drainage areas and flood plains in order to prevent the aggravation of the flooding problem;
5. Cooperate with Federal, State, and local agencies and private firms which undertake to study survey maps and identify flood-prone areas.

(h) In addition to the above, the Hackensack Meadowlands Development Commission hereby provides the following additional information as part of our application requesting eligibility under the Federal Flood Insurance Program:

1. A clean map of the Hackensack Meadowlands District delineating its limits which can be reproduced for publication;
2. A map of the Hackensack Meadowlands District identifying local flood plains and showing the names of rivers, brooks, streams, creeks and other similar bodies of water that cause floods;
3. A summary of the history of flooding;

4. Estimates relating to the flood-prone areas concerning:

- i. Population;
- ii. Number of one to four-family residences;
- iii. Number of small businesses; and
- iv. Number of other structures.

R.1974 d.212, effective August 2, 1974.

See: 6 N.J.R. 361(d).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

SUBCHAPTER 3. DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

Authority

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i),
and N.J.A.C. 19:4-6.27.

Source and Effective Date

R.1994 d.15, effective January 3, 1994.
See: 25 N.J.R. 3946(b), 26 N.J.R. 251(a).

19:3A-3.1 Definitions

(a) The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"ADA" means the Americans with Disabilities Act, 42 U.S.C.A. § 12101 et seq.

"Agency" means the Hackensack Meadowlands Development Commission.

"Designated decision maker" means the Executive Director of the Hackensack Meadowlands Development Commission or his or her designee.

19:3A-3.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 19:3A-3.5 through 3.8.

19:3A-3.3 Required ADA notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 19:3A-3.1 et seq. As those rules indicate, complaints should be addressed to the agency's designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address.

ADA Coordinator

Hackensack Meadowlands Development Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

1. A complaint may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related complaints, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A complaint should be filed promptly within 20 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis).

3. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. In most cases a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the complainant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the complaints filed.

6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

19:3A-3.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator

Hackensack Meadowlands Development Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All complaints alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 19:3A-3.5 through 3.8.

19:3A-3.5 Complaint procedure

A complaint alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 19:3A-3.4. A complaint alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

19:3A-3.6 Complaint contents

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 19:3A-3.7.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;