

TITLE 16

DEPARTMENT OF TRANSPORTATION

CHAPTER 1

RECORDS MANAGEMENT

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, 47:1A-1 et seq.

Source and Effective Date

R.1990 d.496, effective October 1, 1990.
See: 22 N.J.R. 2243(a), 22 N.J.R. 3155(b).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Records Management, expires on October 1, 1995.

Historical Note

All provisions of Chapter 1, Records Management, were filed and became effective prior to September 1, 1969. Chapter 1 expired December 13, 1983. The expired rules were proposed and adopted as new, effective August 5, 1985 as R.1985 d.409. See: 17 N.J.R. 564(a), 17 N.J.R. 1903(a). The rules expired August 5, 1990 and were proposed and adopted as new as R.1990 d.496. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. REGULATORY MANUALS

- 16:1-1.1 Enumeration of State documents
- 16:1-1.2 Enumeration of United States documents
- 16:1-1.3 Inspection of manuals and regulations

SUBCHAPTER 2. ISSUANCE AND SALE OF NJDOT PUBLIC RECORDS

- 16:1-2.1 NJDOT public record defined
- 16:1-2.2 Requirements; accessibility and sale of public records
- 16:1-2.3 Procedure for obtaining NJDOT public records

SUBCHAPTER 1. REGULATORY MANUALS

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, 47:1A-1 et seq.

Source and Effective Date

R.1985 d.409, effective August 5, 1985.
See: 17 N.J.R. 564(a), 17 N.J.R. 1903(a).

16:1-1.1 Enumeration of State documents

(a) The following manuals and regulations are applicable to the operation of the records management program:

1. State Records Inventory and Appraisal Manual;

2. State Records Manual-Rules and Regulations.

(b) Copies of the manuals set forth in subsection (a) of this section may be obtained by sending written request to:

New Jersey Department of Education
Bureau of Archives and History
State House Annex
Trenton, New Jersey 08625

16:1-1.2 Enumeration of United States documents

(a) The following manuals and regulations are applicable to the operation of the records management program:

1. United States Department of Transportation, Bureau of Public Roads, PPM 30-9 Recordkeeping Requirements for Federal-Aid Highway Records of State Highway Department;
2. United States Department of Transportation, Instructional Memorandum 50-2-66.

(b) Copies of the manuals set forth in subsection (a) of this section may be obtained without cost by sending written request to:

United States Department of Transportation
Federal Highway Administration, Bureau of Public Roads
Donohoe Bldg.
6th and D Streets, SW.
Washington, D.C. 20591

16:1-1.3 Inspection of manuals and regulations

Copies of all manuals and regulations cited in section 1 (Enumeration of State documents) and section 2 (Enumeration of United States documents) of this subchapter may be inspected at the offices of the Bureau of Records and Services, Department of Transportation Bldg., 1035 Parkway Avenue, Trenton, New Jersey 08625.

SUBCHAPTER 2. ISSUANCE AND SALE OF NJDOT PUBLIC RECORDS

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, 47:1A-1 et seq.

Source and Effective Date

R.1985 d.409, effective August 5, 1985.
See: 17 N.J.R. 564(a), 17 N.J.R. 1903(b).

Historical Note

All provisions of this subchapter were filed and became effective prior to September 1, 1969. Revisions became effective May 19, 1971 as R.1971 d.73. See: 3 N.J.R. 47(c), 3 N.J.R. 115(b). Further revisions became effective September 9, 1977 as R. 1977 d.345. See: 9 N.J.R. 383(a), 9 N.J.R. 493(d). Further amendments became effective December 14, 1978 as R.1978 d.433. See: 10 N.J.R. 453(a), 11 N.J.R. 93(a). This subchapter expired December 13, 1983 and a New Rule was adopted effective August 5, 1985 pursuant to Executive Order 66(1978) as R.1985 d.409. See: 17 N.J.R. 564(a), 17 N.J.R. 1903(a).

16:1-2.1 NJDOT public record defined

"NJDOT public record" is defined in N.J.S.A. 47:1A-2, except as excluded in N.J.A.C. 16:1-2.2(c).

As amended, R.1971 d.73, eff. May 19, 1971.
See: 3 N.J.R. 47(c), 3 N.J.R. 115(b).

16:1-2.2 Requirements; accessibility and sale of public records

(a) All NJDOT public records shall be readily accessible for examination by the citizens of New Jersey during the regular business hours of the bureau chief, regional engineer or higher level having custody of the NJDOT public record. Every citizen of the State shall also have the right to copy such records by hand or to purchase copies thereof.

(b) All other records of the NJDOT and the Commissioner of Transportation shall be available for inspection and examination only to the extent and for such purposes as may be expressly authorized by the Commissioner of Transportation.

(c) 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, regional engineer or higher level having custody of such records, that the citizen has a legitimate beneficial interest in such record or the protection of his 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 that 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 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;

14. New Jersey Highway Defense Requirements Bridge Records.

(d) 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.

(e) To safeguard the interest of the NJDOT as well as the general public in the release of records, the bureau chief, regional engineer, or higher level having custody of the records shall, where uncertainty exists, contact the authorized person from the appropriate bureau for approval prior to releasing the requested information.

(f) If a citizen of this State wishes to copy more than 100 pages of NJDOT public records, the bureau chief, regional engineer, 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 considering the equipment and time involved (such fee shall not be less than \$5.00 nor more than \$25.00 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, \$0.50 per page;
2. Eleventh page to 20th page, \$0.25 per page;
3. All pages over 20, \$0.10 per page.

(h) When it is determined by the Official Custodian of the nonpublic records listed in subsection (c) 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, the charges shall be on a man-hour basis.

(i) 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.

(j) 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.

Correction: The Office of the Inspector General will replace the Office of Internal Auditing.

See: 19 N.J.R. 1578(b).

Amended by R.1990 d.496, effective October 1, 1990.

See: 22 N.J.R. 2243(a), 22 N.J.R. 3155 (b).

Administrative changes reflected.

Amended by R.1993 d.117, effective March 15, 1993.

See: 25 N.J.R. 59(a), 25 N.J.R. 1225(a).

Added new (j).

Case Notes

State had duty to provide condemnees with noise studies during negotiation stage. State by Com'r of Transp. v. Carroll, 234 N.J. Super. 37, 559 A.2d 1381 (A.D.1989), certification granted 118 N.J. 197, 570 A.2d 961, reversed 123 N.J. 308, 587 A.2d 260.

16:1-2.3 Procedure for obtaining NJDOT public records

(a) A private citizen, in person or in writing, may obtain a NJDOT public record directly from a manager, regional engineer, or higher level upon conferring with the Custodian of Records, Director, Division of Services.

(b) 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

Amended by R.1990 d.496, effective October 1, 1990.

See: 22 N.J.R. 2243(a), 22 N.J.R. 3155(b).

Administrative changes reflected.