

**ACTS**  
OF THE  
**Second Annual Session**  
OF THE  
**Two Hundred and Third Legislature**  
OF THE  
STATE OF NEW JERSEY  
AND  
**Thirty-Second Under the New Constitution**

CHAPTERS 155-351



**New Jersey State Library**

1989



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## EXECUTIVE ORDERS

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(1727)



## **Executive Orders**

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### **EXECUTIVE ORDER No. 202**

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 184 of January 4, 1988 expired January 20, 1989; and

WHEREAS, The conditions specified in Executive Order No. 106 of June 19, 1981, continue to present a substantial likelihood of disaster;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Order No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; No. 8 (Kean) of May 20, 1982; No. 27 (Kean) of January 10, 1983; No. 43 (Kean) of July 15, 1983; No. 60 (Kean) of January 20, 1984; No. 78 (Kean) of July 20, 1984; No. 89 (Kean) of January 18, 1985; No. 127 (Kean) of January 17, 1986; No. 155 (Kean) of January 12, 1987; and No. 184 (Kean) of January 4, 1988 shall remain in effect until January 20, 1990, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 26, 1989.

## EXECUTIVE ORDER No. 203

WHEREAS, The relocation assistance and eviction regulations adopted by the Department of Community Affairs, N.J.A.C. 5:11, are due to expire on March 1, 1989 pursuant to the sunset provision of Executive Order No. 66 (1978); and

WHEREAS, The Department of Community Affairs has proposed to readopt these regulations, with amendments, which proposal will appear in the February 6, 1989 edition of the "New Jersey Register"; and

WHEREAS, The February 6 publication schedule will not allow sufficient time for readoption of the regulations prior to the scheduled expiration date of March 1, 1989; and

WHEREAS, Failure to readopt the regulations by the end of February will create a lapse in the law governing relocation assistance and eviction; and

WHEREAS, Such a lapse in existing law would be detrimental to the public welfare and would impede the ability of displaced persons to secure the benefits to which they are entitled by law; and

WHEREAS, The Department of Community Affairs has requested a one-month waiver of the five-year sunset provision of Executive Order No. 66 (1978) for the relocation assistance and eviction regulations, thus extending the expiration date of the current regulations from March 1, 1989 through and including April 1, 1989;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Good cause has been shown to grant the request for a one-month waiver of Executive Order No. 66 (1978), in order to permit the current relocation assistance and eviction regulations to remain in effect through and including April 1, 1989.

2. The five-year sunset provision of Executive Order No. 66 (1978) is hereby waived for the Department of Community Affairs' relocation assistance and eviction regulations, N.J.A.C. 5:11, and the expiration for those regulations is extended for the period from March 1, 1989 through and including April 1, 1989.

Issued February 8, 1989.

## EXECUTIVE ORDER No. 204

WHEREAS, The problem of drug abuse is adversely affecting the lives and safety of our citizens; and

WHEREAS, The abuse of drugs in the workplace, among other things, reduces job efficiency, increases absenteeism and sick leave, and, most importantly, jeopardizes the lives and safety of fellow employees and citizens; and

WHEREAS, The State of New Jersey has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public safety employees do not threaten life and limb due to the abuse of drugs; and

WHEREAS, The Federal Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, conditions receipt of federal grant funds upon the grantee's agreement to provide a drug-free workplace; and

WHEREAS, The Federal Drug-Free Workplace Act requires a grantee to prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, to specify actions that may be taken against employees who violate the prohibition, to establish a drug-free awareness program for employees, and to require employees and employers to give notice of any conviction for a drug offense committed in the workplace; and

WHEREAS, The citizens of this State greatly benefit from the State government's participation in federally-funded programs;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The following "Policy for a Drug-Free Workplace in New Jersey State Government" shall apply to all principal executive departments in New Jersey State Government, the Office of the Governor, and all agencies that are in, but not of, principal executive departments.

This Policy establishes minimum standards for the imposition of discipline and for participation in drug abuse treatment programs in the limited context of convictions for drug offenses committed in the workplace. Nothing in this Policy precludes the application of other more comprehensive or more stringent provisions governing

drug offenses committed by State employees. In fact, the Cabinet Task Force on Drug Testing in the Workplace, which was created in Executive Order No. 191, will formulate a more comprehensive State policy regarding drug abuse and the workplace in the near future.

2. The State of New Jersey is committed to maintaining a drug-free workplace for all State employees in order to protect the health and safety of State employees and the public.

3. The unlawful manufacture, distribution, dispensation, possession or use of a drug in the workplace is prohibited.

4. In addition to any other applicable civil or criminal penalty, any employee convicted of illegal manufacture, distribution, dispensation, possession or use of a drug in the workplace shall be subject to the following consequences:

a. The State Forfeiture of Public Office statute (N.J.S.2C:51-2) requires forfeiture of public office or employment upon conviction of a crime of the third degree or higher. All convictions of crimes of the third degree or higher listed in the Comprehensive Drug Enforcement Act of 1987, and all convictions for equivalent federal and out-of-State drug offenses, require forfeiture of public office or employment.

b. The Forfeiture of Public Office statute also requires forfeiture of public office or employment upon conviction for an offense involving dishonesty or upon conviction for an offense involving or touching upon the convicted person's public employment irrespective of the degree of the offense. Consequently, convictions for any drug offense occurring in the workplace (including fourth degree, disorderly persons and petty disorderly persons offenses) which are determined to involve or touch upon the office or employment of an individual may result in the statutory forfeiture of public office or employment.

c. In the case of a drug conviction for an offense occurring in the workplace that does not result in statutory forfeiture of public office or employment, disciplinary action shall be taken. The extent of disciplinary action shall be determined by the appointing authority. In addition, in the case of any disciplinary action other than removal, an employee shall be required to satisfactorily participate in a program for the treatment of drug abuse approved by both the appointing authority and any federal or State agency responsible for the approval or licensure of such programs.

d. Each department head, agency head, or their designee who



receives notice of a drug offense conviction shall, within 30 days of receipt of notice, take the administrative action necessary for removal where statutory forfeiture is required, and where statutory forfeiture is not required, take the administrative action necessary to impose discipline and require satisfactory participation in an approved program for drug abuse where appropriate.

5. An employee who is convicted of a drug offense committed in the workplace must, within five days, report the conviction to his or her supervisor.

6. Each supervisor who receives a report of a conviction for a drug offense in the workplace must immediately report the conviction, according to departmental or agency procedures, to the department head, agency head, or their designee.

7. Within 10 days of the supervisor's receipt of notice of a conviction for a drug offense, the department head, agency head, or their designee shall ensure that notification of such conviction is provided to any federal agency providing funds for a program in which the convicted employee is employed.

8. Each department head, agency head, or their designee must develop and implement procedures to ensure that reports, which are received by supervisors, concerning convictions for drug offenses in the workplace are reported promptly to the department head, agency head, or their designee.

9. Each department head, agency head, or their designee must maintain records that contain the following information on each conviction for a drug offense committed in the workplace by an employee:

- a. Date of conviction;
- b. Disciplinary action taken;
- c. Whether the employee is one whose duties involve the performance of a federal grant; and
- d. Date federal grantor was notified of the conviction, if applicable.

10. Each department head, agency head, or their designee will distribute an Employee Notice and this Executive Order to each current employee. Each department head, agency head, or their designee shall distribute these documents to any employee who joins

the work force after the initial distribution. A program entitled "Drug-Free Awareness" is being developed, and upon completion will be provided to all employees.

11. Definitions for purpose of this policy:

a. "Conviction" means a finding of guilt, or a plea of guilty, before a court of competent jurisdiction, and, where applicable, a plea of nolo contendere. A conviction is deemed to occur at the time the plea is accepted or verdict returned. It does not include entry into and successful completion of a pre-trial intervention program, pursuant to N.J.S.2C:43-12 et seq., or a conditional discharge, pursuant to N.J.S.2C:36A-1.

b. "Drug" means a controlled dangerous substance, analog, or immediate precursor as listed in Schedules I through V in the New Jersey Controlled Dangerous Substances Act, C.24:21-1 et seq., and as modified in any regulation issued by the Commissioner of Health. It also includes controlled substances in Schedules I through V of Section 202 of the Federal Controlled Substance Act of 1970 (21 U.S.C. § 812). The term shall not include tobacco or tobacco products or distilled spirits, wine, or malt beverages as they are defined or used in R.S.33:1-1 et seq.

c. "Employee" means all employees of the Office of the Governor or a department or agency within the scope of this Policy, whether full- or part-time, and whether in the career, senior executive or unclassified service.

d. "Workplace," for the purposes of this Policy only, means the physical area of operations of a department or agency including buildings, grounds and parking facilities provided by the State. It includes any field location or site at which an employee is engaged, or authorized to engage, in work activity, and includes any travel between such sites.

12. This Policy is effective March 18, 1989 and shall remain in effect until superseded by statute, regulation or Executive Order.

Issued March 14, 1989.

## EXECUTIVE ORDER No. 205

WHEREAS, The State of New Jersey's rural and urban communities are rich in a variety of natural resources; and

WHEREAS, There is an increasing demand being placed upon these natural resources to support the State's citizenry; and

WHEREAS, A clear awareness among the public of the frailty of these natural resources is necessary to protect the health and preserve the quality of life of the State's citizenry; and

WHEREAS, It is essential to provide the State's citizenry with opportunities to acquire the knowledge, values, attitudes, commitment and skills needed to protect and enhance these aspects of our environment;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the Commission on Environmental Education which shall:

a. identify specific information on the protection and enhancement of the environment which should be communicated to the State's citizenry;

b. propose a plan of actions and programs, including educational initiatives, which should be undertaken to ensure that this information is communicated to the State's citizenry; and

c. provide recommendations regarding measures that should be undertaken by individual and corporate citizens of New Jersey to conform behavior toward protection and enhancement of the environment.

2. The Commission shall consist of 22 members including:

a. two representatives from academia in the fields of environmental education and/or environmental science;

b. one representative of the clergy;

c. two representatives from labor/industry;

d. two representatives from cultural institutions including, but not limited to, organizations such as museums and nature centers;

e. three public or private school teachers, one from each of the following groupings—grades kindergarten to third, grades fourth to sixth, and grades seventh to twelfth;

f. one representative from school administration;

g. one representative from a local school board;

h. two representatives from non-partisan, public interest groups;

i. two representatives from the medical and/or health profession;

j. two non-academic science professionals;

k. two representatives from environmental education groups;

l. the Commissioner of Education, or his designee; and

m. the Commissioner of Environmental Protection, or his designee.

3. The Commission shall provide all individuals or organizations so inclined with the opportunity to provide written and/or oral testimony.

4. The Commission shall establish a work schedule and report its findings to the Governor no later than April 23, 1990.

5. This Order shall take effect immediately.

Issued April 24, 1989.

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#### EXECUTIVE ORDER No. 206

WHEREAS, Executive Order No. 11, dated July 23, 1982, created an Ethnic Advisory Council to advise the Governor regarding the needs of the ethnic communities in New Jersey; and

WHEREAS, Through Executive Order No. 11, the Executive Branch of government has recognized that the State of New Jersey is one of the most ethnically and culturally diverse states in the country; and

WHEREAS, The wide variety of customs, languages and histories of these varied ethnic groups has significantly enhanced and enriched the quality of the State's cultural and social life; and

WHEREAS, The continued influx of new ethnic groups into New Jersey has precipitated the need to increase our awareness, appreciation and understanding of each of these new ethnic groups; and

WHEREAS, Increasing the membership of the Ethnic Advisory Council to include representatives from these new groups will allow for a better understanding of their contributions and needs;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority invested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. Section 2(a) of Executive Order No. 11 is hereby amended as follows:

“2(a). The Council shall consist of 26 members appointed by the Governor. At least 14 of these appointees shall be representatives of ethnic communities within the State of New Jersey. In selecting the Council membership, consideration shall be given to appointing as broad a representative sample as possible of New Jersey’s ethnic communities. All new members of the Ethnic Advisory Council who are appointed upon the effective date of this Order shall serve a full two-year term from the date of this Order.”

2. This Order shall take effect immediately.

Issued April 25, 1989.

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#### EXECUTIVE ORDER No. 207

WHEREAS, An individual’s right to vote is a fundamental right that serves as the bulwark of our democracy; and

WHEREAS, Many individuals do not exercise their right to vote because they are unaware of registration requirements or do not have access to voter registration applications; and

WHEREAS, The State is in a unique position to make voter registration applications available to its citizens and thereby assure that they have the opportunity to exercise their fundamental right to vote;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby DIRECT:

1. State departments shall make mail voter registration applications available to their employees. In addition, State departments that have regular contact with the public in their daily administration of business, including, but not limited to, the Department of Environmental Protection, the Department of Health, the Department of Higher Education, the Department of Human Services, the Department of Labor, the Department of Law and Public Safety and the Department of State, shall make mail voter registration applications available at their public offices. These applications shall be placed in visible locations at these offices so as to be readily accessible to members of the public. Signs clearly indicating that applications are available shall be posted at these offices.

2. State departments that have regular contact with the public are requested to assist persons in registering to vote by:

a. Upon request, assisting persons in completing the registration forms, including witnessing those forms; and

b. Collecting completed forms and forwarding them to the proper election office.

3. Employees of the State departments that have regular contact with the public shall receive adequate training to insure the proper completion of voter registration forms. This training shall include but not be limited to:

a. Proper completion of forms; and

b. Knowledge of basic registration information, including registration deadlines and when registration or reregistration is required.

4. State employees participating in this program shall adhere to strict neutrality with respect to a person's political party enrollment. State employees shall make it clear whenever necessary that the receipt of State services does not depend in any way on whether a person is registered to vote.

5. The Election Division of the Office of the Secretary of State shall supervise the implementation, administration and effective operation of this program. The responsibilities of the Election Division shall include but not be limited to:

a. Planning and coordinating State employee training sessions and the distribution of registration materials; and

b. Compiling and submitting a report to the Governor on the

progress of the program and the number of completed registration forms collected by each participating State department.

6. This Order shall supersede Executive Order No. 194 and shall become effective one month following signature.

Issued May 25, 1989.

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EXECUTIVE ORDER No. 208

WHEREAS, On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, I signed a Sister State Agreement with Israel as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, This Agreement calls for the development of trade, cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, The establishment of a New Jersey-Israel Commission will enhance New Jersey's ability to implement the stated goals of this Agreement and will help to foster a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Commission to be known as the New Jersey-Israel commission (hereinafter referred to as "Commission").

2. The Commission shall consist of a minimum of 15 members and a maximum of 100 members. The members of the Commission shall be appointed by the Governor. The Governor shall designate the co-chairpersons of the Commission from among the members, who shall serve at the pleasure of the Governor.

3. The Commission shall report directly to the Director of the Office of Sister State Relations.

4. The Commission shall assist the Office of Sister State Relations by recommending a plan for a broad series of exchanges between the State of New Jersey and the State of Israel.

5. Within one year of its inception, the Commission shall provide the Governor and the Director of the Office of Sister State Relations with an interim report of its work.

6. The Commission shall be in existence for two years from the date of this Order.

7. This Order shall take effect immediately.

Issued May 31, 1989.

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#### EXECUTIVE ORDER No. 209

WHEREAS, The Center for International Business Education (hereinafter the "Center") located at Rutgers University was established to assist New Jersey businesses in international competition; and

WHEREAS, The expansion of international trade is important to the continued growth of New Jersey's economy; and

WHEREAS, The Center seeks to facilitate the entry of New Jersey businesses into foreign markets; and

WHEREAS, The establishment of an Advisory Council would aid the Center in its mission;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an Advisory Council (hereinafter referred to as the "Council") to the Ambassador Arnold Raphel Center for International Business Education. It will be the purpose of the Council to provide to the Division of International Trade, the Center's staff and Rutgers University, recommendations that will aid in the effective operation of the Center, including, but not limited to, new programs to be undertaken by the Center and ways to improve coordination with business education programs in the State.

2. The Council shall consist of 13 members appointed by the Governor. Five of the members will be permanent representatives chosen from the Division of International Trade, Rutgers University, Ramapo College, the World Trade Institute of the Port Authority of New York and New Jersey, and Stockton State College, and eight



will be rotating members from the private sector. The terms of office for the rotating members will be three years, but two of the initial private members shall serve one-year terms and three shall serve two-year terms. Each rotating member shall serve until a successor is named. The Governor shall designate the chairperson of the Council from among the members, who shall serve at the pleasure of the Governor.

3. The Council shall meet at least quarterly and shall prepare a yearly report on its activities. A copy of the report shall be distributed to the Governor, the Director of the Division of International Trade, Rutgers University, and the Legislature.

4. This Order shall take effect immediately.

Issued June 5, 1989.

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#### EXECUTIVE ORDER No. 210

WHEREAS, The Power Authority of the State of New York owns and operates two hydroelectric power projects on the Niagara and Saint Lawrence Rivers pursuant to licenses issued under federal law; and

WHEREAS, These licenses require that a portion of each project's output be made available for use in neighboring states and require the Power Authority of the State of New York to negotiate for the purchase and allocation of this power with a State-appointed bargaining agent, if one has been appointed; and

WHEREAS, Executive Order No. 18 (1982) authorized the New Jersey Board of Public Utilities to act as the bargaining agent for the State of New Jersey for the purchase and allocation of such power to all residential electric consumers, whether they be customers of investor or municipally owned utilities; and

WHEREAS, The Power Authority of the State of New York has proposed a written contract which will require the Board of Public Utilities, as the State-appointed bargaining agent, to purchase all power to be allocated in New Jersey, to assume the binding obligation to compensate the Power Authority of the State of New York for the power and to ensure allocation of the power as required by the federal licenses; and

WHEREAS, It would be in the best interests of the State of New Jersey for these administrative and fiscal obligations to be assumed by the Public Power Association of New Jersey with the Board of Public Utilities retaining regulatory jurisdiction over the purchase and allocation of the power and over the rates of the power;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Public Power Association of New Jersey is designated the bargaining agent for the State of New Jersey to negotiate and administer contracts with the Power Authority of the State of New York, as appropriate, to provide for the allocation of power generated by the hydroelectric power projects on the Niagara and Saint Lawrence Rivers to New Jersey and to its residential electric consumers according to the terms of the contracts and licenses of such hydroelectric projects.

2. The Board of Public Utilities shall retain regulatory jurisdiction over the purchase and allocation of the power to the residential electric consumers in the State of New Jersey and is empowered to establish regulations and rates for such power.

3. The Public Power Association of New Jersey, as bargaining agent, shall prepare and submit an Annual Report to the Board of Public Utilities setting forth the amount and cost of the power delivered to New Jersey, the allocation of the power to New Jersey residents and any modifications to the contractual relationship with the Power Authority of the State of New York. Copies of the Annual Report shall be supplied to each utility receiving power and to any other interested party.

4. Executive Order No. 18 (1982) is rescinded.

5. This Order shall take effect immediately.

Issued June 21, 1989.

## EXECUTIVE ORDER No. 211

WHEREAS, Executive Order No. 193 created a Governor's Advisory Council on Mental Health Services Planning to (a) conduct a comprehensive review of New Jersey's mental health system, (b) assess and formulate public policy issues affecting the mentally ill, and (c) develop a comprehensive State mental health plan; and

WHEREAS, The Council was required to report its findings and recommendations to the Governor by December 31, 1989; and

WHEREAS, The Council has been pursuing its mandate in accordance with the Order but is unable to complete its Final Report by the end of the year; and

WHEREAS, The Council has formally requested a six-month extension of its tenure;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The term of the Governor's Advisory Council on Mental Health Services Planning is hereby extended for a period of six months and will expire on June 30, 1990. The Governor's Advisory Council on Mental Health Services Planning shall issue an Interim Report of its findings and recommendations to the Governor on November 1, 1989 and a Final Report prior to June 30, 1990.

2. All other provisions of Executive Order No. 193 remain in full force and effect without any modification.

3. This Order shall take effect immediately.

Issued August 4, 1989.

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EXECUTIVE ORDER No. 212

WHEREAS, Flammable and otherwise dangerous materials have been placed under and adjacent to portions of Routes 22 and 78 and adjacent to Routes 1 and 9 in the City of Newark; and

WHEREAS, A catastrophic fire has occurred in those materials and has resulted in substantial structural damage to a portion of Route 78; and

WHEREAS, The damage to the affected portion of Route 78 has totally impeded the flow of traffic over this major highway; and

WHEREAS, Route 78 serves as a major artery in this State's highway system, is a component of the Interstate System which is designed to connect principal metropolitan areas and industrial centers and to serve the national defense, 23 U.S.C. § 103, and is a highway that is critical to the free flow of traffic to and from a major airport; and

WHEREAS, The presence of these materials constitutes an immediate threat to the public health, safety and welfare of the citizens of the State of New Jersey in the form of a continued threat of additional catastrophic fire; and

WHEREAS, The presence of these materials constitutes an immediate threat of further damage or other impediments to the use of Route 78 and other major transportation routes and facilities in the area; and

WHEREAS, The effective and immediate management and control of the removal, storage and disposal of these materials is beyond the capabilities of the owners and lessees of the property described herein and the local authorities; and

WHEREAS, The management and control of the traffic emergency created by the destruction of this critical portion of Route 78 is beyond the capabilities of local authorities; and

WHEREAS, This Order is essential to achieve an expeditious and efficient cleanup of these materials to prevent a further occurrence of this nature and to manage the traffic emergency caused by severe damage to this portion of Route 78; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (C.App.A:9-34, C.App.A:9-51) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. I declare that a state of emergency exists by reason of the facts and circumstances set forth above.

2. I hereby empower the Commissioner of Environmental Protection, the Commissioner of Transportation and the Director of the Office of Emergency Management, individually or together, to use, seize, impound, quarantine, secure, restrict access to, or require the vacating of, or the making of modifications or improvements, temporary or permanent, to any real or personal property which in their judgment is reasonably required to abate the emergency caused by the presence of these materials and the consequent threat to public health and welfare as described above.

3. I direct the Commissioner of Environmental Protection to coordinate the seizure, removal and disposal, without regard to the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.1 et seq.), of all materials that he, in his discretion, deems to present a threat to the health, safety and welfare of the public.

4. I direct the Director of the Office of Emergency Management to coordinate the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from the area designated in this Executive Order that he, in his discretion, deems necessary for the protection of the health, safety and welfare of the public.

5. I direct the Commissioner of Transportation to undertake immediately all acts necessary to accomplish, as expeditiously as possible, the restoration and repair of the damaged portion of Route 78.

6. It shall be the duty of every person or entity in this State or doing business in this State and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member or all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate with the Commissioners of Environmental Protection and Transportation and the Director of the Office of Emergency Management in all matters concerning this emergency.

7. This Order shall take effect immediately.

Issued August 10, 1989.

New Jersey State Library

## EXECUTIVE ORDER No. 213

WHEREAS, The New Jersey Legislature has enacted numerous statutes requiring the State and its departments, divisions, agencies and authorities to set aside a certain percentage of construction, goods, equipment and services contract awards for minority and female businesses, including provisions of the Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses, C.52:32-17 et seq.; the New Jersey Sports and Exhibition Authority Law, C.5:10-1 et seq.; the Casino Control Act, C.5:12-1 et seq.; the New Jersey Wastewater Treatment Trust Act, C.58:11B-1 et seq.; the New Jersey Urban Development Corporation Act, C.55:19-1 et seq.; the New Jersey Local Development Financing Fund Act, C.34:1B-36 et seq.; and the New Jersey Transportation Trust Fund Authority Act of 1984, C.27:1B-1 et seq.; and

WHEREAS, The United States Supreme Court in the case of the City of Richmond v. Croson invalidated as violative of the Fourteenth Amendment a minority set-aside program administered by the City of Richmond that reserved 30 percent of the dollar amounts of construction contracts awarded by the City for minority businesses; and

WHEREAS, The United States Supreme Court in Croson invalidated the City of Richmond's minority set-aside program because the City had failed to meet strict standards established by the Court for demonstrating prior racial discrimination by the City in letting contracts and because the program had not been narrowly tailored to remedy any identified prior discrimination; and

WHEREAS, New Jersey continues to strongly support minority and female set-aside programs as a vehicle for remedying discrimination, for ensuring that minority and female businesses receive a fair share of State business and for providing an opportunity for those businesses to grow, to develop competitively and to establish favorable reputations and expertise; and

WHEREAS, In light of Croson, New Jersey must be able to demonstrate that its minority or female business set-aside programs are narrowly tailored to further compelling governmental interests in remedying prior racial or sex discrimination by government; and

WHEREAS, The creation of a study commission will permit New Jersey to investigate, research and report on the nature and scope of

any discrimination in public works procurement and construction contracts awarded by the State and to recommend remedies for any discrimination;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter referred to as the Study Commission).

2. The Study Commission shall consist of 18 members as follows: two members of the Minority Business Advisory Council, two members of the Small Business Advisory Council, two members of the Women's Business Advisory Council, one member of the Governor's Authorities Unit and three at-large members, all appointed by the Governor; one representative each from the Assembly and the Senate; and the Commissioners of Commerce, Energy and Economic Development, Environmental Protection and Transportation, the Treasurer, the Attorney General and the Chancellor of Higher Education, or their designees.

3. The Study Commission shall organize as soon as practicable after the appointment of its members. A Chairperson shall be appointed by the Governor and a Vice Chairperson shall be selected by and from among the members of the Study Commission. The members shall serve without compensation. In the absence of the Chairperson, the Vice Chairperson shall have all powers and duties of the Chairperson. The Commission shall meet periodically and conduct its affairs in a timely manner.

4. The Study Commission shall investigate the nature and scope of any discriminatory practices in the letting of construction and procurement public works contracts by the State of New Jersey. The Commission shall gather existing data, reports and studies and shall prepare an analysis of this information in order to develop probative evidence of any prior or present discrimination in public works procurement and construction contracts awarded by the State. The Study Commission shall compare the percentage of minority and female businesses in the State qualified to receive public contract awards to the percentage of State construction and purchase contracts awarded to minority and female businesses and shall investigate the State's participation, active or passive, past or present, with private industry, unions or others in excluding minorities and

female businesses from public works procurement and construction projects.

5. Where the Study Commission finds evidence of discriminatory practices in State contracting, it shall identify and evaluate remedies for these practices consistent with guidelines established by the Supreme Court in Croson. In considering the use of minority or female business set-asides, the Study Commission shall evaluate the effectiveness of the State's experience in the use of set-aside programs to remedy discrimination. The Study Commission shall also evaluate and make recommendations concerning the geographic locations of businesses that should be included in any set-aside programs and mechanisms that will ensure effective implementation and enforcement of any set-aside programs.

6. The Study Commission is authorized to call upon any department, office, division or agency of this State to supply it with data, and any other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Study Commission to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General shall act as legal counsel to the Study Commission.

7. The Study Commission shall report its findings and recommendations concerning past and present discriminatory practices in public works procurement and construction contracts to the Governor no later than six months after the effective date of this Order.

8. Each department, office, division, agency or authority of this State responsible for the administration of a minority or women's set-aside program shall seek the advice of the Attorney General as to the legality of the set-aside programs it administers and shall undertake any and all measures necessary to implement in a legally valid manner those programs or other comparable programs designed to meet the objectives set forth in this Order.

9. This Order shall take effect immediately and shall expire six months after its effective date.

Issued August 14, 1989.



## EXECUTIVE ORDER No. 214

WHEREAS, Executive Order No. 213 established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts to investigate, research and report on the nature and scope of any discrimination in public works procurement and construction contracts awarded by the State and recommend remedies for any discrimination; and

WHEREAS, The Study Commission would benefit from the expansion of its membership to include representatives of the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises and the Governor's Advisory Council on Minority Business Development and additional representatives of the public at large;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The membership of the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts is hereby expanded to include two representatives of the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises, two representatives from the Governor's Advisory Council on Minority Business Development and six additional public members, all of whom shall be appointed by the Governor.

2. Except as provided in section 1 of this Executive Order, all other terms of Executive Order No. 213 shall remain in force and effect.

3. This Order shall take effect immediately.

Issued August 18, 1989.

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EXECUTIVE ORDER No. 215

WHEREAS, The protection of the environment, which is the subject of a public trust administered by government for the benefit of all citizens, is a primary responsibility of State government; and

WHEREAS, Government must not only regulate but also must provide an example in the effort to protect the human environment and the natural resources of the State; and

WHEREAS, The design and location of projects initiated or funded by departments, agencies or authorities of State government may have significant primary and consequential effects on the environment; and

WHEREAS, The protection of the environment, the management of development, and the prudent use of the State's limited land and other resources will be fostered by the proper location and design of projects initiated or funded by departments, agencies or authorities of State government; and

WHEREAS, The potentially adverse environmental impact of projects initiated or funded by departments, agencies or authorities of State government can be substantially reduced or eliminated if that impact is assessed before the approval of such project and agreement reached on the ways and means to ensure environmental compatibility;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. All departments, agencies and authorities of the State shall prepare and submit to the Department of Environmental Protection an environmental assessment or environmental impact statement, as specified below, in support of major construction projects. Projects directly initiated by departments, agencies, or authorities of the State, as well as projects in which the State departments, agencies or authorities are granting at least 20 percent financial assistance, shall comply with this Order.

For the purpose of determining an appropriate level of review, projects shall be categorized as follows:

a) Level 1—projects with anticipated construction costs in excess of \$1 million shall be subject to the preparation of an environmental assessment. The assessment shall follow guidelines prepared by the Department of Environmental Protection, attached herewith to this Order. Alternatively, environmental assessments prepared to support a "Finding of No Significant Impact" under the National Environmental Policy Act may be substituted for an assessment otherwise required pursuant to the attached Department of Environmental Protection guidelines; or

b) Level 2—projects with both construction costs in excess of \$5 million and land disturbance in excess of five acres shall be subject

to the preparation of an environmental impact statement. The statement shall follow guidelines prepared by the Department of Environmental Protection, attached herewith to this Order.

2. The assessment or impact statement shall be submitted by the proposing or granting department, agency or authority and reviewed by the Department of Environmental Protection as early in the project planning and design process as possible, but in all cases such submission and the review process which follows must be completed prior to commencing site preparation and/or construction activity on the project. In the case of any project to be funded by a department, agency, or authority of the State, review of the assessment or impact statement must be completed by the Department of Environmental Protection prior to awarding any financial assistance for the commencement of site preparation and/or construction activity.

3. Upon receipt of an environmental assessment or impact statement the Department of Environmental Protection shall undertake a review to determine whether the documents submitted are administratively complete. Within 20 days of receipt, the Department of Environmental Protection shall either certify that the environmental assessment or impact statement is administratively complete and conforms to the guidelines attached herewith to this Order, or specify in writing to the proposing or granting department, agency, or authority that the environmental assessment or impact statement is administratively deficient. If deemed deficient, the proposing or granting department, agency or authority shall correct such deficiency or deficiencies as specified by the Department of Environmental Protection and may resubmit the environmental assessment or impact statement at any time thereafter for review by the Department. Within sixty (60) days of the Department of Environmental Protection's receipt of an environmental assessment or impact statement determined to be administratively complete, the Department shall conclude its review of such assessment or impact statement. If the Department of Environmental Protection has not concluded its review of the assessment or impact statement within this 60-day period, the project shall be deemed approved.

4. Upon concluding its review, the Department of Environmental Protection shall provide a written response to the proposing or granting department, agency or authority. The response shall include the following:

a) identification of any probable adverse environmental impacts that could be expected from project implementation;

b) an identification of any Department of Environmental Protection permits or regulatory requirements which will be applicable to the proposed project; and

c) recommendations including, but not limited to:

i) approval based on the representations made in the assessment or impact statement;

ii) conditional approval, including receipt of permits and/or measures to reduce and/or mitigate the anticipated impacts to an acceptable level;

iii) an additional impact assessment on one or more specific environmental consequences;

iv) project modification to avoid adverse environmental impacts; and

v) major restructuring of the project.

5. Within thirty (30) days of receiving the Department of Environmental Protection's recommendation(s), the proposing or granting department, agency or authority shall provide the Department of Environmental Protection with a written response either indicating acceptance of the Department of Environmental Protection's recommendation(s) or setting forth those issues remaining in dispute.

6. Any dispute regarding implementation of the Department of Environmental Protection's recommendation(s) shall be resolved in good faith through meetings between the Commissioner of Environmental Protection and the commissioner, chairman or agency head of the proposing or granting department, agency or authority.

7. Notwithstanding the anticipated construction costs or land disturbance involved, the provisions of this Order shall not apply to the following types of projects:

a) maintenance or repair projects;

b) facilities or equipment replaced in kind at the same location;

c) renovations or rehabilitation of existing buildings;

d) expansions or additions of existing buildings, provided that the expansion or addition does not increase the building's capacity by more than 25 percent;

e) projects subject to review pursuant to the provisions of the

Coastal Area Facility Review Act or the Municipal Wastewater Treatment Financing Program;

f) projects which will require a full environmental impact statement pursuant to the National Environmental Policy Act;

g) projects classified as categorical exclusions pursuant to regulations promulgated in accordance with the National Environmental Policy Act; or

h) projects involving loans or tax exempt financing to private sector applicants by departments, agencies or authorities of the State of New Jersey.

8. This Order shall not apply to authorities or commissions created pursuant to interstate agreements.

9. This Order shall not apply to projects previously exempt from Governor Cahill's Executive Order No. 53 (1973) where final plans and specifications have been completed on such projects prior to this Order taking effect.

10. Governor Cahill's Executive Order No. 53 (1973) is hereby rescinded.

11. This Order shall take effect immediately.

Issued September 11, 1989.

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#### EXECUTIVE ORDER No. 216

WHEREAS, The federal Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., as amended by provisions regarding Indoor Radon Abatement, Pub.L.100-551, 102 Stat. 2755 (1988), allows the Administrator of the United States Environmental Protection Agency to make grants for the purpose of assisting states in the development and implementation of programs for the assessment and mitigation of radon; and

WHEREAS, The Toxic Substances Control Act requires that each state's grant application be filed by the Governor of that state; and

WHEREAS, The Radiation Protection Act of 1958, C.26:2D-1 et seq., charges the Department of Environmental Protection with the

responsibility to develop comprehensive programs for the evaluation and amelioration of hazards associated with all sources of radiation, including radon, and to accept and administer loans, grants or other funds from the federal government for carrying out its functions under the Act;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of Environmental Protection to submit New Jersey's Federal Radon Grant Proposal on my behalf.

2. This Order shall take effect immediately.

Issued September 12, 1989.

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#### EXECUTIVE ORDER No. 217

WHEREAS, Executive Order No. 51 created a Governor's Task Force on Child Abuse to (a) study the problem of child abuse in New Jersey and make recommendations for corrective action, (b) mobilize citizens and community agencies in a strong, prevention-oriented, proactive effort to address child abuse, (c) develop mechanisms to facilitate early detection of child abuse, to furnish appropriate services to the victims of child abuse and their families and to foster cooperative working relationships between responsible agencies, and (d) provide other information on child abuse as the Governor may request; and

WHEREAS, The Governor's Task Force on Child Abuse was to conclude its work by January 1, 1985; and

WHEREAS, The Governor's Task Force on Child Abuse was subsequently renamed the Governor's Task Force on Child Abuse and Neglect, was continued in existence for additional two-year periods by Executive Orders Nos. 110 and 173 and is presently set to expire on December 31, 1989; and

WHEREAS, There continues to be a need for the Task Force to educate the community and make the public aware of this serious social problem, to prevent child abuse and neglect and to ensure community support for these child protection measures;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Task Force on Child Abuse and Neglect shall hereby continue in existence until December 31, 1991.
2. The powers and responsibilities of the Task Force pursuant to Executive Order No. 51, Executive Order No. 110 and Executive Order No. 173 are continued.
3. The public members on the Task Force may include county freeholders, representatives of child or family social work organizations and victims of child abuse or their families.
4. The Task Force may solicit, receive, disburse and monitor grants and other funds available from any governmental, public, private, not-for-profit or for-profit source, including, but not limited to, funding available under any federal or State law, regulation or program.
5. All departments, agencies and divisions are authorized and directed, to the extent not inconsistent with law, to cooperate with the Task Force. The Department of Human Services is authorized and directed to furnish the Task Force with such staff, office space and supplies as necessary to accomplish the purpose of this Order.
6. All other provisions of Executive Order No. 51, Executive Order No. 110 and Executive Order No. 173 shall remain in full force and effect without any modification.
7. This Order shall take effect immediately.

Issued September 12, 1989.

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EXECUTIVE ORDER No. 218

WHEREAS, The revitalization and economic development of the Hackensack Meadowlands and the Hudson River Waterfront are dependent upon an efficient highway and transit system to facilitate the public's access to and mobility around these regions; and

WHEREAS, The "Governor's Mobility Plan" (hereinafter referred to as "the Plan"), more fully described in the attached document entitled "Corridors, Segments and Projects," has been developed cooperatively by the Chairman of the New Jersey Turnpike Authority, the Executive Director of New Jersey Transit, the President and Chief Executive Officer of the New Jersey Sports and Exposition Authority, the Commissioners of Transportation, Environmental Protection and Community Affairs, and the Governor's Chief of Policy and Planning; and

WHEREAS, The Plan's major objectives are to:

- a. Improve access to and mobility around the Hudson River Waterfront;
- b. Relieve congestion on the New Jersey Turnpike; and
- c. Improve access to and mobility around the Hackensack Meadowlands region and the Meadowlands Sports Complex; and

WHEREAS, The Plan consists of a network of roads, interchanges, busways, peplemovers, rail routes and stations and tunnels connecting the Hudson River Waterfront, the Hackensack Meadowlands Sports Complex and the New Jersey Turnpike; and

WHEREAS, Implementation of the Plan will improve, augment and connect the various existing transportation facilities of this area into a single integrated system; and

WHEREAS, Successful implementation of the Plan is contingent upon the thorough and responsible evaluation of numerous complex issues, including, but not limited to, the design of transportation systems, environmental compliance, an assessment of construction costs and the identification of financing sources; and

WHEREAS, The public's interest in timely and expert evaluation of the planning, construction and financing of each project proposed under the Plan is best served by coordination among the State agencies which have developed the Plan, the Port Authority of New York and New Jersey and the private sector through the establishment of a coordinating committee;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:



1. There is hereby created the Governor's Mobility Plan Coordinating Committee (hereinafter referred to as the "Committee").
2. The Committee shall consist of eight members as follows:
  - a. The Commissioner of Transportation;
  - b. The Commissioner of Environmental Protection;
  - c. The Commissioner of Community Affairs;
  - d. The Chairman of the New Jersey Turnpike Authority;
  - e. The Executive Director of New Jersey Transit Corporation;
  - f. The President and Chief Executive Officer of the New Jersey Sports and Exposition Authority;
  - g. The Executive Director of the Port Authority of New York and New Jersey or his designee; and
  - h. One representative from the Governor's Office to be designated by the Governor.
3. The Committee shall organize as soon as practicable. The Commissioner of Transportation shall serve as Chairperson of the Coordinating Committee and a Vice Chairperson shall be selected by and from among the members of the Committee. The members shall serve without compensation. In the absence of the Chairperson, the Vice Chairperson shall have all of the powers and duties of the Chairperson. The Committee shall meet periodically pursuant to the call of the Chairperson, but in no event shall the Committee meet less than once in each quarter of any year.
4. The Committee shall exercise its authority to continue the planning process and to coordinate the efficient implementation of the Plan.
5. The Committee shall coordinate the development of the Plan with respect to the following:
  - a. Detailed planning of the transportation system which shall include: an analysis of the costs involved in conforming projects to comply with federal and State environmental laws; an alternatives analysis designed to avoid or minimize a project's impact upon environmentally sensitive areas including, but not limited to, wetlands; preliminary engineering studies to determine the feasibility of each segment of the Plan; and involvement of the public in all aspects of planning;

b. Identification of the source of any additional funding required to implement the Plan;

c. The development of an interagency agreement between the Department of Environmental Protection and the Hackensack Meadowlands Development Commission to ensure that permits required for various elements of the Plan located within the Hackensack Meadowlands District are issued in a timely, coordinated manner;

d. The development of any other interagency agreements deemed necessary to facilitate implementation of the Plan;

e. An analysis and recommendation concerning any legislative enactments necessary as a predicate to implementation of the Plan.

6. The Committee shall coordinate its members and the private sector to ensure that all documents required by federal and State law, including but not limited to environmental assessments, impact statements, grant applications and permit applications, have been properly and timely prepared. The Committee shall also coordinate the development of the final design, including the identification of any rights-of-way or other real property that must be purchased, and shall monitor construction to ensure that it is consistent with the pre-approved final design.

7. In order to carry out its functions, the Committee may conduct public meetings and hearings or otherwise develop and implement a public participation program to solicit information from the citizenry and any other sources deemed appropriate. Notice of any public hearings shall be given in such manner as the Chairperson may direct to provide full opportunity for interested members of the public to be heard.

8. In April of each year, the Committee shall submit a written report to the Governor, the President of the Senate and the Speaker of the General Assembly which shall include detailed information regarding:

a. Accomplishments of the prior year evidencing progress toward implementation of the Plan, including: plans and studies completed; agreements executed; legislation adopted; permits applied for and received; grants applied for and received; rights-of-way and other lands purchased; designs completed; and construction activities undertaken;

b. Any recommendations for legislative action;

- c. Any recommended amendments or changes to the Plan; and
- d. Implementation steps to be undertaken during the upcoming year and the source of funding for those steps.

9. The Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with law, to cooperate with the Committee in furnishing it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

10. This Order shall take effect immediately.

Issued October 12, 1989.

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GOVERNOR'S MOBILITY PLAN  
"CORRIDORS, SEGMENTS AND PROJECTS"  
10/12/89

**I. Allied Junction Corridor**

Projects in segments from Sports Complex; southeast through Bergen Arches to northern terminus of New Jersey Turnpike/Hudson County Extension

**Segment I-A—New Rail Spur from Bergen Line**

- I-A.1 New Station.
- I-A.2 Crossing of Berry's Creek (north of Route 3, onto Sports Complex).
- I-A.3 New rail spur from existing Bergen Line to Sports Complex.

**Segment I-B—Connection of Bergen and Main Lines**

- I-B.1 Existing Bergen Line southeast across the Hackensack River.
- I-B.2 Connection of Main and Bergen Lines.
- I-B.3 Existing Main Line into Allied Junction.
- I-B.4 Conversion of abandoned Bergen Line railbed to roadway from Allied Junction to Seaview Drive and Meadowlands Parkway.

**Segment I-C—Allied Junction Development**

- I-C.1 Rail transfer station with Main/Bergen Lines and conversion of abandoned Bergen Line to roadbed.
- I-C.2 Additional trackage on Main Line (also known as the Secaucus Transfer).
- I-C.3 Improvements to Northeast Corridor (also known as the Secaucus Transfer).
- I-C.4 Rail transfer station over Amtrak's Northeast Corridor Line.
- I-C.5 Allied Junction Complex—4,000 parking spaces; hotel and offices; total 3.5 million sq. ft. (Private development).
- I-C.6 New Turnpike Interchange—between 15E and 16E, at Allied Junction.

**Segment I-D—Allied Junction to Bergen Arches**

- I-D.1 Abandoned Bergen Line right of way, converted to a roadbed between Allied Junction and the Bergen Arches.
- I-D.2 Grade separations and/or bridges at Penhorn Creek and Croxton Yard.
- I-D.3 Connection of Allied Junction & Bergen Arches with Routes 1 & 9 (Tonnele Ave.).

**Segment I-E—Bergen Arches**

- I-E.1 Rehabilitation of Bergen Arches.
- I-E.2 Fly-over Conrail at easterly end of Arches.
- I-E.3 Connecting ramps to 6th and 11th Streets and to South Busway/Waterfront Blvd.
- I-E.4 Connecting ramps to 11th Street and Waterfront Blvd. from Hudson County Turnpike Extension.

**Segment I-F—Route 17 South to Route 280/Interchange 15W**

- \*I-F.1 Route 17 south from Route 3 to Route 280/Interchange 15W.
- \*I-F.2 Abandoned rail right-of-way for Route 17 South Extension to Route 280 or Exit 15W of the Turnpike.

**\*Segment I-G—Route 3 Bridge over Berry's Creek**

Bridge rehabilitation and expansion from two lanes to three lanes in each direction.

**II. Waterfront Corridor**

Projects in segments from easterly end of Bergen Arches,

northward between the base of the Palisades and the Hudson River: to the entrance of the Lincoln Tunnel and northward to the North and South Tunnels and to the North Busway. This Corridor is currently the subject of a \$2M, 18 month formal UMTA Alternatives Analysis (AA).

**Segment II-A—Right of Way at Base of Palisades** (Now encumbered by Conrail's River Line; under contract to NJ TRANSIT)

- II-A.1 Interim roadway behind Hoboken from Hudson County Turnpike Extension to Weehawken.
- II-A.2 Permanent improvements behind Hoboken from Hudson County Turnpike Extension to Weehawken (Waterfront Blvd./South Busway).
- II-A.3 Waterfront Blvd.—Caven Point Road to Route 5.
- \*II-A.4 Route 169/185—Bayonne Bridge to Caven Point Road and Route 440 (now under construction).

**Segment II-B—Northern Branch**

- II-B.1 Paterson Plank Road grade separation.
- II-B.2 Secaucus Road grade separation.
- II-B.3 Croxton Yard rail improvements.
- II-B.4 Marion Junction rail improvements.
- II-B.5 North Bergen Yard rail improvements.
- II-B.6 Purchase of Conrail's River Line and Weehawken Tunnel.

**Segment II-C—Peoplemover**

- II-C.1 Bayonne to Hoboken Terminal.
- II-C.2 Hoboken Terminal to North Bergen Yard.
- II-C.3 Extension from North Bergen Yard to Sports Complex through relocated Interchange 17E.

**Segment II-D—South busway to Lincoln Tunnel**

Connection of South busway to Lincoln Tunnel.

**Segment II-E—Lincoln Tunnel to North Busway**

Connection of North busway to Lincoln Tunnel.

**Segment II-F—NJ TRANSIT's Waterfront Connection**

Connects the Northeast Corridor, North Jersey Coastline and Raritan Valley Lines (now under construction).

**III. Twin Tunnels Corridor**

Projects in segments from North busway/Waterfront Blvd. westerly through the existing South (Weehawken) and new

North Tunnels to the North Bergen Yard and relocated Interchange 17E. Inclusive of new alignment west of relocated 17E for a peplemover extension, new roadbed, and bridge replacement at Paterson Plank Rd. to the Sports Complex.

**Segment III-A—South (Mass Transit Only) Tunnel**—Existing “Weehawken Tunnel” under contract from Conrail to NJ TRANSIT

- III-A.1 Connection of easterly portal with Waterfront.
- III-A.2 South Tunnel rehabilitation.
- III-A.3 Connection of western portal to existing or new road system.
- III-A.4 Park 'n Ride at Wassil site.

**Segment III-B—North Tunnel (New)**

- III-B.1 Connection of easterly portal with Waterfront.
- III-B.2 Construction of 3-lane North Tunnel.
- III-B.3 Connection of western portal to existing or new road system.

**Segment III-C—Connection of Westerly Portals of Twin Tunnels to Relocated Turnpike Interchange 17E**

Crossing of Cromakill Creek by five lanes (2-South Tunnel/3-North Tunnel) inclusive of peplemover.

**Segment III-D—Relocated Turnpike Interchange 17E**

- III-D.1 Expanded Vince Lombardi Park 'n Ride.
- III-D.2 Construction of relocated Turnpike interchange.

**Segment III-E—Peplemover Extension from Relocated Interchange 17E to Sports Complex**

- III-E.1 Crossing of Hackensack River over Paterson Plank Rd. Bridge replacement.
- III-E.2 Peplemover connection on Sports Complex site with Commuter Rail from Allied Junction Corridor.

**Segment III-F—Paterson Plank Road Bridge Replacement**

- \*III-F.1 Westerly connection to Turnpike Interchange 17W.
- \*III-F.2 Replacement span over Hackensack River.
- \*III-F.3 Easterly connection to Meadowlands Parkway.
- \*III-F.4 Connection of Meadowlands Parkway Extension with relocated Turnpike Interchange 17E.

- 3 Corridors
- 19 Segments
- 55 Projects (combined into seven clusters)

\*Added to original plan elements.

## EXECUTIVE ORDER No. 219

WHEREAS, A scientific consensus exists that emissions of certain gases, including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons (hereinafter "CFCs"), and halons are causing significant changes in the composition of the Earth's atmosphere; and

WHEREAS, A scientific consensus also exists that these emissions are likely to cause significant changes in the Earth's climate, including overall warming, increased drought, an increase in the intensity of hurricanes and other major storms, as well as increased incidence of harmful ultraviolet radiation; and

WHEREAS, These climatic changes are predicted to result in increases in sea levels, geographic shifts in the habitats of many plants and animals, and the extinction of potentially large numbers of species; and

WHEREAS, Reductions in emissions of these gases can diminish the overall magnitude and rate of climatic changes, as well as reduce the depletion of stratospheric ozone; and

WHEREAS, Energy conservation can achieve significant reductions in emissions of carbon dioxide, a necessary byproduct of the combustion of fossil fuels and a major contributor to global climate change; and

WHEREAS, Protection of the social, economic and environmental interests of the citizens of New Jersey requires the State to implement policies and regulatory practices that will serve the dual purpose of reducing such emissions and of facilitating adaptation to those changes that are predicted to occur; and

WHEREAS, The public's understanding of the causes of global climate change and ozone depletion and possible responses thereto is essential to ensuring that appropriate steps are taken; and

WHEREAS, The public sector, including all departments, agencies and offices of State government, including State universities and colleges (hereinafter "State entities"), should provide an example to guide the private sector in the adoption of measures to minimize the contribution to climatic change from sources in New Jersey;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. State entities shall foster energy conservation to the maximum extent practicable, in order to reduce emissions of carbon dioxide and other gases that contribute to global climate change.

a. All State entities with responsibility for constructing, purchasing, leasing, operating or maintaining capital facilities and equipment shall employ state-of-the-art equipment for efficient heating, ventilation, air conditioning and lighting, and in other major energy using applications, where such equipment or techniques will result in lower costs over the lifetime of the equipment.

b. All State entities exercising regulatory authority over actions that directly or indirectly relate to the production or consumption of energy shall review their policies and regulatory practices to ensure that they provide maximum incentives designed to conserve energy and increase reliance upon sources of energy that contribute fewer emissions of those gases responsible for global climate change.

2. All State entities that use or purchase CFCs and halons or that use, purchase, or maintain equipment that contains CFCs or halons, shall investigate the use of all practicable and safe alternatives to those compounds and ensure that emissions and losses of those compounds, including those occurring during maintenance, are reduced to the maximum extent practicable.

3. The Department of Environmental Protection shall investigate the feasibility of regulatory controls to reduce the use and release of CFCs and halons in New Jersey and make recommendations for any necessary regulatory or legislative action.

4. All State entities with responsibility for the maintenance of State property shall promote the absorption of carbon dioxide by maximizing the planting of trees and ensuring at least one-for-one replacement (either on-site or elsewhere) for trees lost as a result of construction or other activity which requires or results in loss of trees.

5. All State entities with responsibility for policies or regulations affecting the location, construction or maintenance of public or private facilities (including residential developments) shall:

a. Ascertain the degree to which those facilities will be affected by predicted changes in sea level; and

b. Develop policies, in consultation with the general public and other governmental entities, to respond to such predicted changes in sea level.



6. All State entities with responsibility for the purchase or protection of land for the purposes of open space protection or related objectives shall, as appropriate, undertake such acquisition or protection activities in a manner that furthers the creation of corridors of linked public and private open spaces known as "greenways," which aid the adaptation of natural systems by providing corridors for migration as climatic conditions change.

7. All State entities shall review their programs designed to facilitate public awareness of environmental issues and revise such programs to ensure, to the maximum extent practicable, the effective communication of information that will enhance the public's understanding of the basic processes involved in global climate change, the causes of such change, and possible approaches to reducing and adapting to such change.

8. This Order shall take effect immediately.

Issued October 23, 1989.

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#### EXECUTIVE ORDER No. 220

WHEREAS, The "Governor's Mobility Plan" (Plan) was developed through the cooperative efforts of numerous agencies and instrumentalities of State government, including the participation of the Director of the Hudson River Waterfront Transportation Office of New Jersey Transit; and

WHEREAS, Executive Order No. 218 establishes the "Governor's Mobility Plan Coordinating Committee" (Committee) to continue the planning process and to coordinate the efficient implementation of the Plan; and

WHEREAS, The Coordinating Committee would benefit from the expansion of its membership to include a representative of the Hudson River Waterfront Transportation Office of New Jersey Transit Corporation;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 218 is hereby amended to include the Director of the Hudson River Waterfront Transportation Office of

New Jersey Transit Corporation as a participant in the development of the Plan.

2. The membership of the Committee is hereby expanded to include the Director of the Hudson River Waterfront Transportation Office of New Jersey Transit Corporation.

3. Except as provided in sections 1 and 2 of this Executive Order, all other terms of Executive Order No. 218 shall remain in force and effect.

4. This Order shall take effect immediately.

Issued October 30, 1989.

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#### EXECUTIVE ORDER No. 221

I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. November 24, 1989, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 24, 1989.

Issued November 13, 1989.

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#### EXECUTIVE ORDER No. 222

WHEREAS, Executive Order No. 83 created the Martin Luther King, Jr. Commemorative Commission (hereinafter referred to as the Commission); and

WHEREAS, The existence of the Commission was perpetuated by Executive Orders Nos. 94 and 131; and

WHEREAS, Through my signing of P.L.1989, c.188, on September 26, 1989, a permanent Martin Luther King, Jr. Commemorative Commission was established; and

WHEREAS, With the creation by statute of a permanent Commission, it is no longer necessary for the Commission to operate by virtue of the authority of Executive Order;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Executive Orders Nos. 83, 94 and 131, now superseded by P.L.1989, c.188, are hereby rescinded.

2. This Order shall take effect upon the organizational meeting of the Martin Luther King, Jr. Commemorative Commission established by P.L.1989, c.188.

Issued November 16, 1989.

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EXECUTIVE ORDER No. 223

WHEREAS, Executive Order No. 72 issued on May 24, 1984 created a Governor's Council on the Prevention of Mental Retardation; and

WHEREAS, The Council completed a study evaluating the services needed to prevent mental retardation and developmental disabilities and made recommendations in a report to the Administration; and

WHEREAS, As a result of that report, P.L. 1987, c. 5 was enacted establishing a permanent Office for Prevention of Mental Retardation and Developmental Disabilities within the Department of Human Services; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation was renamed the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities by Executive Order No. 178 on July 30, 1987; and

WHEREAS, The Council, which has been pursuing its mandate in accordance with these Orders, is set to expire on December 31, 1989; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities should continue to serve as an advisory council to the Commissioner of Human Services and to the Office for Prevention of Mental Retardation and Developmental Disabilities;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities is hereby extended for a period of one year and shall expire on December 31, 1990.
2. Representation on the Council shall be expanded to include the Public Advocate or his designee.
3. All terms and provisions of Executive Orders Nos. 72 and 178 shall remain in force and effect except as expressly modified herein.
4. This Order shall take effect immediately.

Issued November 22, 1989.

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#### EXECUTIVE ORDER No. 224

WHEREAS, The land along the New Jersey/New York border from the Delaware River to the Hudson River (hereinafter referred to as the Skylands region) is an area of significant natural beauty that contains numerous cultural and historic sites and possesses substantial recreational opportunities; and

WHEREAS, Federal, State, county and local governments in both New Jersey and New York own approximately 136,613 acres in this region, managing them as parks, preserves, water supply areas, historic sites and open space; and

WHEREAS, These protected areas offer citizens and tourists throughout New Jersey and New York numerous cultural and recreational opportunities by providing both physical and visual access to the natural resources of the region; and

WHEREAS, In 1987, the President's Commission on American Outdoors called for a network of greenways across the United States

to facilitate the preservation of natural resources for recreational and open space purposes; and

WHEREAS, Greenways provide a mechanism for achieving these preservation goals by creating unbroken corridors of forests, streams, lakes, reservoirs, rivers and public trust lands which protect valuable wetlands, scenic and recreation areas and wildlife habitats, as well as shaping community development and enhancing community pride and beauty; and

WHEREAS, A Skylands Greenway would link the parks, historic sites, wetlands, wildlife habitats, streams, rivers, reservoirs, watersheds, trails, scenic, natural and agricultural lands and other protected areas unique to the region between the Delaware and Hudson Rivers for the enjoyment of future generations; and

WHEREAS, It is in the interest of New Jersey to create a Task Force to study the viability of establishing a Skylands Greenway to protect the unique qualities of the Skylands region;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The creation of a Skylands Greenway Task Force (hereinafter referred to as the "Task Force") to consist of nine members. The makeup of the Task Force shall be as follows:

a. Four public members with expertise in the preservation of natural resources and open space, to be appointed by the Governor of the State of New Jersey.

b. A representative from the North Jersey District Water Supply Commission.

c. Three representatives, one each from the neighboring counties of Bergen, Passaic and Sussex, each to be chosen by the respective County's Board of Chosen Freeholders.

d. The Commissioner of Environmental Protection, or his/her designee.

2. In addition to these nine members, the Task Force may invite the following representatives to participate:

a. Two representatives, one each from New York's Orange and Rockland Counties, each to be chosen by the respective County's governing body.

b. The Commissioner of the New York Department of Environmental Conservation and/or of New York's State Office of Parks, Recreation and Historic Preservation, or their designees.

c. A representative appointed by the National Park Service.

d. A representative appointed by the United States Fish and Wildlife Service.

e. A representative from the United States Soil Conservation Service (representing agricultural interests).

3. The Task Force may call to its assistance, and avail itself of the services of, any organizations with involvement and/or interest in the Skylands Greenway. If requested by the Task Force, the New Jersey Department of Environmental Protection shall provide staff support. The Task Force may call upon the State Planning Commission and Office of State Planning to provide any information deemed necessary, including statistical and planning data.

4. The New Jersey Department of Environmental Protection is authorized and directed, to the extent not inconsistent with law, to cooperate with the Task Force and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. The Task Force shall meet as soon as practicable and commence a study which:

a. Shall include each county along the New York/New Jersey border from the Hudson River to the Delaware River.

b. Shall include, but not be limited to, planning and recommending protected linkages of natural, cultural and recreational resources relating to the Greenway and planned in such a way as to enhance indigenous industries such as agriculture and tourism.

6. The Task Force shall conclude its study within one year by filing a report with the Governor of New Jersey, the National Park Service and those Congressional Committees with oversight responsibilities for the establishment of a Skylands Greenway. This report shall include:

a. A brief and general historical overview regarding the lands considered for inclusion in the Greenway designation.

b. An inventory of all public and private lands within the Skylands region, specifying the present use of such lands, facilities exist-

ing thereon for public recreation, and all natural, scenic, cultural, fish and wildlife and other resources in the region.

c. The agency from each jurisdiction managing existing natural resources.

d. A general review of all watershed lands which may contribute to the establishment of the Greenway.

e. Any recommendations, including draft actions, for designation of the lands and waters as part of the proposed Greenway.

7. This Order shall take effect immediately.

Issued December 20, 1989.

