



July 14, 2011

The Honorable James Simpson, Commissioner
Department of Transportation
P.O. Box 600
Trenton, NJ 08625-0600

RE: OPRA Request

Dear Commissioner Simpson:

On behalf of the Marine Trades Association of New Jersey I am requesting information on the use of funds diverted by P.L.2010, c.35 (Senate Bill 3000/Assembly Bill 3000) from the "I Boat NJ" grant program, established by boating registration fees under N.J.S.A. 12:7-34.47. As you are aware, the FY 2011 State Budget contained language that the Department of Transportation may do the following:

***60 Transportation Programs
61 State and Local Highway Facilities***

Notwithstanding the provisions of section 12 of P.L.1962, c.73 (C.12:7-34.47), of the amount hereinabove appropriated for Maintenance and Operations, \$2,200,000 is payable from the revenue derived from the fee increase pursuant to the amendatory provisions of section 12 of P.L.2002, c.34 deposited into the "Maritime Industry Fund."

Since this language permits the Department to override the provisions of State law for purposes that do not conform to the original intent of the funds being used, I am hereby requesting the following information under the Open Public Records Act:

- Any memorandum and communication by and with Department staff, including e-mails, proposing or outlining the use of I Boat NJ funds as described and permitted above, between January 2010 and June 30, 2011.
- Exact date or dates during State Fiscal Year 2011 were the funds transferred into Maintenance and Operations?
- For what specific "maintenance and operations" purposes or projects were these funds specifically used to cover and any memorandum outlining the use of these funds.

- Did the transfer of the \$2.2 million authorized by P.L. 2010, c.35 create a surplus in the Department Maintenance and Operations account listed above?
- Did the transfer of the \$2.2 million authorized fund DOT staff or pay for the use of outside contractors?
- Since the FY 2012 State Budget (P.L. 2011, c. 85) authorizes the same transfer of funds described above, any memorandum or communications, including e-mails, by and with Department staff proposing or outlining the diversion of said funds for FY 2012.

Thank you for your immediate response to this request.

Sincerely,

Melissa Danko
Executive Director