

27:23-6

September 30, 1963

COPY NO. 2

LEGISLATIVE HISTORY OF R.S. 27:23-6

(Turnpike Authority - Payment for Removal of Public Utilities)

Laws 1948, Chapter 454 - S-373 - Introduced August 16, 1948 by Senator Van Alstyne

Bill had no statement.

Bill as originally introduced did not have this paragraph in section 6. It was added by the Senate Judiciary Committee in its Committee Substitute for the original bill, which had been recommitted to it.

No hearings or reports were found.

~~Amended by L. 1961, Chapter 141.~~

~~Does not change this paragraph.~~

RS/jnk

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27:23-1 et seq.

N.C. - Legislative histories
10 March 1955

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185 W. State Street
Trenton, N. J.

Date: March 10, 1955

Subject: Background Information on The Turnpike Authority and Garden State Parkway

In compliance with your request for background information on, and studies pertaining to the Turnpike Authority and Garden State Parkway, and with particular regard to the service facilities of these toll roads, materials in the library have been checked and certain of them have been selected as pertinent. The titles selected are listed below, with annotations to facilitate their use.

TURNPIKE AUTHORITY

New Jersey Turnpike Authority. A Background Memorandum... (1952)

Contains a brief summary of history of turnpike, studies which preceded it, legislation which created it, means of financing it, engineering features it involves and statistics on its operation.

Note: Although this monograph was issued by the Turnpike Authority, there are two discrepancies in the statements at page 2. The errors are in reporting a special session of the State Legislature in 1948 and in referring to a highway survey of 1946. Annotations to the next three listed titles include corrections of these discrepancies.

New Jersey State Highway Department. Highway Planning Bureau. A Comprehensive State Highway System: Report by Sigvald Johansson. Trenton, September 1944.

New Jersey State Highway Department. Division of Planning and Economics.

Monographs on the Highways of New Jersey by Sigvald Johansson. Aug. 1, 1947.

The library collection contains no survey such as that described at page 2 of the New Jersey Turnpike Authority Monograph. Contact was made with the Highway Department, Turnpike Authority and Clerk in charge of state documents files, in order to secure such a study. It could not be identified. The two above studies were supplied by the Highway Department as possible publications to which the monograph has reference.

New Jersey Governor. 1st Annual Message, Alfred E. Driscoll, To the Legislature, January 13, 1948.

The official copy of Chapter 454, N.J.L. 1948 on file in the Secretary of State's Office shows that this act (S.373) was introduced, passed and signed at the regular session, 1948. The above listed Governor's message contains a statement on state highway requirements and finance needs in their construction at page 19-20.

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New Jersey Turnpike Authority. New Jersey Turnpike... 4 parts. 1949
All four parts submitted. Attention is called to part 4, Engineering Studies and Estimates, which discusses service facilities, page 9.

Accounting System of the New Jersey Turnpike by Henry A. Wegener.
Clipped from N.A.C.A. Bulletin July, 1952
Contains a detailed description of financing the turnpike, page 1316 and a section on lands, easements and rights of way in which reference is made to acquisition by the Authority of 3600 parcels of real estate, page 1319.

Civil Engineering. Issue January 1952
Entire issue devoted to New Jersey Turnpike. Of particular interest is article on service facilities, page 89. In this article under subtitle, Policies Governing Concessions, there is a list of standards applied by the Authority in choosing sites for service facilities.

New Jersey County Government. Issue December 1952.
Majority of articles in this issue devoted to turnpike. Of special interests: The 'American Way' Built The Turnpike by Troast, page 13; Operators Plan Future Turnpike Concessions by Stout, page 20; Financing Future Turnpike Projects by Lester, page 25; Turnpike Restaurants Cook with Gas, page 46. This last mentioned article states "The majority of these restaurants are located in rural areas..."

New Jersey Counties. Issue November 1951.
Entire issue devoted to turnpike. Of special interest: Acquisition of Right-of-Way... A Complicated Problem by Lowrie, page 28; Interchanges Strategically Located, page 38; Turnpike yearly revenue from concessions, page 45; Turnpike will Increase Property Values, page 48; Economic Value of the Turnpike to the Garden State by Lester, page 20. This latter article describes increased land values and the expanded industrial growth which accrues to communities adjacent to and abutting on an express highway. It cites a California Highway Division survey showing spectacular increase in land values.

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New Jersey Turnpike Authority. Annual Reports, 1st 1949 to 6th 1954.
Report 1949 - describes authorizing legislation and initial steps to turnpike, page 7; restaurants and service stations, page 11; report of meetings of Authority engineers and county officials, page 15. (covers question of opposition to turnpike and states stenographic records kept of each meeting.); discussion of Authority's real estate, severance damages, etc., particularly those of Elizabeth, page 17.

Report 1950. - Acquisition of Rights-of-Way describes methods including condemnation, page 46; service stations and restaurants, locations and designs, page 59. (In this section is the statement, "Every effort has been made to minimize the effect on established private or public interest in existing uses of property, and to reduce interference with the local tax base."); legal aspects and problems, page 67. (Discusses dispute and suit of City of Elizabeth in acquiring land for turnpike.)

Report 1951 - Acquisition of Rights-of-Way, page 41; service stations and restaurants, page 55— (This section includes discussion of selection of sites.); legislation and legal matters, page 65— (Includes reference to problems of acquiring possession of land and injunction suit of City of Elizabeth.)

Report 1952 - Service stations and restaurants, page 33—; progress of real estate, page 55; legislation and legal matters, page 57— (Mention made of tax appeals of the Authority to establish the scope of its exemption from local real estate taxes.)

Report 1953 - Service stations and restaurants, page 39— (Mention made of service facilities in Elizabeth, Secaucus, Cranbury, Haddonfield and Milltown and popularity of such services.); progress of real estate, page 67—; legislation and legal matters, page 69— (Includes reference to ruling on tax exemption for land acquired in excess of needs for turnpike.)

Report 1954 - Restaurants and service stations, page 30— (Refers to enlargement of service facilities at Elizabeth and Secaucus.); real estate acquisition, page 42— (Refers to disposal of surplus property and restoration of it to local tax rolls, also to successful negotiations for property of municipalities, etc.); legislation and legal matters, page 46— (Refers to joint financial ventures of Pennsylvania and New Jersey turnpikes, also to Court determination that local real estate taxes are payable on excess land of turnpike.)

GARDEN STATE PARKWAY

New Jersey Highway Authority. Press Background Memorandum. Garden State Parkway Referendum. 1952

This background memorandum was prepared for press and radio by the Highway Authority and is part of the literature released by it preliminary to the referendum on the Parkway. Attention is called to Parkway Legislation, page 2—.

New Jersey Highway Authority. Official Statement of Highway Authority (Garden State Parkway) respecting \$150,000,000 State-Guaranteed Parkway Bonds (Series A). July 8, 1953

Page I of this publication states, "The purpose of this Official Statement is to furnish information respecting the New Jersey Highway Authority (herein called the "Authority"), the proposed Garden State Parkway, and the \$150,000,000 State-Guaranteed Parkway Bonds (Series A) (herein sometimes called the "Series A Bonds") of the Authority, dated July 1, 1953..."

* New Jersey State Highway Department. New Jersey Highway Authority. Engineering Report. Garden State Parkway. Irvington to Manasquan. June 1952.

Contains a brief summary of history of Parkway, its landscape design and engineering features, page 6—; traffic studies preceding it, page 7—; service facilities, page 12—.

New Jersey Highway Authority. Traffic and Earnings on The Garden State Parkway. Irvington to Manasquan. June 1952

Report prepared at the request of State Highway Commissioner Abbott by Parsons, Brinckerhoff, Hall and MacDonald, New York engineers. Furnishes information on possible traffic and earnings of Parkway and feasible method of financing it. Reference to location of service stations, page 2.

New Jersey Highway Authority. "Twenty Questions" About The Parkway and Their Answers. [1952]

New Jersey Highway Authority. Why Suffer a 40-Year Roadblock?... Here Are The Facts. [1952]

The two above publications are part of the literature released by the Highway Authority preliminary to the referendum on the Parkway.

New Jersey State Highway Department. New Jersey's First Parkway. Route 4. [1952]

Monograph containing pertinent facts regarding Route 4. Issued for information of New Jersey citizens. The memorandum states "Parkways protect existing community values and create many new ones." page 10; parkways and property values, page 11.

New Jersey County Government. Issue, October 1952.

Contains many articles devoted to The Parkway. Of special interest: Safety with Comfort and Convenience is Parkway Objective by Griffin. (describes policy and landscaping in urban districts of Essex County, page 19.

New Jersey County Government. Official Garden State Parkway Edition. [1954]

Majority of Articles devoted to Parkway. Of particular interest: The Parkway is Created by Abbott, page 15—; The Garden State Parkway Means Business for New Jersey by Nooyer, page 23— (describes benefits to county and municipalities through easing traffic movement through large urban areas.); The Parkway Picture... Beauty, Safety and Utility by White, page 126. (describes Parkway's aim to preserve the beauties found and enhance their grandeur); Parkway Engineering by Giffin, page 32— (describes keying of right-of-way to character and uses of urban areas.); Folded Map of Parkway, page 37. (shows all towns, toll stations, etc.); Lawyer for A Superhighway by Schnitzer, page 38— (describes complications arising from Authority's need to give effect to numerous state laws. Also its acquisition of 8,000 parcels of land.); Landscaping The Garden State Parkway, Longest Park In The World by Deakin, page 46—

New Jersey State Highway Authority. Annual Reports 1st 1952 to 3rd 1954.

Report 1952 - Parkway design, page 7—; Parkway finance, page 13—.

Report 1954 - Parkway chronology, page 12—.

AUTHORITIES AND THEIR SERVICE FACILITIES

Council of State Governments. Public Authorities in the States. July 1953

Operation of concessions, page 86; selected legal powers as reported by public authorities, appendix B, table IV. (Table includes information on all major authorities operating at state level and shows which

have right of eminent domain, purchase and lease of real estate and equipment and law enforcement or police regulations powers.)

The Port of New York Authority. Annual Report 1951.

Data on its concessions, page 49, 52, 59, 81, 93, 141 and 148.

Culick. "Authorities" and How to Use Them. From the Tax Review, Vol. VIII, No. II, Nov. 1947.

A general discussion of the characteristics of an authority,—its proper use and inherent dangers. Of particular interest, the discussion of the danger when a decision of an authority runs counter to the "democratically determined decision of another agency", page 50-51.

Coons. The Development of Public Corporations in Economic Enterprise. The Annals of The American Academy of Political and Social Science, Vol. 206, November 1939.

Early history of the public corporation from Middle Ages to its American form.

ZONING LAW

Yokely. Zoning Law and Practice; 2nd Edition, 1953, 2 v.

Romano. Zoning and Planning Law in New Jersey. 1953

N.J. Department of Conservation and Economic Development. Suggested Municipal Regulation for New Jersey Roadside Zoning. June 1953.

Contains model highway zoning provisions for N.J. municipalities.

Rathkopf. The Law of Zoning and Planning; 2nd Edition, 1951

Conflict with other laws, page 45; authority of State Liquor Authority as opposed to local authority, page 46; conflict between state official body and local legislative body, page 49—.

9 A.L.R. 2d (1950)

Page 877-890, particularly at page 881. Cited in Rathkopf text as discussion of conflict of local zoning laws with state authority.

Zoning in Illinois. University of Illinois Law Forum. Summer 1954

Entire issue devoted to zoning in Illinois. Of particular interest: power to zone in Illinois, page 167— (discusses powers of state, counties and municipalities); classification and segregation among zoning districts, page 186— (covers regional doctrine—municipal zoning power in relation to regional areas and elaborates on merits of economic conservation as basis for exercise of police power through zoning.); legislative, administrative and judicial procedure in zoning, page 242— (discusses political subdivisions in Illinois having zoning powers—cities, counties and airport authorities. Cites Illinois statutory provisions (Ill. Anno. Stats. Ch. 15 $\frac{1}{2}$, Sec. 48.18) as to what happens when conflict in powers of zoning authority and city or county authority, page 246—); airport zoning, page 261— (discusses legal basis for airport zoning and question of whether such zoning powers are already granted to local governments, page 269—); future of zoning, page 281— (zoning and the traffic problems, page 295—).

Hear. Zoning for Minimum Standards: The Wayne Township Case.
66 Harvard Law Review 1051-- (1952-53)

Discusses doctrine of "regionalism"--general public interest vs. local interest.

I trust the enclosed legislative histories of the Turnpike Authority and Garden State Parkway acts and the submitted materials relative thereto will be of assistance to you. After consultation with Mr. Newman and Mr. Gildae, the submitted general materials were also assembled for your use. All materials have been charged in your name. Please retain them as long as you have need for them, except for two titles which are starred. These are from the Governor's files and we shall appreciate it if you will return them as promptly as possible.

If we can be of any further assistance on this problem or any other, I hope you will call on us.

Enclosed are also a copy of the Turnpike Authority and Garden State Parkway Act, and a copy of the report to the Service Facilities of these two roads, and a copy of the library files which have been checked and certain of them have been charged as requested. The titles enclosed are listed below, and arranged as to date from top to bottom.

LEGISLATIVE HISTORY

Wayne Turnpike Authority Act, P.L. 1952, c. 105.
This act provides for the establishment of a Turnpike Authority to construct and maintain a system of limited-access roads, including the Wayne Turnpike. It includes provisions for the appointment of members to the Authority, the powers and duties of the Authority, and the financing of the project through the issuance of bonds. The act also provides for the appointment of a board of directors to oversee the Authority's operations.

Garden State Parkway Act, P.L. 1952, c. 106.
This act provides for the establishment of a Garden State Parkway Authority to construct and maintain a system of limited-access roads, including the Garden State Parkway. It includes provisions for the appointment of members to the Authority, the powers and duties of the Authority, and the financing of the project through the issuance of bonds. The act also provides for the appointment of a board of directors to oversee the Authority's operations.

Wayne Turnpike Authority Act, P.L. 1952, c. 105.
This act provides for the establishment of a Turnpike Authority to construct and maintain a system of limited-access roads, including the Wayne Turnpike. It includes provisions for the appointment of members to the Authority, the powers and duties of the Authority, and the financing of the project through the issuance of bonds. The act also provides for the appointment of a board of directors to oversee the Authority's operations.

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The original copy of the report to the Service Facilities of these two roads, and a copy of the library files which have been checked and certain of them have been charged as requested. The titles enclosed are listed below, and arranged as to date from top to bottom.

27:23-1 et seq. ✓

Legislative histories
107 March 1955

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DATE: March 10, 1955

SUBJECT: Legislative Histories of Turnpike Authority and Garden State Parkway

In accordance with your request for the legislative histories of the acts creating and amending the Turnpike Authority and Garden State Parkway, we have ascertained the following.

There were no legislative hearings on the original bills establishing these toll roads, or on bills amending the original creative acts. Neither were there any special legislative studies concerning these acts. The bills concerning the authorities and statements appended thereto, where such appended, are as follows:

NEW JERSEY TURNPIKE AUTHORITY

This Authority was created by chapter 454, N. J. L. 1948 which was S. 373 and was codified as N. J. R. S. 27:23 et seq. No statement was appended to S. 373.

N. J. R. S. 27:23-1, 27:23-2, 27:23-4, 27:23-5, and 27:23-7 were amended by chapter 1, N. J. L. 1950 which was S. 1. There was no statement appended to S. 1.

N. J. R. S. 27:23-5.1 to 27:23-5.7 were enacted by chapter 40, N. J. L. 1949 which was S. 295. No copies of the original bill are available and the Cann Service carries no statement for the particular chapter so it is assumed that no statement was appended to S. 295.

N. J. R. S. 27:23-23 and 27:23-24 were amended by chapter 41, N. J. L. 1949 which was S. 296. No statement is obtainable for the same reason as above. N.J.R. S. 27:23-23 was further amended by chapter 2, N. J. L. 1949 which was S. 2. There was no statement appended to S. 2. 27:23-23 was further amended by chapter 286, N. J. L. 1951 which was S. 311. There was no statement appended to S. 311. The last amendment to this section was chapter 334, N. J. L. 1952 which was S. 188. The following statement was appended to S. 188:

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"This bill will facilitate vehicular traffic and assist in removing the present handicaps and hazards on the congested highways in Essex, Union, Morris and Warren counties, and will provide transportation facilities which are extremely necessary in this area."

N. J. R. S. 27:23-24.1 and 27:23-24.2 were enacted by chapter 286, N. J. L. 1951 which was S. 311. There was no statement appended to S. 311.

N. J. R. S. 27:23-25 to 27:23-39 were enacted by chapter 264, N. J. L. 1951 which was S. 283, to which the following statement was appended:

"The purpose of this bill is to provide enforcement measures for the control of traffic upon the New Jersey Turnpike, in order to be ready for the opening of the turnpike. The bill is in many respects similar to P. L. 1950, c. 192 which provided for the regulation of traffic using the tunnels and bridges, and approaches of the Port of New York Authority."

N. J. R. S. 27:23-3 was amended by chapter 35, N. J. L. 1952 which was S. 137, to which the following statement was appended:

"The object of this bill is to eliminate possible ambiguity concerning the offices of secretary and treasurer of the Turnpike Authority."

N. J. R. S. 27:23-6 and 27:23-8 to 27:23-22, inclusive, were never amended after enactment by chapter 454, N. J. L. 1943.

GARDEN STATE PARKWAY

The Garden State Parkway was authorized by section 20 of chapter 16, N. J. L. 1952 (A. 10), which chapter created the "New Jersey Highway Authority" in the Highway Department, to finance, construct, maintain, operate and regulate "modern express highway" projects. The following statement was appended to A. 10:

"The object of this bill is stated in its title."

The title of the bill is as follows:

"An Act to facilitate vehicular traffic in the State of New Jersey by providing for the acquisition, construction, maintenance, repair and operation of highway projects; creating the New Jersey Highway Authority and defining its powers and duties; authorizing and establishing the location for a highway project; providing for the regulation of traffic on such projects and prescribing proceedings and penalties for violations thereof; providing for financing such projects by the issuance of bonds of the Authority; and providing for the collection of tolls and other charges to pay the cost of acquisition, construction, maintenance, repair and operation of such projects and to pay such bonds and the interest thereon."

Chapter 17, N. J. L. 1952 (A. 14) provided a state guarantee for bonds of the New Jersey Highway Authority which were to be used for construction and opera-

tion of the Garden State Parkway and required approval by referendum. No statement was appended to A. 11. There have been no amendments to sections of the New Jersey Revised Statutes which relate to the Garden State Parkway.

No attempt has been made to trace the legislative history of acts which amend those sections of the New Jersey Revised Statutes pertaining to the Highway Authority where these sections do not pertain to the Garden State Parkway. It was felt such histories would not be of interest. They can be supplied if needed.

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