

STATE OF NEW JERSEY

INTRODUCED JUNE 4, 1934

By Mr. KUSER

(Without Reference)

AN ACT to amend an act entitled "An act to provide for the possession of the Delaware and Raritan canal by the State of New Jersey," approved May third, one thousand nine hundred and thirty four.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section two of the act of which this act is amendatory shall be and the
2 same is hereby amended to read as follows:

3 2. The **State Highway Commission** Department of Conservation and
4 Development is empowered and directed to enter upon and take possession of
5 said canal and feeder except the properties and facilities now used for rail
6 road purposes referred to in the proviso of section five hereof, for and on be
7 half of the State of New Jersey; that said canal and feeder shall continue to
8 be deemed a public highway, and until the Legislature shall have further di
9 rected the use or disposition of said canal and feeder, the **State Highway**
10 **Commission** Department of Conservation and Development shall be and here
11 by is directed in the meanwhile and until further directions of the Legis
12 lature to maintain, repair and keep in safe condition existing highway bridges
13 over said canal and feeder except such bridges as are now fully maintained as
14 State highway or county bridges, to repair and preserve the banks
15 thereof, to keep at all times (except that during the period between
16 December fifteenth of each year and March **thirty** first of the

16½ ensuing year the [State Highway Commission] Department of Con-
17 servation and Development may close the canal or maintain such
18 flow of water as it deems desirable or necessary to comply with any con-
19 tract for the sale of water) a flow of water [diverted from the Delaware
20 river] through [the feeder and into] the canal [of a depth of seven (7) feet:]
21 at a level as heretofore maintained when said canal was in operation; that to
22 insure said flow aforesaid, and in order to preserve sanitary conditions in
23 said canal and about the banks thereof and the tow path adjacent thereto,
24 that said feeder, said canal and said banks and tow path be kept free of
25 weeds and other growth, save and except such growth as is in the judgment
26 of the said [State Highway Commission] Department of Conservation and
27 Development conducive to the appearance of said canal and feeder and the
28 banks and tow path thereof; provided, however, that until February first, one
29 thousand nine hundred and thirty-five, the said Department of Conservation
30 and Development shall keep the feeder aforesaid free of weeds and other
31 growth so that the flow of water may not be impeded and shall keep the
32 banks of said feeder in good repair and the wickets of the locks in the canal
33 in condition that such wickets may be opened for the flow of water; save and
34 except as in this proviso the said Department of Conservation and Develop-
35 ment shall be required to do no other repairs to maintain the aforesaid level
36 until February first, one thousand nine hundred and thirty-five.

1 2. Section three of the act of which this act is amendatory shall be and
2 the same is hereby amended to read as follows:

3 3. The [State Highway Commission] Department of Conservation and
4 Development is empowered to sell water from said canal for industrial or
5 potable purposes, and rent or in its discretion use as residence for its em-
6 ployees connected with the maintenance of the canal lands and dwellings ad-
7 joining the canal and feeder, to which title has vested in the State, and that
8 the deficit, if any, arising from maintenance of the canal and after deducting
9 the income derived therefrom in the manner aforesaid shall be borne and
10 paid out of funds appropriated [as highway funds] under any general or spe-
11 cial act of the Legislature.

1 3. Section four of the act of which this act is amendatory shall be and
2 the same is hereby amended to read as follows:

3 4. The 【State Highway Commission】 Department of Conservation and
4 Development may, but by this act it is not required to, operate said canal and
5 the locks thereof, and as a part of such operation permit the use of said canal
6 by pleasure and commercial craft, or pleasure craft alone, passing through
7 or requiring the use of such locks. In the event of such operation of the
8 canal by said 【State Highway Commission】 Department of Conservation and
9 Development said 【State Highway Commission】 Department of Conservation
10 and Development shall adopt and formulate from time to time a tariff of tolls
11 and lock charges to be paid by said craft so using the canal.

1 4. Section five of the act of which this act is amendatory shall be and the
2 same is hereby amended to read as follows:

3 5. The 【State Highway Commission】 Department of Conservation and
4 Development, if it deems it necessary and advisable so to do, is hereby em-
5 powered and directed to accept a quit-claim deed or deeds from the United
6 New Jersey Railroad and Canal Company and the Pennsylvania Railroad
7 Company, or either of them, of their rights in and to the said canal and feeder;
8 *provided, however*, that the quit-claim deed or deeds may except perpetual
9 easement rights for railroad tracks, sidings, switches, spurs, crossings and
10 other railroad facilities now existing for the operation of the railroads own-
11 ing the same and their service to the shippers and industries located there-
12 on.

1 5. A new section to be known as section six shall be added and shall
2 read as follows:

3 6. The Department of Conservation and Development is hereby empow-
4 ered to lease any buildings acquired by the State under the provisions of
5 the act to which this act is amendatory, which buildings are not required for
6 use in the maintenance or operation of the canal. The Department of Conser-
7 vation and Development shall have authority to determine the terms of such
8 lease or leases.

1 6. A new section to be known as section seven shall be added and shall
2 read as follows:

3 7. For the purposes of administering this act for the balance of the year
4 one thousand nine hundred and thirty-four there is hereby appropriated out
5 of the general funds of the State the sum of twenty-five thousand dollars
6 (\$25,000.00).

1 7. A new section to be known as section eight shall be added and shall
2 read as follows:

3 8. This act shall take effect immediately.