

ASSEMBLY, No. 708

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblymen BIANCARDI, LEMBO, CRYAN,
DODD and MANDELBAUM

Referred to Committee on Highways, Transportation and
Public Utilities

AN ACT concerning the Department of Transportation, and amend-
ing section 27:7-21 of the Revised Statutes.

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

3 1. Section 27:7-1 of the Revised Statutes is amended to read
4 as follows:

5 27:7-1. In addition to, and not in limitation of, [its] his general
6 powers, the commissioner may:

7 a. Determine and adopt rules, regulations and specifications and
8 enter into contracts covering all matters and things incident to
9 the acquisition, improvement, betterment, construction, recon-
10 struction, maintenance and repair of State highways;

11 b. Execute and perform as an independent contractor or through
12 contracts made in the name of the State, all work incident to the
13 maintenance and repair of State highways;

14 c. Establish and maintain as an independent contractor or em-
15 ployer a patrol repair system for the proper and efficient mainte-
16 nance and repair of State highways;

17 d. Employ and discharge, subject to the provisions of the Civil
18 Service law, all foremen and laborers, prescribe their qualifi-
19 cations and furnish all equipment, tools and material necessary
20 for such patrol repair system;

21 e. Widen, straighten and regrade State highways;

22 f. Vacate any State highway or part thereof;

23 g. *The commissioner and his authorized agents and employees*
24 *may enter upon any lands, waters and premises in the State, after*
25 *giving written notice to the recorded owner at least 3 days prior*
26 *thereto, for the purpose of making surveys, soundings, drillings,*
27 *borings and examinations as he may deem necessary or convenient*
28 *for the purposes of this Title, and such entry shall not be deemed*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

1 *a trespass; nor shall such entry be deemed an entry under any*
2 *condemnation proceedings which may be then pending. The*
3 *commissioner shall make reimbursement for any actual damages*
4 *resulting to such lands, waters and premises as a result of such*
5 *activities; and*

6 **[g.]** *h. Do whatever may be necessary or desirable to effectuate*
7 *the purposes of this Title.*

8 2. This act shall take effect immediately.

STATEMENT

The New Jersey Department of Transportation has experienced considerable difficulty in the past with some property owners in obtaining permission to make tests on their property prior to determining the alignment of highways. The purpose of this amendment is to prevent this type of unnecessary delay and to expedite the department's highway construction program. The bill provides for the protection of property owners through provisions for written notification prior to testing and reimbursement for any damages incurred as a result of such tests.

The authority extended to the Department of Transportation by this bill has already been granted to the New Jersey Turnpike Authority, the New Jersey Highway Authority and the New Jersey Expressway Authority.