

R.S. 48:19-17

August 19, 1966

LEGISLATIVE HISTORY OF R.S. 48:19-17
(Water pipes in streets)

copy 7

Revision 1877, page 1367
No reviser's notes.

Scope of 1962 amendment:

Each [such] water company may lay its pipes ----

L. 1962, Chapter 198, § 193 - A486

Introduced March 19 by Assemblymen Keegan, Matthews, Gross and Woodcock.
Amended during passage.

(Section 193 not amended)

Statement on bill.

This bill represents a revision of Assembly 352 of the 1961 session. The revision is the result of a series of conferences between the Board of Public Utility Commissioners and representatives of the public utility industry. It has the endorsement of the Board of Public Utility Commissioners.

There were several drafts of the Revision of 1948 drawn by the Public Utility Commission:

NJ Revision of August 1960 recommended an amendment of R.S. 48:
KA6.2 19-17 to bring the statutory language up to date, but no substan-
48 tive change was recommended. The amendment was exactly that which
1960 was enacted by the Legislature, it read:
Each [such] water company may lay its pipes ---- etc.

In An act to amend and Supplement Title 48, drawn by the Public Utility Commission in December 1960, the amendment to R.S. 48:19-17 was again the same as enacted into law.

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New Jersey Legislature. Commission on Statute Revision.
Proposed revision of New Jersey Public Utility Laws. (3d draft) 1959.
This draft proposes a new Title 48A (not approved yet) R.S. 48:19-17
is reallocated to 48A:19-6, and reads:
(Copy enclosed)

CK/ei
Enc.

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persons having an interest therein or damaged thereby, or having taken and acquired such property or such rights in accordance with law.

Source. R.S. 48:19-13.

✓ 48A:19-6. Use of public highways for distribution systems; municipal consent required.

Every water company may lay, construct, maintain and use conductors and equipment in, along or under the public highways of any municipality in which it shall have power and authority to distribute and supply water for sale to the public and of any municipality through which it shall have power and authority to transmit water, first having obtained the consent of the governing body of such municipality to use the public highways in the municipality in, along and under which its conductors and equipment are to be laid, constructed or maintained.

Source. R.S. 48:19-13, 48:19-17.

48A:19-7. General regulation of use of public highways.

The use of such public highways in any municipality shall be subject to such regulation as, from time to time, shall be authorized by law.

Source. New.

FROM: NJ N.J. Legislature. Commission on
KA 6.2 Statute Revision.
48A Proposed Revision of New Jersey
1959c Public Utility Laws. Third Draft. 1959

- 34 Sections 48:17-1 through 48:17-7 of the Revised Statutes.
- 35 Section 48:17-9 of the Revised Statutes.
- 36 Section 48:17-13 of the Revised Statutes.
- 37 Section 48:17-15 of the Revised Statutes.
- 38 Sections 48:19-1 through 48:19-4 of the Revised Statutes.
- 39 Sections 48:19-9, 48:19-10 and 48:19-12 of the Revised Statutes.
- 40 Sections 48:19-15 and 48:19-16 of the Revised Statutes.
- 41 Section 48:19-21 of the Revised Statutes.
- 1 199. This act shall take effect 90 days after enactment.

Spec.

STATEMENT

A486 (1962)

This bill represents a revision of Assembly 352 of the 1961 session. The revision is the result of a series of conferences between the Board of Public Utility Commissioners and representatives of the public utility industry. It has the endorsement of the Board of Public Utility Commissioners.

LEGISLATIVE HISTORY OF R.S.48:2-21
(Rates)

- L.1911 - chap.195 - S364 - §16,17
April 20 - Introduced by Mr. Prince as Conference Committee
Substitute for Senate 5,14,19,30 and Assembly 167.
This is the basic public utility law.
There was no statement.
(Copy enclosed of Sections 16 and 17)
- L.1915 - chap.368 - S197 - §1.2
Feb.9 - Introduced by Mr. Read.
Statement (copy enclosed)
Not amended during passage.
- L.1918 - chap.269 - A237 - §1
Jan.29 - Introduced by Badgley.
Feb.20 - Passed in Assembly.
Feb.26 - Passed in Senate.
Mar.4 - Approved ,chapter 269.
Not amended during passage.
Statement (copy enclosed).
- L.1921 - chap.101 - A378 - §1
Feb.21 - Introduced by Franklin.
Mar.21 - Passed Assembly, amended.
Mar.28 - Passed Senate, rules suspended.
Mar.29 - Approved, chapter 101.
Amended during passage but this section not affected.
Statement (copy enclosed).
- L.1926 - chap.150 - S155 - §1
Feb.2 - Introduced by Case.
Feb.16 - Passed in Senate.
Mar.18 - Passed in Assembly.
Mar.25 - Approved, chapter 150.
Not amended during passage.
Statement (copy enclosed).
- L.1935 - chap.50 - S107 - §1
Jan.28 - Introduced by Barbour.
Feb.12 - Passed in Senate.
Feb.26 - Passed in Assembly.
Mar.5 - Approved, chapter 50.
Not amended during passage.
Statement (copy enclosed).

(CONT'D)

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L.1962 - chap.198 - A486 - §13
 Mar.19 - Introduced by Keegan and others.
 Apr.16 - Passed Assembly under emergency resolution, amended.
 June 4 - Passed in Senate, amended.
 Dec.3 - Senate amendment passed in Assembly.
 Dec.12 - Approved, chapter 198.
 Amended during passage but this section was not affected.
 Statement (copy enclosed).

Hearing and Reports.

NJ N.J. Board of Public Utility Commissioners
 KA6.2
 48 Revision of Title 48-PUC
 1960■

Enclosed is page 5 from part 2 of vol.1 - Memorandum of Transmittal. This discusses 48:2-21.

The State Library also has the third draft of the revision of the public utility laws done by the New Jersey Legislative Commission on Law Revision. It is cited below and the sections dealing with rates and charges is enclosed.

NJ N.J. Legislative Commission on Statute Revision
 KA6.2 Proposed Revision of New Jersey Public
 48A Utility Laws Third Draft 1959
 1959c

For background information see:

J38016 McCarter, T.N.
 M123 One Phase of a Jerseyman's Activities. 1933

~~NJ Waltersdorf, M.C.
 TB62 Regulation of Public Utilities in New Jersey
 W231 1936-~~

NJ
 KFN
 2085
 T46
 1959a

NJ Thomas, N.C.
 TB62 The Judicial Impact on Administrative Regulation:
 T459 A study of public utility regulation in N.J.
 1959.

Law Review Articles

Thomas, Norman C.
 Public utilities: Developments in rate-making
 15 Rutgers Law Review 263

JH/EH

ASSEMBLY, No. 486

STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1962

By Assemblymen KEEGAN, MATTHEWS, GROSS and WOODCOCK

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT concerning public utilities, revising, repealing and supplementing parts of Title 48 of the Revised Statutes and supplements thereto and amending section 14:2-2 of the Revised Statutes.

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

1 1. Section 48:2-2 of the Revised Statutes is amended to read as follows:

2 48:2-2. The board [shall organize annually by the election of a president
3 and] shall have a common seal. It shall appoint a secretary, *assistant secre-*
4 *taries*, counsel and such other employees as it may deem necessary and fix
5 their duties and terms of service. It shall fix the compensation of all officers
6 and employees, subject to the provisions of Title 11, Civil Service, except
7 where otherwise provided by statute.

1 2. Section 48:2-4 of the Revised Statutes is amended to read as follows:

2 48:2-4. The secretary *or in his absence an assistant secretary* shall keep
3 full and correct minutes of all the transactions and proceedings of the board
4 and perform the other duties required of him. He shall be the official reporter
5 of the proceedings of the board.

1 3. Section 48:2-5 of the Revised Statutes is amended to read as follows:

2 48:2-5. The *president and other* members of the board shall each receive
3 [an annual compensation of \$12,000.00, to be paid by the Treasurer of the
4 State.] *such salaries as shall from time to time be fixed by law.*

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 4. Section 48:2-6 of the Revised Statutes is amended to read as follows:

2 48:2-6. The members, [and] secretary, *assistant secretaries* and other
3 employees of the board shall be entitled to receive from the State their neces-
4 sary traveling expenses while traveling on the business of the board. Such
5 traveling expenses shall be paid on proper voucher therefor approved by the
6 president of the board.

1 5. Section 48:2-8 of the Revised Statutes is amended to read as follows:

2 48:2-8. No member or employee of the board shall have any official or
3 professional relation or connection with, or hold any stock or securities in, any
4 public utility as herein defined, operating within this State, or hold any other
5 office of profit or trust under the government of this State or of the United
6 States; but the inhibition herein contained shall not apply to anyone holding
7 any municipal office under the government of this State, [or the office of com-
8 missioner appointed by the chancellor under the provisions of an act entitled
9 "An act to provide for the revision and consolidation of the public statutes of
10 this State," approved March 12, 1925 (L. 1925, c. 73, p. 244).] *or commissions*
11 *or other offices in the Armed Forces of the United States.*

1 6. Section 48:2-9 of the Revised Statutes is amended to read as follows:

2 48:2-9. The board shall furnish its secretary *or in his absence an as-*
3 *sistant secretary* such of its findings and decisions as, in its judgment, may be
4 of general public interest. The secretary *or in his absence an assistant secre-*
5 *tary* shall compile the same for the purpose of publication in a series of
6 volumes to be designated "Reports of the Board of Public Utility Commis-
7 sioners of the State of New Jersey," which shall be published in such form
8 and manner as may be best adapted for public information and use. Such pub-
9 lications shall be competent evidence of the reports and decisions of the com-
10 mission therein contained without any further proof or authentication thereof.
11 The contents of the reports shall not be under the supervision or control of
12 the official State editor.

1 7. Section 48:2-10 of the Revised Statutes is amended to read as follows:

2 48:2-10. Copies of all official documents and orders filed or deposited in
3 the office of the board, certified by a member thereof or the secretary to be true
4 copies, under the official seal of the board, shall be evidence in like manner as
5 the originals in all courts of this State. The board may charge and collect for
6 such copies **[\$0.10 for each folio]** *in accordance with section 48:2-56*. The
7 fees so collected shall be paid into the treasury of the State.

1 8. Section 48:2-11 of the Revised Statutes is amended to read as follows:

2 48:2-11. The board shall report annually on or before January **[1]** 15,
3 to the Governor, making such recommendations as it may deem proper. The
4 report shall be laid before the next succeeding Legislature.

1 9. Section 48:2-13 of the Revised Statutes is amended to read as follows:

2 48:2-13. The board shall have general supervision and regulation of and
3 jurisdiction and control over all public utilities as hereinafter in this sec-
4 tion defined and their property, property rights, equipment, facilities and
5 franchises so far as may be necessary for the purpose of carrying out the
6 provisions of this Title.

7 The term "public utility" shall include every individual, copartnership,
8 association, corporation or joint stock company, their lessees, trustees or re-
9 ceivers appointed by any court whatsoever, *their successors, heirs or assigns*,
10 that now or hereafter may own, operate, manage or control within this State
11 any **[steam]** railroad, street railway, traction railway, autobus, canal, ex-
12 press, subway, pipeline, gas, electric light, heat, power, water, oil, sewer,
13 telephone or telegraph system, plant or equipment for public use, under
14 privileges granted or hereafter to be granted by this State or by any politi-
15 cal subdivision thereof.

16 Nothing contained in this Title shall extend the powers of the board to
17 include any supervision and regulation of, or jurisdiction and control over
18 any vehicles engaged in the transportation of passengers for hire in the
19 manner and form commonly called taxicab service unless such service be-
20 comes or is held out to be regular service between stated termini; hotel

21 busses used exclusively for the transportation of hotel patrons to or from
 22 local railroad or other common carrier stations, including local airports, or
 23 bus employed solely for transporting school children and teachers, *to and*
 24 *from school*, or any autobus with a carrying capacity of not more than 10
 25 passengers now or hereafter operated under municipal consent upon a route
 26 established wholly within the limits of a single municipality, which route does
 27 not in whole or in part parallel upon the same street the line of any street
 28 railway or traction railway or any other autobus route.

1 10. Section 48:2-16 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:2-16. 1. The board may, after hearing, upon notice, by order in
 4 writing, require every public utility:

5 (a) To comply with the laws of the State and any municipal ordinance
 6 relating thereto, and to conform to the duties imposed upon it thereby or by
 7 the provisions of its own charter, whether obtained under general or special
 8 law of this State.

9 2. *The board may, upon notice, by order in writing require every public*
 10 *utility:*

11 (a) **[(b)]** To keep its books, records and accounts so as to afford an
 12 intelligent understanding of the conduct of its business and to that end require
 13 every public utility of the same class to adopt a uniform system of accounting.
 14 Such system shall conform, in so far as in the judgment of the board is
 14A practicable, to any system adopted or approved by **[the interstate commerce**
 14B **commission.]** *any Federal regulatory agency having jurisdiction.*

15 (b) **[(c)]** To furnish **[annually]** *periodically* a detailed report of
 16 finances and operations in such form and containing such matters as the
 17 board may from time to time **[by order]** prescribe.

18 (c) **[(d)]** To give such notice to the board as the board may by rule
 19 require, of any and all accidents which may occur within the State upon the
 20 property of any public utility directly or indirectly arising from or connected
 21 with its maintenance or operation, and **[to]** *the board may* investigate any

22 such accident and **[to]** make such order or recommendation with respect
23 thereto as in its judgment may be just and reasonable.

1 11. Section 48:2-17 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-17. The board may require every public utility to file with the board
4 a statement in writing, verified by the oaths of the president and secretary
5 of the public utility, setting forth the name, title of office or position and
6 post-office address, and the authority, power and duties of every officer,
7 member of the board of directors, trustees, executive committee, superinten-
8 dent, chief or head of construction and operation, or department, division or
9 line of construction and operation thereof, in such form as to disclose the
10 source and origin of each administrative act, rule, decision, order or other
11 action of the corporation.

12 Every public utility shall, within 10 days after any change is made in
13 the title of, or authority, powers or duties appertaining to any such office
14 or position or the person holding the same, file with the board a like state-
15 ment, verified in like manner, setting forth such change.

16 *Every public utility shall file with the board the name, address and tele-*
17 *phone number of the person or persons whom the board may contact, at any*
18 *time, in the event of an emergency.*

1 12. Section 48:2-18 of the Revised Statutes is amended to read as
2 follows:

3 48:2-18. The board may, after hearing, upon notice, by order in writing,
4 require every public utility to carry, whenever in the judgment of the board
5 it may reasonably be required for the protection of stockholders, bondholders
6 or creditors, a proper and adequate depreciation account in accordance with
7 such rules, regulations and forms of account as the board may prescribe.

8 The board shall from time to time ascertain and determine, and by order
9 in writing after hearing, fix proper and adequate rates of depreciation of the
10 property of each public utility in accordance with such regulations or classi-
11 fications. Such rates shall be sufficient to provide the amounts required, over

12 and above the expense of maintenance, to keep the property in a state of
13 efficiency corresponding to the progress of the industry.

14 Each public utility shall conform its depreciation accounts to the rate so
15 ascertained. **],** determined and fixed and shall set aside the moneys so pro-
16 vided for out of earnings and carry the same in a depreciation fund. The
17 income from investments of moneys in the fund shall likewise be carried in
18 such fund. This fund **]** *The moneys so provided* shall not be expended other-
19 wise than for depreciation, improvements, new construction, extensions or
20 additions to the property of the public utility.

1 13. Section 48:2-21 of the Revised Statutes is amended to read as
2 follows:

3 48:2-21. (a) The board may require every public utility to file with it
4 complete schedules of every classification employed and of every individual
5 or joint rate, toll, fare or charge made, charged or exacted by it for any
6 product supplied or service rendered within this State, as specified in the
7 requirement.

8 (b) The board may after hearing, upon notice, by order in writing:

9 1. Fix just and reasonable individual rates, joint rates, tolls, charges
10 or schedules thereof, as well as commutation, mileage and other special
11 rates which shall be imposed, observed and followed thereafter by any
12 public utility, whenever the board shall determine any existing rate, toll,
13 charge or schedule thereof, commutation, mileage or other special rate
14 to be unjust, unreasonable, insufficient or unjustly discriminatory or
15 preferential. In every such proceeding the board shall complete and
16 close the hearing **[and enter its final order]** within 6 months *and enter its*
17 *final order within 8 months* after the filing of the order of the board
18 initiating such proceeding, when such proceeding is on the board's own
19 motion; *or* **[and within 6 months]** after issue is joined through the
20 filing of an answer to a complaint, when such proceeding is initiated by
20A complaint.

21 2. Fix just and reasonable joint rates, which shall be charged, en-
22 forced, collected and observed by railroads and street railroads in the

23 carrying of freight. Whenever the railroads or street railroads in-
 24 volved fail to agree upon the apportionment or division of a joint rate
 25 so established, the board may issue a supplemental order declaring the
 26 apportionment or division of the joint rate.

27 (c) The board may fix the rates or charges to be made by any corpora-
 28 tion subject to the provisions of this chapter for the detention of a railroad
 29 car containing property transported by railroad to any point in this State
 30 or for the use of railroad tracks occupied by such car, commonly called de-
 31 murrage or car service, or for both such detention and use. Such rates and
 32 charges shall conform as nearly as possible to the rates and charges for de-
 33 murrage or car service prescribed and fixed by the Interstate Commerce Com-
 34 mission for similar service.

35 (d) When any public utility shall increase any existing individual rates,
 36 joint rates, tolls, charges or schedules thereof, as well as commutation, mile-
 37 age and other special rates, or change or alter any existing classification,
 38 the board, either upon written complaint or upon its own initiative, shall have
 39 power after hearing, upon notice, by order in writing to determine whether
 40 the increase, change or alteration is just and reasonable. The burden of
 41 proof to show that the increase, change or alteration is just and reasonable
 42 shall be upon the public utility making the same. The board, pending such
 43 hearing and determination, may order the suspension of the increase, change
 44 or alteration until the board shall have approved the same, not exceeding
 45 **[3]** 4 months. If the hearing *and determination* shall not have been concluded
 46 within such **[3]** 4 months the board may during such hearing and determina-
 47 tion order a further suspension for an additional period not exceeding, **[3]** 4
 48 months. The board shall approve the increase, change or alteration upon
 49 being satisfied that the same is just and reasonable.

1 14. Section 48:2-21.1 of the Revised Statutes is amended to read as
 2 follows:

3 48:2-21.1. The board may, during the pendency of any hearing instituted
 4 by it, on its own initiative or on **[complaint]** *petition*, in which the approval

5 or fixing of just and reasonable individual rates, joint rates, tolls, charges
 6 or schedules thereof, as well as commutation, mileage or other special rates
 7 is in issue, or at any other time, negotiate and agree with any public utility
 8 for an adjustment of the individual rates, joint rates, tolls, charges or sched-
 9 ules thereof, as well as commutation, mileage or other special rates for any
 10 product or service supplied or rendered by such public utility. Such ad-
 11 justment may be for, or without, a specified limit of time. In no event shall
 12 any such adjustment be regarded as contractual. Such adjustment shall
 13 at all times be subject to change through the proceedings provided for by
 14 this chapter, or through negotiation and agreement under this section. The
 15 board as a part of any such negotiation and adjustment shall provide for
 16 the continuance, suspension or other disposition of any hearing of the char-
 17 acter aforesaid then pending.

1 15. Section 48:2-23 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:2-23. The board may, after hearing, upon notice, by order in writing,
 4 require any public utility to furnish safe, adequate and proper service and
 5 to maintain its property and equipment in such condition as to enable it to
 6 do so.

7 *The board may, pending any such proceeding, require any public utility*
 8 *to continue to furnish service and to maintain its property and equipment in*
 9 *such condition as to enable it to do so.*

1 16. Section 48:2-24 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:2-24. **【**Except as hereinafter provided, if any public utility shall dis-
 4 continue service and the board after hearing upon notice shall find and de-
 5 termine that service should be resumed, the board may order that service
 6 be resumed forthwith or on such date as it may fix.**】**

7 No **【**railroad maintaining passenger service**】** *public utility* shall discon-
 8 tinue, curtail or abandon **【**such**】** *any* service without obtaining permission

9 from the board, after notice. [and hearing, upon a finding that the discon-
10 tinuance, curtailment or abandonment, of such service will not interfere
11 with the public convenience and necessity and that there is adequate sub-
12 stitute service available.] *The board may withhold permission until after*
13 *hearing to determine if the discontinuance, curtailment or abandonment will*
14 *adversely affect public convenience and necessity. With respect to common*
15 *carriers the provisions of this paragraph shall apply only to service oper-*
16 *ated in accordance with base schedules on file with the board.*

17 *A public utility may terminate service for a violation of the terms of its*
18 *approved tariffs on file with the Board of Public Utility Commissioners upon*
19 *giving the customer at least 3 days' notice of such termination unless other-*
20 *wise provided for by rules, regulations or orders of the board, except that*
21 *in those situations where a hazardous condition prevails the utility may termi-*
22 *nate service without notice.*

23 *If any public utility shall discontinue, curtail or abandon service and the*
24 *board after hearing upon notice shall find and determine that service should*
25 *be resumed, the board may order that service be resumed forthwith or on*
26 *such date as it may fix.*

1 17. Section 48:2-29.2 of the Revised Statutes is amended to read as
2 follows:

3 48:2-29.2. The board may, after hearing, upon notice, by order in writing,
4 prohibit or limit the payment of dividends by a public utility if the board,
5 after such hearing, finds and determines that such public utility fails to com-
6 ply with any order of the board ascertaining, determining and fixing reasonably
7 adequate working capital or rates of depreciation or with any order requiring
8 such public utility by adequate maintenance to keep its property and equip-
9 ment in condition to furnish safe, adequate, and proper service. Every order
10 so made by the board shall continue in effect until the board by its [certificate]
11 order in writing determines that the conditions on the existence of which the
12 making of the order was based have been corrected.

1 18. Section 1 of P. L. 1951, c. 357 (C. 48:2-31.1) is amended to read as
2 follows:

3 1. Whenever there is pending before the Board of Public Utility Commis-
4 sioners a proceeding instituted by a public utility as defined in section 48:2-13
5 of the Revised Statutes (hereinafter called "the public utility") for authority
6 to increase the rates, tolls, fares, or charges made or charged by it for any
7 product supplied or service rendered within this State, the Attorney General
8 may employ, on a temporary basis, and, subject to the provisions of this act,
9 may fix the compensation of, such legal counsel, experts and assistants as in
10 his judgment may be necessary to protect the public interest in such proceed-
11 ing. The public utility shall pay to the State, in the manner hereinafter pro-
12 vided, the reasonable compensation and expenses of such legal counsel, ex-
13 perts and assistants; provided, however, that the total amount which the public
14 utility may be required to pay pursuant to this act with respect to such pro-
15 ceeding shall not exceed 1/10 of 1% of its revenues derived in the calendar
16 year last preceding the institution of such proceeding from its intrastate sales
17 of the product supplied or intrastate service rendered the rates, tolls, fares,
18 or charges for which are the subject matter of such proceeding *provided,*
19 *however that in cases where the compensation, as computed above, is deemed*
20 *to be inadequate by the Attorney General, the Board, on application of the*
21 *Attorney General, after hearing on notice, may fix reasonable compensation*
22 *not to exceed \$250.00.* Any and all amounts paid by the public utility pursuant
23 to this act shall be deemed to be operating expenses of the public utility.

1 19. Section 48:2-32 of the Revised Statutes is amended to read as follows:

2 48:2-32. All hearings and investigations before the board or any member
3 thereof *or any hearing examiner designated by the board* shall be governed by
4 rules adopted by the board. Neither the board nor such member *or hearing*
5 *examiner* shall be bound by the technical rules of evidence. The members of the
6 board may sit singly for the purpose of taking testimony in any proceeding.

1 20. Section 48:2-33 of the Revised Statutes is amended to read as follows:

2 48:2-33. The board may compel the attendance of witnesses and the pro-

3 duction of tariffs, contracts, papers, books, accounts and all other documents.
 4 Any member of the board *or any hearing examiner designated by the board to*
 5 *preside at a hearing* may administer oaths to all witnesses [who may be called
 6 before the board or any member thereof.] Subpœnas issued by the board shall
 7 be signed by 1 of the members thereof and by the secretary, *or an assistant*
 8 *secretary* and may be served by any person of full age.

1 21. Section 48:2-35 of the Revised Statutes is amended to read as follows:

2 48:2-35. If a person subpœnaed to attend before the board or a member
 3 thereof fails to obey the command of the subpœna without reasonable cause,
 4 or if a person in attendance before the board or a member thereof refuses
 5 without lawful cause to be examined or to answer a legal or pertinent ques-
 6 tion, or to produce a book or paper, when ordered so to do by the board or a
 7 member thereof, the board or the member may apply to the [Supreme]
 8 *Superior* Court or any [justice] *judge* thereof, upon proof by affidavit of the
 9 facts, for an order returnable in not less than 2 nor more than 10 days, direct-
 10 ing such person to show cause before the court or [justice] *judge* why he
 11 should not comply with the subpœna or order of the board.

12 Upon the return of the order the court or [justice] *judge* before whom
 13 the matter shall come on for hearing shall examine under oath such person
 14 whose testimony may be relevant and such person shall be given an op-
 15 portunity to be heard, and if the court or [justice] *judge* shall determine that
 16 such person refused without legal excuse to comply with the subpœna or the
 17 order of the board, the court or [justice] *judge* may order such person to
 18 comply forthwith with the subpœna or order. Any failure to obey the order of
 19 the court or [justice] *judge* may be punished by the court or [justice] *judge*
 20 as a contempt of the [Supreme] *Superior* Court.

1 22. Section 48:2-38 of the Revised Statutes is amended to read as follows:

2 48:2-38. No member or employee of the board shall be required to give
 3 testimony *or to furnish documents* in a civil suit to which the board is not a
 4 party, with regard to information obtained by him in the discharge of his
 5 official duty.

1 23. Section 48:2-39 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-39. The fees of witnesses required to attend before the board shall
4 be **[\$1.00 for each day's attendance and \$0.03 for every mile of travel, by**
5 **the nearest generally traveled route, in going to and from the place where**
6 **the attendance of the witness is required]** *at the same rates as are pre-*
7 *scribed by law for attendance under subpoena in the Superior Court of the*
8 *State.* **[The fees shall be paid when the witness is excused from further at-**
9 **tendance. The disbursements made in payment of such fees shall be audited**
10 **and paid in the manner provided for the payment of expenses of the board.]**

11 **[No witness subpoenaed at the instance of parties other than the board**
12 **shall be entitled to compensation from the State for attendance or travel un-**
13 **less the board shall certify that his testimony was material to the matter in-**
14 **vestigated.]**

1 24. Section 48:2-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-41. Observance of the orders of the board may be enforced by
4 **[mandamus]** *complaint in lieu of prerogative writ* or injunction in appropri-
5 ate cases, or by suit in equity to compel the specific performance of the order
6 or of the duties imposed by law upon the public utility affected by the order.

1 25. Section 48:2-43 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-43. Any order made by the board may be reviewed **[upon cer-**
4 **tiorari by the Supreme Court. No certiorari shall be allowed unless applica-**
5 **tion therefor be made within 30 days from the date upon which the order**
6 **becomes effective, nor unless notice in writing of the application shall have**
7 **been given to the board with a copy of the affidavits or proofs upon which**
8 **the application is based.]** *by appeal to the appellate division of the Superior*
9 *Court. Notice of appeal shall be within the time provided by rules of court.*
10 The notice shall be served upon the secretary of the board either person-
11 ally or by leaving it at the office of the board. **[in Trenton.]** The evidence

12 presented to the board together with the findings and the order issued
13 thereon, shall be certified by the board to the **【Supreme Court】** *appellate*
14 *division* as its return.

1 26. Section 48:2-46 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-46. The **【Supreme】** *Superior Court, appellate division* is hereby
4 given jurisdiction to review any order of the board and to set aside such
5 order in whole or in part when it clearly appears that there was no evidence
6 before the board to support the same reasonably or that the same was with-
7 out the jurisdiction of the board.

8 No order shall be set aside in whole or in part for any irregularity or
9 informality in the proceedings of the board unless the irregularity or in-
10 formality tends to defeat or impair the substantial right or interest of the
11 prosecutor in certiorari.

1 27. Section 48:2-47 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-47. If, with respect to any order brought under review **【by cer-**
4 **tiorari,】** it shall appear equitable and just that a rehearing should be had
5 before the board, the **【Supreme Court】** *Superior Court, appellate division*
6 may order that a rehearing be had before the board upon such terms and
7 conditions as are reasonable. The board shall thereupon proceed to a re-
8 hearing on the evidence upon which the order under review was based, and
9 upon such additional evidence, if any, as may be produced. As the result
10 of the rehearing the board may readopt the order or alter, amend, modify
11 or extend it.

12 The **【court of errors and appeals,】** *Supreme Court of New Jersey* on
13 appeal from a judgment of the **【Supreme Court upon certiorari】** *Superior*
14 *Court, appellate division* to review an order of the board, may, whenever it
15 shall deem it equitable and just that a rehearing should be had before the
16 board, remit the record and proceedings before it to the **【Supreme Court】**
17 *Superior Court, appellate division* to the end that said court may order that

18 such rehearing may be had before the board upon such terms and conditions
 19 as are reasonable, as hereinbefore provided.

1 28. Section 1 of P. L. 1959, c. 43 (C. 48:2-56) is amended to read as
 2 follows:

3 1. The Board of Public Utility Commissioners is hereby empowered,
 4 authorized and required to charge and collect fees and charges for the pur-
 5 poses and in the amounts hereinafter set out. [Such fees and charges are
 6 applicable to all public utility companies and persons unless otherwise indi-
 7 cated.]

8 A. Filing of Annual Reports

	Charge Per Report
9 (1) Sewer [companies]	\$20 00
9A Classes A, B, C, and D	20 00
9B Class E (Income Sheets).....	5 00
10 (2) Railroad [companies]	50 00
10A <i>Nonoperating</i>	<i>10 00</i>
11 (3) Telephone [companies]	
12 Class A	50 00
13 Class B	20 00
14 (4) Water [companies]	
15 Class A	50 00
16 Classes B and C	20 00
17 Class D	10 00
18 Class E (Income Sheets).....	5 00
19 (5) Bus [companies]	
20 Class A	50 00
21 Class B	25 00
22 Class C	10 00
23 (6) Gas [companies]	50 00
24 (7) Electric [companies]	50 00
25 (8) [Nonoperating] <i>Combination</i> gas and electric	
26 [companies]	[10 00] <i>100 00</i>

27 (9) Street railway **【companies】**..... 20 00
 28 **【Operating** 20 00**】**
 29 **【Nonoperating** 10 00**】**

30 B. Examination and Audit of Annual Reports

31 (1) The total fee is to be based on reported intrastate operating rev-
 32 enues, and, except as noted below for certain interstate **【companies】**
 33 *utilities*, will consist of a base charge plus an incremental charge
 34 per unit of \$1,000.00 *or fraction thereof* for each such unit in excess
 35 of the lower limit of the indicated range.

				The Incremental
	If the Reported Operating		The	Charge per
	Revenues Fall within		Base Charge	\$1,000 Unit
	the Range		is	is
36	Under	\$10,000	\$10 00	.....
37	\$10,000 to	25,000	15 00	.....
38	25,000 to	50,000	25 00	.....
39	50,000 to	500,000	25 00	\$0 50/M
40	500,000 to	1,000,000	250 00	0 39/M
41	1,000,000 to	5,000,000	445 00	0 15/M
42	5,000,000 to	10,000,000	1,045 00	0 10/M
43	10,000,000 to	50,000,000	1,545 00	0 08/M
44	50,000,000 to	100,000,000	4,745 00	0 07/M
45	100,000,000 to	200,000,000	8,245 00	0 05/M
46	200,000,000 and over	.....	13,245 00	0 03/M

47 (2) Public utilities engaged in interstate commerce who are required to
 48 file annual reports with the board and who derive 50% or more of
 49 their operating revenues from *interstate commerce* **【traffic or busi-**
 50 **ness originating outside the State of New Jersey,】** shall pay a fee
 51 for examination and audit of their annual report in accordance with
 52 the following schedule. The board may establish reasonable rules
 53 for the determination of such intrastate revenues in cases where the
 54 same have not been reported.

For Intrastate Revenues

	Within the Range	The Fee is
55	Under \$10,000	\$25 00
56	\$10,000 to 50,000	50 00
57	50,001 to 200,000	75 00
58	200,001 to 500,000	150 00
59	500,001 to 1,000,000	300 00
60	over 1,000,000	500 00
61	C. Pamphlets and Publications	Charge
		Per Copy
62	(1) Annual report of the Board of Public Utility Commissioners	\$2 00
63	(2) Utility annual report forms	
64	Sewer [companies]	5 00
64A	<i>Income Sheets</i>	2 00
65	Railroad [companies]	10 00
66	Telephone [companies]	10 00
67	Water [companies]	
68	[Large] Classes A, B and C	10 00
69	[Small] Class D	5 00
70	[Income sheets for small water companies]	
70A	<i>Class E (Income Sheets)</i>	2 00
71	Buses	
72	Class A	10 00
73	Class B	5 00
74	Class C	2 00
75	Gas [companies]	10 00
76	Electric [companies]	10 00
77	Street railway [companies]	10 00
78	(3) Pamphlets containing rules and regulations and all other	
79	pamphlets published by the board	
80	Pamphlets with less than 25 pages	2 00

81	Pamphlets with 25 pages or more but less than 50 pages	2 50
82	Pamphlets with 50 pages or more	2 50
83	Plus \$0.25 for each additional 25 pages or fraction	
84	thereof in excess of 50 pages	
85	(4) Uniform system of accounts.....	10 00
86	(5) Photocopies of documents or reports-per page	1 00

Charge for Each
Year Covered

87	(6) Compilation of board's decisions	\$2 00
88	(7) Statistics of utilities-private and municipal	3 00

89 D. Subpœnas-Petition for and Issuance

Charge per
Subpœna

90	(1) [Issuance of original] subpoena for the attendance of wit-	
91	nesses	\$2 00
92	(2) [Issuance of] subpoena duces tecum	5 00

93 E. Applications and Petitions Submitted to the Board

94 (1) For approval of issuance of securities or evidences of in-
 95 debtedness the filing fee shall be based on the estimated
 96 proceeds before costs and expenses of issuance. When
 97 the actual proceeds become known, the fee will be ad-
 98 justed accordingly. The total filing fee will consist of a
 99 base charge plus an incremental charge per unit of
 100 \$1,000.00 or fraction thereof of proceeds in excess of the
 101 lower limit of the range of the indicated block. *In the*
 102 *case of stock dividends, the proceeds shall be taken as the*
 103 *amount to be transferred from earned surplus account.*

	If the Proceeds of the Transaction Fall Within the Range		The Base Charge is	The Incremental Charge per \$1,000 Unit is
104	Under	\$5,000	\$10 00	.....
105	5,001 to	10,000	15 00	.....
106	10,001 to	20,000	30 00	.....
107	20,001 to	30,000	50 00	.....
108	30,001 to	100,000	50 00	\$0 70/M
109	100,001 to	500,000	99 00	0 60/M
110	500,001 to	1,000,000	339 00	0 50/M
111	1,000,001 to	5,000,000	589 00	0 40/M
112	5,000,001 to	10,000,000	2,189 00	0 35/M
113	10,000,001 to	25,000,000	3,939 00	0 30/M
114	25,000,001 and over	.....	8,439 00	0 25/M

115 (2) For increases in rates or fares, whether by petition, filing
 116 of revised tariff, or by petition for negotiated relief under
 117 R. S. 48:2-21.1, provided that when 2 petitions or a peti-
 118 tion with an amendment relate to 1 and the same increase
 119 only 1 fee shall be charged, the fees are to be based on
 120 the proposed increase in annual operating revenues for
 121 which application is made and will consist of a base
 122 charge plus an incremental charge per unit of \$1,000.00
 123 or fraction thereof for each such unit in excess of the
 124 lower limit of the indicated range.

	If the Proposed Increase Falls Within the Range		The Base Charge is	The Incremental Charge per \$1,000 Unit is
125	Up to	\$5,000	\$25 00	.....
126	\$5,000 to	30,000	25 00	\$2 00/M

127	30,000 to 100,000	75 00	1 80/M
128	100,000 to 300,000	201 00	1 60/M
129	300,000 to 600,000	521 00	1 40/M
130	600,000 to 1,000,000	941 00	1 20/M
131	1,000,000 to 5,000,000	1,421 00	1 00/M
132	5,000,000 to 10,000,000	5,421 00	0 80/M
133	10,000,000 to 20,000,000	9,421 00	0 60/M
134	20,000,000 and over	15,421 00	0 30/M

135 *Filing of an initial rate, a contract for a special rate or any*
 136 *other document involving a tariff change not otherwise pro-*
 137 *vided for above \$25 00*

138 In addition to the filing fee computed in accordance with
 139 the foregoing [schedule], the public utility [company] shall
 140 pay a processing fee of 1/10 of 1% of the *new or initial annual*
 141 *operating revenues* or increase in annual operating revenues
 142 that may be authorized by the board, *which fee in no event*
 143 *shall be less than \$25 00*

144 *Filing automatic adjustment clause tariff revision \$25 00*

145 (3) For sales of property or leases of property

146	(Based on the Consideration or Annual [Net] Rental)	Filing Fee
147	Up to \$1,000	\$10 00
148	\$1,001 to 5,000	25 00
149	5,001 to 10,000	50 00
150	10,001 to 20,000	75 00
151	20,001 to 50,000	150 00
152	50,001 to 100,000	250 00
153	100,001 and over	350 00

154 (4) For approval of mergers

155 The filing fee for approval of mergers is to be based on
 156 the total utility plant account of the surviving [company]

157	<i>utility</i> and will be computed according to the schedule of	
158	charges set forth herein for sales of property or leases	
159	of property.	
160	(5) For approval of a municipal consent	20 00
161	Where petition requests approval of more than 1 municipal	
162	consent on the same route for each such additional con-	
163	sent	10 00
164	(6) For rehearing, <i>reopening, reargument or reconsideration</i>	
165	of any matter	15 00
166	(7) For approval of contracts under R. S. 48:3-7.1	100 00
167	(8) For establishment of new railroad-highway crossing at	
168	grade	50 00
169	(9) For grade crossing separation	100 00
170	(10) For relocation or widening of grade crossing	100 00
171	(11) For abandonment of grade crossing	50 00
172	(12) For discontinuance of station agents and stations	50 00
173	[(13) For establishment of radio station	50 00]
174	(13) [(14)] For authority to exercise eminent domain—for each	
175	separate parcel of property involved	100 00
176	(14) [(15)] Any application or petition not herein specifically	
177	designated or described	25 00
178	(15) [(16)] For inspection or test of electric, water or gas	
179	meter	5 00
180	(This fee is to be returned to the customer and col-	
181	lected from the utility in cases where the meter	
182	is found to be registering fast beyond the allow-	
183	able limit of accuracy established by the board.)	
184	F. [Applications Pertaining to Autobus Companies] <i>Auto-</i>	
185	<i>buses or Other Motor Vehicles</i>	Filing Fee
186	(1) For approval of transfer of municipal consents	\$25 00

187	(2) For approval of conditional sale contract, notes or chattel	
188	mortgage based on the principal amount involved	
189	\$5,000 or less	10 00
190	5,001 to \$10,000	15 00
191	10,001 to 25,000	25 00
192	25,001 to 50,000	50 00
193	50,001 to 100,000	75 00
194	Over \$10,000	100 00
195	(3) For changes, extensions or consolidation of existing auto-	
196	bus routes	25 00
197	(4) For approval of leases of equipment	25 00

Charges

198	(5) For inspection of new bus equipment and issuance of cer-	
199	tificate of compliance—each bus	\$25 00
200	(6) For issuance of duplicate certificate of compliance—each .	2 00
200A	(7) For inspection of autobus for restoration to service after	
200B	removal for lack of insurance	\$10 00
201	(8) [(7)] For each periodic inspection of autobus by board's	
202	inspector—each bus	5 00

203 G. Miscellaneous	Filing Fee
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204	(1) Formal complaints—Costs to be assessed against the re-	
205	spondent utility if the complaint is sustained by the	
206	board	\$25 00
207	(2) Answers to formal complaints	10 00
208	(3) Where the answer sets up a prayer for affirmative relief.	25 00
209	(4) Amendment to any [application] <i>petition</i> or answer	10 00
210	(5) Reports and statements filed by pipeline companies as re-	
211	quired by board's rules issued under the authority of	
212	Title 48, R. S. N. J. <i>except accident reports</i>	200 00
213	(6) Discontinuance of train service that becomes a subject of	
214	public hearing	50 00

Charge
Per Copy

215 (7) Extra copy of any decision, order or certificate of the
 216 board \$2 00
 217 Plus a charge for each page exceeding 2 pages 1 00

218 (8) *Certification of any document*

219 All filing fees shall be paid at the time of the original filing
 220 of the report, application, petition or other document or
 221 paper in the matter. No pleading will be considered filed
 222 until the appropriate fees are paid. In cases where such
 223 payment is not feasible, as may be determined by the
 224 board, the amount will be due and payable on the presen-
 225 tation of an invoice.

226 When [an application] a *petition* covers more than 1 mat-
 227 ter or makes a prayer for relief with respect to more than
 228 1 matter, the fee for filing the same shall be the sum of
 229 the fees that would be paid for each individual matter.

230 When several utilities or [applicants] *petitioners* join in
 231 the filing of a single [application] *petition*, then the fees
 232 herein provided shall apply to each [applicant] *peti-*
 233 *tioner* as may be appropriate.

1 29. The Board may provide for the examination and audit of all accounts
 2 and may determine, after notice and hearing, the propriety of the allocation
 3 and entry of parts of items to 2 or more accounts, and the propriety of the
 4 entry of any items, and of the account or accounts in which they are entered,
 5 upon the books of a public utility.

1 30. The board's officers and employees may, under direction of the board,
 2 inspect and examine all books, accounts, papers, records and memoranda
 3 kept by any public utility in respect of any matter within the board's juris-
 4 diction and which would not be privileged in any judicial proceeding.

1 31. In arriving at any determination as to the justness or reasonableness
2 of any existing rate, fare or charge or in prescribing a just and reasonable
3 rate, fare or charge, the board shall not be bound:

4 1. To follow any formula, or

5 2. To find a rate base, if it determines that

6 (a) the applicable operating expenses plus depreciation and taxes of con-
7 ducting the business, for which the rate, fare or charge is established, com-
8 puted on the basis of the 12 months next preceding the month in which the
9 proceeding is initiated, exceeds the revenue from such operation, during said
10 period, under the existing rates, fares or charges and that the revenue under
11 the proposed increased rates, fares or charges will not exceed such operating
12 expenses, depreciation and taxes, or

13 (b) the gross operating revenue of the public utility, computed on the
14 basis of the 12 months next preceding the month in which the proceeding is
15 initiated, exceeds the depreciated book cost of its property used and useful in
16 its business as a public utility, or

17 (c) the product or service is a new offering and not covered by an exist-
18 ing rate, fare or charge approved by the board.

19 When the board shall prescribe a rate, fare or charge without finding a
20 rate base, it shall, in its determination, make a finding of the facts on the basis
21 of which it prescribed such rate, fare or charge.

1 32. Any public utility may file with the board a written stipulation sub-
2 ject to the board's approval at any time extending the suspension periods
3 provided for in this chapter or waiving the effective date of any tariff or rate.

1 33. The board may, in any order approving the supplying of any product
2 or service or the installation of any facilities or equipment by any public
3 utility or requiring any public utility so to do, determine and fix the time
4 within which such product or service shall be supplied or such facilities or
5 equipment shall be installed and may provide in any order granting such ap-
6 proval that the approval thereof shall be subject to such condition.

1 34. Every municipality may intervene in any hearing or investigation
2 held by the board, which involves public utility rates, fares or charges, service
3 or facilities, affecting the municipality or the public within the municipality.

1 35. On any argument or hearing had in the Superior Court or the
2 Supreme Court in any proceeding in review of any order or determination of
3 the board, the board may appear, and be heard, as a party in said proceeding.

1 36. Section 48:3-7 of the Revised Statutes is amended to read as follows:

2 48:3-7. No public utility shall, without the approval of the board, sell,
3 lease, mortgage or otherwise dispose of or encumber its property, franchises,
4 privileges or rights, or any part thereof; or merge or consolidate its property,
5 franchises, privileges or rights, or any part thereof, with that of any other
6 public utility.

7 Every sale, mortgage, lease, disposition, encumbrance, merger or consoli-
8 dation made in violation of this section shall be void.

9 Nothing herein shall prevent the sale, lease or other disposition by any
10 public utility of any of its property in the ordinary course of business, nor
11 require the approval of the board to any grant, conveyance or release of any
12 **[lands]** *property* or interest therein heretofore made or hereafter to be made
13 by any public utility to the *United States*, State or any county or municipality
14 *or any agency, authority or subdivision* thereof, for public use.

15 The approval of the board shall not be required to validate the title of
16 the United States, State or any county or municipality *or any agency, au-*
17 *thority or subdivision* thereof, to any lands or interest therein heretofore con-
18 demned or hereafter to be condemned by the United States, State or any
19 **[agency]**, county or municipality *or any agency, authority or subdivision*
20 thereof for public use.

1 37. Section 48:3-7.10 of the Revised Statutes is amended to read as
2 follows:

3 48:3-7.10. Jurisdiction and power is hereby conferred upon the **[Court of**
4 **Chancery]** *Superior Court, chancery division* of this State, at the suit of the
5 board, to enforce compliance with sections 48:3-7.8 and 48:3-7.9 of this Title

6 through sequestration of, or the appointment of a receiver for, the property in
7 this State of any public utility failing to comply with the same.

1 38. Section 48:3-7.12 of the Revised Statutes is amended to read as
2 follows:

3 48:3-7.12. The provisions of sections 48:3-7.8 to 48:3-7.11 of this Title
4 shall not apply to any public utility subject to the jurisdiction of the interstate
5 commerce commission operating, managing or controlling a [steam] railroad
6 or railway express within this State.

1 39. Section 48:3-9 of the Revised Statutes is amended to read as follows:

2 48:3-9. [No public utility shall issue any stocks, stock certificates, bonds,
3 demand notes or other evidence of indebtedness payable in more than 1 year
4 from the date thereof until it shall have first obtained authority from the
5 board for such proposed issue.

6 The board, after hearing, shall approve the proposed issue maturing in
7 more than 1 year from the date thereof when satisfied that the same is to be
8 made in accordance with law and the purpose thereof be approved by the
9 board.]

10 *No public utility shall, unless it shall have first obtained authority from*
11 *the board so to do:*

12 (a) *Issue any stocks, or any bonds, notes or other evidence of indebted-*
13 *ness payable more than 12 months after the date or dates thereof, or extend or*
14 *renew any bond, note or any other evidence of indebtedness so that any ex-*
15 *tension or renewal thereof shall be payable later than 12 months after the*
16 *date of the original instrument, or*

17 (b) *Permit any demand note to remain unpaid for a period of more than*
18 *12 months after the date thereof.*

19 *The board shall approve any such proposed issue, with or without hear-*
20 *ing at its discretion, if it shall deem that such issue is to be made in accord-*
21 *ance with law and the purpose thereof is approved by the board.*

22 The provisions of this act shall not apply to any public utility operating,
23 managing or controlling a [steam] railroad or a railway express which is

24 subject to the rules and regulations from time to time issued by the Interstate
25 Commerce Commission.

1 40. Section 1 of P. L. 1957, c. 130 (C. 48:3-17.2) is amended to read as
2 follows:

3 1. As used herein:

4 (a) "public utility" means any [person, firm, trustee, receiver or corpo-
5 ration of any nature subject to or exercising any privileges under the pro-
6 visions of Title 48 of the Revised Statutes and amendments and supplements
7 thereto:] *public utility defined in 48:2-13;*

8 (b) "right of way" means the area devoted to passing over, on, through
9 or under lands with utility plant facilities as part of a way for such purpose;

10 (c) "easement" or "easement rights" means privileges essential or ap-
11 purtenant to the enjoyment of a right of way; and

12 (d) "street" means any highway, road, street, alley, lane or place dedi-
13 cated to public use whether or not accepted and whether or not subsequently
14 vacated and includes the sidewalk area and other areas between the sidelines
15 thereof.

1 41. Section 48:3-18 of the Revised Statutes is amended to read as follows:

2 48:3-18. Any [corporation] *person* municipal or otherwise, may enter
3 into a written agreement with any other such [corporation] *person* owning
4 or using any poles erected under municipal consent in any street, highway
5 or other public place for the use by the former [corporation] *person* of the
6 poles upon such terms and conditions as may be agreed upon by the [cor-
7 porations] *persons*.

1 42. Section 48:3-19 of the Revised Statutes is amended to read as follows:

2 48:3-19. The consent of the municipality shall be obtained for the use
3 by a [corporation] *person* of the poles of another [corporation] *person* un-
4 less each [corporation] *person* has a lawful right to maintain poles in such
5 street, highway or other public place.

1 43. Section 48:3-28 of the Revised Statutes is amended to read as follows:

2 48:3-28. Whenever any railroad, canal or turnpike company, incorporated
3 under the laws of this State, has become insolvent or failed for 90 days

4 after the same becomes due, to pay the principal or interest on any mortgage
 5 on its property and franchise, the [Chancellor,] *Superior Court* upon the
 6 application of a creditor, mortgagee or stockholder of the company, may ap-
 7 point a receiver or receivers, or 3 trustees, who shall have and exercise all
 8 the powers and authority that it is lawful for receivers and trustees to ex-
 9 ercise under Title 14, Corporations, General.

10 The receivers or trustees may sell or lease the canal, railroad or turn-
 11 pike belonging to the company, together with all its chartered rights,
 12 privileges and franchises. The purchasers or lessees of such works, rights,
 13 privileges and franchises shall thereafter hold, use and enjoy the same
 14 during the residue of the term limited in the charter of the company, or dur-
 15 ing the term specified in the lease, in as full and ample a manner as the
 16 stockholders of the company could or might have enjoyed the same, subject,
 17 however, to all the restrictions, limitations and conditions contained in the
 18 charter.

19 Upon filing in the office of the Secretary of State, within 6 months after
 20 the sale or lease, a certificate that they accept the charter of the company
 21 whose property has been sold or leased, under a corporate name different
 22 from that of such company, the purchasers or lessees shall become a corpo-
 23 ration under the name so specified, with all the powers, rights, privileges
 24 and franchises of the former company.

25 The purchasers or lessees, or the corporation formed by them as afore-
 26 said, shall hold and enjoy the same, free and clear of all debts, claims
 27 and demands of creditors, mortgagees or stockholders, who shall look only
 28 to the fund arising from the sale or lease, which money, as collected,
 29 shall be paid into the [court of chancery.] *Superior Court*. Where the prop-
 30 erty is subject to a mortgage, the [Chancellor] *Superior Court* may, with
 31 the consent of the complainant, or without such consent if the principal is
 32 not due, direct a sale or lease to be made subject to the lien of the mortgage.

1 44. Section 48:3-34 of the Revised Statutes is amended to read as follows:

2 48:3-34. Any totally blind person and guide may be transported by any
 3 street railway, traction railway, [or] autobus company, or *railroad com-*

4 *pany* at the usual and ordinary fare charged to one person, under such reason-
5 able regulations as may be established by the carrier, anything in this Title
6 to the contrary notwithstanding.

1 45. No public utility shall refuse to furnish or supply service to or for
2 any building or premises by reason of a bill remaining unpaid by a previous
3 occupant, providing the person applying for service shall not be in arrears
4 to such company for service previously furnished to or for such building or
5 premises or furnished to or for any other building or premises.

1 46. No franchise, privilege, authority or consent to operate a public
2 utility, lawfully granted or given by the State or by any political subdivision
3 thereof, to any natural person individually, or as co-partner with other
4 person or persons, shall lapse or become void by reason of the death of any
5 such person but in any such event the same shall vest in and become the
6 property, of the estate of the deceased person or of such estate and the sur-
7 viving partner or partners and shall be transferable as assets of such estate
8 or of such estate and said surviving partner or partners, with the consent
9 of the board.

1 47. There may be filed with the board a designation containing the
2 name and address of an agent, resident of this State, to act for the estate
3 of such person in case of his death pending the appointment of his personal
4 representative and the lawful authorization of such personal representative
5 to continue to operate such public utility and such agent shall be authorized
6 to operate or participate in the operation of such public utility until such
7 appointment and authorization is made.

1 48. Any of the following types of public utilities now or hereafter organ-
2 ized and existing under and by virtue of any law of this State: electric
3 light, heat and power; canal; gas; pipeline; railroad; underground railroad;
4 sewerage; water power; street railway or traction; telegraph or telephone;
5 or water, in addition to and not in substitution of whatever other right, power
6 and authority it may have and possess, may, subject to the restrictions as
7 provided hereinafter, take or acquire under the provisions of chapter 1 of

8 Title 20, Eminent Domain, such property or other interest therein which may
9 be reasonably necessary for the purposes enumerated for each such utility in
10 the succeeding sections hereto.

1 49. The power of condemnation shall not be used or enforced by any
2 such public utility unless the necessary land or other property or any interest
3 therein as stated in this chapter, cannot be acquired from the owner by rea-
4 son of disagreement as to the price or legal incapacity or absence of the
5 owner, or inability to convey a valid title, or because the names or addresses
6 of the owner or owners may be unknown, or for any other reason, except
7 where a governmental agency having jurisdiction has granted the utility the
7A permission to take or acquire property or any interests therein for the
7B utility's purposes.

8 The power of condemnation shall not be used or enforced by any
9 public utility until and unless such utility shall have applied to the
10 Board of Public Utility Commissioners upon the petition of such utility
11 and the board, after due notice, including notice to the owner or owners of
12 the land or other property or interest therein to be condemned, and to any
13 other parties having an interest of record therein, if known and resident of
14 this State, and if unknown or not resident of this State, then by such publica-
15 tion as the board shall prescribe, and public hearing, shall have found that
16 the land or other property or interest therein desired is reasonably necessary
17 for the service, accommodation, convenience or safety of the public, and that
18 the taking of such land or other property or interest therein is not incom-
19 patible with the public interest and would not unduly injure the owners of
20 private property. The board is hereby authorized and empowered to deter-
21 mine the necessity as aforesaid for the use of the land or other property or
22 interest therein so sought to be condemned and to make and establish such
23 reasonable rules and regulations governing the form and method of such
24 application and the time and manner of the notice of such public hearing as
25 it may deem proper, and the board shall have full power and authority to
26 enforce the provisions of this section.

1 50. Every canal utility may take and condemn pursuant to sections 66
2 and 67 hereof, such lands, waters and streams as may be necessary for the
3 construction and operation of a canal.

4 No property used by any canal in operation shall be taken, nor shall any
5 canal be interfered with, unless the consent of the utility operating the canal
6 shall be first obtained.

7 The payment or tender of payment of all damages for the occupancy of
8 all lands, whether covered by water or not, shall be made before the utility
9 shall enter upon the premises, except for the purpose of surveying and locat-
10 ing the canal, unless the consent of the owner of the land be first obtained.

1 51. Every utility organized and existing for the purpose of supplying
2 electricity for light, heat or power may exercise the power of eminent domain

3 or property as may be necessary for the construction of any railway built
4 under the provisions of this title either as an extension of the line of any
5 existing railway or a new line, not exceeding 60 feet in width except where
6 a greater amount shall be required for the slopes of cuts and embankments,
7 and such easements of lands lying within or without the limits of any street
8 as may be necessary for the accomplishment of the objects of such utility, or
9 such lands or properties as may be required for the purpose of locating and
10 constructing all necessary works, buildings, conveniences and equipments
11 for the construction and operation of such machinery, engines, boilers or ap-
12 pliances, including the erection of poles for the support of wires and conduits
13 or the making of tunnels or subways for the production or supply of any of
14 the motive power authorized to be used under this title.

1 58. Any telegraph or telephone utility may exercise the power of con-
2 demnation as provided in sections 66 and 67 hereof in taking or acquiring
3 any land or interest therein which may be reasonably necessary for a right-
4 of-way for its line or lines and associated fixtures for the purpose of supply-
5 ing telegraph or telephone service to the public.

1 59. Every water utility desiring to take, use or occupy any lands or
2 to take or divert any spring or stream of water necessary for the rendition
3 of its public utility service may exercise the power of eminent domain as

7 whether manufactured gas or natural gas or any mixture of gas of the various
8 types suitable for light, heat or power.

1 53. Pipe line utilities may exercise the power of eminent domain as pro-
2 vided in sections 66 and 67 hereof in taking land and other property neces-
3 sary for public use for right-of-way.

4 Nothing in this section shall be construed to limit or affect the power
5 or jurisdiction of the Department of Conservation and Economic Develop-
6 ment.

1 54. Every sewerage utility desiring to take any lands or to use, occupy
2 and make excavation upon any lands may exercise the power of eminent
3 domain as provided in sections 66 and 67 hereof to take such lands, rights
4 and privileges.

1 55. Every utility formed to construct dams in any of the rivers or
2 streams within this State or between this and another State, for the pur-
3 pose of generating, distributing and selling water power and electric power,
4 may exercise the power of eminent domain as provided in sections 66 and 67
5 hereof in acquiring any waters, streams, lands, property or franchises that
6 may be required for the construction of its dams, canals, raceways and
7 other works.

8 Nothing in this chapter shall impair the rights of any person to an action
9 against the utility for any damage done to his real estate by the construction
10 of the dams, canals, raceways and works where he has not agreed with the
11 utility or where his damages have not been paid and satisfied by the utility
12 under the provisions of this chapter.

1 56. Any utility organized to construct one or more dams in any river,
2 stream, or tributary to Barnegat Bay for the purpose of developing and
3 selling electricity may exercise the power of eminent domain as provided in
4 sections 66 and 67 hereof to take any real or personal property, rights, priv-
5 ileges, franchises or easements necessary for its dams, reservoirs, ponds,
6 locks, weirs, gates, bridges, races, canals, power stations and flowage.

1 57. Any street railway or traction utility may exercise the power of emi-
2 nent domain as provided in sections 66 and 67 hereof in taking so much land

3 or property as may be necessary for the construction of any railway built
4 under the provisions of this title either as an extension of the line of any
5 existing railway or a new line, not exceeding 60 feet in width except where
6 a greater amount shall be required for the slopes of cuts and embankments,
7 and such easements of lands lying within or without the limits of any street
8 as may be necessary for the accomplishment of the objects of such utility, or
9 such lands or properties as may be required for the purpose of locating and
10 constructing all necessary works, buildings, conveniences and equipments
11 for the construction and operation of such machinery, engines, boilers or ap-
12 pliances, including the erection of poles for the support of wires and conduits
13 or the making of tunnels or subways for the production or supply of any of
14 the motive power authorized to be used under this title.

1 58. Any telegraph or telephone utility may exercise the power of con-
2 demnation as provided in sections 66 and 67 hereof in taking or acquiring
3 any land or interest therein which may be reasonably necessary for a right-
4 of-way for its line or lines and associated fixtures for the purpose of supply-
5 ing telegraph or telephone service to the public.

1 59. Every water utility desiring to take, use or occupy any lands or
2 to take or divert any spring or stream of water necessary for the rendition
3 of its public utility service may exercise the power of eminent domain as
4 provided in sections 66 and 67 hereof to acquire such lands, rights and
5 privileges.

6 If the owner of any real estate shall not have given his consent in writing
7 to the diversion, or diminution of such spring or stream, and the damage to
8 the real estate by reason of such diversion or diminution shall not have been
9 ascertained and paid pursuant to said chapter 1 of the Title 20, Eminent
10 Domain, then the owner may, by action at law, recover any damages he may
11 sustain by reason of such diversion or diminution. Nothing in this section
12 shall be construed to limit or affect the power or jurisdiction of the Depart-
13 ment of Conservation and Economic Development.

1 60. Any railroad utility may exercise the power of eminent domain as
2 provided in sections 66 and 67 hereof in taking any land and property re-
3 quired for the right-of-way of its main line and branches, not exceeding 200
4 feet in width, unless more shall be required for slopes of cuts or embank-
5 ments or retaining walls, and all such other land and property adjoining
6 such right-of-way as exigencies of business may demand for the erection of
7 freight and passenger depots and all other railroad purposes, and any land
8 and property necessary to comply with any order of the Board of Public
9 Utility Commissioners. In addition, any railroad utility shall have the right
10 to take and acquire, by the exercise of the power of eminent domain as pro-
11 vided in sections 66 and 67 hereof, any land, property or private road as
12 shall be necessary for any branch line or lines, spur or sidetrack to the
13 premises of a horse race track as provided in section 48:12-32.1, but not in
14 excess of 200 feet in width, for such branch line or lines, spur or sidetrack
15 of railroad; provided that additional land may be so acquired where neces-
16 sary for the slopes of cuts or embankments or for retaining walls.

17 When the line of any railroad utility of the State is constructed to the
18 Delaware river and extension of such line is to be undertaken pursuant to
19 section 48:12-44, the utility may acquire, by the exercise of the power of
20 eminent domain as provided in sections 66 and 67 hereof, such lands as may
21 be necessary upon filing and recording the survey of the route with the
22 Secretary of State and in the office of the clerk of the county wherein the
23 lands are situate, and making the deposit required by section 28:12-25 of
24 this Title.

25 No railroad utility organized under this Title shall take, use or occupy
26 by condemnation any franchise, land or located route of any other railroad
27 or any utility chartered for the purpose of facilitating transportation, ex-
28 cept for the purpose of crossing such land or route and except the land of
29 any such utility not necessary for the purpose of its franchise.

30 Nothing herein shall be deemed to limit the powers of condemnation
31 vested in railroads under any provisions of Title 48 as amended and sup-
32 plemented by this act and which have not been repealed.

1 61. Any railroad utility meeting the requirements of section 48:12-91
2 and after obtaining the consent and approval required by said section, may
3 exercise the power of eminent domain as provided in sections 20 and 21 hereof
4 in acquiring real estate and personal property necessary and useful for the
5 purposes of 48:12-91.

1 62. The right-of-way condemned for a railroad beneath the surface of
2 the ground by an underground railroad utility shall not include the right to
3 use or occupy permanently the surface above the railroad where the same
4 is not broken, but shall be confined to a right to tunnel. The utility may
5 nevertheless acquire by condemnation so much and such parts of the surface
6 as may be necessary or proper to operate its railroad.

1 63. No public utility shall take by condemnation any land, property, or
2 other interest belonging to the State of New Jersey, or any political sub-
3 division thereof.

1 64. Section 48:4-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-1. The term "autobus" as used in this chapter means and includes,
4 except as hereinafter noted, any motor vehicle or motorbus operated over
5 public highways or public places in this State for the transportation of pas-
6 sengers for hire in intrastate business, notwithstanding such motor vehicle
7 or motorbus may be used in interstate commerce.

8 Nothing contained herein shall be construed to include:

9 a. vehicles engaged in the transportation of passengers for hire in the
10 manner and form commonly called taxicab service unless such service be-
11 comes or is held out to be regular service between stated termini;

12 b. hotel busses used exclusively for the transportation of hotel patrons
13 to or from local railroad or other common carrier stations including local
14 airports;

15 c. busses operated solely for the transportation of school children and
16 teachers *to and from school*;

17 d. any autobus with a carrying capacity of not more than 10 passengers
18 operated under municipal consent upon a route established wholly within the

19 limits of a single municipality, which route does not in whole or in part par-
20 allel upon the same street the line of any street railway or traction railway
21 or any other autobus route.

22 The word "person" as used in this chapter means and includes any indi-
23 vidual, copartnership, association, corporation or joint stock company, their
24 lessees, trustees, or receivers appointed by any court.

25 The word "street" as used in this chapter means and includes any street,
26 avenue, park, parkway, highway, road or other public place.

27 The term "charter bus operation" as used in this chapter means and
28 includes the operation of an autobus or autobusses by the person owning
29 or leasing such bus or busses pursuant to a contract, agreement or arrange-
30 ment to furnish an autobus or autobusses and a driver or drivers thereof to
31 a person, group of persons or organization (corporate or otherwise) for a
32 trip designated by such person, group of persons or organization for a fixed
33 charge per trip, per autobus or per mile.

34 The term "special bus operation" as used in this chapter means and in-
35 cludes the operation by the owner or lessee of an autobus or autobusses for
36 the purpose of carrying passengers for hire, each passenger paying a fixed
37 charge for his carriage, on a special trip arranged and designated by such
38 owner or lessee, which fixed charge may or may not include meals, lodging,
39 entertainment or other charges.

1 65. Section 48:4-2.3 of the Revised Statutes is amended to read as
2 follows:

3 48:4-2.3. Receivers appointed by the United States District Court for
4 the district of New Jersey or by the [court of chancery] *Superior Court* of
5 this State, or trustees in bankruptcy, who pursuant to an order of such court
6 are operating any autobus, shall carry such insurance, or make such other
7 provisions as the court appointing such receivers or trustees may by order
8 direct, to indemnify such receivers or trustees against loss from the liability
9 imposed by law for damages on account of bodily injury or death suffered
10 by any person or persons as a result of an accident occurring by reason of

11 the ownership, maintenance or use of such autobusses; but such receivers or
12 trustees shall continue to carry such insurance as is required to be carried
13 by other owners and operators of autobusses under the provisions of this
14 chapter until such court shall have made an order as herein provided, and
15 upon the making of any such order as herein provided, a certified copy of the
16 same shall be filed with the officer or officers with whom insurance policies
17 are required to be filed by this chapter.

18 As a condition precedent to the making of such an order such receivers
19 or trustees in bankruptcy shall deposit with the Commissioner of Banking and
20 Insurance of this State the sum of ~~[\$50,000.00]~~ *\$100,000.00* in cash or in
21 stocks, bonds, or bonds and mortgages, approved by the commissioner, which
22 cash, stocks, bonds and bonds and mortgages shall be held by the commis-
23 sioner as security for the liability imposed by law upon such receivers or
24 trustees in bankruptcy, for personal injury and death resulting from the
25 operation of said autobusses by such receivers or trustees in bankruptcy,
26 and shall be subject to levy under execution issued upon judgments for such
27 bodily injuries or death against such receivers or trustees in bankruptcy.

28 Such order shall remain in force and effect only so long as there shall
29 remain in the hands of the commissioner cash, bonds, stocks, or bonds and
30 mortgages aggregating ~~[\$50,000.00]~~ *\$100,000.00* and meeting with the ap-
31 proval of the commissioner from time to time. So long as said deposit shall
32 be maintained as herein provided, and no levy shall be made thereon, the
33 receivers or trustees making the same shall be entitled to collect and receive
34 the interest and dividends thereon, and to withdraw any deposited stocks,
35 bonds and bonds and mortgages upon depositing with said commissioner
36 other like securities. Said deposit, or the balance thereof remaining, shall be
37 returned to the receivers or trustees making the same upon proof satisfac-
38 tory to the commissioner that all liabilities secured by said deposit have been
39 discharged or adequately provided for.

1 66. Section 48:4-6 of the Revised Statutes is amended to read as follows:

2 48:4-6. Any such municipal consent for the operation of an autobus
3 heretofore granted and now in effect or hereafter granted and in effect may

4 be transferred by the holder thereof upon obtaining the approval of the
5 Board of Public Utility Commissioners upon application to it by either the
6 transferor or the transferee.

7 *The transferor and the transferee shall be jointly and severally liable*
8 *for any outstanding debt due the board at the time of the transfer.*

1 67. Section 48:4-9 of the Revised Statutes is amended to read as follows:

2 48:4-9. The holder of a municipal consent for the operation of an auto-
3 bus may use such autobus for special or occasional trips off its regular route
4 whenever the autobus is not required for the operation of the schedule on
5 its regular route. [but no such special or occasional trip shall be in competi-
6 tion with any other autobus route or a street railway line.]

7 *No special or occasional trip shall be operated in competition with any*
8 *autobus route or a street railway line. The provisions of this paragraph shall*
9 *apply to operators of special or occasional trips whether or not they hold mu-*
10 *nicipal consents.*

1 68. Section 48:4-11 of the Revised Statutes is amended to read as follows:

2 48:4-11. Any person who shall operate an autobus in the streets of a mu-
3 nicipality without complying with the provisions of this article shall be
4 [guilty of a misdemeanor] *adjudged a disorderly person.*

5 The Board of Public Utility Commissioners shall proceed at law or in
6 equity to prevent any person from operating an autobus in violation of the
7 provisions of this article or otherwise violating any provisions thereof.

8 Proceedings to prevent a person from operating an autobus without a
9 valid municipal consent may be instituted by any public utility, the business
10 or revenues of which are adversely affected thereby.

1 69. Section 48:4-12 of the Revised Statutes is amended to read as follows:

2 48:4-12. Whenever the owner of any autobus, or the person possessing
3 the right to use the same, is required by any law of this State or any ordi-
4 nance of any municipality of this State to obtain or file with any public
5 board, body or official within this State an insurance policy against loss from
6 liability imposed by law upon autobus owners, or the persons possessing the

7 right to use same, for damages either as a condition for the obtaining or
 8 making or continuing effective the permit or consent of any municipality to
 9 operate, or for the operation of, such autobus, or otherwise, said owner or
 10 person possessing the right to use the same, if a corporation, organized under
 11 the laws of this State, may carry its own liability insurance providing it can
 12 reasonably satisfy the Commissioner of Banking and Insurance as to the per-
 13 manence and financial standing of its business and providing its paid up
 14 cash capital is not less than that required in the following schedule:

SCHEDULE

CLASS 1

15 For any such corporation operating not more than 20 of such auto-
 16 busses, there shall be required a cash paid up capital of **[\$100,000.00]**
 17 *\$200,000.00*.

CLASS 2

18 For any such corporation operating not more than 30 of such auto-
 19 busses, there shall be required a cash paid up capital of **[\$150,000.00]**
 20 *\$300,000.00*.

CLASS 3

21 For any such corporation operating not more than 40 of such autobusses,
 22 there shall be required a cash paid up capital of **[\$200,000.00]** *\$400,000.00*.

CLASS 4

23 For any such corporation operating not more than 50 of such autobusses,
 24 there shall be required a cash paid up capital of **[\$250,000.00]** *\$500,000.00*.

CLASS 5

25 For any such corporation operating more than 50 of such autobusses,
 26 there shall be required a cash paid up capital of not less than **[\$500,000.00]**
 27 *\$1,000,000.00*.

1 70. Section 48:4-13 of the Revised Statutes is amended to read as follows:

2 48:4-13. Any owner desiring to be exempt from obtaining or filing such
 3 insurance policy, as aforesaid, shall make application to the Commissioner

4 of Banking and Insurance, showing its financial ability to pay such damages,
 5 whereupon the commissioner, if reasonably satisfied of the applicant's finan-
 6 cial ability, shall by written order make such exemption. The commissioner
 7 may from time to time require further statements of the financial ability of
 8 such company; and if at any time, in the opinion of the commissioner, such
 9 company appears no longer able to pay damages, the commissioner shall re-
 10 voke his order granting exemption, in which case the said company shall
 11 immediately insure its liability as required by law [, and such owner may
 12 file or furnish in lieu of such insurance policy a statement sworn to by the
 13 president, vice-president, treasurer or assistant treasurer of said corporation
 14 that such corporation is the owner of such autobus, that it is a corporation
 15 of this State and has complied with the terms of this section and section
 16 48:4-12 of this Title and is entitled by reason thereof to exemption from the
 17 duty of filing such insurance policy and that the commissioner has made such
 18 exemption, which statement shall remain in lieu of such policy of insurance
 19 only so long as the paid up cash capital of said corporation shall conform to
 20 the requirements of this section and section 48:4-12 of this Title as to paid
 21 up capital and the order of the commissioner shall remain in force].

1 71. Section 48:4-20 of the Revised Statutes is amended to read as follows:

2 48:4-20. Every person owning or operating an autobus which is operated
 3 over any highway in this State for the purpose of carrying passengers from
 4 a point outside the State to another point outside the State, or from a point
 5 outside the State to a point within the State, or from a point within the State
 6 to a point outside the State shall pay to the [Commissioner] *Director of the*
 7 *Division of Motor Vehicles*, as an excise for the use of such highway, $\frac{1}{2}$ cent
 8 for each mile or fraction thereof such autobus shall have been operated over
 9 the highways of this State, except that no excise shall be payable for the
 10 mileage traversed in any municipality to which such owner or operator has
 11 paid a monthly franchise tax for the use of its streets under the provisions
 12 of section 48:4-14 of this Title.

1 72. Section 48:4-22 of the Revised Statutes is amended to read as follows:

2 48:4-22. On or before May 7, 1934, every such owner or operator shall
3 file with the **[Commissioner]** *Director of the Division of Motor Vehicles* a report
4 of schedule of operations setting forth the routes traveled, their termini, the
5 number of miles traveled daily in this State, the names of municipalities to
6 which monthly franchise tax is payable and the miles traveled therein and
7 the registration numbers of autobusses operated and such other information
8 as the **[commissioner]** *director* may require.

9 Every such owner or operator shall give to the **[commissioner]** *director*
10 immediate report in writing of any subsequent change in such schedule, or
11 routes, or number of miles traveled daily, or autobusses, except that no notice
12 need be given in case of the operation of an autobus which is temporarily used
13 to supplement a fixed schedule of operation.

1 73. Section 48:4-23 of the Revised Statutes is amended to read as follows:

2 48:4-23. All moneys derived from the excise hereby imposed shall be
3 paid over monthly by the **[Commissioner]** *Director of the Division of Motor*
4 *Vehicles* to the State Treasurer and such revenues are hereby appropriated
5 to the State Highway **[Commission]** *Department* for use by it for the con-
6 struction and maintenance of highways.

1 74. Section 48:4-24 of the Revised Statutes is amended to read as follows:

2 48:4-24. The **[Commissioner]** *Director of the Division of Motor Vehicles*
3 shall enforce the payment of the excise hereby imposed and for such pur-
4 pose make and enforce such rules and regulations as he may deem necessary.
5 He may require a bond or other surety for the payment of excise and penal-
6 ties imposed by and payable pursuant to sections 48:4-20 to 48:4-34 of this
7 Title and for compliance with the provisions of said sections and the
8 rules and regulations made by him pursuant hereto.

1 75. Section 48:4-25 of the Revised Statutes is amended to read as follows:

2 48:4-25. The **[Commissioner]** *Director of the Division of Motor Vehicles*
3 shall have power, whenever he deems it expedient, to make or cause to be
4 made by deputy, auditor or investigator, an examination or investigation of

5 the books, records, papers, vouchers, accounts and documents of every such
6 owner or operator for the purpose of administering the provisions of sections
7 48:4-20 to 48:4-34 of this Title.

8 It shall be the duty of every such owner or operator and of every director,
9 officer, agent or employee thereof to exhibit to the **[commissioner]** *director*,
10 his deputy, auditor or investigator all of the books, records, papers, vouchers,
11 accounts and documents of the owner or operator to facilitate, as far as it
12 may be in his or their power so to do, any such examination or investigation.

13 The **[commissioner]** *director*, his deputy, auditor or investigator may
14 take any oath of any person signing a deposition, statement, return or report
15 required by the **[commissioner]** *director* in the administration of said sec-
16 tions 48:4-20 to 48:4-34.

1 76. Section 48:4-26 of the Revised Statutes is amended to read as follows:

2 48:4-26. The **[Commissioner]** *Director of the Division of Motor Vehicles*
3 or his deputy, auditors or investigators shall have power to conduct hearings
4 and to administer oaths to, and to examine under oath, any such owner or
5 operator and the directors, officers, agents and employees of such owner or
6 operator, and as well all other witnesses relative to the transportation busi-
7 ness of such owner or operator, in respect to any matter incident to the
8 administration of sections 48:4-20 to 48:4-34 of this Title.

1 77. Section 48:4-27 of the Revised Statutes is amended to read as follows:

2 48:4-27. The **[Commissioner]** *Director of the Division of Motor Vehicles*
3 shall have power by subpoena to compel the attendance of witnesses and the
4 production of any books, records, papers, vouchers, accounts and documents
5 of any such owner or operator, or of any other person at any such hearing. The
6 fees of witnesses required to attend any such hearing shall be the same as
7 those allowed to witnesses appearing in the **[Supreme]** *Superior Court*. Fees
8 shall be paid in a manner provided for the payment of other expenses incident
9 to the administration of sections 48:4-20 to 48:4-34 of this Title.

1 78. Section 48:4-28 of the Revised Statutes is amended to read as follows:

2 48:4-28. If a person subpoenaed to attend any hearing refuses to appear,
3 he shall be examined or answer any question or produce any books, records, papers,

4 vouchers, accounts and documents when ordered so to do by the [Commis-
 5 sioner] *Director of the Division* of Motor Vehicles or his deputy, auditor or
 6 investigator designated by him to conduct such hearing, the [commissioner]
 7 *director*, such deputy, auditor or investigator, may apply to the [Supreme]
 8 *Superior* Court, or any [justice] *judge* thereof, who shall have the power of
 9 the court for that purpose, upon proof by affidavit of the facts, to make an
 10 order returnable not less than 2, nor more than 10 days, directing such person
 11 to show cause before the court or a [justice] *judge* thereof, why he should not
 12 comply with the direction or order of the [commissioner,] *director*, or of
 13 the deputy, auditor or investigator so appointed by the [commissioner]
 14 *director*.

15 Upon the return of such order, the court or [justice] *judge* before whom
 16 the matter shall come, shall examine such person under oath, and such person
 17 shall be given an opportunity to be heard and if the court or [justice] *judge*
 18 shall determine that such person refused without legal excuse to obey the
 19 command of the subpoena, or to be examined, or to answer a question, or to
 20 produce any book, paper, voucher, record, account or document which he was
 21 ordered to answer or produce, the court or [justice] *judge* may order such
 22 person to comply forthwith with the subpoena or order. Any failure to obey
 23 such order of the court or [justice,] *judge*, may be punished by the court or
 24 [justice] *judge* as contempt of the [Supreme] *Superior* Court.

1 79. Section 48:4-30 of the Revised Statutes is amended to read as follows:
 2 follows:

3 48:4-30. Failure to file a report or bond in the manner prescribed by the
 4 [Commissioner] *Director of the Division* of Motor Vehicles, or to pay proper
 5 excise, or any legal penalties imposed by sections 48:4-20 to 48:4-34 of this
 6 Title, or to adhere to any reasonable rules and regulations imposed by the
 7 [commissioner] *director*, or preventing an examination or investigation of
 8 books, records, papers, vouchers, accounts and documents, or refusing to ex-
 9 hibit such books, records, papers, vouchers, accounts and documents, or ignor-
 10 ing subpoena whether served within the State or without the State, shall be

11 good cause for the **[commissioner]** *director* to revoke the registration cer-
 12 tificates for autobusses issued to such owner or operator, or to prevent the
 13 operation in this State of autobusses registered in another State.

1 80. Section 48:4-31 of the Revised Statutes is amended to read as follows:

2 48:4-31. The excise imposed by section 48:4-20 of this Title, and interest
 3 and penalties thereon from the time the same shall be due and payable, shall
 4 be a personal debt due from such owner or operator to the State, recoverable
 5 in any court of competent jurisdiction in any action at law to be commenced
 6 by the **[Commissioner]** *Director of the Division* of Motor Vehicles on behalf
 7 of the State.

8 Such excise, interest and penalties shall be a first and prior lien upon the
 9 assets of such owner or operator and payment thereof shall be preferred in
 10 any distribution of the assets of the owner or operator whether in insolvency,
 11 bankruptcy or otherwise.

1 81. Section 48:4-32 of the Revised Statutes is amended to read as follows:

2 48:4-32. Any such owner or operator who shall fail to file a report as re-
 3 quired by section 48:4-20 to 48:4-34 of this Title, or bond when demanded, or
 4 fail to pay the excise imposed by said sections 48:4-20 to 48:4-34 within the
 5 time herein fixed and limited, shall forfeit and pay to the **[Commissioner]**
 6 *Director of the Division* of Motor Vehicles for the use of the State the sum of
 7 \$5.00 for each and every day of such default, which sum shall be recovered by
 8 the **[commissioner]** *director* in the manner hereinbefore provided for the en-
 9 forcement of the payment of the excise imposed by said sections. Such
 10 moneys, when recovered, shall be paid over to the State Treasurer for the use
 11 of the State Highway Commission for construction and maintenance of
 12 highways.

1 82. Section 48:4-36 of the Revised Statutes is amended to read as
 2 follows:

3 48:4-36. Any person engaged in the operation of motor vehicles shall at
 4 all times have financial coverage. If such financial coverage shall be by insur-
 5 ance policy, such insurance policy or policies or true copies thereof, shall be

6 filed with the board of public utility commissioners. Said board may reject
7 any policy if and when it determines after hearing upon notice in writing to
8 the insurance company that the company or companies writing or underwrit-
9 ing said policies of insurance is or are not financially responsible to respond
10 in damages. Upon any hearing as provided herein, the burden of proving its
11 financial responsibility shall rest upon said insurance company or companies.

12 Said insurance policies shall be conditioned for the payment of a minimum
13 sum of not less than hereinafter set forth, hereinafter called "minimum
14 liability," on any one judgment, and a maximum sum of not less than herein-
15 after set forth, hereinafter called "maximum liability," on all judgments re-
16 covered against any such person, upon claims arising out of the same trans-
17 action or transactions connected with the same subject of action, to be appor-
18 tioned ratably among the judgment creditors according to the amount of their
19 respective judgments, for damages because of bodily injury, including death,
20 at any time resulting therefrom, or injury caused in the operation, mainte-
21 nance, use, or the defective construction of such motor vehicles, as follows:

22 a. For damages because of bodily injury, including death, at any time
23 resulting therefrom, for each motor vehicle having a seating capacity of not
24 more than 12 passengers, an insurance policy with a minimum liability of
25 ~~[\$5,000.00]~~ \$10,000.00 and a maximum liability of ~~[\$25,000.00]~~ \$50,000.00.

26 b. For each motor vehicle having a seating capacity of not less than 13
27 nor more than 20 passengers, an insurance policy with a minimum liability of
28 ~~[\$5,000.00]~~ \$10,000.00 and a maximum liability of ~~[\$50,000.00]~~ \$100,000.00.

29 c. For each motor vehicle having a seating capacity of not less than 21 nor
30 more than 30 passengers, an insurance policy with a minimum liability of
31 ~~[\$5,000.00]~~ \$10,000.00 and a maximum liability of ~~[\$100,000.00]~~ \$200,000.00.

32 d. For each motor vehicle having a seating capacity of more than 30
33 passengers, an insurance policy with a minimum liability of ~~[\$5,000.00]~~
34 \$10,000.00 and a maximum liability of ~~[\$150,000.00]~~ \$300,000.00.

1 83. Section 48:4-37 of the Revised Statutes is amended to read as
2 follows:

3 48:4-37. For damages because of injury to or destruction of property,
4 for each motor vehicle an insurance policy with a minimum liability of
5 ~~[\$1,000.00]~~ *\$5,000.00* and a maximum liability of ~~[\$5,000.00]~~ *\$10,000.00*.

1 84. Section 48:4-45 of the Revised Statutes is amended to read as
2 follows:

3 48:4-45. The provisions of this article shall not apply to autobuses with
4 a carrying capacity of not more than ~~[6]~~ *10* passengers now or hereafter
5 operated under municipal consent upon a route established wholly within
6 the limits of a single municipality, which route does not in whole or in part
7 parallel upon the same street the line of any street railway or traction rail-
8 way or any other autobus route, nor to any autobus solely engaged in trans-
9 portation of school children, jurisdiction over which is now vested in any
10 board or body other than the Board of Public Utility Commissioners.

1 85. Section 48:4-46 of the Revised Statutes is amended to read as
2 follows:

3 48:4-46. (a) As used in this article "motor vehicle carrying passengers
4 for hire" is hereby defined as meaning any motor vehicle propelled other-
5 wise than by muscular power (excepting such vehicles as run only upon
6 rails or tracks exclusively) carrying passengers for hire of any kind over
7 the highways in this State except (1) motor vehicles carrying passengers
8 for hire over the highways in this State by virtue of municipal consent or
9 consents upon a route or routes established in any municipality or munici-
10 palities; (2) taxicabs; (3) hotel busses; (4) busses employed solely for trans-
11 porting school children and teachers; (5) autobuses with a carrying capac-
12 ity of not more than ~~[6]~~ *10* passengers now or hereafter operated under
13 municipal consent upon a route established wholly within the limits of a single
14 municipality, which route does not in whole or in part parallel upon the
15 same street the line of any street railway or traction railway or any other
16 autobus route; (6) autobuses operated over highways in this State for the

17 purpose of carrying passengers from a point outside the State to another
 18 point outside the State or from a point outside the State to a point within
 19 the State, or from a point within the State to a point outside the State be-
 19A tween fixed termini on a regular schedule.

20 (b) "Self-insurer" means any person who by virtue of any law of this
 21 State, or in case of a nonresident, of the State of which such person is a
 22 resident and in which any motor vehicle coming within the provisions of
 23 this article is registered, is exempted by some official, board or body of this
 24 State or such other State from requirements imposed upon other owners of
 25 similar motor vehicles to carry insurance or secure possible claims for dam-
 26 ages by a bond of a surety company.

27 (c) "Financial responsibility" means ability to satisfy claims to the
 28 extent set forth in sections 48:4-47 and 48:4-48 of this Title.

29 (d) "For hire" means compensation in any form, whether directly or
 30 indirectly made.

31 (e) "Financial coverage" means insurance and also self-insurer.

32 (f) "Magistrate" shall be deemed and understood to mean and include
 33 all [justices of the peace,] judges of county and criminal courts, [police
 34 judges, recorders, mayors] and other officers having powers of the commit-
 35 ting magistrate. [; but it shall not include a justice of the peace sitting
 36 within the corporate limits of any municipality having a police judge,
 37 police justice, recorder's court or city criminal court.]

1 86. Section 48:4-47 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:4-47. Any person engaged in the business of operating motor vehicles
 4 carrying passengers for hire shall at all times have financial coverage. If
 5 such financial coverage shall be by insurance policy, such insurance policy
 6 or policies, or true copies thereof, shall be filed with the Board of Public Utility
 7 Commissioners. Said board may reject any policy if and when it determines
 8 after hearing upon notice in writing to the insurance company that the com-

9 pany or companies writing or underwriting said policies of insurance is or are
10 not financially responsible to respond in damages. Upon any hearing as pro-
11 vided herein, the burden of proving its financial responsibility shall rest upon
12 said insurance company or companies.

13 Said insurance policies shall be conditioned for the payment of a mini-
14 mum sum, hereinafter called "minimum liability," on any one judgment, and
15 a maximum sum hereinafter called "maximum liability," on all judgments
16 recovered against any such person upon claims arising out of the same trans-
17 action or transactions connected with the same subject of action, to be ap-
18 portioned ratably among the judgment creditors according to the amount of
19 their respective judgments, for damages because of bodily injury, including
20 death, at any time resulting therefrom caused in the operation, maintenance,
21 use or the defective construction of such motor vehicles, as follows:

22 [(a) For damages because of bodily injury, including death, at any time
23 resulting therefrom for each motor vehicle having a seating capacity of more
24 than 12 passengers, an insurance policy with a minimum liability of \$5,000.00
25 and a maximum liability of \$50,000.00.]

26 (a) *For damages because of bodily injury, including death, at any time*
27 *resulting therefrom, for each motor vehicle having a seating capacity of not*
28 *more than 12 passengers, an insurance policy with a minimum liability of*
29 *\$10,000.00 and a maximum liability of \$50,000.00.*

30 (b) *For each motor vehicle having a seating capacity of not less than*
31 *13 nor more than 20 passengers, an insurance policy with a minimum liability*
32 *of \$10,000.00 and a maximum liability of \$100,000.00.*

33 (c) *For each motor vehicle having a seating capacity of not less than*
34 *21 nor more than 30 passengers, an insurance policy with a minimum liability*
35 *of \$10,000.00 and a maximum liability of \$200,000.00.*

36 (d) *For each motor vehicle having a seating capacity of more than 30*
37 *passengers, an insurance policy with a minimum liability of \$10,000.00 and*
38 *a maximum liability of \$300,000.00.*

1 87. Section 48:4-48 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-48. For damages because of injury to or destruction of property,
4 for each motor vehicle an insurance policy with a minimum liability of
5 ~~[\$1,000.00]~~ \$5,000.00 and a maximum liability of ~~[\$5,000.00]~~ \$10,000.00.

1 88. Section 48:4-54 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-54. Any ~~[driver of]~~ *person who shall knowingly operate or permit*
4 *to be operated* a motor vehicle carrying passengers for hire who shall fail
5 *to display* or *who* refuses to exhibit upon request of a proper person the
6 evidence of insurance or other financial coverage provided for in this article
7 shall, upon conviction, be adjudged a disorderly person and shall be liable
8 to a penalty of not more than \$100.00 or imprisonment for a term of not
9 more than 90 days, or both a fine and imprisonment not exceeding the afore-
10 said maximum, at the discretion of the magistrate before whom the convic-
11 tion shall be had.

1 89 The board shall have jurisdiction with respect to specifications and
2 insurance requirements or financial responsibility as to charter busses and
3 special busses.

1 90. The board may make rules, regulations and orders applicable to
2 the construction, equipment and insurance required of every motor vehicle
3 within its jurisdiction, and shall inspect, through its agents, inspectors and
4 employees, any such motor vehicle to determine the manner of compliance
5 with such rules, regulations and orders.

6 In the event of noncompliance with such rules, regulations and orders,
7 or with statutory requirements, the board may, through its agents, inspectors
8 and employees, cause the immediate discontinuance of the operation of such
9 motor vehicle, and no such motor vehicle shall be restored to service without
10 the express approval of the board. No person shall remove or deface any
11 notice of discontinuance that has been affixed or otherwise attached to said
12 motor vehicle without approval of the board.

13 Any person violating any provision of this section shall be deemed to be
14 a disorderly person.

1 91. Section 48:6-14 of the Revised Statutes is amended to read as follows:

2 48:6-14. Every *canal* company organized under this [chapter] *Title* shall
3 have power:

4 I. To enter upon all lands or waters to explore, survey and locate the
5 route of the proposed canal, doing no unnecessary injury to private or other
6 property, and subject to responsibility for all damages which shall be done
7 thereto;

8 II. To purchase, hold and use all such real estate and other property as
9 may be necessary in the construction, operation and maintenance of the
10 canal, necessary for the full and free enjoyment of the canal;

11 III. Upon depositing in the office of the Secretary of State a survey of
12 the route of the proposed canal, to construct, maintain and operate a canal
13 between the points named in the certificate of incorporation;

14 IV. To use and let others use the canal and to charge tolls;

15 V. To demand and receive such sums of money for the transportation of
16 persons and property and for any other services in connection therewith,
17 [as it shall think reasonable and proper;] *in accordance with its filed tariff*
18 *as approved by the Board of Public Utility Commissioners;*

19 VI. To have constructed or to purchase all boats, machinery and other
20 property necessary for the carrying on of its business; and

21 VII. To do any other act necessary for the full and free use and enjoy-
22 ment by any canal company of the franchises hereby granted.

1 92. Section 48:6-17 of the Revised Statutes is amended to read as follows:

2 48:6-17. Every *canal* company organized under this [chapter] *Title* may
3 borrow such sums of money from time to time, not to exceed in the whole its
4 paid up capital stock, as may be necessary to construct and repair the canal
5 and the works on lands adjacent thereto. To secure repayment thereof it may
6 issue bonds secured by a mortgage on its property and franchises provided.
7 The bonds shall constitute a lien on the property and franchises of the com-

8 pany and the proceeds of the bonds shall be used for the purposes above
9 specified.

1 93. Section 48:6-19 of the Revised Statutes is amended to read as follows:

2 48:6-19. Every *canal* company organized under this [chapter] *Title* shall
3 construct and properly maintain adequate bridges and passages over or under
4 the canal at all places where any road or highway shall cross the canal.

5 Where the canal intersects any farm lands of any individual, the com-
6 pany shall provide and keep in repair suitable passageways over or under
7 the canal. The canal company may refuse to build bridges to connect any
8 such farm lands, in which event a [justice] *judge* of the [Supreme Court]
9 *Superior Court* may appoint commissioners to assess the damages to the
10 owner of the land as provided in chapter 1 of the Title Eminent Domain
11 (§ 20:1-1 et seq.).

1 94. Section 48:6-21 of the Revised Statutes is amended to read as follows:

2 48:6-21. Every *canal* company organized under this [chapter] *Title* may
3 make contracts with any person for transporting or conveying goods, freight
4 and passengers *in accordance with its filed tariffs*.

1 95. Section 48:7-1 of the Revised Statutes is amended to read as follows:

2 48:7-1. Any company organized or to be organized pursuant to [Title
3 14, Corporations, General,] *the laws of this State* for the purpose of con-
4 structing, maintaining and operating works for the supply and distribution
5 of electricity for electric light, heat or power may use the public highways,
6 streets and alleys in this State for the purpose of erecting poles to sustain the
7 necessary wires and fixtures, upon first obtaining the consent in writing of
8 the owners of the soil. The poles shall be so located as in no way to interfere
9 with the safety or convenience of persons traveling on the highways.

10 No poles shall be erected in any street of an incorporated city or town
11 without first obtaining from the incorporated city or town a designation of
12 the street in which the same shall be placed and the manner of placing the
13 same. Such use of the public streets shall be subject to such regulations as
14 may be first imposed by the corporate authorities of the city or town.

1 96. Section 48:7-2 of the Revised Statutes is amended to read as follows:

2 48:7-2. Any such company may lay pipes or conduits and wires therein
3 beneath such public highways, streets and alleys as it may deem necessary.
4 Such pipes or conduits shall be laid at least 2 feet below the surface and
5 shall not unnecessarily interfere with public travel, or damage public or
6 private property. They shall be laid at the greatest practicable distance
7 from the outside of any water or gas pipe, but in no event less than 3 feet
8 therefrom, except where it shall be necessary to cross or intersect any such
9 gas or water pipe.

10 No public streets shall be opened in any [city] *municipality* for the pur-
11 pose of laying any such pipes, conduits or wires without the [consent] *per-*
12 *mission* of the [governing body of the city.] *municipality*.

13 [Such use of the public streets in any of the cities and towns of this
14 State shall be subject to such regulations and restrictions as may be first im-
15 posed by the corporate authorities of such cities and towns.]

1 97. Section 48:8-8 of the Revised Statutes is amended to read as
2 follows:

3 48:8-8. All owners or keepers of ferries shall construct and maintain
4 safe places of landing, where they are needed, upon penalty of forfeiting
5 such sum as the [court of common pleas] *County Court* of the county where
6 the same is needed, shall, upon complaint, determine to be sufficient to con-
7 struct or repair such convenient landing. The forfeiture shall, by order of
8 said court, be appropriated and laid out for that purpose.

1 98. Section 48:8-17 of the Revised Statutes is amended to read as
2 follows:

3 48:8-17. The penalties imposed by this article shall be recoverable by
4 action at law, with costs, in any court having cognizance thereof, by any
5 person who will sue for the same.

6 Whenever any action for the recovery of any such penalty is prosecuted
7 in a [small cause court it may be commenced by warrant or summons,]
8 *county district court* and whenever the action is prosecuted in any other

9 court it may be commenced by *capias ad respondendum* or summons, any
10 law, usage or custom to the contrary notwithstanding.

1 99. Section 48:9-17 of the Revised Statutes is amended to read as follows:

2 48:9-17. Every *gas* company organized under [this chapter] *the laws of*
3 *this State* may manufacture, sell, [and] furnish *and distribute* such quanti-
4 ties of gas suitable for light, heat, [or] power *or other purposes* as may be
5 required in the municipality or municipalities where the same shall be
6 located, or its operations lawfully extended.

7 Every such company may lay conductors *and install related facilities*
8 for conducting gas through the streets, alleys, squares and public places in
9 any municipality or municipalities in which it may lawfully operate, having
10 first obtained the consent by resolution or ordinance of the governing body
11 of such municipality for the furnishing of gas therein and the approval of
12 such consent by the Board of Public Utility Commissioners. The consent
13 may be subject to reasonable regulations with respect to the opening of
14 streets, alleys, squares and public places, not inconsistent with the provi-
15 sions of this article.

1 100. Section 48:9-20 of the Revised Statutes is amended to read as
2 follows:

3 48:9-20. [Whenever] *Before* any *gas* company [organized under this
4 chapter] shall dig any trench for laying any new gas mains or pipes or
5 other apparatus, near to any water or gas pipe or branch or service
6 pipe belonging to any other water or gas company, it shall give 24 hours'
7 written notice thereof to the president, chief clerk, secretary or engineer
8 of the other company, and shall, under the inspection of the president,
9 chief clerk, secretary, engineer or agent of the other company, protect
10 and secure every such water or gas pipe from injury and repair any damage
11 that shall be done to such pipe. The notice shall be delivered to the
12 principal office of the other company between the hours of 10 in the morning
13 and 4 in the afternoon.

14 In default of repairing the damage, the gas company shall, for each de-
 15 fault, forfeit and pay to the other company any sum not exceeding \$25.00
 16 together with the costs and expenses which shall have been incurred by it
 17 in protecting or securing any such other water or gas pipe or in repairing
 18 any injury that may have been done thereto, such costs and expenses to
 19 be ascertained by any [justice,] court, and to be recovered in the same
 20 manner as any expenses or penalty under this chapter may be recovered.

1 101. Section 48:9-21 of the Revised Statutes is amended to read as
 2 follows:

3 48:9-21. Every *gas* company organized under [this chapter] *the laws*
 4 *of this State* shall lay its main or distributing gas pipes at the greatest prac-
 5 ticable distance from any [water or gas] pipe of any other [water or gas]
 6 company and at a horizontal distance of 4 feet at least from the nearest part
 7 of any such [water or gas] pipe, unless it shall be unavoidably necessary
 8 to lay the gas pipe across or nearer to any other [water or gas] pipe, in
 9 which case the gas pipe shall be laid under such [water or gas] pipe at the
 10 greatest practicable distance therefrom, this distance in no case to be less
 11 than 12 inches, and shall form therewith a right angle, or as near thereto
 12 as the situation will admit.

13 In no case shall any pipe be laid or apparatus used that will interfere
 14 in any way either with the present or future supply pipes of any [water or
 15 gas] company, or that may interfere with or increase the expense of re-
 16 placing, removing or repairing the supply pipes or apparatus of any [water
 17 or gas] company.

18 All gas companies which were in operation on April 21, 1876, shall have
 19 the same rights and privileges of laying their mains and pipes, and making
 20 and supplying gas, that their respective charters and contracts then gave
 21 them.

1 102. Section 48:9-23 of the Revised Statutes is amended to read as
 2 follows:

3 48:9-23. Any gas company now existing, whether by special charter
 4 or by organization under an act entitled "An act to authorize the formation

5 of gas light corporations and regulate the same," approved April 21, 1876,
 6 or hereafter organized under **[this chapter]** *the laws of this State* and actu-
 7 ally engaged in the manufacture and supply of **[illuminating]** gas in the
 8 municipality for the supply of which it was organized or chartered, may
 9 extend its main pipes to any neighboring municipality wherein no gas com-
 10 pany exists, for the purpose of supplying the same with **[illuminating]** gas;
 11 provided, the governing body of the neighboring municipality shall grant
 12 permission for that purpose.

13 When such permission shall be granted, the company shall have the same
 14 rights and privileges of laying gas mains and the like to and in the neighboring
 15 municipality as it has in the municipality where it was originally located.

1 103. Section 1 of P. L. 1949, c. 110 (C. 48:9-25.4) is amended to read
 2 as follows:

3 1. Any corporation organized **[and existing]** under **[the provisions of**
 4 **chapter 9 of Title 48 of the Revised Statutes,]** *the laws of this State for the*
 5 *distribution of gas* in addition to the powers conferred by **[said]** chapter 9
 6 *of Title 48*, may construct, lay, maintain and use facilities, conductors, mains
 7 and pipes, with the appurtenances thereto, in, through and beyond any mu-
 8 nicipality or municipalities, for the purpose of transmitting through the same
 9 natural gas or any mixture of **[natural gas with a]** gas or gases of any
 10 other type or types for use in its business; provided, that in each case such
 11 corporation shall first have obtained a designation by the governing body or
 12 official having control thereof, of the public street, road, highway or place,
 13 which may be occupied by such corporation for such purpose. If any gov-
 14 erning body or official having control of any public street, road, highway or
 15 place, after having received from such corporation a request to designate
 16 such public street, road, highway or place, for occupancy by such corpora-
 17 tion for such purpose, shall fail or refuse to make such designation or to
 18 designate a practicable route, the Board of Public Utility Commissioners, upon
 19 application by the corporation, and after hearing on notice to such governing
 20 body or official, shall make such designation.

1 104. Section 48:12-1 of the Revised Statutes is amended to read as
2 follows:

3 48:12-1. The provisions of this chapter, except as otherwise herein re-
4 stricted or unless the contrary appears from the context, shall apply to all
5 railroad companies however formed, created or organized under any law of
6 this State.

7 Any company organized under the act entitled "An act to authorize the
8 formation of railroad corporations and regulate the same," approved April 2,
9 1873 (L. 1873, c. 413, p. 88), shall be included within the description in this
10 chapter of companies organized under this [chapter] *Title*.

11 The provisions of this chapter so far as applicable shall extend to any
12 receiver, trustee or person operating a railroad in this State under a
13 franchise.

1 105. Section 48:12-2 of the Revised Statutes is amended to read as
2 follows:

3 48:12-2. No franchise granted prior to July 4, 1903, to construct a rail-
4 road or build or establish bridges or ferries or operate any line of travel
5 and take tolls or fares therefor shall after that date remain exclusive and no
6 like franchise granted after that date shall be exclusive unless in such grant
7 heretofore or hereafter made it be so expressly provided.

8 All *railroad* corporations organized under this [chapter] *Title* shall be
9 subject to all general laws now or hereafter passed to regulate railroads and
10 their operation.

1 106. Section 48:12-13 of the Revised Statutes is amended to read as
2 follows:

3 48:12-13. Every railroad company shall have the general powers con-
4 ferred by Title 14, Corporations, Generally, of the Revised Statutes and the
5 supplements thereto and shall be governed by the provisions and be subject
6 to the restrictions and liabilities therein contained, so far as the same are
7 appropriate to and not inconsistent with this [chapter] *Title* or with the

8 provisions of the act under which any such company may have been created
9 and organized, and, in addition thereto, shall have power :

10 I. To enter at all times upon all lands or waters for the purpose of
11 exploring, surveying and laying out the routes of its railroad and of locat-
12 ing the same, to make such surveys as may be necessary to the selection of
13 the most advantageous route, and to locate all necessary buildings, works,
14 conveniences and appurtenances, doing no unnecessary injury to property
15 and subject to responsibility for all damages done thereto ;

16 II. To acquire from time to time and hold and use all such real estate
17 and other property as may in the judgment of its directors be necessary for
18 terminal purposes and for the construction and maintenance of its railroad,
19 stations, branches, sidings, car yards, engine houses, repair shops and other
20 accommodations necessary to accomplish the objects of its incorporation, and
21 to sell land thus acquired when not necessary for such purposes and objects ;

22 III. To construct and operate its road, to construct or purchase all en-
23 gines, cars, machinery and appliances for the transportation of persons and
24 property, to charge and collect fares and charges for transportation of pas-
25 sengers and freight and to exercise all other powers by this chapter granted.

1 107. Section 48:12-30 of the Revised Statutes is amended to read as
2 follows :

3 48:12-30. Any railroad company organized under **[this chapter]** *the*
4 *laws of this State* which shall fail to comply with the provisions of section
5 48:12-29 of this Title shall forfeit thereby the franchises given to it by
6 **[this chapter.]** *such laws.*

7 Where any company has failed to construct its road upon any part of the
8 location shown by its filed survey within the time allowed by law and after the
9 expiration of such time any other railroad company duly files a survey of a
10 location crossing or occupying the same, the company last filing its location
11 shall have priority of right over such location.

1 108. Section 1 of P. L. 1947, c. 17 (C. 48:12-32.1) is amended to read as
2 follows :

3 1. Any railroad company may lay out, construct, acquire, lease, contract
4 in respect to, or purchase any branch line or lines, spur or side track of rail-
5 road, not exceeding 4 miles in length, either entirely or partially, in,
6 through, along, across or upon any public or private road or street, and may
7 maintain and operate the same, connecting with and extending from the main
8 line or any branch line of the company, to extend to the premises, place, track
9 or enclosure where any horse race meeting is held or conducted or to be held
10 or conducted by any person, partnership, association or corporation, pursuant
11 to a license or permit heretofore or hereafter issued by the New Jersey Racing
12 Commission.

13 Such railroad company may make and enter into an agreement or contract
14 with any such licensee or permit holder for any such construction, mainte-
15 nance and operation of any such branch line or lines, spur or side track of
16 railroad.

17 Such railroad company may take, hold, occupy and use the land necessary
18 for any such purpose or purposes and shall file a map and description of the
19 survey of the route of the branch line or lines, spur or side track of railroad,
20 in the office of the Secretary of State and shall make the deposit required by
21 section 48:12-25 of this Title, pending construction, with the State Treasurer.

22 [Such railroad company shall have the right to take and acquire by the
23 exercise of the power of eminent domain any land, property or private road
24 as shall be necessary for such purpose or purposes, but not in excess of 200
25 feet in width, for such branch line or lines, spur or side track of railroad;
26 provided, that additional land may be so acquired where necessary for the
27 slopes of cuts or embankments or for retaining walls.]

28 Such railroad company shall not construct any branch line or lines, spur
29 or side track of railroad for any such purpose or purposes within the limits
30 of any city, town, borough, village or township until it shall have first ob-
31 tained the consent of the municipal governing body, which consent may be
32 given by resolution or by the grant of an easement and any such consent of a
33 municipal governing body shall be subject to the approval of the Board of
34 Public Utility Commissioners.

1 109. Section 48:12-36 of the Revised Statutes is amended to read as
2 follows:

3 48:12-36. **[No railroad company organized under this chapter shall take,
4 use or occupy by condemnation any franchise, land or located route of any rail-
5 road or other corporation chartered for the purpose of facilitating transporta-
6 tion, except for the purpose of crossing such land or route and except the
7 land of any such corporation not necessary for the purposes of its franchise.]**

8 No railroad company **[organized under this chapter]** shall cross another
9 railroad at grade at a less angle than 20 degrees, but a railroad may be lo-
10 cated **[under this chapter]** upon the surveyed route or location of any other
11 railroad company with the consent of such other company.

13 **[No railroad company shall take by condemnation any land belonging
14 to the State.]**

1 110. Section 48:12-39 of the Revised Statutes is amended to read as
2 follows:

3 48:12-39. Any railroad company may straighten, shorten or improve
4 its road or connect points thereon by shorter lines or branches upon filing
5 and recording a survey of the straightened, shortened or improved line in the
6 same manner as is required in the case of an original survey of location.

7 Any such company may take and acquire by condemnation all the land
8 necessary for that purpose **[as well as for the erection of freight and
9 passenger stations and all other legitimate purposes upon the straightened,
10 shortened or improved line, but no more than 200 feet in width for the main
11 track of any road shall be taken for the right of way except where necessary
12 for the slopes of cuts or embankments or for retaining walls].**

13 The company may retain and continue to use or may sell or otherwise
14 dispose of all or any part of the original road for which such line has been
15 substituted after it has constructed its road on its new location.

1 111. Section 48:12-40 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:12-40. Any railroad company *prior to the operation of any trains*
4 may abandon any part of its line before the same shall have been wholly

5 completed upon filing and recording in the office of the Secretary of State a
6 certificate of abandonment, executed by its president and secretary, under
7 its seal, describing the part to be abandoned.

8 Thereupon the Treasurer of the State shall repay to the company out
9 of the money of the company therefor deposited with the treasurer as re-
10 quired by law, \$2,000.00 for every mile, and a proportionate sum for any dis-
11 tance less than a mile of its route so abandoned.

12 The company shall not thereafter extend or construct its road upon the
13 portion so abandoned without first filing and recording a new survey thereof
14 in the office of the Secretary of State and making the deposit with the treas-
15 urer required by law.

1 112. Section 48:12-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:12-41. Any railroad company may build and maintain over such
4 streams as its roads may cross, such piers and bridges as it may deem ex-
5 pedient, and may build viaducts over or tunnels under any navigable or other
6 river, stream or bay which the railroad may cross.

7 Except as hereinafter otherwise provided, every such bridge or viaduct
8 shall have a pivot draw with 2 openings, each of no less width than the
9 widest opening of any viaduct or bridge now built over any such river,
10 stream or bay, at right angles to the main channel, located at a point con-
11 venient for navigation.

12 No such company shall take any land under water belonging to this State
13 without first obtaining the consent of the [Board of Commerce and Naviga-
14 tion,] *Department of Conservation and Economic Development*, unless such
15 land is at least 25 feet under the bed of the water. The [board] *depart-*
16 *ment* may convey the same on receiving the compensation it may fix.

1 113. Section 48:12-43 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:12-43. Where a railroad is constructed across a stream where the tide
4 ebbs and flows and by reason of the narrowness of the stream or shallow-

5 ness of water it is unnecessary or impracticable to construct a pivot draw
 6 with 2 openings or any draw, the company may apply to the [Board of Com-
 7 merce and Navigation] *Department of Conservation and Economic Develop-*
 8 *ment*, who shall, after personal inspection and due inquiry, determine what
 9 character of bridge is proper and whether any drawbridge is necessary and
 10 if so, the character and dimensions thereof and how the same shall be main-
 11 tained, considering the extent and importance both of the navigation of the
 12 stream and of the public travel over the railroad.

13 The determination of the [board] *department* [signed by a majority
 14 thereof] shall be filed by [them] *it* with the clerk of the county or counties
 15 in which the bridge lies and shall bind the company. A compliance with this
 16 determination by the company shall be a full performance of its duties and
 17 obligations with respect to the bridge.

1 114. Section 48:12-44 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:12-44. Where the line of any railroad company of this State is con-
 4 structed to the Delaware river, such company may extend such line, with
 5 as many tracks as it shall deem necessary, by means of a bridge and its ap-
 6 proaches, to the middle of the river and connect the same with any railroad
 7 of an adjoining State and may change the location of its line or make such
 8 other improvements therein as may be necessary or convenient for this pur-
 9 pose.

10 The company may acquire by condemnation such lands as may be nec-
 11 essary. [upon filing and recording the survey of the route with the Secretary
 12 of State and making the deposit required by section 48:12-25 of this Title.]

13 The company may occupy so much of the land belonging to this State
 14 as shall be required for the bridge and the piers and abutments thereof and
 15 approaches thereto, upon payment to the [Board of Commerce and Naviga-
 16 tion] *Department of Conservation and Economic Development* of such com-
 17 pensation as it shall fix. The [board] *department* shall convey such lands
 18 in fee to the company upon receiving such payment.

19 The company may retain that portion of the line which has been relocated
20 if in its opinion the abandonment of the original line would be be incon-
21 venient or injurious to the interests of the public and the company.

1 115. Section 48:12-45 of the Revised Statutes is amended to read as
2 follows:

3 48:12-45. Any *railroad* company organized under [this chapter] *the*
4 *laws of this State* whose route lies in part under the bed of waters of an
5 interstate river or other interstate waters may build its railroad under the
6 same by tunnel.

7 In approaching such river or waters the company may build its railroad
8 in part by tunnel under lands and longitudinally or otherwise under streets
9 and public places in municipalities and under railroads and rivers, and in
10 part on or above the surface of the land.

11 The company may construct and secure the foundations and other struc-
12 tures required for the construction, maintenance and operation of the road
13 and may connect the road under the bed of the waters of the river with the
14 railroad of any company organized under the laws of an adjoining State.

15 The tunnel shall be so built and maintained as to make the surface of
16 the ground above the same firm and safe for building and other erections
17 thereon and shall be at such depths beneath the lands, rivers, railroads,
18 streets and public places as not to interfere with the use thereof.

19 The company may enter upon, purchase or acquire in the manner pro-
20 vided by law, such lands or rights and easements in lands along its said
21 route, upon, over or beneath the surface of the land as shall be necessary
22 for its purposes.

23 The right of way beneath the streets and public places and the use
24 thereof for the purpose of the railroad is hereby declared to be a public use
25 consistent with and one of the uses for which the same are publicly held.

26 Whenever it shall be necessary to alter the position of any public sewer
27 or water pipe the same shall be done at the expense of such company under
28 the direction of the public authorities having charge thereof.

29 Any such company shall have 10 years from the date of its organization
30 to open and complete one track of its road.

31 Nothing in this section shall authorize the building of any railroad either
32 upon or above the surface or by open cut longitudinally along any street
33 of a city or town.

1 116. Section 48:12-46 of the Revised Statutes is amended to read as
2 follows:

3 48:12-46. Every *railroad* company [organized under this chapter] shall
4 erect and maintain fences on the sides of its road of the height and strength
5 of division fences required by law, with gates or barways at farm crossings.
6 Every such company shall also construct and maintain cattle guards at road
7 crossings sufficient to prevent cattle and other animals from getting on the
8 railroad.

9 Until such fences and guards are erected the company shall be liable
10 for damages done by its trains to cattle or other animals straying on its
11 railroad. Where such fences and guards have been duly erected and main-
12 tained the company shall not be liable for such damages unless negligently
13 or willfully done.

1 117. Section 1 of P. L. 1960 c. 152 is amended to read as follows:

2 1. The railroad company or companies involved shall pay 15% and the
3 board, out of funds to be provided for that purpose, shall pay 85% of the en-
4 tire expense of: (a) enlarging, changing, reconstructing, relocating or modi-
5 fying any bridge or passage pursuant to order of the board under section
6 48:12-49 of the Revised Statutes; or (b) the installation of protective devices
7 or other provision for the protection of the traveling public at grade crossings
8 of a railroad which operates passenger service within this State, pursuant to
9 order of the board under sections 48:2-29, 48:12-54 or 48:12-55 of the Revised
10 Statutes, provided, however, that if the board orders the installation of pro-
11 tective devices or other provision for the protection of the traveling public at
12 grade crossings of any other railroad under said sections 48:2-29, 48:12-54 or
13 48:12-55 and finds that such installation is necessary due to increased vehic-

14 ular or pedestrian traffic it may pay, out of such funds, a percentage of the
 15 entire expense, not to exceed 85%, and the railroad company or companies in-
 16 volved shall pay the remaining percentage of the entire expense. Such ex-
 17 pense shall include, without limitation thereto, damages to adjacent property
 18 and the cost of removing, relaying or relocating any municipal pipes, con-
 19 duits or subways.

20 The protective devices or other provision for the protection of the travel-
 21 ing public at grade crossings installed under (b) above shall be maintained by
 22 the railroad at its own cost and expense.

23 *In lieu of the apportionment of expenses as set forth above, the board*
 24 *may order the entire expense to be paid as follows: 15% by the railroad com-*
 25 *pany or companies involved, 15% by the municipality (or municipalities) or*
 26 *county (or counties) having jurisdiction over the roads, streets or avenues*
 27 *involved and 70% by the board.*

28 *The municipalities and counties involved are hereby authorized and em-*
 29 *powered to make such payments.*

1 118. Section 48:12-54 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-54. Every company operating on a fixed track or tracks, freight or
 4 passenger trains or cars **propelled by steam or electric power**, shall pro-
 5 vide protection to pedestrians and the traveling public at every crossing of
 6 its tracks by any public road **which is improved by joint action of the State**
 7 **and a municipality or county**. Such protection may be in the form of safety
 8 gates, flagmen, electric bell, electric signs or other recognized system of
 9 alarm or protection approved by the Board of Public Utility Commissioners.

10 When several crossings lie so close together that an audible signal at
 11 one crossing may be sufficiently heard at others near it, such crossings may be
 12 protected by such device or signals as will sufficiently protect all crossings
 13 in the group.

14 When on any line or part thereof all traffic is discontinued for any part
 15 of the night, no crossing guards need be operated while traffic is so discon-
 16 tinued.

17 This section shall not apply to street car lines or tracks used principally
18 for street car purposes.

19 The provisions of this section shall be construed to be mandatory and
20 shall be operative without order or direction of the board.

1 119. Section 48:12-55 of the Revised Statutes is amended to read as
2 follows:

3 48:12-55. The Board of Public Utility Commissioners, upon its own initia-
4 tive or upon the application of any municipality or citizen dissatisfied with the
5 protection provided or the failure to provide any or sufficient protection at
6 any crossing within such municipality or used by such citizen may by order
7 compel proper compliance with section 48:12-54 of this Title. Such applica-
8 tion shall be considered and acted upon [forthwith.] *in accordance with the*
9 *board's rules of practice.*

1 120. Section 48:12-57 of the Revised Statutes is amended to read as
2 follows:

3 48:12-57. Every railroad company shall place on each engine a bell weigh-
4 ing not less than 30 pounds which shall be rung continuously in approaching
5 a grade crossing of a highway, beginning at a distance of at least 300 yards
6 from the crossing and continuing until the engine has crossed such highway,
7 or a whistle or horn operated by steam, air or electricity, which shall be
8 sounded, except in cities, at least 300 yards from the crossing and at intervals
9 until the engine has crossed the highway.

10 For every default the company operating such road shall pay a penalty
11 of [\$20.00] \$100.00 to be sued for by any informer within 10 days after
12 such penalty was incurred, $\frac{1}{2}$ to go to the informer and $\frac{1}{2}$ to the county
13 wherein such default occurred. Nothing herein shall take away any remedy
14 for such neglect from any person injured thereby.

1 121. Section 48:12-58 of the Revised Statutes is amended to read as
2 follows:

3 48:12-58. Every railroad company shall *install and* maintain at each
4 highway crossing at grade a conspicuous sign with such inscription and of

5 such standard and design as shall be approved by the Board of Public Utility
6 Commissioners, so as to be easily seen by travelers.

7 【Such sign need not be maintained in any municipality unless required
8 by its governing body, or by the board.】

1 122. Section 48:12-62 of the Revised Statutes is amended to read as
2 follows:

3 48:12-62. The railroad company or companies involved shall pay 15%
4 and the board, out of funds to be provided for that purpose, shall pay 85%
5 of the entire expense of such alterations, reconstructions, changes, reloca-
6 tion or opening, including damages to adjacent property and the cost of
7-8 removing, relaying or relocating any municipal pipes, conduits or subways.

9 *In lieu of the apportionment of expenses as set forth above the board may*
10 *order such expenses to be paid as follows: 15% by the railroad company or*
11 *companies involved, 15% by the municipality (or municipalities) or county*
12 *(or counties) having jurisdiction over such public highways involved and*
13 *70% by the board.*

14 *The municipalities and counties involved are hereby authorized and em-*
15 *powered to make such payments.*

1 123. Section 48:12-63 of the Revised Statutes is amended to read as
2 follows:

3 48:12-63. Where the order of the board shall require changes in or the
4 removal of the property or 【constructions of a street railway, telegraph,
5 telephone, gas, electric, lighting, power, water, oil, pipe lines or other com-
6 pany, copartnership or individual, each】 *facilities of any other public utility,*
7 *the public utility* shall at its 【or his】 own expense move or change the location
8 or grade of 【their】 *its* property or 【constructions】 *facilities* in conformity
9 with such order; provided, that if funds are granted or allotted by the
10 United States Government or any of its agencies, the board may, with the
11 consent and approval of the Governor, allot and credit any or all of the
12 funds so received toward the payment of the expenses to be borne by such

13 utility or utilities. They shall be deemed parties in interest and be given
14 notice of hearing and opportunity to be heard.

1 124. Section 48:12-64 of the Revised Statutes is amended to read as
2 follows:

3 48:12-64. Any railroad company or companies whose tracks cross or are
4 crossed at grade by a public highway, or the body having charge of the
5 finances of any municipality or county having jurisdiction over any such
6 highway, may present to the board a petition in writing setting forth the
7 facts upon which relief under sections 48:12-61 to 48:12-67 of this Title is
8 sought, or the board may of its own motion proceed with respect to any
9 such crossing or crossings.

10 Thereupon the board shall fix a time and place for a hearing before it and
11 shall *order the railroad or railroads to* give such notice thereof as it shall
12 deem reasonable to the municipality or county and to the corporations, co-
13 partnerships or individuals interested therein. After such hearing the board
14 shall determine or order what, if any, alterations to or changes in or con-
15 nected with the crossing or crossings and public highway shall be made.

1 125. Section 48:12-65 of the Revised Statutes is amended to read as
2 follows:

3 48:12-65. The notice of time and place of hearing required by section
4 48:12-64 of this Title may, except as to the municipality or county and the
5 railroad company or companies interested in the hearing, be **[giving]** *given*
6 by publication of a notice in a newspaper circulating in the municipality in
7 which the crossing or crossings to which such hearing relates may be located.
8 The newspaper shall be designated by the board.

9 The publication shall be at such intervals and for such period of time as
10 the board shall deem reasonable. It shall be directed generally "To whom
11 it may concern," give notice of the time and place of hearing and describe
12 generally the object of the hearing.

1 126. Section 2 of P. L. 1947, c. 178 (C. 48:12-67.1) is amended to read
2 as follows:

3 2. Sections 48:12-61 to 48:12-66 of the Revised Statutes shall apply to
4 all alterations, reconstructions, changes, relocations or openings ordered by
5 the Board of Public Utility Commissioners, after the effective date of this
6 act, and also to any alterations, reconstructions, changes, relocations or open-
7 ings ordered prior to such effective date, if no part of the work under such
8 order had been actually commenced on the ground prior to such date. No
9 further application to the board shall be necessary in any proceedings in
10 which an order of the board had been made prior to the effective date of this
11 act to bring the alterations, reconstructions, changes, relocations or openings,
12 so ordered, within the provisions of said sections 48:12-61 to 48:12-66 of
13 this Title.

14 This section shall not be applicable to any grade crossing elimination
15 under a State Highway **[Commission]** *Department* program, pursuant to the
16 provisions of sections 48:12-68 to 48:12-77 of this Title.

1 127. Section 48:12-68 of the Revised Statutes is amended to read as
2 follows:

3 48:12-68. The State Highway **[Commission]** *Department*, before Janu-
4 ary 1 of each year, shall formulate a program, covering the work to be started
5 or completed during the ensuing year, for the elimination of railroad cross-
6 ings at grade on State highways, the improvement, relocation, alteration and
7 reconstruction of crossings of railroads and State highways not at grade, and
8 the location and construction of new crossings of railroads and State highways
9 not at grade, where the construction of the new crossings of railroads and
10 State highways not at grade result or will result in the closing, abandonment
11 or combination of an existing grade crossing at or in the vicinity of the new
12 State highway crossing.

13 The aggregate estimated cost of the work in such annual program, in
14 which railroad companies will share, shall not exceed \$2,000,000.00.

1 128. Section 48:12-69 of the Revised Statutes is amended to read as
2 follows:

3 48:12-69. The State Highway **[Commission]** *Department* shall furnish
4 the annual program to every company owning or operating a railroad which
5 is called upon to perform work under the program.

6 Every such railroad company shall co-operate with the State Highway
7 **[Commission]** *Department* in the prompt execution and completion of the
8 work.

1 129. Section 48:12-70 of the Revised Statutes is amended to read as
2 follows:

3 48:12-70. The cost of the work to be shared by railroad companies and
4 the State Highway **[Commission]** *Department* provided for in any annual
5 program, exclusive of the cost of the surface paving on roadways and the
6 curbing, sidewalk paving and guard rails on approaches, which shall be con-
7 structed at the sole expense of the State, shall be borne and paid 15% by
8 the railroad company or companies involved and 85% by the State.

1 130. Section 48:12-71 of the Revised Statutes is amended to read as
2 follows:

3 48:12-71. The State Highway **[Commission]** *Department* and any rail-
4 road company or companies may enter into an agreement on the basis of the
5 division of the cost, as provided by section 48:12-70 of this Title, covering the
6 work in the annual program, or the elimination of any crossing at grade or
7 the improvement, relocation, alteration or reconstruction of any crossing not
8 at grade on any State highway, in addition to the work provided for in such
9 program.

1 131. Section 48:12-72 of the Revised Statutes is amended to read as
2 follows:

3 48:12-72. The State Highway **[Commission]** *Department* shall bear the
4 entire expense of locating and constructing all crossings of railroads and
5 State highways not at grade to carry new highways over or under the rail-
6 roads where the construction of such crossings does not result or will not

7 result in the closing, abandonment or combination of an existing grade cross-
8 ing at or in the vicinity of the new highway crossing.

1 132. Section 48:12-73 of the Revised Statutes is amended to read as
2 follows:

3 48:12-73. The State Highway **[Commission]** *Department* may enter into
4 an agreement or agreements with the company or companies owning or oper-
5 ating such railroad or railroads for the performance by such company or com-
6 panies of any work under sections 48:12-68 to 48:12-78 of this Title.

1 133. Section 48:12-74 of the Revised Statutes is amended to read as
2 follows:

3 48:12-74. Whenever the work in the annual program involves changes
4 in rails, pipes or lines owned by a municipality or public utility, the State
5 Highway **[Commission]** *Department* shall furnish the program to the mu-
6 nicipality or public utility. Thereupon the municipality or public utility
7 shall co-operate with the State Highway **[Commission]** *Department* and the
8 railroad companies.

9 The municipality or public utility shall, at its own expense, change its
10 rails, pipes and lines to conform to the plan adopted by the State Highway
11 **[Commission]** *Department*; provided, that if funds are granted or allotted
12 by the United States Government or any of its agencies, the State Highway
13 **[Commission]** *Department*, with the consent and approval of the Governor,
14 may allot and credit any or all of the funds so received toward the expenses
15 to be borne by the municipality and the public utility or public utilities, the
16 property or properties of which are required to be changed.

1 134. Section 48:12-76 of the Revised Statutes is amended to read as
2 follows:

3 48:12-76. In connection with the elimination of any crossing at grade,
4 the improvement, relocation, alteration or reconstruction of any crossing not
5 at grade, or the location and construction of any new crossing not at grade
6 under sections 48:12-68 to 48:12-75 of this Title, the Board of Public Utility
7 Commissioners on petition of the State Highway **[Commission]** *Department*

8 or of any railroad company affected or of any party in interest may close,
9 abandon or combine any railroad crossing or crossings at grade of any State,
10 county or municipal highway or highways, when the board shall determine
11 that the public safety so requires or public convenience so permits and that
12 by reason of said State highway construction or improvement the crossing is
13 or the crossings are no longer necessary.

1 135. Section 48:12-79 of the Revised Statutes is amended to read as
2 follows:

3 48:12-79. The proper municipal authorities in any municipality may
4 enter into such contracts with any railroad company whose road lies wholly
5 or partially within the municipality or whose route has been located therein as
6 will secure greater safety to persons or property therein, or will facilitate the
7 construction or maintenance of other than grade crossings of streets, high-
8 ways or other railroads, or will provide for increased or improved station or
9 terminal facilities and transportation service, or will improve the surround-
10 ings of or make more convenient the access to a station of the railroad
11 within the municipality.

12 For such purposes the municipal authorities may construct sidewalks on,
13 pave, repave, curb, gutter, lay out, open, vacate or alter the lines or change the
14 grade of any street, highway, square or other public areas or places, and may
15 lay out, improve and maintain public parks, plazas or other public places as a
16 part of such improvements. The railroad company may locate, relocate,
17 change, alter grades of, depress or elevate any of its railroad tracks, bridges
18 or facilities, and construct new or additional tracks and transportation or
19 station facilities as shall be specified and provided for in the contract.

20 For the purposes of this section the municipality and the railroad com-
21 pany may take by purchase or condemnation any lands or any interest therein
22 required for such improvements and make such changes or conveyances of
23 their respective lands or any interest therein as will facilitate such work.

24-27 The cost and expenses of such lands, changes and improvements shall be
28 borne by the municipality and the railroad company in such shares or pro-
29 portions as may be provided in the contract.

1 136. Section 48:12-81 of the Revised Statutes is amended to read as
2 follows:

3 48:12-81. Where a public road maintained at county expense or controlled
4 by the county is intersected by a [steam] railroad, the board of chosen free-
5 holders of the county and the company owning or operating the railroad may
6 enter into a contract to provide for the relocation of the public road and the
7 relocation of the tracks of the railroad and to provide for such grades or
8 changes in the grades of the public road and railroad as will facilitate the con-
9 struction or maintenance of other than grade crossings upon the public road.

10 For such purposes the board of chosen freeholders may locate, relocate or
11 vacate and alter the lines and change the grades of the public road, construct
12 sidewalks and pave, repave, gutter and otherwise improve the public road as
13 part of the improvement.

14 The railroad company may locate, relocate, change, alter grades of, de-
15 press or elevate any of its tracks, bridges or facilities, and construct new or
16 additional tracks, as provided for in the contract.

17 For the purposes above enumerated the county and the railroad company
18 may take by purchase or condemnation any lands required for such improve-
19 ments and may make such exchanges or conveyances of their respective lands
20 or any interest therein as will facilitate the work.

21-24 The cost and expense of any such lands, changes and improvements shall
25 be borne by the county and the railroad company in such proportions as may
26 be provided in the contract.

27 Any company owning or operating a street railroad on the public road at
28 such crossing or crossings may become a party to the contract.

1 137. Section 48:12-83 of the Revised Statutes is amended to read as
2 follows:

3 48:12-83. In any action against a [steam] railroad company to recover
4 damages for injury or death occurring at any crossing at which the company
5 has not installed any safety gates, bell or other warning or protective device
6 of the kind usually employed to warn and protect the traveling public and such

7 injuries or death are alleged to be due to the negligence of the company, the
 8 plaintiff's *action* shall not be [nonsuited] *dismissed* on the ground of con-
 9 tributary negligence on the part of the person injured or killed, but it shall be
 10 left to the jury to determine whether such person was exercising due and rea-
 11 sonable care under the conditions existing at the crossing at the time of such
 12 injury or death.

13 If the jury shall determine that the person injured or killed was not exer-
 14 cising due and reasonable care under the circumstances, the verdict shall be
 15 against the plaintiff and in favor of the defendant.

1 138. Section 48:12-96 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-96. Any [steam] railroad company operating under this chapter may
 4 acquire, own and operate autobusses and autotrucks for the transportation
 5 of passengers, freight, mail and other property.

1 139. Section 48:12-100 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-100. A railroad company may demand and receive such sums of
 4 money for the transportation of persons on its railroad and connections and
 5 for any other services connected with the business of transportation of per-
 6 sons over its railroad or to or from the same, [as it shall from time to time
 7 think reasonable and proper.] *in accordance with its approved tariff on file*
 8 *with the Board of Public Utility Commissioners.*

1 140. Section 48:12-103 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-103. Any railroad company may, *subject to the approval of the*
 4 *Board of Public Utility Commissioners*, collect such extra fare [as it may deem
 5 expedient] from passengers who travel in cars furnished in a superior man-
 6 ner and with extra accommodations, commonly known as parlor or sleeping
 7 cars, provided the company shall also run trains of ordinary first-class pas-
 8 senger cars in number sufficient to accommodate fully all persons who prefer
 9 to travel therein.

1 141. Section 48:12-117 of the Revised Statutes is amended to read as
2 follows:

3 48:12-117. Any railroad company may demand and receive such sums of
4 money for the transportation of property on its railroad and connections and
5 for any other services connected with such transportation on or over its rail-
6 road or to or from the same as it may from time to time think reasonable and
7 proper *in accordance with its approved tariff on file with the Board of Public*
8 *Utility Commissioners.*

1 142. Section 48:12-121 of the Revised Statutes is amended to read as
2 follows:

3 48:12-121. Any railroad company may charge *in accordance with the*
4 *approved tariff on file with the Board of Public Utility Commissioners* for
5 the transportation of the following property any rate not exceeding twice
6 the rate such company is allowed to charge for transporting ordinary goods
7 by their respective charters or the law of this State:

8 a. Express matter in packages weighing less than 100 pounds each or the
9 value of which exceeds \$1.00 per pound;

10 b. Property forwarded in passenger or special trains; or

11 c. Property the handling or transportation of which is attended with
12 extraordinary expense or risk, such as live animals in less quantities than
13 carloads, valuable furniture not boxed, powder, glass plates, pianos and the
14 like.

15 Any railroad company may receive from any express or transportation
16 company, person or firm any amount that such company, person or firm shall
17 agree to pay for carrying express goods or other property; any limit to the
18 rate of compensation in the charters of such railroad companies or other-
19 wise to the contrary notwithstanding.

20 Nothing in this section shall exonerate any railroad company from car-
21 rying goods other than of the kind above mentioned that shall be offered to
22 their agents for transportation on the terms prescribed by their respective
23 charters or by the laws of this State.

1 143. Section 48:12-126 of the Revised Statutes is amended to read as
2 follows:

3 48:12-126. Any railroad company of this State, or any railroad company
4 not a corporation of this State authorized by law to own or operate any rail-
5 road in this State, may lease its road or any part thereof to any other rail-
6 road company of this or any other State, or may take a lease of the road or
7 any part thereof of any such other railroad company, or may unite or con-
8 solidate as well as merge its stock, property, franchises and roads with those
9 of any such other railroad company or companies, or may acquire by merger
10 the stock, property, franchises and road of any such other railroad company
11 or companies, or may do both; provided, however, that nothing in this sec-
12 tion shall be deemed to authorize any railroad company of this State to be
13 merged into any railroad company that is not a corporation of this State, or
14 of this State and some other State or States, unless the company into which
15 it is proposed to merge such company of this State owns the entire capital
16 stock, or is in possession of and holds under lease all of the railroad and
17 franchises, of such railroad company of this State to be so merged.

18 After such lease, consolidation or merger the company or companies so
19 acquiring such stock, property, franchises and road may use and operate
20 such road as their own road and collect fares and freight as provided in the
21 case of *railroad* companies organized under [this chapter] *the laws of this*
22 *State*, but not in excess of the charges on the line of any of the consolidated
23 or merged companies, nor in excess of the rates limited by any special act
24 incorporating such company.

25 Such leasing, consolidation or merger may be made where the roads of
26 the companies connect either directly or over the intervening line of one or
27 more other railroad companies.

1 144. Section 48:12-131 of the Revised Statutes is amended to read as
2 follows:

3 48:12-131. The several parties to any such agreement of consolidation or
4 merger shall, from the time of the recording thereof in the office of the

5 Secretary of State, be taken to be one railroad company by the name adopted
6 in case of a consolidation or by the name of the acquiring company in case
7 of a merger, possessing within this State all the rights and franchises and
8 subject to all the restrictions, disabilities and duties of the companies of this
9 State, or owning or operating any railroad in this State, so consolidated or
10 merged and in case of a consolidation, if any of the constituent companies
11 so consolidated was a corporation of this State, the new company formed by
12 such consolidation shall be a corporation of this State or of this State and
13 some other State or States.

14 All the rights, privileges and franchises of each of the companies par-
15 ties to any such agreement of consolidation or merger and all rights-of-way,
16 real estate and personal property, and all debts, stock subscriptions and
17 other things in action of the companies consolidated or merged shall be
18 taken to be transferred to the new or acquiring company without further
19 act or deed and to be vested in the new or acquiring company as effectually
20 as they were in the former companies.

21 The new or acquiring company may take land by purchase or condem-
22 nation in the same manner and to the same extent as companies organized
23 under **[this chapter]** *the laws of this State*.

24 All rights of creditors and all liens upon property shall be preserved
25 unimpaired and all debts, liabilities and duties of any of the former com-
26 panies shall thenceforth attach to the new or acquiring company and be
27 enforced against it to the same extent as if incurred by it.

1 145. Section 48:12-132 of the Revised Statutes is amended to read as
2 follows:

3 48:12-132. Any stockholder of any company of this State who shall re-
4 fuse to convert his stock into the stock or securities of the consolidated or
5 acquiring company or who shall dissent from any merger or lease of the
6 property and franchises of his company to another company, may at any
7 time within 30 days after the adoption of the agreement by the stockholders
8 of his company apply by **[petition]** *complaint* on reasonable notice to the

9 company, or to the consolidated or acquiring company if the consolidation
 10 or merger shall have become effective, to the [Chancellor or the Supreme
 11 Court or one of the justices thereof] *Superior Court* who shall appoint 3 dis-
 12 interested citizens of this State to estimate the damage if any done to the
 13 stockholder by such consolidation, merger or lease. Such appraisers shall
 14 also separately appraise the shares of the stockholders at the full market
 15 value thereof without regard to any depreciation or appreciation thereof in
 16 consequence of the consolidation, merger or lease. Their award when filed
 17 with the clerk [in chancery or clerk of the Supreme Court] *of the Superior*
 18 *Court* and confirmed by the [chancellor, court or justice] *Superior Court*
 19 shall be final and conclusive.

20 The company, or the consolidated or acquiring company if the consoli-
 21 dation or merger shall have become effective, may, at its election, pay to
 22 the stockholder the amount of damages so found, if any, or the value of the
 23 stock so appraised and determined. Upon the payment of the value of his
 24 stock it shall be transferred and belong to the company, or to the consoli-
 25 dated or acquiring company if the consolidation or merger shall have become
 26 effective, as the case may be, to be disposed of by the directors or retained.

27 In case the value of the stock shall not be paid within 30 days after the
 28 confirmation of the award and notice to the company, or to the consolidated
 29 or acquiring company if the consolidation or merger shall have become ef-
 30 fective, the damages so found and confirmed shall have the force and effect
 31 of a judgment of the [Supreme Court or a decree of the court of chancery]
 32 *Superior Court* for such damages against the company or, in the case of a
 33 consolidation or merger which shall have become effective, against the con-
 34 solidated or acquiring company.

1 146. Section 48:12-134 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-134. In all cases of merger or consolidation under this article, the
 4 consolidated or acquiring company may borrow an amount of money, [not-
 5 withstanding any limitation or restriction in this or any other law of this

6 State,] sufficient to cover all the indebtedness of the companies united by
7 such consolidation or merger and complete, extend, repair, improve and
8 equip its railroad and furnish all necessary lands, personal property, en-
9 gines, cars and equipment, and may issue bonds for the money borrowed
10 secured by mortgage on its corporate property and franchises or any part
11 thereof.

1 147. Section 48:12-137 of the Revised Statutes is amended to read as
2 follows:

3 48:12-137. When any *railroad* company organized under [this chapter]
4 *the laws of this State* shall, by agreement of lease, merger or consolidation,
5 become possessed of a line of railroad between the termini named in its cer-
6 tificate of incorporation and cars are actually being operated thereon, and
7 shall file a certificate of that fact with the State Treasurer over its corporate
8 seal, signed by its president and attested by its secretary and verified by
9 the affidavit of its treasurer, the State Treasurer shall repay to such com-
10 pany the sum of money deposited with the State Treasurer as required by
11 section 48:12-8 of this Title or so much thereof as shall not have been al-
12 ready repaid. In case the company has become merged or consolidated, the
13 sum shall be paid to the new or acquiring company formed by the consoli-
14 dation or merger.

1 148. Section 48:12-138 of the Revised Statutes is amended to read as
2 follows:

3 48:12-138. When a sale is made of a railroad in this State under exe-
4 cution or by force of a decree or judgment in foreclosure or insolvency pro-
5 ceedings or otherwise, or when a lease of a railroad is made by a receiver by
6 order of the [chancellor] *Superior Court*, the sale and conveyance or lease
7 shall vest in the purchaser or lessee such title of the parties to the suit as
8 the court may direct, and may include all property and franchises of the
9 company subject to all conditions, limitations and restrictions.

1 149. Section 48:12-139 of the Revised Statutes is amended to read as
2 follows:

3 48:12-139. The purchaser or lessee and his associates or assigns not less
4 than [7 nor more than 17] 3 in number, may within 18 months after the sale
5 or lease, organize as a railroad company under a different corporate name
6 from that of the former company by filing and recording in the office of the
7 Secretary of State a certificate that they accept the charter of the company
8 whose property has been sold or leased and setting forth the further partic-
9 ulars required in a certificate of incorporation under this [chapter] *Title*,
10 so far as applicable. Such company shall have all the powers and franchises
11 and be subject to all the restrictions, limitations and conditions of the former
12 company.

13 In lieu of such acceptance of the former charter the purchaser or lessee
14 may form a railroad company under [this chapter] *the laws of this State*
15 at any time after the sale or lease. The new company may take conveyance of
16 and operate such railroad with the franchises and powers by this chapter
17 conferred in lieu of those granted by special charter.

1 150. Section 48:12-141 of the Revised Statutes is amended to read as
2 follows:

3 48:12-141. Where suit is brought to foreclose a mortgage of the railroad
4 and franchises of any railroad company of another State, any part of whose
5 route, whether acquired by lease or otherwise, lies within this State, the
6 suit in this State shall, so far as is consistent with the protection of parties
7 having liens in this State, be conducted as auxiliary to the foreclosure suit in
8 the State where the company is domiciled. The *Superior Court* [of chan-
9 cery] may [decree] *order* the sale of property and franchises in this State
10 to be made in such other State at the same time and place as the foreclosure
11 sale therein under such regulations as to advertisement or otherwise and on
12 such terms as the Chancellor may direct.

13 No conveyance shall be made until confirmation of the sale by the [Chan-
14 cellor] *Superior Court*. The [Chancellor] *Superior Court* may impose such

15 terms as may be equitable upon the acquisition by the purchaser of the
16 property and franchises of the company in the hands of the receiver, if any,
17 in this State.

1 151. Section 48:12-142 of the Revised Statutes is amended to read as
2 follows:

3 48:12-142. Where a new railroad company is formed in the State of the
4 domicile of such former company by or on behalf of the purchasers, to take
5 and operate the railroad and its franchises, the new company may, within
6 6 months after the sale, apply to the *Superior Court* [of chancery] in the
7 foreclosure suit in this State by [petition] *complaint* containing a copy of
8 its charter, certificate of incorporation or other documentary legal evidence,
9 and the [Chancellor] *Superior Court* on due proof may adjudge [and de-
10 cree] that the new company has been legally created and has acquired the
11 property and franchises of the original company. A duly certified copy of
12 the [petition] *complaint*, proceedings and [decree] *judgment* shall be filed in
13 the office of the Secretary of State. Said record or a copy thereof, shall be
14 evidence of the incorporation and rights in this State of the new company.

15 The purchasers at the official sale of the property and franchises may
16 transfer them to the new company, or, if no conveyance has been made, may
17 assign their bids, in which case the [Chancellor] *Superior Court* may direct
18 the receiver, master or officer to make conveyance to the new company on such
19 terms as shall be equitable. The new company shall possess all powers of
20 corporations organized under the laws of this State and all powers conferred
21 by such laws on the company whose property and franchises were sold. The
22 new company may enjoy the property and exercise the franchises so conveyed
23 to it within this State as fully as if it were organized under the laws of this
24 State, subject to all liens, contracts, limitations, covenants and agreements
25 relative to the mortgaged premises, property and franchises prior to the mak-
26 ing of such mortgage. The filing of the record in the office of the Secretary of
27 State shall operate as a covenant to perform such contracts, limitations,
28 covenants and agreements.

1 152. Section 48:12-145 of the Revised Statutes is amended to read as
2 follows:

3 48:12-145. If a railroad company shall fail or neglect to run daily trains
4 on any part of its road for a space of 10 days the **[Chancellor,]** *Superior*
5 *Court*, on petition of a citizen of this State and on due proof of the facts,
6 may appoint a receiver who shall take possession of all of the real estate and
7 personal property of the company and operate the road and transact the
8 ordinary business thereof in the transportation of freight and passengers for
9 such time as the **[Chancellor]** *Superior Court* may direct.

10 All expenses incurred thereby shall be a first lien on all the earnings of
11 the company prior to any other claim and the surplus if any shall be dis-
12 tributed as the **[Chancellor]** *Superior Court* may direct. The receiver shall
13 apply all unencumbered personal property not required in the operation of
14 the road and all moneys transferred to him at the time of his appointment,
15 towards the payment of wages then due to employees of the company, not ex-
16 ceeding 2 months' wages.

17 This section shall not apply to a railroad at any seaside resort built prin-
18 cipally for the transportation of summer travelers nor to a temporary suspen-
19 sion necessary to complete, reconstruct or change the grade of any railroad.

1 153. Section 48:12-146 of the Revised Statutes is amended to read as
2 follows:

3 48:12-146. When a railroad company in this State shall become insolvent
4 and its property shall have passed into the hands of a receiver by order of the
5 **[Chancellor]** *Superior Court*, the receiver shall operate the railroad for the
6 use of the public, subject at all times to the order of the **[Chancellor]**
7 *Superior Court*. All expenses incident to the operation of the railroad shall
8 be a first lien on the receipts, to be paid before any other encumbrances
9 whatever.

1 154. Section 48:12-147 of the Revised Statutes is amended to read as
2 follows:

3 48:12-147. The receiver, appointed by the **[Chancellor,]** *Superior Court*,
4 of an insolvent railroad company of this State, or of another State holding

5 railroad franchises and property in this State, may, with the approval of
6 the **[Chancellor]** *Superior Court*, lease or sell the railroad with all its
7 chartered rights, privileges and franchises.

8 The purchaser or lessee shall hold, use and enjoy the same during the
9 residue of the term limited in the charter of the company or during the term
10 in such lease specified as fully as the company could have enjoyed the same,
11 subject to all the restrictions, limitations and conditions contained in the
12 charter.

13 Where the railroad of an insolvent company lies partly in another State,
14 the **[Chancellor]** *Superior Court* may order the sale of any of its property
15 or franchises at the same time or place, whether in or out of this State, of
16 any official or foreclosure sale thereof out of this State. Such sale may be
17 made in such manner that a purchase thereof may be made on one and the
18 same bid by the purchaser of the property and franchises out of this State
19 or otherwise as the **[Chancellor]** *Superior Court* may direct, imposing on
20 the purchaser such terms as shall be equitable.

21 The **[Chancellor]** *Superior Court* may order the company to join with
22 the receiver in the conveyance of the property and franchises.

1 155. Section 48:12-148 of the Revised Statutes is amended to read as
2 follows:

3 48:12-148. No lease of a railroad shall be made by a trustee or receiver
4 appointed by the **[Chancellor]** *Superior Court* except upon a rental and
5 adequate security for the payment of the same, both to be first approved by
6 the **[Chancellor]** *Superior Court* and a majority of the stockholders of the
7 railroad in interest, upon such public notice to the parties in interest as the
8 **[Chancellor]** *Superior Court* shall direct.

1 156. Section 48:12-149 of the Revised Statutes is amended to read as
2 follows:

3 48:12-149. When the **[Chancellor]** *Superior Court* or a court of com-
4 petent jurisdiction has **[decreed]** *adjudged* a railroad company to be insol-
5 vent and appointed a receiver to wind up its affairs, the **[Chancellor]** *Su-*

6 *perior Court* or such court may, upon petition of such receiver and upon
7 such notice as the [Chancellor] *Superior Court* or court may require, order
8 the State Treasurer to pay to the receiver any money of the company de-
9 posited with the State Treasurer at the time of its organization, or such part
10 thereof as may remain on deposit.

11 Upon the making of such order the State Treasurer shall pay the money
12 so deposited, or such part thereof as may remain in his hands, to the receiver
13 who shall, after paying his expenses, distribute the balance to such creditors
14 or stockholders as may by law be entitled to receive the same.

1 157. Section 48:12-151 of the Revised Statutes is amended to read as
2 follows:

3 48:12-151. All actions accruing from injuries to persons caused by the
4 wrongful act, neglect or default of any railroad company owning or operating
5 any railroad within this State, shall be commenced and sued within 2 years
6 next after the cause of action accrued, and not after, *except for injuries to*
7 *infants and incompetents occurring subsequent to the effective date of this act.*
8 Actions by an executor or administrator for injuries causing the death of the
9 testator or intestate shall be commenced and sued within 2 years next after
10 the death, and not after. All actions for injury done to any property by fire
11 communicated by an engine of any railroad company of any railroad within
12 this State shall be commenced and sued within 2 years after the cause of action
13 accrued, and not after, *except that action for injury occurring after the effec-*
14 *tive date of this act shall be commenced within 6 years after the cause of*
15 *action accrued, and not thereafter.*

1 158. Section 48:12-166 of the Revised Statutes is amended to read as
2 follows:

3 48:12-166. Any person who shall:

4 a. Travel or attempt to travel on any train on a railroad without having
5 previously paid his fare and with intent to avoid payment thereof; or

6 b. Having paid his fare for a certain distance, knowingly and willfully
7 proceed on such train beyond such distance without previously paying the
8 additional fare for the additional distance, and with intent to avoid the pay-
9 ment thereof; or

10 c. Knowingly and willfully refuse or neglect on arriving at the point to
11 which he has paid his fare to quit such train—

12 Shall for every such offense forfeit to the company running the train a
13 sum not exceeding \$5.00.

14 On complaint made on oath and after summary hearing of the facts and
15 circumstances or on admission of the parties, any [justice of the peace in
16 the county, or district court of a city, or any recorder, police justice or
17 police court] *magistrate* of the municipality where the offender may be
18 arrested [or sued, by whatever name such police court may be known,] shall
19 have jurisdiction to impose such fine with costs.

20 [If any person be discovered in committing or attempting to commit
21 such offense, all officers, servants, railway police and other persons on behalf
22 of the company and all constables and peace officers may lawfully apprehend
23 and detain such person until he can conveniently be taken before such justice,
24 district court, or such recorder, police justice or police court of the munici-
25 pality, or until he shall be otherwise discharged by due course by law.]

1 159. Section 48:13-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:13-9. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* may enter upon any lands in the neighborhood of the
5 municipality which it is intended to supply with a sewerage system and
6 make all such preliminary surveys, examinations, explorations, measure-
7 ments and levelings as may be necessary for its corporate purposes, [doing
8 thereby as little damage as possible to the owners.] *subject to the right of*
9 *the owners to full compensation for damages to their lands.*

1 160. Section 48:13-10 of the Revised Statutes is amended to read as
2 follows:

3 48:13-10. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* may build, alter, repair, enlarge and maintain all necessary
5 works and apparatus within or without such municipality, and lay all such
6 pipes and conduits for sewerage at such times and in such places as shall
7 be necessary and proper for its corporate purposes,

1 161. Section 48:13-11 of the Revised Statutes is amended to read as
2 follows:

3 48:13-11. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* may lay its pipes and conduits beneath such public roads,
5 streets, avenues and alleys as it may deem necessary for its corporate pur-
6 poses, upon complying with the terms and conditions upon which the consent
7 of the corporate authorities to the organization of the company shall have
8 been obtained, provided that the consent to the laying of such pipes shall
9 be obtained of any municipality through which the same may be laid.

10 Such pipes shall be laid at least 3 feet below the surface and shall
11 not unnecessarily interfere with public travel or damage public *or private*
12 property.

13 No consent shall be granted by the corporate authorities to such company
14 to lay its pipes beneath such public roads, streets, avenues or alleys for the
15 purposes aforesaid until a map and specifications of the proposed system of
16 sewerage shall have been submitted to the State Department of Health and
17 to the corporate authorities of any such municipality in which such system of
18 sewerage is proposed, and the map and specifications shall have been ap-
19 proved by them.

1 162. Section 48:13-13 of the Revised Statutes is amended to read as
2 follows:

3 48:13-13. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* shall commence the construction of the proposed system
5 of sewerage within 6 months from the date of its organization, and shall
6 complete the same within 3 years from the date of commencement. The
7 conditions annexed to the consent of the corporate authorities may designate
8 a shorter period for the completion of such works.

1 163. Section 48:13-14 of the Revised Statutes is amended to read as
2 follows:

3 48:13-14. Such company may contract with property owners and others
4 for the use of its system of sewerage for such price or rents and such re-

5 strictions as the company may think proper[.] *in accordance with approved*
6 *tariffs filed with the Board of Public Utility Commissioners.*

1 164. Section 48:14-2 of the Revised Statutes is amended to read as
2 follows:

3 48:14-2. [Such pipes] *Pipes* and conduits shall be laid at least [2] 3
4 feet below the surface and shall not unnecessarily interfere with public travel
5 or damage public or private property.

6 They shall be laid at least 3 feet from the outside of any water or gas
7 pipe already laid, except when it shall be necessary to cross, in which case
8 they shall be at least 12 inches from the outside of the water or gas pipe.

1 165. Section 48:14-9 of the Revised Statutes is amended to read as
2 follows:

3 48:14-9. When a survey of the locations of the dams of any *steam or*
4 *water power* company organized under [this article] *the laws of this State*
5 and the routes and locations of its main canals and raceways, branches and
6 improvements, together with the lands and portions of such rivers or streams
7 necessary for the same, shall be completed and deposited in the office of
8 the Secretary of State, such company may enter upon, take possession of, and
9 use, occupy and possess such lands and premises as authorized by [section
10 48:14-10 of] this Title.

11 Every such company may enter upon all lands, whether covered with
12 water or not, for the purposes contemplated by this article, [doing no
13 unnecessary damage.] *subject to the right of the owners of said lands to full*
14 *compensation for damages thereto.*

1 166. Section 48:14-11 of the Revised Statutes is amended to read as
2 follows:

3 48:14-11. Every *steam and water power* company organized under [this
4 article] *the laws of this State* may construct and maintain dams on rivers
5 and streams at such points and at such heights as it may deem necessary or
6 advisable, and may flow back and raise the water in the rivers or stream

7 above the dam to a height not exceeding 10 feet above common low water of
8 the rivers and streams.

9 The plans and construction of the dams shall be approved by the [State
10 Water Policy Commission] *Department of Conservation and Economic De-*
11 *velopment*. For dams on navigable streams, the [commission] *department*
12 may require the construction of such canals, locks, gates, shoots or other
13 openings as, after public hearing, it may determine that the interests of
14 navigation require. Where judged necessary by it, the [commission] *de-*
15 *partment* may require all dams constructed under this article to be provided
16 with a fishway for the passage of shad and other fish.

1 167. Section 48:14-12 of the Revised Statutes is amended to read as
2 follows:

3 48:14-12. Every *steam and water power* company organized under [this
4 article] *the laws of this State* may cut or acquire main canals or raceways
5 on each side of the rivers or streams from its dams to such points below as
6 it may deem necessary. The company also may cut and erect as many lateral
7 or branch raceways, locks, weirs, gates and other works, from the main canals
8 or raceways to the rivers or streams as it may deem expedient for the pur-
9 poses of generating, using and selling the power of the rivers and streams
10 and electric power developed therefrom for mills, manufactories and other
11 purposes. *All work pursuant to this section shall be subject to the approval*
12 *of the Department of Conservation and Economic Development.*

13 The water[s] so diverted from the rivers and streams shall be returned
14 again to them after being so used, as unpolluted as before it was used.

1 168. Section 48:14-13 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:14-13. Every *steam and water power* company organized under [this
4 article] *the laws of this State* shall commence its proposed dams and works
5 within 2 years from the date of its organization, and complete the dams and
6 cut or acquire its main canals or raceways within 3 years from the date of
7 commencement aforesaid.

1 169. Section 48:14-15 of the Revised Statutes is amended to read as
2 follows:

3 48:14-15. Every *steam and water power* company organized under [this
4 article] *the laws of this State* may construct, maintain, improve and repair
5 all such embankments, reservoirs, aqueducts, culverts, locks, bridges and
6 other works as it may deem convenient and necessary for the public pur-
7 poses of this article.

1 170. Section 48:14-16 of the Revised Statutes is amended to read as
2 follows:

3 48:14-16. Every *steam and water power* company organized under [this
4 article] *the laws of this State* may develop electric power for commercial
5 purposes by means of water power and supply current and power at such
6 prices as may be agreed upon. Such company may erect and maintain the
7 necessary buildings, machinery and apparatus for developing power and cur-
8 rent and distribute the same to any place or places.

1 171. Section 48:14-17 of the Revised Statutes is amended to read as
2 follows:

3 48:14-17. Every *steam and water power* company organized under [this
4 article] *the laws of this State* may enter upon any public highway, street
5 or alley and erect poles on the same to sustain the necessary wires and fix-
6 tures, and alter, inspect and repair its system of distribution.

7 No such company shall enter upon any street or alley of any city, bor-
8 ough or township until after the consent of the governing body thereof shall
9 have been obtained.

1 172. Section 48:14-18 of the Revised Statutes is amended to read as
2 follows:

3 48:14-18. Every *steam and water power* company incorporated under
4 [this article] *the laws of this State* may lease its dams and works or any
5 part thereof to any other company or consolidate and merge its stock, prop-
6 erty and franchises with those of any other company or companies of this or
7 any other State. Such other company or companies may take such lease or

8 consolidate and merge its stock, property and franchises with such company
9 to form a new company.

10 After such lease or consolidation the lessee or the consolidated company
11 may use and operate such dams and works and their own dams and works,
12 or all or any of them according to the provisions and restrictions contained
13 in this article, notwithstanding any privilege heretofore granted to another
14 company.

1 173. Section 48:14-19 of the Revised Statutes is amended to read as
2 follows:

3 48:14-19. No *steam and water power* company organized under [this
4 article] *the laws of this State* shall supply any municipality or the public
5 with water for potable or other domestic uses.

6 Nothing in this article shall impair the right or privilege of any munici-
7 pality to take from the rivers and streams wholly in this State, or between
8 this and any other State, the potable waters thereof for public purposes.

9 No such company shall be entitled to damages or compensation for the
10 diversion of the waters of any such river or stream or tributaries thereof
11 for the water supply of any municipality.

1 174. Section 48:14-20 of the Revised Statutes is amended to read as
2 follows:

3 48:14-20. Every *water power* company organized to construct one or
4 more dams in any river or stream tributary to Barnegat bay for the purpose of
5 developing and selling water power and generating, distributing and selling
6 electricity, may cause examinations and surveys to be made of its proposed
7 dams, reservoirs, ponds, locks, weirs, gates, bridges, canals, race and power
8 stations, as well as the land that may be overflowed by the erection of the
9 dams. It may enter upon any lands or waters for the purpose of making
10 such examinations and surveys, subject to liability for all damage done.

11 A survey and map shall be made of the land to be taken or entered upon,
12 which map shall be signed by the president and secretary of the company
13 and filed in the office of the clerk of the county in which the lands shown on
14 the map are situated.

1 175. Section 48:15-1 of the Revised Statutes is amended to read as
2 follows:

3 48:15-1. The term "street railway or traction company" when used in
4 this chapter means and includes, unless the contrary appears from the con-
5 text, a company organized under this [chapter] *Title*, or any company
6 heretofore organized, reorganized or consolidated under the provisions of
7 any act of this State general, special or private, for the purpose of owning,
8 leasing or operating a street railway or a railroad operated as a street rail-
9 way and extensions thereof, or any company, which, by virtue of any act
10 of this State, has become subject to the provisions of any law of this State
11 authorizing the incorporation of street railway or traction companies.

12 The word "street" when used in this chapter means and includes a
13 public street, avenue, highway, road, alley, lane, plaza [or], square *or other*
14 *public place*.

1 176. Section 48:15-3 of the Revised Statutes is amended to read as
2 follows:

3 48:15-3. Any consent required by this chapter to be given by any public
4 body may be given by a resolution or ordinance of such body and shall
5 have the force and effect of a contract when accepted by any street railway
6 or traction company in a writing under its corporate seal, filed with the clerk
7 of the public body or in the office of the clerk of the county in which such
8 body exists. *Nothing herein shall make the provisions of R. S. 48:2-14 in-*
9 *operative.*

1 177. Section 48:15-28 of the Revised Statutes is amended to read as
2 follows:

3 48:15-28. Whenever any street railway or traction company shall change
4 the location of its tracks or any part thereof in any street or public park to
5 another part of such street or park, or from a private right of way proposed
6 to be taken for street or public park purposes to a new location within the
7 lines of any street or within the boundaries of such park, or from any street,
8 public park or private right of way to a new location in another street, at the

9 request of the body charged with the maintenance and repair of such streets
 10 or public park on or through which such tracks are located and to which such
 11 tracks shall be moved, the company so changing the location of its tracks and
 12 its successors and assigns may maintain and operate its tracks with the nec-
 13 essary appurtenances in the new location for as long a period as it had the
 14 right to maintain and operate the tracks in their former location at the time
 15 of the relocation.

16 *No such change shall be made without first obtaining approval of the*
 17 *Board of Public Utility Commissioners.*

1 178. Section 48:15-29 of the Revised Statutes is amended to read as
 2 follows:

3 48:15-29. No street railway shall be constructed in any street or other
 4 public place in any municipality except upon the consent of the governing
 5 body of the municipality.

6 **[The provisions of sections 48:3-11 to 48:3-17 of this Title shall govern**
 7 **the granting and acceptance of such consent.]**

1 179. Section 48:15-30 of the Revised Statutes is amended to read as
 2 follows:

3 48:15-30. If any board, body or public authority other than the govern-
 4 ing body of the municipality shall have control of any street in which a pro-
 5 posed street railway is to be constructed, the consent of such other board,
 6 body or public authority shall also be required before the street railway is
 7 constructed or operated.

8 The consent shall be **[granted only upon notice to be]** given in the same
 9 manner as is provided in respect to the consent of a municipal governing
 10 body.

1 180. Section 48:15-39 of the Revised Statutes is amended to read as
 2 follows:

3 48:15-39. Any company organized under any law of this State operating
 4 a street railway in any county of this State **[having a population under the**
 5 **Federal census of 1920 of not less than 60,000 nor more than 70,000 and hav-**

6 ing a total track mileage of not more than 20 miles,] may operate auto-
7 busses in substitution in whole or in part for street railway service upon any of
8 its lines or parts thereof, subject to the approval of the Board of Public Util-
9 ity Commissioners.

1 181. Section 48:15-49 of the Revised Statutes is amended to read as
2 follows:

3 48:15-49. Any street railway or traction company may construct, main-
4 tain and operate a terminal station in any [city of the first class] *municipal-*
5 *ity*, and for that purpose any such company may purchase, acquire by con-
6 demnation in the manner provided by law, and hold all such property, real
7 and personal, or interest or estate therein, as may be necessary for that pur-
8 pose and for constructing approaches thereto.

1 182. Section 48:15-50 of the Revised Statutes is amended to read as
2 follows:

3 48:15-50. In order to connect the tracks of any street railway system
4 with such terminal the company building or owning the terminal may con-
5 struct a subway [not exceeding $\frac{1}{2}$ mile in length] under any street, park
6 or other public place upon such terms and conditions as may be prescribed by
7 the body having control of such street, park or public place and approved by
8 the Board of Public Utility Commissioners.

9 With the consent of such body and the approval of the Board of Public
10 Utility Commissioners, the company in connecting the tracks of any street rail-
11 way system with the terminal by surface tracks or elevated tracks built on
12 private property or by both, may cross at grade or overhead substantially at
13 right angles any street lying between the tracks of such system and the
14 terminal.

1 183. Section 48:15-54 of the Revised Statutes is amended to read as
2 follows:

3 48:15-54. Upon the making of the order aforesaid, the street railway or
4 traction company, within the time fixed in such order, shall lay its tracks,
5 wires and appurtenances on the bridge and use the same for public travel.

6 Should the board order the company to lay its tracks, wires and appur-
7 tenances on the bridge and to operate its cars thereon but refuse to deter-
8 mine the compensation if any to be paid by the company to the municipality
9 owning the bridge for the use thereof, jurisdiction is hereby given to the
10 [Chancellor, on petition or bill] *Superior Court on complaint* of the mu-
11 nicipality or the company, to fix the compensation, if any, to be paid.

12 Notwithstanding any proceeding to review the amount of compensation
13 to be paid, the company shall proceed to lay its tracks, wires and appurte-
14 nances on the bridge and operate its cars thereon, pending the controversy as
15 to the amount of the compensation to be paid.

1 184. Section 48:15-56 of the Revised Statutes is amended to read as
2 follows:

3 48:15-56. Any stockholder of a company whose property and franchises
4 shall be leased pursuant to section 48:15-55 of this Title and who shall not
5 assent to the lease, or who shall resist or object to the making thereof, may
6 within 30 days after the making of the lease, apply by [petition to the circuit
7 court of the county in which the chief office of the lessor may be kept, or to
8 a judge of such court in vacation if no such court sits within such period, on
9 reasonable notice to the lessor] *complaint to the Superior Court* to appoint
10 3 disinterested persons to estimate the damage if any done to the stockholder
11 by the lease and to appraise his stock at the full market value thereof without
12 regard to any depreciation or appreciation in consequence of the lease. The
13 award of the person so appointed or a majority of them when confirmed by
14 the court shall be final and conclusive.

15 The lessor company may at its election pay to the stockholder either the
16 amount of damages so found and awarded, if any, or the value of the stock
17 so ascertained. Upon the payment of such value of the stock, the stockholder
18 shall transfer the stock to the lessor company to be disposed of or retained for
19 the benefit of the remaining stockholders.

20 If the value of the stock is not so paid within 30 days from the filing of
21 such confirmation of the award by the court and notice to the lessor company,

22 the damage so found and confirmed shall be judgment against the company
23 and collected as are other judgments.

1 185. Section 48:17-8 of the Revised Statutes is amended to read as
2 follows:

3 48:17-8. Any telegraph or *telephone* company organized under the laws
4 of this or any other State, or of the United States [or any telegraph or
5 telephone company organized under this chapter] may erect, construct
6 and maintain the necessary poles, wires, conduits, and other fixtures for its
7 lines, in, upon, along, over or under any public street, road or highway, upon
8 first obtaining the consent in writing of the owner of the soil to the erection
9 of such poles, and through, across or under any of the waters within this
10 State and upon, through or over any other land, subject to the right of the
11 owners thereof to full compensation for the same.

1 186. Section 48:18-7 of the Revised Statutes is amended to read as
2 follows:

3 48:18-7. When the location of any tunnel and approaches and the loca-
4 tion of the necessary buildings, appurtenances and conveyances shall be deter-
5 mined upon, every such tunnel company shall have power to and it shall be
6 lawful for it to proceed to condemn and acquire and take the land necessary
7 for its business, in accordance with chapter 1 of the Title Eminent Domain
8 (§ 20:2-1 et seq.), or agreeably to chapter 2 of the Title Eminent Domain
9 (§ 20:2-1 et seq.).

10 As a prerequisite to the institution of any condemnation proceeding pur-
11 suant to the provisions of this chapter written permission so to do must
12 first be obtained from the [Board of Commerce and Navigation], *Depart-*
13 *ment of Conservation and Economic Development* which permission shall be
14 recorded in the office of the clerk of the county wherein such lands are situ-
15 ated and filed in the office of the Secretary of State.

1 187. Section 48:18-11 of the Revised Statutes is amended to read as
2 follows:

3 48:18-11. Before any *tunnel* company organized under this chapter shall
4 begin the construction of a tunnel or tunnels, it shall apply to the [Board

5 of Commerce and Navigation] *Department of Conservation and Economic*
 6 *Development* for a permit so to do. The [board] *department* is hereby di-
 7 rected to issue a permit to any such company to construct a tunnel or tun-
 8 nels, and its terminal or termini, in accordance with the provisions of this
 9 chapter; but no permit shall be issued for the construction of any such tunnel
 10 or tunnels within 10 miles of any bridge now crossing the Delaware river,
 11 or within any other limitation provided by statute in connection with any
 12 existing bridge.

13 Where a permit is issued for the construction of any such tunnel or tun-
 14 nels no other permit shall be issued for the construction of any additional
 15 tunnel or tunnels within 10 miles from any location for which a permit has
 16 been previously issued.

17 Within 2 years after the granting of any permit hereunder the con-
 18 struction of any such tunnel or tunnels shall be commenced or the permit so
 19 issued shall be void.

1 188. Section 48:18-12 of the Revised Statutes is amended to read as
 2 follows:

3 48:18-12. Any permit granted under the terms of this chapter shall be
 4 subject to revocation by the [Board of Commerce and Navigation] *Depart-*
 5 *ment of Conservation and Economic Development* upon the failure of the
 6 holder of any such permit, within 6 months, to secure the necessary and
 7 proper approvals of the State with which the tunnel or tunnels shall connect.

1 189. Section 48:18A-1 of the Revised Statutes is amended to read as
 2 follows:

3 48:18A-1. Any turnpike or plank road company incorporated under the
 4 laws of this State, where more than $\frac{1}{2}$ of the length of the authorized route
 5 of such turnpike or plank road is laid over salt marsh or meadow land, and
 6 where an improved public highway parallels such turnpike or plank road its
 7-8 entire authorized route, upon petition to the Board of Public Utility Commis-
 9 sioners, may be relieved of the public duties and obligations arising out of
 10 the maintenance and operation of such turnpike or plank road, upon obtaining

11 the consent and approval of such board, which matter may be brought before
 12 such board for its consideration, consent and approval, by a petition to such
 13 board, setting forth the purpose thereof, and serving a notice of the filing of
 14 such petition, together with a copy thereof, on each municipality entered by
 15 such turnpike or plank road, and upon the [Board of Commerce and Naviga-
 16 tion] *Department of Conservation and Economic Development* of this State
 17 and the War Department of the United States of America, or its agent, where
 18 such turnpike or plank road company maintains a bridge or bridges in any
 19 of the navigable waters of this State, and upon the board or boards of chosen
 20 freeholders of the county or counties in which such turnpike or plank road
 21 is constructed.

1 190. Section 48:19-11 of the Revised Statutes is amended to read as
 2 follows:

3 48:19-11. Each water company in this State [having a capital stock of
 4 \$50,000.00] may increase its capital stock [to an amount not exceeding
 5 \$200,000.00] by and with the consent of [$\frac{3}{4}$] $\frac{2}{3}$ of the stockholders of the
 6 company and upon filing certificate of such action in the office of the Sec-
 7 retary of State.

8 Nothing in this section contained shall be construed as authorizing any
 9 water company to issue any capital stock pursuant to this section until such
 10 company shall have first obtained authority so to do from the Board of
 11 Public Utility Commissioners in the manner provided by section 48:3-9 of
 12 this Title.

1 191. Section 48:19-13 of the Revised Statutes is amended to read as
 2 follows:

3 48:19-13. Each *water* company organized under [this chapter] *the laws*
 4 *of this State* may take and divert [such springs and streams of water]
 5 *sources of water supply* and build, erect, alter, repair, enlarge and main-
 6 tain [such] reservoirs and works and may lay [such] pipes and conduits
 7 *and install facilities* for water [at such times and in such places] as shall
 8 be necessary and proper to enable the company to carry into effect the pur-
 9 poses of its incorporation.

1 192. Section 48:19-14 of the Revised Statutes is amended to read as
2 follows:

3 48:19-14. ~~Every such~~ *Each water* company may enter upon any lands
4 *for the purpose of making* ~~in the neighborhood of the municipality which it is~~
5 *intended to supply with water and make* ~~all such preliminary examinations,~~
6 *explorations, measurements and levelings as may be necessary and proper for*
7 *its corporate purposes, [doing thereby as little damage as possible to the*
8 *owner.] and subject to responsibility for all damages which shall be done*
9 *thereto.*

1 193. Section 48:19-17 of the Revised Statutes is amended to read as
2 follows:

3 48:19-17. Each ~~such~~ *water* company may lay its pipes beneath such
4 public roads, streets, and alleys as it may deem necessary for its corporate
5 purposes, free from all charge to be made by any person or body politic
6 whatsoever for such privilege, and may also construct and maintain hy-
7 drants on and along such streets and alleys, provided that the consent shall
8 be obtained of the corporate authorities of the municipality through which
9 the pipes may be laid.

10 The pipes shall be laid at least 3 feet below the surface and shall not
11 in anywise unnecessarily obstruct or interfere with the public travel or dam-
12 age public or private property.

1 194. Section 48:19-18 of the Revised Statutes is amended to read as
2 follows:

3 48:19-18. Each *water* company organized under ~~this chapter~~ *the laws*
4 *of this State* may sell and dispose of the water issuing from its reservoirs,
5 aqueducts or pipes for such ~~prices, or quarterly or annual rents and such~~
6 *restrictions as they may think proper* *rates and pursuant to such terms and*
7 *conditions as are in accordance with its approved tariff on file with the Board*
8 *of Public Utility Commissioners.*

1 195. Section 48:19-19 of the Revised Statutes is amended to read as
2 follows:

3 48:19-19. Every *water* company organized under [this chapter] *the laws*
 4 *of this State* may contract with any company organized under any law of
 5 the State for a supply of water upon such terms and for such times as may
 6 be mutually agreed upon *subject, however, to approval of the Board of Public*
 7 *Utility Commissioners*. Such companies may lay such supply mains and pipes
 8 as may be thought necessary to furnish such supply through any property
 9 upon obtaining the consent in writing of the owner thereof, or under the
 10 surface of any streets, roads, highways or public places, provided that the
 11 companies first obtain the consent by ordinance of the municipalities through
 12 which the mains and pipes are to be laid.

13 The municipal body having control of such streets, roads, highways or
 14 public places shall designate the place therein where and the manner in
 15 which the pipes or mains shall be laid.

1 196. Section 48:19-20 of the Revised Statutes is amended to read as
 2 follows:

3 48:19-20. Every aqueduct company which was on March 21, 1888, in ex-
 4 istence under any special charter in this State and every *water* company in-
 5 corporated under [this chapter,] *the law of this State*, may add to and extend
 6 its works to such extent as may be necessary to carry out its corporate pur-
 7 poses and may take such lands and may divert such streams of water in the
 8 manner provided in [section 48:19-15] *chapter 3* of this Title as shall be
 9 necessary for that purpose.

10 Nothing in this section shall empower any company to supply or furnish
 11 water within the corporate limits of a [city] *municipality* of this State own-
 12 ing or controlling its water supply, *without the permission of such munici-*
 13 *pality*.

1 197. Section 14:2-2 of the Revised Statutes is amended to read as follows:

2 14:2-2. There may be incorporated under this Title [a company]
 3 *corporations* for the purpose of

4 (1) Constructing, maintaining and operating railroads [telephone or
 5 telegraph lines outside of this State], or

6 (2) **[For the purpose of]** Constructing, maintaining and operating
 7 works, *systems*, **[for the supply and distribution of electric light, heat or**
 8 **power]** *conduits, conductors, lines, equipment, and facilities for the carrying*
 9 *on of one or more of the activities separately described in any one of sub-*
 10 *sections a through g following:*

11 a. *Generation, transmission and distribution of electric current for heat,*
 12 *light and power, or*

13 b. *Manufacturing, processing, transmission, distribution and supply of*
 14 *gas for heat, light and power, and other purposes, or*

15 c. *Furnishing means of disposal of sewage, or*

16 d. *Production, transmission, distribution and supplying of steam heat and*
 17 *power or steam power, or*

18 e. *Generation, transmission and distribution of water power or of elec-*
 19 *trical power generated by water power, or*

20 f. *Supplying of telegraph or telephone service or telegraph and telephone*
 21 *service, or*

22 g. *Transmission, distribution and supplying of water, and*

23 (3) *Furnishing such service or the sale of such product for profit to the*
 24 *public [in] within or outside of this State.*

1 *Each corporation heretofore incorporated and organized under any of*
 2 *the provisions of Title 48 of the Revised Statutes, or of any other statutes*
 3 *therein revised, shall hereafter be governed by the provisions of Title 14 of*
 4 *the Revised Statutes to the same extent that it would have been governed*
 5 *thereby if it had been incorporated thereunder and it shall be subject to the*
 6 *restrictions and conditions in said title contained but shall have, in addition*
 7 *to the powers and privileges conferred by said Title 14 of the Revised Statutes,*

8 a. *All the powers conferred upon it by the provisions of the statute under*
 9 *which it was incorporated and organized, and*

10 b. *The power to issue its capital stock without nominal or par value and*
 11 *to change its existing capital stock without nominal or par value as may be*
 12 *provided for in its charter or certificate of incorporation or any amendment*

13 thereof in the manner prescribed by the statute hereby supplemented subject,
 14 however, to such control by the Public Utility Commission as is provided by
 15 law.

- 1 198. The following statutes are hereby repealed:
- 2 P. L. 1949, c. 233 (approved May 24, 1949) (C. 48:9-25.5 to 48:9-25.7.)
- 3 Sections 48:2-44 and 48:2-45 of the Revised Statutes.
- 4-5 Section 48:3-8 of the Revised Statutes.
- 6 Sections 48:6-1 through 48:6-13 of the Revised Statutes.
- 7 Section 48:6-15 of the Revised Statutes.
- 8 Sections 48:7-3 and 48:7-4 of the Revised Statutes.
- 9 Sections 48:9-1 through 48:9-4 of the Revised Statutes.
- 10 Sections 48:9-6 through 48:9-16 of the Revised Statutes.
- 11 Section 48:9-22 of the Revised Statutes.
- 12 Section 48:9-25 of the Revised Statutes.
- 13-14 Section 48:9-25.10 of the Revised Statutes.
- 15 Section 48:11-1 through 48:11-12 of the Revised Statutes.
- 16 Sections 48:12-5 through 48:12-12 of the Revised Statutes.
- 17 Section 48:12-35 of the Revised Statutes.
- 18 Section 48:12-92 of the Revised Statutes.
- 19 Sections 48:12-94 and 48:12-95 of the Revised Statutes.
- 20-23 Section 48:12-102 of the Revised Statutes.
- 24 Sections 48:13-1 through 48:13-3 of the Revised Statutes.
- 25 Sections 48:13-5 through 48:13-8 of the Revised Statutes.
- 26 Section 48:13-12 of the Revised Statutes.
- 27 Section 48:14-1 of the Revised Statutes.
- 28 Sections 48:14-4 through 48:14-8 of the Revised Statutes.
- 29 Section 48:14-10 of the Revised Statutes.
- 30 Section 48:14-21 of the Revised Statutes.
- 31 Sections 48:15-6 through 48:15-9 of the Revised Statutes.
- 32 Sections 48:15-15 and 48:15-16 of the Revised Statutes.
- 33 Sections 48:15-57 through 48:15-61 of the Revised Statutes.

- 34 Sections 48:17-1 through 48:17-7 of the Revised Statutes.
- 35 Section 48:17-9 of the Revised Statutes.
- 36 Section 48:17-13 of the Revised Statutes.
- 37 Section 48:17-15 of the Revised Statutes.
- 38 Sections 48:19-1 through 48:19-4 of the Revised Statutes.
- 39 Sections 48:19-9, 48:19-10 and 48:19-12 of the Revised Statutes.
- 40 Sections 48:19-15 and 48:19-16 of the Revised Statutes.
- 41 Section 48:19-21 of the Revised Statutes.
- 1 199. This act shall take effect 90 days after enactment.

STATEMENT

This bill represents a revision of Assembly 352 of the 1961 session. The revision is the result of a series of conferences between the Board of Public Utility Commissioners and representatives of the public utility industry. It has the endorsement of the Board of Public Utility Commissioners.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 486

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 14, 1962

Amend page 1, section 3, lines 2 through 4, delete “48:2-5. The president and other members of the board shall each receive [an annual compensation of \$12,000.00, to be paid by the Treasurer of the State.] such salaries as shall from time to time be fixed by law.”, and insert in lieu thereof “48:2-5. The members of the board shall each receive such compensation as shall be provided by law.”.

Amend page 29, section 49, lines 6 through 8, following the word “other”, delete “reason, except where a governmental agency having jurisdiction has granted the utility the permission to take or acquire property or any interests therein for the utility’s purposes. The power of condemnation shall not be used or enforced by any”, and insert in lieu thereof “reason. Except where a governmental agency having jurisdiction has granted the utility the permission to take or acquire property or any interests for the utility’s purposes the power of condemnation shall not be used or enforced by any”.

Amend page 34, section 63, lines 2-3, following the word “Jersey”, insert “.”, delete the rest of lines 2 and 3.

Amend page 54, section 103, lines 5 through 5c, delete lines 5, commencing with the word “Any”, through 5c, and insert in lieu thereof:

“1. Any gas company organized under the laws of this State in addition to but not in limitation of the powers conferred by the laws under which it was organized may construct, lay”.

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

Amend page 62, section 117, line 5, following the word "passage", insert "over or under the railroad or right of way".

Amend page 62, section 117, line 6, following the word "installation", insert ", change, reconstruction, relocation or modification".

Amend page 63, section 117, line 23, following the word "above", insert ", if the board finds that such installation, enlargement, change, reconstruction, relocation or modification is necessary due to increased vehicular or pedestrian traffic within the limits of the municipality or county having jurisdiction over the road, street or avenue involved".

Amend page 65, section 122, line 9, following the word "above", insert ", if the board finds that such alterations, reconstructions, changes, relocations or openings are necessary due to increased vehicular or pedestrian traffic within the limits of the municipality or county having jurisdiction over such public highways involved,".

Amend page 97, section 195, lines 6 and 7, following the word "upon", delete "subject, however, to approval of the Board of Public Utility Commissioners".

Amend page 97, section 196, line 6, following the word "works", insert "to and within any municipality".

Amend page 97, section 196, line 7, following the word "purposes", insert ", provided municipal consent is obtained and approved by the Board of Public Utility Commissioners,".

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 486

STATE OF NEW JERSEY

ADOPTED APRIL 16, 1962

Amend page 1, title, line, 1, delete "revising, repealing and supplementing", and insert in lieu thereof "amending, supplementing and repealing".

Amend page 1, title, line 2, following the word "amending", insert "and supplementing".

Amend page 6, section 12, line 18, delete "The moneys", and insert in lieu thereof "Amounts".

Amend page 6, section 12, line 19, following the word "construction", insert "replacements".

Amend page 6, section 12, line 20, following the word "utility", insert "or for the retirement of debt incurred in connection therewith".

Amend page 13, section 26, line 11, delete "prosecutor in certiorari", and insert in lieu thereof "appellant".

Amend page 23, section 31, line 4, delete line 4.

Amend page 23, section 31, line 5, delete "2", and insert in lieu thereof "1".

Amend page 25, section 39, line 20, delete "if it shall deem", and insert in lieu thereof "when satisfied".

Amend page 30, section 50, lines 1-2, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 30, section 51, line 3, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 30, section 52, line 3, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 31, section 53, line 2, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 31, section 54, line 3, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 31, section 55, line 4, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 31, section 56, line 4, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 31, section 57, line 2, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 32, section 58, line 2, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 32, section 59, line 4, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 33, section 60, line 2, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 33, section 60, line 11, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 33, section 60, line 20, delete "66 and 67", and insert in lieu thereof "48 and 49".

Amend page 34, section 61, line 3, delete "20 and 21", and insert in lieu thereof "48 and 49".

Amend page 45, section 85, line 11, following the word "teachers", insert the following: "to or from school".

Amend page 52, section 99, lines 2 and 3, delete "Every gas company organized under [this chapter] the laws of this State", and insert in lieu thereof "Every gas company heretofore organized under this chapter or hereafter organized under Title 14, Corporations, General, of the Revised Statutes".

Amend page 54, section 103, lines 3 through 5, delete "Any corporation organized [and existing] under [the provisions of chapter 9 of Title 48 of the Revised Statutes,] the laws of this State for the distribution of gas", and insert in lieu thereof "Any corporation heretofore organized under the provisions of chapter 9 of Title 48 of the Revised Statutes or hereafter organized under Title 14, Corporations, General, of the Revised Statutes".

Amend page 97, section 197, line 4, following the word "railroads", insert "or street railways".

Amend page 98, section 197, second line 11, following the word "stock", insert "to stock".

FOR RELEASE: December 12, 1962

FROM: Office of the Governor

Governor Hughes today signed Assembly Bill No. 486, a Revision of Title 48, Public Utilities, pursuant to which the Board of Public Utility Commissioners regulates all public utilities operating within the State.

The major changes made in the new law are:

Condemnation -- All public utilities exercising eminent domain are required to first obtain the Board's approval before proceeding at condemnation unless some other governmental agency has authority to grant such permission. Until now, only electric and gas companies were required to get the Board's approval.

Discontinuance of Service - Before any public utility can discontinue service, it must first obtain approval from the Board. The present law requires only sewer companies and railroads discontinuing passenger service to first apply to the Board for approval.

In addition, the Board may, under the new law, order continued service, where discontinuance is threatened, pending a final determination. This is somewhat similar to temporary injunctions issued by the courts.

Incorporation -- All public utilities may now be incorporated under Title 14, the General Incorporation Act. This greatly simplifies the steps necessary to form a new corporation. This has been a problem particularly with respect to the many new water and sewer companies that are formed today.

Rates -- The maximum suspension period before rates can go into effect has been extended from 6 to 8 months; thus giving the Board more needed time to hear and determine complicated rate proceedings.

The new law also provides that under certain circumstances a public utility need not go through the expensive and time-consuming process of proving rate base in a rate case.

STATE OF NEW JERSEY.

INTRODUCED FEBRUARY 9, 1915.

By Mr. READ.

(By Request.)

Referred to Committee on Judiciary.

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1 1. The Board of Public Utility Commissioners, after hearing, upon notice,
2 may ascertain, determine and fix just and reasonable joint rates, which shall be
3 charged, enforced, collected and observed by railroads and street railroads in the
4 carrying of freight.

1 2. Whenever the railroads or street railroads involved fail to agree upon the
2 apportionment or division of any joint rate established by said board, or ordered
3 by said board substituted for any joint rate found to violate any provision of
4 the act to which this act is a supplement, the said board may issue a supplemental
5 order declaring the apportionment or division of such joint rate

1 3. This act shall take effect immediately.

1915 - S197

2

STATEMENT.

This bill provides for the fixing of joint rates to be charged by railroads and street railroads, and for the apportionment or division of joint rates established by the board.

This bill is the identical Senate Committee substitute for a bill introduced at the suggestion of the Public Utility Commission at the last session of the Legislature. The Committee substitute was reported after hearing, at which hearing amendments were agreed upon by those interested in the bill, and it passed the Senate without opposition. The bill failed in the House owing to the fact that it did not reach the House in time for consideration before the close of the session.

ASSEMBLY, No. 237

(P. L. 1911, page 374.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1918.

By Mr. BADGLEY.

Referred to Committee on Railroads and Canals.

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1 1. In addition to the powers given to the Board of Public Utility Commissioners
2 by the act to which this is a supplement, said board shall have power to prescribe
3 and fix the rates or charges to be made by any corporation subject to the provisions
4 of said act for the detention of any railroad car containing property transported
5 by railroad to any point in this State, or for the use of the railroad tracks occupied by
6 such car (commonly called demurrage or car service), or for both such detention
7 and use; such rates or charges shall conform, as nearly as possible, to the rates and
8 charges for demurrage or car service prescribed and fixed by the Interstate Com-
9 merce Commission for similar service.

STATEMENT.

The object of the act is to enable the Public Utility Commissioners to fix and prescribe rates and charges to be made by carriers by railroad for demurrage or car serv-

ice, to assist in the rapid moving of freight, unloading of cars and their return to service, and to avoid confusion in the rates and charges for demurrage, or car service, by having the rates and charges fixed as nearly as possible to the rates and charges fixed by the Interstate Commerce Commission for similar services.

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1921.

By Mr. FRANKLIN.

Referred to Committee on Judiciary.

AN Act to amend an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1 1. Section seventeen of the act to which this act is an amendment be and the
2 same is hereby amended to read as follows:

3 17. The board shall have power, after hearing, upon notice, by order in writing,
4 to require every public utility as herein defined:

5 (a) To comply with the laws of this State and any municipal ordinance relat-
6 ing thereto and to conform to the duties imposed upon it thereby or by the pro-
7 visions of its own charter, whether obtained under any general or special law of
8 this State.

9 (b) To furnish safe, adequate and proper service and to keep and maintain its
10 property and equipment in such condition as to enable it to do so.

11 (c) To establish, construct, maintain and operate any reasonable extension of
12 its existing facilities, where, in the judgment of said board such extension is rea-
13 sonable and practicable and will furnish sufficient business to justify the construction
14 and maintenance of the same, and when the financial condition of the said public
15 utility reasonably warrants the original expenditure required in making and operat-
16 ing such extension.

2
17 (d) To keep its books, records and accounts so as to afford an intelligent un-
18 derstanding of the conduct of its business and to that end to require every such
19 public utility of the same class to adopt a uniform system of accounting. Such sys-
20 tem shall conform, in so far as in the judgment of the board is practicable, to any
21 system adopted or approved by the inter-state commerce commission of the United
22 States of America.

23 (e) To furnish annually a detailed report of the finances and operations, in
24 such form and containing such matters as the board may from time to time by order
25 prescribe.

26 (f) To carry, whenever in the judgment of the board it may reasonably be re-
27 quired, for the protection of stockholders, bondholders or creditors, a proper and
28 adequate depreciation account in accordance with such rules, regulations and forms
29 of account as the board may prescribe. The board shall from time to time ascer-
30 tain and determine, and by order in writing after hearing fix proper and adequate
31 rates of depreciation of the property of each public utility, in accordance with such
32 regulations or classifications, which rates shall be sufficient to provide the amounts
33 required over and above the expense of maintenance to keep such property in a state
34 of efficiency corresponding to the progress of the industry. Each public utility
35 shall conform its depreciation accounts to the rates so ascertained, determined and
36 fixed, and shall set aside the moneys so provided for out of earnings and carry the
37 same in a depreciation fund. The income from investments of moneys in such
38 fund shall likewise be carried in such fund. This fund shall not be extended other-
39 wise than for depreciation, improvements, new construction, extensions or additions
40 to the property of such public utility.

41 (g) To give such notice to the board as the board may by rule require of any
42 and all accidents which may occur within this State upon the property of any pub-
43 lic utility as herein defined or directly or indirectly arising from or connected with
44 its maintenance or operation, and to investigate any such accident and to make
45 such order or recommendation with respect thereto as in its judgment may be just
46 and reasonable.

47 (h) When any public utility as herein defined shall increase any existing indi-
48 vidual rates, joint rates, tolls, charges or schedules thereof, as well as commutation,
49 mileage and other special rates or change or alter any existing classification, the
50 board shall have power either upon written complaint or upon its own initiative to
51 hear and determine whether the said increase, change or alteration is just and rea-
52 sonable. The burden of proof to show that the said increase, change or alteration
53 is just and reasonable shall be upon the public utility making the same. The board
54 shall have power pending such hearing and determination to order the suspension
55 of the said increase, change or alteration until the said board shall have approved
56 said increase, change or alteration, not exceeding [three] six months. If such
57 hearing shall not have been concluded within such six months, the board shall have
58 power during such hearing and determination to order a further suspension of said
59 increase, change or alteration for a further period not exceeding six months. It
60 shall be the duty of the said board to approve any such increase, change or altera-
61 tion upon being satisfied that the same is just and reasonable.

1 2. All acts and parts of acts inconsistent herewith be and the same are hereby
2 repealed.

1 3. This act shall take effect immediately.

STATEMENT.

The purpose of this bill is to prevent a public utility company, after the Utility Commission has by order fixed just and reasonable rates to be charged by such utility company, from filing a new schedule of rates and putting them in force after the expiration of three months. This act would require that the utility company should make application to the Utility Commission in the old proceeding for an order modifying or altering the rates theretofore fixed.

ASSEMBLY, No. 878

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1921.

By Mr. FRANKLIN.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1 1. Section seventeen of the act to which this act is an amendment be and the
2 same is hereby amended to read as follows:

3 17. The board shall have power, after hearing, upon notice, by order in writing,
4 to require every public utility as herein defined:

5 (a) To comply with the laws of this State and any municipal ordinance relat-
6 ing thereto and to conform to the duties imposed upon it thereby or by the pro-
7 visions of its own charter, whether obtained under any general or special law of
8 this State.

9 (b) To furnish safe, adequate and proper service and to keep and maintain its
10 property and equipment in such condition as to enable it to do so.

11 (c) To establish, construct, maintain and operate any reasonable extension of
12 its existing facilities, where, in the judgment of said board such extension is rea-
13 sonable and practicable and will furnish sufficient business to justify the construction
14 and maintenance of the same, and when the financial condition of the said public
15 utility reasonably warrants the original expenditure required in making and operat-
16 ing such extension.

17 (d) To keep its books, records and accounts so as to afford an intelligent un-
18 derstanding of the conduct of its business and to that end to require every such
19 public utility of the same class to adopt a uniform system of accounting. Such sys-
20 tem shall conform, in so far as in the judgment of the board is practicable, to any
21 system adopted or approved by the inter-state commerce commission of the United
22 States of America.

23 (e) To furnish annually a detailed report of the finances and operations, in
24 such form and containing such matters as the board may from time to time by order
25 prescribe.

26 (f) To carry, whenever in the judgment of the board it may reasonably be re-
27 quired, for the protection of stockholders, bondholders or creditors, a proper and
28 adequate depreciation account in accordance with such rules, regulations and forms
29 of account as the board may prescribe. The board shall from time to time ascer-
30 tain and determine, and by order in writing after hearing fix proper and adequate
31 rates of depreciation of the property of each public utility, in accordance with such
32 regulations or classifications, which rates shall be sufficient to provide the amounts
33 required over and above the expense of maintenance to keep such property in a state
34 of efficiency corresponding to the progress of the industry. Each public utility
35 shall conform its depreciation accounts to the rates so ascertained, determined and
36 fixed, and shall set aside the moneys so provided for out of earnings and carry the
37 same in a depreciation fund. The income from investments of moneys in such
38 fund shall likewise be carried in such fund. This fund shall not be extended other-
39 wise than for depreciation, improvements, new construction, extensions or additions
40 to the property of such public utility.

41 (g) To give such notice to the board as the board may by rule require of any
42 and all accidents which may occur within this State upon the property of any pub-
43 lic utility as herein defined or directly or indirectly arising from or connected with
44 its maintenance or operation, and to investigate any such accident and to make
45 such order or recommendation with respect thereto as in its judgment may be just
46 and reasonable.

47 (h) When any public utility as herein defined shall increase any existing indi-
48 vidual rates, joint rates, tolls, charges or schedules thereof, as well as commutation,
49 mileage and other special rates or change or alter any existing classification, the
50 board shall have power either upon written complaint or upon its own initiative to
51 hear and determine whether the said increase, change or alteration is just and rea-
52 sonable. The burden of proof to show that the said increase, change or alteration
53 is just and reasonable shall be upon the public utility making the same. The board
54 shall have power pending such hearing and determination to order the suspension
55 of the said increase, change or alteration until the said board shall have approved
56 said increase, change or alteration, not exceeding three months. If such hear-
57 ing shall not have been concluded within such three months, the board shall have
58 power during such hearing and determination to order a further suspension of said
59 increase, change or alteration for a further period not exceeding three months. It
60 shall be the duty of the said board to approve any such increase, change or altera-
61 tion upon being satisfied that the same is just and reasonable.

1 2. All acts and parts of acts inconsistent herewith be and the same are hereby
2 repealed.

1 3. This act shall take effect immediately.

SENATE, No. 155

(Chapter 195, P. L. 1911)
(Chapter 195, P. L. 1911)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1926

By Mr. CASE

(By Request)

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act concerning public utilities, to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1 1. Section seventeen of the act to which this is an amendment is hereby amend-
2 ed to read as follows:

3 17. The board shall have power, after hearing, upon notice by order in writing,
4 to require every public utility as herein defined:

5 (a) To comply with the laws of the State and any municipal ordinance relat-
6 ing thereto, and to conform to the duties imposed upon it thereby or by the pro-
7 visions of its own charter, whether obtained under any general or special law of this
8 State.

9 (b) To furnish safe, adequate and proper service and to keep and maintain its
10 property and equipment in such condition as to enable it to do so.

11 (c) To establish, construct, maintain and operate any reasonable extension of
12 its existing facilities, where, in the judgment of said board such extension is rea-
13 sonable and practicable and will furnish sufficient business to justify the construc-
14 tion and maintenance of the same, and when the financial condition of the said public
15 utility reasonably warrants the original expenditure required in making and operat-
16 ing such extension.

17 (d) To keep its books, records and accounts so as to afford an intelligent un- 49
18 derstanding of the conduct of its business and to that end to require every such pub- 50
19 lic utility of the same class to adopt a uniform system of accounting. Such system 51
20 shall conform, in so far as in the judgment of the board is practicable, to any sys- 5.
21 tem adopted or approved by the Interstate Commerce Commission of the United 5.
22 States of America. 5.

23 (e) To furnish annually a detailed report of finances and operations, in such 5
24 form and containing such matters as the board may from time to time by order 5
25 prescribe. 5

26 (f) To carry, whenever in the judgment of the board it may reasonably be re- 5
27 quired, for the protection of stockholders, bondholders or creditors, a proper and 5
28 adequate depreciation account in accordance with such rules, regulations and forms 5
29 of account as the board may prescribe. The board shall from time to time ascertain 5
30 and determine, and by order in writing after hearing fix proper and adequate rates of 5
31 depreciation of the property of each public utility in accordance with such regula- 5
32 tions or classifications, which rates shall be sufficient to provide the amounts re- 5
33 quired over and above the expense of maintenance to keep such property in a state 5
34 of efficiency corresponding to the progress of the industry. Each public utility shall 5
35 conform its depreciation accounts to the rates so ascertained, determined and fixed, 5
36 and shall set aside the moneys so provided for out of earnings and carry the same 5
37 in a depreciation fund. The income from investments of moneys in such fund shall 5
38 likewise be carried in such fund. This fund shall not be extended otherwise than for 5
39 depreciation, improvements, new constructions, extensions or additions to the prop- 5
40 erty of such public utility. 5

41 (g) To give such notice to the board as the board may by rule require of any 5
42 and all accidents which may occur within this State upon the property of any public 5
43 utility as herein defined or directly or indirectly arising from or connected with its 5
44 maintenance or operation, and to investigate any such accident and to make such or- 5
45 der or recommendation with respect thereto as in its judgment may be just and rea- 5
46 sonable. 5

47 (h) When any public utility as herein defined shall increase any existing indi- 5
48 vidual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, 5

49 mileage and other special rates or change or alter any existing classification, the board
50 shall have power either upon written complaint or upon its own initiative to hear
51 and determine whether the said increase, change or alteration is just and reasonable.
52 The burden of proof to show that the said increase, change or alteration is just and
53 reasonable shall be upon the public utility making the same. The board shall have
54 power pending such hearing and determination to order the suspension of the said
55 increase, change or alteration until the said board shall have approved said increase,
56 change or alteration, not exceeding three months. If such hearing shall not have
57 been concluded within such three months, the board shall have power during such
58 hearing and determination to order a further suspension of said increase, change or
59 alteration for a further period not exceeding three months. It shall be the duty of
60 the said board to approve any such increase, change or alteration upon being satis-
61 fied that the same is just and reasonable.

62 (i) After hearing, upon notice, to determine, between public utilities supplying
63 electric light, heat or power, questions in dispute as to territories to be served: to
64 enjoin, pending hearing, the construction of facilities for such supply, and, upon
65 finding and determination that such construction is not necessary and proper for the
66 public convenience, and will not properly conserve the public interest, to issue orders
67 prohibiting the same.

1 2. This act shall take effect immediately.

STATEMENT.

The Public Utility act now provides that no privilege or franchise granted by a municipality shall be valid without the approval of the Board of Public Utility Commissioners. Electric lighting and power companies do not have to obtain franchises, but may construct pole lines upon obtaining consent of the owners of abutting properties. This has led in some cases to unnecessary and uneconomic duplications of facilities. The purpose of the bill is to give the board authority to deal with situations of this kind. The bill is in accordance with a recommendation of the Public Utility Commission.

SENATE, No. 107

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1935

By Mr. BARBOUR

Referred to Committee on Judiciary

A SUPPLEMENT to an act entitled "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven.

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

1 1. In every proceeding to fix just and reasonable individual rates, joint
2 rates, tolls, charges, or schedules thereof, commutation, mileage, or other
3 special rates under subdivision (c) of section sixteen of the act to which this
4 act is a supplement, the Board of Public Utility Commissioners shall com-
5 plete and close the hearing provided for by said subdivision (c) of section
6 sixteen and enter its final order within six months after the filing of the order
7 of the Board initiating such proceeding, when such proceeding is on the
8 Board's own motion; and within six months after issue is joined through the
9 filing of an answer to a complaint, when such proceeding is initiated by com-
10 plaint.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to require final disposition of rate proceedings before the Board of Public Utility Commissioners within six months after initiation thereof.

SENATE, No. 364

STATE OF NEW JERSEY.

INTRODUCED APRIL, 20, 1911.

By Mr. PRINCE.

Referred to Committee on Municipal Corporations.

AN ACT concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers.

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

L.

1 1. There shall be a commission vested with the powers and duties hereinafter
2 specified, which shall consist of three persons, citizens of this State, not under thirty
3 years of age, who shall be appointed by the Governor, by and with the advice and
4 consent of the Senate, and who shall constitute and be designated and known as
5 the Board of Public Utility Commissioners.

1 2. The Board of Public Utility Commissioners, as heretofore constituted,
2 shall be the Board of Public Utility Commissioners under this act until the expira-
3 tion of the term of office of each of said commissioners respectively, and at the
4 expiration of their respective terms of office shall be appointed for the term of
5 six years from the date of such expiration. All vacancies, except through expira-
6 tion of term, shall be filled by the Governor. The Governor may
7 move any commissioner for neglect of duty to discontinue his grant of franchise.

8 copy of the charges against him and an opportunity of being publicly heard in
9 person or by counsel in his own defense upon not less than ten days' notice.

1 3. The members of said board shall each receive an annual compensation of
3 seven thousand five hundred dollars, to be paid in equal monthly payments by the
4 Treasurer of the State.

1 4. The commissioners and secretary and other employes of said board shall be
2 entitled to receive from the State of New Jersey their necessary traveling expenses
3 while traveling on the business of said board, which shall be paid on proper voucher
4 therefor, approved by the president of said board.

1 5. The board shall organize annually by the election of a president; it shall
2 appoint a secretary, counsel and such other employes as it may deem necessary, fix
3 their duties, compensation and terms of service.

1 6. The secretary shall keep full and correct minutes of all of the transactions
2 and proceedings of the board; perform such other duties as may be required of
3 him, and shall be the official reporter of the proceedings of the board.

1 7. The board shall furnish its secretary such of its findings and decisions as,
2 in its judgment, may be of general public interest; the secretary shall compile the
3 same for the purpose of publication in a series of volumes to be designated "Re-
4 ports of the Board of Public Utility Commissioners of the State of New Jersey."
5 which shall be published in such form and manner as may be best adapted for pub-
6 lic information and use, and such authorized publications shall be competent evi-
7 dence of the reports and decisions of the commission therein contained without any
8 further proof or authentication thereof. The contents of said reports shall not
9 be under the supervision or control of the official State editor.

1 8. The board shall purchase such materials, apparatus and standard measur-
2 ing instruments as it may deem necessary.

1 9. No member or employe of said board shall have any official or professional
2 relation or connection with, or hold any stock or securities in, any public utility as
3 herein defined, operating within the State of New Jersey, nor hold any other office
4 of profit or trust under the government of this State or of the United States.

1 10. The board shall have an office in the State House, and in such other place
2 or places as it may designate, and shall meet at such times and places within this State
3 as it may provide by rule or otherwise, and shall be provided with all necessary
4 furniture, stationery, maps, supplies and office appliances.

1 11. The board shall have the power to make all needful rules for its govern-
2 ment and other proceedings not inconsistent with this act, and shall have and adopt
3 a common seal.

1 12. The total expenses of the board, including salaries, shall not exceed one
2 hundred thousand dollars per annum.

1 13. The members of the board are hereby empowered to sit singly for the
2 purpose of taking testimony in any proceeding. A majority vote of the board shall
3 be necessary to the making of any order.

1 14. The board shall report annually, on or before the first day of January, to
2 the Governor, making such recommendations as it may deem proper, which report
3 shall be laid before the next succeeding Legislature.

1 15. The board shall have general supervision and regulation of, jurisdiction and
2 control over, all public utilities, and also over their property, property rights, equip-
3 ment, facilities and franchises so far as may be necessary for the purpose of carry-
4 ing out the provisions of this act. The term "public utility" is hereby defined to in-
5 clude every individual, co-partnership, association, corporation or joint stock com-
6 pany, their lessees, trustees or receivers appointed by any court whatsoever, that
7 now or hereafter may own, operate, manage or control within the State of New
8 Jersey any steam railroad, street railway, traction railway, canal, express, subway,
9 pipe line, gas, electric light, heat, power, water, oil, sewer, telephone, telegraph
10 system, plant or equipment for public use, under privileges granted or hereafter to
11 be granted by the State of New Jersey or by any political subdivision thereof.

II.

1 16. The board shall have power:
2 (a) To investigate, upon its own initiative, or upon complaint in writing, any
3 matter concerning any public utility as herein defined.

4 (b) From time to time to appraise and value the property of any public util-
5 ity as herein defined, whenever in the judgment of said board it shall be necessary
6 so to do, for the purpose of carrying out any of the provisions of this act, and in
7 making such valuation the board may have access to and use any books, documents
8 or records in the possession of any department or board of the State or any political
9 subdivision thereof.

10 (c) After hearing, upon notice, by order in writing, to fix just and reasonable
11 individual rates, joint rates, tolls, charges or schedules thereof, as well as commula-
12 tion, mileage and other special rates which shall be imposed, observed and followed
13 thereafter by any public utility as herein defined, whenever the board shall deter-
14 mine any existing individual rate, joint rate, toll, charge or schedule thereof or
15 commutation, mileage, or other special rate to be unjust, unreasonable, insufficient or
16 unjustly discriminatory or preferential.

17 (d) To require every public utility as herein defined to file with it complete
18 schedules of every classification employed and of every individual or joint rate, toll,
19 fare or charge made, charged or exacted by it for any product supplied or service
20 rendered within this State, as specified in such requirement.

21 (e) After hearing, by order in writing, to fix just and reasonable standards,
22 classifications, regulations, practices, measurements or service to be furnished, im-
23 posed, observed, and followed thereafter by any public utility as herein defined.

24 (f) After hearing, by order in writing, to ascertain and fix adequate and serv-
25 iceable standards for the measurement of quantity, quality, pressure, initial voltage
26 or other condition pertaining to the supply of the product or service rendered by
27 any public utility as herein defined, and to prescribe reasonable regulations for ex-
28 amination and test of such product or service and for the measurement thereof.

29 (g) After hearing, by order in writing, to establish reasonable rules, regula-
30 tions, specifications and standards, to secure the accuracy of all meters and appli-
31 ances for measurements.

32 (h) To provide for the examination any test of any and all appliances used
33 for the measuring of any product or service of a public utility as herein defined.

34 (i) By its agents, experts or examiners, to enter upon any premises occupied
35 by any public utility as herein defined, for the purpose of making the examinations
36 and tests provided for in this act and to set up and use on such premises any ap-
37 paratus and appliances necessary therefor.

38 (j) To fix the fees to be paid by any consumer or user of any product or serv-
39 ice of a public utility as herein defined, who may apply to said board for such ex-
40 amination or test to be made, and any consumer or user may have any such appli-
41 ance tested upon the payment of the fees fixed by the board, which fees shall be
42 repaid to the consumer or user if the appliance be found defective or incorrect to the
43 disadvantage of the consumer or user, and in that event, paid by the public utility.

44 (k) After hearing, upon notice, by order in writing, to direct any railroad or
45 street railway company to establish and maintain at any junction or point of con-
46 nection or intersection with any other line of said road, or with any line of any
47 other railroad, street railway, or traction company, such just and reasonable connec-
48 tions as shall be necessary to promote the convenience of shippers of property, or of
49 passengers, and in like manner to direct any railroad, street railway or traction com-
50 pany engaged in carrying merchandise to construct, maintain and operate, upon rea-
51 sonable terms, a switch connection with any private side-track, which may be con-
52 structed by any shipper to connect with the railroad or street railway where, in
53 the judgment of the board, such connection is reasonable and practicable, and can
54 be put in with safety, and will furnish sufficient business to justify the construction
55 and maintenance of the same.

56 (l) To permit any street railway or traction company to change its existing
57 gauge to standard steam railroad gauge, upon such terms and conditions as said
58 board shall prescribe.

1 17. The board shall have power, after hearing, upon notice, by order in writ-
2 ing, to require every public utility as herein defined:

3 (a) To comply with the laws of this State and any municipal ordinance re-
4 lating thereto and to conform to the duties imposed upon it thereby or by the pro-

5 visions of its own charter, whether obtained under any general or special law of
6 this State.

7 (b) To furnish safe, adequate and proper service and to keep and maintain its
8 property and equipment in such condition as to enable it to do so.

9 (c) To establish, construct, maintain and operate any reasonable extension
10 of its existing facilities, where, in the judgment of said board such extension is rea-
11 sonable and practicable and will furnish sufficient business to justify the construc-
12 tion and maintenance of the same, and when the financial condition of the said pub-
13 lic utility reasonably warrants the original expenditure required in making and
14 operating such extension.

15 (d) To keep its books, records and accounts so as to afford an intelligent
16 understanding of the conduct of its business and to that end to require every such pub-
17 lic utility of the same class to adopt a uniform system of accounting. Such system
18 shall conform, in so far as in the judgment of the board is practicable, to any sys-
19 tem adopted or approved by the inter state commerce commission of the United
20 States of America.

21 (e) To furnish annually a detailed report of finances and operations, in such
22 form and containing such matters as the board may from time to time by
22^a order prescribe.

23 (f) To carry, whenever in the judgment of the board it may reasonably be
24 required, for the protection of stockholders, bondholders or creditors, a proper and
25 adequate appreciation account in accordance with such rules, regulations and forms of
26 account as the board may prescribe. The board shall from time to time ascertain and
27 determine, and by order in writing after hearing fix proper and adequate rates of de-
28 preciation of the property of each public utility, in accordance with such regula-
29 tions or classifications, which rates shall be sufficient to provide the amounts re-
30 quired over and above the expense of maintenance to keep such property in a state of
31 efficiency corresponding to the progress of the industry. Each public utility shall
32 conform its depreciation accounts to the rates so ascertained, determined and fixed,
33 and shall set aside the monies so provided for out of earnings and carry the same in a
34 depreciation fund. The income from investments of monies in such fund shall like-

35 wise be carried in such fund. This fund shall not be extended otherwise than for de-
36 preciations, improvements, new constructions, extensions or additions to the property
37 of such public utility.

38 (g) To give such notice to the board as the board may by rule require of any and
39 all accidents which may occur within this State upon the property of any public util-
40 ity as herein defined or directly or indirectly arising from or connected with its main-
41 tenance or operation, and to investigate any such accident and to make such order or
42 recommendation with respect thereto as in its judgment may be just and reasonable.

43 (h) When any public utility as herein defined shall increase any existing in-
44 dividual rates, joint rates, tolls, charges or schedules thereof, as well as commu-
45 tation, mileage and other special rates, or change or alter any existing classifica-
46 tion, the board shall have power either upon written complaint or upon its own
47 initiative to hear and determine whether the said increase, change or alteration is
48 just and reasonable. The burden of proof to show that the said increase, change
49 or alteration is just and reasonable shall be upon the public utility making the same.
50 The board shall have power pending such hearing and determination to order the
51 suspension of the said increase, change or alteration until the said board shall have
52 approved said increase, change or alteration, not exceeding three months. It shall
53 be the duty of the said board to approve any such increase, change or alteration
54 upon being satisfied that the same is just and reasonable.

III.

1 18. No public utility as herein defined shall:

2 (a) Make, impose or exact any unjust or unreasonable, unjustly discrimina-
3 tory or unduly preferential individual or joint rate, commutation rate, mileage and
4 other special rate, toll, fare, charge or schedule for any product or service sup-
5 plied or rendered by it within this State.

6 (b) Adopt or impose any unjust or unreasonable classification in the making
7 or as the basis of any individual or joint rate, toll, fare, charge or schedule for any
8 product or service rendered by it within this State.

9 (c) Adopt, maintain or enforce any regulation, practice or measurement
10 which shall be unjust, unreasonable, unduly preferential, arbitrarily or unjustly
11 discriminatory or otherwise in violation of law; nor shall any public utility as
12 herein defined provide or maintain any service that is unsafe, improper or inade-
13 quate, or withhold or refuse any service which can reasonably be demanded and
14 furnished when ordered by said board.

15 (d) Make or give, directly or indirectly, any undue or unreasonable prefer-
16 ence or advantage to any person or corporation or to any locality or to any par-
17 ticular description of traffic in any respect whatsoever, or subject any particular
18 person or corporation or locality or any particular description of traffic to any
19 prejudice or disadvantage in any respect whatsoever.

20 (e) Hereafter issue any stocks, stock certificates, bonds or other evidences of
21 indebtedness payable in more than one year from the date thereof until it shall
22 have first obtained authority from the board for such proposed issue. It shall be
23 the duty of the board, after hearing, to approve of any such proposed issue matur-
24 ing in more than one year from the date thereof, when satisfied that the same is to
25 be made in accordance with law and the purpose of such issue be approved by said
26 board.

27 (f) Capitalize any franchise to be a corporation; capitalize any franchise in
28 excess of the amount (exclusive of any tax or annual charge) actually paid to the
29 State or any political subdivision thereof as the consideration of such franchise;
30 capitalize any contract for consolidation, merger or lease; issue any bonds or other
31 evidence of indebtedness against or as a lien upon any contract for consolidation,
32 merger or lease; *provided, however,* that the provisions of this section shall not pre-
33 vent the issuance of stock, bonds or other evidence of indebtedness subject to the
34 approval of said board by any lawfully merged or consolidated public utilities not
35 in contravention of the provisions of this section.

36 (g) Hereafter give, grant or bestow upon any local, municipal or county offi-
37 cial any discrimination, gratuity or free service whatsoever, but nothing herein con-
38 tained shall prevent the entry into any public conveyance or in or upon the property

39 of any such public utility as herein defined of any such official in the pursuit of his
40 public duties in connection with the particular conveyance or property so entered by
41 him, upon exhibiting his authority so to do.

42 Without the approval of the board sell, lease, mortgage, or otherwise dispose
43 of or encumber its property, franchises, privileges or rights, or any part thereof,
44 nor merge or consolidate its property, franchises, privileges or rights, or any part
45 thereof, with that of any other public utility as herein defined. Every sale, lease,
46 mortgage, disposition, encumbrance, merger or consolidation made in violation of
47 any of the provisions hereof shall be void and of no effect. Nothing herein con-
48 tained shall be construed in any wise to prevent the sale, lease or other disposition
49 by any public utility as herein defined of any of its property in the ordinary course
50 of its business.

1 19. No public utility as herein defined shall hereafter sell or transfer on its
2 books any share or shares of its capital stock to any other corporation or individ-
3 ized so to do by said board. Every assignment, transfer, contract or agree-
4 ment for assignment or transfer by or through any person or corporation to any
5 corporation in violation of any of the provisions hereof shall be void and of no ef-
6 fect, and no such transfer shall be made on the books of any public utility corpora-
7 tion. Nothing herein contained shall be construed to prevent the sale hereof of stock
8 heretofore lawfully acquired.

1 20. No railroad company shall, without first obtaining the approval of the
2 board, abandon any railroad station or stop the sale of passenger tickets, or fail
3 to maintain an agent to receive and discharge freight at any station heretofore
4 after established in this State, at which passenger tickets are now or may hereafter
5 be regularly sold, or at which such agent is now or may hereafter be required.

1 21. No highway shall be constructed across the tracks of any railroad or street
2 trolley company at grade, nor shall the tracks of any railroad or street trolley
3 traction company be laid across any highway at grade, nor shall any highway be
4 nor shall the tracks of any railroad or street trolley company be laid across any
5 across the tracks of any other railroad or street trolley company at grade.

6 out first obtaining therefor permission from the board; provided, however, that this
7 section shall not apply to the replacement of lawfully existing tracks.

1 22. Whenever it appears to the board that a public highway and a railroad
2 cross one another, or that a public highway and a street railway cross one another,
3 or that a railroad and a street railway cross one another at the same level, and
4 that conditions at such grade crossing make it necessary for the protection of the
5 traveling public at such grade crossing that gates be erected or that some other
6 reasonable provision for the protection of the traveling public at such grade cross-
7 ing should be adopted, the board may order and direct such railroad company or
8 such street railway company, or either or both of them, to install such protective
9 device or devices or adopt such other reasonable provision for the protection of
10 the traveling public at such crossing as in the discretion of the board shall be
11 necessary.

1 23. Every board shall have power to require every public utility as herein de-
2 fined to file with the board a statement in writing, verified by the oaths of the presi-
3 dent and secretary thereof, respectively, setting forth the name, title of office or
4 position and post-office address, and the authority, power and duties of every
5 officer, member of the board of directors, trustees, executive committee, superin-
6 tendent, chief or head of construction and operation, or department, division or
7 line of construction and operation thereof, in such form as to disclose the source
8 and origin of each administrative act, rule, decision, order or other action of the
9 corporation, and shall, within ten days after any change is made in the title of, or
10 authority, powers or duties appertaining to any such office or position, or the person
11 holding the same, file with the board a like statement, verified in like manner, set-
12 ting forth such change.

1 24. No privilege or franchise hereafter granted to any public utility as herein
2 defined, by any political sub division of this State, shall be valid until approved by
3 said board, such approval to be given when, after hearing, said board determines that
4 such privilege or franchise is necessary and proper for the public convenience and
5 properly conserves the public interests, and the board shall have power in so approv-

6 ing to impose such conditions as to construction, equipment, maintenance, service
7 or operation as the public convenience and interests may reasonably require.

1 25. Every municipality operating any form of public utility service shall keep
2 the accounts thereof in the manner prescribed by the board for the accounting of
3 similar public utilities, and shall file with said board such statements thereof as it
4 may be directed so to do by said board.

IV.

1 26. All hearings and investigations held by the board or any member thereof
2 shall be governed by rules adopted by the board, and in the conduct thereof neither
3 the board nor such member shall be bound by the technical rules of legal evidence.

1 27. The board shall have power to compel the attendance of witnesses and the
2 production of tariffs, contracts, papers, books, accounts and all other documents, and
3 any member of the board shall have power to administer oaths to all witnesses who
4 may be called before the board or any member thereof. Subpoenas issued by the
5 board shall be signed by one of the members thereof and by the secretary, and may
6 be served by any person of full age. The fees of witnesses required to attend be-
7 fore the board shall be one dollar for each day's attendance and three cents for
8 every mile of travel, by the nearest generally traveled route, in going to and from
9 the place where the attendance of the witness is required, such fees to be paid when
10 the witness is excused from further attendance, and the disbursements made in
11 payment of such fees shall be audited and paid in the same manner provided for
12 the payment of expenses of the board; *provided, however,* that no witness subpoenaed
13 at the instance of parties other than the board shall be entitled to compensation from
14 the State for attendance or travel, unless the board shall certify that his testimony
15 was material to the matter investigated. If a person subpoenaed to appear before
16 the board, or a member thereof, fails to obey the command of such subpoena with-
17 out reasonable cause, or if a person in attendance before the board or a member
18 thereof, refuses, without lawful cause, to be examined as to any matter called on for

16 nent question, or to produce a book or paper, when ordered so to do by the board,
17 or any member thereof, the board or such member thereof may apply to the Supreme
18 Court or any justice thereof, who shall have the power of the court for that purpose,
19 upon proof, by affidavit of the facts, for an order returnable in not less than two
20 nor more than ten days, directing such person to show cause before the court, or the
21 justice thereof who made the order, or to any other justice, why he should not
22 comply with the subpoena or order of the board; upon the return of such order the
23 court or justice before whom the matter shall come on for hearing, shall examine
24 under oath such person whose testimony may be relevant, and such person shall be
25 given an opportunity to be heard, and if the court or justice shall determine that
26 such person refused without legal excuse to obey the command of such subpoena, or
27 to be examined, or to answer a legal or pertinent question, or to produce a book
28 or a paper which he was ordered to produce, said court or justice may order said per-
29 son to comply forthwith with the subpoena or order of the board, and any failure
30 to obey such order of the court or justice may be punished by said court or justice
31 as a contempt of said Supreme Court.

32 18. The board or any party may, in any investigation or hearing, by its order in
33 writing, cause the depositions of witnesses residing within or without the State to
34 be taken in such manner as it may, by rule, prescribe.

35 19. No person shall be excused from testifying or from producing any book,
36 document or paper in any investigation or inquiry by or upon the hearing before said
37 board or any member thereof, when ordered so to do by the board or any member
38 thereof, upon the ground that the testimony or evidence, book, document or paper
39 required of him may tend to incriminate him or subject him to penalty or forfeit-
40 ure, but no person shall be prosecuted, punished or subjected to any penalty or for-
41 feiture for or on account of any act, transaction, matter or thing concerning which
42 he shall, under oath, have testified or produced documentary evidence; *provided,*
43 *however,* that no person so testifying shall be exempt from prosecution or punish-
44 ment for any perjury committed by him in his testimony. Nothing herein con-
45 tained is intended to give, or shall be construed in any manner giving, to any cor-

12 poration immunity of any kind. No member or employe of the board shall be re-
 13 quired to give testimony in any civil suit to which the board is not a party, with
 14 regard to information obtained by him in the discharge of his official duty.

1 30. Copies of all official documents and orders filed or deposited in the office
 2 of the board, certified by a member of the board, or by the secretary to be true
 3 copies of the originals, under the official seal of the board, shall be evidence in like
 4 manner as the originals in all courts of this State, and the board may charge and
 5 collect for such copies ten cents for each folio; the fees so collected shall be paid
 6 into the treasury of the State.

1 31. The board, at any time, may order a re-hearing and extend, revoke or
 2 modify any order made by it.

1 32. Every order made by the board shall be served upon the person or public
 2 utility, as herein defined, affected thereby, within ten days from the time said order
 3 is filed, by personally delivering or by mailing a certified copy thereof, in a sealed
 4 package, with postage prepaid, to the person to be affected thereby, or in case of a
 5 public utility, to any officer or agent thereof, upon whom a summons may be served
 6 in accordance with the provisions of the law of this State. All orders of the board
 7 to continue service or rates in effect at the time said order is made shall be immedi-
 8 ately operative; all other orders shall become effective upon the date specified
 9 therein, which shall be at least twenty days after the date of said order.

1 33. In default of compliance with any order of the board when the same shall
 2 become effective the person or public utility affected thereby shall be subject to a
 3 penalty of one hundred dollars per day for every day during which such default con-
 4 tinues, to be recovered in an action of debt in the name of the State, and the enforce-
 5 ment of the orders of the board may be enforced by mandamus in the proper courts, or in
 6 private cases, or by suit in equity to compel the person or public utility to comply with
 7 orders so made, or of the duties imposed by the general public utility law.

1 34. Any person who shall knowingly or willfully obstruct or hinder the board
 2 or participate in performing, committing, or causing, when he is a public utility
 3 willfully cause, participate or attempt to obstruct or hinder the board in the discharge

4 poration or company to do, perform or commit, or who shall advise, solicit, persuade,
5 or knowingly and willfully instruct, direct or order any officer, agent or employe
6 of any public utility corporation or company to perform, commit or do any act or
7 thing forbidden or prohibited by this act, shall be guilty of a misdemeanor.

1 35. Any person who shall knowingly and willfully neglect, fail or omit to do
2 or perform, or who shall knowingly and willfully cause or join or participate with
3 others in causing any public utility corporation or company to neglect, fail or omit
4 to do or perform, or who shall advise, solicit or persuade, or knowingly and will-
5 fully instruct, direct or order any officer, agent or employe of any public utility
6 corporation or company to neglect, fail or omit to do any act or thing required to be
7 done by this act shall be guilty of a misdemeanor.

1 36. Any public utility corporation which shall perform, commit or do any act
2 or thing hereby prohibited or forbidden, or which shall neglect, fail or omit to do
3 or perform any act or thing hereby required to be done or performed by it, shall
4 be guilty of a misdemeanor.

1 37. This act shall not have the effect to release or waive any right of action
2 by the board or by any person for any right, penalty or forfeiture which may have
3 arisen or which may arise, under any of the laws of this State, and any penalty or
4 forfeiture enforceable under this act shall not be a bar to or affect a recovery for
5 a right, or affect or bar any indictment against any public utility as herein defined,
6 or person or persons operating such public utility, its officers, directors, agents or
7 employes.

1 38. Any order made by the board may be reviewed on the application of any
2 person or public utility affected thereby, by certiorari in appropriate cases, or by
3 petition, to the Supreme Court of the State of New Jersey, within thirty days from
4 the date upon which such order becomes effective, as herein provided; said petition
5 shall be filed with the clerk of the Supreme Court and a copy thereof served upon
6 the secretary of the board either personally or by leaving same at the office of said
7 board in the city of Trenton. The Supreme Court is hereby given jurisdiction to re-
8 view said order of the board, and to set aside such order when it clearly appears

9 that there was no evidence before the board to support reasonably such order, or
 10 that the same was without the jurisdiction of the board. The evidence presented
 11 to the board, together with the finding of the board and any order issued thereon
 12 shall be certified by the board to the Supreme Court. The procedure for review, ex-
 13 cept as herein provided, shall be prescribed by rules of the Supreme Court.

1 39. The allowance of a writ of certiorari or the institution of any proceeding to
 2 review any order of the board by the Supreme Court as aforesaid, shall in no case
 3 supersede or stay the order of the board, unless the Supreme Court, or a justice
 4 thereof, shall so direct, and the appellant may be required by the Supreme Court
 5 or a justice thereof, to give bond in such form and of such amount as the Supreme
 6 Court, or the justice thereof allowing the stay, shall require.

1 40. Any proceeding in any court of this State directly affecting an order of
 2 the board or to which the board is a party, shall have preference over all other civil
 3 proceedings pending in such court.

1 41. Nothing in this act shall be construed to prevent the issue by any steam
 2 railroad, street railway, traction, canal, express, telegraph, or other public utility,
 3 or other common carriers, of free passes or franks to their employees, officers,
 4 agents, surgeons, physicians, attorneys at law, and their families, and the issue by
 5 between said public utilities and common carriers, of passes or franks to their em-
 6 ployes, officers, agents, surgeons, physicians, attorneys at law, and their families.

1 42. If, for any reason, any section or provision of this act shall be questioned
 2 in any court, and shall be held to be unconstitutional or invalid, no other section or
 3 provision of this act shall be affected thereby.

1 43. All acts or parts of acts inconsistent herewith are hereby repealed, and this
 2 act shall take effect on the first day of May, Anno Domini one thousand nine hun-
 3 dred and eleven.

48:2-17 adds the requirement that every public utility provide the Board with the names of people who may be contacted in case of an emergency.

48:2-21 which in general specifies the procedure to be followed by the Board and public utilities with respect to rates, is amended to extend the time for completion of proceedings concerning existing rates from 6 months to 10 months. Where rates are proposed to be increased on petition of a public utility, the first suspension period of 3 months is extended to 6 months and the second suspension period of 3 months is extended to 4 months.

The most significant change with respect to rates is contained in a new section which has as its purpose the elimination of proof of rate base in any proceeding in which the Board is to make a determination as to the justness and reasonableness of existing or proposed rates. The particular instances in which a rate base need not be found are:

- (a) where the operating expenses exceed the operating revenues; and the proposed increase will not result in operating income.
- (b) where the operating revenues exceed the depreciated book cost of utility plant; and
- (c) where the rate involved is an initial rate.

A new section has been added to authorize the Board to fix temporary rates to be charged pending final determination in any rate proceeding.

Another new provision authorizes the filing with the Board of a written stipulation extending suspension periods or waiving the effective date of any tariff or rate.

48:2-23 provides for the continuation of service pending a hearing.

48:2-24 has been amended to require all public utilities to obtain approval of the Board before discontinuing, curtailing, or abandoning any service.

Under a new section the Board may order the continuation of service at any time prior to a final determination.

48:2-26 which empowers the Board to order junction points and connections by railroads has been amended to include operation over the junction points.

NJ
KA 6.2
47
1960a

N.J. Board of Public Utility
Commissioners
Revisions of Title 48 - P.U.C.

C. Rates, Fares and Charges.

48A:2-44. Tariffs; contents and maintenance on files.

Every public utility shall maintain on file with the Commission, open to public inspection, a tariff or tariffs showing all rates, fares and charges demanded or received for all products and services supplied by it, as a public utility, within this State, and the classifications thereof, if any, and describing all facilities furnished in connection therewith and containing all rules and regulations prescribing the terms and conditions under which all such products and services are supplied or which in anywise affect or determine any such rates, fares or charges or the character of such product or services.

Source. R.S. 48:2-21.

48A:2-45. Rules regulating tariffs.

The Commission may make, alter and repeal rules prescribing the manner and form in which such tariffs and schedules shall be prepared, arranged, supplemented, superseded, amended or cancelled.

Source. R.S. 48:2-21.

NJ
KA6.2
48A
1959c

N.J. Legislature. Commission on
Statute Revision
Proposed Revision of New Jersey
Public Utility laws. Third Draft.

48A:2-46. Discrimination as to rates, fares and charges prohibited; exceptions. No public utility shall demand or receive any greater, less or different compensation than the rates, fares and charges, which are specified in its tariff or tariffs then in effect, or rebate, refund or remit, in any manner or by any device, any sum or sums in reduction of, or any part of, the rates, fares and charges so specified, except as adjustments are provided for in such tariff or tariffs or as are authorized by rule or order of the Commission for the correction of errors, interruption of service or compromise of doubtful claims.

Source. New.

48A:2-47. Change in rates, fares and charges, etc.

No change shall be made in any rate, fare or charge or classification thereof or in any rule or regulation set forth in any filed tariff, except after filing a superseding tariff or applicable part thereof setting forth the proposed new rate, fare, charge, classification, rule or regulation and the time when the same is to go into effect, which time shall be not less than 30 days after such filing unless the Commission shall, for good cause shown, by rule or order permit the same to become effective at an earlier time.

Source. R.S. 48:2-21.

48A:2-48. Hearings as to rates, fares, charges, etc. and suspension pending hearings.

The Commission may, upon its own motion or otherwise, fix a time for a hearing as to whether or not any rate, fare, charge, classification, facility, rule or regulation set forth or changed in any tariff or schedule filed with it is just and reasonable, of which hearing not less than ten days' notice shall be given.

The Commission may, pending any such hearing, suspend the operation of any superseding tariff or schedule until the determination upon such hearing, but not longer than 90 days beyond the time when the same would have gone into effect. If such hearing shall not have been concluded within said period the Commission may, during such hearing, extend the time of suspension until the determination upon such hearing but not longer than a further period of 90 days.

Source. R.S. 48:2-21.1

48A:2-49. Bonds; filing of in lieu of suspension of rates, fares, charges, etc.; terms, etc.; surety, when required.

In event that any public utility shall file with the Commission a bond, to the State of New Jersey, conditioned upon repayment, in the manner to be prescribed by order of the Commission, to the class or classes of customers entitled thereto, of an amount equal to the excess, if any, of the return, adjusted for taxes, under any rate, fare, charge, classification, facility, rule or regulation changed in any superseding tariff or schedule filed

with the Commission and placed in effect, over the return allowable under the rate, fare, charge, classification, facility, rule or regulation finally found to be just and reasonable, the Commission shall not suspend the taking effect of, nor determine and prescribe any temporary rate, fare or charge to be effective in lieu of the rate, fare, charge, classification, facility, rule or regulation so changed. The bond shall be in such amount, to be fixed by the Commission, as shall be reasonable and shall not be in excess of the amount of the additional annual revenues estimated by the Commission to be produced by the increase in rates or charges provided for in such superseding tariff or schedule and it shall be in such form, not inconsistent with the provisions of this section, as shall be prescribed by the Commission.

If the public utility has any securities outstanding which are legal for investment by life insurance companies under the laws of this State or in any other case, and if the Commission shall by order so determine, the bond may, at the option of the public utility, be a bond without surety but otherwise it shall have surety approved by the Commission.

Source. New.

48A:2-50. Bonds; recovery upon in case of default and application of proceeds. Any such bond shall be sued upon, in case of default, by the Commission and all moneys recovered thereon shall be applied in accordance with the condition thereof in such manner as shall be ordered by the Commission.

Source. New.

48A:2-51. Just and reasonable rates, fares, charges, etc.;
when to be fixed. If the Commission finds, as a result of a
hearing held thereon, that

(1) any rate, fare or charge for any product or
service supplied by any public utility, as such,
within this State; or

(2) any classification of any such rate, fare
or charge; or

(3) any facility furnished in connection with
the supplying of any such product or service; or

(4) any rule or regulation which in anywise
changes, affects or determines any part or the
aggregate of any such rate, fare or charge or the
value of such product or service;

in effect or to take effect in this State, is unjust, un-
reasonable, insufficient, unjustly discriminatory or unduly
preferential, it may by order prescribe a just and reasonable
one, but all rates and charges prescribed for demurrage shall
conform as nearly as possible to the rates and charges there-
for prescribed and fixed by the Interstate Commerce Commission
for similar service.

Source. R.S. 48:2-21.

48A:2-52: Existing rates, fares, charges, etc.; determination of justness or reasonableness of; finding of facts.

In arriving at any determination as to the justness or reasonableness of any such existing rate, fare or charge or in prescribing a just and reasonable rate, fare or charge, the Commission shall not be bound -

1. To follow any formula, or
2. To find a rate base, if it determines that
 - (a) the direct expense of conducting the operation, for which the rate, fare or charge is established, computed on the basis of the 12 months next preceding the month in which the proceeding is initiated, exceeds the revenue from such operation, during said period, under the existing rates, fares or charges and that the revenue under the proposed increased rates, fares or charges will not exceed such operating expenses, or

- (b) the gross operating revenue of the public utility, computed on the basis of the 12 months next preceding the month in which the proceeding is initiated, exceeds the depreciated book cost of its property used and useful in its business as a public utility.

When the Commission shall prescribe a rate, fare or charge without finding a rate base, it shall, in its determination; make a finding of the facts on the basis of which it prescribed such rate, fare or charge.

Source. New.

48A:2-53. Temporary rates, fares, charges, etc. during pendency of proceedings. The Commission may, during the pendency of any proceeding instituted as the result of the filing by any public utility of a superseding tariff proposing any change in rates, fares or charges to be demanded or received by the public utility for any product or service supplied, if in its judgment the public interest so requires, immediately determine and prescribe temporary rates, fares or charges to be demanded or received by said public utility pending the final determination of said proceeding, which temporary rates, fares or charges shall be sufficient,

(1) In any case in which the Commission is required to find a rate base, to provide a return of not less than 5% upon the original cost, less accrued depreciation, of the physical property of said public utility, used and useful in its operations as a public utility; or

(2) In any other case, to enable such public utility to meet its current operating expenses pending the determination of the proceeding.

Source. New.

48A:2-54. Original costs less depreciation; estimate by Commission; when permitted.

If such original costs less accrued depreciation of any such property are not shown upon the duly verified reports of the public utility, the Commission may estimate such costs less depreciation in determining and prescribing temporary rates, fares and charges, in the manner hereinbefore provided.

Source. New.

A-352, 1961
According to the Legislative Index, Bill did not pass.

ASSEMBLY, No. 352

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1961

By Assemblyman KEEGAN

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT concerning public utilities, revising, repealing and supplementing parts of Title 48 of the Revised Statutes and supplements thereto.

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

1 1. Section 48:2-2 of the Revised Statutes is amended to read as follows:

2 48:2-2. The board [shall organize annually by the election of a president
3 and] shall have a common seal. It shall appoint a secretary, *assistant secre-*
4 *taries*, counsel and such other employees as it may deem necessary and fix
5 their duties and terms of service. It shall fix the compensation of all officers
6 and employees, subject to the provisions of Title 11, Civil Service, except
7 where otherwise provided by statute.

1 2. Section 48:2-4 of the Revised Statutes is amended to read as follows:

2 48:2-4. The secretary *or in his absence an assistant secretary* shall keep
3 full and correct minutes of all the transactions and proceedings of the board
4 and perform the other duties required of him. He shall be the official reporter
5 of the proceedings of the board.

1 3. Section 48:2-5 of the Revised Statutes is amended to read as follows:

2 48:2-5. The *president and other* members of the board shall each receive
3 [an annual compensation of \$12,000.00, to be paid by the Treasurer of the
4 State.] *such salaries as shall from time to time be fixed by law.*

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 4. Section 48:2-6 of the Revised Statutes is amended to read as follows:

2 48:2-6. The members, [and] secretary, *assistant secretaries* and other
3 employees of the board shall be entitled to receive from the State their neces-
4 sary traveling expenses while traveling on the business of the board. Such
5 traveling expenses shall be paid on proper voucher therefor approved by the
6 president of the board.

1 5. Section 48:2-8 of the Revised Statutes is amended to read as follows:

2 48:2-8. No member or employee of the board shall have any official or
3 professional relation or connection with, or hold any stock or securities in, any
4 public utility as herein defined, operating within this State, or hold any other
5 office of profit or trust under the government of this State or of the United
6 States; but the inhibition herein contained shall not apply to anyone holding
7 any municipal office under the government of this State, [or the office of com-
8 missioner appointed by the chancellor under the provisions of an act entitled
9 "An act to provide for the revision and consolidation of the public statutes of
10 this State," approved March 12, 1925 (L. 1925, c. 73, p. 244).] *or commissions*
11 *or other offices in the Armed Forces of the United States.*

1 6. Section 48:2-9 of the Revised Statutes is amended to read as follows:

2 48:2-9. The board shall furnish its secretary *or in his absence an as-*
3 *sistant secretary* such of its findings and decisions as, in its judgment, may be
4 of general public interest. The secretary *or in his absence an assistant secre-*
5 *tary* shall compile the same for the purpose of publication in a series of
6 volumes to be designated "Reports of the Board of Public Utility Commis-
7 sioners of the State of New Jersey," which shall be published in such form
8 and manner as may be best adapted for public information and use. Such pub-
9 lications shall be competent evidence of the reports and decisions of the com-
10 mission therein contained without any further proof or authentication thereof.
11 The contents of the reports shall not be under the supervision or control of
12 the official State editor.

1 7. Section 48:2-10 of the Revised Statutes is amended to read as follows:

2 48:2-10. Copies of all official documents and orders filed or deposited in
3 the office of the board, certified by a member thereof or the secretary to be true
4 copies, under the official seal of the board, shall be evidence in like manner as
5 the originals in all courts of this State. The board may charge and collect for
6 such copies **[\$0.10 for each folio]** *in accordance with section 48:2-56*. The
7 fees so collected shall be paid into the treasury of the State.

1 8. Section 48:2-11 of the Revised Statutes is amended to read as follows:

2 48:2-11. The board shall report annually on or before January **[1]** 15,
3 to the Governor, making such recommendations as it may deem proper. The
4 report shall be laid before the next succeeding Legislature.

1 9. Section 48:2-13 of the Revised Statutes is amended to read as follows:

2 48:2-13. The board shall have general supervision and regulation of and
3 jurisdiction and control over all public utilities as hereinafter in this sec-
4 tion defined and their property, property rights, equipment, facilities and
5 franchises so far as may be necessary for the purpose of carrying out the
6 provisions of this Title.

7 The term "public utility" shall include every individual, copartnership,
8 association, corporation or joint stock company, their lessees, trustees or re-
9 ceivers appointed by any court whatsoever, *their successors, heirs or assigns*,
10 that now or hereafter may own, operate, manage or control within this State
11 any **[steam]** railroad, street railway, traction railway, autobus, canal, ex-
12 press, subway, pipe line, gas, electric light, heat, power, water, oil, sewer,
13 telephone or telegraph system, plant or equipment for public use, under
14 privileges granted or hereafter to be granted by this State or by any politi-
15 cal subdivision thereof.

16 Nothing contained in this Title shall extend the powers of the board to
17 include any supervision and regulation of, or jurisdiction and control over
18 any vehicles engaged in the transportation of passengers for hire in the
19 manner and form commonly called taxicab service unless such service be-
20 comes or is held out to be regular service between stated termini; hotel

21 busses used exclusively for the transportation of hotel patrons to or from
22 local railroad or other common carrier stations, including local airports, or
23 bus employed solely for transporting school children and teachers, *to and*
24 *from school*, or any autobus with a carrying capacity of not more than 10
25 passengers now or hereafter operated under municipal consent upon a route
26 established wholly within the limits of a single municipality, which route does
27 not in whole or in part parallel upon the same street the line of any street
28 railway or traction railway or any other autobus route.

1 10. Section 48:2-16 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-16. The board may, **[after hearing,]** upon notice, by order in
4 writing, require every public utility:

5 (a) To comply with the laws of the State and any municipal ordinance
6 relating thereto, and to conform to the duties imposed upon it thereby or by
7 the provisions of its own charter, whether obtained under general or special
8 law of this State.

9 (b) To keep its books, records and accounts so as to afford an intelligent
10 understanding of the conduct of its business and to that end require every
11 public utility of the same class to adopt a uniform system of accounting.
12 **[Such system shall conform, in so far as in the judgment of the board is**
13 **practicable, to any system adopted or approved by the interstate commerce**
14 **commission.]**

15 (c) To furnish **[annually]** *periodically* a detailed report of finances and
16 operations in such form and containing such matters as the board may from
17 time to time **[by order]** prescribe.

18 (d) To give such notice to the board as the board may by rule require,
19 of any and all accidents which may occur within the State upon the property
20 of any public utility directly or indirectly arising from or connected with its
21 maintenance or operation, and **[to]** *the board may* investigate any such acci-
22 dent and **[to]** make such order or recommendation with respect thereto as
23 in its judgment may be just and reasonable.

1 11. Section 48:2-17 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-17. The board may require every public utility to file with the board
4 a statement in writing, verified by the oaths of the president and secretary
5 of the public utility, setting forth the name, title of office or position and
6 post-office address, and the authority, power and duties of every officer,
7 member of the board of directors, trustees, executive committee, superinten-
8 dent, chief or head of construction and operation, or department, division or
9 line of construction and operation thereof, in such form as to disclose the
10 source and origin of each administrative act, rule, decision, order or other
11 action of the corporation.

12 Every public utility shall, within 10 days after any change is made in
13 the title of, or authority, powers or duties appertaining to any such office
14 or position or the person holding the same, file with the board a like state-
15 ment, verified in like manner, setting forth such change.

16 *Every public utility shall file with the board the name, address and tele-*
17 *phone number of the person or persons whom the board may contact, at any*
18 *time, in the event of an emergency.*

1 12. Section 48:2-21 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-21. (a) The board may require every public utility to file with it
4 complete schedules of every classification employed and of every individual
5 or joint rate, toll, fare or charge made, charged or exacted by it for any
6 product supplied or service rendered within this State, as specified in the
7 requirement.

8 (b) The board may after hearing, upon notice, by order in writing:

9 1. Fix just and reasonable individual rates, joint rates, tolls, charges
10 or schedules thereof, as well as commutation, mileage and other special
11 rates which shall be imposed, observed and followed thereafter by any
12 public utility, whenever the board shall determine any existing rate, toll,
13 charge or schedule thereof, commutation, mileage or other special rate

14 to be unjust, unreasonable, insufficient or unjustly discriminatory or
15 preferential. In every such proceeding the board shall complete and
16 close the hearing and enter its final order within [6] 10 months after
17 the filing of the order of the board initiating such proceeding, when such
18 proceeding is on the board's own motion; and within [6] 10 months
19 after issue is joined through the filing of an answer to a complaint,
20 when such proceeding is initiated by complaint.

21 2. Fix just and reasonable joint rates, which shall be charged, en-
22 forced, collected and observed by railroads and street railroads in the
23 carrying of freight. Whenever the railroads or street railroads in-
24 volved fail to agree upon the apportionment or division of a joint rate
25 so established, the board may issue a supplemental order declaring the
26 apportionment or division of the joint rate.

27 (c) The board may fix the rates or charges to be made by any corpora-
28 tion subject to the provisions of this chapter for the detention of a railroad
29 car containing property transported by railroad to any point in this State
30 or for the use of railroad tracks occupied by such car, commonly called de-
31 murrage or car service, or for both such detention and use. Such rates and
32 charges shall conform as nearly as possible to the rates and charges for de-
33 murrage or car service prescribed and fixed by the Interstate Commerce Com-
34 mission for similar service.

35 (d) When any public utility shall increase any existing individual rates,
36 joint rates, tolls, charges or schedules thereof, as well as commutation, mile-
37 age and other special rates, or change or alter any existing classification,
38 the board, either upon written complaint or upon its own initiative, shall have
39 power after hearing, upon notice, by order in writing to determine whether
40 the increase, change or alteration is just and reasonable. The burden of
41 proof to show that the increase, change or alteration is just and reasonable
42 shall be upon the public utility making the same. The board, pending such
43 hearing and determination, may order the suspension of the increase, change
44 or alteration until the board shall have approved the same, not exceeding

45 [3] 6 months. If the hearing shall not have been concluded within such
 46 [3] 6 months the board may during such hearing and determination order
 47 a further suspension for an additional period not exceeding, [3] 4 months.
 48 The board shall approve the increase, change or alteration upon being satis-
 49 fied that the same is just and reasonable.

1 13. Section 48:2-21.1 of the Revised Statutes is amended to read as
 2 follows:

3 48:2-21.1. The board may, during the pendency of any hearing instituted
 4 by it, on its own initiative or on [complaint] *petition*, in which the approval
 5 or fixing of just and reasonable individual rates, joint rates, tolls, charges
 6 or schedules thereof, as well as commutation, mileage or other special rates
 7 is in issue, or at any other time, negotiate and agree with any public utility
 8 for an adjustment of the individual rates, joint rates, tolls, charges or sched-
 9 ules thereof, as well as commutation, mileage or other special rates for any
 10 product or service supplied or rendered by such public utility. Such ad-
 11 justment may be for, or without, a specified limit of time. In no event shall
 12 any such adjustment be regarded as contractual. Such adjustment shall
 13 at all times be subject to change through the proceedings provided for by
 14 this chapter, or through negotiation and agreement under this section. The
 15 board as a part of any such negotiation and adjustment shall provide for
 16 the continuance, suspension or other disposition of any hearing of the char-
 17 acter aforesaid then pending.

1 14. Section 48:2-23 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:2-23. The board may, after hearing, upon notice, by order in writing,
 4 require any public utility to furnish safe, adequate and proper service and
 5 to maintain its property and equipment in such condition as to enable it to
 6 do so.

7 *The board may, pending any such hearing, require any public utility to*
 8 *continue to furnish safe, adequate and proper service and to maintain its*
 9 *property and equipment in such condition as to enable it to do so.*

1 15. Section 48:2-24 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-24. [Except as hereinafter provided, if any public utility shall dis-
4 continue service and the board after hearing upon notice shall find and de-
5 termine that service should be resumed, the board may order that service
6 be resumed forthwith or on such date as it may fix.]

7 No [railroad maintaining passenger service] *public utility* shall discon-
8 tinue, curtail or abandon [such] *any* service without obtaining permission
9 from the board, after notice. [and hearing, upon a finding that the discon-
10 tinuance, curtailment or abandonment, of such service will not interfere
11 with the public convenience and necessity and that there is adequate sub-
12 stitute service available.] *The board may withhold permission until after*
13 *hearing to determine if the discontinuance, curtailment or abandonment will*
14 *adversely affect public convenience and necessity. With respect to common*
15 *carriers the provisions of this paragraph shall apply only to service oper-*
16 *ated in accordance with base schedules on file with the board.*

17 *A public utility may terminate service for a violation of the terms of its*
18 *approved tariffs on file with the Board of Public Utility Commissioners upon*
19 *giving the customer at least 3 days' notice of such termination unless other-*
20 *wise provided for by rules, regulations or orders of the board, except that*
21 *in those situations where a hazardous condition prevails the utility may termi-*
22 *nate service without notice.*

23 *If any public utility shall discontinue, curtail or abandon service and the*
24 *board after hearing upon notice shall find and determine that service should*
25 *be resumed, the board may order that service be resumed forthwith or on*
26 *such date as it may fix.*

1 16. Section 48:2-26 of the Revised Statutes is amended to read as follows:

2 48:2-26. The board may, after hearing, upon notice, by order in writing:

3 (a) Direct any railroad, street railway or traction company to establish
4 and maintain at any junction or point of connection or intersection with any
5 other line of said road, or with any line of any other railroad, street railway,

6 or traction company, such just and reasonable connections as shall be neces-
 7 sary to promote the convenience of passengers or shippers of property *and*
 8 *require the carriers involved to operate thereon;*

9 (b) Direct any railroad, street railway or traction company engaged in
 10 carrying merchandise to construct, maintain and operate, upon reasonable
 11 terms, a switch connection with any private sidetrack which may be con-
 12 structed by any shipper to connect with the railroad or street railway where,
 13 in the judgment of the board, such connection is reasonable and practicable
 14 and can be put in with safety and will furnish sufficient business to justify the
 15 construction and maintenance of the same.

1 17. Section 48:2-29.2 of the Revised Statutes is amended to read as
 2 follows:

3 48:2-29.2. The board may, after hearing, upon notice, by order in writing,
 4 prohibit or limit the payment of dividends by a public utility if the board,
 5 after such hearing, finds and determines that such public utility fails to com-
 6 ply with any order of the board ascertaining, determining and fixing reasonably
 7 adequate working capital or rates of depreciation or with any order requiring
 8 such public utility by adequate maintenance to keep its property and equip-
 9 ment in condition to furnish safe, adequate, and proper service. Every order
 10 so made by the board shall continue in effect until the board by its **[certificate]**
 11 *order* in writing determines that the conditions on the existence of which the
 12 making of the order was based have been corrected.

1 18. Section 1 of P. L. 1951, c. 357 (C. 48:2-31.1) is amended to read as
 2 follows:

3 1. Whenever there is pending before the Board of Public Utility Commis-
 4 sioners a proceeding instituted by a public utility as defined in section 48:2-13
 5 of the Revised Statutes (hereinafter called "the public utility") for authority
 6 to increase the rates, tolls, fares, or charges made or charged by it for any
 7 product supplied or service rendered within this State, the Attorney General
 8 may employ, on a temporary basis, and, subject to the provisions of this act,
 9 may fix the compensation of, such legal counsel, experts and assistants as in

10 his judgment may be necessary to protect the public interest in such proceed-
 11 ing. The public utility shall pay to the State, in the manner hereinafter pro-
 12 vided, the reasonable compensation and expenses of such legal counsel, ex-
 13 perts and assistants; provided, however, that the total amount which the public
 14 utility may be required to pay pursuant to this act with respect to such pro-
 15 ceeding shall not exceed 1/10 of 1% of its revenues derived in the calendar
 16 year last preceding the institution of such proceeding from its intrastate sales
 17 of the product supplied or intrastate service rendered [the rates, tolls, fares,
 18 or charges for which are the subject matter of such proceeding]. Any and all
 19 amounts paid by the public utility pursuant to this act shall be deemed to be
 20 operating expenses of the public utility.

1 19. Section 48:2-32 of the Revised Statutes is amended to read as follows:

2 48:2-32. All hearings and investigations before the board or any member
 3 thereof *or any hearing examiner designated by the board* shall be governed by
 4 rules adopted by the board. Neither the board nor such member *or hearing*
 5 *examiner* shall be bound by the technical rules of evidence. The members of the
 6 board may sit singly for the purpose of taking testimony in any proceeding.

1 20. Section 48:2-33 of the Revised Statutes is amended to read as follows:

2 48:2-33. The board may compel the attendance of witnesses and the pro-
 3 duction of tariffs, contracts, papers, books, accounts and all other documents.
 4 Any member of the board *or any hearing examiner designated by the board to*
 5 *preside at a hearing* may administer oaths to all witnesses [who may be called
 6 before the board or any member thereof.] Subpœnas issued by the board shall
 7 be signed by 1 of the members thereof and by the secretary, *or an assistant*
 8 *secretary* and may be served by any person of full age.

1 21. Section 48:2-35 of the Revised Statutes is amended to read as follows:

2 48:2-35. If a person subpoenaed to attend before the board or a member
 3 thereof fails to obey the command of the subpoena without reasonable cause,
 4 or if a person in attendance before the board or a member thereof refuses
 5 without lawful cause to be examined or to answer a legal or pertinent ques-
 6 tion, or to produce a book or paper, when ordered so to do by the board or a

7 member thereof, the board or the member may apply to the [Supreme]
 8 *Superior Court* or any [justice] *judge* thereof, upon proof by affidavit of the
 9 facts, for an order returnable in not less than 2 nor more than 10 days, direct-
 10 ing such person to show cause before the court or [justice] *judge* why he
 11 should not comply with the subpoena or order of the board.

12 Upon the return of the order the court or [justice] *judge* before whom
 13 the matter shall come on for hearing shall examine under oath such person
 14 whose testimony may be relevant and such person shall be given an op-
 15 portunity to be heard, and if the court or [justice] *judge* shall determine that
 16 such person refused without legal excuse to comply with the subpoena or the
 17 order of the board, the court or [justice] *judge* may order such person to
 18 comply forthwith with the subpoena or order. Any failure to obey the order of
 19 the court or [justice] *judge* may be punished by the court or [justice] *judge*
 20 as a contempt of the [Supreme] *Superior Court*.

1 22. Section 48:2-38 of the Revised Statutes is amended to read as follows:

2 48:2-38. No member or employee of the board shall be required to give
 3 testimony *or to furnish documents* in a civil suit to which the board is not a
 4 party, with regard to information obtained by him in the discharge of his
 5 official duty.

1 23. Section 48:2-39 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:2-39. The fees of witnesses required to attend before the board shall
 4 be [\\$1.00 for each day's attendance and \$0.03 for every mile of travel, by
 5 the nearest generally traveled route, in going to and from the place where
 6 the attendance of the witness is required] *at the same rates as are pre-*
 7 *scribed by law for attendance under subpoena in the Superior Court of the*
 8 *State.* [The fees shall be paid when the witness is excused from further at-
 9 tendance. The disbursements made in payment of such fees shall be audited
 10 and paid in the manner provided for the payment of expenses of the board.]

11 [No witness subpoenaed at the instance of parties other than the board
 12 shall be entitled to compensation from the State for attendance or travel un-

13 less the board shall certify that his testimony was material to the matter in-
14 vestigated.]

1 24. Section 48:2-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-41. Observance of the orders of the board may be enforced by
4 **mandamus** *complaint in lieu of prerogative writ* or injunction in appropri-
5 ate cases, or by suit in equity to compel the specific performance of the order
6 or of the duties imposed by law upon the public utility affected by the order.

1 25. Section 48:2-43 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-43. Any order made by the board may be reviewed **upon cer-**
4 **tiorari** by the Supreme Court. No certiorari shall be allowed unless applica-
5 tion therefor be made within 30 days from the date upon which the order
6 becomes effective, nor unless notice in writing of the application shall have
7 been given to the board with a copy of the affidavits or proofs upon which
8 the application is based.] *by appeal to the appellate division of the Superior*
9 *Court. Notice of appeal shall be within the time provided by rules of court.*
10 The notice shall be served upon the secretary of the board either person-
11 ally or by leaving it at the office of the board. **in Trenton.** The evidence
12 presented to the board together with the findings and the order issued
13 thereon, shall be certified by the board to the **Supreme Court** *appellate*
14 *division* as its return.

1 26. Section 48:2-46 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-46. The **Supreme** *Superior* Court, *appellate division* is hereby
4 given jurisdiction to review any order of the board and to set aside such
5 order in whole or in part when it clearly appears that there was no evidence
6 before the board to support the same reasonably or that the same was with-
7 out the jurisdiction of the board.

8 No order shall be set aside in whole or in part for any irregularity or
9 informality in the proceedings of the board unless the irregularity or in-

10 formality tends to defeat or impair the substantial right or interest of the
11 prosecutor in certiorari.

1 27. Section 48:2-47 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:2-47. If, with respect to any order brought under review [by cer-
4 tiorari,] it shall appear equitable and just that a rehearing should be had
5 before the board, the [Supreme Court] *Superior Court, appellate division*
6 may order that a rehearing be had before the board upon such terms and
7 conditions as are reasonable. The board shall thereupon proceed to a re-
8 hearing on the evidence upon which the order under review was based, and
9 upon such additional evidence, if any, as may be produced. As the result
10 of the rehearing the board may readopt the order or alter, amend, modify
11 or extend it.

12 The [court of errors and appeals,] *Supreme Court of New Jersey* on
13 appeal from a judgment of the [Supreme Court upon certiorari] *Superior*
14 *Court, appellate division* to review an order of the board, may, whenever it
15 shall deem it equitable and just that a rehearing should be had before the
16 board, remit the record and proceedings before it to the [Supreme Court]
17 *Superior Court, appellate division* to the end that said court may order that
18 such rehearing may be had before the board upon such terms and conditions
19 as are reasonable, as hereinbefore provided.

1 28. Section 1 of P. L. 1959, c. 43 (C. 48:2-56) is amended to read as
2 follows:

3 1. The Board of Public Utility Commissioners is hereby empowered,
4 authorized and required to charge and collect fees and charges for the pur-
5 poses and in the amounts hereinafter set out. [Such fees and charges are
6 applicable to all public utility companies and persons unless otherwise indi-
7 cated.]

8 A. Filing of Annual Reports

	Charge Per Report
9 (1) Sewer [companies]	\$20 00
10 (2) Railroad [companies]	50 00
11 (3) Telephone [companies]	
12 Class A	50 00
13 Class B	20 00
14 (4) Water [companies]	
15 Class A	50 00
16 Classes B and C	20 00
17 Class D	10 00
18 Class E (Income Sheets).....	5 00
19 (5) Bus [companies]	
20 Class A	50 00
21 Class B	25 00
22 Class C	10 00
23 (6) Gas [companies]	50 00
24 (7) Electric [companies]	50 00
25 (8) [Nonoperating] <i>Combination</i> gas and electric	
26 [companies]	[10 00] 100 00
27 (9) Street railway [companies]	<i>20 00</i>
28 [Operating]	20 00]
29 [Nonoperating]	10 00]

30 B. Examination and Audit of Annual Reports

31 (1) The total fee is to be based on reported intrastate operating rev-
32 enues, and, except as noted below for certain interstate **[companies]**
33 *utilities*, will consist of a base charge plus an incremental charge
34 per unit of \$1,000.00 *or fraction thereof* for each such unit in excess
35 of the lower limit of the indicated range.

	If the Reported Operating Revenues Fall within the Range	The Base Charge is	The Incremental Charge per \$1,000 Unit is
36	Under \$10,000	\$10 00	.....
37	\$10,000 to 25,000	15 00	.....
38	25,000 to 50,000	25 00	.....
39	50,000 to 500,000	25 00	\$0 50/M
40	500,000 to 1,000,000	250 00	0 39/M
41	1,000,000 to 5,000,000	445 00	0 15/M
42	5,000,000 to 10,000,000	1,045 00	0 10/M
43	10,000,000 to 50,000,000	1,545 00	0 08/M
44	50,000,000 to 100,000,000	4,745 00	0 07/M
45	100,000,000 to 200,000,000	8,245 00	0 05/M
46	200,000,000 and over	13,245 00	0 03/M

47 (2) Public utilities engaged in interstate commerce who are required to
 48 file annual reports with the board and who derive 50% or more of
 49 their operating revenues from traffic or business originating outside
 50 the State of New Jersey, shall pay a fee for examination and audit
 51 of their annual report in accordance with the following schedule.
 52 The board may establish reasonable rules for the determination of
 53 such intrastate revenues in cases where the same have not been re-
 54 ported.

For Intrastate Revenues

	Within the Range	The Fee is
55	Under \$10,000	\$25 00
56	\$10,000 to 50,000	50 00
57	50,001 to 200,000	75 00
58	200,001 to 500,000	150 00
59	500,001 to 1,000,000	300 00
60	over 1,000,000	500 00

61	C. Pamphlets and Publications	Charge Per Copy
62	(1) Annual report of the Board of Public Utility Commissioners	\$2 00
63	(2) Utility annual report forms	
64	Sewer [companies]	5 00
65	Railroad [companies]	10 00
66	Telephone [companies]	10 00
67	Water [companies]	
68	Large	10 00
69	Small	5 00
70	Income sheets for small water [companies] <i>utilities</i> .	2 00
71	Buses	
72	Class A	10 00
73	Class B	5 00
74	Class C	2 00
75	Gas [companies]	10 00
76	Electric [companies]	10 00
77	Street railway [companies]	10 00
78	(3) Pamphlets containing rules and regulations and all other	
79	pamphlets published by the board	
80	Pamphlets with less than 25 pages	2 00
81	Pamphlets with 25 pages or more but less than 50 pages	2 50
82	Pamphlets with 50 pages or more	2 50
83	Plus \$0.25 for each additional 25 pages or fraction	
84	thereof in excess of 50 pages	
85	(4) Uniform system of accounts.....	10 00
86	(5) Photocopies of documents or reports—per page	1 00
		Charge for Each Year Covered
87	(6) Compilation of board's decisions	\$2 00
88	(7) Statistics of utilities—private and municipal	3 00

89 D. Subpœnas—*Petition for and Issuance*

Charge per
Subpœna

90 (1) **【Issuance of original】** subpœna for the attendance of wit-
91 nesses \$2 00

92 (2) **【Issuance of】** subpœna duces tecum 5 00

93 E. Applications and Petitions Submitted to the Board

94 (1) For approval of issuance of securities or evidences of in-
95 debtedness the filing fee shall be based on the estimated
96 proceeds before costs and expenses of issuance. When
97 the actual proceeds become known, the fee will be ad-
98 justed accordingly. The total filing fee will consist of a
99 base charge plus an incremental charge per unit of
100 \$1,000.00 *or fraction thereof* of proceeds in excess of the
101 lower limit of the range of the indicated block. *In the*
102 *case of stock dividends, the proceeds shall be taken as the*
103 *amount to be transferred from earned surplus account.*

				The Incremental
	If the Proceeds of the		The	Charge per
	Transaction		Base Charge	\$1,000 Unit
	Fall Within the Range		is	is
104	Under \$5,000		\$10 00	.....
105	5,001 to 10,000		15 00	.....
106	10,001 to 20,000		30 00	.....
107	20,001 to 30,000		50 00	.....
108	30,001 to 100,000		50 00	\$0 70/M
109	100,001 to 500,000		99 00	0 60/M
110	500,001 to 1,000,000		339 00	0 50/M
111	1,000,001 to 5,000,000		589 00	0 40/M
112	5,000,001 to 10,000,000		2,189 00	0 35/M
113	10,000,001 to 25,000,000		3,939 00	0 30/M
114	25,000,001 and over		8,439 00	0 25/M

115 (2) For increases in rates or fares, whether by petition, filing
 116 of revised tariff, or by petition for negotiated relief under
 117 R. S. 48:2-21.1, provided that when 2 petitions or a peti-
 118 tion with an amendment relate to 1 and the same increase
 119 only 1 fee shall be charged, the fees are to be based on
 120 the proposed increase in annual operating revenues for
 121 which application is made and will consist of a base
 122 charge plus an incremental charge per unit of \$1,000.00
 123 *or fraction thereof* for each such unit in excess of the
 124 lower limit of the indicated range.

	If the Proposed Increase Falls Within the Range	The Base Charge is	The Incremental Charge per \$1,000 Unit is
125	Up to \$5,000	\$25 00	.....
126	\$5,000 to 30,000	25 00	\$2 00/M
127	30,000 to 100,000	75 00	1 80/M
128	100,000 to 300,000	201 00	1 60/M
129	300,000 to 600,000	521 00	1 40/M
130	600,000 to 1,000,000	941 00	1 20/M
131	1,000,000 to 5,000,000	1,421 00	1 00/M
132	5,000,000 to 10,000,000	5,421 00	0 80/M
133	10,000,000 to 20,000,000	9,421 00	0 60/M
134	20,000,000 and over	15,421 00	0 30/M

135 *Filing of an initial rate, a contract for a special rate of any*
 136 *other document involving a tariff change not otherwise pro-*
 137 *vided for above* \$25 00

138 In addition to the filing fee computed in accordance with
 139 the foregoing **[schedule]**, the public utility **[company]** shall
 140 pay a processing fee of 1/10 of 1% of the *new or initial annual*

141	<i>operating revenues or increase in annual operating revenues</i>	
142	that may be authorized by the board, <i>which fee in no event</i>	
143	<i>shall be less than</i>	\$25 00
144	<i>Filing automatic adjustment clause tariff revision</i>	\$25 00
145	(3) For sales of property or leases of property	
146	(Based on the Consideration or Annual [Net] Rental)	Filing Fee
147	Up to \$1,000	\$10 00
148	\$1,001 to 5,000	25 00
149	5,001 to 10,000	50 00
150	10,001 to 20,000	75 00
151	20,001 to 50,000	150 00
152	50,001 to 100,000	250 00
153	100,001 and over	350 00
154	(4) For approval of mergers	
155	The filing fee for approval of mergers is to be based on	
156	the total utility plant account of the surviving [company]	
157	<i>utility</i> and will be computed according to the schedule of	
158	charges set forth herein for sales of property or leases	
159	of property.	
160	(5) For approval of a municipal consent	20 00
161	Where petition requests approval of more than 1 municipal	
162	consent on the same route for each such additional con-	
163	sent	10 00
164	(6) For rehearing, <i>reopening, reargument or reconsideration</i>	
165	of any matter	15 00
166	(7) For approval of contracts under R. S. 48:3-7.1	100 00
167	(8) For establishment of new railroad-highway crossing at	
168	grade	50 00
169	(9) For grade crossing separation	100 00
170	(10) For relocation or widening of grade crossing	100 00
171	(11) For abandonment of grade crossing	50 00

172	(12) For discontinuance of station agents and stations	50 00
173	[(13) For establishment of radio station	50 00]
174	(13) [(14)] For authority to exercise eminent domain—for each	
175	separate parcel of property involved	100 00
176	(14) [(15)] Any application or petition not herein specifically	
177	designated or described	25 00
178	(15) [(16)] For inspection or test of electric, water or gas	
179	meter	5 00
180	(This fee is to be returned to the customer and col-	
181	lected from the utility in cases where the meter	
182	is found to be registering fast beyond the allow-	
183	able limit of accuracy established by the board.)	
184	F. [Applications Pertaining to Autobus Companies] <i>Auto-</i>	
185	<i>buses or Other Motor Vehicles</i>	Filing Fee
186	(1) For approval of transfer of municipal consents	\$25 00
187	(2) For approval of conditional sale contract, notes or chattel	
188	mortgage based on the principal amount involved	
189	\$5,000 or less	10 00
190	5,001 to \$10,000	15 00
191	10,001 to 25,000	25 00
192	25,001 to 50,000	50 00
193	50,001 to 100,000	75 00
194	Over \$10,000	100 00
195	(3) For changes, extensions or consolidation of existing auto-	
196	bus routes	25 00
197	(4) For approval of leases of equipment	25 00
		Charges
198	(5) For inspection of new bus equipment and issuance of cer-	
199	tificate of compliance—each bus	\$25 00
200	(6) For issuance of duplicate certificate of compliance—each .	2 00

201	(7) For each periodic inspection of autobus by board's inspec-	
202	tor—each bus	5 00
203	G. Miscellaneous	Filing Fee
204	(1) Formal complaints—Costs to be assessed against the re-	
205	spondent utility if the complaint is sustained by the	
206	board	\$25 00
207	(2) Answers to formal complaints	10 00
208	(3) Where the answer sets up a prayer for affirmative relief.	25 00
209	(4) Amendment to any [application] <i>petition</i> or answer	10 00
210	(5) Reports and statements filed by pipeline companies as re-	
211	quired by board's rules issued under the authority of	
212	Title 48, R. S. N. J. <i>except accident reports</i>	200 00
213	(6) Discontinuance of train service that becomes a subject of	
214	public hearing	50 00
		Charge
		Per Copy
215	(7) Extra copy of any decision, order or certificate of the	
216	board	\$2 00
217	Plus a charge for each page exceeding 2 pages	1 00
218	(8) <i>Certification of any document</i>	
219	All filing fees shall be paid at the time of the original filing	
220	of the report, application, petition or other document or	
221	paper in the matter. No pleading will be considered filed	
222	until the appropriate fees are paid. In cases where such	
223	payment is not feasible, as may be determined by the	
224	board, the amount will be due and payable on the presen-	
225	tation of an invoice.	
226	When an [application] <i>petition</i> covers more than 1 matter	
227	or makes a prayer for relief with respect to more than	
228	1 matter, the fee for filing the same shall be the sum of	
229	the fees that would be paid for each individual matter.	

230 When several utilities or [applicants] *petitioners* join in
 231 the filing of a single [application] *petition*, then the fees
 232 herein provided shall apply to each [applicant] *peti-*
 233 *tioner* as may be appropriate.

1 29. The board may on its own motion or on petition, after hearing, re-
 2 voke, modify or amend its approval of any municipal consent upon a finding
 3 that the public utility involved has:

4 (a) failed to perform the duties imposed upon it by the provisions of its
 5 own charter whether obtained under general or special law of this State; or

6 (b) failed to comply with the rules, regulations and orders of the board.

1 30. The board may provide for the examination and audit of all accounts
 2 and may determine the propriety of the allocation and entry of parts of items
 3 to 2 or more accounts, and the propriety of the entry of any items, and of the
 4 account or accounts in which they are entered, upon the books of a public
 5 utility.

1 31. The board's officers and employees may, under direction of the board,
 2 inspect and examine all books, accounts, papers, records and memoranda
 3 kept by any public utility in respect of any matter within the board's juris-
 4 diction and which would not be privileged in any judicial proceeding.

1 32. In arriving at any determination as to the justness or reasonableness
 2 of any existing rate, fare or charge or in prescribing a just and reasonable
 3 rate, fare or charge, the board shall not be bound:

4 1. To follow any formula, or

5 2. To find a rate base, if it determines that

6 (a) the applicable operating expenses plus depreciation and taxes of con-
 7 ducting the business, for which the rate, fare or charge is established, com-
 8 puted on the basis of the 12 months next preceding the month in which the
 9 proceeding is initiated, exceeds the revenue from such operation, during said
 10 period, under the existing rates, fares or charges and that the revenue under
 11 the proposed increased rates, fares or charges will not exceed such operating
 12 expenses, depreciation and taxes, or

13 (b) the gross operating revenue of the public utility, computed on the
 14 basis of the 12 months next preceding the month in which the proceeding is
 15 initiated, exceeds the depreciated book cost of its property used and useful in
 16 its business as a public utility, or

17 (c) the product or service is a new offering and not covered by an exist-
 18 ing rate, fare or charge approved by the board.

19 When the board shall prescribe a rate, fare or charge without finding a
 20 rate base, it shall, in its determination, make a finding of the facts on the basis
 21 of which it prescribed such rate, fare or charge.

1 33. The board may in any rate proceeding involving any public utility, if
 2 it determines that the public interest so requires, fix temporary rates to be
 3 charged pending final determination of said rate proceeding.

4 The board may consider the effect of such temporary rates in fixing rates
 5 to be thereafter charged and collected by said public utility.

1 34. Any public utility may file with the board a written stipulation sub-
 2 ject to the board's approval at any time extending the suspension periods
 3 provided for in this chapter or waiving the effective date of any tariff or rate.

1 35. The board on its own motion or on petition may, at any time prior to
 2 a final determination, order any public utility to render safe, adequate and
 3 proper service or to take any action consistent with public convenience and
 4 necessity.

1 36. The board may, in any order approving the supplying of any product
 2 or service or the installation of any facilities or equipment by any public
 3 utility or requiring any public utility so to do, determine and fix the time
 4 within which such product or service shall be supplied or such facilities or
 5 equipment shall be installed and may provide in any order granting such ap-
 6 proval that the approval thereof shall be subject to such condition.

1 37. Every municipality may intervene in any hearing or investigation
 2 held by the board, which involves public utility rates, fares or charges, service
 3 or facilities, affecting the municipality or the public within the municipality.

1 38. On any argument or hearing had in the Superior Court or the
 2 Supreme Court in any proceeding in review of any order or determination of
 3 the board, the board may appear, and be heard, as a party in said proceeding.

1 39. Section 48:3-7 of the Revised Statutes is amended to read as follows:

2 48:3-7. No public utility shall, without the approval of the board, sell,
 3 lease, mortgage or otherwise dispose of or encumber its property, franchises,
 4 privileges or rights, or any part thereof; or merge or consolidate its property,
 5 franchises, privileges or rights, or any part thereof, with that of any other
 6 public utility.

7 Every sale, mortgage, lease, disposition, encumbrance, merger or consoli-
 8 dation made in violation of this section shall be void.

9 Nothing herein shall prevent the sale, lease or other disposition by any
 10 public utility of any of its property in the ordinary course of business, nor
 11 require the approval of the board to any grant, conveyance or release of any
 12 **[lands]** *property* or interest therein heretofore made or hereafter to be made
 13 by any public utility to the *United States*, State or any county or municipality
 14 *or any agency, authority or subdivision* thereof, for public use.

15 The approval of the board shall not be required to validate the title of
 16 the United States, State or any county or municipality *or any agency, au-*
 17 *thority or subdivision* thereof, to any lands or interest therein heretofore con-
 18 demned or hereafter to be condemned by the United States, State or any
 19 **[agency]**, county or municipality *or any agency, authority or subdivision*
 20 thereof for public use.

1 40. Section 48:3-7.10 of the Revised Statutes is amended to read as
 2 follows:

3 48:3-7.10. Jurisdiction and power is hereby conferred upon the **[Court of**
 4 **Chancery]** *Superior Court, chancery division* of this State, at the suit of the
 5 board, to enforce compliance with sections 48:3-7.8 and 48:3-7.9 of this Title
 6 through sequestration of, or the appointment of a receiver for, the property in
 7 this State of any public utility failing to comply with the same.

1 41. Section 48:3-9 of the Revised Statutes is amended to read as follows:

2 48:3-9. [No public utility shall issue any stocks, stock certificates, bonds,
3 demand notes or other evidence of indebtedness payable in more than 1 year
4 from the date thereof until it shall have first obtained authority from the
5 board for such proposed issue.

6 The board, after hearing, shall approve the proposed issue maturing in
7 more than 1 year from the date thereof when satisfied that the same is to be
8 made in accordance with law and the purpose thereof be approved by the
9 board.]

10 *No public utility shall, unless it shall have first obtained authority from*
11 *the board so to do:*

12 (a) *Issue any stocks, or any bonds, notes or other evidence of indebted-*
13 *ness payable more than 12 months after the date or dates thereof, or extend or*
14 *renew any bond, note or any other evidence of indebtedness so that any ex-*
15 *tension or renewal thereof shall be payable later than 12 months after the*
16 *date of the original instrument, or*

17 (b) *Permit any demand note to remain unpaid for a period of more than*
18 *12 months after the date thereof.*

19 *The board shall approve any such proposed issue, with or without hear-*
20 *ing at its discretion, if it shall deem that such issue is to be made in accord-*
21 *ance with law and the purpose thereof is approved by the board.*

22 The provisions of this act shall not apply to any public utility operating,
23 managing or controlling a [steam] railroad or a railway express which is
24 subject to the rules and regulations from time to time issued by the Interstate
25 Commerce Commission.

1 42. Section 1 of P. L. 1957, c. 130 (C. 48:3-17.2) is amended to read as
2 follows:

3 1. As used herein:

4 (a) "public utility" means any [person, firm, trustee, receiver or corpo-
5 ration of any nature subject to or exercising any privileges under the pro-
6 visions of Title 48 of the Revised Statutes and amendments and supplements
7 thereto:] *public utility defined in 48:2-13;*

8 (b) "right of way" means the area devoted to passing over, on, through
9 or under lands with utility plant facilities as part of a way for such purpose;

10 (c) "easement" or "easement rights" means privileges essential or ap-
11 purtenant to the enjoyment of a right of way; and

12 (d) "street" means any highway, road, street, alley, lane or place dedi-
13 cated to public use whether or not accepted and whether or not subsequently
14 vacated and includes the sidewalk area and other areas between the sidelines
15 thereof.

1 43. Section 48:3-18 of the Revised Statutes is amended to read as follows:

2 48:3-18. Any [corporation] *person* municipal or otherwise, may enter
3 into a written agreement with any other such [corporation] *person* owning
4 or using any poles erected under municipal consent in any street, highway
5 or other public place for the use by the former [corporation] *person* of the
6 poles upon such terms and conditions as may be agreed upon by the [cor-
7 porations] *persons*.

1 44. Section 48:3-19 of the Revised Statutes is amended to read as follows:

2 48:3-19. The consent of the municipality shall be obtained for the use
3 by a [corporation] *person* of the poles of another [corporation] *person* un-
4 less each [corporation] *person* has a lawful right to maintain poles in such
5 street, highway or other public place.

1 45. Section 48:3-28 of the Revised Statutes is amended to read as follows:

2 48:3-28. Whenever any railroad, canal or turnpike company, incorporated
3 under the laws of this State, has become insolvent or failed for 90 days
4 after the same becomes due, to pay the principal or interest on any mortgage
5 on its property and franchise, the [Chancellor,] *Superior Court* upon the
6 application of a creditor, mortgagee or stockholder of the company, may ap-
7 point a receiver or receivers, or 3 trustees, who shall have and exercise all
8 the powers and authority that it is lawful for receivers and trustees to ex-
9 ercise under Title 14, Corporations, General.

10 The receivers or trustees may sell or lease the canal, railroad or turn-
11 pike belonging to the company, together with all its chartered rights,

12 privileges and franchises. The purchasers or lessees of such works, rights,
 13 privileges and franchises shall thereafter hold, use and enjoy the same
 14 during the residue of the term limited in the charter of the company, or dur-
 15 ing the term specified in the lease, in as full and ample a manner as the
 16 stockholders of the company could or might have enjoyed the same, subject,
 17 however, to all the restrictions, limitations and conditions contained in the
 18 charter.

19 Upon filing in the office of the Secretary of State, within 6 months after
 20 the sale or lease, a certificate that they accept the charter of the company
 21 whose property has been sold or leased, under a corporate name different
 22 from that of such company, the purchasers or lessees shall become a corpo-
 23 ration under the name so specified, with all the powers, rights, privileges
 24 and franchises of the former company.

25 The purchasers or lessees, or the corporation formed by them as afore-
 26 said, shall hold and enjoy the same, free and clear of all debts, claims
 27 and demands of creditors, mortgagees or stockholders, who shall look only
 28 only to the fund arising from the sale or lease, which money, as collected,
 29 shall be paid into the [court of chancery.] *Superior Court*. Where the prop-
 30 erty is subject to a mortgage, the [Chancellor] *Superior Court* may, with
 31 the consent of the complainant, or without such consent if the principal is
 32 not due, direct a sale or lease to be made subject to the lien of the mortgage.

1 46. Section 48:3-34 of the Revised Statutes is amended to read as follows:

2 48:3-34. Any totally blind person and guide may be transported by any
 3 street railway, traction railway, [or] autobus company, *or railroad com-*
 4 *pany* at the usual and ordinary fare charged to 1 person, under such reason-
 5 able regulations as may be established by the carrier, anything in this title
 6 to the contrary notwithstanding.

1 47. No public utility shall refuse to furnish or supply service to or for
 2 any building or premises by reason of a bill remaining unpaid by a previous
 3 occupant, providing the person applying for service shall not be in arrears

4 to such company for service previously furnished to or for such building or
5 premises or furnished to or for any other building or premises.

1 48. Whenever any public utility shall disturb the pavement of any street
2 for the construction, reconstruction, repair or removal of its facilities such
3 public utility shall at its own cost and expense restore such pavement in-
4 cluding the base or foundation thereof to the same condition as before the
5 disturbance thereof, to the satisfaction of the governing board or body hav-
6 ing charge of such street.

1 49. Any public utility shall, before installing or relocating any surface
2 or subsurface facilities or equipment, the installation or relocation of which
3 might cause injury and damage to any other public utility and in the absence
4 of any agreement relating thereto, give due and sufficient notice of its inten-
5 tion so to do to the other public utility, and it shall take such measures as
6 may be necessary to safeguard the facilities and equipment of such other
7 public utility from injury or damage by reason thereof. In event that in the
8 installation or relocation of any facilities or equipment by any public utility
9 it shall injure or damage the facilities or equipment of any other public utility,
10 it shall promptly repair or pay the cost of repairing such injury or damage.
11 The other public utility may, if it so desires, give notice to the first public
12 utility that it intends to take such measures as it may deem necessary to safe-
13 guard its facilities and equipment, or to repair any damage which may have
14 been done to its facilities or equipment, by reason of the installation or
15 relocation of the facilities or equipment of the first public utility and in such
16 case the first public utility shall co-operate with the other public utility in
17 taking such measures or making such repairs and shall pay the cost thereof
18 promptly upon demand. It is not intended by the provisions of this section
19 to confer upon any utility rights in the property of another.

1 50. No franchise, privilege, authority or consent to operate a public
2 utility, lawfully granted or given by the State or by any political subdivision
3 thereof, to any natural person individually, or as co-partner with other
4 person or persons, shall lapse or become void by reason of the death of any

5 such person but in any such event the same shall vest in and become the
6 property, of the estate of the deceased person or of such estate and the sur-
7 viving partner or partners and shall be transferable as assets of such estate
8 or of such estate and said surviving partner or partners, with the consent
9 of the board.

1 51. There may be filed with the board a designation containing the
2 name and address of an agent, resident of this State, to act for the estate
3 of such person in case of his death pending the appointment of his personal
4 representative and the lawful authorization of such personal representative
5 to continue to operate such public utility and such agent shall be authorized
6 to operate or participate in the operation of such public utility until such
7 appointment and authorization is made.

1 52. Three or more persons, the majority of whom shall be residents of this
2 State may form a corporation for the purpose of constructing, maintaining
3 and operating an autobus company; canal company; electric light, heat and
4 power company; express company; gas company; oil company; pipe line com-
5 pany; railroad company; sewerage company; steam and water power com-
6 pany; street railway company; subway; telegraph and telephone company;
7 traction railway; or water company.

1 53. Such persons shall execute a certificate of incorporation setting forth:
2 a. The name of the corporation;
3 b. The name of the municipality and the street and number therein, if
4 number there be, in which its principal office in this State is to be located;
5 c. The name of the agent in and in charge of such principal office upon
6 whom process against the corporation may be served;
7 d. The object or objects for which the corporation is formed;
8 e. The amount of the total authorized capital stock of the corporation
9 which shall not be less than \$2,000.00 if it is to have a par value, or the total
10 number of shares of stock authorized; the number of shares into which the
11 same is divided, if it is to have a par value; a statement of whether said
12 shares are to have a par value or to be without par value; if the shares are

13 to have a par value, the par value of each share; the amount of capital stock
14 with which it will commence business, which shall not be less than \$1,000.00;
15 and if there be more than 1 class of stock created by the certificate, a de-
16 scription of the different classes with the terms on which created;

17 f. The names and post office addresses of the incorporators and the
18 number of shares subscribed for by each; the aggregate of such subscrip-
19 tions shall be the amount with which the corporation will commence business;

20 g. The period, if any, limited for the duration of the corporation.

1 54. The certificate of incorporation shall be filed and recorded in the
2 office of the Secretary of State, and recorded in the office of the county clerk
3 of the county wherein the principal office is situate.

1 55. A copy of any certificate of incorporation filed and recorded pursuant
2 to this chapter, certified by the Secretary of State shall be presumptive evi-
3 dence of the incorporation of the company and of the facts therein stated.

1 56. A board of 3 or more directors of every corporation organized under
2 this chapter shall manage its affairs. A majority of said board shall be
3 residents of this State.

4 The directors shall be chosen annually by a majority of the votes of the
5 stockholders voting at such election, in such manner as may be prescribed by
6 the by-laws, and shall continue to be directors until others are elected in
7 their places. Each stockholder shall be entitled to 1 vote for each share of
8 voting stock held by him.

9 Each director shall be a bona fide shareholder in the corporation at the
10 time of his election, or a bona fide shareholder in a corporation holding 25%
11 or more of its capital stock.

12 Any corporation may determine by its certificate of incorporation or
13 by-laws how many shares a person shall hold to qualify him as a director.

14 Any director ceasing to be a bona fide stockholder shall cease to be a
15 director.

16 Vacancies in the board of directors shall be filled in the manner pre-
17 scribed by the by-laws of the corporation.

1 57. If the directors shall declare and pay a dividend when the corpo-
2 ration is insolvent, or pay a dividend, the payment of which renders it in-
3 solvent, or reduces the amount of its capital, they shall be jointly and
4 severally liable for all the debts of the corporation then existing, or there-
5 after contracted while they respectively continue in office.

6 If any director shall before the time fixed for the payment of such
7 dividend object thereto, and shall, within 30 days thereafter, file a certificate
8 of his objection with the secretary of the corporation and with the county
9 clerk, he shall be exempt from such liability.

1 58. The directors shall elect 1 of their number president. They shall
2 also elect a treasurer and secretary, and such other officers and agents as
3 shall be prescribed by the by-laws, and shall fix the salaries to be paid to
4 them and to the president.

1 59. If any certificate, report made or public notice given by the officers
2 of any corporation pursuant to the provisions of this chapter shall be
3 false in any material representation, all the officers signing the same, know-
4 ing it to be false, shall be jointly and severally liable for all the debts of
5 the corporation contracted while they are officers thereof.

1 60. Any corporation organized or to be organized under any law of this
2 State and defined as a public utility in section 48:2-13 of this Title may issue
3 its capital stock without nominal or par value, or change its existing capital
4 stock to stock without nominal or par value, as may be provided for in its
5 charter or certificate of incorporation or any amendment thereof, in the
6 manner prescribed by Title 14, Corporations, General.

7 Nothing herein shall authorize the issue or sale of stock not having par
8 value of any public utility without the approval of the Board of Public Utility
9 Commissioners.

1 61. After the certificate of incorporation is filed and recorded in the
2 office of the Secretary of State, the directors may, in case the whole of the
3 capital stock is not before subscribed, continue to receive subscriptions until
4 the whole capital stock is subscribed.

5 The directors may require the subscribers to pay the remainder of any
6 amount by them respectively subscribed, in such manner and in such install-
7 ments as they may deem proper.

1 62. If any stockholder shall neglect to pay any installment of his sub-
2 scription to the capital stock as required by a resolution of the board of
3 directors, the board may declare his stock, and all previous payments
4 thereon, forfeited to the use of the corporation.

5 The board of directors shall not declare the stock so forfeited until they
6 shall have caused a notice in writing to be served on the stockholder per-
7 sonally, or by depositing the same in the post office properly directed to him
8 at the post office nearest his usual place of residence, stating that he is re-
9 quired to make such payments at the time and place specified in the notice,
10 and that if he fails to make the same, his stock and all previous payments
11 thereon will be forfeited for the use of the corporation. The notice shall be
12 served or mailed as aforesaid, at least 30 days previous to the day on which
13 the payment is required to be made.

14 If the corporation shall not declare the stock forfeited, the neglecting
15 stockholder shall be individually liable to it, for the amount unpaid upon
16 the stock held by him, until the whole amount of the stock held by him shall
17 have been paid.

1 63. The capital stock subscribed for in the certificate of incorporation
2 shall all be paid in, $\frac{1}{2}$ thereof in 1 year and the other $\frac{1}{2}$ within 18 months
3 from the date of incorporation.

1 64. The president and a majority of the directors, within 30 days after
2 the payment of the last installment of the capital stock stated in the certificate
3 of incorporation, shall make, sign and verify a certificate stating the amount
4 of the capital so fixed and paid in, and they shall, within said 30 days, file
5 the same in the office of the Secretary of State.

1 65. No shares of stock of any corporation organized under this chapter
2 shall be transferable of record until all previous calls thereon shall have
3 been fully paid.

1 66. Any of the following types of public utilities now or hereafter organ-
2 ized and existing under and by virtue of any law of this State: electric
3 light, heat and power; canal; gas; pipe line; railroad; underground railroad;
4 sewerage; water power; street railway or traction; telegraph or telephone;
5 or water, in addition to and not in substitution of whatever other right, power
6 and authority it may have and possess, may, subject to the restrictions as
7 provided hereinafter, take or acquire under the provisions of chapter 1 of
8 Title 20, Eminent Domain, such property or other interest therein which may
9 be reasonably necessary for the purposes enumerated for each such utility in
10 the succeeding sections hereto.

1 67. None of the rights and powers conferred by this chapter shall be
2 used or enforced by any such public utility unless the necessary land or other
3 property or any interest therein as stated in this chapter, cannot be acquired
4 from the owner by reason of disagreement as to the price or legal incapacity
5 or absence of the owner, or inability to convey a valid title, or because the
6 names or addresses of the owner or owners may be unknown, or for any other
7 reason.

8 None of the rights and powers conferred by this chapter shall be used or
9 enforced by any public utility until and unless such utility shall have applied to
10 the Board of Public Utility Commissioners upon the petition of such utility
11 and the board, after due notice, including notice to the owner or owners of
12 the land or other property or interest therein to be condemned, and to any
13 other parties having an interest of record therein, if known and resident of
14 this State, and if unknown or not resident of this State, then by such publica-
15 tion as the board shall prescribe, and public hearing, shall have found that
16 the land or other property or interest therein desired is reasonably necessary
17 for the service, accommodation, convenience or safety of the public, and that
18 the taking of such land or other property or interest therein is not incom-
19 patible with the public interest and would not unduly injure the owners of
20 private property. The board is hereby authorized and empowered to deter-
21 mine the necessity as aforesaid for the use of the land or other property or

22 interest therein so sought to be condemned and to make and establish such
23 reasonable rules and regulations governing the form and method of such
24 application and the time and manner of the notice of such public hearing as
25 it may deem proper, and the board shall have full power and authority to
26 enforce the provisions of this section.

1 68. Every canal utility may take and condemn pursuant to sections 66
2 and 67 hereof, such lands, waters and streams as may be necessary for the
3 construction and operation of a canal.

4 No property used by any canal in operation shall be taken, nor shall any
5 canal be interfered with, unless the consent of the utility operating the canal
6 shall be first obtained.

7 The payment or tender of payment of all damages for the occupancy of
8 all lands, whether covered by water or not, shall be made before the utility
9 shall enter upon the premises, except for the purpose of surveying and locat-
10 ing the canal, unless the consent of the owner of the land be first obtained.

1 69. Every utility organized and existing for the purpose of supplying
2 electricity for light, heat or power may exercise the power of eminent domain
3 as provided in sections 66 and 67 hereof in taking or acquiring any land or
4 interest therein which may be reasonably necessary for a right-of-way for
5 the transmission and distribution of electricity to the public.

6 No posts or poles, towers or other structures shall be erected by virtue
7 of the authority given by this chapter in any road, street, or highway, without
8 first obtaining a designation of the location thereof by the governing body,
9 official or commission, having control of the road, street, or highway in which
10 the lands to be condemned shall be located, and such posts or poles, towers
11 or other structures shall be subject to such reasonable regulations as may be
12 imposed by the governing body, official or commission having control of such
13 street, road, or highway and shall be so located as in no way to interfere
14 with the safety and convenience of the persons traveling on or over the said
15 roads, streets, or highway.

1 70. Any gas utility which is empowered to manufacture and sell gas of
2 any type or mixture of gas of various types suitable for light, heat or power,
3 may exercise the power of eminent domain as provided in sections 66 and 67
4 hereof in taking and acquiring any land or other property or any interest
5 therein reasonably necessary for a right-of-way for the transmission to, from
6 or between its plants or for the distribution to the public of gas of any type,
7 whether manufactured gas or natural gas or any mixture of gas of the various
8 types suitable for light, heat or power.

1 71. Pipe line utilities may exercise the power of eminent domain as pro-
2 vided in sections 66 and 67 hereof in taking land and other property neces-
3 sary for public use for right-of-way.

4 Nothing in this section shall be construed to limit or affect the power
5 or jurisdiction of the Department of Conservation and Economic Develop-
6 ment.

1 72. Every sewerage utility desiring to take any lands or to use, occupy
2 and make excavation upon any lands may exercise the power of eminent
3 domain as provided in sections 66 and 67 hereof to take such lands, rights
4 and privileges.

1 73. Every utility formed to construct dams in any of the rivers or
2 streams within this State or between this and another State, for the pur-
3 pose of generating, distributing and selling water power and electric power,
4 may exercise the power of eminent domain as provided in sections 66 and 67
5 hereof in acquiring any waters, streams, lands, property or franchises that
6 may be required for the construction of its dams, canals, raceways and
7 other works.

8 Nothing in this chapter shall impair the rights of any person to an action
9 against the utility for any damage done to his real estate by the construction
10 of the dams, canals, raceways and works where he has not agreed with the
11 utility or where his damages have not been paid and satisfied by the utility
12 under the provisions of this chapter.

1 74. Any utility organized to construct 1 or more dams in any river,
2 stream, or tributary to Barnegat Bay for the purpose of developing and
3 selling electricity may exercise the power of eminent domain as provided in
4 sections 66 and 67 hereof to take any real or personal property, rights, priv-
5 ileges, franchises or easements necessary for its dams, reservoirs, ponds,
6 locks, weirs, gates, bridges, races, canals, power stations and flowage.

1 75. Any street railway or traction utility may exercise the power of emi-
2 nent domain as provided in sections 66 and 67 hereof in taking so much land
3 or property as may be necessary for the construction of any railway built
4 under the provisions of this title either as an extension of the line of any
5 existing railway or a new line, not exceeding 60 feet in width except where
6 a greater amount shall be required for the slopes of cuts and embankments,
7 and such easements of lands lying within or without the limits of any street
8 as may be necessary for the accomplishment of the objects of such utility, or
9 such lands or properties as may be required for the purpose of locating and
10 constructing all necessary works, buildings, conveniences and equipments
11 for the construction and operation of such machinery, engines, boilers or ap-
12 pliances, including the erection of poles for the support of wires and conduits
13 or the making of tunnels or subways for the production or supply of any of
14 the motive power authorized to be used under this title.

1 76. Any telegraph or telephone utility may exercise the power of con-
2 demnation as provided in sections 66 and 67 hereof in taking or acquiring
3 any land or interest therein which may be reasonably necessary for a right-
4 of-way for its line or lines and associated fixtures for the purpose of supply-
5 ing telegraph or telephone service to the public.

1 77. Every water utility desiring to take, use or occupy any lands or
2 to take or divert any spring or stream of water necessary for the rendition
3 of its public utility service may exercise the power of eminent domain as
4 provided in sections 66 and 67 hereof to acquire such lands, rights and
5 privileges.

6 If the owner of any real estate shall not have given his consent in writing
7 to the diversion, or diminution of such spring or stream, and the damage to
8 the real estate by reason of such diversion or diminution shall not have been
9 ascertained and paid pursuant to said chapter 1 of the Title 20, Eminent
10 Domain, then the owner may, by action at law, recover any damages he may
11 sustain by reason of such diversion or diminution. Nothing in this section
12 shall be construed to limit or affect the power or jurisdiction of the Depart-
13 ment of Conservation and Economic Development.

1 78. Any railroad utility may exercise the power of eminent domain as
2 provided in sections 66 and 67 hereof in taking any land and property re-
3 quired for the right-of-way of its main line and branches, not exceeding 200
4 feet in width, unless more shall be required for slopes of cuts or embank-
5 ments or retaining walls, and all such other land and property adjoining
6 such right-of-way as exigencies of business may demand for the erection of
7 freight and passenger depots and all other railroad purposes, and any land
8 and property necessary to comply with any order of the Board of Public
9 Utility Commissioners. In addition, any railroad utility shall have the right
10 to take and acquire, by the exercise of the power of eminent domain as pro-
11 vided in sections 66 and 67 hereof, any land, property or private road as
12 shall be necessary for any branch line or lines, spur or sidetrack to the
13 premises of a horse race track as provided in section 48:12-32.1, but not in
14 excess of 200 feet in width, for such branch line or lines, spur or sidetrack
15 of railroad; provided that additional land may be so acquired where neces-
16 sary for the slopes of cuts or embankments or for retaining walls.

17 When the line of any railroad utility of the State is constructed to the
18 Delaware river and extension of such line is to be undertaken pursuant to
19 section 48:12-44, the utility may acquire, by the exercise of the power of
20 eminent domain as provided in sections 66 and 67 hereof, such lands as may
21 be necessary upon filing and recording the survey of the route with the
22 Secretary of State and in the office of the clerk of the county wherein the

23 lands are situate, and making the deposit required by section 28:12-25 of
24 this Title.

25 No railroad utility organized under this title shall take, use or occupy
26 by condemnation any franchise, land or located route of any other railroad
27 or any utility chartered for the purpose of facilitating transportation, ex-
28 cept for the purpose of crossing such land or route and except the land of
29 any such utility not necessary for the purpose of its franchise.

30 Nothing herein shall be deemed to limit the powers of condemnation
31 vested in railroads under any provisions of Title 48 as amended and sup-
32 plemented by this act and which have not been repealed.

1 79. Any railroad utility meeting the requirements of section 48:12-91
2 and after obtaining the consent and approval required by said section, may
3 exercise the power of eminent domain as provided in sections 20 and 21 hereof
4 in acquiring real estate and personal property necessary and useful for the
5 purposes of 48:12-91.

1 80. The right-of-way condemned for a railroad beneath the surface of
2 the ground by an underground railroad utility shall not include the right to
3 use or occupy permanently the surface above the railroad where the same
4 is not broken, but shall be confined to a right to tunnel. The utility may
5 nevertheless acquire by condemnation so much and such parts of the surface
6 as may be necessary or proper to operate its railroad.

1 81. No public utility shall take by condemnation any land, property, or
2 other interest belonging to the State of New Jersey, or any political sub-
3 division thereof.

1 82. Section 48:4-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-1. The term "autobus" as used in this chapter means and includes,
4 except as hereinafter noted, any motor vehicle or motorbus operated over
5 public highways or public places in this State for the transportation of pas-
6 sengers for hire in intrastate business, notwithstanding such motor vehicle
7 or motorbus may be used in interstate commerce.

8 Nothing contained herein shall be construed to include:

9 a. vehicles engaged in the transportation of passengers for hire in the
10 manner and form commonly called taxicab service unless such service be-
11 comes or is held out to be regular service between stated termini;

12 b. hotel busses used exclusively for the transportation of hotel patrons
13 to or from local railroad or other common carrier stations including local
14 airports;

15 c. busses operated solely for the transportation of school children and
16 teachers *to and from school*;

17 d. any autobus with a carrying capacity of not more than 10 passengers
18 operated under municipal consent upon a route established wholly within the
19 limits of a single municipality, which route does not in whole or in part par-
20 allel upon the same street the line of any street railway or traction railway
21 or any other autobus route.

22 The word "person" as used in this chapter means and includes any indi-
23 vidual, copartnership, association, corporation or joint stock company, their
24 lessees, trustees, or receivers appointed by any court.

25 The word "street" as used in this chapter means and includes any street,
26 avenue, park, parkway, highway, road or other public place.

27 The term "charter bus operation" as used in this chapter means and
28 includes the operation of an autobus or autobusses by the person owning
29 or leasing such bus or busses pursuant to a contract, agreement or arrange-
30 ment to furnish an autobus or autobusses and a driver or drivers thereof to
31 a person, group of persons or organization (corporate or otherwise) for a
32 trip designated by such person, group of persons or organization for a fixed
33 charge per trip, per autobus or per mile.

34 The term "special bus operation" as used in this chapter means and in-
35 cludes the operation by the owner or lessee of an autobus or autobusses for
36 the purpose of carrying passengers for hire, each passenger paying a fixed
37 charge for his carriage, on a special trip arranged and designated by such

38 owner or lessee, which fixed charge may or may not include meals, lodging,
39 entertainment or other charges.

1 83. Section 48:4-2.3 of the Revised Statutes is amended to read as
2 follows:

3 48:4-2.3. Receivers appointed by the United States District Court for
4 the district of New Jersey or by the [court of chancery] *Superior Court* of
5 this State, or trustees in bankruptcy, who pursuant to an order of such court
6 are operating any autobus, shall carry such insurance, or make such other
7 provisions as the court appointing such receivers or trustees may by order
8 direct, to indemnify such receivers or trustees against loss from the liability
9 imposed by law for damages on account of bodily injury or death suffered
10 by any person or persons as a result of an accident occurring by reason of
11 the ownership, maintenance or use of such autobusses; but such receivers or
12 trustees shall continue to carry such insurance as is required to be carried
13 by other owners and operators of autobusses under the provisions of this
14 chapter until such court shall have made an order as herein provided, and
15 upon the making of any such order as herein provided, a certified copy of the
16 same shall be filed with the officer or officers with whom insurance policies
17 are required to be filed by this chapter.

18 As a condition precedent to the making of such an order such receivers
19 or trustees in bankruptcy shall deposit with the Commissioner of Banking and
20 Insurance of this State the sum of [\$50,000.00] *\$100,000.00* in cash or in
21 stocks, bonds, or bonds and mortgages, approved by the commissioner, which
22 cash, stocks, bonds and bonds and mortgages shall be held by the commis-
23 sioner as security for the liability imposed by law upon such receivers or
24 trustees in bankruptcy, for personal injury and death resulting from the
25 operation of said autobusses by such receivers or trustees in bankruptcy,
26 and shall be subject to levy under execution issued upon judgments for such
27 bodily injuries or death against such receivers or trustees in bankruptcy.

28 Such order shall remain in force and effect only so long as there shall
29 remain in the hands of the commissioner cash, bonds, stocks, or bonds and

30 mortgages aggregating ~~[\$50,000.00]~~ \$100,000.00 and meeting with the ap-
 31 proval of the commissioner from time to time. So long as said deposit shall
 32 be maintained as herein provided, and no levy shall be made thereon, the
 33 receivers or trustees making the same shall be entitled to collect and receive
 34 the interest and dividends thereon, and to withdraw any deposited stocks,
 35 bonds and bonds and mortgages upon depositing with said commissioner
 36 other like securities. Said deposit, or the balance thereof remaining, shall be
 37 returned to the receivers or trustees making the same upon proof satisfac-
 38 tory to the commissioner that all liabilities secured by said deposit have been
 39 discharged or adequately provided for.

1 84. Section 48:4-6 of the Revised Statutes is amended to read as follows:

2 48:4-6. Any such municipal consent for the operation of an autobus
 3 heretofore granted and now in effect or hereafter granted and in effect may
 4 be transferred by the holder thereof upon obtaining the approval of the
 5 Board of Public Utility Commissioners upon application to it by either the
 6 transfer or the transferee.

7 *No municipal consent shall be transferred until the holder thereof shall*
 8 *satisfy all outstanding debts due the State or any subdivision thereof at the*
 9 *time of the transfer. The transferee shall be liable for all of said unpaid*
 10 *debts, thereafter.*

1 85. Section 48:4-9 of the Revised Statutes is amended to read as follows:

2 48:4-9. The holder of a municipal consent for the operation of an auto-
 3 bus may use such autobus for special or occasional trips off its regular route
 4 whenever the autobus is not required for the operation of the schedule on
 5 its regular route. **[but no such special or occasional trip shall be in competi-**
 6 **tion with any other autobus route or a street railway line.]**

7 *No special or occasional trip shall be operated in competition with any*
 8 *autobus route or a street railway line. The provisions of this paragraph shall*
 9 *apply to operators of special or occasional trips whether or not they hold mu-*
 10 *nicipal consents.*

1 86. Section 48:4-11 of the Revised Statutes is amended to read as follows:

2 48:4-11. Any person who shall operate an autobus in the streets of a mu-
3 nicipality without complying with the provisions of this article shall be
4 [guilty of a misdemeanor] *adjudged a disorderly person.*

5 The Board of Public Utility Commissioners shall proceed at law or in
6 equity to prevent any person from operating an autobus in violation of the
7 provisions of this article or otherwise violating any provisions thereof.

8 Proceedings to prevent a person from operating an autobus without a
9 valid municipal consent may be instituted by any public utility, the business
10 or revenues of which are adversely affected thereby.

1 87. Section 48:4-12 of the Revised Statutes is amended to read as follows:

2 48:4-12. Whenever the owner of any autobus, or the person possessing
3 the right to use the same, is required by any law of this State or any ordi-
4 nance of any municipality of this State to obtain or file with any public
5 board, body or official within this State an insurance policy against loss from
6 liability imposed by law upon autobus owners, or the persons possessing the
7 right to use same, for damages either as a condition for the obtaining or
8 making or continuing effective the permit or consent of any municipality to
9 operate, or for the operation of, such autobus, or otherwise, said owner or
10 person possessing the right to use the same, if a corporation, organized under
11 the laws of this State, may carry its own liability insurance providing it can
12 reasonably satisfy the Commissioner of Banking and Insurance as to the per-
13 manence and financial standing of its business and providing its paid up
14 cash capital is not less than that required in the following schedule:

SCHEDULE

CLASS 1

15 For any such corporation operating not more than 20 of such auto-
16 busses, there shall be required a cash paid up capital of **[\$100,000.00]**
17 *\$200,000.00.*

CLASS 2

18 For any such corporation operating not more than 30 of such auto-
 19 busses, there shall be required a cash paid up capital of **[\$150,000.00]**
 20 *\$300,000.00*.

CLASS 3

21 For any such corporation operating not more than 40 of such autobusses,
 22 there shall be required a cash paid up capital of **[\$200,000.00]** *\$400,000.00*.

CLASS 4

23 For any such corporation operating not more than 50 of such autobusses,
 24 there shall be required a cash paid up capital of **[\$250,000.00]** *\$500,000.00*.

CLASS 5

25 For any such corporation operating more than 50 of such autobusses,
 26 there shall be required a cash paid up capital of not less than **[\$500,000.00]**
 27 *\$1,000,000.00*.

1 88. Section 48:4-13 of the Revised Statutes is amended to read as follows:
 2 48:4-13. Any owner desiring to be exempt from obtaining or filing such
 3 insurance policy, as aforesaid, shall make application to the Commissioner
 4 of Banking and Insurance, showing its financial ability to pay such damages,
 5 whereupon the commissioner, if reasonably satisfied of the applicant's finan-
 6 cial ability, shall by written order make such exemption. The commissioner
 7 may from time to time require further statements of the financial ability of
 8 such company; and if at any time, in the opinion of the commissioner, such
 9 company appears no longer able to pay damages, the commissioner shall re-
 10 voke his order granting exemption, in which case the said company shall
 11 immediately insure its liability as required by law **[**, and such owner may
 12 file or furnish in lieu of such insurance policy a statement sworn to by the
 13 president, vice-president, treasurer or assistant treasurer of said corporation
 14 that such corporation is the owner of such autobus, that it is a corporation
 15 of this State and has complied with the terms of this section and section
 16 48:4-12 of this Title and is entitled by reason thereof to exemption from the
 17 duty of filing such insurance policy and that the commissioner has made such

18 exemption, which statement shall remain in lieu of such policy of insurance
19 only so long as the paid up cash capital of said corporation shall conform to
20 the requirements of this section and section 48:4-12 of this Title as to paid
21 up capital and the order of the commissioner shall remain in force].

1 89. Section 48:4-20 of the Revised Statutes is amended to read as follows:

2 48:4-20. Every person owning or operating an autobus which is operated
3 over any highway in this State for the purpose of carrying passengers from
4 a point outside the State to another point outside the State, or from a point
5 outside the State to a point within the State, or from a point within the State
6 to a point outside the State shall pay to the [Commissioner] *Director of the*
7 *Division of Motor Vehicles*, as an excise for the use of such highway, $\frac{1}{2}$ cent
8 for each mile or fraction thereof such autobus shall have been operated over
9 the highways of this State, except that no excise shall be payable for the
10 mileage traversed in any municipality to which such owner or operator has
11 paid a monthly franchise tax for the use of its streets under the provisions
12 of section 48:4-14 of this Title.

1 90. Section 48:4-22 of the Revised Statutes is amended to read as follows:

2 48:4-22. On or before May 7, 1934, every such owner or operator shall
3 file with the [Commissioner] *Director of the Division of Motor Vehicles* a report
4 of schedule of operations setting forth the routes traveled, their termini, the
5 number of miles traveled daily in this State, the names of municipalities to
6 which monthly franchise tax is payable and the miles traveled therein and
7 the registration numbers of autobusses operated and such other information
8 as the [commissioner] *director* may require.

9 Every such owner or operator shall give to the [commissioner] *director*
10 immediate report in writing of any subsequent change in such schedule, or
11 routes, or number of miles traveled daily, or autobusses, except that no notice
12 need be given in case of the operation of an autobus which is temporarily used
13 to supplement a fixed schedule of operation.

1 91. Section 48:4-23 of the Revised Statutes is amended to read as follows:

2 48:4-23. All moneys derived from the excise hereby imposed shall be
3 paid over monthly by the **[Commissioner]** *Director of the Division* of Motor
4 Vehicles to the State Treasurer and such revenues are hereby appropriated
5 to the State Highway **[Commission]** *Department* for use by it for the con-
6 struction and maintenance of highways.

1 92. Section 48:4-24 of the Revised Statutes is amended to read as follows:

2 48:4-24. The **[Commissioner]** *Director of the Division* of Motor Vehicles
3 shall enforce the payment of the excise hereby imposed and for such pur-
4 pose make and enforce such rules and regulations as he may deem necessary.
5 He may require a bond or other surety for the payment of excise and penal-
6 ties imposed by and payable pursuant to sections 48:4-20 to 48:4-34 of this
7 Title and for compliance with the provisions of said sections and the
8 rules and regulations made by him pursuant hereto.

1 93. Section 48:4-25 of the Revised Statutes is amended to read as follows:

2 48:4-25. The **[Commissioner]** *Director of the Division* of Motor Vehicles
3 shall have power, whenever he deems it expedient, to make or cause to be
4 made by deputy, auditor or investigator, an examination or investigation of
5 the books, records, papers, vouchers, accounts and documents of every such
6 owner or operator for the purpose of administering the provisions of sections
7 48:4-20 to 48:4-34 of this Title.

8 It shall be the duty of every such owner or operator and of every director,
9 officer, agent or employee thereof to exhibit to the **[commissioner]** *director*,
10 his deputy, auditor or investigator all of the books, records, papers, vouchers,
11 accounts and documents of the owner or operator to facilitate, as far as it
12 may be in his or their power so to do, any such examination or investigation.

13 The **[commissioner]** *director*, his deputy, auditor or investigator may
14 take any oath of any person signing a deposition, statement, return or report
15 required by the **[commissioner]** *director* in the administration of said sec-
16 tions 48:4-20 to 48:4-34.

1 94. Section 48:4-26 of the Revised Statutes is amended to read as follows:

2 48:4-26. The **[Commissioner]** *Director of the Division* of Motor Vehicles
3 or his deputy, auditors or investigators shall have power to conduct hearings
4 and to administer oaths to, and to examine under oath, any such owner or
5 operator and the directors, officers, agents and employees of such owner or
6 operator, and as well all other witnesses relative to the transportation busi-
7 ness of such owner or operator, in respect to any matter incident to the
8 administration of sections 48:4-20 to 48:4-34 of this Title.

1 95. Section 48:4-27 of the Revised Statutes is amended to read as follows:

2 48:4-27. The **[Commissioner]** *Director of the Division* of Motor Vehicles
3 shall have power by subpoena to compel the attendance of witnesses and the
4 production of any books, records, papers, vouchers, accounts and documents
5 of any such owner or operator, or of any other person at any such hearing. The
6 fees of witnesses required to attend any such hearing shall be the same as
7 those allowed to witnesses appearing in the **[Supreme]** *Superior* Court. Fees
8 shall be paid in a manner provided for the payment of other expenses incident
9 to the administration of sections 48:4-20 to 48:4-34 of this Title.

1 96. Section 48:4-28 of the Revised Statutes is amended to read as follows:

2 48:4-28. If a person subpoenaed to attend any hearing refuses to appear,
3 be examined or answer any question or produce any books, records, papers,
4 vouchers, accounts and documents when ordered so to do by the **[Commis-**
5 **sioner]** *Director of the Division* of Motor Vehicles or his deputy, auditor or
6 investigator designated by him to conduct such hearing, the **[commissioner]**
7 *director*, such deputy, auditor or investigator, may apply to the **[Supreme]**
8 *Superior* Court, or any **[justice]** *judge* thereof, who shall have the power of
9 the court for that purpose, upon proof by affidavit of the facts, to make an
10 order returnable not less than 2, nor more than 10 days, directing such person
11 to show cause before the court or a **[justice]** *judge* thereof, why he should not
12 comply with the direction or order of the **[commissioner,]** *director*, or of
13 the deputy, auditor or investigator so appointed by the **[commissioner]**
14 *director*.

15 Upon the return of such order, the court or **[justice]** *judge* before whom
 16 the matter shall come, shall examine such person under oath, and such person
 17 shall be given an opportunity to be heard and if the court or **[justice]** *judge*
 18 shall determine that such person refused without legal excuse to obey the
 19 command of the subpoena, or to be examined, or to answer a question, or to
 20 produce any book, paper, voucher, record, account or document which he was
 21 ordered to answer or produce, the court or **[justice]** *judge* may order such
 22 person to comply forthwith with the subpoena or order. Any failure to obey
 23 such order of the court or **[justice,]** *judge*, may be punished by the court or
 24 **[justice]** *judge* as contempt of the **[Supreme]** *Superior* Court.

1 97. Section 48:4-30 of the Revised Statutes is amended to read as
 2 follows:

3 48:4-30. Failure to file a report or bond in the manner prescribed by the
 4 **[Commissioner]** *Director of the Division* of Motor Vehicles, or to pay proper
 5 excise, or any legal penalties imposed by sections 48:4-20 to 48:4-34 of this
 6 Title, or to adhere to any reasonable rules and regulations imposed by the
 7 **[commissioner]** *director*, or preventing an examination or investigation of
 8 books, records, papers, vouchers, accounts and documents, or refusing to ex-
 9 hibit such books, records, papers, vouchers, accounts and documents, or ignor-
 10 ing subpoena whether served within the State or without the State, shall be
 11 good cause for the **[commissioner]** *director* to revoke the registration certi-
 12 ficates for autobusses issued to such owner or operator, or to prevent the oper-
 13 ation in this State of autobusses registered in another State.

1 98. Section 48:4-31 of the Revised Statutes is amended to read as follows:

2 48:4-31. The excise imposed by section 48:4-20 of this Title, and interest
 3 and penalties thereon from the time the same shall be due and payable, shall
 4 be a personal debt due from such owner or operator to the State, recoverable
 5 in any court of competent jurisdiction in any action at law to be commenced
 6 by the **[Commissioner]** *Director of the Division* of Motor Vehicles on behalf
 7 of the State.

8 Such excise, interest and penalties shall be a first and prior lien upon the
9 assets of such owner or operator and payment thereof shall be preferred in
10 any distribution of the assets of the owner or operator whether in insolvency,
11 bankruptcy or otherwise.

1 99. Section 48:4-32 of the Revised Statutes is amended to read as follows:

2 48:4-32. Any such owner or operator who shall fail to file a report as re-
3 quired by section 48:4-20 to 48:4-34 of this Title, or bond when demanded, or
4 fail to pay the excise imposed by said sections 48:4-20 to 48:4-34 within the
5 time herein fixed and limited, shall forfeit and pay to the **[Commissioner]**
6 *Director of the Division* of Motor Vehicles for the use of the State the sum of
7 \$5.00 for each and every day of such default, which sum shall be recovered by
8 the **[commissioner]** *director* in the manner hereinbefore provided for the en-
9 forcement of the payment of the excise imposed by said sections. Such
10 moneys, when recovered, shall be paid over to the State Treasurer for the use
11 of the State Highway Commission for construction and maintenance of
12 highways.

1 100. Section 48:4-36 of the Revised Statutes is amended to read as
2 follows:

3 48:4-36. Any person engaged in the operation of motor vehicles shall at
4 all times have financial coverage. If such financial coverage shall be by insur-
5 ance policy, such insurance policy or policies or true copies thereof, shall be
6 filed with the board of public utility commissioners. Said board may reject
7 any policy if and when it determines after hearing upon notice in writing to
8 the insurance company that the company or companies writing or underwrit-
9 ing said policies of insurance is or are not financially responsible to respond
10 in damages. Upon any hearing as provided herein, the burden of proving its
11 financial responsibility shall rest upon said insurance company or companies.

12 Said insurance policies shall be conditioned for the payment of a minimum
13 sum of not less than hereinafter set forth, hereinafter called "minimum
14 liability," on any judgment, and a maximum sum of not less than herein-
15 after set forth, hereinafter called "maximum liability," on all judgments re-

16 covered against any such person, upon claims arising out of the same trans-
 17 action or transactions connected with the same subject of action, to be appor-
 18 tioned ratably among the judgment creditors according to the amount of their
 19 respective judgments, for damages because of bodily injury, including death,
 20 at any time resulting therefrom, or injury caused in the operation, mainte-
 21 nance, use, or the defective construction of such motor vehicles, as follows:

22 a. For damages because of bodily injury, including death, at any time
 23 resulting therefrom, for each motor vehicle having a seating capacity of not
 24 more than 12 passengers, an insurance policy with a minimum liability of
 25 ~~[\$5,000.00]~~ *\$10,000.00* and a maximum liability of ~~[\$25,000.00]~~ *\$50,000.00*.

26 b. For each motor vehicle having a seating capacity of not less than 13
 27 nor more than 20 passengers, an insurance policy with a minimum liability of
 28 ~~[\$5,000.00]~~ *\$10,000.00* and a maximum liability of ~~[\$50,000.00]~~ *\$100,000.00*.

29 c. For each motor vehicle having a seating capacity of not less than 21 nor
 30 more than 30 passengers, an insurance policy with a minimum liability of
 31 ~~[\$5,000.00]~~ *\$10,000.00* and a maximum liability of ~~[\$100,000.00]~~ *\$200,000.00*.

32 d. For each motor vehicle having a seating capacity of more than 30
 33 passengers, an insurance policy with a minimum liability of ~~[\$5,000.00]~~
 34 *\$10,000.00* and a maximum liability of ~~[\$150,000.00]~~ *\$300,000.00*.

1 101. Section 48:4-37 of the Revised Statutes is amended to read as
 2 follows:

3 48:4-37. For damages because of injury to or destruction of property,
 4 for each motor vehicle an insurance policy with a minimum liability of
 5 ~~[\$1,000.00]~~ *\$5,000.00* and a maximum liability of ~~[\$5,000.00]~~ *\$10,000.00*.

1 102. Section 48:4-45 of the Revised Statutes is amended to read as
 2 follows:

3 48:4-45. The provisions of this article shall not apply to autobusses with
 4 a carrying capacity of not more than ~~[6]~~ *10* passengers now or hereafter
 5 operated under municipal consent upon a route established wholly within
 6 the limits of a single municipality, which route does not in whole or in part
 7 parallel upon the same street the line of any street railway or traction rail-

8 way or any other autobus route, nor to any autobus solely engaged in trans-
9 portation of school children, jurisdiction over which is now vested in any
10 board or body other than the Board of Public Utility Commissioners.

1 103. Section 48:4-46 of the Revised Statutes is amended to read as
2 follows:

3 48:4-46. (a) As used in this article "motor vehicle carrying passengers
4 for hire" is hereby defined as meaning any motor vehicle propelled other-
5 wise than by muscular power (excepting such vehicles as run only upon
6 rails or tracks exclusively) carrying passengers for hire of any kind over
7 the highways in this State except (1) motor vehicles carrying passengers
8 for hire over the highways in this State by virtue of municipal consent or
9 consents upon a route or routes established in any municipality or munici-
10 palities; (2) taxicags; (3) hotel busses; (4) busses employed solely for trans-
11 porting school children and teachers; (5) autobusses with a carrying capac-
12 ity of not more than **[6]** 10 passengers now or hereafter operated under
13 municipal consent upon a route established wholly within the limits of a single
14 municipality, which route does not in whole or in part parallel upon the
15 same street the line of any street railway or traction railway or any other
16 autobus route; (6) autobusses operated over highways in this State for the
17 purpose of carrying passengers from a point outside the State to another
18 point outside the State or from a point outside the State to a point within
19 the State, or from a point within the State to a point outside the State be-
19A tween fixed termini on a regular schedule.

20 (b) "Self-insurer" means any person who by virtue of any law of this
21 State, or in case of a nonresident, of the State of which such person is a
22 resident and in which any motor vehicle coming within the provisions of
23 this article is registered, is exempted by some official, board or body of this
24 State or such other State from requirements imposed upon other owners of
25 similar motor vehicles to carry insurance or secure possible claims for dam-
26 ages by a bond of a surety company.

27 (c) "Financial responsibility" means ability to satisfy claims to the
28 extent set forth in sections 48:4-47 and 48:4-48 of this Title.

29 (d) "For hire" means compensation in any form, whether directly or
30 indirectly made.

31 (e) "Financial coverage" means insurance and also self-insurer.

32 (f) "Magistrate" shall be deemed and understood to mean and include
33 all [justices of the peace,] judges of county and criminal courts, [police
34 judges, recorders, mayors] and other officers having powers of the commit-
35 ting magistrate. [; but it shall not include a justice of the peace sitting
36 within the corporate limits of any municipality having a police judge,
37 police justice, recorder's court or city criminal court.]

1 104. Section 48:4-47 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-47. Any person engaged in the business of operating motor vehicles
4 carrying passengers for hire shall at all times have financial coverage. If
5 such financial coverage shall be by insurance policy, such insurance policy
6 or policies, or true copies thereof, shall be filed with the Board of Public Utility
7 Commissioners. Said board may reject any policy if and when it determines
8 after hearing upon notice in writing to the insurance company that the com-
9 pany or companies writing or underwriting said policies of insurance is or are
10 not financially responsible to respond in damages. Upon any hearing as pro-
11 vided herein, the burden of proving its financial responsibility shall rest upon
12 said insurance company or companies.

13 Said insurance policies shall be conditioned for the payment of a mini-
14 mum sum, hereinafter called "minimum liability," on any 1 judgment, and
15 a maximum sum hereinafter called "maximum liability," on all judgments
16 recovered against any such person upon claims arising out of the same trans-
17 action or transactions connected with the same subject of action, to be ap-
18 portioned ratably among the judgment creditors according to the amount of
19 their respective judgments, for damages because of bodily injury, including

20 death, at any time resulting therefrom caused in the operation, maintenance,
21 use or the defective construction of such motor vehicles, as follows:

22 **[(a) For damages because of bodily injury, including death, at any time**
23 **resulting therefrom for each motor vehicle having a seating capacity of more**
24 **than 12 passengers, an insurance policy with a minimum liability of \$5,000.00**
25 **and a maximum liability of \$50,000.00.]**

26 *(a) For damages because of bodily injury, including death, at any time*
27 *resulting therefrom, for each motor vehicle having a seating capacity of not*
28 *more than 12 passengers, an insurance policy with a minimum liability of*
29 *\$10,000.00 and a maximum liability of \$50,000.00.*

30 *(b) For each motor vehicle having a seating capacity of not less than*
31 *13 nor more than 20 passengers, an insurance policy with a minimum liability*
32 *of \$10,000.00 and a maximum liability of \$100,000.00.*

33 *(c) For each motor vehicle having a seating capacity of not less than*
34 *21 nor more than 30 passengers, an insurance policy with a minimum liability*
35 *of \$10,000.00 and a maximum liability of \$200,000.00.*

36 *(d) For each motor vehicle having a seating capacity of more than 30*
37 *passengers, an insurance policy with a minimum liability of \$10,000.00 and*
38 *a maximum liability of \$300,000.00.*

1 105. Section 48:4-48 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-48. For damages because of injury to or destruction of property,
4 for each motor vehicle an insurance policy with a minimum liability of
5 **[\$1,000.00] \$5,000.00** and a maximum liability of **[\$5,000.00] \$10,000.00.**

1 106. Section 48:4-54 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:4-54. Any **[driver of]** *person who shall knowingly operate or permit*
4 *to be operated* a motor vehicle carrying passengers for hire who shall fail
5 *to display* or *who* refuses to exhibit upon request of a proper person the
6 evidence of insurance or other financial coverage provided for in this article
7 shall, upon conviction, be adjudged a disorderly person and shall be liable

8 to a penalty of not more than \$100.00 or imprisonment for a term of not
 9 more than 90 days, or both a fine and imprisonment not exceeding the afore-
 10 said maximum, at the discretion of the magistrate before whom the convic-
 11 tion shall be had.

1 107. The board shall have jurisdiction with respect to specifications and
 2 insurance requirements or financial responsibility as to charter busses and
 3 special busses.

1 108. The board may make rules, regulations and orders applicable to
 2 the construction, equipment and insurance required of every motor vehicle
 3 within its jurisdiction, and shall inspect, through its agents, inspectors and
 4 employees, any such motor vehicle to determine the manner of compliance
 5 with such rules, regulations and orders.

6 In the event of noncompliance with such rules, regulations and orders,
 7 or with statutory requirements, the board may, through its agents, inspectors
 8 and employees, cause the immediate discontinuance of the operation of such
 9 motor vehicle, and no such motor vehicle shall be restored to service without
 10 the express approval of the board. No person shall remove or deface any
 11 notice of discontinuance that has been affixed or otherwise attached to said
 12 motor vehicle without approval of the board.

13 Any person violating any provision of this section shall be deemed to be
 14 a disorderly person.

1 109. Section 48:6-14 of the Revised Statutes is amended to read as follows:

2 48:6-14. Every *canal* company organized under this [chapter] *Title* shall
 3 have power:

4 I. To enter upon all lands or waters to explore, survey and locate the
 5 route of the proposed canal, doing no unnecessary injury to private or other
 6 property, and subject to responsibility for all damages which shall be done
 7 thereto;

8 II. To purchase, hold and use all such real estate and other property as
 9 may be necessary in the construction, operation and maintenance of the
 10 canal, necessary for the full and free enjoyment of the canal;

11 III. Upon depositing in the office of the Secretary of State a survey of
 12 the route of the proposed canal, to construct, maintain and operate a canal
 13 between the points named in the certificate of incorporation;

14 IV. To use and let others use the canal and to charge tolls;

15 V. To demand and receive such sums of money for the transportation of
 16 persons and property and for any other services in connection therewith,
 17 [as it shall think reasonable and proper;] *in accordance with its filed tariff*
 18 *as approved by the Board of Public Utility Commissioners;*

19 VI. To have constructed or to purchase all boats, machinery and other
 20 property necessary for the carrying on of its business; and

21 VII. To do any other act necessary for the full and free use and enjoy-
 22 ment by any canal company of the franchises hereby granted.

1 110. Section 48:6-17 of the Revised Statutes is amended to read as follows:

2 48:6-17. Every *canal* company organized under this [chapter] *Title* may
 3 borrow such sums of money from time to time, not to exceed in the whole its
 4 paid up capital stock, as may be necessary to construct and repair the canal
 5 and the works on lands adjacent thereto. To secure repayment thereof it may
 6 issue bonds secured by a mortgage on its property and franchises provided.
 7 The bonds shall constitute a lien on the property and franchises of the com-
 8 pany and the proceeds of the bonds shall be used for the purposes above
 9 specified.

1 111. Section 48:6-19 of the Revised Statutes is amended to read as follows:

2 48:6-19. Every *canal* company organized under this [chapter] *Title* shall
 3 construct and properly maintain adequate bridges and passages over or under
 4 the canal at all places where any road or highway shall cross the canal.

5 Where the canal intersects any farm lands of any individual, the com-
 6 pany shall provide and keep in repair suitable passageways over or under
 7 the canal. The canal company may refuse to build bridges to connect any
 8 such farm lands, in which event a [justice] *judge* of the [Supreme Court]
 9 *Superior Court* may appoint commissioners to assess the damages to the

10 owner of the land as provided in chapter 1 of the Title Eminent Domain
11 (§ 20:1-1 et seq.).

1 112. Section 48:6-21 of the Revised Statutes is amended to read as follows:

2 48:6-21. Every *canal* company organized under this [chapter] Title may
3 make contracts with any person for transporting or conveying goods, freight
4 and passengers *in accordance with its filed tariffs*.

1 113. Section 48:7-1 of the Revised Statutes is amended to read as follows:

2 48:7-1. Any company organized or to be organized pursuant to [Title
3 14, Corporations, General,] *the laws of this State* for the purpose of con-
4 structing, maintaining and operating works for the supply and distribution
5 of electricity for electric light, heat or power may use the public highways,
6 streets and alleys in this State for the purpose of erecting poles to sustain the
7 necessary wires and fixtures, upon first obtaining the consent in writing of
8 the owners of the soil. The poles shall be so located as in no way to interfere
9 with the safety or convenience of persons traveling on the highways.

10 No poles shall be erected in any street of [an incorporated city or town]
11 *a municipality* without first obtaining from the [incorporated city or town]
12 *municipality* a designation of the street in which the same shall be placed
13 and the manner of placing the same. [Such use of the public streets shall
14 be subject to such regulations as may be first imposed by the corporate au-
15 thorities of the city or town].

1 114. Section 48:7-2 of the Revised Statutes is amended to read as follows:

2 48:7-2. Any such company may lay pipes or conduits and wires therein
3 beneath such public highways, streets and alleys as it may deem necessary.
4 Such pipes or conduits shall be laid at least 2 feet below the surface and
5 shall not unnecessarily interfere with public travel, or damage public or
6 private property. They shall be laid at the greatest practicable distance
7 from the outside of any water or gas pipe, but in no event less than 3 feet
8 therefrom, except where it shall be necessary to cross or intersect any such
9 gas or water pipe.

10 No public streets shall be opened in any [city] *municipality* for the pur-
 11 pose of laying any such pipes, conduits or wires without the [consent] *per-*
 12 *mission* of the [governing body of the city.] *municipality*.

13 [Such use of the public streets in any of the cities and towns of this
 14 State shall be subject to such regulations and restrictions as may be first im-
 15 posed by the corporate authorities of such cities and towns.]

1 115. Section 48:8-8 of the Revised Statutes is amended to read as
 2 follows:

3 48:8-8. All owners or keepers of ferries shall construct and maintain
 4 safe places of landing, where they are needed, upon penalty of forfeiting
 5 such sum as the [court of common pleas] *County Court* of the county where
 6 the same is needed, shall, upon complaint, determine to be sufficient to con-
 7 struct or repair such convenient landing. The forfeiture shall, by order of
 8 said court, be appropriated and laid out for that purpose.

1 116. Section 48:8-17 of the Revised Statutes is amended to read as
 2 follows:

3 48:8-17. The penalties imposed by this article shall be recoverable by
 4 action at law, with costs, in any court having cognizance thereof, by any
 5 person who will sue for the same.

6 Whenever any action for the recovery of any such penalty is prosecuted
 7 in a [small cause court it may be commenced by warrant or summons,]
 8 *county district court* and whenever the action is prosecuted in any other
 9 court it may be commenced by *capias ad respondendum* or summons, any
 10 law, usage or custom to the contrary notwithstanding.

1 117. Section 48:9-17 of the Revised Statutes is amended to read as
 2 follows:

3 48:9-17. Every *gas* company organized under [this chapter] *the laws of*
 4 *this State* may manufacture, sell and furnish such quantities of gas suitable
 5 for light, heat or power as may be required in the municipality or municipi-
 6 palities where the same shall be located, or its operations lawfully extended.

7 Every such company may lay conductors *and install related facilities*
8 for conducting gas through the streets, alleys, squares and public places in
9 any municipality or municipalities in which it may lawfully operate, having
10 first obtained the consent by resolution or ordinance of the governing body
11 of such municipality for the furnishing of gas therein and the approval of
12 such consent by the Board of Public Utility Commissioners. The consent
13 may be subject to reasonable regulations with respect to the opening of
14 streets, alleys, squares and public places, not inconsistent with the provi-
15 sions of this article.

1 118. Section 48:9-18 of the Revised Statutes is amended to read as
2 follows:

3 48:9-18. Any *gas* company organized under [this chapter] *the laws of*
4 *this State* may mortgage any or all of its property, real or personal, in-
5 cluding franchises, when necessary to enable it to carry on its operations.

1 119. Section 48:9-20 of the Revised Statutes is amended to read as
2 follows:

3 48:9-20. Whenever any *gas* company organized under [this chapter]
4 *the laws of this State* shall dig any trench for laying any new gas mains
5 or pipes or other apparatus, near to any [water or gas] pipe or branch or
6 service pipe belonging to any other [water or gas] company, it shall give
7 24 hours' written notice thereof to the president, chief clerk, secretary or
8 engineer of the other company, and shall, under the inspection of the presi-
9 dent, chief clerk, secretary, engineer or agent of the other company, protect
10 and secure every such [water or gas] pipe from injury and repair any dam-
11 age that shall be done to such pipe. The notice shall be delivered to the
12 principal office of the other company between the hours of 10 in the morning
13 and 4 in the afternoon.

14 In default of repairing the damage, the gas company shall, for each de-
15 fault, forfeit and pay to the other company any sum not exceeding \$25.00
16 together with the costs and expenses which shall have been incurred by it
17 in protecting or securing any such other [water or gas] pipe or in repair-

18 ing any injury that may have been done thereto, such costs and expenses to
 19 be ascertained by any [justice,] court, and to be recovered in the same
 20 manner as any expenses or penalty under this chapter may be recovered.

1 120. Section 48:9-21 of the Revised Statutes is amended to read as
 2 follows:

3 48:9-21. Every *gas* company organized under [this chapter] *the laws*
 4 *of this State* shall lay its main or distributing gas pipes at the greatest prac-
 5 ticable distance from any [water or gas] pipe of any other [water or gas]
 6 company and at a horizontal distance of 4 feet at least from the nearest part
 7 of any such [water or gas] pipe, unless it shall be unavoidably necessary
 8 to lay the gas pipe across or nearer to any other [water or gas] pipe, in
 9 which case the gas pipe shall be laid under such [water or gas] pipe at the
 10 greatest practicable distance therefrom, this distance in no case to be less
 11 than 12 inches, and shall form therewith a right angle, or as near thereto
 12 as the situation will admit.

13 In no case shall any pipe be laid or apparatus used that will interfere
 14 in any way either with the present or future supply pipes of any [water or
 15 gas] company, or that may interfere with or increase the expense of re-
 16 placing, removing or repairing the supply pipes or apparatus of any [water
 17 or gas] company.

18 All gas companies which were in operation on April 21, 1876, shall have
 19 the same rights and privileges of laying their mains and pipes, and making
 20 and supplying gas, that their respective charters and contracts then gave
 21 them.

1 121. Section 48:9-23 of the Revised Statutes is amended to read as
 2 follows:

3 48:9-23. Any gas company now existing, whether by special charter
 4 or by organization under an act entitled "An act to authorize the formation
 5 of gas light corporations and regulate the same," approved April 21, 1876,
 6 or hereafter organized under [this chapter] *the laws of this State* and actu-
 7 ally engaged in the manufacture and supply of [illuminating] gas in the

8 municipality for the supply of which it was organized or chartered, may
9 extend its main pipes to any neighboring municipality wherein no gas com-
10 pany exists, for the purpose of supplying the same with [illuminating] gas;
11 provided, the governing body of the neighboring municipality shall grant
12 permission for that purpose.

13 When such permission shall be granted, the company shall have the same
14 rights and privileges of laying gas mains and the like to and in the neighboring
15 municipality as it has in the municipality where it was originally located.

1 122. Section 1 of P. L. 1949, c. 110 (C. 48:9-25.4) is amended to read
2 as follows:

3 1. Any corporation organized [and existing] under [the provisions of
4 chapter 9 of Title 48 of the Revised Statutes,] *the laws of this State for the*
5 *distribution of gas* in addition to the powers conferred by [said] chapter 9
6 *of Title 48*, may construct, lay, maintain and use facilities, conductors, mains
7 and pipes, with the appurtenances thereto, in, through and beyond any mu-
8 nicipality or municipalities, for the purpose of transmitting through the same
9 natural gas or any mixture of [natural gas with a] gas or gases of any
10 other type or types for use in its business; provided, that in each case such
11 corporation shall first have obtained a designation by the governing body or
12 official having control thereof, of the public street, road, highway or place,
13 which may be occupied by such corporation for such purpose. If any gov-
14 erning body or official having control of any public street, road, highway or
15 place, after having received from such corporation a request to designate
16 such public street, road, highway or place, for occupancy by such corpora-
17 tion for such purpose, shall fail or refuse to make such designation or to
18 designate a practicable route, the Board of Public Utility Commissioners, upon
19 application by the corporation, and after hearing on notice to such governing
20 body or official, shall make such designation.

1 123. Section 48:12-1 of the Revised Statutes is amended to read as
2 follows:

3 48:12-1. The provisions of this chapter, except as otherwise herein re-
4 stricted or unless the contrary appears from the context, shall apply to all
5 railroad companies however formed, created or organized under any law of
6 this State.

7 Any company organized under the act entitled "An act to authorize the
8 formation of railroad corporations and regulate the same," approved April 2,
9 1873 (L. 1873, c. 413, p. 88), shall be included within the description in this
10 chapter of companies organized under this [chapter] *Title*.

11 The provisions of this chapter so far as applicable shall extend to any
12 receiver, trustee or person operating a railroad in this State under a
13 franchise.

1 124. Section 48:12-2 of the Revised Statutes is amended to read as
2 follows:

3 48:12-2. No franchise granted prior to July 4, 1903, to construct a rail-
4 road or build or establish bridges or ferries or operate any line of travel
5 and take tolls or fares therefor shall after that date remain exclusive and no
6 like franchise granted after that date shall be exclusive unless in such grant
7 heretofore or hereafter made it be so expressly provided.

8 All *railroad* corporations organized under this [chapter] *Title* shall be
9 subject to all general laws now or hereafter passed to regulate railroads and
10 their operation.

1 125. Section 48:12-13 of the Revised Statutes is amended to read as
2 follows:

3 48:12-13. Every railroad company shall have the general powers con-
4 ferred by Title 14. Corporations, Generally, of the Revised Statutes and the
5 supplements thereto and shall be governed by the provisions and be subject
6 to the restrictions and liabilities therein contained, so far as the same are
7 appropriate to and not inconsistent with this [chapter] *Title* or with the
8 provisions of the act under which any such company may have been created
9 and organized, and, in addition thereto, shall have power:

10 I. To enter at all times upon all lands or waters for the purpose of
 11 exploring, surveying and laying out the routes of its railroad and of locat-
 12 ing the same, to make such surveys as may be necessary to the selection of
 13 the most advantageous route, and to locate all necessary buildings, works,
 14 conveniences and appurtenances, doing no unnecessary injury to property
 15 and subject to responsibility for all damages done thereto;

16 II. To acquire from time to time and hold and use all such real estate
 17 and other property as may in the judgment of its directors be necessary for
 18 terminal purposes and for the construction and maintenance of its railroad,
 19 stations, branches, sidings, car yards, engine houses, repair shops and other
 20 accommodations necessary to accomplish the objects of its incorporation, and
 21 to sell land thus acquired when not necessary for such purposes and objects;

22 III. To construct and operate its road, to construct or purchase all en-
 23 gines, cars, machinery and appliances for the transportation of persons and
 24 property, to charge and collect fares and charges for transportation of pas-
 25 sengers and freight and to exercise all other powers by this chapter granted.

1 126. Section 48:12-30 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-30. Any railroad company organized under **【this chapter】** *the*
 4 *laws of this State* which shall fail to comply with the provisions of section
 5 48:12-29 of this Title shall forfeit thereby the franchises given to it by
 6 **【this chapter.】** *such laws.*

7 Where any company has failed to construct its road upon any part of the
 8 location shown by its filed survey within the time allowed by law and after the
 9 expiration of such time any other railroad company duly files a survey of a
 10 location crossing or occupying the same, the company last filing its location
 11 shall have priority of right over such location.

1 127. Section 1 of P. L. 1947, c. 17 (C. 48:12-32.1) is amended to read as
 2 follows:

3 1. Any railroad company may lay out, construct, acquire, lease, contract
 4 in respect to, or purchase any branch line or lines, spur or side track of rail-

5 road, not exceeding 4 miles in length, either entirely or partially, in,
6 through, along, across or upon any public or private road or street, and may
7 maintain and operate the same, connecting with and extending from the main
8 line or any branch line of the company, to extend to the premises, place, track
9 or enclosure where any horse race meeting is held or conducted or to be held
10 or conducted by any person, partnership, association or corporation, pursuant
11 to a license or permit heretofore or hereafter issued by the New Jersey Racing
12 Commission.

13 Such railroad company may make and enter into an agreement or contract
14 with any such licensee or permit holder for any such construction, mainte-
15 nance and operation of any such branch line or lines, spur or side track of
16 railroad.

17 Such railroad company may take, hold, occupy and use the land necessary
18 for any such purpose or purposes and shall file a map and description of the
19 survey of the route of the branch line or lines, spur or side track of railroad,
20 in the office of the Secretary of State and shall make the deposit required by
21 section 48:12-25 of this Title, pending construction, with the State Treasurer.

22 【Such railroad company shall have the right to take and acquire by the
23 exercise of the power of eminent domain any land, property or private road
24 as shall be necessary for such purpose or purposes, but not in excess of 200
25 feet in width, for such branch line or lines, spur or side track of railroad;
26 provided, that additional land may be so acquired where necessary for the
27 slopes of cuts or embankments or for retaining walls.】

28 Such railroad company shall not construct any branch line or lines, spur
29 or side track of railroad for any such purpose or purposes within the limits
30 of any city, town, borough, village or township until it shall have first ob-
31 tained the consent of the municipal governing body, which consent may be
32 given by resolution or by the grant of an easement and any such consent of a
33 municipal governing body shall be subject to the approval of the Board of
34 Public Utility Commissioners.

1 128. Section 48:12-36 of the Revised Statutes is amended to read as
2 follows:

3 48:12-36. [No railroad company organized under this chapter shall take,
4 use or occupy by condemnation any franchise, land or located route of any rail-
5 road or other corporation chartered for the purpose of facilitating transporta-
6 tion, except for the purpose of crossing such land or route and except the
7 land of any such corporation not necessary for the purposes of its franchise.]

8 No railroad company [organized under this chapter] shall cross another
9 railroad at grade at a less angle than 20 degrees, but a railroad may be lo-
10 cated [under this chapter] upon the surveyed route or location of any other
11 railroad company with the consent of such other company *or when directed*
12 *by the Board of Public Utility Commissioners.*

13 [No railroad company shall take by condemnation any land belonging
14 to the State.]

1 129. Section 48:12-39 of the Revised Statutes is amended to read as
2 follows:

3 48:12-39. Any railroad company may straighten, shorten or improve
4 its road or connect points thereon by shorter lines or branches upon filing
5 and recording a survey of the straightened, shortened or improved line in the
6 same manner as is required in the case of an original survey of location.

7 Any such company may take and acquire by condemnation all the land
8 necessary for that purpose [as well as for the erection of freight and
9 passenger stations and all other legitimate purposes upon the straightened,
10 shortened or improved line, but no more than 200 feet in width for the main
11 track of any road shall be taken for the right of way except where necessary
12 for the slopes of cuts or embankments or for retaining walls].

13 The company may retain and continue to use or may sell or otherwise
14 dispose of all or any part of the original road for which such line has been
15 substituted after it has constructed its road on its new location.

1 130. Section 48:12-40 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:12-40. Any railroad company *prior to the operation of any trains*
4 may abandon any part of its line before the same shall have been wholly
5 completed upon filing and recording in the office of the Secretary of State a
6 certificate of abandonment, executed by its president and secretary, under
7 its seal, describing the part to be abandoned.

8 Thereupon the Treasurer of the State shall repay to the company out
9 of the money of the company therefor deposited with the treasurer as re-
10 quired by law, \$2,000.00 for every mile, and a proportionate sum for any dis-
11 tance less than a mile of its route so abandoned.

12 The company shall not thereafter extend or construct its road upon the
13 portion so abandoned without first filing and recording a new survey thereof
14 in the office of the Secretary of State and making the deposit with the treas-
15 urer required by law.

1 131. Section 48:12-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:12-41. Any railroad company may build and maintain over such
4 streams as its roads may cross, such piers and bridges as it may deem ex-
5 pedit, and may build viaducts over or tunnels under any navigable or other
6 river, stream or bay which the railroad may cross.

7 Except as hereinafter otherwise provided, every such bridge or viaduct
8 shall have a pivot draw with 2 openings, each of no less width than the
9 widest opening of any viaduct or bridge now built over any such river,
10 stream or bay, at right angles to the main channel, located at a point con-
11 venient for navigation.

12 No such company shall take any land under water belonging to this State
13 without first obtaining the consent of the [Board of Commerce and Naviga-
14 tion,] *Department of Conservation and Economic Development*, unless such
15 land is at least 25 feet under the bed of the water. The [board] *depart-*
16 *ment* may convey the same on receiving the compensation it may fix.

1 132. Section 48:12-43 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:12-43. Where a railroad is constructed across a stream where the tide
 4 ebbs and flows and by reason of the narrowness of the stream or shallow-
 5 ness of water it is unnecessary or impracticable to construct a pivot draw
 6 with 2 openings or any draw, the company may apply to the [Board of Com-
 7 merce and Navigation] *Department of Conservation and Economic Develop-*
 8 *ment*, who shall, after personal inspection and due inquiry, determine what
 9 character of bridge is proper and whether any drawbridge is necessary and
 10 if so, the character and dimensions thereof and how the same shall be main-
 11 tained, considering the extent and importance both of the navigation of the
 12 stream and of the public travel over the railroad.

13 The determination of the [board] *department* [signed by a majority
 14 thereof] shall be filed by [them] *it* with the clerk of the county or counties
 15 in which the bridge lies and shall bind the company. A compliance with this
 16 determination by the company shall be a full performance of its duties and
 17 obligations with respect to the bridge.

1 133. Section 48:12-44 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:12-44. Where the line of any railroad company of this State is con-
 4 structed to the Delaware river, such company may extend such line, with
 5 as many tracks as it shall deem necessary, by means of a bridge and its ap-
 6 proaches, to the middle of the river and connect the same with any railroad
 7 of an adjoining State and may change the location of its line or make such
 8 other improvements therein as may be necessary or convenient for this pur-
 9 pose.

10 The company may acquire by condemnation such lands as may be nec-
 11 essary. [upon filing and recording the survey of the route with the Secretary
 12 of State and making the deposit required by section 48:12-25 of this Title.]

13 The company may occupy so much of the land belonging to this State
 14 as shall be required for the bridge and the piers and abutments thereof and
 15 approaches thereto, upon payment to the [Board of Commerce and Naviga-
 16 tion] *Department of Conservation and Economic Development* of such com-

17 pensionation as it shall fix. The [board] *department* shall convey such lands
18 in fee to the company upon receiving such payment.

19 The company may retain that portion of the line which has been relocated
20 if in its opinion the abandonment of the original line would be be incon-
21 venient or injurious to the interests of the public and the company.

1 134. Section 48.12-45 of the Revised Statutes is amended to read as
2 follows:

3 48:12-45. Any *railroad* company organized under [this chapter] *the*
4 *laws of this State* whose route lies in part under the bed of waters of an
5 interstate river or other interstate waters may build its railroad under the
6 same by tunnel.

7 In approaching such river or waters the company may build its railroad
8 in part by tunnel under lands and longitudinally or otherwise under streets
9 and public places in municipalities and under railroads and rivers, and in
10 part on or above the surface of the land.

11 The company may construct and secure the foundations and other struc-
12 tures required for the construction, maintenance and operation of the road
13 and may connect the road under the bed of the waters of the river with the
14 railroad of any company organized under the laws of an adjoining State.

15 The tunnel shall be so built and maintained as to make the surface of
16 the ground above the same firm and safe for building and other erections
17 thereon and shall be at such depths beneath the lands, rivers, railroads,
18 streets and public places as not to interfere with the use thereof.

19 The company may enter upon, purchase or acquire in the manner pro-
20 vided by law, such lands or rights and easements in lands along its said
21 route, upon, over or beneath the surface of the land as shall be necessary
22 for its purposes.

23 The right of way beneath the streets and public places and the use
24 thereof for the purpose of the railroad is hereby declared to be a public use
25 consistent with and 1 of the uses for which the same are publicly held.

26 Whenever it shall be necessary to alter the position of any public sewer

27 or water pipe the same shall be done at the expense of such company under
28 the direction of the public authorities having charge thereof.

29 Any such company shall have 10 years from the date of its organization
30 to open and complete 1 track of its road.

31 Nothing in this section shall authorize the building of any railroad either
32 upon or above the surface or by open cut longitudinally along any street
33 of a city or town.

1 135. Section 48:12-46 of the Revised Statutes is amended to read as
2 follows:

3 48:12-46. Every *railroad* company [organized under this chapter] shall
4 erect and maintain fences on the sides of its road of the height and strength
5 of division fences required by law, with gates or barways at farm crossings.
6 Every such company shall also construct and maintain cattle guards at road
7 crossings sufficient to prevent cattle and other animals from getting on the
8 railroad.

9 Until such fences and guards are erected the company shall be liable
10 for damages done by its trains to cattle or other animals straying on its
11 railroad. Where such fences and guards have been duly erected and main-
12 tained the company shall not be liable for such damages unless negligently
13 or willfully done.

1 136. Section 48:12-49 of the Revised Statutes is amended to read as
2 follows:

3 48:12-49. Every railroad company owning, leasing or controlling any
4 right of way for a railroad within this State shall construct and keep in
5 repair good and sufficient bridges and passages over, under and across the
6 railroad or right of way where any road, street or avenue now or hereafter
7 laid, shall cross the same, so that public travel on the road is not impeded
8 thereby. Said bridges and passages shall be of such width and character as
9 shall be suitable to the locality in which they are situated.

10 Where the railroad intersects the land of an individual the company
11 shall provide and keep in repair suitable and convenient passageways over,

12 under and across the railroad and construct and maintain suitable and proper
13 cattle guards at all road crossings.

14 【This section shall not enlarge the duty imposed by its charter upon any
15 railroad company incorporated by special act and whose railroad was con-
16 structed before April 2, 1873.】

1 137. Section 48:12-51 of the Revised Statutes is amended to read as
2 follows:

3 48:12-51. When the tracks of a railroad company shall cross a highway,
4 such highway may be carried under or over the tracks as may be found
5 expedient.

6 【Where an embankment or cutting shall make a change in the line or
7 route of the highway desirable with a view to a more easy ascent or descent
8 or where more land is required to make an embankment or cutting in the
9 highway in its approaches to the crossing to adapt it to the grade thereof,
10 the company may acquire by purchase or condemnation, such additional
11 land for the construction of the crossing of such new line or route or ele-
12 vation as it may deem necessary.】

13 *Any such company may take and acquire by condemnation all the land*
14 *necessary for that purpose.*

15 Such land, when so acquired, shall become a part of the highway in the
16 same manner and by the same terms as the adjacent parts of the highway
17 are held for highway purposes.

1 138. Section 48:12-54 of the Revised Statutes is amended to read as
2 follows:

3 48:12-54. Every company operating on a fixed track or tracks, freight or
4 passenger trains or cars 【propelled by steam or electric power】, shall pro-
5 vide protection to pedestrians and the traveling public at every crossing of
6 its tracks by any public road 【which is improved by joint action of the State
7 and a municipality or county】. Such protection may be in the form of safety
8 gates, flagmen, electric bell, electric signs or other recognized system of
9 alarm or protection approved by the Board of Public Utility Commissioners.

10 When several crossings lie so close together that an audible signal at
11 1 crossing may be sufficiently heard at others near it, such crossings may be
12 protected by such device or signals as will sufficiently protect all crossings
13 in the group.

14 When on any line or part thereof all traffic is discontinued for any part
15 of the night, no crossing guards need be operated while traffic is so discon-
16 tinued.

17 This section shall not apply to street car lines or tracks used principally
18 for street car purposes.

19 The provisions of this section shall be construed to be mandatory and
20 shall be operative without order or direction of the board.

1 139. Section 48:12-55 of the Revised Statutes is amended to read as
2 follows:

3 48:12-55. The Board of Public Utility Commissioners, upon its own initia-
4 tive or upon the application of any municipality or citizen dissatisfied with the
5 protection provided or the failure to provide any or sufficient protection at
6 any crossing within such municipality or used by such citizen may by order
7 compel proper compliance with section 48:12-54 of this Title. Such applica-
8 tion shall be considered and acted upon **[forthwith.]** *in accordance with the*
9 *board's rules of practice.*

1 140. Section 48:12-57 of the Revised Statutes is amended to read as
2 follows:

3 48:12-57. Every railroad company shall place on each engine a bell weigh-
4 ing not less than 30 pounds which shall be rung continuously in approaching
5 a grade crossing of a highway, beginning at a distance of at least 300 yards
6 from the crossing and continuing until the engine has crossed such highway,
7 or a whistle or horn operated by steam, air or electricity, which shall be
8 sounded, except in cities, at least 300 yards from the crossing and at intervals
9 until the engine has crossed the highway.

10 For every default the company operating such road shall pay a penalty
11 of **[\$20.00]** *\$100.00* to be sued for by any informer within 10 days after

12 such penalty was incurred, $\frac{1}{2}$ to go to the informer and $\frac{1}{2}$ to the county
 13 wherein such default occurred. Nothing herein shall take away any remedy
 14 for such neglect from any person injured thereby.

1 141. Section 48:12-58 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-58. Every railroad company shall *install and* maintain at each
 4 highway crossing at grade a conspicuous sign with such inscription and of
 5 such standard and design as shall be approved by the Board of Public Utility
 6 Commissioners, so as to be easily seen by travelers.

7 [Such sign need not be maintained in any municipality unless required
 8 by its governing body, or by the board.]

9 *Every railroad company shall install and maintain, at such places as the*
 10 *Board of Public Utility Commissioners may direct, advance warning signs near*
 11 *such highway crossings at grade.*

1 142. Section 48:12-62 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-62. The railroad company or companies involved shall pay 15%
 4 and the board, out of funds to be provided for that purpose, shall pay 85%
 5 of the entire expense of such alterations, reconstructions, changes, relocation
 6 or opening, including damages to adjacent property and the cost of removing,
 7 relaying or relocating any municipal pipes, conduits or subways.

8 *All insurance required in connection therewith shall be placed through*
 9 *brokers or agents licensed and resident in the State of New Jersey.*

1 143. Section 48:12-63 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-63. Where the order of the board shall require changes in or the
 4 removal of the property or [constructions of a street railway, telegraph,
 5 telephone, gas, electric, lighting, power, water, oil, pipe lines or other com-
 6 pany, copartnership or individual, each] *facilities of any public utility, the*
 7 *public utility* shall at its [or his] own expense move or change the location
 8 or grade of [their] *its* property or [constructions] *facilities* in conformity

9 with such order; provided, that if funds are granted or allotted by the
10 United States Government or any of its agencies, the board may, with the
11 consent and approval of the Governor, allot and credit any or all of the
12 funds so received toward the payment of the expenses to be borne by such
13 utility or utilities. They shall be deemed parties in interest and be given
14 notice of hearing and opportunity to be heard.

1 144. Section 48:12-64 of the Revised Statutes is amended to read as
2 follows:

3 48:12-64. Any railroad company or companies whose tracks cross or are
4 crossed at grade by a public highway, or the body having charge of the
5 finances of any municipality or county having jurisdiction over any such
6 highway, may present to the board a petition in writing setting forth the
7 facts upon which relief under sections 48:12-61 to 48:12-67 of this Title is
8 sought, or the board may of its own motion proceed with respect to any
9 such crossing or crossings.

10 Thereupon the board shall fix a time and place for a hearing before it and
11 shall *order the railroad or railroads to* give such notice thereof as it shall
12 deem reasonable to the municipality or county and to the corporations, co-
13 partnerships or individuals interested therein. After such hearing the board
14 shall determine or order what, if any, alterations to or changes in or con-
15 nected with the crossing or crossings and public highway shall be made.

1 145. Section 48:12-65 of the Revised Statutes is amended to read as
2 follows:

3 48:12-65. The notice of time and place of hearing required by section
4 48:12-64 of this Title may, except as to the municipality or county and the
5 railroad company or companies interested in the hearing, be **[giving]** *given*
6 by publication of a notice in a newspaper circulating in the municipality in
7 which the crossing or crossings to which such hearing relates may be located.
8 The newspaper shall be designated by the board.

9 The publication shall be at such intervals and for such period of time as
10 the board shall deem reasonable. It shall be directed generally "To whom

11 it may concern," give notice of the time and place of hearing and describe
12 generally the object of the hearing.

1 146. Section 2 of P. L. 1947, c. 178 (C. 48:12-67.1) is amended to read
2 as follows:

3 2. Sections 48:12-61 to 48:12-66 of the Revised Statutes shall apply to
4 all alterations, reconstructions, changes, relocations or openings ordered by
5 the Board of Public Utility Commissioners, after the effective date of this
6 act, and also to any alterations, reconstructions, changes, relocations or open-
7 ings ordered prior to such effective date, if no part of the work under such
8 order had been actually commenced on the ground prior to such date. No
9 further application to the board shall be necessary in any proceedings in
10 which an order of the board had been made prior to the effective date of this
11 act to bring the alterations, reconstructions, changes, relocations or openings,
12 so ordered, within the provisions of said sections 48:12-61 to 48:12-66 of
13 this Title.

14 This section shall not be applicable to any grade crossing elimination
15 under a State Highway **Commission** *Department* program, pursuant to the
16 provisions of sections 48:12-68 to 48:12-77 of this Title.

1 147. Section 48:12-68 of the Revised Statutes is amended to read as
2 follows:

3 48:12-68. The State Highway **Commission** *Department*, before Janu-
4 ary 1 of each year, shall formulate a program, covering the work to be started
5 or completed during the ensuing year, for the elimination of railroad cross-
6 ings at grade on State highways, the improvement, relocation, alteration and
7 reconstruction of crossings of railroads and State highways not at grade, and
8 the location and construction of new crossings of railroads and State highways
9 not at grade, where the construction of the new crossings of railroads and
10 State highways not at grade result or will result in the closing, abandonment
11 or combination of an existing grade crossing at or in the vicinity of the new
12 State highway crossing.

13 The aggregate estimated cost of the work in such annual program, in
14 which railroad companies will share, shall not exceed \$2,000,000.00.

1 148. Section 48:12-69 of the Revised Statutes is amended to read as
2 follows:

3 48:12-69. The State Highway **[Commission]** *Department* shall furnish
4 the annual program to every company owning or operating a railroad which
5 is called upon to perform work under the program.

6 Every such railroad company shall co-operate with the State Highway
7 **[Commission]** *Department* in the prompt execution and completion of the
8 work.

1 149. Section 48:12-70 of the Revised Statutes is amended to read as
2 follows:

3 48:12-70. The cost of the work to be shared by railroad companies and
4 the State Highway **[Commission]** *Department* provided for in any annual
5 program, exclusive of the cost of the surface paving on roadways and the
6 curbing, sidewalk paving and guard rails on approaches, which shall be con-
7 structed at the sole expense of the State, shall be borne and paid 15% by
8 the railroad company or companies involved and 85% by the State.

1 150. Section 48:12-71 of the Revised Statutes is amended to read as
2 follows:

3 48:12-71. The State Highway **[Commission]** *Department* and any rail-
4 road company or companies may enter into an agreement on the basis of the
5 division of the cost, as provided by section 48:12-70 of this Title, covering the
6 work in the annual program, or the elimination of any crossing at grade or
7 the improvement, relocation, alteration or reconstruction of any crossing not
8 at grade on any State highway, in addition to the work provided for in such
9 program.

1 151. Section 48:12-72 of the Revised Statutes is amended to read as
2 follows:

3 48:12-72. The State Highway **[Commission]** *Department* shall bear the
4 entire expense of locating and constructing all crossings of railroads and

5 State highways not at grade to carry new highways over or under the rail-
6 roads where the construction of such crossings does not result or will not
7 result in the closing, abandonment or combination of an existing grade cross-
8 ing at or in the vicinity of the new highway crossing.

1 152. Section 48:12-73 of the Revised Statutes is amended to read as
2 follows:

3 48:12-73. The State Highway **【Commission】** *Department* may enter into
4 an agreement or agreements with the company or companies owning or oper-
5 ating such railroad or railroads for the performance by such company or com-
6 panies of any work under sections 48:12-68 to 48:12-78 of this Title.

1 153. Section 48:12-74 of the Revised Statutes is amended to read as
2 follows:

3 48:12-74. Whenever the work in the annual program involves changes
4 in rails, pipes or lines owned by a municipality or public utility, the State
5 Highway **【Commission】** *Department* shall furnish the program to the mu-
6 nicipality or public utility. Thereupon the municipality or public utility
7 shall co-operate with the State Highway **【Commission】** *Department* and the
8 railroad companies.

9 The municipality or public utility shall, at its own expense, change its
10 rails, pipes and lines to conform to the plan adopted by the State Highway
11 **【Commission】** *Department*; provided, that if funds are granted or allotted
12 by the United States Government or any of its agencies, the State Highway
13 **【Commission】** *Department*, with the consent and approval of the Governor,
14 may allot and credit any or all of the funds so received toward the expenses
15 to be borne by the municipality and the public utility or public utilities, the
16 property or properties of which are required to be changed.

1 154. Section 48:12-76 of the Revised Statutes is amended to read as
2 follows:

3 48:12-76. In connection with the elimination of any crossing at grade,
4 the improvement, relocation, alteration or reconstruction of any crossing not
5 at grade, or the location and construction of any new crossing not at grade

6 under sections 48:12-68 to 48:12-75 of this Title, the Board of Public Utility
7 Commissioners on petition of the State Highway [Commission] *Department*
8 or of any railroad company affected or of any party in interest may close,
9 abandon or combine any railroad crossing or crossings at grade of any State,
10 county or municipal highway or highways, when the board shall determine
11 that the public safety so requires or public convenience so permits and that
12 by reason of said State highway construction or improvement the crossing is
13 or the crossings are no longer necessary.

1 155. Section 48:12-79 of the Revised Statutes is amended to read as
2 follows:

3 48:12-79. The proper municipal authorities in any municipality may
4 enter into such contracts with any railroad company whose road lies wholly
5 or partially within the municipality or whose route has been located therein as
6 will secure greater safety to persons or property therein, or will facilitate the
7 construction or maintenance of other than grade crossings of streets, high-
8 ways or other railroads, or will provide for increased or improved station or
9 terminal facilities and transportation service, or will improve the surround-
10 ings of or make more convenient the access to a station of the railroad
11 within the municipality.

12 For such purposes the municipal authorities may construct sidewalks on,
13 pave, repave, curb, gutter, lay out, open, vacate or alter the lines or change the
14 grade of any street, highway, square or other public areas or places, and may
15 lay out, improve and maintain public parks, plazas or other public places as a
16 part of such improvements. The railroad company may locate, relocate,
17 change, alter grades of, depress or elevate any of its railroad tracks, bridges
18 or facilities, and construct new or additional tracks and transportation or
19 station facilities as shall be specified and provided for in the contract.

20 For the purposes of this section the municipality and the railroad com-
21 pany may take by purchase or condemnation any lands or any interest therein
22 required for such improvements and make such changes or conveyances of
23 their respective lands or any interest therein as will facilitate such work.

24 *The exercise of the power of condemnation under this section by any rail-*
 25 *road shall be in accordance with the provisions of the eminent domain pro-*
 26 *visions, chapter 3 of this Title.*

27 The cost and expenses of such lands, changes and improvements shall be
 28 borne by the municipality and the railroad company in such shares or pro-
 29 portions as may be provided in the contract.

1 156. Section 48:12-81 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-81. Where a public road maintained at county expense or controlled
 4 by the county is intersected by a [steam] railroad, the board of chosen free-
 5 holders of the county and the company owning or operating the railroad may
 6 enter into a contract to provide for the relocation of the public road and the
 7 relocation of the tracks of the railroad and to provide for such grades or
 8 changes in the grades of the public road and railroad as will facilitate the con-
 9 struction or maintenance of other than grade crossings upon the public road.

10 For such purposes the board of chosen freeholders may locate, relocate or
 11 vacate and alter the lines and change the grades of the public road, construct
 12 sidewalks and pave, repave, gutter and otherwise improve the public road as
 13 part of the improvement.

14 The railroad company may locate, relocate, change, alter grades of, de-
 15 press or elevate any of its tracks, bridges or facilities, and construct new or
 16 additional tracks, as provided for in the contract.

17 For the purposes above enumerated the county and the railroad company
 18 may take by purchase or condemnation any lands required for such improve-
 19 ments and may make such exchanges or conveyances of their respective lands
 20 or any interest therein as will facilitate the work.

21 *The exercise of the power of condemnation under this section by any rail-*
 22 *road shall be in accordance with the provisions of the eminent domain pro-*
 23 *visions, chapter 3 of this Title.*

24 The cost and expense of any such lands, changes and improvements shall
 25 be borne by the county and the railroad company in such proportions as may
 26 be provided in the contract.

27 Any company owning or operating a street railroad on the public road at
28 such crossing or crossings may become a party to the contract.

1 157. Section 48:12-83 of the Revised Statutes is amended to read as
2 follows:

3 48:12-83. In any action against a [steam] railroad company to recover
4 damages for injury or death occurring at any crossing at which the company
5 has not installed any safety gates, bell or other warning or protective device
6 of the kind usually employed to warn and protect the traveling public and such
7 injuries or death are alleged to be due to the negligence of the company, the
8 plaintiff's *action* shall not be [nonsuited] *dismissed* on the ground of con-
9 tributary negligence on the part of the person injured or killed, but it shall be
10 left to the jury to determine whether such person was exercising due and rea-
11 sonable care under the conditions existing at the crossing at the time of such
12 injury or death.

13 If the jury shall determine that the person injured or killed was not exer-
14 cising due and reasonable care under the circumstances, the verdict shall be
15 against the plaintiff and in favor of the defendant.

1 158. Section 48:12-96 of the Revised Statutes is amended to read as
2 follows:

3 48:12-96. Any [steam] railroad company operating under this chapter may
4 acquire, own and operate autobusses and autotrucks for the transportation
5 of passengers, freight, mail and other property.

1 159. Section 48:12-100 of the Revised Statutes is amended to read as
2 follows:

3 48:12-100. A railroad company may demand and receive such sums of
4 money for the transportation of persons on its railroad and connections and
5 for any other services connected with the business of transportation of per-
6 sons over its railroad or to or from the same, [as it shall from time to time
7 think reasonable and proper.] *in accordance with its approved tariff on file*
8 *with the Board of Public Utility Commissioners.*

1 160. Section 48:12-103 of the Revised Statutes is amended to read as
2 lows:

3 48:12-103. Any railroad company may, *subject to the approval of the*
4 *Board of Public Utility Commissioners*, collect such extra fare [as it may deem
5 expedient] from passengers who travel in cars furnished in a superior man-
6 ner and with extra accommodations, commonly known as parlor or sleeping
7 cars, provided the company shall also run trains of ordinary first-class pas-
8 senger cars in number sufficient to accommodate fully all persons who prefer
9 to travel therein.

1 161. Section 48:12-117 of the Revised Statutes is amended to read as
2 follows:

3 48:12-117. Any railroad company may demand and receive such sums of
4 money for the transportation of property on its railroad and connections and
5 for any other services connected with such transportation on or over its rail-
6 road or to or from the same as it may from time to time think reasonable and
7 proper *in accordance with its approved tariff on file with the Board of Public*
8 *Utility Commissioners.*

1 162. Section 48:12-121 of the Revised Statutes is amended to read as
2 follows:

3 48:12-121. Any railroad company may charge *in accordance with the*
4 *approved tariff on file with the Board of Public Utility Commissioners* for
5 the transportation of the following property any rate not exceeding twice
6 the rate such company is allowed to charge for transporting ordinary goods
7 by their respective charters or the law of this State:

8 a. Express matter in packages weighing less than 100 pounds each or the
9 value of which exceeds \$1.00 per pound;

10 b. Property forwarded in passenger or special trains; or

11 c. Property the handling or transportation of which is attended with
12 extraordinary expense or risk, such as live animals in less quantities than
13 carloads, valuable furniture not boxed, powder, glass plates, pianos and the
14 like.

15 Any railroad company may receive from any express or transportation
16 company, person or firm any amount that such company, person or firm shall
17 agree to pay for carrying express goods or other property; any limit to the
18 rate of compensation in the charters of such railroad companies or other-
19 wise to the contrary notwithstanding.

20 Nothing in this section shall exonerate any railroad company from car-
21 rying goods other than of the kind above mentioned that shall be offered to
22 their agents for transportation on the terms prescribed by their respective
23 charters or by the laws of this State.

1 163. Section 48:12-126 of the Revised Statutes is amended to read as
2 follows:

3 48:12-126. Any railroad company of this State, or any railroad company
4 not a corporation of this State authorized by law to own or operate any rail-
5 road in this State, may lease its road or any part thereof to any other rail-
6 road company of this or any other State, or may take a lease of the road or
7 any part thereof of any such other railroad company, or may unite or con-
8 solidate as well as merge its stock, property, franchises and roads with those
9 of any such other railroad company or companies, or may acquire by merger
10 the stock, property, franchises and road of any such other railroad company
11 or companies, or may do both; provided, however, that nothing in this sec-
12 tion shall be deemed to authorize any railroad company of this State to be
13 merged into any railroad company that is not a corporation of this State, or
14 of this State and some other State or States, unless the company into which
15 it is proposed to merge such company of this State owns the entire capital
16 stock, or is in possession of and holds under lease all of the railroad and
17 franchises, of such railroad company of this State to be so merged.

18 After such lease, consolidation or merger the company or companies so
19 acquiring such stock, property, franchises and road may use and operate
20 such road as their own road and collect fares and freight as provided in the
21 case of *railroad* companies organized under **[this chapter]** *the laws of this*
22 *State*, but not in excess of the charges on the line of any of the consolidated

23 or merged companies, nor in excess of the rates limited by any special act
24 incorporating such company.

25 Such leasing, consolidation or merger may be made where the roads of
26 the companies connect either directly or over the intervening line of 1 or
27 more other railroad companies.

1 164. Section 48:12-131 of the Revised Statutes is amended to read as
2 follows:

3 48:12-131. The several parties to any such agreement of consolidation or
4 merger shall, from the time of the recording thereof in the office of the
5 Secretary of State, be taken to be 1 railroad company by the name adopted
6 in case of a consolidation or by the name of the acquiring company in case
7 of a merger, possessing within this State all the rights and franchises and
8 subject to all the restrictions, disabilities and duties of the companies of this
9 State, or owning or operating any railroad in this State, so consolidated or
10 merged and in case of a consolidation, if any of the constituent companies
11 so consolidated was a corporation of this State, the new company formed by
12 such consolidation shall be a corporation of this State or of this State and
13 some other State or States.

14 All the rights, privileges and franchises of each of the companies par-
15 ties to any such agreement of consolidation or merger and all rights-of-way,
16 real estate and personal property, and all debts, stock subscriptions and
17 other things in action of the companies consolidated or merged shall be
18 taken to be transferred to the new or acquiring company without further
19 act or deed and to be vested in the new or acquiring company as effectually
20 as they were in the former companies.

21 The new or acquiring company may take land by purchase or condem-
22 nation in the same manner and to the same extent as companies organized
23 under [this chapter] *the laws of this State*.

24 All rights of creditors and all liens upon property shall be preserved
25 unimpaired and all debts, liabilities and duties of any of the former com-
26 panies shall thenceforth attach to the new or acquiring company and be
27 enforced against it to the same extent as if incurred by it.

1 165. Section 48:12-132 of the Revised Statutes is amended to read as
2 follows:

3 48:12-132. Any stockholder of any company of this State who shall re-
4 fuse to convert his stock into the stock or securities of the consolidated or
5 acquiring company or who shall dissent from any merger or lease of the
6 property and franchises of his company to another company, may at any
7 time within 30 days after the adoption of the agreement by the stockholders
8 of his company apply by **[petition]** *complaint* on reasonable notice to the
9 company, or to the consolidated or acquiring company if the consolidation
10 or merger shall have become effective, to the **[Chancellor or the Supreme**
11 **Court or 1 of the justices thereof]** *Superior Court* who shall appoint 3 dis-
12 interested citizens of this State to estimate the damage if any done to the
13 stockholder by such consolidation, merger or lease. Such appraisers shall
14 also separately appraise the shares of the stockholders at the full market
15 value thereof without regard to any depreciation or appreciation thereof in
16 consequence of the consolidation, merger or lease. Their award when filed
17 with the clerk **[in chancery or clerk of the Supreme Court]** *of the Superior*
18 *Court* and confirmed by the **[chancellor, court or justice]** *Superior Court*
19 shall be final and conclusive.

20 The company, or the consolidated or acquiring company if the consoli-
21 dation or merger shall have become effective, may, at its election, pay to
22 the stockholder the amount of damages so found, if any, or the value of the
23 stock so appraised and determined. Upon the payment of the value of his
24 stock it shall be transferred and belong to the company, or to the consoli-
25 dated or acquiring company if the consolidation or merger shall have become
26 effective, as the case may be, to be disposed of by the directors or retained.

27 In case the value of the stock shall not be paid within 30 days after the
28 confirmation of the award and notice to the company, or to the consolidated
29 or acquiring company if the consolidation or merger shall have become ef-
30 fective, the damages so found and confirmed shall have the force and effect

31 of a judgment of the [Supreme Court or a decree of the court of chancery]
 32 *Superior Court* for such damages against the company or, in the case of a
 33 consolidation or merger which shall have become effective, against the con-
 34 solidated or acquiring company.

1 166. Section 48:12-134 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-134. In all cases of merger or consolidation under this article, the
 4 consolidated or acquiring company may borrow an amount of money, [not-
 5 withstanding any limitation or restriction in this or any other law of this
 6 State,] sufficient to cover all the indebtedness of the companies united by
 7 such consolidation or merger and complete, extend, repair, improve and
 8 equip its railroad and furnish all necessary lands, personal property, en-
 9 gines, cars and equipment, and may issue bonds for the money borrowed
 10 secured by mortgage on its corporate property and franchises or any part
 11 thereof.

1 167. Section 48:12-137 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-137. When any *railroad* company organized under [this chapter]
 4 *the laws of this State* shall, by agreement of lease, merger or consolidation,
 5 become possessed of a line of railroad between the termini named in its cer-
 6 tificate of incorporation and cars are actually being operated thereon, and
 7 shall file a certificate of that fact with the State Treasurer over its corporate
 8 seal, signed by its president and attested by its secretary and verified by
 9 the affidavit of its treasurer, the State Treasurer shall repay to such com-
 10 pany the sum of money deposited with the State Treasurer as required by
 11 section 48:12-8 of this Title or so much thereof as shall not have been al-
 12 ready repaid. In case the company has become merged or consolidated, the
 13 sum shall be paid to the new or acquiring company formed by the consoli-
 14 dation or merger.

1 168. Section 48:12-138 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-138. When a sale is made of a railroad in this State under exe-
 4 cution or by force of a decree or judgment in foreclosure or insolvency pro-
 5 ceedings or otherwise, or when a lease of a railroad is made by a receiver by
 6 order of the **【chancellor】** *Superior Court*, the sale and conveyance or lease
 7 shall vest in the purchaser or lessee such title of the parties to the suit as
 8 the court may direct, and may include all property and franchises of the
 9 company subject to all conditions, limitations and restrictions.

1 169. Section 48:12-139 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-139. The purchaser or lessee and his associates or assigns not less
 4 than **【7 nor more than 17】** *3* in number, may within 18 months after the sale
 5 or lease, organize as a railroad company under a different corporate name
 6 from that of the former company by filing and recording in the office of the
 7 Secretary of State a certificate that they accept the charter of the company
 8 whose property has been sold or leased and setting forth the further partic-
 9 ulars required in a certificate of incorporation under this **【chapter】** *Title*,
 10 so far as applicable. Such company shall have all the powers and franchises
 11 and be subject to all the restrictions, limitations and conditions of the former
 12 company.

13 In lieu of such acceptance of the former charter the purchaser or lessee
 14 may form a railroad company under **【this chapter】** *the laws of this State*
 15 at any time after the sale or lease. The new company may take conveyance of
 16 and operate such railroad with the franchises and powers by this chapter
 17 conferred in lieu of those granted by special charter.

1 170. Section 48:12-141 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-141. Where suit is brought to foreclose a mortgage of the railroad
 4 and franchises of any railroad company of another State, any part of whose
 5 route, whether acquired by lease or otherwise, lies within this State, the
 6 suit in this State shall, so far as is consistent with the protection of parties
 7 having liens in this State, be conducted as auxiliary to the foreclosure suit in

8 the State where the company is domiciled. The *Superior Court* [of chan-
 9 cery] may [decree] *order* the sale of property and franchises in this State
 10 to be made in such other State at the same time and place as the foreclosure
 11 sale therein under such regulations as to advertisement or otherwise and on
 12 such terms as the Chancellor may direct.

13 No conveyance shall be made until confirmation of the sale by the [Chan-
 14 cellor] *Superior Court*. The [Chancellor] *Superior Court* may impose such
 15 terms as may be equitable upon the acquisition by the purchaser of the
 16 property and franchises of the company in the hands of the receiver, if any,
 17 in this State.

1 171. Section 48:12-142 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-142. Where a new railroad company is formed in the State of the
 4 domicile of such former company by or on behalf of the purchasers, to take
 5 and operate the railroad and its franchises, the new company may, within
 6 6 months after the sale, apply to the *Superior Court* [of chancery] in the
 7 foreclosure suit in this State by [petition] *complaint* containing a copy of
 8 its charter, certificate of incorporation or other documentary legal evidence,
 9 and the [Chancellor] *Superior Court* on due proof may adjudge [and de-
 10 cree] that the new company has been legally created and has acquired the
 11 property and franchises of the original company. A duly certified copy of
 12 the [petition] *complaint*, proceedings and [decree] *judgment* shall be filed in
 13 the office of the Secretary of State. Said record or a copy thereof, shall be
 14 evidence of the incorporation and rights in this State of the new company.

15 The purchasers at the official sale of the property and franchises may
 16 transfer them to the new company, or, if no conveyance has been made, may
 17 assign their bids, in which case the [Chancellor] *Superior Court* may direct
 18 the receiver, master or officer to make conveyance to the new company on such
 19 terms as shall be equitable. The new company shall possess all powers of
 20 corporations organized under the laws of this State and all powers conferred
 21 by such laws on the company whose property and franchises were sold. The

22 new company may enjoy the property and exercise the franchises so conveyed
23 to it within this State as fully as if it were organized under the laws of this
24 State, subject to all liens, contracts, limitations, covenants and agreements
25 relative to the mortgaged premises, property and franchises prior to the mak-
26 ing of such mortgage. The filing of the record in the office of the Secretary of
27 State shall operate as a covenant to perform such contracts, limitations,
28 covenants and agreements.

1 172. Section 48:12-145 of the Revised Statutes is amended to read as
2 follows:

3 48:12-145. If a railroad company shall fail or neglect to run daily trains
4 on any part of its road for a space of 10 days the **【Chancellor,】** *Superior*
5 *Court*, on petition of a citizen of this State and on due proof of the facts,
6 may appoint a receiver who shall take possession of all of the real estate and
7 personal property of the company and operate the road and transact the
8 ordinary business thereof in the transportation of freight and passengers for
9 such time as the **【Chancellor】** *Superior Court* may direct.

10 All expenses incurred thereby shall be a first lien on all the earnings of
11 the company prior to any other claim and the surplus if any shall be dis-
12 tributed as the **【Chancellor】** *Superior Court* may direct. The receiver shall
13 apply all unencumbered personal property not required in the operation of
14 the road and all moneys transferred to him at the time of his appointment,
15 towards the payment of wages then due to employees of the company, not ex-
16 ceeding 2 months' wages.

17 This section shall not apply to a railroad at any seaside resort built prin-
18 cipally for the transportation of summer travelers nor to a temporary suspen-
19 sion necessary to complete, reconstruct or change the grade of any railroad.

1 173. Section 48:12-146 of the Revised Statutes is amended to read as
2 follows:

3 48:12-146. When a railroad company in this State shall become insolvent
4 and its property shall have passed into the hands of a receiver by order of the
5 **【Chancellor】** *Superior Court*, the receiver shall operate the railroad for the

6 use of the public, subject at all times to the order of the **【Chancellor】**
7 *Superior Court*. All expenses incident to the operation of the railroad shall
8 be a first lien on the receipts, to be paid before any other encumbrances
9 whatever.

1 174. Section 48:12-147 of the Revised Statutes is amended to read as
2 follows:

3 48:12-147. The receiver, appointed by the **【Chancellor,】** *Superior Court*,
4 of an insolvent railroad company of this State, or of another State holding
5 railroad franchises and property in this State, may, with the approval of
6 the **【Chancellor】** *Superior Court*, lease or sell the railroad with all its
7 chartered rights, privileges and franchises.

8 The purchaser or lessee shall hold, use and enjoy the same during the
9 residue of the term limited in the charter of the company or during the term
10 in such lease specified as fully as the company could have enjoyed the same,
11 subject to all the restrictions, limitations and conditions contained in the
12 charter.

13 Where the railroad of an insolvent company lies partly in another State,
14 the **【Chancellor】** *Superior Court* may order the sale of any of its property
15 or franchises at the same time or place, whether in or out of this State, of
16 any official or foreclosure sale thereof out of this State. Such sale may be
17 made in such manner that a purchase thereof may be made on one and the
18 same bid by the purchaser of the property and franchises out of this State
19 or otherwise as the **【Chancellor】** *Superior Court* may direct, imposing on
20 the purchaser such terms as shall be equitable.

21 The **【Chancellor】** *Superior Court* may order the company to join with
22 the receiver in the conveyance of the property and franchises.

1 175. Section 48:12-148 of the Revised Statutes is amended to read as
2 follows:

3 48:12-148. No lease of a railroad shall be made by a trustee or receiver
4 appointed by the **【Chancellor】** *Superior Court* except upon a rental and
5 adequate security for the payment of the same, both to be first approved by

6 the [Chancellor] *Superior Court* and a majority of the stockholders of the
7 railroad in interest, upon such public notice to the parties in interest as the
8 [Chancellor] *Superior Court* shall direct.

1 176. Section 48:12-149 of the Revised Statutes is amended to read as
2 follows:

3 48:12-149. When the [Chancellor] *Superior Court* or a court of com-
4 petent jurisdiction has [decreed] *adjudged* a railroad company to be insol-
5 vent and appointed a receiver to wind up its affairs, the [Chancellor] *Su-*
6 *perior Court* or such court may, upon petition of such receiver and upon
7 such notice as the [Chancellor] *Superior Court* or court may require, order
8 the State Treasurer to pay to the receiver any money of the company de-
9 posited with the State Treasurer at the time of its organization, or such part
10 thereof as may remain on deposit.

11 Upon the making of such order the State Treasurer shall pay the money
12 so deposited, or such part thereof as may remain in his hands, to the receiver
13 who shall, after paying his expenses, distribute the balance to such creditors
14 or stockholders as may by law be entitled to receive the same.

1 177. Section 48:12-151 of the Revised Statutes is amended to read as
2 follows:

3 48:12-151. All actions accruing from injuries to persons caused by the
4 wrongful act, neglect or default of any railroad company owning or operating
5 any railroad within this State, shall be commenced and sued within 2 years
6 next after the cause of action accrued, and not after, *except for injuries to*
7 *infants and incompetents*. Actions by an executor or administrator for in-
8 juries causing the death of the testator or intestate shall be commenced and
9 sued within 2 years next after the death, and not after. All actions for injury
10 done to any property by fire communicated by an engine of any railroad
11 company of any railroad within this State shall be commenced and sued
12 within [2] 6 years after the cause of action accrued, and not after.

1 178. Section 48:12-166 of the Revised Statutes is amended to read as
2 follows:

3 48:12-166. Any person who shall:

4 a. Travel or attempt to travel on any train on a railroad without having
5 previously paid his fare and with intent to avoid payment thereof; or

6 b. Having paid his fare for a certain distance, knowingly and willfully
7 proceed on such train beyond such distance without previously paying the
8 additional fare for the additional distance, and with intent to avoid the pay-
9 ment thereof; or

10 c. Knowingly and willfully refuse or neglect on arriving at the point to
11 which he has paid his fare to quit such train—

12 Shall for every such offense forfeit to the company running the train a
13 sum not exceeding \$5.00.

14 On complaint made on oath and after summary hearing of the facts and
15 circumstances or on admission of the parties, any [justice of the peace in
16 the county, or district court of a city, or any recorder, police justice or
17 police court] *magistrate* of the municipality where the offender may be
18 arrested [or sued, by whatever name such police court may be known,] shall
19 have jurisdiction to impose such fine with costs.

20 [If any person be discovered in committing or attempting to commit
21 such offense, all officers, servants, railway police and other persons on behalf
22 of the company and all constables and peace officers may lawfully apprehend
23 and detain such person until he can conveniently be taken before such justice,
24 district court, or such recorder, police justice or police court of the munici-
25 pality, or until he shall be otherwise discharged by due course by law.]

1 179. Section 48:13-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 48:13-9. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* may enter upon any lands in the neighborhood of the
5 municipality which it is intended to supply with a sewerage system and
6 make all such preliminary surveys, examinations, explorations, measure-
7 ments and levelings as may be necessary for its corporate purposes, [doing

8 thereby as little damage as possible to the owners.] *subject to the right of*
9 *the owners to full compensation for damages to their lands.*

1 180. Section 48:13-10 of the Revised Statutes is amended to read as
2 follows:

3 48:13-10. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* may build, alter, repair, enlarge and maintain all necessary
5 works and apparatus within or without such municipality, and lay all such
6 pipes and conduits for sewerage at such times and in such places as shall
7 be necessary and proper for its corporate purposes.

1 181. Section 48:13-11 of the Revised Statutes is amended to read as
2 follows:

3 48:13-11. Every *sewerage* company organized under [this chapter] *the*
4 *laws of this State* may lay its pipes and conduits beneath such public roads,
5 streets, avenues and alleys as it may deem necessary for its corporate pur-
6 poses, upon complying with the terms and conditions upon which the consent
7 of the corporate authorities to the organization of the company shall have
8 been obtained, provided that the consent to the laying of such pipes shall
9 be obtained of any municipality through which the same may be laid.

10 Such pipes shall be laid at least 3 feet below the surface and shall
11 not unnecessarily interfere with public travel or damage public *or private*
12 property.

13 No consent shall be granted by the corporate authorities to such company
14 to lay its pipes beneath such public roads, streets, avenues or alleys for the
15 purposes aforesaid until a map and specifications of the proposed system of
16 sewerage shall have been submitted to the State Department of Health and
17 to the corporate authorities of any such municipality in which such system of
18 sewerage is proposed, and the map and specifications shall have been ap-
19 proved by them.

1 182. Section 48:13-13 of the Revised Statutes is amended to read as
2 follows:

3 48:13-13. Every *sewerage* company organized under **[this chapter]** *the*
 4 *laws of this State* shall commence the construction of the proposed system
 5 of sewerage within 6 months from the date of its organization, and shall
 6 complete the same within 3 years from the date of commencement. The
 7 conditions annexed to the consent of the corporate authorities may designate
 8 a shorter period for the completion of such works.

1 183. Section 48:13-14 of the Revised Statutes is amended to read as
 2 follows:

3 48:13-14. Such company may contract with property owners and others
 4 for the use of its system of sewerage for such price or rents and such re-
 5 strictions as the company may think proper **[.]** *in accordance with approved*
 6 *tariffs filed with the Board of Public Utility Commissioners.*

1 184. Section 48:14-2 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-2. **[Such pipes]** *Pipes* and conduits shall be laid at least **[2]** 3
 4 feet below the surface and shall not unnecessarily interfere with public travel
 5 or damage public or private property.

6 They shall be laid at least 3 feet from the outside of any water or gas
 7 pipe already laid, except when it shall be necessary to cross, in which case
 8 they shall be at least 12 inches from the outside of the water or gas pipe.

1 185. Section 48:14-9 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-9. When a survey of the locations of the dams of any *steam or*
 4 *water power* company organized under **[this article]** *the laws of this State*
 5 and the routes and locations of its main canals and raceways, branches and
 6 improvements, together with the lands and portions of such rivers or streams
 7 necessary for the same, shall be completed and deposited in the office of
 8 the Secretary of State, such company may enter upon, take possession of, and
 9 use, occupy and possess such lands and premises as authorized by **[section**
 10 **48:14-10 of]** *this Title.*

11 Every such company may enter upon all lands, whether covered with
 12 water or not, for the purposes contemplated by this article, [doing no
 13 unnecessary damage.] *subject to the right of the owners of said lands to full*
 14 *compensation for damages thereto.*

1 186. Section 48:14-11 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-11. Every *steam and water power* company organized under [this
 4 article] *the laws of this State* may construct and maintain dams on rivers
 5 and streams at such points and at such heights as it may deem necessary or
 6 advisable, and may flow back and raise the water in the rivers or stream
 7 above the dam to a height not exceeding 10 feet above common low water of
 8 the rivers and streams.

9 The plans and construction of the dams shall be approved by the [State
 10 Water Policy Commission] *Department of Conservation and Economic De-*
 11 *velopment.* For dams on navigable streams, the [commission] *department*
 12 may require the construction of such canals, locks, gates, shoots or other
 13 openings as, after public hearing, it may determine that the interests of
 14 navigation require. Where judged necessary by it, the [commission] *de-*
 15 *partment* may require all dams constructed under this article to be provided
 16 with a fishway for the passage of shad and other fish.

1 187. Section 48:14-12 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-12. Every *steam and water power* company organized under [this
 4 article] *the laws of this State* may cut or acquire main canals or raceways
 5 on each side of the rivers or streams from its dams to such points below as
 6 it may deem necessary. The company also may cut and erect as many lateral
 7 or branch raceways, locks, weirs, gates and other works, from the main canals
 8 or raceways to the rivers or streams as it may deem expedient for the pur-
 9 poses of generating, using and selling the power of the rivers and streams
 10 and electric power developed therefrom for mills, manufactories and other

11 purposes. *All work pursuant to this section shall be subject to the approval*
 12 *of the Department of Conservation and Economic Development.*

13 The water [s] so diverted from the rivers and streams shall be returned
 14 again to them after being so used, as unpolluted as before it was used.

1 188. Section 48:14-13 of the Revised Statutes is amended to read as fol-
 2 lows:

3 48:14-13. Every *steam and water power* company organized under [this
 4 article] *the laws of this State* shall commence its proposed dams and works
 5 within 2 years from the date of its organization, and complete the dams and
 6 cut or acquire its main canals or raceways within 3 years from the date of
 7 commencement aforesaid.

1 189. Section 48:14-15 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-15. Every *steam and water power* company organized under [this
 4 article] *the laws of this State* may construct, maintain, improve and repair
 5 all such embankments, reservoirs, aqueducts, culverts, locks, bridges and
 6 other works as it may deem convenient and necessary for the public pur-
 7 poses of this article.

1 190. Section 48:14-16 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-16. Every *steam and water power* company organized under [this
 4 article] *the laws of this State* may develop electric power for commercial
 5 purposes by means of water power and supply current and power at such
 6 prices as may be agreed upon. Such company may erect and maintain the
 7 necessary buildings, machinery and apparatus for developing power and cur-
 8 rent and distribute the same to any place or places.

1 191. Section 48:14-17 of the Revised Statutes is amended to read as
 2 follows:

3 48:14-17. Every *steam and water power* company organized under [this
 4 article] *the laws of this State* may enter upon any public highway, street

5 or alley and erect poles on the same to sustain the necessary wires and fix-
6 tures, and alter, inspect and repair its system of distribution.

7 No such company shall enter upon any street or alley of any city, bor-
8 ough or township until after the consent of the governing body thereof shall
9 have been obtained.

1 192. Section 48:14-18 of the Revised Statutes is amended to read as
2 follows:

3 48:14-18. Every *steam and water power* company incorporated under
4 [this article] *the laws of this State* may lease its dams and works or any
5 part thereof to any other company or consolidate and merge its stock, prop-
6 erty and franchises with those of any other company or companies of this or
7 any other State. Such other company or companies may take such lease or
8 consolidate and merge its stock, property and franchises with such company
9 to form a new company.

10 After such lease or consolidation the lessee or the consolidated company
11 may use and operate such dams and works and their own dams and works,
12 or all or any of them according to the provisions and restrictions contained
13 in this article, notwithstanding any privilege heretofore granted to another
14 company.

1 193. Section 48:14-19 of the Revised Statutes is amended to read as
2 follows:

3 48:14-19. No *steam and water power* company organized under [this
4 article] *the laws of this State* shall supply any municipality or the public
5 with water for potable or other domestic uses.

6 Nothing in this article shall impair the right or privilege of any munici-
7 pality to take from the rivers and streams wholly in this State, or between
8 this and any other State, the potable waters thereof for public purposes.

9 No such company shall be entitled to damages or compensation for the
10 diversion of the waters of any such river or stream or tributaries thereof
11 for the water supply of any municipality.

1 194. Section 48:14-20 of the Revised Statutes is amended to read as
2 follows:

3 48:14-20. Every *water power* company organized to construct 1 or more
4 dams in any river or stream tributary to Barnegat bay for the purpose of
5 developing and selling water power and generating, distributing and selling
6 electricity, may cause examinations and surveys to be made of its proposed
7 dams, reservoirs, ponds, locks, weirs, gates, bridges, canals, race and power
8 stations, as well as the land that may be overflowed by the erection of the
9 dams. It may enter upon any lands or waters for the purpose of making
10 such examinations and surveys, subject to liability for all damage done.

11 A survey and map shall be made of the land to be taken or entered upon,
12 which map shall be signed by the president and secretary of the company
13 and filed in the office of the clerk of the county in which the lands shown on
14 the map are situated.

1 195. Section 48:15-1 of the Revised Statutes is amended to read as
2 follows:

3 48:15-1. The term "street railway or traction company" when used in
4 this chapter means and includes, unless the contrary appears from the con-
5 text, a company organized under this [chapter] *Title*, or any company
6 heretofore organized, reorganized or consolidated under the provisions of
7 any act of this State general, special or private, for the purpose of owning,
8 leasing or operating a street railway or a railroad operated as a street rail-
9 way and extensions thereof, or any company, which, by virtue of any act
10 of this State, has become subject to the provisions of any law of this State
11 authorizing the incorporation of street railway or traction companies.

12 The word "street" when used in this chapter means and includes a
13 public street, avenue, highway, road, alley, lane, plaza [or], square *or other*
14 *public place*.

1 196. Section 48:15-3 of the Revised Statutes is amended to read as
2 follows:

3 48:15-3. Any consent required by this chapter to be given by any public
4 body may be given by a resolution or ordinance of such body and shall
5 have the force and effect of a contract when accepted by any street railway
6 or traction company in a writing under its corporate seal, filed with the clerk
7 of the public body or in the office of the clerk of the county in which such
8 body exists. *Nothing herein shall make the provisions of R. S. 48:2-14 in-*
9 *operative.*

1 197. Section 48:15-28 of the Revised Statutes is amended to read as
2 follows:

3 48:15-28. Whenever any street railway or traction company shall change
4 the location of its tracks or any part thereof in any street or public park to
5 another part of such street or park, or from a private right of way proposed
6 to be taken for street or public park purposes to a new location within the
7 lines of any street or within the boundaries of such park, or from any street,
8 public park or private right of way to a new location in another street, at the
9 request of the body charged with the maintenance and repair of such streets
10 or public park on or through which such tracks are located and to which such
11 tracks shall be moved, the company so changing the location of its tracks and
12 its successors and assigns may maintain and operate its tracks with the nec-
13 essary appurtenances in the new location for as long a period as it had the
14 right to maintain and operate the tracks in their former location at the time
15 of the relocation.

16 *No such change shall be made without first obtaining approval of the*
17 *Board of Public Utility Commissioners.*

1 198. Section 48:15-29 of the Revised Statutes is amended to read as
2 follows:

3 48:15-29. No street railway shall be constructed in any street or other
4 public place in any municipality except upon the consent of the governing
5 body of the municipality.

6 **【The provisions of sections 48:3-11 to 48:3-17 of this Title shall govern**
7 **the granting and acceptance of such consent.】**

1 199. Section 48:15-30 of the Revised Statutes is amended to read as
2 follows:

3 48:15-30. If any board, body or public authority other than the govern-
4 ing body of the municipality shall have control of any street in which a pro-
5 posed street railway is to be constructed, the consent of such other board,
6 body or public authority shall also be required before the street railway is
7 constructed or operated.

8 The consent shall be [granted only upon notice to be] given in the same
9 manner as is provided in respect to the consent of a municipal governing
10 body.

1 200. Section 48:15-39 of the Revised Statutes is amended to read as
2 follows:

3 48:15-39. Any company organized under any law of this State operating
4 a street railway in any county of this State [having a population under the
5 Federal census of 1920 of not less than 60,000 nor more than 70,000 and hav-
6 ing a total track mileage of not more than 20 miles,] may operate auto-
7 busses in substitution in whole or in part for street railway service upon any of
8 its lines or parts thereof, subject to the approval of the Board of Public Util-
9 ity Commissioners.

1 201. Section 48:15-49 of the Revised Statutes is amended to read as
2 follows:

3 48:15-49. Any street railway or traction company may construct, main-
4 tain and operate a terminal station in any [city of the first class] *municipal-*
5 *ity*, and for that purpose any such company may purchase, acquire by con-
6 demnation in the manner provided by law, and hold all such property, real
7 and personal, or interest or estate therein, as may be necessary for that pur-
8 pose and for constructing approaches thereto.

1 202. Section 48:15-50 of the Revised Statutes is amended to read as
2 follows:

3 48:15-50. In order to connect the tracks of any street railway system
4 with such terminal the company building or owning the terminal may con-

5 struct a subway [not exceeding ½ mile in length] under any street, park
 6 or other public place upon such terms and conditions as may be prescribed by
 7 the body having control of such street, park or public place and approved by
 8 the Board of Public Utility Commissioners.

9 With the consent of such body and the approval of the Board of Public
 10 Utility Commissioners, the company in connecting the tracks of any street rail-
 11 way system with the terminal by surface tracks or elevated tracks built on
 12 private property or by both, may cross at grade or overhead substantially at
 13 right angles any street lying between the tracks of such system and the
 14 terminal.

1 203. Section 48:15-54 of the Revised Statutes is amended to read as
 2 follows:

3 48:15-54. Upon the making of the order aforesaid, the street railway or
 4 traction company, within the time fixed in such order, shall lay its tracks,
 5 wires and appurtenances on the bridge and use the same for public travel.

6 Should the board order the company to lay its tracks, wires and appur-
 7 tenances on the bridge and to operate its cars thereon but refuse to deter-
 8 mine the compensation if any to be paid by the company to the municipality
 9 owning the bridge for the use thereof, jurisdiction is hereby given to the
 10 [Chancellor, on petition or bill] *Superior Court on complaint* of the mu-
 11 nicipality or the company, to fix the compensation, if any, to be paid.

12 Notwithstanding any proceeding to review the amount of compensation
 13 to be paid, the company shall proceed to lay its tracks, wires and appurte-
 14 nances on the bridge and operate its cars thereon, pending the controversy as
 15 to the amount of the compensation to be paid.

1 204. Section 48:15-56 of the Revised Statutes is amended to read as
 2 follows:

3 48:15-56. Any stockholder of a company whose property and franchises
 4 shall be leased pursuant to section 48:15-55 of this Title and who shall not
 5 assent to the lease, or who shall resist or object to the making thereof, may
 6 within 30 days after the making of the lease, apply by [petition to the circuit

7 court of the county in which the chief office of the lessor may be kept, or to
 8 a judge of such court in vacation if no such court sits within such period, on
 9 reasonable notice to the lessor] *complaint to the Superior Court* to appoint
 10 3 disinterested persons to estimate the damage if any done to the stockholder
 11 by the lease and to appraise his stock at the full market value thereof without
 12 regard to any depreciation or appreciation in consequence of the lease. The
 13 award of the person so appointed or a majority of them when confirmed by
 14 the court shall be final and conclusive.

15 The lessor company may at its election pay to the stockholder either the
 16 amount of damages so found and awarded, if any, or the value of the stock
 17 so ascertained. Upon the payment of such value of the stock, the stockholder
 18 shall transfer the stock to the lessor company to be disposed of or retained for
 19 the benefit of the remaining stockholders.

20 If the value of the stock is not so paid within 30 days from the filing of
 21 such confirmation of the award by the court and notice to the lessor company,
 22 the damage so found and confirmed shall be judgment against the company
 23 and collected as are other judgments.

1 205. Section 48:17-7 of the Revised Statutes is amended to read as
 2 follows:

3 48:17-7. Any *telephone or telegraph* company organized under [this
 4 chapter] *the laws of this State* may borrow, from time to time, such sums
 5 of money as may be necessary for the accomplishment of its objects. To secure
 6 the repayment thereof, it may issue bonds registered or with coupons at-
 7 tached, or both, secured by a mortgage of any or all of its property and
 8 franchises, including stock and securities of the company or of any other com-
 9 pany whose stock and securities it owns.

10 The mortgage may be recorded as mortgages of real estate are by law
 11 required to be recorded in the office of the clerk or register of deeds of the
 12 county or counties in which the telegraph or telephone lines and exchanges
 13 may be located, and of the county in which the principal office of the com-
 14 pany is situated. The record or lodgment for record shall be notice to all sub-

15 sequent judgment creditors, purchasers and mortgagees of the execution of
16 the mortgage and of the contents thereof, although such mortgage may not
17 have been executed, proved or recorded as a chattel mortgage.

1 206. Section 48:17-8 of the Revised Statutes is amended to read as
2 follows:

3 48:17-8. Any telegraph *or telephone* company organized under the laws
4 of this or any other State, or of the United States [or any telegraph or
5 telephone company organized under this chapter] may erect, construct
6 and maintain the necessary poles, wires, conduits, and other fixtures for its
7 lines, in, upon, along, over or under any public street, road or highway, upon
8 first obtaining the consent in writing of the owner of the soil to the erection
9 of such poles, and through, across or under any of the waters within this
10 State and upon, through or over any other land, subject to the right of the
11 owners thereof to full compensation for the same.

1 207. Section 48:18-7 of the Revised Statutes is amended to read as
2 follows:

3 48:18-7. When the location of any tunnel and approaches and the loca-
4 tion of the necessary buildings, appurtenances and conveyances shall be deter-
5 mined upon, every such tunnel company shall have power to and it shall be
6 lawful for it to proceed to condemn and acquire and take the land necessary
7 for its business, in accordance with chapter 1 of the Title Eminent Domain
8 (§ 20:2-1 et seq.), or agreeably to chapter 2 of the Title Eminent Domain
9 (§ 20:2-1 et seq.).

10 As a prerequisite to the institution of any condemnation proceeding pur-
11 suant to the provisions of this chapter written permission so to do must
12 first be obtained from the [Board of Commerce and Navigation], *Depart-*
13 *ment of Conservation and Economic Development* which permission shall be
14 recorded in the office of the clerk of the county wherein such lands are situ-
15 ated and filed in the office of the Secretary of State.

1 208. Section 48:18-11 of the Revised Statutes is amended to read as
2 follows:

3 48:18-11. Before any *tunnel* company organized under this chapter shall
 4 begin the construction of a tunnel or tunnels, it shall apply to the [Board
 5 of Commerce and Navigation] *Department of Conservation and Economic*
 6 *Development* for a permit so to do. The [board] *department* is hereby di-
 7 rected to issue a permit to any such company to construct a tunnel or tun-
 8 nels, and its terminal or termini, in accordance with the provisions of this
 9 chapter; but no permit shall be issued for the construction of any such tunnel
 10 or tunnels within 10 miles of any bridge now crossing the Delaware river,
 11 or within any other limitation provided by statute in connection with any
 12 existing bridge.

13 Where a permit is issued for the construction of any such tunnel or tun-
 14 nels no other permit shall be issued for the construction of any additional
 15 tunnel or tunnels within 10 miles from any location for which a permit has
 16 been previously issued.

17 Within 2 years after the granting of any permit hereunder the con-
 18 struction of any such tunnel or tunnels shall be commenced or the permit so
 19 issued shall be void.

1 209. Section 48:18-12 of the Revised Statutes is amended to read as
 2 follows:

3 48:18-12. Any permit granted under the terms of this chapter shall be
 4 subject to revocation by the [Board of Commerce and Navigation] *Depart-*
 5 *ment of Conservation and Economic Development* upon the failure of the
 6 holder of any such permit, within 6 months, to secure the necessary and
 7 proper approvals of the State with which the tunnel or tunnels shall connect.

1 210. Section 48:18A-1 of the Revised Statutes is amended to read as
 2 follows:

3 48:18A-1. Any turnpike or plank road company incorporated under the
 4 laws of this State, where more than $\frac{1}{2}$ of the length of the authorized route
 5 of such turnpike or plank road is laid over salt marsh or meadow land, and
 6 where an improved public highway parallels such turnpike or plank road its
 7-8 entire authorized route, upon petition to the Board of Public Utility Commis-

9 sioners, may be relieved of the public duties and obligations arising out of
 10 the maintenance and operation of such turnpike or plank road, upon obtaining
 11 the consent and approval of such board, which matter may be brought before
 12 such board for its consideration, consent and approval, by a petition to such
 13 board, setting forth the purpose thereof, and serving a notice of the filing of
 14 such petition, together with a copy thereof, on each municipality entered by
 15 such turnpike or plank road, and upon the [Board of Commerce and Naviga-
 16 tion] *Department of Conservation and Economic Development* of this State
 17 and the War Department of the United States of America, or its agent, where
 18 such turnpike or plank road company maintains a bridge or bridges in any
 19 of the navigable waters of this State, and upon the board or boards of chosen
 20 freeholders of the county or counties in which such turnpike or plank road
 21 is constructed.

1 211. Section 48:19-11 of the Revised Statutes is amended to read as
 2 follows:

3 48:19-11. Each water company in this State [having a capital stock of
 4 \$50,000.00] may increase its capital stock [to an amount not exceeding
 5 \$200,000.00] by and with the consent of [$\frac{3}{4}$] $\frac{2}{3}$ of the stockholders of the
 6 company and upon filing certificate of such action in the office of the Sec-
 7 retary of State.

8 Nothing in this section contained shall be construed as authorizing any
 9 water company to issue any capital stock pursuant to this section until such
 10 company shall have first obtained authority so to do from the Board of
 11 Public Utility Commissioners in the manner provided by section 48:3-9 of
 12 this Title.

1 212. Section 48:19-12 of the Revised Statutes is amended to read as
 2 follows:

3 48:19-12. Every *water* company organized under [this chapter] *the*
 4 *laws of this State* and make and issue bonds with or without coupons at-
 5 tached, bearing interest not exceeding 6% per annum, for the purpose of
 6 borrowing money or securing any indebtedness created by them. It may

7 secure said bonds and the interest thereon by mortgage to a trustee for the
8 use of the bondholders upon the corporate franchises and property of the
9 company or any part thereof.

10 【No such company shall issue, sell and deliver its bonds, notes or obli-
11 gations of any character, except in return for cash to the extent of at least
12 80% of the face value of the securities issued, or for property of an actual
13 cash value of at least 80% of the face value of the securities issued in pay-
14 ment thereof.】

1 213. Section 48:19-13 of the Revised Statutes is amended to read as
2 follows:

3 48:19-13. Each *water* company organized under 【this chapter】 *the laws*
4 *of this State* may take and divert 【such springs and streams of water】
5 *sources of water supply* and build, erect, alter, repair, enlarge and main-
6 tain 【such】 reservoirs and works and may lay 【such】 pipes and conduits
7 *and install facilities* for water 【at such times and in such places】 as shall
8 be necessary and proper to enable the company to carry into effect the pur-
9 poses of its incorporation.

1 214. Section 48:19-14 of the Revised Statutes is amended to read as
2 follows:

3 48:19-14. 【Every such】 *Each water* company may enter upon any lands
4 in the neighborhood of the municipality *or municipalities* which it is intended
5 to supply with water and make all such preliminary examinations, explora-
6 tions, measurements and levelings as may be necessary and proper for its
7 corporate purposes, 【doing thereby as little damage as possible to the owner.】
8 *and subject to responsibility for all damages which shall be done thereto.*

1 215. Section 48:19-17 of the Revised Statutes is amended to read as
2 follows:

3 48:19-17. Each 【such】 *water* company may lay its pipes beneath such
4 public roads, streets, and alleys as it may deem necessary for its corporate
5 purposes, free from all charge to be made by any person or body politic
6 whatsoever for such privilege, and may also construct and maintain hy-

7 drants on and along such streets and alleys, provided that the consent shall
8 be obtained of the corporate authorities of the municipality through which
9 the pipes may be laid.

10 The pipes shall be laid at least 3 feet below the surface and shall not
11 in anywise unnecessarily obstruct or interfere with the public travel or dam-
12 age public or private property.

1 216. Section 48:19-18 of the Revised Statutes is amended to read as
2 follows:

3 48:19-18. Each *water* company organized under [this chapter] *the laws*
4 *of this State* may sell and dispose of the water issuing from its reservoirs,
5 aqueducts or pipes for such prices, or quarterly or annual rents and such
6 restrictions [as they may think proper] *in accordance with its approved*
7 *tariff on file with the Board of Public Utility Commissioners.*

1 217. Section 48:19-19 of the Revised Statutes is amended to read as
2 follows:

3 48:19-19. Every *water* company organized under [this chapter] *the laws*
4 *of this State* may contract with any company organized under any law of
5 the State for a supply of water upon such terms and for such times as may
6 be mutually agreed upon *subject, however, to approval of the Board of Public*
7 *Utility Commissioners.* Such companies may lay such supply mains and pipes
8 as may be thought necessary to furnish such supply through any property
9 upon obtaining the consent in writing of the owner thereof, or under the
10 surface of any streets, roads, highways or public places, provided that the
11 companies first obtain the consent by ordinance of the municipalities through
12 which the mains and pipes are to be laid.

13 The municipal body having control of such streets, roads, highways or
14 public places shall designate the place therein where and the manner in
15 which the pipes or mains shall be laid.

1 218. Section 48:19-20 of the Revised Statutes is amended to read as
2 follows:

3 48:19–20. Every aqueduct company which was on March 21, 1888, in ex-
 4 istence under any special charter in this State and every *water* company in-
 5 corporated under [this chapter,] *the law of this State*, may add to and extend
 6 its works to such extent as may be necessary to carry out its corporate pur-
 7 poses and may take such lands and may divert such streams of water in the
 8 manner provided in [section 48:19–15] *chapter 3* of this Title as shall be
 9 necessary for that purpose.

10 Nothing in this section shall empower any company to supply or furnish
 11 water within the corporate limits of a [city] *municipality* of this State own-
 12 ing or controlling its water supply, *without the permission of such munici-*
 13 *pality*.

1 219. The following statutes are hereby repealed:

2 P. L. 1949, c. 233 (approved May 24, 1949) (C. 48:9–25.5 to 48:9–25.7.)

3 Sections 48:2–44 and 48:2–45 of the Revised Statutes.

4 Section 48:3–7.12 of the Revised Statutes.

5 Section 48:3–8 of the Revised Statutes.

6 Sections 48:6–1 through 48:6–13 of the Revised Statutes.

7 Section 48:6–15 of the Revised Statutes.

8 Sections 48:7–3 and 48:7–4 of the Revised Statutes.

9 Sections 48:9–1 through 48:9–4 of the Revised Statutes.

10 Sections 48:9–6 through 48:9–16 of the Revised Statutes.

11 Section 48:9–22 of the Revised Statutes.

12 Section 48:9–25 of the Revised Statutes.

13 Section 48:9–25.10 of the Revised Statutes.

14 Section 48:10–1 of the Revised Statutes.

15 Section 48:11–1 through 48:11–12 of the Revised Statutes.

16 Sections 48:12–5 through 48:12–12 of the Revised Statutes.

17 Section 48:12–35 of the Revised Statutes.

18 Section 48:12–92 of the Revised Statutes.

19 Sections 48:12–94 and 48:12–95 of the Revised Statutes.

20 Section 48:12–102 of the Revised Statutes.

48:7-1, 2, 3.1

September 16, 1970

LEGISLATIVE HISTORY OF R.S.48:7-1,2,3.1
(Public utility; poles and pipes; power to condemn)

Laws 1896 - C.189 - S53 §1

No statement.

Amended during passage but we are unable to locate the amendment. The only copy we have of the bill is identical to the session law.

—C.S.3152 §35,36,37 -

NJ New Jersey Legislative Commission on Statute
KA6.2 Revision.
48A Proposed revision of New Jersey Public
1959c Utility laws as submitted to New Jersey Legis-
lative Commission on Statute Revision
(Trenton, 1959)

Copy enclosed of proposed 48A:7-1 through 48A:7-8 on electric light and power companies.

NJ New Jersey Board of Public Utilities Commissioners.
KA6.2 An act to amend and supplement Title 48 P.U.C.
48 *J* draft.
1960a December 1960

Copy enclosed of proposed 48:7-1 through 48:7-2.

Subsequent to these proposed revisions Assembly Bill 352 (1961) was introduced. It had no statement and died in Assembly Committee. The sections of A352 similar to the sections of A486 (L. 1962, C198) are attached.

1962 Amendment.

L. 1962 - C.198 - A486 - ~~§§1, 95 and 96~~
March 19 - Introduced by Keegan and 4 others
April 16 - Passed Assembly under emergency resolution, amended
June 4 - Passed in Senate, amended
December 3 - Senate amended, Passed in Assembly
December 12 - Approved, Chapter 198
Amended during passage but the sections here in question were not substantially affected. Section 51 was amended but only to change the section numbers referred to; no change in wording took place.

Statement (copy attached)

Property of: State Library
185 W. STATE ST.
Trenton NJ 0862

DO NOT CIRCULATE

R.S. 48:9-31 (Power to condemn)

Source:

Laws 1925 - C227 - ⁵*120
Amended during passage (copy enclosed of original
bill plus all amendments and official copy reprints
that we have.
Statement (see enclosed bill)
Vetoed by Governor (~~copy of message attached~~)

Amended by:

L. 1962 - C.198 - A486

See previous comments on this law.

No hearings or reports were located.

JH/EH
Enclosure

A486 - 1962

- 34 Sections 48:17-1 through 48:17-7 of the Revised Statutes.
- 35 Section 48:17-9 of the Revised Statutes.
- 36 Section 48:17-13 of the Revised Statutes.
- 37 Section 48:17-15 of the Revised Statutes.
- 38 Sections 48:19-1 through 48:19-4 of the Revised Statutes.
- 39 Sections 48:19-9, 48:19-10 and 48:19-12 of the Revised Statutes.
- 40 Sections 48:19-15 and 48:19-16 of the Revised Statutes.
- 41 Section 48:19-21 of the Revised Statutes.
- 1 199. This act shall take effect 90 days after enactment.

STATEMENT

This bill represents a revision of Assembly 352 of the 1961 session. The revision is the result of a series of conferences between the Board of Public Utility Commissioners and representatives of the public utility industry. It has the endorsement of the Board of Public Utility Commissioners.

[THIRD OFFICIAL COPY REPRINT.]

SENATE, No. 120

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1925.

By Mr. MATTHEW.

Referred to Committee on Corporations.

AN ACT to authorize and empower corporations now or hereafter organized and existing under and by virtue of any law of this State, for the purpose of supplying electricity for light, heat or power, and defined as public utilities, by an act entitled "An act concerning public utilities: to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven, and the amendments thereof and supplements thereto, to acquire land or any interest therein, by condemnation, for the distribution of electricity.

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

1 1. Any corporation now or hereafter organized and existing under and by vir-
2 tue of any law of this State for the purpose of supplying electricity for light,
3 heat or power, and defined as a public utility by an act entitled "An act concerning
4 public utilities; to create a Board of Public Utility Commissioners and to prescribe
5 its duties and powers," approved April twenty-first, one thousand nine hundred and
6 eleven, and the amendments thereof and supplements thereto, in addition to and not
7 in substitution of whatever other light, power and authority it may have and
8 possess, in case it cannot acquire any land or interest therein which may be reason-
9 ably necessary for the distribution of electricity to the public for any of the purposes
10 aforesaid, from the owner, by reason of disagreement as to the price or legal inca-
11 pacity or absence of the owner, or inability to convey a valid title, or because the
12 names or residences of such owner or owners may be unknown, or for any other
13 reason, may take or acquire such land or interest therein as may be reasonably neces-

14 sary for a right of way under the provisions of an act entitled "An act to regulate
15 the ascertainment and payment of compensation for property condemned
16 or taken for public use (Revision of one thousand nine hundred)," and
17-18 the amendments thereof and supplements thereto; *provided, however, no*
19 posts or poles, towers or other structures shall be erected by virtue of the au-
20 thority given by this act in any road, street or highway without first obtaining a desig-
21 nation of the location thereof by the governing body having control of the road,
22 street or highway in which the lands so as aforesaid to be condemned shall be lo-
23 cated; if the road, street or highway be a State highway, without first obtaining
24 a designation of the location thereof by the State Highway Commission, and that
25 such posts or poles, towers or other structures shall be subject to such reasonable reg-
26 ulations as may be imposed by the body having control of such road, street or high-
27 way, and shall be so located as in no way to interfere with the safety or convenience
28 of persons traveling on or over the said roads, streets or highways.

1 2. None of the rights and powers conferred by this act shall be used or enforced
2 by any such corporation until and unless such corporation shall have applied to the
3 Board of Public Utility Commissioners of this State upon the petition of such
4 corporation and the Board of Public Utility Commissioners after due notice, includ-
5 ing notice to the owner or owners of the land or interest therein to be condemned
6 and to any other parties having an interest of record therein, if known and resident
7 of this State, and if unknown or not resident of this State, then by such publica-
8 tion as the said board shall prescribe, and public hearing, shall have found that the
9 property desired is reasonably necessary for the service, accommodation, convenience
10 or safety of the public and that the taking of such property is not incompatible with
11 the public interest and would not unduly injure the owners of private property. And
12 the said Board of Public Utility Commissioners is hereby authorized and empow-
13 ered to determine the necessity as aforesaid for the use of the land or interest therein
14 so sought to be condemned and to make and establish such reasonable rules and regu-
15 lations governing the form and method of such application and the time and man-
16 ner of the notice of such public hearing as it may deem proper, and said board shall
17 have full power and authority to enforce the provisions of this paragraph.

1 acts and parts of acts inconsistent with this act to the extent of such in-
2 consistency, are hereby repealed, and this act shall take effect immediately.

SENATE, NO. 120

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1925.

By Mr. MATHIS.

Referred to Committee on Corporations.

AN ACT to authorize and empower corporations now or hereafter organized and existing under and by virtue of any law of this State, for the purpose of supplying electricity for light, heat or power, and defined as public utilities, by an act entitled "An act concerning public utilities: to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven, and the amendments thereof and supplements thereto, to acquire land or any interest therein, by condemnation, for the distribution of electricity.

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

1 1. Any corporation now or hereafter organized and existing under and by vir-
2 tue of any law of this State for the purpose of supplying electricity for light,
3 heat or power, and defined as a public utility by an act entitled "An act concerning
4 public utilities; to create a Board of Public Utility Commissioners and to prescribe
5 its duties and powers," approved April twenty-first, one thousand nine hundred and
6 eleven, and the amendments thereof and supplements thereto, in addition to and not
7 in substitution of whatever other right, power and authority it may have and
8 possess, in case it cannot acquire any land or interest therein which may be reason-
9 ably necessary for the distribution of electricity to the public for any of the purposes
10 aforesaid, from the owner, by reason of disagreement as to the price or legal inca-
11 pacity or absence of the owner, or inability to convey a valid title, or because the
12 names or residences of such owner or owners may be unknown, or for any other
13 reason, may take or acquire such land or interest therein as may be reasonably neces-

14 sary for a right of way and for the purpose of locating and constructing all works,
15 buildings and equipment necessary for the purposes aforesaid, under the provisions
16 of an act entitled "An act to regulate the ascertainment and payment of compensa-
17 tion for property condemned or taken for public use (Revision of one thousand nine
18 hundred)," and the amendments thereof and supplements thereto; *provided, however,*
19 no posts or poles, towers or other structures shall be erected by virtue of the au-
20 thority given by this act in any road, street or highway without first obtaining a desig-
21 nation of the location thereof by the governing body having control of the road,
22 street or highway in which the lands so as aforesaid to be condemned shall be lo-
23 cated, or if the road, street or highway be a State highway, without first obtaining
24 a designation of the location thereof by the State Highway Commission, and that
25 such posts or poles, towers or other structures shall be subject to such reasonable reg-
26 ulations as may be imposed by the body having control of such road, street or high-
27 way, and shall be so located as in no way to interfere with the safety or convenience
28 of persons traveling on or over the said roads, streets or highways.

1 2. None of the rights and powers conferred by this act shall be used or enforced
2 by any such corporation until and unless such corporation shall have applied to the
3 Board of Public Utility Commissioners of this State upon the petition of such
4 corporation and the Board of Public Utility Commissioners after due notice, includ-
5 ing notice to the owner or owners of the land or interest therein to be condemned
6 and to any other parties having an interest of record therein, if known and resident
7 of this State, and if unknown and not resident of this State, then by such publica-
8 tion as the said board shall prescribe, and public hearing, shall have found that the
9 property desired is reasonably necessary for the service, accommodation, convenience
10 or safety of the public and that the taking of such property is not incompatible with
11 the public interest and would not unduly injure the owners of private property. And
12 the said Board of Public Utility Commissioners is hereby authorized and empow-
13 ered to determine the necessity as aforesaid for the use of the land or interest therein
14 so sought to be condemned and to make and establish such reasonable rules and regu-
15 lations governing the form and method of such application and the time and man-
16 ner of the notice of such public hearing as it may deem proper, and said board shall
17 have full power and authority to enforce the provisions of this paragraph.

1 3. All acts and parts of acts inconsistent with this act to the extent of such in-
2 consistency, are hereby repealed and this act shall take effect immediately.

STATEMENT.

The purpose of this bill is to enable electric companies, defined as utilities, in case they cannot acquire any land or interest therein desired for the distribution of electricity for light, heat or power, to acquire by condemnation such land or interest therein as shall be found to be necessary. This bill will facilitate the bringing of better and cheaper power and light to rural and sparsely settled districts. No property can be condemned hereunder except upon approval by the Board of Public Utility Commissioners, after a hearing upon notice to the owner and to the public.

ASSEMBLY AMENDMENT TO
SENATE, No. 120

STATE OF NEW JERSEY

- 1 Amendment to Senate No. 20 [Second Official Copy Reprint]:
- 2 Amend Senate No. 120 [Second Official Copy Reprint], section one, page two,
- 3 lines fourteen and fifteen, by striking out the words "and for the purpose of locating
- 4 and constructing all works, buildings and equipment necessary for the purposes
- 5 aforesaid".

SENATE No. 120

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1925.

By Mr. MATHIS.

Referred to Committee on Corporations.

AN ACT to authorize and empower corporations now or hereafter organized and existing under and by virtue of any law of this State, for the purpose of supplying electricity for light, heat or power, and defined as public utilities, by an act entitled "An act concerning public utilities: to create a Board of Public Utility Commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven, and the amendments thereof and supplements thereto, to acquire land or any interest therein, by condemnation, for the distribution of electricity.

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

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2 tue of any law of this State for the purpose of supplying electricity for light,
3 heat or power, and defined as a public utility by an act entitled "An act concerning
4 public utilities; to create a Board of Public Utility Commissioners and to prescribe
5 its duties and powers," approved April twenty-first, one thousand nine hundred and
6 eleven, and the amendments thereof and supplements thereto, in addition to and not
7 in substitution of whatever other right, power and authority it may have and
8 possess, in case it cannot acquire any land or interest therein which may be reason-
9 ably necessary for the distribution of electricity to the public for any of the purposes
10 aforesaid, from the owner, by reason of disagreement as to the price or legal inca-
11 pacity or absence of the owner, or inability to convey a valid title, or because the
12 names or residences of such owner or owners may be unknown, or for any other
13 reason, may take or acquire such land or interest therein as may be reasonably neces-

14 sary for a right of way and for the purpose of locating and constructing all works,
15 buildings and equipment necessary for the purposes aforesaid, under the provisions
16 of an act entitled "An act to regulate the ascertainment and payment of compensa-
17 tion for property condemned or taken for public use (Revision of one thousand nine
18 hundred)," and the amendments thereof and supplements thereto; *provided, however,*
19 no posts or poles, towers or other structures shall be erected by virtue of the au-
20 thority given by this act in any road, street or highway without first obtaining a desig-
21 nation of the location thereof by the governing body having control of the road,
22 street or highway in which the lands so as aforesaid to be condemned shall be lo-
23 cated, or if the road, street or highway be a State highway, without first obtaining
24 a designation of the location thereof by the State Highway Commission, and that
25 such posts or poles, towers or other structures shall be subject to such reasonable reg-
26 ulations as may be imposed by the body having control of such road, street or high-
27 way, and shall be so located as in no way to interfere with the safety or convenience
28 of persons traveling on or over the said roads, streets or highways.

1 2. None of the rights and powers conferred by this act shall be used or enforced
2 by any such corporation until and unless such corporation shall have applied to the
3 Board of Public Utility Commissioners of this State upon the petition of such
4 corporation and the Board of Public Utility Commissioners after due notice, includ-
5 ing notice to the owner or owners of the land or interest therein to be condemned
6 and to any other parties having an interest of record therein, if known and resident
7 of this State, and if unknown or not resident of this State, then by such publica-
8 tion as the said board shall prescribe, and public hearing, shall have found that the
9 property desired is reasonably necessary for the service, accommodation, convenience
10 or safety of the public and that the taking of such property is not incompatible with
11 the public interest and would not unduly injure the owners of private property. And
12 the said Board of Public Utility Commissioners is hereby authorized and empow-
13 ered to determine the necessity as aforesaid for the use of the land or interest therein
14 so sought to be condemned and to make and establish such reasonable rules and regu-
15 lations governing the form and method of such application and the time and man-
16 ner of the notice of such public hearing as it may deem proper, and said board shall
17 have full power and authority to enforce the provisions of this paragraph.

3 and parts of acts inconsistent with this act to the extent of such in-
2 consistency, are hereby repealed, and this act shall take effect immediately.

Chapter 7. Electric Light and Power Companies

Article 1. Short Title and Definition

48A:7-1. Short title. This chapter shall be known and may be cited as the "Electric Light and Power Companies Law."

Source. New:

48A:7-2. Definition. As used in this chapter the following ~~word~~ shall have the following meaning:

"Electric company" means any corporation, heretofore or hereafter organized pursuant to Title 14, Corporations, General, of the Revised Statutes or any other law of this State, for the purpose of constructing, maintaining and operating works and equipment, for the generation of electrical energy, and a system and equipment for the transmission, distribution and supply of electrical energy, for sale to the public, for light, heat and power, or for any one or more of such purposes, in any municipality or municipalities of this State;

Source. New.

From: NJ
KAB.Z
48A
1959C.

N.J. Legislature. Commission on
STATUTE REVISION
PROPOSED REVISION OF
NEW JERSEY PUBLIC UTILITY LAWS.
THIRD DRAFT

... of the owners of the soil, but the same shall be so located
... in no way to interfere with the safety or convenience of persons
... traveling on said public highways, and no poles shall be erected
... on any public highway of an incorporated city or town without
... first obtaining, from the governing body thereof, a designation of
... the public highway in which the same shall be placed, and the
... manner of locating same and the use of such public highways shall
... be subject to such lawful regulations and restrictions as may be
... first imposed by the governing body of the city or town. ;

Source. R.S. 48:7-1.

48A:7-5. Laying, maintenance, etc. of pipes and conduits.

Every electric company may lay pipes or conduits,
and wires therein, in and under any such public highways as it
shall deem necessary, but no public highway in any city shall be
opened for the purposes of laying the same therein without the
consent of the governing body of the city, and such use of the
public highways in any city or town of this State shall be subject
to such lawful regulations and restrictions as may first be imposed
by the governing body of such city or town.

Source. R.S. 48:7-2.

48A:7-6. General regulation of use of public highways.

The use of public highways in any municipality
shall be subject to such regulations as, from time to time, shall
be authorized by law.

Source. New.

Article 3. Eminent Domain

48A:7-7. Power to condemn.

Any electric company, in case it cannot acquire, ~~from~~ the owner thereof, any land or interest therein, which may be reasonably necessary for the construction and operation of its ~~wire~~ or system for the generation, transmission, distribution or supplying of electrical energy, for sale to the public, for light, heat or power, by reason of disagreement as to the price, or for any other reason, may take and acquire such land or interest ~~therein~~, as may be reasonably necessary for said purpose, under ~~the~~ provisions of chapter 1 of the Title, Eminent Domain (10:1-1 et seq.), of the Revised Statutes.

Source. R.S. 48:7-3.

48A:7-8. Regulation of location and use of poles, wires, etc., erected upon public highways, as a result of condemnation.

No poles, wires, fixtures, towers or other structures shall be erected by virtue of the authority given by section 48A:7-7, in any public highway, without first obtaining a designation of the location thereof by the officer or body having control thereof, and the use thereof shall be subject to such reasonable regulations as may be imposed by said officer or body.

Source. R.S. 48:7-3.

Erection of poles; consent of property owner; designation of streets

#125. Section 48:7-1 of the Revised Statutes is amended to read as follows:

48:7-1. Any company organized or to be organized pursuant to Title 14, Corporations, General, the laws of this state for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric light, heat or power may use the public highways, streets and alleys in this state for the purpose of erecting poles to sustain the necessary wires and fixtures, upon first obtaining the consent in writing of the owners of the soil. The poles shall be so located as in no way to interfere with the safety or convenience of persons traveling on the highways.

No poles shall be erected in any street of an incorporated city or town a municipality without first obtaining from the incorporated city or town municipality a designation of the street in which the same shall be placed and the manner of placing the same. Such use of the public streets shall be subject to such regulations as may be first imposed by the corporate authorities of the city or town municipality.

From: NS
KA6.2
48
1960a

N.J. BOARD OF PUBLIC UTILITY
COMMISSIONERS.
REVISION OF TITLE 48 -
PUBLIC UTILITY COMMISSION DRAFT
AUGUST, 1960

Pipes and conduits; restrictions on laying; municipal consent

#126. Section 48:7-2 of the Revised Statutes is amended to read as follows:

48:7-2. Any such company may lay pipes or conduits and wires therein beneath such public highways, streets and alleys as it may deem necessary. Such pipes or conduits shall be laid at least two feet below the surface and shall not unnecessarily interfere with public travel, or damage public or private property. They shall be laid at the greatest practicable distance from the outside of any water or gas pipe, but in no event less than three feet therefrom, except where it shall be necessary to cross or intersect any such gas or water pipe.

No public streets shall be opened in any [city] municipality for the purpose of laying any such pipes, conduits or wires without the consent of the [govern-
ing body of the city.] municipality.

Such use of the public streets in any of [the cities and towns] municipali-
ties of this state shall be subject to such regulations and restrictions as may be first imposed by the [corporate authorities of such cities and towns.] municipalities.

Assembly Joint Resolution No. 11, entitled "Joint resolution urging the Congress of the United States to enact legislation providing for payment to the city of Hoboken, New Jersey, in lieu of taxes, for property situate in said city, consisting of docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leasehold easements, rights of way, riparian rights, and all other rights, estates, and interests therein and appurtenant thereto, acquired by proclamation of the President of the United States,"

Favorably, without amendment.

Mr. Chandless, Chairman of the Committee on Judiciary, reported

Senate Bill No. 120, entitled "An act to authorize and empower corporations now or hereafter organized and existing under and by virtue of any law of this State, for the purpose of supplying electricity for light, heat or power, and defined as public utilities, by an act entitled 'An act concerning public utilities; to create a board of public utility commissioners and to prescribe its duties and powers,' approved April twenty-first, one thousand nine hundred and eleven, and the amendments thereof and supplements thereto, to acquire land or any interest therein, by condemnation, for the distribution of electricity,"

With the following committee amendment, which was read and adopted:

Amend Senate No. 120, section 1, page 2, lines 14 and 15, by striking out the words "and for the purpose of locating and constructing all works, buildings and equipment necessary for the purposes aforesaid".

Mr. Altman, Chairman of the Committee on Bill Revision, reported

Assembly Bill No. 224, entitled "An act providing for the distribution of fines under present prohibition enforcement law of New Jersey."

And

Assembly Bill No. 225, entitled "An act to amend an act concerning intoxicating liquor used or to be used for beverage purposes,"

Favorably, without amendment.

Mr. Campbell, Chairman of the Committee on Elections, reported

Minutes of the House

FRIDAY, MARCH 20, 1925.

1205

A message was received from the Senate, by the hands of its secretary, as follows:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT
March 19th, 1925.

SENATE NO. 120.

To the Senate:

This bill gives to electric light, heat and power companies the right of Eminent Domain, a right which they do not now possess.

There is no general act for the incorporation of these companies and they are now compelled to incorporate under the General Corporation Act.

If this bill becomes a law and these companies are given the right of Eminent Domain, then no new companies for the furnishing of electric light, heat and power can be organized, because (a) there is no special act under which to incorporate them; (b) because the General Corporation Act, in section 6, forbids the organization of companies which shall need to possess the right of taking and condemning lands in this State.

It follows, therefore, that, if this bill becomes a law, only those companies which now are in the business could function in the future, as no new companies could be organized. This would be an unfortunate condition, in that it would prevent new companies and new competition.

Under section 28 of the Corporation Act, none of these companies may increase or decrease their capital stock, because they possess the right of taking and condemning lands.

An effort is made by Senate No. 119 to eliminate this difficulty by amending section 6 of the Corporation Act, by making it lawful to form a company "for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric light, heat or power in or outside of this State."

I do not believe that we should authorize our electric companies to do business outside of the State or to carry electric power from this State to another State or from another State to New Jersey until we have made some provision for the regulation thereof. The moment this current flows over the State lines, it may become subject to Federal regulation, and we will have lost our entire control over it.

To lose control of the regulation of these companies would be an unfortunate thing for the State. It might well be said that the moment the State had consented to their crossing State lines,

that not only these lines, but the companies, themselves, and everything connected with them immediately fall under Federal jurisdiction. If this be true, then we would lose entirely our power to control these corporations dealing in electric light, heat and power.

The bill should at least have had a provision that any company exercising privileges under this bill should waive any claim or right to fall under Federal jurisdiction, and should consent to regulation by the State commission.

This, of course, presents difficulties of conflict between State and Federal regulation.

I have called the attention of the Legislature to the necessity of providing for this regulation through a compact between this State and the adjoining States to which and from which this power will be carried.

Until that is accomplished and a treaty is in force, power should not be given to these companies to go beyond State lines for the distribution of electricity, or for other companies from without the State to connect with them for a like purpose.

Since Senate No. 119 and No. 120 are so closely related, and since each would have its effect upon the other, both must fall if one is vetoed.

I, therefore, disapprove of both bills.

Respectfully submitted,

GEORGE S. SILZER,
Governor.

Attest:

(Signed) FREDERIC M. P. PEARSE,
Secretary to the Governor.

Mr. Chandless moved that the Senate message be received and the bill lie over.

Which motion was adopted.

A message was received from the Senate, by the hands of its Secretary, as follows:

SENATE NO. 186.

I have before me a number of bills adding to the routes of the Highway System, and some giving the State Highway Commission the right to lay out certain routes when they believe it to be practical. If the Legislature would give the State Highway Commission the power to designate such routes as they think advisable, the State Highway System could be developed by the adding of such routes as would best serve the people of the State, and, at the same time, keep down the expense.

III. ELECTRIC LIGHT, HEAT AND POWER COMPANIES

An Act relating to electric light, heat and power companies.

(P. L. 1896, p. 322.)

35. Authority to use public roads, streets, etc.—Sec. 1. Any corporation organized or to be organized by virtue of the act entitled "An act concerning corporations," for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric lights, heat or power, shall have full power to use the public roads or highway, streets, avenues and alleys in this state for the purpose of erecting posts or poles on the same to sustain the necessary wires and fixtures, upon first obtaining the consent in writing of the owners of the soil; provided, however, no posts or poles shall be erected in any street of any incorporated city or town without first obtaining from the incorporated city or town a designation of the street in which the same shall be placed and the manner of placing the same, and that the same shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said roads and highways, and that the public streets in any of the incorporated cities and towns of this state shall be subject to such regulations as may be first imposed by the corporate authorities of such cities and towns. (P. L. 1896, p. 322.)

Explanatory.—Provisions for the consolidation of certain gas and electric light, heat and power companies are contained in P. L. 1892, p. 403, and a supplement thereto, P. L. 1894, p. 36, post, §§ 64-67.

Provisions for the incorporation, etc., of water power companies for the purpose of generating, distributing and selling water power and electric power, are contained in P. L. 1897, p. 384, P. L. 1898, p. 192 and P. L. 1906, p. 237, post, §§ 39-53.

P. L. 1884, p. 239, post, under the chapter Telegraph and Telephone Companies, provides that whenever the wires or cables of an electric light company shall be attached to any building, etc., no lapse of time shall raise a presumption of a prescriptive right to such attachment, etc.

Operation of act, in general.—This act relates wholly to electric light, heat and power companies, and the provisions of P. L. 1894, p. 477, which relates wholly to municipal corporations, cannot be curtailed by the provisions of this act. *State, Meyers v. Electric Co.*, 60 L. 350, 37 A. 618.

Consent of abutting land-owners.—The placing by a licensee of a municipal corporation, on a public sidewalk, the fee of which is in an adjoining owner, of poles for furnishing light by electricity for private consumption, is a taking of such owner's land, for which he is entitled to compensation, since the legislature has not authorized municipal corporations or their licensees to erect poles on sidewalks for conducting electricity for use in private lighting, but has, by this act, forbidden such erection without the landowner's consent. *Andreas v. Electric Co.*, 61 E. 69, 47 A. 555.

This act applies to private lighting companies which desire to use streets for private lighting, heat, and power purposes, and requires the consent of the abutting land-owners, and the designation of streets by the city, before poles can be erected. *Meyers v. Electric Co.*, 63 L. 573, 44 A. 713, reversing 60 L. 350, 37 A. 618.

A land-owner may restrain the maintenance of poles and wires in front of his premises for transmission of electricity for private lighting, where the previous designation of the streets by the city has not been made, and the consent of the abutting land-owner has not been obtained, as required. *Taylor v. Corporation*, 75 E. 371, 73 A. 118.

Electric light companies organized under the general corporation act of this state have authority to erect poles and to string and maintain wires in the public highways upon first obtaining the consent of the owners of the soil. *Power Co. v. Bayhead*, 62 E. 296, 49 A. 1108.

Permission of municipality to use streets.—Under this act, when permission has been given by resolution of a township, and wires have been strung pursuant thereto, the company has a presumptively perpetual franchise in the use of the streets, subject to the exercise of the police power, and not a mere revocable license. *Power Co. v. East Orange Tp.*, 41 A. 865.

Act March 10, 1873, § 6, subd. 9 (P. L. p. 324), being a portion of the supplement to East Orange township charter, empowers the township committee to regulate or prevent the erection or maintenance of any post, erection, or projection in or over any street or highway, and to remove the same if erected. The committee passed an ordinance requiring permission to be first obtained to erect poles for such wires. Held, that a resolution was sufficient to grant such permission. *Power Co. v. East Orange Tp.*, 41 A. 865.

This act is presumed to have been enacted with the dangerous character of electric light wires in mind; and hence permission to a telephone company to erect poles does not preclude the stringing of electric light wires on the same poles by another company, which has permission to string wires. *Power Co. v. East Orange Tp.*, 41 A. 865.

Permit to excavate streets.—A township may properly, in the exercise of the power to regulate and keep in repair streets and highways, require persons desiring to excavate the streets or highways to obtain a permit from the township committee and deposit \$10 as security for the restoration of the street or highway to its natural condition; and an ordinance requiring such a permit and security is applicable to and binding upon an electric lighting company which was previously authorized by statute and ordinance to erect poles in the streets and highways. *Cook v. North Bergen Tp.*, 72 L. 119, 59 A. 1035.

Compiled Statute of New Jersey

Designation of streets in which to erect poles.—The proviso does not extend to boroughs. *Power Co. v. Bayhead*, 62 E. 296, 49 A. 1108.

Because of this act electric light companies cannot lawfully erect poles in any street of a city, for either public or private lighting, without first obtaining from the city a particular designation of the streets in which the same are to be placed. *State, Meyers v. Electric Co.*, 60 L. 330, 37 A. 618.

The municipal corporations referred to in the proviso are such as are called "cities" and "towns," *eo nomine*, and that townships are not included in such designation. *East Orange Tp. v. Power Co.*, 59 E. 563, 44 A. 628.

This act does not necessitate a designation of streets in a resolution of a municipality to permit the erection of poles and also the stringing of wires where only the authority to string wires was exercised. *Power Co. v. East Orange Tp.*, 41 A. 866.

Cited.—*Electric Co. v. Newark*, 77 L. 104, 71 A. 237.

36. Authority to lay pipes, conduits, etc.—Sec. 2. Any such companies are authorized and empowered to lay pipes or conduits and to lay wires therein beneath the public roads, highways, streets, avenues and alleys as they may deem necessary; provided, that said pipes or conduits shall be laid at least two feet below the surface of the same and shall not in anywise unnecessarily obstruct or interfere with public travel, or damage public or private property, and shall not be laid nearer than three feet, except as is hereinafter excepted, to any water or gas main; but no public street shall be opened for the purpose of laying any such pipes, conduits or wires without the consent of the board of aldermen or common council of such city; and provided, that such use of the public streets in any of the cities and towns of this state shall be subject to such regulations and restrictions as may be first imposed by the corporate authorities of such cities or towns. (P. L. 1896, p. 322.)

37. Wires and conduits; how laid.—Sec. 3. Any wires for conveying electricity or the conduits containing said wires, shall be laid at the greatest practicable distance from the outside of any water or gas pipe now laid down, and that such distance shall not be less than three feet, except in case where it shall be necessary that the said wires or conduits shall cross or intersect any such water or gas pipe. (P. L. 1896, p. 323.)

[Inconsistent laws repealed.]

An Act relating to the use of the public streets by electric light, heat and power companies.

(P. L. 1898, p. 458.)

38. Proceedings and contracts heretofore made valid.—Sec. 1. All proceedings heretofore had or taken by the several municipalities of this state, purporting to authorize the construction, reconstruction or extension of subways or pole-lines, to be used by electric light, heat and power companies for the purposes of their business and under which subways and pole-lines have been constructed, and all contracts entered into by the several municipalities with electric light, heat and power companies, in the carrying out of which subways or pole-lines have been erected by such companies, shall be taken to be legal and binding, and to have authorized the construction of such subways and the erection of such pole-lines and to authorize their maintenance for public and commercial use; and the electric light, heat and power companies which shall have so constructed subways or pole-lines, and placed therein or thereon cables or wires for the purpose of furnishing electric light, heat or power in the streets of any municipality, shall be deemed to have and possess in such streets all legal authority necessary to be secured from such municipality in order in such streets to lawfully construct, reconstruct and maintain such subways and pole-lines, cables and wires with proper appliances for the supplying of light, heat and power for public or commercial use; provided, that nothing in this act shall be construed to apply to or validate any ordinance, resolution, contract or other proceeding now involved in any litigation; and provided further, that nothing herein contained shall be construed to limit the right of any municipality, pursuant to the terms of its charter, or of any laws now existing or hereafter to be enacted, to cause such

- 34 Sections 48:17-1 through 48:17-7 of the Revised Statutes.
- 35 Section 48:17-9 of the Revised Statutes.
- 36 Section 48:17-13 of the Revised Statutes.
- 37 Section 48:17-15 of the Revised Statutes.
- 38 Sections 48:19-1 through 48:19-4 of the Revised Statutes.
- 39 Sections 48:19-9, 48:19-10 and 48:19-12 of the Revised Statutes.
- 40 Sections 48:19-15 and 48:19-16 of the Revised Statutes.
- 41 Section 48:19-21 of the Revised Statutes.
- 1 199. This act shall take effect 90 days after enactment.

STATEMENT

This bill represents a revision of Assembly 352 of the 1961 session. The revision is the result of a series of conferences between the Board of Public Utility Commissioners and representatives of the public utility industry. It has the endorsement of the Board of Public Utility Commissioners.

FOR RELEASE: December 12, 1962

FROM: Office of the Governor

Governor Hughes today signed Assembly Bill No. 486, a Revision of Title 48, Public Utilities, pursuant to which the Board of Public Utility Commissioners regulates all public utilities operating within the State.

The major changes made in the new law are:

Condemnation -- All public utilities exercising eminent domain are required to first obtain the Board's approval before proceeding at condemnation unless some other governmental agency has authority to grant such permission. Until now, only electric and gas companies were required to get the Board's approval.

Discontinuance of Service - Before any public utility can discontinue service, it must first obtain approval from the Board. The present law requires only sewer companies and railroads discontinuing passenger service to first apply to the Board for approval.

In addition, the Board may, under the new law, order continued service, where discontinuance is threatened, pending a final determination. This is somewhat similar to temporary injunctions issued by the courts.

Incorporation -- All public utilities may now be incorporated under Title 14, the General Incorporation Act. This greatly simplifies the steps necessary to form a new corporation. This has been a problem particularly with respect to the many new water and sewer companies that are formed today.

Rates -- The maximum suspension period before rates can go into effect has been extended from 6 to 8 months; thus giving the Board more needed time to hear and determine complicated rate proceedings.

The new law also provides that under certain circumstances a public utility need not go through the expensive and time-consuming process of proving rate base in a rate case.

ent resulted from the accident. The cause of the accident was improper protection of the train which was stopped and improper operation of the following train.

Informal Investigations—Safety

Condition of railroad track, structures and equipment

Regular and special inspections of railroad tracks and bridges are made each year by qualified members of the staff to determine the condition of the railroads and their ability to handle the type and volume of traffic presented.

During 1957, a total of 180 regular and 15 special inspections were made of track and bridges. Except for the necessity for minor repairs, the railroads were found to be in a safe condition and satisfactory for the traffic handled.

Mechanical inspections are made of the railroad equipment and shops to determine the condition of the equipment and the methods used in making repairs. A total of 82 mechanical and shop inspections were made during 1957.

Accidents at Railroad-Highway Grade Crossings

During 1957 the railroad companies reported 152 grade crossing accidents involving railroad trains and highway vehicles. In connection with these accidents 54 investigations were made to check the effectiveness of the protection and the conditions at the crossing.

The accidents were reported as follows:

Type of Accident	Total Number	Persons Killed	Persons Injured	Investigation
Train struck motor vehicle	109	10	51*	38
Motor vehicle struck train	43	2	29	16
	152	12	80	54

*Includes three railroad passengers.

In addition to the accidents listed above a total of 6 pedestrians were killed at grade crossings, 2 persons were injured in train-bicycle collisions and 8 trespassers were killed and 2 injured. These latter accidents did not occur at grade crossings.

Protection of Railroad-Highway Grade Crossings (Informal Cases)

The Board's Division of Railroads makes continuous study of grade crossing protection and its relation to the highway and railroad traffic. During 1957 a total of 729 inspections and checks were made.

The informal cases in connection with grade crossing protection covered 16 locations as follows.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY-MOUNTAIN AVENUE AND CEDAR AVENUE, MIDDLESEX

The Central Railroad of New Jersey on March 21, 1957, asked permission to install automatic gates at the Mountain Avenue grade crossing in Middlesex.

During the investigation of this matter the conditions at the Cedar Avenue crossing of the Central Railroad and the Lehigh Valley Railroad were checked. The railroads were requested to consider the installation of automatic gates at Cedar Avenue.

On October 31, 1957, the installation of automatic gates at Mountain Avenue was approved. The matter of the protection at Cedar Avenue was pending at the end of 1957.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY AND THE NEW YORK AND LONG BRANCH RAILROAD COMPANY—CHESTNUT STREET, RED BANK

The Central Railroad of New Jersey and The New York and Long Branch Railroad on April 15, 1957, asked permission to substitute manually controlled electric gates for the existing manual gates at the grade crossing of Chestnut Street and the tracks of the two railroads in Red Bank. Permission was granted on June 6, 1957. The gates are controlled from the interlocking tower at Red Bank and were placed in service on November 13, 1957.

LEHIGH VALLEY RAILROAD—NYE AVENUE, IRVINGTON

Lehigh Valley Railroad Company on December 12, 1957, asked permission to discontinue the protection by part-time watchman at the Nye Avenue grade crossing in Irvington. Permission was granted on January 3, 1958, subject to the provision that protection be provided by a member of the train crew.

THE NEW YORK AND LONG BRANCH RAILROAD COMPANY—
POINT PLEASANT BEACH

The New York and Long Branch Railroad and the Borough of Point Pleasant Beach on April 17, 1957, asked for the installation of automatic gates at seven grade crossings (Broadway, Arnold Avenue, Forman Avenue, Atlantic Avenue, New Jersey Avenue, Washington Avenue, and Ocean House Road). Permission was granted on June 24, 1957, and the new protection was placed in service during October, 1957.

THE NEW YORK CENTRAL RAILROAD COMPANY AND
NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY—
BERGEN TURNPIKE, LITTLE FERRY

The New York Central and New York, Susquehanna and Western Railroads on April 3, 1957, asked permission to install automatic gates in substitution for manual gates at the Bergen Turnpike grade crossing at Little Ferry. Permission was granted on June 7, 1957, but the installation had not been completed by the end of the year.

THE NEW YORK CENTRAL RAILROAD COMPANY AND NEW YORK,
SUSQUEHANNA AND WESTERN RAILROAD COMPANY—
MOUNT VERNON STREET, RIDGEFIELD PARK

The New York Central and New York, Susquehanna and Western Railroads on April 3, 1957, asked permission to install automatic gates in substitution for manual gates at the Mount Vernon Street grade crossing in Ridge-

field Park. Permission was granted on October 24, 1957, but the installation had not been completed by the end of the year.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY--
EAST 31ST STREET AND 20TH AVENUE, PATERSON

On March 27, 1957, New York, Susquehanna and Western Railroad Company requested permission to install automatic gates at the grade crossing of East 31st Street and 20th Avenue in Paterson.

Permission was granted on August 23, 1957, and the new protection was placed in service in October, 1957.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY--
PARK AVENUE, BUTLER

New York, Susquehanna and Western Railroad Company, on September 30, 1957, asked permission to install automatic gates in substitution for part-time manual gates at the grade crossing of Park Avenue in Butler. Permission was granted on October 24, 1957, but the installation had not been completed by the end of 1957.

THE PENNSYLVANIA RAILROAD COMPANY—MAIN STREET, MILFORD

The Pennsylvania Railroad Company, on December 7, 1956, asked permission to discontinue the part-time watchman protection which supplements the flashing lights at the Main Street grade crossing in Milford. Permission was granted on May 8, 1957, subject to the installation of an automatic warning bell. The changes were made effective on June 6, 1957.

Establishment of New Grade Crossings (Formal Cases)

Except in unusual cases the Board has opposed the establishment of new grade crossings and has limited its approval to the construction of new crossings which will carry a small volume of traffic.

The formal cases before the Board during 1957 for the establishment of new grade crossings were as follows:

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY,
SECOND STREET AND SEVENTH STREET, LAKEWOOD—DOCKET NO. 10361

The Township of Lakewood on October 21, 1957 requested the establishment of grade crossings over the Central Railroad of New Jersey at Second Street, Lakewood. Hearing was held and the next hearing is scheduled for 1958.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY,
GREEN POND ROAD, ROCKAWAY TOWNSHIP—DOCKET NO. 10114

The Central Railroad of New Jersey on May 21, 1957 asked permission to construct an industrial side track at grade across Green Pond Road in Rockaway Township to serve Central-Morris Industrial Park. Permission was granted on September 25, 1957, subject to protection of train movements by "Stop and Flag."

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY, FORD ROAD,
MORRIS AVENUE, GREEN POND ROAD, ROCKAWAY AND DENVILLE
TOWNSHIPS AND BOROUGH OF ROCKAWAY—DOCKET NO. 10279

The New Jersey State Highway Department on August 16, 1957 asked permission to widen the grade crossing of Ford Road, to establish a new crossing at Morris Avenue and to close the grade crossing at Green Pond Road. These crossings are over a side track from the Hibernia Mine Branch and the changes are to be made in connection with the construction of Freeway Route No. 101. Permission was granted on December 11, 1957 subject to protection of train movements by "Stop and Flag."

ERIE RAILROAD COMPANY:
WILLARD STREET, POMPTON LAKES—DOCKET NO. 8206

The Borough of Pompton Lakes, in 1954, requested the establishment of a public grade crossing at Willard Street and the Erie Railroad. Hearings have been postponed to allow negotiation between the Borough and the Railroad.

ERIE RAILROAD COMPANY:
SAMWORTH ROAD, ALLWOOD—DOCKET NO. 9884

Erie Railroad Company on January 23, 1957 asked permission to construct an industrial track at grade across Samworth Road in the Allwood section of Clifton to serve Allwood Investment Associates. Permission was granted on January 30, 1957 subject to protection of train movements by "Stop and Flag."

LEHIGH VALLEY RAILROAD COMPANY:
GRADE CROSSINGS OF STATE HIGHWAY ROUTE 169, 30TH ST. AND
PROSPECT AVE., BAYONNE—DOCKET NO. 10056

The State Highway Department on March 7, 1957 applied for permission to construct route 169 across the National Docks Branch of Lehigh Valley Railroad and to reconstruct the grade crossings at 30th Street and Prospect Avenue in Bayonne. Action has been withheld pending final agreement between the Railroad and the Highway Department.

LEHIGH VALLEY RAILROAD COMPANY:
MANVILLE—DOCKET NO. 10371

The Borough of Manville, by petition filed on October 21, 1957, asks that Lehigh Valley Railroad Company be required to construct an additional passage over, under or across the railroad. The Railroad Company denied that an ad-

ditional passage is necessary and the matter was brought to hearing. Further hearing is set in 1958.

**THE NEW JERSEY AND NEW YORK RAILROAD COMPANY:
DIVISION STREET AND 13TH STREET, CARLSTADT—DOCKET NO. 10020**

Horace Banta, Trustee of the property of The New Jersey and New York Railroad Company on April 8, 1957 asked permission to construct a side track at grade across Division Street and 13th Street in the Borough of Carlstadt to serve American Alkyd Industries Inc. Permission was granted on May 1, 1957, provided that train speeds are limited to 5 miles per hour and that protection is provided by "Stop and Flag."

**THE NEW JERSEY AND NEW YORK RAILROAD COMPANY:
RAILROAD STREET, HASBROUCK HEIGHTS—DOCKET NO. 10309**

Horace Banta, Trustee of the property of The New Jersey and New York Railroad Company on September 12, 1957 asked permission to construct a side track at grade across Railroad Street to serve Ark, Inc. in Hasbrouck Heights. Permission was granted on October 30, 1957, subject to protection of train movements by "Stop and Flag."

**NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY:
MAYHILL STREET AND SAMPSON STREET, SADDLE BROOK—DOCKET NO. 9151**

The Township of Saddle Brook, in 1956, requested permission to establish grade crossings at Mayhill and Sampson Streets. Hearings were held during 1956 and 1957. The matter has been delayed and further hearing postponed to 1958 to allow study of the location of new highways in the vicinity.

**NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY:
MADISON AVE., PATERSON—DOCKET NO. 5137**

The Board on January 17, 1951 authorized the establishment of a grade crossing over the tracks of New York, Susquehanna and Western Railroad in Paterson by the extension of Madison Avenue. The project was not completed and Madison Avenue was not extended. On April 10, 1957 the City and the Railroad asked for a change in the approved plan for the extension of Madison Avenue. The request was granted on June 19, 1957 without hearing. Construction and protection of the crossing by automatic gates were substantially completed by the end of the year.

**THE PENNSYLVANIA RAILROAD:
FINESVILLE ROAD, RIEGELSVILLE—DOCKET NO. 10271**

The Pennsylvania Railroad Company in application filed on October 25, 1957 asked permission to remove a timber bridge which carries Finesville Road over the Belvidere-Delaware Branch and to substitute a grade crossing. Hearing has been scheduled for March 3, 1958.

PENNSYLVANIA-READING SEASHORE LINES:
CORSO STREET, BUENA VISTA TOWNSHIP—DOCKET NO. 9777

The Township of Buena Vista on January 2, 1957 requested permission to re-establish a grade crossing of Corso Street and the Newfield Branch of Pennsylvania-Reading Seashore Lines. The crossing had been closed in 1947 and the Board granted permission to re-open the crossing in Certificate of February 11, 1957. The Railroad was directed to provide "Stop and Flag" protection.

PENNSYLVANIA-READING SEASHORE LINES:
ELAINE AVENUE, BLACKWOOD—DOCKET NO. 10254

The Township of Gloucester on August 16, 1957 asked permission to establish a grade crossing of Elaine Avenue and the Grenloch Branch of the railroad in Blackwood. Hearing was held on November 27, 1957 and the matter was pending at the end of the year.

RAHWAY VALLEY RAILROAD:
COLFAX AVENUE, KENILWORTH—DOCKET NO. 10269

The Borough of Kenilworth on August 21, 1957 asked that the Rahway Valley Railroad be required to construct a grade crossing at Colfax Avenue. Investigation showed that Colfax Avenue is located both in Kenilworth and Roselle Park and that the establishment of the grade crossing should be the subject of a joint application. At the end of 1957 the proper application had not been received.

Formal Complaints

THE PENNSYLVANIA RAILROAD COMPANY:
SERVICE TO BAKER AND CO. INC., NEWARK—DOCKET NO. 9704

Baker and Co. Inc. of Newark, in formal complaint filed on November 7, 1956 claimed that The Pennsylvania Railroad Company, on September 25, 1956 had served notice that service on the Baker private siding would be terminated on November 30, 1956. At a prehearing conference on December 14, 1956 it was agreed that studies of alternate service and facilities would be made. Results of the studies were not forwarded to the Board and on October 18, 1957 the attorney for Baker and Co. Inc. was requested to advise the Board of the status of the case. No further action has been taken in this matter.

ERIE RAILROAD COMPANY:
NORTHERN BRANCH AND NEW YORK, SUSQUEHANNA
AND WESTERN RAILROAD COMPANY

Formal Complaint of Northern Valley Commuters Organization, Susquehanna Transit Commuters Association and Others to require the operation of Northern Branch and Susquehanna trains to the Hoboken Terminal—Docket Nos. 9872 and 10127.

The Northern Valley Commuters Organization and 4 municipalities by

formal complaint filed on December 26, 1956 asked that Erie Railroad Company be compelled to operate its Northern Branch passenger trains to and from the Hoboken terminal of the Lackawanna Railroad. Hearing was held. Erie Railroad moved to dismiss the complaint on the grounds that the Interstate Commerce Commission has jurisdiction and that the proper parties were not included. The hearing examiner referred the case to the Board and in Order of May 7, 1957 the Board deferred a ruling on the motion, remanded the case to the hearing examiner and made The Delaware, Lackawanna and Western Railroad Company, New York, Susquehanna and Western Railroad Company and The Pennsylvania Railroad Company parties to the proceedings. Hearing was set for June 6, 1957.

At the hearing on June 6, 1957, Counsel for the complainants offered an amendment to the petition asking for an Order by the Board directing the railroads to apply to the Interstate Commerce Commission for necessary trackage rights and extensions if it is found that the Board's jurisdiction does not extend to all parts of the case. He further asked that a petition of the Susquehanna Transit Commuters Association be consolidated with the petition of the Northern Valley Commuters.

The hearing was continued to June 13 and at that time the Railroads moved for rejection of the amendment on the grounds that the Board had no jurisdiction.

The petition of the Susquehanna Transit Commuters Association was filed on June 13, 1957. The Association asked the Board to order New York, Susquehanna and Western Railroad to operate its trains to Hoboken rather than to Jersey City. The petition was assigned Docket No. 10127.

The hearing examiner on September 23, 1957 certified the record to the Board for a ruling on the motion to dismiss the petition and amendment in Docket No. 9872.

The Board, on September 25, 1957 consolidated the two cases for further hearing on October 15, 1957 but did not rule on the motion to dismiss.

A further hearing was held on November 14 but hearings scheduled for December 1957 were postponed to 1958.

Informal Complaints—Condition or Protection of Grade Crossings

During 1957, a total of 26 informal complaints were received and investigated in connection with the condition of railroad-highway grade crossings or the protection provided.

Elimination of Railroad-Highway Grade Crossings (Formal Cases)

During 1957 no actual construction for the elimination of grade crossings was performed. However, bids were received for one project which is expected to be started early in 1958.

The following projects are now included on the Board's list of grade crossing eliminations:

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY:
DUNELLEN-PLAINFIELD—DOCKET NO. 3914

Construction work for the elimination of 5 grade crossings in Dunellen and Plainfield was completed in 1956, but the accounting has not yet been closed.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY:
BOROUGH OF RARITAN—DOCKET NO. 7525

Application for the elimination of the grade crossing of First Avenue and the main line of the Central Railroad of New Jersey was filed by the Borough of Raritan in 1953, but no action has been taken in connection with this project.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY:
GARWOOD—DOCKET NO. 5172

The Borough of Garwood, in 1950, petitioned for the elimination of the Center Street grade crossing and the main line of the Central Railroad of New Jersey. Hearings were held in 1955 and 1956, but no further action has been taken.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY:
THE PORT READING RAILROAD, PORT READING—DOCKET NO. 4455

The Board, in 1951, ordered the elimination of the grade crossings of Woodbridge Avenue and Turtle Brook Road in Port Reading. No further action has been taken and construction has been postponed.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY:
UNAUTHORIZED CROSSINGS OVER THE SUSSEX BRANCH
AT CRANBERRY LAKE—DOCKET NO. 10243

Following an accident on July 27, 1957 the Board on August 27, 1957 issued an Order to Show Cause why two pedestrian grade crossings over the Sussex Branch at Cranberry Lake should not be closed. Hearings were held on October 3 and 29 and December 12, 1957. No further action has been taken.

ERIE RAILROAD COMPANY:
GLEN ROCK—DOCKET NO. 4826

The elimination of 2 grade crossings on Rock Road in Glen Rock was ordered by the Board in 1938. The Borough of Glen Rock asked for reconsideration of the order in 1949, but no action has been taken.

ERIE RAILROAD COMPANY:
RUTHERFORD AND EAST RUTHERFORD—DOCKET NO. 3604

The Boroughs of Rutherford and East Rutherford, in 1948, requested the elimination of the Park Avenue grade crossing on the main line of the Erie Railroad. No action has been taken on this project.

LEHIGH VALLEY RAILROAD COMPANY:
SOUTH PLAINFIELD—DOCKET NO. 9365

The Borough of South Plainfield, in 1956, petitioned for the elimination of the grade crossing of Hamilton Boulevard and the main line of Lehigh Valley Railroad. Hearings were held during 1956 and 1957, but no decision has been issued in this matter.

THE PENNSYLVANIA RAILROAD COMPANY:
ADAMS—DOCKET NO. 1863

Construction work for the elimination of the grade crossing of Franklin Park Road and the main line of The Pennsylvania Railroad was completed in 1956. All other matters in connection with this project were completed during 1957.

THE PENNSYLVANIA RAILROAD COMPANY:
PLAINSBORO AND SOUTH BRUNSWICK—DOCKET NO. 4265

Construction for the elimination of the grade crossings of Schalk's Road and Turkey Island Road and the main line of the Pennsylvania Railroad was completed in 1949. All accounting was completed in 1957.

THE PENNSYLVANIA RAILROAD COMPANY:
MONMOUTH JUNCTION—DOCKET NO. 7007

Construction for the elimination of the grade crossing of New Road and the main line of the Pennsylvania Railroad was completed in 1953. The accounting was closed in 1957.

THE PENNSYLVANIA RAILROAD COMPANY:
METUCHEN—DOCKET NO. 1867

The Board, in 1940, initiated proceedings for the elimination of the grade crossing of Grove Avenue and the main line of the Pennsylvania Railroad. On February 20, 1941 the Railroad Company was ordered to eliminate the grade crossing by the construction of a highway underpass. Construction work was delayed and on June 30, 1943 the Board approved the temporary closing of the grade crossing.

The case was re-opened in 1955 and hearings were held in 1955 and 1956. By Order of July 25, 1956 the Board directed the elimination by the construction of a railroad bridge immediately north of the present tracks with a depression of the roadway and relocation of the railroad.

The Metuchen Resident Owners Association, in September 1956, appealed the Board's Decision and Order to the Appellate Division of the Superior

Court of New Jersey. The Court affirmed the Board's Order on April 12, 1957. The Board then issued an Order on June 12, 1957 directing that the work be completed by August 15, 1958.

Bids were received on November 29, 1957, but at the end of the year no contract had been awarded.

PENNSYLVANIA-READING SEASHORE LINES:
CAMDEN—DOCKET NO. 4074

Relocation of the Cooper's Point Branch of Pennsylvania-Reading Seashore Lines to eliminate 14 grade crossings was completed in 1954. Agreement on the financial contributions of certain parties involved in the project has not yet been completed although all of the construction accounting is finished.

Relocation or Widening of Grade Crossings (Formal Cases)

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY, RELOCATION OF
ROANOKE AVENUE GRADE CROSSING, NEWARK—DOCKET NO. 9648

The Central Railroad Company of New Jersey on October 9, 1956 asked to relocate the grade crossing of Roanoke Avenue and the Passaic River Extension Branch to the new location of the street. Permission was granted on November 6, 1957, subject to a speed restriction of 6 miles per hour for all trains.

THE PENNSYLVANIA RAILROAD COMPANY, ROUTE 27, FRANKLIN TOWNSHIP
AND SOUTH BRUNSWICK TOWNSHIP—DOCKET NO. 10335

The New Jersey State Highway Department on August 30, 1957 asked approval of improvement of grade crossing of Route 27 and the Rocky Hill Branch of the Pennsylvania Railroad. Approval was granted on December 4, 1957, subject to protection of train movements by "Stop and Flag."

THE PENNSYLVANIA RAILROAD COMPANY, CHESTER AVENUE, RIVERSIDE
AND DELSAN TOWNSHIPS—DOCKET NO. 10043

The County of Burlington, on April 24, 1957 asked that the Chester Avenue grade crossing be widened. Hearing was held and when some question was raised as to the requirements at the crossing, further hearing was postponed without date to allow negotiation. No further action was taken by the end of 1957.

THE PENNSYLVANIA RAILROAD COMPANY, STEVENS STATION ROAD,
BURLINGTON TOWNSHIP—DOCKET NO. 10044

The County of Burlington on April 24, 1957 asked that the grade crossing of Stevens Station Road be widened. Hearing was held and further hearing was postponed to allow negotiation and agreement as to the changes required. No further action was taken by the end of 1957.

THE PENNSYLVANIA RAILROAD COMPANY, ROUTE 39,
COLUMBUS—DOCKET NO. 10165

The State Highway Department on June 18, 1957 asked approval of the widening of the grade crossing of Route 39 and the Kinkora Branch at Columbus. The changes were approved on September 11, 1957 without hearing, provided that protection by flashing light signals be relocated to the new width of the road.

PENNSYLVANIA-READING SEASHORE LINES, ROUTE 45, SALEM—
DOCKET NO. 10336

The State Highway Department on August 30, 1957 asked approval of the widening and improvement of the grade crossing of Route 45 (Market Street) in Salem. Permission was granted, without hearing, on December 4, 1957. Protection is to be provided by "Stop and Flag."

Reconstruction of Existing Bridges (Formal Cases)

THE PENNSYLVANIA RAILROAD COMPANY, FOUNDRY STREET, NEWARK—
DOCKET NO. 3851

The City of Newark, in 1948, asked for an order requiring The Pennsylvania Railroad Company to reconstruct the bridge which carries the railroad over Foundry Street. Hearing was held. On June 18, 1956 the City amended its petition and asked that the bridge be rebuilt as part of the approaches to State Highway Route 25. On March 5, 1957 the Railroad asked that decision be delayed until after final disposition of the appeal in the "Deep Cut" bridge case. No further action was taken by the end of 1957.

THE PENNSYLVANIA RAILROAD COMPANY, GROVERVILLE ROAD,
BORDENTOWN—DOCKET NO. 9457

The Township of Bordentown, in 1956, asked that the Railroad Company be required to rebuild bridge No. 29.27, which carries Groverville Road over the railroad.

The Railroad Company suggested that the bridge be removed and a grade crossing substituted. Negotiations were started for the elimination of the bridge and the case was brought to hearing. The hearing examiner, on December 26, 1957, filed a recommendation that the Board approve the substitution of a grade crossing for the bridge and that the crossing be protected by flashing light signals. No further action was taken in 1957.

THE PENNSYLVANIA RAILROAD COMPANY, MAIN STREET, SAYREVILLE,
(DEEP CUT BRIDGE)—DOCKET NO. 9049

The County of Middlesex, the Borough of Sayreville and the City of South Amboy, on November 23, 1955, asked that The Pennsylvania Railroad Company and Public Service Coordinated Transport be required to reconstruct the "Deep Cut" bridge over the railroad between Sayreville and South Amboy. Hearings were held in 1956 and on July 25, 1956 the Board dismissed the

feasibility of requiring vehicles with "push-out" windows also to be equipped with emergency exit doors. This study should be completed in the near future.

The following is a brief resume of the activities of the division during 1959.

INSPECTIONS

New Buses	265
Rebuilt Buses	273
Maintenance	9,739
Total	<u>10,277</u>

INVESTIGATIONS

Traffic	206
Accidents	30
Complaints	238
Total	<u>474</u>

MISCELLANEOUS

Routes surveyed	516
Accident Reports reviewed	6905
Insurance filings	3753
Requests for information	1189
Total	<u>12,365</u>

RAILROADS

During 1959, the Railroad Division participated in 312 formal cases and 803 informal matters requiring investigation. In addition, 2,552 freight and passenger tariffs were examined, and 145 railroad real estate transactions totaling \$2,961,212 were investigated.

Continued efforts of various railroads to curtail or discontinue passenger service cast a heavy burden upon this division, as well as upon the Board and the Attorney General, to effectively protect the public interest. Activities included participation in matters of this kind, not only at the State Court level but also before the Interstate Commerce Commission and the Federal courts. The Board's effectiveness in this regard has been sharply curtailed by the provisions of the 1958 Transportation Act enacted by our Federal government. An outstanding example of this is the action of the Interstate Commerce Commission in permitting complete abandonment of passenger service on the West Shore Division of the New York Central Railroad as of December 9, 1959, when this Board still had actively before it, consideration of matters pertaining to ways and means of preserving all or part of the passenger service provided. The Board and the State have petitioned the Interstate Commerce Commission to reconsider its decision. Action on that petition is still pending.

Last year grade crossing eliminations came to a virtual standstill due to lack of funds. Although orders were issued for eight eliminations, there

was only sufficient funds to permit one to be started. This is at Port Reading.

When crossings were found to warrant additional safety devices, these were ordered as a means to reducing the amount of grade crossing accidents. During 1959 there were 148 accidents in which 80 were injured and 23 persons killed. The Board is making every attempt possible to obtain additional safety devices at crossings but the public must be educated to observe the various warning signals at grade crossings if accidents are to be reduced.

In a further effort to provide safer service the Board has ordered the various railroads to install tripper-type train stops and derails on draw-bridge approaches.

A summary of the major activities of this division are as follows:

	<i>Number of Matters received</i>	<i>Number Disposed of</i>	<i>Pending</i>
Land Sales	153	145	8
Train curtailments	46	37	9
Station facility curtailments	51	45	6
Miscellaneous	85	68	17
Informal matters	4443	4405	38
Totals	<u>4778</u>	<u>4700</u>	<u>78</u>

RATES AND RESEARCH

New Jersey's industrial expansion is continuing at a pace which shows confidence in the future.

Public Service Electric and Gas Company and the New Jersey Bell Telephone Company, largest Jersey utilities in their field, plan enormous investments.

In 1959 Public Service budgeted 160 million dollars for new construction. This was the fourth consecutive year this utility earmarked over 100 million dollars for expansion and this high level of construction is expected to continue in 1960.

New Jersey Bell's construction program for 1959 approximated 90 million dollars and in 1960 is expected to exceed this level.

The following table summarizes action taken by the Board on the 111 rate filings which came before this division in 1959.

Electric supply expansion

The granting of approval to the Atlantic City Electric Company for a substation in a residential section of Washington Township was opposed after hearing because of the proximity of the Township school. After rehearing the Board found that the substation would not be a hazard to the school children and affirmed its decision granting permission. A similar petition for a substation in a residential area in the Borough of Fair Haven was strenuously contested for 7 days of hearings by the Borough and by adjacent property owners, including a church and synagogue. Subsequent conferences resulted in a withdrawal of opposition when the utility agreed to house the substation in a building which conformed to the style of architecture prevailing in the neighborhood.

6. Grade Crossings

New grade crossings

The principal aim of grade crossing legislation has been the elimination of hazards to persons and property and obstructions to traffic. Desiring, therefore, that such crossings be kept to a minimum, the original Public Utilities Act of 1911 provided that new grade crossings could be established only with the prior approval of this Board. In 1961 the Board heard 16 formal cases requesting approval for the establishment of 25 new crossings. Nine of these were requested by municipalities for extensions of streets over lightly-travelled rail rights-of-way. Sixteen were requested by railroads or by industrial companies for the construction of spur tracks to provide freight service to such industries. In each case the Board ordered specific protective devices, varying from standard wooden cross-buck signs or stop and flag requirements to automatic gates or automatic flashing lights with back lights, cross-bucks and advance warning signs, as the rail and road traffic justified.

Changes in grade crossing protection

During 1961 the Board heard 17 cases in which railroads requested permission to change grade crossing protection, all but 2 of which were occasioned by a widening of the railroad which necessitated more effective protection. The other two involved substitution of automatic flashing lights for part or full time watchmen.

The improvement, elimination and reconstruction program

Before 1913 the only power existing to compel the elimination of grade crossings lay in the discretion of the Court of Chancery, upon a showing of special danger. Elimination projects so ordered were done at the complete expense of the railroad. In 1913 the Fielder Grade Crossing Law gave this power to the Board, to be exercised as to crossings over county and municipal roads under statutory conditions and procedures, but the cost was still borne by the railroad.

Division of cost

In 1930, the Legislature provided that 50% of the cost of elimination projects ordered by this Board would be paid by the railroad involved and 50% by the Board out of funds to be provided for the purpose. In 1947 the railroads' share of such expenses was reduced to 15% and the Board's share was increased to 85%. In 1960 the Legislature added the reconstruction or relocation of bridges and passages and the installation of protective devices at crossings carrying passenger service to the class of projects for which the Board would be obligated to pay 85% of the cost and the railroads 15%. This is the state of the present law.

Funds

When, in 1930, the 50-50 formula for payment was enacted, a state bond issue aimed to provide to the Board the sum of \$18,000,000 for the purpose of carrying out its obligations toward the elimination of grade crossings. After diversion of some funds for relief purposes, the amount realized by the Board amounted to approximately \$11,500,000. Simultaneously, the Legislature authorized the appropriation of \$2,000,000 per year out of motor fuel tax receipts to be paid over to the Board for this continuing purpose, if and when proceeds of the bond issue were not available in any year. For five years (1935, 1936, 1937 and 1945 and 1946) the Board received such \$2,000,000. In addition, during the 1930s Federal funds were made available to defray part or all of the cost of projects ordered by the Board.

Expenditures

The power thus given in 1913 and the funds provided beginning in 1930 have been exercised and expended by this Board for the elimination of grade crossings on every major railroad in the State at a total cost to date of approximately \$36,000,000. Of this amount, approximately \$21,000,000 was paid by the State, \$9,000,000 by the Federal Government, and \$6,000,000 by the railroads.

Current funds

At the beginning of 1961, the Board's funds available for grade crossing elimination purposes amounted to approximately \$760,000, of which approximately \$80,000 was committed to the completion of the project at Port Reading in Woodbridge Township for elimination of two crossings of the Reading Company and the Central Railroad of New Jersey, leaving a free balance of about \$640,000. Thus the Board was able in 1961 to initiate proceedings for the elimination of the last grade crossing on the main line of the Pennsylvania Railroad at Lutz Road, in Hamilton and Lawrence Townships. It is estimated that this project will cost the Board \$544,000.

New funds

As of July 1, 1961, the Legislature appropriated to the Board the net amount of \$1,500,000, and with this amount in reserve, the Board ordered the elimination of a crossing of the Central Railroad of New Jersey at Centre Street in Garwood, Union County, New Jersey, of which it is estimated the Board's share will be about \$1,382,000. This project alone almost exhausts the present funds of the Board and several projects already ordered have been deferred for lack of funds. These are: 13 crossings of the Erie Railroad along Main Street in the City of Passaic; one crossing of the Lehigh Valley Railroad at Hamilton Boulevard, South Plainfield; 6 crossings of the New York and Long Branch Railroad in the Borough of Red Bank; and reconstruction of the Maple Street Bridge of the Erie-Lackawana Railroad in New Providence, Union County.

Future funds

For the fiscal year 1962-1963 the Governor, at the request of the Board, has recommended to the Legislature an appropriation of \$2,000,000 for the Board's activities in this field and the Board earnestly hopes that the Legislature will see fit to make these funds available. This will go far to assist the Board in carrying out its statutory obligations, but it will not meet the needs of the future as respects grade crossings, which by reason of changing traffic patterns will become necessary subjects of elimination projects. The Board is also concerned about its new obligation to order the reconstruction, where necessary of old and now inadequate roadway bridges over railroads, and to pay 85% of the cost. In addition, the Board's duty to improve automatic protection at existing crossings, again at 85% of the cost, will increase the drain on the Board's Funds.

7. Legal

Legal variety

In addition to its own contested matters, the Board, represented by Deputy Attorneys General assigned to it, also found itself in litigation in the courts. In a proposed bus discontinuance case, the Board obtained an injunction in the Chancery Division of Superior Court to forestall the discontinuance pending hearings by the Board. Upon motion for leave to appeal to the Appellate Division from a refusal by the Board to pay a bill in connection with the Woodbridge grade crossing elimination project, the Board obtained an order dismissing the motion as premature. The Board also intervened in a natural gas rate proceeding before the Federal Power Commission, which is still pending.

The right of review

Decisions, orders and other determinations of this Board are appealable to the Appellate Division of the Supreme Court, and then to the Supreme Court, as in the case of all other State Administrative Agencies.

I. THE BOARD, ITS STAFF AND WORK

RESPONSIBILITIES

Since its creation in 1910, the New Jersey Board of Public Utility Commissioners has continued to concern itself with the essential services rendered by public utilities to the public. The overall standard of performance for public utilities, set by the Legislature to guide the Board in its duties, is safe, adequate and proper service. On the other hand, utilities are entitled to a fair return on their investment of property used in utility service. This fair return is reflected in the rates paid by the utility customers, which generally have been fixed after public hearings held by the Board in its public hearing rooms. Included among the varied responsibilities of the Board are the factors of safety and minimum standards. For example, the Board's Motor Carrier Division inspects twice a year every bus operating for hire over a regular route; the Railroad Division inspects railroad grade crossing protection for adequacy and railroad bridges for safety; and the Engineering Division inspects water, gas and electric meters for accuracy.

NEW LEGISLATION

After more than 10 years work by various groups, culminating in the submission of legislative bills Assembly No. 352 (1961) and Assembly No. 486 (1962) by the Board, the N. J. Legislature passed, and Governor Hughes signed into law on December 12, 1962, a major revision of the public utilities law. The Board is grateful to the Legislature and the Chief Executive for supporting the change recommended in the Board's 1961 Annual Report.

The new law is effective March 12, 1963, and its major provisions are as follows: (1) incorporation of public utilities under the state corporation law because the separate corporation sections applying to specific utilities are repealed, (2) a uniform eminent domain section, (3) extension from 6 to 8 months for suspension of rate tariffs pending decision after hearing, and (4) Board consent a condition precedent to discontinuance of utility service.

DECISIONS AND HEARINGS

A sum of 983 matters were formally filed with the Board. After 468 public hearings, the Board issued 981 decisions. Many cases were consolidated and others resolved without public hearings. Through staff investigation, Board review and decision, public hearings were reduced from the 1961 total of 746, thus reducing expenses of the Board, the

THE BOARD AND RAILROADS

The Board has jurisdiction over the elimination and protection of railroad-highway grade crossings, along with the reconstruction of highway bridges over railroads, or railroad bridges over highways. Elimination projects carried on during 1962 included work in Garwood, Union County; Passaic, Passaic County; Lutz Road, Mercer County; and Edgewater, Bergen County. The Board is authorized by law to contribute up to 35% for grade crossing eliminations, protective devices at grade crossings, and the reconstruction, etc., of a bridge or passage over or under a railroad or right of way. If the need for grade crossing modification is caused by increased vehicular or pedestrian traffic from a particular municipality or county, the Board, by virtue of the 1961 amendment to Title 48, may order that either the municipality or the county contribute 15% of the cost, while the railroad pays 15% and the Board the remaining 70%. For such expenditures, the Legislature appropriates \$2 million annually to be used by the Board.

INTERESTING CASES

Two cases were of particular interest in 1962: one concerned the Hudson & Manhattan Railroad Company and the other the New York, Susquehanna & Western Railroad Company.

In the former case, the Legislatures of the States of New Jersey and New York, in February, 1962, authorized the Port of New York Authority to acquire the Hudson & Manhattan Railroad Company (after bankruptcy reorganization known as Hudson Rapid Tubes Corporation), an interurban electric railway under Board jurisdiction. The further agreement between the states was that the railroad facilities, now known as PATH, would be part and parcel of a World Trade Center to be established by the authority at the Hudson & Manhattan eastern terminal in lower Manhattan Island. The centralization is intended to accomplish economy in the transportation of persons and exchange of commodities and other property in world trade.

In the New York, Susquehanna & Western Railroad Company case, the issue was whether the Board or the Interstate Commerce Commission (I.C.C.) had jurisdiction over the proposed discontinuance of trains run solely within New Jersey but connecting with an interstate bus operating between New Jersey and New York. The significance of the case is in the fact that if the Court upholds the respondent railroad's view, the distinction between interstate and intrastate commerce will be blurred by the federal government reaching further into the domain of matters over which each state is particularly qualified to act.

STATE SUBSIDY

By provisions of the state subsidy program, railroads who have contracted with the state get 29c per car mile, paid on a quarterly basis. Payment may be withheld where any train is 3 or 4 minutes late 25% of the time.

NEW PROGRAM

Another aid to the financially sick railroads came in the form of a 1961 transit bill sponsored by New Jersey's Senator Harrison A. Williams. A part of the program includes "demonstration projects" in which the

Article 11. Construction and Protection of Crossings.

48A:12-48. Bridges and passages at street and road crossings; private ways and cattle guards. Every railroad company operating a railroad within this State shall construct and keep in repair good and sufficient passages over, under and across the railroad or right of way where any public highway now or hereafter laid, shall cross the same, so that public travel on the highway is not impeded thereby. Said passages shall be of such character as shall be suitable in view of the traffic upon the highway and upon the railroad.

Where the railroad intersects the land of an individual the company shall provide and keep in repair suitable and convenient passageways over, under and across the railroad and construct and maintain suitable and proper cattle guards at all road crossings.

This section shall be subject to the provisions of Article 23 of this chapter.

Source. R.S. 48:12-49.

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PROPOSED REVISION OF NEW JERSEY
PUBLIC UTILITY LAWS. THIRD DRAFT.

48A:12-49. Piers to support bridges over streets or highways. Where a railroad is constructed above the grade of any public highway in any city or town by a bridge the company may erect piers for the support and safety of the bridge. The piers may be located at the outer edge of the highway so as not to encroach thereon and may extend thence into the sidewalk or place left therefor.

From the land on each side of the street or highway, so much shall be added to the sidewalk and thrown open to public use for such purpose, as shall be occupied by the pier on that side.

The land so used, may, if not publicly owned, be acquired by the company by purchase or condemnation.

Source. R.S. 48:12-50.

48A:12-50. Highways over or under railroad; condemnation of lands for embankment or cutting. When the tracks of a railroad company shall cross a highway, such highway may be carried under or over the tracks as may be found expedient.

Where an embankment or cutting shall make a change in the line or route of the highway desirable with a view to a more easy ascent or descent or where more land is required to make an embankment or cutting in the highway in its approaches

To the crossing to adapt it to the grade thereof, the company may acquire by purchase or condemnation, such additional land for the construction of the crossing of such new line or route or elevation as it may deem necessary.

Such land, when so acquired, shall become a part of the highway in the same manner and by the same terms as the adjacent parts of the highway are held for highway purposes.

Source .R.S.48:12-51.

48A:12-51. Failure to construct and maintain bridges and crossings; procedure. When a company shall not properly construct and maintain the bridges or other crossings of public highways by its railroad tracks as required by law, or by contract, the Commission may, upon its own motion or upon complaint of any interested party or of the municipality order the company to construct or repair such bridges or other crossings.

Source. R.S.48:12-52.

48A:12-52. Construction of tracks along city streets; elevated roads; contracts. The municipal authorities of any city except a city of the first class may permit any railroad company to lay and construct its tracks along and upon any street or highway or above the street or highway by means of an elevated structure and may contract with such company, fixing the terms and conditions as to payment of consideration for such use and may do all things necessary to carry out such contract.

No such railroad shall be constructed along or above any such street or highway until the company shall have acquired the right of the owners abutting thereon by agreement or condemnation proceedings.

Source. R.S. 48:12-53.

48A:12-53. Bell or whistle on locomotives; penalty.

Every railroad company shall place on each engine or self-propelled train a bell which shall be rung continuously in approaching a grade crossing of a public highway, beginning at a distance of at least 300 yards from the crossing and continuing until the engine or train has crossed such highway, or a whistle or horn operated by steam, air or electricity, which shall be sounded at least 300 yards from the crossing and at intervals until the engine or train has crossed the highway, but no whistle shall be blown in any city.

Source. R.S. 48:12-57 as am. L. 1948, c. 252..

48A:12-54. Warning signs at grade crossings. Every railroad company shall maintain at each public highway crossing at grade a conspicuous sign with such inscription and of such standard and design as shall be approved by the Commission, so as to be easily seen by travelers.

Such sign need not be maintained in any municipality unless required by its governing body, or by the Commission.

Source. R.S. 48:12-58

48A:12-55. Traveler's right to assume proper operation of safety devices at grade crossing. Whenever a railroad shall install any safety gates, bell or other device designed to protect the traveling public at any crossing, or has placed at such crossing a flagman, any person approaching any such crossing, shall, during such hours as posted notice at the crossing shall specify, be entitled to assume that the safety gates or other warning appliances are in proper order and will be duly and properly operated, unless a written notice bearing the inscription "out of order" be posted in a conspicuous place at the crossing, or that the flagman will guard the crossing with sufficient care whereby the traveler will be warned of any danger in passing over the crossing unless a written notice bearing the inscription "flagman not on duty" is posted in a conspicuous place at the crossing.

In any action brought for injuries to person or property or for death caused at any crossing protected as aforesaid, no plaintiff shall be barred of the action because of the failure of the person injured or killed to stop, look and listen before passing over the crossing.

Source. R.S. 48:12-84.

48A:12-56. Protection of electrified third rail at grade crossings. Any company operating a railroad in this state on which the cars are operated by electric current by means of a third rail at or near grade, shall securely cover said rail with wood or other nonconducting material for seventy-five feet on each side of all grade crossings, leaving only sufficient opening for contact by the shoe or other apparatus used to convey the electric current from said rail to the cars.

Source. R.S. 48:12-59.

48A:12-57. Failure to protect electrified third rail; penalty; negligence per se. In all suits or actions for injuries sustained by contact with an electrified third rail it shall be considered per se negligence on the part of the company defendant if the third rail is not protected in the manner provided

in section 48A:12-56.

Source. R.S. 48:12-60.

48A:12-58. Contributory negligence at crossings having safety gates jury question. Whenever a person is killed or injured by a locomotive or train while attempting to cross the tracks at a crossing at which the railroad company shall have assumed to establish and maintain safety gates, and such gates were not down at least half a minute before such locomotive or train crossed the highway and until it had passed by, the question whether the person so killed or injured was or was not guilty of contributory negligence shall be a question to be determined by the jury in all actions brought to recover damages for such loss of life or personal injury.

Source..R.S.48:12-82.

Source: ^{NS} RA 6-2
48
1960a

N.J. Public Utility Board of Commissioners
Title 48 Revision. Draft

135. 48:9-25.4 Amended to allow for the distribution and transmission of natural gas or any mixture of gas or gases beyond any municipality or municipalities so as not to restrict the distribution and transmission of only natural gas and mixtures of natural gas.

RAILROADS (CHAPTER 12)

139. 48:12-16 Amended; approval of the board of public utility commissioners now required for the provisions in this section calling for a change of the stock structure.

140. 48:12-16 Amended to delete the paragraph dealing with usury; not necessary since the usury laws of the state would apply. ✓

143. 48:12-32.1 Amended by deletion of paragraph dealing with the Railroad's right to exercise the power of eminent domain no longer necessary since it is covered by the newly formed eminent domain sections of this title.

144. 48:12-36 Amended by deletion of paragraphs dealing with condemnation no longer necessary, newly formed condemnation sections under this title will cover this, and further amended to give the board authority to order the operation over an interconnection between railroads.

145. 48:12-39 Amended by deleting the part of the paragraph dealing with the railroad's right to exercise the power of eminent domain no longer necessary since it is covered by the newly formed eminent domain sections of this title.

146. 48:12-40 Amended so as to clarify when a railroad company may abandon part of its line i.e., prior to the operation of any trains over its line.

149. 48:12-44 Deletion of paragraph dealing with condemnation; now incorporated in the newly formed condemnation sections of this title.

152. 48:12-49 Deletion of paragraph exempting railroad companies incorporated by special Act or constructed prior to April 2, 1873. Otherwise it may eliminate certain railroads from the provisions of this section dealing with protection of crossings.

153. ¹³ 48:12-51 Amended by deletion of paragraph dealing with condemnation, now covered by newly formed condemnation sections. Amended to allow for the acquisition of land by condemnation when tracks shall cross a highway.

154. ✓ 48:12-54 Amended by deletion of words so as to have all railroad companies provide for protection at grade crossings whether propelled by steam, electric or otherwise. Also deletes words which would require protection at crossings only improved by joint action of the State and a municipality or county.

155. 48:12-55 Amended: The application for compelling proper protection at grade crossings shall be acted upon in accordance with the board's rules of practice.

156. 48:12-57 Amended to increase the penalty for failure to have proper bell or whistle on locomotives.