

9/30/84

27:1A-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:1A-5 (Rail freight--require DOT to develop programs).

LAWS OF: 1986

CHAPTER 56

BILL NO: S2279

Sponsor(s): Hurley and others

Date Introduced: June 12, 1986

Committee: Assembly: -----

Senate: Transportation and Communications

Amended during passage: Yes Substituted for A2824 (not attached since identical to S2279). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 26, 1986

Senate: June 26, 1986

Date of Approval: July 28, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

7-25-86

[OFFICIAL COPY REPRINT]

SENATE, No. 2279

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1986

By Senators HURLEY, RAND, GAGLIANO, COWAN and
McMANIMON

Referred to Committee on Transportation and Communications

AN ACT concerning the Department of Transportation and amend-
ing **and supplementing** P. L. 1966, c. 301.

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

1 1. Section 5 of P. L. 1966, c. 301 (C. 27:1A-5) is amended to
2 read as follows:

3 5. The commissioner, as head of the department, shall have all
4 of the functions, powers and duties heretofore vested in the State
5 Highway Commissioner and shall, in addition to the functions,
6 powers and duties vested in him by this act or by any other law:

7 (a) Develop and maintain a comprehensive master plan for all
8 modes of transportation development, with special emphasis on
9 public transportation. Such plan shall be revised and updated
10 at least every five years;

11 (b) Develop and promote programs to foster efficient and eco-
12 nomical transportation services in the State;

13 (c) Prepare plans for the preservation, improvement and expan-
14 sion of the public transportation system, with special emphasis on
15 the coordination of transit modes and the use of rail rights of way,
16 highways and public streets for public transportation purposes;

17 (d) Enter into contracts with the New Jersey Transit Corpora-
18 tion for the provision and improvement of public transportation
19 services;

20 (e) Coordinate the transportation activities of the department
21 with those of other public agencies and authorities;

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 19, 1986.**

22 (f) Cooperate with interstate commissions and authorities, State
 23 departments, councils, commissions and other State agencies, with
 24 appropriate federal agencies, and with interested private individ-
 25 uals and organizations in the coordination of plans and policies
 26 for the development of air commerce and air facilities;

27 (g) Make an annual report to the Governor and the Legislature
 28 on the department's operations, and render such other reports as the
 29 Governor shall from time to time request or as may be required
 30 by law;

31 (h) Promulgate regulations providing for the charging of and
 32 setting the amount of fees for certain services performed by and
 33 permits issued by the department, including but not limited to
 34 the following:

35 (1) Providing copies of documents prepared by or in the custody
 36 of the department:

37 (2) Aeronautics permits;

38 (3) Right-of-way permits;

39 (4) Traffic signal control systems;

40 (i) *Develop and promote programs for the preservation, im-*
 41 *provement and expansion of freight railroads, with special em-*
 42 *phasis on the use of rail rights of way for the purpose of providing*
 43 *rail freight service* [. In addition, the commissioner may:*

44 [(i)] (1) Plan, design, construct, equip, operate, improve and
 45 maintain, *either directly or by contract with any public or private*
 46 *entity*, a railroad, subway, street, traction or electric railway for
 47 the purpose of carrying freight in this State or between points in
 48 this State and points in other states; [and]

49 (2) *Acquire by purchase, condemnation, lease, gift or otherwise,*
 50 *on terms and conditions and in the manner he deems proper, any*
 51 *land or property, real or personal, tangible or intangible, which he*
 52 *may determine is reasonably necessary for the purposes of this*
 53 *subsection; and*

54 (3) *Lease as lessor, sell or otherwise dispose of, on terms and*
 55 *conditions which he may prescribe as appropriate, real and personal*
 56 *property, including tangible or intangible property and consumable*
 57 *goods, or any interest therein, to any public or private entity in*
 58 *the exercise of his powers and the performance of his duties under*
 59 *this subsection, and may, in order to provide or encourage adequate*
 60 *and efficient rail freight service, lease or otherwise permit the use*
 61 *or occupancy of property without cost or at a nominal rental]* *;* **

62 (j) Develop and promote a program to ensure the safety and
 63 continued operation of aviation facilities in New Jersey[.]; and

64 (k) Do any and all things necessary, convenient or desirable to
 65 effectuate the purposes of P. L. 1966, c. 301 (C. 27:1A-1 et seq.)
 66 and to exercise the powers given and granted in that act.

1 *2. The commissioner, pursuant to subsection (i) of section 5 of
 2 P. L. 1966, c. 301 (C. 27:1A-5), may:

3 a. Plan, design, construct, equip, operate, improve and maintain,
 4 either directly or by contract with any public or private entity, a
 5 railroad, subway, street, traction or electric railway for the pur-
 6 pose of carrying freight in this State or between points in this State
 7 and points in other states;

8 b. Acquire by purchase, condemnation, lease, gift or otherwise,
 9 on terms and conditions and in the manner he deems proper, any
 10 land or property, real or personal, tangible or intangible, which he
 11 may determine is reasonably necessary for the purposes of this
 12 section;

13 c. Lease as lessor, sell or otherwise dispose of, on terms and con-
 14 ditions which he may prescribe as appropriate, real and personal
 15 property, including tangible or intangible property and consumable
 16 goods, or any interest therein, to any public or private entity in the
 17 exercise of his powers and the performance of his duties under this
 18 section, and may, in order to prove or encourage adequate and ef-
 19 ficient rail freight service, lease or otherwise permit the use or
 20 occupancy of property without cost or at a nominal rental.

21 d. Upon declaration by him that there are no other prospects for
 22 competitive bidding, make, negotiate or award any purchase, con-
 23 tract or agreement pursuant to this section without advertisement.*

1 ***[2.]*** *3.* This act shall take effect immediately.

TRANSPORTATION—AIR, RAIL, BUS, TRUCK

Requires Commissioner of Transportation to develop programs concerning rail freight operations and permits the commissioner to exercise additional powers to implement rail freight programs.

64 *(k) Do any and all things necessary, convenient or desirable to*
 65 *effectuate the purposes of P. L. 1966, c. 301 (C. 27:1A-1 et seq.)*
 66 *and to exercise the powers given and granted in that act.*

1 2. This act shall take effect immediately.

STATEMENT

This bill requires the Commissioner of Transportation to develop and promote programs for the preservation, improvement and expansion of freight railroads, with special emphasis on the use of rail rights of way for the purpose of providing rail freight service.

In addition, this bill authorizes the commissioner to acquire property for rail freight purposes and to provide for the operation, either directly or by contract with a public or private entity, of rail freight lines so acquired.

Current law authorizes the Commissioner of Transportation to operate rail freight lines but does not explicitly provide for the authority needed to require rail lines which are being abandoned and to assist in setting up private "short-line" railroads to operate them. This bill is intended to correct this deficiency in P. L. 1979, c. 150, sections 1 through 23 of which assigned passenger railroad responsibility to New Jersey Transit and section 24 of which assigned freight railroad responsibility to the Department of Transportation. Since section 24 of P. L. 1979, c. 150 assigned freight railroad responsibilities to the Department of Transportation but did not provide for the authority needed to carry out this element of the rail freight program, this bill provides for additional powers which the commissioner may exercise to implement his statutory responsibilities under P. L. 1979, c. 150.

TRANSPORTATION—AIR, RAIL, BUS, TRUCK

Requires Commissioner of Transportation to develop programs concerning rail freight operations and permits the commissioner to exercise additional powers to implement rail freight programs.

52279 (1986)

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 2279

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 1986

The Senate Transportation and Communications Committee reports Senate Bill No. 2279 favorably and with Senate committee amendments.

This amended bill amends and supplements P. L. 1966, c. 301 (C. 27:1A-5) to permit the Commissioner of Transportation to develop and promote programs for the preservation, improvement and expansion of freight railroads, with special emphasis on the use of rail rights of way for the purpose of providing rail freight service.

In addition, the commissioner may acquire, lease or sell property for rail freight purposes as he may determine and provide for the operation, either directly or by contract with a public or private entity, of rail freight service. Also, the commissioner may, upon declaration that there are no other prospects for competitive bidding, make, negotiate or award any purchase, contract or agreement without advertisement.

Current law authorizes the Commissioner of Transportation to operate rail freight lines but does not explicitly provide for the authority needed to acquire rail freight lines which are being abandoned and to assist in setting up private "short-line" railroads to operate them. This gives this additional statutory authority.

The committee amended the bill to permit the making, negotiating or awarding of a purchase, contract or agreement, upon appropriate declaration, without advertisement. Amendments were also approved restructuring the sections of the bill for clarity and consistency with the existing statutory structure.



661

OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: WED., JULY 30, 1986

Acting Governor John F. Russo, State Senate President, today publicly signed two bills in the Governor's Outer Office.

S-1633, sponsored by Senator Daniel Dalton, D-Camden, provides that any compensation received as a result of a settlement or judgment in a law suit brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to "Agent Orange" shall not reduce the amount of public assistance an applicant may receive.

The legislation makes clear that "Agent Orange" awards shall not be considered income for purposes of determining general public assistance benefits.

The legislation is effective immediately.

A-646/1062, sponsored by Assemblyman Rodney Frelinghuysen, R-Morris and Assemblyman Thomas H. Paterniti, D-Middlesex, increases the amount of the one-time exclusion from taxable income allowed to taxpayers who have reached the age of 55 on the sale of a principle residence from \$100,000 to \$125,000.

- more -

PROPERTY OF
NEW JERSEY STATE LIBRARY

SEP 4 1986

185 W. State Street
Trenton, N. J.

July 30, 1986

This legislation amends the Gross Income Tax for those 55 and over realizing a gain on the sale of a residence and subsequent to the sale and allows all taxpayers a deferral of taxation on the gain arising from the sale of a principal residence where a new residence is purchased within a period extending from a date 2 years prior to the sale to a date 2 years subsequent to a sale.

The legislation is effective immediately as to sales of residences occurring on or after January 1, 1986.

#####