

40:35B-15; 40:35B-15.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:35B-15; 40:35B-15.1

(Atlantic County Transportation Authority - regulate traffic flow and designate areas for loading and unloading)

LAWS OF: 1983

CHAPTER: 242

Bill No: S1865

Sponsor(s): Gormley

Date Introduced: Oct. 25, 1982

Committee: Assembly: Transportation and Communications

Senate: Transportation and Communications

Amended during passage: Yes

// Senate committee substitute (OCR) enacted. Amendments denoted by asterisks.

Date of Passage:

Assembly: June 20, 1983

Senate: May 23, 1983

Date of Approval: July 1, 1983

Following statements are attached if available:

Sponsor statement:

Yes

// Also attached: Senate amendments, adopted 4-25-83 (with statement)

Committee statement:

Assembly

Yes

//

Senate

Yes

//

Fiscal Note:

///

No

Veto Message:

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No

Message on Signing:

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No

Following were printed:

Reports:

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No

Hearings:

///

No

(over)

Office of the  
Secretary of State  
Division of Legislative Services  
Trent, New Jersey

974.90 New Jersey. Legislature. Senate. Transportation  
T764 and Communications Committee.  
1983 Public hearing... held 2-16-83. Atlantic City, 1983.

See clipping file "N.J. - Atlantic City - Transportation - 1983" in  
New Jersey Reference Department.

[OFFICIAL COPY REPRINT]  
 SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1865**

**STATE OF NEW JERSEY**

ADOPTED MARCH 30, 1983

AN ACT concerning the management, control and regulation of certain motorbus services and amending and supplementing P. L. 1980, c. 44.

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

1 1. Section 15 of P. L. 1980, c. 44 (C. 40:35B-15) is amended to  
 2 read as follows:

3 15. In addition to the powers and duties conferred upon it else-  
 4 where in this act, the authority may do all acts necessary and  
 5 reasonably incident to carrying out the objectives of this act, in-  
 6 cluding, but not limited to, the following:

7 a. To adopt and have a common seal and to alter it at pleasure;

8 b. To sue and be sued;

9 c. To acquire, hold, use and dispose of its charges and other  
 10 revenues and other moneys in its own name;

11 d. In its own name, but for the county, to acquire, rent, hold, use  
 12 and dispose of other personal property for the purposes of the  
 13 authority, and to acquire by purchase, gift, condemnation or other-  
 14 wise, or lease as lessee, real property and easements therein,  
 15 necessary or useful and convenient for the purposes of the author-  
 16 ity, whether subject to mortgages, deeds of trust or other liens,  
 17 or otherwise, and to hold and to use the same, and to dispose of  
 18 property so acquired no longer necessary for the purposes of the  
 19 authority;

20 e. To grant by franchise, lease or otherwise, the use of any  
 21 project, facilities or property owned and controlled by it to any  
 22 person for such consideration and for such period or periods of  
 23 time and upon such other terms and conditions as it may fix and

**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 amendment adopted April 25, 1983.

24 agree upon, including, but not limited to, the condition that the  
25 user shall or may construct or provide any buildings or structures  
26 or improvements on the project, facilities or property, or portions  
27 thereof;

28 f. To provide for and secure the payment of any bonds and the  
29 rights of the holders thereof, and to purchase, hold and dispose  
30 of any bonds;

31 g. To determine the exact location, type and character of and all  
32 matters in connection with all or any part of the transportation  
33 system which it is authorized to own, construct, establish, effectuate,  
34 operate, or control and to enter on any lands, waters or  
35 premises for the purpose of making such surveys, diagrams, maps  
36 or plans or for the purpose of making such soundings or borings as  
37 it deems necessary or convenient;

38 h. To make and enforce bylaws or rules and regulations for the  
39 management and regulation of its business and affairs and for the  
40 use, maintenance and operation of the transportation system and  
41 any other of its properties, and to amend the same; it shall publish  
42 the same and file them in accordance with the "Administrative  
43 Procedure Act", P. L. 1968, c. 410 (C. 52:14B-1 et seq.) with the  
44 Director of the Office of Administrative Law;

45-46 i. To acquire, purchase, construct, lease, operate, maintain and  
47 undertake any parking or transportation facility and to make  
48 service charges for the use thereof;

49 j. To call to its assistance and avail itself of the service of any  
50 employees of any federal, State, county or municipal department,  
51 authority or other agency as it may require and as may be available  
52 to it for its purposes;

53 k. To plan, design, construct, equip, operate, improve and maintain,  
54 either directly or by contract with any public or private  
55 entity, public transportation services, parking and transportation  
56 facilities or any parts or functions thereof, and other transportation  
57 projects, or any parts or functions thereof;

58 l. To apply for, accept and expend money from any federal,  
59 State or county or municipal agency or instrumentality, and from  
60 any private source; comply with federal and State statutes, rules  
61 and regulations; and qualify for and receive all forms of financial  
62 assistance available under federal law to assure the continuance  
63 of, or for the support or improvement of public transportation, and  
64 as may be necessary for that purpose to enter into agreements,  
65 including federally required labor protective agreements;

66 m. To restrict the rights of persons to enter upon or construct  
67 any works in or upon any property owned or leased by the au-

68 .thority, except under such terms as the authority may prescribe,  
69 perform or contract for the performance of all acts necessary for  
70 the management, maintenance and repair of real or personal prop-  
71 erty leased or otherwise used or occupied pursuant to this act;

72 n. To set and collect fares and determine levels of service for  
73 service provided by the authority either directly or by contract,  
74 including, but not limited to, such reduced fare programs as deemed  
75 appropriate by the authority. Revenues derived from this service  
76 may be collected by the authority and shall be available to the au-  
77 thority for use in furtherance of any of the purposes of this act;

78 o. To set and collect rentals, fees, charges or other payments  
79 from the lease, use, occupancy or disposition of properties owned  
80 or leased by the authority. Such revenues shall be available to the  
81 authority for use in furtherance of any of the purposes of this  
82 act;

83 p. To deposit authority revenues in interest bearing accounts  
84 or in the State of New Jersey Cash Management Fund established  
85 pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A-90.4);

86 q. To procure and enter into contracts for any type of insurance  
87 and indemnify against loss or damage to property from any cause,  
87A including loss of use and occupancy, against death or injury of any  
88 person, against employees' liability, against any act of any mem-  
89 ber, officer, employee or servant of the authority, whether part-  
90 time, full-time, compensated or noncompensated, in the perform-  
91 ance of the duties of his office or employment, or any other  
92 insurable risk. In addition, the authority may carry its own  
93 liability insurance;

94 r. To promote the use of authority services, coordinate ticket  
95 sales and passenger information and sell, lease or otherwise con-  
96 tract for advertising in or on the equipment or facilities of the  
97 authority;

98 s. To adopt and maintain employee benefit programs for em-  
99 ployees of the authority including, but not limited to, pension,  
100 deferred compensation, medical, disability, and death benefits, and  
101 which programs may utilize insurance contracts, trust funds, and  
102 any other appropriate means of providing the stipulated benefits,  
103 and may involve new plans or the continuation of plans previously  
104 established by entities acquired by the authority;

105 t. To own, vote, and exercise all other rights incidental to the  
106 ownership of shares of the capital stock of any incorporated entity  
107 acquired by the authority pursuant to the powers granted by this  
108 act;

109 u. To apply for and accept, from appropriate regulatory bodies,

110 authority to operate public transportation services where  
111 necessary;

112 v. To delegate to subordinate officers of the authority such  
113 powers and duties as the authority shall deem necessary and  
114 proper to carry out the purposes of this act; [and,]

115 w. To enter into any contracts, execute any instruments, and do  
116 and perform any acts or things necessary, convenient or desirable  
117 for the purposes of the authority or to carry out any power  
118 expressly given in this act, subject to sections 16 and 17 of this act;

119 x. *To establish by the promulgation of rules and regulations*  
120 *pursuant to the "Administrative Procedure Act," P. L. 1968,*  
121 *c. 410 (C. 52:14B-1), a plan for the management, control and*  
122 *regulation of motorbus regular route and motorbus charter ser-*  
123 *vices within the district and as specifically set forth in this 1983*  
124 *amendatory and supplementary act except those services which*  
125 *are operated pursuant to "The New Jersey Public Transportation*  
126 *Act of 1979," P. L. 1979, c. 150 (C. 27:25-1 et seq.) A public hearing*  
127 *shall be held on these proposed rules and regulations pursuant to*  
128 *subsections (a) and (g) of section 4 of the "Administrative Pro-*  
129 *cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.); and*

130 y. *To receive and accept aid, donation or contribution from any*  
131 *public or private source, of either money, property, labor or other*  
132 *things of value, to be held, used and applied only for the purposes*  
133 *for which such aid, donation or contribution may be made.*

1 2. (New section) a. If a plan is established under subsection x.  
2 of section 15 of P. L. 1980, c. 44 (C. 40:35B-15), it may provide  
3 for: (1) the designation of certain routes upon which motorbus  
4 regular route and charter services shall be permitted to travel and,  
5 with the consent of the affected municipalities, the posting of signs  
6 by the authority to this effect. The authority may require the  
7 owner or operator of a bus entering the district over which the  
8 authority has jurisdiction to file with the authority a notice, in  
9 the form and manner which the authority may direct, indicating  
10 the proposed route and destination or destinations and the parking  
11 facility at which the motorbus intends to park. The authority may  
12 issue a permit without charge to the owner or operator filing this  
13 notice; (2) the regulation of the manner in which buses may travel  
14 to points of loading and unloading by providing for the intercep-  
15 tion and dispatching of the buses; (3) regulation of the activities  
16 of the buses incident to their reception at, and leaving of, places  
17 of business, in particular casino hotels; (4) the requirement that  
18 the buses entering a municipality in which casino gaming is au-  
19 thorized park at a parking facility which can accommodate motor

20 bus parking situated in the district over which the authority has  
21 jurisdiction and which is owned, operated or leased by the au-  
22 thority or licensed as a parking facility by a municipality to any  
23 other person or is a privately owned parking facility in existence  
24 as of February 1, 1983, which exclusively accommodates motor-  
25 buses owned by the owner of the parking facility and does not  
26 rent or lease the facility or its use to any other motorbus. This  
27 shall not apply to those motorbuses, as determined by the authority,  
28 which have as their ultimate destination their point of origin, with-  
29 out the necessity of interrupting a continuous journey for the pur-  
30 pose of stopping within the district, except for the purpose of  
31 discharging passengers or those motorbuses whose only destina-  
32 tion within the district is a bus terminal designated by the authority  
33 as a public bus terminal. Such a motorbus shall complete its  
34 journey by the most direct and expeditious route, as provided by  
35 the authority; (5) licensing and regulation of parking facilities  
36 which can accommodate motorbus parking not owned, operated or  
37 leased by the authority\*, *the New Jersey Expressway Authority\**  
37<sup>A</sup> or a municipality, including the regulation of size, location,  
38 utilization and operation of the facilities, except that any such  
39 parking facility in existence as of February 1, 1983, and licensed  
40 by a municipality as a parking facility shall be exempt from  
41 this regulation and licensure requirement, provided there is no  
42 increase in the licensed capacity of the facility after February 1,  
43 1983, or any transferral of license. However, in the event of an  
44 application for the renewal of the license of any exempted parking  
45 facility, the municipality originally granting or issuing the license  
46 may grant or issue a renewal of the license without approval of  
47 the authority until July 1, 1986. Thereafter, any renewal shall be  
48 with the consent of the authority, provided that the authority may  
49 not withhold its consent unless the authority shall establish that  
50 renewal of the license of the parking facility would be detrimental  
51 to the orderly flow of motorbus regular route or motorbus charter  
52 services within the district or within the affected municipality or  
53 contrary to the public health, safety, welfare or convenience. In  
54 addition, the municipality originally granting or issuing the license  
55 may continue, in accordance with law, to regulate any exempted  
56 parking facility without approval of this regulation by the au-  
57 thority until July 1, 1986. Thereafter, it shall be required that any  
58 regulation of the exempted facilities by the municipality be ap-  
59 proved by the authority and, in like fashion, any regulation of the  
60 exempted facilities by the authority shall be approved by the mu-  
61 nicipality. The authority shall notify and request comment from

62 any municipality affected by rules and regulations concerning  
63 licensure and regulation of parking facilities which can accom-  
64 modate motorbus parking in accordance with subsection d. of this  
65 section. This subsection shall not apply to a privately owned  
66 parking facility in existence as of February 1, 1983, which ex-  
67 clusively accommodates motorbuses owned by the owner of the  
68 parking facility and does not rent or lease the facility or its use  
69 to any other motorbus, provided there is no increase in the capacity  
70 of the facility after February 1, 1983.

71 b. In order to defray the cost of implementing this plan, the  
72 authority may establish a reasonable service charge to be paid  
73 by the owner or operator of each motorbus which shall enter a  
74 municipality in which casino gaming is authorized which service  
75 charge shall be collected in such a manner as the authority may  
76 direct, and shall not exceed \$1.00. This subsection shall not apply  
77 to those motorbuses whose only destination within the district is  
78 a bus terminal designated by the authority as a public bus terminal.

79 The authority is empowered to require casino hotels in a mu-  
80 nicipality in which casino gaming is authorized to furnish it with  
81 such information as is necessary to collect the reasonable service  
82 charge referred to in this subsection.

83 c. Rules and regulations promulgated by the authority under  
84 this section may include the provision for an assessment of penal-  
85 ties for any violation of these rules and regulations not to exceed  
86 \$500.00 for any single violation. Any violation of these rules and  
87 regulations shall be prosecuted by the municipality wherein the  
88 violation occurred. All moneys collected as a result of the imposi-  
89 tion of fines in cases prosecuted by the municipality shall be paid  
90 to the municipality. However, if, in the judgment of the Commis-  
91 sioner of Transportation, any municipality shall fail to enforce  
92 adequately the provisions of these rules and regulations, proceed-  
93 ings to enforce rules and regulations in that municipality shall be  
94 prosecuted by the authority, and moneys collected as a result of  
95 the imposition of fines shall be paid to the authority. Proceedings  
96 under this section may be instituted on any day of the week and  
97 institution of proceedings on a Sunday or holiday shall be no bar  
98 to successful prosecution. Any process served on a Sunday or  
99 holiday shall be valid as if served on any other day of the week.

100 d. The authority shall notify by personal service or registered  
101 or certified mail (return receipt requested) the clerk of any mu-  
102 nicipality to be affected by the rules and regulations to be promul-  
103 gated under this section at least 15 days prior to their promulgation  
104 and request comment from the municipality.



105 e. All rules and regulations promulgated under this section shall  
106 be submitted to the Commissioner of Transportation for review  
107 prior to adoption by the authority pursuant to the "Administrative  
108 Procedure Act," P. L. 1968, c. 140 (C. 52:14B-1 et seq.) and the  
109 commissioner shall have 30 business days to approve or reject the  
110 rules and regulations. If the commissioner rejects the rules and  
111 regulations, they shall not be approved. If the commissioner ap-  
112 proves the rules and regulations or fails to act within 30 business  
113 days after submission, then the authority may adopt the rules and  
114 regulations.

115 f. Notwithstanding any other provisions of this section, if within  
116 90 days of the effective date of this act the board finds that an  
117 imminent peril to the public health, safety, or welfare requires  
118 adoption of a rule upon fewer than 30 days' notice as required by  
119 the "Administrative Procedure Act," P. L. 1968, c. 410 (C.  
120 52:14B-1 et seq.) and states in writing its reasons for that finding,  
121 and the commissioner approves and the Governor concurs in writ-  
122 ing that an imminent peril exists, it may proceed without prior  
123 notice or hearing or upon any abbreviated notice or hearing that  
124 it finds practicable to adopt the rule. Notwithstanding the pro-  
125 visions of the "Administrative Procedure Act," P. L. 1968, c. 410  
126 (C. 52:14B-1 et seq.), the rule shall be effective for a period of  
127 not more than six months from the effective date of this act.

128 g. In order to provide for equitable treatment of all motorbus  
129 carriers, including those exempted from this act, and for the proper  
130 routing of all such carriers, the Commissioner of the Department  
131 of Transportation, or the Board of the New Jersey Transit Corpo-  
132 ration, as the case may be, may adopt policies and issue rules and  
133 regulations providing for the routing, interception, dispatching,  
134 reception and leaving of places of business of exempted motor-  
135 buses, in a manner consistent with subsection a. of this section.

136 h. The Chairman of the Senate Transportation and Communica-  
137 tions Committee and the Chairman of the Assembly Transportation  
138 and Communications Committee shall receive copies of any rules  
139 and regulations to be adopted by the authority at the same time  
140 as they are submitted to the commissioner or if not submitted to  
141 the commissioner at the same time as they are submitted to the  
142 Governor as provided in the "Administrative Procedure Act,"  
143 P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

1 3. This act shall take effect immediately.

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SENATE, No. 1865

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

By Senator GORMLEY

Referred to Committee on Transportation and Communications

AN ACT to amend the "County Transportation Authorities Act,"  
approved June 23, 1980 (P. L. 1980, c. 44).

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

1 1. Section 2 of P. L. 1980, c. 44 (C. 40:35B-2) is amended to  
2 read as follows:

3 2. The Legislature finds and declares that, as a result of the  
4 "Casino Control Act" (P. L. 1977, c. 110; C. 5:12-1 et seq.) and  
5 the introduction and development of legalized casino gaming in  
6 Atlantic City, intense demands have been placed upon the citizens  
7 of the Atlantic county region for the development and provision  
8 of integrated and adequate transportation systems. The Legisla-  
9 ture finds that the orderly planning, development, construction,  
10 acquisition, financing and operation of modern transportation sys-  
11 tems on a countywide basis in that region, *and the control and man-*  
12 *agement of the flow of motorbus charter service and paratransit ser-*  
13 *vice into and through the Atlantic county region,* will benefit resi-  
14 dents of, and visitors to, this State, promote the economic vitality  
15 of the region and the State, avoid the evils of haphazard growth  
16 and land-use development, and advance the efficient use of energy  
17 and other resources. The Legislature further finds that the present  
18 and future need for regional planning and development of trans-  
19 portation systems in Atlantic county is a wholly exceptional situa-  
20 tion, no parallel to which exists, or is likely to exist in the near  
21 future, anywhere in the State.

22 The Legislature, therefore, declares that it is in the public in-  
23 terest of the citizens of this State to foster and promote by all

**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.**

24 reasonable means the *orderly flow of motorbus charter service and*  
 25 *paratransit service into and through the Atlantic county region*  
 26 *and the provision of modern transportation and parking facilities*  
 27 *in the Atlantic county region, and that the best means to accomplish*  
 28 *this purpose is to authorize the creation of an appropriate region-*  
 29 *ally-oriented instrumentality in the county which will permit the*  
 30 *most direct and immediate attention to the particular transporta-*  
 31 *tion needs of the Atlantic county region consistent with the need*  
 32 *for, and procedures and structures established with respect to,*  
 33 *efficient and convenient Statewide transportation systems.*

1 2. Section 3 of P. L. 1980, c. 44 (C. 40:35B-3) is amended to read  
 2 as follows:

1 3. As used in this act:

2 a. "Authority" means a county transportation authority created  
 3 pursuant to section 4 of this act;

4 b. "Bonds" means any bonds, notes or other evidence of finan-  
 5 cial indebtedness issued by an authority pursuant to this act;

6 c. "Cost" means, in addition to the usual connotations thereof,  
 7 the cost of acquisition or construction of all or any property, rights,  
 8 easements and franchises deemed by an authority to be necessary  
 9 or useful and convenient therefor, including interest or discount on  
 10 bonds to finance such cost, engineering and inspection costs and  
 11 legal expenses, the cost of financial, professional and other advice,  
 12 and the cost of issuance of the bonds;

13 d. "Construction" means the planning, designing, construction,  
 14 reconstruction, replacement, extension, enlargement, improvement  
 15 and betterment of parking and transportation facilities, and in-  
 16 cludes the demolition, clearance and removal of buildings or  
 17 structures on land acquired, held, leased or used for that facility;

18 e. "District" means the area within the boundaries of the county  
 19 which created the authority;

20 f. "Parking facility" means any area or place, garage, building,  
 21 or other improvement or structure for the parking or storage of  
 22 motor or other vehicles, including, without limitation: all real and  
 23 personal property, driveways, roads and other structures or areas  
 24 necessary or useful or convenient for access to a facility from a  
 25 public street, road or highway, or from any transportation facility;  
 26 meters, mechanical equipment necessary or useful, or convenient for  
 27 or in connection with that parking or storage; and any structures,  
 28 buildings, space or accommodations, whether constructed by an  
 29 authority or by the lessee, to be leased for any business, commercial  
 30 or other use, including the sale of gasoline or accessories for, or the  
 31 repair or other servicing of automobiles and other motor vehicles,

32 if, in the opinion of an authority, the inclusion, provision and leas-  
33 ing is necessary to assist in defraying the expenses of the authority  
34 and make possible the operation of the parking facility at reason-  
35 able rates, but the authority shall not itself engage in the sale of  
36 gasoline or accessories for, or in the repair or other serving of,  
37 automobiles or other motor vehicles except in emergency, nor in  
38 the sale of any service or commodity of trade or commerce;

39 g. "Transportation facility" means any area, place, building,  
40 or other structure designed to provide rail passenger service,  
41 motorbus regular route service, paratransit service, motorbus  
42 charter service, air passenger service, or marine passenger ser-  
43 vice, or any two or more of these services, to the public, and in-  
44 cludes passenger stations, shelters and terminals, air passenger  
45 terminals, hangars, heliports, docking and launching facilities, park-  
46 ing facilities, ramps, track connections, signal systems, power sys-  
47 tems, information and communication systems, roadbeds, transit  
48 lanes or rights of way, equipment storage and servicing facilities,  
49 bridges, grade crossings, rail cars, locomotives, motorbus and other  
50 motor vehicles, boats and other marine vehicles, aircraft, mainte-  
51 nance and garage facilities, revenue handling equipment and any  
52 other equipment, facility or property useful for or related to the  
53 provisions of these services;

54 h. "Motorbus regular route service" means the operation of any  
55 motorbus or motorbuses on streets, public highways or other  
56 facilities, over a fixed route and between fixed termini on a regular  
57 schedule for the purpose of carrying passengers, for hire or other-  
58 wise, within the district or between points within the district and  
59 points without the district;

60 i. "Paratransit service" means any service, other than motorbus  
61 regular route service and charter service, including but not limited  
62 to, dial-a-ride, nonregular route, jitney or community minibus, and  
63 shared-ride services such as vanpools, limousines or taxicabs which  
64 are regularly available to the public. Paratransit services shall  
65 not include limousine or taxicab service reserved for the private  
66 and exclusive use of individual passengers;

67 j. "Motorbus charter service" means subscription, tour and  
68 other special motorbus services;

69 k. "Rail passenger service" means the operation of railroad,  
70 subway, or light rail systems including fixed and automated guide-  
71 way systems for the purpose of carrying passengers in the district  
72 or between points within the district and points without the district;

73 l. "Air passenger service" means any service which involves  
74 the carriage of persons for compensation or hire by aircraft;

75 m. "Marine passenger service" means any service which in-  
 76 volves the carriage of persons for compensation or hire by water-  
 77 borne craft;

78 n. "Parking service" means any service which involves the park-  
 79 ing or storage of motor or other vehicles;

80 [n.] o. "Transportation system" means all parking and trans-  
 81 portation facilities, *including, without limitation, all routes, sched-*  
 82 *ules, personnel, equipment and other elements associated therewith,*  
 83 acquired, constructed, leased or operated by a county transporta-  
 84 tion authority for the purpose of providing to the public motorbus  
 85 regular route service, *parking service*, paratransit service, motor-  
 86 bus charter service, rail passenger service, air passenger service,  
 87 marine passenger service and any other service necessary for the  
 88 fulfillment of the purposes of this act; and,

89 [o.] p. "Public transportation or public transportation service"  
 90 means motorbus regular route service, paratransit service, motor-  
 91 bus charter service, rail passenger service, air passenger service,  
 92 and marine passenger service.

1 3. Section 6 of P. L. 1980, c. 44 (C. 40:35B-6) is amended to read  
 2 as follows:

3 6. a. No county which shall create an authority pursuant to  
 4 this act shall thereafter create any other county transportation  
 5 authority, or utilize any other law for the provision of public trans-  
 6 portation services which can be provided pursuant to this act, or  
 7 create or join in the creation of any county parking authority pur-  
 8 suant to the "Parking Authority Law," P. L. 1948, c. 198 (C.  
 9 40:11A-1 et seq.) or P. L. 1972, c. 83 (C. 40:34A-1 et seq.), or  
 10 any other law. No municipality or any other governmental entity  
 11 within a county which shall create an authority pursuant to this  
 12 act shall thereafter utilize, *except with the written agreement of*  
 13 *the authority*, any other law for the provision of public transporta-  
 14 tion services which can be provided pursuant to this act, nor create  
 15 or join in the creation of any municipal parking authority pursuant  
 16 to the "Parking Authority Law" or any other law.

17 b. If a county, or a municipality within a county which creates  
 18 a county transportation authority pursuant to this act, shall have  
 19 previously created a parking authority pursuant to the "Parking  
 20 Authority Law" P. L. 1948, c. 198 (C. 40:11A-1 et seq.), P. L. 1972,  
 21 c. 83 (C. 40:34A-1 et seq.), or any other law, that county or munici-  
 22 pality shall provide, by ordinance or resolution, as appropriate,  
 23 for the dissolution of the parking authority upon the effective date  
 24 of the creation of the county transportation authority and for the  
 25 transfer of the indebtedness and other obligations, and, except as

26 herein provided, the property and assets of the parking authority  
 27 to the county transportation authority. Any cash surplus accumu-  
 28 lated by a municipal parking authority, not used in or necessary  
 29 to the operations of the properties and projects of the parking au-  
 30 thority, shall be transferred to the governing body of the municipi-  
 31 pality which established the parking authority.

32 The terms of office of any members appointed to the parking  
 33 authority shall terminate immediately upon such effective date.  
 34 The officer having custody of the funds of the parking authority  
 35 shall deliver all funds in his possession into the custody of the  
 36 municipal or county finance officer, who shall deliver all such funds,  
 37 except any portion representing an accumulated cash surplus not  
 38 used in or necessary to the operations and projects of the parking  
 39 authority, into the custody of the proper fiscal officer of the county  
 40 transportation authority. The municipal finance officer shall cause  
 41 that portion of any funds received from the parking authority  
 42 which represents an accumulated cash surplus to be deposited in  
 43 the general fund of the municipality to be used for local purposes.  
 44 The county transportation authority shall have the power to com-  
 45 plete any work, service or improvement, and to confirm and col-  
 46 lect previously levied assessments, rates, and other charges, of the  
 47 parking authority, which are incomplete, unconfirmed or uncollected  
 48 on the effective date.

1 4. Section 13 of P. L. 1980, c. 44 (C. 40:35B-13) is amended to  
 2 read as follows:

3 13. The purpose of a county transportation authority shall be  
 4 the improvement, establishment and development of parking and  
 5 transportation facilities by or through the planning, design, ac-  
 6 quisition, construction, improvement, maintenance or operation of  
 7 **any and all** projects and facilities for the improvement and  
 8 development of a modern, efficient and integrated transportation  
 9 system, or directly related thereto, either directly or by agreement  
 10 with any county, municipality or person, or in any other manner,  
 11 which in the judgment of the authority will provide an effective  
 12 and satisfactory method for promoting its purposes. *Nothing*  
 13 *herein shall be construed to diminish, circumvent or usurp powers*  
 14 *of the Department of Transportation or the New Jersey Transit*  
 15 *Corporation in any manner whatsoever.*

1 5. Section 15 of P. L. 1980, c. 44 (C. 40:35B-15) is amended to  
 2 read as follows:

3 15. In addition to the powers and duties conferred upon it else-  
 4 where in this act, the authority may do all acts necessary and

- 5 reasonably incident to carrying out the objectives of this act, in-  
6 cluding, but not limited to, the following:
- 7 a. To adopt and have a common seal and to alter it at pleasure;
- 8 b. To sue and be sued;
- 9 c. To acquire, hold, use and dispose of its charges and other  
10 revenues and other moneys in its own name;
- 11 d. In its own name, but for the county, to acquire, rent, hold, use  
12 and dispose of other personal property for the purposes of the  
13 authority, and to acquire by purchase, gift, condemnation or other-  
14 wise, or lease as lessee, real property and easements therein,  
15 necessary or useful and convenient for the purposes of the au-  
16 thority, whether subject to mortgages, deeds of trust or other liens,  
17 or otherwise, and to hold and to use the same, and to dispose of  
18 property so acquired no longer necessary for the purposes of the  
19 authority;
- 20 e. To grant by franchise, lease or otherwise, the use of any  
21 project, facilities or property owned and controlled by it to any  
22 person for such consideration and for such period or periods of  
23 time and upon such other terms and conditions as it may fix and  
24 agree upon, including, but not limited to, the condition that the  
25 user shall or may construct or provide any buildings or structures  
26 or improvements on the project, facilities or property, or portions  
27 thereof;
- 28 f. To provide for and secure the payment of any bonds and the  
29 rights of the holders thereof, and to purchase, hold and dispose  
30 of any bonds;
- 31 g. To determine the exact location, type and character of and all  
32 matters in connection with all or any part of the transportation  
33 system which it is authorized to own, construct, establish, effectu-  
34 ate, operate, or control and to enter on any lands, waters or  
35 premises for the purpose of making such surveys, diagrams, maps  
36 or plans or for the purpose of making such soundings or borings  
37 as it deems necessary or convenient;
- 38 h. To make, *adopt, amend, repeal* and enforce bylaws or rules and  
39 regulations for the management and regulation of its business  
40 and affairs and for the use, maintenance and operation of the  
41 transportation system and any other of its properties, and to  
42 **[amend the same]** *provide for a coordinated regional system of*  
43 *transportation by the coordination and resolution of conflicts*  
44 *among competing methods of transportation, and to provide for the*  
45 *control and management of the flow of motorbus charter and para-*  
46 *transit service into and through Atlantic county, and such other*  
47 *rules and regulations as it may deem necessary to effectuate the*

48 *purposes of this act; it shall publish the same and file them in ac-*  
 49 *cordance with the "Administrative Procedure Act," P. L. 1968,*  
 50 *c. 410 (C. 52:14B-1 et seq.) with the Director of the Office of Ad-*  
 51 *ministrative Law. All rules and regulations shall be submitted to*  
 52 *the Commissioner of Transportation by the authority for his re-*  
 53 *view prior to adoption by the authority. The commissioner shall*  
 54 *have 20 business days to approve or reject such rules and regula-*  
 55 *tions. If the commissioner rejects the rules and regulations, they*  
 56 *shall not be adopted. If the commissioner approves the rules and*  
 57 *regulations or fails to act within 20 business days after submission,*  
 58 *then the authority may adopt such rules and regulations. Such*  
 59 *rules may provide for a schedule of reasonable fees payable to the*  
 60 *authority to be assessed for the costs associated with the manage-*  
 61 *ment of the aforementioned motorbus charter and paratransit ser-*  
 62 *vices or for the right to park any motorbus at locations specified by*  
 63 *the authority, and may provide for assessment of penalties for*  
 64 *violation of any rule so adopted. The rules may additionally provide*  
 65 *for the imposition of a fine not to exceed \$50.00 for the first offense*  
 66 *and \$100.00 for any offense thereafter, for any violation. Any viola-*  
 67 *tion of a rule so adopted shall be prosecuted by the municipality*  
 68 *wherein the violation occurred; provided, however, that if, in the*  
 69 *judgment of the Commissioner of Transportation, any municipality*  
 70 *shall fail to enforce adequately the provisions of the rules, proceed-*  
 71 *ings to enforce rules in that municipality shall be prosecuted by the*  
 72 *authority. Proceedings under this subsection may be instituted on*  
 73 *any day of the week and the institution of proceedings on a Sunday*  
 74 *or holiday shall be no bar to the successful prosecution thereof.*  
 75 *Any process served on a Sunday or holiday shall be as valid as if*  
 76 *served on any other day of the week;*

77 i. To acquire, purchase, construct, lease, operate, maintain and  
 78 undertake any parking or transportation facility and to make  
 79 service charges for the use thereof;

80 j. To call to its assistance and avail itself of the services of any  
 81 employees of any federal, State, county or municipal department,  
 82 authority or other agency as it may require and as may be available  
 83 to it for its purposes;

84 k. To plan, design, construct, equip, operate, improve and main-  
 85 tain, either directly or by contract with any public or private  
 86 entity, public transportation services, parking and transportation  
 87 facilities or any parts or functions thereof, and other transporta-  
 88 tion projects, or any parts or functions thereof;

89 l. To apply for, accept and expend money from any federal,  
 90 State or county or municipal agency or instrumentality, and from



91 any private source; comply with federal and State statutes, rules  
92 and regulations; and qualify for and receive all forms of financial  
93 assistance available under federal law to assure the continuance  
94 of, or for the support or improvement of public transportation, and  
95 as may be necessary for that purpose to enter into agreements,  
96 including federally required labor protective agreements;

97 m. To restrict the rights of persons to enter upon or construct  
98 any works in or upon any property owned or leased by the au-  
99 thority, except under such terms as the authority may prescribe,  
100 perform or contract for the performance of all acts necessary for  
101 the management, maintenance and repair of real or personal prop-  
102 erty leased or otherwise used or occupied pursuant to this act;

103 n. To set and collect fares and determine levels of service for  
104 service provided by the authority either directly or by contract,  
105 including, but not limited to, such reduced fare programs as deemed  
106 appropriate by the authority. Revenues derived from this service  
107 may be collected by the authority and shall be available to the au-  
108 thority for use in furtherance of any of the purposes of this act;

109 o. To set and collect rentals, fees, charges or other payments  
110 from the lease, use, occupancy or disposition of properties owned  
111 or leased by the authority. Such revenues shall be available to the  
112 authority for use in furtherance of any of the purposes of this act;

113 p. To deposit authority revenues in interest bearing accounts  
114 or in the State of New Jersey Cash Management Fund established  
115 pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A-90.4);

116 q. To procure and enter into contracts for any type of insurance  
117 and indemnify against loss or damage to property from any cause,  
118 including loss of use and occupancy, against death or injury of any  
119 person, against employees' liability, against any act of any member,  
120 officer, employee or servant of the authority, whether part-time,  
121 full-time, compensated or noncompensated, in the performance of  
122 the duties of his office or employment, or any other insurable risk.  
123 In addition, the authority may carry its own liability insurance;

124 r. To promote the use of authority services, coordinate ticket  
125 sales and passenger information and sell, lease or otherwise con-  
126 tract for advertising in or on the equipment or facilities of the  
127 authority;

128 s. To adopt and maintain employee benefit programs for em-  
129 ployees of the authority including, but not limited to, pension,  
130 deferred compensation, medical, disability, and death benefits, and  
131 which programs may utilize insurance contracts, trust funds, and  
132 any other appropriate means of providing the stipulated benefits,  
133 and may involve new plans or the continuation of plans previously  
134 established by entities acquired by the authority;

135 t. To own, vote, and exercise all other rights incidental to the  
 136 ownership of shares of the capital stock of any incorporated entity  
 137 acquired by the authority pursuant to the powers granted by this  
 138 act;

139 u. To apply for and accept, from appropriate regulatory  
 140 bodies, authority to operate public transportation services where  
 141 necessary;

142 v. To delegate to subordinate officers of the authority such  
 143 powers and duties as the authority shall deem necessary and proper  
 144 to carry out the purposes of this act; **[and,]**

145 w. To enter into any contracts, execute any instruments, and do  
 146 and perform any acts or things necessary, convenient or desirable  
 147 for the purposes of the authority or to carry out any power  
 148 expressly given in this act, subject to sections 16 and 17 of this act;  
 149 *and,*

150 *x. To enter into an agreement with the governing body of any*  
 151 *municipality wherein a transportation facility is located to provide*  
 152 *for reimbursement to the municipality for municipal services pro-*  
 153 *vided to the transportation facility.*

1 6. This act shall take effect immediately.

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#### STATEMENT

This bill amends the "County Transportation Authorities Act," P. L. 1980, c. 44 (C. 40:35B-1 et seq.), under which the Atlantic County Transportation Authority was established, to clarify the powers of the authority to control and manage motorbus charter and paratransit service into and through Atlantic county. It would allow the authority to adopt rules governing the control and management of motorbus charter and paratransit service into and through Atlantic county and to assess fees for the enforcement of such rules and for the right to park any motorbus at locations specified by the authority. These rules could also include provisions for the assessment of penalties for any violations thereof. Under this bill, the Commissioner of Transportation would have approval power over all rules and regulations promulgated by the authority. This bill would also allow the authority to reimburse municipalities for municipal services to authority transportation facilities.

Nothing in this bill shall be construed to give the authority any powers over the flow of motorbus charter and paratransit service outside the authority's district. Neither shall anything in this bill be construed to diminish, circumvent or usurp powers of the Department of Transportation or the New Jersey Transit Corporation in any manner whatsoever.

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ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 1865**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: JUNE 16, 1983

This bill provides that a transportation authority created by the "County Transportation Authorities Act" may, after a public hearing, promulgate rules and regulations to establish a plan providing for the management, control, and regulation of motorbus regular route and motorbus charter services except those services operated pursuant to the "New Jersey Public Transportation Act of 1979," P. L. 1979, c. 150 (C. 27:25-1 et seq.).

The plan may provide for: (1) the designation of bus routes; (2) regulation of bus travel; (3) regulation of the activities of buses upon their arrival at or leaving places of business; (4) the requirement that buses entering a municipality in which casino gaming is authorized park at parking facilities which can accommodate motorbus parking situated in the authority's district operated by the authority or licensed by a municipality as a parking facility or which are private parking facilities accommodating only buses owned by the owner of the parking facility; (5) licensing and regulation of parking facilities not operated by the authority or a municipality, except those in existence on February 1, 1983, and licensed by a municipality as a parking facility. The exemption under (5) does not apply, however, if the parking facility increases its licensed capacity after February 1, 1983, or if there is any transferral of license. In addition, if such an exempted facility should seek to renew its license, the municipality may renew the license without authority approval until July 1, 1986. Thereafter, authority consent is required although the authority may not withhold its consent unless it establishes that the renewal would be detrimental to the orderly flow of bus traffic or contrary to the public health, safety, welfare or convenience. In like fashion, the municipality may regulate the facility until July 1, 1986, after which time joint regulation by the authority and the municipality is required. The New Jersey Expressway Authority and certain private parking facilities are also exempted from licensure and regulation requirements under (5).

The authority may also establish a reasonable service charge for buses entering a municipality in which casino gaming is authorized not to exceed \$1.00.

A maximum fine of \$500.00 is provided for a single violation of rules and regulations issued by the authority.

All rules and regulations shall be submitted to the Commissioner of Transportation for his consideration and may be disapproved within 30 business days. However, the authority may adopt, with the approval of the commissioner and the concurrence of the Governor, emergency regulations. The provisions of the bill go beyond the 60-day period permitted for emergency regulations under the "Administrative Procedure Act" and provide that the emergency regulations shall be effective for a period of not more than six months from date of enactment of the bill.

Finally, the bill provides that the authority may accept donations or contributions from any public or private source. This would permit the authority to accept donations or contributions from casino hotels or from the Department of Transportation or the New Jersey Transit Corporation.

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SENATE TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1865**

**STATE OF NEW JERSEY**

DATED: MARCH 30, 1983

This Senate committee substitute bill was occasioned by the serious problem of bus traffic in Atlantic City. It is estimated that as many as 1,000 buses a day enter Atlantic county to discharge passengers in Atlantic City primarily for the purpose of attending casino hotels.

This substitute bill provides that a transportation authority created by the "County Transportation Authorities Act" may, after a public hearing, promulgate rules and regulations to establish a plan providing for the management, control, and regulation of motorbus regular route and motorbus charter services except those services operated pursuant to the "New Jersey Public Transportation Act of 1979," P. L. 1979, c. 150 (C. 27:25-1 et seq.).

The plan may provide for: (1) the designation of bus routes; (2) regulation of bus travel; (3) regulation of the activities of buses upon their arrival at or leaving places of business; (4) the requirement that buses entering a municipality in which casino gaming is authorized park at parking facilities which can accommodate motorbus parking situated in the authority's district operated by the authority or licensed by a municipality as a parking facility or which are private parking facilities accommodating only buses owned by the owner of the parking facility; (5) licensing and regulation of parking facilities not operated by the authority or a municipality, except those in existence on February 1, 1983, and licensed by a municipality as a parking facility. The exemption under (5) does not apply, however, if the parking facility increases its licensed capacity after February 1, 1983, or if there is any transferral of license. In addition, if such an exempted facility should seek to renew its license, the municipality may renew the license without authority approval until July 1, 1986. Thereafter, authority consent is required although the authority may not withhold its consent unless it establishes that the renewal would be detrimental to the orderly flow of bus traffic or contrary to the public health, safety, welfare or convenience. In like fashion, the municipality may regulate the facility until July 1, 1986, after which time joint regulation by the authority and the municipality is required. Certain private parking facilities are also exempted from licensure and regulation requirements under (5).

The committee feels that licensed facilities in Atlantic City in existence as of February 1, 1983, should be permitted to continue, but it hopes that most of such facilities will be phased out in the not-too-distant future. It is hoped that parking facilities creating undue noise, pollution or congestion in Atlantic City proper would therefore be eliminated over time.

The authority may also establish a reasonable service charge for buses entering a municipality in which casino gaming is authorized not to exceed \$1.00.

A maximum fine of \$500.00 is provided for a single violation of rules and regulations issued by the authority.

All rules and regulations shall be submitted to the Commissioner of Transportation for his consideration and may be disapproved within 30 business days. However, the authority may adopt, with the approval of the commissioner and the concurrence of the Governor, emergency regulations. The provisions of the bill go beyond the 60-day period permitted for emergency regulations under the "Administrative Procedure Act" and provide that the emergency regulations shall be effective for a period of not more than six months from date of enactment of the bill. The purpose of this provision is to permit the authority to take emergency action during the summer months, if necessary, and to permit the plan to remain in place for a period longer than two months. This was felt necessary because of serious problems of pollution and traffic congestion which may occur in Atlantic City during the summer months.

Finally, the bill provides that the authority may accept donations or contributions from any public or private source. This would permit the authority to accept donations or contributions from casino hotels or from the Department of Transportation or New Jersey Transit.

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ADOPTED

APR 25 1983

R-69  
4/15/83/jmf

OK  
*[Signature]*

Senate \_\_\_\_\_ Amendments

*Senator Garmley*  
to

Senate Committee  
Substitute for Senate \_\_\_\_\_ Bill No. 1865

Proposed by Senator Rand

Amend:

Page	Sec.	Line	
5	2	37	After "authority" insert ", the New Jersey Expressway Authority"

STATEMENT

The purpose of this amendment is to exempt the New Jersey Expressway Authority from the licensing and regulation requirements of the substitute bill.