

40:9-2.1 — 40:9-2.3

LEGISLATIVE HISTORY CHECKLIST

(Public Transportation rail line, counties and municipalities may acquire and operate)

NJSA 40:9-2.1 - 40:9-2.3

LAWS 1982

CHAPTER 15

Bill No. A949

Sponsor(s) Littell and others

Date Introduced Feb. 22, 1982

Committee: Assembly ---

Senate ---

Amended during passage  Yes  No

Date of Passage: Assembly March 1, 1982

Senate March 5, 1982

Date of approval March 29, 1982

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto Message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

For background regarding:

974.90 New Jersey. Department of Transportation.  
R152 1980 update -- New Jersey State rail plan. Oct, 1980. Trenton, 1980.  
1980a

974.90 ConRail, 1981: (abandonment of rail freight lines in New Jersey)  
R152 October 7, 1981. Trenton, 1981.  
1981

6/22/81

PP

(over)

Do Not Remove From Library  
DEPOSITION COPY

974.90 NJ Transit. Rail Operations, Inc., a subsidiary of New Jersey Transit  
R252 Corporation: presentation to NJ Transit fact finding panel on operating  
1982 crafts as required under section 509 of the Northeast Rail Service Act  
of 1981. June 8, 1982.

974.90 New Jersey. Legislature. Senate. Transportation and Communications  
R252 Committee.  
1982a Public hearing on New Jersey's choices concerning operation of  
rail passenger service held 3-18-82. Trenton, 1982.

ASSEMBLY, No. 949

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblymen LITTELL, HAYTAIAN, DOYLE and D. GALLO

(Without Reference)

AN ACT to amend the title of "An act authorizing counties and municipalities to acquire, maintain, improve and operate public transportation passenger stations," approved October 20, 1964 (P. L. 1964, c. 209), so that the same shall read "An act authorizing counties and municipalities to acquire, maintain, improve and operate public transportation passenger and freight rail lines," and to amend the body of said act.

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

1 1. The title of P. L. 1964, c. 209 is amended to read as follows:  
2 An act authorizing counties and municipalities to acquire, maintain,  
3 improve and operate public transportation **[stations]** *and freight*  
4 *rail lines.*

1 2. Section 1 of P. L. 1964, c. 209 (C. 40:9-2.1) is amended to  
2 read as follows:

3 1. The **[board of chosen freeholders of any county or the]** gov-  
4 erning body of any *county or* municipality may acquire, by pur-  
5 chase or lease, maintain, improve, *equip* and operate any existing  
6 public transportation passenger **[station]** *or freight rail line*, in-  
7 cluding its appurtenant lands and ancillary structures and facili-  
8 ties**[, as a public transportation center].**

1 3. Section 2 of P. L. 1964, c. 209 (C. 40:9-2.2) is amended to  
2 read as follows:

3 2. Any county or municipality acquiring a public passenger **[sta-**  
4 **tion]** *or freight rail line* may lease *or sell* all or portions of space  
5 or facilities **[therein]** to any common carrier or carriers for the

**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.**

6 conduct of their business in the sale of tickets, provision of baggage  
 7 and express service and other matters relating to the conduct of  
 8 the carriers' business in serving the traveling public *or in providing*  
 9 *for the transportation of freight.* The county or municipality may  
 10 also by appropriate lease or contract provide for the conduct of  
 11 other commercial activities for the use and convenience of the  
 12 traveling public *and the transportation of freight.* *The county or*  
 13 *municipality may lease or sell passenger or freight rail line to any*  
 14 *person willing and able to maintain and operate the passenger or*  
 15 *freight rail line on such terms and conditions as it deems desirable.*  
 16 *Any lease entered into pursuant to this section may be entered into*  
 17 *for a period of time not exceeding the period that any bonds of the*  
 18 *county or municipality issued for the purpose of financing the line*  
 19 *are outstanding. As used in this section, "person" includes any per-*  
 20 *son, associate, partnership, corporation, nation, State or agency or*  
 21 *subdivision thereof, or other entity, real or artificial, public or pri-*  
 22 *vate.*

1 4. Section 3 of P. L. 1964, c. 209 (C. 40:9-2.3) is amended to  
 2 read as follows:

3 3. Funds to carry out the purposes of this act shall be included  
 4 in the annual budget of the county or municipality *as required by*  
 5 *law* and shall be appropriated as are funds for other public pur-  
 6 poses. *Any county or municipality may authorize and issue bonds*  
 7 *or notes to finance the costs of acquisition of the public passenger*  
 8 *or freight line in accordance with the provisions of the Local Bond*  
 9 *Law, N. J. S. 40A:2-1 et seq., provided that the bonds shall be out-*  
 10 *standing for a period of not exceeding 40 years.*

1 5. This act shall take effect immediately.

---

#### STATEMENT

This bill authorizes counties and municipalities to acquire, main-  
 tain, improve and operate public transportation passenger and  
 freight rail line.

Forty-five segments of rail lines throughout the State have been  
 filed for abandonment under the expedited abandonment procedures  
 of the Northeast Rail Service Act of 1981. These procedures pro-  
 vide for the abandonment, within 90 days of filing, of rail lines for  
 which an offer of assistance has not been tendered.

This bill would give local governments the opportunity to either  
 operate these lines on a continuing basis or until they can be sold  
 to a private entity, thereby insuring a continuation of essential  
 transportation services.

---

6 conduct of their business in the sale of tickets, provision of baggage  
 7 and express service and other matters relating to the conduct of  
 8 the carriers' business in serving the traveling public *or in providing*  
 9 *for the transportation of freight.* The county or municipality may  
 10 also by appropriate lease or contract provide for the conduct of  
 11 other commercial activities for the use and convenience of the  
 12 traveling public *and the transportation of freight.* *The county or*  
 13 *municipality may lease or sell passenger or freight rail line to any*  
 14 *person willing and able to maintain and operate the passenger or*  
 15 *freight rail line on such terms and conditions as it deems desirable.*  
 16 *Any lease entered into pursuant to this section may be entered into*  
 17 *for a period of time not exceeding the period that any bonds of the*  
 18 *county or municipality issued for the purpose of financing the line*  
 19 *are outstanding. As used in this section, "person" includes any per-*  
 20 *son, associate, partnership, corporation, nation, State or agency or*  
 21 *subdivision thereof, or other entity, real or artificial, public or pri-*  
 22 *vate.*

1 4. Section 3 of P. L. 1964, c. 209 (C. 40:9-2.3) is amended to  
 2 read as follows:

3 3. Funds to carry out the purposes of this act shall be included  
 4 in the annual budget of the county or municipality *as required by*  
 5 *law* and shall be appropriated as are funds for other public pur-  
 6 poses. *Any county or municipality may authorize and issue bonds*  
 7 *or notes to finance the costs of acquisition of the public passenger*  
 8 *or freight line in accordance with the provisions of the Local Bond*  
 9 *Law, N. J. S. 40A:2-1 et seq., provided that the bonds shall be out-*  
 10 *standing for a period of not exceeding 40 years.*

1 5. This act shall take effect immediately.

---

#### STATEMENT

This bill authorizes counties and municipalities to acquire, maintain, improve and operate public transportation passenger and freight rail line.

Forty-five segments of rail lines throughout the State have been filed for abandonment under the expedited abandonment procedures of the Northeast Rail Service Act of 1981. These procedures provide for the abandonment, within 90 days of filing, of rail lines for which an offer of assistance has not been tendered.

This bill would give local governments the opportunity to either operate these lines on a continuing basis or until they can be sold to a private entity, thereby insuring a continuation of essential transportation services.

---

A 949 (1982)

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

MARCH 30, 1982

TRENTON---Legislation to permit counties and municipalities to acquire and operate passenger and freight rail lines was signed into law yesterday by Governor Thomas H. Kean.

The legislation, A-949, sponsored by Assemblyman Robert Littell, R-Sussex, will permit Sussex County to issue bonds to purchase a freight line scheduled to be abandoned by Conrail. It also permits the county to sell or lease the line to a private developer.

# # # # #