

27:1A-16; 27:1A-25

LEGISLATIVE HISTORY CHECKLIST

(Commuter Operating Agency-income from property)

NJSA 27:1A-16, 27:1A-25

Laws of 1977 Chapter 383

Bill No. S3137

Sponsor(s) Buehler

Date Introduced February 17, 1977

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Jan. 9, 1978

Senate Nov. 21, 1977

Date of approval Feb. 10, 1978

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~~

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SENATE, No. 3137

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 17, 1977

By Senator BUEHLER

Referred to Committee on Transportation and Communications

AN ACT to amend and supplement the "Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301) and making an appropriation.

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

1 1. Section 25 of P. L. 1966, c. 301 (C. 27:1A-25) is amended to
2 read as follows:

3 25. In order to carry out the objectives of this act, the agency
4 may:

5 (a) Make whatever reasonable rules and regulations it may deem
6 necessary which shall have the force and effect of law;

7 (b) Investigate any matters concerning any carrier under con-
8 tract to the agency and in aid of such investigation the agency shall
9 have access to and the carrier shall make available its property,
10 books, records, or documents;

11 (c) Call to its assistance and avail itself of the services of such
12 employees of any Federal or State department or agency as it
13 may require and as may be available to it for said purpose[.];

14 (d) Have the power to receive and expend money from any
15 Federal or State agency or instrumentality and from any private
16 sources, in addition to the money appropriated by the Legislature;
17 *notwithstanding any other provision of this act, to comply with*
18 *Federal statutes, rules and regulations, and to qualify for and*
19 *receive all forms of financial assistance available under Federal*
20 *law to assure the continuance of, or for the support or improve-*
21 *ment of, rail passenger service, rail freight service, motor bus*
22 *service or other forms of special transportation service; and as*
23 *may be necessary for that purpose to enter into agreements with*
24 *any person whatever, including but not limited to railroads, motor*
25 *bus companies, governmental agencies or political entities;*

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

26 (e) Designate assistants to conduct hearings;

27 (f) Acquire in the name of the State by purchase or otherwise,
28 on such terms and conditions and in such manner as it may deem
29 proper, or by the exercise of the power of eminent domain, any
30 land or interest therein and other property which it may deter-
31 mine is reasonably necessary for any project, including any lands
32 held by any county, municipality or other governmental subdivision
33 of the State; and to hold and use the same and to sell, convey,
34 lease or otherwise dispose of property so acquired, no longer
35 necessary for the agency's purposes;

36 (g) Acquire, lease as lessee, hold and dispose of real and per-
37 sonal property or any interest therein, in the exercise of its powers
38 and the performance of its duties under this act;

39 *(h) Lease or otherwise permit the use or occupancy of property*
40 *necessary for the agency's purposes by public bodies and agencies*
41 *and private parties on terms which the agency may prescribe;*

42 *(i) Restrict the rights of persons to enter upon or construct any*
43 *works in or upon any property owned or leased by the agency,*
44 *except under such terms as the agency may prescribe;*

45 *(j) Perform or contract for the performance of all acts necessary*
46 *for the management, maintenance***[(.)]*** *and* repair ***[(and opera-***
47 *tion)]* of real or personal property leased or otherwise used or*
48 *occupied pursuant to this act;*

49 *(k) Collect rentals, fees, charges or other payments from the*
50 *lease, use and occupancy or disposition of properties owned or*
51 *leased by the agency accrued since April 1, 1976 and expend the*
52 *moneys so collected toward the furtherance of any of the purposes*
53 *of this act;*

54 **[(h)]** *(l) Enter into any and all agreements or contracts, execute*
55 *any and all instruments, and do and perform any and all acts or*
56 *things necessary, convenient or desirable for the purposes of the*
57 *agency or to carry out any power expressly given in this act.*

1 2. Section 16 of P. L. 1966, c. 301 (C. 27:1A-16) is amended to
2 read as follows:

3 (a) There is hereby established in the Department of Trans-
4 portation the Commuter Operating Agency which for civil service
5 purposes shall be considered to be a board.

6 (b) The agency shall consist of four members who shall be the
7 Commissioner of Transportation, the assistant Commissioner for
8 Public Transportation, the State Treasurer and the President of
9 the Board of Public Utility Commissioners, or their respective
10 designees.

11 (c) The Commissioner and the Assistant Commissioner for
 12 Public Transportation shall be the chairman and secretary, re-
 13 spectively, of the agency.

14 (d) The commissioner shall assign to the agency such employees
 15 of the department as may be necessary for the efficient performance
 16 of the work of the agency in a division of commuter services under
 17 the supervision of the assistant Commissioner for Public Trans-
 18 portation. *The agency may delegate to the assistant Commissioner*
 19 *for Public Transportation routine matters and duties from time*
 20 *to time in accordance with regulations promulgated pursuant to*
 21 *subsection (a) of section 25 of this act (C. 27:1A-25). To assist*
 22 the assistant Commissioner for Public Transportation in the con-
 23 duct of the work of the agency, the commissioner, acting as chair-
 24 man of the agency, may also appoint a director of commuter services
 25 who shall serve at his pleasure and whose duties he shall deter-
 26 mine. The director of commuter services shall be a person qualified
 27 by training and experience in public transportation to perform the
 28 duties of his office, and shall receive such salary as may be estab-
 29 lished by the commissioner, with the approval of the President of
 30 the Civil Service Commission and the Director of the Division of
 31 Budget and Accounting, subject to the availability of funds.

32 (e) The powers of the agency shall be vested in the members
 33 thereof and three members of the agency or their designees shall
 34 constitute a quorum at any meeting thereof. Action may be taken
 35 and motions and resolutions adopted by the agency at any meeting
 36 thereof by the affirmative vote of at least three members or their
 37 designees. No vacancy in the membership of the agency shall im-
 38 pair the right of a quorum to exercise all the rights and perform
 39 all the duties of the agency.

40 (f) A true copy of the minutes of every meeting of the agency
 41 shall be delivered forthwith by and under the certification of the
 42 secretary thereof, to the Governor. No action taken at such meet-
 43 ing by the agency shall have force or effect until 10 days, exclusive
 44 of Saturdays, Sundays and legal holidays, after such copy of the
 45 minutes shall have been delivered. If, in said 10-day period, the
 46 Governor returns such copy of the minutes with veto of any action
 47 taken by the agency or any member thereof at such meeting, such
 48 action shall be null and of no effect.

1 3. (New section) All real and personal property purchases here-
 2 tofore for public transportation purposes in the name of the De-
 3 partment of Transportation, its predecessors or the commissioner
 4 shall be deemed to have been purchased in the name of the State
 5 by and through the Commuter Operating Agency.

1 4. (New section) Notwithstanding any other provision of law,
2 the receipts from the rental, use, occupancy or disposition of prop-
3 erties owned or leased by the Commuter Operating Agency are
4 appropriated to the Commuter Operating Agency for the purposes
5 set forth in P. L. 1966, c. 301 (C. 27:1A-1 et seq.).

1 5. (New section) Section 23 of P. L. 1975, c. 209 is repealed.

1 6. This act shall take effect immediately.

1 4. (New section) Notwithstanding any other provision of law,
2 the receipts from the rental, use, occupancy or disposition of prop-
3 erties owned or leased by the Commuter Operating Agency are
4 appropriated to the Commuter Operating Agency for the purposes
5 set forth in P. L. 1966, c. 301 (C. 27:1A-1 et seq.).

1 5. (New section) Section 23 of P. L. 1975, c. 209 is repealed.

1 6. This act shall take effect immediately.

STATEMENT

The Commuter Operating Agency purchased nine commuter rail properties between March 31 and April 30, 1976, pursuant to the Federal Regional Rail Reorganization Act of 1973 (P. L. 93-236). A number of these properties generate income. This bill provides that income generated from properties owned by the agency since April 1, 1976 shall be collected by the agency and expended for authorized public transportation purposes. Section 3 amends the Fiscal Year 1977 general appropriations act, P. L. 1976, c. 42, to appropriate this income to the agency's use.

This bill clarifies the power of the agency to receive Federal financial assistance for rail freight and special transportation programs, such as alternative service for the elderly and handicapped. The bill repeals P. L. 1975, c. 209, section 23 which attempted to accomplish the same objective. It also permits the agency to comply with Federal regulations governing contracts with the Consolidated Rail Corporation for rail services, commuter and freight. The bill also clarifies the power of the agency to delegate the administration of routine minor matters to the Assistant Commissioner for Public Transportation.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 3137

STATE OF NEW JERSEY

DATED: DECEMBER 1, 1977

This legislation provides that the Commuter Operating Agency may:

- (1) Lease property;
- (2) Restrict the rights of persons to enter upon any property owned or leased by the agency;
- (3) Perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied;
- (4) Collect rentals, fees, charges or other payments from the use of agency owned or leased properties, accrued since April 1, 1976, and expend such monies collected for the furtherance of any of the purposes of this act.

As indicated in the sponsor's statement, this legislation also "permits the agency to comply with Federal regulations governing contracts with the Consolidated Rail Corporation for rail services" and "clarifies the power of the agency to delegate the administration of routine minor matters to the Assistant Commissioner for Public Transportation."

The Department of Transportation supports this legislation.