

27:12C-3

August 13, 1970

LEGISLATIVE HISTORY OF R.S. 27:12C-3
(Expressway Authority--prohibits activities not directly related)

No similar bill introduced in earlier years.

1969 Amendment

L. 1969 - C.196 - S311

~~No statement~~

February 17 - Passed Senate, amended

May 1 - Passed Assembly

November 17 - vetoed by Governor (copy enclosed)

November 24 - Passed Senate over veto

December 1 - Passed Assembly over veto

~~No statement~~

copy 2

For clippings see Legislative History of R.S. 27:23-4
(1969 Amendment)

~~Legislative history of~~

~~R.S. 27:12C-12.1~~

~~See legislative history of~~

~~R.S. 27:12C-3~~

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SENATE, No. 311

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1969

By Senators RINALDO, LACORTE and McDERMOTT

Referred to Committee on Transportation and Public Utilities

AN ACT to amend and supplement the "New Jersey Expressway Authority Act," approved February 19, 1962 (P. L. 1962, c. 10).

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

1 1. Section 3 of P. L. 1962, chapter 10 (C. 27:12C-3) is amended
2 to read as follows:

3 3. As used in this act, unless a different meaning clearly appears
4 from the context:

5 (a) "Authority" means the New Jersey Expressway Authority
6 created by this act;

7 (b) "Bond" means any bond, and "note" means any note, of the
8 authority authorized pursuant to the provisions of this act;

9 (c) "Commissioner" means the State Highway Commissioner;

10 (d) "County" means any county of the State;

11 (e) "Department" means the State Highway Department;

12 (f) "Feeder road" means any road which in the opinion of the
13 authority is necessary to create or facilitate access to a project and
14 is not more than 3 miles in length from the point of its connection
15 with the project;

16 (g) "Governing body" means, in the case of a county, the board
17 of chosen freeholders, or, in the case of a school district, the board
18 of education, or, in the case of a municipality or any other govern-
19 mental subdivision, the commission, council, board or body, by
20 whatever name it may be known, having charge of its finances;

21 (h) "Municipality" means any city, borough, village, town or
22 township of the State but not a county or a school district;

23 (i) "Owner" means and includes any individuals, copartner-
24 ships, associations, private or municipal corporations, and counties,
25 municipalities or other governmental subdivisions of the State
26 having any title or interest in any property, rights, easements and
27 interests authorized to be acquired pursuant to this act;

28 (j) "Project" or "expressway project" means any express
29 highway, superhighway or motorway at such locations and between
30 such termini as herein established or as may hereafter be established
31 by law, and acquired or to be acquired or constructed or to be con-
32 structed under the provisions of this act by the authority, over which
33 abutters have no easements or rights of light, air or direct access
34 by reason of the fact that their properties abut thereon, and shall
35 include but not be limited to all bridges, tunnels, overpasses, under-
36 passes, interchanges, traffic circles, grade separations, entrance
37 plazas, approaches, toll houses, service areas, stations and facilities,
38 communications, facilities, administration, storage and other build-
39 ings, and other structures, *directly related to the use of the express*
40 *highway, superhighway or motorway**, *intersecting highways and*
40A *bridges and feeder roads** which the authority may deem
41 necessary for the operation of such project, together with all prop-
42 erty, rights, easements and interests which may be acquired by the
43 authority for the construction or the operation of such project;

44 (k) "Public highway" means and shall include any public high-
45 way, road or street in the State, whether maintained by the State
46 or by any county, municipality or other governmental subdivision;
47 and

48 (l) "Real property" means lands within the State, above or
49 below water, and improvements thereof or thereon, or any riparian
50 or other rights or interests therein.

1 2. The authority shall not engage in the construction or opera-
2 tion of any facility or activity not directly related to the use of an
3 expressway project except as may be specially authorized by law.

1 3. This act shall take effect immediately.

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8 authority authorized pursuant to the provisions of this act;

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13 authority is necessary to create or facilitate access to a project and
14 is not more than 3 miles in length from the point of its connection
15 with the project;

16 (g) "Governing body" means, in the case of a county, the board
17 of chosen freeholders, or, in the case of a school district, the board
18 of education, or, in the case of a municipality or any other govern-
19 mental subdivision, the commission, council, board or body, by
20 whatever name it may be known, having charge of its finances;

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22 township of the State but not a county or a school district;

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40 *highway, superhighway or motorway* which the authority may deem
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1 2. The authority shall not engage in the construction or opera-
2 tion of any facility or activity not directly related to the use of an
3 expressway project except as may be specially authorized by law.

1 3. This act shall take effect immediately.

SENATE AMENDMENT TO
SENATE, No. 311

STATE OF NEW JERSEY

ADOPTED FEBRUARY 17, 1969

Amend page 2, section 1, line 40, after "motorway", insert ", intersecting highways and bridges and feeder roads".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 17, 1969

SENATE BILL NO. 311

To the Senate:

I herewith return Senate Bill No. 311, without my approval, for the following reasons:

Senate Bill No. 311 would amend the law which created the New Jersey Expressway Authority to limit the types of projects which might be undertaken lawfully by the Expressway Authority.

In creating the Expressway Authority, the State made the following statutory pledge to the holders of any bonds issued by the Authority:

"The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued pursuant to authority of this act that the State will not limit or alter the rights or powers hereby vested in the authority to acquire, construct, maintain, improve, repair and operate any project, or to perform and fulfill the terms of any agreement made with the holders of such bonds or notes, or to fix, establish, charge and collect such tolls or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and fulfill the terms of any agreement made with the holders of such bonds or notes, and that the State will not in any way impair the rights or remedies of such holders or modify in any way the exemptions from taxation provided for in this act, until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged or provided for. L. 1962, c. 10, § 41."
(Emphasis Added)

Since there are outstanding bonds (the principal thereof and interest thereon not yet fully paid and discharged), the limitation of authorized projects sought to be imposed by Senate Bill No. 311 would appear to violate the specific covenant of the State with the Expressway Authority's bondholders, and may possibly be open to question as an unconstitutional impairment of the obligation of contracts.

Furthermore, the inflexible restriction contained in S-311 (1969) would be unnecessary if the Governor were accorded the power to veto actions of the Expressway Authority. I invite the Legislature to consider this alternative proposal, for there can be no doubts as to its legality or constitutionality.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 311

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For these reasons I am returning herewith Senate Bill No. 311.

Respectfully,

/s/ Richard J. Hughes

GOVERNOR

Attest:

/s/ Alan J. Karcher

Acting Secretary to the Governor