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"McGreevey enacts bill for "Pike-way authority," 5-28-2003 Star Ledger, p.16

"Highways merger signed," 5-28-2003 Home News Tribune, p.A1

"McGreevey merges turnpike, parkway," 5-28-2003 Bergen Record, pA3.

§§1,3,4,41-44 -
C.27:23-41
to 27:23-47
§12 - C.27:23-5.6a
§49 - Repealer
§50 - Note to
§§1-49

P.L. 2003, CHAPTER 79, *approved May 27, 2003*
Senate Committee Substitute for
Senate, No. 2352

1 **AN ACT** abolishing the New Jersey Highway Authority, transferring its
2 projects and functions to the New Jersey Turnpike Authority,
3 altering or increasing certain powers of the New Jersey Turnpike
4 Authority, supplementing and amending the body and title of
5 P.L.1948, c.454 (C.27:23-1 et seq.) and revising various parts of
6 the statutory law.

7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10

11 1. (New section) The Legislature finds and declares:

12 a. Increasing traffic and related congestion are impairing the
13 quality of life and economy of the State. In order to deal with the
14 problems of increasing traffic and congestion, it is necessary to
15 provide for a more coordinated and rational organization of the State's
16 two major toll roads by abolishing the New Jersey Highway Authority
17 and providing for the acquisition by the New Jersey Turnpike
18 Authority of the Garden State Parkway and all other projects of the
19 New Jersey Highway Authority.

20 b. The abolishment of the New Jersey Highway Authority and the
21 transfer of its functions to the New Jersey Turnpike Authority will
22 permit improved transportation planning, facilitate more efficient
23 operations, improve the capital budget process and achieve
24 administrative economies.

25 c. Joining the two highways under one umbrella will maintain the
26 historic integrity and separate identities of each roadway while
27 bringing to each economies of scale and financial savings in
28 operations, purchasing, maintenance and administration. These
29 economies and the ability to pool capital resources will create a safer,
30 less congested, better maintained and improved road network. Doing
31 so is vital to fostering a strong State economy and achieving the high
32 quality of life we derive from it.

33 d. The abolishment and transfer will also permit implementation of
34 effective remedies to address the financial, operational and
35 administrative problems that have hitherto plagued the E-ZPass

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 underlined thus is new matter.

1 system. This enactment will stem the brewing E-ZPass crisis
2 threatening the very success of the E-ZPass system now enjoyed by
3 nearly 60% of the drivers on the two roadways for its convenience
4 and easing of congestion by permitting a repayment of over \$300
5 million in E-ZPass debt and cost overruns without a toll increase.

6
7 2. Section 1 of P.L.1948, c.454 (C.27:23-1) is amended to read
8 as follows:

9 1. **[Turnpike] Transportation** projects. In order to facilitate
10 vehicular traffic and remove the present handicaps and hazards on the
11 congested highways in the State, and to provide for the acquisition and
12 construction of modern express highways embodying every known
13 safety device including center divisions, ample shoulder widths, long
14 sight distances, multiple lanes in each direction and grade separations
15 at all intersections with other highways and railroads, and for the
16 purposes enumerated in section 1 of P.L. , c. (C.)(now before
17 the Legislature as this bill), the New Jersey Turnpike Authority
18 **[(hereinafter created)]** is hereby authorized and empowered to
19 acquire, construct, maintain, improve, manage, repair and operate
20 **[turnpike] transportation** projects (as hereinafter defined) or any part
21 thereof at such locations as shall be established by the authority in its
22 discretion or by law, and to issue **[turnpike] transportation** revenue
23 bonds of the Authority, payable **[solely]** from tolls, other revenues,
24 **[and]** proceeds of **[such]** bonds and other available sources to finance
25 such projects.

26 (cf: P.L.1991,c.183, s.3)

27
28 3. (New section) a. Until the Transfer Date, the New Jersey
29 Turnpike Authority (hereinafter the "authority") shall not exercise any
30 powers, rights or duties conferred by this act or by any other law in
31 any way which will interfere with the powers, rights and duties of the
32 New Jersey Highway Authority (hereinafter the "Highway Authority").

33 The authority shall not before the Transfer Date exercise any powers
34 of the Highway Authority. The authority and the Highway Authority
35 are directed to cooperate with each other so that the Transfer Date
36 shall occur as soon as practicable after the date of enactment of this
37 act, and both authorities shall make available information concerning
38 their property and assets, outstanding bonds and other debts,
39 obligations, liabilities and contracts, operations and finances as the
40 authority may require to provide for the retirement of any outstanding
41 bonds, notes or other obligations of either authority and the efficient
42 exercise by the authority of all powers, rights and duties conferred
43 upon it by this act.

44 b. On the Transfer Date: (1) The authority shall assume all of
45 the powers, rights, assets and duties of the Highway Authority to the
46 extent provided by this act, and such powers shall then and thereafter

1 be vested in and shall be exercised by the authority.

2 (2) The terms of office of the members of the Highway Authority
3 shall terminate, the officers having custody of the funds of the
4 Highway Authority shall deliver those funds into the custody of the
5 chief financial officer of the authority, the property and assets of the
6 Highway Authority shall, without further act or deed, become the
7 property and assets of the authority, and the Highway Authority shall
8 cease to exist.

9 (3) The officers and employees of the Highway Authority are
10 transferred to the authority and shall become employees of the
11 authority until determined otherwise by the authority.

12 Nothing in this act shall be construed to deprive any officers or
13 employees of the Highway Authority of their rights, privileges,
14 obligations or status with respect to any pension or retirement system.
15 The employees shall retain all of their rights and benefits under
16 existing collective negotiation agreements or contracts until such time
17 as new or revised agreements or contracts are agreed to. All existing
18 employee representatives shall be retained to act on behalf of those
19 employees until such time as the employees shall, pursuant to law,
20 elect to change those representatives. Nothing in this act shall affect
21 the civil service status, if any, of those officers or employees.

22 (4) All debts, liabilities, obligations and contracts of the Highway
23 Authority, except to the extent specifically provided or established to
24 the contrary in this act, are imposed upon the authority, and all
25 creditors of the Highway Authority and persons having claims against
26 or contracts with the Highway Authority of any kind or character may
27 enforce those debts, claims and contracts against the authority as
28 successor to the Highway Authority in the same manner as they might
29 have had against the Highway Authority, and the rights and remedies
30 of those holders, creditors and persons having claims against or
31 contracts with the Highway Authority shall not be limited or restricted
32 in any manner by this act.

33 (5) In continuing the functions, contracts, obligations and duties
34 of the Highway Authority, the authority is authorized to act in its own
35 name or in the name of the Highway Authority as may be convenient
36 or advisable under the circumstances from time to time.

37 (6) Any references to the Highway Authority in any other law or
38 regulation shall be deemed to refer and apply to the authority.

39 (7) All rules and regulations of the Highway Authority shall
40 continue in effect as the rules and regulations of the authority until
41 amended, supplemented or rescinded by the authority in accordance
42 with law. Notwithstanding any requirements of the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
44 the authority may adopt regulations, after notice and an opportunity
45 for public comment, amending, supplementing, modifying or repealing
46 the regulations of both authorities or either of them. Such regulations

1 shall be effective immediately upon filing with the Office of
2 Administrative Law and shall be effective for a period not to exceed
3 18 months from the Transfer Date and they may, thereafter, be
4 amended, adopted or readopted in accordance with the
5 "Administrative Procedure Act." Regulations of the Highway
6 Authority inconsistent with the provisions of this act or of regulations
7 of the authority shall be deemed void if so judged by the authority
8 acting pursuant to the provisions of this paragraph.

9 (8) All operations of the Highway Authority shall continue as
10 operations of the authority until altered by the authority as may be
11 permitted pursuant to this act.

12 (9) The powers vested in the authority by this act shall be
13 construed as being in addition to and not in diminution of the powers
14 heretofore vested by law in the Highway Authority to the extent not
15 otherwise altered or provided for in this act.

16 c. As soon as practicable after the Transfer Date, the authority
17 shall notify the Governor and the presiding officers of each house of
18 the Legislature that the transfer has occurred, the date of the transfer
19 and any other information concerning the transfer the authority deems
20 appropriate.

21 d. On and after the Transfer Date, no officer or employee of the
22 authority shall be granted permanent tenure at the authority.

23

24 4. (New section) The authority, pursuant to the provisions of this
25 act, is hereby authorized to construct, maintain, improve, manage,
26 repair and operate a project known as the "Garden State Parkway,"
27 authorized pursuant to section 20 of P.L.1952, c.16 (C.27:12B-20),
28 repealed by this act, and any other existing project or facility of the
29 Highway Authority.

30

31 5. Section 2 of P.L.1948, c.454 (C.27:23-2) is amended to read
32 as follows:

33 2. **[Turnpike]** Transportation revenue bonds issued under the
34 provisions of this act shall not be deemed to constitute a debt or
35 liability of the State or of any political subdivision thereof or a pledge
36 of the faith and credit of the State or of any such political subdivision,
37 but such bonds, unless refunded by bonds of the Authority created in
38 this act, shall be payable **[solely]** from funds pledged or available for
39 their payment as authorized herein. All such **[turnpike]** transportation
40 revenue bonds shall contain on the face thereof a statement to the
41 effect that the Authority is obligated to pay the same or the interest
42 thereon only from the tolls, other revenues, **[and]** proceeds of **[such]**
43 bonds and other available sources, and that, except as provided in
44 section 41 of P.L. , c. (C.)(now before the Legislature as this bill),
45 neither the State nor any political subdivision thereof is obligated to
46 pay the **[same]** principal thereof, premium or the interest thereon and

1 that neither the faith and credit nor the taxing power of the State or
2 any political subdivision thereof is pledged to the payment of the
3 principal of, premium or the interest on such bonds.

4 All expenses incurred in carrying out the provisions of this act shall
5 be payable solely from funds provided under the authority of this act
6 and, except as provided in section 41 of P.L. , c. (C.)(now
7 before the Legislature as this bill), nothing in this act contained shall
8 be construed to authorize the Authority to incur indebtedness or
9 liability on behalf of or payable by the State or any political
10 subdivision thereof.

11 (cf: P.L.1950, c.1, s.3)

12
13 6. Section 3 of P.L.1948, c.454 (C.27:23-3) is amended to read
14 as follows:

15 3. New Jersey Turnpike Authority. (A) There is hereby
16 established in the State Department of Transportation a body
17 corporate and politic, with corporate succession, to be known as the
18 "New Jersey Turnpike Authority." The authority is hereby constituted
19 an instrumentality exercising public and essential governmental
20 functions, and the exercise by the authority of the powers conferred by
21 this act in the acquisition, construction, operation, improvement,
22 management, repair and maintenance of **[turnpike]** transportation
23 projects or any part thereof shall be deemed and held to be an essential
24 governmental function of the State.

25 (B) The New Jersey Turnpike Authority shall consist of **[six]**
26 eight members, as follows: the Commissioner of Transportation, ex
27 officio, or his designee; **[and]** five members appointed by the
28 Governor, with the advice and consent of the Senate, and two
29 members appointed by the Governor, one upon recommendation of the
30 President of the Senate and the other upon recommendation of the
31 Speaker of the General Assembly, each of whom shall be a resident of
32 the State and shall have been a qualified elector therein for a period of
33 at least one year next preceding his appointment. Each appointed
34 member of the authority shall serve for a term of five years and until
35 his successor is appointed and has qualified; except that of the first
36 appointments hereunder, one shall be for a term of two years and one
37 for a term of three years, and they shall serve until their respective
38 successors are appointed and have qualified. The term of each of the
39 first appointees hereunder shall be designated by the Governor. Each
40 appointed member of the authority may be removed from office by the
41 Governor, for cause, after a public hearing. Each member of the
42 authority before entering upon his duties shall take and subscribe an
43 oath to perform the duties of his office faithfully, impartially and justly
44 to the best of his ability. A record of such oaths shall be filed in the
45 office of the Secretary of State. Any vacancies in the appointed
46 membership of the authority occurring other than by expiration of term

1 shall be filled in the same manner as the original appointment, but for
2 the unexpired term only.

3 (C) The Governor shall designate one of the members of the
4 authority as chairman thereof and another member as vice chairman
5 thereof. The chairman and vice chairman of the authority so
6 designated shall serve as such at the pleasure of the Governor and until
7 their respective successors have been designated. The authority shall
8 elect a secretary and a treasurer who need not be members. At the
9 option of the authority the same person may be elected to serve both
10 as secretary and treasurer. ~~Four~~ Five members of the authority shall
11 constitute a quorum and the vote of ~~four~~ five members shall be
12 necessary for any action taken by the authority. No vacancy in the
13 membership of the authority shall impair the right of a quorum to
14 exercise all the rights and perform all the duties of the authority.

15 (D) Each member of the authority shall execute a surety bond in
16 the penal sum of \$25,000.00 and the treasurer shall execute a surety
17 bond in the penal sum of \$50,000.00, each such surety bond to be
18 conditioned upon the faithful performance of the duties of the office
19 of such member or treasurer, as the case may be, to be executed by a
20 surety company authorized to transact business in the State of New
21 Jersey as surety and to be approved by the Attorney General and filed
22 in the office of the Secretary of State.

23 (E) The members of the authority shall not receive compensation
24 for their services as members of the authority. Each member shall be
25 reimbursed by the authority for his actual expenses necessarily
26 incurred in the performance of his duties. Notwithstanding the
27 provisions of any other law, no member shall be deemed to have
28 forfeited, nor shall the member forfeit, the member's office or
29 employment or any benefits or emoluments thereof by reason of the
30 member's acceptance of the office of ex officio member of the
31 authority or the member's services therein.

32 (F) No resolution or other action of the authority providing for the
33 issuance of bonds, refunding bonds or other obligations or for the
34 fixing, revising or adjusting of tolls for the use of any ~~turnpike~~
35 transportation project or parts or sections thereof shall be adopted or
36 otherwise made effective by the authority without the prior approval
37 in writing of the Governor and at least one of the following: the State
38 Treasurer and the Director of the Division of Budget and Accounting
39 in the Department of the Treasury. A true copy of the minutes of
40 every meeting of the authority shall be forthwith delivered by and
41 under the certification of the secretary thereof, to the Governor. No
42 action taken at such meeting by the authority shall have force or effect
43 until 10 days, exclusive of Saturdays, Sundays and public holidays,
44 after such copy of the minutes shall have been so delivered. If, in said
45 10-day period, the Governor returns such copy of the minutes with
46 veto of any action taken by the authority or any member thereof at

1 such meeting such action shall be null and of no effect. The Governor
2 may approve all or part of the action taken at such meeting prior to
3 said 10-day period. The powers conferred in this subsection (F) upon
4 the Governor, the State Treasurer and the Director of the Division of
5 Budget and Accounting in the Department of the Treasury shall be
6 exercised with due regard for the rights of the holders of bonds of the
7 authority at any time outstanding, and nothing in, or done pursuant to,
8 this subsection (F) shall in any way limit, restrict or alter the obligation
9 or powers of the authority or any representative or officer of the
10 authority to carry out and perform in every detail each and every
11 covenant, agreement or contract at any time made or entered into by
12 or on behalf of the authority with respect to its bonds or for the
13 benefit, protection or security of the holders thereof.

14 (G) The ex officio member of the authority may designate an
15 employee of his department to represent him at meetings of the
16 authority. A designee may lawfully vote and otherwise act on behalf
17 of the member for whom he constitutes the designee. The
18 designations shall be in writing and delivered to the authority and shall
19 be effective until revoked or amended by a writing delivered to the
20 authority.

21 (cf: P.L.1991, c.183, s.4)

22

23 7. Section 1 of P.L.1970, c.184 (C.27:23-3.2) is amended to read
24 as follows:

25 1. Notwithstanding any inconsistent provisions of the act hereby
26 supplemented or any other law, the New Jersey Turnpike Authority
27 shall submit to the Governor, the ~~Chairmen~~ Chairs of the
28 Appropriations Committees of the Senate and General Assembly, and
29 the Director of the Division of Budget and Accounting of the
30 Department of the Treasury, the following reports:

31 a. Within 90 days after the end of each of its fiscal years, a
32 complete and detailed report of (1) its operations and accomplishments
33 during said year; (2) its receipts and disbursements, or revenues and
34 expenses, during said year in accordance with the categories or
35 classifications established by the authority for its own operating and
36 capital outlay purposes and in accordance with such other categories
37 and classifications as may be designated by any of the persons
38 enumerated in section 1 of this act; (3) its assets and liabilities at the
39 end of said year, including the status of reserve, depreciation, special
40 or other funds and including the receipts and payments of these funds;
41 (4) a schedule of its bonds ~~and notes~~ outstanding at the end of said
42 year, together with a statement of the amounts redeemed ~~and~~
43 incurred, authorized, issued and defeased during that year; and (5) a
44 listing of all contracts exceeding \$100,000.00 entered into during said
45 year;

46 b. Before the close of each of its fiscal years, a complete and

1 detailed report of its operating and capital construction budget, in the
2 form and detail established by the authority for its own operating and
3 capital outlay budget and in such form and detail as may be designated
4 by any of the persons enumerated in section 1 of this act for the next
5 succeeding fiscal year, including its receipts and disbursements or
6 revenues and expenses, for the prior fiscal year and its estimated
7 receipts and disbursements, or revenues and expenses, for said year
8 and for the succeeding fiscal year.

9 c. Prior to December 1 of each year, the authority shall prepare
10 and file with the commissioner a Capital Project and Investment Plan
11 that details proposed transportation projects and proposed work on
12 existing transportation projects that further the goals of attaining
13 coordinated and integrated Statewide and regional transportation
14 systems. The plan shall address, among other matters, the
15 interconnection of the New Jersey Turnpike and the Garden State
16 Parkway with other transportation systems. The plan should also
17 consider the impact of an improved transportation system on the
18 State's economy. The commissioner is authorized to appoint a
19 five-member advisory committee composed of persons with experience
20 in transportation planning, finance, or economics to review and make
21 recommendations to the commissioner as to the plan.

22 The commissioner shall include as part of the Annual
23 Transportation Capital Program, submitted pursuant to section 22 of
24 P.L.1984,c.73 (C.27:1B-22), the Capital Project and Investment Plan
25 for review by the Legislature, but no authorization or approval by the
26 Legislature shall be required for the authority to undertake the projects
27 proposed in the plan or to undertake work on existing transportation
28 projects.

29 (cf: P.L.1970, c.184, s.1)

30
31 8. Section 4 of P.L.1948, c.454 (C.27:23-4) is amended to read
32 as follows:

33 4. Definitions. As used in this act, the following words and terms
34 shall have the following meanings, unless the context shall indicate
35 another or different meaning or intent:

36 "Act" means P.L.1948, c.454 (C.27:23-1 et seq.), as amended and
37 supplemented.

38 **[(a) The word "authority" shall mean]** "Authority" means the New
39 Jersey Turnpike Authority, created by section 3 of this act, or, if said
40 authority shall be abolished, the board, body or commission
41 succeeding to the principal functions thereof or to whom the powers
42 given by this act to the authority shall be given by law.

43 **[(b) The word "project" or the words "turnpike project" shall**
44 mean any express highway, superhighway or motorway at such
45 locations and between such termini as may hereafter be established by
46 law, and acquired or to be acquired or constructed or to be

1 constructed under the provisions of this act by the authority, and shall
2 include, but not be limited to all bridges, tunnels, overpasses,
3 underpasses, interchanges, entrance plazas, approaches, toll houses,
4 service areas, service stations, service facilities, communications
5 facilities, and administration, storage and other buildings, directly
6 related to the use of the express highway, superhighway or motorway,
7 intersecting highways and bridges and feeder roads which the authority
8 may deem necessary for the operation of such project, together with
9 all property, rights, easements and interests which may be acquired by
10 the authority for the construction or the operation of such project.

11 (c) The word "bonds" or the words "turnpike revenue bonds" shall
12 mean] "Bonds" or "transportation revenue bonds" means any bonds,
13 refunding bonds, notes or other obligations issued by [of] the
14 authority authorized under the provisions of this act or issued by or for
15 the Highway Authority.

16 [(d) The word "public highways" shall include all public highways,
17 roads and streets in the State, whether maintained by the State or by
18 any county, city, borough, town, township, village, or other political
19 subdivision.

20 (e) The word "owner" shall include all individuals, copartnerships,
21 associations, private or municipal corporations and all political
22 subdivisions of the State having any title or interest in any property,
23 rights, easements and interests authorized to be acquired by this act.]

24 "Commissioner" means the Commissioner of Transportation.

25 "Construction" or "construct" means the planning, designing,
26 construction, development, reconstruction, rehabilitation,
27 redevelopment, replacement, repair, extension, enlargement,
28 improvement and betterment of highway and transportation projects,
29 and includes the demolition, clearance and removal of buildings or
30 structures on land acquired, held, leased or used for those projects.

31 "Cost" means all or any part of the expenses incurred in connection
32 with the acquisition, construction, operation, management and
33 maintenance of any real property, lands, structures, real or personal
34 property rights, rights-of-way, franchises, easements, and interests
35 acquired or used for a project; any financing charges and reserves for
36 the payment of principal, premium and interest on bonds; the expenses
37 of engineering, appraisal, architectural, accounting, financial, legal and
38 other consulting services; and other expenses as may be necessary,
39 desirable, convenient, or incident to the financing, acquisition,
40 construction, operation, improvement, management, repair and
41 maintenance of a project.

42 "Credit Agreement" means loan agreement, lease agreement,
43 revolving credit agreement, agreement establishing a line of credit,
44 letter of credit, reimbursement to purchase bonds, purchase or sale
45 agreements, or commitments or other contracts or agreements
46 authorized and approved by the authority in connection with the
47 authorization, issuance, security, purchase, tender, redemption, or

1 payment of bonds.

2 "Department" means the Department of Transportation.

3 "Feeder road" means any road or highway project that in the
4 determination of the authority is necessary, desirable or convenient to
5 create or facilitate access to a transportation project.

6 "Garden State Arts Center" means the Garden State Arts Center,
7 sometimes referred to as the PNC Bank Arts Center, a highway project
8 of the authority.

9 "Highway project" means the acquisition, operation, improvement,
10 management, repair, construction, including express E-ZPass where
11 determined by the authority, and maintenance of the New Jersey
12 Turnpike and of the Garden State Parkway, including the demolition
13 and removal of toll houses and toll barriers, and of the Garden State
14 Arts Center, as transferred to the authority pursuant to P.L. , c.
15 (C.) (now before the Legislature as this bill), and of any other
16 highway or feeder road at the locations and between the termini as
17 may hereafter be established by the authority or by law and acquired
18 or constructed under the provisions of this act by the authority, and
19 shall include but not be limited to all bridges, parking facilities, public
20 highways, feeder roads, tunnels, overpasses, underpasses,
21 interchanges, traffic circles, grade separations, entrance and exit
22 plazas, approaches, toll houses, service areas, stations and facilities,
23 communications facilities, administration, storage and other buildings
24 and facilities, and other structures directly or indirectly related to a
25 transportation project, intersecting highways and bridges and feeder
26 roads which the authority may deem necessary, desirable, or
27 convenient in its discretion for the operation, maintenance or
28 management, either directly or indirectly, of a transportation project,
29 and includes any planning, design or other preparation work necessary
30 for the execution of any highway project, and adjoining park or
31 recreational areas and facilities, directly or indirectly related to the use
32 of a transportation project as the authority shall find to be necessary
33 and desirable, and the costs associated therewith.

34 "Land and improvements" means any area or lands, any interest,
35 right or title in land, including but not limited to, any reversionary
36 right, fee, license or leasehold interest and any real or personal
37 property, structure, facility, building or equipment.

38 "Owner" means all individuals, copartnerships, associations,
39 private or municipal corporations and all political subdivisions of the
40 State having any title or interest in any property, rights, easements and
41 interests authorized to be acquired by this act.

42 "Parking facility" means any area or place, garage, building, or
43 other improvement or structure for the parking or storage of motor or
44 other vehicles, including but not limited to all real property and
45 personal property, driveways, roads and other structures or areas
46 necessary, useful or convenient for access to a facility from a public

1 street, road or highway, or from any project; meters, mechanical
2 equipment necessary, useful or convenient for or in connection with
3 that parking or storage; and any structures, buildings, space or
4 accommodations, whether constructed by the authority or by the
5 lessee, to be leased for any business, commercial or other use,
6 including the sale of gasoline or accessories for, or the repair or other
7 servicing of automobiles and other motor vehicles, or motorist
8 services, if, in the opinion of the authority, the inclusion, provision and
9 leasing is necessary, desirable or convenient to assist in defraying the
10 expenses of the authority and make possible the operation of the
11 parking facility at reasonable rates.

12 "Public highway" means all public highways, roads and streets in
13 the State, whether maintained by the State or by any county, city,
14 borough, town, township, village or other political subdivision.

15 "Real property" means lands within the State, above or below
16 water, and improvements thereof or thereon, or any riparian or other
17 rights or interests therein.

18 "Transfer Date" means, with respect to the assumption by the
19 authority of the powers, duties, assets and responsibilities of the New
20 Jersey Highway Authority, the date on which the Chair of the
21 authority and the commissioner certify to the Governor that: (i) all
22 bonds issued by the New Jersey Highway Authority cease to be
23 outstanding within the meaning of the resolutions pursuant to which
24 those bonds were issued; and (ii) upon which the authority assumes all
25 debts, and statutory responsibilities and obligations of the New Jersey
26 Highway Authority.

27 "Transportation project" or "project" means, in addition to
28 highway projects, any other transportation facilities or activities
29 determined necessary or appropriate by the authority in its discretion
30 to fulfill the purposes of the authority, and the costs associated
31 therewith.

32 (cf: P.L.1991, c.183, s.5)

33

34 9. Section 5 of P.L.1948, c.454 (C.27:23-5) is amended to read
35 as follows:

36 5. General grant of powers. The authority shall be a body
37 corporate and politic and shall have perpetual succession and shall
38 have the following powers:

39 (a) To adopt bylaws for the regulation of its affairs and the
40 conduct of its business;

41 (b) To adopt an official seal and alter the same at pleasure;

42 (c) To maintain an office at such place or places within the State
43 as it may designate and to organize itself into such sub-departments,
44 operating divisions or units as it deems appropriate;

45 (d) To sue and be sued in its own name;

46 (e) To acquire, improve, construct, maintain, repair, manage, and

1 operate [turnpike] transportation projects or any part thereof at such
2 locations as shall be established by law or by the authority;

3 (f) To [issue turnpike revenue bonds of the authority, for any of
4 its corporate purposes, payable solely from the tolls, other revenues
5 and proceeds of such bonds, and to refund its bonds,] borrow money
6 and issue negotiable bonds for any of its corporate purposes, and to
7 secure the same through the pledging of tolls and other revenues and
8 proceeds of such bonds, or other available sources, and to refund its
9 bonds, and to enter into any credit agreement, all as provided in this
10 act;

11 (g) In the exercise of any of its powers, by resolution to fix and
12 revise from time to time and charge and collect tolls, fees, licenses,
13 rents, concession charges and other charges for [transit over] each
14 [turnpike] transportation project or any part thereof constructed or
15 acquired by it. No toll revenues derived from the New Jersey
16 Turnpike or the Garden State Parkway shall be used or available for
17 any transportation project other than a highway project and all
18 transportation projects other than highway projects shall be self-
19 sustaining; provided however that such toll revenues may be used to
20 finance or support the costs of non-highway transportation projects
21 on an interim basis according to such terms, with or without interest,
22 as the authority shall establish;

23 (h) To establish rules and regulations for the use of any project
24 including restrictions on the type, weight and size of vehicles utilizing
25 transportation projects, and also including the power to exclude from
26 any part of a highway project any traffic other than passenger
27 automobiles if the authority finds that such part is not suitable or
28 sufficient as a highway to carry mixed traffic;

29 (i) To acquire, hold and dispose of real and personal property in
30 the exercise of its powers and the performance of its duties under this
31 act;

32 (j) To acquire in the name of the authority by purchase or
33 otherwise, on such terms and conditions and in such manner as it may
34 deem proper, or by the exercise of the power of eminent domain,
35 except as against the State of New Jersey, any land and other property,
36 which it may determine is reasonably necessary for any [turnpike]
37 transportation project or feeder road or for the relocation or
38 reconstruction of any highway by the authority under the provisions of
39 this act and any and all rights, title and interest in such land and other
40 property, including public lands, parks, playgrounds, reservations,
41 highways or parkways, owned by or in which the State of New Jersey
42 or any county, city, borough, town, township, village, or other
43 political subdivision of the State of New Jersey has any right, title or
44 interest, or parts thereof or rights therein and any fee simple absolute
45 or any lesser interest in private property, and any fee simple absolute
46 in, easements upon, or the benefit of restrictions upon, abutting

1 property to preserve and protect [turnpike] transportation projects.

2 Upon the exercise of the power of eminent domain, the
3 compensation to be paid thereunder shall be ascertained and paid in
4 the manner provided in the "Eminent Domain Act of 1971," P.L.1971,
5 c.361 (C.20:3-1 et seq.), insofar as the provisions thereof are
6 applicable and not inconsistent with the provisions contained in this
7 act. The authority may join in separate subdivisions in one petition or
8 complaint the descriptions of any number of tracts or parcels of land
9 or property to be condemned and the names of any number of owners
10 and other parties who may have an interest therein and all such land or
11 property included in said petition or complaint may be condemned in
12 a single proceeding; provided, however, that separate awards be made
13 for each tract or parcel of land or property; and provided, further, that
14 each of said tracts or parcels of land or property lies wholly in or has
15 a substantial part of its value lying wholly within the same county.

16 Upon the filing of such petition or complaint or at any time
17 thereafter the authority may file with the clerk of the county in which
18 such property is located and also with the Clerk of the Superior Court
19 a declaration of taking, signed by the authority, declaring that
20 possession of one or more of the tracts or parcels of land or property
21 described in the petition or complaint is thereby being taken by and for
22 the use of the authority. The said declaration of taking shall be
23 sufficient if it sets forth: (1) a description of each tract or parcel of
24 land or property to be so taken sufficient for the identification thereof,
25 to which there may or may not be attached a plan or map thereof; (2)
26 a statement of the estate or interest in the said land or property being
27 taken; and (3) a statement of the sum of money estimated by the
28 authority by resolution to be just compensation for the taking of the
29 estate or interest in each tract or parcel of land or property described
30 in said declaration[; and (4) that, in compliance with the provisions of
31 this act, the authority has established and is maintaining a trust fund as
32 hereinafter provided].

33 Upon the filing of the said declaration, the authority shall deposit
34 with the Clerk of the Superior Court the amount of the estimated
35 compensation stated in said declaration. [In addition to the said
36 deposits with the Clerk of the Superior Court, the authority at all times
37 shall maintain a special trust fund on deposit with a bank or trust
38 company doing business in this State, in an amount at least equal to
39 twice the aggregate amount deposited with the Clerk of the Superior
40 Court, as estimated compensation for all property described in
41 declaration of taking with respect to which the compensation has not
42 been finally determined and paid to the persons entitled thereto or into
43 court. Said trust fund shall consist of cash or securities readily
44 convertible into cash, constituting legal investments for trust funds
45 under the laws of this State. Said trust fund shall be held solely to
46 secure and may be applied to the payment of just compensation for the

1 land or other property described in such declarations of taking. The
2 authority shall be entitled to withdraw from said trust fund from time
3 to time so much as may then be in excess of twice the aggregate of the
4 amount deposited with the Clerk of the Superior Court, as estimated
5 compensation for all property described in declarations of taking with
6 respect to which the compensation has not been finally determined and
7 paid to the persons entitled thereto or into court.]

8 Upon the filing of the said declaration as aforesaid and depositing
9 with the Clerk of the Superior court the amount of the estimated
10 compensation stated in said declaration, the authority, without other
11 process or proceedings, shall be entitled to the exclusive possession
12 and use of each tract of land or property described in said declaration
13 and may forthwith enter into and take possession of said land or
14 property, it being the intent of this provision that the proceedings for
15 compensation or any other proceedings relating to the taking of said
16 land or interest therein or other property shall not delay the taking of
17 possession thereof and the use thereof by the authority for the purpose
18 or purposes for which the authority is authorized by law to acquire or
19 condemn such land or other property or interest therein.

20 The authority shall cause notice of the filing of said declaration and
21 the making of said deposit to be served upon each party in interest
22 named in the petition residing in this State, either personally or by
23 leaving a copy thereof at his residence, if known, and upon each party
24 in interest residing out of the State, by mailing a copy thereof to him
25 at his residence, if known. In the event that the residence of any such
26 party or the name of such party is unknown, such notice shall be
27 published at least once in a newspaper published or circulating in the
28 county or counties in which the land is located. [Such service, mailing
29 or publication shall be made within 10 days after filing such
30 declaration.] Upon the application of any party in interest and after
31 notice to other parties in interest, including the authority, any judge of
32 the Superior Court assigned to sit for said county may order that the
33 money deposited with the Clerk of the Superior Court or any part
34 thereof be paid forthwith to the person or persons entitled thereto for
35 or on account of the just compensation to be awarded in said
36 proceeding; provided, that each such person shall have filed with the
37 Clerk of the Superior Court a consent in writing that, in the event the
38 award in the condemnation proceeding shall be less than the amount
39 deposited, the court, after notice as herein provided and hearing, may
40 determine his liability, if any, for the return of such difference or any
41 part thereof and enter judgment therefor. If the amount of the award
42 as finally determined shall exceed the amount so deposited, the person
43 or persons to whom the award is payable shall be entitled to recover
44 from the authority the difference between the amount of the deposit
45 and the amount of the award, with interest at the rate of six per
46 centum (6%) per annum thereon from the date of making the deposit.

1 If the amount of the award shall be less than the amount so deposited,
2 the Clerk of the Superior Court shall return the difference between the
3 amount of the award and the deposit to the authority, unless the
4 amount of the deposit or any part thereof shall have theretofore been
5 distributed, in which event the court, on petition of the authority and
6 notice to all persons interested in the award and affording them an
7 opportunity to be heard, shall enter judgment in favor of the authority
8 for such difference against the party or parties liable for the return
9 thereof. The authority shall cause notice of the date fixed for such
10 hearing to be served upon each party thereto residing in this State,
11 either personally or by leaving a copy thereof at his residence, if
12 known, and upon each party residing out of the State, by mailing a
13 copy to him at his residence, if known. In the event that the residence
14 of any party or the name of such party is unknown, such notice shall
15 be published at least once in a newspaper published or circulating in
16 the county or counties in which the land is located. Such service,
17 mailing or publication shall be made at least 10 days before the date
18 fixed for such hearing.

19 Whenever under the "Eminent Domain Act of 1971" the amount of
20 the award may be paid into court, payment may be made into the
21 Superior Court and may be distributed according to law[. The
22 authority shall not abandon any condemnation proceeding subsequent
23 to the date upon which it has taken possession of the land or property
24 as herein provided];

25 (k) To designate the locations, and establish, limit and control
26 such points of ingress to and egress from each [turnpike] highway or
27 transportation project as may be necessary or desirable in the judgment
28 of the authority to insure the proper operation and maintenance of
29 such project, and to prohibit entrance to such project from any point
30 or points not so designated;

31 (l) To make and enter into all contracts and agreements necessary
32 or incidental to the performance of its duties and the execution of its
33 powers under this act and to enter into contracts with federal, State
34 and local governments and private entities for the financing,
35 administration, operation, management and construction of
36 transportation projects;

37 (m) To appoint such additional officers, who need not be members
38 of the authority, as the authority deems advisable, and to employ
39 consulting engineers, attorneys, accountants, construction and
40 financial experts, superintendents, managers, and such other similarly
41 situated employees and agents as may be necessary in its judgment; to
42 fix their compensation; and to promote and discharge such officers,
43 employees and agents, all without regard to the provisions of Title
44 [11] 11A of the [Revised] New Jersey Statutes;

45 (n) To receive and accept from any federal agency, subject to the
46 approval of the Governor, grants for or in aid of the acquisition or

1 construction of any ~~[turnpike]~~ transportation project or any part
2 thereof, and to receive and accept aid or contributions, ~~[except~~
3 ~~appropriations by the Legislature.]~~ from any source, of either money,
4 property, labor or other things of value, to be held, used and applied
5 only for the purposes for which such grants and contributions may be
6 made; ~~[and]~~

7 (o) To do all acts and things necessary or convenient to carry out
8 the powers expressly or impliedly granted in this act ~~[.]~~;

9 (p) Subject to any agreement with the bondholders, to invest
10 moneys of the authority not required for immediate use, including
11 proceeds from the sale of any bonds, in such obligations, securities and
12 other investments as the authority shall deem prudent;

13 (q) To apply for, receive and accept from any federal agency, any
14 bistate agency, or the State and any subdivision thereof, grants for or
15 in aid of the planning, acquisition, management, maintenance,
16 operation or construction of any project, and to receive and accept aid
17 or contributions from any other public or private source, of either
18 money, property, labor or other things of value, to be held, used and
19 applied only for the purposes for which those grants and contributions
20 may be made;

21 (r) To procure and enter into contracts for any type of insurance
22 and to indemnify against loss or damage to property from any cause,
23 including the loss of use and occupancy and business interruption,
24 death or injury of any person, employee liability, any act of any
25 member, officer, employee or servant of the authority, whether
26 part-time, compensated or uncompensated, in the performance of the
27 duties of office or employment or any other insurable risk or any other
28 losses in connection with property, operations, assets or obligations in
29 any amounts and from any insurers as are deemed desirable. In
30 addition, the authority may carry its own liability insurance;

31 (s) To adopt regulations, pursuant to the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to provide
33 open and competitive procedures for awarding contracts for towing
34 and storage services. Towing and storage services on a highway
35 project may be provided on a rotating basis, provided that the
36 authority determines that there would be no additional cost to the
37 authority, excepting administrative costs, as a result of those services
38 being provided on a rotating basis. The regulations shall fix maximum
39 towing and storage fees, and establish objective criteria to be
40 considered in awarding a contract for towing and storage services
41 which shall include, but shall not be limited to, reliability, experience,
42 response time, acceptance of credit cards and prepaid towing
43 contracts, adequate equipment to safely handle a sufficient volume of
44 common vehicle types under a variety of traffic and weather
45 conditions, location of storage and repair facilities, security of vehicles
46 towed or stored, financial return to the authority, maintenance of

1 adequate liability insurance and appropriate safeguards to protect the
2 personal safety of customers, including considerations related to the
3 criminal background of employees. The Division of Consumer Affairs
4 in the Department of Law and Public Safety shall provide, at the
5 authority's request, a report to the authority on any prospective
6 contractor for which the division has information relevant to the
7 prospective contractor's service record, subject to the provisions of the
8 New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.).
9 The Division of Insurance Fraud Prevention in the Department of
10 Banking and Insurance also shall provide, at the authority's request, a
11 report to the authority on any prospective contractor for which the
12 division has information relevant to the prospective contractor's
13 service record, subject to the "New Jersey Insurance Fraud Prevention
14 Act," P.L.1983, c.320 (C.17:33A-1 et seq.);

15 (t) To adopt, prior to the Transfer Date and notwithstanding any
16 other provision of law to the contrary, a resolution authorizing the
17 issuance of bonds, notes or other obligations on such terms as
18 otherwise provided for in this act for the retirement by defeasance,
19 redemption, secondary market purchase, tender payment at maturity
20 or otherwise, of all of the New Jersey Highway Authority's
21 outstanding bonds, notes or other obligations, as if the Transfer Date
22 transferring to the authority the rights, duties and obligations to
23 operate, maintain and manage the Garden State Parkway had already
24 occurred; and

25 (u) To transfer, sell, dispose of, or otherwise relinquish all right,
26 title, or interest in the Garden State Arts Center, and any related or
27 auxiliary facilities, to the New Jersey Sports and Exposition Authority,
28 established by P.L.1971, c.137 (C.5:10-1 et seq.), or to any other
29 entity, according to such terms and process as the authority may
30 establish in its discretion.

31 (cf: P.L.1991, c.183, s.6)

32

33 10. Section 2 of P.L.1949, c.40 (C.27:23-5.2) is amended to read
34 as follows:

35 2. The New Jersey Turnpike Authority is authorized to acquire,
36 construct, reconstruct, repair and maintain any feeder road [which in
37 the opinion of the said Turnpike Authority will increase the use of a
38 turnpike project to which the said road is a feeder].

39 (cf: P.L.1991, c.183, s.8)

40

41 11. Section 4 of P.L.1949, c.40 (C.27:23-5.4) is amended to read
42 as follows:

43 4. In any case where a feeder road is constructed over new
44 alignment, the Turnpike Authority is granted the same powers
45 concerning the construction thereof as is granted in connection with
46 the construction of the [turnpike] highway project by the terms of the

1 act to which this act is a supplement. Any feeder road, eighty per
2 centum (80%) or more of which is built over new alignment, shall for
3 the purposes of this act be deemed to be a "new feeder road."

4 (cf: P.L.1949, c.40, s.4)

5

6 12. (New section) The authority may in its discretion turn over to
7 the Department of Transportation any highway project or part thereof
8 and provide by agreement with the department for its continued
9 maintenance and repair by the authority.

10

11 13. Section 6 of P.L.1949, c.40 (C.27:23-5.6) is amended to read
12 as follows:

13 6. The Turnpike Authority is authorized to turn back to local
14 authorities any road or portions of road taken over from such local
15 authorities in connection with the establishing of a feeder road. [No
16 road or portion of road constructed upon a new alignment shall be
17 turned back until the turnpike project shall have been turned over to
18 the Department of Transportation, except where a new alignment has
19 been constructed in substitution of existing alignment.]

20 (cf: P.L.1991, c.183, s.10)

21

22 14. Section 1 of P.L.1966, c.8 (C.27:23-5.8) is amended to read
23 as follows:

24 1. The New Jersey Turnpike Authority shall have, in addition to
25 the powers heretofore granted to it, power:

26 a. To pay or make any advance or contribution to the United
27 States Government or the State of New Jersey or any agency thereof
28 for the purpose of paying the State's share or any portion thereof
29 under the federal aid highway laws of the cost of construction of any
30 [highway] transportation improvement determined by the authority to
31 be a major improvement necessary to restore or prevent physical
32 damage to any [turnpike] transportation project or any feeder roads,
33 for the safe or efficient operation of such project, or to prevent loss of
34 revenues therefrom.

35 b. Subject to the rights and security interests of the holders from
36 time to time of bonds or notes heretofore or hereafter issued by the
37 New Jersey Turnpike Authority, to enter into contracts with the State
38 or the New Jersey Transportation Trust Fund Authority established by
39 section 4 of the "New Jersey Transportation Trust Fund Authority Act
40 of 1984," P.L.1984, c.73 (C.27:1B-4), providing for the payment from
41 the revenues of the New Jersey Turnpike Authority to the State or to
42 the New Jersey Transportation Trust Fund Authority of the amount or
43 amounts of revenues that may be set forth in or determined in
44 accordance with the contracts. Any contracts authorized pursuant to
45 this section may include conditions and covenants necessary and
46 desirable to facilitate the issuance and sale of bonds, notes and other

1 obligations of the New Jersey Transportation Trust Fund Authority.
2 Any agreements entered into between the State and the Turnpike
3 Authority pursuant to this subsection shall terminate upon the effective
4 date of any agreement entered into between the Turnpike Authority
5 and the New Jersey Transportation Trust Fund Authority providing for
6 the payment of revenues of the Turnpike Authority directly from the
7 Turnpike Authority to the New Jersey Transportation Trust Fund
8 Authority.

9 c. To enter into agreements with the Department of Transportation
10 with respect to the funding of the resurfacing, restoring, rehabilitation
11 and reconstruction of the I-95 Extension of the New Jersey Turnpike
12 through the allocation of monies apportioned by the United States
13 Department of Transportation pursuant to 23 U.S.C. s.119 or a
14 successor program. Any such agreement shall be subject to the
15 continued eligibility of the I-95 Extension for federal aid, the
16 availability of funds appropriated by Congress and the appropriation
17 of funds by the Legislature for that purpose. No such agreement shall
18 constitute or create a debt or liability of the State within the meaning
19 of any constitutional or statutory limitation nor shall any such
20 agreement constitute a pledge of either the faith and credit or the
21 taxing power of the State. Funds payable or paid to the authority
22 pursuant to any such agreement shall not be pledged as security for
23 any indebtedness of the authority.

24 (cf: P.L.1991, c.183, s.11)

25

26 15. Section 2 of P.L.1969, c.197 (C.27:23-5.9) is amended to read
27 as follows:

28 2. The authority shall not engage in the acquisition, construction
29 or operation of any facility or activity not directly or indirectly related
30 to the use of a [turnpike] transportation project except as may be
31 specially authorized by law.

32 (cf: P.L.1991, c.183, s.12)

33

34 16. Section 1 of P.L.1977, c.230 (C.27:23-5.10) is amended to
35 read as follows:

36 1. The authority shall, whenever it desires to increase any existing
37 toll or establish any new toll for the use of any [turnpike] highway
38 project and the different parts or sections thereof, hold a public
39 hearing on such proposed toll at least 45 days prior to the date on
40 which such toll is proposed to become effective.

41 (cf: P.L.1977, c.230, s.1)

42

43 17. Section 6 of P.L.1948, c.454 (C.27:23-6) is amended to read
44 as follows:

45 6. The authority shall have power to construct grade separations
46 at intersections of any [turnpike] highway project with public

1 highways and to change and adjust the lines and grades of such
2 highways so as to accommodate the same to the design of such grade
3 separation. The cost of such grade separations and any damage
4 incurred in changing and adjusting the lines and grades of such
5 highways shall be ascertained and paid by the authority as a part of the
6 cost of such [turnpike] highway project.

7 If the authority shall find it necessary to change the location of any
8 portion of any public highway, it shall cause the same to be
9 reconstructed at such location as the authority shall deem most
10 favorable and of substantially the same type and in as good condition
11 as the original highway. The cost of such reconstruction and any
12 damage incurred in changing the location of any such highway shall be
13 ascertained and paid by the authority as a part of the cost of such
14 [turnpike] highway project.

15 Any public highway affected by the construction of any [turnpike]
16 highway project may be vacated or relocated by the authority in the
17 manner now provided by law for the vacation or relocation of public
18 roads, and any damages awarded on account thereof shall be paid by
19 the authority as a part of the cost of such project.

20 In addition to the foregoing powers the authority and its
21 authorized agents and employees may enter upon any lands, waters
22 and premises in the State for the purpose of making surveys,
23 soundings, drillings and examinations as it may deem necessary or
24 convenient for the purposes of this act, and such entry shall not be
25 deemed an entry under any condemnation proceedings which may be
26 then pending. The authority shall make reimbursement for any actual
27 damages resulting to such lands, waters and premises as a result of
28 such activities.

29 The authority shall also have power to make reasonable regulations
30 for the installation, construction, maintenance, repair, renewal,
31 relocation and removal of tracks, pipes, mains, conduits, cables, wires,
32 towers, poles and other equipment and appliances (herein called
33 "public utility facilities") of any public utility as defined in section
34 27:7-1 of the Revised Statutes, in, on, along, over or under any
35 [turnpike] highway project. Whenever the authority shall determine
36 that it is necessary that any such public utility facilities which now are,
37 or hereafter may be, located in, on, along, over or under any
38 [turnpike] highway project, shall be relocated in such [turnpike]
39 highway project, or should be removed from such [turnpike] highway
40 project, the public utility owning or operating such facilities shall
41 relocate or remove the same in accordance with the order of the
42 authority; provided, however, that the cost and expenses of such
43 relocation or removal, including the cost of installing such facilities in
44 a new location, or new locations, and the cost of any lands, or any
45 rights or interests in lands, and any other rights, acquired to
46 accomplish such relocation or removal, shall be ascertained and paid

1 by the authority as a part of the cost of such [turnpike] highway
2 project. In case of any such relocation or removal of facilities, as
3 aforesaid, the public utility owning or operating the same, its
4 successors or assigns, may maintain and operate such facilities, with
5 the necessary appurtenance, in the new location or new locations, for
6 as long a period, and upon the same terms and conditions, as it had the
7 right to maintain and operate such facilities in their former location or
8 locations.

9 In case of any such relocation or removal of facilities, as aforesaid,
10 the authority shall own and maintain, repair and renew structures
11 within the rights of way of railroad companies carrying [turnpike]
12 highway projects or feeder roads over railroads, and the authority shall
13 bear the cost of maintenance, repair and renewal of structures within
14 the rights of way of railroad companies carrying railroads over
15 [turnpike] highway projects or feeder roads, but this provision shall
16 not relieve any railroad company from responsibility for damage
17 caused to any authority or railroad structure by the operation of its
18 railroad. Such approaches, curbing, sidewalk paving, guard rails on
19 approaches and surface paving on turnpike projects or feeder roads as
20 shall be within the rights of way of a railroad company or companies
21 shall be owned and maintained, repaired and renewed by the authority;
22 rails, pipes and lines shall be owned and maintained, repaired and
23 renewed by the railroad company or companies.

24 (cf: P.L.1961, c.141, s.1)

25

26 18. Section 1 of P.L.1968, c.461 (C.27:23-6.1) is amended to read
27 as follows:

28 1. a. The New Jersey Turnpike Authority, in the exercise of its
29 authority to make and enter into contracts and agreements necessary
30 or incidental to the performance of its duties and the execution of its
31 powers, shall adopt standing operating rules and procedures providing
32 that, except as hereinafter provided, no contract on behalf of the
33 authority shall be entered into for the doing of any work, or for the
34 hiring of equipment or vehicles, where the sum to be expended
35 exceeds the sum of \$25,000 or, after the effective date of P.L.1999,
36 c.440, the amount determined pursuant to subsection b. of this section
37 unless the authority shall first publicly advertise for bids therefor, and
38 shall award the contract to the lowest responsible bidder; provided,
39 however, that such advertising shall not be required where the contract
40 to be entered into is one for the furnishing or performing services of
41 a professional or consultative nature, or for the supplying of any
42 product or the rendering of any service by a public utility subject to
43 the jurisdiction of the Board of Public [Utility Commissioners]
44 Utilities of this State and tariffs and schedules of the charges, made,
45 charged, or exacted by the public utility for any such products to be
46 supplied or services to be rendered are filed with the said board, or

1 when the purchase is to be made through or by the Director of the
2 Division of Purchase and Property pursuant to section 1 of P.L.1959,
3 c.40 (C.52:27B-56.1), or through a contract made by any of the
4 following: the New Jersey Sports and Exposition Authority established
5 under section 4 of P.L.1971, c.137 (C.5:10-4); the ~~the~~ Hackensack New
6 Jersey Meadowlands Development Commission established under
7 section 5 of P.L.1968, c.404 (C.13:17-5); ~~the~~ New Jersey Highway
8 Authority established under section 4 of P.L.1952, c.16
9 (C.27:12B-4);] the New Jersey Water Supply Authority established
10 under section 4 of P.L.1981, c.293 (C.58:1B-4); the South Jersey
11 Transportation Authority established under section 4 of P.L.1991,
12 c.252 (C.27:25A-4); the Port Authority of New York and New Jersey
13 established under R.S.32:1-4; the Delaware River Port Authority
14 established under R.S.32:3-2; the Higher Education Student
15 Assistance Authority established under N.J.S.18A:71A-3. Any
16 purchase, contract or agreement may be made, negotiated or awarded
17 by the authority without public bid or advertising when the authority
18 has advertised for bids on two occasions and has received no bids on
19 both occasions in response to its advertisements, or received no
20 responsive bids. Any purchase, contract or agreement may then be
21 negotiated and may then be awarded to any contractor or supplier
22 determined to be responsible except that the terms, conditions,
23 restrictions and specifications set forth in the negotiated contract
24 agreement shall not be substantially different from those which were
25 the subject of competitive bidding.

26 This subsection shall not prevent the authority from having any
27 work done by its own employees, nor shall it apply to repairs, or to the
28 furnishing of materials, supplies or labor, or the hiring of equipment or
29 vehicles, when the safety or protection of its or other public property
30 or the public convenience require, or the exigency of the authority's
31 service will not admit of such advertisement. In such case the
32 authority shall, by resolution, passed by the affirmative vote of a
33 majority of its members, declare the exigency or emergency to exist,
34 and set forth in the resolution the nature thereof and the approximate
35 amount to be so expended.

36 b. Commencing in the fifth year after the year in which P.L.1999,
37 c.440 takes effect, and every five years thereafter, the Governor, in
38 consultation with the Department of the Treasury, shall adjust the
39 threshold amount set forth in subsection a. of this section, or after the
40 effective date of P.L.1999, c.440, the threshold amount resulting from
41 any adjustment under this subsection, in direct proportion to the rise
42 and fall of the index rate as that term is defined in section 2 of
43 P.L.1971, c.198 (C.40A:11-2), and shall round the adjustment to the
44 nearest \$1,000. The Governor shall, no later than June 1 of every fifth
45 year, notify the authority of the adjustment. The adjustment shall
46 become effective on July 1 of the year in which it is made.
47 (cf: P.L.1999, c.440, s.86)

1 19. Section 7 of P.L.1948, c.454 (C.27:23-7) is amended as
2 follows:

3 7. The authority is hereby authorized to provide by resolution, at
4 one time or from time to time, for the issuance of bonds of the
5 authority for any of its corporate purposes, including the refunding of
6 its bonds. The principal of and the interest on any issue of such bonds
7 shall be payable solely from and may be secured by a pledge of tolls
8 and other revenues of all or any part of the [turnpike] transportation
9 projects. The proceeds of any such bonds may be used or pledged for
10 the payment or security of the principal of or interest on bonds and for
11 the establishment of any or all reserves for such payment or security
12 or for other corporate purposes as the authority may authorize in the
13 resolution authorizing the issuance of bonds or in the trust agreement
14 securing the same. The bonds of each issue shall be dated, shall bear
15 interest at such rate or rates, shall mature at such time or times not
16 exceeding 40 years from their date or dates, as may be determined by
17 the authority, and may be made redeemable before maturity, at the
18 option of the authority, at such price or prices and under such terms
19 and conditions as may be fixed by the authority prior to the issuance
20 of the bonds. The authority shall determine the form of the bonds
21 including any interest coupons to be attached thereto, and shall fix the
22 denomination or denominations of the bonds and the place or places
23 of payment of principal and interest, which may be at any bank or trust
24 company within or without the State. The bonds shall be signed by the
25 chairman of the authority or shall bear his facsimile signature and the
26 official seal of the authority or a facsimile thereof shall be impressed,
27 imprinted, engraved or otherwise reproduced thereon. The official
28 seal or facsimile thereof shall be attested by the secretary and treasurer
29 of the authority, or by such other officer or agent as the authority shall
30 appoint and authorize and any coupons attached to such bonds shall
31 bear the facsimile signature of the chairman of the authority. In case
32 any officer whose signature or a facsimile of whose signature shall
33 appear on any bonds or coupons shall cease to be such officer before
34 the delivery of such bonds, such signature or such facsimile shall
35 nevertheless be valid and sufficient for all purposes the same as if he
36 had remained in office until such delivery. All bonds issued under the
37 provisions of this act shall have and are hereby declared to have all the
38 qualities and incidents of negotiable instruments under the negotiable
39 instruments law of the State. The bonds may be issued in coupon or
40 in registered form, or both, as the authority may determine, and
41 provision may be made for the registration of any coupon bonds as to
42 principal alone and also as to both principal and interest, and for the
43 reconversion into coupon bonds of any bonds registered as to both
44 principal and interest. The authority may sell such bonds in such
45 manner and for such price, as it may determine to be for the best
46 interests of the authority. Neither the members of the authority nor

1 any person executing the bonds shall be personally liable on the bonds
2 or be accountable by reason of the issuance thereof in accordance with
3 the provisions of this act.

4 The proceeds of the bonds of each issue shall be disbursed in such
5 manner and under such restrictions, if any, as the authority may
6 provide in the resolution authorizing the issuance of such bonds or in
7 the trust agreement hereinafter mentioned securing the same.

8 Prior to the preparation of definitive bonds, the authority may,
9 under like restrictions, issue interim receipts or temporary bonds, with
10 or without coupons, exchangeable for definitive bonds when such
11 bonds shall have been executed and are available for delivery. The
12 authority may also provide for the replacement of any bonds which
13 shall become mutilated or shall be destroyed or lost. Bonds may be
14 issued under the provisions of this act without obtaining the consent
15 of any department, division, commission, board, bureau or agency of
16 the State, and without any other proceedings or the happening of any
17 other conditions or things than those proceedings, conditions or things
18 which are specifically required by this act.

19 The State of New Jersey does pledge to and agree with the holders
20 of the bonds issued pursuant to authority contained in this act, that the
21 State will not limit or restrict the rights hereby vested in the authority
22 to acquire, maintain, construct, improve, manage, repair, reconstruct,
23 and operate any projects as defined in this act, or to establish and
24 collect such charges and tolls as may be convenient or necessary to
25 produce sufficient revenue to meet the expenses of maintenance and
26 operation thereof and to fulfill the terms of any agreements made with
27 the holders of bonds authorized by this act or in any way impair the
28 rights or remedies of the holders of such bonds until, the bonds,
29 together with interest thereon, are fully paid and discharged.

30 (cf: P.L.1991, c.183, s.13)

31

32 20. Section 21 of P.L.1991, c.183 (C.27:23-7a) is amended to
33 read as follows:

34 21. Nothing in or done pursuant to the powers and obligations set
35 forth in this amendatory and supplementary act (P.L.1991, c.183) shall
36 in any way limit or restrict the obligations or powers of the New
37 Jersey Turnpike Authority to carry out and perform each and every
38 covenant, agreement or contract heretofore made or entered into by
39 the Authority or the New Jersey Highway Authority with respect to its
40 bonds or for the benefit, protection or security of the holders thereof.

41 (cf: P.L.1991, c.183, s.21)

42

43 21. Section 8 of P.L.1948, c.454 (C.27:23-8) is amended to read
44 as follows:

45 8. Trust agreement. In the discretion of the Authority any bonds
46 issued under the provisions of this act may be secured by a trust

1 agreement by and between the Authority and a corporate trustee,
2 which may be any trust company or bank having the powers of a trust
3 company within or without the State. Such trust agreement or the
4 resolution providing for the issuance of such bonds (subject to the
5 provisions of section 7 of this act) may pledge or assign tolls or other
6 revenues to which the Authority's right then exists or may thereafter
7 come into existence, and the moneys derived therefrom, and the
8 proceeds of such bonds, but shall not convey or mortgage any
9 [turnpike] transportation project or any part thereof. Such trust
10 agreement or resolution providing for the issuance of such bonds may
11 contain such provisions for protecting and enforcing the rights and
12 remedies of the bondholders as may be reasonable and proper and not
13 in violation of law, including covenants setting forth the duties of the
14 Authority in relation to the acquisition of property and the acquisition,
15 construction, improvement, maintenance, repair, operation and
16 insurance of the [turnpike] transportation project or projects or any
17 part thereof, the rates of tolls and revenues to be charged, the
18 payment, security or redemption of bonds, and the custody,
19 safeguarding and application of all moneys, and provisions for the
20 employment of consulting engineers in connection with the acquisition,
21 construction or operation of such [turnpike] transportation project or
22 projects or any part thereof. It shall be lawful for any bank or trust
23 company incorporated under the laws of the State which may act as
24 depository of the proceeds of bonds or of revenues to furnish such
25 indemnifying bonds or to pledge such securities as may be required by
26 the Authority. Any such trust agreement or resolution may set forth
27 the rights and remedies of the bondholders and of the trustee, and may
28 restrict the individual rights of action by bondholders. In addition to
29 the foregoing, any such trust agreement or resolution may contain such
30 other provisions as the Authority may deem reasonable and proper for
31 the security of the bondholders. All expenses incurred in carrying out
32 the provisions of such trust agreement may be treated as a part of the
33 cost of the operation of the [turnpike] transportation project or
34 projects.

35 Any pledge of tolls or other revenues or other moneys made by the
36 Authority shall be valid and binding from the time when the pledge is
37 made; the tolls or other revenues or other moneys so pledged and
38 thereafter received by the Authority shall immediately be subject to the
39 lien of such pledge without any physical delivery thereof or further act,
40 and the lien of any such pledge shall be valid and binding as against all
41 parties having claims of any kind in tort, contract or otherwise against
42 the Authority, irrespective of whether such parties have notice thereof.
43 Neither the resolution nor any trust agreement by which a pledge is
44 created need be filed or recorded except in the records of the
45 Authority.

46 (cf: P.L.1991, c.183, s.14)

1 22. Section 9 of P.L.1948, c.454 (C.27:23-9) is amended to read
2 as follows:

3 9. Revenues. (A) The authority is hereby authorized by
4 resolution to fix, revise, charge and collect tolls, fees, licenses, rents,
5 concession charges and other charges for the use of each [turnpike]
6 project and the different parts or sections thereof, and to contract with
7 any person, partnership, association or corporation desiring the use of
8 any part thereof, including the right-of-way adjoining the paved
9 portion, for placing thereon telephone, telegraph, electric light or
10 power lines, gas stations, garages, stores, hotels, and restaurants,
11 offices, entertainment facilities, or for any other purpose, [except for
12 tracks for railroad or railway use,] and to fix the terms, conditions,
13 rents and rates of charges for such use; provided, that a sufficient
14 number of gas stations may be authorized to be established in each
15 service area along any such highway to permit reasonable competition
16 by private business in the public interest[; and provided further, that
17 no contract shall be required, and no rent, fee or other charge of any
18 kind shall be imposed for the use and occupation of any turnpike
19 project for the installation, construction, use, operation, maintenance,
20 repair, renewal, relocation or removal of tracks, pipes, mains,
21 conduits, cables, wires, towers, poles or other equipment or appliances
22 in, on, along, over or under any such turnpike project by any public
23 utility as defined in R.S.27:7-1, which is subject to taxation pursuant
24 to either P.L.1940, c.4 (C.54:30A-16 et seq.) or P.L.1940, c.5
25 (C.54:30A-49 et seq.), or pursuant to any other law imposing a tax for
26 the privilege of using the public streets, highways, roads or other
27 public places in this State]. Such tolls shall be so fixed and adjusted
28 as to carry out and perform the terms and provisions of any contract
29 with or for the benefit of bondholders. Such tolls shall not be subject
30 to supervision or regulation by any other commission, board, bureau
31 or agency of the State. The use and disposition of tolls and revenues
32 shall be subject to the provisions of the resolution authorizing the
33 issuance of such bonds or of the trust agreement securing the same.

34 (B) [At any time that tolls are not required for the purpose of
35 carrying out and performing the terms and provisions of any contract
36 with or for the benefit of bondholders, the authority shall cause tolls
37 for the use of the turnpike projects to be charged and collected at the
38 same rates as were last charged and collected by the authority under
39 the provisions of subsection (A) hereof and no change or revision shall
40 be made in such rates, except as shall be specifically authorized by
41 law.] (Deleted by amendment, P.L. , c. (C.) (now before the
42 Legislature as this bill)

43 (C) All revenues and other funds of the authority not pledged or
44 otherwise required to pay or secure the payment of principal and
45 interest on any indebtedness of the authority existing from time to time
46 under, and not otherwise required for the purpose of, this act and not

1 pledged under a contract providing for payment of funds to the State
2 or New Jersey Transportation Trust Fund Authority created pursuant
3 to P.L.1984, c.73 (C.27:1B-1 et seq.) shall be applied to the
4 authority's corporate purposes or as hereafter provided by law.

5 (cf: P.L.1991, c.183, s.15)

6
7 23. Section 12 of P.L.1948, c.454 (C.27:23-12) is amended to
8 read as follows:

9 12. The exercise of the powers granted by this act will be in all
10 respects for the benefit of the people of the State, for the increase of
11 their commerce and prosperity, and for the improvement of their
12 health and living conditions, and as the operation and maintenance of
13 [turnpike] transportation projects and other property by the Authority
14 will constitute the performance of essential governmental functions,
15 the Authority shall not be required to pay any taxes or assessments
16 upon any [turnpike] transportation project or any property acquired
17 or used by the Authority under the provisions of this act or upon the
18 income therefrom, and any [turnpike] transportation project and any
19 property acquired or used by the Authority under the provisions of
20 this act and the income therefrom, and the bonds issued under the
21 provisions of this act, their transfer and the income therefrom
22 (including any profit made on the sale thereof) shall be exempt from
23 taxation. The Legislature reaffirms that all existing facilities and
24 property, and their operations, and management, of the authority and
25 of the New Jersey Highway Authority, as transferred to the authority,
26 are deemed public and essential governmental functions and are
27 exempt from local taxes or assessments.

28 (cf: P.L.1948, c.454, s.12)

29
30 24. Section 14 of P.L.1948, c.454 (C.27:23-14) is amended to
31 read as follows:

32 14. Miscellaneous. Each [turnpike] highway project when
33 constructed and opened to traffic shall be maintained and kept in good
34 condition and repair by the Authority. Each such project shall also be
35 policed and operated by such force of police, toll-takers and other
36 operating employees as the Authority may in its discretion employ,
37 unless the Authority provides otherwise by agreement with any
38 federal, state or local entity . The expenses for this maintenance and
39 operation shall be paid by the authority from its own funds or from
40 funds made available to the authority, unless the authority provides
41 otherwise by agreement with any federal, state or local entity.

42 All counties, cities, boroughs, towns, townships, villages, and
43 other political subdivisions and all public departments, agencies and
44 commissions of the State of New Jersey, notwithstanding any contrary
45 provision of law, are hereby authorized and empowered to sell, lease,
46 lend, grant or otherwise convey to the Authority at its request upon

1 such terms and conditions as the proper authorities of such counties,
2 cities, boroughs, towns, townships, villages, and political subdivisions
3 and departments, agencies or commissions of the State may deem
4 reasonable and fair and without the necessity for any advertisement,
5 order of court or other action or formality, other than the regular and
6 formal action of the authorities concerned, any real property which
7 may be necessary or convenient to the effectuation of the authorized
8 purposes of the Authority, including public roads and other real
9 property already devoted to public use.

10 [On or before the thirtieth day of January in each year the
11 Authority shall make an annual report of its activities for the preceding
12 calendar year to the Governor and to the Legislature. Each such
13 report shall set forth a complete operating and financial statement
14 covering its operations during the year.] The Authority shall cause an
15 audit of its books and accounts to be made at least once in each year
16 by certified public accountants and the cost thereof may be treated as
17 a part of the cost of construction or of operation of the project.

18 Any member, agent or employee of the Authority who is
19 interested, either directly or indirectly, in any contract of another with
20 the Authority, or in the sale of any property, either real or personal, to
21 the Authority shall be guilty of a [misdemeanor and punished by a fine
22 of not more than one thousand dollars (\$1,000.00) or by imprisonment
23 for not more than one year, or both] crime of the fourth degree.

24 (cf: P.L.1991, c.183, s.16)

25
26 25. Section 15 of P.L.1948, c.454 (C.27:23-15) is amended to
27 read as follows:

28 15. The Authority is hereby authorized to provide by resolution
29 for the issuance of refunding bonds of the Authority for the purpose
30 of refunding any bonds then outstanding which shall have been issued
31 under the provisions of this act, including the payment of any
32 redemption premium thereon and any interest accrued or to accrue to
33 the date of redemption or maturity of such bonds, and, if deemed
34 advisable by the Authority, for the additional purpose of constructing
35 improvements, extensions, or enlargements of the [turnpike]
36 transportation project or projects in connection with which the bonds
37 to be refunded shall have been issued. The Authority is further
38 authorized to provide by resolution for the issuance of its bonds for
39 the combined purpose of (a) refunding any bonds then outstanding
40 which shall have been issued under the provisions of this act, including
41 the payment of any redemption premium thereon and any interest
42 accrued or to accrue to the date of redemption of such bonds, and (b)
43 paying all or any part of the cost of any additional project or projects
44 or feeder roads. The issuance of such bonds, the maturities and other
45 details thereof, the rights of the holders thereof, and the rights, duties
46 and obligations of the Authority in respect of the same, shall be

1 governed by the provisions of this act insofar as the same may be
2 applicable.

3 (cf: P.L.1991, c.183, s.17)

4

5 26. Section 16 of P.L.1948, c.454 (C.27:23-16) is amended to
6 read as follows:

7 16. When all bonds issued under the provisions of this act to
8 finance any [turnpike] highway project or projects and the interest
9 thereon shall have been paid or a sufficient amount for the payment
10 of all such bonds and the interest thereon to the maturity thereof shall
11 have been set aside in trust for the benefit of the bondholders, all such
12 projects shall become part of the State highway system and shall
13 thereafter be operated and maintained by the authority [as toll roads].

14 (cf: P.L.1964, c.56, s.2)

15

16 27. Section 17 of P.L.1948, c.454 (C.27:23-17) is amended to
17 read as follows:

18 17. The [State Highway] Department of Transportation is hereby
19 authorized in its discretion to expend out of any funds available for the
20 purpose such moneys as may be necessary for the study of any
21 [turnpike] transportation project or projects and to use its engineering
22 and other forces, including consulting engineers and traffic engineers,
23 for the purpose of effecting such study and to pay for such additional
24 engineering and traffic and other expert studies as it may deem
25 expedient, and all such expenses incurred by the department shall be
26 paid by the department and charged to the appropriate [turnpike]
27 transportation project or projects, and the department shall keep
28 proper records and accounts showing each amount so charged. Upon
29 the sale of [turnpike] transportation revenue bonds for any [turnpike]
30 project or projects, the funds so expended by the department in
31 connection with such project or projects shall be reimbursed by the
32 Authority to the department from the proceeds of such bonds.

33 Any obligation or expense hereafter incurred by the [State
34 Highway] Department of Transportation with the approval of the
35 Authority for traffic surveys, borings, preparation of plans and
36 specifications, and other engineering services in connection with the
37 construction of a project shall be regarded as a part of the cost of such
38 project and shall be reimbursed to the State out of the proceeds of
39 bonds herein authorized.

40 (cf: P.L.1948, c.454, s.17)

41

42 28. Section 18 of P.L.1948, c.454 (C.27:23-18) is amended to
43 read as follows:

44 18. The foregoing sections of this act shall be deemed to provide
45 an additional and alternative method for the doing of the things
46 authorized thereby, and shall be regarded as supplemental and

1 additional to powers conferred by other laws, and shall not be
2 regarded as in derogation of any powers now existing; provided,
3 however, that the issuance of [turnpike] transportation revenue bonds
4 or refunding bonds under the provisions of this act need not comply
5 with the requirements of any other law applicable to the issuance of
6 bonds.

7 (cf: P.L.1948, c.454, s.18)

8

9 29. Section 1 of P.L.1951, c.264 (C.27:23-25) is amended to read
10 as follows:

11 1. No vehicle shall be permitted to make use of any [turnpike]
12 highway project or part thereof operated by the New Jersey Turnpike
13 Authority created pursuant to P.L.1948, c.454 (C.27:23-1 et seq.)
14 (hereinafter called the "Authority") except upon the payment of such
15 tolls, if any, as may from time to time be prescribed by the Authority.
16 It is hereby declared to be unlawful for any person to refuse to pay, or
17 to evade or to attempt to evade the payment of such tolls.

18 (cf: P.L.1991, c.183, s.18)

19

20 30. Section 2 of P.L.1951, c.264 (C.27:23-26) is amended to read
21 as follows:

22 2. No vehicle shall be operated on any such [turnpike] highway
23 project carelessly or recklessly, or in disregard of the rights or safety
24 of others, or without due caution or prudence, or in a manner so as to
25 endanger unreasonably or to be likely to endanger unreasonably
26 persons or property, or while the operator thereof is under the
27 influence of intoxicating liquors or any narcotic or habit-forming drug,
28 nor shall any vehicle be so constructed, equipped, lacking in
29 equipment, loaded or operated in such a condition of disrepair as to
30 endanger unreasonably or to be likely to endanger unreasonably
31 persons or property.

32 (cf: P.L.1951, c.264, s.2)

33

34 31. Section 3 of P.L.1951, c.264 (C.27:23-27) is amended to read
35 as follows:

36 3. A person operating a vehicle on any such [turnpike] highway
37 project shall operate it at a careful and prudent speed, having due
38 regard to the rights and safety of others and to the traffic, surface and
39 width of the highway, and any other conditions then existing; and no
40 person shall operate a vehicle on any such [turnpike] highway project
41 at such a speed as to endanger life, limb or property; provided,
42 however, that it shall be prima facie lawful for a driver of a vehicle to
43 operate it at a speed not exceeding a speed limit which is designated
44 by the Authority as a reasonable and safe speed limit, when
45 appropriate signs giving notice of such speed limit are erected at the
46 roadside or otherwise posted for the information of operators of

1 vehicles.

2 No person shall operate a vehicle on any such [turnpike] highway
3 project at such a slow speed as to impede or block the normal and
4 reasonable movement of traffic except when reduced speed is
5 necessary for safe operation thereof.

6 No person shall operate a vehicle on any such [turnpike] highway
7 project in violation of any speed limit designated by regulation
8 adopted by the Authority as hereinafter provided.

9 (cf: P.L.1951, c.264, s.3)

10

11 32. Section 4 of P.L.1951, c.264 (C.27:23-28) is amended to read
12 as follows:

13 4. All persons operating vehicles upon any such [turnpike]
14 highway project must at all times comply with any lawful order, signal
15 or direction by voice or hand of any police officer engaged in the
16 direction of traffic upon such project. When traffic is controlled by
17 traffic lights, signs or by mechanical or electrical signals, such lights,
18 signs and signals shall be obeyed unless a police officer directs
19 otherwise.

20 (cf: P.L.1951, c.264, s.4)

21

22 33. Section 5 of P.L.1951, c.264 (C.27:23-29) is amended to read
23 as follows:

24 5. All persons operating vehicles upon any such [turnpike]
25 highway project, or seeking to do so, must at all times comply with
26 regulations, not inconsistent with the other sections of this act,
27 adopted by the New Jersey Turnpike Authority concerning types,
28 weights and sizes of vehicles permitted to use any such [turnpike]
29 highway project, and with regulations adopted by the Authority for or
30 prohibiting the parking of vehicles, concerning the making of turns and
31 the use of particular traffic lanes, together with any and all other
32 regulations adopted by the Authority to control traffic and prohibit
33 acts hazardous in their nature or tending to impede or block the
34 normal and reasonable flow of traffic upon any [turnpike] highway
35 project; provided, however, that prior to the adoption of any
36 regulation for the control of traffic on any such [turnpike] highway
37 project, including the designation of any speed limits, the Authority
38 shall investigate and consider the need for and desirability of such
39 regulation for the safety of persons and property, including the
40 Authority's property, and the contribution which any such regulation
41 would make toward the efficient and safe handling of traffic and use
42 of such [turnpike] highway project, and shall determine that such
43 regulation is necessary or desirable to accomplish such purposes or
44 one or some of them, and that upon or prior to the effective date of
45 any such regulation and during its continuance, notice thereof shall be
46 given to the drivers of vehicles by appropriate signs erected at the

1 roadside or otherwise posted.

2 The Authority is hereby authorized and empowered to make, adopt
3 and promulgate regulations referred to in this section in accordance
4 with the provisions hereof.

5 Regulations adopted by the Authority pursuant to the provisions
6 of this section shall insofar as practicable, having due regard to the
7 features of any such [turnpike] highway project and the characteristics
8 of traffic thereon, be consistent with the provisions of Title 39 of the
9 Revised Statutes applicable to similar subjects.

10 The Authority shall have power to amend, supplement or repeal
11 any regulation adopted by it under the provisions of this section.

12 [No regulation and no amendment or supplement thereto or
13 repealer thereof adopted by the Authority shall take effect until it is
14 filed with the Secretary of State, by the filing of a copy thereof
15 certified by the secretary of the Authority.]

16 (cf: P.L.1951, c.264, s.5)

17

18 34. Section 7 of P.L.1951, c.264 (C.27:23-31) is amended to read
19 as follows:

20 7. No person shall transport in or upon any such [turnpike]
21 highway project, any dynamite, nitroglycerin, black powder, fireworks,
22 blasting caps or other explosives, gasoline, alcohol, ether, liquid
23 shellac, kerosene, turpentine, formaldehyde or other inflammable or
24 combustible liquids, ammonium nitrate, sodium chlorate, wet hemp,
25 powdered metallic magnesium, nitro-cellulose film, peroxides or other
26 readily inflammable solids or oxidizing materials, hydrochloric acid,
27 sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic,
28 carbolic acid, potassium cyanide, tear gas, lewisite or any other
29 poisonous substances, liquids or gases, or any compressed gas, or any
30 radioactive article, substance or material, at such time or place or in
31 such manner or condition as to endanger unreasonably or as to be
32 likely to endanger unreasonably persons or property.

33 (cf: P.L.1951, c.264, s.7)

34

35 35. Section 10 of P.L.1951, c.264 (C.27:23-34) is amended to
36 read as follows:

37 10. Except as provided in sections eight and nine of this act, any
38 violation of any of the provisions hereof, including but not limited to
39 those regarding the payment of tolls, and any violation of any
40 regulation adopted by the Authority under the provisions of this act
41 shall be punishable by a fine not exceeding [two hundred] five
42 hundred dollars [(\$200.00)] (\$500) or by imprisonment not exceeding
43 thirty days or by both such fine and imprisonment. Such a violation
44 shall be tried in a summary way and shall be within the jurisdiction of
45 and may be brought in the Superior Court or any municipal court
46 where the offense was committed. The rules of the Supreme Court

1 shall govern the practice and procedure in such proceedings.
2 Proceedings under this section may be instituted on any day of the
3 week, and the institution of the proceedings on a Sunday or a holiday
4 shall be no bar to the successful prosecution thereof. Any process
5 served on a Sunday or a holiday shall be as valid as if served on any
6 other day of the week.

7 When imposing any penalty under the provisions of this section the
8 court having jurisdiction shall be guided by the appropriate provisions
9 of any statute adopted at the current session of the Legislature, or
10 hereafter, fixing uniform penalties for violation of certain provisions
11 of the motor vehicle and traffic laws contained in Title 39 of the
12 Revised Statutes.

13 (cf: P.L.1991, c.91, s.306)

14

15 36. Section 6 of P.L.1997, c.59 (C.27:23-34.1) is amended to read
16 as follows:

17 6. As used in sections 6 through 10 of P.L.1997, c.59
18 (C.27:23-34.1 through C.27:23-34.5):

19 "Authority" means the New Jersey Turnpike Authority established
20 by section 3 of P.L.1948, c.454 (C.27:23-3).

21 "Lessee" means any person, corporation, firm, partnership, agency,
22 association or organization that rents, leases or contracts for the use
23 of a vehicle and has exclusive use of the vehicle for any period of time.

24 "Lessor" means any person, corporation, firm, partnership, agency,
25 association or organization engaged in the business of renting or
26 leasing vehicles to any lessee under a rental agreement, lease or other
27 contract that provides the lessee with the exclusive use of the vehicle
28 for any period of time.

29 "Operator" means the term "operator" as defined in R.S.39:1-1.

30 "Owner" means the term "owner" as defined in R.S.39:1-1.

31 "Toll collection monitoring system" means a vehicle sensor, placed
32 in a location to work in conjunction with a toll collection facility, that
33 produces one or more photographs, one or more microphotographs,
34 a videotape or other recorded images, or a written record, of a vehicle
35 at the time the vehicle is used or operated in a violation of the toll
36 collection monitoring system regulations. The term shall also include
37 any other [technology] process that identifies a vehicle by
38 photographic, electronic or other method.

39 "Toll collection monitoring system regulations" means the
40 regulations authorized and adopted pursuant to section 7 of P.L.1997,
41 c.59 (C.27:23-34.2) that prohibit a vehicle from making use of any
42 project except upon the payment of such tolls as may from time to
43 time be prescribed by the authority and that further makes it a
44 violation subject to a civil penalty for any person to refuse to pay, to
45 evade, or to attempt to evade the payment of such tolls, if the violation
46 is recorded by a toll collection monitoring system as defined in this

1 section.

2 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

3 (cf: P.L.1997,c.59,s.6)

4

5 37. Section 7 of P.L.1997, c.59 (C.27:23-34.2) is amended to read
6 as follows:

7 7. a. The authority may, in accordance with the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll
9 collection monitoring system regulations. The regulations shall
10 include a procedure for processing toll violations and for the treatment
11 of inadvertent violations. A person who violates the regulations shall
12 be liable to a civil penalty [of not less than \$50 nor more than \$200
13 per violation] in an amount not to exceed \$500 to be established by
14 the authority. The penalty shall be enforced pursuant to the ["penalty
15 enforcement law," N.J.S.2A:58-1 et seq] "Penalty Enforcement Law
16 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

17 b. Except as provided in subsection b. of section 8 of P.L.1997,
18 c.59 (C.27:23-34.3), an owner of a vehicle shall be jointly and
19 severally liable for the failure of an operator of the vehicle to comply
20 with the toll collection monitoring system regulations. The owner of
21 a vehicle shall be liable if such vehicle was used or operated by the
22 operator with the express or implied permission of the owner when the
23 violation of the toll collection monitoring system regulations was
24 committed, and the evidence of the violation is obtained by a toll
25 collection monitoring system. An owner of a vehicle shall not be liable
26 if the operator of the vehicle has been identified and charged with a
27 violation of section 10 of P.L.1951, c.264 (C.27:23-34) for the same
28 incident.

29 c. A toll collection monitoring system acquired or operated by, or
30 under contract to, the authority shall be so designed that it does not
31 produce one or more photographs, microphotographs, a videotape or
32 other recorded image or images of the face of the operator or any
33 passenger in a motor vehicle.

34 (cf: P.L.1997, c.59, s.7)

35

36 38. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to read
37 as follows:

38 8. a. If a violation of the toll collection monitoring system
39 regulations is committed as evidenced by a toll collection monitoring
40 system, the authority or the agent of the authority may send an
41 advisory and payment request within [30] 60 days of the date of the
42 violation to the owner of the vehicle by regular mail at the address of
43 record for that owner with the Division of Motor Vehicles in the
44 Department of Transportation or with any other motor vehicle
45 licensing authority of another jurisdiction, providing the owner with
46 the opportunity to resolve the matter prior to the issuance of a

1 summons and complaint that charges a violation of the toll collection
2 monitoring system regulations. The advisory and payment request
3 shall contain sufficient information to inform the owner of the nature,
4 date, time and location of the alleged violation. The authority or its
5 agent may require as part of the advisory and payment request that the
6 owner pay to the agent the proper toll and a reasonable administrative
7 fee **[that shall not exceed \$25 per violation]** established by the
8 authority and based upon the actual cost of processing and collecting
9 the violation. If the owner fails to pay the required toll and fee within
10 **[60]** 30 days of the date the advisory and payment request was sent,
11 the owner shall be subject to liability on the **[61st]** 31st day following
12 the date the advisory and payment request was sent for the violation
13 of the toll collection monitoring system regulations by the vehicle
14 operator pursuant to the issuance of a complaint and summons.

15 b. An owner of a vehicle who is a lessor of the vehicle used in
16 violation of the toll collection monitoring system regulations of the
17 authority shall not be liable for the violation of the regulations if the
18 lessor submits to the authority, in a timely manner, a copy of the rental
19 agreement, lease or other contract document covering that vehicle on
20 the date of the violation, with the name and address of the lessee
21 clearly legible to the authority and to the court having jurisdiction over
22 the violation. If the lessor fails to provide the information in a timely
23 manner, the lessor shall be held liable for the violation of the
24 regulations. If the lessor provides the required information to the
25 authority, the lessee of the vehicle on the date of the violation shall be
26 deemed to be the owner of the vehicle for the purposes of sections 6
27 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5)
28 and the toll collection monitoring system regulations and shall be
29 subject to liability for the violation of the regulations.

30 c. A certified report of an employee or agent of the authority
31 reporting a violation of the toll collection monitoring system
32 regulations and any information obtained from a toll collection
33 monitoring system shall be available for the exclusive use of the
34 authority and any law enforcement official for the purposes of
35 discharging their duties pursuant to sections 6 through 10 of P.L.1997,
36 c.59 (C.27:23-34.1 through C.27:23-34.5) and the toll collection
37 monitoring system regulations. Any such report or information shall
38 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et
39 seq.) or the common law concerning access to public records. The
40 certified reports and information shall not be discoverable as a public
41 record by any person, entity or governmental agency, nor shall they be
42 offered in evidence in any civil, criminal or administrative proceeding,
43 not directly related to a violation of the toll collection monitoring
44 system regulations. However, in the event that, notwithstanding the
45 provisions of subsection c. of section 7 of this act, a recorded image
46 of the face of the operator or any passenger in a motor vehicle is

1 produced by the toll collection monitoring system, that image shall not
2 be used by the authority for any purpose nor shall the image or any
3 record or copy thereof be transmitted or communicated to any person,
4 governmental, non-governmental, or judicial or administrative entity.

5 d. A complaint and summons charging a violation of the toll
6 collection monitoring system regulations shall be on a form prescribed
7 by the Administrative Director of the Courts pursuant to the Rules
8 Governing the Courts of the State of New Jersey. The authority may
9 authorize by regulation an employee or agent to be a complaining
10 witness to make, sign, and initiate complaints and to issue summonses
11 in the name of the authority on behalf of the State of New Jersey,
12 pursuant to the Rules Governing the Courts of the State of New
13 Jersey. The complaints and summonses may be made on information
14 based upon evidence obtained by a toll collection monitoring system,
15 the toll collection monitoring system record and the records of the
16 Division of Motor Vehicles in the Department of Transportation or of
17 any other state, province, or motor vehicle licensing authority.

18 Service may be made by means provided by the Rules Governing
19 the Courts of the State of New Jersey.

20 Except as provided in subsection c. of this section, the recorded
21 images produced by a toll collection monitoring system shall be
22 considered an official record kept in the ordinary course of business
23 and shall be admissible in a proceeding for a violation of any toll
24 collection monitoring system regulations.

25 e. The municipal court of the municipality wherein a toll collection
26 monitoring system record was made shall have jurisdiction to hear
27 violations of the toll collection monitoring system regulations.
28 Violations shall be enforced and penalties collected pursuant to ["the
29 penalty enforcement law", N.J.S.2A:58-1 et seq] the "Penalty
30 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
31 proceeding and a judgment arising therefrom shall be pursued and
32 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.
33 and the Rules Governing the Courts of the State of New Jersey.

34 In addition to the civil penalty that may be assessed by a court
35 having jurisdiction for a violation of the toll collection monitoring
36 system regulations, a court shall require the defendant to pay the
37 proper toll and [may] shall require the defendant to pay a reasonable
38 administrative fee [that shall not exceed \$25 per violation if the
39 authority has previously sent an advisory and payment request to the
40 defendant] as determined by the authority . Following collection and
41 distribution of the fees set forth in section 11 of P.L.1953, c.22
42 (C.22A:3-4), any tolls and administrative fees imposed and collected
43 by the court for a violation of the toll collection monitoring system
44 regulations shall be promptly remitted to the authority by the court.
45 The civil penalty shall be distributed pursuant to the [penalty
46 enforcement law," N.J.S.2A:58-1 et seq] "Penalty Enforcement Law

1 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

2 (cf: P.L.1997, c.59, s.8)

3

4 39. Section 1 of P.L.1961, c.134 (C.27:23-40) is amended to read
5 as follows:

6 1. No toll shall be charged for the passage of any ambulance,
7 first-aid or emergency-aid vehicle or of any vehicular fire-fighting
8 apparatus or police vehicle operated for the benefit of the public by the
9 State of New Jersey, or by any county or municipal corporation, or
10 nonprofit corporation or organization, first-aid squad, emergency
11 squad, or fire or police department, of New Jersey through or over the
12 facilities of the New Jersey Turnpike Authority, or any part thereof,
13 and any such vehicle or apparatus shall be entitled to pass through or
14 over without the payment of any toll for such passage. The authority
15 may in its discretion establish other categories of public safety related
16 free passage with due consideration of the rights of bondholders.

17 (cf: P.L.1961, c.134, s.1)

18

19 40. The title of P.L.1948, 454 is amended to read as follows:

20 An act to facilitate vehicular traffic in the State of New Jersey by
21 providing for the acquisition, construction, maintenance, improvement,
22 management, repair and operation of [turnpike] transportation
23 projects; creating the New Jersey Turnpike Authority and defining its
24 powers and duties; providing for financing such projects by the
25 issuance of [turnpike] transportation revenue bonds or notes of the
26 authority, payable [solely] from the tolls, other revenues and proceeds
27 of [such] bonds or notes and other available sources; and providing for
28 the collection of tolls and other revenues to pay the cost of
29 acquisition, construction, maintenance, improvement, management,
30 repair and operation of such projects and to pay such bonds and notes
31 and the interest thereon.

32 (cf: P.L.1967, c.150, s.1)

33

34 41. (New section) For the purpose of aiding and cooperating in
35 the acquisition, construction, or operation of any non-highway
36 transportation project of the authority, any county or municipality
37 may, upon agreement with the authority and in the manner provided
38 by law:

39 a. Appropriate moneys for the purposes of the authority and loan
40 or donate the money to the authority in the installments and upon the
41 terms as may be agreed upon by the authority.

42 b. Perform any act for the authority which it is empowered by law
43 to perform;

44 c. Incur indebtedness, borrow money and issue bonds or notes for
45 the purpose of financing a project pursuant to the provisions of the
46 "Local Bond Law," (N.J.S.40A:2-1 et seq.) and

1 d. Unconditionally guarantee the punctual payment of the principal
2 of and interest on any bonds or notes of the authority.

3
4 42. (New section) Subject to the terms of any agreement by the
5 authority with the holders of bonds, the authority is authorized to
6 acquire in cooperation with the Department of Environmental
7 Protection limited roadside areas adjoining highway projects and
8 transfer any or all such areas to the Department of Environmental
9 Protection for maintenance as roadside parks.

10
11 43. (New section) Subject to the terms of any agreement by the
12 authority with the holders of bonds, the authority shall have power to
13 lend, lease, grant or convey to the Department of Environmental
14 Protection at its request upon such terms and conditions and with such
15 reservations as the authority shall deem reasonable and fair, any park
16 or recreational areas or facilities owned by the authority, and after
17 such loan, lease, grant or conveyance the park or recreational areas or
18 facilities so loaned, leased, granted or conveyed shall no longer
19 constitute part of a project.

20
21 44. (New section) The authority, as the successor to the Highway
22 Authority, may provide for the perpetual maintenance of the Vietnam
23 Veterans' Memorial in accordance with the agreement executed by the
24 Highway Authority, pursuant to section 2 of P.L.1991, c.70
25 (C.27:12B-5.4), repealed by this act, and the Legislature shall
26 appropriate to the Department of Military and Veterans' Affairs for
27 payment to the authority such funds from the Vietnam Veterans'
28 Memorial Fund, created under section 4 of P.L.1985, c.494
29 (C.52:18A-208), and any other source of available revenue, as may be
30 necessary for the authority to carry out its responsibilities under this
31 section.

32
33 45. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read as
34 follows:

35 6. a. The authority, pursuant to the provisions of P.L.1971, c.137
36 (C.5:10-1 et seq.), is hereby authorized and empowered, either alone
37 or in conjunction with others, and provided that, in the case of an
38 arrangement with respect to any of the projects set forth in this section
39 which shall be in conjunction with others, the authority shall have
40 sufficient right and power to carry out the public purposes set forth in
41 P.L.1971, c.137 (C.5:10-1 et seq.):

42 (1) To establish, develop, construct, operate, acquire, own,
43 manage, promote, maintain, repair, reconstruct, restore, improve and
44 otherwise effectuate, either directly or indirectly through lessees,
45 licensees or agents, a project to be located in the Hackensack
46 meadowlands upon a site not to exceed 750 acres and upon a site or

1 sites outside of that acreage, but either immediately contiguous thereto
2 or immediately across any public road which borders that acreage,
3 consisting of one or more stadiums, coliseums, arenas, pavilions,
4 stands, field houses, playing fields, recreation centers, courts,
5 gymnasiums, clubhouses, a racetrack for the holding of horse race
6 meetings, and other buildings, structures, facilities, properties and
7 appurtenances related to, incidental to, necessary for, or
8 complementary to a complex suitable for the holding of athletic
9 contests or other sporting events, or trade shows, exhibitions,
10 spectacles, public meetings, entertainment events or other expositions,
11 including, but not limited to, driveways, roads, approaches, parking
12 areas, parks, recreation areas, lodging facilities, vending facilities,
13 restaurants, transportation structures, systems and facilities, and
14 equipment, furnishings, and all other structures and appurtenant
15 facilities, related to, incidental to, necessary for, or complementary to
16 the purposes of that project or any facility thereof.

17 (2) To establish, develop, construct, acquire, lease or own,
18 operate, manage, promote, maintain, repair, reconstruct, restore,
19 improve and otherwise effectuate, either directly or indirectly through
20 lessees, licensees or agents, a project, at a site within the State of New
21 Jersey, consisting of a baseball stadium and other buildings, structures,
22 facilities, properties and appurtenances related thereto, or incidental
23 to, necessary for, or complementary to a complex suitable for the
24 holding of professional baseball games and other athletic contests or
25 sporting events, or trade shows, exhibitions, spectacles, public
26 meetings, entertainment events or other expositions, such project to
27 include driveways, roads, approaches, parking areas, parks, recreation
28 areas, vending facilities, restaurants, transportation structures, systems
29 and facilities, and equipment, furnishings and all other structures and
30 appurtenant facilities related to, incidental to, necessary for, or
31 complementary to the purposes of that project or any facility thereof.

32 (3) To establish, develop, construct, acquire, lease or own,
33 operate, manage, promote, maintain, repair, reconstruct, restore,
34 improve and otherwise effectuate, either directly or indirectly through
35 lessees, licensees or agents, projects located within the State of New
36 Jersey, but outside of the meadowlands complex, consisting of
37 aquariums and the buildings, structures, facilities, properties and
38 appurtenances related thereto, or incidental to, necessary for, or
39 complementary to those aquariums, such project to include driveways,
40 roads, approaches, parking areas, parks, recreation areas, vending
41 facilities, restaurants, transportation structures, systems and facilities,
42 and equipment, furnishings and all other structures and appurtenant
43 facilities related to, incidental to, necessary for, or complementary to
44 the purposes of that project or any facility thereof. To provide for a
45 project authorized under this paragraph:

46 (a) (Deleted by amendment, P.L.1988, c.172.)

1 (b) The authority is authorized to enter into agreements with the
2 State Treasurer providing for the acquisition and construction of an
3 aquarium by the authority, including the land necessary for the
4 aquarium, and the costs thereof, ownership of the aquarium and its
5 land which shall be conveyed to the State upon completion, and the
6 operation by the authority of the aquarium pursuant to a lease or other
7 agreement with the State containing such terms and conditions as the
8 State Treasurer may establish prior to the acquisition and construction
9 by the authority of the aquarium and the disbursements of funds
10 therefor. The State Treasurer is authorized to enter into a lease or
11 other agreement to effectuate the provisions of this subparagraph.

12 (4) To establish, develop, construct, acquire, own, operate,
13 manage, promote, maintain, repair, reconstruct, restore, improve and
14 otherwise effectuate, either directly or indirectly through lessees,
15 licensees or agents, a project consisting of an exposition or
16 entertainment center or hotel or office complex, including any
17 buildings, structures, properties and appurtenances related thereto,
18 incidental thereto, necessary therefor, or complementary thereto, such
19 project to include driveways, roads, approaches, parking areas, parks,
20 recreation areas, vending facilities, restaurants, transportation
21 structures, systems, and equipment, furnishings and all other structures
22 and appurtenances related to, incidental to, necessary for, or
23 complementary to, the purposes of that project. A project authorized
24 under this paragraph may be located within, immediately contiguous
25 to, or immediately across any public road which borders the site of any
26 other project of the authority, except the site of a racetrack authorized
27 by paragraph (5) of this subsection and acquired by the authority prior
28 to 1986.

29 (5) To establish, develop, construct, acquire, own, operate,
30 manage, promote, maintain, repair, reconstruct, restore, improve and
31 otherwise effectuate, either directly or indirectly through lessees,
32 licensees or agents, projects consisting of (a) racetrack facilities
33 located within the State of New Jersey, but outside of the
34 meadowlands complex, (b) their contiguous properties, and (c) their
35 auxiliary facilities, including, without limitation, pavilions, stands, field
36 houses, clubhouses, training tracks for horses, racetracks for the
37 holding of horse race meetings, fairgrounds, other exposition facilities,
38 and other buildings, structures, facilities, properties and appurtenances
39 related to, incidental to, necessary for, or complementary to a complex
40 suitable for the holding of horse race meetings, other sporting events,
41 or trade shows, exhibitions, spectacles, public meetings, entertainment
42 events or other expositions, including, but not limited to, driveways,
43 roads, approaches, parking areas, parks, recreation areas, lodging
44 facilities, vending facilities, restaurants, transportation structures,
45 systems and facilities, equipment, furnishings, and all other structures
46 and appurtenant facilities related to, incidental to, necessary for, or

1 complementary to the purposes of any of those projects or any facility
2 thereof.

3 Notwithstanding any law to the contrary, the acquisition of any
4 existing racetrack facility in and licensed by the State of New Jersey
5 shall be permitted on the condition that payments equivalent to all
6 municipal, school board and county taxes due to each entity shall be
7 paid by the authority to the extent and in accordance with the same
8 payment schedule as taxes would have been paid each year, as though
9 the racetrack facility remained in private ownership. In the event the
10 authority conveys lands or other parts of the racetrack facility to
11 others, the authority shall receive a reduction of such payments
12 commensurate with the amount required to be paid by the subsequent
13 owner of the lands and improvements disposed of by the authority. In
14 addition, the authority shall be responsible for paying all existing local
15 franchise fees, license and parking tax fees in effect at the time of the
16 acquisition.

17 (6) To establish, develop, acquire, own, operate, manage, promote
18 and otherwise effectuate, in whole or in part, either directly or
19 indirectly through lessees, licensees or agents, projects consisting of
20 events, expositions, teams, team franchises or membership in
21 professional sports leagues.

22 (7) To establish, develop, construct, acquire, own, operate,
23 manage, promote, maintain, repair, reconstruct, restore, improve and
24 otherwise effectuate, either directly or indirectly through lessees,
25 licensees or agents, projects consisting of facilities, at a site or sites
26 within the State of New Jersey and either within or without the
27 meadowlands complex, that are related to, incidental to, necessary for,
28 or complementary to the accomplishment or purpose of any project of
29 the authority authorized by this section, including any buildings,
30 structures, properties and appurtenances related thereto, incidental
31 thereto, necessary therefor, or complementary thereto, such projects
32 to include driveways, roads, approaches, parking areas, parks,
33 recreation areas, off-track and account wagering systems and facilities
34 or any interest therein, vending facilities, restaurants, transportation
35 structures, systems, and equipment, furnishings and all other structures
36 and appurtenances related to, incidental to, necessary for, or
37 complementary to the purposes of those projects.

38 (8) To establish, develop, acquire, construct, reconstruct, improve
39 and otherwise effectuate for transfer to, and for use and operation by,
40 Rutgers, the State University, either directly or indirectly through
41 lessees, licensees or agents, facilities located or to be located on
42 property owned, leased, or otherwise used by Rutgers, the State
43 University, consisting of an upgraded and expanded football stadium
44 and a new track and field, soccer and lacrosse facility and the
45 buildings, structures, properties and appurtenances related thereto, or
46 incidental to, necessary for, or complementary to the football stadium

1 and track and field, soccer and lacrosse facility, such facilities to
2 include driveways, access roads, approaches, parking areas, parks,
3 recreation areas, vending facilities, restaurants, transportation
4 structures, systems and equipment, furnishings and all other structures
5 and appurtenances related or incidental to, necessary for, or
6 complementary to the purposes of those facilities; provided however
7 that construction shall not begin on the expansion of the seating
8 capacity of Rutgers Stadium until the Commissioner of Transportation
9 certifies that all funding necessary to complete the Route 18 project in
10 Piscataway Township has been appropriated and construction has
11 begun on the Route 18 project in Piscataway Township under the
12 Department of Transportation's capital program.

13 (9) To acquire by purchase, lease or otherwise, and to develop,
14 construct, operate, own, lease, manage, repair, reconstruct, restore,
15 improve, enlarge or otherwise effectuate, either directly or through
16 lessees, licensees or agents, a convention center project in the city of
17 Atlantic City, Atlantic County, consisting of the existing convention
18 hall and a new convention hall or center, and associated parking areas
19 and railroad terminal facilities and including the leasing of adjacent
20 land for hotel facilities. In connection therewith, the authority is
21 authorized to:

22 (a) Assume existing leasehold or other contractual obligations
23 pertaining to any such facilities or properties or to make provision for
24 the payment or retirement of any debts and obligations of the
25 governmental entity operating any such convention hall or center or of
26 any bonds or other obligations payable from and secured by a lien on
27 or pledge of the luxury tax revenues;

28 (b) Make loans or payments in aid of construction with respect to
29 infrastructure and site development for properties located in the area
30 between the sites of the existing convention hall and a new convention
31 center or located contiguous to or across any public road which
32 borders the area;

33 (c) Convert the existing convention hall or any facilities, structures
34 or properties thereof, or any part thereof, not disposed of by the
35 authority, to any sports, exposition, exhibition, or entertainment use
36 or to use as a forum for public events or meetings, or to any other use
37 which the authority shall determine to be consistent with its operation
38 of the Atlantic City convention center project.

39 (10) To provide a feasibility study for the use and development of
40 the existing convention center in the city of Asbury Park, county of
41 Monmouth and to provide a feasibility study for the construction, use
42 and development of a convention center or recreational facility in any
43 other municipality.

44 (11) To provide funding to public or private institutions of higher
45 education in the State to establish, develop, acquire, construct,
46 reconstruct or improve facilities located or to be located on property

1 owned, leased, or otherwise used by an institution, consisting of sports
2 facilities and the buildings, structures, properties and appurtenances
3 related thereto, or incidental to, necessary for, or complementary to
4 those sports facilities, such facilities to include driveways, access
5 roads, approaches, parking areas, parks, recreation areas, vending
6 facilities, restaurants, transportation structures, systems and
7 equipment, furnishings and all other structures and appurtenances
8 related or incidental to, necessary for, or complementary to the
9 purposes of those facilities.

10 (12) To acquire by purchase, lease, or otherwise, including all
11 right, title and interest of the Greater Wildwood Tourism Improvement
12 Development Authority in any property, and to develop, construct,
13 operate, own, lease, manage, repair, reconstruct, restore, improve,
14 enlarge or otherwise effectuate, either directly or through lessees,
15 licensees or agents, a convention center facility in the City of
16 Wildwood, Cape May County, consisting of and including any existing
17 and acquired buildings, structures, properties and appurtenances and
18 including restaurants, retail businesses, access roads, approaches,
19 parking areas, transportation structures and systems, recreation areas,
20 equipment, furnishings, vending facilities, and all other structures and
21 appurtenances incidental to, necessary for, or complementary to the
22 purpose of such Wildwood convention center facility. In connection
23 therewith, the authority is expressly authorized to:

24 (a) assume any existing mortgages, leaseholds or other contractual
25 obligations or encumbrances with respect to the site of the Wildwood
26 convention center facility and any other existing and acquired
27 buildings, structures, properties, and appurtenances;

28 (b) enter into agreements with a local public body or bodies
29 providing for any necessary financial support or other assistance for
30 the operation and maintenance of such Wildwood convention center
31 facility from taxes or other sources of the local public body or bodies
32 as shall be made available for such purposes;

33 (c) to the extent permitted by law and by the terms of the bonds
34 or notes issued to finance the Wildwood convention center facility,
35 transfer its ownership interest or other rights with respect to the
36 convention center facility to another State authority or agency;

37 (d) upon payment of all outstanding bonds and notes issued
38 therefore, transfer its ownership interest and other rights with respect
39 thereto to such other public body as shall be authorized to own and
40 operate such a facility; and

41 (e) convert any existing convention hall or any facilities, structures
42 or properties thereof, or any part thereof, not disposed of by the
43 authority, to any use which the authority shall determine to be
44 consistent with the operation of the Wildwood convention center
45 facility.

46 (13) To acquire by purchase, lease or otherwise, and to develop,

1 construct, own, lease, manage, repair, reconstruct, restore, improve,
2 enlarge or otherwise effectuate, either directly or through lessees,
3 licenses, or agents, all right, title, or interest in the Garden State Arts
4 Center in Holmdel, Monmouth County, and any related or auxiliary
5 facilities and to transfer its interest in the Garden State Arts Center
6 and any related or auxiliary facilities to such other public body that is
7 authorized to own and operate such a facility, or other entity,
8 according to such terms and process as the authority may establish in
9 its discretion.

10 b. The authority, pursuant to the provisions of P.L.1971, c.137
11 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the
12 projects, capital contributions to others for transportation and other
13 facilities, and accommodations for the public's use of any of those
14 projects, (2) to lease any part of any of those project sites not
15 occupied or to be occupied by the facilities of any of those projects,
16 for purposes determined by the authority to be consistent with or
17 related to the purposes of those projects, including, but not limited to,
18 hotels and other accommodations for transients and other facilities
19 related to or incidental to any of those projects, and (3) to sell or
20 dispose of any real or personal property, including, but not limited to,
21 such portion of the site of any of those projects not occupied or to be
22 occupied by the facilities of any of those projects, at not less than the
23 fair market value of the property, except in the case of sale or
24 disposition to the State, any political subdivision of the State or any
25 agency or instrumentality of the State or any political subdivision of
26 the State.

27 c. Revenues, moneys or other funds, if any, derived from the
28 operation or ownership of the meadowlands complex, including the
29 conduct of horse race meetings, shall be applied, in accordance with
30 the resolution or resolutions authorizing or relating to the issuance of
31 bonds or notes of the authority, to the following purposes and in the
32 following order:

33 (1) The costs of operation and maintenance of the meadowlands
34 complex and reserves therefor;

35 (2) Principal, sinking fund installments and redemption premiums
36 of and interest on any bonds or notes of the authority payable from
37 such revenues, moneys or other funds and issued for the purposes of
38 the meadowlands complex or for the purposes of refunding the same,
39 including reserves and payments with respect to credit agreements
40 therefor;

41 (3) The costs of any major or extraordinary repairs, renewals or
42 replacements with respect to the meadowlands complex or incidental
43 improvements thereto, not paid pursuant to paragraph (1) above,
44 including reserves therefor;

45 (4) Payments required to be made pursuant to section 18b.;

46 (5) Payments authorized to be made pursuant to section 18c.;

1 (6) Except to the extent payments with respect to bonds or notes
2 are provided with priority in accordance with paragraph (2) of this
3 subsection, payments required to be made in accordance with the
4 resolution authorizing or relating to the issuance of bonds or notes of
5 the authority, for the purposes of any project authorized by this act,
6 including payments and reserves with respect to any bonds or notes of
7 the authority with respect to the meadowlands complex which are not
8 provided with priority in accordance with paragraph (2) of this
9 subsection;

10 (7) Payments required to be made to repay any obligation incurred
11 by the authority to the State;

12 (8) The balance remaining after application in accordance with the
13 above shall be deposited in the General State Fund, provided that (a)
14 there shall be appropriated for authorized State purposes from the
15 amount so deposited that amount which shall be calculated by the
16 State Treasurer to be the debt service savings realized with respect to
17 the refinancing of the initial project as defined in section 1 of
18 P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the
19 issuance of bonds of the authority guaranteed by the State, and (b)
20 after such appropriation, 40% of any balance remaining from the
21 amounts so deposited shall be appropriated to the Meadowlands
22 Commission for any of its purposes authorized by P.L.1968, c.404,
23 and any amendments or supplements thereto.

24 d. Revenues, moneys or other funds, if any, derived from the
25 operation or ownership of any project other than the meadowlands
26 complex, the Atlantic City convention center project, or the Wildwood
27 convention center facility and other than a baseball stadium project or
28 an office complex project located on the site of a baseball stadium
29 shall be applied for such purposes, in such manner and subject to such
30 conditions as shall be provided in the resolution authorizing or relating
31 to the issuance of bonds or notes of the authority for the purposes of
32 such project, and the balance, if any, remaining after such application
33 may be applied, to the extent not contrary to or inconsistent with the
34 resolution, in the following order (1) to the purposes of the
35 meadowlands complex, unless otherwise agreed upon by the State
36 Treasurer and the authority, (2) to the purposes of any other project
37 of the authority; and, the balance remaining, if any, shall be deposited
38 in the General Fund.

39 e. Revenues, moneys or other funds, if any, derived from the
40 operation, ownership, or leasing of a baseball stadium project or an
41 office complex project located on the site of a baseball stadium shall
42 be applied for the purposes, in the manner and subject to the
43 conditions as shall be provided in the resolution authorizing or relating
44 to the issuance of bonds or notes of the authority for the purposes of
45 a baseball stadium project or an office complex project located on the
46 site of a baseball stadium, if any, and the balance, if any, remaining

1 after such application shall be applied, to the extent not contrary to or
2 inconsistent with the resolution, to the following purposes and in the
3 following order:

4 (1) The costs of operation and maintenance of a baseball stadium
5 project and an office complex project located on the site of a baseball
6 stadium and reserves therefor;

7 (2) Payments made to repay the bonded indebtedness incurred by
8 the authority for the purposes of a baseball stadium project or an
9 office complex project located on the site of a baseball stadium;

10 (3) Payments equivalent to an amount required to be made by the
11 State for payments in lieu of taxes pursuant to P.L.1977, c.272
12 (C.54:4-2.2a et seq.);

13 (4) The balance remaining after application in accordance with the
14 above shall be deposited in the General Fund.

15 f. Revenues, moneys or other funds, if any, derived from the
16 operation, ownership or leasing of the Atlantic City convention center
17 project shall be applied to the costs of operating and maintaining the
18 Atlantic City convention center project and to the other purposes set
19 forth in this subsection as shall be provided by resolution of the
20 authority.

21 Luxury tax revenues paid to the authority by the State Treasurer
22 pursuant to section 14 of P.L.1991, c.375 (C.5:10-14.4) shall be
23 deposited by the authority in a separate fund or account and applied
24 to the following purposes and in the following order:

25 (1) To pay the principal, sinking fund installments and redemption
26 premiums of and interest on any bonds or notes of the authority,
27 including bonds or notes of the authority issued for the purpose of
28 refunding bonds or notes, issued for purposes of (i) the initial
29 acquisition of the existing properties which will constitute part of the
30 Atlantic City convention center project, if the bonds or notes shall be
31 payable under the terms of the resolution of the authority relating
32 thereto from luxury tax revenues, or (ii) providing improvements,
33 additions or replacements to the Atlantic City convention center
34 project, if the bonds or notes shall be payable under the terms of the
35 resolution of the authority relating thereto from luxury tax revenues;
36 and to pay any amounts due from the authority under any credit
37 agreement entered into by the authority in connection with the bonds
38 or notes.

39 (2) To pay the costs of operation and maintenance of the Atlantic
40 City convention center project.

41 (3) To establish and maintain a working capital and maintenance
42 reserve fund for the Atlantic City convention center project in an
43 amount as shall be determined by the authority to be necessary.

44 (4) To repay to the State those amounts paid by the State with
45 respect to bonds or notes of the authority issued for the purposes of
46 the Atlantic City convention center project.

1 (5) The balance of any luxury tax revenues not required for any of
2 the foregoing purposes and remaining at the end of any calendar year
3 shall be paid to the State Treasurer for application to purposes in the
4 city of Atlantic City pursuant to section 5 of P.L.1981, c.461
5 (C.40:48-8.30a).

6 The authority may pledge the luxury tax revenues paid to it as
7 provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as security
8 for the payment of the principal of and interest or premium on its
9 bonds or notes issued for the purposes set forth above in paragraph (1)
10 of this subsection f. in the same manner, to the same extent and with
11 the same effect as the pledge of any of its other revenues, receipts and
12 funds authorized by P.L.1971, c.137 (C.5:10-1 et seq.).

13 g. Revenues, moneys or other funds, if any, derived from the
14 ownership or operation of the Wildwood convention center facility
15 shall be applied to the costs of operating and maintaining the
16 Wildwood convention center facility and to the other purposes set
17 forth in this subsection as shall be provided by resolution of the
18 authority.

19 The tourism related tax revenues paid to the authority pursuant to
20 subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall be
21 deposited by the authority in a separate fund or account and applied
22 to any or all of the following purposes pursuant to an allocation of
23 funds approved by the State Treasurer in writing and in advance of any
24 application of such funds:

25 (1) to pay amounts due with respect to any obligations transferred
26 to the authority pursuant to section 17 of P.L.1997, c.273
27 (C.40:54D-25.1) pertaining to the Wildwood convention center
28 facility;

29 (2) to repay to the State those amounts paid with respect to bonds
30 or notes of the authority issued for the purposes of the Wildwood
31 convention center facility;

32 (3) to pay the cost of operation and maintenance reserve for the
33 Wildwood convention center facility;

34 (4) to establish and maintain a working capital and maintenance of
35 the Wildwood convention center facility.

36 The balance, if any, of any tourism related tax revenues not
37 allocated to any of the purposes set forth in the previous paragraphs
38 and remaining at the end of the calendar year shall be paid to the State
39 Treasurer for deposit in the General Fund.

40 (cf: P.L.2001, c.199, s.38)

41

42 46. Section 11 of P.L.1997, c.59 (C.27:25A-21.1) is amended to
43 read as follows:

44 11. As used in sections 11 through 15 of P.L.1997, c.59
45 (C.27:25A-21.1 through C.27:25A-21.5):

46 "Authority" means the South Jersey Transportation Authority

1 established by section 4 of P.L.1991, c.252 (C.27:25A-4).

2 "Lessee" means any person, corporation, firm, partnership, agency,
3 association or organization that rents, leases or contracts for the use
4 of a vehicle and has exclusive use of the vehicle for any period of time.

5 "Lessor" means any person, corporation, firm, partnership, agency,
6 association or organization engaged in the business of renting or
7 leasing vehicles to any lessee under a rental agreement, lease or other
8 contract that provides the lessee with the exclusive use of the vehicle
9 for any period of time.

10 "Operator" means the term "operator" as defined in R.S.39:1-1.

11 "Owner" means the term "owner" as defined in R.S.39:1-1.

12 "Toll collection monitoring system" means a vehicle sensor, placed
13 in a location to work in conjunction with a toll collection facility, that
14 produces one or more photographs, one or more microphotographs,
15 a videotape or other recorded images, or a written record, of a vehicle
16 at the time the vehicle is used or operated in a violation of the toll
17 collection monitoring system regulations. The term shall also include
18 any other [technology] process that identifies a vehicle by
19 photographic, electronic or other method.

20 "Toll collection monitoring system regulations" means the
21 regulations authorized and adopted pursuant to section 12 of
22 P.L.1997, c.59 (C.27:25A-21.2) that prohibit a vehicle from making
23 use of any project except upon the payment of such tolls as may from
24 time to time be prescribed by the authority and that further makes it a
25 violation subject to a civil penalty for any person to refuse to pay, to
26 evade, or to attempt to evade the payment of such tolls, if the violation
27 is recorded by a toll collection monitoring system as defined in this
28 section.

29 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

30 (cf: P.L.1997,c.59,s.11)

31

32 47. Section 12 of P.L.1997, c.59 (C.27:25A-21.2) is amended to
33 read as follows:

34 12. a. The authority may, in accordance with the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll
36 collection monitoring system regulations. The regulations shall
37 include a procedure for processing toll violations and for the treatment
38 of inadvertent violations. A person who violates the regulations shall
39 be liable to a civil penalty [of not less than \$50 nor more than \$200
40 per violation] in an amount not to exceed \$500 to be established by
41 the authority. The penalty shall be enforced pursuant to ["the penalty
42 enforcement law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement
43 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

44 b. Except as provided in subsection b. of section 13 of P.L.1997,
45 c.59 (C.27:25A-21.3), an owner of a vehicle shall be jointly and
46 severally liable for the failure of an operator of the vehicle to comply

1 with the toll collection monitoring system regulations. The owner of
2 a vehicle shall be liable if such vehicle was used or operated by the
3 operator with the express or implied permission of the owner when the
4 violation of the toll collection monitoring system regulations was
5 committed, and the evidence of the violation is obtained by a toll
6 collection monitoring system. An owner of a vehicle shall not be liable
7 if the operator of the vehicle has been identified and charged with a
8 violation of section 21 of P.L.1991, c.252 (C.27:25A-21) for the same
9 incident.

10 c. A toll collection monitoring system acquired or operated by, or
11 under contract to, the authority shall be so designed that it does not
12 produce one or more photographs, microphotographs, a videotape or
13 other recorded image or images of the face of the operator or any
14 passenger in a motor vehicle.

15 (cf: P.L.1997, c.59, s.12)

16

17 48. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to
18 read as follows:

19 13. a. If a violation of the toll collection monitoring system
20 regulations is committed as evidenced by a toll collection monitoring
21 system, the authority or the agent of the authority may send an
22 advisory and payment request within [~~30~~] 60 days of the date of the
23 violation to the owner of the vehicle by regular mail at the address of
24 record for that owner with the Division of Motor Vehicles in the
25 Department of Transportation or with any other motor vehicle
26 licensing authority of another jurisdiction, providing the owner with
27 the opportunity to resolve the matter prior to the issuance of a
28 summons and complaint that charges a violation of the toll collection
29 monitoring system regulations. The advisory and payment request
30 shall contain sufficient information to inform the owner of the nature,
31 date, time and location of the alleged violation. The authority or its
32 agent may require as part of the advisory and payment request that
33 the owner pay to the agent the proper toll and a reasonable
34 administrative fee [~~that shall not exceed \$25 per violation~~] established
35 by the authority and based upon the actual cost of processing and
36 collecting the violation. If the owner fails to pay the required toll and
37 fee within [~~60~~] 30 days of the date the advisory and payment request
38 was sent, the owner shall be subject to liability on the [~~61st~~] 31st day
39 following the date the advisory and payment request was sent for the
40 violation of the toll collection monitoring system regulations by the
41 vehicle operator pursuant to the issuance of a complaint and summons.

42 b. An owner of a vehicle who is a lessor of the vehicle used in
43 violation of the toll collection monitoring system regulations of the
44 authority shall not be liable for the violation of the regulations if the
45 lessor submits to the authority, in a timely manner, a copy of the rental
46 agreement, lease or other contract document covering that vehicle on

1 the date of the violation, with the name and address of the lessee
2 clearly legible to the authority and to the court having jurisdiction over
3 the violation. If the lessor fails to provide the information in a timely
4 manner, the lessor shall be held liable for the violation of the
5 regulations. If the lessor provides the required information to the
6 authority, the lessee of the vehicle on the date of the violation shall be
7 deemed to be the owner of the vehicle for the purposes of sections 11
8 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)
9 and the toll collection monitoring system regulations and shall be
10 subject to liability for the violation of the regulations.

11 c. A certified report of an employee or agent of the authority
12 reporting a violation of the toll collection monitoring system
13 regulations and any information obtained from a toll collection
14 monitoring system shall be available for the exclusive use of the
15 authority and any law enforcement official for the purposes of
16 discharging their duties pursuant to sections 11 through 15 of
17 P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5) and the toll
18 collection monitoring system regulations. Any such report or
19 information shall not be deemed a public record under P.L.1963, c.73
20 (C.47:1A-1 et seq.) or the common law concerning access to public
21 records. The certified reports and information shall not be
22 discoverable as a public record by any person, entity or governmental
23 agency, nor shall they be offered in evidence in any civil, criminal or
24 administrative proceeding, not directly related to a violation of the toll
25 collection monitoring system regulations. However, in the event that,
26 notwithstanding the provisions of subsection c. of section 12 of this
27 act, a recorded image of the face of the operator or any passenger in
28 a motor vehicle is produced by the toll collection monitoring system,
29 that image shall not be used by the authority for any purpose nor shall
30 the image or any record or copy thereof be transmitted or
31 communicated to any person, governmental, non-governmental or
32 judicial or administrative entity.

33 d. A complaint and summons charging a violation of the toll
34 collection monitoring system regulations shall be on a form prescribed
35 by the Administrative Director of the Courts pursuant to the Rules
36 Governing the Courts of the State of New Jersey. The authority may
37 authorize by regulation an employee or agent to be a complaining
38 witness to make, sign, and initiate complaints and to issue summonses
39 in the name of the authority on behalf of the State of New Jersey,
40 pursuant to the Rules Governing the Courts of the State of New
41 Jersey. The complaints and summonses may be made on information
42 based upon evidence obtained by a toll collection monitoring system,
43 the toll collection monitoring system record and the records of the
44 Division of Motor Vehicles in the Department of Transportation or of
45 any other state, province, or motor vehicle licensing authority.

46 Service may be made by means provided by the Rules Governing

1 the Courts of the State of New Jersey.

2 Except as provided in subsection c. of this section, the recorded
3 images produced by a toll collection monitoring system shall be
4 considered an official record kept in the ordinary course of business
5 and shall be admissible in a proceeding for a violation of any toll
6 collection monitoring system regulations.

7 e. The municipal court of the municipality wherein a toll collection
8 monitoring system record was made shall have jurisdiction to hear
9 violations of the toll collection monitoring system regulations.
10 Violations shall be enforced and penalties collected pursuant to ["the
11 penalty enforcement law," N.J.S.2A:58-1 et seq] the "Penalty
12 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
13 proceeding and a judgment arising therefrom shall be pursued and
14 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.
15 and the Rules Governing the Courts of the State of New Jersey.

16 In addition to the civil penalty that may be assessed by a court
17 having jurisdiction for a violation of the toll collection monitoring
18 system regulations, a court shall require the defendant to pay the
19 proper toll and [may] shall require the defendant to pay a reasonable
20 administrative fee [that shall not exceed \$25 per violation if the
21 authority has previously sent an advisory and payment request to the
22 defendant] as established by the authority. Following collection and
23 distribution of the fees set forth in section 11 of P.L.1953, c.22
24 (C.22A:3-4), any tolls and administrative fees imposed and collected
25 by the court for a violation of the toll collection monitoring system
26 regulations shall be promptly remitted to the authority by the court.
27 The civil penalty shall be distributed pursuant to the ["penalty
28 enforcement law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement
29 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

30 (cf: P.L.1997, c.59, s.13)

31

32 49. The following are repealed: Section 1 of P.L.1949, c.40
33 (C.27:23-5.1), section 5 of P.L.1949, c.40 (C.27:23-5.5), section 7 of
34 P.L.1949, c.40 (C.27:23-5.7), P.L.1952, c.16 (C.27:12B-1 et seq.),
35 section 2 of P.L.1970, c.28 (C.27:12B-4.2), section 2 of P.L.1968,
36 c.348 (C.27:12B-5.1), P.L.1985, c.312 (C.27:12B-5.1a), P.L.1968,
37 c.459 (C.27:12B-5.2), section 1 of P.L.2002, c.77 (C.27:12B-5.2a),
38 P.L.1991, c.70 (C.27:12B-5.3 et seq.), P.L.1977, c.361 (C.27:12B-
39 14.1 et seq.), section 2 of P.L.2002, c.114 (C.27:12B-17.1),
40 P.L.1956, c.206 (C.27:12B-18.1), sections 1 through 5 (inclusive) of
41 P.L.1997, c.59 (C.27:12B-18.2 through 18.6), P.L.1970, c.185
42 (C.27:12B-19.1), P.L.1981, c.463 (C.27:12B-20a), section 1 of
43 P.L.1965, c.211 (C.27:12B-20.2), section 2 of P.L.1966, c.284
44 (C.27:12B-21.1), P.L.1953, c.164 (C.27:12B-27 et seq.), P.L.1957,
45 c.89 (C.27:12B-31 et seq.).

46 The repeal of any statute herein shall not be deemed to revive any

1 act previously repealed by any such statute.

2

3 50. This act shall take effect on the Transfer Date, except that
4 section 3, section 8 and the amendment of section 5 of P.L.1948,
5 c.454 (C.27:23-5) adding a new subsection (t), as provided in section
6 9 of this act, shall take effect immediately, provided that the authority
7 shall be granted such powers as are contained herein which shall be
8 necessary or appropriate for it to issue bonds and to take such other
9 actions to effectuate the transfer of the Highway Authority and its
10 projects and functions to the authority as soon as practicable after the
11 date of enactment. The authority may take such anticipatory action in
12 advance as shall be necessary for the implementation of this act.

13

14

15

16

17 Abolishes New Jersey Highway Authority and transfers projects and
18 functions to Turnpike Authority.

SENATE, No. 2352

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 27, 2003

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Abolishes New Jersey Highway Authority and transfers projects and functions to Turnpike Authority.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT abolishing the New Jersey Highway Authority, transferring its
2 projects and functions to the New Jersey Turnpike Authority,
3 altering or increasing certain powers of the New Jersey Turnpike
4 Authority, supplementing P.L.1948, c.454 (C.27:23-1 et seq.) and
5 amending and repealing various parts of the statutory law.

6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9

10 1. (New section) The Legislature finds and declares:

11 a. Increasing traffic and related congestion are impairing the
12 quality of life and economy of the State. In order to deal with the
13 problems of increasing traffic and congestion, it is necessary to
14 provide for a more coordinated and rational organization of the State's
15 two major toll roads by abolishing the New Jersey Highway Authority
16 and providing for the acquisition by the New Jersey Turnpike
17 Authority of the Garden State Parkway and all other projects of the
18 New Jersey Highway Authority.

19 b. The abolishment of the New Jersey Highway Authority and the
20 transfer of its functions to the New Jersey Turnpike Authority will
21 permit improved transportation planning, facilitate more efficient
22 operations, improve the capital budget process and achieve
23 administrative economies.

24 c. Joining the two highways under one umbrella will maintain the
25 historic integrity and separate identities of each roadway while
26 bringing to each economies of scale and financial savings in
27 operations, purchasing, maintenance and administration. These
28 economies and the ability to pool capital resources will create a safer,
29 less congested, better maintained and improved road network. Doing
30 so is vital to fostering a strong State economy and achieving the high
31 quality of life we derive from it.

32 d. The abolishment and transfer will also permit implementation of
33 effective remedies to address the financial, operational and
34 administrative problems that have hitherto plagued the E-ZPass
35 system. This enactment will stem the brewing E-ZPass crisis
36 threatening the very success of the E-ZPass system now enjoyed by
37 nearly 60% of the drivers on the two roadways for its convenience
38 and easing of congestion by permitting a repayment of over \$300
39 million in E-ZPass debt and cost overruns without a toll increase.

40

41 2. Section 1 of P.L.1948, c.454 (C.27:23-1) is amended to read as
42 follows:

43 1. **[Turnpike]** Transportation projects. In order to facilitate

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 underlined thus is new matter.

1 vehicular traffic and remove the present handicaps and hazards on the
2 congested highways in the State, and to provide for the acquisition and
3 construction of modern express highways embodying every known
4 safety device including center divisions, ample shoulder widths, long
5 sight distances, multiple lanes in each direction and grade separations
6 at all intersections with other highways and railroads, and for the
7 purposes enumerated in section 1 of P.L. , c. (C.)(now before the
8 Legislature as this bill), the New Jersey Turnpike Authority
9 [(hereinafter created)] is hereby authorized and empowered to
10 acquire, construct, maintain, improve, manage, repair and operate
11 [turnpike] transportation projects (as hereinafter defined) or any part
12 thereof at such locations as shall be established by the authority in its
13 discretion or by law, and to issue [turnpike] transportation revenue
14 bonds of the Authority, payable [solely] from tolls, other revenues,
15 [and] proceeds of [such] bonds and other available sources to finance
16 such projects.
17 (cf: P.L.1991,c.183, s.3)

18

19 3. (New section) a. Until the Transfer Date, the New Jersey
20 Turnpike Authority (hereinafter the "authority") shall not exercise any
21 powers, rights or duties conferred by this act or by any other law in
22 any way which will interfere with the powers, rights and duties of the
23 New Jersey Highway Authority (hereinafter the "Highway Authority").
24 The authority shall not before the Transfer Date exercise any powers
25 of the Highway Authority. The authority and the Highway Authority
26 are directed to cooperate with each other so that the Transfer Date
27 shall occur as soon as practicable after the date of enactment of this
28 act, and both authorities shall make available information concerning
29 their property and assets, outstanding bonds and other debts,
30 obligations, liabilities and contracts, operations and finances as the
31 authority may require to provide for the retirement of any outstanding
32 bonds, notes or other obligations of either authority and the efficient
33 exercise by the authority of all powers, rights and duties conferred
34 upon it by this act.

35 b. On the Transfer Date: (1) The authority shall assume all of the
36 powers, rights, assets and duties of the Highway Authority to the
37 extent provided by this act, and such powers shall then and thereafter
38 be vested in and shall be exercised by the authority.

39 (2) The terms of office of the members of the Highway Authority
40 shall terminate, the officers having custody of the funds of the
41 Highway Authority shall deliver those funds into the custody of the
42 executive director of the authority, the property and assets of the
43 Highway Authority shall, without further act or deed, become the
44 property and assets of the authority, and the Highway Authority shall
45 cease to exist.

46 (3) The officers and employees of the Highway Authority are

1 transferred to the authority and shall become employees of the
2 authority until determined otherwise by the authority.

3 Nothing in this act shall be construed to deprive any officers or
4 employees of their rights, privileges, obligations or status with respect
5 to any pension or retirement system. The employees shall retain all of
6 their rights and benefits under existing collective negotiation
7 agreements or contracts until such time as new or revised agreements
8 or contracts are agreed to or the existing agreements or contracts
9 expire. All existing employee representatives shall be retained to act
10 on behalf of those employees until such time as the employees shall,
11 pursuant to law, elect to change those representatives. Nothing in this
12 act shall affect the civil service status, if any, of those officers or
13 employees.

14 (4) All debts, liabilities, obligations and contracts of the Highway
15 Authority, except to the extent specifically provided or established to
16 the contrary in this act, are imposed upon the authority, and all
17 creditors of the Highway Authority and persons having claims against
18 or contracts with the Highway Authority of any kind or character may
19 enforce those debts, claims and contracts against the authority as
20 successor to the Highway Authority in the same manner as they might
21 have had against the Highway Authority, and the rights and remedies
22 of those holders, creditors and persons having claims against or
23 contracts with the Highway Authority shall not be limited or restricted
24 in any manner by this act.

25 (5) In continuing the functions, contracts, obligations and duties of
26 the Highway Authority, the authority is authorized to act in its own
27 name or in the name of the Highway Authority as may be convenient
28 or advisable under the circumstances from time to time.

29 (6) Any references to the Highway Authority in any other law or
30 regulation shall be deemed to refer and apply to the authority.

31 (7) All rules and regulations of the Highway Authority shall
32 continue in effect as the rules and regulations of the authority until
33 amended, supplemented or rescinded by the authority in accordance
34 with law. Notwithstanding any requirements of the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
36 the authority may adopt regulations, after notice and an opportunity
37 for public comment, amending, supplementing, modifying or repealing
38 the regulations of both authorities or either of them. Such regulations
39 shall be effective immediately upon filing with the Office of
40 Administrative Law and shall be effective for a period not to exceed
41 18 months from the Transfer Date and they may, thereafter, be
42 amended, adopted or readopted in accordance with the
43 "Administrative Procedure Act." Regulations of the Highway
44 Authority inconsistent with the provisions of this act or of regulations
45 of the authority shall be deemed void if so judged by the authority
46 acting pursuant to the provisions of this paragraph.

1 (8) All operations of the Highway Authority shall continue as
2 operations of the authority until altered by the authority as may be
3 permitted pursuant to this act.

4 (9) The powers vested in the authority by this act shall be
5 construed as being in addition to and not in diminution of the powers
6 heretofore vested by law in the Highway Authority to the extent not
7 otherwise altered or provided for in this act.

8 c. As soon as practicable after the Transfer Date, the authority
9 shall notify the Governor and the presiding officers of each house of
10 the Legislature that the transfer has occurred, the date of the transfer
11 and any other information concerning the transfer the authority deems
12 appropriate.

13 d. On and after the Transfer Date, no officer or employee of the
14 authority shall be granted permanent tenure at the authority.

15
16 4. (New section) The authority, pursuant to the provisions of this
17 act, is hereby authorized to construct, maintain, improve, manage,
18 repair and operate a project known as the "Garden State Parkway,"
19 authorized pursuant to section 20 of P.L.1952, c.16 (C.27:12B-20),
20 repealed by this act, and any other existing project or facility of the
21 Highway Authority.

22
23 5. Section 2 of P.L.1948, c.454 (C.27:23-2) is amended to read as
24 follows:

25 2. ~~【Turnpike】~~ Transportation revenue bonds issued under the
26 provisions of this act shall not be deemed to constitute a debt or
27 liability of the State or of any political subdivision thereof or a pledge
28 of the faith and credit of the State or of any such political subdivision,
29 but such bonds, unless refunded by bonds of the Authority created in
30 this act, shall be payable ~~【solely】~~ from funds pledged or available for
31 their payment as authorized herein. All such ~~【turnpike】~~ transportation
32 revenue bonds shall contain on the face thereof a statement to the
33 effect that the Authority is obligated to pay the same or the interest
34 thereon only from the tolls, other revenues, ~~【and】~~ proceeds of such
35 bonds and other available sources pledged thereto, and that neither the
36 State nor any political subdivision thereof is obligated to pay the
37 ~~【same】~~ principal thereof, premium or the interest thereon and that
38 neither the faith and credit nor the taxing power of the State or any
39 political subdivision thereof is pledged to the payment of the principal
40 of, premium or the interest on such bonds.

41 All expenses incurred in carrying out the provisions of this act shall
42 be payable solely from funds provided under the authority of this act
43 and nothing in this act contained shall be construed to authorize the
44 Authority to incur indebtedness or liability on behalf of or payable by
45 the State or any political subdivision thereof.

46 (cf: P.L.1950, c.1, s.3)

1 6. Section 3 of P.L.1948, c.454 (C.27:23-3) is amended to read as
2 follows:

3 3. New Jersey Turnpike Authority. (A) There is hereby
4 established in the State Department of Transportation a body
5 corporate and politic, with corporate succession, to be known as the
6 "New Jersey Turnpike Authority." The authority is hereby constituted
7 an instrumentality exercising public and essential governmental
8 functions, and the exercise by the authority of the powers conferred by
9 this act in the acquisition, construction, operation and maintenance
10 of [turnpike] transportation projects or any part thereof shall be
11 deemed and held to be an essential governmental function of the State.

12 (B) The New Jersey Turnpike Authority shall consist of six
13 members, as follows: the Commissioner of Transportation, ex officio,
14 or his designee; and five members appointed by the Governor, with the
15 advice and consent of the Senate, each of whom shall be a resident of
16 the State and shall have been a qualified elector therein for a period of
17 at least one year next preceding his appointment. Each appointed
18 member of the authority shall serve for a term of five years and until
19 his successor is appointed and has qualified; except that of the first
20 appointments hereunder, one shall be for a term of two years and one
21 for a term of three years, and they shall serve until their respective
22 successors are appointed and have qualified. The term of each of the
23 first appointees hereunder shall be designated by the Governor. Each
24 appointed member of the authority may be removed from office by the
25 Governor, for cause, after a public hearing. Each member of the
26 authority before entering upon his duties shall take and subscribe an
27 oath to perform the duties of his office faithfully, impartially and justly
28 to the best of his ability. A record of such oaths shall be filed in the
29 office of the Secretary of State. Any vacancies in the appointed
30 membership of the authority occurring other than by expiration of term
31 shall be filled in the same manner as the original appointment, but for
32 the unexpired term only.

33 (C) The Governor shall designate one of the members of the
34 authority as chairman thereof and another member as vice chairman
35 thereof. The chairman and vice chairman of the authority so
36 designated shall serve as such at the pleasure of the Governor and until
37 their respective successors have been designated. The authority shall
38 elect a secretary and a treasurer who need not be members. At the
39 option of the authority the same person may be elected to serve both
40 as secretary and treasurer. Four members of the authority shall
41 constitute a quorum and the vote of four members shall be necessary
42 for any action taken by the authority. No vacancy in the membership
43 of the authority shall impair the right of a quorum to exercise all the
44 rights and perform all the duties of the authority.

45 (D) Each member of the authority shall execute a surety bond in
46 the penal sum of \$25,000.00 and the treasurer shall execute a surety

1 bond in the penal sum of \$50,000.00, each such surety bond to be
2 conditioned upon the faithful performance of the duties of the office
3 of such member or treasurer, as the case may be, to be executed by a
4 surety company authorized to transact business in the State of New
5 Jersey as surety and to be approved by the Attorney General and filed
6 in the office of the Secretary of State.

7 (E) The members of the authority shall not receive compensation
8 for their services as members of the authority. Each member shall be
9 reimbursed by the authority for his actual expenses necessarily
10 incurred in the performance of his duties. Notwithstanding the
11 provisions of any other law, no member shall be deemed to have
12 forfeited, nor shall the member forfeit, the member's office or
13 employment or any benefits or emoluments thereof by reason of the
14 member's acceptance of the office of ex officio member of the
15 authority or the member's services therein.

16 (F) No resolution or other action of the authority providing for the
17 issuance of bonds, notes, refunding bonds or other obligations or for
18 the fixing, revising or adjusting of tolls for the use of any [turnpike]
19 transportation project or parts or sections thereof shall be adopted or
20 otherwise made effective by the authority without the prior approval
21 in writing of the Governor and at least one of the following: the State
22 Treasurer and the Director of the Division of Budget and Accounting
23 in the Department of the Treasury. A true copy of the minutes of
24 every meeting of the authority shall be forthwith delivered by and
25 under the certification of the secretary thereof, to the Governor. No
26 action taken at such meeting by the authority shall have force or effect
27 until 10 days, exclusive of Saturdays, Sundays and public holidays,
28 after such copy of the minutes shall have been so delivered. If, in said
29 10-day period, the Governor returns such copy of the minutes with
30 veto of any action taken by the authority or any member thereof at
31 such meeting such action shall be null and of no effect. The Governor
32 may approve all or part of the action taken at such meeting prior to
33 said 10-day period. The powers conferred in this subsection (F) upon
34 the Governor, the State Treasurer and the Director of the Division of
35 Budget and Accounting in the Department of the Treasury shall be
36 exercised with due regard for the rights of the holders of bonds of the
37 authority at any time outstanding, and nothing in, or done pursuant to,
38 this subsection (F) shall in any way limit, restrict or alter the obligation
39 or powers of the authority or any representative or officer of the
40 authority to carry out and perform in every detail each and every
41 covenant, agreement or contract at any time made or entered into by
42 or on behalf of the authority with respect to its bonds or for the
43 benefit, protection or security of the holders thereof.

44 (G) The ex officio member of the authority may designate an
45 employee of his department to represent him at meetings of the
46 authority. A designee may lawfully vote and otherwise act on behalf

1 of the member for whom he constitutes the designee. The
2 designations shall be in writing and delivered to the authority and shall
3 be effective until revoked or amended by a writing delivered to the
4 authority.

5 (cf: P.L.1991, c.183, s.4)

6

7 7. Section 1 of P.L.1970, c.184 (C.27:23-3.2) is amended to read
8 as follows:

9 1. Notwithstanding any inconsistent provisions of the act hereby
10 supplemented or any other law, the New Jersey Turnpike Authority
11 shall submit to the Governor, the [Chairmen] Chairs of the
12 Appropriations Committees of the Senate and General Assembly, and
13 the Director of the Division of Budget and Accounting of the
14 Department of the Treasury, the following reports:

15 a. Within 90 days after the end of each of its fiscal years, a
16 complete and detailed report of (1) its operations and accomplishments
17 during said year; (2) its receipts and disbursements, or revenues and
18 expenses, during said year in accordance with the categories or
19 classifications established by the authority for its own operating and
20 capital outlay purposes and in accordance with such other categories
21 and classifications as may be designated by any of the persons
22 enumerated in section 1 of this act; (3) its assets and liabilities at the
23 end of said year, including the status of reserve, depreciation, special
24 or other funds and including the receipts and payments of these funds;
25 (4) a schedule of its bonds [and notes] outstanding at the end of said
26 year, together with a statement of the amounts redeemed [and
27 incurred] , authorized, issued and defeased during that year; and (5)
28 a listing of all contracts exceeding \$100,000.00 entered into during
29 said year;

30 b. Before the close of each of its fiscal years, a complete and
31 detailed report of its operating and capital construction budget, in the
32 form and detail established by the authority for its own operating and
33 capital outlay budget and in such form and detail as may be designated
34 by any of the persons enumerated in section 1 of this act for the next
35 succeeding fiscal year, including its receipts and disbursements or
36 revenues and expenses, for the prior fiscal year and its estimated
37 receipts and disbursements, or revenues and expenses, for said year
38 and for the succeeding fiscal year.

39 c. Prior to December 1 of each year, the authority shall prepare
40 and file with the commissioner a Capital Project and Investment Plan
41 that details proposed transportation projects that further the goals of
42 attaining coordinated and integrated Statewide and regional
43 transportation systems. The plan shall address, among other matters,
44 the interconnection of the New Jersey Turnpike and the Garden State
45 Parkway with other transportation systems. The plan should also
46 consider the impact of an improved transportation system on the

1 State's economy. The commissioner is authorized to appoint a
2 five-member advisory committee composed of persons with experience
3 in transportation planning, finance, or economics to review and make
4 recommendations to the commissioner as to the plan.

5 (cf: P.L.1970, c.184, s.1)

6
7 8. Section 4 of P.L.1948, c.454 (C.27:23-4) is amended to read as
8 follows:

9 4. Definitions. As used in this act, the following words and terms
10 shall have the following meanings, unless the context shall indicate
11 another or different meaning or intent:

12 "Act" means P.L.1948, c.454 (C.27:23-1 et seq.), as amended and
13 supplemented.

14 [(a) The word "authority"] "Authority" shall mean the New Jersey
15 Turnpike Authority, created by section 3 of this act, or, if said
16 authority shall be abolished, the board, body or commission
17 succeeding to the principal functions thereof or to whom the powers
18 given by this act to the authority shall be given by law.

19 [(b) The word "project" or the words "turnpike project" shall mean
20 any express highway, superhighway or motorway at such locations and
21 between such termini as may hereafter be established by law, and
22 acquired or to be acquired or constructed or to be constructed under
23 the provisions of this act by the authority, and shall include, but not be
24 limited to all bridges, tunnels, overpasses, underpasses, interchanges,
25 entrance plazas, approaches, toll houses, service areas, service
26 stations, service facilities, communications facilities, and
27 administration, storage and other buildings, directly related to the use
28 of the express highway, superhighway or motorway, intersecting
29 highways and bridges and feeder roads which the authority may deem
30 necessary for the operation of such project, together with all property,
31 rights, easements and interests which may be acquired by the authority
32 for the construction or the operation of such project.]

33 [(c) The word "bonds" or the words "turnpike revenue bonds"]
34 "Bonds" or "transportation revenue bonds" shall mean any bonds,
35 refunding bonds, notes or other obligations issued by [of] the
36 authority authorized under the provisions of this act or issued by or for
37 the Highway Authority.

38 [(d) The word "public highways" shall include all public highways,
39 roads and streets in the State, whether maintained by the State or by
40 any county, city, borough, town, township, village, or other political
41 subdivision.

42 (e) The word "owner" shall include all individuals, copartnerships,
43 associations, private or municipal corporations and all political
44 subdivisions of the State having any title or interest in any property,
45 rights, easements and interests authorized to be acquired by this act.]

46 "Commissioner" means the Commissioner of Transportation.

1 "Construction" or "construct" means the planning, designing,
2 construction, development, reconstruction, rehabilitation,
3 redevelopment, replacement, repair, extension, enlargement,
4 improvement and betterment of highway and transportation projects,
5 and includes the demolition, clearance and removal of buildings or
6 structures on land acquired, held, leased or used for those projects.

7 "Cost" means all or any part of the expenses incurred in connection
8 with the acquisition, construction, operation, management and
9 maintenance of any real property, lands, structures, real or personal
10 property rights, rights-of-way, franchises, easements, and interests
11 acquired or used for a project; any financing charges and reserves for
12 the payment of principal, premium and interest on bonds or notes; the
13 expenses of engineering, appraisal, architectural, accounting, financial,
14 legal and other consulting services; and other expenses as may be
15 necessary, desirable, convenient, or incident to the financing,
16 acquisition, construction, operation, management and maintenance of
17 a project.

18 "Credit Agreement" means loan agreement, lease agreement,
19 revolving credit agreement, agreement establishing a line of credit,
20 letter of credit, reimbursement to purchase bonds, purchase or sale
21 agreements, or commitments or other contracts or agreements
22 authorized and approved by the authority in connection with the
23 authorization, issuance, security, purchase, tender, redemption, or
24 payment of bonds.

25 "Department" means the Department of Transportation.

26 "Feeder road" means any road or highway project that in the
27 determination of the authority is necessary, desirable or convenient to
28 create or facilitate access to a transportation project.

29 "Highway project" means the acquisition, operation, improvement,
30 management, repair, construction and maintenance of the New Jersey
31 Turnpike and of the Garden State Parkway and of the Garden State
32 Arts Center, as transferred to the authority pursuant to P.L. , c.
33 (C.) (now before the Legislature as this bill), and of any other
34 highway or feeder road at the locations and between the termini as
35 may hereafter be established by the authority or by law and acquired
36 or constructed under the provisions of this act by the authority, and
37 shall include but not be limited to all bridges, parking facilities, public
38 highways, feeder roads, tunnels, overpasses, underpasses,
39 interchanges, traffic circles, grade separations, entrance and exit
40 plazas, approaches, toll houses, service areas, stations and facilities,
41 communications facilities, administration, storage and other buildings
42 and facilities, and other structures directly or indirectly related to a
43 transportation project, intersecting highways and bridges and feeder
44 roads which the authority may deem necessary, desirable, or
45 convenient in its discretion for the operation, maintenance or
46 management, either directly or indirectly, of a transportation project,

1 and includes any planning, design or other preparation work necessary
2 for the execution of any highway project, and adjoining park or
3 recreational areas and facilities, directly or indirectly related to the use
4 of a transportation project as the authority shall find to be necessary
5 and desirable, and the costs associated therewith.

6 "Land and improvements" means any area or lands, any interest,
7 right or title in land, including but not limited to, any reversionary
8 right, fee, license or leasehold interest and any real or personal
9 property, structure, facility, building or equipment.

10 "Owner" means all individuals, copartnerships, associations, private
11 or municipal corporations and all political subdivisions of the State
12 having any title or interest in any property, rights, easements and
13 interests authorized to be acquired by this act.

14 "Parking facility" means any area or place, garage, building, or
15 other improvement or structure for the parking or storage of motor or
16 other vehicles, including but not limited to all real property and
17 personal property, driveways, roads and other structures or areas
18 necessary, useful or convenient for access to a facility from a public
19 street, road or highway, or from any project; meters, mechanical
20 equipment necessary, useful or convenient for or in connection with
21 that parking or storage; and any structures, buildings, space or
22 accommodations, whether constructed by the authority or by the
23 lessee, to be leased for any business, commercial or other use,
24 including the sale of gasoline or accessories for, or the repair or other
25 servicing of automobiles and other motor vehicles, or motorist
26 services, if, in the opinion of the authority, the inclusion, provision and
27 leasing is necessary, desirable or convenient to assist in defraying the
28 expenses of the authority and make possible the operation of the
29 parking facility at reasonable rates.

30 "Public highway" means all public highways, roads and streets in
31 the State, whether maintained by the State or by any county, city,
32 borough, town, township, village or other political subdivision.

33 "Real property" means lands within the State, above or below
34 water, and improvements thereof or thereon, or any riparian or other
35 rights or interests therein.

36 "Transfer Date" means, with respect to the assumption by the
37 authority of the powers, duties, assets and responsibilities of the New
38 Jersey Highway Authority, the date on which the Chair of the
39 authority and the commissioner certify to the Governor that: (i) all
40 bonds issued by the New Jersey Highway Authority cease to be
41 outstanding within the meaning of the resolutions pursuant to which
42 those bonds were issued; and (ii) upon which the authority assumes all
43 debts, and statutory responsibilities and obligations of the New Jersey
44 Highway Authority.

45 "Transportation project" or "project" means any power of the
46 authority, including but not limited to, the New Jersey Turnpike, and

1 of the Highway Authority, including but not limited to, the Garden
2 State Parkway and the Garden State Arts Center, a highway project,
3 and also includes such other transportation facilities and activities as
4 determined in the discretion of the authority, and the costs thereof.

5 (cf: P.L.1991, c.183, s.5)

6
7 9. Section 5 of P.L.1948, c.454 (C.27:23-5) is amended to read as
8 follows:

9 5. General grant of powers. The authority shall be a body
10 corporate and politic and shall have perpetual succession and shall
11 have the following powers:

12 (a) To adopt bylaws for the regulation of its affairs and the conduct
13 of its business;

14 (b) To adopt an official seal and alter the same at pleasure;

15 (c) To maintain an office at such place or places within the State
16 as it may designate and to organize itself into such sub-departments,
17 operating divisions or units as it deems appropriate;

18 (d) To sue and be sued in its own name;

19 (e) To acquire, improve, construct, maintain, repair, manage, and
20 operate [turnpike] transportation projects or any part thereof at such
21 locations as shall be established by law or by the authority;

22 (f) To [issue turnpike revenue bonds of the authority, for any of
23 its corporate purposes, payable solely from the tolls, other revenues
24 and proceeds of such bonds, and to refund its bonds,] borrow money
25 and issue negotiable bonds for any of its corporate purposes, and to
26 secure the same through the pledging of tolls and other revenues and
27 proceeds of such bonds, or other available sources, and to refund its
28 bonds, and to enter into any credit agreement, all as provided in this
29 act;

30 (g) In the exercise of any of its powers, by resolution to fix and
31 revise from time to time and charge and collect tolls, fees, licenses,
32 rents, concession charges and other charges for [transit over] each
33 [turnpike] transportation project or any part thereof constructed or
34 acquired by it[;]. No toll revenues derived from the New Jersey
35 Turnpike or the Garden State Parkway shall be devoted to other than
36 highway projects and such other transportation projects shall be self-
37 sustaining; provided however that such toll revenues may be used to
38 finance or support the costs of non-highway projects on an interim
39 basis according to such terms, with or without interest, as the
40 authority shall establish;

41 (h) To establish rules and regulations for the use of any project
42 including restrictions on the type, weight and size of vehicles utilizing
43 transportation projects, and also including the power to exclude from
44 any part of a highway project any traffic other than passenger
45 automobiles if the authority finds that such part is not suitable or
46 sufficient as a highway to carry mixed traffic;

1 (i) To acquire, hold and dispose of real and personal property in
2 the exercise of its powers and the performance of its duties under this
3 act;

4 (j) To acquire in the name of the authority by purchase or
5 otherwise, on such terms and conditions and in such manner as it may
6 deem proper, or by the exercise of the power of eminent domain,
7 except as against the State of New Jersey, any land and other property,
8 which it may determine is reasonably necessary for any [turnpike]
9 transportation project or feeder road or for the relocation or
10 reconstruction of any highway by the authority under the provisions of
11 this act and any and all rights, title and interest in such land and other
12 property, including public lands, parks, playgrounds, reservations,
13 highways or parkways, owned by or in which the State of New Jersey
14 or any county, city, borough, town, township, village, or other
15 political subdivision of the State of New Jersey has any right, title or
16 interest, or parts thereof or rights therein and any fee simple absolute
17 or any lesser interest in private property, and any fee simple absolute
18 in, easements upon, or the benefit of restrictions upon, abutting
19 property to preserve and protect [turnpike] transportation projects.

20 Upon the exercise of the power of eminent domain, the
21 compensation to be paid thereunder shall be ascertained and paid in
22 the manner provided in the "Eminent Domain Act of 1971," P.L.1971,
23 c.361 (C.20:3-1 et seq.), insofar as the provisions thereof are
24 applicable and not inconsistent with the provisions contained in this
25 act. The authority may join in separate subdivisions in one petition or
26 complaint the descriptions of any number of tracts or parcels of land
27 or property to be condemned and the names of any number of owners
28 and other parties who may have an interest therein and all such land or
29 property included in said petition or complaint may be condemned in
30 a single proceeding; provided, however, that separate awards be made
31 for each tract or parcel of land or property; and provided, further, that
32 each of said tracts or parcels of land or property lies wholly in or has
33 a substantial part of its value lying wholly within the same county.

34 Upon the filing of such petition or complaint or at any time
35 thereafter the authority may file with the clerk of the county in which
36 such property is located and also with the Clerk of the Superior Court
37 a declaration of taking, signed by the authority, declaring that
38 possession of one or more of the tracts or parcels of land or property
39 described in the petition or complaint is thereby being taken by and for
40 the use of the authority. The said declaration of taking shall be
41 sufficient if it sets forth: (1) a description of each tract or parcel of
42 land or property to be so taken sufficient for the identification thereof,
43 to which there may or may not be attached a plan or map thereof; (2)
44 a statement of the estate or interest in the said land or property being
45 taken; and (3) a statement of the sum of money estimated by the
46 authority by resolution to be just compensation for the taking of the

1 estate or interest in each tract or parcel of land or property described
2 in said declaration[; and (4) that, in compliance with the provisions of
3 this act, the authority has established and is maintaining a trust fund as
4 hereinafter provided].

5 Upon the filing of the said declaration, the authority shall deposit
6 with the Clerk of the Superior Court the amount of the estimated
7 compensation stated in said declaration. [In addition to the said
8 deposits with the Clerk of the Superior Court, the authority at all times
9 shall maintain a special trust fund on deposit with a bank or trust
10 company doing business in this State, in an amount at least equal to
11 twice the aggregate amount deposited with the Clerk of the Superior
12 Court, as estimated compensation for all property described in
13 declaration of taking with respect to which the compensation has not
14 been finally determined and paid to the persons entitled thereto or into
15 court. Said trust fund shall consist of cash or securities readily
16 convertible into cash, constituting legal investments for trust funds
17 under the laws of this State. Said trust fund shall be held solely to
18 secure and may be applied to the payment of just compensation for the
19 land or other property described in such declarations of taking. The
20 authority shall be entitled to withdraw from said trust fund from time
21 to time so much as may then be in excess of twice the aggregate of the
22 amount deposited with the Clerk of the Superior Court, as estimated
23 compensation for all property described in declarations of taking with
24 respect to which the compensation has not been finally determined and
25 paid to the persons entitled thereto or into court.]

26 Upon the filing of the said declaration as aforesaid and depositing
27 with the Clerk of the Superior court the amount of the estimated
28 compensation stated in said declaration, the authority, without other
29 process or proceedings, shall be entitled to the exclusive possession
30 and use of each tract of land or property described in said declaration
31 and may forthwith enter into and take possession of said land or
32 property, it being the intent of this provision that the proceedings for
33 compensation or any other proceedings relating to the taking of said
34 land or interest therein or other property shall not delay the taking of
35 possession thereof and the use thereof by the authority for the purpose
36 or purposes for which the authority is authorized by law to acquire or
37 condemn such land or other property or interest therein.

38 The authority shall cause notice of the filing of said declaration and
39 the making of said deposit to be served upon each party in interest
40 named in the petition residing in this State, either personally or by
41 leaving a copy thereof at his residence, if known, and upon each party
42 in interest residing out of the State, by mailing a copy thereof to him
43 at his residence, if known. In the event that the residence of any such
44 party or the name of such party is unknown, such notice shall be
45 published at least once in a newspaper published or circulating in the
46 county or counties in which the land is located. [Such service, mailing

1 or publication shall be made within 10 days after filing such
2 declaration.】 Upon the application of any party in interest and after
3 notice to other parties in interest, including the authority, any judge of
4 the Superior Court assigned to sit for said county may order that the
5 money deposited with the Clerk of the Superior Court or any part
6 thereof be paid forthwith to the person or persons entitled thereto for
7 or on account of the just compensation to be awarded in said
8 proceeding; provided, that each such person shall have filed with the
9 Clerk of the Superior Court a consent in writing that, in the event the
10 award in the condemnation proceeding shall be less than the amount
11 deposited, the court, after notice as herein provided and hearing, may
12 determine his liability, if any, for the return of such difference or any
13 part thereof and enter judgment therefor. If the amount of the award
14 as finally determined shall exceed the amount so deposited, the person
15 or persons to whom the award is payable shall be entitled to recover
16 from the authority the difference between the amount of the deposit
17 and the amount of the award, with interest at the rate of six per
18 centum (6%) per annum thereon from the date of making the deposit.
19 If the amount of the award shall be less than the amount so deposited,
20 the Clerk of the Superior Court shall return the difference between the
21 amount of the award and the deposit to the authority, unless the
22 amount of the deposit or any part thereof shall have theretofore been
23 distributed, in which event the court, on petition of the authority and
24 notice to all persons interested in the award and affording them an
25 opportunity to be heard, shall enter judgment in favor of the authority
26 for such difference against the party or parties liable for the return
27 thereof. The authority shall cause notice of the date fixed for such
28 hearing to be served upon each party thereto residing in this State,
29 either personally or by leaving a copy thereof at his residence, if
30 known, and upon each party residing out of the State, by mailing a
31 copy to him at his residence, if known. In the event that the residence
32 of any party or the name of such party is unknown, such notice shall
33 be published at least once in a newspaper published or circulating in
34 the county or counties in which the land is located. Such service,
35 mailing or publication shall be made at least 10 days before the date
36 fixed for such hearing.

37 Whenever under the "Eminent Domain Act of 1971" the amount of
38 the award may be paid into court, payment may be made into the
39 Superior Court and may be distributed according to law[. The
40 authority shall not abandon any condemnation proceeding subsequent
41 to the date upon which it has taken possession of the land or property
42 as herein provided];

43 (k) To designate the locations, and establish, limit and control such
44 points of ingress to and egress from each [turnpike] highway or
45 transportation project as may be necessary or desirable in the judgment
46 of the authority to insure the proper operation and maintenance of

1 such project, and to prohibit entrance to such project from any point
2 or points not so designated;

3 (l) To make and enter into all contracts and agreements necessary
4 or incidental to the performance of its duties and the execution of its
5 powers under this act and to enter into contracts with federal, State
6 and local governments and private entities for the financing,
7 administration, operation, management and construction of
8 transportation projects;

9 (m) To appoint such additional officers, who need not be members
10 of the authority, as the authority deems advisable, and to employ
11 consulting engineers, attorneys, accountants, construction and
12 financial experts, superintendents, managers, and such other similarly
13 situated employees and agents as may be necessary in its judgment; to
14 fix their compensation; and to promote and discharge such officers,
15 employees and agents, all without regard to the provisions of Title
16 [11] 11A of the [Revised] New Jersey Statutes;

17 (n) To receive and accept from any federal agency, subject to the
18 approval of the Governor, grants for or in aid of the acquisition or
19 construction of any [turnpike] transportation project or any part
20 thereof, and to receive and accept aid or contributions, [except
21 appropriations by the Legislature,] from any source, of either money,
22 property, labor or other things of value, to be held, used and applied
23 only for the purposes for which such grants and contributions may be
24 made; [and]

25 (o) To do all acts and things necessary or convenient to carry out
26 the powers expressly or impliedly granted in this act[.];

27 (p) Subject to any agreement with the bondholders, to invest
28 moneys of the authority not required for immediate use, including
29 proceeds from the sale of any bonds, in such obligations, securities and
30 other investments as the authority shall deem prudent;

31 (q) To apply for, receive and accept from any federal agency, any
32 bi-State agency, or the State and any subdivision thereof, grants for or
33 in aid of the planning, acquisition, management, maintenance,
34 operation or construction of any project, and to receive and accept aid
35 or contributions from any other public or private source, of either
36 money, property, labor or other things of value, to be held, used and
37 applied only for the purposes for which those grants and contributions
38 may be made;

39 (r) To procure and enter into contracts for any type of insurance
40 and to indemnify against loss or damage to property from any cause,
41 including the loss of use and occupancy and business interruption,
42 death or injury of any person, employee liability, any act of any
43 member, officer, employee or servant of the authority, whether
44 part-time, compensated or uncompensated, in the performance of the
45 duties of office or employment or any other insurable risk or any other
46 losses in connection with property, operations, assets or obligations in

1 any amounts and from any insurers as are deemed desirable. In
2 addition, the authority may carry its own liability insurance;

3 (s) The authority shall adopt regulations, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), to provide open and competitive procedures for awarding
6 contracts for towing and storage services. Towing and storage
7 services on a highway project may be provided on a rotating basis,
8 provided that the authority determines that there would be no
9 additional cost to the authority, excepting administrative costs, as a
10 result of those services being provided on a rotating basis. The
11 regulations shall fix maximum towing and storage fees, and establish
12 objective criteria to be considered in awarding a contract for towing
13 and storage services which shall include, but shall not be limited to,
14 reliability, experience, response time, acceptance of credit cards and
15 prepaid towing contracts, adequate equipment to safely handle a
16 sufficient volume of common vehicle types under a variety of traffic
17 and weather conditions, location of storage and repair facilities,
18 security of vehicles towed or stored, financial return to the authority,
19 maintenance of adequate liability insurance and appropriate safeguards
20 to protect the personal safety of customers, including considerations
21 related to the criminal background of employees. The Division of
22 Consumer Affairs in the Department of Law and Public Safety shall
23 provide, at the authority's request, a report to the authority on any
24 prospective contractor for which the division has information relevant
25 to the prospective contractor's service record, subject to the provisions
26 of the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et
27 seq.). The Division of Insurance Fraud Prevention in the Department
28 of Banking and Insurance also shall provide, at the authority's request,
29 a report to the authority on any prospective contractor for which the
30 division has information relevant to the prospective contractor's
31 service record, subject to the "New Jersey Insurance Fraud Prevention
32 Act," P.L.1983, c.320 (C.17:33A-1 et seq.);

33 (t) Notwithstanding any other provision herein, prior to the
34 Transfer Date, the authority is hereby authorized to adopt a resolution
35 authorizing the issuance of bonds, notes or other obligations on such
36 terms as otherwise provided for in this act for the retirement by
37 defeasance, redemption, secondary market purchase, tender payment
38 at maturity or otherwise, of all of the New Jersey Highway Authority's
39 outstanding bonds, notes or other obligations, as if the Transfer Date
40 transferring to the authority the rights, duties and obligations to
41 operate, maintain and manage the Garden State Parkway had already
42 occurred; and

43 (u) The authority is empowered to transfer, sell, dispose of, or
44 otherwise relinquish all right, title, or interest in the Garden State Arts
45 Center, and any related or auxiliary facilities, to the New Jersey Sports
46 and Exposition Authority, established by P.L.1971, c.137 (C.5:10-1 et

1 seq.), or to any other entity, according to such terms and process as
2 the authority may establish in its discretion.

3 (cf: P.L.1991, c.183, s.6)

4

5 10. Section 2 of P.L.1949, c.40 (C.27:23-5.2) is amended to read
6 as follows:

7 2. The New Jersey Turnpike Authority is authorized to acquire,
8 construct, reconstruct, repair and maintain any feeder road [which in
9 the opinion of the said Turnpike Authority will increase the use of a
10 turnpike project to which the said road is a feeder].

11 (cf: P.L.1991, c.183, s.8)

12

13 11. Section 4 of P.L.1949, c.40 (C.27:23-5.4) is amended to read
14 as follows:

15 4. In any case where a feeder road is constructed over new
16 alignment, the Turnpike Authority is granted the same powers
17 concerning the construction thereof as is granted in connection with
18 the construction of the [turnpike] highway project by the terms of the
19 act to which this act is a supplement. Any feeder road, eighty per
20 centum (80%) or more of which is built over new alignment, shall for
21 the purposes of this act be deemed to be a "new feeder road."

22 (cf: P.L.1949, c.40, s.4)

23

24 12. (New section) The authority may in its discretion turn over to
25 the Department of Transportation any highway project or part thereof
26 and provide by agreement with the department for its continued
27 maintenance and repair by the authority.

28

29 13. Section 6 of P.L.1949, c.40 (C.27:23-5.6) is amended to read
30 as follows:

31 6. The Turnpike Authority is authorized to turn back to local
32 authorities any road or portions of road taken over from such local
33 authorities in connection with the establishing of a feeder road. [No
34 road or portion of road constructed upon a new alignment shall be
35 turned back until the turnpike project shall have been turned over to
36 the Department of Transportation, except where a new alignment has
37 been constructed in substitution of existing alignment.]

38 (cf: P.L.1991, c.183, s.10)

39

40 14. Section 1 of P.L.1966, c.8 (C.27:23-5.8) is amended to read as
41 follows:

42 1. The New Jersey Turnpike Authority shall have, in addition to
43 the powers heretofore granted to it, power:

44 a. To pay or make any advance or contribution to the United
45 States Government or the State of New Jersey or any agency thereof
46 for the purpose of paying the State's share or any portion thereof

1 under the federal aid highway laws of the cost of construction of any
2 **[highway]** transportation improvement determined by the authority to
3 be a major improvement necessary to restore or prevent physical
4 damage to any **[turnpike]** transportation project or any feeder roads,
5 for the safe or efficient operation of such project, or to prevent loss of
6 revenues therefrom.

7 b. Subject to the rights and security interests of the holders from
8 time to time of bonds or notes heretofore or hereafter issued by the
9 New Jersey Turnpike Authority, to enter into contracts with the State
10 or the New Jersey Transportation Trust Fund Authority established by
11 section 4 of the "New Jersey Transportation Trust Fund Authority Act
12 of 1984," P.L.1984, c.73 (C.27:1B-4), providing for the payment from
13 the revenues of the New Jersey Turnpike Authority to the State or to
14 the New Jersey Transportation Trust Fund Authority of the amount or
15 amounts of revenues that may be set forth in or determined in
16 accordance with the contracts. Any contracts authorized pursuant to
17 this section may include conditions and covenants necessary and
18 desirable to facilitate the issuance and sale of bonds, notes and other
19 obligations of the New Jersey Transportation Trust Fund Authority.
20 Any agreements entered into between the State and the Turnpike
21 Authority pursuant to this subsection shall terminate upon the effective
22 date of any agreement entered into between the Turnpike Authority
23 and the New Jersey Transportation Trust Fund Authority providing for
24 the payment of revenues of the Turnpike Authority directly from the
25 Turnpike Authority to the New Jersey Transportation Trust Fund
26 Authority.

27 c. To enter into agreements with the Department of Transportation
28 with respect to the funding of the resurfacing, restoring, rehabilitation
29 and reconstruction of the I-95 Extension of the New Jersey Turnpike
30 through the allocation of monies apportioned by the United States
31 Department of Transportation pursuant to 23 U.S.C. s.119 or a
32 successor program. Any such agreement shall be subject to the
33 continued eligibility of the I-95 Extension for federal aid, the
34 availability of funds appropriated by Congress and the appropriation
35 of funds by the Legislature for that purpose. No such agreement shall
36 constitute or create a debt or liability of the State within the meaning
37 of any constitutional or statutory limitation nor shall any such
38 agreement constitute a pledge of either the faith and credit or the
39 taxing power of the State. Funds payable or paid to the authority
40 pursuant to any such agreement shall not be pledged as security for
41 any indebtedness of the authority.

42 (cf: P.L.1991, c.183, s.11)

43

44 15. Section 2 of P.L.1969, c.197 (C.27:23-5.9) is amended to read
45 as follows:

46 2. The authority shall not engage in the acquisition, construction

1 or operation of any facility or activity not directly or indirectly related
2 to the use of a [turnpike] transportation project except as may be
3 specially authorized by law.
4 (cf: P.L.1991, c.183, s.12)

5
6 16. Section 1 of P.L.1977, c.230 (C.27:23-5.10) is amended to
7 read as follows:

8 1. The authority shall, whenever it desires to increase any existing
9 toll or establish any new toll for the use of any [turnpike] highway
10 project and the different parts or sections thereof, hold a public
11 hearing on such proposed toll at least 45 days prior to the date on
12 which such toll is proposed to become effective.
13 (cf: P.L.1977, c.230, s.1)

14
15 17. Section 6 of P.L.1948, c.454 (C.27:23-6) is amended to read
16 as follows:

17 6. The authority shall have power to construct grade separations
18 at intersections of any [turnpike] highway project with public
19 highways and to change and adjust the lines and grades of such
20 highways so as to accommodate the same to the design of such grade
21 separation. The cost of such grade separations and any damage
22 incurred in changing and adjusting the lines and grades of such
23 highways shall be ascertained and paid by the authority as a part of the
24 cost of such [turnpike] highway project.

25 If the authority shall find it necessary to change the location of any
26 portion of any public highway, it shall cause the same to be
27 reconstructed at such location as the authority shall deem most
28 favorable and of substantially the same type and in as good condition
29 as the original highway. The cost of such reconstruction and any
30 damage incurred in changing the location of any such highway shall be
31 ascertained and paid by the authority as a part of the cost of such
32 [turnpike] highway project.

33 Any public highway affected by the construction of any [turnpike]
34 highway project may be vacated or relocated by the authority in the
35 manner now provided by law for the vacation or relocation of public
36 roads, and any damages awarded on account thereof shall be paid by
37 the authority as a part of the cost of such project.

38 In addition to the foregoing powers the authority and its authorized
39 agents and employees may enter upon any lands, waters and premises
40 in the State for the purpose of making surveys, soundings, drillings
41 and examinations as it may deem necessary or convenient for the
42 purposes of this act, and such entry shall not be deemed an entry
43 under any condemnation proceedings which may be then pending.
44 The authority shall make reimbursement for any actual damages
45 resulting to such lands, waters and premises as a result of such
46 activities.

1 The authority shall also have power to make reasonable regulations
2 for the installation, construction, maintenance, repair, renewal,
3 relocation and removal of tracks, pipes, mains, conduits, cables, wires,
4 towers, poles and other equipment and appliances (herein called
5 "public utility facilities") of any public utility as defined in section
6 27:7-1 of the Revised Statutes, in, on, along, over or under any
7 [turnpike] highway project. Whenever the authority shall determine
8 that it is necessary that any such public utility facilities which now are,
9 or hereafter may be, located in, on, along, over or under any
10 [turnpike] highway project, shall be relocated in such [turnpike]
11 highway project, or should be removed from such [turnpike] highway
12 project, the public utility owning or operating such facilities shall
13 relocate or remove the same in accordance with the order of the
14 authority; provided, however, that the cost and expenses of such
15 relocation or removal, including the cost of installing such facilities in
16 a new location, or new locations, and the cost of any lands, or any
17 rights or interests in lands, and any other rights, acquired to
18 accomplish such relocation or removal, shall be ascertained and paid
19 by the authority as a part of the cost of such [turnpike] highway
20 project. In case of any such relocation or removal of facilities, as
21 aforesaid, the public utility owning or operating the same, its
22 successors or assigns, may maintain and operate such facilities, with
23 the necessary appurtenance, in the new location or new locations, for
24 as long a period, and upon the same terms and conditions, as it had
25 the right to maintain and operate such facilities in their former
26 location or locations.

27 In case of any such relocation or removal of facilities, as aforesaid,
28 the authority shall own and maintain, repair and renew structures
29 within the rights of way of railroad companies carrying [turnpike]
30 highway projects or feeder roads over railroads, and the authority
31 shall bear the cost of maintenance, repair and renewal of structures
32 within the rights of way of railroad companies carrying railroads over
33 [turnpike] highway projects or feeder roads, but this provision shall
34 not relieve any railroad company from responsibility for damage
35 caused to any authority or railroad structure by the operation of its
36 railroad. Such approaches, curbing, sidewalk paving, guard rails on
37 approaches and surface paving on turnpike projects or feeder roads
38 as shall be within the rights of way of a railroad company or
39 companies shall be owned and maintained, repaired and renewed by
40 the authority; rails, pipes and lines shall be owned and maintained,
41 repaired and renewed by the railroad company or companies.
42 (cf: P.L.1961, c.141, s.1)

43

44 18. Section 1 of P.L.1968, c.461 (C.27:23-6.1) is amended to read
45 as follows:

46 1. a. The New Jersey Turnpike Authority, in the exercise of its

1 authority to make and enter into contracts and agreements necessary
2 or incidental to the performance of its duties and the execution of its
3 powers, shall adopt standing operating rules and procedures providing
4 that, except as hereinafter provided, no contract on behalf of the
5 authority shall be entered into for the doing of any work, or for the
6 hiring of equipment or vehicles, where the sum to be expended
7 exceeds the sum of \$25,000 or, after the effective date of P.L.1999,
8 c.440, the amount determined pursuant to subsection b. of this section
9 unless the authority shall first publicly advertise for bids therefor, and
10 shall award the contract to the lowest responsible bidder; provided,
11 however, that such advertising shall not be required where the contract
12 to be entered into is one for the furnishing or performing services of
13 a professional or consultative nature, or for the supplying of any
14 product or the rendering of any service by a public utility subject to
15 the jurisdiction of the Board of Public [Utility Commissioners]
16 Utilities of this State and tariffs and schedules of the charges, made,
17 charged, or exacted by the public utility for any such products to be
18 supplied or services to be rendered are filed with the said board, or
19 when the purchase is to be made through or by the Director of the
20 Division of Purchase and Property pursuant to section 1 of P.L.1959,
21 c.40 (C.52:27B-56.1), or through a contract made by any of the
22 following: the New Jersey Sports and Exposition Authority established
23 under section 4 of P.L.1971, c.137 (C.5:10-4); the [Hackensack] New
24 Jersey Meadowlands [Development] Commission established under
25 section 5 of P.L.1968, c.404 (C.13:17-5); [the New Jersey Highway
26 Authority established under section 4 of P.L.1952, c.16
27 (C.27:12B-4);] the New Jersey Water Supply Authority established
28 under section 4 of P.L.1981, c.293 (C.58:1B-4); the South Jersey
29 Transportation Authority established under section 4 of P.L.1991,
30 c.252 (C.27:25A-4); the Port Authority of New York and New Jersey
31 established under R.S.32:1-4; the Delaware River Port Authority
32 established under R.S.32:3-2; the Higher Education Student
33 Assistance Authority established under N.J.S.18A:71A-3. Any
34 purchase, contract or agreement may be made, negotiated or awarded
35 by the authority without public bid or advertising when the authority
36 has advertised for bids on two occasions and has received no bids on
37 both occasions in response to its advertisements, or received no
38 responsive bids. Any purchase, contract or agreement may then be
39 negotiated and may then be awarded to any contractor or supplier
40 determined to be responsible except that the terms, conditions,
41 restrictions and specifications set forth in the negotiated contract
42 agreement shall not be substantially different from those which were
43 the subject of competitive bidding.

44 This subsection shall not prevent the authority from having any
45 work done by its own employees, nor shall it apply to repairs, or to the
46 furnishing of materials, supplies or labor, or the hiring of equipment or

1 vehicles, when the safety or protection of its or other public property
2 or the public convenience require, or the exigency of the authority's
3 service will not admit of such advertisement. In such case the
4 authority shall, by resolution, passed by the affirmative vote of a
5 majority of its members, declare the exigency or emergency to exist,
6 and set forth in the resolution the nature thereof and the approximate
7 amount to be so expended.

8 b. Commencing in the fifth year after the year in which P.L.1999,
9 c.440 takes effect, and every five years thereafter, the Governor, in
10 consultation with the Department of the Treasury, shall adjust the
11 threshold amount set forth in subsection a. of this section, or after the
12 effective date of P.L.1999, c.440, the threshold amount resulting from
13 any adjustment under this subsection, in direct proportion to the rise
14 and fall of the index rate as that term is defined in section 2 of
15 P.L.1971, c.198 (C.40A:11-2), and shall round the adjustment to the
16 nearest \$1,000. The Governor shall, no later than June 1 of every fifth
17 year, notify the authority of the adjustment. The adjustment shall
18 become effective on July 1 of the year in which it is made.
19 (cf: P.L.1999, c.440, s.86)

20

21 19. Section 7 of P.L.1948, c.454 (C.27:23-7) is amended as
22 follows:

23 7. The authority is hereby authorized to provide by resolution, at
24 one time or from time to time, for the issuance of bonds of the
25 authority for any of its corporate purposes, including the refunding of
26 its bonds. The principal of and the interest on any issue of such bonds
27 shall be payable solely from and may be secured by a pledge of tolls
28 and other revenues of all or any part of the [turnpike] transportation
29 projects. The proceeds of any such bonds may be used or pledged for
30 the payment or security of the principal of or interest on bonds and for
31 the establishment of any or all reserves for such payment or security
32 or for other corporate purposes as the authority may authorize in the
33 resolution authorizing the issuance of bonds or in the trust agreement
34 securing the same. The bonds of each issue shall be dated, shall bear
35 interest at such rate or rates, shall mature at such time or times not
36 exceeding 40 years from their date or dates, as may be determined by
37 the authority, and may be made redeemable before maturity, at the
38 option of the authority, at such price or prices and under such terms
39 and conditions as may be fixed by the authority prior to the issuance
40 of the bonds. The authority shall determine the form of the bonds
41 including any interest coupons to be attached thereto, and shall fix the
42 denomination or denominations of the bonds and the place or places
43 of payment of principal and interest, which may be at any bank or trust
44 company within or without the State. The bonds shall be signed by the
45 chairman of the authority or shall bear his facsimile signature and the
46 official seal of the authority or a facsimile thereof shall be impressed,

1 imprinted, engraved or otherwise reproduced thereon. The official
2 seal or facsimile thereof shall be attested by the secretary and treasurer
3 of the authority, or by such other officer or agent as the authority shall
4 appoint and authorize and any coupons attached to such bonds shall
5 bear the facsimile signature of the chairman of the authority. In case
6 any officer whose signature or a facsimile of whose signature shall
7 appear on any bonds or coupons shall cease to be such officer before
8 the delivery of such bonds, such signature or such facsimile shall
9 nevertheless be valid and sufficient for all purposes the same as if he
10 had remained in office until such delivery. All bonds issued under the
11 provisions of this act shall have and are hereby declared to have all the
12 qualities and incidents of negotiable instruments under the negotiable
13 instruments law of the State. The bonds may be issued in coupon or
14 in registered form, or both, as the authority may determine, and
15 provision may be made for the registration of any coupon bonds as to
16 principal alone and also as to both principal and interest, and for the
17 reconversion into coupon bonds of any bonds registered as to both
18 principal and interest. The authority may sell such bonds in such
19 manner and for such price, as it may determine to be for the best
20 interests of the authority. Neither the members of the authority nor any
21 person executing the bonds shall be personally liable on the bonds or
22 be accountable by reason of the issuance thereof in accordance with
23 the provisions of this act.

24 The proceeds of the bonds of each issue shall be disbursed in such
25 manner and under such restrictions, if any, as the authority may
26 provide in the resolution authorizing the issuance of such bonds or in
27 the trust agreement hereinafter mentioned securing the same.

28 Prior to the preparation of definitive bonds, the authority may,
29 under like restrictions, issue interim receipts or temporary bonds, with
30 or without coupons, exchangeable for definitive bonds when such
31 bonds shall have been executed and are available for delivery. The
32 authority may also provide for the replacement of any bonds which
33 shall become mutilated or shall be destroyed or lost. Bonds may be
34 issued under the provisions of this act without obtaining the consent
35 of any department, division, commission, board, bureau or agency of
36 the State, and without any other proceedings or the happening of any
37 other conditions or things than those proceedings, conditions or things
38 which are specifically required by this act.

39 The State of New Jersey does pledge to and agree with the holders
40 of the bonds issued pursuant to authority contained in this act, that the
41 State will not limit or restrict the rights hereby vested in the authority
42 to acquire, maintain, construct, reconstruct, and operate any projects
43 as defined in this act, or to establish and collect such charges and tolls
44 as may be convenient or necessary to produce sufficient revenue to
45 meet the expenses of maintenance and operation thereof and to fulfill
46 the terms of any agreements made with the holders of bonds

1 authorized by this act or in any way impair the rights or remedies of
2 the holders of such bonds until, the bonds, together with interest
3 thereon, are fully paid and discharged.

4 (cf: P.L.1991, c.183, s.13)

5

6 20. Section 21 of P.L.1991, c.183 (C.27:23-7a) is amended to read
7 as follows:

8 21. Nothing in or done pursuant to the powers and obligations set
9 forth in this amendatory and supplementary act (P.L.1991, c.183) shall
10 in any way limit or restrict the obligations or powers of the New
11 Jersey Turnpike Authority to carry out and perform each and every
12 covenant, agreement or contract heretofore made or entered into by
13 the Authority or the New Jersey Highway Authority with respect to its
14 bonds or for the benefit, protection or security of the holders thereof.

15 (cf: P.L.1991, c.183, s.21)

16

17 21. Section 8 of P.L.1948, c.454 (C.27:23-8) is amended to read
18 as follows:

19 8. Trust agreement. In the discretion of the Authority any bonds
20 issued under the provisions of this act may be secured by a trust
21 agreement by and between the Authority and a corporate trustee,
22 which may be any trust company or bank having the powers of a trust
23 company within or without the State. Such trust agreement or the
24 resolution providing for the issuance of such bonds (subject to the
25 provisions of section 7 of this act) may pledge or assign tolls or other
26 revenues to which the Authority's right then exists or may thereafter
27 come into existence, and the moneys derived therefrom, and the
28 proceeds of such bonds, but shall not convey or mortgage any
29 **[turnpike]** transportation project or any part thereof. Such trust
30 agreement or resolution providing for the issuance of such bonds may
31 contain such provisions for protecting and enforcing the rights and
32 remedies of the bondholders as may be reasonable and proper and not
33 in violation of law, including covenants setting forth the duties of the
34 Authority in relation to the acquisition of property and the acquisition,
35 construction, improvement, maintenance, repair, operation and
36 insurance of the **[turnpike]** transportation project or projects or any
37 part thereof, the rates of tolls and revenues to be charged, the
38 payment, security or redemption of bonds, and the custody,
39 safeguarding and application of all moneys, and provisions for the
40 employment of consulting engineers in connection with the acquisition,
41 construction or operation of such **[turnpike]** transportation project or
42 projects or any part thereof. It shall be lawful for any bank or trust
43 company incorporated under the laws of the State which may act as
44 depository of the proceeds of bonds or of revenues to furnish such
45 indemnifying bonds or to pledge such securities as may be required by
46 the Authority. Any such trust agreement or resolution may set forth

1 the rights and remedies of the bondholders and of the trustee, and may
2 restrict the individual rights of action by bondholders. In addition to
3 the foregoing, any such trust agreement or resolution may contain such
4 other provisions as the Authority may deem reasonable and proper for
5 the security of the bondholders. All expenses incurred in carrying out
6 the provisions of such trust agreement may be treated as a part of the
7 cost of the operation of the [turnpike] transportation project or
8 projects.

9 Any pledge of tolls or other revenues or other moneys made by the
10 Authority shall be valid and binding from the time when the pledge is
11 made; the tolls or other revenues or other moneys so pledged and
12 thereafter received by the Authority shall immediately be subject to the
13 lien of such pledge without any physical delivery thereof or further act,
14 and the lien of any such pledge shall be valid and binding as against all
15 parties having claims of any kind in tort, contract or otherwise against
16 the Authority, irrespective of whether such parties have notice thereof.
17 Neither the resolution nor any trust agreement by which a pledge is
18 created need be filed or recorded except in the records of the
19 Authority.

20 (cf: P.L.1991, c.183, s.14)

21

22 22. Section 9 of P.L.1948, c.454 (C.27:23-9) is amended to read
23 as follows:

24 9. Revenues. (A) The authority is hereby authorized by resolution
25 to fix, revise, charge and collect tolls, fees, licenses, rents, concession
26 charges and other charges for the use of each [turnpike] project and
27 the different parts or sections thereof, and to contract with any person,
28 partnership, association or corporation desiring the use of any part
29 thereof, including the right-of-way adjoining the paved portion, for
30 placing thereon telephone, telegraph, electric light or power lines, gas
31 stations, garages, stores, hotels, and restaurants, offices, entertainment
32 facilities, or for any other purpose, [except for tracks for railroad or
33 railway use,] and to fix the terms, conditions, rents and rates of
34 charges for such use; provided, that a sufficient number of gas stations
35 may be authorized to be established in each service area along any
36 such highway to permit reasonable competition by private business in
37 the public interest[; and provided further, that no contract shall be
38 required, and no rent, fee or other charge of any kind shall be imposed
39 for the use and occupation of any turnpike project for the installation,
40 construction, use, operation, maintenance, repair, renewal, relocation
41 or removal of tracks, pipes, mains, conduits, cables, wires, towers,
42 poles or other equipment or appliances in, on, along, over or under
43 any such turnpike project by any public utility as defined in
44 R.S.27:7-1, which is subject to taxation pursuant to either P.L.1940,
45 c.4 (C.54:30A-16 et seq.) or P.L.1940, c.5 (C.54:30A-49 et seq.), or
46 pursuant to any other law imposing a tax for the privilege of using the

1 public streets, highways, roads or other public places in this State].
2 Such tolls shall be so fixed and adjusted as to carry out and perform
3 the terms and provisions of any contract with or for the benefit of
4 bondholders. Such tolls shall not be subject to supervision or
5 regulation by any other commission, board, bureau or agency of the
6 State. The use and disposition of tolls and revenues shall be subject
7 to the provisions of the resolution authorizing the issuance of such
8 bonds or of the trust agreement securing the same.

9 (B) [At any time that tolls are not required for the purpose of
10 carrying out and performing the terms and provisions of any contract
11 with or for the benefit of bondholders, the authority shall cause tolls
12 for the use of the turnpike projects to be charged and collected at the
13 same rates as were last charged and collected by the authority under
14 the provisions of subsection (A) hereof and no change or revision shall
15 be made in such rates, except as shall be specifically authorized by
16 law.] (Deleted by amendment, P.L. , c. (C.) (now before the
17 Legislature as this bill)

18 (C) All revenues and other funds of the authority not pledged or
19 otherwise required to pay or secure the payment of principal and
20 interest on any indebtedness of the authority existing from time to time
21 under, and not otherwise required for the purpose of, this act and not
22 pledged under a contract providing for payment of funds to the State
23 or New Jersey Transportation Trust Fund Authority created pursuant
24 to P.L.1984, c.73 (C.27:1B-1 et seq.) shall be applied to the
25 authority's corporate purposes or as hereafter provided by law.
26 (cf: P.L.1991, c.183, s.15)

27

28 23. Section 12 of P.L.1948, c.454 (C.27:23-12) is amended to read
29 as follows:

30 12. The exercise of the powers granted by this act will be in all
31 respects for the benefit of the people of the State, for the increase of
32 their commerce and prosperity, and for the improvement of their
33 health and living conditions, and as the operation and maintenance of
34 [turnpike] transportation projects and other property by the Authority
35 will constitute the performance of essential governmental functions,
36 the Authority shall not be required to pay any taxes or assessments
37 upon any [turnpike] transportation project or any property acquired
38 or used by the Authority under the provisions of this act or upon the
39 income therefrom, and any [turnpike] project and any property
40 acquired or used by the Authority under the provisions of this act and
41 the income therefrom, and the bonds issued under the provisions of
42 this act, their transfer and the income therefrom (including any profit
43 made on the sale thereof) shall be exempt from taxation. The
44 Legislature reaffirms that all existing facilities and property, and their
45 operations, and management, of the authority and of the New Jersey
46 Highway Authority, as transferred to the authority, are deemed public

1 and essential governmental functions and are exempt from local taxes
2 or assessments.

3 (cf: P.L.1948, c.454, s.12)

4

5 24. Section 14 of P.L.1948, c.454 (C.27:23-14) is amended to read
6 as follows:

7 14. Miscellaneous. Each [turnpike] highway project when
8 constructed and opened to traffic shall be maintained and kept in good
9 condition and repair by the Authority. Each such project shall also be
10 policed and operated by such force of police, toll-takers and other
11 operating employees as the Authority may in its discretion employ,
12 unless the authority provides otherwise by agreement with any federal,
13 state or local entity . The expenses for this maintenance and operation
14 shall be paid by the authority from its own funds or from funds made
15 available to the authority, unless the authority provides otherwise by
16 agreement with any federal, state or local entity.

17 All counties, cities, boroughs, towns, townships, villages, and other
18 political subdivisions and all public departments, agencies and
19 commissions of the State of New Jersey, notwithstanding any contrary
20 provision of law, are hereby authorized and empowered to sell, lease,
21 lend, grant or otherwise convey to the Authority at its request upon
22 such terms and conditions as the proper authorities of such counties,
23 cities, boroughs, towns, townships, villages, and political subdivisions
24 and departments, agencies or commissions of the State may deem
25 reasonable and fair and without the necessity for any advertisement,
26 order of court or other action or formality, other than the regular and
27 formal action of the authorities concerned, any real property which
28 may be necessary or convenient to the effectuation of the authorized
29 purposes of the Authority, including public roads and other real
30 property already devoted to public use.

31 [On or before the thirtieth day of January in each year the
32 Authority shall make an annual report of its activities for the preceding
33 calendar year to the Governor and to the Legislature. Each such
34 report shall set forth a complete operating and financial statement
35 covering its operations during the year.] The Authority shall cause an
36 audit of its books and accounts to be made at least once in each year
37 by certified public accountants and the cost thereof may be treated as
38 a part of the cost of construction or of operation of the project.

39 Any member, agent or employee of the Authority who is interested,
40 either directly or indirectly, in any contract of another with the
41 Authority, or in the sale of any property, either real or personal, to the
42 Authority shall be guilty of a [misdemeanor and punished by a fine of
43 not more than one thousand dollars (\$1,000.00) or by imprisonment
44 for not more than one year, or both] crime of the fourth degree.

45 (cf: P.L.1991, c.183, s.16)

1 25. Section 15 of P.L.1948, c.454 (C.27:23-15) is amended to read
2 as follows:

3 15. The Authority is hereby authorized to provide by resolution for
4 the issuance of refunding bonds of the Authority for the purpose of
5 refunding any bonds then outstanding which shall have been issued
6 under the provisions of this act, including the payment of any
7 redemption premium thereon and any interest accrued or to accrue to
8 the date of redemption or maturity of such bonds, and, if deemed
9 advisable by the Authority, for the additional purpose of constructing
10 improvements, extensions, or enlargements of the [turnpike]
11 transportation project or projects in connection with which the bonds
12 to be refunded shall have been issued. The Authority is further
13 authorized to provide by resolution for the issuance of its bonds for
14 the combined purpose of (a) refunding any bonds then outstanding
15 which shall have been issued under the provisions of this act, including
16 the payment of any redemption premium thereon and any interest
17 accrued or to accrue to the date of redemption of such bonds, and (b)
18 paying all or any part of the cost of any additional project or projects
19 or feeder roads. The issuance of such bonds, the maturities and other
20 details thereof, the rights of the holders thereof, and the rights, duties
21 and obligations of the Authority in respect of the same, shall be
22 governed by the provisions of this act insofar as the same may be
23 applicable.

24 (cf: P.L.1991, c.183, s.17)

25

26 26. Section 16 of P.L.1948, c.454 (C.27:23-16) is amended to read
27 as follows:

28 16. When all bonds issued under the provisions of this act to
29 finance any [turnpike] highway project or projects and the interest
30 thereon shall have been paid or a sufficient amount for the payment
31 of all such bonds and the interest thereon to the maturity thereof shall
32 have been set aside in trust for the benefit of the bondholders, all such
33 projects shall become part of the State highway system and shall
34 thereafter be operated and maintained by the authority [as toll roads].

35 (cf: P.L.1964, c.56, s.2)

36

37 27. Section 17 of P.L.1948, c.454 (C.27:23-17) is amended to read
38 as follows:

39 17. The [State Highway] Department of Transportation is hereby
40 authorized in its discretion to expend out of any funds available for the
41 purpose such moneys as may be necessary for the study of any
42 [turnpike] transportation project or projects and to use its engineering
43 and other forces, including consulting engineers and traffic engineers,
44 for the purpose of effecting such study and to pay for such additional
45 engineering and traffic and other expert studies as it may deem
46 expedient, and all such expenses incurred by the department shall be

1 paid by the department and charged to the appropriate [turnpike]
2 transportation project or projects, and the department shall keep
3 proper records and accounts showing each amount so charged. Upon
4 the sale of [turnpike] transportation revenue bonds for any [turnpike]
5 project or projects, the funds so expended by the department in
6 connection with such project or projects shall be reimbursed by the
7 Authority to the department from the proceeds of such bonds.

8 Any obligation or expense hereafter incurred by the [State
9 Highway] Department of Transportation with the approval of the
10 Authority for traffic surveys, borings, preparation of plans and
11 specifications, and other engineering services in connection with the
12 construction of a project shall be regarded as a part of the cost of such
13 project and shall be reimbursed to the State out of the proceeds of
14 bonds herein authorized.

15 (cf: P.L.1948, c.454, s.17)

16

17 28. Section 18 of P.L.1948, c.454 (C.27:23-18) is amended to read
18 as follows:

19 18. The foregoing sections of this act shall be deemed to provide
20 an additional and alternative method for the doing of the things
21 authorized thereby, and shall be regarded as supplemental and
22 additional to powers conferred by other laws, and shall not be
23 regarded as in derogation of any powers now existing; provided,
24 however, that the issuance of [turnpike] transportation revenue bonds
25 or refunding bonds under the provisions of this act need not comply
26 with the requirements of any other law applicable to the issuance of
27 bonds.

28 (cf: P.L.1948, c.454, s.18)

29

30 29. Section 1 of P.L.1951, c.264 (C.27:23-25) is amended to read
31 as follows:

32 1. No vehicle shall be permitted to make use of any [turnpike]
33 highway project or part thereof operated by the New Jersey Turnpike
34 Authority created pursuant to P.L.1948, c.454 (C.27:23-1 et seq.)
35 (hereinafter called the "Authority") except upon the payment of such
36 tolls, if any, as may from time to time be prescribed by the Authority
37 in its sole discretion. It is hereby declared to be unlawful for any
38 person to refuse to pay, or to evade or to attempt to evade the
39 payment of such tolls.

40 (cf: P.L.1991, c.183, s.18)

41

42 30. Section 2 of P.L.1951, c.264 (C.27:23-26) is amended to read
43 as follows:

44 2. No vehicle shall be operated on any such [turnpike] highway
45 project carelessly or recklessly, or in disregard of the rights or safety
46 of others, or without due caution or prudence, or in a manner so as to

1 endanger unreasonably or to be likely to endanger unreasonably
2 persons or property, or while the operator thereof is under the
3 influence of intoxicating liquors or any narcotic or habit-forming drug,
4 nor shall any vehicle be so constructed, equipped, lacking in
5 equipment, loaded or operated in such a condition of disrepair as to
6 endanger unreasonably or to be likely to endanger unreasonably
7 persons or property.

8 (cf: P.L.1951, c.264, s.2)

9

10 31. Section 3 of P.L.1951, c.264 (C.27:23-27) is amended to read
11 as follows:

12 3. A person operating a vehicle on any such [turnpike] highway
13 project shall operate it at a careful and prudent speed, having due
14 regard to the rights and safety of others and to the traffic, surface and
15 width of the highway, and any other conditions then existing; and no
16 person shall operate a vehicle on any such [turnpike] highway project
17 at such a speed as to endanger life, limb or property; provided,
18 however, that it shall be prima facie lawful for a driver of a vehicle to
19 operate it at a speed not exceeding a speed limit which is designated
20 by the Authority as a reasonable and safe speed limit, when
21 appropriate signs giving notice of such speed limit are erected at the
22 roadside or otherwise posted for the information of operators of
23 vehicles.

24 No person shall operate a vehicle on any such [turnpike] highway
25 project at such a slow speed as to impede or block the normal and
26 reasonable movement of traffic except when reduced speed is
27 necessary for safe operation thereof.

28 No person shall operate a vehicle on any such [turnpike] highway
29 project in violation of any speed limit designated by regulation
30 adopted by the Authority as hereinafter provided.

31 (cf: P.L.1951, c.264, s.3)

32

33 32. Section 4 of P.L.1951, c.264 (C.27:23-28) is amended to read
34 as follows:

35 4. All persons operating vehicles upon any such [turnpike]
36 highway project must at all times comply with any lawful order, signal
37 or direction by voice or hand of any police officer engaged in the
38 direction of traffic upon such project. When traffic is controlled by
39 traffic lights, signs or by mechanical or electrical signals, such lights,
40 signs and signals shall be obeyed unless a police officer directs
41 otherwise.

42 (cf: P.L.1951, c.264, s.4)

43

44 33. Section 5 of P.L.1951, c.264 (C.27:23-29) is amended to read
45 as follows:

46 5. All persons operating vehicles upon any such [turnpike]

1 highway project, or seeking to do so, must at all times comply with
2 regulations, not inconsistent with the other sections of this act,
3 adopted by the New Jersey Turnpike Authority concerning types,
4 weights and sizes of vehicles permitted to use any such [turnpike]
5 highway project, and with regulations adopted by the Authority for or
6 prohibiting the parking of vehicles, concerning the making of turns and
7 the use of particular traffic lanes, together with any and all other
8 regulations adopted by the Authority to control traffic and prohibit
9 acts hazardous in their nature or tending to impede or block the
10 normal and reasonable flow of traffic upon any [turnpike] highway
11 project; provided, however, that prior to the adoption of any
12 regulation for the control of traffic on any such [turnpike] highway
13 project, including the designation of any speed limits, the Authority
14 shall investigate and consider the need for and desirability of such
15 regulation for the safety of persons and property, including the
16 Authority's property, and the contribution which any such regulation
17 would make toward the efficient and safe handling of traffic and use
18 of such [turnpike] highway project, and shall determine that such
19 regulation is necessary or desirable to accomplish such purposes or
20 one or some of them, and that upon or prior to the effective date of
21 any such regulation and during its continuance, notice thereof shall be
22 given to the drivers of vehicles by appropriate signs erected at the
23 roadside or otherwise posted.

24 The Authority is hereby authorized and empowered to make, adopt
25 and promulgate regulations referred to in this section in accordance
26 with the provisions hereof.

27 Regulations adopted by the Authority pursuant to the provisions of
28 this section shall insofar as practicable, having due regard to the
29 features of any such [turnpike] highway project and the characteristics
30 of traffic thereon, be consistent with the provisions of Title 39 of the
31 Revised Statutes applicable to similar subjects.

32 The Authority shall have power to amend, supplement or repeal any
33 regulation adopted by it under the provisions of this section.

34 [No regulation and no amendment or supplement thereto or
35 repealer thereof adopted by the Authority shall take effect until it is
36 filed with the Secretary of State, by the filing of a copy thereof
37 certified by the secretary of the Authority.]

38 (cf: P.L.1951, c.264, s.5)

39

40 34. Section 7 of P.L.1951, c.264 (C.27:23-31) is amended to read
41 as follows:

42 7. No person shall transport in or upon any such [turnpike]
43 highway project, any dynamite, nitroglycerin, black powder, fireworks,
44 blasting caps or other explosives, gasoline, alcohol, ether, liquid
45 shellac, kerosene, turpentine, formaldehyde or other inflammable or
46 combustible liquids, ammonium nitrate, sodium chlorate, wet hemp,

1 powdered metallic magnesium, nitro-cellulose film, peroxides or other
2 readily inflammable solids or oxidizing materials, hydrochloric acid,
3 sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic,
4 carbolic acid, potassium cyanide, tear gas, lewisite or any other
5 poisonous substances, liquids or gases, or any compressed gas, or any
6 radioactive article, substance or material, at such time or place or in
7 such manner or condition as to endanger unreasonably or as to be
8 likely to endanger unreasonably persons or property.

9 (cf: P.L.1951, c.264, s.7)

10

11 35. Section 10 of P.L.1951, c.264 (C.27:23-34) is amended to read
12 as follows:

13 10. Except as provided in sections eight and nine of this act, any
14 violation of any of the provisions hereof, including but not limited to
15 those regarding the payment of tolls, and any violation of any
16 regulation adopted by the Authority under the provisions of this act
17 shall be punishable by a fine not exceeding ~~two hundred~~ five
18 hundred dollars ~~[\$200.00]~~ (\$500) or by imprisonment not exceeding
19 thirty days or by both such fine and imprisonment. Such a violation
20 shall be tried in a summary way and shall be within the jurisdiction of
21 and may be brought in the Superior Court or any municipal court
22 where the offense was committed. The rules of the Supreme Court
23 shall govern the practice and procedure in such proceedings.
24 Proceedings under this section may be instituted on any day of the
25 week, and the institution of the proceedings on a Sunday or a holiday
26 shall be no bar to the successful prosecution thereof. Any process
27 served on a Sunday or a holiday shall be as valid as if served on any
28 other day of the week.

29 When imposing any penalty under the provisions of this section the
30 court having jurisdiction shall be guided by the appropriate provisions
31 of any statute adopted at the current session of the Legislature, or
32 hereafter, fixing uniform penalties for violation of certain provisions
33 of the motor vehicle and traffic laws contained in Title 39 of the
34 Revised Statutes.

35 (cf: P.L.1991, c.91, s.306)

36

37 36. Section 7 of P.L.1997, c.59 (C.27:23-34.2) is amended to read
38 as follows:

39 7. a. The authority may, in accordance with the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll
41 collection monitoring system regulations. The regulations shall
42 include a procedure for processing toll violations and for the treatment
43 of inadvertent violations. A person who violates the regulations shall
44 be liable to a civil penalty ~~[of not less than \$50 nor more than \$200~~
45 per violation] in an amount established by the authority. The penalty
46 shall be enforced pursuant to the "penalty enforcement law,"

1 N.J.S.2A:58-1 et seq.

2 b. Except as provided in subsection b. of section 8 of P.L.1997,
3 c.59 (C.27:23-34.3), an owner of a vehicle shall be jointly and
4 severally liable for the failure of an operator of the vehicle to comply
5 with the toll collection monitoring system regulations. The owner of
6 a vehicle shall be liable if such vehicle was used or operated by the
7 operator with the express or implied permission of the owner when the
8 violation of the toll collection monitoring system regulations was
9 committed, and the evidence of the violation is obtained by a toll
10 collection monitoring system. An owner of a vehicle shall not be liable
11 if the operator of the vehicle has been identified and charged with a
12 violation of section 10 of P.L.1951, c.264 (C.27:23-34) for the same
13 incident.

14 c. A toll collection monitoring system acquired or operated by, or
15 under contract to, the authority shall be so designed that it does not
16 produce one or more photographs, microphotographs, a videotape or
17 other recorded image or images of the face of the operator or any
18 passenger in a motor vehicle.
19 (cf: P.L.1997, c.59, s.7)

20

21 37. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to read
22 as follows:

23 8. a. If a violation of the toll collection monitoring system
24 regulations is committed as evidenced by a toll collection monitoring
25 system, the agent of the authority may send an advisory and payment
26 request within ~~[30]~~ 60 days of the date of the violation to the owner
27 of the vehicle by regular mail at the address of record for that owner
28 with the Division of Motor Vehicles in the Department of
29 Transportation or with any other motor vehicle licensing authority of
30 another jurisdiction, providing the owner with the opportunity to
31 resolve the matter prior to the issuance of a summons and complaint
32 that charges a violation of the toll collection monitoring system
33 regulations. The advisory and payment request shall contain sufficient
34 information to inform the owner of the nature, date, time and location
35 of the alleged violation. The agent may require as part of the advisory
36 and payment request that the owner pay to the agent the proper toll
37 and a reasonable administrative fee ~~[that shall not exceed \$25 per~~
38 ~~violation]~~ established by the authority. If the owner fails to pay the
39 required toll and fee within 60 days of the date the advisory and
40 payment request was sent, the owner shall be subject to liability on the
41 61st day following the date the advisory and payment request was sent
42 for the violation of the toll collection monitoring system regulations by
43 the vehicle operator.

44 b. An owner of a vehicle who is a lessor of the vehicle used in
45 violation of the toll collection monitoring system regulations of the
46 authority shall not be liable for the violation of the regulations if the

1 lessor submits to the authority, in a timely manner, a copy of the rental
2 agreement, lease or other contract document covering that vehicle on
3 the date of the violation, with the name and address of the lessee
4 clearly legible to the authority and to the court having jurisdiction over
5 the violation. If the lessor fails to provide the information in a timely
6 manner, the lessor shall be held liable for the violation of the
7 regulations. If the lessor provides the required information to the
8 authority, the lessee of the vehicle on the date of the violation shall be
9 deemed to be the owner of the vehicle for the purposes of sections 6
10 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5)
11 and the toll collection monitoring system regulations and shall be
12 subject to liability for the violation of the regulations.

13 c. A certified report of an employee or agent of the authority
14 reporting a violation of the toll collection monitoring system
15 regulations and any information obtained from a toll collection
16 monitoring system shall be available for the exclusive use of the
17 authority and any law enforcement official for the purposes of
18 discharging their duties pursuant to sections 6 through 10 of P.L.1997,
19 c.59 (C.27:23-34.1 through C.27:23-34.5) and the toll collection
20 monitoring system regulations. Any such report or information shall
21 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et
22 seq.) or the common law concerning access to public records. The
23 certified reports and information shall not be discoverable as a public
24 record by any person, entity or governmental agency, nor shall they be
25 offered in evidence in any civil, criminal or administrative proceeding,
26 not directly related to a violation of the toll collection monitoring
27 system regulations. However, in the event that, notwithstanding the
28 provisions of subsection c. of section 7 of this act, a recorded image
29 of the face of the operator or any passenger in a motor vehicle is
30 produced by the toll collection monitoring system, that image shall not
31 be used by the authority for any purpose nor shall the image or any
32 record or copy thereof be transmitted or communicated to any person,
33 governmental, non-governmental, or judicial or administrative entity.

34 d. A complaint and summons charging a violation of the toll
35 collection monitoring system regulations shall be on a form prescribed
36 by the Administrative Director of the Courts pursuant to the Rules
37 Governing the Courts of the State of New Jersey. The authority may
38 authorize by regulation an employee or agent to be a complaining
39 witness to make, sign, and initiate complaints and to issue summonses
40 in the name of the authority on behalf of the State of New Jersey,
41 pursuant to the Rules Governing the Courts of the State of New
42 Jersey. The complaints and summonses may be made on information
43 based upon evidence obtained by a toll collection monitoring system,
44 the toll collection monitoring system record and the records of the
45 Division of Motor Vehicles in the Department of Transportation or of
46 any other state, province, or motor vehicle licensing authority.

1 Service may be made by means provided by the Rules Governing
2 the Courts of the State of New Jersey.

3 Except as provided in subsection c. of this section, the recorded
4 images produced by a toll collection monitoring system shall be
5 considered an official record kept in the ordinary course of business
6 and shall be admissible in a proceeding for a violation of any toll
7 collection monitoring system regulations.

8 e. The municipal court of the municipality wherein a toll collection
9 monitoring system record was made shall have jurisdiction to hear
10 violations of the toll collection monitoring system regulations.
11 Violations shall be enforced and penalties collected pursuant to ["the
12 penalty enforcement law", N.J.S.2A:58-1 et seq] the "Penalty
13 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
14 proceeding and a judgment arising therefrom shall be pursued and
15 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.
16 and the Rules Governing the Courts of the State of New Jersey.

17 In addition to the civil penalty that may be assessed by a court
18 having jurisdiction for a violation of the toll collection monitoring
19 system regulations, a court shall require the defendant to pay the
20 proper toll and may require the defendant to pay a reasonable
21 administrative fee [that shall not exceed \$25 per violation] as
22 determined by the authority if the authority has previously sent an
23 advisory and payment request to the defendant. Following collection
24 and distribution of the fees set forth in section 11 of P.L.1953, c.22
25 (C.22A:3-4), any tolls and administrative fees imposed and collected
26 by the court for a violation of the toll collection monitoring system
27 regulations shall be promptly remitted to the authority by the court.
28 The civil penalty shall be distributed pursuant to the [penalty
29 enforcement law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement
30 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

31 (cf: P.L.1997, c.59, s.8)

32

33 38. Section 1 of P.L.1961, c.134 (C.27:23-40) is amended to read
34 as follows:

35 1. No toll shall be charged for the passage of any ambulance,
36 first-aid or emergency-aid vehicle or of any vehicular fire-fighting
37 apparatus or police vehicle operated for the benefit of the public by the
38 State of New Jersey, or by any county or municipal corporation, or
39 nonprofit corporation or organization, first-aid squad, emergency
40 squad, or fire or police department, of New Jersey through or over the
41 facilities of the New Jersey Turnpike Authority, or any part thereof,
42 and any such vehicle or apparatus shall be entitled to pass through or
43 over without the payment of any toll for such passage. The authority
44 may in its discretion establish other categories of public safety related
45 free passage with due consideration of the rights of bondholders.

46 (cf: P.L.1961, c.134, s.1)

1 39. (New section) For the purpose of aiding and cooperating in
2 the acquisition, construction, or operation of any project of the
3 authority, any county or municipality may, upon agreement with the
4 authority and in the manner provided by law:

5 a. Appropriate moneys for the purposes of the authority and loan
6 or donate the money to the authority in the installments and upon the
7 terms as may be agreed upon by the authority.

8 b. Perform any act for the authority which it is empowered by law
9 to perform;

10 c. Incur indebtedness, borrow money and issue bonds or notes for
11 the purpose of financing a project pursuant to the provisions of the
12 "Local Bond Law," (N.J.S.40A:2-1 et seq.) and

13 d. Unconditionally guarantee the punctual payment of the principal
14 of and interest on any bonds or notes of the authority.

15
16 40. (New section) Subject to the terms of any agreement by it with
17 the holders of bonds, the authority is authorized to acquire in
18 cooperation with the Department of Environmental Protection limited
19 roadside areas adjoining highway projects and transfer any or all such
20 areas to the Department of Environmental Protection for maintenance
21 as roadside parks.

22
23 41. (New section) Subject to the terms of any agreement by it with
24 the holders of bonds, the authority shall have power to lend, lease,
25 grant or convey to the Department of Environmental Protection at its
26 request upon such terms and conditions and with such reservations as
27 the authority shall deem reasonable and fair, any park or recreational
28 areas or facilities owned by the authority, and after such loan, lease,
29 grant or conveyance the park or recreational areas or facilities so
30 loaned, leased, granted or conveyed shall no longer constitute part of
31 a project.

32
33 42. (New section) The authority, as the successor to the Highway
34 Authority, may provide for the perpetual maintenance of the Vietnam
35 Veterans' Memorial in accordance with the agreement executed by the
36 Highway Authority, pursuant to section 2 of P.L.1991, c.70
37 (C.27:12B-5.4), repealed by this act, and the Legislature shall
38 appropriate to the Department of Military and Veterans' Affairs for
39 payment to the authority such funds from the Vietnam Veterans'
40 Memorial Fund, created under section 4 of P.L.1985, c.494
41 (C.52:18A-208), and any other source of available revenue, as may be
42 necessary for the authority to carry out its responsibilities under this
43 section.

44
45 43. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read as
46 follows:

1 6. a. The authority, pursuant to the provisions of P.L.1971, c.137
2 (C.5:10-1 et seq.), is hereby authorized and empowered, either alone
3 or in conjunction with others, and provided that, in the case of an
4 arrangement with respect to any of the projects set forth in this section
5 which shall be in conjunction with others, the authority shall have
6 sufficient right and power to carry out the public purposes set forth in
7 P.L.1971, c.137 (C.5:10-1 et seq.):

8 (1) To establish, develop, construct, operate, acquire, own,
9 manage, promote, maintain, repair, reconstruct, restore, improve and
10 otherwise effectuate, either directly or indirectly through lessees,
11 licensees or agents, a project to be located in the Hackensack
12 meadowlands upon a site not to exceed 750 acres and upon a site or
13 sites outside of that acreage, but either immediately contiguous thereto
14 or immediately across any public road which borders that acreage,
15 consisting of one or more stadiums, coliseums, arenas, pavilions,
16 stands, field houses, playing fields, recreation centers, courts,
17 gymnasiums, clubhouses, a racetrack for the holding of horse race
18 meetings, and other buildings, structures, facilities, properties and
19 appurtenances related to, incidental to, necessary for, or
20 complementary to a complex suitable for the holding of athletic
21 contests or other sporting events, or trade shows, exhibitions,
22 spectacles, public meetings, entertainment events or other expositions,
23 including, but not limited to, driveways, roads, approaches, parking
24 areas, parks, recreation areas, lodging facilities, vending facilities,
25 restaurants, transportation structures, systems and facilities, and
26 equipment, furnishings, and all other structures and appurtenant
27 facilities, related to, incidental to, necessary for, or complementary to
28 the purposes of that project or any facility thereof.

29 (2) To establish, develop, construct, acquire, lease or own,
30 operate, manage, promote, maintain, repair, reconstruct, restore,
31 improve and otherwise effectuate, either directly or indirectly through
32 lessees, licensees or agents, a project, at a site within the State of New
33 Jersey, consisting of a baseball stadium and other buildings, structures,
34 facilities, properties and appurtenances related thereto, or incidental
35 to, necessary for, or complementary to a complex suitable for the
36 holding of professional baseball games and other athletic contests or
37 sporting events, or trade shows, exhibitions, spectacles, public
38 meetings, entertainment events or other expositions, such project to
39 include driveways, roads, approaches, parking areas, parks, recreation
40 areas, vending facilities, restaurants, transportation structures, systems
41 and facilities, and equipment, furnishings and all other structures and
42 appurtenant facilities related to, incidental to, necessary for, or
43 complementary to the purposes of that project or any facility thereof.

44 (3) To establish, develop, construct, acquire, lease or own,
45 operate, manage, promote, maintain, repair, reconstruct, restore,
46 improve and otherwise effectuate, either directly or indirectly through

1 lessees, licensees or agents, projects located within the State of New
2 Jersey, but outside of the meadowlands complex, consisting of
3 aquariums and the buildings, structures, facilities, properties and
4 appurtenances related thereto, or incidental to, necessary for, or
5 complementary to those aquariums, such project to include driveways,
6 roads, approaches, parking areas, parks, recreation areas, vending
7 facilities, restaurants, transportation structures, systems and facilities,
8 and equipment, furnishings and all other structures and appurtenant
9 facilities related to, incidental to, necessary for, or complementary to
10 the purposes of that project or any facility thereof. To provide for a
11 project authorized under this paragraph:

12 (a) (Deleted by amendment, P.L.1988, c.172.)

13 (b) The authority is authorized to enter into agreements with the
14 State Treasurer providing for the acquisition and construction of an
15 aquarium by the authority, including the land necessary for the
16 aquarium, and the costs thereof, ownership of the aquarium and its
17 land which shall be conveyed to the State upon completion, and the
18 operation by the authority of the aquarium pursuant to a lease or other
19 agreement with the State containing such terms and conditions as the
20 State Treasurer may establish prior to the acquisition and construction
21 by the authority of the aquarium and the disbursements of funds
22 therefor. The State Treasurer is authorized to enter into a lease or
23 other agreement to effectuate the provisions of this subparagraph.

24 (4) To establish, develop, construct, acquire, own, operate,
25 manage, promote, maintain, repair, reconstruct, restore, improve and
26 otherwise effectuate, either directly or indirectly through lessees,
27 licensees or agents, a project consisting of an exposition or
28 entertainment center or hotel or office complex, including any
29 buildings, structures, properties and appurtenances related thereto,
30 incidental thereto, necessary therefor, or complementary thereto, such
31 project to include driveways, roads, approaches, parking areas, parks,
32 recreation areas, vending facilities, restaurants, transportation
33 structures, systems, and equipment, furnishings and all other structures
34 and appurtenances related to, incidental to, necessary for, or
35 complementary to, the purposes of that project. A project authorized
36 under this paragraph may be located within, immediately contiguous
37 to, or immediately across any public road which borders the site of any
38 other project of the authority, except the site of a racetrack authorized
39 by paragraph (5) of this subsection and acquired by the authority prior
40 to 1986.

41 (5) To establish, develop, construct, acquire, own, operate,
42 manage, promote, maintain, repair, reconstruct, restore, improve and
43 otherwise effectuate, either directly or indirectly through lessees,
44 licensees or agents, projects consisting of (a) racetrack facilities
45 located within the State of New Jersey, but outside of the
46 meadowlands complex, (b) their contiguous properties, and (c) their

1 auxiliary facilities, including, without limitation, pavilions, stands, field
2 houses, clubhouses, training tracks for horses, racetracks for the
3 holding of horse race meetings, fairgrounds, other exposition facilities,
4 and other buildings, structures, facilities, properties and appurtenances
5 related to, incidental to, necessary for, or complementary to a complex
6 suitable for the holding of horse race meetings, other sporting events,
7 or trade shows, exhibitions, spectacles, public meetings, entertainment
8 events or other expositions, including, but not limited to, driveways,
9 roads, approaches, parking areas, parks, recreation areas, lodging
10 facilities, vending facilities, restaurants, transportation structures,
11 systems and facilities, equipment, furnishings, and all other structures
12 and appurtenant facilities related to, incidental to, necessary for, or
13 complementary to the purposes of any of those projects or any facility
14 thereof.

15 Notwithstanding any law to the contrary, the acquisition of any
16 existing racetrack facility in and licensed by the State of New Jersey
17 shall be permitted on the condition that payments equivalent to all
18 municipal, school board and county taxes due to each entity shall be
19 paid by the authority to the extent and in accordance with the same
20 payment schedule as taxes would have been paid each year, as though
21 the racetrack facility remained in private ownership. In the event the
22 authority conveys lands or other parts of the racetrack facility to
23 others, the authority shall receive a reduction of such payments
24 commensurate with the amount required to be paid by the subsequent
25 owner of the lands and improvements disposed of by the authority. In
26 addition, the authority shall be responsible for paying all existing local
27 franchise fees, license and parking tax fees in effect at the time of the
28 acquisition.

29 (6) To establish, develop, acquire, own, operate, manage, promote
30 and otherwise effectuate, in whole or in part, either directly or
31 indirectly through lessees, licensees or agents, projects consisting of
32 events, expositions, teams, team franchises or membership in
33 professional sports leagues.

34 (7) To establish, develop, construct, acquire, own, operate,
35 manage, promote, maintain, repair, reconstruct, restore, improve and
36 otherwise effectuate, either directly or indirectly through lessees,
37 licensees or agents, projects consisting of facilities, at a site or sites
38 within the State of New Jersey and either within or without the
39 meadowlands complex, that are related to, incidental to, necessary for,
40 or complementary to the accomplishment or purpose of any project of
41 the authority authorized by this section, including any buildings,
42 structures, properties and appurtenances related thereto, incidental
43 thereto, necessary therefor, or complementary thereto, such projects
44 to include driveways, roads, approaches, parking areas, parks,
45 recreation areas, off-track and account wagering systems and facilities
46 or any interest therein, vending facilities, restaurants, transportation

1 structures, systems, and equipment, furnishings and all other structures
2 and appurtenances related to, incidental to, necessary for, or
3 complementary to the purposes of those projects.

4 (8) To establish, develop, acquire, construct, reconstruct, improve
5 and otherwise effectuate for transfer to, and for use and operation by,
6 Rutgers, the State University, either directly or indirectly through
7 lessees, licensees or agents, facilities located or to be located on
8 property owned, leased, or otherwise used by Rutgers, the State
9 University, consisting of an upgraded and expanded football stadium
10 and a new track and field, soccer and lacrosse facility and the
11 buildings, structures, properties and appurtenances related thereto, or
12 incidental to, necessary for, or complementary to the football stadium
13 and track and field, soccer and lacrosse facility, such facilities to
14 include driveways, access roads, approaches, parking areas, parks,
15 recreation areas, vending facilities, restaurants, transportation
16 structures, systems and equipment, furnishings and all other structures
17 and appurtenances related or incidental to, necessary for, or
18 complementary to the purposes of those facilities; provided however
19 that construction shall not begin on the expansion of the seating
20 capacity of Rutgers Stadium until the Commissioner of Transportation
21 certifies that all funding necessary to complete the Route 18 project in
22 Piscataway Township has been appropriated and construction has
23 begun on the Route 18 project in Piscataway Township under the
24 Department of Transportation's capital program.

25 (9) To acquire by purchase, lease or otherwise, and to develop,
26 construct, operate, own, lease, manage, repair, reconstruct, restore,
27 improve, enlarge or otherwise effectuate, either directly or through
28 lessees, licensees or agents, a convention center project in the city of
29 Atlantic City, Atlantic County, consisting of the existing convention
30 hall and a new convention hall or center, and associated parking areas
31 and railroad terminal facilities and including the leasing of adjacent
32 land for hotel facilities. In connection therewith, the authority is
33 authorized to:

34 (a) Assume existing leasehold or other contractual obligations
35 pertaining to any such facilities or properties or to make provision for
36 the payment or retirement of any debts and obligations of the
37 governmental entity operating any such convention hall or center or of
38 any bonds or other obligations payable from and secured by a lien on
39 or pledge of the luxury tax revenues;

40 (b) Make loans or payments in aid of construction with respect to
41 infrastructure and site development for properties located in the area
42 between the sites of the existing convention hall and a new convention
43 center or located contiguous to or across any public road which
44 borders the area;

45 (c) Convert the existing convention hall or any facilities, structures
46 or properties thereof, or any part thereof, not disposed of by the

1 authority, to any sports, exposition, exhibition, or entertainment use
2 or to use as a forum for public events or meetings, or to any other use
3 which the authority shall determine to be consistent with its operation
4 of the Atlantic City convention center project.

5 (10) To provide a feasibility study for the use and development of
6 the existing convention center in the city of Asbury Park, county of
7 Monmouth and to provide a feasibility study for the construction, use
8 and development of a convention center or recreational facility in any
9 other municipality.

10 (11) To provide funding to public or private institutions of higher
11 education in the State to establish, develop, acquire, construct,
12 reconstruct or improve facilities located or to be located on property
13 owned, leased, or otherwise used by an institution, consisting of sports
14 facilities and the buildings, structures, properties and appurtenances
15 related thereto, or incidental to, necessary for, or complementary to
16 those sports facilities, such facilities to include driveways, access
17 roads, approaches, parking areas, parks, recreation areas, vending
18 facilities, restaurants, transportation structures, systems and
19 equipment, furnishings and all other structures and appurtenances
20 related or incidental to, necessary for, or complementary to the
21 purposes of those facilities.

22 (12) To acquire by purchase, lease, or otherwise, including all
23 right, title and interest of the Greater Wildwood Tourism Improvement
24 Development Authority in any property, and to develop, construct,
25 operate, own, lease, manage, repair, reconstruct, restore, improve,
26 enlarge or otherwise effectuate, either directly or through lessees,
27 licensees or agents, a convention center facility in the City of
28 Wildwood, Cape May County, consisting of and including any existing
29 and acquired buildings, structures, properties and appurtenances and
30 including restaurants, retail businesses, access roads, approaches,
31 parking areas, transportation structures and systems, recreation areas,
32 equipment, furnishings, vending facilities, and all other structures and
33 appurtenances incidental to, necessary for, or complementary to the
34 purpose of such Wildwood convention center facility. In connection
35 therewith, the authority is expressly authorized to:

36 (a) assume any existing mortgages, leaseholds or other contractual
37 obligations or encumbrances with respect to the site of the Wildwood
38 convention center facility and any other existing and acquired
39 buildings, structures, properties, and appurtenances;

40 (b) enter into agreements with a local public body or bodies
41 providing for any necessary financial support or other assistance for
42 the operation and maintenance of such Wildwood convention center
43 facility from taxes or other sources of the local public body or bodies
44 as shall be made available for such purposes;

45 (c) to the extent permitted by law and by the terms of the bonds or
46 notes issued to finance the Wildwood convention center facility,

1 transfer its ownership interest or other rights with respect to the
2 convention center facility to another State authority or agency;

3 (d) upon payment of all outstanding bonds and notes issued
4 therefore, transfer its ownership interest and other rights with respect
5 thereto to such other public body as shall be authorized to own and
6 operate such a facility; and

7 (e) convert any existing convention hall or any facilities, structures
8 or properties thereof, or any part thereof, not disposed of by the
9 authority, to any use which the authority shall determine to be
10 consistent with the operation of the Wildwood convention center
11 facility.

12 (13) To acquire by purchase, lease or otherwise, and to develop,
13 construct, own, lease, manage, repair, reconstruct, restore, improve,
14 enlarge or otherwise effectuate, either directly or through lessees,
15 licenses, or agents, all right, title, or interest in the Garden State Arts
16 Center in Holmdel, Monmouth County, and any related or auxiliary
17 facilities and to transfer its interest in the Garden State Arts Center
18 and any related or auxiliary facilities to such other public body that is
19 authorized to own and operate such a facility, or other entity,
20 according to such terms and process as the authority may establish in
21 its discretion.

22 b. The authority, pursuant to the provisions of P.L.1971, c.137
23 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the
24 projects, capital contributions to others for transportation and other
25 facilities, and accommodations for the public's use of any of those
26 projects, (2) to lease any part of any of those project sites not
27 occupied or to be occupied by the facilities of any of those projects,
28 for purposes determined by the authority to be consistent with or
29 related to the purposes of those projects, including, but not limited to,
30 hotels and other accommodations for transients and other facilities
31 related to or incidental to any of those projects, and (3) to sell or
32 dispose of any real or personal property, including, but not limited to,
33 such portion of the site of any of those projects not occupied or to be
34 occupied by the facilities of any of those projects, at not less than the
35 fair market value of the property, except in the case of sale or
36 disposition to the State, any political subdivision of the State or any
37 agency or instrumentality of the State or any political subdivision of
38 the State.

39 c. Revenues, moneys or other funds, if any, derived from the
40 operation or ownership of the meadowlands complex, including the
41 conduct of horse race meetings, shall be applied, in accordance with
42 the resolution or resolutions authorizing or relating to the issuance of
43 bonds or notes of the authority, to the following purposes and in the
44 following order:

45 (1) The costs of operation and maintenance of the meadowlands
46 complex and reserves therefor;

1 (2) Principal, sinking fund installments and redemption premiums
2 of and interest on any bonds or notes of the authority payable from
3 such revenues, moneys or other funds and issued for the purposes of
4 the meadowlands complex or for the purposes of refunding the same,
5 including reserves and payments with respect to credit agreements
6 therefor;

7 (3) The costs of any major or extraordinary repairs, renewals or
8 replacements with respect to the meadowlands complex or incidental
9 improvements thereto, not paid pursuant to paragraph (1) above,
10 including reserves therefor;

11 (4) Payments required to be made pursuant to section 18b.;

12 (5) Payments authorized to be made pursuant to section 18c.;

13 (6) Except to the extent payments with respect to bonds or notes
14 are provided with priority in accordance with paragraph (2) of this
15 subsection, payments required to be made in accordance with the
16 resolution authorizing or relating to the issuance of bonds or notes of
17 the authority, for the purposes of any project authorized by this act,
18 including payments and reserves with respect to any bonds or notes of
19 the authority with respect to the meadowlands complex which are not
20 provided with priority in accordance with paragraph (2) of this
21 subsection;

22 (7) Payments required to be made to repay any obligation incurred
23 by the authority to the State;

24 (8) The balance remaining after application in accordance with the
25 above shall be deposited in the General State Fund, provided that (a)
26 there shall be appropriated for authorized State purposes from the
27 amount so deposited that amount which shall be calculated by the
28 State Treasurer to be the debt service savings realized with respect to
29 the refinancing of the initial project as defined in section 1 of
30 P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the
31 issuance of bonds of the authority guaranteed by the State, and (b)
32 after such appropriation, 40% of any balance remaining from the
33 amounts so deposited shall be appropriated to the Meadowlands
34 Commission for any of its purposes authorized by P.L.1968, c.404,
35 and any amendments or supplements thereto.

36 d. Revenues, moneys or other funds, if any, derived from the
37 operation or ownership of any project other than the meadowlands
38 complex, the Atlantic City convention center project, or the Wildwood
39 convention center facility and other than a baseball stadium project or
40 an office complex project located on the site of a baseball stadium
41 shall be applied for such purposes, in such manner and subject to such
42 conditions as shall be provided in the resolution authorizing or relating
43 to the issuance of bonds or notes of the authority for the purposes of
44 such project, and the balance, if any, remaining after such application
45 may be applied, to the extent not contrary to or inconsistent with the
46 resolution, in the following order (1) to the purposes of the

1 meadowlands complex, unless otherwise agreed upon by the State
2 Treasurer and the authority, (2) to the purposes of any other project
3 of the authority; and, the balance remaining, if any, shall be deposited
4 in the General Fund.

5 e. Revenues, moneys or other funds, if any, derived from the
6 operation, ownership, or leasing of a baseball stadium project or an
7 office complex project located on the site of a baseball stadium shall
8 be applied for the purposes, in the manner and subject to the
9 conditions as shall be provided in the resolution authorizing or relating
10 to the issuance of bonds or notes of the authority for the purposes of
11 a baseball stadium project or an office complex project located on the
12 site of a baseball stadium, if any, and the balance, if any, remaining
13 after such application shall be applied, to the extent not contrary to or
14 inconsistent with the resolution, to the following purposes and in the
15 following order:

16 (1) The costs of operation and maintenance of a baseball stadium
17 project and an office complex project located on the site of a baseball
18 stadium and reserves therefor;

19 (2) Payments made to repay the bonded indebtedness incurred by
20 the authority for the purposes of a baseball stadium project or an
21 office complex project located on the site of a baseball stadium;

22 (3) Payments equivalent to an amount required to be made by the
23 State for payments in lieu of taxes pursuant to P.L.1977, c.272
24 (C.54:4-2.2a et seq.);

25 (4) The balance remaining after application in accordance with the
26 above shall be deposited in the General Fund.

27 f. Revenues, moneys or other funds, if any, derived from the
28 operation, ownership or leasing of the Atlantic City convention center
29 project shall be applied to the costs of operating and maintaining the
30 Atlantic City convention center project and to the other purposes set
31 forth in this subsection as shall be provided by resolution of the
32 authority.

33 Luxury tax revenues paid to the authority by the State Treasurer
34 pursuant to section 14 of P.L.1991, c.375 (C.5:10-14.4) shall be
35 deposited by the authority in a separate fund or account and applied
36 to the following purposes and in the following order:

37 (1) To pay the principal, sinking fund installments and redemption
38 premiums of and interest on any bonds or notes of the authority,
39 including bonds or notes of the authority issued for the purpose of
40 refunding bonds or notes, issued for purposes of (i) the initial
41 acquisition of the existing properties which will constitute part of the
42 Atlantic City convention center project, if the bonds or notes shall be
43 payable under the terms of the resolution of the authority relating
44 thereto from luxury tax revenues, or (ii) providing improvements,
45 additions or replacements to the Atlantic City convention center
46 project, if the bonds or notes shall be payable under the terms of the

1 resolution of the authority relating thereto from luxury tax revenues;
2 and to pay any amounts due from the authority under any credit
3 agreement entered into by the authority in connection with the bonds
4 or notes.

5 (2) To pay the costs of operation and maintenance of the Atlantic
6 City convention center project.

7 (3) To establish and maintain a working capital and maintenance
8 reserve fund for the Atlantic City convention center project in an
9 amount as shall be determined by the authority to be necessary.

10 (4) To repay to the State those amounts paid by the State with
11 respect to bonds or notes of the authority issued for the purposes of
12 the Atlantic City convention center project.

13 (5) The balance of any luxury tax revenues not required for any of
14 the foregoing purposes and remaining at the end of any calendar year
15 shall be paid to the State Treasurer for application to purposes in the
16 city of Atlantic City pursuant to section 5 of P.L.1981, c.461
17 (C.40:48-8.30a).

18 The authority may pledge the luxury tax revenues paid to it as
19 provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as security
20 for the payment of the principal of and interest or premium on its
21 bonds or notes issued for the purposes set forth above in paragraph (1)
22 of this subsection f. in the same manner, to the same extent and with
23 the same effect as the pledge of any of its other revenues, receipts and
24 funds authorized by P.L.1971, c.137 (C.5:10-1 et seq.).

25 g. Revenues, moneys or other funds, if any, derived from the
26 ownership or operation of the Wildwood convention center facility
27 shall be applied to the costs of operating and maintaining the
28 Wildwood convention center facility and to the other purposes set
29 forth in this subsection as shall be provided by resolution of the
30 authority.

31 The tourism related tax revenues paid to the authority pursuant to
32 subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall be
33 deposited by the authority in a separate fund or account and applied
34 to any or all of the following purposes pursuant to an allocation of
35 funds approved by the State Treasurer in writing and in advance of any
36 application of such funds:

37 (1) to pay amounts due with respect to any obligations transferred
38 to the authority pursuant to section 17 of P.L.1997, c.273
39 (C.40:54D-25.1) pertaining to the Wildwood convention center
40 facility;

41 (2) to repay to the State those amounts paid with respect to bonds
42 or notes of the authority issued for the purposes of the Wildwood
43 convention center facility;

44 (3) to pay the cost of operation and maintenance reserve for the
45 Wildwood convention center facility;

46 (4) to establish and maintain a working capital and maintenance of

1 the Wildwood convention center facility.

2 The balance, if any, of any tourism related tax revenues not
3 allocated to any of the purposes set forth in the previous paragraphs
4 and remaining at the end of the calendar year shall be paid to the State
5 Treasurer for deposit in the General Fund.

6 (cf: P.L.2001, c.199, s.38)

7

8 44. Section 12 of P.L.1997, c.59 (C.27:25A-21.2) is amended to
9 read as follows:

10 12. a. The authority may, in accordance with the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll
12 collection monitoring system regulations. The regulations shall
13 include a procedure for processing toll violations and for the treatment
14 of inadvertent violations. A person who violates the regulations shall
15 be liable to a civil penalty [of not less than \$50 nor more than \$200
16 per violation] in an amount established by the authority. The penalty
17 shall be enforced pursuant to ["the penalty enforcement law,"
18 N.J.S.2A:58-1 et seq] the "Penalty Enforcement Law of 1999,"
19 P.L.1999, c.274 (C.2A:58-10 et seq.).

20 b. Except as provided in subsection b. of section 13 of P.L.1997,
21 c.59 (C.27:25A-21.3), an owner of a vehicle shall be jointly and
22 severally liable for the failure of an operator of the vehicle to comply
23 with the toll collection monitoring system regulations. The owner of
24 a vehicle shall be liable if such vehicle was used or operated by the
25 operator with the express or implied permission of the owner when the
26 violation of the toll collection monitoring system regulations was
27 committed, and the evidence of the violation is obtained by a toll
28 collection monitoring system. An owner of a vehicle shall not be liable
29 if the operator of the vehicle has been identified and charged with a
30 violation of section 21 of P.L.1991, c.252 (C.27:25A-21) for the same
31 incident.

32 c. A toll collection monitoring system acquired or operated by, or
33 under contract to, the authority shall be so designed that it does not
34 produce one or more photographs, microphotographs, a videotape or
35 other recorded image or images of the face of the operator or any
36 passenger in a motor vehicle.

37 (cf: P.L.1997, c.59, s.12)

38

39 45. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to
40 read as follows:

41 13. a. If a violation of the toll collection monitoring system
42 regulations is committed as evidenced by a toll collection monitoring
43 system, the agent of the authority may send an advisory and payment
44 request within [30] 60 days of the date of the violation to the owner
45 of the vehicle by regular mail at the address of record for that owner
46 with the Division of Motor Vehicles in the Department of

1 Transportation or with any other motor vehicle licensing authority of
2 another jurisdiction, providing the owner with the opportunity to
3 resolve the matter prior to the issuance of a summons and complaint
4 that charges a violation of the toll collection monitoring system
5 regulations. The advisory and payment request shall contain sufficient
6 information to inform the owner of the nature, date, time and location
7 of the alleged violation. The agent may require as part of the advisory
8 and payment request that the owner pay to the agent the proper toll
9 and a reasonable administrative fee [that shall not exceed \$25 per
10 violation] established by the authority. If the owner fails to pay the
11 required toll and fee within 60 days of the date the advisory and
12 payment request was sent, the owner shall be subject to liability on
13 the 61st day following the date the advisory and payment request was
14 sent for the violation of the toll collection monitoring system
15 regulations by the vehicle operator.

16 b. An owner of a vehicle who is a lessor of the vehicle used in
17 violation of the toll collection monitoring system regulations of the
18 authority shall not be liable for the violation of the regulations if the
19 lessor submits to the authority, in a timely manner, a copy of the rental
20 agreement, lease or other contract document covering that vehicle on
21 the date of the violation, with the name and address of the lessee
22 clearly legible to the authority and to the court having jurisdiction over
23 the violation. If the lessor fails to provide the information in a timely
24 manner, the lessor shall be held liable for the violation of the
25 regulations. If the lessor provides the required information to the
26 authority, the lessee of the vehicle on the date of the violation shall be
27 deemed to be the owner of the vehicle for the purposes of sections 11
28 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)
29 and the toll collection monitoring system regulations and shall be
30 subject to liability for the violation of the regulations.

31 c. A certified report of an employee or agent of the authority
32 reporting a violation of the toll collection monitoring system
33 regulations and any information obtained from a toll collection
34 monitoring system shall be available for the exclusive use of the
35 authority and any law enforcement official for the purposes of
36 discharging their duties pursuant to sections 11 through 15 of
37 P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5) and the toll
38 collection monitoring system regulations. Any such report or
39 information shall not be deemed a public record under P.L.1963, c.73
40 (C.47:1A-1 et seq.) or the common law concerning access to public
41 records. The certified reports and information shall not be
42 discoverable as a public record by any person, entity or governmental
43 agency, nor shall they be offered in evidence in any civil, criminal or
44 administrative proceeding, not directly related to a violation of the toll
45 collection monitoring system regulations. However, in the event that,
46 notwithstanding the provisions of subsection c. of section 12 of this

1 act, a recorded image of the face of the operator or any passenger in
2 a motor vehicle is produced by the toll collection monitoring system,
3 that image shall not be used by the authority for any purpose nor shall
4 the image or any record or copy thereof be transmitted or
5 communicated to any person, governmental, non-governmental or
6 judicial or administrative entity.

7 d. A complaint and summons charging a violation of the toll
8 collection monitoring system regulations shall be on a form prescribed
9 by the Administrative Director of the Courts pursuant to the Rules
10 Governing the Courts of the State of New Jersey. The authority may
11 authorize by regulation an employee or agent to be a complaining
12 witness to make, sign, and initiate complaints and to issue summonses
13 in the name of the authority on behalf of the State of New Jersey,
14 pursuant to the Rules Governing the Courts of the State of New
15 Jersey. The complaints and summonses may be made on information
16 based upon evidence obtained by a toll collection monitoring system,
17 the toll collection monitoring system record and the records of the
18 Division of Motor Vehicles in the Department of Transportation or of
19 any other state, province, or motor vehicle licensing authority.

20 Service may be made by means provided by the Rules Governing
21 the Courts of the State of New Jersey.

22 Except as provided in subsection c. of this section, the recorded
23 images produced by a toll collection monitoring system shall be
24 considered an official record kept in the ordinary course of business
25 and shall be admissible in a proceeding for a violation of any toll
26 collection monitoring system regulations.

27 e. The municipal court of the municipality wherein a toll collection
28 monitoring system record was made shall have jurisdiction to hear
29 violations of the toll collection monitoring system regulations.
30 Violations shall be enforced and penalties collected pursuant to ["the
31 penalty enforcement law," N.J.S.2A:58-1 et seq] the "Penalty
32 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
33 proceeding and a judgment arising therefrom shall be pursued and
34 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.
35 and the Rules Governing the Courts of the State of New Jersey.

36 In addition to the civil penalty that may be assessed by a court
37 having jurisdiction for a violation of the toll collection monitoring
38 system regulations, a court shall require the defendant to pay the
39 proper toll and may require the defendant to pay a reasonable
40 administrative fee [that shall not exceed \$25 per violation] as
41 established by the authority if the authority has previously sent an
42 advisory and payment request to the defendant. Following collection
43 and distribution of the fees set forth in section 11 of P.L.1953, c.22
44 (C.22A:3-4), any tolls and administrative fees imposed and collected
45 by the court for a violation of the toll collection monitoring system
46 regulations shall be promptly remitted to the authority by the court.

1 The civil penalty shall be distributed pursuant to the ["penalty
2 enforcement law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement
3 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
4 (cf: P.L.1997, c.59, s.13)

5
6 46. The following are repealed: Section 1 of P.L.1949, c.40
7 (C.27:23-5.1), section 5 of P.L.1949, c.40 (C.27:23-5.5), section 7 of
8 P.L.1949, c.40 (C.27:23-5.7), P.L.1952, c.16 (C.27:12B-1 et seq.),
9 section 2 of P.L.1970, c.28 (C.27:12B-4.2), section 2 of P.L.1968,
10 c.348 (C.27:12B-5.1), P.L.1985, c.312 (C.27:12B-5.1a), P.L.1968,
11 c.459 (C.27:12B-5.2), section 1 of P.L.2002, c.77 (C.27:12B-5.2a),
12 P.L.1991, c.70 (C.27:12B-5.3 et seq.), P.L.1977, c.361 (C.27:12B-
13 14.1 et seq.), section 2 of P.L.2002, c.114 (C.27:12B-17.1),
14 P.L.1956, c.206 (C.27:12B-18.1), sections 1 through 5 (inclusive) of
15 P.L.1997, c.59 (C.27:12B-18.2 through 18.6), P.L.1970, c.185
16 (C.27:12B-19.1), P.L.1981, c.463 (C.27:12B-20a), section 1 of
17 P.L.1965, c.211 (C.27:12B-20.2), section 2 of P.L.1966, c.284
18 (C.27:12B-21.1), P.L.1953, c.164 (C.27:12B-27 et seq.), P.L.1957,
19 c.89 (C.27:12B-31 et seq.).

20
21 47. This act shall take effect on the Transfer Date, except that
22 section 3, section 8 and the amendment of section 5 of P.L.1948,
23 c.184 (C.27:23-5) adding a new subsection (t), as provided in section
24 9 of this act, shall take effect immediately, provided that the authority
25 shall be granted such powers as are contained herein which shall be
26 necessary or appropriate for it to issue bonds and to take such other
27 actions to effectuate the transfer of the Highway Authority and its
28 projects and functions to the authority as soon as practicable after the
29 date of enactment. The authority may take such anticipatory action in
30 advance as shall be necessary for the implementation of this act.

31

32 STATEMENT

33

34 This bill will fix and enhance the operations of the New Jersey
35 Turnpike and the Garden State Parkway by bringing them under the
36 wing of a single State agency. This bill will the fix the E-ZPass
37 dilemma by restructuring over \$300 million of debt incurred in
38 establishing the system while preserving drivers' E-ZPass benefits of
39 less congestion and administrative convenience -- without a toll
40 increase. This bill now makes high-speed E-ZPass possible.

41 Consolidation will provide millions of additional dollars for needed
42 road improvements. Putting the two highways under one umbrella will
43 enhance roadway operations, permit a closer coordination of
44 administration of a vital State resource, create economies of scale,
45 permit a pooling of financial resources and reduce operating costs.
46 The result will be a safer, better operated and better maintained,

1 integrated highway network that will promote economic growth and
2 ensure a continued high quality of life in New Jersey.

3 This bill abolishes the New Jersey Highway Authority and transfers
4 the projects and functions of the Highway Authority, including the
5 Garden State Parkway and Garden State Arts Center, to the New
6 Jersey Turnpike Authority. This bill would permit the transfer of the
7 Arts Center to the control of the New Jersey Sports and Exposition
8 Authority.

9 The bill also permits the Turnpike Authority in its discretion to
10 establish both highway projects and transportation projects. Tolls
11 received from the Garden State Parkway, as well as the New Jersey
12 Turnpike, shall not be used for non-highway projects.

13 On the Transfer Date specified in the bill, the outstanding bonds of
14 the Highway Authority are to be retired, the Turnpike Authority is to
15 assume all assets, debts, liabilities and statutory responsibilities of the
16 Highway Authority, and the Highway Authority is abolished. All
17 employees of the Highway Authority are to be transferred to the
18 Turnpike Authority and become employees of the Turnpike Authority.
19 Highway Authority union contracts are to continue in effect.

20 The bill, in making various changes to the existing Turnpike
21 Authority statutes: (1) authorizes the Commissioner of Transportation
22 to appoint a five-member advisory committee to review a Capital
23 Project and Investment Plan to be prepared by the Turnpike Authority
24 to promote coordinated transportation and economic planning; (2)
25 authorizes the Turnpike Authority to borrow money and issue
26 negotiable bonds for any of its corporate purposes and to secure the
27 bonds through the pledging of tolls and other revenues and proceeds
28 of such bonds, or other available sources and to enter into credit
29 agreements; (3) provides that the rules and regulations of the Highway
30 Authority are to continue in effect after the Highway Authority is
31 abolished. For 18 months after the Transfer Date, the Turnpike
32 Authority may provide that its regulations take effect immediately on
33 filing with the Office of Administrative Law; (4) alters the maximum
34 penalty for violating Turnpike Authority regulations from \$200 to
35 \$500, changes the amount of the civil penalty for violating the toll
36 collection monitoring system regulations from the current range of \$50
37 to \$200 to an amount to be established by the Turnpike Authority and
38 also changes the related administrative fee from the \$25 maximum to
39 a reasonable administrative fee established by the Turnpike Authority;
40 (5) makes parallel changes in the enabling law of the South Jersey
41 Transportation Authority; and (6) authorizes the Turnpike Authority
42 to establish by regulation restrictions on the type, weight and size of
43 vehicles utilizing highway projects and retains the language of the
44 repealed Highway Authority statutes permitting the restriction of a
45 part of a highway project to passenger automobiles.

46 This bill repeals in their entirety the Highway Authority statutes and

- 1 certain Turnpike Authority statutes.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2352**

STATE OF NEW JERSEY

DATED: APRIL 28, 2003

The Assembly Transportation Committee reports favorably the Senate Committee Substitute for Senate Bill No. 2352.

This substitute bill abolishes the New Jersey Highway Authority and transfers the projects and functions of the Highway Authority, including the Garden State Parkway and Garden State Arts Center, to the New Jersey Turnpike Authority. The bill increases the membership of the Turnpike Authority from six to eight members, with the two additional members being appointed by the Governor, upon recommendation of the President of the Senate and the Speaker of the General Assembly respectively. This bill would permit the transfer of the Arts Center to the control of the New Jersey Sports and Exposition Authority or to any other entity.

The bill also permits the Turnpike Authority in its discretion to establish both highway projects and transportation projects. Highway project is defined to include express E-ZPass where determined by the authority and the demolition and removal of toll houses and toll barriers. Under current Turnpike Authority statutes, the Legislature must establish turnpike projects by law. Also under the bill, tolls received from the Garden State Parkway, as well as the New Jersey Turnpike, shall not be used for non-highway projects except on an interim basis.

On the Transfer Date specified in the bill, the outstanding bonds of the Highway Authority are to be retired, the Turnpike Authority is to assume all assets, debts, liabilities and statutory responsibilities of the Highway Authority, and the Highway Authority is abolished. All employees of the Highway Authority are to be transferred to the Turnpike Authority and become employees of the Turnpike Authority. Highway Authority union contracts are to continue in effect until new or revised contracts are agreed to.

The bill, in making various changes to the existing Turnpike Authority statutes: (1) authorizes the Commissioner of Transportation to appoint a five-member advisory committee to review a Capital Project and Investment Plan to be prepared by the Turnpike Authority to promote coordinated transportation and economic planning, with the plan to be submitted along with the Annual Capital Transportation

Program submitted by the Commissioner on March 1 ; (2) authorizes the Turnpike Authority to borrow money and issue negotiable bonds for any of its corporate purposes and to secure the bonds through the pledging of tolls and other revenues and proceeds of such bonds, or other available sources and to enter into credit agreements; (3) provides that the rules and regulations of the Highway Authority are to continue in effect after the Highway Authority is abolished. For 18 months after the Transfer Date, the Turnpike Authority may provide that its regulations take effect immediately on filing with the Office of Administrative Law; (4) alters the maximum penalty for violating Turnpike Authority regulations from \$200 to \$500, changes the amount of the civil penalty for violating the toll collection monitoring system regulations from the current range of \$50 to \$200 to an amount not to exceed \$500 to be established by the Turnpike Authority and also changes the related administrative fee from the \$25 maximum to a reasonable administrative fee to be established by the Turnpike Authority based upon the actual cost of processing and collecting the violation; (5) makes parallel changes in the enabling law of the South Jersey Transportation Authority; and (6) authorizes the Turnpike Authority to establish by regulation restrictions on the type, weight and size of vehicles utilizing highway projects and retains the language of the repealed Highway Authority statutes permitting the restriction of a part of a highway project to passenger automobiles.

This bill repeals in their entirety the Highway Authority statutes and certain Turnpike Authority statutes.

This bill implements the report of the New Jersey Toll Road Consolidation Study Commission established by Executive Order No. 15 of 2002. According to the study commission report, a consolidation of the two highways under one umbrella will achieve economies of scale; produce financial savings; obtain efficiencies in administration, management and operations; permit a pooling of economic resources to fund essential capital projects; and implement more coordinated transportation planning.

This Senate Committee Substitute bill is identical to the Assembly Committee Substitute for Assembly Bill No. 3392 released by the committee on this same date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2352

STATE OF NEW JERSEY

DATED: MAY 5, 2003

The Assembly Appropriations Committee reports favorably Senate Bill No. 2352 (SCS).

Senate Bill No. 2352 (SCS) abolishes the New Jersey Highway Authority and transfers the projects and functions of the Highway Authority, including the Garden State Parkway and Garden State Arts Center, to the New Jersey Turnpike Authority. The bill increases the membership of the Turnpike Authority from six to eight members, with the two additional members being appointed by the Governor, upon recommendation of the President of the Senate and the Speaker of the General Assembly respectively. This bill permits the transfer of the Arts Center to the control of the New Jersey Sports and Exposition Authority or to any other entity.

The bill also permits the Turnpike Authority, in its discretion, to establish both highway projects and transportation projects. A highway project is defined to include express E-ZPass where determined by the authority and the demolition and removal of toll houses and toll barriers. Under current Turnpike Authority statutes, the Legislature must establish turnpike projects by law. Also under the bill, tolls received from the Garden State Parkway, as well as the New Jersey Turnpike, shall not be used for non-highway projects except on an interim basis.

On the Transfer Date specified in the bill, the outstanding bonds of the Highway Authority shall be retired, the Turnpike Authority shall to assume all assets, debts, liabilities and statutory responsibilities of the Highway Authority, and the Highway Authority is abolished. All employees of the Highway Authority are to be transferred to the Turnpike Authority and become employees of the Turnpike Authority. Highway Authority union contracts shall continue in effect until new or revised contracts are agreed to.

The bill, in making various changes to the existing Turnpike Authority statutes: (1) authorizes the Commissioner of Transportation to appoint a five-member advisory committee to review a Capital Project and Investment Plan to be prepared by the Turnpike Authority to promote coordinated transportation and economic planning, with the plan to be submitted along with the Annual Capital Transportation

Program submitted by the Commissioner on March 1; (2) authorizes the Turnpike Authority to borrow money and issue negotiable bonds for any of its corporate purposes and to secure the bonds through the pledging of tolls and other revenues and proceeds of such bonds, or other available sources and to enter into credit agreements; (3) provides that the rules and regulations of the Highway Authority shall continue in effect after the Highway Authority is abolished (for 18 months after the Transfer Date, the Turnpike Authority may provide that its regulations take effect immediately on filing with the Office of Administrative Law); (4) alters the maximum penalty for violating Turnpike Authority regulations from \$200 to \$500, changes the amount of the civil penalty for violating the toll collection monitoring system regulations from the current range of \$50 to \$200 to an amount not to exceed \$500 to be established by the Turnpike Authority and changes the related administrative fee from the \$25 maximum to a reasonable administrative fee to be established by the Turnpike Authority based upon the actual cost of processing and collecting the violation; (5) makes parallel changes in the enabling law of the South Jersey Transportation Authority; and (6) authorizes the Turnpike Authority to establish by regulation restrictions on the type, weight and size of vehicles utilizing highway projects and retains the language of the repealed Highway Authority statutes permitting the restriction of a part of a highway project to passenger automobiles.

This bill repeals in their entirety the Highway Authority statutes and certain Turnpike Authority statutes.

This bill implements the report of the New Jersey Toll Road Consolidation Study Commission established by Executive Order No. 15 of 2002. According to the study commission report, a consolidation of the two highways under one umbrella will achieve economies of scale; produce financial savings; obtain efficiencies in administration, management and operations; permit a pooling of economic resources to fund essential capital projects; and implement more coordinated transportation planning.

This bill as reported by the committee is identical to Assembly Bill No. 3392 (ACS) as also reported by the committee.

FISCAL IMPACT:

Fiscal analysis supplied by the Executive Branch reflects a net present value savings to the consolidation of more than \$108 million.

The net present value of savings on operations is estimated at \$130.9 million. Anticipated refinancing of debt, with issuance of total debt issued during restructuring of \$1.85 billion is estimated to yield present value savings of \$9.98 million in E-ZPass debt cost savings. New Jersey Highway Authority and New Jersey Transportation Authority refunding costs have been estimated at \$31.9 million. The total of the present value operations savings and present value E-ZPass savings is \$141.88 million; less the \$31.9 million refunding cost, the result is a net present value savings of 108.98 million.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2352**

STATE OF NEW JERSEY

DATED: MARCH 17, 2003

The Senate Transportation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2352.

This substitute bill abolishes the New Jersey Highway Authority and transfers the projects and functions of the Highway Authority, including the Garden State Parkway and Garden State Arts Center, to the New Jersey Turnpike Authority. The bill increases the membership of the Turnpike Authority from six to eight members, with the two additional members being appointed by the Governor, upon recommendation of the President of the Senate and the Speaker of the General Assembly respectively. This bill would permit the transfer of the Arts Center to the control of the New Jersey Sports and Exposition Authority or to any other entity.

The bill also permits the Turnpike Authority in its discretion to establish both highway projects and transportation projects. Highway project is defined to include express E-ZPass where determined by the authority and the demolition and removal of toll houses and toll barriers. Under current Turnpike Authority statutes, the Legislature must establish turnpike projects by law. Also under the bill, tolls received from the Garden State Parkway, as well as the New Jersey Turnpike, shall not be used for non-highway projects except on an interim basis.

On the Transfer Date specified in the bill, the outstanding bonds of the Highway Authority are to be retired, the Turnpike Authority is to assume all assets, debts, liabilities and statutory responsibilities of the Highway Authority, and the Highway Authority is abolished. All employees of the Highway Authority are to be transferred to the Turnpike Authority and become employees of the Turnpike Authority. Highway Authority union contracts are to continue in effect until new or revised contracts are agreed to.

The bill, in making various changes to the existing Turnpike Authority statutes: (1) authorizes the Commissioner of Transportation to appoint a five-member advisory committee to review a Capital Project and Investment Plan to be prepared by the Turnpike Authority to promote coordinated transportation and economic planning, with the plan to be submitted along with the Annual Capital Transportation

Program submitted by the Commissioner on March 1 ; (2) authorizes the Turnpike Authority to borrow money and issue negotiable bonds for any of its corporate purposes and to secure the bonds through the pledging of tolls and other revenues and proceeds of such bonds, or other available sources and to enter into credit agreements; (3) provides that the rules and regulations of the Highway Authority are to continue in effect after the Highway Authority is abolished. For 18 months after the Transfer Date, the Turnpike Authority may provide that its regulations take effect immediately on filing with the Office of Administrative Law; (4) alters the maximum penalty for violating Turnpike Authority regulations from \$200 to \$500, changes the amount of the civil penalty for violating the toll collection monitoring system regulations from the current range of \$50 to \$200 to an amount not to exceed \$500 to be established by the Turnpike Authority and also changes the related administrative fee from the \$25 maximum to a reasonable administrative fee to be established by the Turnpike Authority based upon the actual cost of processing and collecting the violation; (5) makes parallel changes in the enabling law of the South Jersey Transportation Authority; and (6) authorizes the Turnpike Authority to establish by regulation restrictions on the type, weight and size of vehicles utilizing highway projects and retains the language of the repealed Highway Authority statutes permitting the restriction of a part of a highway project to passenger automobiles.

This bill repeals in their entirety the Highway Authority statutes and certain Turnpike Authority statutes.

This bill implements the report of the New Jersey Toll Road Consolidation Study Commission established by Executive Order No. 15 of 2002. According to the study commission report, a consolidation of the two highways under one umbrella will achieve economies of scale; produce financial savings; obtain efficiencies in administration, management and operations; permit a pooling of economic resources to fund essential capital projects; and implement more coordinated transportation planning.

ASSEMBLY, No. 3392

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 27, 2003

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Co-Sponsored by:

Assemblyman Van Drew

SYNOPSIS

Abolishes New Jersey Highway Authority and transfers projects and functions to Turnpike Authority.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2003)

1 AN ACT abolishing the New Jersey Highway Authority, transferring its
2 projects and functions to the New Jersey Turnpike Authority,
3 altering or increasing certain powers of the New Jersey Turnpike
4 Authority, supplementing P.L.1948, c.454 (C.27:23-1 et seq.) and
5 amending and repealing various parts of the statutory law.

6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9

10 1. (New section) The Legislature finds and declares:

11 a. Increasing traffic and related congestion are impairing the
12 quality of life and economy of the State. In order to deal with the
13 problems of increasing traffic and congestion, it is necessary to
14 provide for a more coordinated and rational organization of the State's
15 two major toll roads by abolishing the New Jersey Highway Authority
16 and providing for the acquisition by the New Jersey Turnpike
17 Authority of the Garden State Parkway and all other projects of the
18 New Jersey Highway Authority.

19 b. The abolishment of the New Jersey Highway Authority and the
20 transfer of its functions to the New Jersey Turnpike Authority will
21 permit improved transportation planning, facilitate more efficient
22 operations, improve the capital budget process and achieve
23 administrative economies.

24 c. Joining the two highways under one umbrella will maintain the
25 historic integrity and separate identities of each roadway while
26 bringing to each economies of scale and financial savings in
27 operations, purchasing, maintenance and administration. These
28 economies and the ability to pool capital resources will create a safer,
29 less congested, better maintained and improved road network. Doing
30 so is vital to fostering a strong State economy and achieving the high
31 quality of life we derive from it.

32 d. The abolishment and transfer will also permit implementation of
33 effective remedies to address the financial, operational and
34 administrative problems that have hitherto plagued the E-ZPass
35 system. This enactment will stem the brewing E-ZPass crisis
36 threatening the very success of the E-ZPass system now enjoyed by
37 nearly 60% of the drivers on the two roadways for its convenience
38 and easing of congestion by permitting a repayment of over \$300
39 million in E-ZPass debt and cost overruns without a toll increase.

40

41 2. Section 1 of P.L.1948, c.454 (C.27:23-1) is amended to read as
42 follows:

43 1. **[Turnpike]** Transportation projects. In order to facilitate

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 underlined thus is new matter.

1 vehicular traffic and remove the present handicaps and hazards on the
2 congested highways in the State, and to provide for the acquisition and
3 construction of modern express highways embodying every known
4 safety device including center divisions, ample shoulder widths, long
5 sight distances, multiple lanes in each direction and grade separations
6 at all intersections with other highways and railroads, and for the
7 purposes enumerated in section 1 of P.L. , c. (C.)(now
8 before the Legislature as this bill), the New Jersey Turnpike Authority
9 [(hereinafter created)] is hereby authorized and empowered to
10 acquire, construct, maintain, improve, manage, repair and operate
11 [turnpike] transportation projects (as hereinafter defined) or any part
12 thereof at such locations as shall be established by the authority in its
13 discretion or by law, and to issue [turnpike] transportation revenue
14 bonds of the Authority, payable [solely] from tolls, other revenues,
15 [and] proceeds of [such] bonds and other available sources to finance
16 such projects.
17 (cf: P.L.1991, c.183, s.3)

18
19 3. (New section) a. Until the Transfer Date, the New Jersey
20 Turnpike Authority (hereinafter the "authority") shall not exercise any
21 powers, rights or duties conferred by this act or by any other law in
22 any way which will interfere with the powers, rights and duties of the
23 New Jersey Highway Authority (hereinafter the "Highway Authority").
24 The authority shall not before the Transfer Date exercise any powers
25 of the Highway Authority. The authority and the Highway Authority
26 are directed to cooperate with each other so that the Transfer Date
27 shall occur as soon as practicable after the date of enactment of this
28 act, and both authorities shall make available information concerning
29 their property and assets, outstanding bonds and other debts,
30 obligations, liabilities and contracts, operations and finances as the
31 authority may require to provide for the retirement of any outstanding
32 bonds, notes or other obligations of either authority and the efficient
33 exercise by the authority of all powers, rights and duties conferred
34 upon it by this act.

35 b. On the Transfer Date: (1) The authority shall assume all of the
36 powers, rights, assets and duties of the Highway Authority to the
37 extent provided by this act, and such powers shall then and thereafter
38 be vested in and shall be exercised by the authority.

39 (2) The terms of office of the members of the Highway Authority
40 shall terminate, the officers having custody of the funds of the
41 Highway Authority shall deliver those funds into the custody of the
42 executive director of the authority, the property and assets of the
43 Highway Authority shall, without further act or deed, become the
44 property and assets of the authority, and the Highway Authority shall
45 cease to exist.

1 (3) The officers and employees of the Highway Authority are
2 transferred to the authority and shall become employees of the
3 authority until determined otherwise by the authority.

4 Nothing in this act shall be construed to deprive any officers or
5 employees of their rights, privileges, obligations or status with respect
6 to any pension or retirement system. The employees shall retain all of
7 their rights and benefits under existing collective negotiation
8 agreements or contracts until such time as new or revised agreements
9 or contracts are agreed to or the existing agreements or contracts
10 expire. All existing employee representatives shall be retained to act
11 on behalf of those employees until such time as the employees shall,
12 pursuant to law, elect to change those representatives. Nothing in this
13 act shall affect the civil service status, if any, of those officers or
14 employees.

15 (4) All debts, liabilities, obligations and contracts of the Highway
16 Authority, except to the extent specifically provided or established to
17 the contrary in this act, are imposed upon the authority, and all
18 creditors of the Highway Authority and persons having claims against
19 or contracts with the Highway Authority of any kind or character may
20 enforce those debts, claims and contracts against the authority as
21 successor to the Highway Authority in the same manner as they might
22 have had against the Highway Authority, and the rights and remedies
23 of those holders, creditors and persons having claims against or
24 contracts with the Highway Authority shall not be limited or restricted
25 in any manner by this act.

26 (5) In continuing the functions, contracts, obligations and duties of
27 the Highway Authority, the authority is authorized to act in its own
28 name or in the name of the Highway Authority as may be convenient
29 or advisable under the circumstances from time to time.

30 (6) Any references to the Highway Authority in any other law or
31 regulation shall be deemed to refer and apply to the authority.

32 (7) All rules and regulations of the Highway Authority shall
33 continue in effect as the rules and regulations of the authority until
34 amended, supplemented or rescinded by the authority in accordance
35 with law. Notwithstanding any requirements of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
37 the authority may adopt regulations, after notice and an opportunity
38 for public comment, amending, supplementing, modifying or repealing
39 the regulations of both authorities or either of them. Such regulations
40 shall be effective immediately upon filing with the Office of
41 Administrative Law and shall be effective for a period not to exceed
42 18 months from the Transfer Date and they may, thereafter, be
43 amended, adopted or readopted in accordance with the
44 "Administrative Procedure Act." Regulations of the Highway
45 Authority inconsistent with the provisions of this act or of regulations
46 of the authority shall be deemed void if so judged by the authority

1 acting pursuant to the provisions of this paragraph.

2 (8) All operations of the Highway Authority shall continue as
3 operations of the authority until altered by the authority as may be
4 permitted pursuant to this act.

5 (9) The powers vested in the authority by this act shall be
6 construed as being in addition to and not in diminution of the powers
7 heretofore vested by law in the Highway Authority to the extent not
8 otherwise altered or provided for in this act.

9 c. As soon as practicable after the Transfer Date, the authority
10 shall notify the Governor and the presiding officers of each house of
11 the Legislature that the transfer has occurred, the date of the transfer
12 and any other information concerning the transfer the authority deems
13 appropriate.

14 d. On and after the Transfer Date, no officer or employee of the
15 authority shall be granted permanent tenure at the authority.

16

17 4. (New section) The authority, pursuant to the provisions of this
18 act, is hereby authorized to construct, maintain, improve, manage,
19 repair and operate a project known as the "Garden State Parkway,"
20 authorized pursuant to section 20 of P.L.1952, c.16 (C.27:12B-20),
21 repealed by this act, and any other existing project or facility of the
22 Highway Authority.

23

24 5. Section 2 of P.L.1948, c.454 (C.27:23-2) is amended to read as
25 follows:

26 2. ~~【Turnpike】~~ Transportation revenue bonds issued under the
27 provisions of this act shall not be deemed to constitute a debt or
28 liability of the State or of any political subdivision thereof or a pledge
29 of the faith and credit of the State or of any such political subdivision,
30 but such bonds, unless refunded by bonds of the Authority created in
31 this act, shall be payable ~~【solely】~~ from funds pledged or available for
32 their payment as authorized herein. All such ~~【turnpike】~~ transportation
33 revenue bonds shall contain on the face thereof a statement to the
34 effect that the Authority is obligated to pay the same or the interest
35 thereon only from the tolls, other revenues, ~~【and】~~ proceeds of such
36 bonds and other available sources pledged thereto, and that neither the
37 State nor any political subdivision thereof is obligated to pay the
38 ~~【same】~~ principal thereof, premium or the interest thereon and that
39 neither the faith and credit nor the taxing power of the State or any
40 political subdivision thereof is pledged to the payment of the principal
41 of premium or the interest on such bonds.

42 All expenses incurred in carrying out the provisions of this act shall
43 be payable solely from funds provided under the authority of this act
44 and nothing in this act contained shall be construed to authorize the
45 Authority to incur indebtedness or liability on behalf of or payable by
46 the State or any political subdivision thereof.

1 (cf: P.L.1950, c.1, s.3)

2 6. Section 3 of P.L.1948, c.454 (C.27:23-3) is amended to read as
3 follows:

4 3. New Jersey Turnpike Authority. (A) There is hereby
5 established in the State Department of Transportation a body
6 corporate and politic, with corporate succession, to be known as the
7 "New Jersey Turnpike Authority." The authority is hereby constituted
8 an instrumentality exercising public and essential governmental
9 functions, and the exercise by the authority of the powers conferred by
10 this act in the acquisition, construction, operation and maintenance
11 of [turnpike] transportation projects or any part thereof shall be
12 deemed and held to be an essential governmental function of the State.

13 (B) The New Jersey Turnpike Authority shall consist of six
14 members, as follows: the Commissioner of Transportation, ex officio,
15 or his designee; and five members appointed by the Governor, with the
16 advice and consent of the Senate, each of whom shall be a resident of
17 the State and shall have been a qualified elector therein for a period of
18 at least one year next preceding his appointment. Each appointed
19 member of the authority shall serve for a term of five years and until
20 his successor is appointed and has qualified; except that of the first
21 appointments hereunder, one shall be for a term of two years and one
22 for a term of three years, and they shall serve until their respective
23 successors are appointed and have qualified. The term of each of the
24 first appointees hereunder shall be designated by the Governor. Each
25 appointed member of the authority may be removed from office by the
26 Governor, for cause, after a public hearing. Each member of the
27 authority before entering upon his duties shall take and subscribe an
28 oath to perform the duties of his office faithfully, impartially and justly
29 to the best of his ability. A record of such oaths shall be filed in the
30 office of the Secretary of State. Any vacancies in the appointed
31 membership of the authority occurring other than by expiration of term
32 shall be filled in the same manner as the original appointment, but for
33 the unexpired term only.

34 (C) The Governor shall designate one of the members of the
35 authority as chairman thereof and another member as vice chairman
36 thereof. The chairman and vice chairman of the authority so
37 designated shall serve as such at the pleasure of the Governor and until
38 their respective successors have been designated. The authority shall
39 elect a secretary and a treasurer who need not be members. At the
40 option of the authority the same person may be elected to serve both
41 as secretary and treasurer. Four members of the authority shall
42 constitute a quorum and the vote of four members shall be necessary
43 for any action taken by the authority. No vacancy in the membership
44 of the authority shall impair the right of a quorum to exercise all the
45 rights and perform all the duties of the authority.

46 (D) Each member of the authority shall execute a surety bond in

1 the penal sum of \$25,000.00 and the treasurer shall execute a surety
2 bond in the penal sum of \$50,000.00, each such surety bond to be
3 conditioned upon the faithful performance of the duties of the office
4 of such member or treasurer, as the case may be, to be executed by a
5 surety company authorized to transact business in the State of New
6 Jersey as surety and to be approved by the Attorney General and filed
7 in the office of the Secretary of State.

8 (E) The members of the authority shall not receive compensation
9 for their services as members of the authority. Each member shall be
10 reimbursed by the authority for his actual expenses necessarily
11 incurred in the performance of his duties. Notwithstanding the
12 provisions of any other law, no member shall be deemed to have
13 forfeited, nor shall the member forfeit, the member's office or
14 employment or any benefits or emoluments thereof by reason of the
15 member's acceptance of the office of ex officio member of the
16 authority or the member's services therein.

17 (F) No resolution or other action of the authority providing for the
18 issuance of bonds, notes, refunding bonds or other obligations or for
19 the fixing, revising or adjusting of tolls for the use of any [turnpike]
20 transportation project or parts or sections thereof shall be adopted or
21 otherwise made effective by the authority without the prior approval
22 in writing of the Governor and at least one of the following: the State
23 Treasurer and the Director of the Division of Budget and Accounting
24 in the Department of the Treasury. A true copy of the minutes of
25 every meeting of the authority shall be forthwith delivered by and
26 under the certification of the secretary thereof, to the Governor. No
27 action taken at such meeting by the authority shall have force or effect
28 until 10 days, exclusive of Saturdays, Sundays and public holidays,
29 after such copy of the minutes shall have been so delivered. If, in said
30 10-day period, the Governor returns such copy of the minutes with
31 veto of any action taken by the authority or any member thereof at
32 such meeting such action shall be null and of no effect. The Governor
33 may approve all or part of the action taken at such meeting prior to
34 said 10-day period. The powers conferred in this subsection (F) upon
35 the Governor, the State Treasurer and the Director of the Division of
36 Budget and Accounting in the Department of the Treasury shall be
37 exercised with due regard for the rights of the holders of bonds of the
38 authority at any time outstanding, and nothing in, or done pursuant to,
39 this subsection (F) shall in any way limit, restrict or alter the obligation
40 or powers of the authority or any representative or officer of the
41 authority to carry out and perform in every detail each and every
42 covenant, agreement or contract at any time made or entered into by
43 or on behalf of the authority with respect to its bonds or for the
44 benefit, protection or security of the holders thereof.

45 (G) The ex officio member of the authority may designate an
46 employee of his department to represent him at meetings of the

1 authority. A designee may lawfully vote and otherwise act on behalf
2 of the member for whom he constitutes the designee. The
3 designations shall be in writing and delivered to the authority and shall
4 be effective until revoked or amended by a writing delivered to the
5 authority.

6 (cf: P.L.1991, c.183, s.4)

7

8 7. Section 1 of P.L.1970, c.184 (C.27:23-3.2) is amended to read
9 as follows:

10 1. Notwithstanding any inconsistent provisions of the act hereby
11 supplemented or any other law, the New Jersey Turnpike Authority
12 shall submit to the Governor, the **[Chairmen]** Chairs of the
13 Appropriations Committees of the Senate and General Assembly, and
14 the Director of the Division of Budget and Accounting of the
15 Department of the Treasury, the following reports:

16 a. Within 90 days after the end of each of its fiscal years, a
17 complete and detailed report of (1) its operations and accomplishments
18 during said year; (2) its receipts and disbursements, or revenues and
19 expenses, during said year in accordance with the categories or
20 classifications established by the authority for its own operating and
21 capital outlay purposes and in accordance with such other categories
22 and classifications as may be designated by any of the persons
23 enumerated in section 1 of this act; (3) its assets and liabilities at the
24 end of said year, including the status of reserve, depreciation, special
25 or other funds and including the receipts and payments of these funds;
26 (4) a schedule of its bonds **[and notes]** outstanding at the end of said
27 year, together with a statement of the amounts redeemed **[and**
28 **incurred]** , authorized, issued and defeased during that year; and (5)
29 a listing of all contracts exceeding \$100,000.00 entered into during
30 said year;

31 b. Before the close of each of its fiscal years, a complete and
32 detailed report of its operating and capital construction budget, in the
33 form and detail established by the authority for its own operating and
34 capital outlay budget and in such form and detail as may be designated
35 by any of the persons enumerated in section 1 of this act for the next
36 succeeding fiscal year, including its receipts and disbursements or
37 revenues and expenses, for the prior fiscal year and its estimated
38 receipts and disbursements, or revenues and expenses, for said year
39 and for the succeeding fiscal year.

40 c. Prior to December 1 of each year, the authority shall prepare and
41 file with the commissioner a Capital Project and Investment Plan that
42 details proposed transportation projects that further the goals of
43 attaining coordinated and integrated Statewide and regional
44 transportation systems. The plan shall address, among other matters,
45 the interconnection of the New Jersey Turnpike and the Garden State
46 Parkway with other transportation systems. The plan should also

1 consider the impact of an improved transportation system on the
2 State's economy. The commissioner is authorized to appoint a
3 five-member advisory committee composed of persons with experience
4 in transportation planning, finance, or economics to review and make
5 recommendations to the commissioner as to the plan.

6 (cf: P.L.1970, c.184, s.1)

7
8 8. Section 4 of P.L.1948, c.454 (C.27:23-4) is amended to read as
9 follows:

10 4. Definitions. As used in this act, the following words and terms
11 shall have the following meanings, unless the context shall indicate
12 another or different meaning or intent:

13 "Act" means P.L.1948, c.454 (C.27:23-1 et seq.), as amended and
14 supplemented.

15 [(a) The word "authority"] "Authority" shall mean the New Jersey
16 Turnpike Authority, created by section 3 of this act, or, if said
17 authority shall be abolished, the board, body or commission
18 succeeding to the principal functions thereof or to whom the powers
19 given by this act to the authority shall be given by law.

20 [(b) The word "project" or the words "turnpike project" shall mean
21 any express highway, superhighway or motorway at such locations and
22 between such termini as may hereafter be established by law, and
23 acquired or to be acquired or constructed or to be constructed under
24 the provisions of this act by the authority, and shall include, but not be
25 limited to all bridges, tunnels, overpasses, underpasses, interchanges,
26 entrance plazas, approaches, toll houses, service areas, service
27 stations, service facilities, communications facilities, and
28 administration, storage and other buildings, directly related to the use
29 of the express highway, superhighway or motorway, intersecting
30 highways and bridges and feeder roads which the authority may deem
31 necessary for the operation of such project, together with all property,
32 rights, easements and interests which may be acquired by the authority
33 for the construction or the operation of such project.]

34 [(c) The word "bonds" or the words "turnpike revenue bonds"]
35 "Bonds" or "transportation revenue bonds" shall mean any bonds,
36 refunding bonds, notes or other obligations issued by [of] the
37 authority authorized under the provisions of this act or issued by or for
38 the Highway Authority.

39 [(d) The word "public highways" shall include all public highways,
40 roads and streets in the State, whether maintained by the State or by
41 any county, city, borough, town, township, village, or other political
42 subdivision.

43 (e) The word "owner" shall include all individuals, copartnerships,
44 associations, private or municipal corporations and all political
45 subdivisions of the State having any title or interest in any property,
46 rights, easements and interests authorized to be acquired by this act.]

1 "Commissioner" means the Commissioner of Transportation.

2 "Construction" or "construct" means the planning, designing,
3 construction, development, reconstruction, rehabilitation,
4 redevelopment, replacement, repair, extension, enlargement,
5 improvement and betterment of highway and transportation projects,
6 and includes the demolition, clearance and removal of buildings or
7 structures on land acquired, held, leased or used for those projects.

8 "Cost" means all or any part of the expenses incurred in connection
9 with the acquisition, construction, operation, management and
10 maintenance of any real property, lands, structures, real or personal
11 property rights, rights-of-way, franchises, easements, and interests
12 acquired or used for a project; any financing charges and reserves for
13 the payment of principal, premium and interest on bonds or notes; the
14 expenses of engineering, appraisal, architectural, accounting, financial,
15 legal and other consulting services; and other expenses as may be
16 necessary, desirable, convenient, or incident to the financing,
17 acquisition, construction, operation, management and maintenance of
18 a project.

19 "Credit Agreement" means loan agreement, lease agreement,
20 revolving credit agreement, agreement establishing a line of credit,
21 letter of credit, reimbursement to purchase bonds, purchase or sale
22 agreements, or commitments or other contracts or agreements
23 authorized and approved by the authority in connection with the
24 authorization, issuance, security, purchase, tender, redemption, or
25 payment of bonds.

26 "Department" means the Department of Transportation.

27 "Feeder road" means any road or highway project that in the
28 determination of the authority is necessary, desirable or convenient to
29 create or facilitate access to a transportation project.

30 "Highway project" means the acquisition, operation, improvement,
31 management, repair, construction and maintenance of the New Jersey
32 Turnpike and of the Garden State Parkway and of the Garden State
33 Arts Center, as transferred to the authority pursuant to P.L. _____, c. _____
34 (C. _____) (now before the Legislature as this bill), and of any other
35 highway or feeder road at the locations and between the termini as
36 may hereafter be established by the authority or by law and acquired
37 or constructed under the provisions of this act by the authority, and
38 shall include but not be limited to all bridges, parking facilities, public
39 highways, feeder roads, tunnels, overpasses, underpasses,
40 interchanges, traffic circles, grade separations, entrance and exit
41 plazas, approaches, toll houses, service areas, stations and facilities,
42 communications facilities, administration, storage and other buildings
43 and facilities, and other structures directly or indirectly related to a
44 transportation project, intersecting highways and bridges and feeder
45 roads which the authority may deem necessary, desirable, or
46 convenient in its discretion for the operation, maintenance or

1 management, either directly or indirectly, of a transportation project,
2 and includes any planning, design or other preparation work necessary
3 for the execution of any highway project, and adjoining park or
4 recreational areas and facilities, directly or indirectly related to the use
5 of a transportation project as the authority shall find to be necessary
6 and desirable, and the costs associated therewith.

7 "Land and improvements" means any area or lands, any interest,
8 right or title in land, including but not limited to, any reversionary
9 right, fee, license or leasehold interest and any real or personal
10 property, structure, facility, building or equipment.

11 "Owner" means all individuals, copartnerships, associations, private
12 or municipal corporations and all political subdivisions of the State
13 having any title or interest in any property, rights, easements and
14 interests authorized to be acquired by this act.

15 "Parking facility" means any area or place, garage, building, or
16 other improvement or structure for the parking or storage of motor or
17 other vehicles, including but not limited to all real property and
18 personal property, driveways, roads and other structures or areas
19 necessary, useful or convenient for access to a facility from a public
20 street, road or highway, or from any project; meters, mechanical
21 equipment necessary, useful or convenient for or in connection with
22 that parking or storage; and any structures, buildings, space or
23 accommodations, whether constructed by the authority or by the
24 lessee, to be leased for any business, commercial or other use,
25 including the sale of gasoline or accessories for, or the repair or other
26 servicing of automobiles and other motor vehicles, or motorist
27 services, if, in the opinion of the authority, the inclusion, provision and
28 leasing is necessary, desirable or convenient to assist in defraying the
29 expenses of the authority and make possible the operation of the
30 parking facility at reasonable rates.

31 "Public highway" means all public highways, roads and streets in
32 the State, whether maintained by the State or by any county, city,
33 borough, town, township, village or other political subdivision.

34 "Real property" means lands within the State, above or below
35 water, and improvements thereof or thereon, or any riparian or other
36 rights or interests therein.

37 "Transfer Date" means, with respect to the assumption by the
38 authority of the powers, duties, assets and responsibilities of the New
39 Jersey Highway Authority, the date on which the Chair of the
40 authority and the commissioner certify to the Governor that: (i) all
41 bonds issued by the New Jersey Highway Authority cease to be
42 outstanding within the meaning of the resolutions pursuant to which
43 those bonds were issued; and (ii) upon which the authority assumes all
44 debts, and statutory responsibilities and obligations of the New Jersey
45 Highway Authority.

1 "Transportation project" or "project" means any power of the
2 authority, including but not limited to, the New Jersey Turnpike, and
3 of the Highway Authority, including but not limited to, the Garden
4 State Parkway and the Garden State Arts Center, a highway project,
5 and also includes such other transportation facilities and activities as
6 determined in the discretion of the authority, and the costs thereof.

7 (cf: P.L.1991, c.183, s.5)

8

9 9. Section 5 of P.L.1948, c.454 (C.27:23-5) is amended to read as
10 follows:

11 5. General grant of powers. The authority shall be a body
12 corporate and politic and shall have perpetual succession and shall
13 have the following powers:

14 (a) To adopt bylaws for the regulation of its affairs and the conduct
15 of its business;

16 (b) To adopt an official seal and alter the same at pleasure;

17 (c) To maintain an office at such place or places within the State
18 as it may designate and to organize itself into such sub-departments,
19 operating divisions or units as it deems appropriate;

20 (d) To sue and be sued in its own name;

21 (e) To acquire, improve, construct, maintain, repair, manage, and
22 operate [turnpike] transportation projects or any part thereof at such
23 locations as shall be established by law or by the authority;

24 (f) To [issue turnpike revenue bonds of the authority, for any of
25 its corporate purposes, payable solely from the tolls, other revenues
26 and proceeds of such bonds, and to refund its bonds,] borrow money
27 and issue negotiable bonds for any of its corporate purposes, and to
28 secure the same through the pledging of tolls and other revenues and
29 proceeds of such bonds, or other available sources, and to refund its
30 bonds, and to enter into any credit agreement, all as provided in this
31 act;

32 (g) In the exercise of any of its powers, by resolution to fix and
33 revise from time to time and charge and collect tolls, fees, licenses,
34 rents, concession charges and other charges for [transit over] each
35 [turnpike] transportation project or any part thereof constructed or
36 acquired by it~~;~~. No toll revenues derived from the New Jersey
37 Turnpike or the Garden State Parkway shall be devoted to other than
38 highway projects and such other transportation projects shall be self-
39 sustaining; provided however that such toll revenues may be used to
40 finance or support the costs of non-highway projects on an interim
41 basis according to such terms, with or without interest, as the
42 authority shall establish;

43 (h) To establish rules and regulations for the use of any project
44 including restrictions on the type, weight and size of vehicles utilizing
45 transportation projects, and also including the power to exclude from
46 any part of a highway project any traffic other than passenger

1 automobiles if the authority finds that such part is not suitable or
2 sufficient as a highway to carry mixed traffic;

3 (i) To acquire, hold and dispose of real and personal property in
4 the exercise of its powers and the performance of its duties under this
5 act;

6 (j) To acquire in the name of the authority by purchase or
7 otherwise, on such terms and conditions and in such manner as it may
8 deem proper, or by the exercise of the power of eminent domain,
9 except as against the State of New Jersey, any land and other property,
10 which it may determine is reasonably necessary for any [turnpike]
11 transportation project or feeder road or for the relocation or
12 reconstruction of any highway by the authority under the provisions of
13 this act and any and all rights, title and interest in such land and other
14 property, including public lands, parks, playgrounds, reservations,
15 highways or parkways, owned by or in which the State of New Jersey
16 or any county, city, borough, town, township, village, or other
17 political subdivision of the State of New Jersey has any right, title or
18 interest, or parts thereof or rights therein and any fee simple absolute
19 or any lesser interest in private property, and any fee simple absolute
20 in, easements upon, or the benefit of restrictions upon, abutting
21 property to preserve and protect [turnpike] transportation projects.

22 Upon the exercise of the power of eminent domain, the
23 compensation to be paid thereunder shall be ascertained and paid in
24 the manner provided in the "Eminent Domain Act of 1971," P.L.1971,
25 c.361 (C.20:3-1 et seq.), insofar as the provisions thereof are
26 applicable and not inconsistent with the provisions contained in this
27 act. The authority may join in separate subdivisions in one petition or
28 complaint the descriptions of any number of tracts or parcels of land
29 or property to be condemned and the names of any number of owners
30 and other parties who may have an interest therein and all such land or
31 property included in said petition or complaint may be condemned in
32 a single proceeding; provided, however, that separate awards be made
33 for each tract or parcel of land or property; and provided, further, that
34 each of said tracts or parcels of land or property lies wholly in or has
35 a substantial part of its value lying wholly within the same county.

36 Upon the filing of such petition or complaint or at any time
37 thereafter the authority may file with the clerk of the county in which
38 such property is located and also with the Clerk of the Superior Court
39 a declaration of taking, signed by the authority, declaring that
40 possession of one or more of the tracts or parcels of land or property
41 described in the petition or complaint is thereby being taken by and for
42 the use of the authority. The said declaration of taking shall be
43 sufficient if it sets forth: (1) a description of each tract or parcel of
44 land or property to be so taken sufficient for the identification thereof,
45 to which there may or may not be attached a plan or map thereof; (2)
46 a statement of the estate or interest in the said land or property being

1 taken; and (3) a statement of the sum of money estimated by the
2 authority by resolution to be just compensation for the taking of the
3 estate or interest in each tract or parcel of land or property described
4 in said declaration[; and (4) that, in compliance with the provisions of
5 this act, the authority has established and is maintaining a trust fund as
6 hereinafter provided].

7 Upon the filing of the said declaration, the authority shall deposit
8 with the Clerk of the Superior Court the amount of the estimated
9 compensation stated in said declaration. [In addition to the said
10 deposits with the Clerk of the Superior Court, the authority at all times
11 shall maintain a special trust fund on deposit with a bank or trust
12 company doing business in this State, in an amount at least equal to
13 twice the aggregate amount deposited with the Clerk of the Superior
14 Court, as estimated compensation for all property described in
15 declaration of taking with respect to which the compensation has not
16 been finally determined and paid to the persons entitled thereto or into
17 court. Said trust fund shall consist of cash or securities readily
18 convertible into cash, constituting legal investments for trust funds
19 under the laws of this State. Said trust fund shall be held solely to
20 secure and may be applied to the payment of just compensation for the
21 land or other property described in such declarations of taking. The
22 authority shall be entitled to withdraw from said trust fund from time
23 to time so much as may then be in excess of twice the aggregate of the
24 amount deposited with the Clerk of the Superior Court, as estimated
25 compensation for all property described in declarations of taking with
26 respect to which the compensation has not been finally determined and
27 paid to the persons entitled thereto or into court.]

28 Upon the filing of the said declaration as aforesaid and depositing
29 with the Clerk of the Superior court the amount of the estimated
30 compensation stated in said declaration, the authority, without other
31 process or proceedings, shall be entitled to the exclusive possession
32 and use of each tract of land or property described in said declaration
33 and may forthwith enter into and take possession of said land or
34 property, it being the intent of this provision that the proceedings for
35 compensation or any other proceedings relating to the taking of said
36 land or interest therein or other property shall not delay the taking of
37 possession thereof and the use thereof by the authority for the purpose
38 or purposes for which the authority is authorized by law to acquire or
39 condemn such land or other property or interest therein.

40 The authority shall cause notice of the filing of said declaration and
41 the making of said deposit to be served upon each party in interest
42 named in the petition residing in this State, either personally or by
43 leaving a copy thereof at his residence, if known, and upon each party
44 in interest residing out of the State, by mailing a copy thereof to him
45 at his residence, if known. In the event that the residence of any such
46 party or the name of such party is unknown, such notice shall be

1 published at least once in a newspaper published or circulating in the
2 county or counties in which the land is located. [Such service, mailing
3 or publication shall be made within 10 days after filing such
4 declaration.] Upon the application of any party in interest and after
5 notice to other parties in interest, including the authority, any judge of
6 the Superior Court assigned to sit for said county may order that the
7 money deposited with the Clerk of the Superior Court or any part
8 thereof be paid forthwith to the person or persons entitled thereto for
9 or on account of the just compensation to be awarded in said
10 proceeding; provided, that each such person shall have filed with the
11 Clerk of the Superior Court a consent in writing that, in the event the
12 award in the condemnation proceeding shall be less than the amount
13 deposited, the court, after notice as herein provided and hearing, may
14 determine his liability, if any, for the return of such difference or any
15 part thereof and enter judgment therefor. If the amount of the award
16 as finally determined shall exceed the amount so deposited, the person
17 or persons to whom the award is payable shall be entitled to recover
18 from the authority the difference between the amount of the deposit
19 and the amount of the award, with interest at the rate of six per
20 centum (6%) per annum thereon from the date of making the deposit.
21 If the amount of the award shall be less than the amount so deposited,
22 the Clerk of the Superior Court shall return the difference between the
23 amount of the award and the deposit to the authority, unless the
24 amount of the deposit or any part thereof shall have theretofore been
25 distributed, in which event the court, on petition of the authority and
26 notice to all persons interested in the award and affording them an
27 opportunity to be heard, shall enter judgment in favor of the authority
28 for such difference against the party or parties liable for the return
29 thereof. The authority shall cause notice of the date fixed for such
30 hearing to be served upon each party thereto residing in this State,
31 either personally or by leaving a copy thereof at his residence, if
32 known, and upon each party residing out of the State, by mailing a
33 copy to him at his residence, if known. In the event that the residence
34 of any party or the name of such party is unknown, such notice shall
35 be published at least once in a newspaper published or circulating in
36 the county or counties in which the land is located. Such service,
37 mailing or publication shall be made at least 10 days before the date
38 fixed for such hearing.

39 Whenever under the "Eminent Domain Act of 1971" the amount of
40 the award may be paid into court, payment may be made into the
41 Superior Court and may be distributed according to law[. The
42 authority shall not abandon any condemnation proceeding subsequent
43 to the date upon which it has taken possession of the land or property
44 as herein provided];

45 (k) To designate the locations, and establish, limit and control such
46 points of ingress to and egress from each [turnpike] highway or

1 transportation project as may be necessary or desirable in the judgment
2 of the authority to insure the proper operation and maintenance of
3 such project, and to prohibit entrance to such project from any point
4 or points not so designated;

5 (l) To make and enter into all contracts and agreements necessary
6 or incidental to the performance of its duties and the execution of its
7 powers under this act and to enter into contracts with federal, State
8 and local governments and private entities for the financing,
9 administration, operation, management and construction of
10 transportation projects;

11 (m) To appoint such additional officers, who need not be members
12 of the authority, as the authority deems advisable, and to employ
13 consulting engineers, attorneys, accountants, construction and
14 financial experts, superintendents, managers, and such other similarly
15 situated employees and agents as may be necessary in its judgment; to
16 fix their compensation; and to promote and discharge such officers,
17 employees and agents, all without regard to the provisions of Title
18 **[11]** 11A of the **[Revised]** New Jersey Statutes;

19 (n) To receive and accept from any federal agency, subject to the
20 approval of the Governor, grants for or in aid of the acquisition or
21 construction of any **[turnpike]** transportation project or any part
22 thereof, and to receive and accept aid or contributions, [except
23 appropriations by the Legislature,] from any source, of either money,
24 property, labor or other things of value, to be held, used and applied
25 only for the purposes for which such grants and contributions may be
26 made; [and]

27 (o) To do all acts and things necessary or convenient to carry out
28 the powers expressly or impliedly granted in this act~~[.]~~;

29 (p) Subject to any agreement with the bondholders, to invest
30 moneys of the authority not required for immediate use, including
31 proceeds from the sale of any bonds, in such obligations, securities and
32 other investments as the authority shall deem prudent;

33 (q) To apply for, receive and accept from any federal agency, any
34 bi-State agency, or the State and any subdivision thereof, grants for or
35 in aid of the planning, acquisition, management, maintenance,
36 operation or construction of any project, and to receive and accept aid
37 or contributions from any other public or private source, of either
38 money, property, labor or other things of value, to be held, used and
39 applied only for the purposes for which those grants and contributions
40 may be made;

41 (r) To procure and enter into contracts for any type of insurance
42 and to indemnify against loss or damage to property from any cause,
43 including the loss of use and occupancy and business interruption,
44 death or injury of any person, employee liability, any act of any
45 member, officer, employee or servant of the authority, whether
46 part-time, compensated or uncompensated, in the performance of the

1 duties of office or employment or any other insurable risk or any other
2 losses in connection with property, operations, assets or obligations in
3 any amounts and from any insurers as are deemed desirable. In
4 addition, the authority may carry its own liability insurance;

5 (s) The authority shall adopt regulations, pursuant to the
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
7 seq.), to provide open and competitive procedures for awarding
8 contracts for towing and storage services. Towing and storage
9 services on a highway project may be provided on a rotating basis,
10 provided that the authority determines that there would be no
11 additional cost to the authority, excepting administrative costs, as a
12 result of those services being provided on a rotating basis. The
13 regulations shall fix maximum towing and storage fees, and establish
14 objective criteria to be considered in awarding a contract for towing
15 and storage services which shall include, but shall not be limited to,
16 reliability, experience, response time, acceptance of credit cards and
17 prepaid towing contracts, adequate equipment to safely handle a
18 sufficient volume of common vehicle types under a variety of traffic
19 and weather conditions, location of storage and repair facilities,
20 security of vehicles towed or stored, financial return to the authority,
21 maintenance of adequate liability insurance and appropriate safeguards
22 to protect the personal safety of customers, including considerations
23 related to the criminal background of employees. The Division of
24 Consumer Affairs in the Department of Law and Public Safety shall
25 provide, at the authority's request, a report to the authority on any
26 prospective contractor for which the division has information relevant
27 to the prospective contractor's service record, subject to the provisions
28 of the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et
29 seq.). The Division of Insurance Fraud Prevention in the Department
30 of Banking and Insurance also shall provide, at the authority's request,
31 a report to the authority on any prospective contractor for which the
32 division has information relevant to the prospective contractor's
33 service record, subject to the "New Jersey Insurance Fraud Prevention
34 Act," P.L.1983, c.320 (C.17:33A-1 et seq.);

35 (t) Notwithstanding any other provision herein, prior to the
36 Transfer Date, the authority is hereby authorized to adopt a resolution
37 authorizing the issuance of bonds, notes or other obligations on such
38 terms as otherwise provided for in this act for the retirement by
39 defeasance, redemption, secondary market purchase, tender payment
40 at maturity or otherwise, of all of the New Jersey Highway Authority's
41 outstanding bonds, notes or other obligations, as if the Transfer Date
42 transferring to the authority the rights, duties and obligations to
43 operate, maintain and manage the Garden State Parkway had already
44 occurred; and

45 (u) The authority is empowered to transfer, sell, dispose of, or
46 otherwise relinquish all right, title, or interest in the Garden State Arts

1 Center, and any related or auxiliary facilities, to the New Jersey Sports
2 and Exposition Authority, established by P.L.1971, c.137 (C.5:10-1 et
3 seq.), or to any other entity, according to such terms and process as
4 the authority may establish in its discretion.

5 (cf: P.L.1991, c.183, s.6)

6
7 10. Section 2 of P.L.1949, c.40 (C.27:23-5.2) is amended to read
8 as follows:

9 2. The New Jersey Turnpike Authority is authorized to acquire,
10 construct, reconstruct, repair and maintain any feeder road [which in
11 the opinion of the said Turnpike Authority will increase the use of a
12 turnpike project to which the said road is a feeder].

13 (cf: P.L.1991,c.183,s.8)

14
15 11. Section 4 of P.L.1949, c.40 (C.27:23-5.4) is amended to read
16 as follows:

17 4. In any case where a feeder road is constructed over new
18 alignment, the Turnpike Authority is granted the same powers
19 concerning the construction thereof as is granted in connection with
20 the construction of the [turnpike] highway project by the terms of the
21 act to which this act is a supplement. Any feeder road, eighty per
22 centum (80%) or more of which is built over new alignment, shall for
23 the purposes of this act be deemed to be a "new feeder road."

24 (cf: P.L.1949, c. 40, s. 4)

25
26 12. (New section) The authority may in its discretion turn over to
27 the Department of Transportation any highway project or part thereof
28 and provide by agreement with the department for its continued
29 maintenance and repair by the authority.

30
31 13. Section 6 of P.L.1949, c.40 (C.27:23-5.6) is amended to read
32 as follows:

33 6. The Turnpike Authority is authorized to turn back to local
34 authorities any road or portions of road taken over from such local
35 authorities in connection with the establishing of a feeder road. [No
36 road or portion of road constructed upon a new alignment shall be
37 turned back until the turnpike project shall have been turned over to
38 the Department of Transportation, except where a new alignment has
39 been constructed in substitution of existing alignment.]

40 (cf: P.L.1991, c.183, s.10)

41
42 14. Section 1 of P.L.1966, c.8 (C.27:23-5.8) is amended to read as
43 follows:

44 1. The New Jersey Turnpike Authority shall have, in addition to
45 the powers heretofore granted to it, power:

- 1 a. To pay or make any advance or contribution to the United States
2 Government or the State of New Jersey or any agency thereof for the
3 purpose of paying the State's share or any portion thereof under the
4 federal aid highway laws of the cost of construction of any [highway]
5 transportation improvement determined by the authority to be a major
6 improvement necessary to restore or prevent physical damage to any
7 [turnpike] transportation project or any feeder roads, for the safe or
8 efficient operation of such project, or to prevent loss of revenues
9 therefrom.
- 10 b. Subject to the rights and security interests of the holders from
11 time to time of bonds or notes heretofore or hereafter issued by the
12 New Jersey Turnpike Authority, to enter into contracts with the State
13 or the New Jersey Transportation Trust Fund Authority established by
14 section 4 of the "New Jersey Transportation Trust Fund Authority Act
15 of 1984," P.L.1984, c.73 (C.27:1B-4), providing for the payment from
16 the revenues of the New Jersey Turnpike Authority to the State or to
17 the New Jersey Transportation Trust Fund Authority of the amount or
18 amounts of revenues that may be set forth in or determined in
19 accordance with the contracts. Any contracts authorized pursuant to
20 this section may include conditions and covenants necessary and
21 desirable to facilitate the issuance and sale of bonds, notes and other
22 obligations of the New Jersey Transportation Trust Fund Authority.
23 Any agreements entered into between the State and the Turnpike
24 Authority pursuant to this subsection shall terminate upon the effective
25 date of any agreement entered into between the Turnpike Authority
26 and the New Jersey Transportation Trust Fund Authority providing for
27 the payment of revenues of the Turnpike Authority directly from the
28 Turnpike Authority to the New Jersey Transportation Trust Fund
29 Authority.
- 30 c. To enter into agreements with the Department of Transportation
31 with respect to the funding of the resurfacing, restoring, rehabilitation
32 and reconstruction of the I-95 Extension of the New Jersey Turnpike
33 through the allocation of monies apportioned by the United States
34 Department of Transportation pursuant to 23 U.S.C. s.119 or a
35 successor program. Any such agreement shall be subject to the
36 continued eligibility of the I-95 Extension for federal aid, the
37 availability of funds appropriated by Congress and the appropriation
38 of funds by the Legislature for that purpose. No such agreement shall
39 constitute or create a debt or liability of the State within the meaning
40 of any constitutional or statutory limitation nor shall any such
41 agreement constitute a pledge of either the faith and credit or the
42 taxing power of the State. Funds payable or paid to the authority
43 pursuant to any such agreement shall not be pledged as security for
44 any indebtedness of the authority.
45 (cf: P.L.1991, c.183, s.11)

1 15. Section 2 of P.L.1969, c.197 (C.27:23-5.9) is amended to read
2 as follows:

3 2. The authority shall not engage in the acquisition, construction
4 or operation of any facility or activity not directly or indirectly related
5 to the use of a [turnpike] transportation project except as may be
6 specially authorized by law.

7 (cf: P.L.1991, c.183, s.12)

8

9 16. Section 1 of P.L.1977, c.230 (C.27:23-5.10) is amended to
10 read as follows:

11 1. The authority shall, whenever it desires to increase any existing
12 toll or establish any new toll for the use of any [turnpike] highway
13 project and the different parts or sections thereof, hold a public
14 hearing on such proposed toll at least 45 days prior to the date on
15 which such toll is proposed to become effective.

16 (cf: P.L.1977, c. 230, s. 1)

17

18 17. Section 6 of P.L.1948, c.454 (C.27:23-6) is amended to read
19 as follows:

20 6. The authority shall have power to construct grade separations
21 at intersections of any [turnpike] highway project with public
22 highways and to change and adjust the lines and grades of such
23 highways so as to accommodate the same to the design of such grade
24 separation. The cost of such grade separations and any damage
25 incurred in changing and adjusting the lines and grades of such
26 highways shall be ascertained and paid by the authority as a part of the
27 cost of such [turnpike] highway project.

28 If the authority shall find it necessary to change the location of any
29 portion of any public highway, it shall cause the same to be
30 reconstructed at such location as the authority shall deem most
31 favorable and of substantially the same type and in as good condition
32 as the original highway. The cost of such reconstruction and any
33 damage incurred in changing the location of any such highway shall be
34 ascertained and paid by the authority as a part of the cost of such
35 [turnpike] highway project.

36 Any public highway affected by the construction of any [turnpike]
37 highway project may be vacated or relocated by the authority in the
38 manner now provided by law for the vacation or relocation of public
39 roads, and any damages awarded on account thereof shall be paid by
40 the authority as a part of the cost of such project.

41 In addition to the foregoing powers the authority and its authorized
42 agents and employees may enter upon any lands, waters and premises
43 in the State for the purpose of making surveys, soundings, drillings
44 and examinations as it may deem necessary or convenient for the
45 purposes of this act, and such entry shall not be deemed an entry under
46 any condemnation proceedings which may be then pending. The

1 authority shall make reimbursement for any actual damages resulting
2 to such lands, waters and premises as a result of such activities.

3 The authority shall also have power to make reasonable regulations
4 for the installation, construction, maintenance, repair, renewal,
5 relocation and removal of tracks, pipes, mains, conduits, cables, wires,
6 towers, poles and other equipment and appliances (herein called
7 "public utility facilities") of any public utility as defined in section
8 27:7-1 of the Revised Statutes, in, on, along, over or under any
9 [turnpike] highway project. Whenever the authority shall determine
10 that it is necessary that any such public utility facilities which now are,
11 or hereafter may be, located in, on, along, over or under any
12 [turnpike] highway project, shall be relocated in such [turnpike]
13 highway project, or should be removed from such [turnpike] highway
14 project, the public utility owning or operating such facilities shall
15 relocate or remove the same in accordance with the order of the
16 authority; provided, however, that the cost and expenses of such
17 relocation or removal, including the cost of installing such facilities in
18 a new location, or new locations, and the cost of any lands, or any
19 rights or interests in lands, and any other rights, acquired to
20 accomplish such relocation or removal, shall be ascertained and paid
21 by the authority as a part of the cost of such [turnpike] highway
22 project. In case of any such relocation or removal of facilities, as
23 aforesaid, the public utility owning or operating the same, its
24 successors or assigns, may maintain and operate such facilities, with
25 the necessary appurtenance, in the new location or new locations, for
26 as long a period, and upon the same terms and conditions, as it had
27 the right to maintain and operate such facilities in their former location
28 or locations.

29 In case of any such relocation or removal of facilities, as aforesaid,
30 the authority shall own and maintain, repair and renew structures
31 within the rights of way of railroad companies carrying [turnpike]
32 highway projects or feeder roads over railroads, and the authority
33 shall bear the cost of maintenance, repair and renewal of structures
34 within the rights of way of railroad companies carrying railroads over
35 [turnpike] highway projects or feeder roads, but this provision shall
36 not relieve any railroad company from responsibility for damage
37 caused to any authority or railroad structure by the operation of its
38 railroad. Such approaches, curbing, sidewalk paving, guard rails on
39 approaches and surface paving on turnpike projects or feeder roads as
40 shall be within the rights of way of a railroad company or companies
41 shall be owned and maintained, repaired and renewed by the authority;
42 rails, pipes and lines shall be owned and maintained, repaired and
43 renewed by the railroad company or companies.

44 (cf: P.L.1961, c.141, s.1)

1 18. Section 1 of P.L.1968, c.461 (C.27:23-6.1) is amended to read
2 as follows:

3 1. a. The New Jersey Turnpike Authority, in the exercise of its
4 authority to make and enter into contracts and agreements necessary
5 or incidental to the performance of its duties and the execution of its
6 powers, shall adopt standing operating rules and procedures providing
7 that, except as hereinafter provided, no contract on behalf of the
8 authority shall be entered into for the doing of any work, or for the
9 hiring of equipment or vehicles, where the sum to be expended
10 exceeds the sum of \$25,000 or, after the effective date of P.L.1999,
11 c.440, the amount determined pursuant to subsection b. of this section
12 unless the authority shall first publicly advertise for bids therefor, and
13 shall award the contract to the lowest responsible bidder; provided,
14 however, that such advertising shall not be required where the contract
15 to be entered into is one for the furnishing or performing services of
16 a professional or consultative nature, or for the supplying of any
17 product or the rendering of any service by a public utility subject to
18 the jurisdiction of the Board of Public [Utility Commissioners]
19 Utilities of this State and tariffs and schedules of the charges, made,
20 charged, or exacted by the public utility for any such products to be
21 supplied or services to be rendered are filed with the said board, or
22 when the purchase is to be made through or by the Director of the
23 Division of Purchase and Property pursuant to section 1 of P.L.1959,
24 c.40 (C.52:27B-56.1), or through a contract made by any of the
25 following: the New Jersey Sports and Exposition Authority established
26 under section 4 of P.L.1971, c.137 (C.5:10-4); the [Hackensack] New
27 Jersey Meadowlands [Development] Commission established under
28 section 5 of P.L.1968, c.404 (C.13:17-5); [the New Jersey Highway
29 Authority established under section 4 of P.L.1952, c.16
30 (C.27:12B-4);] the New Jersey Water Supply Authority established
31 under section 4 of P.L.1981, c.293 (C.58:1B-4); the South Jersey
32 Transportation Authority established under section 4 of P.L.1991,
33 c.252 (C.27:25A-4); the Port Authority of New York and New Jersey
34 established under R.S.32:1-4; the Delaware River Port Authority
35 established under R.S.32:3-2; the Higher Education Student
36 Assistance Authority established under N.J.S.18A:71A-3. Any
37 purchase, contract or agreement may be made, negotiated or awarded
38 by the authority without public bid or advertising when the authority
39 has advertised for bids on two occasions and has received no bids on
40 both occasions in response to its advertisements, or received no
41 responsive bids. Any purchase, contract or agreement may then be
42 negotiated and may then be awarded to any contractor or supplier
43 determined to be responsible except that the terms, conditions,
44 restrictions and specifications set forth in the negotiated contract
45 agreement shall not be substantially different from those which were
46 the subject of competitive bidding.

1 This subsection shall not prevent the authority from having any
2 work done by its own employees, nor shall it apply to repairs, or to the
3 furnishing of materials, supplies or labor, or the hiring of equipment or
4 vehicles, when the safety or protection of its or other public property
5 or the public convenience require, or the exigency of the authority's
6 service will not admit of such advertisement. In such case the
7 authority shall, by resolution, passed by the affirmative vote of a
8 majority of its members, declare the exigency or emergency to exist,
9 and set forth in the resolution the nature thereof and the approximate
10 amount to be so expended.

11 b. Commencing in the fifth year after the year in which P.L.1999,
12 c.440 takes effect, and every five years thereafter, the Governor, in
13 consultation with the Department of the Treasury, shall adjust the
14 threshold amount set forth in subsection a. of this section, or after the
15 effective date of P.L.1999, c.440, the threshold amount resulting from
16 any adjustment under this subsection, in direct proportion to the rise
17 and fall of the index rate as that term is defined in section 2 of
18 P.L.1971, c.198 (C.40A:11-2), and shall round the adjustment to the
19 nearest \$1,000. The Governor shall, no later than June 1 of every fifth
20 year, notify the authority of the adjustment. The adjustment shall
21 become effective on July 1 of the year in which it is made.

22 (cf: P.L.1999, c.440, s.86)

23

24 19. Section 7 of P.L.1948, c.454 (C.27:23-7) is amended as
25 follows:

26 7. The authority is hereby authorized to provide by resolution, at
27 one time or from time to time, for the issuance of bonds of the
28 authority for any of its corporate purposes, including the refunding of
29 its bonds. The principal of and the interest on any issue of such bonds
30 shall be payable solely from and may be secured by a pledge of tolls
31 and other revenues of all or any part of the **[turnpike]** transportation
32 projects. The proceeds of any such bonds may be used or pledged for
33 the payment or security of the principal of or interest on bonds and for
34 the establishment of any or all reserves for such payment or security
35 or for other corporate purposes as the authority may authorize in the
36 resolution authorizing the issuance of bonds or in the trust agreement
37 securing the same. The bonds of each issue shall be dated, shall bear
38 interest at such rate or rates, shall mature at such time or times not
39 exceeding 40 years from their date or dates, as may be determined by
40 the authority, and may be made redeemable before maturity, at the
41 option of the authority, at such price or prices and under such terms
42 and conditions as may be fixed by the authority prior to the issuance
43 of the bonds. The authority shall determine the form of the bonds
44 including any interest coupons to be attached thereto, and shall fix the
45 denomination or denominations of the bonds and the place or places
46 of payment of principal and interest, which may be at any bank or trust

1 company within or without the State. The bonds shall be signed by the
2 chairman of the authority or shall bear his facsimile signature and the
3 official seal of the authority or a facsimile thereof shall be impressed,
4 imprinted, engraved or otherwise reproduced thereon. The official
5 seal or facsimile thereof shall be attested by the secretary and treasurer
6 of the authority, or by such other officer or agent as the authority shall
7 appoint and authorize and any coupons attached to such bonds shall
8 bear the facsimile signature of the chairman of the authority. In case
9 any officer whose signature or a facsimile of whose signature shall
10 appear on any bonds or coupons shall cease to be such officer before
11 the delivery of such bonds, such signature or such facsimile shall
12 nevertheless be valid and sufficient for all purposes the same as if he
13 had remained in office until such delivery. All bonds issued under the
14 provisions of this act shall have and are hereby declared to have all the
15 qualities and incidents of negotiable instruments under the negotiable
16 instruments law of the State. The bonds may be issued in coupon or
17 in registered form, or both, as the authority may determine, and
18 provision may be made for the registration of any coupon bonds as to
19 principal alone and also as to both principal and interest, and for the
20 reconversion into coupon bonds of any bonds registered as to both
21 principal and interest. The authority may sell such bonds in such
22 manner and for such price, as it may determine to be for the best
23 interests of the authority. Neither the members of the authority nor
24 any person executing the bonds shall be personally liable on the bonds
25 or be accountable by reason of the issuance thereof in accordance with
26 the provisions of this act.

27 The proceeds of the bonds of each issue shall be disbursed in such
28 manner and under such restrictions, if any, as the authority may
29 provide in the resolution authorizing the issuance of such bonds or in
30 the trust agreement hereinafter mentioned securing the same.

31 Prior to the preparation of definitive bonds, the authority may,
32 under like restrictions, issue interim receipts or temporary bonds, with
33 or without coupons, exchangeable for definitive bonds when such
34 bonds shall have been executed and are available for delivery. The
35 authority may also provide for the replacement of any bonds which
36 shall become mutilated or shall be destroyed or lost. Bonds may be
37 issued under the provisions of this act without obtaining the consent
38 of any department, division, commission, board, bureau or agency of
39 the State, and without any other proceedings or the happening of any
40 other conditions or things than those proceedings, conditions or things
41 which are specifically required by this act.

42 The State of New Jersey does pledge to and agree with the holders
43 of the bonds issued pursuant to authority contained in this act, that the
44 State will not limit or restrict the rights hereby vested in the authority
45 to acquire, maintain, construct, reconstruct, and operate any projects
46 as defined in this act, or to establish and collect such charges and tolls

1 as may be convenient or necessary to produce sufficient revenue to
2 meet the expenses of maintenance and operation thereof and to fulfill
3 the terms of any agreements made with the holders of bonds
4 authorized by this act or in any way impair the rights or remedies of
5 the holders of such bonds until, the bonds, together with interest
6 thereon, are fully paid and discharged.

7 (cf: P.L.1991, c.183, s.13)

8

9 20. Section 21 of P.L.1991, c.183 (C.27:23-7a) is amended to read
10 as follows:

11 21. Nothing in or done pursuant to the powers and obligations set
12 forth in this amendatory and supplementary act (P.L.1991, c.183) shall
13 in any way limit or restrict the obligations or powers of the New
14 Jersey Turnpike Authority to carry out and perform each and every
15 covenant, agreement or contract heretofore made or entered into by
16 the Authority or the New Jersey Highway Authority with respect to its
17 bonds or for the benefit, protection or security of the holders thereof.

18 (cf: P.L.1991, c.183, s.21)

19

20 21. Section 8 of P.L.1948, c.454 (C.27:23-8) is amended to read
21 as follows:

22 8. Trust agreement. In the discretion of the Authority any bonds
23 issued under the provisions of this act may be secured by a trust
24 agreement by and between the Authority and a corporate trustee,
25 which may be any trust company or bank having the powers of a trust
26 company within or without the State. Such trust agreement or the
27 resolution providing for the issuance of such bonds (subject to the
28 provisions of section 7 of this act) may pledge or assign tolls or other
29 revenues to which the Authority's right then exists or may thereafter
30 come into existence, and the moneys derived therefrom, and the
31 proceeds of such bonds, but shall not convey or mortgage any
32 [turnpike] transportation project or any part thereof. Such trust
33 agreement or resolution providing for the issuance of such bonds may
34 contain such provisions for protecting and enforcing the rights and
35 remedies of the bondholders as may be reasonable and proper and not
36 in violation of law, including covenants setting forth the duties of the
37 Authority in relation to the acquisition of property and the acquisition,
38 construction, improvement, maintenance, repair, operation and
39 insurance of the [turnpike] transportation project or projects or any
40 part thereof, the rates of tolls and revenues to be charged, the
41 payment, security or redemption of bonds, and the custody,
42 safeguarding and application of all moneys, and provisions for the
43 employment of consulting engineers in connection with the acquisition,
44 construction or operation of such [turnpike] transportation project or
45 projects or any part thereof. It shall be lawful for any bank or trust
46 company incorporated under the laws of the State which may act as

1 depository of the proceeds of bonds or of revenues to furnish such
2 indemnifying bonds or to pledge such securities as may be required by
3 the Authority. Any such trust agreement or resolution may set forth
4 the rights and remedies of the bondholders and of the trustee, and may
5 restrict the individual rights of action by bondholders. In addition to
6 the foregoing, any such trust agreement or resolution may contain such
7 other provisions as the Authority may deem reasonable and proper for
8 the security of the bondholders. All expenses incurred in carrying out
9 the provisions of such trust agreement may be treated as a part of the
10 cost of the operation of the [turnpike] transportation project or
11 projects.

12 Any pledge of tolls or other revenues or other moneys made by the
13 Authority shall be valid and binding from the time when the pledge is
14 made; the tolls or other revenues or other moneys so pledged and
15 thereafter received by the Authority shall immediately be subject to the
16 lien of such pledge without any physical delivery thereof or further act,
17 and the lien of any such pledge shall be valid and binding as against all
18 parties having claims of any kind in tort, contract or otherwise against
19 the Authority, irrespective of whether such parties have notice thereof.
20 Neither the resolution nor any trust agreement by which a pledge is
21 created need be filed or recorded except in the records of the
22 Authority.

23 (cf: P.L.1991, c.183, s.14)

24

25 22. Section 9 of P.L.1948, c.454 (C.27:23-9) is amended to read
26 as follows:

27 9. Revenues. (A) The authority is hereby authorized by resolution
28 to fix, revise, charge and collect tolls, fees, licenses, rents, concession
29 charges and other charges for the use of each [turnpike] project and
30 the different parts or sections thereof, and to contract with any person,
31 partnership, association or corporation desiring the use of any part
32 thereof, including the right-of-way adjoining the paved portion, for
33 placing thereon telephone, telegraph, electric light or power lines, gas
34 stations, garages, stores, hotels, and restaurants, offices, entertainment
35 facilities, or for any other purpose, [except for tracks for railroad or
36 railway use,] and to fix the terms, conditions, rents and rates of
37 charges for such use; provided, that a sufficient number of gas stations
38 may be authorized to be established in each service area along any
39 such highway to permit reasonable competition by private business in
40 the public interest[]; and provided further, that no contract shall be
41 required, and no rent, fee or other charge of any kind shall be imposed
42 for the use and occupation of any turnpike project for the installation,
43 construction, use, operation, maintenance, repair, renewal, relocation
44 or removal of tracks, pipes, mains, conduits, cables, wires, towers,
45 poles or other equipment or appliances in, on, along, over or under
46 any such turnpike project by any public utility as defined in

1 R.S.27:7-1, which is subject to taxation pursuant to either P.L.1940,
2 c.4 (C.54:30A-16 et seq.) or P.L.1940, c.5 (C.54:30A-49 et seq.), or
3 pursuant to any other law imposing a tax for the privilege of using the
4 public streets, highways, roads or other public places in this State].
5 Such tolls shall be so fixed and adjusted as to carry out and perform
6 the terms and provisions of any contract with or for the benefit of
7 bondholders. Such tolls shall not be subject to supervision or
8 regulation by any other commission, board, bureau or agency of the
9 State. The use and disposition of tolls and revenues shall be subject
10 to the provisions of the resolution authorizing the issuance of such
11 bonds or of the trust agreement securing the same.

12 (B) [At any time that tolls are not required for the purpose of
13 carrying out and performing the terms and provisions of any contract
14 with or for the benefit of bondholders, the authority shall cause tolls
15 for the use of the turnpike projects to be charged and collected at the
16 same rates as were last charged and collected by the authority under
17 the provisions of subsection (A) hereof and no change or revision shall
18 be made in such rates, except as shall be specifically authorized by
19 law.] (Deleted by amendment, P.L. , c. (C.) (now before
20 the Legislature as this bill).

21 (C) All revenues and other funds of the authority not pledged or
22 otherwise required to pay or secure the payment of principal and
23 interest on any indebtedness of the authority existing from time to time
24 under, and not otherwise required for the purpose of, this act and not
25 pledged under a contract providing for payment of funds to the State
26 or New Jersey Transportation Trust Fund Authority created pursuant
27 to P.L.1984, c.73 (C.27:1B-1 et seq.) shall be applied to the
28 authority's corporate purposes or as hereafter provided by law.
29 (cf: P.L.1991, c.183, s.15)

30

31 23. Section 12 of P.L.1948, c.454 (C.27:23-12) is amended to read
32 as follows:

33 12. The exercise of the powers granted by this act will be in all
34 respects for the benefit of the people of the State, for the increase of
35 their commerce and prosperity, and for the improvement of their
36 health and living conditions, and as the operation and maintenance of
37 [turnpike] transportation projects and other property by the Authority
38 will constitute the performance of essential governmental functions,
39 the Authority shall not be required to pay any taxes or assessments
40 upon any [turnpike] transportation project or any property acquired
41 or used by the Authority under the provisions of this act or upon the
42 income therefrom, and any [turnpike] project and any property
43 acquired or used by the Authority under the provisions of this act and
44 the income therefrom, and the bonds issued under the provisions of
45 this act, their transfer and the income therefrom (including any profit
46 made on the sale thereof) shall be exempt from taxation. The

1 Legislature reaffirms that all existing facilities and property, and their
2 operations, and management, of the authority and of the New Jersey
3 Highway Authority, as transferred to the authority, are deemed public
4 and essential governmental functions and are exempt from local taxes
5 or assessments.

6 (cf: P.L.1948, c.454, s.12)

7

8 24. Section 14 of P.L.1948, c.454 (C.27:23-14) is amended to read
9 as follows:

10 14. Miscellaneous. Each [turnpike] highway project when
11 constructed and opened to traffic shall be maintained and kept in good
12 condition and repair by the Authority. Each such project shall also be
13 policed and operated by such force of police, toll-takers and other
14 operating employees as the Authority may in its discretion employ,
15 unless the authority provides otherwise by agreement with any federal,
16 state or local entity . The expenses for this maintenance and operation
17 shall be paid by the authority from its own funds or from funds made
18 available to the authority, unless the authority provides otherwise by
19 agreement with any federal, state or local entity.

20 All counties, cities, boroughs, towns, townships, villages, and other
21 political subdivisions and all public departments, agencies and
22 commissions of the State of New Jersey, notwithstanding any contrary
23 provision of law, are hereby authorized and empowered to sell, lease,
24 lend, grant or otherwise convey to the Authority at its request upon
25 such terms and conditions as the proper authorities of such counties,
26 cities, boroughs, towns, townships, villages, and political subdivisions
27 and departments, agencies or commissions of the State may deem
28 reasonable and fair and without the necessity for any advertisement,
29 order of court or other action or formality, other than the regular and
30 formal action of the authorities concerned, any real property which
31 may be necessary or convenient to the effectuation of the authorized
32 purposes of the Authority, including public roads and other real
33 property already devoted to public use.

34 [On or before the thirtieth day of January in each year the
35 Authority shall make an annual report of its activities for the preceding
36 calendar year to the Governor and to the Legislature. Each such
37 report shall set forth a complete operating and financial statement
38 covering its operations during the year.] The Authority shall cause an
39 audit of its books and accounts to be made at least once in each year
40 by certified public accountants and the cost thereof may be treated as
41 a part of the cost of construction or of operation of the project.

42 Any member, agent or employee of the Authority who is interested,
43 either directly or indirectly, in any contract of another with the
44 Authority, or in the sale of any property, either real or personal, to the
45 Authority shall be guilty of a [misdemeanor and punished by a fine of
46 not more than one thousand dollars (\$1,000.00) or by imprisonment

1 for not more than one year, or both] crime of the fourth degree.

2 (cf: P.L.1991, c.183, s.16)

3

4 25. Section 15 of P.L.1948, c.454 (C.27:23-15) is amended to read
5 as follows:

6 15. The Authority is hereby authorized to provide by resolution for
7 the issuance of refunding bonds of the Authority for the purpose of
8 refunding any bonds then outstanding which shall have been issued
9 under the provisions of this act, including the payment of any
10 redemption premium thereon and any interest accrued or to accrue to
11 the date of redemption or maturity of such bonds, and, if deemed
12 advisable by the Authority, for the additional purpose of constructing
13 improvements, extensions, or enlargements of the [turnpike]
14 transportation project or projects in connection with which the bonds
15 to be refunded shall have been issued. The Authority is further
16 authorized to provide by resolution for the issuance of its bonds for
17 the combined purpose of (a) refunding any bonds then outstanding
18 which shall have been issued under the provisions of this act, including
19 the payment of any redemption premium thereon and any interest
20 accrued or to accrue to the date of redemption of such bonds, and (b)
21 paying all or any part of the cost of any additional project or projects
22 or feeder roads. The issuance of such bonds, the maturities and other
23 details thereof, the rights of the holders thereof, and the rights, duties
24 and obligations of the Authority in respect of the same, shall be
25 governed by the provisions of this act insofar as the same may be
26 applicable.

27 (cf: P.L.1991, c.183, s.17)

28

29 26. Section 16 of P.L.1948, c.454 (C.27:23-16) is amended to read
30 as follows:

31 16. When all bonds issued under the provisions of this act to
32 finance any [turnpike] highway project or projects and the interest
33 thereon shall have been paid or a sufficient amount for the payment of
34 all such bonds and the interest thereon to the maturity thereof shall
35 have been set aside in trust for the benefit of the bondholders, all such
36 projects shall become part of the State highway system and shall
37 thereafter be operated and maintained by the authority [as toll roads].

38 (cf: P.L.1964, c.56, s.2)

39

40 27. Section 17 of P.L.1948, c.454 (C.27:23-17) is amended to read
41 as follows:

42 17. The [State Highway] Department of Transportation is hereby
43 authorized in its discretion to expend out of any funds available for the
44 purpose such moneys as may be necessary for the study of any
45 [turnpike] transportation project or projects and to use its engineering
46 and other forces, including consulting engineers and traffic engineers,

1 for the purpose of effecting such study and to pay for such additional
2 engineering and traffic and other expert studies as it may deem
3 expedient, and all such expenses incurred by the department shall be
4 paid by the department and charged to the appropriate [turnpike]
5 transportation project or projects, and the department shall keep
6 proper records and accounts showing each amount so charged. Upon
7 the sale of [turnpike] transportation revenue bonds for any [turnpike]
8 project or projects, the funds so expended by the department in
9 connection with such project or projects shall be reimbursed by the
10 Authority to the department from the proceeds of such bonds.

11 Any obligation or expense hereafter incurred by the [State
12 Highway] Department of Transportation with the approval of the
13 Authority for traffic surveys, borings, preparation of plans and
14 specifications, and other engineering services in connection with the
15 construction of a project shall be regarded as a part of the cost of such
16 project and shall be reimbursed to the State out of the proceeds of
17 bonds herein authorized.

18 (cf: P.L.1948, c.454, s.17)

19

20 28. Section 18 of P.L.1948, c.454 (C.27:23-18) is amended to read
21 as follows:

22 18. The foregoing sections of this act shall be deemed to provide
23 an additional and alternative method for the doing of the things
24 authorized thereby, and shall be regarded as supplemental and
25 additional to powers conferred by other laws, and shall not be
26 regarded as in derogation of any powers now existing; provided,
27 however, that the issuance of [turnpike] transportation revenue bonds
28 or refunding bonds under the provisions of this act need not comply
29 with the requirements of any other law applicable to the issuance of
30 bonds.

31 (cf: P.L.1948, c.454, s.18)

32

33 29. Section 1 of P.L.1951, c.264 (C.27:23-25) is amended to read
34 as follows:

35 1. No vehicle shall be permitted to make use of any [turnpike]
36 highway project or part thereof operated by the New Jersey Turnpike
37 Authority created pursuant to P.L.1948, c.454 (C.27:23-1 et seq.)
38 (hereinafter called the "Authority") except upon the payment of such
39 tolls, if any, as may from time to time be prescribed by the Authority
40 in its sole discretion. It is hereby declared to be unlawful for any
41 person to refuse to pay, or to evade or to attempt to evade the
42 payment of such tolls.

43 (cf: P.L.1991, c.183, s.18)

44

45 30. Section 2 of P.L.1951, c.264 (C.27:23-26) is amended to read
46 as follows:

1 2. No vehicle shall be operated on any such [turnpike] highway
2 project carelessly or recklessly, or in disregard of the rights or safety
3 of others, or without due caution or prudence, or in a manner so as to
4 endanger unreasonably or to be likely to endanger unreasonably
5 persons or property, or while the operator thereof is under the
6 influence of intoxicating liquors or any narcotic or habit-forming drug,
7 nor shall any vehicle be so constructed, equipped, lacking in
8 equipment, loaded or operated in such a condition of disrepair as to
9 endanger unreasonably or to be likely to endanger unreasonably
10 persons or property.

11 (cf: P.L.1951, c.264, s.2)

12

13 31. Section 3 of P.L.1951, c.264 (C.27:23-27) is amended to read
14 as follows:

15 3. A person operating a vehicle on any such [turnpike] highway
16 project shall operate it at a careful and prudent speed, having due
17 regard to the rights and safety of others and to the traffic, surface and
18 width of the highway, and any other conditions then existing; and no
19 person shall operate a vehicle on any such [turnpike] highway project
20 at such a speed as to endanger life, limb or property; provided,
21 however, that it shall be prima facie lawful for a driver of a vehicle to
22 operate it at a speed not exceeding a speed limit which is designated
23 by the Authority as a reasonable and safe speed limit, when
24 appropriate signs giving notice of such speed limit are erected at the
25 roadside or otherwise posted for the information of operators of
26 vehicles.

27 No person shall operate a vehicle on any such [turnpike] highway
28 project at such a slow speed as to impede or block the normal and
29 reasonable movement of traffic except when reduced speed is
30 necessary for safe operation thereof.

31 No person shall operate a vehicle on any such [turnpike] highway
32 project in violation of any speed limit designated by regulation
33 adopted by the Authority as hereinafter provided.

34 (cf: P.L.1951, c.264, s.3)

35

36 32. Section 4 of P.L.1951, c.264 (C.27:23-28) is amended to read
37 as follows:

38 4. All persons operating vehicles upon any such [turnpike]
39 highway project must at all times comply with any lawful order, signal
40 or direction by voice or hand of any police officer engaged in the
41 direction of traffic upon such project. When traffic is controlled by
42 traffic lights, signs or by mechanical or electrical signals, such lights,
43 signs and signals shall be obeyed unless a police officer directs
44 otherwise.

45 (cf: P.L.1951, c.264, s. 4)

46

1 33. Section 5 of P.L.1951, c.264 (C.27:23-29) is amended to read
2 as follows:

3 5. All persons operating vehicles upon any such [turnpike]
4 highway project, or seeking to do so, must at all times comply with
5 regulations, not inconsistent with the other sections of this act,
6 adopted by the New Jersey Turnpike Authority concerning types,
7 weights and sizes of vehicles permitted to use any such [turnpike]
8 highway project, and with regulations adopted by the Authority for or
9 prohibiting the parking of vehicles, concerning the making of turns and
10 the use of particular traffic lanes, together with any and all other
11 regulations adopted by the Authority to control traffic and prohibit
12 acts hazardous in their nature or tending to impede or block the
13 normal and reasonable flow of traffic upon any [turnpike] highway
14 project; provided, however, that prior to the adoption of any
15 regulation for the control of traffic on any such [turnpike] highway
16 project, including the designation of any speed limits, the Authority
17 shall investigate and consider the need for and desirability of such
18 regulation for the safety of persons and property, including the
19 Authority's property, and the contribution which any such regulation
20 would make toward the efficient and safe handling of traffic and use
21 of such [turnpike] highway project, and shall determine that such
22 regulation is necessary or desirable to accomplish such purposes or
23 one or some of them, and that upon or prior to the effective date of
24 any such regulation and during its continuance, notice thereof shall be
25 given to the drivers of vehicles by appropriate signs erected at the
26 roadside or otherwise posted.

27 The Authority is hereby authorized and empowered to make, adopt
28 and promulgate regulations referred to in this section in accordance
29 with the provisions hereof.

30 Regulations adopted by the Authority pursuant to the provisions of
31 this section shall insofar as practicable, having due regard to the
32 features of any such [turnpike] highway project and the characteristics
33 of traffic thereon, be consistent with the provisions of Title 39 of the
34 Revised Statutes applicable to similar subjects.

35 The Authority shall have power to amend, supplement or repeal any
36 regulation adopted by it under the provisions of this section.

37 [No regulation and no amendment or supplement thereto or
38 repealer thereof adopted by the Authority shall take effect until it is
39 filed with the Secretary of State, by the filing of a copy thereof
40 certified by the secretary of the Authority.]

41 (cf: P.L.1951, c.264, s.5)

42

43 34. Section 7 of P.L.1951, c.264 (C.27:23-31) is amended to read
44 as follows:

45 7. No person shall transport in or upon any such [turnpike]

1 highway project, any dynamite, nitroglycerin, black powder, fireworks,
2 blasting caps or other explosives, gasoline, alcohol, ether, liquid
3 shellac, kerosene, turpentine, formaldehyde or other inflammable or
4 combustible liquids, ammonium nitrate, sodium chlorate, wet hemp,
5 powdered metallic magnesium, nitro-cellulose film, peroxides or other
6 readily inflammable solids or oxidizing materials, hydrochloric acid,
7 sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic,
8 carbolic acid, potassium cyanide, tear gas, lewisite or any other
9 poisonous substances, liquids or gases, or any compressed gas, or any
10 radioactive article, substance or material, at such time or place or in
11 such manner or condition as to endanger unreasonably or as to be
12 likely to endanger unreasonably persons or property.

13 (cf: P.L.1951, c.264, s.7)

14

15 35. Section 10 of P.L.1951, c.264 (C.27:23-34) is amended to read
16 as follows:

17 10. Except as provided in sections eight and nine of this act, any
18 violation of any of the provisions hereof, including but not limited to
19 those regarding the payment of tolls, and any violation of any
20 regulation adopted by the Authority under the provisions of this act
21 shall be punishable by a fine not exceeding ~~two hundred~~ five
22 hundred dollars ~~[(200.00)]~~ (\$500) or by imprisonment not exceeding
23 thirty days or by both such fine and imprisonment. Such a violation
24 shall be tried in a summary way and shall be within the jurisdiction of
25 and may be brought in the Superior Court or any municipal court
26 where the offense was committed. The rules of the Supreme Court
27 shall govern the practice and procedure in such proceedings.
28 Proceedings under this section may be instituted on any day of the
29 week, and the institution of the proceedings on a Sunday or a holiday
30 shall be no bar to the successful prosecution thereof. Any process
31 served on a Sunday or a holiday shall be as valid as if served on any
32 other day of the week.

33 When imposing any penalty under the provisions of this section the
34 court having jurisdiction shall be guided by the appropriate provisions
35 of any statute adopted at the current session of the Legislature, or
36 hereafter, fixing uniform penalties for violation of certain provisions
37 of the motor vehicle and traffic laws contained in Title 39 of the
38 Revised Statutes.

39 (cf: P.L.1991, c.91, s.306)

40

41 36. Section 7 of P.L.1997, c.59 (C.27:23-34.2) is amended to read
42 as follows:

43 7. a. The authority may, in accordance with the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll
45 collection monitoring system regulations. The regulations shall
46 include a procedure for processing toll violations and for the treatment

1 of inadvertent violations. A person who violates the regulations shall
2 be liable to a civil penalty [of not less than \$50 nor more than \$200
3 per violation] in an amount established by the authority. The penalty
4 shall be enforced pursuant to the "penalty enforcement law,"
5 N.J.S.2A:58-1 et seq.

6 b. Except as provided in subsection b. of section 8 of P.L.1997,
7 c.59 (C.27:23-34.3), an owner of a vehicle shall be jointly and
8 severally liable for the failure of an operator of the vehicle to comply
9 with the toll collection monitoring system regulations. The owner of
10 a vehicle shall be liable if such vehicle was used or operated by the
11 operator with the express or implied permission of the owner when the
12 violation of the toll collection monitoring system regulations was
13 committed, and the evidence of the violation is obtained by a toll
14 collection monitoring system. An owner of a vehicle shall not be liable
15 if the operator of the vehicle has been identified and charged with a
16 violation of section 10 of P.L.1951, c.264 (C.27:23-34) for the same
17 incident.

18 c. A toll collection monitoring system acquired or operated by, or
19 under contract to, the authority shall be so designed that it does not
20 produce one or more photographs, microphotographs, a videotape or
21 other recorded image or images of the face of the operator or any
22 passenger in a motor vehicle.
23 (cf: P.L.1997, c.59, s.7)

24
25 37. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to read
26 as follows:

27 8. a. If a violation of the toll collection monitoring system
28 regulations is committed as evidenced by a toll collection monitoring
29 system, the agent of the authority may send an advisory and payment
30 request within [~~30~~] 60 days of the date of the violation to the owner
31 of the vehicle by regular mail at the address of record for that owner
32 with the Division of Motor Vehicles in the Department of
33 Transportation or with any other motor vehicle licensing authority of
34 another jurisdiction, providing the owner with the opportunity to
35 resolve the matter prior to the issuance of a summons and complaint
36 that charges a violation of the toll collection monitoring system
37 regulations. The advisory and payment request shall contain sufficient
38 information to inform the owner of the nature, date, time and location
39 of the alleged violation. The agent may require as part of the advisory
40 and payment request that the owner pay to the agent the proper toll
41 and a reasonable administrative fee [that shall not exceed \$25 per
42 violation] established by the authority. If the owner fails to pay the
43 required toll and fee within 60 days of the date the advisory and
44 payment request was sent, the owner shall be subject to liability on the
45 61st day following the date the advisory and payment request was sent
46 for the violation of the toll collection monitoring system regulations by

1 the vehicle operator.

2 b. An owner of a vehicle who is a lessor of the vehicle used in
3 violation of the toll collection monitoring system regulations of the
4 authority shall not be liable for the violation of the regulations if the
5 lessor submits to the authority, in a timely manner, a copy of the rental
6 agreement, lease or other contract document covering that vehicle on
7 the date of the violation, with the name and address of the lessee
8 clearly legible to the authority and to the court having jurisdiction over
9 the violation. If the lessor fails to provide the information in a timely
10 manner, the lessor shall be held liable for the violation of the
11 regulations. If the lessor provides the required information to the
12 authority, the lessee of the vehicle on the date of the violation shall be
13 deemed to be the owner of the vehicle for the purposes of sections 6
14 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5)
15 and the toll collection monitoring system regulations and shall be
16 subject to liability for the violation of the regulations.

17 c. A certified report of an employee or agent of the authority
18 reporting a violation of the toll collection monitoring system
19 regulations and any information obtained from a toll collection
20 monitoring system shall be available for the exclusive use of the
21 authority and any law enforcement official for the purposes of
22 discharging their duties pursuant to sections 6 through 10 of P.L.1997,
23 c.59 (C.27:23-34.1 through C.27:23-34.5) and the toll collection
24 monitoring system regulations. Any such report or information shall
25 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et
26 seq.) or the common law concerning access to public records. The
27 certified reports and information shall not be discoverable as a public
28 record by any person, entity or governmental agency, nor shall they be
29 offered in evidence in any civil, criminal or administrative proceeding,
30 not directly related to a violation of the toll collection monitoring
31 system regulations. However, in the event that, notwithstanding the
32 provisions of subsection c. of section 7 of this act, a recorded image
33 of the face of the operator or any passenger in a motor vehicle is
34 produced by the toll collection monitoring system, that image shall not
35 be used by the authority for any purpose nor shall the image or any
36 record or copy thereof be transmitted or communicated to any person,
37 governmental, non-governmental, or judicial or administrative entity.

38 d. A complaint and summons charging a violation of the toll
39 collection monitoring system regulations shall be on a form prescribed
40 by the Administrative Director of the Courts pursuant to the Rules
41 Governing the Courts of the State of New Jersey. The authority may
42 authorize by regulation an employee or agent to be a complaining
43 witness to make, sign, and initiate complaints and to issue summonses
44 in the name of the authority on behalf of the State of New Jersey,
45 pursuant to the Rules Governing the Courts of the State of New
46 Jersey. The complaints and summonses may be made on information

1 based upon evidence obtained by a toll collection monitoring system,
2 the toll collection monitoring system record and the records of the
3 Division of Motor Vehicles in the Department of Transportation or of
4 any other state, province, or motor vehicle licensing authority.

5 Service may be made by means provided by the Rules Governing
6 the Courts of the State of New Jersey.

7 Except as provided in subsection c. of this section, the recorded
8 images produced by a toll collection monitoring system shall be
9 considered an official record kept in the ordinary course of business
10 and shall be admissible in a proceeding for a violation of any toll
11 collection monitoring system regulations.

12 e. The municipal court of the municipality wherein a toll collection
13 monitoring system record was made shall have jurisdiction to hear
14 violations of the toll collection monitoring system regulations.
15 Violations shall be enforced and penalties collected pursuant to ["the
16 penalty enforcement law", N.J.S.2A:58-1 et seq] the "Penalty
17 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
18 proceeding and a judgment arising therefrom shall be pursued and
19 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.
20 and the Rules Governing the Courts of the State of New Jersey.

21 In addition to the civil penalty that may be assessed by a court
22 having jurisdiction for a violation of the toll collection monitoring
23 system regulations, a court shall require the defendant to pay the
24 proper toll and may require the defendant to pay a reasonable
25 administrative fee [that shall not exceed \$25 per violation] as
26 determined by the authority if the authority has previously sent an
27 advisory and payment request to the defendant. Following collection
28 and distribution of the fees set forth in section 11 of P.L.1953, c.22
29 (C.22A:3-4), any tolls and administrative fees imposed and collected
30 by the court for a violation of the toll collection monitoring system
31 regulations shall be promptly remitted to the authority by the court.
32 The civil penalty shall be distributed pursuant to the [penalty
33 enforcement law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement
34 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
35 (cf: P.L.1997, c.59, s.8)

36

37 38. Section 1 of P.L.1961, c.134 (C.27:23-40) is amended to read
38 as follows:

39 1. No toll shall be charged for the passage of any ambulance,
40 first-aid or emergency-aid vehicle or of any vehicular fire-fighting
41 apparatus or police vehicle operated for the benefit of the public by the
42 State of New Jersey, or by any county or municipal corporation, or
43 nonprofit corporation or organization, first-aid squad, emergency
44 squad, or fire or police department, of New Jersey through or over the
45 facilities of the New Jersey Turnpike Authority, or any part thereof,
46 and any such vehicle or apparatus shall be entitled to pass through or

1 over without the payment of any toll for such passage. The authority
2 may in its discretion establish other categories of public safety related
3 free passage with due consideration of the rights of bondholders.

4 (cf: P.L.1961, c.134, s.1)

5 39. (New section) For the purpose of aiding and cooperating in
6 the acquisition, construction, or operation of any project of the
7 authority, any county or municipality may, upon agreement with the
8 authority and in the manner provided by law:

9 a. Appropriate moneys for the purposes of the authority and loan
10 or donate the money to the authority in the installments and upon the
11 terms as may be agreed upon by the authority.

12 b. Perform any act for the authority which it is empowered by law
13 to perform;

14 c. Incur indebtedness, borrow money and issue bonds or notes for
15 the purpose of financing a project pursuant to the provisions of the
16 "Local Bond Law," (N.J.S.40A:2-1 et seq.) and

17 d. Unconditionally guarantee the punctual payment of the principal
18 of and interest on any bonds or notes of the authority.

19
20 40. (New section) Subject to the terms of any agreement by it with
21 the holders of bonds, the authority is authorized to acquire in
22 cooperation with the Department of Environmental Protection limited
23 roadside areas adjoining highway projects and transfer any or all such
24 areas to the Department of Environmental Protection for maintenance
25 as roadside parks.

26
27 41. (New section) Subject to the terms of any agreement by it with
28 the holders of bonds, the authority shall have power to lend, lease,
29 grant or convey to the Department of Environmental Protection at its
30 request upon such terms and conditions and with such reservations as
31 the authority shall deem reasonable and fair, any park or recreational
32 areas or facilities owned by the authority, and after such loan, lease,
33 grant or conveyance the park or recreational areas or facilities so
34 loaned, leased, granted or conveyed shall no longer constitute part of
35 a project.

36
37 42. (New section) The authority, as the successor to the Highway
38 Authority, may provide for the perpetual maintenance of the Vietnam
39 Veterans' Memorial in accordance with the agreement executed by the
40 Highway Authority, pursuant to section 2 of P.L.1991, c.70
41 (C.27:12B-5.4), repealed by this act, and the Legislature shall
42 appropriate to the Department of Military and Veterans' Affairs for
43 payment to the authority such funds from the Vietnam Veterans'
44 Memorial Fund, created under section 4 of P.L.1985, c.494
45 (C.52:18A-208), and any other source of available revenue, as may be
46 necessary for the authority to carry out its responsibilities under this

1 section.

2

3 43. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read as
4 follows:

5 6. a. The authority, pursuant to the provisions of P.L.1971, c.137
6 (C.5:10-1 et seq.), is hereby authorized and empowered, either alone
7 or in conjunction with others, and provided that, in the case of an
8 arrangement with respect to any of the projects set forth in this section
9 which shall be in conjunction with others, the authority shall have
10 sufficient right and power to carry out the public purposes set forth in
11 P.L.1971, c.137 (C.5:10-1 et seq.):

12 (1) To establish, develop, construct, operate, acquire, own,
13 manage, promote, maintain, repair, reconstruct, restore, improve and
14 otherwise effectuate, either directly or indirectly through lessees,
15 licensees or agents, a project to be located in the Hackensack
16 meadowlands upon a site not to exceed 750 acres and upon a site or
17 sites outside of that acreage, but either immediately contiguous thereto
18 or immediately across any public road which borders that acreage,
19 consisting of one or more stadiums, coliseums, arenas, pavilions,
20 stands, field houses, playing fields, recreation centers, courts,
21 gymnasiums, clubhouses, a racetrack for the holding of horse race
22 meetings, and other buildings, structures, facilities, properties and
23 appurtenances related to, incidental to, necessary for, or
24 complementary to a complex suitable for the holding of athletic
25 contests or other sporting events, or trade shows, exhibitions,
26 spectacles, public meetings, entertainment events or other expositions,
27 including, but not limited to, driveways, roads, approaches, parking
28 areas, parks, recreation areas, lodging facilities, vending facilities,
29 restaurants, transportation structures, systems and facilities, and
30 equipment, furnishings, and all other structures and appurtenant
31 facilities, related to, incidental to, necessary for, or complementary to
32 the purposes of that project or any facility thereof.

33 (2) To establish, develop, construct, acquire, lease or own,
34 operate, manage, promote, maintain, repair, reconstruct, restore,
35 improve and otherwise effectuate, either directly or indirectly through
36 lessees, licensees or agents, a project, at a site within the State of New
37 Jersey, consisting of a baseball stadium and other buildings, structures,
38 facilities, properties and appurtenances related thereto, or incidental
39 to, necessary for, or complementary to a complex suitable for the
40 holding of professional baseball games and other athletic contests or
41 sporting events, or trade shows, exhibitions, spectacles, public
42 meetings, entertainment events or other expositions, such project to
43 include driveways, roads, approaches, parking areas, parks, recreation
44 areas, vending facilities, restaurants, transportation structures, systems
45 and facilities, and equipment, furnishings and all other structures and
46 appurtenant facilities related to, incidental to, necessary for, or

1 complementary to the purposes of that project or any facility thereof.
2 (3) To establish, develop, construct, acquire, lease or own,
3 operate, manage, promote, maintain, repair, reconstruct, restore,
4 improve and otherwise effectuate, either directly or indirectly through
5 lessees, licensees or agents, projects located within the State of New
6 Jersey, but outside of the meadowlands complex, consisting of
7 aquariums and the buildings, structures, facilities, properties and
8 appurtenances related thereto, or incidental to, necessary for, or
9 complementary to those aquariums, such project to include driveways,
10 roads, approaches, parking areas, parks, recreation areas, vending
11 facilities, restaurants, transportation structures, systems and facilities,
12 and equipment, furnishings and all other structures and appurtenant
13 facilities related to, incidental to, necessary for, or complementary to
14 the purposes of that project or any facility thereof. To provide for a
15 project authorized under this paragraph:

16 (a) (Deleted by amendment, P.L.1988, c.172.)

17 (b) The authority is authorized to enter into agreements with the
18 State Treasurer providing for the acquisition and construction of an
19 aquarium by the authority, including the land necessary for the
20 aquarium, and the costs thereof, ownership of the aquarium and its
21 land which shall be conveyed to the State upon completion, and the
22 operation by the authority of the aquarium pursuant to a lease or other
23 agreement with the State containing such terms and conditions as the
24 State Treasurer may establish prior to the acquisition and construction
25 by the authority of the aquarium and the disbursements of funds
26 therefor. The State Treasurer is authorized to enter into a lease or
27 other agreement to effectuate the provisions of this subparagraph.

28 (4) To establish, develop, construct, acquire, own, operate,
29 manage, promote, maintain, repair, reconstruct, restore, improve and
30 otherwise effectuate, either directly or indirectly through lessees,
31 licensees or agents, a project consisting of an exposition or
32 entertainment center or hotel or office complex, including any
33 buildings, structures, properties and appurtenances related thereto,
34 incidental thereto, necessary therefor, or complementary thereto, such
35 project to include driveways, roads, approaches, parking areas, parks,
36 recreation areas, vending facilities, restaurants, transportation
37 structures, systems, and equipment, furnishings and all other structures
38 and appurtenances related to, incidental to, necessary for, or
39 complementary to, the purposes of that project. A project authorized
40 under this paragraph may be located within, immediately contiguous
41 to, or immediately across any public road which borders the site of any
42 other project of the authority, except the site of a racetrack authorized
43 by paragraph (5) of this subsection and acquired by the authority prior
44 to 1986.

45 (5) To establish, develop, construct, acquire, own, operate,
46 manage, promote, maintain, repair, reconstruct, restore, improve and

1 otherwise effectuate, either directly or indirectly through lessees,
2 licensees or agents, projects consisting of (a) racetrack facilities
3 located within the State of New Jersey, but outside of the
4 meadowlands complex, (b) their contiguous properties, and (c) their
5 auxiliary facilities, including, without limitation, pavilions, stands, field
6 houses, clubhouses, training tracks for horses, racetracks for the
7 holding of horse race meetings, fairgrounds, other exposition facilities,
8 and other buildings, structures, facilities, properties and appurtenances
9 related to, incidental to, necessary for, or complementary to a complex
10 suitable for the holding of horse race meetings, other sporting events,
11 or trade shows, exhibitions, spectacles, public meetings, entertainment
12 events or other expositions, including, but not limited to, driveways,
13 roads, approaches, parking areas, parks, recreation areas, lodging
14 facilities, vending facilities, restaurants, transportation structures,
15 systems and facilities, equipment, furnishings, and all other structures
16 and appurtenant facilities related to, incidental to, necessary for, or
17 complementary to the purposes of any of those projects or any facility
18 thereof.

19 Notwithstanding any law to the contrary, the acquisition of any
20 existing racetrack facility in and licensed by the State of New Jersey
21 shall be permitted on the condition that payments equivalent to all
22 municipal, school board and county taxes due to each entity shall be
23 paid by the authority to the extent and in accordance with the same
24 payment schedule as taxes would have been paid each year, as though
25 the racetrack facility remained in private ownership. In the event the
26 authority conveys lands or other parts of the racetrack facility to
27 others, the authority shall receive a reduction of such payments
28 commensurate with the amount required to be paid by the subsequent
29 owner of the lands and improvements disposed of by the authority. In
30 addition, the authority shall be responsible for paying all existing local
31 franchise fees, license and parking tax fees in effect at the time of the
32 acquisition.

33 (6) To establish, develop, acquire, own, operate, manage, promote
34 and otherwise effectuate, in whole or in part, either directly or
35 indirectly through lessees, licensees or agents, projects consisting of
36 events, expositions, teams, team franchises or membership in
37 professional sports leagues.

38 (7) To establish, develop, construct, acquire, own, operate,
39 manage, promote, maintain, repair, reconstruct, restore, improve and
40 otherwise effectuate, either directly or indirectly through lessees,
41 licensees or agents, projects consisting of facilities, at a site or sites
42 within the State of New Jersey and either within or without the
43 meadowlands complex, that are related to, incidental to, necessary for,
44 or complementary to the accomplishment or purpose of any project of
45 the authority authorized by this section, including any buildings,
46 structures, properties and appurtenances related thereto, incidental

1 thereto, necessary therefor, or complementary thereto, such projects
2 to include driveways, roads, approaches, parking areas, parks,
3 recreation areas, off-track and account wagering systems and facilities
4 or any interest therein, vending facilities, restaurants, transportation
5 structures, systems, and equipment, furnishings and all other structures
6 and appurtenances related to, incidental to, necessary for, or
7 complementary to the purposes of those projects.

8 (8) To establish, develop, acquire, construct, reconstruct, improve
9 and otherwise effectuate for transfer to, and for use and operation by,
10 Rutgers, the State University, either directly or indirectly through
11 lessees, licensees or agents, facilities located or to be located on
12 property owned, leased, or otherwise used by Rutgers, the State
13 University, consisting of an upgraded and expanded football stadium
14 and a new track and field, soccer and lacrosse facility and the
15 buildings, structures, properties and appurtenances related thereto, or
16 incidental to, necessary for, or complementary to the football stadium
17 and track and field, soccer and lacrosse facility, such facilities to
18 include driveways, access roads, approaches, parking areas, parks,
19 recreation areas, vending facilities, restaurants, transportation
20 structures, systems and equipment, furnishings and all other structures
21 and appurtenances related or incidental to, necessary for, or
22 complementary to the purposes of those facilities; provided however
23 that construction shall not begin on the expansion of the seating
24 capacity of Rutgers Stadium until the Commissioner of Transportation
25 certifies that all funding necessary to complete the Route 18 project in
26 Piscataway Township has been appropriated and construction has
27 begun on the Route 18 project in Piscataway Township under the
28 Department of Transportation's capital program.

29 (9) To acquire by purchase, lease or otherwise, and to develop,
30 construct, operate, own, lease, manage, repair, reconstruct, restore,
31 improve, enlarge or otherwise effectuate, either directly or through
32 lessees, licensees or agents, a convention center project in the city of
33 Atlantic City, Atlantic County, consisting of the existing convention
34 hall and a new convention hall or center, and associated parking areas
35 and railroad terminal facilities and including the leasing of adjacent
36 land for hotel facilities. In connection therewith, the authority is
37 authorized to:

38 (a) Assume existing leasehold or other contractual obligations
39 pertaining to any such facilities or properties or to make provision for
40 the payment or retirement of any debts and obligations of the
41 governmental entity operating any such convention hall or center or of
42 any bonds or other obligations payable from and secured by a lien on
43 or pledge of the luxury tax revenues;

44 (b) Make loans or payments in aid of construction with respect to
45 infrastructure and site development for properties located in the area
46 between the sites of the existing convention hall and a new convention

1 center or located contiguous to or across any public road which
2 borders the area;

3 (c) Convert the existing convention hall or any facilities, structures
4 or properties thereof, or any part thereof, not disposed of by the
5 authority, to any sports, exposition, exhibition, or entertainment use
6 or to use as a forum for public events or meetings, or to any other use
7 which the authority shall determine to be consistent with its operation
8 of the Atlantic City convention center project.

9 (10) To provide a feasibility study for the use and development of
10 the existing convention center in the city of Asbury Park, county of
11 Monmouth and to provide a feasibility study for the construction, use
12 and development of a convention center or recreational facility in any
13 other municipality.

14 (11) To provide funding to public or private institutions of higher
15 education in the State to establish, develop, acquire, construct,
16 reconstruct or improve facilities located or to be located on property
17 owned, leased, or otherwise used by an institution, consisting of sports
18 facilities and the buildings, structures, properties and appurtenances
19 related thereto, or incidental to, necessary for, or complementary to
20 those sports facilities, such facilities to include driveways, access
21 roads, approaches, parking areas, parks, recreation areas, vending
22 facilities, restaurants, transportation structures, systems and
23 equipment, furnishings and all other structures and appurtenances
24 related or incidental to, necessary for, or complementary to the
25 purposes of those facilities.

26 (12) To acquire by purchase, lease, or otherwise, including all
27 right, title and interest of the Greater Wildwood Tourism Improvement
28 Development Authority in any property, and to develop, construct,
29 operate, own, lease, manage, repair, reconstruct, restore, improve,
30 enlarge or otherwise effectuate, either directly or through lessees,
31 licensees or agents, a convention center facility in the City of
32 Wildwood, Cape May County, consisting of and including any existing
33 and acquired buildings, structures, properties and appurtenances and
34 including restaurants, retail businesses, access roads, approaches,
35 parking areas, transportation structures and systems, recreation areas,
36 equipment, furnishings, vending facilities, and all other structures and
37 appurtenances incidental to, necessary for, or complementary to the
38 purpose of such Wildwood convention center facility. In connection
39 therewith, the authority is expressly authorized to:

40 (a) assume any existing mortgages, leaseholds or other contractual
41 obligations or encumbrances with respect to the site of the Wildwood
42 convention center facility and any other existing and acquired
43 buildings, structures, properties, and appurtenances;

44 (b) enter into agreements with a local public body or bodies
45 providing for any necessary financial support or other assistance for
46 the operation and maintenance of such Wildwood convention center

1 facility from taxes or other sources of the local public body or bodies
2 as shall be made available for such purposes;

3 (c) to the extent permitted by law and by the terms of the bonds or
4 notes issued to finance the Wildwood convention center facility,
5 transfer its ownership interest or other rights with respect to the
6 convention center facility to another State authority or agency;

7 (d) upon payment of all outstanding bonds and notes issued
8 therefore, transfer its ownership interest and other rights with respect
9 thereto to such other public body as shall be authorized to own and
10 operate such a facility; and

11 (e) convert any existing convention hall or any facilities, structures
12 or properties thereof, or any part thereof, not disposed of by the
13 authority, to any use which the authority shall determine to be
14 consistent with the operation of the Wildwood convention center
15 facility.

16 (13) To acquire by purchase, lease or otherwise, and to develop,
17 construct, own, lease, manage, repair, reconstruct, restore, improve,
18 enlarge or otherwise effectuate, either directly or through lessees,
19 licenses, or agents, all right, title, or interest in the Garden State Arts
20 Center in Holmdel, Monmouth County, and any related or auxiliary
21 facilities and to transfer its interest in the Garden State Arts Center
22 and any related or auxiliary facilities to such other public body that is
23 authorized to own and operate such a facility, or other entity,
24 according to such terms and process as the authority may establish in
25 its discretion.

26 b. The authority, pursuant to the provisions of P.L.1971, c.137
27 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the
28 projects, capital contributions to others for transportation and other
29 facilities, and accommodations for the public's use of any of those
30 projects, (2) to lease any part of any of those project sites not
31 occupied or to be occupied by the facilities of any of those projects,
32 for purposes determined by the authority to be consistent with or
33 related to the purposes of those projects, including, but not limited to,
34 hotels and other accommodations for transients and other facilities
35 related to or incidental to any of those projects, and (3) to sell or
36 dispose of any real or personal property, including, but not limited to,
37 such portion of the site of any of those projects not occupied or to be
38 occupied by the facilities of any of those projects, at not less than the
39 fair market value of the property, except in the case of sale or
40 disposition to the State, any political subdivision of the State or any
41 agency or instrumentality of the State or any political subdivision of
42 the State.

43 c. Revenues, moneys or other funds, if any, derived from the
44 operation or ownership of the meadowlands complex, including the
45 conduct of horse race meetings, shall be applied, in accordance with
46 the resolution or resolutions authorizing or relating to the issuance of

1 bonds or notes of the authority, to the following purposes and in the
2 following order:

3 (1) The costs of operation and maintenance of the meadowlands
4 complex and reserves therefor;

5 (2) Principal, sinking fund installments and redemption premiums
6 of and interest on any bonds or notes of the authority payable from
7 such revenues, moneys or other funds and issued for the purposes of
8 the meadowlands complex or for the purposes of refunding the same,
9 including reserves and payments with respect to credit agreements
10 therefor;

11 (3) The costs of any major or extraordinary repairs, renewals or
12 replacements with respect to the meadowlands complex or incidental
13 improvements thereto, not paid pursuant to paragraph (1) above,
14 including reserves therefor;

15 (4) Payments required to be made pursuant to section 18b.;

16 (5) Payments authorized to be made pursuant to section 18c.;

17 (6) Except to the extent payments with respect to bonds or notes
18 are provided with priority in accordance with paragraph (2) of this
19 subsection, payments required to be made in accordance with the
20 resolution authorizing or relating to the issuance of bonds or notes of
21 the authority, for the purposes of any project authorized by this act,
22 including payments and reserves with respect to any bonds or notes of
23 the authority with respect to the meadowlands complex which are not
24 provided with priority in accordance with paragraph (2) of this
25 subsection;

26 (7) Payments required to be made to repay any obligation incurred
27 by the authority to the State;

28 (8) The balance remaining after application in accordance with the
29 above shall be deposited in the General State Fund, provided that (a)
30 there shall be appropriated for authorized State purposes from the
31 amount so deposited that amount which shall be calculated by the
32 State Treasurer to be the debt service savings realized with respect to
33 the refinancing of the initial project as defined in section 1 of
34 P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the
35 issuance of bonds of the authority guaranteed by the State, and (b)
36 after such appropriation, 40% of any balance remaining from the
37 amounts so deposited shall be appropriated to the Meadowlands
38 Commission for any of its purposes authorized by P.L.1968, c.404,
39 and any amendments or supplements thereto.

40 d. Revenues, moneys or other funds, if any, derived from the
41 operation or ownership of any project other than the meadowlands
42 complex, the Atlantic City convention center project, or the Wildwood
43 convention center facility and other than a baseball stadium project or
44 an office complex project located on the site of a baseball stadium
45 shall be applied for such purposes, in such manner and subject to such
46 conditions as shall be provided in the resolution authorizing or relating

1 to the issuance of bonds or notes of the authority for the purposes of
2 such project, and the balance, if any, remaining after such application
3 may be applied, to the extent not contrary to or inconsistent with the
4 resolution, in the following order (1) to the purposes of the
5 meadowlands complex, unless otherwise agreed upon by the State
6 Treasurer and the authority, (2) to the purposes of any other project
7 of the authority; and, the balance remaining, if any, shall be deposited
8 in the General Fund.

9 e. Revenues, moneys or other funds, if any, derived from the
10 operation, ownership, or leasing of a baseball stadium project or an
11 office complex project located on the site of a baseball stadium shall
12 be applied for the purposes, in the manner and subject to the
13 conditions as shall be provided in the resolution authorizing or relating
14 to the issuance of bonds or notes of the authority for the purposes of
15 a baseball stadium project or an office complex project located on the
16 site of a baseball stadium, if any, and the balance, if any, remaining
17 after such application shall be applied, to the extent not contrary to or
18 inconsistent with the resolution, to the following purposes and in the
19 following order:

20 (1) The costs of operation and maintenance of a baseball stadium
21 project and an office complex project located on the site of a baseball
22 stadium and reserves therefor;

23 (2) Payments made to repay the bonded indebtedness incurred by
24 the authority for the purposes of a baseball stadium project or an
25 office complex project located on the site of a baseball stadium;

26 (3) Payments equivalent to an amount required to be made by the
27 State for payments in lieu of taxes pursuant to P.L.1977, c.272
28 (C.54:4-2.2a et seq.);

29 (4) The balance remaining after application in accordance with the
30 above shall be deposited in the General Fund.

31 f. Revenues, moneys or other funds, if any, derived from the
32 operation, ownership or leasing of the Atlantic City convention center
33 project shall be applied to the costs of operating and maintaining the
34 Atlantic City convention center project and to the other purposes set
35 forth in this subsection as shall be provided by resolution of the
36 authority.

37 Luxury tax revenues paid to the authority by the State Treasurer
38 pursuant to section 14 of P.L.1991, c.375 (C.5:10-14.4) shall be
39 deposited by the authority in a separate fund or account and applied
40 to the following purposes and in the following order:

41 (1) To pay the principal, sinking fund installments and redemption
42 premiums of and interest on any bonds or notes of the authority,
43 including bonds or notes of the authority issued for the purpose of
44 refunding bonds or notes, issued for purposes of (i) the initial
45 acquisition of the existing properties which will constitute part of the
46 Atlantic City convention center project, if the bonds or notes shall be

1 payable under the terms of the resolution of the authority relating
2 thereto from luxury tax revenues, or (ii) providing improvements,
3 additions or replacements to the Atlantic City convention center
4 project, if the bonds or notes shall be payable under the terms of the
5 resolution of the authority relating thereto from luxury tax revenues;
6 and to pay any amounts due from the authority under any credit
7 agreement entered into by the authority in connection with the bonds
8 or notes.

9 (2) To pay the costs of operation and maintenance of the Atlantic
10 City convention center project.

11 (3) To establish and maintain a working capital and maintenance
12 reserve fund for the Atlantic City convention center project in an
13 amount as shall be determined by the authority to be necessary.

14 (4) To repay to the State those amounts paid by the State with
15 respect to bonds or notes of the authority issued for the purposes of
16 the Atlantic City convention center project.

17 (5) The balance of any luxury tax revenues not required for any of
18 the foregoing purposes and remaining at the end of any calendar year
19 shall be paid to the State Treasurer for application to purposes in the
20 city of Atlantic City pursuant to section 5 of P.L.1981, c.461
21 (C.40:48-8.30a).

22 The authority may pledge the luxury tax revenues paid to it as
23 provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as security
24 for the payment of the principal of and interest or premium on its
25 bonds or notes issued for the purposes set forth above in paragraph (1)
26 of this subsection f. in the same manner, to the same extent and with
27 the same effect as the pledge of any of its other revenues, receipts and
28 funds authorized by P.L.1971, c.137 (C.5:10-1 et seq.).

29 g. Revenues, moneys or other funds, if any, derived from the
30 ownership or operation of the Wildwood convention center facility
31 shall be applied to the costs of operating and maintaining the
32 Wildwood convention center facility and to the other purposes set
33 forth in this subsection as shall be provided by resolution of the
34 authority.

35 The tourism related tax revenues paid to the authority pursuant to
36 subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall be
37 deposited by the authority in a separate fund or account and applied
38 to any or all of the following purposes pursuant to an allocation of
39 funds approved by the State Treasurer in writing and in advance of any
40 application of such funds:

41 (1) to pay amounts due with respect to any obligations transferred
42 to the authority pursuant to section 17 of P.L.1997, c.273
43 (C.40:54D-25.1) pertaining to the Wildwood convention center
44 facility;

45 (2) to repay to the State those amounts paid with respect to bonds
46 or notes of the authority issued for the purposes of the Wildwood

- 1 convention center facility;
- 2 (3) to pay the cost of operation and maintenance reserve for the
- 3 Wildwood convention center facility;

1 (4) to establish and maintain a working capital and maintenance of
2 the Wildwood convention center facility.

3 The balance, if any, of any tourism related tax revenues not
4 allocated to any of the purposes set forth in the previous paragraphs
5 and remaining at the end of the calendar year shall be paid to the State
6 Treasurer for deposit in the General Fund.

7 (cf: P.L.2001, c.199, s.38)

8

9 44. Section 12 of P.L.1997, c.59 (C.27:25A-21.2) is amended to
10 read as follows:

11 12. a. The authority may, in accordance with the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll
13 collection monitoring system regulations. The regulations shall
14 include a procedure for processing toll violations and for the treatment
15 of inadvertent violations. A person who violates the regulations shall
16 be liable to a civil penalty [of not less than \$50 nor more than \$200
17 per violation] in an amount established by the authority. The penalty
18 shall be enforced pursuant to ["the penalty enforcement law,"
19 N.J.S.2A:58-1 et seq] the "Penalty Enforcement Law of 1999,"
20 P.L.1999, c.274 (C.2A:58-10 et seq.).

21 b. Except as provided in subsection b. of section 13 of P.L.1997,
22 c.59 (C.27:25A-21.3), an owner of a vehicle shall be jointly and
23 severally liable for the failure of an operator of the vehicle to comply
24 with the toll collection monitoring system regulations. The owner of
25 a vehicle shall be liable if such vehicle was used or operated by the
26 operator with the express or implied permission of the owner when the
27 violation of the toll collection monitoring system regulations was
28 committed, and the evidence of the violation is obtained by a toll
29 collection monitoring system. An owner of a vehicle shall not be liable
30 if the operator of the vehicle has been identified and charged with a
31 violation of section 21 of P.L.1991, c.252 (C.27:25A-21) for the same
32 incident.

33 c. A toll collection monitoring system acquired or operated by, or
34 under contract to, the authority shall be so designed that it does not
35 produce one or more photographs, microphotographs, a videotape or
36 other recorded image or images of the face of the operator or any
37 passenger in a motor vehicle.

38 (cf: P.L.1997, c.59, s.12)

39

40 45. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to
41 read as follows:

42 13. a. If a violation of the toll collection monitoring system
43 regulations is committed as evidenced by a toll collection monitoring
44 system, the agent of the authority may send an advisory and payment
45 request within [30] 60 days of the date of the violation to the owner
46 of the vehicle by regular mail at the address of record for that owner

1 with the Division of Motor Vehicles in the Department of
2 Transportation or with any other motor vehicle licensing authority of
3 another jurisdiction, providing the owner with the opportunity to
4 resolve the matter prior to the issuance of a summons and complaint
5 that charges a violation of the toll collection monitoring system
6 regulations. The advisory and payment request shall contain sufficient
7 information to inform the owner of the nature, date, time and location
8 of the alleged violation. The agent may require as part of the advisory
9 and payment request that the owner pay to the agent the proper toll
10 and a reasonable administrative fee [that shall not exceed \$25 per
11 violation] established by the authority. If the owner fails to pay the
12 required toll and fee within 60 days of the date the advisory and
13 payment request was sent, the owner shall be subject to liability on
14 the 61st day following the date the advisory and payment request was
15 sent for the violation of the toll collection monitoring system
16 regulations by the vehicle operator.

17 b. An owner of a vehicle who is a lessor of the vehicle used in
18 violation of the toll collection monitoring system regulations of the
19 authority shall not be liable for the violation of the regulations if the
20 lessor submits to the authority, in a timely manner, a copy of the rental
21 agreement, lease or other contract document covering that vehicle on
22 the date of the violation, with the name and address of the lessee
23 clearly legible to the authority and to the court having jurisdiction over
24 the violation. If the lessor fails to provide the information in a timely
25 manner, the lessor shall be held liable for the violation of the
26 regulations. If the lessor provides the required information to the
27 authority, the lessee of the vehicle on the date of the violation shall be
28 deemed to be the owner of the vehicle for the purposes of sections 11
29 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)
30 and the toll collection monitoring system regulations and shall be
31 subject to liability for the violation of the regulations.

32 c. A certified report of an employee or agent of the authority
33 reporting a violation of the toll collection monitoring system
34 regulations and any information obtained from a toll collection
35 monitoring system shall be available for the exclusive use of the
36 authority and any law enforcement official for the purposes of
37 discharging their duties pursuant to sections 11 through 15 of
38 P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5) and the toll
39 collection monitoring system regulations. Any such report or
40 information shall not be deemed a public record under P.L.1963, c.73
41 (C.47:1A-1 et seq.) or the common law concerning access to public
42 records. The certified reports and information shall not be
43 discoverable as a public record by any person, entity or governmental
44 agency, nor shall they be offered in evidence in any civil, criminal or
45 administrative proceeding, not directly related to a violation of the toll
46 collection monitoring system regulations. However, in the event that,

1 notwithstanding the provisions of subsection c. of section 12 of this
2 act, a recorded image of the face of the operator or any passenger in
3 a motor vehicle is produced by the toll collection monitoring system,
4 that image shall not be used by the authority for any purpose nor shall
5 the image or any record or copy thereof be transmitted or
6 communicated to any person, governmental, non-governmental or
7 judicial or administrative entity.

8 d. A complaint and summons charging a violation of the toll
9 collection monitoring system regulations shall be on a form prescribed
10 by the Administrative Director of the Courts pursuant to the Rules
11 Governing the Courts of the State of New Jersey. The authority may
12 authorize by regulation an employee or agent to be a complaining
13 witness to make, sign, and initiate complaints and to issue summonses
14 in the name of the authority on behalf of the State of New Jersey,
15 pursuant to the Rules Governing the Courts of the State of New
16 Jersey. The complaints and summonses may be made on information
17 based upon evidence obtained by a toll collection monitoring system,
18 the toll collection monitoring system record and the records of the
19 Division of Motor Vehicles in the Department of Transportation or of
20 any other state, province, or motor vehicle licensing authority.

21 Service may be made by means provided by the Rules Governing
22 the Courts of the State of New Jersey.

23 Except as provided in subsection c. of this section, the recorded
24 images produced by a toll collection monitoring system shall be
25 considered an official record kept in the ordinary course of business
26 and shall be admissible in a proceeding for a violation of any toll
27 collection monitoring system regulations.

28 e. The municipal court of the municipality wherein a toll collection
29 monitoring system record was made shall have jurisdiction to hear
30 violations of the toll collection monitoring system regulations.
31 Violations shall be enforced and penalties collected pursuant to ["the
32 penalty enforcement law," N.J.S.2A:58-1 et seq] the "Penalty
33 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
34 proceeding and a judgment arising therefrom shall be pursued and
35 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.
36 and the Rules Governing the Courts of the State of New Jersey.

37 In addition to the civil penalty that may be assessed by a court
38 having jurisdiction for a violation of the toll collection monitoring
39 system regulations, a court shall require the defendant to pay the
40 proper toll and may require the defendant to pay a reasonable
41 administrative fee [that shall not exceed \$25 per violation] as
42 established by the authority if the authority has previously sent an
43 advisory and payment request to the defendant. Following collection
44 and distribution of the fees set forth in section 11 of P.L.1953, c.22
45 (C.22A:3-4), any tolls and administrative fees imposed and collected
46 by the court for a violation of the toll collection monitoring system

1 regulations shall be promptly remitted to the authority by the court.
2 The civil penalty shall be distributed pursuant to the ["penalty
3 enforcement law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement
4 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
5 (cf: P.L.1997, c.59, s.13)

6
7 46. The following are repealed: Section 1 of P.L.1949, c.40
8 (C.27:23-5.1), section 5 of P.L.1949, c.40 (C.27:23-5.5), section 7 of
9 P.L.1949, c.40 (C.27:23-5.7), P.L.1952, c.16 (C.27:12B-1 et seq.),
10 section 2 of P.L.1970, c.28 (C.27:12B-4.2), section 2 of P.L.1968,
11 c.348 (C.27:12B-5.1), P.L.1985, c.312 (C.27:12B-5.1a), P.L.1968,
12 c.459 (C.27:12B-5.2), section 1 of P.L.2002, c.77 (C.27:12B-5.2a),
13 P.L.1991, c.70 (C.27:12B-5.3 et seq.), P.L.1977, c.361 (C.27:12B-
14 14.1 et seq.), section 2 of P.L.2002, c.114 (C.27:12B-17.1), P.L.1956,
15 c.206 (C.27:12B-18.1), sections 1 through 5 (inclusive) of P.L.1997,
16 c.59 (C.27:12B-18.2 through 18.6), P.L.1970, c.185 (C.27:12B-19.1),
17 P.L.1981, c.463 (C.27:12B-20a), section 1 of P.L.1965, c.211
18 (C.27:12B-20.2), section 2 of P.L.1966, c.284 (C.27:12B-21.1),
19 P.L.1953, c.164 (C.27:12B-27 et seq.), P.L.1957, c.89 (C.27:12B-31
20 et seq.).

21
22 47. This act shall take effect on the Transfer Date, except that
23 section 3, section 8 and the amendment of section 5 of P.L.1948,
24 c.184 (C.27:23-5) adding a new subsection (t), as provided in section
25 9 of this act, shall take effect immediately, provided that the authority
26 shall be granted such powers as are contained herein which shall be
27 necessary or appropriate for it to issue bonds and to take such other
28 actions to effectuate the transfer of the Highway Authority and its
29 projects and functions to the authority as soon as practicable after the
30 date of enactment. The authority may take such anticipatory action in
31 advance as shall be necessary for the implementation of this act.

32

33

34

STATEMENT

35

36 This bill will fix and enhance the operations of the New Jersey
37 Turnpike and the Garden State Parkway by bringing them under the
38 wing of a single State agency. This bill will the fix the E-ZPass
39 dilemma by restructuring over \$300 million of debt incurred in
40 establishing the system while preserving drivers' E-ZPass benefits of
41 less congestion and administrative convenience -- without a toll
42 increase. This bill now makes high-speed E-ZPass possible.

43 Consolidation will provide millions of additional dollars for needed
44 road improvements. Putting the two highways under one umbrella will
45 enhance roadway operations, permit a closer coordination of
46 administration of a vital State resource, create economies of scale,

1 permit a pooling of financial resources and reduce operating costs.
2 The result will be a safer, better operated and better maintained,
3 integrated highway network that will promote economic growth and
4 ensure a continued high quality of life in New Jersey.

5 This bill abolishes the New Jersey Highway Authority and transfers
6 the projects and functions of the Highway Authority, including the
7 Garden State Parkway and Garden State Arts Center, to the New
8 Jersey Turnpike Authority. This bill would permit the transfer of the
9 Arts Center to the control of the New Jersey Sports and Exposition
10 Authority.

11 The bill also permits the Turnpike Authority in its discretion to
12 establish both highway projects and transportation projects. Tolls
13 received from the Garden State Parkway, as well as the New Jersey
14 Turnpike, shall not be used for non-highway projects.

15 On the Transfer Date specified in the bill, the outstanding bonds of
16 the Highway Authority are to be retired, the Turnpike Authority is to
17 assume all assets, debts, liabilities and statutory responsibilities of the
18 Highway Authority, and the Highway Authority is abolished. All
19 employees of the Highway Authority are to be transferred to the
20 Turnpike Authority and become employees of the Turnpike Authority.
21 Highway Authority union contracts are to continue in effect.

22 The bill, in making various changes to the existing Turnpike
23 Authority statutes: (1) authorizes the Commissioner of Transportation
24 to appoint a five-member advisory committee to review a Capital
25 Project and Investment Plan to be prepared by the Turnpike Authority
26 to promote coordinated transportation and economic planning; (2)
27 authorizes the Turnpike Authority to borrow money and issue
28 negotiable bonds for any of its corporate purposes and to secure the
29 bonds through the pledging of tolls and other revenues and proceeds
30 of such bonds, or other available sources and to enter into credit
31 agreements; (3) provides that the rules and regulations of the Highway
32 Authority are to continue in effect after the Highway Authority is
33 abolished. For 18 months after the Transfer Date, the Turnpike
34 Authority may provide that its regulations take effect immediately on
35 filing with the Office of Administrative Law; (4) alters the maximum
36 penalty for violating Turnpike Authority regulations from \$200 to
37 \$500, changes the amount of the civil penalty for violating the toll
38 collection monitoring system regulations from the current range of \$50
39 to \$200 to an amount to be established by the Turnpike Authority and
40 also changes the related administrative fee from the \$25 maximum to
41 a reasonable administrative fee established by the Turnpike Authority;
42 (5) makes parallel changes in the enabling law of the South Jersey
43 Transportation Authority; and (6) authorizes the Turnpike Authority
44 to establish by regulation restrictions on the type, weight and size of
45 vehicles utilizing highway projects and retains the language of the
46 repealed Highway Authority statutes permitting the restriction of a

- 1 part of a highway project to passenger automobiles.
- 2 This bill repeals in their entirety the Highway Authority statutes and
- 3 certain Turnpike Authority statutes.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3392**

STATE OF NEW JERSEY

DATED: APRIL 28, 2003

The Assembly Transportation Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3392.

This substitute bill abolishes the New Jersey Highway Authority and transfers the projects and functions of the Highway Authority, including the Garden State Parkway and Garden State Arts Center, to the New Jersey Turnpike Authority. The bill increases the membership of the Turnpike Authority from six to eight members, with the two additional members being appointed by the Governor, upon recommendation of the President of the Senate and the Speaker of the General Assembly respectively. This bill would permit the transfer of the Arts Center to the control of the New Jersey Sports and Exposition Authority or to any other entity.

The bill also permits the Turnpike Authority in its discretion to establish both highway projects and transportation projects. Highway project is defined to include express E-ZPass where determined by the authority and the demolition and removal of toll houses and toll barriers. Under current Turnpike Authority statutes, the Legislature must establish turnpike projects by law. Also under the bill, tolls received from the Garden State Parkway, as well as the New Jersey Turnpike, shall not be used for non-highway projects except on an interim basis.

On the Transfer Date specified in the bill, the outstanding bonds of the Highway Authority are to be retired, the Turnpike Authority is to assume all assets, debts, liabilities and statutory responsibilities of the Highway Authority, and the Highway Authority is abolished. All employees of the Highway Authority are to be transferred to the Turnpike Authority and become employees of the Turnpike Authority. Highway Authority union contracts are to continue in effect until new or revised contracts are agreed to.

The bill, in making various changes to the existing Turnpike Authority statutes: (1) authorizes the Commissioner of Transportation to appoint a five-member advisory committee to review a Capital Project and Investment Plan to be prepared by the Turnpike Authority to promote coordinated transportation and economic planning, with the plan to be submitted along with the Annual Capital Transportation

Program submitted by the Commissioner on March 1 ; (2) authorizes the Turnpike Authority to borrow money and issue negotiable bonds for any of its corporate purposes and to secure the bonds through the pledging of tolls and other revenues and proceeds of such bonds, or other available sources and to enter into credit agreements; (3) provides that the rules and regulations of the Highway Authority are to continue in effect after the Highway Authority is abolished. For 18 months after the Transfer Date, the Turnpike Authority may provide that its regulations take effect immediately on filing with the Office of Administrative Law; (4) alters the maximum penalty for violating Turnpike Authority regulations from \$200 to \$500, changes the amount of the civil penalty for violating the toll collection monitoring system regulations from the current range of \$50 to \$200 to an amount not to exceed \$500 to be established by the Turnpike Authority and also changes the related administrative fee from the \$25 maximum to a reasonable administrative fee to be established by the Turnpike Authority based upon the actual cost of processing and collecting the violation; (5) makes parallel changes in the enabling law of the South Jersey Transportation Authority; and (6) authorizes the Turnpike Authority to establish by regulation restrictions on the type, weight and size of vehicles utilizing highway projects and retains the language of the repealed Highway Authority statutes permitting the restriction of a part of a highway project to passenger automobiles.

This bill repeals in their entirety the Highway Authority statutes and certain Turnpike Authority statutes.

This bill implements the report of the New Jersey Toll Road Consolidation Study Commission established by Executive Order No. 15 of 2002. According to the study commission report, a consolidation of the two highways under one umbrella will achieve economies of scale; produce financial savings; obtain efficiencies in administration, management and operations; permit a pooling of economic resources to fund essential capital projects; and implement more coordinated transportation planning.

This Assembly Committee Substitute bill for Assembly Bill No. 3392 is identical to the Senate Committee Substitute for Senate Bill No. 2352 released by the committee on this same date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3392

STATE OF NEW JERSEY

DATED: MAY 5, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3392 (ACS).

Assembly Bill No. 3392 (ACS) abolishes the New Jersey Highway Authority and transfers the projects and functions of the Highway Authority, including the Garden State Parkway and Garden State Arts Center, to the New Jersey Turnpike Authority. The bill increases the membership of the Turnpike Authority from six to eight members, with the two additional members being appointed by the Governor, upon recommendation of the President of the Senate and the Speaker of the General Assembly respectively. This bill permits the transfer of the Arts Center to the control of the New Jersey Sports and Exposition Authority or to any other entity.

The bill also permits the Turnpike Authority, in its discretion, to establish both highway projects and transportation projects. A highway project is defined to include express E-ZPass where determined by the authority and the demolition and removal of toll houses and toll barriers. Under current Turnpike Authority statutes, the Legislature must establish turnpike projects by law. Also under the bill, tolls received from the Garden State Parkway, as well as the New Jersey Turnpike, shall not be used for non-highway projects except on an interim basis.

On the Transfer Date specified in the bill, the outstanding bonds of the Highway Authority shall be retired, the Turnpike Authority shall to assume all assets, debts, liabilities and statutory responsibilities of the Highway Authority, and the Highway Authority is abolished. All employees of the Highway Authority are to be transferred to the Turnpike Authority and become employees of the Turnpike Authority. Highway Authority union contracts shall continue in effect until new or revised contracts are agreed to.

The bill, in making various changes to the existing Turnpike Authority statutes: (1) authorizes the Commissioner of Transportation to appoint a five-member advisory committee to review a Capital Project and Investment Plan to be prepared by the Turnpike Authority to promote coordinated transportation and economic planning, with the plan to be submitted along with the Annual Capital Transportation Program submitted by the Commissioner on March 1; (2) authorizes

the Turnpike Authority to borrow money and issue negotiable bonds for any of its corporate purposes and to secure the bonds through the pledging of tolls and other revenues and proceeds of such bonds, or other available sources and to enter into credit agreements; (3) provides that the rules and regulations of the Highway Authority shall continue in effect after the Highway Authority is abolished (for 18 months after the Transfer Date, the Turnpike Authority may provide that its regulations take effect immediately on filing with the Office of Administrative Law); (4) alters the maximum penalty for violating Turnpike Authority regulations from \$200 to \$500, changes the amount of the civil penalty for violating the toll collection monitoring system regulations from the current range of \$50 to \$200 to an amount not to exceed \$500 to be established by the Turnpike Authority and changes the related administrative fee from the \$25 maximum to a reasonable administrative fee to be established by the Turnpike Authority based upon the actual cost of processing and collecting the violation; (5) makes parallel changes in the enabling law of the South Jersey Transportation Authority; and (6) authorizes the Turnpike Authority to establish by regulation restrictions on the type, weight and size of vehicles utilizing highway projects and retains the language of the repealed Highway Authority statutes permitting the restriction of a part of a highway project to passenger automobiles.

This bill repeals in their entirety the Highway Authority statutes and certain Turnpike Authority statutes.

This bill implements the report of the New Jersey Toll Road Consolidation Study Commission established by Executive Order No. 15 of 2002. According to the study commission report, a consolidation of the two highways under one umbrella will achieve economies of scale; produce financial savings; obtain efficiencies in administration, management and operations; permit a pooling of economic resources to fund essential capital projects; and implement more coordinated transportation planning.

This bill as reported by the committee is identical to Senate Bill No. 2352 (SCS) as also reported by the committee.

FISCAL IMPACT:

Fiscal analysis supplied by the Executive Branch reflects a net present value savings to the consolidation of more than \$108 million.

The net present value of savings on operations is estimated at \$130.9 million. Anticipated refinancing of debt, with issuance of total debt issued during restructuring of \$1.85 billion is estimated to yield present value savings of \$9.98 million in E-ZPass debt cost savings. New Jersey Highway Authority and New Jersey Transportation Authority refunding costs have been estimated at \$31.9 million. The total of the present value operations savings and present value E-ZPass savings is \$141.88 million; less the \$31.9 million refunding cost, the result is a net present value savings of 108.98 million.