

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:12B-3 (Parkway--projects prohibited)

CHAPTER 348

Laws Of: 1968

Bill No: S493

Sponsor(s): Rinaldo, LaCorte and McDermott

Date Introduced: March 11, 1968

Committee: Assembly: Transportation & Public Utilities

Senate: Transportation & Public Utilities

Amended during passage: Yes

Date of Passage: Assembly: June 24, 1968 Re-passed 11-18-68

Senate: April 8, 1968 Re-passed 11-15-68

Date of Approval: November 19, 1968

Following statements are attached if available:

Sponsor statement: No

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: Yes

974.90 New Jersey. Legislature. Autonomous Authorities Study Commission.
R424 Public hearings, held May 14, June 19, 1968
1968d Trenton, N.J. 1968.
(see especially pp 13-14-- v.3)

3 vols

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1968

By Senators RINALDO, LACORTE and McDERMOTT

Referred to Committee on Transportation and Public Utilities

AN ACT to amend and supplement "The New Jersey Highway Authority Act," approved April 14, 1952 (P. L. 1952, c. 16).

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

1 1. Section 3 of P. L. 1952, chapter 16 (C. 27:12B-3) is amended
 2 to read as follows:

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

6 (a) "Authority" means the New Jersey Highway Authority,
 7 created by section 4 of this act, or, if said authority shall be
 8 abolished, the board, body or commission succeeding to the principal
 9 functions thereof or to whom the powers given by this act to the
 10 authority shall be given by law.

11 (b) "Commissioner" means the State Highway Commissioner.

12 (c) "Department" means the State Highway Department.

13 (d) "Project" or "highway project" means any express high-
 14 way, superhighway or motorway at such locations and between
 15 such termini as herein established or as may hereafter be estab-
 16 lished by law, and acquired or to be acquired or constructed or to
 17 be constructed under the provisions of this act by the authority,
 18 over which abutters have no easement or rights of lift, air or direct
 19 access by reason of the fact that their properties abut thereon,
 20 together with such adjoining park or recreational areas and facili-
 21 ties *directly related to the use of the express highway, super-*
 22 *highway or motorway* as the authority, with the concurrence of the
 23 Department of Conservation and Economic Development, shall find
 24 to be necessary and desirable [to promote the public health and
 25 welfare] *for the convenience and comfort of users of the highway*

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

26 *project* and feasible for development pursuant to this act, and shall
27 include but not be limited to all bridges, tunnels, overpasses, under-
28 passes, interchanges, traffic circles, grade separations, entrance
29 plazas, approaches, toll houses, service areas, service stations,
30 service facilities, communications facilities, and administration,
31 storage and other buildings which the authority may deem neces-
32 sary for the operation of such project, together with all property,
33 rights, easements and interests which may be acquired by the
34 authority for the construction or the operation of such project.

35 "Project" or "ferry project" also means a ferry service for the
36 transportation of passengers and freight between such termini as
37 are herein established or as may hereafter be established by law,
38 and shall include but shall not be limited to ferries and other craft,
39 bulkheads, docks, piers, wharves, warehouses, ferry terminals and
40 stations, parking areas, service stations, service facilities, com-
41 munication facilities and administration and other buildings which
42 the authority may deem necessary for the operation of such project,
43 together with all property, rights, easements and interests, includ-
44 ing land under water and riparian rights, which may be acquired
45 by the authority for the construction or operation of such project.

46 (e) "Bonds" or "revenue bonds" means bonds of the authority
47 authorized under the provisions of this act or any amendment
48 thereof or supplement thereto.

49 (f) "Public highway" means and shall include any public high-
50 way, road or street in the State, whether maintained by the State
51 or by any county, city, borough, town, township, village, or other
52 political subdivision.

53 (g) "Feeder road" means any road which in the opinion of the
54 authority is necessary to create or facilitate access to a project.

55 (h) "Owner" means and shall include all individuals, copartner-
56 ships, associations, private or municipal corporations and all
57 political subdivisions of the State having any title or interest in
58 any property, rights, easements and interests authorized to be
59 acquired by this act.

1 2. The authority shall not engage in construction or operation
2 of any facility or activity not directly related to the use of a high-
3 way project except as may be specially authorized by law.

1 3. This act shall take effect immediately.

revised 9/19/68
SENATE, No. 493

STATE OF NEW JERSEY

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1 3. This act shall take effect immediately.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 10, 1968

SENATE BILL NO. 493

To the Senate:

I herewith return Senate Bill No. 493, without my approval, for the following reasons:

This bill would amend the law to limit the types of projects which may be undertaken by the New Jersey Highway Authority. It is common knowledge that the proponents of this bill have indicated strong objections to the construction of a cultural center in North Jersey by this Authority. This bill would, in effect, limit the Authority to projects which are directly related to the use of highway facilities and divest it of its current responsibility for operating the cultural center.

I need not make a decision as to the propriety of the Authority's action in the construction of a cultural center, since I am constrained to return this measure because it is defective.

In creating the Authority, the State made the following statutory pledge to bondholders:

"The State of New Jersey does pledge to and agree with the holders of the bonds or notes issued pursuant to authority contained in this act, that the State will not limit or restrict the rights hereby vested in the Authority to maintain, acquire, construct, reconstruct and operate any project as defined in this act or to establish and collect such tolls or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds or notes authorized by this act or in any way impair the rights or remedies of the holders of such bonds or notes until the bonds and notes, together with interest thereon, are fully paid and discharged. L. 1952, c. 16, p. 82, § 11." (Emphasis Added)

Since there are outstanding bonds, the limitation on authorized projects provided by Senate Bill No. 493 would be in violation of this specific covenant of the State with the bondholders, and well might be unconstitutional.

For these reasons I am returning herewith Senate Bill No. 493.

[Seal]

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

Attest:

/S/ ALAN J. KARCHER

Acting Secretary to the Governor