

SENATE, No. 474

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1968

By Senators WOODCOCK, KNOWLTON, SCHIAFFO,
DICKINSON and HAGEDORN

Referred to Committee on Transportation and Public Utilities

AN ACT concerning highways and amending section 27:7-44.1 of
the Revised Statutes.

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

1 1. Section 27:7-44.1 of the Revised Statutes is amended to read
2 as follows:

3 27:7-44.1. No consent, grant or franchise affecting any portion
4 of a State highway, or of any road included in the State highway
5 system, shall be given for the construction of a railroad or street
6 railway thereon except upon approval of and under conditions
7 acceptable to the commissioner; nor shall any person enter upon
8 or construct any works in or upon any State highway, except under
9 such conditions and regulations as the commissioner may prescribe;
10 *provided, however, the commissioner may lease land or property*
11 *under any viaduct or bridge, and the approaches thereto, said*
12 *property having been acquired for right of way purposes, to any*
13 *municipal corporation or any public board or commission, for public*
14 *use only, subject to such conditions and regulations as the commis-*
15 *sioner shall prescribe. Whenever any encroachment may exist with-*
16 *out warrant of law in any road when taken over as a State highway,*
17 *the commissioner shall notify the Attorney General, who shall*
18 *proceed to cause the same to be removed as by law provided.*

19 Any person guilty of any violation of this section shall be liable
20 to a fine not exceeding \$100.00 for each day's violation, and the
21 costs of prosecution, to be recovered by a civil action in the name
22 of the State before any court of competent jurisdiction, by the
23 commissioner. Said fines shall be paid into the State Treasury to
24 the credit of the funds available for construction, maintenance and
25 repair of roads.

26 Any such violation may be removed from any State highway as a
27 trespass by a civil action brought by the commissioner in the
28 Superior Court. The court may proceed in the action in a summary
29 manner or otherwise.

1 2. This act shall take effect immediately.

SENATE AMENDMENTS TO
SENATE, No. 474

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STATE OF NEW JERSEY
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ADOPTED APRIL 1, 1968

Amend page 1, section 1, line 15, after "prescribe", insert "and subject further to the consent of the municipality in which the leased land is located".

CHAPTER 81 LAWS OF N.J. 1968

APPROVED 6-21-68

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15 *sioner shall prescribe *and subject further to the consent of the*
16 *municipality in which the leased land is located*.* Whenever any
16A encroachment may exist without warrant of law in any road when
16B taken over as a State highway, the commissioner shall notify the
17 Attorney General, who shall proceed to cause the same to be re-
18 moved as by law provided.

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