

27:1B-3

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 27:1B-3

(Transportation
Trust Fund
Authority--increase)

LAWS OF: 1991

CHAPTER: 40

Bill No: S3156

Sponsor(s): Rand & others

Date Introduced: December 6, 1990

Committee: Assembly: Appropriations

Senate: Transportation & Public Utilities; Revenue, Finance & Appropriations

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: January 31, 1991

Senate: January 14, 1991

Date of Approval: February 25, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes 12-13-90 & 1-10-91

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: Yes

Hearings: No

(over)

974.90
T764
1990a

New Jersey. Transportation Executive Council.
The decision making framework for transportation in
the 1990's; a report to Governor Jim Florio...September 26, 1990.
Trenton, 1990.

(see pp. 5,36,44)

See also: Governor's State of the State Address--comments--
attached.

See also newspaper clippings--attached:

KBG/SLJ

[FIFTH REPRINT]

SENATE, No. 3156

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1990

By Senators RAND, COWAN, McMANIMON, VAN WAGNER,
HAINES, CAFIERO, GORMLEY, GIRGENTI, FOY and PALAIA

1 AN ACT concerning the New Jersey Transportation Trust Fund
2 Authority ²[and] ² amending ¹P.L.1984, c.73 and¹ P.L.1987,
3 c.460 ²and making an appropriation².

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 2 of P.L.1984, c.73 (C.27:1B-2) is amended to read
8 as follows:

9 2. The Legislature finds and declares that:

10 a. A sound, balanced transportation system is vital to the
11 future of the State and is a key factor in its continued economic
12 development.

13 b. The transportation infrastructure of the State is among the
14 most heavily used in the nation and has deteriorated alarmingly in
15 recent years, with parts of the highway system reaching the end
16 of their useful lives. This deterioration has been caused, in part,
17 because New Jersey, unlike most states and the federal
18 government, has not provided a stable source of transportation
19 funding.

20 c. There exists an urgent need for a stable and assured method
21 of financing the planning, acquisition, engineering, construction,
22 reconstruction, repair ⁴[, maintenance]⁴ and rehabilitation of the
23 State's transportation system, including the financing of the
24 State's share under federal aid highway laws of the cost of
25 planning, acquisition, engineering, construction, reconstruction,
26 repair, resurfacing, ²[maintenance]² and rehabilitation of public
27 highways and of the State's share of the planning, acquisition,
28 engineering, construction, reconstruction, repair, maintenance
29 and rehabilitation of public transportation projects and other
30 transportation projects in the State, that will enable the State to
31 construct and maintain the safe, balanced, sound and efficient
32 transportation system necessary for the well-being of the State's
33 citizens.

34 d. Unless additional State funding is provided immediately for
35 the State's transportation system, the cost of repair and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STU committee amendments adopted December 10, 1990.

² Senate SRF committee amendments adopted January 10, 1991.

³ Assembly AAP committee amendments adopted January 17, 1991.

⁴ Assembly floor amendments adopted January 29, 1991.

⁵ Assembly floor amendments adopted January 31, 1991.

1 reconstruction will increase geometrically and the economic
2 well-being and safety of users of the State's transportation
3 system will be endangered.

4 e. Transportation facilities under the jurisdiction of counties
5 and municipalities form an integral and vital part of the State's
6 transportation system. Without State aid, counties and
7 municipalities will be unable to meet the cost of maintaining,
8 rehabilitating and improving these facilities.

9 f. The State's commitment to the payment for and financing
10 of the State transportation system in a stable fashion, thus
11 ensuring a predictable and continuing public investment in
12 transportation and allowing the State to take full advantage of
13 funds provided by the federal government, is a public use and
14 public purpose for which public money may be expended and tax
15 exemptions granted. The powers and duties of the New Jersey
16 Transportation Trust Fund Authority and the other measures
17 hereinafter described are necessary and proper for the purpose of
18 achieving the ends herein recited.¹

19 (cf: P.L.1984, c.73, s.2)

20 ¹[1.] 2.¹ Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to
21 read as follows:

22 3. The following words or terms as used in this act shall have
23 the following meaning unless a different meaning clearly appears
24 from the context:

25 a. "Act" means this New Jersey Transportation Trust Fund
26 Authority Act of 1984.

27 b. "Authority" means the New Jersey Transportation Trust
28 Fund Authority created by section 4 of this act.

29 c. "Bonds" means bonds issued by the authority pursuant to the
30 act.

31 d. "Commissioner" means the Commissioner of Transportation.

32 e. "Department" means the Department of Transportation.

33 f. "Federal aid highway" means any highway within the State
34 in connection with which the State receives payment or
35 reimbursement from the federal government under the terms of
36 Title 23, United States Code or any amendment, successor, or
37 replacement thereof, for the purposes contained in the act.

38 g. "Federal government" means the United States of America,
39 and any officer, department, board, commission, bureau, division,
40 corporation, agency or instrumentality thereof.

41 h. "New Jersey Expressway Authority" means the public
42 corporation created by section 4 of chapter 10 of the Laws of
43 New Jersey of 1962 as amended or its successor.

44 i. "New Jersey Highway Authority" means the public
45 corporation created by section 4 of chapter 16 of the Laws of
46 New Jersey of 1952 as amended or its successor.

47 j. "New Jersey Turnpike Authority" means the public
48 corporation created by section ²[4] 3² of chapter 454 of the Laws
49 of New Jersey of 1948 as amended or its successor.

50 k. "Notes" means the notes issued by the authority pursuant to

1 the act.

2 l. "Public highways" means public roads, streets, expressways,
3 freeways, parkways, motorways and boulevards, including bridges,
4 tunnels, overpasses, underpasses, interchanges, rest areas,
5 express bus roadways, bus pullouts and turnarounds, park-ride
6 facilities, traffic circles, grade separations, traffic control
7 devices, the elimination or improvement of crossings of railroads
8 and highways, whether at grade or not at grade, and any
9 facilities, equipment, property, rights of way, easements and
10 interests therein needed for the construction, improvement and
11 maintenance of highways.

12 m. "Public transportation project" means, in connection with
13 public transportation service, passenger stations, shelters and
14 terminals, automobile parking facilities, ramps, track
15 connections, signal systems, power systems, information and
16 communication systems, roadbeds, transit lanes or rights of way,
17 equipment storage and servicing facilities, bridges, grade
18 crossings, rail cars, locomotives, motorbuses and other motor
19 vehicles, maintenance and garage facilities, revenue handling
20 equipment and any other equipment, facility or property useful
21 for or related to the provision of public transportation service
22 ¹[including all materials, supplies, labor, and other expenses
23 necessary or useful for maintaining the useful life of
24 transportation projects]¹.

25 n. "State agency" means any officers, department, board,
26 commission, bureau, division, agency or instrumentality of the
27 State.

28 o. "Toll road authorities" means and includes the New Jersey
29 Turnpike Authority, the New Jersey Highway Authority and the
30 New Jersey Expressway Authority.

31 p. "Transportation project" means, in addition to public
32 highways and public transportation projects, any equipment,
33 facility or property useful or related to the provision of any
34 ground, waterborne or air transportation for the movement of
35 people and goods.

36 q. "Transportation system" means public highways, public
37 transportation projects, other transportation projects, and all
38 other methods of transportation for the movement of people and
39 goods.

40 ¹r. "Maintenance" means⁴, in relation to public transportation
41 projects,⁴ work necessary or useful for preventing or delaying the
42 deterioration, or preserving or maintaining the useful life, of
43 ²public² transportation projects⁴ and shall not apply to other
44 transportation projects^{4,1} ²The work shall ³[extend] ensure³ the
45 useful life of the project for not less than three years.² ⁴This
46 definition shall not apply to the term "maintenance" as used in
47 subsection l. of this section.⁴

48 (cf: P.L.1984, c.73, s.3)

49 ¹3. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read
50 as follows:

1 5. It shall be the sole purpose of the authority created under
2 this act to provide the payment for and financing of all, or a
3 portion of, the costs incurred by the department for the planning,
4 acquisition, engineering, construction, reconstruction, repair ⁴[,
5 maintenance]⁴ and rehabilitation of the State's transportation
6 system, including, without limitation, the State's share (including
7 State advances with respect to any federal share) under federal
8 aid highway laws of the costs of planning, acquisition,
9 engineering, construction, reconstruction, repair, resurfacing²[,
10 maintenance]² and rehabilitation of public highways, the State's
11 share (including State advances with respect to any federal share)
12 of the costs of planning, acquisition, engineering, construction,
13 reconstruction, repair, maintenance and rehabilitation of public
14 transportation projects and other transportation projects in the
15 State, and State aid to counties and municipalities for
16 transportation projects, all in furtherance of the public policy
17 declared in section 2 of the act, in the manner provided for in the
18 act.¹

19 (cf: P.L.1984, c.73, s.5)

20 ¹⁴. Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended to read
21 as follows:

22 6. In addition to all other powers granted to the authority in
23 the act, the authority shall have power:

24 a. To sue and be sued;

25 b. To have an official seal and alter the same at its pleasure;

26 c. To make and alter bylaws for its organization and internal
27 management and rules and regulations for the conduct of its
28 affairs and business;

29 d. To maintain an office at a place or places within the State
30 as it may determine;

31 e. To acquire, hold, use and dispose of its income, revenues,
32 funds and moneys;

33 f. To acquire, own, lease as lessee or lessor, hold, use, sell,
34 transfer, and dispose of real or personal property for its purposes;

35 g. To borrow money and to issue its bonds, notes or other
36 obligations and to secure the same by its revenues or other funds
37 and otherwise to provide for and secure the payment thereof and
38 to provide for the rights of the holders thereof and to provide for
39 the refunding thereof, all as provided in the act;

40 h. To issue subordinated indebtedness and to enter into bank
41 loan agreements, lines of credit, letters of credit and other
42 security agreements as provided for in the act;

43 i. In its own name or in the name of the State, to apply for and
44 receive and accept appropriations or grants of property, money,
45 services or reimbursements for money previously spent and other
46 assistance offered or made available to it by or from any person,
47 government agency, public authority or any public and private
48 entity whatever for any lawful corporate purpose of the
49 authority, including, without limitation, grants, appropriations or
50 reimbursements from the State or federal government with

1 respect to their respective shares under federal aid highway laws
2 of the costs of planning, acquisition, engineering, construction,
3 reconstruction, repair, resurfacing²[, maintenance]² and
4 rehabilitation of public highways or the costs of planning,
5 acquisition, engineering, construction, reconstruction, repair,
6 maintenance and rehabilitation of public transportation projects
7 and other transportation projects in the State and the authority's
8 operating expenses and to apply and negotiate for the same upon
9 such terms and conditions as may be required by any person,
10 government agency, authority or entity or as the authority may
11 determine to be necessary, convenient or desirable;

12 j. Subject to any agreement with the holders of bonds, notes or
13 other obligations, to invest moneys of the authority not required
14 for immediate use, including proceeds from the sale of any bonds,
15 notes or other obligations, in obligations, securities and other
16 investments as the authority shall deem prudent;

17 k. Subject to any agreements with holders of bonds, notes or
18 other obligations, to purchase bonds, notes or other obligations of
19 the authority out of any funds or moneys of the authority
20 available therefor, and to hold, cancel or resell the bonds, notes
21 or other obligations;

22 l. For its sole purpose as established in section 5 of this act, to
23 appoint and employ an executive director and such additional
24 officers, who need not be members of the authority and such
25 other personnel and staff as it may require, at an annual expense
26 not to exceed \$100,000.00, all without regard to the provisions of
27 Title ²[11, Civil Service, of the Revised Statutes] 11A of the New
28 Jersey Statutes²;

29 m. To do and perform any acts and things authorized by the
30 act under, through, or by means of its officers, agents or
31 employees or by contract with any person, firm or corporation or
32 any public body;

33 n. To procure insurance against any losses in connection with
34 its property, operations, assets or obligations in amounts and
35 from insurers as it deems desirable;

36 o. To make and enter into any and all contracts and
37 agreements which the authority determines are necessary,
38 incidental, convenient or desirable to the performance of its
39 duties and the execution of its powers under the act; and

40 p. To do any and all things necessary, convenient or desirable
41 to carry out its purposes and exercise the powers given and
42 granted in the act.¹

43 (cf: P.L.1984, c.73, s.6)

44 ¹[2.] 5.¹ Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to
45 read as follows:

46 9. a. The authority shall have the power and is hereby
47 authorized after November 15, 1984 and from time to time
48 thereafter to issue its bonds, notes or other obligations in
49 principal amounts as in the opinion of the authority shall be
50 necessary to provide for any of its corporate purposes, including

1 the payment, funding or refunding of the principal of, or interest
2 or redemption premiums on, any bonds, notes or other obligations
3 issued by it, whether the bonds, notes, obligations or interest to
4 be funded or refunded have or have not become due; and to
5 provide for the security thereof and for the establishment or
6 increase of reserves to secure or to pay the bonds, notes or other
7 obligations or interest thereon and all other reserves and all costs
8 or expenses of the authority incident to and necessary or
9 convenient to carry out its corporate purposes and powers; and in
10 addition to its bonds, notes and other obligations, the authority
11 shall have the power to issue subordinated indebtedness, which
12 shall be subordinate in lien to the lien of any or all of its bonds or
13 notes. No resolution or other action of the authority providing
14 for the issuance of bonds, refunding bonds or other obligations
15 shall be adopted or otherwise made effective by the authority
16 without the prior approval in writing of the Governor and either
17 the State Treasurer or the Director of the Division of Budget and
18 Accounting in the Department of the Treasury.

19 b. Except as may be otherwise expressly provided in the act or
20 by the authority, every issue of bonds or notes shall be general
21 obligations payable out of any revenues or funds of the authority,
22 subject only to any agreements with the holders of particular
23 bonds or notes pledging any particular revenues or funds. The
24 authority may provide the security and payment provisions for its
25 bonds or notes as it may determine, including (without limiting
26 the generality of the foregoing) bonds or notes as to which the
27 principal and interest are payable from and secured by all or any
28 portion of the revenues of and payments to the authority, and
29 other moneys or funds as the authority shall determine. In
30 addition, the authority may, in anticipation of the issuance of the
31 bonds or the receipt of appropriations, grants, reimbursements or
32 other funds, including without limitation grants from the federal
33 government for federal aid highways or public transportation
34 systems, issue notes, the principal of or interest on which, or
35 both, shall be payable out of the proceeds of notes, bonds or other
36 obligations of the authority or appropriations, grants,
37 reimbursements or other funds or revenues of the authority. The
38 authority may also enter into bank loan agreements, lines of
39 credit and other security agreements and obtain for or on its
40 behalf letters of credit in each case for the purpose of securing
41 its bonds, notes or other obligations or to provide direct payment
42 of any costs which the authority is authorized to pay by this act
43 and to secure repayment of any borrowings under the loan
44 agreement, line of credit, letter of credit or other security
45 agreement by its bonds, notes or other obligations or the proceeds
46 thereof or by any or all of the revenues of and payments to the
47 authority or by any appropriation, grant or reimbursement to be
48 received by the authority and other moneys or funds as the
49 authority shall determine.

50 c. Whether or not the bonds and notes are of the form and

1 character as to be negotiable instruments under the terms of
2 Title 12A, Commercial Transactions, New Jersey Statutes, the
3 bonds and notes are hereby made negotiable instruments within
4 the meaning of and for all the purposes of said Title 12A.

5 d. Bonds or notes of the authority shall be authorized by a
6 resolution or resolutions of the authority and may be issued in one
7 or more series and shall bear the date, or dates, mature at the
8 time or times, bear interest at the rate or rates of interest per
9 annum, be in the denomination or denominations, be in the form,
10 carry the conversion or registration privileges, have the rank or
11 priority, be executed in the manner, be payable from the sources,
12 in the medium of payment, at the place or places within or
13 without the State, and be subject to the terms of redemption
14 (with or without premium) as the resolution or resolutions may
15 provide. Bonds or notes may be further secured by a trust
16 indenture between the authority and a corporate trustee within or
17 without the State. All other obligations of the authority shall be
18 authorized by resolution containing terms and conditions as the
19 authority shall determine.

20 e. Bonds, notes or other obligations of the authority may be
21 sold at public or private sale at a price or prices and in a manner
22 as the authority shall determine. Every bond issued on or before
23 the effective date of ²[this] P.L.² 1987 ²[amendatory and
24 supplementary act] , c.460 (C.27:1B-4 et al.)² shall mature and be
25 paid not later than 17 years from the date thereof, except that no
26 bond, note or other obligation shall mature and be paid later than
27 22 years from the effective date of P.L.1984, c.73 (C.27:1B-1 et
28 seq.), nor shall any refunding of such obligations mature or be
29 paid later than that date. Every bond issued after the effective
30 date of ²[this] P.L.² 1987 ²[amendatory and supplementary act] ,
31 c.460 (C.27:1B-4 et al.)² shall mature and be paid not later than
32 11 years from the date thereof, except that no bond, note or
33 other obligation shall mature and be paid later than 22 years from
34 the effective date of P.L.1984, c.73 (C.27:1B-1 et seq.).

35 Notes, the initial series of bonds and bonds issued for refunding
36 purposes of the authority may be sold at public or private sale at
37 a price or prices and in a manner as the authority shall determine.

38 ¹[Except as noted above, all bonds of the authority shall be sold
39 at such price or prices and in such manner as the authority shall
40 determine, after notice of sale, published at least three times in
41 at least three newspapers published in the State of New Jersey,
42 and at least once in a publication carrying municipal bond notices
43 and devoted primarily to financial news, published in New Jersey
44 or the City of New York, the first notice to be at least five days
45 prior to the day of bidding. The notice of sale may contain a
46 provision to the effect that any or all bids made in pursuance
47 thereof may be rejected. In the event of such rejection or of
48 failure to receive any acceptable bid, the authority, at any time
49 within 60 days from the date of such advertised sale, may sell
50 such bonds at private sale upon terms not less favorable

1 to the State than the terms offered by any rejected bid. The
2 authority may sell all or part of the bonds of any series as issued
3 to any State fund or to the federal government or any agency
4 thereof, at private sale, without advertisement.]

5 ²[Except as noted above, all bonds of the authority shall be sold
6 at public sale at such price or prices and in such manner as the
7 authority shall determine, after notice of the procedure for
8 receiving information on the proposed sale and of the manner of
9 submitting bids therefor, published at least three times in at least
10 three newspapers published in the State of New Jersey, and at
11 least once in a publication carrying municipal bond notices and
12 devoted primarily to financial news, published in New Jersey or
13 the City of New York, the first such notice to be published at
14 least five days prior to the day of the proposed sale. The notice
15 of sale may contain a provision to the effect that any or all bids
16 made in pursuance thereof may be rejected.^{1]}

17 Except as noted above, all bonds of the authority shall be sold
18 at such price or prices and in such manner as the authority shall
19 determine, after notice of sale, published at least three times in
20 at least three newspapers published in the State of New Jersey,
21 and at least once in a publication carrying municipal bond notices
22 and devoted primarily to financial news, published in New Jersey
23 or the City of New York, the first notice to be at least five days
24 prior to the day of bidding. The notice of sale may contain a
25 provision to the effect that any or all bids made in pursuance
26 thereof may be rejected. In the event of such rejection or of
27 failure to receive any acceptable bid, the authority, at any time
28 within 60 days from the date of such advertised sale, may sell
29 such bonds at private sale upon terms not less favorable to the
30 State than the terms offered by any rejected bid. The authority
31 may sell all or part of the bonds of any series as issued to any
32 State fund or to the federal government or any agency thereof, at
33 private sale, without advertisement.²

34 f. Bonds or notes may be issued and other obligations incurred
35 under the provisions of the act without obtaining the consent of
36 any department, division, commission, board, bureau or agency of
37 the State, other than the approval as required by subsection a. of
38 this section, and without any other proceedings or the happening
39 of any other conditions or other things than those proceedings,
40 conditions or things which are specifically required by the act.

41 g. Bonds, notes and other obligations of the authority issued or
42 incurred under the provisions of the act shall not be in any way a
43 debt or liability of the State or of any political subdivision
44 thereof other than the authority and shall not create or
45 constitute any indebtedness, liability or obligation of the State or
46 of any political subdivision or be or constitute a pledge of the
47 faith and credit of the State or of any political subdivision but all
48 bonds, notes and obligations, unless funded or refunded by bonds,
49 notes or other obligations of the authority, shall be payable solely
50 from revenues or funds pledged or available for their payment as

1 authorized in the act. Each bond, note or other obligation shall
2 contain on its face a statement to the effect that the authority is
3 obligated to pay the principal thereof or the interest thereon only
4 from revenues or funds of the authority and that neither the
5 State nor any political subdivision thereof is obligated to pay the
6 principal or interest and that neither the faith and credit nor the
7 taxing power of the State or any political subdivision thereof is
8 pledged to the payment of the principal of or the interest on the
9 bonds, notes or other obligations. For the purposes of this
10 subsection, political subdivision does not include the authority.

11 h. All expenses incurred in carrying out the provisions of the
12 act shall be payable solely from the revenues or funds provided or
13 to be provided under or pursuant to the provisions of the act and
14 nothing in the act shall be construed to authorize the authority to
15 incur any indebtedness or liability on behalf of or payable by the
16 State or any political subdivision thereof.

17 i. The aggregate principal amount of bonds, notes or other
18 obligations outstanding at any one time¹, including subordinated
19 indebtedness of the authority, may not exceed \$1,700,000,000.00.
20 ¹[Any principal amount retired in any manner before and after
21 the effective date of this 1987 amendatory and supplementary
22 act shall not be applied to any unissued aggregate principal
23 amount remaining under the limitations and reductions provided
24 for in this subsection.]¹ If in any fiscal year appropriations by
25 the Legislature to the authority, and amounts received in
26 accordance with contracts entered into with the toll road
27 authorities, if those amounts are not included in legislative
28 appropriations, shall be in excess of \$143,000,000.00 in any fiscal
29 year through the fiscal year beginning on July 1, 1986 or
30 \$201,000,000.00 for the fiscal year beginning on July 1, 1987 or
31 \$331,000,000.00 in any fiscal year thereafter, the aggregate
32 principal amount of \$1,700,000,000.00 shall be reduced by an
33 amount equal to the excess. In computing the foregoing
34 limitations there shall be excluded all the bonds, notes or other
35 obligations, including subordinated indebtedness of the authority,
36 which shall be issued for refunding purposes, provided that the
37 refunding shall be determined by the authority to result in a debt
38 service savings.

39 The authority shall minimize debt incurrence by first relying on
40 appropriations and other revenues available to the authority
41 before incurring debt to meet its statutory purposes.

42 The authority shall not incur debt at any time in any fiscal year
43 in excess of the difference between the amount of appropriations
44 and other revenues to the authority theretofore made in that
45 fiscal year and the amount which the Department of
46 Transportation is permitted to commit for transportation projects
47 under the act in that fiscal year as indicated in the budget, plus
48 reasonably necessary expenses, required debt reserve funds, debt
49 service and outstanding financial obligations from prior fiscal
50 years of the authority.

1 Debt which would have been incurred pursuant to this section,
2 which is not incurred in any fiscal year, may be issued in
3 subsequent years.

4 (cf: P.L.1987, c.460, s.2)

5 ¹[3.] 6.¹ Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is
6 amended to read as follows:

7 8. a. Commencing with the report of the commissioner
8 required to be submitted pursuant to section 22 of P.L.1984, c.73
9 (C.27:1B-22) on or before March 1, 1988 for the fiscal year
10 commencing July 1, 1988 and for the reports of the commissioner
11 required to be submitted pursuant thereto for each of the next
12 [six] ¹[five] six¹ fiscal years, the amount reported by the
13 commissioner for proposed projects to be financed shall not
14 exceed \$365,000,000.00 exclusive of federal funds [for each of
15 those fiscal years] ¹[in any fiscal year through the fiscal year
16 commencing July 1, 1989 or \$565,000,000 exclusive of federal
17 funds in any of the four succeeding fiscal years], for each of
18 those fiscal years except that in the fiscal year commencing
19 July 1, 1990 and in the fiscal year commencing July 1, 1991 the
20 amount shall not exceed \$565,000,000 exclusive of federal funds¹,
21 except as provided herein. If, in the discretion of the
22 commissioner, a greater amount is determined to be necessary to
23 meet the financing requirements for the ensuing fiscal year, the
24 commissioner may include in a report an amount in excess of
25 \$365,000,000.00 exclusive of federal funds ¹[in any fiscal year
26 through the fiscal year commencing July 1, 1989]¹ or in excess of
27 \$565,000,000 exclusive of federal funds in ¹[any of]¹ the ¹[four
28 succeeding] two¹ fiscal years ¹in which an additional
29 appropriation is authorized¹; provided that in no event shall that
30 amount be an amount greater than 105% of that \$365,000,000.00
31 ¹[in any fiscal year through the fiscal year commencing July 1,
32 1989]¹ or of that \$565,000,000 ¹[in any of the four succeeding
33 fiscal years] respectively¹.

34 In any fiscal year for which an amount exceeding
35 \$365,000,000.00 exclusive of federal funds ¹[in any fiscal year
36 through the fiscal year commencing July 1, 1989]¹ or exceeding
37 \$565,000,000 exclusive of federal funds in ¹[any of the four
38 succeeding fiscal years] the two fiscal years in which an
39 additional appropriation is authorized¹, was appropriated
40 pursuant to subsection b. of this section, the commissioner shall
41 report on or before March 1 of that fiscal year for the ensuing
42 fiscal year an amount for proposed projects to be financed not
43 greater than [\$365,000,000.00 reduced by the amount in excess of
44 \$365,000,000.00 that was appropriated in that fiscal year] the
45 maximum amount authorized to be appropriated for that ensuing
46 fiscal year pursuant to subsection b. of this section.

47 b. Commencing with the fiscal year beginning on July 1, 1988
48 and for each of the next [six] ¹[five] six¹ fiscal years, the total
49 amount authorized to be appropriated from the revenues and
50 other nonfederal funds of the New Jersey Transportation Trust

1 Fund Authority for the projects listed in the appropriations act
2 ¹[or supplement thereto]¹ pursuant to section 21 of P.L.1984,
3 c.73 (C.27:1B-21), shall not exceed \$365,000,000.00 exclusive of
4 federal funds in any fiscal year ¹[through the fiscal year
5 commencing July 1, 1989 or \$565,000,000 exclusive of federal
6 funds in any of the four succeeding fiscal years] except that in
7 the fiscal year commencing July 1, 1990 and the fiscal year
8 commencing July 1, 1991 the amount shall not exceed
9 \$565,000,000 exclusive of federal funds¹, except as provided
10 herein. If, in any fiscal year, a greater amount is determined to
11 be necessary to meet the financing requirements, the amount
12 appropriated may be in excess of \$365,000,000.00 exclusive of
13 federal funds ¹[in any fiscal year through the fiscal year
14 commencing July 1, 1989]¹ or in excess of \$565,000,000¹],¹
15 exclusive of federal funds in ¹[any of the four succeeding fiscal
16 years] the two fiscal years in which an additional appropriation is
17 authorized¹; provided that: (1) in no event shall there be
18 appropriated an amount greater than 105% of that
19 \$365,000,000.00 ¹[in any fiscal year through the fiscal year
20 commencing July 1, 1989]¹ or of that \$565,000,000 in any of the
21 ¹[four succeeding] two¹ fiscal years ¹in which an additional
22 appropriation is authorized¹, and provided further, that (2) [the
23 appropriation for the ensuing fiscal year shall not be greater than
24 that \$365,000,000.00 reduced by the amount in excess of
25 \$365,000,000.00 that was appropriated in the current fiscal year]
26 if, pursuant to paragraph (1) of this subsection, a greater fiscal
27 year appropriation is authorized in excess of ¹[\$565,000,000 for
28 the fiscal year commencing on July 1, 1990 or for any of the
29 three succeeding fiscal years, the respective ensuing fiscal year
30 appropriations are to be reduced by the same amount that the
31 appropriations for this fiscal year commencing on July 1, 1990 or
32 any of the three succeeding fiscal years respectively exceed
33 \$565,000,000] \$365,000,000 for a fiscal year, the ensuing fiscal
34 year appropriation is to be reduced by the same amount that the
35 appropriation for that fiscal year exceeds \$365,000,000, except
36 that in the two fiscal years in which an additional appropriation is
37 authorized the appropriation for the ensuing fiscal year is to be
38 reduced by the amount the appropriation exceeds \$565,000,000.¹

39 c. [The limit on the amount reported in any fiscal year set
40 forth in subsection a. of this section and the limit on the amount
41 appropriated in any fiscal year set forth in subsection b. of this
42 section shall not include any amount for salaries and other
43 administrative expenses of the department and the authority.]
44 (Deleted by amendment P.L. , c.).

45 ¹d. For the purposes of this section, "the two fiscal years in
46 which an additional appropriation is authorized" means the fiscal
47 years commencing July 1, 1990 and July 1, 1991.¹

48 ²e. The department shall develop procedures for the auditing
49 of expenditures made by the department and the New Jersey
50 Transit Corporation from funds appropriated ⁴on and after the

1 effective date of P.L.1991, c. (now before the Legislature as
2 this bill)⁴ for transportation projects from the revenues of the
3 authority and shall cause an audit to be made of these
4 expenditures in order to determine the extent to which these
5 funds are expended for costs directly related to the projects,
6 including but not limited to salaries and other administrative
7 expenses. This audit shall be subject to review by the State
8 Auditor and transmitted not less than annually to the presiding
9 officer of each house of the Legislature, and to the Chair of the
10 Senate Revenue, Finance and Appropriations Committee, the
11 Senate Transportation and Public Utilities Committee, the
12 Assembly Appropriations Committee, the Assembly
13 Transportation Committee, and the Assembly Transportation
14 Authorities, Telecommunications and Technology Committee or
15 their successors.²

16 (cf: P.L.1987, c.460, s.8)

17 ^{17.} Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to
18 read as follows:

19 25. a. Notwithstanding the provisions of subtitle 4 of Title 27
20 of the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.),
21 the commissioner may, pursuant to appropriations or
22 authorizations being made from time to time by the Legislature
23 according to law, allocate to counties and municipalities funds
24 for the planning, acquisition, engineering, construction,
25 reconstruction, repair, resurfacing²[, maintenance]² and
26 rehabilitation of public highways and the planning, acquisition,
27 engineering, construction, reconstruction, repair, maintenance
28 and rehabilitation of public transportation projects and of other
29 transportation projects which a county or municipality may be
30 authorized by law to undertake. In the case of a county or
31 municipality for which an allocation has been made for the
32 federal fiscal year beginning October 1, 1983, of an amount of
33 federal aid for the federal aid urban system, as defined in
34 23 U.S.C. §103, the amount of State aid allocated under this
35 section in any fiscal year shall not be less than the amount of
36 federal aid so allocated, together with the amount of matching
37 funds required under federal law. No allocation shall be made to
38 a county or municipality without certification by the
39 commissioner: (1) that there exists with respect to that county or
40 municipality a comprehensive plan, or plans, which he has
41 approved, for the effective allocation, utilization and
42 coordination of available federal and State transportation aid,
43 and (2) that the county or municipality has agreed that State aid
44 provided under this section is provided in lieu of federal aid for
45 the federal aid urban system program and that any federal aid for
46 the federal aid urban system program attributable to the area
47 will be programmed by the Department of Transportation for
48 projects of regional significance. In any year in which
49 insufficient funds have been appropriated to meet the minimum
50 county allocations established in this section, or if no

1 appropriation is provided, the commissioner shall determine on a
 2 prorated basis the amount of the deficiency for each county
 3 having a minimum allocation and allocate from funds available
 4 under the federal aid urban system program sufficient funds to
 5 meet the minimum allocations.

6 b. The commissioner shall, pursuant to appropriations or
 7 authorizations being made from time to time by the Legislature
 8 according to law and pursuant to the provisions of subsection d.
 9 of this section, allocate at his discretion State aid to
 10 municipalities for public highways under their jurisdiction and for
 11 emergency transportation projects, except that the amount to be
 12 appropriated for this program shall be 15% of the amount
 13 appropriated pursuant to the provisions of paragraph (2) of
 14 subsection d. of this section.

15 c. The commissioner shall, pursuant to appropriations or
 16 authorizations being made from time to time by the Legislature
 17 according to law and pursuant to the provisions of subsection d.
 18 of this section, allocate State aid to municipalities for public
 19 highways under their jurisdiction, except that the amount to be
 20 appropriated for this purpose shall be 85% of the amount
 21 appropriated pursuant to the provisions of paragraph (2) of
 22 subsection d. of this section. The amount to be appropriated shall
 23 be allocated on the basis of the following distribution factor:

$$24$$

$$25 \qquad \qquad \qquad P_c \qquad \qquad C_m$$

$$26 \qquad \qquad \qquad DF = \frac{\quad}{\quad} + \frac{\quad}{\quad}$$

$$27$$

$$28 \qquad \qquad \qquad P_s \qquad \qquad S_m$$

29

30 where, DF equals the distribution factor

31 P_c equals county population

32 P_s equals State population

33 C_m equals municipal road mileage within the county

34 S_m equals municipal road mileage within the State.

35 After the amount of aid has been allocated based on the above
 36 formula, the commissioner shall determine priority for the
 37 funding of municipal projects within each county, based upon
 38 criteria relating to volume of traffic, safety considerations,
 39 growth potential, readiness to obligate funds and local taxing
 40 capacity.

41 For the purposes of this subsection, (1) "population" means the
 42 official population count as reported by the New Jersey
 43 Department of Labor; and (2) "municipal road mileage" means
 44 that road mileage under the jurisdiction of municipalities, as
 45 determined by the department.

46 d. There shall be appropriated at least \$30,000,000.00 in each
 47 fiscal year for the purposes provided herein and in subsections b.
 48 and c. of this section. (1) Of that appropriation, the
 49 commissioner shall allocate \$5,000,000.00 as State aid to any
 50 municipality qualifying for aid pursuant to the provisions of

1 P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall
 2 allocate the aid to each municipality in the same proportion that
 3 the municipality receives aid under P.L.1978, c.14. (2) The
 4 remaining amount of the appropriation shall be allocated pursuant
 5 to the provisions of subsections b. and c. of this section.¹

6 (cf: P.L.1987, c.460, s.6)

7 ²8. (New section) ³[Notwithstanding the provisions of any
 8 other law to the contrary, there is appropriated to the
 9 Department of Transportation the sum of \$200,000,000 from the
 10 revenues and other nonfederal funds of the New Jersey
 11 Transportation Trust Fund Authority for transportation projects.
 12 Prior to the expenditure of any funds by the department for these
 13 projects, the commissioner shall submit a report of the proposed
 14 projects in the same manner as provided for the annual report of
 15 proposed projects in section 22 of P.L.1984, c.73 (C.27:1B-22) and
 16 this report shall be considered and may be acted upon in the same
 17 manner as the annual report.²] Notwithstanding the provisions of
 18 any other law to the contrary, there is appropriated to the
 19 Department of Transportation from the revenues and other
 20 nonfederal funds of the New Jersey Transportation Trust Fund
 21 Authority the sum of \$200,000,000 for the following additional
 22 specific projects identified under the six general program
 23 headings as follows:

24
 25 A. STATE

26 (1) Construction

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
		<u>Type II Noise</u>		
		<u>Barriers</u>	<u>Various</u>	<u>(\$7,000,000)</u>
<u>9</u>	<u>13E</u>	<u>Contract 2, Trunk</u>		
		<u>Line, Drainage at</u>		
		<u>Decatur Avenue</u>	<u>Atlantic</u>	<u>(1,532,000)</u>
<u>23</u>	<u>3AB</u>	<u>Wind Beam Road to</u>		
		<u>south of Cutlass Road</u>	<u>Morris</u>	<u>(5,519,000)</u>
<u>30</u>	<u>6A5E</u>	<u>Fir Avenue to Chester</u>		
		<u>Avenue</u>	<u>Atlantic</u>	<u>(9,810,000)</u>
<u>30/130</u>	<u>1H</u>	<u>Cooper River to</u>		
		<u>Airport Circle and</u>		
		<u>Circle to Stand</u>	<u>Camden</u>	<u>(13,662,000)</u>
<u>35</u>	<u>12R</u>	<u>Victory Bridge, fender</u>		
		<u>repairs</u>	<u>Middlesex</u>	<u>(1,000,000)</u>
<u>49</u>	<u>2J3G</u>	<u>North of Freas Road to</u>		
		<u>Griffith Avenue</u>		
		<u>(Salem River flooding)</u>	<u>Salem</u>	<u>(5,351,000)</u>

1	<u>70/41</u>	<u>2G2F</u>	<u>Ellisburg Circle cut-</u>		
2		<u>3D</u>	<u>through and Route 70</u>		
3			<u>improvements</u>	<u>Camden</u>	<u>(3,285,000)</u>
4					
5	<u>70</u>	<u>1J</u>	<u>Racetrack Circle</u>		
6			<u>elimination</u>	<u>Camden</u>	<u>(11,192,000)</u>
7					
8	<u>79</u>	<u>3C</u>	<u>Culvert replacement at</u>		
9			<u>Big Brook (#1322-153)</u>	<u>Monmouth</u>	<u>(2,160,000)</u>
10					
11	<u>83</u>	<u>1B</u>	<u>Removal of structure</u>		
12			<u>over railroad right-of-</u>		
13			<u>way (#0512-151)</u>	<u>Cape May</u>	<u>(1,926,000)</u>
14					
15	<u>129/</u>	<u>11B</u>	<u>Barlow Street and Route 1</u>		
16	<u>33/1</u>	<u>1C1N</u>	<u>to Hamilton Avenue, east</u>		
17			<u>of Walnut to Clinton,</u>		
18			<u>Broad, State</u>	<u>Mercer</u>	<u>(13,077,000)</u>
19					
20	<u>208</u>	<u>3R1D</u>	<u>Goffle Avenue to north</u>		
21			<u>of Cedar Hill Road</u>	<u>Bergen/</u>	
22			<u>(safety improvements)</u>	<u>Passaic</u>	<u>(5,867,000)</u>
23					
24	<u>287</u>		<u>Sedimentation cleanup</u>	<u>Various</u>	<u>(2,067,000)</u>
25					
26			<u>Betterments</u>	<u>Various</u>	<u>(21,621,000)</u>
27					
28	<u>(2) Right-of-way</u>				
29	<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
30					
31			<u>Advance acquisition</u>	<u>Various</u>	<u>(2,238,000)</u>
32					
33	<u>1&9</u>	<u>7E</u>	<u>Paterson Plank</u>		
34			<u>Road Intersection</u>	<u>Hudson</u>	<u>(500,000)</u>
35					
36	<u>1&9</u>	<u>6J</u>	<u>Secaucus Road</u>		
37			<u>Intersection</u>	<u>Hudson</u>	<u>(500,000)</u>
38					
39	<u>1&295</u>	<u>2M9E</u>	<u>Grovers Mill Road</u>		
40			<u>extension at motor</u>		
41			<u>vehicle station</u>	<u>Mercer</u>	<u>(2,400,000)</u>
42	<u>9</u>	<u>21F</u>	<u>Aldrich Road ramps</u>	<u>Monmouth</u>	<u>(1,064,000)</u>
43					
44	<u>15</u>	<u>4B5D</u>	<u>Route 15 and Route 94</u>		
45			<u>intersection improvements</u>		
46			<u>and climbing lane</u>	<u>Sussex</u>	<u>(800,000)</u>
47					
48	<u>23</u>	<u>3S</u>	<u>Cutlass Road to Kiel</u>		
49			<u>Road</u>	<u>Morris</u>	<u>(9,000,000)</u>

1	<u>34</u>	<u>6B</u>	<u>Resurfacing and</u>		
2			<u>intersection improve-</u>		
3			<u>ments, vicinity of</u>		
4			<u>Cottrell Road</u>	<u>Middlesex</u>	<u>(500,000)</u>
5					
6	<u>47</u>	<u>11C</u>	<u>Landis Avenue circle</u>	<u>Cumberland</u>	<u>(685,000)</u>
7					
8	<u>49</u>	<u>6D</u>	<u>West of Commerce Street</u>		
9			<u>to west of West Avenue</u>		
10			<u>(Milepost 21.4 to 24.5)</u>	<u>Cumberland</u>	<u>(236,000)</u>
11					
12	<u>202</u>	<u>10D</u>	<u>Church Street to north</u>		
13			<u>of Finney Avenue and</u>		
14			<u>Childs Lane</u>	<u>Somerset</u>	<u>(100,000)</u>
15					
16	<u>206/94</u>	<u>1B</u>	<u>Trinity Street to</u>		
17			<u>Hampton-Newton Township</u>		
18			<u>line</u>	<u>Sussex</u>	<u>(750,000)</u>
19					
20	<u>206/94</u>	<u>1C</u>	<u>Hampton-Newton Township</u>		
21			<u>line to south of Route</u>		
22			<u>94</u>	<u>Sussex</u>	<u>(362,000)</u>
23					
24	<u>322</u>	<u>5B</u>	<u>Union Road to west of</u>		
25			<u>Horseshoe Run Stream</u>	<u>Gloucester</u>	<u>(100,000)</u>
26					
27	<u>(3) Engineering</u>				
28	<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
29					
30	<u>1&9</u>	<u>6J</u>	<u>Secaucus Road</u>		
31			<u>Intersection</u>	<u>Hudson</u>	<u>(941,000)</u>
32					
33	<u>1&9</u>	<u>7E</u>	<u>Paterson Plank Road</u>	<u>Hudson</u>	<u>(600,000)</u>
34					
35	<u>1&295</u>	<u>2M9E</u>	<u>Grovers Mill Road</u>		
36			<u>extension at motor</u>		
37			<u>vehicle station</u>	<u>Mercer</u>	<u>(60,000)</u>
38					
39	<u>21</u>		<u>Over Interstate 78</u>		
40			<u>and Conrail, interim</u>		
41			<u>repairs</u>	<u>Essex</u>	<u>(500,000)</u>
42					
43	<u>21</u>		<u>Traffic Safety Manage-</u>		
44			<u>ment (TSM) improvements</u>		
45			<u>(4 sections)</u>	<u>Essex</u>	<u>(1,600,000)</u>
46					
47	<u>24</u>	<u>(5)</u>	<u>East Madison connector</u>	<u>Morris</u>	<u>(1,000,000)</u>
48					
49	<u>31</u>	<u>8M</u>	<u>Halstead Street to</u>		
50			<u>County Route 513</u>	<u>Hunterdon</u>	<u>(400,000)</u>

1	<u>31</u>	<u>(6)B</u>	<u>Bartles Corner Road to</u>		
2			<u>Stanton Station Road</u>	<u>Hunterdon</u>	<u>(2,000,000)</u>
3					
4			<u>Miscellaneous contract</u>		
5			<u>adjustments (Engineering/</u>		
6			<u>Right-of-way/Construction)</u>	<u>Various</u>	<u>(1,488,000)</u>
7					
8			<u>Preconstruction Engineering</u>		
9			<u>Management System</u>		
10			<u>(PEMS) operation</u>		<u>(667,000)</u>
11					
12			<u>Computer Aided Design</u>		
13			<u>and Drafting (CADD)/Geo-</u>		
14			<u>graphic Information</u>		
15			<u>System (GIS)</u>		<u>(2,900,000)</u>
16					
17			<u>Traffic Management</u>		
18			<u>System "MAGIC," Phase</u>		
19			<u>I, (Routes 80, 46, 4,</u>		
20			<u>3 and 280)</u>	<u>Various</u>	<u>(1,000,000)</u>
21					
22			<u>Computerized signing</u>		
23			<u>inventory</u>		<u>(2,500,000)</u>
24					
25			<u>Corridor improvement</u>		
26			<u>studies</u>	<u>Various</u>	<u>(500,000)</u>
27					
28			<u>Proposal development/</u>		
29			<u>problem studies</u>	<u>Various</u>	<u>(1,000,000)</u>
30					
31			<u>Unmanned drawbridge</u>		
32			<u>repairs</u>	<u>Various</u>	<u>(1,000,000)</u>
33					
34			<u>Bridge decks at Routes</u>		
35			<u>80, 280, 287, and 206</u>	<u>Various</u>	<u>(200,000)</u>
36					
37		<u>B. BRIDGES</u>			
38		<u>Description</u>		<u>County</u>	<u>Amount</u>
39					
40		<u>State match to various</u>			
41		<u>local bridge projects</u>			
42		<u>sponsored by local</u>			
43		<u>jurisdictions</u>		<u>Various</u>	<u>(4,000,000)</u>
44					
45		<u>C. STATE AID</u>			
46		<u>Description</u>		<u>County</u>	<u>Amount</u>
47					
48		<u>State aid to</u>			
49		<u>counties</u>	<u>Various</u>	⁵ <u>[(10,000,000)]</u>	⁵ <u>(5,000,000)</u>

1 State aid to
 2 municipalities Various ⁵[(15,000,000)] (20,000,000)⁵

3
 4 D. CAPITAL PROGRAM IMPLEMENTATION

5 <u>Description</u>		<u>Amount</u>
6		
7 <u>Department of Transportation</u>		<u>(8,500,000)</u>
8		
9 <u>New Jersey Transit Corporation</u>		<u>(1,500,000)</u>

10
 11 E. RAIL

12 <u>Description</u>	<u>County</u>	<u>Amount</u>
13		
14 <u>"Rail Infrastructure</u>		
15		
16 <u>Support facilities/equipment</u>		<u>(1,600,000)</u>
17		
18 <u>Immediate action</u>		<u>(1,000,000)</u>
19		
20 <u>"Rail New Initiatives</u>		
21		
22 <u>Secaucus Transfer, design</u>		
23		
24 <u>and engineering</u>	<u>Hudson</u>	<u>(11,340,000)</u>

25
 26 F. BUS

27 <u>Description</u>		<u>Amount</u>
28		
29 <u>"Bus Maintenance Facilities</u>		
30 <u>and Support Equipment</u>		
31		
32 <u>Bus equipment leases</u>		<u>(3,130,000)</u>
33		
34 <u>Bus operations support</u>		
35 <u>equipment</u>		<u>(1,270,000)</u>

36
 37 The amount appropriated hereinabove under the general
 38 program heading of Capital Program Implementation, not to
 39 exceed \$8,500,000 for the Department of Transportation or
 40 \$1,500,000 for the New Jersey Transit Corporation, shall be
 41 available for personal services by contract or in lieu thereof by
 42 Department of Transportation and New Jersey Transit
 43 Corporation employees for planning, engineering, design,
 44 research, construction, right-of-way acquisition, or other costs
 45 directly related to projects in the New Jersey transportation
 46 construction program.

47 Of the amount appropriated hereinabove for State aid to
 48 municipalities cited under the general program heading of State
 49 Aid, the Commissioner of Transportation shall allocate
 50 \$5,000,000 as State aid to any municipality qualifying for aid

1 pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et
2 seq.). The commissioner shall allocate the aid to each
3 municipality in the same proportion that the municipality
4 receives aid under P.L.1978, c.14. ⁴[The remaining amount of the
5 appropriation shall be allocated pursuant to the provisions of
6 subsections b. and c. of section 25 of P.L.1984, c.73
7 (C.27:1B-25).]⁴ ⁵Of the remaining amount of the appropriation,
8 \$10,000,000 shall be allocated pursuant to the provisions of
9 subsections b. and c. of section 25 of P.L.1984, c.73
10 (C.27:1B-25).⁵

11 Notwithstanding the provisions of subsection d. of section 21 of
12 P.L.1984, c.73 (C.27:1B-21), in order to provide the department
13 with flexibility in administering the appropriations by specific
14 project identified in this act and in P.L.1990, c.43, the transfer
15 provisions in P.L.1990, c.43 relating to the projects authorized to
16 be funded by the revenues and other funds of the Transportation
17 Trust Fund authority shall apply to this section.³

18 ¹[4.] ²[8.1] ^{9.}² This act shall take effect immediately.

19

20

21

TRANSPORTATION

22

23 Increases by \$200,000,000 the maximum annual capital program
24 to be financed by the Transportation Trust Fund Authority for
25 two-year period commencing with fiscal year 1991, appropriates
26 \$200,000,000 of Trust Fund Authority funds.

1 appropriated in any fiscal year set forth in subsection b. of this
2 section shall not include any amount for salaries and other
3 administrative expenses of the department and the authority.]

4 (Deleted by amendment, P.L....., c.....).

5 (cf: P.L.1987, c.460, s.8)

6 4. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill increases the annual transportation capital program,
12 funded by the New Jersey Transportation Trust Fund Authority,
13 from \$365 million to \$565 million. The larger capital program
14 amount, for fiscal years 1991 through 1994, would help support
15 greater efforts which are needed to redress the State's rapidly
16 deteriorating highway and mass transit system, to expand the
17 existing transportation system, and to accommodate vital, new
18 system additions. The limitation on the use of Trust Fund moneys
19 for salaries and other administrative expenses is deleted. Also,
20 the definition of public transportation projects is expanded to
21 include maintenance of the useful life of these projects.

22 Although the Transportation Trust Fund Authority construction
23 program, as revised pursuant to P.L.1987, c.460, was proposed to
24 be a level \$365 million for each of the seven fiscal years through
25 fiscal year 1995, a mid-course review indicates that lower than
26 anticipated authority bond sales permit, and accelerating
27 infrastructure needs require an increase in funding support.
28 Moreover, this funding increase from \$365 million to \$565 million
29 can be entirely accommodated without increasing the existing
30 \$33 million annual appropriation to the Trust Fund Account.
31 Therefore, the expanded capital program would not be an added
32 demand on the State's general fund.

33 The expanded capital program would also act as a beneficial
34 countercyclical aid to mitigate the economic downturn now being
35 experienced in the State. By accelerating the construction and
36 completion of essential transportation improvements, an
37 important job production catalyst would be provided to the State
38 while our residents would, simultaneously, benefit from greater
39 transportation opportunities.

40
41
42 TRANSPORTATION

43
44 Increases by \$200,000,000 the maximum annual capital program
45 to be financed by Transportation Trust Fund Authority for
46 four-year period commencing with current fiscal year.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 3156

with Assembly committee amendments

STATE OF NEW JERSEY

LAW LIBRARY COPY
DO NOT REMOVE

DATED: JANUARY 17, 1991

The Assembly Appropriations Committee reports favorably Senate Bill No. 3156 (2R) with committee amendments.

Senate Bill No. 3156 (2R), as amended, increases the maximum amount of the annual transportation capital program, funded by the New Jersey Transportation Trust Fund Authority, from \$365 million to \$565 million for the current and succeeding fiscal year. The amended bill also appropriates \$200 million from the authority funds to the Department of Transportation (DOT) for the fiscal year and specifies projects under six general headings. The larger capital program amount for the two year period would help support greater efforts which are needed to redress the State's rapidly deteriorating highway and mass transit system, to expand the existing transportation system, and to accommodate vital new system additions. The limitation on the use of Trust Fund moneys for salaries and other administrative expenses is removed. Also, Trust Fund revenues are permitted to be used for the maintenance of public transportation projects. The amended bill provides that the \$1.7 billion bonding "cap" would refer to outstanding bonds and eliminates the requirement that retired bonds be counted against the overall debt limit.

Although the Transportation Trust Fund Authority capital program, revised pursuant to P.L.1987, c.460, was proposed to be at the level of \$365 million for each of seven fiscal years through fiscal year 1995, a mid-course review indicates that lower than anticipated authority bond sales permit, and accelerating infrastructure needs require, an increase in funding support. Moreover, this funding increase from \$365 million to \$565 million can be entirely accommodated without increasing the existing \$331 million annual appropriation to the Trust Fund Account. The expanded capital program would not be an added demand on the State's General Fund, yet would have beneficial countercyclical effects to mitigate the economic downturn now being experienced in the State.

Finally the bill directs DOT to develop procedures for auditing expenditures made by them and the New Jersey Transit Corporation from the funds appropriated for transportation projects, including salaries and administrative expenses. This audit is subject to review by the State Auditor and the department is required to submit the audit annually to the Legislature.

The bill as amended is identical to A-4101 ACS as amended by this committee.

SENATE TRANSPORTATION AND PUBLIC UTILITIES
COMMITTEE

STATEMENT TO

SENATE, No. 3156

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1990

The Senate Transportation and Public Utilities Committee favorably reports Senate Bill No. 3156 with committee amendments.

This bill, as amended by the committee, increases the maximum amount of the annual transportation capital program, funded by the New Jersey Transportation Trust Fund Authority, from \$365 million to \$565 million for the current and succeeding fiscal year. The larger capital program amount for this two year period would help support greater efforts which are needed to redress the State's rapidly deteriorating highway and mass transit system, to expand the existing transportation system, and to accommodate vital new system additions. The limitation on the use of Trust Fund moneys for salaries and other administrative expenses is deleted. Also, Trust Fund revenues are permitted to be used for the maintenance of public highway, public transportation projects and other transportation projects - both State and local aid projects. The amended bill provides that the \$1.7 billion bonding "cap" would refer to outstanding bonds and eliminates the requirement that retired bonds be counted against the overall debt limit. The bill also alters the competitive bidding requirements for bond sales, but does require prior advertisement of the procedures for bond sales as well as the bidding requirements. The purpose of these provisions is to permit the Trust Fund Authority to take advantage of modern, electronic bidding methods.

Although the Transportation Trust Fund Authority capital program, revised pursuant to P.L.1987, c.460, was proposed to be a level \$365 million for each of seven fiscal years through fiscal year 1995, a mid-course review indicates that lower than anticipated authority bond sales permit, and accelerating infrastructure needs require, an increase in funding support. Moreover, this funding increase from \$365 million to \$565 million can be entirely accommodated without increasing the existing \$331 million annual appropriation to the Trust Fund Account. Therefore, the expanded capital program would not be an added demand on the State's General Fund. The expanded capital program would also act as a beneficial countercyclical aid to mitigate the economic downturn now being experienced in the State.

The amendments approved by the committee provide for a definition of the term maintenance of public highways, public transportation projects, and other transportation projects and authorize such maintenance to be funded by the Trust Fund

Authority. These amendments therefore extend the authorization in the original bill to fund maintenance of public transportation projects at the State level to public transportation projects, public highways and other transportation projects, at both the State and local aid level.

The amendments also clarify that the \$1.7 billion bonding limitation would apply only to the outstanding bonded indebtedness of the authority. Finally, the amendments provide for advertisement of the procedures for bond sales as well as the bidding requirements.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 3156

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 10, 1991

The Senate Revenue, Finance and Appropriations Committee reports favorably Senate Bill No. 3156 (1R), with Senate committee amendments.

Senate Bill No. 3156 (1R), as amended, increases the maximum amount of the annual transportation capital program, funded by the New Jersey Transportation Trust Fund Authority, from \$365 million to \$565 million per year in the 1991 and 1992 fiscal years. The amended bill also appropriates \$200,000,000 from the funds of the authority to the Department of Transportation for transportation projects. Prior to expending these funds the department is required by the bill to submit a report of the proposed projects for consideration by the Legislature. The amended bill provides that the \$1.7 billion bonding "cap" would refer to the value of outstanding bonds only and eliminates the requirement that retired bonds be counted against the overall debt limit.

The amended bill removes the limitation on the use of Trust Fund moneys for salaries and other administrative expenses. Also, Trust Fund revenues may be used for the maintenance of public transportation projects for work that will extend the life of a project for at least three years.

The Transportation Trust Fund Authority capital program, revised pursuant to P.L.1987, c.460, was to be a level \$365 million for each of seven fiscal years through fiscal year 1995. The funding increase from \$365 million to \$565 million for two fiscal years can be accommodated without increasing the existing \$331 million annual General Fund appropriation to the Trust Fund Account.

COMMITTEE AMENDMENTS

The committee amendments appropriate \$200,000,000 from the Transportation Trust Fund Authority to the Department of Transportation and require that the department report its proposed project list prior to expending the funds. The amendments also limit the use of bond funds for maintenance to that maintenance work which will extend the life of public transportation projects by more than three years. In addition, the amendments require an audit of projects undertaken with authority funds to determine the extent to which these funds are expended for costs directly related to the

projects, including salaries and administrative costs. The committee also removed a modification in the current bidding procedures that had been added to the bill by a Senate Transportation and Public Utilities Committee amendment.

FISCAL IMPACT

This bill increases the authorized annual Transportation Trust Fund Authority capital program for FY91 and FY92 from \$365 million to \$565 million. The bill also appropriates \$200,000,000 from the revenues and other funds of the authority to the Department of Transportation. However, the increased authorization will not require an increase in the annual \$331 million appropriation from the General Fund to the Trust Fund Account.

979 901
C-61



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

Emma Byrne
Nancy Kearney
609/292-8956

TRENTON, N.J. 08625

Release:

Monday
Feb. 25, 1991

GOVERNOR SIGNS RECESSION-BUSTING LAW LIFTING TRUST FUND CAP; PAVES THE WAY FOR TRANSPORTATION PROJECTS, JOBS

With a promise to keep New Jersey's competitive edge into the next century, Governor Jim Florio today signed a law lifting the cap on the Transportation Trust Fund, pumping some \$1.1 billion into the economy over the next two years and creating approximately 7,000 new construction jobs.

"I'm here to keep a promise I made to help this state build its way out of this national recession," said Governor Florio. "I'm here to sign the law that raises the limit of the Transportation Trust Fund so everyone in this state gets the benefit of projects that help us grow and create jobs. We're here because we decided to take a positive step to make ours a future where New Jersey works."

The Governor, joined by Transportation Commissioner Tom Downs, signed his first name to the bill at a ceremony at the Carpenters Local Union Hall in Gloucester City, and then completed his signature at the Laborers Local 472 Hall in Newark.

The Department of Transportation, which is required to list the specific projects that would be financed, has identified 56 projects. The projects fall in six categories: State, Bridges, State Aid, Capital Program Implementation, Rail and Bus. A complete list is attached.

The bill will increase the authorized annual Transportation Trust Fund Authority Capital Program for fiscal years 1991 and 1992 from \$365 million to \$565 million bringing the total Trust Fund capital allocation to more than \$1.1 billion. The Governor had called on the Legislature to lift the cap last fall and again in his January State of the State address.

"When it comes down to doing business both here and around the world, we in New Jersey have an enormous advantage. Our ports, our airports, our bridges

and highways make us a critical gateway to commerce," Governor Florio said. "We need to invest in maintaining that edge. By lifting the Cap, we can raise the money we need now to preserve our transportation network and create jobs in the process."

Spending from the Trust Fund, supported by the gas tax, was previously capped at \$365 million annually, with unspent funds carried over in reserve. The combination of available dollars in the fund now, plus current bonding capacity, will allow the state to raise expenditures immediately with no need for additional revenue. Lifting the cap now is good timing because the current economic climate is such that transportation project bids are coming in up to 25 percent below last year's bids.

"Why wait to use that money? We need it now. Anyone driving the roads of this state knows there is plenty of work to do. The economy tells us that this is the time to take advantage of our Triple A credit rating," Governor Florio said. "For every \$1 we spend on a construction project, we generate about \$4 in economic activity throughout our entire economy. All those things tell me it's time to put our money to work for New Jersey's workers."

The Trust Fund was created by the Legislature in 1984 as the sole source of state funding for capital construction for the state Department of Transportation and New Jersey Transit. When the Trust Fund was renewed in 1987, the Legislature placed a \$365 million cap on spending. The artificial cap, combined with the required federal match for some projects, increased the backlog of projects solely funded by the state.

#