

27:23-23a

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(NJ Turnpike--
authorize
purchase of
segment of I-95)

LAWS OF: 1991

CHAPTER: 183

Bill No: S3549

Sponsor(s): Rand

Date Introduced: June 13, 1991

Committee: Assembly: Transportation

Senate: Transportation & Public Utilities

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

Date of Passage: Assembly: June 27, 1991

Senate: June 20, 1991

Date of Approval: June 30, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[SECOND REPRINT]

SENATE, No. 3549

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1991

By Senator RAND

1 AN ACT concerning the New Jersey Turnpike Authority,
2 amending parts of the statutory law and supplementing
3 P.L.1948, c.454 (C.27:23-1 et seq.).
4

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

7 1. (New section) The Legislature finds and declares that the
8 highway corridor between the Delaware Memorial Bridge and the
9 George Washington Bridge is the main artery of the State's
10 integrated highway system and of vital importance to the
11 economy and vitality of the State and the region; that both the
12 Department of Transportation and the New Jersey turnpike
13 Authority have mutually consistent and coordinate
14 responsibilities within the corridor for the planning, construction
15 and maintenance of highway projects; that it is in the public
16 interest that the Department of Transportation and the New
17 Jersey turnpike Authority be authorized to enter into agreements
18 to provide for an enhanced coordination and unification of
19 responsibilities for the planning, acquisition, construction,
20 operation and maintenance of highway projects in order to ensure
21 a safe, effective and efficient highway system; and that any such
22 agreements shall acknowledge the obligation of the New Jersey
23 Turnpike Authority to the holders of its ¹[funds] bonds¹ under all
24 covenants, contracts and agreements.

25 2. R.S.27:7-21 is amended to read as follows:

26 27:7-21. In addition to, and not in limitation of, his general
27 powers, the commissioner may:

28 a. Determine and adopt rules, regulations and specifications
29 and enter into contracts covering all matters and things incident
30 to the acquisition, improvement, betterment, construction,
31 reconstruction, maintenance and repair of State highways;

32 b. Execute and perform as an independent contractor or
33 through contracts made in the name of the State, all work
34 incident to the maintenance and repair of State highways;

35 c. Establish and maintain as an independent contractor or
36 employer a patrol repair system for the proper and efficient
37 maintenance and repair of State highways;

38 d. Employ and discharge, subject to the provisions of the Civil
39 Service law, all foremen and laborers, prescribe their

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 June 13, 1991.

² Assembly ATT committee amendments adopted June 24, 1991.

1 qualifications and furnish all equipment, tools and material
2 necessary for such patrol repair system;

3 e. Widen, straighten and regrade State highways;

4 f. Vacate any State highway or part thereof;

5 g. The commissioner and his authorized agents and employees
6 may enter upon any lands, waters and premises in the State, after
7 giving written notice to the recorded owner at least 3 days prior
8 thereto, for the purpose of making surveys, soundings, drillings,
9 borings and examinations as he may deem necessary or
10 convenient for the purposes of this Title, and such entry shall not
11 be deemed a trespass; nor shall such entry be deemed an entry
12 under any condemnation proceedings which may be then pending.
13 The commissioner shall make reimbursement for any actual
14 damages resulting to such lands, waters and premises as a result
15 of such activities; and

16 h. Enter into cooperative agreements with any State
17 department, agency or authority or any county or municipality
18 enabling the State to negotiate for and condemn lands and also
19 provide relocation services and payments deemed necessary for
20 the effectuation of State or Federally financed State Aid
21 Transportation and related Programs.

22 i. Enter into agreements with the New Jersey Turnpike
23 Authority with respect to the funding of the resurfacing,
24 restoring, rehabilitation and reconstructing of the I-95
25 ¹[extension] Extension¹ of the New Jersey Turnpike through the
26 allocation of monies apportioned by the United States
27 Department of Transportation pursuant to 23 U.S.C., § 119 or a
28 successor program. Any such agreement shall be subject to the
29 continued eligibility of the I-95 ¹[extension] Extension¹ for
30 federal aid, the availability of funds appropriated by Congress
31 and the appropriation of funds by the Legislature for that
32 purpose. No such agreement shall constitute ¹or create¹ a debt
33 or liability of the State within the meaning of any constitutional
34 or statutory limitation nor shall any such agreement constitute a
35 pledge ¹[or] of¹ either the faith and credit or the taxing power
36 of the State.

37 [i.] j. Do whatever may be necessary or desirable to effectuate
38 the purposes of this Title.

39 (cf: P.L.1972, c.56, s.1)

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

42 1. Turnpike projects. In order to facilitate vehicular traffic
43 and remove the present handicaps and hazards on the congested
44 highways in the State, and to provide for the acquisition and
45 construction of modern express highways embodying every known
46 safety device including center divisions, ample shoulder widths,
47 [longsight] long sight distances, multiple lanes in each direction
48 and grade separations at all intersections with other highways and
49 railroads, the New Jersey Turnpike Authority (hereinafter

1 created) is hereby authorized and empowered to acquire,
2 construct, maintain, repair and operate turnpike projects (as
3 hereinafter defined) or any part thereof at such locations as shall
4 be established by law, and to issue turnpike revenue bonds of the
5 Authority, payable solely from tolls, other revenues, and proceeds
6 of such bonds to finance such projects.

7 (cf: P.L.1950, c.1, s.2)

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

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

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

43 (C) The Governor shall designate one of the members of the
44 authority as chairman thereof and another member as vice
45 chairman thereof. The chairman and vice chairman of the
46 authority so designated shall serve as such at the pleasure of the
47 Governor and until their respective successors have been
48 designated. The authority shall elect a secretary and a treasurer
49 who need not be members. At the option of the authority the

1 same person may be elected to serve both as secretary and
2 treasurer. Four members of the authority shall constitute a
3 quorum and the vote of four members shall be necessary for any
4 action taken by the authority. No vacancy in the membership of
5 the authority shall impair the right of a quorum to exercise all
6 the rights and perform all the duties of the authority.

7 (D) Each member of the authority shall execute a surety bond
8 in the penal sum of \$25,000.00 and the treasurer shall execute a
9 surety bond in the penal sum of \$50,000.00, each such surety bond
10 to be conditioned upon the faithful performance of the duties of
11 the office of such member or treasurer, as the case may be, to be
12 executed by a surety company authorized to transact business in
13 the State of New Jersey as surety and to be approved by the
14 Attorney General and filed in the office of the Secretary of State.

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

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

1 representative or officer of the authority to carry out and
2 perform in every detail each and every covenant, agreement or
3 contract at any time made or entered into by or on behalf of the
4 authority with respect to its bonds or for the benefit, protection
5 or security of the holders thereof.

6 (G) The ex officio member of the authority may designate an
7 employee of his department to represent him at meetings of the
8 authority. A designee may lawfully vote and otherwise act on
9 behalf of the member for whom he constitutes the designee. The
10 designations shall be in writing and delivered to the authority and
11 shall be effective until revoked or amended by a writing delivered
12 to the authority.

13 (cf: P.L.1988, c.177, s.8)

14 5. Section 4 of P.L.1948, c.454 (C.27:23-4) is amended to read
15 as follows:

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

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

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

39 (c) The word "bonds" or the words "turnpike revenue bonds"
40 shall mean bonds of the authority authorized under the provisions
41 of this act.

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

46 (e) The word "owner" shall include all individuals,
47 copartnerships, associations, private or municipal corporations
48 and all political subdivisions of the State having any title or
49 interest in any property, rights, easements and interests

- 1 authorized to be acquired by this act.
2 (cf: P.L.1969, c.197, s.1)
- 3 6. Section 5 of P.L. 1948, c, 454 (C. 27:23-5) is amended to
4 read as follows:
- 5 5. General grant of powers. The authority shall be a body
6 corporate and politic and shall have perpetual succession and
7 shall have the following powers:
- 8 (a) To adopt bylaws for the regulation of its affairs and the
9 conduct of its business;
- 10 (b) To adopt an official seal and alter the same at pleasure;
- 11 (c) To maintain an office at such place or places within the
12 State as it may designate;
- 13 (d) To sue and be sued in its own name;
- 14 (e) To acquire, construct, maintain, repair and operate
15 turnpike projects or any part thereof at such locations as shall be
16 established by law;
- 17 (f) To issue turnpike revenue bonds of the authority, for any of
18 its corporate purposes, payable solely from the tolls, other
19 revenues and proceeds of such bonds, and to refund its bonds, all
20 as provided in this act;
- 21 (g) In the exercise of any of its powers, to fix and revise from
22 time to time and charge and collect tolls for transit over each
23 turnpike project or any part thereof constructed or acquired by it;
- 24 (h) To establish rules and regulations for the use of any project;
- 25 (i) To acquire, hold and dispose of real and personal property in
26 the exercise of its powers and the performance of its duties under
27 this act;
- 28 (j) To acquire in the name of the authority by purchase or
29 otherwise, on such terms and conditions and in such manner as it
30 may deem proper, or by the exercise of the power of eminent
31 domain except as against the State of New Jersey, any land and
32 other property which it may determine is reasonably necessary
33 for any turnpike project or feeder road or for the relocation or
34 reconstruction of any highway by the authority under the
35 provisions of this act ¹[or for the construction of any feeder road,
36 which the authority is or may be authorized to construct]¹ and
37 any and all rights, title and interest in such land and other
38 property, including public lands, parks, playgrounds, reservations,
39 highways or parkways, owned by or in which the State of New
40 Jersey or any county, city, borough, town, township, village, or
41 other political subdivision of the State of New Jersey has any
42 right, title or interest, or parts thereof or rights therein and any
43 fee simple absolute or any lesser interest in private property, and
44 any fee simple absolute in, easements upon, or the benefit of
45 restrictions upon, abutting property to preserve and protect
46 turnpike projects.
- 47 Upon the exercise of the power of eminent domain, the
48 compensation to be paid thereunder shall be ascertained and paid
49 in the manner provided in [chapter one of Title 20 of the Revised

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

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

32 Upon the filing of the said declaration, the authority shall
33 deposit with the Clerk of the Superior Court the amount of the
34 estimated compensation stated in said declaration. In addition to
35 the said deposits with the Clerk of the Superior Court, the
36 authority at all times shall maintain a special trust fund on
37 deposit with a bank or trust company doing business in this State,
38 in an amount at least equal to twice the aggregate amount
39 deposited with the Clerk of the Superior Court, as estimated
40 compensation for all property described in declaration of taking
41 with respect to which the compensation has not been finally
42 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
45 funds under the laws of this State. Said trust fund shall be held
46 solely to secure and may be applied to the payment of just
47 compensation for the land or other property described in such
48 declarations of taking. The authority shall be entitled to
49 withdraw from said trust fund from time to time so much as may

1 then be in excess of twice the aggregate of the amount deposited
2 with the Clerk of the Superior Court, as estimated compensation
3 for all property described in declarations of taking with respect
4 to which the compensation has not been finally determined and
5 paid to the persons entitled thereto or into court.

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

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

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

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

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

32 (l) To make and enter into all contracts and agreements
33 necessary or incidental to the performance of its duties and the
34 execution of its powers under this act¹, including agreements
35 with the Department of Transportation with respect to the
36 funding of the resurfacing, restoring, rehabilitation and
37 reconstruction of the I-95 extension of the New Jersey Turnpike
38 through the allocation of monies apportioned by the United States
39 Department of Transportation pursuant to 23 U.S.C. § 119 or a
40 successor program. Any such agreement shall be subject to the
41 continued eligibility of the I-95 extension for federal aid, the
42 availability of funds appropriated by Congress and the
43 appropriation of funds by the Legislature for that purpose. No
44 such agreement shall constitute a debt or liability of the State
45 within the meaning of any constitutional or statutory limitation
46 nor shall any such agreement constitute a pledge of either the
47 faith and credit or the taxing power of the State. Funds payable
48 or paid to the authority pursuant to any such agreement shall not
49 be pledged as security for any indebtedness of the authority]¹;

1 (m) To appoint such additional officers, who need not be
2 members of the authority, as the authority deems advisable, and
3 to employ consulting engineers, attorneys, accountants,
4 construction and financial experts, superintendents, managers,
5 and such other employees and agents as may be necessary in its
6 judgment; to fix their compensation; and to promote and
7 discharge such officers, employees and agents, all without regard
8 to the provisions of Title 11 of the Revised Statutes;

9 (n) To receive and accept from any federal agency, subject to
10 the approval of the Governor, grants for or in aid of the
11 acquisition or construction of any turnpike project or any part
12 thereof, and to receive and accept aid or contributions, except
13 appropriations by the Legislature, from any source, of either
14 money, property, labor or other things of value, to be held, used
15 and applied only for the purposes for which such grants and
16 contributions may be made; and

17 (o) To do all acts and things necessary or convenient to carry
18 out the powers expressly granted in this act.

19 (cf: P.L.1984, c.73, s.41)

20 ¹7. Section 1 of P.L. 1949, c. 40 (C. 27:23-5.1) is amended to
21 read as follows:

22 1. For the purposes of this act, a feeder road is defined to be
23 any road which in the opinion of the New Jersey Turnpike
24 Authority is needed to create or facilitate access to a turnpike
25 project [upon which a toll is charged for transit].¹

26 (cf: P.L.1949, c.40, s.1)

27 ¹[7.] 8.¹ Section 2 of P.L. 1949, c. 40 (C. 27:23-5.2) is
28 amended to read as follows:

29 2. The New Jersey Turnpike Authority is authorized to
30 acquire, construct, ¹reconstruct,¹ repair and maintain any feeder
31 road which in the opinion of the said Turnpike Authority will
32 increase the use of a turnpike project to which the said road is a
33 feeder.

34 (cf: P.L.1949, c.40, s.2)

35 ¹9. Section 3 of P.L. 1949, c. 40 (C. 27:23-5.3) is amended to
36 read as follows:

37 3. The Turnpike Authority is authorized to take over for
38 reconstruction, maintenance and repair any existing road which is
39 needed as a feeder road. Before exercising the powers contained
40 in this section, the consent of the local authorities, then
41 exercising jurisdiction over the said existing road, must be
42 obtained. The Turnpike Authority is authorized to realign any
43 such existing road and to build additional sections of road over
44 new alignment in connection with such existing road or roads.¹

45 (cf: P.L.1949, c.40, s.3)

46 ¹[8.] 10.¹ Section 6 of P.L.1949, c.40 (C.27:23-5.6) is amended
47 to read as follows:

48 6. The Turnpike Authority is authorized to turn back to local
49 authorities any road or portions of road taken over from

1 such local authorities in connection with the establishing of a
2 feeder road. No road or portion of road constructed upon a new
3 alignment shall be turned back until the turnpike project shall
4 have been turned over to the [State Highway] Department of
5 Transportation, except where a new alignment has been
6 constructed in substitution of existing alignment.

7 (cf: P.L.1949, c.40, s.6)

8 ¹[9.] 11.1 Section 1 of P.L.1966, c.8 (C.27:23-5.8) is amended
9 to read as follows:

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

12 a. To pay or make any advance or contribution to the United
13 States Government or the State of New Jersey or any agency
14 thereof for the purpose of paying the State's share or any portion
15 thereof under the federal aid highway laws of the cost of
16 construction of any highway improvement determined by the
17 authority to be a major improvement necessary to restore or
18 prevent physical damage to ¹[the] any¹ turnpike project or any
19 feeder roads, for the safe or efficient operation of such project,
20 or to prevent loss of revenues therefrom.

21 b. Subject to the rights and security interests of the holders
22 from time to time of bonds or notes heretofore or hereafter
23 issued by the New Jersey Turnpike Authority, to enter into
24 contracts with the State or the New Jersey Transportation Trust
25 Fund Authority established by section 4 of the "New Jersey
26 Transportation Trust Fund Authority Act of 1984," P.L.1984, c.73
27 (C.27:1B-4), providing for the payment from the revenues of the
28 New Jersey Turnpike Authority to the State or to the New Jersey
29 Transportation Trust Fund Authority of the amount or amounts of
30 revenues that may be set forth in or determined in accordance
31 with the contracts. Any contracts authorized pursuant to this
32 section may include conditions and covenants necessary and
33 desirable to facilitate the issuance and sale of bonds, notes and
34 other obligations of the New Jersey Transportation Trust Fund
35 Authority. Any agreements entered into between the State and
36 the Turnpike Authority pursuant to this subsection shall
37 terminate upon the effective date of any agreement entered into
38 between the Turnpike Authority and the New Jersey
39 Transportation Trust Fund Authority providing for the payment of
40 revenues of the Turnpike Authority directly from the Turnpike
41 Authority to the New Jersey Transportation Trust Fund Authority.

42 ¹c. To enter into agreements with the Department of
43 Transportation with respect to the funding of the resurfacing,
44 restoring, rehabilitation and reconstruction of the I-95 Extension
45 of the New Jersey Turnpike through the allocation of monies
46 apportioned by the United States Department of Transportation
47 pursuant to 23 U.S.C. § 119 or a successor program. Any such
48 agreement shall be subject to the continued eligibility of the I-95
49 Extension for federal aid, the availability of funds appropriated

1 by Congress and the appropriation of funds by the Legislature for
2 that purpose. No such agreement shall constitute or create a
3 debt or liability of the State within the meaning of any
4 constitutional or statutory limitation nor shall any such
5 agreement constitute a pledge of either the faith and credit or
6 the taxing power of the State. Funds payable or paid to the
7 authority pursuant to any such agreement shall not be pledged as
8 security for any indebtedness of the authority.¹

9 (cf: P.L.1984, c.73, s.30)

10 ¹[10.] 12.¹ Section 2 of P.L.1969, c.197 (C.27:23-5.9) is
11 amended to read as follows:

12 2. The authority shall not engage in the acquisition,
13 construction or operation of any facility or activity not directly
14 related to the use of a turnpike project except as may be
15 specially authorized by law.

16 (cf: P.L.1969, c.197, s.2)

17 ¹[11.] 13.¹ Section 7 of P.L.1948, c.454 (C.27:23-7) is amended
18 to read as follows:

19 7. The authority is hereby authorized to provide by
20 resolution, at one time or from time to time, for the issuance of
21 bonds of the authority for any of its corporate purposes, including
22 the refunding of its bonds. The principal of and the interest on
23 any issue of such bonds shall be payable solely from and may be
24 secured by a pledge of tolls and other revenues of all or any part
25 of the turnpike ¹[project financed in whole or in part with the
26 proceeds of such issue or with the proceeds of bonds refunded or
27 to be refunded by such issue; provided, that the] projects. The¹
28 proceeds of any such bonds may be used or pledged for the
29 payment or security of the principal of or interest on bonds and
30 for the establishment of any or all reserves for such payment or
31 security or for other corporate purposes as the authority may
32 authorize in the resolution authorizing the issuance of bonds or in
33 the trust agreement securing the same. The bonds of each issue
34 shall be dated, shall bear interest at such rate or rates, shall
35 mature at such time or times not exceeding 40 years from their
36 date or dates, as may be determined by the authority, and may be
37 made redeemable before maturity, at the option of the authority,
38 at such price or prices and under such terms and conditions as
39 may be fixed by the authority prior to the issuance of the bonds.
40 The authority shall determine the form of the bonds including any
41 interest coupons to be attached thereto, and shall fix the
42 denomination or denominations of the bonds and the place or
43 places of payment of principal and interest, which may be at any
44 bank or trust company within or without the State. The bonds
45 shall be signed by the chairman of the authority or shall bear his
46 facsimile signature and the official seal of the authority or a
47 facsimile thereof shall be impressed, imprinted, engraved or
48 otherwise reproduced thereon. The official seal or facsimile
49 thereof shall be attested by the secretary and treasurer of the

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

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

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

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

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

4 (cf: P.L.1966, c.8, s.2)

5 ¹[12.] 14.¹ Section 8 of P.L.1948, c.454 (C.27:23-8) is amended
6 to read as follows:

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

45 Any pledge of tolls or other revenues or other moneys made by
46 the Authority shall be valid and binding from the time when the
47 pledge is made; the tolls or other revenues or other moneys so
48 pledged and thereafter received by the Authority shall
49 immediately be subject to the lien of such pledge without any

1 physical delivery thereof or further act, and the lien of any such
2 pledge shall be valid and binding as against all parties having
3 claims of any kind in tort, contract or otherwise against the
4 Authority, irrespective of whether such parties have notice
5 thereof. Neither the resolution nor any trust agreement by which
6 a pledge is created need be filed or recorded except in the
7 records of the Authority.

8 (cf: P.L.1948, c.454, s.8)

9 ¹[13.] 15.¹ Section 9 of P.L.1948, c.454 (C.27:23-9) is amended
10 to read as follows:

11 9. Revenues. (A) The authority is hereby authorized to fix,
12 revise, charge and collect tolls for the use of each turnpike
13 project and the different parts or sections thereof, and to
14 contract with any person, partnership, association or corporation
15 desiring the use of any part thereof, including the right-of-way
16 adjoining the paved portion, for placing thereon telephone,
17 telegraph, electric light or power lines, gas stations, garages,
18 stores, hotels, and restaurants, or for any other purpose, except
19 for tracks for railroad or railway use, and to fix the terms,
20 conditions, rents and rates of charges for such use; provided, that
21 a sufficient number of gas stations may be authorized to be
22 established in each service area along any such highway to permit
23 reasonable competition by private business in the public interest;
24 and provided further, that no contract shall be required, and no
25 rent, fee or other charge of any kind shall be imposed for the use
26 and occupation of any turnpike project for the installation,
27 construction, use, operation, maintenance, repair, renewal,
28 relocation or removal of tracks, pipes, mains, conduits, cables,
29 wires, towers, poles or other equipment or appliances in, on,
30 along, over or under any such turnpike project by any public
31 utility as defined in R.S.27:7-1, which is subject to taxation
32 pursuant to either [chapter 4 of the laws of 1940, as amended
33 (R.S. § 54:31-15.14 et seq.) or chapter 5 of the laws of 1940, as
34 amended (R.S. § 54:31-45 et seq.)] P.L.1940, c.4 (C.54:31-15.14
35 et seq.) or P.L.1940, c.5 (C.54:31-45 et seq.), or pursuant to any
36 other law imposing a tax for the privilege of using the public
37 streets, highways, roads or other public places in this State. Such
38 tolls shall be so fixed and adjusted as to carry out and perform
39 the terms and provisions of any contract with or for the benefit
40 of bondholders. Such tolls shall not be subject to supervision or
41 regulation by any other commission, board, bureau or agency of
42 the State. The use and disposition of tolls and revenues shall be
43 subject to the provisions of the resolution authorizing the
44 issuance of such bonds or of the trust agreement securing the
45 same.

46 (B) At any time that tolls are not required for the purpose of
47 carrying out and performing the terms and provisions of any
48 contract with or for the benefit of bondholders, the authority
49 shall cause tolls for the use of the turnpike projects to be charged

1 and collected at the same rates as were last charged and
2 collected by the authority under the provisions of subsection (A)
3 hereof and no change or revision shall be made in such rates,
4 except as shall be specifically authorized by law.

5 (C) All revenues and other funds of the authority not pledged
6 or otherwise required to pay or secure the payment of principal
7 and interest on any indebtedness of the authority existing from
8 time to time under, and not otherwise required for the purpose
9 of, this act and not pledged under a contract providing for
10 payment of funds to the State or New Jersey Transportation
11 Trust Fund Authority created pursuant to P.L.1984, c.73
12 (C.27:1B-1 et seq.) shall be applied to the authority's corporate
13 purposes or as hereafter provided by law [deposited to the credit
14 of the State in such depositories and shall be reported to the
15 State Treasurer and to the Director of the Division of Budget and
16 Accounting at such times and in such manner as shall be
17 designated and prescribed by the State Treasurer and said
18 director. The requirement of this paragraph shall be deemed to
19 be satisfied during any period the New Jersey Turnpike Authority
20 shall have a contract providing for payment of funds to the State
21 or New Jersey Transportation Trust Fund Authority created
22 pursuant to P.L.1984, c.73 (C.27:1B-1 et seq.), and no payment in
23 addition to that required by the contract or any amendment
24 thereto shall be payable pursuant to this paragraph].

25 (cf: P.L.1984, c.73, s.31)

26 ¹[14.] 16.¹ Section 14 of P.L.1948, c.454 (C.27:23-14) is
27 amended to read as follows:

28 14. Miscellaneous. Each turnpike project when constructed
29 and opened to traffic shall be maintained and kept in good
30 condition and repair by the Authority. Each such project shall
31 also be policed and operated by such force of police, [poll-takers]
32 toll-takers and other operating employees as the Authority may
33 in its discretion employ. ¹The expenses for this maintenance and
34 operation shall be paid by the authority from its own funds or
35 from funds made available to the authority.¹

36 All counties, cities, boroughs, towns, townships, villages, and
37 other political subdivisions and all public departments, agencies
38 and commissions of the State of New Jersey, notwithstanding any
39 contrary provision of law, are hereby authorized and empowered
40 to sell, lease, lend, grant or otherwise convey to the Authority at
41 its request upon such terms and conditions as the proper
42 authorities of such counties, cities, boroughs, towns, townships,
43 villages, and political subdivisions and departments, agencies or
44 commissions of the State may deem reasonable and fair and
45 without the necessity for any advertisement, order of court or
46 other action or formality, other than the regular and formal
47 action of the authorities concerned, any real property which may
48 be necessary or convenient to the effectuation of the authorized
49 purposes of the Authority, including public roads and other real

1 property already devoted to public use.

2 On or before the thirtieth day of January in each year the
3 Authority shall make an annual report of its activities for the
4 preceding calendar year to the Governor and to the Legislature.
5 Each such report shall set forth a complete operating and
6 financial statement covering its operations during the year. The
7 Authority shall cause an audit of its books and accounts to be
8 made at least once in each year by certified public accountants
9 and the cost thereof may be treated as a part of the cost of
10 construction or of operation of the project.

11 Any member, agent or employee of the Authority who is
12 interested, either directly or indirectly, in any contract of
13 another with the Authority, or in the sale of any property, either
14 real or personal, to the Authority shall be guilty of a
15 misdemeanor and punished by a fine of not more than one
16 thousand dollars (\$1,000.00) or by imprisonment for not more than
17 one year, or both.

18 (cf: P.L.1948, c.454, s.14)

19 ¹[15.] 17.¹ Section 15 of P.L. 1948, c. 454 (C. 27:23-15) is
20 amended to read as follows:

21 15. Refunding bonds. The Authority is hereby authorized to
22 provide by resolution for the issuance of refunding bonds of the
23 Authority for the purpose of refunding any bonds then outstanding
24 which shall have been issued under the provisions of this act,
25 including the payment of any redemption premium thereon and
26 any interest accrued or to accrue to the date of redemption ¹or
27 maturity¹ of such bonds, and, if deemed advisable by the
28 Authority, for the additional purpose of constructing
29 improvements, extensions, or enlargements of the turnpike
30 project or projects in connection with which the bonds to be
31 refunded shall have been issued. The Authority is further
32 authorized to provide by resolution for the issuance of its bonds
33 for the combined purpose of (a) refunding any bonds then
34 outstanding which shall have been issued under the provisions of
35 this act, including the payment of any redemption premium
36 thereon and any interest accrued or to accrue to the date of
37 redemption of such bonds, and (b) paying all or any part of the
38 cost of any additional project or projects or feeder roads. The
39 issuance of such bonds, the maturities and other details thereof,
40 the rights of the holders thereof, and the rights, duties and
41 obligations of the Authority in respect of the same, shall be
42 governed by the provisions of this act in so far as the same may
43 be applicable.

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

45 ¹[16.] 18.¹ Section 1 of P.L.1951, c.264 (C.27:23-25) is
46 amended to read as follows:

47 1. No vehicle shall be permitted to make use of any turnpike
48 project or part thereof operated by the New Jersey Turnpike
49 Authority created pursuant to [the provisions of chapter four

1 hundred fifty-four of the laws of one thousand nine hundred and
2 forty-eight] P.L.1948, c.454 (C.27:23-1 et seq.) (hereinafter
3 called the "Authority") except upon the payment of such tolls, if
4 any, as may from time to time be prescribed by the Authority. It
5 is hereby declared to be unlawful for any person to refuse to pay,
6 or to evade or to attempt to evade the payment of such tolls.

7 (cf: P.L.1951, c.264, s.1)

8 ¹[17.] 19.¹ (New section) a. The New Jersey Turnpike
9 Authority is authorized and directed to acquire, maintain, repair
10 and operate a project addition and extension to the New Jersey
11 Turnpike consisting of a ¹[4.3] 4.4¹ mile section of high-speed
12 limited access ¹[highway] superhighway being that portion of
13 Interstate Highway 95 under the jurisdiction of the Department
14 of Transportation¹ beginning at the existing northern terminus of
15 the New Jersey Turnpike and thence ¹in a general¹ northerly
16 ¹direction¹ to the ¹vicinity of the¹ George Washington Bridge
17 ¹(and hereinafter referred to as the "I-95 Extension.")¹. ¹[The]
18 Notwithstanding any other provision of law to the contrary, the¹
19 ²authority is authorized and directed¹ to operate this project
20 addition and extension without collecting tolls for the use
21 thereof] I-95 Extension shall remain forever free of toll².

22 b. The State shall sell, convey and transfer to the authority all
23 rights of way, property ¹, easements or interests¹ and other rights
24 with respect to the project addition and extension ¹and the
25 authority shall pay to the State¹ in consideration therefor ¹[for]¹
26 the sum of \$400,000,000. The State shall deposit that sum in the
27 General Fund.

28 ¹The State and the authority are authorized, in connection with
29 this transfer, to enter into an agreement containing
30 indemnification and defense provisions which the State and the
31 authority agree are necessary or advisable to protect the
32 interests of the State, or the authority, or both, as they
33 determine.¹

34 ¹[c. The State shall defend, indemnify, and hold harmless the
35 authority against any claims, causes of action, demands, costs or
36 judgments arising out of the ownership or condition of the I-95
37 Extension at any time before the acquisition by the authority of
38 the I-95 Extension, including, but not limited to, all claims,
39 causes of action, demands, costs or judgments (1) arising out of
40 the State's negligent performance of any service, action or
41 operation pertaining to the I-95 Extension; (2) arising out of the
42 State's violation of any federal or State law or regulation
43 pertaining to the I-95 Extension, including the State's violation
44 of any common or statutory law of New Jersey or the United
45 States with respect to the contamination of the environment by
46 hazardous substances; and (3) arising out of any occupation by the
47 I-95 Extension of riparian lands in which the State claims an
48 interest. In no event shall the State be liable to pay any damages
49 for which it has no liability under the "New Jersey Tort Claims

1 Act," (N.J.S.59:1-1 et seq.), or the "New Jersey Contractual
2 Liability Act," (N.J.S.59:13-1 et seq.).

3 d. The Authority shall defend, indemnify, and hold harmless
4 the State against any claims, causes of action, demands, costs or
5 judgments arising out of the ownership or condition of the I-95
6 Extension at any time after the acquisition by the Authority of
7 the I-95 Extension, including, but not limited to, all claims,
8 causes of action, demands, costs or judgments (1) arising out of
9 the authority's negligent performance of any service, action or
10 operation pertaining to the I-95 Extension; and (2) arising out of
11 the authority's violation of any Federal or State law or
12 regulation pertaining to the I-95 Extension, including the
13 authority's violation of any common or statutory law of New
14 Jersey or the United States with respect to the contamination of
15 the environment by hazardous substances. In no event shall the
16 authority be liable to pay any damages for which it has no
17 liability under the "New Jersey Tort Claims Act," (N.J.S.59:1-1
18 et seq.).¹

19 ¹20. (New section) At such time as the New Jersey Turnpike
20 Authority shall acquire the I-95 Extension, the jurisdiction and
21 control of the Department of Transportation over that route shall
22 cease except as otherwise provided by law.¹

23 ¹[18.] 21.¹ (New section) Nothing in or done pursuant to the
24 powers and obligations set forth in this amendatory and
25 supplementary act (P.L.1991, c.) (now before the Legislature as
26 this bill) shall in any way limit or restrict the obligations or
27 powers of the New Jersey Turnpike Authority to carry out and
28 perform each and every covenant, agreement or contract
29 heretofore made or entered into by the authority with respect to
30 its bonds or for the benefit, protection ¹[of] or¹ security ¹[of the
31 holders¹ thereof.

32 ¹[19.] 22.¹ This act shall take effect immediately.

33

34

35

TRANSPORTATION AUTHORITIES

36

37 Authorizes extension to New Jersey Turnpike consisting of a 4.4
38 mile segment of Interstate Route 95; makes other changes to
39 turnpike authority law.

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1991

By Senator RAND

1 AN ACT concerning the New Jersey Turnpike Authority,
2 amending parts of the statutory law and supplementing
3 P.L.1948, c.454 (C.27:23-1 et seq.).
4

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

7 1. (New section) The Legislature finds and declares that the
8 highway corridor between the Delaware Memorial Bridge and the
9 George Washington Bridge is the main artery of the State's
10 integrated highway system and of vital importance to the
11 economy and vitality of the State and the region; that both the
12 Department of Transportation and the New Jersey Turnpike
13 Authority have mutually consistent and coordinate
14 responsibilities within the corridor for the planning, construction
15 and maintenance of highway projects; that it is in the public
16 interest that the Department of Transportation and the New
17 Jersey Turnpike Authority be authorized to enter into agreements
18 to provide for an enhanced coordination and unification of
19 responsibilities for the planning, acquisition, construction,
20 operation and maintenance of highway projects in order to ensure
21 a safe, effective and efficient highway system; and that any such
22 agreements shall acknowledge the obligation of the New Jersey
23 Turnpike Authority to the holders of its funds under all
24 covenants, contracts and agreements.

25 2. R.S.27:7-21 is amended to read as follows:

26 27:7-21. In addition to, and not in limitation of, his general
27 powers, the commissioner may:

28 a. Determine and adopt rules, regulations and specifications
29 and enter into contracts covering all matters and things incident
30 to the acquisition, improvement, betterment, construction,
31 reconstruction, maintenance and repair of State highways;

32 b. Execute and perform as an independent contractor or
33 through contracts made in the name of the State, all work
34 incident to the maintenance and repair of State highways;

35 c. Establish and maintain as an independent contractor or
36 employer a patrol repair system for the proper and efficient
37 maintenance and repair of State highways;

38 d. Employ and discharge, subject to the provisions of the Civil

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 Service law, all foremen and laborers, prescribe their
2 qualifications and furnish all equipment, tools and material
3 necessary for such patrol repair system;

4 e. Widen, straighten and regrade State highways;

5 f. Vacate any State highway or part thereof;

6 g. The commissioner and his authorized agents and employees
7 may enter upon any lands, waters and premises in the State, after
8 giving written notice to the recorded owner at least 3 days prior
9 thereto, for the purpose of making surveys, soundings, drillings,
10 borings and examinations as he may deem necessary or
11 convenient for the purposes of this Title, and such entry shall not
12 be deemed a trespass; nor shall such entry be deemed an entry
13 under any condemnation proceedings which may be then pending.

14 The commissioner shall make reimbursement for any actual
15 damages resulting to such lands, waters and premises as a result
16 of such activities; and

17 h. Enter into cooperative agreements with any State
18 department, agency or authority or any county or municipality
19 enabling the State to negotiate for and condemn lands and also
20 provide relocation services and payments deemed necessary for
21 the effectuation of State or Federally financed State Aid
22 Transportation and related Programs.

23 i. Enter into agreements with the New Jersey Turnpike
24 Authority with respect to the funding of the resurfacing,
25 restoring, rehabilitation and reconstructing of the I-95 extension
26 of the New Jersey Turnpike through the allocation of monies
27 apportioned by the United States Department of Transportation
28 pursuant to 23 U.S.C. §119 or a successor program. Any such
29 agreement shall be subject to the continued eligibility of the I-95
30 extension for federal aid, the availability of funds appropriated
31 by Congress and the appropriation of funds by the Legislature for
32 that purpose. No such agreement shall constitute a debt or
33 liability of the State within the meaning of any constitutional or
34 statutory limitation nor shall any such agreement constitute a
35 pledge or either the faith and credit or the taxing power of the
36 State.

37 [i.] j. Do whatever may be necessary or desirable to effectuate
38 the purposes of this Title.

39 (cf: P.L.1972, c.56, s.1)

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

42 1. Turnpike projects. In order to facilitate vehicular traffic
43 and remove the present handicaps and hazards on the congested
44 highways in the State, and to provide for the acquisition and
45 construction of modern express highways embodying every known
46 safety device including center divisions, ample shoulder widths,
47 [longsight] long sight distances, multiple lanes in each direction
48 and grade separations at all intersections with other highways and

1 railroads, the New Jersey Turnpike Authority (hereinafter
2 created) is hereby authorized and empowered to acquire,
3 construct, maintain, repair and operate turnpike projects (as
4 hereinafter defined) or any part thereof at such locations as shall
5 be established by law, and to issue turnpike revenue bonds of the
6 Authority, payable solely from tolls, other revenues, and proceeds
7 of such bonds to finance such projects.

8 (cf: P.L.1950, c.1, s.2)

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

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

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

44 (C) The Governor shall designate one of the members of the
45 authority as chairman thereof and another member as vice
46 chairman thereof. The chairman and vice chairman of the
47 authority so designated shall serve as such at the pleasure of the
48 Governor and until their respective successors have been

1 designated. The authority shall elect a secretary and a treasurer
2 who need not be members. At the option of the authority the
3 same person may be elected to serve both as secretary and
4 treasurer. Four members of the authority shall constitute a
5 quorum and the vote of four members shall be necessary for any
6 action taken by the authority. No vacancy in the membership of
7 the authority shall impair the right of a quorum to exercise all
8 the rights and perform all the duties of the authority.

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

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

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

1 authority at any time outstanding, and nothing in, or done
2 pursuant to, this subsection (F) shall in any way limit, restrict or
3 alter the obligation or powers of the authority or any
4 representative or officer of the authority to carry out and
5 perform in every detail each and every covenant, agreement or
6 contract at any time made or entered into by or on behalf of the
7 authority with respect to its bonds or for the benefit, protection
8 or security of the holders thereof.

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

16 (cf: P.L.1988, c.177, s.8)

17 5. Section 4 of P.L.1948, c.454 (C.27:23-4) is amended to read
18 as follows:

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

22 (a) The word "authority" shall mean the New Jersey Turnpike
23 Authority, created by section 3 of this act, or, if said authority
24 shall be abolished, the board, body or commission succeeding to
25 the principal functions thereof or to whom the powers given by
26 this act to the authority shall be given by law.

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

42 (c) The word "bonds" or the words "turnpike revenue bonds"
43 shall mean bonds of the authority authorized under the provisions
44 of this act.

45 (d) The word "public highways" shall include all public
46 highways, roads and streets in the State, whether maintained by
47 the State or by any county, city, borough, town, township, village,
48 or other political subdivision.

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

6 (cf: P.L.1969, c.197, s.1)

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

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

12 (a) To adopt bylaws for the regulation of its affairs and the
13 conduct 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
16 State as it may designate;

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

18 (e) To acquire, construct, maintain, repair and operate
19 turnpike projects or any part thereof at such locations as shall be
20 established by law;

21 (f) To issue turnpike revenue bonds of the authority, for any of
22 its corporate purposes, payable solely from the tolls, other
23 revenues and proceeds of such bonds, and to refund its bonds, all
24 as provided in this act;

25 (g) In the exercise of any of its powers, to fix and revise from
26 time to time and charge and collect tolls for transit over each
27 turnpike project or any part thereof constructed or acquired by it;

28 (h) To establish rules and regulations for the use of any project;

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
31 this 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
34 may deem proper, or by the exercise of the power of eminent
35 domain except as against the State of New Jersey, any land and
36 other property which it may determine is reasonably necessary
37 for any turnpike project or feeder road or for the relocation or
38 reconstruction of any highway by the authority under the
39 provisions of this act or for the construction of any feeder road,
40 which the authority is or may be authorized to construct and any
41 and all rights, title and interest in such land and other property,
42 including public lands, parks, playgrounds, reservations, highways
43 or parkways, owned by or in which the State of New Jersey or any
44 county, city, borough, town, township, village, or other political
45 subdivision of the State of New Jersey has any right, title or
46 interest, or parts thereof or rights therein and any fee simple
47 absolute or any lesser interest in private property, and any fee
48 simple absolute in, easements upon, or the benefit of restrictions

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

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

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

1 funds under the laws of this State. Said trust fund shall be held
2 solely to secure and may be applied to the payment of just
3 compensation for the land or other property described in such
4 declarations of taking. The authority shall be entitled to
5 withdraw from said trust fund from time to time so much as may
6 then be in excess of twice the aggregate of the amount deposited
7 with the Clerk of the Superior Court, as estimated compensation
8 for all property described in declarations of taking with respect
9 to which the compensation has not been finally determined and
10 paid to the persons entitled thereto or into court.

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

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

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

25 Whenever under [chapter one of Title 20 of the Revised
26 Statutes] the "Eminent Domain Act of 1971" the amount of the
27 award may be paid into court, payment may be made into the
28 Superior Court and may be distributed according to law. The
29 authority shall not abandon any condemnation proceeding
30 subsequent to the date upon which it has taken possession of the
31 land or property as herein provided;

32 (k) To designate the locations, and establish, limit and control
33 such points of ingress to and egress from each turnpike project as
34 may be necessary or desirable in the judgment of the authority to
35 insure the proper operation and maintenance of such project, and
36 to prohibit entrance to such project from any point or points not
37 so designated;

38 (l) To make and enter into all contracts and agreements
39 necessary or incidental to the performance of its duties and the
40 execution of its powers under this act, including agreements with
41 the Department of Transportation with respect to the funding of
42 the resurfacing, restoring, rehabilitation and reconstruction of
43 the I-95 extension of the New Jersey Turnpike through the
44 allocation of monies apportioned by the United States
45 Department of Transportation pursuant to 23 U.S.C. §119 or a
46 successor program. Any such agreement shall be subject to the
47 continued eligibility of the I-95 extension for federal aid, the
48 availability of funds appropriated by Congress and the

1 appropriation of funds by the Legislature for that purpose. No
2 such agreement shall constitute a debt or liability of the State
3 within the meaning of any constitutional or statutory limitation
4 nor shall any such agreement constitute a pledge of either the
5 faith and credit or the taxing power of the State. Funds payable
6 or paid to the authority pursuant to any such agreement shall not
7 be pledged as security for any indebtedness of the authority;

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

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

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

26 (cf: P.L.1984, c.73, s.41)

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

29 2. The New Jersey Turnpike Authority is authorized to
30 acquire, construct, repair and maintain any feeder road which in
31 the opinion of the said Turnpike Authority will increase the use of
32 a turnpike project to which the said road is a feeder.

33 (cf: P.L.1949, c.40, s.2)

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

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

44 (cf: P.L.1949, c.40, s.6)

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

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

1 a. To pay or make any advance or contribution to the United
2 States Government or the State of New Jersey or any agency
3 thereof for the purpose of paying the State's share or any portion
4 thereof under the federal aid highway laws of the cost of
5 construction of any highway improvement determined by the
6 authority to be a major improvement necessary to restore or
7 prevent physical damage to the turnpike project or any feeder
8 roads, for the safe or efficient operation of such project, or to
9 prevent loss of revenues therefrom.

10 b. Subject to the rights and security interests of the holders
11 from time to time of bonds or notes heretofore or hereafter
12 issued by the New Jersey Turnpike Authority, to enter into
13 contracts with the State or the New Jersey Transportation Trust
14 Fund Authority established by section 4 of the "New Jersey
15 Transportation Trust Fund Authority Act of 1984," P.L.1984, c.73
16 (C.27:1B-4), providing for the payment from the revenues of the
17 New Jersey Turnpike Authority to the State or to the New Jersey
18 Transportation Trust Fund Authority of the amount or amounts of
19 revenues that may be set forth in or determined in accordance
20 with the contracts. Any contracts authorized pursuant to this
21 section may include conditions and covenants necessary and
22 desirable to facilitate the issuance and sale of bonds, notes and
23 other obligations of the New Jersey Transportation Trust Fund
24 Authority. Any agreements entered into between the State and
25 the Turnpike Authority pursuant to this subsection shall
26 terminate upon the effective date of any agreement entered into
27 between the Turnpike Authority and the New Jersey
28 Transportation Trust Fund Authority providing for the payment of
29 revenues of the Turnpike Authority directly from the Turnpike
30 Authority to the New Jersey Transportation Trust Fund Authority.
31 (cf: P.L.1984, c.73, s.30)

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

34 2. The authority shall not engage in the acquisition,
35 construction or operation of any facility or activity not directly
36 related to the use of a turnpike project except as may be
37 specially authorized by law.
38 (cf: P.L.1969, c.197, s.2)

39 11. Section 7 of P.L.1948, c.454 (C.27:23-7) is amended to
40 read as follows:

41 7. The authority is hereby authorized to provide by
42 resolution, at one time or from time to time, for the issuance of
43 bonds of the authority for any of its corporate purposes, including
44 the refunding of its bonds. The principal of and the interest on
45 any issue of such bonds shall be payable solely from and may be
46 secured by a pledge of tolls and other revenues of all or any part
47 of the turnpike project financed in whole or in part with the
48 proceeds of such issue or with the proceeds of bonds refunded or

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

47 The proceeds of the bonds of each issue shall be disbursed in
48 such manner and under such restrictions, if any, as the authority

1 may provide in the resolution authorizing the issuance of such
2 bonds or in the trust agreement hereinafter mentioned securing
3 the same.

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

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

28 (cf: P.L.1966, c.8, s.2)

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

31 8. Trust agreement. In the discretion of the Authority any
32 bonds issued under the provisions of this act may be secured by a
33 trust agreement by and between the Authority and a corporate
34 trustee, which may be any trust company or bank having the
35 powers of a trust company within or without the State. Such
36 trust agreement or the resolution providing for the issuance of
37 such bonds (subject to the provisions of section seven of this act)
38 may pledge or assign tolls or other revenues to which the
39 Authority's right then exists or may thereafter come into
40 existence, and the moneys derived therefrom, and the proceeds of
41 such bonds, but shall not convey or mortgage any turnpike project
42 or any part thereof. Such trust agreement or resolution providing
43 for the issuance of such bonds may contain such provisions for
44 protecting and enforcing the rights and remedies of the
45 bondholders as may be reasonable and proper and not in violation
46 of law, including covenants setting forth the duties of the
47 Authority in relation to the acquisition of property and the
48 acquisition, construction, improvement, maintenance, repair,

1 operation and insurance of the turnpike project or projects or any
2 part thereof, the rates of tolls and revenues to be charged, the
3 payment, security or redemption of bonds, and the custody,
4 safeguarding and application of all moneys, and provisions for the
5 employment of consulting engineers in connection with the
6 acquisition, construction or operation of such turnpike project or
7 projects or any part thereof. It shall be lawful for any bank or
8 trust company incorporated under the laws of the State which
9 may act as depository of the proceeds of bonds or of revenues to
10 furnish such indemnifying bonds or to pledge such securities as
11 may be required by the Authority. Any such trust agreement or
12 resolution may set forth the rights and remedies of the
13 bondholders and of the trustee, and may restrict the individual
14 rights of action by bondholders. In addition to the foregoing, any
15 such trust agreement or resolution may contain such other
16 provisions as the Authority may deem reasonable and proper for
17 the security of the bondholders. All expenses incurred in carrying
18 out the provisions of such trust agreement may be treated as a
19 part of the cost of the operation of the turnpike project or
20 projects.

21 Any pledge of tolls or other revenues or other moneys made by
22 the Authority shall be valid and binding from the time when the
23 pledge is made; the tolls or other revenues or other moneys so
24 pledged and thereafter received by the Authority shall
25 immediately be subject to the lien of such pledge without any
26 physical delivery thereof or further act, and the lien of any such
27 pledge shall be valid and binding as against all parties having
28 claims of any kind in tort, contract or otherwise against the
29 Authority, irrespective of whether such parties have notice
30 thereof. Neither the resolution nor any trust agreement by which
31 a pledge is created need be filed or recorded except in the
32 records of the Authority.

33 (cf: P.L.1948, c.454, s.8)

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

36 9. Revenues. (A) The authority is hereby authorized to fix,
37 revise, charge and collect tolls for the use of each turnpike
38 project and the different parts or sections thereof, and to
39 contract with any person, partnership, association or corporation
40 desiring the use of any part thereof, including the right-of-way
41 adjoining the paved portion, for placing thereon telephone,
42 telegraph, electric light or power lines, gas stations, garages,
43 stores, hotels, and restaurants, or for any other purpose, except
44 for tracks for railroad or railway use, and to fix the terms,
45 conditions, rents and rates of charges for such use; provided, that
46 a sufficient number of gas stations may be authorized to be
47 established in each service area along any such highway to permit
48 reasonable competition by private business in the public interest;

1 and provided further, that no contract shall be required, and no
2 rent, fee or other charge of any kind shall be imposed for the use
3 and occupation of any turnpike project for the installation,
4 construction, use, operation, maintenance, repair, renewal,
5 relocation or removal of tracks, pipes, mains, conduits, cables,
6 wires, towers, poles or other equipment or appliances in, on,
7 along, over or under any such turnpike project by any public
8 utility as defined in R.S.27:7-1, which is subject to taxation
9 pursuant to either [chapter 4 of the laws of 1940, as amended
10 (R.S. § 54:31-15.14 et seq.) or chapter 5 of the laws of 1940, as
11 amended (R.S. § 54:31-45 et seq.)] P.L.1940, c.4 (C.54:31-15.14
12 et seq.) or P.L.1940, c.5 (C.54:31-45 et seq.), or pursuant to any
13 other law imposing a tax for the privilege of using the public
14 streets, highways, roads or other public places in this State. Such
15 tolls shall be so fixed and adjusted as to carry out and perform
16 the terms and provisions of any contract with or for the benefit
17 of bondholders. Such tolls shall not be subject to supervision or
18 regulation by any other commission, board, bureau or agency of
19 the State. The use and disposition of tolls and revenues shall be
20 subject to the provisions of the resolution authorizing the
21 issuance of such bonds or of the trust agreement securing the
22 same.

23 (B) At any time that tolls are not required for the purpose of
24 carrying out and performing the terms and provisions of any
25 contract with or for the benefit of bondholders, the authority
26 shall cause tolls for the use of the turnpike projects to be charged
27 and collected at the same rates as were last charged and
28 collected by the authority under the provisions of subsection (A)
29 hereof and no change or revision shall be made in such rates,
30 except as shall be specifically authorized by law.

31 (C) All revenues and other funds of the authority not pledged
32 or otherwise required to pay or secure the payment of principal
33 and interest on any indebtedness of the authority existing from
34 time to time under, and not otherwise required for the purpose
35 of, this act and not pledged under a contract providing for
36 payment of funds to the State or New Jersey Transportation
37 Trust Fund Authority created pursuant to P.L.1984, c.73
38 (C.27:1B-1 et seq.) shall be applied to the authority's corporate
39 purposes or as hereafter provided by law [deposited to the credit
40 of the State in such depositories and shall be reported to the
41 State Treasurer and to the Director of the Division of Budget and
42 Accounting at such times and in such manner as shall be
43 designated and prescribed by the State Treasurer and said
44 director. The requirement of this paragraph shall be deemed to
45 be satisfied during any period the New Jersey Turnpike Authority
46 shall have a contract providing for payment of funds to the State
47 or New Jersey Transportation Trust Fund Authority created
48 pursuant to P.L.1984, c.73 (C.27:1B-1 et seq.), and no payment in

1 addition to that required by the contract or any amendment
2 thereto shall be payable pursuant to this paragraph.

3 (cf: P.L.1984, c.73, s.31)

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

6 14. Miscellaneous. Each turnpike project when constructed
7 and opened to traffic shall be maintained and kept in good
8 condition and repair by the Authority. Each such project shall
9 also be policed and operated by such force of police, [poll-takers]
10 toll-takers and other operating employees as the Authority may
11 in its discretion employ.

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

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

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

43 (cf: P.L.1948, c.454, s.14)

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

46 15. Refunding bonds. The Authority is hereby authorized to
47 provide by resolution for the issuance of refunding bonds of the
48 Authority for the purpose of refunding any bonds then outstanding

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

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

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

23 1. No vehicle shall be permitted to make use of any turnpike
24 project or part thereof operated by the New Jersey Turnpike
25 Authority created pursuant to [the provisions of chapter four
26 hundred fifty-four of the laws of one thousand nine hundred and
27 forty-eight] P.L.1948, c.454 (C.27:23-1 et seq.) (hereinafter
28 called the "Authority") except upon the payment of such tolls, if
29 any, as may from time to time be prescribed by the Authority. It
30 is hereby declared to be unlawful for any person to refuse to pay,
31 or to evade or to attempt to evade the payment of such tolls.

32 (cf: P.L.1951, c.264, s.1)

33 17. (New section) a. The New Jersey Turnpike Authority is
34 authorized and directed to acquire, maintain, repair and operate
35 a project addition and extension to the New Jersey Turnpike
36 consisting of a 4.3 mile section of high-speed limited access
37 highway beginning at the existing northern terminus of the New
38 Jersey Turnpike and thence northerly to the George Washington
39 Bridge. The authority is authorized to operate this project
40 addition and extension without collecting tolls for the use thereof.

41 b. The State shall sell, convey and transfer to the authority all
42 rights of way, property and other rights with respect to the
43 project addition and extension in consideration therefor for the
44 sum of \$400,000,000. The State shall deposit that sum in the
45 General Fund.

46 c. The State shall defend, indemnify, and hold harmless the
47 authority against any claims, causes of action, demands, costs or
48 judgments arising out of the ownership or condition of the I-95

1 Extension at any time before the acquisition by the authority of
2 the I-95 Extension, including, but not limited to, all claims,
3 causes of action, demands, costs or judgments (1) arising out of
4 the State's negligent performance of any service, action or
5 operation pertaining to the I-95 Extension; (2) arising out of the
6 State's violation of any federal or State law or regulation
7 pertaining to the I-95 Extension, including the State's violation
8 of any common or statutory law of New Jersey or the United
9 States with respect to the contamination of the environment by
10 hazardous substances; and (3) arising out of any occupation by the
11 I-95 Extension of riparian lands in which the State claims an
12 interest. In no event shall the State be liable to pay any damages
13 for which it has no liability under the "New Jersey Tort Claims
14 Act," (N.J.S.59:1-1 et seq.), or the "New Jersey Contractual
15 Liability Act," (N.J.S.59:13-1 et seq.).

16 d. The authority shall defend, indemnify, and hold harmless the
17 State against any claims, causes of action, demands, costs or
18 judgments arising out of the ownership or condition of the I-95
19 Extension at any time after the acquisition by the authority of
20 the I-95 extension, including, but not limited to, all claims,
21 causes of action, demands, costs or judgments (1) arising out of
22 the authority's negligent performance of any service, action or
23 operation pertaining to the I-95 Extension; and (2) arising out of
24 the authority's violation of any federal or State law or regulation
25 pertaining to the I-95 Extension, including the authority's
26 violation of any common or statutory law of New Jersey or the
27 United States with respect to the contamination of the
28 environment by hazardous substances. In no event shall the
29 authority be liable to pay any damages for which it has no
30 liability under the "New Jersey Tort Claims Act," (N.J.S.59:1-1
31 et seq.).

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

40 19. This act shall take effect immediately.

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STATEMENT

This bill would authorize the New Jersey Turnpike Authority to
acquire and operate an extension to the New Jersey Turnpike
consisting of the 4.3 mile section of Interstate Highway Route 95
between the existing northern terminus of the turnpike and the

1 George Washington Bridge. The bill also authorizes the turnpike
2 authority and the Department of Transportation to enter into
3 agreements concerning the funding of the resurfacing, restoring,
4 rehabilitation and reconstruction of the 4.3 mile segment. In
5 addition, the bill amends the turnpike authority's enabling law to
6 permit the turnpike authority to acquire feeder roads.

7 Finally, the bill provides that any revenues or other funds of
8 the turnpike authority not required to secure the turnpike
9 authority's outstanding indebtedness or for payment to the New
10 Jersey Transportation Trust Fund Authority shall be applied to
11 the turnpike authority's corporate purposes. Current law
12 provides that these revenues go to the credit of the State, but
13 that requirement is deemed satisfied by the turnpike authority's
14 annual payments to the New Jersey Transportation Trust Fund.

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TRANSPORTATION AUTHORITIES

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19 Authorizes extension to New Jersey Turnpike consisting of a 4.3
20 mile segment of Interstate Highway Route 95; makes other
21 changes to turnpike authority law.

ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 3549

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 1991

The Assembly Transportation Authorities, Telecommunications and Technology Committee favorably reports Senate Bill No. 3549 (1R) with committee amendments.

The amended bill would authorize and direct the New Jersey Turnpike Authority to acquire and operate an addition and extension to the New Jersey Turnpike consisting of the 4.4 mile section of Interstate Route 95 under the jurisdiction of the New Jersey Department of Transportation between the existing northern terminus of the turnpike and the vicinity of the George Washington Bridge. This would be conveyed by the State of New Jersey to the authority for the sum of \$400 million. The project extension, to be known as the I-95 Extension, would remain forever free of toll. The bill also authorizes the authority to enter into agreements concerning the federal funding of the resurfacing, restoring or rehabilitation and reconstruction of the I-95 Extension. In addition, the bill amends the authority's enabling law to permit the authority to acquire feeder roads.

The bill provides that any revenues or other funds of the authority not required to secure the authority's outstanding indebtedness or for payment to the New Jersey Transportation Trust Fund Authority shall be applied to the authority's corporate purposes or as hereafter provided by law. Current law provides that these revenues go to the credit of the State but that requirement is deemed satisfied by the authority's annual payments to the New Jersey Transportation Trust Fund Authority. In addition, the expenses for the maintenance and operation of turnpike projects may be paid by the authority from its own funds or from other funds made available to the authority. The bill further authorizes the State and the authority, in connection with the transfer of the turnpike extension, to enter into an agreement containing provisions for defense and indemnification of the State, the authority, or both, as both parties determine.

The committee amended the bill to clarify that the I-95 Extension would remain forever free of toll.

As amended by the committee, this bill is identical to Assembly Bill No. 4896 as amended by the committee and released this date.

SENATE TRANSPORTATION AND PUBLIC UTILITIES
COMMITTEE

STATEMENT TO

SENATE, No. 3549

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 1991

The Senate Transportation and Public Utilities Committee favorably reports Senate Bill No. 3549 with committee amendments.

The amended bill would authorize and direct the New Jersey Turnpike Authority to acquire and operate an addition and extension to the New Jersey Turnpike consisting of the 4.4 mile section of Interstate Route 95 under the jurisdiction of the New Jersey Department of Transportation between the existing northern terminus of the turnpike and the vicinity of the George Washington Bridge. This would be conveyed by the State of New Jersey to the Turnpike Authority for the sum of \$400 million. No tolls would be charged by the authority on this project extension. The bill also authorizes the authority to enter into agreements concerning the Federal funding of the resurfacing, restoring or rehabilitation and reconstruction of this 4.4 mile segment. In addition, the bill amends the authority's enabling law to permit the authority to acquire feeder roads.

The bill provides that any revenues or other funds of the authority not required to secure the authority's outstanding indebtedness or for payment to the New Jersey Transportation Trust Fund Authority shall be applied to the authority's corporate purposes or as hereafter provided by law. Current law provides that these revenues go to the credit of the State but that requirement is deemed satisfied by the authority's annual payments to the New Jersey Transportation Trust Fund Authority. In addition, the expenses for the maintenance and operation of turnpike projects may be paid by the authority from its own funds or from other funds made available to the authority. The bill further authorizes the State and the authority, in connection with the transfer of the turnpike extension, to enter into an agreement containing provisions for defense and indemnification of the State, the authority, or both, as both parties determine.

The committee amended the bill to clarify various of its provisions and to require that, notwithstanding any other provision of law, no tolls be charged on the I-95 Extension authorized by the bill. Provisions were also added dealing with feeder roads, as well as permitting project expenses to be defrayed from other than turnpike authority funds. The provisions of the bill providing detailed requirements for the defense and indemnification of the State and the authority were deleted in favor of the authorizing the parties to enter into agreements, the content of which they would determine.