

27: 25A-1

LEGISLATIVE HISTORY CHECKLIST
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(South Jersey
Transportation
Authority Act)

LAWS OF: 1991

CHAPTER: 252

Bill No: S3373

Sponsor(s): Rand and others

Date Introduced: April 25, 1991

Committee: Assembly: Transportation Authorities

Senate: Transportation

Amended during passage: Yes Senate Committee Substitute (4R)
enacted

Date of Passage: Assembly: June 24, 1991

Senate: June 13, 1991

Date of Approval: August 9, 1991

Following statements are attached if available:

Sponsor statement: Yes Also attached: Senate Statement
to SCS (with floor amendments)

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

(over)

Hearings on earlier bills during previous Legislative Sessions:

- 974.90 New Jersey. Legislature. Assembly. Independent Authorities
A252 committee.
1988a Public meetings on A3184, held 11-17-88.
 Trenton, 1988.
- 974.90 New Jersey. Legislature. Senate. Transportation and
T764 Communications Committee.
1985c Public hearing on S2701, held 4-15-85, 5-21-85,
 Lindenwold, N.J. and Trenton, 1985.
- 974.90 New Jersey. Legislature. Senate. Transportation and
A252 Communications Committee.
1988b Public hearing on S7 and S2537, held 10-18-88. Trenton, 1988.

See newspaper clippings--attached:

KBG/SLJ

[FOURTH REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3373

STATE OF NEW JERSEY

ADOPTED APRIL 25, 1991

Sponsored by Senators RAND, GORMLEY, COWAN,
McMANIMON, VAN WAGNER, HAINES, McNAMARA, BROWN,
DALTON, FOY, ZANE, CAFIERO, Assemblyman SCERNI,
Assemblywoman MULLEN and Assemblyman BATTEN

1 AN ACT creating the South Jersey Transportation Authority as
2 the successor to the New Jersey Expressway Authority and the
3 Atlantic County Transportation Authority, to acquire,
4 construct, maintain, operate and support expressway and
5 transportation projects, transferring the Atlantic City
6 Expressway to the South Jersey Transportation Authority,
7 establishing the Atlantic City International Airport and related
8 facilities and activities as a transportation project, authorizing
9 certain acquisitions, supplementing Title 27 of the Revised
10 Statutes and repealing parts of the statutory law.

11
12 BE IT ENACTED *by the Senate and General Assembly of the*
13 *State of New Jersey:*

14 1. This act shall be known and may be cited as the "South
15 Jersey Transportation Authority Act."

16 2. The Legislature finds and declares that:

17 a. It is the public policy of this State to provide for the
18 coordinated development and planning of the State's
19 transportation system both on the State and regional level.
20 Through the medium of the Transportation Executive Council,
21 established by Executive Order No. 10 of 1990, the activities of
22 the various transportation related authorities are coordinated on
23 the State level. In the northern region of the State the Port
24 Authority of New York and New Jersey, the New Jersey Turnpike
25 Authority, the New Jersey Highway Authority, the Hackensack
26 Meadowlands Development Commission, the North Jersey
27 Transportation Coordinating Committee and other organizations
28 exist to provide for the support and planning of the transportation
29 system in that region.

30 In the southern region of the State
31 development, the completion of Interstate Route 476 (also known
32 as the "Blue Route") in Pennsylvania, the establishment of casino
33 gaming in Atlantic City, and other factors, have caused an
34 increase in vehicular traffic in southern New Jersey and have

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 floor amendments adopted May 20, 1991.
- 2 Senate floor amendments adopted May 20, 1991.
- 3 Assembly ATT committee amendments adopted June 17, 1991.
- 4 Assembly floor amendments adopted June 20, 1991.

1 highlighted the need for a more coordinated effort on a regional
2 basis to deal with the operation and possible extension of the
3 region's highway system, the improvement and expansion of its
4 aviation facilities, and the coordination of Atlantic County's
5 transportation system within the larger regional system.

6 c. Concomitant with the development of the transportation
7 system in southern New Jersey the need exists for the ancillary
8 establishment of economic development facilities directly related
9 to transportation projects in that region to be funded by a
10 transportation authority.

11 d. It is in the public interest to create a South Jersey
12 Transportation Authority, encompassing the counties of Atlantic,
13 Camden, Cape May, Cumberland, Gloucester and Salem, as a
14 successor to the New Jersey Expressway Authority and the
15 Atlantic County Transportation Authority, to provide more
16 coordination of the region's transportation system and to deal
17 particularly with the highway system, aviation facilities and the
18 transportation problems of Atlantic County through the
19 acquisition, construction, maintenance, operation and support of
20 expressway and transportation projects and economic
21 development facilities directly related to transportation projects
22 authorized by this act. However, the activities of a
23 transportation authority are not to supplant or replace the
24 funding of projects by the Transportation Trust Fund Authority or
25 the operation of public transportation services by the New Jersey
26 Transit Corporation.

27 3. As used in this act:

28 "Air passenger service" means any service which involves the
29 carriage of persons for compensation or hire by aircraft.

30 "Atlantic City Expressway" means the expressway project
31 known as the Atlantic City Expressway constructed by the New
32 Jersey Expressway Authority pursuant to section 40 of P.L.1962,
33 c.10 (C.27:12C-40).

34 "Atlantic City International Airport" means the airport
35 authorized by section 24 of this act.

36 "Atlantic County Transportation Authority" means the county
37 transportation authority authorized pursuant to P.L.1980, c.44
38 (C.40:35B-1 et seq.).

39 "Authority" means the South Jersey Transportation Authority
40 created by section 4 of this act.

41 "Bond" means any bond or note issued by the authority
42 pursuant to the provisions of this act or issued by or for an
43 original authority or any predecessor authority thereof, as the
44 case may be.

45 "Commissioner" means the Commissioner of Transportation.

46 "Construction" or "construct" means the planning, designing,
47 construction, reconstruction, rehabilitation, replacement, repair,
48 extension, enlargement, improvement and betterment of

1 expressway projects and transportation projects, and includes the
2 demolition, clearance and removal of buildings or structures on
3 land acquired, held, leased or used for those projects.

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

15 "County" means a county in South Jersey.

16 "Department" means the Department of Transportation.

17 "Economic development facility" means any area, place,
18 building or other improvement or structure related to, connected
19 with, or in the vicinity of, a transportation project which may
20 serve the users of that project or assist in, enhance or stimulate
21 its operation or development.

22 "Expressway project" means the acquisition, construction and
23 maintenance of the Atlantic City Expressway as transferred to
24 the authority pursuant to this act and of any express highway,
25 super highway or motorway at the locations and between the
26 termini as may hereafter be established by law and acquired or to
27 be acquired or constructed or to be constructed under the
28 provisions of this act by the authority, over which abutters have
29 no easements or rights of light, air or direct access by reason of
30 the fact that their properties abut thereon, and shall include but
31 not be limited to all bridges, parking facilities, tunnels,
32 overpasses, underpasses, interchanges, traffic circles, grade
33 separations, entrance plazas, approaches, toll houses, service
34 areas, stations and facilities, communications, facilities,
35 administration, storage and other buildings, and other structures
36 related to the use of the express highway, superhighway or
37 motorway, intersecting highways and bridges and feeder roads
38 which the authority may deem necessary or desirable for the
39 operation of the project, together with all property rights,
40 easements and interests which may be acquired by the authority
41 for the construction or the operation of the project, and includes
42 any planning necessary for the execution of any expressway
43 project.

44 "Feeder road" means any road which in the determination of
45 the authority is necessary to create or facilitate access to a
46 project and is not more than five miles in length from the point
47 of its connection with the project.

48 "Land and improvements" means any area or lands, any

1 interest, right or title in land, including but not limited to, any
2 reversionary right, and any real or personal property, structure,
3 facility, building or equipment.

4 "Marine passenger service" means any service which involves
5 the carriage of persons for compensation or hire by waterborne
6 craft.

7 "Motorbus charter service" means subscription, tour and other
8 special motorbus services.

9 "Motorbus regular route service" means the operation of any
10 motorbus or motorbuses on streets, public highways or other
11 facilities, over a fixed route and between fixed termini on a
12 regular schedule for the purpose of carrying passengers, for hire
13 or otherwise, within South Jersey or between points within South
14 Jersey and points without South Jersey.

15 "Municipality" means any city, borough, village, town or
16 township in South Jersey but not a county or a school district.

17 "New Jersey Expressway Authority" means the authority
18 created pursuant to P.L.1962, c.10 (C.27:12C-1 et seq.).

19 "Original authority" means the New Jersey Expressway
20 Authority or the Atlantic County Transportation Authority.

21 "Paratransit service" means any service, other than motorbus
22 regular route service and motorbus charter service, including but
23 not limited to, dial-a-ride, non-regular route, jitney or
24 community minibus, and shared-ride services such as vanpools,
25 limousines or taxicabs which are regularly available to the
26 public. Paratransit services shall not include limousine or taxicab
27 service reserved for the private and exclusive use of individual
28 passengers.

29 "Parking facility" means any area or place, garage, building, or
30 other improvement or structure for the parking or storage of
31 motor or other vehicles, including but not limited to all real
32 property and personal property, driveways, roads and other
33 structures or areas necessary or useful or convenient for access
34 to a facility from a public street, road or highway, or from any
35 transportation project; meters, mechanical equipment necessary
36 or useful or convenient for or in connection with that parking or
37 storage; and any structures, buildings, space or accommodations,
38 whether constructed by an authority or by the lessee, to be leased
39 for any business, commercial or other use, including the sale of
40 gasoline or accessories for, or the repair or other servicing of
41 automobiles and other motor vehicles, if, in the opinion of the
42 authority, the inclusion, provision and leasing is necessary to
43 assist in defraying the expenses of the authority and make
44 possible the operation of the parking facility at reasonable rates,
45 but the authority shall not itself engage in the sale of gasoline or
46 accessories for, or in the repair or other servicing of automobiles
47 or other motor vehicles except in emergency, nor in the sale of
48 any service or commodity of trade or commerce. ⁴[3A repair and

1 maintenance facility which stores motorbuses after performing
2 repairs or maintenance shall not be deemed a parking facility if
3 the facility provides a thorough repair or maintenance program
4 consistent with generally accepted industry practices on a regular
5 basis to the motorbuses serviced at the facility. If only
6 occasional maintenance is performed on motorbuses stored at the
7 facility, the facility shall be deemed a parking facility.^{3]4}

8 "Project" means an expressway project or transportation
9 project and the costs associated therewith.

10 "Public highway" means any public highway road or street in
11 South Jersey, including federal aid highways, whether maintained
12 by the State or by a county, municipality or other governmental
13 subdivision in South Jersey.

14 "Public transportation facility" means, in connection with
15 public transportation service, passenger stations, shelters and
16 terminals, automobile and bus parking facilities, ramps, track
17 connections, signal systems, power systems, information and
18 communication systems, roadbeds, transit lanes or rights of way,
19 equipment storage and servicing facilities, bridges, grade
20 crossings, rail cars, locomotives, motorbuses and other motor
21 vehicles, maintenance and garage facilities, revenue handling
22 equipment and any other equipment, facility or property useful or
23 related to the provision of transportation service.

24 "Public transportation service" means rail passenger service,
25 motorbus regular route service, paratransit service, motorbus
26 charter service and marine passenger service.

27 "Rail passenger service" means the operation of railroad,
28 subway, or light rail systems including fixed and automated
29 guideway systems for the purpose of carrying passengers in South
30 Jersey or between points within South Jersey and points without
31 South Jersey.

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

35 "South Jersey" means the area encompassing the counties of
36 Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem.

37 "Transfer date" means, with respect to the New Jersey
38 Expressway Authority, the date on which all bonds issued by New
39 Jersey Expressway Authority cease to be outstanding within the
40 meaning of the resolutions pursuant to which those bonds were
41 issued, as certified by the trustee or trustees thereunder and,
42 with respect to the Atlantic County Transportation Authority,
43 the date on which New Jersey Economic Development Authority
44 first mortgage revenue bonds, series of 1980, dated July 1, 1980,
45 (New York Parking Associates - Parking Authority of Atlantic
46 City project) issued by the New Jersey Economic Development
47 Authority cease to be outstanding within the meaning of the
48 indenture pursuant to which those bonds were issued, as certified

1 by the trustees thereunder or the date on which the South Jersey
2 Transportation Authority certifies to the Atlantic County
3 Transportation Authority for a predecessor authority to the
4 Atlantic County Transportation Authority and the State
5 Treasurer that it assumes all debts and obligations of the Atlantic
6 County Transportation Authority.

7 "Transportation facility" means any area, place, building, or
8 other structure designed to provide rail passenger service,
9 motorbus regular route service, paratransit service, motorbus
10 charter service, air passenger and air freight service, or marine
11 passenger service, or any two or more of these services, to the
12 public, and includes passenger stations, shelters and terminals, air
13 passenger terminals, hangars, heliports, docking and launching
14 facilities, parking facilities, ramps, track connections, signal
15 systems, power systems, information and communication systems,
16 roadbeds, transit lanes or rights of way, equipment storage and
17 servicing facilities, bridges, grade crossings, rail cars,
18 locomotives, motorbus and other motor vehicles, boats, ferries
19 and other marine vehicles, aircraft, maintenance and garage
20 facilities, revenue handling equipment and any other equipment,
21 facility or property useful for or related to the provision of these
22 services;

23 "Transportation project" means the acquisition, construction,
24 and maintenance of an airport, public transportation facility or
25 other transportation facility, established by this act or which may
26 be hereafter established by law and may include related facilities
27 and activities which may consist of public transportation
28 services, public transportation facilities, including but not limited
29 to rail and bus stations and terminals, noise abatement projects,
30 parking facilities, public highways and feeder roads related to or
31 connected with the project, and any economic development
32 facilities as defined in this section. Transportation project
33 includes any planning necessary to develop a comprehensive,
34 efficient, convenient or economical transportation system in
35 South Jersey, any planning or marketing necessary or desirable
36 for the execution of any transportation project, and any planning,
37 acquisition, construction or operation of economic development
38 facilities related to, connected with, or in the vicinity of the
39 project.

40 "Transportation system" means public highways, expressway
41 projects, transportation projects, and all other methods of
42 transportation for the movement of people and goods in South
43 Jersey.

44 "Transportation Trust Fund Authority" means the New Jersey
45 Transportation Trust Fund Authority established by section 4 of
46 P.L.1984, c.73 (C.27:1B-4).

47 4. There is established in the Department of Transportation a
48 public body corporate and politic, with corporate succession, to

1 be known as the "South Jersey Transportation Authority," as the
2 successor to the New Jersey Expressway Authority and the
3 Atlantic County Transportation Authority. The authority, which
4 shall be a continuance of the corporate existence of the New
5 Jersey Expressway Authority and the Atlantic County
6 Transportation Authority, shall constitute an instrumentality of
7 the State exercising public and essential governmental functions
8 to provide for the public safety, convenience, benefit and
9 welfare, and the exercise by the authority of the powers
10 conferred by this act shall be deemed and held to be an essential
11 governmental function of the State. For the purpose of
12 complying with the provisions of Article V, Section IV, paragraph
13 1 of the New Jersey Constitution, the authority is allocated
14 within the Department of Transportation, but notwithstanding
15 that allocation, the authority shall be independent of any
16 supervision or control by the department or any board or officer
17 thereof, except as may be provided in this act.

18 5. a. The authority shall consist of the Commissioner of
19 Transportation who shall be an ex officio voting member, the
20 Commissioner of Commerce, Energy and Economic Development
21 who shall be an ex officio nonvoting member, and seven members
22 appointed by the Governor with the advice and consent of the
23 Senate, six of whom are residents of South Jersey, four of whom
24 shall be residents ¹[from] of that portion of South Jersey¹ within
25 a 30 mile radius of the civil aviation terminal at the Atlantic
26 City International Airport ¹or of municipalities through which the
27 Atlantic City Expressway traverses¹ and two of whom shall be
28 residents ¹of that portion of South Jersey¹ outside of a 30 mile
29 radius of that terminal; provided that all of the appointed
30 members shall have expertise in transportation, finance, law,
31 public administration, or aviation or any other related field. Not
32 more than four of the appointed members shall be members of
33 the same political party. Each appointed member shall have been
34 a qualified voter of the State for at least one year preceding the
35 appointment.

36 b. Each ex officio member of the authority may designate an
37 employee of the member's department to represent the member
38 at meetings of the authority. The designee of the commissioner
39 may lawfully vote and otherwise act on behalf of the member.
40 The designation shall be made annually in writing and delivered to
41 the authority and shall be effective until revoked or amended by
42 written notice delivered to the authority.

43 c. Each appointed member of the authority shall serve for a
44 term of five years, except that, of those first appointed, one shall
45 serve for a term of two years, two shall serve for a term of three
46 years, two shall serve for a term of four years and two shall serve
47 for a term of five years, as the Governor may designate upon
48 appointment.

1 d. Each member appointed by the Governor shall hold office
2 for the term of appointment and until a successor is appointed
3 and qualified. A member shall be eligible for reappointment.
4 Any vacancy in the membership occurring other than by
5 expiration of term shall be filled in the same manner as the
6 original appointment but for the unexpired term only.

7 e. The Governor shall designate one of the members of the
8 authority as chairperson who shall serve as such at the pleasure
9 of the Governor. The authority, upon the first appointment of its
10 members and thereafter on or after July 1 in each year, shall
11 annually elect from among its members, including the ex officio
12 voting member, a vice-chairperson who shall hold office until
13 July 1 next ensuing and until a successor is elected. The
14 authority may also appoint and employ, without regard to the
15 provisions of Title 11A of the New Jersey Statutes, a secretary, a
16 chief financial officer, an executive director, a general counsel
17 and a chief engineer and other consulting engineers, special
18 attorneys or counsel, accountants, construction, legal and
19 financial experts, and other agents and employees as the
20 authority may require, and shall determine their qualifications,
21 terms of office, duties and compensation³, except (1) the
22 authority shall not enter into a contract of employment for the
23 position of executive director or other policy-making positions
24 for a term of employment ending later than the last day of the
25 four-year gubernatorial term in effect on the date on which the
26 contract is executed, provided the authority may continue to
27 employ, at its pleasure, the executive director or other employee
28 subject to the provisions of this paragraph after the termination
29 of an employment contract until such time as a contract of
30 employment for that position is executed and (2) those employees
31 not subject to the "New Jersey Employer-Employee Relations
32 Act," P.L.1941, c.100 (C.34:13A-1 et seq.) shall receive (a) sick
33 and vacation leave only as provided for State employees in Title
34 11A of the New Jersey Statutes and if supplemental
35 compensation upon retirement is to be paid, it shall be calculated
36 and limited as in N.J.S. 11A:6-19 and (b) health benefits no
37 greater than the level of benefits provided to state employees
38 pursuant to the "New Jersey State Health Benefits Program
39 Act," P.L.1961, c.49 (C.52:14-17.25 et seq.)³.

40 f. The powers of the authority shall be vested in the voting
41 members thereof in office from time to time; five voting
42 members of the authority shall constitute a quorum and the
43 affirmative vote of five members shall be necessary for any
44 action taken by the authority unless the bylaws of the authority
45 shall require a larger number. No vacancy in the membership of
46 the authority shall impair the right of a quorum to exercise all
47 the rights and perform all the duties of the authority.

48 g. The members of the authority shall serve without

1 compensation, but the authority may reimburse its members for
2 actual and necessary expenses incurred in the discharge of their
3 duties. Notwithstanding the provisions of any other law, no
4 member of the authority shall be deemed to have forfeited nor
5 shall forfeit the member's office or employment or any benefits
6 or emoluments thereof by reason of the member's service as ex
7 officio member of the authority.

8 h. Each appointed member of the authority may be removed by
9 the Governor for cause after a public hearing and may be
10 suspended by the Governor pending the completion of the
11 hearing. Each member of the authority before entering upon the
12 duties of office shall take and subscribe an oath to perform the
13 duties of the office faithfully, impartially and justly to the best
14 of the member's ability. A record of these oaths shall be filed in
15 the office of the Secretary of State. ³Each member of the
16 authority, the executive director and other employees as the
17 authority may require shall file annually with the Secretary of
18 State a financial disclosure statement in the manner required by
19 Executive Order No. 1 of 1990.³

20 i. The authority may be dissolved by act of the Legislature on
21 condition that the authority has no debts or obligations
22 outstanding or provision has been made for the payment,
23 retirement, termination or assumption of its debts and
24 obligations. Upon dissolution of the authority all property, funds
25 and assets thereof shall be vested in the State.

26 6. a. Until the transfer date, the authority shall not exercise
27 any powers, rights or duties conferred by this act in any way
28 which will interfere with the powers, rights and duties of each
29 original authority. The authority and each original authority are
30 directed to cooperate with each other so that the transfer date
31 shall occur as soon as practicable after the effective date of this
32 act, and each original authority shall make available information
33 concerning its property and assets, outstanding bonds and other
34 debts, obligations, liabilities and contracts, its operations and
35 finances as the authority may require to provide for the refunding
36 of any outstanding bonds or notes of the original authorities and
37 the efficient exercise by the authority of all powers, rights and
38 duties conferred upon it by this act from and after the transfer
39 date.

40 b. On the transfer date of each original authority:

41 (1) The South Jersey Transportation Authority shall become
42 the successor to the original authority and the powers, rights and
43 duties of the original authority to the extent provided by this act
44 shall then and thereafter be vested in and shall be exercised by
45 the authority.

46 (2) The terms of office of the members of each original
47 authority shall terminate, the officers having custody of the
48 funds of the original authority shall deliver those funds into the

1 custody of the chief financial officer of the authority, the
2 property and assets of the original authority shall, without
3 further act or deed, become the property and assets of the
4 authority, and the original authority shall cease to exist.

5 (3) The officers and employees of the original authority are
6 transferred to the authority and shall become employees of the
7 authority until determined otherwise by the authority.

8 Nothing in this act shall be construed to deprive any officers or
9 employees of their rights, privileges, obligations or status with
10 respect to any pension or retirement system. The employees
11 shall retain all of their rights and benefits under existing
12 collective bargaining agreements or contracts until such time as
13 new or revised agreements or contracts are agreed to or these
14 agreements or contracts shall expire. All existing bargaining
15 agents shall be retained to act on behalf of those employees until
16 such time as the employees shall, pursuant to law, elect to
17 change those agents.

18 Nothing in this act shall affect the civil service status, if any,
19 of those officers or employees. The provisions of this paragraph
20 shall not apply to any officer or employee appointed or employed,
21 or any collective bargaining agreement entered into, on or after
22 the date of enactment of this act. Nothing in this act shall be
23 construed as providing for the permanent tenure of officers or
24 employees who were granted this tenure by the original
25 authorities and no officer or employee transferred pursuant to
26 this section shall be deemed to receive or enjoy permanent tenure
27 with the authority by virtue of any action of the original
28 authorities, nor shall the authority grant this tenure to any
29 officer or employee of the authority on or after the transfer date.

30 (4) The persons appointed and serving as executive directors of
31 each original authority on the transfer date shall be appointed to
32 positions in the authority without diminution in compensation and
33 shall serve in those positions during the valid continuance or
34 duration of their contracts of employment with the original
35 authority, except that the executive directors may resign or
36 otherwise cease to serve or be removed from office in
37 accordance with the valid terms and conditions of their contracts.

38 (5) All debts, liabilities, obligations and contracts of the
39 original authorities, except to the extent specifically provided or
40 established to the contrary in this act, are imposed upon the
41 authority, and all creditors of the original authorities and persons
42 having claims against or contracts with the original authorities of
43 any kind or character may enforce those debts, claims and
44 contracts against the authority as successor to the original
45 authorities in the same manner as they might have had against
46 the original authorities, and the rights and remedies of those
47 holders, creditors and persons having claims against or contracts
48 with the original authorities shall not be limited or restricted in

1 any manner by this act. Notwithstanding the provisions of any
2 law to the contrary, the right, title and interest of Atlantic
3 County in any property of the Atlantic County Transportation
4 Authority or the authority, shall be extinguished on the transfer
5 date.

6 (6) In continuing the functions, contracts, obligations and
7 duties of the original authorities, the authority is authorized to
8 act in its own name or in the name of the original authorities as
9 may be convenient or advisable under the circumstances from
10 time to time.

11 (7) Any references to the original authorities in any other law
12 or regulation shall be deemed to refer and apply to the authority.

13 (8) All rules and regulations of the original authorities shall
14 continue in effect as the rules and regulations of the authority
15 until amended, supplemented or rescinded by the authority in
16 accordance with law.

17 (9) All operations of an original authority shall continue as
18 operations of the authority until altered by the authority as may
19 be permitted pursuant to this act.

20 (10) The powers vested in the authority by this act shall be
21 construed as being in addition to and not in diminution of, the
22 powers heretofore vested by law in an original authority to the
23 extent not otherwise altered or provided for in this act.

24 c. In the event that the transfer date shall not be the same for
25 the New Jersey Expressway Authority and the Atlantic County
26 Transportation Authority, the provisions of this section shall
27 apply to the New Jersey Expressway Authority or the Atlantic
28 County Transportation Authority on their respective transfer
29 dates, as the case may be.

30 ³d. As soon as practicable after the transfer date or dates, as
31 the case may be, the authority shall notify the Governor, the
32 presiding officers of each house of the Legislature, and the
33 director of the Federal Aviation Administration Technical Center
34 that the transfer has occurred, the date of the transfer and any
35 other information concerning the transfer the authority deems
36 appropriate.³

37 7. The authority shall have the following powers:

38 a. To adopt bylaws for the regulation of its affairs and the
39 conduct of its business;

40 b. To adopt an official common seal and alter it at its pleasure;

41 c. To maintain an office at a place or places within the State
42 as it may designate;

43 d. To sue and be sued in its own name;

44 e. To acquire, construct, maintain, operate and support
45 projects;

46 f. To assist in planning for the development of the
47 transportation system in South Jersey, in conjunction with
48 federal, State, local, and other public entities, as appropriate;

- 1 g. To acquire, construct, maintain, and operate feeder roads;
- 2 h. To issue bonds or notes of the authority for the purposes of
3 this act and to provide for the rights of the holders thereof as
4 provided in this act;
- 5 i. In the exercise of any of its powers, to fix and revise from
6 time to time and charge and collect tolls, fares, passenger
7 facility charges or other charges for transit over or use of any
8 project of the authority, including but not limited to any reduced
9 fare or charge programs as deemed appropriate by the authority;
10 and to determine levels of service to be provided by the authority
11 either directly or by contract. Any revenues collected shall be
12 available to the authority for use in furtherance of any of the
13 purposes of this act;
- 14 j. To set and collect rents, fees, charges or other payments for
15 the lease, use, occupancy or disposition of properties owned or
16 leased by the authority. Any revenues collected shall be
17 available to the authority for use in furtherance of any of the
18 purposes of this act;
- 19 k. To enter into contracts with any public or private entity to
20 operate motorbus regular route service, motorbus charter
21 service, marine passenger service, rail passenger service, and air
22 passenger service or portions or functions thereof; however, these
23 contracts shall not supplant any services operated pursuant to the
24 "New Jersey Public Transportation Act of 1979," P.L.1979, c.150
25 (C.27:25-1 et seq.);
- 26 l. To acquire, lease as lessee or lessor, own, rent, use, hold and
27 dispose of real property and personal property or any interest
28 therein, in the exercise of its powers and the performance of its
29 duties under this act;
- 30 m. To acquire in the name of the authority by purchase, gift or
31 otherwise, on terms and conditions and in a manner as the
32 authority may deem proper, or by the exercise of the power of
33 eminent domain ³except as against the State of New Jersey³, any
34 land and other property which the authority may determine is
35 necessary for any project or for the relocation or reconstruction
36 of any public highway by the authority under the provisions of
37 this act or the construction of any feeder road which the
38 authority is or may be authorized to construct and any and all
39 rights, title and interest in that land and other property, including
40 public lands, parks, playgrounds, reservations, highways or
41 parkways owned by or in which ³the State of New Jersey or³ any
42 county, municipality or other governmental subdivision of South
43 Jersey or any other federal, State or local government entity has
44 any right, title or interest, or parts thereof or rights therein, and
45 any fee simple absolute or any lesser interest in private property,
46 and any fee simple absolute in, easements upon, or the benefit of
47 restrictions upon abutting property to preserve and protect
48 projects;

1 n. To grant by franchise, lease or otherwise, the use of any
2 project, facility or property owned and controlled by the
3 authority to any person for the consideration and for the period
4 or periods of time and upon terms and conditions as are agreed
5 upon, including but not limited to, the condition that the lessee
6 may construct or provide any buildings or structures for the
7 project facility or property or portions thereof;

8 o. To locate and designate, and to establish, limit and control
9 points of ingress to and egress from each project as may be
10 necessary or desirable in the judgment of the authority to insure
11 the proper operation and maintenance of that project and to
12 prohibit entrance to a project from any point or points not so
13 designated;

14 p. Subject to the limitations of this act, to acquire, construct,
15 maintain, or operate any public highway connecting with any one
16 or more projects which in the opinion of the authority will
17 increase the use of a project or projects, to take over for
18 construction, maintenance or operation any existing public
19 highway as a feeder road and to realign any existing public
20 highway and build additional sections of road over new alignment
21 in connection with that existing public highway;

22 q. To establish rules and regulations pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.) as are necessary for the management and regulation of its
25 affairs, the use, maintenance and operation of the transportation
26 system, any project, the properties of the authority and the
27 provision of paratransit services to and from any transportation
28 project and to establish a plan for the management, control and
29 regulation of motorbus regular route and motorbus charter
30 services, except for those services which are operated pursuant
31 to the "New Jersey Public Transportation Act of 1979," P.L.1979,
32 c.150 (C.27:25-1 et seq.);

33 r. To apply for, receive and accept from any federal agency,
34 any bi-State agency, or the State and any subdivision thereof,
35 subject to the approval of the commissioner, grants for or in aid
36 of the planning, acquisition or construction of any project, and to
37 receive and accept aid or contributions from any other public or
38 private source, of either money, property, labor or other things of
39 value, to be held, used and applied only for the purposes for which
40 those grants and contributions may be made;

41 s. Subject to the limitations of this act, to determine the
42 location, type and character of any project and all other matters
43 in connection with the project;

44 t. Subject to the rights and security interests of the holders
45 from time to time of bonds or notes issued by the authority, to
46 enter into contracts with the State or the department or the
47 Transportation Trust Fund Authority, providing for the payment
48 from the revenues of the authority to the State or to the

1 Transportation Trust Fund Authority of the amount or amounts of
2 revenues that may be set forth in or determined in accordance
3 with the contracts, provided, that the payments shall be used
4 solely for financing projects in South Jersey, including the
5 payment of principal and interest on any bonds, notes or other
6 obligations issued or entered into by the Transportation Trust
7 Fund Authority, the proceeds of which shall be allocated by the
8 Transportation Trust Fund Authority to projects within South
9 Jersey; any contracts authorized pursuant to this subsection may
10 include conditions and covenants necessary and desirable to
11 facilitate the issuance and sale of bonds, notes and other
12 obligations of the Transportation Trust Fund Authority;

13 u. To enter into contracts or agreements with any entity for
14 the entity to issue bonds or notes on behalf of the authority and
15 to make payments to the entity to secure those bonds or notes;

16 v. To establish any reserves, funds or accounts as may be
17 deemed necessary by the authority and to deposit authority
18 revenues in interest bearing accounts or in the State of New
19 Jersey Cash Management Fund established pursuant to section 1
20 of P.L.1977 c.281 (C.52:18A-90.4);

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

32 x. To enter into any and all agreements or contracts, execute
33 any and all instruments, and do and perform any and all acts or
34 things necessary, convenient or desirable for the purposes of the
35 authority or to carry out any power expressly given in this act.

36 8. a. All purchases, contracts or agreements made pursuant to
37 this act shall be made or awarded directly by the authority,
38 except as otherwise provided in this act, only after public
39 advertisement for bids therefor in the manner provided by the
40 authority and notwithstanding the provisions of any other laws to
41 the contrary.

42 b. Any purchase, contract or agreement may be made,
43 negotiated or awarded by the authority without public bid or
44 advertising under the following circumstances:

45 (1) When the aggregate amount involved does not exceed the
46 amount set forth in, or the amount calculated by the Governor
47 pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);

48 (2) To acquire subject matter which is described in section 4 of

1 P.L.1954, c.48 (C.52:34-9);

2 (3) To make a purchase or award or make a contract or
3 agreement under the circumstances described in section 5 of
4 P.L.1954, c.48 (C.52:34-10);

5 (4) When the contract to be entered into is for the furnishing
6 or performing services of a professional or technical nature or for
7 the supplying of any product or the rendering of any service by a
8 public utility;

9 (5) When the authority deems it appropriate to have any work
10 performed by its own employees;

11 (6) When the authority has advertised for bids on two occasions
12 and has received no bids on both occasions in response to its
13 advertisement, or received no responsive bids. Any purchase,
14 contract or agreement may then be negotiated and may be
15 awarded to any contractor or supplier determined to be
16 responsible except that the terms conditions, restrictions and
17 specifications set forth in the negotiated contract or agreement
18 are not substantially different from those which were the subject
19 of competitive bidding;

20 (7) When a piece of equipment or part thereof requires
21 diagnostic repairs;

22 (8) The printing of bonds and documents necessary to the
23 issuance and sale thereof; and

24 (9) To contract pursuant to subsection w. of section 7 of this
25 act.

26 9. a. Upon the acquisition or operation by the authority of a
27 transportation project authorized in section 24 of this act or upon
28 the authority entering into a contract or agreement concerning
29 that project provided for in this subsection, there shall be
30 established an operating division to be known as the "airport
31 division" with the responsibility for the administration and
32 execution of the authority's powers regarding the construction,
33 maintenance, operation and support of the project. The airport
34 division shall be headed by a director with knowledge and
35 experience in aviation or aeronautics. However, the authority
36 may enter into a contract or agreement providing for the
37 construction, maintenance, operation or support of the project by
38 an entity other than the airport division or the authority. This
39 entity shall be under the supervision of the airport division, as
40 determined by the authority and in accordance with the contract
41 or agreement. In order to protect the missions of the Federal
42 Aviation Administration Technical Center and the Air National
43 Guard, the airport division or any entity acting for the division
44 shall have no supervisory powers with respect to Federal Aviation
45 Administration facilities or its lessees, unless otherwise agreed to
46 by the Federal Aviation Administration.

47 Upon the establishment of the airport division, there shall be
48 established an advisory committee to be appointed by the

1 Governor with the advice and consent of the Senate. The
2 committee shall consist of State and local government
3 representatives, and concerned citizens, in the number and for
4 terms as may be fixed by the authority, and shall advise the
5 authority and the airport division concerning the project.
6 Representatives of the Federal Aviation Administration or its
7 successor shall be invited by the authority to participate in the
8 committee, shall be notified of all meetings and may attend those
9 meetings. At least a majority of the membership of the
10 committee shall consist of residents of those municipalities,
11 including the city of Atlantic City, directly affected by the
12 operation of the airport or airports for which the airport division
13 has responsibility or supervision.

14 The Federal Aviation Administration may designate a
15 representative as a liaison to the authority and the airport
16 division concerning matters related to the Atlantic City
17 International Airport.

18 ³In operating the project the authority shall be cognizant of
19 the effects of excess aircraft noise and shall encourage efforts by
20 the Federal Aviation Administration to route flights over the
21 least populous areas of South Jersey.³

22 b. The establishment and existence of the airport division shall
23 in no way diminish or impair the rights, duties, powers,
24 responsibilities and obligations of the authority as provided in this
25 act, nor shall it restrict the authority's formation of other
26 operating divisions.

27 c. The authority may establish other operating divisions and
28 assign responsibilities to them as the authority may consider
29 necessary or appropriate, may prepare divisional or combined
30 budgets, pledge revenues of one or more divisions, may segregate
31 accounts or revenues or combine them and otherwise administer
32 its operations and finances, in each case as the authority deems
33 necessary or appropriate to carry out its functions or as may be
34 specified in any contract of the authority.

35 10. a. Subject to the limitations of this act, the authority
36 shall have the power to construct traffic circles, interchanges
37 and grade separation at intersections of any project with public
38 highways and to change and adjust the lines and grades of the
39 public highways so as to accommodate them to the design of the
40 project. The cost of construction and any damage incurred in
41 changing and adjusting the lines and grades of the public highways
42 shall be ascertained and, unless otherwise provided for, paid by
43 the authority as a part of the cost of the project.

44 b. Subject to the limitations of this act, if the authority shall
45 find it necessary in connection with any project to change the
46 location of any portion of any public highway, the authority shall
47 cause the public highway to be reconstructed at any location as
48 the authority deems most favorable and of substantially the same

1 type and in as good condition as the original public highway. The
2 cost of the reconstruction and any damage incurred in changing
3 the location of any highway shall be ascertained and, unless
4 otherwise provided for, paid by the authority as a part of the cost
5 of the project.

6 c. Any public highway affected by any project may be vacated
7 or relocated by the authority in the manner now provided by law
8 for the vacation or relocation of public roads and any damages
9 awarded on account thereof shall be ascertained and, unless
10 otherwise provided for, paid by the authority as a part of the cost
11 of the project.

12 11. a. Each project when constructed and completed shall be
13 maintained and kept in the condition and repair as the authority
14 determines, or the bond covenants require. Each project or any
15 part thereof may be policed and operated by the force of police,
16 toll-takers, operating employees and other persons as the
17 authority may employ or authorize.

18 b. Subject to the terms of any agreement by the authority with
19 the holders of bonds or notes, if the authority finds that any part
20 of an expressway project is not suitable or sufficient as a highway
21 to carry mixed traffic, the authority may exclude from that part
22 any traffic other than passenger motor vehicles.

23 12. The exercise of the power of eminent domain and the
24 compensation to be paid thereunder by the authority shall be in
25 accordance with the provisions of the "Eminent Domain Act of
26 1971," P.L.1971, c.361 (C.20:3-1 et seq.) in so far as the
27 provisions thereof are applicable and not inconsistent with the
28 provisions contained in this act.

29 13. a. The authority may from time to time issue its bonds or
30 notes for any of its purposes under this act, including the
31 payment, funding, or refunding of principal or interest or
32 redemption premiums on any bonds or notes issued by it or by or
33 for any original authority or predecessor authority thereof
34 whether the bonds or notes or interest to be funded or refunded
35 have or have not become due.

36 b. Except as may be otherwise expressly provided by the
37 authority, every issue of bonds or notes shall be general
38 obligations payable out of any moneys or revenues of the
39 authority, subject only to any agreements with the holders of
40 particular bonds or notes pledging any particular revenues or
41 funds. The authority may issue the types of bonds or notes as it
42 may determine, including, without limiting the generality of the
43 foregoing, bonds or notes on which the principal and interest are
44 payable (1) exclusively from the income and revenues of a
45 project financed with the proceeds of the bonds or notes; (2)
46 exclusively from the income and revenues of certain designated
47 projects whether or not the projects are financed in whole or in
48 part with the proceeds of the bonds or notes; or (3) from its

1 revenues generally. Any bonds or notes may be additionally
2 secured by a pledge of any grant or contribution from the federal
3 government or any State or any agency or public subdivision
4 thereof or any person or a pledge of any moneys, income or
5 revenues of the authority from any source whatsoever. In
6 addition, the authority may, in anticipation of the issuance of the
7 bonds or the receipt of appropriations, grants, reimbursements or
8 other funds, including without limitation grants from the federal
9 government, issue notes, the principal of or interest on which, or
10 both, shall be payable out of the proceeds of notes, bonds or other
11 obligations of the authority or appropriations, grants
12 reimbursements or other funds or revenues of the authority. The
13 authority may also enter into bank loan agreements, lines of
14 credit or bond insurance and other security agreements and
15 obtain for or on its behalf letters of credit in each case for the
16 purpose of securing its bonds, notes or other obligations or to
17 provide direct payment of any costs which the authority is
18 authorized to pay by this act and to secure repayment of any
19 borrowings under the loan agreement, line of credit, letter of
20 credit, bond insurance or other security agreement by its bonds,
21 notes or other obligations or the proceeds thereof or by any or all
22 of the revenues of and payments to the authority or by any
23 appropriation, grant or reimbursement to be received by the
24 authority and other moneys or funds as the authority shall
25 determine.

26 c. Any provision of any law to the contrary notwithstanding,
27 any bond or note issued pursuant to this act shall be fully
28 negotiable within the meaning and for all purposes of the
29 negotiable instruments law of the State, and each holder or owner
30 of a bond or note, or of any coupon appurtenant thereto, by
31 accepting the bond, note or coupon shall be conclusively deemed
32 to have agreed that the bond, note or coupon is and shall be fully
33 negotiable within the meaning and for all purposes of the
34 negotiable instruments law.

35 d. Bonds or notes of the authority shall be authorized by
36 resolution of the authority and may be issued in one or more
37 series and shall bear the date or dates, mature at the time or
38 times not exceeding 40 years from the date thereof, bear interest
39 at a rate or rates within the maximum rate, as shall be
40 determined by the authority, shall be in the denomination or
41 denominations, be in the form, either coupon or registered, carry
42 the conversion or registration privileges, have the rank or
43 priority, be executed in the manner, be payable from the sources
44 in the medium of payment at the place or places within or
45 without the State, and be subject to the terms of redemption,
46 with or without premium, as the resolution or resolutions may
47 provide.

48 e. Bonds or notes of the authority may be sold at public or

1 private sale at the price or prices as the authority shall
2 determine.

3 14. No resolution or other action of the authority providing for
4 the issuance of bonds, notes, refunding bonds or other obligations
5 or for the fixing, revising or adjusting of tolls, fares or charges
6 for the use of any project or parts or sections thereof shall be
7 adopted or otherwise made effective by the authority without the
8 prior approval in writing of the Governor and either the State
9 Treasurer or the Director of the Division of Budget and
10 Accounting in the Department of the Treasury.

11 A true copy of the minutes of every meeting of the authority
12 shall be forthwith delivered by and under the certification of the
13 secretary thereof to the Governor. No action taken at that
14 meeting by the authority shall have force or effect until the
15 earlier of 15 days, exclusive of Saturdays, Sundays, and public
16 holidays, after the copy of the minutes shall have been so
17 delivered, or the approval thereof by the Governor. If, in the
18 15-day period, the Governor returns the copy of the minutes with
19 veto of any action taken by the authority or any member thereof
20 at that meeting, the action shall be null and of no effect. The
21 minutes of any meeting at which the authority proposes or
22 approves its operating or capital outlay budget shall include a
23 copy of that budget.

24 The powers conferred by this section, upon the Governor, the
25 State Treasurer and the Director of the Division of Budget and
26 Accounting in the Department of the Treasury shall be exercised
27 with due regard for the rights of the holders of bonds of the
28 authority or other entity, if applicable, at any time outstanding,
29 and nothing in, or done pursuant to, this section shall in any way
30 limit, restrict or alter the obligation or powers of the authority,
31 or any representative or officer of the authority, to carry out and
32 perform in every detail each and every covenant, agreement or
33 contract at any time made or entered into by or on behalf of the
34 authority with respect to its bonds or for the benefit, protection
35 or security of the holders thereof.

36 15. In any resolution of the authority authorizing or relating to
37 the issuance of any bonds or notes, the authority, in order to
38 secure the payment of the bonds or notes and in addition to its
39 other powers, shall have power by provisions therein which shall
40 constitute covenants by the authority and contracts with the
41 holders of the bonds or notes:

42 a. To pledge to any payment or purpose all or any part of its
43 tolls, charges, fares, leases, rents, receipts or revenues to which
44 its right then exists or may thereafter come into existence, and
45 the moneys derived therefrom, and the proceeds of any bonds or
46 notes.

47 b. To covenant against pledging all or any part of its tolls,
48 charges, fares, rents, receipts or revenues, or against mortgaging

- 1 all or any part of its real or personal property then owned or
2 thereafter acquired, or against permitting or suffering any lien on
3 the tolls, charges, revenues or property.
- 4 c. To covenant with respect to limitations on any right to sell,
5 lease or otherwise dispose of any project or any part thereof or
6 any property of any kind.
- 7 d. To covenant as to any bonds and notes to be issued and the
8 limitations thereon and the terms and conditions thereof and as
9 to the custody, application, investment and disposition of the
10 proceeds thereof.
- 11 e. To covenant as to the issuance of additional bonds or notes
12 or as to limitations on the issuance of additional bonds or notes
13 and on the incurring of other debts by the authority.
- 14 f. To covenant as to the payment of the principal of or
15 interest on the bonds or notes, or any other obligations, as to the
16 sources and methods of that payment, as to the rank or priority
17 of any bonds, notes or obligations with respect to any lien or
18 security or as to the acceleration of the maturity of any bonds,
19 notes or obligations.
- 20 g. To provide for the replacement of lost, stolen, destroyed or
21 mutilated bonds or notes.
- 22 h. To covenant against extending the time for the payment of
23 bonds or notes or interest thereon.
- 24 i. To covenant as to the redemption of bonds or notes and
25 privileges of exchange thereof for other bonds or notes of the
26 authority.
- 27 j. To covenant as to the rates of toll, fares and other charges
28 to be established and charged including reduced fare or charge
29 programs, the amount to be raised each year or other period of
30 time by tolls, fares or other revenues and as to the use and
31 disposition to be made thereof.
- 32 k. To covenant to create or authorize the creation of special
33 funds or moneys to be held in pledge or otherwise for
34 construction, operating expenses, payment or redemption of
35 bonds or notes, reserves or other purposes and as to the use and
36 disposition of the moneys held in the funds.
- 37 l. To establish the procedure, if any, by which the terms of any
38 contract or covenant with or for the benefit of the holders of
39 bonds or notes may be amended or abrogated, the amount of
40 bonds or notes the holders of which must consent thereto, and the
41 manner in which the consent may be given.
- 42 m. To covenant as to the construction, operation or
43 maintenance of its real property and personal property, the
44 replacement thereof, the insurance to be carried thereon, and the
45 use and disposition of insurance moneys.
- 46 n. To provide for the release of property, leases or other
47 agreements, or revenues and receipts from any pledge or
48 mortgage and to reserve rights and powers in, or the right to

1 dispose of, property which is subject to a pledge or mortgage.

2 o. To mortgage all or any part of its property, real or personal.
3 then owned or thereafter to be acquired.

4 p. To provide for the rights and liabilities, powers and duties
5 arising upon the breach of any covenant, condition or obligation
6 and to prescribe the events of default and the terms and
7 conditions upon which any or all of the bonds, notes or other
8 obligations of the authority shall become or may be declared due
9 and payable before maturity and the terms and conditions upon
10 which any declaration and its consequences may be waived.

11 q. To vest in a trustee or trustees within or without the State
12 such property, rights, powers and duties in trust as the authority
13 may determine and to limit the rights, powers and duties of the
14 trustee.

15 r. To pay the costs or expenses incident to the enforcement of
16 the bonds or notes or of the provisions of the resolution or of any
17 covenant or agreement of the authority with the holders of its
18 bonds or notes.

19 s. To limit the rights of the holder of any bonds or notes to
20 enforce any pledge or covenant securing bonds or notes.

21 t. To make covenants other than and in addition to the
22 covenants herein expressly authorized, of like or different
23 character, and to make the covenants to do or refrain from doing
24 any acts and things as may be necessary, or convenient and
25 desirable, in order to better secure bonds or notes or which, in
26 the absolute discretion of the authority, will tend to make bonds
27 or notes more marketable, notwithstanding that the covenants,
28 acts or things may not be enumerated herein.

29 16. Any pledge of tolls, fares, charges or other revenues or
30 other moneys made by the authority shall be valid and binding
31 from the time when the pledge is made. The tolls, fares or other
32 revenues or other moneys so pledged and thereafter received by
33 the authority shall immediately be subject to the lien of that
34 pledge without any physical delivery thereof or further act, and
35 the lien of any pledge shall be valid and binding as against all
36 parties having claims of any kind in tort, contract or otherwise
37 against the authority, irrespective of whether the parties have
38 notice thereof. Neither the resolution nor any other instrument
39 by which a pledge is created need be filed or recorded except in
40 the records of the authority.

41 17. Neither the members of the authority nor any person
42 executing bonds or notes issued pursuant to this act shall be liable
43 personally on the bonds or notes by reason of the issuance
44 thereof. Bonds and notes issued by the authority pursuant to this
45 act shall not be in any way a debt or liability of the State or any
46 subdivision thereof and shall not create or constitute any
47 indebtedness, liability or obligation of the State or any
48 subdivision, except the authority and any county which in

1 accordance with this act shall have guaranteed payment of the
2 principal of and interest on the bonds or notes.

3 18. The authority shall have power to purchase bonds or notes
4 of the authority out of any funds available therefor. The
5 authority may hold, cancel or resell the bonds or notes subject to
6 and in accordance with agreements with holders of its bonds or
7 notes.

8 19. a. The authority is authorized to fix, revise, charge and
9 collect tolls, fares, passenger facility charges and other charges,
10 including reduced fare or charge programs, for the use of each
11 project and the different parts or sections thereof. No toll shall
12 be charged for the passage of any motorbus operated on motorbus
13 regular route service, ambulance, first-aid or emergency-aid
14 vehicle, vehicular fire-fighting apparatus, or other similar
15 vehicle, operated for the benefit of the public by the State, or by
16 any county or municipality or charitable or nonprofit corporation
17 or organization, first-aid squad, emergency squad, or fire
18 company of this State. The tolls, fares and charges shall be so
19 fixed and adjusted as to effectuate the purposes of this act
20 including assisting in the funding of projects and in any event to
21 carry out and perform the terms and provisions of any contract
22 with or for the benefit of holders of bonds or notes. The tolls,
23 fares, and charges shall not be subject to supervision or
24 regulation by any other commission, board, bureau or agency of
25 the State or subdivision of the State. The use and disposition of
26 tolls, fares, charges and revenues shall be subject to the
27 provisions of any resolution authorizing the issuance of the bonds
28 or notes.

29 b. The authority is authorized to contract with any person,
30 partnership, association, corporation or federal, State or local
31 government entity or subdivision thereof desiring the use of any
32 part of a project, including the right-of-way adjoining a paved
33 portion, for operation or placing thereon telephone, telegraph,
34 electric light or power lines, gas stations, garages, stores, hotels,
35 or restaurants, or for any other purpose, and to fix the terms,
36 conditions, rents and rates of charges for that use. For contracts
37 related to an expressway project, the authority shall provide that
38 a sufficient number of gas stations be established in the service
39 areas along any project to permit reasonable competition by
40 private business in the public interest. No contract shall be
41 required, and no rent, fee or other charge of any kind shall be
42 imposed, for the use and occupation, other than for freight
43 railroad purposes, of the highway portion of any project for the
44 installation, construction, use, operation, maintenance or repair,
45 renewal, relocation or removal of tracks, pipes, mains, conduits,
46 cables, wires, towers, holes or other equipment or appliances in,
47 on, along, over or under any such project by any public utility as
48 defined in section R.S.27:7-1 which is subject to taxation

1 pursuant to either P.L.1940, c.4 (C.54:30A-16 et seq.) or
2 P.L.1940, c.5 (C.54:30A-49 et seq.), or pursuant to any other law
3 imposing a tax for the privilege of using the public streets,
4 highways, roads or other public places in the State.

5 20. The authority may increase any existing toll, fare or
6 facility or other charge or establish any new toll, fare or charge
7 for the use of any project and the different parts or sections
8 thereof.

9 ³a.³ The authority shall hold at least ³[two] three³ public
10 hearings³, each in a different county,³ on a proposed toll, fare or
11 charge for any expressway³ project the latter of which shall be
12 held at least 45 days prior to the date on which the toll, fare or
13 charge is proposed to become effective. The authority shall
14 publish a notice of the hearing at least 10 days prior to each
15 hearing in at least ³[5] five³ newspapers with the largest daily
16 circulation in South Jersey and in at least ³[1] one³ newspaper
17 with the largest daily circulation in this State. ³[If the fare or
18 charge is permitted pursuant to federal law, the authority shall
19 be subject to the provisions of that law for notice, increases and
20 imposition except that, if not prohibited by federal law or
21 regulation, it shall hold at least two public hearings on the
22 proposed fare or charge.]

23 b. The authority shall hold at least two public hearings, each in
24 a different location in Atlantic County, on a proposed toll, fare
25 or charge related to any project operated pursuant to section 22
26 of this act at least 45 days prior to the date on which the toll,
27 fare or charge is proposed to become effective. The authority
28 shall publish a notice of the hearing at least 10 days prior to each
29 hearing in at least five newspapers with the largest daily
30 circulation in South Jersey and in at least one newspaper with the
31 largest daily circulation in this State.³

32 21. a. Except as otherwise provided in subsection a. of section
33 19 of this act, no vehicle shall be permitted to make use of any
34 expressway project except upon the payment of the tolls as may
35 from time to time be prescribed by the authority. It shall be
36 unlawful for any person to refuse to pay, or to evade or to
37 attempt to evade the payment of the tolls.

38 b. No vehicle shall be operated on any project carelessly or
39 recklessly, or in disregard of the rights or safety of others, or
40 without due caution or prudence, or in a manner so as to endanger
41 unreasonably or to be likely to endanger unreasonably persons or
42 property, while the operator thereof is under the influence of
43 intoxicating liquors or any narcotic or habit-forming drug, nor
44 shall any vehicle be so constructed, equipped, lacking in
45 equipment, loaded or operated in such a condition of disrepair as
46 to endanger unreasonably or to be likely to endanger unreasonably
47 persons or property.

48 c. A person operating a vehicle on any project shall operate at

1 a careful and prudent speed, having due regard to the rights and
2 safety of others and to the traffic, surface and width of the
3 highway, and any other conditions then existing; and no person
4 shall operate a vehicle on any project at a speed as to endanger
5 life, limb or property; except that it shall be prima facie lawful
6 for a driver of a vehicle to operate it at a speed not exceeding a
7 speed limit which is designated by the authority as a reasonable
8 and safe speed limit, when appropriate signs giving notice of that
9 speed limit are erected at the roadside or otherwise posted for
10 the information of operators of vehicles.

11 d. No person shall operate a vehicle on any project at a slow
12 speed as to impede or block the normal and reasonable movement
13 of traffic except when reduced speed is necessary for safe
14 operation thereof.

15 e. No person shall operate a vehicle on any project in violation
16 of any speed limit designated by regulation adopted by the
17 authority.

18 f. All persons operating vehicles upon any project must at all
19 times comply with any lawful order, signal or direction by voice
20 or hand of any police officer engaged in the direction of traffic
21 upon such project. When traffic on a project is controlled by
22 traffic lights, signs or by mechanical or electrical signals, those
23 lights, signs and signals shall be obeyed unless a police officer
24 directs otherwise.

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

1 provisions hereof and in accordance with the provisions of the
2 "Administrative Procedure Act." Regulations adopted by the
3 authority pursuant to the provisions of this section shall in so far
4 as practicable, having due regard to the features of the project
5 and the characteristics of traffic thereon and except as to
6 maximum or minimum speed limits, be consistent with the
7 provisions of Title 39 of the Revised Statutes applicable to
8 similar subjects. The authority shall have power to amend,
9 supplement or repeal any regulation adopted by it under the
10 provisions of this section. No regulation and no amendment or
11 supplement thereto or repealer thereof adopted by the authority
12 shall take effect until it is filed with the Office of
13 Administrative Law, by the filing of a copy thereof certified by
14 the secretary of the authority.

15 h. The operator of any vehicle upon a project involved in an
16 incident resulting in injury or death to any person or damage to
17 any property shall immediately stop the vehicle at the scene of
18 the incident, render assistance as may be needed, and give his
19 name, address, and operator's license and motor vehicle
20 registration number to the person injured and to any officer or
21 witness of the injury and shall make a report of the incident in
22 accordance with law.

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

37 j. If the violation of any provision of this section or the
38 violation of any regulation adopted by the authority under the
39 provisions of this section would have been a violation of law or
40 ordinance if committed on any public road, street or highway in
41 the municipality in which the violation occurred, it shall be tried
42 and punished in the same manner as if it had been committed in
43 that municipality.

44 k. Notwithstanding the provisions of subsection j. of this
45 section, if the violation of the provisions of subsection i. of this
46 section shall result in injury or death to a person or persons or
47 damage to property in excess of the value of \$5,000, that
48 violation shall constitute a crime of the third degree.

1 l. Except as provided in subsection j. or k. of this section, any
2 violation of any of the provisions of this section, including but not
3 limited to those regarding the payment of tolls, and any violation
4 of any regulation adopted by the authority under the provisions of
5 this section shall be punishable by a fine not exceeding \$500 or by
6 imprisonment not exceeding 30 days or by both. A violation shall
7 be tried in a summary way and shall be within the jurisdiction of
8 and may be brought in the Special Civil Part of the Law Division
9 of the Superior Court or any municipal court in the county where
10 the offense was committed. Proceedings under this section may
11 be instituted on any day of the week, and the institution of the
12 proceedings on a Sunday or a holiday shall be no bar to the
13 successful prosecution thereof. Any process served on a Sunday,
14 or a holiday shall be as valid as if served on any other day of the
15 week. When imposing any penalty under the provisions of this
16 paragraph the court having jurisdiction shall be guided by the
17 appropriate provisions of any statute fixing uniform penalties for
18 violation of provisions of the motor vehicle and traffic laws
19 contained in Title 39 of the Revised Statutes.

20 m. In any prosecution for violating a regulation of the
21 authority adopted pursuant to the provisions of this section,
22 copies of that regulation when authenticated under the seal of
23 the authority by its secretary or assistant secretary shall be
24 evidence in like manner and equal effect as the original.

25 n. No resolution or ordinance adopted by the governing body of
26 any county or municipality for the control and regulation of
27 traffic shall be applicable to vehicles while upon any expressway
28 project operated by the authority.

29 o. In addition to any punishment or penalty provided by other
30 subsections of this section, every registration certificate and
31 every license certificate to drive motor vehicles may be
32 suspended or revoked and any person may be prohibited from
33 obtaining driver's license or a registration certificate and the
34 reciprocity privileges of a nonresident may be suspended or
35 revoked by the Director of the Division of Motor Vehicles for a
36 violation of any of the provisions of this section, after due notice
37 in writing of the proposed suspension, revocation or prohibition
38 and the ground thereof, all otherwise in accordance with the
39 powers, practice and procedure established by the provisions of
40 Title 39 of the Revised Statutes applicable to the suspension,
41 revocation or prohibition.

42 p. Except as otherwise provided by this section or by any
43 regulation of the authority adopted in accordance with the
44 provisions of this section, the requirements of Title 39 of the
45 Revised Statutes applicable to persons using, driving or operating
46 vehicles on the public highways of this State and to vehicles so
47 used, driven or operated shall be applicable to persons using,
48 driving or operating vehicles on any expressway project and to

1 vehicles so used, driven or operated.

2 22. a. If a plan is established under subsection q. of section 7
3 of this act for motorbus regular route and motorbus charter
4 services, the plan may provide for: (1) the designation of certain
5 routes upon which motorbus regular route and charter services
6 shall be permitted to travel and, with the consent of the affected
7 municipalities, the posting of signs by the authority to this
8 effect. The authority may require the owner or operator of a bus
9 entering Atlantic County to file with the authority a notice, in
10 the form and manner which the authority may direct, indicating
11 the proposed route and destination or destinations and the parking
12 facility at which the motorbus intends to park. The authority
13 may issue a permit without charge to the owner or operator filing
14 this notice; (2) the regulation of the manner in which buses may
15 travel to points of loading and unloading by providing for the
16 interception and dispatching of buses; (3) regulation of the
17 activities of the buses incident to their reception at, and leaving
18 of, places of business, in particular casino hotels; (4) the
19 requirement that the buses entering a municipality in which
20 casino gaming is authorized park at a parking facility which can
21 accommodate motorbus parking situated in Atlantic County and
22 which is owned, operated ²[or],² leased², licensed or approved²
23 by the authority ²[or licensed as a parking facility by a
24 municipality to any other person or is a privately owned parking
25 facility in existence as of February 1, 1983, which exclusively
26 accommodates motorbuses owned by the owner of the parking
27 facility and does not rent or lease the facility or its use to any
28 other motorbus]². This shall not apply to those motorbuses, as
29 determined by the authority, which have as their ultimate
30 destination their point of origin, without the necessity of
31 interrupting a continuous journey for the purpose of stopping
32 within Atlantic County, except for the purpose of discharging
33 passengers or those motorbuses whose only destination within
34 Atlantic County is a bus terminal designated by the authority as a
35 public bus terminal. Such a motorbus shall complete its journey
36 by the most direct and expeditious route, as provided by the
37 authority; (5) licensing², including renewals thereof,² and
38 regulation of parking³[, repair and maintenance]^{3 4}, repair and
39 maintenance⁴ facilities which can accommodate motorbus
40 parking³[, repair and maintenance]^{3 4}, repair and maintenance⁴
41 not owned, operated ²[or],² leased², or approved² by the
42 authority ²[or a municipality]², including the regulation of size,
43 location, utilization and operation of, and need for, the
44 facilities²[, except that any parking, repair or maintenance
45 facility in existence as of February 1, 1983, and licensed by a
46 municipality as a parking, repair or maintenance facility shall be
47 exempt from this regulation and licensure requirement, provided
48 there is no increase in the licensed capacity of the facility after

1 February 1, 1983 or any transferral of license. However, in the
2 event of an application for the renewal of the license of any
3 exempt parking, repair or maintenance facility, any renewal shall
4 be with the consent of the authority, which consent shall only be
5 granted upon an affirmative showing by the owner or operator of
6 that parking, repair or maintenance facility that the continued
7 operation thereof shall not be detrimental to the orderly flow of
8 motorbus regular route or motorbus charter services within
9 Atlantic County or within the affected municipality nor contrary
10 to the public health, safety, welfare or convenience. In addition,
11 the municipality originally granting or issuing the license may
12 continue, in accordance with law, to regulate any exempt parking
13 facility, but any regulation of the exempt facilities by the
14 municipality shall be approved by the authority and, in like
15 fashion, any regulation of the exempt facilities by the authority
16 shall be approved by the municipality]². The authority shall
17 notify and request comment from any municipality affected by
18 rules and regulations concerning licensure and regulation of
19 parking³[, repair and maintenance]³ 4, repair and maintenance⁴
20 facilities which can accommodate motorbus parking in
21 accordance with subsection d. of this section. 4The authority
22 shall regulate repair and maintenance facilities only to the extent
23 necessary to assure that those facilities are not operated as
24 parking facilities and may adopt criteria for determining when
25 the parking of motorbuses at repair and maintenance facilities
26 constitutes operation as a parking facility.⁴ This subsection shall
27 not apply to a privately owned parking⁴, repair and maintenance⁴
28 facility in existence 4at a location in Atlantic County⁴ as of
29 February 1, 1983, which exclusively accommodates motorbuses
30 owned by the owner of the parking facility and does not rent or
31 lease the facility or its use to any other motorbus provided there
32 is no increase in the capacity of the facility after 4[February 1,
33 1983] the date of enactment of this act, except that any such
34 facility located within the city limits of Atlantic City may
35 provide repair and maintenance service to its motorbuses and
36 other motorbuses and attendant storage and may expand its
37 facility to an adjoining property, subject to municipal planning
38 and zoning ordinances⁴. 2This subsection shall also not apply to a
39 privately owned parking, repair or maintenance facility located
40 outside the city limits of Atlantic City in existence on February
41 1, 1983, and in continuous operation thereafter, which exclusively
42 accommodates motorbuses, tractor trailers, and limousines owned
43 directly or through a corporation by an owner or a contract
44 purchaser of the facility, provided there is no increase in the land
45 area of the entire facility after February 1, 1983, the number of
46 buses parked at any one time does not exceed 85, and that on or
47 after January 1, 1992 this exemption shall not transfer with title
48 to the facility.²

1 b. The authority may establish a reasonable service charge to
2 be paid by the owner or operator of each motorbus which shall
3 enter a municipality in which casino gaming is authorized, which
4 service charge shall be collected in a manner as the authority
5 may direct. ³The fee shall not exceed \$2.00 per motorbus,
6 except once the maximum fee is reached, the authority may
7 increase the fee annually by the percentage increase of the
8 Consumer Price Index for the Philadelphia-New Jersey area for
9 the preceding year as determined by the Bureau of Labor
10 Statistics.³ This subsection shall not apply to those motorbuses
11 whose only destination within Atlantic County is a bus terminal
12 designated by the authority as a public bus terminal.

13 The authority is empowered to require casino hotels in a
14 municipality in which casino gaming is authorized to furnish it
15 with information as is necessary to collect the reasonable service
16 charge referred to in this subsection.

17 c. Rules and regulations promulgated by the authority under
18 this section may include the provision for an assessment of
19 penalties for any violation of these rules and regulations not to
20 exceed \$500 for any single violation. Any violation of these rules
21 and regulations shall be prosecuted by the municipality in which
22 the violation occurred. All moneys collected as a result of the
23 imposition of fines in cases prosecuted by the municipality shall
24 be paid to the municipality. However, if in the judgment of the
25 authority, any municipality shall fail to enforce adequately the
26 provisions of these rules and regulations, proceedings to enforce
27 rules and regulations in that municipality shall be prosecuted by
28 the authority, and moneys collected as result of the imposition of
29 fines shall be paid to the authority. Proceedings under this
30 section may be instituted on any day of the week and institution
31 of proceedings on a Sunday or holiday shall be no bar to
32 successful prosecution. Any process served on a Sunday or
33 holiday shall be valid as if served on any other day of the week.

34 d. The authority shall notify by personal service or registered
35 or certified mail, return receipt requested, the clerk of any
36 municipality to be affected by the rules and regulations to be
37 promulgated under this section at least 15 days prior to their
38 promulgation and request comment from the municipality.

39 e. All rules and regulations adopted pursuant to this section
40 shall be submitted to the commissioner for review prior to
41 adoption by the authority pursuant to the "Administrative
42 Procedure Act," and the commissioner shall have 30 business days
43 to approve or reject the rules and regulations. If the
44 commissioner rejects the rules and regulations, they shall not be
45 approved. If the commissioner approves the rules and regulations
46 or fails to act within 30 business days after submission, then the
47 authority may adopt the rules and regulations.

1 f. In order to provide for equitable treatment of all motorbus
2 carriers, including those exempted from this act, and for the
3 proper routing of all carriers, the authority in conjunction with
4 the commissioner or the Board of the New Jersey Transit
5 Corporation, as the case may be, may adopt policies and issue
6 rules and regulations providing for the routing, interception,
7 dispatching, reception and leaving of places of business of exempt
8 motorbuses, in a manner consistent with subsection a. of this
9 section.

10 g. The Chairperson of the Senate Transportation and Public
11 Utilities Committee, the Chairperson of the Assembly
12 Transportation Authorities, Telecommunications and Technology
13 Committee, or their successor committees, and the director of
14 the Federal Aviation Administration Technical Center shall
15 receive copies of any rules and regulations to be adopted by the
16 authority at the time of submission to the commissioner pursuant
17 to subsection e. of this section or if not submitted to the
18 commissioner, at the time of submission to the Governor as
19 provided in the "Administrative Procedure Act."

20 23. The authority, as successor to the New Jersey Expressway
21 Authority, shall be the owner and operator of the project known
22 as the "Atlantic City Expressway," which ³on the transfer date³
23 is transferred to the authority, consisting of a highway extending
24 and located as follows: Beginning at a westerly terminus in the
25 township of Gloucester in the county of Camden at the
26 connection with the North-South Freeway and extending in a
27 general southeasterly direction and between the White Horse and
28 Black Horse Pikes thence, in various sections located in the
29 township of Gloucester, the township of Washington in the county
30 of Gloucester and the township of Monroe in the county of
31 Gloucester or any of them, to and through the township of
32 Winslow in the county of Camden, and thence through the town of
33 Hammonton, township of Hamilton, township of Egg Harbor, city
34 of Pleasantville, and again the township of Egg Harbor, and the
35 city of Atlantic City, all in the county of Atlantic, to an easterly
36 terminus within the city of Atlantic City, southeasterly of Beach
37 Thorofare, at a connection or connections with the public
38 highway or highways or other public facilities as may be
39 determined by the authority to be the most feasible and
40 practicable or at a point in Cape May county.

41 24. a. There is established a transportation project, which
42 shall consist of an airport and related facilities and activities.
43 The airport, which shall be known as the "Atlantic City
44 International Airport," shall consist of such lands and
45 improvements as the authority may acquire in Egg Harbor,
46 Hamilton and Galloway townships, county of Atlantic, including
47 but not limited to the lands and improvements to be acquired
48 from the city of Atlantic City and lands and improvements which

1 may be acquired from the Federal Aviation Administration. The
2 airport shall include but not be limited to any area, place,
3 building, structure, equipment, material, supplies, or real
4 property designed to provide or be used in, or necessarily related
5 to, the provision of air passenger or freight service and the
6 stations, shelters and terminals, heliports, gates, terminal aprons,
7 runways, taxiways, air rights, baggage facilities, parking
8 facilities, ramps, track connections, signal systems, power
9 systems, public highways, noise abatement projects, information
10 and communication systems, transit lines and rights-of-way,
11 equipment storage and servicing facilities, aircraft, maintenance
12 and garage facilities, revenue handling equipment and any other
13 building, structure, equipment, materials, supplies or real
14 property employed or used in, or necessarily related to, the
15 provision of these services.

16 b. The authority may enter into contracts, leases, or
17 agreements with any agency or instrumentality of the federal
18 government, a bi-state agency, the State or any subdivision
19 thereof or a county or municipal government, including but not
20 limited to the United States Department of Transportation
21 Federal Aviation Administration, concerning the acquisition,
22 construction, maintenance, operation, or support of this project.

23 c. The authority may enter into agreements with surrounding
24 municipalities for reimbursement to these municipalities for
25 costs incurred as a result of services provided by these
26 municipalities to the Atlantic City International Airport.

27 25. The authority, as the successor to the Atlantic County
28 Transportation Authority, shall be the owner and operator of all
29 transportation and parking facilities and other properties of the
30 Atlantic County Transportation Authority, and may continue to
31 operate all facilities and services previously operated by the
32 Atlantic County Transportation Authority.

33 26. In addition to the other powers conferred by this act or by
34 any other law and not in limitation thereof, the authority, in
35 connection with construction or operation of any project, may
36 make reasonable regulations for the installation, construction,
37 maintenance, renewal and removal of tracks, pipes, mains,
38 conduits, cables, wires, towers, poles or any other equipment and
39 appliances, herein called "works," of any public utility as defined
40 in R.S.48:2-13, in, on or along, over or under any project, public
41 highway or real property, including public lands or waters.
42 Whenever in connection with construction or operation of any
43 project, the authority shall determine that it is necessary that
44 any works, which now are or hereafter may be located in, on,
45 along, over under any project, public highway, or real property,
46 should be relocated in the project, public highway, or real
47 property or should be removed therefrom, the public utility
48 owning or operating the works shall relocate or remove the same

1 in accordance with the order of the authority, provided, however,
2 that the cost and expenses of the relocation or removal, including
3 the cost of installing these works in a new location locations, and
4 the cost of any lands or any rights or interest in lands or any
5 other rights acquired to accomplish the relocation or removal,
6 less the cost of any lands or any rights or interest in lands or any
7 other rights of the public utility, paid to the public utility in
8 connection with the relocation or removal of the works, shall be
9 paid by the authority and may be included in the cost of the
10 project. In case of any relocation or removal of works, the public
11 utility owning or operating the same, its successors or assigns,
12 may maintain and operate the works, with the necessary
13 appurtenances, in the new location for as long a period, and upon
14 the same terms and conditions, as it had the right to maintain and
15 operate the works in their former location.

16 In case of any relocation or removal of works, the authority
17 shall own and maintain, repair and renew structures within the
18 rights of way of railroad companies carrying any project or
19 feeder road over railroads, and the authority shall bear the cost
20 of maintenance, repair and renewal of structures within the
21 rights of way of railroad companies carrying railroads over any
22 project or feeder road, but this provision shall not relieve any
23 railroad company from responsibility for damage caused to any
24 authority or railroad structure by the operation of its railroad.
25 The approaches, curbing, sidewalk paving, guard rails on
26 approaches and surface paving projects or feeder roads as shall be
27 within the rights of way of a railroad company or companies shall
28 be owned and maintained, repaired and renewed by the authority;
29 rails, pipes and lines shall be owned and maintained, repaired and
30 renewed by the railroad company or companies.

31 27. Before taking over any existing public highway as a feeder
32 road, the authority shall obtain the consent of any entities then
33 exercising jurisdiction over the highway, which are authorized to
34 give this consent by resolution, ordinance or other appropriate
35 written instrument of its governing body. Each feeder road or
36 section thereof acquired or constructed, or public highway taken
37 over from these entities as a feeder road, in connection with an
38 expressway project by the authority shall for all purposes of this
39 act be deemed to constitute part of the project, except that the
40 authority may turn back to the entities any public highway taken
41 over as a feeder road from the entities or any feeder road or
42 section thereof constructed upon a new alignment in substitution
43 for the previous alignment of a public highway so taken over
44 unless 80% or more of the feeder road or section is constructed
45 upon a new alignment.

46 28. Any government entity, notwithstanding any contrary
47 provision of law, is authorized to lease, lend, grant or convey to
48 the authority at its request upon the terms and conditions as the

1 governing body or other proper agencies of the government entity
2 may deem reasonable and fair and without the necessity for any
3 advertisement, order of court or other action, other than the
4 authorizing resolution or other formal action of the government
5 entity, any real property or personal property or interest therein
6 which may be necessary or convenient to effectuate the purposes
7 of the authority, including public highways, feeder roads,
8 transportation projects and other real property already devoted
9 to public use.

10 At any time as the authority undertakes to construct any part
11 of a project and acquires any portion of a State highway route as
12 part of that project, the jurisdiction of the department over that
13 portion shall cease. No property of the State, other than riparian
14 lands or lands under water and similar lands or interest therein
15 referred to in Title 12 of the Revised Statutes shall be granted,
16 leased or conveyed to the authority except upon payment to the
17 State of the price therefor.

18 29. For the purpose of aiding and cooperating in the
19 acquisition, construction, or operation of any project of the
20 authority, any county or municipality may, upon agreement with
21 the authority and in the manner provided by law:

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

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

27 c. Incur indebtedness, borrow money and issue bonds or notes
28 for the purpose of financing a project pursuant to the provision of
29 the "Local Bond Law," N.J.S.40A:2-1 et seq.; and

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

32 30. If the department shall have incurred or paid any costs or
33 expenses with respect to a project or with respect to preliminary
34 studies of the feasibility or location thereof, the commissioner
35 may from time to time certify the amount thereof to the
36 authority. Immediately upon the first ensuing issuance by the
37 authority of any bonds or notes for financing the project, the
38 amount of the costs and expenses so certified by the
39 commissioner shall be reimbursed by the authority to the State
40 from funds available to the authority.

41 31. All property of the authority, except any property which is
42 subjected to a lien to secure any bonds or notes issued by the
43 authority, shall be exempt from levy and sale by virtue of an
44 execution and no execution or other judicial process shall issue
45 against the same, nor shall any such judgment against the
46 authority be a charge or lien upon its property; provided that
47 nothing herein contained shall apply to or limit the rights of the
48 holders of any bonds or notes to pursue any remedy for the

1 enforcement of any pledge or lien given by the authority on its
2 revenues or other moneys.

3 32. All projects and other property of the authority are
4 declared to be public property of an instrumentality of the State
5 and devoted to an essential public and governmental function and
6 purpose and shall be exempt from all taxes and special
7 assessments of the State or any subdivision thereof. All bonds or
8 notes issued pursuant to this act are declared to be issued by an
9 instrumentality of this State and for an essential public and
10 governmental purpose and the bonds and notes, and the interest
11 thereon and the income therefrom, and all tolls, charges, funds,
12 revenues, income and other moneys pledged or available to pay,
13 or secure the payment of the bonds or notes, or interest thereon,
14 shall at all times be exempt from taxation except for transfer
15 inheritance and estate taxes.

16 33. All banks, trust companies, savings banks, investment
17 companies and other persons carrying on a banking business are
18 each authorized to give to the authority a good and sufficient
19 undertaking with the sureties as shall be approved by the
20 authority to the effect that the bank or banking institution shall
21 faithfully keep and pay over to the order of or upon the warrant
22 of the authority or its authorized agent all those funds as may be
23 deposited with it by the authority and agreed interest thereon, at
24 the times and upon the demands as may be agreed to with the
25 authority or, in lieu of these sureties, deposit with the authority
26 or its authorized agent or any trustee therefor or for the holders
27 of any bonds or notes, as collateral, these securities as the
28 authority may approve. The deposits of the authority may be
29 evidenced or secured by a depository collateral agreement in that
30 form and upon the terms and conditions as may be agreed upon by
31 the authority and at the bank or banking institution.

32 34. Notwithstanding the provisions of any other law, the State
33 and all public officers, municipalities, counties, political
34 subdivisions and public bodies and agencies thereof, all banks,
35 bankers, trust companies, savings banks and institutions, building
36 and loan associations, investment companies, savings and loan
37 associations, and other persons carrying on a banking or
38 investment business, all insurance companies, insurance
39 associations and other persons carrying on an insurance business,
40 and all executors, administrators, guardians, trustees and other
41 fiduciaries, may legally invest any sinking funds, moneys or other
42 funds belonging to them or within their control in any bonds or
43 notes issued pursuant to this act, and these bonds and notes shall
44 be authorized security for any and all public deposits.

45 35. Notwithstanding any inconsistent provisions of this act or
46 any other law, the authority shall submit to the Governor, the
47 commissioner, the President of the Senate and the Speaker of the
48 General Assembly, and the State Treasurer, the following reports:

- 1 a. Within 90 days after the end of each fiscal year, a complete
2 and detailed report of the following:
- 3 (1) Its operations and accomplishments during the completed
4 fiscal year;
- 5 (2) Its receipts and disbursements or revenues and expenses
6 during that year in accordance with the categories and
7 classifications established by the authority for its own operating
8 and capital outlay purposes and as may be requested by the
9 commissioner and the State Treasurer;
- 10 (3) Its assets and liabilities at the end of the fiscal year,
11 including the status of reserve, depreciation, special or other
12 funds including debits and credits of these funds;
- 13 (4) A schedule of bonds and notes outstanding at the end of the
14 fiscal year; and
- 15 (5) A list of all contracts exceeding \$100,000 entered into
16 during the fiscal year.
- 17 b. By a date established by the commissioner, a business plan
18 for the authority and for each of its operating divisions. The
19 business plan shall include the following information and any
20 additional information required by the commissioner:
- 21 (1) A statement of the goals and objectives of the authority;
- 22 (2) A statement of the strategies, including a resource
23 allocation strategy, for achieving the stated objectives and
24 performance measurements for evaluating the achievement of
25 these objectives;
- 26 (3) A list of specific standards for defining a state of good
27 repair for each project and pavement management plans, bridge
28 management plans, or other appropriate infrastructure renewal
29 and preservation plans for achieving and maintaining these
30 standards;
- 31 (4) An annual operating and maintenance budget and an annual
32 capital budget; and
- 33 (5) A five year capital plan.
- 34 The commissioner shall review, approve, approve with conditions,
35 or disapprove the capital budget and the capital plan submitted
36 pursuant to this section within 15 working days of receipt of the
37 budget and plan. The authority shall not expend or obligate any
38 funds pursuant to the capital budget until the capital budget has
39 been approved by the commissioner. The commissioner may
40 provide for amendments to the capital budget and the capital
41 plan.
- 42 36. a. The authority shall cause a financial audit of its books
43 and accounts to be made at least once each year by certified
44 public accountants and a copy thereof shall be filed with the
45 State Treasurer.
- 46 b. Not less than once every five years the authority shall cause
47 a management audit of its operational effectiveness and
48 efficiency to be conducted by an independent consulting firm

1 selected by the authority from a list of at least five such firms
2 provided by the Director of the Division of Budget and
3 Accounting in the Department of the Treasury. No firm which
4 has performed a financial audit of the authority in the five years
5 previous to an impending management audit shall be selected by
6 the authority to perform that impending management audit.

7 A copy of the management audit shall be filed in the same
8 manner as the copy of the reports required to be submitted
9 pursuant to section 35 of this act. In addition, the officials
10 receiving a copy of the management audit also shall receive a
11 copy of the recommendations or comments of the consultant
12 concerning the management or operation of any of the
13 authority's resources or programs.

14 The first management audit to be conducted pursuant to this
15 subsection shall commence within three years of the effective
16 date of this act.

17 The cost of the audits required by this section may be treated
18 as a part of the cost of a project.

19 37. Any member, agent or employee of the authority who is
20 interested, either directly or indirectly, in any contract of
21 another with the authority or the sale of any property, either real
22 or personal, to the authority, shall be guilty of a crime of the
23 fourth degree.

24 38. The erection, use or maintenance of any structure for the
25 display of outdoor advertising on the Atlantic City Expressway
26 shall be consistent with the provisions of P.L.1959, c.191
27 (C.54:40-50 et seq.) and ²P.L.1979, c.111 (C.13:18A-1 et seq.)
28 and² the regulations promulgated pursuant to ²[that law] those
29 laws².

30 39. The State shall have the right, upon furnishing the
31 authority with sufficient funds therefor, to require the authority
32 to redeem, pay or cause to be paid, at or prior to maturity, in
33 whole or in part, any bonds or notes issued by the authority under
34 this act, provided that the redemption or payment shall be made
35 in accordance with the provisions of any contract entered into by
36 the authority with the holders of the bonds or notes.

37 40. Nothing in this act shall be construed to authorize or
38 empower the authority to:

39 a. Vacate, close, connect with, adjust, relocate, cross or
40 otherwise physically affect any State highway without written
41 approval by the commissioner; or

42 b. Acquire State property or any interest therein by the
43 exercise of the power of eminent domain.

44 41. The authority and its authorized agents and employees may
45 enter upon any lands, waters and premises other than State
46 property for the purpose of making surveys, soundings, drillings
47 and examinations as it may deem necessary or convenient for the
48 purposes of this act, and this entry shall not be deemed a

1 trespass, nor shall the entry for this purpose be deemed an entry
2 under any condemnation proceedings which may be then pending.
3 The authority shall make reimbursement for any actual damages
4 resulting to such lands, waters and premises as a result of those
5 activities.

6 42. The State of New Jersey does hereby pledge to and
7 covenant and agree with the holders of any bonds or notes issued
8 by the authority or other entity pursuant to the provisions of this
9 act that the State will not limit or alter the rights or powers
10 vested in the authority to acquire, construct, maintain and
11 operate any project, or to perform and fulfill the terms of any
12 agreement made with the holders of the bonds or notes, or to fix,
13 establish, charge and collect tolls or other charges as may be
14 convenient or necessary to produce sufficient revenues to meet
15 all expenses of the authority and fulfill the terms of any contract
16 with another entity or any agreement made with the holders of
17 the bonds or notes, and that the State will not in any way impair
18 the rights or remedies of the holders or modify in any way the
19 exemptions from taxation provided for in this act, until the bonds
20 and notes, together with interest thereon, with interest on any
21 unpaid installments of interest, and all costs and expenses in
22 connection with any action or proceedings by or on behalf of such
23 holders, are fully met and discharged or provided for.

24 43. a. Notwithstanding any other provision of law to the
25 contrary, the Department of Transportation and the
26 commissioner thereof are authorized to acquire lands and
27 improvements for airport purposes, in Egg Harbor, Hamilton and
28 Galloways Townships, county of Atlantic, and to convey the same
29 to the South Jersey Transportation Authority for a nominal or
30 other consideration and under other terms and conditions as the
31 commissioner deems appropriate.

32 b. The department and the commissioner thereof are
33 authorized to expend funds specifically appropriated ³by P.L.
34 1991, c. (the annual appropriations act for the fiscal year
35 ending June 30, 1992)³ from the revenues and other funds of the
36 Transportation Trust Fund Authority for the acquisition
37 authorized under subsection a. of this section and also for the
38 planning, engineering, construction, reconstruction, repair and
39 rehabilitation of the transportation project known as the Atlantic
40 City International Airport and related facilities and activities, or
41 a portion thereof, as authorized by section 24 of this act.

42 44. The following are repealed:

43 P.L.1962, c.10 (C.27:12C-1 et seq.)

44 P.L.1968, c.462 (C.27:12C-11.1)

45 Section 2 of P.L.1969, c.196, (C.27:12C-12.1)

46 P.L.1970, c.183 (C.27:12C-38.1)

47 P.L.1977, c.360 (C.27:12C-26.1 et seq.)

48 45. The following are repealed:

1 P.L.1980, c.44 (C.40:35B-1 et seq.)

2 P.L.1983, c.242 (C.40:35B-15.1)

3 46. This act shall take effect immediately except that section
4 44 shall take effect on the transfer date of the New Jersey
5 Expressway Authority and section 45 shall take effect on the
6 transfer date of the Atlantic County Transportation Authority.

7

8

9

TRANSPORTATION AUTHORITIES

10

11 Creates the South Jersey Transportation Authority.

1 with any action or proceedings by or on behalf of the holders, are
2 fully met and discharged or provided for.

3 43. The following are repealed:
4 P.L.1962, c.10 (C.27:12C-1 et seq.);
5 P.L.1968, c.462 (C.27:12C-11.1);
6 Section 2 of P.L.1969, c.196 (C.27:12C-12.1);
7 P.L.1970, c.183 (C.27:12C-38.1);
8 P.L.1977, c.360 (C.27:12C-26.1 et seq.);
9 P.L.1980, c.44 (C.40:35B-1 et seq.); and
10 P.L.1983, c.242 (C.40:35B-15.1).
11 44. This act shall take effect immediately.
12
13

14 *S. 3373* STATEMENT
15

16 The bill creates the South Jersey Transportation Authority as
17 the successor to the New Jersey Expressway Authority and the
18 Atlantic County Transportation Authority whose authorizing
19 statutes are repealed. The authority is to acquire, construct,
20 maintain, operate and support expressway projects, including the
21 Atlantic City Expressway, and transportation projects, including
22 the Atlantic City International Airport. Transportation projects
23 are broadly defined to encompass parking; all modes of
24 transportation, including rail, marine, motorbus and aerial
25 transport; and economic development that may be stimulated by
26 the transportation system. The authority is also to assist in
27 planning for the development of the transportation system in
28 South Jersey, defined as the counties of Atlantic, Camden, Cape
29 May, Cumberland, Gloucester and Salem.

30 The authority's membership is to consist of the Commissioner
31 of Transportation and the State Treasurer as ex officio voting
32 members, the Commissioner of Commerce and Economic
33 Development as an ex officio nonvoting member and six members
34 appointed by the Governor with the advice and consent of the
35 Senate. The appointed members shall be residents of South
36 Jersey, four of whom shall reside within a 30 mile radius of
37 Atlantic City International Airport.

38 The bill provides for the creation of an airport division and any
39 other operating divisions as the authority may determine. The
40 airport division will have the responsibility for airports and
41 heliports and will be headed by a director with knowledge and
42 experience in aviation or aeronautics. The airport division, as
43 well as the authority, will have an advisory committee consisting
44 of government representatives and residents of those
45 municipalities directly affected by the airports for which the
46 division has responsibility.

47 The authority has, among others, the following powers:

48 -To assist in planning for the development of the
49 transportation system in South Jersey, in conjunction with

1 federal, State, local, and other public entities, as appropriate.

2 -To issue bonds or notes of the authority and to provide for the
3 rights of the holders thereof.

4 -To fix and revise from time to time and charge and collect
5 tolls, fares or other charges for transit over or use of any project
6 and to set and collect rents, fees, charges or other payments
7 from the lease, use, occupancy or disposition of properties owned
8 or leased by the authority.

9 -To grant by franchise, lease or otherwise, the use of any
10 project, facility or property owned and controlled by the
11 authority to any person for the consideration and for the period
12 or periods or time and upon the terms and conditions as are
13 agreed upon.

14 -To enter into contracts with the New Jersey Transportation
15 Trust Fund Authority or other entities to issue bonds or notes for
16 the financing of projects for the South Jersey Transportation
17 Authority.

18

19

20 TRANSPORTATION AUTHORITIES

21

22 Creates the South Jersey Transportation Authority.

ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3373

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 1991

The Assembly Transportation Authorities, Telecommunications and Technology Committee favorably reports Senate Bill No. 3373 SCS (2R) with committee amendments.

As amended by the committee, this substitute bill creates the South Jersey Transportation Authority as the successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority whose authorizing statutes are repealed. The authority is to acquire, construct, maintain, operate and support expressway projects, including the Atlantic City Expressway, which is transferred to the authority, and transportation projects, including the Atlantic City International Airport and related facilities and activities, which is established in this bill. Transportation projects are broadly defined to include airports, public transportation facilities, and other transportation facilities. Included in the definition of transportation projects are economic development facilities. The authority is also to assist in planning for the development of the transportation system in South Jersey, defined as the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

The authority's membership is to consist of the Commissioner of Transportation as an ex officio voting member, the Commissioner of Commerce, Energy and Economic Development as an ex officio nonvoting member and seven members appointed by the Governor with the advice and consent of the Senate. Six of the appointed members shall be residents of South Jersey, four of whom shall be residents of that portion of South Jersey within a 30 mile radius of the Atlantic City International Airport or of municipalities through which the Atlantic City Expressway traverses and two of whom shall be residents of that portion of South Jersey outside of that 30 mile radius.

The bill provides for the creation of an airport division and any other operating divisions as the authority may determine. The airport division will have the responsibility for executing and administering the authority's policies vis-a-vis the Atlantic City

International Airport and will be headed by a director with knowledge and experience in aviation or aeronautics. The airport division, as well as the authority, will have an advisory committee consisting of government representatives and residents of those municipalities directly affected by the airport for which the division has responsibility.

The authority has, among others, the following powers:

-To assist in planning for the development of the transportation system in South Jersey, in conjunction with federal, State, local, and other public entities, as appropriate.

-To issue bonds or notes of the authority and to provide for the rights of the holders thereof.

-To fix and revise from time to time and charge and collect tolls, fares or other charges for transit over or use of any project and to set and collect rents, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the authority.

-To grant by franchise, lease or otherwise, the use of any project, facility or property owned and controlled by the authority to any person for the consideration and for the period or periods or time and upon the terms and conditions as are agreed upon.

-To enter into contracts with other entities to issue bonds or notes for the financing of projects for the South Jersey Transportation Authority.

The bill provides for the continuation of the rights, obligations and duties of the two original authorities, and also provides for the continuation of the employees of the original authorities until determined otherwise by the new authority. Many of the existing provisions of law applicable to the Expressway Authority and the Atlantic County Transportation Authority are made applicable, through reenactment, with modifications, to the South Jersey Transportation Authority.

The dissolution of the original authorities will take place on the transfer dates of the two authorities when all of the bonded indebtedness of these authorities, or for which they are responsible, will be discharged or provided for or, in the case of the Atlantic County Transportation Authority, their debts and obligations will be assumed by the new authority and, upon the dissolution of both authorities, the South Jersey Transportation Authority will be fully able to carry out its new functions.

The bill also authorizes the Commissioner of Transportation to acquire lands and improvements for airport purposes and to convey them to the authority. Additionally, Transportation Trust Fund monies appropriated by the annual appropriations act for fiscal year 1992 may be used for this acquisition and for the planning, engineering, construction, reconstruction, repair and rehabilitation of the Atlantic City International Airport and related facilities and activities.

The committee amended the bill to provide that authority may

only enter into a contract of employment for the position of executive director, or other policy-making positions, for a term of employment not to end later than the last day of the four-year gubernatorial term in effect on the date on which the contract is executed. The committee amendments also require the members of the authority, the executive director and other employees as the authority may determine to file financial disclosure statements in the manner required by Executive Order No. 1 of 1990. In addition, the committee amendments limit the authority's vacation, sick leave and health benefits for employees not subject to collective bargaining to those benefits provided to State employees.

The committee amendments also require the authority to notify the Governor, the presiding officers of both houses of the Legislature and the director of the Federal Aviation Technical Center of the transfer of each original authority to the South Jersey Transportation Authority.

The committee amendments include reference to the problem of excess aircraft noise requiring the authority to be cognizant of this problem and encourage the Federal Aviation Administration to route flights over the least populous areas of South Jersey.

The committee amendments limit authority regulation of bus facilities to parking facilities and delete reference to repair and maintenance facilities. Parking facilities are further defined to indicate when repair or maintenance facilities may be deemed parking facilities and therefore subject to authority regulation. In addition, the amendments provide that the authority may not charge more than a \$2.00 service charge for each motorbus entering Atlantic City.

The committee amendments also change public hearing requirements when the authority proposes changes in tolls, fares or charges. The amendments require the authority to hold three public hearings, each in a different county, on proposed tolls, fares or charges for expressway projects. The authority would be required to hold two public hearings, each in a different location in Atlantic County, with respect to tolls, fares or charges for projects currently under the jurisdiction of the Atlantic County Transportation Authority.

Finally, the committee adopted amendments to clarify that the authority may acquire property from the State and that the transfer of the Atlantic City Expressway will occur on the transfer date, not the effective date of this act.

As amended by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 4718 also released by the committee this date.

SENATE TRANSPORTATION AND PUBLIC UTILITIES
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3373

STATE OF NEW JERSEY

DATED: APRIL 25, 1991

The Senate Transportation and Public Utilities Committee favorably reports a Senate Committee Substitute for Senate Bill No. 3373.

This substitute bill creates the South Jersey Transportation Authority as the successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority whose authorizing statutes are repealed. The authority is to acquire, construct, maintain, operate and support expressway projects, including the Atlantic City Expressway, which is transferred to the authority, and transportation projects, including the Atlantic City International Airport and related facilities and activities, which is established in this bill. Transportation projects are broadly defined to include airports, public transportation facilities, and other transportation facilities. Included in the definition of transportation projects are economic development facilities. The authority is also to assist in planning for the development of the transportation system in South Jersey, defined as the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

The authority's membership is to consist of the Commissioner of Transportation as an ex officio voting member, the Commissioner of Commerce and Economic Development as an ex officio nonvoting member and seven members appointed by the Governor with the advice and consent of the Senate. Six of the appointed members shall be residents of South Jersey, four of whom shall reside within a 30 mile radius of the Atlantic City International Airport and two of whom shall reside outside of that 30 mile radius.

The bill provides for the creation of an airport division and any other operating divisions as the authority may determine. The airport division will have the responsibility for executing and administering the authority's policies vis-a-vis the Atlantic City International Airport and will be headed by a director with knowledge and experience in aviation or aeronautics. The airport division, as well as the authority, will have an advisory committee consisting of government representatives and residents of those municipalities directly affected by the airport for which the division has responsibility.

The authority has, among others, the following powers:

-To assist in planning for the development of the transportation system in South Jersey, in conjunction with federal, State, local, and other public entities, as appropriate.

-To issue bonds or notes of the authority and to provide for the rights of the holders thereof.

-To fix and revise from time to time and charge and collect tolls, fares or other charges for transit over or use of any project and to set and collect rents, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the authority.

-To grant by franchise, lease or otherwise, the use of any project, facility or property owned and controlled by the authority to any person for the consideration and for the period or periods or time and upon the terms and conditions as are agreed upon.

-To enter into contracts with other entities to issue bonds or notes for the financing of projects for the South Jersey Transportation Authority.

The bill provides for the continuation of the rights, obligations and duties of the two original authorities, and also provides for the the continuation of the employees of the original authorities until determined otherwise by the new authority. Many of the existing provisions of law applicable to the Expressway Authority and the Atlantic County Transportation Authority are made applicable, through reenactment, with modifications, to the South Jersey Transportation Authority.

The dissolution of the original authorities will take place on the transfer dates of the two authorities when all of the bonded indebtedness of these authorities, or for which they are responsible, will be discharged or provided for or, in the case of the Atlantic County Transportation Authority, their debts and obligations will be assumed by the new authority and, upon the dissolution of both authorities, the South Jersey Transportation Authority will be fully able to carry out its new functions.

The bill also authorizes the Commissioner of Transportation to acquire lands and improvements for airport purposes and to convey them to the authority. Additionally, Transportation Trust Fund monies may be used for this acquisition and for the planning, engineering, construction, reconstruction, repair and rehabilitation of the Atlantic City International Airport and related facilities and activities.

1K

SENATE Amendments
(Proposed by Senator Rand)

to

SENATE, No. 3373 (S.S.)

(Sponsored by Senator Rand)

ADOPTED ✓

MAY 20 1991

REPLACE SECTION 5 TO READ:

5. a. The authority shall consist of the Commissioner of Transportation who shall be an ex officio voting member, the Commissioner of Commerce, Energy and Economic Development who shall be an ex officio nonvoting member, and seven members appointed by the Governor with the advice and consent of the Senate, six of whom are residents of South Jersey, four of whom shall be residents ¹ [from] of that portion of South Jersey¹ within a 30 mile radius of the civil aviation terminal at the Atlantic City International Airport ¹or of municipalities through which the Atlantic City Expressway traverses¹ and two of whom shall be residents ¹of that portion of South Jersey¹ outside of a 30 mile radius of that terminal; provided that all of the appointed members shall have expertise in transportation, finance, law, public administration, or aviation or any other related field. Not more than four of the appointed members shall be members of the same political party. Each appointed member shall have been a qualified voter of the State for at least one year preceding the appointment.

b. Each ex officio member of the authority may designate an employee of the member's department to represent the member at meetings of the authority. The designee of the commissioner may lawfully vote and otherwise act on behalf of the member. The designation shall be made annually in writing and delivered to the authority and shall be effective until revoked or amended by written notice delivered to the authority.

c. Each appointed member of the authority shall serve for a term of five years, except that, of those first appointed, one shall serve for a term of two years, two shall serve for a term of three years, two shall serve for a term of four years and two shall serve for a term of five years, as the Governor may designate upon appointment.

d. Each member appointed by the Governor shall hold office for the term of appointment and until a successor is appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

e. The Governor shall designate one of the members of the authority as chairperson who shall serve as such at the pleasure of the Governor. The authority, upon the first appointment of its members and thereafter on or after July 1 in each year, shall annually elect from among its members, including the ex officio voting member, a vice-chairperson who shall hold office until July 1 next ensuing and until a successor is elected. The authority may also appoint and employ, without regard to the provisions of Title 11A of the New Jersey Statutes, a secretary, a chief financial officer, an executive director, a general counsel and a chief engineer and other consulting engineers, special attorneys or counsel, accountants, construction, legal and financial experts, and other agents and employees as the authority may require, and shall determine their qualifications, terms of office, duties and compensation.

f. The powers of the authority shall be vested in the voting members thereof in office from time to time; five voting members of the authority shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the authority unless the bylaws of the authority shall require a larger number. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

g. The members of the authority shall serve without compensation, but the authority may reimburse its members for actual and necessary expenses incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no member of the authority shall be deemed to have forfeited nor shall forfeit the member's office or employment or any benefits or emoluments thereof by reason of the member's service as ex officio member of the authority.

h. Each appointed member of the authority may be removed by the Governor for cause after a public hearing and may be suspended by the Governor pending the completion of the hearing. Each member of the authority before entering upon the duties of office shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly to the best of the member's ability. A record of these oaths shall be filed in the office of the Secretary of State.

i. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or provision has been made for the payment, retirement, termination or assumption of its debts and obligations. Upon dissolution of the authority all property, funds and assets thereof shall be vested in the State.

STATEMENT

The purpose of this amendment is to expand the geographic area in which four of the members of the South Jersey Transportation Authority from South Jersey are to reside from a 30 mile radius of the civil aviation terminal of the Atlantic City International Airport to include municipalities through which the Atlantic City Expressway traverses. The amendment also clarifies that the 30 mile radius refers only to that portion of the radius within South Jersey, or in the case of the two other members from South Jersey, only to that portion of South Jersey outside of the 30-mile radius.

✓

SENATE Amendments
(Proposed by Senator Rand)

to

Senate, No. 3373 SCS

(Sponsored by Senator Rand)

**ADOPTED
MAY 20 1991**

REPLACE SECTION 22 TO READ:

22. a. If a plan is established under subsection q. of section 7 of this act for motorbus regular route and motorbus charter services, the plan may provide for: (1) the designation of certain routes upon which motorbus regular route and charter services shall be permitted to travel and, with the consent of the affected municipalities, the posting of signs by the authority to this effect. The authority may require the owner or operator of a bus entering Atlantic County to file with the authority a notice, in the form and manner which the authority may direct, indicating the proposed route and destination or destinations and the parking facility at which the motorbus intends to park. The authority may issue a permit without charge to the owner or operator filing this notice; (2) the regulation of the manner in which buses may travel to points of loading and unloading by providing for the interception and dispatching of buses; (3) regulation of the activities of the buses incident to their reception at, and leaving of, places of business, in particular casino hotels; (4) the requirement that the buses entering a municipality in which casino gaming is authorized park at a parking facility which can accommodate motorbus parking situated in Atlantic County and which is owned, operated ¹[or], ¹ leased¹, licensed or approved¹ by the authority ¹[or licensed as a parking facility by a municipality to any other person or is a privately owned parking facility in existence as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus]¹. This shall not apply to those motorbuses, as determined by the authority, which have as their ultimate destination their point of origin, without the necessity of interrupting a continuous journey for the purpose of stopping within Atlantic County, except for the purpose of discharging passengers or those motorbuses whose only destination within Atlantic County is a bus terminal designated by the authority as a

public bus terminal. Such a motorbus shall complete its journey by the most direct and expeditious route, as provided by the authority; (5) licensing¹, including renewals thereof,¹ and regulation of parking, repair and maintenance facilities which can accommodate motorbus parking, repair and maintenance not owned, operated ¹[or] ¹ leased¹, or approved¹ by the authority ¹[or a municipality]¹, including the regulation of size, location, utilization and operation of, and need for, the facilities¹[, except that any parking, repair or maintenance facility in existence as of February 1, 1983, and licensed by a municipality as a parking, repair or maintenance facility shall be exempt from this regulation and licensure requirement, provided there is no increase in the licensed capacity of the facility after February 1, 1983 or any transferral of license. However, in the event of an application for the renewal of the license of any exempt parking, repair or maintenance facility, any renewal shall be with the consent of the authority, which consent shall only be granted upon an affirmative showing by the owner or operator of that parking, repair or maintenance facility that the continued operation thereof shall not be detrimental to the orderly flow of motorbus regular route or motorbus charter services within Atlantic County or within the affected municipality nor contrary to the public health, safety, welfare or convenience. In addition, the municipality originally granting or issuing the license may continue, in accordance with law, to regulate any exempt parking facility, but any regulation of the exempt facilities by the municipality shall be approved by the authority and, in like fashion, any regulation of the exempt facilities by the authority shall be approved by the municipality]¹. The authority shall notify and request comment from any municipality affected by rules and regulations concerning licensure and regulation of parking, repair and maintenance facilities which can accommodate motorbus parking in accordance with subsection d. of this section. This subsection shall not apply to a privately owned parking facility in existence as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus provided there is no increase in the capacity of the facility after February 1, 1983. ¹This subsection shall also not apply to a privately owned parking, repair or maintenance facility located outside the city limits of Atlantic City in existence on February 1, 1983, and in continuous operation thereafter, which exclusively accommodates motorbuses, tractor trailers, and limousines owned directly or through a corporation by an owner or a contract purchaser of the

facility, provided there is no increase in the land area of the entire facility after February 1, 1983, the number of buses parked at any one time does not exceed 85, and that on or after January 1, 1992 this exemption shall not transfer with title to the facility.¹

b. The authority may establish a reasonable service charge to be paid by the owner or operator of each motorbus which shall enter a municipality in which casino gaming is authorized, which service charge shall be collected in a manner as the authority may direct. This subsection shall not apply to those motorbuses whose only destination within Atlantic County is a bus terminal designated by the authority as a public bus terminal.

The authority is empowered to require casino hotels in a municipality in which casino gaming is authorized to furnish it with information as is necessary to collect the reasonable service charge referred to in this subsection.

c. Rules and regulations promulgated by the authority under this section may include the provision for an assessment of penalties for any violation of these rules and regulations not to exceed \$500 for any single violation. Any violation of these rules and regulations shall be prosecuted by the municipality in which the violation occurred. All moneys collected as a result of the imposition of fines in cases prosecuted by the municipality shall be paid to the municipality. However, if in the judgment of the authority, any municipality shall fail to enforce adequately the provisions of these rules and regulations, proceedings to enforce rules and regulations in that municipality shall be prosecuted by the authority, and moneys collected as result of the imposition of fines shall be paid to the authority. Proceedings under this section may be instituted on any day of the week and institution of proceedings on a Sunday or holiday shall be no bar to successful prosecution. Any process served on a Sunday or holiday shall be valid as if served on any other day of the week.

d. The authority shall notify by personal service or registered or certified mail, return receipt requested, the clerk of any municipality to be affected by the rules and regulations to be promulgated under this section at least 15 days prior to their promulgation and request comment from the municipality.

e. All rules and regulations adopted pursuant to this section shall be submitted to the commissioner for review prior to adoption by the authority pursuant to the "Administrative Procedure Act," and the commissioner shall have 30 business days to approve or reject the rules and regulations. If the commissioner rejects the rules and regulations, they shall not be approved. If the commissioner approves the rules and regulations

or fails to act within 30 business days after submission, then the authority may adopt the rules and regulations.

f. In order to provide for equitable treatment of all motorbus carriers, including those exempted from this act, and for the proper routing of all carriers, the authority in conjunction with the commissioner or the Board of the New Jersey Transit Corporation, as the case may be, may adopt policies and issue rules and regulations providing for the routing, interception, dispatching, reception and leaving of places of business of exempt motorbuses, in a manner consistent with subsection a. of this section.

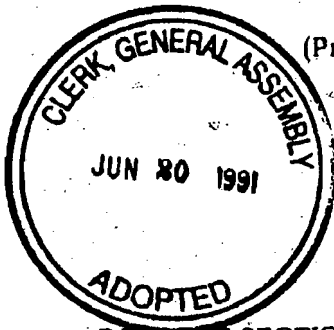
g. The Chairperson of the Senate Transportation and Public Utilities Committee, the Chairperson of the Assembly Transportation Authorities, Telecommunications and Technology Committee, or their successor committees, and the director of the Federal Aviation Administration Technical Center shall receive copies of any rules and regulations to be adopted by the authority at the time of submission to the commissioner pursuant to subsection e. of this section or if not submitted to the commissioner, at the time of submission to the Governor as provided in the "Administrative Procedure Act."

REPLACE SECTION 38 TO READ:

38. The erection, use or maintenance of any structure for the display of outdoor advertising on the Atlantic City Expressway shall be consistent with the provisions of P.L.1959, c.191 (C.54:40-50 et seq.) and ¹P.L.1979, c.111 (C.13:18A-1 et seq.) and¹ the regulations promulgated pursuant to ¹[that law] those laws¹.

STATEMENT

This amendment provides that only the authority may license and regulate motorbus parking, repair and maintenance facilities. Currently, in certain instances, both the Atlantic County Transportation Authority and a municipality may regulate and license a facility. The amendment also provides that certain parking, repair and maintenance facilities located outside the Atlantic City limits may be exempt from such regulation in certain instances. Other changes clarify that outdoor advertising on the Atlantic City Expressway shall be consistent with the "Pinelands Protection Act" in addition to other provisions of law. Currently, such advertising is subject to the Pinelands Protection Act. This amendment is meant to include the language directly in the authority law.



ASSEMBLY Amendments
(Proposed by Assemblyman Mazur)

to

SENATE, No. 3373 SCS (3R)

(Sponsored by Senator Rand)

~~Speaker
Clerk (3)
Majority Leader
Minority Leader
Sponsor of Aa
Sponsor of Bill~~

REPLACE SECTION 3 TO READ:

3. As used in this act:

"Air passenger service" means any service which involves the carriage of persons for compensation or hire by aircraft.

"Atlantic City Expressway" means the expressway project known as the Atlantic City Expressway constructed by the New Jersey Expressway Authority pursuant to section 40 of P.L.1962, c.10 (C.27:12C-40).

"Atlantic City International Airport" means the airport authorized by section 24 of this act.

"Atlantic County Transportation Authority" means the county transportation authority authorized pursuant to P.L.1980, c.44 (C.40:35B-1 et seq.).

"Authority" means the South Jersey Transportation Authority created by section 4 of this act.

"Bond" means any bond or note issued by the authority pursuant to the provisions of this act or issued by or for an original authority or any predecessor authority thereof, as the case may be.

"Commissioner" means the Commissioner of Transportation.

"Construction" or "construct" means the planning, designing, construction, reconstruction, rehabilitation, replacement, repair, extension, enlargement, improvement and betterment of expressway projects and transportation projects, and includes the demolition, clearance and removal of buildings or structures on land acquired, held, leased or used for those projects.

"Cost" means all or any part of the expenses incurred in connection with the acquisition, construction and maintenance of any real property, lands, structures, real or personal property rights, rights-of-way, franchises, easements, and interests acquired or used for a project; any financing charges and reserves for the payment of principal and interest on bonds or notes; the expenses of engineering, appraisal, architectural, accounting, financial and legal services; and other expenses as may be necessary or incident to the acquisition, construction and maintenance of a project, the financing thereof and the placing of the project into operation.

"County" means a county in South Jersey.

"Department" means the Department of Transportation.

"Economic development facility" means any area, place, building or other improvement or structure related to, connected with, or in the vicinity of, a transportation project which may serve the users of that project or assist in, enhance or stimulate its operation or development.

"Expressway project" means the acquisition, construction and maintenance of the Atlantic City Expressway as transferred to the authority pursuant to this act and of any express highway, super highway or motorway at the locations and between the termini as may hereafter be established by law and acquired or to be acquired or constructed or to be constructed under the provisions of this act by the authority, over which abutters have no easements or rights of light, air or direct access by reason of the fact that their properties abut thereon, and shall include but not be limited to all bridges, parking facilities, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll houses, service areas, stations and facilities, communications, facilities, administration, storage and other buildings, and other structures related to the use of the express highway, superhighway or motorway, intersecting highways and bridges and feeder roads which the authority may deem necessary or desirable for the operation of the project, together with all property rights, easements and interests which may be acquired by the authority for the construction or the operation of the project, and includes any planning necessary for the execution of any expressway project.

"Feeder road" means any road which in the determination of the authority is necessary to create or facilitate access to a project and is not more than five miles in length from the point of its connection with the project.

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

"Marine passenger service" means any service which involves the carriage of persons for compensation or hire by waterborne craft.

"Motorbus charter service" means subscription, tour and other special motorbus services.

"Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or

between points within South Jersey and points without South Jersey.

"Municipality" means any city, borough, village, town or township in South Jersey but not a county or a school district.

"New Jersey Expressway Authority" means the authority created pursuant to P.L.1962, c.10 (C.27:12C-1 et seq.).

"Original authority" means the New Jersey Expressway Authority or the Atlantic County Transportation Authority.

"Paratransit service" means any service, other than motorbus regular route service and motorbus charter service, including but not limited to, dial-a-ride, non-regular route, jitney or community minibus, and shared-ride services such as vanpools, limousines or taxicabs which are regularly available to the public. Paratransit services shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers.

"Parking facility" means any area or place, garage, building, or other improvement or structure for the parking or storage of motor or other vehicles, including but not limited to all real property and personal property, driveways, roads and other structures or areas necessary or useful or convenient for access to a facility from a public street, road or highway, or from any transportation project; meters, mechanical equipment necessary or useful or convenient for or in connection with that parking or storage; and any structures, buildings, space or accommodations, whether constructed by an authority or by the lessee, to be leased for any business, commercial or other use, including the sale of gasoline or accessories for, or the repair or other servicing of automobiles and other motor vehicles, if, in the opinion of the authority, the inclusion, provision and leasing is necessary to assist in defraying the expenses of the authority and make possible the operation of the parking facility at reasonable rates, but the authority shall not itself engage in the sale of gasoline or accessories for, or in the repair or other servicing of automobiles or other motor vehicles except in emergency, nor in the sale of any service or commodity of trade or commerce. ⁴[³A repair and maintenance facility which stores motorbuses after performing repairs or maintenance shall not be deemed a parking facility if the facility provides a thorough repair or maintenance program consistent with generally accepted industry practices on a regular basis to the motorbuses serviced at the facility. If only occasional maintenance is performed on motorbuses stored at the facility, the facility shall be deemed a parking facility.]³4

"Project" means an expressway project or transportation project and the costs associated therewith.

"Public highway" means any public highway road or street in South Jersey, including federal aid highways, whether maintained by the State or by a county, municipality or other governmental subdivision in South Jersey.

"Public transportation facility" means, in connection with public transportation service, passenger stations, shelters and terminals, automobile and bus parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbuses and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful or related to the provision of transportation service.

"Public transportation service" means rail passenger service, motorbus regular route service, paratransit service, motorbus charter service and marine passenger service.

"Rail passenger service" means the operation of railroad, subway, or light rail systems including fixed and automated guideway systems for the purpose of carrying passengers in South Jersey or between points within South Jersey and points without South Jersey.

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

"South Jersey" means the area encompassing the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem.

"Transfer date" means, with respect to the New Jersey Expressway Authority, the date on which all bonds issued by New Jersey Expressway Authority cease to be outstanding within the meaning of the resolutions pursuant to which those bonds were issued, as certified by the trustee or trustees thereunder and, with respect to the Atlantic County Transportation Authority, the date on which New Jersey Economic Development Authority first mortgage revenue bonds, series of 1980, dated July 1, 1980, (New York Parking Associates - Parking Authority of Atlantic City project) issued by the New Jersey Economic Development Authority cease to be outstanding within the meaning of the indenture pursuant to which those bonds were issued, as certified by the trustees thereunder or the date on which the South Jersey Transportation Authority certifies to the Atlantic County Transportation Authority for a predecessor authority to the Atlantic County Transportation Authority and the State Treasurer that it assumes all debts and obligations of the Atlantic County Transportation Authority.

"Transportation facility" means any area, place, building, or other structure designed to provide rail passenger service, motorbus regular route service, paratransit service, motorbus charter service, air passenger and air freight service, or marine passenger service, or any two or more of these services, to the public, and includes passenger stations, shelters and terminals, air passenger terminals, hangars, heliports, docking and launching facilities, parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, boats, ferries and other marine vehicles, aircraft, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of these services:

"Transportation project" means the acquisition, construction, and maintenance of an airport, public transportation facility or other transportation facility, established by this act or which may be hereafter established by law and may include related facilities and activities which may consist of public transportation services, public transportation facilities, including but not limited to rail and bus stations and terminals, noise abatement projects, parking facilities, public highways and feeder roads related to or connected with the project, and any economic development facilities as defined in this section. Transportation project includes any planning necessary to develop a comprehensive, efficient, convenient or economical transportation system in South Jersey, any planning or marketing necessary or desirable for the execution of any transportation project, and any planning, acquisition, construction or operation of economic development facilities related to, connected with, or in the vicinity of the project.

"Transportation system" means public highways, expressway projects, transportation projects, and all other methods of transportation for the movement of people and goods in South Jersey.

"Transportation Trust Fund Authority" means the New Jersey Transportation Trust Fund Authority established by section 4 of P.L.1984, c.73 (C.27:1B-4).

REPLACE SECTION 22 TO READ:

22. a. If a plan is established under subsection q. of section 7 of this act for motorbus regular route and motorbus charter services, the plan may provide for: (1) the designation of certain routes upon which motorbus regular route and charter services shall be permitted to travel and, with the consent of the affected

municipalities, the posting of signs by the authority to this effect. The authority may require the owner or operator of a bus entering Atlantic County to file with the authority a notice, in the form and manner which the authority may direct, indicating the proposed route and destination or destinations and the parking facility at which the motorbus intends to park. The authority may issue a permit without charge to the owner or operator filing this notice; (2) the regulation of the manner in which buses may travel to points of loading and unloading by providing for the interception and dispatching of buses; (3) regulation of the activities of the buses incident to their reception at, and leaving of, places of business, in particular casino hotels; (4) the requirement that the buses entering a municipality in which casino gaming is authorized park at a parking facility which can accommodate motorbus parking situated in Atlantic County and which is owned, operated ²[or],² leased², licensed or approved² by the authority ²[or licensed as a parking facility by a municipality to any other person or is a privately owned parking facility in existence as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus]². This shall not apply to those motorbuses, as determined by the authority, which have as their ultimate destination their point of origin, without the necessity of interrupting a continuous journey for the purpose of stopping within Atlantic County, except for the purpose of discharging passengers or those motorbuses whose only destination within Atlantic County is a bus terminal designated by the authority as a public bus terminal. Such a motorbus shall complete its journey by the most direct and expeditious route, as provided by the authority; (5) licensing², including renewals thereof,² and regulation of parking³[, repair and maintenance]^{3 4}, repair and maintenance⁴ facilities which can accommodate motorbus parking³[, repair and maintenance]^{3 4}, repair and maintenance⁴ not owned, operated ²[or],² leased², or approved² by the authority ²[or a municipality]², including the regulation of size, location, utilization and operation of, and need for, the facilities²[, except that any parking, repair or maintenance facility in existence as of February 1, 1983, and licensed by a municipality as a parking, repair or maintenance facility shall be exempt from this regulation and licensure requirement, provided there is no increase in the licensed capacity of the facility after February 1, 1983 or any transferral of license. However, in the event of an application for the renewal of the license of any exempt parking, repair or maintenance facility, any

renewal shall be with the consent of the authority, which consent shall only be granted upon an affirmative showing by the owner or operator of that parking, repair or maintenance facility that the continued operation thereof shall not be detrimental to the orderly flow of motorbus regular route or motorbus charter services within Atlantic County or within the affected municipality nor contrary to the public health, safety, welfare or convenience. In addition, the municipality originally granting or issuing the license may continue, in accordance with law, to regulate any exempt parking facility, but any regulation of the exempt facilities by the municipality shall be approved by the authority and, in like fashion, any regulation of the exempt facilities by the authority shall be approved by the municipality]². The authority shall notify and request comment from any municipality affected by rules and regulations concerning licensure and regulation of parking³, repair and maintenance]³ 4, repair and maintenance⁴ facilities which can accommodate motorbus parking in accordance with subsection d. of this section. ⁴The authority shall regulate repair and maintenance facilities only to the extent necessary to assure that those facilities are not operated as parking facilities and may adopt criteria for determining when the parking of motorbuses at repair and maintenance facilities constitutes operation as a parking facility.⁴ This subsection shall not apply to a privately owned parking⁴, repair and maintenance⁴ facility in existence ⁴at a location in Atlantic County⁴ as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus provided there is no increase in the capacity of the facility after ⁴[February 1, 1983] the effective date of this act except that any such facility located within the city limits of Atlantic City which ^{has} provides repair and maintenance service to its motorbuses and other motorbuses and attendant storage and may expand its facility to an adjoining property, subject to municipal planning and zoning ordinances⁴. ²This subsection shall also not apply to a privately owned parking, repair or maintenance facility located outside the city limits of Atlantic City in existence on February 1, 1983, and in continuous operation thereafter, which exclusively accommodates motorbuses, tractor trailers, and limousines owned directly or through a corporation by an owner or a contract purchaser of the facility, provided there is no increase in the land area of the entire facility after February 1, 1983, the number of buses parked at any one time does not exceed 85, and that on or after January 1,

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1992 this exemption shall not transfer with title to the facility.²

b. The authority may establish a reasonable service charge to be paid by the owner or operator of each motorbus which shall enter a municipality in which casino gaming is authorized, which service charge shall be collected in a manner as the authority may direct. ³The fee shall not exceed \$2.00 per motorbus, except once the maximum fee is reached, the authority may increase the fee annually by the percentage increase of the Consumer Price Index for the Philadelphia-New Jersey area for the preceding year as determined by the Bureau of Labor Statistics.³ This subsection shall not apply to those motorbuses whose only destination within Atlantic County is a bus terminal designated by the authority as a public bus terminal.

The authority is empowered to require casino hotels in a municipality in which casino gaming is authorized to furnish it with information as is necessary to collect the reasonable service charge referred to in this subsection.

c. Rules and regulations promulgated by the authority under this section may include the provision for an assessment of penalties for any violation of these rules and regulations not to exceed \$500 for any single violation. Any violation of these rules and regulations shall be prosecuted by the municipality in which the violation occurred. All moneys collected as a result of the imposition of fines in cases prosecuted by the municipality shall be paid to the municipality. However, if in the judgment of the authority, any municipality shall fail to enforce adequately the provisions of these rules and regulations, proceedings to enforce rules and regulations in that municipality shall be prosecuted by the authority, and moneys collected as result of the imposition of fines shall be paid to the authority. Proceedings under this section may be instituted on any day of the week and institution of proceedings on a Sunday or holiday shall be no bar to successful prosecution. Any process served on a Sunday or holiday shall be valid as if served on any other day of the week.

d. The authority shall notify by personal service or registered or certified mail, return receipt requested, the clerk of any municipality to be affected by the rules and regulations to be promulgated under this section at least 15 days prior to their promulgation and request comment from the municipality.

e. All rules and regulations adopted pursuant to this section shall be submitted to the commissioner for review prior to adoption by the authority pursuant to the "Administrative Procedure Act," and the commissioner shall have 30 business days to approve or reject the

~~rules and regulations. If the commissioner rejects the rules and regulations, they shall not be approved. If the commissioner approves the rules and regulations or fails to act within 30 business days after submission, then the authority may adopt the rules and regulations.~~

f. In order to provide for equitable treatment of all motorbus carriers, including those exempted from this act, and for the proper routing of all carriers, the authority in conjunction with the commissioner or the Board of the New Jersey Transit Corporation, as the case may be, may adopt policies and issue rules and regulations providing for the routing, interception, dispatching, reception and leaving of places of business of exempt motorbuses, in a manner consistent with subsection a. of this section.

g. The Chairperson of the Senate Transportation and Public Utilities Committee, the Chairperson of the Assembly Transportation Authorities, Telecommunications and Technology Committee, or their successor committees, and the director of the Federal Aviation Administration Technical Center shall receive copies of any rules and regulations to be adopted by the authority at the time of submission to the commissioner pursuant to subsection e. of this section or if not submitted to the commissioner, at the time of submission to the Governor as provided in the "Administrative Procedure Act."

STATEMENT

These amendments restore language providing that most motorbus repair and maintenance facilities in Atlantic County are subject to licensing and regulation by the Authority, but limits the regulation of these facilities to that necessary to assure the facilities are not operated as parking facilities. In addition, the language clarifies that a parking, repair and maintenance facility already exempt from regulation under current law shall remain exempt.



S 3.373

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CN-001
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Release: FRIDAY
AUGUST 9, 1991

GOVERNOR FLORIO SIGNS LAW CREATING SOUTH JERSEY TRANSPORTATION AUTHORITY

POMONA -- Governor Jim Florio today signed legislation creating a new transportation authority to plan for the regional needs of the entire South Jersey area. The South Jersey Transportation Authority will be the successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority.

"This is a proud day for South Jersey," said Governor Florio. "It's a turning point in this region's history and it shows what can be done by people with vision and clear goals."

The law transfers the Atlantic City Expressway to the SJTA, establishes the Atlantic City International Airport, authorizes certain acquisitions and repeals various sections of the statutory law.

"Just as important as what we do today is how we did it," the Governor said. "We did it by listening, by reasoning together, and by looking forward to our future."

The Governor said the law would establish an airport division within the new Authority which would be responsible for the construction, maintenance, operation and support of an airport and any heliports. "Our future rides on how well we meet the transportation needs of this state -- on how well we can move people and goods," said the Governor. Earlier this year, Governor Florio announced plans to dramatically expand the Atlantic City Airport. He said at the time that a major regional airport would mean increased development for the area and as well as jobs.

The Governor noted that the new SJTA would help the state meet the challenge of diversifying and building the economy of the entire South Jersey region. "The challenge is very clear," he said. "I'm confident that the authority can get the job done."

He acknowledged the efforts of Senator Walter Rand (D-Camden), Atlantic City Mayor James Whelan and members of the Atlantic City Coordinating Council. "They understood that all of New Jersey has a stake in this region's future, and that when we all walk in the same direction, we all go a lot farther."

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The law gives the Authority responsibility for the acquisition, maintenance, construction, operation and support of Expressway projects. In addition to the Atlantic City International Airport, the bill defines transportation projects as all modes of transportation including marine, rail, motorbus and air as well as the equipment, facilities and materials used in connection with these modes. The Authority is also responsible to assist in planning for the development of the transportation system in South Jersey, which the bill defines as the areas within the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

Members of the Authority will include the Commissioner of Transportation, who will serve as an ex-officio voting member, the Commissioner of Commerce as ex-officio nonvoting member, 7 members appointed by the Governor with the advice and consent of the Senate; six of whom are South Jersey residents. Four of the appointed members are to be residents from within a 30-mile radius of the Airport or of municipalities through which the Expressway travels. Two are to be residents from outside of that 30-mile radius. All of the appointed members are to have expertise in transportation, finance, law, public administration, aviation, or a related field. No more than 4 members may be from the same political party.

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