

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:12-49.1

(Railroads grade crossings--allow counties & municipalities to contract for improvements)

LAWS OF: 1989

CHAPTER: 247

Bill No: A4483

Sponsor(s): Littell

Date Introduced: May 8, 1989

Committee: Assembly: Transportation & Communications

Senate: Transportation & Communications

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

Date of Passage: Assembly: August 14, 1989

Senate: December 14, 1989

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[FIRST REPRINT]
ASSEMBLY, No. 4483

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1989

By Assemblyman LITTELL

1 AN ACT concerning railroads, and amending P.L.1960, c.152.

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

5 1. Section 1 of P.L.1960, c.152 (C.48:12-49.1) is amended to
6 read as follows:

7 1. The railroad company or companies involved shall pay 15%
8 and the [board] Department of Transportation, out of funds to be
9 provided for that purpose, shall pay 85% of the entire expense of
10 constructing any bridge or passage over or under the railroad or
11 right-of-way pursuant to order of the [board] department under
12 [section] R.S.48:12-49 [of the Revised Statutes]. Such expense
13 shall include, without limitation thereto, damages to adjacent
14 property and the cost of removing, relaying or relocating any
15 municipal pipes, conduits or subways.

16 In lieu of the apportionment of expenses as set forth above, if
17 the [board] department finds that such construction of any bridge
18 or passage is necessary due to increased vehicular or pedestrian
19 traffic within the limits of the municipality or county having
20 jurisdiction over the road, street or avenue involved, the [board]
21 department may order the entire expense to be paid as follows:
22 15% by the railroad company or companies involved, 15% by the
23 municipality (or municipalities) or county (or counties) having
24 jurisdiction over the roads, streets or avenues involved and 70%
25 by the [board] department.

26 The railroad company or companies involved shall pay 5% and
27 the [board] department, out of funds to be provided for that
28 purpose, shall pay 95% of the entire expense: (a) of enlarging,
29 changing, reconstructing, relocating or modifying any bridge or
30 passage over or under the railroad or right-of-way, or of
31 reconstructing any passage across the railroad or right-of-way;
32 pursuant to order of the [board] department under [section]
33 R.S.48:12-49 [of the Revised Statutes] and as to which actual

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 Assembly ATC committee amendments adopted June 26, 1989.

1 work is commenced on or after April 1, 1965; or (b) the
2 installation, change, reconstruction, relocation or modification of
3 protective devices or other provision for the protection of the
4 traveling public at grade crossings pursuant to order of the
5 [board] department under [sections] R.S.48:2-29, 48:12-54 or
6 48:12-55 [of the Revised Statutes] and as to which actual work is
7 commenced on or after April 1, 1967. Such expense shall include,
8 without limitation thereto, damages to adjacent property and the
9 cost of removing, relaying or relocating any municipal pipes,
10 conduits or subways. With respect to crossings at grade, such
11 expense shall not include the cost of rails, ties or ballast. The
12 protective devices or other provision for the protection of the
13 traveling public at grade crossings shall be maintained by the
14 railroad at its own cost and expense.

15 In lieu of the apportionment of expenses as set forth in the
16 preceding paragraph, if the [board] department finds that such
17 installation, enlargement, change, reconstruction, relocation or
18 modification is necessary due to increased vehicular or pedestrian
19 traffic within the limits of the municipality or county having
20 jurisdiction over the road, street or avenue involved, the [board]
21 department may order the entire expense to be paid as follows:
22 5% by the railroad company or companies involved, 15% by the
23 municipality (or municipalities) or county (or counties) having
24 jurisdiction over the roads, streets or avenues involved and 80%
25 by the [board] department.

26 The municipalities and counties involved are hereby authorized
27 and empowered to make such payments.

28 Notwithstanding the provisions of R.S.48:12-49 or any other
29 law, rule or regulation to the contrary, a municipality or a
30 county, as the case may be, ¹upon the approval of the
31 Commissioner of Transportation, ¹ is authorized to enter into a
32 contract with a railroad company for the construction,
33 reconstruction, maintenance or repair ¹at grade¹
34 across a railroad or right-of-way located within the boundaries of
35 its geographic jurisdiction and the protective devices thereon
36 designed to protect the public health and safety, including, but
37 not limited to, safety gates, electric bells, and electric signs or
38 signals. The contract shall set forth the rights and
39 responsibilities of the parties thereto, including the

1 apportionment of payments and costs.

(cf: P.L.1967, c.191, s.1)

3 2. This act shall take effect immediately.

5

TRANSPORTATION

7

Rail and Bus Transportation

9 Permits counties and municipalities to enter into contracts to
improve railroad grade crossings and assume the costs therefor.

1 (cf: P.L.1967, c.191, s.1)

2. This act shall take effect immediately.

3

5

STATEMENT

7 This bill permits a municipality or county to enter into
8 contracts for the construction, reconstruction, maintenance or
9 repair of any passage across a railroad or railroad grade crossing.
10 The court held in In re Township of Wayne, 137 N.J. Super. 186
11 (App. Div. 1975) that a local government lacks the authority or
12 jurisdiction to enter into contracts which provide for that local
13 government's assumption of the cost of construction of a railroad
14 grade crossing and the installation of protective devices.

15

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TRANSPORTATION
Rail and Bus Transportation

19

20 Permits counties and municipalities to enter into contracts to
21 improve railroad grade crossings and assume the costs therefor.

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ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4483

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 1989

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 4483 with Assembly committee amendments.

As amended, this bill permits a municipality or county to enter into contracts, subject to the approval of the Commissioner of Transportation for the construction, reconstruction, maintenance or repair of any passage across a railroad or railroad grade crossing. In In re Township of Wayne, 137 N.J. Super. 186 (App. Div. 1975) the court held that a local government lacks the authority to enter into contracts which provide for that local government's assumption of the cost of construction of a railroad grade crossing and the installation of protective devices. This bill would provide a local government with that authority.

The Committee amendments provide that contracts authorized under this bill must be approved by the Commissioner of Transportation and clarify that a municipality or county may enter into contracts only with respect to grade crossings.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4483

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 1989

The Senate Transportation and Communications Committee favorably reports Assembly Bill No. 4483 [1R].

This bill permits a municipality or county to enter into contracts, subject to the approval of the Commissioner of Transportation, for the construction, reconstruction, maintenance or repair of any passage across a railroad or railroad grade crossing. In In re Township of Wayne, 137 N.J. Super. 186 (App. Div. 1975) the court held that a local government lacks the authority to enter into contracts which provide for that local government's assumption of the cost of construction of a railroad grade crossing and the installation of protective devices. This bill would provide a local government with that authority.

This bill is identical to Senate Bill No. 3489, as amended and released by the committee on this date.