

May 26, 1966

R.S. 27:7A-7

LEGISLATIVE HISTORY OF R.S. 27:7A-7  
(Highway Department removal of public utilities)

COPY NO. 1

*for material  
see page 2*

- L. 1945, Chapter 83, § 7 - A59  
Introduced January 22 by Mr. Solimine.  
Amended during passage.  
Statement on bill (copy of bill and statement enclosed).
- L. 1961, Chapter 143, § 1 - A400  
Introduced February 14 by Assemblymen Crabiel and Marryatt.  
Amended during passage.  
No statement on bill.

We could not find any reports or hearings on these bills.

CK/PC

**ASSEMBLY, No. 59**

**STATE OF NEW JERSEY**

INTRODUCED JANUARY 22, 1945

By Mr. SOLIMINE

Referred to Committee on Judiciary

As Act providing for the establishment, construction and maintenance of free-ways and parkways and for the acquisition of rights-of-way, property or any rights or interests therein needed for the construction of freeways and parkways, for the establishment and maintenance of parking areas and recreational and other necessary noncommercial facilities, for the treatment of borders, and for the protection of scenic views, in connection with free-ways and parkways, and for the limitation or exclusion of private access or direct access of abutters therefrom and the limitation of public access thereto in certain cases, and supplementing Title 27 of the Revised Statutes.

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

1     1. As used in this act, "freeway" shall mean a State highway especially  
2 designed for through mixed traffic over which abutters have no easement, or  
3 right, of light, air or direct access, by reason of the fact that their property  
4 abuts upon such way, with infrequent public entrances and exits and with or  
5 without service roads.

6     "Parkway" shall mean a State highway especially designed for through  
7 passenger traffic over which abutters have no easement, or right, of light,  
8 air or direct access, by reason of the fact that their property abuts upon  
9 such way, with special treatment in landscaping and planting between road-

10 ways and along its borders, which borders may also include service roads  
11 open to mixed traffic, recreational facilities such as pedestrian, bicycle and  
12 bridle paths, overlooks and picnic areas, and other necessary noncommercial  
13 facilities.

1     2. Upon recommendation of the State Highway Commissioner and upon  
2 subsequent designation by the Legislature of any projected State highway,  
3 or portion thereof, as a freeway or as a parkway, the State Highway Com-  
4 missioner shall have authority to arrange with landowners, at the time of  
5 purchase of the rights-of-way for such highway or portion thereof, for the  
6 limitation of public or private access or for complete exclusion of direct  
7 access of abutters to the State highway right-of-way. Such arrangements  
8 shall be made part of the purchase contract. In the event that no agreement  
9 can be reached between the parties, the commissioner shall have the power to  
10 acquire said rights of access by condemnation.

1     3. Property needed for any freeway is declared to be all those lands or  
2 interests therein required for the travelled way together with those lands or  
3 interests therein necessary for maintenance and protection of the present  
4 and future use of the highway, not to exceed a total width of right-of-way  
5 for a freeway of three hundred feet, except where needed in connection  
6 with a grade separation and connecting roadways at an intersection with  
7 another highway. The State Highway Commissioner shall have the author-  
8 ity to control the number of access roads and their location and design.

1     4. Property needed for any parkway is declared to be all those lands or  
2 interests therein required for the travelled way, together with those proper-  
3 ties, including lands and interests therein, necessary to protect scenic views,  
4 to provide land between roadways, to provide occasional parking areas, to  
5 provide for treatment of borders and to provide recreational facilities as  
6 referred to in the definition of a parkway under section one of this act.

1     5. Upon recommendation of the State Highway Commissioner and upon  
2 subsequent designation by the Legislature of any existing State highway, or  
3 portion thereof, as a freeway or parkway, the State Highway Commissioner  
4 shall have the authority to acquire, either by purchase or condemnation, such

5 property rights, easements and access rights as may be necessary to make  
6 such existing highway or portion thereof a freeway or parkway as defined in  
7 this act.

1     6. The State Highway Commissioner shall have the authority to restrict  
2 the use of roadways in parkways to passenger motor vehicles and to make  
3 such other regulations as may be proper or necessary to carry out the pro-  
4 visions of this act.

1     7. The State Highway Commissioner shall also have authority to make  
2 reasonable regulations for the installation, construction, maintenance, repair,  
3 renewal and removal of tracks, pipes, mains, conduits, cables, wires, towers,  
4 poles and other equipment and appliances (herein called "facilities") of any  
5 public utility as defined in section 27:7-1 of the Revised Statutes, in, on,  
6 along, over or under any such freeway or parkway. Whenever the State  
7 Highway Commissioner shall determine that it is necessary that any such  
8 facilities which now are, or hereafter may be, located in, on, along, over or  
9 under any such freeway or parkway should be relocated, either in such free-  
10 way or parkway, or from one to the other, or to some other public highway  
11 or to private property, or should be removed from such freeway or park-  
12 way, the public utility owning or operating such facilities shall relocate or  
13 remove the same in accordance with the order of the State Highway Com-  
14 missioner; *provided, however,* that the cost and expenses of such relocation  
15 or removal, including the cost of installing such facilities in a new location,  
16 or new locations, and the cost of any lands, or any rights or interests in  
17 lands, and any other rights, acquired to accomplish such relocation or re-  
18 moval, shall be paid by the State Highway Commissioner. In case of any  
19 such relocation of facilities, as aforesaid, the public utility owning or operat-  
20 ing the same, its successors or assigns, may maintain and operate such facili-  
21 ties, with the necessary appurtenances, in the new location or new locations  
22 for as long a period, and upon the same terms and conditions, as it had the  
23 right to maintain and operate such facilities in their former location.

1     8. No commercial enterprises or activities shall be authorized or con-  
2 ducted by the State Highway Commissioner or any other agency of the State

3 within or on the property acquired for or designated as a freeway or park-  
4 way, as defined in this act.

5       The State Highway Commissioner, in order to permit the establishment  
6 of adequate fuel or other service facilities by private owners or their lessees,  
7 for the users of a freeway or parkway, shall provide for access roads, on the  
8 right-of-way, leading to and from any freeway or parkway established or  
9 designated as provided in this act, at points which, in his opinion, will best  
10 serve the public interest.

11       The location of such fuel and other service facilities may be indicated to  
12 users of the freeway or parkway by appropriate signs, the size, style and  
13 specifications, of which, shall be determined by the State Highway Com-  
14 missioner.

1       9. The powers contained in this act are in addition to all the powers  
2 that the State Highway Commissioner has at the time this act becomes effec-  
3 tive, and any limitation herein contained shall be interpreted as applying  
4 only to freeways and parkways created under this act.

1       10. This act shall take effect immediately.

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STATEMENT

The purpose of this act is expressed in its title.

**ASSEMBLY, No. 59**

**STATE OF NEW JERSEY**

INTRODUCED JANUARY 22, 1945

By Mr. SOLIMINE

Referred to Committee on Judiciary

As Act providing for the establishment, construction and maintenance of free-ways and parkways and for the acquisition of rights-of-way, property or any rights or interests therein needed for the construction of freeways and parkways, for the establishment and maintenance of parking areas and recreational and other necessary noncommercial facilities, for the treatment of borders, and for the protection of scenic views, in connection with free-ways and parkways, and for the limitation or exclusion of private access or direct access of abutters therefrom and the limitation of public access thereto in certain cases, and supplementing Title 27 of the Revised Statutes.

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

1     1. As used in this act, "freeway" shall mean a State highway especially  
2 designed for through mixed traffic over which abutters have no easement, or  
3 right, of light, air or direct access, by reason of the fact that their property  
4 abuts upon such way, with infrequent public entrances and exits and with or  
5 without service roads.

6     "Parkway" shall mean a State highway especially designed for through  
7 passenger traffic over which abutters have no easement, or right, of light,  
8 air or direct access, by reason of the fact that their property abuts upon  
9 such way, with special treatment in landscaping and planting between road-

10 ways and along its borders, which borders may also include service roads  
11 open to mixed traffic, recreational facilities such as pedestrian, bicycle and  
12 bridle paths, overlooks and picnic areas, and other necessary noncommercial  
13 facilities.

1 2. Upon recommendation of the State Highway Commissioner and upon  
2 subsequent designation by the Legislature of any projected State highway,  
3 or portion thereof, as a freeway or as a parkway, the State Highway Com-  
4 missioner shall have authority to arrange with landowners, at the time of  
5 purchase of the rights-of-way for such highway or portion thereof, for the  
6 limitation of public or private access or for complete exclusion of direct  
7 access of abutters to the State highway right-of-way. Such arrangements  
8 shall be made part of the purchase contract. In the event that no agreement  
9 can be reached between the parties, the commissioner shall have the power to  
10 acquire said rights of access by condemnation.

1 3. Property needed for any freeway is declared to be all those lands or  
2 interests therein required for the travelled way together with those lands or  
3 interests therein necessary for maintenance and protection of the present  
4 and future use of the highway, not to exceed a total width of right-of-way  
5 for a freeway of three hundred feet, except where needed in connection  
6 with a grade separation and connecting roadways at an intersection with  
7 another main highway. The State Highway Commissioner shall have the  
8 authority to control the number of access roads and their location and design.

1 4. Property needed for any parkway is declared to be all those lands or  
2 interests therein required for the travelled way, together with those proper-  
3 ties, including lands and interests therein, necessary to protect scenic views,  
4 to provide land between roadways, to provide occasional parking areas, to  
5 provide for treatment of borders and to provide recreational facilities as  
6 referred to in the definition of a parkway under section one of this act.

1 5. Upon recommendation of the State Highway Commissioner and upon  
2 subsequent designation by the Legislature of any existing State highway, or  
3 portion thereof, as a freeway or parkway, the State Highway Commissioner  
4 shall have the authority to acquire, either by purchase or condemnation, such

5 property rights, easements and access rights as may be necessary to make  
6 such existing highway or portion thereof a freeway or parkway as defined in  
7 this act.

1 6. The State Highway Commissioner shall have the authority to restrict  
2 the use of roadways in parkways to passenger motor vehicles and to make  
3 such other regulations as may be proper or necessary to carry out the pro-  
4 visions of this act.

1 7. The State Highway Commissioner shall also have authority to make  
2 reasonable regulations for the installation, construction, maintenance, repair,  
3 renewal and removal of tracks, pipes, mains, conduits, cables, wires, towers,  
4 poles and other equipment and appliances (herein called "facilities") of any  
5 public utility as defined in section 27:7-1 of the Revised Statutes, in, on,  
6 along, over or under any such freeway or parkway. Whenever the State  
7 Highway Commissioner shall determine that it is necessary that any such  
8 facilities which now are, or hereafter may be, located in, on, along, over or  
9-10 under any such freeway or parkway should be relocated in such freeway  
11 or parkway, or should be removed from such freeway or parkway,  
12 the public utility owning or operating such facilities shall relocate or  
13 remove the same in accordance with the order of the State Highway Com-  
14 missioner; *provided, however*, that the cost and expenses of such relocation  
15 or removal, including the cost of installing such facilities in a new location,  
16 or new locations, and the cost of any lands, or any rights or interests in  
17 lands, and any other rights, acquired to accomplish such relocation or re-  
18 moval, shall be paid by the State Highway Commissioner. In case of any  
19 such relocation of facilities, as aforesaid, the public utility owning or operat-  
20 ing the same, its successors or assigns, may maintain and operate such facili-  
21 ties, with the necessary appurtenances, in the new location or new locations  
22 for as long a period, and upon the same terms and conditions, as it had the  
23 right to maintain and operate such facilities in their former location.

1 8. No commercial enterprises or activities shall be authorized or con-  
2 ducted by the State Highway Commissioner or any other agency of the State

3 within or on the property acquired for or designated as a freeway or park-  
4 way, as defined in this act.

5       The State Highway Commissioner, in order to permit the establishment  
6 of adequate fuel or other service facilities by private owners or their lessees,  
7 for the users of a freeway or parkway, shall provide for access roads within  
8 the State's right-of-way of any freeway or parkway established or  
9 designated as provided in this act, at points which, in his opinion, will best  
10 serve the public interest.

11       The location of such fuel and other service facilities may be indicated to  
12 users of the freeway or parkway by appropriate signs, the size, style and  
13 specifications, of which, shall be determined by the State Highway Com-  
14 missioner.

1       9. The powers contained in this act are in addition to all the powers  
2 that the State Highway Commissioner has at the time this act becomes effec-  
3 tive, and any limitation herein contained shall be interpreted as applying  
4 only to freeways and parkways created under this act.

1       10. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

**ASSEMBLY, No. 59**

**STATE OF NEW JERSEY**

INTRODUCED JANUARY 22, 1945

By Mr. SOLIMINE

Referred to Committee on Judiciary

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

1     1. As used in this act, "freeway" shall mean a State highway especially  
2 designed for through mixed traffic over which abutters have no easement, or  
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5 without service roads.

6     "Parkway" shall mean a State highway especially designed for through  
7 passenger traffic over which abutters have no easement, or right, of light,  
8 air or direct access, by reason of the fact that their property abuts upon  
9 such way, with special treatment in landscaping and planting between road-  
10 ways and along its borders, which borders may also include service roads

11 open to mixed traffic, recreational facilities such as pedestrian, bicycle and  
12 bridle paths, overlooks and picnic areas, and other necessary noncommercial  
13 facilities.

1     2. Upon recommendation of the State Highway Commissioner and upon  
2 subsequent designation by the Legislature of any projected State highway,  
3 or portion thereof, as a freeway or as a parkway, the State Highway Com-  
4 missioner shall have authority to arrange with landowners, at the time of  
5 purchase of the rights-of-way for such highway or portion thereof, for the  
6 control of public or private access or for complete exclusion of direct  
7 access of abutters to the State highway right-of-way. Such arrangements  
8 shall be made part of the purchase contract. In the event that no agreement  
9 can be reached between the parties, the commissioner shall have the power to  
10 acquire said rights of access by condemnation.

1     3. Property needed for any freeway is declared to be all those lands or  
2 interests therein required for the travelled way together with those lands or  
3 interests therein necessary for maintenance and protection of the present  
4 and future use of the highway, not to exceed a total average width of right-of-  
5 way for a freeway of three hundred feet, except where needed in connection  
6 with a grade separation and connecting roadways at an intersection with  
7 another main highway. The State Highway Commissioner shall have the  
8 authority to control the number of access roads and their location and design.

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2 interests therein required for the travelled way, together with those proper-  
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4 roadways, to provide occasional parking areas, to provide for treatment of  
5 borders and landscape areas and to provide recreational facilities as re-  
6 ferred to in the definition of a parkway under section one of this act.

1     5. Upon recommendation of the State Highway Commissioner and upon  
2 subsequent designation by the Legislature of any existing State highway, or  
3 portion thereof, as a freeway or parkway, the State Highway Commissioner  
4 shall have the authority to acquire, either by purchase or condemnation, such  
5 property rights, easements and access rights as may be necessary to make

6 such existing highway or portion thereof a freeway or parkway as defined in  
7 this act.

1     6. The State Highway Commissioner shall have the authority to restrict  
2 the use of roadways in parkways to passenger motor vehicles and to make  
3 such other regulations as may be proper or necessary to carry out the pro-  
4 visions of this act; *provided, however*, if any highway or any portion or por-  
5 tions thereof over which autobuses lawfully operate is designated a park-  
6 way, or a part of a parkway, no such restriction or regulation shall pre-  
7 vent the use by autobuses, in accordance with other laws applicable thereto,  
8 of such portion or portions of such parkway as include such highway or  
9 portion or portions thereof, or of such portion or portions of such parkway  
10 as shall be necessary to provide ingress and egress for such autobuses in con-  
11 nection with such use.

1     7. The State Highway Commissioner shall also have authority to make  
2 reasonable regulations for the installation, construction, maintenance, repair,  
3 renewal and removal of tracks, pipes, mains, conduits, cables, wires, towers,  
4 poles and other equipment and appliances (herein called "facilities") of any  
5 public utility as defined in section 27:7-1 of the Revised Statutes, in, on,  
6 along, over or under any such freeway or parkway. Whenever the State  
7 Highway Commissioner shall determine that it is necessary that any such  
8 facilities which now are, or hereafter may be, located in, on, along, over or  
9-10 under any such freeway or parkway should be relocated in such freeway  
11 or parkway, or should be removed from such freeway or parkway,  
12 the public utility owning or operating such facilities shall relocate or  
13 remove the same in accordance with the order of the State Highway Com-  
14 missioner; *provided, however*, that the cost and expenses of such relocation  
15 or removal, including the cost of installing such facilities in a new location,  
16 or new locations, and the cost of any lands, or any rights or interests in  
17 lands, and any other rights, acquired to accomplish such relocation or re-  
18 moval, shall be paid by the State Highway Commissioner. In case of any  
19 such relocation of facilities, as aforesaid, the public utility owning or operat-  
20 ing the same, its successors or assigns, may maintain and operate such facili-

21 ties, with the necessary appurtenances, in the new location or new locations  
22 for as long a period, and upon the same terms and conditions, as it had the  
23 right to maintain and operate such facilities in their former location. No  
24 order of the State Highway Commissioner for the removal of such facili-  
25 ties from such freeway or parkway or the relocation thereof outside of  
26 such freeway or parkway shall be effective except as such order is approved  
27 by the Board of Public Utility Commissioners.

1 8. No commercial enterprises or activities shall be authorized or con-  
2 ducted by the State Highway Commissioner or any other agency of the State  
3 within or on the property acquired for or designated as a freeway or park-  
4 way, as defined in this act; *provided, however*, that nothing herein shall  
5 prevent the operation, in the manner provided by law, of autobuses within  
6 or on the property used for or designated as a freeway as defined in this  
7 act, or the operation, in the manner provided by law, of autobuses within  
8 or on the property used for or designated as a parkway as defined in this  
9 act to the extent provided for in section six of this act.

10 The State Highway Commissioner, in order to permit the establishment  
11 of adequate fuel or other service facilities by private owners or their lessees,  
12 for the users of a freeway or parkway, shall provide for access roads within  
13 the State's right-of-way of any freeway or parkway established or  
14 designated as provided in this act, at points which, in his opinion, will best  
15 serve the public interest.

16 The location of such fuel and other service facilities may be indicated to  
17 users of the freeway or parkway by appropriate signs, the size, style and  
18 specifications, of which, shall be determined by the State Highway Com-  
19 missioner.

1 9. The powers contained in this act are in addition to all the powers  
2 that the State Highway Commissioner has at the time this act becomes effec-  
3 tive, and any limitation herein contained shall be interpreted as applying  
4 only to freeways and parkways created under this act.

1 10. This act shall take effect immediately.