

48:12-52

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:12-52

(Railroad bridge repair by counties -reimbursement
by railroad companies)

LAWS OF: 1983

CHAPTER: 120

Bill No: S3

Sponsor(s): Weiss

Date Introduced: Pre-filed

Committee: Assembly: Transportation and Communications

Senate: Transportation and Communications

Amended during passage: ///

No Substituted for A1838 (not
attached since identical to S3)

Date of Passage:

Assembly: Feb. 28, 1983

Senate: March 8, 1982

Date of Approval: April 4, 1983

Following statements are attached if available:

Sponsor statement:		Yes	// (Below)
Committee statement:	Assembly	Yes	//
	Senate	Yes	//
Fiscal Note:		///	No
Veto Message:		///	No
Message on Signing:		///	No Yes
Following were printed:			
Reports:		///	No
Hearings:		///	No

Sponsor's statement:

This bill amends R.S. 48:12-52 to provide municipalities and counties with the authority necessary to compel a railroad company to maintain bridges and other crossings which cross, or are crossed by, highways, in those cases where the bridges or crossings were originally constructed by, or are owned by, the railroad company.

SENATE, No. 3

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator WEISS

AN ACT concerning bridge maintenance and amending R. S.
48:12-52.

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

1 1. R. S. 48:12-52 is amended to read as follows:

2 48:12-52. When a *railroad* company shall not properly construct
3 and maintain the bridges or other crossings [of highways by its
4 railroad tracks as required by law,] *which cross, or are crossed by,*
5 *highways, whenever the bridges or crossings were originally*
6 *constructed by, or are owned by, the railroad company, the*
7 *governing body of the county or municipality wherein such cross-*
8 *ings are located may, within a reasonable time, after notice to the*
9 *company, construct or repair such bridges or other crossings, and*
10 *the cost thereof may be collected from the company whose duty it*
10A *is to make such construction or repair, by action in a court of*
10B *competent jurisdiction.*

11 In lieu of such construction or repair the *county or municipality*
12 *may proceed by suit in equity to compel the specific performance*
13 *of the duties imposed by law upon the company with respect to the*
14 *construction, maintenance and repair of such bridges and crossings.*
15 *The court shall prescribe the crossing to be constructed or the*
16 *repairs to be made.*

17 In order to enforce obedience to its decree or mandate, the court
18 may restrain the exercise of any of the franchises of the company
19 or adopt other remedies in accordance with the practice of the
20 court.

1 2. This act shall take effect immediately.

STATEMENT

This bill amends R. S. 48:12-52 to provide municipalities and counties with the authority necessary to compel a railroad company to maintain bridges and other crossings which cross, or are crossed by, highways, in those cases where the bridges or crossings were originally constructed by, or are owned by, the railroad company.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 3

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1982

This bill concerns the role of counties in the maintenance and repair of railroad bridges which cross, or are crossed by, highways, in those cases where the bridges or crossings were originally constructed by, or are owned by, the railroad company.

The bill amends R. S. 48:12-52 to provide that counties, as well as municipalities, may repair these bridges and collect the cost of the repair by action in a court of competent jurisdiction. It also provides that counties, as well as municipalities, may take legal action to compel a railroad company's maintenance and repair of these bridges.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 3

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1982

This bill concerns the role of counties in the maintenance and repair of railroad bridges which cross, or are crossed by, highways.

This bill amends an existing statute to provide that counties, as well as municipalities, may repair such bridges and collect the cost of the repair by action in a court of competent jurisdiction. It also provides that counties, as well as municipalities, may take legal action to compel a railroad company's maintenance and repair of bridges.

The Department of Transportation took no position on this legislation.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: PAUL WOLCOTT

MONDAY, APRIL 4, 1983

Governor Thomas H. Kean has signed the following bills:

A-872, sponsored by Assemblyman Robert D. Franks, (R-Union), which allows counties and municipalities an additional ten days to review a defeated school budget.

A-329, sponsored by Assemblyman David C. Schwartz, (D-Middlesex), which liberalizes the eligibility criteria for municipalities which may grant property tax exemption and abatement in order to stimulate the rehabilitation of blighted areas. The bill removes provisions of the existing law that require that a municipality have at least 350 children on the Aid to Families with Dependent Children program and that there be public housing in the municipality.

S-1044, sponsored by State Senator Matthew Feldman (D-Bergen), which increases the price to be paid by governmental agencies for publishing official advertising in the state's newspapers.

S-1772, sponsored by State Senator Walter E. Foran, (R-Hunterdon), which appropriates \$300,000 for the completion of the merger of the Highway Patrol into the State Police.

A-1048, sponsored by Assemblyman Martin A. Herman, (D-Salem), which appropriates \$471,550 from the Natural Resources Fund for State grants to counties for the design, acquisition and construction of resource recovery facilities. The bill affects Cape May, Hunterdon, Morris, Salem and Essex counties.

S-3, sponsored by State Senator Laurence S. Weiss, (D-Middlesex), which provides counties and municipalities with the authority to compel railroad companies to maintain bridges and other crossings.

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