SENATE, No. 132

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1947

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT concerning municipal consent for the use of streets, and amending section 48:3–11 of the Revised Statutes.

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

1. Section 48:3–11 of the Revised Statutes is amended to read as follows:

48:3–11. Where by law the consent of a municipality is required for the use of any street either above, below or on the surface thereof, such consent shall not be granted except as hereinafter in this article provided. This section shall not apply to any consent, privilege or franchise which is subject to approval by the Board of Public Utility Commissioners pursuant to this Title.

The word "street" as used in this article shall mean and include any street, avenue, park, parkway, highway or other public place.

2. This act shall take effect immediately.

STATEMENT

This bill is an amendment to the so-called "Limited Franchise Act" of 1906. The Limited Franchise Act was passed long before the establishment of the Public Utility Commission in this State, and its principal object was to give municipalities a chance to periodically review the rates to be charged and the

character of service to be rendered by public utilities using the public streets. This reason became obsolete with the passage of the Public Utility Act of 1911, by virtue of which the Board of Public Utility Commissioners is required to approve every franchise or grant of privilege for the use of streets, and also has full and complete jurisdiction with respect to rates and character of service to be rendered by utilities. The procedures of the Limited Franchise Act are complicated. The Limited Franchise Act may have some value in connection with consents for use of highways by persons or corporations other than public utilities which are subject to regulation by the Board of Public Utility Commissioners. The object of the act specifically is to exempt from its provisions consents, privileges and franchises for the use of public streets which are subject to approval by the Board of Public Utility Commissioners.

COMMITTEE SUBSTITUTE FOR

SENATE, No. 132

STATE OF NEW JERSEY

ADOPTED MARCH 10, 1947

AN ACT concerning the granting by municipalities of consent to the use of streets, avenues, parks, parkways, and other public places, and amending section 48:3–17 of the Revised Statutes.

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

1. Section 48:3–17 of the Revised Statutes is amended to read as follows:

48:3–17. The provisions of this article are in addition to other conditions imposed by law.

This article shall not apply to any railroad company, or to the giving of consent by one municipality for the use of any of its streets, either above, below or on the surface thereof, to another municipality for the laying therein of municipal water mains, upon obtaining such consent in the manner provided by law.

This article shall not apply to any consent which is subject to approval by the Board of Public Utility Commissioners pursuant to this Title.

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