

# 27:19-26.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                 **CHAPTER:** 301  
**NJSA:** 27:19-26.1        (County bridge commissions)  
**BILL NO:** S2533           (Substituted for A3855)

**SPONSOR(S):** Bark

**DATE INTRODUCED:** October 3, 2001

**COMMITTEE:**             **ASSEMBLY:** ---

**SENATE:** Economic Growth

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**         **ASSEMBLY:** December 17, 2001

**SENATE:** December 17, 2001

**DATE OF APPROVAL:**       January 2, 2002

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (1st reprint enacted)

                          (Amendments during passage denoted by superscript numbers)

#### **S2533**

**SPONSORS STATEMENT:** (Begins on page 12 of original bill)             Yes

**COMMITTEE STATEMENT:**   **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:**   Yes

**LEGISLATIVE FISCAL ESTIMATE:**   No

#### **A3855**

**SPONSORS STATEMENT:** (Begins on page 12 of original bill)             Yes

Bill and Sponsors Statement identical to S2533

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**NEWSPAPER ARTICLES:** No

**SENATE, No. 2533**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED OCTOBER 3, 2001

**Sponsored by:**

**Senator MARTHA W. BARK**

**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Expands powers of county bridge commissions to undertake additional projects including terminals, terminal facilities, transportation facilities or any other facility of commerce or economic development activity within a county.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning county bridge commissions, amending various  
2 parts of the statutory law and supplementing article 2 of chapter 19  
3 of Title 27 of the Revised Statutes.

4

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

7

8 1. (New section) As used in this article:

9 "Governmental unit" means the United States of America or the  
10 State of New Jersey or any county or municipality or any subdivision,  
11 department, agency or instrumentality heretofore or hereafter created,  
12 designated or established by or for the United States of America or the  
13 State of New Jersey or any county or municipality.

14 "Person" means any person, partnership, association, corporation,  
15 or entity other than a governmental unit.

16 "Project" means any project authorized by this article.

17

18 2. R.S.27:19-26 is amended to read as follows:

19 27:19-26. Every county through its board of chosen freeholders  
20 may, if it determines so to do, create a bridge commission. Each  
21 bridge commission so created shall have power from time to time and  
22 be authorized to:

23 a. Prepare the necessary and proper plans and specifications for the  
24 construction, acquisition, improvement or replacement of such bridge  
25 or bridges as may be approved by said board of chosen freeholders;

26 b. Select the location for same, determine the size, type and  
27 method of construction thereof;

28 c. Plan and fix their boundaries and approaches;

29 d. Make any necessary estimates of the probable costs of  
30 construction, acquisition or improvement thereof including the said  
31 approaches and the acquisition of the land and rights for the sites of  
32 the abutments and approaches to the bridge or bridges;

33 e. Enter into the necessary contracts to construct, acquire,  
34 improve, equip or demolish such bridge or bridges and approaches  
35 thereto, or any part thereof;

36 f. Build or acquire the superstructures and substructures and all  
37 parts thereof;

38 g. Obtain and exercise such consents or approvals as may be  
39 necessary from officials or agencies of the government of the United  
40 States or the State of New Jersey;

41 h. Borrow money and incur indebtedness, and issue its negotiable  
42 bonds or notes for any of the purposes provided for in this article and  
43 for the purpose of funding or refunding its bonds, notes or other

**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.**

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1 indebtedness, and provide for the rights and security of the holders of  
2 such bonds, notes or other indebtedness;

3 i. Maintain, improve, reconstruct, manage, control and operate  
4 such bridge or bridges and approaches, and with the consent of said  
5 board of chosen freeholders, by resolution, but subject to and in  
6 compliance with every contract or agreement of the commission,  
7 demolish or dispose of any such bridges other than a bridge or bridges  
8 extending within the limits of any other State; [and]

9 j. Acquire, hold and dispose of any and all property, real or  
10 personal, make, and carry out and perform any and all contracts and  
11 agreements, execute any and all instruments, and do and perform any  
12 and all acts and things, necessary or convenient in the exercise of the  
13 powers expressly given in this article or in the performance of the  
14 duties required in or undertaken pursuant to this article;

15 k. Plan, finance, develop, acquire, construct, purchase, lease,  
16 maintain, market, improve and operate any project within the county,  
17 including but not limited to, any terminal, terminal facility,  
18 transportation facility or any other facility of commerce or economic  
19 development activity;

20 l. Extend credit or make loans to any governmental unit or person  
21 for the planning, design, acquisition, construction, improvement,  
22 equipping, and furnishing of any project; and

23 m. Mortgage, pledge, assign or otherwise encumber all or any  
24 portion of its revenues and other income, real and personal property,  
25 projects and facilities and fix and collect facility charges for the use of  
26 any project for the purpose of securing its bonds, notes, and other  
27 obligations or otherwise in furtherance of the purposes of this article.

28 As used in this article, the term "bridge" shall mean and include a  
29 bridge, trestle, viaduct, tunnel, cut or any other structure or device for  
30 the passage of persons or vehicles over, under or around an obstacle,  
31 and the term "approach" shall mean and include an approach to a  
32 bridge of a commission or any road or highway connecting therewith  
33 or contributing vehicular traffic thereto or connecting 2 or more such  
34 bridges.

35 (cf: P.L.1963, c. 101, s. 1)

36

37 3. R.S.27:19-29 is amended to read as follows:

38 27:19-29. a. The commission may at all times take, demand, and  
39 receive of and from any person who shall pass over or use its bridge  
40 or bridges and approaches, when such person shall enter upon or  
41 attempt to use the same, such rate of toll as may be fixed by it from  
42 time to time, for persons, automobiles, wagons, carts or other vehicles  
43 or for horses, cows or other animals, or for things not herein  
44 enumerated, entering on, passing over or using any such bridge and the  
45 approaches thereto.

46 Any toll gatherer of the commission may stop any person with

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1 automobiles, wagons, carts, or other vehicles or things not herein  
2 enumerated, and all horses, cows, cattle or other animal or animals,  
3 from entering upon, passing over or using any such bridge and the  
4 approaches thereto until the toll herein provided for shall have been  
5 paid.

6 b. The commission is authorized to charge and collect tolls, rents,  
7 rates, fares, fees or other charges (sometimes in this article referred to  
8 as "facility charges") in connection with, or for the use or services of,  
9 or otherwise relating to, any project owned, leased or controlled by  
10 the commission. Such facility charges may be charged to and collected  
11 from any governmental unit or person and such governmental unit or  
12 person shall be liable for and shall pay such facility charges to the  
13 commission at the time when and place where such facility charges are  
14 due and payable.

15 (cf: R.S.27:19-29)

16

17 4. R.S.27:19-31 is amended to read as follows:

18 27:19-31. (A) To finance any of the purposes or powers provided  
19 for in this article, the bridge commission shall from time to time first  
20 determine which bridge or bridges, project or projects are to be  
21 constructed, acquired, improved or replaced and, for any project  
22 which the county unconditionally guarantees the punctual payment of  
23 the principal of and interest on any bonds of the commission, seek  
24 approval or consent of the board or boards of chosen freeholders for  
25 such projects, and upon receiving such approval or consent, or  
26 whenever deemed by it necessary or desirable for the purpose of  
27 funding or refunding its bonds, notes or other indebtedness or  
28 providing funds or reserves for payment or security of any  
29 indebtedness including interest or redemption premiums thereon due  
30 or to accrue, such commission shall be authorized to issue its bonds,  
31 notes or other evidences of indebtedness [which]. The commission  
32 may issue such types of bonds, notes or other evidences of  
33 indebtedness as it may determine including, without limitation, bonds,  
34 notes, or other evidence of indebtedness on which the principal and  
35 interest are payable: (1) exclusively from the income and revenues or  
36 facility charges of the project financed with the proceeds of such  
37 obligations; (2) exclusively from the income and revenues or facility  
38 charges of certain designated projects whether or not they are financed  
39 in whole or in part with the proceeds of such obligations; or (3) from  
40 its revenues generally. In addition, such bonds, notes and other  
41 evidence of indebtedness may be secured by a pledge of any grant or  
42 contribution from any governmental unit or person or a pledge of any  
43 income or revenues of the commission from any source whatsoever,  
44 or by a lien [or], mortgage or pledge upon any one or more of its  
45 bridges, approaches or [other properties] all or any part of the real or  
46 personal property of the commission, including property which is

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1 acquired, improved, constructed, financed or refinanced by the  
2 proceeds of such bonds, or upon the tolls to be received in the  
3 operation of any one or more of such bridges, approaches or other  
4 properties or any other income or receipts of the commission, or upon  
5 any combination of any of the foregoing. [Except as may be  
6 otherwise provided by or pursuant to paragraph (B) of this section  
7 27:19-31, the principal and interest of such bonds, notes or other  
8 evidences of indebtedness shall be payable only from the tolls or other  
9 income from such bridge or bridges and other assets of such  
10 commission provided therefor; and in connection therewith no county  
11 other than a county which in accordance with said paragraph (B) shall  
12 have guaranteed payment of the principal of and interest on any such  
13 bonds shall incur any indebtedness of any kind or nature or pledge  
14 credit, taxes or taxing power, or any part thereof, in support of such  
15 principal and interest.]

16 (B) For the purpose of aiding a commission in the accomplishment  
17 of any of the purposes or powers provided for in this article and in  
18 marketing any of its bonds, refunding or other, the county which  
19 created it may, pursuant to resolution duly adopted by its board of  
20 chosen freeholders in the manner provided for adoption of a bond  
21 ordinance as provided in the Local Bond Law (N.J.S., Title 40A,  
22 chapter 2) and with or without consideration and upon such terms and  
23 conditions as may be agreed to by and between the county and the  
24 commission, unconditionally guarantee the punctual payment of the  
25 principal of and interest on any bonds of the commission. Any  
26 guaranty of bonds of a commission made pursuant to this section shall  
27 be evidenced by endorsement thereof on such bonds, executed in the  
28 name of the county and on its behalf by such officer thereof as may be  
29 designated in the resolution authorizing such guaranty, and such  
30 county shall thereupon and thereafter be obligated to pay the principal  
31 of and interest on said bonds in the same manner and to the same  
32 extent as in the case of bonds issued by it. Any such guaranty of  
33 bonds of a commission may be made, and any resolution authorizing  
34 such guaranty may be adopted, notwithstanding any statutory debt or  
35 other limitations, including particularly any limitation or requirement  
36 under or pursuant to said Local Bond Law, but the principal amount  
37 of bonds so guaranteed, shall, after their issuance, be included in the  
38 gross debt of such county for the purpose of determining the  
39 indebtedness of such county under or pursuant to said Local Bond  
40 Law. The principal amount of said bonds so guaranteed and included  
41 in gross debt shall be deducted and is hereby declared to be and to  
42 constitute a deduction from such gross debt under and for all the  
43 purposes of said Local Bond Law (a) from and after the time of  
44 issuance of said bonds until the end of the third fiscal year beginning  
45 next after such time of issuance and (b) in any annual debt statement  
46 filed pursuant to said Local Bond Law as of the end of said fiscal year

1 or any subsequent fiscal year if the revenues or other receipts or  
2 moneys of the commission in such year are sufficient to pay its  
3 expenses of operation and maintenance in such year and all amounts  
4 payable in such year on account of the principal and interest on all  
5 such guaranteed bonds and any other bonds of the commission issued  
6 under this article.

7 (C) In connection with any bonds or refunding bonds issued  
8 pursuant to this article, the commission may also enter into any  
9 revolving credit agreement, agreement establishing a line of credit or  
10 letter of credit, reimbursement agreement, interest rate exchange  
11 agreement, currency exchange agreement, interest rate floor or cap,  
12 options, puts or calls to hedge payment, currency, rate, spread or  
13 similar exposure, or similar agreements, float agreements, forward  
14 agreements, insurance contract, surety bond, commitment to purchase  
15 or sell bonds, purchase or sale agreement, or commitments or other  
16 contracts or agreements and other security agreements approved by  
17 the commission.

18 (cf: P.L.1963, c.101, s.3)

19

20 5. R.S.27:19-32 is amended to read as follows:

21 27:19-32. The bonds, notes or other evidences of indebtedness  
22 (hereinafter in this section called "bonds") issued by such bridge  
23 commissions shall bear interest at **[not more than 6%]** such rate or  
24 rates per annum which may be fixed or may change, at such time or  
25 times and according to such formula or method of determination,  
26 payable **[semiannually]** at such times, and may be sold at either  
27 private or public sale, to any person**[, to the United States**  
28 **Government or to any governmental agency]** or governmental unit,  
29 as the commissions shall determine. Such commissions shall provide  
30 the form of such bonds and shall fix the denominations, place or places  
31 of payment of principal and interest, the terms and conditions and do  
32 all other things that may be necessary for the proper execution and  
33 delivery of said bonds.

34 The proceeds from the sale of any such bonds of a commission shall  
35 be deposited and used as provided in any contract or agreement of the  
36 commission relative thereto or in the resolution authorizing such  
37 bonds, or if not so provided, then as the commission shall direct and  
38 solely for the purposes for which such bonds were issued, to be drawn  
39 over the signatures of the chairman or vice-chairman, the secretary and  
40 the treasurer of the commission, with the surplus, if any, to be paid  
41 into the fund hereinafter provided for the payment of the principal and  
42 interest of such bonds.

43 The rates of tolls to be charged for the use of any bridge or bridges  
44 operated by a bridge commission under the provisions of this article  
45 shall be so fixed and adjusted as to comply with any contract or  
46 agreement of the commission relative thereto and, in any event, to



1 provide a fund sufficient to pay the interest on and principal of all  
2 bonds issued under this article by the commission, refunding or other  
3 and whether or not issued to finance such bridge or bridges, provide  
4 funds to pay the cost of maintaining, repairing and operating the  
5 bridge or bridges operated by the commission, and maintain such  
6 reserves for the foregoing or other expenses as the commission may  
7 deem necessary. This article authorizes any commission, subject to the  
8 terms of any contract or agreement of the commission, to charge tolls  
9 for the use of any one or more of the bridges operated by it or of less  
10 than all of such bridges, to charge any such tolls in order to make or  
11 secure the payment of any bonds issued by it whether or not the bridge  
12 or bridges financed by the issuance of such bonds are subject to tolls  
13 imposed by the commission or are still operated by the commission,  
14 and to charge any such tolls in order to accumulate reserves for  
15 application in future to payment of principal of or interest on bonds  
16 issued by it or of costs of undertaking or accomplishing any of the  
17 purposes or powers provided in this article.

18 The facility charges fixed, charged and collected by the commission  
19 with respect to any project shall comply with the terms of any lease or  
20 other agreement of the commission with regard to such project, and  
21 the facility charges fixed, charged and collected by the commission  
22 may be so adjusted that the revenues of the commission will at all  
23 times be adequate to pay all expenses of the commission, including the  
24 expense of operation and maintenance of any project or other property  
25 owned or controlled by the commission, including insurance,  
26 improvements, replacements, reconstruction and any other required  
27 payments, and to pay the principal of and interest on any bonds, and  
28 to maintain such reserves or sinking funds for any of the foregoing  
29 purposes as may be required by the terms of any lease or other  
30 agreement of the commission or as may be deemed necessary or  
31 convenient and desirable by the commission.

32 All bonds of a bridge commission shall be authorized by resolution  
33 of the commission. Any such resolution may contain provisions, and  
34 the commission, in order to secure the payment of such bonds and in  
35 addition to its other powers, shall have power to agree by provision in  
36 such resolution with the several holders of such bonds, and to make,  
37 enter into and perform covenants and agreements, as to

38 a. the custody, security, use, expenditure or application of the  
39 proceeds of any bonds;

40 b. the construction and completion, or improvement or replacement,  
41 of all or any part of any bridge or bridges or approaches thereto or any  
42 project authorized by this article;

43 c. the use, regulation, operation, maintenance, insurance or  
44 disposition of all or any part of any bridge or bridges or approaches  
45 thereto or any project authorized by this article, or restrictions on the  
46 exercise of the powers of the commission to dispose, or to limit or

- 1 regulate the use, of all or any part of the same;
- 2 d. payment of the principal of or interest on any bonds, and the  
3 sources and methods thereof, the rank or priority of any bonds as to  
4 any lien or security, or the acceleration of the maturity of any bonds;
- 5 e. the use and disposition of any moneys of the commission,  
6 including revenues (hereinafter in this section sometimes called  
7 "bridge revenues") derived or to be derived from the operation of all  
8 or any part of any bridge or bridges or approaches thereto or revenues  
9 (hereinafter in this section sometimes called "facility revenues")  
10 derived or to be derived from the operation of any project authorized  
11 by this article, including any parts thereof theretofore constructed or  
12 acquired and any parts, extensions, replacements or improvements  
13 thereof thereafter constructed or acquired;
- 14 f. pledging, setting aside, depositing or trusteeing all or any part of  
15 any bridge revenues, facility revenues or other moneys of the  
16 commission and mortgaging, pledging, or otherwise encumbering all  
17 or any part of the commission's real or personal property, then owned  
18 or acquired, to secure the payment of the principal of or interest on  
19 any bonds, or the payment of expenses of operation or maintenance of  
20 any bridge or bridges or approaches thereto or any project authorized  
21 by this article;
- 22 g. the setting aside out of any bridge revenues, facility revenues or  
23 other moneys of the commission of reserves and sinking funds, and the  
24 source, custody, security, regulation, application and disposition  
25 thereof;
- 26 h. determination or definition of the bridge revenues, facility  
27 revenues, or of the expenses of operation and maintenance of any  
28 bridge or bridges or approaches thereto or any project authorized by  
29 this article;
- 30 i. the rates [of], tolls, rents, fares, fees, facility charges or other  
31 charges in connection with, for the use or services of, or for passage  
32 over or through or the use of, or otherwise relating thereto, any bridge  
33 or bridges or approaches thereto or any project authorized by this  
34 article, including any parts thereof theretofore constructed or acquired  
35 and any parts, extensions, replacements or improvements thereof  
36 thereafter constructed or acquired, and the fixing, establishment,  
37 collection and enforcement of the same, the amount or amounts of  
38 bridge revenues or facility revenues to be produced thereby, and the  
39 disposition and application of the amounts charged or collected;
- 40 j. the assumption or payment or discharge of any indebtedness,  
41 liens or other claims relating to any part of any bridge or bridges or  
42 approaches thereto or any project authorized by this article or any  
43 obligations constituting or which may constitute a lien on any part of  
44 the bridge revenues or facility revenues;
- 45 k. limitations on the issuance of additional bonds, notes or other  
46 evidences of indebtedness or on the incurrence of indebtedness of the

1 commission;

2 l. limitations on the powers of the commission to construct, acquire  
3 or operate, or permit the construction, acquisition or operation of, any  
4 structures, facilities or properties which may compete or tend to  
5 compete with any bridge or bridges or approaches thereto or any  
6 project authorized by this article;

7 m. payment of costs or expenses incident to the enforcement of any  
8 bonds or of the provisions of such resolution or of any covenant or  
9 agreement with the holders of any bonds;

10 n. the procedure, if any, by which the terms of any covenant or  
11 agreement with, or duty to, the holders of bonds may be amended or  
12 abrogated, the amount of bonds the holders of which must consent  
13 thereto, and the manner in which such consent may be given or  
14 evidenced; or

15 o. any other matter or course of conduct which, by recital in such  
16 resolution, is declared to further secure the payment of the principal  
17 of or interest on the bonds.

18 All such provisions of said resolution and all such covenants and  
19 agreements shall constitute valid and legally binding contracts between  
20 the commission and the several holders of the bonds, regardless of the  
21 time of issuance of such bonds, and shall be enforceable by any such  
22 holder or holders by appropriate action or proceeding, including a  
23 proceeding in lieu of prerogative writ, in any court of competent  
24 jurisdiction.

25 (cf: P.L.1963, c.101, s.4)

26

27 6. Section 11 of P.L.1946, c.318 (C.27:19-32.1) is amended to  
28 read as follows:

29 11. The State of New Jersey does hereby covenant and agree with  
30 the holders of any bonds, notes or other evidences of indebtedness  
31 issued by any bridge commission that it will not in any manner limit or  
32 alter the power and obligation vested by this article in the commission  
33 to fix, establish and collect such tolls or facility charges and revise the  
34 same from time to time whenever necessary, as will be sufficient to  
35 always comply fully with and fulfill the terms of all agreements and  
36 covenants made with the holders of such bonds, notes or other  
37 evidences of indebtedness, and will not in any manner impair, alter or  
38 abrogate any other power or obligation vested by this article in the  
39 commission or the rights and remedies of holders of such bonds, notes  
40 or other evidences of indebtedness until all such bonds, notes or other  
41 evidences of indebtedness, together with interest thereon and all costs  
42 and expenses in connection with any actions or proceedings by or on  
43 behalf of the holders thereof, are fully paid and discharged or adequate  
44 provision made for the payment or discharge thereof.

45 (cf: P.L.1946, c.318, s.11)

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1 7. R.S.27:19-35 is amended to read as follows:

2 27:19-35. a. The commission shall award no contract or agreement  
3 for the construction, reconstruction, repair, enlargement, extension,  
4 renewal, replacement or equipment of such bridges or projects,  
5 exceeding in amount the sum of \$7,500.00 or the amount determined  
6 pursuant to subsection b. of this section, without advertisement for  
7 bids, which shall be opened publicly, and an award made to the lowest  
8 responsible bidder, with power in the commission to reject any or all  
9 bids. Contracts for the purchase of bridges may be made and executed  
10 without advertisement.

11 b. The Governor, in consultation with the Department of the  
12 Treasury, shall, no later than March 1 of each odd-numbered year,  
13 adjust the threshold amount set forth in subsection a. of this section,  
14 or subsequent to 1985 the threshold amount resulting from any  
15 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
16 direct proportion to the rise or fall of the Consumer Price Index for all  
17 urban consumers in the New York City and the Philadelphia areas as  
18 reported by the United States Department of Labor. The Governor  
19 shall, no later than June 1 of each odd-numbered year, notify each  
20 commission of the adjustment. The adjustment shall become effective  
21 on July 1 of each odd-numbered year.

22 (cf: P.L.1985, c.469, s.5)

23

24 8. Section 1 of P.L.1952, c.338 (C.27:19-36.1) is amended to read  
25 as follows:

26 1. Notwithstanding any of the provisions of the article to which  
27 this act is a supplement, any county bridge commission created  
28 pursuant to said article may contract with any municipality within  
29 which any part of property acquired by such commission for bridge or  
30 project purposes is located, for the payment by such commission to  
31 such municipality, and may make payments to such municipality, of a  
32 fixed annual sum or sums of money in lieu of, or in reimbursement for,  
33 the loss of taxes upon such property; provided, however, that such  
34 annual sum or sums shall not be in excess of the amount of the  
35 municipal taxes upon such property for the year when last assessed  
36 prior to the time of its acquisition by the commission.

37 Any municipality wherein any such bridge property is located is  
38 authorized and empowered to enter into such contract with any such  
39 commission to accept the payment or payments which the commission  
40 is herein authorized and empowered to make.

41 (cf: P.L.1952, c.338, s.1)

42

43 9. R.S.27:19-37 is amended to read as follows:

44 27:19-37. The commission shall keep accurate records of all acts,  
45 the property intrusted to it, the cost of the bridge or bridges, project  
46 or projects, and incidents thereto, the expenditures for maintaining,

1 repairing and operating the same, and the daily tolls or facility charges  
2 collected, which records shall be public records and the property of the  
3 county. A semiannual statement of the daily tolls shall be published on  
4 each bond interest date in the official newspaper of the county. The  
5 governing body of the county shall have power to examine the  
6 accounts at any time, to call for any reports at any time in its  
7 discretion, and to require the commission and its employees to appear  
8 before it to report or testify at any time.

9 (cf: R.S.27:19-37)

10  
11 10. (New section) Any governmental unit or person is hereby  
12 empowered to enter into and perform any lease or other agreement  
13 with the commission for the lease to or use by such governmental unit  
14 or person of all or any part of any project. Any such lease or other  
15 agreement may provide for the payment to the commission by such  
16 governmental unit or persons annually or otherwise of such sum or  
17 sums of money, computed at fixed amounts or by any formula or in  
18 any other manner, as may be fixed in or pursuant thereto. Any such  
19 lease or other agreement may be made and entered into for a term  
20 beginning currently or at some future or contingent date and with or  
21 without consideration and for a specified or unlimited time and on any  
22 terms and conditions which may be approved by such governmental  
23 unit or person and which may be agreed to by the commission in  
24 conformity with its contracts with the holders of any bonds, and shall  
25 be valid and binding on such governmental unit or person whether or  
26 not an appropriation is made thereby prior to authorization or  
27 execution of such lease or other agreement. Every such governmental  
28 unit or person is hereby authorized and directed to do and perform any  
29 and all acts and things necessary, convenient or desirable to carry out  
30 and perform any such lease or other agreement entered into by it and  
31 to provide for the payment of discharge of any obligation thereunder  
32 in the same manner as other obligations of such governmental unit or  
33 person.

34  
35 11. (New section) For the purpose of aiding a commission and  
36 co-operating in the planning, undertaking, acquisition, construction or  
37 operation of any project, the county or any municipality in any such  
38 county may:

39 a. acquire real property in its name for such project or for the  
40 widening of existing roads, streets, parkways, avenues or highways or  
41 for new roads, streets, parkways, avenues or highways to any such  
42 project, or partly for such purposes and partly for other county or  
43 municipal purposes, by purchase or condemnation in the manner  
44 provided by law for the acquisition of real property by such county or  
45 municipality;

46 b. furnish, dedicate, close, vacate, pave, install, grade, regrade,

1 plan or replan parks, streets, roads, roadways, alleys, sidewalks or  
2 other places which it is otherwise empowered to undertake; and

3 c. do any and all things necessary or convenient to aid and  
4 co-operate in the planning, undertaking, construction or operation of  
5 any such project, and cause services to be furnished to the commission  
6 of any character which such county or municipality is otherwise  
7 empowered to furnish, and to incur the entire expense thereof.

8  
9 12. (New section) Any county by resolution of its governing body,  
10 municipality by ordinance of its governing body, governmental unit or  
11 person is hereby empowered, without any referendum or public or  
12 competitive bidding, to sell, lease, lend, grant or convey to a  
13 commission, or to permit a commission to use, maintain or operate as  
14 part of any project, any real or personal property which may be  
15 necessary or useful and convenient for the purposes of the commission  
16 and accepted by the commission. Any such sale, lease, loan, grant,  
17 conveyance or permit may be made or given with or without  
18 consideration and for a specified or an unlimited period of time and  
19 under any agreement and on any terms, and conditions which may be  
20 approved by such county, municipality, governmental unit or person  
21 and which may be agreed to by the commission in conformity with its  
22 contracts with the holders of any bonds. Subject to any such contracts  
23 with the holders of bonds, the commission may enter into and perform  
24 any and all agreements with respect to property so purchased, leased,  
25 borrowed, received or accepted by it, including agreements for the  
26 assumption of principal or interest or both of indebtedness of such  
27 county, municipality, governmental unit or person or of any mortgage  
28 or lien existing with respect to such property for the operation and  
29 maintenance of such property as part of any project.

30  
31 13. This act shall take effect immediately.

32  
33  
34 STATEMENT

35  
36 This bill expands the powers of a county bridge commission,  
37 established pursuant to R.S.27:19-26 et seq., to undertake additional  
38 projects including terminals, terminal facilities, transportation facilities  
39 or any other facility of commerce or economic development activity.  
40 The bill also authorizes a county bridge commission to finance its  
41 projects by issuing bonds, notes or other forms of indebtedness  
42 payable from the revenues from the commission's projects or from  
43 other revenues and income of the commission.

44 In addition, the bill authorizes a bridge commission to enter into  
45 leases or other agreements with governmental units or persons to use  
46 all or any part of the commission's projects.

**S2533 BARK**

13

1       The bill also authorizes a county or municipality to: 1) appropriate  
2 moneys to assist the commission with development of such projects;  
3 2) sell, lease, lend or convey any property to use as part of such  
4 projects; and 3) donate such money to the commission under such  
5 terms and conditions as may be agreed upon with the commission.

6       Under current law, county bridge commissions are authorized to  
7 engage in activities or undertake projects relating to the operation of  
8 a bridge or bridges. This bill would expand the scope of responsibility  
9 for county bridge commissions that meet the criteria set forth in the  
10 bill to include additional projects such as terminals, terminal facilities,  
11 transportation facilities, or other facilities of commerce or economic  
12 development activity.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 2533**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 19, 2001

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 2533.

This bill expands the powers of a county bridge commission, established pursuant to R.S.27:19-26 et seq., to undertake additional projects including terminals, terminal facilities, transportation facilities or any other facility of commerce or economic development activity. The bill also authorizes a county bridge commission to finance its projects by issuing bonds, notes or other forms of indebtedness payable from the revenues from the commission's projects or from other revenues and income of the commission.

In addition, the bill authorizes a bridge commission to enter into leases or other agreements with governmental units or persons to use all or any part of the commission's projects.

The bill also authorizes a county or municipality to: 1) appropriate moneys to assist the commission with development of such projects; 2) sell, lease, lend or convey any property to use as part of such projects; and 3) donate such money to the commission under such terms and conditions as may be agreed upon with the commission.

Under current law, county bridge commissions are authorized to engage in activities or undertake projects relating to the operation of a bridge or bridges. This bill would expand the scope of responsibility for county bridge commissions that meet the criteria set forth in the bill to include additional projects such as terminals, terminal facilities, transportation facilities, or other facilities of commerce or economic development activity.

As reported, Senate Bill, No. 2533, is identical to Assembly Bill, No. 3855.



STATEMENT TO  
**SENATE, No. 2533**

with Senate Floor Amendments  
(Proposed By Senator BARK)

ADOPTED: DECEMBER 6, 2001

These amendments provide that bridge commissions established prior to the effective date of the bill by a county of the second class shall have expanded powers to undertake additional projects including terminals, terminal facilities or other facilities of commercial and economic development within a county.

The amendments restore language deleted by the bill from R.S.27:19-31 limiting which counties may incur indebtedness or pledge credit or taxes in support of bridge commission bonds.

The amendments delete a new paragraph added by the bill to R.S.27:19-31 authorizing bridge commissions to enter into a variety of different financial instruments and structures in connection with any bridge commission bonds or refunding bonds.

The amendments replace R.S.27:19-35, concerning the threshold amounts required for public advertising for bids prior to awarding construction contracts, with the requirement that contracts or agreements made by bridge commissions for construction projects be subject to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

The amendments provide that the county or any municipality in the county assisting a bridge commission in the planning, acquisition, construction or operation of any project, may also, in consultation with the Department of Transportation, review and coordinate the development of improvement projects involving the department or New Jersey Transit Corporation transportation facilities that the commission may undertake.

These amendments make this bill identical to Assembly Bill No. 3855 (1R).

[First Reprint]

**SENATE, No. 2533**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED OCTOBER 3, 2001

**Sponsored by:**

**Senator MARTHA W. BARK**

**District 8 (Atlantic, Burlington and Camden)**

**Co-Sponsored by:**

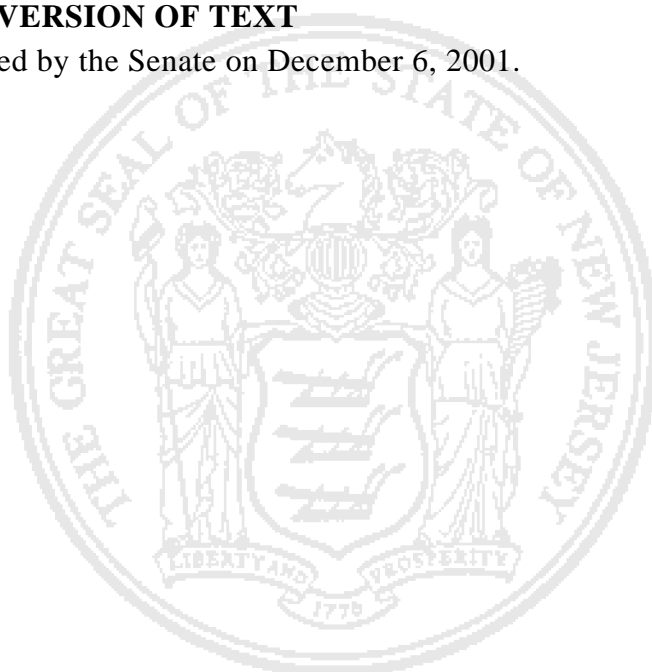
**Assemblymen Chatzidakis and Bodine**

**SYNOPSIS**

Expands powers of county bridge commissions to undertake additional projects including terminals, terminal facilities, transportation facilities or any other facility of commerce or economic development activity within a county.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 6, 2001.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning county bridge commissions, amending various  
2 parts of the statutory law and supplementing article 2 of chapter 19  
3 of Title 27 of the Revised Statutes.

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

7  
8 1. (New section) As used in this article:

9 <sup>1</sup>"Facility charges" mean tolls, rents, rates, fares, fees or other  
10 charges in connection with, or for the use or services of, or otherwise  
11 relating to, any project owned, leased or controlled by the  
12 commission.<sup>1</sup>

13 "Governmental unit" means the United States of America or the  
14 State of New Jersey or any county or municipality or any subdivision,  
15 department, agency or instrumentality heretofore or hereafter created,  
16 designated or established by or for the United States of America or the  
17 State of New Jersey or any county or municipality.

18 "Person" means any person, partnership, association, corporation,  
19 or entity other than a governmental unit.

20 "Project" means any project authorized by <sup>1</sup>[this article] section 2  
21 of P.L. , c. (C. ) (now before the Legislature as this bill)<sup>1</sup>.

22  
23 <sup>1</sup>[2. R.S.27:19-26 is amended to read as follows:

24 27:19-26. Every county through its board of chosen freeholders  
25 may, if it determines so to do, create a bridge commission. Each  
26 bridge commission so created shall have power from time to time and  
27 be authorized to:

28 a. Prepare the necessary and proper plans and specifications for the  
29 construction, acquisition, improvement or replacement of such bridge  
30 or bridges as may be approved by said board of chosen freeholders;

31 b. Select the location for same, determine the size, type and  
32 method of construction thereof;

33 c. Plan and fix their boundaries and approaches;

34 d. Make any necessary estimates of the probable costs of  
35 construction, acquisition or improvement thereof including the said  
36 approaches and the acquisition of the land and rights for the sites of  
37 the abutments and approaches to the bridge or bridges;

38 e. Enter into the necessary contracts to construct, acquire,  
39 improve, equip or demolish such bridge or bridges and approaches  
40 thereto, or any part thereof;

41 f. Build or acquire the superstructures and substructures and all

**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:**

<sup>1</sup> Senate floor amendments adopted December 6, 2001.

1 parts thereof;

2 g. Obtain and exercise such consents or approvals as may be  
3 necessary from officials or agencies of the government of the United  
4 States or the State of New Jersey;

5 h. Borrow money and incur indebtedness, and issue its negotiable  
6 bonds or notes for any of the purposes provided for in this article and  
7 for the purpose of funding or refunding its bonds, notes or other  
8 indebtedness, and provide for the rights and security of the holders of  
9 such bonds, notes or other indebtedness;

10 i. Maintain, improve, reconstruct, manage, control and operate  
11 such bridge or bridges and approaches, and with the consent of said  
12 board of chosen freeholders, by resolution, but subject to and in  
13 compliance with every contract or agreement of the commission,  
14 demolish or dispose of any such bridges other than a bridge or bridges  
15 extending within the limits of any other State; [and]

16 j. Acquire, hold and dispose of any and all property, real or  
17 personal, make, and carry out and perform any and all contracts and  
18 agreements, execute any and all instruments, and do and perform any  
19 and all acts and things, necessary or convenient in the exercise of the  
20 powers expressly given in this article or in the performance of the  
21 duties required in or undertaken pursuant to this article;

22 k. Plan, finance, develop, acquire, construct, purchase, lease,  
23 maintain, market, improve and operate any project within the county,  
24 including but not limited to, any terminal, terminal facility,  
25 transportation facility or any other facility of commerce or economic  
26 development activity;

27 l. Extend credit or make loans to any governmental unit or person  
28 for the planning, design, acquisition, construction, improvement,  
29 equipping, and furnishing of any project; and

30 m. Mortgage, pledge, assign or otherwise encumber all or any  
31 portion of its revenues and other income, real and personal property,  
32 projects and facilities and fix and collect facility charges for the use of  
33 any project for the purpose of securing its bonds, notes, and other  
34 obligations or otherwise in furtherance of the purposes of this article.

35 As used in this article, the term "bridge" shall mean and include a  
36 bridge, trestle, viaduct, tunnel, cut or any other structure or device for  
37 the passage of persons or vehicles over, under or around an obstacle,  
38 and the term "approach" shall mean and include an approach to a  
39 bridge of a commission or any road or highway connecting therewith  
40 or contributing vehicular traffic thereto or connecting 2 or more such  
41 bridges.

42 (cf: P.L.1963, c. 101, s. 1)]<sup>1</sup>

43

44 <sup>1</sup>2. (New section) In addition to the powers set forth in R.S.27:19-  
45 26 et seq., a bridge commission established prior to the effective date  
46 of P.L. , c. (C. ) (now before the Legislature as this bill) by a

1 county of the second class shall have the power from time to time and  
2 be authorized to:

3 a. Plan, finance, develop, acquire, construct, purchase, lease,  
4 maintain, market, improve and operate any project within the county,  
5 including but not limited to, any terminal, terminal facility,  
6 transportation facility or any other facility of commerce or economic  
7 development activity;

8 b. Extend credit or make loans to any governmental unit or person  
9 for the planning, design, acquisition, construction, improvement,  
10 equipping, and furnishing of any project; and

11 c. Mortgage, pledge, assign or otherwise encumber all or any  
12 portion of its revenues and other income, real and personal property,  
13 projects and facilities and fix and collect facility charges for the use of  
14 any project for the purpose of securing its bonds, notes, and other  
15 obligations or otherwise in furtherance of the purposes of this article.<sup>1</sup>  
16

17 3. R.S.27:19-29 is amended to read as follows:

18 27:19-29. a. The commission may at all times take, demand, and  
19 receive of and from any person who shall pass over or use its bridge  
20 or bridges and approaches, when such person shall enter upon or  
21 attempt to use the same, such rate of toll as may be fixed by it from  
22 time to time, for persons, automobiles, wagons, carts or other vehicles  
23 or for horses, cows or other animals, or for things not herein  
24 enumerated, entering on, passing over or using any such bridge and the  
25 approaches thereto.

26 Any toll gatherer of the commission may stop any person with  
27 automobiles, wagons, carts, or other vehicles or things not herein  
28 enumerated, and all horses, cows, cattle or other animal or animals,  
29 from entering upon, passing over or using any such bridge and the  
30 approaches thereto until the toll herein provided for shall have been  
31 paid.

32 b. The commission is authorized to charge and collect tolls, rents,  
33 rates, fares, fees or other charges (sometimes in this article referred to  
34 as "facility charges") in connection with, or for the use or services of,  
35 or otherwise relating to, any project owned, leased or controlled by  
36 the commission. Such facility charges may be charged to and collected  
37 from any governmental unit or person and such governmental unit or  
38 person shall be liable for and shall pay such facility charges to the  
39 commission at the time when and place where such facility charges are  
40 due and payable.

41 (cf: R.S.27:19-29)

42

43 4. R.S.27:19-31 is amended to read as follows:

44 27:19-31. (A) To finance any of the purposes or powers provided  
45 for in this article, the bridge commission shall from time to time first  
46 determine which bridge or bridges, project or projects are to be

1 constructed, acquired, improved or replaced and, for any project  
2 which the county unconditionally guarantees the punctual payment of  
3 the principal of and interest on any bonds of the commission, seek  
4 approval or consent of the board or boards of chosen freeholders for  
5 such projects, and upon receiving such approval or consent, or  
6 whenever deemed by it necessary or desirable for the purpose of  
7 funding or refunding its bonds, notes or other indebtedness or  
8 providing funds or reserves for payment or security of any  
9 indebtedness including interest or redemption premiums thereon due  
10 or to accrue, such commission shall be authorized to issue its bonds,  
11 notes or other evidences of indebtedness [which]. The commission  
12 may issue such types of bonds, notes or other evidences of  
13 indebtedness as it may determine including, without limitation, bonds,  
14 notes, or other evidence of indebtedness on which the principal and  
15 interest are payable: (1) exclusively from the income and revenues or  
16 facility charges of the project financed with the proceeds of such  
17 obligations; (2) exclusively from the income and revenues or facility  
18 charges of certain designated projects whether or not they are financed  
19 in whole or in part with the proceeds of such obligations; or (3) from  
20 its revenues generally. In addition, such bonds, notes and other  
21 evidence of indebtedness may be secured by a pledge of any grant or  
22 contribution from any governmental unit or person or a pledge of any  
23 income or revenues of the commission from any source whatsoever,  
24 or by a lien [or], mortgage or pledge upon any one or more of its  
25 bridges, approaches or [other properties] all or any part of the real or  
26 personal property of the commission, including property which is  
27 acquired, improved, constructed, financed or refinanced by the  
28 proceeds of such bonds, or upon the tolls to be received in the  
29 operation of any one or more of such bridges, approaches or other  
30 properties or any other income or receipts of the commission, or upon  
31 any combination of any of the foregoing. [Except as may be  
32 otherwise provided by or pursuant to paragraph (B) of this section  
33 27:19-31, the principal and interest of such bonds, notes or other  
34 evidences of indebtedness shall be payable only from the tolls or other  
35 income from such bridge or bridges and other assets of such  
36 commission provided therefor; and in connection therewith no county  
37 other than a county which in accordance with said paragraph (B) shall  
38 have guaranteed payment of the principal of and interest on any such  
39 bonds shall incur any indebtedness of any kind or nature or pledge  
40 credit, taxes or taxing power, or any part thereof, in support of such  
41 principal and interest.] <sup>1</sup>No county other than a county which in  
42 accordance with paragraph (B) of this section shall have guaranteed  
43 payment of the principal of and interest on any such bonds shall incur  
44 any indebtedness of any kind or nature or pledge credit, taxes or  
45 taxing power, or any part thereof, in support of such principal and  
46 interest.<sup>1</sup>

1 (B) For the purpose of aiding a commission in the accomplishment  
2 of any of the purposes or powers provided for in this article and in  
3 marketing any of its bonds, refunding or other, the county which  
4 created it may, pursuant to resolution duly adopted by its board of  
5 chosen freeholders in the manner provided for adoption of a bond  
6 ordinance as provided in the Local Bond Law (N.J.S., Title 40A,  
7 chapter 2) and with or without consideration and upon such terms and  
8 conditions as may be agreed to by and between the county and the  
9 commission, unconditionally guarantee the punctual payment of the  
10 principal of and interest on any bonds of the commission. Any  
11 guaranty of bonds of a commission made pursuant to this section shall  
12 be evidenced by endorsement thereof on such bonds, executed in the  
13 name of the county and on its behalf by such officer thereof as may be  
14 designated in the resolution authorizing such guaranty, and such  
15 county shall thereupon and thereafter be obligated to pay the principal  
16 of and interest on said bonds in the same manner and to the same  
17 extent as in the case of bonds issued by it. Any such guaranty of  
18 bonds of a commission may be made, and any resolution authorizing  
19 such guaranty may be adopted, notwithstanding any statutory debt or  
20 other limitations, including particularly any limitation or requirement  
21 under or pursuant to said Local Bond Law, but the principal amount  
22 of bonds so guaranteed, shall, after their issuance, be included in the  
23 gross debt of such county for the purpose of determining the  
24 indebtedness of such county under or pursuant to said Local Bond  
25 Law. The principal amount of said bonds so guaranteed and included  
26 in gross debt shall be deducted and is hereby declared to be and to  
27 constitute a deduction from such gross debt under and for all the  
28 purposes of said Local Bond Law (a) from and after the time of  
29 issuance of said bonds until the end of the third fiscal year beginning  
30 next after such time of issuance and (b) in any annual debt statement  
31 filed pursuant to said Local Bond Law as of the end of said fiscal year  
32 or any subsequent fiscal year if the revenues or other receipts or  
33 moneys of the commission in such year are sufficient to pay its  
34 expenses of operation and maintenance in such year and all amounts  
35 payable in such year on account of the principal and interest on all  
36 such guaranteed bonds and any other bonds of the commission issued  
37 under this article.

38 <sup>1</sup>[(C) In connection with any bonds or refunding bonds issued  
39 pursuant to this article, the commission may also enter into any  
40 revolving credit agreement, agreement establishing a line of credit or  
41 letter of credit, reimbursement agreement, interest rate exchange  
42 agreement, currency exchange agreement, interest rate floor or cap,  
43 options, puts or calls to hedge payment, currency, rate, spread or  
44 similar exposure, or similar agreements, float agreements, forward  
45 agreements, insurance contract, surety bond, commitment to purchase  
46 or sell bonds, purchase or sale agreement, or commitments or other

1 contracts or agreements and other security agreements approved by  
2 the commission.]<sup>1</sup>

3 (cf: P.L.1963, c.101, s.3)

4  
5 5. R.S.27:19-32 is amended to read as follows:

6 27:19-32. The bonds, notes or other evidences of indebtedness  
7 (hereinafter in this section called "bonds") issued by such bridge  
8 commissions shall bear interest at [not more than 6%] such rate or  
9 rates per annum which may be fixed or may change, at such time or  
10 times and according to such formula or method of determination,  
11 payable [semiannually] at such times, and may be sold at either  
12 private or public sale, to any person[, to the United States  
13 Government or to any governmental agency] or governmental unit,  
14 as the commissions shall determine. Such commissions shall provide  
15 the form of such bonds and shall fix the denominations, place or places  
16 of payment of principal and interest, the terms and conditions and do  
17 all other things that may be necessary for the proper execution and  
18 delivery of said bonds.

19 The proceeds from the sale of any such bonds of a commission shall  
20 be deposited and used as provided in any contract or agreement of the  
21 commission relative thereto or in the resolution authorizing such  
22 bonds, or if not so provided, then as the commission shall direct and  
23 solely for the purposes for which such bonds were issued, to be drawn  
24 over the signatures of the chairman or vice-chairman, the secretary and  
25 the treasurer of the commission, with the surplus, if any, to be paid  
26 into the fund hereinafter provided for the payment of the principal and  
27 interest of such bonds.

28 The rates of tolls to be charged for the use of any bridge or bridges  
29 operated by a bridge commission under the provisions of this article  
30 shall be so fixed and adjusted as to comply with any contract or  
31 agreement of the commission relative thereto and, in any event, to  
32 provide a fund sufficient to pay the interest on and principal of all  
33 bonds issued under this article by the commission, refunding or other  
34 and whether or not issued to finance such bridge or bridges, provide  
35 funds to pay the cost of maintaining, repairing and operating the  
36 bridge or bridges operated by the commission, and maintain such  
37 reserves for the foregoing or other expenses as the commission may  
38 deem necessary. This article authorizes any commission, subject to the  
39 terms of any contract or agreement of the commission, to charge tolls  
40 for the use of any one or more of the bridges operated by it or of less  
41 than all of such bridges, to charge any such tolls in order to make or  
42 secure the payment of any bonds issued by it whether or not the bridge  
43 or bridges financed by the issuance of such bonds are subject to tolls  
44 imposed by the commission or are still operated by the commission,  
45 and to charge any such tolls in order to accumulate reserves for  
46 application in future to payment of principal of or interest on bonds



1 issued by it or of costs of undertaking or accomplishing any of the  
2 purposes or powers provided in this article.

3 The facility charges fixed, charged and collected by the commission  
4 with respect to any project shall comply with the terms of any lease or  
5 other agreement of the commission with regard to such project, and  
6 the facility charges fixed, charged and collected by the commission  
7 may be so adjusted that the revenues of the commission will at all  
8 times be adequate to pay all expenses of the commission, including the  
9 expense of operation and maintenance of any project or other property  
10 owned or controlled by the commission, including insurance,  
11 improvements, replacements, reconstruction and any other required  
12 payments, and to pay the principal of and interest on any bonds, and  
13 to maintain such reserves or sinking funds for any of the foregoing  
14 purposes as may be required by the terms of any lease or other  
15 agreement of the commission or as may be deemed necessary or  
16 convenient and desirable by the commission.

17 All bonds of a bridge commission shall be authorized by resolution  
18 of the commission. Any such resolution may contain provisions, and  
19 the commission, in order to secure the payment of such bonds and in  
20 addition to its other powers, shall have power to agree by provision in  
21 such resolution with the several holders of such bonds, and to make,  
22 enter into and perform covenants and agreements, as to

23 a. the custody, security, use, expenditure or application of the  
24 proceeds of any bonds;

25 b. the construction and completion, or improvement or  
26 replacement, of all or any part of any bridge or bridges or approaches  
27 thereto or any project authorized by this article;

28 c. the use, regulation, operation, maintenance, insurance or  
29 disposition of all or any part of any bridge or bridges or approaches  
30 thereto or any project authorized by this article, or restrictions on the  
31 exercise of the powers of the commission to dispose, or to limit or  
32 regulate the use, of all or any part of the same;

33 d. payment of the principal of or interest on any bonds, and the  
34 sources and methods thereof, the rank or priority of any bonds as to  
35 any lien or security, or the acceleration of the maturity of any bonds;

36 e. the use and disposition of any moneys of the commission,  
37 including revenues (hereinafter in this section sometimes called  
38 "bridge revenues") derived or to be derived from the operation of all  
39 or any part of any bridge or bridges or approaches thereto or revenues  
40 (hereinafter in this section sometimes called "facility revenues")  
41 derived or to be derived from the operation of any project authorized  
42 by this article, including any parts thereof theretofore constructed or  
43 acquired and any parts, extensions, replacements or improvements  
44 thereof thereafter constructed or acquired;

45 f. pledging, setting aside, depositing or trusteeing all or any part of  
46 any bridge revenues, facility revenues or other moneys of the

1 commission and mortgaging, pledging, or otherwise encumbering all  
2 or any part of the commission's real or personal property, then owned  
3 or acquired, to secure the payment of the principal of or interest on  
4 any bonds, or the payment of expenses of operation or maintenance of  
5 any bridge or bridges or approaches thereto or any project authorized  
6 by this article;

7 g. the setting aside out of any bridge revenues, facility revenues or  
8 other moneys of the commission of reserves and sinking funds, and the  
9 source, custody, security, regulation, application and disposition  
10 thereof;

11 h. determination or definition of the bridge revenues, facility  
12 revenues, or of the expenses of operation and maintenance of any  
13 bridge or bridges or approaches thereto or any project authorized by  
14 this article;

15 i. the rates [of], tolls, rents, fares, fees, facility charges or other  
16 charges in connection with, for the use or services of, or for passage  
17 over or through or the use of, or otherwise relating thereto, any bridge  
18 or bridges or approaches thereto or any project authorized by this  
19 article, including any parts thereof theretofore constructed or acquired  
20 and any parts, extensions, replacements or improvements thereof  
21 thereafter constructed or acquired, and the fixing, establishment,  
22 collection and enforcement of the same, the amount or amounts of  
23 bridge revenues or facility revenues to be produced thereby, and the  
24 disposition and application of the amounts charged or collected;

25 j. the assumption or payment or discharge of any indebtedness,  
26 liens or other claims relating to any part of any bridge or bridges or  
27 approaches thereto or any project authorized by this article or any  
28 obligations constituting or which may constitute a lien on any part of  
29 the bridge revenues or facility revenues;

30 k. limitations on the issuance of additional bonds, notes or other  
31 evidences of indebtedness or on the incurrence of indebtedness of the  
32 commission;

33 l. limitations on the powers of the commission to construct, acquire  
34 or operate, or permit the construction, acquisition or operation of, any  
35 structures, facilities or properties which may compete or tend to  
36 compete with any bridge or bridges or approaches thereto or any  
37 project authorized by this article;

38 m. payment of costs or expenses incident to the enforcement of any  
39 bonds or of the provisions of such resolution or of any covenant or  
40 agreement with the holders of any bonds;

41 n. the procedure, if any, by which the terms of any covenant or  
42 agreement with, or duty to, the holders of bonds may be amended or  
43 abrogated, the amount of bonds the holders of which must consent  
44 thereto, and the manner in which such consent may be given or  
45 evidenced; or

46 o. any other matter or course of conduct which, by recital in such

1 resolution, is declared to further secure the payment of the principal  
2 of or interest on the bonds.

3 All such provisions of said resolution and all such covenants and  
4 agreements shall constitute valid and legally binding contracts between  
5 the commission and the several holders of the bonds, regardless of the  
6 time of issuance of such bonds, and shall be enforceable by any such  
7 holder or holders by appropriate action or proceeding, including a  
8 proceeding in lieu of prerogative writ, in any court of competent  
9 jurisdiction.

10 (cf: P.L.1963, c.101, s.4)

11

12 6. Section 11 of P.L.1946, c.318 (C.27:19-32.1) is amended to  
13 read as follows:

14 11. The State of New Jersey does hereby covenant and agree with  
15 the holders of any bonds, notes or other evidences of indebtedness  
16 issued by any bridge commission that it will not in any manner limit or  
17 alter the power and obligation vested by this article in the commission  
18 to fix, establish and collect such tolls or facility charges and revise the  
19 same from time to time whenever necessary, as will be sufficient to  
20 always comply fully with and fulfill the terms of all agreements and  
21 covenants made with the holders of such bonds, notes or other  
22 evidences of indebtedness, and will not in any manner impair, alter or  
23 abrogate any other power or obligation vested by this article in the  
24 commission or the rights and remedies of holders of such bonds, notes  
25 or other evidences of indebtedness until all such bonds, notes or other  
26 evidences of indebtedness, together with interest thereon and all costs  
27 and expenses in connection with any actions or proceedings by or on  
28 behalf of the holders thereof, are fully paid and discharged or adequate  
29 provision made for the payment or discharge thereof.

30 (cf: P.L.1946, c.318, s.11)

31

32 7. R.S.27:19-35 is amended to read as follows:

33 27:19-35. <sup>1</sup>[a. The commission shall award no contract or  
34 agreement for the construction, reconstruction, repair, enlargement,  
35 extension, renewal, replacement or equipment of such bridges or  
36 projects, exceeding in amount the sum of \$7,500.00 or the amount  
37 determined pursuant to subsection b. of this section, without  
38 advertisement for bids, which shall be opened publicly, and an award  
39 made to the lowest responsible bidder, with power in the commission  
40 to reject any or all bids. Contracts for the purchase of bridges may be  
41 made and executed without advertisement.

42 b. The Governor, in consultation with the Department of the  
43 Treasury, shall, no later than March 1 of each odd-numbered year,  
44 adjust the threshold amount set forth in subsection a. of this section,  
45 or subsequent to 1985 the threshold amount resulting from any  
46 adjustment under this subsection or section 17 of P.L.1985, c.469, in

1 direct proportion to the rise or fall of the Consumer Price Index for all  
2 urban consumers in the New York City and the Philadelphia areas as  
3 reported by the United States Department of Labor. The Governor  
4 shall, no later than June 1 of each odd-numbered year, notify each  
5 commission of the adjustment. The adjustment shall become effective  
6 on July 1 of each odd-numbered year.] Every contract or agreement  
7 for the construction, reconstruction, repair, enlargement, extension,  
8 renewal, replacement or equipment of bridges or projects, shall be  
9 made and awarded pursuant to the provisions of the "Local Public  
10 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).<sup>1</sup>  
11 (cf: P.L.1985, c.469, s.5)

12

13 8. Section 1 of P.L.1952, c.338 (C.27:19-36.1) is amended to read  
14 as follows:

15 1. Notwithstanding any of the provisions of the article to which  
16 this act is a supplement, any county bridge commission created  
17 pursuant to said article may contract with any municipality within  
18 which any part of property acquired by such commission for bridge or  
19 project purposes is located, for the payment by such commission to  
20 such municipality, and may make payments to such municipality, of a  
21 fixed annual sum or sums of money in lieu of, or in reimbursement for,  
22 the loss of taxes upon such property; provided, however, that such  
23 annual sum or sums shall not be in excess of the amount of the  
24 municipal taxes upon such property for the year when last assessed  
25 prior to the time of its acquisition by the commission.

26 Any municipality wherein any such bridge property is located is  
27 authorized and empowered to enter into such contract with any such  
28 commission to accept the payment or payments which the commission  
29 is herein authorized and empowered to make.

30 (cf: P.L.1952, c.338, s.1)

31

32 9. R.S.27:19-37 is amended to read as follows:

33 27:19-37. The commission shall keep accurate records of all acts,  
34 the property intrusted to it, the cost of the bridge or bridges, project  
35 or projects, and incidents thereto, the expenditures for maintaining,  
36 repairing and operating the same, and the daily tolls or facility charges  
37 collected, which records shall be public records and the property of the  
38 county. A semiannual statement of the daily tolls shall be published on  
39 each bond interest date in the official newspaper of the county. The  
40 governing body of the county shall have power to examine the  
41 accounts at any time, to call for any reports at any time in its  
42 discretion, and to require the commission and its employees to appear  
43 before it to report or testify at any time.

44 (cf: R.S.27:19-37)

45

46 10. (New section) Any governmental unit or person is hereby

1 empowered to enter into and perform any lease or other agreement  
2 with the commission for the lease to or use by such governmental unit  
3 or person of all or any part of any project. Any such lease or other  
4 agreement may provide for the payment to the commission by such  
5 governmental unit or persons annually or otherwise of such sum or  
6 sums of money, computed at fixed amounts or by any formula or in  
7 any other manner, as may be fixed in or pursuant thereto. Any such  
8 lease or other agreement may be made and entered into for a term  
9 beginning currently or at some future or contingent date and with or  
10 without consideration and for a specified or unlimited time and on any  
11 terms and conditions which may be approved by such governmental  
12 unit or person and which may be agreed to by the commission in  
13 conformity with its contracts with the holders of any bonds, and shall  
14 be valid and binding on such governmental unit or person whether or  
15 not an appropriation is made thereby prior to authorization or  
16 execution of such lease or other agreement. Every such governmental  
17 unit or person is hereby authorized and directed to do and perform any  
18 and all acts and things necessary, convenient or desirable to carry out  
19 and perform any such lease or other agreement entered into by it and  
20 to provide for the payment of discharge of any obligation thereunder  
21 in the same manner as other obligations of such governmental unit or  
22 person.

23

24 11. (New section) For the purpose of aiding a commission and  
25 co-operating in the planning, undertaking, acquisition, construction or  
26 operation of any project, the county or any municipality in any such  
27 county may:

28 a. acquire real property in its name for such project or for the  
29 widening of existing roads, streets, parkways, avenues or highways or  
30 for new roads, streets, parkways, avenues or highways to any such  
31 project, or partly for such purposes and partly for other county or  
32 municipal purposes, by purchase or condemnation in the manner  
33 provided by law for the acquisition of real property by such county or  
34 municipality;

35 b. furnish, dedicate, close, vacate, pave, install, grade, regrade,  
36 plan or replan parks, streets, roads, roadways, alleys, sidewalks or  
37 other places which it is otherwise empowered to undertake; <sup>1</sup>[and]

38 c. in consultation with the Department of Transportation, review  
39 and coordinate the development of improvement projects involving the  
40 department or New Jersey Transit Corporation transportation facilities  
41 that the commission may undertake; and<sup>1</sup>

42 <sup>1</sup>[c.] d.<sup>1</sup> do any and all things necessary or convenient to aid and  
43 co-operate in the planning, undertaking, construction or operation of  
44 any such project, and cause services to be furnished to the commission  
45 of any character which such county or municipality is otherwise  
46 empowered to furnish, and to incur the entire expense thereof.

1       12. (New section) Any county by resolution of its governing body,  
2 municipality by ordinance of its governing body, governmental unit or  
3 person is hereby empowered, without any referendum or public or  
4 competitive bidding, to sell, lease, lend, grant or convey to a  
5 commission, or to permit a commission to use, maintain or operate as  
6 part of any project, any real or personal property which may be  
7 necessary or useful and convenient for the purposes of the commission  
8 and accepted by the commission. Any such sale, lease, loan, grant,  
9 conveyance or permit may be made or given with or without  
10 consideration and for a specified or an unlimited period of time and  
11 under any agreement and on any terms, and conditions which may be  
12 approved by such county, municipality, governmental unit or person  
13 and which may be agreed to by the commission in conformity with its  
14 contracts with the holders of any bonds. Subject to any such contracts  
15 with the holders of bonds, the commission may enter into and perform  
16 any and all agreements with respect to property so purchased, leased,  
17 borrowed, received or accepted by it, including agreements for the  
18 assumption of principal or interest or both of indebtedness of such  
19 county, municipality, governmental unit or person or of any mortgage  
20 or lien existing with respect to such property for the operation and  
21 maintenance of such property as part of any project.

22

23       13. This act shall take effect immediately.

# ASSEMBLY, No. 3855

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 8, 2001

**Sponsored by:**

**Assemblyman LARRY CHATZIDAKIS**

**District 8 (Atlantic, Burlington and Camden)**

**Assemblyman FRANCIS L. BODINE**

**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Expands powers of county bridge commissions to undertake additional projects including terminals, terminal facilities, transportation facilities or any other facility of commerce or economic development activity within a county.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning county bridge commissions, amending and  
2 supplementing article 2 of chapter 19 of Title 27 of the Revised  
3 Statutes.

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

7  
8 1. (New section) As used in this article:

9 "Governmental unit" means the United States of America or the  
10 State of New Jersey or any county or municipality or any subdivision,  
11 department, agency or instrumentality heretofore or hereafter created,  
12 designated or established by or for the United States of America or the  
13 State of New Jersey or any county or municipality.

14 "Person" means any person, partnership, association, corporation,  
15 or entity other than a governmental unit.

16 "Project" means any project authorized by this article.  
17

18 2. R.S.27:19-26 is amended to read as follows:

19 27:19-26. Every county through its board of chosen freeholders  
20 may, if it determines so to do, create a bridge commission. Each  
21 bridge commission so created shall have power from time to time and  
22 be authorized to:

23 a. Prepare the necessary and proper plans and specifications for  
24 the construction, acquisition, improvement or replacement of such  
25 bridge or bridges as may be approved by said board of chosen  
26 freeholders;

27 b. Select the location for same, determine the size, type and  
28 method of construction thereof;

29 c. Plan and fix their boundaries and approaches;

30 d. Make any necessary estimates of the probable costs of  
31 construction, acquisition or improvement thereof including the said  
32 approaches and the acquisition of the land and rights for the sites of  
33 the abutments and approaches to the bridge or bridges;

34 e. Enter into the necessary contracts to construct, acquire,  
35 improve, equip or demolish such bridge or bridges and approaches  
36 thereto, or any part thereof;

37 f. Build or acquire the superstructures and substructures and all  
38 parts thereof;

39 g. Obtain and exercise such consents or approvals as may be  
40 necessary from officials or agencies of the government of the United  
41 States or the State of New Jersey;

42 h. Borrow money and incur indebtedness, and issue its negotiable  
43 bonds or notes for any of the purposes provided for in this article and

**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.**



1 for the purpose of funding or refunding its bonds, notes or other  
2 indebtedness, and provide for the rights and security of the holders of  
3 such bonds, notes or other indebtedness;

4 i. Maintain, improve, reconstruct, manage, control and operate  
5 such bridge or bridges and approaches, and with the consent of said  
6 board of chosen freeholders, by resolution, but subject to and in  
7 compliance with every contract or agreement of the commission,  
8 demolish or dispose of any such bridges other than a bridge or bridges  
9 extending within the limits of any other State; [and]

10 j. Acquire, hold and dispose of any and all property, real or  
11 personal, make, and carry out and perform any and all contracts and  
12 agreements, execute any and all instruments, and do and perform any  
13 and all acts and things, necessary or convenient in the exercise of the  
14 powers expressly given in this article or in the performance of the  
15 duties required in or undertaken pursuant to this article;

16 k. Plan, finance, develop, acquire, construct, purchase, lease,  
17 maintain, market, improve and operate any project within the county,  
18 including but not limited to, any terminal, terminal facility,  
19 transportation facility or any other facility of commerce or economic  
20 development activity;

21 l. Extend credit or make loans to any governmental unit or person  
22 for the planning, design, acquisition, construction, improvement,  
23 equipping, and furnishing of any project; and

24 m. Mortgage, pledge, assign or otherwise encumber all or any  
25 portion of its revenues and other income, real and personal property,  
26 projects and facilities and fix and collect facility charges for the use of  
27 any project for the purpose of securing its bonds, notes, and other  
28 obligations or otherwise in furtherance of the purposes of this article.

29 As used in this article, the term "bridge" shall mean and include a  
30 bridge, trestle, viaduct, tunnel, cut or any other structure or device for  
31 the passage of persons or vehicles over, under or around an obstacle,  
32 and the term "approach" shall mean and include an approach to a  
33 bridge of a commission or any road or highway connecting therewith  
34 or contributing vehicular traffic thereto or connecting 2 or more such  
35 bridges.

36 (cf: P.L.1963, c. 101, s. 1)

37

38 3. R.S.27:19-29 is amended to read as follows:

39 27:19-29. a. The commission may at all times take, demand, and  
40 receive of and from any person who shall pass over or use its bridge  
41 or bridges and approaches, when such person shall enter upon or  
42 attempt to use the same, such rate of toll as may be fixed by it from  
43 time to time, for persons, automobiles, wagons, carts or other vehicles  
44 or for horses, cows or other animals, or for things not herein  
45 enumerated, entering on, passing over or using any such bridge and the  
46 approaches thereto.

1 Any toll gatherer of the commission may stop any person with  
2 automobiles, wagons, carts, or other vehicles or things not herein  
3 enumerated, and all horses, cows, cattle or other animal or animals,  
4 from entering upon, passing over or using any such bridge and the  
5 approaches thereto until the toll herein provided for shall have been  
6 paid.

7 b. The commission is authorized to charge and collect tolls, rents,  
8 rates, fares, fees or other charges (sometimes in this article referred to  
9 as "facility charges") in connection with, or for the use or services of,  
10 or otherwise relating to, any project owned, leased or controlled by  
11 the commission. Such facility charges may be charged to and collected  
12 from any governmental unit or person and such governmental unit or  
13 person shall be liable for and shall pay such facility charges to the  
14 commission at the time when and place where such facility charges are  
15 due and payable.

16 (cf: R.S.27:19-29)

17

18 4. R.S.27:19-31 is amended to read as follows:

19 27:19-31. (A) To finance any of the purposes or powers provided  
20 for in this article, the bridge commission shall from time to time first  
21 determine which bridge or bridges, project or projects are to be  
22 constructed, acquired, improved or replaced and, for any project  
23 which the county unconditionally guarantees the punctual payment of  
24 the principal of and interest on any bonds of the commission, seek  
25 approval or consent of the board or boards of chosen freeholders for  
26 such projects, and upon receiving such approval or consent, or  
27 whenever deemed by it necessary or desirable for the purpose of  
28 funding or refunding its bonds, notes or other indebtedness or  
29 providing funds or reserves for payment or security of any  
30 indebtedness including interest or redemption premiums thereon due  
31 or to accrue, such commission shall be authorized to issue its bonds,  
32 notes or other evidences of indebtedness [which]. The commission  
33 may issue such types of bonds, notes or other evidences of  
34 indebtedness as it may determine including, without limitation, bonds,  
35 notes, or other evidence of indebtedness on which the principal and  
36 interest are payable: (1) exclusively from the income and revenues or  
37 facility charges of the project financed with the proceeds of such  
38 obligations; (2) exclusively from the income and revenues or facility  
39 charges of certain designated projects whether or not they are financed  
40 in whole or in part with the proceeds of such obligations; or (3) from  
41 its revenues generally. In addition, such bonds, notes and other  
42 evidence of indebtedness may be secured by a pledge of any grant or  
43 contribution from any governmental unit or person or a pledge of any  
44 income or revenues of the commission from any source whatsoever,  
45 or by a lien [or], mortgage or pledge upon any one or more of its  
46 bridges, approaches or [other properties] all or any part of the real or

1 personal property of the commission, including property which is  
2 acquired, improved, constructed, financed or refinanced by the  
3 proceeds of such bonds, or upon the tolls to be received in the  
4 operation of any one or more of such bridges, approaches or other  
5 properties or any other income or receipts of the commission, or upon  
6 any combination of any of the foregoing. [Except as may be  
7 otherwise provided by or pursuant to paragraph (B) of this section  
8 27:19-31, the principal and interest of such bonds, notes or other  
9 evidences of indebtedness shall be payable only from the tolls or other  
10 income from such bridge or bridges and other assets of such  
11 commission provided therefor; and in connection therewith no county  
12 other than a county which in accordance with said paragraph (B) shall  
13 have guaranteed payment of the principal of and interest on any such  
14 bonds shall incur any indebtedness of any kind or nature or pledge  
15 credit, taxes or taxing power, or any part thereof, in support of such  
16 principal and interest.]

17 (B) For the purpose of aiding a commission in the accomplishment  
18 of any of the purposes or powers provided for in this article and in  
19 marketing any of its bonds, refunding or other, the county which  
20 created it may, pursuant to resolution duly adopted by its board of  
21 chosen freeholders in the manner provided for adoption of a bond  
22 ordinance as provided in the Local Bond Law (N.J.S., Title 40A,  
23 chapter 2) and with or without consideration and upon such terms and  
24 conditions as may be agreed to by and between the county and the  
25 commission, unconditionally guarantee the punctual payment of the  
26 principal of and interest on any bonds of the commission. Any  
27 guaranty of bonds of a commission made pursuant to this section shall  
28 be evidenced by endorsement thereof on such bonds, executed in the  
29 name of the county and on its behalf by such officer thereof as may be  
30 designated in the resolution authorizing such guaranty, and such  
31 county shall thereupon and thereafter be obligated to pay the principal  
32 of and interest on said bonds in the same manner and to the same  
33 extent as in the case of bonds issued by it. Any such guaranty of  
34 bonds of a commission may be made, and any resolution authorizing  
35 such guaranty may be adopted, notwithstanding any statutory debt or  
36 other limitations, including particularly any limitation or requirement  
37 under or pursuant to said Local Bond Law, but the principal amount  
38 of bonds so guaranteed, shall, after their issuance, be included in the  
39 gross debt of such county for the purpose of determining the  
40 indebtedness of such county under or pursuant to said Local Bond  
41 Law. The principal amount of said bonds so guaranteed and included  
42 in gross debt shall be deducted and is hereby declared to be and to  
43 constitute a deduction from such gross debt under and for all the  
44 purposes of said Local Bond Law (a) from and after the time of  
45 issuance of said bonds until the end of the third fiscal year beginning  
46 next after such time of issuance and (b) in any annual debt statement

1 filed pursuant to said Local Bond Law as of the end of said fiscal year  
2 or any subsequent fiscal year if the revenues or other receipts or  
3 moneys of the commission in such year are sufficient to pay its  
4 expenses of operation and maintenance in such year and all amounts  
5 payable in such year on account of the principal and interest on all  
6 such guaranteed bonds and any other bonds of the commission issued  
7 under this article.

8 (C) In connection with any bonds or refunding bonds issued  
9 pursuant to this article, the commission may also enter into any  
10 revolving credit agreement, agreement establishing a line of credit or  
11 letter of credit, reimbursement agreement, interest rate exchange  
12 agreement, currency exchange agreement, interest rate floor or cap,  
13 options, puts or calls to hedge payment, currency, rate, spread or  
14 similar exposure, or similar agreements, float agreements, forward  
15 agreements, insurance contract, surety bond, commitment to purchase  
16 or sell bonds, purchase or sale agreement, or commitments or other  
17 contracts or agreements and other security agreements approved by  
18 the commission.

19 (cf: P.L.1963, c.101, s.3)

20

21 5. R.S.27:19-32 is amended to read as follows:

22 27:19-32. The bonds, notes or other evidences of indebtedness  
23 (hereinafter in this section called "bonds") issued by such bridge  
24 commissions shall bear interest at **[not more than 6%]** such rate or  
25 rates per annum which may be fixed or may change, at such time or  
26 times and according to such formula or method of determination,  
27 payable **[semiannually]** at such times, and may be sold at either  
28 private or public sale, to any person **[, to the United States**  
29 **Government or to any governmental agency]** or governmental unit,  
30 as the commissions shall determine. Such commissions shall provide  
31 the form of such bonds and shall fix the denominations, place or  
32 places of payment of principal and interest, the terms and conditions  
33 and do all other things that may be necessary for the proper execution  
34 and delivery of said bonds.

35 The proceeds from the sale of any such bonds of a commission shall  
36 be deposited and used as provided in any contract or agreement of the  
37 commission relative thereto or in the resolution authorizing such  
38 bonds, or if not so provided, then as the commission shall direct and  
39 solely for the purposes for which such bonds were issued, to be drawn  
40 over the signatures of the chairman or vice-chairman, the secretary and  
41 the treasurer of the commission, with the surplus, if any, to be paid  
42 into the fund hereinafter provided for the payment of the principal and  
43 interest of such bonds.

44 The rates of tolls to be charged for the use of any bridge or bridges  
45 operated by a bridge commission under the provisions of this article  
46 shall be so fixed and adjusted as to comply with any contract or

1 agreement of the commission relative thereto and, in any event, to  
2 provide a fund sufficient to pay the interest on and principal of all  
3 bonds issued under this article by the commission, refunding or other  
4 and whether or not issued to finance such bridge or bridges, provide  
5 funds to pay the cost of maintaining, repairing and operating the  
6 bridge or bridges operated by the commission, and maintain such  
7 reserves for the foregoing or other expenses as the commission may  
8 deem necessary. This article authorizes any commission, subject to the  
9 terms of any contract or agreement of the commission, to charge tolls  
10 for the use of any one or more of the bridges operated by it or of less  
11 than all of such bridges, to charge any such tolls in order to make or  
12 secure the payment of any bonds issued by it whether or not the  
13 bridge or bridges financed by the issuance of such bonds are subject  
14 to tolls imposed by the commission or are still operated by the  
15 commission, and to charge any such tolls in order to accumulate  
16 reserves for application in future to payment of principal of or interest  
17 on bonds issued by it or of costs of undertaking or accomplishing any  
18 of the purposes or powers provided in this article.

19 The facility charges fixed, charged and collected by the commission  
20 with respect to any project shall comply with the terms of any lease or  
21 other agreement of the commission with regard to such project, and  
22 the facility charges fixed, charged and collected by the commission  
23 may be so adjusted that the revenues of the commission will at all  
24 times be adequate to pay all expenses of the commission, including the  
25 expense of operation and maintenance of any project or other property  
26 owned or controlled by the commission, including insurance,  
27 improvements, replacements, reconstruction and any other required  
28 payments, and to pay the principal of and interest on any bonds, and  
29 to maintain such reserves or sinking funds for any of the foregoing  
30 purposes as may be required by the terms of any lease or other  
31 agreement of the commission or as may be deemed necessary or  
32 convenient and desirable by the commission.

33 All bonds of a bridge commission shall be authorized by resolution  
34 of the commission. Any such resolution may contain provisions, and  
35 the commission, in order to secure the payment of such bonds and in  
36 addition to its other powers, shall have power to agree by provision  
37 in such resolution with the several holders of such bonds, and to  
38 make, enter into and perform covenants and agreements, as to

39 a. the custody, security, use, expenditure or application of the  
40 proceeds of any bonds;

41 b. the construction and completion, or improvement or replacement,  
42 of all or any part of any bridge or bridges or approaches thereto or any  
43 project authorized by this article;

44 c. the use, regulation, operation, maintenance, insurance or  
45 disposition of all or any part of any bridge or bridges or approaches

- 1 thereto or any project authorized by this article, or restrictions on the  
2 exercise of the powers of the commission to dispose, or to limit or  
3 regulate the use, of all or any part of the same;
- 4 d. payment of the principal of or interest on any bonds, and the  
5 sources and methods thereof, the rank or priority of any bonds as to  
6 any lien or security, or the acceleration of the maturity of any bonds;
- 7 e. the use and disposition of any moneys of the commission,  
8 including revenues (hereinafter in this section sometimes called  
9 "bridge revenues") derived or to be derived from the operation of all  
10 or any part of any bridge or bridges or approaches thereto or revenues  
11 (hereinafter in this section sometimes called "facility revenues")  
12 derived or to be derived from the operation of any project authorized  
13 by this article, including any parts thereof theretofore constructed or  
14 acquired and any parts, extensions, replacements or improvements  
15 thereof thereafter constructed or acquired;
- 16 f. pledging, setting aside, depositing or trusteeing all or any part of  
17 any bridge revenues, facility revenues or other moneys of the  
18 commission and mortgaging, pledging, or otherwise encumbering all  
19 or any part of the commission's real or personal property, then owned  
20 or acquired, to secure the payment of the principal of or interest on  
21 any bonds, or the payment of expenses of operation or maintenance  
22 of any bridge or bridges or approaches thereto or any project  
23 authorized by this article;
- 24 g. the setting aside out of any bridge revenues, facility revenues or  
25 other moneys of the commission of reserves and sinking funds, and the  
26 source, custody, security, regulation, application and disposition  
27 thereof;
- 28 h. determination or definition of the bridge revenues, facility  
29 revenues, or of the expenses of operation and maintenance of any  
30 bridge or bridges or approaches thereto or any project authorized by  
31 this article;
- 32 i. the rates [of], tolls, rents, fares, fees, facility charges or other  
33 charges in connection with, for the use or services of, or for passage  
34 over or through or the use of, or otherwise relating thereto, any  
35 bridge or bridges or approaches thereto or any project authorized by  
36 this article, including any parts thereof theretofore constructed or  
37 acquired and any parts, extensions, replacements or improvements  
38 thereof thereafter constructed or acquired, and the fixing,  
39 establishment, collection and enforcement of the same, the amount or  
40 amounts of bridge revenues or facility revenues to be produced  
41 thereby, and the disposition and application of the amounts charged  
42 or collected;
- 43 j. the assumption or payment or discharge of any indebtedness,  
44 liens or other claims relating to any part of any bridge or bridges or  
45 approaches thereto or any project authorized by this article or any  
46 obligations constituting or which may constitute a lien on any part of

1 the bridge revenues or facility revenues;

2 k. limitations on the issuance of additional bonds, notes or other  
3 evidences of indebtedness or on the incurrence of indebtedness of the  
4 commission;

5 l. limitations on the powers of the commission to construct,  
6 acquire or operate, or permit the construction, acquisition or  
7 operation of, any structures, facilities or properties which may  
8 compete or tend to compete with any bridge or bridges or approaches  
9 thereto or any project authorized by this article;

10 m. payment of costs or expenses incident to the enforcement of any  
11 bonds or of the provisions of such resolution or of any covenant or  
12 agreement with the holders of any bonds;

13 n. the procedure, if any, by which the terms of any covenant or  
14 agreement with, or duty to, the holders of bonds may be amended or  
15 abrogated, the amount of bonds the holders of which must consent  
16 thereto, and the manner in which such consent may be given or  
17 evidenced; or

18 o. any other matter or course of conduct which, by recital in such  
19 resolution, is declared to further secure the payment of the principal  
20 of or interest on the bonds.

21 All such provisions of said resolution and all such covenants and  
22 agreements shall constitute valid and legally binding contracts  
23 between the commission and the several holders of the bonds,  
24 regardless of the time of issuance of such bonds, and shall be  
25 enforceable by any such holder or holders by appropriate action or  
26 proceeding, including a proceeding in lieu of prerogative writ, in any  
27 court of competent jurisdiction.

28 (cf: P.L.1963, c.101, s.4)

29

30 6. Section 11 of P.L.1946, c.318 (C.27:19-32.1) is amended to  
31 read as follows:

32 11. The State of New Jersey does hereby covenant and agree with  
33 the holders of any bonds, notes or other evidences of indebtedness  
34 issued by any bridge commission that it will not in any manner limit or  
35 alter the power and obligation vested by this article in the commission  
36 to fix, establish and collect such tolls or facility charges and revise the  
37 same from time to time whenever necessary, as will be sufficient to  
38 always comply fully with and fulfill the terms of all agreements and  
39 covenants made with the holders of such bonds, notes or other  
40 evidences of indebtedness, and will not in any manner impair, alter or  
41 abrogate any other power or obligation vested by this article in the  
42 commission or the rights and remedies of holders of such bonds, notes  
43 or other evidences of indebtedness until all such bonds, notes or other  
44 evidences of indebtedness, together with interest thereon and all costs  
45 and expenses in connection with any actions or

1 proceedings by or on behalf of the holders thereof, are fully paid and  
2 discharged or adequate provision made for the payment or discharge  
3 thereof.

4 (cf: P.L.1946, c.318, s.11)

5  
6 7. R.S.27:19-35 is amended to read as follows:

7 27:19-35. a. The commission shall award no contract or agreement  
8 for the construction, reconstruction, repair, enlargement, extension,  
9 renewal, replacement or equipment of such bridges or projects,  
10 exceeding in amount the sum of \$7,500.00 or the amount determined  
11 pursuant to subsection b. of this section, without advertisement for  
12 bids, which shall be opened publicly, and an award made to the lowest  
13 responsible bidder, with power in the commission to reject any or all  
14 bids. Contracts for the purchase of bridges may be made and executed  
15 without advertisement.

16 b. The Governor, in consultation with the Department of the  
17 Treasury, shall, no later than March 1 of each odd-numbered year,  
18 adjust the threshold amount set forth in subsection a. of this section,  
19 or subsequent to 1985 the threshold amount resulting from any  
20 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
21 direct proportion to the rise or fall of the Consumer Price Index for all  
22 urban consumers in the New York City and the Philadelphia areas as  
23 reported by the United States Department of Labor. The Governor  
24 shall, no later than June 1 of each odd-numbered year, notify each  
25 commission of the adjustment. The adjustment shall become effective  
26 on July 1 of each odd-numbered year.

27 (cf: P.L.1985, c.469, s.5)

28  
29 8. Section 1 of P.L.1952, c.338 (C.27:19-36.1) is amended to  
30 read as follows:

31 1. Notwithstanding any of the provisions of the article to which  
32 this act is a supplement, any county bridge commission created  
33 pursuant to said article may contract with any municipality within  
34 which any part of property acquired by such commission for bridge or  
35 project purposes is located, for the payment by such commission to  
36 such municipality, and may make payments to such municipality, of a  
37 fixed annual sum or sums of money in lieu of, or in reimbursement for,  
38 the loss of taxes upon such property; provided, however, that such  
39 annual sum or sums shall not be in excess of the amount of the  
40 municipal taxes upon such property for the year when last assessed  
41 prior to the time of its acquisition by the commission.

42 Any municipality wherein any such bridge property is located is  
43 authorized and empowered to enter into such contract with any such  
44 commission to accept the payment or payments which the commission  
45 is herein authorized and empowered to make.

46 (cf: P.L.1952, c.338, s.1)



1 9. R.S.27:19-37 is amended to read as follows:

2 27:19-37. The commission shall keep accurate records of all acts,  
3 the property intrusted to it, the cost of the bridge or bridges, project  
4 or projects, and incidents thereto, the expenditures for maintaining,  
5 repairing and operating the same, and the daily tolls or facility charges  
6 collected, which records shall be public records and the property of the  
7 county. A semiannual statement of the daily tolls shall be published on  
8 each bond interest date in the official newspaper of the county. The  
9 governing body of the county shall have power to examine the  
10 accounts at any time, to call for any reports at any time in its  
11 discretion, and to require the commission and its employees to appear  
12 before it to report or testify at any time.

13 (cf: R.S.27:19-37)

14

15 10. (New section) Any governmental unit or person is hereby  
16 empowered to enter into and perform any lease or other agreement  
17 with the commission for the lease to or use by such governmental unit  
18 or person of all or any part of any project. Any such lease or other  
19 agreement may provide for the payment to the commission by such  
20 governmental unit or persons annually or otherwise of such sum or  
21 sums of money, computed at fixed amounts or by any formula or in  
22 any other manner, as may be fixed in or pursuant thereto. Any such  
23 lease or other agreement may be made and entered into for a term  
24 beginning currently or at some future or contingent date and with or  
25 without consideration and for a specified or unlimited time and on any  
26 terms and conditions which may be approved by such governmental  
27 unit or person and which may be agreed to by the commission in  
28 conformity with its contracts with the holders of any bonds, and shall  
29 be valid and binding on such governmental unit or person whether or  
30 not an appropriation is made thereby prior to authorization or  
31 execution of such lease or other agreement. Every such governmental  
32 unit or person is hereby authorized and directed to do and perform any  
33 and all acts and things necessary, convenient or desirable to carry out  
34 and perform any such lease or other agreement entered into by it and  
35 to provide for the payment of discharge of any obligation thereunder  
36 in the same manner as other obligations of such governmental unit or  
37 person.

38

39 11. (New section) For the purpose of aiding a commission and  
40 co-operating in the planning, undertaking, acquisition, construction or  
41 operation of any project, the county or any municipality in any such  
42 county may:

43 a. acquire real property in its name for such project or for the  
44 widening of existing roads, streets, parkways, avenues or highways or  
45 for new roads, streets, parkways, avenues or highways to any such  
46 project, or partly for such purposes and partly for other county or

1 municipal purposes, by purchase or condemnation in the manner  
2 provided by law for the acquisition of real property by such county or  
3 municipality;

4 b. furnish, dedicate, close, vacate, pave, install, grade, regrade,  
5 plan or replan parks, streets, roads, roadways, alleys, sidewalks or  
6 other places which it is otherwise empowered to undertake; and

7 c. do any and all things necessary or convenient to aid and  
8 co-operate in the planning, undertaking, construction or operation of  
9 any such project, and cause services to be furnished to the commission  
10 of any character which such county or municipality is otherwise  
11 empowered to furnish, and to incur the entire expense thereof.

12

13 12. (New section) Any county by resolution of its governing body,  
14 municipality by ordinance of its governing body, governmental unit or  
15 person is hereby empowered, without any referendum or public or  
16 competitive bidding, to sell, lease, lend, grant or convey to a  
17 commission, or to permit a commission to use, maintain or operate as  
18 part of any project, any real or personal property which may be  
19 necessary or useful and convenient for the purposes of the commission  
20 and accepted by the commission. Any such sale, lease, loan, grant,  
21 conveyance or permit may be made or given with or without  
22 consideration and for a specified or an unlimited period of time and  
23 under any agreement and on any terms, and conditions which may be  
24 approved by such county, municipality, governmental unit or person  
25 and which may be agreed to by the commission in conformity with its  
26 contracts with the holders of any bonds. Subject to any such contracts  
27 with the holders of bonds, the commission may enter into and perform  
28 any and all agreements with respect to property so purchased, leased,  
29 borrowed, received or accepted by it, including agreements for the  
30 assumption of principal or interest or both of indebtedness of such  
31 county, municipality, governmental unit or person or of any mortgage  
32 or lien existing with respect to such property for the operation and  
33 maintenance of such property as part of any project.

34

35 13. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill expands the powers of a county bridge commission,  
41 established pursuant to R.S.27:19-26 et seq., to undertake additional  
42 projects including terminals, terminal facilities, transportation facilities  
43 or any other facility of commerce or economic development activity.  
44 The bill also authorizes a county bridge commission to finance its  
45 projects by issuing bonds, notes or other forms of indebtedness  
46 payable from the revenues from the commission's projects or from

1 other revenues and income of the commission.

2 In addition, the bill authorizes a bridge commission to enter into  
3 leases or other agreements with governmental units or persons to use  
4 all or any part of the commission's projects.

5 The bill also authorizes a county or municipality to: 1) appropriate  
6 moneys to assist the commission with development of such projects;  
7 2) sell, lease, lend or convey any property to use as part of such  
8 projects; and 3) donate such money to the commission under such  
9 terms and conditions as may be agreed upon with the commission.

10 Under current law, county bridge commissions are authorized to  
11 engage in activities or undertake projects relating to the operation of  
12 a bridge or bridges. This bill would expand the scope of responsibility  
13 for county bridge commissions that meet the criteria set forth in the  
14 bill to include additional projects such as terminals, terminal facilities,  
15 transportation facilities, or other facilities of commerce or economic  
16 development activity.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3855**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2001

The Assembly Transportation Committee reports favorably Assembly Bill No. 3855.

As amended, this bill provides that bridge commissions established prior to the effective date of the bill by a county of the second class shall have expanded powers to undertake additional projects including terminals, terminal facilities or other facilities of commercial and economic development within a county.

The bill authorizes a county bridge commission with these expanded powers to finance its projects by issuing bonds, notes or other forms of indebtedness payable from the revenues from the commission's projects or from other revenues and income of the commission, including charges authorized in conjunction with the additional projects.

The bill authorizes a bridge commission to enter into leases or other agreements with governmental units or persons to use all or any part of the commission's projects.

The bill also authorizes a county or municipality to: 1) appropriate moneys to assist the commission with development of such projects; 2) sell, lease, lend or convey any property to use as part of such projects; and 3) donate such money to the commission under such terms and conditions as may be agreed upon with the commission.

Under current law, county bridge commissions are authorized to engage in activities or undertake projects relating to the construction, purchase and operation of a bridge or bridges. This bill would expand the scope of responsibility for county bridge commissions that meet the criteria set forth in the bill to include additional projects such as terminals, terminal facilities, transportation facilities, or other facilities of commerce or economic development activity.

The committee's amendments provide that the expanded powers for bridge commissions be limited to counties of the second class which have established a bridge commission prior to the date that this bill is enacted.

The amendments provide for the restoration of the language deleted by the bill from R.S. 27:19-31 limiting which counties may

incur indebtedness or pledge credit or taxes in support of bridge commission bonds.

The amendments delete a new paragraph added by the bill to R.S.27:19-31 authorizing bridge commissions to enter into a variety of different financial instruments and structures in connection with any bridge commission bonds or refunding bonds.

The amendments also delete provisions of R.S.27:19-35 concerning the threshold amounts required for public advertising for bids prior to awarding contracts and require all contracts or agreements made by bridge commissions for construction and other projects to be subject to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

The amendments further provide that the county or municipality assisting a commission in the planning of any project, may, in consultation with the Department of Transportation, review and coordinate the development of improvement projects involving the department or New Jersey Transit Corporation transportation facilities that the commission may undertake.

[First Reprint]

**ASSEMBLY, No. 3855**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED NOVEMBER 8, 2001

**Sponsored by:**

**Assemblyman LARRY CHATZIDAKIS**

**District 8 (Atlantic, Burlington and Camden)**

**Assemblyman FRANCIS L. BODINE**

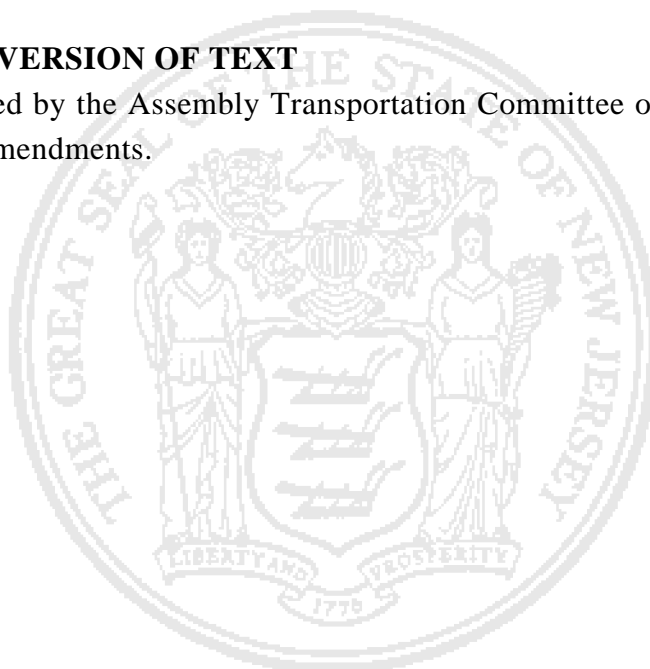
**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Expands powers of certain county bridge commissions to undertake additional projects including terminals, terminal facilities, transportation facilities or any other facility of commerce or economic development activity within a county.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Transportation Committee on December 6, 2001, with amendments.



1 AN ACT concerning county bridge commissions, amending and  
2 supplementing article 2 of chapter 19 of Title 27 of the Revised  
3 Statutes.

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

7  
8 1. (New section) As used in this article:

9 <sup>1</sup>"Facility charges" mean tolls, rents, rates, fares, fees or other  
10 charges in connection with, or for the use or services of, or otherwise  
11 relating to, any project owned, leased or controlled by the  
12 commission.<sup>1</sup>

13 "Governmental unit" means the United States of America or the  
14 State of New Jersey or any county or municipality or any subdivision,  
15 department, agency or instrumentality heretofore or hereafter created,  
16 designated or established by or for the United States of America or the  
17 State of New Jersey or any county or municipality.

18 "Person" means any person, partnership, association, corporation,  
19 or entity other than a governmental unit.

20 "Project" means any project authorized by <sup>1</sup>[this article] section 2  
21 of P.L. , c. (C. ) (now before the Legislature as this bill)<sup>1</sup>.

22  
23 <sup>1</sup>[2. R.S.27:19-26 is amended to read as follows:

24 27:19-26. Every county through its board of chosen freeholders  
25 may, if it determines so to do, create a bridge commission. Each  
26 bridge commission so created shall have power from time to time and  
27 be authorized to:

28 a. Prepare the necessary and proper plans and specifications for  
29 the construction, acquisition, improvement or replacement of such  
30 bridge or bridges as may be approved by said board of chosen  
31 freeholders;

32 b. Select the location for same, determine the size, type and  
33 method of construction thereof;

34 c. Plan and fix their boundaries and approaches;

35 d. Make any necessary estimates of the probable costs of  
36 construction, acquisition or improvement thereof including the said  
37 approaches and the acquisition of the land and rights for the sites of  
38 the abutments and approaches to the bridge or bridges;

39 e. Enter into the necessary contracts to construct, acquire,  
40 improve, equip or demolish such bridge or bridges and approaches  
41 thereto, or any part thereof;

**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:**

<sup>1</sup> Assembly ATR committee amendments adopted December 6, 2001.

1 f. Build or acquire the superstructures and substructures and all  
2 parts thereof;

3 g. Obtain and exercise such consents or approvals as may be  
4 necessary from officials or agencies of the government of the United  
5 States or the State of New Jersey;

6 h. Borrow money and incur indebtedness, and issue its negotiable  
7 bonds or notes for any of the purposes provided for in this article and  
8 for the purpose of funding or refunding its bonds, notes or other  
9 indebtedness, and provide for the rights and security of the holders of  
10 such bonds, notes or other indebtedness;

11 i. Maintain, improve, reconstruct, manage, control and operate  
12 such bridge or bridges and approaches, and with the consent of said  
13 board of chosen freeholders, by resolution, but subject to and in  
14 compliance with every contract or agreement of the commission,  
15 demolish or dispose of any such bridges other than a bridge or bridges  
16 extending within the limits of any other State; [and]

17 j. Acquire, hold and dispose of any and all property, real or  
18 personal, make, and carry out and perform any and all contracts and  
19 agreements, execute any and all instruments, and do and perform any  
20 and all acts and things, necessary or convenient in the exercise of the  
21 powers expressly given in this article or in the performance of the  
22 duties required in or undertaken pursuant to this article;

23 k. Plan, finance, develop, acquire, construct, purchase, lease,  
24 maintain, market, improve and operate any project within the county,  
25 including but not limited to, any terminal, terminal facility,  
26 transportation facility or any other facility of commerce or economic  
27 development activity;

28 l. Extend credit or make loans to any governmental unit or person  
29 for the planning, design, acquisition, construction, improvement,  
30 equipping, and furnishing of any project; and

31 m. Mortgage, pledge, assign or otherwise encumber all or any  
32 portion of its revenues and other income, real and personal property,  
33 projects and facilities and fix and collect facility charges for the use of  
34 any project for the purpose of securing its bonds, notes, and other  
35 obligations or otherwise in furtherance of the purposes of this article.

36 As used in this article, the term "bridge" shall mean and include a  
37 bridge, trestle, viaduct, tunnel, cut or any other structure or device for  
38 the passage of persons or vehicles over, under or around an obstacle,  
39 and the term "approach" shall mean and include an approach to a  
40 bridge of a commission or any road or highway connecting therewith  
41 or contributing vehicular traffic thereto or connecting 2 or more such  
42 bridges.

43 (cf: P.L.1963, c. 101, s. 1)]<sup>1</sup>

44

45 <sup>1</sup>2. (New section) In addition to the powers set forth in R.S.27:19-  
46 26 et seq., a bridge commission established prior to the effective date



1 of P.L. , c. (C. ) (now before the Legislature as this bill) by a  
2 county of the second class shall have the power from time to time and  
3 be authorized to:

4 a. Plan, finance, develop, acquire, construct, purchase, lease,  
5 maintain, market, improve and operate any project within the county,  
6 including but not limited to, any terminal, terminal facility,  
7 transportation facility or any other facility of commerce or economic  
8 development activity;

9 b. Extend credit or make loans to any governmental unit or person  
10 for the planning, design, acquisition, construction, improvement,  
11 equipping, and furnishing of any project; and

12 c. Mortgage, pledge, assign or otherwise encumber all or any  
13 portion of its revenues and other income, real and personal property,  
14 projects and facilities and fix and collect facility charges for the use of  
15 any project for the purpose of securing its bonds, notes, and other  
16 obligations or otherwise in furtherance of the purposes of this article.<sup>1</sup>  
17

18 3. R.S.27:19-29 is amended to read as follows:

19 27:19-29. a. The commission may at all times take, demand, and  
20 receive of and from any person who shall pass over or use its bridge  
21 or bridges and approaches, when such person shall enter upon or  
22 attempt to use the same, such rate of toll as may be fixed by it from  
23 time to time, for persons, automobiles, wagons, carts or other vehicles  
24 or for horses, cows or other animals, or for things not herein  
25 enumerated, entering on, passing over or using any such bridge and the  
26 approaches thereto.

27 Any toll gatherer of the commission may stop any person with  
28 automobiles, wagons, carts, or other vehicles or things not herein  
29 enumerated, and all horses, cows, cattle or other animal or animals,  
30 from entering upon, passing over or using any such bridge and the  
31 approaches thereto until the toll herein provided for shall have been  
32 paid.

33 b. The commission is authorized to charge and collect tolls, rents,  
34 rates, fares, fees or other charges (sometimes in this article referred to  
35 as "facility charges") in connection with, or for the use or services of,  
36 or otherwise relating to, any project owned, leased or controlled by  
37 the commission. Such facility charges may be charged to and collected  
38 from any governmental unit or person and such governmental unit or  
39 person shall be liable for and shall pay such facility charges to the  
40 commission at the time when and place where such facility charges are  
41 due and payable.

42 (cf: R.S.27:19-29)

43

44 4. R.S.27:19-31 is amended to read as follows:

45 27:19-31. (A) To finance any of the purposes or powers provided  
46 for in this article, the bridge commission shall from time to time first

1 determine which bridge or bridges, project or projects are to be  
2 constructed, acquired, improved or replaced and, for any project  
3 which the county unconditionally guarantees the punctual payment of  
4 the principal of and interest on any bonds of the commission, seek  
5 approval or consent of the board or boards of chosen freeholders for  
6 such projects, and upon receiving such approval or consent, or  
7 whenever deemed by it necessary or desirable for the purpose of  
8 funding or refunding its bonds, notes or other indebtedness or  
9 providing funds or reserves for payment or security of any  
10 indebtedness including interest or redemption premiums thereon due  
11 or to accrue, such commission shall be authorized to issue its bonds,  
12 notes or other evidences of indebtedness [which]. The commission  
13 may issue such types of bonds, notes or other evidences of  
14 indebtedness as it may determine including, without limitation, bonds,  
15 notes, or other evidence of indebtedness on which the principal and  
16 interest are payable: (1) exclusively from the income and revenues or  
17 facility charges of the project financed with the proceeds of such  
18 obligations; (2) exclusively from the income and revenues or facility  
19 charges of certain designated projects whether or not they are financed  
20 in whole or in part with the proceeds of such obligations; or (3) from  
21 its revenues generally. In addition, such bonds, notes and other  
22 evidence of indebtedness may be secured by a pledge of any grant or  
23 contribution from any governmental unit or person or a pledge of any  
24 income or revenues of the commission from any source whatsoever,  
25 or by a lien [or], mortgage or pledge upon any one or more of its  
26 bridges, approaches or [other properties] all or any part of the real or  
27 personal property of the commission, including property which is  
28 acquired, improved, constructed, financed or refinanced by the  
29 proceeds of such bonds, or upon the tolls to be received in the  
30 operation of any one or more of such bridges, approaches or other  
31 properties or any other income or receipts of the commission, or upon  
32 any combination of any of the foregoing. [Except as may be  
33 otherwise provided by or pursuant to paragraph (B) of this section  
34 27:19-31, the principal and interest of such bonds, notes or other  
35 evidences of indebtedness shall be payable only from the tolls or other  
36 income from such bridge or bridges and other assets of such  
37 commission provided therefor; and in connection therewith no county  
38 other than a county which in accordance with said paragraph (B) shall  
39 have guaranteed payment of the principal of and interest on any such  
40 bonds shall incur any indebtedness of any kind or nature or pledge  
41 credit, taxes or taxing power, or any part thereof, in support of such  
42 principal and interest.] <sup>1</sup>No county other than a county which in  
43 accordance with paragraph (B) of this section shall have guaranteed  
44 payment of the principal of and interest on any such bonds shall incur  
45 any indebtedness of any kind or nature or pledge credit, taxes or  
46 taxing power, or any part thereof, in support of such principal and

1 interest.<sup>1</sup>

2 (B) For the purpose of aiding a commission in the accomplishment  
3 of any of the purposes or powers provided for in this article and in  
4 marketing any of its bonds, refunding or other, the county which  
5 created it may, pursuant to resolution duly adopted by its board of  
6 chosen freeholders in the manner provided for adoption of a bond  
7 ordinance as provided in the Local Bond Law (N.J.S., Title 40A,  
8 chapter 2) and with or without consideration and upon such terms and  
9 conditions as may be agreed to by and between the county and the  
10 commission, unconditionally guarantee the punctual payment of the  
11 principal of and interest on any bonds of the commission. Any  
12 guaranty of bonds of a commission made pursuant to this section shall  
13 be evidenced by endorsement thereof on such bonds, executed in the  
14 name of the county and on its behalf by such officer thereof as may be  
15 designated in the resolution authorizing such guaranty, and such  
16 county shall thereupon and thereafter be obligated to pay the principal  
17 of and interest on said bonds in the same manner and to the same  
18 extent as in the case of bonds issued by it. Any such guaranty of  
19 bonds of a commission may be made, and any resolution authorizing  
20 such guaranty may be adopted, notwithstanding any statutory debt or  
21 other limitations, including particularly any limitation or requirement  
22 under or pursuant to said Local Bond Law, but the principal amount  
23 of bonds so guaranteed, shall, after their issuance, be included in the  
24 gross debt of such county for the purpose of determining the  
25 indebtedness of such county under or pursuant to said Local Bond  
26 Law. The principal amount of said bonds so guaranteed and included  
27 in gross debt shall be deducted and is hereby declared to be and to  
28 constitute a deduction from such gross debt under and for all the  
29 purposes of said Local Bond Law (a) from and after the time of  
30 issuance of said bonds until the end of the third fiscal year beginning  
31 next after such time of issuance and (b) in any annual debt statement  
32 filed pursuant to said Local Bond Law as of the end of said fiscal year  
33 or any subsequent fiscal year if the revenues or other receipts or  
34 moneys of the commission in such year are sufficient to pay its  
35 expenses of operation and maintenance in such year and all amounts  
36 payable in such year on account of the principal and interest on all  
37 such guaranteed bonds and any other bonds of the commission issued  
38 under this article.

39 <sup>1</sup>[(C) In connection with any bonds or refunding bonds issued  
40 pursuant to this article, the commission may also enter into any  
41 revolving credit agreement, agreement establishing a line of credit or  
42 letter of credit, reimbursement agreement, interest rate exchange  
43 agreement, currency exchange agreement, interest rate floor or cap,  
44 options, puts or calls to hedge payment, currency, rate, spread or  
45 similar exposure, or similar agreements, float agreements, forward  
46 agreements, insurance contract, surety bond, commitment to purchase

1 or sell bonds, purchase or sale agreement, or commitments or other  
2 contracts or agreements and other security agreements approved by  
3 the commission.]<sup>1</sup>

4 (cf: P.L.1963, c.101, s.3)

5  
6 5. R.S.27:19-32 is amended to read as follows:

7 27:19-32. The bonds, notes or other evidences of indebtedness  
8 (hereinafter in this section called "bonds") issued by such bridge  
9 commissions shall bear interest at **[not more than 6%]** such rate or  
10 rates per annum which may be fixed or may change, at such time or  
11 times and according to such formula or method of determination,  
12 payable **[semiannually]** at such times, and may be sold at either  
13 private or public sale, to any person **[, to the United States**  
14 **Government or to any governmental agency]** or governmental unit,  
15 as the commissions shall determine. Such commissions shall provide  
16 the form of such bonds and shall fix the denominations, place or  
17 places of payment of principal and interest, the terms and conditions  
18 and do all other things that may be necessary for the proper execution  
19 and delivery of said bonds.

20 The proceeds from the sale of any such bonds of a commission shall  
21 be deposited and used as provided in any contract or agreement of the  
22 commission relative thereto or in the resolution authorizing such  
23 bonds, or if not so provided, then as the commission shall direct and  
24 solely for the purposes for which such bonds were issued, to be drawn  
25 over the signatures of the chairman or vice-chairman, the secretary and  
26 the treasurer of the commission, with the surplus, if any, to be paid  
27 into the fund hereinafter provided for the payment of the principal and  
28 interest of such bonds.

29 The rates of tolls to be charged for the use of any bridge or bridges  
30 operated by a bridge commission under the provisions of this article  
31 shall be so fixed and adjusted as to comply with any contract or  
32 agreement of the commission relative thereto and, in any event, to  
33 provide a fund sufficient to pay the interest on and principal of all  
34 bonds issued under this article by the commission, refunding or other  
35 and whether or not issued to finance such bridge or bridges, provide  
36 funds to pay the cost of maintaining, repairing and operating the  
37 bridge or bridges operated by the commission, and maintain such  
38 reserves for the foregoing or other expenses as the commission may  
39 deem necessary. This article authorizes any commission, subject to the  
40 terms of any contract or agreement of the commission, to charge tolls  
41 for the use of any one or more of the bridges operated by it or of less  
42 than all of such bridges, to charge any such tolls in order to make or  
43 secure the payment of any bonds issued by it whether or not the  
44 bridge or bridges financed by the issuance of such bonds are subject  
45 to tolls imposed by the commission or are still operated by the  
46 commission, and to charge any such tolls in order to accumulate

1 reserves for application in future to payment of principal of or interest  
2 on bonds issued by it or of costs of undertaking or accomplishing any  
3 of the purposes or powers provided in this article.

4 The facility charges fixed, charged and collected by the commission  
5 with respect to any project shall comply with the terms of any lease or  
6 other agreement of the commission with regard to such project, and  
7 the facility charges fixed, charged and collected by the commission  
8 may be so adjusted that the revenues of the commission will at all  
9 times be adequate to pay all expenses of the commission, including the  
10 expense of operation and maintenance of any project or other property  
11 owned or controlled by the commission, including insurance,  
12 improvements, replacements, reconstruction and any other required  
13 payments, and to pay the principal of and interest on any bonds, and  
14 to maintain such reserves or sinking funds for any of the foregoing  
15 purposes as may be required by the terms of any lease or other  
16 agreement of the commission or as may be deemed necessary or  
17 convenient and desirable by the commission.

18 All bonds of a bridge commission shall be authorized by resolution  
19 of the commission. Any such resolution may contain provisions, and  
20 the commission, in order to secure the payment of such bonds and in  
21 addition to its other powers, shall have power to agree by provision  
22 in such resolution with the several holders of such bonds, and to  
23 make, enter into and perform covenants and agreements, as to

24 a. the custody, security, use, expenditure or application of the  
25 proceeds of any bonds;

26 b. the construction and completion, or improvement or replacement,  
27 of all or any part of any bridge or bridges or approaches thereto or any  
28 project authorized by this article;

29 c. the use, regulation, operation, maintenance, insurance or  
30 disposition of all or any part of any bridge or bridges or approaches  
31 thereto or any project authorized by this article, or restrictions on the  
32 exercise of the powers of the commission to dispose, or to limit or  
33 regulate the use, of all or any part of the same;

34 d. payment of the principal of or interest on any bonds, and the  
35 sources and methods thereof, the rank or priority of any bonds as to  
36 any lien or security, or the acceleration of the maturity of any bonds;

37 e. the use and disposition of any moneys of the commission,  
38 including revenues (hereinafter in this section sometimes called  
39 "bridge revenues") derived or to be derived from the operation of all  
40 or any part of any bridge or bridges or approaches thereto or revenues  
41 (hereinafter in this section sometimes called "facility revenues")  
42 derived or to be derived from the operation of any project authorized  
43 by this article, including any parts thereof theretofore constructed or  
44 acquired and any parts, extensions, replacements or improvements  
45 thereof thereafter constructed or acquired;

46 f. pledging, setting aside, depositing or trusteeing all or any part of

1 any bridge revenues, facility revenues or other moneys of the  
2 commission and mortgaging, pledging, or otherwise encumbering all  
3 or any part of the commission's real or personal property, then owned  
4 or acquired, to secure the payment of the principal of or interest on  
5 any bonds, or the payment of expenses of operation or maintenance  
6 of any bridge or bridges or approaches thereto or any project  
7 authorized by this article;

8 g. the setting aside out of any bridge revenues, facility revenues or  
9 other moneys of the commission of reserves and sinking funds, and the  
10 source, custody, security, regulation, application and disposition  
11 thereof;

12 h. determination or definition of the bridge revenues, facility  
13 revenues, or of the expenses of operation and maintenance of any  
14 bridge or bridges or approaches thereto or any project authorized by  
15 this article;

16 i. the rates [of], tolls, rents, fares, fees, facility charges or other  
17 charges in connection with, for the use or services of, or for passage  
18 over or through or the use of, or otherwise relating thereto, any  
19 bridge or bridges or approaches thereto or any project authorized by  
20 this article, including any parts thereof theretofore constructed or  
21 acquired and any parts, extensions, replacements or improvements  
22 thereof thereafter constructed or acquired, and the fixing,  
23 establishment, collection and enforcement of the same, the amount or  
24 amounts of bridge revenues or facility revenues to be produced  
25 thereby, and the disposition and application of the amounts charged  
26 or collected;

27 j. the assumption or payment or discharge of any indebtedness,  
28 liens or other claims relating to any part of any bridge or bridges or  
29 approaches thereto or any project authorized by this article or any  
30 obligations constituting or which may constitute a lien on any part of  
31 the bridge revenues or facility revenues;

32 k. limitations on the issuance of additional bonds, notes or other  
33 evidences of indebtedness or on the incurrence of indebtedness of the  
34 commission;

35 l. limitations on the powers of the commission to construct, acquire  
36 or operate, or permit the construction, acquisition or operation of,  
37 any structures, facilities or properties which may compete or tend to  
38 compete with any bridge or bridges or approaches thereto or any  
39 project authorized by this article;

40 m. payment of costs or expenses incident to the enforcement of any  
41 bonds or of the provisions of such resolution or of any covenant or  
42 agreement with the holders of any bonds;

43 n. the procedure, if any, by which the terms of any covenant or  
44 agreement with, or duty to, the holders of bonds may be amended or  
45 abrogated, the amount of bonds the holders of which must consent  
46 thereto, and the manner in which such consent may be given or

1 evidenced; or

2 o. any other matter or course of conduct which, by recital in such  
3 resolution, is declared to further secure the payment of the principal  
4 of or interest on the bonds.

5 All such provisions of said resolution and all such covenants and  
6 agreements shall constitute valid and legally binding contracts  
7 between the commission and the several holders of the bonds,  
8 regardless of the time of issuance of such bonds, and shall be  
9 enforceable by any such holder or holders by appropriate action or  
10 proceeding, including a proceeding in lieu of prerogative writ, in any  
11 court of competent jurisdiction.

12 (cf: P.L.1963, c.101, s.4)

13

14 6. Section 11 of P.L.1946, c.318 (C.27:19-32.1) is amended to  
15 read as follows:

16 11. The State of New Jersey does hereby covenant and agree with  
17 the holders of any bonds, notes or other evidences of indebtedness  
18 issued by any bridge commission that it will not in any manner limit or  
19 alter the power and obligation vested by this article in the commission  
20 to fix, establish and collect such tolls or facility charges and revise the  
21 same from time to time whenever necessary, as will be sufficient to  
22 always comply fully with and fulfill the terms of all agreements and  
23 covenants made with the holders of such bonds, notes or other  
24 evidences of indebtedness, and will not in any manner impair, alter or  
25 abrogate any other power or obligation vested by this article in the  
26 commission or the rights and remedies of holders of such bonds, notes  
27 or other evidences of indebtedness until all such bonds, notes or other  
28 evidences of indebtedness, together with interest thereon and all costs  
29 and expenses in connection with any actions or proceedings by or on  
30 behalf of the holders thereof, are fully paid and discharged or  
31 adequate provision made for the payment or discharge thereof.

32 (cf: P.L.1946, c.318, s.11)

33

34 7. R.S.27:19-35 is amended to read as follows:

35 27:19-35. <sup>1</sup>[a. The commission shall award no contract or  
36 agreement for the construction, reconstruction, repair, enlargement,  
37 extension, renewal, replacement or equipment of such bridges or  
38 projects, exceeding in amount the sum of \$7,500.00 or the amount  
39 determined pursuant to subsection b. of this section, without  
40 advertisement for bids, which shall be opened publicly, and an award  
41 made to the lowest responsible bidder, with power in the commission  
42 to reject any or all bids. Contracts for the purchase of bridges may be  
43 made and executed without advertisement.

44 b. The Governor, in consultation with the Department of the  
45 Treasury, shall, no later than March 1 of each odd-numbered year,  
46 adjust the threshold amount set forth in subsection a. of this section,

1 or subsequent to 1985 the threshold amount resulting from any  
2 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
3 direct proportion to the rise or fall of the Consumer Price Index for all  
4 urban consumers in the New York City and the Philadelphia areas as  
5 reported by the United States Department of Labor. The Governor  
6 shall, no later than June 1 of each odd-numbered year, notify each  
7 commission of the adjustment. The adjustment shall become effective  
8 on July 1 of each odd-numbered year.] Every contract or agreement  
9 for the construction, reconstruction, repair, enlargement, extension,  
10 renewal, replacement or equipment of bridges or projects, shall be  
11 made and awarded pursuant to the provisions of the "Local Public  
12 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).<sup>1</sup>  
13 (cf: P.L.1985, c.469, s.5)

14  
15 8. Section 1 of P.L.1952, c.338 (C.27:19-36.1) is amended to  
16 read as follows:

17 1. Notwithstanding any of the provisions of the article to which  
18 this act is a supplement, any county bridge commission created  
19 pursuant to said article may contract with any municipality within  
20 which any part of property acquired by such commission for bridge or  
21 project purposes is located, for the payment by such commission to  
22 such municipality, and may make payments to such municipality, of a  
23 fixed annual sum or sums of money in lieu of, or in reimbursement for,  
24 the loss of taxes upon such property; provided, however, that such  
25 annual sum or sums shall not be in excess of the amount of the  
26 municipal taxes upon such property for the year when last assessed  
27 prior to the time of its acquisition by the commission.

28 Any municipality wherein any such bridge property is located is  
29 authorized and empowered to enter into such contract with any such  
30 commission to accept the payment or payments which the commission  
31 is herein authorized and empowered to make.

32 (cf: P.L.1952, c.338, s.1)

33

34 9. R.S.27:19-37 is amended to read as follows:

35 27:19-37. The commission shall keep accurate records of all acts,  
36 the property intrusted to it, the cost of the bridge or bridges, project  
37 or projects, and incidents thereto, the expenditures for maintaining,  
38 repairing and operating the same, and the daily tolls or facility charges  
39 collected, which records shall be public records and the property of the  
40 county. A semiannual statement of the daily tolls shall be published on  
41 each bond interest date in the official newspaper of the county. The  
42 governing body of the county shall have power to examine the  
43 accounts at any time, to call for any reports at any time in its  
44 discretion, and to require the commission and its employees to appear  
45 before it to report or testify at any time.

46 (cf: R.S.27:19-37)



1       10. (New section) Any governmental unit or person is hereby  
2 empowered to enter into and perform any lease or other agreement  
3 with the commission for the lease to or use by such governmental unit  
4 or person of all or any part of any project. Any such lease or other  
5 agreement may provide for the payment to the commission by such  
6 governmental unit or persons annually or otherwise of such sum or  
7 sums of money, computed at fixed amounts or by any formula or in  
8 any other manner, as may be fixed in or pursuant thereto. Any such  
9 lease or other agreement may be made and entered into for a term  
10 beginning currently or at some future or contingent date and with or  
11 without consideration and for a specified or unlimited time and on any  
12 terms and conditions which may be approved by such governmental  
13 unit or person and which may be agreed to by the commission in  
14 conformity with its contracts with the holders of any bonds, and shall  
15 be valid and binding on such governmental unit or person whether or  
16 not an appropriation is made thereby prior to authorization or  
17 execution of such lease or other agreement. Every such governmental  
18 unit or person is hereby authorized and directed to do and perform any  
19 and all acts and things necessary, convenient or desirable to carry out  
20 and perform any such lease or other agreement entered into by it and  
21 to provide for the payment of discharge of any obligation thereunder  
22 in the same manner as other obligations of such governmental unit or  
23 person.

24

25       11. (New section) For the purpose of aiding a commission and  
26 co-operating in the planning, undertaking, acquisition, construction or  
27 operation of any project, the county or any municipality in any such  
28 county may:

29       a. acquire real property in its name for such project or for the  
30 widening of existing roads, streets, parkways, avenues or highways or  
31 for new roads, streets, parkways, avenues or highways to any such  
32 project, or partly for such purposes and partly for other county or  
33 municipal purposes, by purchase or condemnation in the manner  
34 provided by law for the acquisition of real property by such county or  
35 municipality;

36       b. furnish, dedicate, close, vacate, pave, install, grade, regrade,  
37 plan or replan parks, streets, roads, roadways, alleys, sidewalks or  
38 other places which it is otherwise empowered to undertake; <sup>1</sup>[and]

39       c. in consultation with the Department of Transportation, review  
40 and coordinate the development of improvement projects involving the  
41 department or New Jersey Transit Corporation transportation facilities  
42 that the commission may undertake; and<sup>1</sup>

43       <sup>1</sup>[c.] d.<sup>1</sup> do any and all things necessary or convenient to aid and  
44 co-operate in the planning, undertaking, construction or operation of  
45 any such project, and cause services to be furnished to the commission  
46 of any character which such county or municipality is otherwise

1 empowered to furnish, and to incur the entire expense thereof.

2

3 12. (New section) Any county by resolution of its governing body,  
4 municipality by ordinance of its governing body, governmental unit or  
5 person is hereby empowered, without any referendum or public or  
6 competitive bidding, to sell, lease, lend, grant or convey to a  
7 commission, or to permit a commission to use, maintain or operate as  
8 part of any project, any real or personal property which may be  
9 necessary or useful and convenient for the purposes of the commission  
10 and accepted by the commission. Any such sale, lease, loan, grant,  
11 conveyance or permit may be made or given with or without  
12 consideration and for a specified or an unlimited period of time and  
13 under any agreement and on any terms, and conditions which may be  
14 approved by such county, municipality, governmental unit or person  
15 and which may be agreed to by the commission in conformity with its  
16 contracts with the holders of any bonds. Subject to any such contracts  
17 with the holders of bonds, the commission may enter into and perform  
18 any and all agreements with respect to property so purchased, leased,  
19 borrowed, received or accepted by it, including agreements for the  
20 assumption of principal or interest or both of indebtedness of such  
21 county, municipality, governmental unit or person or of any mortgage  
22 or lien existing with respect to such property for the operation and  
23 maintenance of such property as part of any project.

24

25 13. This act shall take effect immediately.

P.L. 2001, CHAPTER 301, *approved January 2, 2002*  
Senate, No. 2533 (*First Reprint*)

1 **AN ACT** concerning county bridge commissions, amending various  
2 parts of the statutory law and supplementing article 2 of chapter 19  
3 of Title 27 of the Revised Statutes.

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

7  
8 1. (New section) As used in this article:

9 <sup>1</sup>"Facility charges" mean tolls, rents, rates, fares, fees or other  
10 charges in connection with, or for the use or services of, or otherwise  
11 relating to, any project owned, leased or controlled by the  
12 commission.<sup>1</sup>

13 "Governmental unit" means the United States of America or the  
14 State of New Jersey or any county or municipality or any subdivision,  
15 department, agency or instrumentality heretofore or hereafter created,  
16 designated or established by or for the United States of America or the  
17 State of New Jersey or any county or municipality.

18 "Person" means any person, partnership, association, corporation,  
19 or entity other than a governmental unit.

20 "Project" means any project authorized by <sup>1</sup>[this article] section 2  
21 of P.L. , c. (C. ) (now before the Legislature as this bill)<sup>1</sup>.

22  
23 <sup>1</sup>[2. R.S.27:19-26 is amended to read as follows:

24 27:19-26. Every county through its board of chosen freeholders  
25 may, if it determines so to do, create a bridge commission. Each  
26 bridge commission so created shall have power from time to time and  
27 be authorized to:

28 a. Prepare the necessary and proper plans and specifications for the  
29 construction, acquisition, improvement or replacement of such bridge  
30 or bridges as may be approved by said board of chosen freeholders;

31 b. Select the location for same, determine the size, type and  
32 method of construction thereof;

33 c. Plan and fix their boundaries and approaches;

34 d. Make any necessary estimates of the probable costs of  
35 construction, acquisition or improvement thereof including the said  
36 approaches and the acquisition of the land and rights for the sites of  
37 the abutments and approaches to the bridge or bridges;

38 e. Enter into the necessary contracts to construct, acquire,

**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:**

<sup>1</sup> Senate floor amendments adopted December 6, 2001.

- 1 improve, equip or demolish such bridge or bridges and approaches  
2 thereto, or any part thereof;
- 3 f. Build or acquire the superstructures and substructures and all  
4 parts thereof;
- 5 g. Obtain and exercise such consents or approvals as may be  
6 necessary from officials or agencies of the government of the United  
7 States or the State of New Jersey;
- 8 h. Borrow money and incur indebtedness, and issue its negotiable  
9 bonds or notes for any of the purposes provided for in this article and  
10 for the purpose of funding or refunding its bonds, notes or other  
11 indebtedness, and provide for the rights and security of the holders of  
12 such bonds, notes or other indebtedness;
- 13 i. Maintain, improve, reconstruct, manage, control and operate  
14 such bridge or bridges and approaches, and with the consent of said  
15 board of chosen freeholders, by resolution, but subject to and in  
16 compliance with every contract or agreement of the commission,  
17 demolish or dispose of any such bridges other than a bridge or bridges  
18 extending within the limits of any other State; [and]
- 19 j. Acquire, hold and dispose of any and all property, real or  
20 personal, make, and carry out and perform any and all contracts and  
21 agreements, execute any and all instruments, and do and perform any  
22 and all acts and things, necessary or convenient in the exercise of the  
23 powers expressly given in this article or in the performance of the  
24 duties required in or undertaken pursuant to this article;
- 25 k. Plan, finance, develop, acquire, construct, purchase, lease,  
26 maintain, market, improve and operate any project within the county,  
27 including but not limited to, any terminal, terminal facility,  
28 transportation facility or any other facility of commerce or economic  
29 development activity;
- 30 l. Extend credit or make loans to any governmental unit or person  
31 for the planning, design, acquisition, construction, improvement,  
32 equipping, and furnishing of any project; and
- 33 m. Mortgage, pledge, assign or otherwise encumber all or any  
34 portion of its revenues and other income, real and personal property,  
35 projects and facilities and fix and collect facility charges for the use of  
36 any project for the purpose of securing its bonds, notes, and other  
37 obligations or otherwise in furtherance of the purposes of this article.
- 38 As used in this article, the term "bridge" shall mean and include a  
39 bridge, trestle, viaduct, tunnel, cut or any other structure or device for  
40 the passage of persons or vehicles over, under or around an obstacle,  
41 and the term "approach" shall mean and include an approach to a  
42 bridge of a commission or any road or highway connecting therewith  
43 or contributing vehicular traffic thereto or connecting 2 or more such  
44 bridges.
- 45 (cf: P.L.1963, c. 101, s. 1)]<sup>1</sup>

1     <sup>1</sup>2. (New section) In addition to the powers set forth in R.S.27:19-  
2 26 et seq., a bridge commission established prior to the effective date  
3 of P.L. , c. (C. ) (now before the Legislature as this bill) by a  
4 county of the second class shall have the power from time to time and  
5 be authorized to:

6     a. Plan, finance, develop, acquire, construct, purchase, lease,  
7 maintain, market, improve and operate any project within the county,  
8 including but not limited to, any terminal, terminal facility,  
9 transportation facility or any other facility of commerce or economic  
10 development activity;

11     b. Extend credit or make loans to any governmental unit or person  
12 for the planning, design, acquisition, construction, improvement,  
13 equipping, and furnishing of any project; and

14     c. Mortgage, pledge, assign or otherwise encumber all or any  
15 portion of its revenues and other income, real and personal property,  
16 projects and facilities and fix and collect facility charges for the use of  
17 any project for the purpose of securing its bonds, notes, and other  
18 obligations or otherwise in furtherance of the purposes of this article.<sup>1</sup>  
19

20     3. R.S.27:19-29 is amended to read as follows:

21     27:19-29. a. The commission may at all times take, demand, and  
22 receive of and from any person who shall pass over or use its bridge  
23 or bridges and approaches, when such person shall enter upon or  
24 attempt to use the same, such rate of toll as may be fixed by it from  
25 time to time, for persons, automobiles, wagons, carts or other vehicles  
26 or for horses, cows or other animals, or for things not herein  
27 enumerated, entering on, passing over or using any such bridge and the  
28 approaches thereto.

29     Any toll gatherer of the commission may stop any person with  
30 automobiles, wagons, carts, or other vehicles or things not herein  
31 enumerated, and all horses, cows, cattle or other animal or animals,  
32 from entering upon, passing over or using any such bridge and the  
33 approaches thereto until the toll herein provided for shall have been  
34 paid.

35     b. The commission is authorized to charge and collect tolls, rents,  
36 rates, fares, fees or other charges (sometimes in this article referred to  
37 as "facility charges") in connection with, or for the use or services of,  
38 or otherwise relating to, any project owned, leased or controlled by  
39 the commission. Such facility charges may be charged to and collected  
40 from any governmental unit or person and such governmental unit or  
41 person shall be liable for and shall pay such facility charges to the  
42 commission at the time when and place where such facility charges are  
43 due and payable.

44 (cf: R.S.27:19-29)

1       4. R.S.27:19-31 is amended to read as follows:  
2       27:19-31. (A) To finance any of the purposes or powers provided  
3 for in this article, the bridge commission shall from time to time first  
4 determine which bridge or bridges, project or projects are to be  
5 constructed, acquired, improved or replaced and, for any project  
6 which the county unconditionally guarantees the punctual payment of  
7 the principal of and interest on any bonds of the commission, seek  
8 approval or consent of the board or boards of chosen freeholders for  
9 such projects, and upon receiving such approval or consent, or  
10 whenever deemed by it necessary or desirable for the purpose of  
11 funding or refunding its bonds, notes or other indebtedness or  
12 providing funds or reserves for payment or security of any  
13 indebtedness including interest or redemption premiums thereon due  
14 or to accrue, such commission shall be authorized to issue its bonds,  
15 notes or other evidences of indebtedness [which]. The commission  
16 may issue such types of bonds, notes or other evidences of  
17 indebtedness as it may determine including, without limitation, bonds,  
18 notes, or other evidence of indebtedness on which the principal and  
19 interest are payable: (1) exclusively from the income and revenues or  
20 facility charges of the project financed with the proceeds of such  
21 obligations; (2) exclusively from the income and revenues or facility  
22 charges of certain designated projects whether or not they are financed  
23 in whole or in part with the proceeds of such obligations; or (3) from  
24 its revenues generally. In addition, such bonds, notes and other  
25 evidence of indebtedness may be secured by a pledge of any grant or  
26 contribution from any governmental unit or person or a pledge of any  
27 income or revenues of the commission from any source whatsoever,  
28 or by a lien [or], mortgage or pledge upon any one or more of its  
29 bridges, approaches or [other properties] all or any part of the real or  
30 personal property of the commission, including property which is  
31 acquired, improved, constructed, financed or refinanced by the  
32 proceeds of such bonds, or upon the tolls to be received in the  
33 operation of any one or more of such bridges, approaches or other  
34 properties or any other income or receipts of the commission, or upon  
35 any combination of any of the foregoing. [Except as may be  
36 otherwise provided by or pursuant to paragraph (B) of this section  
37 27:19-31, the principal and interest of such bonds, notes or other  
38 evidences of indebtedness shall be payable only from the tolls or other  
39 income from such bridge or bridges and other assets of such  
40 commission provided therefor; and in connection therewith no county  
41 other than a county which in accordance with said paragraph (B) shall  
42 have guaranteed payment of the principal of and interest on any such  
43 bonds shall incur any indebtedness of any kind or nature or pledge  
44 credit, taxes or taxing power, or any part thereof, in support of such  
45 principal and interest.] <sup>1</sup>No county other than a county which in  
46 accordance with paragraph (B) of this section shall have guaranteed

1 payment of the principal of and interest on any such bonds shall incur  
2 any indebtedness of any kind or nature or pledge credit, taxes or  
3 taxing power, or any part thereof, in support of such principal and  
4 interest.<sup>1</sup>

5 (B) For the purpose of aiding a commission in the accomplishment  
6 of any of the purposes or powers provided for in this article and in  
7 marketing any of its bonds, refunding or other, the county which  
8 created it may, pursuant to resolution duly adopted by its board of  
9 chosen freeholders in the manner provided for adoption of a bond  
10 ordinance as provided in the Local Bond Law (N.J.S., Title 40A,  
11 chapter 2) and with or without consideration and upon such terms and  
12 conditions as may be agreed to by and between the county and the  
13 commission, unconditionally guarantee the punctual payment of the  
14 principal of and interest on any bonds of the commission. Any  
15 guaranty of bonds of a commission made pursuant to this section shall  
16 be evidenced by endorsement thereof on such bonds, executed in the  
17 name of the county and on its behalf by such officer thereof as may be  
18 designated in the resolution authorizing such guaranty, and such  
19 county shall thereupon and thereafter be obligated to pay the principal  
20 of and interest on said bonds in the same manner and to the same  
21 extent as in the case of bonds issued by it. Any such guaranty of  
22 bonds of a commission may be made, and any resolution authorizing  
23 such guaranty may be adopted, notwithstanding any statutory debt or  
24 other limitations, including particularly any limitation or requirement  
25 under or pursuant to said Local Bond Law, but the principal amount  
26 of bonds so guaranteed, shall, after their issuance, be included in the  
27 gross debt of such county for the purpose of determining the  
28 indebtedness of such county under or pursuant to said Local Bond  
29 Law. The principal amount of said bonds so guaranteed and included  
30 in gross debt shall be deducted and is hereby declared to be and to  
31 constitute a deduction from such gross debt under and for all the  
32 purposes of said Local Bond Law (a) from and after the time of  
33 issuance of said bonds until the end of the third fiscal year beginning  
34 next after such time of issuance and (b) in any annual debt statement  
35 filed pursuant to said Local Bond Law as of the end of said fiscal year  
36 or any subsequent fiscal year if the revenues or other receipts or  
37 moneys of the commission in such year are sufficient to pay its  
38 expenses of operation and maintenance in such year and all amounts  
39 payable in such year on account of the principal and interest on all  
40 such guaranteed bonds and any other bonds of the commission issued  
41 under this article.

42 <sup>1</sup>[(C) In connection with any bonds or refunding bonds issued  
43 pursuant to this article, the commission may also enter into any  
44 revolving credit agreement, agreement establishing a line of credit or  
45 letter of credit, reimbursement agreement, interest rate exchange  
46 agreement, currency exchange agreement, interest rate floor or cap,

1 options, puts or calls to hedge payment, currency, rate, spread or  
2 similar exposure, or similar agreements, float agreements, forward  
3 agreements, insurance contract, surety bond, commitment to purchase  
4 or sell bonds, purchase or sale agreement, or commitments or other  
5 contracts or agreements and other security agreements approved by  
6 the commission.]<sup>1</sup>

7 (cf: P.L.1963, c.101, s.3)

8

9 5. R.S.27:19-32 is amended to read as follows:

10 27:19-32. The bonds, notes or other evidences of indebtedness  
11 (hereinafter in this section called "bonds") issued by such bridge  
12 commissions shall bear interest at [not more than 6%] such rate or  
13 rates per annum which may be fixed or may change, at such time or  
14 times and according to such formula or method of determination,  
15 payable [semiannually] at such times, and may be sold at either  
16 private or public sale, to any person[, to the United States  
17 Government or to any governmental agency] or governmental unit,  
18 as the commissions shall determine. Such commissions shall provide  
19 the form of such bonds and shall fix the denominations, place or places  
20 of payment of principal and interest, the terms and conditions and do  
21 all other things that may be necessary for the proper execution and  
22 delivery of said bonds.

23 The proceeds from the sale of any such bonds of a commission shall  
24 be deposited and used as provided in any contract or agreement of the  
25 commission relative thereto or in the resolution authorizing such  
26 bonds, or if not so provided, then as the commission shall direct and  
27 solely for the purposes for which such bonds were issued, to be drawn  
28 over the signatures of the chairman or vice-chairman, the secretary and  
29 the treasurer of the commission, with the surplus, if any, to be paid  
30 into the fund hereinafter provided for the payment of the principal and  
31 interest of such bonds.

32 The rates of tolls to be charged for the use of any bridge or bridges  
33 operated by a bridge commission under the provisions of this article  
34 shall be so fixed and adjusted as to comply with any contract or  
35 agreement of the commission relative thereto and, in any event, to  
36 provide a fund sufficient to pay the interest on and principal of all  
37 bonds issued under this article by the commission, refunding or other  
38 and whether or not issued to finance such bridge or bridges, provide  
39 funds to pay the cost of maintaining, repairing and operating the  
40 bridge or bridges operated by the commission, and maintain such  
41 reserves for the foregoing or other expenses as the commission may  
42 deem necessary. This article authorizes any commission, subject to the  
43 terms of any contract or agreement of the commission, to charge tolls  
44 for the use of any one or more of the bridges operated by it or of less  
45 than all of such bridges, to charge any such tolls in order to make or  
46 secure the payment of any bonds issued by it whether or not the bridge



1 or bridges financed by the issuance of such bonds are subject to tolls  
2 imposed by the commission or are still operated by the commission,  
3 and to charge any such tolls in order to accumulate reserves for  
4 application in future to payment of principal of or interest on bonds  
5 issued by it or of costs of undertaking or accomplishing any of the  
6 purposes or powers provided in this article.

7 The facility charges fixed, charged and collected by the commission  
8 with respect to any project shall comply with the terms of any lease or  
9 other agreement of the commission with regard to such project, and  
10 the facility charges fixed, charged and collected by the commission  
11 may be so adjusted that the revenues of the commission will at all  
12 times be adequate to pay all expenses of the commission, including the  
13 expense of operation and maintenance of any project or other property  
14 owned or controlled by the commission, including insurance,  
15 improvements, replacements, reconstruction and any other required  
16 payments, and to pay the principal of and interest on any bonds, and  
17 to maintain such reserves or sinking funds for any of the foregoing  
18 purposes as may be required by the terms of any lease or other  
19 agreement of the commission or as may be deemed necessary or  
20 convenient and desirable by the commission.

21 All bonds of a bridge commission shall be authorized by resolution  
22 of the commission. Any such resolution may contain provisions, and  
23 the commission, in order to secure the payment of such bonds and in  
24 addition to its other powers, shall have power to agree by provision in  
25 such resolution with the several holders of such bonds, and to make,  
26 enter into and perform covenants and agreements, as to

27 a. the custody, security, use, expenditure or application of the  
28 proceeds of any bonds;

29 b. the construction and completion, or improvement or  
30 replacement, of all or any part of any bridge or bridges or approaches  
31 thereto or any project authorized by this article;

32 c. the use, regulation, operation, maintenance, insurance or  
33 disposition of all or any part of any bridge or bridges or approaches  
34 thereto or any project authorized by this article, or restrictions on the  
35 exercise of the powers of the commission to dispose, or to limit or  
36 regulate the use, of all or any part of the same;

37 d. payment of the principal of or interest on any bonds, and the  
38 sources and methods thereof, the rank or priority of any bonds as to  
39 any lien or security, or the acceleration of the maturity of any bonds;

40 e. the use and disposition of any moneys of the commission,  
41 including revenues (hereinafter in this section sometimes called  
42 "bridge revenues") derived or to be derived from the operation of all  
43 or any part of any bridge or bridges or approaches thereto or revenues  
44 (hereinafter in this section sometimes called "facility revenues")  
45 derived or to be derived from the operation of any project authorized  
46 by this article, including any parts thereof theretofore constructed or

1 acquired and any parts, extensions, replacements or improvements  
2 thereof thereafter constructed or acquired;

3 f. pledging, setting aside, depositing or trusteeing all or any part of  
4 any bridge revenues, facility revenues or other moneys of the  
5 commission and mortgaging, pledging, or otherwise encumbering all  
6 or any part of the commission's real or personal property, then owned  
7 or acquired, to secure the payment of the principal of or interest on  
8 any bonds, or the payment of expenses of operation or maintenance of  
9 any bridge or bridges or approaches thereto or any project authorized  
10 by this article;

11 g. the setting aside out of any bridge revenues, facility revenues or  
12 other moneys of the commission of reserves and sinking funds, and the  
13 source, custody, security, regulation, application and disposition  
14 thereof;

15 h. determination or definition of the bridge revenues, facility  
16 revenues, or of the expenses of operation and maintenance of any  
17 bridge or bridges or approaches thereto or any project authorized by  
18 this article;

19 i. the rates [of], tolls, rents, fares, fees, facility charges or other  
20 charges in connection with, for the use or services of, or for passage  
21 over or through or the use of, or otherwise relating thereto, any bridge  
22 or bridges or approaches thereto or any project authorized by this  
23 article, including any parts thereof theretofore constructed or acquired  
24 and any parts, extensions, replacements or improvements thereof  
25 thereafter constructed or acquired, and the fixing, establishment,  
26 collection and enforcement of the same, the amount or amounts of  
27 bridge revenues or facility revenues to be produced thereby, and the  
28 disposition and application of the amounts charged or collected;

29 j. the assumption or payment or discharge of any indebtedness,  
30 liens or other claims relating to any part of any bridge or bridges or  
31 approaches thereto or any project authorized by this article or any  
32 obligations constituting or which may constitute a lien on any part of  
33 the bridge revenues or facility revenues;

34 k. limitations on the issuance of additional bonds, notes or other  
35 evidences of indebtedness or on the incurrence of indebtedness of the  
36 commission;

37 l. limitations on the powers of the commission to construct, acquire  
38 or operate, or permit the construction, acquisition or operation of, any  
39 structures, facilities or properties which may compete or tend to  
40 compete with any bridge or bridges or approaches thereto or any  
41 project authorized by this article;

42 m. payment of costs or expenses incident to the enforcement of any  
43 bonds or of the provisions of such resolution or of any covenant or  
44 agreement with the holders of any bonds;

45 n. the procedure, if any, by which the terms of any covenant or  
46 agreement with, or duty to, the holders of bonds may be amended or

1 abrogated, the amount of bonds the holders of which must consent  
2 thereto, and the manner in which such consent may be given or  
3 evidenced; or

4 o. any other matter or course of conduct which, by recital in such  
5 resolution, is declared to further secure the payment of the principal  
6 of or interest on the bonds.

7 All such provisions of said resolution and all such covenants and  
8 agreements shall constitute valid and legally binding contracts between  
9 the commission and the several holders of the bonds, regardless of the  
10 time of issuance of such bonds, and shall be enforceable by any such  
11 holder or holders by appropriate action or proceeding, including a  
12 proceeding in lieu of prerogative writ, in any court of competent  
13 jurisdiction.

14 (cf: P.L.1963, c.101, s.4)

15

16 6. Section 11 of P.L.1946, c.318 (C.27:19-32.1) is amended to  
17 read as follows:

18 11. The State of New Jersey does hereby covenant and agree with  
19 the holders of any bonds, notes or other evidences of indebtedness  
20 issued by any bridge commission that it will not in any manner limit or  
21 alter the power and obligation vested by this article in the commission  
22 to fix, establish and collect such tolls or facility charges and revise the  
23 same from time to time whenever necessary, as will be sufficient to  
24 always comply fully with and fulfill the terms of all agreements and  
25 covenants made with the holders of such bonds, notes or other  
26 evidences of indebtedness, and will not in any manner impair, alter or  
27 abrogate any other power or obligation vested by this article in the  
28 commission or the rights and remedies of holders of such bonds, notes  
29 or other evidences of indebtedness until all such bonds, notes or other  
30 evidences of indebtedness, together with interest thereon and all costs  
31 and expenses in connection with any actions or proceedings by or on  
32 behalf of the holders thereof, are fully paid and discharged or adequate  
33 provision made for the payment or discharge thereof.

34 (cf: P.L.1946, c.318, s.11)

35

36 7. R.S.27:19-35 is amended to read as follows:

37 27:19-35. <sup>1</sup>[a. The commission shall award no contract or  
38 agreement for the construction, reconstruction, repair, enlargement,  
39 extension, renewal, replacement or equipment of such bridges or  
40 projects, exceeding in amount the sum of \$7,500.00 or the amount  
41 determined pursuant to subsection b. of this section, without  
42 advertisement for bids, which shall be opened publicly, and an award  
43 made to the lowest responsible bidder, with power in the commission  
44 to reject any or all bids. Contracts for the purchase of bridges may be  
45 made and executed without advertisement.

46 b. The Governor, in consultation with the Department of the

1 Treasury, shall, no later than March 1 of each odd-numbered year,  
2 adjust the threshold amount set forth in subsection a. of this section,  
3 or subsequent to 1985 the threshold amount resulting from any  
4 adjustment under this subsection or section 17 of P.L.1985, c.469, in  
5 direct proportion to the rise or fall of the Consumer Price Index for all  
6 urban consumers in the New York City and the Philadelphia areas as  
7 reported by the United States Department of Labor. The Governor  
8 shall, no later than June 1 of each odd-numbered year, notify each  
9 commission of the adjustment. The adjustment shall become effective  
10 on July 1 of each odd-numbered year.] Every contract or agreement  
11 for the construction, reconstruction, repair, enlargement, extension,  
12 renewal, replacement or equipment of bridges or projects, shall be  
13 made and awarded pursuant to the provisions of the "Local Public  
14 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).<sup>1</sup>  
15 (cf: P.L.1985, c.469, s.5)

16

17 8. Section 1 of P.L.1952, c.338 (C.27:19-36.1) is amended to read  
18 as follows:

19 1. Notwithstanding any of the provisions of the article to which  
20 this act is a supplement, any county bridge commission created  
21 pursuant to said article may contract with any municipality within  
22 which any part of property acquired by such commission for bridge or  
23 project purposes is located, for the payment by such commission to  
24 such municipality, and may make payments to such municipality, of a  
25 fixed annual sum or sums of money in lieu of, or in reimbursement for,  
26 the loss of taxes upon such property; provided, however, that such  
27 annual sum or sums shall not be in excess of the amount of the  
28 municipal taxes upon such property for the year when last assessed  
29 prior to the time of its acquisition by the commission.

30 Any municipality wherein any such bridge property is located is  
31 authorized and empowered to enter into such contract with any such  
32 commission to accept the payment or payments which the commission  
33 is herein authorized and empowered to make.

34 (cf: P.L.1952, c.338, s.1)

35

36 9. R.S.27:19-37 is amended to read as follows:

37 27:19-37. The commission shall keep accurate records of all acts,  
38 the property intrusted to it, the cost of the bridge or bridges, project  
39 or projects, and incidents thereto, the expenditures for maintaining,  
40 repairing and operating the same, and the daily tolls or facility charges  
41 collected, which records shall be public records and the property of the  
42 county. A semiannual statement of the daily tolls shall be published on  
43 each bond interest date in the official newspaper of the county. The  
44 governing body of the county shall have power to examine the  
45 accounts at any time, to call for any reports at any time in its  
46 discretion, and to require the commission and its employees to appear

1 before it to report or testify at any time.

2 (cf: R.S.27:19-37)

3

4 10. (New section) Any governmental unit or person is hereby  
5 empowered to enter into and perform any lease or other agreement  
6 with the commission for the lease to or use by such governmental unit  
7 or person of all or any part of any project. Any such lease or other  
8 agreement may provide for the payment to the commission by such  
9 governmental unit or persons annually or otherwise of such sum or  
10 sums of money, computed at fixed amounts or by any formula or in  
11 any other manner, as may be fixed in or pursuant thereto. Any such  
12 lease or other agreement may be made and entered into for a term  
13 beginning currently or at some future or contingent date and with or  
14 without consideration and for a specified or unlimited time and on any  
15 terms and conditions which may be approved by such governmental  
16 unit or person and which may be agreed to by the commission in  
17 conformity with its contracts with the holders of any bonds, and shall  
18 be valid and binding on such governmental unit or person whether or  
19 not an appropriation is made thereby prior to authorization or  
20 execution of such lease or other agreement. Every such governmental  
21 unit or person is hereby authorized and directed to do and perform any  
22 and all acts and things necessary, convenient or desirable to carry out  
23 and perform any such lease or other agreement entered into by it and  
24 to provide for the payment of discharge of any obligation thereunder  
25 in the same manner as other obligations of such governmental unit or  
26 person.

27

28 11. (New section) For the purpose of aiding a commission and  
29 co-operating in the planning, undertaking, acquisition, construction or  
30 operation of any project, the county or any municipality in any such  
31 county may:

32 a. acquire real property in its name for such project or for the  
33 widening of existing roads, streets, parkways, avenues or highways or  
34 for new roads, streets, parkways, avenues or highways to any such  
35 project, or partly for such purposes and partly for other county or  
36 municipal purposes, by purchase or condemnation in the manner  
37 provided by law for the acquisition of real property by such county or  
38 municipality;

39 b. furnish, dedicate, close, vacate, pave, install, grade, regrade,  
40 plan or replan parks, streets, roads, roadways, alleys, sidewalks or  
41 other places which it is otherwise empowered to undertake; <sup>1</sup>[and]

42 c. in consultation with the Department of Transportation, review  
43 and coordinate the development of improvement projects involving the  
44 department or New Jersey Transit Corporation transportation facilities  
45 that the commission may undertake; and<sup>1</sup>

46 <sup>1</sup>[c.] d.<sup>1</sup> do any and all things necessary or convenient to aid and

1 co-operate in the planning, undertaking, construction or operation of  
2 any such project, and cause services to be furnished to the commission  
3 of any character which such county or municipality is otherwise  
4 empowered to furnish, and to incur the entire expense thereof.

5  
6 12. (New section) Any county by resolution of its governing body,  
7 municipality by ordinance of its governing body, governmental unit or  
8 person is hereby empowered, without any referendum or public or  
9 competitive bidding, to sell, lease, lend, grant or convey to a  
10 commission, or to permit a commission to use, maintain or operate as  
11 part of any project, any real or personal property which may be  
12 necessary or useful and convenient for the purposes of the commission  
13 and accepted by the commission. Any such sale, lease, loan, grant,  
14 conveyance or permit may be made or given with or without  
15 consideration and for a specified or an unlimited period of time and  
16 under any agreement and on any terms, and conditions which may be  
17 approved by such county, municipality, governmental unit or person  
18 and which may be agreed to by the commission in conformity with its  
19 contracts with the holders of any bonds. Subject to any such contracts  
20 with the holders of bonds, the commission may enter into and perform  
21 any and all agreements with respect to property so purchased, leased,  
22 borrowed, received or accepted by it, including agreements for the  
23 assumption of principal or interest or both of indebtedness of such  
24 county, municipality, governmental unit or person or of any mortgage  
25 or lien existing with respect to such property for the operation and  
26 maintenance of such property as part of any project.

27  
28 13. This act shall take effect immediately.

29  
30  
31 \_\_\_\_\_  
32  
33 Expands powers of county bridge commissions to undertake additional  
34 projects including terminals, terminal facilities, transportation facilities  
35 or any other facility of commerce or economic development activity  
36 within a county.

## CHAPTER 301

**AN ACT** concerning county bridge commissions, amending various parts of the statutory law and supplementing article 2 of chapter 19 of Title 27 of the Revised Statutes.

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

C.27:19-26.1 Definitions relative to county bridge commission projects, certain.

1. As used in this article:

"Facility charges" mean tolls, rents, rates, fares, fees or other charges in connection with, or for the use or services of, or otherwise relating to, any project owned, leased or controlled by the commission.

"Governmental unit" means the United States of America or the State of New Jersey or any county or municipality or any subdivision, department, agency or instrumentality heretofore or hereafter created, designated or established by or for the United States of America or the State of New Jersey or any county or municipality.

"Person" means any person, partnership, association, corporation, or entity other than a governmental unit.

"Project" means any project authorized by section 2 of P.L.2001, c.301 (C.27:19-26.2).

C.27:19-26.2 Additional powers of county bridge commission.

2. In addition to the powers set forth in R.S.27:19-26 et seq., a bridge commission established prior to the effective date of P.L.2001, c.301 (C.27:19-26.1 et al.) by a county of the second class shall have the power from time to time and be authorized to:

a. Plan, finance, develop, acquire, construct, purchase, lease, maintain, market, improve and operate any project within the county, including but not limited to, any terminal, terminal facility, transportation facility or any other facility of commerce or economic development activity;

b. Extend credit or make loans to any governmental unit or person for the planning, design, acquisition, construction, improvement, equipping, and furnishing of any project; and

c. Mortgage, pledge, assign or otherwise encumber all or any portion of its revenues and other income, real and personal property, projects and facilities and fix and collect facility charges for the use of any project for the purpose of securing its bonds, notes, and other obligations or otherwise in furtherance of the purposes of this article.

3. R.S.27:19-29 is amended to read as follows:

Tolls, facility charges.

27:19-29. a. The commission may at all times take, demand, and receive of and from any person who shall pass over or use its bridge or bridges and approaches, when such person shall enter upon or attempt to use the same, such rate of toll as may be fixed by it from time to time, for persons, automobiles, wagons, carts or other vehicles or for horses, cows or other animals, or for things not herein enumerated, entering on, passing over or using any such bridge and the approaches thereto.

Any toll gatherer of the commission may stop any person with automobiles, wagons, carts, or other vehicles or things not herein enumerated, and all horses, cows, cattle or other animal or animals, from entering upon, passing over or using any such bridge and the approaches thereto until the toll herein provided for shall have been paid.

b. The commission is authorized to charge and collect tolls, rents, rates, fares, fees or other charges (sometimes in this article referred to as "facility charges") in connection with, or for the use or services of, or otherwise relating to, any project owned, leased or controlled by the commission. Such facility charges may be charged to and collected from any governmental unit or person and such governmental unit or person shall be liable for and shall pay such facility charges to the commission at the time when and place where such facility charges are due and payable.

4. R.S.27:19-31 is amended to read as follows:

Financing of purposes, powers of bridge commission.

27:19-31. (A) To finance any of the purposes or powers provided for in this article, the bridge

commission shall from time to time first determine which bridge or bridges, project or projects are to be constructed, acquired, improved or replaced and, for any project which the county unconditionally guarantees the punctual payment of the principal of and interest on any bonds of the commission, seek approval or consent of the board or boards of chosen freeholders for such projects, and upon receiving such approval or consent, or whenever deemed by it necessary or desirable for the purpose of funding or refunding its bonds, notes or other indebtedness or providing funds or reserves for payment or security of any indebtedness including interest or redemption premiums thereon due or to accrue, such commission shall be authorized to issue its bonds, notes or other evidences of indebtedness. The commission may issue such types of bonds, notes or other evidences of indebtedness as it may determine including, without limitation, bonds, notes, or other evidence of indebtedness on which the principal and interest are payable: (1) exclusively from the income and revenues or facility charges of the project financed with the proceeds of such obligations; (2) exclusively from the income and revenues or facility charges of certain designated projects whether or not they are financed in whole or in part with the proceeds of such obligations; or (3) from its revenues generally. In addition, such bonds, notes and other evidence of indebtedness may be secured by a pledge of any grant or contribution from any governmental unit or person or a pledge of any income or revenues of the commission from any source whatsoever, or by a lien, mortgage or pledge upon any one or more of its bridges, approaches or all or any part of the real or personal property of the commission, including property which is acquired, improved, constructed, financed or refinanced by the proceeds of such bonds, or upon the tolls to be received in the operation of any one or more of such bridges, approaches or other properties or any other income or receipts of the commission, or upon any combination of any of the foregoing. No county other than a county which in accordance with paragraph (B) of this section shall have guaranteed payment of the principal of and interest on any such bonds shall incur any indebtedness of any kind or nature or pledge credit, taxes or taxing power, or any part thereof, in support of such principal and interest.

(B) For the purpose of aiding a commission in the accomplishment of any of the purposes or powers provided for in this article and in marketing any of its bonds, refunding or other, the county which created it may, pursuant to resolution duly adopted by its board of chosen freeholders in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law (N.J.S., Title 40A, chapter 2) and with or without consideration and upon such terms and conditions as may be agreed to by and between the county and the commission, unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the commission. Any guaranty of bonds of a commission made pursuant to this section shall be evidenced by endorsement thereof on such bonds, executed in the name of the county and on its behalf by such officer thereof as may be designated in the resolution authorizing such guaranty, and such county shall thereupon and thereafter be obligated to pay the principal of and interest on said bonds in the same manner and to the same extent as in the case of bonds issued by it. Any such guaranty of bonds of a commission may be made, and any resolution authorizing such guaranty may be adopted, notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to said Local Bond Law, but the principal amount of bonds so guaranteed, shall, after their issuance, be included in the gross debt of such county for the purpose of determining the indebtedness of such county under or pursuant to said Local Bond Law. The principal amount of said bonds so guaranteed and included in gross debt shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of said Local Bond Law (a) from and after the time of issuance of said bonds until the end of the third fiscal year beginning next after such time of issuance and (b) in any annual debt statement filed pursuant to said Local Bond Law as of the end of said fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the commission in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal and interest on all such guaranteed bonds and any other bonds of the commission issued under this article.

5. R.S.27:19-32 is amended to read as follows:



Bonds of bridge commission.

27:19-32. The bonds, notes or other evidences of indebtedness (hereinafter in this section called "bonds") issued by such bridge commissions shall bear interest at such rate or rates per annum which may be fixed or may change, at such time or times and according to such formula or method of determination, payable at such times, and may be sold at either private or public sale, to any person or governmental unit, as the commissions shall determine. Such commissions shall provide the form of such bonds and shall fix the denominations, place or places of payment of principal and interest, the terms and conditions and do all other things that may be necessary for the proper execution and delivery of said bonds.

The proceeds from the sale of any such bonds of a commission shall be deposited and used as provided in any contract or agreement of the commission relative thereto or in the resolution authorizing such bonds, or if not so provided, then as the commission shall direct and solely for the purposes for which such bonds were issued, to be drawn over the signatures of the chairman or vice-chairman, the secretary and the treasurer of the commission, with the surplus, if any, to be paid into the fund hereinafter provided for the payment of the principal and interest of such bonds.

The rates of tolls to be charged for the use of any bridge or bridges operated by a bridge commission under the provisions of this article shall be so fixed and adjusted as to comply with any contract or agreement of the commission relative thereto and, in any event, to provide a fund sufficient to pay the interest on and principal of all bonds issued under this article by the commission, refunding or other and whether or not issued to finance such bridge or bridges, provide funds to pay the cost of maintaining, repairing and operating the bridge or bridges operated by the commission, and maintain such reserves for the foregoing or other expenses as the commission may deem necessary. This article authorizes any commission, subject to the terms of any contract or agreement of the commission, to charge tolls for the use of any one or more of the bridges operated by it or of less than all of such bridges, to charge any such tolls in order to make or secure the payment of any bonds issued by it whether or not the bridge or bridges financed by the issuance of such bonds are subject to tolls imposed by the commission or are still operated by the commission, and to charge any such tolls in order to accumulate reserves for application in future to payment of principal of or interest on bonds issued by it or of costs of undertaking or accomplishing any of the purposes or powers provided in this article.

The facility charges fixed, charged and collected by the commission with respect to any project shall comply with the terms of any lease or other agreement of the commission with regard to such project, and the facility charges fixed, charged and collected by the commission may be so adjusted that the revenues of the commission will at all times be adequate to pay all expenses of the commission, including the expense of operation and maintenance of any project or other property owned or controlled by the commission, including insurance, improvements, replacements, reconstruction and any other required payments, and to pay the principal of and interest on any bonds, and to maintain such reserves or sinking funds for any of the foregoing purposes as may be required by the terms of any lease or other agreement of the commission or as may be deemed necessary or convenient and desirable by the commission.

All bonds of a bridge commission shall be authorized by resolution of the commission. Any such resolution may contain provisions, and the commission, in order to secure the payment of such bonds and in addition to its other powers, shall have power to agree by provision in such resolution with the several holders of such bonds, and to make, enter into and perform covenants and agreements, as to

- a. the custody, security, use, expenditure or application of the proceeds of any bonds;
- b. the construction and completion, or improvement or replacement, of all or any part of any bridge or bridges or approaches thereto or any project authorized by this article;
- c. the use, regulation, operation, maintenance, insurance or disposition of all or any part of any bridge or bridges or approaches thereto or any project authorized by this article, or restrictions on the exercise of the powers of the commission to dispose, or to limit or regulate the use, of all or any part of the same;
- d. payment of the principal of or interest on any bonds, and the sources and methods thereof, the rank or priority of any bonds as to any lien or security, or the acceleration of the

maturity of any bonds;

e. the use and disposition of any moneys of the commission, including revenues (hereinafter in this section sometimes called "bridge revenues") derived or to be derived from the operation of all or any part of any bridge or bridges or approaches thereto or revenues (hereinafter in this section sometimes called "facility revenues") derived or to be derived from the operation of any project authorized by this article, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

f. pledging, setting aside, depositing or trusteeing all or any part of any bridge revenues, facility revenues or other moneys of the commission and mortgaging, pledging, or otherwise encumbering all or any part of the commission's real or personal property, then owned or acquired, to secure the payment of the principal of or interest on any bonds, or the payment of expenses of operation or maintenance of any bridge or bridges or approaches thereto or any project authorized by this article;

g. the setting aside out of any bridge revenues, facility revenues or other moneys of the commission of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

h. determination or definition of the bridge revenues, facility revenues, or of the expenses of operation and maintenance of any bridge or bridges or approaches thereto or any project authorized by this article;

i. the rates, tolls, rents, fares, fees, facility charges or other charges in connection with, for the use or services of, or for passage over or through or the use of, or otherwise relating thereto, any bridge or bridges or approaches thereto or any project authorized by this article, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of bridge revenues or facility revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

j. the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of any bridge or bridges or approaches thereto or any project authorized by this article or any obligations constituting or which may constitute a lien on any part of the bridge revenues or facility revenues;

k. limitations on the issuance of additional bonds, notes or other evidences of indebtedness or on the incurrance of indebtedness of the commission;

l. limitations on the powers of the commission to construct, acquire or operate, or permit the construction, acquisition or operation of, any structures, facilities or properties which may compete or tend to compete with any bridge or bridges or approaches thereto or any project authorized by this article;

m. payment of costs or expenses incident to the enforcement of any bonds or of the provisions of such resolution or of any covenant or agreement with the holders of any bonds;

n. the procedure, if any, by which the terms of any covenant or agreement with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

o. any other matter or course of conduct which, by recital in such resolution, is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of said resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the commission and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by appropriate action or proceeding, including a proceeding in lieu of prerogative writ, in any court of competent jurisdiction.

6. Section 11 of P.L.1946, c.318 (C.27:19-32.1) is amended to read as follows:  
C.27:19-32.1 Covenant of State with bondholders.

11. The State of New Jersey does hereby covenant and agree with the holders of any bonds, notes or other evidences of indebtedness issued by any bridge commission that it will not in any

manner limit or alter the power and obligation vested by this article in the commission to fix, establish and collect such tolls or facility charges and revise the same from time to time whenever necessary, as will be sufficient to always comply fully with and fulfill the terms of all agreements and covenants made with the holders of such bonds, notes or other evidences of indebtedness, and will not in any manner impair, alter or abrogate any other power or obligation vested by this article in the commission or the rights and remedies of holders of such bonds, notes or other evidences of indebtedness until all such bonds, notes or other evidences of indebtedness, together with interest thereon and all costs and expenses in connection with any actions or proceedings by or on behalf of the holders thereof, are fully paid and discharged or adequate provision made for the payment or discharge thereof.

7. R.S.27:19-35 is amended to read as follows:

Awarding of contracts, agreements.

27:19-35. Every contract or agreement for the construction, reconstruction, repair, enlargement, extension, renewal, replacement or equipment of bridges or projects, shall be made and awarded pursuant to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

8. Section 1 of P.L.1952, c.338 (C.27:19-36.1) is amended to read as follows:

C.27:19-36.1 Payments to municipality in lieu of taxes.

1. Notwithstanding any of the provisions of the article to which this act is a supplement, any county bridge commission created pursuant to said article may contract with any municipality within which any part of property acquired by such commission for bridge or project purposes is located, for the payment by such commission to such municipality, and may make payments to such municipality, of a fixed annual sum or sums of money in lieu of, or in reimbursement for, the loss of taxes upon such property; provided, however, that such annual sum or sums shall not be in excess of the amount of the municipal taxes upon such property for the year when last assessed prior to the time of its acquisition by the commission.

Any municipality wherein any such bridge property is located is authorized and empowered to enter into such contract with any such commission to accept the payment or payments which the commission is herein authorized and empowered to make.

9. R.S.27:19-37 is amended to read as follows:

Records, semiannual statements, examination.

27:19-37. The commission shall keep accurate records of all acts, the property intrusted to it, the cost of the bridge or bridges, project or projects, and incidents thereto, the expenditures for maintaining, repairing and operating the same, and the daily tolls or facility charges collected, which records shall be public records and the property of the county. A semiannual statement of the daily tolls shall be published on each bond interest date in the official newspaper of the county. The governing body of the county shall have power to examine the accounts at any time, to call for any reports at any time in its discretion, and to require the commission and its employees to appear before it to report or testify at any time.

C.27:19-26.3 Empowerment to enter into lease, agreement.

10. Any governmental unit or person is hereby empowered to enter into and perform any lease or other agreement with the commission for the lease to or use by such governmental unit or person of all or any part of any project. Any such lease or other agreement may provide for the payment to the commission by such governmental unit or persons annually or otherwise of such sum or sums of money, computed at fixed amounts or by any formula or in any other manner, as may be fixed in or pursuant thereto. Any such lease or other agreement may be made and entered into for a term beginning currently or at some future or contingent date and with or without consideration and for a specified or unlimited time and on any terms and conditions

which may be approved by such governmental unit or person and which may be agreed to by the commission in conformity with its contracts with the holders of any bonds, and shall be valid and binding on such governmental unit or person whether or not an appropriation is made thereby prior to authorization or execution of such lease or other agreement. Every such governmental unit or person is hereby authorized and directed to do and perform any and all acts and things necessary, convenient or desirable to carry out and perform any such lease or other agreement entered into by it and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such governmental unit or person.

C.27:19-26.4 Powers of county, municipality.

11. For the purpose of aiding a commission and co-operating in the planning, undertaking, acquisition, construction or operation of any project, the county or any municipality in any such county may:

a. acquire real property in its name for such project or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any such project, or partly for such purposes and partly for other county or municipal purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by such county or municipality;

b. furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan parks, streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

c. in consultation with the Department of Transportation, review and coordinate the development of improvement projects involving the department or New Jersey Transit Corporation transportation facilities that the commission may undertake; and

d. do any and all things necessary or convenient to aid and co-operate in the planning, undertaking, construction or operation of any such project, and cause services to be furnished to the commission of any character which such county or municipality is otherwise empowered to furnish, and to incur the entire expense thereof.

C.27:19-26.5 Empowerment to convey land to commission.

12. Any county by resolution of its governing body, municipality by ordinance of its governing body, governmental unit or person is hereby empowered, without any referendum or public or competitive bidding, to sell, lease, lend, grant or convey to a commission, or to permit a commission to use, maintain or operate as part of any project, any real or personal property which may be necessary or useful and convenient for the purposes of the commission and accepted by the commission. Any such sale, lease, loan, grant, conveyance or permit may be made or given with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms, and conditions which may be approved by such county, municipality, governmental unit or person and which may be agreed to by the commission in conformity with its contracts with the holders of any bonds. Subject to any such contracts with the holders of bonds, the commission may enter into and perform any and all agreements with respect to property so purchased, leased, borrowed, received or accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of such county, municipality, governmental unit or person or of any mortgage or lien existing with respect to such property for the operation and maintenance of such property as part of any project.

13. This act shall take effect immediately.

Approved January 2, 2002.