48:12-53.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1967 **CHAPTER:** 155

NJSA: 48:12-53.1 (Provides that any railway incorporated in this State or in any other State operating in the State may exercise the power of eminent domain)

BILL NO: S317

SPONSOR: Waddington and Forsythe

DATE INTRODUCED: February 14, 1967

COMMITTEE: **ASSEMBLY:** ---

SENATE: Highways, Transportation and Public Utilities

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 1, 1967

SENATE: April 3, 1967

DATE OF ENACTEMENT: July 13, 1967

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted)

SPONSOR'S STATEMENT: No

COMMITTEE STATEMENT: **ASSEMBLY**: No

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW

References only
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CHAPTER 15 LAWS OF N. J. 1967
APPROVED 2-13-67

SENATE, No. 317

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1967

By Senators WADDINGTON and FORSYTHE

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT to amend "An act concerning public utilities, amending, supplementing and repealing parts of Title 48 of the Revised Statutes and supplements thereto and amending and supplementing section 14:2–2 of the Revised Statutes," approved December 12, 1962 (P. L. 1962, c. 198).

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

1. Section 60 of the act of which this act is amendatory is amended to read as follows:

60. Any railroad utility *incorporated in this State or in any other State and operating in New Jersey* may exercise the power of eminent domain as provided in sections 48 and 49 hereof in taking any land and property required for the right-of-way of its main line and branches, not exceeding 200 feet in width, unless more shall be required for slopes of cuts or embankments or retaining walls, and all such other land and property adjoining such right-of-way as exigencies of business may demand for the erection of freight and passenger depots and all other railroad purposes, and any land and property necessary to comply with any order of the Board of Public Utility Commissioners. In addition, any railroad utility shall have the right to take and acquire, by the exercise of the power of eminent domain as provided in sections 48 and 49 hereof, any land, property or private road as shall be necessary for any branch line or lines, spur or sidetrack to the premises of a horse race track as provided in section 48:12–32.1, but not in excess of 200 feet in width, for such branch line or lines, spur or sidetrack of railroad; provided that additional land may be so acquired where necessary for the slopes of cuts or embankments or for retaining walls.

When the line of any railroad utility of the State is constructed to the Delaware river and extension of such line is to be undertaken

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

pursuant to section 48:12–44, the utility may acquire, by the exercise of the power of eminent domain as provided in sections 48 and 49 hereof, such lands as may be necessary upon fiilng and recording the survey of the route with the Secretary of State and in the office of the clerk of the county wherein the lands are situate, and making the deposit required by section 28:12–25 of this Title.

No railroad utility [organized under this Title] shall take, use or occupy by condemnation any franchise, land or located route of any other railroad or any utility chartered for the purpose of facilitating transportation, except for the purpose of crossing such land or route and except the land of any such utility not necessary for the purpose of its franchise.

Nothing herein shall be deemed to limit the powers of condemnation vested in railroads under any provisions of Title 48 as amended and supplemented by this act and which have not been repealed.

2. This act shall take effect immediately.