

ASSEMBLY, No. 721

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman R. SMITH

1 AN ACT concerning the construction or reconstruction of certain  
2 sidewalks and curbs and making an appropriation therefor.

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

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7 1. As used in this act:

8 a. "Department" means the Department of Transportation; and

9 b. "Sidewalk" means any sidewalk or curb constructed or  
10 reconstructed pursuant to the provisions of P.L.1975, c.224  
11 (C.52:32-14 et seq.).

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13 2. The governing body of any municipality may apply to the  
14 department for matching funds equal in value to \$1.00 for each dollar  
15 appropriated by the municipality in matching funds for the  
16 construction or reconstruction of sidewalks.

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18 3. The governing body of a municipality may adopt, by ordinance,  
19 a plan to be submitted to the department, in addition to any other  
20 information the department may require, as an application for funds.  
21 The plan shall include:

22 a. The location of the sidewalks to be constructed or  
23 reconstructed;

24 b. A statement of the estimated costs of the construction or  
25 reconstruction and the amount being requested; and

26 c. A certification that the municipality will match the funds  
27 requested.

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29 4. The department shall determine that the plan demonstrates that:

30 a. The sidewalks to be constructed or reconstructed are located in  
31 areas that will facilitate the travel of physically handicapped persons;  
32 and

33 b. The amount of funds requested and matched by the municipality  
34 is a reasonable estimate of the cost of the construction or  
35 reconstruction of the sidewalks.

1 The department shall review, and approve or disapprove, a plan.  
2 If the department shall disapprove a plan, the reasons for disapproval  
3 shall be set forth in writing to the municipality. The governing body  
4 may amend and resubmit the plan to the department, subject to the  
5 review and approval provisions of this section.

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7 5. The department, upon approval of an application, shall forthwith  
8 certify to the State Treasurer and the chief financial officer of the  
9 municipality the amount of matching funds allocable to the  
10 municipality pursuant to this act. The State Treasurer, upon  
11 certification of the department and upon the warrant of the State  
12 Comptroller, shall pay and distribute to the municipality, from funds  
13 appropriated therefor, the amount determined and certified by the  
14 department.

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16 6. If, in any year, funds remain unapportioned as certified by the  
17 department after each municipality has had an opportunity to apply,  
18 there shall be established a discretionary fund, and any municipality  
19 may make application for those funds that remain as determined by the  
20 department.

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22 7. An application approved by the department shall provide for the  
23 accountability of a municipality for the expenditure of funds as  
24 allocated in an approved application.

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26 8. The department is authorized to make and issue any rules and  
27 regulations in accordance with the "Administrative Procedure Act,"  
28 P.L.1968, c.410 (C.52:14B-1 et seq.), and to require any facts and  
29 information from a municipality as it may deem necessary.

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31 9. Any determination of the department pursuant to this act as to  
32 the amount of matching funds allocable to a municipality shall be final  
33 and conclusive, and no appeal shall be taken therefrom or any review  
34 thereof, except in the case of an arithmetical or typographical error in  
35 the calculation of any distribution of funds.

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37 10. There is appropriated to the Department of Transportation the  
38 sum of \$5,000,000.00 from the General Fund to effectuate the  
39 purposes of this act.

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41 11. This act shall take effect 90 days following enactment except  
42 that section 8 of this act shall take effect immediately.

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STATEMENT

This bill provides matching funds for municipalities to construct or reconstruct sidewalks, including curbs, to facilitate the use thereof by physically handicapped persons. Under the provisions of the bill, each municipality may submit a plan to the Department of Transportation for approval, which plan shall include the location of the sidewalks and a description of how any monies received will be spent. The bill appropriates \$5,000,000.00 to effectuate its purposes.

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Provides matching funds to municipalities for construction of sidewalks facilitating physically handicapped persons and appropriates \$5,000,000.