

ASSEMBLY, No. 950

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman FELICE

1 AN ACT concerning the State toll road authorities and the New Jersey  
2 Transportation Trust Fund Authority, amending various parts of the  
3 statutory law, supplementing Title 27 of the Revised Statutes and  
4 amending the title of P.L.1984, c.73.

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

8  
9 1. The title of P.L.1984, c.73 is amended to read as follows:  
10 AN ACT concerning financing for the State's transportation system,  
11 creating the New Jersey Transportation, Toll Road and Trust Fund  
12 Authority and defining its functions, duties and powers, including the  
13 authorization to issue bonds, notes and other obligations and to  
14 establish three subsidiary administrations, creating the Transportation  
15 Trust Fund Account within the General Fund, providing for the credit  
16 to the Transportation Trust Fund Account of \$88 million and amounts  
17 equivalent to increases authorized in motor vehicle registration fees  
18 and other fees and in the tax on diesel fuel, providing for payment of  
19 funds of the New Jersey Transportation, Toll Road and Trust Fund  
20 Authority to the Special Transportation Fund, and amending "The  
21 New Jersey Highway Authority Act," approved April 14, 1952  
22 (P.L.1952, c.16), the "New Jersey Expressway Authority Act,"  
23 approved February 19, 1962 (P.L.1962, c.10), and the "New Jersey  
24 Turnpike Authority Act of 1948," approved October 27, 1948  
25 (P.L.1948, c.454) to provide authority for contractual payments by  
26 these toll road authorities or successor subsidiary administrations to  
27 the State or the New Jersey Transportation, Toll Road and Trust Fund  
28 Authority, amending various other parts of the statutory law and  
29 supplementing Title 27 of the Revised Statutes.  
30 (cf: P.L.1984, c.73, Title)

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

Matter underlined thus is new matter.

1       2. Section 1 of P.L.1984, c.73 (C.27:1B-1) is amended to read as  
2 follows:

3       1. "This act shall be known and may be cited as the "New Jersey  
4 Transportation, Toll Road and Trust Fund Authority Act [of 1984]."  
5 (cf: P.L.1984, c.73, s.1)

6

7       3. Section 2 of P.L.1984, c.73 (C.27:1B-2) is amended to read as  
8 follows:

9       2. The Legislature finds and declares that:

10      a. A sound, balanced transportation system is vital to the future of  
11 the State and is a key factor in its continued economic development.

12      b. The transportation infrastructure of the State is among the most  
13 heavily used in the nation and has deteriorated alarmingly in recent  
14 years, with parts of the highway system reaching the end of their  
15 useful lives. This deterioration has been caused, in part, because New  
16 Jersey, unlike most states and the federal government, has not  
17 provided a stable source of transportation funding.

18      c. There exists an urgent need for a stable and assured method of  
19 financing the planning, acquisition, engineering, construction,  
20 reconstruction, repair and rehabilitation of the State's transportation  
21 system, including the financing of the State's share under federal aid  
22 highway laws of the cost of planning, acquisition, engineering,  
23 construction, reconstruction, repair, resurfacing, and rehabilitation of  
24 public highways and of the State's share of the planning, acquisition,  
25 engineering, construction, reconstruction, repair and rehabilitation of  
26 public transportation projects and other transportation projects in the  
27 State, that will enable the State to construct and maintain the safe,  
28 balanced, sound and efficient transportation system necessary for the  
29 well-being of the State's citizens.

30      d. Unless additional State funding is provided immediately for the  
31 State's transportation system, the cost of repair and reconstruction will  
32 increase geometrically and the economic well-being and safety of users  
33 of the State's transportation system will be endangered.

34      e. Transportation facilities under the jurisdiction of counties and  
35 municipalities form an integral and vital part of the State's  
36 transportation system. Without State aid, counties and municipalities  
37 will be unable to meet the cost of maintaining, rehabilitating and  
38 improving these facilities.

39      f. The State's commitment to the payment for and financing of the  
40 State transportation system in a stable fashion, thus ensuring a  
41 predictable and continuing public investment in transportation and  
42 allowing the State to take full advantage of funds provided by the  
43 federal government, is a public use and public purpose for which  
44 public money may be expended and tax exemptions granted. The  
45 powers and duties of the New Jersey Transportation Trust Fund  
46 Authority and the other measures hereinafter described are necessary

1 and proper for the purpose of achieving the ends herein recited.

2 g. In order to assure a unified transportation system in the State,  
3 it is in the public interest for the State's toll road authorities to be  
4 organized into separate subsidiary administrations under one successor  
5 transportation authority to be known as the New Jersey  
6 Transportation, Toll Road and Trust Fund Authority which subsidiary  
7 administrations shall maintain, operate and finance toll road projects,  
8 shall succeed to all the requirements of the bond covenants and  
9 resolutions of the predecessor authorities and shall maintain the  
10 various reserves and other funds of each predecessor authority as they  
11 are currently maintained.

12 h. Through the creation of such a successor authority, it is the  
13 intent of the Legislature to insure greater supervision and control of  
14 the finances and operations of the State's toll road authorities, to  
15 achieve more effective coordination of the various programs, policies  
16 and projects of the toll road authorities and to insure that the toll road  
17 authorities shall operate in a manner consistent with the public trust  
18 without interfering with the existing obligations to holders of bonds or  
19 notes.

20 (cf: P.L.1984, c.73, s.2)

21

22 4. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as  
23 follows:

24 3. The following words or terms as used in this act shall have the  
25 following meaning unless a different meaning clearly appears from the  
26 context:

27 a. "Act" means this New Jersey Transportation, Toll Road and  
28 Trust Fund Authority Act [of 1984].

29 b. "Authority" means the New Jersey Transportation, Toll Road  
30 and Trust Fund Authority created by section 4 of this act.

31 c. "Bonds" means bonds issued by the authority for its own benefit  
32 pursuant to the act.

33 d. "Commissioner" means the Commissioner of Transportation.

34 e. "Department" means the Department of Transportation.

35 f. "Federal aid highway" means any highway within the State in  
36 connection with which the State receives payment or reimbursement  
37 from the federal government under the terms of Title 23, United States  
38 Code or any amendment, successor, or replacement thereof, for the  
39 purposes contained in the act.

40 g. "Federal government" means the United States of America, and  
41 any officer, department, board, commission, bureau, division,  
42 corporation, agency or instrumentality thereof.

43 h. "New Jersey Expressway Authority" means the public  
44 corporation created by section 4 of chapter 10 of the Laws of New  
45 Jersey of 1962 as amended or its successor.

46 i. "New Jersey Highway Authority" means the public corporation

1 created by section 4 of chapter 16 of the Laws of New Jersey of 1952  
2 as amended or its successor.

3 j. "New Jersey Turnpike Authority" means the public corporation  
4 created by section 4 of chapter 454 of the Laws of New Jersey of 1948  
5 as amended or its successor.

6 k. "Notes" means the notes issued by the authority for its own  
7 benefit pursuant to the act.

8 l. "Public highways" means public roads, streets, expressways,  
9 freeways, parkways, motorways and boulevards, including bridges,  
10 tunnels, overpasses, underpasses, interchanges, rest areas, express bus  
11 roadways, bus pullouts and turnarounds, park-ride facilities, traffic  
12 circles, grade separations, traffic control devices, the elimination or  
13 improvement of crossings of railroads and highways, whether at grade  
14 or not at grade, and any facilities, equipment, property, rights of way,  
15 easements and interests therein needed for the construction,  
16 improvement and maintenance of highways.

17 m. "Public transportation project" means, in connection with public  
18 transportation service, passenger stations, shelters and terminals,  
19 automobile parking facilities, ramps, track connections, signal systems,  
20 power systems, information and communication systems, roadbeds,  
21 transit lanes or rights of way, equipment storage and servicing  
22 facilities, bridges, grade crossings, rail cars, locomotives, motorbuses  
23 and other motor vehicles, maintenance and garage facilities, revenue  
24 handling equipment and any other equipment, facility or property  
25 useful for or related to the provision of public transportation service.

26 n. "State agency" means any officers, department, board,  
27 commission, bureau, division, agency or instrumentality of the State.

28 o. "Toll road authorities" means and includes the New Jersey  
29 Turnpike Authority, the New Jersey Highway Authority and the New  
30 Jersey Expressway Authority.

31 p. "Transportation project" means, in addition to public highways,  
32 toll road projects, and public transportation projects, any equipment,  
33 facility or property useful or related to the provision of any ground,  
34 waterborne or air transportation for the movement of people and  
35 goods.

36 q. "Transportation system" means public highways, public  
37 transportation projects, other transportation projects, and all other  
38 methods of transportation for the movement of people and goods.

39 r. "Predecessor authorities" means and includes the toll road  
40 authorities.

41 s. "South Jersey" means the area encompassing the counties of  
42 Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,  
43 Ocean and Salem.

44 t. "Successor authority" means the New Jersey Transportation,  
45 Toll Road and Trust Fund Authority.

46 u. "Subsidiary administrations" means and includes the Turnpike

1 Administration, Parkway Administration and Expressway  
2 Administration created by P.L. , c. (C. )(now pending before  
3 the Legislature as this bill).

4 v. Toll road projects" means and includes any project authorized  
5 pursuant to P.L.1948, c.454, P.L.1952, c.16, or P.L.1962, c.10,  
6 whether operated by the predecessor authorities or the successor  
7 authority.

8 w. "Toll roads" means and includes the New Jersey Turnpike, the  
9 Garden State Parkway and the Atlantic City Expressway.

10 x. "Toll road revenues" means and includes all tolls, receipts and  
11 other revenues of the predecessor authorities or subsidiary  
12 administrations whether derived from toll road operations or toll road  
13 projects.

14 (cf: P.L.1984, c.73, s.3)

15

16 5. Section 4 of P.L.1984, c.73 (C.27:1B-4) is amended to read as  
17 follows:

18 4. a. There is hereby established in the department a public body  
19 corporate and politic, with corporate succession, to be known as the  
20 "New Jersey Transportation, Toll Road and Trust Fund Authority."  
21 For the purpose of complying with the provisions of Article V, Section  
22 IV, paragraph 1 of the New Jersey Constitution, the authority is  
23 hereby allocated within the Department of Transportation, but  
24 notwithstanding said allocation, the authority shall be independent of  
25 any supervision or control by the department or by any board or  
26 officer thereof. The authority is hereby constituted as an  
27 instrumentality of the State, exercising public and essential  
28 governmental functions, no part of whose revenues shall accrue to the  
29 benefit of any individual, and the exercise by the authority of the  
30 powers conferred by the act shall be deemed and held to be an  
31 essential governmental function of the State.

32 b. The authority shall consist of five members as follows: the  
33 commissioner and the State Treasurer, who shall be members ex  
34 officio, and three public members, one of whom shall be appointed by  
35 the Governor, with the advice and consent of the Senate, and the two  
36 remaining to be appointed by the Governor, one of whom upon  
37 recommendation of the President of the Senate and the other upon  
38 recommendation of the Speaker of the General Assembly. The public  
39 member appointed by the Governor with the advice and consent of the  
40 Senate shall be a resident of South Jersey. No more than three  
41 members of the authority shall be of the same political party. The  
42 public members appointed by the Governor shall serve a four year  
43 term, except that the public member appointed by the Governor upon  
44 recommendation of the President of the Senate shall serve for a four  
45 year term and the public member appointed upon recommendation of  
46 the Speaker of the General Assembly shall serve for a two year term.

1 With respect to those public members first appointed by the  
2 Governor: the Senate shall advise and consent to the appointment of  
3 the member not appointed upon recommendation of the President and  
4 the Speaker within 30 days of the receipt thereof from the Governor,  
5 such appointment having been sent by the Governor to the Senate  
6 within 20 days following the effective date of this act; the President of  
7 the Senate and the Speaker of the General Assembly shall send their  
8 recommendations for public members to the Governor within 20 days  
9 following the effective date of this act. The Governor has an  
10 additional 10 days to accept or reject in writing these  
11 recommendations.

12 Each public member shall hold office for the term of the member's  
13 appointment and until the member's successor shall have been  
14 appointed and qualified. A member shall be eligible for reappointment.  
15 Any vacancy in the membership occurring other than by expiration of  
16 term shall be filled in the same manner as the original appointment but  
17 for the unexpired term only.

18 Each public member of the authority appointed pursuant to  
19 P.L.1984, c.73 (C.27:1B-1 et seq.) shall hold office for the term of the  
20 member's appointment and shall serve as a member of the New Jersey  
21 Transportation, Toll Road and Trust Fund Authority until the  
22 member's successor shall have been appointed and qualified. Any  
23 vacancy in the membership occurring other than by expiration of term  
24 shall be filled in the same manner as the original appointment but for  
25 the unexpired term only.

26 c. Each public member, except those appointed upon  
27 recommendation of the President of the Senate and the Speaker of the  
28 General Assembly, may be removed from office by the Governor, for  
29 cause, after public hearing, and may be suspended by the Governor  
30 pending the completion of such hearing. All members before entering  
31 upon their duties shall take and subscribe an oath to perform the duties  
32 of their office faithfully, impartially and justly to the best of their  
33 ability. A record of such oaths shall be filed in the Office of the  
34 Secretary of State.

35 d. The authority shall not be deemed to be constituted and shall not  
36 take action or adopt motions or resolutions until at least three  
37 authorized members shall have been appointed and qualified in the  
38 manner provided in this section. The commissioner shall serve as  
39 chairperson of the authority. Prior to the authority being constituted,  
40 the chairperson is authorized to transfer up to \$75 million to the  
41 department from the appropriations made to the authority for the fiscal  
42 year commencing July 1, 1984. The members shall annually elect one  
43 of their members as vice chairperson. The members shall elect a  
44 secretary and a treasurer, who need not be members, and the same  
45 person may be elected to serve both as secretary and treasurer. The  
46 powers of the authority shall be vested in the members thereof in office

1 from time to time and three members of the authority shall constitute  
2 a quorum at any meeting thereof. Action may be taken and motions  
3 and resolutions adopted by the authority at any meeting thereof by the  
4 affirmative vote of at least three members of the authority. No  
5 vacancy in the membership of the authority shall impair the right of a  
6 quorum of the members to exercise all the powers and perform all the  
7 duties of the authority, except that the authority shall not have the  
8 power to issue its initial offering of bonds, notes or other obligations  
9 unless all five members of the authority shall have been appointed and  
10 qualified.

11 e. The members of the authority shall serve without compensation,  
12 but the authority shall reimburse its members for actual expenses  
13 necessarily incurred in the discharge of their duties. Notwithstanding  
14 the provisions of any other law, no member shall be deemed to have  
15 forfeited nor shall the member forfeit the member's office or  
16 employment or any benefits or emoluments thereof by reason of the  
17 member's acceptance of the office of ex officio member of the  
18 authority or the member's services therein.

19 f. Each ex officio member may designate an employee of the  
20 member's department or agency to represent the member at meetings  
21 of the authority. All designees may lawfully vote and otherwise act on  
22 behalf of the member for whom they constitute the designee. The  
23 designation shall be in writing delivered to the authority and shall  
24 continue in effect until revoked or amended in writing delivered to the  
25 authority.

26 g. A true copy of the minutes of every meeting of the authority  
27 shall be forthwith delivered by and under the certification of the  
28 secretary thereof to the Governor. [No] Except as otherwise provided  
29 by P.L. , c. (C. ) (now pending before the Legislature as this  
30 bill), no action taken at the meeting by the authority shall have force  
31 or effect until 15 days after such copy of the minutes shall have been  
32 so delivered, unless during this 15-day period the Governor shall  
33 approve in writing the same or any part thereof, in which case the  
34 action shall become effective upon approval. If, in said 15-day period,  
35 the Governor returns a copy of the minutes with his veto of any action  
36 taken by the authority or any member thereof at the meeting, the  
37 action shall be null and void and of no effect. Notwithstanding the  
38 foregoing, if the last day of the 15-day period shall be a Saturday,  
39 Sunday or legal holiday, then the 15-day period shall be deemed  
40 extended to the next following business day. The powers conferred in  
41 this paragraph upon the Governor shall be exercised with due regard  
42 for the rights of the holders of bonds, notes or other obligations of the  
43 authority at any time outstanding, and nothing in, or done pursuant to,  
44 this paragraph shall in any way limit, restrict or alter the covenants  
45 contained in the bond indentures of the authority or predecessor  
46 authorities, nor any collective bargaining agreement or binding

1 arbitration decision reached by the authority or any predecessor  
2 authorities or the obligation or powers of the authority or any  
3 representative or officer of the authority to carry out and perform in  
4 every detail each and every covenant, agreement or contract at any  
5 time made or entered into by or on behalf of the authority or  
6 predecessor authorities with respect to its bonds, notes or other  
7 obligations or with respect to any bonds, notes, or other obligations  
8 to which it is the successor or for the benefit, protection or security of  
9 the holders thereof.

10 The minutes of every meeting of the authority shall be transcribed  
11 into printed form and made available to the members of the authority  
12 for their review. Each member shall complete his review of the printed  
13 minutes within 20 days following the date of receipt of the minutes  
14 after which each member shall submit the copy of the minutes to the  
15 authority together with a signed certification stating that the member  
16 has reviewed the minutes of the meeting. Upon receipt of the signed  
17 certifications of all the members present at a meeting, the authority  
18 shall cause the minutes and any comments submitted by the members  
19 to be printed, bound and made available for distribution to the general  
20 public.

21 The authority shall insure that a representative of the Office of the  
22 Attorney General in the Department of Law and Public Safety is  
23 present at each meeting of the authority to advise and assist the  
24 members in the interpretation and application of the provisions of the  
25 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) as it  
26 relates to public authorities.

27 h. The authority shall continue in existence until dissolved by act  
28 of the Legislature, except that it shall not continue in existence beyond  
29 22 years unless the Legislature shall by law prescribe otherwise.  
30 However, any dissolution of this authority, by act of the Legislature or  
31 otherwise, shall be on condition that the authority has no debts,  
32 contractual duties or obligations outstanding, or that provision has  
33 been made for the payment, discharge or retirement of these debts,  
34 contractual duties or obligations. Upon any dissolution of the  
35 authority, all property, rights, funds and assets thereof shall pass to  
36 and become vested in the State. Upon any dissolution of the authority,  
37 any subsidiary administrations thereof shall continue in existence until  
38 dissolved by act of the Legislature in accordance with section 26 of P.  
39 L. , c. (C. ) (now pending before the Legislature as this bill).  
40 (cf: P.L.1987, c.460, s.1)

41  
42 6. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read as  
43 follows:

44 5. It shall be the sole purpose of the authority created under this  
45 act to provide the payment for and financing of all, or a portion of, the  
46 costs incurred by the department for the planning, acquisition,

1 engineering, construction, reconstruction, repair and rehabilitation of  
2 the State's transportation system, including, without limitation, the  
3 State's share (including State advances with respect to any federal  
4 share) under federal aid highway laws of the costs of planning,  
5 acquisition, engineering, construction, reconstruction, repair,  
6 resurfacing and rehabilitation of public highways, the State's share  
7 (including State advances with respect to any federal share) of the  
8 costs of planning, acquisition, engineering, construction,  
9 reconstruction, repair and rehabilitation of public transportation  
10 projects and other transportation projects in the State, [and] State aid  
11 to counties and municipalities for transportation projects, and payment  
12 of any bonds, notes or other obligations to which it is a successor, all  
13 in furtherance of the public policy declared in section 2 of the act, in  
14 the manner provided for in the act.

15 (cf: P.L.1984, c.73, s.5)

16

17 7. Section 6 of P.L.1984, c.73 (C.27:1B-6) is amended to read as  
18 follows:

19 6. In addition to all other powers granted to the authority in the  
20 act, the authority shall have power:

21 a. To sue and be sued;

22 b. To have an official seal and alter the same at its pleasure;

23 c. To make and alter bylaws for its organization and internal  
24 management and rules and regulations for the conduct of its affairs and  
25 business;

26 d. To maintain an office at a place or places within the State as it  
27 may determine;

28 e. To acquire, hold, use and dispose of its income, revenues, funds  
29 and moneys;

30 f. To acquire, own, lease as lessee or lessor, hold, use, sell,  
31 transfer, and dispose of real or personal property for its purposes;

32 g. To borrow money and to issue its bonds, notes or other  
33 obligations for its own benefit and to secure the same by its revenues  
34 or other funds, excluding tolls, receipts and other revenues of the  
35 predecessor authorities or subsidiary administrations of the authority  
36 whether derived from the operation of toll roads or toll road projects,  
37 and otherwise to provide for and secure the payment thereof and to  
38 provide for the rights of the holders thereof and to provide for the  
39 refunding thereof, all as provided in the act;

40 h. To issue subordinated indebtedness and to enter into bank loan  
41 agreements, lines of credit, letters of credit and other security  
42 agreements as provided for in the act;

43 i. In its own name or in the name of the State, to apply for and  
44 receive and accept appropriations or grants of property, money,  
45 services or reimbursements for money previously spent and other  
46 assistance offered or made available to it by or from any person,

1 government, agency, public authority or any public and private entity  
2 whatever for any lawful corporate purpose of the authority, including,  
3 without limitation, grants, appropriations or reimbursements from the  
4 State or federal government with respect to their respective shares  
5 under federal aid highway laws of the costs of planning, acquisition,  
6 engineering, construction, reconstruction, repair, resurfacing and  
7 rehabilitation of public highways or the costs of planning, acquisition,  
8 engineering, construction, reconstruction, repair and rehabilitation of  
9 public transportation projects and other transportation projects, in the  
10 State and the authority's operating expenses and to apply and negotiate  
11 for the same upon such terms and conditions as may be required by  
12 any person, government, agency, authority or entity or as the authority  
13 may determine to be necessary, convenient or desirable;

14 j. Subject to any agreement with the holders of bonds, notes or  
15 other obligations, to invest moneys of the authority not required for  
16 immediate use, including proceeds from the sale of any bonds, notes  
17 or other obligations, in obligations, securities and other investments as  
18 the authority shall deem prudent;

19 k. Subject to any agreements with holders of bonds, notes or other  
20 obligations, to purchase bonds, notes or other obligations of the  
21 authority out of any funds or moneys of the authority available  
22 therefor, and to hold, cancel or resell the bonds, notes or other  
23 obligations;

24 l. For its sole purpose as established in section 5 of this act and for  
25 the purposes of the subsidiary administrations as established in P.L.  
26  , c. (C. ) (now pending before the Legislature as this bill), to  
27 appoint and employ [an] one executive director for the authority and  
28 the subsidiary administrations of the authority, or to appoint and  
29 employ one executive director for the authority and one or more  
30 executive directors for the subsidiary administrations of the authority,  
31 and such additional officers, who need not be members of the authority  
32 and such other personnel and staff as it may require[, at an annual  
33 expense not to exceed \$100,000.00], and to determine their  
34 qualifications, terms of office, duties and compensation all without  
35 regard to the provisions of Title [11] 11A, Civil Service, of the  
36 [Revised Statutes] New Jersey Statutes except that officers and  
37 employees appointed or hired by the authority after January 1, 1989  
38 and who are not subject to the "New Jersey Employer-Employee  
39 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.) shall receive sick  
40 and vacation leave only as provided for State employees in Title 11A  
41 of the New Jersey Statutes and if supplemental compensation upon  
42 retirement is to be paid to those officers and employees, it shall be  
43 calculated and limited as in N.J.S.11A:6-19;

44 m. To do and perform any acts and things authorized by the act  
45 under, through, or by means of its officers, agents or employees or by  
46 contract with any person, firm or corporation or any public body;

1 n. To procure insurance against any losses in connection with its  
2 property, operations, assets or obligations in amounts and from  
3 insurers as it deems desirable;

4 o. To make and enter into any and all contracts and agreements  
5 which the authority determines are necessary, incidental, convenient  
6 or desirable to the performance of its duties and the execution of its  
7 powers under the act; [and]

8 p. To establish subsidiary administrations as provided by section 25  
9 of P.L. , c. (C. ) (now pending before the Legislature as this  
10 bill) to succeed to the functions, powers and duties of any and all  
11 predecessor authorities, including but not limited to, the operation of  
12 the toll roads and toll road projects of the predecessor authorities and  
13 the assumption of the revenues and the debts of those predecessor  
14 authorities; and

15 q. To do any and all things necessary, convenient or desirable to  
16 carry out its purposes and exercise the powers given and granted in the  
17 act.

18 (cf: P.L.1984, c.73, s.6)

19  
20 8. Section 8 of P.L.1984, c.73 (C.27:1B-8) is amended to read as  
21 follows:

22 8. The authority shall have the power to enter into contracts (or  
23 take an assignment of the rights and interests in contracts entered into  
24 by the treasurer or commissioner) with each toll road authority,  
25 subsidiary administration or other State agency to provide for  
26 payments to it by each toll road authority, subsidiary administration or  
27 other State agency from available revenues of the amount or amounts  
28 that may be set forth in, or determined in accordance with, the  
29 contract; provided however, that no such contract shall contain  
30 specific provisions which direct such toll road authority, subsidiary  
31 administration or other State agency to increase tolls. Subject as  
32 aforesaid, each contract, or assignment, may contain conditions and  
33 covenants as shall be agreed to by the authority and by the affected toll  
34 road authority, subsidiary administration or other State agency and, in  
35 the case of an assignment, as agreed to by the treasurer or  
36 commissioner, including but not limited to conditions and covenants  
37 necessary and desirable to facilitate the issuance and sale of bonds,  
38 notes and other obligations of the authority. [The] Except as provided  
39 by this section, the authority may receive and use (and contract for the  
40 use of) the amounts paid to it pursuant to the contracts for any one or  
41 more of its corporate purposes or powers.

42 Upon the subsidiary administrations of the authority being the  
43 successors to all rights, obligations, contracts, debts and properties of  
44 the predecessor authorities, the contracts entered into between the  
45 predecessor authorities and the State or the Department of  
46 Transportation or the New Jersey Transportation Trust Fund

1 Authority pursuant to subsection (s) of section 5 of P.L.1952, c.16  
2 (C.27:12B-5), subsection (p) of section 11 of P.L.1962, c.10  
3 (C.27:12C-11), and subsection b. of section 1 of P.L.1966, c.8  
4 (C.27:23-5.8) providing for payment from the revenues of the  
5 predecessor authorities to the State or to the New Jersey  
6 Transportation Trust Fund Authority shall be entered into between the  
7 subsidiary administrations as successors to the predecessor authorities  
8 and the State or the Department of Transportation or the New Jersey  
9 Transportation, Toll Road and Trust Fund Authority, as the case may  
10 be, and all payments required under the contracts previously entered  
11 into, shall be made from the revenues of the subsidiary administrations  
12 to the State or the Department of Transportation or the authority  
13 which may receive and use such payments for any one or more of its  
14 corporate purposes or powers, except for toll road purposes or toll  
15 road projects, and such monies shall be kept in a special fund separate  
16 and apart from the other revenues and monies of the authority and  
17 separate and apart from the revenues and monies of the subsidiary  
18 administrations of the authority.

19 (cf: P.L.1984, c.73, s.8)

20

21 9. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read as  
22 follows:

23 9. a. [The] Except as may be otherwise expressly provided in this  
24 section, the authority shall have the power and is hereby authorized  
25 after November 15, 1984 and from time to time thereafter to issue its  
26 bonds, notes or other obligations in principal amounts as in the opinion  
27 of the authority shall be necessary to provide for any of its corporate  
28 purposes, including the payment, funding or refunding of the principal  
29 of, or interest or redemption premiums on, any bonds, notes or other  
30 obligations issued by it, whether the bonds, notes, obligations or  
31 interest to be funded or refunded have or have not become due; and to  
32 provide for the security thereof and for the establishment or increase  
33 of reserves to secure or to pay the bonds, notes or other obligations  
34 or interest thereon and all other reserves and all costs or expenses of  
35 the authority incident to and necessary or convenient to carry out its  
36 corporate purposes and powers; and in addition to its bonds, notes and  
37 other obligations, the authority shall have the power to issue  
38 subordinated indebtedness, which shall be subordinate in lien to the  
39 lien of any or all of its bonds or notes. No resolution or other action  
40 of the authority providing for the issuance of bonds, refunding bonds  
41 or other obligations shall be adopted or otherwise made effective by  
42 the authority without the prior approval in writing of the Governor and  
43 either the State Treasurer or the Director of the Division of Budget  
44 and Accounting in the Department of the Treasury.

45 b. Except as may be otherwise expressly provided in the act or by  
46 the authority, every issue of bonds or notes shall be general obligations

1 payable out of any revenues or funds of the authority, other than tolls,  
2 receipts, or other revenues of the predecessor authorities or subsidiary  
3 administrations whether derived from toll road operations or toll road  
4 projects, subject only to any agreements with the holders of particular  
5 bonds or notes pledging any particular revenues or funds. The  
6 authority may provide the security and payment provisions for its  
7 bonds or notes as it may determine, including (without limiting the  
8 generality of the foregoing) bonds or notes as to which the principal  
9 and interest are payable from and secured by all or any portion of the  
10 revenues of and payments to the authority, and other moneys or funds  
11 as the authority shall determine. In addition, the authority may, in  
12 anticipation of the issuance of the bonds or the receipt of  
13 appropriations, grants, reimbursements or other funds, including  
14 without limitation grants from the federal government for federal aid  
15 highways or public transportation systems, issue notes, the principal  
16 of or interest on which, or both, shall be payable out of the proceeds  
17 of notes, bonds or other obligations of the authority or appropriations,  
18 grants, reimbursements or other funds or revenues of the authority.  
19 The authority may also enter into bank loan agreements, lines of credit  
20 and other security agreements and obtain for or on its behalf letters of  
21 credit in each case for the purpose of securing its bonds, notes or  
22 other obligations or to provide direct payment of any costs which the  
23 authority is authorized to pay by this act and to secure repayment of  
24 any borrowings under the loan agreement, line of credit, letter of  
25 credit or other security agreement by its bonds, notes or other  
26 obligations or the proceeds thereof or by any or all of the revenues of  
27 and payments to the authority or by any appropriation, grant or  
28 reimbursement to be received by the authority and other moneys or  
29 funds as the authority shall determine.

30 c. Whether or not the bonds and notes are of the form and  
31 character as to be negotiable instruments under the terms of Title 12A,  
32 Commercial Transactions, New Jersey Statutes, the bonds and notes  
33 are hereby made negotiable instruments within the meaning of and for  
34 all the purposes of said Title 12A.

35 d. Bonds or notes of the authority shall be authorized by a  
36 resolution or resolutions of the authority and may be issued in one or  
37 more series and shall bear the date, or dates, mature at the time or  
38 times, bear interest at the rate or rates of interest per annum, be in the  
39 denomination or denominations, be in the form, carry the conversion  
40 or registration privileges, have the rank or priority, be executed in the  
41 manner, be payable from the sources, in the medium of payment, at the  
42 place or places within or without the State, and be subject to the terms  
43 of redemption (with or without premium) as the resolution or  
44 resolutions may provide. Bonds or notes may be further secured by a  
45 trust indenture between the authority and a corporate trustee within or  
46 without the State. All other obligations of the authority shall be

1 authorized by resolution containing terms and conditions as the  
2 authority shall determine. Bonds, notes or other obligations of the  
3 subsidiary administrations shall be authorized by a resolution or  
4 resolutions of the subsidiary administrations containing terms and  
5 conditions as the subsidiary administrations shall determine.

6 e. Bonds, notes or other obligations of the authority may be sold  
7 at public or private sale at a price or prices and in a manner as the  
8 authority shall determine. Every bond issued on or before the effective  
9 date of this 1987 amendatory and supplementary act shall mature and  
10 be paid not later than 17 years from the date thereof, except that no  
11 bond, note or other obligation shall mature and be paid later than 22  
12 years from the effective date of P.L.1984, c.73 (C.27:1B-1 et seq.),  
13 nor shall any refunding of such obligations mature or be paid later than  
14 that date. Every bond issued after the effective date of this 1987  
15 amendatory and supplementary act shall mature and be paid not later  
16 than 11 years from the date thereof, except that no bond, note or other  
17 obligation shall mature and be paid later than 22 years from the  
18 effective date of P.L.1984, c.73 (C.27:1B-1 et seq.).

19 Notes, the initial series of bonds and bonds issued for refunding  
20 purposes of the authority may be sold at public or private sale at a  
21 price or prices and in a manner as the authority shall determine.

22 Except as noted above, all bonds of the authority shall be sold at  
23 such price or prices and in such manner as the authority shall  
24 determine, after notice of sale, published at least three times in at least  
25 three newspapers published in the State of New Jersey, and at least  
26 once in a publication carrying municipal bond notices and devoted  
27 primarily to financial news, published in New Jersey or the City of  
28 New York, the first notice to be at least five days prior to the day of  
29 bidding. The notice of sale may contain a provision to the effect that  
30 any or all bids made in pursuance thereof may be rejected. In the event  
31 of such rejection or of failure to receive any acceptable bid, the  
32 authority, at any time within 60 days from the date of such advertised  
33 sale, may sell such bonds at private sale upon terms not less favorable  
34 to the State than the terms offered by any rejected bid. The authority  
35 may sell all or part of the bonds of any series as issued to any State  
36 fund or to the federal government or any agency thereof, at private  
37 sale, without advertisement.

38 Bonds, notes or other obligations issued by the subsidiary  
39 administrations of the authority may be sold at public or private sale  
40 at a price or prices and in a manner as the subsidiary administrations  
41 may determine.

42 f. Bonds or notes may be issued and other obligations incurred  
43 under the provisions of the act without obtaining the consent of any  
44 department, division, commission, board, bureau or agency of the  
45 State, other than the approval as required by subsection a. of this  
46 section, and without any other proceedings or the happening of any

1 other conditions or other things than those proceedings, conditions or  
2 things which are specifically required by the act.

3 g. Bonds, notes and other obligations of the authority issued or  
4 incurred under the provisions of the act shall not be in any way a debt  
5 or liability of the State or of any political subdivision thereof other  
6 than the authority and shall not create or constitute any indebtedness,  
7 liability or obligation of the State or of any political subdivision or be  
8 or constitute a pledge of the faith and credit of the State or of any  
9 political subdivision but all bonds, notes and obligations, unless funded  
10 or refunded by bonds, notes or other obligations of the authority, shall  
11 be payable solely from revenues or funds pledged or available for their  
12 payment as authorized in the act. Each bond, note or other obligation  
13 shall contain on its face a statement to the effect that the authority is  
14 obligated to pay the principal thereof or the interest thereon only from  
15 revenues or funds of the authority and that neither the State nor any  
16 political subdivision thereof is obligated to pay the principal or interest  
17 and that neither the faith and credit nor the taxing power of the State  
18 or any political subdivision thereof is pledged to the payment of the  
19 principal of or the interest on the bonds, notes or other obligations.  
20 For the purposes of this subsection, political subdivision does not  
21 include the authority.

22 h. All expenses incurred in carrying out the provisions of the act  
23 shall be payable solely from the revenues or funds provided or to be  
24 provided under or pursuant to the provisions of the act and nothing in  
25 the act shall be construed to authorize the authority to incur any  
26 indebtedness or liability on behalf of or payable by the State or any  
27 political subdivision thereof.

28 i. The aggregate principal amount of bonds, notes or other  
29 obligations, including subordinated indebtedness of the authority, may  
30 not exceed \$1,700,000,000.00. Any principal amount retired in any  
31 manner before and after the effective date of this 1987 amendatory and  
32 supplementary act shall not be applied to any unissued aggregate  
33 principal amount remaining under the limitations and reductions  
34 provided for in this subsection. If in any fiscal year appropriations by  
35 the Legislature to the authority, and amounts received in accordance  
36 with contracts entered into with the toll road authorities, if those  
37 amounts are not included in legislative appropriations, shall be in  
38 excess of \$143,000,000.00 in any fiscal year through the fiscal year  
39 beginning on July 1, 1986 or \$201,000,000.00 for the fiscal year  
40 beginning on July 1, 1987 or \$331,000,000.00 in any fiscal year  
41 thereafter, the aggregate principal amount of \$1,700,000,000.00 shall  
42 be reduced by an amount equal to the excess. In computing the  
43 foregoing limitations there shall be excluded all the bonds, notes or  
44 other obligations, including subordinated indebtedness of the  
45 authority, which shall be issued for refunding purposes, provided that  
46 the refunding shall be determined by the authority to result in a debt

1 service savings.

2 The authority shall minimize debt incurrence by first relying on  
3 appropriations and other revenues available to the authority before  
4 incurring debt to meet its statutory purposes.

5 The authority shall not incur debt at any time in any fiscal year in  
6 excess of the difference between the amount of appropriations and  
7 other revenues to the authority theretofore made in that fiscal year and  
8 the amount which the Department of Transportation is permitted to  
9 commit for transportation projects under the act in that fiscal year as  
10 indicated in the budget, plus reasonably necessary expenses, required  
11 debt reserve funds, debt service and outstanding financial obligations  
12 from prior fiscal years of the authority.

13 Debt which would have been incurred pursuant to this section,  
14 which is not incurred in any fiscal year, may be issued in subsequent  
15 years.

16 j. The provisions of this section do not apply to bonds, notes or  
17 other obligations issued by the subsidiary administrations of the  
18 authority or bonds, notes or other obligations transferred to or  
19 assumed by the subsidiary administrations of the authority.

20 (cf: P.L.1987, c.460, s.2)

21

22 10. Section 10 of P.L.1984, c.73 (C.27:1B-10) is amended to read  
23 as follows:

24 10. In any resolution of the authority authorizing or relating to the  
25 issuance of any bonds, notes or other obligations or in any indenture  
26 securing the bonds, notes or other obligations, the authority, in order  
27 to secure the payment of the bonds, notes or other obligations and in  
28 addition to its other powers, shall have the power by provisions  
29 therein, which shall constitute covenants by the authority and contracts  
30 with the holders of the bonds, notes or other obligations:

31 a. To pledge all or any part of its revenues or receipts to which its  
32 right then exists or may thereafter come into existence and other  
33 moneys or funds as the authority shall determine and the moneys  
34 derived therefrom, excluding any tolls, receipts and other revenues of  
35 the subsidiary administrations of the authority whether derived from  
36 toll road operations or toll road projects, and the proceeds of any  
37 bonds, notes or other obligations;

38 b. To pledge any agreement, including, without limitation, the  
39 contract or contracts referred to in section 23 of the act, contracts  
40 with the toll road authorities or other State agencies, and any grant,  
41 contract, or agreement with the federal government or the revenues or  
42 payments thereunder and the proceeds thereof;

43 c. To covenant against pledging all or any part of its revenues or  
44 receipts or its agreements and the revenues derived thereunder or the  
45 proceeds thereof and other moneys or funds as the authority shall  
46 determine and the moneys derived therefrom or against permitting or

- 1 suffering any lien on any of the foregoing;
- 2 d. To covenant with respect to limitations on any right to sell, lease  
3 or otherwise dispose of any property of any kind;
- 4 e. To covenant as to any bonds, notes and other obligations to be  
5 issued and the limitations thereof and the terms and conditions thereof  
6 and as to the custody, application, investment, and disposition of the  
7 proceeds thereof;
- 8 f. To covenant as to the issuance of additional bonds, or notes or  
9 other obligations or as to limitations on the issuance of additional  
10 bonds, notes or other obligations and on the incurring of other debts  
11 by it;
- 12 g. To covenant as to the payment of the principal of or interest on  
13 the bonds, notes, or other obligations, as to the sources and methods  
14 of payment, as to the rank or priority of any bonds, notes or  
15 obligations with respect to any lien or security or as to the acceleration  
16 of the maturity of any bonds, notes or obligations;
- 17 h. To provide for the replacement of lost, stolen, destroyed or  
18 mutilated bonds, notes or other obligations;
- 19 i. To covenant against extending the time for the payment of  
20 bonds, notes or other obligations or interest thereon;
- 21 j. To covenant as to the redemption of bonds, notes or other  
22 obligations and privileges of exchange thereof for other bonds, notes  
23 or other obligations of the authority;
- 24 k. Subject to the rights and security interests of the holders from  
25 time to time of bonds, notes or other obligations heretofore or  
26 hereafter issued by each of the toll road authorities or other State  
27 agencies, to covenant as to the enforcement of any term in any  
28 agreement entered into pursuant to the act, to which the authority is  
29 a party or an assignee, fixing amounts of funds of the toll road  
30 authorities or other State agencies to be paid over to and received by  
31 the authority in each year or other period of time, including any term  
32 concerning the fixing of tolls and other charges by the toll road  
33 authorities or other State agencies, at rates as shall be necessary to  
34 provide the amounts of funds;
- 35 l. To covenant to create or authorize the creation of special funds  
36 or moneys to be held in pledge or otherwise for payment or  
37 redemption of bonds, notes, or other obligations, reserves or other  
38 purposes and as to the use, investment, and disposition of the moneys  
39 held in the funds;
- 40 m. To establish the procedure, if any, by which the terms of any  
41 contract or covenant with or for the benefit of the holders of bonds,  
42 notes or other obligations may be amended or abrogated, the amount  
43 of bonds, notes or other obligations the holders of which must consent  
44 thereto, and the manner in which the consent may be given;
- 45 n. To provide for the release of property, agreements, or revenues  
46 and receipts from any pledge and to reserve rights and powers in, or

1 the right to dispose of, property which is subject to a pledge;

2 o. To provide for the rights and liabilities, powers and duties  
3 arising upon the breach of any covenant, condition or obligation and  
4 to prescribe the events of default and the terms and conditions upon  
5 which any or all of the bonds, notes or other obligations of the  
6 authority shall become or may be declared due and payable before  
7 maturity and the terms and conditions upon which any declaration and  
8 its consequences may be waived;

9 p. To vest in a trustee or trustees within or without the State such  
10 property, rights, powers and duties in trust as the authority may  
11 determine, and to limit the rights, duties and powers of such trustee;

12 q. To execute all bills of sale, conveyances, deeds of trust and  
13 other instruments necessary or convenient in the exercise of its powers  
14 or in the performance of its covenants or duties;

15 r. To pay the costs or expenses incident to the enforcement of the  
16 bonds, notes or other obligations or of the provisions of the resolution  
17 or of any covenant or agreement of the authority with the holders of  
18 its bonds, notes or other obligations;

19 s. To limit the rights of the holders of any bonds, notes or other  
20 obligations to enforce any pledge or covenant securing the bonds,  
21 notes or other obligations; and

22 t. To make covenants, in addition to the covenants herein expressly  
23 authorized, of like or different character, and to make covenants to do  
24 or refrain from doing acts and things as may be necessary, or  
25 convenient and desirable, in order to better secure bonds, notes or  
26 other obligations or which in the absolute discretion of the authority  
27 will tend to make bonds, notes or other obligations more marketable,  
28 notwithstanding that the covenants, acts or things may not be  
29 enumerated herein.

30 u. The provisions of this section do not apply to bonds, notes or  
31 other obligations issued by the subsidiary administrations of the  
32 authority or bonds, notes or other obligations transferred to or  
33 assumed by the subsidiary administrations.

34 (cf: P.L.1984, c.73, s.10)

35

36 11. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to  
37 read as follows:

38 8. a. Commencing with the report of the commissioner required to  
39 be submitted pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22)  
40 on or before March 1, 1988 for the fiscal year commencing July 1,  
41 1988 and for the reports of the commissioner required to be submitted  
42 pursuant thereto for each of the next six fiscal years, the amount  
43 reported by the commissioner for proposed projects to be financed  
44 shall not exceed \$365,000,000.00 exclusive of federal funds for each  
45 of those fiscal years except as provided herein. If, in the discretion of  
46 the commissioner, a greater amount is determined to be necessary to

1 meet the financing requirements for the ensuing fiscal year, the  
2 commissioner may include in a report an amount in excess of  
3 \$365,000,000.00 exclusive of federal funds; provided that in no event  
4 shall that amount be an amount greater than 105% of that  
5 \$365,000,000.00.

6 In any fiscal year for which an amount exceeding \$365,000,000.00  
7 exclusive of federal funds was appropriated pursuant to subsection b.  
8 of this section, the commissioner shall report on or before March 1 of  
9 that fiscal year for the ensuing fiscal year an amount for proposed  
10 projects to be financed not greater than \$365,000,000.00 reduced by  
11 the amount in excess of \$365,000,000.00 that was appropriated in that  
12 fiscal year.

13 b. Commencing with the fiscal year beginning on July 1, 1988 and  
14 for each of the next six fiscal years, the total amount authorized to be  
15 appropriated from the revenues and other nonfederal funds of the New  
16 Jersey Transportation Trust Fund Authority for the projects listed in  
17 the appropriations act pursuant to section 21 of P.L.1984, c.73  
18 (C.27:1B-21), shall not exceed \$365,000,000.00 exclusive of federal  
19 funds in any fiscal year except as provided herein. If, in any fiscal  
20 year, a greater amount is determined to be necessary to meet the  
21 financing requirements, the amount appropriated may be in excess of  
22 \$365,000,000.00 exclusive of federal funds; provided that: (1) in no  
23 event shall there be appropriated an amount greater than 105% of that  
24 \$365,000,000.00, and provided further, that (2) the appropriation for  
25 the ensuing fiscal year shall not be greater than that \$365,000,000.00  
26 reduced by the amount in excess of \$365,000,000.00 that was  
27 appropriated in the current fiscal year.

28 c. The limit on the amount reported in any fiscal year set forth in  
29 subsection a. of this section and the limit on the amount appropriated  
30 in any fiscal year set forth in subsection b. of this section shall not  
31 include any amount for salaries and other administrative expenses of  
32 the department and the authority.

33 d. The provisions of this section shall not apply to toll road  
34 projects.

35 (cf: P.L.1987, c.460, s.8)

36

37 12. Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended to read  
38 as follows:

39 22. To the end that the transportation system of the State shall be  
40 planned in an orderly and efficient manner and that the Legislature  
41 shall be advised of the nature and extent of public highways, public  
42 transportation projects and other transportation projects contemplated  
43 to be financed under this act, the department shall submit a master  
44 plan, as provided in subsection (a) of section 5 of P.L.1966, c.301  
45 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall  
46 be for a period of five years and shall be submitted to the Commission

1 on Capital Budgeting and Planning, the Chairman of the Senate  
2 Transportation and Communications Committee and the Chairman of  
3 the Assembly Transportation, Communications and High Technology  
4 Committee, or their successors, and the Legislative Budget and  
5 Finance Officer, on or before December 15, 1984, and at five year  
6 intervals thereafter.

7 On or before March 1 of each year, the commissioner shall submit  
8 a report of proposed projects, including but not limited to public  
9 highways, to be financed in an ensuing fiscal year, including therewith  
10 a description of the projects, the county or counties within which they  
11 are to be located, a distinction between State and local projects, and  
12 the amount estimated to be expended on each project and also  
13 including a financial plan designed to implement the financing of the  
14 proposed projects. The financial plan shall contain an enumeration of  
15 the bonds, notes or other obligations of the authority which the  
16 authority intends to issue, including the amounts thereof and the  
17 conditions therefor. The financial plan shall set forth a complete  
18 operating and financial statement covering the authority's proposed  
19 operations during the ensuing fiscal year, including amounts of income  
20 from all sources, including but not limited to the proceeds of bonds,  
21 notes or other obligations to be issued, as well as interest earned. In  
22 addition, the plan shall contain proposed amounts to be appropriated  
23 and expended, as well as amounts for which the department anticipates  
24 to obligate during the ensuing fiscal year for any future expenditures.  
25 The report shall be submitted to the Senate and General Assembly.  
26 Within 30 days of the receipt thereof, the Senate or the General  
27 Assembly may object in writing to the commissioner in regard to any  
28 project or projects it disapproves or which it is of the opinion should  
29 be modified or added to or any additional or alternative projects  
30 considered or in regard to any element of the financial plan. The  
31 commissioner shall consider the objections and recommendations and  
32 resubmit the report within 10 days, containing therein any  
33 modifications based upon the commissioner's consideration of the  
34 objections or recommendations. The report of proposed projects  
35 required by this section shall not include toll road projects.

36 (cf: P.L.1987, c.460, s.5)

37

38 13. Section 3 of P.L.1948, c.454 (C.27:23-3) is amended to read  
39 as follows:

40 3. (A) There is hereby established in the State Department of  
41 Transportation a body corporate and politic, with corporate  
42 succession, to be known as the "New Jersey Turnpike Authority." The  
43 authority is hereby constituted an instrumentality exercising public and  
44 essential governmental functions, and the exercise by the authority of  
45 the powers conferred by this act in the construction, operation and  
46 maintenance of turnpike projects shall be deemed and held to be an

1 essential governmental function of the State.

2 [(B) The New Jersey Turnpike Authority shall consist of six  
3 members, as follows: the Commissioner of Transportation, ex officio,  
4 or his designee; and five members appointed by the Governor, with the  
5 advice and consent of the Senate, each of whom shall be a resident of  
6 the State and shall have been a qualified elector therein for a period of  
7 at least one year next preceding his appointment. Each appointed  
8 member of the authority shall serve for a term of five years and until  
9 his successor is appointed and has qualified; except that of the first  
10 appointments hereunder, one shall be for a term of two years and one  
11 for a term of three years, and they shall serve until their respective  
12 successors are appointed and have qualified. The term of each of the  
13 first appointees hereunder shall be designated by the Governor. Each  
14 appointed member of the authority may be removed from office by the  
15 Governor, for cause, after a public hearing. Each member of the  
16 authority before entering upon his duties shall take and subscribe an  
17 oath to perform the duties of his office faithfully, impartially and justly  
18 to the best of his ability. A record of such oaths shall be filed in the  
19 office of the Secretary of State. Any vacancies in the appointed  
20 membership of the authority occurring other than by expiration of term  
21 shall be filled in the same manner as the original appointment, but for  
22 the unexpired term only.

23 (C) The Governor shall designate one of the members of the  
24 authority as chairman thereof and another member as vice chairman  
25 thereof. The chairman and vice chairman of the authority so  
26 designated shall serve as such at the pleasure of the Governor and until  
27 their respective successors have been designated. The authority shall  
28 elect a secretary and a treasurer who need not be members. At the  
29 option of the authority the same person may be elected to serve both  
30 as secretary and treasurer. Four members of the authority shall  
31 constitute a quorum and the vote of four members shall be necessary  
32 for any action taken by the authority. No vacancy in the membership  
33 of the authority shall impair the right of a quorum to exercise all the  
34 rights and perform all the duties of the authority.]

35 (B) The New Jersey Turnpike Authority shall consist of five  
36 members, who shall be the persons who from time to time shall hold  
37 the office of members of the New Jersey Transportation, Toll Road  
38 and Trust Fund Authority. The chairman and the vice-chairman shall  
39 be the chairman and vice-chairman, respectively, of the New Jersey  
40 Transportation, Toll Road and Trust Fund Authority. The authority  
41 shall elect a secretary and a treasurer who need not be members, and  
42 the same person may be elected as both secretary and treasurer. The  
43 powers of the authority shall be vested in the members thereof from  
44 time to time and three members of the authority shall constitute a  
45 quorum at any meeting thereof. Action may be taken and motions and  
46 resolutions adopted by the authority at any meeting thereof by the

1 affirmative vote of at least a majority of the members present. No  
2 vacancy in the membership of the authority shall impair the right of the  
3 quorum of the members to exercise all of the powers and perform all  
4 of the duties of the authority.

5 (C) Anything herein to the contrary notwithstanding, the authority,  
6 or upon its dissolution, the Turnpike Administration as successor to  
7 the authority, shall retain its separate legal status and corporate  
8 existence and continue to exercise all its powers and duties as required  
9 by law and by agreement with holders of its bonds or notes.

10 (D) [Each member of the authority shall execute a surety bond in  
11 the penal sum of \$25,000.00 and the] The treasurer shall execute a  
12 surety bond in the penal sum of \$50,000.00, [each] such surety bond  
13 to be conditioned upon the faithful performance of the duties of the  
14 office of [such member or] treasurer, [as the case may be,]to be  
15 executed by a surety company authorized to transact business in the  
16 State of New Jersey as surety and to be approved by the Attorney  
17 General and filed in the office of the Secretary of State.

18 (E) The members of the authority shall not receive compensation  
19 for their services as members of the authority. Each member shall be  
20 reimbursed by the authority for his actual expenses necessarily  
21 incurred in the performance of his duties. Notwithstanding the  
22 provisions of any other law, no member shall be deemed to have  
23 forfeited, nor shall the member forfeit, the member's office or  
24 employment or any benefits or emoluments thereof by reason of the  
25 member's acceptance of the office of ex officio member of the  
26 authority or the member's services therein.

27 (F) No resolution or other action of the authority providing for the  
28 issuance of bonds, refunding bonds or other obligations or for the  
29 fixing, revising or adjusting of tolls for the use of any turnpike project  
30 or parts or sections thereof shall be adopted or otherwise made  
31 effective by the authority without the prior approval in writing of the  
32 Governor and at least one of the following: the State Treasurer and the  
33 Director of the Division of Budget and Accounting in the Department  
34 of the Treasury. A true copy of the minutes of every meeting of the  
35 authority shall be forthwith delivered by and under the certification of  
36 the secretary thereof, to the Governor. No action taken at such  
37 meeting by the authority shall have force or effect until 10 days,  
38 exclusive of Saturdays, Sundays and public holidays, after such copy  
39 of the minutes shall have been so delivered. If, in said 10-day period,  
40 the Governor returns such copy of the minutes with veto of any action  
41 taken by the authority or any member thereof at such meeting such  
42 action shall be null and of no effect. The Governor may approve all or  
43 part of the action taken at such meeting prior to said 10-day period.  
44 The powers conferred in this subsection (F) upon the Governor, the  
45 State Treasurer and the Director of the Division of Budget and  
46 Accounting in the Department of the Treasury shall be exercised with

1 due regard for the rights of the holders of bonds of the authority at any  
2 time outstanding, and nothing in, or done pursuant to, this subsection  
3 (F) shall in any way limit, restrict or alter the obligation or powers of  
4 the authority or any representative or officer of the authority to carry  
5 out and perform in every detail each and every covenant, agreement or  
6 contract at any time made or entered into by or on behalf of the  
7 authority with respect to its bonds or for the benefit, protection or  
8 security of the holders thereof.

9 (G) The ex officio member of the authority may designate an  
10 employee of his department to represent him at meetings of the  
11 authority. A designee may lawfully vote and otherwise act on behalf  
12 of the member for whom he constitutes the designee. The  
13 designations shall be in writing and delivered to the authority and shall  
14 be effective until revoked or amended by a writing delivered to the  
15 authority.

16 (H) Notwithstanding any provisions of this section or any other  
17 law to the contrary, the members of the authority appointed by the  
18 Governor pursuant to section 3 of P.L.1948, c.454 (C.27:23-3) shall,  
19 after the date of dissolution of the New Jersey Turnpike Authority  
20 pursuant to subsection (I) of this section, continue to serve until the  
21 expiration of their appointment but the members shall serve exclusively  
22 as an advisory body to the members of the New Jersey Transportation,  
23 Toll Road and Trust Fund Authority. Any vacancy occurring in the  
24 membership of the advisory body established by this subsection,  
25 whether by expiration of the term of an advisory member or occurring  
26 other than by expiration of term, shall not be filled and there shall not  
27 be an appointment of a member to another term as an advisory  
28 member.

29 (I) On or before the ninetieth day after the effective date of P.L.  
30 , c. (C. )(now pending before the Legislature as this bill), the  
31 members shall prepare or cause to be prepared a final and complete  
32 audit of the financial accounts and records of the New Jersey Turnpike  
33 Authority and shall submit the same to the Treasurer of the State of  
34 New Jersey; provided, however, that the treasurer in his discretion,  
35 may extend the time for the members to submit the audit beyond the  
36 90 days if the extension is necessary to complete the audit. The audit  
37 shall contain an appraisal of the value of the facilities of the authority.  
38 Upon receipt of the audit, the treasurer shall certify the exact  
39 indebtedness of the authority owing to creditors and bondholders as  
40 of the effective date of P.L. , c. (C. )(now pending before the  
41 Legislature as this bill), and upon such certification the New Jersey  
42 Turnpike Authority is dissolved and the facilities, files, books, papers,  
43 records, equipment and other property, including all the rights, title  
44 and interest of the authority in any of its records and papers, are  
45 hereby transferred to the Turnpike Administration established under  
46 section 25 of P.L. , c. (C. )(now pending before the Legislature

1 as this bill), to be held, used and applied for the purposes of the  
2 Turnpike Administration.

3 (cf: P.L.1988, c.177, s.8)

4

5 14. Section 1 of P.L.1970, c.184 (C.27:23-3.2) is amended to read  
6 as follows:

7 1. Notwithstanding any inconsistent provisions of the act hereby  
8 supplemented or any other law, the New Jersey Turnpike Authority,  
9 or upon its dissolution as provided in subsection (I) of section 13 of  
10 P.L. , c. (C. )(now pending before the Legislature as this  
11 bill), the Turnpike Administration, shall submit to the Governor, the  
12 Chairmen of the Appropriations Committees of the Senate and General  
13 Assembly, and the Director of the Division of Budget and Accounting  
14 of the Department of the Treasury, the following reports:

15 a. Within 90 days after the end of each of its fiscal years, a  
16 complete and detailed report of (1) its operations and accomplishments  
17 during said year; (2) its receipts and disbursements, or revenues and  
18 expenses, during said year in accordance with the categories or  
19 classifications established by the authority for its own operating and  
20 capital outlay purposes and in accordance with such other categories  
21 and classifications as may be designated by any of the persons  
22 enumerated in section 1 of this act; (3) its assets and liabilities at the  
23 end of said year, including the status of reserve, depreciation, special  
24 or other funds and including the receipts and payments of these funds;  
25 (4) a schedule of its bonds and notes outstanding at the end of said  
26 year, together with a statement of the amounts redeemed and incurred;  
27 and (5) a listing of all contracts exceeding \$100,000.00 entered into  
28 during said year;

29 b. Before the close of each of its fiscal years, a complete and  
30 detailed report of its operating and capital construction budget, in the  
31 form and detail established by the authority for its own operating and  
32 capital outlay budget and in such form and detail as may be designated  
33 by any of the persons enumerated in section 1 of this act for the next  
34 succeeding fiscal year, including its receipts and disbursements or  
35 revenues and expenses, for the prior fiscal year and its estimated  
36 receipts and disbursements, or revenues and expenses, for said year  
37 and for the succeeding fiscal year.

38 (cf: P.L.1970, c.184, s.1)

39

40 15. Section 4 of P.L.1948, c.454 (C.27:23-4) is amended to read  
41 as follows:

42 4. As used in this act, the following words and terms shall have the  
43 following meanings, unless the context shall indicate another or  
44 different meaning or intent:

45 (a) The word "authority" shall mean the New Jersey Turnpike  
46 Authority, created by section 3 of this act, or, where appropriate, the

1 Turnpike Administration established under section 25 of P.L. , c.  
2 (C. )(now pending before the Legislature as this bill) or, if said  
3 authority and subsidiary administration shall be abolished, the [board,  
4 body or commission succeeding to the principal functions thereof or  
5 to whom the powers given by this act to the authority shall be given  
6 by law] New Jersey Transportation, Toll Road and Trust Fund  
7 Authority.

8 (b) The word "project" or the words "turnpike project" shall mean  
9 any express highway, superhighway or motorway at such locations and  
10 between such termini as may hereafter be established by law, and  
11 constructed or to be constructed under the provisions of this act by the  
12 authority, and shall include, but not be limited to all bridges, tunnels,  
13 overpasses, underpasses, interchanges, entrance plazas, approaches,  
14 toll houses, service areas, service stations, service facilities,  
15 communications facilities, and administration, storage and other  
16 buildings, directly related to the use of the express highway,  
17 superhighway or motorway, intersecting highways and bridges and  
18 feeder roads which the authority may deem necessary for the operation  
19 of such project, together with all property, rights, easements and  
20 interests which may be acquired by the authority for the construction  
21 or the operation of such project.

22 (c) The word "bonds" or the words "turnpike revenue bonds" shall  
23 mean bonds of the authority authorized under the provisions of this act  
24 or bonds of the Turnpike Administration authorized under P.L. , c.  
25 (C. )(now pending before the Legislature as this bill).

26 (d) The word "public highways" shall include all public highways,  
27 roads and streets in the State, whether maintained by the State or by  
28 any county, city, borough, town, township, village, or other political  
29 subdivision.

30 (e) The word "owner" shall include all individuals, copartnerships,  
31 associations, private or municipal corporations and all political  
32 subdivisions of the State having any title or interest in any property,  
33 rights, easements and interests authorized to be acquired by this act.  
34 (cf: P.L.1969, c.197, s.1)

35

36 16. Section 5 of P.L.1948, c.454 (C.27:23-5) is amended to read  
37 as follows:

38 5. [The] Except as otherwise may be provided by P.L. , c. (C.  
39 )(now pending before the Legislature as this bill), the authority shall  
40 be a body corporate and politic and shall have perpetual succession  
41 and shall have the following powers:

42 (a) To adopt bylaws for the regulation of its affairs and the conduct  
43 of its business;

44 (b) To adopt an official seal and alter the same at pleasure;

45 (c) To maintain an office at such place or places within the State  
46 as it may designate;

1 (d) To sue and be sued in its own name;

2 (e) To maintain, repair and operate turnpike projects at such  
3 locations as shall be established by law;

4 (f) To issue turnpike revenue bonds of the authority, for any of its  
5 corporate purposes, payable solely from the tolls, other revenues and  
6 proceeds of such bonds, and to refund its bonds, all as provided in this  
7 act;

8 (g) In the exercise of any of its powers, to fix and revise from time  
9 to time and charge and collect tolls for transit over each turnpike  
10 project constructed by it;

11 (h) To establish rules and regulations for the use of any project;

12 (i) To acquire, hold and dispose of real and personal property in  
13 the exercise of its powers and the performance of its duties under this  
14 act;

15 (j) To acquire in the name of the authority by purchase or  
16 otherwise, on such terms and conditions and in such manner as it may  
17 deem proper, or by the exercise of the power of eminent domain, any  
18 land and other property which it may determine is reasonably  
19 necessary for any turnpike project or for the relocation or  
20 reconstruction of any highway by the authority under the provisions of  
21 this act or for the construction of any feeder road, which the authority  
22 is or may be authorized to construct and any and all rights, title and  
23 interest in such land and other property, including public lands, parks,  
24 playgrounds, reservations, highways or parkways, owned by or in  
25 which any county, city, borough, town, township, village, or other  
26 political subdivision of the State of New Jersey has any right, title or  
27 interest, or parts thereof or rights therein and any fee simple absolute  
28 or any lesser interest in private property, and any fee simple absolute  
29 in, easements upon, or the benefit of restrictions upon, abutting  
30 property to preserve and protect turnpike projects.

31 Upon the exercise of the power of eminent domain, the  
32 compensation to be paid thereunder shall be ascertained and paid in  
33 the manner provided in chapter one of Title 20 of the Revised Statutes  
34 insofar as the provisions thereof are applicable and not inconsistent  
35 with the provisions contained in this act. The authority may join in  
36 separate subdivisions in one petition or complaint the descriptions of  
37 any number of tracts or parcels of land or property to be condemned  
38 and the names of any number of owners and other parties who may  
39 have an interest therein and all such land or property included in said  
40 petition or complaint may be condemned in a single proceeding;  
41 provided, however, that separate awards be made for each tract or  
42 parcel of land or property; and provided, further, that each of said  
43 tracts or parcels of land or property lies wholly in or has a substantial  
44 part of its value lying wholly within the same county.

45 Upon the filing of such petition or complaint or at any time  
46 thereafter the authority may file with the clerk of the county in which

1 such property is located and also with the Clerk of the Superior Court  
2 a declaration of taking, signed by the authority, declaring that  
3 possession of one or more of the tracts or parcels of land or property  
4 described in the petition or complaint is thereby being taken by and for  
5 the use of the authority. The said declaration of taking shall be  
6 sufficient if it sets forth: (1) a description of each tract or parcel of  
7 land or property to be so taken sufficient for the identification thereof,  
8 to which there may or may not be attached a plan or map thereof; (2)  
9 a statement of the estate or interest in the said land or property being  
10 taken; (3) a statement of the sum of money estimated by the authority  
11 by resolution to be just compensation for the taking of the estate or  
12 interest in each tract or parcel of land or property described in said  
13 declaration; and (4) that, in compliance with the provisions of this act,  
14 the authority has established and is maintaining a trust fund as  
15 hereinafter provided. Upon the filing of the said declaration, the  
16 authority shall deposit with the Clerk of the Superior Court the  
17 amount of the estimated compensation stated in said declaration. In  
18 addition to the said deposits with the Clerk of the Superior Court, the  
19 authority at all times shall maintain a special trust fund on deposit with  
20 a bank or trust company doing business in this State, in an amount at  
21 least equal to twice the aggregate amount deposited with the Clerk of  
22 the Superior Court, as estimated compensation for all property  
23 described in declaration of taking with respect to which the  
24 compensation has not been finally determined and paid to the persons  
25 entitled thereto or into court. Said trust fund shall consist of cash or  
26 securities readily convertible into cash, constituting legal investments  
27 for trust funds under the laws of this State. Said trust fund shall be  
28 held solely to secure and may be applied to the payment of just  
29 compensation for the land or other property described in such  
30 declarations of taking. The authority shall be entitled to withdraw from  
31 said trust fund from time to time so much as may then be in excess of  
32 twice the aggregate of the amount deposited with the Clerk of the  
33 Superior Court, as estimated compensation for all property described  
34 in declarations of taking with respect to which the compensation has  
35 not been finally determined and paid to the persons entitled thereto or  
36 into court.

37 Upon the filing of the said declaration as aforesaid and depositing  
38 with the Clerk of the Superior court the amount of the estimated  
39 compensation stated in said declaration, the authority, without other  
40 process or proceedings, shall be entitled to the exclusive possession  
41 and use of each tract of land or property described in said declaration  
42 and may forthwith enter into and take possession of said land or  
43 property, it being the intent of this provision that the proceedings for  
44 compensation or any other proceedings relating to the taking of said  
45 land or interest therein or other property shall not delay the taking of  
46 possession thereof and the use thereof by the authority for the purpose

1 or purposes for which the authority is authorized by law to acquire or  
2 condemn such land or other property or interest therein.

3 The authority shall cause notice of the filing of said declaration and  
4 the making of said deposit to be served upon each party in interest  
5 named in the petition residing in this State, either personally or by  
6 leaving a copy thereof at his residence, if known, and upon each party  
7 in interest residing out of the State, by mailing a copy thereof to him  
8 at his residence, if known. In the event that the residence of any such  
9 party or the name of such party is unknown, such notice shall be  
10 published at least once in a newspaper published or circulating in the  
11 county or counties in which the land is located. Such service, mailing  
12 or publication shall be made within 10 days after filing such  
13 declaration. Upon the application of any party in interest and after  
14 notice to other parties in interest, including the authority, any judge of  
15 the Superior Court assigned to sit for said county may order that the  
16 money deposited with the Clerk of the Superior Court or any part  
17 thereof be paid forthwith to the person or persons entitled thereto for  
18 or on account of the just compensation to be awarded in said  
19 proceeding; provided, that each such person shall have filed with the  
20 Clerk of the Superior Court a consent in writing that, in the event the  
21 award in the condemnation proceeding shall be less than the amount  
22 deposited, the court, after notice as herein provided and hearing, may  
23 determine his liability, if any, for the return of such difference or any  
24 part thereof and enter judgment therefor. If the amount of the award  
25 as finally determined shall exceed the amount so deposited, the person  
26 or persons to whom the award is payable shall be entitled to recover  
27 from the authority the difference between the amount of the deposit  
28 and the amount of the award, with interest at the rate of six per  
29 centum (6%) per annum thereon from the date of making the deposit.  
30 If the amount of the award shall be less than the amount so deposited,  
31 the Clerk of the Superior Court shall return the difference between the  
32 amount of the award and the deposit to the authority, unless the  
33 amount of the deposit or any part thereof shall have theretofore been  
34 distributed, in which event the court, on petition of the authority and  
35 notice to all persons interested in the award and affording them an  
36 opportunity to be heard, shall enter judgment in favor of the authority  
37 for such difference against the party or parties liable for the return  
38 thereof. The authority shall cause notice of the date fixed for such  
39 hearing to be served upon each party thereto residing in this State,  
40 either personally or by leaving a copy thereof at his residence, if  
41 known, and upon each party residing out of the State, by mailing a  
42 copy to him at his residence, if known. In the event that the residence  
43 of any party or the name of such party is unknown, such notice shall  
44 be published at least once in a newspaper published or circulating in  
45 the county or counties in which the land is located. Such service,  
46 mailing or publication shall be made at least 10 days before the date

1 fixed for such hearing.

2 Whenever under chapter one of Title 20 of the Revised Statutes the  
3 amount of the award may be paid into court, payment may be made  
4 into the Superior Court and may be distributed according to law. The  
5 authority shall not abandon any condemnation proceeding subsequent  
6 to the date upon which it has taken possession of the land or property  
7 as herein provided;

8 (k) To designate the locations, and establish, limit and control such  
9 points of ingress to and egress from each turnpike project as may be  
10 necessary or desirable in the judgment of the authority to insure the  
11 proper operation and maintenance of such project, and to prohibit  
12 entrance to such project from any point or points not so designated;

13 (l) To make and enter into all contracts and agreements necessary  
14 or incidental to the performance of its duties and the execution of its  
15 powers under this act;

16 (m) To appoint such additional officers, who need not be members  
17 of the authority, as the authority deems advisable, and to employ  
18 consulting engineers, attorneys, accountants, construction and  
19 financial experts, superintendents, managers, and such other employees  
20 and agents as may be necessary in its judgment; to fix their  
21 compensation; and to promote and discharge such officers, employees  
22 and agents, all without regard to the provisions of Title [11] 11A of  
23 the [Revised Statutes] New Jersey Statutes;

24 (n) To receive and accept from any federal agency, subject to the  
25 approval of the Governor, grants for or in aid of the construction of  
26 any turnpike project, and to receive and accept aid or contributions,  
27 except appropriations by the Legislature, from any source, of either  
28 money, property, labor or other things of value, to be held, used and  
29 applied only for the purposes for which such grants and contributions  
30 may be made; and

31 (o) To do all acts and things necessary or convenient to carry out  
32 the powers expressly granted in this act.

33 (cf: P.L.1984, c.73, s.41)

34

35 17. Section 1 of P.L.1966, c.8 (C.27:23-5.8) is amended to read as  
36 follows:

37 1. The New Jersey Turnpike Authority shall have, in addition to  
38 the powers heretofore granted to it, power:

39 a. To pay or make any advance or contribution to the United States  
40 Government or the State of New Jersey or any agency thereof for the  
41 purpose of paying the State's share or any portion thereof under the  
42 federal aid highway laws of the cost of construction of any highway  
43 improvement determined by the authority to be a major improvement  
44 necessary to restore or prevent physical damage to the turnpike  
45 project, for the safe or efficient operation of such project, or to  
46 prevent loss of revenues therefrom.

1       b. Subject to the rights and security interests of the holders from  
2 time to time of bonds or notes heretofore or hereafter issued by the  
3 New Jersey Turnpike Authority, to enter into contracts with the State  
4 or the New Jersey Transportation Trust Fund Authority established by  
5 section 4 of the "New Jersey Transportation Trust Fund Authority Act  
6 of 1984," P.L.1984, c.73 (C.27:1B-4), providing for the payment from  
7 the revenues of the New Jersey Turnpike Authority or the Turnpike  
8 Administration established within the New Jersey Transportation, Toll  
9 Road and Trust Fund Authority, as the case may be, to the State or to  
10 the New Jersey Transportation Trust Fund Authority of the amount or  
11 amounts of revenues that may be set forth in or determined in  
12 accordance with the contracts. Any contracts authorized pursuant to  
13 this section may include conditions and covenants necessary and  
14 desirable to facilitate the issuance and sale of bonds, notes and other  
15 obligations of the New Jersey Transportation Trust Fund Authority.  
16 Any agreements entered into between the State and the Turnpike  
17 Authority pursuant to this subsection shall terminate upon the effective  
18 date of any agreement entered into between the Turnpike Authority  
19 and the New Jersey Transportation Trust Fund Authority providing for  
20 the payment of revenues of the Turnpike Authority directly from the  
21 Turnpike Authority to the New Jersey Transportation Trust Fund  
22 Authority.

23 (cf: P.L.1984, c.73, s.30)

24

25       18. Section 3 of P.L.1952, c.16 (C.27:12B-3) is amended to read  
26 as follows:

27       3. As used in this act the following words and terms shall have the  
28 following meanings, unless the context shall indicate another or  
29 different meaning or intent:

30       (a) "Authority" means the New Jersey Highway Authority, created  
31 by section 4 of this act, or, where appropriate, the Parkway  
32 Administration established under section 25 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_  
33 )(now pending before the Legislature as this bill), or, if said authority  
34 and subsidiary administration shall be abolished, the [board, body or  
35 commission succeeding to the principal functions thereof or to whom  
36 the powers given by this act to the authority shall be given by law]  
37 New Jersey Transportation, Toll Road and Trust Fund Authority.

38       (b) "Commissioner" means the Commissioner of Transportation.

39       (c) "Department" means the Department of Transportation.

40       (d) "Project" or "highway project" means any express highway,  
41 superhighway or motorway at such locations and between such termini  
42 as herein established or as may hereafter be established by law, and  
43 acquired or to be acquired or constructed or to be constructed under  
44 the provisions of this act by the authority, over which abutters have no  
45 easement or rights of light, air or direct access by reason of the fact  
46 that their properties abut thereon, together with such adjoining park

1 or recreational areas and facilities directly related to the use of the  
2 express highway, superhighway or motorway as the authority, with the  
3 concurrence of the Department of Environmental Protection, shall find  
4 to be necessary and desirable for the convenience and comfort of users  
5 of the highway project and feasible for development pursuant to this  
6 act, and shall include but not be limited to all bridges, tunnels,  
7 overpasses, underpasses, interchanges, traffic circles, grade  
8 separations, entrance plazas, approaches, toll houses, service areas,  
9 service stations, service facilities, communications facilities, and  
10 administration, storage and other buildings which the authority may  
11 deem necessary for the operation of such project, together with all  
12 property, rights, easements and interests which may be acquired by the  
13 authority for the construction or the operation of such project.

14 "Project" or "ferry project" also means a ferry service for the  
15 transportation of passengers and freight between such termini as are  
16 herein established or as may hereafter be established by law, and shall  
17 include but shall not be limited to ferries and other craft, bulkheads,  
18 docks, piers, wharves, warehouses, ferry terminals and stations,  
19 parking areas, service stations, service facilities, communications  
20 facilities and administration and other buildings which the authority  
21 may deem necessary for the operation of such project, together with  
22 all property, rights, easements and interests, including land under  
23 water and riparian rights, which may be acquired by the authority for  
24 the construction or operation of such project.

25 (e) "Bonds" or "revenue bonds" means bonds of the authority  
26 authorized under the provisions of this act or any amendment thereof  
27 or supplement thereto.

28 (f) "Public highway" means and shall include any public highway,  
29 road or street in the State, whether maintained by the State or by any  
30 county, city, borough, town, township, village, or other political  
31 subdivision.

32 (g) "Feeder road" means any road which in the opinion of the  
33 authority is necessary to create or facilitate access to a project.

34 (h) "Owner" means and shall include all individuals, copartnerships,  
35 associations, private or municipal corporations and all political  
36 subdivisions of the State having any title or interest in any property,  
37 rights, easements and interests authorized to be acquired by this act.  
38 (cf: P.L.1988, c.177, s.1)

39

40 19. Section 4 of P.L.1952, c.16 (C 27:12B-4) is amended to read  
41 as follows:

42 4. There is hereby established in the State Department of  
43 Transportation a body corporate and politic, with corporate  
44 succession, to be known as the "New Jersey Highway Authority." The  
45 authority is hereby constituted an instrumentality exercising public and  
46 essential governmental functions, and the exercise by the authority of

1 the powers conferred by this act in the construction, operation and  
2 maintenance of projects shall be deemed and held to be an essential  
3 governmental function of the State.

4 [The New Jersey Highway Authority shall consist of eight members,  
5 as follows: the Commissioner of Transportation, ex officio, or his  
6 designee; and seven members, each of whom, except the  
7 Commissioner of Transportation, shall be a resident of the State and  
8 shall have been a qualified elector therein for a period of at least one  
9 year next preceding his appointment. Each member of the authority,  
10 except the Commissioner of Transportation, shall be appointed by the  
11 Governor, with the advice and consent of the Senate, for a term of five  
12 years and shall serve until his successor is appointed and has qualified.  
13 Of the two members first appointed pursuant to this amendatory act,  
14 one shall be for a term of four years and one for a term of five years.  
15 Each member of the authority, except the Commissioner of  
16 Transportation, may be removed from office by the Governor, for  
17 cause, after a public hearing. Each member of the authority before  
18 entering upon his duties shall take and subscribe an oath to perform  
19 the duties of his office faithfully, impartially and justly to the best of  
20 his ability. A record of such oaths shall be filed in the office of the  
21 Secretary of State.

22 Any vacancies in the appointed membership of the authority  
23 occurring other than by expiration of term shall be filled in the same  
24 manner as the original appointment, but for the unexpired term only.

25 The Governor shall designate one of the members of the authority  
26 as chairman thereof and another member as vice-chairman thereof.  
27 The chairman and vice-chairman of the authority so designated shall  
28 serve as such at the pleasure of the Governor and until their respective  
29 successors have been designated. The authority shall elect a secretary  
30 and a treasurer who need not be members. At the option of the  
31 authority the same person may be elected to serve both as secretary  
32 and treasurer. Five members of the authority shall constitute a quorum  
33 and the vote of five members shall be necessary for any action taken  
34 by the authority. No vacancy in the membership of the authority shall  
35 impair the right of a quorum to exercise all the rights and perform all  
36 the duties of the authority].

37 The New Jersey Highway Authority shall consist of five members,  
38 who shall be the persons who from time to time shall hold the office  
39 of members of the New Jersey Transportation, Toll Road and Trust  
40 Fund Authority. The chairman and the vice-chairman shall be the  
41 chairman and vice-chairman, respectively, of the New Jersey  
42 Transportation, Toll Road and Trust Fund Authority. The authority  
43 shall elect a secretary and a treasurer who need not be members, and  
44 the same person may be elected as both secretary and treasurer. The  
45 powers of the authority shall be vested in the members thereof from  
46 time to time and three members of the authority shall constitute a

1 quorum at any meeting thereof. Action may be taken and motions and  
2 resolutions adopted by the authority at any meeting thereof by the  
3 affirmative vote of at least a majority of the members present. No  
4 vacancy in the membership of the authority shall impair the right of the  
5 quorum of the members to exercise all of the powers and perform all  
6 of the duties of the authority.

7 Anything herein to the contrary notwithstanding, the authority, or  
8 upon its dissolution, the Parkway Administration as successor to the  
9 authority, shall retain its separate legal status and corporate existence  
10 and continue to exercise all its powers and duties as required by law  
11 and by agreement with holders of its bonds or notes.

12 [Before the issuance of any bonds or notes under the provisions of  
13 this act, each member of the authority shall execute a surety bond in  
14 the penal sum of \$25,000.00, and the] The treasurer shall execute a  
15 surety bond in the penal sum of \$50,000.00, [each] such surety bond  
16 to be conditioned upon the faithful performance of the duties of the  
17 office of [such member or] treasurer, [as the case may be,]to be  
18 executed by a surety company authorized to transact business in the  
19 State of New Jersey as surety and to be approved by the Attorney  
20 General and filed in the office of the Secretary of State.

21 No resolution or other action of the authority providing for the  
22 issuance of bonds, refunding bonds or other obligations or for the  
23 fixing, revising or adjusting of tolls for the use of any highway projects  
24 or parts or sections thereof shall be adopted or otherwise made  
25 effective by the authority without the prior approval in writing of the  
26 Governor and at least one of the following: the State Treasurer and the  
27 Director of the Division of Budget and Accounting in the Department  
28 of the Treasury. The powers conferred in this section upon the  
29 Governor, the State Treasurer and the Director of the Division of  
30 Budget and Accounting in the Department of the Treasury shall be  
31 exercised with due regard for the rights of the holders of bonds of the  
32 authority at any time outstanding, and nothing in, or done pursuant to,  
33 this section shall in any way limit, restrict or alter the obligation or  
34 powers of the authority or any representative or officer of the  
35 authority to carry out and perform in every detail each and every  
36 covenant, agreement or contract at any time made or entered into by  
37 or on behalf of the authority with respect to its bonds or for the  
38 benefit, protection or security of the holders thereof.

39 A true copy of the minutes of every meeting of the authority shall  
40 be forthwith delivered by and under the certification of the secretary  
41 thereof, to the Governor. No action taken at such meeting by the  
42 authority shall have force or effect until 10 days (Saturdays, Sundays  
43 and holidays excepted) after such copy of the minutes shall have been  
44 delivered or the approval thereof by the Governor prior thereto. If, in  
45 said 10-day period, the Governor returns such copy of the minutes  
46 with veto of any action, except action to negotiate or execute a

1 collective negotiation agreement with a certified public employee  
2 organization representing employees of the authority, taken by the  
3 authority or any member thereof at such meeting, such action shall be  
4 null and of no effect.

5 The members of the authority shall not receive compensation for  
6 their services as members of the authority. Each member shall be  
7 reimbursed by the authority for his actual expenses necessarily  
8 incurred in the performance of his duties. Notwithstanding the  
9 provisions of any other law, no member shall be deemed to have  
10 forfeited, nor shall the member forfeit, the member's office or  
11 employment or any benefits or emoluments thereof by reason of the  
12 member's acceptance of the office of ex officio member of the  
13 authority or the member's services therein.

14 The ex officio member of the authority may designate an employee  
15 of his department to represent him at meetings of the authority. A  
16 designee may lawfully vote and otherwise act on behalf of the member  
17 for whom he is the designee. The designation shall be in writing and  
18 delivered to the authority and shall be effective until revoked or  
19 amended by a writing delivered to the authority.

20 Notwithstanding any provisions of this section or any other law to  
21 the contrary, the members of the authority appointed by the Governor  
22 pursuant section 4 of P.L.1952, c.16 (C.27:12B-4) shall, after the date  
23 of dissolution of the New Jersey Highway Authority as provided by  
24 this section, continue to serve until the expiration of their appointment  
25 but the members shall serve exclusively as an advisory body to the  
26 members of the New Jersey Transportation, Toll Road and Trust Fund  
27 Authority. Any vacancy occurring in the membership of the advisory  
28 body established by this section, whether by expiration of the term of  
29 an advisory member or occurring other than by expiration of term,  
30 shall not be filled and there shall not be an appointment of a member  
31 to another term as an advisory member.

32 On or before the ninetieth day after the effective date of P.L. , c.  
33 (C. )(now pending before the Legislature as this bill), the members  
34 shall prepare or cause to be prepared a final and complete audit of the  
35 financial accounts and records of the New Jersey Highway Authority  
36 and shall submit same to the Treasurer of the State of New Jersey;  
37 provided, however, that the treasurer in his discretion, may extend the  
38 time for the members to submit the audit beyond the 90 days if the  
39 extension is necessary to complete the audit. The audit shall contain  
40 an appraisal of the value of the facilities of the authority. Upon receipt  
41 of the audit, the treasurer shall certify the exact indebtedness of the  
42 authority owing to creditors and bondholders as of the effective date  
43 of P.L. , c. (C. )(now pending before the Legislature as this  
44 bill), and upon such certification the New Jersey Highway Authority  
45 is dissolved and the facilities, files, books, papers, records, equipment  
46 and other property, including all the rights, title and interest of the

1 authority in any of its records and papers, are hereby transferred to the  
2 Parkway Administration established under section 25 of P.L. , c.  
3 (C. )(now pending before the Legislature as this bill), to be held,  
4 used and applied for the purposes of the Parkway Administration.

5 (cf: P.L.1988, c.177, s.2)

6  
7 20. Section 5 of P.L.1953, c.164 (C.27:12B-5) is amended to read  
8 as follows:

9 5. [The] Except as otherwise may be provided by P.L. , c. (C.  
10 )(now pending before the Legislature as this bill), the authority shall  
11 be a body corporate and politic and shall have perpetual succession  
12 and shall have the following powers:

13 (a) To adopt bylaws for the regulation of its affairs and the conduct  
14 of its business;

15 (b) To adopt an official seal and alter the same at pleasure;

16 (c) To maintain an office at such place or places within or without  
17 the State as it may designate;

18 (d) To sue and be sued in its own name;

19 (e) To acquire, construct, maintain, repair and operate projects;

20 (f) To acquire, lease, build, improve, maintain and operate one or  
21 more ferry boats and other craft between a point in Cape May county,  
22 New Jersey, and a point in Lewes, Delaware, and to transport  
23 passengers and freight between said points by means of such boats;

24 (g) To acquire in cooperation with the Department of  
25 Environmental Protection limited roadside areas adjoining said  
26 projects and transfer any or all of such areas to the Department of  
27 Environmental Protection, so that said department may maintain such  
28 areas as roadside parks;

29 (h) To issue bonds or notes of the authority and to provide for the  
30 rights of the holders thereof, as provided in this act;

31 (i) In the exercise of any of its powers, to fix and revise from time  
32 to time and charge and collect tolls or other charges for transit over or  
33 use of any project acquired or constructed by it;

34 (j) To establish and enforce rules and regulations for the use of any  
35 project;

36 (k) To acquire, hold and dispose of real and personal property in  
37 the exercise of its powers and the performance of its duties under this  
38 act;

39 (l) To acquire in the name of the authority by purchase or  
40 otherwise, on such terms and conditions and in such manner as it may  
41 deem proper, or by the exercise of the power of eminent domain, any  
42 land and other property, including land under water and riparian rights,  
43 within or without the State of New Jersey, which it may determine is  
44 reasonably necessary for any project or for the relocation or  
45 reconstruction of any public highway by the authority under the  
46 provisions of this act or for the construction of any feeder road, which

1 the authority is or may be authorized to construct and any and all  
2 rights, title and interest in such land and other property, including  
3 public lands, parks, playgrounds, reservations, highways or parkways,  
4 owned by or in which any county, city, borough, town, township,  
5 village, or other political subdivision of the State of New Jersey has  
6 any right, title or interest, or parts thereof or rights therein and any fee  
7 simple absolute or any lesser interest in private property, and any fee  
8 simple absolute in, easements upon, or the benefit of restrictions upon  
9 abutting property to preserve and protect projects;

10 (m) To locate and designate, and to establish, limit and control  
11 such points of ingress to and egress from each project as may be  
12 necessary or desirable in the judgment of the authority to insure the  
13 proper operation and maintenance of such project, and to prohibit  
14 entrance to such project from any point or points not so designated;

15 (n) To take title or any lesser interest to any land or other property  
16 in the State of Delaware in any manner permitted by the laws of  
17 Delaware. Whenever such property located in the State of Delaware  
18 cannot be acquired by the authority in its name or in that of its  
19 nominee or trustee by agreement, and the Highway Department of the  
20 State of Delaware is willing to condemn such property for the use of  
21 the project, if reimbursed by the authority for the condemnation money  
22 or damages awarded in such condemnation and the expenses thereof,  
23 the authority is authorized and empowered to enter into an agreement  
24 of reimbursement with the Highway Department of the State of  
25 Delaware for such condemnation money or damages and expenses and  
26 to secure the same by a deposit of cash or otherwise and to reimburse  
27 the Highway Department of the State of Delaware or other proper  
28 department or agency of the State of Delaware for all condemnation  
29 money or damages and costs legally awarded or incurred in such  
30 condemnation;

31 (o) To make and enter into all contracts and agreements necessary  
32 or incidental to the performance of its duties and the execution of its  
33 powers under this act;

34 (p) To construct, maintain, repair and operate any feeder road or  
35 any public highway connecting parts of a project or two or more  
36 projects, which in the opinion of the authority will increase the use of  
37 a project or projects, to take over for maintenance, repair and  
38 operation any existing public highway as a feeder road, and to realign  
39 any such existing public highway and build additional sections of road  
40 over new alignment in connection with such existing public highway;

41 (q) To appoint such additional officers (who need not be members  
42 of the authority) and employ such consulting engineers, attorneys,  
43 accountants, construction and financial experts, superintendents,  
44 managers and other employees and agents as the authority deems  
45 advisable and as may be necessary in its judgment; to fix their  
46 compensation; and to promote and discharge such officers, employees

1 and agents, all without regard to the provisions of Title [11] 11A of  
2 the [Revised Statutes] New Jersey Statutes;

3 (r) To receive and accept from any federal agency, subject to the  
4 approval of the Governor, grants for or in aid of the acquisition or  
5 construction of any project, and to receive and accept aid or  
6 contributions, except appropriations by the Legislature, from any  
7 source, of either money, property, labor or other things of value, to be  
8 held, used and applied only for the purposes for which such grants and  
9 contributions may be made;

10 (s) Subject to the rights and security interest of the holders from  
11 time to time of bonds or notes heretofore or hereafter issued by the  
12 New Jersey Highway Authority, to enter into contracts with the State  
13 or the New Jersey Transportation Trust Fund Authority established by  
14 section 4 of the "New Jersey Transportation Trust Fund Authority Act  
15 of 1984," P.L.1984, c.73 (C.27:1B-4), providing for the payment from  
16 the revenues of the Highway Authority or the Parkway Administration  
17 established within the New Jersey Transportation, Toll Road and Trust  
18 Fund Authority, as the case may be, to the State or to the New Jersey  
19 Transportation Trust Fund Authority of the amount or amounts of  
20 revenues that may be set forth in or determined in accordance with the  
21 contracts. Any contracts authorized pursuant to this section may  
22 include conditions and covenants necessary and desirable to facilitate  
23 the issuance and sale of bonds, notes and other obligations of the New  
24 Jersey Transportation Trust Fund Authority. Any agreements entered  
25 into between the State and the Highway Authority pursuant to this  
26 subsection shall terminate upon the effective date of any agreement  
27 entered into between the New Jersey Transportation Trust Fund  
28 Authority and the Highway Authority providing for the payment of  
29 revenues of the Highway Authority directly from the Highway  
30 Authority to the New Jersey Transportation Trust Fund Authority;

31 (t) To do all acts and things necessary or convenient to carry out  
32 the powers and duties expressly provided in this act; and

33 (u) To exercise all of the foregoing powers in the State of  
34 Delaware insofar as permitted by the laws of that state, and to apply  
35 to the authorities in the State of Delaware for all franchises, permits  
36 and licenses necessary to exercise such powers.

37 Nothing contained in this act shall be construed to authorize or  
38 empower the authority to acquire State property by the exercise of the  
39 power of eminent domain.

40 (cf: P.L.1984, c.73, s.28)

41  
42 21. Section 3 of P.L.1962, c.10 (C.27:12C-3) is amended to read  
43 as follows:

44 3. As used in this act, unless a different meaning clearly appears  
45 from the context:

46 (a) "Authority" means the New Jersey Expressway Authority

1 created by this act or where appropriate, the Expressway  
2 Administration established under section 25 of P.L. , c. (C.  
3 )(now pending before the Legislature as this bill);

4 (b) "Bond" means any bond, and "note" means any note, of the  
5 authority authorized pursuant to the provisions of this act or of the  
6 Expressway Administration authorized pursuant to P.L. , c. (C.  
7 )(now pending before the Legislature as this bill);

8 (c) "Commissioner" means the Commissioner of Transportation;

9 (d) "County" means any county of the State;

10 (e) "Department" means the Department of Transportation;

11 (f) "Feeder road" means any road which in the opinion of the  
12 authority is necessary to create or facilitate access to a project and is  
13 not more than three miles in length from the point of its connection  
14 with the project;

15 (g) "Governing body" means, in the case of a county, the board of  
16 chosen freeholders, or, in the case of a school district, the board of  
17 education, or, in the case of a municipality or any other governmental  
18 subdivision, the commission, council, board or body, by whatever  
19 name it may be known, having charge of its finances;

20 (h) "Municipality" means any city, borough, village, town or  
21 township of the State but not a county or a school district;

22 (i) "Owner" means and includes any individuals, copartnerships,  
23 associations, private or municipal corporations, and counties,  
24 municipalities or other governmental subdivisions of the State having  
25 any title or interest in any property, rights, easements and interests  
26 authorized to be acquired pursuant to this act;

27 (j) "Project" or "expressway project" means any express highway,  
28 superhighway or motorway at such locations and between such termini  
29 as herein established or as may hereafter be established by law, and  
30 acquired or to be acquired or constructed or to be constructed under  
31 the provisions of this act by the authority, over which abutters have no  
32 easements or rights of light, air or direct access by reason of the fact  
33 that their properties abut thereon, and shall include but not be limited  
34 to all bridges, tunnels, overpasses, underpasses, interchanges, traffic  
35 circles, grade separations, entrance plazas, approaches, toll houses,  
36 service areas, stations and facilities, communications facilities,  
37 administration, storage and other buildings, and other structures,  
38 directly related to the use of the express highway, superhighway or  
39 motorway, intersecting highways and bridges and feeder roads which  
40 the authority may deem necessary for the operation of such project,  
41 together with all property, rights, easements and interests which may  
42 be acquired by the authority for the construction or the operation of  
43 such project;

44 (k) "Public highway" means and shall include any public highway,  
45 road or street in the State, whether maintained by the State or by any  
46 county, municipality or other governmental subdivision; and

1 (l) "Real property" means lands within the State, above or below  
2 water, and improvements thereof or thereon, or any riparian or other  
3 rights or interests therein.

4 (cf: P.L.1988, c.177, s.3)

5  
6 22. Section 5 of P.L.1962, c.10 (C.27:12C-5) is amended to read  
7 as follows:

8 5. [The authority shall consist of the following members: the  
9 Commissioner of Transportation, ex officio, or his designee; and five  
10 members appointed by the Governor, with the advice and consent of  
11 the Senate, as follows: one resident each from the counties of Camden,  
12 Cape May and Gloucester, and two residents from the county of  
13 Atlantic. No more than three of the county representatives shall be  
14 members of the same political party. Each appointed member shall  
15 have been a qualified voter of the State for at least one year preceding  
16 the appointment.

17 Each member of the authority, except the Commissioner of  
18 Transportation, shall serve for a term expiring on April 30 of the year  
19 ensuing after his appointment which corresponds in number to the  
20 number of the members of the authority then authorized; provided,  
21 that the terms of the members first appointed shall be so arranged that  
22 one of such terms shall expire on April 30 in each successive year  
23 ensuing after such appointments. Each member, except the  
24 Commissioner of Transportation, shall hold office for the term of his  
25 appointment and until his successor shall have been appointed and  
26 qualified. Any vacancy among the appointed members shall be filled  
27 by appointment only for the unexpired term but such appointment shall  
28 not be made sooner than 15 days after the occurrence of such  
29 vacancy.]

30 The New Jersey Expressway Authority shall consist of five  
31 members, who shall be the persons who from time to time shall hold  
32 the office of members of the New Jersey Transportation, Toll Road  
33 and Trust Fund Authority. The chairman and the vice-chairman shall  
34 be the chairman and vice-chairman, respectively, of the New Jersey  
35 Transportation, Toll Road and Trust Fund Authority. The authority  
36 shall elect a secretary and a treasurer who need not be members, and  
37 the same person may be elected as both secretary and treasurer. The  
38 powers of the authority shall be vested in the members thereof from  
39 time to time and three members of the authority shall constitute a  
40 quorum at any meeting thereof. Action may be taken and motions and  
41 resolutions adopted by the authority at any meeting thereof by the  
42 affirmative vote of at least a majority of the members present. No  
43 vacancy in the membership of the authority shall impair the right of the  
44 quorum of the members to exercise all of the powers and perform all  
45 of the duties of the authority.

46 Anything herein to the contrary notwithstanding, the authority, or

1 upon its dissolution, the Expressway Administration as successor to  
2 the authority, shall retain its separate legal status and corporate  
3 existence and continue to exercise all its powers and duties as required  
4 by law and by agreement with holders of its bonds or notes.

5 Notwithstanding any provisions of this section or any other law to  
6 the contrary, the members of the New Jersey Expressway Authority  
7 appointed pursuant to P.L.1962, c.10 (C.27:12C-1 et seq.) may, after  
8 the effective date of P.L. , c. (C. )(now pending before the  
9 Legislature as this bill), continue to serve until the expiration of their  
10 appointment but the members shall serve exclusively as an advisory  
11 body to the board of the New Jersey Transportation, Toll Road and  
12 Trust Fund Authority. Any vacancy occurring in the membership of  
13 the advisory body established by this section, whether by the  
14 expiration of the term of an advisory member or occurring other than  
15 by expiration of term, shall not be filled and there shall not be an  
16 appointment of a member to another term as an advisory member.

17 On or before the ninetieth day after the effective date of P.L. , c.  
18 (C. )(now pending before the Legislature as this bill), the members  
19 shall prepare or cause to be prepared a final and complete audit of the  
20 financial accounts and records of the New Jersey Expressway  
21 Authority and shall submit same to the Treasurer of the State of New  
22 Jersey; provided, however, that the treasurer in his discretion, may  
23 extend the time for the members to submit the audit beyond the 90  
24 days if the extension is necessary to complete the audit. The audit  
25 shall contain an appraisal of the value of the facilities of the authority.  
26 Upon receipt of the audit, the treasurer shall certify the exact  
27 indebtedness of the authority owing to its creditors and bondholders  
28 as of the effective date of P.L. , c. (C. )(now pending before  
29 the Legislature as this bill), and upon such certification the New Jersey  
30 Expressway Authority is dissolved and the facilities, files, books,  
31 papers, records, equipment and other property, including all the rights,  
32 title and interest of the authority in any of its records and papers, are  
33 hereby transferred to the Expressway Administration established  
34 within the New Jersey Transportation, Toll Road and Trust Fund  
35 Authority, to be held, used and applied for the purposes of the  
36 Expressway Administration.

37 (cf: P.L.1988, c.177, s.4)

38  
39 23. Section 7 of P.L.1962, c.10 (C.27:12C-7) is amended to read  
40 as follows:

41 7. [The] Except as may otherwise be provided by P.L. , c. (C.  
42 )(now pending before the Legislature as this bill), the powers of the  
43 authority shall be vested in the members thereof in office from time to  
44 time. Four members of the authority shall constitute a quorum and the  
45 vote of four members shall be necessary for any action taken by the  
46 authority. No vacancy in the membership of the authority shall impair

1 the right of a quorum to exercise all the rights and perform all the  
2 duties of the authority.

3 The ex officio member of the authority may designate an employee  
4 of his department to represent him at meetings of the authority. A  
5 designee may lawfully vote and otherwise act on behalf of the member  
6 for whom he constitutes the designee. The designation shall be in  
7 writing and delivered to the authority and shall be effective until  
8 revoked or amended by a writing delivered to the authority.  
9 (cf: P.L.1988, c.177, s.5)

10

11 24. Section 11 of P.L.1962, c.10 (C.27:12C-11) is amended to  
12 read as follows:

13 11. [The] Except as may otherwise be provided by P.L. \_\_\_\_\_, c.  
14 (C. \_\_\_\_\_)(now pending before the Legislature as this bill), the authority  
15 shall be a public body corporate and politic and shall have perpetual  
16 succession and shall have the following powers:

17 (a) To adopt bylaws for the regulation of its affairs and the conduct  
18 of its business;

19 (b) To adopt and have an official common seal and alter the same  
20 at pleasure;

21 (c) To maintain an office at such place or places within the State  
22 as it may designate;

23 (d) To sue and be sued;

24 (e) To acquire, construct, maintain, improve, repair and operate  
25 projects;

26 (f) To construct, maintain, improve, repair and operate feeder  
27 roads;

28 (g) To issue bonds or notes of the authority and to provide for the  
29 rights of the holders thereof, as provided in this act;

30 (h) In the exercise of any of its powers, to fix and revise from time  
31 to time and charge and collect tolls or other charges for transit over or  
32 use of any project acquired or constructed by it;

33 (i) To establish rules and regulations for the use of any project;

34 (j) To acquire, lease as lessee, hold and dispose of real and  
35 personal property or any interest therein, in the exercise of its powers  
36 and the performance of its duties under this act;

37 (k) To acquire in the name of the authority by purchase or  
38 otherwise, on such terms and conditions and in such manner as it may  
39 deem proper, or by the exercise of the power of eminent domain, any  
40 land and other property which it may determine is reasonably  
41 necessary for any project or for the relocation or reconstruction of any  
42 public highway by the authority under the provisions of this act or for  
43 the construction of any feeder road, which the authority is or may be  
44 authorized to construct and any and all rights, title and interest in such  
45 land and other property, including public lands, parks, playgrounds,  
46 reservations, highways or parkways, owned by or in which any county,

1 municipality or other governmental subdivision of the State has any  
2 right, title or interest, or parts thereof or rights therein, and any fee  
3 simple absolute or any lesser interest in private property, and any fee  
4 simple absolute in, easements upon, or the benefit of restrictions upon  
5 abutting property to preserve and protect projects;

6 (l) To locate and designate, and to establish, limit and control such  
7 points of ingress to and egress from each project as may be necessary  
8 or desirable in the judgment of the authority to insure the proper  
9 operation and maintenance of such project, and to prohibit entrance to  
10 such project from any point or points not so designated;

11 (m) Subject to the limitations of this act, to acquire, construct,  
12 maintain, improve, repair or operate any public highway connecting  
13 with any one or more projects, which in the opinion of the authority  
14 will increase the use of a project or projects, to take over for  
15 maintenance, improvement, repair or operation any existing public  
16 highway as a feeder road, and to realign any such existing public  
17 highway and build additional sections of road over new alignment in  
18 connection with such existing public highway;

19 (n) To receive and accept from any federal agency, subject to the  
20 approval of the Governor, grants for or in aid of the acquisition or  
21 construction of any project, and to receive and accept aid or  
22 contributions from any other source, of either money, property, labor  
23 or other things of value, to be held, used and applied only for the  
24 purposes for which such grants and contributions may be made;

25 (o) Subject to the limitations of this act, to determine the location,  
26 type and character of any project and all other matters in connection  
27 with such project;

28 (p) Subject to the rights and security interests of the holders from  
29 time to time of bonds or notes heretofore or hereafter issued by the  
30 New Jersey Expressway Authority, to enter into contracts with the  
31 State or the Department of Transportation or the New Jersey  
32 Transportation Trust Fund Authority established by section 4 of the  
33 "New Jersey Transportation Trust Fund Authority Act of 1984,"  
34 P.L.1984, c.73 (C.27:1B-4), providing for the payment from the  
35 revenues of the New Jersey Expressway Authority or the Expressway  
36 Administration established within the New Jersey Transportation, Toll  
37 Road and Trust Fund Authority, as the case may be, to the State or to  
38 the New Jersey Transportation Trust Fund Authority of the amount or  
39 amounts of revenues that may be set forth in or determined in  
40 accordance with the contracts, provided, that the payments shall be  
41 used solely for financing highway and transportation projects in the  
42 counties of Ocean, Burlington, Camden, Gloucester, Atlantic, Salem,  
43 Cumberland and Cape May, including the payment of principal and  
44 interest on any bonds, notes or other obligations issued or entered into  
45 by the New Jersey Transportation Trust Fund Authority, the proceeds  
46 of which shall be allocated by the New Jersey Transportation Trust

1 Fund Authority to highway and transportation projects within the  
2 counties aforesaid; any contracts authorized pursuant to this section  
3 may include conditions and covenants necessary and desirable to  
4 facilitate the issuance and sale of bonds, notes and other obligations of  
5 the New Jersey Transportation Trust Fund Authority. Any agreements  
6 entered into between the Department of Transportation and the  
7 Expressway Authority or Expressway Administration, pursuant to this  
8 subsection shall terminate upon the effective date of any agreement  
9 entered into between the Expressway Authority or Expressway  
10 Administration and the New Jersey Transportation Trust Fund  
11 Authority providing for payment of revenues of the Expressway  
12 Authority or Expressway Administration directly from the Expressway  
13 Authority or Expressway Administration to the New Jersey  
14 Transportation Trust Fund Authority;

15 (q) To enter into any and all agreements or contracts, execute any  
16 and all instruments, and do and perform any and all acts or things  
17 necessary, convenient or desirable for the purposes of the authority or  
18 to carry out any power expressly given in this act.

19 (cf: P.L.1984, c.73, s.29)

20

21 25. (New section) There is hereby established within the authority  
22 three separate and distinct subsidiary administrations to be known as:  
23 the "Turnpike Administration," the "Parkway Administration" and the  
24 "Expressway Administration." Each such administration is hereby  
25 constituted as a political subdivision and an instrumentality of the  
26 State exercising public and essential governmental functions. Each  
27 administration shall be governed by a board consisting of five members  
28 who shall be the persons who from time to time shall hold the office  
29 of members of the New Jersey Transportation, Toll Road and Trust  
30 Fund Authority. The members of the administrations shall not receive  
31 compensation for their services as members of the respective  
32 administrations. Each member shall be reimbursed by the respective  
33 administration for his actual expenses necessarily incurred in the  
34 performance of his duties. The responsibilities of the three subsidiary  
35 administrations shall be mutually exclusive.

36 The Turnpike Administration shall have the sole responsibility for  
37 the financing, construction, enlargement, maintenance, improvement,  
38 repair, operation and support of the New Jersey Turnpike and turnpike  
39 projects including, but not limited to, the responsibility for issuing  
40 bonds, refunding bonds or other obligations for turnpike projects, for  
41 fixing, revising or adjusting of tolls, for collecting turnpike revenues  
42 and for meeting all debt service and reserve requirements and all other  
43 reserves and payments required by the terms of the New Jersey  
44 Turnpike Authority's contracts with its bondholders or noteholders.  
45 The Turnpike Administration shall be headed by an executive director  
46 who shall be a person of recognized ability and experience, who shall

1 be appointed by the members of the New Jersey Transportation, Toll  
2 Road and Trust Fund Authority and who shall serve at the pleasure of  
3 that authority. The executive director may employ such officers and  
4 employees as may be necessary for the proper effectuation of the  
5 duties and functions of the Turnpike Administration and may  
6 determine the qualifications of such persons; however, the members of  
7 the New Jersey Transportation, Toll Road and Trust Fund Authority  
8 shall approve such positions and fix compensation for such officers  
9 and employees all without regard to the provisions of Title 11A, of the  
10 New Jersey Statutes except that such officers and employees  
11 appointed or hired by the authority after January 1, 1989 and who are  
12 not subject to the "New Jersey Employer-Employee Relations Act,"  
13 P.L.1941, c.100 (C.34:13A-1 et seq.) shall receive sick and vacation  
14 leave only as provided for State employees in Title 11A of the New  
15 Jersey Statutes and if supplemental compensation upon retirement is  
16 to be paid to those officers and employees, it shall be calculated and  
17 limited as in N.J.S.11A:6-19.

18 Except as may otherwise be herein provided, the Turnpike  
19 Administration shall be the successor to the New Jersey Turnpike  
20 Authority and shall succeed to all rights, obligations, contracts, debts  
21 and properties of such authority relating thereto, including, but not  
22 limited to, the issuance of bonds, refunding bonds or other obligations  
23 relating to turnpike projects, the fixing, revising or adjusting of tolls  
24 for the use of any turnpike projects or parts or sections thereof, the  
25 collection of turnpike revenues and the meeting of all debt service and  
26 reserve payments and all other reserves and payments required under  
27 the contracts between the New Jersey Turnpike Authority and its  
28 bondholders or noteholders.

29 The Parkway Administration shall have sole responsibility for the  
30 financing, construction, enlargement, maintenance, improvement,  
31 repair, operation and support of the Garden State Parkway, the  
32 Garden State Arts Center and all other parkway projects including, but  
33 not limited to, the responsibility for issuing bonds, refunding bonds or  
34 other obligations for parkway projects, for fixing, revising or adjusting  
35 of tolls, for collecting parkway revenues and for meeting all debt  
36 service and reserve requirements and all other reserve and other  
37 payments required by the terms of the New Jersey Highway  
38 Authority's contracts with its bondholders or noteholders. The  
39 Parkway Administration shall be headed by an executive director who  
40 shall be a person of recognized ability and experience, who shall be  
41 appointed by the members of the New Jersey Transportation, Toll  
42 Road and Trust Fund Authority and who shall serve at the pleasure of  
43 that authority. The executive director may employ such officers and  
44 employees as may be necessary for the proper effectuation of the  
45 duties and functions of the Parkway Administration and may determine  
46 the qualifications of such persons; however, the members of the New

1 Jersey Transportation, Toll Road and Trust Fund Authority shall  
2 approve such positions and fix compensation for such officers and  
3 employees all without regard to the provisions of Title 11A, of the  
4 New Jersey Statutes except that such officers and employees  
5 appointed or hired by the authority after January 1, 1989 and who are  
6 not subject to the "New Jersey Employer-Employee Relations Act,"  
7 P.L.1941, c.100 (C.34:13A-1 et seq.) shall receive sick and vacation  
8 leave only as provided for State employees in Title 11A of the New  
9 Jersey Statutes and if supplemental compensation upon retirement is  
10 to be paid to those officers and employees, it shall be calculated and  
11 limited as in N.J.S.11A:6-19;

12 Except as may otherwise be herein provided, the Parkway  
13 Administration shall be the successor to the New Jersey Highway  
14 Authority and shall succeed to all rights, obligations, contracts, debts  
15 and properties of such authority relating thereto, including, but not  
16 limited to, the issuance of bonds, refunding bonds or other obligations  
17 relating to parkway projects, the fixing, revising or adjusting of tolls  
18 for the use of any parkway projects or parts or sections thereof, the  
19 collection of parkway revenues and the meeting of all debt service and  
20 reserve payments and all other reserve and other payments required  
21 under the contracts between the New Jersey Highway Authority and  
22 its bondholders or noteholders.

23 The Expressway Administration shall have sole responsibility for  
24 the financing, construction, enlargement, maintenance, improvement,  
25 repair, operation and support of the Atlantic City Expressway and  
26 expressway projects including, but not limited to, the responsibility for  
27 issuing bonds, refunding bonds or other obligations for expressway  
28 projects, for fixing, revising or adjusting of tolls, for collecting  
29 expressway revenues and for meeting all debt service and reserve  
30 requirements and all other reserves and payments required by the  
31 terms of the New Jersey Expressway Authority's contracts with its  
32 bondholders or noteholders. The Expressway Administration shall be  
33 headed by an executive director who shall be a person of recognized  
34 ability and experience, who shall be appointed by the members of the  
35 New Jersey Transportation, Toll Road and Trust Fund Authority and  
36 who shall serve at the pleasure of that authority. The executive  
37 director may employ such officers and employees as may be necessary  
38 for the proper effectuation of the duties and functions of the  
39 Expressway Administration and may determine the qualifications of  
40 such persons; however, the members of the New Jersey  
41 Transportation, Toll Road and Trust Fund Authority shall approve  
42 such positions and fix compensation for such officers and employees  
43 all without regard to the provisions of Title 11A, of the New Jersey  
44 Statutes except that such officers and employees appointed or hired by  
45 the authority after January 1, 1989 and who are not subject to the  
46 "New Jersey Employer-Employee Relations Act," P.L.1941, c.100

1 (C.34:13A-1 et seq.) shall receive sick and vacation leave only as  
2 provided for State employees in Title 11A of the New Jersey Statutes  
3 and if supplemental compensation upon retirement is to be paid to  
4 those officers and employees, it shall be calculated and limited as in  
5 N.J.S.11A:6-19;

6 Except as may otherwise be herein provided, the Expressway  
7 Administration shall be the successor to the New Jersey Expressway  
8 Authority and shall succeed to all the rights, obligations, contracts,  
9 debts and properties of such authority relating thereto, including, but  
10 not limited to, the issuance of bonds, refunding bonds or other  
11 obligations relating to expressway projects, the fixing, revising or  
12 adjusting of tolls for the use of any expressway projects or parts or  
13 sections thereof, the collection of expressway revenues and the  
14 meeting of all debt service and reserve payments and all other reserves  
15 and payments required under the contracts between the New Jersey  
16 Expressway Authority and its bondholders or noteholders.

17

18 26. (New section) Each such subsidiary administration of the New  
19 Jersey Transportation, Toll Road and Trust Fund Authority shall be  
20 created as a subsidiary of the authority, shall constitute a public body  
21 corporate and politic and an instrumentality of the State, and shall be  
22 organized by the authority by executing and filing with the Secretary  
23 of State of New Jersey a certificate of incorporation, which may be  
24 amended from time to time by similar filing, which shall set forth the  
25 name of such subsidiary administration, its duration, the location of its  
26 principal office, and the purposes of the incorporation. The members  
27 of each such subsidiary administration shall be the same persons  
28 holding the offices of members of the New Jersey Transportation, Toll  
29 Road and Trust Fund Authority. Each such subsidiary administration  
30 and its property, functions and activities shall have all of the privileges,  
31 immunities, tax exemptions and other exemptions of the predecessor  
32 authority and of the predecessor authority's property, if any. The  
33 property, revenues, and assets of the three subsidiary administrations  
34 shall be separate and distinct from each other and shall be separate and  
35 distinct from the property, revenues, and assets, if any, of the New  
36 Jersey Transportation, Toll Road and Trust Fund Authority. Each  
37 subsidiary administration shall separately account for its assets,  
38 liabilities, revenues and expenses and no one of the administrations  
39 shall be responsible for any obligations or debts of the other or for any  
40 obligations or debts of the New Jersey Transportation, Toll Road and  
41 Trust Fund Authority. No revenues, funds or other assets of one  
42 administration shall be available for any use whatsoever, directly,  
43 contingently or otherwise, by any other administration or by the New  
44 Jersey Transportation, Toll Road and Trust Fund Authority.

45 Each administration shall ensure that all its revenues derived from  
46 toll road operations are dedicated to toll road projects of that

1 administration or to the payment of debt service obligations or reserve  
2 payments or other reserves or payments required under the contracts  
3 between that administration and its bondholders or noteholders,  
4 including, but not limited to, the provisions of the agreements entered  
5 into by the predecessor authorities pursuant to subsection (s) of  
6 section 5 of P.L.1952, c.16 (C.27:12B-5), subsection (p) of section 11  
7 of P.L.1962, c.10 (C.27:12C-11), and subsection b. of section 1 of  
8 P.L.1966, c.8 (C.27:23-5.8).

9 A subsidiary administration may be dissolved by resolution of the  
10 authority or by act of the Legislature on condition that such subsidiary  
11 administration has no debts or obligations outstanding or that  
12 provision has been made for the payment or retirement of such debts  
13 or obligations. Upon any such dissolution of a subsidiary  
14 administration, the property, funds and assets thereof shall pass to and  
15 be vested in the State and the toll roads and toll road projects shall  
16 become part of the State highway system and thereafter be operated  
17 and maintained by the Department of Transportation as toll roads and  
18 toll road projects. The employees of any such subsidiary  
19 administration, except those who are also employees of the authority,  
20 shall be deemed employees of the State.

21

22 27. (New section) Upon the transfer of the functions, powers and  
23 duties of the predecessor authorities as provided in P.L. , c. (C.  
24 )(now pending before the Legislature as this bill), all projects or  
25 facilities of the predecessor authorities shall be transferred to the  
26 respective subsidiary administrations and all toll roads and toll road  
27 projects shall thereafter be maintained and operated by the separate  
28 subsidiary administrations. The subsidiary administrations shall cause  
29 tolls for the use of the toll road projects to be charged and collected  
30 at the same rates as were charged and collected by the predecessor  
31 authorities immediately prior to the transfer of the functions, powers  
32 and duties of the predecessor authorities. Notwithstanding any law,  
33 rule or regulation to the contrary, no change or revision shall  
34 thereafter be made in those rates by the subsidiary administrations  
35 without the approval of the Governor at least 45 days prior to the date  
36 on which the change or revision is proposed to become effective. For  
37 the purposes of this section, the approval of the Governor means  
38 receipt of written notice from the Governor advising the administration  
39 to proceed with the notice and hearing concerning the adoption of a  
40 resolution or other action necessary to change or revise the rates.

41

42 28. (New section) Upon the transfer of the functions, powers and  
43 duties of the predecessor authorities to the respective subsidiary  
44 administrations as provided for in P.L. , c. (C. )(now pending  
45 before the Legislature as this bill), all employees of the predecessor  
46 authorities shall be transferred to their respective subsidiary

1 administrations established under section 25 of this P.L. , c. (C.  
2 )(now pending before the Legislature as this bill) and shall become  
3 employees of the respective subsidiary administration. All records and  
4 property of the predecessor authorities, except as otherwise provided  
5 herein, shall be transferred to the respective subsidiary administrations  
6 and all outstanding obligations and commitments lawfully undertaken  
7 or contracted for by the predecessor authorities shall be assumed and  
8 performed by the respective subsidiary administrations.  
9

10 29. (New section) The members of the New Jersey Transportation,  
11 Toll Road and Trust Fund Authority shall ensure that the authority and  
12 subsidiary administrations of the authority have adopted a code of  
13 ethics to govern the conduct of State officers and employees, and  
14 special State officers and employees, pursuant to P.L.1971, c.182  
15 (C.52:13D-12 et seq.). The members shall further ensure that such  
16 officers and employees of the authority or the subsidiary  
17 administrations of the authority, receive a copy of the appropriate  
18 code of ethics and submit a signed certification to the authority or  
19 subsidiary administration, as the case may be, stating that the officer  
20 or employee has reviewed the code of ethics and agrees to be bound  
21 by the provisions thereof. The signed certifications shall be retained  
22 as part of the permanent records of the authority and subsidiary  
23 administrations.  
24

25 30. (New section) The chairman of the authority shall establish, in  
26 addition to other committees which may be established by the bylaws  
27 of the authority, a committee on capital program oversight which shall  
28 include the chairman or his designee, the State Treasurer and not less  
29 than two members. The capital program oversight committee shall,  
30 with respect to any approved or proposed capital program plans of the  
31 subsidiary administrations, perform the following functions:

32 a. Monitor the current and future availability of funds to be utilized  
33 for such plans approved or proposed by the subsidiary administrations;

34 b. Monitor the contract awards of the subsidiary administrations to  
35 insure that such awards are consistent with affirmative action  
36 provisions, collective bargaining agreements, State labor laws and  
37 State bidding requirements, and any other relevant requirements  
38 established by law;

39 c. Monitor the award of contracts to determine if such awards and  
40 any change orders related to the awards have been submitted to and  
41 approved by the members of the appropriate subsidiary administration  
42 and that the actions taken with regard to such awards are specifically  
43 enumerated in the minutes of the meetings of that subsidiary  
44 administration;

45 d. Review the relationship between capital expenditures pursuant  
46 to each such capital program plan and current and future operating

1 budget requirements;

2 e. Monitor the progress of capital elements described in each  
3 capital program approved by the subsidiary administrations;

4 f. Monitor the expenditures incurred and to be incurred for each  
5 such element; and

6 g. Identify capital elements not progressing on schedule, ascertain  
7 responsibility therefor and recommend those actions required or  
8 appropriate to accelerate their implementation.

9 The committee shall issue reports of its activities and findings on a  
10 quarterly basis, and shall in connection with the preparation of such  
11 quarterly reports, consult with the Division of Budget and Accounting  
12 in the Department of the Treasury, the State Department of  
13 Transportation and any other group which the committee deems  
14 relevant, including at least annually, a nationally recognized  
15 transportation consulting firm. Such reports shall be made available  
16 to the members of the authority, members of the Legislature and the  
17 Governor.

18

19 31. (New section) In addition to the capital program oversight  
20 committee and any other committees which may be formed by the  
21 bylaws of the authority, the chairman shall establish a committee to  
22 review the personnel policies and procedures of the subsidiary  
23 administrations. The committee shall consist of the chairman of the  
24 authority, or his designee, and at least two other members of the  
25 authority. The purpose of the committee shall be to consider how  
26 gains in economy and efficiency may be achieved in the operations of  
27 the subsidiary administrations through reductions in expenditures made  
28 possible by certain items, including but not limited to the following:

29 a. Reductions in overtime;

30 b. Elimination of consultant fees;

31 c. Less temporary help;

32 d. Elimination of budgeted positions;

33 e. Improved methods of communication;

34 f. Improved systems and procedures;

35 g. Better deployment and utilization of manpower;

36 h. Elimination of unnecessary travel;

37 i. Elimination of unnecessary printing and mailing;

38 j. Elimination of unnecessary payments of advertising,  
39 memberships, dues and subscriptions;

40 k. Elimination of waste, duplication, and practices of doubtful  
41 value;

42 l. Improved space utilization;

43 m. Proven cost reduction techniques; and

44 n. Any other items considered by the committee as representing  
45 true savings.

46 The committee shall issue a report within one year of the effective

1 date of P.L. , c. (C. )(now pending before the Legislature as  
2 this bill) containing a written description of the changes in personnel  
3 practices and procedures or work methods which it finds will produce  
4 gains in the economy and efficiency of the operations of the subsidiary  
5 administrations. Such report shall be made available to the members  
6 of the authority, members of the Legislature and the Governor.

7  
8 32. (New section) Nothing in P.L. , c. (C. )(now pending  
9 before the Legislature as this bill) shall be deemed or construed so as  
10 to limit, alter or impair in any way the rights and obligations of the  
11 New Jersey Turnpike Authority, the New Jersey Highway Authority  
12 or the New Jersey Expressway Authority, or their successors, under  
13 the provisions of the contracts made with the holders from time to  
14 time of bonds and notes heretofore or hereafter issued by said  
15 authorities or in any way impair the rights and security of such holders  
16 under such contracts.

17  
18 33. (New section) All acts and parts of acts inconsistent with any  
19 of the provisions of P.L. , c. (C. )(now pending before the  
20 Legislature as this bill) are to the extent of such inconsistencies,  
21 superseded and shall be deemed inoperative.

22  
23 34. (New section) If any clause, sentence, paragraph, section or  
24 part of P.L. , c. (C. )(now pending before the Legislature as  
25 this bill) shall be adjudged by any court of competent jurisdiction to be  
26 invalid, such judgment shall not affect, impair or invalidate the  
27 remainder thereof, but shall be confined in its operation to the clause,  
28 sentence, paragraph, section or part thereof directly involved in the  
29 controversy in which such judgment shall have been rendered.

30  
31 35. (New section) a. Whenever in any law, rule, regulation, order,  
32 contract, document, judicial or administrative proceeding or otherwise,  
33 reference is made to a predecessor authority, the same shall mean and  
34 refer to a subsidiary administration of the authority.

35 b. The transfer of the predecessor authorities in accordance with the  
36 provisions of P.L. , c. (C. )(now pending before the Legislature  
37 as this bill) shall not affect the orders, rules and regulations heretofore  
38 made or promulgated by the predecessor authorities. These orders,  
39 rules and regulations insofar as they are not inconsistent herewith shall  
40 continue in effect until amended or repealed pursuant to law.

41 c. The provisions of P.L.1952, c.16 (C.27:12B-1 et seq.),  
42 P.L.1962, c.10 (C.27:12C-1 et seq.), and P.L.1948, c.454 (C.27:23-1  
43 et seq.), insofar as they are not inconsistent with the provisions of P.L.  
44 , c. (C. )(now pending before the Legislature as this bill), shall  
45 continue in effect and any reference therein or in any other law to the  
46 predecessor authorities, to the chairman or any member thereof shall

1 be deemed to mean and refer to one of the subsidiary administrations,  
2 or the chairman or member thereof as the case may be.

3  
4 36. (New section) All transfers directed by this act shall be made  
5 in accordance with the "State Agency Transfer Act," P.L.1971, c.375  
6 (C.52:14D-1 et seq.). Except as may otherwise be provided by P.L.  
7 , c. (C. )(now pending before the Legislature as this bill),  
8 nothing herein shall be construed to deprive employees of their rights,  
9 privileges, obligations or status with respect to any pension or  
10 retirement system.

11  
12 37. (New section) a. Upon transferral of the employees of the  
13 predecessor authorities to the subsidiary administrations of the  
14 authority, the employees shall retain all of their rights and benefits  
15 under existing labor agreements or contracts until such time as new or  
16 revised agreements or contracts are agreed to or these agreements or  
17 contracts shall expire. All existing bargaining agents shall be retained  
18 to act on behalf of these employees until such time as the employees  
19 shall, pursuant to law, elect to change such agents.

20 b. Except as may otherwise be provided by P.L. , c. (C.  
21 )(now pending before the Legislature as this bill), all officers and  
22 employees who hold office or are employed by the predecessor  
23 authorities and whose functions, powers and duties have been  
24 transferred to the subsidiary administrations of the authority under  
25 P.L. , c. (C. )(now pending before the Legislature as this bill)  
26 shall upon the effective date of P.L. , c. (C. ) (now pending  
27 before the Legislature as this bill) be transferred from the predecessor  
28 authorities to the subsidiary administrations of the authority and shall  
29 continue in that or similar office or employment with the subsidiary  
30 administrations, and shall not be dismissed from such office or  
31 employment, except for good cause and after an opportunity to be  
32 heard, for one year after the effective date of P.L. , c. (C.  
33 )(now pending before the Legislature as this bill). Except as provided  
34 herein, nothing shall affect the civil service status, if any, of those  
35 officers or employees or their rights, privileges, obligations or status  
36 with respect to any pension or retirement system. Any collective  
37 bargaining agreements entered into by the predecessor authorities with  
38 any of its employees shall continue in effect for the term of the  
39 agreement, notwithstanding that the employees affected by the  
40 agreement shall be employees of the subsidiary administrations, but the  
41 agreement shall be binding for both the employees and the subsidiary  
42 administrations. The provisions of this section shall not apply to any  
43 officer or employee appointed or employed, or any collective  
44 bargaining agreement entered into, on or after the date of enactment  
45 of P.L. , c. (C. )(now pending before the Legislature as this  
46 bill).

1       38. (New section) a. In hiring employees after the effective date  
2 of P.L.     , c.   (C.   )(now pending before the Legislature as this  
3 bill), the authority and its subsidiary administrations shall comply fully  
4 with the affirmative action policies and procedures of the State of New  
5 Jersey. The authority and its subsidiary administrations shall ensure  
6 equal employment opportunity for all of its employees and applicants  
7 seeking employment, including not limited to recruitment, selection,  
8 hiring, training, promotion, transfer, layoff, return from layoff,  
9 compensation and fringe benefits. Equal employment opportunity  
10 further includes policies, procedures, and programs for recruitment,  
11 employment, training, promotion, and retention of minorities, women  
12 and handicapped persons.

13       b. The authority shall appoint at least one person with the  
14 responsibility for equal employment opportunity as the affirmative  
15 action officer. The authority and its subsidiary administrations shall  
16 develop, in consultation with the Division of Equal Employment  
17 Opportunity and Affirmative Action in the Department of Personnel,  
18 an affirmative action plan with goals and timetables and submit  
19 quarterly and annual affirmative action reports to the division. The  
20 affirmative action plan shall identify existing inequities in hiring,  
21 promotion, and all other conditions of employment and provide  
22 specific remedies for those inequities and establish the time periods for  
23 the accomplishment of remedial action.

24       c. The Division of Equal Employment Opportunity and Affirmative  
25 Action in the Department of Personnel shall assist the authority and its  
26 subsidiary administrations in developing affirmative action plans. The  
27 division shall notify the Division on Civil Rights in the Department of  
28 Law and Public Safety of any possible violations of the "Law Against  
29 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).  
30

31       39. (New section) In order to assist in the transition to the new  
32 structure and responsibilities of the New Jersey Transportation, Toll  
33 Road and Trust Fund Authority set forth in P.L.     , c.   (C.   )(now  
34 pending before the Legislature as this bill), the State Treasurer and the  
35 Commissioner of Transportation shall prepare and submit to the  
36 members of the authority upon its organization after the effective date  
37 of P.L.     , c.   (C.   )(now pending before the Legislature as this  
38 bill) a transition budget to provide for the continuation of services  
39 previously performed by the authority and its subsidiary  
40 administrations, and for the commencement of new responsibilities to  
41 be performed by the authority and its subsidiary administrations, which  
42 budget shall govern the financial operations of the authority and its  
43 subsidiary administrations until they shall adopt budgets for a full fiscal  
44 year. The State Treasurer and the Commissioner of Transportation  
45 shall, in preparing the transition budget, take into account all revenues,  
46 assets and liabilities of the predecessor authorities and any

1 appropriations provided by the Legislature to the authority. The  
2 transition budget shall be submitted as part of the minutes of the  
3 authority, along with any amendments or other changes made by the  
4 members of the authority.

5  
6 40. (New section) All officers, departments, boards, agencies,  
7 divisions and commissions of the State are hereby authorized and  
8 empowered to render any and all such services to the authority and its  
9 subsidiary administrations as may be within the area of their respective  
10 governmental functions as fixed or established by law, and as may be  
11 requested by the authority or any of its subsidiary administrations.  
12 The cost and expense of any such services shall be met and provided  
13 for by the authority or its subsidiary administrations.

14  
15 41. (New section) The State of New Jersey does hereby pledge to  
16 and covenant and agree with the holders of any bonds or notes  
17 heretofore or hereafter issued by the predecessor authorities or the  
18 subsidiary administrations of the New Jersey Transportation, Toll  
19 Road and Trust Fund Authority that the State will not limit or alter the  
20 rights or powers hereby vested in the predecessor authorities or the  
21 subsidiary administrations of the authority to acquire, construct,  
22 maintain, improve, repair and operate its toll roads and toll road  
23 projects in any way that would jeopardize the interest of such holders,  
24 or to perform and fulfill the terms of any agreement made with the  
25 holders of such bonds or notes, or to fix, establish, charge and collect  
26 such tolls, rents, fees, rates or other charges as may be convenient or  
27 necessary to produce sufficient revenues which, together with other  
28 available funds, shall be sufficient to meet all expenses of the  
29 predecessor authorities or subsidiary administrations and fulfill the  
30 terms of any agreements made with the holders of such bonds or notes,  
31 together with interest thereon, with interest on any unpaid installments  
32 of interest, and all costs and expenses in connection with any action or  
33 proceedings by or on behalf of such holders, until the bonds and notes,  
34 together with interest thereon, are fully met and discharged or  
35 otherwise provided for.

36  
37 42. (New section) All bondholders and other creditors of the  
38 predecessor authorities and persons having claims against or contracts  
39 with any predecessor authority of any kind or character may enforce  
40 such debts, claims and contracts against the subsidiary administration  
41 created as the successor to that predecessor authority on or after the  
42 effective date of P.L. , c. (C. )(now pending before the  
43 Legislature as this bill), and the rights and remedies of bondholders,  
44 creditors and persons having claims or contracts shall not be limited  
45 or restricted in any manner by P.L. , c. (C. )(now pending  
46 before the Legislature as this bill).



1 director for the authority and for the subsidiary administrations of the  
2 authority who shall serve at the pleasure of the authority.

3 The purpose of the subsidiary administrations is to exercise those  
4 powers formerly reserved to the authorities to acquire, construct,  
5 maintain, repair, improve and operate toll road projects. In addition,  
6 the bill mandates that the administrations shall ensure that all revenues  
7 derived from toll road operations shall be dedicated to toll road  
8 purposes and projects of the respective administrations except where  
9 existing agreements between the State and the predecessor authorities  
10 require payments to the New Jersey Transportation, Toll Road and  
11 Trust Fund Authority. The bill also provides that upon dissolution of  
12 the authority and the administrations, all funds and other properties of  
13 the authority shall vest in and be delivered to the State.

14 The intent and purpose of this bill is to ensure that the management,  
15 operations, maintenance and capital programs affecting the State's  
16 three toll roads are subject to greater accountability by placing the  
17 responsibility for these functions within three separate subsidiary  
18 corporations under the common control of the members of the New  
19 Jersey Transportation, Toll Road and Trust Fund Authority which  
20 includes the Commissioner of Transportation, to exercise greater  
21 oversight, to achieve economies of scale through centralized planning  
22 and purchasing decisions, and to effect greater coordination of the  
23 transportation policies and projects for the State, while keeping the  
24 financial structure and borrowing powers of the predecessor  
25 authorities intact in the form of subsidiary administrations.

26

27

28

29

30 Establishes three subsidiary administrations under the supervision and  
31 control of the New Jersey Transportation, Toll Road and Trust Fund  
32 Authority.