

January 9, 1997

**ASSEMBLY BILL NO. 1343  
(Third Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1343 (Third Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill amends the leasing statute of the Department of Transportation (DOT) to permit the production of revenue through leases, licenses and contracts for the use, management or operation of areas on, above or below DOT's property. The legislation is necessary to the continuation and expansion of certain DOT programs by making the Department's property available for signage and other purposes. The bill also will permit the State to generate revenue by allowing the placement of fiber-optic facilities in State rights-of-way for a fee; a portion of these moneys may be allocated to a municipality in which these fiber-optic facilities are located. The bill was amended to require that certain structures proposed to be erected on DOT property pursuant to the bill be subject to local zoning ordinances.

B. Recommended Action

I fully support the purpose of this bill which creates revenue raising opportunities for the State and municipalities through the prudent operation and use of existing DOT properties. This legislation is a testament to the foresight and leadership of the bill's sponsors; in particular, I acknowledge the myriad contributions of the late Senator C. William Haines who will be remembered as a dedicated legislator and transportation advocate.

However, while this bill is laudable, I am concerned that the section of the bill which requires local zoning and other approvals for the erection of certain structures and signs on DOT property will create undue delays and inconsistencies in installation and

site determinations. Additionally, the language of this section is ambiguous as there is no definition of the term "structure" included in the bill. For these reasons, I today recommend the deletion of this section and direct DOT to work with interested parties to better address concerns regarding local involvement and notification.

Therefore, I herewith return Assembly Bill No. 1343 (Third Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 1, Lines 12-24:</u>	Delete in entirety
<u>Page 2, Section 1, Line 25:</u>	Delete "f" and insert "e"
<u>Page 2, Section 1, Line 33:</u>	Delete "g" and insert "f"
<u>Page 3, Section 1, Line 6:</u>	Delete "h" and insert "g"

Respectfully,  
/s/ Christine Todd Whitman  
Governor

[seal]

Attest:  
/s/ Michael P. Torpey  
Chief Counsel to the Governor