

ASSEMBLY, No. 2337

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblymen DeCROCE and BUCCO

1 AN ACT concerning the New Jersey Railroad and Transportation  
2 Museum Commission and amending P.L.1993, c.209.

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

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7 1. Section 1 of P.L.1993, c.209 (C.52:16A-43) is amended to read  
8 as follows:

9 1. The Legislature finds and declares that:

10 a. The New Jersey Railroad and Transportation Museum Study  
11 Commission was created under P.L.1987, c.41, continued under  
12 P.L.1988, c.5, and reconstituted under P.L.1990, c.58, for the purpose  
13 of investigating the feasibility of establishing a railroad and  
14 transportation museum in New Jersey; including in its study such  
15 issues as the possible location of the museum, the costs associated  
16 with the creation and operation of the museum, and the potential  
17 sources and types of financial support required for the museum;

18 b. In its Interim Report, published in February 1988, the study  
19 commission documented the public interest in, the historical need for,  
20 and the financial viability of, a railroad and transportation museum in  
21 this State;

22 c. Since then, the study commission has devoted many hours to  
23 meetings, on-site inspections, public hearings, research and planning,  
24 to ensure that the State's railroad and transportation heritage will be  
25 preserved in a well-planned, financially sound manner, and that there  
26 will be enthusiastic public support for the museum;

27 d. The continuity of this planning process must extend beyond the  
28 September 30, 1991 expiration date of the legislation authorizing the  
29 study commission, if the museum is to succeed, and the extensive  
30 preparatory work of the study commission, a major contribution to the  
31 museum project, should be expanded upon, so as not to lose the  
32 momentum of public interest in the project, and to take advantage of  
33 the opportunities now available to obtain equipment, artifacts and  
34 other memorabilia, railroad rights-of-way and other real properties,

**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 and the sources of funding for the project;

2 e. Therefore, it is only appropriate that the Legislature create a  
3 new long-term commission, to continue the work of the study  
4 commission, and to take further preparatory actions toward creation  
5 of the museum. At this time the Department of [State] Transportation  
6 is deemed the appropriate authority to establish the museum, pending  
7 any final decision made in the future, and for this reason the  
8 Department of [State] Transportation is authorized to receive funds  
9 for the proposed museum and to take other appropriate preparatory  
10 and transitional action.

11 (cf: P.L.1993, c.209, s.1)

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13 2. Section 2 of P.L.1993, c.209 (C.52:16A-44) is amended to read  
14 as follows:

15 2. There is created, in but not of the Department of [State]  
16 Transportation, a commission to be known as the New Jersey Railroad  
17 and Transportation Museum Commission, with a membership of 16.  
18 The commission shall consist of:

19 a. Two members of the Senate, to be appointed by the President  
20 thereof, who shall not be of the same political party, and two members  
21 of the General Assembly, to be appointed by the Speaker thereof, who  
22 shall not be of the same political party. A legislative member shall  
23 serve only as long as he or she is a member of the House which made  
24 the original appointment.

25 b. The Commissioner of Transportation, or his designee, the  
26 Commissioner of Commerce and Economic Development, or his  
27 designee, the Commissioner of Environmental Protection [and  
28 Energy], or his designee, the Secretary of State, or his designee, the  
29 State Treasurer, or his designee, and the Executive Director of the  
30 New Jersey Transit Corporation or his designee.

31 c. Six public members, to be appointed by the Governor, with the  
32 advice and consent of the Senate, one of whom shall be chosen from  
33 the United Railroad Historical Society, one of whom shall be chosen  
34 from the Friends of the New Jersey Railroad and Transportation  
35 Museum, and the rest of whom shall be chosen from among persons  
36 who are affiliated with railroad or transportation historical  
37 preservation, exhibition or tourism organizations in New Jersey, or  
38 from among persons who have knowledge of, individual experience  
39 with, or demonstrated interest in, New Jersey railroad or  
40 transportation history, preservation, exhibition or tourism. If a public  
41 member is chosen from the United Railroad Historical Society, the  
42 Friends of the New Jersey Railroad and Transportation Museum, or a  
43 railroad or transportation historical preservation, exhibition or tourism  
44 organization, the public member shall have the power to appoint a  
45 designee from the membership of the organization. If one of these  
46 organizations goes out of existence, the position on the commission

1 shall be considered vacant, and the position may be filled, for the  
2 unexpired term only, from among persons who are affiliated with other  
3 railroad or transportation historical preservation, exhibition or tourism  
4 organizations in New Jersey, or from among persons who have  
5 knowledge of, individual experience with, or demonstrated interest in,  
6 New Jersey railroad or transportation history, preservation, exhibition  
7 or tourism. The public members shall have terms of three years, and  
8 shall be eligible for reappointment to the commission; except that, of  
9 those first appointed, two of the public members shall have terms of  
10 three years, two shall have terms of two years and two shall have  
11 terms of one year, and all of the members first appointed shall be  
12 eligible for reappointment.

13 All appointments shall be made within 60 days of the effective date  
14 of this act. For purposes of continuity, and to the extent practicable  
15 and feasible, the first appointments to the commission shall include the  
16 legislative, ex officio, and public members of the New Jersey Railroad  
17 and Transportation Museum Study Commission last serving on that  
18 study commission; except that a member of the study commission shall  
19 have the right to decline appointment to the new commission.  
20 Vacancies in the membership of the commission shall be filled, for the  
21 unexpired term only, in the manner described in subsections a. through  
22 c. of this section, and within 60 days of the vacancy. Members of the  
23 commission shall serve without compensation for performing their  
24 duties as members, but the commission may, within the limits of funds  
25 appropriated or otherwise made available therefor, reimburse members  
26 for the actual expenses necessarily incurred in the performance of their  
27 duties.

28 (cf: P.L.1993, c.209, s.2)

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30 3. Section 4 of P.L.1993, c.209 (C.52:16A-46) is amended to read  
31 as follows:

32 4. The commission may:

33 a. Make recommendations to the Governor, the Legislature and the  
34 Department of [State] Transportation concerning the general nature  
35 and scope of a transportation and railroad museum, including the  
36 presentation and examination of various alternative sites for the  
37 museum. The commission shall make no recommendations or  
38 decisions concerning a choice of a preliminary or final site for the  
39 museum unless it has developed a master plan therefor, provided,  
40 however, that the Legislature has by law authorized the development  
41 of such a plan;

42 b. Make recommendations to the Governor, the Legislature and the  
43 Department of [State] Transportation concerning the selection of  
44 architectural and interior design plans for the railroad and  
45 transportation museum;

46 c. Make recommendations to the Governor, the Legislature and the

1 Department of [State] Transportation concerning the selection,  
2 acquisition, movement, storage and security of railroad and  
3 transportation related equipment, memorabilia, books, papers, and  
4 other documents;

5 d. Raise funds, through direct solicitation or other fund raising  
6 events, alone, or in conjunction with nonprofit railroad or  
7 transportation groups in this State, and accept gifts, donations, devises  
8 and bequests, for the purposes of a State railroad and transportation  
9 museum and to defray the administrative expenses of the commission;

10 e. Work with various nonprofit railroad and transportation groups  
11 around the State, for purposes of obtaining funding and enhancing  
12 public interest in the museum project;

13 f. Continue any studies or projects begun by the New Jersey  
14 Railroad and Transportation Museum Study Commission, and prepare  
15 any new studies or projects related to the creation and development of  
16 a railroad and transportation museum in this State.

17 (cf: P.L.1993, c.209, s.4)

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19 4. Section 6 of P.L.1993, c.209 (C.52:16A-48) is amended to read  
20 as follows:

21 6. The commission may meet and hold hearings at any place or  
22 places as it shall designate during the sessions or recesses of the  
23 Legislature. The commission shall report a summary of its activities  
24 and its findings, conclusions and recommendations to the Governor,  
25 the Legislature, and the Department of [State] Transportation on an  
26 annual basis, not later than March 1 of each year of the commission's  
27 life, accompanying them with any legislative bills which it may desire  
28 to recommend for adoption by the Legislature.

29 (cf: P.L.1993, c.209, s.6)

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31 5. Section 8 of P.L.1993, c.209 (C.52:16A-50) is amended to read  
32 as follows:

33 8. The Department of [State] Transportation is authorized to  
34 acquire, through purchase, transfer, condemnation, devise, bequest,  
35 donation, gift or otherwise, in the name of the State, for purposes of  
36 a State railroad and transportation museum, and subject to the  
37 availability of appropriations or other funds as may be necessary  
38 therefor, any real property, including, but not limited to land,  
39 buildings, improvements, and railroad rights-of-way. The department  
40 may use moneys from the Railroad and Transportation Museum Fund  
41 to effectuate its responsibilities under this section. Additionally, the  
42 Department of [State] Transportation is authorized to acquire, through  
43 purchase, transfer, devise, donation, gift or otherwise, railroad and  
44 transportation related equipment, memorabilia, books, papers, and  
45 other documents. The Department of [State] Transportation also is  
46 authorized to provide for the selecting, moving, securing and storage

1 of any such acquisitions by the New Jersey Transit Corporation or by  
2 any department or agency which the Department of [State]  
3 Transportation shall deem appropriate.

4 (cf: P.L.1993, c.209, s.8)

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6 6. Section 9 of P.L.1993, c.209 (C.52:16A-51) is amended to read  
7 as follows:

8 9. There is established in the Department of [State] Transportation  
9 a fund to be known as the "Railroad and Transportation Museum  
10 Fund." The fund shall be credited with moneys received under  
11 subsection d. of section 4 of this act, and with any other moneys and  
12 appropriations obtained by the department for railroad and  
13 transportation museum purposes. All interest earned on the  
14 investment moneys in the fund shall be credited to the fund.  
15 Appropriations of moneys made by the Legislature to the commission  
16 or otherwise received by the commission for its administrative  
17 purposes shall be credited to the fund established under section 7 of  
18 this act until the expiration date of the commission under section 13  
19 of this act. The moneys in the fund established by this section shall be  
20 administered by the [Secretary of State] Commissioner of  
21 Transportation, to be held thereby in the fund until appropriated by  
22 law. Moneys from the fund shall be used only for the purposes of a  
23 State railroad and transportation museum, including, but not limited  
24 to, the costs related to the establishment of the museum; the  
25 acquisition of a site for the museum; the selection and preparation of  
26 the architectural and interior design plans for the museum; and the  
27 acquisition, storage and security for railroad and transportation related  
28 equipment, memorabilia, books, papers and other documents for the  
29 museum. Not later than one year after the effective date of this act,  
30 and quarterly thereafter, the [Secretary of State] Commissioner of  
31 Transportation shall certify to the Legislature, the Department of the  
32 Treasury, and the commission until the date of its expiration under  
33 section 13 of this act, the total amount of moneys in the fund.

34 Moneys received by the fund to be used for an expressly specified  
35 purpose, such as, but not limited to, moneys expressly donated for the  
36 purchase of a certain type of railroad or transportation equipment for  
37 the railroad and transportation museum, shall be held in a restricted  
38 account within the fund. Interest earned on investment moneys in each  
39 restricted account shall be credited to the fund. The moneys in the  
40 fund shall be invested and reinvested in the same manner that trust  
41 funds in the custody of the State Treasurer are invested and  
42 reinvested.

43 (cf: P.L.1993, c.209, s.9)

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45 7. This act shall take effect immediately.

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STATEMENT

This bill would amend the law which established the New Jersey Railroad and Transportation Museum Commission (the commission) to reallocate the commission from the Department of State to the Department of Transportation, which would allow the commission to call upon the expertise and special facilities of the Department of Transportation more easily.

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Allocates NJ Railroad and Transportation Museum Commission to DOT.