

ASSEMBLY, No. 2919

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblyman WEINGARTEN

1 AN ACT concerning certain railroad rights-of-way and supplementing
2 Title 27 of the Revised Statutes.

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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. a. The Department of Transportation (hereinafter, "the
8 department") is authorized to undertake the removal of any unused
9 railroad bridge in a right-of-way purchased with funds from the "New
10 Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-
11 way Preservation Bond Act of 1989," P.L.1989, c.180, which funds
12 were appropriated by P.L.1992, c.35, when, pursuant to a
13 determination in writing submitted to the department by the governing
14 body of the municipality in which such a bridge is located, the
15 existence of such bridge presents a public safety hazard by impeding
16 the flow of traffic on the roadway beneath the bridge due to its
17 elevation and when such bridge is located within a right-of-way in
18 which the integrity of the railroad line was broken prior to the
19 purchase of the right-of-way by the department.

20 b. Upon written request of such a municipality, the department
21 shall authorize the municipality to undertake the removal of the
22 railroad bridge, provided that the removal occurs in accordance with
23 a plan reviewed and approved by the department. The department
24 shall have 30 days, from date of receipt, to review and approve the
25 removal plan submitted by the municipality or offer an alternative plan
26 for removal by the municipality. In the event the department does not
27 issue an approval of or alternative plan for removal of such a railroad
28 bridge within 30 days of the date of receipt of the municipality's
29 request, the municipality's submitted plan shall be deemed approved.

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31 2. Nothing in this act shall be construed to prevent the
32 reconstruction of a railroad bridge, which has been removed in
33 accordance with the provisions of section 1 of this act, at the same
34 location in the event that the railroad right-of-way is reactivated. Such
35 reconstruction shall occur at an elevation that does not impede the safe
36 flow of traffic on the roadway beneath the railroad bridge.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill authorizes the Department of Transportation (DOT) to
7 undertake the removal of any unused railroad bridge in a right-of-way
8 purchased with funds from the "New Jersey Bridge Rehabilitation and
9 Improvement and Railroad Right-of-way Preservation Bond Act of
10 1989," P.L.1989, c.180, which funds were appropriated by P.L.1992,
11 c.35, when, in the determination of the governing body of the
12 municipality in which the bridge is located, the existence of such
13 bridge impedes the flow of traffic on the roadway beneath the bridge,
14 thus presenting a public safety hazard, and when such bridge is located
15 within a right-of-way in which the integrity of the railroad line was
16 broken prior to the purchase of the right-of-way by the department.
17 The bill also provides that a municipality in which such bridge is
18 located can submit a written request to DOT to undertake the removal
19 of such bridge, provided that the removal occurs in accordance with
20 a plan reviewed and approved by DOT. The bill provides DOT with
21 30 days to approve the municipality's plan for removal of the bridge or
22 issue an alternative plan for removal by the municipality. If DOT does
23 not act within 30 days of receipt of the municipality's request, the
24 municipality's plan for removal will be deemed approved.

25 Specifically, this bill would provide for the demolition of the unused
26 railroad bridge over Morris Avenue between Glenside Avenue and
27 Ashwood Avenue in Summit, Union County, which is part of the
28 abandoned Rahway Valley Line from Summit to Cranford. Another
29 railroad bridge on this line, located over Broad Street in Summit, was
30 removed prior to DOT's purchase of the right-of-way.

31 The existing bridge over Morris Avenue presents a danger to public
32 health and safety because it impedes the passage of emergency
33 vehicles, thus causing unnecessary, and potentially dangerous delay.

34 This bill also provides that in the event a railroad line using the
35 right-of-way is reactivated, a railroad bridge can be constructed at the
36 same location in which the one was removed, provided that the
37 reconstruction occurs at an elevation which does not impede the safe
38 flow of traffic underneath the bridge. This bill only authorizes the
39 removal of a railroad bridge; it does not transfer ownership of the
40 right-of-way.

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45 Authorizes removal of unused railroad bridge under certain
46 circumstances.