

[First Reprint]  
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") <sup>1</sup>[is authorized to undertake] shall authorize<sup>1</sup> the  
9 removal of any unused railroad bridge in a right-of-way purchased  
10 with funds from the "New Jersey Bridge Rehabilitation and  
11 Improvement and Railroad Right-of-way Preservation Bond Act of  
12 1989," P.L.1989, c.180, which funds were appropriated by P.L.1992,  
13 c.35, when, pursuant to a determination in writing submitted to the  
14 department by the governing body of the municipality in which such  
15 <sup>1</sup>[a]<sup>1</sup> bridge is located, the existence of such bridge presents a public  
16 safety hazard by impeding the flow of traffic on the roadway beneath  
17 the bridge due to its elevation and when such bridge is located within  
18 a right-of-way in which the integrity of the railroad line was broken  
19 prior to the purchase of the right-of-way by the department.

20 b. <sup>1</sup>[Upon written request of such a municipality, the] The<sup>1</sup>  
21 department shall authorize <sup>1</sup>[the] a<sup>1</sup> municipality <sup>1</sup>in which such bridge  
22 is located<sup>1</sup> to undertake the removal of the railroad bridge <sup>1</sup>[, provided  
23 that the removal occurs]<sup>1</sup> in accordance with a plan reviewed and  
24 approved by the department. The department shall have 30 days, from  
25 date of receipt <sup>1</sup>of a written plan for the removal of the railroad  
26 bridge<sup>1</sup>, to review and approve the removal plan submitted by the  
27 municipality or offer an alternative plan for removal by the  
28 municipality. In the event the department does not issue an approval  
29 of or alternative plan for removal of such <sup>1</sup>[a]<sup>1</sup> railroad bridge within  
30 30 days of the date of receipt of the municipality's request, the  
31 municipality's submitted plan shall be deemed approved.

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ATC committee amendments adopted June 9, 1997.

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

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8       3. This act shall take effect immediately.

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14 Authorizes removal of unused railroad bridge under certain  
circumstances.