

SENATE, No. 2755

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 4, 2009

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Provides useful life of three years for certain permitted maintenance projects with Transportation Trust Fund monies.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the use of certain transportation funds,
2 amending P.L.1984, c.73.

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

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

12 a. "Act" means this New Jersey Transportation Trust Fund
13 Authority Act of 1984, as amended and supplemented.

14 b. "Authority" means the New Jersey Transportation Trust
15 Fund Authority created by section 4 of **[this act]** P.L.1984, c.73
16 (C.27:1B-1 et seq.).

17 c. "Bonds" means bonds issued by the authority pursuant to the
18 act.

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

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

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

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

29 h. "South Jersey Transportation Authority" means the public
30 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
31 its successor.

32 i. **["New Jersey Highway Authority" means the public**
33 **corporation created by section 4 of P.L.1952, c.16 (C.27:12B-4) or**
34 **its successor.]** (Deleted by amendment, P.L. c. , (C.)
35 (pending before the Legislature as this bill).

36 j. "New Jersey Turnpike Authority" means the public
37 corporation created by section 3 of P.L.1948, c.454 (C.27:23-3) or
38 its successor.

39 k. "Notes" means the notes issued by the authority pursuant to
40 the act.

41 l. "Public highways" means public roads, streets, expressways,
42 freeways, parkways, motorways and boulevards, including bridges,
43 tunnels, overpasses, underpasses, interchanges, rest areas, express
44 bus roadways, bus pullouts and turnarounds, park-ride facilities,
45 traffic circles, grade separations, traffic control devices, the

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

Matter underlined thus is new matter.

1 elimination or improvement of crossings of railroads and highways,
2 whether at grade or not at grade, bicycle and pedestrian pathways
3 and pedestrian and bicycle bridges traversing public highways and
4 any facilities, equipment, property, rights of way, easements and
5 interests therein needed for the construction, improvement and
6 maintenance of highways.

7 m. "Public transportation project" means, in connection with
8 public transportation service, passenger stations, shelters and
9 terminals, automobile parking facilities, ferries and ferry facilities,
10 including capital projects for ferry terminals, approach roadways,
11 pedestrian accommodations, parking, docks, and other necessary
12 land-side improvements, ramps, track connections, signal systems,
13 power systems, information and communication systems, roadbeds,
14 transit lanes or rights of way, equipment storage, pedestrian
15 walkways and bridges connecting to passenger stations and
16 servicing facilities, bridges, grade crossings, rail cars, locomotives,
17 motorbuses and other motor vehicles, maintenance and garage
18 facilities, revenue handling equipment and any other equipment,
19 facility or property useful for or related to the provision of public
20 transportation service.

21 n. "State agency" means any officers, department, board,
22 commission, bureau, division, agency or instrumentality of the
23 State.

24 o. "Toll road authorities" means and includes the New Jersey
25 Turnpike Authority[, the New Jersey Highway Authority] and the
26 South Jersey Transportation Authority.

27 p. "Transportation project" means, in addition to public
28 highways and public transportation projects, any equipment, facility
29 or property useful or related to the provision of any ground,
30 waterborne or air transportation for the movement of people and
31 goods including rail freight infrastructure.

32 q. "Transportation system" means public highways, public
33 transportation projects, other transportation projects, and all other
34 surface, airborne and waterborne methods of transportation for the
35 movement of people and goods.

36 r. "Permitted maintenance" means, in relation to public
37 transportation projects, direct costs of work necessary for
38 preserving or maintaining the useful life of public transportation
39 projects, provided the work performed is associated with the
40 acquisition, installation, and rehabilitation of components which are
41 not included in the normal operating maintenance of equipment and
42 facilities or replaced on a scheduled basis. The work shall ensure
43 the useful life of the project for not less than five years and shall not
44 include routine maintenance or inspection of equipment and
45 facilities that is conducted on a scheduled basis. This definition
46 shall not apply to the term "maintenance" as used in subsection l. of
47 this section. For purposes of this subsection, "permitted
48 maintenance" means, in relation to public highways, the direct costs

1 of work necessary for preserving or maintaining the useful life of
2 public highways, provided the work is not associated with the
3 regular and routine maintenance of public highways and their
4 components. The work shall ensure the useful life of the project for
5 not less than five years, except for any work involving depressions
6 in the surface of public highways caused by traffic or surface
7 deterioration, the useful life of which shall be for not less than three
8 years.

9 s. "Circle of Mobility" means an essential group of related
10 transit projects that include (1) the New Jersey Urban Core Project,
11 as defined in section 3031 of the "Intermodal Surface
12 Transportation Efficiency Act of 1991," Pub.L.102-240, and
13 consisting of the following elements: Secaucus Transfer, Kearny
14 Connection, Waterfront Connection, Northeast Corridor Signal
15 System, Hudson River Waterfront Transportation System, Newark-
16 Newark International Airport-Elizabeth Transit Link, a rail
17 connection between Penn Station Newark and Broad Street Station,
18 Newark, New York Penn Station Concourse, and the equipment
19 needed to operate revenue service associated with improvements
20 made by the project, and (2) the modification and reconstruction of
21 the West Shore Line in Bergen County connected to Allied
22 Junction/Secaucus Transfer Meadowlands Rail Center; the
23 construction of a rail station and associated components at the
24 Meadowlands Sports Complex; the modification and reconstruction
25 of the Susquehanna and Western Railway, as defined and provided
26 in section 3035 (a) of the "Intermodal Surface Transportation
27 Efficiency Act of 1991"; the modification and reconstruction of the
28 Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex
29 and Warren Counties to the North Jersey Transportation Rail
30 Centers; and commuter rail service in the central New Jersey region
31 terminating at the proposed Lakewood Transportation Center in
32 Ocean County or other location, as determined by the Board of the
33 New Jersey Transit Corporation, pursuant to a resolution of the
34 board providing for the achievement of a consensus among the
35 interested parties as to the direction of the proposed rail line;
36 provided, however, that this 2000 amendatory act shall not be
37 construed as affecting any priorities which may have been assigned
38 to any other project in the Circle of Mobility.

39 (cf: P.L.2000, c.73, s.15)

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41 2. This act shall take effect on July 1, 2009.

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STATEMENT

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46 Current law provides for the use of Transportation Trust Fund
47 monies for "permitted maintenance" of transportation projects, such
48 work that will ensure the useful life of the project for not less than

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1 five years. This bill would provide an exception to this requirement
2 for permitted maintenance of public highways, such that any work
3 involving depressions in the surface of public highways caused by
4 traffic or surface deterioration, the useful life shall be for not less
5 than three years.