

SENATE, No. 128

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Excludes passenger and freight rail projects from purposes for which revenue from increase in petroleum products gross receipts tax revenue may be used.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning passenger and freight rail projects and
2 amending P.L.1984, c.73.

3

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

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7 1. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to
8 read as follows:

9 21. a. There is hereby established a separate fund entitled
10 "Special Transportation Fund." This fund shall be maintained by
11 the State Treasurer and may be held in depositories as may be
12 selected by the treasurer and invested and reinvested as other funds
13 in the custody of the treasurer, in the manner provided by law. The
14 commissioner may from time to time (but not more frequently than
15 monthly) certify to the authority an amount necessary to fund
16 payments made, or anticipated to be made by or on behalf of the
17 department, from appropriations established for or made to the
18 department from revenues or other funds of the authority. The
19 commissioner's certification shall be deemed conclusive for
20 purposes of the act. The authority shall, within 15 days of receipt
21 of the certificate, transfer from available funds of the authority to
22 the treasurer for deposit in the Special Transportation Fund the
23 amount certified by the commissioner, provided that all funds
24 transferred shall only be expended by the department by project
25 pursuant to appropriations made from time to time by the
26 Legislature for the purposes of the act.

27 b. The department shall not expend any money except as
28 appropriated by law. Commencing with appropriations for the
29 fiscal years beginning on July 1, 1988, the department shall not
30 expend any funds, other than for permitted maintenance, except as
31 are appropriated by specific projects identified by a description of
32 the projects, the county or counties within which they are located,
33 and amounts to be expended on each project, in the annual
34 appropriations act. Funds expended for permitted maintenance may
35 be appropriated as one item of appropriation and subject to
36 allocation at the commissioner's discretion.

37 c. No funds appropriated, authorized, or expended pursuant to
38 this act shall be used to finance the resurfacing of highways by
39 department personnel, where that resurfacing would require the use
40 of more than 100,000 tons of bituminous concrete for that purpose
41 in any calendar year, except that the commissioner may waive this
42 provision when the commissioner determines the existence of
43 emergency conditions requiring the use of department personnel for
44 the resurfacing of highways, after the department has effectively
45 reached the 100,000 ton limit.

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 d. In order to provide the department with flexibility in
2 administering the specific appropriations by project identified in the
3 annual appropriations act, the commissioner may transfer a part of
4 any item to any other item subject to the approval of the Director of
5 the Division of Budget and Accounting and of the Joint Budget
6 Oversight Committee or its successor. Upon approval of the
7 director and the committee, the transfer shall take effect.
- 8 e. Any federal funds which become available to the State for
9 transportation projects which have not been appropriated to the
10 department in the annual appropriations act, shall be deemed
11 appropriated to the department and may, subject to approval by the
12 Joint Budget Oversight Committee and the State Treasurer, be
13 expended for any purpose for which such funds are qualified.
- 14 f. There shall be no appropriations from the revenues and other
15 funds of the authority for regular and routine maintenance of public
16 highways and components thereof, or operational activities of the
17 department unrelated to the implementation of, and indirect costs
18 associated with, the capital program. The commissioner shall
19 include in his annual budget request sufficient funding to effectuate
20 the purposes of P.L.2000, c.73 (C.27:1B-21.14 et al.).
- 21 g. To the extent that salaries or overhead of the department or
22 the New Jersey Transit Corporation are charged to transportation
23 projects, each agency shall keep adequate and truthful personnel
24 records, and time charts to adequately justify each such charge, and
25 shall make those records available to the external auditor to the
26 authority.
- 27 h. The commissioner shall annually, on or before January 1 of
28 each fiscal year, report to the Governor and the Legislature how
29 much money was expended in the previous fiscal year for salaries
30 and overhead of the department and the New Jersey Transit
31 Corporation. However, the amount expended from the revenues
32 and other funds of the authority for salaries and overhead of the
33 department and the New Jersey Transit Corporation for the fiscal
34 year beginning July 1, 2006 through the fiscal year beginning July
35 1, 2015 shall not exceed 13 percent of the total funds appropriated
36 from the revenues and other nonfederal funds of the authority for
37 those fiscal years, and shall not exceed \$208,000,000 for the fiscal
38 year beginning July 1, 2016 and each fiscal year thereafter.
- 39 i. No revenues or other funds of the authority shall be
40 expended for emergency response operations, the review of
41 applications for access permits under the State highway access
42 management code and membership fees or other fees connected
43 with membership in TRANSCOM, the Transportation Operations
44 Coordinating Committee.
- 45 j. Every project in which revenues or other funds of the
46 authority are expended shall be included on a website created by the
47 authority whose exclusive purpose shall be reporting on the status
48 of State and federal projects and serving as a singular location for

1 State and federal public documentation concerning those projects.
2 The website shall document the status of each project, presented in
3 tabular form outlining the budgeted amount, the amount spent and
4 committed, and the amount necessary to complete each project. The
5 website shall include a chart which compares the planned and actual
6 quarterly and cumulative expenditures for each project. The
7 website shall chronicle actions which have a bearing on the
8 progress of projects, including, but not limited to, awards for legal,
9 insurance, and engineering services, environmental review, public
10 involvement and outreach, property acquisitions, and construction
11 contracts. The website shall also include a description of any action
12 by an external regulatory agency such as the Department of
13 Environmental Protection, or any other party, which occurred
14 during the reporting period that affected the cost or timely
15 completion of any project in any manner. Information concerning
16 each project shall be included and updated, at minimum, once per
17 month.

18 k. **【**There shall be a minimum appropriation from the revenues
19 and other funds of the authority of \$25,000,000 each fiscal year,
20 commencing with the fiscal year beginning July 1, 2016 for the
21 design, construction, reconstruction, rehabilitation, land acquisition,
22 and environmental mitigation of freight rail projects that: are
23 significant to port commerce connectivity; eliminate rail freight
24 missing links to port facilities; or upgrade freight rail trackage to a
25 286,000 pound load carrying capacity. The amount appropriated
26 pursuant to this subsection shall be inclusive of all amounts
27 annually appropriated for the New Jersey Rail Freight Assistance
28 Program.**】** (Deleted by amendment, P.L. , c.) (pending before
29 the Legislature as this bill)

30 l. Revenues derived from the increase in the rate of taxation of
31 petroleum products gross receipts, imposed pursuant to P.L.2016,
32 c.57, shall not be used to fund a transportation project relating to
33 passenger rail service or freight rail service.

34 (cf: P.L.2016, c.56, s.4)

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36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill amends existing law to exclude passenger and freight
42 rail projects from being funded by the petroleum products gross
43 receipts tax increase enacted on October 14, 2016.