

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2743**

# **STATE OF NEW JERSEY**

DATED: JANUARY 3, 2008

The Assembly Judiciary Committee reports favorably Senate Bill No.2743 (1R).

This bill clarifies the rights of property owners when faced with condemnation by a railroad utility by providing that the railroad must demonstrate to the Department of Transportation (“DOT”) that alternative property is unavailable and that the interest to be taken does not exceed that which is necessary for the proposed use. In addition, the railroad must also initially demonstrate to the DOT at an informal public hearing the specific use to be made of the property or interest to be acquired and that the proposed use is necessary and consistent with the railroad utility's purposes and with the extent of the property or interest to be acquired and any land or property necessary to comply with any order, determination, rule, or regulation of the DOT.

The application for approval shall be considered a “contested case” under the “Administrative Procedure Act.” A formal hearing may be held by the Office of Administrative Law. The burden of proof shall be on the railroad utility. The proceedings are to be conducted in accordance with procedures specified or provided in the bill. No railroad utility shall condemn property or interests belonging to the State of New Jersey, or any authority, corporation, or instrumentality of the State.

This bill is identical to Assembly Bill No. 4625.