



NEW JERSEY LAW REVISION COMMISSION

Draft Tentative Report Regarding Anachronistic References to the Abolished Interstate Commerce Commission

July 7, 2025

The New Jersey Law Revision Commission is required to “[c]onduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing it” and to propose to the Legislature revisions to the statutes to “remedy defects, reconcile conflicting provisions, clarify confusing language and eliminate redundant provisions.” *N.J.S.* 1:12A-8.

This Report is distributed to advise interested persons of the Commission's tentative recommendations and to notify them of the opportunity to submit comments. Comments should be received by the Commission no later than **September 15, 2025**.

The Commission will consider these comments before making its final recommendations to the Legislature. The Commission often substantially revises tentative recommendations as a result of the comments it receives. If you approve of the Report, please inform the Commission so that your approval can be considered along with other comments. Please send comments concerning this Report or direct any related inquiries to:

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Project Summary

There are a number of New Jersey statutes that refer to the Interstate Commerce Commission (ICC), a federal regulatory agency established by the Interstate Commerce Act of 1887 to regulate railroads and later trucking.¹ ICC authority was gradually transferred to other federal agencies throughout the late 20th century, and the ICC was officially abolished in 1995, with its remaining function assigned to the newly created Surface Transportation Board.²

At the December 2016 Commission meeting, during a discussion related to the sales and use tax exemption in N.J.S. 54:32B-8.28, the Commission instructed Staff to locate references to the ICC within New Jersey statutes and determine the appropriate replacement when necessary.³ The proposed modifications, located in the Appendix, update the language in 26 statutes to replace any reference to the ICC with the proper entity.

Background

The ICC Termination Act of 1995 abolished the Interstate Commerce Commission and simultaneously created a successor agency, the Surface Transportation Board (STB).⁴ The Act establishes that “[t]he Board shall perform all functions that, immediately before the effective date of such Act, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.”⁵

The Act states that “[t]he Board shall carry out this chapter and subtitle IV.”⁶ Subtitle IV governs railroad transportation policy, including the establishment of reasonable rates for rail transportation, the promotion of a safe and efficient rail transportation system, the maintenance of reasonable rates, the operation of transportation facilities, and the provision of accurate cost information.⁷ Additionally, the Act transferred responsibility for overseeing matters relating to

¹ N.J. STAT. ANN. § 2A:123-14 (West 2025); N.J. STAT. ANN. § 2A:123-24 (West 2025); N.J. STAT. ANN. § 13:8-41 (West 2025); N.J. STAT. ANN. § 21:1A-141 (West 2025); N.J. STAT. ANN. § 21:2-4 (West 2025); N.J. STAT. ANN. § 21:2-14 (West 2025); N.J. STAT. ANN. § 32:1-14 (West 2025); N.J. STAT. ANN. § 32:1-33 (West 2025); N.J. STAT. ANN. § 32:8-3 (West 2025); N.J. STAT. ANN. § 34:6A-22 (West 2025); N.J. STAT. ANN. § 39:3-79.1 (West 2025); N.J. STAT. ANN. § 39:8-60 (West 2025); N.J. STAT. ANN. § 43:21-19 (West 2025); N.J. STAT. ANN. § 48:12-127 (West 2025); N.J. STAT. ANN. § 48:2-15 (West 2025); N.J. STAT. ANN. § 48:2-21 (West 2025); N.J. STAT. ANN. § 48:3-7.7 (West 2025); N.J. STAT. ANN. § 48:3-7.12 (West 2025); N.J. STAT. ANN. § 48:4-2.1e (West 2025); N.J. STAT. ANN. § 48:6A-1 (West 2025); N.J. STAT. ANN. § 51:1-82 (West 2025); N.J. STAT. ANN. § 54:29A-14 (West 2025); N.J. STAT. ANN. § 54:32B-8.27 (West 2025); N.J. STAT. ANN. § 54:32B-8.28 (West 2025); N.J. STAT. ANN. § 54:32B-8.43 (West 2025); N.J. STAT. ANN. § 59:9-5 (West 2025).

² 49 U.S.C.A. § 1301 (West 2025).

³ N.J. LAW REVISION COMM’N, Minutes NJLRC Meeting, at 1, December 15, 2016, www.njlrc.org (last visited Jul. 2, 2025) [hereinafter “December 2016 Minutes”].

⁴ 49 U.S.C.A. § 1301(a).

⁵ 49 U.S.C.A. § 1302 (West 2025).

⁶ 49 U.S.C.A. § 1321 (West 2025).

⁷ 49 U.S.C.A. § 10101 (West 2025).

motor carriers (bus lines, trucking companies), water carriers, brokers, and freight forwarders.⁸

Although many New Jersey statutes have not yet been revised to reflect the transition in authority, the New Jersey Supreme Court has determined that the Surface Transportation Board is the authority to seek relief for disputes related to the regulation of a railroad.⁹ The U.S. Supreme Court has held that the STB has “exclusive” jurisdiction to regulate “transportation by rail carriers” between places in the United States, as well as between “a place in the United States and a place in a foreign country.”¹⁰

The primary jurisdiction of the STB is to promote “proper relationships between the courts and administrative agencies charged with particular regulatory duties.”¹¹ The STB is intended to “serve as a means of coordinating administrative and judicial machinery and to promote uniformity and take advantage of the agencies’ special expertise.”¹²

Analysis

The 26 New Jersey statutes that reference the ICC can be found in Titles 2A, 13, 21, 32, 34, 39, 43, 48, 51, 54, and 56. The following paragraphs analyze the specific references to the ICC in each title to determine suitable replacement language.

Title 2a. Administration of Civil and Criminal Justice

The Act that includes N.J.S. 2A:123-14 regulates highly flammable, wearable articles when being transported or held for delivery.¹³ Twenty-three years later, in 1976, N.J.S. 2A:123-24 was added to Chapter 123.¹⁴ Both statutes state that listed items will not be covered by the Act when worn or used, provided they are worn in accordance with ICC regulations.¹⁵ The statutes specifically limit the exclusion to *transportation* upon vessels, vehicles, or railroad cars.¹⁶

The ICC Termination Act of 1995, which transferred the agency’s remaining powers to the STB, stated that “[t]he Board shall carry out this chapter and subtitle IV.”¹⁷ Subtitle IV of the law outlines policies regarding railroad transportation to promote safe and efficient rail operations.¹⁸ Additionally, authority over matters concerning motor carriers, water carriers, brokers, and freight forwarders was vested in the STB through the Termination Act.¹⁹

⁸ 49 U.S.C.A. § 13101 (West 2025).

⁹ *Village of Ridgefield Park v. New York, Susquehanna & Western Railway Corp.*, 163 N.J. 446, 449 (N.J. 2000).

¹⁰ *Kawasaki Kisen Kaisha v. Regal-Beloit Corp.*, 561 U.S. 89, 100 (2010).

¹¹ *United States v. W. Pac. R.R. Co.*, 352 U.S. 59, 64 (1956).

¹² *Pejepscot Indus. Park, Inc. v. Maine Cent. R.R. Co.*, 215 F.3d 195, 205 (1st Cir.2000).

¹³ L.1953, c. 267, p. 1792, § 12, eff. Jan. 1, 1954.

¹⁴ L.1975, c. 286, § 9, eff. Jan. 12, 1976.

¹⁵ N.J. STAT. ANN. § 2A:123-14; N.J. STAT. ANN. § 2A:123-24.

¹⁶ *Id.* (emphasis added).

¹⁷ 49 U.S.C.A. § 1321.

¹⁸ 49 U.S.C.A. § 10101.

¹⁹ 49 U.S.C.A. § 13101.

Accordingly, the proposed modifications to both § 2A:123-14 and § 2A:123-24 replace “Interstate Commerce Commission” with “Surface Transportation Board.”

Title 13. Conservation and Development--Parks and Reservations

The New Jersey Legislature enacted N.J.S. 13:8-41 with “[a]n Act establishing a State trails system consisting of scenic, recreation and connecting or side trails; providing for the designation, administration, regulation and acquisition of such trails and trail rights-of-way by the Department of Environmental Protection.”²⁰ The National Trails System Act amendments of 1983 authorized the ICC to preserve for possible future railroad use any rights-of-way not currently in service and to allow interim use of land by a qualified organization for recreational trails.²¹

The Code of Federal Regulations, Title 49, Part 1152, governs abandonment and discontinuance of railroad service: “[N]o line of railroad may be abandoned, and no rail service discontinued unless the [Surface Transportation] Board finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance.”²² Therefore, the proposed modifications to § 13:8-41 replace “Interstate Commerce Commission” with “Surface Transportation Board.”

Title 21. Explosives and Fireworks

Three statutes that reference the ICC are found in Title 21, which relates to the use of explosives and fireworks.²³ N.J.S. 21:1A-141 provides exemptions to the Explosives Act, stating that explosives are exempt during transit upon “vessels, railroad cars or vehicles or while being held for delivery when such transportation and delivery are under the jurisdiction of . . . the Interstate Commerce Commission.”²⁴ N.J.S. 21:2-4 provides a similar exemption for Chapter 2 (“Manufacture, Storage and Transportation”) of Title 21, Subtitle 2, while § 21:2-14 states that any fireworks manufactured must be approved for transport by the ICC.²⁵ The three statutes were last amended over 50 years ago, long before the ICC was dissolved.²⁶

The ICC Termination Act transferred the ICC’s authority to the STB, including broad authority regarding railways, motorways, and water transportation.²⁷ Although the STB is the primary federal body to assume responsibility for regulating the transport of explosives, the Bureau of Alcohol, Tobacco, Firearms, and Explosives has authority over criminal and regulatory violations of federal law relating to explosives.²⁸ Furthermore, the U.S. Department of Labor has authority over the administration of working conditions, including dangerous occupations like

²⁰ L.1974, c. 159, § 12, eff. Nov. 14, 1974.

²¹ 16 U.S.C. § 1241 (West 2025).

²² 49 CFR § 1152.1 (2025).

²³ N.J. STAT. ANN. § 21:1A-141; N.J. STAT. ANN. § 21:2-4; N.J. STAT. ANN. § 21:2-14.

²⁴ N.J. STAT. ANN. § 21:1A-141.

²⁵ N.J. STAT. ANN. § 21:2-4; N.J. STAT. ANN. § 21:2-14.

²⁶ *Id.*

²⁷ 49 U.S.C.A. § 13101.

²⁸ 28 U.S.C.A. § 599A (West 2025).

excavation and the manufacturing of explosives.²⁹ For these reasons, the proposed modifications replace “Interstate Commerce Commission” with “Surface Transportation Board or other federal agency.”

Title 32. Interstate and Port Authorities and Commissions

N.J.S. 32:1-14 states the port authority may petition “any interstate commerce commission (or like body),” among other entities, after the adoption of a comprehensive plan to improve the handling of transportation related to commerce.³⁰ The 1995 ICC Termination Act transferred all remaining ICC authority to the STB, including the authority to promote “safe, adequate, economical, and efficient transportation,” and to oversee transportation by motor carriers.³¹

N.J.S. 32:1-33 states that the “Port of New York Authority” shall have the power to apply to “all federal agencies, including the interstate commerce commission,” for assistance in carrying out a comprehensive development plan.³² The STB is the successor agency of the ICC.³³

N.J.S. 32:8-3, which outlines the powers of the Delaware River Joint Toll Bridge Commission, authorizes the commission to petition the ICC “or any other Federal, State or local authority” for the adoption and execution of any physical improvement.³⁴ Subtitle IV of the ICC Termination Act vests power in the STB to hold proceedings, issue subpoenas, and take witness testimony regarding issues in interstate transportation.³⁵

The proposed modifications update three statutes in Title 32 to remove references to the ICC and replace them with references to its successor agency, the STB.

Title 34. Labor and Workmen’s Compensation

N.J.S. 34:6A-22, which provides exemptions to the Worker Health and Safety Act, exempts any “transportation equipment coming under the jurisdiction of the [ICC].”³⁶ Because the list of exemptions under the statute is extensive and each exemption is precise, it can reasonably be assumed that the Legislature intended to specifically exempt the equipment under the jurisdiction of the ICC, which was transferred to its successor agency, the STB, in 1995. Therefore, the proposed modifications update § 34:6A-22 to replace “Interstate Commerce Commission” with “Surface Transportation Board.”

²⁹ 29 U.S.C.A. 570.51 (West 2025).

³⁰ N.J. STAT. ANN. § 32:1-14.

³¹ 49 U.S.C.A. § 13101.

³² N.J. STAT. ANN. § 32:1-33.

³³ 49 U.S.C.A. § 1301(a).

³⁴ N.J. STAT. ANN. § 32:8-3(t).

³⁵ 49 U.S.C.A. § 13301 (West 2025).

³⁶ N.J. STAT. ANN. § 34:6A-22.

Title 39. Motor Vehicles and Traffic Regulation

N.J.S. 39:3-79.1 governs the use of devices to prevent throwing dirt on surrounding vehicles' windshields.³⁷ The STB has the authority to promote safe, adequate, economical, and efficient transportation by motor carrier; therefore, the proposed modifications replace “Interstate Commerce Commission” with “Surface Transportation Board.”

N.J.S. 39:8-60, which states that the definition of a diesel bus includes “autobuses under the authority of the [ICC] or its successor agency,” was enacted in 1995, the same year that the STB was created.³⁸ Accordingly, the proposed modifications remove the reference to the ICC and replace it with one to its successor agency, the STB.

Title 43. Pensions and Retirement and Unemployment Compensation

N.J.S. 43:21-19, in relevant part, excludes limousine franchises from the Unemployment Compensation Law if the franchisee is regulated by the ICC.³⁹ Notably, this part of the statute was added through an amendment in 1992, just three years before the ICC transferred its authority to the STB.⁴⁰

The STB has the authority to promote fair wages and working conditions in the transportation industry.⁴¹ Accordingly, the proposed modifications update the statute to reference the STB instead of the ICC.

Title 48. Public Utilities

Title 48 (“Public Utilities”) includes seven statutes referencing the ICC, found in the following chapters: Chapter 2 (“Board of Public Utility Commissioners”), Chapter 3 (“Public Utilities in General”), Chapter 4 (“Autobuses”), Chapter 6A (“Common and Contract Carriers—Interstate”), and Chapter 12 (“Railroads”).⁴²

N.J.S. 48:2-15 states that the Board of Public Utility Commissioners must cooperate with the boards of other States and the ICC.⁴³ Since the ICC Termination Act explicitly provides the STB with the authority to cooperate with each State on matters of transportation as the ICC successor, the proposed modification to this statute replaces “Interstate Commerce Commission” with “Surface Transportation Board.”⁴⁴ Similarly, N.J.S. 48:2-21 pertains to the schedule of rates

³⁷ N.J. STAT. ANN. § 39:3-79.1.

³⁸ N.J. STAT. ANN. § 39:8-60.

³⁹ N.J. STAT. ANN. § 43:21-19.

⁴⁰ L.1991, c. 486, § 1, eff. Jan. 18, 1992.

⁴¹ 49 U.S.C.A. § 13101.

⁴² N.J. STAT. ANN. § 48:12-127; N.J. STAT. ANN. § 48:2-15; N.J. STAT. ANN. § 48:2-21; N.J. STAT. ANN. § 48:3-7.7; N.J. STAT. ANN. § 48:3-7.12; N.J. STAT. ANN. § 48:4-2.1e; N.J. STAT. ANN. § 48:6A-1.

⁴³ N.J. STAT. ANN. § 48:2-15.

⁴⁴ 49 U.S.C.A. § 13101.

for railroads, and the STB was granted authority to establish reasonable, non-discriminatory rates; therefore, the same modification is proposed for this provision.⁴⁵

N.J.S. 48:3-9, regarding the issuance of stocks and bonds by public utilities, was amended in 2008 to replace a reference to the ICC with the words “federal Surface Transportation Board or any successor agency.”⁴⁶ In the same chapter, § 48:3-7.7 and § 48:3-7.12 provide exemptions from the jurisdiction of the Board of Public Utilities for railroads that are operated or managed by the ICC.⁴⁷ Given that the “[Surface Transportation] Board has jurisdiction over transportation by rail carrier that is (A) only by railroad; or (B) by railroad and water,”⁴⁸ the proposed modifications to the statutes above replace “Interstate Commerce Commission” with “Surface Transportation Board.”

N.J.S. 48:4-2.1e, enacted in 1995, the same year as the ICC Termination Act, refers to the “Interstate Commerce Commission or its successor agency.”⁴⁹ Accordingly, the proposed modification amends the statute to instead refer to the successor agency, the STB.

N.J.S. 48:6A-1 pertains to the appointment of agents for service of process before the ICC.⁵⁰ The STB is the successor agency to the ICC and has jurisdiction to hold proceedings related to common carriers; therefore, the proposed modification updates the statute to refer to the STB.⁵¹

N.J.S. 48:12-125.1 was amended in 2009 to replace two references to the ICC with the “Surface Transportation Board.”⁵² In the same chapter, N.J.S. 48:12-127 states that the ICC must approve certain agreements related to railroad consolidation.⁵³ Since the latter statute involves the same approval process as the former, amended statute, the proposed modification to § 48:12-127 replaces “Interstate Commerce Commission” with “Surface Transportation Board.”

Title 51. Standards, Weights, Measures and Containers

Title 51 governs standards, weights, measures, and containers in transportation and commerce. N.J.S. 51:1-82, regarding the fraudulent report of weight and the resulting penalties, excludes “interstate common carriers by railroad subject to the rules and regulations from time to time issued by the Interstate Commerce Commission.”⁵⁴

⁴⁵ N.J. STAT. ANN. § 48:2-21; 49 U.S.C.A. § 10701 (West 2025).

⁴⁶ L.2008, c. 87, § 3, eff. Sept. 15, 2008.

⁴⁷ N.J. STAT. ANN. § 48:3-7.7; N.J. STAT. ANN. § 48:3-7.12.

⁴⁸ 49 U.S.C.A. § 10501 (West 2025).

⁴⁹ N.J. STAT. ANN. § 48:4-2.1e.

⁵⁰ N.J. STAT. ANN. § 48:6A-1.

⁵¹ 49 U.S.C.A. § 1321.

⁵² L.2009, c. 323, § 1, eff. Jan. 18, 2010.

⁵³ N.J. STAT. ANN. § 48:12-127.

⁵⁴ N.J. STAT. ANN. § 51:1-82.

Because the ICC Termination Act of 1995 vested specific authority in the STB to regulate transportation by railroad and motor carrier, the proposed modification replaces “Interstate Commerce Commission” with “Surface Transportation Board.”⁵⁵

Title 54. Taxation

References to the ICC are found in one statute in Title 54, Chapter 29A (“Railroad Tax Law of 1948”) and three statutes in Chapter 32B (“Sales and Use Tax Act”).⁵⁶ Although N.J.S. 54:29A-14 states that “depreciation and amortization charges shall [not] . . . exceed the amounts permitted by the Interstate Commerce Commission,”⁵⁷ New Jersey case law indicates that, in practice, the Division of Taxation has relied upon measures reported by the Surface Transportation Board since the transfer of authority in 1995.⁵⁸ In *CSX Transp., Inc. v. Director, Div. of Taxation* (2005), the Tax Court of New Jersey held that the Division of Taxation was authorized to calculate railroad franchise tax based on the miles reported by taxpayer railroads to the STB.⁵⁹

The three relevant statutes from Chapter 32B were enacted years before the ICC Termination Act and have not been amended since the Act’s passage.⁶⁰ The Termination Act transferred broad authority to the STB, including the ability to set rates and oversee transportation for motor carriers, locomotives, and railway cars.⁶¹ The proposed modifications to four statutes in Title 54 replace “Interstate Commerce Commission” with “Surface Transportation Board.”

Title 56. Trade Names, Trade-Marks and Unfair Trade Practices

N.J.S. 56:9-5 provides a list of organizations and activities exempt from the Antitrust Act (Title 56, Chapter 9).⁶² The Act states that every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce shall be unlawful.⁶³

In the ICC Termination Act of 1995, the STB was vested with the authority to regulate fair trade practices in railroads, motor carriers, and water carriers.⁶⁴ Specifically, the Act granted the STB the authority to encourage sound economic conditions in transportation; to promote the establishment and maintenance of reasonable rates for transportation; and to cooperate with each State on transportation matters to promote fair competition.⁶⁵ Accordingly, the proposed

⁵⁵ 49 U.S.C.A. § 13101.

⁵⁶ N.J. STAT. ANN. § 54:29A-14; N.J. STAT. ANN. § 54:32B-8.27; N.J. STAT. ANN. § 54:32B-8.28; N.J. STAT. ANN. § 54:32B-8.43.

⁵⁷ N.J. STAT. ANN. § 54:29A-14.

⁵⁸ *CSX Transp., Inc. v. Director, Div. of Taxation*, 22 N.J.Tax 399 (Tax Ct. 2005).

⁵⁹ *Id.* at 410.

⁶⁰ N.J. STAT. ANN. § 54:32B-8.27; N.J. STAT. ANN. § 54:32B-8.28; N.J. STAT. ANN. § 54:32B-8.43.

⁶¹ 49 U.S.C.A. § 13101.

⁶² N.J. STAT. ANN. § 59:9-5.

⁶³ *Id.*

⁶⁴ 49 U.S.C.A. § 13101.

⁶⁵ *Id.*

modifications to § 56:9-5 replace “Interstate Commerce Commission” with “Surface Transportation Board.”

Pending Bills

There are currently no pending bills that would replace references to the Interstate Commerce Commission with references to the Surface Transportation Board or another entity. Two pending bills would amend N.J.S. 48:2-21 to add the phrase “or successor agency” or “or successor federal agency” after “Interstate Commerce Commission.”⁶⁶

Conclusion

The proposed modifications in the Appendix update 26 New Jersey statutes to replace any references to the Interstate Commerce Commission with its successor agency, the Surface Transportation Board.

⁶⁶ A.B. 812, 221st Leg., 2024 Sess. (Jan. 9, 2024) (identical to S.B. 2722) (adding “or successor agency” after “Interstate Commerce Commission”). *See also* A.B. 1351, 221st Leg., 2024 Sess. (Jan. 9, 2024) (adding “or successor federal agency” after “Interstate Commerce Commission”).

Appendix

Proposed modifications are shown on the following pages (with ~~striketrough~~ and underlining).

N.J.S. 2A:123-14. Wearing apparel or fabrics being transported or held for delivery

Nothing contained in this act shall apply to such wearing apparel or fabrics while being transported upon vessels, vehicles or railroad cars, or while being held for delivery; provided, such transport and delivery is subject to and in conformity with regulations now or hereafter prescribed by the Surface Transportation Board ~~Interstate Commerce Commission~~.

Comment

The proposed modification to N.J.S. 2A:123-14, which applies to the manufacture and sale of certain articles under Subtitle 10 of Title 2A, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 2A:123-24. Inapplicability of act to articles in transit or being held for delivery

Nothing contained in this act shall apply to tents or sleeping bags being transported upon vessels, vehicles or railroad cars, or being held for delivery; provided, such transport and delivery is subject to and in conformity with regulations now or hereafter prescribed by the Surface Transportation Board ~~Interstate Commerce Commission~~.

Comment

The proposed modification to N.J.S. 2A:123-24, which applies to the manufacture and sale of certain articles under Subtitle 10 of Title 2A, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 13:8-41. Review of formal declarations of railroad right-of-way abandonments for inclusion in system

The department shall review all formal declarations of railroad right-of-way abandonments by the Surface Transportation Board ~~Interstate Commerce Commission~~ or other Federal agencies, for possible inclusion into the State trails system.

Comment

The proposed modification to N.J.S. 13:8-41, which applies to formal declarations of railroad right-of-way abandonments, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 21:1A-141. Exemptions

Nothing contained in this act

A. Nothing contained in this act shall be construed as applying to explosives which are in transit upon vessels, railroad cars or vehicles or while being held for delivery, when such transportation and delivery are under the jurisdiction of and in conformity with regulations adopted by the Surface Transportation Board or other federal agency ~~Interstate Commerce Commission~~, the United States Coast Guard or the Civil Aeronautics Board, and provided, further, that nothing in this act shall be construed as applying to the receipt, possession, and use of signals required for the safe operation of vessels, motor vehicles, railroad cars, or aircraft by the operators of such vessels, motor vehicles, railroad cars or aircraft.

Comment

The proposed modification to N.J.S. 21:1A-141, which provides exemptions to the Explosives Act, replaces reference to the Interstate Commerce Commission with the phrase “Surface Transportation Board or other federal agency” to reflect the transition in authority to the STB and other federal bodies that oversee explosives like the Bureau of Alcohol, Tobacco, Firearms and Explosives.

N.J.S. 21:2-4. Application of chapter

Nothing in this chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Surface Transportation Board or other federal agency ~~Interstate Commerce Commission~~, to the military or naval forces of the United States, to the duly authorized militia of the State, to the use and manufacture of signals and fuses necessary for the safe operation of railroads, steamboats or aircraft, or to the use of fireworks for agricultural purposes in connection with the raising of crops.

Comment

The proposed modification to N.J.S. 21:2-4, which provides the scope of Chapter 2 (“Manufacture, Storage and Transportation”) of Title 21, Subtitle 2, replaces reference to the Interstate Commerce Commission with the phrase “Surface Transportation Board or other federal agency” to reflect the transition in authority to the STB and other federal bodies that oversee explosives like the Bureau of Alcohol, Tobacco, Firearms and Explosives.

N.J.S. 21:2-14. Character of fireworks which may be manufactured

No fireworks may be manufactured except such as shall be approved for transportation by the regulations of the Surface Transportation Board or other federal agency ~~interstate-commerce commission~~.

Comment

The proposed modification to N.J.S. 21:2-14, which states the type of fireworks that may be manufactured, replaces reference to the Interstate Commerce Commission with the phrase “Surface Transportation Board or other federal agency” to reflect the transition in authority to the STB and other federal bodies that oversee explosives like the Bureau of Alcohol, Tobacco, Firearms and Explosives.

N.J.S. 32:1-14. Proceedings before Surface Transportation Board ~~interstate-commerce commission~~, public utilities commission and like bodies

The port authority may petition any ~~interstate-commerce commission (or like body)~~, public service commission, public utilities commission (or like body), the Surface Transportation Board, or any other federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, after the adoption of the comprehensive plan as provided for in Article X for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the port authority, may be designed to improve or better the handling of commerce in and through said district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the port.

Comment

The proposed modifications to N.J.S. 32:1-14, which relates to the port authority’s ability to petition a public entity, remove references to the Interstate Commerce Commission and add language referencing the Surface Transportation Board, which assumed the relevant authority of the ICC in 1995.

N.J.S. 32:1-33. Development of port; federal assistance; municipal co-operation; securities tax exempt; municipal corporate instrumentality

The Port of New York Authority is hereby authorized and directed to proceed with the development of the port of New York in accordance with said comprehensive plan as rapidly as may be economically practicable and is hereby vested with all necessary and appropriate powers not inconsistent with the constitution of the United States or of either state, to effectuate the same, except the power to levy taxes or assessments. It shall request the congress of the United States to

make such appropriations for deepening and widening channels and to make such grants of power as will enable the said plan to be effectuated. It shall have power to apply to all federal agencies, including the Surface Transportation Board ~~interstate commerce commission~~, the war department, and the United States shipping board, for suitable assistance in carry [carrying] out said plan. It shall co-operate

Comment

The proposed modification to N.J.S. 32:1-33, which authorizes the development of the port of New York in accordance with the relevant comprehensive plan, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment. The Legislature may also wish to remove reference to the War Department, which was dissolved in 1947.

N.J.S. 32:8-3. Powers of commission

For the effectuation of its authorized purposes, the commission is hereby granted the following powers as limited and supplemented by P.L.1994, c. 176 (C. 32:8-3.5 et seq.) and P.L.1994, c. 177 (C. 32:8-3.8 et seq.):

- (a) To have perpetual succession.
- (b) To sue and be sued.
- (c) To adopt and use an official seal.
- (d) To elect a chairman,
- (e) To adopt suitable by-laws
- (f) To appoint such other officers,
- (g) To determine the qualifications
- (h) To enter into contracts.
- (i) To acquire,
- (j) To acquire,
- (k) To grant the use of,
- (l) To borrow money
- (m) To exercise the power
- (n) To determine the exact location

- (o) In addition to
- (p) To exercise all other powers,
- (q) To acquire,
- (r) To provide
- (s) To fix,

(t) To petition the Surface Transportation Board or Secretary of Transportation ~~Interstate Commerce Commission~~, any public service or public utilities commission, or any other Federal, State or local authority, whether administrative, judicial or legislative, for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the commission, may be designed to improve or facilitate the movement or handling of commerce within the district or improve the terminal or transportation facilities therein.

As used in this agreement . . . :

- (1) every kind of terminal or storage structure . . . ; and
- (2) all real and personal property

Comment

The proposed modification to N.J.S. 32:8-3, which outlines the powers granted to the Delaware River Joint Toll Bridge Commission, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board or Secretary of Transportation” to reflect the transition in authority to the latter parties after the ICC’s abolishment.

N.J.S. 34:6A-22. Exemptions

This act is not intended to apply and shall not apply to the following:

- (a) Places of employment . . . ;
- (b) Places of employment . . . ;
- (c) Employment . . . ;
- (d) (Deleted by amendment, P.L.2023, c. 262).

(e) Transportation equipment coming under the jurisdiction of the Surface Transportation Board ~~Interstate Commerce Commission~~, Federal Aviation Administration, or of the New Jersey Division of Motor Vehicles;

- (f) (Deleted by amendment, P.L.2023, c. 262).
- (g) Schools, colleges and universities;
- (h) Places of employment . . . ;
- (i) Agricultural employment;
- (j) Banks and other financial institutions;
- (k) Places of employment . . . ;
- (l) Public utilities . . . ;
- (m) Liquefied petroleum gas . . . ;
- (n) Natural gas pipeline . . . ;
- (o) Establishments with

Comment

The proposed modification to N.J.S. 34:5A-22, which provides exemptions to the Worker Health and Safety Act, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 39:3-79.1. Devices to prevent throwing of dirt on windshields of following vehicles

No person shall operate or cause to be operated any bus, truck, full trailer or semitrailer of registered gross weight exceeding three tons on any public highway unless the same is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels, and, in case the rear wheels are not covered at the top by fender, body or other parts of the vehicle, the rear wheels shall be covered at the top by protective means, of such standard type or design and installed in such manner as shall be approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety and as shall conform substantially to any requirements of the Surface Transportation Board ~~Interstate Commerce Commission~~ governing similar subject matter, in order to prevent, as far as practical, such wheels from throwing dirt, water or other materials on the windshields of the following vehicles,

Comment

The proposed modification to N.J.S. 39:3-79.1, regarding vehicle devices to prevent throwing of dirt on windshields, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 39:8-60. Definitions

As used in this act:

“Diesel bus” means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, and shall include, but need not be limited to: autobuses under the jurisdiction of the commission pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the commission; autobuses that are subject to federal motor carrier safety regulations; autobuses under the authority of the Surface Transportation Board ~~Interstate Commerce Commission or its successor agency~~; school buses, as defined pursuant to R.S.39:1-1; hotel, casino, charter, and special buses; and any other diesel-powered autobus or motorbus as determined by rule or regulation adopted by the commission in consultation with the Department of Transportation;

“Diesel-powered motor vehicle” means . . . ;

“EPA” means . . . ;

“Gross vehicle weight rating” or “GVWR” means . . . ;

“Heavy-duty diesel truck” means . . . ;

“Periodic inspection program” or “periodic inspection” means . . . ;

“Person” means . . . ;

“Roadside enforcement program” or “roadside inspection” means

Comment

The proposed modification to N.J.S. 39:8-60, which provides the relevant definitions for Chapter 8 (“Inspection of Motor Vehicles”) of Title 39, Subtitle 2, replaces the phrase “Interstate Commerce Commission or its successor agency” with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 43:21-19. Definitions

Definitions. As used in this chapter (R.S.43:21-1 et seq.), unless the context clearly requires otherwise:

[. . .]

(9) Services performed by the owner of a limousine franchise (franchisee) shall not be deemed to be employment subject to the “unemployment compensation law,” R.S.43:21-1 et seq., with regard to the franchisor if:

(A) The limousine franchise is incorporated;

(B) The franchisee is subject to regulation by the Surface Transportation Board ~~Interstate Commerce Commission~~;

(C) The limousine franchise exists pursuant to . . . ; and

(D) The franchisee registers with

[. . .]

Comment

The proposed modification to N.J.S. 43:21-19, which provides the relevant definitions for the Unemployment Compensation Law, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 48:12-127. Filing agreement of waiver; approval of board of public utility commissioners

No such lease, union, consolidation or merger shall take effect until the parties thereto file in the office of the Secretary of State an agreement surrendering to the State all rights of exemption or contract privileges with respect to taxation in this State and reserving to the State any existing right to take the property of any of the parties nor shall the same be valid unless approved by the Surface Transportation Board ~~Interstate Commerce Commission~~ in any case as to which that board ~~commission~~ has jurisdiction, and in any other case by the board of public utility commissioners.

The property and franchises in this State of the lessor and lessee and of such consolidated or acquiring company shall be subject to taxation under the general laws of this State.

Comment

The proposed modifications to N.J.S. 48:12-127, which relates to the filing of an agreement of waiver for railroad consolidation, replace reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment. The modifications also replace the word “commission” with the word “board.”

N.J.S. 48:2-15. Authority over interstate commerce; interstate cooperation

(a) The board or the members thereof, whenever authorized by an Act of Congress to exercise any power or authority over interstate commerce, shall have full power and authority to administer the provisions of such act within this State, and in cases authorized under such act, in co-operation with boards of other States and the Surface Transportation Board ~~Interstate Commerce Commission~~.

(b) The board shall have all the power

(c) The board, in exercising the power

Comment

The proposed modification to N.J.S. 48:2-15, which provides the authority granted to the Board of Public Utility Commissioners over interstate commerce, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 48:2-21. Rates.

Schedule of rates. (a) The board may require

Fix rates. (b) The board may after hearing,

1. Fix just and reasonable individual rates,

2. Fix just and reasonable joint rates,

Demurrage rates. (c) The board may fix the rates or charges to be made by any corporation subject to the provisions of this chapter for the detention of a railroad car containing property transported by railroad to any point in this State or for the use of railroad tracks occupied by such car, commonly called demurrage or car service, or for both such detention and use. Such rates and charges shall conform as nearly as possible to the rates and charges for demurrage or car service prescribed and fixed by the Surface Transportation Board ~~Interstate Commerce Commission~~ for similar service.

Increase in rates; hearings. (d) When any public utility

Comment

The proposed modification to N.J.S. 48:2-21, which governs public utility rates under Title 48, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 48:3-7.7. Certain railroads exempt

The provisions of sections 48:3-7.3 to 48:3-7.6 of this title shall not apply to any public utility subject to the jurisdiction of the Surface Transportation Board ~~interstate commerce commission~~ owning, operating, managing or controlling a steam railroad within this state.

Comment

The proposed modification to N.J.S. 48:3-7.7, which provides exemptions to the requirements of N.J.S. 48:3-7.3 to 48:3-7.6, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 48:3-7.12. Railroads and railway express exempt

The provisions of sections 48:3-7.8 to 48:3-7.11 of this Title shall not apply to any public utility subject to the jurisdiction of the Surface Transportation Board ~~interstate commerce commission~~ operating, managing or controlling a railroad or railway express within this State.

Comment

The proposed modification to N.J.S. 48:3-7.12, which provides exemptions to the requirements of N.J.S. 48:3-7.8 to 48:3-7.11, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 48:4-2.1e. Definitions

As used in this act:

“Bus” or “buses” means and includes all autobuses, of whatever size or configuration, under the jurisdiction of the commission; all autobuses of NJ Transit and its contract carriers which are under the inspection jurisdiction of the commission; all autobuses of whatever size or configuration, that are subject to Federal Motor Carrier Safety Regulations, operated on public highways or in public places in this State; and all autobuses operated on public highways or in public places in this State under the authority of the Surface Transportation Board ~~Interstate Commerce Commission, or its successor agency.~~

“Bus safe out-of-service violation” means

“Casino” means

“Category 1 violation” means

“Category 2 violation” means

“Operator” means

Comment

The proposed modification to N.J.S. 48:4-2.1e, which provides the relevant definitions for Article 1 of Title 48, Chapter 4 (“Autobuses”), replaces the phrase “Interstate Commerce Commission, or its successor agency” with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 48:6A-1. Agents for service of process; filing of powers of attorney

From and after the effective date of this act the Board of Public Utility Commissioners shall receive, file and preserve powers of attorney, appointing agents upon whom the service of process may be made within this State, and submitted to it by the Surface Transportation Board ~~Interstate Commerce Commission~~ of the United States or by common or contract carriers of persons or property engaged in interstate commerce through or within this State.

Comment

The proposed modification to N.J.S. 48:6A-1, which describes the Board of Public Utility Commissioners’ process for filing powers of attorney, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 51:1-82. Fraudulent report of weight; penalties; imprisonment; double damages; interstate carriers, inapplicable to

Any person who owns, operates, keeps, or has in his possession, control or charge any scales, steelyards or weights who shall certify, declare, represent, render or report any false weight whereby any other person may be defrauded, deceived or injured, shall, upon conviction thereof, be subject to a penalty in a sum not less than \$50.00 nor more than \$100.00 for a first offense, and not less than \$100.00 nor more than \$250.00 for a second offense and not less than \$250.00 nor more than \$500.00 for each subsequent offense. The court shall cause any defendant, who refuses or neglects to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for a period of not less than 10 days and not exceeding 30 days for a first offense and not less than 30 days nor more than 90 days for any subsequent offense. Such person shall also be answerable to the party defrauded in double damages, to be collected in an action at law in any court of competent jurisdiction. The provisions of this section shall not apply to interstate common carriers by railroad subject to the rules and

regulations from time to time issued by the Surface Transportation Board ~~Interstate Commerce Commission~~.

Comment

The proposed modification to N.J.S. 51:1-82, which prohibits the fraudulent report of weight for weighmasters, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 54:29A-14. Measure of franchise tax

For the purpose of this article, net railway operating income shall be computed as total railway operating revenues from all sources, including any revenue whatever derived directly or indirectly from property which is used for railroad purposes, less costs of railroad maintenance, operation, depreciation and amortization, railway tax accruals, uncollectible railway revenues, rentals (both debits and credits) for equipment leased for less than 1 year or interchanged, and joint facility rents (both debits and credits); provided, however, that amounts paid by the State of New Jersey or any county or municipality, or any agency, authority or subdivision thereof, pursuant to contracts for passenger service, shall not be included as such operating revenues. Deductions from operating revenues for depreciation, additions and betterments, and compensation for personal services shall be subject to regulation by the commissioner, as to reasonableness of amount and appropriateness of accounting distribution.

Depreciation and amortization charges shall in no instance, however, exceed the amounts permitted by the Surface Transportation Board ~~Interstate Commerce Commission~~ in determining the net railway operating income of the railroad for the year under consideration.

For the purpose of determining

Comment

The proposed modification to N.J.S. 54:29A-14, which provides information relevant to the railroad tax law, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 54:32B-8.27. Locomotives, railroad cars, other railroad rolling stock and related materials

Receipts from sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts therefor, track materials, and communication, signal and power

transmission equipment, to a railroad whose rates are regulated by the Surface Transportation Board ~~Interstate Commerce Commission~~ or by the Board of Public Utilities are exempt from the tax imposed under the Sales and Use Tax Act.

Comment

The proposed modification to N.J.S. 54:32B-8.27, which provides exemptions from the tax imposed under the Sales and Use Tax Act, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 54:32B-8.28. Buses for public passenger transportation including repair and replacement parts

Receipts from sales of buses for public passenger transportation, including repair and replacement parts and labor therefor, to bus companies whose rates are regulated by the Surface Transportation Board ~~Interstate Commerce Commission~~ or the Department of Transportation or to an affiliate of said bus companies or to common or contract carriers for their use in the transportation of children to and from school are exempt from the tax imposed under the Sales and Use Tax Act. For the purposes of this section “affiliate” means a corporation whose stock is wholly owned by the regulated bus company or whose stock is wholly owned by the same persons who own all the stock of the regulated bus company.

Comment

The proposed modification to N.J.S. 54:32B-8.28, which provides additional exemptions from the tax imposed under the Sales and Use Tax Act, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 54:32B-8.43. Sales, rental or lease of commercial trucks, truck tractors, tractors, and semitrailers

Receipts from: (a) sales, renting or leasing of commercial trucks, truck tractors, tractors, semitrailers, and vehicles used in combination therewith, as defined in R.S.39:1-1, which are registered in New Jersey and (1) have a gross vehicle weight rating in excess of 26,000 pounds, (2) are operated actively and exclusively for the carriage of interstate freight pursuant to a certificate or permit issued by the Surface Transportation Board ~~Interstate Commerce Commission~~, or (3) are registered pursuant to R.S.39:3-24 or R.S.39:3-25 and have a gross vehicle weight rating in excess of 18,000 pounds; and (b) repair and replacement parts for such vehicles, are exempt from the tax imposed under the “Sales and Use Tax Act.” “Gross vehicle weight rating”

means the value specified by the manufacturer as the loaded weight of the single or combination vehicle and, if the manufacturer has not specified a value for a towed vehicle, means the value specified for the towing vehicle plus the loaded weight of the towed unit.

Comment

The proposed modification to N.J.S. 54:32B-8.43, which provides additional exemptions from the tax imposed under the Sales and Use Tax Act, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.

N.J.S. 56:9-5. Exempt organizations and activities

a. This act shall not forbid

b. No provisions of this act shall be construed to make illegal:

(1) The activities of any labor organization . . . ;

(2) The activities of any agricultural . . . ;

(3) The activities of any public utility, as defined in R.S.48:2-13 to the extent that such activities are subject to the jurisdiction of the Board of Public Utilities, the Department of Transportation, the Federal Energy Regulatory Commission, the Federal Communications Commission, the Federal Department of Transportation or the Surface Transportation Board ~~Interstate Commerce Commission~~, except that this exemption, and that of subsection c. of this section, shall apply to the activities of any electric public utility or gas public utility or any related competitive business segment of an electric public utility or related competitive business segment of a gas public utility, or any public utility holding company or related competitive business segment of a public utility holding company as those terms are defined in section 3 of P.L.1999, c. 23 (C.48:3-51), only to the extent such activities are expressly required by and supervised pursuant to State regulation or are required by federal or State law;

(4) The activities, . . . ;

(5) The bona fide religious and charitable activities . . . ;

(6) The activities . . . ;

(7) The activities of any State or national banking institution . . . ;

(8) The activities . . . ;

(9) The activities . . . ;

(10) The activities

c. This act shall not apply

Comment

The proposed modification to N.J.S. 56:9-5, which provides a list of organizations and activities exempt from the Antitrust Act, replaces reference to the Interstate Commerce Commission with the words “Surface Transportation Board” to reflect the transition in authority to the latter agency after the ICC’s abolishment.