

CHAPTER 5D
STATE TRAILS SYSTEM

Authority

N.J.S.A. 13:8-30 et seq.

Source and Effective Date

R.2011 d.104, effective March 3, 2011.
See: 42 N.J.R. 2357(a), 43 N.J.R. 832(a).

Chapter Expiration Date

Chapter 5D, State Trails System, expires on March 3, 2016.

Chapter Historical Note

Chapter 5D, State Trails System, was adopted as R.1995 d.147, effective March 20, 1995. See: 26 N.J.R. 1459(a), 27 N.J.R. 1204(c).

Pursuant to Executive Order No. 66(1978), Chapter 5D, State Trails System, was readopted as R.2000 d.156, effective March 20, 2000. See: 32 N.J.R. 348(a), 32 N.J.R. 1380(c).

Chapter 5D, State Trails System, was readopted as R.2005 d.337, effective September 8, 2005. See: 37 N.J.R. 1111(a), 37 N.J.R. 3812(c).

Chapter 5D, State Trails System, was readopted as R.2011 d.104, effective March 3, 2011. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:5D-1.1 Purpose and scope

This chapter constitutes the rules of the Department concerning the implementation of the New Jersey Trails System Act, N.J.S.A. 13:8-30 et seq. This chapter establishes standards, procedures and practices for designating and maintaining trails as part of the State Trails System, in order to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural and remote areas of the State. Designation of trails to the System is intended to help preserve the natural, recreational, ecological, geological, historic and cultural qualities of trails and the areas through which they pass; to increase open space and recreational opportunities; and to enhance the quality of life in New Jersey for all State residents and visitors.

7:5D-1.2 Construction

This chapter shall be liberally construed to permit the Department to effectuate the purposes of the New Jersey Trails System Act, N.J.S.A. 13:8-30 et seq.

7:5D-1.3 Severability

If any subchapter, section, subsection, provision, clause or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion or application directly involved in the controversy in which such judgment is rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons.

7:5D-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the text clearly indicates otherwise:

“Act” means the New Jersey Trails System Act, N.J.S.A. 13:8-30 et seq.

“ADA” means the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

“Administering agency” means (1) any agency of the Department that is assigned responsibility for managing a particular parcel of land, or (2) any Federal agency, State

department, local unit or charitable conservancy that establishes a land management policy for a particular parcel of land included in a designated State trail.

“Charitable conservancy” means a corporation or trust whose purposes include the acquisition and preservation of land or water areas, or of a particular land or water area, or either thereof, in a natural, scenic or open condition, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which has received tax exemption under section 501(c)3 of the Internal Revenue Code.

“Commissioner” means the Commissioner of the Department or his or her designated representative.

“Conservation restriction” means an interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retaining land or water areas predominantly in their natural, scenic or open or wooded condition, or for conservation of soil or wildlife, or for outdoor recreation or park use, or as suitable habitat for fish or wildlife, executed for the purposes listed at N.J.S.A. 13:8B-2(b).

“Council” means the New Jersey Trails Council.

“Department” means the New Jersey Department of Environmental Protection, its successors and assigns.

“Division” means the Division of Parks and Forestry in the Department.

“Local unit” means a municipality, county or other political subdivision of the State or agency thereof.

“New Jersey Trails Council” means the advisory board established by the Department and authorized by P.L. 1975, c.367, to undertake a study and prepare a plan for a coordinated system of trails throughout the State, and continued by the Department for the purpose of providing public input into the administration of the State Trails System.

“Scenic easement” means a perpetual easement in land which (1) is held for the benefit of the public, (2) is specifically enforceable by its holder or beneficiary, and (3) limits or obligates the holder of the servient estate and his or her heirs and assigns with respect to their use and management of activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

“State Trails System” or “System” means the statewide system of individual trails or group of trails authorized by the Act and designated pursuant to this chapter.

“Trail facility” means any area, structure or equipment that functions to provide a service to the trail user, including, but not limited to, parking lots, picnic areas and rest rooms.

“Trail right-of-way” means a road, path, or water body and adjacent land, under the jurisdiction of an administering agency and designated for public trail access pursuant to this chapter.

“Trails Plan” means the plan for a coordinated system of trails throughout the State authorized by P.L. 1975, c.367, as updated.

Amended by R.2000 d.156, effective April 17, 2000.

See: 32 N.J.R. 348(a), 32 N.J.R. 1380(c).

In “Conservation restriction”, substituted “executed” for “executive” following “wildlife.”.

Amended by R.2005 d.337, effective October 3, 2005.

See: 37 N.J.R. 1111(a), 37 N.J.R. 3812(c).

In “New Jersey Trails Council” and “Trails Plan” definitions, added “P.” preceding “L. 1975”.

SUBCHAPTER 2. NEW JERSEY TRAILS COUNCIL

7:5D-2.1 New Jersey Trails Council

(a) The New Jersey Trails Council shall advise the Department on the designation of trails to the State Trails System and the management of the State Trails System.

(b) The Council shall consist of representatives from trail user groups, outdoor recreation and conservation organizations, and State governmental agencies. Members of the Council representing trail user groups and outdoor recreation and conservation organizations shall be appointed by the Commissioner and shall serve for a period of three years from the date of appointment and until their successors are duly appointed. Members of the Council representing State governmental agencies shall serve as ex-officio members, and shall be appointed by the Commissioner of their respective departments.

(c) The Council shall:

1. Provide a forum for the public to discuss issues related to the designation and management of the State Trails System or the contents of the Trails Plan;

2. Advise the Department on the establishment, development, and maintenance of scenic, recreation and connecting trails on lands owned by the Department;

3. Advise the Department on the trail development potential of proposed State acquisitions;

4. Review proposals for trail designation submitted by Federal or State agencies, local units, private organizations or persons and advise the Department on such proposals;