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PUBLIC MEETING

before

ASSEMBLY TRANSPORTATION, COMMUNICATIONS
AND HIGH TECHNOLOGY COMMITTEE

and

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

ASSEMBLY BILLS 3289, 3290, 3291

"Transplan"
(Bills proposed by the
Department of Transportation)

January 8, 1987
Room 403
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEES PRESENT:

Assembly Transportation, Communications
and High Technology Committee:
Assemblyman Newton E. Miller, Jr., Chairman
Assemblywoman Joann H. Smith, Vice Chairman
Assemblyman Ronald A. Dario
Assemblyman John Penn
Assemblyman Guy F. Muziani
Assemblyman Wayne R. Bryant
Assemblyman D. Bennett Mazur

Assembly County Government Committee:
Assemblyman John Penn, Chairman
Assemblyman John T. Hendrickson, Jr., Vice Chairman
Assemblyman Frank M. Pelly
Assemblyman Harry A. McEnroe

ALSO PRESENT:

Assemblyman Robert C. Shinn Jr., District 8

Laurence A. Gurman
Office of Legislative Services
Aide, Assembly Transportation, Communications,
and High Technology Committee

New Jersey State Library

David L. Sallach
Office of Legislative Services
Aide, Assembly County Government Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



NEWTON E. MILLER
Chairman
JOANN H. SMITH
Vice-Chairman
RONALD A. DARIO
GUY F. MUZIANI
JOHN S. PENN
WAYNE R. BRYANT
D. BENNETT MAZUR

New Jersey State Legislature
ASSEMBLY TRANSPORTATION, COMMUNICATIONS
AND HIGH TECHNOLOGY COMMITTEE
STATE HOUSE ANNEX, CN-052
TRENTON, NEW JERSEY 08625
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M E M O R A N D U M

December 29, 1986

TO: MEMBERS OF THE ASSEMBLY TRANSPORTATION, COMMUNICATIONS
AND HIGH TECHNOLOGY COMMITTEE

FROM: ASSEMBLYMAN NEWTON E. MILLER, CHAIRMAN

SUBJECT: COMMITTEE MEETING - THURSDAY, JANUARY 8, 1987

(Address comments and questions to Laurence A. Gurman, Committee Aide.)

The Assembly Transportation, Communications and High Technology Committee will meet on Thursday, January 8, 1987 at 9:30 a.m. in Room 403, State House Annex, Trenton.

The purpose of this meeting is to discuss A-3289, A-3290 and A-3291, the "Transplan" bills proposed by the Department of Transportation. This will be the first meeting in a series of meetings on these bills and will be a general overview of these proposed measures.

The committee will receive statements from the public at this and the future meetings. Each person presenting oral statements at this meeting should limit his remarks to ten (10) minutes. Anyone wishing to make a statement should contact Laurence A. Gurman, Committee Aide, at (609) 984-7381.

ASSEMBLY, No. 3289
STATE OF NEW JERSEY

INTRODUCED OCTOBER 2, 1986

By Assemblymen FRANKS, SHINN and McEnroe

AN ACT concerning county and municipal planning, making an appropriation, and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. (New section) The Legislature finds and declares that:

2 a. The public safety, health and general welfare require that
3 county governments act to encourage sound regional development
4 patterns, to promote regional prosperity and economic develop-
5 ment, and to protect regional transportation and environmental
6 resources;

7 b. Significant economies, efficiencies and savings in the develop-
8 ment process would be realized by private sector enterprises and
9 by public sector development agencies if the several levels of gov-
10 ernment would cooperate in the preparation of and adherence to
11 sound and integrated plans;

12 c. It is in the public interest to encourage development, rede-
13 velopment and economic growth in locations that are well situated
14 with respect to present or anticipated public services and facili-
15 ties, giving appropriate priority to the redevelopment, repair,
16 rehabilitation or replacement of existing facilities, and to dis-
17 courage development where it may impair or destroy natural
18 resources or environmental qualities that are vital to the health
19 and well-being of the present and future citizens of this State;

20 d. A cooperative planning process that involves the full par-
21 ticipation of State, county, and local governments as well as other

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 printed in italics thus is new matter.

22 public and private sector interests will enhance prudent and
23 rational development, redevelopment and conservation policies and
24 the formulation of sound and consistent regional plans and plan-
25 ning criteria. In furtherance of this cooperative planning process,
26 it is the intent of the Legislature that the laws with respect to
27 county planning, found generally in Chapter 27 of Title 40 of the
28 Revised Statutes, and the laws with respect to municipal planning,
29 found generally in P. L. 1975, c. 291 (C. 40:55D-1 et seq.), should,
30 to the extent not inconsistent, be read together;

31 e. An increasing concentration of the poor and minorities in
32 older urban areas jeopardizes the future well-being of this State,
33 and a sound and comprehensive planning process will facilitate
34 the provision of equal social and economic opportunity so that all
35 of New Jersey's citizens can benefit from growth, development
36 and redevelopment;

37 f. Regional plans for development and redevelopment are
38 essential for guiding public and private investment and develop-
39 ment decisions of regional significance, and to encourage com-
40 patible planning objectives at the municipal level of government;

41 g. New Jersey's counties are, in large measure, economic or
42 geographic regions, and are well suited to conducting regional
43 planning activities;

44 h. Implementation of the "State Planning Act," P. L. 1985, c.
45 398 (C. 52:18A-196 et seq.) requires that strong and effective
46 planning agencies exist at the county level to negotiate the cross-
47 acceptance of municipal, county and state planning objectives;

48 i. County regional plans which describe in general terms how a
49 county should develop over time, and in specific terms how re-
50 sources of regional significance should be managed, can provide
51 a framework which will improve and facilitate municipal planning
52 decisions made within the county;

53 j. Local government will function best if the plans and policies
54 of State and county government are clearly stated, and if these
55 policies and plans include objective standards and procedures to
56 effect their implementation;

57 k. County planning boards are well suited for reviewing develop-
58 ments which affect State as well as county resources, and it is
59 desirable to promote coordination of development reviews by desig-
60 nating counties as review agencies for developments affecting
61 State resources;

62 l. To facilitate efficient processing of development applications,
63 it is desirable that issues of county, regional or State significance
64 be resolved prior to initiation of municipal development reviews.

65 It is therefore desirable that county planning boards be required
66 to certify that all issues of regional significance have been ade-
67 quately resolved prior to initiation of the formal municipal de-
68 velopment review process;

69 m. Regional transportation systems, including State and county
70 highways and public transportation services, reflect major public
71 investments which should not be allowed to be degraded as a result
72 of poorly planned development activities or inadequate considera-
73 tion of future needs resulting from regional growth and develop-
74 ment;

75 n. Orderly development of land within the State requires that
76 as land is developed for more intensive uses, land owners should
77 provide incidental dedications of land consistent with a county
78 master plan and official map. It is not necessary that a specific
79 development create the need for a particular dedication of land, if
80 the planning process being employed by the county can demon-
81 strate that the overall process of development will require such
82 dedication;

83 o. New Jersey's counties have been legislatively charged with
84 responsibility for developing functional plans for solid waste
85 disposal, wastewater management, agricultural preservation,
86 transportation improvement plans and other programs of regional
87 significance. It is necessary and appropriate to authorize counties
88 to conduct these planning responsibilities in a comprehensive
89 manner, and to provide county governments with the authority to
90 guide land development within the county in a manner which will
91 promote attainment of legislated regional policies and objectives.

1 2. R. S. 40:27-1 is amended to read as follows:

2 40:27-1. The **board of chosen freeholders may** *governing body*
3 *of each county shall* create a county planning board of not less
4 than five nor more than nine members. The members of such plan-
5 ning board shall be **the director of the board of chosen freehold-**
6 **ers, one member of the board of chosen freeholders, to be**
7 **appointed by the [director,]** *governing body, shall include two*
8 *members appointed by the governing body from among its num-*
9 *ber, and shall include the county engineer, if the board exceed six*
10 *in number, and other citizens who may not hold any other county*
11 *office [and who shall be appointed by such director of the board*
12 *of chosen freeholders with the approval of that body].* One of the
13 **[remaining]** members shall be appointed for two years, two shall
14 be appointed for three years, and all additional remaining mem-
15 bers shall be appointed for four years, and thereafter their suc-
16 cessors shall be appointed for the term of three years from and

17 after the expiration of the terms of their predecessors in office.
 18 All members of the county planning board shall serve as such
 19 without compensation, but may be paid expenses incurred in the
 20 performance of duties. *The provisions of this section shall not*
 21 *affect adversely the powers accorded to counties having adopted*
 22 *the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1*
 23 *et seq) to reorganize functions through the administrative code*
 24 *of the county.*

1 3. R. S. 40:27-2 is amended to read as follows:

2 40:27-2. a. The county planning board shall make and adopt a
 3 master plan for the physical development of the county. *In pre-*
 4 *paring the county master plan, or any revision to the plan, the*
 5 *board shall seek the full cooperation and participation of each*
 6 *municipality within the county, and it shall take into consideration*
 7 *the various objectives and proposals contained in the various mu-*
 8 *nicipal master plans. The master plan of a county, with the ac-*
 9 *companying maps, plats, charts, and descriptive and explanatory*
 10 *matter, shall show the county planning board's recommendations*
 11 *for the development of the territory covered by the plan [and*
 12 *may include, among other things, the general location, character,*
 13 *and extent of streets or roads, viaducts, bridges, waterway and*
 14 *waterfront developments, parkways, playgrounds, forests, reser-*
 15 *vations, parks, airports, and other public ways, grounds, places*
 16 *and spaces: the general location and extent of forests, agricultural*
 17 *areas, and open-development areas for purposes of conservation,*
 18 *food and water supply, sanitary and drainage facilities, or the*
 19 *protection of urban development, and such other features as may*
 20 *be important to the development of the county].*

21 The county planning board shall encourage the [co-operation]
 22 cooperation of the local municipalities within the county in any
 23 matters whatsoever which may concern the integrity of the county
 24 master plan and [to] advise the [board of chosen freeholders]
 25 county governing body with respect to the formulation of develop-
 26 ment programs and budgets for capital expenditures.

27 b. *The master plan shall contain the following elements:*

28 (1) *A general land use element providing a guide as to the*
 29 *future location and pattern of those land uses which will have a*
 30 *direct or indirect effect upon the ability of governmental agencies*
 31 *to manage and protect natural and cultural resources of regional*
 32 *significance, or which will have a direct or indirect effect upon the*
 33 *need for improvements of regional significance, and the ability to*
 34 *provide for such improvements. Improvements of regional sig-*
 35 *nificance would include, but not be limited to, airports, mass trans-*

36 portation facilities, waste water treatment systems, flood control
 37 systems, regional educational facilities, and regional parks or rec-
 38 reational facilities.

39 The land use element of the county master plan should only
 40 provide a general guide for regional planning purposes, and should
 41 depict in a general fashion those areas within the county which will
 42 likely be used for the following purposes: (a) regional economic
 43 development centers, including regional and community shopping
 44 areas and areas of concentrated office or research employment, (b)
 45 residential communities, including supportive retail services, (c)
 46 areas of industrial development, including areas of manufacturing,
 47 warehousing and transportation services, (d) lands for parks,
 48 recreation and conservation, (e) wetlands to be preserved and
 49 protected for the purposes of regional flood control and water
 50 quality protection, and (f) agricultural development areas identi-
 51 fied pursuant to section 11 of P. L. 1983, c. 32 (C. 4:1C-18).

52 (2) A comprehensive development strategy, providing a process
 53 for accomplishing the land use plan, and providing measurable
 54 criteria to be used in monitoring the effectiveness of the develop-
 55 ment strategy on a year to year basis.

56 (3) A range of population and employment projections con-
 57 sistent with the land use plan and development strategy. Demo-
 58 graphic projections for the county should be consistent with pro-
 59 jections prepared by the Office of State Planning, or, alternatively,
 60 should contain a technical statement indicating why the county
 61 projections differ.

62 (4) A circulation element describing a transportation system
 63 which can adequately support projected development, and an
 64 implementation plan linking transportation improvements to the
 65 anticipated pace of development. The circulation element shall be
 66 consistent with the State comprehensive master plan for trans-
 67 portation prepared in conformance with section 5 of P. L. 1966,
 68 c. 301 (C. 27:1A-5), and shall include, as appropriate, provisions
 69 for public transportation, highway circulation, aviation services,
 70 freight movement and the special transportation needs of the
 71 handicapped, the poor, the young and the aged. A circulation ele-
 72 ment may also include provisions for pedestrians and bicycles. The
 73 circulation element shall classify all roadways in the county by
 74 function in accordance with procedures of the Department of
 75 Transportation.

1 4. R. S. 40:27-4 is amended to read as follows:

2 40:27-4. a. Before adopting the master plan or any part thereof
 3 or any amendment thereof the board shall hold at least one public

4 hearing thereon, notice of the time and place of which shall be
 5 given by one publication in a newspaper of general circulation in
 6 the county and by the transmission by delivery or by certified mail,
 7 at least 20 days prior to such hearing, of a notice of such hearing
 8 and a copy of the proposed master plan, or part thereof or any
 9 proposed amendment thereof to the municipal clerk and secretary
 10 of the planning board of each municipality in the county. The
 11 adoption of the plan or part or amendment thereof shall be by
 12 resolution of the board carried by the affirmative vote of not less
 13 than $\frac{2}{3}$ of the members of the board. The resolution shall refer
 14 especially to the maps and descriptive and other matter intended
 15 by the board to form the whole or part of the plan or amendment
 16 and the action taken shall be recorded on the map and plan and
 17 descriptive matter by the identifying signature of the secretary of
 18 the board. An attested copy of the master plan or any amendments
 19 thereof shall be certified to the [board of chosen freeholders]
 20 *governing body of the county*, to the county park commission, if
 21 such exists, and to the legislative body of every municipality
 22 within the county.

23 b. In order to maximize the degree of [co-ordination] *coordina-*
 24 *tion* between municipal and county plans and official maps, the
 25 county planning board shall be notified in regard to the adoption
 26 or amendment of any municipal master plan, official map or ordi-
 27 nance under the ["Municipal Planned Unit Development Act
 28 (1967)."] "*Municipal Land Use Law*," P. L. 1975, c. 291 (C.
 29 40:55D-1 et seq.). A copy of any such proposed plan, map or
 30 amendment shall be forwarded to the county planning board for
 31 review and report at least 20 days prior to the date of public
 32 hearing thereon.

33 c. Within 30 days after the adoption of a zoning ordinance,
 34 subdivision ordinance, master plan, official map, capital improve-
 35 ment program, or amendments thereto, a copy of said document
 36 shall be transmitted to the county planning board for its informa-
 37 tion and files.

38 d. *The county planning board shall review any municipal master*
 39 *plan, official map, capital improvement program, or amendments*
 40 *thereto, or any ordinance submitted to it to evaluate the degree of*
 41 *consistency with the county master plan. In the event that a*
 42 *municipal master plan, map or ordinance is not consistent with the*
 43 *master plan, the county planning board shall so inform the mu-*
 44 *nicipality in writing, describing the nature of the inconsistency.*

1 5. R. S. 40:27-5 is amended to read as follows:

2 40:27-5. The **[board of chosen freeholders]** *governing body* in
 3 any county after receiving the advice of the county planning board
 4 **[is hereby empowered to]** *shall* adopt and establish and thereafter
 5 as often as the **[board]** *governing body* may deem it for the public
 6 interest**[, to]** *may* change or **[to]** add to an official county map,
 7 showing **[the highways, roadways, parks, parkways, and sites for**
 8 **public buildings or works, under county jurisdiction, or in the**
 9 **acquisition, financing or construction of which the county has**
 10 **participated or may be called upon to participate]** *existing features*
 11 *of the county and all projected improvements contained in the*
 12 *county master plan, regardless of jurisdiction The official map*
 13 *shall provide information with respect to the location and width*
 14 *of public drainageways, public transportation facilities, streets,*
 15 *roadways, parks, parkways and highways, including State high-*
 16 *ways.*

17 Such map shall be deemed to have been established to conserve
 18 and promote the public health, safety, convenience, and welfare.
 19 Before acting thereon in the first instance and before adopting any
 20 amendments thereto **[such board of chosen freeholders]** *the gov-*
 21 *erning body*, after notice of time and place has been given by one
 22 publication for each of three successive weeks in a newspaper of
 23 general circulation in the county, and after written notice to the
 24 county engineer, county planning board, county park commission,
 25 if such exists, and such other county officers and departments as
 26 the **[board]** *governing body* shall designate and to the municipal
 27 clerk and secretary of the planning board of each municipality in
 28 the county, shall hold a public hearing or hearings thereon at
 29 which such representatives entitled to notice and such property
 30 owners and others interested therein as shall so desire shall be
 31 heard.

32 Before holding any such public hearing **[such board of chosen**
 33 **freeholders]** *the governing body* shall submit such proposed change
 34 or addition to the county planning board for its consideration and
 35 advice and shall fix a reasonable time within which such county
 36 planning board may report thereon, not, however, less than 20
 37 days: upon receipt of such report from the county planning board
 38 or upon the failure of such board to report within the time limit
 39 so fixed **[such board of chosen freeholders]** *the governing body*
 40 may thereupon act upon the proposed change, but any action ad-
 41 verse to the report of the county planning board shall require the
 42 affirmative vote of the majority of all the members of **[such board**
 43 **of chosen freeholders]** *the governing body.*

44 When approved in whole or part by the [board of chosen free-
45 holders] *governing body* in any county, such county official map
46 or part thereof shall be deemed to be binding upon the [board of
47 chosen freeholders] *governing body* of the county and the several
48 county departments thereof, and upon other county boards hereto-
49 fore or hereafter created under special laws, and no expenditure
50 of public funds by such county for construction work or the ac-
51 quisition of land for any purpose enumerated in [section] R. S.
52 40:27-2 [of this Title] shall be made except in accordance with
53 such official map.

54 Nothing herein prescribed shall be construed as restricting or
55 limiting the powers of [boards of chosen freeholders] *county gov-*
56 *erning bodies* from repairing, maintaining and improving any
57 existing street, road, viaduct, bridge or parkway not shown on such
58 official maps, which does not involve the acquisition of additional
59 land or park commissions as otherwise provided by law.

1 6. Section 1 of P. L. 1968, c.285 (C. 40:27-6.1) is amended to
2 read as follows:

3 1. As used in this act and in chapter 27 of Title 40 of the Re-
4 vised Statutes, unless the context otherwise requires:

5 "Applicant" means a developer submitting an application for
6 development.

7 "Application for development" means the application form and
8 all accompanying documents required by ordinance for approval
9 of a subsection plat, site plan, planned development, conditional use,
10 zoning variance or direction of the issuance of a permit pursuant
11 to section 25 or section 27 of P. L. 1975, c. 291 (C. 40:55D-34 and
12 40:55D-36).

13 "Chief executive officer" means the director of the board of
14 chosen freeholders appointed pursuant to R. S. 40:20-71, the county
15 executive in the case of any county which has adopted the "county
16 executive plan" pursuant to Article 3 of P. L. 1972, c. 154 (C.
17 40:41A-31 et seq.), the county manager in the case of any county
18 which has adopted the "county manager plan" pursuant to Article
19 4 of P. L. 1972, c. 154 (C. 40:41A-45 et seq.), the county supervisor
20 in the case of any county which has adopted the "county supervisor
21 plan" pursuant to Article 5 of P. L. 1972, c. 154 (C. 40:41A-59) et
22 seq.), or the board president in the case of any county which has
23 adopted the "board president plan" pursuant to Article 6 of P. L.
24 1972, c. 154 (C. 40:41A-72 et seq.).

25 "County master plan" and "master plan" means a composite of
26 [the master plan for the physical development of the county, with
27 the accompanying maps, plats, charts and descriptive and explana-

28 tory matter] one or more written or graphic proposals and sup-
29 porting documentation to guide the use of land within the county
30 as set forth in and adopted by the county planning board pursuant
31 to [Revised Statutes] R. S. 40:27-2[;].

32 "County planning board" or "board" means a county planning
33 board established by a county pursuant to R. S. 40:27-1 to exercise
34 the duties set forth in such chapter, and means, in any county
35 having adopted the provisions of the "Optional County Charter
36 Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), any department, di-
37 vision, board or agency established pursuant to the administrative
38 code of such county to exercise such duties, but only to the degree
39 and extent that the requirements specified in such chapter for
40 county planning boards do not conflict with the organization and
41 structure of such department, division, agency or board as set
42 forth in the administrative code of such county[;].

43 "Developer" means the legal or beneficial owner or owners of a
44 lot or of any land proposed to be included in a proposed develop-
45 ment, including the holder of an option or contract to purchase,
46 or other person having an enforceable proprietary interest in such
47 land.

48 "Development" means the division of a parcel of land into two
49 or more parcels, the construction, reconstruction, conversion,
50 structural alterations, relocation or enlargement of any building or
51 other structure, or of any mining, excavation or landfill, and any
52 use or change in the use of any building or other structure, or land
53 or extension of use of land, for which permission may be required
54 pursuant to this act.

55 "Development of potential regional significance" means any de-
56 velopment which:

57 a. would permit construction of more than 250 residential dwell-
58 ing units, or;

59 b. would permit construction of more than 100,000 gross square
60 feet of non-residential floor space, or;

61 c. fronts on a county road or State highway, or;

62 d. affects State or county drainage facilities, provided that the
63 development includes more than one acre of impervious surfaces,
64 or;

65 e. adjoins land which is owned by the developer, or in which
66 the developer holds a partial interest or an enforceable proprietary
67 interest, if the adjacent land would permit under municipal zoning
68 ordinances additional development resulting in the construction of
69 a total of more than 100,000 square feet of non-residential floor
70 space or more than 250 residential dwelling units, when combined

71 *with the proposed development. For the purposes of this subsec-*
 72 *tion, "developer" shall also mean:*

73 (1) *any person related to the developer by blood, marriage or*
 74 *adoption, as well as any partnership or corporation in which the*
 75 *developer holds a partnership or stock interest, either directly or*
 76 *indirectly, of greater than 20%.*

77 (2) *for a partnership or corporation, any other partnership or*
 78 *corporation in which the developer holds an interest, either directly*
 79 *or indirectly, of greater than 30%, as well as any individual who*
 80 *is an officer of the corporation or who holds a stock or partnership*
 81 *interest in the corporation or partnership of greater than 20%.*

82 *"Governing body" means the board of chosen freeholders and*
 83 *the appropriate chief executive officer.*

84 *"Official county map" means the map, with changes and additions*
 85 *thereto, adopted and established, from time to time, by resolution*
 86 *or ordinance of the [board of chosen freeholders] governing body*
 87 *of the county pursuant to R. S. 40:27-5[;].*

88 *"Site plan" means a plan of an existing lot or plot or a sub-*
 89 *divided lot on which is shown topography, location of all existing*
 90 *and proposed buildings, structures, drainage facilities, roads,*
 91 *rights-of-way, easements, parking areas, together with any other*
 92 *information required by and at a scale specified by a site plan*
 93 *review and approval resolution or ordinance adopted by the [board*
 94 *of chosen freeholders] governing body pursuant to this act[;].*

95 *"Subdivision" means the division of a lot, tract, or parcel of*
 96 *land into two or more lots, tracts, parcels or other divisions of*
 97 *land for sale or development. The following shall not be considered*
 98 *subdivisions within the meaning of this act, if no new streets are*
 99 *created: (1) divisions of land found by the planning board or sub-*
 100 *division committee thereof appointed by the chairman to be for*
 101 *agricultural purposes where all resulting parcels are five acres or*
 102 *larger in size, (2) divisions of property by testamentary or in-*
 103 *testate provisions, (3) divisions of property upon court order,*
 104 *including but not limited to judgments or foreclosure, (4) con-*
 105 *solidation of existing lots by deed or other recorded instrument*
 106 *and (5) the conveyance of one or more adjoining lots, tracts or*
 107 *parcels of land, owned by the same person or persons and all of*
 108 *which are found and certified by the administrative officer to con-*
 109 *form to the requirements of the municipal development regula-*
 110 *tions and are shown and designated as separate lots, tracts or*
 111 *parcels on the tax map or atlas of the municipality. The term "sub-*
 112 *division" shall also include the term "resubdivision."*

113 "Subdivision applications" means the application for approval
 114 of a subdivision pursuant to the "Municipal Land Use Law" (P. L.
 115 1975, c. 291; C. 40:55D-1 et seq.) or an application for approval
 116 of a planned unit development pursuant to the "Municipal Land
 117 Use Law" (P. L. 1975, c. 291; C. 40:55D-1 et seq.).

1 7. Section 4 of P. L. 1968, c. 285 (C. 40:27-6.2) is amended to
 2 read as follows:

3 4. [The board of freeholders of any county having a county
 4 planning board shall provide for the review of all subdivisions of
 5 land within the county by said county planning board and for the
 6 approval of those subdivisions affecting county road or drainage
 7 facilities as set forth and limited hereinafter in this section. Such
 8 review or approval shall be in accordance with procedures and
 9 engineering and planning standards adopted by resolution of the
 10 board of chosen freeholders. These standards shall be limited to:]

11 a. *The governing body of each county shall provide by ordinance*
 12 *or resolution, as appropriate, for: (1) review by the county*
 13 *planning board of each application for development in the county*
 14 *for the purpose of determining whether or not that development*
 15 *is a development of potential regional significance, (2) review by*
 16 *the county planning board of each development of potential*
 17 *regional significance for the purpose of determining whether or*
 18 *not the development complies with the planning and engineering*
 19 *standards adopted in accordance with subsection b. of this section,*
 20 *and (3) certification by the county planning board to the appro-*
 21 *priate municipal authority either that the development is not a*
 22 *development of potential regional significance or that the develop-*
 23 *ment is a development of potential regional significance and com-*
 24 *plies with the planning and engineering standards set forth in the*
 25 *ordinance or resolution, as appropriate.*

26 b. *The planning and engineering standards for review of devel-*
 27 *opments of potential regional significance shall be set forth in the*
 28 *ordinance or resolution, as appropriate, and shall be strictly*
 29 *limited to the following:*

30 (1) *The requirement of adequate drainage facilities and ease-*
 31 *ments when, as determined by the county engineer in accordance*
 32 *with county-wide standards, the proposed [subdivision] develop-*
 33 *ment will cause storm water to drain either directly or indirectly*
 34 *to a county road or State highway, or through any drainageway,*
 35 *structure, pipe, culvert, or facility for which the county or State*
 36 *is responsible for the construction, maintenance, or proper func-*
 37 *tioning;*

38 **[b.]** (2) The requirement of dedicating rights-of-way or addi-
39 *tional rights-of-way* for any roads or drainageways shown on a
40 duly adopted county master plan or official county map, *including*
41 *State highways*;

42 **[c.]** Where a proposed subdivision abuts a county road, or where
43 additional rights-of-way and physical improvements are required
44 by the county planning board, such improvements shall be**]**

45 (3) *The requirement for improvements to a public transportation*
46 *system, county road or State highway, including off-site improve-*
47 *ments, as necessitated by the development,* subject to recommenda-
48 tions of the county engineer **[relating]**, *or of the Commissioner of*
49 *Transportation in the case of a State highway or public transporta-*
50 *tion system. Such improvements shall relate to the safety and*
51 convenience of the traveling public and may include additional
52 pavement widths, marginal access streets, reverse frontage, *pro-*
53 *visions for public transportation services,* and other **[county]**
54 highway and traffic design features necessitated by an increase in
55 traffic volumes, potential safety hazards or impediments to traffic
56 flows caused by the **[subdivision]** *development*;

57 **[d.]** (4) The requirement of performance guarantees and pro-
58 cedures for the release of same, maintenance bonds for not more
59 than two years duration from date of acceptance of improvements
60 and agreements specifying minimum standards of construction for
61 required *drainage or transportation* improvements. The amount
62 of any performance guarantee or maintenance bond shall be set by
63 the planning board upon the advice of the county engineer and
64 shall not exceed the full cost of the facility and installation costs
65 or the developer's proportionate share thereof, computed on the
66 basis of **[his]** *the acreage of the development* related to the acreage
67 of the total drainage basin involved plus 10% for contingencies
68 *or, in the case of transportation improvements, on the extent to*
69 *which the development will contribute to the need for the improve-*
70 *ment.* In lieu of providing any required drainage easement *or*
71 *transportation improvement,* a cash contribution may be deposited
72 with the county to cover the cost or the proportionate share thereof
73 for securing said easement *or improvement.* In lieu of installing
74 any such required facilities exterior to the proposed plat, a cash
75 contribution may be deposited with the county to cover the cost or
76 proportionate share thereof for the future installation of such
77 facilities. Any and all moneys received by the county to insure
78 performance under the provisions of this act shall be paid to the
79 county treasurer who shall provide a suitable depository therefor.
80 Such funds shall be used only for **[county]** *drainage or transporta-*

tion projects or **[improvement]** *improvements* for which they are deposited unless such projects are not initiated for a period of 10 years, at which time said funds shall be transferred to the general fund of the county, provided that no assessment of benefits for **[such]** *the same* facilities as a local improvement shall thereafter be levied against the owners of the lands upon which the developer's prior contribution had been based. Any moneys or guarantees received by the county under this paragraph shall not duplicate bonds or other guarantees required by municipalities for municipal purposes.

[e.] (5) *The requirement of conformity with access standards adopted by the Commissioner of the Department of Transportation under section 3 of the "State Highway Access Management Act of 1986," P. L., c. (C.) (now pending before the Legislature as Senate Bill No. 2627 and Assembly Bill No. 3291 of 1986).*

(6) *The requirement of conformity with those elements of the county master plan relating to regional transportation, water supply or water quality resources, provided that the board has negotiated cross-acceptance of the plan with the State Planning Commission pursuant to section 7 of the "State Planning Act," P. L. 1985, c. 398 (C. 52:18A-202), and the requirement of conformity with any plan adopted in accordance with the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.), the "Water Quality Planning Act," P. L. 1977, c. 75 (C. 58:11A-1 et seq.), or the "Agriculture Retention and Development Act," P. L. 1983, c. 32 (C. 4:1C-11 et al.). Where the board finds that a development does not conform with a plan as required by the ordinance or resolution, as appropriate, the board may, to the extent permitted by law, require in lieu thereof contributions or improvements to mitigate any regional impact resulting from the failure to conform with the plan, and it may require additional improvements, as necessary, to ensure that the development will be consistent with the objectives of the plan.*

(7) Provision may be made for waiving or adjusting requirements under the **[subdivision]** ordinance or resolution governing the review of developments of potential regional significance to alleviate hardships which would result from strict compliance with the **[subdivision]** standards. Where provision is made for waiving or adjusting requirements, criteria shall be included in the standards adopted by the **[board of chosen freeholders]** county governing body to guide actions of the county planning board.

123 c. Notice of the public hearing on a proposed *ordinance or resolu-*
 124 *tion, as appropriate*, of the [board of chosen freeholders] *county*
 125 *governing body* establishing procedures and engineering standards
 126 [to govern land subdivision within the county] *for developments*
 127 *of potential regional significance*, and a copy of such *ordinance or*
 128 *resolution*, shall be given by delivery or by certified mail to the
 129 municipal clerk and secretary of the planning board of each munici-
 130 pality in the county, *and to the planning board of each adjoining*
 131 *county*, at least 10 days prior to such hearing *and to the Commis-*
 132 *sioner of the Department of Environmental Protection and the*
 133 *Commissioner of the Department of Transportation at least 20*
 134 *days prior to such hearing.*

1 8. Section 5 of P. L. 1968, c. 285 (C. 40:27-6.3) is amended to
 2 read as follows:

3 5. Each [subdivision] application *for development* shall be sub-
 4 mitted to the county planning board for review and[, where re-
 5 quired, approval] *certification* prior to [approval] *being accepted*
 6 *as complete* by the local municipal approving authority. County
 7 [approval] *certification* of any [subdivision] application *for*
 8 *development* [affecting county road or drainage facilities] shall be
 9 limited by and based upon the rules, regulations and standards
 10 established by and duly set forth in [a] *the ordinance or resolu-*
 11 *tion* [adopted by the board of chosen freeholders] *providing for*
 12 *review and certification of development applications.* The munici-
 13 pal approval authority shall [either defer taking final action on a
 14 subdivision] *not accept an application for development as complete*
 15 *until receipt of the certification of the county planning board* [re-
 16 port thereon or approve the subdivision application subject to its
 17 timely receipt of a favorable report thereon by the county planning
 18 board].

19 [The] a. *Developments of potential regional significance.*

20 (1) *If an application for development is for a development of*
 21 *potential regional significance, the county planning board shall*
 22 *report to the municipal authority whether the development com-*
 23 *plies with the standards and procedures set forth in the county*
 24 *subdivision ordinance or resolution within* [30] *45 days from the*
 25 *date of* [receipt of the] *submission of a complete application.* If
 26 the county planning board fails to report to the municipal approv-
 27 ing authority within the [30-day] *45-day period.* [said subdivision]
 28 *the application for development* shall be deemed to have been
 29 [approved] *certified* by the county planning board unless, by
 30 mutual agreement between the county planning board and munici-
 31 pal approving authority, with approval of the applicant, the [30-

32 day] 45-day period shall be extended for an additional 30-day
 33 period[, and any such extension shall so extend the time within
 34 which a municipal approving authority shall be required by law
 35 to act thereon].

36 (2) *An application for development shall be complete for pur-*
 37 *poses of commencing the 45-day period when so certified by the*
 38 *county planning board or its authorized committee or designee.*
 39 *In the event that the board, committee or designee fails to certify*
 40 *the application to be complete within seven days of the date of*
 41 *submission, the application shall be deemed complete upon the*
 42 *expiration of the seven-day period unless: (a) the application*
 43 *lacks information indicated on a cecklist adopted by ordinance or*
 44 *resolution, as appropriate, and provided to the applicant; and (b)*
 45 *the board or its authorized committee or designee has notified the*
 46 *applicant, in writing, of the deficiencies in the application within*
 47 *seven days of submission of the application. The board or its*
 48 *designee may subsequently require correction of any information*
 49 *found to be in error and submission of additional information not*
 50 *specified in the ordinance or any revisions in the accompanying*
 51 *documents, as are reasonably necessary to make an informed*
 52 *decision as to whether the requirements necessary for certification*
 53 *of the application for development have been met. The application*
 54 *shall not be deemed incomplete for lack of any such additional in-*
 55 *formation or any revisions in the accompanying documents so re-*
 56 *quired.*

57 (3) *Within three working days from the initial date of submis-*
 58 *sion of an application for a development of potential regional*
 59 *signifnance, the county planning board shall submit a copy of the*
 60 *application to the Department of Environmental Protection and*
 61 *the Department of Transportation, and shall solicit comments from*
 62 *each department.*

63 (4) *If the development of potential regional significance is*
 64 *situated within one mile of an adjoining county, the county planning*
 65 *board shall provide to the planning board of the adjoining county*
 66 *by personal service or certified mail written notification of the*
 67 *application within five working days of the initial date of submis-*
 68 *sion. The notice shall identify the location of the development both*
 69 *by tax map description and by street address, and it shall indicate*
 70 *the size of the development and the schedule the planning board*
 71 *will adopt in conducting its review.*

72 b. *The county planning board shall return to the municipal*
 73 *approving authqrity within five working days of its receipt any*
 74 *application for development which is not a development of potential*

75 *regional significance, together with a certification that the develop-*
 76 *ment is not affected by the county subdivision ordinance or regula-*
 77 *tion.*

1 9. Section 6 of P. L. 1968, c. 285 (C. 40:27-6.4) is amended to
 2 read as follows:

3 6. The county planning board shall review each [subdivision]
 4 application for a development of potential regional significance
 5 and withhold [approval] certification if [said proposed subdivi-
 6 sion] the development does not meet the [subdivision approval]
 7 standards previously adopted by the [board of chosen free-
 8 holders.] governing body in accordance with section 4 of this act.
 9 In the event of the withholding of [approval, or the disapproval]
 10 certification of[, a subdivision] an application for development of
 11 potential regional significance, the reasons for such action shall
 12 be set forth in writing and [a copy] copies thereof shall be trans-
 13 mitted to the applicant and to the municipal approving authority.

1 10. Section 7 of P. L. 1968, c. 285 (C. 40:27-6.5) is amended to
 2 read as follows:

3 7. The county recording officer shall not accept for filing any
 4 subdivision plat unless it bears the certification [of either approval
 5 or of review and exemption] of the authorized county planning
 6 board officer or staff member indicating compliance with the pro-
 7 visions of this act and standards adopted pursuant thereto, in
 8 addition to all other requirements for filing a subdivision plat in-
 9 cluding compliance with the provisions of ["The Map Filing Law"
 10 (P. L. 1960, c. 141)] "the map filing law", P. L. 1960, c. 141 (C.
 11 46:23-9.9 et seq.). In the event the county planning board shall
 12 have waived its right to review[, approve or disapprove] and
 13 certify a subdivision by failing to report to the municipal approval
 14 authority within the [30-day] 45-day period or the mutually
 15 agreed upon 30-day extension period, as outlined in section 5 above,
 16 the subdivision shall be deemed to have county planning board
 17 [approval] certification, and at the request of the applicant, the
 18 secretary of the county planning board shall attest on the plat to
 19 the failure of the county planning board to report within the re-
 20 quired time period, which shall be sufficient authorization for
 21 further action by the municipal planning board and acceptance
 22 thereof for filing by the county recording officer.

1 11. Section 9 of P. L. 1968, c. 285 (C. 40:27-6.7) is amended to
 2 read as follows:

3 9. The municipal or other local agency or individual with au-
 4 thority to approve [the] site [plan] plans or issue [a] building

5 **[permit]** *permits* shall defer action on any application *for develop-*
 6 *ment* **[requiring county approval pursuant to section 7 of this act]**
 7 until the same shall have been **[submitted to]** *certified by the*
 8 county planning board **[for its approval of the site plan]**. **[The**
 9 county planning board shall have 30 days from the receipt of a site
 10 plan to report to the appropriate local authority. In the event of
 11 disapproval, such report shall state the specific reasons therefor.
 12 If the county planning board fails to report to the municipal
 13 approving or issuing authority within the 30-day period, said site
 14 plan shall be deemed to have been approved by the county planning
 15 board. Upon mutual agreement between the county planning board
 16 and the municipal approving authority, with approval of the appli-
 17 cant, the 30-day period may be extended for an additional 30-day
 18 period.]

1 12. Section 10 of P. L. 1968, c. 285 (C. 40:27-6.8) is amended to
 2 read as follows:

3 10. The county planning board may by resolution vest its power
 4 to review and **[approve subdivisions,]** *certify applications for*
 5 *development* pursuant to the provisions of section 4 through **[6 of**
 6 this act, and the power to review and approve site plans pursuant
 7 to the provisions of section 8 and **] 9** of this act with the county
 8 planning director and a designated committee of members of said
 9 county planning board.

1 13. Section 11 of P. L. 1968, c. 285 (C. 40:27-6.9) is amended to
 2 read as follows:

3 11. If said action is taken by the planning director and a com-
 4 mittee of the board, said applicant may file an appeal in writing to
 5 the county planning board within 10 days after the date of notice
 6 by certified mail of the **[said]** action. Any person aggrieved by
 7 the action of the county planning board in regard to **[subdivision]**
 8 *the review and [approval] certification [or site plan review and*
 9 *approval]* of an application for development may file an appeal in
 10 writing to the **[board of chosen freeholders]** *county governing*
 11 *body* within 10 days after the date of notice by certified mail of
 12 said action. The county planning board or the **[board of chosen**
 13 **freeholders]** *governing body* to which an appeal is taken shall
 14 consider such appeal at a regular or special public meeting within
 15 45 days from the date of its filing. Notice of said hearing shall be
 16 made by certified mail at least 10 days prior to the hearing to the
 17 applicant and to such of the following officials as deemed appro-
 18 priate for each specific case: the municipal clerk, municipal
 19 planning board, board of adjustment, building inspector, zoning
 20 officer, *chief executive officer of the county*, board of chosen free-

21 holders and the county planning board. The *county planning* board
 22 **【to which appeal is taken】** or the governing body, as appropriate,
 23 shall render a decision within 30 days from the date of the hear-
 24 ing.

1 14. Section 12 of P. L. 1968, c. 285 (C. 40:27-6.10) is amended
 2 to read as follows:

3 12. In order that county planning boards shall have a complete
 4 file of the planning and zoning ordinances of all municipalities in
 5 the county, each municipal clerk shall file with the county planning
 6 board a copy of the planning and zoning ordinances of the munic-
 7 ipality in effect on the effective date of this act and shall notify
 8 the county planning board of the introduction of any revision or
 9 amendment of such an ordinance **【which affects lands adjoining**
 10 **county roads or other county lands, or lands lying within 200 feet**
 11 **of a municipal boundary, or proposed facilities or public lands**
 12 **shown on the county master plan or official county map.】** Such
 13 notice shall be given to the county planning board at least 10 days
 14 prior to the public hearing thereon by personal delivery or by
 15 certified mail of a copy of the official notice of the public hearing
 16 together with a copy of the proposed ordinance.

1 15. Section 13 of the P. L. 1968, c. 285 (C. 40:27-6.11) is amended
 2 to read as follows:

3 13. The county planning board shall be notified of any applica-
 4 tion to the board of adjustment under **【Revised Statute 40:55-39】**
 5 *section 57 of P. L. 1975, c. 291 (C. 40:55D-70)* in such cases where
 6 the land involved fronts upon an existing **【county road or pro-**
 7 **posed road】** or *proposed county road or State highway* shown on
 8 the official county map or on the county master plan, adjoins **【the】**
 9 other county land or is situated within 200 feet of a municipal
 10 boundary. Notice of hearings on such applications shall be fur-
 11 nished by the appellant in accordance with **【P. L. 1965, c. 162 (C.**
 12 **40:55-53)】** *section 7.1 of P. L. 1975, c. 291 (C. 40:55D-12).*

1 16. Section 15 of P. L. 1968, c. 285 (C. 40:27-6.13) is amended
 2 to read as follows:

3 15. Whenever a hearing is required before a zoning board of
 4 adjustment or the governing body of a municipality in respect to
 5 the granting of a variance or establishing or amending an official
 6 municipal map involving property adjoining a county road or
 7 *State highway* or within 200 feet of an adjoining municipality,
 8 and notice of said hearing is required to be given, the person
 9 giving such notice shall also, at least 10 days prior to the hearing,
 10 give notice thereof in writing by certified mail to the county
 11 planning board. The notice shall contain a brief description of

12 the property involved, its location, a concise statement of the
13 matters to be heard and the date, time and place of such hearing.

1 17. Section 5 of P. L. 1984, c. 20 (C. 40:55D-10.3) is amended to
2 read as follows:

3 5. An application for development shall be complete for pur-
4 poses of commencing the applicable time period for action by a
5 municipal agency, when so certified by the municipal agency or its
6 authorized committee or designee. *No application shall be so*
7 *certified, however, unless and until the application has been certified*
8 *by the county planning board to be in compliance with the develop-*
9 *ment ordinances or resolutions, as appropriate, of the county, or*
10 *until the application has been so certified as a result of the failure*
11 *of the county planning board to act upon the application within*
12 *the time period required by section 5 of P. L. 1968, c. 285 (C.*
13 *40:27-6.3).* In the event that the municipal agency [.] or its au-
14 thorized committee or designee does not certify the application to
15 be complete within 45 days of the date of its submission, the appli-
16 cation shall be deemed complete upon the expiration of the 45-day
17 period for purposes of commencing the applicable time period, or
18 upon the date on which the certification of the county planning
19 board is received, whichever date is later, unless: a. the application
20 lacks information indicated on a checklist adopted by ordinance
21 and provided to the applicant; and b. the municipal agency or its
22 authorized committee or designee has notified the applicant, in
23 writing, of the deficiencies in the application within 45 days of sub-
24 mission of the application. The applicant may request that one
25 or more of the submission requirements be waived, in which event
26 the agency or its authorized committee shall grant or deny the re-
27 quest within 45 days. Nothing herein shall be construed as dimin-
28 ishing the applicant's obligation to prove in the application process
29 that he is entitled to approval of the application. The municipal
30 agency may subsequently require correction of any information
31 found to be in error and submission of additional information not
32 specified in the ordinance or any revisions in the accompanying
33 documents, as are reasonably necessary to make an informed
34 decision as to whether the requirements necessary for approval of
35 the application for development have been met. The application
36 shall not be deemed incomplete for lack of any such additional in-
37 formation or any revisions in the accompanying documents so re-
38 quired by the municipal agency.

1 18. Section 28 of P. L. 1975, c. 291 (C. 40:55D-37) is amended
2 to read as follows:

3 28. Grant of power; referral of proposed ordinance; county
4 planning board of **[approval]** *certification*.

5 a. The governing body may by ordinance require approval of
6 subdivision plats by resolution of the planning board as a condition
7 for the filing of such plats with the county recording officer and
8 approval of site plans by resolution of the planning board as a
9 condition for the issuance of a permit for any development, except
10 that subdivision or individual lot applications for detached one or
11 two-dwelling unit buildings shall be exempt from such site plan
12 review and approval; provided that the resolution of the board of
13 adjustment shall substitute for that of the planning board whenever
14 the board of adjustment has jurisdiction over a subdivision or site
15 plan pursuant to subsection 63b. of this act.

16 b. Prior to the hearing on adoption of an ordinance providing
17 for planning board approval of either subdivisions or site plans or
18 both or any amendment thereto, the governing body shall refer any
19 such proposed ordinance or amendment thereto to the planning
20 board pursuant to subsection 17a. of this act.

21 c. Each application for subdivision approval**[**, where required
22 pursuant to section 5 of P. L. 1968, c. 285 (C. 40:27-6.3)**]** and each
23 application for site plan approval**[**, where required pursuant to
24 section 8 of P. L. 1968, c. 285 (C. 40:27-6.6)**]** shall be submitted by
25 the applicant to the county planning board for **[review or ap-**
26 **proval]** *certification* as required by **[the aforesaid sections and,**
27 **the]** *sections 5 through 7 and section 9 of P. L. 1968, c. 285 (C.*
28 *40:27-6.3 through 40:27-6.5 and 40:27-6.7)*. The municipal plan-
29 ning board shall **[condition any approval that it grants upon timely**
30 **receipt of a favorable report on the application by]** *not accept*
31 *an application for development as complete until it has received*
32 *a certification from the county planning board indicating that the*
33 *application is in accordance with the county's ordinances or resolu-*
34 *tions regulating development, or [approval by] until certification*
35 *is obtained from the county planning board [by] as a result of its*
36 *failure to report thereon within the required time period.*

1 19. Section 14 of P. L. 1979, c. 216 (C. 40:55D-46.1) is amended
2 to read as follows:

3 14. An ordinance requiring, pursuant to section 7.1 of **[this**
4 **act]** *P. L. 1975 c. 291 (C. 40:55D-12)*, notice of hearings on ap-
5 plications for development for conventional site plans, may au-
6 thorize the planning board to waive notice and public hearing for
7 an application for development, if the planning board or site plan
8 subcommittee of the board appointed by the chairman finds that the
9 application for development conforms to the definition of "minor

10 site plan." Minor site plan approval shall be deemed to be final
 11 approval of the site plan by the board, provided that the board or
 12 said subcommittee may condition such approval on terms ensuring
 13 the provision of improvements pursuant to sections 29, 29.1, 29.3
 14 and 41 of **[this act]** P. L. 1975, c. 291, (C. 40:55D-38, 40:55D-39,
 15 40:55D-41 and 40:55D-53).

16 a. Minor site plan approval shall be granted or denied within
 17 45 days of the date of submission of a complete application to the
 18 administrative officer, or within such further time as may be
 19 consented to by the applicant. Failure of the planning board to
 20 act within the period prescribed shall constitute minor site plan
 21 approval.

22 b. **[Whenever review or approval of the application by the**
 23 **county planning board is required by section 8 of P. L. 1968, c. 285**
 24 **(C. 40:27-6.6), the municipal planning board shall condition any**
 25 **approval that it grants upon timely receipt of a favorable report**
 26 **on the application by the county planning board or approval by the**
 27 **county planning board by its failure to report thereon within the**
 28 **required time period.]** (*Deleted by amendment P. L. , c.*)

29 c. The zoning requirements and general terms and conditions,
 30 whether conditional or otherwise, upon which minor site plan ap-
 31 proval was granted, shall not be changed for a period of **[2]** two
 32 years after the date of minor site plan approval.

1 20. Section 35 of P. L. 1975, c. 291 (C. 40:55D-47) is amended
 2 to read as follows:

3 35. Minor subdivision.

4 An ordinance requiring approval of subdivisions by the planning
 5 board may authorize the planning board to waive notice and public
 6 hearing for an application for development if the planning board or
 7 subdivision committee of the board appointed by the chairman find
 8 that the application for development conforms to the definition of
 9 "minor subdivision" in section 3.2 of this act. Minor subdivision
 10 approval shall be deemed to be final approval of the subdivision by
 11 the board; provided that the board or said subcommittee may
 12 condition such approval on terms ensuring the provision of im-
 13 provements pursuant to sections 29, 29.1, 29.2 and 41 of this act.

14 Minor subdivision approval shall be granted or denied within 45
 15 days of the date of submission of a complete application to the
 16 administrative officer, or within such further time as may be
 17 consented to by the applicant. Failure of the planning board to act
 18 within the period prescribed shall constitute minor subdivision
 19 approval and a certificate of the administrative officer as to the
 20 failure of the planning board to act shall be issued on request of

21 the applicant; and it shall be sufficient in lieu of the written en-
 22 dorsement or other evidence of approval, herein required, and shall
 23 be so accepted by the county recording officer for purposes of filing
 24 subdivision plats.

25 [Whenever review or approval of the application by the county
 26 planning board is required by section 5 of P. L. 1968, c. 285 (C.
 27 40:27-6.3), the municipal planning board shall condition any ap-
 28 proval that it grants upon timely receipt of a favorable report on
 29 the application by the county planning board or approval by the
 30 county planning board by its failure to report thereon within the
 31 required time period.]

32 Approval of a minor subdivision shall expire 190 days from the
 33 date of municipal approval unless within such period a plat in
 34 conformity with such approval and the provisions of [the "Map
 35 Filing Law,"] "*the map filing law*," P. L. 1960, c. 141 (C. 46:23-9.9
 36 et seq.), or a deed clearly describing the approved minor subdi-
 37 vision is filed by the developer with the county recording officer, the
 38 municipal engineer and the municipal tax assessor. Any such plat
 39 or deed accepted for such filing shall have been signed by the chair-
 40 man and secretary of the planning board. In reviewing the applica-
 41 tion for development for a proposed minor subdivision the plan-
 42 ning board may be permitted by ordinance to accept a plat not in
 43 conformity with [the "Map Filing Act,"] "*the map filing law*," P. L.
 44 1960, c. 141 (C. 46:23-9.9 et seq.); provided that if the developer
 45 chooses to file the minor subdivision as provided herein by plat
 46 rather than deed such plat shall conform with the provisions of
 47 said act.

48 The zoning requirements and general terms and conditions,
 49 whether conditional or otherwise, upon which minor subdivision
 50 approval was granted, shall not be changed for a period of two years
 51 after the date of minor subdivision approval; provided that the
 52 approved minor subdivision shall have been duly recorded as pro-
 53 vided in this section.

1 21. Section 38 of P. L. 1975, c. 291 (C. 40:55D-50) is amended
 2 to read as follows:

3 38. Final approval of site plans and major subdivisions:

4 a. The planning board shall grant final approval if the de-
 5 tailed drawings, specifications and estimates of the application for
 6 final approval conform to the standards established by ordinance
 7 for final approval, the conditions of preliminary approval and, in
 8 the case of a major subdivision, the standards prescribed by [the
 9 "Map Filing Law,"] "*the map filing law*," P. L. 1960, c. 141 (C.

10 46:23-9.9 et seq.); provided that in the case of a planned unit
 11 development, planned unit residential development or residential
 12 cluster, the planning board may permit minimal deviations from
 13 the conditions of preliminary approval necessitated by change of
 14 conditions beyond the control of the developer since the date of
 15 preliminary approval without the developer being required to sub-
 16 mit another application for development for preliminary approval.

17 b. Final approval shall be granted or denied within 45 days
 18 after submission of a complete application to the administrative
 19 officer, or within such further time as may be consented to by the
 20 applicant. Failure of the planning board to act within the period
 21 prescribed shall constitute final approval and a certificate of the
 22 administrative officer as to the failure of the planning board to act
 23 shall be issued on request of the applicant, and it shall be sufficient
 24 in lieu of the written endorsement or other evidence of approval,
 25 herein required, and shall be so accepted by the county recording
 26 officer for purposes of filing subdivision plats.

27 **[Whenever review or approval of the application by the county**
 28 **planning board is required by section 5 of P. L. 1968, c. 285 (C.**
 29 **40:27-6.3), in the case of a subdivision, or section 8 of P. L. 1968,**
 30 **c. 285 (C. 40:27-6.6), in the case of a site plan, the municipal plan-**
 31 **ning board shall condition any approval that it grants upon timely**
 32 **receipt of a favorable report on the application by the county plan-**
 33 **ning board or approval by the county planning board by its failure**
 34 **to report thereon with the required time period.]**

1 22. Section 48 of P. L. 1975, c. 291 (C. 40:55D-61) is amended
 2 to read as follows:

3 **48. Time periods.**

4 Whenever an application for approval of a subdivision plat, site
 5 plan or conditional use includes a request for relief pursuant to
 6 section 47 of this act, the planning board shall grant or deny
 7 approval of the application within 120 days after submission by a
 8 developer of a completed application to the administrative officer or
 9 within such further time as may be consented to by the applicant.
 10 In the event that the developer elects to submit separate consec-
 11 tive applications, the aforesaid provision shall apply to the applica-
 12 tion for approval of the variance or direction for issuance of a
 13 permit. The period for granting or denying and subsequent ap-
 14 proval shall be as otherwise provided in this act. Failure of the
 15 planning board to act within the period prescribed shall constitute
 16 approval of the application and a certificate of the administrative
 17 officer as to the failure of the planning board to act shall be issued
 18 on request of the applicant, and it shall be sufficient in lieu of the
 19 written endorsement or other evidence of approval herein required,

20 and shall be so accepted by the county recording officer for purposes
21 of filing subdivision plats.

22 **【Whenever review or approval of the application by the county**
23 **planning board is required by section 5 of P. L. 1968, c. 285 (C.**
24 **40:27-6.3), in the case of a subdivision, or section 8 of P. L. 1968,**
25 **c. 285 (C. 40:27-6.6), in the case of a site plan, the municipal plan-**
26 **ning board shall condition any approval that it grants upon timely**
27 **receipt of a favorable report on the application by the county**
28 **planning board or approval by the county planning board by its**
29 **failure to report thereon within the required time period.】**

1 23. Section 54 of P. L. 1975, c. 291 (C. 40:55D-67) is amended
2 to read as follows:

3 54. Conditional uses; site plan review.

4 a. A zoning ordinance may provide for conditional uses to be
5 granted by the planning board according to definite specifications
6 and standards which shall be clearly set forth with sufficient cer-
7 tainty and definiteness to enable the developer to know their limit
8 and extent. The planning board shall grant or deny an application
9 for a conditional use within 95 days of submission of a complete
10 application by a developer to the administrative officer, or within
11 such further time as may be consented to by the applicant.

12 b. The review by the planning board of a conditional use shall
13 include any required site plan review pursuant to article 6 of this
14 act. The time period for action by the planning board on condi-
15 tional uses pursuant to subsection a. of this section shall apply to
16 such site plan review. Failure of the planning board to act within
17 the period prescribed shall constitute approval of the application
18 and a certificate of the administrative officer as to the failure of
19 the planning board to act shall be issued on request of the appli-
20 cant, and it shall be sufficient in lieu of the written endorsement or
21 other evidence of approval, herein required, and shall be so accepted
22 by the county recording officer for purposes of filing subdivision
23 plats.

24 **【Whenever review or approval of the application by the county**
25 **planning board is required by section 5 of P. L. 1968, c. 285 (C.**
26 **40:27-6.3), in the case of a subdivision, or section 8 of P. L. 1968,**
27 **c. 285 (C. 40:27-6.6), in the case of a site plan, the municipal**
28 **planning board shall condition any approval that it grants upon**
29 **timely receipt of a favorable report on the application by the**
30 **county planning board or approval by the county planning board**
31 **by its failure to report thereon within the required time period.】**

1 24. Section 63 of P. L. 1975, c. 291 (C. 40:55D-76) is amended
2 to read as follows:

3 63. Other powers.

4 a. Sections 59 through 62 of this article shall apply to the power
5 of the board of adjustment to:

6 (1) Direct issuance of a permit pursuant to section 25 of this
7 act for a building or structure in the bed of a mapped street or
8 public drainage way, flood control basin on public area reserved
9 pursuant to section 23 of this act; or

10 (2) Direct issuance of a permit pursuant to section 27 of this
11 act for a building or structure not related to a street.

12 b. The board of adjustment shall have the power to grant, to
13 the same extent and subject to the same restrictions as the plan-
14 ning board, subdivision or site plan approval pursuant to article
15 6 of this act or conditional use approval pursuant to section 54
16 of this act, whenever the proposed development requires approval
17 by the board of adjustment of a variance pursuant to subsection d.
18 of section 57 of this act (C. 40:55D-70). The developer may elect
19 to submit a separate application requesting approval of the vari-
20 ance and a subsequent application for any required approval of a
21 subdivision, site plan or conditional use. The separate approval of
22 the variance shall be conditioned upon grant of all required subse-
23 quent approvals by the board of adjustment. No such subsequent
24 approval shall be granted unless such approval can be granted
25 without substantial detriment to the public good and without sub-
26 stantial impairment of the intent and purpose of the zone plan and
27 zoning ordinance. The number of votes of board members required
28 to grant any such subsequent approval shall be as otherwise pro-
29 vided in this act for the approval in question, and the special vote
30 pursuant to the aforesaid subsection d. of section 57 shall not be
31 required.

32 c. Whenever an application for development requests relief
33 pursuant to subsection b. of this section, the board of adjustment
34 shall grant or deny approval of the application within 120 days
35 after submission by a developer of a complete application to the
36 administrative officer or within such further time as may be con-
37 sented to by the applicant. In the event that the developer elects
38 to submit separate consecutive applications, the aforesaid pro-
39 vision shall apply to the application for approval of the variance.
40 The period for granting or denying any subsequent approval shall
41 be as otherwise provided in this act. Failure of the board of
42 adjustment to act within the period prescribed shall constitute
43 approval of the application, and a certificate of the administrative
44 officer as to the failure of the board to act shall be issued on
45 request of the applicant, and it shall be sufficient in lieu of the

46 written endorsement or other evidence of approval herein required,
 47 and shall be so accepted by the county recording officer for purposes
 48 of filing subdivision plats.

49 **【Whenever review or approval of the application by the county**
 50 **planning board is required by section 5 of P. L. 1968, c. 285 (C.**
 51 **40:27-6.3), in the case of a subdivision, or section 8 of P. L. 1968,**
 52 **c. 285 (C. 40:27-6.6), in the case of a site plan, the municipal board**
 53 **of adjustment shall condition any approval that it grants upon**
 54 **timely receipt of a favorable report on the application by the**
 55 **county planning board or approval by the county planning board**
 56 **by its failure to report thereon within the required time.】**

57 An application under this section may be referred to any ap-
 58 propriate person or agency for its report; provided that such
 59 reference shall not extend the period of time within which the
 60 zoning board of adjustment shall act.

1 25. R. S. 27:7-21 is amended to read as follows:

2 27:7-21. In addition to, and not in limitation of, his general
 3 powers, the commissioner may:

4 a. Determine and adopt rules, regulations and specifications
 5 and enter into contracts covering all matters and things incident
 6 to the acquisition, improvement, betterment, construction, recon-
 7 struction, maintenance and repair of State highways;

8 b. Execute and perform as an independent contractor or through
 9 contracts made in the name of the State, all work incident to the
 10 maintenance and repair of State highways;

11 c. Establish and maintain as an independent contractor or em-
 12 ployer a patrol repair system for the proper and efficient mainte-
 13 nance and repair of State highways;

14 d. Employ and discharge, subject to the provisions of the Civil
 15 Service law, all foremen and laborers, prescribe their qualifica-
 16 tions and furnish all equipment, tools and material necessary for
 17 such patrol repair system;

18 e. Widen, straighten and regrade State highways;

19 f. Vacate any State highway or part thereof;

20 g. The commissioner and his authorized agents and employees
 21 may enter upon any lands, waters and premises in the State, after
 22 giving written notice to the recorded owner at least three days
 23 prior thereto, for the purpose of making surveys, soundings, drill-
 24 ings, borings and examinations as he may deem necessary or con-
 25 venient for the purposes of this Title, and such entry shall not be
 26 deemed a trespass; nor shall such entry be deemed an entry under
 27 any condemnation proceedings which may be then pending. The

28 commissioner shall make reimbursement for any actual damages
 29 resulting to such lands, waters and premises as a result of such
 30 activities; **[and]**

31 h. Enter into cooperative agreements with any State depart-
 32 ment, agency or authority or any county or municipality enabling
 33 the State to negotiate for and condemn lands and also provide re-
 34 location services and payments deemed necessary for the effectua-
 35 tion of State or Federally financed State Aid Transportation and
 36 related **[Programs.]** *programs;*

37 i. *File with the county clerk of each county a general plan or*
 38 *standard cross-section depicting a standard right-of-way sufficient*
 39 *to accommodate future improvements along each State highway*
 40 *within the county, including future grade separations; and*

41 j. Do whatever may be necessary or desirable to effectuate the
 42 purposes of this Title.

1 26. Section 9 of P. L. 1968, c. 393 (C. 27:7-66) is amended to
 2 read as follows:

3 9. Whenever the location of a proposed line of any new State
 4 highway *or the proposed lines of the right-of-way required for*
 5 *widening, intersection improvements, straightening of alignment*
 6 *or other improvements on an existing State highway* shall have
 7 been approved by the commissioner, the commissioner may file a
 8 certified copy of a map, plan or report indicating such proposed
 9 line *or lines*, the width whereof shall not exceed what is reason-
 10 ably required in accordance with recognized standards of highway
 11 engineering practice, with the county clerk of each county within
 12 which the proposed line *or lines* of said new highway *or highway*
 13 *improvement* is to be located and with the municipal clerk, plan-
 14 ning board and building inspector of each municipality within
 15 which said line *or lines* is located. The commissioner shall ac-
 16 company such filing with his certification that residents of the
 17 municipality in which such filing is made have been afforded ade-
 18 quate opportunity to express any objections that they may have to
 19 the proposed location of such highway *or highway improvement*
 20 **[at a public hearing held at a convenient location for the purpose].**

21 Any map, plan or report filed pursuant to this section may be
 22 amended from time to time by filing certified copies of a map, plan
 23 or report indicating any changes to be made in the location of pro-
 24 posed lines with the officials and in the manner set forth herein.

1 27. Section 10 of P. L. 1968, c. 393 (C. 27:7-67) is amended to
 2 read as follows:

3 10. (a) Whenever a map, plan or report indicating a proposed
 4 line *or lines* of a new State highway *or highway improvement*, or

5 any amendment thereto, has been filed by the department pursuant
6 to this act, any municipal approving authority, before issuing a
7 building permit or approving a subdivision plat with respect to
8 any lot, tract, or parcel of land which abuts or is located wholly or
9 partially within the proposed line *or lines* of a new highway *or*
10 *highway improvement* shall refer the site plan, application for
11 building permit or subdivision plat to the commissioner for review
12 and recommendation as to the effect of the proposed development
13 or improvement upon the safety, efficiency, utility or natural beauty
14 of the proposed new highway *or highway improvement*.

15 A municipal approving authority shall not issue any building
16 permit or approve any subdivision plat without the recommenda-
17 tion of the commissioner until 45 days after such reference shall
18 have elapsed without such recommendation. Within said 45-day
19 period, the commissioner may:

20 (1) Give notice to the municipal approving authority and to the
21 owner of such lot, tract or parcel of land of probable intention to
22 acquire the whole or any part thereof, and thereupon no further
23 action shall be taken by such approving authority for a further
24 period of 120 days following the receipt of said notice; if within
25 such further 120-day period, the department has not acquired,
26 agreed to acquire, or commenced an action to condemn said prop-
27 erty, the municipal approving authority shall be free to act upon
28 upon the pending application in such manner as may be provided
29 by law.

30 (2) Give notice to the municipal approving authority and to the
31 owner of such lot, tract or parcel of land of his recommendation
32 that the permit or approval for which application has been made
33 be granted subject to certain modifications specified in said notice.
34 Within 20 days of receiving such notice the municipal approving
35 authority may, with the consent of the applicant, grant such per-
36 mit or approval in such manner as to incorporate the commission-
37 er's recommended modifications. If no such modified permit or
38 approval is granted within said 20 days, then for a further period
39 of 20 days, commencing either from the expiration of the aforesaid
40 20-day period or from any earlier date upon which either the mu-
41 nicipal approving authority or the applicant shall have notified
42 the commissioner that has recommended modifications will not be
43 accepted, no further action shall be taken upon such application,
44 unless the commissioner shall earlier notify the municipal approv-
45 ing authority and the applicant that he does not intend to initiate
46 any steps toward the acquisition of such lot, tract or parcel of

47 land or any part thereof. But if before the expiration of said sec-
 48 ond 20-day period the commissioner gives notice to the municipal
 49 approving authority and to the owner of such lot, tract or parcel
 50 of land of probable intention to acquire the whole or any part
 51 thereof, no further action on such application shall be taken by
 52 such approving authority for a further period of 120 days follow-
 53 ing receipt of said notice. If within such further 120-day period
 54 the department has not aquired, agreed to acquire or commenced
 55 an action to condemn said property, the municipal approving au-
 56 thority shall be free to act upon the pending application in such
 57 manner as may be provided by law.

58 (3) Give notice to the municipal approving authority and to
 59 the owner of such lot, tract or parcel of land that he finds no objec-
 60 tion to the granting of such permit or approval in the form in
 61 which it has been applied for. Upon receipt of such notice the
 62 municipal approving authority shall be free to act upon the pend-
 63 ing application in such manner as may be provided by law.

64 (b) Nothing in this act shall be construed to prohibit or limit
 65 the authority of any municipal *or county* board, body or agency
 66 from incorporating a proposed line *or lines* of any new State high-
 67 way *or highway improvement* in the master plan or official map of
 68 said municipality *or county* and from taking any action with re-
 69 spect thereto as may be authorized by law.

70 (c) No application for a building permit or subdivision approval
 71 shall be subject to the provisions of this subparagraph with re-
 72 spect to any proposed highway *or highway improvement* location
 73 or amendment thereto filed by the commissioner subsequent to the
 74 date on which such application was submitted to the municipal
 75 approving authority.

1 28. (New section) At least every six years the governing body
 2 of the county shall provide for a general reexamination of its
 3 master plan and development regulations by the county planning
 4 board. The county planning board shall prepare a report on the
 5 findings of that reexamination, and a copy of that report shall be
 6 sent to the planning board secretary and the municipal clerk of
 7 each municipality in the county. The six year period shall com-
 8 mence at the time of the adoption of the last general reexamina-
 9 tion. The first reexamination shall be completed within six years
 10 after the effective date of this act.

11 The reexamination report shall state:

12 a. The major problems and objectives relating to land develop-
 13 ment in the county at the time of the adoption of the last re-
 14 examination, report, if any.

15 b. The extent to which these problems and objectives have been
16 reduced or have increased subsequent to that date.

17 c. The extent to which there have been significant changes in
18 the assumptions, policies and objectives forming the basis for the
19 master plan or development regulations as last revised, with par-
20 ticular regard to the density and distribution of population and
21 land uses, housing conditions, circulation, conservation of natural
22 resources, energy conservation, and changes in State, county and
23 municipal policies and objectives.

24 d. The specific changes recommended for the master plan or
25 development regulations, if any, including underlying objectives,
26 policies and standards, or whether a new plan or regulations should
27 be prepared.

1 29. (New section) a. The county planning board shall annually
2 prepare and submit to the county governing body a Capital Im-
3 provements Program consistent with the master plan. The Capital
4 Improvements Program shall inventory all proposed and recom-
5 mended public improvements within the county, regardless of
6 governmental jurisdiction. The Capital Improvements Program
7 shall be divided into a Long Range Improvements Plan and a Five
8 Year Capital Program and shall be consistent with and incorporate
9 any Transportation Improvement Program which the county may
10 be required to submit to the Department of Transportation for the
11 purpose of complying with the requirements of 23 U. S. C. § 134,
12 or any successor statute having substantially the same effect, with
13 respect to the implementation of a continuing comprehensive
14 transportation planning process.

15 b. The Long Range Improvements Plan shall list all improve-
16 ments required to implement the county master plan.

17 c. The Five Year Capital Program shall list each project on
18 which the county anticipates capital funds will be spent during the
19 upcoming five years, and shall be updated on an annual basis.
20 Projects shall be divided into major categories such as local
21 streets, county highways, State highways, toll roads, freight sys-
22 tems, commuter rail, bus systems, water supply and sewerage. The
23 Five Year Capital Program shall provide a brief description of
24 each project. For each year during the five year period, the antici-
25 pated activities associated with the project shall be described, and
26 the total costs associated with that year's activity listed. In
27 addition, if the project is to be financed by a variety of funding
28 sources, each funding source shall be listed. The Five Year Capital
29 Program may include improvements to public facilities to be pro-
30 vided by private parties.

31 d. After preparing the Capital Improvement Program, the
32 county planning board shall recommend the program to the county
33 governing body for adoption. The county governing body may
34 modify the Capital Improvement Program recommended to it by
35 the county planning board, but any modification shall be approved
36 by affirmative vote of a majority of the full authorized member-
37 ship of the governing body and with the reasons for said modifica-
38 tion recorded in the minutes. The county governing body shall
39 adopt the Capital Improvement Program by ordinance or resolu-
40 tion, as appropriate.

1 30. (New section) a. For existing State highways the official
2 county map shall depict a standard right-of-way sufficient to ac-
3 commodate future improvements which may be required along the
4 highway, including future grade separations. The standard right-
5 of-way for each highway shall be based on a general plan or stan-
6 dard cross-section filed with the county by the Department of
7 Transportation.

8 b. The official county map shall be consistent with any route
9 preservation map filed by the Commissioner of Transportation in
10 accordance with section 9 of P. L. 1968, c. 393 (C. 27:7-66).

11 c. If the county planning board, in the master plan, has deter-
12 mined that additional improvements to a State highway may be
13 required in the future, these improvements, including realignments,
14 bypasses, major widening or grade separations, may be incor-
15 porated into the official map. The county governing body shall
16 notify the Department of Transportation of any projected addi-
17 tional improvements at the time of their inclusion in the official
18 county map.

1 31. (New section) In order to facilitate efficient and coordinated
2 review of subdivision and site plan applications submitted to it,
3 the county planning board may by resolution provide for a regular
4 monthly meeting at which development applications may be re-
5 viewed with all affected agencies including the Department of
6 Environmental Protection and the Department of Transportation.

1 32. (New section) There is appropriated from the General Fund
2 to the Department of Transportation the sum of \$2,000,000.00 to
3 be distributed to the counties for the purpose of assisting the
4 counties and county planning boards in meeting the responsibili-
5 ties created by this act. Each county shall receive a base payment
6 of \$30,000.00. The remainder of the appropriation shall be di-
7 vided among the counties using a formula based equally upon the
8 relative population of each county and the relative land area of
9 each county. Prior to disbursing any funds to a county, the Com-

10 missioner of the Department of Transportation, or his designee,
 11 shall enter into a contractual agreement stating the specific work
 12 tasks for which the allocated funds will be used.

1 33. Section 8 of P. L. 1968, c. 285 (C. 40:27-6.6) is repealed.

1 34. This act shall take effect 90 days after enactment.

STATEMENT

This bill would revise and supplement New Jersey's county planning statutes to provide for a stronger regional planning role for counties. A stronger role for counties is needed to connect and complete the strong municipal and State planning processes established by the "Municipal Land Use Law" and the "State Planning Act." The role of county planning is particularly critical in assuring orderly development of the State's high growth areas.

The bill would give county planning boards a new role in the development approval process. County planning boards would be required to review major developments to ensure that vital regional and State concerns are addressed, while the major substantive reviews would continue to be done by municipal planning boards. Specifically, county planning board would be given the responsibility of reviewing subdivisions and site plans having potential regional impacts. These are defined as including: (1) developments located on a State highway or affecting the State drainage facilities, (2) developments which include more than 250 housing units, (3) developments which contain more than 100,000 square feet of nonresidential floor space and (4) developments located on a county road or affecting county drainage facilities (already covered under existing law). The requirements that a county planning board could impose on a developer would continue to be restrictive to specified issues of regional significance. This list is expanded to include requirements for off-site improvements and dedications for State, as well as county, highways and drainageways. To expedite the development approval process, the county planning board would be required to certify to the municipal planning board, in advance of municipal review, that all county requirements have been met. County certification would be required within 45 days in the case of a project having potential regional impact and within five days in the case of a project not having potential regional impact.

The bill would also strengthen county planning generally through requiring all counties to have planning boards and master plan and specifying in greater detail the contents of the county

master plan. An appropriation of \$2,000,000.00 is provided to the Department of Transportation for a state aid program to counties for the purpose of assisting counties and county planning boards in meeting the additional responsibilities placed upon them by this legislation.

LOCAL PLANNING AND ZONING

Provides stronger regional planning role for counties and appropriates \$2,000,000.

ASSEMBLY, No. 3290

STATE OF NEW JERSEY

INTRODUCED OCTOBER 2, 1986

By Assemblymen LITTELL and HAYTAIAN

AN ACT concerning the financing of transportation improvements
in growth corridors, and supplementing Title 27 of the Revised
Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "New Jersey
2 Transportation Development District Act of 1986."

1 2. The Legislature finds and declares that:

2 a. In recent years, New Jersey has experienced explosive growth
3 in certain regions, often along State highway routes. These
4 "growth corridors" and "growth districts" are vital to the
5 State's future but also present special problems and needs.

6 b. Growth corridors and districts are heavily dependent on
7 the State's transportation system for their current and future
8 development. At the same time, they place enormous burdens on
9 existing transportation infrastructure, contiguous to new de-
10 velopment and elsewhere, creating demands for expensive im-
11 provements, reducing the ability of State highways to provide for
12 through movement of traffic and creating constraints to future
13 development.

14 c. Existing financial resources and existing mechanisms for
15 securing financial commitments for transportation improvements
16 are inadequate to meet transportation improvement needs which
17 are the result of rapid development in growth areas, and there-
18 fore it is appropriate for the State to make special provisions
19 for the financing of needed transportation improvements in these
20 areas, including the creation of special financing districts and the

21 assessment of special fees on those developments which are re-
22 sponsible for the added burdens on the transportation system.

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

4 a. "Commissioner" means the Commissioner of Transportation.

5 b. "Department" means the Department of Transportation.

6 c. "Development" means "development" in the meaning of
7 section 3.1 of the "Municipal Land Use Law," P. L. 1975, c. 291
8 (C. 40:55D-4), for which a construction permit has been issued
9 pursuant to section 12 of P. L. 1975, c. 217 (C. 52:27D-130).

10 d. "Development assessment liability date" means a date speci-
11 fied in an ordinance or resolution, as appropriate, adopted under
12 section 7 of this act, which shall be either the effective date of
13 the ordinance or resolution, as appropriate, or a specified date
14 not more than 10 years prior to the effective date of the ordi-
15 nance or resolution, as appropriate.

16 e. "Development fee" means a fee assessed on a development
17 pursuant to an ordinance or resolution, as appropriate, adopted
18 under section 7 of this act.

19 f. "Public highways" means public roads, streets, expressways,
20 freeways, parkways, motorways and boulevards, including bridges,
21 tunnels, overpasses, underpasses, interchanges, rest areas, ex-
22 press bus roadways, bus pullouts and turnarounds, park-ride
23 facilities, traffic circles, grade separations, traffic control devices,
24 the elimination or improvement of crossings of railroads and
25 highways, whether at grade or not at grade, and any facilities,
26 equipment, property, rights-of-way, easements and interests
27 therein needed for the construction, improvement and maintenance
28 of highways.

29 g. "Public transportation project" means, in connection with
30 public transportation service or regional ridesharing programs,
31 passenger stations, shelters and terminals, automobile parking
32 facilities, ramps, track connections, signal systems, power systems,
33 information and communication systems, roadbeds, transit lanes
34 or rights of way, equipment storage and servicing facilities,
35 bridges, grade crossings, rail cars, locomotives, motorbus and
36 other motor vehicles, maintenance and garage facilities, revenue
37 handling equipment and any other equipment, facility or property
38 useful for or related to the provision of public transportation ser-
39 vice or regional ridesharing programs.

40 h. "Transportation development district" or "district" means
41 a district created under section 4 of this act.

42 i. "Transportation project" means, in addition to public high-
 43 ways and public transportation projects, any equipment, facility
 44 or property useful or related to the provision of any ground,
 45 waterborne or air transportation for the movement of people and
 46 goods.

1 4. a. The governing body of any county may, by ordinance or
 2 resolution, as appropriate, apply to the commissioner for the
 3 designation and delineation of a transportation development dis-
 4 trict within the boundaries of the county. The application shall
 5 include: (1) proposed boundaries for the district, (2) evidence
 6 of growth conditions prevailing in the proposed district which
 7 justify creation of a transportation development district in con-
 8 formity with the purposes of this act, especially as expressed in
 9 subsection c. of section 2 of this act, (3) a description of trans-
 10 portation needs arising from rapid development within the dis-
 11 trict, (4) certification that there is in effect for the county a
 12 current county master plan adopted under R. S. 40:27-2 and that
 13 creation of the district would be in conformity both with the county
 14 master plan and with the State Development and Redevelopment
 15 Plan adopted under the "State Planning Act," P. L. 1985, c. 398
 16 (C. 52:18A-196 et al.), and (5) any additional information that
 17 the commissioner may require.

18 b. The commissioner shall, within 90 days of receipt of a com-
 19 pleted application and upon review of the application as to suf-
 20 ficiency and conformity with the purposes of this act, (1) by
 21 order designate a district and delineate its boundaries in con-
 22 formance with the application, or (2) disapprove the application
 23 and inform the governing body of the county in writing of the
 24 reasons for the disapproval. The governing body may, in the case
 25 of a disapproval of its application, resubmit an application in-
 26 corporating whatever revisions it deems appropriate, taking into
 27 consideration the commissioner's reasons for disapproval.

1 5. a. Following the commissioner's designation and delineation
 2 of a district under section 4 of this act, the governing body of
 3 the county shall initiate a joint planning process for the district,
 4 with opportunity for participation by State, county, municipal
 5 and private representatives. The joint planning process shall
 6 produce a draft district transportation improvement plan and
 7 a draft financial program.

8 b. The draft district transportation improvement plan shall
 9 establish goals and priorities for all modes of transportation
 10 within the district, shall incorporate the relevant plans of all
 11 transportation agencies within the district and shall contain a

12 program of transportation projects which addresses transporta-
 13 tion needs arising from rapid growth conditions prevailing in
 14 the district and which therefore warrants financing in whole or
 15 in part from a trust fund to be established under section 7 of
 16 this act. The draft district transportation improvement plan
 17 shall be consistent with the State transportation master plan
 18 adopted under section 5 of P. L. 1966, c. 301 (C. 27:1A-5), the
 19 county master plan adopted under R. S. 40:27-2 and the State
 20 Development and Redevelopment Plan adopted under the "State
 21 Planning Act," P. L. 1985, c. 398 (C. 52:18A-196 et al.).

22 c. The draft financial program shall include an identification
 23 of projected available financial resources for financing district
 24 transportation projects outlined in the draft district transporta-
 25 tion improvement plan, including recommendations for types and
 26 rates of development fees to be assessed under section 7 of this
 27 act, and projected annual revenue to be derived therefrom.

28 d. The governing body of the county shall make copies of the
 29 draft district transportation improvement plan and the draft
 30 financial program available to the public for inspection and shall
 31 hold a public hearing on them.

1 6. a. The governing body of any county which has completed
 2 all the requirements of section 5 of this act may, by ordinance
 3 or resolution, as appropriate, adopt a district transportation im-
 4 provement plan. The district transportation improvement plan
 5 shall be derived from the draft district transportation improve-
 6 ment plan developed under section 5 of this act and shall contain
 7 a program of transportation projects intended to be financed
 8 over time in whole or in part from a trust fund to be established
 9 under section 7 of this act. The district transportation improve-
 10 ment plan shall be incorporated into the capital improvements
 11 program required to be adopted under P. L., c. (C.
 12) (now pending before the Legislature as Assembly
 13 Bill No. 3289 and Senate Bill No. 2626 of 1986) and shall be con-
 14 sistent with any transportation improvement program which the
 15 county may be required to submit to the department.

16 b. No ordinance or resolution, or amendment or supplement
 17 thereto, adopted under this section shall be effective until ap-
 18 proved by the commissioner. In evaluating the district transpor-
 19 tation improvement plan, the commissioner shall take into con-
 20 sideration: (1) the appropriateness of the district boundaries
 21 in light of the findings of the plan, (2) the appropriateness of
 22 the content and timing of the program of projects intended to
 23 be financed in whole or in part from the district trust fund in

24 relation to the transportation needs stemming from rapid growth
25 in the district, (3) the hearing record of the public hearing held
26 prior to adoption of the ordinance, and (4) any written comments
27 submitted by municipalities or other parties. The commissioner
28 shall complete the review of the ordinance or resolution and
29 shall inform the governing body in writing of the approval or
30 disapproval thereof within 180 days of receipt. The written notice
31 shall be accompanied, in the case of approval, by the commis-
32 sioner's estimate of the resources which may be made available
33 under this act and from other sources to support implementa-
34 tion of the plan and, in the case of disapproval, by the reasons
35 for that disapproval. The governing body may, in the case of a
36 disapproval, resubmit an ordinance or resolution, as appropriate,
37 or amendment or supplement thereto, incorporating whatever re-
38 visions it deems appropriate, taking into consideration the com-
39 missioner's reasons for disapproval.

1 7. a. After the effective date of an ordinance or resolution, as
2 appropriate, adopted under section 6 of this act, the governing
3 body of the county may provide, by ordinance or resolution, as
4 appropriate, for the assessment and collection of development
5 fees on developments within the district, including those develop-
6 ments which consist of a change of use on previously developed
7 property.

8 b. The ordinance or resolution, as appropriate, shall specify
9 whether the fee is a one-time fee, to be assessed and collected
10 once, or an annual fee, to be assessed annually and collected
11 not more often than quarterly.

12 c. The ordinance or resolution, as appropriate, shall specify a
13 development assessment liability date. Developments occurring
14 after the development assessment liability date shall be liable
15 for assessment on the effective date of the ordinance or on the
16 date of development, whichever is later. Developments for which
17 a construction permit is issued before the development assess-
18 ment liability date shall not be liable for assessment.

19 d. The ordinance or resolution, as appropriate, also shall pro-
20 vide for the establishment of a transportation development dis-
21 trict trust fund under the control of the county treasurer. All
22 monies collected pursuant to the ordinance or resolution, as ap-
23 propriate, shall be deposited into the trust fund.

24 e. An ordinance or resolution, as appropriate, adopted under
25 this section also may contain provisions for: (1) delineating a
26 core area within the district within which the conditions justify-
27 ing creation of the district are most acute and providing for a

28 reduced development fee rate to apply outside that core area;
29 (2) credits against assessed development fees for payments made
30 or expenses incurred which have been determined by the govern-
31 ing body of the county to be in furtherance of the district trans-
32 portation improvement plan, including but not limited to, con-
33 tributions to transportation improvements, other than those re-
34 quired for safe and efficient highway access to a development,
35 and costs attributable to the promotion of public transit or ride-
36 sharing; (3) exemptions from or reduced rates for development
37 fees for specified land uses which has been determined by the
38 governing body of the county to have a beneficial, neutral or
39 comparatively minor adverse impact on the transportation needs
40 of the district; and (4) a reduced rate of development fees for
41 developments for which construction permits were issued after
42 the development assessment liability date but before the effective
43 date of the ordinance or resolution, as appropriate, where those
44 dates are different.

1 8. An ordinance or resolution, as appropriate, adopted under
2 section 7 of this act shall provide for the assessment of develop-
3 ment fees based upon one or more of the following criteria:

4 a. A vehicle trip fee, based on the number of vehicle trips
5 generated by the development;

6 b. A square footage fee, based on the occupied square footage
7 of a developed structure;

8 c. An employee fee, based on the number of employees regularly
9 employed at the development;

10 d. A parking space fee, based on the number of parking spaces
11 located at the development; or

12 e. Any other fee, approved by the commissioner, which is re-
13 lated to trip generation or impact on the transportation system.

1 9. Computation of fees due under any development fee assessed
2 under an ordinance or resolution, as appropriate, adopted under
3 section 7 of this act shall be made according to uniform standards
4 adopted by regulation by the commissioner.

1 10. Every transportation project funded in whole or in part by
2 funds from a transportation development district trust fund shall
3 be subject to a project agreement to which the commissioner is
4 a party. Every transportation project for which a project agree-
5 ment has been executed shall be included in a district transpor-
6 tation improvement plan adopted by an ordinance or resolution,
7 as appropriate, under section 6 of this act. A project agreement
8 may include other parties, including but not limited to, munici-
9 palities and developers. A project agreement shall provide for

10 the assignment of financial obligations among the parties, and
11 those provisions for discharging respective financial obligations
12 as the parties shall agree upon. A project agreement also shall
13 make provision for those arrangements among the parties as are
14 necessary and convenient for undertaking and completing a trans-
15 portation project. A project agreement may provide that a county
16 may pledge funds in a transportation development district trust
17 fund or revenues to be received from development fees for the
18 repayment of debt incurred under any debt instrument which
19 the county may be authorized by law to issue. Each project
20 agreement shall be authorized by and entered into pursuant to
21 an ordinance or resolution, as appropriate, of the governing body
22 having charge of the finances of each county and municipality
23 which is a party to the project agreement. Any project agreement
24 may be made with or without consideration and for a specified
25 or an unlimited time and on any terms and conditions which may
26 be approved by or on behalf of the county or municipality and
27 shall be valid whether or not an appropriation with respect
28 thereto is made by the county or municipality prior to the authori-
29 zation or execution thereof. Every county and municipality is
30 authorized and directed to do and perform any and all acts or
31 things necessary, convenient or desirable to carry out and per-
32 form every project agreement.

1 11. No expenditure of funds shall be made from a transporta-
2 tion development district trust fund except by appropriation
3 by the governing body of the county and upon certification of
4 the county treasurer that the expenditure is in accordance with
5 a project agreement entered into under section 10 of this act.
6 Notwithstanding the provisions of P. L. 1976, c. 68 (C. 40A:4-45.1
7 et seq.) to the contrary, there shall be exempted from the final
8 appropriations of a county, subject to the spending limitations
9 imposed thereunder, any appropriations made by the county in
10 accordance with this section or any payments made by the county
11 pursuant to a project agreement authorized in accordance with
12 section 10 of this act.

1 12. The commissioner may, subject to the availability of ap-
2 propriations for this purpose and pursuant to a project agree-
3 ment entered into under section 10 of this act, make loans to
4 a party to a project agreement for the purpose of undertaking
5 and completing a transportation project. In this event, the project
6 agreement shall include the obligation of the governing body of
7 the county to make payments to the commissioner for repayment

8 of the loan according to an agreed upon schedule of payments.

9 The commissioner may receive monies from a county for repay-
10 ment of a loan and pay these monies, or assign his right to re-
11 ceive them, to the New Jersey Transportation Trust Fund Au-
12 thority, created pursuant to section 4 of P. L. 1984, c. 73 (C.
13 27:1B-4), in reimbursement of funds paid to him by that authority
14 for the purpose of making loans pursuant to this section.

1 13. The governing bodies of two or more counties which have
2 established, or propose to establish, adjoining transportation
3 development districts, and which have determined that joint or
4 coordinated planning or implementation of transportation projects
5 would be beneficial, may enter into joint arrangements under this
6 act, including: (1) filing joint applications under section 4 of
7 this act, (2) initiating a coordinated joint planning process under
8 section 5 of this act, (3) adopting coordinated district transpor-
9 tation improvement plans under section 6 of this act and (4) en-
10 tering into joint project agreements under section 10 of this act.

1 14. a. The commissioner shall, subject to the availability of
2 appropriations, allocate State aid under the terms and conditions
3 of this act to counties which have established transportation de-
4 velopment districts. State aid provided under this section shall
5 be provided for the purpose of undertaking transportation projects
6 in district transportation improvement plans approved under
7 section 6 of this act and for the purpose of assisting in the
8 development of district transportation improvement plans under
9 section 5 of this act and shall be allocated on a pro rata basis
10 among all counties which have established transportation de-
11 velopment districts in proportion to the development fees assessed
12 within a district or in proportion to funds appropriated by a
13 county for the development of a district transportation improve-
14 ment plan, as appropriate, except that the total amount of State
15 aid so allocated shall not exceed the total amount of development
16 fees assessed in all transportation development districts and plan
17 development funds appropriated by all counties.

18 b. When the commissioner determines in any fiscal year that
19 the funds appropriated for the purposes of this section exceed
20 the total amount of development fees assessed and plan de-
21 velopment funds appropriated by counties which have established
22 transportation development districts, the commissioner may allo-
23 cate these funds to counties and municipalities at his discretion
24 for purposes consistent with this act.

1 15. The commissioner shall adopt the rules and regulations, in
2 accordance with the "Administrative Procedure Act," P. L. 1968,

3 c. 410 (C. 52:14B-1 et seq.), necessary to effectuate the purposes
4 of this act.

1 16. If any clause, sentence, paragraph, section or part of this
2 act is adjudged by any court of competent jurisdiction to be in-
3 valid, the judgment shall not affect, impair or invalidate the
4 remainder hereof, but shall be confined in its operation to the
5 clause, sentence, paragraph, section or part hereof directly in-
6 volved in the controversy in which the judgment is rendered.

1 17. This act shall be interpreted liberally to effect the purposes
2 set forth herein.

1 18. This act shall take effect immediately.

STATEMENT

The need for transportation improvements caused by rapid development in New Jersey's growth corridors far exceeds the resources available to State, county and municipal governments to pay for those improvements. This bill would authorize these governmental bodies and developers to join together in regional partnerships to plan and finance the improvements needed to accommodate and facilitate growth. Specifically, the bill would enable counties, in conjunction with the Department of Transportation, to establish transportation development districts (TDDs) in New Jersey's growth corridors. A county which had set up such a district would be empowered to assess, by ordinance, development fees to be used to finance transportation improvements. All funds would be required to be spent in accordance with a district transportation improvement plan and individual project agreements approved by the Commissioner of Transportation. TDD funds could be used to finance, in whole or in part, improvement projects on State highways, county roads or municipal streets or other transportation capital projects, as needed, within the district.

The State would assist the development of TDDs in two ways. First, the New Jersey Transportation Trust Fund Authority would be authorized to serve as "banker" to TDDs through advancing cash for projects which would then be repaid from projected revenue. Second, a special State aid program would be established to provide matching funds for fees assessed in TDDs.

TRANSPORTATION—GENERAL

Establishes the "New Jersey Transportation Development District Act of 1986."

8

ASSEMBLY, No. 3291

STATE OF NEW JERSEY

INTRODUCED OCTOBER 2, 1986

By Assemblymen MILLER and MAZUR

AN ACT concerning the management of access to State highways, amending R. S. 27:7-1, R. S. 27:16-1, R. S. 40:67-1, the title and body of P. L. 1945, c. 83, P. L. 1952, c. 21, P. L. 1975, c. 291, P. L. 1983, c. 283, and repealing sections 4 and 7 of P. L. 1945, c. 83 and section 52 of P. L. 1951, c. 23.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. (New section) Sections 1 through 10, inclusive, and sections
2 27 through 30, inclusive, of this act shall be known and may be cited
3 as the "State Highway Access Management Act of 1986."

1 2. (New section) The Legislature finds and declares that:

2 a. The purpose of the State highway system is to serve as a
3 network of principal arterial routes for the safe and efficient move-
4 ment of people and goods in the major travel corridors of the State.

5 b. The existing State highways which comprise the State high-
6 way system were constructed at great public expense and con-
7 stitute irreplaceable public assets.

8 c. The State has a public trust responsibility to manage and
9 maintain effectively each highway within the State highway system
10 to preserve its functional integrity and public purpose for the
11 present and future generations.

12 d. Inappropriate land development activities and unrestricted
13 access to State highways can impair the purpose of the State high-
14 way system and damage the public investment in that system.

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 printed in italics *thus* is new matter.

15 e. Every owner of property which abuts a public road has a right
 16 of reasonable access to the general system of streets and highways
 17 in the State, but not to a particular means of access. The right of
 18 access is subject to regulation for the purpose of protecting the
 19 public health, safety and welfare.

20 f. Governmental entities through regulation may not eliminate
 21 all access to the general system of streets and highways without
 22 providing just compensation.

23 g. The access rights of an owner of property abutting a State
 24 highway must be held subordinate to the public's right and interest
 25 in a safe and efficient highway.

26 h. It is desirable for the Department of Transportation to
 27 establish through regulation a system of access management which
 28 will protect the functional integrity of the State highway system
 29 and the public investment in that system.

30 i. Improved access management is beneficial for streets and
 31 highways of every functional classification, and a statutory plan
 32 providing for improved management should enable counties and
 33 municipalities to take full advantage of its provisions.

1 3. (New section) a. The Commissioner of Transportation shall,
 2 within one year of the effective date of this amendatory and
 3 supplementary act, and following a public hearing, adopt as a
 4 regulation under the "Administrative Procedure Act," P. L. 1968,
 5 c. 410 (C. 52:14B-1 et seq.), a State highway access management
 6 code (hereinafter, "access code") providing for the regulation of
 7 access to State highways.

8 b. The access code shall establish a general classification system
 9 for the State highway system, taking into account the various
 10 functions different highways perform and the various environ-
 11 ments in which different highways are located. Each State high-
 12 way segment shall have its classification identified in the access
 13 code.

14 c. For each highway classification identified, the access code
 15 shall establish standards for the design and location of driveways
 16 and intersecting streets. The access code also shall set forth
 17 alternative design standards for each highway classification
 18 which, combined with limits on vehicular use, can be applied to
 19 lots which were in existence prior to the adoption of the access code
 20 and which cannot meet the standards of the access code.

21 d. The access code shall set forth administrative procedures for
 22 the issuance of access permits.

23 e. The access code shall contain standards suitable for adoption
 24 by counties and municipalities for the management of access to

26 f. The commissioner may adopt, as supplements to the access
27 code, site-specific access plans for individual segments of a State
28 highway. Any access plan adopted in accordance with this sub-
29 section shall be developed jointly by the Department of Trans-
30 portation and the municipality in which the highway segment is
31 located. Prior to incorporating a site-specific access plan into the
32 access code, the commissioner shall determine that the access plan
33 conditions have been incorporated into the master plan and
34 development ordinances of the municipality, that the access plan
35 complies with or exceeds the standards established in the access
36 code, and that an appropriate means of access has been identified
37 for every lot currently having frontage on the highway segment.

1 4. (New section) a. Any person seeking to construct or open a
2 driveway or public street entering into a State highway shall first
3 obtain an access permit from the Commissioner of Transportation.

4 b. Every access permit, including street opening permits, in
5 effect on the effective date of this amendatory and supplementary
6 act shall remain valid and effective until revoked or replaced.

7 c. Every State highway intersection with a driveway or public
8 street in existence prior to January 1, 1970 shall be assumed to
9 have been constructed in accordance with an access permit, even
10 if no permit was issued.

11 d. Access permits issued under this amendatory and supple-
12 mentary act may contain whatever terms and conditions the com-
13 missioner finds necessary and convenient for effectuating the
14 purposes of this amendatory and supplementary act, including but
15 not limited to, the condition that a permit shall expire when the use
16 of the property served by the access permit changes or is expanded.

17 e. Any person constructing, maintaining or opening a driveway
18 or public street entering into a State highway, except as authorized
19 by law, is subject to a civil penalty of \$100.00. Each day in which
20 an authorized driveway or street entering into a State highway is
21 open, following written notice from the commissioner that the
22 driveway or public street is not authorized by law, is a separate
23 violation. The commissioner may, in addition to or in conjunction
24 with initiating a civil action for collection of this penalty, initiate an
25 action in the Chancery Division of the Superior Court for injunctive
26 relief.

1 5. (New section) The Commissioner of Transportation may issue
2 a nonconforming lot access permit for a property after finding
3 that: a. the property otherwise would not be eligible for an access
4 permit under the access code because of insufficient frontage or

5 other reason; b. the lot on which the property is located was in
6 existence prior to adoption of the access code; and c. denial of an
7 access permit would leave the property without reasonable access
8 to the general system of streets and highways. Every nonconform-
9 ing lot access permit shall specify limits on the maximum per-
10 missible vehicular use of any driveway constructed or operated
11 under that permit.

1 6. (New section) The Commissioner of Transportation may,
2 upon written notice and hearing, revoke an access permit after
3 determining that reasonable alternative access is available for the
4 property served by the access permit and that the revocation would
5 be consistent with the purposes of this amendatory and supple-
6 mentary act.

1 7. (New section) The Commissioner of Transportation may, upon
2 written notice and hearing, revoke an access permit issued before
3 the effective date of this amendatory and supplementary act after
4 determining that the access granted by the access permit is non-
5 conforming under the access code and that the use of property
6 served by the access permit has changed or has been expanded
7 after the adoption of the access code.

1 8. (New section) After adoption of the access code, as provided
2 by section 3 of this amendatory and supplementary act, no property
3 abutting a State highway shall be subdivided in a manner which
4 would create additional lots abutting that highway unless all the
5 abutting lots so created are in accord with the standards estab-
6 lished in the access code.

1 9. (New section) The Commissioner of Transportation and every
2 county and municipality may build new roads or acquire access
3 easements to provide alternative access to existing developed lots
4 which have no other means of access except to a State highway.

1 10. (New section) In addition to any powers granted to him
2 under this amendatory and supplementary act or any other pro-
3 vision of law, the Commissioner of Transportation may acquire,
4 by purchase or condemnation, any right of access to any highway
5 upon a determination that the public health, safety and welfare
6 require it.

1 11. R. S. 27:7-1 is amended to read as follows:

2 27:7-1. As used in this subtitle:

3 "Access code" means the State highway access management code
4 adopted by the commissioner under section 3 of the "State High-
5 way Access Management Act of 1986," P. L. 19 , c. (C.
6) (now pending before the Legislature as this bill).

7 "Access permit" means a permit issued by the commissioner
 8 pursuant to sections 4 and 5 of P. L., c. . . . (C.)
 9 (now pending before the Legislature as this bill) for the construc-
 10 tion and maintenance of a driveway or public street connecting to
 11 a State highway.

12 "Authority" means a governing body or public official charged
 13 with the care of a highway.

14 "Betterment" means construction, subsequent to the original im-
 15 provement, of any one or more of the component factors properly
 16 belonging to the original improvement, which may have been
 17 omitted in the original improvement of a road, or which adds to
 18 the value thereof after improvement.

19 "Commissioner" means the [State highway commissioner]
 20 Commissioner of Transportation.

21 "County road" means a road taken over, controlled or maintained
 22 by the county.

23 "Department" means the [State highway department] Depari-
 24 ment of Transportation, acting through the [State highway] com-
 25 missioner or such officials as may be by the commissioner desig-
 26 nated.

27 "Driveway" means a private roadway providing access to a
 28 public street.

29 "Engineer" means the [State highway engineer] Assistant Com-
 30 missioner for Engineering and Operations, or the [assistant]
 31 deputy State highway engineer, when designated.

32 "Extraordinary repairs" means extensive or entire replacement,
 33 with the same or a different kind of material, of one or more of the
 34 component factors of the original improvement of a road, which
 35 may become necessary because of wear, disintegration or other
 36 failure.

37 "Governing body" means the mayor and council, town council,
 38 village trustees, commission or committee of any municipality, and
 39 the board of chosen freeholders of any county.

40 "Highway" means a public right of way, whether open or im-
 41 proved or not, including all existing factors of improvements.

42 "Improvement" means the original work on a road or right of
 43 way which converts it into a road which shall, with reasonable
 44 repairs thereto, at all seasons of the year, be firm, smooth and
 45 convenient for travel. "Improvement" shall consist of location,
 46 grading, surface, and subsurface drainage provisions, including
 47 curbs, gutters, and catch basins, foundations, shoulders and slopes,
 48 wearing surface, bridges, culverts, retaining walls, intersections,

49 private entrances, guard rails, shade trees, illumination, guide-
50 posts and signs, ornamentation and monumenting. *"Improvement"*
51 *also may consist of alterations to driveways and local streets,*
52 *acquisition of rights-of-way, construction of service roads and*
53 *other actions designed to enhance the functional integrity of a high-*
54 *way.* All of these component factors need not be included in an
55 original improvement.

56 "Jurisdiction" means the civil division of the State, over the
57 roads of which any authority may have charge.

58 "Maintenance" means continuous work required to hold an im-
59 proved road against deterioration due to wear and tear and thus
60 to preserve the general character of the original improvement
61 without alteration in any of its component factors.

62 "Public utility" means and includes every individual, copartner-
63 ship, association, corporation or joint stock company, their lessees,
64 trustees, or receivers appointed by any court, owning, operating,
65 managing or controlling within the State of New Jersey a steam
66 railroad, street railway, traction railway, canal, express, subway,
67 pipe line, gas, electric, light, heat, power, water, oil, sewer, tele-
68 phone, telegraph system, plant or equipment for public use under
69 privileges granted by the State or by any political subdivision
70 thereof.

71 "Reconstruction" means the rebuilding with the same or different
72 material of an existing improved road, involving alterations or
73 renewal of practically all the component factors of which the
74 original improvement consisted.

75 "Repairs" means limited or minor replacements in one or more
76 of the component factors of the original improvement of a road
77 which may be required by reason of storm or other cause in order
78 that there may be restored a condition requiring only maintenance
79 to preserve the general character of the original improvement of a
80 road.

81 "Resurfacing" means work done on an improved road involving
82 a new or partially new pavement, with or without change in width,
83 but without change in grade or alignment.

84 "Road" means a highway other than a street, boulevard or
85 parkway.

86 "Route" means a highway or set of highways including roads,
87 streets, boulevards, parkways, bridges and culverts needed to pro-
88 vide direct communication between designated points.

89 "State highway" means a road taken over and maintained by the
90 State.

91 "State highway system" means all highways included in the
 92 routes set forth in this subtitle, or added thereto, including all
 93 bridges, culverts, and all necessary gutters and guard rails along
 94 the route thereof.

95 "Street" means a highway in a thickly settled district where, in
 96 a distance of one thousand three hundred and twenty feet on the
 97 center line of the highway, there are twenty or more houses within
 98 one hundred feet of the center line; or any highway which the
 99 governing body in charge thereof and the commissioner may declare
 100 a street, and all highways within incorporated municipalities of
 101 over twelve thousand population; and includes boulevards, park-
 102 ways, speedways, being highways maintained mainly for purposes
 103 of scenic beauty or pleasure, or of which the public use is restricted.

104 "Take over" means the action by the department in assuming the
 105 control and maintenance of a part of the State highway system.

106 "Work" means and includes the:

107 a. Acquisition, by lease, gift, purchase, demise or condemnation,
 108 of lands for any purpose connected with highways or adjoining
 109 sidewalks, for temporary or permanent use;

110 b. Laying out, opening, construction, improvement, repair and
 111 maintenance of highways and removal of obstructions and en-
 112 croachments from adjoining sidewalks;

113 c. Building, repair and operation of bridges;

114 d. Building of culverts, walls and drains;

115 e. Planting of trees;

116 f. Protection of slopes;

117 g. Placing and repair of road signs and monuments;

118 h. Opening, maintenance and restoration of detours;

119 i. Elimination of grade crossings;

120 j. Lighting of highways;

121 k. Removal of obstructions to traffic and to the view;

122 l. Surveying and preparation of drawings and papers;

123 m. Counting of traffic;

124 n. Letting of contracts;

125 o. Purchase of equipment, materials and supplies;

126 p. Hiring of labor;

127 q. And all other things and services necessary or convenient for
 128 the performance of the duties imposed by this title.

1 12. Section 1 of P. L. 1983, c. 283 (C. 27:7-44.9) is amended to
 2 read as follows:

3 1. a. In addition to other powers conferred upon the Commis-
 4 sioner of Transportation by any other law and not in limitation

5 thereof, the commissioner, in connection with the construction,
 6 reconstruction, maintenance or operation of any highway project,
 7 may make reasonable regulations for the installation, construction,
 8 maintenance, repair, renewal, relocation and removal of pipes,
 9 mains, conduits, cables, wires, towers, poles and other equipment
 10 and appliances, herein called "facilities," of any public utility as
 11 defined in R. S. 48:2-13, and of any cable television company as
 12 defined in the "Cable Television Act," P. L. 1972, c. 186 (C. 48:5A-1
 13 et seq.), in, on, along, over or under any highway project. When-
 14 ever the commissioner determines that it is necessary that facil-
 15 ities which now are, or hereafter may be, located in, on, along,
 16 over or under any highway project shall be relocated in the
 17 project or should be removed from the project, the public utility
 18 or cable television company owning or operating the facilities
 19 shall relocate or remove the same in accordance with the order of
 20 the commissioner. The cost and expenses of such relocation or
 21 removal, including the cost of installing the facilities in a new
 22 location, or new locations, and the cost of any lands, or any rights
 23 or interests in lands, and any other rights acquired to accomplish
 24 the relocation or removal, shall be ascertained and paid by the
 25 commissioner as a part of the cost of the project. In the case of the
 26 relocation or removal of facilities, as aforesaid, the public utility
 27 or cable television company owning or operating the same, its
 28 successors or assigns may maintain and operate the facilities,
 29 with the necessary appurtenances, in the new location or new loca-
 30 tions, for as long a period, and upon the same terms and conditions,
 31 as it had the right to maintain and operate the facilities in the
 32 former location or locations.

33 *b.* As used in this act, "highway project," in addition to its
 34 ordinary meaning, means one which is administered and con-
 35 tracted for by the commissioner.

36 *c.* *The powers conferred upon the commissioner by this section*
 37 *also are conferred upon the governing body of any county having*
 38 *under its jurisdiction a limited access highway in the meaning of*
 39 *section 1 of P. L. 1945, c. 83 (C. 27:7A-1) with respect to the con-*
 40 *struction, reconstruction, maintenance or operation of any highway*
 41 *project on that limited access highway.*

1 13. The title of P. L. 1945, c. 83, as said title was amended by
 2 P. L. 1948, c. 461, is amended to read as follows:

3 An act providing for the establishment, construction and mainte-
 4 nance of [freeways and parkways] *limited access highways.*

1 14. Section 1 of P. L. 1945, c. 83 (C. 27:7A-1) is amended to
 2 read as follows:

3 1. a. As used in this act[, "freeway"];

4 "Limited access highway" [shall mean] means a [State] high-
5 way especially designed for through [mixed] traffic over which
6 abutters have no easement or right of light, air or direct access,
7 by reason of the fact that their property abuts upon such way[,
8 with infrequent public entrances and exits and with or without
9 service roads];

10 ["Parkway" shall mean a State highway especially designed for
11 through passenger traffic over which abutters have no easement or
12 right of light, air or direct access, by reason of the fact that their
13 property abuts upon such way, with special treatment in land-
14 scaping and planting between roadways and along its borders,
15 which borders may also include service roads open to mixed traffic,
16 recreational facilities such as pedestrian, bicycle and bridle paths.
17 overlooks and picnic areas, and other necessary noncommercial
18 facilities.]

19 "Commissioner" means the Commissioner of Transportation.

20 b. The definitions in this section do not restrict the ability of
21 the commissioner to provide for the design of any State highway or
22 element thereof, according to whatever design standards the com-
23 missioner determines to be appropriate.

24 c. The term "freeway" or "parkway," as used in any law which
25 went into effect before the effective date of P. L., c.
26 (C.) (now pending before the Legislature as this bill)
27 which designates any State highway as a "freeway" or "parkway"
28 shall be construed to mean a "limited access highway" as defined
29 in subsection a. of this section.

1 15. Section 2 of P. L. 1945, c. 83 (C. 27:7A-2) is amended to read
2 as follows:

3 2. [Upon recommendation of the State Highway Commissioner
4 and upon subsequent designation by the Legislature of any pro-
5 jected State Highway, or portion thereof, as a freeway or as a
6 parkway, the State Highway Commissioner] a. Except as other-
7 wise determined by the commissioner based on the public interest,
8 the commissioner shall construct every State highway, or portion
9 thereof, located on new alignment as a limited access highway.

10 b. When the commissioner or the governing body of a county
11 constructs a limited access highway, the commissioner or govern-
12 ing body shall have authority to arrange with landowners, at the
13 time of purchase of the rights-of-way for such highway or portion
14 thereof, for the control of public or private access or for complete
15 exclusion of direct access of abutters to the [State] highway

16 right-of-way. Such arrangements shall be made part of the pur-
 17 chase contract. In the event that no agreement can be reached
 18 between the parties, the commissioner or the governing body of the
 19 county shall have the power to acquire said rights of access by
 20 condemnation.

21 *c. No right of access exists to a highway constructed on new*
 22 *alignment unless the construction of the highway results in the*
 23 *creation of a remainder parcel of property which has no access to a*
 24 *public street. Arrangements made with landowners for exclusion*
 25 *of direct access by the commissioner, or by the governing body of*
 26 *a county under subsection b. of this section, shall not be subject to*
 27 *compensation unless it is determined that the construction of the*
 28 *highway has had the effect of eliminating all reasonable access*
 29 *to the system of streets and highways to a remainder parcel of*
 30 *land.*

1 16. Section 3 of P. L. 1945, c. 83 (C. 27:7A-3) is amended to read
 2 as follows:

3 3. *a. Property needed for any [freeway] limited access highway*
 4 *is declared to be all those lands or interests therein required for*
 5 *the traveled way together with those lands or interests therein*
 6 *necessary or desirable for service, maintenance and protection of*
 7 *the present and future use of the highway, [not to exceed a total*
 8 *average width of right-of-way of three hundred feet, except where*
 9 *greater width is needed] including those lands or interests therein*
 10 *necessary or desirable in connection with grade separations, con-*
 11 *necting roadways at an intersection with another main highway.*
 12 *land between roadways, occasional parking areas, treatment of*
 13 *borders and landscape areas, recreational facilities, parallel service*
 14 *roads and railroad crossing eliminations or relocations, and for*
 15 *those areas referred to in section [eight] 8 of this act. [The State*
 16 *Highway Commissioner shall have the authority to control the*
 17 *number of access roads and their location and design.]*

18 *b. Except as provided in subsection c. of this section, the com-*
 19 *missioner, with respect to limited access highways under his juris-*
 20 *diction, and the governing body of a county, with respect to limited*
 21 *access highways under its jurisdiction, shall permit access only*
 22 *from infrequently spaced intersections with public streets and*
 23 *highways. Intersections shall be especially designed to minimize*
 24 *interference with through traffic and shall be located in a manner*
 25 *which facilitates regional access to the highway.*

26 *c. The commissioner, or the governing body of the county, as*
 27 *appropriate, may allow construction or continuation of driveway*

28 access to a remote or isolated facility owned or operated by a
 29 governmental agency or authority or by a public utility or to an
 30 agricultural building or land, if the commissioner or governing
 31 body determines that the use of the driveway would be infrequent
 32 and would not pose a hazard or inconvenience to the public and
 33 that the creation or continuation of the driveway would not be in
 34 conflict with the purposes of P. L., c. . . . (C.)
 35 (now pending before the Legislature as this bill). No driveway
 36 access shall be provided to a facility which consists of an establish-
 37 ment providing employment to more than five persons.

1 17. Section 1 of P. L. 1952, c. 21 (C. 27:7A-4.1) is amended to
 2 read as follows:

3 1. In connection with the acquisition of property or property
 4 rights for any **freeway or parkway** *limited access highway* or
 5 portion thereof, the **State Highway Commissioner** *commis-*
 6 *sioner, with respect to limited access highways under his jurisdic-*
 7 *tion, and the governing body of a county, with respect to limited*
 8 *access highways under its jurisdiction, may, in his or its discretion,*
 9 *acquire by gift, devise, purchase or condemnation, an entire lot,*
 10 *block or tract of land, if, by so doing, the interests of the public*
 11 *will be best served even though said entire lot, block or tract is not*
 12 *needed for the right-of-way proper* **but only if the portion outside**
 13 *the normal right-of-way is landlocked or is so situated that the cost*
 14 *of acquisition to the State will be practically equivalent to the*
 15 *total value of the whole parcel of land; provided, however, that the*
 16 *State Highway Commissioner shall not have the power to acquire*
 17 *by the exercise of the right of eminent domain for any of the*
 18 *purposes of this act any property or property rights owned or*
 19 *used by any public utility as defined in section 48:2-13 of the*
 20 *Revised Statutes*].

1 18. Section 5 of P. L. 1945, c. 83 (C. 27:7A-5) is amended to
 2 read as follows:

3 5. **Upon recommendation of the State Highway Commissioner**
 4 **and upon subsequent designation by the Legislature of any existing**
 5 **State highway, or portion thereof, as a freeway or parkway, the**
 6 **State Highway Commissioner** *The commissioner may, by order*
 7 *and after public hearing, designate any existing State highway, or*
 8 *portion thereof, as a limited access highway and thereafter shall*
 9 *have the authority to acquire, either by purchase or condemnation,*
 10 *such property rights, easements and access rights as may be*
 11 *necessary to make such existing highway or portion thereof a*
 12 **freeway or parkway as defined in this act** *limited access high-*
 13 *way.*

1 19. Section 6 of P. L. 1945, c. 83 (C. 27:7A-6) is amended to
2 read as follows:

3 6. The **【State Highway Commissioner】** *commissioner, with*
4 *respect to limited access highways under his jurisdiction, and the*
5 *governing body of a county, with respect to limited access high-*
6 *ways under its jurisdiction,* shall have the authority to restrict the
7 use of roadways in **【parkways】** *limited access highways* to passen-
8 ger motor vehicles, *to prohibit the use of any roadway in limited*
9 *access highways by certain classes of vehicles or by pedestrians,*
10 *bicycles or other nonmotorized traffic or by any person operating a*
11 *motor-driven cycle* and to make such other regulations as may be
12 proper or necessary to carry out the provisions of this act~~【~~:
13 provided, however, if any highway or any portion or portions
14 thereof over which autobuses lawfully operate is designated a
15 parkway, or a part of a parkway, no such restriction or regulation
16 shall prevent the use by autobuses, in accordance with other laws
17 applicable thereto, of such portion or portions of such parkway
18 as include such highway or portion or portions thereof, or of such
19 portion or portions of such parkway as shall be necessary to pro-
20 vide ingress and egress for such autobuses in connection with such
21 use~~】~~.

1 20. Section 8 of P. L. 1945, c. 83 (C. 27:7A-8) is amended to
2 read as follows:

3 8. No commercial enterprises or activities shall be conducted
4 by the **【State Highway Commissioner】** *commissioner* or any other
5 agency of the State within or on the property acquired for or in con-
6 nection with a **【freeway or parkway】** *limited access highway*, as
7 defined in this act, nor shall such commercial enterprises or
8 activities be authorized except as hereinafter provided but nothing
9 herein shall prevent the operation, in the manner provided by law,
10 of autobuses within or on the property used for or designated as a
11 **【freeway】** *limited access highway* as defined in this act~~【~~. or the
12 operation, in the manner provided by law, of autobuses within or
13 on the property used for or designated as a parkway as defined in
14 this act to the extent provided for in section six of this act~~】~~.

15 The **【State Highway Commissioner】** *commissioner*, in order to
16 permit the establishment of adequate fuel or other service facilities
17 by private owners or their lessees, for the users of a **【freeway or**
18 **parkway】** *limited access highway*, may acquire suitable areas for
19 such facilities even though such areas are not needed for the
20 right-of-way proper and, in the manner hereinafter provided.
21 shall sell *or lease as lessor* such portions thereof as in his judgment
22 the public interest shall then require. Such sales *and leases* shall
23 be made under the following terms and conditions:

24 a. Each purchaser *and lessee* shall be a person who has been
25 continuously a resident of this State for a period of at least two
26 years immediately preceding such sale.

27 b. Subject to the conditions and restrictions imposed by this
28 act, the premises shall be sold *or leased* at public sale to the highest
29 responsible bidder.

30 c. The commissioner shall have the right to incorporate in any
31 deed conveying premises so sold covenants running with the land
32 requiring the purchasers, their grantees, and successors (1) to
33 erect and maintain any buildings thereon in conformity with
34 specified exterior design, (2) to provide services reasonably re-
35 quired by the users of the [freeway or parkway] *limited access*
36 *highway* subject to usual sanitary and health standards, and (3)
37 to conduct no business other than that for which the property was
38 originally sold, without the written consent of the commissioner.

39 d. Such premises shall not be sold *or leased* to a person who
40 owns, directly or indirectly, or holds under lease any premises in
41 the same service area on the same side of a [freeway or parkway]
42 *limited access highway* purchased *or leased* for a similar purpose.

43 e. In acquiring areas for the purposes aforesaid in subdividing
44 such areas into smaller premises for sale to the purchasers thereof,
45 the commissioner shall provide a sufficient number of separate
46 premises to encourage free and open competition among all
47 suppliers of each service involved who desire to purchase *or lease*
48 premises for the furnishing of such services along each [freeway
49 and parkway] *limited access highway*, subject to any restrictions
50 hereinabove stated.

51 f. The commissioner shall provide access roads from the [free-
52 way or parkway] *limited access highway* to the service areas, the
53 location of which shall be indicated to users of the [freeway or
54 parkway] *limited access highway* by appropriate signs, the style,
55 size, and specifications of which shall be determined by the [State
56 Highway Commissioner] *commissioner*.

57 g. Each purchaser *or lessee* of such premises may arrange to
58 have the services for which such premises were sold *or leased* per-
59 formed through [lessees] *sublessees* or other third persons pro-
60 vided that such purchasers *or lessees* shall remain liable for failure
61 to comply with the covenants contained in the deed affecting such
62 premises.

63 For the purpose of this section, "person" shall include any in-
64 dividual and those related to him by blood, marriage or adoption,
65 and partnerships and corporations and all individuals affiliated
66 therewith through ownership or control, directly or indirectly, of
67 more than fifty per centum (50%) of any outstanding corporate

1 21. Section 9 of P. L. 1945, c. 83 (C. 27:7A-9) is amended to
2 read as follows:

3 9. The powers contained in this act are in addition to all the
4 powers that the **["State Highway Commissioner"]** *commissioner*
5 has at the time this act becomes effective *and in addition to the*
6 *powers granted to him by the "State Highway Access Management*
7 *Act of 1986," P. L. , c. . . . (C.) (now pending*
8 *before the Legislature as this bill)*, and any limitation herein con-
9 tained shall be interpreted as applying only to **["freeways and**
10 **parkways"]** *limited access highways* created under this act.

1 22. R. S. 27:16-1 is amended to read as follows:

2 27:16-1. **["Every board of chosen freeholders"]** *The governing*
3 *body of any county may:*

4 a. Lay out and open such free public roads in the county as it
5 may deem useful for the accommodation of travel between two or
6 more communities;

7 b. Acquire roads and highways, or portions thereof, within the
8 limits of the county;

9 c. Widen, alter, straighten, and change the grade or location
10 of any road or highway under its control, or any part thereof;

11 d. Improve, pave, repave, surface or resurface, repair and
12 maintain any road or highway under its control, either in whole
13 or in part;

14 e. Protect any road or highway under its control, or any part
15 thereof, by the construction of sewers, drains, culverts, receiving
16 basins, jetties, bulkheads, seawalls, or other means and devices,
17 either in or on the road or highway or on land adjacent thereto;

18 f. Light, beautify and ornament any road or highway under its
19 control, or any part thereof and, in any county where a county
20 park commission does not exist, construct and maintain along any
21 road or highway where it touches upon a navigable stream, a
22 public park for recreation purposes, as well as public docks and
23 wharves, but the cost of the park and docks and wharves shall not
24 exceed one hundred thousand dollars;

25 g. Vacate any road or highway under its control, or any portion
26 thereof, that may be unnecessary for public travel;

27 h. *Lay out and open or acquire limited access highways as de-*
28 *fin ed in section 1 of P. L. 1945, c. 83 (C. 27:7A-1) and subject to*
29 *the terms of that law; and*

30 i. *For roads and highways under its control adopt an access*
31 *management code which satisfies the standards embodied in the*
32 *access code adopted by the Commissioner of Transportation under*
33 *section 3 of the "State Highway Access Managment Act of 1986,"*

34 *P. L. c. . . . (C.) (now pending before the*

36 Where any building or other structure has or shall have been
 37 erected or constructed upon any portion of a road or highway under
 38 its control, such portion of the road or highway may be vacated or
 39 the continuance of such building or structure in its location au-
 40 thorized for such period as may be deemed advisable, if the portion
 41 of such road or highway so occupied be declared by the board to be
 42 unnecessary for public travel.

1 23. Section 26 of P. L. 1975, c. 291 (C. 40:55D-35) is amended
 2 to read as follows:

3 26. Building lot to abut street. No permit for the erection of
 4 any building or structure shall be issued unless the lot abuts a
 5 street giving access to such proposed building or structure. Such
 6 street shall have been duly placed on the official map or shall be
 7 (1) an existing State, county or municipal street or highway, or (2)
 8 a street shown upon a plat approved by the planning board, or
 9 (3) a street on a plat duly filed in the office of the county recording
 10 officer prior to the passage of an ordinance under this act or any
 11 prior law which required prior approval of plats by the governing
 12 body or other authorized body. Before any such permit shall be
 13 issued, (1) such street shall have been certified to be suitably im-
 14 proved to the satisfaction of the governing body, or such suitable
 15 improvement shall have been assured by means of a performance
 16 guarantee, in accordance with standards and specifications for
 17 road improvements approved by the governing body, as adequate
 18 in respect to the public health, safety and general welfare of the
 19 special circumstance of the particular street and (2) *it shall have*
 20 *been established that the proposed access conforms with the*
 21 *standards of the State highway access management code adopted*
 22 *by the Commissioner of Transportation under section 3 of the*
 23 *"State Highway Access Management Act of 1986," P. L.*
 24 *c. (C.) (now pending before the Legislature as this*
 25 *bill) in the case of a State highway, with the standards of any*
 26 *access management code adopted by the county under R. S. 27:16-1*
 27 *in the case of a county road or highway, and with the standards*
 28 *of any municipal access management code adopted under R. S.*
 29 *40:67-1 in the case of a municipal street or highway.*

1 24. Section 29 of P. L. 1975, c. 291 (C. 40:55D-38) is amended
 2 to read as follows:

3 29. Contents of ordinance. An ordinance requiring approval by
 4 the planning board of either subdivisions or site plans, or both,
 5 shall include the following:

6 a. Provisions, not inconsistent with other provisions of this act,
 7 for submission and processing of applications for development,

8 including standards for preliminary and final approval and pro-
 9 visions for processing of final approval by stages or sections of
 10 development;

11 b. Provisions ensuring:

12 (1) Consistency of the layout or arrangement of the subdivision
 13 or land development with the requirements of the zoning ordinance;

14 (2) Streets in the subdivision or land development of sufficient
 15 width and suitable grade and suitably located to accommodate
 16 prospective traffic and to provide access for firefighting and emer-
 17 gency equipment to buildings and coordinated so as to compose a
 18 convenient system consistent with the official map, if any, and the
 19 circulation element of the master plan, if any, and so oriented
 20 as to permit, consistent with the reasonable utilization of land, the
 21 buildings constructed thereon to maximize solar gain; provided
 22 that no street of a width greater than 50 feet within the right-of-
 23 way lines shall be required unless said street constitutes an
 24 extension of an existing street of the greater width, or already
 25 has been shown on the master plan at the greater width, or already
 26 has been shown in greater width on the official map;

27 (3) Adequate water supply, drainage, shade trees, sewerage
 28 facilities and other utilities necessary for essential services to
 29 residents and occupants;

30 (4) Suitable size, shape and location for any area reserved for
 31 public use pursuant to section 32 of this act;

32 (5) Reservation pursuant to section 31 of this act of any open
 33 space to be set aside for use and benefit of the residents of planned
 34 development, resulting from the application of standards of density
 35 or intensity of land use, contained in the zoning ordinance, pursuant
 36 to subsection 52 c. of this act;

37 (6) Regulation of land designated as subject to flooding, pur-
 38 suant to subsection 52 e., to avoid danger to life or property;

39 (7) Protection and conservation of soil from erosion by wind or
 40 water or from excavation or grading; [and]

41 (8) Conformity with standards promulgated by the Commis-
 42 sioner of Transportation, pursuant to the "Air Safety and
 43 [Hazardous] Hazardous Zoning Act of 1983," P. L. 1983, c. 260
 44 (C. 6:1-80 et seq.), for any airport hazard areas delineated under
 45 that act;

46 (9) *Conformity with the State highway access management code*
 47 *adopted by the Commissioner of Transportation under section 3 of*
 47A *the "State Highway Access Management Act of 1986," P. L. . . . ,*
 48 *c. (C. . . .) (now pending before the Legislature as this*
 49 *bill), with respect to any State highways within the municipality;*

50 (10) *Conformity with any access management code adopted by*
 51 *the county under R. S. 27:16-1, with respect to any county roads*
 52 *within the municipality; and*

53 (11) *Conformity with any municipal access management code*
 54 *adopted under R. S. 40:67-1, with respect to municipal streets;*

55 c. Provisions governing the standards for grading, improve-
 56 ment and construction of streets or drives and for any required
 57 walkways, curbs, gutters, streetlights, shade trees, fire hydrants
 58 and water, and drainage and sewerage facilities and other improve-
 59 ments as shall be found necessary, and provisions ensuring that
 60 such facilities shall be completed either prior to or subsequent to
 61 final approval of the subdivision or site plan by allowing the
 62 posting of performance bonds by the developer;

63 d. Provisions ensuring that when a municipal zoning ordinance
 64 is in effect, a subdivision or site plan shall conform to the applicable
 65 provisions of the zoning ordinance, and where there is no zoning
 66 ordinance, appropriate standards shall be specified in an ordinance.
 67 pursuant to this article; and

68 e. Provisions ensuring performance in substantial accordance
 69 with the final development plan; provided that the planning board
 70 may permit a deviation from the final plan, if caused by change of
 71 conditions beyond the control of the developer since the date of
 72 final approval, and the deviation would not substantially alter the
 73 character of the development or substantially impair the intent and
 74 purpose of the master plan and zoning ordinance.

1 25. Section 49 of P. L. 1975, c. 291 (C. 40:55D-62) is amended to
 2 read as follows:

3 49. Power to zone. a. The governing body may adopt or amend
 4 a zoning ordinance relating to the nature and extent of the uses of
 5 land and of buildings and structures thereon. Such ordinance shall
 6 be adopted fter the planning board has adopted the land use plan
 7 element and the housing plan element of a master plan, and all of
 8 the provisions of such zoning ordinance or any amendment or re-
 9 vision thereto shall either be substantially consistent with the land
 10 use plan element and the housing plan element of the master plan
 11 or designed to effectuate such plan elements: provided that the
 12 governing body may adopt a zoning ordinance or amendment or
 13 revision thereto which in whole or part is inconsistent with or not
 14 designed to effectuate the land use plan element and the housing
 15 plan element, but only by affirmative vote of a majority of the
 16 full authorized membership of the governing body, with the rea-
 17 sons of the governing body for so acting set forth in a resolution
 18 and recorded in its minutes when adopting such a zoning ordi-

19 nance; and provided further that, notwithstanding anything afore-
 20 said, the governing body may adopt an interim zoning ordinance
 21 pursuant to subsection b. of section [64] 77 of P. L. 1975, c. 291
 22 [(C. 40:55D-77)] (C. 40:55D-90).

23 The zoning ordinance shall be drawn with reasonable considera-
 24 tion to the character of each district and its peculiar suitability
 25 for particular uses and to encourage the most appropriate use of
 26 land. The regulations in the zoning ordinance shall be uniform
 27 throughout each district for each class or kind of buildings or
 28 other structure or uses of land, including planned unit develop-
 29 ment, planned unit residential development and residential cluster,
 30 but the regulations in one district may differ from those in other
 31 districts.

32 b. No zoning ordinance and no amendment or revision to any
 33 zoning ordinance shall be submitted to or adopted by initiative or
 34 referendum.

35 c. The zoning ordinance shall provide for the regulation of
 36 any airport hazard areas delineated under the "Air Safety and
 37 Hazardous Zoning Act of 1983," P. L. 1983, c. 260 (C. 6:1-80 et
 38 seq.), in conformity with standards promulgated by the Com-
 39 missioner of Transportation.

40 d. *The zoning ordinance shall provide for the regulation of*
 41 *land adjacent to State highways in conformity with the State high-*
 42 *way access management code adopted by the Commissioner of*
 43 *Transportation under section 3 of the "State Highway Access*
 44 *Managament Act of 1986," P. L. , c. (C.) (now*
 45 *pending before the Legislature as this bill), for the regulation of*
 46 *land adpjaent to county roads and highways in conformity with*
 47 *any access management code adopted by the county under R. S.*
 48 *27:6-1 and for the regulation of land adjacent to municipal streets*
 49 *and highways in conformity with any municipal access manage-*
 50 *ment code adopted under R. S. 40:67-1.*

1 26. R. S. 40:67-1 is amended to read as follows:

2 40:67-1. The governing body of every municipality may make,
 3 amend, repeal and enforce ordinances to:

4 a. Ascertain and establish the boundaries of all streets, high-
 5 ways, lanes, alleys and public places in the municipalities, and pre-
 6 vent and remove all encroachments, obstructions and encum-
 7 brances in, over or upon the same or any part thereof;

8 b. Establish, change the grade of or vacate any public street,
 9 highway, lane or alley, or any part thereof, including the vacation
 10 of any portion of any public street, highway, lane or alley mea-
 11 sured from a horizontal plane a specified distance above or below

12 its surface and continuing upward or downward, as the case may
13 be; vacate any street, highway, lane, alley, square, place or park,
14 or any part thereof, dedicated to public use but not accepted by
15 the municipality, whether or not the same, or any part, has been
16 actually opened or improved; accept any street, highway, lane,
17 alley, square, beach, park or other place, or any part thereof, dedi-
18 cated to public use, and thereafter, improve and maintain the
19 same. The word "vacate" shall be construed for all purposes of
20 this article to include the release of all public rights[,] resulting
21 from any dedication of lands not accepted by the municipality.
22 Any vacation ordinance adopted pursuant to this subsection shall
23 expressly reserve and except from vacation all rights and privi-
24 leges then possessed by public utilities, as defined in R. S. 48:2-13,
25 and by any cable television company, as defined in the "Cable Tele-
26 vision Act," P. L. 1972, c. 186[,] (C. 48:5A-1 et seq.), to maintain,
27 repair and replace their existing facilities in, adjacent to, over or
28 under the street, highway, lane, alley, square, place or park, or
29 any part thereof, to be vacated;

30 c. Prescribe the time, manner in which and terms upon which
31 persons shall exercise any privilege granted to them in the use
32 of any street, highway, alley or public place, or in digging up the
33 same for laying down rails, pipes, conduits, or for any other pur-
34 pose whatever;

35 d. Prevent or regulate the erection and construction of any
36 stoop, step, platform, window, cellar door, area, descent into a
37 cellar or basement, bridge, sign, or any post, erection or projec-
38 tion in, over or upon any street or highway, and for the removal
39 of the same at the expense of the owner or occupant of the premi-
40 ses where already erected;

41 e. Cause the owners of real estate abutting on any street or
42 highway to erect fences, walls or other safeguards for the pro-
43 tection of persons from injury from unsafe places on said real
44 estate adjacent to or near such street or highway; and provide
45 for the erection of the same by the municipality at the expense
46 of the owner or owners of such real estate;

47 f. Regulate or prohibit the erection and maintenance of fences
48 or any other form of [inclosures] inclosure fronting on any mu-
49 nicipal street, highway, lane, alley or public place;

50 g. Prevent persons from depositing, throwing, spilling or dump-
51 ing dirt, ashes or other material upon any street or highway or
52 portion thereof, or causing or permitting the same to be done;

53 h. Regulate or prohibit the placing of banners or flags[,] in,
54 over or upon any street or avenue;

- 55 i. Cause the territory within the municipality to be accurately
 56 surveyed and a map or maps to be prepared showing the location
 57 and width of each street, highway, lane, alley and public place, and
 58 a plan for the systematic opening of roads and streets in the
 59 future. Such map or maps may be changed from time to time;
- 60 j. Provide for the adoption and changing of a system of num-
 61 bering all buildings and lots of land in such municipality, and the
 62 display upon each building of the number assigned to it, either
 63 at the expense of the owner thereof or of the municipality;
- 64 k. Provide for the naming and changing the names of streets
 65 and highways, and the erection thereon of signs, showing the
 66 names thereof, and [guide posts] *guideposts* for travelers;
- 67 l. Regulate processions and parades through the streets and
 68 highways of the municipality; *and*
- 69 m. *For streets and highways under its control adopt an access*
 70 *management code which satisfies the standards embodied in the*
 71 *access code adopted by the Commissioner of Transportation under*
 72 *section 3 of the "State Highway access Management Act of 1986,"*
 73 *P. L. , c (C.)(now pending before the Legisla-*
 74 *ture as this bill).*

1 27. (New section) If any clause, sentence, paragraph, section or
 2 part of this act shall be adjudged by any court of competent juris-
 3 diction to be invalid, the judgment shall not affect, impair or
 4 invalidate the remainder thereof, but shall be confined in its opera-
 5 tion to the clause, sentence, paragraph, section or part thereof
 6 directly involved in the controversy in which the judgment shall
 7 have been rendered.

1 28. (New section) This act shall be interpreted liberally to effect
 2 the purposes set forth herein.

1 29. The following are repealed: Sections 4 and 7 of P. L. 1945,
 2 c. 83 (C. 27:7A-4 and 27:7A-7) and section 52 of P. L. 1951, c. 23
 3 (C. 39:4-94.1).

1 30. This act shall take effect on the 90th day after enactment.

STATEMENT

The "State Highway Access Management Act of 1986" would provide for a comprehensive statutory and regulatory framework for managing access to State highways. The Department of Transportation would be required, within a year of enactment, to adopt a State highway access management code, which would prescribe standards for driveway design and spacing for specified classes of highways in the State highway system. Access permits would

only be issued under the code. Local development review procedures would be required to conform to the access code, so that a local planning board, for instance, could not approve a subdivision of property on a State highway which would yield lot frontages unable to meet the driveway spacing requirements.

The access code also would contain standards for access management suitable for county and municipal roads and streets, and counties and municipalities would be authorized, at their option, to adopt these local codes.

The bill would also improve access management in other ways, such as by empowering the Department of Transportation to build access roads along State highways to replace existing direct driveway access to those State highways.

Finally, the bill would revise P. L. 1945, c. 83 (C. 27:7A-1 et seq.) to provide that all State highways on new alignment would be built as limited access highways, to recognize that a limited access highway need not be a "freeway" (with all grade-separated interchanges) and generally to update the provisions of that law.

The "State Highway Access Management Act of 1986" would help New Jersey to cope with growth pressures in State highway corridors and would ensure that these highways serve as main transportation arteries, not as clogged, low-speed roadways servicing commercial strip development.

TRANSPORTATION—HIGHWAYS AND ROADS

(Bridges, Tunnels, Ports)

Establishes the "State Highway Access Management Act of 1986."

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instead of sitting in here. You know what I mean? So, with that in mind, and we will certainly let everybody know if we can make this a joint session or not, for these two dates-- As far as we're concerned on the Assembly side, we've cleared it with all of our members on both Committees, and it looks pretty good.

So with that in mind, Commissioner Gluck, if you would come up and take the witness stand and all that goes with it to give us your remarks on the Department of Transportation regional planning proposal, commonly known as "Transplan."

I might just add a little point Hazel, if I may. If we've been running hearings on this Assembly Committee on gridlock 2005 -- I call it that because Bo Sullivan said that if we take care of the \$2 billion Turnpike project, that will take us out to 2004 -- and my comment to all of this is, what do we do in 2005? You know, do we buy more property? Do we have elevated highways? How do we handle this thing?

When we get into this, the further into this we get, the more we begin to realize, Hazel, that you can get to New York faster by walking on top of those cars in the morning than you can by driving in. We find that we can't get platform space for the PATH trains in New York. We can't get ferry slips. We can't put any more tolls in because New York is gridlocked now. They use our highways to dribble us in a few at a time -- like the "drip, drip" Chinese torture thing.

How do we handle this, and if we're going to handle it, where do we get the money from? I think that is why, what you are doing here is so appropriate, and I think that our findings will more than support what you're trying to accomplish here.

I think that the people of this State have got to be made to realize that, "Hey look, we may not be around in 2005, but our kids are going to be here, and other people are going to be here, and the economy of this State depends upon rubber, wheels, roads, and moving people." And unless we do that--

ASSEMBLYMAN NEWTON E. MILLER (Chairman, Assembly Transportation, Communications, and High Technology Committee): Good morning, everybody. As you can see, there are supposed to be two Committees here this morning. So far a very small portion of one Committee is on the scene, the rest of them, I would assume, either have other committee hearings or other things that they are attending to. But we just sent Roseann out -- the aide -- to see if she can round up some of the other members.

I see no reason to hold up and wait for these people to arrive on the scene. I think we can start moving right ahead. A few preliminary remarks, if I may.

This today is just going to be a hearing. We're not going to get into the nitty gritty or the depths of this. We just want an overview of what is taking place here on this transportation problem. And Commissioner Gluck is going to, I'm sure, do her usual good job of making a presentation.

Commissioner, I have to apologize to you for bringing you out on a second trip to do the same thing that you did on the first trip before the Senate Committee -- and on that score I talked to Senator Rand to try to have joint sessions so we can save everybody's effort, including staff, so that we can expedite this thing.

Because of scheduling, we were unable to do it for the first round. Now we have two tentative dates set for the two following hearings, and that will be on January 26, and on February 9. Until further notice, they will be held right here in this room. We will contact Senator Rand and see if we can get him to participate at the same time and make it a joint Senate/Assembly combination hearing, to save everybody's time and effort.

I think sometimes we spend more darn time down here spinning our wheels by repeating ourselves. Commissioner, I'd rather see you earning your money outside there someplace,

all of the hearings myself, because I think this legislation is of prime importance to this State.

Mr. Chairman, as you know, New Jersey is now in the middle of an economic boom that seems little short of miraculous. Almost everywhere I look when I travel around the State, I see new buildings springing up and the hustle and bustle of commercial activity.

The economic resurgence has been enormously beneficial to our citizens, giving them opportunities for better jobs and for a brighter future for themselves and their families. As I look into the future, it seems to me that we have only begun to tap our possibilities of greatness.

But we all know, Mr. Chairman, that growth does not automatically bring with it all the benefits that we seek. Unplanned, haphazard growth can lead -- and I submit in some areas has lead -- to traffic congestion, pollution, loss of open space, and the need for ever increasingly burdensome local property taxes.

In short, if we are not careful, we could find ourselves in a situation in which unguided development has caused a deterioration in the quality of life that we value so much and which has made New Jersey a magnet for high quality development.

We are in very real danger of strangling on our own success. It does not have to happen that way. The forces that are changing our landscape are not wild forces of nature beyond our control. It is up to us to decide whether we plan for the future, or merely allow events to overwhelm us. It is up to us to decide whether development will be an engine of prosperity or a long-term drain on the resources of State and local government.

In my view, transportation is the key. New Jersey's location and the accessibility that firms here have to the major northeast cities have been central to our recent economic

I think you are to be commended for taking the bull by the horns and running with this thing. I'll tell you, I haven't voted for a tax in this State yet, except the cigarette tax, and I did that for the benefit for the public health. I don't think they should smoke, all right?

I haven't voted for a tax yet, but I'm here to tell you that I'm supporting the five-cent tax -- whatever tax comes out. If it's dedicated, I'm supporting it for this purpose, because if it doesn't work out that way, Hazel, you know and I know-- We've been in this business long enough to know that if it comes in as a general increase in taxes by way of sales tax or income tax, money has a way of getting out of the slots and going someplace else.

I think people realize that it's going to be dedicated for the purpose that you are going to explain here this morning and be talking about this morning. I think the people of this State are ready to go with it. And with that comment, lots of luck.

COMMISSIONER HAZEL FRANK GLUCK:
Thank you very much. Thank you. I appreciate those kind words. Mr. Chairman, and Madame Vice Chairwoman, and gentlemen, good morning.

I want to tell you today that remarks are going to be the same remarks that I made before the Senate Committee and I think bear repeating. I want to thank you and the members of the Committee for the opportunity to testify before you today. After my remarks, I'm going to ask Deputy Assistant Commissioner, Judith Berry, to discuss in more detail the provisions of the Transplan bills.

And with your permission -- especially if there are joint hearings or even if they are not -- after all of the hearings are finished, I'd like to come back on the last day maybe to discuss some of the things that we all heard during the course of the testimony. If possible, I intend to be at

capacity and until it is improved to handle the existing problems, not to mention projected traffic and safety problems, no further access will be approved." That would put us in the unacceptable position of being adversaries of the municipalities instead of partners. I know we can prevent such a scenario.

In my six months -- now seven months -- at the Department of Transportation, I have reached two conclusions on this subject. First, we must commit to sustained public investment in rehabilitating and improving our transportation system. Without such a continuing investment, we cannot hope to meet the needs facing us, nor our future potential.

Second, it is painfully obvious that dollars and cents alone cannot and will not solve our problems. We need a clear vision of where we are going and what we are doing if our investment is to produce the results we want. That means regional planning, so that development decisions are made in the context of regional transportation needs.

That means better traffic management of our existing transportation system, including better management of access to our State highway system. And that also means asking developers to join with State and local governments to speed up the delivery of transportation improvement in high growth areas.

These are the initiatives that we have developed in concert with the regional forum -- developers, and municipalities that we call, "Transplan." We look forward to working together with the Committee and other interested parties regarding constructive suggestions on these bills.

I'd like to emphasize that we are committed to confronting these problems head-on and trying to find solutions to them. And we are equally committed to the strong concepts in these bills being retained without being watered down so as to be ineffective. As a member of the State Planning Commission, I can assure you these concepts can readily be folded into that Commission's final deliberations.

success. If we do not plan ahead, we risk having our transportation system swamped with traffic, degrading the quality of life, and sapping our economic vitality.

There's a rating system traffic professionals refer to when designing a new road or analyzing one that already exists. It's called "Levels of Service."

The levels of service go from "A" to "F" with "A" being Iowa, where you can drive for miles and never see another car. The levels keep descending to level "E" being near or at capacity with all speeds severely reduced but relatively uniform, and level "F" being a virtual parking lot. Some of you who contend with Route 1 during rush hour will think you understand the reference to level of service "F". But, Route 1 is not level of service "F" yet, although conditions there are deteriorating.

We all need to recognize that there are many more roads in New Jersey that are rapidly approaching the "E" and "F" levels of service -- where we will spend more time sitting and less time moving. It is becoming the rule rather than the exception.

And the worse it gets, the more costly: costly in terms of pollution, as we sit and idle our car's engine; costly in terms of gas, as we will most certainly use more; costly in terms of time and patience in traffic, which will most likely increase the accident rate as frustrated drivers take unnecessary risks in order to move forward; costly in terms of the economic well-being of the State as large and small entrepreneurs turn elsewhere to locate; costly in terms of our quality of life in this State.

There may come a time when I, as Commissioner, under my statutory powers, will be faced with taking a difficult stand when it come to approving access to our highways and local roads. We may have to say, "Stop. This road is at

COMMISSIONER GLUCK: Chairman became plural --
Chairmen.

ASSEMBLYMAN MILLER: Well, I just want you to be aware
that we are--

ASST. COMMISSIONER BERRY: The flip charts we will be
reviewing this morning are really an outline of the executive
summary which has been placed before you, and is also contained
in the front of the Transplan book.

If you subscribe to the Pat Robertson form of
government, you will read along with me from the hymnal
together and we'll follow through on the principles of the
three bills.

As the Commissioner has said, we have growth
everywhere in New Jersey. We have it in the public sector as
well as in the private, residential, commercial, retail--
We're very proud of that growth and we're working to keep the
benefits of growth in New Jersey.

But, as outlined in the opening statement, if it is
not properly planned for, this growth can yield unwanted
consequences which in essence could stifle that very growth.
The Department and other interested groups wrestled with the
problem of how do we keep from going from the boom-to-bust
cycle -- as you will -- that's happened in other areas of the
country?

We began from one premise, and that is: An efficient
transportation network is vital to support the State's current
economic growth and our improving quality of life. The
Department determined that any solution to enhance the benefit
and minimize the unwanted consequences would have to meet six
criteria or they really wouldn't serve as a solution at all.

The first criteria is to identify issues of regional
significance and establish planning coordination mechanisms to
treat these issues. Secondly, we would establish the county as
the body responsible for evaluating developments of regional

Mr. Chairman, 20 years from now, when our grandchildren look at the New Jersey that we have left them, will they be thankful that we had the courage and the visions and the will to blend economic development and growth management -- making them mutually inclusive instead of exclusive -- as we shaped a State worthy of their heritage? Or will they shake their heads at our lack of vision, our lost opportunities, our inability to lead?

I believe that Transplan is a step towards meeting this challenge, and I congratulate you Mr. Chairman, and the members of this Committee for having the courage and the leadership to see these bills introduced and to bring these substantive public policy issues before the Legislature for debate and decision.

And I thank you and with your permission, Mr. Chairman, I would ask Judy Berry if she would come up, if that's the way you wish to proceed to go through the bills and then we'll answer whatever questions we can.

ASSEMBLYMAN MILLER: Fine, thank you Hazel. Judy, welcome. Good morning.

DEPUTY ASST. COMM. J U D I T H S H A W B E R R Y: Good morning Mr. Chairman, Madame Vice Chairwoman, and members of the staff. How are we doing with the flip charts?

ASSEMBLYMAN MILLER: Oh yeah, there it is.

COMMISSIONER GLUCK: Try your glasses.

ASSEMBLYMAN MILLER: Before you get started Judy, I want everybody to recognize that this is a joint Committee here today with the County Government Committee as well as a Transportation Committee. I didn't know if you realized that or not. But, the way this bill is laid out to travel, it's supposed to go from this Committee to Jack's Committee -- Assemblyman Penn's Committee. And rather again-- In the interest of time, we thought we would have a joint session on this thing. I just want to make that point clear.

The legislation would hopefully address such situations as one municipality being played against the other in the race for rateables -- where benefits accrue to one municipality, but the adjacent town suffers the unintended consequences.

And it lays out for the development community a process of equitable standards so that they know the rules of the games going in and are not ping-ponged back and forth between governmental entities in the permitting process which results in delays and cost escalations.

The keys of the amendments of this proposal are: The counties must have planning boards and master plans. We know today that most counties in the State do have planning boards; not all have master plans and few are up-to-date.

Secondly, master plan requirements are specific in this proposed legislation calling for such things as a land use element, a circulation element, a comprehensive development strategy, and the employment of population and employment projections.

And finally, the county is to review developments of regional significance. These we have defined as fitting one of four criteria. A development which would front on a county road or affect county drainage, that's reviewed currently at the county level. We would add the requirement that development on a State road or affecting State drainage would be so reviewed.

A development having 250 or more housing units, or a development of 100,000-plus square feet of non residential space-- Only in those four areas would the county exercise its review.

We have appropriated in, the \$2 million to be apportioned to the counties on a formula basis to assist them in the start-up of staffing and the assumption of these added responsibilities.

significance. We did discuss regions, areas, districts, authorities, and for reasons I'll discuss later, we'll return to the proposition that the county should have this responsibility.

The third criteria is to preserve local powers of the Municipal Land Use Law, and the new State powers as outlined in the State Planning Act. We felt that this was our best way to meet our statutory mandate of providing a statewide transportation network. It's integrated and balanced, while at the same time recognizing the rights of our 567 municipalities to protect their individual characters.

We would not affect the State's long standing principle of home rule, but rather would insure that issues beyond municipal borders would have a regional review.

Criteria number four would be to achieve closer coordination among all three levels of government. Number five is to streamline the process -- not by introducing new levels of bureaucracy, but through the best use of the existing levels.

And the last criteria would be to make requirements equitable for the development community as well as for governmental entities. It was determined that the form of remedy should be in the proposed legislation, and we're here today to discuss those three proposals: the Municipal-County Planning Partnership Amendments, the State Highway Access Management Act, and the New Jersey Transportation Development District -- sometimes referred as the TDD concept.

Beginning with the Municipal-County Partnership Amendments, we realize that the benefits or the unwanted consequences of transportation infrastructure rarely stops at municipal borders. Likewise, rarely are these impacts felt statewide. The amendments would require counties to employ a broader perspective to assist municipalities when impacts are thought to have regional significance.

ASSEMBLYMAN DARIO: I don't know about the mother-in-law, though.

ASST. COMMISSIONER BERRY: And you are not going to your mother-in-law's, or to buy the morning newspaper?

The key features of the Access Management Code would be the adoption after a process is established. This would be of hearings and would be in accordance with the Office of Administrative Law Publication in "New Jersey's Register," and commented by the public.

The second feature is municipal conformance to this code. We would have it grandfathered so as not to penalize people with existing access to our State highway system.

However, there is a provision that if you seek to change that, we could review the permitting process. For instance, if someone had a single family home on Route 1 between Lawrenceville and New Brunswick, and two or three cars went in or out of that driveway two or three times a day, that would not be revoked.

However, if the property was sold and became a fast food restaurant with hundreds of cars in and out all day long, we would review the permit in that situation. And again, the point is to control that access to maintain the safe arterial functions of the roadway.

The third bill under review this morning is the Transportation Development District Act. I'd like to take a moment to refer you to this map of the State over which we have laid in yellow -- growth corridors, as defined by Dr. George Sternlieb recently in his publication from Rutgers University.

There are many other people who are looking at this area and they might disagree with the lines. But basically, we can see that easily today one-third of the State is considered high growth. The areas in red are areas of major State highway systems passing through these corridors. (She demonstrates using the map.)

The second bill is a State Highway Access Management Act. The purpose was to preserve the State highway system as a network of arterial routes for the safe, rapid, and efficient movement of people and goods. Believe it or not, in New Jersey we do not have the availability to manage that access today -- and the State has a very large investment in our transportation infrastructure. Today, that value is placed at \$42 billion dollars.

In essence, we must provide safe and adequate access to our system whenever it is requested of us. This Act would require the Department of Transportation to develop a code of standards which would be known up-front to all parties -- developers, municipalities, etc. -- and this set of standards would be tied to a classification of a road's usage for its function.

The Federal Highway Administration employs a chart such as this to show graphically the functional relationship between mobility and land access. On the arterials there is reduced land access. The general purpose is mobility. This is moving from one end of the State to the other; from one population center to another; from one market to another.

Collectors: There may be an equal balance between the amount of access permitted and the amount of mobility. And finally, land access on local roads is the function of those roads.

For instance with Route 78, this is a high speed, long distance, mobility provider with very limited access. I believe in this instance that the exits cannot be any closer than four miles apart. There are very long exit ramps and entrance ramps where cars can accelerate and decelerate to come into the stream of traffic.

Contrast that to Main Street or Oak Street in front of your home where the purpose is to go from your driveway to your mother-in-law's to the corner deli to buy a lottery ticket--

The counties do have the options of giving exemptions or reduced rates or credits -- if you will -- to developers, totally at their option. In the funding area, the State will be able to loan money to complete TDD projects and may pay matching State aid to counties setting up TDDs.

And to that end, in our Trust fund of renewal proposal, we have included a line item of \$10 million to be dedicated towards the TDDs.

In conclusion, we know that the lack of process generates chaos. In order to plan and manage, one must have criteria and standards, not negotiations by the rules of the day or rules du jour as is happening today.

At present, there is no current legal basis for implementing a rational transportation plan in New Jersey. We are proposing in Trust Fund renewal to spend 3.9 billion in the next four years. That must be done in the context of rationality.

And thirdly, we return our premise that economical development and quality of life require efficient transportation systems. Thank you, Mr. Chairwoman and Madame Vice Chairwoman.

ASSEMBLYMAN MILLER: Judy, that was absolutely beautiful -- well done.

ASST. COMMISSIONER BERRY: Thank you.

ASSEMBLYMAN MILLER: Jack, do you have any comments?

ASSEMBLYMAN JOHN PENN (Chairman, Assembly County Government Committee): I think if we go through the whole thing, there may be some questions. I don't want to take any questions at this time.

ASSEMBLYMAN MILLER: Why don't we at this particular moment just stop for a moment? (Referring to the aide) Larry, will you take the roll call here to get everybody accounted for here so we can make this official? Or do you want to pass the paper around to everyone to sign? That might be better. I

We have two concerns in proposing this legislation. One is that in areas of high growth and rapid growth, the need for transportation improvements is often greater than projected resources or reasonable time frames can accommodate.

We are familiar with situations such as this throughout the country where developers themselves have created TDDs if you will, because they put in a shopping center for example, and they know that the resources of the county and the State, or the timing of the delivery of those three sources is such that they can't open that center.

So they form either nonprofit corporations or mechanisms such as this to speed up that process and to participate in the provision of the transportation infrastructure.

Our second concern is that all parties, whether governmental or the developers, should have clearly defined equitable responsibilities in the planning and funding of these unique needs. The process begins when a county initiates an application for TDD status.

It is not dictated by the State, but it is up to the county to come forward and identify an area of high rapid growth that's causing them problems in providing transportation infrastructure. DOT would approve that application. A planning process would then ensue with all parties involved.

Third: A TDD ordinance would be adopted by the county and would be approved by the Department of Transportation. A fee ordinance follows, adopted again by the county without DOT approval.

In this instance, a county can choose one of four areas from which to impose a fee. These are quantifiable standards that must be tied to trip generation. The four areas outlined in the proposed legislation would be: the number of vehicle trips generated from the development, the amount of square footage occupied, the number of employers at the site, or the number of parking spaces.

COMMISSIONER GLUCK: Right. Assemblyman, I--

ASSEMBLYMAN PENN: I think you addressed the Alliance for Action. That was one of their concerns you had to tie together.

COMMISSIONER GLUCK: That's not so and they know that's not so. We do believe strongly that you can't spend billions of dollars without having some rational kind of a plan, but we also anticipate that these particular bills are going to take until maybe the spring or the early summer until the hearings are finished and they work their way through both houses. Whereas we would-- You know, hope springs eternal. We would hope that the other bill will not take that long.

ASSEMBLYMAN PENN: We hope so too. We need the money.

COMMISSIONER GLUCK: Is there anything else that we could--

ASSEMBLYMAN MILLER: I just want to say Hazel, before you step down, if you ever get out of this job, I've a job for you. (Laughter) I need a campaign manager. You are a trip.

COMMISSIONER GLUCK: I do? You mean there's life after this?

ASSEMBLYMAN MILLER: Yes there is. As usual, whatever you get involved in, you do with the nth-degree of perfection and sincerity, and I have to tell you from what I'm reading right now and seeing here right now, that I think your approach is commendable.

I think it's solid. I think that you are doing a great job. And you don't have to sell it. You are just telling the story as it is. You are telling factually, and I think that if the people get this message, this thing is going to fly. And I just want to say Judy -- absolutely terrific -- very well done.

ASST. COMMISSIONER BERRY: I appreciate that Mr. Chairman. I'm sure with the input of the legislators we will put these -- you know -- bills together that will work for the

just want be sure we're on record of all of us being here. That's all. Hazel, do you have anyone else that you wish to present?

COMMISSIONER GLUCK: No. I'd like to thank you for the opportunity to be here and to tell you that when you come to the point of where you want to get into the questions and so forth after you have gone through the testimony-- I know there are a lot of people waiting to testify. We will be here each and every time you meet, and we will be happy to participate with you in any way that you deem proper.

ASSEMBLYMAN PENN: I just want to ask one question.

ASSEMBLYMAN MILLER: Are you leaving now, Hazel? Are you going to be around?

COMMISSIONER GLUCK: I'm going to be here.

ASSEMBLYMAN PENN: You have separated entirely from Transplan the gas?

COMMISSIONER GLUCK: Absolutely.

ASSEMBLYMAN PENN: Okay. Because at one time you had it together.

COMMISSIONER GLUCK: No, no, no.

ASSEMBLYMAN PENN: One has nothing to do with the other at this point?

COMMISSIONER GLUCK: Absolutely none. There's nothing tied together. These bills are not even tied together.

ASSEMBLYMAN PENN: Okay. I just want to clarify that.

COMMISSIONER GLUCK: These bills are in and it's my understanding that the proposal for the gas tax is going in today. So it's really separate.

ASSEMBLYMAN PENN: Yeah, because I've had a couple of constituents call my office to support the gas tax, but they were not sure about this at this point.

COMMISSIONER GLUCK: Well that's why I think these hearings are important.

ASSEMBLYMAN PENN: And that's why I just want to clarify that for my own--

endorses the three bills that comprise Transplan. And I said that, being that we have unfortunately somewhat too partisan a government there than I would care to have, if I had my wishes.

In other words, we have a County Executive form of government obviously, and a Board of Chosen Freeholders that is four to three Democrats. I say that to indicate to the Chairman that there has been bipartisan support for the concepts that have been introduced in the Transplan bill by the Commissioner and her staff.

I personally strongly endorse the concepts. I applaud the Chairman's remarks when he indicated that we are experiencing only the beginnings of the difficulties that we will see in the future.

I was interested in hearing the Commissioner's comment that the stages of gridlock from "A" to "F"-- I think each one of us here has experienced gridlock "K" which is when you have two consecutive birthdays and the car does not move in a particular line. And that happens in New Jersey with great regularity.

It's a serious, serious situation in Mercer County. I'm happy that many of the northern legislators come down Route 1 and experience the travail that exists in a booming corridor. And we are in an emergency circumstance. I think it's being approached on a bipartisan level from the county perspective on the county level throughout the State. We have in the past, endorsed the McEnroe bill and the Albohn bill.

I'm sure that in terms of consistency, there would be a strong endorsement of Transplan. I have applauded Assemblyman McEnroe so many times about his broad concepts with respect to county involvement, that he's considering me as his chairman for reelection. I again applaud you, sir.

I cannot accept being on the other side of the game. Particularly, I would like to emphasize the partnership aspects that have been introduced by the Commissioner with respect to the county involvement.

benefit for the State. And I have to say that you only look as good as the people who are behind you, and we happen to have a terrific staff, a lot of them who are here. The Department deserves a lot of credit too. We thank you.

ASSEMBLYMAN MILLER: Since taking this job as Chair, I've been in contact with many of your people, and I must say that I am impressed by their abilities, and this is in lieu of a raise, people. (Laughter)

ASST. COMMISSIONER BERRY: Forget what he said.

ASSEMBLYMAN MILLER: Ben, did you have any questions?

ASSEMBLYMAN MAZUR: No questions at this time, if you don't mind. I want to get the questions answered later. We have some witnesses and we'll take them all.

ASSEMBLYMAN PELLY: Okay. If Mrs. Gluck is going to stay, fine. I have specific questions.

COMMISSIONER GLUCK: Sure.

ASSEMBLYMAN MILLER: She's going to stay. Just for the record, I have a statement which was presented before the Senate Committee from Warren, Goldberg, Berman, and Lubitz, signed by Dave Goldberg on the Transplan. This will be made part of the record. It was presented verbally before the last hearing, so this will be a part of the record and we all have a copy of this.

At this time, is Bill Mathesius here?

B I L L M A T H E S I U S: Yes.

ASSEMBLYMAN MILLER: Bill is the Mercer County Executive. Bill, welcome and anything you have to contribute--

MR. MATHESIUS: Thank you Chairman Miller, Chairman Penn. I appreciate the opportunity and the courtesy extended to me to be able to appear quickly so I can go to the State Planning Commission meeting which has to deal many times with the same things that we've heard from the Commissioner, in fact.

I come today to present somewhat of the county perspective. The County of Mercer endorses Transplan and

countywide impact. We don't want zoning and planning responsibilities. That's clearly left to the locals.

But God knows we cannot have two million square feet go up in one community while another community sits there and suffers all those negative effects.

I would say further, personally, our government endorses -- again a bipartisan government endorses -- the tax. I applaud the remarks that I heard before of the guts that it takes to vote a tax increase. But we need it. We need it to fund this thing.

There is a congressional study that has come out in 1985 which indicated the billions and billions -- I sound like Carl Sagan -- the billions of dollars that is going to be needed to maintain the infrastructure that exists -- never mind what's going to be built and need maintenance.

I only have to look around this room to indicate that the Harrison Street Bridge, one of the local thorns in my particular side, goes on, and on, and on, and the money becomes less fulfilling of the project than it started out to be, and we're going to need more as time goes by.

There's not enough money in the world to bring our infrastructure back if we elect to avoid the hard consequences of voting for a five-cent tax. So I endorse that.

Gentlemen -- I see our Vice Chairwoman took off, so I say "gentlemen" safely -- we do endorse very strongly the concept. I would be happy to answer any questions with respect to the county responsibilities. The counties must undertake regional responsibilities for those things that impact regionally. It's simply logic and rationality that I ask of this fine group and of the State Legislature as a whole.

Again, I appreciate the opportunity of being able to appear before you and give these few comments. Again, I'll be happy to answer any questions. Thank you very much.

In Mercer County we've experienced devastation in terms of what can be expected from the booming growth. We have a population factor input that extends beyond one's wildest dreams, and to that extent, you cannot equate growth with progress, because we have a million square feet -- two million -- twenty million -- square feet going just outside of Mercer County, and that has a devastating impact on the interior of Mercer County.

In Plainsboro we have, as you can all see when you look to you left coming -- to your right going out, millions of square feet that are going to be paying taxes to Plainsboro. They will impact West Windsor's schools, East Windsor's schools, Hopewell Township schools, Trenton's school system, all of these will be impacted positively and negatively -- mostly negatively -- and without a dollar of taxation going because of our property tax structure.

Therefore, the regional planning aspect, which again was highlighted by Assemblyman McEnroe and his bill, is so critical to any effort to save our State. That's what we're talking about. Let's not kid ourselves; we are not talking about a revolution in home rule. Home rule is primarily a concept that is most fascinating to local officials.

It is less fascinating to those who sit in cars in those communities and live in those communities and have to wait, and those people whose taxes go up -- as Plainsboro taxes go up -- every year. They look with wonderment and fascination about it and say, "How can our taxes go up when we have such great rateables?"

The property tax really doesn't work. And this is the first step I suggest to a regional concept where-- God knows, I don't want to be involved in local zoning and planning. I sit on the planning board. Mercer County has a very complete master plan as of 1986. We would like to be involved in those things that have inter-municipal impact -- that have a

additional powers, which perhaps, some counties would prefer not to make. What, specifically, differs here? What's the difference between wanting to have these additional powers and being confident that these additional powers can be implemented as opposed to, for example, the Solid Waste Management Act which is another proposal placed upon counties giving them responsibilities which they have not yet implemented in the State of New Jersey? What's the difference? What's happening here that makes a difference?

MR. MATHESIUS: I'm pleased to say that the exception exists in Mercer County where we've sited a solid waste facility and I think it was due to, eventually, Freeholders assuming the responsibility of the site with the encouragement of myself.

The difference is there is much less volatility with respect to a determination that a development of 600 homes or a \$500,000 or a million dollar development next to peoples' homes can be turned down than there is in siting a solid waste resource recovery facility. The volatility doesn't exist.

Certainly there are pressures from the developers and from the towns who see some type of tax panacea. I have already addressed the fraudulence of that. But they see the advantages of the rateable situation and they are inclined to sell that to the public as some particular advantage that will accrue to the residents.

Having done both, having argued for a siting in solid waste, and having been called the names that are associated with what the people call you there, and the names that you are called when you are trying to stop some kind of development by the developers, the names are much less painful to receive, I would say, and there are more four letter words in the former than in the latter--

But it's much easier to argue that you are not going to kill, you know, you're not going to kill when you are siting

ASSEMBLYMAN MILLER: Just a minute Bill. What I was going to do was to have the questions and answers afterwards. However, I think what we'll do, if we can keep it at to a minimum -- this is supposed to be a hearing generally -- then come back later on to get into the detail because I know there will be a lot of local comments and input into this because I've already heard about local planning boards, home rule, and the routine.

But if we can keep it to a minimum, I have no objections at this particular point if somebody has any questions of Bill as a County Executive. Frank?

ASSEMBLYMAN PELLY: I have just one question of the County Executive, and I appreciate his position with respect to the five-cent gas tax. I didn't think we were committed to taking positions today.

ASSEMBLYMAN MILLER: No. We're not going to take a position. That gas tax is something with two other bill packages that will be coming up later. It might not even come before this Committee, as far as I know. Its tax might come before appropriations or some other Committee rather than this one.

ASSEMBLYMAN PELLY: The reason I ask is two people have already taken positions with respect to this tax, and I didn't think we were required to do so.

But in any event, in speaking in support of these three proposals, and certainly I would be inclined to agree with you, and as a County Executive, you and I and all of us recognize that additional powers are going to be placed upon counties in the State of New Jersey by virtue of the enactment of this legislative package.

Along with these powers and I as a former Freeholder, and a lot of us are former Freeholders, recognize that we are also going to have to be making some very difficult and very tough and very unpopular decisions with the imposition of

aspect of changing the power and the local entity; and losing that power of transition to the county throughout the State verses the strengthening of Municipal Land Use Law where its intent was to do -- very much along the lines -- that which has been bothering Mercer County--

Just to address it, we do have some implementation in place that was proposed by the Leagues of Municipalities. I sat on those Committees. I didn't agree with all of that law, either. But it seems to me, that the Municipal Land Use Law, if it were strengthened, perhaps could come along the lines--

In other words, the impact of the traffic that's inundating your county--

MR. MATHESIUS: The only problem I have, Assemblyman, is the-- First of all, I see the first part of Transplan as a county involvement, and the actual road control as interlocking in a handshake type of a situation. That's very important to the county.

I wish that municipalities could do that. Now fortunately, I always say that in Mercer County, we have 13 municipalities and in Bergen County, there are 70, and we are no longer entities. Those communities are no longer entities among themselves. They cannot operate in deference to no one. And just to say that we have the handle of arteriol on our fate, and we're just going to move ahead, it just can't be done.

There is more regional involvement which cannot -- in 1986 and '87 -- be addressed. The interconnection-- No longer are there real villages. Now you can't see the difference in the villages when you go, because the Rotary signs are where the church signs are. You can't tell. The imaginary lines don't operate to protect one community from another.

It's a regional problem, and it has to be addressed regionally. As you say, Assemblyman, we have argued and I've detected, I think, a small movement towards a broader position from others, I think that has been altered for the good of the State.

solid waste facility. It's much easier to say, "This is going to cost you this kind of money," the local officials say, "because we are going to put in a development and it's for people, it's going to show \$400,000 homes; people would come in, and we'll have a nice class of people coming in. This development would produce this kind of tax rateable tax relief."

It's much easier for me to argue that you are being kidded by this kind of development. This development will cost you in side supporting taxes: fire, police, security, transportation. All of these things will be costing this kind of a factor, and we can show an intergovernmental impact. I can argue much easier than I can with the relatively irrational comments about the safety of solid waste.

I understand what you are saying, Assemblyman. You're quite correct that the counties have sought to avoid their responsibilities for the most part.

I argue strongly that we would like to take the responsibilities that are imposed by Transplan and the McEnroe and the Albohn bills. We, and I personally, welcome those responsibilities.

We are not operating in an effort to do the very same thing with a thinner application of law. In other words, we don't have specific statutory powers, but we claim that there is nevertheless a broad case power that permits us to prevent damage being reaped upon West Windsor by Plainsboro.

And that's not strong, but we still take that responsibility and say, "No, we want roads connected here. We want fewer homes. We want fewer square footage of development."

ASSEMBLYMAN MILLER: Anybody else have a question?

ASSEMBLYMAN HENDRICKSON: Just one quick one. Bill and I go back -- arguments on both sides many, many times. There's an awful lot of support for the Transplan, there's no question. But in your opinion dealing with both the strengthening of the Municipal Land Use Law verses the overall

MR. MATHESIUS: Is that the best kind? That's okay -- Hudson County -- I can appreciate that, Assemblyman.

ASSEMBLYMAN MILLER: The only comment I could make, and it's in response to something that Assemblyman Hendrickson said, and that is the fact that the County Planning Act hasn't been adapted or changed since 1964.

We had the same strengths in the County Planning Act you have in the Municipal Land Use Act. I think that's what we're trying to attempt to do today. And I think we will be able to have a better program under that basis.

MR. MATHESIUS: God bless you. I hope so. Really -- truly.

ASSEMBLYMAN MILLER: I just want-- While you were talking, it just seems to me that the State of New Jersey is on the brink of a complete revision, if you will. The horizon looks great, I think this at the wedge point -- and it's what's going to be taking place.

I refer to your infrastructure and your transportation. You mentioned property taxes are not working. Something has to be done there.

An editorial in the paper about education being taken over by the State, rather than by the local government, to help out on property taxes-- I see so many things on the horizon that are going to change our whole concept of government around if we can just stay with it and get this thing done on a bipartisan basis. I think it looks great.

MR. MATHESIUS: Quite so Chairman Miller. Everything is speeding up but the traffic.

ASSEMBLYMAN MILLER: Tell me. The Turnpike and the Garden State, and the rest of them-- It's devastating, and it's going to get worse before it's going to get better, that's for sure. Thank you very much.

MR. MATHESIUS: Thank you Chairman. Chairman Penn, thank you very much. Thank you gentlemen.

ASSEMBLYMAN HENDRICKSON: Just once more. Again, I allude to the Municipal Land Use Law which in fact in one paragraph says: "The municipality does have the right if they are impacted to object and seek some relief from the other municipalities that haven't been impacted." Perhaps that is not strong enough. Could we make that stronger?

MR. MATHESIUS: Assemblyman, I don't know if you could, in fact, because so much development is occurring now, that communities are simply unaware until the ground breaking is taking place.

And I don't think that can reasonably work. There are some towns that have five or six municipalities that surround them, and there might be three that are devastatingly impacted by a major office development. All you have to do is say, "Look at Route 1." And those of you who are in the south and don't have to travel it, God bless you. You made out fine, I think. But that will catch up with--

ASSEMBLYMAN HENDRICKSON: If you have to go east and west, that's--

MR. MATHESIUS: True enough. And it really is not a functional way to do it, to have one community kind of listen to the next community. It's a rateables race that has no winners. And that is the real problem that I see.

There is a fooling of themselves. The officials are fooling themselves as to what they are getting out of these rateables. It's sad. So, I would say no, Assemblyman, quite respectfully.

ASSEMBLYMAN HENDRICKSON: Thank you.

ASSEMBLYMAN MILLER: Thank you.

ASSEMBLYMAN DARIO: Just one quick comment. I enjoyed your-- I got a little chuckle out of your statement about two consecutive birthdays and a card. But I like instead, Hudson County's three consecutive--

We tend to slur those two words together. We talk about our system of planning and zoning. Really, we have very little planning. We have a lot of regulation. One of the things that we believe these bills addresses is the need to get out in front of our decision making, and to think about what the impact of our decisions are going to be before we make them, and to avoid the kind of crisis regulation that we now have in the growth corridors where most of the development in our State has occurred.

So, one of the reasons we favor these bills, is because they stress advanced planning over crisis management which is where we are now on the Route 1 Corridor, and I certainly do believe in other parts of the State as well.

The second thing that these bills address which is really critical is the need to remove some of the adversary relationships that exist between the various levels of government. We've had traditionally in New Jersey a system whereby local government makes land use decisions and State government is expected to come in at a future date and provide the money that's necessary and to provide the infrastructure to clean up the mess.

And that system simply doesn't work. We have to join land use and infrastructure planning. These bills seek to do that, and I think in many respects, do it quite successfully.

Let me turn to the question of home rule quite directly, because I think that's one that concerns all of us. The citizens of our region, we believe, want community control over development. That's certainly one of their objectives.

However, we believe that they also want results. They want to do something about traffic congestion. They want to save open space. They want to solve some of the problems that are happening. And I think they are smart; they see that the system that we've got simply isn't working as it should.

ASSEMBLYMAN MILLER: I saw Senator Chris Jackman come in. Is he still here? Okay, fine. We have Sam Hamill. Is Sam here? Good morning.

SAMUEL M. HAMILL, JR.: Thank you sir. I have a prepared statement, Mr. Chairman, but I'm going to refrain from reading it and just make a number of general points. The prepared statement is the same as the one we gave last week for the Senate Committee and rather than recapitulate all of that, I'll let you look at it at your leisure.

I'd just like to stress a few things that are important to us. First of all, for those of you who are not familiar with the MSM Regional Council, we're an independent civic organization in Central New Jersey. Our area of interest has come to be known as the Route 1 Corridor. We have about 150 corporate members and another 500 or 600 individuals who support our organization.

We support the Transplan proposals very strongly. I think Commissioner Gluck outlined most of the points that we could make as to the institutional need for change in the system that we have for planning and financing of our transportation infrastructure.

We support these bills in concept. We believe that there are some improvements that can be made in them, and those areas are identified in our written statement. We'll go into them with more depth with you and your staff at a future date.

I'd like to make several points, though. First of all, I think the issue of home rule and the issue of the relationships between the units of government is one that is going to loom very long on the discussions on these bills.

And with that in mind, I'd like to distinguish between regulation and planning. We hold an awful lot of regulations in New Jersey. It's exercised by 567 local governments and a great number of State agencies.

ASSEMBLYMAN MILLER: Thank you Sam. Anybody have any questions? Fine. Thank you. I agree with your remarks 100%. Thank you.

MR. HAMILL: Thank you.

ASSEMBLYMAN MILLER: Is John Kellogg from the New Jersey Chapter of the American Planning Association here? John?
J O H N K E L L O G G: Thank you.

ASSEMBLYMAN MILLER: Good morning.

MR. KELLOGG: Good morning. I'm John Kellogg. I'm the Director of the Hunterdon County Planning Board, but I'm appearing before you this morning as the Chair of the Legislative Committee of the New Jersey Chapter of the American Planning Association. This is an organization of over 550 professional planners in New Jersey.

As Sam has alluded to, this legislation -- Transplan -- has been evolving over a number of years and we've been actively involved in following the evolution of this package of bills that you are beginning to consider this morning.

I want to appear before you this morning to strongly and enthusiastically, on behalf of the APA, endorse the direction that the Transplan is going. As you know from looking at the bills, they are rather detailed. We are in the process of developing detailed, written comments that we will be submitting to you and to the Senate Committee and to anyone else. We will have those to you probably within a month.

What I want to do this morning is to just very briefly give you a general idea of the types of issues that we're looking at and the types of issues that we think are important to be addressed in your detailed analysis review of these bills in the coming months, as you proceed with your hearings on them.

The first comment that we have, deals with the Municipal-County Planning Partnership Amendments. In order for

So, I would urge you in considering the home rule issue, look at it in that context -- to look at home rule as a very important part of our New Jersey heritage and as something that citizens certainly want.

But, also be aware as we certainly are, that New Jersey citizens in growth corridors want some other things too. They want the traffic to be controlled and they want the quality of life to be maintained.

So, if the system is preventing us from achieving this other objective, it seems to us that we have to strike some kind of new balance whereby we can retain the best aspects of our community development and review process, but add to it an effort to address the regional concerns which is the only way the traffic and related issues can be joined.

One final point that I'd like to make, and that has to do with what I believe is the evolutionary character of this legislation which I don't think sprung up overnight from Commissioner Gluck's staff's heads.

This legislation was evolved over a number of years. Assemblyman McEnroe had several proposals which were given very serious consideration last year and the year before. Assemblyman Penn pioneered many of these concepts.

There have been many groups in New Jersey, particularly in our region, that have fought over these proposals for a number of years -- I'd say three or four years. And this Transplan proposal represents, I think, the maturation of some of those concepts. It's got a ways to go. There's some things that can be improved.

But we believe that the time is right, right now, to really begin serious discussions of this, and we certainly commend you, Mr. Chairman, and your Committee for scheduling early hearings, and we hope that you'll stick with it until we get some sort of bill that we can all agree on. Thank you very much.

regional impact of the development proposal will be different in various regions of the State.

For example, a 100 unit residential development in Hunterdon County would likely have a far greater impact on the infrastructure of the region than a similar proposal in Bergen County. Greater flexibility is needed in establishing the minimum size of proposals which will be subject to regional impact reviews.

Our final general comments deal with funding that will be necessary to effectively implement the Transplan legislation. In order for the legislative intent of these bills to be fulfilled, adequate funding will be required to support the additional responsibilities that will be imposed upon county planning boards.

Again, I want to strongly -- on behalf of APA -- endorse this concept. We are willing to work and we offer any assistance we as professional planners can have, to you as legislators, to your Committee, to the Department of Transportation, or to anyone who is involved in the detailed review of this legislation. We would like to extend our cooperation and willingness to work with you to see that this much needed legislation does in fact become implemented in New Jersey in 1987.

ASSEMBLYMAN MILLER: Thanks John, for the offer and I'm sure someone will be taking you up on that. I think your comments are also very well taken, and I'm sure there will be more comments along that line in more depth in those particular areas as we get further into this.

MR. KELLOGG: Right. We will be having some detailed written comments which we won't go into here, but which we will be submitting to you and your staff to consider as well.

ASSEMBLYMAN MILLER: Anybody have any questions? (No response) Thank you.

MR. KELLOGG: Thank you.

this bill to be effective, we feel that there must be mandatory consistency between the municipal and county master plans. This provisions is the key to any meaningful effort to address the regional impact of significant development.

This bill must specify a mechanism for how this consistency requirement is to be enforced, and it must include penalties or sanctions, which will be assessed in cases of noncompliance. In addition, there must be a provision requiring county and municipal plans to be consistent with regional or areawide plans that are tied to the carrying capacity of the area. These plans address such issues as transportation, sewage disposal, water supply, drainage, and agriculture.

Our second comment is closely related to the first. Any planning effort whose goal is to address the regional impact of development must clearly require a linkage between areawide infrastructure planning, and the county and municipal land use planning process. This provision will help to ensure that the planning efforts of agencies and departments charged with responsibilities of developing plans for such issues as water, sewage disposal, highways, and agriculture will not be ignored.

Another major concern that we have in reviewing the Transplan legislation is the need to ensure that every effort is made to reduce the amount of red tape involved in the review procedures provided for in the bills. Wherever possible, concurrent reviews should be permitted and encouraged in order not to lengthen the review process. Any significant lengthening of this review process will be both unnecessary and undesirable.

The proposed legislation contains prescribed threshold limits that will be utilized in determining whether a development application will have an impact of regional significance. This provision needs further consideration. The

foolhardy, and we want to go on record today like many of the other people that are speaking, as saying we are enthusiastically supporting the bills; we'd love to see some changes in the bills; and we'd be very happy to work with you and with DOT to perfect the bills.

We have three principles that I'd just like to tell you about on the kinds of things that we'll be looking for in these bills. Then we'll talk about specifics at other times, when you set time out for that.

We'd like to see the counties coordinate infrastructure financing through the Transportation Development Districts in the county master plan, but we want to see a greater county involvement in coordination of all infrastructure financing in the county.

We'd like to reduce the amount and the durations of auto trips. We think that should be a key planning objective for the county and for the State. And when we're thinking about making development approvals, I think we should think about if the development moves us along in that direction.

Thirdly, we think that new planning procedures -- statewide -- should have a conscious preference for development where the infrastructure exists in cities and against development in open land.

Now that's probably not too surprising to you, since the Regional Planning Association has long been known as an organization that favors urban development. But we'd like to think that you will see that the time has come even more so now when we talk about the cost of the infrastructure and when we talk about eating up the vast amounts of open land that New Jersey still has available which is going very quickly.

That's all I want to say to you this morning. I just want to go on record as supporting the bills, thanking you for your time, and asking to work with you in the coming months to perfect the bills. Thank you, gentlemen.

ASSEMBLYMAN MILLER: Barbara Lawrence is here from the Regional Plan Association. Barbara, good morning.

B A R B A R A L A W R E N C E: Thank you. Good morning, Mr. Chairman, gentlemen, lady. Lady? No lady. Thank you for setting this time aside for this particularly important package of bills and at such an early date in the new year.

I'm going to start of just by talking to you, Mr. Chairman, if I may, for a moment--

ASSEMBLYMAN MILLER: What did I do wrong? (Laughter)

MS. LAWRENCE: because I want to ask you if you recall that Boris Pushkolev and I came down--

ASSEMBLYMAN MILLER: I do, and I was very much impressed by your testimony also.

MS. LAWRENCE: --last summer to talk to you and the members of your Committee who were available that day -- to talk about the kind of problems that you are dealing with here today and what we saw for the next 15 to 20 years as being important transportation issues for the northern part of New Jersey.

One of the things that we talked about that day was the projected auto ownership increase. Going way back to the thirties, we have a statistic that shows that there's a direct correlation between the increase in personal income and auto ownership. And if you project that out, we'll see 50% more cars on the road by -- oh, a little after the turn of the century.

So, the one thing that I'm going to ask you today is when you are thinking about the Transplan bills is that you kind of keep that in mind. Because I think if you keep that in mind, it is something that we can all imagine -- 50% more cars on the road. If you can keep that in mind, I think you'll be supportive of this package just as we have become as we learned about it.

These aren't all the be-all and end-all of transportation bills or planning bills, but we are not

could possibly try to help our people to address the mass transit and the use of mass transit? I believe that our mass transit would perhaps be in better condition if we could -- and it has been in the past. Pint size is better than quart size if we could perhaps address the problem of ridership.

MS. LAWRENCE: Well, you're certainly right, Assemblyman. The problem with mass transit, however, is that we have to develop our land use pattern so that it fits transportation. The kind of spread development of when we see every house on a half acre or an acre of land, that's not conducive to mass transit use. So if you have to walk a long way you're not going to take the bus; you're not going to take the train.

We have some statistics that I could send to you that shows you the kinds of density that you have to have to support a bus that goes every half hour or a train that might come every ten minutes. Now, Assemblyman Dario is lucky enough to represent a district that has great deal of density in it.

ASSEMBLYMAN DARIO: Thank you.

MS. LAWRENCE: And now we're looking to improve the transportation infrastructure in that district, but we've got the density there.

So, I don't want to be pessimistic about mass transit, because we're terribly supportive of it. It's the key to operating in those areas of the State where we have the density. But we'd just like to see that those areas -- where we are almost on the edge of being able to support mass transit -- to build up the density there, like along the Hudson River waterfront. That's where we should be putting our development dollars. Put the mass transit there and save some of that open land.

ASSEMBLYMAN HENDRICKSON: If I may, because I'm just looking for information. I'm really from Union County in North Jersey. So when you say we have to orient it there, you know,

ASSEMBLYMAN MILLER: Anyone have any questions for Barbara? I just want to point something out, Barbara. I think I said to you the last time you were here, that as a Mayor of a town for eight years, it use to gall me no end to have the county and the regional planning board tell us what we should be doing. We sort of got educated in a hurry to get down here to see what was going on in a broader sense. And--

MS. LAWRENCE: Where you stand, is where you sit.

ASSEMBLYMAN MILLER: --And I think I told you last time that your testimony was great for what we were striving to accomplish and you did give some additional information which I have and which will eventually come out in the final report.

MS. LAWRENCE: That's just what I wanted to ask you. You were doing my testimony, Assemblyman, because what I want to do today is just-- If you keep those kind of broader concepts in mind when we get bogged down in the days of-- Is this going to be a "must," or a "shall," or a "will" in the legislation, sometime it's-- Well, lets think back to today when we all had these broad concepts in mind in a kind of general direction that we all want to see the State to go in.

ASSEMBLYMAN MILLER: Well, what kind of broad concepts are you talking about, Barbara? You know, you've got to watch that a little bit too, you know. My wife might be listening. (Laughter). I agree with you, and we are certainly taking everything into consideration.

ASSEMBLYMAN HENDRICKSON: Mr. Chairman, If I may, I was interested in listening to your concept of more income, more automobiles. Along that line of more income -- and I should think that you have given it a lot of thought to try to orient and/or educate our people to mass transit--

It just seems to some of us that it's easier to buy an automobile and come and go as you will, rather than perhaps to wait on the corner as they do in other countries to get to work and to recreational facilities. Is there any thought of how we

automobiles and perhaps if we had and in the future tried to do that, you might not have so many automobiles if we had ridership throughout the State of New Jersey that would be available to them.

And nobody knows it better than I. I commuted to Manhattan for 12 years, Okay? Both Central and Pennsylvania -- I worked on the East Side, and also the subways I was very familiar with. And it was a lot better then than it had been for awhile.

MS. LAWRENCE: When you get an opportunity to vote on the gas tax, I hope that you'll keep that in mind and remember that a good portion of that money will be going to New Jersey Transit to support it.

ASSEMBLYMAN HENDRICKSON: I already voted for the gas tax the first time.

ASSEMBLYMAN MILLER: Assemblywoman Smith.

ASSEMBLYWOMAN SMITH: I'd just like to make a comment on behalf of Central Jersey, and I think that all of middle America -- call it -- my area, that has gridlock now, also needs the funding. And yes, with mass transit, we are adding rail land, we are adding buses, and we are continuing to do so.

You speak about the necessity and you speak about the justification of the expenditures versus the city and versus the suburbs, and I have to protect Central and Southern Jersey.

MS. LAWRENCE: As a woman who has spent the last seven years of her life living in that much maligned Plainsboro, I can certainly understand your point of view.

ASSEMBLYWOMAN SMITH: Well, everyone is headed north in the morning, and if you look at Raritan River Plaza and 287, you're going to find bumper to bumper. We need the money too.

MS. LAWRENCE: Well, what we have to do is when we think about these planning bills, we have to think about those kind of issues that transportation is not unrelated to: land use patterns. And it's through planning that we get to better transportation solutions.

we have Carteret, we have part of Middlesex County -- lower Union County. All those counties are really built up now with a tremendous amount of people, and when I drive up there to areas that I use to live in, I can't hardly drive down the streets because they're double parked with their automobiles.

Yet, we've had the Pennsylvania Railroad, Baltimore & Ohio, or if you want to go back to Central Railroad, the Reading Line, and they are all right from those areas. We've lost all of that over the years.

What I'm trying to say is that area of transportation should have a high priority on ridership, not just rebuilding the cities.

MS. LAWRENCE: You're absolutely right. And I don't want to speak for New Jersey Transit, but I think they'll show you that their ridership numbers are up considerably in the last few years.

And in order to have that, you have to have an important places for people to come to. Large groups of people going to significant destinations and origins is what they talk about in transportation. But it just means workplaces clustered together and housing clustered. The cities are more developed because they work.

ASSEMBLYMAN MILLER: Any other questions?

ASSEMBLYMAN PENN: Well, I'd just like to defend New Jersey Transit. I think that they have a very good line. I take it to New York, and I think that the bus in that area has improved 100%. I just don't think John spends enough time in his old neighborhood, or he'd see the changes that are taking place.

ASSEMBLYMAN HENDRICKSON: Whoa; whoa. That isn't what I'm trying to say. In no way in the last year or year and a half, have I tried to infer that it hasn't gotten a lot better, but it still leaves a lot to be desired. I brought the comment up because the first testimony was generating income to

In Transplan, I think the highway access bill has some good thrust. I don't trust final authority with DOT, and there are also some questions as to grandfathering and we can go into the details when we have that hearing.

I think on TDD-- Basically it makes sense. The questions is, "Who has the money?" Because, while we've had growth, if you look at who pays for new lane miles which is the way you measure additional miles, counties don't put a nickel into it generally. Municipalities don't put a nickel into it.

So it's only the State and the developers. Increasingly there's been a press on developers. And I'm not against that, except there should be a fair share.

We get to the municipal-county partnership. The draft is not a partnership. And I don't want to dwell on the whole question of home rule verses regionalism, because I don't think either really is relevant to this discussion.

We're talking about management. I ran Dunn and Bradstreet Management Consulting for seven years, and as a diplomat I worked in the Congo, I have not seen a more chaotic situation than I've see in managing growth in New Jersey.

I think we ought to look at some very practical things. Instead of talking about new structures, or the building up of the county precipitously-- Sure, I think that the county should be strengthened from a management standpoint, just as the Office of State Planning is having a hell of a time recruiting the right people.

They're looking for 30 but they've only gotten 6. They've got a number of the right people turned down. There are very few planners-doers in the State. Most of them are working for the public and private sector as private consultants.

So as Assemblyman Pelly had asked of Bill Mathesius, there are 21 counties. Most of their current master plans are

ASSEMBLYMAN MILLER: Barbara, I want to thank you and I just want to say that what we're talking about here right now has been discussed and reviewed and looked at in this transportation oversight gridlock 2005. And I think all of your comments will be brought out in the final summation of these hearings that we've been having which as I've said before, will supplement and certainly help in what we're trying to accomplish here today.

MS. LAWRENCE: Thank you, sir. Thank you for the time.

ASSEMBLYMAN MILLER: Thanks ever so much. How about Edith Wellock? Or Keith -- Keith. I better put the glasses on. Keith Wheelock, Project Director for Managing Growth in New Jersey. Keith?

K E I T H W H E E L O C K: I appreciate the opportunity to express some informal views. I've given packets out if anybody has insomnia. When you were talking about the year 2005, I will tell you what has happened since using my management consultant background. I've undertaken a year's assignment for the Fund for New Jersey. It was entitled, "Managing Growth in New Jersey."

Nearly a year later, the working title is, "Mismanaging New Jersey's Suburban Growth - Is it Too Late?" From that perspective, and I'm also a Montgomery Committeeman, to show my level of desperation-- We have one lawsuit pending against DOT and we have a hotshot New York lawyer considering a second. I am strongly in favor of renewal of the Transportation Trust fund, because I think the best game in town in effectively addressing growth management in New Jersey is DOT.

My concern is that when people talk about long-term, planners and new organizations forget about the next three to five years, and most of what I see in Central New Jersey in the exuberant areas, may be lost within five years.

access, and the constraints and let municipalities -- with the counties and DOT -- work that out in terms of a two to three year immediate plan. Also, you can tie in funding to it.

I support the concept of the State Planning Commission. I suspect that it's going to take about ten years to get it up and running and working and with the glitches out.

I would suggest that instead of the year 2005 that we focus towards the next three, because five years from now in most of these areas-- I think you're talking about what could have been done. Thanks for your time.

ASSEMBLYMAN MILLER: Thank you Keith. Does anybody have any questions of Keith? I'll just point out to you, it's an interesting concept that you have, but I think what you are going to run into is that if you expect the towns to contribute more towards this overall problem, you now have a budget cap and you are going to run into opposition from the 567 communities. Well, the concept has merit, and I'm sure when we get deeper into this, and we start pulling it apart, that part will come out--

MR. WHEELLOCK: I was not suggesting that municipalities contribute to this. As a township committeeman, I object to that, but I'm saying that the municipality has been getting a free ride.

There is far more density currently zoned than there is capacity on this regional transportation sewer. DOT, through the Transportation Trust Fund, has funds directly and there's language about priorities on this.

I say this is a practical thing where there is a mutual interest with the funding, and there's the stick on the densities. Otherwise, I'm concerned that you're building these castles that will take many years to get functional.

ASSEMBLYMAN MILLER: I share your concerns when it comes to relating DOT to DEP. I know what you are talking about. The laws are here, the regulations are over here, and they don't sort of match up with the law.

really worth a bucket of a worm's spit. Those are the people who were on board. Over time they can be strengthened.

I would suggest that instead of passing to the counties precipitous power which can be misused -- unfamiliar with guidelines that have been given to DEP when they came out in regulations -- "Oy vay," as they say in my home town.

I would suggest that a practical approach relates to density and relates to transportation. The county and State roads are really a regional transportation system that I would equate to a sewer. It's a sewer that municipalities have been able to hook up to with no charges and there's been no capacity constraint.

This has occurred time and time again, and the infrastructure was not filled. Now, each one of these roads has a capacity. One can argue about it. What is occurring is that more and more traffic is flowing in and the rateables that go to the counties and municipalities are almost cost free, because municipalities don't put beans into their local infrastructure. It's a contingent liability, but nobody asks them to pay for it.

I would suggest that one focus on addressing the traffic function-- Look at the State's and counties' roads as this regional transportation sewer -- establish capacities, and this establishes constraints on the individual municipalities.

You could also establish credit where you have access credit to municipalities. Let them figure out how they are going to use it. Because, if you take existing master plans and you do a traffic study -- and very few municipalities have done this -- you will find that the existing zoning cannot possibly be accommodated by the roads, and I would say that you are being practical.

I go back to my days in the Congo, where somebody had a plan and it says that you need bullets for guns. We're at that stage. You can focus on the capacity, the cost of

cars. I mean, we're in the business of moving people and goods; not necessarily moving automobiles which is in some parts of my Department of DOT that's like heresy to say. But the fact of the matter is that it's also, in my opinion, true.

So, you're right. It's not addressed in Transplan. Transplan has to do with the regional growth patterns. But transportation and transit will be fitting into part of that in an aggressive manner over the next decade.

But right now, as you well know when NJ Transit came into being-- I think there were a couple of comments here about how the service has improved tremendously. The ridership on the rail is up like 30%. It has improved.

I mean, in my district people complained all the time when they got on those buses, because they were awful. You couldn't open the windows; there was never any air conditioning; there was never any heat. All that's been turned around.

But it's taken Jerry Premo and the staff of NJ Transit from 1979 or '80 to this period to turn all of that around, and make New Jersey Transit a plus in this State instead of a minus. Now we are prepared to take the next step, and that is to plan into the future for what we are going to be doing with regard to mass transit in this State. And a heavy concentration of that obviously is on some of the rail corridors -- unused rail lines now, there in the most densely populated parts of the State.

ASSEMBLYMAN PELLY: I don't know. Once again I have not reviewed these legislative initiatives in depth. But I have looked at them enough to recognize for example under the New Jersey Transportation Development District Act, for example, I see in Middlesex and Somerset County areas, the more densely populated areas, a need to come together as imposed by this piece of legislation.

MR. WHEELLOCK: If you match them up, will you give me a call?

ASSEMBLYMAN MILLER: And if you find out, let me know, too. Thank you. At this time, if the DOT is ready to answer any questions anybody may have, we-- Commissioner, are you ready?

COMMISSIONER GLUCK: Yes.

ASSEMBLYMAN MILLER: Does anybody have any questions at this point? Or would rather hold off on your questions Frank, I'm sorry. Go Frank.

ASSEMBLYMAN PELLY: It's really a very simple question, Commissioner Gluck. As a matter of fact, Assemblyman Hendrickson earlier touched on the issue with another person during another person's testimony. That issue being what I consider to be the very important issue of addressing our problems in New Jersey, and more aggressively, the issue of mass transit, and park and ride.

I've looked at these three bills, and I don't see that as being offered in an aggressive form. As a part of the overall Transplan legislative package, I was wondering why, and what you plan to do after it's done?

COMMISSIONER GLUCK: There are both good questions. Transplan does not address mass transit. What addresses mass transit is the renewal of the Transportation Trust Fund, in which we have doubled the money each year for the four-year period to New Jersey Transit.

New Jersey Transit will be coming out in the spring with a future's paper -- setting priorities as to where they want to go in engineering and design during the Transportation Trust Fund renewal period, and then after that, into construction of these problems.

So, you're right. It is not addressed here, but it is definitely something that we are looking at and that we are planning for, because we are going to have to get out of our

For things which reduce trips, obviously, transit fits very nicely into that. A TDD can be created for specifically a transit improvement. It can be created on a municipal road, county road, or any combination thereof. So, there is quite a bit of flexibility there.

Of course in requiring to plan regionally, we would be expecting that regional overview would be looking at transit possibilities alongside of road possibilities.

COMMISSIONER GLUCK: The answer is, Assemblyman, that if in the statement somewhere, if the words park and ride as a concept needs to be included, we have no problem with that. Maybe it's an assumption that we just made that you're telling us we shouldn't make because people won't think of it unless it's there in print.

ASSEMBLYMAN PELLY: I'm not only speaking about incorporating park and rides, and riding sharing, and all of the things that reduce the number of cars on the roads, I'm talking about-- I really don't want to become petty or pick apart bills, because I support the legislative package.

But what I'm saying is even to the point of providing financial incentives or directing those kinds of activities, and I submit once again that it's not mentioned in TDD.

COMMISSIONER GLUCK: It may be, but the Transportation Development District will have the power to do that. In other words, the Transportation Development District-- Let's say Route 55 in the southern part of the State will be completed. I mean, I had a Freeholder from, I guess it was Salem, or somewhere down there, say to me, "We don't want the same thing to happen on Route 55 that happened on Route 1."

There is no reason if they create a Transportation Development District around Route 55 where they can't plan for park and ride, and ride sharing as the companies come in. I mean, you can't mandate ride sharing before the population gets there, but they can sure have a vision of whatever that

But in their coming together, I see them merely saying, "Yes. Let's go and get more money from developers. Let's widen Route 27," for example. "In Somerset and Middlesex County, let's agree to cut off some access roads," and do things of this nature. But I see no incentive here to say, "Well, this is an area of Route 27," and I cite that as only one area -- Route 1, Route 130, or others.

I see no incentive for them to come together and say, "Let's look at park and ride. Let's look at mandating those kinds of activities." Now, you say that it doesn't belong in this--

COMMISSIONER GLUCK: No. What I'm am saying is that the refurbishing of old rails, the renewing of the rail infrastructure to have new areas where mass transit can exist, doesn't belong in this legislation. But the concepts that you are talking about absolute do belong in this legislation, and there's no reason why when you have a Transportation Development District -- and you have identified it -- and it is up and running in the county, that park and rides, I would assume, would be part of it. You can't keep widening roads; it's going to be too expensive.

ASSEMBLYMAN PELLY: You're right, except the legislation doesn't talk about that. It cites examples, but it's talking specifically about encouraging that kind of activity.

COMMISSIONER GLUCK: Certainly.

ASSEMBLYMAN PELLY: And we're speaking of that and the legislation is silent on that issue. That's what I'm suggesting. Perhaps we need to develop some independence--

DEPUTY ASST COMM. BERRY: Mr. Chairman, through you if I might. We did touch on the options of counties under TDD to provide credits and discounts or exemptions, if you will, from developers' fees.

ASSEMBLYMAN MILLER: All right. Then the New Jersey Transit, also the park and rides, become involved in that?

COMMISSIONER GLUCK: They can, but communities can do as Assemblyman Pelly suggested, and that is to get together. A community can set up a park and ride. If you have a Transportation Development District, a growth corridor, and you want park and rides on the growth corridor, you should be planning for them.

I mean, sometimes land is so valuable that the municipalities are willing to see that it's given up for a park and ride. That's part of the problem. Ride sharing is another thing that we are getting very involved in, in the Department. I hope to be able to provide seed money for that as well.

But these are the kinds of things that the Transportation Development District has to come to grips with. Mass transit funding cannot come out of the Transportation Development District. I would agree with you, Assemblyman, that it would be nice to say to everybody, you know, leave the roads as there are.

But then you have to get the municipalities to somehow stop the rateable chase which is not going to happen until we change the tax structure of the State. So, one thing leads to another and another. It's difficult. The growth is there already.

ASSEMBLYMAN MILLER: I might also point out to you that I put a bill in, Hazel, to make sure anybody giving up the railroad right-of-way would have to come to the State first with right of first refusal. Along with all of that, it's already on the books. It's already there, and it would seem to me that we should not be releasing any of these things. They should be held onto for 25 years if need be. We should hold onto these today because if we don't, I don't know where you're going to put the roads or the people and how you are going to

transportation corridor is going to look like, whether they want to have great intersections, great separated interchanges; depending on what the development is. Park and rides, ride sharing -- that's all a part of what they can do at the county level.

ASSEMBLYMAN PELLY: I appreciate that. And I respectfully suggest that if you think ride sharing, mass transit, park and ride, and all of the sharing to reduce the number of cars on the road is an effective way of doing so, I think it needs to be done more aggressively and I think it needs to be spelled out more clearly and legislatively.

And lastly, even to the point of where the DOT has to provide mandated direction and perhaps even incentives to go with that direction in order to redirect the counties and the municipalities who we are giving these extensive powers to in order to go in that direction, and to make use of that, and use the widening of roads as a course of last resort, rather than a course of first resort. And I appreciate your testimony today and the time that you spent in delivering this today.

ASSEMBLYMAN MILLER: Commissioner, on the same thing that Frank is talking about, on the Transportation Trust Fund, the distribution of the funds within the Transportation Trust Fund which the other two bills is packaged, there is money set aside in there -- "X" amount, percentage, or whatever -- into the transportation end of the business.

COMMISSIONER GLUCK: There is a line item in the renewal of the Transportation Trust Fund that received money for the counties with regard to the start-up of the Transportation Development District. Yes, if that's what you're talking about.

ASSEMBLYMAN MILLER: All right. Now, what I'm leading to is that isn't there money in there for New Jersey Transit?

COMMISSIONER GLUCK: Absolutely. That's where the Transit money is.

But we're at a point now where municipalities and counties and people who before that were involved with this and were not looking for this kind of thing, are now looking for it because they see it as the only way to try to save some of the wear and tear, some of the time, and some of the frustration of the people who live those communities. I daresay, if you went out and didn't use any of the jargon like growth management or any of this stuff that we talk about in the terms that we use for this, and talk to the people on the street -- the people who drive -- and talk to them about the congestion and the crowding -- and talk to them about planning and what they expect from our government-- I think that probably--

I would be stunned if you did not find that there is overwhelming support out there for good planning, so that people can traverse from one point to another. I would go so far as to say that if we don't do this, that they're going to throw us all the hell out, because they are going to be so disgusted that we didn't somehow make some moves towards improving the situation, that we all are going to be gone anyhow.

ASSEMBLYMAN MILLER: Anyone else? Yes Harry.

ASSEMBLYMAN McENROE: Mr. Chairman, through you, may I ask a question? The Transplan proposal, of course, is well thought-out. I think it has the interest and will have the support of the strong majority of the Legislature.

However, the one bill, the final one in the package, sponsored by you, Mr. Chairman with your colleague, Mr. Mazur, I'd like to ask the Commissioner how important is that bill? I mean this is a Legislature in the business of making laws for our State. Don't you have in current law the kind of authority that's needed to regulate access to our State highway system?

COMMISSIONER GLUCK: No; no we do not. We do not have an access code and we don't have standards. I was stunned. I mean, I couldn't believe it when I came to the Department. We do not have that.

get them there. So, I would hope that your Department -- on anything that comes along, you nail it down. Nail it down and hang on to it.

COMMISSIONER GLUCK: Well, we need some money.

ASSEMBLYMAN MILLER: Money, you'll get it.

COMMISSIONER GLUCK: Oh, yeah, right.

ASSEMBLYMAN MAZUR: Just one quick question, Commissioner. Do you know of any park and ride facility that has been established in New Jersey along a bus or train route in the last four years?

COMMISSIONER GLUCK: Oh yeah. There are many that have been established. Many. I mean, there are communities that are working with New Jersey Transit all the time to establish park and rides. And there are some communities -- and I can get a list for you if you wish -- there are some who have done it on their own.

ASSEMBLYMAN HENDRICKSON: I'm sure.

COMMISSIONER GLUCK: For stations and, you know, transportation facilities, buses--

ASSEMBLYMAN MILLER: Route 78. We have a couple of them.

COMMISSIONER GLUCK: Yes.

ASSEMBLYMAN MAZUR: I just remembered a lot of opposition from Westwood. Going back to Alan Sagner Commissionership days and I was a Freeholder, they wanted to establish a park and ride next to the Pascack Valley Line. And it was--

COMMISSIONER GLUCK: I know, but times-- The difference between that period of time and this period of time is that we now are crowded and everybody knows it. It makes it difficult as far as traversing the roads. It also makes it difficult as far as finding land for park and rides, because land has become so valuable in New Jersey.

COMMISSIONER GLUCK: Yes, we do have that. If that's what you are saying, Assemblyman, yes, we do have that. Definitely. But what happens when you have a main highway like Route 1 and someone comes in and puts up a Princeton Market Fair, for instance that's going up on Route 1, and you have three other quadrants and there will be improvements made for safety at grade levels. No question about it. We've come to an agreement on that. We sat down and negotiated that.

But somewhere along the line those four quadrants are going to produce enough traffic for a grade-separated interchange -- which in my old days used to be an overpass. Okay? Now that I'm in the Department, it's a grade-separated interchange.

Now when we come to that point in time, the Department of Transportation doesn't have enough money to do all the grade-separated interchanges that are going to be needed in this State. So we need to be able to have a partnership formed so that eventually that grade-separated interchange gets built and it's not going to be 20 years down the road. We don't control what happens in those four quadrants. We only come in after the fact and ask for certain things to be done so that there's a capacity there, and safety. The capacity may last for two or three years, until the next person comes and the road breaks down again.

ASSEMBLYMAN McENROE: But if there are intersections of county roads, the county has authority under the current law.

COMMISSIONER GLUCK: Yes, well, the municipality does. Not the county; the municipality.

ASSEMBLYMAN HENDRICKSON: Not really.

ASSEMBLYMAN McENROE: Well, perhaps certain counties have exercised it and others haven't.

ASSEMBLYMAN SHINN: (Note: Assemblyman Shinn spoke from the audience and not from a microphone. Therefore, his statements were not auditorily clear.) Well, what they do is the same way the State actually does it. They do it through

We also can only go so far with the public/private partnership. We cannot even-- I mean, we're running around trying to form coalitions sometimes -- trying to broker things when we know something is coming on four different quadrants on a major artery. When the first person comes in, we have to be able to negotiate with that first person -- that they will be willing to put money into the pot for grade separation interchange going down the road.

We have no way of handling that other than through the reasoning and good will of everybody that's involved. We really don't have the ability to do it. I'm not suggesting the State should; I'm suggesting that the county should be able to do something like that.

ASSEMBLYMAN McENROE: But under existing county laws, counties are exercising that kind of authority and requiring the private development to conform to their county--

COMMISSIONER GLUCK: Not for transportation.

ASSEMBLYMAN McENROE: Certainly.

ASSEMBLYMAN MILLER: The DOT is the way to allow the developer to put a cut in his curbing for entrance and access, and to demand a traffic light at that corner. But that's it.

The corridor on Route 1-- Princeton takes another town to court because some other town is causing a problem in Princeton on Route 1, and the judge throws it out because they have no authority to do any of this sort of stuff. I think this is what we're trying to accomplish here.

COMMISSIONER GLUCK: We're obligated to give them access.

ASSEMBLYMAN McENROE: Oh, I can see the fact that you're obligated to giving them access, but my point is that it was seen in the broad powers the Transportation Department has currently -- that they would have authority to direct that it be done in a way that we can safely form the needs of the motoring public.

accommodate at all. And yet, the county could do nothing about it. All their concern was with drainage at the time, if you can recall.

ASSEMBLYMAN McENROE: Sure.

ASSEMBLYMAN MAZUR: The municipality was just looking for the rateables and didn't give a damn as to what happened to the State highway or the people passing through. That highway today is listed by the Highway Safety Council as one of the 10 most dangerous highways in America.

ASSEMBLYMAN MILLER: Commissioner, I just want to again, say thanks for coming, and you are to be congratulated for taking all the work done over the years, and in seven months time, pulling it together.

I know you are not going to give up on this. You're going to keep pushing, and we're behind you. I am, and I'm sure the Committee is all the way, and we're going to do our best to expedite it out of here to get the show on the way. Thank you.

COMMISSIONER GLUCK: Okay. We appreciate the opportunity. Thanks.

ASSEMBLYMAN HENDRICKSON: And Ocean County is proud of you, Hazel.

COMMISSIONER GLUCK: Thanks, Jack.

(MEETING CONCLUDED)

the negotiated process and site planning review. They get the county's viewpoint and impact. They go through a county review which is basically trained to run. They go through a process of negotiations and extract the messages of what we can negotiate from the developer.

COMMISSIONER GLUCK: That's it.

ASSEMBLYMAN MCENROE: But only on a county road.

ASSEMBLYMAN SHINN: There's a classic case which is the Exxon case which negated the negotiated process of what the county demanded and was taken to court. That case is one which clearly defines that the county can't demand more than the immediate needs of dedication.

COMMISSIONER GLUCK: Exactly.

ASSEMBLYMAN SHINN: So, it's a very limited outside negotiating process.

ASSEMBLYMAN MCENROE: But it can, at least in the county that I represent-- Essex County. We have had success through the years in dealing with private corporations and providing access on county roads from interstates, such as 280. We required a dedication of land and funds to develop that extra lane which would be required for their flow of traffic. They must have been good negotiators.

ASSEMBLYMAN SHINN: Through the negotiated process though.

ASSEMBLYMAN MAZUR: Mr. McEnroe, I served on our Bergen County Planning Board for nine years as a Freeholder. One of the things that aggravated me so much was Route 17, in particular Paramus, where a curb cut would be granted and then all types of additional development and usage would pile up behind that initial one utilizing that curb cut--

COMMISSIONER GLUCK: Exactly.

ASSEMBLYMAN MAZUR: --and generating traffic to a volume that was never anticipated. It doesn't have the acceleration and deceleration lanes efficient enough to

APPENDIX

The Municipal-County Planning Partnerships Amendments bill was sponsored by Assemblymen Franks, Shinn and McEnroe and Senators Cowan, McManimon, Hurley, Gagliano and Rand.

The Transportation Development District Act was sponsored by Assemblymen Littell and Haytaian and Senators Rand, Hurley, Gagliano, Cowan and McManimon.

The State Highway Access Management Act was sponsored by Assemblymen Miller and Mazur and Senators McManimon, Hurley, Gagliano, Rand and Cowan.

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**News from the
NEW JERSEY
DEPARTMENT
OF TRANSPORTATION**

CN 600, TRENTON, N.J. 08625, (609)530-2127

1987

Gluck addresses Joint Assembly Committee meeting
on TRANSPLAN package
Info. Contact: D. Lawler
(609)530-2124

RELEASE AT WILL

TRENTON, January 8 — Transportation Commissioner Hazel Frank Gluck appeared today before a joint meeting of the Transportation, Communications and High Technology Committee and the County Government Committee to stress the importance of NJ TRANSPLAN, a three-bill legislative package the Department developed to establish guidelines for rational, effective growth in the state.

"If we are not careful, we could find ourselves in a situation in which unguided development has caused a deterioration in the quality of life we value so much and which has made New Jersey a magnet for high quality development," Gluck said, adding, "We are in very real danger of strangling on our own success."

Gluck noted that, while a "sustained public investment" in improving and repairing the transportation network is vital, it is "painfully obvious that dollars and cents alone cannot and will not solve our problems."

Judith Shaw Berry, Deputy Assistant Commissioner for Policy and Regulation, offered an in-depth analysis of the three bills to the Committees.

The TRANSPLAN package, which was introduced in both houses of the Legislature in October, includes bills to insure that development decisions are made in the context of regional transportation needs, to improve management of access to the state highway network and to provide a mechanism through which developers can join with state and local governments to speed delivery of transportation improvement projects in high growth areas.

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With the concentration of new office development into suburban areas, this traditional system of governmental decision-making has proven unworkable. Here are some of the problems we see in our region:

1. Governmental Funding Is Inadequate

In order to maintain present levels of transportation service through the Year 2005 for Route 1 and its tributary local roads, \$750 million (1985 dollars) worth of improvements will be required. These estimates, made by the NJDOT, relate narrowly to the Route 1 Corridor. The figures do not account for other required improvements in the central New Jersey region, particularly for local roads not directly linked to Route 1.

Without these added improvements to our transportation system, the build-up in traffic will seriously jeopardize the quality of life in this region. It will also jeopardize its attractiveness as one of the state's leading locations for future growth. Funding of transportation improvements entailed by land development is a critical challenge for this region and the state.

2. Indiscriminate Access Impairs Highway Performance

A second problem is the proliferation of curb cuts and traffic signals on state highways and other regional arterials. Curb cuts and traffic signals erode the traffic-carrying ability of our highways. They are a safety hazard. Unrestricted curb cuts facilitate the strip commercial development that blights New Jersey's roadside environment.

The need for coordinating land development and transportation service is most acute in the areas along high-volume highways. We need more effective means whereby local and state government can cooperatively plan for and control these areas, which are of such critical value to the future of our state.

The access control problem also raises the issue of fairness. At present, the Commissioner of Transportation is obligated to regulate access on a case-by-case basis, reacting to individual site access plans as they are submitted for permit approvals. Standards of review are inadequate. The granting of an access permit is also the leverage point for developer-provided improvements. In the absence of objective standards, some developers provide a great deal more than others. We urge objective regional standards of fairness for the review of development proposals to correct these inequities.

3. The Development Review Process Fails To Protect The Long-range Public Interest

Third, and more fundamentally, we need to address the overall inefficiencies of New Jersey's regional development planning and review process. This process has become an impediment to rational growth - and rational conservation. We now have a system that relies first on regulation, and far less on planning. That is, the system looks closely at each development application, but fails to assess the full impact of a pattern of development spread over time and space. Cumulative and secondary effects are often ignored.

MSM

MIDDLESEX-SOMERSET-MERCER REGIONAL COUNCIL, INC.

January 8, 1987

S T A T E M E N T

To: The Assembly Transportation, Communications and High Technology Committee

Re: TRANSPAN bills: S-2626, The County-Municipal Planning Partnership Amendments; S-2628, The Transportation Development District Act; and S-2627, The State Highway Access Management Act.

By: Wm. H. Sayen, IV, President, MSM Regional Council, Inc.

MSM - The Middlesex Somerset Mercer Regional Council - is a civic planning and research organization. Our geography is the central New Jersey region between the Raritan and Delaware rivers. This area has come to be known as the Route One Corridor. MSM is supported by well over one hundred corporations as well as by civic-minded individuals who have a long-term stake in the future well-being of the region.

We commend this Committee for scheduling early hearings on this vital package of legislation. We have supported TRANSPAN in principle before this and we continue to do so. For now, we will limit our comments to some general observations. Within a few weeks, we expect to provide you with further, detailed recommendations to implement some of these general comments.

Why do we need TRANSPAN? Transportation corridors are a resource of immense value to New Jersey. Transportation corridors are the areas where New Jersey's economic growth will occur for the remaining years of this century.

Unfortunately, transportation corridors are also areas where the deficiencies of our governmental means of planning for and accommodating growth are most severely stressed. Much of the stress is related to the long-standing division of responsibility between local and state government: local government decides about land use; then state government is expected to pick up the subsequent cost of whatever public works are necessary.

establish reduction of automobile trips as a goal of the state within transportation corridors. Land use arrangements, flextime, parking restrictions, shuttle buses, and other means are available to accomplish this. MSM, our own organization, has established a private-sector Transportation Management Association (TMA) as a means of implementing some of them.

7. Stable Funding For Transportation

MSM supports a five cent increase in the New Jersey gas tax and its dedication to a renewed Transportation Trust Fund, as proposed by Commissioner Gluck.

8. Grants-in-aid For Technical Support

Each county should be provided with a minimum of \$150,000 (\$50,000 for each of three years) to implement the provisions of TRANSPLAN. These measures will collectively impose new responsibilities on county government. Funding for new staff and technical services will be critical for timely implementation. Experience from other states indicates that financial assistance is essential to the implementation of new regional development programs.

* * * * *

We have attached several additional sets of comments to this statement. We would like to have your staff review and include them in this hearing's record. These include (1) A review of the TDD bill by Robert Freilich, Esq., a nationally recognized expert on impact fees; (2) a statement on the TDD and Access bills by the REGIONAL FORUM, a regional leadership organization; (3) A statement on a previous draft of TRANSPLAN by MSM; and (4) A report on county planning, with legislative recommendations, by MSM. We believe this additional material will be useful to you.

Let me emphasize that this testimony is general in scope and pointedly silent on some issues that are of critical importance, particularly to our area's developers. Such issues include, for example, the classes of property to be assessed within TDDs, and the degree to which assessment should be retroactive. Our Board of Directors feels that issues such as this should be negotiated with the developers and the Department of Transportation, through a legislative process. We expect that you will exert your leadership in bringing together the various interests whose participation and support will be necessary. We are confident that these issues can be resolved within TRANSPLAN's scope.

Our Board of Directors agrees that the time for TRANSPLAN has come. Considerable groundwork for these proposals has been laid in previous legislation and in previous hearings conducted by Assemblyman McEnroe and Assemblyman Penn. Public opinion polls in our region show that there is citizen support for a restructuring of governmental means of managing growth. Many constructive discussions have been held on this topic in our region as elsewhere in the state in recent months. We look forward to working with you and your staff on this legislation, which is so vital to the future of our region and the state.

We need to reform our land use management system so that it places local regulation in a context of advance planning at a regional scale. We also need to clear away the red tape, the duplicative reviews, the inter-governmental frictions - and often adversities - that thwart our need to make land use decisions that are speedier, fairer, and wiser.

TRANSPLAN, in our view, has the potential to deal constructively with many of these problems. We support TRANSPLAN. Our support is conditioned on amendments we seek, to meet the following specific concerns:

1. Consistency

The County-Municipal Planning Partnership bill (S-2626) should include requirements for consistency between local and state plans - on issues of regional concern. Inducements for consistency and sanctions for inconsistency should be provided. Consistency provisions will shift government's emphasis from regulation to planning. They will, in this way help to provide an environment conducive to private investment.

2. Land Use And Infrastructure

The Planning Partnership bill should include provisions to join land use and transportation planning - at each level of government. Standards of review should likewise incorporate land use provisions. To leave land use to local government and infrastructure to the state is simply to perpetuate the perennial mismatch between development, transportation, and other essential infrastructure.

3. Review of Development Proposals

The review process for "Developments Of Regional Impact" (DRIs) should be made concurrent with the municipal review process to a greater degree in an effort to reduce red tape and speed the review process. Each county should be permitted to define DRIs within statutory standards and with reference to its own county plan.

4. Transportation Corridors

The State Planning Commission will prepare a State Development and Redevelopment Plan by July, 1987. Growth areas will be identified. TRANSPLAN should include stipulations that the establishment of Transportation Development Districts (TDDs) should be restricted to growth areas as identified in the plan. The State Planning Commission's work is of surpassing importance to New Jersey. TRANSPLAN should serve to implement the Commission's land use plans with transportation service means.

5. Urban Areas

Transportation corridors should be redefined so as to make it clear that urban areas are not excluded from the benefits of the legislation.

6. Traffic Reduction

The Transportation Development District bill (S-2628) should

the review process would be both unnecessary and undesirable.

4. The proposed legislation contains prescribed threshold limits that will be utilized in determining whether a development application will have an impact of regional significance. This provision needs further consideration. The regional impact of a development proposal will be different in various regions of the State. For example, a 100 unit residential development in Hunterdon County would likely have a far greater impact on the infrastructure of the region than it would in Bergen County. Greater flexibility is needed in establishing the minimum size of proposals which will be subject to regional impact reviews.

5. Our final general comment deals with the funding that will be necessary to effectively implement the TRANSPLAN legislation. In order for the legislative intent of these bills to be fulfilled, adequate funding will be required to support the additional responsibilities that will imposed upon county planning boards.

Again, we welcome this opportunity to enthusiastically endorse the TRANSPLAN legislation. As an organization of professional planners, we are aware of similar initiatives that have been undertaken in other states and of the successes and failures of these programs. We offer our assistance to the Committee and to your staff in any capacity where we can help this much needed legislation to become a reality in New Jersey.

Submitted by: John W. Kellogg, P.P.
Chair, Legislative Committee
New Jersey Chapter - American Planning
Association

Director, Hunterdon County Planning Board

January 8, 1987

STATEMENT SUBMITTED TO THE ASSEMBLY TRANSPORTATION,
COMMUNICATIONS AND HIGH TECHNOLOGY COMMITTEE BY THE NEW JERSEY
CHAPTER OF THE AMERICAN PLANNING ASSOCIATION ON THE TRANSPLAN
LEGISLATION

Good morning. I am John Kellogg, Chair of the Legislative Committee of the New Jersey Chapter of the American Planning Association, an organization representing over 550 professional planners in the State of New Jersey. We have followed with great interest the development of the package of bills referred to collectively as TRANSPLAN. While we have not had an opportunity to complete a detailed analysis of the three bills that you are considering, I would like to offer to you our enthusiastic endorsement of the bills in concept and to outline for you the basic principles that we will be evaluating. This testimony will be followed later this month with written comments for your consideration.

1. Our first comment deals with the proposed County-Municipal Planning Partnership Amendments. In order for this bill to be effective we feel that there must be mandatory consistency between municipal and county master plans. This provision is key to any meaningful effort to address the regional impact of significant development. This bill must specify a mechanism for how this consistency requirement is to be enforced and it must include penalties or sanctions which will be assessed in cases of noncompliance. In addition, there must be a provision requiring county and municipal plans to be consistent with regional or area wide plans that are tied to the carrying capacity of the area. These plans address such issues as transportation, sewage disposal, water supply, drainage and agriculture.

2. Our second comment is closely related to the first. Any planning effort whose goal is to address the regional impact of development must clearly require a linkage between areawide infrastructure planning and the county and municipal land use planning process. This provision will help to assure that the planning efforts of agencies and departments charged with the responsibility of developing plans for such issues as water, sewage disposal, highways and agriculture will not be ignored.

3. Another major concern that we will have in reviewing the TRANSPLAN legislation is the need to assure that every effort is made to reduce the amount of red tape involved in the review procedures provided for in the bills. Wherever possible, concurrent reviews should be permitted and encouraged in order not to lengthen the review process. A significant lengthening of

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Additional roadway capacity, measured in new "lane miles", is--- and will continue to be---provided overwhelmingly by the State, supplemented by funds obtained "agreements" with private developers.

Counties and municipalities, from their own funds, have provided virtually no additional "lane miles" over the past decade and demonstrate no clear intention to change this "no-build" policy.

Sustained funding, under a renewed Transportation Trust Fund, is required to:

- o continue the expansion of a rational State highway and public transit system;
- o provide direct funding to counties and municipalities for the construction and enhancement of a local feeder road network that is woefully inadequate; and
- o support a range of alternatives to the present one-car, one-person suburban commutation patterns.

A dedicated "user tax" is an appropriate manner of financing such transportation infrastructure capital expenditures.

Transportation priorities conflict with equally important environmental and "quality of life" considerations. These result in difficult real-world trade-offs between extending roads within America's most densely populated state and preserving the ecological assets and character of those communities that are directly affected by technocrat road builders.

It is appropriate and necessary that a renewed Transportation Trust Fund finance moderate transportation objectives. It is equally important, within New Jersey's complex structure of checks-and-balances, that NJDOT be obliged---as part of its public mandate---to become dramatically more responsive to the non-transportation imperatives that make New Jersey an attractive working and living environment.

Without a timely renewal of the Transportation Trust Fund, the TRANSPLAN bills currently before you lose their potential cutting edge.

TRANSPLAN: An Important Initiative

In its present form, the TRANSPLAN package reflects NJDOT's single-minded purpose to achieve its transportation-related objectives.

PUBLIC STATEMENT ON TRANSPLAN BILLS

Keith Wheelock
Project Director, Managing Growth in New Jersey
(609)466-3229

As Montgomery Township Committeeman, I have experienced the arrogance, incompetence, and single-mindedness of NJDOT's concrete pourers. I have experienced their efforts to overpower the objections of local municipalities, environmentalists, and others who express valid concerns to proposed highway projects.

So why do I appear before you today to speak positively for renewal of the Transportation Trust Fund and for the basic thrust of the TRANSPLAN bills?

As Project Director of Managing Growth for New Jersey, conducted under The Fund for New Jersey sponsorship, I find a debilitating fragmentation, lack of direct accountability, and absence of leadership that virtually assures the continued mismanagement of New Jersey's suburban growth.

My attitude towards NJDOT is reflected in the 1945 tribute that William Allen White (of the Emporia Gazette) directed towards his long-time nemesis, Franklin Delano Roosevelt: "Here, reluctantly, amid seething and snorting, it is. We, who hate your gaudy guts, salute you."

NJDOT, over the past four years, has established an extraordinary record of planning and implementation for New Jersey's priority transportation needs.

The Transportation Trust Fund, together with the excellent and cohesive New Jersey Transportation Plan of 1984, provided the framework for these accomplishments. NJDOT has initiated essential highway and mass transit programs that already have produced significant and positive results.

The sharp decline in Federal funding together with the effective implementation of NJDOT projects have rapidly depleted the Transportation Trust Fund.

In the absence of timely renewed funding of the Transportation Trust Fund, rush-hour overload will occur in many of New Jersey's densely populated as well as high growth areas.

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This includes: 1) the imposition of new access requirements on commercial and residential developments and public streets constructed since 1970; 2) the determination of what additional rights-of-ways should be established; and 3) sweeping out-of-pocket expenditures (by property owners and local governments) for service roads and whatever "other actions designed to enhance the functional integrity of a highway".

Applied by an insensitive Transportation Commissioner---and a staff driven by a transportation efficiency "fixation"---(I recall how DEP has transformed broad "statements of intention" into lockstep regulations), the provisions of this draft bill could destroy the physical integrity of many municipalities and impose a massive ex post facto hardship on hundreds or thousands of long-established property owners.

The basic objective of controlling cuts onto State highways is desirable. The legislative bill mark-up process should focus on striking a balance between NJDOT's "wish list" and an equitable resolution of valid and conflicting considerations.

County-Municipal Planning Partnership Amendments

These amendments reflect a bold NJDOT initiative to alter the byzantine nature of New Jersey's State, county, and municipal government structure.

The overriding thrust of the NJDOT-drafted county and municipal planning amendments would be to transfer massive land-use-related authority directly to county government.

Personally, I believe that this is neither desirable nor doable at this time.

There is no basis, from their track record, precipitously to entrust such sweeping power to New Jersey's twenty-one counties. Perhaps it could be argued that, once given such authority, counties would quickly develop a capacity to exercise it wisely and judiciously. As a businessman, I would not invest my life's savings on such a tenuous proposition.

While, as an elected municipal official and a management consultant, I oppose an ill-conceived turnover of power to county government, I also recognize that absolute municipal supremacy in land-use related matters is outmoded.

The same legislative process that produced "cross-acceptance" in the State Planning Act must now strike a pragmatic balance between county and municipal powers in the County-Municipal Planning Partnership Amendments.

Serious flaws in scope and detail notwithstanding, these are important initiatives. They provide an opportunity to negotiate legislative compromises that would be beneficial both to the "process" of New Jersey government and to the legitimate interests of New Jersey residents, businesses, and local and county government.

The three separate, though interrelated, bills are:

- o Transportation Development District Bill;
- o State Highway Access Management Bill; and
- o Municipal-County Planning Partnership Amendments.

Transportation Development District Bill

This bill, as presently drafted by NJDOT, provides the basis for the codification of essential Transportation Development Districts/Transportation Improvement Districts.

It's current form lacks precision on essential funding commitments from the State, county, and municipal governments. Conversely, a potentially open-ended obligation is placed on a relatively few developers, including some whose projects may have been constructed nearly a decade ago.

The possibility that the State might serve as "banker" for these proposed development districts is an important concept to define. However, the intention that the Transportation Commissioner serve as final arbiter in all transportation district-related matters appears highly unrealistic, as does the assumption that NJDOT and counties should work in concert to the effective exclusion of both municipalities and developers.

Despite the substantive obstacles in drafting a reasonable transportation district bill, the basic concept is important. The prospect that some of the new Transportation Trust Fund resources could be earmarked to this purpose would facilitate the legislative negotiating process.

State Highway Access Management Bill

This NJDOT-drafted bill properly seeks better access management to State highways. Random development along these highways has resulted in a patchwork of highway "cuts" that severely impede the safety and efficiency of the State's principal arterial routes.

In its present form, however, this bill provides, to the Transportation Commissioner, unbridled authority to determine how the sanctity of these highways might best be preserved.

In fact, the highway system is a massive transportation "sewer" into which municipalities are permitted, with no practical constraints, to dump additional traffic.

Just as there are capacity limits and hookup charges for those who seek access to a sewer plant, so too should firm ground rules exist for municipalities that seek to utilize more than their "fair share" of regional public thoroughfares. (I set forth, in my enclosure on the Municipal-County Planning Partnership Amendments, a more detailed assessment of this transportation capacity/constraints approach).

What Next for the Kean Administration and the Legislature?

Transportation Commissioner Hazel Gluck provides a useful service by stumping the state for a renewed Transportation Trust Fund and by finding bipartisan sponsorship for the TRANSPLAN package.

To date the Kean Administration has watched with passive interest, as Commissioner Gluck has sought to generate support for sustained financing of a major highway and public transit program.

Comments from key legislators suggest that serious consideration of a dedicated "user's tax" would be distasteful, at least prior to the November 1987 legislative elections.

If Governor Kean chooses not to press for a multi-year transportation financing during the 1986-1987 legislative sessions, then we must all live with the disruptive discontinuity of year-by-year, catch-as-catch-can financing.

Stripped of NJDOT's single-minded exuberance, the basic thrust of the Transportation Development District Bill and the State Highway Access Management Bill deserve prompt and serious consideration. Neither should be major issues in the 1987 legislative electoral campaigns.

With priority Kean Administration commitment, both bills could pass quickly through legislative committees. Neither would be particularly effective, however, until (or unless) the Transportation Trust Fund is renewed.

The third part of TRANSPLAN, the County-Municipal Planning Partnership Amendments, is a prospective mare's nest. NJDOT displays uncommon bureaucratic courage in submitting its own draft, rather than simply working behind the scenes with the McEnroe bill, on which initial public hearings already have been conducted.

A pragmatic coalition between the Kean Administration and key members of the Legislature is necessary to produce any sort of truncated draft that could gain bipartisan approval in 1987. The resultant compromises would sharply water down the strong county powers included in the NJDOT draft bill.

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I find especially encouraging some of the new thinking suggested in the October 31st draft prepared by the Growth Management Study Committee of the New Jersey State League of Municipalities.

A major stumbling block, however, is the Growth Management Study Committee's unanimous belief that "the control and administration of land use shall remain at the municipal level" and that "county master plans should be formulated on the basis of the constituent municipal master plans and should reflect their provisions".

In brief, this means that, whatever magnitude of commercial and residential development that a particular municipality might choose to include in its Land Use Master Plan, a county must plan for sufficient transportation, water, sewer, and drainage to accomodate it.

Let's test this against a real-world example. Recently, the Township of Hillsborough chose to zone a portion of its municipality for nearly 30 million square feet of commercial development(which exceeds what has been built and is on the drawing boards along the entire "Princeton" Route 1 Corridor).

Should Somerset County(and NJDOT) be obliged to incorporate up-to-85,000 "phantom" commuters into their planning process?

Speaking of a more everyday occurence, at what size does a proposed commercial or residential development become a legitimate concern to surrounding municipalities who would be affected by such a project? To counties and to the State, who are ultimately responsible for the infrastructure services required by such a development?

It is reasonable to debate the precise definition of "development of potential regional significance" set forth in the NJDOT draft or in the draft legislation(A-2260) sponsored by Assemblyman Harry McEnroe.

I find it unreasonable, however, to expect other municipalities, as well as counties and the State, supinely to accept the more outlandish beggar-thy-neighbor policies of an individual municipality.

Setting aside, for the sake of this discussion, the important infrastructure issues of water, sewer, and drainage, I believe that regional transportation constraints and capacities provide the most practical framework within which to consider municipal developments that have significant regional implications.

Stated simply, significant municipal development feeds additional traffic into the regional State and county transportation network. At present, this occurs at virtually no cost to either the municipalities or the counties, both of whom benefit directly from the newly-generated ratables.

Hon. Newton C. Miller and
Hon. Jack Penn
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We view the Transplan proposal which has recently been introduced in the legislature with great concern. It is a clear threat to responsible efforts to maintain a healthy economy. The indication that your committee is proceeding with care and deliberation on this proposal is therefore reassuring.

These bills mark a major departure from established methods of regulating land development and the financing of transportation facilities. Such extreme changes in established policies require the most careful scrutiny. We support the scheduling of further proceedings during which ample opportunity will be provided for concerned parties to participate. We commend your committee for approaching this important issue in such a manner and urge the committee to provide an adequate review and comment period.

In the brief time available to review and consider this Legislation, it has not been possible to complete our analysis or to formulate fully our response to the many questions these bills present. Since the hearing scheduled for January 8th is intended to be a general discussion of these measures, we set forth the observations that follow in an effort to give some focus to today's discussion and those that are to come.

1. Transplan, as set forth in A-2389, A-2390 and A-2391, is a radically new program for planning and regulating transportation activities and providing for the assessment of some portion of this cost to the private sector. The legislation, however, is so broad and general in scope that no one - not the Legislature, the Governor, not even the Commissioner can be certain what will happen with this vast grant of power. The blanket delegation of authority does not permit either the public or the private sector to know where this program will take us.
2. To the best of our knowledge, the private sector was not directly consulted in the development of these proposals. A few of our members expressed their views through the Route 1 Advisory Committee (now called Regional Forum) but they addressed only the general concepts of Transplan and did not have the opportunity to comment on the actual legislation. We do not believe legislation of this scope can be developed properly without a comprehensive study which would involve not only local and state governments but also the different areas of the private sector that are affected by this proposal. The failure to proceed in this fashion has produced Legislation which is completely ambiguous and unclear and leaves unresolved the extent to which the private sector is expected to be financially involved.

An orderly study would identify the problems that this legislation is supposed to address. It would establish what transportation districts are needed. It would identify what transportation facilities, whether road or transit, should be included within an initial program. And,

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PRINCETON AREA DEVELOPERS, INC.
P.O. Box 536
Princeton, New Jersey 08540

January 7, 1987

Hon. Newton C. Miller, Chairman
Assembly Transportation Committee
and
Hon. Jack Penn, Chairman
Assembly County Government Committee
New Jersey State Legislature
State House Annex, CN-068
Trenton, New Jersey 08625

Re: Transplan Legislation -
A-3289, A-3290 and A-3291

Dear Chairmen Miller and Penn:

We understand that your committees will hold a joint hearing on Thursday, January 8, 1987, to receive statements from the public concerning the "Transplan" proposals. Our group submitted to the Senate a statement of strong concern about the Transplan proposals pending in that house. We reiterate that concern before your committees and ask that this statement be made a part of the record at these hearings.


Princeton Area Developers, Inc. is an organization consisting of a number of the major developers in the Princeton Area. A list of our members is attached. Collectively, our group has been instrumental in attracting to New Jersey high quality corporate clients which have contributed to the state's economy in excess of one billion dollars in new investment. These ventures have provided thousands of new jobs and contributed millions of dollars in local taxes revenues. Obviously, many millions more flow to the state through income and business taxes. The corporate development that has occurred in the Princeton area has created much of the foundation for New Jersey's high tech industry which the Governor and the Legislature have supported as being indispensable to the future economic well-being of the State.

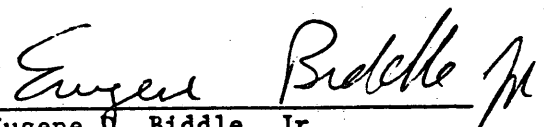
We represent an activity which is of demonstrated value and importance to the state. The development activity in the Princeton area is recognized nationally as having been carried out in a creative and responsible manner with a primary focus on high quality. The employment income and tax revenues generated by this activity are a source of great envy for competing locations in many other states. These activities, therefore, should be recognized for the positive contribution that has been made to New Jersey's economic vitality.

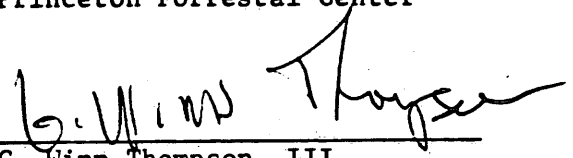
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This approach will expedite consideration of this matter and can produce legislation more specific in direction and more understandable to the public officials and the private groups affected by such a program.

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By: 
Robert S. Powell, Jr.
DKM Properties, Inc.

By: 
Eugene D. Biddle, Jr.
Princeton Forrestal Center

By: 
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Cavendish Development
Company, Inc.

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it would set forth what is expected from both the public and private sectors.

3. The Transplan package would significantly alter the traditional relationship established between municipal and county governments with regard to the planning for and regulation of land use activities. At the present time, county responsibilities in this area are extremely limited. A-2389 and A-2390 would create an area of totally new powers at the county level both in terms of regulation of land use activities and responsibility for the financing and development of transportation facilities. It would do so without resolving the respective roles to be assigned to the counties and municipalities. The likelihood of duplication and overlapping is both real and disturbing.
4. The injection of county government into land use development in such a substantial fashion also raises a fundamental legal issue under Article IV, Section VI, Paragraph 2 of the State Constitution which provides:

"The Legislature may enact general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specific districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land, and the exercise of such authority shall be deemed to be within the police power of the State.

The powers that this legislative proposal would assign to counties appear to conflict with this constitutional provision which limits zoning and planning powers to the municipal level. The assignment to counties of powers as extensive as those in A-2389 and A-2390 is therefore not only unprecedented but of questionable legality.

It is possible to go through each of these bills, page and page, and point out numerous provisions that require clarification or change. Discussion of details, however, even important details such as the retro-application of development fees for up to 10 years, should be postponed until the more fundamental questions have been addressed. The issues raised in the Transplan legislation are so fundamental and so important they cannot be covered adequately in a public hearing. We, therefore, urge the prompt establishment of a study committee which would undertake to respond to each of the issues set forth in paragraph No. 2.

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