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PUBLIC HEARING

before

SENATE TRANSPORTATION  
AND  
COMMUNICATIONS COMMITTEE

Senate Bills 2626, 2627, & 2628  
"Transplan"  
(Bills Proposed by the Department of Transportation)

December 22, 1986  
Annex Room 407  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Walter Rand, Chairman  
Senator Thomas F. Cowan, Vice Chairman

ALSO PRESENT:

Assemblyman D. Bennett Mazur  
District 37

Laurence A. Gurman  
Office of Legislative Services  
Aide, Senate Transportation and  
Communications Committee

\* \* \* \* \*

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







New Jersey State Legislature

SENATE TRANSPORTATION  
AND COMMUNICATIONS COMMITTEE

STATE HOUSE ANNEX, CN-062  
TRENTON, NEW JERSEY 08625  
TELEPHONE (609) 984-7381

WALTER RAND  
Chairman  
THOMAS F. COWAN  
Vice-Chairman  
ANCIS J. McMANIMON  
THOMAS GAGLIANO  
PETER R. HURLEY

M E M O R A N D U M

December 15, 1986

TO: MEMBERS OF THE SENATE TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

FROM: SENATOR WALTER RAND, CHAIRMAN

SUBJECT: RESCHEDULING OF COMMITTEE MEETING AND PUBLIC HEARING -  
DECEMBER 22, 1986

(Address comments and questions to Peter R. Manoogian, Committee  
Aide.)

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The public hearing of the Senate Transportation and  
Communications Committee dealing with the "Transplan" bills  
scheduled to be held on December 17, 1986 at 1:15 P.M. has been  
rescheduled for 10:15 A.M. on December 22, 1986 in Room 407, State  
House Annex, Trenton. Anyone wishing to testify should contact  
Peter R. Manoogian, Committee Aide, at (609) 984-7381.

Also, the committee meeting scheduled to be held on December  
17, 1986 at 1:00 P.M. has been rescheduled for 10:00 A.M. on  
December 22, 1986 in Room 407, State House Annex. The committee  
will consider the following bill:

S-2344 Provides for the Department of Transportation  
Connors inspection of vehicles used for transportation for  
hire.





SENATE, No. 2626

**STATE OF NEW JERSEY**

INTRODUCED OCTOBER 6, 1986

By Senators COWAN, McMANIMON, HURLEY, GAGILANO  
and RAND

Referred to Committee on Transportation and Communications

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. 1965, 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 existing  
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 co-*  
 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 benefit 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 Assembly Bill No. 3291 and Senate Bill No. 2627 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. 1979, 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 S. 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 checklist 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 *significance, 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 authority 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 subdivi-  
 37 sion 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 consecu-  
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 62. 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 enable  
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. 1963, 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 ad-  
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. 1963, 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 in part on the proposed line or lines of a new highway  
 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 his 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 acquired, 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 ob-  
60 stacle 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 \$200,000.00. 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.

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

14 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 non-residential 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.

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#### LOCAL PLANNING AND ZONING

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

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# STATE OF NEW JERSEY

INTRODUCED OCTOBER 6, 1986

By Senators McMANIMON, HURLEY, GAGLIANO,  
RAND and COWAN

Referred to Committee on Transportation and Communications

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. 1963,  
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  
25 streets and highways under their jurisdiction.



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  
25 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. 1986, c. 100 (C.  
 6 1986, 1987) (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]** *Depart-*  
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 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  
64 individual 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  
68 stock.

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

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

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

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

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

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

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

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

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

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

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

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

i. For roads and highways under its control adopt an access management code which satisfies the standards embodied in the access code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act of 1986," P. L. , c. (C. ) (now pending before the Legislature as this bill).

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 after 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 *Management Act of 1986," P. L. . . . c. . . . (C. . . . ) (now*  
 45 *pending before the Legislature as this bill), for the regulation of*  
 46 *land adjacent 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 prem-  
40 ises 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.

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### 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.

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## TRANSPORTATION—HIGHWAYS AND ROADS

(Bridges, Tunnels, Ports)

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

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STATE OF NEW JERSEY

INTRODUCED OCTOBER 6, 1986

By Senators RAND, HURLEY, GAGLIANO, COWAN and  
McMANIMON

Referred to Committee on Transportation and Communications

**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 Senate Bill  
 13 No. 2626 and Assembly Bill No. 3289 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. 1963,

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.

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### 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.

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### TRANSPORTATION—GENERAL

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

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Managing Growth in New Jersey

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pmp: 1-48



SENATOR WALTER RAND (Chairman): Good morning ladies and gentlemen. My name is Walter Rand and I'm Chairman of the Senate Transportation and Communications Committee. I'm happy to welcome you here this morning for the public hearing. I'm very sorry we took you away from your festivities and your preparations for the holidays, but it's most important that we get this process started.

I'd like to introduce the persons who are present here at the Committee table. We will be joined by some Senators very shortly -- I'm sure they're on their way. On my right is Larry Gurman from Legislative Services and on my left is Madelyn Rumowicz, who is my majority staff aide.

Those of you who wish to testify and have not yet notified the Committee, please advise Larry Gurman after the opening remarks are concluded of your desire to testify. We have eight people who are going to testify and if there is anybody who hasn't put their name on the list, please come forward.

I hereby call this public hearing to order for the purpose of receiving testimony concerning Transplan, a package of three bills, namely S-2626, S-2627, and S-2628, proposed by the Department of Transportation. These bills deal with various transportation problems which are now evident in New Jersey and are symptomatic of the complex requirements of planning, management, and funding in a congested and urbanized society.

S-2626 would revise and supplement New Jersey's county planning statutes to provide for a stronger regional planning role for counties. This 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 review would continue to be done by municipal planning boards. This strengthened role for counties

would connect and complete the strong municipal and State planning processes established by the Municipal Land Use Law and the State Planning Act.

S-2627, entitled 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.

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

Finally, S-2628 would enable counties, in conjunction with the Department of Transportation, to establish Transportation Development Districts (TDD) 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.

Commissioner, good morning and we are delighted to have you with us to start something which we think is innovative and new and probably a little late in coming, but certainly important if we are going to achieve and solve some of our problems. And so, let me say good morning to you and good morning to Assistant Commissioner Crawford.

COMMISSIONER HAZEL FRANK GLUCK:

Thank you very much, Mr. Chairman. Good morning to you, and Madelyn and Larry. Happy Holidays. We're pleased to be here this morning. I want to thank you and the members of the Committee for the opportunity to testify before you today to begin this process. I would like to make some brief remarks if I can and then ask the Assistant Commissioner, Jim Crawford, to discuss in more detail the three bills that will be before you and the provisions of them. And with your permission, I would like to return on the day of your last hearing to try to respond to suggestions made during your sessions.

Mr. Chairman, as you know, New Jersey is now in the middle of an economic boom which seems a little short of miraculous. Almost everywhere I look when I travel around the State, I see new building springing up and the hustle and bustle of commercial activity. This economic resurgence has been enormously beneficial to our citizens, giving them opportunities for better jobs and a brighter future for themselves and their families.

And 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 see. Unplanned, haphazard growth can lead -- and I submit in some areas has led -- to traffic congestion, pollution, loss of open space, and the need for ever increasing burdens of 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 have here to the major northeast cities have been essential to our recent economic 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 that traffic professionals refer to when designing a new road or analyzing one that already exists. It's called, "Level 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 until 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 the level of service F. But Route 1 is not the level of service F yet, although conditions there are deteriorating. We all need to understand 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. This is becoming the rule rather than the exception.

And the worse it gets, the more costly it gets — costly in terms of pollution, as we sit and idle our cars' engines; costly in terms of gas, as we 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 New Jersey.

There may come a time when I, as Commissioner under my statutory powers, will be faced with making a difficult stand when it comes to approving access to our highways and local roads. We may have to say, "Stop: This road is at capacity and until it is improved to handle the existing problems -- not to mention traffic and safety problems -- "no further development will occur." 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 on the Department of Transportation, I've reached two conclusions on the subjects. First, we must commit to a sustained public investment in rehabilitating and improving our transportation. 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 that 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 improvements in high growth areas.

These are the initiatives that we have developed in concert with a regional forum -- developers and municipalities -- -- that we call Transplan. We do not claim to have a monopoly on wisdom with respect to these issues, and we look forward to working together with the Committee and other interested

parties regarding constructive suggestions on these bills." But what we are committed to, is confronting these problems head-on in trying to find solutions to them. And we are equally committed to the strong concepts in these bills being retained without being watered down in order to be effective.

As a member of the State Planning Commission, I can assure you that these concepts can readily be folded into that Commission's final deliberations and report.

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

I believe the Transplan is a step toward meeting this challenge and I congratulate you, Mr. Chairman and the members of the Committee for having the courage and the leadership to introduce these bills and to bring these substantive public policy issues before the Legislature for debate and decision. I thank you. And now with your permission, Mr. Chairman, Assistant Commissioner Crawford, if this is the appropriate time, will go through the bills if you so desire.

A S S T. C O M M. J A M E S A. C R A W F O R D:

Mr. Chairman, I will try to keep this short and yet at the same time go through all of the various bills and make what is a fairly complex issue at least a little more understandable, to both ourselves and to everyone who is participating.

As the Commissioner indicated, the clear intent of the Transplan bill is to build upon the economic growth that is now occurring and to make it inclusive rather than exclusive with an effective transportation network. There is nothing that supports growth more than an infrastructure which attracts

people to it. There is, likewise, nothing that restricts growth more than an infrastructure that makes it impossible to properly service the economic areas that are subjects for that growth.

An efficient transportation network is vital to support the State's current economic growth and improving our own quality of life. In looking at these issues and in particular in trying to deal with the numerous applications that come before us for access permits which are today based solely upon our ability to safely provide ingress and egress, we've come up with a series of six criteria. We believe that these criteria are important and we think that they also address those things that the Legislature has included in past bills or past measures that it's had before.

The first is certainly to identify issues of regional significance and to establish planning and coordination mechanisms to treat these issues. As the Commissioner indicated, we believe that this program can fit right in with the activities of the State Planning Commission. We do not believe it to be something superimposed on that Commission, but rather to build upon the type of plan that they themselves are moving toward; and that the timing of this is such that it should fit in -- even with the timing that they're talking about -- with a plan being circulated this summer.

The second criteria that we've established is to establish the county as a body responsible for evaluating developments of regional significance. And this is certainly something that has been the subject of considerable debate and discussion. We believe, however, that there is no way that an individual municipality can deal with certain impacts since they do have a very real concern to their neighboring municipalities.

Another option that certainly has been looked at in the past is the question of creating super agencies -- the HMDC

type of model. The issue there though is, what then is the role of the county? The county exists as a collection of municipalities. In most cases, it is comprehensive enough to be able to deal with most of the major growth areas -- not necessarily all -- and we think that the county is a natural choice for serving in that function.

The third criteria that we've established is the need to preserve the local powers of the Municipal Land Use Law and the new State law as outlined in the State Planning Act. We really are not trying to do something or to propose a solution that eliminates the municipality as the principal governing force over local land use decisions.

And I think that this is critical in looking at the bills because there have been a number of compromises made in those bills for the specific purpose of trying to keep the municipal control over the basic land use decisions.

The fourth issue is the need to achieve closer coordination at the three levels of government. We certainly are faced with the situation where more and more of each layer of government must deal with its counterparts simply on the grounds of conflicting needs of any current development that's taking place. We'll talk a little later.

It's very common for any major subdivision today to come before a municipality, to have to go before the county because of either a drainage or a county road issue, and also to come to the State or -- to come to the State, perhaps it has become very clear that one of the frustrations that they feel is the fact that they are going from group to group, sometimes getting conflicting answers; so that after they come to the Department of Transportation for access, after having spent many hours and many dollars appearing before a municipal planning board or zoning board of adjustment, they're saying



that, "What you've identified just won't work for us." And in many cases, their engineer will at that point say, "You're right -- it doesn't work."

But now they have to go back to the municipality. Somehow we need to streamline that process so this bouncing back and forth, and more importantly, the ability to play one level of government off against another level of government, does not become the norm, but rather becomes the true exception.

And finally, we need to make the requirement equitable -- equitable for the municipality, equitable for the counties, and just as importantly, equitable for both the developers and the residents of the municipalities that they are in. There's nothing worse than having a developer come in and get an approval from the Department of Transportation that requires a fairly extensive investment by them and some transportation improvement, only to find out that three weeks after they get that approval, the property immediately behind them has a development proposal submitted to its municipality.

And that developer may in fact get either a free ride because he is able build upon the improvements that the first developers are making, or worst yet, they may in fact require that those improvements be thrown out and we start all over again. That is in no one's interest. It certainly isn't in our interest. And it isn't in the interest of the people who have to live in that area who go through one series of improvements only to find them torn up and a new set of improvements required shortly thereafter.

The three bills that have been--

SENATOR RAND: Before you start, may I just interrupt you for a minute, Assistant Commissioner Crawford? We have been joined by Senator Cowan and we have been joined by Assemblyman Mazur. Assemblyman, will you come up and sit down please?

We're happy to have you with us gentlemen. Good morning. The Commissioner has just finished testifying and Assistant Commissioner Crawford is now on the three bills. Assistant Commissioner, go on -- I'm sorry.

ASSISTANT COMMISSIONER CRAWFORD: Mr. Chairman, as you indicated in your opening remarks, the proposal includes three separate bills: Municipal/County Planning Partnership amendments, the State Highway Access Management Act, and the New Jersey Transportation Development District Act. All three bills have been introduced in both houses and their numbers are readily available.

I'd like to begin the discussion of the Municipal/County Planning Partnership Act by just going back to one of the criteria that we talked about, and that is the fact that we're not trying to change the idea that the municipality remains the key in local land use decisions. In fact, the municipality is the group that is most able to deal with most of the types of decisions that come before it. But when you start talking about the areas of transportation, sewer, water supply, you start to then talk about issues that know no municipal boundaries.

Their transportation impacts frequently are more intense on the neighboring municipality than they are on the developing municipality. Water is the same. We believe that the need to recognize that there are certain physical traits that are inherent in a development that require the cooperation of more than one municipality, call for a higher level of government to become involved.

We believe that the county is the appropriate level of government but we think that in order for that to work, the counties must do certain things to make it clear exactly what is the basis for the decisions that they will then make.

The key amendments that are proposed first are that the counties must have planning boards and master plans. The

idea that they must have planning boards is not going to be shocking. Basically, all the counties today do have planning boards.

The requirement though that they must have a master plan is one that we believe will have an important impact and one that will certainly be the subject of much discussion as you continue these hearings. The master plans will be important though because if any judgments are made as to what transportation improvements are made or what water quality needs have to be included, they must be on some factual information.

The developer must know up front what it is that they are dealing with. And we believe that the county master plan is needed to provide that. We believe that in developing a master plan there are specific items that must be included. They must spell out what is the transportation system that they are aiming for -- not only the State highway system which will be defined as per one of the later bills -- but also the county system. And they must be able to define what is the level of service, as the Commissioner pointed out, that they are willing to live with in certain types of areas. Because the level of service will have an impact on the level of development that can occur.

The counties will need to review the developments of regional significance. And we have proposed that the definition of a project having regional significance be a project that is on either State or county highway, a project that includes 250 dwelling units, or one that has 100,000 square feet of office or commercial space. These are standards that we believe reflect the kinds of development that do generate those impacts that go across municipal boundaries.

The next bill is the State Highway Access Management Act. If I can refer to this chart for a minute, I think maybe some people can understand why this bill is important. This is

not anyplace in particular -- it's every place. It involves an interstate highway or some other controlled access highway, a major county roadway -- dualized -- a smaller county facility, which we've indicated as Route 500, and a State highway that serves as a land service roadway.

Right now, we have in many locations tremendous interchanges that have been developed between the limited access highway system, and either the State highways or the municipal and county roads of regional significance. And what do we find? As soon as the interchange is put in, the area that is immediately adjacent to the interchange becomes a strip of driveways. And access to each of these is important because the types of high-rise office buildings, apartment complexes, shopping centers, need that access. That's how they've determined that they're going to be served.

And right now, both the counties and the State give that access freely because there's no reason to deny that access. That in itself is fine. The problem is that as this development becomes more intense, we begin to lose the distinction between the issues of mobility and service. Are we trying to provide mobility on that facility or are we really trying to provide access and service?

If we look, for example, at a State highway that has a driveway off of it just before an interchange, what does that do? Well first, it creates a traffic hazard and the fact that all of sudden you're making turns at the same time people are preparing to make their own turns at high speeds on and off the freeway.

An alternative to that, in many cases, would be to combine driveways, so that they are not right at that point, but rather are removed back far enough so that you separate that traffic which is going off to the other roadway from that traffic which is trying to gain access into the development.

At the same time we are often faced with situation where the access to an individual property is from the front driveway simply because that is viewed by the developer as being the prime requirement. And if the competitor has it, certainly he needs to have it. But in many cases, if you provide a frontage road or some kind of service road interior to their development, as we've seen in some of the major developments, that access is much more easily handled. And in fact, the turning movements become more regulated because access on and off the State highway is not metered at the State highway, but rather is metered by the feeder road itself which leads on and off.

So, we've offered this just as a suggestion as to some of the issues that we're going to have to address with the idea of a management code. And we believe that the Management Act allows us to look at this issue. I have a chart that has been reproduced from a federal highway administration chart, but it gives some idea as to what we're talking about. If we take mobility and say that certainly, if we look at Interstate 80 or we look at Interstate 287, mobility is the prime reason that those facilities were built -- to move people from here to there, not to move people within an municipality.

On the other hand, if we were to look at State Street in Trenton, we would say that the principal purpose of that road is to provide land access to the buildings that are located along there. Our problem is that we sort of lose something in the middle. Where do the collectors begin and where do the arterials begin? Do we have, for example on Route 5 up in Bergen County, a collector or is it really just a local street? It's serving as a State highway, yet I daresay that most of the people that live along it view it much more as a local street, than as a roadway that provides mobility even though that's what it did when it was originally built back at the turn of the century.

If we look at a road, such as Route 1, we would have some people arguing that clearly the purpose of that road is to provide mobility. But the people who have access to and from it are looking and say, "Well, wait a minute. It's also providing us access." Maybe it doesn't belong up here in an arterial, which is where the Department of Transportation would have defined it, maybe it belongs down lower in the collector range.

We think that it is important that the State define where various roads fall in that continuum, so that people know up front what it is that's expected from them and how their access is affected by the need to provide overall mobility. Just to offer two examples as to what we're talking about— For Route 78, a high speed, long distance highway, mobility is the key issue. Main Street, or State Street in the case of Trenton, is certainly a lower speed, local mobility roadway which provides increased access to all of the facilities along that. It has to provide some way for people to get in and out of their vehicles, to go into the local stores, or to go to their homes.

In developing a State highway access code, we are asking first and foremost that the Department be both authorized and directed to provide such, because right now there is no statutory authority for us to develop an access management code. We believe though that in developing it, we must go through an administrative process. We have to provide all of the players in this -- and there are many -- both an opportunity to comment and an opportunity to provide us with guidance as we go through the process of developing it.

We view this as a very open process, we view it as one that will require hearings before administrative law judges before final adoption, and certainly one that will not be accomplished overnight. But we are already beginning to do some work because there are some that have to be done anyway

and we hope that if this bill is adopted, then we can provide the input for all of the outside agencies very quickly, and move forward in an orderly process that allows input from all different sides.

One of the keys of an access code, thought is that it must include municipal conformance. Municipalities cannot, after a State highway has been defined, unilaterally offer their view of that State highway. This indeed, Mr. Chairman, is going to be an issue that's going to be the subject of considerable discussion as we go through adopting various roadways as fitting into that continuum that I discussed a few minutes ago. Because some municipalities will have to make tough choices among themselves as to where they stand on various roadways, and be willing to either give up mobility or give up access if they're going to properly address the roadways that go through their municipalities.

We also believe though that it's important that we provide grandfathering. We're not talking about eliminating the access for people that already have it. Over time, indeed, some of that access may be removed through a natural evolutionary process, but we are not looking at that as an immediate solution. We are not trying to deny anyone who now has access to the State highway system.

But we do think that it's important that we control access in the future, and that in developing the controls of access, we have certain powers to deal with those who seek that access to be able to make them work in an orderly fashion. Let me just offer a hypothetical suggestion that we have, in fact, had to deal with in a recent case.

There is a section of State highway -- I daresay this is something that has been repeated on several occasions -- where there is a mall with a large interior road system. Behind that mall, or maybe in another case, right in front of that mall, there is open space that has no other access other

than perhaps a flag lot or small driveway onto the State highway. The developer of the malls looks and says, "Well, our interior road system is our road. It's a private road. It's not something that these adjacent landowners have any right to use." Therefore, you must grant this large development, or large traffic generator, access to the State highway and a location that is unsuitable for safe movement of people in and out. Indeed, today we would be forced to do just that, or to purchase that property as a taking, by denying the access.

SENATOR RAND: No, no. I'm going to wait until you finish that question.

ASSISTANT COMMISSIONER CRAWFORD: We believe that it's important that when the original access would be granted, that we be able to address those types of lots and indeed make that a condition of such approval so that we don't have to come back and face the type of regressionary access that we're now faced with so frequently.

The third bill is the Transportation Development District Act -- what we call TDD bill for short. I refer you now to this other map because I think that there are some who feel that, well, Route 1 is a transportation district, maybe, and maybe there's another one here or there throughout the State, and in our impression, at least one-third of the State today could probably be defined as a transportation development district in the making.

Indeed, if we look at recent publications from Professor Sternly at Rutgers University, he has pretty much confirmed what we have been saying now for the past three or four years in looking at Route 1. This is not unique. It is happening over and over throughout the State.

About the only place that hasn't really become a development district so far are the extreme southern counties and we believe that if you look now at what's happening since the Pinelands Commission has defined where their restrictions



are going to be and where the growth is going to occur, then we're going to begin seeing some tremendous growth areas in that area of the State too.

But the red lines on that map indicate the major State arteries that are generating the type of development and the yellow are areas that are now experiencing the type of intense economic pressures that we have used as the basis for recommending a Transportation Development District Act.

The solution that we have recommended in this bill is based on a series of principles. First and foremost, the issue of integrated planning — that you can't just plan for an individual facility; you have to plan for it in the context of its surrounding community.

The second is that there must be some flexibility. The Transportation Development Districts are not going to be fixed permanently based upon a decision, but there has to be some flexibility to make changes over time.

There has to be equity for the developer. You can't treat the developer who happens to have the frontage more severely than the developer who generates even more traffic but is just off of that frontage. You need to make sure that developers that do provide contributions are able to see their improvements made in a time frame that meets their goals and their developments. There is, perhaps, nothing more inequitable than to require a developer to make a major investment for transportation improvement and to have that money sit, locked up while that developer's building sits empty because people can't get in and out of that development.

We've also chosen to try to use existing governments wherever possible and to make local initiative a key to the successful implementation of a Transportation Development District. Just to quickly go through the process itself, the first issue is the application from a county. We've defined the county but recognized that there may be some need to have

the ability of municipalities or groups of municipalities to initiate that, and we think that that may be something that has to be worked in later on. But clearly, there has to be an application submitted by a local government that says, "This is the transportation district that we wish to address."

And that application has to be followed by planning. Planning that not only talks about the hypothetical, but talks about the very real. What are the transportation improvements that are going to be made? When are they going to be made? What portion of those transportation improvements are needed to handle the background traffic -- the traffic that is generated elsewhere in the State or the region and is forced to use that facility? And what portion is generated specifically by the developers?

The developers should not be required to pay for the first. That is a responsibility of the citizens in the State. Once that planning is done -- and we believe that it's important that that planning be coordinated and therefore, have suggested that the Commissioner of Transportation be required to review and approve the planning process itself and indeed provide technical support for that planning -- there will then be a transportation development district ordinance. That ordinance would establish clearly what the boundaries of the district are, who is involved, what it is that the district is seeking to accomplish, what the time frame is, and basically, the whole framework of sharing responsibility in the Transportation Development District.

The Commissioner of Transportation would be required to approve that ordinance and would use that ability to be able to coordinate districts that were in neighboring areas where you wouldn't want to have, for example, a municipality deal alone with a neighboring county, but you would want to make sure that if there were two counties with neighboring development districts that they have compatible plans, that in fact could be implemented jointly.

The next step would be a fee ordinance. The fee ordinance would have to be based on a plan, so that those who have asked, "Well how would you ensure that the developers are not paying for those improvements that are needed just to support the basic background" -- their opportunity to define that, would come during the planning process.

And the ordinance for establishing the fee would have to have that clear relationship back to the planning process itself. The ordinance would be established by the county and once establish, it would be subjected to adjustments by the county with certain limitations placed by the act.

But the ordinance itself provides only a part of the funding. And anyone who assumes that Transportation Development Districts are going to be paid for completely by the developers, does not understand the dynamics that are involved in these developments themselves. Certainly the State and the counties and the municipalities would be expected to make some of their own improvements. And indeed the Department of Transportation has proposed that it be permitted to use certain funds from the local aid program, for example, to help support such development districts to ensure that they could move ahead more quickly, rather than sit around and wait until the money has been collected.

The construction activities would then follow, and hopefully these construction activities would be timed with the actual development itself so that the facilities would be open and operating at the same time that the developments were open and operating and would not prove to be counter productive, but rather constructive.

And finally, there would be the collection process over time of the money that was generated by the fee development and used to pay back either whatever bonds are issued or whatever debt has occurred by the higher level of government in support of this program for later on.

To sum up, Mr. Chairman, basically, we're looking at the issue of encouraging the State to develop, in an orderly fashion, with a transportation network that can support that development. We believe that the lack of progress has generated chaos. And anyone who comes in and spends two or three days dealing with our engineers and planners that are reviewing various access permits, can get a very quick picture as to how much chaos really exists today.

We believe that there is currently no legal basis for implementing a rational transportation plan despite the fact that everyone seems to believe that we need those types of plans. And finally, we believe that economic development and the quality of life that we in New Jersey have come to expect, requires transportation systems that are coordinated and that function rather than transportation systems that are strictly reactive. Thank you very much, Mr. Chairman.

SENATOR RAND: Assistant Commissioner, thank you very much. We're not going to get into the details of each bill. That's for another day. Because, certainly on this TDD I have a question as to why the DOT is not involved with the fee setting? But those are questions that we'll ask.

But I do want to ask you one general overview question, and of course, I'm leading you with some answers which I would expect. First of all, is this plan, which is very innovative, very challenging, and is great for the future, too late?

ASSISTANT COMMISSIONER CRAWFORD: Mr. Chairman, in my opinion, it is not too late. It is certainly too late in some areas of the State. But, I think there are a number of areas where this plan is both timely and where it can be made to improve upon something that right now is on the margin and can tip either way. And I think that it's important that it moves quickly or that some decisions be made quickly so that we don't lose those opportunities in those areas.

SENATOR RAND: In this Transplan package, is there a possibility or a mechanism or a method in which we can rectify some of the past mistakes?

COMMISSIONER GLUCK: Yes, there is. That's why it may not be-- There is a time frame built into the Transportation Development District and it goes back -- and that may be the subject of a great deal of debate during these hearings -- because it goes back ten years, which means that, in fact, you can capture what you have not captured in the past decade. And that is that if you have someone on the main road and then you have, you know, developments behind it that have contributed in any way, shape, or form except to put traffic out on the main artery, that they could now be required to make a contribution.

So there is a way to capture some of the past. The question is rather what will hold--

SENATOR RAND: Those are the fees but let me go a step further on when you talked about the State access. You have four shopping centers with four separate cuts. Can we go back? Is there a process in here that we can go back and give them one cutaway from a circle or an interconnection?

ASSISTANT COMMISSIONER CRAWFORD: Mr. Chairman, there is such a provision and it falls in two areas: First, by defining in the access code exactly what the access provision would be, the Department would be establishing the criteria, not only for future access, but for any modifications to existing access. And I think that's one of the essential issues.

SENATOR RAND: Then you have a chance to recapture some of the-- Okay, fine. You answered--

COMMISSIONER GLUCK: When you said, "Is it too late?" Senator, the only thing that comes to my mind is that if we can go back in time and capture some of the things that we have not been able to, we can take a corridor like Route 1 and do it a little more expeditiously and know that we're going to at least be able to make some changes.

SENATOR RAND: That's why--

COMMISSIONER GLUCK: It may not be perfect; It may not be the vision we would have had if we started out with Transportation Development Districts as Route 1 developed, but, we can certainly improve it even further than we're going to now.

SENATOR RAND: Thank you very, very much.

COMMISSIONER GLUCK: Okay, thank you.

SENATOR RAND: Gentlemen, are there any questions?

SENATOR COWAN: Just one -- as far as the input for these bills that we have now. Was there input with the State Planning Commission at all?

ASSISTANT COMMISSIONER CRAWFORD: Senator, the bills themselves in their first draft were prepared before the State Planning Commission members were named. There was discussion with all of the Departments that are represented on the State Planning Commission very early on; and at the very first meeting of the State Planning Commission, there was an extensive discussion about these bills and a presentation by our staff to all the members as to exactly what they included, why they were developed, and how they fit.

SENATOR COWAN: So, they are well abreast of things at the conception of their institutionalization. Very good, thank you.

SENATOR RAND: Thank you very much, Senator Cowan. Assemblyman Mazur?

ASSEMBLYMAN MAZUR: Yes, I'd like to just ask Mr. Crawford one question. How many other states grapple with the same strip development kind of problem? And how many have developed a mere rating program such as Transplan?

ASSISTANT COMMISSIONER CRAWFORD: Assemblyman, there are about six states that have grappled with this. There are a number of states that have looked at the issue. In some cases, it is not as much of a problem, but to give you some examples,

Florida, right now, is going through this problem very extensively. They are trying to come up with some solutions. Colorado has some proposals that they have implemented. Oregon has some programs that they have implemented. Texas has a very extensive program that's rather different in its approach. It provides, in some cases, private construction of state highways. But those are some of the states that have, in fact dealt with this.

There are a number of States in the northeast that are looking at the issue just as we are, but have not yet taken any formal action.

ASSEMBLYMAN MAZUR: Thank you.

SENATOR RAND: Thank you, Assemblyman Mazur. I like your conclusion, Commissioner. We will strangle on our success if we don't improve it.

COMMISSIONER GLUCK: Thank you.

SENATOR RAND: Thank you very much. We're now going to hear from Ingrid W. Reed, Chairperson of the Mercer County Planning Board and Assistant Dean for Planning and Administration, Woodrow Wilson School of Public and International Affairs, Princeton University. Good morning.

I N G R I D W. R E E D: Good morning. Mr. Chairman, I'm delighted to be here. I am pleased to appear and support Transplan and to commend you, Senators and Assemblyman for scheduling these hearings and for giving your attention to these initiatives, which would have a significant impact on improving transportation in New Jersey, which everyone is aware of the need to do that, as well as the planning process as you heard here this morning.

These bills propose remedies for problems that face the Mercer County Planning Board and all other bodies at the county level, the municipal level, and the State level which have responsibilities for shaping and I think in a sense, controlling the phenomenal development that's going on in the State. I'd like to support the Commissioner's observation.

Since these bills strengthen county planning, you no doubt are not surprised that I as a citizen policy-maker at the county level would favor them. What I think might surprise you is that municipalities and citizens' groups concerned with the impact of large developments or the accumulation of a number of smaller developments have turned to us at the county level for assistance and asked why we do not have a stronger role to play in regional development. They tell us that it doesn't make any sense that we don't.

The bills prepared by the Department of Transportation are certainly a step in the right direction. They are detailed, they are specific, and they have been developed, not only in consultation with the State Planning Commission, but with an extensive group of citizens, developers, municipal planners, county planners-- I served on the task force that advised them on the highway access bill. They have gone much farther and faster than we ever dreamed they would.

I would like to outline several ways in which I think these three bills could be made more effective. My proposals grow out of my experiences in preparing and implementing Mercer County's growth management master plan, and my participation as moderator of an ad hoc task group on county planning, which met several times this summer at Princeton University's Woodrow Wilson School. It was a diverse group of people -- developers, lawyers, municipal people, county people, non-profit groups -- who got together at least three times to explore the possibilities for strengthening the role of counties in the planning process.

My comments grow out of what I have learned from them as well as my own experiences. I think the County and Municipal Planning Partnership Bill must place greater emphasis on the county master plan, what is in it, and how it gets adopted.



Unless the county master plan can stand up as practical and acceptable, none of the other initiatives would be workable. The process for reviewing development must be based on a realistic plan. The same is true for the implementation of the Transportation Development District Act, and the Highway Access Management Act.

Let me briefly sketch out what I think needs to be done, and I think these improvements fit very well within the proposed legislation. One, the master plan must begin with an assessment of the current state of development in the county. Noting the positive and the negative aspects, it should catalogue the most pressing problems, including critical transportation areas, the near capacity sewerage treatment facilities, environmental problems, open space, and recreation needs.

The legislation calls for this kind of an assessment when a master plan is revised every six years. The first plan under this legislation should be based on a realistic picture of the current status of the county and the development in the county. In order to know where you want to go, you need to know where you are starting from. And it needs to be an accepted -- both assessment as well as a vision.

Secondly, the master plan must address the concept of density in the context of the general land use element. The legislation appropriately calls for the master plan to provide a general guide to land use, indicating such areas as employment, shopping, open space preservation, etc.

However, when reviewing development proposals, the most important question is not likely to be what, but how much? For example, in considering the impact of a development on the capacity of the adjoining road, the critical factor will be how many trips, how many cars go in and out are generated? That depends on the number of people, probably, that are there, unless we do a better job of dealing with public transportation.

And therefore, how many trips depends on the intensity or the density of the use-- Not whether it's offices, an industrial park, or a hotel. I would say leave the question of land use to the municipalities. But from a regional perspective, specify the general density in a particular area. Only by describing density is it possible to assess the capacity of the infrastructure, or systems to handle development.

That is what this proposed legislation is all about. This concept of density was used in the Mercer County master plan and we're finding that it works.

Thirdly, the master plan must be adopted through a process that requires more comment and involvement than outlined in the partnership bill, particularly since a major goal is the cooperation of municipalities. I think that I'm probably more sensitive to that because we have gone through the process of negotiating with municipalities. I can put myself in the place of people at the municipal level who want to have more input.

The bill requires only one public hearing and notification only 20 days before the hearing takes place. I think there should be a two stage process, very similar to the State Development and Redevelopment Act requirements, requiring a hearing on a draft plan. Notice should be given at least 40 days prior to the hearing. This timing would make it possible for local planning boards and governing bodies to discuss the draft before the master plan hearing is held.

The proposed master plan should be submitted with comment about major controversial issues and be scheduled for public hearing again with a 40 day notice. Hearings should take place in at least two different locations within the county. Investment of time and effort in the process of the development of the county master plan will make for a stronger one -- that would be more acceptable and more influential. And

I think you can see the gains in being specific in the legislation since a lot of attention will be focused on the county master plan.

Fourth, the county master plan and the municipal master plan must be consistent. The partnership bill simply asks counties to comment on inconsistencies with municipal plans. This means that any one municipality has no assurance that another municipality will act in a manner compatible with the regional plan, and presumably regional interest.

Also, county reviews for regional impact will not be compatible with local reviews if the two plans are inconsistent. I think this proposed change is very consistent with what the Commissioner has outlined in a way of cooperative effort and specificity.

Transplan notes that county plans must be consistent with State plans outlined in the State Development and Redevelopment Act passed by the Legislature last year -- milestone legislation for which you should be complimented.

The same provision should be included for the relationships between county and municipal plans. Consistency between the county plans and those of municipalities may be easier to achieve if there is a method to resolve conflicts. I support the proposal made at a recent League of Municipalities meeting that an administrative law panel be established to rule on these disputes, avoiding expensive litigation.

In the meantime, before something like that can be established, the Office of Dispute Resolution in the Department of the Public Advocate should be called upon to develop a process that can serve governing bodies now and provide guidance for new mechanisms in the future.

Let me add a note from the experience of another state. You were discussing what other states are doing. New Jersey and Florida share two things in common. We are both booming and we both have a planning process. Florida began its

planning before New Jersey did and is now revising their legislation in two important ways. They want to give municipalities more involvement in developing the regional plans, and they want to clarify the consistency provision. I think that we can strengthen Transplan and do it right the first time.

I want to end with a statement of support for county planning staffs and boards in areas under considerable growth pressure. For bodies that have no power -- and I might add, no respect often -- they're accomplishing a great deal. Despite their mainly advisory role, they are working with developers and municipalities to review and shape development in very constructive ways.

They have done creative and solid work in water quality and supply planning, in agricultural retention, and transportation planning. If given new responsibilities under Transplan, they would carry them out impressively, I'm sure. Funding, obviously, would be essential and the appropriation proposed in this legislation is a start-- I would like to say, minimal, particularly when compared to extraordinary sums spent by developers who conceive and promote their projects.

The experience in Florida has shown that governments cannot take on new responsibilities effectively without adequate funding. Their recent legislation increases funding for local and county governments to do planning. I commend the fact that there is an appropriation involved in this and the thought has been given to that.

The new planning responsibilities incorporated in these three bills will serve both the private sector developers and the public sector planners and regulators. They clarify the process and streamline the review. They are really a very important initiative.

I have outlined some changes that I think would strengthen this legislation. I have more detailed notes on the

legislation and would be pleased to work with your staff and others in the Legislature in a timely fashion.

Clearly this legislation is needed, and I believe you will find citizen support for it. Thank you very, very, much.

SENATOR RAND: Thank you very, very much. It's interesting to note that you did not ask for county veto power over municipalities, but you did establish a procedure that you thought might, at least, settle some of the disputes.

MS. REED: Yes, I think if you have a good procedure, the issue of veto is really an irrelevant one. What you are doing is working in establishing the ground rules and doing the review in an appropriate way.

SENATOR RAND: We do thank you very, very much. Senator Cowan, did you have any question?

SENATOR COWAN: No.

SENATOR RAND: Assemblyman Mazur?

ASSEMBLYMAN MAZUR: No.

SENATOR RAND: Thank you very, very much. And we will call upon you. The Representative of National Association of Industrial and Office Parks? We have no name, but if there is somebody here from the Association of Industrial and Office Parks -- no? All right. Harry Pozycki, Esq. from Metuchen? Did I pronounce that name correctly, Sir? (No response) All right. The holiday weekend. Keith Wheelock, Project Director for Managing Growth in New Jersey? Good morning.

K E I T H W H E E L O C K: Good morning, thank you. I had some written materials for you which I will leave with you. I'd like to speak formally as a municipal township committeeman in Montgomery. It's rather unusual for me to be speaking in favor of DOT initiatives. And I would like to seek-- Could you give me asylum in Camden when I finish today?

I'm speaking in two capacities, principally as Project Director for Managing Growth in New Jersey, and Senator, I think that you asked the relevant question of Mr. Crawford, "Is

it too late?" I started doing management assessment for The Fund for New Jersey, entitled, "Managing Growth in New Jersey" and I have changed my working title to, "Mismanaging New Jersey's Growth, Is it Too Late?"

My background is that I spent four years working in Egypt and then as a diplomat six years in the Congo and three years in Chile, and then on another foreign assignment, working for the Lindsay administration in New York City. Compared to those areas, growth management in New Jersey ranks below Chile, below Egypt-- Back in the early '70s, you were ahead of Manhattan, which wasn't too great, and the Congo was distinct. There, they had no home rule problem. When there was a dispute with the Mayor of Stanleyville, they ate him.

SENATOR RAND: We do a little of the same thing here.

MR. WHEELOCK: Well, no, I thought they sent him to the Assembly. (Laughter)

Here, I think it might be too late, and that's one reason why I support the initiatives of DOT in general. I think the Transportation Trust Fund is imperative, and timely renewal is essential. The reason for this is that, if one waits for five years for new structures to be strengthened or developed, I think the ball game is lost. On Route 1, I think that's already occurred.

Also, when one talks about what is to be done, money is the key, and counties and municipalities have added virtually no lane miles over the last five years and in the five counties that I know with some knowledge, there are no funds for lane miles in their capital budgets for the next six-- So, you are really talking about money from the State or from developers.

I think the Transportation Plan of 1984 was excellent. I object to what's occurring to Montgomery, but that's obviously because I am parochial. And unless the efforts of the dynamic new Commissioner are supported, I think the prospect is that nothing will occur.

Now, I will address very briefly, two of the bills. On the Highway Access Bill, I think the overall thrust is important. The difficulty, I think, is that overriding authority is given to who the people in Montgomery refer to as the Concrete Pourers/DOT. And if one looks at the specifics, it is possible to ipso facto deny the rights of property owners ten years ago, and also impose on others service roads and a number of major out of pocket expenses where mobility is overriding personal and property rights and also the shape of the community.

I have some comments in here. I won't go into the details. On the Transportation Development District, again I go to the point, counties and municipalities have been getting the ratables without putting the money in to the infrastructure. And again, you have the State or the developers.

Since in my municipal capacity, I have various suits against me by developers, I could not be considered one of their dear friends. I do not think that the underspending or lack of spending over the years should be dumped solely in the laps of developers because who else is going to do it? I think there is a fair share. I think you will find in my comments here on the development proposals, that there is not a fair share and of course, I would not accuse DOT of this, but I have seen the Department of Environmental Protection take statement of intent and produce regulations that make my hair even grayer.

So on that, I think one has to balance the overriding DOT desire for efficient highways with other quality of life considerations. I'd like to speak for a few moments on the County and Municipal Planning Partnership Amendment.

One of my other careers included, for seven years, being president of the Management Consulting Division of Dunn and Brad Street. And I will speak principally in terms of management and implementation. I am not a great admirer of

planners. There is often a distinction between planners and doers. I happen to favor the doers, particularly when you are in a crisis.

Under these proposed amendments, massive immediate authority would be accorded to the counties. Now, there are some very fine people in the counties, but the fact is, over the years this has been a backwater where individuals have not been given major authority. And they also haven't taken it. In a vacuum, generally, the people who deserve more authority are the ones who take it in the infighting.

There are some exceptions. I think Ingrid Reed, who has spoken here, has done some exceptional things in Mercer County. I think that in Hunterdon, John Kellogg has done some exceptional things with Dave Stem and others there, on a practical standpoint.

From a management standpoint, the major issue that has been thrust upon counties in the last few years is solid waste. And the record on that has been just about as bad as that of municipalities in a number of areas. I think that there is enough blame to go all around. My point is that if you are dealing with a very tight deadline, instead of trying to develop what is in fact, a new structure -- because the majority of counties do not have a master plan that's worth a dam -- a number of them don't even have a master plan that's been done in the eighties-- You're talking about three to five years minimum to build up a degree of competence. And I'm not arguing for strong municipal power, because I think that in regional areas, municipalities are not prepared to do this.

What I would suggest focusing on, is something more practical. And that is, on highways. Regional transportation highways to me, are transportation sewers. You have regional developments. You have municipalities who tap in without a hook in charge and also with no constraints.



I have here a technical document that suggests an approach on looking at the constraints and capacities of regional thoroughfares. There are capacities. We have in Montgomery, a situation in the north, where Hillsborough, one small area, is planning for 30 million square feet of commercial and office space, which happens to be more than has been built and on the drawing boards in the whole Princeton and Route 1 corridor. Now, that's an absurdity.

I suggest, in my documentation here, a way that DOT, the counties, and the municipalities can identify regional developments and use transportation capacity constraints. And as a manager, I would suggest that that could be an effective tool that does not obviate the principles of Transplan, but is something that could be practical and implemented in a matter of 18 months without relying on cross-acceptance and arbitration and a number of things because, frankly, I don't think we have the time.

I don't want to take anymore of your time today, but I appreciate you courtesy in listening to me.

SENATOR RAND: Thank you very much. I guess we would have to balance out the input between the counties and the Department so that we don't have to wait three to five years because we should-- If we have to wait that kind of time, God only knows what's going to happen.

MR. WHEELOCK: Well, I think it can be done sooner.

SENATOR RAND: Thank you very much. Are there any questions Senator Cowan or Assemblyman Mazur? They disappeared? Okay. Mr. Wheelock, thank you very, very much.

Mr. Kellogg, New Jersey Chapter of the American Planning Association. Good morning, Sir.

JOHN 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 a Chairman of the Legislative Committee of the New Jersey Chapter of the American Planning Association.

We have been following the evolution over the last several years of the major pieces of legislation which is collectively known as Transplan. We enthusiastically endorse the concept and the legislation. What we are in the process of doing at the present time, is reviewing in detail, and we'll be submitting to you in January written comments regarding each of the three bills.

But what I would like to do just in a very brief couple of minutes this morning is give you an idea of the type of things that we are most concerned with and that we are looking carefully at in our review of the legislation.

The first comment that we have will deal with the County and Municipal Partnership Amendments. In order for this bill to be effective, we feel that there must be mandatory consistency between the municipal and county master plans. This provision 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 insure that the planning efforts of agencies and departments charged with responsibilities of developing plans for such issues as waste water disposal, highways, and agriculture are not ignored.

Another major concern that we will 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 undesirable and unnecessary.

Fourth, 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 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 project in Bergen County. Greater flexibility is needed and will be needed in these bills to establish 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 additional responsibilities that are being imposed on county planning boards.

Again, we welcome this opportunity to appear before you this morning. Our group is a professional organization representing over 550 planners in the State. We certainly have a lot at stake in the legislation that you are going to be working on and hopefully enacting in the coming year. And we want to offer our professional expertise to you and to your staff in any role or capacity where we can be helpful to you in helping these important bills to become a reality in New Jersey.

SENATOR RAND: Mr. Kellogg, thank you very much. You bring your five points-- Four of them, I think, we can address. In fact, you brought up that's very interesting -- the threshold limits and various-- They have to be different, there's no question about that basis on the impact that they have in the respective area.

The delicate one, very frankly, is the first one, which you and the previous speakers had spoken, and that's the municipality/county agreement on-- One time, there was a veto power put in the original bill that counties could have-- The question is, how you balance reaching where you want to reach without violating the municipal home rule and without getting municipalities all upset. We are going to try to work on that and certainly one of the key issues I believe in that particular bill is how we achieve a degree of success without alienating either the county agencies or the municipal agencies. Maybe by some of the procedures that were outlined by one of the former speakers, a consultation with the league of Municipalities we hope to achieve some degree of success where we are not going to hit anybody in the mouth and force them to do something that they don't want to do. But, there has to be a degree of cooperation.

MR. KELLOGG: We recognize that and we realize that it's probably the most difficult problem that you have to deal with in this legislation.

SENATOR RAND: And one more thing. Let me go back to the original comments that the Commissioner said. She did say that you need a commitment to sustain investment. And I think that goes all through the threads and she's very well aware of a commitment not only to the State, but to the municipalities which means a certain amount of health in the areas that they need it. They can't go at it alone, so to speak. Senator Cowan? (Negative response) Assemblyman Mazur? (Negative response)

Mr. Kellogg, we thank you very much. Yes, there was somebody that's supposed to be here from the Princeton Area Developers' Group, but they are not here and we do have a written comment from them and that will be passed down. We have Mr. Reuben from the Somerset County Planning Board. Good morning Mr. Reuben.

A R T H U R L. R E U B E N: Thank you sir.

SENATOR RAND: My goodness, that's twice in a month that we meet. We are delighted to have you here.

MR. REUBEN: Thank you, Mr. Chairman, Senator, and Assemblyman. I'm Arthur L. Reuben. I'm Chairman of the Somerset County Planning Board and I'm here to speak about particularly one bill -- the Transportation Development District Bill. I'd like to first comment on the County Partnership Bill -- just indicate that this was a bill that was not developed really with a lot of input at the early stages by the county planners. It was developed by the Trenton Department of Transportation. So, I think in many respects, it's not a self-serving bill. Although, I do think in respect to the details of the bill, there probably should be more of a dialogue between the County Planners Association -- the APA group that you just heard from in regard to many of the details, because I think there are some areas that could be tightened up in respect to that.

There certainly has been lack of coordination on the county, municipal, and State level in the past. I'd like to give just one example of lack of coordination. The Beneficial Corporation had moved into their headquarters in Somerset County on Route 206 in the northern part of our county. This corporation went down to the DOT and got an access permit.

After they got their access permit, they went to the municipality and said, "We have an access permit and we're ready to go, as far as that part is concerned. Yet, at the same time, they questioned putting a traffic light on the State

highway at this location. They didn't feel it would be beneficial to the traffic movement -- the mobility that Assistant Commissioner Crawford spoke about.

I think at that point also, Beneficial's own consultant recommended that they not put a traffic light in, but they put in an underpass with direct access to their site. So, they put in an improvement of about \$4 million or \$5 million, part of it accessed to their site, but also about 2 miles of new State highway construction.

After that, they had got an access permit to put up a traffic light, which probably in total would have cost maybe a half a million dollars. So, there is a need for improved coordination in this respect between the municipalities and the counties and the State Highway Department. I welcome this initiative on the part of the Department of Transportation.

In respect to the Transportation Development District, we have been rather strongly involved in this area in respect to two interchanges and also in respect to other areas in the county. One of our municipalities passed such a bill -- a light ordinance -- in which they felt that they could have a municipal-wide legislation which would bring equity to this process.

The courts turned them down in this respect, and I think part of the reason was that there wasn't specific State legislation in that regard. Since then, we've taken two areas of that municipality where there was very much of a lack of development in those areas against existing interchanges that had not been developed. About 93% of the traffic, forecast for those interchanges would be new development and new traffic.

So, what we've done is endeavored, with the help of the municipality, the developer, and the State DOT, to put together a plan for improvements in each of these interchanges. We're moving ahead; We've already received contributions from some of the various developers who have come

in. Other developers have not reached the stage where their development would require them to put up the money, but so far we've received the rather favorable response from all of the developers because they recognize the need for such improvements.

So, I think there is a basis for having a Transportation Development District, and it can be done in relation to corridors or in relation to interchange improvements.

I would like to also indicate a response to this question of whether it's too late, because I do have some questions about the ten year retroactivity and how that will work. Another one of our towns has moved ahead to put into being a Transportation Improvement District.

Now, this is a new concept, so some of the township councilmen were opposed to it. Apparently, it is not going to be, "go ahead" because there was some opposition on the part of some of the business community. But this would have placed into operation a different piece of structure; not one just related to development, but one also related to traffic generation of existing developments.

I think that this is certainly something that we're going to have to examine in more detail, but I would not hold up any aspect of these bills while we look at this question in detail. The whole area in our county was brought to our attention because what we commissioned was a traffic estimation model, which indicated all the programs' new lane miles -- both of the State and the county -- would handle the traffic at level C or D service in the county, and that we would have significant areas in the county that would be at level E and F which meant that we had to take a look at this question of traffic reduction and come up with a trip reduction program.

Some years ago, when AT&T moved into Bedminster, the municipality took it upon themselves to do something about this. They said that they are only going to permit so many

parking spaces and therefore you're going to have to have a program to reduce the number of trips going into your particular development. AT&T, in that location came up with a rather sophisticated van pooling program. We also had another AT&T headquarters come into Somerset County and they did very little about van pooling. They did do something about making some arrangements with the local transit agency to bring a bus in. But, after they were so successful, AT&T did initiate a van program, so, I think this can be done. I think it's very difficult when you deal with a lot of smaller developers in how you implement this.

One of the things that we would like to see in Somerset County is the fee structure tied to a parking space proposal that would reduce the number of parking spaces available at the various new developments taking place and a fee structure that would perhaps relate to the existing development, so that we can get a reduction in fees. And if a particular development can't come up with a reduction because of the nature of their work, at least they would be contributing to the purchase of transit or the purchase of van pools in other areas.

There certainly needs to be greater coordination, not only on the highway level, but also on the transit level. I noted when I was down in Camden County, that the Echelon Mall is right adjacent to the PATCO facility, and you could easily have built an overhead passenger walkway to the mall. As it is, they do run a shuttle service.

But I think that the need for a greater coordination of both highway and public transit is essential. And these bills, I think, take a long step in that direction.

SENATOR RAND: Mr. Reuben, thank you very, very much. I will tell you this, that this is just an overview and that you will get an opportunity to dissect each bill, because we will be breaking down each one of the three bills and we'll be



reviewing each one of the three bills in the next couple of months. So, you'll have an opportunity to have some input. Don't treat my TDD too severely. That's my bill. (Laughter) But, you will have the opportunity and we thank you for coming here today.

MR. REUBEN: Thank you.

SENATOR RAND: Senator Cowan, did you have anything? Assemblyman Mazur? Thank you very much, Mr. Reuben. The last lady to testify is Diane Brake, from Middlesex Somerset Mercer Regional Council. Good morning.

D I A N E B R A K E: Good morning. My name is Diane Brake and I will be reading a statement prepared for the President of MSM Regional Council, Harry Sayen.

SENATOR RAND: Do you have a copy of that?

MS. BRAKE: Yes, I do. Would you like it now?

SENATOR RAND: Yes. Would you give that to our aide and we'll pass it to each one and we'll follow you with it? And by the way, is there anybody else that wants to testify? This is your last opportunity. Please come up and give your name. Okay. Thank you.

MS. BRAKE: I'd just like to describe our organization, MSM, the Middlesex Somerset Mercer Regional Council, is a civic planning and research organization. Our geographical area is the central New Jersey region between the Raritan and Delaware rivers. This region has come to be known as the Route 1 Corridor. MSM is supported by over one hundred corporations as well as by over 500 civic-minded individuals who have a long-term stake in the future well-being of the region.

We commend Chairman Rand and the members of this Committee for scheduling early hearings on this vital package of legislation. We have endorsed Transplan in broad concept before and we continue to do so.

We hope that you will exert your leadership in bringing together the various interests whose participation and support will be necessary to Transplan's early adoption. Needless to say, there are critical issues to be discussed more fully, though we are confident they can be resolved within Transplan's scope.

We limit our comments to some general observations. MSM has been working for several years with a number of other organizations throughout New Jersey toward the revitalization of New Jersey's land use and transportation planning process, and we will continue to do so as this legislation evolves.

Within a few weeks, we expect to provide you with further, detailed recommendations that intend to implement some of the general comments made this morning.

Why do we need Transplan? Transportation corridors are a resource of critical value to New Jersey. Transportation corridors are the areas where New Jersey's economic growth will occur of 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 critically stressed. Much of the stress is related to the traditional division of responsibility between local and State government. Local government decides about land use, and State government is expected to pick up the subsequent cost of whatever public works are necessary.

With the concentration of new office development into suburban areas, this traditional system of governmental decision-making has proven itself unworkable. Here are some of the problems we see in our region:

In order to maintain present levels of service through the year 2005 for Route 1 and its tributary local roads, \$750 million worth of improvements will be required. These figures relate narrowly to the Route 1 corridor and do not account for

other required improvements in the central New Jersey region, particularly for local roads.

Without these improvements to our transportation system, the build-up of 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 problem.

A second problem is the proliferation of curb cuts and traffic signals on State highways and other regional arterials. Curb cuts and traffic signals significantly erode the traffic carrying ability of our highways. They are a safety hazard. They are associated with the strip commercial development that blights our roadside environment.

It is in the areas along the highways that the need for coordinating land development and transportation service is most acute. We need more effective means whereby local and State government can cooperatively plan for and manage these areas, which are of such critical value to the future of our State.

The access management problem also raises the issue of fairness. At present, the Commissioner of Transportation lacks adequate standards for granting or denying access to State highways. 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 require regional standards of fairness for the review of development proposals to correct these inequities.

Third, and finally, 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 regional conservation. In the first place, we 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 account for the full impact of a pattern of development that spreads over time and space.

We need to reform our land use management system so that it stresses advanced planning over regulation. We also need to clear away the red tape, the duplicative reviews, the intergovernmental frictions, and often adversities that thwart our need to make land use decisions that are fair, as well as wise.

Transplan, in our view, has the potential to deal constructively with these problems. And we support Transplan. Our support is conditioned on the amendments that meet the following specific concerns:

1) Consistency: The County and Municipal Planning Partnership bill 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. It will also help 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 status quo.

SENATOR RAND: Excuse me for one moment. We've just been joined by Senator Hurley. You may continue.

MS. BRAKE: How do you do? I'm sorry, I have no more copies of my report.

SENATOR RAND: We'll give him one of ours. That's all right.

MS. BRAKE: Thank you. Excuse me. I'm on number three which is Review of Development Proposals. The review process for Developments of Regional Impact should be made concurrent with the municipal review process to a greater degree in an effort to reduce red tape. Each county should be permitted to define DRIs, that's the Developments of Regional Impact, within the statutory standards and with reference to his 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 a stipulation that the establishment of TDDs should be restricted to growth areas as identified in the plan.

However, going on to number five, Urban Areas, we'd like to see that transportation corridors should be redefined so as to make it clear that urban areas are not excluded from the benefits of the legislation.

6) Trip Reduction: The Transportation Development District bill should establish reduction of automobile trips as a goal of the State within transportation corridors. Means are available to accomplish this. Land use arrangements, flextime, parking restrictions, shuttle buses, and other means are available. MSM, our own organization, has established a private sector Transportation Management Association (TMA) to accomplish this.

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, we recon about \$50,000 for each of three years, to implement the provisions of Transplan. These measure will collectively impose new

responsibilities on county government. And 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, which we would like for you to have and for staff review. I'd like to thank you at this time, and if there's anything further, I'd be happy to answer questions.

SENATOR RAND: Thank you very much. Did you say that you had some additional comments that you are giving us?

MS. BRAKE: No. I'm afraid I don't have any with me, but this will be sent to you before the hearing time closing. Thank you.

SENATOR RAND: Would you? We'll be very happy to hear from you. Senator Cowan, do you have any questions?

SENATOR COWAN: No questions.

SENATOR RAND: Senator Hurley?

SENATOR HURLEY: No.

SENATOR RAND: Assemblyman Mazur?

ASSEMBLYMAN MAZUR: No.

SENATOR RAND: I'll give each a chance to make a closing statement. We do thank you very much. If there are no more-- This will conclude the hearing. Is there anyone else in the room that wishes to testify before we close this portion of the hearing? Let me thank Commissioner Gluck and let me thank Assistant Commissioner Crawford for not only testifying, but even though Commissioner Gluck is not in the room, she and he both remained for the entire meeting which is really most important, and I think, certainly, their interest is shown by their attendance in this complete meeting.

Let me emphasize that this is the beginning of a process of a series of hearings which will review the bills. We don't promise that the bills will look the same then as they do

today, but we'll begin breaking down each bill with the input from municipalities, local officials, county officials, from State officials, building trades, industries, etc., and so forth.

We hope to develop the entire process as the same as the Transportation Trust Fund back in 1984 was developed. We hope that this Transplan package is so important that we hope that everybody will have some input.

Let me thank everybody who testified here today, because our aide from Legislative Services -- and I would agree with him -- said that he never expected such expert testimony and such fine testimony, as was given by the people that testified here. I guess they were, probably, all professionals and maybe that's the reason.

But, I do thank you and we will notify you when the next hearing will continue. Senator Cowan, is there anything that you have to say?

SENATOR COWAN: No, I think you've covered everything very well, Mr. Chairman. I appreciate everyone being here, but I guess the only point I would like to raise right now is to wish everyone a best of the holiday season, and I hope that as we progress with this that we will have full accessibility to our shopping in development areas. (Laughter)

SENATOR RAND: Thank you Senator Cowan. Senator Hurley?

SENATOR HURLEY: No.

SENATOR RAND: Assemblyman Mazur?

ASSEMBLYMAN MAZUR: Well, I'd just like to thank the people who testified here. They were helpful and it certainly was very eloquent testimony. Of course, as you pointed out most of them are members of the planning profession and there's a certain eloquence that goes with that. Jim Crawford laughs because we were both in planning school together. We weren't exactly classmates, but at any rate, I am very much in favor of

this kind of legislation and I certainly think that the development that's taking place along our highways is frequently making them unpassable, unusable, and highly dangerous. In my own county, Route 17 is an example that's now categorized as one of the ten most dangerous highways in America. And that's simply due to the constant encroachments which lead me to volunteer to be co-prime sponsor in my house of the Highway Access Act. Thank you very much.

SENATOR RAND: Thank you very much Assemblyman Mazur. We are very happy that you were able to get here and join in with us. Commissioner, I thank you very much for attending not only in the beginning of the meeting with your statement, but for staying throughout the meeting. I think that that was so important. And Diane Brake, I don't think you were planted by the Commissioner to advocate her five-cent gasoline tax, (laughter) but as soon as we get a sponsor, we'll let you know.

Again, let me thank everybody for attending. Let me wish all of you a very happy and healthy holiday. The meeting of this public portion is adjourned.

**(HEARING CONCLUDED)**



## APPENDIX



PRINCETON AREA DEVELOPERS, INC.  
P.O. Box 536  
Princeton, New Jersey 08540

December 17, 1986

Senator Walter Rand  
Chairman, Senate Transportation and Communications Committee  
State House, CN-068  
Trenton, New Jersey 08625

Re: December 17, 1986 - Public Hearing  
on Transplan Proposal by NJDOT

Dear Senator Rand:

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.

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 December 17th 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 S-2626, S-2627 and S-2628, 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, 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. S-2626 and S-2628 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 S-2626 and S-2628 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. This approach will expedite consideration of this matter and can produce

Senator Walter Rand  
December 17, 1986  
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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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11/18/86

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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.

9x

Managing Growth in New Jersey

January 8, 1987

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.

10x

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.

January 8, 1987

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.

January 8, 1987

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 occurrence, 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.

Bx

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.



STATEMENT SUBMITTED TO THE SENATE TRANSPORTATION AND  
COMMUNICATIONS 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 in January 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

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 be 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

December 22, 1984

December 11, 1986

S T A T E M E N T

To: Senate Transportation and Communications 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. Snyen, IV, President, MSM Regional Council, Inc.

MSM - The Middlesex Somerset Mercer Regional Council - is a civic planning and research organization. Our geographical area is the central New Jersey region between the Raritan and Delaware rivers. This region has come to be known as the Route One Corridor. MSM is supported by 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 Chairman Rand and the members of this Committee for scheduling early hearings on this vital package of legislation. We have endorsed TRANSPAN in broad concept before this and we continue to do so. We hope that you will exert your leadership in bringing together the various interests whose participation and support will be necessary to TRANSPAN's early adoption. Needless to say, there are critical issues to be discussed more fully, though we are confident they can be resolved within TRANSPAN's scope.

We will limit our comments to some general observations. MSM has been working for several years with a number of other organizations throughout New Jersey toward the revitalization of New Jersey's land use and transportation planning process and we will continue to do so as this legislation evolves. Within a few weeks, we expect to provide you with

further, detailed recommendations that intend to implement some of the general comments made this morning.

Why do we need TRANSPAN? Transportation corridors are a resource of critical value to New Jersey. Transportation corridors are the areas where New Jersey's economic growth will occur for the remaining years of our century.

Unfortunately, transportation corridors are also areas where the deficiencies of our governmental means of planning for and accommodating growth are most critically stressed. Much of the stress is related to the traditional division of responsibility between local and state government: local government decides about about land use, and state government is expected to pick up the subsequent cost of whatever public works are necessary.

With the concentration of new office development into suburban areas, this traditional system of governmental decision-making has proven itself unworkable. Here are some of the problems we see in our region:

In order to maintain present levels of service through the Year 2005 for Route 1 and its tributary local roads, \$750 million worth of improvements will be required. These figures relate narrowly to the Route 1 Corridor and do not account for other required improvements in the central New Jersey region, particularly for local roads. Without these 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 problem.

A second problem is the proliferation of curb cuts and traffic signals on state highways and other regional arterials. Curb cuts and traffic

signals significantly erode the traffic-carrying ability of our highways. They are a safety hazard. They are associated with the strip commercial development that blights our roadside environment.

It is in the areas along the highways that the need for coordinating land development and transportation service is most acute. We need more effective means whereby local and state government can cooperatively plan for and manage these areas, which are of such critical value to the future of our state.

The access management problem also raises the issue of fairness. At present, the Commissioner of Transportation lacks adequate standards for granting or denying access to state highways. 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 require regional standards of fairness for the review of development proposals to correct these inequities.

Third, and finally, 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. In the first place, we 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 account for the full impact of a pattern of development spread over time and space.

We need to reform our land use management system so that it stresses advance planning over regulation. 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 fair as well as wise.

TRANSPLAN, in our view, has the potential to deal constructively with these problems. We support TRANSPLAN. Our support is conditioned on amendments that 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. It will also help 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 status quo.

(3) Review of Development Proposals

The review process for "Developments Of Regional Impact" should be made concurrent with the municipal review process to a greater degree in an effort to reduce red tape. 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, 1967. Growth areas will be identified. TRANSPLAN should include a stipulation that the establishment of TDDs should be restricted to growth areas as identified in the plan.

(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) Trip Reduction

The Transportation Development District" bill (S-2628) should establish reduction of automobile trips as a goal of the state within transportation corridors. Means are available to accomplish this. Land use arrangements, flextime, parking restrictions, shuttle buses, and other means are available. MSM, our own organization, has established a private-sector Transportation Management Association (TMA) to accomplish this.

(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, which we would like to have your staff review and have included in your record. These include (1) A review of the TDI 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 hope this additional material will be useful to you.

We believe 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 community development. Many constructive discussions have been held on this topic in our region as elsewhere in the state. We look forward to working with you and your staff on this issue, which is so vital to the future of our state.





