

P.L.2017, CHAPTER 41, *approved May 1, 2017*  
Senate, No. 227 (*First Reprint*)

1 AN ACT concerning use of native vegetation by the Department of  
2 Transportation, New Jersey Turnpike Authority, and the South  
3 Jersey Transportation Authority, and supplementing Title 27 of  
4 the Revised Statutes, P.L.1948, c.454 (C.27:23-1 et seq.) and  
5 P.L.1991, c.252 (C.27:25A-1 et seq.).  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

10 1. a. <sup>1</sup>(1)<sup>1</sup> Notwithstanding the provisions of any other law,  
11 rule or regulation to the contrary <sup>1</sup>and except as provided otherwise  
12 pursuant to paragraph (2) of this subsection<sup>1</sup>, no later than the  
13 180th day after the date of enactment of <sup>1</sup>**【this section】** P.L. \_\_,  
14 c. (C. \_\_) (pending before the Legislature as this bill)<sup>1</sup>, the  
15 Department of Transportation, when planting vegetation for  
16 purposes of landscaping, land management, reforestation, or habitat  
17 restoration, shall plant only vegetation identified by the Department  
18 of Environmental Protection pursuant to subsection b. of this  
19 section as being native to the State and that will thrive in the  
20 particular plant hardiness zone in which the vegetation is being  
21 planted.

22 <sup>1</sup>(2) Notwithstanding the requirements of paragraph (1) of this  
23 subsection, upon application by the Department of Transportation to  
24 the Department of Environmental Protection, the Department of  
25 Environmental Protection in consultation with the Division of Plant  
26 Industry in the Department of Agriculture and representatives of  
27 appropriate plant industry organizations and environmental  
28 organizations selected by the Department of Environmental  
29 Protection, may authorize the Department of Transportation to use  
30 non-native vegetation for purposes of landscaping, land  
31 management, reforestation, or habitat restoration in prescribed  
32 circumstances where and when necessary if the use of native  
33 vegetation is not feasible, provided that the non-native vegetation is  
34 deemed to be non-invasive and not otherwise detrimental to the  
35 environment.<sup>1</sup>

36 b. No later than the 90th day after the date of enactment of this  
37 section, the Department of Environmental Protection<sup>1</sup>, in  
38 consultation with the Division of Plant Industry in the Department

**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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted September 26, 2016.

1 of Agriculture.<sup>1</sup> shall identify, for each plant hardiness zone, all of  
2 the particular species of vegetation that are native to the State, and  
3 that thrive in each plant hardiness zone in the State.

4 c. As used in this section:

5 “Plant hardiness zone” means a zone identified as existing in  
6 New Jersey pursuant to the most recent edition of the Plant  
7 Hardiness Zone Map published by the United States Department of  
8 Agriculture.

9

10 2. a. <sup>1</sup>(1)<sup>1</sup> Notwithstanding the provisions of any other law,  
11 rule or regulation to the contrary <sup>1</sup>and except as provided otherwise  
12 pursuant to paragraph (2) of this subsection<sup>1</sup>, no later than the  
13 180th day after the date of enactment of <sup>1</sup>【this section】 P.L.\_\_\_\_,  
14 c. (C.\_\_\_\_) (pending before the Legislature as this bill)<sup>1</sup>, the New  
15 Jersey Turnpike Authority, when planting vegetation for purposes  
16 of landscaping, land management, reforestation, or habitat  
17 restoration, shall plant only vegetation identified by the Department  
18 of Environmental Protection pursuant to subsection b. of this  
19 section as being native to the State and that will thrive in the  
20 particular plant hardiness zone in which the vegetation is being  
21 planted.

22 <sup>1</sup>(2) Notwithstanding the requirements of paragraph (1) of this  
23 subsection, upon application by the New Jersey Turnpike Authority  
24 to the Department of Environmental Protection, the Department of  
25 Environmental Protection in consultation with the Division of Plant  
26 Industry in the Department of Agriculture and representatives of  
27 appropriate plant industry organizations and environmental  
28 organizations selected by the Department of Environmental  
29 Protection, may authorize the New Jersey Turnpike Authority to use  
30 non-native vegetation for purposes of landscaping, land  
31 management, reforestation, or habitat restoration in prescribed  
32 circumstances where and when necessary if the use of native  
33 vegetation is not feasible, provided that the non-native vegetation is  
34 deemed to be non-invasive and not otherwise detrimental to the  
35 environment.<sup>1</sup>

36 b. No later than the 90th day after the date of enactment of this  
37 section, the Department of Environmental Protection<sup>1</sup>, in  
38 consultation with the Division of Plant Industry in the Department  
39 of Agriculture.<sup>1</sup> shall identify, for each plant hardiness zone, all of  
40 the particular species of vegetation that are native to the State, and  
41 that thrive in each plant hardiness zone in the State.

42 c. As used in this section:

43 “Plant hardiness zone” means a zone identified as existing in  
44 New Jersey pursuant to the most recent edition of the Plant  
45 Hardiness Zone Map published by the United States Department of  
46 Agriculture.

1       3. a. <sup>1</sup>(1)<sup>1</sup> Notwithstanding the provisions of any other law,  
 2 rule or regulation to the contrary <sup>1</sup>and except as provided otherwise  
 3 pursuant to paragraph (2) of this subsection<sup>1</sup>, no later than the 180th  
 4 day after the date of enactment of <sup>1</sup>【this section】 P.L. , c. (C. )  
 5 (pending before the Legislature as this bill)<sup>1</sup>, the South Jersey  
 6 Transportation Authority, when planting vegetation for purposes of  
 7 landscaping, land management, reforestation, or habitat restoration,  
 8 shall plant only vegetation identified by the Department of  
 9 Environmental Protection pursuant to subsection b. of this section  
 10 as being native to the State and that will thrive in the particular  
 11 plant hardiness zone in which the vegetation is being planted.

12       <sup>1</sup>(2) Notwithstanding the requirements of paragraph (1) of this  
 13 subsection, upon application by the South Jersey Transportation  
 14 Authority to the Department of Environmental Protection, the  
 15 Department of Environmental Protection in consultation with the  
 16 Division of Plant Industry in the Department of Agriculture and  
 17 representatives of appropriate plant industry organizations and  
 18 environmental organizations selected by the Department of  
 19 Environmental Protection, may authorize the South Jersey  
 20 Transportation Authority to use non-native vegetation for purposes  
 21 of landscaping, land management, reforestation, or habitat  
 22 restoration in prescribed circumstances where and when necessary  
 23 if the use of native vegetation is not feasible, provided that the non-  
 24 native vegetation is deemed to be non-invasive and not otherwise  
 25 detrimental to the environment.<sup>1</sup>

26       b. No later than the 90th day after the date of enactment of this  
 27 section, the Department of Environmental Protection<sup>1</sup>, in  
 28 consultation with the Division of Plant Industry in the Department  
 29 of Agriculture,<sup>1</sup> shall identify, for each plant hardiness zone, all of  
 30 the particular species of vegetation that are native to the State, and  
 31 that thrive in each plant hardiness zone in the State.

32       c. As used in this section:

33       “Plant hardiness zone” means a zone identified as existing in  
 34 New Jersey pursuant to the most recent edition of the Plant  
 35 Hardiness Zone Map published by the United States Department of  
 36 Agriculture.  
 37

38       4. This act shall take effect immediately.  
 39  
 40  
 41

42  
 43       \_\_\_\_\_  
 44       Requires DOT, NJTA, and SJTA to use only native vegetation  
 45 restoration.