

Title 13.
Chapter 17.
Article 12. (New)
Transportation
Planning District
§§1-12 -
C.13:17-95 to
13:17-106

P.L. 2005, CHAPTER 102, *approved June 24, 2005*
Senate Substitute (*Second Reprint*) for
Senate Committee Substitute for
Senate, No. 1831

1 **AN ACT** concerning the New Jersey Meadowlands Commission and
2 supplementing P.L.1968, c.404 (C.13:17-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Hackensack
8 Meadowlands Transportation Planning District Act."

9
10 2. The Legislature finds and declares that:

11 a. Every day, residents of New Jersey confront congestion in some
12 part of their day as they commute to work, recreate, or travel for
13 family business. As our State continues to grow and prosper, we can
14 only expect more cars, trucks and buses on our roads. Meanwhile, the
15 number of riders on our trains and buses is also increasing ²along with
16 the number of pedestrians and bicyclists².

17 b. Our ability to deal with these demands at all levels of
18 government is limited without a sound framework for developing
19 responses to congestion and aging infrastructure problems and
20 providing adequate funding to implement strategic solutions.

21 c. This act develops the concept of a transportation planning
22 district, which permits the assessment of fees on future development
23 to ensure that adequate transportation infrastructure is put into place
24 to accommodate the ²vehicular and pedestrian² traffic caused by future
25 development.

26 d. Existing financial resources and existing mechanisms for
27 securing financial commitments for transportation improvements are
28 inadequate to meet transportation improvement needs which are the
29 result of new development in growth areas and, therefore, it is
30 appropriate for the State to make special provisions for the financing
31 of needed transportation improvements in the Meadowlands District,
32 including the assessment of fees on new developments which are

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not
enacted and intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate floor amendments adopted December 13, 2004.
² Assembly ATR committee amendments adopted June 13, 2005.

1 responsible for the travel demand burdens on the transportation
2 system. Creation of a transportation planning district provides a
3 mechanism through which the State, counties and municipalities and
4 the New Jersey Meadowlands Commission, as well as the private
5 sector, will have the means to work together to respond to
6 transportation needs on a regional basis as determined by travel
7 conditions or transportation needs in developed areas rather than upon
8 preexisting boundaries. The New Jersey Meadowlands Commission
9 and the Meadowlands Transportation Planning Board shall oversee the
10 development of a district-wide transportation plan through a
11 consultative planning process which relies upon the participation of
12 public and private sector interests.

13 e. In assessing development fees under P.L. , c. (C.)
14 (pending before the Legislature as this bill), the commission recognizes
15 that: (1) those fees supplement, but do not replace, the public
16 investment needed in the transportation system; (2) the costs of
17 remedying pre-existing problems shall not be charged to a new
18 development; (3) the fee charged to any particular development shall
19 be reasonably related to the impact of that development on the
20 transportation system of the district and shall not exceed the
21 development's fair share of the cost of the improvements and related
22 allowable administrative costs; and (4) no development shall be
23 subject to any assessment or fees for transportation improvements by
24 the State, a county or municipality, except as provided pursuant to
25 P.L. , c. (C.) (pending before the Legislature as this bill).
26 In determining the basis for assessing development fees, the
27 commission shall develop reasonable formulas that rely on established
28 planning models.

29 f. The creation of a transportation planning district shall be
30 accompanied by the development of strategies to improve regional
31 ²[,]² comprehensive planning, to encourage transportation-efficient
32 land uses, to reduce automobile dependency, ²to improve pedestrian
33 and bicyclist safety,² and to encourage alternatives to peak-hour
34 automobile trips.

35

36 3. As used in P.L. , c. (C.) (pending before the
37 Legislature as this bill):

38 "Allowable administrative costs" means expenses incurred by the
39 commission or the board in developing a district transportation plan,
40 including a financial element, and in managing a transportation
41 planning district.

42 "Board" means the Meadowlands Transportation Planning Board
43 as established by section 4 of P.L. , c. (C.) (pending before
44 the Legislature as this bill).

45 "Chief fiscal officer" means the chief fiscal officer of the New
46 Jersey Meadowlands Commission.

1 "Commission" or "Meadowlands Commission" means the New
2 Jersey Meadowlands Commission established pursuant to P.L.1968,
3 c.404 (C.13:17-1 et seq.).

4 "Commissioner" means the Commissioner of Transportation.

5 "Department" means the New Jersey Department of
6 Transportation.

7 "Developer" means the legal or beneficial owner or owners of a lot
8 or of any land proposed to be included in a proposed development,
9 including the holder of an option or contract to purchase, or other
10 person having an enforceable proprietary interest in such land.

11 "Development" means any project for which a zoning certificate is
12 required pursuant to P.L.1968, c.404 (C.13:17-1 et seq.) or rules or
13 regulations promulgated pursuant thereto.

14 "Development fee" means a fee assessed on a development
15 pursuant to a resolution of the commission adopted under section 6 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).

17 "Hackensack Meadowlands District" or "Meadowlands District"
18 means the area within the jurisdiction of the commission set forth in
19 section 4 of P.L.1968, c.404 (C.13:17-4).

20 "District transportation plan" or "plan" means the plan adopted
21 pursuant to section 5 of P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 "Project costs" means expenses incurred in the planning, design,
24 engineering and construction of any transportation project, and shall
25 include debt service.

26 "Public highways" means public roads, streets, expressways,
27 freeways, parkways, motorways and boulevards including bridges,
28 tunnels, overpasses, underpasses, interchanges, rest areas, express bus
29 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
30 circles, grade separations, traffic control devices, the elimination or
31 improvement of crossings of railroads and highways, whether at grade
32 or not at grade, bicycle and pedestrian pathways, and pedestrian and
33 bicycle bridges traversing public highways and any facilities,
34 equipment, property, rights-of-way, easements and interests therein
35 needed for the construction, improvement and maintenance of
36 highways.

37 "Public transportation project" means, in connection with public
38 transportation service or regional ridesharing programs, passenger
39 stations, shelters and terminals, automobile parking facilities, ferries
40 and ferry facilities including capital projects for ferry terminals,
41 approach roadways, pedestrian accommodations, parking, docks, and
42 other necessary land-side improvements, ramps, track connections,
43 signal systems, power systems, information and communication
44 systems, roadbeds, transit lands or rights-of-way equipment storage
45 and servicing facilities, bridges, grade crossings, rail cars, locomotives,
46 motorbus and other motor vehicles, maintenance and garage facilities,

1 revenue handling equipment and any other equipment, facility or
2 property useful for or related to the provision of public transportation
3 service or regional ridesharing programs.

4 "Transportation planning district" or "district" means the
5 meadowlands district.

6 "Transportation project" or "transportation improvement" means,
7 in addition to public highways and public transportation projects, any
8 equipment, facility or property useful or related to the provision of any
9 ground, waterborne or air transportation for the movement of people
10 and goods within or through the district, including rail freight
11 infrastructure.

12
13 4. a. There is hereby established a transportation planning district
14 which shall consist of those lands which comprise the Meadowlands
15 District. The Meadowlands Transportation Planning Board, created
16 pursuant to subsection b. of this section, shall be the managing
17 authority to administer and manage the transportation planning district
18 and to carry out such additional functions as provided in P.L. , c.
19 (C.) (pending before the Legislature as this bill).

20 b. There is established in, but not of, the Department of
21 Community Affairs, the Meadowlands Transportation Planning Board.
22 The board shall consist of: the Commissioner of Community Affairs or
23 the commissioner's designee, the Commissioner of Transportation or
24 the commissioner's designee, a representative from Meadowlink (a
25 ridesharing organization) or its successor organization, a
26 representative of the Hackensack Meadowlands Municipal Committee,
27 a representative of the Meadowlands Regional Chamber of Commerce,
28 and four public members appointed by the Governor, with the advice
29 and consent of the Senate. The executive director of the commission
30 shall serve as the secretary of the board. The board shall be staffed by
31 the employees of the commission.

32 c. In furtherance of the development of a coherent and sustainable
33 transportation system for the district, the board shall initiate a joint
34 planning process with participation by: State departments and
35 agencies, corporations, commissions, boards, and authorities; those bi-
36 state authorities, metropolitan planning organizations, and counties
37 and municipalities with jurisdiction in the district; and private
38 representatives. The board shall oversee the development and
39 updating of a comprehensive, future-oriented district transportation
40 plan in accordance with the provisions of section 5 of P.L. , c.
41 (C.) (pending before the Legislature as this bill).

42
43 5. a. The district transportation plan shall establish goals, policies,
44 needs, and improvement priorities for all modes of transportation ²,
45 including walking and bicycling. ² within the district for the ensuing 20
46 years and shall be consistent with the master plan adopted by the

1 commission pursuant to subsection (i) of section 6 of P.L.1968, c.404
2 (C.13:17-6). The district transportation plan shall be based on a
3 reasonable assessment of likely future growth reflected in that master
4 plan.

5 b. The plan shall quantify transportation needs arising from
6 anticipated future traffic passing ²within or² through the district based
7 upon future development anticipated to occur within or through the
8 district, and reflected in the master plan. The plan shall set forth
9 proposed transportation projects designed to address that future
10 development, prioritized over increments of five years, the allocation
11 of public and private shares of project costs and allowable
12 administrative costs, and the amount, schedule and collection of
13 development fees. If new developments are proposed in the district
14 which are not considered in the plan which is currently in effect, the
15 plan shall be reevaluated, notwithstanding the five-year increment
16 provision.

17 c. The plan shall be in accordance with the State transportation
18 master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-5),
19 the applicable county master plans adopted under R.S.40:27-2, and the
20 applicable regional transportation plan or plans adopted by a
21 metropolitan planning organization pursuant to 23 C.F.R. §450.322.
22 To the extent appropriate given the district-wide objectives of the
23 plan, the plan shall be coordinated with local zoning ordinances and
24 master plans.

25 d. The plan shall include a financial element setting forth a
26 statement of projected revenue and expenses, including all project
27 costs. The financial element of the plan shall identify public and
28 private financial resources which may be available to fund, in whole or
29 in part, those transportation projects set forth in the plan. The
30 financial element shall make recommendations for the types and rates
31 of development fees to be assessed under section 6 of P.L. , c.
32 (C.) (pending before the Legislature as this bill), formulas to
33 govern the assessment of those fees, and the projected annual revenue
34 to be derived therefrom.

35 e. The board shall make copies of the plan available to the public
36 for inspection no less than 14 days prior to taking any formal action to
37 recommend the plan to the commission for adoption thereof. In
38 addition, the board shall take steps to notify members of the business
39 community and other interested parties of the plan and shall hold a
40 public hearing thereon after having given public notice of the hearing.

41 f. The commission may, by resolution, adopt the plan as
42 recommended by the board or with modifications.

43
44 6. a. After the adoption of the plan by the commission pursuant
45 to subsection f. of section 5 of P.L. , c. (C.) (pending
46 before the Legislature as this bill), the commission may, by resolution,

1 provide for the assessment and collection of development fees on
2 developments within the district as provided hereunder.

3 b. Development fees assessed by the commission shall be based
4 upon the growth and development forecasts contained in the plan and
5 shall be levied in order to raise only those amounts needed to
6 accomplish the transportation projects set forth in the plan and
7 allowable administrative costs. Those fees shall be assessed based
8 upon the formula or formulas contained in the resolution and shall be
9 uniformly applied, with such exceptions as are authorized or required
10 by P.L. , c. (C.) (pending before the Legislature as this
11 bill).

12 c. A formula or formulas adopted by the commission by resolution
13 shall reflect a methodology which relates the use of land to the impact
14 of the proposed development on the transportation system, including,
15 but not limited to: vehicle trips generated by the development; the
16 square footage of an occupied structure; the number of employees
17 regularly employed at the development; or the number of parking
18 spaces located at the development; or any combination thereof.

19 d. The resolution may provide for credits against assessed
20 development fees for payments made or expenses incurred which have
21 been determined by the commission to be in furtherance of the district
22 transportation plan, including, but not limited to, contributions to
23 transportation improvements other than those required for safe and
24 efficient highway access to a development and costs attributable to the
25 promotion of public transit ², walking, bicycling,² or ridesharing.

26 e. The resolution may either exempt or reduce the development
27 fee for specified land uses which have been determined by the
28 commission to have a beneficial, neutral or comparatively minor
29 adverse impact on the transportation needs of the district.

30 f. The resolution may provide for a reduced rate of development
31 fees for developers submitting a peak-hour automobile trip reduction
32 plan approved by the commission under standards adopted by the
33 commission. Standards for the approval of peak-hour automobile trip
34 reduction plans may include, but need not be limited to, physical
35 design for improved transit, ridesharing and pedestrian access; design
36 of developments which include a mix of residential and nonresidential
37 uses; and proximity to potential labor pools.

38 g. The assessment of a development fee shall be reasonably related
39 to the impact of the proposed development on the transportation
40 system of the district and shall not exceed the ²[developer's]
41 development's² fair share of the cost of the transportation
42 improvement necessary to accommodate the additional burden on the
43 district's transportation system ²that is attributable to the proposed
44 development² and related allowable administrative costs.

45 h. A resolution shall be sufficiently certain and definitive to enable
46 every person who may be required to pay a fee to know or calculate

1 the limit and extent of the fee which is to be assessed against a specific
2 development.

3 i. Upon the adoption by the commission of a resolution pursuant
4 to subsection a. of this section, no separate assessment for off-site
5 transportation improvements within the district shall be made by the
6 State, a county or municipality except as permitted pursuant to
7 P.L. , c. (C.) (pending before the Legislature as this bill).

8 j. No development fees shall be assessed for any low and moderate
9 income housing units which are constructed pursuant to the "Fair
10 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or under court
11 order or settlement.

12

13 7. a. A development fee shall be assessed on a development at the
14 time a zoning certificate is issued. Any development for which a
15 zoning certificate has been issued prior to the adoption of the
16 resolution pursuant to section 6 of P.L. , c. (C.) (pending
17 before the Legislature as this bill) ¹or that has an approved
18 development agreement with the governing State agency or
19 municipality within the district having primary jurisdiction over the
20 development or for which construction of a material portion of the
21 development has commenced after the date on which a development
22 agreement was executed¹ shall be exempt from the assessment of a
23 development fee. The assessment shall be adjusted upon the issuance
24 of a revised zoning certificate and any development which requires a
25 revised zoning certificate after the adoption of the resolution shall be
26 subject to the development fee.

27 b. The resolution shall specify whether the fee is to be paid at the
28 time a zoning certificate is issued or in a series of payments as set
29 forth in a schedule of payments contained in the resolution. The
30 resolution may provide for payment of the fee in kind or in a series of
31 periodic payments over a period of no more than 20 years.

32

33 8. a. The payments due to the commission, whether as a lump
34 sum or as balances due when a series of payments is to be made, shall
35 be enforceable by the commission as a lien on the land and any
36 improvements thereon. The lien shall be recorded by the county
37 officer in the record book of the county office.

38 b. When the fee is paid in full on the development or portion
39 thereof, the lien on the development or portion thereof, as appropriate,
40 shall be removed. When a series of payments is to be made, failure to
41 make any one payment within 30 days after receipt of a notice of late
42 payment shall constitute a default and shall obligate the person owing
43 the unpaid balance to pay that balance in its entirety.

44 c. All amounts assessed as a lien pursuant to this section shall be
45 a lien upon the land against which they are assessed in the same
46 manner that taxes are made a lien against land pursuant to Title 54 of

1 the Revised Statutes, and the payment thereof shall be enforced within
2 the same time and in the same manner and by the same proceedings as
3 the payment of taxes is otherwise enforced under Title 54 of the
4 Revised Statutes.

5
6 9. a. A resolution adopted by the commission pursuant to section
7 6 of P.L. , c. (C.) (pending before the Legislature as this
8 bill) shall provide for the establishment of a transportation planning
9 district fund under the control of the chief fiscal officer. All monies
10 collected from development fees shall be deposited into the fund,
11 which shall be invested in an interest-bearing account. Monies
12 deposited in the fund shall be used to defray project costs and
13 allowable administrative costs.

14 b. Every transportation project funded, in whole or in part, by
15 funds from a transportation planning district fund shall be subject to
16 a project agreement to which the relevant entities are parties. The
17 expenditure of funds for this purpose shall not be made from a
18 transportation planning district fund, except by appropriation of the
19 commission and upon certification of the chief fiscal officer that the
20 expenditure is in accordance with a project agreement entered into
21 pursuant to P.L. , c. (C.) (pending before the Legislature
22 as this bill) or is otherwise a project cost and has the approval of the
23 commission.

24
25 10. a. Any fees collected, plus earned interest, not committed to
26 a transportation project under a project agreement entered into under
27 section 9 of P.L. , c. (C.) (pending before the Legislature
28 as this bill) within 10 years of the date of collection, or not used for
29 other allowable administrative costs within 10 years of the date of
30 collection, shall be refunded to the fee-payer under a procedure
31 prescribed by the commission; provided, however, that if the fee-payer
32 transfers the development or any portion thereof, the fee-payer shall
33 enter into an agreement with the grantee in such form as shall be
34 provided by the commission which shall indicate who shall be entitled
35 to receive any refund, and that agreement shall be filed with the chief
36 fiscal officer.

37 b. Any person who has been assessed a development fee may
38 request in writing a reconsideration of the assessment and a hearing by
39 an employee so delegated by the commission within 90 days of the
40 receipt of notification of the amount of the assessment on the grounds
41 that the commission or its officers or employees in issuing the
42 assessment did not abide by the provisions of P.L. , c. (C.)
43 (pending before the Legislature as this bill) or the provisions of the
44 resolution adopted by the commission pursuant to P.L. , c.
45 (C.) (pending before the Legislature as this bill).

1 11. A person may appeal to the commission any decision made in
2 connection with the reconsideration of an assessment as authorized
3 pursuant to subsection b. of section 10 of P.L. , c. (C.)
4 (pending before the Legislature as this bill). The commission shall
5 review the record of the hearing and render its decision, which shall
6 constitute an administrative action subject to review by the Appellate
7 Division of the Superior Court. Nothing contained herein shall be
8 construed as limiting the ability of any person so assessed from filing
9 an appeal based upon an agreement to pay or actual payment of the
10 fee.

11

12 12. A transportation planning district may accept loans from any
13 public or private source, including, but not limited to, ²[the New
14 Jersey Transportation Trust Fund Authority established by section 4
15 of the "New Jersey Transportation Trust Fund Authority Act of
16 1984," P.L.1984, c.73 (C.27:1B-4) and]² the State Transportation
17 Infrastructure Bank established under section 2 of P.L.1997, c.142
18 (C.27:1B-21.11), pursuant to a project agreement for the purpose of
19 undertaking and completing a transportation project as permitted by
20 the commission. In this event, the project agreement shall include the
21 obligation of the commission to make payments to the public or
22 private source for repayment of the loan from a transportation
23 planning fund or other available sources according to an agreed upon
24 schedule of payments.

25

26 13. This act shall take effect immediately.

27

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30

31 Establishes transportation planning district for Meadowlands District
32 and permits fees to be assessed for transportation purposes.