

ASSEMBLY, No. 1193

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DALTON

1 AN ACT concerning highway construction and supplementing Title 27
2 of the Revised Statutes.

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

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7 1. a. Prior to initiating the planning stage or each planning stage
8 of a highway construction or improvement project, including but not
9 necessarily limited to the construction, reconstruction or relocation of
10 any highway or feeder road, the New Jersey Highway Authority shall
11 notify, in writing by certified mail, the governing body of any
12 municipality in which it might be necessary for the authority to acquire
13 property through condemnation proceedings pursuant to P.L.1971,
14 c.361 (C.20:3-1 et seq.) in undertaking the project, or which might
15 otherwise be impacted by the project, of the proposed project.

16 b. Within ninety days of receipt of the notice required by
17 subsection a. of this section, potentially impacted municipalities may,
18 through parallel ordinances, create a citizens advisory council on the
19 proposed project. The governing body of each constituent
20 municipality may appoint members to the citizens advisory council.
21 Municipal appointments shall consist of three members from any
22 municipality with a population of 9,000 or less, and an additional
23 member per each 3,000 residents from any municipality with a
24 population exceeding 9,000, up to a total number to be determined by
25 agreement between the constituent municipalities, with any resulting
26 limits on individual municipal appointments being equally applied. An
27 advisory council shall monitor the planning process for the proposed
28 project, and, prior to final approval by the authority of the plan, shall
29 issue a report recommending approval or disapproval of the proposed
30 project. In the case of disapproval, the report shall contain
31 recommended alternatives.

32 c. If the final plan of the authority is inconsistent with the
33 recommendations of a citizens advisory council, the authority shall
34 inform the council and the Commissioner of Transportation, in writing
35 by certified mail, of the specific inconsistencies between the plan and

1 the report, with clear and convincing reasons why the council's
2 recommendations were not adopted. The commissioner shall approve
3 or require modification of the authority's plan in order for the authority
4 to initiate the project.

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6 2. a. Prior to initiating the planning stage or each planning stage
7 of a highway construction or improvement project, including but not
8 necessarily limited to the construction, reconstruction or relocation of
9 any highway or feeder road, the New Jersey Turnpike Authority shall
10 notify, in writing by certified mail, the governing body of any
11 municipality in which it might be necessary for the authority to acquire
12 property through condemnation proceedings pursuant to P.L.1971,
13 c.361 (C.20:3-1 et seq.) in undertaking the project, or which might
14 otherwise be impacted by the project, of the proposed project.

15 b. Within ninety days of receipt of the notice required by
16 subsection a. of this section, potentially impacted municipalities may,
17 through parallel ordinances, create a citizens advisory council on the
18 proposed project. The governing body of each constituent
19 municipality may appoint members to the citizens advisory council.
20 Municipal appointments shall consist of three members from any
21 municipality with a population of 9,000 or less, and an additional
22 member per each 3,000 residents from any municipality with a
23 population exceeding 9,000, up to a total number to be determined by
24 agreement between the constituent municipalities, with any resulting
25 limits on individual municipal appointments being equally applied. An
26 advisory council shall monitor the planning process for the proposed
27 project, and, prior to final approval by the authority of the plan, shall
28 issue a report recommending approval or disapproval of the proposed
29 project. In the case of disapproval, the report shall contain
30 recommended alternatives.

31 c. If the final plan of the authority is inconsistent with the
32 recommendations of a citizens advisory council, the authority shall
33 inform the council and the Commissioner of Transportation, in writing
34 by certified mail, of the specific inconsistencies between the plan and
35 the report, with clear and convincing reasons why the council's
36 recommendations were not adopted. The commissioner shall approve
37 or require modification of the authority's plan in order for the authority
38 to initiate the project.

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40 3. a. Prior to initiating the planning stage or each planning stage
41 of a highway construction or improvement project, including but not
42 necessarily limited to the construction, reconstruction or relocation of
43 any highway or feeder road, the South Jersey Transportation Authority
44 shall notify, in writing by certified mail, the governing body of any
45 municipality in which it might be necessary for the authority to acquire
46 property through condemnation proceedings pursuant to P.L.1971,

1 c.361 (C.20:3-1 et seq.) in undertaking the project, or which might
2 otherwise be impacted by the project, of the proposed project.

3 b. Within ninety days of receipt of the notice required by
4 subsection a. of this section, potentially impacted municipalities may,
5 through parallel ordinances, create a citizens advisory council on the
6 proposed project. The governing body of each constituent
7 municipality may appoint members to the citizens advisory council.
8 Municipal appointments shall consist of three members from any
9 municipality with a population of 9,000 or less, and an additional
10 member per each 3,000 residents from any municipality with a
11 population exceeding 9,000, up to a total number to be determined by
12 agreement between the constituent municipalities, with any resulting
13 limits on individual municipal appointments being equally applied. An
14 advisory council shall monitor the planning process for the proposed
15 project, and, prior to final approval by the authority of the plan, shall
16 issue a report recommending approval or disapproval of the proposed
17 project. In the case of disapproval, the report shall contain
18 recommended alternatives.

19 c. If the final plan of the authority is inconsistent with the
20 recommendations of a citizens advisory council, the authority shall
21 inform the council and the Commissioner of Transportation, in writing
22 by certified mail, of the specific inconsistencies between the plan and
23 the report, with clear and convincing reasons why the council's
24 recommendations were not adopted. The commissioner shall approve
25 or require modification of the authority's plan in order for the authority
26 to initiate the project.

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28 4. a. Prior to initiating the planning stage or each planning stage
29 of a highway construction or improvement project, including but not
30 necessarily limited to the construction, reconstruction or relocation of
31 any highway or feeder road, the Commissioner of Transportation, shall
32 notify, in writing by certified mail, the governing body of any
33 municipality in which it might be necessary for the commissioner to
34 acquire property through condemnation proceedings pursuant to
35 P.L.1971, c.361 (C.20:3-1 et seq.) in undertaking the project, or
36 which might otherwise be impacted by the project, of the proposed
37 project.

38 b. Within ninety days of receipt of the notice required by
39 subsection a. of this section, potentially impacted municipalities may,
40 through parallel ordinances, create a citizens advisory council on the
41 proposed project. The governing body of each constituent
42 municipality may appoint members to the citizens advisory council.
43 Municipal appointments shall consist of three members from any
44 municipality with a population of 9,000 or less, and an additional
45 member per each 3,000 residents from any municipality with a
46 population exceeding 9,000, up to a total number to be determined by

1 agreement between the constituent municipalities, with any resulting
2 limits on individual municipal appointments being equally applied. An
3 advisory council shall monitor the planning process for the proposed
4 project, and, prior to final approval by the commissioner of the plan,
5 shall issue a report recommending approval or disapproval of the
6 proposed project. In the case of disapproval, the report shall contain
7 recommended alternatives.

8 c. If the final plans of the commissioner are inconsistent with the
9 recommendations of a citizens advisory council, the commissioner
10 shall, prior to initiating any project, inform the council, in writing by
11 certified mail, of the specific inconsistencies between the plan and the
12 report, with clear and convincing reasons why the council's
13 recommendations were not adopted.

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15 5. This act shall take effect immediately.

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18 STATEMENT

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20 This bill requires the New Jersey Highway Authority, the New
21 Jersey Turnpike Authority, the South Jersey Transportation Authority
22 and the Commissioner of Transportation to give written notice of the
23 proposed project to municipalities prior to initiating the planning
24 process for highway projects potentially requiring the acquisition of
25 land by condemnation within those respective municipalities, or
26 otherwise impacting them.

27 The bill further provides that the municipalities so notified may
28 establish a single citizens advisory council to monitor the planning
29 process. A council may either approve of the proposed project, or
30 disapprove and offer an alternative plan which shall be considered by
31 the authority or the commissioner, as the case may be.

32 The bill requires the authority or the commissioner, as the case may
33 be, to provide the council with notice for any inconsistencies if the
34 approved final plans of the authority or the commissioner are
35 inconsistent with the recommendations of a council, and to provide
36 "clear and convincing" reasons why the council's recommendations
37 were not adopted.

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42 Provides for transportation project approval by inter-municipal
43 councils.