

**SENATE, No. 1831**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED SEPTEMBER 27, 2004

**Sponsored by:**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Allows New Jersey Meadowlands Commission to establish a transportation enhancement district and assess fees for transportation purposes.

**CURRENT VERSION OF TEXT**

As introduced.



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 Enhancement and Congestion Relief  
9 Act."  
10

11 2. The Legislature finds and declares that:

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

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 enhancement  
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 traffic caused by future development.

25 d. Existing financial resources and existing mechanisms for  
26 securing financial commitments for transportation improvements are  
27 inadequate to meet transportation improvement needs which are the  
28 result of new development in growth areas and, therefore, it is  
29 appropriate for the State to make special provisions for the financing  
30 of needed transportation improvements in the Meadowlands District,  
31 including the creation of transportation enhancement subdistricts and  
32 the assessment of fees on new developments which are responsible for  
33 the travel demand burdens on the transportation system. Creation of  
34 a transportation enhancement district provides a mechanism in which  
35 the State, counties and municipalities will have the means to work  
36 together to respond to transportation needs on a regional basis as  
37 determined by travel conditions or transportation needs in developed  
38 areas rather than upon preexisting boundaries. The district becomes  
39 the framework for a private-public partnership in meeting the  
40 transportation needs of New Jersey. The Meadowlands Commission  
41 shall be the lead agency to facilitate a district-wide transportation plan.

42 e. Any of the fees assessed within a transportation enhancement  
43 district to support transportation improvements should be assessed  
44 pursuant to this act which recognizes that: (1) the fees supplement, but  
45 do not replace, the public investment needed in the transportation  
46 system; (2) the costs of remedying existing problems shall not be

1 charged to a new development; (3) the fee charged to any particular  
2 development shall be reasonably related, within the context of a  
3 practicable scheme for assessing fees within the district, to the impact  
4 of that development on the transportation system of the district and  
5 shall not exceed the development's fair share of the cost of the  
6 improvements; and (4) except for certain developments which have  
7 received preliminary approval prior to the development assessment  
8 liability date established pursuant to this act, no development shall be  
9 subject to any assessment or fees for transportation improvements by  
10 the State, a county or municipality, except as set or assessed under a  
11 transportation enhancement district established pursuant to this act.  
12 In determining the reasonableness of a fee assessed in accordance with  
13 the provisions of this act, it shall be recognized that government shall  
14 have the flexibility necessary to deal realistically with questions not  
15 susceptible of exact measurement. Furthermore, it is necessary to  
16 recognize that precise mathematical exactitude in the establishment of  
17 fees is neither feasible nor constitutionally vital.

18 f. The creation of a transportation enhancement district shall be  
19 accompanied by the development of strategies to improve regional,  
20 comprehensive planning, to encourage transportation-efficient land  
21 uses, to reduce automobile dependency, and to encourage alternatives  
22 to peak-hour automobile trips.

23

24 3. As used in this act:

25 "Act" means the "Hackensack Meadowlands Transportation  
26 Enhancement and Congestion Relief Act."

27 "Allowable costs" means: a. expenses incurred by the commission  
28 or the board in developing a district transportation enhancement plan,  
29 including a financial element to administer and manage a transportation  
30 enhancement district; and b. expenses incurred in the design,  
31 engineering and construction of any public highway or public  
32 transportation project by the department and the New Jersey Transit  
33 Corporation. All allowable costs in reference to a transportation  
34 enhancement district created under this act are to be determined by the  
35 joint planning process participants.

36 "Chief fiscal officer" means the Chief Fiscal Officer of the New  
37 Jersey Meadowlands Commission.

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

41 "Commissioner" means the Commissioner of Transportation.

42 "County" means Hudson or Bergen County.

43 "Department" means the New Jersey Department of Transportation.

44 "Development" means "development" as defined in P.L.1968, c.404  
45 (C.13:17-1 et seq.).

1 "Development assessment liability date" means, with respect to any  
2 transportation enhancement district created under this act, the date  
3 upon which the commissioner designates the district and delineates its  
4 boundaries, a notice of which action shall be published in the New  
5 Jersey Register.

6 "Development fee" means a fee assessed on a development pursuant  
7 to a resolution of the commission adopted under section 6 of this act.

8 "District transportation enhancement plan" means the plan adopted  
9 pursuant to section 5 of this act.

10 "Enhancement district oversight board" or "oversight board" means  
11 the board appointed to advise the managing authority in connection  
12 with the policies and ongoing management of a transportation  
13 enhancement district pursuant to section 7 of this act.

14 "Fair share" means the amount of allowable costs that have a  
15 reasonable relationship, based upon rough proportionality, to the  
16 impact of a development on the transportation system of a district.

17 "Managing authority" means the commission as designated pursuant  
18 to section 7 of this act to administer and manage a transportation  
19 enhancement district.

20 "Meadowlands District" means the Hackensack Meadowlands  
21 District established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.).

22 "Municipalities" means the fourteen municipalities constituting the  
23 Hackensack Meadowlands District.

24 "Property" means land and improvements thereon within the  
25 boundaries of a transportation enhancement district.

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 landside 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 enhancement district" or "district" means a district  
5 created under section 4 of this act and adopted and approved under  
6 section 5 of this act.

7 "Transportation improvement" means a transportation project.

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

13  
14 4. a. The commission may propose to the commissioner that a  
15 transportation enhancement district be established in the Meadowlands  
16 District. After the designation and delineation of such a district by the  
17 commissioner, the commission shall initiate a joint planning process for  
18 the district, with participation by State departments and agencies,  
19 corporations, commissions, boards and authorities, by bi-state  
20 authorities, affected metropolitan planning organizations, all affected  
21 municipalities, and private representatives. The purpose of the joint  
22 planning process shall be to engage in a cooperative planning  
23 partnership with the private sector, multiple State agencies, and other  
24 interested parties, to develop a comprehensive, future-oriented, draft  
25 district transportation enhancement plan. To this end, a joint planning  
26 committee shall be established by the commission consisting of  
27 representatives of the county or counties where the district is located,  
28 the municipalities in the district, the department, the private sector and  
29 other interested parties. The public sector participants in the joint  
30 planning process shall enter into a memorandum of agreement.

31 b. The draft district transportation enhancement plan shall be based  
32 on a reasonable assessment of likely future growth as determined by  
33 the participants in the joint planning process. The process shall allow  
34 municipal, county and department planning participants to determine  
35 what level of transportation service is appropriate in the transportation  
36 enhancement district.

37 c. The planning process shall ensure that the public and private  
38 sectors have the opportunity to participate in the determination of the  
39 transportation projects to be provided in the transportation  
40 enhancement district, the public and private share of project and  
41 service costs, and the amount, schedule and collection of district fees  
42 associated with implementation of the district transportation  
43 enhancement plan. A district transportation enhancement plan shall  
44 not be adopted by the commission and no further action shall be taken  
45 under other provisions of this act to establish the transportation  
46 enhancement district without the approval of the commissioner.

1 d. The draft district transportation enhancement plan shall establish  
2 goals, policies, needs and improvement priorities for all modes of  
3 transportation within the Meadowlands District for the next 20 years,  
4 shall incorporate the relevant plans of all transportation agencies  
5 within the Meadowlands District, shall quantify, to the extent possible,  
6 transportation needs arising from future traffic passing through the  
7 Meadowlands District and future development anticipated to occur  
8 within the Meadowlands District based upon a reasonable assessment  
9 of likely future growth and in accordance with the appropriate level of  
10 transportation service as determined by the joint planning process  
11 partners. The draft plan shall contain a program of transportation  
12 projects prioritized over increments of five years that addresses future  
13 transportation needs in the district and which therefore warrants  
14 financing in whole or in part from a transportation enhancement  
15 district fund to be established under section 6 of this act. The draft  
16 plan and shall provide for the assessment of development fees on new  
17 developments based upon the formulas authorized by the department.

18 e. The draft district transportation enhancement plan shall be in  
19 accordance with the State transportation master plan adopted under  
20 section 5 of P.L.1966, c.301 (C.27:1A-5) and the county master plan  
21 adopted under R.S.40:27-2 of the county or counties where the  
22 transportation enhancement district is located. The draft plan shall be  
23 consistent with the applicable regional transportation plan or plans  
24 adopted by a metropolitan planning organization pursuant to 23 CFR  
25 450.322. To the extent appropriate given the district-wide objectives  
26 of the draft plan, the draft plan shall be coordinated with local zoning  
27 ordinances and master plans. The draft plan shall also set forth a  
28 proposed structure for the administration and management of the  
29 district.

30 f. The draft district transportation enhancement plan shall include  
31 a financial element setting forth a statement of projected revenue and  
32 expenses, including all allowable costs. The financial element of the  
33 plan shall identify projected available financial resources, from all  
34 public sources and from private sources, available to fully fund all  
35 Meadowlands District transportation projects as outlined in the draft  
36 district transportation enhancement plan. The financial element shall  
37 make recommendations for the types and rates of development fees to  
38 be assessed under section 6 of this act, and the projected annual  
39 revenue to be derived therefrom.

40 g. The draft district transportation enhancement plan shall provide  
41 that fees assessed pursuant to this act shall be based on a property  
42 owner's or a developer's "fair share."

43 h. The commission shall make copies of the draft district  
44 transportation enhancement plan available to the public for inspection,  
45 shall take steps to notify members of the business community and

1 other interested parties in the proposed district of the draft plan and  
2 shall hold a public hearing thereon after having given public notice of  
3 the hearing.

4  
5 5. a. The commission, after completing all requirements of section  
6 4 of this act, may by resolution adopt a district transportation  
7 enhancement plan. The district transportation enhancement plan shall  
8 be derived from the draft district transportation enhancement plan  
9 developed under section 4 of this act and shall contain a financial  
10 element for transportation projects intended to be developed over  
11 time, in whole or in part, from a transportation enhancement district  
12 fund to be established under section 6 of this act. The district  
13 transportation enhancement plan shall be consistent with any existing  
14 capital improvements program, and incorporated into any future  
15 capital improvements program. The district transportation  
16 enhancement plan may be amended or supplemented from time to time.

17 b. No resolution adopted under this section shall take effect until  
18 approved by the commissioner. In evaluating the district  
19 transportation enhancement plan, the commissioner shall take into  
20 consideration: (1) the appropriateness of the district boundaries in  
21 light of the findings of the plan; (2) the appropriateness of the content  
22 and timing of the program of transportation projects intended to be  
23 financed in whole or part from a district transportation enhancement  
24 fund in relation to the transportation needs stemming from travel  
25 demand in the district; (3) the hearing record of the public hearing held  
26 pursuant to subsection h. of section 4 of this act; (4) any written  
27 comments submitted by municipalities or other parties; (5) the  
28 consistency of the district transportation enhancement plan with the  
29 planning requirements set forth in subsection e. of section 4 of this act;  
30 and (6) the appropriateness of the method proposed for administration  
31 and management of the district pursuant to subsection e. of section 4  
32 of this act.

33  
34 6. a. After the effective date of resolution adopted under section  
35 5 of this act with respect to a district transportation enhancement plan,  
36 the commission may provide by resolution for the assessment and  
37 collection of development fees on developments within the district.

38 b. The resolution shall specify that the development fee shall be  
39 assessed on a development at the time that the development receives  
40 approval. If the development is to be constructed in phases or there  
41 is a substantial modification of approval, the fee shall be assessed at  
42 the time of the approval of the respective phase or at the time of  
43 modification, as the case may be. For a development which has  
44 received plan approval prior to the adoption of the resolution and  
45 where final approval is not obtained for that phase of development  
46 within three years of approval, the fee shall be assessed at the time of  
47 final approval.

1       c. The resolution shall specify whether the fee is to be paid at the  
2 time a construction permit is issued or in a series of payments as set  
3 forth in a schedule of payments contained in the resolution. The  
4 resolution may provide for payment of the fee in kind or in a series of  
5 periodic payments over a period of no more than 20 years. The  
6 payments due to the commission, whether as a lump sum or as  
7 balances due where a series of payments is to be made shall be  
8 enforceable by the commission as a lien on the land and any  
9 improvements thereon. The lien shall be recorded by the appropriate  
10 county officer in the record book of the appropriate county office.  
11 The resolution shall set forth the procedures for enforcement of the  
12 lien in the event of delinquencies. When the fee is paid in full on the  
13 development or portion thereof, the lien on the development or portion  
14 thereof, as appropriate, shall be removed. The resolution shall provide  
15 for the procedure by which any portion of the land and any  
16 improvements thereon shall be released from the lien required by this  
17 section and shall require that any lien filed in accordance with this  
18 section shall contain a provision citing the release procedures. Where  
19 a series of payments is to be made, failure to make any one payment  
20 within 30 days after receipt of a notice of late payment shall constitute  
21 a default and shall obligate the person owing the unpaid balance to pay  
22 that balance in its entirety.

23       d. The resolution shall specify that any development or phase  
24 thereof that has received approval prior to the development assessment  
25 liability date shall not be subject to the assessment and collection of a  
26 development fee under this act for a period of five years from the date  
27 on which the resolution of approval was adopted, including extensions  
28 of approval, but shall be liable for the payment of off-site  
29 transportation improvements to the extent agreed upon under the  
30 applicable law, rule, regulation, ordinance or resolution in effect at the  
31 time of the agreement. Any development or phase thereof which  
32 receives approval after the development liability assessment date shall  
33 be subject to the assessment and collection of a development fee under  
34 this act, but shall receive a credit against the fee for the amount paid  
35 or obligated to be paid to State, county or municipal agencies for the  
36 cost of off-site transportation improvements under agreements entered  
37 into under the applicable law, rule, regulation, ordinance or resolution  
38 in effect at the time of the agreement.

39       e. The resolution also shall provide for the establishment of a  
40 transportation enhancement district fund under the control of the chief  
41 financial officer. All monies collected from development fees shall be  
42 deposited into the fund, which is to be invested in an interest-bearing  
43 account.

44       f. A resolution adopted under this section also may contain  
45 provisions for: (1) credits against assessed development fees for  
46 payments made or expenses incurred which have been determined by  
47 the commission to be in furtherance of the district transportation



1 enhancement plan, including, but not limited to, contributions to  
2 transportation improvements, other than those required for safe and  
3 efficient highway access to a development, and costs attributable to  
4 the promotion of public transit or ridesharing; (2) exemptions from or  
5 reduced rates for development fees for specified land uses which have  
6 been determined by the commission to have a beneficial, neutral or  
7 comparatively minor adverse impact on the transportation needs of the  
8 district; (3) a reduced rate of development fees for developments for  
9 which construction permits were issued after the development  
10 assessment liability date, but before the effective date of the resolution  
11 where those dates are different; and (4) a reduced rate of development  
12 fees for developers submitting a peak-hour automobile trip reduction  
13 plan approved by the commissioner under standards adopted by the  
14 commissioner by regulation. Standards for the approval of peak-hour  
15 automobile trip reduction plans may include, but need not be limited  
16 to, physical design for improved transit, ridesharing, and pedestrian  
17 access; design of developments which include a mix of residential and  
18 nonresidential uses; and proximity to potential labor pools.

19 The resolution shall provide for the exemption from assessment of  
20 development fees for any low and moderate income housing units  
21 which are constructed pursuant to the "Fair Housing Act," P.L.1985,  
22 c.222 (C.52:27D-301 et al.) or under court settlement, and may  
23 provide for such exemption for any development constituting public  
24 property.

25 g. A resolution shall specify that any fees collected, plus earned  
26 interest, not committed to a transportation project under a project  
27 agreement entered into under section 9 of this act within 10 years of  
28 the date of collection, or not used for other eligible allowable costs  
29 within 10 years of the date of collection, shall be refunded to the fee-  
30 payer under a procedure prescribed by the commissioner by regulation  
31 for this purpose, except that if the payer of the fee transfers the  
32 development or any portion thereof, the payer shall enter into an  
33 agreement with the grantee in such form as shall be provided by  
34 regulation of the commissioner which shall indicate who shall be  
35 entitled to receive any refund, and such agreement shall be filed with  
36 the chief fiscal officer.

37 h. A resolution shall be sufficiently certain and definitive to enable  
38 every person who may be required to pay a fee to know or calculate  
39 the limit and extent of the fee which is to be assessed against a specific  
40 development. Development fees shall be reasonably related to the  
41 development's impact on the transportation system of the district. The  
42 maximum amount of fees for transportation improvements that may be  
43 charged to any development pursuant to this act shall not exceed the  
44 developer's fair share of such improvement costs.

1 i. Any person who has been assessed a development fee under the  
2 provisions of a resolution adopted pursuant to this section may request  
3 in writing a reconsideration of the assessment and a hearing by the  
4 commission or employee so delegated by the commission within 90  
5 days of the receipt of notification of the amount of the assessment on  
6 the grounds that the commission or its officers or employees in issuing  
7 the assessment did not abide by the provisions of this act, the  
8 provisions of the resolution, or of the rules and regulations adopted by  
9 the commissioner pursuant to this act. Pursuant to rules and  
10 regulations adopted by the commissioner, in accordance with the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.), the person may appeal the decision made as a result of the  
13 reconsideration of the assessment to the commissioner who shall  
14 review the record of the hearing. The decision of the commissioner  
15 shall constitute an administrative action subject to review by the  
16 Appellate Division of the Superior Court. Nothing contained herein  
17 shall be construed as limiting the ability of any person so assessed from  
18 filing an appeal based upon an agreement to pay or actual payment of  
19 the fee.

20

21 7. a. After the effective date of a resolution adopted under section  
22 5 of this act with respect to a transportation enhancement district, the  
23 commission shall, by resolution, designate itself as the managing  
24 authority.

25 b. The managing authority shall propose a detailed budget for  
26 preliminary approval. The budget shall be accompanied by a report,  
27 which shall explain how the budget contributes to the goals and  
28 objectives of the transportation enhancement district. The budget shall  
29 not be approved by the managing authority until a public hearing has  
30 been held thereon and all persons having an interest therein shall have  
31 been given an opportunity to comment thereon. Upon preliminary  
32 approval by the managing authority, a copy of the approved budget  
33 and the report shall be submitted to the commissioner for final  
34 approval.

35 c. The commission shall establish an Enhancement District  
36 Oversight Board. The oversight board shall advise the managing  
37 authority on the policies to be implemented in the district and on the  
38 district's ongoing management and shall make recommendations on the  
39 budget to the managing authority. The oversight board shall consist  
40 of: the Commissioner of Community Affairs or the commissioner's  
41 designee, the Commissioner of Transportation or the commissioner's  
42 designee, the Executive Director of the New Jersey Transit  
43 Corporation or the executive director's designee, the Executive  
44 Director of the New Jersey Sports and Exposition Authority or the  
45 executive director's designee, the Executive Director of the New  
46 Jersey Turnpike Authority or the executive director's designee, a  
47 representative from Meadowlink, a ridesharing organization, a

1 representative of the Hackensack Meadowlands Municipal Committee,  
2 a representative of the Meadowlands Regional Chamber of Commerce  
3 and three public members appointed by the Governor.  
4

5 8. A resolution adopted under section 6 of this act shall provide for  
6 the assessment of the development fees based upon the formula or  
7 formulas contained in the resolution and authorized by the  
8 commissioner and uniformly applied, with such exceptions as are  
9 authorized or required by this act and by regulation. The commissioner  
10 may authorize a formula or formulas relating the amount of the fee to  
11 impact on the transportation system of the district, including, but not  
12 limited to, the following factors: vehicle trips generated by the  
13 development, the occupied square footage of a developed structure,  
14 the number of employees regularly employed at the development, or  
15 the number of parking spaces located at the development or any  
16 combination of the foregoing. In developing the authorized formula  
17 or formulas, the commissioner may consult with knowledgeable  
18 persons in appropriate fields, which may include, but need not be  
19 limited to, land use law, planning, traffic engineering, real estate  
20 development, transportation, and local government. No separate  
21 assessments for off-site transportation improvements within the district  
22 shall be made by the State, a county or municipality except as  
23 permitted in this act. Except for certain developments which have  
24 received approval prior to the development assessment liability date,  
25 no development within the district shall be subject to any assessment  
26 or fees for transportation improvements by the State, a county or  
27 municipality except as set or assessed under a transportation  
28 enhancement district.  
29

30 9. Every transportation project funded, in whole or in part, by  
31 funds from a transportation enhancement district fund shall be subject  
32 to a project agreement to which the relevant entities are parties. The  
33 expenditure of funds shall not be made from a transportation  
34 enhancement district fund, except by appropriation of the commission  
35 and upon certification of the chief fiscal officer that the expenditure is  
36 in accordance with a project agreement entered into pursuant to this  
37 act or is otherwise an allowable cost and with the approval of the  
38 commission.  
39

40 10. A transportation enhancement district may accept loans from  
41 any public or private source, including, but not limited to, the New  
42 Jersey Transportation Trust Fund Authority and the State  
43 Transportation Infrastructure Bank, pursuant to a project agreement  
44 for the purpose of undertaking and completing a transportation project  
45 as permitted by the commission. In this event, the project agreement  
46 shall include the obligation of the commission to make payments to the  
47 public or private source for repayment of the loan from a

1 transportation enhancement fund or other available sources according  
2 to an agreed upon schedule of payments.

3  
4 11. Except as provided by this act, no county or municipality shall  
5 establish or operate a district other than a transportation enhancement  
6 district within the boundaries delineated by the commissioner for a  
7 transportation enhancement district under section 4 of this act if that  
8 district is for the purpose of consolidating the required contributions  
9 for transportation improvements of applicants for development within  
10 the district.

11  
12 12. The commissioner shall adopt rules and regulations, in  
13 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
14 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

15  
16 13. This act shall take effect immediately.

17  
18  
19 **STATEMENT**

20  
21 This bill, entitled the "Hackensack Meadowlands Transportation  
22 Enhancement and Congestion Relief Act," permits the New Jersey  
23 Meadowlands Commission, with the approval of the Commissioner of  
24 Transportation, to establish transportation enhancement districts.

25 The transportation enhancement districts under this bill would be  
26 permitted to assess fees on future developments. Development fees  
27 may be assessed to pay for transportation projects to meet future  
28 transportation needs.

29 The bill permits certain planning costs for a transportation  
30 enhancement district to be recouped from development fees as  
31 assessed by the transportation enhancement district. The bill limits  
32 certain exemptions from development fee assessments by a  
33 transportation enhancement district to five years, including extensions  
34 of site development approvals.

35 The bill provides that the maximum amount of fees for  
36 transportation projects that may be charged to a developer within a  
37 transportation enhancement district shall not exceed the developer's  
38 "fair share." "Fair share" is defined to mean the amount of allowable  
39 costs that have a reasonable relationship, based upon rough  
40 proportionality, to the impact of the development in question on the  
41 transportation system of the transportation enhancement district.  
42 Except for certain developments which have received approval prior  
43 to the development assessment liability date established in the bill, no  
44 development within a transportation enhancement district is to be  
45 subject to any assessment for transportation improvements by the  
46 State, county or municipality except as set or assessed under a  
47 transportation enhancement district established pursuant to this bill.

1       The process of creating a transportation enhancement district  
2 involves the use of a joint planning process, with opportunity for  
3 participation by State agencies, corporations, commissions, boards and  
4 authorities, metropolitan planning organizations, affected counties and  
5 municipalities and the private sector, to produce a draft comprehensive  
6 transportation enhancement plan, including a financial element. A  
7 joint planning committee is also to be established. The draft plan is to  
8 establish goals for all modes of transportation within the district,  
9 incorporate the relevant plans of all transportation agencies, and shall  
10 contain a program of transportation projects prioritized over  
11 increments of five years that address future transportation needs in the  
12 district. The public sector participants in the joint planning process  
13 shall enter into a memorandum of agreement.