

ASSEMBLY, No. 2041

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

Sponsored by:

Assemblyman NELSON T. ALBANO

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Assemblywoman McHose

SYNOPSIS

Establishes program for directing motorists to agricultural tourism establishments.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/17/2012)

1 AN ACT concerning motorist directional signs for agricultural
2 tourism establishment locations, and supplementing Title 27 of
3 the Revised Statutes.

4

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

7

8 1. The Legislature finds and declares that agriculture is an
9 important sector of New Jersey's economy, although farmers are
10 under ever-increasing economic pressures caused by the ever-
11 increasing urbanization of the State; that the essential operations of
12 agricultural establishments dictate that they are frequently found in
13 areas away from heavily traveled routes, with the result that the
14 proprietors thereof must rely on local residents as their primary
15 customer base; that tourism is another substantial sector of the
16 State's economy; that tourists represent a largely untapped market
17 for agricultural establishments; and that, to more fully tap the
18 tourism market, signs are needed to identify agri-tourism locations
19 for the drive-by, occasional, or serendipitous visitor.

20 The Legislature therefore determines that it is important to
21 establish as the public policy of this State that the State, counties,
22 and municipalities work together to support agri-tourism by
23 expanding the markets for agricultural establishments through
24 assistance in identifying places where agricultural establishments
25 are located; that an important part of this public policy is to
26 establish a Statewide system of signs, easily identifiable to all, that
27 informs out-of-State residents and New Jersey residents alike of the
28 location of agricultural tourism establishments; that this system is
29 best implemented by requiring the Department of Transportation in
30 direct partnership with the Department of Agriculture to develop
31 and establish an agri-tourism sign program; and that the State allow
32 the agri-tourism sign program to be implemented on the county and
33 community level, with the cooperation and involvement of the
34 county agriculture boards, county agriculture development boards,
35 and county planning boards, through county and individual sign
36 plans.

37

38 2. For the purposes of this act:

39 "Agricultural tourism" or "agri-tourism" means affordable,
40 recreational, and educational activities and opportunities to learn
41 about the production of food and agricultural products and the
42 State's farming heritage while helping to encourage the
43 preservation of agricultural lands. "Agricultural tourism" may
44 include, but need not be limited to, activities and opportunities such
45 as hayrides, corn mazes, pick-your-own operations, farm markets,
46 school tours, agricultural fairs, farm festivals, winery tours and
47 horseback riding.

48 "Agricultural tourism establishment" or "agri-tourism

1 establishment” means any business within this State that promotes
2 agricultural tourism.

3 "Commissioner" means the Commissioner of Transportation.

4 "County agricultural sign plan" or "county plan" means a written
5 document developed pursuant to this act and adopted by a county
6 planning board for the implementation in the county of the
7 Agricultural Tourism Directional Sign Program established by
8 section 3 of this act.

9 "County agriculture development board" means a board
10 established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

11 "County board of agriculture" means a county board of
12 agriculture established pursuant to R.S.4:14-1 et seq.

13 "County planning board" means the county planning board as
14 defined in section 1 of P.L.1968, c.285 (C.40:27-6.1).

15 "Eligible agri-tourism establishment" means an agricultural
16 tourism establishment meeting the standards set forth by the
17 Secretary of Agriculture pursuant to section 4 of this act.

18 "Farm market" means a place where agricultural products
19 produced by a commercial farm, as defined in section 3 of
20 P.L.1983, c.31 (C.4:1C-3), are sold.

21 "Individual agricultural sign plan" or "individual plan" means a
22 written document developed pursuant to this act and adopted by a
23 county planning board for implementation of the Agricultural
24 Tourism Directional Sign Program, established by section 3 of this
25 act, for an individual eligible agri-tourism establishment in a county
26 where a county plan has not been adopted.

27 "Participating agri-tourism establishment" means an eligible
28 agricultural tourism establishment certified for participation in a
29 county plan pursuant to section 6 of this act, or certified for
30 participation in an individual plan pursuant to section 7 of this act.

31 "Program" means the Agricultural Tourism Directional Sign
32 Program, as established pursuant to section 3 of this act.

33 "Secretary" means the Secretary of Agriculture.
34

35 3. Notwithstanding any other provisions of Title 27 of the
36 Revised Statutes, or any rule or regulation adopted pursuant thereto,
37 to the contrary, there is established an Agricultural Tourism
38 Directional Sign Program, jointly administered by the Department
39 of Transportation and the Department of Agriculture, and
40 implemented by the Department of Transportation in cooperation
41 with county agriculture development boards, county boards of
42 agriculture, and county planning boards, for the purpose of
43 promoting agri-tourism by assisting motorists and other individuals
44 in locating agricultural tourism establishments. The program shall
45 be implemented pursuant to sections 4 through 9 of this act.
46

47 4. a. The Secretary of Agriculture shall establish eligibility
48 standards for agricultural tourism establishments and eligibility

1 standards for counties to participate in the Agricultural Tourism
2 Directional Sign Program established pursuant to section 3 of this
3 act.

4 b. The eligibility standards for agricultural tourism
5 establishments shall include, but need not be limited to, a minimum
6 number of days and hours of operation, a minimum percentage of
7 agri-tourism products or services available for sale that must be
8 provided by the seller, and sufficient accessibility regarding the
9 location of the agri-tourism establishment in relation to other
10 eligible and participating agri-tourism establishments.

11 c. The eligibility standards for counties shall include, but need
12 not be limited to:

13 (1) an adopted county agricultural sign plan in the county, the
14 economical viability of which is evidenced by the proximity of
15 eligible agri-tourism establishments in the county to interstate
16 highways, primary roads, or other roads used by a sufficient number
17 of motorists to be a potential source of customers for the
18 participating agri-tourism establishments;

19 (2) a minimum number of agri-tourism establishments with
20 individual agricultural sign plans, as determined by the secretary,
21 located in the county and in proximity to interstate highways,
22 primary roads, or other roads used by a sufficient number of
23 motorists to be a potential source of customers for the participating
24 agri-tourism establishments; and

25 (3) any other criteria that the secretary, in consultation with the
26 Commissioner of Transportation, determines to be pertinent.

27 d. The secretary may require county agriculture development
28 boards, county boards of agriculture, county planning boards, or
29 participating agri-tourism establishments to keep whatever records
30 the secretary determines are necessary for the effectiveness of the
31 program and the enhancement of the business of the agri-tourism
32 establishments participating in the program.

33 e. The secretary, in consultation and cooperation with the
34 commissioner, may adopt, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
36 regulations as may be necessary to implement the purposes of this
37 act.

38
39 5. a. The Commissioner of Transportation, in consultation with
40 the Secretary of Agriculture, shall establish agri-tourism directional
41 signs and specifications for implementation, in accordance with
42 sections 6, 7, and 8 of this act, of the Agricultural Tourism
43 Directional Sign Program established pursuant to section 3 of this
44 act.

45 b. The commissioner shall create a generic agri-tourism
46 directional sign, incorporating a logo, to be used Statewide as a
47 direction to motorists of the locations of participating eligible agri-
48 tourism establishments. The commissioner shall also establish sign

1 specifications for modifying the generic sign to denote specific
2 types of agri-tourism activities or identify specific agricultural
3 establishments. Furthermore, the commissioner shall establish
4 specifications for sign posts, the placement of the signs, and other
5 requirements the commissioner determines to be necessary. As
6 appropriate, as determined by the commissioner in consultation
7 with the secretary, provisions may be made for seasonal
8 identification of agri-tourism establishments.

9 c. Any sign created or required pursuant to this section shall be
10 consistent with federal law and conform with the standards
11 prescribed by the "Manual on Uniform Traffic Control Devices for
12 Streets and Highways," prepared by the Federal Highway
13 Administration in the United States Department of Transportation,
14 as adopted by the commissioner.

15 d. The commissioner, in consultation with the secretary, shall
16 establish reasonable fees to be charged to participating agri-tourism
17 establishments for the fabrication, erection, and maintenance of
18 signs used in the program. The fees established by the
19 commissioner shall be collected by the county agriculture
20 development board, county board of agriculture, or county planning
21 board, and any of those boards may charge an additional, reasonable
22 fee for its services in establishing and maintaining the program.
23 Any county agriculture development board, county board of
24 agriculture, or county planning board may also, at its option,
25 participate in defraying the cost of signs used in the program.

26 e. The commissioner, in consultation and cooperation with the
27 secretary, may adopt, pursuant to the "Administrative Procedure
28 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as
29 may be necessary to implement the purposes of this act.
30

31 6. a. A county agriculture development board, in consultation
32 with the county board of agriculture may, in accordance with the
33 standards established pursuant to section 4 of this act, develop a
34 county agricultural sign plan for the establishment of a program
35 within the county, upon the agreement by a sufficient number of
36 eligible agri-tourism establishments to participate in the program.

37 b. The county agriculture development board shall establish an
38 application process for any eligible agri-tourism establishment
39 interested in participating in a county plan to apply for certification
40 as a participating agri-tourism establishment, and shall certify
41 accepted applicants as participating agri-tourism establishments.

42 c. Upon certification of a participating agri-tourism
43 establishment, the county agriculture development board shall
44 notify the appropriate agri-tourism establishment and shall include
45 the certified participating agri-tourism establishment, its location,
46 and any other information required by the Department of
47 Transportation in the county plan. If certification is denied to an
48 applicant, the decision of the county agriculture development board

1 may be appealed to the Department of Agriculture, which shall have
2 final authority concerning eligibility and certification of agri-
3 tourism establishments as participating agri-tourism establishments.

4 d. The county plan shall specify the eligible agri-tourism
5 establishments that have been certified to participate in the
6 program, the types of agri-tourism products or services for sale at
7 each of the participating agri-tourism establishments, the location of
8 the proposed participating agri-tourism establishments, the
9 proposed sites for signs in accordance with standards established by
10 the commissioner and secretary, and any other requirements
11 established pursuant to this act or any rules or regulations adopted
12 pursuant thereto.

13 e. If a county plan is developed pursuant to subsection a. of
14 this section, the county agriculture development board, in
15 consultation with the county board of agriculture, shall submit its
16 plan to the county planning board for approval. The county
17 planning board shall review the submitted county plan and, after
18 consulting with the county engineer's office, the county agriculture
19 development board and the county board of agriculture, shall adopt
20 it within 60 days after receipt. If the county planning board
21 requires any revisions to the county plan for it to be adopted, the
22 county planning board shall negotiate and resolve deficiencies in
23 the plan with the county engineer's office, the county agriculture
24 development board, and the county board of agriculture prior to the
25 lapsing of the 60 days.

26 f. Upon the county planning board adoption of the county plan,
27 the county planning board shall submit the adopted county plan to
28 the Secretary of Agriculture for approval and a determination on its
29 conformance with this act and Department of Agriculture rules and
30 regulations adopted pursuant thereto. Upon determining that the
31 county plan is in conformance with this act and the department rules
32 and regulations adopted pursuant thereto, the secretary shall
33 approve the plan and notify the county planning board of its
34 approval, with any revisions to the plan required for the approval, if
35 any.

36 g. Upon receipt of the approval by the secretary, the county
37 planning board shall submit the approved, adopted county plan to
38 the Commissioner of Transportation for a determination on the
39 plan's conformance with this act, Department of Transportation
40 rules and regulations adopted pursuant thereto, and federal
41 transportation law concerning signs. Upon determining that the
42 county plan is in conformance with this act, the department rules
43 and regulations adopted pursuant thereto, and federal law, the
44 commissioner shall approve the plan.

45 h. If the secretary or the commissioner require any revisions to
46 the county plan to provide these approvals or conformance
47 determinations, the secretary or the commissioner, as applicable,
48 shall make these revisions to the county plan and issue the approval

1 and conformance determination for the revised county plan as
2 expeditiously as possible after the receipt and review of the adopted
3 county plan.

4 i. Upon granting of the approvals and determinations required
5 pursuant to subsections f. and g. of this section, the commissioner
6 shall notify the county planning board thereof and implement the
7 county plan in accordance with section 8 of this act. The county
8 planning board shall provide notice of final approval to the county
9 agriculture development board, and that board shall provide public
10 notice of the approval of the county plan and the opportunity for
11 eligible agri-tourism establishments to participate in the program.
12

13 7. a. An eligible agri-tourism establishment in a county where
14 no county agricultural sign plan is being developed pursuant to
15 subsection a. of section 6 of this act, may participate in the
16 Agricultural Tourism Directional Sign Program by submitting a
17 request to a county agriculture development board for individual
18 inclusion in the program. The county agriculture development
19 board, in consultation with the county board of agriculture, shall
20 develop an individual agricultural sign plan, pursuant to subsection
21 b. of this section, and submit any individual plans for eligible agri-
22 tourism establishments in the county to the county planning board.

23 b. An individual agricultural sign plan shall specify the eligible
24 agri-tourism establishment wishing to participate in the program,
25 the types of agri-tourism products or services for sale at the
26 establishment, the location of the establishment, the proposed sites
27 for signs in accordance with standards established by the
28 commissioner and secretary, and any other requirements established
29 pursuant to this act or any rules or regulations adopted pursuant
30 thereto.

31 c. The county planning board shall review each submitted
32 individual plan and, after consulting with the county engineer's
33 office, the county agriculture development board, and the county
34 board of agriculture, adopt the individual plan within 60 days after
35 receipt. If the county planning board requires any revisions to the
36 individual plan for it to be adopted, the county planning board shall
37 negotiate and resolve deficiencies in the plan with the county
38 engineer's office, the county agriculture development board, and
39 the county board of agriculture prior to the lapsing of the 60 days.

40 d. Upon the county planning board's adoption of the individual
41 plan, the county planning board shall submit the adopted individual
42 plan to the Secretary of Agriculture for approval and a
43 determination on its conformance with this act and Department of
44 Agriculture rules and regulations adopted pursuant thereto. Upon
45 determining that the individual plan is in conformance with this act
46 and the department rules and regulations adopted pursuant thereto,
47 the secretary shall approve the plan and notify the county planning
48 board of its approval, with any revisions to the plan required for the

1 approval, if any.

2 e. Upon receipt of the approval by the secretary, the county
3 planning board shall submit the approved, adopted individual plan
4 to the commissioner for a determination on the plan's conformance
5 with this act, Department of Transportation rules and regulations
6 adopted pursuant thereto, and federal transportation law concerning
7 signs. Upon determining that the individual plan is in conformance
8 with this act, the department rules and regulations adopted pursuant
9 thereto, and federal law, the commissioner shall approve the plan.

10 f. If the secretary or the commissioner require any revisions to
11 the individual plan to provide these approvals or conformance
12 determinations, the secretary or the commissioner, as applicable,
13 shall make these revisions to the individual plan and issue the
14 approval and conformance determination for the revised individual
15 plan as expeditiously as possible after the receipt and review of the
16 adopted individual plan.

17 g. Upon granting of the approvals and determinations required
18 pursuant to subsections d. and e. of this section, the commissioner
19 shall notify the county planning board thereof and implement the
20 individual plan in accordance with section 8 of this act. The county
21 planning board shall provide notice of final approval to the county
22 agriculture development board, and that board shall certify the
23 appropriate individual eligible agri-tourism establishments as
24 participating agri-tourism establishments, and notify them of the
25 certification and the adoption, approval, and implementation of the
26 applicable individual plan.

27

28 8. a. Upon final approval of a county plan pursuant to section 6
29 of this act, or of an individual plan in a county pursuant to section 7
30 of this act, the Commissioner of Transportation shall implement the
31 county or individual plan by establishing a continuous sign path
32 between appropriate points in a county, as determined by the
33 commissioner, identifying the locations of the certified participating
34 eligible agri-tourism establishments and appropriately direct
35 motorists to these locations.

36 b. The Department of Transportation shall erect the signs
37 pursuant to subsection a. of this section, in cooperation with the
38 county agriculture development board, county board of agriculture,
39 county planning board, and participating agri-tourism
40 establishments, in accordance with any requirements of this act, any
41 rules and regulations adopted pursuant thereto, and county planning
42 and transportation officials.

43 c. For the purposes of implementing this act, no approval by a
44 county, municipality or other public entity required for the
45 placement of a sign under the program shall be unreasonably
46 withheld.

47

48 9. a. The Secretary of Agriculture, the Commissioner of

1 Transportation, or both, may require county agriculture
2 development boards, county boards of agriculture, county planning
3 boards, and participating agri-tourism establishments, to sign a
4 written agreement with the State evidencing participation in the
5 program and setting forth the terms and conditions thereof.

6 b. Each county agriculture development board, in consultation
7 with the county board of agriculture or the agri-tourism
8 establishments in the county, shall annually make recommendations
9 to the county planning board regarding updates to the county
10 agricultural sign plan or individual agricultural sign plans,
11 including, but not limited to:

12 (1) adding or removing participating agri-tourism
13 establishments;

14 (2) locations and specifications for new signs for newly
15 participating agri-tourism establishments; and

16 (3) any other revisions determined to be necessary or
17 appropriate.

18 c. The county planning board shall review the annual
19 recommendations and, after consulting with the county engineer's
20 office, county agriculture development board, and county board of
21 agriculture, adopt the recommendations within 60 days after receipt.
22 If the county planning board requires any revisions for the
23 recommendations to be adopted, the county planning board shall
24 negotiate and resolve deficiencies in the plan with the county
25 engineer's office, the county agriculture development board, and
26 the county board of agriculture prior to the lapsing of the 60 days.
27 The county planning board shall forward the final county approved
28 revisions to the Department of Agriculture and the Department of
29 Transportation, and after incorporating any required revisions from
30 either department, or both departments, as applicable, the
31 Department of Transportation shall implement the revisions as
32 appropriate or necessary within 60 days after receipt of the final
33 county approved revisions.

34
35 10. This act shall take effect immediately.

36
37
38 STATEMENT

39
40 This bill establishes an "Agricultural Tourism Directional Sign
41 Program," jointly administered by the Department of Transportation
42 and the Department of Agriculture, for the purpose of assisting
43 motorists in locating agricultural tourism establishments.
44 "Agricultural tourism" or "agri-tourism" is defined in the bill as
45 affordable, recreational, and educational activities and opportunities
46 to learn about the production of food and agricultural products and
47 the State's farming heritage while helping to encourage the
48 preservation of agricultural lands. It can include activities and

1 opportunities such as hayrides, corn mazes, pick-your-own
2 operations, farm markets, school tours, agricultural fairs, farm
3 festivals, winery tours and horseback riding.

4 Under the provisions of the bill, the Secretary of Agriculture
5 (“secretary”) would establish eligibility standards for agri-tourism
6 establishments and counties participating in the program. The
7 Department of Transportation would establish sign specifications
8 for the program and would implement plans for the coordination
9 and placement of the signs, with the cooperation and approval of
10 the county agriculture development boards, county boards of
11 agriculture, county planning boards, and the Department of
12 Agriculture.

13 Agri-tourism establishments interested in participating in the
14 program could do so in one of two ways: 1) through the approval
15 and implementation of a county agricultural sign plan (section 6 of
16 the bill); or 2) through the approval and implementation of an
17 individual agricultural sign plan (section 7 of the bill).

18 Under the bill, county agriculture development boards, in
19 consultation with the county boards of agriculture, may develop
20 county plans for implementing the program within the county, after
21 a sufficient number of eligible agri-tourism establishments have
22 agreed to participate in the program. Each agri-tourism
23 establishment proposing to participate in the program is required to
24 apply and be certified as a participating agri-tourism establishment
25 in order to be included in the county plan. In a county where no
26 county plan is being developed, an eligible agri-tourism
27 establishment may request individual consideration by the county
28 agriculture development board and approval and implementation of
29 an individual agricultural sign plan. The bill provides that county
30 agriculture development board certification decisions may be
31 appealed to the Department of Agriculture, and establishes the
32 Department of Agriculture as the final authority concerning
33 eligibility and certification of agri-tourism establishments.

34 Under the bill, county plans or individual plans are submitted to
35 county planning boards for review and approval within 60 days. In
36 addition to the county review, the Department of Agriculture and
37 the Department of Transportation also review, and if necessary
38 revise, and approve the plans. Upon final approval, the Department
39 of Transportation would implement the plan by establishing a sign
40 route in cooperation with county planning and transportation
41 officials.

42 The bill requires the county plan to specify the eligible agri-
43 tourism establishments participating in the program, the products or
44 services for sale, the location of the participating agri-tourism
45 establishments, the proposed sites for signs in accordance with
46 standards established by the commissioner, and other requirements
47 of the secretary or Commissioner of Transportation
48 (“commissioner”). The individual agricultural sign plan is required

1 to specify the eligible agri-tourism establishment wishing to
2 participate in the program, the types of agri-tourism products or
3 services for sale at the establishment, the location of the
4 establishment, the proposed sites for signs in accordance with
5 standards established by the commissioner and secretary, and any
6 other requirements established under the committee substitute or
7 rules or regulations.

8 The bill further directs the commissioner to establish: 1)
9 consistent with federal law, an agri-tourism directional sign
10 incorporating a Statewide logo for agri-tourism, other generic signs,
11 and the specifications for the posting and siting of signs, and 2) in
12 accordance with the approved county plan or individual plans, a
13 continuous sign path for locating participating agri-tourism
14 establishments in the county. The bill prohibits the unreasonable
15 withholding of county, municipal or other public entity approval
16 required for the placement of a sign under the program. The bill
17 authorizes the commissioner to establish, and the county boards to
18 collect, reasonable fees for making, erecting, and maintaining the
19 signs used in the program. The county boards may charge an
20 additional, reasonable fee for their services and, at their option, may
21 defray the cost of signs used in the program.

22 The bill also authorizes the secretary to require record keeping as
23 the secretary may determine is necessary for the effectiveness of the
24 program and enhancing agri-tourism. The bill further authorizes the
25 secretary, the commissioner, or both, to require signed agreements
26 from county agriculture development boards, county boards of
27 agriculture, county planning boards, participating agri-tourism
28 establishments, or any or all of these entities, as conditions of
29 participation in the program established pursuant to the bill.

30 Finally, the bill provides a process for updating the county plan,
31 implementing additional individual plans, and revising the
32 implementation of the program in a county.