

ASSEMBLY, No. 3544

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Permits municipalities to require developers to make contributions for mass transit improvements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning developers and mass transit improvements and
2 amending P.L.1975, c.291.

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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. Section 30 of P.L.1975, c.291 (C.40:55D-42) is amended to
8 read as follows:

9 30. Contribution for off-tract water, sewer, drainage, and street
10 improvements. The governing body may by ordinance adopt
11 regulations requiring a developer, as a condition for approval of a
12 subdivision or site plan, to pay the pro-rata share of the cost of
13 providing only reasonable and necessary street and, if applicable,
14 mass transit improvements and water, sewerage and drainage
15 facilities, and easements therefor, located off-tract but necessitated
16 or required by construction or improvements within such
17 subdivision or development. Such regulations shall be based on
18 circulation and comprehensive utility service plans pursuant to
19 **【subsections 19b.(4) and 19b.(5)】 paragraphs (4) and (5) of**
20 **subsection b. of section 19 of 【this act】 P.L.1975, c.291 (C.40:55D-**
21 **28),** respectively, and shall establish fair and reasonable standards
22 to determine the proportionate or pro-rata amount of the cost of
23 such facilities that shall be borne by each developer or owner within
24 a related and common area, which standards shall not be altered
25 subsequent to preliminary approval. Any regulations requiring a
26 developer to pay a share of the cost of mass transit improvements
27 shall be adopted in consultation with each agency providing mass
28 transit service within the municipality.

29 Where a developer pays the amount determined as **【his】** the pro-
30 rata share under protest **【he】** , the developer shall institute legal
31 action within one year of such payment in order to preserve the
32 right to a judicial determination as to the fairness and
33 reasonableness of such amount.
34 (cf: P.L.1998, c.95, s.8)

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36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill would enable a municipality to require a developer to
42 contribute to the cost of reasonable and necessary mass transit
43 improvements located off-tract of a development, but necessitated
44 or required by the development. Current law authorizes
45 municipalities to require such developer contributions for street

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 improvements and water, sewerage, and drainage facilities, but not
2 for mass transit improvements. Municipalities would have to
3 develop the regulations governing these mass transit developer
4 contributions in consultation with the affected mass transit
5 agencies. This bill is intended to help municipalities accommodate
6 additional mass transit usage created by new developments.