P.L. 2021, CHAPTER 351, ***approved January 10, 2022***
Senate, No. 4070 ***(First Reprint)***

AN ACT concerning environmental assessments for certain transportation projects and supplementing P.L.1984, c.73 (C.27:1B-1 et seq.).

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

1. a. Notwithstanding the provisions of Executive Order No. 215 of 1989 to the contrary, toll road authorities, the New Jersey Transit Corporation, and the department shall not be required to prepare and submit to the Department of Environmental Protection, pursuant to Executive Order No. 215 of 1989, an environmental assessment for a public highway or public transportation project that has anticipated construction costs of $3 million or less.

b. (1) Notwithstanding the provisions of Executive Order No. 215 of 1989 to the contrary, toll road authorities, the New Jersey Transit Corporation, and the department shall not be required to prepare and submit to the Department of Environmental Protection, pursuant to Executive Order No. 215 of 1989, an environmental impact statement for a public highway or public transportation project that has anticipated construction costs of $7 million or less and land disturbance in excess of five acres.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the Department of Environmental Protection may require a toll road authority, the New Jersey Transit Corporation, or the department to submit an environmental assessment for a public highway or public transportation project that has anticipated construction costs between $5 and $7 million and land disturbance in excess of five acres.

c. The Department of Environmental Protection shall annually increase the thresholds established in subsections a. and b. of this section to appropriately account for inflation utilizing a federally published measure of inflation that indexes construction costs over an area encompassing New Jersey, and shall publish notice of this increase on [1]**[**the department's**]** <u>its</u>[1] Internet website and in the New Jersey Register.

d. Nothing in this section shall be construed to abrogate or limit the authority of the Department of Environmental Protection

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 <u>thus</u> is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SEN committee amendments adopted November 15, 2021.

to require the submission of an environmental assessment or environmental impact statement for a public highway or public transportation project pursuant to any other law.

2. This act shall take effect immediately.

Increases thresholds for environmental assessment requirements for certain transportation projects under Executive Order No. 215 of 1989.