

**SENATE, No. 1223**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED FEBRUARY 21, 2008

**Sponsored by:**  
**Senator BOB SMITH**  
**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

“New Jersey Transit Villages Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the establishment of transit villages,  
2 supplementing Title 27 of the Revised Statutes, and amending  
3 P.L.1975, c.291.

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

7  
8 1. (New section) Sections 1 through 19 of this act shall be  
9 known and may be cited as the “New Jersey Transit Villages Act.”

10  
11 2. (New section) The Legislature finds and declares:

12 a. Historically, the relationships between land use and  
13 transportation were quite clear and efficient. Communities were  
14 organized so that the goods that they produced could easily be  
15 shipped to others, by road, canal, river, lake, or ocean, as the  
16 particular geographical circumstances dictated. Personal travel  
17 generally occurred by the same routes. The relationships were  
18 based on the functional requirement of directly and efficiently  
19 moving goods and people, as well as on the limited availability of  
20 alternative modes of travel and transport.

21 b. As the road network began to expand throughout this State  
22 to accommodate increased automobile and truck use, the  
23 relationship between land use and transportation changed. The  
24 proliferation of the private automobile as well as the increased  
25 number of cars per household led to the creation of new patterns  
26 and densities of development. In the past 40 to 50 years, land use  
27 development patterns have generally taken the form of  
28 decentralized, large-lot, single use districts, connected by a maze of  
29 roadways. Zoning and other government regulations have  
30 reinforced this trend.

31 c. As undeveloped land has become scarce and roadways have  
32 become more congested, people are reexamining the original land  
33 use patterns within traditional “town-centered communities.” In  
34 New Jersey this effort has been strongly supported by the State  
35 Development and Redevelopment Plan adopted pursuant to  
36 P.L.1985, c.398 (C.52:18A-196 et al.). The opportunity now exists  
37 to redefine and develop new patterns of development that encourage  
38 active, safe, pedestrian communities that support, and are supported  
39 by, transit.

40 d. The “New Jersey Transit Villages Act” will encourage  
41 individual municipalities to begin influencing land use patterns,  
42 densities, the general character of their communities, and  
43 eventually, the overall quality of life, while at the same time  
44 encouraging increased rider-ship on transit systems that have been  
45 the focus of major public investment.

**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 e. Projected population increases for the State will place  
2 significant strains on the highway and road network.
- 3 f. Continuation of existing development patterns that encourage  
4 single-occupancy vehicle automobile trips, given these population  
5 increases, will lead to levels of congestion beyond the mitigation  
6 ability of the State.
- 7 g. New Jersey drivers collectively waste over 261 million hours  
8 per year sitting in traffic, negatively impacting our quality of life  
9 and losing valuable time that could be better spent with our  
10 families. In terms of lost productivity, sitting in traffic costs each  
11 New Jersey driver nearly \$1,300 per year.
- 12 h. Encouraging development and redevelopment based on smart  
13 growth principles will direct transportation investments into the  
14 redevelopment of our older urban and suburban areas, protect  
15 existing open space, conserve natural resources, increase  
16 transportation options and transit availability, reduce automobile  
17 traffic and dependency, stabilize property taxes, and provide  
18 affordable housing.
- 19 i. Efficient and compact development patterns around transit  
20 hubs will encourage transit use, thereby limiting congestion and  
21 reducing the strain on the existing road network. Therefore, it is in  
22 the best interest of the New Jersey Department of Transportation to  
23 encourage this type of development wherever possible.

24

25 3. (New section) As used in this act:

26 "Commissioner" means the Commissioner of Transportation.

27 "Office of Smart Growth" means the Office of State Planning  
28 established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-  
29 201).

30 "Transit village" means, as designated by the commissioner, a  
31 compact, mixed-use, walkable community, centered on a mass  
32 transit hub or access point that is regularly served by a mass transit  
33 service or where there is a defined future potential that will support  
34 a transit service that, by design, increases transit ridership and  
35 reduces reliance on single-occupant vehicular transportation.

36 "Transit village plan element" means a composite of one or more  
37 written or graphic proposals for a compact, mixed-use, walkable  
38 community, centered on a mass transit hub or access point that is  
39 regularly served by a mass transit service that is an amendment and  
40 supplement to a municipality's master plan.

41 "Transit village zone" means a bounded area encompassing all  
42 parcels or portions of parcels within one-half mile of a mass transit  
43 hub or access point and that is located along a mass transit route, or  
44 that is identified as having potential for transit service, as evidenced  
45 by existing or planned mixed-use development that accommodates  
46 high commercial intensities, high employment clusters, moderate to  
47 high residential density consistent with the State Development and

1 Redevelopment Plan as defined in the municipal zoning ordinance,  
2 and design features that promote pedestrian and bicycle circulation.

3

4 4. (New section) It is the intent and purpose of this act to:

5 a. encourage municipal action to promote intensive mixed-use  
6 development in close proximity to mass transportation services, to  
7 be known as transit villages;

8 b. increase transit ridership, reduce reliance on single-occupant  
9 vehicular traffic, and facilitate pedestrian, bicycle, and mass  
10 transportation trips through clustering of uses and urban design  
11 features;

12 c. promote residential development with a mix of housing types  
13 and a range of housing prices, including both owner-occupied  
14 housing and apartments, within transit villages;

15 d. improve mobility options for pedestrians, cyclists, and transit  
16 dependent people;

17 e. promote use of mass transportation by encouraging  
18 intermodal service and access by modes other than single-occupant  
19 vehicles; and

20 f. encourage the appropriate and efficient expenditure of public  
21 funds by the coordination of public development with land use  
22 policies.

23

24 5. (New section) a. The municipal planning board may adopt a  
25 transit village plan element as an amendment and supplement to its  
26 master plan pursuant to section 19 of P.L.1975, c.291 (C.40:55D-  
27 28).

28 b. The transit village plan element shall include a capital  
29 improvement subplan element for the plan area that provides for  
30 shared parking and reduced parking for single-occupancy vehicles  
31 within the plan area, the creation of mixed-use developments,  
32 minimum development density standards, the improvement of  
33 bicycle and pedestrian facilities, the connectivity of the street  
34 network, and measures to ensure compliance with the federal  
35 "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et  
36 seq.). The capital improvement subplan element may also include a  
37 mix of infrastructure financing strategies.

38 c. When a municipal planning board has adopted a transit  
39 village plan element, the official map of the municipality shall be  
40 amended to reflect the provisions of that plan.

41 d. The transit village plan element shall include a circulation  
42 subplan element for the transit village zone pursuant to section 19  
43 of P.L.1975, c.291 (C.40:55D-28).

44

45 6. (New section) a. The Office of Smart Growth, in  
46 consultation with the commissioner and the Executive Director of  
47 the New Jersey Transit Corporation, shall review a proposed transit

1 village plan element and determine whether it is consistent with the  
2 State Development and Redevelopment Plan.

3 b. Following adoption or amendment of a zoning ordinance to  
4 effectuate a transit village plan element the governing body shall  
5 submit the ordinance to the commissioner for designation of the  
6 transit village zone as a transit village. The commissioner, in  
7 consultation with the Executive Director of the New Jersey Transit  
8 Corporation pursuant to subsection (e) of section 5 of P.L.1966,  
9 c.301 (C.27:1A-5), shall designate a transit village zone as a transit  
10 village if the commissioner determines that the plan is consistent  
11 with the provisions of this act and the Statewide Capital Investment  
12 Strategy prepared pursuant to section 22 of P.L.1984, c.73  
13 (C.27:1B-22).

14 c. The commissioner may adopt rules and regulations, in  
15 accordance with the "Administrative Procedure Act," P.L.1968,  
16 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this  
17 section.

18

19 7. (New section) a. A municipality may establish a transit  
20 village zone pursuant to a transit village plan element, in  
21 accordance with section 49 of P.L.1975, c.291 (C.40:55D-62).

22 b. Where the municipality has adopted a development transfer  
23 ordinance each transit village zone shall be designated as a  
24 receiving zone under that ordinance pursuant to P.L. , c. (C. )  
25 (pending before the Legislature as this bill).

26

27 8. (New section) The commissioner, in consultation with the  
28 Office of Smart Growth, shall promulgate rules and regulations for  
29 administration of a transit village grant funding program. These  
30 rules shall include but not be limited to: the criteria that a  
31 municipality shall meet in order for the Office of Smart Growth to  
32 determine that a transit village master plan element is consistent  
33 with the State Development and Redevelopment Plan, adopted  
34 pursuant to P.L.1985, c.398 (C.52:18A-196 et al.); transit village  
35 design guidelines developed by the New Jersey Transit Corporation;  
36 and incentives and benefits associated with being designated as a  
37 transit village including, but not limited to, planning and capital  
38 funding, funding for transit planning, funding for station  
39 improvement, and prioritization for such funding.

40

41 9. (New section) The commissioner may enter into contracts  
42 with municipalities to maintain roads within an area that has been  
43 designated as a transit village.

44

45 10. (New section) A municipality and a county in which a  
46 transit village has been designated by the commissioner, may be  
47 granted priority on all applications for funding from programs that  
48 are administered by the Department of Transportation and the New

1 Jersey Transit Corporation that support the use of transit in the  
2 transit village zone as an alternative to automobile transportation,  
3 the improvement of mass transit accessibility, the creation of an  
4 environment around a transit stop or station that supports pedestrian  
5 and transit use, the improvement of mobility through the use of  
6 mass transit, the provision of local circulator transit services that  
7 provide access to transit hubs, and the reduction of traffic  
8 congestion.

9  
10 11. (New section) A municipality or a county in which a transit  
11 village has been designated by the commissioner, shall receive  
12 priority on all applications for funding from programs that are  
13 administered by State agencies and departments that support the use  
14 of transit through transit oriented developments characterized by  
15 dense clustering of buildings that include in the same buildings or  
16 in different buildings within close proximity to each other  
17 residential, retail or commercial space and office, industrial or other  
18 employment uses that do not pose a nuisance to nearby residents,  
19 the preservation of green and open space, and the reclamation of  
20 brown fields.

21  
22 12. (New section) A taxpayer shall be allowed a credit, to be  
23 computed as provided by regulation promulgated by the State  
24 Treasurer in consultation with the Office of Smart Growth, against  
25 the franchise tax imposed pursuant to section 5 of P.L.1945, c.162  
26 (C.54:10A-5) or against the tax otherwise due under the "New  
27 Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. The credit  
28 shall be an amount equal to four percent of allowable costs plus  
29 such other incentives deemed appropriate, for any taxpayer who is  
30 an applicant for development and who gains approval and  
31 constructs a development wholly within a designated transit village.  
32 For the purposes of this section, "allowable costs" means amounts  
33 properly chargeable to a capital account, other than for the purchase  
34 or remediation of the capital asset, which are paid or incurred for  
35 construction or rehabilitation, including commissions; interest;  
36 legal, engineering, architectural, and other professional fees  
37 allocable to construction or rehabilitation; closing costs excluding  
38 open space taxes; and site costs, not to exceed \$200 per square foot  
39 of finished interior space.

40  
41 13. (New section) A municipality or county may receive  
42 funding in the form of loans or grants from any public or private  
43 source in order to support the development of a transit village.  
44 Funding received from sources other than those that are  
45 administered by State agencies and departments shall not bar a  
46 transit village from priority funding under programs that are  
47 administered by State agencies and departments.

1       14. (New section) A municipality or county in which a transit  
2 village has been designated by the commissioner may establish  
3 financing mechanisms pursuant to the "Redevelopment Area Bond  
4 Financing Law," sections 1 through 10 of P.L.2001, c.310  
5 (C.40A:12A-64 et seq.), to be utilized only for those improvements  
6 that have been identified in the capital improvement subplan  
7 element.

8  
9       15. (New section) A municipality in which a transit village has  
10 been designated by the commissioner may use revenue allocation  
11 financing and the dedication of payments in lieu of taxes toward the  
12 retirement of debt incurred in the development of the transit village,  
13 pursuant to the "Revenue Allocation District Financing Act,"  
14 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.),  
15 to make those improvements that have been identified in the capital  
16 improvement subplan element.

17  
18       16. (New section) A municipality in which a transit village that  
19 has been designated by the commissioner is located on a Brownfield  
20 site shall be eligible to participate in remediation programs and  
21 receive funding pursuant to the "Brownfield and Contaminated Site  
22 Remediation Act," sections 23 through 43 and section 45 of  
23 P.L.1993, c.139 (C.58:10B-1 et seq.).

24  
25       17. (New section) Notwithstanding any rule or regulation to the  
26 contrary, home buyers purchasing homes in a transit village  
27 designated by the commissioner, that have been developed pursuant  
28 to a transit village plan element, capital improvement program, and  
29 transit village ordinance, shall be eligible for home buyer  
30 homeownership programs offered through New Jersey Housing and  
31 Mortgage Finance Agency.

32  
33       18. (New section) The New Jersey Department of  
34 Environmental Protection may develop an expedited and  
35 coordinated permit review and approval process for transit villages  
36 designated by the Commissioner of Transportation. The  
37 applicability of this expedited and coordinated permit review and  
38 approval process shall include, but not be limited to, permits  
39 involving environmental natural resource and site remediation  
40 issues.

41  
42       19. (New section) A minimum safe distance, as determined by  
43 New Jersey Transit Corporation, shall be maintained between active  
44 New Jersey Transit rail lines and any development within a transit  
45 village.

46  
47       20. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
48 read as follows:

1       19. **【Preparation; contents; modification.】** a. The planning  
2 board may prepare and, after public hearing, adopt or amend a  
3 master plan or component parts thereof, to guide the use of lands  
4 within the municipality in a manner which protects public health  
5 and safety and promotes the general welfare.

6       b. The master plan shall generally comprise a report or  
7 statement and land use and development proposals, with maps,  
8 diagrams and text, presenting, at least the following elements (1)  
9 and (2) and, where appropriate, the following elements (3) through  
10 **【(14)】** 16:

11       (1) A statement of objectives, principles, assumptions, policies  
12 and standards upon which the constituent proposals for the physical,  
13 economic and social development of the municipality are based;

14       (2) A land use plan element (a) taking into account and stating  
15 its relationship to the statement provided for in paragraph (1)  
16 hereof, and other master plan elements provided for in paragraphs  
17 (3) through (14) hereof and natural conditions, including, but not  
18 necessarily limited to, topography, soil conditions, water supply,  
19 drainage, flood plain areas, marshes, and woodlands; (b) showing  
20 the existing and proposed location, extent and intensity of  
21 development of land to be used in the future for varying types of  
22 residential, commercial, industrial, agricultural, recreational,  
23 educational and other public and private purposes or combination of  
24 purposes; and stating the relationship thereof to the existing and any  
25 proposed zone plan and zoning ordinance; and (c) showing the  
26 existing and proposed location of any airports and the boundaries of  
27 any airport safety zones delineated pursuant to the "Air Safety and  
28 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d)  
29 including a statement of the standards of population density and  
30 development intensity recommended for the municipality;

31       (3) A housing plan element pursuant to section 10 of P.L.1985,  
32 c.222 (C.52:27D-310), including, but not limited to, residential  
33 standards and proposals for the construction and improvement of  
34 housing;

35       (4) A circulation plan element showing the location and types of  
36 facilities for all modes of transportation required for the efficient  
37 movement of people and goods into, about, and through the  
38 municipality, taking into account the functional highway  
39 classification system of the Federal Highway Administration and  
40 the types, locations, conditions and availability of existing and  
41 proposed transportation facilities, including air, water, road and rail;

42       (5) A utility service plan element analyzing the need for and  
43 showing the future general location of water supply and distribution  
44 facilities, drainage and flood control facilities, sewerage and waste  
45 treatment, solid waste disposal and provision for other related  
46 utilities, and including any storm water management plan required  
47 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.).  
48 If a municipality prepares a utility service plan element as a

1 condition for adopting a development transfer ordinance pursuant to  
2 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan  
3 element shall address the provision of utilities in the receiving zone  
4 as provided thereunder;

5 (6) A community facilities plan element showing the existing  
6 and proposed location and type of educational or cultural facilities,  
7 historic sites, libraries, hospitals, firehouses, police stations and  
8 other related facilities, including their relation to the surrounding  
9 areas;

10 (7) A recreation plan element showing a comprehensive system  
11 of areas and public sites for recreation;

12 (8) A conservation plan element providing for the preservation,  
13 conservation, and utilization of natural resources, including, to the  
14 extent appropriate, energy, open space, water supply, forests, soil,  
15 marshes, wetlands, harbors, rivers and other waters, fisheries,  
16 endangered or threatened species wildlife and other resources, and  
17 which systemically analyzes the impact of each other component  
18 and element of the master plan on the present and future  
19 preservation, conservation and utilization of those resources;

20 (9) An economic plan element considering all aspects of  
21 economic development and sustained economic vitality, including  
22 (a) a comparison of the types of employment expected to be  
23 provided by the economic development to be promoted with the  
24 characteristics of the labor pool resident in the municipality and  
25 nearby areas and (b) an analysis of the stability and diversity of the  
26 economic development to be promoted;

27 (10) A historic preservation plan element: (a) indicating the  
28 location and significance of historic sites and historic districts; (b)  
29 identifying the standards used to assess worthiness for historic site  
30 or district identification; and (c) analyzing the impact of each  
31 component and element of the master plan on the preservation of  
32 historic sites and districts;

33 (11) Appendices or separate reports containing the technical  
34 foundation for the master plan and its constituent elements;

35 (12) A recycling plan element which incorporates the State  
36 Recycling Plan goals, including provisions for the collection,  
37 disposition and recycling of recyclable materials designated in the  
38 municipal recycling ordinance, and for the collection, disposition  
39 and recycling of recyclable materials within any development  
40 proposal for the construction of 50 or more units of single-family  
41 residential housing or 25 or more units of multi-family residential  
42 housing and any commercial or industrial development proposal for  
43 the utilization of 1,000 square feet or more of land;

44 (13) A farmland preservation plan element, which shall include:  
45 an inventory of farm properties and a map illustrating significant  
46 areas of agricultural land; a statement showing that municipal  
47 ordinances support and promote agriculture as a business; and a  
48 plan for preserving as much farmland as possible in the short term

1 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-  
2 1 et al.) through a variety of mechanisms including, but not limited  
3 to, utilizing option agreements, installment purchases, and  
4 encouraging donations of permanent development easements;

5 (14) A development transfer plan element which sets forth the  
6 public purposes, the locations of sending and receiving zones and  
7 the technical details of a development transfer program based on the  
8 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);**[ and ]**

9 (15) An educational facilities plan element which incorporates  
10 the purposes and goals of the "long-range facilities plan" required to  
11 be submitted to the Commissioner of Education by a school district  
12 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); **and**

13 (16) A transit village plan element that sets forth the public  
14 purposes and location of any transit village zone in the  
15 municipality. The transit village plan element shall specify the  
16 location of transit oriented developments within the transit village  
17 zone and the standards of population density and development  
18 intensity that apply within that transit village zone. The transit  
19 village plan element shall include a specific circulation subplan  
20 element for the transit village. The circulation subplan element  
21 shall include recommendations to facilitate pedestrian, bicycle, and  
22 transit use, and address, among other things, the current level of  
23 automobile, pedestrian, and bicycle access to transit and  
24 improvements thereto with a goal of increasing ridership without  
25 significantly increasing the proportion of transit users that access  
26 the transit station, stop, or access point by single- occupant  
27 automobiles, and further include recommendations for  
28 improvements such as increased connectivity of the street network,  
29 park-and-ride facilities for transit users, including location, size,  
30 and layout, rail station upgrading, and bus stop facilities. The  
31 circulation subplan element may include, but is not limited to, the  
32 following: recommended improvements in service such as the  
33 institution of a shuttle service to rail stations; shared parking  
34 facilities, pricing, and other opportunities to reduce the amount of  
35 parking or the amount of land devoted to parking; routing bus  
36 services to employment and shopping areas; proposed road  
37 widening, lane striping, and signalization improvements needed to  
38 facilitate automobile and pedestrian access to transit stations and  
39 pedestrian access improvements, including compliance with the  
40 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.  
41 12101 et seq.). Prior to adopting the transit village plan element,  
42 the planning board shall first consult with the New Jersey Transit  
43 Corporation to review the proposed transit village zone, any  
44 proposed park-and-ride locations, and layout, in order to ensure  
45 compatibility with existing and proposed service and to address  
46 pedestrian and vehicular safety, and then submit the proposed plan  
47 element to the Office of Smart Growth for a determination of  
48 consistency with the State Development and Redevelopment Plan.

1 c. The master plan and its plan elements may be divided into  
2 subplans and subplan elements projected according to periods of  
3 time or staging sequences.

4 d. The master plan shall include a specific policy statement  
5 indicating the relationship of the proposed development of the  
6 municipality, as developed in the master plan to (1) the master plans  
7 of contiguous municipalities, (2) the master plan of the county in  
8 which the municipality is located, (3) the State Development and  
9 Redevelopment Plan adopted pursuant to the "State Planning Act,"  
10 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)  
11 and (4) the district solid waste management plan required pursuant  
12 to the provisions of the "Solid Waste Management Act," P.L.1970,  
13 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is  
14 located.

15 In the case of a municipality situated within the Highlands  
16 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
17 master plan shall include a specific policy statement indicating the  
18 relationship of the proposed development of the municipality, as  
19 developed in the master plan, to the Highlands regional master plan  
20 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).  
21 (cf: P.L.2007, c.137, s.59)

22

23 21. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to  
24 read as follows:

25 49. **[Power to zone.]** a. The governing body may adopt or  
26 amend a zoning ordinance relating to the nature and extent of the  
27 uses of land and of buildings and structures thereon. Such  
28 ordinance shall be adopted after the planning board has adopted the  
29 land use plan element the housing plan element of a master plan,  
30 and all of the provisions of such zoning ordinance or any  
31 amendment or revision thereto shall either be substantially  
32 consistent with the land use plan element and the housing plan  
33 element of the master plan or designed to effectuate such plan  
34 elements; provided that the governing body may adopt a zoning  
35 ordinance or amendment or revision thereto which in whole or part  
36 is inconsistent with or not designed to effectuate the land use plan  
37 element and the housing plan element, but only by affirmative vote  
38 of a majority of the full authorized membership of the governing  
39 body, with the reasons of the governing body for so acting set forth  
40 in a resolution and recorded in its minutes when adopting such a  
41 zoning ordinance; and provided further that, notwithstanding  
42 anything aforesaid, the governing body may adopt an interim  
43 zoning ordinance pursuant to subsection b. of section 77 of  
44 P.L.1975, c.291 (C.40:55D-90).

45 The zoning ordinance shall be drawn with reasonable  
46 consideration to the character of each district and its peculiar  
47 suitability for particular uses and to encourage the most appropriate  
48 use of land. The regulations in the zoning ordinance shall be

1 uniform throughout each district for each class or kind of buildings  
2 or other structure or uses of land, including planned unit  
3 development, planned unit residential development and residential  
4 cluster, but the regulations in one district may differ from those in  
5 other districts.

6 b. No zoning ordinance and no amendment or revision to any  
7 zoning ordinance shall be submitted to or adopted by initiative or  
8 referendum.

9 c. The zoning ordinance shall provide for the regulation of any  
10 airport safety zones delineated under the "Air Safety and Zoning  
11 Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), in conformity with  
12 standards promulgated by the Commissioner of Transportation.

13 d. The zoning ordinance shall provide for the regulation of land  
14 adjacent to State highways in conformity with the State highway  
15 access management code adopted by the Commissioner of  
16 Transportation under section 3 of the "State Highway Access  
17 Management Act," P.L.1989, c.32 (C.27:7-91), for the regulation of  
18 land with access to county roads and highways in conformity with  
19 any access management code adopted by the county under  
20 R.S.27:16-1 and for the regulation of land with access to municipal  
21 streets and highways in conformity with any municipal access  
22 management code adopted under R.S.40:67-1. This subsection shall  
23 not be construed as requiring a zoning ordinance to establish  
24 minimum lot sizes or minimum frontage requirements for lots  
25 adjacent to but restricted from access to a State highway.

26 e. The governing body may adopt or amend a zoning ordinance  
27 to set forth a transit village zone that shall either be substantially  
28 consistent with a transit village plan element of the master plan or  
29 designed to effectuate that plan element. Upon adoption or  
30 amendment of a zoning ordinance pursuant to this subsection the  
31 governing body may submit the ordinance to the Commissioner of  
32 Transportation for designation of the zone as a transit village.

33 f. A municipality that is seeking to establish a transit village  
34 zone shall establish zoning that is supportive of transit service and  
35 development. A municipality that is seeking to establish a transit  
36 village development district shall designate an area around the  
37 transit facility in which it intends to develop a plan that supports  
38 pedestrian and transit use and adopt zoning regulations that will  
39 enforce the objectives of the transit village zone.

40 (cf: P.L.1991, c.445, s.9)

41

42 22. (New section) The commissioner may allocate up to \$10  
43 million per year for the three years next following the enactment of  
44 this act from whatever State or federal funds are made available for  
45 the purposes of this act; however, the Legislature may authorize a  
46 greater amount.

47

48 23. This act shall take effect immediately.

STATEMENT

1

2

3 This bill establishes the "New Jersey Transit Villages Act" for  
4 the purpose of encouraging individual municipalities to begin  
5 influencing land use patterns, densities, the general character of  
6 their communities, and eventually, the overall quality of life for  
7 their residents. This bill seeks to promote communities that are  
8 pedestrian friendly and within close proximity to public transit  
9 systems that have been the focus of major public investment.

10 Projected population increases for the State indicate that under  
11 current development patterns that encourage single-occupancy  
12 vehicle automobile trips, even more significant strains will be  
13 placed on the highway and road network, leading to levels of  
14 congestion beyond the mitigation ability of the State.

15 The bill attempts to focus development based on smart growth  
16 principles by directing transportation investments into the  
17 redevelopment of our older urban and suburban areas around transit  
18 hubs. The bill also seeks to increase transportation options and  
19 transit availability, which will have the effect of reducing  
20 automobile traffic, stabilizing property taxes, and providing  
21 affordable housing.

22 In 1999 the New Jersey Department of Transportation (NJDOT),  
23 working with New Jersey Transit Corporation, created the Transit  
24 Village Initiative to further "Smart Growth" objectives. There are  
25 currently 17 designated Transit Villages in the State. Transit  
26 Village funding comes from a dedicated federal source, the  
27 Congestion Mitigation and Air Quality program, which amounts to  
28 \$2 million annually and is administered by NJDOT. There is no  
29 money currently allocated to the Transit Village Initiative from the  
30 Transportation Trust Fund. Other State agencies may provide  
31 "assistance" to Transit Villages, such as technical assistance,  
32 favorable changes in regulations, and "red carpet" treatment  
33 involving permits, but do not directly fund the initiative. This bill  
34 would formalize the Transit Village Initiative and permit State  
35 funding to be used to further the goals of the program.