

P.L. 2025, CHAPTER 390, *approved January 20, 2026*
Assembly, No. 5901 (*Second Reprint*)

1 AN ACT concerning the ¹**【**construction, installation, and operation
2 of certain energy project components on**】** installation of
3 transmission and distribution wires that cross¹ preserved
4 farmland and supplementing Title 4 of the Revised Statutes.

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

8
9 1. a. As used in this section:

10 ¹“Board” means the Board of Public Utilities.¹

11 “Committee” means the State Agriculture Development
12 Committee established pursuant to section 4 of P.L.1983, c.31
13 (C.4:1C-4).

14 “Preserved farmland” means land on which a development
15 easement was conveyed to, or retained by, the committee, a board,
16 or a qualifying tax exempt nonprofit organization pursuant to the
17 provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of
18 P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-
19 38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through
20 40 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any
21 other State law enacted for farmland preservation purposes.

22 ¹“Secretary” means the Secretary of Agriculture.

23 “Transmission and distribution wires” or “wires” means wires
24 used to interconnect an energy generation facility to an electric
25 distribution or transmission system, as well as any associated
26 components that are necessary for the wires’ installation,
27 functionality, and access.¹

28 b. ¹**【**Notwithstanding the provisions of any law, rule, or
29 regulation to the contrary, a person or entity may construct, install,
30 and operate energy project transmission and distribution
31 components, facilities, structures, equipment, and improvements on
32 preserved farmland, including improvements associated with access
33 to such components, whether on the preserved portion of the farm
34 or on any exception area or other portion excluded from
35 preservation and regardless of whether the energy generating from
36 the project is used on the farm, and may make improvements to any
37 agricultural, horticultural, residential, or other building or structure
38 on the land for that purpose, so long as:

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted December 8, 2025.

²Assembly AAP committee amendments adopted December 18, 2025.

1 (1) the owner of the preserved farmland has granted rights or
2 otherwise approved such components, facilities, equipment, and
3 improvements;

4 (2) generating facilities are not located on the farm pursuant to
5 this section and the facilities authorized by this subsection shall be
6 limited to those associated with the transmission and distribution of
7 energy, along with access to such facilities;

8 (3) the components, facilities, structures, and equipment for any
9 single project are located within a right-of-way not to exceed fifty
10 feet in width located as close as reasonably practical, based on
11 applicable constraints, to the edge of the preserved portion of the
12 farm and are installed by any of the following methods and subject
13 to the following limitations:

14 (a) overhead lines shall be located within the right-of-way, with
15 any disturbance around associated poles and in the work area to be
16 returned as close as reasonably practical to existing conditions after
17 completion of the work;

18 (b) open cut trenches shall be located within the right-of-way
19 with the components to be installed at a depth of greater than three
20 feet below grade, with the trench to be backfilled and with any
21 disturbance in the work area to be returned as close as reasonably
22 practical to existing conditions after completion of the work;

23 (c) the use of a cable plow to cut a narrow trench into the ground
24 and simultaneously lay the cable shall be located within the right-
25 of-way with the components to be installed at a depth of greater
26 than three feet below grade, with any open areas to be backfilled
27 and with any disturbance in the work area to be returned as close as
28 reasonably practical to existing conditions after completion of the
29 work; and

30 (d) the underground bore shall be located within the right-of-way
31 at a depth of greater than three feet below grade; and

32 (4) any improvements or use, including roadway improvements,
33 that require access outside of the right-of-way shall be limited to an
34 additional right-of-way not to exceed fifty feet in width and shall be
35 allowed only when no other access route is reasonably practical.
36 The additional right-of-way shall be located either:

37 (a) as close as reasonably practical based on applicable
38 constraints to the edge of the preserved portion of the farm; or

39 (b) in and around any existing driveway that is adjacent to, or
40 that leads to, the energy project facilities.

41 c. Any use of preserved farmland that is consistent with the
42 provisions of subsection b. of this section shall be automatically
43 allowed without approval required from the committee.

44 d. For any use of preserved farmland that is associated with
45 energy project transmission or distribution, but that is not consistent
46 with the provisions of subsection b. of this section, the person or
47 entity shall submit an application to the committee to seek approval
48 before constructing, installing, and operating any energy project

1 components, facilities, structures, or equipment on the farm, with
2 such approval not to be unreasonably withheld, conditioned, or
3 delayed. The committee shall provide the holder of any
4 development easement on the farm with a copy of the application
5 submitted pursuant to this subsection, and the holder of the
6 development easement shall have 30 days within which to provide
7 comments to the committee on the application. The committee
8 shall, within 90 days of receipt, approve, disapprove, or approve
9 with conditions an application submitted pursuant to this
10 subsection. The committee shall base application decisions solely
11 upon whether the proposed installations will interfere significantly
12 with the use of the land for agricultural or horticultural production,
13 considering comments received from the holder of the development
14 easement, and balancing against the energy needs of the State.

15 e. No fee shall be charged of the applicant for review of an
16 application submitted to, or issuance of any decision by, the
17 committee pursuant to this section.

18 f. The committee may suspend or revoke an approval issued
19 pursuant to this section for a violation of any term or condition of
20 the approval or any provision of this section.

21 g. Notwithstanding any provision of this section to the contrary,
22 the construction, installation, or operation of any energy project
23 transmission or distribution component, facility, structure, or
24 equipment in the pinelands area, as defined and regulated by the
25 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.),
26 shall comply with the standards of P.L.1979, c.111 (C.13:18A-1 et
27 seq.) and the comprehensive management plan for the pinelands
28 area adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.).

29 h. In making any decisions pursuant to this section, the
30 committee shall balance the need for land for suitable agricultural
31 or horticultural production with the energy needs of the State. **】** If
32 transmission and distribution wires are required to be connected to,
33 or from, an energy generation facility located in the State to allow
34 the facility to interconnect to an electric distribution or transmission
35 system, such that the wires would cross preserved farmland, the
36 owner of the facility may submit an application to the committee for
37 approval of a proposed project to install the transmission and
38 distribution wires. The application shall contain, at minimum, the
39 following information:

40 (1) the name, address, and telephone number of the company or
41 organization that owns or operates the proposed project and the
42 name of a contact person for the proposed project;

43 (2) information related to the location and land use of the
44 proposed project, as follows:

45 (a) the municipality or municipalities, block, and lot number or
46 numbers, as applicable, that would be impacted by the proposed
47 project;

1 **(b) a key map adequately locating the proposed route of wires to,**
2 **and from, the proposed project; and**

3 **(c) the land use of areas adjacent to the project site, including the**
4 **block and lot number of any surrounding parcels of preserved**
5 **farmland that would be impacted by the proposed project;**

6 **(3) a description of the proposed project, including:**

7 **(a) the type and purpose of the proposed project;**

8 **(b) the phases of the proposed project; and**

9 **(c) the site plan for the proposed project;**

10 **(4) an analysis of alternatives to the installation of wires across**
11 **preserved farmland, including:**

12 **(a) a description of why there is no practical alternative to**
13 **installing transmission and distribution wires across preserved**
14 **farmland; and**

15 **(b) an explanation of other alternatives that were considered and**
16 **why those alternatives were rejected; and**

17 **(5) written approval from the owner of the preserved farmland on**
18 **which the transmission and distribution wires would be installed.**

19 **c. Except as provided in subsection d. of this section, the**
20 **committee, in consultation with the County Agriculture**
21 **Development Board or organization that retains the development**
22 **rights pursuant to the easement in place on each parcel of preserved**
23 **farmland impacted by the proposed project, as applicable, shall**
24 **render a decision on an application submitted pursuant to subsection**
25 **b. of this section within 60 days.**

26 **d. If the Board of Public Utilities determines that a proposed**
27 **project is necessary to serve the State's energy needs, ²[the]² board**
28 **²staff² may file a letter with the committee explaining the public**
29 **need for the proposed project, and the determination shall be given**
30 **deference by the committee. ²If the board has issued a board order**
31 **designating the proposed project as eligible to receive incentives in**
32 **one of the State's incentive programs, the board may file the order**
33 **with the committee in place of a letter.² The Secretary of**
34 **Agriculture, in the secretary's capacity as chair of the committee,**
35 **and in consultation with the committee, shall grant approval of the**
36 **application within 30 days of receiving the ²[board's]² letter ²or**
37 **board order, as applicable². If the secretary finds that there will be**
38 **a substantial disruption to preserved farmland resulting from the**
39 **proposed project as described in the application, the secretary, in**
40 **consultation with the committee, shall require modifications to the**
41 **proposed project as a condition of granting approval of the**
42 **application, as may be necessary and reasonably achievable to allow**
43 **the proposed project to proceed without undue disruption to the**
44 **preserved farmland.**

45 **e. An application for a proposed project that has been approved**
46 **pursuant to this section shall comply with any other applicable**
47 **laws, regulations, or permit requirements.¹**

1 2. This act shall take effect immediately.

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6 Authorizes certain energy projects involving installation of
7 transmission and distribution wires that cross preserved farmland.