

**SENATE, No. 1224**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Senator Diegnan**

**SYNOPSIS**

Incorporates boardwalks into transportation local aid program and provides for Local Aid Infrastructure Fund grants to boardwalk projects.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee with technical review.



**(Sponsorship Updated As Of: 1/25/2024)**

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2

1 AN ACT providing funding for boardwalks in the transportation  
2 local aid program and amending P.L.1984, c.73.

3

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

6

7 1. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read  
8 as follows:

9 3. The following words or terms as used in this act shall have  
10 the following meaning unless a different meaning clearly appears  
11 from the context:

12 "Act" means this New Jersey Transportation Trust Fund  
13 Authority Act of 1984 as amended and supplemented.

14 "Authority" means the New Jersey Transportation Trust Fund  
15 Authority created by section 4 of this act.

16 "Bonds" means bonds issued by the authority pursuant to the act  
17 and includes prior bonds and transportation program bonds.

18 "Circle of Mobility" means an essential group of related transit  
19 projects that include (1) the New Jersey Urban Core Project, as  
20 defined in section 3031 of the "Intermodal Surface Transportation  
21 Efficiency Act of 1991," Pub.L.102-240, and consisting of the  
22 following elements: Secaucus Transfer, Kearny Connection,  
23 Waterfront Connection, Northeast Corridor Signal System, Hudson  
24 River Waterfront Transportation System, Newark-Newark  
25 International Airport-Elizabeth Transit Link, a rail connection  
26 between Penn Station Newark and Broad Street Station, Newark,  
27 New York Penn Station Concourse, and the equipment needed to  
28 operate revenue service associated with improvements made by the  
29 project, and (2) the modification and reconstruction of the West  
30 Shore Line in Bergen County connected to Allied  
31 Junction/Secaucus Transfer Meadowlands Rail Center; the  
32 construction of a rail station and associated components at the  
33 Meadowlands Sports Complex; the modification and reconstruction  
34 of the Susquehanna and Western Railway, as defined and provided  
35 in section 3035 (a) of the "Intermodal Surface Transportation  
36 Efficiency Act of 1991"; the modification and reconstruction of the  
37 Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex  
38 and Warren Counties to the North Jersey Transportation Rail  
39 Centers; and commuter rail service in the central New Jersey region  
40 terminating at the proposed Lakewood Transportation Center in  
41 Ocean County or other location, as determined by the Board of the  
42 New Jersey Transit Corporation, pursuant to a resolution of the  
43 board providing for the achievement of a consensus among the  
44 interested parties as to the direction of the proposed rail line;  
45 provided, however, that this 2000 amendatory act shall not be

**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.**

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1 construed as affecting any priorities which may have been assigned  
2 to any other project in the Circle of Mobility.

3 "Commissioner" means the Commissioner of Transportation.

4 "Department" means the Department of Transportation.

5 "Federal aid highway" means any highway within the State in  
6 connection with which the State receives payment or reimbursement  
7 from the federal government under the terms of Title 23, United  
8 States Code or any amendment, successor, or replacement thereof,  
9 for the purposes contained in the act.

10 "Federal government" means the United States of America, and  
11 any office, department, board, commission, bureau, division,  
12 corporation, agency, or instrumentality thereof.

13 "New Jersey Highway Authority" means the public corporation  
14 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its  
15 successor.

16 "New Jersey Turnpike Authority" means the public corporation  
17 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

18 "Notes" means the notes issued by the authority pursuant to the  
19 act.

20 "Permitted maintenance" means, in relation to public  
21 transportation projects and transportation projects, direct costs of  
22 work necessary for preserving or maintaining the useful life of  
23 public transportation projects and transportation projects,  
24 respectively, provided the work performed is associated with the  
25 acquisition, installation, and rehabilitation of components which are  
26 not included in the normal operating maintenance of equipment and  
27 facilities or replaced on a scheduled basis. The work shall ensure  
28 the useful life of the public transportation project or transportation  
29 project for not less than five years and shall not include routine  
30 maintenance or inspection of equipment and facilities that is  
31 conducted on a scheduled basis. This definition shall not apply to  
32 the term "maintenance" as used in the definition of "public  
33 highways." In relation to public highways, "permitted maintenance"  
34 means the direct costs of work necessary for preserving or  
35 maintaining the useful life of public highways, provided the work is  
36 not associated with the regular and routine maintenance of public  
37 highways and their components. The work shall ensure the useful  
38 life of the transportation project for not less than five years.

39 "Prior bonds" means bonds issued pursuant to the authorization  
40 contained in P.L.1995, c.108 and P.L.2006, c.3 and any bonds  
41 issued to refund such prior bonds.

42 "Public highways" means public roads, streets, expressways,  
43 freeways, parkways, motorways and boulevards, including bridges,  
44 tunnels, overpasses, underpasses, interchanges, rest areas, express  
45 bus roadways, bus pullouts and turnarounds, park-ride facilities,  
46 traffic circles, grade separations, traffic control devices, the  
47 elimination or improvement of crossings of railroads and highways,  
48 whether at grade or not at grade, boardwalks, promenades, bicycle

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1 and pedestrian pathways and pedestrian and bicycle bridges  
2 traversing public highways, and any facilities, equipment, property,  
3 rights of way, easements and interests therein needed for the  
4 construction, improvement, and maintenance of highways.

5 "Public transportation project" means, in connection with public  
6 transportation service, passenger stations, shelters and terminals,  
7 automobile parking facilities, ferries and ferry facilities, including  
8 capital projects for ferry terminals, approach roadways, pedestrian  
9 accommodations, parking, docks, and other necessary land-side  
10 improvements, ramps, track connections, signal systems, power  
11 systems, information and communication systems, roadbeds, transit  
12 lanes or rights of way, equipment storage, pedestrian walkways and  
13 bridges connecting to passenger stations and servicing facilities,  
14 bridges, grade crossings, rail cars, locomotives, motorbuses and  
15 other motor vehicles, maintenance and garage facilities, revenue  
16 handling equipment and any other equipment, facility, or property  
17 useful for or related to the provision of public transportation  
18 service.

19 "South Jersey Transportation Authority" means the public  
20 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or  
21 its successor.

22 "State agency" means any office, department, board,  
23 commission, bureau, division, agency, or instrumentality of the  
24 State.

25 "Toll road authorities" means and includes the New Jersey  
26 Turnpike Authority, the New Jersey Highway Authority, or its  
27 successor, and the South Jersey Transportation Authority.

28 "Transportation program bonds" means bonds issued pursuant to  
29 the authorization contained in P.L.2012, c.13, P.L.2016, c.56, and  
30 any bonds issued to refund such transportation program bonds.

31 "Transportation project" means, in addition to public highways  
32 and public transportation projects, any equipment, facility or  
33 property useful or related to the provision of any ground,  
34 waterborne, or air transportation for the movement of people and  
35 goods including rail freight infrastructure, which equipment,  
36 facility, or property may be acquired by purchase or lease.

37 "Transportation system" means public highways, public  
38 transportation projects, other transportation projects, and all other  
39 surface, airborne, and waterborne methods of transportation for the  
40 movement of people and goods.

41 (cf: P.L.2016, c.56, s.1)

42

43 2. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to  
44 read as follows:

45 25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of  
46 the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the  
47 commissioner may, pursuant to appropriations or authorizations  
48 being made from time to time by the Legislature according to law,

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1 allocate to counties and municipalities funds for the planning,  
2 acquisition, engineering, construction, reconstruction, repair,  
3 resurfacing and rehabilitation of public highways and the planning,  
4 acquisition, engineering, construction, reconstruction, repair,  
5 maintenance and rehabilitation of public transportation projects and  
6 of other transportation projects which a county or municipality may  
7 be authorized by law to undertake.

8 b. The commissioner shall, pursuant to appropriations or  
9 authorizations being made from time to time by the Legislature  
10 according to law, allocate at **[his]** the commissioner's discretion  
11 State aid to counties and municipalities for transportation projects,  
12 except that the amount to be appropriated for this program shall be  
13 seven percent of the total amount appropriated pursuant to  
14 subsection d. of this section. This State aid shall be set aside prior  
15 to any formula allocations provided for in subsections c., d., e., f.,  
16 and g. of this section, and shall be known as the "Local Aid  
17 Infrastructure Fund." In the fiscal year commencing July 1, 2016,  
18 any amount appropriated to the Local Aid Infrastructure Fund  
19 above \$7,500,000 shall be deposited into the State Transportation  
20 Infrastructure Bank Fund, established pursuant to section **[34]** 39  
21 of P.L.2016, c.56 (C.58:11B-10.4).

22 c. The commissioner shall, pursuant to appropriations or  
23 authorizations being made from time to time by the Legislature  
24 according to law and pursuant to the provisions of subsections b.  
25 and d. of this section, allocate State aid to municipalities for public  
26 highways under their jurisdiction. The amount to be appropriated  
27 shall be allocated on the basis of the following distribution factor:

28 
$$DF = \frac{Pc}{Ps} + \frac{Cm}{Sm}$$

31 where, DF equals the distribution factor

32 Pc equals county population

33 Ps equals State population

34 Cm equals combined municipal road mileage and boardwalk  
35 mileage within the county

36 Sm equals combined municipal road mileage and boardwalk  
37 mileage within the State.

38 After the amount of aid has been allocated based on the above  
39 formula, the commissioner shall determine priority for the funding  
40 of municipal projects within each county, based upon criteria  
41 relating to volume of traffic, safety considerations, growth  
42 potential, readiness to obligate funds, and local taxing capacity. In  
43 addition to the above criteria used in determining priority of  
44 funding of municipal projects in each county, the commissioner  
45 shall consider whether a project is intended to remedy hazardous  
46 conditions as identified for the purposes of providing transportation  
47 pursuant to N.J.S.18A:39-1.2 for school pupils or to improve  
48 pedestrian safety.

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1 For the purposes of this subsection, (1) "population" means the  
2 official population count as reported by the New Jersey Department  
3 of Labor and Workforce Development; **[and]** (2) "municipal road  
4 mileage" means that road mileage under the jurisdiction of  
5 municipalities, as determined by the department; and (3)  
6 "boardwalk mileage" means the mileage of elevated pedestrian  
7 walkways or footpaths, regardless of construction material, which  
8 allows pedestrians to cross wet, fragile, sandy, or marshy land and  
9 which is owned or maintained by municipalities, as determined by  
10 the department.

11 d. There shall be appropriated at least \$175,000,000 for each  
12 fiscal year commencing July 1, 2006 through the fiscal year  
13 commencing July 1, 2015, and \$400,000,000 for each fiscal year  
14 commencing July 1, 2016 and for each fiscal year thereafter, for the  
15 purposes provided herein and in subsections b., c., e., f., and g. of  
16 this section. (1) Of that appropriation, the commissioner shall  
17 allocate 37.5 percent of the total appropriation as State aid for  
18 municipalities pursuant to the provisions of subsection c. of this  
19 section, provided that \$5,000,000 for each fiscal year commencing  
20 July 1, 2006 through the fiscal year commencing July 1, 2015, and  
21 \$10,000,000 for each fiscal year commencing July 1, 2016 and for  
22 each fiscal year thereafter of the amount allocated as State aid for  
23 municipalities shall be set aside and sub-allocated as State aid to  
24 any municipality qualifying for aid pursuant to the provisions of  
25 P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall  
26 allocate the aid to each municipality in the same proportion that the  
27 municipality receives aid under P.L.1978, c.14 (C.52:27D-178 et  
28 seq.). (2) The commissioner shall allocate 37.5 percent of the total  
29 appropriation pursuant to the provisions of subsection e. of this  
30 section for the Local County Aid Program. (3) The commissioner  
31 shall allocate seven percent of the total appropriation pursuant to  
32 the provisions of subsection b. of this section for the "Local Aid  
33 Infrastructure Fund." (4) The commissioner shall allocate seven  
34 percent of the appropriation pursuant to the provisions of subsection  
35 f. of this section for the "Local Freight Impact Fund." (5) The  
36 remaining 11 percent of the appropriation shall be allocated  
37 pursuant to the provisions of subsection g. of this section for the  
38 "Local Bridges Fund."

39 e. The commissioner may, pursuant to appropriations or  
40 authorizations being made from time to time by the Legislature  
41 according to law, allocate additional funding to the Local County  
42 Aid Program for public highway projects, in accordance with a  
43 formula similar to that provided for in subsection c. of this section,  
44 except that Cm equals road and boardwalk mileage under county  
45 jurisdiction and Sm equals total county road and boardwalk mileage  
46 within the State.

47 f. The commissioner shall, pursuant to appropriations or  
48 authorizations being made from time to time by the Legislature

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1 according to law, allocate at the commissioner's discretion, State aid  
2 to counties and municipalities for transportation projects that  
3 address the impacts of freight travel in local communities and on  
4 local transportation infrastructure, except that the amount to be  
5 appropriated for this program shall be seven percent of the total  
6 amount appropriated pursuant to subsection d. of this section. This  
7 State aid shall be set aside prior to any formula allocations provided  
8 for in subsections c., d., e., and g. of this section, and shall be  
9 known as the "Local Freight Impact Fund."

10 g. The commissioner shall, pursuant to appropriations or  
11 authorizations being made from time to time by the Legislature  
12 according to law, allocate at the commissioner's discretion, State aid  
13 to counties and municipalities for transportation projects that  
14 address the condition of bridges under the jurisdiction of counties  
15 with an emphasis on repair and reconstruction of those with the  
16 greatest structural deficiencies, except that the amount to be  
17 appropriated for this program shall be 11 percent of the total  
18 amount appropriated pursuant to subsection d. of this section. This  
19 State aid shall be set aside prior to any formula allocations provided  
20 for in subsections c., d., e., and f. of this section, and shall be  
21 known as the "Local Bridges Fund."

22 (cf: P.L.2016, c.56, s.9)

23

24 3. (New section) Notwithstanding the provisions of section 25  
25 of P.L.1984, c.73 (C.27:1B-25), or any other law to the contrary,  
26 beginning with State fiscal year **【2022】** 2025 and continuing  
27 through State fiscal year 2031, of the amounts granted to counties  
28 and municipalities through the Local Aid Infrastructure Fund,  
29 pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25), not less than  
30 \$4,000,000 per year shall be awarded as grants in support of public  
31 highway projects that construct, reconstruct, or repair boardwalks  
32 and promenades in the State.

33

34 4. This act shall take effect immediately.