ASSEMBLY, No. 5409

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 10, 2026

Sponsored by:
Assemblywoman MAUREEN ROWAN
District 2 (Atlantic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

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

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

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

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

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

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

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

"Circle of Mobility" means an essential group of related transit projects that include (1) the New Jersey Urban Core Project, as defined in section 3031 of the "Intermodal Surface Transportation Efficiency Act of 1991," Pub.L.102-240, and consisting of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project, and (2) the modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035 (a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex and Warren Counties to the North Jersey Transportation Rail Centers; and commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or other location, as determined by the Board of the New Jersey Transit Corporation, pursuant to a resolution of the board providing for the achievement of a consensus among the interested parties as to the direction of the proposed rail line; 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 <u>thus</u> is new matter.

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

"Commissioner" means the Commissioner of Transportation.

"Department" means the Department of Transportation.

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

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

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

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

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

"Permitted maintenance" means, in relation to public transportation projects and transportation projects, direct costs of work necessary for preserving or maintaining the useful life of public transportation projects and transportation projects, respectively, provided the work performed is associated with the acquisition, installation, and rehabilitation of components which are not included in the normal operating maintenance of equipment and facilities or replaced on a scheduled basis. The work shall ensure the useful life of the public transportation project or transportation project for not less than five years and shall not include routine maintenance or inspection of equipment and facilities that is conducted on a scheduled basis. This definition shall not apply to the term "maintenance" as used in the definition of "public highways." In relation to public highways, "permitted maintenance" means the direct costs of work necessary for preserving or maintaining the useful life of public highways, provided the work is not associated with the regular and routine maintenance of public highways and their components. The work shall ensure the useful life of the transportation project for not less than five years.

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

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

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

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

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

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

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

"Transportation program bonds" means bonds issued pursuant to the authorization contained in P.L.2012, c.13, P.L.2016, c.56, P.L.2024, c.7 (C.39:3-8.5 et al.), and any bonds issued to refund such transportation program bonds.

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

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

(cf: P.L.2024, c.7, s.1)

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

25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the commissioner may, pursuant to appropriations or authorizations

being made from time to time by the Legislature according to law, allocate to counties and municipalities funds for the planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways and the planning, acquisition, engineering, construction, reconstruction, repair, maintenance and rehabilitation of public transportation projects and of other transportation projects which a county or municipality may be authorized by law to undertake.

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

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

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

where, DF equals the distribution factor

Pc equals county population

Ps equals State population

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

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

After the amount of aid has been allocated based on the above formula, the commissioner shall determine priority for the funding of municipal projects within each county, based upon criteria relating to volume of traffic, safety considerations, growth potential, readiness to obligate funds, and local taxing capacity. In addition to the above criteria used in determining priority of funding of municipal projects in each county, the commissioner shall consider whether a project is intended to remedy hazardous conditions as identified for the purposes of providing transportation

pursuant to N.J.S.18A:39-1.2 for school pupils or to improve pedestrian safety.

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

d. There shall be appropriated at least $175,000,000 for each fiscal year commencing July 1, 2006 through the fiscal year commencing July 1, 2015, and $400,000,000 for each fiscal year commencing July 1, 2016 and for each fiscal year thereafter, for the purposes provided herein and in subsections b., c., e., f., and g. of this section. (1) Of that appropriation, the commissioner shall allocate 37.5 percent of the total appropriation as State aid for municipalities pursuant to the provisions of subsection c. of this section, provided that $5,000,000 for each fiscal year commencing July 1, 2006 through the fiscal year commencing July 1, 2015, and $10,000,000 for each fiscal year commencing July 1, 2016 and for each fiscal year thereafter of the amount allocated as State aid for municipalities shall be set aside and sub-allocated as State aid to any municipality qualifying for aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall allocate the aid to each municipality in the same proportion that the municipality receives aid under P.L.1978, c.14 (C.52:27D-178 et seq.). (2) The commissioner shall allocate 37.5 percent of the total appropriation pursuant to the provisions of subsection e. of this section for the Local County Aid Program. (3) The commissioner shall allocate seven percent of the total appropriation pursuant to the provisions of subsection b. of this section for the "Local Aid Infrastructure Fund." (4) The commissioner shall allocate seven percent of the appropriation pursuant to the provisions of subsection f. of this section for the "Local Freight Impact Fund." (5) The remaining 11 percent of the appropriation shall be allocated pursuant to the provisions of subsection g. of this section for the "Local Bridges Fund."

The amount of funds allocated as State aid for counties and municipalities, pursuant to paragraphs (3), (4), and (5) of subsection b. of section 8 of P.L.1987, c.460 (C.27:1B-21.1), shall be in addition to the amount of any appropriation required pursuant to this subsection and shall not be subject to any formula allocation provided for in this subsection, and which amounts shall be allocated as follows:

Of the amounts allocated pursuant to paragraph (3) of subsection b. of section 8 of P.L.1987, c.460 (C.27:1B-21.1) for State Fiscal Year 2027, $15,000,000 shall be allocated as State aid to counties for transportation projects pursuant to subsection e. of this section, and $15,000,000 shall be allocated as State aid to municipalities for transportation projects pursuant to subsection c. of this section;

Of the amounts allocated pursuant to paragraph (4) of subsection b. of section 8 of P.L.1987, c.460 (C.27:1B-21.1) for State Fiscal Year 2028, $30,500,000 shall be allocated as State aid to counties for transportation projects pursuant to subsection e. of this section, and $30,500,000 shall be allocated as State aid to municipalities for transportation projects pursuant to subsection c. of this section; and

Of the amounts allocated pursuant to paragraph (5) of subsection b. of section 8 of P.L.1987, c.460 (C.27:1B-21.1) for State Fiscal Year 2029, $46,250,000 shall be allocated as State aid to counties for transportation projects pursuant to subsection e. of this section, and $46,250,000 shall be allocated as State aid to municipalities for transportation projects pursuant to subsection c. of this section.

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

f. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate at the commissioner's discretion, State aid to counties and municipalities for transportation projects that address the impacts of freight travel in local communities and on local transportation infrastructure, except that the amount to be appropriated for this program shall be seven percent of the total amount appropriated pursuant to subsection d. of this section. This State aid shall be set aside prior to any formula allocations provided for in subsections c., d., e., and g. of this section, and shall be known as the "Local Freight Impact Fund."

g. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate at the commissioner's discretion, State aid to counties and municipalities for transportation projects that address the condition of bridges under the jurisdiction of counties with an emphasis on repair and reconstruction of those with the greatest structural deficiencies, except that the amount to be appropriated for this program shall be 11 percent of the total amount appropriated pursuant to subsection d. of this section. This State aid shall be set aside prior to any formula allocations provided

for in subsections c., d., e., and f. of this section, and shall be known as the "Local Bridges Fund."
(cf: P.L.2024, c.7, s.6)

3. (New section) Notwithstanding the provisions of section 25 of P.L.1984, c.73 (C.27:1B-25), or any other law to the contrary, beginning with State fiscal year **[**2022**]** 2026 and continuing through State fiscal year 2031, of the amounts granted to counties and municipalities through the Local Aid Infrastructure Fund, pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25), not less than $4,000,000 per year shall be awarded as grants in support of public highway projects that construct, reconstruct, or repair boardwalks and promenades in the State.

4. This act shall take effect immediately.

STATEMENT

This bill amends the definition of a public highway to include boardwalks and promenades. The bill also amends the State transportation local aid program formula for the distribution of county aid and municipal aid to include boardwalk mileage in addition to county and municipal road mileage respectively. This bill provides counties and municipalities with the same amount of annual local aid funding for each mile of boardwalk that they must maintain as they receive for each mile of road that they must maintain.

The bill also requires the Commissioner of Transportation (commissioner) to provide no less than $4 million per year in grants from the Local Aid Infrastructure Fund for boardwalk projects in State Fiscal Years 2026 through 2031. The Local Aid Infrastructure Fund is a discretionary grant pool that the commissioner may award to projects not covered by the other local aid program categories.