ASSEMBLY, No. 5714

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 29, 2026

Sponsored by:
Assemblyman WILLIAM W. SPEARMAN
District 5 (Camden and Gloucester)

SYNOPSIS

Authorizes licensed third-party permit professionals to issue certain permits at discretion of DOT.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain Department of Transportation permits and amending and supplementing P.L.1989, c.32.

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

1. Section 3 of P.L.1989, c.32 (C.27:7-91) is amended to read as follows:

a. The Commissioner of Transportation shall, within one year of the effective date of this amendatory and supplementary act, adopt as a regulation under the "Administrative Procedure Act," **[**P.L. 1968, c. 410 (C. 52:14B-1 et seq.)**]** P.L.1968, c.410 (C.52:14B-1 et seq.), a State highway access management code (hereinafter, "access code") providing for the regulation of access to State highways. The commissioner shall hold at least five public hearings in various locations throughout the State to receive public comment on the proposed access code, and shall give notice of these hearings at least 15 days in advance thereof in newspapers having general circulation in the localities in which the hearings are to be held. At one of these hearings the members of the Senate Transportation and Communications Committee, or its successor, and at another hearing the members of the Assembly Transportation and Communications Committee, or its successor, shall be invited to sit with the commissioner and participate in the public hearing. In each case the commissioner shall preside at the hearing and it shall be the commissioner's duty to give reasonable notice to the members of the appropriate committee of the time and place of the holding of the hearing. Prior to the holding of the public hearings the commissioner shall submit the draft access code to the advisory committee established pursuant to subsection i. of this section for its comments and recommendations. The advisory committee shall also be afforded the opportunity to provide additional comments and recommendations following the completion of these hearings and before the access code is proposed for adoption under the provisions of the "Administrative Procedure Act."

The Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, shall also be notified by the commissioner of the provisions of the access code at the time it is proposed for adoption under the provisions of the "Administrative Procedure Act." In addition, following the adoption of the access code, the commissioner shall notify the Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, of any proposed revisions to the access

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.

code at the time these revisions are proposed for adoption under the provisions of the "Administrative Procedure Act."

b. The access code shall establish a general classification system for the State highway system. The classification system shall be based upon the following criteria: (1) the function that segments of State highway serve and are planned to serve within the State highway system and within the general system of streets and highways, (2) the environment within which highways are located, including but not limited to urban and rural environments, (3) the appropriate and desirable balance between facilitating safe and convenient movement of through traffic and providing direct access to abutting property, and (4) the desirable rate of speed and the degree to which through traffic should be protected from major variations in speed. Each State highway segment shall have its classification identified in the access code.

c. For each highway classification identified, the access code shall establish standards for: (1) The geometric design of driveways and of intersections and interchanges with other streets and highways, (2) the desirability of constructing driveways and interchanges with grade separations, and (3) minimum and desirable spacing of driveways and intersections and interchanges.

The access code also shall set forth alternative design standards for each highway classification which, combined with limits on vehicular use, can be applied to lots which were in existence prior to the adoption of the access code and which cannot meet the standards of the access code.

d. The access code shall set forth administrative procedures for the issuance of access permits. The code shall include a provision providing for a period of time for the renewal, issuance, modification or denial of these permits, not to exceed 200 days from the date of receipt of the completed application for a major access permit and not to exceed 45 days from the date of receipt of the completed application for a minor access permit. <u>After the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the period of time for the renewal, issuance, modification, or denial of a major access permit or minor access permit shall not exceed 90 days from the date of receipt of a completed application for a major access permit or a minor access permit.</u>

e. The access code shall contain standards suitable for adoption by counties and municipalities for the management of access to streets and highways under their jurisdiction.

f. The commissioner may adopt, as supplements to the access code, site-specific access plans for individual segments of a State highway. Any access plan adopted in accordance with this subsection shall be developed jointly by the Department of Transportation and the municipality in which the highway segment is located and, where a county road intersects the State highway, by

the county in which the State highway segment is located. Prior to incorporating a site-specific access plan into the access code, the commissioner shall determine: (1) that the access plan conditions have been incorporated into the master plan and development ordinances of the municipality, (2) that the access plan complies with or exceeds the standards established in the access code, and (3) that an appropriate means of access has been identified for every lot currently having frontage on the highway segment.

g. The access code shall include a provision under which any person may submit to the commissioner, in writing, a request for a change in the classification of a specified segment of State highway. This provision shall also require the commissioner to notify affected counties and municipalities of such a request, require the commissioner to respond in writing to the request within a specified time, specify what data, evidence, information, comments, or arguments the commissioner is to consider in evaluating the request, and affirm that any request made by any person is in addition to, and not in lieu of, any other administrative or other remedy that person may have under the "Administrative Procedure Act" or any other law.

h. The access code may require financial contributions toward the cost of constructing public improvements of streets and highways but no permit applicant shall be required to contribute an amount that exceeds **[**his**]** the applicant's fair share of the costs of off-site improvements that have a rational nexus with the proposed development on the property for which the permit is requested. The "fair share" shall be based upon the added traffic growth attributable to the development.

i. There is established in the Department of Transportation an Access Code Advisory Committee which shall consist of 11 members, three of whom shall be appointed by the Governor upon recommendation of the President of the Senate, no more than two of whom shall be of the same political party; three of whom shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly, no more than two of whom shall be of the same political party; and five of whom shall be appointed by the Governor from among the following: one shall be a traffic engineer, one shall be a developer engaged substantially in residential construction, one shall be a developer engaged substantially in commercial, industrial or office building construction, one shall represent the State Chamber of Commerce, and one shall represent the New Jersey Business and Industry Association. Of the 11 members no more than two shall be developers or represent the interests of developers. The chairman of the committee shall be appointed by the Governor from among the members of the committee. It shall be the duty of the committee to make comments and recommendations on the access code as provided in subsection a. of this section, which shall include analysis of methods and

procedures to assure the timely and equitable consideration and processing by the department of access permit requests, and to otherwise consult with and advise the commissioner on the code. The members of the committee shall not receive compensation for their services as members of the committee. Each member shall be reimbursed by the department for his actual expenses necessarily incurred in attending meetings of the committee. The committee shall be dissolved on the 30th day following the adoption of the access code.
(cf: P.L.1989, c.32, s.3)

2. Section 4 of P.L.1989, c.32 (C.27:7-92) is amended to read as follows:

a. Any person seeking to construct or open a driveway or public street or highway entering into a State highway shall first obtain an access permit from the commissioner, a third-party hired by the Department of Transportation, or a licensed third-party permit professional established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. Every access permit, including street opening permits, in effect on the effective date of this amendatory and supplementary act shall remain valid and effective until revoked or replaced.

c. Every State highway intersection with a driveway or public street or highway in existence prior to January 1, 1970 shall be assumed to have been constructed in accordance with an access permit, even if no permit was issued.

d. Access permits issued under this amendatory and supplementary act may contain whatever terms and conditions the commissioner finds necessary and convenient for effectuating the purposes of this amendatory and supplementary act, including but not limited to, the condition that a permit shall expire when the use of the property served by the access permit changes resulting in a significant increase in traffic or is expanded. Any increase in traffic that adds the greater of 100 movements during the peak hour, or 10 percent of the previously anticipated daily movements shall be considered significant. For projects for which a completed application has been made to the department for an access permit and which have received preliminary site plan approval or subdivision approval from the municipal approval authority pursuant to **[**"The**]** the "Municipal Land Use Law," **[**P.L. 1975, c. 291 (C. 40:55D-1 et seq.)**]** P.L.1975, c.291 (C.40:55D-1 et seq.), as of the date of the adoption of the access code, permit applications for that project shall be reviewed and approved according to the permit requirements in effect immediately prior to that date.

e. Any person constructing, maintaining or opening a driveway or public street or highway entering into a State highway, except as authorized by law, is subject to a civil penalty of $100. Each day in which an unauthorized driveway or public street or highway

entering into a State highway is open, following written notice from the commissioner that the driveway or public street or highway is not authorized by law, is a separate violation. The commissioner may, in addition to or in conjunction with initiating a civil action for collection of this penalty, initiate an action in the Chancery Division of the Superior Court for injunctive relief.
(cf: P.L.1989, c.32, s.4)

3. (New section) a. As used in this section:

"Commissioner" means the Commissioner of Transportation.

"Department" means the Department of Transportation.

"Licensed third-party permit professional" means an individual who is licensed by the department pursuant to this section.

"Permit" means a major access permit or minor access permit issued by the department, to facilitate the construction of a transportation project, pursuant to any law, rule, or regulation adopted pursuant thereto.

b. Within 120 days after the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill), the department shall establish a licensing program and licensing requirements for third-party permit professionals and shall oversee the licensing and performance of such professionals.

Notwithstanding any law, rule, or regulation to the contrary, a licensed third-party permit professional shall be authorized to review and approve access permits pursuant to subsection a. of section 4 of P.L.1989, c.32 (C.27:7-92) at the discretion of the department. A licensed third-party permit professional hired by the department, or by the developer of a transportation project, shall have 90 days from its receipt of a complete access permit application to make its determination regarding the application.

c. An applicant seeking a license to become a third-party permit professional pursuant to subsection b. of this section shall demonstrate to the department that the applicant:

(1) has obtained the necessary education requirements and professional experience, as determined by the department;

(2) has not been convicted of, or pleaded guilty to, any crime under federal or State law involving fraud, breach of trust, theft by deception, forgery, or any crime or offense that would qualify the person for registration pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2), or any other crime involving moral turpitude, or any similar or related offense under federal or State law. For the purposes of this section, a conviction or plea of guilty shall include a non vult, nolo contendere, no contest, or finding of guilty by a judge or jury; and

(3) has not had a professional license or professional certification revoked by any state licensing board or any other professional licensing agency within the previous 10 years and has not surrendered a professional license or professional certification

in response to a disciplinary investigation within the previous 10 years.

d. An application for a license shall be made in a manner or on such forms as may be prescribed by the department. The filing of an application shall be accompanied by an application fee that shall cover the costs of processing the application. The department may also charge an annual license fee that shall cover the costs of the third-party permit professional licensing program.

e. The department shall establish standards and procedures for suspension or revocation of a license of a third-party permit professional. The department shall also establish standards and requirements for the reinstatement of a third-party permit professional license that has been suspended or revoked.

f. Each license issued pursuant to this section shall be issued to an individual, shall be valid only for the individual to whom it is issued, and shall not be transferrable. Each license issued pursuant to this section shall be valid for a period not to exceed three years, unless a shorter period is specified by the department, or unless suspended or revoked.

g. A licensed third-party permit professional shall submit an application for license renewal at least 90 days and no more than 120 days prior to the expiration of the license. The department shall establish standards and requirements for the renewal of a third-party permit professional license. An application for a license renewal shall be accompanied by an application fee.

h. Within one year after the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill), the department shall establish and maintain a database of licensed third-party permit professionals from which developers may obtain an access permit pursuant to subsection a. of section 4 of P.L.1989, c.32 (C.27:7-92). The department shall ensure the database meets cybersecurity standards to prevent unauthorized access to the database.

i. The commissioner may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or regulations necessary for the implementation of P.L. , c. (C.) (pending before the Legislature as this bill).

4. This act shall take effect immediately.

STATEMENT

This bill concerns certain Department of Transportation (DOT) permits. The bill amends current law to provide that after the bill's enactment, major access permits and minor access permits are required to be renewed, issued, modified, or denied within 90 days from receipt of a complete permit application. The bill also allows

a person seeking to construct or open a driveway or public street or highway entering into a State highway to first obtain an access permit from the Commissioner of DOT, a third-party hired by the DOT, or a licensed third-party permit professional.

The bill requires the DOT to establish and oversee a licensing program and licensing requirements for third-party permit professionals that are authorized to review and approve access permits at the discretion of the DOT. An applicant for a license as a third-party permit professional is required to demonstrate to the DOT that the applicant: (1) has obtained education requirements and professional experience as determined by the DOT; (2) has not been convicted of or pled guilty to a variety of crimes as outline in the bill; and (3) has not had a professional license or certificate revoked or suspended in the previous 10 years. The bill also requires the DOT to develop standards and procedures for applications for licenses and standards and procedures for suspension or revocation of a license of a third-party permit professional.

The bill requires the DOT to establish and maintain a database of licensed third-party permit professionals from which a developer may obtain an access permit.

A licensed third-party permit professional hired by the DOT, or by the developer of a transportation project, has 90 days from its receipt of a complete permit application to make its determination regarding the application.