

SENATE, No. 4565

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED SEPTEMBER 28, 2026

Sponsored by:
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Establishes pilot program for solar energy generation on roadside right-of-way areas.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning use of roadside right-of-way areas for solar
2 energy generation; supplementing Title 48 of the Revised
3 Statutes.

4

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

7

8 1. a. As used in this section:

9 “Board” means the Board of Public Utilities.

10 “Commissioner” means the Commissioner of Transportation.

11 “Owner” means the owner of the roadside right-of-way solar
12 energy project or project owner, or a representative duly authorized
13 to act on the owner's behalf.

14 “Public Utility” means a public utility, as that term is defined in
15 R.S.48:2-13, that transmits and distributes electricity to end users
16 within this State.

17 “Roadside right-of-way” means land on either side of a roadway,
18 including the shoulder and surrounding vegetation, reserved for
19 road maintenance, future expansion, stormwater drainage, and
20 vehicle safety. The roadside right-of-way must be within a
21 boundary between 30 and 100 feet from the road centerline, within
22 the range of State control over land adjacent to the public road
23 system, and within such an area that ensures that public safety, road
24 maintenance, and future expansions are not impaired.

25 “Roadside right-of-way solar energy project” means energy
26 generation facilities, structures, and equipment for the production of
27 electric power from solar photovoltaic panels located on roadside
28 right-of-way areas that allow for the continued simultaneous use of
29 the roads below and adjacent to the panels.

30 b. No later than 180 days after the date of enactment of P.L. ,

31 c. (C.) (pending before the Legislature as this bill), the
32 Board, in consultation with the commissioner, shall adopt, pursuant
33 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
34 1 et seq.), rules and regulations establishing a “Roadside Right-of-
35 Way Solar Energy Pilot Program” to permit the construction,
36 installation, and operation of solar energy projects that are
37 connected to the distribution or transmission system owned or
38 operated by a public utility and located on roadside right-of-way
39 areas owned by State or local government units.

40 c. The rules and regulations developed by the board, in
41 consultation with the commissioner, for the “Roadside Right-of-
42 Way Solar Energy Pilot Program” shall establish:

43 (1) a 10 megawatt, as measured in direct current, capacity limit
44 for each individual roadside right-of-way solar energy project;

45 (2) annual capacity targets, such that the total capacity of all
46 roadside right-of-way solar energy projects approved under the pilot
47 program shall not exceed 200 megawatts, as measured in direct
48 current, for all roadside right-of-way energy projects approved

1 under the pilot program, except as otherwise provided pursuant to
2 subsection e. of this section;

3 (3) financial incentives available to roadside right-of-way solar
4 energy projects approved pursuant to the pilot program;

5 (4) a prohibition on siting a roadside right-of-way solar energy
6 project on private or federally owned roadside areas, unless the
7 board and Commissioner grant a waiver based on unique factors
8 that make the project consistent with the character of the specific
9 parcel;

10 (5) the requirement that the solar development on the roadside
11 right-of-way area does not impair traffic patterns and does not
12 prohibit access to the road beyond the interstate lanes themselves;

13 (6) the requirement that the location of the solar photovoltaic
14 development does not obstruct travel safety or an ongoing
15 maintenance operation on the highway, and does not otherwise
16 compromise the functional integrity of the highway or create a
17 hazard to the public;

18 (7) the requirement that the project complies with all applicable
19 federal, State, or local laws, rules, regulations, or ordinances;

20 (8) an application process for owners who wish to solicit bids for
21 a roadside right-of-way solar energy project as part of the pilot
22 program, including such fees or deposits as shall be determined by
23 the board; and

24 (9) criteria, consistent with the provisions of paragraph (1) of
25 subsection d. of this section, for evaluating and scoring proposed
26 projects to determine which projects should be allowed to
27 participate in the pilot program and be awarded incentives pursuant
28 to paragraph (3) of this subsection.

29 d. (1) An owner proposing a roadside right-of-way solar energy
30 project shall submit an application to the board before constructing,
31 installing, or operating the project. The board shall consult with the
32 commissioner in the review and approval of all roadside right-of-
33 way solar energy projects under the "Roadside Right-of-Way Solar
34 Energy Pilot Program." In reviewing and making decisions on
35 roadside right-of-way solar energy projects, the board and
36 Commissioner shall give consideration to criteria including, but not
37 limited to:

38 (a) proposals for monitoring the traffic volume, accident count,
39 and safety of the adjacent roadway;

40 (b) the incentive level sought by the applicant;

41 (c) geographic location;

42 (d) interconnection planning;

43 (e) proposals for minimizing negative impacts to roadways;

44 (f) proposals to address decommissioning;

45 (g) proposals for addressing stormwater runoff, greenhouse gas
46 emissions reduction, and other environmental issues;

47 (h) technical feasibility;

48 (i) technical innovation;

1 (j) the quality of any research committed to during the evaluation
2 period; and

3 (k) any other criteria as may be deemed advisable by the board.

4 The review shall also consider whether the selected projects are
5 of varying sizes. The board, in consultation with the commissioner,
6 shall, within 180 days after receipt, approve, disapprove, or approve
7 with conditions, an application submitted pursuant to this section.

8 (2) An owner who receives approval from the board pursuant to
9 this section shall obtain all necessary permits and other approvals as
10 may be required pursuant to federal, State, or local law, rule,
11 regulation, or ordinance, prior to the construction of the roadside
12 right-of-way solar energy project.

13 e. The commissioner may request that the board suspend or
14 revoke an approval issued pursuant to this section for a violation of
15 any term or condition of the approval or any provision of this
16 section.

17 f. The “Roadside Right-of-Way Solar Energy Pilot Program”
18 shall continue for 36 months after the adoption of the rules and
19 regulations required pursuant to subsection a. of this section, except
20 that the board may extend the pilot program by no more than two
21 additional 12-month periods if the board, in consultation with the
22 commissioner, determines that such extensions are necessary to
23 adequately evaluate the performance of the projects selected for
24 construction as part of the “Roadside Right-of-Way Solar Energy
25 Pilot Program.” If the board extends the “Roadside Right-of-Way
26 Solar Energy Pilot Program,” it may increase the total capacity limit
27 of all projects under the program by no more than 50 megawatts, as
28 measured in direct current, per additional 12-month period.

29 g. Notwithstanding any law, ordinance, rule, or regulation to
30 the contrary, a roadside right-of-way solar energy project approved
31 pursuant to this section shall be a permitted use within every
32 municipality.

33 h. No later than 36 months, or no later than 48 or 60 months if
34 applicable due to extensions of the “Roadside Right-of-Way Solar
35 Energy Pilot Program” pursuant to subsection f. of this section,
36 after adoption of the rules and regulations required pursuant to
37 subsection b. of this section, the board, in consultation with the
38 commissioner, shall adopt rules and regulations, pursuant to the
39 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
40 seq.), to convert the “Roadside Right-of-Way Solar Energy Pilot
41 Program” to a permanent program as part of the successor to the
42 solar incentive program established pursuant to P.L.2021, c.169
43 (C.48:3-114 et al.). The rules and regulations for the permanent
44 program shall set forth standards for roadside right-of-way solar
45 energy projects that take into account the results of the pilot
46 program and any research studies on the efficacy of roadside right-
47 of-way solar energy in New Jersey, and shall include, but not be
48 limited to:

1 (1) a capacity limit for individual roadside right-of-way solar
2 energy projects;

3 (2) a total annual capacity limit;

4 (3) provisions to reduce or offset emissions from New Jersey's
5 road systems, and provisions to protect driver safety;

6 (4) standards for: installation and decommissioning techniques
7 that minimize negative impacts to traffic, which may include the
8 posting of a performance bond for decommissioning; impervious
9 coverage; emissions management; and stormwater management;

10 (5) siting criteria and restrictions, which may differ from those
11 established pursuant to section 6 of P.L.2021, c.169 (C.48:3-119) to
12 the extent necessary to accomplish the purposes of the "Roadside
13 Right-of-Way Solar Energy Pilot Program"; and

14 (6) an application process, including such fees, escrows, or
15 deposits as shall be determined by the board.

16
17 2. This act shall take effect immediately.

18
19
20 STATEMENT

21
22 This bill would allow an owner of a solar energy generator to
23 construct, install, and operate a roadside right-of-way solar energy
24 project on the right-of-way area, subject to certain conditions set
25 forth in the bill. The bill defines "roadside right-of-way energy
26 project" as energy generation facilities, structures, and equipment
27 for the production of less than 10 megawatts of electric power from
28 solar photovoltaic panels located on land in roadside right-of-way
29 areas that allow the uninterrupted traffic patterns of roadways and
30 highway systems below or adjacent to the panels.

31 To be eligible under the bill, the owner or developer of the right-
32 of-way solar development would be required to obtain approval of
33 the Board of Public Utilities (BPU), the Department of
34 Transportation (DOT), and other approvals that may be required
35 pursuant to federal, State or local regulations, prior to the
36 construction of the roadside right-of-way solar energy project.

37 Prior to constructing, installing, and operating a roadside right-
38 of-way solar energy facility, the owner or developer would be
39 required to apply to the BPU for approval. The BPU, in
40 consultation with the DOT, would be required to review and, within
41 180 days after receipt, approve, disapprove, or approve with
42 conditions the application. The bill directs the BPU, in consultation
43 with the DOT, to adopt rules and regulations, including, but not
44 limited to: the process by which an owner may apply for the
45 approval required by the bill; the establishment of reasonable
46 application fees to pay for the cost of review of the application; and
47 provisions prescribing standards concerning impervious cover

1 which may be permitted in connection with roadside right-of-way
2 solar energy projects.

3 The bill also establishes criteria by which the BPU and DOT
4 would review these applications, including proposals for monitoring
5 traffic volume, the size of the project, accident count, and driver
6 safety, incentives available to applicants, geographic location,
7 interconnection planning, negative impacts to roadways,
8 decommissioning processes, proposals to address stormwater
9 runoff, emissions reduction, and other environmental issues,
10 technical feasibility and innovation, the quality of research
11 committed during the evaluation period, and any other criteria as
12 deemed advisable by the BPU.