

# 13:8A-56

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2003                    **CHAPTER:** 290

**NJSA:** 13:8A-56            (Municipal parking lots used for commuter parking)

**BILL NO:** A2210

**SPONSOR(S):** McKeon and others

**DATE INTRODUCED:** May 6, 2002

**COMMITTEE:**                 **ASSEMBLY:** Agriculture and Natural Resources  
   **SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**             **ASSEMBLY:** May 22, 2003; Re-enacted 12-15-2003  
   **SENATE:** March 20, 2003; Re-enacted 1-8-2004

**DATE OF APPROVAL:** January 14, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (3rd reprint enacted)  
(Amendments during passage denoted by asterisks)

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                             [ASSEMBLY:](#) [Yes](#)  
   [SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT](#): [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

[VETO MESSAGE](#): [Yes](#)

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

P.L. 2003, CHAPTER 290, *approved January 14, 2004*  
Assembly, No. 2210 (*Third Reprint*)

1 AN ACT concerning the use of certain lands acquired or developed by  
2 a local unit for recreation and conservation purposes and  
3 supplementing Title 13 of the Revised Statutes.

4

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

7

8 1. a. Notwithstanding the provisions of section 13 of P.L.1961,  
9 c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31),  
10 section 13 of P.L.1975, c.155 (C.13:8A-47), or any rule or regulation  
11 adopted pursuant thereto to the contrary, a parking lot located on, and  
12 which is used to provide public access to, lands acquired or developed  
13 for recreation and conservation purposes by a local unit with financial  
14 assistance from the State in the form of a grant or loan of Green Acres  
15 bond funds, may also be used by the public as a designated commuter  
16 parking lot, and that additional use shall not be deemed to constitute  
17 a disposal or diversion of those lands pursuant to section 13 of  
18 P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-  
19 31), section 13 of P.L.1975, c.155 (C.13:8A-47), or any rule or  
20 regulation adopted pursuant thereto; provided that the Commissioner  
21 of Environmental Protection, after holding at least one public hearing  
22 in the municipality wherein the lands are located, has approved the  
23 additional use of the parking lot for commuter parking.

24 b. The commissioner shall grant the approval required pursuant to  
25 subsection a. of this section only if the commissioner finds that:

26 (1) the local unit has adopted an ordinance or resolution, as  
27 appropriate, designating the parking lot for dual use as a public park  
28 access and commuter parking lot, subject to the approval of the  
29 commissioner pursuant to this section;

30 (2) the parking lot was constructed prior to June 30, 1999;  
31 <sup>3</sup>[<sup>2</sup>and<sup>2</sup>]<sup>3</sup>

32 (3) <sup>3</sup>no Green Acres bond funds were used to pay for construction  
33 of the parking lot; and<sup>3</sup> <sup>2</sup>[no Green Acres bond funds were used to  
34 pay for construction of the parking lot; and

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAN committee amendments adopted June 17, 2002.

<sup>2</sup> Senate floor amendments adopted February 27, 2003.

<sup>3</sup> Assembly amendments adopted in accordance with Governor's recommendations December 11, 2003.

1 (4)]<sup>2</sup> <sup>3</sup>(4) <sup>3</sup> the additional use of the parking lot and any  
2 improvements which may be made thereto,<sup>1</sup> for commuter parking (a)  
3 <sup>1</sup>[fulfills] <sup>2</sup>in consultation with the Commissioner of Transportation,<sup>2</sup>  
4 fulfill<sup>1</sup> a compelling public need or <sup>1</sup>[yields] yield<sup>1</sup> a significant public  
5 benefit, (b) would not substantially inhibit use of the parking lot for  
6 public access to the lands for recreation and conservation purposes,  
7 and (c) would not substantially harm the recreation and conservation  
8 purposes for which the lands were acquired.

9 c. The expansion of any parking lot or the construction of any  
10 additional parking lot on lands acquired or developed for recreation  
11 and conservation purposes and for which an approval for a dual use  
12 public park access and commuter parking lot has been granted by the  
13 commissioner pursuant to this section shall be deemed to constitute a  
14 disposal or diversion of those lands pursuant to section 13 of  
15 P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419  
16 (C.13:8A-31), or section 13 of P.L.1975, c.155 (C.13:8A-47), as the  
17 case may be.

18 d. The commissioner, after holding at least one public hearing in  
19 the municipality wherein the lands are located, may revoke any  
20 approval granted pursuant to this section if the facts or findings upon  
21 which the approval was based have changed to the extent that the  
22 requirements for approval as prescribed in this section are no longer  
23 met.

24 e. <sup>1</sup>No improvements shall be made to any parking lot designated  
25 and approved for dual use as a public park access and commuter  
26 parking lot pursuant to this section without the approval of the  
27 commissioner. Such approval shall be granted only if the  
28 commissioner, after holding at least one public hearing in the  
29 municipality wherein the parking lot is located, finds that (1) the  
30 improvements meet the criteria set forth in paragraph (4) of subsection  
31 b. of this section, and (2) do not constitute an expansion of the parking  
32 lot.

33 f.<sup>1</sup> For the purposes of this section:

34 "Commissioner" means the Commissioner of Environmental  
35 Protection;

36 "Green Acres bond funds" means proceeds from the sale of bonds  
37 pursuant to P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102;  
38 P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; P.L.1989, c.183;  
39 P.L.1992, c.88; or P.L.1995, c.204, for the purpose of providing State  
40 grants or loans to assist local units to meet the cost of acquiring or  
41 developing lands for recreation and conservation purposes;

42 "Local unit" means the same as that term is defined pursuant to  
43 section 3 of P.L.1961, c.45 (C.13:8A-3), section 3 of P.L.1971, c.419  
44 (C.13:8A-21), or section 3 of P.L.1975, c.155 (C.13:8A-37); and

45 "Recreation and conservation purposes" means the same as that  
46 term is defined pursuant to section 3 of P.L.1961, c.45 (C.13:8A-3),

1 section 3 of P.L.1971, c.419 (C.13:8A-21), or section 3 of P.L.1975,  
2 c.155 (C.13:8A-37).

3

4 2. This act shall take effect immediately.

5

6

7

8

9 Allows certain county or municipal public park access parking lots to  
10 be used also for commuter parking under certain circumstances.

# ASSEMBLY, No. 2210

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 6, 2002

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**SYNOPSIS**

Allows certain county or municipal public park access parking lots to be used also for commuter parking under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the use of certain lands acquired or developed by  
2 a local unit for recreation and conservation purposes and  
3 supplementing Title 13 of the Revised Statutes.

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

7  
8 1. a. Notwithstanding the provisions of section 13 of P.L.1961,  
9 c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31),  
10 section 13 of P.L.1975, c.155 (C.13:8A-47), or any rule or regulation  
11 adopted pursuant thereto to the contrary, a parking lot located on, and  
12 which is used to provide public access to, lands acquired or developed  
13 for recreation and conservation purposes by a local unit with financial  
14 assistance from the State in the form of a grant or loan of Green Acres  
15 bond funds, may also be used by the public as a designated commuter  
16 parking lot, and that additional use shall not be deemed to constitute  
17 a disposal or diversion of those lands pursuant to section 13 of  
18 P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419  
19 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), or any  
20 rule or regulation adopted pursuant thereto; provided that the  
21 Commissioner of Environmental Protection, after holding at least one  
22 public hearing in the municipality wherein the lands are located, has  
23 approved the additional use of the parking lot for commuter parking.

24 b. The commissioner shall grant the approval required pursuant  
25 to subsection a. of this section only if the commissioner finds that:

26 (1) the local unit has adopted an ordinance or resolution, as  
27 appropriate, designating the parking lot for dual use as a public park  
28 access and commuter parking lot, subject to the approval of the  
29 commissioner pursuant to this section;

30 (2) the parking lot was constructed prior to June 30, 1999;

31 (3) no Green Acres bond funds were used to pay for construction  
32 of the parking lot; and

33 (4) the additional use of the parking lot for commuter parking (a)  
34 fulfills a compelling public need or yields a significant public benefit,  
35 (b) would not substantially inhibit use of the parking lot for public  
36 access to the lands for recreation and conservation purposes, and (c)  
37 would not substantially harm the recreation and conservation purposes  
38 for which the lands were acquired.

39 c. The expansion of any parking lot or the construction of any  
40 additional parking lot on lands acquired or developed for recreation  
41 and conservation purposes and for which an approval for a dual use  
42 public park access and commuter parking lot has been granted by the  
43 commissioner pursuant to this section shall be deemed to constitute a  
44 disposal or diversion of those lands pursuant to section 13 of  
45 P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419

1 (C.13:8A-31), or section 13 of P.L.1975, c.155 (C.13:8A-47), as the  
2 case may be.

3 d. The commissioner, after holding at least one public hearing in  
4 the municipality wherein the lands are located, may revoke any  
5 approval granted pursuant to this section if the facts or findings upon  
6 which the approval was based have changed to the extent that the  
7 requirements for approval as prescribed in this section are no longer  
8 met.

9 e. For the purposes of this section:

10 "Commissioner" means the Commissioner of Environmental  
11 Protection;

12 "Green Acres bond funds" means proceeds from the sale of bonds  
13 pursuant to P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102;  
14 P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; P.L.1989, c.183;  
15 P.L.1992, c.88; or P.L.1995, c.204, for the purpose of providing State  
16 grants or loans to assist local units to meet the cost of acquiring or  
17 developing lands for recreation and conservation purposes;

18 "Local unit" means the same as that term is defined pursuant to  
19 section 3 of P.L.1961, c.45 (C.13:8A-3), section 3 of P.L.1971, c.419  
20 (C.13:8A-21), or section 3 of P.L.1975, c.155 (C.13:8A-37); and

21 "Recreation and conservation purposes" means the same as that  
22 term is defined pursuant to section 3 of P.L.1961, c.45 (C.13:8A-3),  
23 section 3 of P.L.1971, c.419 (C.13:8A-21), or section 3 of P.L.1975,  
24 c.155 (C.13:8A-37).

25

26 2. This act shall take effect immediately.

27

28

29

#### STATEMENT

30

31 This bill would provide that, subject to the approval of the  
32 Commissioner of Environmental Protection under certain conditions,  
33 a parking lot located on, and which is used to provide public access to,  
34 certain types of county or municipal parkland may also be used by the  
35 public as a designated commuter parking lot, and that the additional  
36 use as a commuter parking lot would not be deemed to constitute a  
37 disposal or diversion of those lands requiring certain other approvals  
38 as well as compensation or reimbursement to the State as provided  
39 under various laws and regulations implementing the Green Acres  
40 bond program.

41 The commissioner is required to grant the approval for the dual use  
42 only if the commissioner finds that:

43 (1) the municipality or county, as the case may be, has adopted an  
44 ordinance or resolution, as appropriate, designating the parking lot for  
45 dual use as a public park access and commuter parking lot;

46 (2) the parking lot was constructed prior to June 30, 1999;

**A2210 MCKEON**

1 (3) no Green Acres bond funds were used to pay for construction  
2 of the parking lot; and

3 (4) the additional use of the parking lot for commuter parking (a)  
4 fulfills a compelling public need or yields a significant public benefit,  
5 (b) would not substantially inhibit use of the parking lot for public  
6 access to the lands for recreation and conservation purposes, and (c)  
7 would not substantially harm the recreation and conservation purposes  
8 for which the lands were acquired.

9 The bill also would provide that the expansion of any parking lot or  
10 the construction of any additional parking lot on county or municipal  
11 parkland for which the commissioner has granted an approval for a  
12 dual use public park access and commuter parking lot pursuant to the  
13 bill would be deemed to constitute a disposal or diversion of those  
14 lands requiring certain other approvals as well as compensation or  
15 reimbursement to the State as provided under various laws and  
16 regulations implementing the Green Acres bond program.

17 Finally, the bill would provide that the commissioner, after holding  
18 at least one public hearing in the municipality wherein the lands are  
19 located, may revoke any approval granted pursuant to the bill if the  
20 facts or findings upon which the approval was based have changed to  
21 the extent that the requirements for approval as prescribed in the bill  
22 are no longer met.



ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2210**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 17, 2002

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 2210.

This bill, as amended by the committee, would provide that, subject to the approval of the Commissioner of Environmental Protection under certain conditions, a parking lot located on, and which is used to provide public access to, certain types of county or municipal parkland may also be used by the public as a designated commuter parking lot, and that the additional use as a commuter parking lot would not be deemed to constitute a disposal or diversion of those lands requiring certain other approvals as well as compensation or reimbursement to the State as provided under various laws and regulations implementing the Green Acres bond program.

The commissioner would be required to grant the approval for the dual use only if the commissioner finds that:

(1) the municipality or county, as the case may be, has adopted an ordinance or resolution, as appropriate, designating the parking lot for dual use as a public park access and commuter parking lot;

(2) the parking lot was constructed prior to June 30, 1999;

(3) no Green Acres bond funds were used to pay for construction of the parking lot; and

(4) the additional use of the parking lot, and any improvements which may be made thereto, for commuter parking (a) fulfill a compelling public need or yield a significant public benefit, (b) would not substantially inhibit use of the parking lot for public access to the lands for recreation and conservation purposes, and (c) would not substantially harm the recreation and conservation purposes for which the lands were acquired.

The bill also would provide that the expansion of any parking lot or the construction of any additional parking lot on county or municipal parkland for which the commissioner has granted an approval for a dual use public park access and commuter parking lot pursuant to the bill would be deemed to constitute a disposal or

diversion of those lands requiring certain other approvals as well as compensation or reimbursement to the State as provided under various laws and regulations implementing the Green Acres bond program.

Finally, the bill would provide that the commissioner, after holding at least one public hearing in the municipality wherein the lands are located, may revoke any approval granted pursuant to the bill if the facts or findings upon which the approval was based have changed to the extent that the requirements for approval as prescribed in the bill are no longer met.

#### COMMITTEE AMENDMENTS

Committee amendments to the bill provide that no improvements may be made to any parking lot designated and approved for dual use as a public park access and commuter parking lot without the approval of the Commissioner of Environmental Protection. Such approval would be granted only if the commissioner, after holding at least one public hearing in the municipality wherein the parking lot is located, finds that (1) the improvements meet certain criteria prescribed in the bill, and (2) do not constitute an expansion of the parking lot.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2210**

# STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Senate Transportation Committee reports favorably Assembly Bill No. 2210 (1R).

This bill would provide that, subject to the approval of the Commissioner of Environmental Protection under certain conditions, a parking lot located on, and which is used to provide public access to, certain types of county or municipal parkland may also be used by the public as a designated commuter parking lot, and that the additional use as a commuter parking lot would not be deemed to constitute a disposal or diversion of those lands requiring certain other approvals as well as compensation or reimbursement to the State as provided under various laws and regulations implementing the Green Acres bond program.

The commissioner would be required to grant the approval for the dual use only if the commissioner finds that:

(1) the municipality or county, as the case may be, has adopted an ordinance or resolution, as appropriate, designating the parking lot for dual use as a public park access and commuter parking lot;

(2) the parking lot was constructed prior to June 30, 1999;

(3) no Green Acres bond funds were used to pay for construction of the parking lot; and

(4) the additional use of the parking lot, and any improvements which may be made thereto, for commuter parking (a) fulfill a compelling public need or yield a significant public benefit, (b) would not substantially inhibit use of the parking lot for public access to the lands for recreation and conservation purposes, and (c) would not substantially harm the recreation and conservation purposes for which the lands were acquired.

The bill also would provide that the expansion of any parking lot or the construction of any additional parking lot on county or municipal parkland for which the commissioner has granted an approval for a dual use public park access and commuter parking lot pursuant to the bill would be deemed to constitute a disposal or diversion of those lands requiring certain other approvals as well as compensation or reimbursement to the State as provided under various laws and regulations implementing the Green Acres bond program.

The bill also provides that the commissioner, after holding at least one public hearing in the municipality wherein the lands are located, may revoke any approval granted pursuant to the bill if the facts or findings upon which the approval was based have changed to the extent that the requirements for approval as prescribed in the bill are no longer met.

Finally, the bill provides that no improvements may be made to any parking lot designated and approved for dual use as a public park access and commuter parking lot without the approval of the Commissioner of Environmental Protection. Such approval would be granted only if the commissioner, after holding at least one public hearing in the municipality wherein the parking lot is located, finds that (1) the improvements meet certain criteria prescribed in the bill, and (2) do not constitute an expansion of the parking lot.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2210**

with Senate Floor Amendments  
(Proposed By Senator CODEY)

ADOPTED: FEBRUARY 27, 2003

These Senate floor amendments would delete one of the conditions in the bill for obtaining State approval of a dual use parking lot for park access and commuting, i.e., that no Green Acres bond funds were used to pay for construction of the parking lot. The floor amendments would also require the Commissioner of Environmental Protection to consult with the Commissioner of Transportation when determining whether or not the additional use of the parking lot for commuter parking fulfills a compelling public need or yields a significant public benefit.

**ASSEMBLY BILL NO. 2210**  
**(Second Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2210 (Second Reprint) with my recommendations for reconsideration.

**A. SUMMARY OF THE BILL**

The purpose of this bill is to allow parking lots that currently are used for access to county or municipal public parks to be utilized for commuter parking under certain circumstances. Under this bill, any such use would have to be approved by the Commissioner of the Department of Environmental Protection, in consultation with the Commissioner of Transportation regarding some issues. Before reaching such a decision, the Commissioner of Environmental Protection would be required to hold at least one public hearing and must make several specified findings, including that the additional use of the parking lot and any improvements thereto fulfill a compelling public need or yield a significant public benefit and would not substantially harm the recreation and conservation purposes for which the lands were acquired or substantially inhibit use of the lot for public access to the lands for recreation and conservation purposes.

**B. RECOMMENDED ACTION**

I commend the sponsors of this bill, and the Legislature as a whole, for their efforts intended to improve access to commuter parking lots in an environmentally responsible manner. I am concerned, however, that the bill as currently drafted does not contain any provision specifically governing parking lots that were constructed with Green Acres bond

funds. Although the bill does contain some provisions designed to protect the integrity of the Green Acres program, providing a limitation for parking lots constructed with Green Acres funds may be appropriate to protect the public's interests in conservation and recreation while encouraging the use of mass transportation.

Therefore, I am returning Assembly Bill No. 2210 (Second Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 30: After "1999;" delete "and"

Page 2, Section 1, Line 31: After "(3)" insert "no  
Green Acres bond funds were  
used to pay for construction  
of the parking lot; and"

Page 2, Section 1, Line 33: After "(4)]" insert (4)

Respectfully,

/s/ James E. McGreevey

Governor

[seal]

Attest:

/s/ Michael R. DeCotiis

Chief Counsel to the Governor