

CHAPTER 41

AN ACT concerning use of native vegetation by the Department of Transportation, New Jersey Turnpike Authority, and the South Jersey Transportation Authority, and supplementing Title 27 of the Revised Statutes, P.L.1948, c.454 (C.27:23-1 et seq.) and P.L.1991, c.252 (C.27:25A-1 et seq.).

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

C.27:7-42.1 Use of native vegetation by Department of Transportation.

1. a. (1) Notwithstanding the provisions of any other law, rule or regulation to the contrary and except as provided otherwise pursuant to paragraph (2) of this subsection, no later than the 180th day after the date of enactment of P.L.2017, c.41 (C.27:7-42.1 et al.), the Department of Transportation, when planting vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, shall plant only vegetation identified by the Department of Environmental Protection pursuant to subsection b. of this section as being native to the State and that will thrive in the particular plant hardiness zone in which the vegetation is being planted.

(2) Notwithstanding the requirements of paragraph (1) of this subsection, upon application by the Department of Transportation to the Department of Environmental Protection, the Department of Environmental Protection in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the Department of Environmental Protection, may authorize the Department of Transportation to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

b. No later than the 90th day after the date of enactment of this section, the Department of Environmental Protection, in consultation with the Division of Plant Industry in the Department of Agriculture, shall identify, for each plant hardiness zone, all of the particular species of vegetation that are native to the State, and that thrive in each plant hardiness zone in the State.

c. As used in this section:

“Plant hardiness zone” means a zone identified as existing in New Jersey pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture.

C.27:23-59 Use of native vegetation by New Jersey Turnpike Authority.

2. a. (1) Notwithstanding the provisions of any other law, rule or regulation to the contrary and except as provided otherwise pursuant to paragraph (2) of this subsection, no later than the 180th day after the date of enactment of P.L.2017, c.41 (C.27:7-42.1 et al.), the New Jersey Turnpike Authority, when planting vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, shall plant only vegetation identified by the Department of Environmental Protection pursuant to subsection b. of this section as being native to the State and that will thrive in the particular plant hardiness zone in which the vegetation is being planted.

(2) Notwithstanding the requirements of paragraph (1) of this subsection, upon application by the New Jersey Turnpike Authority to the Department of Environmental Protection, the Department of Environmental Protection in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the Department of

Environmental Protection, may authorize the New Jersey Turnpike Authority to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

b. No later than the 90th day after the date of enactment of this section, the Department of Environmental Protection, in consultation with the Division of Plant Industry in the Department of Agriculture, shall identify, for each plant hardiness zone, all of the particular species of vegetation that are native to the State, and that thrive in each plant hardiness zone in the State.

c. As used in this section:

“Plant hardiness zone” means a zone identified as existing in New Jersey pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture.

C.27:25A-50 Use of native vegetation by South Jersey Transportation Authority.

3. a. (1) Notwithstanding the provisions of any other law, rule or regulation to the contrary and except as provided otherwise pursuant to paragraph (2) of this subsection, no later than the 180th day after the date of enactment of P.L.2017, c.41 (C.27:7-42.1 et al.), the South Jersey Transportation Authority, when planting vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, shall plant only vegetation identified by the Department of Environmental Protection pursuant to subsection b. of this section as being native to the State and that will thrive in the particular plant hardiness zone in which the vegetation is being planted.

(2) Notwithstanding the requirements of paragraph (1) of this subsection, upon application by the South Jersey Transportation Authority to the Department of Environmental Protection, the Department of Environmental Protection in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the Department of Environmental Protection, may authorize the South Jersey Transportation Authority to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

b. No later than the 90th day after the date of enactment of this section, the Department of Environmental Protection, in consultation with the Division of Plant Industry in the Department of Agriculture, shall identify, for each plant hardiness zone, all of the particular species of vegetation that are native to the State, and that thrive in each plant hardiness zone in the State.

c. As used in this section:

“Plant hardiness zone” means a zone identified as existing in New Jersey pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture.

4. This act shall take effect immediately.

Approved May 1, 2017.