**PETITION**

***TO THE PUBLIC ADVOCATE OF THE STATE OF NEW JERSEY***

- ***The State of New Jersey is unique in that by statute (NJ Statute. ANN. 40:61-2.20) coastal municipalities are allowed to charge a fee for access and use of municipal beaches as a means of recouping reasonable costs for the operation, maintenance, and improvements of such beaches.***
- ***As beach fees have steadily and progressively increased over the past several years it has become apparent that there is a need for uniform accounting of fees collected and their direct relationship to costs associated with the operation of our beaches.***
- ***Presently no uniform statewide mechanism is in place to monitor how fees are determined, what specific expenses can be legitimately considered in the process of such a determination, and how fees collected are applied to satisfy the requirements of the statute.***
- ***The courts have consistently reaffirmed the public right to access according to the Public Trust Doctrine and although we recognize that municipalities have a right to reasonably recoup costs associated with beach operation the potential for abuse of that right exists. Individuals and families bear an unnecessary financial burden when beach fees are excessive. In addition excessive beach fees act as a deterrent to public access and often place the public in jeopardy by discouraging access during hours of operation when beaches are properly protected and encourage use after hours when beaches are unprotected.***
- ***Additionally, private entities, in particular private beach associations, often arbitrarily set beach fees at levels much higher than municipally operated beaches as a means of discouraging public access and use of their beaches.***
- ***The recently published <u>DEPARTMENT OF THE PUBLIC ADVOCATE'S- NEW JERSEY BEACH GUIDE</u> should serve as a platform for developing guidelines that address the concerns above. ACCORDINGLY:***

**We the undersigned ask that the Department of the Public Advocate of the State of New Jersey undertake a program to:**

1. **Update and expand data compiled in its Beach Access Guide and put in place a mechanism to continually monitor beach fee data.**
2. **Determine legitimate costs associated with beach operation as provided by statute.**
3. **Put in place a uniform statewide accounting and reporting procedure to insure that municipalities and private entities are charging reasonable fees and that those fees are properly applied to beach related activities only.**
4. **To identify and rectify any abuses.**
5. **Investigate all possible means of reducing beach fees allowing for non-discriminatory public access for all of our citizens.**

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