

ASSEMBLY, No. 1961

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

SYNOPSIS

“Port Support Zone Act of 2015.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1961 PINTOR MARIN, SPENCER

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1 AN ACT supporting increased volume of shipping at certain ports
2 and designated the Port Support Zone Act of 2015, and
3 supplementing Titles 32, 40 and 52 of the Revised Statutes, and
4 amending P.L.2009, c.90.

5

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

8

9 1. The Legislature finds and declares that:

10 a. The Panama Canal expansion project, which will create a new
11 lane of traffic along the canal to accommodate larger, modern
12 container ships, designated “Post-Panamax” and “Super Post-
13 Panamax” ships, will double the capacity of the canal.

14 b. Upon the completion of the Panama Canal expansion project,
15 there will be an increase in demand along the Eastern Seaboard for
16 ports to accommodate Post-Panamax and “Super Post-Panamax”
17 ships.

18 c. In order to accommodate the navigational height of these
19 ships, to enable them to enter the “Port Newark-Elizabeth Port
20 Authority Marine Terminal,” the Port Authority of New York and
21 New Jersey is raising the roadway of the Bayonne Bridge from a
22 151-foot to a 215-foot navigational clearance.

23 d. It is in the public interest to establish a Port Newark-Elizabeth
24 Port Authority Marine Terminal support zone to increase the
25 efficient movement and storage of containers and other cargo to
26 prepare for the expected increase in shipping volume at the ports
27 and to allow for the movement of containers and cargo within the
28 Port and the Port Support Zone 24 hours a day, seven days a week.

29

30 2. a. Notwithstanding any law, rule, regulation, or ordinance to
31 the contrary, an overweight vehicle may travel along designated
32 routes reasonably contiguous to the Port Newark-Elizabeth Port
33 Authority Marine Terminal, so long as that road is within an
34 industrial or commercial zone of that municipality.

35 b. No amendment or revision to any zoning ordinance shall
36 change the classification of a district zoned for commercial or
37 industrial purposes and located within the port support zone.

38 c. As used in this act:

39 “Overweight vehicle” means any commercial motor vehicle,
40 combination of vehicles, or mobile equipment, whether registered in
41 this State or elsewhere, with a gross vehicle weight rating (GVWR)
42 of 80,000 or more pounds.

43 “Port support zone” means and includes the area within a five-
44 mile radius of the outermost boundary of the Port Newark-Elizabeth
45 Port Authority Marine Terminal.

46 3. a. The Department of Transportation, in consultation with
47 representatives of municipalities that are located, in whole or in
48 part, within the Port Support Zone, shall issue a special permit to

1 the operator of a vehicle, combination of vehicles, or mobile
2 equipment, permitting the operation and movement of the vehicle,
3 combination, or equipment, and its load, over designated routes
4 reasonably contiguous to the Port Newark-Elizabeth Port Authority
5 Marine Terminal, over designated routes within the “Port support
6 zone,” or both, if the vehicle, combination, or equipment meets all
7 of the following criteria:

8 (1) the vehicle, combination of vehicles, or mobile equipment is
9 used to transport intermodal cargo containers that are moving in
10 international commerce;

11 (2) the vehicle, combination of vehicles, or mobile equipment,
12 in combination with its load, has a maximum gross weight in excess
13 of the maximum gross weight limit of vehicles and loads specified
14 in this chapter, but does not exceed 100,000 pounds total gross
15 weight;

16 (3) (a) the vehicle, combination of vehicles, or mobile
17 equipment conforms to the axle weight limits specified in Chapter 3
18 of Title 39 of the Revised Statutes;

19 (b) the vehicle, combination of vehicles, or mobile equipment
20 conforms to the axle weight limits in Chapter 3 of Title 39 of the
21 Revised Statutes, except as specified in subparagraph (c);

22 (c) vehicles, combinations of vehicles, or mobile equipment that
23 impose more than 80,000 pounds total gross weight on the highway
24 by any group of two or more consecutive axles, exceed 60 feet in
25 length between the extremes of any group of two or more
26 consecutive axles, or have more than six axles shall conform to
27 weight limits that shall be determined by the Department of
28 Transportation.

29 b. The permit issued by the Department of Transportation shall
30 be required to authorize the operation or movement of a vehicle,
31 combination of vehicles, or mobile equipment described in
32 subsection a. of this section. The permit shall not authorize the
33 movement of hazardous materials or hazardous wastes, as those
34 terms are defined by local, state, and federal law. The following
35 criteria shall be included in the application for the permit:

36 (1) a description of the loads and vehicles to be operated under
37 the permit;

38 (2) the applicant shall provide proof of financial responsibility
39 that covers the movement of the shipment as described in
40 subsection a. The insurance shall meet the minimum requirements
41 established by law;

42 and

43 (3) an agreement to carry a copy of the permit in the vehicle at
44 all times and furnish the copy upon request of an employee of the
45 Department of Transportation or law enforcement officer.

46 c. The permit issued pursuant to subsection a. shall be valid for
47 one year. The permit may be canceled by the Department of
48 Transportation for any of the following reasons:

1 (1) the failure of the applicant to maintain any of the conditions
2 required pursuant to subsection b. of this section; or
3 (2) a determination by the Department of Transportation that
4 there is sufficient cause to cancel the permit because the continued
5 movement of the applicant's vehicles under the permit would
6 jeopardize the safety of the motorists on the roadway or result in
7 undue damage to the designated roadways.
8 d. This section does not authorize an applicant or holder of a
9 special permit under subsection a. to operate a vehicle or
10 combination of vehicles in excess of the maximum gross weight
11 limit of vehicles and loads specified in Chapter 3 of Title 39 of the
12 Revised Statutes outside of the designated corridors identified in the
13 permit issued pursuant to subsection a. of this section. A violation
14 of this subsection shall result in the revocation of the permit.
15 e. The Department of Transportation shall charge a fee to cover
16 the cost of issuing a permit pursuant to subsection a. of this section.
17 Fee revenues shall be dedicated for the construction and
18 maintenance of designated corridors.
19
20 4. a. No amendment or revision to any zoning ordinance shall
21 change the classification of a district zoned for commercial or
22 industrial purposes and located within the port support zone.
23 b. As used in this section:
24 "Port support zone" means and includes the area within a five-
25 mile radius of the outermost boundary of the Port Newark-Elizabeth
26 Port Authority Marine Terminal.
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28 5. a. The definition of "Qualifying economic redevelopment
29 and growth grant incentive area" set forth in section 3 of P.L.2009,
30 c.90 (C.52:27D-489c) is amended to include the "Port support
31 zone."
32 b. As used in this section, "Port support zone" means and
33 includes the area within a five-mile radius of the outermost
34 boundary of the Port Newark-Elizabeth Port Authority Marine
35 Terminal.
36 c. The base amount of the combined reimbursements under a
37 redevelopment incentive grant agreement with the State or a
38 municipality for a project in the Port support zone may exceed 20
39 percent of the total project cost, but shall not exceed 40 percent of
40 the total cost of the project, provided, however, the authority may
41 increase the amount of the reimbursement under a redevelopment
42 incentive grant agreement with the State by up to 75 percent of the
43 total of any environmental remediation costs at a contaminated site
44 identified pursuant to section 7 of P.L. ,c. (C.) (pending
45 before the Legislature as this bill).
46 6. a. The Commissioner of Environmental Protection, in
47 consultation with the Commissioner of Transportation, shall
48 identify contaminated sites within the Port support zone and shall

1 prioritize those sites for remediation based upon their potential for
2 use as warehousing and bulk distribution centers in support of the
3 Port Newark-Elizabeth Port Authority Marine Terminal.

4 b. The Commissioner of Environmental Protection shall place
5 properties identified pursuant to subsection a. of this section upon a
6 list of properties to be remediated by the Department of
7 Environmental Protection pursuant to its powers under section 7 of
8 P.L.1976, c.141 (C.58:10-23.11f) and shall provide those properties
9 the highest priority for the cleanup and removal of hazardous
10 substances.

11 c. The Commissioner of Environmental Protection shall expedite
12 any permit process involving the use of dredged materials on
13 property located within the Port support zone if the property is
14 being developed for a use to support the port.

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16 7. This act shall take effect immediately.

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STATEMENT

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21 This bill establishes a “Port Support Zone” surrounding the Port
22 Newark-Elizabeth Port Authority Marine Terminal (“the port”) for the
23 purpose of increasing the efficient movement and storage of containers
24 and cargo. Shipping volume at the port is expected to increase upon
25 the completion of the expansion of the Panama Canal and the raising
26 of the roadway of the Bayonne Bridge. The bill’s changes which
27 impact the Port Support Zone, the area within a five-mile radius of the
28 outermost boundary of the port, are necessary to position the State for
29 the anticipated increased flow of containers and cargo into port.

30 The bill provides that, notwithstanding any law, rule, regulation, or
31 ordinance to the contrary: (1) no amendment or revision to any zoning
32 ordinance shall change the classification of a district zoned for
33 commercial or industrial purposes and located within the Port Support
34 Zone; and (2) an overweight commercial vehicle may travel along any
35 road reasonably contiguous to the port, so long as that road is within
36 an industrial or commercial zone of that municipality.

37 The bill amends current law to increase the allowable amount of
38 redevelopment incentive grants awarded for qualified projects in the
39 port support zone. The bill provides that any redevelopment incentive
40 grant agreement with a developer for a project within the port support
41 zone would not exceed 40 percent of the total cost of the project,
42 unless the project included environmental remediation, in which case
43 the Economic Development Authority could increase the amount of
44 the reimbursement by up to 75 percent of the environmental
45 remediation costs.

46 The bill authorizes the Department of Transportation (DOT) to
47 issue a special permit for the operation of overweight vehicles over
48 designated routes reasonably contiguous to the Port Newark-Elizabeth

1 Port Authority Marine Terminal, within the “Port support zone,” or
2 both, if the vehicle, meets specified criteria.

3 The bill directs the Commissioner of Environmental Protection, in
4 consultation with the Commissioner of Transportation, to identify
5 contaminated sites within the Port support zone and to prioritize those
6 sites based upon their potential for use as warehousing and bulk
7 distribution centers in support of the Port Newark-Elizabeth Port
8 Authority Marine Terminal. The bill directs the Commissioner of
9 Environmental Protection to provide properties so identified with the
10 highest priority for the department to cleanup and remove hazardous
11 substances from those properties.

12 The bill also directs the Commissioner of Environmental
13 Protection to expedite any permit process involving the use of dredged
14 materials on property located within the Port support zone if the
15 property is being developed for a use to support the port.