

SENATE, No. 510

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

“Port Support Zone Act of 2015.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

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
11 new 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
15 project, there will be an increase in demand along the Eastern
16 Seaboard for ports to accommodate Post-Panamax and “Super Post-
17 Panamax” 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-
24 Elizabeth Port Authority Marine Terminal support zone to assist in
25 the expected increase in shipping volume at the ports.

26

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

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

35 c. As used in this act:

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

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

43

44 3. a. The Department of Transportation, upon adoption of an
45 ordinance or resolution by the City of Newark, the City of

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

39 (2) an agreement wherein each applicant agrees to be
40 responsible for all injuries to persons and for all damage to real or
41 personal property of the state and others directly caused by or
42 resulting from the operation of the applicant’s vehicles or
43 combination of vehicles under the conditions of the permit. The
44 applicant shall agree to hold harmless and indemnify the state and
45 all its agents for all costs or claims arising out of or caused by the
46 movement of vehicles or combination of vehicles under the
47 conditions of the permit;

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

5 (4) an agreement to carry a copy of the permit in the vehicle at
6 all times and furnish the copy upon request of an employee of the
7 Department of Transportation or law enforcement officer; and

8 (5) an agreement to place an indicia, developed by the
9 Department of Transportation, in consultation with the State Police,
10 upon the vehicle identifying it as a vehicle possibly operating under
11 this section. The indicia shall be displayed in the lower right area
12 of the front windshield of the power unit. The Department of
13 Transportation may charge a fee to cover the cost of producing and
14 issuing this indicia.

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

18 (1) the failure of the applicant to maintain any of the conditions
19 required pursuant to subsection b. of this section; or

20 (2) a determination by the Department of Transportation that
21 there is sufficient cause to cancel the permit because the continued
22 movement of the applicant's vehicles under the permit would
23 jeopardize the safety of the motorists on the roadway or result in
24 undue damage to the designated roadways.

25 d. This section does not authorize an applicant or holder of a
26 special permit under subsection a. to operate a vehicle or
27 combination of vehicles in excess of the maximum gross weight
28 limit of vehicles and loads specified in Chapter 3 of Title 39 of the
29 Revised Statutes outside of the designated corridors identified in the
30 permit issued pursuant to subsection a. of this section. A violation
31 of this subsection shall result in the revocation of the permit.

32 e. The Department of Transportation shall charge a fee to cover
33 the cost of issuing a permit pursuant to subsection a. of this section.
34 Fee revenues shall be dedicated for the construction and
35 maintenance of designated corridors.

36
37 4. a. A municipality having a population greater than 150,000
38 persons, according to the latest federal decennial census, may, by
39 ordinance, impose a tax on empty ISO shipping containers stored
40 within the municipality, at the rates, and in the manner, provided in
41 this section.

42 The rates imposed under an ordinance adopted pursuant to this
43 section, which shall be applied to each Twenty-foot equivalent unit
44 (TEU) as is kept in storage, shall be:

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<u>Storage period</u>	<u>Maximum tax per TEU per day of storage</u>
From day 1 through day 30	\$0.00
From day 31 through day 60	\$0.25
From day 61 through day 90	\$0.50
In excess of 90 days	\$0.75

8 b. As used in this section:
9 "ISO shipping container" or "ISO container" means any
10 standardized shipping container constructed in accordance with the
11 standard sizes promulgated by the International Standards
12 Organization for use in intermodal transportation of goods by ship,
13 rail or truck, which shall include but shall not be limited to
14 containers that are 20 feet in length and eight feet in width, 40 feet
15 in length and eight feet in width, 45 feet in length and eight feet in
16 width, 48 feet in length and eight feet in width, and 53 feet in length
17 and eight feet in width.

18 "TEU" or "Twenty-foot equivalent unit" means a measure of
19 capacity of ISO shipping containers used to approximate the
20 comparable size of the various types of ISO containers. For the
21 purposes of this act, the TEU measure for any ISO container shall
22 be the result of dividing the base area measured in feet of any ISO
23 container, determined by multiplying its external length by its
24 external width, by the number 160.

25 c. All local ISO container taxes collected by a municipality
26 pursuant to P.L. , c. (C.) (pending before the Legislature
27 as this bill) shall be remitted to the chief financial officer of the
28 municipality, who shall deposit those tax revenues in a trust account
29 established by the municipality and dedicated exclusively to the
30 purpose of funding activities set forth in one or more redevelopment
31 plans adopted by the municipality pursuant to section 7 of
32 P.L.1992, c.79 (C.40A:12A-7).

33
34 5. a. No amendment or revision to any zoning ordinance shall
35 change the classification of a district zoned for commercial or
36 industrial purposes and located within the port support zone.

37 b. As used in this section:
38 "Port support zone" means and includes the area within a five-
39 mile radius of the outermost boundary of the Port Newark-Elizabeth
40 Port Authority Marine Terminal.

41
42 6. a. The definition of "Qualifying economic redevelopment
43 and growth grant incentive area" set forth in section 3 of P.L.2009,
44 c.90 (C.52:27D-489c) is amended to include the "Port support
45 zone."

46 b. As used in this section, "Port support zone" means and
47 includes the area within a five-mile radius of the outermost

1 boundary of the Port Newark-Elizabeth Port Authority Marine
2 Terminal.

3 c. The base amount of the combined reimbursements under a
4 redevelopment incentive grant agreement with the State or a
5 municipality for a project in the Port support zone may exceed 20
6 percent of the total project cost, but shall not exceed 40 percent of
7 the total cost of the project.

8

9 7. a. The Commissioner of Environmental Protection, in
10 consultation with the Commissioner of Transportation, shall
11 identify contaminated sites within the Port support zone and shall
12 prioritize those sites for remediation based upon their potential for
13 use as warehousing and bulk distribution centers in support of the
14 Port Newark-Elizabeth Port Authority Marine Terminal.

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

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

26

27 8. This act shall take effect immediately.

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30 STATEMENT

31

32 This bill establishes a “port support zone” surrounding the Port
33 Newark-Elizabeth Port Authority Marine Terminal (“the port”).
34 The port support zone will assist the port with the increase in
35 shipping volume at the port expected upon the completion of the
36 expansion of the Panama Canal and the raising of the roadway of
37 the Bayonne Bridge. Currently, large, modern container ships, such
38 as Post-Panamax ships, are not able to enter the port because the
39 navigational height of these ships exceeds the navigational
40 clearance of the Bayonne Bridge. The port support zone includes
41 the area within a five-mile radius of the outermost boundary of the
42 port.

43 The bill provides that, notwithstanding any law, rule, regulation,
44 or ordinance to the contrary: (1) no amendment or revision to any
45 zoning ordinance shall change the classification of a district zoned
46 for commercial or industrial purposes and located within the
47 support zone; and (2) an overweight commercial vehicle may travel

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1 along any road reasonably contiguous to the port, so long as that
2 road is within an industrial or commercial zone of that municipality.

3 The bill amends current law to increase the allowable amount of
4 redevelopment incentive grants awarded for qualified projects in the
5 port support zone. The bill provides that any redevelopment
6 incentive grant agreement with a developer for a project within the
7 port support zone shall not exceed 40 percent of the total cost of the
8 project.

9 The bill authorizes the Department of Transportation, upon
10 adoption of an ordinance or resolution by the City of Newark, the
11 City of Elizabeth, or both, to issue a special permit for the operation
12 of overweight vehicles over designated routes reasonably
13 contiguous to the Port Newark-Elizabeth Port Authority Marine
14 Terminal, within the "Port support zone," or both, if the vehicle,
15 meets specified criteria.

16 The bill authorizes a municipality having a population greater
17 than 150,000 persons to impose a tax on empty intermodal shipping
18 containers stored within the municipality, under certain
19 circumstances.

20 The bill directs the Commissioner of Environmental Protection,
21 in consultation with the Commissioner of Transportation, to identify
22 contaminated sites within the Port support zone and to prioritize
23 those sites based upon their potential for use as warehousing and
24 bulk distribution centers in support of the Port Newark-Elizabeth
25 Port Authority Marine Terminal. The bill directs the Commissioner
26 of Environmental Protection to provide properties so identified with
27 the highest priority for the department to cleanup and remove
28 hazardous substances from those properties.

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