

SENATE, No. 1919

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 22, 2018

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

“Port Support Zone Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT supporting increased volume of shipping at certain ports
2 and designated the Port Support Zone Act, and supplementing
3 Titles 32, 40 and 52 of the Revised Statutes, and amending
4 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
46 Elizabeth, or both, in conformance with the provisions of this act,
47 may issue a special permit to the operator of a vehicle, combination
48 of vehicles, or mobile equipment, permitting the operation and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 e. The Department of Transportation shall charge a fee to cover
29 the cost of issuing a permit pursuant to subsection a. of this section.
30 Fee revenues shall be dedicated for the construction and
31 maintenance of designated corridors.

32

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

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

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

48 b. As used in this section:

1 "ISO shipping container" or "ISO container" means any
2 standardized shipping container constructed in accordance with the
3 standard sizes promulgated by the International Standards
4 Organization for use in intermodal transportation of goods by ship,
5 rail or truck, which shall include but shall not be limited to
6 containers that are 20 feet in length and eight feet in width, 40 feet
7 in length and eight feet in width, 45 feet in length and eight feet in
8 width, 48 feet in length and eight feet in width, and 53 feet in length
9 and eight feet in width.

10 "TEU" or "Twenty-foot equivalent unit" means a measure of
11 capacity of ISO shipping containers used to approximate the
12 comparable size of the various types of ISO containers. For the
13 purposes of this act, the TEU measure for any ISO container shall
14 be the result of dividing the base area measured in feet of any ISO
15 container, determined by multiplying its external length by its
16 external width, by the number 160.

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

25

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

29 b. As used in this section:

30 "Port support zone" means and includes the area within a five-
31 mile radius of the outermost boundary of the Port Newark-Elizabeth
32 Port Authority Marine Terminal.

33

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

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

42 c. The base amount of the combined reimbursements under a
43 redevelopment incentive grant agreement with the State or a
44 municipality for a project in the Port support zone may exceed 20
45 percent of the total project cost, but shall not exceed 40 percent of
46 the total cost of the project.

1 7. a. The Commissioner of Environmental Protection, in
2 consultation with the Commissioner of Transportation, shall
3 identify contaminated sites within the Port support zone and shall
4 prioritize those sites for remediation based upon their potential for
5 use as warehousing and bulk distribution centers in support of the
6 Port Newark-Elizabeth Port Authority Marine Terminal.

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

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

18

19 8. This act shall take effect immediately.

20

21

22

STATEMENT

23

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

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

42 The bill amends current law to increase the allowable amount of
43 redevelopment incentive grants awarded for qualified projects in the
44 port support zone. The bill provides that any redevelopment
45 incentive grant agreement with a developer for a project within the
46 port support zone shall not exceed 40 percent of the total cost of the
47 project.

1 The bill authorizes the Department of Transportation, upon
2 adoption of an ordinance or resolution by the City of Newark, the
3 City of Elizabeth, or both, to issue a special permit for the operation
4 of overweight vehicles over designated routes reasonably
5 contiguous to the Port Newark-Elizabeth Port Authority Marine
6 Terminal, within the “Port support zone,” or both, if the vehicle,
7 meets specified criteria.

8 The bill authorizes a municipality having a population greater
9 than 150,000 persons to impose a tax on empty intermodal shipping
10 containers stored within the municipality, under certain
11 circumstances.

12 The bill directs the Commissioner of Environmental Protection,
13 in consultation with the Commissioner of Transportation, to identify
14 contaminated sites within the Port support zone and to prioritize
15 those sites based upon their potential for use as warehousing and
16 bulk distribution centers in support of the Port Newark-Elizabeth
17 Port Authority Marine Terminal. The bill directs the Commissioner
18 of Environmental Protection to provide properties so identified with
19 the highest priority for the department to cleanup and remove
20 hazardous substances from those properties.

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