

# SENATE, No. 2217

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED OCTOBER 12, 2006

**Sponsored by:**

**Senator BERNARD F. KENNY, JR.**

**District 33 (Hudson)**

### **SYNOPSIS**

Prohibits the idling or queuing of heavy-duty diesel trucks at marine terminals for more than 30 minutes.

### **CURRENT VERSION OF TEXT**

As introduced.



1   **AN ACT** concerning the operation of heavy-duty diesel trucks at all  
2       marine terminals, and agreeing with the State of New York with  
3       respect to the operation of heavy-duty diesel trucks at marine  
4       terminals leased by the Port Authority of New York and New  
5       Jersey, and supplementing P.L.1947, c.44 (C.32:1-35.28 et seq.),  
6       and amending and supplementing P.L.1968, c.60.

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

10

11       1. (New section) The Legislature finds and declares: that air  
12       pollution in the State is an ongoing problem that impacts the health  
13       and safety of its residents; that marine terminals in the State often  
14       become congested with long lines forcing heavy-duty diesel trucks  
15       to idle for extended periods of time; that idling heavy-duty diesel  
16       trucks emit air contaminants, including carbon dioxide, carbon  
17       monoxide, oxides of nitrogen, and particulate matter; that many  
18       marine terminals and the port districts in the State are in close  
19       proximity to residential areas and businesses frequented by the  
20       public; that owners and operators of marine terminals generally do  
21       not directly own or control the heavy-duty diesel trucks that move  
22       containers and other cargo to and from, or transact business at, the  
23       marine terminals, but, due to the manner in which some marine  
24       terminals operate, including, but not limited to, the setting of short  
25       gate hours and maintaining systems that do not disperse truck  
26       transactions throughout the day, heavy-duty diesel trucks are forced  
27       to operate within the systems established by the owners and  
28       operators of marine terminals and idle for extended periods of time,  
29       creating severe congestion on public roadways in communities in  
30       which the marine terminals are located, communities near marine  
31       terminals, and communities in the port districts.

32       The Legislature therefore determines it is in the best interest of  
33       the public health and safety of the residents of the State to prohibit  
34       the extended idling of heavy-duty diesel trucks at marine terminals  
35       in the port districts in order to protect the health and safety of all  
36       the residents of the State; and that by enacting the provisions of this  
37       act, the State may significantly reduce the particulate matter  
38       emissions that are released by heavy-duty diesel trucks idling at  
39       marine terminals in the State.

40

41       2. (New section) a. The Department of Environmental  
42       Protection, in consultation and in conjunction with the Division of  
43       Motor Vehicles and the Division of State Police, shall monitor the  
44       operation of marine terminals in the South Jersey Port District  
45       pursuant to P.L.    c.   (C.    ) (pending before the Legislature as

**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.

1 this bill), the compliance of marine terminals with the provisions of  
2 section 3 of P.L. , c. (C. ) ( pending before the Legislature as  
3 this bill), and to the extent practicable, any air quality benefit from  
4 reduced particulate emissions that may be quantifiable from the  
5 enactment and enforcement of the provisions of P.L. , c.  
6 (C. ) (pending before the Legislature as this bill).

7 b. The Department of Environmental Protection shall determine  
8 the necessary level of monitoring commensurate with the magnitude  
9 of the heavy-duty diesel truck idling problem at each marine  
10 terminal in the State as reported to the Department of  
11 Environmental Protection by the Division of Motor Vehicles  
12 pursuant to subsection b. of section 4 of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), and shall adopt, in  
14 consultation with the Division of Motor Vehicles, any rules or  
15 regulations necessary to effectuate the reduction of particulate  
16 matter emissions from idling or queuing heavy-duty diesel trucks at  
17 marine terminals.

18 c. For the purposes of this section, "heavy-duty diesel truck"  
19 means any diesel-powered motor vehicle, whether registered in this  
20 State or elsewhere, with a gross vehicle weight rating (GVWR) of  
21 18,000 or more pounds that is designed or used for the transporting  
22 of property on any public road, street or highway or any public or  
23 quasi-public property in the State. Heavy-duty diesel truck shall not  
24 mean a heavy-duty diesel truck owned and operated by a county,  
25 municipality, fire district, or duly incorporated nonprofit  
26 organization for first aid, emergency, ambulance, rescue, or fire-  
27 fighting purposes.

28 d. The provisions of this section shall not apply to marine  
29 terminals within the South Jersey Port District until 180 days after  
30 the effective date of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

32

33 3. (New section) a. Except as provided in subsection e. of this  
34 section, no heavy-duty diesel truck may idle or queue for more than  
35 30 minutes while waiting to enter any marine terminal.

36 b. No owner or operator of a marine terminal may take any  
37 action intended to avoid complying with, or to circumvent, the  
38 requirements of this act, or to avoid or circumvent the reduction of  
39 particulate matter emissions from idling or queuing heavy-duty  
40 diesel trucks, including, but not limited to:

41 (1) Diverting an idling heavy-duty diesel truck to area highways  
42 or alternate staging areas;

43 (2) Requiring a heavy-duty diesel truck to idle or queue inside  
44 the gate of a marine terminal; or

45 (3) Requiring or directing a heavy-duty diesel truck driver to turn  
46 on and off an engine while queuing.

47 c. It shall not constitute a violation of this section if a heavy-  
48 duty diesel truck is idling or queuing for more than 30 minutes

1 while waiting to enter the gate of a marine terminal if the idling or  
2 queuing is caused by:

- 3 (1) an act of God;  
4 (2) a labor dispute;  
5 (3) a declared federal or State emergency; or  
6 (4) an event that the Director of the Division of Motor Vehicles  
7 or the Superintendent of State Police determines was unavoidable or  
8 unforeseeable, and that the owner and the operator of the marine  
9 terminal are otherwise in good faith compliance with the act.

10 d. The operator of a marine terminal shall be subject to a fine of  
11 \$250 for each heavy-duty diesel truck found in violation of  
12 subsection a. of this section, and shall be subject to a fine of \$750  
13 for each truck involved in a violation of subsection b. of this  
14 section. Failure to pay a fine imposed pursuant to this subsection,  
15 or the imposition of three or more such fines during a three month  
16 period shall constitute grounds for the suspension of the marine  
17 terminal motor carrier property permit, and the Division of Motor  
18 Vehicles shall forward a recommendation to the federal Motor  
19 Carrier Safety Administration for administrative or other action  
20 deemed necessary against the motor carrier's interstate operating  
21 authority.

22 e. A marine terminal shall be exempt from the provisions of  
23 subsection a. of this section , provided that:

24 (1) the owner or operator of the marine terminal provides two  
25 continuous hours of uninterrupted, fully staffed receiving and  
26 delivery gates two hours prior to and after peak commuter hours  
27 each day, as determined by the Division of Motor Vehicles, at least  
28 five days per wee; or fully staffed receiving and delivery gates for  
29 70 or more hours, five days per week; and

30 (2) the owner or operator of the marine terminal notifies in  
31 writing the Department of Environmental Protection and the  
32 Division of Motor Vehicles of the implementation of the provisions  
33 of paragraph (1) of this section and the date of the implementation.

34 The exemption of a marine terminal pursuant to this subsection  
35 shall be effective on the date of receipt of the notification required  
36 under subsection f. of this section from the Department of  
37 Environmental Protection or the Division of Motor Vehicles,  
38 whichever date is later. The exemption shall not take effect until  
39 both the Department of Environmental Protection and the Division  
40 of Motor Vehicles have notified the owner or operator of receipt of  
41 the notification from the owner or operator pursuant to paragraph  
42 (2) of this subsection.

43 f. The Department of Environmental Protection and the Division  
44 of Motor Vehicles shall each notify in writing the owner or operator  
45 of the marine terminal who provides notification pursuant to  
46 paragraph (2) of this subsection that the notification has been  
47 received.

48 g. The Division of Motor Vehicles shall promptly notify the

1 Superintendent of State Police of any marine terminal exempted  
2 from the provisions of subsection a. of this section pursuant to  
3 subsection d. of this section, and no owner or operator of a marine  
4 terminal that is exempt shall be liable for any fine assessed against  
5 the owner or operator due to the Superintendent of State Police not  
6 receiving this notification.

7 h. For the purposes of this section, "heavy-duty diesel truck"  
8 means any diesel-powered motor vehicle, whether registered in this  
9 State or elsewhere, with a gross vehicle weight rating (GVWR) of  
10 18,000 or more pounds that is designed or used for the transporting  
11 of property on any public road, street or highway or any public or  
12 quasi-public property in the State. Heavy-duty diesel truck shall not  
13 mean a heavy-duty diesel truck owned and operated by a county,  
14 municipality, fire district, or duly incorporated nonprofit  
15 organization for first aid, emergency, ambulance, rescue, or fire-  
16 fighting purposes.

17 i. The provisions of this section shall not apply to marine  
18 terminals within the South Jersey Port District until 180 days after  
19 the effective date of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill).

21

22 4. (New section) a. The Division of State Police, in conjunction  
23 with the Division of Motor Vehicles, shall enforce the provisions of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill).

25 b. The Superintendent of State Police and the Director of the  
26 Division of Motor Vehicles, in consultation with each other and  
27 independently, may adopt, pursuant to the "Administrative  
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or  
29 regulations necessary for the implementation and enforcement of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill),  
31 except that the Superintendent of State Police or the Director of the  
32 Division of Motor Vehicles, as appropriate, and in the appropriate  
33 manner, shall provide for citations issued pursuant to P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill) to  
35 include the truck license plate number, the name of the marine  
36 terminal and port district at which the violation occurred, and the  
37 date and time of the violation.

38 c. The Division of Motor Vehicles shall report annually to the  
39 Department of Environmental Protection concerning the magnitude  
40 of the heavy-duty diesel truck idling problem at each marine  
41 terminal in the State. The Division of Motor Vehicles shall consult  
42 with the Department of Environmental Protection as to the  
43 information that the Department of Environmental Protection would  
44 find most useful in assessing the magnitude of the heavy-duty diesel  
45 truck idling problem, including, but not limited to, the number of  
46 violations of the act.

47 d. The provisions of this section shall not apply to marine  
48 terminals within the South Jersey Port District until 180 days after

1 the effective date of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill).

3  
4 5. Section 3 of P.L.1968, c.60 (C.12:11A-3) is amended to read  
5 as follows:

6 3. As used in this act:

7 "Corporation" or "port corporation" **【shall mean】** means the  
8 South Jersey Port Corporation, created by this act, or, if said  
9 corporation shall be abolished, the board, body or commission  
10 succeeding to the principal functions thereof or to whom the powers  
11 given by this act to the corporation shall be given by law**【.】**;

12 "Cost," in addition to the usual meanings thereof, means the cost  
13 of acquisition or construction of all or any part of a marine terminal  
14 and of all or any property, rights, easements, privileges, agreements  
15 and franchises deemed by the corporation to be necessary or useful  
16 and convenient therefor or in connection therewith, including  
17 interest or discount on bonds, cost of issuance of bonds;  
18 engineering and inspection costs and legal expenses; cost of  
19 financial, professional and other estimates and advice;  
20 organization, administration, operation and other expenses of the  
21 corporation prior to and during such acquisition or construction;  
22 and all such other expenses as may be necessary or incident to the  
23 financing, acquisition, construction and completion of said marine  
24 terminal or part thereof and placing of same in operation; and also  
25 such provision or reserves for working capital, operating or  
26 maintenance or replacement expenses, or for payment or security of  
27 principal of or interest on bonds prior to during or after such  
28 acquisition or construction and including also payments to its South  
29 Jersey Port Corporation Reserve Fund and payments required under  
30 Tax Agreements with counties or municipalities pursuant to section  
31 20 of this act "District" or "port district" shall mean the South  
32 Jersey Port District created by this act;

33 "Heavy-duty diesel truck" means any diesel-powered motor  
34 vehicle, whether registered in this State or elsewhere, with a gross  
35 vehicle weight rating (GVWR) of 18,000 or more pounds that is  
36 designed or used for the transporting of property on any public  
37 road, street or highway or any public or quasi-public property in the  
38 State. Heavy-duty diesel truck shall not mean a heavy-duty diesel  
39 truck owned and operated by a county, municipality, fire district, or  
40 duly incorporated nonprofit organization for first aid, emergency,  
41 ambulance, rescue, or fire-fighting purposes;

42 "Marine terminals" **【shall mean】** means developments,  
43 consisting of one or more piers, wharves, docks, bulkheads, slips,  
44 basins, vehicular roadways, railroad connections, side tracks,  
45 sidings or other buildings, structures, facilities or improvements,  
46 necessary or convenient to the accommodation of steamships or  
47 other vessels and their cargoes or passengers**【.】**;

48 "Marine terminal purposes" **【shall mean】** means the effectuation,

1 establishment, acquisition, construction, rehabilitation,  
2 improvement, maintenance, ownership and operation of marine  
3 terminals[.];

4 "Private marine terminal" means any marine terminal operated  
5 and maintained by a private marine terminal operator; and;

6 "Private marine terminal operator" [shall mean] means any  
7 person or persons, corporation, partnership or any business  
8 organization which shall operate and maintain any of the marine  
9 terminals established, acquired, constructed, rehabilitated or  
10 improved by the South Jersey Port Corporation by means of and  
11 through leasing agreements entered into by any such person or  
12 persons, corporation, partnership or any business organization with  
13 the South Jersey Port Corporation.

14 ["Cost," in addition to the usual meanings thereof, means the  
15 cost of acquisition or construction of all or any part of a marine  
16 terminal and of all or any property, rights, easements, privileges,  
17 agreements and franchises deemed by the corporation to be  
18 necessary or useful and convenient therefore or in connection  
19 therewith, including interest or discount on bonds, cost of issuance  
20 of bonds; engineering and inspection costs and legal expenses;  
21 cost of financial, professional and other estimates and advice;  
22 organization, administration, operation and other expenses of the  
23 corporation prior to and during such acquisition or construction;  
24 and all such other expenses as may be necessary or incident to the  
25 financing, acquisition, construction and completion of said marine  
26 terminal or part thereof and placing of same in operation; and also  
27 such provision or reserves for working capital, operating or  
28 maintenance or replacement expenses, or for payment or security of  
29 principal of or interest on bonds prior to during or after such  
30 acquisition or construction and including also payments to its South  
31 Jersey Port Corporation Reserve Fund and payments required under  
32 Tax Agreements with counties or municipalities pursuant to section  
33 20 of this act.]

34 (cf: P.L.1968, c. 60, s. 3)

35

36 6. (New section) Within 180 days after the effective date of  
37 P.L. , c. (C. ) (before the Legislature as this bill), the South  
38 Jersey Port Corporation shall establish and implement procedures  
39 for the operations of the marine terminals within the South Jersey  
40 Port District owned, operated and maintained by the port  
41 corporation, any private marine terminal in the port district leased  
42 by the corporation, and any municipal marine terminal in the port  
43 district in use by the port corporation, that shall ensure the  
44 maximum compliance with the requirements of section 3 of P.L. , c.  
45 (C. ) (pending before the Legislature as this bill).

46

47 7. (New section) To the extent that any provision of P.L. , c.  
48 (C. ) (pending before the Legislature as this bill) may abrogate

1 any provision of any contract entered into by the South Jersey Port  
2 Corporation, that provision shall not be enforced until such time as  
3 the contract expires or the terms of the contract can be legally  
4 renegotiated to reflect compliance with the provisions of P.L., c.  
5 (C. ) (pending before the Legislature as this bill).

6  
7 8. (New section) The Legislature finds and declares: that air  
8 pollution in the State is an ongoing problem that impacts the health  
9 and safety of its residents; that marine terminals in the State often  
10 become congested with long lines forcing heavy-duty diesel trucks  
11 to idle for extended periods of time; that idling heavy-duty diesel  
12 trucks emit air contaminants, including carbon dioxide, carbon  
13 monoxide, oxides of nitrogen, and particulate matter; that many  
14 marine terminals and the port districts in the State are in close  
15 proximity to residential areas and businesses frequented by the  
16 public; that owners and operators of marine terminals generally do  
17 not directly own or control the heavy-duty diesel trucks that move  
18 containers and other cargo to and from, or transact business at, the  
19 marine terminals, but, due to the manner in which some marine  
20 terminals operate, including, but not limited to, the setting of short  
21 gate hours and maintaining systems that do not disperse truck  
22 transactions throughout the day, heavy-duty diesel trucks are forced  
23 to operate within the systems established by the owners and  
24 operators of marine terminals and idle for extended periods of time,  
25 creating severe congestion on public roadways in communities in  
26 which the marine terminals are located, communities near marine  
27 terminals, and communities in the port districts.

28 The Legislature therefore determines it is in the best interest of  
29 the public health and safety of the residents of the State to prohibit  
30 the extended idling of heavy-duty diesel trucks at marine terminals  
31 in the port districts in order to protect the health and safety of all  
32 the residents of the State; and that by enacting the provisions of this  
33 act, the State may significantly reduce the particulate matter  
34 emissions that are released by heavy-duty diesel trucks idling at  
35 marine terminals in the State.

36  
37 9. (New section) a. The Department of Environmental  
38 Protection, in consultation and in conjunction with the Division of  
39 Motor Vehicles and the Division of State Police, shall monitor the  
40 operation of marine terminals in the port district of New York and  
41 New Jersey, the compliance of marine terminals with the  
42 provisions of section 10 of P.L., c. (C. ) (pending before the  
43 Legislature as this bill), and to the extent practicable, any air quality  
44 benefit from reduced particulate emissions that may be quantifiable  
45 from the enactment and enforcement of the provisions of sections 8  
46 through 13 inclusive of P.L., c. (C. ) (pending before the  
47 Legislature as this bill).

48 b. The Department of Environmental Protection shall determine



1 the necessary level of monitoring commensurate with the magnitude  
2 of the heavy-duty diesel truck idling problem at each marine  
3 terminal in the port district of New York and New Jersey as  
4 reported to the Department of Environmental Protection by the  
5 Division of Motor Vehicles pursuant to subsection c. of section 11  
6 of P.L. , c. (C. ) (pending before the Legislature as this  
7 bill), and shall adopt, in consultation with the Division of Motor  
8 Vehicles, any rules or regulations necessary to effectuate the  
9 reduction of particulate matter emissions from idling or queuing  
10 heavy-duty diesel trucks at marine terminals in the port district of  
11 New York and New Jersey.

12 c. For the purposes of this section, "heavy-duty diesel truck"  
13 means any diesel-powered motor vehicle, whether registered in this  
14 State or elsewhere, with a gross vehicle weight rating (GVWR) of  
15 18,000 or more pounds that is designed or used for the transporting  
16 of property on any public road, street or highway or any public or  
17 quasi-public property in the State. Heavy-duty diesel truck shall not  
18 mean a heavy-duty diesel truck owned and operated by a county,  
19 municipality, fire district, or duly incorporated nonprofit  
20 organization for first aid, emergency, ambulance, rescue, or fire-  
21 fighting purposes.

22

23 10. (New section) a. Except as provided in subsection e. of this  
24 section, no heavy-duty diesel truck may idle or queue for more than  
25 30 minutes while waiting to enter any marine terminal in the port  
26 district of New York and New Jersey.

27 b. No owner or operator of a marine terminal in the port district  
28 may take any action intended to avoid complying with, or to  
29 circumvent, the requirements of this act, or to avoid or circumvent  
30 the reduction of particulate matter emissions from idling or queuing  
31 trucks, including, but not limited to:

32 (1) Diverting an idling truck to area highways or alternate  
33 staging areas;

34 (2) Requiring a truck to idle or queue inside the gate of a marine  
35 terminal; or

36 (3) Requiring or directing a truck driver to turn on and off an  
37 engine while queuing.

38 c. It shall not constitute a violation of this section if a heavy-  
39 duty diesel truck is idling or queuing for more than 30 minutes  
40 while waiting to enter the gate of a marine terminal in the port  
41 district if the idling or queuing is caused by:

42 (1) an act of God;

43 (2) a labor dispute;

44 (3) a declared federal or State emergency; or

45 (4) an event that the Director of the Division of Motor Vehicles  
46 or the Superintendent of State Police determines was unavoidable or  
47 unforeseeable, and that the owner and the operator of the marine  
48 terminal are otherwise in good faith compliance with the act.

1       d. The operator of a marine terminal in the port district shall be  
2 subject to a fine of \$250 for each heavy-duty diesel truck found in  
3 violation of subsection a. of this section, and shall be subject to a  
4 fine of \$750 for each truck involved in a violation of subsection b.  
5 of this section. Failure to pay a fine imposed pursuant to this  
6 subsection, or the imposition of three or more such fines during a  
7 three month period shall constitute grounds for the suspension of  
8 the marine terminal motor carrier property permit, and the Division  
9 of Motor Vehicles shall forward a recommendation to the federal  
10 Motor Carrier Safety Administration for administrative or other  
11 action deemed necessary against the motor carrier's interstate  
12 operating authority.

13       e. A marine terminal in the port district shall be exempt from the  
14 provisions of subsection a. of this section , provided that:

15       (1) the owner or operator of the marine terminal provides two  
16 continuous hours of uninterrupted, fully staffed receiving and  
17 delivery gates two hours prior to and after peak commuter hours  
18 each day, as determined by the Division of Motor Vehicles, at least  
19 five days per wee; or fully staffed receiving and delivery gates for  
20 70 or more hours, five days per week; and

21       (2) the owner or operator of the marine terminal notifies in  
22 writing the Department of Environmental Protection and the  
23 Division of Motor Vehicles of the implementation of the provisions  
24 of paragraph (1) of this section and the date of the implementation.

25       The exemption of a marine terminal pursuant to this subsection  
26 shall be effective on the date of receipt of the notification required  
27 under subsection f. of this section from the Department of  
28 Environmental Protection or the Division of Motor Vehicles,  
29 whichever date is later. The exemption shall not take effect until  
30 both the Department of Environmental Protection and the Division  
31 of Motor Vehicles have notified the owner or operator of receipt of  
32 the notification from the owner or operator pursuant to paragraph  
33 (2) of this subsection.

34       f. The Department of Environmental Protection and the Division  
35 of Motor Vehicles shall each notify in writing the owner or operator  
36 of the marine terminal who provides notification pursuant to  
37 paragraph (2) of subsection e. of this section that the notification  
38 has been received.

39       g. The Division of Motor Vehicles shall promptly notify the  
40 Superintendent of State Police of any marine terminal exempted  
41 from the provisions of subsection a. of this section pursuant to  
42 subsection e. of this section, and no owner or operator of a marine  
43 terminal that is exempt shall be liable for any fine assessed against  
44 the owner or operator due to the Superintendent of State Police not  
45 receiving this notification.

46       h. For the purposes of this section, "heavy-duty diesel truck"  
47 means any diesel-powered motor vehicle, whether registered in this  
48 State or elsewhere, with a gross vehicle weight rating (GVWR) of

1 18,000 or more pounds that is designed or used for the transporting  
2 of property on any public road, street or highway or any public or  
3 quasi-public property in the State. Heavy-duty diesel truck shall not  
4 mean a heavy-duty diesel truck owned and operated by a county,  
5 municipality, fire district, or duly incorporated nonprofit  
6 organization for first aid, emergency, ambulance, rescue, or fire-  
7 fighting purposes.

8  
9 11. (New section) a. The Division of State Police, in  
10 conjunction with the Division of Motor Vehicles, shall enforce the  
11 provisions of sections 8 through 13 inclusive of P.L. , c.  
12 (C. ) (pending before the Legislature as this bill).

13 b. The Superintendent of State Police and the Director of the  
14 Division of Motor Vehicles, in consultation with each other and  
15 independently, may adopt, pursuant to the "Administrative  
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or  
17 regulations necessary for the implementation and enforcement of  
18 sections 8 through 13 inclusive of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill), except that the Superintendent of  
20 State Police or the Director of the Division of Motor Vehicles, as  
21 appropriate, and in the appropriate manner, shall provide for  
22 citations issued pursuant to P.L. , c. (C. ) (pending before  
23 the Legislature as this bill) to include the truck license plate  
24 number, the name of the marine terminal and port district at which  
25 the violation occurred, and the date and time of the violation.

26 c. The Division of Motor Vehicles shall report annually to the  
27 Department of Environmental Protection concerning the magnitude  
28 of the heavy-duty diesel truck idling problem at each marine  
29 terminal in the State. The Division of Motor Vehicles shall consult  
30 with the Department of Environmental Protection as to the  
31 information that the Department of Environmental Protection would  
32 find most useful in assessing the magnitude of the heavy-duty diesel  
33 truck idling problem, including, but not limited to, the number of  
34 violations of the act.

35  
36 12. (New section) The Port Authority of New York and New  
37 Jersey shall establish and implement procedures for the operations  
38 of the marine terminals owned by the Port Authority of New York  
39 and New Jersey that shall ensure the maximum compliance with the  
40 requirements of section 10 of P.L. , c. (C. ) (pending  
41 before the Legislature as this bill), and shall include these  
42 procedures in the terms of any leasing contract with any marine  
43 terminal operator in the port district of New York and New Jersey.

44  
45 13. (New section) To the extent that any provision of sections 8  
46 through 12 of P.L. , c. (C. ) (pending before the  
47 Legislature as this bill) may abrogate any provision of any contract  
48 entered into by the Port Authority of New York and New Jersey,

1 that provision shall not be enforced until such time as the contract  
2 expires or the terms of the contract can be legally renegotiated to  
3 reflect compliance with the provisions of sections 8 through 12 of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill).

5  
6 14. This act shall take effect immediately, except for sections 8  
7 through 13 inclusive that shall take effect upon the enactment into  
8 law by the State of New York of legislation having an identical  
9 effect with sections 8 through 13 inclusive of this act, or, if the  
10 State of New York shall have already enacted such legislation, then  
11 sections 8 through 13 inclusive of this act shall take effect  
12 immediately.

13  
14  
15 STATEMENT

16  
17 This bill provides for the reduction of particulate matter  
18 emissions from heavy-duty diesel trucks operating at marine  
19 terminals in port districts in the State by prohibiting the idling or  
20 queuing of such trucks at marine terminals for more than 30  
21 minutes.

22 Because there are two port districts in the State with marine  
23 terminals that are owned, operated or leased by two separate  
24 independent authorities, sections 1 through 7 of the bill provide for  
25 this regulation of heavy-duty diesel trucks in the South Jersey Port  
26 District by the South Jersey Port Corporation and sections 8 through  
27 13 of the bill provide for this regulation of heavy-duty diesel trucks  
28 in the port district of New York and New Jersey by the Port  
29 Authority of New York and New Jersey. The requirements and  
30 enforcement provisions under sections 1 through 7 are identical in  
31 their effect on marine terminals and heavy-duty diesel trucks as the  
32 requirements and enforcement provisions under sections 8 through  
33 13. The bill also provides for sections 8 through 13 to take effect  
34 when the State of New York has enacted legislation having an  
35 identical effect, or immediately, if the State of New York has  
36 already enacted such legislation. Because the port district of New  
37 York and New Jersey is governed by a bi-state compact, any  
38 legislation affecting the operations within the port district must be  
39 enacted by both the State of New Jersey and the State of New York.

40 The bill directs the Department of Environmental Protection  
41 (DEP) to monitor the operation and compliance of marine terminals  
42 in the port districts, and to the extent practicable, any air quality  
43 benefit from reduced particulate emissions that may be quantifiable.  
44 The DEP is further directed to determine the level of monitoring  
45 required based on the magnitude of the problem of idling trucks as  
46 reported by the Division of Motor Vehicles (DMV), and adopt, in  
47 consultation with the Division of Motor Vehicles, any rules or  
48 regulations necessary to reduce particulate matter emissions from

1 idling or queuing heavy-duty diesel trucks at marine terminals.

2 The bill prohibits heavy-duty diesel trucks from idling or  
3 queuing for more than 30 minutes while waiting to enter any marine  
4 terminal, and any owner or operator of a marine terminal from  
5 taking any action intended to avoid complying with, or to  
6 circumvent, the requirements of the act including, but not limited  
7 to:

8 1) diverting an idling truck to area highways or alternate staging  
9 areas;

10 2) requiring a truck to idle or queue inside the gate of a marine  
11 terminal; or

12 3) requiring or directing a truck driver to turn on and off an  
13 engine while queuing.

14 The bill provides that the operator of a marine terminal is subject  
15 to a fine of \$250 for each heavy-duty diesel truck found in violation  
16 of the idling or queuing prohibition, and is subject to a fine of \$750  
17 for each truck involved in a violation of avoiding compliance with,  
18 or circumventing, the act. Failure to pay a fine imposed, or the  
19 imposition of three or more such fines during a three month period  
20 constitutes grounds for the suspension of the marine terminal motor  
21 carrier property permit, and bill directs the Division of Motor  
22 Vehicles to forward a recommendation to the federal Motor Carrier  
23 Safety Administration for administrative or other action deemed  
24 necessary against the motor carrier's interstate operating authority.

25 The bill exempts from enforcement any violations caused by acts  
26 of God, labor disputes, declared federal or State emergencies, or  
27 events the Director of the Division of Motor Vehicles or the  
28 Superintendent of State Police determine are unavoidable or  
29 unforeseeable, provided that the owner and the operator of the  
30 marine terminal are otherwise in good faith compliance with the act.  
31 Marine terminals that establish certain procedures are exempt from  
32 the idling or queuing prohibition. The exempting procedures are: 1)  
33 the owner or operator of the marine terminal provides two  
34 continuous hours of uninterrupted, fully staffed receiving and  
35 delivery gates two hours prior to and after peak commuter hours  
36 each day, as determined by the Division of Motor Vehicles, at least  
37 five days per week; or 2) fully staffed receiving and delivery gates  
38 for 70 or more hours, five days per week.

39 The bill authorizes the Division of State Police, in conjunction  
40 with the Division of Motor Vehicles, to enforce the act. The bill  
41 also authorizes the Department of Environmental Protection, the  
42 Division of Motor Vehicles, and the Division of State Police to  
43 adopt any regulations necessary to implement the act, except that  
44 the Superintendent of State Police or the Director of the Division of  
45 Motor Vehicles, as appropriate, and in the appropriate manner, are  
46 required to provide that any citations issued include the truck  
47 license plate number, the name of the marine terminal and port  
48 district at which the violation occurred, and the date and time of the

1 violation.

2 Finally, the bill provides that the South Jersey Port Corporation  
3 and the Port Authority of New York and New Jersey, each under the  
4 respective sections of the bill addressing their respective  
5 jurisdictions, establish and implement procedures for the operations  
6 of marine terminals in their respective jurisdictions to ensure the  
7 maximum compliance with the act, and include these procedures in  
8 the terms of any leasing contract entered into by the respective  
9 independent authority with any marine terminal operator in their  
10 respective port districts. To the extent that any provision of the bill  
11 may abrogate any provision of any contract entered into by either  
12 independent authority, the bill provides that the provision would not  
13 be enforced until such time as the contract expires or the terms of  
14 the contract can be legally renegotiated to reflect compliance with  
15 the act.