

SENATE, No. 2739

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 5, 2015

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

“Port Support Zone Act of 2015.”

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 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
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, in
10 combination with its load, has a maximum gross weight in excess of
11 the maximum gross weight limit of vehicles and loads specified in
12 this chapter, but does not exceed 100,000 pounds total gross weight;

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

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

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

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

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

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

43 (3) the applicant shall provide proof of financial responsibility
44 that covers the movement of the shipment as described in
45 subsection a. The insurance shall meet the minimum requirements
46 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.

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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:

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

1 b. As used in this section:

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

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

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

26

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

30 b. As used in this section:

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

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

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

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