

SENATE, No. 2193

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

“New Jersey Traffic Management Act”; requires certain employers to plan and implement traffic reduction programs for employees.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the reduction of traffic during peak-hours and
2 designated as the New Jersey Traffic Management Act, and
3 supplementing Title 27 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. This act shall be known and may be cited as the "New Jersey
9 Traffic Management Act."

10
11 2. The Legislature finds and declares that:

12 a. In recent years, New Jersey has experienced tremendous
13 growth in certain regions, often along highway routes. This growth
14 has outpaced the capacity of the highways in this State to efficiently
15 move traffic, creating constraints on future economic development,
16 and, in particular, making it increasingly difficult for employers to
17 maintain a desirable environment for their employees as they
18 commute to work.

19 b. Levels of traffic congestion in this State are related to levels
20 of air pollution, particularly ozone, carbon monoxide, and
21 particulate matter. The federal Clean Air Act, 42 U.S.C. s.7401 et
22 seq., as amended and supplemented, sets attainment standards for
23 these various pollutants. While New Jersey has demonstrated
24 attainment of the National Ambient Air Quality Standard (NAAQS)
25 for carbon monoxide through the implementation of pollution
26 reducing measures, the State has not yet demonstrated attainment of
27 the NAAQS for ozone levels for the entire State. In New Jersey, it
28 is estimated that 50 percent of the ozone pollution is caused by
29 mobile sources, such as cars and trucks.

30 c. Recent gasoline price increases have created financial
31 hardships for many commuters who are located in areas with
32 inadequate mass transportation or who do not have access to ride-
33 sharing programs, and are therefore required to drive to and from
34 work each day at substantial costs to themselves.

35 d. The continuing rise in gasoline prices since the oil-price
36 shocks of the 1970's and the 1973-74 oil embargo have led to the
37 development of various strategies to decrease this nation's
38 dependence on foreign oil including, but not limited to, the offering
39 of incentives to stimulate greater use of ride-sharing programs, as
40 well as public transit, where available.

41 e. In order to deal with the economic, social, and
42 environmental costs and effects enumerated above, to avoid or
43 delay expensive or environmentally costly new highway
44 construction, to assist the State in reaching attainment standards set
45 forth in the federal Clean Air Act with regard to federally mandated
46 ozone levels, and to further the national goal of decreasing
47 dependence on foreign oil, it is in the public interest for the
48 Department of Transportation to require every business employing

1 100 or more persons at one or more work locations to undertake an
2 annual survey of its employees and issue an annual report to the
3 Commissioner of Transportation as to the commutation patterns of
4 its employees; and to further require every business employing 100
5 or more persons at one or more work locations to plan and
6 implement trip-reduction strategies, if a plan has not previously
7 been established, that will provide their employees with programs
8 and incentives to increase private passenger vehicle occupancy or
9 increase the use of public transit or other alternative transportation
10 modes on home-to-work trips during peak-hours.

11

12 3. As part of its transportation control strategy required by
13 section 4 of P.L.1992, c.32 (C.27:26A-4), the Department of
14 Transportation shall establish and monitor a program to be known
15 as the "Traffic Management Program" to:

16 a. monitor and analyze traffic commutation patterns of
17 businesses employing 100 or more persons at one or more work
18 locations in this State;

19 b. monitor and regulate businesses employing 100 or more
20 persons at one or more work locations in this State and require these
21 businesses to establish and implement traffic reduction plans,
22 except as otherwise provided in section 8 of P.L. , c. (C.)
23 (pending before the Legislature as this bill), in order to reduce the
24 number of vehicles in use by their employees traveling to and from
25 work during peak-hour periods; and

26 c. render technical assistance and information to businesses
27 with regard to implementation of traffic reduction plans.

28 For the purposes of P.L. , c. (C.) (pending before the
29 Legislature as this bill), "peak-hour periods" means the hours from
30 7:00 a.m. to 9:00 a.m. and the hours from 3:30 p.m. to 6:00 p.m.
31 during weekdays when normal business hours are being conducted.

32

33 4. Every business employing 100 or more persons at one or
34 more work locations in this State shall survey its workforce
35 annually to gather data on place of residence, working hours, and
36 modes of commutation. The results of this survey shall be provided
37 to the Commissioner of Transportation in the form of an annual
38 report no later than December 1 of each year. The annual report
39 shall protect the privacy of the survey respondents to the greatest
40 extent practicable and feasible and shall include, but not be limited
41 to, the following information:

42 a. the number of employees beginning and ending work by 15
43 minute time intervals during peak-hour periods;

44 b. the number of peak-hour automobile trips of employees who
45 are commuting to work by means of single occupancy vehicles;

46 c. a description of measures taken by the business to reduce
47 traffic generation, including efforts to market traffic reduction
48 measures; and

1 d. the number of employees participating in an alternative
2 work-hours program.

3
4 5. a. Notwithstanding the provisions of any law, rule,
5 regulation, or order to the contrary, within one year of the effective
6 date of P.L. , c. (C.) (pending before the Legislature as this
7 bill), every business employing 100 or more persons at one or more
8 work locations in this State shall, except as otherwise provided by
9 section 8 of P.L. , c. (C.) (pending before the Legislature
10 as this bill), establish and implement a traffic reduction plan to,
11 within two years of the effective date of P.L. , c. (C.)
12 (pending before the Legislature as this bill), reduce the number of
13 peak-hour automobile trips of its employees commuting to work by
14 means of single occupancy vehicles by 25 percent.

15 b. Traffic reduction plans shall be prepared in cooperation with
16 the Department of Transportation and shall be filed by the affected
17 employer with the Commissioner of Transportation. In developing
18 a traffic reduction plan, any combination of the following traffic
19 mitigation measures may be incorporated: (1) facilitating utilization
20 of mass transit; (2) facilitating ridesharing; (3) establishing an
21 alternative work-hours schedule; and (4) encouraging non-vehicular
22 work trips.

23 c. The provisions of section 1 of P.L.1993, c.150 (C.27:26A-
24 15) shall apply to employers required to establish and implement
25 traffic reduction plans pursuant to this section, and shall apply to
26 employers who have established and implemented traffic reduction
27 plans prior to the effective date of P.L. , c. (C.) (pending
28 before the Legislature as this bill) which meet or exceed the
29 standards set forth in this section.

30
31 6. a. Commencing on the first anniversary of the effective date
32 of P.L. , c. (C.) (pending before the Legislature as this
33 bill), the Department of Transportation shall annually conduct at
34 least one public hearing in the State in order to gather information
35 from interested parties as to the efficacy of the Traffic Management
36 Program established under section 3 of P.L. , c. (C.)
37 (pending before the Legislature as this bill).

38 b. The department shall submit an annual report to the
39 Legislature by August 1 of each year covering the period of the
40 previous State fiscal year. The report shall cover the status of the
41 Traffic Management Program, including any recommendations to
42 alter or improve the Traffic Management Program.

43
44 7. An employer who does not comply with the requirements of
45 either section 4 or section 5 of P.L. , c. (C.) (pending
46 before the Legislature as this bill) shall be subject to a civil
47 administrative penalty. The Commissioner of Transportation is
48 authorized to assess a civil administrative penalty of not more than

1 \$500 per month. Each month of non-compliance with the
2 requirements of either section 4 or section 5 of P.L. ,
3 c. (C.) (pending before the Legislature as this bill), or both,
4 shall constitute an additional, separate, and distinct offense.

5
6 8. The requirements of subsections a. and b. of section 5 of
7 P.L. , c. (C.) (pending before the Legislature as this bill)
8 shall not be construed to be applicable to any business in this State
9 that has established and implemented a traffic reduction plan prior
10 to the effective date of P.L. , c. (C.) (pending before the
11 Legislature as this bill) which meets or exceeds the standards set
12 forth in section 5 of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14
15 9. The Commissioner of Transportation shall adopt, in
16 accordance with the "Administrative Procedure Act," P.L.1968,
17 c.410 (C.52:14B-1 et seq.), rules and regulations to implement the
18 purposes of P.L. , c. (C.) (pending before the Legislature as
19 this bill).

20
21 10. This act shall take effect on the 90th day following
22 enactment.

23 24 25 STATEMENT

26
27 This bill requires the Department of Transportation (department)
28 to establish a "Traffic Management Program" to monitor businesses
29 employing 100 or more persons in one or more work locations in
30 this State and to assist businesses in the implementation of traffic
31 reduction plans, as appropriate.

32 This bill further requires every business employing 100 or more
33 persons at one or more work locations in this State to undertake an
34 annual survey and provide an annual report to the Commissioner of
35 Transportation (commissioner) regarding the commutation patterns
36 of its employees. The bill further requires each business, except as
37 otherwise provided by section 8 of the bill, to establish and
38 implement a traffic reduction plan to reduce the number of vehicles
39 in use by its employees traveling to and from work during peak-
40 hours; within two years of the effective date of this bill, each of
41 these businesses is to attain a standard of reducing projected peak-
42 hour automobile trips of its employees commuting to work by
43 means of single occupancy vehicles by 25 percent.

44 The traffic reduction plans to be developed and implemented by
45 the affected employers are to be prepared in cooperation with the
46 department and be filed with the commissioner. Various traffic
47 mitigation measures may be incorporated in each traffic reduction
48 plan including: facilitating utilization of mass transit; facilitating

1 ridesharing arrangements; establishing an alternate work-hours
2 schedule; and encouraging non-vehicular work trips.

3 Under the provisions of section 1 of P.L.1993, c.150 (C. 27:26A-
4 15), employers are entitled to various tax credits as an incentive for
5 participating in ride-sharing programs. The bill provides that the
6 incentives contained in section 1 of P. L.1993, c.150 (C. 27:26A-
7 15) are to apply to employers required to establish and implement
8 traffic reduction plans under the bill and shall also apply to
9 employers who established and implemented traffic reduction plans
10 prior to the effective date of the bill which meet or exceed the
11 standards for traffic reduction plans, as set forth in the bill.

12 The bill requires the department to hold a public hearing
13 annually in the State to gather information about the "Traffic
14 Management Program" and to submit an annual report to the
15 Legislature including any recommendations to alter or improve the
16 "Traffic Management Program."

17 Penalties are also established for any business subject to the bill
18 that violates its provisions.