SENATE, No. 4225

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)

SYNOPSIS

Establishes certain State goals for sale of zero-emission medium-duty and heavy-duty trucks, and certain off-road vehicles and equipment.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning zero-emission vehicle sales in New Jersey and supplementing Title 26 of the Revised Statutes.

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

1. As used in sections 1 through 5 of this act:

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single or combination (articulated) vehicle.

"Heavy duty truck" means an on-road vehicle with a gross vehicle weight rating of greater than 32,000 pounds.

"Medium-duty truck" means an on-road vehicle with a gross vehicle weight rating of greater than 8,500 pounds and less than 32,000 pounds.

"Off-road vehicle or equipment" means any vehicle or equipment that is used primarily for construction, loading, or other off-road purposes and, when in use, is not commonly operated on a roadway except when used for roadway construction and repair, including, but not limited to, rollers, scrapers, excavators, rubber tire loaders, bulldozers, and off-highway trucks. "Off-road equipment" shall include equipment and vehicles that are not used primarily for transportation and are considered off-road equipment and vehicles but, for the purposes of moving the equipment and vehicles from place to place on the roadways of the State, are required to have "in-transit" plates issued by the New Jersey Motor Vehicle Commission. "Off-road equipment" shall not include any non-mobile equipment, such as a generator or pump, and shall not include boats or trains.

"Zero-emission vehicle" or "ZEV" means a vehicle certified as a zero emission vehicle pursuant to the California Air Resources Board zero emission vehicle standards for the applicable model year, but shall not include an advanced technology partial zero emission vehicle or a partial zero emission vehicle.

2. a. There are established the following State goals for the sale, lease, and operation of on-road vehicles and off-road vehicles and equipment in the State:

(1) 100 percent of new medium-duty and heavy-duty trucks offered for sale or lease for registration in the State shall be zero-emission vehicles by December 31, 2045; and

(2) 100 percent of off-road vehicles and equipment offered for sale or lease for registration in the State shall be zero-emission vehicles and equipment by December 31, 2035, where feasible as determined by the Department of Environmental Protection.

b. The Department of Environmental Protection, to the extent consistent with federal law, shall adopt, pursuant to the

"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), policies and regulations to accomplish the goals established pursuant to this section.

c. No later than one year after the effective date of this act, and every three years thereafter, until 2045, the Department of Environmental Protection shall prepare and submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report that:

(1) assesses the current state of the zero-emission vehicle market in New Jersey;

(2) measures the State's progress towards achieving the goals established in subsection a. of this section;

(3) identifies barriers to the achievement of the goals; and

(4) makes recommendations for legislative or regulatory action to address barriers to the achievement of the goals.

3. a. No later than two years after the effective date of this act, the Department of Environmental Protection shall develop strategies to achieve the State goals, established pursuant to section 2 of this act. The strategies shall be consistent with safety requirements and be technologically feasible and cost-effective.

b. The strategies established pursuant to this section and the information concerning the goals established pursuant to section 2 of this act shall be published on the Department of Environmental Protection's Internet website and updated annually.

4. a. No later than two years after the effective date of this act, the Department of Environmental Protection, in consultation with the Department of Transportation, and any other State agencies that the Department of Environmental Protection deems necessary, shall develop a zero-emission vehicle market development strategy. The strategy, at a minimum shall:

(1) ensure coordinated and expeditious implementation of the policies, programs, and regulations necessary to achieve the goals established pursuant to section 2 of this act; and

(2) outline a plan to increase accessibility to new and used zero-emission vehicle markets for all residents of the State.

b. The Department of Environmental Protection shall update the zero-emission vehicle market development strategy every three years.

5. No later than three years after the effective date of this act, the Department of Environmental Protection, in consultation with the Department of Transportation, and any other State agencies that the Department of Environmental Protection deems necessary, shall identify near-term actions and investment strategies to improve

sustainable transportation, freight, and transit options within the State, including, but not limited to:

(1) supporting bicycle and pedestrian options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure, where appropriate; and

(2) supporting light-duty, medium-duty, and heavy-duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.

6. This act shall take effect immediately.

STATEMENT

This bill establishes goals concerning the sale, lease, and operation of certain on-road vehicles and off-road vehicles and equipment in the State. Specifically, the bill sets a goal that 100 percent of new medium-duty and heavy-duty trucks offered for sale or lease for registration in the State would be zero-emission vehicles by December 31, 2045. As defined in the bill, “heavy duty truck” means an on-road vehicle with a gross vehicle weight rating of greater than 32,000 pounds, “medium-duty truck” means an on-road vehicle with a gross vehicle weight rating of greater than 8,500 pounds and less than 32,000 pounds, and “zero-emission vehicle” or "ZEV" means a vehicle certified as a zero emission vehicle pursuant to the California Air Resources Board zero emission vehicle standards for the applicable model year, but does not include an advanced technology partial zero emission vehicle or a partial zero emission vehicle.

The bill also establishes the goal that 100 percent of off-road vehicles and equipment would be zero-emission vehicles and equipment by December 31, 2035, where feasible. As defined in the bill, “off-road vehicle or equipment” means any vehicle or equipment that is used primarily for construction, loading, and other off-road purposes and, when in use, is not commonly operated on a roadway except when used for roadway construction and repair, including, but not necessarily limited to, rollers, scrapers, excavators, rubber tire loaders, bulldozers, and off-highway trucks.

The bill would require the Department of Environmental Protection (DEP) to adopt policies and regulations to accomplish the goals established pursuant to the bill. The DEP would be required to, within one year of the bill’s effective date, submit a report to the Governor and the Legislature that, at a minimum: (1) assesses the current state of the zero-emission vehicle market in New Jersey; (2) measures the State's progress towards achieving the goals established in subsection a. of this section; (3) identifies

barriers to the achievement of the goals; and (4) makes recommendations for legislative or regulatory action to address barriers to the achievement of the goals.

Within two years of the bill's effective date, the DEP would be required to develop strategies to achieve the bill's goals. The strategies required pursuant to the bill would be required to be consistent with safety requirements and be technologically feasible and cost-effective. The DEP would be required to publish the strategies on their Internet website and update the strategies annually.

Within two years of the bill's effective date, the DEP, in consultation with the Department of Transportation (DOT), and any other State agencies that the DEP deems necessary, would be required to develop a zero-emission vehicle market development strategy. The strategy, at a minimum would be required to: (1) ensure coordinated and expeditious implementation of the policies, programs, and regulations necessary to achieve the goals established pursuant to section 2 of this act; and (2) outline a plan to increase accessibility to new and used zero-emission vehicle markets for all residents of the State. The DEP would be required to update the zero-emission vehicle market development strategy every three years.

The bill would also require, the DEP, in consultation with the DOT, and any other State agencies the DEP deems necessary, to identify near-term actions and investment strategies to improve sustainable transportation, freight, and transit options within the State, including, but not limited to: (1) supporting bicycle and pedestrian options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure, where appropriate; and (2) supporting light-duty, medium-duty, and heavy-duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.

According to the United States Environmental Protection Agency, heavy-duty trucks are the largest contributor to mobile source emissions of nitrogen oxide and will be one of the largest mobile source contributors to ozone in 2025. Medium-duty and heavy-duty trucks tend to be intense polluters due to their use of diesel, which emits large amounts of nitrogen oxides and particulate matter. The pollution can cause certain adverse health effects including chronic heart and lung disease. Diesel pollution is also especially concentrated in urban areas and tends to be worse in low-income communities and communities of color. Off-road vehicles and equipment are also a key source of pollution as they emit large amounts of fine particulate matter and nitrogen oxides into the air.

In order to enhance air quality and public health, it is important to begin transitioning medium-duty and heavy-duty trucks and off-

road vehicles and equipment to be zero-emission vehicles and equipment. This bill's goals, and the strategies required to be developed in order to help the State achieve the goals, will contribute to a healthier environment and better public health for New Jersey residents.