ASSEMBLY, No. 1216



STATE OF NEW JERSEY

220th LEGISLATURE



PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

SYNOPSIS

“Port Support Zone Act of 2015.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



An Act supporting increased volume of shipping at certain ports and designated the Port Support Zone Act of 2015, and supplementing Titles 32, 40 and 52 of the Revised Statutes, and amending P.L.2009, c.90.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:

a. The Panama Canal expansion project, which will create a new lane of traffic along the canal to accommodate larger, modern container ships, designated “Post-Panamax” and “Super Post-Panamax” ships, will double the capacity of the canal.

b. Upon the completion of the Panama Canal expansion project, there will be an increase in demand along the Eastern Seaboard for ports to accommodate Post-Panamax and “Super Post-Panamax” ships.

c. In order to accommodate the navigational height of these ships, to enable them to enter the “Port Newark-Elizabeth Port Authority Marine Terminal,” the Port Authority of New York and New Jersey is raising the roadway of the Bayonne Bridge from a 151-foot to a 215-foot navigational clearance.

d. It is in the public interest to establish a Port Newark-Elizabeth Port Authority Marine Terminal support zone to increase the efficient movement and storage of containers and other cargo to prepare for the expected increase in shipping volume at the ports and to allow for the movement of containers and cargo within the Port and the Port Support Zone 24 hours a day, seven days a week.

2. a. Notwithstanding any law, rule, regulation, or ordinance to the contrary, an overweight vehicle may travel along designated routes reasonably contiguous to the Port Newark-Elizabeth Port Authority Marine Terminal, so long as that road is within an industrial or commercial zone of that municipality.

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

c. As used in this act:

“Overweight vehicle” means any commercial motor vehicle, combination of vehicles, or mobile equipment, whether registered in this State or elsewhere, with a gross vehicle weight rating (GVWR) of 80,000 or more pounds.

“Port support zone” means and includes the area within a five-mile radius of the outermost boundary of the Port Newark-Elizabeth Port Authority Marine Terminal.

3. a. The Department of Transportation, in consultation with representatives of municipalities that are located, in whole or in part, within the Port Support Zone, shall issue a special permit to the operator of a vehicle, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, over designated routes reasonably contiguous to the Port Newark-Elizabeth Port Authority Marine Terminal, over designated routes within the “Port support zone,” or both, if the vehicle, combination, or equipment meets all of the following criteria:

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

b. As used in this section:

“Port support zone” means and includes the area within a five-mile radius of the outermost boundary of the Port Newark-Elizabeth Port Authority Marine Terminal.

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

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

c. The base amount of the combined reimbursements under a redevelopment incentive grant agreement with the State or a municipality for a project in the Port support zone may exceed 20 percent of the total project cost, but shall not exceed 40 percent of the total cost of the project, provided, however, the authority may increase the amount of the reimbursement under a redevelopment incentive grant agreement with the State by up to 75 percent of the total of any environmental remediation costs at a contaminated site identified pursuant to section 7 of P.L. ,c. (C. ) (pending before the Legislature as this bill).

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

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

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

7. This act shall take effect immediately.

STATEMENT

This bill establishes a “Port Support Zone” surrounding the Port Newark-Elizabeth Port Authority Marine Terminal (“the port”) for the purpose of increasing the efficient movement and storage of containers and cargo. Shipping volume at the port is expected to increase upon the completion of the expansion of the Panama Canal and the raising of the roadway of the Bayonne Bridge. The bill’s changes which impact the Port Support Zone, the area within a five-mile radius of the outermost boundary of the port, are necessary to position the State for the anticipated increased flow of containers and cargo into port.

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

The bill amends current law to increase the allowable amount of redevelopment incentive grants awarded for qualified projects in the port support zone. The bill provides that any redevelopment incentive grant agreement with a developer for a project within the port support zone would not exceed 40 percent of the total cost of the project, unless the project included environmental remediation, in which case the Economic Development Authority could increase the amount of the reimbursement by up to 75 percent of the environmental remediation costs.

The bill authorizes the Department of Transportation (DOT) to issue a special permit for the operation of overweight vehicles over designated routes reasonably contiguous to the Port Newark-Elizabeth Port Authority Marine Terminal, within the “Port support zone,” or both, if the vehicle, meets specified criteria.

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

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