

# ASSEMBLY, No. 1483

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## STATE OF NEW JERSEY

### 211th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/11/2005)**

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 to  
15 idle for extended periods of time; that idling heavy-duty diesel trucks  
16 emit air contaminants, including carbon dioxide, carbon monoxide,  
17 oxides of nitrogen, and particulate matter; that many marine terminals  
18 and the port districts in the State are in close proximity to residential  
19 areas and businesses frequented by the public; that owners and  
20 operators of marine terminals generally do not directly own or control  
21 the heavy-duty diesel trucks that move containers and other cargo to  
22 and from, or transact business at, the marine terminals, but, due to the  
23 manner in which some marine terminals operate, including, but not  
24 limited to, the setting of short gate hours and maintaining systems that  
25 do not disperse truck transactions throughout the day, heavy-duty  
26 diesel trucks are forced to operate within the systems established by  
27 the owners and operators of marine terminals and idle for extended  
28 periods of time, creating severe congestion on public roadways in  
29 communities in which the marine terminals are located, communities  
30 near marine terminals, and communities in the port districts.

31

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

40

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

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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

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

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

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

31  
32 3. (New section) a. Except as provided in subsection e. of this  
33 section, no heavy-duty diesel truck may idle or queue for more than 30  
34 minutes while waiting to enter any marine terminal.

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

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

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

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

46 c. It shall not constitute a violation of this section if a heavy-duty

1 diesel truck is idling or queuing for more than 30 minutes while  
2 waiting to enter the gate of a marine terminal if the idling or queuing  
3 is caused by:

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

11 d. The operator of a marine terminal shall be subject to a fine of  
12 \$250 for each heavy-duty diesel truck found in violation of subsection  
13 a. of this section, and shall be subject to a fine of \$750 for each truck  
14 involved in a violation of subsection b. of this section. Failure to pay  
15 a fine imposed pursuant to this subsection, or the imposition of three  
16 or more such fines during a three month period shall constitute  
17 grounds for the suspension of the marine terminal motor carrier  
18 property permit, and the Division of Motor Vehicles shall forward a  
19 recommendation to the federal Motor Carrier Safety Administration  
20 for administrative or other action deemed necessary against the motor  
21 carrier's interstate operating 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 delivery  
26 gates two hours prior to and after peak commuter hours each day, as  
27 determined by the Division of Motor Vehicles, at least five days per  
28 wee; or fully staffed receiving and delivery gates for 70 or more hours,  
29 five days per week; and
- 30 (2) the owner or operator of the marine terminal notifies in writing  
31 the Department of Environmental Protection and the Division of  
32 Motor Vehicles of the implementation of the provisions of paragraph  
33 (1) of this section and the date of the implementation.

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

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

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

1 Superintendent of State Police of any marine terminal exempted from  
2 the provisions of subsection a. of this section pursuant to subsection  
3 d. of this section, and no owner or operator of a marine terminal that  
4 is exempt shall be liable for any fine assessed against the owner or  
5 operator due to the Superintendent of State Police not receiving this  
6 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 organization  
15 for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

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

20

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

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

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

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

1 this bill).

2

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

5 3. As used in this act:

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

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

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

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

46 "Marine terminal purposes" [shall mean] means the effectuation,

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

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

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

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

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

33

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

44

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

1 abrogate any provision of any contract entered into by the South  
2 Jersey Port Corporation, that provision shall not be enforced until such  
3 time as the contract expires or the terms of the contract can be legally  
4 renegotiated to reflect compliance with the provisions of P.L.,  
5 c. (C. )(now 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 to  
11 idle for extended periods of time; that idling heavy-duty diesel trucks  
12 emit air contaminants, including carbon dioxide, carbon monoxide,  
13 oxides of nitrogen, and particulate matter; that many marine terminals  
14 and the port districts in the State are in close proximity to residential  
15 areas and businesses frequented by the public; that owners and  
16 operators of marine terminals generally do not directly own or control  
17 the heavy-duty diesel trucks that move containers and other cargo to  
18 and from, or transact business at, the marine terminals, but, due to the  
19 manner in which some marine terminals operate, including, but not  
20 limited to, the setting of short gate hours and maintaining systems that  
21 do not disperse truck transactions throughout the day, heavy-duty  
22 diesel trucks are forced to operate within the systems established by  
23 the owners and operators of marine terminals and idle for extended  
24 periods of time, creating severe congestion on public roadways in  
25 communities in which the marine terminals are located, communities  
26 near marine terminals, and communities in the port districts.

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

35  
36 9. (New section) a. The Department of Environmental Protection,  
37 in consultation and in conjunction with the Division of Motor Vehicles  
38 and the Division of State Police, shall monitor the operation of marine  
39 terminals in the port district of New York and New Jersey, the  
40 compliance of marine terminals with the provisions of section 10 of  
41 P.L. , c. (C. )(now pending before the Legislature as this bill),  
42 and to the extent practicable, any air quality benefit from reduced  
43 particulate emissions that may be quantifiable from the enactment and  
44 enforcement of the provisions of sections 8 through 13 inclusive of  
45 P.L. , c. (C. )(now pending before the Legislature as this bill).

46 b. The Department of Environmental Protection shall determine the

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

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

20

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

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

30 (1) Diverting an idling truck to area highways or alternate staging  
31 areas;

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

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

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

40 (1) an act of God;

41 (2) a labor dispute;

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

43 (4) an event that the Director of the Division of Motor Vehicles or  
44 the Superintendent of State Police determines was unavoidable or  
45 unforeseeable, and that the owner and the operator of the marine  
46 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 fine  
4 of \$750 for each truck involved in a violation of subsection b. of this  
5 section. Failure to pay a fine imposed pursuant to this subsection, or  
6 the imposition of three or more such fines during a three month period  
7 shall constitute grounds for the suspension of the marine terminal  
8 motor carrier property permit, and the Division of Motor Vehicles  
9 shall forward a recommendation to the federal Motor Carrier Safety  
10 Administration for administrative or other action deemed necessary  
11 against the motor carrier's interstate operating authority.

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

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

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

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

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

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

44 h. For the purposes of this section, "heavy-duty diesel truck"  
45 means any diesel-powered motor vehicle, whether registered in this  
46 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 organization  
6 for first aid, emergency, ambulance, rescue, or fire-fighting purposes.  
7

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

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

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

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

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

1 provision shall not be enforced until such time as the contract expires  
2 or the terms of the contract can be legally renegotiated to reflect  
3 compliance with the provisions of sections 8 through 12 of P.L. ,  
4 c. (C. )(now 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 law  
8 by the State of New York of legislation having an identical effect with  
9 sections 8 through 13 inclusive of this act, or, if the State of New  
10 York shall have already enacted such legislation, then sections 8  
11 through 13 inclusive of this act shall take effect immediately.

#### 12 13 14 STATEMENT

15  
16 This bill provides for the reduction of particulate matter emissions  
17 from heavy-duty diesel trucks operating at marine terminals in port  
18 districts in the State by prohibiting the idling or queuing of such trucks  
19 at marine terminals for more than 30 minutes.

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

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

1 diesel trucks at marine terminals.

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

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

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

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

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

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

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

47 Finally, the bill provides that the South Jersey Port Corporation and  
48 the Port Authority of New York and New Jersey, each under the

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