

**ASSEMBLY, No. 3005**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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INTRODUCED FEBRUARY 16, 2016

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**SYNOPSIS**

Requires certain employers to plan and implement traffic reduction programs for employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 7/1/2016)**

1 AN ACT concerning the reduction of traffic during peak-hours and  
2 supplementing Title 27 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. This act shall be known and may be cited as the "New Jersey  
8 Traffic Management Act of 2016."

9  
10 2. The Legislature finds and declares that:

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

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

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

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

40 e. In order to deal with the economic, social, and  
41 environmental costs and effects enumerated above, to avoid or  
42 delay expensive or environmentally costly new highway  
43 construction, to assist the State in reaching attainment standards set  
44 forth in the federal Clean Air Act with regard to federally mandated  
45 ozone levels, and to further the national goal of decreasing  
46 dependence on foreign oil, it is in the public interest for the  
47 Department of Transportation to require every business employing  
48 100 or more persons at one or more work locations to undertake an

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

10  
11 3. As part of its transportation control strategy required by  
12 section 4 of P.L.1992, c.32 (C.27:26A-4), the Department of  
13 Transportation shall establish and monitor a program to be known  
14 as the "Traffic Management Program" (the "program") to:

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

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

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

27 For the purposes of this act, "peak-hour periods" means the hours  
28 from 7:00 a.m. to 9:00 a.m. and the hours from 3:30 p.m. to 6:00  
29 p.m. during weekdays when normal business hours are being  
30 conducted.

31  
32 4. Every business employing 100 or more persons at one or  
33 more work locations in this State shall survey its workforce  
34 annually to gather data on place of residence, working hours, and  
35 modes of commutation. The results of this survey shall be provided  
36 to the Commissioner of Transportation in the form of an annual  
37 report no later than December 1 of each year. The annual report  
38 shall protect the privacy of the survey respondents to the greatest  
39 extent practicable and feasible and shall include, but not be limited  
40 to, the following information:

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

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

45 c. a description of measures taken by the business to reduce  
46 traffic generation, including efforts to market traffic reduction  
47 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 program established  
36 under section 3 of P.L. , c. (C. ) (pending before the  
37 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 this  
41 program, including any recommendations to alter or improve the  
42 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 which has established and implemented a traffic reduction plan  
10 prior to the effective date of P.L. , c. (C. ) (pending before  
11 the 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 such businesses in the implementation of  
31 traffic 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 such business,  
37 except as otherwise provided by section 8 of the bill, to establish  
38 and implement a traffic reduction plan to reduce the number of  
39 vehicles in use by its employees traveling to and from work during  
40 peak-hours; within two years of the effective date of this bill, each  
41 of these businesses is to attain a standard of reducing projected  
42 peak-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 various incentives contained in section 1 of P.L.1993, c.150  
7 (C.27:26A-15) are to apply to employers required to establish and  
8 implement traffic reduction plans under the bill and are to also  
9 apply to employers who established and implemented traffic  
10 reduction plans prior to the effective date of the bill which meet or  
11 exceed the standards for such plans 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 this program, and  
14 further stipulates that the department is to submit an annual report  
15 to the Legislature including any recommendations to alter or  
16 improve the program.

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