



To: Assembly Primary Sponsors Pintor Marin and Spencer
Members of the Assembly Commerce and Economic Development Committee
C.C. Newark Mayor Baraka and Jersey City Mayor Fulop

Fr: David Pringle, Clean Water Action, Campaign Director (cell) 732-996-4288
Kim Gaddy, Clean Water Action, Environmental Justice Coordinator, Newark
Amy Goldsmith – Clean Water Action State Director and Chair of the Coalition for Healthy Ports

RE: Port Support Zone Act of 2015 (A4082/S2739)
Date: February 5, 2015

Per earlier conversations with Mayor Baraka, Asw. Spencer, and others as well as upon first reading of the Port Support Zone Act of 2015 (A4082/S2739), **Clean Water Action and Coalition for Healthy Ports respectfully asks the bill sponsors and Commerce & Economic Development Committee to hold the bill at this time.** If that is not possible, we would hope to be able to discuss our concerns and offer suggested amendments to the bill prior to a floor vote.

Clean Water Action and Coalition for Healthy Ports share the following concerns with the bill's language :

- Removes local zoning powers from municipalities once the "Port Support Zone" is established with the bill's language:
- Creates an undefined Port Support Zone "within a 5 mile radius of the outermost boundary of Port Newark-Elizabeth Port Authority Marine Terminal" that may include residential and other inappropriate areas for truck traffic.
- Broadly permits overweight trucks to travel on "designated routes reasonably contiguous to the Port Newark-Elizabeth Port Authority Marine Terminal, over designated routes within the Port Support Zone". The term "reasonable contiguous" is not defined.
- Establishes a "tax on empty ISO Shipping containers stored within the municipality" to be collected by the municipality of a population greater than 150,000. Why not assess a tax on all containers, full as well as empty? Who reports and pays the tax?

Additionally, we ask to reserve the opportunity to comment in the future on the appropriateness of the exclusive dedication of this fund to activities related to redevelopment plans under Section 7 of P.L. 1992, c.79 (C.40A:12A-7), and as well as the "base amount of the combined reimbursements under a redevelopment incentive grant agreement".

As we have recommended to Mayor Baraka, large portions of container fee programs and other funding tools should be utilized in port adjacent communities to mitigate the environmental and public health harms caused by the expansion of marine port operations. To date, there are no such funds available. We ultimately believe those who benefit the most from goods movement - Port Authority, shippers, trucking and shipping companies – should share the cost of paying for the community mitigation measures, not the residents who bear the adverse burdens.

Clean Water Action and Coalition for Healthy Ports have a shared goal with the PANYNJ - expansion of the port while simultaneously realizing a net reduction of air pollution resulting for port operations. In our view, the current PANYNJ Clean Air Strategy and funding is not a realistic path towards achieving this goal. We have advocated a container tax in the past. There are successful models employed around the country. We ask that you hold the bill and/or invite us to discuss our recommendations in further detail.