

## Myths and Facts Regarding Rule Proposal

The New Jersey Department of Transportation (NJDOT) has proposed to repeal and replace its Truck Access Regulations with new regulations which set forth new standards and procedures for 102 inch wide standard trucks and double-tractor trailers (Large Trucks) in regards to permitted routes, width restrictions, and access to terminals and other facilities. Last year, NJDOT formed a Truck Task Force made up a full spectrum of interested parties, including the League of Municipalities, Tri-State Transportation Campaign, State Police and New Jersey Motor Truck Association and charged them with developing truck routing regulations that balance federal constitutional mandates with New Jersey's safety, law enforcement, and commerce interests. The Department and the Task Force believe that the proposed regulations accomplish that important goal.

The proposed rules affect all Large Trucks in the following manner:

- They establish a “Hierarchy of Roads” that Large Trucks must use:
  - 1st Tier - National Network
  - 2nd Tier - NJ Access Network
  - 3rd Tier - Local Unrestricted Roads
  - 4th Tier - Roadways designated by regulation with limited accessibility
- They require all Large Trucks, regardless of origin or destination, to get to or remain on the National Network - unless making a trip to a terminal. They require all trips off of the National Network onto a NJ Access Network road be by the shortest distance (direct route). When the trip is completed the large truck must return to the National Network in a manner consistent with its next destination. Continued use of the NJ Access Network is only allowed if it provides the direct route to the next terminal.
- They require all trips onto a local unrestricted road necessary to access a terminal, be by the direct route. When the trip is completed the large truck must return by the direct route. Continued use of local unrestricted roads is only allowed if it provides the direct route to the next terminal. They require that all trips onto 4th Tier roads, as necessary to directly access a terminal on that road, be by the direct route. Continued use of 4th Tier roads is not allowed.
- To the extent feasible, all trips shall avoid residential areas.

During the public comment period for this rule proposal there was much discussion about the proposed rules and a number of misconceptions which arose. The Department believes that if these misconceptions are corrected, many of the concerns will be alleviated. The following addresses some of these myths and misconceptions.

### **Myth #1**

The proposed regulations are less restrictive than the 1999 regulations that restricted Interstate Large Trucks to the National Network.

### **Fact #1**

The proposed regulations are more restrictive in the sense that they apply equally to both Interstate (those only passing through New Jersey) and Intrastate (those with an origin or destination within New Jersey) Large Trucks. The prior rules only restricted Interstate trucks to the National Network, allowing them to come off up to two miles for food, fuel, rest and repairs. Intrastate Large Trucks had unrestricted access to both the National

Network and the NJ Access Network and the regulations were silent on truck routing on local unrestricted roadways.

**Myth #2**

The proposed regulations add roadways to the National Network and the NJ Access Network.

**Fact # 2**

The proposed regulations make no changes to the National Network, which was established by the Federal Highway Administration, and who must approve any changes. The National Network includes the interstates, NJ Turnpike, AC Expressway, and portions of NJ Route 42, NJ Route 81, US Route 130, US Route 322, and NJ Route 440. The proposed regulations also do not add any State highways or county roadways to the NJ Access Network. State highways such as Routes 27, 206, and 31, have made up the NJ Access Network since adoption of the original truck routing regulations in 1987.

**Myth #3**

New Jersey, or any state, can ban all trucks from any road if it so chooses or restrict Interstate Large Trucks to the National Network.

**Fact #3**

Federal regulations prohibit states from restricting Large Trucks that do not exceed Federal maximum width and length limits from having reasonable access between the National Network and terminals and facilities for food, fuel, repairs and rest. Terminals are any location where freight originates, terminates, or is handled in the transportation process. On February 21, 2006 the U.S. Third Circuit Court of Appeals upheld a lower court's opinion that New Jersey's truck routing regulations adopted in 1999, which restricted Interstate Large Trucks to the National Network, were unconstitutional, violating the Interstate Commerce clause of the U.S. Constitution. Therefore, New Jersey's truck routing regulations cannot make a distinction between interstate and intrastate Large Trucks.

**Myth #4**

Local police cannot enforce truck routing restrictions on Large Trucks.

**Fact #4**

Both state and local police have full authority under law to enforce motor vehicle laws and write tickets for violations such as speeding, tailgating, and emitting smoke, on municipal roads, county roads and state highways. They both can also enforce the large truck routing regulations. While the State Police are authorized to stop trucks to inspect them without any "probable cause" for doing so, local police must have a "probable cause" reason to pull over any vehicle, including trucks. This distinction is found in the New Jersey Statutes at N.J.S.A. 39:3-84.3a(1) and a(2), and 39:5-1.

**Myth #5**

The proposed rules allow "Oversized" trucks to travel on certain roadways in New Jersey

**Fact #5**

"Oversized" trucks must get permits from the state to travel within New Jersey. The proposed rules apply to all legally sized Large Trucks.

**Myth #6**

The proposed rules are in conflict with the recommendations of the Route 206 Vision Plan, a cooperative effort between Princeton Township, Princeton Borough and the NJDOT, published in October 2006.

**Fact #6**

This rule proposal is not in conflict with any of the recommendations in the Route 206 Vision Plan. That plan acknowledges Route 206 as being on the NJ Access Network and its role in serving primarily local deliveries by Large Trucks.