



**263-D Distribution Street, Port Newark, NJ 07114**

May 9, 2022

Comments on Draft of Multi-State MHD ZEV Action Plan

The Association of Bi-State Motor Carriers is a non-profit organization representing motor carriers at the Port of NY & NJ. Our members are responsible for moving a majority share of the freight that passes through the largest and busiest port on the U.S. East Coast, and the third-largest port in the nation.

Our members are committed to environmental stewardship, and doing our part to help reduce emissions. For example, our Street Turn Forum allows motor carriers to sharply reduce the number of truck trips to and from the port, by facilitating the exchange of equipment between member companies, without having to visit the marine terminals or depots, reducing traffic and congestion on the roadways in and around the port.

Port truckers in NY & NJ already adhere to some of the most stringent emissions regulations in the U.S.: all trucks with an engine model year 1997 or older are banned from accessing the marine terminals, and truckers seeking new registration access must drive a truck with engine model year 2011 or newer. According to the latest figures (April 2022), 77% of the trucks registered to work at the port of NY/NJ are EMY 2007 or newer.

The port drayage community is already doing its part to reduce emissions in the transportation sector, and we must be provided with the infrastructure that is necessary before moving forward with any further requirements to transition to zero-emissions. Although the push to reduce emissions is well-intentioned, we are already seeing an exodus of drivers from this area, leaving to work at other ports where truck replacement is voluntary, not mandatory, further exacerbating our current driver shortage at a time we can ill afford it.

This illustrates the need to regularly and consistently engage the perspective of those within the motor carrier community, and solicit feedback throughout the transition process, not just during open public comment periods.

As you work to finalize the Zero Emissions Action Plan, I respectfully request that you consider the following:

- The report mentions various groups that were consulted in the drafting of the recommendations, with one glaring omission: the truckers themselves. Direct outreach with port truckers and engagement with the motor carrier companies they work with must be prioritized, to ensure that the recommendations put forth do not cause irreparable harm to the industry and impede the efficient flow of commerce.
- The draft plan asserts that the drayage trucking sector is “well suited” to fleet conversion, but the opposite is true. The vast majority (approximately 77%) of the drayage carriers who move freight at the Port of NY-NJ are owner-operators—-independent small business owners who own and maintain their own vehicles. Regulations that mandate aggressive timelines for fleet conversion will place a significant financial burden on these truckers, forcing them to take on debt in order to purchase new vehicles they cannot afford in order to continue working.
- There were several instances throughout the draft where the information put forth demonstrated a clear lack of understanding as to how the drayage industry typically functions. For example, the assertion that “Short-haul drayage trucks, which transport freight loads between ports, warehouses, and distribution facilities, sit idle for periods while the container units are loaded and unloaded. This idle time is ideal for charging battery electric drayage trucks.” This is simply not feasible, for a multitude of reasons, not the least of which is the life-threatening safety issue it would present for truck drivers. Drivers must remain in their vehicles at all times while on marine terminal property, and when containers are being loaded or unloaded, the driver cannot exit his truck and navigate around large stacks of freight boxes, while cranes move multi-ton metal boxes above their heads, just to plug in and charge for a few minutes. Please note: there are currently no charging facilities available at the Marine Terminals or Warehousing/Distribution Centers, and your plan does not specify how this infrastructure would be funded and who would be responsible for installing and maintaining these charging facilities. Another issue: Heavy-weight vehicles take several hours to charge—far longer than the amount of time it takes to load and unload. Fast-charging diminishes battery life, and is not a viable option. These difficulties represent prime examples of why it is crucial to solicit direct feedback from the trucking community when formulating your recommendations, and underscores the need to bring motor carriers into the conversation at *every* stage.
- The lingering effects of the COVID-19 global pandemic have adversely impacted the number of zero-emission vehicles available for purchase, increasing the cost of these vehicles, while at the same time hindering the advancement of crucial infrastructure improvements that are essential to the success of fleet conversion (charging stations, grid upgrades, etc.) The cost of fuel and tolls have also increased dramatically. These financial considerations must be given serious consideration when setting goals for transition, to ensure that the timelines put forth are achievable.
- There are several instances where the draft mentions issues such as wages and misclassification, admitting that such topics “go beyond the expertise and jurisdiction of

the state agencies participating in the Task Force.” This underscores the need to engage with motor carriers and truckers directly, instead of speaking solely with community groups and government officials. If we are to truly plan a transition that is “just and equitable”, motor carriers must also play an active role in creating any proposed recommendations, especially those that could affect employee classification regulations.

The Association of Bi-State Motor Carriers welcomes the opportunity to be more directly involved in the discussions going forward, as you work to finalize your recommendations.

Submitted by Lisa Yakomin, President of the Association of Bi-State Motor Carriers