

N.J.A.C. 7:27-33

FLEET REPORTING REQUIREMENTS

Statutory Authority: N.J.S.A. 13:1B-3(e), 13:1D-9, 26:2C-1 et seq., particularly 26:2C-8.1 et seq.,
26:2C-37 et seq., and 48:25-1 et seq.

Rule effective date: December 20, 2021

Rule expiration date: Exempt, N.J.A.C. 7:27

For regulatory history and effective dates see the New Jersey Administrative Code

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7:27-33.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Backup vehicle” means a self-propelled motor vehicle designed for on-highway use that is used intermittently to maintain service during periods of routine or unplanned maintenance, unexpected vehicle breakdowns, or accidents, but is not used in everyday or seasonal operations.

“Broker” means a person who has broker authority from the Federal Motor Carrier Safety Association and, for compensation, arranges, or offers to arrange, the transportation of property by an authorized motor carrier.

“Business” means an occupation, profession, or trade; a person, partnership, or corporation engaged in commerce, manufacturing, or a service; or a profit-seeking enterprise or concern.

“Common ownership or control” means being owned or managed day-to-day by the same person or entity. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities. Common ownership or control of a Federal government vehicle shall be the primary responsibility of the unit that is directly responsible for its day-to-day operational control.

“Corporate parent” means a business that possesses the majority of shares in another business, which gives them control of their operational procedures.

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“Dealer” means any person actively engaged in the business of offering to sell, soliciting, or advertising the sale, buying, transferring, leasing, selling, or exchanging of new motor vehicles and who has an established place of business.

“Department” means the New Jersey Department of Environmental Protection.

"Dispatched" means provided direction or instruction for routing a vehicle(s), whether owned or under contract, to specified destinations for a specific purpose(s), including, but not limited to, delivering cargo, passengers, property, or goods, providing a service, or assisting in an emergency.

“Emergency vehicle” means any publicly owned vehicle operated by a peace officer in the performance of their duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire calls, and any publicly owned authorized emergency vehicle used by an emergency medical technician or paramedic or any ambulance used by a private entity under contract with a public agency.

“Established place of business” means a place actually occupied, either continuously or at regular periods, for business use.

“Facility” means any property with one or more unique physical addresses.

“Facility category” means a classification of different facility types based on a facility’s primary purpose. Facility categories are defined as the following:

1. “Administrative/office building” means a building or structure used primarily for day-to-day activities that are related to administrative tasks, such as financial planning, recordkeeping, billing, personnel, physical distribution, and logistics, within a business.

2. "Distribution center/warehouse" means a location used primarily for the storage of goods that are intended for subsequent shipment.
3. "Hotel/motel/resort" means a commercial establishment offering lodging to travelers and, sometimes, to permanent residents.
4. "Manufacturer/factory/plant" means a location with equipment for assembling parts, producing finished products, intermediate parts, or energy products.
5. "Medical/hospital/care" means an institution engaged in providing, by, or under the supervision of, physicians, inpatient diagnostic, and therapeutic services or rehabilitation services by, or under the supervision of, physicians.
6. "Multi-building campus/base" means a property typically operated by a single entity with several buildings, often serving multiple purposes.
7. "Restaurant" means a business establishment where the primary purpose is serving meals or refreshments that may be purchased.
8. "Service center" means a facility that supports a business operation that generates revenue by providing a specific service or product, or a group of services or products, to a customer.
9. "Store" means an establishment that sells goods or a variety of goods and services to the general public.
10. "Truck/equipment yard" means an establishment that primarily stores or dispatches trucks and equipment, such as a garage or parking lot.
11. "Any other facility type" means any facility that is not included in this section.

“Fleet” means one or more self-propelled on-road vehicles under common ownership or control of a person, business, or agency. This includes vehicles that are rented or leased from a business that regularly engages in the trade or business of leasing or renting motor vehicles without drivers where the vehicle rental or leasing agreement for the use of a vehicle is for a period of one or more years.

“Fleet owner” means, except as modified at paragraphs 1 and 2 below, either the person registered as the owner or lessee of a vehicle by the New Jersey Motor Vehicle Commission, or its equivalent in another state, province, or country, as evidenced on the vehicle registration document carried in the vehicle.

1. For vehicles that are owned by the Federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which have responsibility for maintenance of the vehicles.

2. For a vehicle that is rented or leased from a business that is regularly engaged in the trade or business of leasing or renting motor vehicles without drivers, the owner shall be the rental or leasing entity if the rental or lease agreement for the use of a vehicle is for a period of less than one year, otherwise the owner shall be the renter or lessee.

“Government agency” means any Federal, state, or local governmental agency, or any other public entity with taxing authority.

“Gross annual revenue” means the total revenue, receipts, and sales reported to the Internal Revenue Service for a consecutive 12-month period.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Lease" means any commercial transaction recognized under the laws of this State as a means of creating a right to use a good, and includes renting. It also includes offering to rent or lease.

"Local government" is one or a cooperating combination of the entities defined as a contracting unit under the Local Public Contracts Law, N.J.S.A. 40A:11-2(1); a board of education under the Public School Contracts Law, N.J.S.A. 18A:18A-2.a; or a county college under the County College Contracts Law, N.J.S.A. 18A:64A-25.2.b.

"Motor carrier" means a person that transports passengers or property for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments that it is authorized to transport and that it has accepted and legally bound itself to transport.

"Motor vehicle" or "vehicle" means every device in, upon, or by which, a person or property is, or may be, transported other than by muscular power, excepting such devices that run only upon rails or tracks and motorized bicycles.

"On-road" means operated on the roadways of the State, excluding equipment that is not commonly operated on a roadway, except when that equipment is used for roadway construction and repair.

"Person" means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies,

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and shall also include, without limitation, all political subdivisions of any states, and any agencies or instrumentalities thereof.

“Subhauler” means a for-hire motor carrier who enters into an agreement to provide transportation services on the behalf of another motor carrier or broker.

“Subsidiary” means a company controlled by another company.

“Vehicle body type” means commonly used vehicle body descriptions to be used in responding to questions about the fleet of vehicles including the following: beverage truck, boom/bucket, box reefer, box dry van, bus-school, bus-shuttle, bus-other, car/SUV, car carrier, concrete mixer, concrete pump, crane, drill rig, dump, flatbed or stake bed, garbage front loader, garbage side loader, garbage packer, garbage roll-off, other, pickup bed, service body, sweeper, tank, tractor day cab, tractor sleeper cab, tow, vacuum, water, van-cargo, van-step, van-passenger, or on-road yard tractor.

“Vehicle home base” means the location where a vehicle is domiciled, such as a business location where a vehicle is typically kept when not in use. For vehicles that are kept at a personal residence or kept at a location that is not operated by the entity when not in use, the vehicle home base shall be the location where the vehicle is dispatched from or where the vehicle is repaired or maintained.

“Vehicles awaiting sale” means vehicles in the possession of dealers, financing companies, or other entities that do not intend to operate the vehicle in New Jersey or offer the vehicle for hire for operation in New Jersey, and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage.

“Weight class bin” means a list of vehicles categorized by GVWR. The weight class bins are one of the following:

1. “Class 2b-3” means a motor vehicle designed for on-road use with a GVWR from 8,501 pounds to 14,000 pounds. The types of vehicles in this category generally include full-size pickup trucks, smaller utility trucks, cargo vans, and passenger vans.
2. “Class 4-6” means a motor vehicle designed for on-road use with a GVWR from 14,001 pounds to 26,000 pounds.
3. “Class 7-8” means a motor vehicle designed for on-road use with a GVWR greater than 26,000 pounds.

7:27-33.2 Purpose

The purpose of this subchapter is to collect information to understand the use cases of zero-emission vehicles with a GVWR of more than 8,500 pounds in New Jersey and to inform potential future strategies to accelerate the sales of zero-emission vehicles in these weight classes in the State.

7:27-33.3 Applicability

(a) The provisions of this subchapter apply to each of the following entities:

1. Any entity with gross annual revenues greater than \$50 million in the United States for the 2022 tax year, including revenues from all subsidiaries, subdivisions, or branches, that operated a facility in New Jersey in 2022 and had one or more vehicles over 8,500

pounds GVWR under common ownership or control that were operated in New Jersey in 2022.

2. Any fleet owner that, in the 2022 calendar year, had 50 or more vehicles with a GVWR greater than 8,500 pounds under common ownership or control and operated a facility in New Jersey;
3. Any broker or other entity that, in the 2022 calendar year, dispatched 50 or more vehicles with a GVWR greater than 8,500 pounds into or throughout New Jersey and operated a facility in New Jersey;
4. Any New Jersey government agency, including State and local government, that had one or more vehicles over 8,500 pounds GVWR that were operated in New Jersey in 2022; and
5. Any Federal government agency that had one or more vehicles over 8,500 pounds GVWR that were operated in New Jersey in 2022.

(b) The following entities, facilities, and vehicles are exempt from the reporting requirements of this subchapter:

1. Military tactical vehicles and military tactical facilities owned or operated by the United States Department of Defense and/or the United States military services;
2. Vehicles awaiting sale; and
3. Emergency vehicles.

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- (a) An entity subject to this subchapter shall submit the information specified at N.J.A.C. 7:27-33.6 and 33.7 to the Department by April 1, 2023, through the web portal to be established on the www.stopthesoot.org website.
- (b) All submissions to the web portal shall include a certification(s) as provided at N.J.A.C. 7:27-1.39.
- (c) All information submitted to the Department pursuant to this subchapter shall be public information, unless the person submitting the information asserts a confidentiality claim and the Department determines that the information is entitled to confidential treatment in accordance with N.J.A.C. 7:27-1.8 through 1.30.
- (d) Subsidiaries, parent companies, or joint ventures may independently report information for each vehicle over 8,500 pounds. Alternatively, the corporate parent or joint venture business may report on behalf of its subsidiaries, as long as the information for all vehicles over 8,500 pounds is reported for each subsidiary, corporate parent, and joint venture.
- (e) An entity subject to this subchapter and has brokerage and/or motor carrier authority shall submit a report, even if no vehicles are owned by the entity.
- (f) Information pertaining to vehicles that are under common ownership or control may be submitted separately by each fleet owner.
- (g) Vehicle data must be reported as the fleet was comprised on a date of the fleet owner's choosing, so long as that date falls between January 1, 2022, and December 31, 2022.

7:27-33.5 Recordkeeping requirements

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(a) An entity subject to this subchapter shall maintain the records used to compile responses to N.J.A.C. 7:27-33.6 and the data and analysis period used for N.J.A.C. 7:27-33.7 for a period of five years after the reporting deadline. Records shall include the following:

1. For owned on-road vehicles, mileage records and dates from records, such as maintenance logs, vehicle logs, or odometer readings, or other records with the information that the reporting entity used to determine its response;
2. For on-road vehicles not owned, but dispatched by the entity, dispatch records and dates, contracts, or other records with the information that the reporting entity used to determine their responses;
3. Vehicle registration for each owned vehicle operated in New Jersey; and
4. Contracts with entities, or contracts with subhaulers, or other records with the information that an entity used to determine their responses.

(b) An entity subject to this subchapter, shall respond to requests for clarification of reported information within 14 days of receiving the request from the Department.

7:27-33.6 General entity information reporting

(a) An entity subject to this subchapter shall report the following general information, as applicable:

1. Entity name and fictitious business name;
2. Mailing address including street name or PO box, city, state, and zip code;
3. Name of the designated responsible official;
4. Designated responsible official's email address;

5. Designated responsible official's phone number;
6. Name of corporate parent or governing body;
7. Federal Taxpayer Identification Number of corporate parent or other entities with which the reporting entity has vehicles under common ownership or control;
8. For a government entity, the jurisdiction;
9. Federal Taxpayer Identification Number;
10. Primary six-digit North American Industry Classification System code;
11. For a non-governmental entity, the total annual revenue for the entity in the United States for 2022;
12. Broker authority under the Federal Motor Carrier Safety Administration;
13. The operating authority numbers, including motor carrier identification number, United States Department of Transportation number, and International Registration Plan number;
14. The number of entities with whom the reporting entity had a contract to deliver items or to perform work in New Jersey using vehicles over 8,500 pounds GVWR in 2022;
15. The estimated number of subhaulers, vehicles operated by subhaulers, and the number of vehicles operated by subhaulers that operated under the reporting entity's motor carrier authority; and
16. The number of vehicles with a GVWR over 8,500 pounds the reporting entity owned and operated in New Jersey in 2022 that do not have a vehicle home base in New Jersey.

7:27-33.7 Vehicle usage by facility information reporting

(a) An entity subject to this subchapter shall report general information about the vehicle home base of all on-road vehicles as specified at (b) below and information about vehicle operating characteristics for vehicles domiciled or assigned to each vehicle home base as specified at (c) below. Vehicles that accrue a majority of their annual miles in New Jersey, but are not assigned to a particular location in New Jersey, must be reported as part of the headquarters or another location where the vehicles' operation is managed.

(b) An entity subject to this subchapter shall report the following information for each vehicle home base:

1. Facility address including street name, city, state, and zip code;
2. Facility type category as listed at N.J.A.C. 7:27-33.1;
3. Name of responsible official;
4. Responsible official's email address;
5. Whether the facility is owned or leased by the entity;
6. What type of fueling infrastructure is installed at the facility;
7. Whether the refueling infrastructure was initially installed on or after January 1, 2010; and
8. The types of trailers the reporting entity pulls, if it has tractors assigned or domiciled at this facility.

(c) For each vehicle home base, an entity may report the information specified at (c)1 through 6 below, grouped by vehicle body type, as listed at N.J.A.C. 7:27-33.1, and weight class bins and

fuel types, as specified by the Department. Alternatively, an entity may complete responses for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. If applicable, an entity shall separately report vehicles dispatched under their brokerage authority. When responding, each vehicle shall only be counted once for each response. An entity subject to this subchapter shall report the following information:

1. Number of vehicles in each vehicle group;
2. The percent of the vehicles in each vehicle group with operating characteristics including, but not limited to: daily mileage, usage patterns, refueling, trailer towing, and other such characteristics as specified by the Department;
3. The average annual mileage for a typical vehicle in this vehicle group;
4. The average length of time a typical vehicle in this vehicle group is retained by the reporting entity after acquisition;
5. Whether the reporting entity is the fleet owner for this group of vehicles, or if they are dispatched under the reporting entity's brokerage authority; and
6. The start and end date of the analysis period selected by the reporting entity pursuant to (d) below.

(d) An entity shall use annual or quarterly data averaged for work days during the period selected to determine responses or alternatively may select a different time period. For example, if an entity selects annual data to determine vehicle daily mileage, the entity must average the annual mileage accrued based on the number of workdays that year.

1. A shorter analysis period may be used if the reporting entity deems it more representative of periods of high vehicle utilization when answering questions about

typical daily operation. For example, if a reporting entity with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response.

2. If an alternative analysis period is used, the reporting entity must be prepared to describe their reasoning at the request of the Department pursuant to N.J.A.C. 7:27-33.5(b).

(e) Responses for items at (c)1 through 5 above for a vehicle group at one location may be repeated for the same vehicle group at another vehicle home base if the respondent determines that the operation at that location is substantially similar to another location.

(f) A broker shall provide information about vehicle usage that is dispatched under contract. For example, if a broker hires a truck to move a load, only the miles driven under that contract are required for the response. If known, the broker may voluntarily report information about the miles driven outside the contract.