

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF TRACTOR-TRAILER)	SR 2022-14
ACCIDENT IN WINSLOW TOWNSHIP ON)	
AUGUST 16, 2022 INVOLVING)	SPECIAL RULING GRANTING
TRANSPORTATION OF ALCOHOLIC)	EMERGENCY AUTHORIZATION <i>NUNC</i>
BEVERAGES)	<i>PRO TUNC</i>
)	
MYERS AUTO WRECKING)	
_____)	

BY THE DIRECTOR:

On August 16, 2022, a tractor-trailer loaded with alcoholic beverage inventory was traveling on Fleming Pike in Winslow Township, New Jersey when it crashed into an overhead railroad bridge. Upon impact, according to news reports, the tractor-trailer became wedged under the bridge and local traffic was closed for hours while work-crews unloaded the trailer and cleared the road under police supervision. Myers Auto Wrecking, a local towing company, transported the alcoholic beverage inventory to its yard at 15 Fripps Old Road, Winslow Township, and is currently storing the inventory in a locked and secured area. Shortly after the Division of Alcoholic Beverage Control (“Division”) was notified of the accident, the Enforcement Bureau gave Myers Auto Wrecking verbal authorization to transport and temporarily store the inventory and the Investigations Bureau conducted an on-site inspection of the accident scene and the secured storage area.

The Director of the Division has broad authority to regulate the alcoholic beverage industry and receives heightened deference from the courts to allow for the exercise of the Director’s discretion in the “delicate area” of alcohol regulation. Circus Liquors, Inc. v. Middletown, 199

N.J. 1, 12-13 (2009). The Director is authorized to issue special rulings and findings as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages and enforcement of the Alcoholic Beverage Control Act. N.J.S.A. 33:1-39. It is under this authority that the Director is granting emergency authorization *nunc pro tunc* to Myers Auto Wrecking to transport the alcoholic beverage inventory from the accident site on Fleming Pike and temporarily store the inventory in a locked and secured area on its yard at 15 Fripps Old Road. This deviation from the normal permitting requirements for transporting and storing alcoholic beverages is justified due to the exigent circumstances and the need for immediate action to protect the health, safety and welfare of the local public. N.J.S.A. 33:1-3.1(b)(1).

Myers Auto Wrecking may continue to temporarily store the alcoholic beverage inventory in a locked and secured area on its yard and allow the title owner of the inventory (Miller Molson Coors) to inspect and retrieve its property. The sale or delivery of alcoholic beverages from the yard is strictly prohibited, and the removal and transportation of salvageable inventory by its title owner must be conducted by a licensed transporter or an entity with a valid emergency trip permit. This emergency authorization will expire upon removal of the salvageable and unsalvageable alcoholic beverage inventory from the temporary storage area. Any unsalvageable part of the inventory must be disposed of in accordance with State, county and local environmental and waste management laws.

Emergency authorization is not intended as an alternative to obtaining an emergency trip permit or temporary storage permit, and is reserved only in exigent circumstances when immediate action is needed to protect the health, safety and welfare of the public. This Special Ruling is based on information provided to the Director in this *ex parte* matter, and may be rescinded or

modified by the Director in his sound discretion without notice.



JAMES B. GRAZIANO
DIRECTOR

Dated: August 18, 2022

JBG/RL/APW