

SUBTITLE E. NEW JERSEY TURNPIKE AUTHORITY

CHAPTER 9

NEW JERSEY TURNPIKE AUTHORITY

Authority

N.J.S.A. 27:23-1, 27:23-29.

Source and Effective Date

R.1993 d.496, effective September 13, 1993.  
See: 25 N.J.R. 2839(b), 25 N.J.R. 3685(a), 25 N.J.R. 4605(a).

Executive Order No. 66(1978) Expiration Date

Chapter 9, New Jersey Turnpike Authority, expires on September 13, 1998.

Chapter Historical Note

All provisions of this chapter were filed and became effective December 3, 1963. Amendments became effective May 18, 1973 as R.1973 d.130. See: 5 N.J.R. 206(a).

1972 Revisions: Amendments became effective February 25, 1972 as R.1972 d.37. See: 4 N.J.R. 14(b), 4 N.J.R. 56(a). Further amendments became effective July 27, 1972 as R.1972 d.146. See: 4 N.J.R. 109(c), 4 N.J.R. 199(c).

1973 Revisions: Amendments became effective June 4, 1973 as R.1973 d.145. See: 5 N.J.R. 172(a), 5 N.J.R. 247(d). Subchapter 9 became effective June 29, 1973 as R.1973 d.173. See: 5 N.J.R. 205(b), 5 N.J.R. 295(b).

1974 Revisions: Amendments became effective October 1, 1974 as R.1974 d.227. See: 6 N.J.R. 209(c), 6 N.J.R. 370(c).

1975 Revisions: Amendments became effective January 1, 1975 as R.1974 d.227. See: 6 N.J.R. 209(c), 6 N.J.R. 370(c). Further amendments became effective February 7, 1975 as R.1975 d.25. See: 7 N.J.R. 122(d). Further amendments became effective February 28, 1975 as R.1975 d.41. See: 7 N.J.R. 77(c), 7 N.J.R. 185(a). Further amendments became effective August 1, 1975 as R.1975 d.221. See: 7 N.J.R. 351(a), 7 N.J.R. 447(c).

1977 Revisions: Amendments became effective March 1, 1977 as R.1977 d.63. See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

1978 Revisions: Amendments became effective July 31, 1978 as R.1978 d.258. See: 10 N.J.R. 310(a), 10 N.J.R. 408(c). Further amendments became effective December 5, 1978 as R.1978 d.412. See: 9 N.J.R. 497(c), 10 N.J.R. 53(b).

1979 Revisions: Amendments became effective May 7, 1979 as R.1979 d.181. See: 11 N.J.R. 309(a).

1981 Revisions: Amendments became effective February 4, 1981 as R.1981 d.37. See: 13 N.J.R. 49(b), 13 N.J.R. 165(c).

1982 Revisions: Amendments became effective January 18, 1982 as R.1981 d.520. See: 13 N.J.R. 751(b), 14 N.J.R. 106(a). Further amendments became effective December 20, 1982 as R.1982 d.448. See: 14 N.J.R. 1087(a), 14 N.J.R. 1464(c).

1983 Revisions: Amendments became effective July 5, 1983 as R.1983 d.263. See: 15 N.J.R. 687(b), 15 N.J.R. 1105(c). This chapter was readopted pursuant to Executive Order 66(1978) effective July 13, 1983 with amendments thereto effective August 1, 1983, as R.1983 d.301. See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a). Further amendments became effective July 5, 1983 as R.1983 d.263. See: 15 N.J.R. 687(b), 15 N.J.R. 1105(c). Further amendments became effective December 5, 1983 as R.1983 d.555. See: 15 N.J.R. 1638(b), 15 N.J.R. 2046(c). Subchapter 9 was repealed and new rules adopted effective December 5, 1983 as R.1983 d.556. See: 15 N.J.R. 1639(a), 15 N.J.R. 2046(d).

1984 Revisions: Amendments became effective October 1, 1984 as R.1984 d.447. See: 16 N.J.R. 2075(a), 16 N.J.R. 2689(b). December 17, 1984 as R.1984 d.547. See: 16 N.J.R. 2517(a), 16 N.J.R. 3458(a).

1986 Revisions: Amendments became effective July 7, 1986 as R.1986 d.271. See: 18 N.J.R. 935(a), 18 N.J.R. 1402(b).

1988 Revisions: This chapter expired pursuant to Executive Order 66(1978) on July 13, 1988 and new rules became effective October 17, 1988 as R.1988 d.483. See: 20 N.J.R. 1338(a), 20 N.J.R. 2591(a).

Subchapter 7 was adopted as R.1989 d.444, effective July 24, 1989. See: 21 N.J.R. 2528(b). Subchapter 6 was adopted as R.1989 d.580, effective November 20, 1989. See: 21 N.J.R. 2440(a), 21 N.J.R. 3675(a).

Pursuant to Executive Order No. 66(1978), Chapter 9 was readopted as R.1993 d.496. See: Source and Effective Date. Administrative Correction. See: 25 N.J.R. 4927(c). See, also, section annotations for specific rulemaking activity.

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## SUBCHAPTER 1. TRAFFIC CONTROL ON NEW JERSEY TURNPIKE

### 19:9-1.1 Definitions

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

“Abandoned vehicles” means any vehicle whose occupants leave the vehicle unattended on the Turnpike for any reason for any period of time.

“Authority” means the New Jersey Turnpike Authority, the body corporate and politic defined in N.J.S.A. 27:23-1 et seq., acting by and through the duly appointed commissioners thereof and their designees.

“Bicycle” means any vehicle with two wheels supported by a frame propelled by the feet acting upon pedals.

“Commercial vehicles” means every type of motor driven vehicle used for commercial purposes on the Turnpike such as the transportation of goods, wares and merchandise, excepting such vehicle of the passenger car type.

“Construction equipment” means all vehicles, machinery and equipment enumerated in N.J.S.A. 39:3-20.

“Gross combination weight rating (G.C.W.R.)” means the value specified by the manufacturer as the loaded weight of a combination vehicle.

“Gross vehicle weight rating (G.V.W.R.)” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“Gross weight” means the combined weight of a vehicle and any load thereon.

“Interstate 95 Extension” means that portion of Interstate Highway 95 previously maintained by the New Jersey Department of Transportation and transferred to the Authority by N.J.S.A. 27:23-23.7, beginning at milepost 117.9+ and thence in a general northerly direction to milepost 122.0+, and all bridges, tunnels, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communication facilities, and administration, storage and other buildings which the Authority may deem necessary for the operation of such extension, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such extension and all other property within the Interstate 95 Extension right-of-way.

“Motorcycles” means all motor operated vehicles of the bicycle or tricycle type, whether the motor power being a part thereof or attached thereto and having a saddle or seat with driver seat astride or upon it.

“Motor trucks” means every motor vehicle designed, used or maintained primarily for the transportation of property, which property is not affixed to or a necessary part of the design or construction of the vehicle itself.

“Official traffic control devices” means only those signs, signals, markings and devices approved and accepted by the Authority and placed, erected or caused to be placed or erected by the Authority for the purpose of regulating, warning or guiding traffic on the Turnpike.

“Omnibus” means any motor vehicle capable of transporting 10 or more passengers and registered as a bus, as indicated by the letter “O” preceding the registration number or the word “Bus” or “Omnibus” on the vehicle’s license plate. Vehicles with the letters “CV” or the word “Livery” or “Autocab” on the license plate are excluded from this definition.

“Passenger vehicles” means all automobiles used and designed for the transportation of passengers other than omnibuses and school buses, irrespective of whether the vehicle has commercial or noncommercial registration license plates.

ii. By another vehicle owned or leased by the operator, owner or lessee of the vehicle from which the discharge occurred;

iii. By a specialized response team operated by the manufacturer or distributor of the hazardous material that has been discharged (hereafter, "manufacturers' response team"); or

iv. By third parties contracted to contain, clean up, and/or dispose of the discharge (hereafter, "emergency response contractors") by the operator, owner or lessee of the vehicle specifically for the purpose of remediating hazardous materials discharges from the operator's vehicle.

2. No emergency response services may be provided pursuant to (f)1ii through iv above unless all the entities undertaking such services have provided to the Authority proof of adequate insurance and such other information as may be required by the Director of Operations.

3. The Authority shall make available to any operator, owner or lessee so requesting a list of emergency response contractors that have met the requirements of (f)2 above to perform emergency response services on the Turnpike. The operator, owner or lessee shall arrange and pay for emergency response services to be performed by such contractors. Approval of such contractors pursuant to (f)2 above is not to be considered a warranty or assurance by the Authority of such contractors' ability to perform emergency response services.

4. Whenever the operator, owner or lessee refuses to arrange for an emergency response contractor, or whenever exigent circumstances or the risk posed by the discharge to Turnpike patrons, the general public, or the Authority's agents or employees is too great to await the arrival of the emergency response contractor(s) arranged by the operator, owner or lessee in the opinion of the Director of Operations or the Director's designee, the Director or the Director's designee may arrange for emergency response services and long-term remedial efforts to be provided by a third party of the Authority's choice. Emergency response and long term remedial services may be performed by or through the Department of Environmental Protection and Energy or its agents, including any county environmental health department, or by private organizations engaged by the Authority. The cost of services pursuant to this paragraph shall be based on the most recent agreement between the Authority and the third party, or if there is no such agreement, shall be based on the schedule of rates normally charged to commercial concerns for emergency response or long-term remedial services, and shall be borne by the operator, owner or lessee of the vehicle.

i. If, at the time the emergency response contractor arrives at the scene of the discharge, the operator, owner or lessee of the vehicle refuses to agree to pay or complete any documents necessary to engage the con-

tractor for such services, the Authority may impound the vehicle and any cargo or contents thereof until such time as the costs of remedial services are satisfied. If such costs are not satisfied within 14 days, the Authority shall have the right to sell the vehicle, its cargo and contents at public auction and/or to recover any unsatisfied costs by filing a civil action in the Superior Court of New Jersey or in any District Court of the United States having jurisdiction over such action.

ii. If the emergency response contractor refuses to contract with the operator, owner or lessee of the vehicle because of a bona fide concern about the operator's, owner's or lessee's ability or willingness to pay for such services, the Director or the Director's designee may authorize such services to be performed at the Authority's expense, and the Authority may thereafter recover the costs thereof from the operator, owner or lessee by filing a civil action in Superior Court of New Jersey or in any District Court of the United States having jurisdiction over such action. The emergency response contractor's concern shall be deemed bona fide if the operator's, owner's or lessee's credit record indicates a history of refusal or failure to pay commercial debts.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1983 d.263, effective July 5, 1983.

See: 15 N.J.R. 687(b), 15 N.J.R. 1105(c).

In (b), added transportation of Class A, B and C explosives.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

#### 19:9-1.16 Intoxicating beverages

No person shall consume or imbibe any intoxicating beverage from a bottle or container containing liquor, beer, wine or other alcoholic beverage while operating a vehicle on the Turnpike.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

#### 19:9-1.17 Operation of vehicles on Turnpike projects; care required

No vehicle shall be operated carelessly, without due caution or prudence, or in a manner so as to endanger any person or property, or while the operator is under the influence of intoxicating liquors or any narcotic or habit-forming drug.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1983 d.555, effective December 5, 1983.

See: 15 N.J.R. 1638(b), 15 N.J.R. 2046(c).

Deleted old (a) and (b).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

**Case Notes**

State trooper's stop of defendant's vehicle was justified by reasonable suspicion that driver was violating New Jersey's careless driving statute. *U.S. v. Kikumura*, C.A.3 (N.J.)1990, 918 F.2d 1084.

**19:9-1.18 Noise limits**

(a) No vehicle shall be operated on the Turnpike in violation of 49 C.F.R. 325 or any other noise standards promulgated by the United States or the State of New Jersey and applicable to that class of vehicle.

(b) No vehicle shall be operated on the Turnpike whose exhaust system is:

1. Not equipped with an exhaust chamber, resonator or noise dissipative device;
2. Not in constant operation and properly maintained;
3. Equipped with any cutout, bypass or similar device designed to reduce the effectiveness of noise control devices or to increase noise.

New Rule, R.1974 d.227, effective October 1, 1974.

See: 6 N.J.R. 209(c), 6 N.J.R. 370(c).

Amended by R.1975 d.25, effective February 7, 1975.

See: 7 N.J.R. 122(d).

Amended by R.1983 d.301, effective August 1, 1983.

See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a).

Deleted several sound level limitations from Table 1.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

**19:9-1.19 Tolls; payment required**

No vehicle shall be operated on the Turnpike except upon the payment of such tolls as are required by the Turnpike Authority.

New Rule, R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

**19:9-1.20 Records**

(a) Any operator of a commercial motor vehicle, omnibus, motor bus, or tractor in interstate commerce upon the Turnpike shall keep records showing the day and hour when, and the place where, the operator went on and was released from duty, whether in or outside of this State. In the event the operator went on duty at a place outside of this State, the operator shall, immediately upon entering the Turnpike, certify upon such records that they are correct.

(b) Records showing the day and hour when, and the place where the operator went on duty and was released from duty are not needed, provided:

1. The operator does not operate beyond the 100-mile radius of the work reporting location more than one time in any seven consecutive day period;
2. The operator, except a driver salesperson, returns to the work reporting location within 12 hours;

3. At least eight consecutive hours off-duty separate each 12 hours on duty; and

4. The motor carrier which employs the operator maintains accurate and true records showing:

- i. The total number of hours the operator is on duty each day;
- ii. The time the operator reports for duty each day;
- iii. The time the operator is released from duty each day; and
- iv. The total on-duty time for the preceding seven days for operators used for the first time or intermittently.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1983 d.555, effective December 5, 1983.

See: 15 N.J.R. 1638(b), 15 N.J.R. 2046(c).

Added (b).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

**19:9-1.21 Other regulations**

In addition to these traffic rules, users of the Turnpike are subject to all applicable statutory provisions, including, but not limited to, penalties for nonpayment of tolls (N.J.S.A. 27:23-25), penalties for violation of any of the Authority's regulations (N.J.S.A. 27:23-32), United States Department of Transportation regulations, and, except as otherwise provided hereinabove, the Motor Vehicle and Traffic Acts of New Jersey relating to lights, brakes, weights, registration and other matters (N.J.S.A. 39:3-1 et seq. and 39:4-1 et seq.). Commercial vehicles in interstate commerce using the Turnpike remain subject to Interstate Commerce Commission regulations.

New Rule, R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

## SUBCHAPTER 2. PURCHASING AND CONTRACTING

**19:9-2.1 General provisions**

(a) All contracts of the Authority entered into for the performance of any work, or any purchases or hiring of personal property, services, supplies, equipment or goods, shall be as prescribed in these regulations and procedures. The objective of these regulations is to enable the Authority to accomplish its procurement equitably and expeditiously at the least possible cost. These regulations may be added to or amended by the specific provisions of each bid or proposal specifications or contract documents.