

## SUBTITLE B. SOUTH JERSEY TRANSPORTATION AUTHORITY

## CHAPTER 2

## ATLANTIC CITY EXPRESSWAY

## Authority

N.J.S.A. 27:25A-7(q) and 21(g).

## Source and Effective Date

R.1994 d.462, effective August 15, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

## Executive Order No. 66(1978) Expiration Date

The expiration date of Chapter 2, Atlantic City Expressway, was extended by gubernatorial directive from August 15, 1999 to February 15, 2000. See: 31 N.J.R. 2369(b).

## Chapter Historical Note

Chapter 2, Atlantic City Expressway, Subchapters 1 through 6, was adopted by the New Jersey Expressway Authority, and was filed and became effective prior to September 1, 1969. Chapter 2 was reprinted and adopted as R.1973 d.42, effective February 5, 1973. See: 5 N.J.R. 96(b). Subchapter 7, Purchasing Regulations, was adopted as R.1973 d.284, effective September 28, 1973. See: 5 N.J.R. 396(a).

Pursuant to Executive Order No. 66(1978), Chapter 2 was readopted by the South Jersey Transportation Authority as R.1994 d.462. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. PENALTIES AND DEFINITIONS

## 19:2-1.1 Penalties

(a) Under the terms of paragraph 21(o) of the Authority's enabling legislation, N.J.S.A. 27:25A-1 et seq., any violation of any of the regulations established by the Authority with regard to the payment of tolls or the operation of motor vehicles, including, but not limited to, all traffic and parking regulations, regulations concerning the type, weight and size of vehicles permitted to use the project, and regulations prohibiting hazardous activities shall be punishable by a fine not exceeding \$500.00, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(b) Violators may be required to leave the Expressway at the next exit in the direction of traffic.

(c) A violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the Special Civil Part of the Law Division of the Superior Court or any municipal court in the county where the offense was committed.

(d) In addition to any punishment or penalty provided in this section, every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Director of the Division of Motor Vehicles for any such violation, after due notice in writing of the proposed suspension, revocation or prohibition and the grounds thereof, all otherwise in accordance with the powers, practices and procedure established by the provisions of Title 39 of the Revised Statutes applicable to the suspension, revocation or prohibition.

(e) Except as otherwise provided by this section or by any regulation contained in this chapter, the requirements of Title 39 of the Revised Statutes applicable to persons using, driving or operating vehicles on the public highways of this state and to vehicles so used, driven or operated shall be applicable to persons using, driving or operating vehicles on any expressway project and to vehicles so used, driven or operated.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

### 19:2-1.2 Definitions

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

"Atlantic City Expressway" or "Expressway" means the expressway project known as the Atlantic City Expressway, constructed by the New Jersey Expressway Authority pursuant to Section 40 of P.L. 1962, c.10 (N.J.S.A. 27:12C-40, repealed).

"Authority" means the South Jersey Transportation Authority created by Section 4 of the South Jersey Transportation Authority Act (N.J.S.A. 27:25A-1 et seq.).

"Expressway employee" or "employee" means any person in the official employ of the Authority.

"Expressway police" or "police" means any or all officers of the State Police assigned to duty on the Expressway.

"Expressway project" means the acquisition, construction and maintenance of the Atlantic City Expressway as transferred to the Authority pursuant to the enabling legislation and of any express highway, super highway or motor way at the locations and between the termini as may hereafter be established by law and acquired or to be acquired or constructed or to be constructed under the provisions of the enabling legislation by the Authority, over which abutters have no easements or rights of light, air or direct access by reason of the fact that their properties abut thereon, and shall include, but not be limited to, bridges, parking facilities, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll booths, service areas, stations and facilities, communications facilities, administration, storage and other buildings, and other structures related to the use of the express highway, super highway or motor way, intersecting highways and bridges and feeder roads which the Authority may deem necessary or desirable for the operation of the project, together with all property rights, easements and interests which may be acquired by the Authority for the construction or the operation of the project, and includes any planning necessary for the execution of any expressway projects.

"Expressway property" or "right-of-way" means the area contained within the right-of-way lines as designated on the Expressway parcel property maps filed in the respective county clerk's office of each county in which the Expressway is located.

"Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or between points within South Jersey and points without South Jersey.

"Service areas" means those areas established by the Authority to provide services to the public. On the Expressway these areas include an intercept parking lot, the New Jersey State Police Barracks, the South Jersey Transportation Authority Administration Building, a restaurant, a gasoline service station, and a farmers market, along with their parking and related facilities.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon the Expressway.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

### 19:2-1.3 Route maps

A route map showing the Expressway is available upon request at a manned toll booth, at the administrative offices of the Expressway, and at the Tourist Information Center located at the service plaza inside the restaurant area.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

SUBCHAPTER 2. SPEED LIMITS

19:2-2.1 Maximum speed limits

(a) Except where otherwise posted, the maximum speed limits in force on the Expressway are 55 miles per hour on the main roadways and 25 miles per hour on the entrance and exit ramps.

(b) Maximum speed of 55 miles per hour is in effect except when such speeds are unsafe by reason of weather or highway conditions.

(c) Where signs are posted along the Expressway indicating a lesser speed within any section, no vehicles shall be operated within the section at a speed in excess of the speed posted on such signs.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

(d) If a violation of (c) above shall result in injury or death to a person or persons or damage to property in excess of the value of \$5,000, it shall constitute a crime of the third degree.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

#### 19:2-4.5 Permits

(a) Upon application, the Authority may issue, from time to time, special permits authorizing the use of the Expressway by vehicles to which such use is restricted by Section 4.3 (Restricted vehicles) of this Chapter.

(b) Every such permit shall be carried in the vehicle to which it refers, and shall be open to inspection by the Expressway employees and the Expressway police.

(c) Every person operating such a vehicle on the Expressway under such a permit shall comply with all the terms and conditions of the permit.

(d) Special permits issued under Title 39 of the Revised Statutes shall not be valid on the Expressway.

#### 19:2-4.6 Call boxes

All persons are prohibited from tampering with, transmitting false alarms on, or otherwise misusing the emergency call box system on the Expressway.

### SUBCHAPTER 5. GENERAL REGULATIONS

#### 19:2-5.1 Waste and rubbish

No person shall throw, dump, or otherwise dispose of bottles, cans, papers, garbage, rubbish, or any waste materials of any kind or description on the Expressway, except in receptacles intended for that purpose.

#### 19:2-5.2 Damage to property

(a) No person shall cut, mutilate, or remove any trees, shrubs, flowers, plants, topsoil, or sod located upon Expressway property, or attempt to do so.

(b) No person shall deface, damage, mutilate, or remove any sign, delineator, structure, fence or any other property or equipment of the Authority.

#### 19:2-5.3 Advertising devices and posters

(a) No person shall erect, place, or display any advertising matter, posters, or placards of any kind on the Expressway, except as otherwise authorized by the Authority.

(b) Advertising on commercial vehicles is allowed.

#### 19:2-5.4 Parades, demonstrations, picnics and the like

(a) Parades or other demonstrations are prohibited on Expressway property.

(b) Picnics, games, entertainment, sports, or other gatherings are prohibited, except in designated areas of the Service Area.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

#### 19:2-5.5 Use of firearms and fireworks

(a) The use, display, or discharge of any firearms or other weapons, or fireworks, is prohibited on the Expressway, except by persons authorized by the Authority or by law.

(b) The igniting of fires for any purpose whatsoever is prohibited.

#### 19:2-5.6 Hunting, trapping and fishing

Hunting, trapping, fishing or molesting wildlife is prohibited on or from Expressway property.

#### 19:2-5.7 Sales and distribution

No persons shall enter or remain on the Expressway for the purpose of offering, selling, hiring or leasing any goods, wares, merchandise or services, whether or not such services are to be rendered for compensation, nor for the purpose of distributing samples, pamphlets, or advertising matter of any sort, except as authorized by the Authority.

#### 19:2-5.8 Soliciting of alms

Soliciting of alms or contributions on the Expressway is prohibited.

#### 19:2-5.9 Hitch-hiking and loitering

(a) Soliciting of rides, commonly known as hitch-hiking, is prohibited on the Expressway.

(b) Loitering in or about toll plazas, service areas, maintenance areas, or any other portion of the Expressway for any purpose is prohibited.

### SUBCHAPTER 6. TOLLS

#### 19:2-6.1 Payment of tolls

It is hereby declared to be unlawful for any person to refuse to pay or to evade the payment of tolls at any area, according to the schedule of tolls adopted by the Authority.

**19:2-6.2 Toll-free passage**

(a) Unless specifically authorized by the Authority, no toll-free passage through toll collection points on the Expressway will be permitted, except for the following:

1. The Commissioners and executive staff members of the Authority;
2. Employees of the Authority, and its concessionaires, and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while travelling to or from the place of performance of such duties;
3. Vehicles carrying persons to or from destinations on the Expressway where such persons are required by law to perform specified functions on the Expressway;
4. Any motorbus operated on motorbus regular route service for the benefit of the public by the State of New Jersey, in accordance with the New Jersey Public Transportation Act of 1979, N.J.S.A. 27:25-1 et seq., or by any county, municipality, charitable or nonprofit corporation or organization; and
5. Ambulance, first aid or emergency aid vehicles, vehicular fire fighting apparatus, or other similar vehicle, operated for the benefit of the public by the State, or by any county or municipality or charitable or non-profit corporation or organization, first aid squad, emergency squad, or fire company of this State.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

**SUBCHAPTER 7. PURCHASING REGULATIONS****19:2-7.1 General provisions**

(a) All purchases, contracts, or agreements of the Authority, shall be made or awarded directly by the Authority, except as otherwise provided in this chapter, after public advertisement for bids, in the manner prescribed in this chapter, and notwithstanding the provisions of any other laws to the contrary. The objective of these regulations is to enable the Authority to accomplish its procurement equitably and expeditiously at the least possible cost.

(b) Any purchase, contract or agreement may be made, negotiated or awarded by the Authority without public bid or advertising under the following circumstances:

1. For the furnishing or performing services of a professional or technical nature;
2. When the aggregate amount of such purchase or contract does not exceed the threshold amount as determined by the Governor;

3. To acquire subject matter described in N.J.S.A. 52:34-9;

4. To award a contract under circumstances described in N.J.S.A. 52:34-10;

5. For the supplying of any product or rendering of any service by a public utility;

6. When the Authority deems it appropriate to have the work performed by its own employees;

7. When the Authority has advertised for bids on two occasions and received no bids or no responsive bids on both occasions;

8. When a piece of equipment requires diagnostic repairs;

9. For the printing of bonds and related documents for the sale thereof; or

10. To contract for liability or indemnification insurance to meet the needs of the Authority.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

**19:2-7.2 Purchases in excess of \$11,100 or the threshold as set by the Governor**

(a) Rules concerning advertising and awards of bids include the following:

1. All purchases of personal property or services where the aggregate cost is \$11,100 or more, which threshold amount shall be adjusted by the Governor as provided in (a)2 below, shall be made only after public advertisement for competitive bids, except where exempted by law. In cases where public advertising is not required, the Authority shall follow the rules and regulations of the State Treasurer to ensure that said purchase, contract or agreement promotes full and free competition whenever competition is practicable.

2. The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd numbered year, adjust the threshold as set forth in paragraph 1 in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York City and the Philadelphia area as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of each odd numbered year, and such amount shall determine the threshold for competitive bidding.

3. Advertisements for competitive bids shall be placed in appropriate newspapers or journals, having a large circulation in the State. All advertisements may be approved by the Executive Director. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

**19:2-7.5 Purchase orders and contracts**

(a) All purchase orders shall be signed by the Director of Finance and approved by the Department head of the requisitioning unit.

(b) All purchase orders shall be approved by the Executive Director.

(c) The purchase orders may be revised, reduced, increased, cancelled or otherwise amended by purchase order supplements. Purchase order supplements may be issued to reduce a purchase order to any extent but may not increase an order more than \$100.00.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

**19:2-7.6 Purchases under New Jersey State contracts**

When it is deemed advisable and in the best interest of the Authority, the manager of purchasing may recommend that services, equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State.

Amended by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

**19:2-7.7 (Reserved)**

Repealed by R.1994 d.462, effective September 6, 1994.  
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

Section was "Waiver of requirements for bids and advertising".

## SUBCHAPTER 8. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

**Authority**

N.J.S.A. 27:25A-7, 27:25A-19, 27:25A-21,  
27:25A-21.2 and 27:25A-21.3.

**Source and Effective Date**

R.1998 d.542, effective November 16, 1998.  
See: 30 N.J.R. 3169(a), 30 N.J.R. 4067(a).

**19:2-8.1 Definitions**

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

"Authority" means the South Jersey Transportation Authority created by Section 4 of the South Jersey Transportation Authority Act (N.J.S.A. 27:25A-1 et seq.).

"Atlantic City Expressway" or "Expressway" means the expressway project known as the Atlantic City Expressway, constructed by the New Jersey Expressway Authority pursu-

ant to Section 40 of P.L. 1962, c.10 (N.J.S.A. 27:12C-40, repealed).

"Electronic Toll Collection System" or "ETC System" means the electronic system employed or utilized by the Authority to register and collect the toll required to be paid for a vehicle entering a toll plaza owned and/or operated by, or upon the behalf of, the Authority.

"Expressway employee" or "employee" means any person in the official employ of the Authority.

"Inadvertent toll violation" means a toll violation that occurs when a person enters a toll collection plaza with the intention of paying, and takes every reasonable action to pay the required toll but, despite his or her intention, is prevented by circumstances beyond his or her reasonable ability to control from paying the required toll. The owner of a violating vehicle shall have the affirmative obligation to establish an inadvertent violation. Inadvertent toll violation does not include the following:

1. Failure to adequately deposit the full amount of the toll in the toll collection basket;
2. Failure to have coinage, tokens or other authorized means necessary to pay the required toll; or
3. Entering an ETC System lane with a vehicle not equipped for the ETC System.

"Lessee" means any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor" means any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other contract that provides the lessee with the exclusive use of the vehicle for any period of time.

"Operator" means the term "operator" as defined in N.J.S.A. 39:1-1.

"Owner" means the term "owner" as defined in N.J.S.A. 39:1-1.

"Toll collection monitoring system" means a vehicle sensor, placed in a location to work in conjunction with a toll collection facility, that produces one or more photographs, one or more microphotographs, a videotape or other recorded image or a written record, of a vehicle at the time the vehicle is used or operated in violation of N.J.A.C. 19:2-8.2. The term shall also include any other technology that identifies a vehicle by photographic, electronic or other method.

"Toll violation" means the failure of a person to pay such toll as may be prescribed by the Authority for the operation of a vehicle by an owner, operator, lessor or lessee.

"Vehicle" means the term "vehicle" as defined in N.J.S.A. 39:1-1.

**19:2-8.2 Electronic toll collection monitoring system violation; advisory and payment request**

(a) It shall be a toll collection monitoring system violation for an owner, operator, lessor or lessee to fail to pay the electronic toll collection toll for passage of a vehicle on the Atlantic City Expressway.

(b) Within 30 days from the date that a toll violation is recorded by a toll collection monitoring system, the Authority or its agent may send an Advisory and Payment Request to the owner of the violating vehicle by regular mail as provided by P.L. 1997, c.59. Upon receipt of the Advisory and Payment Request, the owner of the violating vehicle shall pay to the Authority or its agent, the proper toll and an administrative fee in the amount of \$25.00 per violation. If the owner fails to pay the required toll and fee within 60 days of the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties as prescribed in N.J.A.C. 19:2-8.3. The Authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to an unresolved violation.

(c) The Advisory and Payment Request shall contain the name and address of the person alleged to be liable as an owner for a violation of this section, the license plate number of the vehicle involved in such violation, the location where such violation took place, and the date and time of such violation.

(d) The Advisory and Payment Request shall contain information advising the person named of the manner in which he or she may contest the liability alleged in the Advisory and Payment Request or assert that liability should not attach in a given instance due to circumstances that caused an inadvertent toll violation. Such Advisory and Payment Request shall also contain advice that persons failing to pay the indicated penalty or failing to contest the liability will render the owner subject to the penalty described in N.J.A.C. 19:2-8.3.

(e) If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an

allegation of liability for a violation of this section that the vehicle was reported stolen within two hours after the discovery of the theft by the owner. For purposes of asserting that the vehicle was stolen, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent first class mail to the Authority or its agent at the address specified on the Advisory and Payment Request.

(f) An owner who is a lessor of a vehicle to which an Advisory and Payment Request was issued pursuant to this section shall not be liable for the violation provided that the lessor submits to the Authority or the party issuing the Advisory and Payment Request a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation (with the name and address of the lessee clearly legible), within 30 days after receiving the original Advisory and Payment Request. Failure to send such information within such 30 day time period shall render the lessor liable for the prescribed penalty. If the lessor complies with the above provisions, and the lessee is sent an Advisory and Payment Request within 30 days of such compliance by the lessor, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for same.

(g) The Authority shall authorize an employee or agent to be a complaining witness to make, sign and initiate complaints and to issue summonses in the name of the Authority on behalf of the State, to the extent permitted by and pursuant to the Rules Governing the Courts of the State of New Jersey.

(h) The Authority may adopt a form of contract ("subscription agreement") which may set forth the terms and provisions that govern the responsibilities, duties and obligations of an owner as a subscriber to the Authority's electronic toll collection system which contract may include the termination of the owner as a patron of the Authority's electronic toll collection system if the owner fails to comply with the terms and provisions of the aforesaid contract.

**19:2-8.3 Penalties**

(a) A violation of this subchapter shall be punishable by a civil penalty of not less than \$50.00 nor more than \$200.00 per violation.

(b) Nothing in this section shall be construed as limiting the power of the Authority to proceed against an operator of a vehicle for a violation of N.J.A.C. 19:2-6.1 or as prohibiting or limiting the enforcement of a violation of the motor vehicle and traffic laws as set forth in Title 39 of the Revised Statutes except that an operator of a vehicle charged with a violation of N.J.S.A. 27:25A-21 shall not be liable for the civil penalty provided in (a) above for the same incident.