

SUBTITLE E. NEW JERSEY TURNPIKE AUTHORITY

CHAPTER 9

NEW JERSEY TURNPIKE AUTHORITY

Authority

N.J.S.A. 27:23-1, 27:23-5(e), 27:23-5(h),
27:23-5(o), 27:23-9 and 27:23-29.

Source and Effective Date

R.1998 d.492, effective September 11, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

Executive Order No. 66(1978) Expiration Date

Chapter 9, New Jersey Turnpike Authority, expires on September 11, 2003.

Chapter Historical Note

Chapter 9, New Jersey Turnpike Authority, was filed and became effective December 3, 1963.

Subchapter 9 was adopted as R.1973 d.173, effective June 29, 1973.
See: 5 N.J.R. 205(b), 5 N.J.R. 295(b).

Pursuant to Executive Order 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1983 d.301, effective July 13, 1983.
See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a). Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983.
See: 15 N.J.R. 1639(a), 15 N.J.R. 2046(d). Pursuant to Executive Order 66(1978), Chapter 9 expired on July 13, 1988.

Chapter 9, New Jersey Turnpike Authority, was adopted as new rules by R.1988 d.483, effective October 17, 1988. 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, New Jersey Turnpike Authority, was readopted as 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). Administrative Correction. See: 25 N.J.R. 4927(c).

Pursuant to Executive Order No. 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1998 d.492, effective September 11, 1998, and Subchapter 8, Debarment, Suspension and Disqualification from Contracting, was adopted by R.1998 d.492, effective October 5, 1998. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. TRAFFIC CONTROL ON NEW JERSEY TURNPIKE

- 19:9-1.1 Definitions
- 19:9-1.2 Speed limits
- 19:9-1.3 Traffic control
- 19:9-1.4 Uniform direction of traffic
- 19:9-1.5 "U" turns prohibited
- 19:9-1.6 Parking, standing or stopping on Turnpike prohibited, except in case of emergency
- 19:9-1.7 Use of medial strip prohibited
- 19:9-1.8 (Reserved)

- 19:9-1.9 Limitations on use of Turnpike
- 19:9-1.10 Waste and rubbish
- 19:9-1.11 Loose cargo; discharges
- 19:9-1.12 Damaging of Turnpike property
- 19:9-1.13 Hitch-hiking, loitering, soliciting, and distributing prohibited
- 19:9-1.14 Repairs and towing
- 19:9-1.15 Transportation of hazardous materials
- 19:9-1.16 Intoxicating beverages
- 19:9-1.17 Operation of vehicles on Turnpike projects; care required
- 19:9-1.18 Noise limits
- 19:9-1.19 Tolls; payment required
- 19:9-1.20 Records
- 19:9-1.21 Other regulations
- 19:9-1.22 Filming, photographing or videotaping on the Turnpike prohibited, except as authorized
- 19:9-1.23 Distribution of literature
- 19:9-1.24 Lane usage; Interchanges 11 to 14

SUBCHAPTER 2. PURCHASING AND CONTRACTING

- 19:9-2.1 General provisions
- 19:9-2.2 Purchases for amounts requiring public advertising
- 19:9-2.3 Purchases under amount requiring public advertising
- 19:9-2.4 Termination of contract
- 19:9-2.5 Purchases under or in combination with State or other agency contracts
- 19:9-2.6 Sale of surplus personal property
- 19:9-2.7 Procedure for prequalification and award of construction contracts
- 19:9-2.8 Procedure to resolve protested solicitations and awards
- 19:9-2.9 Licenses to cross
- 19:9-2.10 Procedure to resolve protested applications for, and awards of, licenses to cross
- 19:9-2.11 License to cross fee schedule

SUBCHAPTER 3. FEES

- 19:9-3.1 Towing rates
- 19:9-3.2 Road service rates
- 19:9-3.3 Questions and disputes
- 19:9-3.4 Miscellaneous permits and fees

SUBCHAPTER 4. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

- 19:9-4.1 General provisions
- 19:9-4.2 Nonpublic information
- 19:9-4.3 Procedures for obtaining Authority records
- 19:9-4.4 Fees

SUBCHAPTER 5. ADMINISTRATIVE PRACTICES

- 19:9-5.1 Pre-employment screening
- 19:9-5.2 Waivers generally
- 19:9-5.3 Procedure for waiver

SUBCHAPTER 6. PETITIONS FOR RULES

- 19:9-6.1 Scope
- 19:9-6.2 Procedure for petitioner
- 19:9-6.3 Procedure of the Authority

SUBCHAPTER 7. ORGANIZATION OF THE NEW JERSEY TURNPIKE AUTHORITY

- 19:9-7.1 Authority responsibilities
- 19:9-7.2 (Reserved)
- 19:9-7.3 Functions of departmental units
- 19:9-7.4 Information

SUBCHAPTER 8. DEBARMENT, SUSPENSION AND DISQUALIFICATION FROM CONTRACTING

- 19:9-8.1 Definitions
- 19:9-8.2 Causes for debarment of a person(s)
- 19:9-8.3 Conditions affecting the debarment of a person(s)
- 19:9-8.4 Procedures, period of debarment, and scope of debarment affecting the debarment of a person(s)
- 19:9-8.5 Causes for suspension of a person(s)
- 19:9-8.6 Conditions for suspension of a person(s)
- 19:9-8.7 Procedures, period of suspension and scope of suspension affecting the suspension of a person(s)
- 19:9-8.8 Extent of debarment or suspension
- 19:9-8.9 Disqualification of a person(s) as bidder
- 19:9-8.10 Lists of other agencies
- 19:9-8.11 Discretion

SUBCHAPTER 9. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

- 19:9-9.1 Definitions
- 19:9-9.2 Toll collection monitoring system violation; advisory and payment request
- 19:9-9.3 Penalties

APPENDIX A. SCHEDULE OF CLASSIFICATIONS

APPENDIX B. (RESERVED)

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.

"Recreational vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

“Semitrailer” means every vehicle with or without motive power, including a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so

constructed that some parts of its weight and that of its load rests upon or is carried by another vehicle.

In (g), substituted "disqualification" for "qualification" in the second sentence.

19:9-2.8 Procedure to resolve protested solicitations and awards

(a) Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract or its prequalification status or classification may protest to the Authority. The protest shall be submitted in writing within five business days after such aggrieved person knows or should have known of the facts giving rise thereto. Failure to file a timely protest shall bar any further action. The written protest shall set forth in detail the facts upon which the protestant bases its protest.

(b) Upon the filing of a timely protest, the Authority's Executive Director or his or her designee shall have the authority to conduct a hearing, to settle and resolve a protest of an aggrieved bidder, offeror or contractor concerning the solicitation or award of a contract or its prequalification status or classification, with the Executive Director retaining authority for the final decision of the Authority. This authority shall be exercised in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(c) If the protest is not resolved by mutual agreement, the Executive Director shall promptly issue a decision in writing. The decision shall state the determination made and reasons for the action taken. The decision shall be mailed or furnished promptly to the protestant and any other interested party.

(d) A decision under subsection (c) above shall be final and conclusive, unless any person adversely affected by the decision commences an action in court.

(e) In the event of a timely protest under (a) above, the Authority shall not proceed further with the solicitation, or with the award of the contract until the decision is rendered under subsection (c) above, or until the Executive Director after consultation with the Director of Administrative Services and Technology or Chief Engineer makes a written determination that the continued solicitation or award of the contract without delay is necessary to protect the interests of the Authority or the public.

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.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (b), inserted "or his or her designee" following "Director" and "with the Executive Director retaining authority for the final decision of the Authority" at the end of the first sentence.

19:9-2.9 Licenses to cross

(a) A license to cross is a formal agreement with the Authority granting permission of any nature or description to enter upon or access any Turnpike property. This normally pertains to public and private utilities which must occupy the Turnpike right-of-way in order to provide service

to the public. In addition, licenses to cross are utilized by adjacent property owners to the Turnpike roadway that must utilize the Turnpike property for drainage, egress and access purposes. Before seeking a license to cross, applicants are strongly advised to first consult with the Authority's Chief Engineer to ascertain what information will be required as part of the application and to meet with representatives of appropriate departments of the Authority. Said consultation may be arranged in the discretion of the Chief Engineer upon the applicant's request.

(b) In order to apply for a license to cross, an original and eight copies of a letter containing the location of the Turnpike property affected, the purpose of the crossing and such other information as may be required by the Authority, along with eight copies of the engineering plans with each set of plans affixed to each copy of the letter in such form as may be required by the Authority shall be submitted to:

Chief Engineer
New Jersey Turnpike Authority
PO Box 1121
New Brunswick, New Jersey 08903

(c) A license to cross shall be evaluated based on the following:

1. Adherence to the New Jersey Turnpike Authority Standard Specifications, as amended and supplemented;
2. The impact on the traveling public and Turnpike property;
3. The duration of the request;
4. The criteria contained in N.J.S.A. 27:23-1 et seq., in particular, the provisions of N.J.S.A. 27:23-9, which must be taken into consideration concerning utilization of Turnpike property for certain purposes;
5. The general concern exhibited by the applicant for the public health, safety and welfare;
6. The financial health and stability of the applicant; and
7. The effect of the proposed crossing on the financial, economic or engineering aspects of the activities of the Authority, the public or neighboring property owners.

(d) Competing applications will be assessed based upon (a) through (c) above. The award will be based on the application which most closely serves the needs of the Authority and the public.

(e) An application can be rejected based on a violation of, or non-compliance with, any of the requirements of this rule. Competing applications will be addressed based on the requirements of this rule. Appeals of rejected applications will be addressed using the procedure outlined in N.J.A.C. 19:9-2.10.

iii. Additional charge of \$5.00 for the use of dolly wheels; and

iv. An additional charge of \$15.00 for disconnecting a drive shaft.

2. Class 2-6 vehicles:

i. Service charge of \$70.00 for straight truck (up to 14,999 pounds gross vehicle weight), car with trailer, or trailer without car and \$225.00 for tractor-trailer or bus (15,000 pounds or more gross vehicle weight); plus

ii. \$3.00 per mile on Turnpike up to a maximum, including the service charge, of \$100.00 for straight truck, car with trailer, or trailer without car and \$5.00 per mile for tractor-trailer or bus up to a maximum, including the service charge, of \$275.00; plus

iii. An additional charge of \$15.00 for connecting air lines;

iv. An additional charge of \$15.00 for disconnecting drive shaft on small trucks or \$30.00 on large trucks;

v. An additional charge of \$30.00 for removing a chrome bumper;

vi. Additional charge of \$20.00 for removing an axle; and

vii. Additional charge of \$45.00 for removing an air scoop.

3. Winching and wrecking (all classes of vehicles):

i. \$50.00 per hour for a light wrecker;

ii. \$100.00 per hour for a heavy wrecker; and

iii. \$350.00 per hour, two hour minimum for construction-type cranes in excess of 40,000 pounds.

4. Specialized equipment:

i. \$225.00 per hour, two hour minimum for specialized equipment, including Landoll Hydraulic Trailer, 40 to 45 ton Challenger, Oshkosh, Sterling-type wrecker crane, box trailer with tractor and driver or wrecker with wheel lift.

19:9-3.2 Road service rates

(a) Road service rates for Class 1 vehicles charged by Authority-authorized service companies shall conform with the following rates or such rates as may be approved and amended by the Commissioners from time to time, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the rules on agency rulemaking, N.J.A.C. 1:30.

1. Road service charge: \$30.00;

2. Gasoline/diesel: Cost of product plus road service charge;

3. Tire change: Road service charge;

4. Tire repair/replacement: Cost of product plus road service charge;

5. Battery service: Road service charge; and

6. Water: Road service charge.

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

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

19:9-3.3 Questions and disputes

Questions and disputes concerning the rates or quality of towing or road service provided by Authority-authorized companies may be directed to the Director of Operations.

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

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

19:9-3.4 Miscellaneous permits and fees

In the event that any permit not set forth in the rules is requested from the Authority, such request shall be forwarded to the Director of Law. If it is determined to be proper and in the best interest of the Authority, its patrons and the public to grant such permit, the Authority may grant the permit and impose a fee for the permit on a man-hour basis.

New Rule, R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

SUBCHAPTER 4. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

19:9-4.1 General provisions

(a) Except as otherwise provided by law, all Authority records required by law to be made, maintained, or kept on file shall be available to any individual for the purpose of inspection or hand copying during regular business hours at the Authority's main offices at the Administration Building, Turnpike Interchange 9 at Route 18 North, East Brunswick, New Jersey. Other records within the possession of the Authority may be made available for inspection or hand copying subject to N.J.A.C. 19:9-4.2.

R.1975 d.221, effective August 1, 1975.

See: 7 N.J.R. 351(a), 7 N.J.R. 447(c).

As amended, R.1981 d.37, effective February 4, 1981.

See: 13 N.J.R. 49(b), 13 N.J.R. 165(c).

Substantially amended.

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.1997 d.491, effective November 17, 1997.

See: 29 N.J.R. 4078(a), 29 N.J.R. 4861(b).

Deleted (a)1v and (a)1vi; inserted (a)4; and recodified (a)3iv as (a)4i.