

SUBTITLE E. NEW JERSEY TURNPIKE AUTHORITY

CHAPTER 9

NEW JERSEY TURNPIKE AUTHORITY

Authority

P.L. 2003, c.79, specifically N.J.S.A. 27:23-42b(7).

Source and Effective Date

R.2003 d.407, effective September 23, 2003.
See: 35 N.J.R. 4915(a).

Chapter Expiration Date

Chapter 9, New Jersey Turnpike Authority, expires on January 9, 2005.

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 Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983.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: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

Chapter 9, New Jersey Turnpike Authority, was readopted as R.2003 d.407, effective September 23, 2003. See: 35 N.J.R. 4915(a). See: Source and Effective Date. See, also, section annotations.

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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.

Revised (a)12iii.

Amended by R.1993 d.311, effective July 6, 1993.

See: 25 N.J.R. 684(a), 25 N.J.R. 2906(c).

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).

Amended by R.1997 d.455, effective November 3, 1997.

See: 29 N.J.R. 3432(a), 29 N.J.R. 4714(b).

In (a)21i, inserted the exception for Class 1 vehicles in tow.

Amended by R.1998 d.492, effective October 5, 1998.

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

In (a), inserted "committed another violation of" preceding "a provision" in 22.

Amended by R.1998 d.520, effective November 2, 1998.

See: 30 N.J.R. 2368(a), 30 N.J.R. 3971(a).

In (a), added an exception at the end of 12iii, and rewrote 24.

Case Notes

Action to force utility to comply with backup requirement for overweight shipment of nuclear waste dismissed as moot; "capable of repetition yet evading review" test for decision on moot issue not met. *New Jersey Turnpike Authority v. Jersey Central Power and Light*, 772 F.2d 25 (3rd Cir.1985).

19:9-1.10 Waste and rubbish

(a) Littering of the Turnpike with bottles, cans, papers, garbage or rubbish including tobacco and tobacco products or other materials of any kind or description is prohibited.

(b) The throwing or discarding of any such material from Turnpike structures is also prohibited.

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

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

19:9-1.11 Loose cargo; discharges

(a) Vehicles carrying material likely to spill that is not otherwise boxed, crated, bagged or packaged must be firmly secured on all sides with a tarpaulin completely covering the material, and capable of preventing the escape of said material.

(b) No material, whether solid, liquid or gaseous, shall be discharged on Turnpike property, whether intentionally or unintentionally. This prohibition shall apply to any material being carried as cargo, whether or not for hire, and to any material that is a part of the vehicle or necessary for the operation of the vehicle or any apparatus affixed thereon, but shall not apply to ordinary vehicular emissions anticipated by the original design of the vehicle or the apparatus affixed thereto.

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

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

19:9-1.12 Damaging of Turnpike property

(a) No person shall cut, mutilate or remove any trees, shrub or plants located on Turnpike property.

(b) No person shall deface, damage, mutilate or remove any official traffic control device, delineator, structure, fence

or other property or equipment of the Authority or its concessionaires.

(c) No person shall install or attempt to install, construct or place upon any portion of the Turnpike, any item, sign, structure or equipment for any purpose whatsoever, without prior written approval of the Authority.

(d) No material shall be discharged on Turnpike property, whether intentionally or unintentionally, that may cause damage to the Turnpike, the general public, the Authority, its agents and employees, or any real or personal property owned, leased or under the supervision of the Authority. For purposes of this subsection only, "damage" includes any effect which may be injurious to health, safety or welfare, or which may cause financial loss or delay the movement of traffic.

(e) The operator, owner or lessee of any vehicle from which a discharge in violation of any provision of this section or N.J.A.C. 19:9-1.10, 1.11(b) or 1.15 occurs, regardless of the cause of the discharge, shall cooperate fully with the Authority, its employees, agents, and third parties authorized to respond to an emergency, discharge or blockage of traffic by the Authority, the State Police and the Department of Environmental Protection and Energy and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Turnpike immediately. The vehicle operated, owned or leased by any person failing to cooperate or take such action as deemed necessary by the official in charge of the scene where the discharge occurred is subject to impoundment by the Authority, the State Police, or the New Jersey Department of Transportation and their agents and employees until such time as all penalties, towing and storage fees and costs have been satisfied.

(f) In addition to any penalties prescribed by this chapter or by the laws and regulations of other government entities including, but not limited to, Titles 2C, 13, 27, 39 and 58 of the New Jersey Statutes and Federal law or regulation, any person violating any provision of this section or N.J.A.C. 19:9-1.10, 1.11(b) or 1.15, shall be liable to the Authority for any and all costs arising out of said violation, including the costs of:

1. Collecting, testing and disposing of the material and restoring the Turnpike to its condition immediately prior to the violation;
2. Replacing or repairing, in the Authority's sole discretion, any property damaged by reason of said violation;
3. Toll and concession revenue lost because of the closing of the Turnpike, any part thereof, or any interchange by reason of said violation;
4. Medical care, supervision or other costs relating to personal injury suffered by the general public, the Authority, its agents or employees; and

5. Any other costs arising out of said violation and incurred by the Authority or third parties.

(g) The Authority may recover the costs under (f) above by way of complaint filed in Superior Court, Law Division or United States District Court, by an administrative consent order executed by an authorized representative of the Department of Environmental Protection and Energy, or by any other lawful means.

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 (a), inserted "property" at the end of the sentence.

19:9-1.13 Hitch-hiking, loitering, soliciting, and distributing prohibited

The soliciting of rides commonly known as "hitch-hiking" or stopping for the purpose of taking on or discharging such passengers at or near toll booths, service areas, and all other portions of the Turnpike is prohibited. Loitering, soliciting funds or services, selling goods or services, or distributing samples or advertising matter of any sort in or about the toll booths, service areas and all other portions of the Turnpike is prohibited unless expressly authorized by the Authority.

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.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.82, effective February 18, 1997.

See: 28 N.J.R. 2518(a), 28 N.J.R. 3242(a), 29 N.J.R. 587(a).

Inserted references to stopping to take on or discharge hitchhikers, selling services, and authorization by the Authority; and substituted "distributing samples or advertising matter of any sort" for "distributing pamphlets and literature".

19:9-1.14 Repairs and towing

(a) Subject to the provisions of N.J.A.C. 19:9-1.6, a vehicle that becomes disabled while using the Turnpike may be repaired by the occupants thereof, provided that the occupants can complete repairs within a two-hour period from the time of disablement and the occupants do not leave the vehicle unattended. A vehicle disabled and abandoned by its occupants will be removed immediately by an authorized service of the Authority at the expense of the owner.

(b) If other mechanical services or towing is required, such services or towing must be performed by a service agency authorized by the Authority to furnish such service on the Turnpike.

(c) If towed, such disabled vehicles must be removed at the nearest exit in the original direction of travel.

(d) A truck or bus company may obtain a private mechanical and towing service permit provided they conform to the rules and regulations governing said permits. These permits are obtainable from the Office of the Manager of Emergency Services. The fee for such permit shall be \$100.00.

(e) A truck or bus company may obtain a permit to perform their own tire service or designate a prearranged tire service; said permits are obtainable from the Office of the Manager of Emergency Services. The fee for such permit shall be \$100.00. Truck or bus companies not holding a private tire service permit may either receive tire service from a service agency authorized by the Authority or be removed by a towing service authorized by the Authority.

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.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 (d), added a new last sentence; and in (e), substituted "Manager of Emergency Services" for "Director of Operation" and added a new second sentence.

19:9-1.15 Transportation of hazardous materials

(a) The transportation or shipment on the Turnpike of any hazardous materials, as defined in Part 172 of the regulations of the United States Department of Transportation (49 CFR 172), shall be subject to the requirements of parts 171 to 178 inclusive of such regulations (49 CFR 171 to 178) governing the preparation of the materials for transportation, construction of containers, packing, weighing, marking, labeling, billing and certification of such materials.

(b) The transportation or shipment on the Turnpike of radioactive materials or devices, and transportation of Division 1.1, 1.2, 1.3 and 1.4 explosives, as defined in Part 173 of the regulations of the United States Department of Transportation (49 CFR 173), shall be subject to the prior written approval of the Authority. All applications for such approval shall be made in writing addressed to the Director of Operations and shall provide, to the satisfaction of the Authority, that the shipment shall comply in all respects with the provisions of parts 171 to 178 and 397 inclusive of such regulations (49 CFR 171-178, 397). The fee for processing the application for such approval shall be \$50.00. All approvals granted shall be subject to annual renewal.

(c) The Authority reserves the right to withhold the approval required in (b) above, and to prohibit entry to the Turnpike of any carrier of any hazardous materials, despite compliance with the aforementioned regulations of the United States Department of Transportation or any other pertinent regulations or law, if in the Authority's opinion, the transportation or shipment will be likely to endanger life or property.

(d) No person shall transport gasoline or other flammable liquids in containers in private vehicles. Commercial vehicles carrying flammable liquids shall be appropriately labeled.

1. Right lane closing	\$2,550.00 per set up
2. Left lane closing	\$2,550.00 per set up
3. Center lane closing	\$2,850.00 per set up
4. Shoulder closing	\$275.00 per set up
5. One-half width ramp closing	\$275.00 per set up
6. Slowdowns (traffic stoppages)	\$50.00 per slowdown
7. Escorts	\$50.00 per escort
8. Supplemental patrols	\$60.00 per hour
9. Two lane closing	\$2,250.00 per set up
10. Oklahoma Weave	\$5,300.00 per set up
11. North to South Inner Roadway Barrel Closing (NSI)	\$1,700.00 per set up
12. South to North Inner Roadway Barrel Closing (SNI)	\$950.00 per set up
13. North to South Outer Roadway Barrel Closing (NSO)	\$1,150.00 per set up
14. South to North Outer Roadway Barrel Closing (SNO)	\$950.00 per set up
15. Special State Police Details	\$50.00 per hour

(e) In the event a more elaborate traffic control scheme than set forth under (d) above is necessitated by a license to cross, the licensee shall pay for traffic protection and personnel costs, as necessary, in accordance with an estimate derived by the Operations Department.

(f) The Authority shall provide to the licensee a list of anticipated closings, slowdowns, escorts and supplemental patrols required for the project. The licensee shall provide a check in the amount of the total anticipated traffic projection cost in accordance with the rates in (d) and (e) above. The Authority will deposit the funds into the escrow account. If all of the funds are expended before the end of the project, or if it is anticipated that additional funds will be necessary before the funds are expended, the licensee shall provide additional funds based upon an updated list of anticipated closings, slowdowns, escorts and supplemental patrols to cover the anticipated traffic protection costs until the end of the project. The licensee shall remit the additional funds within 15 days of receipt of notice to supplement escrow from the Authority. The principal amount of escrow remaining in the escrow account for traffic protection at the conclusion of the project and after receipt of as-built drawings shall be refunded to the licensee.

(g) The Authority reserves the right to make emergency repairs when, in the sole discretion of the Authority, such repairs are necessary to protect Turnpike property or patrons thereon. The costs incurred by the Authority in performing any emergency repairs shall be chargeable to the licensee and shall be deducted from the licensee's escrow account. Any funds deducted by the Authority for emergency repairs shall be replaced by the licensee within 15 days of receipt of a notice from the Authority to supplement escrow.

(h) Amendments or addenda to licenses to cross shall be granted, at the discretion of the Authority, in accordance with N.J.A.C. 19:9-2.9(c), to parties wishing to enter Turnpike property for the purpose of altering or adding to existing facilities for which a license to cross was previously

granted. The same fees listed in this section for licenses to cross shall apply to amendments and addenda to licenses to cross.

(i) All licenses to cross will be granted with a completion date to be proposed by the applicant, subject to approval by the Authority. Should the applicant fail to complete the licensed activity by the deadline, he or she must apply in writing for a time extension. The applicant will be charged a \$300.00 non-refundable fee for each time extension.

(j) Unauthorized work shall include all work performed on New Jersey Turnpike Authority property without the appropriate license or permit. Parties performing unauthorized work shall be charged for any costs incurred by the Authority as a result of such unauthorized work, plus a \$200.00 fine, and shall be required to submit an application for the appropriate license and/or permit and to pay all fees under this section. All unauthorized work shall cease until the appropriate license and/or permit is issued by the New Jersey Turnpike Authority. The Authority will inspect the unauthorized work, and the responsible party shall reimburse the Authority for costs incurred in the inspection of the unauthorized work. If, after inspecting the unauthorized work, the Authority determines that there should be repairs, or modifications to, or removal of, the unauthorized work, the Authority shall notify the person who performed the unauthorized work forthwith, and the repairs, modifications or removal of unauthorized work shall be made by such person at its own cost. If such person refuses to remove, repair or modify the unauthorized work, the Authority may, in its sole discretion, remove the unauthorized work and charge the responsible party for the costs incurred in such removal.

New Rule, R.1997 d.59, effective February 3, 1997.
See: 28 N.J.R. 4864(a), 29 N.J.R. 479(a).
Amended by R.1998 d.492, effective October 5, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).
Rewrote the section.

19:9-2.12 Procedure for prequalification and award of contracts for architectural, engineering and land surveying services

(a) This section shall apply to contracts for architectural, engineering and land surveying services in excess of \$25,000. The Authority may choose to apply this section to contracts below \$25,000 in its sole discretion. The Authority may use procurement processes other than those prescribed in this section if those processes have been approved by the Federal government or other State statute; or if an emergency has been declared by the Executive Director of the Authority. Where a procurement involves the proposed use of Federal funds, and Federal law, regulations or guidelines require a procurement procedure other than those prescribed in this section, the Authority shall follow the Federal procedures. All procedures provided for herein that are consistent with Federal requirements shall be followed.

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

“Complex projects” means projects other than “simple projects,” and includes most projects involving transportation, planning or complex design, or any project having an estimated fee over \$1,000,000.

“Director” means either the Chief Engineer or Director of Maintenance, depending on whether the contract emanates from the Engineering Department or the Maintenance Department.

“EOI” means an expression of interest from firms interested in performing professional architectural, engineering and land surveying services for the Authority.

“Firm” means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, engineering or land surveying services in this State.

“Professional architectural, engineering and land surveying services” means those services, including planning, environmental and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by the laws of this State or those services performed by an architect, professional engineer or professional land surveyor in connection with his or her professional employment practice, and which are subject to N.J.S.A. 52:34-9.1 et seq.

“Review committee” means the committee assigned to review a contract for professional architectural, engineering and land surveying services, which shall include at least three persons designated by the Executive Director in consultation with the Director.

“Simple projects” means projects or other engineering services where the scope can be clearly defined and is not likely to change during the course of the project where the estimated fee is \$1,000,000 or less. Simple projects include, but are not limited to, bridge inspection projects, supervision of construction projects and highway and bridge design projects with an estimated fee of \$1,000,000 or less.

(c) Professional services prequalification requirements shall be as follows:

1. A firm interested in a contract for professional architectural, engineering, or land surveying services shall complete and file a “Professional Service Prequalification Questionnaire” (“PSPQ”) with the Authority. Firms qualified for a particular type of project based on the Authority’s evaluation of the PSPQs will be eligible for consideration when such projects are being contracted for by the Authority without having to present their qualifications on a project-specific basis.

2. For the procurement of general consultants, rather than a project-specific procurement, the procedures relating to prequalification of firms may be modified to address the needs and requirements of the Authority.

3. Each firm shall identify on the PSPQ form each type of work for which the firm desires prequalification. All PSPQ forms shall contain the following information:

- i. Current and past projects undertaken by the firm;
- ii. The nature of services provided on each project;
- iii. The qualifications of the professionals employed by the firm; and
- iv. Other information which the Authority may determine necessary to assess the firm’s qualifications.

4. A firm shall notify the Authority in writing of any substantial change in the information on its PSPQ form when such change occurs. A firm shall have a current PSPQ on file with the Authority at the time of advertisement of the EOI in order to be considered for a project. For purposes of this section, a current PSPQ is one which has been on file with the Authority for no more than 24 months.

(d) Expression of interest (EOI) solicitation and/or advertisement shall be as follows:

1. An advertisement for EOIs shall be placed in an appropriate newspaper or journal, having a large circulation in the State and/or advertised on the Authority’s internet website, www.state.nj.us/turnpike, or through other electronic means. Such advertisements shall be placed not less than seven days preceding the date upon which the EOIs are to be received. The EOI solicitation shall identify the scope of services required from the prequalified firms and the evaluation process to be used for the project. When the Authority seeks to engage more than one firm through a single solicitation of EOIs, the number of firms that the Authority intends to engage shall be identified in the advertisement/ solicitation of EOIs.

2. When general consultant services are needed, the Authority shall establish a list of criteria that firms must meet in order to be sent an EOI for the general consultant contract. Firms that meet such criteria shall be sent an EOI.

(e) Evaluation of EOIs shall be as follows:

1. Upon receipt of the EOIs, the Authority shall review the EOIs for completeness and shall reject those EOIs which are incomplete. The Authority shall notify all firms whose EOIs are determined to be incomplete in writing. For all projects, if fewer than three EOIs are deemed complete, the EOI solicitation may be rewritten and/or re-solicited, or the procurement may continue with less than three firms, as determined by the Executive Director, in consultation with the Director.

2. For simple projects, the technical evaluation process shall consist of the evaluation of EOIs in accordance with the procedures set forth in this section. If three or more EOIs for a simple project are deemed complete, the EOIs shall be evaluated by a review committee.

3. For complex projects, the evaluation of EOIs shall serve as a method by which to create a list of firms that shall receive the requests for proposals ("RFP") for the project. If only three or four EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Review Committee will not conduct an evaluation of the EOIs as set forth below. If more than four EOIs have been deemed complete, the EOIs shall be submitted to the Review Committee for review as set forth in (e)4 below.

4. The EOIs shall be ranked by the Review Committee on the basis of numerical scores resulting from weighted rating factors. These factors will be weighted in proportion to their relative importance on a project-by-project basis. The relative weight attributed to each rating factor for a particular project and the ranking methodology shall be set forth in the EOI solicitation. In ranking the EOIs, the Review Committee will consider criteria contained in the advertisement for the EOI, which may include:

- i. Understanding of project and Authority needs;
- ii. Approach to the project;
- iii. Experience on similar projects;
- iv. Credentials of the consultant's project team;
- v. Commitment to quality management;
- vi. Extent of New Jersey presence, including location of project office;
- vii. Attainment of Minority Business Enterprise and Women Business Enterprise goals;
- viii. Outstanding work with the Authority; and
- ix. Any other factors specified in the Authority's EOI solicitation.

5. For simple projects, once the review committee has ranked the EOIs, it shall require the top three or more technically ranked firms, which number of firms shall be at the discretion of the Authority, to provide their proposed fees in a separate envelope. The firms shall not be told of their ranking position at this time. The selection process shall continue in the manner described in (g) below. If a particular simple project warrants, the Director may elect to issue an RFP and the contract shall proceed in accordance with the process for complex projects.

6. For complex projects, after the evaluation and ranking of the EOIs, no fewer than the top three ranked

firms shall receive an RFP. All firms that are not to receive the RFP shall be notified in writing.

7. When the Authority is seeking to engage more than one firm through a single solicitation of EOIs, following the Review Committee's evaluation of the EOIs, it shall prepare a list of a sufficient number of technically qualified firms to enable the Authority to engage the number of firms identified in the request for EOIs. If the Review Committee is unable to prepare a list of technically qualified firms in a sufficient number to negotiate with and engage the number of firms identified in the request for EOIs, the Authority shall reduce the number of firms it is seeking to engage through the EOI, and/or re-solicit the EOI in whole or in part. The Review Committee shall negotiate a contract with firms in the same manner as other projects.

(f) Requests for Proposals (RFPs) all be evaluated as follows:

1. Responses to the RFP shall be comprised of the technical proposal and fee proposal. The firms receiving the RFP shall be directed to submit a detailed fee proposal in a separate sealed envelope at the time of submission of the technical proposal.

2. The Review Committee shall evaluate the technical proposals submitted to the Authority. The Review Committee shall rank the technical proposals on the basis of numerical scores using the same rating criteria as it used to evaluate the EOIs. Other rating criteria may be considered, provided that they are specified in the RFP. The relative weight attributed to each rating factor and the methodology for ranking firms shall be set forth in the RFP.

3. The Review Committee shall normally require an interview and/or presentation by the firms with the highest ranked proposals. The Director, in his or her discretion, may waive this requirement for a particular project. Subsequent to the interview and/or presentation, the Review Committee shall revisit its technical ranking of the firms, re-score as appropriate and shall thereupon recommend the highest ranked firms to the Director, or the Executive Director if the Director was a member of the Review Committee.

(g) Cost negotiation and final selection shall be as follows:

1. For all projects, upon reviewing the Review Committee's recommendation, the Director or the Executive Director shall either concur with the selections or direct the team to pursue additional evaluation measures, consistent with the EOI solicitation or RFP, which shall be specified in writing by the Director or the Executive Director.

2. Once the selections are approved, the selected firms' fee proposals will be reviewed by the Review

Committee. The Executive Director may add one or more persons to the Review Committee to assist in the negotiation process. Using the fee proposals as a guideline, the Review Committee shall negotiate a fair and reasonable fee with the highest ranked firm, taking into consideration all relevant factors, including, but not limited to, the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. If the Review Committee is unable to negotiate a fair and reasonable fee with the highest ranked firm, it shall formally terminate negotiations and undertake negotiations with the second highest ranked firm. Failing accord with the second highest ranked firm, the Review Committee shall formally terminate negotiations and undertake negotiations with the third highest ranked firm. If the Review Committee is unable to negotiate successfully with any of the three highest ranked firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with the procedure set forth herein until an agreement is reached. The Executive Director, upon consultation with the Director, may direct the Review Committee to re-solicit the contract. Once a final fee is agreed upon, the Review Committee shall make its recommendation to the Director.

3. The Review Committee shall prepare a written report, for submission to the Director, outlining its recommendations and activities in reviewing, negotiating and selecting the recommended firm. The Director shall review the written report and the EOIs and/or responses to the RFP. The Director shall prepare written comments on the recommendation based on the review of these documents. The Director shall explain any disagreement with the recommendation.

4. The Director shall submit the Review Committee's report and the Director's comments to the Director of Law to review. If the Director of Law has concluded the proper procedures have been followed, the Review Committee's written report and comments of the Director shall be forwarded to the Executive Director.

5. If the Executive Director concurs with the recommendation, the Executive Director shall recommend to the Commissioners of the Authority, in writing, that the firm be issued an Order for Professional Service, attaching a copy of the Review Committee's report and the comments of the Director.

6. If the Executive Director is not satisfied with the recommendation, he or she may:

- i. Instruct the Review Committee to submit further support for its recommendation;
- ii. Direct the Review Committee to re-negotiate the fee;
- iii. Direct a re-examination of the technical criteria; or

iv. Instruct the Review Committee to re-solicit the contract.

New Rule, R.1999 d.286, effective August 16, 1999.

See: 30 N.J.R. 4337(a), 31 N.J.R. 2369(c).

Amended by R.2002 d.91, effective March 18, 2002.

See: 33 N.J.R. 4204(a), 34 N.J.R. 1273(a).

In "Complex projects", substituted "\$1,000,000" for "\$500,000"; in "Simple projects", substituted "highway and bridge design" for "maintenance reserve" following "projects and", and substituted "\$1,000,000" for "\$500,000" throughout.

SUBCHAPTER 3. FEES

19:9-3.1 Towing rates

(a) Towing rates charged by Authority-authorized companies shall not exceed 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. Class 1 Vehicles:

- i. Service charge of \$50.00; plus
- ii. \$2.00 per mile on Turnpike up to a maximum, including the service charge, of \$70.00; plus
- 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:

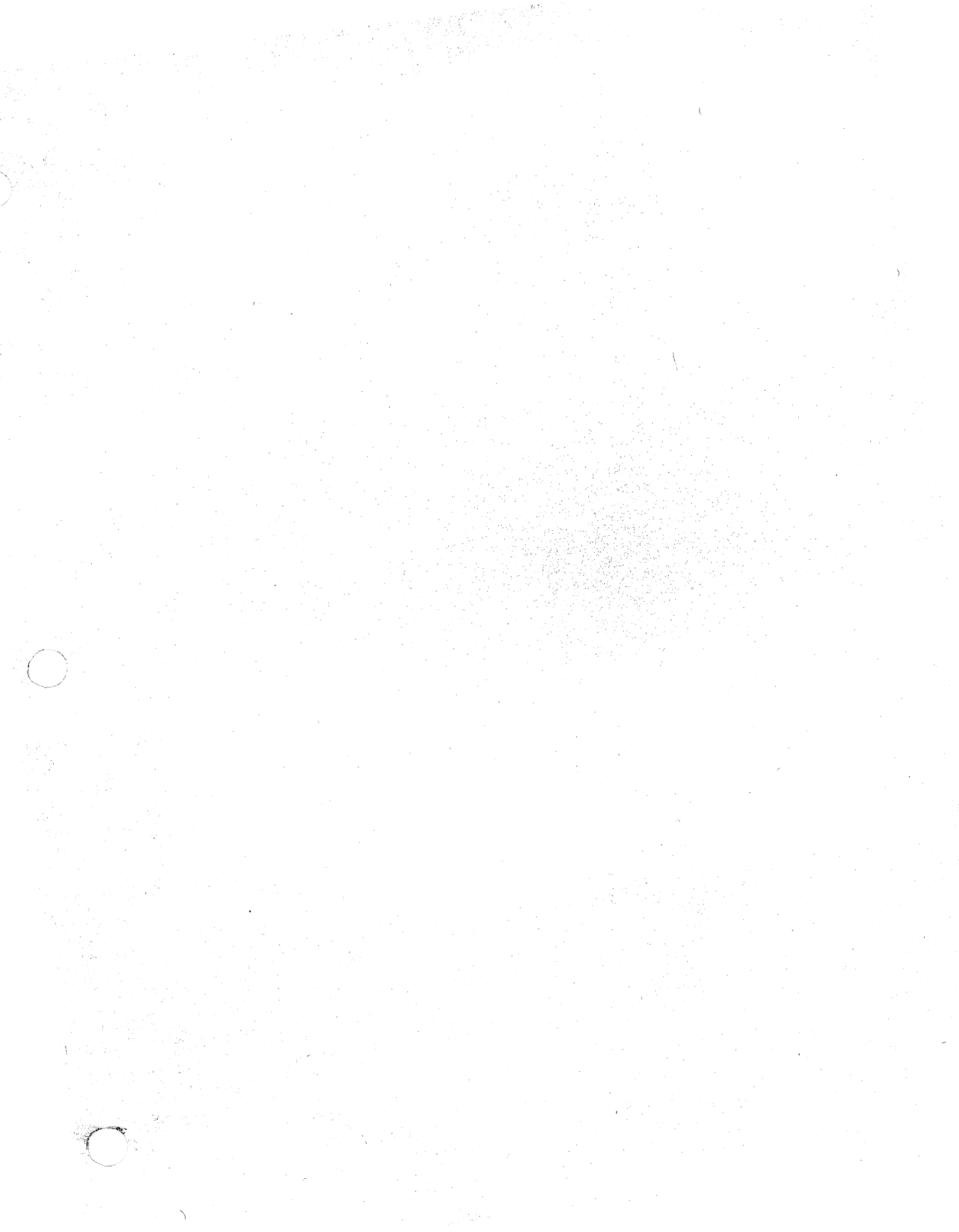
- i. Service charge of \$70.00 for straight truck (up to 14,999 pounds gross vehicle weight), car with trailer, or trailer without car and \$225.00 for tractor-trailer or bus (15,000 pounds or more gross vehicle weight); plus
- ii. \$3.00 per mile on Turnpike up to a maximum, including the service charge, 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.

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.

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.

(b) Except as otherwise specified herein, copies of records may be obtained by written request to:

New Jersey Turnpike Authority
Law Department
Records Request
PO Box 1121
New Brunswick, New Jersey 08903-1121

(c) Copies of New Jersey State Police Troop D accident reports concerning accidents on the Turnpike may be obtained upon payment of a fee in accordance with the schedule provided in N.J.A.C. 19:9-4.4(a)7 payable to the New Jersey Turnpike Authority, accompanied by a written request to:

New Jersey Turnpike Authority
Operations Department
Accident Report Request
PO Box 1121
New Brunswick, New Jersey 08903-1121

(d) Criminal reports statements, photographs and other evidential reports, if any, attached to accident reports will be furnished only in accordance with applicable laws and the New Jersey court rules.

(e) Photographs of the Turnpike roadway, structures and/or appurtenances will be taken by the Authority, through its employees or agents, upon written request to the Director of Communications at the address set forth in (b) above. Requests must specify the exact location of the site, accompanied by a brief description of the item to be photographed. The taking of photographs by persons other than those employed or contracted by the Authority shall be governed by N.J.A.C. 19:9- 1.22.

(f) Records sought in connection with a claim or suit against the Authority, its agents, servants or employees, will be furnished only in accordance with applicable laws and the New Jersey court rules.

(g) Copies of bid documents for contractors and vendors bidding on work, services or materials shall be obtained at

fees established by the Turnpike Authority to cover printing and distribution costs and published in the advertisement for the receipt of bids.

(h) The fees for obtaining Authority records, which are set forth in N.J.A.C. 19:9-4.4 shall be collectable at or before delivery of the documents copied. Payment shall be made by check or money order payable to the New Jersey Turnpike Authority.

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).

Rewrote (e).

Amended by R.2000 d.289, effective July 3, 2000.

See: 32 N.J.R. 1290(a), 32 N.J.R. 2468(a).

In (c), substituted "fee in accordance with the schedule provided in N.J.A.C. 19:9-4.4(a)7" for "\$10.00 report charge" in the introductory paragraph.

19:9-4.2 Nonpublic information

(a) The following records, if not required by law to be made, maintained, or kept on file, may be deemed by the Director of Law not to constitute public records subject to the inspection, examination and copying provisions of this subchapter:

1. All evaluative reports or memoranda submitted to, or prepared by, the Authority, its consultants, agents, or employees;

2. All records that are interagency or intraagency communications other than statistical or factual tabulations of data or final Authority policy or determinations;

3. All records concerning applications for employment with the Authority;

4. All records containing personal, financial or proprietary information submitted by individuals, corporations, partnerships and other entities doing business or seeking to do business with the Authority;

5. All records which, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations;

6. All records which, if disclosed, would constitute an invasion of personal privacy;

7. All records compiled for law enforcement or official investigatory purposes if their disclosure would interfere with law enforcement investigations or legislative, judicial, administrative, or disciplinary proceedings or hearings, or deprive a person of a right to a fair trial or hearing or impartial adjudication, or identify a confidential source or disclose confidential information relating to a criminal, administrative or disciplinary investigation, or reveal criminal investigative techniques or procedures, except routine techniques or procedures, or where disclosure would endanger the life or safety of any person or prejudice the Authority's ability to seek judicial or administrative relief;

8. All records otherwise exempted from disclosure by State or Federal law; and

9. Any other documents protected by a privilege.

As amended, R.1978 d.258, effective July 31, 1978.

See: 10 N.J.R. 310(a), 10 N.J.R. 408(c).

As amended, R.1982 d.447, effective December 20, 1982.

See: 14 N.J.R. 974(b), 14 N.J.R. 1464(e).

Increased fees from \$3.00 to \$10.00; \$6.00 to \$15.00 and \$1.00 to \$10.00.

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

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

Section was "Photographs; slides".

19:9-4.3 Procedures for obtaining Authority records

(a) Requests for inspection or copying of public records shall be made in writing to the Authority at the address set forth in N.J.A.C. 19:9-4.1. Each request must set forth the name and address of the party requesting the document. The Director of Law, in consultation with the Executive Director, shall review all requests, shall acknowledge in writing to the requesting party the receipt of each request and shall notify the requesting party of the time and date, or alternative times and dates, that the records will be made available for inspection and copying. If the request is denied, the requesting party will be notified of the denial and the reasons for such denial.

(b) Records shall be inspected only under the supervision of the Director of Law or his or her designee, in consultation with the Executive Director. Such inspections shall be made at the Administration Building during regular business hours or at such other times and/or locations as the Director of Law deems convenient.

(c) All duplication shall be done by, or at the request of, the Authority, and the charges shall be in accordance with those set forth in N.J.A.C. 19:9-4.4. If the Director of Law finds that there is no risk of damage, mutilation or loss of such records and that it would not be incompatible with the economic and efficient operation of the Authority, the Director of Law may permit an individual or entity seeking to copy more than 100 pages to use his or her own photographic process, approved by the Director of Law upon the payment of a reasonable fee, considering the equipment and the time involved, to be fixed by the Director of Law at not less than \$10.00 nor more than \$50.00 per day. If it is not practicable for the Authority to copy any document, that document will be copied commercially, and the person requesting the copy shall be charged a fee equal to the Authority's cost for such commercial reproduction.

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

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

Section was "Bid documents".

Amended by R.1997 d.455, effective November 3, 1997.

See: 29 N.J.R. 3432(a), 29 N.J.R. 4714(b).