

NEW JERSEY TURNPIKE AUTHORITY

CHAPTER 9

NEW JERSEY TURNPIKE AUTHORITY

Authority

N.J.S.A. 27:23-1 et seq.

Source and Effective Date

R.2005 d.23, effective December 9, 2004.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9, New Jersey Turnpike Authority, expires on June 7, 2010. See: 42 N.J.R. 155(a).

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 Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983.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).

Chapter 9, New Jersey Turnpike Authority, was readopted as R.2005 d.23, effective December 9, 2004. 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 Roadway for any reason for any period of time.

“Amphitheater” means the theater and lawn areas within the confines of the fence which surrounds the theater located at the Arts Center.

“Arts Center” means the amphitheater, plaza, buildings, mall, all roads leading to and from the amphitheater, all

parking areas supporting the amphitheater, and surrounding lands located on the Parkway at the Telegraph Hill Nature Area, Holmdel, New Jersey.

“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.

“Camper” means a self-propelled motor vehicle, single unit or unit attached, which is used and designed for human habitation and not used for commercial purposes.

“Car” means a passenger motor vehicle, including station wagons, hearses, funeral flower and funeral service vehicles for which issuance of passenger car plates is authorized, taxicabs, motorcycles, two axle four tire campers, school buses and panel vans, pickup trucks and similar vehicles having a gross weight not exceeding 6,999 pounds.

“Commercial vehicles” means every type of motor driven vehicle used for commercial purposes on the Roadway 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.

“Discharge” means the unintentional or intentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, abandonment or dumping of a hazardous or non-hazardous material or waste into or on the land, water or air. This shall also include the disposal of containers or hazardous materials into receptacles for trash or recycling at any location on any Roadway.

“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.

“Hazardous material” means any material or substance that is capable of posing a risk to health, safety and property or as set forth in N.J.A.C. 7:1E-1.7, 7:26-8, 40 CFR Part 261 and 49 CRF Part 172, as amended or recodified.

“Heavy truck” means a truck with two axles and four tires weighing more than 6,999 pounds, a truck with two axles and six or more tires, or a truck with three or more axles.

"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 Turnpike 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.

"Loitering" means remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and which also includes the colloquial expression "hanging around."

"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, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Motor Vehicle Commission for use on limited access highways of this State having a regulatory speed limit of 55 miles per hour.

"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 Roadway.

"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.

"Parkway" means the highway project known as the Garden State Parkway, expressly including, but not limited to, the Arts Center, the Telegraph Hill Nature Area, to the extent provided in an Agreement dated April 23, 1992 among the Authority, the New Jersey Vietnam Veterans Memorial and all real property owned by, operated or under the jurisdiction of the Authority and any improvements thereon. The term Parkway shall not include the Turnpike.

"Parkway-Right-of-Way" means the area continued within the right-of-way lines as designated on the Parkway parcel

property maps filed in the respective county clerk's office of each county in which the Parkway is located.

"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.

"Roadway" shall mean, collectively, the Turnpike and the Parkway.

"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.

"Telegraph Hill Nature Area" means that approximately 400 acre tract including, but not limited to, forest, groves, gardens, picnic areas, nature trails, exercise areas and any improvements thereon, also encompassing the Vietnam Veterans Memorial and the Arts Center, located in Holmdel, New Jersey.

"Trailer" 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 no part of its weight rests upon the towing vehicle.

"Truck-tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Turnpike" means any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, owned and/or operated under the provisions of N.J.S.A. 27:23-1 et seq. by the Authority, and shall include, but not be limited to, 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 project, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such project and all other property within the Turnpike right-of-way. The term "Turnpike" shall not include the Parkway.

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

“Vehicles” means every device in, upon or by which a person or property is or may be transported upon a highway.

“Vietnam Veterans Memorial” means the structure containing an open air memorial to the New Jersey servicemen and women who were killed or reported missing in action in the Vietnam Conflict, its environs, including, but not limited to, the Vietnam Era Education Center, located in Telegraph Hill Nature Center.

Amended by R.1974 d.227, effective October 1, 1974.

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

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.1992 d.379, effective October 5, 1992.

See: 24 N.J.R. 2692(a), 24 N.J.R. 3534(d).

Revised definition “New Jersey Turnpike.”

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.520, effective November 2, 1998.

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

Added new “Recreational vehicle” definition.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.

Amended by R.2008 d.336, effective November 3, 2008.

See: 40 N.J.R. 4498(a), 40 N.J.R. 6478(a).

Deleted definitions “Bus token” and “Car token”.

Case Notes

Statutory objective may be examined to determine whether act of State Turnpike Authority is statutorily authorized. *State v. Levinson*, 225 N.J.Super. 135, 541 A.2d 1110 (A.D.1988).

Regulations of State Turnpike Authority are afforded rebuttable presumption of validity. *State v. Levinson*, 225 N.J.Super. 135, 541 A.2d 1110 (A.D.1988).

19:9-1.2 Speed limits

(a) Vehicles shall not be operated at a speed in excess of 65 miles per hour on the Turnpike:

1. Between milepost 1.2 and milepost 97.2;
2. On the Pearl Harbor Memorial Turnpike Extension eastbound between milepost P-1.6 and the Turnpike mainline at milepost P-5.8; or
3. On the Pearl Harbor Memorial Turnpike Extension westbound between the Turnpike mainline at milepost P-5.8 and milepost P-3.7.

(b) Vehicles shall not be operated on the Turnpike on the Newark Bay-Hudson County Extension between milepost N-0 and milepost N-8 at a speed in excess of 50 miles per hour.

(c) Vehicles shall not be operated on the Pearl Harbor Memorial Turnpike Extension eastbound between the Dela-

ware River Turnpike Bridge at milepost P-0.0 (Pennsylvania-New Jersey State line) and milepost P-1.6 at a speed in excess of 50 miles per hour.

(d) Vehicles shall not be operated on the Pearl Harbor Memorial Turnpike Extension westbound between mileposts P-3.7 and P-1.0 at a speed in excess of 55 miles per hour and between milepost P-1.0 and the Delaware River Turnpike Bridge at milepost P-0.0 (Pennsylvania-New Jersey State line) at a speed in excess of 50 miles per hour.

(e) Except as specified in (a) through (d) above, vehicles shall not be operated elsewhere on the Turnpike at a speed in excess of 55 miles per hour except at such locations as shall be designated for test purposes.

(f) Unless otherwise posted, the maximum legal rate of speed at which any motor vehicle may be operated on the main roadway of the Parkway in both directions of traffic shall be 65 miles per hour for its entire length, except the following portions, for which the speed limits will be as indicated below:

1. Fifty miles per hour between Milepost 8.0 to Milepost 11.5 in Middle Township, Cape May County;
2. Forty-five miles per hour between Milepost 27 to Milepost 29, approaching and traversing the Great Egg Harbor Bridge;
3. Forty-five miles per hour between Milepost 126.7 and 127.7, approaching and traversing the Driscoll Bridge; and
4. Fifty-five miles per hour between Milepost 123.5 to Milepost 163.3, except as provided by (f)3 above.

(g) A person determined to be in violation of the speed limits set forth in (a) through (f) above shall be subject to the fine for a motor vehicle offense in double the amount specified by law, in accordance with N.J.S.A. 39:4-98.6 and 27:23-29.

(h) Where signs prescribing a different speed are posted or erected by a person or persons authorized by the Authority to post or erect such signs, no vehicle within the area or zone or section where such signs are posted or erected shall be operated in excess of the speed prescribed by said signs.

(i) Consistent with the requirements of this section, any vehicle operated on the Roadway shall at all times be operated at an appropriate reduced speed when specified hazards exist with respect to traffic, road, weather or other conditions irrespective of the posted speed limit.

(j) No vehicle shall be operated anywhere on the Roadway at such a slow speed as to impede or block the normal and reasonable movement of traffic, or in any event at a speed of less than 35 miles per hour on level ground except where otherwise posted or when specific hazards exist with respect to traffic, road or weather conditions.

(k) Unless otherwise posted, or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated at facilities off the main roadway of the Parkway shall be 25 miles per hour.

Amended by R.1972 d.146, effective July 27, 1972.
See: 4 N.J.R. 109(c), 4 N.J.R. 199(c).
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.1989 d.60, effective February 6, 1989.
See: 20 N.J.R. 2684(b), 21 N.J.R. 314(a).
Deleted (e) and recodified (f) to (e).
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.2003 d.287, effective July 21, 2003.
See: 34 N.J.R. 2207(a), 35 N.J.R. 3392(a).
Rewrote the section.
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).
Rewrote the section.

19:9-1.3 Traffic control

(a) The regulating, warning or guiding of all traffic on the Roadway shall be governed by official traffic control devices.

(b) No vehicle shall operate an emergency flashing light of any color on the Roadway except State Police vehicles, the Authority's maintenance and official vehicles, contractors' private vehicles while in the performance of authorized Authority duties, vehicles on the Roadway for the purpose of furnishing authorized towing and other services to disabled vehicles, and all other vehicles performing emergency services, such as ambulances and fire engines, when they are properly in use in the performance of authorized Authority duties.

(c) All official traffic control devices on the Roadway shall be obeyed by the operators of all vehicles unless a State Police officer or authorized Authority personnel directs otherwise.

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.1994 d.414, effective August 15, 1994.
See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.4 Uniform direction of traffic

(a) No vehicle shall be operated, pushed or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, deceleration lane, accel-

eration lane, access ramp, shoulder or other roadway on the Roadway.

(b) No vehicle shall be operated on a roadway lane where lane usage by that classification of vehicle is prohibited by appropriate signs.

(c) Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Roadway, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performance of authorized Authority duties; provided that no such excepted vehicles shall be operated against the normal flow of traffic or contrary to classification prohibitions so as to create a hazard to other vehicles.

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.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).
Rewrote (a).

19:9-1.5 "U" turns prohibited

(a) The making of a "U" turn at any point on the Roadway is prohibited.

(b) The direction of travel of any vehicle operated on the Roadway shall be reversed only by passing through a Turnpike interchange, or exiting the Parkway at a legal exit.

(c) Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Roadway, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performance of authorized Authority duties; provided however, that this exception shall be for the sole purpose of crossing from a traffic lane carrying vehicles in one direction to a traffic lane carrying vehicles bound in the opposite direction; and provided further, that no such excepted vehicles shall make such crossing so as to create a hazard to other vehicles.

(d) The making of a "U" turn on a toll plaza shall be done only at the direction of and under the supervision of toll plaza personnel.

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.1994 d.414, effective August 15, 1994.
See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.6 Parking, standing or stopping on Roadway prohibited, except in case of emergency

(a) No vehicle shall be parked, stopped, loaded or unloaded or allowed to stand on the Roadway except where otherwise posted or expressly permitted by the Authority. Excepted from the provisions of this section while in the performance of assigned duties are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Roadway, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performances of authorized duties, provided that no such excepted vehicles shall be stopped so as to create a hazard to other vehicles.

(b) "Emergency," for the purposes of this section, shall be defined and construed to exist only when the vehicle in question can not be moved; the existence of inclement weather conditions that obstruct travel, including, but not limited to, snow, ice, flooding or high wind conditions; mechanically disabled vehicles; the driver of the vehicle is ill or fatigued; or conditions deemed an "emergency" by the Authority or the State Police.

(c) In the event of an emergency, vehicles are permitted to stop or stand on the shoulders of the traffic lanes with all wheels and projecting parts of any such vehicles, including the load thereof, completely clear of the traffic lanes.

(d) In the event of an emergency on those portions of the traveled Roadway where there are no shoulders, the operator of the vehicle shall take safe, reasonable precautions, under the circumstances, to warn others of his or her vehicle's presence in the traffic lanes, and the operator of the vehicle shall move his or her vehicle as soon as the vehicle is physically operable.

(e) Any vehicle involved in an emergency as defined above shall be removed as promptly as possible from the Roadway.

(f) No vehicle is permitted to stop or stand on any portion of the Roadway for more than two continuous hours, except as set forth in (f)1 and 2 below. In addition to the State Police, Authority employees in charge of operating parking facilities used for bus, vanpool, carpool and related operations are authorized to enforce the provisions of this subsection.

1. Parking is permitted in the designated areas of facilities used for bus, vanpool, carpool and related operations (hereinafter "Park-n-Ride") for more than two continuous hours; provided, however, that parking in Park-n-Rides is prohibited before and after the posted hours of operation. On the Parkway, parking in public parking facilities posted for commuter parking shall be limited to the period of 4:00 A.M. to Midnight, prevailing local time.

2. Truck parking is permitted at designated truck parking facilities on the Roadway for more than two hours in

designated truck spaces, but in any event for no longer than 10 consecutive hours. Trucks parked pursuant to this subsection may utilize electrification, as same may be provided by, the Authority or its vendors or, subject to the terms and conditions of any applicable agreement between the Authority and its vendors, may park without using electrification. Vehicles parked pursuant to this subsection shall always be subject to compliance with all applicable laws, rules and regulations.

(g) Stopping of vehicles on any part of the Roadway for the purpose of picking up or discharging any person is prohibited.

(h) Whenever any vehicle shall be parked, stopped or allowed to stand upon the Roadway for any of the reasons prohibited by this chapter, such vehicle shall be removed forthwith from the Roadway and impounded by the Authority at the owner's expense until all towing and storage costs have been satisfied.

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.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.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 new (b); recodified former (b) as (c); combined former (c) and (d) into new and substantially amended (d); in (f), added exception to two hour parking maximum; deleted (g) and (h); recodified former (i) as (g); and deleted (j).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote (b); in (f), inserted second sentence; added (g).

Amended by R.2008 d.269, effective September 15, 2008.

See: 40 N.J.R. 1629(a), 40 N.J.R. 5246(a).

Rewrote (f).

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).

Regulation banning all photography on State turnpike exceeded powers delegated to State Turnpike Authority. *State v. Levinson*, 225 N.J.Super. 135, 541 A.2d 1110 (A.D.1988).

19:9-1.7 Use of medial strip prohibited

The medial strip between the traffic lanes of the Roadway shall not be used for driving upon any part thereof or for crossing between said lanes by vehicles or by persons on foot. Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Roadway, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performance of authorized Authority duties, provided that no excepted vehicle shall use the medial strip so as to create a hazard to other vehicles.

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.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.8 Load limit of structures

(a) No person shall cause any structure owned or maintained by the Authority to be subjected to a load in excess of load limits which may be posted at the approaches or upon such structures.

(b) In the absence of such posting, the maximum limits applicable to State roads shall control.

New Rule. R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.9 Limitations on use of Roadway

(a) Use of the Roadway and entry thereon by the following, unless otherwise authorized by the Authority, is prohibited:

1. Pedestrians;
2. Bicycles with or without motors and any other two or three-wheel vehicles, excluding motorcycles;
3. Motorcycles, during high winds or during the prevalence of other adverse weather conditions (applicable on Turnpike only, and as may be directed on the Parkway);
4. Vehicles drawn by animals;
5. Animals led, ridden or driven on the hoof;
6. Vehicles loaded with animals or poultry not properly confined;
7. Vehicles with improperly inflated pneumatic tires; also vehicles with tires in such condition that they are, in the judgment of the Authority or the New Jersey State Police, unsafe for use upon the Roadway;
8. Farm implements and farm machinery, whether self-propelled or towed;
9. Passenger vehicles and passenger vehicle-drawn trailers with improperly secured loads:
 - i. Passenger vehicles and passenger vehicle-drawn trailers carrying any load on the top or sides with lateral or horizontal projection in excess of 12 inches from body of vehicle or vertical projection in excess of 24 inches from body of vehicle;
10. Vehicles with metal tires or solid tires worn to metal and vehicles with caterpillar treads;
11. Construction equipment other than motor trucks or truck cranes capable of maintaining 45 miles per hour;
12. Except for the Interstate 95 Extension, any vehicle operated pursuant to a special permit issued pursuant to N.J.S.A. 39:3-84, unless said permit or its equivalent is issued by the Authority;
13. Passenger vehicles or passenger vehicle-drawn trailers being towed by other vehicles, unless both vehicles and the connecting and control devices between them meet the following requirements:
 - i. Not more than one vehicle is being towed;
 - ii. A hitch bar is used in combination with chain strong enough to hold if the bar became disconnected from either vehicle; and

iii. Brakes, brake lights and directional signals on both vehicles are controlled by the driver of towing vehicle and synchronized. A trailer with a gross weight of 3,000 pounds or less may be operated without brakes if it is towed by a vehicle whose gross weight is at least 2½ times the gross weight of the trailer;

14. Vehicles with loads extending more than four feet:
 - i. Beyond the rear of the vehicle body or other supporting member; or
 - ii. Beyond the rear of vehicle-drawn trailer;
15. Vehicles with improperly secured loads;
16. Vehicles so loaded or operated that the contents or any part thereof may be scattered on the Roadway;
17. Vehicles that are not capable of maintaining a speed of at least 35 miles per hour on a level grade;
18. Vehicles not otherwise specified in this section that create a probable hazard to other vehicles or to persons;
19. During winds or during the prevalence of other adverse weather conditions, house trailers, horse trailers, boat trailers, utility trailers, motorcycles and all passenger vehicle-drawn trailers (applicable on Turnpike only, and as may be directed on the Parkway);
20. Vehicles in tow:
 - i. With an axle or combination of axles raised off the ground and supported by cable, chains, rope, dollies or other devices, except that Class 1 vehicles in tow with front axle off the ground and supported by dollies with safety chains are permitted to enter and use the Roadway provided that the brake lights and turn signals of the tow dolly trailering system or towed vehicle are connected to and operating in conjunction with the towing vehicle's lights;
 - ii. Without axles raised, if interconnected with rope, chains, cable or pipe or tow bars without chains; or
 - iii. By a fifth wheel crane or hoist mounted on a truck-tractor.
21. Vehicles owned or operated by a member or employee of a diplomatic mission, where said member or employee of the diplomatic mission has been sent prior written notice from the Authority that said member or employee violated any provision of N.J.A.C. 19:9 and who, subsequent to said notice, committed another violation of a provision of N.J.A.C. 19:9. Upon the occurrence of the second violation, said vehicle or vehicles shall be escorted off the Roadway at the nearest point of exit or interchange;
22. Commercial motor vehicles, trailer and semitrailers including farm trucks, while loaded with hay or straw when the extreme overall dimension is greater than 102 inches in width, without special permit; and

23. Drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, wherein a tractor is hauling additional tractors, as defined at 23 C.F.R. 658.5, exceeding an overall length of 75 feet; and

24. Omnibuses exceeding 45 feet in length, excluding bumpers, and articulated omnibuses exceeding 61 feet in length, excluding bumpers.

(b) Use of the Parkway and entry thereon by the following, unless otherwise authorized by the Authority, is prohibited:

1. All vehicles, except cars, campers, omnibuses, attached noncommercial trailers or semitrailers are prohibited from the Parkway north of Interchange 105;

2. Vehicles, or combination of vehicles, including any load thereon, exceeding the following maximum dimensions, except by special permit from the Authority:

i. Height—13 feet, six inches;

ii. Width—eight feet, no inches;

iii. Length—55 feet, no inches, except that autobuses, excluding articulated autobuses, which have been approved and authorized to exceed 55 feet, no inches by the Board of Public Utilities, and which are not in excess of 61 feet, no inches, shall be permitted use of the Parkway.

(1) Articulated autobuses which have been approved and authorized by the Board of Public Utilities, and which are not in excess of 61 feet, no inches, will be permitted use of the Parkway, subject to a one-year trial period.

3. No vehicle, except State Police, Authority maintenance vehicle and other Authority vehicles, with a registered gross vehicle weight above 7,000 pounds, shall be allowed on the Parkway north of Interchange 105 and without a special permit.

(c) Use of the Turnpike and entry thereon by the following, unless otherwise authorized by the Authority, is prohibited:

1. Vehicles or combinations of vehicles, including any load thereon, exceeding the following extreme overall dimensions or weights:

i. Height: 13 feet, six inches;

ii. Width: eight feet, six inches;

iii. Length: Semitrailer in excess of 53 feet in length when in a tractor-semitrailer combination, private utility, house-type semitrailer or trailer with a length of any single vehicle in excess of 35 feet, private utility, house-type semitrailer and towing vehicle combination in excess of 45 feet and private utility, house-type trailer and towing vehicle combination in excess of 50 feet, except that single recreational vehicles of up to 40 feet in length and combination recreational vehicles of up to 62 feet in length may operate on the Turnpike;

iv. Gross weight: 80,000 pounds;

(1) Single axle: 22,400 pounds;

(2) Tandem axle: 34,000 pounds;

v. Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which does not exceed 65 feet overall length, including load overhang. The overhang shall be limited to seven feet and may not exceed three feet at the front and four feet at the rear and that the overhang shall be above the height of the average passenger car;

vi. Notwithstanding the above limitations, no vehicle operated with a tandem trailer combination, commonly known as a "double bottom," with overall individual trailer length in excess of 28 feet six inches shall be operated on the Turnpike.

(d) In addition to the State Police, toll collection employees of the Authority are authorized to enforce the provisions of this section, and all persons shall comply with the orders of such employees given to prevent the use of the Roadway by any of the aforesaid prohibited vehicles.

(e) Where the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicles except cars while not in a funeral cortege shall be driven in the farthest left lane except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions or in conformance with motor vehicle laws.

Amended by R.1972 d.37, effective February 25, 1972.

See: 4 N.J.R. 14(b), 4 N.J.R. 56(a).

Amended by R.1973 d.145, effective June 4, 1973.

See: 5 N.J.R. 172(a), 5 N.J.R. 247(d).

Amended by R.1974 d.227, effective January 1, 1975.

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

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

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

Amended by R.1975 d.41, effective February 28, 1975.

See: 7 N.J.R. 77(c), 7 N.J.R. 185(a).

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.1978 d.412, effective December 5, 1978.

See: 9 N.J.R. 497(c), 11 N.J.R. 53(b).

Amended by R.1981 d.520, effective January 18, 1982.

See: 13 N.J.R. 751(b), 14 N.J.R. 106(a).

(a)25: new text added for paragraph previously reserved.

Amended by R.1982 d.448, effective December 20, 1982.

See: 14 N.J.R. 1087(a), 14 N.J.R. 1464(c).

Added 26 to (a).

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

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

Amended several length requirements.

Amended by R.1984 d.547, effective December 17, 1984.

See: 16 N.J.R. 2517(a), 16 N.J.R. 3458(a).

Deleted language "A red inspection . . . or to persons".

Amended by R.1986 d.271, effective July 7, 1986.

See: 18 N.J.R. 935(a), 18 N.J.R. 1402(b).

(a)12v deleted text "The total . . . front or rear" and substituted "The overhang shall . . . at the rear".

Amended by R.1990 d.32, effective January 16, 1990.

See: 21 N.J.R. 3272(b), 22 N.J.R. 249(a).

Repealed regulation on school bus use of "Out-of-Service" sign pursuant to repeal of pertinent statute, see: P.L. 1989, c.36.

Amended by R.1992 d.211, effective May 18, 1992.

See: 24 N.J.R. 931(a), 24 N.J.R. 1905(c).

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.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.

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

No person shall throw, drop or discard bottles, cans, paper, garbage, rubbish, pet waste or other material of any kind or description on any Authority property. No person shall dispose of waste oil and other hazardous materials and/or their containers at any location or into any receptacle on Authority property.

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

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

Repeal and New Rule, R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Section was "Waste and rubbish".

Amended by R.2006 d.30, effective January 17, 2006.

See: 37 N.J.R. 3634(a), 38 N.J.R. 842(a).

Added "pet waste."

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 Authority 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 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).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.12 Damaging of Authority property

(a) No person shall cut, mutilate or remove any trees, shrub or plants located on Authority 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 Roadway, any item, sign, structure or equipment for any purpose whatsoever, without the prior written approval of the Authority. Except as otherwise provided by N.J.A.C. 19:9-1.23, no person shall erect or place any displays, posters, or placards, or engage in leaf-letting or display any advertising matter of any kind, regardless of the character or content of the message, on the Roadway, without the prior written approval of the Authority.

(d) No material shall be discharged on Authority property, whether intentionally or unintentionally, that may cause damage to the Roadway, 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 shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Roadway 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 Roadway 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 Roadway, 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, 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.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (c), added the second sentence.

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

(a) Soliciting of alms or contributions on Authority property is prohibited.

(b) Soliciting of rides on Authority property, commonly known as "hitchhiking," is prohibited.

(c) No person shall loiter on Authority property in such a manner as to:

1. Create or cause to be created a danger of a breach of the peace;
2. Create or cause to be created a disturbance or annoyance to the comfort and repose of any person;
3. Obstruct the free passage of pedestrians or vehicles; or
4. Obstruct, molest or interfere with any person lawfully on Authority property. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy

or disturb the person to whom, or in whose hearing, they are made.

(d) No person shall enter or remain on Authority property 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.

Repeal and New Rule, R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Section was "Hitch-hiking, loitering, soliciting, and distributing prohibited".

19:9-1.14 Repairs and towing

(a) Subject to the provisions of N.J.A.C. 19:9-1.6, Parking, standing or stopping on Roadway prohibited, except in case of emergency, a vehicle that becomes disabled while using the Roadway 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 disabled vehicle does not create a hazardous condition. A vehicle disabled and unattended by its occupants will be removed immediately by an authorized service provider 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 Roadway.

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

(d) A truck or bus company may obtain a private mechanical and towing service permit for the Turnpike and/or the Garden State Parkway, as appropriate, or designate a prearranged service provider, provided such company and/or service provider conforms to the rules and regulations governing such permits. These permits are obtainable from the Office of the Manager of Emergency Services on the Turnpike and the Roadway Services Administrator on the Garden State Parkway. The fee for such permit shall be \$200.00. Such permits shall be renewable on an annual basis.

(e) A truck or bus company may obtain a permit to perform its own tire service on the Turnpike and/or the Garden State Parkway, as appropriate, or designate a prearranged tire service provider, provided such company and/or service provider conforms to the rules and regulations governing such permits. These permits are obtainable from the Office of the Manager of Emergency Services on the Turnpike and the Roadway Services Administrator on the Garden State Parkway. The fee for such permit shall be \$200.00. Such permits shall be renewable on an annual basis. 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.

(f) Vehicles that become disabled and are determined to be a hazard to themselves and/or other motorists, may be removed from the Roadway immediately at the direction of the State Police or Authority personnel.

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.

Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

Rewrote (a), (b), (d) and (e).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.

Amended by R.2008 d.34, effective February 19, 2008.

See: 39 N.J.R. 4108(a), 40 N.J.R. 890(a).

In (d), inserted "or designate a prearranged service provider," and "and/or service provider", and substituted "\$200.00" for "\$100.00" and "an annual" for "a bi-annual"; and rewrote (e).

19:9-1.15 Transportation of hazardous materials

(a) The transportation or shipment on the Roadway 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 Roadway 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 with respect to the Turnpike or the Director of Traffic Operations with respect to the Parkway 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 Roadway 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 trans-

portation 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.

(e) Any operator, owner or lessee of a vehicle on the Roadway which contains any hazardous material shall be subject to all provisions and penalties hereunder, in addition to any provisions of the United States Code, the New Jersey Statutes and the New Jersey Administrative Code.

(f) In the event of a discharge of hazardous materials on the Roadway, all remedial efforts shall be conducted in compliance with these rules and under the supervision of the Authority, the State Police, and/or the Department of Environmental Protection.

1. Where practicable, not contrary to the rules of the Department of Environmental Protection, and not contrary to the safety of the operator, the general public, or the Roadway, the operator, owner or lessee of the vehicle may be afforded the opportunity to contain and remove discharged material using personnel, materials and equipment provided:

i. Aboard the vehicle from which the discharge occurred;

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

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

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

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

3. The Authority shall make available to any operator, owner or lessee so requesting a list of emergency response contractors that have met the requirements of (f)2 above to perform emergency response services on the Roadway. The operator, owner or lessee shall arrange and pay for emergency response services to be performed by such contractors. Approval of such contractors pursuant to (f)2

above is not to be considered a warranty or assurance by the Authority of such contractors' ability to perform emergency response services.

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

i. If, at the time the emergency response contractor arrives at the scene of the discharge, the operator, owner or lessee of the vehicle refuses to agree to pay or complete any documents necessary to engage the contractor for such services, the Authority may impound the vehicle and any cargo or contents thereof until such time as the costs of remedial services are satisfied. If such costs are not satisfied within 14 days, the Authority shall have the right to sell the vehicle, its cargo and contents at public auction and/or to recover any unsatisfied costs by filing a civil action in the Superior Court of New Jersey or in any District Court of the United States having jurisdiction over such action.

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

5. Access to Authority property for the purposes of investigating or remediating contamination caused by the discharge or release of any material will be granted only after compliance with (f)2 above and only after notification to the Chief Engineer of the Authority. Such access will not be unreasonably withheld. All investigatory data, including but not limited to, soil investigations, soil boring logs, ground water monitoring well logs, laboratory analytical data, correspondence with regulatory agencies, and all reports and submissions generated as a result of work on Authority property shall be made available for inspection by the Authority or its agents, and copies of all such information and data shall be produced for the Authority or its agents upon request.

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

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

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

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

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

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

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

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

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

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), substituted "Manager of Emergency Services" for "Director of Operations" and added a new last sentence.

Amended by R.2003 d.287, effective July 21, 2003.

See: 34 N.J.R. 2207(a), 35 N.J.R. 3392(a).

In (b), substituted "Director of Operations" for "Manager of Emergency Services".

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (f), added 5.

19:9-1.16 Intoxicating beverages

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

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.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

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

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

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

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

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

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

Deleted old (a) and (b).

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

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

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Case Notes

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

19:9-1.18 Noise limits

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

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

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

New Rule, R.1974 d.227, effective October 1, 1974.
See: 6 N.J.R. 209(c), 6 N.J.R. 370(c).
Amended by R.1975 d.25, effective February 7, 1975.
See: 7 N.J.R. 122(d).

Amended by R.1983 d.301, effective August 1, 1983.
See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a).
Deleted several sound level limitations from Table 1.
Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.19 Tolls; payment required

(a) Except as provided by N.J.S.A. 27:23-40, no vehicle shall be operated on the Roadway except upon the payment of such tolls as are required by the Authority.

(b) Tolls shall be paid by currency, coin, credit card (for commercial account holders), or by means of an electronic toll collection system.

(c) It is hereby declared to be unlawful for any person to place or insert any plastic, paper, cloth, wadding or other article, object, material, substance, instrument or contrivance within the coin-receipt chute or in any other part of an automatic toll collection machine on the Roadway, in such a manner as to prevent, interfere with or obstruct the receipt of coins deposited therein by the patrons of the Roadway, or in such manner as to cause such coins to be uncollected or unlawfully returned, or, by any such other means or device whatsoever, to prevent or contrive to prevent the receipt of coins by such automatic toll collection machine, or to place or insert in any part of such machine any article, substance, contrivance or device in such manner as to obstruct, alter, injure or interfere with the action or operation of such machine, or, by any device or contrivance, or in any manner whatsoever, to obstruct, alter, injure or interfere with the action or operation of such machine.

(d) It is hereby declared to be unlawful for any person to operate, or owner to permit to be operated, a vehicle in an "Exact Change" toll lane of the Roadway unless the person has the required change to pay the applicable toll in accordance with the current toll schedule.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in the "Exact Change" toll lane of the Roadway and does not have the required change to pay the applicable toll in accordance with the current toll schedule must stop at the toll booth, remain in the vehicle, blow horn and wait until assisted by a toll, traffic or police officer before proceeding unless directed otherwise by an official traffic control device.

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "Exact Change" toll lane of the Roadway at an entrance or exit ramp when no toll collector is on duty and not having the required change to pay the applicable toll in accordance with the current toll schedule shall pay said toll by mailing in a Payment Return Envelope to the New Jersey Turnpike Authority, PO Box 5042, Woodbridge, New Jersey 07095, or in person to a toll collector at any other location on the Roadway.

New Rule, R.1977 d.63, effective March 1, 1977.
See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).
Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
Amended by R.1999 d.65, effective March 1, 1999.
See: 30 N.J.R. 4335(a), 31 N.J.R. 670(a).

Rewrote the section.
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.
Amended by R.2008 d.336, effective November 3, 2008.
See: 40 N.J.R. 4498(a), 40 N.J.R. 6478(a).

In (b), deleted "authorized Authority tokens (applicable to Parkway only)," following "coin,;" in (d), (e) and (f), deleted "or authorized Authority token" following "required change"; in (f), inserted the first occurrence of "Turnpike", deleted "Garden State Parkway Division," preceding "PO Box", substituted "5042" for "53" and deleted "(with respect to the Parkway); or to the New Jersey Authority, Administration Building, Turnpike Interchange 9 at Route 18 North, East Brunswick, New Jersey 08816 (with respect to the Turnpike)" following "07095".

19:9-1.20 Records

(a) Any operator of a commercial motor vehicle, omnibus, or tractor in interstate commerce upon the Roadway shall keep records showing the day and hour when, and the place where, the operator went on and off duty. The operator's records must reflect the current duty status of the operator upon entering the Roadway.

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

1. The operator does not operate beyond a 100 air-mile radius of the normal work reporting location;
2. The operator, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;

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

4. The operator does not exceed 10 hours maximum driving time following eight consecutive hours off duty; and

5. The motor carrier which employs the operator maintains and retains for a period of six months accurate and true time records showing:

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

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

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

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

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

Added (b).

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

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

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

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

Rewrote the section.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.21 Other regulations

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

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

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

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.22 Filming, photographing or videotaping on Authority property prohibited, except as authorized

(a) To insure the health, safety and welfare of motorists, the general public and the Authority, no person shall be permitted to park, stop, stand or travel at a slow speed in violation of N.J.S.A. 27:23-27, for the purpose of taking photographs, videos or motion pictures (hereinafter collectively

"film") on the Roadway, except as provided in (b) below or except as otherwise authorized pursuant to (c) or (d) below.

(b) Notwithstanding (a) above, persons, with prior written permission from the Executive Director of the Authority, shall be permitted to take film in those portions of the service areas of the Roadway under the Authority's control which are not used for the moving, servicing or parking of vehicles, provided the taking of such film does not interfere with or obstruct the movement or flow of vehicles and people lawfully on the Roadway. Such interference or obstruction includes, without limitation, the taking of such film within 100 feet of any ramp or traveled roadway portion of the Roadway. Persons wishing to take film in those portions of the Roadway which are not under the control of the Authority, such as the buildings in the service areas which are under lease, shall contact the appropriate party for approval.

(c) The Authority, through its Department of Communications or successor department, Executive Director or designee, may grant a permit to take film on the portions of Authority property not specified in (b) above, provided the person(s) requesting such permit submits the following:

1. A written application to the Authority, at least two weeks prior to the date of the filming, stating the date, time and location of the filming, names and addresses of the applicants, the number of individuals and vehicles to be present at the filming, the purpose of such filming and any other information the Authority may deem necessary in order for it to make a determination that such filming can be conducted without a risk to the safety, traffic security or movement of the Roadway;

2. Certificates of liability insurance (indicating the New Jersey Turnpike Authority as an insured under the policy) in an amount deemed by the Authority to be acceptable given the nature and scope of the filming;

3. A copy of the motor vehicle insurance policy for each vehicle to be used in the filming; and

4. An indemnification and hold harmless agreement signed by all persons responsible for the filming, in a form provided by or acceptable to the Authority.

(d) The permittee shall comply with any Authority restrictions on the time, place and manner of the filming imposed as a condition of the grant of a permit in order to ensure the safety, traffic security or movement of the Roadway.

(e) The Authority shall grant such permit in accordance with (c) and (d) above, unless the Authority determines that the time, location or nature of such filming would create a risk to the safety, traffic security or movement of the Roadway and that such risk cannot be adequately controlled.

(f) In the event that a bona fide representative of the news media requires immediate permission to film an emergency situation on a portion of the Roadway not specified in (b) above, the Authority may grant a permit to film over the telephone to the news media representative, provided:

1. The applicant has previously obtained a valid press pass from the Authority;
2. The Authority has determined that such filming would not create an unreasonable risk to the safety, traffic security or movement of the Roadway; and
3. The applicant agrees to abide by certain time, place and manner restrictions on the filming which may be imposed by the Authority or the State Police to ensure the safety, traffic security or movement of the Roadway.

New Rule. 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).
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.23 Distribution of literature

(a) Literature other than commercial or advertising literature may be distributed at service areas of the Roadway, which for purposes of this section shall include Park-n-Ride facilities, at the times and places and in accordance with the terms and conditions enumerated in (b) through (l) below.

(b) A person, persons or organization who desires to distribute literature or conduct a survey at or about a service area shall first file an application for a Certification of Registration. Applicants shall complete the application form (providing identification and distribution specifics) and a waiver and indemnity form supplied by the Authority. Applicants shall also submit a certificate of liability insurance and workers compensation and/or auto insurance, if applicable, in an amount deemed necessary by the Authority, based on the circumstances surrounding the proposed distribution of literature project. Certificates will be issued without charge on a first-come, first serve basis, subject to availability and limitations of space. Certificates shall be issued for not more than one calendar day. Applications may be obtained and submitted and Certificates obtained in person, by mail or by facsimile on weekdays between 9:00 A.M. and 5:00 P.M. from the Executive Director, New Jersey Turnpike Authority, Administration Building, New Brunswick, New Jersey 08903, (732) 247-0900.

(c) Certificate holders shall distribute literature only at the locations indicated in the Certificate, which locations shall be determined by the Authority in order to minimize inconvenience to Authority patrons and to ensure patron safety. No more than two persons shall distribute literature during the same period at the same service area.

(d) Certificate holders shall at no time shout, make outcries, use devices for voice or sound amplification or any other instruments or devices for sound production.

(e) Placards or any other literature or material shall not be affixed to any portion of the building or any other structure.

(f) No certificate holder shall use a table or other device unless the Certificate expressly provides for its use in the designated expressive area.

(g) Certificate holders shall not leave material unattended and shall remove the same when the distribution or permissive period ends, whichever occurs earlier. Certificate holders shall at all times keep the area in a reasonably clean, neat and uncluttered condition and shall, when leaving, make certain that the literature has been removed and cleared from the service area.

(h) Certificate holders shall not disrupt or obstruct passage to or from the service buildings or parking areas, nor shall they act in a boisterous and disturbing manner to the traveling public.

(i) If a Certificate holder violates any of the regulations set forth at N.J.A.C. 19:9-1.23, the Authority shall notify the violator to stop the wrongful conduct, correct that condition or leave the area. If the violator does not stop, correct, or leave as ordered, the violator shall be deemed guilty of being a disorderly person pursuant to N.J.S.A. 27:23-32, or N.J.S.A. 27:23-4, or N.J.S.A. 27:23-33, subject to arrest, fine and imprisonment pursuant to applicable law.

(j) The Certificate holder shall assume all liability for any and all damage or injury arising out of or related in any way to the Certificate holder's activity on or about Authority property, and by accepting the Certificate agrees to release the Authority and its servants, agents and employees from any liability or damages resulting directly or indirectly from the Certificate holder's use or occupancy of the Authority property in connection with the Certificate.

(k) The Certificate holder shall indemnify and hold harmless the Authority and its servants, agents and employees from any liability or damages, including attorney's fees and costs, caused by, directly or indirectly, the Certificate holder as a result of the holder's activities or actions on Authority property.

(l) The Authority shall not be responsible for the views and ideas expressed by a person or organization holding a Certificate. The Certificate holder shall publish this disclaimer on placards or signs used by the Certificate holder, if the use of placards or signs are provided for in the Certificate, and shall also publish this disclaimer on the literature that is distributed. In addition, through signs, public announcements and/or personal communication, the Authority may disclaim responsibility for the views and ideas expressed by the Certificate holder, and/or sponsorship of the Certificate holder's cause.

New Rule. 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).
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 conduct a survey" following "literature" in the first sentence and updated the telephone number at the end of the last sentence.

Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.24 Lane usage; Interchanges 11 to 14

(a) The left travel lanes of the New Jersey Turnpike's outer roadways from Interchange 11 in the Township of Woodbridge to Interchange 14 in the City of Newark are designated as special reserved lanes for high occupancy vehicles ("HOVs") during certain weekday hours specified below. Such lanes may only be used by vans or cars with a minimum of three persons or more, inclusive of the driver, or by buses or motorcycles regardless of occupancy, during time periods set forth in (a)1 and 2 below. During all other hours, the lanes will be open to all vehicular traffic, with the exception of commercial vehicles as that term is defined in N.J.A.C. 19:9-1.1.

1. Northbound—from 6:00 A.M. to 9:00 A.M., Monday through Friday, from Interchange 11 to Interchange 14.
2. Southbound—from 4:00 P.M. to 7:00 P.M., Monday through Friday, from Interchange 14 to Interchange 11.

(b) Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Turnpike, when they are properly in use in the performance of authorized Authority duties. Also exempt are all other vehicles discharging emergency functions, such as ambulances and fire engines.

(c) The Authority retains discretion to modify or suspend the occupancy requirement and/or hours of operation and permit the closure of the HOV lanes to allow operation as general purpose traffic lanes in emergency circumstances based upon the impact on patron safety, convenience and the orderly flow of traffic.

(d) Enforcement of this section shall be governed by the traffic control provisions set forth in N.J.S.A. 27:23-28 and N.J.A.C. 19:9-1.3.

New Rule. R.1996 d.508, effective November 4, 1996.
See: 28 N.J.R. 2520(a), 28 N.J.R. 3242(b), 28 N.J.R. 4803(a).
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.25 Civil defense regulations

Applicable civil defense regulations as promulgated by the State of New Jersey shall be complied with on the Roadways.

New Rule. R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.26 Parades, demonstrations and picnics prohibited

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

(b) Picnics or other gatherings, games, entertainment or sports, on the Roadway are prohibited except at sites which may be designated for such purposes.

(c) Use of picnic areas during the period of ½ hour after sunset until ½ hour before sunrise is prohibited, except that visitation at the Vietnam Veterans Memorial for public use and activity as defined at N.J.A.C. 19:9-1.31(b) is generally permitted at any time except as may be otherwise directed by the Authority or the operators of the Memorial.

New Rule. R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.27 Hunting and trapping prohibited

No person shall hunt, trap or molest any wildlife upon Authority property, or fish on or from Authority property, except at designated locations.

New Rule. R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.28 Use of firearms prohibited

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

New Rule. R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.29 Fire prohibited

The igniting of fires for any purpose whatsoever is prohibited on Authority property, except in fireplaces or pits provided by the Authority for that purpose.

New Rule. R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.30 Arts Center

(a) For events requiring a ticket, no person shall be admitted to the amphitheater without a ticket, including minors. For events requiring a ticket, no person, including a minor, may occupy a reserved seat at the amphitheater unless able to produce a ticket stub for that seat nor occupy lawn space unless able to produce a ticket stub.

(b) No person shall be admitted to the amphitheater unless properly attired. Bare feet are not permitted.

(c) No person shall be admitted to the amphitheater with the following in his or her possession:

1. Alcoholic beverages;

2. Food or beverages of any kind, whether or not contained in any package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description unless expressly authorized by the Authority;

3. Cameras, video cameras, recording equipment, radios, televisions or other electronic equipment unless specifically authorized by the Authority; or

4. Pets.

(d) To effect compliance with (c) above, the Authority shall have the right to inspect any such package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description in the possession of any persons seeking admission to the amphitheater. Any refusal to permit such inspection shall be grounds to prohibit the admission of any person to the amphitheater.

(e) No person may take or leave their reserved seat when the house lights are out, unless accompanied by an usher.

(f) Ticket resales are prohibited except in accordance with Title 56 of the New Jersey statutes.

(g) After any person has been admitted to the amphitheater, there shall be no departure and readmittance permitted without the approval of the Authority.

(h) No person shall sell any merchandise of any description or kind on Arts Center property without express permission of the Authority. Any unauthorized sale of said merchandise shall subject same to confiscation. A person who has in his or her possession or under his or her control four or more like items is presumed to have violated this subsection.

New Rule, R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.31 Limitation on activities in the Telegraph Hill Nature Area

(a) Public use and activity in the Telegraph Hill Nature Area shall be limited to nature and ecological studies and education, running and walking on designated trails, picnicking in designated areas and such additional uses as may be designated by the Authority which may promote and complement its statutory mission and that of the Arts Center.

(b) Public use and activity in the Vietnam Veterans Memorial and its environs shall be limited to quiet and respectful observation, by individuals, of the memorial to those New Jersey servicemen and women who were killed or reported missing in action in the Vietnam Conflict.

(c) Public use and activity at the Vietnam Era Education Center and its environs shall be limited to the educational uses and activities provided by the operator(s) of the Center.

(d) In addition to the limitations set forth in this subchapter, all the rules which apply generally to the Parkway shall be applicable to the Telegraph Hill Nature Area, the Arts Center, the Vietnam Veterans Memorial and the Vietnam Era Education Center.

New Rule, R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.32 Feeding of wildlife prohibited

No person shall feed any unconfined wildlife on any Authority property.

New Rule, R.2006 d.30, effective January 17, 2006.
See: 37 N.J.R. 3634(a), 38 N.J.R. 842(a).

SUBCHAPTER 2. PURCHASING AND CONTRACTING

19:9-2.1 General provisions

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

(b) Contracts entered into for the furnishing or performing of services of a professional nature, or for the supplying of any product or the rendering of any service by a public utility, subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey shall be subject only to N.J.A.C. 19:9-2.8.

Amended by R.1982 d.446, effective December 20, 1982.
See: 14 N.J.R. 974(a), 14 N.J.R. 1464(d).

Hearings to be held by the Executive Director instead of the Chief Engineer. Arrangements for the hearing to be made by the Senior Attorney instead of the Chief Engineer.

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), substituted "be subject only to N.J.A.C. 19:9-2.12" for "not be subject to these regulations" at the end.
Special amendment, R.2003 d.407, effective September 23, 2003 (to expire January 9, 2005).

See: 35 N.J.R. 4915(a).

Added (c).

Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (b), updated the N.J.A.C. reference; deleted (c).

19:9-2.2 Purchases for amounts requiring public advertising

(a) Rules concerning advertising and awards of bids:

1. Advertisement for competitive bids shall be placed in an appropriate newspaper or journal, having a large circulation in the State, and may be advertised on the Authority's internet website, www.state.nj.us/turnpike, or through other electronic means. Such advertisement shall be published not less than seven days preceding the date upon which the proposals are to be received and opened. All advertisements will contain:

- i. A brief description of the supplies, materials, equipment or services to be furnished or performed;
- ii. Notice of the place where proposal forms, specifications, terms and conditions may be obtained; and
- iii. The place, date and time when the sealed bids shall be publicly opened.

2. In addition to advertising, bids may be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

3. In the event that amendment of any pertinent information supplied to prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders having requested specifications at least three days prior to the opening of the bids. If such notice is given orally, it shall be promptly confirmed by written addendum.

(b) Rules concerning terms and conditions applicable to submission of bids:

1. All bids must be properly signed and executed.
2. Any correction of an entry made on the proposal form should be initialed by a duly authorized representative of the bidder.
3. Bidders may withdraw bids, or withdraw and resubmit bids, at any time up to 15 minutes prior to the public opening, signed by a duly authorized representative of the bidding firm. Bids so withdrawn shall be returned to the bidders unopened.
4. In the case of inconsistencies or errors in unit prices, extensions and totals, the Authority shall have sole discretion to make determinations with regard to same. If the total price is found to be incorrectly computed, discrepancies will be corrected by the Authority on the basis of the written unit prices, and determination of the low bidder will be made on the basis of the correct total price so determined. The Authority shall not be liable for any failure or error in determining or correcting errors or discrepancies.
5. In particular cases where permitted or required by the Authority in the particular bid specifications, bidders may be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any bid.

(c) Rules concerning receipt, opening, and award of bids:

1. All bids solicited by advertising or by mail must be submitted in sealed envelopes provided by the Authority on the appropriately signed proposal forms furnished by the Authority on or before the time fixed for the public opening. Any bids received after the bidding has been closed shall be returned to the bidder unopened.
2. The purchasing or bid supervisor shall maintain a secured place for the purpose of receipt and securing bids. When sealed envelopes containing bids are received in the

office of the Authority they shall be date-stamped and deposited (unopened) in the appropriate secure location.

3. Bids shall be opened publicly at the time and place designated in the Invitation for Bids or Advertisement for Proposals. The amount of each bid, the identity of each bidder, and such other information relevant to the bid shall be recorded in writing and the bid tabulation shall be open to public inspection.

4. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids or contract documents, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.

5. Correction or withdrawal of inadvertently erroneous bids after opening, or cancellation of awards or contracts based on such mistakes, may be permitted in the sole discretion and determination of the Authority. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the Authority or fair competition shall be permitted and a decision to permit the correction or withdrawal of bids, or to cancel awards or contracts, based on bid mistakes, shall be supported by a written determination made by the Chief Engineer or the Director of Purchasing.

6. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bids meet the requirements and criteria set forth in the Invitation for Bids or other contract documents. In the event that bid prices submitted by two or more low responsible bidders are identical and the criteria in the Invitation for Bids or contract documents do not resolve the tie bid, the tie low bids shall be broken by the toss of a coin. If practical, the interested bidders may be invited to the Authority to observe in the coin tossing. Such tie breaking shall be noted on the Bid Summary. The Authority retains the right to reject any or all bids, to waive informalities and minor irregularities, and to rebid the entire contract.

7. When it is determined impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids or Advertisement for Proposals may be issued requesting the submission of unpriced proposals to be followed by an Invitation for Bids or Advertisement for Proposals limited to those bidders whose unpriced proposals have been determined as qualified for the project by the Director of Purchasing or the Chief Engineer.

8. Bid or proposal guarantees on bid or proposal bonds may be required in such form and amount as deemed necessary by the Director of Purchasing or Chief Engineer to guarantee the amount of the bid. In that event, the requirement of a bid or proposal guarantee or bond, and the form and amount thereof shall be set forth or specified in the bid specifications.

9. Performance bonds, contract bonds or consents of surety may be required in such form and amount as deemed necessary by the Director of Purchasing or Chief Engineer to insure faithful performance of the contract or for the payment of persons performing work on the project. In that event, the requirement of a performance or contract bond or consent of surety, and the form and amount thereof shall be set forth or specified in the bid specifications. The bond shall be submitted by the successful bidder upon notification.

(d) Rules concerning dispensing public bid procedure:

1. A contract may be awarded for a supply, service, or product without competitive sealed proposals when the Authority upon written recommendation of the Chief Engineer, the Director of Purchasing, or Director of Maintenance determines and acts by appropriate resolution that there is only one source for the required supply, service or product.

2. When the Authority deems that there exists threat to the health, welfare or safety of the public or of property under emergency conditions, or the exigency of the situation does not allow sufficient time to advertise and award bids by public bidding, the Authority may, by appropriate resolution, acting on the written recommendation of the Chief Engineer, Director of Purchasing, or Director of Maintenance, waive the requirement of public bidding provided that such emergency requirements shall be made with such competition as is practicable under the circumstances.

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 (c), rewrote 6 and 8; and in (d), inserted references to the Director of Maintenance throughout.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote (a)1 and (c)5.

19:9-2.3 Purchases under amount requiring public advertising

(a) In the case of purchases of personal property or services, where the aggregate cost or amount involved is less than the minimum amount for which public advertising for bids is required, competitive bidding is not required. As determined in the discretion of the Chief Engineer or the Director of Purchasing, price quotations may be solicited from vendors to the extent determined appropriate by the Chief Engineer or the Director of Purchasing.

(b) Awards of bids may be to other than the lowest bidder for valid reasons, if specifically recommended by the Chief Engineer or the Director of Purchasing (in consultation with the Director of Law).

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.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-2.4 Termination of contract

A contract awarded to the successful bidder may be terminated by the Authority at any time for any lawful reason, including but not limited to, inadequate or improper performance, or for breach of any terms, conditions, or obligations of the contract, as determined by the Authority, or if the vendor shall make an assignment for the benefit of creditors, or file a voluntary petition in bankruptcy, or if an involuntary petition in bankruptcy is filed against the vendor and the act of bankruptcy therein alleged is not denied by the vendor. Upon termination, the Authority shall be liable only for payment of goods or services properly performed in accordance with the contract. The Authority shall have the right to purchase non-delivered goods to replace defective goods and services on the open market and hold the vendor liable for the difference between the price set forth in the contract for such goods or services and the prices paid on the open market. Further, the Authority reserves the right to terminate any contract entered into provided written notice has been given to the contractor at least 15 days prior to such proposed termination date. In addition, the Authority shall have the right, without the necessity of court proceedings, to recover all equipment, material or supplies that are the property of the Authority and have been entrusted with the vendor to be used in the performance of said contract. Nothing in this section is intended to limit the Authority's right to legally pursue all costs which exceed the amount due and owing the vendor under said contract. The list of remedies in this section is not exclusive.

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.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Added "any lawful reason, including but not limited to, preceding "inadequate or improper service" in the first sentence.

19:9-2.5 Purchase under or in combination with State or other agency contracts

(a) When it is determined to be proper and in the best interest of the Authority, the Authority may purchase equipment, goods, materials and supplies directly, without advertising, from vendors who hold contracts with the State of New Jersey or other State or multi-state authorities or agencies of the State of New Jersey. In such cases, the purchases shall not be subject to Authority approval.

(b) When it is determined to be proper and in the best interests of the Authority, the Authority may contract with and purchase by public bid procedure, services, equipment, goods, materials and supplies, in combination with the requirements of the State of New Jersey or other State or multi-state authorities or agencies.

(c) In either event, the Chief Engineer or the Director of Purchasing will submit a written recommendation to the Authority which shall set forth the details of the proposed

acquisition and shall state the reasons for proceeding under or in combination with such State or other State authority contract or requirements.

(d) When it is determined to be proper and in the best interest of the Authority, the Authority may determine, by public bid procedure, the best price for the purchase of equipment, goods, materials and supplies. If that price is lower than the price that the State of New Jersey or other State or multi-state authorities or agencies of the State of New Jersey have obtained through public bidding, the Authority may separately award such contract. If it is determined that the price by public bid procedure is not lower than that obtained through a public bid process by the State of New Jersey or other State or multi-state authorities or agencies, the Authority may contract with the vendors holding contracts with these entities.

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 "of the State of New Jersey" at the end; and added a new (d).

Special amendment, R.2003 d.407, effective September 23, 2003 (to expire January 9, 2005).

See: 35 N.J.R. 4915(a).

In (a), at the end of the paragraph inserted "In such cases, the purchases shall not be subject to Authority approval."

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Case Notes

Members of consortium of public agencies in charge of state toll roads and interstate toll connections were not ultra vires in bidding out contract for integrated electronic toll collection system; each agency was authorized to take such action. *Nachtigall v. New Jersey Turnpike Authority*, 302 N.J.Super. 123, 694 A. 1057 (N.J.Super.A.D. 1997).

19:9-2.6 Sale of surplus personal property

(a) The purpose of this section is to establish and prescribe uniform general rules and procedures for the sale of surplus personal property after it has been formally declared surplus and a determination has been made by the Director of Purchasing for its sale. No such sale shall be made except in accordance with this section.

(b) The objective of this section is to establish an orderly and equitable procedure for the sale of Authority surplus personal property at the highest possible price.

(c) All sales of surplus personal property shall be made only after public advertisement for competitive bids, unless the Authority specifically provides by resolution that the requirement of public advertising be waived as to a particular transaction. Any such public advertisement for competitive bids shall be reviewed in advance by the Director of Law.

(d) Advertisements for competitive bids shall be placed in an appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published in sufficient time to allow inspection of the items being sold prior to the date upon which the bids are to be received and opened. All advertisements must contain:

1. A brief description of the type of supplies, materials or equipment to be sold;
2. Notice of the place where quotation forms, terms and conditions may be obtained; and
3. The place, date and time when the sealed bids shall be publicly opened.

(e) In addition to advertising when required, bids shall be solicited from known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

(f) Employees may bid on surplus personal property being sold. Notices containing listings of adequately described items offered for sale shall be distributed to all department and division heads who shall circulate such notices to the employees under their supervision.

(g) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the scheduled opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

(h) All bids shall:

1. Be requested on the Invitation for Bid Form and submitted on a signed quotation form before the time fixed for public opening;
2. Be submitted in sealed envelopes in accordance with applicable instructions;
3. Indicate the bidder's name, due date and time shall be shown on the face of each sealed envelope submitted; and
4. Be submitted on the appropriate date and at the appropriate time and place.

(i) Any bids received after the bidding has been closed shall be returned unopened.

(j) The Division of Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each page of the quotation form on which pricing appears shall be signed and dated by the party opening and reading same.

(k) For valid reason, in the interest of the Authority, the Director of Purchasing may, at any time prior to the scheduled public opening, postpone the receipt and opening of bids. Appropriate and timely notice of such postponements shall be given to all prospective bidders, if possible.

(l) The Bid Summary Form shall record all bids timely received whether complying with all formalities or not; due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

(m) The sale of surplus personal property to the highest acceptable bidder shall not be confirmed without the prior written approval of the Executive Director or his or her designee.

(n) In the event that no bids are received or only one bid is received on items offered for sale, the Director of Purchasing shall determine whether the offered property shall be awarded, reoffered for sale, traded in or scrapped.

(o) When in the best interest of the Authority, one or more items may be withdrawn from the offer to sell. In such cases, a memorandum shall be sent to the Executive Director or his or her designee, authorizing the withdrawal. Such requests shall be approved by the Director of Purchasing with copies directed to Internal Audit and Finance. When one or more items is withdrawn from the offer to sell, the Director of Purchasing shall determine, whether such items shall be reoffered for sale, traded in, scrapped or retained for use with the written approval of the Executive Director or his or her designee.

(p) Gross bids amounting to \$2,500 or more shall be accompanied by a bid deposit amounting to not less than 10 percent of the total bid price. However, at the discretion of the Director of Purchasing, deposits may be required for gross bids amounting to less than \$2,500. When required, such deposit shall be submitted in the form of a certified check payable to the Authority; however, cashier's checks, or executed money orders may also be accepted. Failure to comply with this provision shall result in rejection of the bid unless specifically waived in writing by the Executive Director, or his or her designee. Bids of less than \$100.00 shall require no bid deposit.

(q) All bid deposits of unsuccessful bidders shall be returned promptly. The deposits furnished by successful bidders shall be retained and applied forward payment of the total bid price.

(r) The balance of the bid price is due within 10 calendar days after the award. If such balance is in the amount of \$100.00 or more, payment shall be made by certified check, cashier's check, executed money order or such other lawful method of payment as may be approved by the Director of Purchasing. Failure to pay such balance or to pick up the awarded property within the 10-day period shall entitle the Authority to retain the bid deposit as liquidated damages and not as a penalty. Under such circumstances, with the approval of the Executive Director, or his or her designee, the Director of Purchasing may take the award to the next highest bidder. This action is to be accomplished by a memorandum of the Director of Purchasing bearing approval of the Executive Director or his or her designee, with copies to the Director of Law and the Comptroller.

(s) The following general terms and conditions apply to the sale of surplus property:

1. Any correction of an entry made on the Invitation to Bid Form or Quotation Form are to be initialed by the party signing the bid.

2. Bidders may withdraw or withdraw and resubmit bids at any time prior to the public opening. Bids may be withdrawn only on written request received prior to the public opening and signed by the bidder or a duly authorized representative of the bidder upon presentation of appropriate identification. Bids so withdrawn shall be returned to the bidders unopened.

3. With respect to bids submitted, the Authority retains the right to reject any or all bids and to waive informalities and minor irregularities. Such action is to be accomplished by memorandum of the Director of Purchasing bearing the approval of the Executive Director, or his or her designee, with copies thereof to the Director of Law and the Comptroller.

4. The property upon which bids are invited is for sale only "as is" and "where is" and the Authority makes no representation, express or implied, as to the condition of said property.

5. Where there is a minimum price for an item or items offered for sale below which bids will not be accepted by the Authority, all prospective bidders shall be so advised by proper notation on the related quotation form.

6. Qualified bids or any portion thereof may be summarily rejected in writing by the Director of Purchasing with copies thereof directed to the Director of Law and the Comptroller where such qualification adversely affects the Authority's best interest.

(t) The procedure for handling tie bids shall be the same as that for bids for the purchase of goods and services except that all determinations will be made on the basis of highest responsive bid price.

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).

Repeal and New Rule. R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Section was "Sale of surplus personal property".

19:9-2.7 Procedure for prequalification and award of construction contracts

(a) All prospective bidders for construction in excess of \$50,000 shall be prequalified annually into classifications by the Chief Engineer. Prospective bidders will be classified according to the type of work and the amount of work on which they are entitled to bid as set out in the schedule of classifications set forth at Appendix A to this chapter, incorporated herein by reference. Proposals submitted by prequalified bidders who have received classification ratings as set forth in Appendix A within 10 percent of the total price of the proposal will be considered for award by the Authority. The Chief Engineer may, from time to time, add additional specialized work categories to the schedule of classifications.

(b) In order to prequalify in classification, prospective bidders shall submit annually or at least 21 calendar days prior to bid opening of a specific contract, proof of the following:

1. As to type of work, recent satisfactory experience as a contractor on a contract involving substantially the same or similar work to the classification being sought;
2. As to amount of work, recent satisfactory experience as a contractor on a single contract having a value of at least 60 percent of the maximum limit of the classification rating being sought: several contracts performed at or about the same time having a cumulative value of at least 60 percent of the said maximum limit;
3. Satisfactory financial condition of the prospective bidder;
4. Adequate facilities, including plant, equipment and experience of key personnel and officers of the prospective bidder;
5. That the bidder is not now, nor has been involved, directly or indirectly, in any proceeding, conduct or activity relating to, or reflecting upon, the moral integrity of the bidder by means of sworn affidavit: and
6. A Contractor's Qualifying Statement showing the prospective bidder's status at the end of the month prior to the date of the statement. When submitting a proposal, prequalified bidders may not submit another Qualifying Statement but will instead submit a prequalification recapitulation in such form as may be prescribed by the Authority.

(c) The Chief Engineer shall review the statement and other information submitted by the prospective bidder and shall notify the prospective bidder of the decision as to their classification by certified mail. The classification will be valid for a period of one year from the date of the Chief Engineer's decision, and the prospective bidder will be allowed to bid on all Authority contracts within its classification limits for this one year period without the need of additional prequalification, subject to subsections (d) and (g) below. At the end of this one year period, the prequalification of the bidder will expire, and to be renewed, the prospective bidder must meet the requirement of (b) above.

(d) The Chief Engineer shall reserve the right to require a prospective bidder to submit such additional evidence of qualifications as deemed necessary, and shall consider any evidence available of the financial, technical, and other qualifications and ability of the bidder. The Chief Engineer may change or revoke at any time the classifications of any bidder upon any evidence that said bidder does not meet the financial, technical, moral or other qualifications of the classification.

(e) The Chief Engineer may deny prequalification of any bidder who fails to comply with the provisions of subsection (b) above and, further, may recommend to the Authority rejection of any bid where the bidder, at such time, has failed to comply with the provisions of this section.

(f) The Authority reserves the right to waive the prequalification procedures and requirements in contracting in an emergency situation.

(g) A bidder may be disqualified from future bidding on any Authority project if such bidder claims, whether successfully or not, its right to withdraw its bid because of a unilateral mistake. Such disqualification may be effective for a period of up to six months from the date of opening the bid sought to be withdrawn. Only in cases where the withdrawing bidder did not act in a commercially reasonable manner would the Authority choose to disqualify the bidder, unless the bidder previously sought to withdraw a bid within the 12 months preceding the date of opening the bid sought to be withdrawn, in which event the bidder may be disqualified regardless of whether the second mistake was commercially reasonable.

(h) Bidders on all other contracts not requiring prequalification shall, however, comply with the provisions of (b)3, 4 and 5 above.

Amended by R.1984 d.447, effective October 1, 1984.
See: 16 N.J.R. 2075(a), 16 N.J.R. 2689(b).

(b): "seven working days" changed to "21 calendar days".

Amended by R.1993 d.326, effective July 6, 1993.

See: 25 N.J.R. 62(b), 25 N.J.R. 2906(d).

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

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-2.8 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.

Recodified from N.J.A.C. 19:9-2.12 by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Former N.J.A.C. 19:9-2.8, Procedure to resolve protested solicitations and awards, recodified to N.J.A.C. 19:9-2.12.

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 Authority property. This normally pertains to public and private utilities which must occupy the Turnpike Right-of-Way or Parkway-Right-of-Way in order to provide service to the public. In addition, licenses to cross are utilized by adjacent property owners to the Roadway that must utilize the Turnpike or Parkway 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 outline in N.J.A.C. 19:9-2.11.

New Rule. R.1991 d.224, effective May 6, 1991.
See: 23 N.J.R. 3324(a), 23 N.J.R. 1454(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).
Rewrote (a); and in (b), changed the required number of copies from 11 and 12 to eight, inserted "with each set of plans affixed to each copy of the letter" and updated the mailing address.
Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).
In (e), updated the N.J.A.C. reference.

19:9-2.10 License to cross fee schedule

(a) The fees contained in this section shall apply for all licenses to cross. The Authority reserves the right to waive or reduce the fees in this section. The Executive Director or his or her delegate, upon written request for waiver or reduction of these fees, may waive or reduce the fees upon his or her determination that such waiver or reduction is warranted based on the nature and scope of the project and the justification for waiver or reduction presented in the written request. The determination of the Authority regarding waiver and/or reduction of fees shall be in the sole discretion of the Authority and shall not be subject to appeal. Fees for licenses to cross are exclusive of fair rent for the use of Authority property, which the Authority may assess from time to time on a case-by-case basis. All fees which are required to be submitted in connection with licenses to cross shall be by certified or cashiers check or money order made payable to "The New Jersey Turnpike Authority" and sent to the Department of Finance and Budgets with a reference to the license to cross, at the New Jersey Turnpike Authority, PO Box 1121, New Brunswick, New Jersey 08903.

(b) A \$900.00 application fee shall be submitted along with the completed permit application and associated documents. Such fee shall be non-refundable, whether the Authority's final decision is to issue or deny the required permit. The application fee shall be renewed, and another \$900.00 application fee shall be paid, if there is a six month period of application inactivity caused by the applicant. A period of inactivity shall be defined as the time lapsed between written correspondence regarding the application.

(c) The applicant shall submit a detailed schedule showing the sequence of different construction activities proposed with a breakdown of the number of days of work required per activity. Based on a review of the schedule, the Authority shall determine the construction inspection fee, based on its estimated cost of construction inspection. The applicant shall remit the construction inspection fee to the Authority before the commencement of any construction activities. The Authority shall deposit the funds into an escrow account. If the applicant does not go forward with construction, the Authority shall refund to the applicant the inspection fee less a \$50.00 charge for processing the refund. If, during the course of work, the Authority deems that the actual cost of inspection will surpass the construction inspection fee initially charged, the licensee shall remit to the Authority the additional monies for deposit in the escrow account. The licensee shall submit 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 at the conclusion of all construction activities and after receipt by the Authority of as-built drawings shall be refunded to the licensee.

(d) The licensee shall pay for traffic protection costs incurred by the Authority as follows:

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 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 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 inspection of 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 his 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.

Recodified from N.J.A.C. 19:9-2.11 and amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Former N.J.A.C. 19:9-2.10, Procedure to resolve protested applications for, and awards of, licenses to cross, recodified to N.J.A.C. 19:9-2.11.

19:9-2.11 Procedure to resolve protested applications for, and awards of, licenses to cross

(a) Any actual or prospective applicant for a license to cross on any Authority property or facility who is aggrieved in connection with the application for and/or award of such a license, may protest to the Authority. The protest shall be submitted in writing to the Director of Law within five business days after such aggrieved party knows or should have known of the facts giving rise to the grievance. Failure to file a timely protest shall bar any further action. The written protest shall set forth in detail the facts upon which the aggrieved applicant bases its protest and shall define, as clearly as the available information permits, those issues or facts in dispute.

(b) Upon the filing of a timely protest, the Authority's Executive Director shall have the authority to conduct a hearing, to settle and resolve a protest of an aggrieved applicant, or prospective applicant, concerning the application for, or award of, a license to cross. 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 Directors shall promptly issue a decision in writing. The Executive Director's decision shall state the determination made and the reasons for the action taken. The Executive Director's decision shall be mailed or furnished promptly to the aggrieved applicant and any other interested party. The members of the Authority shall review the decision of the Executive Director and shall adopt, review or modify the decision of the Executive Director within 45 days of said decision.

(d) A decision rendered pursuant to (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 application for, or with the award of, the license to cross in issue until the decision is rendered pursuant to (c) above.

New Rule, R.1991 d.224, effective May 6, 1991.
 See: 23 N.J.R. 3324(a), 23 N.J.R. 1454(a).
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
 Recodified from N.J.A.C. 19:9-2.10 by R.2005 d.23, effective January 3, 2005.
 See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).
 Former N.J.A.C. 19:9-2.11, License to cross fee schedule, recodified to N.J.A.C. 19:9-2.10.

19:9-2.12 Procedures 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 (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 (c) above, or until the Executive Director after consultation with the Directory 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 interest 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.

Recodified from N.J.A.C. 19:9-2.8 and amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Former N.J.A.C. 19:9-2.12, Procedure for prequalification and award of contracts for architectural, engineering and land surveying services, recodified to N.J.A.C. 19:9-2.8.

Administrative correction.

See: 37 N.J.R. 1085(a).

19:9-2.13 Procurement of routine towing services and emergency services on the New Jersey Turnpike and Garden State Parkway

(a) All contracts between the Authority and qualified service providers for towing services on the New Jersey Turnpike (that is, routine towing services and storage services) and for towing and emergency services on the Garden State Parkway (that is, routine towing services, storage services and road services) entered into after June 15, 2004 shall be procured pursuant to the procedures and regulations promulgated under this section. Contracts for such towing services and/or towing and emergency services that were entered into prior to June 15, 2004 shall remain in effect in accordance with the terms thereof.

(b) The objective of these regulations is to establish procedures for the award of contracts for rotational towing services on the New Jersey Turnpike and towing and emergency services on the Garden State Parkway utilizing a competitive bid process open to prequalified bidders. Contracts shall be awarded to the lowest responsible bidders as determined pursuant to applicable law, including these regulations, and the specific requirements contained in all Requests for Bids (RFB) issued by the Authority, from time to time. In issuing an RFB, the Director of Purchasing is empowered to procure up to three rotational towers per service provider location (Zone) on the New Jersey Turnpike and up to two rotational towers per Zone on the Garden State Parkway, or such other number as may be required in any RFB. It is the Authority's intent to solicit bids, as and when needed, for specific Zones along the New Jersey Turnpike and the Garden State Parkway. In the case of the New Jersey Turnpike, the Zones shall be established between specific interchanges, and in the case of the Garden State Parkway, the Zones shall be established between specific mileposts, all as more specifically set forth in the RFB.

(c) Only bids submitted by towing services and/or towing and emergency services providers who have first been qualified by the Authority pursuant to a prequalification process shall be considered. At the discretion of the Director of Purchasing, the prequalification process may be accomplished through a combined Request for Qualifications/Request for Bids process or by a separate process preceding the issuance of an RFB. Upon award of a contract to the successful bidder(s), the standards governing prequalification shall be of continuing force and effect for the duration of such contract. The failure to maintain the standards of prequalification during the term of any contract awarded to a successful bidder shall be deemed a material breach of the contract.

(d) The criteria to be used by the Authority in determining prequalification shall include the following, the specific requirements of which shall be set forth in the RFB: reliability, experience, response time, acceptance of credit cards and prepaid towing contracts; equipment; location and condition of storage facilities, including, but not limited to, security safeguards for patrons and for towed and stored vehicles; liability and other insurance coverage; safeguards to protect the personal safety of customers, including considerations related to the criminal background of employees; and such other factors as the Authority may deem relevant and which shall be specified in the RFB. In recognition of the differences between the physical characteristics (for example, number of access and exit ramps) and operational aspects (for example, classes of permitted vehicles) on the New Jersey Turnpike and the Garden State Parkway, the Director of Purchasing may establish different specific criteria for prequalification of service providers on the New Jersey Turnpike and for prequalification of service providers on the Garden State Parkway.

(e) A towing services and/or towing and emergency services provider deemed qualified by the Authority shall thereafter be entitled to submit a bid in response to the RFB for which such provider has prequalified. Each RFB issued by the Authority shall prescribe specific requirements for the towing services and/or towing and emergency services being procured, which may include, at the discretion of the Authority, fixed fees for certain services, and which shall include a provision mandating that towing services and/or towing and emergency services providers shall not charge patrons any fees for towing services and/or towing and emergency services other than those applicable fees that are expressly set forth in N.J.A.C. 19:9-3.1 and 3.2.

(f) The Interim Uniform Procurement Regulations previously adopted by the Authority pursuant to the Consolidation Legislation, specifically those appearing at N.J.A.C. 19:9-2.1, General provisions; 19:9-2.4, Termination of contract, and 19:9-2.2(c)6, shall be applicable to procurements for towing services on the New Jersey Turnpike and towing and emergency services on the Garden State Parkway unless such provisions are inconsistent with the provisions of this section, in which event the provisions of this subchapter shall govern. In addition, N.J.A.C. 19:9-2.2, Purchases for amount requiring public advertising, and N.J.A.C. 19:9-2.12, Procedure to resolve protested solicitations and awards, shall be applicable to procurements for towing services on the New Jersey Turnpike and towing and emergency services on the Garden State Parkway, except that all functions ascribed therein to the "Chief Engineer or Director of Maintenance" shall be performed by the Director of Purchasing in the case of routine towing and emergency services procurements only.

Special New Rule, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (f), updated the N.J.A.C. references.

Administrative correction.

See: 37 N.J.R. 1085(a).

SUBCHAPTER 3. FEES

19:9-3.1 Towing rates on the Turnpike and the Parkway

(a) Towing rates charged by Authority-authorized companies on the Turnpike and Garden State Parkway, pursuant to contracts entered into after June 15, 2004 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 P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or 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 (under 6,999 pounds registered gross vehicle weight (GVW)):

- i. Service charge of \$60.00; plus
- ii. \$2.00 per mile on the Turnpike and the Garden State Parkway up to a maximum, including the Service charge, of \$80.00.

2. Other classes of vehicles (7,000 pounds and over registered GVW):

- i. Service charge of \$100.00 for straight truck (up to 14,999 pounds gross vehicle weight), car with trailer, or trailer without car and \$250.00 for tractor trailer or bus (15,000 pounds or more registered gross vehicle weight); plus

- ii. \$3.00 per mile on Turnpike and the Garden State Parkway, up to a maximum, including the Service charge, of \$130.00 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 \$300.00; plus

- iii. An additional charge of \$25.00 for connecting air lines and \$25.00 for connecting lights;

- iv. An additional charge of \$45.00 for disconnecting drive shaft on all trucks;

- v. An additional charge of \$40.00 per axle for removing an axle; and

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

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

- i. \$60.00 per hour for a light wrecker; and
- ii. \$100.00 per hour for a heavy wrecker.

4. Specialized equipment:

i. \$250.00 per hour for specialized equipment, including, but not limited to, Landoll Hydraulic Trailer with tractor, Oshkosh, box trailer with tractor and driver.

ii. \$450.00 per hour for Rotator 60-ton capacity and up, and for 50 ton construction crane.

(b) Storage rates charged by Authority-authorized companies pursuant to contracts entered into after June 15, 2004 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 P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or 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. Cars: First 24 hours free; \$25.00 per day thereafter.
2. Vehicles up to 14,999 pounds GVW: First 24 hours free; \$75.00 per day thereafter.
3. Vehicles over 14,999 pounds GVW:
 - i. All except buses: First 24 hours free; \$75.00 per unit per day thereafter;
 - ii. Buses: First 24 hours free; \$150.00 per day thereafter.

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)lv and (a)lvi; inserted (a)4; and recodified (a)3iv as (a)4i.

Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

Rewrote the section.

19:9-3.2 Road service rates on the Turnpike and Parkway

(a) Road service rates on the Turnpike for Class 1 vehicles charged by Authority-authorized service companies pursuant to contracts entered into after June 15, 2004 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 P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or 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. Motor fuel/oil: 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.

(b) Road service rates on the Parkway for Class 1 vehicles charged by Authority-authorized towing and emergency service providers pursuant to contracts entered into after June 15, 2004 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 P.L. 2003, c.79 (N.J.S.A. 27:23-42b(7)) or 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. Motor fuel/oil: 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).

Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

In (a), rewrote the introductory paragraph and substituted "Motor fuel/oil" for "Gasoline/diesel" in 2; added (b).

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 on the Turnpike and Parkway may be directed, in writing, to the Director of Law.

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

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

Special amendment, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

Substituted "companies on the Turnpike and Parkway may be directed, in writing, to the Director of Law" for "companies may be directed to the Director of Operations".

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).

Special readoption, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(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, and State Police reports 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, in accordance with the procedure set forth in N.J.A.C. 19:9-4.3. Other records within the possession of the Authority may be made available for inspection or copying subject to N.J.A.C. 19:9-4.2 and applicable law.

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

Records Custodian
New Jersey Turnpike Authority
PO Box 1121
New Brunswick, New Jersey 08903-1121
Fax: 732-247-9769

The fee to obtain an accident report, payable to the New Jersey Turnpike Authority, is set forth in N.J.A.C. 19:9-4.4(a)7.

(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) Copies of New Jersey State Police Troop E accident reports concerning accidents on the Parkway 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
Garden State Parkway Division
Operations Department
Accident Report Request
Garden State Parkway
Woodbridge, NJ 07095

(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) Photographs of the Turnpike or Parkway roadways, 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, Executive Director, Administrative Offices, PO Box 1121, New Brunswick, New Jersey 08903-1121. 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.

(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.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.

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 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, except that resumes of successful candidates shall be disclosed once the candidate is hired and, further, resumes of unsuccessful candidates may be disclosed after the position is filled, with that individual's consent;

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".

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (a), rewrote 3.

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).

19:9-4.4 Fees

(a) Copies of Authority records shall be made available by the Authority to the requesting individual or entity upon full payment of copying costs. Copying costs shall be determined in accordance with the following schedule:

1. Documents:

- i. First page to 10th page: \$.75 per page;
- ii. Eleventh page to 20th page: \$.50 per page;
- iii. All pages over 20: \$.25 per page.

2. Drawings, maps, and plan sheets: \$1.00 per page;

3. Microfilm copies, any size: \$1.00 per page;

4. Existing Photographs:

i. Photographs up to 8 by 10 inches, black and white glossy: \$10.00 per picture;

ii. Photographs 8 by 10 inches, color glossy: \$15.00 per picture;

5. Photographs taken upon request (prices include travel time, materials and film processing) up to 8 by 10 inches:

i. Black and white, first photograph: \$30.00;

ii. Black and white, each additional photograph: \$15.00;

- iii. Color, first photograph: \$40.00;
- iv. Color, each additional photograph: \$20.00.
- 6. Slides, 35 millimeter: \$10.00 per slide;
- 7. State Police Accident reports:
 - i. Certified copies: All pages \$10.00;
- 8. State Police Photographs up to 8 by 10 inches, color glossy:
 - i. First photograph: \$5.00;
 - ii. Each additional photograph: \$3.00.

(b) Payment may be waived when the request is made by the United States, the State of New Jersey, or any agency or political subdivision thereof, individuals or firms doing work or performing services for the Authority, organizations or associations of which the Authority is a member, credentialed media organizations, and organizations exchanging information with the Authority on a reciprocal basis.

(c) A fee of \$5.00 per document or photograph will be charged for certification by the Secretary of the Authority that an Authority document is authentic or that a record of which the Authority is legal custodian cannot be found.

(d) The Authority may, in its discretion, prepare responses to requests for traffic and accident statistics. Such requests shall be submitted to the Director of Operations of the Turnpike or Parkway. There shall be a minimum fee of \$50.00 for responses to such request; for requests which involve more than one man-hour for research, investigation and/or analysis by Authority employees, the charges shall be on a man-hour basis.

As amended, R.1983 d.554, effective December 5, 1983.

See: 15 N.J.R. 1643(a), 15 N.J.R. 2046(e).

Amended text to allow requests to be made by mail or in person. Reports obtained in person cost \$1.00; mailed reports cost \$6.00. 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 "New Jersey State Police reports".

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

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

Rewrote (a); and added a new (d).

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

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

Rewrote (a)7.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (a), deleted ii; in (d), inserted "of the Turnpike or Parkway" at the end of the second sentence.

previously been convicted of a crime, the Authority will consider such criminal conviction in the Authority's pre-employment screening process, provided however, such conviction will not be dispositive.

(b) The Authority or its designee shall submit requests for any Criminal History Record Information (CHRI) from the New Jersey State Police regarding any applicant for employment with the New Jersey Turnpike Authority.

(c) A medical examination, including drug screening, may be performed on any applicant for employment by the Authority's designated medical representative. Annual medical evaluations may subsequently be performed on all employees, and for appropriate personnel, may include drug screening.

R.1979 d.181, effective May 7, 1979.

See: 11 N.J.R. 309(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 (b), inserted "or its designee" following "Turnpike Authority".

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote (a).

19:9-5.2 Waivers generally

Nothing in these rules shall be construed to prohibit the Authority from granting waivers from any provisions hereof or the 5th Edition 1987 New Jersey Turnpike Authority Standard Specifications, as may be updated from time to time.

New Rule, 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).

Substituted "or the 5th Edition 1987" for "the", and added ", as may be updated from time to time" at the end.

19:9-5.3 Procedure for waiver

Any party desiring a waiver or release from the express provisions of any of these rules, or the 5th Edition 1987 New Jersey Turnpike Authority's Standard Specifications, as may be updated from time to time, shall submit a written request to the Executive Director. Any waiver so requested may be granted only upon a finding that such waiver would not jeopardize the health, safety or welfare of the Turnpike, its patrons or the general public, would not contravene the provisions of N.J.S.A. 27:23-1 et seq., and that granting the waiver would be consistent with the Authority's statutory purposes.

New Rule, 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).

Substituted "or the 5th Edition 1987" for "the", and inserted "as may be updated from time to time," in the first sentence.

SUBCHAPTER 5. ADMINISTRATIVE PRACTICES

19:9-5.1 Pre-employment screening

(a) Applicants for employment with the Authority shall be of good moral character. In the event the applicant has

**SUBCHAPTER 6. PETITIONS FOR RULES;
OPPORTUNITY TO BE HEARD UPON A
SHOWING OF SUFFICIENT PUBLIC
INTEREST IN A PROPOSED RULEMAKING**

19:9-6.1 Scope

This subchapter shall apply to all petitions made by interested persons for the promulgation, amendment or repeal of any rule by the New Jersey Turnpike Authority, pursuant to N.J.S.A. 52:14B-4(f) and N.J.S.A. 27:23-29.

19:9-6.2 Procedure for petitioner

(a) Any person who wishes to petition the Authority to promulgate, amend or repeal a rule must submit to the Executive Director, in writing, the following information:

1. The name of the petitioner;
2. The substance or nature of the rulemaking which is requested, together with the citation of affected rule, if applicable;
3. The reasons for the request and the petitioner's interest in the request; and
4. References to the authority of the Authority to take the requested action.

(b) A petitioner has the option of providing the text of the proposed new rule, amended rule or repealed rule with the information in (a) above, although this is not required.

(c) Petitions shall be addressed to:

Executive Director
New Jersey Turnpike Authority
PO Box 1121
New Brunswick, NJ 08903

(d) Any document submitted to the Authority which is not in substantial compliance with (a) above shall not be deemed to be a petition for a rule requiring further Authority action pursuant to N.J.S.A. 52:14B-4(f) and N.J.S.A. 27:23-29.

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), deleted "Donald L. Watson" preceding "Executive Director" in the address.

Amended by R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(b).

Added new (b); recodified existing (b), (c) as (c), (d).

19:9-6.3 Procedure of the Authority

(a) Upon receipt of a petition in compliance with this subchapter, the Authority will, within 15 days of receipt, file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register. The notice will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action which is requested;
3. The problem or purpose which is the subject of the request; and
4. The date the petition was received.

(b) Within 60 days of receiving the petition, the Authority will mail to the petitioner, and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which will include:

1. The name of the petitioner;
2. The New Jersey Register citation for the notice of petition, if that notice appeared in a previous New Jersey Register;
3. Certification by the Executive Director that the petition was duly considered pursuant to law;
4. The nature or substance of the Authority's action upon the petition; and
5. A brief statement of reasons for the Authority's action.

(c) Authority action on a petition may include:

1. Denying the petition. If the petition is denied, the petitioner will be provided with a written statement of the Authority's reasons for the denial;
2. Granting the petition. If the petition is granted, the Authority will initiate a rulemaking proceeding no later than 90 days after the petition is granted; or

3. Referring the matter for further deliberations by and among appropriate Authority staff. If the matter is referred for further deliberations, the nature of the deliberations will be given in writing to the petitioner and the deliberations must conclude within 90 days after the matter is referred.

i. Upon the conclusion of further deliberations, the Authority shall either deny or grant the petition. If the petition is granted, the Authority shall initiate a rule-making proceeding within 90 days. The Authority will mail the results of these deliberations to the petitioner and submit the results to the Office of Administrative Law for publication in the New Jersey Register.

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

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

Amended by R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(a).

In (a), introductory paragraph inserted "within 15 days of receipt" following "Authority will"; in (b), introductory paragraph substituted "60" for "30"; in (c) rewrote 1 through 3.

19:9-6.4 Authority's failure to act on a petition for rulemaking

(a) If the Authority fails to act in accordance with the time frames set forth in N.J.A.C. 19:9-6.3, the petitioner may request, in writing, a public hearing on the petition by submitting a request to the Director of the Office of Administrative Law in accordance with N.J.A.C. 1:30-4.3.

(b) If a petitioner requests a public hearing from the Director of the Office of Administrative Law due to the Authority's failure to adhere to the time frames listed in N.J.A.C. 19:9-6.3, and if the Authority receives notice from the Director of the Office of Administrative Law of his or her intent to hold a public hearing on the petition, the Authority may, within 15 days of receipt of said notice, provide notice of a public hearing.

New Rule, R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(b).

19:9-6.5 Interim rulemaking

With respect to any interim rule proposal which the Turnpike Authority proposes for adoption pursuant to the provisions of the Consolidation Legislation (P.L. 2003, c.79), the Executive Director is empowered, in his discretion, to file such rulemaking proposal with the Office of Administrative Law if the Executive Director determines, at the end of the public comment period and after review, consideration and reply to such comments, that it is appropriate to adopt the rule as proposed without any material changes.

Special New Rule, R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

Former N.J.A.C. 19:9-6.5, Extension of the public comment period, recodified to N.J.A.C. 19:9-6.6.

19:9-6.6 Extension of the public comment period

(a) The Authority may extend the time for submission of public comments on a proposed rulemaking at its discretion

without the need for a specific request or the demonstration of sufficient public interest.

(b) The Authority shall extend the time for submission of public comments for an additional 30-day period, if, within 30 days of the publication of a notice of proposal, sufficient public interest is demonstrated in an extension of time to submit comments.

(c) Sufficient public interest is demonstrated in an extension of the comment period when 10 or more individuals or entities have expressed the need for the extension of the comment period.

New Rule, R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(b).

Recodified from N.J.A.C. 19:9-6.5 by R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

Former N.J.A.C. 19:9-6.6, Conducting a public hearing, recodified to N.J.A.C. 19:9-6.7.

19:9-6.7 Conducting a public hearing

(a) The Authority may conduct a public hearing on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Authority shall conduct a hearing at the request of a Legislative Committee, a State agency, or a county, local, or municipal governmental entity, if the request is made to the Authority within 30 days following publication of the proposed rulemaking or if sufficient public interest is demonstrated.

(c) Sufficient public interest is demonstrated with regard to the conducting of a public hearing when 50 or more individuals or entities have expressed either the need for a public hearing on the rule proposal or disagreement with one or more substantive provisions of the rule proposal.

(d) The Authority shall not consider, in the calculation of the number of comments received under (c) above, those comments that relate to specific recommended changes in the rule that the Authority has agreed to make or does not have the legal authority to make.

New Rule, R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(b).

Recodified from N.J.A.C. 19:9-6.6 by R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

SUBCHAPTER 7. ORGANIZATION OF THE NEW JERSEY TURNPIKE AUTHORITY

19:9-7.1 Authority responsibilities

The Authority is responsible for the design, construction, maintenance and operation of a limited access, high-speed

roadway, for related projects designed at N.J.S.A. 27:23-1 et seq. and for such other activities as may be authorized by law.

Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-7.2 (Reserved)

Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
Repealed by R.1998 d.492, effective October 5, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).
Section was "Table of Organization".

19:9-7.3 Functions of the departmental units

(a) Functions of the various departments within the Authority are as follows:

1. **Engineering:** This department is responsible for design, construction and major rehabilitation of the roadway, bridges and related facilities.
2. **Maintenance:** This department is responsible for the care and maintenance of the Authority's highways, bridges, buildings, real property and equipment.
3. **Toll Collection:** This department oversees the collection of toll revenue and the activities of the toll collection personnel in providing service to the motoring public.
4. **Operations:** This department manages all activities related to day-to-day operation of the Turnpike. Its responsibilities include traffic engineering, traffic regulations, emergency services, coordination of construction and maintenance activities, hazardous materials response, patron safety, the Traffic Operations Center, operating the highway advisory radio program, and response to towing disabled vehicles.
5. **Finance and Budgets:** This department is responsible for all fiscal matters for the Authority, including financing and investment issues, annual capital and operating budgets, asset management, payroll, other disbursements, and toll revenue accounting.

6. **Law:** This department provides legal service to all Authority departments, including the review of contracts, acquisition of property, management of all legal and quasi-legal hearings, coordination and administration of the Authority's legal affairs with General Counsel and other outside counsel, and accountability for maintenance of the Authority's general specifications. In addition, this department has all responsibility for risk management and insurance functions and operations.

7. **Human Resources:** This department is responsible for all employment activities (recruiting, promotion, etc.), labor relations management, training of Authority employees, employee safety, and administration of employee benefits programs.

8. **Technology and Administrative Services:** This department is responsible for providing support to the Authority departments and its employees, including management information systems, office services, mail activities, duplication, purchasing of all materials, supplies, and services for the maintenance, repair and operation of all departments, management of the disposal of surplus property and maintenance and functioning of the Authority communications systems. In addition, this department is responsible for accountability for industrial and technical non-toll revenue, procurement, contract administration, monitoring and analysis of change orders and the issuance and tracking of orders for professional services.

9. **Communications:** This department coordinates Authority interaction with the media, provides information to the press and public, and manages all community relations.

10. **Secretary to the Authority:** This office manages all activities of the Authority's Commissioners, and manages the official records of the Authority and their disposition.

11. **Office of the Executive Director:** This office is responsible for the overall direction and planning of the Authority. In addition, the office oversees the deferred compensation program, internal audit and patron services.

Amended by R.1990 d.531, effective October 9, 1990.
See: 22 N.J.R. 3388(a).
Department and functions reorganized.

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 (a).

19:9-7.4 Information

Interested persons can obtain information from the Authority by addressing inquiries to:

Executive Director
 New Jersey Turnpike Authority
 PO Box 1121
 New Brunswick, NJ 08903-1121

Amended by R.1990 d.531, effective October 9, 1990.
 See: 22 N.J.R. 3388(a).
 Donald L. Watson now Executive Director.
 Repealed by R.1990 d.531, effective October 9, 1990.
 See: 22 N.J.R. 3388(a).
 New Rule R.1990 d.531, effective October 9, 1990.
 See: 22 N.J.R. 3388(b).
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

SUBCHAPTER 8. DEBARMENT, SUSPENSION AND DISQUALIFICATION FROM CONTRACTING

19:9-8.1 Definitions

As used in this subchapter, the following words and terms shall have the following meanings unless a different meaning clearly appears from the context:

“Debarment” means an exclusion from Authority contracts on the basis of the list of offenses, inadequacies, or omissions described in this subchapter.

“Disqualification” means an exclusion from a particular Authority contract.

“Person” means any natural person, corporation, partnership, company, firm, association or other entity.

“Suspension” means an exclusion from Authority contracts for a temporary period of time pending the completion of an investigation or legal proceeding relating to certain offenses, inadequacies, or omissions described in this subchapter.

19:9-8.2 Causes for debarment of a person(s)

(a) In the public interest, the Authority may debar a person for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970, Pub. L. 91-452, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of Federal or State antitrust statutes, or of the Federal Anti-Kickback Acts (18 U.S.C. § 874, 40 U.S.C. § 276b and c);

4. Violations of any of the laws governing the conduct of elections of the Federal government, State of New Jersey or of its political sub-divisions;

5. Violation of the “Law Against Discrimination” (P.L. 1945, c.169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c.127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.), or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (C.114, L.1942, N.J.S.A. 10:1-10 et seq.);

6. Violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, child labor or other labor standards;

7. Violation of any laws governing the conduct of occupations or professions or regulated industries;

8. Violation of any environmental laws;

9. Violations of any other laws the violations of which may demonstrate a lack of moral integrity, or actions which in the reasonable opinion of the Authority shed doubt on the moral integrity of the person;

10. Willful failure to perform in accordance with contract specifications or within contractual time limits;

11. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;

12. Violation of contractual or statutory provisions regulating contingent fees;

13. Any other cause affecting the responsibility as a contractor of such serious and compelling nature as may be determined by the Authority to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts;

14. Debarment by an agency, authority or commission of the State of New Jersey or a final determination by any such agency, authority or commission that such person has committed an act demonstrating a lack of moral integrity.

(b) In the public interest, the Authority may debar a vendor for violation of any of the following prohibitions on vendor activities or for breach of any of the following affirmative obligations:

1. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e, to any officer or employee of the Authority or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

2. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by a State officer or employee, special State officer or employee or Authority officer or employee from any vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

3. Unless a waiver has been granted in accordance with (b)4 below, no vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee, special State officer or employee or Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any state agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g.

4. Any relationship subject to the provisions of (b)3 above shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee, special State officer or employee or Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actual or appearance of a conflict of interest.

5. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee, special State officer or employee or Authority officer or employee in his or her official capacity of any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

6. No vendor shall cause or influence, or attempt to cause or influence, any State officer, special State officer or employee or Authority officer or employee to use, or attempt to use his or her official position to secure unwarranted privileges or advantages for the vendor or any other person.

19:9-8.3 Conditions affecting the debarment of a person(s)

(a) The following conditions shall apply concerning debarment:

1. Debarment shall be made only upon approval of the Commissioners, except as otherwise provided by law.

2. The existence of any of the causes set forth in N.J.A.C. 19:9-8.2 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Commissioners, unless otherwise required by law, and shall be rendered in the best interests of the Authority.

3. All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

4. The existence of a cause set forth in N.J.A.C. 19:9-8.2(a)1 through 8 shall be established upon the rendering of a final judgment or conviction, including a guilty plea or a plea of nolo contendere by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

5. The existence of a cause set forth in N.J.A.C. 19:9-8.2(a)9 through 12 and (b) shall be established by evidence which the Authority determines to be clear and convincing in nature.

6. Debarment for the cause set forth in N.J.A.C. 19:9-8.2(a)13 shall be proper, provided that one of the causes set forth in N.J.A.C. 19:9-8.2(a)1 through 12 or (b), or an equivalent cause under the jurisdiction of the original debarring agency or governmental entity, was the basis for debarment by the original debarring agency or governmental entity. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts adduced by the Authority.

19:9-8.4 Procedures, period of debarment, and scope of debarment affecting the debarment of a person(s)

(a) When the Authority seeks to debar a person or his or her affiliates, the Authority shall furnish such party with a written notice stating:

1. That debarment is being considered;
2. The reasons for the proposed debarment; and

3. That such party will be afforded an opportunity for a hearing before the Authority if he or she so requests within 14 days from the date of personal delivery or 17 days from the date of mailing of such notice by the Authority. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) Notwithstanding the requirements set forth in (a) above, where another department or agency of the State of New Jersey has imposed debarment upon a party, the Authority may also impose a similar debarment without affording an opportunity for a hearing, provided that the Authority furnishes notice of the proposed similar debarment to the party, and affords that party an opportunity to present information on his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

(c) Debarment shall be for a reasonable, definitely stated period of time, which shall not exceed an initial period of five years. If the Authority determines, in its discretion, that after the expiration of the initial period of debarment an additional period of debarment is warranted, such additional debarment period shall be permitted, provided that notice thereof is furnished and the party is afforded an opportunity to contest the proposed further debarment in accordance with the procedures set forth in (a) above. Such additional period of debarment shall be for a reasonable, definitely stated period of time, which shall not exceed five years.

(d) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the Authority upon the submission of a good faith application under oath, supported by documentary evidence setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the cause(s) for which the debarment was imposed.

(e) A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after providing that affiliate an opportunity to contest such proposed debarment in accordance with the procedure set forth in (a) above.

19:9-8.5 Causes for suspension of a person(s)

In the public interest, the Authority may suspend a person for any cause specified in N.J.A.C. 19:9-8.2 or upon reasonable suspicion that such cause exists.

19:9-8.6 Conditions for suspension of a person(s)

(a) The following conditions concerning suspension are to be adhered to:

1. Suspension shall be imposed only upon approval of the Authority, except as otherwise provided by law.

2. The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the Authority and shall be rendered in the best interest of the Authority.

3. Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists. In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

4. Reasonable suspicion of the existence of cause described in N.J.A.C. 19:9-8.2(a)1 through 8 may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

5. A suspension invoked by another agency or authority or commission of the State of New Jersey for any of the causes described in N.J.A.C. 19:9-8.2 may be the basis for the imposition of a concurrent suspension by the Authority.

19:9-8.7 Procedures, period of suspension and scope of suspension affecting the suspension of a person(s)

(a) The Authority may suspend a person or his or her affiliates, provided that within 10 days after the effective date of the suspension, the Authority provides such party with a written notice stating:

1. That a suspension has been imposed and its effective date;

2. The reasons for the suspension;

3. That the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue; and

4. That if such legal proceedings are not commenced or the suspension is not removed within 60 days of the date of such notice from the Authority, the party will be given a statement of the reasons for the continuation of the suspension and an opportunity for a hearing before the Authority conducted in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A suspension shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been commenced.

Whenever prosecution or debarment action has been initiated, the suspension may continue until the legal proceedings are completed.

(c) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances and after providing such affiliate(s) an opportunity for a hearing before the Authority.

19:9-8.8 Extent of debarment or suspension

(a) The exclusion from contracting by virtue of debarment or suspension shall extend to all contracting and subcontracting within the control or jurisdiction of the Authority, including any contracts which utilize Authority funds. When it is determined by the Authority to be essential to the public interest, an exception from total exclusion may be made with respect to a particular contract.

(b) After the opening of bids or receipt of proposals, the contracting officer shall review the list of persons debarred or suspended. Bids received from debarred or suspended persons in response to an invitation for bids shall be rejected unless the Authority determines that there is a compelling reason to consider the bid.

(c) Proposals, quotations, or offers received from any debarred or suspended person shall not be evaluated for award, nor shall discussions be conducted with a debarred or suspended person, unless the Authority determines that there is a compelling reason to do so. If the period of ineligibility expires or is terminated after bid opening but prior to award, the contracting officer may, but is not required to, consider such proposals, quotations or offers.

19:9-8.9 Disqualification of a person(s) as bidder

(a) The Authority reserves the right to disqualify or refuse to receive a proposal from a prospective bidder even though the prospective bidder is prequalified, and even though the prospective bidder has not been debarred or suspended, or reject a proposal after having received same for any of the following reasons:

1. Lack of competency or lack of adequate machinery, plant or other equipment;
2. Uncompleted work which, in the judgement of the Authority, might hinder or prevent the prompt completion of additional work, if awarded;
3. Failure to pay, or satisfactorily settle, all bills due for labor, equipment or material on previous contracts;
4. Failure to comply with any prequalification requirements, bid specifications or regulations of the Authority;
5. Default under any previous contract;
6. Unsatisfactory performance on previous or current contracts;

7. Questionable moral integrity as determined by the Attorney General of New Jersey or the Authority;

8. Failure to reimburse the Authority for monies owed on any previously awarded contracts including those where the prospective bidder is a party to a joint venture and the joint venture has failed to reimburse the Authority for monies owed;

9. Submission of false information to the Authority in connection with the Proposal or any other contract; or

10. Any cause specified in N.J.A.C. 19:9-8.2 or upon reasonable suspicion that such cause exists.

(b) A prospective bidder may also be disqualified pursuant to N.J.A.C. 19:9-2.7. Nothing in this subchapter shall be deemed to affect, change or limit the requirements set forth in N.J.A.C. 19:9-2.7.

19:9-8.10 Lists of other agencies

Notwithstanding the failure of the Authority to debar, suspend, or disqualify any person pursuant to these rules, whenever the Authority participates in any program or project financed, issued or guaranteed by any department, agency or instrumentality of the State of New Jersey or the United States Government, it may rely on any list of persons suspended or debarred by such agency, department or instrumentality and prevent the listed person from participating in that program or project.

19:9-8.11 Discretion

Nothing contained herein shall be construed to limit the authority of the Authority to refrain from contracting within the discretion allowed by law.

SUBCHAPTER 9. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

Authority

N.J.S.A. 27:23-1, 27:23-5(e), 27:23-5(h), 27:23-5(o),
27:23-9, 27:23-29 and 27:23-34.2.

Source and Effective Date

R.1999 d.65, effective March 1, 1999.
See: 30 N.J.R. 4335(a), 31 N.J.R. 670(a).

19:9-9.1 Definitions

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

“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.

“Inadvertent toll violation” means a toll violation that occurs when a person who enters a toll collection plaza and takes every reasonable action to pay the required toll but who 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 toll violation. An inadvertent toll violation does not include the following:

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

“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 the toll collection monitoring system rules. The term shall also include any other technology that identifies a vehicle by photographic, electronic or other method.

“Toll collection monitoring system rules” means the rules contained in this subchapter and authorized and adopted pursuant to N.J.S.A. 27:23-34.2 that prohibit a vehicle from making use of any Turnpike project except upon the payment of such tolls as may from time to time be prescribed by the Authority and that further makes it a violation subject to a civil penalty for any person to refuse to pay, to evade, or to attempt to evade the payment of such tolls, if

the violation is recorded by a toll collection monitoring system as defined in this section.

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

“Violating vehicle” means a vehicle alleged to be involved in a violation of the toll collection monitoring system rules.

19:9-9.2 Toll collection monitoring system violation

(a) No owner, operator, lessor or lessee shall refuse to pay, evade or attempt to evade the payment of the toll for passage of a vehicle on a Roadway, unless an exemption exists for the payment of the required toll. Except as provided in N.J.S.A. 27:23-34.3(b), an owner of a vehicle shall be jointly and severally liable for the failure of an operator of the vehicle to comply with the toll collection system monitoring rules. The owner of a vehicle shall be liable if the vehicle was used or operated by the operator with the express or implied permission of the owner when the violation of the toll collection system monitoring rules was committed, and the evidence of the violation is obtained by a toll collection monitoring system. An owner of a vehicle shall not be liable if the operator of the vehicle has been identified and charged with a violation of N.J.S.A. 27:23-25 for the same incident.

(b) Within 60 days of the date that a toll violation occurs, the Authority or its agent may send an Advisory and Payment Request to the owner of the violating vehicle by regular mail as provided for in 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; provided, however, that an owner that proves an inadvertent toll violation has occurred shall be required only to pay the toll and shall not incur the administrative fee. If the owner fails to pay the required toll and fee within 30 days of the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties described herein. The authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to the unresolved violation.

(c) The Advisory and Payment Request shall contain the name and address of the person alleged to be liable as an owner of a violating vehicle, the license plate number of the violating vehicle, 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 to occur. Such Advisory and Payment Request shall also contain notice that failure to pay the indicated toll and administrative fee or failure to

successfully contest the liability will render the owner subject to the penalties described in N.J.A.C. 19:9-3.

(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 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 for 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 its agent issuing the Advisory and Payment Request a copy of the rental agreement, 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 these provisions, and the lessee is sent an Advisory and Payment Request within 30 days of such compliance by the lessor, the lessee of the vehicle on the date of the 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 may designate an employee(s) or agent(s) of the Authority to be a complaining witness on behalf of the Authority and to cause a summons and complaint to issue 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 or operator as a subscriber to the Authority's ETC System, which contract may include the termination of the owner or operator as a subscriber of the Authority's ETC System if the owner or operator fails to comply with the terms and provisions of the aforesaid contract.

Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Administrative correction.
See: 37 N.J.R. 1085(a).

19:9-9.3 Penalties

(a) A violation of this subchapter 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) Nothing in this subchapter shall be construed as limiting the power of the Authority to proceed against an operator for a violation of N.J.A.C. 19:9-1.19 or as prohibiting or limiting the enforcement of the motor vehicle and traffic laws as set forth in Title 39 of the Revised Statutes, except that an operator charged with a violation of N.J.S.A. 27:23-34 shall not also be liable for the civil penalty provided in (a) above for the same incident.

Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).
Rewrote (a).

APPENDIX A

SCHEDULE OF CLASSIFICATIONS

Classification—Brief Description

1. **Bridge Structures—**
Bridge, viaducts, retaining walls, foundations, fabrication and erection of structural steel, intermediate members, deck repair and/or replacement.
2. **Communications—**
Installation and testing of switching equipment, telecommunications and all other communication systems.
3. **Computer Systems—**
Fabrication of computer system, installation, electrical and other work incidental thereto, including associated software.
4. **Concrete Maintenance—**
Concrete repair to reinforced concrete structures, and all bridge related repairs including concrete, reinforcement steel and structural steel.
5. **Demolition—**
Demolition and/or removal of buildings, structures.
6. **Dredging—**
Grading and drainage, excavation, embankment, fill, subgrade material, muck removal—primarily by dredging methods.
7. **Electrical Work, Buildings—**
All electrical work for buildings.
8. **General Construction, Buildings—**
General construction of buildings including all incidental work.
9. **General Construction, Highway—**
Work involving excavation, embankment, grading, drainage, paving (no bridge construction).
10. **Grading and Drainage—**
All clearing, excavation, embankment grading and drainage, including the construction of storm drainage structures and storm drainage pipe installation.
11. **Guard Rail—**
All types of guardrail.
12. **Heating, Ventilating and—**

- All heating, ventilating, air conditioning work involved in building construction.
13. **Heavy Highway**—
Work involving the combination of excavation, embankment, grading, drainage, paving, and/or bridges.
 14. **Kitchen Equipment**—
Fabrication, installation of kitchen and restaurant equipment for buildings.
 15. **Landscaping**—
Planting, seeding, topsoiling, grading, jute mesh, erosion control and all other landscaping procedures.
 16. **Electrical Work, Highway**—
Roadway, area, parking and ramp lighting, lighting standards, electrical distribution panels and other underground and overhead electrical work.
 17. **Painting**—
Cleaning, priming, painting of structural steel and members (bridges, towers, tanks).
 18. **Paving**—
New construction of various courses of bituminous concrete with machine operated with automatic controls. Final preparation of the underlying material is also included.
 19. **Plumbing**—
All plumbing work for building construction including sanitary facilities.
 20. **Sewerage and Water Supply**—
Construction of sewerage and water treatment plants and pumping stations, including structures and equipment, installation and repair; erection, repair and/or replacement of water towers.
 21. **Signing**—
All types of signing, delineation, overhead sign structures.
 22. **Structural Steel and Iron**—
Erection of Buildings structural steel for buildings, including reinforcing and ornamental iron work.
 23. **Toll booths**—
Fabrication of toll booths.
 24. **Special Classifications**—
Specialized work not sufficiently included in other defined classifications such as, but not limited to the following:
 - Toll Revenue and Computer**—
Toll revenue system design, systems fabrication, testing, installation, including associated computer and communication subsystems with software development.
 - Timber Construction**—
Bridge fender systems and all types of timber construction.
 - Architectural Metal Panel Construction**—
All types of architectural metal panel construction.
 - Fencing**—
All types of fencing.
 - Fuel Distribution Systems**—
Construction of fuel distribution systems including installation of dispensers, storage tanks, and all associated electrical work and piping.
 - Interior Furnishings**—
Carpeting and other interior furnishings.
 - Water Supply Well Construction, Rehabilitation and Testing**—
Construction, rehabilitation and testing of water supply wells.
 - Lining Fuel Storage Tanks**—
Epoxy resin lining of fuel storage tanks.
- Automotive Service Equipment**—
Vehicle lifts and all types of automotive service equipment.
- Concrete Median Barrier**—
Construction of concrete median barrier using extrusion (slip-form) techniques.
- Bridge Drainage Systems**—
Construction and modification of bridge supported and in-ground bridge drainage systems.
- Prefabricated Buildings**—
Installation of all types of prefabricated buildings.
- Roofing**—
Construction and rehabilitation of all types of roofing systems.
- Fire Protection Systems**—
Construction of dry chemical, pre-engineered and CO₂ type fire protection systems.
- Telephone Systems**—
Design, fabrication and installation of computer controlled telephone systems with special interfaces including testing, equipment maintenance, software development and owner training.
- Asbestos Removal/Treatment**—
Work involving removal, replacement, repair, enclosure, encapsulation, and/or legal disposal of asbestos and asbestos containing materials.
- Local Area Network**—
Providing a complete baseband or broadband local area network, such as Ethernet, Manufacturing Automation Protocol (MAP) or Token Ring. These installations shall also include related electrical work.
Basic materials consist of coaxial cable, communications cable, radio cable, connectors, terminal blocks, equipment jacks, modems, terminal servers, routers, transceivers, electronic enclosures, and other miscellaneous components. This type of work shall be demonstrated to have been completed by the Contractor and not subcontracted to others.
- Precast-Concrete Noise Barriers**—
Fabricating and furnishing pre-concrete noise barriers consisting of sound absorbing materials of lightweight concrete or mineralized wood chips and portland cement such as Sound-Lok as manufactured by Easi-Set Industries, Midland, VA or Durisol as manufactured by Fanwell Corp., Arlington, VA.
Fabricating plant must be capable of fabricating 5,000 square feet per day of precast concrete noise barrier panels and storing 200,000 square feet of such panels.
- Signage**—Fabrication only—
Fabricating and furnishing all types of signing, delineation and overhead sign structures.
- Traffic Control Electronics**—
Fabricating, testing and installing traffic control unit enclosures complete with electronics and associated computer subsystems.
- Precast-Concrete Noise Barriers—Non-Absorptive Materials**—
Fabrication and furnishing of reinforced precast concrete noise barrier Materials system components consisting of posts and modular panels. Fabrication methods shall employ form liners for precasting standard materials consisting of concrete, reinforced with epoxy coated deformed bars. No sound absorptive materials should be integrated within these barrier components.

Fabricating plant must be capable of fabricating 5,000 square feet per day of precast concrete noise barrier panels and storing 200,000 square feet of such panels.

Miscellaneous Concrete—

Non-structural repairs (that is, curb and sidewalk), concrete sawing, sealing and curing.

Resurfacing—

High Volume Roadway/Multilane roadway pavement removal and bituminous concrete resurfacing using various courses, under traffic, to line and grade using automatic controls.

Concrete Base—

Construction of a concrete base course of a portland concrete mix, with or without reinforcement, and the final preparation of the underlying material.

Steel & Iron Fabrication—

Fabrication of Structural Steel for buildings, including ornamental iron work.

Toll Plaza—

Installation of toll booths, canopies, roofing and construction of toll islands with associated electrical work.

Bridge Deck Repairs (Standard)—

Selective replacement of complete deck panels bounded by stringers and diaphragms; partial depth concrete spall repairs; joint header, abutment headblock and joint riser bar replacement or repairs; joint seal installation or replacement; isolated parapet restoration; removal and replacement of existing bituminous concrete wearing surface and membrane with a new membrane/bituminous concrete system or with a high density, impermeable, cementitious overlay.

Construction work is to be performed in short, multi-day work cycles, usually scheduled during the week and partial weekends. Around the clock work is required at certain bridge structures on some days. Repair volumes, in general, are less than those required for complex projects. Requires the contractor's ability to perform the following minimum quantities within a 4½ day cycle:

200 square yards of deck replacement with catch with proper cure at a minimum of five separate locations

1,500 square yards of asphalt surfacing replacement including waterproofing membrane requiring special deck preparation

3,000 square feet of Type 1 spall repairs (average depth 3 inches)

200 tons of bituminous concrete bridge surfacing (average depth 2 inches)

Average daily traffic volumes fluctuate from light to moderate depending on location.

Work is scheduled in confined areas within lane closings delineated by traffic cones. Concrete construction barrier is required for deck replacements.

Bridge Deck Repairs (Complex)—

Selective replacement of complete deck panels bounded by stringers and diaphragms; partial depth concrete spall repairs; joint header, abutment headblock and joint riser bar replacement or repairs; joint seal removal and/or installation; safety walk repairs, isolated parapet restoration or replacement; removal and replacement of existing asphalt concrete wearing surface and membrane with a new membrane/asphalt concrete system or with a high density, impermeable, cementitious overlay.

Construction work is to be performed in six days or less, around the clock, condensed work cycles requiring extensive weekend and nighttime work. The quantity of repairs on each structure is usually significantly greater than for standard Turnpike bridge deck replacement and rehabilitation projects due to the size and length of the bridges, major structures and viaducts involved. Requires the contractor's ability to perform the following minimum quantities within a six day cycle:

500 square yards of deck replacement with catch with proper cure at a minimum of 10 separate locations

5,000 square yards of asphalt surfacing replacement including waterproofing membrane requiring special deck preparation

7,500 square feet of Type 1 spall repair (average depth 3 inches ±)

750 tons of asphalt concrete bridge surfacing (average depth 2 inches)

The contract location, in general, is in the northern sector of the Turnpike in areas of traffic volumes exceeding 100,000 ADT. Contract amount is usually less than \$5 million.

Work is scheduled in confined areas within lane closings delineated by traffic cones. Concrete construction barrier is required for deck replacements.

Utility Work—

The construction of water and sewer pipelines including restoration of affected facilities.

Environmental Remediation Systems—

Construction of soil and/or groundwater remediation systems in accordance with applicable State and Federal regulations. The constructed system shall utilize air sparging well installation in conjunction with soil vapor extraction technology, including all associated separators, strippers, pumps, oxidizers, electrical work, piping and contaminated material removal. The contractor shall provide evidence of the appropriate State and/or Federal certification for soil and/or groundwater remediation systems if applicable.

Erection of Sound Barriers—

Work involving the erection of prefabricated panels and posts for ground mounted and bridge mounted sound barriers. Work also includes grading, drainage and installation of median barrier associated with the erection of the sound barrier.

CLASSIFICATION RATINGS:

- A. up to \$150,000 maximum
- B. up to \$500,000 maximum
- C. up to \$1,000,000 maximum
- D. up to \$2,000,000 maximum
- E. up to \$3,500,000 maximum
- F. up to \$5,000,000 maximum
- G. up to \$10,000,000 maximum
- H. Unlimited

Special Rating—

(Limits to be established in specific situations where other Classification Rating is not adequate)

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.

APPENDIX B

(RESERVED)

Repealed by R.1998 d.492, effective October 5, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).
Appendix was "Table of Organization".